shown to be false if evidence could be presented.[1004] The rule which emerged for subjecting persons to detriment or qualifying them for benefits was that the legislature may not presume the existence of the decisive characteristic upon a given set of facts, unless it can be shown that the defined characteristics do in fact encompass all persons and only those persons that it was the purpose of the legislature to reach. The doctrine in effect afforded the Court the opportunity to choose between resort to the Equal Protection Clause or to the Due Process Clause in judging the validity of certain classifications,[1005] and it precluded Congress and legislatures from making general classifications that avoided the administrative costs of individualization in many areas.

Use of the doctrine was curbed if not halted, however, in *Weinberger v. Salfi*,[1006] in which the Court upheld the validity of a Social Security provision requiring that the spouse of a covered wage earner must have been married to the wage earner for at least nine months prior to his death in order to receive benefits as a spouse. Purporting to approve but to distinguish the prior cases in the line,[1007] the Court imported traditional equal protection analysis into considerations of due process challenges to statutory classifications.[1008] Extensions of the prior cases to government entitlement classifications, such as the Social Security Act qualification standard before it, would, said the Court, "turn the doctrine of those cases into a virtual engine of destruction for countless legislative judgments which have heretofore been thought wholly consistent with the Fifth and Fourteenth Amendments to the Constitution." [1009] Whether the Court will now limit the doctrine to the detriment area only, exclusive of benefit programs, whether it will limit it to those areas which involve fundamental rights or suspect classifications (in the equal pro-

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[1004] Department of Agriculture v. Murry, 413 U.S. 508 (1973).

[1005] Thus, on the some day *Murry* was decided, a similar food stamp qualification was struck down on equal protection grounds. Department of Agriculture v. Moreno, 413 U.S. 528 (1973).

[1006] 422 U.S. 749 (1975).

[1007] *Stanley* and *LaFleur* were distinguished as involving fundamental rights of family and childbearing, 422 U.S. at 771, and *Murry* was distinguished as involving an irrational classification. Id. at 772. *Vlandis*, said Justice Rehnquist for the Court, meant no more than that when a state fixes residency as the qualification it may not deny to one meeting the test of residency the opportunity so to establish it. Id. at 771. *But see* id. at 802–03 (Justice Brennan dissenting).

[1008] 422 U.S. at 768–70, 775–77, 785 (using Dandridge v. Williams, 397 U.S. 471 (1970); Richardson v. Belcher, 404 U.S. 78 (1971); and similar cases).

[1009] Weinberger v. Salfi, 422 U.S. 749, 772 (1975).