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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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SAENZ, DIRECTOR, CALIFORNIA DEPARTMENT OF SOCIAL SERVICES, ET AL. *v.* ROE, ET AL., ON BEHALF OF THEMSELVES AND ALL OTHERS SIMILARLY SITUATED

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 98–97. Argued January 13, 1999– Decided May 17, 1999

California, which has the sixth highest welfare benefit levels in the country, sought to amend its Aid to Families with Dependent Children (AFDC) program in 1992 by limiting new residents, for the first year they live in the State, to the benefits they would have received in the State of their prior residence. Cal. Welf. & Inst. Code Ann. §11450.03. Although the Secretary of Health and Human Services approved the change– a requirement for it to go into effect– the Federal District Court enjoined its implementation, finding that, under *Shapiro* v. *Thompson*, 394 U. S. 618, and *Zobel* v. *Williams*, 457 U. S. 55, it penalized "the decision of new residents to migrate to [California] and be treated [equally] with existing residents," *Green* v. *Anderson*, 811 F. Supp. 516, 521. After the Ninth Circuit invalidated the Secretary's approval of §11450.03 in a separate proceeding, this Court ordered *Green* to be dismissed. The provision thus remained inoperative until after Congress enacted the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), which replaced AFDC with Temporary Assistance to Needy Families (TANF). PRWORA expressly authorizes any State receiving a TANF grant to pay the benefit amount of another State's TANF program to residents who have lived in the State for less than 12 months. Since the Secretary no longer needed to approve §11450.03, California announced that enforcement would begin on April 1, 1997. On that date, respondents filed this class action, challenging the constitutionality of §11450.03's durational residency requirement and PRWORA's

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approval of that requirement. In issuing a preliminary injunction, the District Court found that PRWORA's existence did not affect its analysis in *Green*. Without reaching the merits, the Ninth Circuit affirmed the injunction.

Held:

1. Section 11450.03 violates Section 1 of the Fourteenth Amendment. Pp. 8–17.

(a) In assessing laws denying welfare benefits to newly arrived residents, this Court held in *Shapiro* that a State cannot enact durational residency requirements in order to inhibit the migration of needy persons into the State, and that a classification that has the effect of imposing a penalty on the right to travel violates the Equal Protection Clause absent a compelling governmental interest. Pp. 8–10.

(b) The right to travel embraces three different components: the right to enter and leave another State; the right to be treated as a welcome visitor while temporarily present in another State; and, for those travelers who elect to become permanent residents, the right to be treated like other citizens of that State. Pp. 10–12.

(c) The right of newly arrived citizens to the same privileges and immunities enjoyed by other citizens of their new State– the third aspect of the right to travel– is at issue here. That right is protected by the new arrival's status as both a state citizen and a United States citizen, and it is plainly identified in the Fourteenth Amendment's Privileges or Immunities Clause, see *Slaughter-House Cases*, 16 Wall. 36, 80. That newly arrived citizens have both state and federal capacities adds special force to their claim that they have the same rights as others who share their citizenship. Pp. 12–14.

(d) Since the right to travel embraces a citizen's right to be treated equally in her new State of residence, a discriminatory classification is itself a penalty. California's classifications are defined entirely by the period of residency and the location of the disfavored class members' prior residences. Within the category of new residents, those who lived in another country or in a State that had higher benefits than California are treated like lifetime residents; and within the broad subcategory of new arrivals who are treated less favorably, there are 45 smaller classes whose benefit levels are determined by the law of their former States. California's legitimate interest in saving money does not justify this discriminatory scheme. The Fourteenth Amendment's Citizenship Clause expressly equates citizenship with residence, *Zobel*, 457 U. S., at 69, and does not tolerate a hierarchy of subclasses of similarly situated citizens based on the location of their prior residences. Pp. 14–17.

2. PRWORA's approval of durational residency requirements does

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not resuscitate §11450.03. This Court has consistently held that Congress may not authorize the States to violate the Fourteenth Amendment. Moreover, the protection afforded to a citizen by that Amendment's Citizenship Clause limits the powers of the National Government as well as the States. Congress' Article I powers to legislate are limited not only by the scope of the Framers' affirmative delegation, but also by the principle that the powers may not be exercised in a way that violates other specific provisions of the Constitution. See *Williams* v. *Rhodes*, 393 U. S. 23, 29. Pp. 17–21.

134 F. 3d 1400, affirmed.

STEVENS, J., delivered the opinion of the Court, in which O'CONNOR, SCALIA, KENNEDY, SOUTER, GINSBURG, and BREYER, JJ., joined. REHNQUIST, C. J., filed a dissenting opinion, in which THOMAS, J., joined. THOMAS, J., filed a dissenting opinion, in which REHNQUIST, C. J., joined.