CONSTITUTIONAL LAW I PROFESSOR FREEMAN SPRING 1998

INSTRUCTIONS MISSING

CONSTITUTIONAL LAW I EXAM NO.

1. In 1998, Congress finally tackled the problem of the long-range fiscal soundness of the old age provisions of Social Security. Accordingly, an act of Congress provided that full benefits would be paid only to those who had outside income of less than \$100,000 annually. Many recipients filed suits in federal court seeking to enjoin the federal government from terminating the benefits of any recipient who first was not given the opportunity to argue why his or her benefits should not be terminated. The plaintiffs fell into two general groups. One group consisted of those who conceded that they earned more than \$100,000 annually; the other group were those who argued that they earned less than \$100,000 annually and that their benefits were therefore terminated in error. These issues finally were decided by the United States Supreme Court. What results, and why?

BEST ANSWER

The issue that the court would base its decision on is the Procedural Due Process used to deny benefits to these groups. Procedural Due Process looks at the fairness of the procedure used to deprive someone of an interest in life, liberty or property rights. There is a balancing of the individual's interest in protecting themselves from erroneous deprivation of that right with the government's interest in summary adjudication of the matter. In looking at the court decision in regard to the first group the government would have to determine if those who admit they made more than 100k had a property interest in the benefits. To have a property interest a person must have a legitimate claim of right to the benefits. Here the group admits they do not qualify for the program. Without a legitimate claim the Procedural Due Process is not required. The court would deny there was a constitutional violation. The court would find that the second group had a property right in the continued benefits. Then the court would look at that interest the individuals had in that property right. Here benefits are used for living expenses, food and shelter plus the individuals have a strong interest in them. The court would then look at the risk of erroneous deprivation of this interest and the benefits of additional safe guards. Here a hearing would allow individuals the opportunity to prove they qualified before money needed for basic needs was deprived by mistake or error. These interests would be balanced against the government interest in not paying out money to people who do not qualify plus the added expense of having their side of things.