

The Burger Court Opinion Writing Database

Mathews v. Lucas

427 U.S. 495 (1976)

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



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

CHAMBERS OF
THE CHIEF JUSTICE

June 16, 1976

PERSONAL

Re: 75-88 - Mathews v. Lucas

74-6212 - Norton v. Mathews

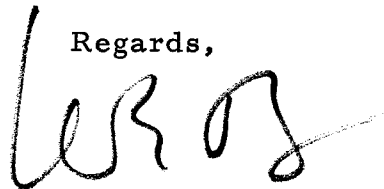
Dear Harry:

These opinions strike me as fine with the exception of the page 11, line 10 articulation of what seems to me a new standard ". . . fair and substantial . . ." etc.

If this equates to "rational basis" or to McGowan v. Maryland, all is well. At Seminars the Judges "beef" about varying language and wonder whether a few new words portend a change.

Would "rational relationship" not do the job?

Regards,



Mr. Justice Blackmun

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

CHAMBERS OF
THE CHIEF JUSTICE

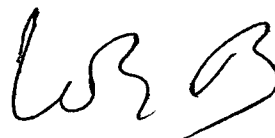
June 23, 1976

Re: 75-88 - Mathews v. Lucas

Dear Harry:

I join your opinion in the above.

Regards,

A handwritten signature in dark ink, appearing to be "WB" followed by a stylized flourish, likely representing Warren Burger.

Mr. Justice Blackmun

Copies to the Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

June 24, 1976

RE: No. 75-88 Mathews v. Lucas

Dear John:

Please join me in the dissenting opinion you have
prepared in the above.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill", is written in dark ink.

Mr. Justice Stevens

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

June 7, 1976

No. 75-88, Mathews v. Lucas

Dear Harry,

With a disavowal similar to Bill
Rehnquist's, I am glad to join your opinion
for the Court in this case.

Sincerely yours,

P.S.
/

Mr. Justice Blackmun

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

June 4, 1976

Re: No. 75-88 - Mathews v. Lucas
No. 74-6212 - Norton v. Mathews

Dear Harry:

I shall await further developments in
Murgia before responding to you in these cases.

Sincerely,



Mr. Justice Blackmun

Copies to Conference

To: The Chief Justice
 Mr. Justice Brennan
 Mr. Justice Stewart
 Mr. Justice Marshall
 Mr. Justice Blackmun
 Mr. Justice Powell
 Mr. Justice Rehnquist
 Mr. Justice Stevens

No. 75-88 - Mathews v. Lucas

From: Mr. Justice White

Mr. Justice White, concurring
 Circulated: 6-14-76

Recirculated: _____
 I join the opinion of the Court except

insofar as the Court, as on page 16, states
 that to be constitutional the distinctions
 challenged must exhibit "a fair and substantial
 relation to the legitimate objects of the legis-
 lation." For purposes of this case, the dis-
 tinctions should be upheld if they are rationally
 related to the perceived objects of the legisla-
 tion. For the reasons stated by the Court, the
 distinctions satisfy this test and the judgment
 should be reversed.

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

June 24, 1976

Re: No. 75-88 -- Mathews v. Lucas

Dear John:

Please join me in your dissent.

Sincerely,



T.M.

Mr. Justice Stevens

cc: The Conference

To: The Chief Justice
 Mr. Justice Brennan
 Mr. Justice Stewart
 Mr. Justice White
 Mr. Justice Marshall
 Mr. Justice Powell
 Mr. Justice Rehnquist
 Mr. Justice Stevens

From: Mr. Justice Blackmun

Circulated: 6/1/76

Recirculated: _____

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 75-88

| | | |
|---|---|---|
| F. David Mathews, Secretary of Health, Education and Welfare, Appellant, v. Ruby M. Lucas et al. | } | On Appeal from the United States District Court for the District of Rhode Island. |
|---|---|---|

[June —, 1976]

MR. JUSTICE BLACKMUN delivered the opinion of the Court.

This case presents the issue of the constitutionality, under the Due Process Clause of the Fifth Amendment, of those provisions of the Social Security Act that condition the eligibility of certain illegitimate children for a surviving child's insurance benefits upon a showing that the deceased wage earner was the claimant child's parent and, at the time of his death, was living with the child or was contributing to his support.

