

The Burger Court Opinion Writing Database

Train v. City of New York

420 U.S. 35 (1975)

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

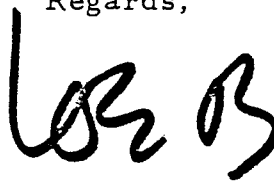
February 12, 1975

Re: 73-1377 - Train v. City of New York

Dear Byron:

I join your proposed opinion dated
February 10, 1975.

Regards,

A handwritten signature in black ink, appearing to read "LFB", is written below the typed word "Regards,".

Mr. Justice White

Copies to the Conference

✓

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

2

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

February 3, 1975

Dear Byron:

In 73-1377, TRAIN v.
NEW YORK and 73-1378, TRAIN v.
CAMPAIGN CLEAN WATER, INC. please
note I would concur in the result.

WILLIAM O. DOUGLAS

Mr. Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

January 10, 1975

RE: No. 73-1377 Train v. New York

Dear Byron:

I agree.

Sincerely,

Bill

Mr. Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

February 12, 1975

Re: No. 73-1377, Train v. City of New York

Dear Byron,

I am glad to join your opinion for the Court in
this case.

Sincerely yours,

Mr. Justice White

Copies to the Conference

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

From: White, J.

2nd DRAFT

Circulated: 1-9-75

SUPREME COURT OF THE UNITED STATES

Revised: _____

No. 73-1377

Russell E. Train, Administrator,
United States Environmental
Protection Agency,
Petitioner,
v.
City of New York et al.

On Writ of Certiorari
to the United States
Court of Appeals for
the District of Co-
lumbia Circuit.

[January —, 1975]

MR. JUSTICE WHITE delivered the opinion of the Court.

This case poses certain questions concerning the proper construction of the Federal Water Pollution Control Act Amendments of 1972, 86 Stat. 816, 33 U. S. C. § 1251 *et seq.* [1972 Act], which provide a comprehensive program for controlling and abating water pollution. Title II of the 1972 Act, §§ 201-212,¹ makes available federal

¹ The provisions of Title II of the 1972 Amendments chiefly involved in this case are, in pertinent part, as follows:

Section 205 (a), 33 U. S. C. § 1255 (a) (Supp. II 1972):

"Sums authorized to be appropriated pursuant to section 1287 of this title for each fiscal year beginning after June 30, 1972, shall be allotted by the Administrator not later than the January 1st immediately preceding the beginning of the fiscal year for which authorized, except that the allotment for fiscal year 1973 shall be made not later than 30 days after October 18, 1972 . . ."

Section 207, 33 U. S. C. § 1287 (Supp. II 1972):

There is authorized to be appropriated to carry out this subchapter . . . for the fiscal year ending June 30, 1973, not to exceed \$5,000,000,000, for the fiscal year ending June 30, 1974, not to

To: The Chief Justice
Mr. Justice ☒ ~~White~~
Mr. Justice ~~Black~~
Mr. Justice ~~Rehnquist~~
☒ Mr. Justice ~~Brennan~~
Mr. Justice ~~Stewart~~
Mr. Justice ~~Marshall~~
Mr. Justice ~~Roberts~~
Mr. Justice ~~Conrad~~

From: White, J.

3rd DRAFT

Circulated: _____

SUPREME COURT OF THE UNITED STATES

Recirculated: 1-16

No. 73-1377

Russell E. Train, Administrator,
United States Environmental
Protection Agency,
Petitioner,

v.

City of New York et al.

On Writ of Certiorari
to the United States
Court of Appeals for
the District of Co-
lumbia Circuit.

[January —, 1975]

MR. JUSTICE WHITE delivered the opinion of the Court.

