

# The Burger Court Opinion Writing Database

*Quern v. Mandley*

436 U.S. 725 (1978)

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

December 10, 1977

✓ Re: (76-1159 - Quern v. Mandley  
(  
(76-1416 - Califano v. Mandley

MEMORANDUM TO THE CONFERENCE:

My vote is to reverse.

Regards,

WSB

Wm Brew

Dec 77

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

CHAMBERS OF  
THE CHIEF JUSTICE

May 23, 1978

Re: (76-1159 - Quern v. Mandley  
(76-1416 - Califano v. Mandley

Dear Potter:

I join.

Regards,



Mr. Justice Stewart

Copies to the Conference

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

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

May 30, 1978

Memorandum re: Nos. 76-1159 & 76-1416, Quern v. Mandley

Dear Potter,

I had not thought that these cases could end in a reversal without undermining the line of cases represented by Townsend v. Swank and King v. Smith. After reading your persuasive opinion, however, I am convinced that Townsend and King are alive and well. Consequently I am abandoning any notions of dissenting and join you.

Sincerely,



Mr. Justice Stewart

Copies to the Conference

✓  
—  
Where is the  
signature for this one

PS

To the Clerk of the Court  
Mr. Justice Stewart  
Mr. Justice Marshall  
Mr. Justice Black  
Mr. Justice White  
Mr. Justice Powell  
Mr. Justice Stevens  
Mr. Justice Marshall  
Mr. Justice Black  
Mr. Justice White  
Mr. Justice Powell  
Mr. Justice Stevens

From: Mr. Justice Stewart  
Circulated: 15 May 1978

Recirculated:

1st DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 76-1159 AND 76-1416

Arthur F. Quern, Etc., et al.,  
Petitioners,

76-1159 v.

Venus Mandley et al.

Joseph A. Califano, Jr., Secretary  
of Health, Education, and  
Welfare, Petitioner,

76-1416 v.

Venus Mandley et al.

On Writs of Certiorari to  
the United States Court  
of Appeals for the Sev-  
enth Circuit.

[May —, 1978]

MR. JUSTICE STEWART delivered the opinion of the Court.

These cases require examination of the interplay between state option and federal mandate within the system of co-operative federalism created by the public assistance programs of Title IV-A of the Social Security Act, 42 U. S. C. § 601 *et seq.* The ultimate question to be decided is whether a State may ever receive federal matching funds for a program of emergency assistance to needy families, either under the general program of Aid to Families with Dependent Children (AFDC)<sup>1</sup> or under the specific provisions for Emergency

<sup>1</sup> The AFDC program is established and defined in several related provisions of Title IV-A of the Social Security Act. Section 406 (b) of the Act, as set forth in 42 U. S. C. § 606 (b) provides in pertinent part: "The term 'aid to families with dependent children' means money payments with respect to or . . . medical care in behalf of or any type of remedial

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

May 17, 1978

Re: 76-1159 & 76-1416 -

Quern v. Mandley & Califano v. Mandley

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Dear Potter,

I agree.

Sincerely yours,

*Byron*

Mr. Justice Stewart

Copies to the Conference

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

May 30, 1978

Re: Nos. 76-1159 & 76-1416 - Quern v. Mandley

Dear Potter:

Please join me.

Sincerely,

*T.M.*

T.M.

Mr. Justice Stewart

cc: The Conference

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

May 17, 1978

No. 76-1159 Quern v. Mandley

Dear Potter:

Please join me.

Sincerely,

*Lewis*

Mr. Justice Stewart

lfp/ss

cc: The Conference

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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

May 16, 1978

Re: Nos. 76-1159 and 76-1416 - Quern v. Mandley

Dear Potter:

Please join me.

Sincerely,



Mr. Justice Stewart

Copies to the Conference

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

May 16, 1978

Re: 76-1159 - Quern v. Mandley  
76-1416 - Califano v. Mandley

Dear Potter:

Please join me.

Respectfully,



Mr. Justice Stewart  
Copies to the Conference