

The Burger Court Opinion Writing Database

United States v. Chicago

400 U.S. 8 (1970)

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

Summary
Disposition

CHAMBERS OF
THE CHIEF JUSTICE

October 13, 1970

Re: Nos. 386, 387, 396, 410 -
United States v. Chicago

Dear Bill:

Please join me in your Per Curiam.

Regards,

WB

Mr. Justice Douglas

cc: The Conference

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

CHAMBERS OF
JUSTICE HUGO L. BLACK

October 12, 1970

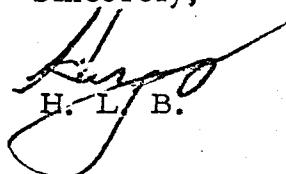
Dear Bill,

Re: Nos. 386, 387, 396 and 410.

Please add the following at the
foot of your Per Curiam in this case:

"MR. JUSTICE BLACK has grave
doubts about the Court's interpretation of
Section 13a(1) of the Interstate Commerce Act
and therefore does not join the Court's sum-
mary reversal, but would note jurisdiction
and set this case for argument."

Sincerely,


H. L. B.

Mr. Justice Douglas

cc: The Conference

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

CHAMBERS OF
JUSTICE HUGO L. BLACK

October 14, 1970

Dear Bill,

Re: Nos. 386, 387, 396, 410
United States, et al. v. City
of Chicago, et al.

I am joining Brother Harlan's
dissenting opinion in the above cases.

Please remove my statement at the end
of your opinion.

Sincerely,


H. L. B.

Mr. Justice Douglas

cc: Members of the Conference

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

CHAMBERS OF
JUSTICE HUGO L. BLACK

October 14, 1970

Dear John:

Re: Nos. 386, 387, 396, 410
United States, et al. v.
City of Chicago, et al.

Please join me in your dissent
in the above cases.

Sincerely,


H. L. B.

Mr. Justice Harlan

cc: Members of the Conference

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

1

From: Douglas, J.

SUPREME COURT OF THE UNITED STATES ~~circulated: 10/7/70~~

Nos. 386, 387, 396, 410.—OCTOBER TERM, 1970 ~~circulated: 10/7/70~~

United States et al., Appellants,
386 v.

City of Chicago et al.

United States et al., Appellants,
387 v.

Tennessee Public Service Commission et al.

Louisville & Nashville Railroad Company, Appellant,
396 v.

Tennessee Public Service Commission et al.

Chicago & Eastern Illinois Railroad et al., Appellant,

410 v.

City of Chicago et al.

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

[October —, 1970]

PER CURIAM.

These cases are a sequel to our decision in *City of Chicago v. United States*, 396 U. S. 162, last Term. The Chicago & Eastern Illinois Railroad (C&EI) filed a notice under § 13a(1) of the Interstate Commerce Act, 49 U. S. C. § 13a(1), proposing to discontinue a pair of trains known as the "Georgian," operated by it between Chicago, Illinois, and Evansville, Indiana, and operated in conjunction with trains of the Louisville & Nashville Railroad (L&N) between Evansville, Indiana, and Atlanta, Georgia, crossing Kentucky and Tennessee en route. Part of this litigation grows out of the ICC's

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

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SUPREME COURT OF THE UNITED STATES

From: Douglas, J.
STATES
circulated:

Nos. 386, 387, 396, 410.—OCTOBER TERM, 1971.

Rec'd 1970

10-12

United States et al., Appellants,
386 *v.*

City of Chicago et al.

United States et al., Appellants,
387 *v.*

Tennessee Public Service Commission et al.

Louisville & Nashville Railroad
Company, Appellant,
396

Tennessee Public Service Commission et al.

Chicago & Eastern Illinois Rail-
road et al., Appellant,
410

City of Chicago et al.

On Appeals from the
United States Dis-
trict Court for the
Northern District
of Illinois.

[October —, 1970]

PER CUBIAM

These cases are a sequel to our decision in *City of Chicago v. United States*, 396 U. S. 162, last Term. The Chicago & Eastern Illinois Railroad (C&EI) filed a notice under § 13a(1) of the Interstate Commerce Act, 49 U. S. C. § 13a(1), proposing to discontinue a pair of trains known as the "Georgian," operated by it between Chicago, Illinois, and Evansville, Indiana, and operated in conjunction with trains of the Louisville & Nashville Railroad (L&N) between Evansville, Indiana, and Atlanta, Georgia, crossing Kentucky and Tennessee en route. Part of this litigation grows out of the ICC's approval of the C&EI's discontinuance of the Chicago-

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

✓ P 3

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SUPREME COURT OF THE UNITED STATES

From: Douglas, J.

Circulated:

Nos. 386, 387, 396, 410.—OCTOBER TERM 1970

Recirculated: 10-13

United States et al., Appellants,
386 v.

City of Chicago et al.

United States et al., Appellants,
387 v.

Tennessee Public Service Commis-
sion et al.

Louisville & Nashville Railroad
Company, Appellant,
396 v.

Tennessee Public Service Commis-
sion et al.

Chicago & Eastern Illinois Rail-
road et al., Appellant,

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On Appeals from the
United States Dis-
trict Court for the
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[October —, 1970]

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J

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

4

SUPREME COURT OF THE UNITED STATES Douglas, J.

