

The Burger Court Opinion Writing Database

Schweiker v. Wilson

450 U.S. 221 (1981)

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

February 4, 1981

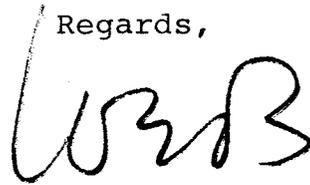
PERSONAL

RE: 79-1380 - Harris v. Wilson

Dear Harry:

I'm with you in general but the page 12 reference to absence of "evidence that Congress had a deliberate intent to discriminate" sticks in my throat. Do we not open doors if we even hint that we would go behind what Congress says in a statute? True on page 9 you express avoidance of the issue, but you really don't need the troublesome phrase on page 12. I hope you will consider dropping it.

Regards,



Justice Blackmun

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

CHAMBERS OF
THE CHIEF JUSTICE

February 19, 1981

PERSONAL

Re: 79-1380, Schweiker v. Wilson

Dear Harry:

My letter of February 4 to you on this case was just before departure and with my "pneumatic" problems. My concern is with the first sentence in the first full paragraph on page 12, because I believe it can be read in two ways, the first of which is what I assume we intend (that we have no occasion to consider the validity of the claimed "mental health classification" because the statute makes no such classification) and the second of which can be read as indicating we might scrutinize congressional acts for unlawful motive. Scrutinizing motive would be contrary to United States v. O'Brien, 391 U.S. 367, 384 (1968). I cannot conceive of any circumstance warranting our second-guessing Congress on "its" motives.

My problem would be solved if, for example, you could change the sentence in question to read along these lines: "Appellees have also failed to produce any evidence that the intent of Congress was to classify on the basis of mental health."

Regards,



Mr. Justice Blackmun

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

CHAMBERS OF
THE CHIEF JUSTICE

February 20, 1981

Re: No. 79-1380, Schweiker v. Wilson

Dear Harry:

I join.

Regards,

Justice Blackmun
Copies to the Conference

WB

WJ

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

December 15, 1980

RE: No. 79-1380 Harris v. Wilson

Dear Thurgood, Lewis and John:

We four were to affirm in the above. Would you
Lewis be willing to undertake the dissent?

Sincerely,

BW

Mr. Justice Marshall
Mr. Justice Powell
Mr. Justice Stevens

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

February 26, 1981

RE: No.79-1380 Harris v. Wilson

Dear Lewis:

After studying your dissent once more, I am content.
Please join me.

Sincerely,



Mr. Justice Powell

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

January 15, 1981

Re: No. 79-1380, Harris v. Wilson

Dear Harry,

I am glad to join your opinion for the
Court.

Sincerely yours,

PS
/

Justice Blackmun

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

January 15, 1981

Re: 79-1380 - Harris v. Wilson

Dear Harry,

I agree.

Sincerely yours,



Mr. Justice Blackmun

Copies to the Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

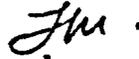
January 15, 1981

Re: No. 79-1380 - Harris v. Wilson

Dear Harry:

I await the dissent.

Sincerely,



T.M.

Justice Blackmun

cc: The Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

February 26, 1981

Re: No. 79-1380 - Schweiker v. Wilson

Dear Lewis:

Please join me in your dissent.

Sincerely,

T.M.

T.M.

Justice Powell

cc: The Conference

HAB
I await the decision
JM

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: JAN 14 1981

1st DRAFT

Re-circulated: _____

SUPREME COURT OF THE UNITED STATES

No. 79-1380

Patricia R. Harris, Secretary of
Health and Human Services,
Appellant,
v.
Charles Edward Wilson et al. } On Appeal from the United
States District Court for
the Northern District of
Illinois.

[January —, 1981]

JUSTICE BLACKMUN delivered the opinion of the Court.

The issue in this case is whether Congress constitutionally may decline to grant Supplemental Security Income benefits to a class of otherwise eligible individuals who are excluded because they are aged 21 through 64 and are institutionalized in public mental institutions that do not receive Medicaid funds for their care. The United States District Court for the Northern District of Illinois held unconstitutional, under the Due Process Clause of the Fifth Amendment, that portion of the Social Security Act, as amended, that excludes these otherwise eligible persons from the supplemental benefits. The Secretary of Health and Human Services has taken a direct appeal to this Court under 28 U. S. C. § 1252.

