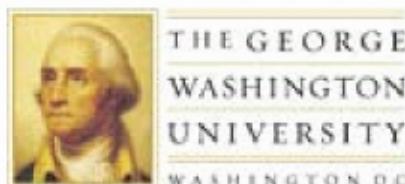


The Burger Court Opinion Writing Database

Complete Auto Transit, Inc. v. Brady
430 U.S. 274 (1977)

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. 20543

CHAMBERS OF
THE CHIEF JUSTICE

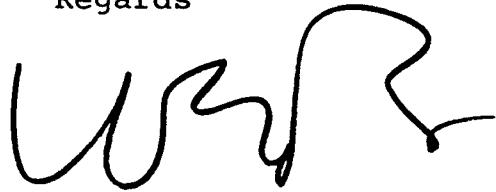
February 28, 1977

Re: 76-29 Complete Auto Transit, Inc. v. Brady

Dear Harry:

I join.

Regards



Mr. Justice Blackmun

cc: The Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

February 18, 1977

RE: No. 76-29, Complete Auto Transit, Inc.
v. Charles R. Brady, Jr., etc.

Dear Harry:

I agree.

Sincerely,

Wil

Mr. Justice Blackmun

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

February 17, 1977

Re: No. 76-29, Complete Auto Transit v. Brady

Dear Harry,

At our Conference discussion I expressed the view that this case is indistinguishable from Spector and must be reversed unless the Spector case is to be expressly overruled. Your fine opinion for the Court has convinced me that overruling Spector is a wise course. Accordingly, I am glad to join your opinion.

Sincerely yours,

P.S.

Mr. Justice Blackmun

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

March 3, 1977

Re: No. 76-29 - Complete Auto Transit, Inc. v.
Brady

Dear Harry:

I was the other way but will not dissent.

Sincerely,



Mr. Justice Blackmun

Copies to Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

February 28, 1977

Re: No. 76-29 - Complete Auto Transit v. Brady

Dear Harry:

Please join me.

Sincerely,



T. M.

Mr. Justice Blackmun

cc: The Conference

HAB

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

From: Mr. Justice Blackmun

Circulated: 2/17/77

Recirculated:

8rd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 76-29

Complete Auto Transit, Inc.,
Appellant,
v.
Charles R. Brady, Jr., etc. } On Appeal from the Supreme
Court of Mississippi.

[February —, 1977]

MR. JUSTICE BLACKMUN delivered the opinion of the Court.

Once again we are presented with "the perennial problem of the validity of a state tax for the privilege of carrying on, within a state, certain activities' relating to a corporation's operation of an interstate business." *Colonial Pipeline Co. v. Traigle*, 421 U. S. 100, 101 (1975), quoting *Memphis Gas Co. v. Stone*, 335 U. S. 80, 85 (1948). The issue in this case is whether Mississippi runs afoul of the Commerce Clause, Const., Art. I, § 8, cl. 3, when it applies the tax it imposes on "the privilege of . . . doing business" within the State to appellant's activity in interstate commerce. The Supreme Court of Mississippi unanimously sustained the tax against appellant's constitutional challenge. 330 So. 2d 268 (1976). We noted probable jurisdiction in order to consider anew the applicable principles in this troublesome area. — U. S. — (1976).

I

The taxes in question are sales taxes assessed by the Mississippi State Tax Commission against the appellant, Complete Auto Transit, Inc., for the period from August 1, 1968, through July 31, 1972. The assessments were made pursuant to the following Mississippi statutes:

"There is hereby levied and assessed and shall be collected privilege taxes for the privilege of engaging or continuing in business or doing business within this state

✓ pp. 4, 5, 8, 11

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

4th DRAFT

SUPREME COURT OF THE UNITED STATES Justice Blackmun

No. 76-29

Circulated: _____

Recirculated: 3/1/77

Complete Auto Transit, Inc.,
 Appellant,
 v.
 Charles R. Brady, Jr., etc.

On Appeal from the Supreme
 Court of Mississippi.

[February —, 1977]

MR. JUSTICE BLACKMUN delivered the opinion of the Court.

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"There is hereby levied and assessed and shall be collected privilege taxes for the privilege of engaging or continuing in business or doing business within this state

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

February 18, 1977

No. 76-29 Complete Auto Transit v. Brady

Dear Harry:

Please join me in your excellent opinion.

Sincerely,

Lewis

Mr. Justice Blackmun

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

February 24, 1977

Re: 76-29 - Complete Auto Transit v. Brady

Dear Harry:

Please join me.

Sincerely,

W.H.R.
W.H.R.

Mr. Justice Blackmun

Copies to the Conference

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

February 18, 1977

Re: 76-29 - Complete Auto v. Brady

Dear Harry:

Please join me.

Respectfully,



Mr. Justice Blackmun

Copies to the Conference