

The Burger Court Opinion Writing Database

Regional Rail Reorganization Act Cases
419 U.S. 102 (1974)

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



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

CHAMBERS OF
THE CHIEF JUSTICE

December 9, 1974

Re: (74-165 - Blanchette, as Trustees of Property of Penn Central
Transportation Co. v. Conn. Gen. Ins. Corporations
(74-166 - Smith, Trustee of Property of NY, New Haven and
Hartford RR Co. v. United States
(74-167 - United States Ry. Assoc. v. Conn. Gen. Ins. Corps.
(74-168 - United States v. Conn. Gen. Ins. Corps.

Dear Bill:

Please join me.

Regards,

WB

Mr. Justice Brennan

Copies to the Conference

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

3rd DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 74-165, 74-166, 74-167, AND 74-168
From: Douglas, J.

Robert W. Blanchette et al., as
Trustees of the Property of
Penn Central Transpor-
tation Company,
Appellants,

74-165 v.

Connecticut General Insurance
Corporation et al.

Richard Joyce Smith, Trustee of
the Property of the New York,
New Haven and Hartford
Railroad Company,
Appellants,

74-166 v.

United States et al.

United States Railway Associa-
tion, Appellants,

74-167 v.

Connecticut General Insurance
Corporation et al.

United States et al.,
Appellants,

74-168 v.

Connecticut General Insurance
Corporation et al.

Circulate: 11-29

Recirculate: _____

On Appeals from the
United States District
Court for the Eastern
District of Pennsyl-
vania.

[December —, 1974]

MR. JUSTICE DOUGLAS, dissenting.

These cases have created, as did the *Penn-Central*

13, 24, 25

152-2

To: The Chief Justice
Mr. Justice Brennan
Mr. Justice Stone
Mr. Justice Murphy
Mr. Justice Harlan
Mr. Justice Brandeis

5th DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 74-165, 74-166, 74-167, AND 74-168:

Robert W. Blanchette et al., as
Trustees of the Property of
Penn Central Transpor-
tation Company,
Appellants,

74-165 *v.*

Connecticut General Insurance Corporation et al.

Richard Joyce Smith, Trustee of
the Property of the New York,
New Haven and Hartford
Railroad Company,
Appellants.

74-166 *v.*

United States et al.

United States Railway Association, Appellants,

74-167 v.

Connecticut General Insurance
Corporation et al.

United States et al.,
Appellants.

74-168 *v.*

Connecticut General Insurance Corporation et al.

Recirculate

12-3

On Appeals from the
United States District
Court for the Eastern
District of Pennsylvania.

[December 1, 1974]

MR. JUSTICE DOUGLAS, dissenting.

These cases have created, as did the *Penn-Central*

J 385

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

6th DRAFT

SUPREME COURT OF THE UNITED STATES

From: Douglas

Nos. 74-165, 74-166, 74-167, AND 74-168

Recirculate: 12-4

Robert W. Blanchette et al., as
Trustees of the Property of
Penn Central Transporta-
tion Company,
Appellants,

74-165 v.

Connecticut General Insurance
Corporation et al.

Richard Joyce Smith, Trustee of
the Property of the New York,
New Haven and Hartford

Railroad Company,
Appellants,

74-166 v.

United States et al.

United States Railway Associa-
tion, Appellants,

74-167 v.

Connecticut General Insurance
Corporation et al.

United States et al.,
Appellants,

74-168 v.

Connecticut General Insurance
Corporation et al.

On Appeals from the
United States District
Court for the Eastern
District of Pennsylvania.

[December —, 1974]

MR. JUSTICE DOUGLAS, dissenting.

These cases have created, as did the *Penn-Central*

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

1st DRAFT

From: Mr. Justice J.

SUPREME COURT OF THE UNITED STATES

Nos. 74-165, 74-166, 74-167, AND 74-168

Recirculated: 12/1/74

Robert W. Blanchette et al., as
 Trustees of the Property of
 Penn Central Transpor-
 tation Company,
 Appellants,

74-165 *v.*

Connecticut General Insurance
 Corporations et al.

Richard Joyce Smith, Trustee of
 the Property of the New York,
 New Haven and Hartford
 Railroad Company,
 Appellant,

74-166 *v.*
 United States et al.

United States Railway Associa-
 tion, Appellant,

74-167 *v.*

Connecticut General Insurance
 Corporations et al.

