

The Burger Court Opinion Writing Database

*Valley Forge Christian College v.
Americans United for Separation of
Church and State, Inc.*

454 U.S. 464 (1982)

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 19, 1981

REP 80-327 - Valley Forge Christian College v.
Americans United for Separation of
Church and State

Dear Bill:

Add me to your "dissent" which appears to make
this a "grant."

Regards,



Justice Rehnquist

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

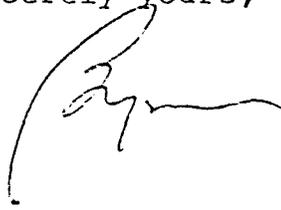
February 19, 1981

Re: 80-327 - Valley Forge Christian
College v. Americans United for
Separation of Church and State

Dear Bill,

Please join me in your dissent.

Sincerely yours,



Mr. Justice Rehnquist

Copies to the Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

February 19, 1981

Re: No. 80-327 - Valley Forge Christian College
v. Americans United

Dear Bill:

Please join me in your dissenting opinion.

Sincerely,

HAB.

Mr. Justice Rehnquist

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

February 19, 1981

No. 80-327 Valley Forge Christian College v. Americans
United

Dear Bill:

Although I would much prefer to grant and reverse this case summarily, unless this can be done, please add my name to your dissenting opinion.

Sincerely,

Lewis

Mr. Justice Rehnquist

LFP/lab

Copies to the Conference

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

From: Mr. Justice Rehnquist

Circulated: FEB 18 1981

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Re: No 80-327--Valley Forge Christian College et. al. v. Americans United for Separation of Church and State

JUSTICE REHNQUIST, dissenting.

In this case, a divided Court of Appeals for the Third Circuit held that respondents, though lacking taxpayer standing, had standing solely in their capacity as "citizens" to challenge governmental conduct as violative of the Establishment Clause of the First Amendment. The concurring opinion found standing, because in its view respondents were "likely to be the best available" plaintiffs and if "they do not have standing, it is probable that the" conduct at issue here "would be placed beyond judicial review." App. to Pet. for Cert. at 34. Because I think the decision below implicitly overrules a long line of our cases beginning with Frothingham v. Mellon, 262 U.S. 447 (1923), decided more than a half century ago, and because I agree with