

The Burger Court Opinion Writing Database

Aberdeen & Rockfish Railroad Co. v. Students Challenging Regulatory Agency Procedures (SCRAP)

422 U.S. 289 (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

June 10, 1975

Re: (73-1966 - Aberdeen & Rockfish RR Co. v. SCRAP
(73-1971 - U. S. v. SCRAP)

Dear Byron:

Please join me in your circulation of June 4.

Regards,

WRB

Mr. Justice White

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U.S. SUPREME COURT RECORDS

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

April 1, 1975

RE: No. 73-1966 - Aberdeen & Rockfish RR Co.
No. 73-1971 - & U.S. v. S.C.R.A.P.

Dear Thurgood:

In the above I note that you and I are
to dismiss for want of our jurisdiction.
Would you be willing to take on the dissent?

Sincerely,



Mr. Justice Marshall

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U.S. SUPREME COURT

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

June 18, 1975

RE: No. 73-1966 - Aberdeen & Rockfish RR Co. v. S.C.R.A.P.
73-1971 - United States v. S.C.R.A.P.

Dear Byron:

I agree.

Sincerely,

But

Mr. Justice White

cc: The Conference

✓

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BRW
In due course I
will circulate a dissent
in this one
MAY

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: 6/4/75

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 73-1966 AND 73-1971

Aberdeen and Rockfish Rail-
road Company et al.,
Appellants,

73-1966 v.

Students Challenging Regula-
tory Agency Procedures
(S. C. R. A. P.) et al.

United States et al.,
Appellants,

73-1971 v.

Students Challenging Regula-
tory Agency Procedures
(S. C. R. A. P.) et al.

On Appeal from the
United States District
Court for the District of
Columbia.

[June —, 1975]

MR. JUSTICE WHITE delivered the opinion of the
Court.

The Nation's railroads, the United States and the Inter-
state Commerce Commission (ICC) appeal from the
judgment of a three-judge federal court which set aside
an ICC order terminating a general revenue proceeding
without declaring unlawful certain rate increases filed by
the Nation's railroads with the ICC and which directed
the ICC to reopen the proceeding, prepare a better en-
vironmental impact statement under the National
Environmental Policy Act [NEPA], 42 U. S. C. § 4332
(2)(c), hold hearings and reconsider, in light of the new

THE MANUSCRIPT DIVISION

U. S. DEPARTMENT OF JUSTICE

J
STYLISTIC CHANGES THROUGHOUT.
SEE PAGES: 3, 14, 33

To: The Chief Justice
Mr. Justice Douglas
Mr. Justice Brandeis
Mr. Justice Stewart
✓ Mr. Justice Marshall
Mr. Justice Black
Mr. Justice Powell
Mr. Justice Rehnquist

From: White, J.

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3rd DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 73-1966 AND 73-1971

Aberdeen and Rockfish Rail-
road Company et al.,
Appellants,

73-1966 v.

Students Challenging Regula-
tory Agency Procedures
(S. C. R. A. P.) et al.

United States et al.,
Appellants,

73-1971 v.

Students Challenging Regula-
tory Agency Procedures
(S. C. R. A. P.) et al.

On Appeal from the
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The Nation's railroads, the United States and the Inter-
state Commerce Commission (ICC) appeal from the
judgment of a three-judge federal court which set aside
an ICC order terminating a general revenue proceeding
without declaring unlawful certain rate increases filed by
the Nation's railroads with the ICC. The order directed
the ICC to reopen the proceeding, prepare a better en-
vironmental impact statement under the National
Environmental Policy Act [NEPA], 42 U. S. C. § 4332
(2)(c), hold hearings and reconsider, in light of the new

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U. S. DEPARTMENT OF JUSTICE

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: 6/18/75

4th DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 73-1966 AND 73-1971

Aberdeen and Rockfish Rail-
road Company et al.,
Appellants,

73-1966 v.

Students Challenging Regula-
tory Agency Procedures
(S. C. R. A. P.) et al.

United States et al.,
Appellants,

73-1971 v.

Students Challenging Regula-
tory Agency Procedures
(S. C. R. A. P.) et al.

On Appeal from the
United States District
Court for the District of
Columbia.

[June —, 1975]

MR. JUSTICE WHITE delivered the opinion of the Court.

The Nation's railroads, the United States and the Interstate Commerce Commission (ICC) appeal from the judgment of a three-judge federal court which set aside an ICC order terminating a general revenue proceeding without declaring unlawful certain rate increases filed by the Nation's railroads with the ICC. The order directed the ICC to reopen the proceeding, prepare a better environmental impact statement under the National Environmental Policy Act [NEPA], 42 U. S. C. § 4332 (2)(c), hold hearings and reconsider, in light of the new

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

June 6, 1975

Re: No. 73-1966, Aberdeen and Rockfish v. SCRAP
No. 73-1971, United States v. SCRAP

Dear Byron:

In due course I will circulate a dissent in this case.

Sincerely,

T.M.

T. M.

Mr. Justice White

cc: The Conference

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OF THE MANUSCRIPT DIVISION

U.S. SUPREME COURT

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

June 18, 1975

Re: No. 73-1966 -- Aberdeen and Rockfish v. SCRAP
No. 73-1971 -- United States v. SCRAP

Dear Byron:

Please join me.

Sincerely,

T.M.
T.M.

Mr. Justice White

cc: The Conference

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U.S. DEPARTMENT OF CONGRESS

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 9, 1975

Re: No. 73-1966 - Aberdeen & Rockfish RR v. SCRAP
No. 73-1971 - United States v. SCRAP

Dear Byron:

Please join me.

Sincerely,



Mr. Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

June 4, 1975

No. 73-1966 Aberdeen and Rockfish v. SCRAP
No. 73-1971 United States v. SCRAP

Dear Byron:

Please note at the end of your opinion that I took
no part in the consideration or decision of this case.

Sincerely,

L. White

Mr. Justice White

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

June 6, 1975

Re: No. 73-1966 - Aberdeen & Rockfish v. S.C.R.A.P.;
and No. 73-1971

Dear Byron:

Please join me.

Sincerely,



Mr. Justice White

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