United States et al.,
 Appellants,

74-168 *v.*

Connecticut General Insurance
 Corporations et al.

On Appeals from the
 United States District
 Court for the Eastern
 District of Pennsyl-
 vania.

[December —, 1974]

MR. JUSTICE BRENNAN delivered the opinion of the
 Court.

*Stylistic changes throughout;
see p. 49*

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

From: Brennan, J.

*2d
1st DRAFT*

SUPREME COURT OF THE UNITED STATES

Nos. 74-165, 74-166, 74-167, AND 74-168

Recirculated 12/5/74

REGIONAL RAIL REORGANIZATION ACT CASES

Robert W. Blanchette et al., as

Trustees of the Property of
Penn Central Transpor-
tation Company,
Appellants,

74-165 v.

Connecticut General Insurance
Corporations et al.

Richard Joyce Smith, Trustee of
the Property of the New York,
New Haven and Hartford
Railroad Company,
Appellant,

74-166 v.
United States et al.

United States Railway Associa-
tion, Appellant,

74-167 v.

Connecticut General Insurance
Corporations et al.

United States et al.,
Appellants,

74-168 v.

Connecticut General Insurance
Corporations et al.

On Appeals from the
United States District
Court for the Eastern
District of Pennsyl-
vania.

[December --, 1974]

MR. JUSTICE BRENNAN delivered the opinion of the
Court.

Supreme Court of the United States
Washington, D. C. 20543CHAMBERS OF
JUSTICE POTTER STEWART1525
December 12, 1974

Re: Regional Rail Reorganization Act Cases
Nos. 74-165, 74-166, 74-167 & 74-168

Dear Bill,

I should appreciate your adding the following at the foot of your opinion in these cases:

"MR. JUSTICE STEWART dissents from the opinion and judgment of the Court, substantially for the reasons set out in Part II of the dissenting opinion of MR. JUSTICE DOUGLAS."

Sincerely yours,



Mr. Justice Brennan

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

December 2, 1974

Re: Nos. 74-165, 74-166, 74-167 & 74-168 -
Blanchette v. Connecticut General Ins.
Corporations

Dear Bill:

You have done your usual fine job on this
enormous case. Thank you. Of course, I join.

Sincerely,



Mr. Justice Brennan

Copies to Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

December 2, 1974

Re: Nos. 74-165, 74-166, 74-167, and 74-168

Dear Bill:

Please join me in your opinion in this case.

Sincerely,

T. M.
T. M.

Mr. Justice Brennan

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

December 2, 1974

Re: Nos. 74-165/168 - Blanchette, et al. v.
Connecticut General Ins. Corp.

Dear Bill:

Please join me. This is a large job. I, for one, appreciate your taking it on.

Sincerely,

Harry

Mr. Justice Brennan

cc: The Conference

September 16, 1974

No. 74-165 - 74-168 (United States v.
Connecticut General, etc.) (Penn Central-
Rail Act Cases)

Dear Chief:

In the course of my working on the above cases, I observe that Prudential Insurance Company and Equitable Life Assurance Society are among the creditors of Penn Central which were included among the plaintiffs in this case.

Over the years, my former law firm has done legal work for both of these insurance companies. In recent years, the work has been essentially local to Virginia and related to insurance policy claims or to local financing. Other law firms in Richmond and Virginia also do work for both of these companies.

My law firm does not represent these companies or have any other representation in this Penn Central case.

I personally feel competent to participate in the decision of these cases, and will do so if this meets with your approval and also if other Justices see no reason for disqualification.

Sincerely,

The Chief Justice

lfp/ss

Supreme Court of the United States

Washington, D. C. 20543

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

December 4, 1974

No. 74-165 Blanchette v. Connecticut
General

Dear Bill:

Mindful of the reasons advanced by Bill Douglas, in his letter to Byron, I reluctantly limit my comments on your fine opinion to:

"Please join me".

Perhaps Bill will not mind if I add that I also admire his fine dissenting opinion.

Sincerely,

Lewis

Mr. Justice Brennan

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

December 3, 1974

Re: Nos. 74-165, 74-166, 74-167, and 74-168 - Blanchette,
et al.

Dear Bill:

Please join me.

Sincerely,

Wm

Mr. Justice Brennan

Copies to the Conference