

receive, regardless of the number of children in the family, so that the more children in a family the less money per child was received, was found to be rationally related to the legitimate state interest in encouraging employment and in maintaining an equitable balance between welfare families and the families of the working poor.¹⁵⁷⁰ Similarly, a state welfare assistance formula that, after calculation of individual need, provided less of the determined amount to families with dependent children than to those persons in the aged and infirm categories did not violate equal protection because a state could reasonably believe that the aged and infirm are the least able to bear the hardships of an inadequate standard of living, and that the apportionment of limited funds was therefore rational.¹⁵⁷¹ Although reiterating that this standard of review is “not a toothless one,” the Court has nonetheless sustained a variety of distinctions on the basis that Congress could rationally have believed them justified,¹⁵⁷² acting to invalidate a provision only once, and then on the premise that Congress was actuated by an improper purpose.¹⁵⁷³

Similarly, the Court has rejected the contention that access to housing, despite its great importance, is of any fundamental interest that would place a bar upon the legislature’s giving landlords a much more favorable and summary process of judicially controlled eviction actions than was available in other kinds of litigation.¹⁵⁷⁴

However, a statute that prohibited the dispensing of contraceptive devices to single persons for birth control but not for disease prevention purposes and that contained no limitation on dispensation to married persons was held to violate the Equal Protection

¹⁵⁷⁰ *Dandridge v. Williams*, 397 U.S. 471, 483–87 (1970).

¹⁵⁷¹ *Jefferson v. Hackney*, 406 U.S. 535 (1972). *See also* *Richardson v. Belcher*, 404 U.S. 78 (1971) (sustaining Social Security provision reducing disability benefits by amount received from worker’s compensation but not that received from private insurance).

¹⁵⁷² *E.g.*, *Mathews v. De Castro*, 429 U.S. 181 (1976) (provision giving benefits to married woman under 62 with dependent children in her care whose husband retires or becomes disabled but denying benefits to divorced woman under 62 with dependents represents rational judgment with respect to likely dependency of married but not divorced women); *Califano v. Boles*, 443 U.S. 282 (1979) (limitation of benefits to widows and divorced wives of wage earners does not deny equal protection to mother of illegitimate child of wage earner who was never married to wage earner).

¹⁵⁷³ *Department of Agriculture v. Moreno*, 413 U.S. 528 (1973) (also questioning rationality).

¹⁵⁷⁴ *Lindsey v. Normet*, 405 U.S. 56 (1972). The Court did invalidate one provision of the law requiring tenants against whom an eviction judgment had been entered after a trial to post a bond in double the amount of rent to become due by the determination of the appeal, because it bore no reasonable relationship to any valid state objective and arbitrarily distinguished between defendants in eviction actions and defendants in other actions. *Id.* at 74–79.