

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



B
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,
W.E. 03

Mr. Justice Blackmun

Copies to the Conference

41
Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

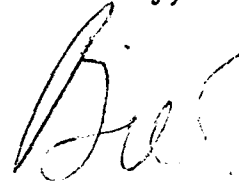
June 20, 1972

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.
/

Mr. Justice Blackmun

Copies to the Conference

12
Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE BYRON R. WHITE

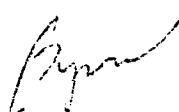
June 20, 1972

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 join 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.

SUPREME COURT OF THE UNITED STATES

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").¹ The two other line-haul carriers now serv-

¹ 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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From: Blackmun, J.

SUPREME COURT OF THE UNITED STATES

Circulated: _____

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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