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Hodel v. Virginia Surface Mining & Reclamation Association, Inc.

452 U.S. 264 (1981)

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

September 3, 1981

MEMORANDUM TO THE CONFERENCE

Re: No. 79-1538 Hodel v. Virginia Surface Mining & Reclamation Association, Inc.

At the suggestion of a law professor who shall remain unnamed, I would like to change the penultimate sentence in my opinion concurring in the Court's judgment last Term to read:

"Congress must show that the activity it seeks to regulate has a substantial effect on interstate commerce."

Thurgood, I hope you will indulge me in allowing me to make this change; if you don't, I will write for my memoirs the infamous account of your deletion of an entire paragraph in the "Granny Goose" opinion in one of the earlier Terms of the 70's after the case had come down, after I had written a dissent directed largely at that paragraph. Seriously, please let me know if you have any objection to my advising the Reporter of Decisions to go ahead with this change.

Sincerely,



cc: Mr. Henry Lind