2

I

In October 1972, Congress amended the Social Security Act (Act) to create the federal Supplemental Security Income program (SSI) effective January 1, 1974. 86 Stat. 1465, 42 U. S. C. § 1381 *et seq.* This program was intended “[t]o assist those who cannot work because of age, blindness, or disability,” S. Rep. No. 92-1230, p. 4 (1972), by “set[ting] a

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February 6, 1981

Re: No. 79-1380 - Harris v. Wilson

Dear Chief:

I have some difficulty understanding your concern about page 12, for I do not read into the language there the implication you feel is present. For now, at least, I would prefer to make no change.

Sincerely,

HAB

The Chief Justice

STYLISTIC CHANGES

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: FEB 6 1981

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 79-1380

Richard Schweiker, Secretary of
Health and Human Services,
Appellant,
v.
Charles Edward Wilson et al. } On Appeal from the United
States District Court for
the Northern District of
Illinois.

[January —, 1981]

JUSTICE BLACKMUN delivered the opinion of the Court.

The issue in this case is whether Congress constitutionally may decline to grant Supplemental Security Income benefits to a class of otherwise eligible individuals who are excluded because they are aged 21 through 64 and are institutionalized in public mental institutions that do not receive Medicaid funds for their care. The United States District Court for the Northern District of Illinois held unconstitutional, under the Due Process Clause of the Fifth Amendment, that portion of the Social Security Act, as amended, that excludes these otherwise eligible persons from the supplemental benefits. The Secretary of Health and Human Services has taken a direct appeal to this Court under 28 U. S. C. § 1252.

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9.12

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: _____

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3rd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 79-1380

Richard Schweiker, Secretary of
Health and Human Services,
Appellant,
v.
Charles Edward Wilson et al.

On Appeal from the United
States District Court for
the Northern District of
Illinois.

[January —, 1981]

JUSTICE BLACKMUN delivered the opinion of the Court.

The issue in this case is whether Congress constitutionally may decline to grant Supplemental Security Income benefits to a class of otherwise eligible individuals who are excluded because they are aged 21 through 64 and are institutionalized in public mental institutions that do not receive Medicaid funds for their care. The United States District Court for the Northern District of Illinois held unconstitutional, under the Due Process Clause of the Fifth Amendment, that portion of the Social Security Act, as amended, that excludes these otherwise eligible persons from the supplemental benefits. The Secretary of Health and Human Services has taken a direct appeal to this Court under 28 U. S. C. § 1252.

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

December 16, 1980

79-1380 Harris v. Wilson

Dear Bill:

I will be glad to undertake the dissent.

Sincerely,



Mr. Justice Brennan

lfp/ss

cc: Mr. Justice Marshall
Mr. Justice Stevens

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

January 21, 1981

79-1380 Harris v. Wilson

Dear Harry:

You have written a fine opinion for the Court. I will, however, in accord with my vote at Conference, try my hand at a dissent.

As I hope to get away for a nearly a week, it will be well into February before I can get to this.

Sincerely,



Mr. Justice Blackmun

lfp/ss

cc: The Conference

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

From: Mr. Justice Powell

Circulated: FEB 18 1981

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 79-1380

Richard Schweiker, Secretary of
Health and Human Services,
Appellant,
v.
Charles Edward Wilson et al. } On Appeal from the United
States District Court for
the Northern District of
Illinois.

[February —, 1981]

JUSTICE POWELL, dissenting.

The Court holds that Congress rationally has denied a small monthly "comfort allowance" to otherwise eligible people solely because previously it rationally denied them Medicaid benefits. In my view, Congress thoughtlessly has applied a statutory classification developed to further legitimate goals of one welfare program to another welfare program serving entirely different needs. The result is an exclusion of wholly dependent people from minimal benefits, serving no government interest. This irrational classification violates the equal protection component of the Due Process Clause of the Fifth Amendment.

