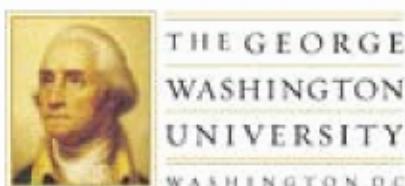


The Burger Court Opinion Writing Database

Kosydar v. National Cash Register Co.
417 U.S. 62 (1974)

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

May 14, 1974

Re: 73-629 - Kosydar v. National Cash Register Co.

Dear Potter:

Please join me.

Regards,

WSB

Mr. Justice Stewart

Copies to the Conference

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

April 2, 1974

Dear Justice:

Would you kindly return the message
to Mr. T. S. Gandy, Postmaster, U. S. Post Office, Court Building?

W.W.
William O. Douglas

Mr. Justice Marshall

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

May 6, 1974

Dear Potter:

Re: 73-629, Kosydar v. National Cash Register Co.

As I told you over the phone I think your opinion in 73-629, Kosydar v. National Cash Register follows our precedents faithfully. So though I voted the other way, count me in.

Yours faithfully,

WOD
William O. Douglas

Mr. Justice Stewart

cc: The Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR. May 7, 1974

RE: No. 73-629 Kosydar v. National Cash
Register Co.

Dear Potter:

I am completely persuaded although I
was the other way at conference. I am
happy to join your opinion.

Sincerely,



Mr. Justice Stewart

cc: The Conference

To: The U. S. Justices
Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist

2nd DRAFT

From: Stewart, J.

SUPREME COURT OF THE UNITED STATES Circulated: MAY 6 1974

No. 73-629

Recirculated: _____

Robert J. Kosydar, Tax
Commissioner of Ohio, Petitioner, } On Writ of Certiorari to
v. the Supreme Court of
Ohio.
National Cash Register Co.

[May —, 1974]

MR. JUSTICE STEWART delivered the opinion of the Court.

The Import-Export Clause of the Constitution, Art. I, § 10, cl. 2, provides:

"No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be necessary for executing its inspection laws; and the net Produce of all Duties and Imposts, laid by any State on Imports and Exports, shall be for the Use of the Treasury of the United States; and all such laws shall be subject to the Revision and Control of the Congress."

The issue for decision in this case is whether the assessment of an ad valorem personal property tax by the petitioner Tax Commissioner of Ohio upon certain property of the respondent is in conflict with this Clause.

I

The respondent National Cash Register Company (NCR) has for many years engaged in the manufacture of cash registers, accounting machines, and electronic data processing systems, which it markets worldwide. Its

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

CHAMBERS OF
JUSTICE BYRON R WHITE

May 8, 1974

Re: No. 73-629 - Kosydar v. National Cash
Register Co.

Dear Potter:

Please join me.

Sincerely,



Mr. Justice Stewart

Copies to Conference

April 2, 1974

Dear Bill:

I will be delighted to do the dissent in
73-629, Kosydar v. National Cash Register.

Sincerely,

T. M.

Mr. Justice Douglas

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

May 7, 1974

Re: No. 73-629 -- Kosydar v. National Cash Register Co.

Dear Potter:

Please join me.

Sincerely,



T. M.

Mr. Justice Stewart

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

May 7, 1974

Dear Potter:

Re: No. 73-629 - Kosydar v.
National Cash Register Company

I am glad to join your good opinion for
this case.

Sincerely,



Mr. Justice Stewart

Copies to the Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

May 7, 1974

No. 73-629 Kosydar v. National Cash
Register Co.

Dear Potter:

Please join me.

Sincerely,

Lewis

Mr. Justice Stewart

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

May 7, 1974

Re: No. 73-629 - Kosydar v. National Cash Register Co.

Dear Potter:

Please join me in your opinion for the Court in this case.

Sincerely,

WW

Mr. Justice Stewart

Copies to the Conference