

The Burger Court Opinion Writing Database

Geduldig v. Aiello

417 U.S. 484 (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

June 12, 1974

Re: 73-640 - Geduldig v. Aiello

Dear Potter:

Please join me.

Regards,
WB

Mr. Justice Stewart

Copies to the Conference

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

June 11, 1974

Dear Bill:

In 73-640, Geduldig v. Aiello
please join me in your dissent.

W.O.D.
WILLIAM O. DOUGLAS

Mr. Justice Brennan

cc: The Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

May 16, 1974

MEMORANDUM TO THE CONFERENCE

RE: No. 73-640 Geduldig, Etc. v. Aiello, et al.

I shall circulate a dissent in the above in
due course.

W.J.B.Jr.

*Circulated
6/10/74*

No. 73-640 - Geduldig, Etc. v. Aiello, et al.

Mr. Justice Brennan, dissenting.

Relying upon Dandridge v. Williams, 397 U.S. 471 (1970), and Jefferson v. Hackney, 406 U.S. 535 (1972), the Court today rejects respondents' equal protection claim and upholds the exclusion of pregnancy related disabilities from coverage under California's disability insurance program on the ground that the legislative classification rationally promotes the State's legitimate cost-saving interests in "maintaining the self-supporting nature of its insurance program[,] . . . distributing the available resources in such a way as to keep benefit payments at an adequate level for disabilities covered [,] . . . [and] maintaining the contribution rate at a level that will not unduly burden the participating employees. . . ." Ante, p. 11. Because I believe that Reed v. Reed, 404 U.S. 71 (1971), and Frontiero v. Richardson, 411 U.S. 677 (1973), mandate a stricter standard of scrutiny which the State's classification fails to satisfy, I respectfully dissent.

California's disability insurance program was enacted to supplement the State's unemployment insurance and workmen's compensation programs by providing benefits to wage earners to cushion the economic effects of income loss and medical expenses resulting from sickness or injury. The Legislature's intent in enacting the program was expressed clearly in §2601 of the Unemployment Insurance Code:

"The purpose of this part is to compensate in part for the wage loss sustained by individuals unemployed because of sickness or injury and to reduce to a minimum the suffering caused by unemployment resulting therefrom. This part shall be construed liberally in aid of its declared purpose to mitigate the evils and burdens which fall on the unemployed and disabled worker and his family."

*Circulated
6-12-74*

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 73-640

Dwight Geduldig, Etc.,
Appellant,
v.
Carolyn Aiello et al } On Appeal from the United
States District Court for the
Northern District of California.

[June —, 1974]

MR. JUSTICE BRENNAN, with whom MR. JUSTICE DOUGLAS and MR. JUSTICE MARSHALL join, dissenting.

Relying upon *Dandridge v. Williams*, 397 U. S. 471 (1970), and *Jefferson v. Hackney*, 406 U. S. 535 (1972), the Court today rejects respondents' equal protection claim and upholds the exclusion of pregnancy related disabilities from coverage under California's disability insurance program on the ground that the legislative classification rationally promotes the State's legitimate cost-saving interests in "maintaining the self-supporting nature of its insurance program[,] . . . distributing the available resources in such a way as to keep benefit payments at an adequate level for disabilities covered[,] . . . [and] maintaining the contribution rate at a level that will not unduly burden the participating employees. . . ." *Ante*, p. 11. Because I believe that *Reed v. Reed*, 404 U. S. 71 (1971), and *Frontiero v. Richardson*, 411 U. S. 677 (1973), mandate a stricter standard of scrutiny which the State's classification fails to satisfy, I respectfully dissent.

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To: The Chief Justice
Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

Stewart, J.

No. 73-640

Circulated:

~~MAY 15 1974~~

Recirculated:

Dwight Geduldig, Etc., On Appeal from the United
Appellant, } States District Court for the
v. } Northern District of Califor-
Carolyn Aiello et al. } nia.

[May —, 1974]

MR. JUSTICE STEWART delivered the opinion of the Court.

