

BROTHERHOOD OF LOCOMOTIVE FIREMEN V. UNITED STATES

HEADNOTE

by Ira Brad Matetsky

Source: Papers of Stanley Forman Reed, Box 175, Public Policy Archives, Special Collections and Digital Programs, University of Kentucky Libraries, Lexington, Ky.

Opinion by: Stanley Forman Reed (collection in which source was found).

Opinion date: May or June 1952.

Citation: *Brotherhood of Locomotive Firemen v. United States*, 5 Rapp no. 8 (1952) (Reed, J., in chambers), 1 J. In-Chambers Practice 307 (2016).

Additional information: This opinion was typed on a sheet of plain paper, with no signature or space for one. It is captioned as an “Order,” but contains a sufficiently reasoned explanation of Justice Reed’s reasons for his decision as to qualify as an in-chambers opinion by the standards of these volumes. The opinion is undated, but must have been issued between May 9, 1952, when a stay was denied by the court below, and June 9, 1952, when the Supreme Court granted the petition for certiorari and vacated the District Court’s orders as moot. *Brotherhood of Locomotive Firemen v. United States*, 343 U.S. 971 (1952).

OPINION

ORDER

The application for stay of the preliminary injunction issued by the United States District Court for the Northern District of Ohio in the above case was presented to me as a Justice of this Court.

The preliminary injunction enjoined the Brotherhood from continuing or resuming the strike then in existence on March 11, 1952, against which the complaint was filed. The District Judge entered his temporary injunc-

tion after a balancing of the damage or injury which would be suffered by the United States by denial of its application for injunction against the damage or injury to the Brotherhoods by entering the temporary injunction. He looked beyond the existing strike against the Terminal Railroad Association of St. Louis and the New York Central lines west of Buffalo to the possible effect of a general railroad strike and determined that it was evidence that such eventual strike was contemplated. After this weighing of the equities, the judge entered the preliminary injunction.

I am advised that a stay of the injunction was refused on May 9, 1952, by a circuit judge of the Sixth Circuit.

An appeal was taken to the 6th Circuit from the order of the District Judge and a petition for certiorari has been filed in this Court under §1254(1) to bring the cause here for determination prior to the determination of the issue by the Court of Appeals.

On consideration of the issues and the present status of the case, I do not think a temporary injunction should be stayed and decline the application for a stay.