

# The Burger Court Opinion Writing Database

## *Walters v. National Association of Radiation Survivors*

473 U.S. 305 (1985)

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



(M)

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

CHAMBERS OF  
THE CHIEF JUSTICE

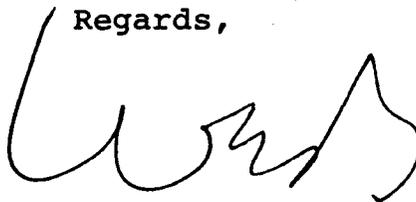
May 16, 1985

Re: No. 84-571 - Walters v. Radiation Survivors

Dear Bill:

I join.

Regards,



Justice Rehnquist

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20 58 11 13 15 02

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS

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

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

May 24, 1985

No. 84-571

Walters v. Radiation Survivors

Dear John,

This case has been marking time for some weeks now. Just to make sure that my silence is not holding things up, I do still intend to dissent on the jurisdictional point. Do you plan to write on the merits? If you do, I'm sure I'll emphasize my general agreement with you.

Sincerely,



Justice Stevens  
Copy to Justice Marshall

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

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

May 28, 1985

No. 84-571

Walters v. Radiation Survivors

Dear Bill,

I, too, will be filing a dissent in  
the above -- addressed to the  
jurisdictional issues.

Sincerely,

*Rehnquist*

Justice Rehnquist

Copies to the Conference

.84 WA 58 61 32

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

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

June 19, 1985

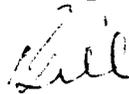
No. 84-571

Walters v. Radiation Survivors

Dear Bill,

Enclosed is draft of dissent in the above. It may require some polish, but I thought it might give you some early help in preparing any response you may have in mind.

Sincerely,



Justice Rehnquist

Attachment

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

From: Justice Brennan

Circulated: JUN 21 1985

Recirculated:

WSS  
Please join me in your dissent  
M

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 84-571

HARRY N. WALTERS, ADMINISTRATOR OF VETERANS' AFFAIRS, ET AL., APPELLANTS v. NATIONAL ASSOCIATION OF RADIATION SURVIVORS ET AL.

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

[June —, 1985]

JUSTICE BRENNAN, dissenting.

The Court today concludes that it has mandatory jurisdiction pursuant to 28 U. S. C. § 1252 directly to review the District Court's entry of a preliminary injunction restraining the Government from enforcing the provisions of 38 U. S. C. §§ 3404 and 3405 pending a full trial on the merits of the appellees' contention that those statutes violate the First and Fifth Amendments. *Ante*, at 10-13.<sup>1</sup> The Court then proceeds to sustain the constitutionality of those statutes on the ground that "the process allows a claimant to make a meaningful presentation" on behalf of his claim for Service-Connected Death and Disability benefits even without the assistance of his attorney. *Ante*, at 21. The Court having reached this issue, I feel constrained to note my strong disagreement on the constitutional for the reasons eloquently set forth in JUSTICE STEVENS' dissent, which I join.

merits

I write separately, however, because I believe the Court's exercise of appellate jurisdiction pursuant in this case is not

<sup>1</sup>Title 38 U. S. C. § 3404 prohibits a veteran or his survivors from paying more than \$10 to an attorney for assistance in attempting to obtain Service-Connected Death and Disability benefits, and § 3505 provides that any attorney who receives more than \$10 in these circumstances "shall be fined not more than \$500 or imprisoned at hard labor for not more than two years, or both."

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STYLISTIC CHANGES THROUGHOUT.  
SEE PAGES: 11, 16-17

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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## SUPREME COURT OF THE UNITED STATES

No. 84-571

HARRY N. WALTERS, ADMINISTRATOR OF VETERANS' AFFAIRS, ET AL., APPELLANTS *v.* NATIONAL ASSOCIATION OF RADIATION SURVIVORS ET AL.

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

[June 28, 1985]

JUSTICE BRENNAN, with whom JUSTICE MARSHALL joins, dissenting.

