

# The Burger Court Opinion Writing Database

## *Lyng v. Castillo*

477 U.S. 635 (1986)

Paul J. Wahlbeck, George Washington University  
James F. Spriggs, II, Washington University in St. Louis  
Forrest Maltzman, George Washington University



5

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

CHAMBERS OF  
THE CHIEF JUSTICE

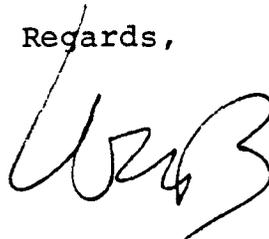
June 7, 1986

Re: No. 85-250 - Lyng v. Castillo

Dear John,

I join.

Regards,



Justice Stevens

Copies to the Conference

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS

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

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

May 5, 1986

Dear Byron and Thurgood,

We three are in dissent in No. 85-  
250, Lynn v. Castillo. Will you,  
Thurgood, take on the dissent?

Sincerely,

*Bill*

Justice White

Justice Marshall

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

From: **Justice Brennan**

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1st DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 85-250

**RICHARD E. LYNG, SECRETARY OF AGRICULTURE, APPELLANT *v.* NATIVIDAD CASTILLO ET AL.**

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS**

[June —, 1986]

**JUSTICE BRENNAN, dissenting.**

I would affirm on the ground that the challenged classifications violate the Equal Protection Clause because they fail the rational-basis test.

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

From: **Justice White**

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1st DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 85-250

RICHARD E. LYNG, SECRETARY OF AGRICULTURE,  
APPELLANT *v.* NATIVIDAD  
CASTILLO ET AL.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF TEXAS

[June —, 1986]

JUSTICE WHITE, dissenting.

For the reasons given in the last three paragraphs of JUSTICE MARSHALL's dissenting opinion, the classification at issue in this case is irrational. Accordingly, I dissent.

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

June 3, 1986

Re: No. 85-250-Lyng v. Natividad Castillo

Dear John:

In due course, I will circulate a dissent in this one.

Sincerely,

  
T.M.

Justice Stevens

cc: The Conference

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

From: **Justice Marshall**

Circulated: JUN 24 1986

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1st DRAFT

## SUPREME COURT OF THE UNITED STATES

No. 85-250

RICHARD E. LYNG, SECRETARY OF AGRICULTURE, APPELLANT *v.* NATIVIDAD CASTILLO ET AL.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS

[June —, 1986]

JUSTICE MARSHALL, dissenting.

This case demonstrates yet again the lack of vitality in this Court's recent equal protection jurisprudence. See, *e. g.*, *City of Cleburne v. Cleburne Living Center*, — U. S. —, — (1985) (MARSHALL, J., dissenting); *San Antonio Independent School Dist. v. Rodriguez*, 411 U. S. 1, 70 (1973) (MARSHALL, J., dissenting). In my view, when analyzing classifications affecting the receipt of governmental benefits, a court must consider "the character of the classification in question, the relative importance to individuals in the class discriminated against of the governmental benefits that they do not receive, and the asserted state interests in support of the classification." *Dandridge v. Williams*, 397 U. S. 471, 521 (MARSHALL, J., dissenting). By contrast, the Court's rigid, bipolar approach, which purports to apply rational basis scrutiny unless a suspect classification is involved or the exercise of a fundamental right is impeded, see *ante*, at 3, puts legislative classifications impinging upon sensitive issues of family structure and survival on the same plane as a refusal to let a merchant hawk his wares on a particular street corner. I do not believe the equal protection component of the Due Process Clause could become such a blunt instrument.

STYLISTIC CHANGES THROUGHOUT

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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Recirculated: JUN 25 1986

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 85-250

RICHARD E. LYNG, SECRETARY OF AGRICULTURE, APPELLANT *v.* NATIVIDAD CASTILLO ET AL.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS

[June —, 1986]

JUSTICE MARSHALL, dissenting.

This case demonstrates yet again the lack of vitality in this Court's recent equal protection jurisprudence. See, *e. g.*, *Cleburne v. Cleburne Living Center*, 473 U. S. —, — (1985) (MARSHALL, J., concurring in judgment in part and dissenting in part); *San Antonio Independent School Dist. v. Rodriguez*, 411 U. S. 1, 70 (1973) (MARSHALL, J., dissenting). In my view, when analyzing classifications affecting the receipt of governmental benefits, a court must consider "the character of the classification in question, the relative importance to individuals in the class discriminated against of the governmental benefits that they do not receive, and the asserted state interests in support of the classification." *Dandridge v. Williams*, 397 U. S. 471, 521 (1970) (MARSHALL, J., dissenting). By contrast, the Court's rigid, bipolar approach, which purports to apply rational basis scrutiny unless a suspect classification is involved or the exercise of a fundamental right is impeded, see *ante*, at 3, puts legislative classifications impinging upon sensitive issues of family structure and survival on the same plane as a refusal to let a merchant hawk his wares on a particular street corner. I do not believe the equal protection component of the Due Process Clause could become such a blunt instrument.

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

June 9, 1986

Re: No. 85-250, Lyng v. Castillo

Dear John:

Please join me.

Sincerely,



Justice Stevens

cc: The Conference

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

June 5, 1986

85-250 Lyng v. Castillo

Dear John:

Please join me.

