

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,

WRB

Mr. Justice Brennan

Copies to the Conference

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U.S. SUPREME COURT MANUSCRIPT DIVISION

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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.

Circulate: 11-29

Recirculate: _____

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 Associ-
ation, 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 Pennsyl-
vania.

[December —, 1974]

MR. JUSTICE DOUGLAS, dissenting.

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

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13, 24, 25

152-2

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

5th DRAFT

SUPREME COURT OF THE UNITED STATES

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

Recirculate: 12-3

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 Associ-
ation, 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 Pennsyl-
vania.

[December —, 1974]

MR. JUSTICE DOUGLAS, dissenting.

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

U.S. DEPT. OF JUSTICE

To: The Chief Justice
Mr. Justice Brennan
Mr. Justice
Mr.
Mr.
Mr.
Mr.
Mr.

6th DRAFT

SUPREME COURT OF THE UNITED STATES

From: Department

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

Circulate:

Recirculate: 12-4

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 Associ-
ation, 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 Pennsyl-
vania.

[December —, 1974]

MR. JUSTICE DOUGLAS, dissenting.

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

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SECTION OF ADVISORY

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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: [Name], J.

SUPREME COURT OF THE UNITED STATES

Submitted: 11/29/74

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

Recirculated: _____

Robert W. Blanchette et al., as
Trustees of the Property of
Penn Central Transportation 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 Association, 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 Pennsylvania.

[December —, 1974]

MR. JUSTICE BRENNAN delivered the opinion of the Court.

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AN IMPACT OF CONGRESS

From: Brennan, C.

68 Recirculated: 12/5/74

MR. JUSTICE BRENNAN delivered the opinion of the Court.

152-1
Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE POTTER STEWART

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,

P.S.


Mr. Justice Brennan

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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 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,

Byron

Mr. Justice Brennan

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SECTION OF ADVISORY IN

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

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SSACJNOJ FO ADVDDI IN

✓
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

✓
REPRODUCED FROM THE COLLECTION

IN THE MANUSCRIPT DIVISION

U.S. DEPARTMENT OF JUSTICE

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

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

✓

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

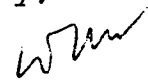
December 3, 1974

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

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Brennan

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U.S. SUPREME COURT