

The Burger Court Opinion Writing Database

Chapman v. Houston Welfare Rights Organization

441 U.S. 600 (1979)

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 POTTER STEWART

January 19, 1978

Re: 77-719, Chapman v. Houston Welfare Rights Org.
77-5324, Gonzalez v. Young

Dear Byron,

Please add my name to your dissenting
opinion in these cases.

Sincerely yours,

P.S.
/

Mr. Justice White

Copies to the Conference

BRW is right, of course, that this jurisdictional question warrants the Court's attention. But neither of these cases is a good vehicle. Petr and resp in No. 77-5324 lack a good grasp of the issue; in No. 77-719 resps sought an amendment to assert juris. on another basis & most likely would have been allowed to amend if they had not prevailed on this jurisdictional basis.

Nancy

Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice Marshall
Mr. Justice Blackmun
✓ Mr. Justice Powell
Mr. Justice Burger
Mr. Justice Stevens

From: Mr. Justice White

Circulated: 1/18/78

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

JEROME D. CHAPMAN, COMMISSIONER OF TEXAS
DEPARTMENT OF HUMAN RESOURCES, ET AL.
v. HOUSTON WELFARE RIGHTS
ORGANIZATION ET AL.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE THIRD CIRCUIT

JULIA GONZALEZ, ETC. v. JAMES F. YOUNG, DIREC-
TOR, HUDSON COUNTY WELFARE BOARD, ET AL.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE THIRD CIRCUIT

Nos. 77-719 and 77-5324. Decided January —, 1978

MR. JUSTICE WHITE, dissenting.

In No. 77-719, the Court of Appeals for the Fifth Circuit held that 28 U. S. C. § 1343 (4) ¹ conferred on the federal district courts jurisdiction to hear claims that a State's program of Aid to Families with Dependent Children (AFDC) was being administered in a manner contrary to the Social Security Act, 42 U. S. C. § 601 *et seq.*, and its implementing regulations. *Houston Welfare Rights Organization v. Vowell*, No. 75-2815 (CA5 July 13, 1977). In No. 77-5324, the Court of

¹ 28 U. S. C. § 1343 provides in relevant part:

"The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

"(3) To redress the deprivation under color of any State law, statute, ordinance, regulation, custom or usage, or any right, privilege, or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

"(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote."

Not
included
to join

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

From: Mr. Justice White

Circulated: _____

Recirculated: 1/20

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

JEROME D. CHAPMAN, COMMISSIONER OF TEXAS
DEPARTMENT OF HUMAN RESOURCES, ET AL.
v. HOUSTON WELFARE RIGHTS
ORGANIZATION ET AL.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE THIRD CIRCUIT

JULIA GONZALEZ, ETC. v. JAMES F. YOUNG, DIREC-
TOR, HUDSON COUNTY WELFARE BOARD, ET AL.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE THIRD CIRCUIT

Nos. 77-719 and 77-5324. Decided January —, 1978

MR. JUSTICE WHITE, with whom MR. JUSTICE STEWART and
MR. JUSTICE STEVENS join, dissenting.

In No. 77-719, the Court of Appeals for the Fifth Circuit held that 28 U. S. C. § 1343 (4) ¹ conferred on the federal district courts jurisdiction to hear claims that a State's program of Aid to Families with Dependent Children (AFDC) was being administered in a manner contrary to the Social Security Act, 42 U. S. C. § 601 *et seq.*, and its implementing regulations. *Houston Welfare Rights Organization v. Vawell*, No. 75-2815 (CA5 July 13, 1977). In No. 77-5324, the Court of

¹ 28 U. S. C. § 1343 provides in relevant part:

"The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

"(3) To redress the deprivation under color of any State law, statute, ordinance, regulation, custom or usage, or any right, privilege, or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

"(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote."

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS



January 19, 1978

RE: 77-719 - Chapman v. Houston Welfare Rights Organization
77-5324 - Gonzalez v. Young

Dear Byron:

Your dissenting opinion has persuaded me to vote to
grant certiorari in both cases.

Respectfully,

Mr. Justice White

Copies to the Conference