

Connecticut ranks fourth among all the states, with monthly payments of \$197.00 (46% contributed by the federal government) for a family of four, compared with the national average of \$148.00. An extreme comparison is had by comparing the average monthly payments for a similar family unit in Mississippi of \$33.00; in Alabama, \$48.00; in Florida, \$60.00, and in South Carolina, \$64.00. In those latter states, the federal government contributes 83%, the state 17%.⁵ Thus by way of illustration and comparison, the State of Connecticut's monthly contribution is \$109.00 compared with that of Mississippi's of \$5.50. It should be noted that §17-2d applies both to the general assistance allotments under §17-273, Part I, Chapter 308, for which no federal contribution is provided, as well as to Chapter 301, aid to dependent children. Uncontrolled demands upon Connecticut's welfare program could effect an overall reduction of aid paid to eligible beneficiaries. It is a proper function of the legislature to enact such reasonable statutory controls, under the police powers reserved to the state in the Federal Constitution,⁶ that its obligations to aid the needy of the state may continue to be generously fulfilled. *Missouri, Kansas & Texas Railway v. Haber*, 169 U.S. 613, 629 (1898).

The United States Supreme Court recognized the problem when it upheld the constitutionality of the Federal Social Security Act:

"A system of old age pensions has special dangers of its own, if put in force in one state and rejected in another. The existence of such a system is a bait to the needy and dependent elsewhere, encouraging them to migrate and seek a haven of repose. . . ." *Helvering v. Davis*, 301 U.S. 619, 644 (1937).

Connecticut has always freely exercised its sovereign right as a state, to legislate and administer controls governing a myriad of comparable state services. A needy student, to be eligible for a scholarship loan, must have resided within the state for the twelve (12) months previous to his application;⁷ to receive aid to send a blind child for instructions, both the child and one of his parents or guardians must have resided within the state for one (1) year preceding the application.⁸ To be an elector, one must have resided within the state for six months.⁹ To be eligible to hold a liquor permit one must first be an elector.¹⁰ With certain specified exceptions, a one year's residence is a prerequisite to applying for employment in the state merit system.¹¹ A plaintiff in a divorce action must have resided in the state continuously for three (3) years prior to bringing an action, unless the cause arose subsequent to residence within the state.¹² The captains and members of the crew of oyster boats, in order to be licensed must have a one-year residence,¹³ as well as those who would take scallops from state waters;¹⁴ and so on ad infinitum.

Are these residence requirements established through several generations of orderly state growth, now to be struck down as constituting a constitutionally unlawful discrimination between the citizens who have just moved into the state and those who meet these reasonable statutory requisites? Such a decree by judicial fiat would go far toward completing the annihilation of the police powers, which were reserved to the several states and to the people under the tenth amendment to the Federal Constitution.

It is not within the province of this Court to pass upon the state legislature's wisdom in causing the enactment of this law, but whether or not the law violates the constitutionally guaranteed rights of its citizens. As Mr. Justice Frankfurter said in *Board of Education v. Barnette*, 319 U.S. 624, 647 (1942):

"It can never be emphasized too much that one's own opinion about the wisdom or evil of a law should be excluded altogether when one is doing one's duty on the bench. The only opinion of our own even looking in that direction that is material is our opinion whether legislators could in reason have enacted such a law."

An historical review of the legislative act which preceded § 17-2d illuminates and discloses the true purpose of this law. § 1, Public Act No. 501, 1963 Connecticut General Assembly provided:

⁵ Stipulation of Parties, Para. 53, 59.

⁶ Art. X, Amendment to the Constitution of the United States.

⁷ Conn. Gen. Stat. (Rev. 1958) § 10-116(c).

⁸ Conn. Gen. Stat. (Rev. 1958) § 10-295(b).

⁹ Conn. Gen. Stat. (Rev. 1958) § 9-12.

¹⁰ Conn. Gen. Stat. (Rev. 1958) § 30-45(3).

¹¹ Conn. Gen. Stat. (Rev. 1958) § 5-39.

¹² Conn. Gen. Stat. (Rev. 1958) § 46-15.

¹³ Conn. Gen. Stat. (Rev. 1958) § 26-212.

¹⁴ Conn. Gen. Stat. (Rev. 1958) § 26-288.