

The Burger Court Opinion Writing Database

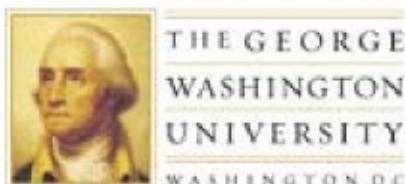
Dandridge v. Williams

397 U.S. 471 (1970)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

Forrest Maltzman, George Washington University



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

CHAMBERS OF
THE CHIEF JUSTICE

April 2, 1970

Re: No. 131 - Dandridge v. Williams

Dear Potter:

I join.



W. E. B.

Mr. Justice Stewart

cc: The Conference

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

CHAMBERS OF
THE CHIEF JUSTICE

April 2, 1970

Re: No. 131 - Dandridge v. Williams

Dear Potter:

In some way Justice Black's concurring opinion escaped my attention when I joined your opinion, albeit with some reservations. I remain there but I will also join Justice Black in his separate concurrence.

WEB

W. E. B.

March 17, 1970

Dear Potter,

re: No. 131 - Edmund P. Dundridge,
Jr., et al. v. Linda Williams,
et al.

I am happy to agree to your opinion
unless you would like me to object to
that I cannot do so. In fact, I
like what you decide and what you may
decide it.

Very truly yours,

John J. O'Connor
Attala County Sheriff
Attn: John J. O'Connor
P.O. Box 100
Kosciusko, MS 39090

To: The Chief Justice
Mr. Justice Douglas
Mr. Justice Harlan
 Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Fortas
Mr. Justice Marshall

1

SUPREME COURT OF THE UNITED STATES

From: Black, J.

No. 131.—OCTOBER TERM, 1969

Circulated: MAR 28 1970

Edmund P. Dandridge, Jr.,
et al., Appellants,
v.
Linda Williams et al. } On Appeal From the United
Recirculated:
States District Court for
the District of Maryland.

[March —, 1970]

MR. JUSTICE BLACK, concurring.

Assuming, as the Court apparently does, that individual welfare recipients can bring an action against state welfare authorities challenging an aspect of the State's welfare plan as inconsistent with the provisions of the Social Security Act, 42 U. S. C. §§ 601–610, even though the Secretary of Health, Education, and Welfare has determined as he has here that the federal and state provisions are consistent, cf. *Rosado v. Wyman*, — U. S. — (1970) (BLACK, J., dissenting), I join in the opinion of the Court in this case.

SEARCHED [redacted] INDEXED [redacted]

~~SEARCHED [redacted] INDEXED [redacted]~~

AM No. 121 -- DRAFTSMAN, WILLIAM
X voted to nominate [redacted] for the office of
Chairman of the Board of Education of the City of New
York and [redacted] for the office of Commissioner of
Public Works.

AM No. 122 -- DRAFTSMAN, WILLIAM

X voted to nominate [redacted] for the office of
Chairman of the Board of Education of the City of New
York and [redacted] for the office of Commissioner of
Public Works.

AM No. 123 -- DRAFTSMAN, WILLIAM

X voted to nominate [redacted] for the office of
Chairman of the Board of Education of the City of New
York and [redacted] for the office of Commissioner of
Public Works.

AM No. 124 -- DRAFTSMAN, WILLIAM

X voted to nominate [redacted] for the office of
Chairman of the Board of Education of the City of New
York and [redacted] for the office of Commissioner of
Public Works.

AM No. 125 -- DRAFTSMAN, WILLIAM

X voted to nominate [redacted] for the office of
Chairman of the Board of Education of the City of New
York and [redacted] for the office of Commissioner of
Public Works.

To: The Chief Justice
Mr. Justice Black
Mr. Justice Harlan
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Fortas
Mr. Justice Marshall

2

SUPREME COURT OF THE UNITED STATES

From: Douglas, J.

No. 131.—OCTOBER TERM, 1969

Circulated: 3/18/70

Edmund P. Dandridge, Jr.,
et al., Appellants,
v.
Linda Williams et al. } On Appeal From the United
 } States District Court for
 } the District of Maryland.

[March —, 1970]

MR. JUSTICE DOUGLAS, dissenting.

Appellees, recipients of benefits under the Aid to Families with Dependent Children program (AFDC), brought this suit under 42 U. S. C. § 1983 to declare invalid and permanently enjoin the enforcement of the Maryland maximum grant regulation, which places a ceiling on the amount of benefits payable to a family under AFDC. They alleged that the regulation was inconsistent with the Social Security Act and that it denied equal protection of the laws in violation of the Fourteenth Amendment. I do not find it necessary to reach the constitutional argument in this case, for in my view the Maryland regulation is inconsistent with the terms and purposes of the Social Security Act.

