

The Burger Court Opinion Writing Database

Bowen v. Public Agencies Opposed to Social Security Entrapment

477 U.S. 41 (1986)

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, 1986

85-521 - Bowen v. Public Agencies

Dear Lewis:

I join.

Regards,



Justice Powell

Copies to the Conference

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

June 3, 1986

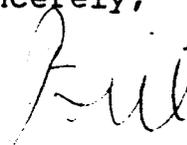
No. 85-521

Bowen v. Public Agencies
Opposed to Social Security
Entrapment, et al.

Dear Lewis,

I agree.

Sincerely,



Justice Powell

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE



June 2, 1986

85-521 - Bowen v. Public Agencies
Opposed to Social Security Entrapment

Dear Lewis,

Please join me.

Sincerely yours,

A handwritten signature in cursive script, appearing to read 'Byron', is written below the closing.

Justice Powell

Copies to the Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

June 2, 1986

Re: No. 85-521 - Bowen v. Public Agencies Opposed
to Social Security Entrapment

Dear Lewis:

Please join me.

Sincerely,



T.M.

Justice Powell

cc: The Conference



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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 13, 1986

Re: No. 85-521, Bowen v. Public Agencies

Dear Lewis:

Please join me.

Sincerely,

Justice Powell

cc: The Conference

05/28

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

From: Justice Powell

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2/11

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 85-521

OTIS R. BOWEN, SECRETARY OF HEALTH AND
HUMAN SERVICES, ET AL., APPELLANTS *v.*
PUBLIC AGENCIES OPPOSED TO SOCIAL
SECURITY ENTRAPMENT ET AL.

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

[June —, 1986]

JUSTICE POWELL delivered the opinion of the Court.

On this appeal we review a decision of the District Court for the Eastern District of California that § 103 of the Social Security Amendments Act of 1983, 97 Stat. 71, 42 U. S. C. § 418(g) (1982 ed., Supp. II), effected a taking of property within the meaning of the Fifth Amendment by preventing States from withdrawing state and local government employees from the Social Security System.

I

A

The Social Security Act of 1935, 49 Stat. 620, as amended, 42 U. S. C. § 301 *et seq.*, established an insurance program for "persons working in industry and commerce as a long-run safeguard against the occurrence of old-age dependency." H. R. Rep. No. 1300, 81st Cong., 1st Sess., p. 3 (1949). From that relatively humble beginning, the coverage of the Act has been expanded to provide benefits not only to the "insured worker in his old age," *ibid.*, but also to "individuals and families when workers retire, become disabled, or die."

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06/16

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

Stylistic Changes Throughout

pp. 4, 10, 11

From: Justice Powell

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2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 85-521

OTIS R. BOWEN, SECRETARY OF HEALTH AND
HUMAN SERVICES, ET AL., APPELLANTS *v.*
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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

June 2, 1986

Re: 85-521 - Bowen v. Public Agencies Opposed to
Social Security Entrapment

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

May 29, 1986

Re: 85-521 - Bowen v. Public Agencies

Dear Lewis:

Please join me.

Respectfully,



Justice Powell

Copies to the Conference

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

May 30, 1986

85-521 Bowen v. Public Agencies Opposed to
Social Security Entrapment

Dear Lewis,

Please join me.

Sincerely,

Sandra

Justice Powell

Copies to the Conference