

# The Burger Court Opinion Writing Database

*Shea v. Vialpando*

416 U.S. 251 (1974)

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

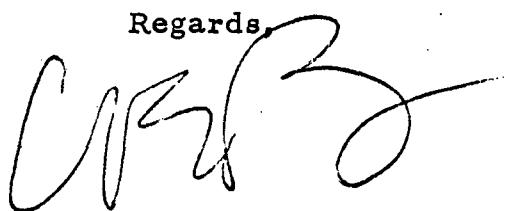
April 18, 1974

Re: 72-1513 - Shea v. Vialpando

Dear Lewis:

Please join me.

Regards,



Mr. Justice Powell

Copies to the Conference

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

CHAMBERS OF  
JUSTICE WILLIAM O. DOUGLAS

April 11, 1974

Dear Lewis:

Please join me in your opinion  
in 72-1513, Shea v. Vialpando, Etc.

WW

William O. Douglas

Mr. Justice Powell

cc: The Conference

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

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR. April 10, 1974

RE: No. 72-1513 Shea v. Ascension Vialpando

Dear Lewis:

I agree.

Sincerely,



Mr. Justice Powell

cc: The Conference

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

CHAMBERS OF  
JUSTICE POTTER STEWART

April 11, 1974

72-1513, Shea v. Vialpando

Dear Lewis,

I am glad to join your opinion for the  
Court in this case.

Sincerely yours,

P.S.

Mr. Justice Powell

Copies to the Conference

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

April 10, 1974

Re: No. 72-1513 - Shea v. Vialpando

Dear Lewis:

I agree.

Sincerely,



Mr. Justice Powell

Copies to Conference

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

April 18, 1974

Re: No. 72-1513 -- Shea v. Vialpando

Dear Lewis:

Please join me.

Sincerely,



T. M.

Mr. Justice Powell

cc: The Conference

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

April 11, 1974

Re: No. 72-1513 - Shea v. Vialpando

Dear Lewis:

Please join me.

Sincerely,



Mr. Justice Powell

cc: The Conference

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

2nd DRAFT

From: Powell, J.

**SUPREME COURT OF THE UNITED STATES**

Circulated: 4/9

No. 72-1513

Recirculated: \_\_\_\_\_

Con F. Shea, Etc., et al.,  
Petitioners, } On Writ of Certiorari to the  
v. } United States Court of Ap-  
peals for the Tenth Circuit.  
Ascension Vialpando, Etc.

[April —, 1974]

MR. JUSTICE POWELL delivered the opinion of the Court.

In administering the Aid to Families with Dependent Children (AFDC) program of the Social Security Act of 1935, as amended (Act), 42 U. S. C. § 601 *et seq.*, state agencies are required by § 402(a)(7) of the Act, 42 U. S. C. § 602(a)(7), to "take into consideration . . . any expenses reasonably attributable to the earning of . . . income." Such employment related expenses are deducted from an AFDC applicant's income in the process of determining eligibility for assistance. We granted certiorari, — U. S. — (1973), to determine whether, in light of § 402(a)(7), a State may adopt a standardized allowance for expenses attributable to the earning of income which does not allow an applicant to deduct expenses that exceed the standard. We hold that it may not.

I

The AFDC program is designed to provide financial assistance to needy dependent children and the parents or relatives who live with and care for them. A principal purpose of the program, as indicated by 42 U. S. C. § 601, is to help such parents and relatives "to attain or

Changer 3, 4, 5, 9, 11, 14

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

3rd DRAFT

From: Powell, J.

SUPREME COURT OF THE UNITED STATES

Circulated:

No. 72-1513

Recirculated APR 17 1974

Con F. Shea, Etc., et al.,  
Petitioners,  
v.  
Ascension Vialpando, Etc.

On Writ of Certiorari to the  
United States Court of Appeals for the Tenth Circuit.

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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

April 15, 1974

Re: No. 72-1513 - Shea v. Vialpando

Dear Lewis:

Please join me in your opinion for the Court in this case.

Sincerely,

W.W.

Mr. Justice Powell

Copies to the Conference