

The Burger Court Opinion Writing Database

Hernandez v. Veterans' Administration

415 U.S. 391 (1974)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University
Forrest Maltzman, George Washington University



Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

March 2, 1974

Re: 72-700 - Hernandez v. Veterans' Administration

Dear Bill:

Please join me.

Regards,

A handwritten signature in dark ink, appearing to be "W. E. Burger", written in a cursive style.

Mr. Justice Brennan

Copies to the Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

February 20, 1971

Dear Bill:

Would you mind adding at the end
of your court opinion in Mo. v. Fierman, Hernandez,
v. Fierman, Admin. et al.

W. Justice Douglas agrees in con-
sults for the reasons stated in his dissenting
opinion in Robinson v. Robinson, et al.

William O. Douglas

W. Justice Brennan
cc: The Court Clerk

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 72-700

Henry Hernandez et al., Petitioners. v. Veterans' Administration et al.	}	On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.
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[February —, 1974]

MR. JUSTICE BRENNAN delivered the opinion of the Court.

Petitioners, like the appellee and his class in *Johnson v. Robison*, *ante*, are Class I-O conscientious objectors who, upon completion of alternate civilian service pursuant to § 6 (j) of the Selective Service Act, 50 U. S. C. App. § 456 (j) and the governing regulations of the Selective Service System, 32 C. F. R. Part 1660, applied for educational benefits provided by the Veterans' Readjustment Benefits Act of 1966, 38 U. S. C. §§ 1651-1697 (1970). The Veterans' Administration denied petitioners' application for the reasons upon which appellee-Robison's request was denied, *i. e.*, because a Class I-O conscientious objector who has performed alternate civilian service does not qualify under 38 U. S. C. § 1652 (a) (1) as a "veteran . . . who served on active duty," (defined in 38 U. S. C. § 101 (21) as "full time duty in the Armed Forces") and is therefore not an "eligible veteran" entitled under 38 U. S. C. § 1661 (a) to veterans' educational benefits provided by the Veterans' Readjustment Act of 1966.

Alleging that those sections of the 1966 Act discriminate against conscientious objectors in violation of the Fifth Amendment, and infringe the Religion Clauses of

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE POTTER STEWART

February 26, 1974

Re: No. 72-700, Hernandez v. VA

Dear Bill,

I am glad to join your opinion for
the Court in this case.

Sincerely yours,

P.S.
/

Mr. Justice Brennan

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE BYRON R. WHITE

February 26, 1974

Re: No. 72-700 - Hernandez v. Veterans'
Administration et al.

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Brennan

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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

February 28, 1974

Re: No. 72-700 -- Hernandez v. Veterans' Administration

Dear Bill:

Please join me in your opinion.

Sincerely,


T.M.

Mr. Justice Brennan

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

February 27, 1974

Re: No. 72-700 - Hernandez v. VA

Dear Bill:

I agree.

Sincerely,

A handwritten signature in dark ink, appearing to read "H. A. B.", written in a cursive style.

Mr. Justice Brennan

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

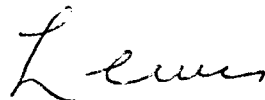
February 27, 1974

No. 72-700 Hernandez v. Veterans'
Administration

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Brennan

lfp/ss

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

February 27, 1974

Re: No. 72-700 - Hernandez v. Veterans' Administration

Dear Bill:

Please join me in your opinion for the Court in this case.

Sincerely,

WHR

Mr. Justice Brennan

Copies to the Conference