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pg. 9

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Dumping Into Lake Superior Permitted to Continue

Special to The New York Times

WASHINGTON, July 10 — The Supreme Court has refused to strike down a stay that will permit the Reserve Mining Company to continue polluting Lake Superior until at least mid-August with ground rock containing potentially hazardous asbestos fibers.

With Associate Justice William O. Douglas dissenting, the Court refused a request by Minnesota officials to put into effect immediately a Federal District Court order that would halt the dumping on the ground that it was injurious to health.

The case involves an iron ore processing plant in Silver Bay, Minn., operated by the company, which is owned jointly by the Armco and Republic Steel Companies. After a 139-day trial, the longest environmental case brought by the Justice Department, District Court Judge Miles W. Lord had ordered the plant closed.

The United States Court of Appeals for the Eighth Circuit gave the company a 70-day reprieve on June 4, during which the Federal District Court is to work out a plan to halt the pollution.

One official of the Environmental Protection Agency has estimated that construction of permanent facilities to remove 90 per cent of the fibers would take three years.

Reserve dumps 67,000 tons of ground taconite rock into the southwestern end of Lake Superior every day, and three states as well as the Justice Department charged that fibers left in the rock made drinking water drawn from the lake dangerous.

The decision was reached by the justices Tuesday afternoon, but newspapers were not informed until today.

In another decision, the Supreme Court granted a stay of a ruling that invalidated some provisions of the 1971 Federal Election Campaign Act regulating political advertising. The Justice Department had sought the stay pending resolution of its appeal to the Supreme Court.

At issue is an advertisement submitted to The New York Times by the American Civil Liberties Union naming 102 Representatives who had voted against a bill that would have barred forced busing to achieve racial balance. The newspaper refused to accept the ad without statements from all the Congressmen that its costs would not put them over their campaign spending limits.

A three-judge panel ruled that the statute imposed an unconstitutional prior restraint on newspapers by requiring spending limit certificates and failing to define clearly enough what ads were "on behalf" of a candidate.

As a result of the Supreme Court action, the Government will continue to enforce all aspects of the campaign law until the justices decide the case.

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