The Court today concludes that it has mandatory jurisdiction pursuant to 28 U. S. C. § 1252 directly to review the District Court's entry of a preliminary injunction restraining the Government from enforcing the provisions of 38 U. S. C. §§ 3404 and 3405 pending a full trial on the merits of the appellees' contention that those statutes violate the First and Fifth Amendments. *Ante*, at 10-13.<sup>1</sup> The Court then proceeds to sustain the constitutionality of those statutes on the ground that "the process allows a claimant to make a meaningful presentation" on behalf of his claim for Service-Connected Death and Disability benefits even without the assistance of his attorney. *Ante*, at 29. The Court having reached this issue, I feel constrained to note my strong disagreement on the merits for the reasons eloquently set forth in JUSTICE STEVENS' dissent, which I join.

<sup>1</sup>Title 38 U. S. C. § 3404 prohibits a veteran or his survivors from paying more than \$10 to an attorney for assistance in attempting to obtain Service-Connected Death and Disability benefits, and § 3405 provides that any attorney who receives more than \$10 in these circumstances "shall be fined not more than \$500 or imprisoned at hard labor for not more than two years, or both."

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

May 13, 1985

84-571 - Walters v. Radiation Survivors

Dear Bill,

Please join me.

Sincerely,

*Byron*

Justice Rehnquist

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84 571 13 13

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

May 28, 1985

Re: No. 84-571-Walters v. Nat'l Assoc. of  
Radiation Survivors, et al

Dear Bill:

I await the dissent.

Sincerely,

*JM.*

T.M.

Justice Rehnquist

cc: The Conference

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

June 21, 1985

Re: No. 84-571-Walters v. Nat'l Association of  
Radiation Survivors

Dear Bill:

Please join me in your dissent.

Sincerely,

*JM*

T.M.

Justice Brennan

cc: The Conference

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

June 21, 1985

Re: No. 84-571-Walters v. Nat'l Association of  
Radiation Survivors

Dear John:

Please join me in your dissent.

Sincerely,

*J.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, 1985

Re: No. 84-571, Walters v. Radiation Survivors

Dear Bill:

Please join me. I am joining Sandra's separate concurring opinion and through it am joining your opinion.

Sincerely,



Justice Rehnquist

cc: The Conference

THE COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

June 14, 1985

Re: No. 84-571, Walters v. Radiation Survivors

Dear Sandra:

Please add my name to your separate concurring opinion.

Sincerely,



Justice O'Connor

cc: The Conference

RECORDS FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS

HAB

June 21, 1985

Re: No. 84-571, Walters v. Radiation Survivors

Dear Sandra:

I have no objections to your proposed additions.

Sincerely,

HAB

Justice O'Connor

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May 8, 1985

84-571 Walters v. National Association  
of Radiation Survivors

Dear Bill:

Your opinion in this complex case is well organized and very well written. I wanted to reverse because - as you demonstrate - the District Court really "blew it". But I thought a remand might be necessary.

Your opinion makes clear there was no basis in the record for the District Court's sweeping injunction.

Sincerely,

Justice Rehnquist

lfp/ss



CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

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

May 8, 1985

84-571 Walters v. National Association  
of Radiation Survivors

Dear Bill:

Please join me.

Sincerely,

*Lewis*

Justice Rehnquist

lfp/ss

cc: The Conference

.81 102-3 10.40

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

From: Justice Rehnquist

Circulated: MAY 7 1985

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WHR  
I am not interested  
H

Wait for  
Dement

1st DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 84-571

**HARRY N. WALTERS, ADMINISTRATOR OF VETERANS' AFFAIRS, ET AL., APPELLANTS v. NATIONAL ASSOCIATION OF RADIATION SURVIVORS ET AL.**

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA**

[May —, 1985]

JUSTICE REHNQUIST delivered the opinion of the Court.

38 U. S. C. § 3404(c) limits to \$10 the fee that may be paid an attorney or agent who represents a veteran seeking benefits for service-connected death or disability. The United States District Court for the Northern District of California held that this limit violates the Due Process Clause of the Fifth Amendment, and the First Amendment, because it denies veterans or their survivors the opportunity to retain counsel of their choice in pursuing their claims. We noted probable jurisdiction of the government's appeal, — U. S. —, and we now reverse.

