

The Burger Court Opinion Writing Database

Standard Pressed Steel Co. v. Department of Revenue of Washington

419 U.S. 560 (1975)

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



✓
Supreme Court of the United States
Washington, D. C. 20545

CHAMBERS OF
THE CHIEF JUSTICE

January 8, 1975

Re: 73-1697 - Standard Pressed Steel v. Washington
Department of Revenue

Dear Bill:

I join in your opinion circulated December 27, 1974.

Regards,

Mr. Justice Douglas

Copies to the Conference

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OF THE MANUSCRIPT DIVISION

U.S. DEPARTMENT OF JUSTICE

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

CHAMBERS OF
THE CHIEF JUSTICE

January 20, 1975

Re: 73-1697 - Standard Pressed Steel Co. v.
State of Washington Department of Revenue

MEMORANDUM TO THE CONFERENCE:

Since Bill Douglas would like this opinion to come down this week I will schedule it for announcement on Wednesday, absent dissent.

Since the old format has been in effect for at least 100 years I suspect it should not be changed without action by the Conference. I have always felt it was an unnecessary format since it derives from the days when a written opinion was often not available for many months after the formal announcement. Under contemporary practice the "announcement" is purely a ritual and the opinion can be said to be "delivered" when it is made public with the consent of the author and the other members of the Court.

Unless Bill indicates some other desire I will make the announcement in the usual form.

Regards,

W. J. Brennan

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U.S. DEPARTMENT OF JUSTICE

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

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 73-1697

Circulate: 12-27

Recirculate:

Standard Pressed Steel Co.,
Appellant,
v.
State of Washington Department of Revenue.
On Appeal from the Court of Appeals of Washington, Division II.

[January —, 1975]

MR. JUSTICE DOUGLAS delivered the opinion of the Court.

Appellant, a manufacturer of industrial and aerospace fasteners (principally nuts and bolts) has its home office in Pennsylvania, one manufacturing plant there and another in California, and its principal customer, Boeing, in Seattle. In the years relevant here it had one employee, one Martinson, in Washington who was paid a salary and who operated out of his home near Seattle. He was an engineer whose primary duty was to consult with Boeing regarding its anticipated needs and requirements for aerospace fasteners and to follow up any difficulties in the use of appellant's product after delivery. Martinson was assisted by a group of engineers of appellant who visited Boeing about three days every six weeks, their meetings being arranged by Martinson. Martinson did not take orders from Boeing; they were sent directly to appellant. Orders accepted would be filled and shipment made by common carrier to Boeing direct, all payments being made directly to appellant. Martinson had no office except in his home; he had no secretary; but a telephone answering service was listed in appellant's name, bills for that service being sent direct to appellant.

Jan. 10, 1975

Dear Mr. Justice Brennan:

As we indicated to Miss Fowler, Justice Douglas' opinion in the Standard Pressed Steel case, No. 73-1697, is not ready to come down yet.

Also, Justice Douglas has a dissent in the Harris County case, No. 73-1475. It might be better if this case did not come down for another week, since Justice Douglas may want to make some changes in his opinion.

Thank you very much.

Respectfully,


Alan Austin
Jay Wright

Wm. Brennan
or 74

✓
STYLISTIC CHANGES THROUGHOUT.
SEE PAGES: 1, 2

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

3rd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 73-1697

From: Douglas, J.

Circulate: _____

Recirculate: 1/20/75

Standard Pressed Steel Co.,
Appellant,
v.
State of Washington Department of Revenue.

On Appeal from the Court
of Appeals of Washington,
Division II.

[January —, 1975]

MR. JUSTICE DOUGLAS delivered the opinion of the Court.

Appellant, a manufacturer of industrial and aerospace fasteners (nuts and bolts generally) has its home office in Pennsylvania, one manufacturing plant there and another in California. Its principal customer in the State of Washington was Boeing, in Seattle. In the years relevant here it had one employee, one Martinson, in Washington who was paid a salary and who operated out of his home near Seattle. He was an engineer whose primary duty was to consult with Boeing regarding its anticipated needs and requirements for aerospace fasteners and to follow up any difficulties in the use of appellant's product after delivery. Martinson was assisted by a group of engineers of appellant who visited Boeing about three days every six weeks, their meetings being arranged by Martinson. Martinson did not take orders from Boeing; they were sent directly to appellant. Orders accepted would be filled and shipment made by common carrier to Boeing direct, all payments being made directly to appellant. Martinson had no office except in his home; he had no secretary; but appellant maintained an answering service in the Seattle area

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THE MANUSCRIPT DIVISION

U.S. SUPREME COURT

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

April 22, 1975

MEMORANDUM TO THE CONFERENCE

Re: Cases Held for Standard Pressed Steel Co. v. Washington,
No. 73-1697; Wisconsin v. Nat'l Liberty Life Ins. Co.,
No. 74-193; Nat'l Liberty Life Ins. Co. v. Wisconsin,
No. 74-238.

The Wisconsin Supreme Court held that the State could properly tax National Liberty on business done in the State, but it added that the gross premiums tax utilized was not properly apportioned and that therefore the tax was invalid under the Due Process Clause. Wisconsin seeks cert in No. 74-193 on the ground that the requirement of apportionment is inappropriate here. National Liberty has filed a protective appeal in No. 74-238 so that if cert is granted in No. 74-193 National Liberty will be able to assert its claim that Wisconsin may not properly tax it at all.

Our decision in Standard Pressed Steel has virtually no impact on the merits of these held cases. There was no apportionment issue in Standard Pressed Steel under either the Due Process Clause or the Commerce Clause. The basic due process question in Standard Pressed Steel was considerably easier than that presented here because of the agent maintained by Standard in Washington.

I am not troubled by the use of the Due Process Clause as a basis for apportionment in this situation, the issue

presented in No. 74-193. The question presented in No. 74-238, the power of the State to tax at all, is more difficult given our decision in National Bellas Hess, but that question will not be before us unless we grant cert in No. 74-193. Accordingly I will vote to deny in No. 74-193. If cert is denied in that case I recommend that we defer action on No. 74-238 to give the appellants the opportunity to withdraw ✓ their appeal.

William O. Douglas

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

CHAMBERS OF
JUDGE Wm. J. BRENNAN, JR.

December 30, 1974

RE: No. 73-1697 Standard Pressed Steel Co. v.
Washington Department of Revenue

Dear Bill:

I agree.

Sincerely,

Bill

Mr. Justice Douglas

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

December 30, 1974

No. 73-1697, Standard Steel v. Wash. Rev. Dept.

Dear Bill,

I am glad to join your opinion for the
Court in this case.

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

December 30, 1974

Re: No. 73-1697 - Standard Pressed Steel Co. v.
State of Washington Dept of Revenue

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Douglas

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

January 6, 1975

Re: No. 73-1697 -- Standard Pressed Steel Co. v. State of
Washington Department of Revenue

Dear Bill:

Please join me.

Sincerely,

T.M.
T.M.

Mr. Justice Douglas

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

January 6, 1975

Re: No. 73-1697 - Standard Pressed Steel Co. v.
Dept. of Revenue, State of Wash.

Dear Bill:

Please join me.

Sincerely, .

Harry

Mr. Justice Douglas

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

January 2, 1975

No. 73-1697 Standard Pressed Steel Co.
v. Washington

Dear Bill:

Please join me.

Sincerely,

Lewis

Mr. Justice Douglas

lfp/ss

cc: The Conference

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U.S. SUPREME COURT

V

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

January 8, 1975

Re: No. 73-1697 - Standard Pressed Steel v. Washington
Department of Revenue

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Douglas

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