

# The Burger Court Opinion Writing Database

## *Exxon Corp. v. Eagerton*

462 U.S. 176 (1983)

Paul J. Wahlbeck, George Washington University  
James F. Spriggs, II, Washington University in St. Louis  
Forrest Maltzman, George Washington University



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

CHAMBERS OF  
THE CHIEF JUSTICE

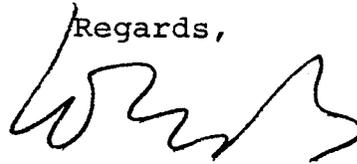
June 1, 1983

Re: No. 81-1020, EXXON Corp. v. Eagerton  
81-1268, Exchange Oil & Gas Corp. v. Eagerton

Dear Thurgood:

I join.

Regards,



Justice Marshall

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

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

May 25, 1983

Re: Nos. 81-1020 & 81-1268

Exxon Corporation  
v. Eagerton, et al.

Dear Thurgood,

I agree.

Sincerely,



Justice Marshall

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

May 19, 1983

Re: 81-1020 and 81-1268 -  
Exxon Corporation v. Eagerton  
Exchange Oil and Gas Corporation v. Eagerton

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Dear Thurgood,  
Please join me.

Sincerely,



Justice Marshall  
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cpm

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P. 12

To: The Chief Justice  
Justice Brennan  
Justice White  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice Stevens  
Justice O'Connor

From: Justice Marshall

Circulated: MAY 17 1983

Recirculated: \_\_\_\_\_

1st DRAFT

**SUPREME COURT OF THE UNITED STATES**

Nos. 81-1020 AND 81-1268

EXXON CORPORATION, ET AL., APPELLANTS  
81-1020  
*v.*  
RALPH EAGERTON, JR., COMMISSIONER OF REVENUE OF ALABAMA, ET AL.

EXCHANGE OIL AND GAS CORPORATION, ET AL.,  
APPELLANTS  
81-1268  
*v.*  
RALPH P. EAGERTON, JR., COMMISSIONER OF REVENUE OF THE STATE OF ALABAMA

ON APPEALS FROM THE SUPREME COURT OF ALABAMA

[May —, 1983]

JUSTICE MARSHALL delivered the opinion of the Court.

This case concerns an Alabama statute which increased the severance tax on oil and gas extracted from Alabama wells, exempted royalty owners from the tax increase, and prohibited producers from passing on the increase to their purchasers. Appellants challenge the pass-through prohibition and the royalty-owner exemption under the Supremacy Clause, the Contract Clause, and the Equal Protection Clause.

I

Since 1945 Alabama has imposed a severance tax on oil and gas extracted from wells located in the State. Code of Ala. §40-20-1 *et seq.* The tax "is levied upon the producers of such oil or gas in the proportion of their ownership at the time of severance, but . . . shall be paid by the person in

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STYLISTIC CHANGES THROUGHOUT.

To: The Chief Justice  
Justice Brennan  
Justice White  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice Stevens  
Justice O'Connor

From: **Justice Marshall**

Circulated: \_\_\_\_\_

Recirculated: JUN 2 1983

2nd DRAFT

**SUPREME COURT OF THE UNITED STATES**

Nos. 81-1020 AND 81-1268

EXXON CORPORATION, ET AL., APPELLANTS  
81-1020 *v.*  
RALPH EAGERTON, JR., COMMISSIONER OF  
REVENUE OF ALABAMA, ET AL.

EXCHANGE OIL AND GAS CORPORATION, ET AL.,  
APPELLANTS  
81-1268 *v.*  
RALPH P. EAGERTON, JR., COMMISSIONER OF  
REVENUE OF THE STATE OF ALABAMA

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

May 20, 1983

81-1020 Exxon Corp. v. Eagerton

Dear Thurgood:

Please join me.

Sincerely,

Justice Marshall

lfp/ss

cc: The Conference

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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

May 18, 1983

Re: Nos. 81-1020 & 81-1268 Exxon Corp. v. Eagerton

Dear Thurgood:

Please join me.

Sincerely,



Justice Marshall

cc: The Conference

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

May 24, 1983

Re: 81-1020 - Exxon Corp. v. Eagerton;  
81-1268 - Exchange Oil & Gas Corp. v.  
Eagerton

Dear Thurgood:

Please join me.

Respectfully,



Justice Marshall

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

CHAMBERS OF  
JUSTICE SANDRA DAY O'CONNOR

May 18, 1983

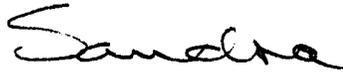
No. 81-1020 Exxon Corporation v. Eagerton  
No. 81-1268 Exchange Oil and Gas Corp. v.  
Eagerton

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Dear Thurgood,

Please join me.

Sincerely,



Justice Marshall

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