

The Burger Court Opinion Writing Database

Heckler v. Day

467 U.S. 104 (1984)

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



61
Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

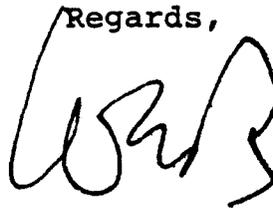
February 15, 1984

Re: 82-1371 - Heckler v. Day

Dear Lewis:

I join.

Regards,



Justice Powell

Copies to the Conference

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

MM

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

December 13, 1983

No. 82-1371

Heckler v. Day

Dear Thurgood, Harry and John,

We four are in dissent in the
above. Thurgood, would under undertake
the dissent?

Sincerely,

Paul

Justice Marshall

Justice Blackmun

Justice Stevens

WJB

Will date dissent notes as

*cc HAR
JPS*

TH

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

May 7, 1984

No. 82-1371

Heckler v. Day, et al.

Dear Thurgood,

Please join me.

Sincerely,

Justice Marshall

Copies to the Conference

84 82-1371-20

2082

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

February 14, 1984

Re: 82-1371 - Heckler v. Day

Dear Lewis,

I shall await Thurgood's dissent in this case.

Sincerely,



Justice Powell

Copies to the Conference

cpm

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

May 15, 1984

Re: 82-1371 - Heckler v. Day

Dear Lewis,

Please join me.

Sincerely yours,



Justice Powell

Copies to the Conference

cpm

81 MAY 12 11:53

18
20

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

December 13, 1983

Re: No. 82-1371 - Heckler v. Day

Dear Bill:

Will do the dissent in this case.

Sincerely,

J.M.
T.M.

Justice Brennan

cc: Justice Blackmun

Justice Stevens

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

February 2, 1984

Re: No. 82-1371-Heckler v. Day

Dear Lewis:

In due course, I hope to file a dissent
in this case.

Sincerely,


T.M.

Justice Powell

cc: The Conference

STYLISTIC CHANGES THROUGHOUT.

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

From: **Justice Marshall**

Circulated: _____

Recirculated: **MAY 18 1984**

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 82-1371

MARGARET M. HECKLER, SECRETARY OF HEALTH
AND HUMAN SERVICES, PETITIONER *v.*
LEON S. DAY ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE SECOND CIRCUIT

[May —, 1984]

JUSTICE MARSHALL, dissenting.

This case determines an issue of vital importance to the Social Security Administration, to disabled Vermont residents, and to federal courts. By failing to ground its opinion in the factual record of the case at hand, the majority has discarded a balanced remedy crafted to effectuate a federal statute. Far from intruding clumsily into a pervasively regulated area, *ante*, at 15, the District Court fashioned a meaningful, carefully-tailored statewide remedy that mandated feasible, expeditious reconsideration determinations and hearings, that did not cause extra cost to the Secretary or reallocation to Vermont of resources from other States, and that did not harm other statutory goals such as quality and accuracy of decision-making. Because that remedy is not expressly or impliedly prohibited by the Constitution or by statute, and is not an abuse of discretion, I would affirm the judgment of the Court of Appeals.

I

A

As the majority opinion makes clear, the District Court's declaratory judgment that the plaintiff class is entitled to relief is not at issue. The Secretary concedes that 42 U. S. C. § 405(b) compels her to provide claimants a hearing on disputed disability determinations within a reasonable time.

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

May 14, 1984

Re: No. 82-1371 - Heckler v. Day

Dear Thurgood:

Please join me in your dissent.

Sincerely,



Justice Marshall

cc: The Conference

84 MAY 14 10:05

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SUPREME COURT, U.S.
JUSTICE MARSHALL

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

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From: Justice Powell

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 82-1371

MARGARET M. HECKLER, SECRETARY OF HEALTH
AND HUMAN SERVICES, PETITIONER *v.*
LEON S. DAY ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE SECOND CIRCUIT

[February —, 1984]

JUSTICE POWELL announced the opinion for the Court.

The question presented is the validity of an injunction issued on behalf of a statewide class that requires the Secretary of Health and Human Services to adjudicate all future disputed disability claims under Title II of the Social Security Act, 42 U. S. C. § 401 *et seq.*, according to judicially established deadlines and to pay interim benefits in all cases of noncompliance with those deadlines.

