

The Burger Court Opinion Writing Database

Sloan v. Lemon

413 U.S. 825 (1973)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

Forrest Maltzman, George Washington University



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

CHAMBERS OF
THE CHIEF JUSTICE

June 7, 1973

Re: No. 72-459 - Sloan v. Lemon
No. 72-620 - Crouter v. Lemon

Dear Lewis:

I contemplate dissenting in these cases and will
consider writing when I see what else is written in dissent.

Regards,

W. B.

Mr. Justice Powell

Copies to the Conference

72-694, ect.

cc

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

April 27, 1973

72-459

Dear Chief:

The assignment sheet states the religious school cases are to be assigned by me. At our Conference when we discussed them and voted, I asked Lewis if he would write the opinion and he said he would. So they have been assigned already.

WW
William O. Douglas

The Chief Justice

cc: The Conference

B

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

June 4, 1973

Dear Lewis:

Please join me in your opinions
in 72-459, Sloan v. Lemon, 72-620, Crouter
v. Lemon, and the Nyquist group, 72-694,
72-753, 72-791 and 72-929. Each is an
excellent job.

W.O.D
William O. Douglas

Mr. Justice Powell

cc: The Conference

B

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

June 4, 1973

RE: Nos. 72-459 & 72-620 Sloan & Crouter v. Lemon
Nos. 72-694, 72-753, 72-791 & 72-929 - Committee
for Public Education, etc. v. Nyquist, etc.

Dear Lewis:

You have done a splendid job with these two opinions and I'm delighted to join both. I may add a word in concurrence but I'll defer decision on that until I've completed my dissent in Hunt v. McNair which I expect to do shortly.

Sincerely,

Bill

Mr. Justice Powell

cc: The Conference

113-2

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

CHAMBERS OF
JUSTICE POTTER STEWART

June 4, 1973

Re: Nos. 72-459 and 72-620, Sloan v. Lemon

Dear Lewis,

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

Sincerely yours,

P.S.

Mr. Justice Powell

Copies to the Conference

file
CHAMBERS OF
JUSTICE THURGOOD MARSHALL

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

June 13, 1973

Re: Nos. 72-459 and 72-620 - Sloan v Lemon, etc.
Nos. 72-694, 72-753, 72-791, 72-929 - Comitee
for Public Education v. Nyquist, etc.

Dear Lewis:

Please join me in the above cases.

Sincerely,


T.M.

Mr. Justice Powell

cc: Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 18, 1973

Re: No. 72-459 - Sloan v. Lemon
No. 72-620 - Crouter v. Lemon

Dear Lewis:

Please join me.

Sincerely,

H.A.B.

Mr. Justice Powell

cc: The Conference

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72-694

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

1st DRAFT

From: Powell, J.

Circulated: JUN 1 1973

Nos. 72-459 AND 72-620

Recirculated: _____

Grace Sloan, as State Treasurer
of the Commonwealth of
Pennsylvania, et al.,
Appellants,
72-459 v.
 Alton J. Lemon et al.
Henry E. Crouter, Appellant,
72-620 v.
 Alton J. Lemon et al.

On Appeals from the
United States District Court for the
Eastern District of
Pennsylvania.

[June —, 1973]

MR. JUSTICE POWELL delivered the opinion of the
Court.

On June 28, 1971, this Court handed down *Lemon v. Kurtzman*, 403 U. S. 602 (1971), in which Pennsylvania's "Nonpublic Elementary and Secondary Education Act" was held unconstitutional as violative of the Establishment Clause of the First Amendment. That law authorized the State to reimburse nonpublic, sectarian schools for their expenditures on teachers' salaries, textbooks, and instructional materials used in specified "secular" courses. The Court's ruling was premised on its determination that the restrictions and state supervision required to guarantee that aid would benefit only the nonreligious activities of the schools fostered "excessive entanglement" between government and religion. *Id.*, at 620-622.

On August 27, 1971, the Pennsylvania General Assembly promulgated a new aid law, entitled the "Parent