

The Burger Court Opinion Writing Database

Lawrence County v. Lead-Deadwood School District No. 40-1

469 U.S. 256 (1985)

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

December 27, 1984

Re: No. 83-240 - Lawrence County v. Lead-Deadwood
School District No. 40-1

Dear Byron,

I join.

Regards,

Handwritten signature of Justice White, consisting of the letters 'W', 'J', and 'B' in a stylized, cursive script.

Justice White

Copies to the Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

December 4, 1984

No. 83-240

Lawrence County, et al.
v. Lead-Deadwood School
District No. 40-1

Dear Byron,

I agree.

Sincerely,



Justice White

Copies to the Conference

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

From: **Justice White**

Circulated: _____ 1984

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 83-240

LAWRENCE COUNTY, ET AL., APPELLANTS *v.* LEAD-
DEADWOOD SCHOOL DISTRICT NO. 40-1

ON APPEAL FROM THE SUPREME COURT OF SOUTH DAKOTA

[December —, 1984]

JUSTICE WHITE delivered the opinion of the Court.

The issue presented in this appeal is whether a state may regulate the distribution of funds that units of local government in that state receive from the federal government in lieu of taxes under 31 U. S. C. § 6902. The Supreme Court of South Dakota sustained a state statute requiring local governments to spend these monies in the same manner as they distribute taxes, holding that it was not inconsistent with the federal law. Because the language and legislative history of the federal statute indicate that Congress intended local governments to have more discretion in spending federal aid than the state would allow them, we hold that the state statute is invalid under the Supremacy Clause. Hence, we reverse.

I

The Payment in Lieu of Taxes Act, 31 U. S. C. § 6901 *et seq.*,¹ compensates local governments for the loss of tax revenues resulting from the tax-immune status of federal lands located in their jurisdictions, and for the cost of providing services to these lands. These "entitlement lands" include

¹The Payment in Lieu of Taxes Act formerly appeared at 31 U. S. C. § 1601 *et seq.* (1976). Title 31 of the United States Code was recodified in 1982 by Pub. L. 97-258, 96 Stat. 877 *et seq.* The recodification did not make any substantive change in the law. See H. R. Rep. 97-651, p. 3 (1982).

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

From: **Justice White**

Circulated: _____

Recirculated: DEC 12 1984

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 83-240

LAWRENCE COUNTY, ET AL., APPELLANTS *v.* LEAD-
DEADWOOD SCHOOL DISTRICT NO. 40-1

ON APPEAL FROM THE SUPREME COURT OF SOUTH DAKOTA

[December —, 1984]

JUSTICE WHITE delivered the opinion of the Court.

The issue presented in this appeal is whether a State may regulate the distribution of funds that units of local government in that state receive from the Federal Government in lieu of taxes under 31 U. S. C. § 6902. The Supreme Court of South Dakota sustained a state statute requiring local governments to spend these moneys in the same manner as they distribute taxes, holding that it was not inconsistent with the federal law. Because the language and legislative history of the federal statute indicate that Congress intended local governments to have more discretion in spending federal aid than the State would allow them, we hold that the state statute is invalid under the Supremacy Clause. Hence, we reverse.

I

The Payment in Lieu of Taxes Act, 31 U. S. C. § 6901 *et seq.*,¹ compensates local governments for the loss of tax revenues resulting from the tax-immune status of federal lands located in their jurisdictions, and for the cost of providing services related to these lands. These "entitlement lands"

¹The Payment in Lieu of Taxes Act formerly appeared at 31 U. S. C. § 1601 *et seq.* (1976 ed.). Title 31 of the United States Code was recodified in 1982 by Pub. L. 97-258, 96 Stat. 377 *et seq.* The recodification did not make any substantive change in the law. See H. R. Rep. No. 97-651, p. 3 (1982).

5

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

December 6, 1984

Re: No. 83-240-Lawrence County v. Lead-Deadwood
School District No. 40-1

Dear Byron:

Please join me.

Sincerely,

T.M.
T.M.

Justice White

cc: The Conference

6
Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

December 6, 1984

Re: No. 83-240, Lawrence County v.
Lead-Deadwood School District No. 40-1

Dear Byron:

Please join me.

