

6-30-1983

## 06-30-1983 Memorandum to the Conference

Thurgood Marshall  
*US Supreme Court Justice*

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Supreme Court of the United States  
Washington, D. C. 20543

MEMBERS OF  
JRGOOD MARSHALL

June 30, 1983

Re: No. 82-52-Arizona Governing Committee v. Norris

MORANDUM TO THE CONFERENCE:

Perhaps the attached can serve as a basis for discussion tomorrow.

Sincerely,

*T.M.*

T.M.

No. 82-52, Arizona Governing Committee v. Norris.

PER CURIAM.

Petitioners in this case administer a deferred compensation plan for employees of the State of Arizona. The respondent class consists of all female employees who are enrolled in the plan or will enroll in the plan in the future. Certiorari was granted to decide whether Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et seq., prohibits an employer from offering its employees the option of receiving retirement benefits from one of several companies selected by the employer, all of which pay a woman lower monthly retirement benefits than a man who has made the same contributions; and whether, if so, the relief awarded by the District Court was proper. The Court holds that this practice does constitute discrimination on the basis of sex in violation of Title VII, and that all retirement benefits derived from contributions made after the decision today must be calculated without regard to the sex of the beneficiary. This position is expressed in Parts I, II, III, and IV-A of the opinion of JUSTICE MARSHALL, post, p. \_\_\_\_, which <sup>are</sup> is joined by JUSTICE BRENNAN, JUSTICE WHITE, JUSTICE STEVENS, and JUSTICE O'CONNOR. The Court further holds that benefits derived from contributions made prior to this decision may be calculated as provided by the existing terms of the Arizona plan. This position is expressed in Part III of the opinion of JUSTICE POWELL, post, p. \_\_\_\_, which is joined by THE CHIEF JUSTICE, JUSTICE BLACKMUN, JUSTICE REHNQUIST, and JUSTICE O'CONNOR.

It is so ordered.