

# The Burger Court Opinion Writing Database

## *Rowan Companies v. United States*

452 U.S. 247 (1981)

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

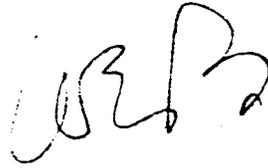
June 3, 1981

80-780 - Rowan Companies, Inc. v. United States

Dear Lewis:

I join.

Regards,



Justice Powell

Copies to the Conference

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

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

May 4, 1981

RE: 80-780 Rowan Cos., Inc. v. United States

Dear Byron:

You, Thurgood and I are in dissent in the above.  
Would you be willing to undertake the dissent?

Sincerely,



Justice White

cc: Justice Marshall

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

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

June 2, 1981

RE: No. 80-780 Rowan Companies, Inc. v. United States

Dear Byron:

Please add me to your dissent.

Sincerely,

A handwritten signature in cursive script that reads "Bill".

Justice White

cc: The Conference

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

CHAMBERS OF  
JUSTICE POTTER STEWART

June 1, 1981

Re: No. 80-780, Rowan Cos. v. U.S.

Dear Lewis,

I am glad to join your opinion for  
the Court.

Sincerely yours,

P.S.  
/

Justice Powell

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

May 4, 1981

Re: 80-700 - DOWEN INDUSTRIES, INC.  
v. UNITED STATES

Dear Sirs:

This is a nice case for you, but as  
of now I shall undertake the dissent.

Sincerely yours,

✓  
Justice Brennan  
cc: Mr. Justice Brennan

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

From: Mr. Justice White

Circulated: 6/1/81

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Re: 80-780 - Rowan Companies, Inc. v. United States

Justice White, dissenting.

For the reasons so well stated by Judge Rubin, I agree with the judgment of the Court of Appeals for the Fifth Circuit that the Regulation under attack here is a permissible interpretation of the controlling provisions of the Internal Revenue Code. Consequently, I dissent and would affirm the judgment.

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

From: Mr. Justice White

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**SUPREME COURT OF THE UNITED STATES**

No. 80-780

Rowan Companies, Inc.,  
Petitioner,  
v.  
United States. } On Writ of Certiorari to the United  
States Court of Appeals for the  
Fifth Circuit.

[June —, 1981]

JUSTICE WHITE, dissenting.

For the reasons so well stated by Judge Rubin, I agree with the judgment of the Court of Appeals for the Fifth Circuit that the Regulation under attack here is a permissible interpretation of the controlling provisions of the Internal Revenue Code. Consequently, I dissent and would affirm the judgment.

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

June 2, 1981

Re: No. 80-780 - Rowan Companies v, U.S.

Dear Byron:

Please add me to your dissent.

Sincerely,

*JM.*  
T.M.

Justice White

cc: The Conference

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

June 3, 1981

Re: No. 80-780 - Rowan Companies, Inc. v. United States

Dear Lewis:

Please join me.

Sincerely,



Mr. Justice Powell

cc: The Conference

0\$0780G, 1st proof, 5/28, wmk

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

From: Mr. Justice Powell

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**SUPREME COURT OF THE UNITED STATES**

No. 80-780

**ROWAN COMPANIES, INC., PETITIONER, v.  
UNITED STATES**

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT  
OF APPEALS FOR THE FIFTH CIRCUIT

[June —, 1981]

JUSTICE POWELL delivered the opinion of the Court.

This case concerns the federal taxes imposed upon employers by the Federal Insurance Contribution Act (FICA), 26 U. S. C. §3101 *et seq.* and the Federal Unemployment Tax Act (FUTA), 26 U. S. C. §3301 *et seq.* The question is whether petitioner should have included in the computation of "wages," which is the base for taxation under FICA and FUTA, the value of meals and lodging provided for its own convenience to employees working on offshore oil rigs.

I

During the tax years in question, 1967-1969, petitioner Rowan Companies, Inc. owned and operated rigs for drilling oil and gas wells, both on land and offshore. Some of petitioner's offshore rigs were located as many as 60 miles from land. It cost petitioner less and was more convenient to provide meals and lodging to employees at these rigs than to transport the employees to and from the rigs for each work shift.<sup>1</sup> Employees worked at these rigs for 10-day tours of duty, and petitioner then transported them back to

<sup>1</sup>It cost petitioner about \$6 per day, per man to engage a caterer who provided meals and maintained living quarters on a vessel moored alongside the drilling rig. It would have cost petitioner about \$29 per man to have transported the crews to and from land for each work shift.

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✓ 6, 8, 10

10: The Chief Justice  
Mr. Justice Brennan  
Mr. Justice Stewart  
Mr. Justice White  
Mr. Justice Marshall  
Mr. Justice Blackmun  
Mr. Justice Rehnquist  
Mr. Justice Stevens

6-1-81

Approved: Mr. Justice Powell

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2nd DRAFT

Circulated: JUN 1 1981

**SUPREME COURT OF THE UNITED STATES**

No. 80-780

Rowan Companies, Inc.,  
Petitioner,  
v.  
United States. } On Writ of Certiorari to the United  
States Court of Appeals for the  
Fifth Circuit.

[June —, 1981]

JUSTICE POWELL delivered the opinion of the Court.

This case concerns the federal taxes imposed upon employers by the Federal Insurance Contribution Act (FICA), 26 U. S. C. § 3101 *et seq.*, and the Federal Unemployment Tax Act (FUTA), 26 U. S. C. § 3301 *et seq.* The question is whether petitioner should have included in the computation of "wages," which is the base for taxation under FICA and FUTA, the value of meals and lodging provided for its own convenience to employees working on offshore oil rigs.

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During the tax years in question, 1967-1969, petitioner Rowan Companies, Inc. owned and operated rigs for drilling oil and gas wells, both on land and offshore. Some of petitioner's offshore rigs were located as many as 60 miles from land. It cost petitioner less and was more convenient to provide meals and lodging to employees at these rigs than to transport the employees to and from the rigs for each work shift.<sup>1</sup> Employees worked at these rigs for 10-day tours of duty, and petitioner then transported them back to land for

<sup>1</sup> It cost petitioner about \$6 per day, per man to engage a caterer who provided meals and maintained living quarters on a vessel moored alongside the drilling rig. It would have cost petitioner about \$29 per man to have transported the crews to and from land for each work shift.

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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

June 1, 1981

Re: No. 80-780 Rowan Companies v. United States

Dear Lewis:

Please join me.

Sincerely,



Justice Powell

Copies to the Conference

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

May 29, 1981

Re: 80-780 - Rowan Companies v. United States

Dear Lewis:

Please join me.

Respectfully,



Justice Powell

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