

Mr. McGregor, who is an assistant state attorney general, said that during the course of the trial Commissioner Shapiro testified that more than \$1-million in welfare funds in Connecticut would be affected by the court's decision.

He said "it is possible" the state may appeal the case to the United States Supreme Court. The welfare commissioner Shapiro is on vacation.

The majority opinion held that "Connecticut states quite frankly" that the purpose of the law is to protect it from "those who come needing relief."

Brian Hollander, Miss Thompson's lawyer, said that under the decision "no state would have a residence law in the area of welfare."

Mr. GIBBONS. I wonder if you could give us a copy of that court opinion and we could put it in the record.

Mr. JOHNSON. I will obtain it as soon as possible.

(The court opinion referred to follows:)

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

(Civil No. 11,821)

MEMORANDUM OF DECISION

VIVIAN MARIE THOMPSON v. BERNARD SHAPIRO, COMMISSIONER OF WELFARE OF THE STATE OF CONNECTICUT

Before: Smith, Circuit Judge, Blumenfeld and Clarie, District Judges.

SMITH, Circuit Judge:

This action was brought in the United States District Court for the District of Connecticut under Title 28 U.S. Code, §§2281 and 2284, seeking a declaration that Chapter 299, §17-2d of the Connecticut General Statutes is unlawful as in violation of the Constitution of the United States and seeking an injunction against its enforcement and payment of monies unconstitutionally withheld. A three-judge district court was convened pursuant to the statute, hearings were held, briefs were filed and arguments were made. Notification of pendency of the action was given to the United States because of possible effect on federal statutes, and the Solicitor General notified the court of his decision that the United States would not intervene in the case.¹ The court has considered the stipulations of facts, the testimony taken, the briefs and arguments of the parties, and finds the issues in favor of the plaintiff.

In June of 1966 Vivian Marie Thompson, the plaintiff in this action, and a citizen of the United States, moved from Boston, Massachusetts, to Hartford, Connecticut. Plaintiff's purpose in moving was to live near her mother. Then the mother of one and now the mother of two, plaintiff had been receiving Aid to Dependent Children (ADC) from the City of Boston. Boston discontinued this aid in September because of plaintiff's change of residence. When she applied for similar assistance to Bernard Shapiro, Commissioner of Welfare of the State of Connecticut and the defendant in this proceeding, he denied ADC to her on November 1 because plaintiff, although she was otherwise eligible, had not met the one year residence requirement of Conn. Gen. Stat. § 17-2d which provides as follows:

"When any person comes into this state without visible means of support for the immediate future and applies for aid to dependent children under chapter 301 or general assistance under part I of chapter 308 within one year from his arrival, such person shall be eligible only for temporary aid or care until arrangements are made for his return, provided ineligibility for aid to dependent children shall not continue beyond the maximum federal residence requirements."

As can be seen, it was to insure continuation of the state's right to receive the substantial payments which the federal government pays to the state for federally

¹ The state moved to have the court apply the doctrine of equitable abstention. The court, however, declined to exercise its discretionary equity powers because, "the state statute in question . . . is not fairly subject to an interpretation which will render unnecessary or substantially modify the federal constitutional question . . ." *Harman v. Forssenius*, 380 U.S. 528, 534-35 (1965).