This case poses certain questions concerning the proper construction of the Federal Water Pollution Control Act Amendments of 1972, 86 Stat. 816, 33 U. S. C. § 1251 *et seq.* [1972 Act], which provide a comprehensive program for controlling and abating water pollution. Title II of the 1972 Act, §§ 201-212,¹ makes available federal

¹The provisions of Title II of the 1972 Amendments chiefly involved in this case are, in pertinent part, as follows:

Section 205 (a), 33 U. S. C. § 1285 (a) (Supp. II 1972):

"Sums authorized to be appropriated pursuant to section 1287 of this title for each fiscal year beginning after June 30, 1972, shall be allotted by the Administrator not later than the January 1st immediately preceding the beginning of the fiscal year for which authorized, except that the allotment for fiscal year 1973 shall be made not later than 30 days after October 18, 1972. . . ."

Section 207, 33 U. S. C. § 1287 (Supp. II 1972):

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4, 8

To: The Chief Justice
Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice White
✓ Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Burger
Mr. Justice Powell
Mr. Justice Rehnquist

4th DRAFT

From: White, J.

Circulated: _____

SUPREME COURT OF THE UNITED STATES

Recirculated: 1-28-

No. 73-1377

Russell E. Train, Administrator,
United States Environmental
Protection Agency,
Petitioner,
v.
City of New York et al.

On Writ of Certiorari
to the United States
Court of Appeals for
the District of Co-
lumbia Circuit.

[January —, 1975]

MR. JUSTICE WHITE delivered the opinion of the Court.

This case poses certain questions concerning the proper construction of the Federal Water Pollution Control Act Amendments of 1972, 86 Stat. 816, 33 U. S. C. § 1251 *et seq.* [1972 Act], which provide a comprehensive program for controlling and abating water pollution. Title II of the 1972 Act, §§ 201-212,¹ makes available federal

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Section 205 (a), 33 U. S. C. § 1285 (a) (Supp. II 1972):

"Sums authorized to be appropriated pursuant to section 1287 of this title for each fiscal year beginning after June 30, 1972, shall be allotted by the Administrator not later than the January 1st immediately preceding the beginning of the fiscal year for which authorized, except that the allotment for fiscal year 1973 shall be made not later than 30 days after October 18, 1972. . . ."

Section 207, 33 U. S. C. § 1287 (Supp. II 1972):

"There is authorized to be appropriated to carry out this subchapter . . . for the fiscal year ending June 30, 1973, not to exceed \$6,000,000,000, for the fiscal year ending June 30, 1974, not to

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8, 13

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

From: White, J.

Circulated: _____

Recirculated: 2-10- -

5th DRAFT

SUPREME COURT OF THE UNITED STATES

No. 73-1377

Russell E. Train, Administrator,
United States Environmental
Protection Agency,
Petitioner,
v.
City of New York et al.

On Writ of Certiorari
to the United States
Court of Appeals for
the District of Co-
lumbia Circuit.

[January —, 1975]

MR. JUSTICE WHITE delivered the opinion of the Court.

This case poses certain questions concerning the proper construction of the Federal Water Pollution Control Act Amendments of 1972, 86 Stat. 816, 33 U. S. C. § 1251 *et seq.* [1972 Act], which provide a comprehensive program for controlling and abating water pollution. Title II of the 1972 Act, §§ 201-212,¹ makes available federal

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Section 207, 33 U. S. C. § 1287 (Supp. II 1972):

"There is authorized to be appropriated to carry out this subchapter . . . for the fiscal year ending June 30, 1973, not to exceed \$5,000,000,000, for the fiscal year ending June 30, 1974, not to

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

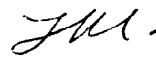
January 27, 1975

Re: No. 73-1377 -- Russell E. Train v. City of
New York et al.

Dear Byron:

Please join me.

Sincerely,



T.M.

Mr. Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

January 22, 1975

Re: No. 73-1377 - Train, Administrator v.
City of New York

Dear Byron:

Please join me.

Sincerely,



Mr. Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

January 13, 1975

No. 73-1377 Train v. City of New York

Dear Byron:

Please join me.

Sincerely,



Mr. Justice White

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

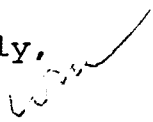
January 28, 1975

Re: No. 73-1377 - Train v. City of New York

Dear Byron:

Please join me.

Sincerely,



Mr. Justice White

Copies to the Conference