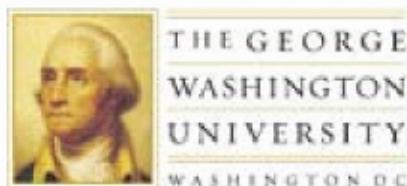


# The Burger Court Opinion Writing Database

*Knebel v. Hein*

429 U.S. 288 (1977)

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  
THE CHIEF JUSTICE

January 6, 1977

Re: (75-1261 John A. Knebel v. Karen Hein  
(  
(75-1355 Kevin J. Burns v. Karen Hein

Dear John:

I join.

Regards,

W.B.

Mr. Justice Stevens

cc: The Conference

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

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR.

January 3, 1977

RE: Nos. 75-1261 and 75-1335 Knebel and Burns, etc.  
et al. v. Karen Hein, et al.

Dear John:

I was the other way but your opinion has persuaded  
me and I am happy to join.

Sincerely,

*WJ*

Mr. Justice Stevens

cc: The Conference

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

CHAMBERS OF  
JUSTICE POTTER STEWART

January 3, 1977

Nos. 75-1261 and 75-1355  
Knebel v. Hein  
Burns v. Hein

Dear John,

I am glad to join your opinion for the  
Court in these cases.

Sincerely yours,

P.S.  
P.S.

Mr. Justice Stevens

Copies to the Conference

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

December 29, 1976

Re: No. 75-1261 & 75-1355 - Knebel v. Hein

Dear John:

Please join me.

Sincerely,



Mr. Justice Stevens

Copies to Conference

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

January 4, 1977

Re: No. 75-1261 -- Knebel v. Hein  
No. 75-1355 -- Burns v. Hein

Dear John:

Please join me.

Sincerely,



T. M.

Mr. Justice Stevens

cc: The Conference

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

January 4, 1977

Re: No. 75-1261 - Knebel v. Hein  
No. 75-1355 - Burns v. Hein

Dear John:

Please join me.

It is of no importance, but I wonder whether there is not a geographical error in the 6th line on page 2. I believe the school was in Davenport rather than Des Moines. The difference in mileage is substantial.

Sincerely,

*Harry*  
\_\_\_\_

Mr. Justice Stevens

cc: The Conference

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

December 29, 1976

No. 75-1261 Knebel v. Hein  
No. 75-1355 Burns v. Hein

Dear John:

Please join me.

Sincerely,

*Lewis*

Mr. Justice Stevens

lfp/ss

cc: The Conference

✓  
✓  
Supreme Court of the United States  
Washington, D. C. 20542

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

January 3, 1977

Re: Nos. 75-1261 and 75-1355 - Knebel v. Hein, et al.

Dear John:

Please join me.

Sincerely,

W.H.R.

Mr. Justice Stevens

Copies to the Conference

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

1st DRAFT

From: Mr. Justice Stevens

**SUPREME COURT OF THE UNITED STATES** 12/26/76  
 Circulated:

Nos. 75-1261 AND 75-1355 Recirculated:

John A. Knebel, Secretary of  
 Agriculture, Appellant,  
 75-1261 *v.*

Karen Hein et al.

Kevin J. Burns, etc., et al.,  
 Appellants,

75-1355 *v.*

Karen Hein et al.

On Appeals from the United  
 States District Court for  
 the Southern District of  
 Iowa.

[January —, 1977]

MR. JUSTICE STEVENS delivered the opinion of the Court.

Under the program administered by the Secretary of Agriculture and cooperating state agencies pursuant to the Food Stamp Act of 1964, 78 Stat. 703, 7 U. S. C. § 2011 *et seq.*, certain low-income households are entitled to purchase food coupons at a discount. The price an eligible household must pay for food stamps is determined, in part, by its "income" as defined in the applicable federal and state regulations. Under those regulations a transportation allowance, which appellee receives from the State of Iowa and uses to defray the cost of commuting to a nurses' training program, is treated as "income." The questions presented on this appeal are whether those regulations are authorized by the statute and, if so, whether they are constitutional.

Appellee Hein, a divorced woman with custody of two children, is the head of a household receiving assistance.<sup>1</sup>

<sup>1</sup> It was stipulated that prior to November 28, 1973, Ms. Hein had no savings and only the following elements of income:

[Footnote 1 is continued on p. 2]

✓ ✓  
pp. 2, 4-9

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

From: Mr. Justice Stevens

Circulated: JAN 4 77

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

**2nd DRAFT**

**SUPREME COURT OF THE UNITED STATES**

Nos. 75-1261 AND 75-1355

John A. Knebel, Secretary of Agriculture, Appellant,  
75-1261 *v.*  
Karen Hein et al.  
Kevin J. Burns, etc., et al.,  
Appellants,  
75-1355 *v.*  
Karen Hein et al.

On Appeals from the United States District Court for the Southern District of Iowa.

[January —, 1977]

MR. JUSTICE STEVENS delivered the opinion of the Court.

Under the program administered by the Secretary of Agriculture and cooperating state agencies pursuant to the Food Stamp Act of 1964, 78 Stat. 703, 7 U. S. C. § 2011 *et seq.*, certain low-income households are entitled to purchase food coupons at a discount. The price an eligible household must pay for food stamps is determined, in part, by its "income" as defined in the applicable federal and state regulations. Under those regulations a transportation allowance, which appellee receives from the State of Iowa and uses to defray the cost of commuting to a nurses' training program, is treated as "income." The questions presented on this appeal are whether those regulations are authorized by the statute and, if so, whether they are constitutional.

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<sup>1</sup> It was stipulated that prior to November 28, 1973, Ms. Hein had no savings and only the following elements of income:

[Footnote 1 is continued on p. 2]