

The Burger Court Opinion Writing Database

National Association of Greeting Card Publishers v. Postal Service

462 U.S. 810 (1983)

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

June 13, 1983

Re: No. 81-1304, Nat'l. Assn of Greeting Card Pubs.
v. U.S. Postal Service
81-1381, U.S. Parcel Service of America v.
U.S. Postal Service

Dear Harry:

I join.

Regards,



Justice Blackmun

Copies to the Conference

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

June 8, 1983

Nos. 81-1304 & 81-1381

National Association of Greeting
Card Publishers v. United States
Postal Service, et al., etc.

Dear Harry,

I agree.

Sincerely,

Bill

Justice Blackmun

Copies to the Conference

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

June 17, 1983

Nos. 81-1304 & 81-1381

National Association of Greeting
Card Publishers v. United States
Postal Service, et al., etc.

Dear Harry,

I agree with your proposed addition
to footnote 13 in the above.

Sincerely,



Justice Blackmun

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

June 9, 1983

Re: 81-1304 and 81-1381

National Association of Greeting Card
Publishers v. United States Postal Service

United Parcel Service of America, Inc.
v. United States Postal Service

Dear Harry,

I agree.

Sincerely yours,



Justice Blackmun

cc: The Conference

cpm

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

June 8, 1983

Re: Nos. 81-1304 and 1381-National Association of
Greeting Card Publishers v. United States
Postal Service and United Parcel Service of
America v. United States Postal Service

Dear Harry:

Please join me.

Sincerely,

J.M.
T.M.

Justice Blackmun

cc: The Conference

Justice Brennan
Justice White
Justice Marshall
Justice Powell
Justice Rehnquist
Justice Stevens
Justice O'Connor

From: **Justice Blackmun**

Circulated: JUN 7 1983

Recirculated: _____

Handwritten initials and a large curved line.

1st DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 81-1304 AND 81-1381

NATIONAL ASSOCIATION OF GREETING CARD
PUBLISHERS, PETITIONER

81-1304

v.

UNITED STATES POSTAL SERVICE ET AL.

UNITED PARCEL SERVICE OF AMERICA, INC.,
PETITIONER

81-1381

v.

UNITED STATES POSTAL SERVICE ET AL.

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

[June —, 1983]

JUSTICE BLACKMUN delivered the opinion of the Court.

This case arises out of the most recent general postal ratemaking proceeding, the fifth under the Postal Reorganization Act. At issue is the extent to which the Act requires the responsible federal agencies to base postal rates on cost-of-service principles.

I

A

When, in 1970, Congress enacted the Postal Reorganization Act (Act), 84 Stat. 719, 39 U. S. C. § 101 *et seq.*, it divested itself of the control it therefore had exercised over the setting of postal rates and fees. The Act abolished the Post Office Department, which since 1789 had administered the Nation's mails. See Act of Sept. 22, 1789, ch. 16, 1 Stat. 70.

Handwritten "to" with an arrow pointing to the word "divested" in the text above.

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

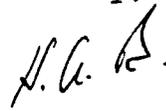
CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 13, 1983

Dear Chief:

I ask that the Greeting Card cases, Nos. 81-1304 and 81-1381, go over to next week.

Sincerely,

Handwritten signature of H. A. Blackmun in cursive script.

The Chief Justice

cc: The Conference

STYLISTIC CHANGES
and 18,21

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

From: **Justice Blackmun**

Circulated: _____

Recirculated: JUN 13 1983

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 81-1304 AND 81-1381

NATIONAL ASSOCIATION OF GREETING CARD
PUBLISHERS, PETITIONER

81-1304

v.

UNITED STATES POSTAL SERVICE ET AL.

UNITED PARCEL SERVICE OF AMERICA, INC.,
PETITIONER

81-1381

v.

UNITED STATES POSTAL SERVICE ET AL.

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

[June —, 1983]

JUSTICE BLACKMUN delivered the opinion of the Court.

This case arises out of the most recent general postal ratemaking proceeding, the fifth under the Postal Reorganization Act. At issue is the extent to which the Act requires the responsible federal agencies to base postal rates on cost-of-service principles.

I

A

When, in 1970, Congress enacted the Postal Reorganization Act (Act), 84 Stat. 719, 39 U. S. C. §101 *et seq.*, it divested itself of the control it theretofore had exercised over the setting of postal rates and fees. The Act abolished the Post Office Department, which since 1789 had administered the Nation's mails. See Act of Sept. 22, 1789, ch. 16, 1 Stat.

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 16, 1983

MEMORANDUM TO THE CONFERENCE

Re: No. 81-1304 - National Association of Greeting Card
Publishers v. U. S. Postal Service
No. 81-1381 - U. S. Parcel Service of America
v. U. S. Postal Service

Yesterday the SG filed a motion for leave to file a supplemental brief for the Postal Service. The motion has not yet appeared on a conference list, so a copy is attached. The brief informs us that after the Second Circuit's remand in the Time case, the Governors gave further explanation of their decision to modify the rates.

This has no substantive bearing upon our decision and opinion scheduled for announcement next week. I am inclined to grant the SG's motion in due course. In any event, unless there is dissent, I propose to add the following after the date in the last line of footnote 13 on page 8 of the opinion:

"The Governors complied with the remand, Further Explanation and Justification Supporting the September 29, 1981 Decision of the Governors of the United States Postal Service on Rates of Postage and Fees for Postal Services (Dec. 20, 1982), and the Second Circuit recently denied petitions for review. Time, Inc. v. United States Postal Service, Nos. 81-4183, 81-4185, 81-4203, 81-4205, and 81-6216 (June 8, 1983)."

The footnote then would close, as it does now, with "These matters are not before us."

This will serve to reflect the current state of the postal proceedings. Absent objection, I shall make this addition to the footnote in question.

Harry

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

June 8, 1983

81-1304 National Association of Greeting Card
Publishers v. U.S. Postal Service

Dear Harry:

Please join me.

Sincerely,



Justice Blackmun

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

June 8, 1983

Re: Nos. 81-1304 & 81-1381 National Association of
Greeting Card Publishers v. U.S. Postal Service

Dear Harry:

Please join me.

Sincerely,



Justice Blackmun

cc: The Conference

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

June 9, 1983

Re: 81-1304 and 81-1381 - Nat'l Assn. of Greeting
Card Publishers v. U. S. Postal Service

Dear Harry:

Please join me.

Respectfully,



Justice Blackmun

Copies to the Conference

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

June 7, 1983

No. 81-1304 National Association of Greeting
Card Publishers v. U. S. Postal
Service
No. 81-1381 United Parcel Service of America
v. U. S. Postal Service

Dear Harry,

Please join me.

Sincerely,

Sandra

Justice Blackmun

Copies to the Conference