

The Burger Court Opinion Writing Database

Lewis v. BT Investment Managers, Inc.
447 U.S. 27 (1980)

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

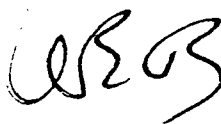
June 4, 1980

RE: 79-45 - Lewis v. BT Investment Managers, Inc.

Dear Harry:

I join.

Regards,



Mr. Justice Blackmun

Copies to the Conference

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

May 28, 1980

RE: No. 79-45 Lewis v. BT Investment Managers, Inc.

Dear Harry:

I agree.

Sincerely,

Bul

Mr. Justice Blackmun

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

May 28, 1980

Re: 79-45 - Lewis v. Bt Investment Managers, Inc.

Dear Harry:

I am glad to join your opinion for the Court.

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

May 28, 1980

Re: 79-45 - Lewis v. BT Investment Mgrs.

Dear Harry,

Please join me.

Sincerely yours,



Mr. Justice Blackmun

Copies to the Conference

cmc

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

May 28, 1980

Re: No. 79-45 - Lewis v. BT Investment Managers, Inc.

Dear Harry:

Please join me.

Sincerely,

T.M.

T.M.

Mr. Justice Blackmun

cc: The Conference

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: MAY 27 1980

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 79-45

Gerald A. Lewis, Comptroller of
the State of Florida, etc.,
Appellant,
v.
BT Investment Managers, Inc.,
et al.

On Appeal from the United
States District Court for
the Northern District of
Florida.

[June —, 1980]

MR. JUSTICE BLACKMUN delivered the opinion of the Court.

This case concerns the constitutionality of two Florida statutes regulating the conduct of investment advisory and trust services within that State. A three-judge United States District Court, convened pursuant to 28 U. S. C. § 2281 (1970 ed.),¹ held that the statutes violate the Commerce Clause, U. S. Const., Art. 1, § 8, cl. 3, because in combination they discriminate against bank holding companies that operate principally outside Florida. It also held that such discrimination is not authorized by federal legislation regulating the interstate operations of bank holding companies. The case was brought here on direct appeal, see 28 U. S. C. § 1253, and we noted probable jurisdiction to resolve the substantial constitutional and statutory issues presented. — U. S. — (1979).

I

Appellee Bankers Trust New York Corporation (Bankers

¹ This action was filed on October 24, 1973, and is therefore unaffected by the subsequent repeal of 28 U. S. C. § 2281, which by its terms was made inapplicable to any action commenced on or before August 12, 1976. See Pub. L. No. 94-381, § 7, 90 Stat. 1120 (1976).

HAB

May 28, 1980

Re: No. 79-45 - Lewis v. BT Investment Managers, Inc.

Dear John:

Thank you for your suggestion. I believe I can accommodate you if I insert the word "primarily" after the word "rest" in the second line on page 11. I take this way out because I suspect that the securities statutes might not rest on the power "to coin money." I hope this meets with your approval.

Sincerely,

HAB

Mr. Justice Stevens

STYLISTIC CHANGES
4 p. 11

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

From: Mr. Justice Blackmun

Circulated: _____

2nd DRAFT

Recirculated: JUN 05 1980

SUPREME COURT OF THE UNITED STATES

No. 79-45

Gerald A. Lewis, Comptroller of
the State of Florida, etc.,
Appellant,
v.
BT Investment Managers, Inc.,
et al.

On Appeal from the United
States District Court for
the Northern District of
Florida.

[June —, 1980]

MR. JUSTICE BLACKMUN delivered the opinion of the Court.

This case concerns the constitutionality of two Florida statutes regulating the conduct of investment advisory and trust services within that State. A three-judge United States District Court, convened pursuant to 28 U. S. C. § 2281 (1970 ed.),¹ held that the statutes violate the Commerce Clause, U. S. Const., Art. 1, § 8, cl. 3, because in combination they discriminate against bank holding companies that operate principally outside Florida. It also held that such discrimination is not authorized by federal legislation regulating the interstate operations of bank holding companies. The case was brought here on direct appeal, see 28 U. S. C. § 1253, and we noted probable jurisdiction to resolve the substantial constitutional and statutory issues presented. — U. S. — (1979).

I

Appellee Bankers Trust New York Corporation (Bankers

¹ This action was filed on October 24, 1973, and is therefore unaffected by the subsequent repeal of 28 U. S. C. § 2281, which by its terms was made inapplicable to any action commenced on or before August 12, 1976. See Pub. L. No. 94-381, § 7, 90 Stat. 1120 (1976).

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

May 28, 1980

79-45 Lewis v. BT Investment Managers, Inc.

Dear Harry:

Please join me.

Sincerely,

A handwritten signature in cursive script, appearing to read "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

June 2, 1980

Re: No. 79-45 Lewis v. BT Investment Managers, Inc.

Dear Harry:

Please join me in your opinion.

Sincerely,

W

Mr. Justice Blackmun

Copies to the Conference

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

May 28, 1980

Re: 79-45 - Lewis v. BT Investment

Dear Harry:

In the first sentence on page 11 you state that the federal statutes regulating the banking business "rest" on Congress' powers under the Commerce Clause. Do not these laws also rest in part on the special federal power over the money supply, which is referred to in Article I, § 8 as the power "to coin money" This is just a flyspeck but I thought you might want to consider adding a reference to that source of federal power too.

Respectfully,



Mr. Justice Blackmun

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

May 28, 1980

Re: 79-45 - Lewis v. BT Investment

Dear Harry:

Please join me.

Respectfully,



Mr. Justice Blackmun

Copies to the Conference