The Maryland regulation under attack, Rule 200, § X, B, of the Maryland Department of Social Services, places an absolute limit of \$250 per month on the amount of a grant under AFDC, regardless of the size of the family and its actual need.¹ The effect of this regulation is to deny benefits to all further children born into a family of six, thus making it impossible for families of seven persons or more to receive an amount commensurate with

¹ In the case of families who do not reside in the City of Baltimore, the maximum grant is \$240 per month. All of the appellees in this case are residents of Baltimore.

1,13,14

To: The Chief Justice
 Mr. Justice Black
 Mr. Justice Harlan
 Mr. Justice Brennan
 Mr. Justice Stewart
 Mr. Justice White
 Mr. Justice Douglas
 Justice Marshall

SUPREME COURT OF THE UNITED STATES

No. 131.—OCTOBER TERM, 1969 From: Douglas, J.

Edmund P. Dandridge, Jr.,
 et al., Appellants,
 v.
 Linda Williams et al.

Circulated:
 On Appeal From the United
 States District Court for
 the District of Maryland.

4-4

[April 6, 1970]

MR. JUSTICE DOUGLAS, dissenting.

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The Maryland regulation under attack, Rule 200, § X, B, of the Maryland Department of Social Services, places an absolute limit of \$250 per month on the amount of a grant under AFDC, regardless of the size of the family and its actual need.¹ The effect of this regulation is to deny benefits to additional children born into a family of six, thus making it impossible for families of seven persons or more to receive an amount commensurate with

¹ In certain counties the applicable maximum grant is \$240 per month. All of the appellees in this case are residents of Baltimore City, where the \$250 month maximum grant applies.

To: The Chief Justice
Mr. Justice Black
Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall

2

From: Harlan, J.
SUPREME COURT OF THE UNITED STATES MAR 24 1970

From: Harlan, J.

MAR 24 1970

Circulated:

No. 131.—OCTOBER TERM, 1969

Recirculated:-

Edmund P. Dandridge, Jr.,
et al., Appellants,
v.
Linda Williams et al. } On Appeal From the United
States District Court for
the District of Maryland.

[March —, 1970]

MR. JUSTICE HARLAN, concurring.

I join the Court's opinion, with one reservation which I deem called for by certain implications that might be drawn from the opinion.

As I stated in dissent in *Shapiro v. Thompson*, 394 U. S. 618, 658-663 (1969), I find no solid basis for the doctrine there expounded that certain statutory classifications will be held to deny equal protection unless justified by a "compelling" governmental interest, while others will pass muster if they meet traditional equal protection standards. See also my dissenting opinion in *Katzenbach v. Morgan*, 384 U. S. 641, 660-661 (1966). Except with respect to racial classifications, to which unique historical considerations apply, see *Shapiro*, at 659, I believe the constitutional provisions assuring equal protection of the laws impose a standard of rationality of classification, long applied in the decisions of this Court, that does not depend upon the nature of the classification or interest involved.

It is on this basis, and not because this case involves only interests in "the area of economics and social welfare," *ante*, at 14, that I join the Court's constitutional holding.

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

March 30, 1970

RE: No. 131 - Dandridge v. Williams

Dear Thurgood:

Please join me.

Sincerely,


W.J.B. Jr.

Mr. Justice Marshall

cc: The Conference

SUPREME COURT OF THE UNITED STATES

No. 131.—OCTOBER TERM, 1969

Edmund P. Dandridge, Jr.,
et al., Appellants,
v.
Linda Williams et al.

On Appeal From the United
States District Court for
the District of Maryland

To: The Chief Justice
Mr. Justice Black
Mr. Justice Douglas
Mr. Justice Harlan
✓ Mr. Justice Brennan
Mr. Justice White
~~Mr. Justice Fortas~~
Mr. Justice Marshall

From: Stewart, J.

Circulated: 3/16/70

Recirculated:

[March —, 1970]

MR. JUSTICE STEWART delivered the opinion of the Court.

This case involves the validity of a method used by Maryland, in the administration of an aspect of its public welfare program, to reconcile the demands of its needy citizens with the finite resources available to meet those demands. Like every other State in the Union, Maryland participates in the federal Aid to Families with Dependent Children (AFDC) program, 42 U. S. C. § 601 *et seq.*, which originated with the Social Security Act of 1935.¹ Under this jointly financed program, a State computes the so-called "standard of need" of each eligible family unit within its borders. See generally, *Rosado v. Wyman*, — U. S. —. Some States provide that every family shall receive grants sufficient to meet fully the determined standard of need. Other States provide that each family unit shall receive a percentage of the determined need. Still others provide grants to most families in full accord with the ascertained standard of need, but impose an upper limit on the total amount of money any one family unit may receive. Maryland, through administrative adoption of a "maximum grant regulation," has followed this last

¹ 49 Stat. 620, as amended, 42 U. S. C. §§ 301–1394.

STYLISTIC CHANGES THROUGHOUT.

3

To: The Chief Justice
 Mr. Justice Black
 Mr. Justice Douglas
 Mr. Justice Harlan
~~✓Mr. Justice Brennan~~
 Mr. Justice White
~~✓Mr. Justice Fortas~~
 Mr. Justice Marshall

SUPREME COURT OF THE UNITED STATES

No. 131.—OCTOBER TERM, 1969

From: Stewart, J.

