

# The Burger Court Opinion Writing Database

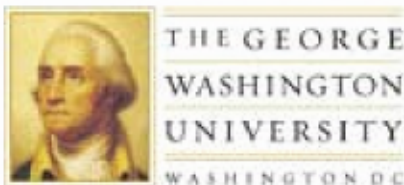
## *Chicago v. United States*

396 U.S. 162 (1969)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

Forrest Maltzman, George Washington University



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

CHAMBERS OF  
THE CHIEF JUSTICE

December 4, 1969

Re: Nos. 101 and 102 - Chicago v. U. S.

Dear Bill:

I join in the above.

Regards,

  
W.E.B.

Mr. Justice Douglas

cc: The Conference

AB

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

CHAMBERS OF  
JUSTICE HUGO L. BLACK

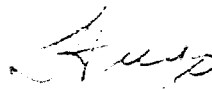
December 2, 1969

Nos. 101 and 102 - City of Chicago v. U. S.  
etc.

Dear Bill:

I agree.

Sincerely,



Hugo

Mr. Justice Douglas.

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS

*J. A. G. J.*

To: The Chief Justice  
Mr. Justice Black  
Mr. Justice Harlan  
Mr. Justice Brennan  
Mr. Justice Stewart  
Mr. Justice White  
Mr. Justice Fortas  
Mr. Justice Marshall

**SUPREME COURT OF THE UNITED STATES**

Nos. 101 AND 102.—OCTOBER TERM, 1969

From: Douglas, J.  
Circulated: 12/1/69

City of Chicago, et al.,  
Appellants,  
101 v.  
United States et al.,  
City of Chicago, et al.,  
Appellants,  
102 v.  
United States et al.,

On Appeals From the United States District Court for the Northern District of Illinois.

[December —, 1969]

MR. JUSTICE DOUGLAS delivered the opinion of the Court.

The question in these cases is whether orders of the Interstate Commerce Commission discontinuing investigations respecting the notice of rail carriers to discontinue or change the operation or services of interstate passenger trains are judicially reviewable on the complaint of aggrieved persons.

Section 13a (1) of the Interstate Commerce Act, 72 Stat. 571, 49 U. S. C. § 13a provides, with details not important here, that a rail carrier may file notice of such discontinuance or change with the Commission and that within 30 days the Commission may make an investigation of the proposed discontinuance or change. Apart from interim relief, the Commission may order continuance of the operation and service for a period not to exceed one year.<sup>1</sup> One of the present cases involved two interstate passenger trains between Chicago and Evansville,

<sup>1</sup>Section 13a (2), applicable to discontinuance of intrastate trains, provides that where a State bars discontinuance or change in operation or service of a train, the carrier may petition the Commission for a grant of such authority.

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS

To: The Chief Justice  
Mr. Justice Black  
Mr. Justice Harlan  
Mr. Justice Brennan ✓  
Mr. Justice Stewart  
Mr. Justice White  
Mr. Justice Fortas  
Mr. Justice Marshall

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**SUPREME COURT OF THE UNITED STATES**

Nos. 101 AND 102.—OCTOBER TERM, 1969

From: Douglas, J.

Regulated: 12/2/69

City of Chicago, et al.,  
Appellants,

101 v.  
United States et al.,

City of Chicago, et al.,  
Appellants,

102 v.  
United States et al.,

On Appeals From the United  
States District Court for  
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[December —, 1969]

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<sup>1</sup> Section 13a (2), applicable to discontinuance of intrastate trains, provides that where a State bars discontinuance or change in operation or service of a train, the carrier may petition the Commission for a grant of such authority.

COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS

December 2, 1939

Re: Nos. 101 and 102 - Chicago v. U.S.

Dear Bill:

I agree with your opinion, but I am wondering whether you might wish to add a footnote recognizing that there have been conflicting decisions in the lower courts on the very point at issue since Rochester Telephone. Whatever you decide on this score is all right with me.

Sincerely,

J. M. H.

Mr. Justice Douglas

CC: The Conference

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

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR.

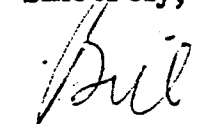
December 3, 1969

RE: Nos. 101 & 102 - City of Chicago v.  
United States

Dear Bill:

I agree with your opinion in the above  
case.

Sincerely,



W. J. B. Jr.

Mr. Justice Douglas

cc: The Conference

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

CHAMBERS OF  
JUSTICE POTTER STEWART

December 2, 1969

Nos. 101 and 102 - Chicago v. U.S.

Dear Bill,

I am glad to join the opinion you have written  
for the Court in these cases.

Sincerely yours,

P.S.

Mr. Justice Douglas

Copies to the Conference



December 2, 1969

Re: Nos. 101 & 102 - City of Chicago  
v. United States

Dear Bill:

Please join me in your opinion  
in this case.

Sincerely,

B.R.W.

Mr. Justice Douglas

cc: The Conference

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

December 3, 1969

Re: Nos. 101 and 102 - City of Chicago v. U. S.

Dear Bill:

Please join me.

Sincerely,

  
T.M.

Mr. Justice Douglas

cc: The Conference