I

Title II of the Social Security Act [Act] was passed in 1935. 49 Stat. 622, as amended, 42 U. S. C. § 401 *et seq.* (1976 ed. and Supp. IV). Among other things, it provides for the payment of disability insurance benefits to those whose disability prevents them from pursuing gainful employment. 42 U. S. C. § 423.¹ Disability benefits also are payable under

¹Section 423(d) defines "disability" as:

"(A) inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months."

Any disability benefits payable under § 423 are paid out of the Federal Disability Insurance Trust Fund, which is funded by payroll taxes. 42 U. S. C. § 401(b) (Supp. V).

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

Changes 6, 8, 13
 Stylistic Changes Throughout

From: Justice Powell

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2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 82-1371

MARGARET M. HECKLER, SECRETARY OF HEALTH
 AND HUMAN SERVICES, PETITIONER *v.*
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Date 7-1-84

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

February 3, 1984

*Noted. This
accords with
my discussion
with Bell.*

Re: No. 82-1371 Heckler v. Day

Dear Lewis:

You suggested during our oral discussion today that I write you a letter suggesting my proposed change in your circulating draft, and the reason for it, and send it not only to you but to the Chief, Byron, and Sandra, who together with ourselves comprise the five votes supporting the result which your opinion reaches.

Your proposed opinion in this case is a classical embodiment of the principle of Occam's razor: a decision on the narrowest possible grounds. I would like to have seen a broader tack taken, because I think the lower courts are intruding rather substantially on the administrative prerogative in other areas of the Social Security Administration; an example that comes to mind is the District Court judgment which I stayed last fall in the case of Heckler v. Lopez, which did not involve the setting of time limits within which the Secretary must process claims, but involved a requirement that the Secretary must pay claimants in advance of having determined that they were entitled to be paid.

Nonetheless, your decision to write the opinion narrowly certainly falls within the traditional discretion of the opinion writer. My only concern is that as presently written I think the opinion contains implications that if it had not been for the presentation of proposed time limits to Congress, and the rejection of such limits by Congress, the sort of injunction issued by the District Court would have been appropriate. This intimation comes through to me particularly from the first couple of sentences in your Section III. I would like to propose a change which would leave the broader arguments against the District Court's order in this case undecided, with no intimation that the order might or might not have otherwise been proper.

Would you consider the following substitution for the first two sentences in Part III:

*find where it is
Sec makes this
argument*

"The Secretary also contends that quite apart from the congressional rejection of the mandatory deadlines discussed above, the District Court's order unduly intruded upon the discretion which Congress has granted the Secretary to adopt rules and procedures for the adjudication of claims.

See Weinberger v. Salfi, 422 U.S. 719, (1975);

Batterton v. Francis, 432 U.S. 416, 425, Schweiker (1977)

v. Gray Panthers, 453 U.S. 34, 43-44 (1981);

Heckler v. Campbell, 103 S.Ct. 1952, 1957 (1983).

We need not reach this broader contention, however, because of repeated congressional rejection of the imposition of mandatory deadlines on agency adjudication of disputed disability claims."

Such a change would leave for another day the decision of whether the order of the District Court in this case would be proper in the absence of specific congressional rejection of these deadlines.

On a totally different tack, would you be willing to insert the word "here" after the word "challenge" in the initial sentence of Part II, to make it clear that the Secretary did challenge these determinations in the lower courts?

Sincerely,



Justice Powell

cc: The Chief Justice
Justice White
Justice O'Connor



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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

February 7, 1984

Re: No. 82-1371 Heckler v. Day

Dear Lewis:

Please join me.

Sincerely,

Justice Powell

cc: The Conference

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

February 8, 1984

Re: 82-1371 - Heckler v. Day

Dear Lewis:

I was uncertain at the time of conference,
therefore I shall wait to see what the dissent has to
say.

Respectfully,



Justice Powell

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CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

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

May 7, 1984

Re: 82-1371 - Heckler v. Day

Dear Thurgood:

Please join me.

Respectfully,

Justice Marshall

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84 MAY -5 11:33

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

February 13, 1984

Re: No. 82-1371 Heckler v. Day et al.

Dear Lewis,

Please join me.

Sincerely,



Justice Powell

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