

# The Burger Court Opinion Writing Database

*National Railroad Passenger Corp. v.  
Atchison, Topeka & Santa Fe Railway Co.*  
470 U.S. 451 (1985)

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



⑦

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

CHAMBERS OF  
THE CHIEF JUSTICE

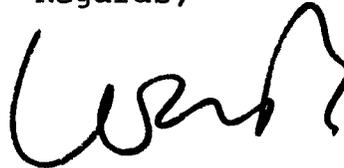
March 7, 1985

Re: No. 83-1492 - National RR Passenger Corp. v.  
AT&SF RY. Company  
83-1633 - AT&SF RY. Company v. National  
RR Passenger Corp.

Dear Thurgood,

I join.

Regards,



Justice Marshall

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

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

February 26, 1985

No. 83-1492) National Railroad  
              ) Passenger Corp.  
              ) v. Atchison,  
              ) Topeka and Santa  
              ) Fe Railway Co.,  
              ) et al.  
              )  
              ) Atchison, Topeka  
              ) and Santa Fe  
              ) Railway Co.,  
              ) et al.  
              ) v. National  
              ) Railroad  
No. 83-1633) Passenger Corp.

Dear Thurgood,

I agree.

Sincerely,

*Bill*

Justice Marshall

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

February 28, 1985

83-1492 and 83-1633 -

National Railroad Passenger Corporation v.  
Atchison, Topeka and Santa Fe Railway Company

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Dear Thurgood,

Please join me.

Sincerely yours,

*Byron*

Justice Marshall

Copies to the Conference

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

From: Justice Marshall

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1st DRAFT

## SUPREME COURT OF THE UNITED STATES

Nos. 83-1492 AND 83-1633

83-1492  
NATIONAL RAILROAD PASSENGER  
CORPORATION, APPELLANT  
*v.*  
ATCHISON, TOPEKA AND SANTA FE  
RAILWAY COMPANY ET AL.

83-1633  
ATCHISON, TOPEKA AND SANTA FE RAILWAY  
COMPANY, ET AL., APPELLANTS  
*v.*  
NATIONAL RAILROAD PASSENGER CORPORATION

ON APPEALS FROM THE UNITED STATES COURT OF  
APPEALS FOR THE SEVENTH CIRCUIT

[February —, 1985]

JUSTICE MARSHALL delivered the opinion of the Court.

The question presented in these cases is whether Congress violates the Due Process Clause of the Fifth Amendment by requiring private railroads to reimburse the National Railroad Passenger Corporation ("Amtrak") for rail travel privileges that Amtrak provides to the railroads' employees and former employees, and their dependents.

I

A

From the middle of the nineteenth century, the railroad passenger coach played a significant and sometimes romantic role in American cultural and economic life. By the middle of this century, however, "this time-honored vehicle" threatened to "take its place in the transportation museum along with the stagecoach, the sidewheeler, and the steam loco-

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**STYLISTIC CHANGES THROUGHOUT**

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

From: **Justice Marshall**

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2nd DRAFT

**SUPREME COURT OF THE UNITED STATES**

Nos. 83-1492 AND 83-1633

**NATIONAL RAILROAD PASSENGER  
CORPORATION, APPELLANT**

83-1492

v.

**ATCHISON, TOPEKA AND SANTA FE  
RAILWAY COMPANY ET AL.**

**ATCHISON, TOPEKA AND SANTA FE RAILWAY  
COMPANY, ET AL., APPELLANTS**

83-1633

v.

**NATIONAL RAILROAD PASSENGER CORPORATION**

**ON APPEALS FROM THE UNITED STATES COURT OF  
APPEALS FOR THE SEVENTH CIRCUIT**

[March —, 1985]

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

March 1, 1985

Re: No. 83-1492) National Railroad Passenger Corp. v.  
Atchinson, Topeka, & Santa Fe Ry. Co.  
No. 83-1633) Atchinson, Topeka, & Santa Fe Ry. Co.  
v. National Railroad Passenger Corp.

Dear Thurgood:

Please join me.

Sincerely,  
*Larry*

Justice Marshall

cc: The Conference

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

March 1, 1985

83-1492 National Railroad v. Atchison, Topeka

Dear Thurgood:

Please add at the end of your opinion that I took no part in the consideration or decision of this case.

Sincerely,

*Lewis*

Justice Marshall

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

March 6, 1985

Re: No. 83-1492) National Railroad Passenger Corp. v.  
Atchison, Topeka and Santa Fe Railway Co.  
83-1633) Atchison, Topkea and Santa Fe Railway Co. v.  
National Railroad Passenger Corp.

Dear Thurgood,

Please join me.

Sincerely,

*Wm*

Justice Marshall

cc: The Conference

.84 83-1492-10103

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

February 26, 1985

Re: 83-1492 - National Railroad Passenger  
Corp. v. Atchison, Topeka &  
Santa Fe Railway Co.

83-1633 - Atchison, Topeka & Santa Fe  
Railway Co. v. National  
Railroad Passenger Corp.

Dear Thurgood:

Please join me.

Respectfully,



Justice Marshall

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CHAMBERS OF  
JUSTICE SANDRA DAY O'CONNOR

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

February 26, 1985

No. 83-1492 National Railroad Passenger Corp. v.  
Atchison, Topeka & Santa Fe Railway  
No. 83-1633 Atchison, Topeka & Santa Fe Railway v.  
National Railroad Passenger Corp.

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Dear Thurgood,

Please join me.

Sincerely,

Justice Marshall

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