I

Robert Cuffee, now deceased, lived with Belmira Lucas during the years 1948 through 1966, but they were never married. Two children were born to them during these years: Ruby M. Lucas, in 1953, and Darin E. Lucas, in 1960. In 1966 Cuffee and Lucas separated. Cuffee died in Providence, Rhode Island, his home, in 1968. He died without ever having acknowledged in writing his paternity of either Ruby or Darin, and it was

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 7, 1976

MEMORANDUM TO THE CONFERENCE

Re: No. 75-88 - Mathews v. Lucas

It has been suggested that I drop the citations to Murgia in the proposed opinion that is circulating. I shall do this. These appear in the body of the opinion on page 11 and in footnote 14 on page 13.

Harry

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 22, 1976

MEMORANDUM TO THE CONFERENCE

Re: No. 75-88 - Mathews v. Lucas

In view of the neutralization of Murgia and of Dukes, I propose to replace the 13 lines at the top of page 11 with the following:

majoritarian political process," San Antonio Independent School District v. Rodriguez, 411 U.S. 1, 28 (1973), which our most exacting scrutiny would entail. See Jimenez, 417 U.S., at 631-634, 636; Weber, 406 U.S., at 173, 175-176.

Perhaps, still in line with my note of June 7, the cites to Murgia in the footnote on page 13 will also be eliminated.

We have "swept" the rest of the proposed opinion in Mathews v. Lucas, but I believe these changes should do the job. Let me know if you disagree.

Harry

44B

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 23, 1976

MEMORANDUM TO THE CONFERENCE

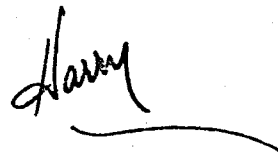
Re: No. 75-88 - Mathews v. Lucas

There is one hold for this case. It is No. 75-1488, Hampton v. Myers. Here, a single district judge declared 5 U.S.C. § 8341(a)(4)(A)(ii) unconstitutional as a violation of equal protection implicit in the Due Process Clause of the Fifth Amendment. This section is part of the statutory scheme for awarding retirement benefits to dependents of deceased employees who completed five or more years of government service. The statute provides that illegitimate children of such employees are not entitled to benefits unless they "lived with the employee . . . in a regular parent-child relationship" at the time of the employee's death. Legitimate and adopted children need not meet this requirement.

In Lucas, the Court presumably will uphold provisions of the Social Security Act that condition the eligibility of certain illegitimate children for a surviving child's benefit upon a showing that the deceased wage earner was the claimant's parent and, at the time of his death, was living with the child or was contributing to his support. In Lucas, therefore, the statute permitted benefits to be given to all dependent illegitimate children. In Myers, some dependent illegitimate children (that is, those not living with the decedent at his death) are not permitted to receive benefits. The SG's argument here is that it was permissible for the Congress to presume conclusively that an illegitimate child not living with the deceased wage earner at the time of his death is not dependent.

This obviously is a more difficult case than Lucas. Lucas certainly did not decide the question presented in Myers. In a distinct sense, one may say that the statute in Myers is like that struck down in Jimenez. I personally am inclined to the view that the district judge was correct, and I shall probably vote to affirm.

Sincerely,



pp. 11, 12

✓ ✓

To: The Chief Justice
 Mr. Justice Brennan
 Mr. Justice Stewart
 Mr. Justice White
 Mr. Justice Marshall
 Mr. Justice Powell
 Mr. Justice Rehnquist
 Mr. Justice Stevens

From: Mr. Justice Blackmun

Circulated: _____

Recirculated: 6/26/76

3rd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 75-88

| | | |
|---|---|---|
| F. David Mathews, Secretary of Health, Education and Welfare, Appellant, v. Ruby M. Lucas et al. | } | On Appeal from the United States District Court for the District of Rhode Island. |
|---|---|---|

[June —, 1976]

MR. JUSTICE BLACKMUN delivered the opinion of the Court.

