

## **Saenz v. Roe, 526 U.S. 489 (1999)**

- Decision Date: May 17, 1999
- Majority Opinion by: Justice John Paul Stevens
- Joined by: Justices O'Connor, Souter, Ginsburg, Breyer, and (in part) Kennedy
- Dissenting Opinions: Chief Justice Rehnquist, Justices Thomas and Scalia

### **Summary:**

Saenz v. Roe is a landmark decision in which the U.S. Supreme Court struck down a California statute that limited welfare benefits for new residents to the level they would have received in their former state of residence. The Court ruled that this law violated the Fourteenth Amendment's Privileges or Immunities Clause by infringing upon the fundamental right to travel and to settle in a new state with equal treatment. It reaffirmed and strengthened the constitutional protections granted to Americans who exercise their right to move between states.

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### **Factual Background:**

The controversy arose in 1992, when California enacted a law that restricted welfare benefits for new residents during their first 12 months in the state. Specifically, the law required that people who had lived in California for less than a year would receive welfare payments only up to the amount they would have received in the state they moved from, even if California's own benefits were higher. This legislation was based on a provision in the federal Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, which allowed states to pass such laws as a cost-saving measure and as a disincentive for welfare "shopping."

The named petitioner, **Florence Saenz**, was a U.S. citizen who had moved to California from another state and applied for Aid to Families with Dependent Children (AFDC) shortly after her arrival. She was denied the full California benefit due to the durational residency law. Saenz, along with others, challenged the California statute, arguing that it infringed on her constitutional right to travel freely between states and to be treated equally in her new state of residence.

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### **Legal Questions Presented:**

The case turned on three key constitutional questions:

1. Does the Fourteenth Amendment's Privileges or Immunities Clause protect a citizen's right to travel from one state to another and settle there with full benefits of residency?
  2. Is California's durational residency requirement for welfare benefits an unconstitutional penalty on the exercise of the right to travel?
  3. Does a state have a sufficiently compelling interest to justify differential treatment of newly arrived residents in access to public benefits?
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## The Supreme Court's Decision and Reasoning:

In a 7-2 decision (with differing reasoning in parts), the Supreme Court held that California's law violated the Fourteenth Amendment. The majority, authored by Justice Stevens, took a strong stance in defense of the constitutional right to travel and declared that once a person establishes residence in a new state, they are entitled to the same privileges and protections as long-term residents.

The majority opinion is notable for its reliance on the often-neglected "Privileges or Immunities Clause" of the Fourteenth Amendment—a clause that had largely lain dormant since the Slaughter-House Cases of 1873. Justice Stevens stated that:

- The right to travel encompasses three components:
  1. The right to enter and leave another state;
  2. The right to be treated as a welcome visitor;
  3. The right, upon becoming a bona fide resident, to be treated equally to existing residents.
- The Court held that the California statute violated the third aspect of the right to travel by discriminating against new residents based solely on their duration of residency.
- Once someone establishes legal residence in a state, the Constitution prohibits that state from discriminating against them by withholding benefits that other residents receive.

Importantly, the Court rejected California's fiscal arguments, holding that cost savings were not a sufficient justification to infringe upon a fundamental right. The law, therefore, failed strict scrutiny.

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## Concurring and Dissenting Opinions:

Justice Kennedy concurred in the judgment but wrote separately to base his reasoning more on the Equal Protection Clause than the Privileges or Immunities Clause. He was cautious about revitalizing a clause historically deemed limited in scope.

Chief Justice Rehnquist and Justice Thomas dissented. Rehnquist expressed skepticism about reviving the Privileges or Immunities Clause and argued that the right to travel did not include an entitlement to equal welfare benefits. Justice Thomas, in a notable and lengthy dissent, questioned whether the Court's reasoning had a valid constitutional basis and warned against expanding the interpretation of the Fourteenth Amendment in ways not rooted in its original meaning.

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## Constitutional and Legal Significance:

Saenz v. Roe is a landmark decision that revived judicial recognition of the Privileges or Immunities Clause and solidified the constitutional right to travel and settle across state lines without discriminatory treatment. It emphasized that:

- The right to travel is not merely about physical movement but includes the right to settle and receive equal benefits.

