

5-20-1974

05-20-1974 Memorandum to the Conference

William O. Douglas
US Supreme Court Justice

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Slone

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

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

From: Douglas, J.

STATE OF VERMONT v. STATE OF NEW YORK
ET AL.

5-20

ON BILL OF COMPLAINT

Recirculated:

No. 50, Orig. Decided May —, 1974

Memorandum to the Conference.

On April 24, 1972, after oral argument, we granted Vermont's motion to file a complaint against New York and the International Paper Company which alleged that as a result of discharge of wastes, largely from International's mills, that company and New York are responsible for a sludge bed in Lake Champlain and Ticonderoga Creek that has polluted the water, impeded navigation, and constituted a public nuisance. 406 U. S. 186. Issue was joined and the Honorable R. Ammi Cutter was appointed Special Master. 408 U. S. 917. Later the United States sought leave to intervene, stating it had numerous interests in these waters under federal statutes. We referred the motion to the Special Master, 409 U. S. 1103, who granted intervention. During the year 1973, 75 days of testimony were received, Vermont presenting substantially all of her direct case. New York has put in about half of her direct case. Neither International nor the United States up to now has offered any evidence.

The Report of the Special Master dated April 24, 1974, states that he suggested that the parties might adjust their differences less expensively than by litigation. He reports that the United States succeeded in bringing about serious negotiations which resulted in a settlement that the Special Master commends to the Court for approval. The proposed settlement is represented by a proposed consent decree and a stipulation that the decree may be entered by the Court without further argument or hearing.