Circulated:

Recirculated: *1/3/70*

Edmund P. Dandridge, Jr.,
 et al., Appellants,
 v.
 Linda Williams et al.

On Appeal From the United
 States District Court for
 the District of Maryland.

[April —, 1970]

MR. JUSTICE STEWART delivered the opinion of the Court.

This case involves the validity of a method used by Maryland, in the administration of an aspect of its public welfare program, to reconcile the demands of its needy citizens with the finite resources available to meet those demands. Like every other State in the Union, Maryland participates in the federal Aid to Families with Dependent Children (AFDC) program, 42 U. S. C. § 601 *et seq.*, which originated with the Social Security Act of 1935.¹ Under this jointly financed program, a State computes the so-called "standard of need" of each eligible family unit within its borders. See generally, *Rosado v. Wyman*, — U. S. —. Some States provide that every family shall receive grants sufficient to meet fully the determined standard of need. Other States provide that each family unit shall receive a percentage of the determined need. Still others provide grants to most families in full accord with the ascertained standard of need, but impose an upper limit on the total amount of money any one family unit may receive. Maryland, through administrative adoption of a "maximum grant regulation," has followed this last

¹ 49 Stat. 620, as amended, 42 U. S. C. §§ 301-1394.

March 19, 1970

Re: No. 131 - Department of Health, Education and Welfare

Dear Potter:

Please join us in your
opinion in this case.

Sincerely,

J.W.

Mr. George Schlesinger

Mr. George Schlesinger

To: The Chief Justice
Mr. Justice Black
Mr. Justice Douglas
Mr. Justice Harlan
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Fortas

1

SUPREME COURT OF THE UNITED STATES

From: Marshall, J.
MAR 30 1970

No. 131.—OCTOBER TERM, 1969

Circulated: _____

Recirculated: _____

Edmund P. Dandridge, Jr.,
et al., Appellants,
v.
Linda Williams et al.

On Appeal From the United
States District Court for
the District of Maryland.

[March —, 1970]

MR. JUSTICE MARSHALL, dissenting.

For the reasons stated by MR. JUSTICE DOUGLAS, to which I add some comments of my own, I believe that the Court has erroneously concluded that Maryland's maximum grant regulation is consistent with the federal law. In my view, that regulation is fundamentally at war with the basic structure and purposes of the Social Security Act.

More important in the long run than this misreading of a federal statute, however, is the Court's total emasculation of the Equal Protection Clause as a constitutional principle applicable to the area of social welfare administration. The Court holds today that regardless of the arbitrariness of a classification it must be sustained if any state goal can be imagined which is arguably furthered by its effects. This is so despite the fact the classification's under- or over-inclusiveness clearly demonstrates that its actual basis is something other than that asserted by the State or that the rational relationship between the classification and the state interests which it purports to serve is so tenuous that it could not seriously be maintained that the classification tends to accomplish the ascribed goals.

The Court recognizes, as it must, that this case involves "the most basic economic needs of impoverished human beings," and that there is therefore a "dramati-

STYLISTIC CHANGES THROUGHOUT.

To: The Chief Justice
 Mr. Justice Black
 Mr. Justice Douglas
 Mr. Justice Harlan
 Mr. Justice Brennan
 Mr. Justice Stewart
 Mr. Justice White
 Mr. Justice Fortas

2

SUPREME COURT OF THE UNITED STATES

From: Marshall, J.

No. 131.—OCTOBER TERM, 1969

Circulated:

Recirculated APR 3 1970

Edmund P. Dandridge, Jr.,
 et al., Appellants,
 v.
 Linda Williams et al. } On Appeal From the United
 States District Court for
 the District of Maryland.

[April —, 1970]

MR. JUSTICE MARSHALL, whom MR. JUSTICE BRENNAN joins, dissenting.

For the reasons stated by MR. JUSTICE DOUGLAS, to which I add some comments of my own, I believe that the Court has erroneously concluded that Maryland's maximum grant regulation is consistent with the federal statute. In my view, that regulation is fundamentally in conflict with the basic structure and purposes of the Social Security Act.

More important in the long run than this misreading of a federal statute, however, is the Court's emasculation of the Equal Protection Clause as a constitutional principle applicable to the area of social welfare administration. The Court holds today that regardless of the arbitrariness of a classification it must be sustained if any state goal can be imagined which is arguably furthered by its effects. This is so even though the classification's under- or over-inclusiveness clearly demonstrates that its actual basis is something other than that asserted by the State, and even though the relationship between the classification and the state interests which it purports to serve is so tenuous that it could not seriously be maintained that the classification tends to accomplish the ascribed goals.

The Court recognizes, as it must, that this case involves "the most basic economic needs of impoverished human beings," and that there is therefore a "dramati-