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United States v. Standard Oil Co. of California

404 U.S. 558 (1972)

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

January 21, 1972

Re: No. 71-527 - U. S. v. Standard Oil Co. of California

Dear Bill:

I join your per curiam.

Regards,

WRB

Mr. Justice Brennan

cc: The Conference

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From: Brennan, J.

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No. 71-527 Decided January —, 1972

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“Every contract, combination in form of trust or otherwise, or conspiracy, in restraint of trade or commerce in any Territory of the United States or of the District of Columbia, or in restraint of trade or commerce between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, is declared illegal.”

102-3

To: The Chief Justice
Mr. Justice Douglas
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

From: Brennan, J.

UNITED STATES *v.* STANDARD OIL COMPANY
OF CALIFORNIA

Circulated: _____

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF CALIFORNIA

No. 71-527 Decided January —, 1972

PER CURIAM.

The United States sought injunctive relief against appellee, alleging that appellee combined and conspired to restrain and monopolize the distribution and sale of petroleum products in American Samoa, in violation of § 3 of the Sherman Act, 15 U. S. C. § 3.¹ The District Court for the Northern District of California dismissed the complaint for lack of jurisdiction on the ground that American Samoa is not a "Territory of the United States" within the meaning of § 3. — F. Supp. — (1971). The United States has appealed pursuant to the Expediting Act, 15 U. S. C. § 29. We note probable jurisdiction and reverse.

American Samoa is a group of seven small islands in the South Pacific. Treaties with Great Britain and Germany recognize the claims of the United States to the islands. 1 Treaties 276, 31 Stat. 1878. By Act of Congress, 45 Stat. 1253, 48 U. S. C. § 1661, powers to govern the islands are vested in the President, who has delegated

¹ Section 3 provides in pertinent part:

"Every contract, combination in form of trust or otherwise, or conspiracy, in restraint of trade or commerce in any Territory of the United States or of the District of Columbia, or in restraint of trade or commerce between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, is declared illegal."

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

CHAMBERS OF
JUSTICE POTTER STEWART

January 11, 1972

71-527, U.S. v. Standard Oil

Dear Bill,

I agree with your proposed Per Curiam
in this case.

Sincerely yours,

P.S.
✓

Mr. Justice Brennan

Copies to the Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

January 18, 1972

Re: No. 71-527 - U. S. v. Standard Oil Co.

Dear Bill:

Please join me.

Sincerely,


T.M.

Mr. Justice Brennan

cc: The Conference

HOOPER INSTITUTION
ON WAR, REVOLUTION AND PEACE
Sanford, California 94303-6000



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File

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

January 12, 1972

Re: No. 71-527 - U.S. v. Standard Oil
Co. of California

Dear Bill:

Please join me.

Sincerely,

Har

Mr. Justice Brennan

cc: The Conference

HOOPER INSTITUTION
ON WAR, REVOLUTION AND PEACE
Stanford, California 94305-6010



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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

January 26, 1972

No. 71-527 United States v. Standard Oil
Company of California

Dear Bill:

Your second draft of the per curiam looks fine to
me.

Sincerely,

L. F. P.

Mr. Justice Brennan

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Stanford, California 94305-0010



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