Development in Welfare Law

Follow this and additional works at: http://scholarship.law.cornell.edu/clr

Part of the Law Commons

Recommended Citation
Available at: http://scholarship.law.cornell.edu/clr/vol61/iss5/5

This Note is brought to you for free and open access by the Journals at Scholarship@Cornell Law: A Digital Repository. It has been accepted for inclusion in Cornell Law Review by an authorized administrator of Scholarship@Cornell Law: A Digital Repository. For more information, please contact jmp8@cornell.edu.
NOTES

DEVELOPMENTS IN WELFARE LAW*

Table of Contents

Depoliticizing Legal Aid: A Constitutional Analysis of the Legal Services Corporation Act ........................................ 734
I. DEPOLITICIZING LEGAL SERVICES: AN OVERVIEW .......... 736
II. RESTRICTIONS ON CLASSES OF LITIGATION ............ 739
    A. The First Amendment Right to Litigate ............ 740
    B. An Equal Protection-Due Process Analysis .......... 745
III. POLITICAL RESTRICTIONS ON LEGAL SERVICES ATTORNEYS 754
    A. Section 2996f(a)(6) ......................... 754
    B. Off-Duty Political Restrictions on Staff Attorneys ... 757
IV. THE CONSTITUTIONALITY OF POLITICAL RESTRICTIONS ON LEGAL SERVICES CORPORATION ATTORNEYS ............ 760
    A. General Approach ............................ 760
    B. On-Duty Restrictions .......................... 763
    C. Off-Duty Restrictions .......................... 767
CONCLUSION ........................................ 775

1975 Developments in Welfare Law—Aid to Families with Dependent Children ........................................ 777
I. QUALITY CONTROL ................................ 777
II. DISALLOWANCE PROCEDURES .......................... 780
III. ELIGIBILITY CONDITIONS RELATED TO NEED .......... 783
    A. Federal Control over Need and Amount of Assistance .. 783
    B. Countable Income ................................ 786
IV. ELIGIBILITY CONDITIONS UNRELATED TO NEED .......... 797
    A. Child Support Amendments ........................ 797
    B. Presumptions of Fraudulent Intent ................. 802
    C. Unemployed Fathers ................................ 807
    D. State Supplemental Work Programs ................... 813
    E. Emergency Assistance ............................ 817
CONCLUSION ........................................ 822

Unemployment Compensation—Response to a Crisis .......... 823
I. OVERVIEW OF UNEMPLOYMENT COMPENSATION ............ 825
II. LEGISLATIVE ACTIVITY .............................. 828

* The authors and the Board of Editors wish to express their appreciation to Professor Peter W. Martin of the Cornell Law School for his assistance in preparing these Notes on developments in welfare law.

732
A. Temporary Legislation (1958-1961) ................ 828
B. The Permanent Extended Benefits Program ........ 832
C. Temporary Legislation (1971-1975) ................ 833

III. Proposals for Long-Term Unemployment Relief ... 837
   A. Alternatives to Extended Benefits ................. 837
   B. General Revenue Financing .......................... 843
   C. State and National Triggers ....................... 844
   D. Tax Rate and Wage Base Adjustments ............... 851

Conclusion ............................................. 852