

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,

W. B.

Wm Brennan

12/17/77

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

CHAMBERS OF
THE CHIEF JUSTICE

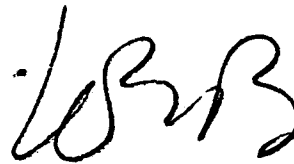
May 23, 1978

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 to the
place for this one*

PS

The Clerk of the Court
Mr. Justice Stewart
Mr. Justice Brandeis
Mr. Justice White
Mr. Justice Rehnquist
Mr. Justice Burger
Mr. Justice Black
Mr. Justice Douglas
Mr. Justice Harlan
Mr. Justice Marshall
Mr. Justice Brennan
Mr. Justice Souter
Mr. Justice Ginsburg
Mr. Justice Alito
Mr. Justice Kagan
Mr. Justice Roberts
Mr. Justice Scalia
Mr. Justice Thomas
Mr. Justice Kennedy
Mr. Justice Breyer
Mr. Justice Sotomayor
Mr. Justice Kavanaugh
Mr. Justice Gorsuch
Mr. Justice Kavanaugh
Mr. Justice Barrett

Mr. Justice Stewart
Circulated: 15 MAY 1978
Re-circulated:

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.

*has to
W/B*

[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)¹ or under the specific provisions for Emergency

¹ 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

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,

A handwritten signature in cursive script, appearing to read "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