

# The Burger Court Opinion Writing Database

## *Schweiker v. Hogan*

457 U.S. 569 (1982)

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 11, 1982

Re: No. 81-213 - Schweiker v. Hogan

Dear John:

I join.

Regards,

A handwritten signature in dark ink, appearing to be 'JBS', written over the typed word 'Regards,'.

Justice Stevens

Copies to the Conference

65 JUN 11 1982

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

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

April 5, 1983

RE: No. 81-213 Schweiker v. Hogan

Dear Thurgood:

Byron, you and I are in dissent in the above.  
Would you care to undertake the dissent?

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill".

Justice Marshall

cc: Justice White

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

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

June 10, 1982

RE: No. 81-213 Schweiker v. Hogan

Dear John:

I agree.

Sincerely,

*Bill*

Justice Stevens

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83 JUN 10 1982

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

June 8, 1982

Re: 81-213 - Schweiker v. Hogan

Dear John,

I shall await the dissent.

Sincerely yours,



Justice Stevens

Copies to the Conference

cpm

85 11 21 1982

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

June 10, 1982

Re: 81-213 - Schweiker v. Hogan

Dear John,

I give up the ghost. Please join me.

Sincerely yours,



Justice Stevens

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cpm

.35 10/10 b12

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

June 10, 1982

Re: No. 81-213 - Schweiker v. Hogan

Dear John:

Please join me.

Sincerely,

*T.M.*  
T.M.

Justice Stevens

cc: The Conference

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

June 14, 1982

Re: No. 81-213 - Schweiker v. Hogan

Dear John:

Please join me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Harry", with a horizontal line underneath.

Justice Stevens

cc: The Conference

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

202A 8-40 58\*

June 8, 1982

81-213 Schweiker v. Hogan

Dear John:

Please join me.

Sincerely,



Justice Stevens

lfp/ss

cc: The Conference

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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

June 17, 1982

Re: No. 81-213 Schweiker v. Hogan

Dear John:

Please join me.

Sincerely,

WHR/gb

Justice Stevens

cc: The Conference

To: The Chief Justice  
Justice Brennan  
Justice White  
Justice Marshall  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice O'Connor

From: Justice Stevens

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1st DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 81-213

**RICHARD S. SCHWEIKER, SECRETARY OF HEALTH  
AND HUMAN SERVICES, APPELLANT *v.*  
GEORGE HOGAN, ET AL.**

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF MASSACHUSETTS**

[June —, 1982]

JUSTICE STEVENS delivered the opinion of the Court.

At issue in this case are the meaning and validity of § 1903(f) of the Social Security Act, 42 U. S. C. § 1396b(f). As applied in Massachusetts, that provision results in a distribution of Medicaid benefits to recipients of Supplemental Security Income (SSI)—a class of aged, blind, or disabled persons who lack sufficient income to meet their basic needs—that is more generous than the distribution of such benefits to persons who are self-supporting. Because appellees, who are members of the latter class, must incur medical expenses before they become eligible for Medicaid, and because all of those expenses are not reimbursed, they have less income available for their non-medical needs than the recipients of SSI. The District Court concluded that this discrimination was irrational and held that § 1903(f) was unconstitutional. *Hogan v. Harris*, 501 F. Supp. 1129 (Mass. 1980). We disagree and reverse.

The statutory provisions governing the Medicaid program are complex. See 42 U. S. C. 1396 *et seq.* (1976 ed. and Supp. IV). We first consider the history of the specific provisions at issue in this case, then relate the circumstances that gave rise to the present controversy, and finally address the two legal issues that are presented.

TM joined 6/10/82

To: The Chief Justice  
Justice Brennan  
Justice White  
Justice Marshall  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice O'Connor

STYLISTIC CHANGES THROUGHOUT. *as marked*

From: Justice Stevens

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2nd DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 81-213

**RICHARD S. SCHWEIKER, SECRETARY OF HEALTH  
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To: The Chief Justice  
Justice Brennan  
Justice White  
Justice Marshall  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice O'Connor

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fn. 29-33 renumbered

From: Justice Stevens

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3rd DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 81-213

**RICHARD S. SCHWEIKER, SECRETARY OF HEALTH  
AND HUMAN SERVICES, APPELLANT v.  
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Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE SANDRA DAY O'CONNOR

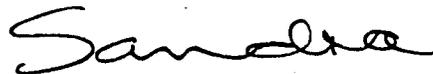
June 7, 1982<sup>63</sup>

No. 81-213 Schweiker v. Hogan

Dear John,

Please join me.

Sincerely,



Justice Stevens

Copies to the Conference