Sincerely,

*Lewis*

Justice Stevens

lfp/ss

cc: The Conference

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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

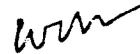
June 3, 1986

Re: 85-250 - Lyng v. Natividad Castillo

Dear John:

Please join me.

Sincerely,



Justice Stevens

cc: The Conference

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

From: Justice Stevens

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1st DRAFT

## SUPREME COURT OF THE UNITED STATES

No. 85-250

RICHARD E. LYNG, SECRETARY OF AGRICULTURE, APPELLANT *v.* NATIVIDAD CASTILLO ET AL.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS

[June —, 1986]

JUSTICE STEVENS delivered the opinion of the Court.

Eligibility and benefit levels in the Federal Food Stamp Program are determined on a "household" rather than an individual basis. The statutory definition of the term "household," as amended in 1981 and 1982, generally treats parents, children, and siblings who live together as a single household, but does not treat more distant relations, or groups of unrelated persons who live together, as a single household unless they also customarily purchase food and prepare meals together.<sup>1</sup> Although there are variations in the facts of the

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<sup>1</sup>Section 3(i) of the Food Stamp Act of 1964, as amended, 7 U. S. C. § 2012(i), provides in part:

"Household" means (1) an individual who lives alone or who, while living with others, customarily purchases foods and prepares meals for home consumption separate and apart from the others, or (2) a group of individuals who live together and customarily purchase food and prepare meals together for home consumption; *except that parents and children, or siblings, who live together shall be treated as a group of individuals who customarily purchase and prepare meals together for home consumption even if they do not do so, unless one of the parents, or siblings, is an elderly or disabled member.*"

The italicized language was added to the definition by § 101(1) of the Omnibus Budget Reconciliation Act of 1981, Pub. L. No. 97-35, 95 Stat. 358. The clause extending the proviso to siblings, which appears in bold face,

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

From: **Justice Stevens**

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2nd DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 85-250

**RICHARD E. LYNG, SECRETARY OF AGRICULTURE, APPELLANT** *v.* **NATIVIDAD CASTILLO ET AL.**

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS

[June —, 1986]

JUSTICE STEVENS delivered the opinion of the Court.

Eligibility and benefit levels in the Federal Food Stamp Program are determined on a "household" rather than an individual basis. The statutory definition of the term "household," as amended in 1981 and 1982, generally treats parents, children, and siblings who live together as a single household, but does not treat more distant relatives, or groups of unrelated persons who live together, as a single household unless they also customarily purchase food and prepare meals together.<sup>1</sup> Although there are variations in the facts of the

<sup>1</sup>Section 3(i) of the Food Stamp Act of 1964, as amended, 7 U. S. C. § 2012(i), provides in part:

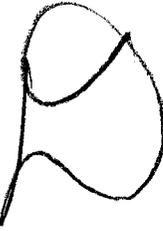
"'Household' means (1) an individual who lives alone or who, while living with others, customarily purchases foods and prepares meals for home consumption separate and apart from the others, or (2) a group of individuals who live together and customarily purchase food and prepare meals together for home consumption: *except that parents and children, or siblings, who live together shall be treated as a group of individuals who customarily purchase and prepare meals together for home consumption even if they do not do so, unless one of the parents, or siblings, is an elderly or disabled member.*"

The italicized language was added to the definition by § 101(1) of the Omnibus Budget Reconciliation Act of 1981, Pub. L. No. 97-35, 95 Stat. 358. The clause extending the proviso to siblings, which appears in bold face,

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

June 24, 1986

 MEMORANDUM TO THE CONFERENCE

Re: Case held for Lyng v. Castillo,  
No. 85-250

Steinberg v. USDA, No. 85-5624, appears on page 19 of List 3 for the June 26 Conference. The Court of Appeals for the Second Circuit rejected petitioner Steinberg's claim that the "household" definition used in the Food Stamp program violates the guarantee of equal treatment in the Due Process Clause.

Because Lyng v. Castillo upholds the constitutionality of the "household" definition against precisely this attack, I shall vote to deny certiorari.

Respectfully,



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Justice Brennan  
Justice White  
Justice Marshall  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice O'Connor

From: Justice Stevens

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3rd DRAFT

## SUPREME COURT OF THE UNITED STATES

No. 85-250

RICHARD E. LYNG, SECRETARY OF AGRICULTURE, APPELLANT *v.* NATIVIDAD CASTILLO ET AL.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS

[June —, 1986]

JUSTICE STEVENS delivered the opinion of the Court.

Eligibility and benefit levels in the Federal Food Stamp Program are determined on a "household" rather than an individual basis. The statutory definition of the term "household," as amended in 1981 and 1982, generally treats parents, children, and siblings who live together as a single household, but does not treat more distant relatives, or groups of unrelated persons who live together, as a single household unless they also customarily purchase food and prepare meals together.<sup>1</sup> Although there are variations in the facts of the

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The italicized language was added to the definition by § 101(1) of the Omnibus Budget Reconciliation Act of 1981, Pub. L. No. 97-35, 95 Stat. 358. The clause extending the proviso to siblings, which appears in bold face,

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

CHAMBERS OF  
JUSTICE SANDRA DAY O'CONNOR

June 4, 1986

Re: 85-250 Lyng v. Castillo, et al.

Dear John,

Please join me.

Sincerely,

*Sandra*

Justice Stevens

Copies to the Conference