

HIGH COURT SAYS RELIEF CAN VARY WITH RECIPIENTS

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**Upholds Lower Benefits for
Children in Texas Than
for Old and Disabled**

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WASHINGTON, May 30—The Supreme Court ruled today that states did not violate the Constitution or the Federal Social Security Act when they granted lower benefits for child welfare, whose recipients are predominantly black and Spanish-speaking, than to programs with recipients who are mostly white.

The 6-to-3 ruling upheld the Texas system of paying families with dependent children 75 per cent of estimated need, while giving aged and disabled welfare recipients, a majority of whom are white, 95 to 100 per cent of estimated need.

The dissenters were the three liberal holdovers from the Warren court, Justices William O. Douglas, William J. Brennan Jr. and Thurgood Marshall. They voted together in all five decisions handed down today, as President Nixon's four nominees tended to coalesce behind the opposing position.

2 Tip the Balance

The result was to continue the polarization of the Supreme Court that began to become evident last week, with the three liberals lining up frequently against Mr. Nixon's four conservative nominees, and with Justices Byron R. White and Potter Stewart—who often opposed the liberal decisions of the Earl Warren Court—often tipping the balance toward the "Nixon" wing.

Justice William H. Rehnquist,

Mr. Nixon's most recent appointee, wrote the majority opinion rejecting the assertion that reducing aid to dependent children discriminated against nonwhites.

He termed it a "naked statistical argument" that discrimination was involved because 87 per cent of the needy children in Texas were black or Mexican-American, while 62 per cent of the aged recipients and 53 per cent of those receiving disabled benefits were white.

More Hardship for Old

Justice Rehnquist pointed out that only 44 per cent of the blind welfare cases were white, yet they also received the high payments. He added that a state might well decide that old and infirm people were less able to bear the hardships of low benefits than the young, who have more hope "of improving their situation in the years remaining to them."

In any event, he said, the Supreme Court has previously declared its determination not to "second guess state officials" on their allocation of limited welfare funds.

His opinion was joined by Mr. Nixon's other nominees—Chief Justice Warren E. Burger and Justices Harry A. Blackmun and Lewis F. Powell Jr.—and Justices Stewart and White.

In another aspect of the decision, the Court split, 5 to 4, with Justice Stewart the dissenters as

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