

# The Burger Court Opinion Writing Database

## *United States v. Ptasynski*

462 U.S. 74 (1983)

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 2, 1983

RE: 82-1066 - United States v. Ptasynski

Dear Lewis:

I join.

Regards,

A handwritten signature in black ink, appearing to be 'WP', written over a vertical line that extends from the word 'Regards,' above.

Justice Powell

Copies to the Conference

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

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

May 25, 1983

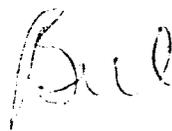
Re: No. 82-1066

United States v. Ptasynski

Dear Lewis,

I agree.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill".

Justice Powell

Copies to the Conference

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

May 23, 1983

Re: 82-1066 -

United States v. Ptasynski

Dear Lewis,

I agree.

Sincerely yours,



Justice Powell

Copies to the Conference

cpm

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

May 25, 1983

Re: No. 82-1066-U.S. v. Ptasynski

Dear Lewis:

Please join me.

Sincerely,



TM.

Justice Powell

cc: The Conference

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

May 25, 1983

Re: No. 82-1066 - United States v. Ptasynski

Dear Lewis:

Please join me.

Sincerely,



Justice Powell

cc: The Conference

Justice Brennan  
 Justice White  
 Justice Marshall  
 Justice Blackmun  
 Justice Rehnquist  
 Justice Stevens  
 Justice O'Connor

From: **Justice Powell**

Circulated: MAY 21 1983

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1st DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 82-1066

UNITED STATES, APPELLANT *v.*  
 HARRY PTASYNSKI

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR  
 THE DISTRICT OF WYOMING

[May —, 1983]

JUSTICE POWELL delivered the opinion of the Court.

The issue is whether excluding a geographically defined class of oil from the coverage of the Crude Oil Windfall Profit Tax Act violates the Uniformity Clause.

I

During the 1970s the Executive Branch regulated the price of domestic crude oil. See H. R. Rep. No. 96-304, pp. 4-5 (1979). Depending on its vintage and type, oil was divided into differing classes or tiers and assigned a corresponding ceiling price. Initially, there were only two tiers, a lower tier for "old oil" and an upper tier for new production. As the regulatory framework developed, new classes of oil were recognized.<sup>1</sup>

In 1979, President Carter announced a program to remove price controls from domestic oil by September 30, 1981. See

<sup>1</sup>In addition to lower- and upper-tier oil, the Federal Energy Administration recognized essentially four other classes of crude oil: stripper oil, Alaska North Slope oil, oil produced on the Naval Petroleum Reserve, and incremental tertiary oil. See H. R. Rep. No. 96-304, p. 12 (1979). Alaska North Slope oil was considered a separate class of oil because its disproportionately high transportation costs forced producers to keep the wellhead price well below the ceiling price. See 42 Fed. Reg. 41566-41568 (1977).

10. THE CHIEF JUSTICE

CHANGE PAGE 12

MAY 27 1983

- Justice Brennan
- Justice White
- Justice Marshall
- Justice Blackmun
- Justice Rehnquist
- Justice Stevens
- Justice O'Connor

From: Justice Powell

Circulated: \_\_\_\_\_

Recirculated: MAY 27 1983

2nd DRAFT

### SUPREME COURT OF THE UNITED STATES

No. 82-1066

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HARRY PTASYNKI

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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

June 1, 1983

Re: No. 82-1066 United States v. Ptasynski

Dear Lewis:

Please join me.

Sincerely,

*WHR*

Justice Powell

cc: The Conference

*I voted the other way at conference, but  
your opinion & the calendar on my  
wall convince me you are right!*

*WHR*

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

May 26, 1983

Re: 82-1066 - United States v. Ptasynski

Dear Lewis:

Please join me.

Respectfully,



Justice Powell

Copies to the Conference

P.S.: Although my join is unconditional, I must confess that I am not sure the two citations at the end of the opinion actually help.

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

CHAMBERS OF  
JUSTICE SANDRA DAY O'CONNOR

May 23, 1983

No. 82-1066 United States v. Ptasynski

Dear Lewis,

Your opinion is clear and to the point.  
I may well join it, but for the present I will wait  
to see the dissent before making the final decision.

Sincerely,



Justice Powell

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

CHAMBERS OF  
JUSTICE SANDRA DAY O'CONNOR

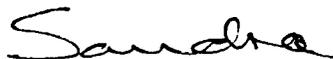
June 1, 1983

No. 82-1066 U. S. v. Ptasynski

Dear Lewis,

Since there is to be no dissent, please  
join me and make it unanimous.

Sincerely,



Justice Powell

Copies to the Conference