I

Congress has by statute established an administrative system for granting service-connected death or disability benefits to veterans. See 38 U. S. C. §§ 301 *et seq.* The amount of the benefit award is not based upon need, but upon service connection—that is, whether the disability is causally related to an injury sustained in the service—and the degree of incapacity caused by the disability. A detailed system has been established by statute and Veterans Administration (VA) regulation for determining a veteran's entitlement, with final authority resting with an administrative body known as the Board of Veterans' Appeals (BVA). Judicial review of VA

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STYLISTIC CHANGES THROUGHOUT

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

From: Justice Rehnquist

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2nd DRAFT

## SUPREME COURT OF THE UNITED STATES

No. 84-571

HARRY N. WALTERS, ADMINISTRATOR OF VETERANS' AFFAIRS, ET AL., APPELLANTS *v.* NATIONAL ASSOCIATION OF RADIATION SURVIVORS ET AL.

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[May —, 1985]

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STYLISTIC CHANGES THROUGHOUT

Pp 16, 24, 29

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

From: Justice Rehnquist

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3rd

2nd DRAFT

# SUPREME COURT OF THE UNITED STATES

No. 84-571

HARRY N. WALTERS, ADMINISTRATOR OF VETERANS' AFFAIRS, ET AL., APPELLANTS *v.* NATIONAL ASSOCIATION OF RADIATION SURVIVORS ET AL.

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

[June —, 1985]

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pg 13+16

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

From: Justice Rehnquist

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4th DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 84-571

**HARRY N. WALTERS, ADMINISTRATOR OF VETERANS' AFFAIRS, ET AL., APPELLANTS v. NATIONAL ASSOCIATION OF RADIATION SURVIVORS ET AL.**

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA**

[June —, 1985]

JUSTICE REHNQUIST delivered the opinion of the Court.

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I

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

May 24, 1985

Re: 84-571 - Walters v. Radiation  
Survivors

Dear Bill:

Yes, I do plan to write a dissent on the merits.

Respectfully,



Justice Brennan

Copy to Justice Marshall

84 MAY 28 1985

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

May 24, 1985

Re: 84-571 - Walters v. Radiation  
Survivors

Dear Bill:

With apologies for not notifying you more promptly, I am working on a dissent on the merits in this case.

Respectfully,



Justice Rehnquist

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14.04 85 MAY 28

2

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To: The Chief Justice  
Justice Brennan  
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Justice O'Connor

From: Justice Stevens

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1st DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 84-571

HARRY N. WALTERS, ADMINISTRATOR OF VETERANS' AFFAIRS, ET AL., APPELLANTS *v.* NATIONAL ASSOCIATION OF RADIATION SURVIVORS ET AL.

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

[June —, 1985]

JUSTICE STEVENS, dissenting.

The Court does not appreciate the value of individual liberty. It may well be true that in the vast majority of cases a veteran does not need to employ a lawyer, *ante*, at 23, and that the system of processing veterans benefit claims, by and large, functions fairly and effectively without the participation of retained counsel. *Ante*, at 20. Everyone agrees, however, that there are at least some complicated cases in which the services of a lawyer would be useful to the veteran and, indeed, would simplify the work of the agency by helping to organize the relevant facts and to identify the controlling issues. *Ante*, at 22, 23. What is the reason for denying the veteran the right to counsel of his choice in such cases? The Court gives us two answers: First, the paternalistic interest in protecting the veteran from the consequences of his own improvidence, *ante*, at 16-17; and second, the bureaucratic interest in minimizing the cost of administering the benefit program. *Ante*, at 17. I agree that both interests are legitimate, but neither provides an adequate justification for the restraint on liberty imposed by the \$10-fee limitation.

