

# The Burger Court Opinion Writing Database

*Port of Portland v. United States*  
408 U.S. 811 (1972)

Paul J. Wahlbeck, George Washington University  
James F. Spriggs, II, Washington University  
Forrest Maltzman, George Washington University



B7

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

CHAMBERS OF  
THE CHIEF JUSTICE

June 22, 1972

Re: No. 70-31 - Port of Portland v. U. S.

Dear Harry:

Please join me.

Regards,

WEBS

Mr. Justice Blackmun

Copies to the Conference

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

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR.

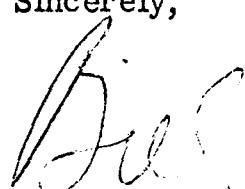
June 20, 1972

RE: No. 70-31 - Port of Portland v. United  
States

Dear Harry:

I am happy indeed to join your very  
fine opinion in the above.

Sincerely,



Mr. Justice Blackmun

cc: The Conference

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

CHAMBERS OF  
JUSTICE POTTER STEWART

June 20, 1972

No. 70-31, Port of Portland v. U.S.

Dear Harry,

Your memorandum in this case is very thorough and clear, and I agree with it.

Sincerely yours,

P.S.  
1

Mr. Justice Blackmun

Copies to the Conference

(1)

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

June 20, 1972

Re: No. 70-31 - Port of Portland  
v. U. S.

---

Dear Harry:

Please join me.

Sincerely,



Mr. Justice Blackmun

Copies to Conference

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

June 20, 1972

Re: No. 70-31 - Port of Portland v. U. S.

Dear Harry:

Please join me.

Sincerely,

  
T.M.

Mr. Justice Blackmun

cc: Conference

10  
*Please sign me*  
To: The Chief Justice  
Mr. Justice Douglas  
Mr. Justice Brennan  
Mr. Justice Stewart  
Mr. Justice White  
Mr. Justice Marshall ✓  
Mr. Justice Powell  
Mr. Justice Rehnquist

1st DRAFT

From: Blackmun, J.

Circulated: 6/20/72

Recirculated: \_\_\_\_\_

No. 70-31

Port of Portland et al.,  
Appellants,  
v.  
United States et al. } On Appeal from the United  
States District Court for the  
District of Oregon.

[June —, 1972]

MR. JUSTICE BLACKMUN, Memorandum.

This case involves an order of the Interstate Commerce Commission, issued under § 5 (2) of the Interstate Commerce Act, 49 U. S. C. § 5 (2), authorizing the joint acquisition of a heretofore independent switching railroad at Portland, Oregon, by two of the four line-haul railroads serving that city. *Spokane, P. & S. Railway Co. and Union Pacific Railroad Co.*, 334 I. C. C. 419 (1969). The switching railroad, Peninsula Terminal Company, is of current interest to the carriers because it provides an entrance route to the Rivergate Industrial District, a modern industrial and port complex being developed by the appellant, Port of Portland.

The two railroads authorized to acquire Peninsula are the Union Pacific Railway Company ("UP") and the Great Northern Pacific & Burlington Lines, Inc. ("Burlington Northern"), through its subsidiary, the Spokane, Portland & Seattle Railway Company ("SP&S").<sup>1</sup> The two other line-haul carriers now serv-

<sup>1</sup> The SP&S was formerly owned by the Great Northern Railway Company and the Northern Pacific Railway Company. These two roads merged to become Burlington Northern. See *Northern Lines Merger Cases*, 396 U. S. 491 (1970). SP&S now operates as an inte-

## STYLISTIC CHANGES

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

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SUPREME COURT OF THE UNITED STATES<sup>Circumlocution</sup>

Gingulated:

Recirculated: 6/23/72

No. 70-31

Port of Portland et al.,  
Appellants,  
v.  
United States et al. } On Appeal from the United  
States District Court for the  
District of Oregon.

[June 26, 1972]

MR. JUSTICE BLACKMUN delivered the opinion of the Court.

This case involves an order of the Interstate Commerce Commission, issued under § 5 (2) of the Interstate Commerce Act, 49 U. S. C. § 5 (2), authorizing the joint acquisition of a heretofore independent switching railroad at Portland, Oregon, by two of the four line-haul railroads serving that city. *Spokane, P. & S. Railway Co. and Union Pacific Railroad Co.*, 334 I. C. C. 419 (1969). The switching railroad, Peninsula Terminal Company, is of current interest to the carriers because it provides an entrance route to the Rivergate Industrial District, a modern industrial and port complex being developed by the appellant, Port of Portland.

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