

The Burger Court Opinion Writing Database

Blum v. Bacon

457 U.S. 132 (1982)

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

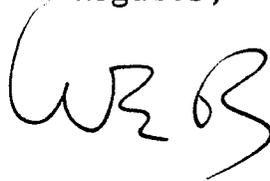
June 4, 1982

Re: No. 81-770 - Blum v. Bacon

Dear Thurgood:

I join.

Regards,

A handwritten signature in dark ink, appearing to be 'WMB', written over the typed name 'Justice Marshall'.

Justice Marshall

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

June 1, 1982

RE: No. 81-770 Blum v. Bacon

Dear Thurgood:

I agree.

Sincerely,

Bill

Justice Marshall

cc: The Conference



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

CHAMBERS OF
JUSTICE BYRON R. WHITE

June 2, 1982

Re: 81-770 - Blum v. Bacon

Dear Thurgood,

Please join me.

Sincerely yours,

Justice Marshall

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cpm

To: The Chief Justice
Justice Brennan
Justice White
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens
Justice O'Connor

From: **Justice Marshall**

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 81-770

**BARBARA BLUM, ETC., APPELLANT v.
JEANNE BACON, ETC., ET AL.**

**APPEAL FROM THE UNITED STATES COURT OF APPEALS FOR
THE SECOND CIRCUIT**

[June —, 1982]

JUSTICE MARSHALL delivered the opinion of the Court.

New York has established an Emergency Assistance Program that receives substantial federal funding under Title IV-A of the Social Security Act (Act), 42 U. S. C. § 603(a)(5). The program excludes recipients of Aid to Families with Dependent Children (AFDC) from emergency assistance in the form of cash. It also excludes public assistance recipients (including AFDC recipients) from reimbursement for lost or stolen grants, even though it provides such reimbursement to other public benefit recipients. The United States Court of Appeals for the Second Circuit held that New York's treatment of AFDC recipients is not inconsistent with the federal Act and regulations but violates the Equal Protection Clause. Because we conclude that the New York law is invalid under the Act, we affirm without reaching the equal protection issue.

I

Appellee Jeanne Bacon has two minor children and depends entirely on an AFDC grant to support her family. On June 1, 1977, while she was shopping, her wallet and food stamps were stolen. She promptly reported the theft to the police and to the New York Department of Social Services (DSS). She requested emergency assistance (EA) under the

2, 3, 13

Stylistic only

To: The Chief Justice
Justice Brennan
Justice White
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens
Justice O'Connor

From: **Justice Marshall**

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JUN 9 1982

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2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 81-770

**BARBARA BLUM, ETC., APPELLANT v.
JEANNE BACON, ETC., ET AL.**

**APPEAL FROM THE UNITED STATES COURT OF APPEALS FOR
THE SECOND CIRCUIT**

[June —, 1982]

JUSTICE MARSHALL delivered the opinion of the Court.

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I

Appellee Jeanne Bacon has two minor children and depends entirely on an AFDC grant to support her family. On June 1, 1977, while she was shopping, her wallet and food stamps were stolen. She promptly reported the theft to the police and to the New York Department of Social Services (DSS). She requested emergency assistance (EA) under the

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 5, 1982

Re: No. 81-770 - Blum v. Bacon

Dear Thurgood:

Please join me.

Sincerely,

Justice Marshall

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

May 31, 1982

81-770 Blum v. Bacon

Dear Thurgood:

Please join me.

Sincerely,

Lewis

Justice Marshall

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

June 1, 1982

81-770 Blum v. Bacon

Dear Thurgood:

Please join me.

Prior to Conference, I had thought we probably had to reach the equal protection issue on which CA 2 decided this case. I would have had some doubt about CA 2's decision, especially on the "loss - or - theft" rule.

But I am now convinced that your preemptive analysis is sound.

Sincerely,



Justice Marshall

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LFP/vde

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

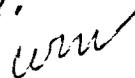
June 7, 1982

Re: No. 81-770 Blum v. Bacon

Dear Thurgood:

If this were November rather than June, I would prepare a masterfully crafted dissenting opinion exposing the fallacies of your pre-emption discussion. Since it is June, however, I join.

Sincerely,



Justice Marshall

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

June 1, 1982

Re: No. 81-770 - Barbara Blum v.
Jeanne Bacon

Dear Thurgood:

Please join me.

Respectfully,



Justice Marshall

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

June 2, 1982

No. 81-770 Blum v. Bacon

Dear Thurgood,

Please join me.

Sincerely,

Sandra

Justice Marshall

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