To explain my disagreement with the Court, I shall first add a few words about the history of the fee limitation, then identify the flaws in the Court's analysis, and finally explain

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To: The Chief Justice  
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Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice O'Connor

From: Justice Stevens

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JAS  
Please find me a  
your dissent 7,13  
24

2nd DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 84-571

HARRY N. WALTERS, ADMINISTRATOR OF VETERANS' AFFAIRS, ET AL., APPELLANTS *v.* NATIONAL ASSOCIATION OF RADIATION SURVIVORS ET AL.

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

[June —, 1985]

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Jim

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STYLISTIC CHANGES THROUGHOUT.  
SEE PAGES: 12, 13, 14

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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3rd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 84-571

HARRY N. WALTERS, ADMINISTRATOR OF VETERANS' AFFAIRS, ET AL., APPELLANTS *v.* NATIONAL ASSOCIATION OF RADIATION SURVIVORS ET AL.

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

[June —, 1985]

JUSTICE STEVENS, dissenting.

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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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7.1

4th DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 84-571

**HARRY N. WALTERS, ADMINISTRATOR OF VETERANS' AFFAIRS, ET AL., APPELLANTS v. NATIONAL ASSOCIATION OF RADIATION SURVIVORS ET AL.**

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA**

[June —, 1985]

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

The Court does not appreciate the value of individual liberty. It may well be true that in the vast majority of cases a veteran does not need to employ a lawyer, *ante*, at 23, and that the system of processing veterans benefit claims, by and large, functions fairly and effectively without the participation of retained counsel. *Ante*, at 20. Everyone agrees, however, that there are at least some complicated cases in which the services of a lawyer would be useful to the veteran and, indeed, would simplify the work of the agency by helping to organize the relevant facts and to identify the controlling issues. *Ante*, at 22, 23. What is the reason for denying the veteran the right to counsel of his choice in such cases? The Court gives us two answers: First, the paternalistic interest in protecting the veteran from the consequences of his own improvidence, *ante*, at 16-17; and second, the bureaucratic interest in minimizing the cost of administering the benefit program. *Ante*, at 17. I agree that both interests are legitimate, but neither provides an adequate justification for the restraint on liberty imposed by the \$10-fee limitation.

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OFFICE OF THE CLERK OF THE SUPREME COURT OF THE UNITED STATES  
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To: The Chief Justice  
Justice Brennan  
Justice White  
Justice Marshall  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice Stevens

From: **Justice O'Connor**

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JUN 13 1985

Recirculated: \_\_\_\_\_

1st DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 84-571

**HARRY N. WALTERS, ADMINISTRATOR OF VETERANS' AFFAIRS, ET AL., APPELLANTS v. NATIONAL ASSOCIATION OF RADIATION SURVIVORS ET AL.**

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA**

[June —, 1985]

JUSTICE O'CONNOR, concurring.

I join the Court's opinion and its judgment because I agree that the District Court abused its discretion in issuing a nationwide preliminary injunction against enforcement of the \$10 fee limitation in 38 U. S. C. § 3404(c). I also agree that the record before us is insufficient to evaluate the claims of any individuals or identifiable groups. I write separately to note that such claims remain open on remand.

A preliminary injunction is only appropriate where there is a demonstrated likelihood of success on the merits. *Doran v. Salem Inn, Inc.*, 422 U. S. 922, 931-932 (1975). In order to justify the sort of categorical relief the District Court afforded here, the fee limitation must pose a risk of erroneous deprivation of rights in the generality of cases reached by the injunctive relief. Cf. *Matthews v. Eldridge*, 424 U. S. 319, 344 (1976). Given the nature of the typical claim and the simplified VA procedures, the record falls short of establishing any likelihood of such sweeping facial invalidity. *Ante*, at 23-25.

As the Court observes, the record also "is short on definition or quantification of 'complex cases'" which might constitute a "group" with respect to which the process provided is "[in]sufficient for the large majority." *Ante*, at 23-24; *Parham v. J. R.*, 442 U. S. 584, 617 (1979). The "deter-

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To: The Chief Justice  
Justice Brennan  
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Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice Stevens

From: Justice O'Connor

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JUN 17 1985

2nd DRAFT

## SUPREME COURT OF THE UNITED STATES

No. 84-571

HARRY N. WALTERS, ADMINISTRATOR OF VETERANS' AFFAIRS, ET AL., APPELLANTS *v.* NATIONAL ASSOCIATION OF RADIATION SURVIVORS ET AL.

