

The Burger Court Opinion Writing Database

Lascaris v. Shirley

420 U.S. 730 (1975)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University



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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

February 28, 1975

Dear Bill:

Please join me in 73-1016,
Lascaris v. Shirley and 73-1095,
Levine v. Shirley.

WOD/Sandra

William O. Douglas

Mr. Justice Brennan

cc: The Conference

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

January 6, 1975

ask for comments?

MEMORANDUM TO THE CONFERENCE

We have put over until conference on the coming Friday argued cases No. 73-1016 and 73-1095, Lascaris v. Shirley and Lavine v. Shirley. They present the question of the power of a State to deny a mother AFDC grants if she refuses to assist the State in its efforts to establish paternity and support. A similar but not identical question is presented in a case which was to be argued on January 20, but the Chief has removed from the argument list No. 73-6033, Roe v. Norton.

✓ On January 4, the President signed a voluminous Bill amending the Social Security Act. Included are amendments which bear on the issues in the above named cases and I attach a copy. Note the elaborate Federal and State bureaucracies to be created to trace absconding parents and note particularly at pages 22-23 the sanctions against non-cooperating parents. But also note that the last paragraph provides that the amendment "shall become effective on July 1, 1975."

W.J.B. Jr.

REPRODUCED FROM THE COLLECTION OF THE MANUSCRIPT DIVISION

To: The Chief Justice
Mr. Justice Douglas
Mr. Justice Stevens
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Black
Mr. Justice Powell
Mr. Justice Rehnquist

Feb. 1, 1900, 3.

Circulated: _____ 19

Recirculated:

v.

On Appeal from the United States
District Court for the Northern
District of New York

y.

Sylvia Shirley, etc., et al.

After our previous remand, 409 U.S. 1052 (1972), the three judge District Court held that amended New York Social Services Law Sec. 101-a "engraft[ed] . . . a condition on to the Congressionally prescribed initial AFDC eligibility requirements or on to the grounds for discontinuance of benefits." 365 F. Supp. 818, 821 (1973). That condition, the court held, rendered the amended section invalid because in conflict with the Social Security Act, Sec. 402(a), insofar as it required recipient cooperation in a paternity or support action against an absent parent as a condition of eligibility for benefits under the program for Aid to Families with Dependent Children. On June 17, 1974 we noted probable jurisdiction of the appeals of the State and County Commissioners of Social Service , 417 U.S. 943 (1974). Since that time, however, on January 4, 1975, Public Law 93-647 has added a new Part D to Title IV of the Social Security Act. Part D is entitled

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

February 20, 1975

MEMORANDUM TO THE CONFERENCE

RE: Nos. 73-1016 and 73-1095 Lascaris & Levine v. Shirley

At Potter's suggestion I am dividing the sentence at the top of page 3 into two sentences. The first will read "We affirm the judgment of the three-judge court. Townsend v. Swank, 404 U.S. 282 (1971); Carleson v. Remillard, 406 U.S. 598 (1972).

The second will read "In light of the resolution of the conflict by Pub. L. 93-647 we have no occasion to prepare an extended opinion.

W.J.B. Jr.

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U.S. SUPREME COURT

Reaccumulated: _____

THE ADVANCEMENT OF CONCRETE

April 2, 1975

LC

RE: Case Held for Nos. 73-1016 and No. 73-1095
Lascaris and Lavine v. Shirley

No. 74-406 Burns v. Doe

This case also involved the question whether a state may deny the mother of an illegitimate child AFDC benefits when she will not cooperate with state authorities to establish the child's paternity. A single District Court judge held that Iowa Code Section 239.5 was invalid as in conflict with the Social Security Act because it imposed a requirement for eligibility inconsistent with the federal requirements. The Eighth Circuit affirmed. This is the result we reached in Lascaris and Lavine. There is therefore no occasion to comment upon the amended federal statute Public Law 93-647. I will vote to Deny.

W.J.B.Jr.

Wm. O. Doyle
+ OCT 74

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

CHAMBERS OF
JUSTICE POTTER STEWART

February 20, 1975

Nos. 73-1016 and 73-1095,
Lascaris & Levine v. Shirley

Dear Bill,

I agree with your proposed Per
Curiam, as revised in accord with your
later memorandum today.

Sincerely yours,

P.S.
/

Mr. Justice Brennan

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

February 20, 1975

Re: Nos. 73-1016 & 73-1095 - Lascaris v. Shirley

Dear Bill:

Please join me in your suggested per
curiam.

Sincerely,



Mr. Justice Brennan

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U.S. SUPREME COURT RECORDS

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

March 3, 1975

Re: Nos. 73-1016 & 73-1095 - Lascaris v. Shirley

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Brennan

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

February 27, 1975

Re: Nos. 73-1016 and 73-1095 -- John Lascaris, etc v.
Sylvia Shirley, etc., et al.; Abe Levine, etc., v.
Sylvia Shirley, etc. et al.

Dear Bill:

I agree with your proposed Per Curiam.

Sincerely,

T.M.
T.M.

Mr. Justice Brennan

cc: The Conference

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U.S. SUPREME COURT
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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

March 3, 1975

Re: No. 73-1016 - Lascaris v. Shirley
No. 73-1095 - Lavine v. Shirley

Dear Bill:

Please join me in your per curiam circulated
today.

Sincerely,

H. A. B.

Mr. Justice Brennan

cc: The Conference

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OF THE MANUSCRIPT DIVISION

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