

making an equivalent price reduction, effects no discrimination. There is a reasonable basis for concluding that destructive, deceptive competition results from selective loss-leader selling whereas such abuses do not attend issuance of trading stamps “across the board,” as a discount for payment in cash.<sup>1562</sup>

**Administrative Discretion.**—A municipal ordinance that vests in supervisory authorities a naked and arbitrary power to grant or withhold consent to the operation of laundries in wooden buildings, without consideration of the circumstances of individual cases, constitutes a denial of equal protection of the law when consent is withheld from certain persons solely on the basis of nationality.<sup>1563</sup> But a city council may reserve to itself the power to make exceptions from a ban on the operation of a dairy within the city,<sup>1564</sup> or from building line restrictions.<sup>1565</sup> Written permission of the mayor or president of the city council may be required before any person shall move a building on a street.<sup>1566</sup> The mayor may be empowered to determine whether an applicant has a good character and reputation and is a suitable person to receive a license for the sale of cigarettes.<sup>1567</sup> In a later case,<sup>1568</sup> the Court held that the unfettered discretion of river pilots to select their apprentices, which was almost invariably exercised in favor of their relatives and friends, was not a denial of equal protection to persons not selected despite the fact that such apprenticeship was requisite for appointment as a pilot.

**Social Welfare.**—The traditional “reasonable basis” standard of equal protection adjudication developed in the main in cases involving state regulation of business and industry. “The administration of public welfare assistance, by contrast, involves the most basic economic needs of impoverished human beings. We recognize the dramatically real factual difference between the cited cases and this one, but we can find no basis for applying a different constitutional standard.”<sup>1569</sup> Thus, a formula for dispensing aid to dependent children that imposed an upper limit on the amount one family could

<sup>1562</sup> *Safeway Stores v. Oklahoma Grocers*, 360 U.S. 334, 339–41 (1959).

<sup>1563</sup> *Yick Wo v. Hopkins*, 118 U.S. 356 (1886).

<sup>1564</sup> *Fischer v. St. Louis*, 194 U.S. 361 (1904).

<sup>1565</sup> *Gorieb v. Fox*, 274 U.S. 603 (1927).

<sup>1566</sup> *Wilson v. Eureka City*, 173 U.S. 32 (1899).

<sup>1567</sup> *Gundling v. Chicago*, 177 U.S. 183 (1900).

<sup>1568</sup> *Kotch v. Board of River Port Pilot Comm’rs*, 330 U.S. 552 (1947).

<sup>1569</sup> *Dandridge v. Williams*, 397 U.S. 471, 485 (1970). Decisions respecting the rights of the indigent in the criminal process and dicta in *Shapiro v. Thompson*, 394 U.S. 618, 627 (1969), had raised the prospect that because of the importance of “food, shelter, and other necessities of life,” classifications with an adverse or perhaps severe impact on the poor and needy would be subjected to a higher scrutiny. *Dandridge* was a rejection of this approach, which was more fully elaborated in another context in *San Antonio School Dist. v. Rodriguez*, 411 U.S. 1, 18–29 (1973).