

May 5, 1969.

394 U.S.

MONTGOMERY, DIRECTOR, CALIFORNIA
DEPARTMENT OF SOCIAL WELFARE,
ET AL. *v.* BURNS ET AL.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA.

No. 438. Decided May 5, 1969.

Affirmed.

Thomas C. Lynch, Attorney General of California,
and *Elizabeth Palmer* and *Donald B. Day*, Deputy
Attorneys General, for appellants.

PER CURIAM.

The motion of appellees for leave to proceed *in forma pauperis* is granted. The motion to affirm is granted and the judgment is affirmed.

MR. JUSTICE BLACK dissents for the reasons given in the dissenting opinion of THE CHIEF JUSTICE in *Shapiro v. Thompson*, *ante*, p. 644.

MR. JUSTICE HARLAN dissents for the reasons given in his dissenting opinion in *Shapiro v. Thompson*, *ante*, p. 655.