

The Burger Court Opinion Writing Database

Jefferson v. Hackney

406 U.S. 535 (1972)

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

May 29, 1972

Re: No. 70-5065 - Jefferson v. Hackney

Dear Bill:

Please join me in the above opinion.

Regards,



Mr. Justice Rehnquist

Copies to the Conference

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

March 30, 1972

MEMORANDUM TO THE CONFERENCE:

In No. 70-5064 - Jefferson v.
Hackney, I will in due course write a
dissent.

WHD
William O. Douglas

File
Cir
4-11

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 70-5064

Ruth J. Jefferson et al.,	} On Appeal from the United	
Appellants,		States District Court for
v.		the Northern District of
Burton G. Hackney et al.	} Texas.	

[April —, 1972]

MR. JUSTICE DOUGLAS, dissenting.

I would read the Act more generously than does the Court. It is stipulated that 86% of those receiving AFDC aid are Blacks or Chicanos. I would therefore read the Act against the background of rank discrimination against the Blacks and the Chicanos and in light of the fact that Chicanos in Texas fare even more poorly than the Blacks. I would not read the Act with the prejudice that is prevalent against AFDC because the program nourishes many illegitimate children. It is stipulated that approximately one child in four receiving AFDC aid is illegitimate. They are, after all, part of our community and many will be eligible for drafting for overseas wars in the future. And like the halt, the lame, the blind and the elderly, they have real "need" in the statutory sense. In *Rosado v. Wyman*, 397 U. S. 397, 413, we said that in administering such a program a State "may not obscure the actual standard of need." Texas does precisely that by manipulating a mathematical formula.

In *Rosado*, we described how some States establish upper limits or maximums of aid, while others, like Texas, "curtail the payments of benefits by a system of 'ratable reductions' whereby all recipients will receive a fixed percentage of the standard of need." *Id.*, at 409. Then in footnote 13 we described what that meant: "A

Wm. J. Jefferson
Burton G. Hackney

1356
3rd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 70-5064

Ruth J. Jefferson et al., } On Appeal from the United
Appellants. } States District Court for
v. } the Northern District of
Burton G. Hackney et al. } Texas.

[April —, 1972]

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To : The Chief Justice
 Mr. Justice
 Mr. Justice
 Mr. Justice
 Mr. Justice
 Mr. Justice
 Mr. Justice
 Mr. Justice
 Mr. Justice

7/9 new

4th DRAFT

SUPREME COURT OF THE UNITED STATES

No. 70-5064

4/11/72

Ruth J. Jefferson et al. } On Appeal from the United
 Appellants. } States District Court for
 v. } the Northern District of
 Burton G. Hackney et al. } Texas.

[April —, 1972]

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5th DRAFT

SUPREME COURT OF THE UNITED STATES

No. 70-5064

Ruth J. Jefferson et al., } On Appeal from the United
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v. } the Northern District of
Burton G. Hackney et al. } Texas.

[April —, 1972]

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Wm Douglas
6-11

8. 11

To: The Clerk of the Supreme Court
U. S. Supreme Court Building
Washington, D. C. 20540
✓

6th DRAFT

SUPREME COURT OF THE UNITED STATES

No. 70-5064

Court No. _____

Record No. _____

4-28

Ruth J. Jefferson et al., } On Appeal from the United
Appellants, } States District Court for
v. } the Northern District of
Burton G. Hackney et al. } Texas.

[April —, 1972]

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Recin
5/5/72

7th DRAFT

SUPREME COURT OF THE UNITED STATES

No. 70-5064

Ruth J. Jefferson et al.,	}	On Appeal from the United States District Court for the Northern District of Texas.
Appellants,		
v.		
Burton G. Hackney et al.		

[April —, 1972]

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5
Chas. S. ...

THE CLERK OF THE COURT
Mr. ...
...

8th DRAFT

SUPREME COURT OF THE UNITED STATES

No. 70-5064

Circulate: _____

Ruth J. Jefferson et al., } On Appeal ~~From the United~~
Appellants. } States District Court for
v. } the Northern District of
Burton G. Hackney et al. } Texas.

5/12/72

[April —, 1972]

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

April 20, 1972

RE: No. 70-5064 - Jefferson v. Hackney

Dear Thurgood:

Please join me in your dissent in the
above.

Sincerely,

Mr. Justice Marshall

cc: The Conference

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION

3
Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

April 28, 1972

RE: No. 70-5064 - Jefferson v. Hackney

Dear Bill:

Would you please add the following
at the foot of your dissent in the above:

"Mr. Justice Brennan joins Part I
of this dissenting opinion.