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[June —, 1985]

JUSTICE O'CONNOR, with whom JUSTICE BLACKMUN joins, concurring.

I join the Court's opinion and its judgment because I agree that the District Court abused its discretion in issuing a nationwide preliminary injunction against enforcement of the \$10 fee limitation in 38 U. S. C. § 3404(c). I also agree that the record before us is insufficient to evaluate the claims of any individuals or identifiable groups. I write separately to note that such claims remain open on remand.

A preliminary injunction is only appropriate where there is a demonstrated likelihood of success on the merits. *Doran v. Salem Inn, Inc.*, 422 U. S. 922, 931-932 (1975). In order to justify the sort of categorical relief the District Court afforded here, the fee limitation must pose a risk of erroneous deprivation of rights in the generality of cases reached by the injunctive relief. Cf. *Matthews v. Eldridge*, 424 U. S. 319, 344 (1976). Given the nature of the typical claim and the simplified VA procedures, the record falls short of establishing any likelihood of such sweeping facial invalidity. *Ante*, at 23-25.

As the Court observes, the record also "is short on definition or quantification of 'complex cases'" which might constitute a "group" with respect to which the process provided is "[in]sufficient for the large majority." *Ante*, at 23-24;

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1 P. 1

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

CHAMBERS OF  
JUSTICE SANDRA DAY O'CONNOR

June 21, 1985

Re: 84-571 Walters v. Radiation Survivors

Dear Harry,

Bill Brennan's dissent raises some difficult issues concerning this Court's appellate jurisdiction under section 1252. I am inclined to add a paragraph to my concurring opinion unless you object. My suggested addition is attached.

Sincerely,



Justice Blackmun

Attachment

Stylistic Changes Throughout

pp 1-2

To: The Chief Justice  
Justice Brennan  
Justice White  
Justice Marshall  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice Stevens

From: Justice O'Connor

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**SUPREME COURT OF THE UNITED STATES**

No. 84-571

HARRY N. WALTERS, ADMINISTRATOR OF VETERANS' AFFAIRS, ET AL., APPELLANTS *v.* NATIONAL ASSOCIATION OF RADIATION SURVIVORS ET AL.

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

[June —, 1985]

JUSTICE O'CONNOR, with whom JUSTICE BLACKMUN joins, concurring.

I join the Court's opinion and its judgment because I agree that this Court has appellate jurisdiction under 28 U. S. C. § 1252 and that the District Court abused its discretion in issuing a nationwide preliminary injunction against enforcement of the \$10 fee limitation in 38 U. S. C. § 3404(c). I also agree that the record before us is insufficient to evaluate the claims of any individuals or identifiable groups. I write separately to note that such claims remain open on remand.

The grant of appellate jurisdiction under § 1252 does not give the Court license to depart from established standards of appellate review. This Court, like other appellate courts, has always applied the "abuse of discretion" standard on review of a preliminary injunction. See, *e. g.*, *Doran v. Salem Inn, Inc.*, 422 U. S. 922, 931-932 (1975). As the Court explains, direct appeal of a preliminary injunction under § 1252 is appropriate in the rare case such as this where a district court has issued a nationwide injunction that in practical effect invalidates a federal law. In such circumstances, § 1252 "assure[s] an expeditious means of affirming or removing the restraint on the federal government's administration of the law. . . ." *Heckler v. Edwards*, — U. S. —, — (1984). See also *id.*, nn. 15 and 16 (§ 1252 is closely tied to the need to

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Justice Brennan  
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Justice Stevens

From: Justice O'Connor

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1985

**SUPREME COURT OF THE UNITED STATES**

No. 84-571

**HARRY N. WALTERS, ADMINISTRATOR OF VETERANS' AFFAIRS, ET AL., APPELLANTS v. NATIONAL ASSOCIATION OF RADIATION SURVIVORS ET AL.**

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