Sincerely,



RECEIVED
SUPREME COURT U.S.
JUSTICE HARRY A. BLACKMUN

'84 DEC -6 P3:15

Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

RECEIVED
December 3, 1984

83-240 Lawrence County v. Lead-Deadwood

Dear Byron:

Please join me.

Sincerely,

Lewis

Justice White

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

December 3, 1984

Re: No. 83-240 Lawrence County v. Lead-Deadwood School
District No. 40-1

Dear Byron,

In due course I will circulate a dissent.

Sincerely,

wm

Justice White

cc: The Conference

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

From: **Justice Rehnquist**

Circulated: 72/19/84

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 83-240

LAWRENCE COUNTY, ET AL., APPELLANTS *v.* LEAD-
DEADWOOD SCHOOL DISTRICT NO. 40-1

ON APPEAL FROM THE SUPREME COURT OF SOUTH DAKOTA

[December —, 1984]

JUSTICE REHNQUIST, dissenting.

In *Hunter v. Pittsburgh*, 207 U. S. 161 (1907), this Court unanimously described the “settled doctrines of this Court” with respect to States, on the one hand, and counties and other municipal corporations within them, on the other:

“Municipal corporations are political subdivisions of the State, created as convenient agencies for exercising such of the governmental powers of the State as may be entrusted to them. For the purpose of executing these powers properly and efficiently they usually are given the power to acquire, hold, and manage personal and real property. The number, nature and duration of the powers conferred upon these corporations and the territory over which they shall be exercised rests in the absolute discretion of the State.” 207 U. S., at 178.

Flying in the face of this settled doctrine, the Court today holds that Congress, by providing for payments of federal funds in lieu of taxes to counties in South Dakota, implicitly prohibited the State of South Dakota from regulating in any way the manner in which its counties might spend those funds. Recognizing that the statutory language does not support such a result, the Court seeks to glean from bits and pieces of the testimony of witnesses before congressional committees, and from selected statements in committee reports which do not address the question here at issue, ammu-

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

STYLISTIC CHANGES THROUGHOUT

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

From: Justice Rehnquist

Circulated: _____

Recirculated: _____

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 83-240

LAWRENCE COUNTY, ET AL., APPELLANTS *v.* LEAD-
DEADWOOD SCHOOL DISTRICT NO. 40-1

ON APPEAL FROM THE SUPREME COURT OF SOUTH DAKOTA

[January —, 1985]

JUSTICE REHNQUIST, dissenting.

In *Hunter v. Pittsburgh*, 207 U. S. 161 (1907), this Court unanimously described the “settled doctrines of this Court” with respect to States, on the one hand, and counties and other municipal corporations within them, on the other:

“Municipal corporations are political subdivisions of the State, created as convenient agencies for exercising such of the governmental powers of the State as may be entrusted to them. For the purpose of executing these powers properly and efficiently they usually are given the power to acquire, hold, and manage personal and real property. The number, nature and duration of the powers conferred upon these corporations and the territory over which they shall be exercised rests in the absolute discretion of the State.” *Id.*, at 178.

Flying in the face of this settled doctrine, the Court today holds that Congress, by providing for payments of federal funds in lieu of taxes to counties in South Dakota, implicitly prohibited the State of South Dakota from regulating in any way the manner in which its counties might spend those funds. Recognizing that the statutory language does not support such a result, the Court seeks to glean from bits and pieces of the testimony of witnesses before congressional Committees, and from selected statements in Committee Reports which do not address the question here at issue, ammu-

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

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

DEC 03 1984

December 3, 1984

Re: 83-240 - Lawrence County v. Lead-
Deadwood School Dist. 40-1

Dear Byron:

I shall wait for Bill's dissent.

Respectfully,



Justice White

Copies to the Conference

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



CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

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

December 20, 1984

Re: 83-240 - Lawrence County v. Lead-
Deadwood School Dist. 40-1

Dear Bill:

Please join me in your dissenting opinion.

Respectfully,

Justice Rehnquist

Copies to the Conference



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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

December 4, 1984

No. 83-240 Lawrence County v. Lead-Deadwood
School Dist. No. 40-1

Dear Byron,

Please join me.

Sincerely,

Justice White

Copies to the Conference