Nos. 386, 387, 396, 410.—OCTOBER TERM, 1970

Recirculated: 10/13/70

United States et al., Appellants,
386 v.
City of Chicago et al.
United States et al., Appellants,
387 v.
Tennessee Public Service Commission et al.
Louisville & Nashville Railroad Company, Appellant,
396 v.
Tennessee Public Service Commission et al.
Chicago & Eastern Illinois Railroad et al., Appellant,
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On Appeals from the
United States District Court for the
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[October —, 1970]

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Wm

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to. The Chief Justice
Mr. Justice Black
Mr. Justice Harlan
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun

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SUPREME COURT OF THE UNITED STATES *Douglas, J.*

Nos. 386, 387, 396, 410.—OCTOBER TERM, 1970 cited: *10/15/70*

United States et al., Appellants,
386 *v.*
City of Chicago et al.
United States et al., Appellants,
387 *v.*
Tennessee Public Service Commission et al.
Louisville & Nashville Railroad Company, Appellant,
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On Appeals from the
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[October —, 1970]

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P 3
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To: The Chief Justice
Mr. Justice Black
Mr. Justice Harlan ✓
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun

SUPREME COURT OF THE UNITED STATES

From: Douglas, J.

Nos. 386, 387, 396, 410.—OCTOBER TERM, 1970

... circulated:

10/16/70

... circulated:

United States et al., Appellants,
386 v.

City of Chicago et al.

United States et al., Appellants,
387 v.

Tennessee Public Service Commis-
sion et al.

Louisville & Nashville Railroad
Company, Appellant,
396 v.

Tennessee Public Service Commis-
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Chicago & Eastern Illinois Rail-
road et al., Appellant,
410 v.

City of Chicago et al.

On Appeals from the
United States Dis-
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To: The Chief Justice
Mr. Justice Black
Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun

From: Harlan, J.

SUPREME COURT OF THE UNITED STATES

Argued: 10-13-70

Nos. 386, 387, 396, 410.—OCTOBER TERM, 1970

Recirculated: 10-13-70

United States et al., Appellants,
386 v.
City of Chicago et al.
United States et al., Appellants,
387 v.
Tennessee Public Service Commission et al.
Louisville & Nashville Railroad Company, Appellant,
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Tennessee Public Service Commission et al.
Chicago & Eastern Illinois Railroad et al., Appellant,
410 v.
City of Chicago et al.

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

[October —, 1970]

MR. JUSTICE HARLAN, dissenting.

I think these cases do not lend themselves to summary disposition.

The Chicago and Eastern Illinois Railroad Co. and the Louisville & Nashville Railroad Co. jointly operated a train known as the "Georgian" which provided passenger service between Chicago, Illinois, and Atlanta, Georgia. At Evansville, Indiana, between the two terminal points on the "Georgian" run, the railroad companies switched engines and train crews; passengers, however, could remain in the railroad cars and continue through to the end of the run. The Chicago and Eastern Illinois sought ICC approval of its discontinuance of the Chicago-Evansville portion of the run; notice

To: The Chief Justice
Mr. Justice Black
Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun

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From: Harlan, J.
SUPREME COURT OF THE UNITED STATES
Circulated

Nos. 386, 387, 396, 410, OCTOBER TERM, 1970
Recirculated: 10/14/70

United States et al., Appellants,
386 v.
City of Chicago et al.
United States et al., Appellants,
387 v.
Tennessee Public Service Commission et al.
Louisville & Nashville Railroad Company, Appellant,
396 v.
Tennessee Public Service Commission et al.
Chicago & Eastern Illinois Railroad et al., Appellant,
410 v.
City of Chicago et al.

On Appeals from the
United States District Court for the
Northern District
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[October —, 1970]

MR. JUSTICE HARLAN, with whom MR. JUSTICE BLACK joins, dissenting.

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p. 2, 4, 5

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SUPREME COURT OF THE UNITED STATES^{ER}

From: Harlan, J.

Circulated: _____

Recirculated:

United States et al., Appellants, 386 *u.*

City of Chicago et al.

United States et al., Appellants,
387 *v.*

Tennessee Public Service Commission et al.

Louisville & Nashville Railroad
Company, Appellant,
396 *v.*

Tennessee Public Service Commission et al.

Chicago & Eastern Illinois Rail-
road et al., Appellant,
410 22

City of Chicago et al.

On Appeals from the
United States Dis-
trict Court for the
Northern District
of Illinois.

[October —, 1970]

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

CHAMBERS OF
JUSTICE POTTER STEWART

October 7, 1970

Nos. 386, 387, 396, 410 --
United States v. Chicago

Dear Bill,

I am glad to join the Per Curiam circulated by you today in these cases.

Sincerely yours,



Mr. Justice Douglas

Copies to the Conference

October 12, 1970

Re: Nos. 386, 387, 396 & 410 -
U.S. v. City of Chicago

Dear Bill:

Confirming my oral communication,
I join your per curiam for
this case.

Sincerely,

B.R.W.

Mr. Justice Douglas

cc: Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

October 8, 1970

Re: Nos. 386, 387, 396, 410 --
United States v. Chicago, etc.

Dear Bill:

Please join me in your Per Curiam.

Sincerely,



T.M.

Mr. Justice Douglas

cc: The Conference

Supreme Court of the United States

Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

October 9, 1970

Re: Nos. 386, 387, 396, 410 -
United States v. Chicago

Dear Bill:

Please join me in your proposed Per
Curiam for these cases.

Sincerely,

H. A. B.

Mr. Justice Douglas

cc: The Conference