

The Burger Court Opinion Writing Database

Hodel v. Indiana

452 U.S. 314 (1981)

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



✓

M

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

CHAMBERS OF
THE CHIEF JUSTICE

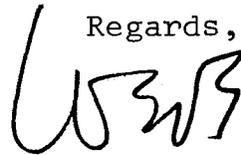
March 10, 1981

Re: 80-231 - Hodel v. Indiana

Dear Thurgood:

This case, inadvertently left off the assignment list yesterday, is assigned to you as part of the "cluster."

Regards,



Justice Marshall

Copies to the Conference

5

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

June 9, 1981

RE: No.80-231 Hodel v. Indiana

Dear Thurgood:

I agree.

Sincerely,

Bice

Justice Marshall

cc: The Conference

h/

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

CHAMBERS OF
JUSTICE POTTER STEWART

May 11, 1981

Re: No. 80-131, Hodel v. Indiana

Dear Thurgood,

I am glad to join your opinion for
the Court.

Sincerely yours,

P.S.
/

Justice Marshall

Copies to the Conference

✓

⚡

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

May 12, 1981

Re: 80-231 - Hodel v. State of Indiana

Dear Thurgood,

I join your opinion, but suggest that in Part IB on page 4 it might be helpful to state that a permanent injunction was entered. This perhaps would make clear that it is not only the propriety of a preliminary injunction that is before us.

Also, I have some question about footnote 17 on page 13. I would agree that a complex regulatory program should not be stricken down in its entirety simply because a particular provision, in isolation, has not been shown to have a connection with commerce. But it does not necessarily follow that such a provision is itself enforceable, although it would be if it could fairly be viewed as integrally related to the regulatory scheme.

Sincerely yours,



Justice Marshall

Copies to the Conference

21 4, 6, 7, 9, 15,

6 MAY 1981

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 80-231

Donald Paul Hodel, Acting Secretary of the Interior, et al., Appellants, <i>v.</i> State of Indiana et al.	} On Appeal from the United States District Court for the Southern District of Indiana.
---	---

[May —, 1981]

JUSTICE MARSHALL delivered the opinion of the Court.

This appeal, like *Hodel v. Virginia Surface Mining & Reclamation Assn., Inc.*, ante, at —, also decided today, involves a broad constitutional challenge to numerous important provisions of the Surface Mining and Reclamation Control Act of 1977, 30 U. S. C. 1201 *et seq.* (1976 ed., Supp. III) (Surface Mining Act or Act). Many of the specific provisions attacked in this case, however, differ from the “steep-slope” provisions that were the primary focus of the challenge in *Virginia Surface Mining*. The United States District Court for the Southern District of Indiana ruled that the provisions of the Act challenged here are unconstitutional and permanently enjoined their enforcement. 501 F. Supp. 452 (1980). We noted probable jurisdiction, — U. S. — (1980), and we now reverse,

I

A

The basic structure of the Surface Mining Act is described in *Hodel v. Virginia Surface Mining*, ante, at 2-6, and it will therefore suffice here to briefly describe the specific provisions drawn into question in this case. Several of the

pp. 4, 13, 18

13 MAY 1981

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 80-231

<p>Donald Paul Hodel, Acting Secretary of the Interior, et al., Appellants, v. State of Indiana et al.</p>	}	<p>On Appeal from the United States District Court for the Southern District of Indiana.</p>
--	---	--

[May —, 1981]

JUSTICE MARSHALL delivered the opinion of the Court.

This appeal, like *Hodel v. Virginia Surface Mining & Reclamation Assn., Inc.*, ante, at —, also decided today, involves a broad constitutional challenge to numerous important provisions of the Surface Mining and Reclamation Control Act of 1977, 30 U. S. C. 1201 *et seq.*, (1976 ed., Supp. III) (Surface Mining Act or Act). Many of the specific provisions attacked in this case, however, differ from the “steep-slope” provisions that were the primary focus of the challenge in *Virginia Surface Mining*. The United States District Court for the Southern District of Indiana ruled that the provisions of the Act challenged here are unconstitutional and permanently enjoined their enforcement. 501 F. Supp. 452 (1980). We noted probable jurisdiction, — U. S. — (1980), and we now reverse.

I

A

The basic structure of the Surface Mining Act is described in *Hodel v. Virginia Surface Mining*, ante, at 2-6, and it will therefore suffice here to briefly describe the specific provisions drawn into question in this case. Several of the

STYLISTIC CHANGES THROUGHOUT.

19 MAY 1981

3rd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 80-231

<p>Donald Paul Hodel, Acting Secretary of the Interior, et al., Appellants, v. State of Indiana et al.</p>	<p>On Appeal from the United States District Court for the Southern District of Indiana.</p>
--	--

[May —, 1981]

JUSTICE MARSHALL delivered the opinion of the Court.

This appeal, like *Hodel v. Virginia Surface Mining & Reclamation Assn., Inc.*, ante, at —, also decided today, involves a broad constitutional challenge to numerous important provisions of the Surface Mining and Reclamation Control Act of 1977, 30 U. S. C. 1201 *et seq.*, (1976 ed., Supp. III) (Surface Mining Act or Act). Many of the specific provisions attacked in this case, however, differ from the “steep-slope” provisions that were the primary focus of the challenge in *Virginia Surface Mining*. The United States District Court for the Southern District of Indiana ruled that the provisions of the Act challenged here are unconstitutional and permanently enjoined their enforcement. 501 F. Supp. 452 (1980). We noted probable jurisdiction, — U. S. — (1980), and we now reverse.

I

A

The basic structure of the Surface Mining Act is described in *Hodel v. Virginia Surface Mining*, ante, at 2-6, and it will therefore suffice here to briefly describe the specific provisions drawn into question in this case. Several of the

(H)

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

May 15, 1981

Re: No. 80-231 - Hodel v. Indiana

Dear Thurgood:

Please join me.

Sincerely,

HAB

Mr. Justice Marshall

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

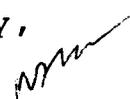
May 8, 1981

Re: No. 80-231 Hodel v. Indiana

Dear Thurgood:

I plan to write separately in this case.

Sincerely,



Mr. Justice Marshall

Copies to the Conference

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

May 8, 1981

Re: 80-231 - Hodel v. State of Indiana

Dear Thurgood:

Please join me.

Respectfully,



Justice Marshall

Copies to the Conference