

the proof of one fact or group of facts shall constitute *prima facie* evidence of a main or ultimate fact will be sustained.<sup>999</sup>

For a brief period, the Court used what it called the “irrebuttable presumption doctrine” to curb the legislative tendency to confer a benefit or to impose a detriment based on presumed characteristics based on the existence of another characteristic.<sup>1000</sup> Thus, in *Stanley v. Illinois*,<sup>1001</sup> the Court found invalid a construction of the state statute that presumed illegitimate fathers to be unfit parents and that prevented them from objecting to state wardship. Mandatory maternity leave rules requiring pregnant teachers to take unpaid maternity leave at a set time prior to the date of the expected births of their babies were voided as creating a conclusive presumption that every pregnant teacher who reaches a particular point of pregnancy becomes physically incapable of teaching.<sup>1002</sup>

Major controversy developed over the application of “irrebuttable presumption doctrine” in benefits cases. Thus, although a state may require that nonresidents must pay higher tuition charges at state colleges than residents, and while the Court assumed that a durational residency requirement would be permissible as a prerequisite to qualify for the lower tuition, it was held impermissible for the state to presume conclusively that because the legal address of a student was outside the state at the time of application or at some point during the preceding year he was a nonresident as long as he remained a student. The Due Process Clause required that the student be afforded the opportunity to show that he is or has become a bona fide resident entitled to the lower tuition.<sup>1003</sup>

Moreover, a food stamp program provision making ineligible any household that contained a member age 18 or over who was claimed as a dependent for federal income tax purposes the prior tax year by a person not himself eligible for stamps was voided on the ground that it created a conclusive presumption that fairly often could be

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<sup>999</sup> Presumptions sustained include *Hawker v. New York*, 170 U.S. 189 (1898) (person convicted of felony unfit to practice medicine); *Hawes v. Georgia*, 258 U.S. 1 (1922) (person occupying property presumed to have knowledge of still found on property); *Bandini Co. v. Superior Court*, 284 U.S. 8 (1931) (release of natural gas into the air from well presumed wasteful); *Atlantic Coast Line R.R. v. Ford*, 287 U.S. 502 (1933) (rebuttable presumption of railroad negligence for accident at grade crossing). See also *Morrison v. California*, 291 U.S. 82 (1934).

<sup>1000</sup> The approach was not unprecedented, some older cases having voided tax legislation that presumed conclusively an ultimate fact. *Schlesinger v. Wisconsin*, 270 U.S. 230 (1926) (deeming any gift made by decedent within six years of death to be a part of estate denies estate's right to prove gift was not made in contemplation of death); *Heiner v. Donnan*, 285 U.S. 312 (1932); *Hoeper v. Tax Comm'n*, 284 U.S. 206 (1931).

<sup>1001</sup> 405 U.S. 645 (1972).

<sup>1002</sup> *Cleveland Bd. of Educ. v. LaFleur*, 414 U.S. 632 (1974).

<sup>1003</sup> *Vlandis v. Kline*, 412 U.S. 441 (1973).