I

The Supplemental Security Income Program (SSI) is a comprehensive federal program of minimal cash welfare benefits for the indigent blind, aged and disabled. 42 U. S. C. §§ 1381-1382. See generally *Califano v. Aznavorian*, 439 U. S. 170, 171 (1978). Section 1611 (e)(1)(A) of the Act, 42 U. S. C. § 1382 (e)(1)(A); operates to reduce substantially, to \$25 per month, the SSI benefits available to otherwise eligible persons who reside in public institutions. The reason for this reduction of benefits is understandable:

"For these people most subsistence needs are met by the institution and full benefits are not needed. Some pay-

Stylistic Changes Throughout.

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

From: Mr. Justice Powell

2-26-81

Circulated: _____
Recirculated: FEB 26 1981

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 79-1380

Richard Schweiker, Secretary of
Health and Human Services,
Appellant,
v.
Charles Edward Wilson et al. } On Appeal from the United
States District Court for
the Northern District of
Illinois.

[February —, 1981]

JUSTICE POWELL, dissenting.

The Court holds that Congress rationally has denied a small monthly "comfort allowance" to otherwise eligible people solely because previously it rationally denied them Medicaid benefits. In my view, Congress thoughtlessly has applied a statutory classification developed to further legitimate goals of one welfare program to another welfare program serving entirely different needs. The result is an exclusion of wholly dependent people from minimal benefits, serving no government interest. This irrational classification violates the equal protection component of the Due Process Clause of the Fifth Amendment.

I

The Supplemental Security Income program (SSI) is a comprehensive federal program of minimal cash welfare benefits for the indigent blind, aged and disabled. 86 Stat. 1465, 42 U. S. C. § 1381 *et seq.* See generally *Califano v. Aznavorian*, 439 U. S. 170, 171 (1978). Section 1611 (e)(1)(A) of the Act, 42 U. S. C. § 1382 (e)(1)(A), operates to reduce substantially, to \$25 per month, the SSI benefits available to otherwise eligible persons who reside in public institutions. The reason for this reduction of benefit is understandable:

"For these people most subsistence needs are met by the institution and full benefits are not needed. Some pay-

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13,417

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

2-27-81

From: Mr. Justice Powell

3rd DRAFT

Circulated: _____

SUPREME COURT OF THE UNITED STATES

Recirculated: ~~FEB 27 1981~~

No. 79-1380

Richard Schweiker, Secretary of Health and Human Services, Appellant, v. Charles Edward Wilson et al.	}	On Appeal from the United States District Court for the Northern District of Illinois.
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[February —, 1981]

JUSTICE POWELL, with whom JUSTICE BRENNAN, JUSTICE MARSHALL, and JUSTICE STEVENS join, dissenting.

The Court holds that Congress rationally has denied a small monthly "comfort allowance" to otherwise eligible people solely because previously it rationally denied them Medicaid benefits. In my view, Congress thoughtlessly has applied a statutory classification developed to further legitimate goals of one welfare program to another welfare program serving entirely different needs. The result is an exclusion of wholly dependent people from minimal benefits, serving no government interest. This irrational classification violates the equal protection component of the Due Process Clause of the Fifth Amendment,

I

The Supplemental Security Income program (SSI) is a comprehensive federal program of minimal cash welfare benefits for the indigent blind, aged and disabled. 86 Stat. 1465, 42 U. S. C. § 1381 *et seq.* See generally *Califano v. Aznavorian*, 439 U. S. 170, 171 (1978). Section 1611 (e)(1)(A) of the Act, 42 U. S. C. § 1382 (e)(1)(A), operates to reduce substantially, to \$25 per month, the SSI benefits available to otherwise eligible persons who reside in public institutions. The reason for this reduction of benefit is understandable:

"For these people most subsistence needs are met by the institution and full benefits are not needed. Some pay-

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

January 15, 1981

Re: No. 79-1380 Harris v. Wilson

Dear Harry:

Please join me.

Sincerely,



Justice Blackmun

Copies to the Conference

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

January 15, 1981

Re: 79-1380 - Harris v. Wilson

Dear Harry:

I shall await the dissent.

Respectfully,



Justice Blackmun

Copies to the Conference

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

February 20, 1981

Re: 79-1380 - Schweiker v. Wilson

Dear Lewis:

Please join me in your dissenting opinion.

Respectfully,



Justice Powell

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