This case presents the issue of the constitutionality, under the Due Process Clause of the Fifth Amendment, of those provisions of the Social Security Act that condition the eligibility of certain illegitimate children for a surviving child's insurance benefits upon a showing that the deceased wage earner was the claimant child's parent and, at the time of his death, was living with the child or was contributing to his support.

I

Robert Cuffee, now deceased, lived with Belmira Lucas during the years 1948 through 1966, but they were never married. Two children were born to them during these years: Ruby M. Lucas, in 1953, and Darin E. Lucas, in 1960. In 1966 Cuffee and Lucas separated. Cuffee died in Providence, Rhode Island, his home, in 1968. He died without ever having acknowledged in writing his paternity of either Ruby or Darin, and it was

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

June 8, 1976

No. 75-88 Mathews v. Lucas

Dear Harry:

Please join me.

Sincerely,

Lewis

Mr. Justice Blackmun

lfp/ss

cc: The Conference

Supreme Court of the United States
Memorandum

_____, 19____

I will be happy
to join Matthews
v. Lucas if you do
as you indicated
you might - delete
ref to Murgia -

Ans. Lucas

WHL

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

June 7, 1976

Re: No. 75-88 - Mathews v. Lucas

Dear Harry:

I join your opinion, with this internal reservation: If you are applying the so-called "minimum rationality" standard to this case, there is some language in the opinion with which I do not fully agree, as I have no doubt indicated ad nauseam in the exchanges of correspondence Bill Brennan, Lewis, and me. I do not intend by joining your opinion, any more than I suppose you do by authoring it, to foreclose a more comprehensive review of the matter either in Murgia or, if it becomes necessary, in the Son of Murgia. Depending on what disposition is finally made of Murgia at the end of this Term, I may write a brief separate opinion in this case which will also join your opinion.

Sincerely,

WHR

Mr. Justice Blackmun

Copies to the Conference

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

June 2, 1976

Re: 75-88 - Mathews v. Lucas

Dear Harry:

In due course I shall circulate a dissent.

Respectfully,



Mr. Justice Blackmun

Copies to the Conference

1

12
✓
JP
disagree
✓

To: The Chief Justice
Mr. Justice Brennan ✓
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall -
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist

No. 75-88 - Mathews v. Lucas

From: Mr. Justice Stevens

Circulated: JUN 22 1976

Recirculated: _____

MR. JUSTICE STEVENS, dissenting.

The reason why the United States Government should not add to the burdens that illegitimate children inevitably acquire at birth is radiantly clear: we are committed to the proposition that all persons are created equal. The Court's reason for approving discrimination against this class-- "administrative convenience"--is opaque, illusory and insufficient: it is opaque because the difference between this justification and the argument rejected in Jimenez v. Weinberger, 417 U.S. 628, is so difficult to discern; it is illusory because it purports to satisfy a more exacting standard than mere rationality; it is insufficient because it unfairly evaluates the competing interests at stake.

I

Jimenez involved a requirement that the wage earner must have contributed to the support of his illegitimate child prior to the onset of his disability; this case involves the requirement that the deceased wage earner was contributing to the support of his illegitimate child at the time of his death. The critical objections to the classification held invalid in Jimenez apply with equal force in this case.

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

pp. 1, 3, 7
 No. 75-88 - Mathews v. Lucas

From: Mr. Justice Stevens

Circulated: JUN 22 1976

Recirculated: JUN 24 1976

MR. JUSTICE STEVENS, dissenting.

The reason why the United States Government should not add to the burdens that illegitimate children inevitably acquire at birth is radiantly clear: we are committed to the proposition that all persons are created equal. The Court's reason for approving discrimination against this class-- "administrative convenience"--is opaque, and insufficient: opaque because the difference between this justification and the argument rejected in Jimenez v. Weinberger, 417 U.S. 628, is so difficult to discern; insufficient because it unfairly evaluates the competing interests at stake.

I

Jimenez involved a requirement that the wage earner must have contributed to the support of his illegitimate child prior to the onset of his disability; this case involves the requirement that the deceased wage earner was contributing to the support of his illegitimate child at the time of his death. The critical objections to the classification held invalid in Jimenez apply with equal force in this case.