- States cannot enact laws that penalize newcomers by offering them lesser treatment than long-standing residents.
- Fiscal concerns do not constitute a compelling interest when a fundamental right is at stake.

This case has since been cited in numerous subsequent decisions dealing with the rights of new residents, including cases about voting rights, education access, and public services. It stands as one of the most forceful modern declarations against state-based discrimination in the treatment of citizens and a key precedent in equal protection jurisprudence.

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The Supreme Court's decision in *Saenz v. Roe*, 526 U.S. 489 (1999), clearly confirmed and constitutionalized the right of every U.S. citizen to travel freely between states and to receive equal treatment upon arrival in their new state of residence. It did so by interpreting and enforcing the Privileges or Immunities Clause of the Fourteenth Amendment—a clause that had not been widely applied since the 19th century. Here is a detailed breakdown of how this case confirmed that constitutional right:

### **1. Recognition of Three Components of the Right to Travel**

Justice John Paul Stevens, writing for the majority, articulated a comprehensive framework for understanding the right to travel under the U.S. Constitution. He explained that the right to travel includes three distinct components:

- (1) The right to enter and leave another state;
- (2) The right to be treated as a welcome visitor while temporarily in another state;
- (3) The right to be treated equally once permanent residence is established in the new state.

The third component—the right to equal treatment as a new resident—was the core issue in this case. The Court emphasized that once a citizen lawfully establishes residency in a new state, they must be accorded the same benefits and legal treatment as all other residents of that state. The California statute at issue failed this test by penalizing new residents through a lower welfare benefit, solely because of their recent arrival.

### **2. Invalidating Discriminatory Residency Requirements**

The Court found that California's law, which limited new residents to the welfare benefits they would have received in their former state, created an unconstitutional classification based solely on how long someone had lived in the state. This violated the Equal Protection principles intertwined with the right to travel. The majority made it clear that states cannot enact laws that make it more difficult or less beneficial for citizens to move from one state to another and immediately enjoy equal treatment under state law.

In striking down the law, the Court declared that penalizing individuals for exercising their constitutional right to travel from one state to another is impermissible, even when the state claims a fiscal interest. The ruling reinforced the idea that economic justifications cannot override fundamental constitutional rights.

### **3. Revitalizing the Privileges or Immunities Clause**

One of the most significant aspects of the decision was its reliance on the Privileges or Immunities Clause of the Fourteenth Amendment, which states:

“No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.”

Justice Stevens used this clause to assert that one of the essential “privileges of national citizenship” is the right to move to a different state and be treated equally. This was a notable departure from prior precedent—especially the long-standing limitations placed on this clause since the Slaughter-House Cases (1873). In Saenz, the Court clarified that the Privileges or Immunities Clause protects the right of U.S. citizens to settle in a different state and receive the same treatment as long-term residents.

#### **4. Limiting State Discretion Over Welfare and Residency Rules**

California had argued that its law served a legitimate interest in controlling costs and deterring welfare migration. The Court rejected these arguments, stating that such policy goals do not qualify as a “compelling state interest” when weighed against the burden imposed on the constitutional right to travel and receive equal treatment. By doing so, the Court confirmed that once a person becomes a resident of a state, that state cannot treat them as a second-class citizen based on how long they have lived there.

This ruling affirmed that any differential treatment based on residency duration must be scrutinized under the highest constitutional standards, particularly when fundamental rights are involved.

#### **5. Establishing Precedent for Future Equal Protection Cases**

The Court’s decision in Saenz v. Roe not only clarified and strengthened the right to travel but also provided a judicial roadmap for how courts should treat similar laws in the future. It reinforced the principle that the federal Constitution is supreme in ensuring that all U.S. citizens—regardless of where they come from—are entitled to the same rights and privileges in every state. It made it clear that states cannot establish “tiers of citizenship” based on how long a person has lived there.

In sum, Saenz v. Roe confirmed the constitutional right to interstate travel and firmly established that any law denying equal treatment to new residents solely because of their recent arrival is unconstitutional. It reinforced the national character of U.S. citizenship and the principle that mobility across state lines cannot be penalized through unequal treatment or discriminatory laws.

**Case File:** <https://supreme.justia.com/cases/federal/us/526/489/>