Sincerely,

Mr. Justice Douglas

cc: The Conference

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 70-5064

Ruth J. Jefferson et al.,
Appellants,
v.
Burton G. Hackney et al. } On Appeal from the United
States District Court for
the Northern District of
Texas.

Circulated: 3/29/72

[April —, 1972]

MR. JUSTICE REHNQUIST delivered the opinion of the Court.

Appellants in this case challenge certain computation procedures which the State of Texas uses in its federally assisted welfare program. Believing that neither the Constitution nor the federal welfare statute prohibits the State from adopting these policies, we affirm the judgment of the three-judge court below upholding the state procedures.

I

Appellants are Texas recipients of Aid to Families with Dependent Children (AFDC). They brought two class actions, which were consolidated in the United States District Court for the Northern District of Texas, seeking injunctive and declaratory relief against state welfare officials. A three-judge court was convened pursuant to 28 U. S. C. § 2281.

The Texas State Constitution provides a ceiling on the amount the State can spend on welfare assistance grants.¹

¹ Originally, the Texas Constitution prohibited all welfare programs. Section 51 of Art. III of the Constitution provided that the legislature "shall have no power to make any grant or authorize the making of any grant of public moneys to any individual, association of individuals, municipal or other corporations whatso-



B

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

April 7, 1972

MEMORANDUM TO THE CONFERENCE

I have joined Mr. Justice Rehnquist in
No. 70-5064 - Jefferson v. Hackney.

B.R.W.

To: The Chief Justice
 Mr. Justice Douglas X
 Mr. Justice Brennan
 Mr. Justice Stewart
 Mr. Justice White
 Mr. Justice Blackmun
 Mr. Justice Powell
 Mr. Justice Rehnquist

1st DRAFT

SUPREME COURT OF THE UNITED STATES

From: Mr. Marshall, J.

Circulated: 4/18/72

No. 70-5064

Recirculated: _____

Ruth J. Jefferson et al., { On Appeal from the United
 Appellants, { States District Court for
 v. { the Northern District of
 Burton G. Hackney et al. { Texas.

[April —, 1972]

MR. JUSTICE MARSHALL, dissenting.

Appellants, recipients of Aid to Families with Dependent Children (AFDC) in Texas, brought this action to challenge two distinct aspects of the Texas AFDC program. First, appellants challenge the manner in which Texas arrives at the amount it will pay to persons who are needy. Second, they urge that Texas acts illegally in providing more money for persons receiving aid under other social welfare legislation than for persons receiving AFDC aid. The Court rejects both claims. I dissent.

Before proceeding to explain why I disagree with the Court, I would like to illustrate what the disputes in this case are all about. Using the same figures as the Court uses in footnote 6 of its opinion, it is apparent that two families with equal need and with the same outside income receive different AFDC payments depending on the method of computation used by a State in allocating funds. There are two alternatives available to any State which either does not want to establish or cannot afford to establish a level of AFDC payments to meet all the needs of all recipients, and which chooses instead to use a percentage reduction factor as a method of reducing payments in a somewhat equitable manner. There is the Texas system in which the percentage reduction factor is applied against the standard of need before outside

Wm Douglas Oct 11

70-5064 -

Dated 10/11/72

To: The Chief Justice
Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

Circulated: _____

No. 70-5064

Recirculated: 4-2

Ruth J. Jefferson et al. { On Appeal from the United
Appellants, { States District Court for
v. { the Northern District of
Burton G. Hackney et al. { Texas.

[April —, 1972]

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

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Wm. L. ... Oct 11 70-5064
... do not ...

B
9,17,18

To: The Chief Justice
Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist

3rd DRAFT

SUPREME COURT OF THE UNITED STATES

From: Marshall, J.

No. 70-5064

Circulated:

Recirculated: APR 28 1972

Ruth J. Jefferson et al., Appellants,
v.
Burton G. Hackney et al. On Appeal from the United States District Court for the Northern District of Texas.

[April —, 1972]

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

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Wm. Douglas One 71 W. 100
Date filed 4/28/72

4th DRAFT

SUPREME COURT OF THE UNITED STATES

No. 70-5064

Ruth J. Jefferson et al.,	} On Appeal from the United	
Appellants,		States District Court for
v.		the Northern District of
Burton G. Hackney et al.	} Texas.	

