The Burger Court Opinion Writing Database

Califano v. Yamasaki

442 U.S. 682 (1979)

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 12, 1979

Dear Harry:

Re: 77-1511 Califano v. Yamasaki

I join.

Regards,

WEB

Mr. Justice Blackmun

cc: The Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

June 8, 1979

RE: No. 77-1511 Califano v. Yamasaki

Dear Harry:

I agree.

Sincerely,

Bill

Mr. Justice Blackmun

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

June 11, 1979

Re: 77-1511 - Califano v. Yamasaki

Dear Harry:

I have two very minor requests with respect to some wording on page 22 of your proposed opinion for the Court:

1. The deletion of the words "more tolerant" in the 7th line on that page;

2. Recasting the following sentence so as to read "The nature of a due process hearing is shaped by "the risk of error, etc."

I make these suggestions because of a slight tension between the present wording and my dissenting opinion in Mackey v. Montrym. If you are disposed to make these very slight changes, I shall have no difficulty in joining your fine opinion.

Sincerely yours,

P.S.

Mr. Justice Blackmun

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

CHAMBERS OF
JUSTICE POTTER STEWART

June 12, 1979

Re: No. 77-1511, Califano v. Yamasaki

Dear Harry,

I am glad to join your opinion for the Court.

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 5, 1979

Re: No. 77-1511 - Califano v. Yamasaki

Dear Harry,

I agree.

Sincerely yours,

Mr. Justice Blackmun

Copies to the Conference

cmc

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

June 12, 1979

Re: No. 77-1511 - Califano v. Yamasaki

Dear Harry:

Please join me.

Sincerely,

T.M.

Mr. Justice Blackmun

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: 4 JUN 79

Recirculated: _____

No. 77-1511 - Califano v. Yamasaki

MR. JUSTICE BLACKMUN delivered the opinion of the Court.

Petitioner, the Secretary of the Department of Health, Education, and Welfare (HEW), has determined that respondents, beneficiaries under the Social Security Act, have been overpaid. He seeks to recoup those overpayments by withholding future benefits to which respondents would otherwise be entitled. Respondents in turn have requested reconsideration or waiver of recoupment under § 204 of the Act, 42 U.S.C. § 404. The primary questions in this case are whether petitioner must grant respondents the opportunity for an oral hearing before recoupment begins, and whether jurisdiction under § 205(g) of the Act, 42 U.S.C. § 405(g), permits a Federal District Court to certify a nationwide class and grant injunctive relief.

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 11, 197

Re: No. 77-1511 - Califano v. Yamasaki

Dear Potter:

Thank you for your note of today. The paragraph in question has been revised and should be back from the printer momentarily. I believe the change will satisfy your first concern. If it does not, please let me know. Your second suggestion will be adopted.

Sincerely,

Harry

Mr. Justice Stewart

STYLISTIC CHANGES
pp. 4, 7, 10, 12, 13, 18, 19
H.A.B.
Please join me

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: 12 JUN 1979

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 77-1511

Joseph A. Califano, Jr., Secretary of Health, Education, and Welfare, Petitioner, *v.* Nancy Yamasaki et al. | On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

[June —, 1979]

MR. JUSTICE BLACKMUN delivered the opinion of the Court.

Petitioner, the Secretary of the Department of Health, Education, and Welfare (HEW), has determined that respondents, beneficiaries under the Social Security Act, have been overpaid. He seeks to recoup those overpayments by withholding future benefits to which respondents would otherwise be entitled. Respondents in turn have requested reconsideration or waiver of recoupment under § 204 of the Act, 42 U. S. C. § 404. The primary questions in this case are whether petitioner must grant respondents the opportunity for an oral hearing before recoupment begins, and whether jurisdiction under § 205 (g) of the Act, 42 U. S. C. § 405 (g), permits a federal district court to certify a nationwide class and grant injunctive relief.

I

Section 204 (a)(1) of the Social Security Act, 53 Stat. 1368, as amended, 42 U. S. C. § 404 (a)(1), authorizes the recovery of overpayments made to a beneficiary under the old-age, survivors', or disability insurance programs administered by HEW. In particular, it permits the Secretary to recoup erroneous overpayments by decreasing future payments to which the overpaid person is entitled.

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 12, 1979

Re: No. 77-1511 - Califano v. Yamasaki

Dear Lewis:

I have slipped a stitch in failing to note at the end of my opinion that you took no part in the consideration or decision of this case. Such a note will be appended in the final draft.

Sincerely,

HAB.

Mr. Justice Powell

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 18, 197

MEMORANDUM TO THE CONFERENCE

Re: Case held for No. 77-1511, Califano v. Yamasaki

One case was held for Yamasaki: No. 78-699, Califano v. Mattern. The issues in the two cases are identical. The Mattern class covers the Eastern District of Pennsylvania, and the Yamasaki classes include the remainder of the United States. In Mattern, the Third Circuit held that the Due Process Clause required a pre-recoupment oral hearing when waiver was requested under § 204(b) of the Social Security Act but not when a recipient sought reconsideration under § 204(a). The court found jurisdiction under § 205(g), and ordered the District Court to reconsider its prior denial of class certification.

The result in Mattern is consistent with the result reached in Yamasaki. In Yamasaki, however, the Court based its holding concerning § 204(b) on statutory rather than on constitutional grounds. Neither the petition nor the response in Mattern indicates whether respondents' complaint alleged statutory grounds for relief. The case could be remanded for reconsideration, but such a remand seems rather pointless to me. If respondents' complaint is defective, the Court of Appeals in all likelihood would reaffirm the constitutional holding to which it has twice adhered (this case was previously GVR'd in light of Mathews v. Eldridge, 424 U.S. 319 (1976)). Such a decision would be unworthy of review here, because Yamasaki has resolved the controversy in all districts other than the Eastern District of Pennsylvania.

I therefore shall vote to deny certiorari.

HAB

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

June 12, 1979

Re: No. 77-1511 - Califano v. Yamasaki

Dear Harry:

Please join me.

Sincerely,

Mr. Justice Blackmun

Copies to the Conference

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

June 6, 1979

Re: 77-1511 - Califano v. Yamasaki

Dear Harry:

Please join me.

Respectfully,

Mr. Justice Blackmun

Copies to the Conference