

The Burger Court Opinion Writing Database

Transportation Union v. Long Island Railroad Co.

455 U.S. 678 (1982)

Paul J. Wahlbeck, George Washington University
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To: Justice Brennan
 Justice White
 Justice Marshall
 Justice Blackmun
 Justice Powell
 Justice Rehnquist
 Justice Stevens
 Justice O'Connor

From: The Chief Justice

Circulated: MAR 12 1982

Recirculated:

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 80-1925

UNITED TRANSPORTATION UNION, PETITIONER *v.*
 LONG ISLAND RAILROAD COMPANY, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
 APPEALS FOR THE SECOND CIRCUIT

[March —, 1982]

CHIEF JUSTICE BURGER delivered the opinion of the
 Court.

We granted certiorari to decide whether the Tenth Amend-
 ment prohibits application of the Railway Labor Act to a
 state-owned railroad engaged in interstate commerce.

I

The Long Island Rail Road, incorporated in 1834, provides
 both freight and passenger service to Long Island.¹ In
 1966, after 132 years of private ownership and a period of
 steadily growing operating deficits, the railroad was acquired
 by New York State through the Metropolitan Transportation
 Authority.

¹The railroad's western terminus is Pennsylvania Station in
 Manhattan; there it connects with lines of railroads which serve other
 parts of the country. The eastern terminus is at Montauk Point, at the tip
 of Long Island, but most of its main and branch line traffic originates in the
 western half of Long Island, in the boroughs of Brooklyn and Queens, and
 in the suburbs of Nassau and western Suffolk counties. By far the bulk of
 the railroad's business is carrying commuters between Long Island's sub-
 urban communities and their places of employment in New York City.
 However, the Railroad supplies Long Island's only freight service; it does a
 significant volume of freight business, with 1979 freight revenue of over
 \$12 million.

STYLISTIC CHANGES ONLY

To: Justice Brennan
 Justice White
 Justice Marshall
 Justice Blackmun
 Justice Powell
 Justice Rehnquist
 Justice Stevens
 Justice O'Connor

From: The Chief Justice

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2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 80-1925

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 was acquired by New York State through the Metropolitan
 Transportation Authority.

Thereafter, the Railroad continued to conduct collective

¹The Railroad's western terminus is Pennsylvania Station in Manhattan;
 there it connects with lines of railroads which serve other parts of the coun-
 try. The eastern terminus is at Montauk Point, at the tip of Long Island,
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 ties and their places of employment in New York City. However, the
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 volume of freight business, with 1979 freight revenue of over \$12 million.

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

March 17, 1982

RE: No. 80-1925 United Transportation Union v. Long
Island RR Co., et al.

Dear Chief:

I agree.

Sincerely,



The Chief Justice

cc: The Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

March 17, 1982

Re: 80-1925 - United Transportation
Union v. Long Island Railroad Company

Dear Chief,

Please join me.

Sincerely yours,



The Chief Justice
Copies to the Conference
cpm

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

March 17, 1982

Re: No. 80-1925 - United Transportation Union v.
Long Island Railroad Company

Dear Chief:

Please join me.

Sincerely,



T.M.

The Chief Justice

cc: The Conference

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

March 17, 1982

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

Re: No. 80-1925 - United Transportation Union v.
Long Island Railroad Company

Dear Chief:

Please join me.

Sincerely,



The Chief Justice

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

March 15, 1982

80-1925 United Transportation Union v. Long Island Railroad

Dear Chief:

Please join me.

Sincerely,

Lewis

The Chief Justice

lfp/ss

cc: The Conference

Brennan

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

March 16, 1982

Re: No. 80-1925 United Transportation Union v.
Long Island Railroad Company

Dear Chief:

Please join me.

Sincerely,

WHR

The Chief Justice

cc: The Conference

Brennan

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

March 18, 1982

Re: 80-1925 - United Transportation Union
v. Long Island Railroad Co.

Dear Chief:

Please join me.

Respectfully,



The Chief Justice

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

March 15, 1982

No. 80-1925 United Transportation Union
v. Long Island Railroad Co.

Dear Chief,

Please join me.

Sincerely,



The Chief Justice

Copies to the Conference