

The Burger Court Opinion Writing Database

United States v. Allegheny-Ludlum Steel Corp.

406 U.S. 742 (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

May 31, 1972

CHAMBERS OF
THE CHIEF JUSTICE

No. 71-227 -- U.S. v. Allegheny Ludlum Steel Corp.

Dear Bill:

I voted to affirm in this case but your opinion
persuades me to go along.

Please join me.

Regards,

WE B

Mr. Justice Rehnquist

Copies to the Conference

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION

OFFICE OF THE CLERK OF THE SUPREME COURT

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

March 31, 1972

Dear Chief:

As I may be out of the city when you make
this week's assignments, may I suggest that No.
71-227 - United States v. Allegheny Ludlum Steel
Corp. be assigned to Bill Rehnquist.

W.O.D.

The Chief Justice

* if the vote to
albin is final

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U.S. DEPARTMENT OF JUSTICE

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

May 30, 1972

Dear Bill:

In No. 71-227 - U. S. v. Allegheny-
Ludlum Steel Corporation, please join
me in your opinion.

W. b. b. V

Mr. Justice Rehnquist

cc: Conference

June fifth
1972

Dear Chief:

I talked with Bill Rehnquist and he has not had sufficient time to study No. 70-279 - U. S. v. Florida East Coast, so I suggest it be put on the next Conference List so that it can be explored by the Conference and determined whether it should be put down for oral argument or disposed of summarily.

The new sentence that Bill Rehnquist put into his Allegheny opinion (71-227) eliminates any possibility of a conflict with Florida East Coast.

William O. Douglas

The Chief Justice

CC: The Conference

Wm Douglas
June 11

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

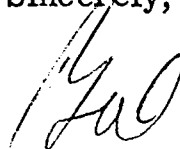
May 30, 1972

RE: No. 71-227 - United States v. Allegheny-
Ludlum Steel Corporation

Dear Bill:

I am happy to join your opinion in the
above.

Sincerely,



Mr. Justice Rehnquist

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

May 31, 1972

No. 71-227 - U.S. v. Allegheny-Ludlum Steel

Dear Bill,

I am glad to join, with thanks, your
opinion for the Court in this case.

Sincerely yours,

P.S.
✓

Mr. Justice Rehnquist

Copies to the Conference

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U.S. DEPARTMENT OF JUSTICE

36
Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE BYRON R. WHITE

May 31, 1972

Re: No. 71-227 - United States v. Allegheny-
Ludlum Steel Corp.

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Rehnquist

Copies to Conference

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SECRET NO ADVANCE

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

May 30, 1972

Re: No. 71-227 - United States v. Allegheny-
Ludlum Steel Corp.

Dear Bill:

Please join me.

Sincerely,


T.M.

Mr. Justice Rehnquist

cc: The Conference

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SSSNCNOC JU ADVDDI 1 IN

3

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 1, 1972

Re: No. 71-227 - U. S. v. Allegheny-Ludlam
Steel Corporation

Dear Bill:

Please join me.

Sincerely,

HAB.

Mr. Justice Rehnquist

cc: The Conference

May 30, 1972

Re: No. 71-227 U. S. v. Allegheny Ludlum
Steel Corp.

Dear Chief:

At the Conference on the above case you and I both voted tentatively to affirm. All other Justices voted to reverse, although Justices Brennan and Stewart were marked on my record as "tentative".

I have now reviewed Bill Rehnquist's opinion and am inclined to join it. Apart from the problem at this late date of writing a meaningful dissent, Bill makes a fairly strong case for reversing the district court and affirming the decision of the ICC.

Unless you expect to write a dissent, I will advise Bill Rehnquist of my concurrence.

Sincerely,

The Chief Justice

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

May 31, 1972

Re: No. 71-227 United States v. Allegheny-
Ludlum Steel Corp.

Dear Bill:

Please join me.

Sincerely,

Lewis

Mr. Justice Rehnquist

cc: The Conference

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION

SSSRRNOC 20 ADV DDL 1 IN

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

May 31, 1972

*all
note noted
only YAB
remaining
file*

Re: No. 71-227 United States v. Allegheny-
Ludlum Steel Corp.

Dear Bill:

Please join me.

Sincerely,

Lewis

Mr. Justice Rehnquist

cc: The Conference

*Bill - your excellent
opinion was me over.
Lewis*



To: The Chief Justice
 Mr. Justice Rehnquist
 Mr. Justice Brandeis
 Mr. Justice Stewart
 Mr. Justice White
 Mr. Justice Marshall
 Mr. Justice Blackmun
 Mr. Justice Powell

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 71-227

Rehnquist, J.
 Circulated: 5/30/72

Circulated: _____

United States et al.,	} On Appeal from the United
Appellants,	
v.	
Allegheny-Ludlum Steel Corporation et al.	
	States District Court for the
	Western District of Penn-
	sylvania.

[May —, 1972]

MR. JUSTICE REHNQUIST delivered the opinion of the Court.

In 1969 the Interstate Commerce Commission promulgated two "car service rules" which would have the general effect of requiring that freight cars, after being unloaded, be returned in the direction of the lines of the road owning the car. Several railroads and shippers instituted two separate suits under 28 U. S. C. §§ 2321-2325 to enjoin enforcement of these rules. In *Florida East Coast Railway Company v. United States*, 327 F. Supp. 1076 (MD Fla. 1971), the action of the Commission was sustained by a three-judge court, but in the case now before us a similar court for the Western District of Pennsylvania held the Commission's order invalid. 325 F. Supp. 352 (WD Pa. 1971). We noted probable jurisdiction, 404 U. S. 937, and for the reasons hereinafter stated we conclude that the Commission's action here challenged was within the scope of the authority conferred upon it by Congress and conformed to procedural requirements.

The country's railroads long ago abandoned the custom of shifting freight between the cars of connecting roads, and adopted the practice of shipping the

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To: The Chief Justice
 Mr. Justice Douglas
 Mr. Justice Brandeis
 Mr. Justice Stewart
 Mr. Justice White
 Mr. Justice Marshall
 Mr. Justice Blackmun
 Mr. Justice Powell

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D.C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

SUPREME COURT OF THE UNITED STATES

By: Rehnquist, J.

No. 71-227

Circulated: _____

Recirculated: 6/5/72

United States et al.,	}	On Appeal from the United States District Court for the Western District of Pennsylvania.
Appellants,		
v.		
Allegheny-Ludlum Steel Corporation et al.		

[June 7, 1972]

MR. JUSTICE REHNQUIST delivered the opinion of the Court.

In 1969 the Interstate Commerce Commission promulgated two "car service rules" which would have the general effect of requiring that freight cars, after being unloaded, be returned in the direction of the lines of the road owning the car. Several railroads and shippers instituted two separate suits under 28 U. S. C. §§ 2321-2325 to enjoin enforcement of these rules. In *Florida East Coast Railway Company v. United States*, 327 F. Supp. 1076 (MD Fla. 1971), the action of the Commission was sustained by a three-judge court, but in the case now before us a similar court for the Western District of Pennsylvania held the Commission's order invalid. 325 F. Supp. 352 (WD Pa. 1971). We noted probable jurisdiction, 404 U. S. 937, and for the reasons hereinafter stated we conclude that the Commission's action here challenged was within the scope of the authority conferred upon it by Congress and conformed to procedural requirements.

The country's railroads long ago abandoned the custom of shifting freight between the cars of connecting roads, and adopted the practice of shipping the