[April —, 1972]

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Before proceeding to explain why I disagree with the Court, I would like to illustrate what the disputes in this case are all about. If a State is unable or unwilling to establish a level of AFDC payments to meet all the needs of all recipients, federal law permits the State to use a percentage reduction factor as a method of reducing payments in a somewhat equitable manner. Texas has adopted a system in which the percentage reduction factor is applied against the standard of need before outside income is deducted. Appellants contend that federal law requires the State to deduct outside income before the percentage reduction factor is applied. While describing the differences between the two alternatives is a herculean task, the figures themselves are not diffi-

3
HJ
Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

March 31, 1972

Re: No. 70-5064 - Jefferson v. Hackney

Dear Bill:

Unless I am persuaded otherwise by any forthcoming dissent, I am pleased to join the opinion you have prepared for this case.

Sincerely,

HAB.

Mr. Justice Rehnquist

cc: The Conference

3
Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.


May 25, 1972

Re: No. 70-5064 Jefferson v. Hackney

Dear Bill:

Please join me in your opinion for the Court.

Sincerely,



Mr. Justice Rehnquist

cc: The Conference

32

Mr. Chief Justice
Mr. Justice Douglas
Mr. Justice Burger
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Brandeis
Mr. Justice Harlan
Mr. Justice Black
Mr. Justice Brennan
Mr. Justice Marshall
Mr. Justice Tamm

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 70-5064

From: Rehnquist, J.

Ruth J. Jefferson et al., } On Appeal from the Circuit Court of
Appellants, } States District Court for
v. } the Northern District of
Burton G. Hackney et al. } Texas.

Filed: 3/29/72
Recirculated:

[April —, 1972]

MR. JUSTICE REHNQUIST delivered the opinion of the Court.

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Appellants are Texas recipients of Aid to Families with Dependent Children (AFDC). They brought two class actions, which were consolidated in the United States District Court for the Northern District of Texas, seeking injunctive and declaratory relief against state welfare officials. A three-judge court was convened pursuant to 28 U. S. C. § 2281.

The Texas State Constitution provides a ceiling on the amount the State can spend on welfare assistance grants.¹

¹Originally, the Texas Constitution prohibited all welfare programs. Section 51 of Art. III of the Constitution provided that the legislature "shall have no power to make any grant or authorize the making of any grant of public moneys to any individual, association of individuals, municipal or other corporations whatso-

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pp 8, 9, 11-13, 14-15
stylistic changes
throughout

To: The Chief Justice
✓ Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell

3rd DRAFT

SUPREME COURT OF THE UNITED STATES

Trans: Rehnquist, J.

Circulated: _____

No. 70-5064

Recirculated: 4/26/72

Ruth J. Jefferson et al., } On Appeal from the United
Appellants, } States District Court for
v. } the Northern District of
Burton G. Hackney et al. } Texas.

[April —, 1972]

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Wm Rehnquist

6/11

W. 5034

4, 9, 14

4th DRAFT

SUPREME COURT OF THE UNITED STATES

No. 70-5064

Circulated: _____

Recirculated: 5/10/72

Ruth J. Jefferson et al., } On Appeal from the United
 Appellants, } States District Court for
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 Burton G. Hackney et al. } Texas.

[April —, 1972]

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For The Chief Justice
 ✓ Mr. Justice Douglas
 Mr. Justice Brennan
 Mr. Justice Stewart
 Mr. Justice White
 Mr. Justice Marshall
 Mr. Justice Blackmun
 Mr. Justice Powell

Rehnquist, J.

Wm Douglas Oct 11

70-5064

5th DRAFT

SUPREME COURT OF THE UNITED STATES

No. 70-5064

Ruth J. Jefferson et al., } On Appeal from the United
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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

June 1, 1972

MEMORANDUM TO THE CONFERENCE

I have reviewed the two cases that were held for our decision in Jefferson v. Hackney, 70-5064. These cases appear on page 10 of the Conference List for June 5.

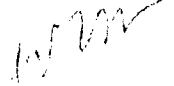
In Hall v. Villa, 71-982, the California Supreme Court struck down the state's system of subtracting outside income from its maximum grant, rather than from the recipient's unadjusted standard of need. The case is virtually identical to the issue decided in Part II of Jefferson, except that one case involves a percentage reduction system, whereas the other involves maximum grants. Since the effects under both systems are essentially the same, I would recommend that this case be vacated and remanded for reconsideration in light of Jefferson.

Goodwin v. Wyman, 71-5647, is an appeal from a three-judge decision upholding the New York system of paying 100% of need to the aged, but only 90% to AFDC recipients. The showing of irrationality and racial discrimination here --

- 2 -

both as to purpose and effects -- is somewhat weaker than in Jefferson. Accordingly, I believe this case should be affirmed.

Sincerely,

A handwritten signature in dark ink, appearing to be 'W.H.R.', written in a cursive style.

W.H.R.