

# The Burger Court Opinion Writing Database

*Lehnhausen v. Lake Shore Auto Parts Co.*  
410 U.S. 356 (1973)

Paul J. Wahlbeck, George Washington University  
James F. Spriggs, II, Washington University  
Forrest Maltzman, George Washington University



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

CHAMBERS OF  
THE CHIEF JUSTICE

February 16, 1973

Re: No. 71-685) - Lehnhausen v. Lake Shore Auto Parts  
No. 71-691) - Barrett v. Shapiro

Dear Bill:

Please join me.

Regards,

WESB

Mr. Justice Douglas

Copies to the Conference

*Boone for me  
JF*

1st DRAFT

To: The Chief Justice  
Mr. Justice Brennan  
Mr. Justice Stewart  
Mr. Justice White  
Mr. Justice Marshall  
Mr. Justice Blackmun  
Mr. Justice Powell  
Mr. Justice Rehnquist

SUPREME COURT OF THE UNITED STATES

Nos. 71-685 AND 71-691

Circulated 1/27/73

Recirculated

Robert J. Lehnhausen,  
Petitioner,  
71-685 v.  
Lake Shore Auto Parts Co.  
et al.  
Edward J. Barrett, County Clerk  
of Cook County, Illinois,  
et al., Petitioners,  
71-691 v.  
Clemens K. Shapiro et al.

On Writs of Certiorari  
to the Supreme Court  
of Illinois.

[February —, 1973]

MR. JUSTICE DOUGLAS delivered the opinion of the Court.

In 1970 the people of Illinois amended her constitution adding Art. IX-A to become effective January 1, 1971, and reading:

"Not notwithstanding any other provision of this Constitution, the taxation of personal property by valuation is prohibited as to individuals."

There apparently appeared on the ballot when Art. IX-A was approved the following:

"The amendment would abolish the personal property tax by valuation levied against individuals. It would not effect the same tax levied against corporations and other entities not considered in law to be individuals. The amendment would achieve this result by adding a new article to the Constitution of 1870, Article IX-A, thus setting aside existing

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

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR. February 5, 1973

RE: Nos. 71-685 and 71-691 - Lehnhausen  
v. Lake Shore Auto Parts, et al. and  
Barrett v. Shapiro

Dear Bill:

I agree.

Sincerely,



Mr. Justice Douglas

cc: The Conference

*Janet 1/27*  
Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE POTTER STEWART

January 29, 1973

Re: No. 71-685 and 71-691, Lehnhausen  
v. Lake Shore Auto Parts Co.

Dear Bill,

I am glad to join your opinion for the Court  
in these cases.

Sincerely yours,

*P.S.*

Mr. Justice Douglas

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

January 31, 1973

Re: No. 71-685 and No. 71-691 - Lehnhausen  
v. Lake Shore Auto Parts Co.

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Douglas

Copies to Conference

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

January 29, 1973

Re: Nos. 71-685 and 71-691 - Lehnhausen v.  
Lake Shore Auto Parts, etc.

Dear Bill:

Please join me.

Sincerely,



T.M.

Mr. Justice Douglas

cc: Conference

B  
Supreme Court of the United States  
Washington, D. C. 20543CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

February 5, 1973

Re: No. 71-685 - Lehnhausen v. Lake Shore Auto Parts Co.  
No. 71-691 - Barrett v. Shapiro

Dear Bill:

My initial reaction to this case was that we need not overrule Quaker City Cab, and that we could reverse on the ground that Article IX-A was but the first step of a reasonable and proper progression, over a limited time, toward complete elimination of the personal property tax in Illinois. Step by step movement toward this goal would be justified in view of the overwhelming fiscal impact sudden elimination of the tax would have upon the state. All this you mention, in passing, at the bottom of page 9 of the opinion.

I do not feel strongly about this, however, and, with a majority already joining you, I am content to go along and get rid of Quaker City Cab now. I, therefore, join your opinion.

Sincerely,

*H. A. B.*

Mr. Justice Douglas

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

February 2, 1973

Re: No. 71-685 and No. 71-691 Lehnhausen  
v. Lake Shore Auto Parts Co.

Dear Bill:

Please join me.

Sincerely,

*Th. enis*

Mr. Justice Douglas

cc: The Conference

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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

February 1, 1973

Re: Nos. 71-685 and 71-691 - Lenhausen v. Lake Shore, etc.

Dear Bill:

Please join me in your opinion for the Court in these cases.

Sincerely,

WW

Mr. Justice Douglas

Copies to the Conference