knowledged that "[t]he most arrogant legal scholar would not claim that all of these cases cited applied a uniform or consistent test under equal protection principles," but then went on to note the differences between *Lindsley* and *Royster Guano* and chose the former. But, shortly, in *Schweiker v. Wilson*,[1399] in an opinion written by a different Justice,[1400] the Court sustained another classification, using the *Royster Guano* standard to evaluate whether the classification bore a substantial relationship to the goal actually chosen and articulated by Congress. In between these decisions, the Court approved a state classification after satisfying itself that the legislature had pursued a permissible goal, but setting aside the decision of the state court that the classification would not promote that goal; the Court announced that it was irrelevant whether in fact the goal would be promoted, the question instead being whether the legislature "could rationally have decided" that it would.[1401]

In short, it is uncertain which formulation of the rational basis standard the Court will adhere to.[1402] In the main, the issues in recent years have not involved the validity of classifications, but rather the care with which the Court has reviewed the facts and the legislation with its legislative history to uphold the challenged classifications. The recent decisions voiding classifications have not clearly set out which standard they have been using.[1403] Clarity in this area, then, must await presentation to the Court of a classification that it would sustain under the *Lindsley* standard and invalidate under *Royster Guano*.

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has never required a legislature to articulate its reasons for enactng a statute. Id. at 179. For a continuation of the debate over actual purpose and conceivable justification, *see* Kassel v. Consolidated Freightways Corp., 450 U.S. 662, 680–85 (1981) (Justice Brennan concurring), and id. at 702–06 (Justice Rehnquist dissenting). *Cf.* Schweiker v. Wilson, 450 U.S. 221, 243–45 (1981) (Justice Powell dissenting).

[1399] 450 U.S. 221, 230–39 (1981). Nonetheless, the four dissenters thought that the purpose discerned by the Court was not the actual purpose, that it had in fact no purpose in mind, and that the classification was not rational. Id. at 239.

[1400] Justice Blackmun wrote the Court's opinion in *Wilson*, Justice Rehnquist in *Fritz*.

[1401] Minnesota v. Clover Leaf Creamery Co., 449 U.S. 456, 461–70 (1981). The quoted phrase is at 466.

[1402] In City of Mesquite v. Aladdin's Castle, Inc., 455 U.S. 283 (1982), the Court observed that it was not clear whether it would apply *Royster Guano* to the classification at issue, citing *Fritz* as well as Craig v. Boren, 429 U.S. 190 (1976), an intermediate standard case involving gender. Justice Powell denied that *Royster Guano* or Reed v. Reed had ever been rejected. Id. at 301 n.6 (dissenting). *See also* id. at 296–97 (Justice White).

[1403] The exception is Reed v. Reed, 404 U.S. 71 (1971), which, though it purported to apply *Royster Guano*, may have applied heightened scrutiny. *See* Zobel v. Williams, 457 U.S. 55, 61–63 (1982), in which the Court found the classifications not rationally related to the goals, without discussing which standard it was using.