

# The Burger Court Opinion Writing Database

## *Heckler v. Mathews*

465 U.S. 728 (1984)

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

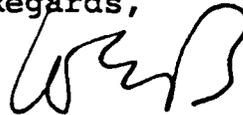
March 1, 1984

Re: 82-1050 - Heckler v. Mathews

Dear Bill:

I join.

Regards,



Justice Brennan

Copies to the Conference

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

From: Justice Brennan

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1st DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 82-1050

MARGARET M. HECKLER, SECRETRY OF HEALTH  
AND HUMAN SERVICES, APPELLANT *v.* ROBERT H.  
MATHEWS ET AL.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF ALABAMA

[February —, 1984]

JUSTICE BRENNAN delivered the opinion of the Court.

*Califano v. Goldfarb*, 430 U. S. 199 (1977), held that a gender-based classification in the spousal-benefit provisions of the Social Security Act violated the right to the equal protection of the laws guaranteed by the Due Process Clause of the Fifth Amendment. In this case, the United States District Court for the Northern District of Alabama held that amendments to the Act, adopted in 1977 partly in response to our decision, unjustifiably revive the gender-based classification that was invalidated in *Goldfarb* and therefore also violate the Fifth Amendment. J. S. App. 1a-9a. The Government appealed directly to this Court. We noted probable jurisdiction under 28 U. S. C. § 1252, — U. S. —, and now reverse.

I

A

The Social Security Act (Act) provides spousal benefits for the wives, husbands, widows, and widowers of retired and disabled wage earners. 42 U. S. C. § 402. Prior to December 1977, benefits were payable only to those husbands or widowers who could demonstrate dependency on their wage-earning wives for one-half of their support. Wives and wid-

HAB

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

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR.

MEMORANDUM TO THE CONFERENCE

March 5, 1984

Re: Heckler v. Mathews, No. 82-1050

The <sup>2</sup>only case held for Mathews was Heckler v. Webb, No. 82-1094. In Webb, the Ninth Circuit construed the exception to the pension offset provisions of the Social Security Act so that it did not require men to satisfy the one-half dependency requirement in order to receive unreduced benefits. Based on this conclusion, the court affirmed a district court judgment holding respondent exempt from the pension offset provision. The Ninth Circuit's decision is, of course, contrary to our conclusions in Mathews and I will therefore vote to grant, vacate, and remand for further proceedings consistent with Mathews.

Yes ✓

Sincerely,

W.J.B., Jr.

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

February 24, 1984

Re: 82-1050 - Heckler v. Mathews

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Dear Bill,

I agree.

Sincerely,



Justice Brennan

Copies to the Conference

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

February 17, 1984

Re: No. 82-1050-Heckler v. Mathews

Dear Bill:

Please join me.

Sincerely,



T.M.

Justice Brennan

cc: The Conference

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

February 17, 1984

RECEIVED  
SUPREME COURT U.S.  
JUSTICE MARSHALL

'84 FEB 17 A10:40

Re: No. 82-1050 - Heckler v. Mathews

Dear Bill:

Please join me.

Sincerely,



Justice Brennan

cc: The Conference

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

February 15, 1984

82-1050 Heckler v. Mathews

Dear Bill:

Please join me.

Sincerely,



Justice Brennan

lfp/ss

cc: The Conference

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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

February 15, 1984

Re: No. 82-1050 Heckler v. Mathews

Dear Bill:

Please join me.

Sincerely,



Justice Brennan

cc: The Conference

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

February 15, 1984

Re: 82-1050 - Heckler v. Mathews

Dear Bill:

Please join me.

Respectfully,



Justice Brennan

Copies to the Conference

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

CHAMBERS OF  
JUSTICE SANDRA DAY O'CONNOR

February 15, 1984

No. 82-1050 Heckler v. Mathews

Dear Bill,

Please join me.

Sincerely,



Justice Brennan

Copies to the Conference