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Prince Edward School Foundation v. United States

450 U.S. 944 (1981)

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

January 9, 1981

MEMORANDUM TO THE CONFERENCE

Re: No. 80-404 Prince Edward School Foundation v.
United States

While I think that the question of whether the regulation of the IRS is "fairly subsumed" within the questions presented, see Pet. inside cover, in order to avoid the possibility that a majority of us would conclude after argument that it was not, or that the argument on it was not sufficiently targeted, I suggest that in addition to the order granting certiorari the following language be appended:

"The parties are requested to brief, in addition to any other issues they desire, the following question:

'Does §501(c)(3) authorize the Internal Revenue Service to deny tax-exempt status to a private school which discriminates in its admissions policy?'"

Sincerely,

