

The Burger Court Opinion Writing Database

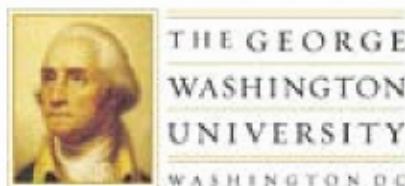
Askew v. Hargrave

401 U.S. 476 (1971)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

Forrest Maltzman, George Washington University



Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

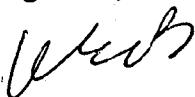
March 5, 1971

Re: No. 573 - Askew v. Hargrave

Dear Bill:

Please join me in your proposed per curiam.

Regards,



Mr. Justice Brennan

cc: The Conference

March 1st, 1971

Dear Bill:

In No. 573 - Askev v. Hargrave,
on page 2 of your Per Curiam, line 13,
would you mind adding the following:

Monroe v. Pape is not in point
for there "the state remedy, though
adequate in theory, was not available
in practice." 365 U.S. at 174.

W. O. D.

Mr. Justice Brennan

WB
WJ
admin

March 4, 1971

No. 973 - Arthur V. MARSHALL

Dear Bill:

Arthur, as I indicated at the Conference, I was prepared to go further in disposing of this case -- namely, to reverse outright -- I am content to go along with your proposal, unless someone else wishes to take of a broader disposition.

Sincerely,

J. M. H.

Mr. Justice BREWSTER

CC: The Conference

- o: The Chief Justice
- Mr. Justice Black
- Mr. Justice Douglas
- Mr. Justice Harlan
- Mr. Justice Stewart
- Mr. Justice White
- Mr. Justice Marshall
- Mr. Justice Blackmun

From: Brennan, J.

1st DRAFT

circulated: 3-1-71

SUPREME COURT OF THE UNITED STATES

Recirculated: _____

No. 573.—OCTOBER TERM, 1970

Ruben Askew et al.,
Appellants,
v.
Robert H. Hargrave et al. } On Appeal From the United
States District Court for
the Middle District of
Florida.

[March —, 1971]

PER CURIAM.

In 1968, Florida enacted a new law for the financing of public education through state appropriations and local *ad valorem* taxes assessed by each school district. A section of the new law, § 23 of Chapter 68-18, known as the "Millage Rollback Law," provided that, to be eligible to receive state moneys, a local school district must limit *ad valorem* taxes for school purposes to not more than 10 mills of assessed values. Appellees filed this class action in the District Court for the Middle District of Florida alleging that the Millage Rollback Law effected an invidious discrimination, in violation of the Equal Protection Clause, against school children of property-poor counties in that 10 mills of *ad valorem* tax in school districts in such counties would produce less dollars per child for educational purpose than would 10 mills of *ad valorem* tax in other counties. A three-judge District Court entered a summary judgment in appellees favor upon a declaration that the Millage Rollback Law was unconstitutional, and enjoined the appellants from withholding state funds from any school district by virtue of the provisions of that Act. 313 F. Supp. 944 (1970). We noted probable jurisdiction, 400 U. S. 900 (1970). We vacate and remand.

2

Page 2.

To: The Chief Justice
Mr. Justice Black
Mr. Justice Douglas
Mr. Justice Harlan
Mr. Justice Stone
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun

From: Brennan, J.

2nd DRAFT

Circulated:

SUPREME COURT OF THE UNITED STATES

Recirculated: 3-2-71

No. 573.—OCTOBER TERM, 1970

Ruben Askew et al.,
Appellants,
v.
Robert H. Hargrave et al.,
On Appeal From the United
States District Court for
the Middle District of
Florida.

[March —, 1971]

PER CURIAM.

In 1968, Florida enacted a new law for the financing of public education through state appropriations and local *ad valorem* taxes assessed by each school district. A section of the new law, § 23 of Chapter 68-18, known as the "Millage Rollback Law," provided that, to be eligible to receive state moneys, a local school district must limit *ad valorem* taxes for school purposes to not more than 10 mills of assessed values. Appellees filed this class action in the District Court for the Middle District of Florida alleging that the Millage Rollback Law effected an invidious discrimination, in violation of the Equal Protection Clause, against school children of property-poor counties in that 10 mills of *ad valorem* tax in school districts in such counties would produce less dollars per child for educational purposes than would 10 mills of *ad valorem* tax in other counties. A three-judge District Court entered a summary judgment in appellees favor upon a declaration that the Millage Rollback Law was unconstitutional, and enjoined the appellants from withholding state funds from any school district by virtue of the provisions of that Act. 313 F. Supp. 944 (1970). We noted probable jurisdiction, 400 U. S. 900 (1970). We vacate and remand.

George
(ell)

WR

B

Page 1.

To: The Chief Justice
Mr. Justice Ellsworth
Mr. Justice Douglas
Mr. Justice Harlan
Mr. Justice Black
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun

3rd DRAFT

From: Breuer, J.

Transcribed:

3-2-7

Recirculated

SUPREME COURT OF THE UNITED STATES

No. 573.—OCTOBER TERM, 1970

Ruben Askew et al. } On Appeal From the United
Appellants, } States District Court for
 v. } the Middle District of
Robert H. Hargrave et al. } Florida.

[March —, 1971]

PER CURIAM.

In 1968, Florida enacted a new law for the financing of public education through state appropriations and local *ad valorem* taxes assessed by each school district. A section of the new law, § 23 of Chapter 68-18, known as the "Millage Rollback Law," provided that, to be eligible to receive state moneys, a local school district must limit *ad valorem* taxes for school purposes to not more than 10 mills of assessed values with certain exceptions. Appellees filed this class action in the District Court for the Middle District of Florida alleging that the Millage Rollback Law effected an invidious discrimination, in violation of the Equal Protection Clause, against school children of property-poor counties in that 10 mills of *ad valorem* tax in school districts in such counties would produce less dollars per child for educational purposes than would 10 mills of *ad valorem* tax in other counties. A three-judge District Court entered a summary judgment in appellees' favor upon a declaration that the Millage Rollback Law was unconstitutional, and enjoined the appellants from withholding state funds from any school district by virtue of the provisions of that Act. 313 F. Supp. 944 (1970). We noted probable jurisdiction, 400 U. S. 900 (1970). We vacate and remand.

100

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE POTTER STEWART

March 2, 1971

No. 573 - Askew v. Hargrave

Dear Bill,

I am glad to join the Per Curiam
you have circulated in this case.

Sincerely yours,

P. S.

Mr. Justice Brennan

Copies to the Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE BYRON R. WHITE

March 2, 1971

Re: No. 573 - Askew v. Hargrave

Dear Bill:

Please join me.

Sincerely,

Byron

Mr. Justice Brennan

Copies to the Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

March 3, 1971

Re: No. 573 - Askew v. Hargrave

Dear Bill:

Please join me in your per curiam.

Sincerely,


T.M.

Mr. Justice Brennan

cc: The Conference

35
V
March 2, 1971

Re: No. 573 - Askew v. Bargrave

Dear Bill:

Please join me in your proposed For Certiorari.

Sincerely,

H. A. B.

Mr. Justice Brennan

cc: The Conference