For almost 30 years California has administered a disability insurance system that pays benefits to persons in private employment who are temporarily unable to work because of disability not covered by workmen's compensation. The appellees brought this action to challenge the constitutionality of a provision of the California program that, in defining "disability," excludes from coverage certain disabilities resulting from pregnancy. Because the appellees sought to enjoin the enforcement of this state statute, a three-judge court was convened pursuant to 28 U. S. C. §§ 2281 and 2284.¹ On

¹ This litigation began as two separate suits on behalf of California employees who had paid sufficient amounts into the Disability Fund to be eligible generally for benefits under the program. Carolyn Aiello brought her suit against appellant in the federal District Court. Augustina Armendariz, Elizabeth Johnson, and Jacqueline Jaramillo jointly initiated their suit as a petition for a writ of mandate in the California Supreme Court. Both suits were brought as class actions and asserted the unconstitutionality of § 2626 of the California Unemployment Insurance Code under the Equal Protection Clause of the Fourteenth Amendment. The appellant removed the state court suit to the federal District Court, where the two actions were consolidated. See 28 U. S. C. § 1441 (b).

To: The Chief Justice
Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist

3rd DRAFT

SUPREME COURT OF THE UNITED STATES

From: Stewart, J.

Circulated:

No. 73-640

Recirculated JUN 12 1974

Dwight Geduldig, Etc., On Appeal from the United
Appellant, States District Court for the
v. Northern District of California.
Carolyn Aiello et al.

[May —, 1974]

MR. JUSTICE STEWART delivered the opinion of the Court.

For almost 30 years California has administered a disability insurance system that pays benefits to persons in private employment who are temporarily unable to work because of disability not covered by workmen's compensation. The appellees brought this action to challenge the constitutionality of a provision of the California program that, in defining "disability," excludes from coverage certain disabilities resulting from pregnancy. Because the appellees sought to enjoin the enforcement of this state statute, a three-judge court was convened pursuant to 28 U. S. C. §§ 2281 and 2284.¹ On

¹ This litigation began as two separate suits on behalf of California employees who had paid sufficient amounts into the Disability Fund to be eligible generally for benefits under the program. Carolyn Aiello brought her suit against appellant in the federal District Court. Augustina Armendariz, Elizabeth Johnson, and Jacqueline Jaramillo jointly initiated their suit as a petition for a writ of mandate in the California Supreme Court. Both suits were brought as class actions and asserted the unconstitutionality of § 2626 of the California Unemployment Insurance Code under the Equal Protection Clause of the Fourteenth Amendment. The appellant removed the state court suit to the federal District Court, where the two actions were consolidated. See 28 U. S. C. § 1441 (b).

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

CHAMBERS OF
JUSTICE BYRON R WHITE

May 17, 1974

Re: No. 73-640 - Geduldig v. Aiello

Dear Potter:

I shall wait on the dissent in this case.

Sincerely,



Mr. Justice Stewart

Copies to Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

June 13, 1974

Re: No. 73-640 - Geduldig v. Aiello

Dear Potter:

Please join me in your opinion in this
case.

Sincerely,



Mr. Justice Stewart

Copies to Conference

Supreme Court of the United States

Washington, D. C. 20543

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

June 11, 1974

Re: No. 73-640 -- Geduldig, Etc. v. Aiello

Dear Bill:

Please join me in your dissent.

Sincerely,

T. M.
T. M.

Mr. Justice Brennan

cc: The Conference

Supreme Court of the United States

Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

May 20, 1974

Re: No. 73-640 - Geduldig v. Aiello

Dear Potter:

Please join me.

Sincerely,



Mr. Justice Stewart

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

May 16, 1974

No. 73-640 Geduldig v. Aiello

Dear Potter:

Please join me.

Sincerely,



Mr. Justice Stewart

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

May 20, 1974

Re: No. 73-640 - Geduldig v. Aiello

Dear Potter:

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

Sincerely,

W.W.

Mr. Justice Stewart

Copies to the Conference