

The Burger Court Opinion Writing Database

Motor Coach Employees v. Lockridge

403 U.S. 274 (1971)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

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

CHAMBERS OF
THE CHIEF JUSTICE

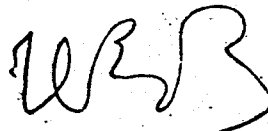
March 25, 1970

Re: No. 1072 - Amalgamated Assn. of Street Electric
Railway & Motor Coach Employees of America v.
Lockridge

MEMORANDUM TO THE CONFERENCE:

I find, as do others, that I cannot agree with the
disposition in the proposed per curiam.

I vote to grant cert therefore, notwithstanding
my preference to deny.



W. E. B.

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS

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

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SUPREME COURT OF THE UNITED STATES

From: Douglas, J.

October Term, 1969

Circulated: 3/25/70

AMALGAMATED ASSOCIATION OF STREET,
ELECTRIC RAILWAY AND MOTOR COACH
EMPLOYEES OF AMERICA, ETC., ET AL. v.
LOCKRIDGE

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME
COURT OF IDAHO

No. 1072.—Decided March —, 1970

MR. JUSTICE DOUGLAS, dissenting.

I would affirm this judgment, or if there is not a majority for that disposition, I would vote to grant the petition and set the case down for argument.

This case is very close to *Plumbers' Union v. Borden*, 373 U. S. 690, from which I dissented and which I still think was wrongly decided. We do a grave injustice to an individual employee who has a claim of this nature against either his union or his employer when we remit him to far-off Washington, D. C., for some remedy almost certain to be illusory.

In my dissent in *Borden*, I stated:

"Washington, D. C., and its administrative agencies—and even regional offices—are often distant and remote and expensive to reach. Under today's holding the member who has a real dispute with his union may go without a remedy. . . . When the basic dispute is between a union and an employer, any *hiatus* that might exist in the jurisdictional balance that has been struck can be filled by resort to economic power." 373 U. S. 699–700.

This was the philosophy of *Moore v. Illinois Central Railroad*, 312 U. S. 630, decided in 1941. I think it is as basic and important today as it was then.

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

CHAMBERS OF
JUSTICE JOHN M. HARLAN

March 25, 1970

Re: No. 1072 -Amalgamated Assn. of Street
Electric Railway & Motor Coach Employees
of America v. Lockridge

Dear Bill:

This is with reference to your proposed per curiam in this case. I voted to deny certiorari because I thought the question marginal and not worth the time of this Court. However, if the case is to be taken, I think the question is close enough to warrant argument rather than a summary disposition. Hence, like Brother Stewart, I would vote to set the case for argument.

Sincerely,



J. M. H.

Mr. Justice Brennan

CC: The Conference

AGREES: HLB & BW

Dissent by WOD

Chief Justice does not agree and would grant
Harlan, J. would vote to set case for argument
Stewart, J. thinks you should grant. March 23, 1970

MEMORANDUM TO THE CONFERENCE

RE: No. 1072 - Amalgamated Assn. of Street, Electric
Railway & Motor Coach Employees of
America v. Lockridge

I was asked to study the record in the above and express my view whether, contrary to the holding of the Idaho Supreme Court, state court jurisdiction was pre-empted. The trial judge's findings persuade me that this is a case of denial of the rights of a union member which effectively caused him to lose employment which he otherwise had. In the circumstances I conclude that it falls squarely within Borden and Perko and not within the exception carved out by Machinists v. Gonzales, 356 U.S. 617, if indeed there is any vitality remaining in that decision.

I attach a proposed form of Per Curiam to dispose of the case if the conference agrees with my view.

W. J. B. Jr.

SUPREME COURT OF THE UNITED STATES

October Term 1969

No. 1072 - Amalgamated Association of Street, Electric,
Railway and Motor Coach Employees of America, etc.
v. Wilson P. Lockridge

On Petition for a Writ of Certiorari to the Supreme Court of the
State of Idaho.

PER CURIAM.

This action was brought in an Idaho District Court by respondent, a former employee of Western Greyhound Corporation, for damages resulting from his discharge by Greyhound at the instance of petitioners on the ground of his nonpayment of union dues. The District Court found that "the plaintiff has established by a preponderance of evidence that the defendants through their officers wilfully and intentionally caused the termination of plaintiff's employment . . . pursuant to the provisions of a collective bargaining agreement . . . which provided that all employees 'shall remain members of [the union] as a condition precedent to continued employment,' on the ground that plaintiff was not a member of [the union] in good financial standing." The Idaho Supreme Court nevertheless rejected the contention of petitioners that the National Labor Relations Act pre-empted state court jurisdiction in the circumstances.

___ Idaho ___, ___ Pac. 2d ___ (1969). The petition for certiorari is granted. We hold that state court jurisdiction was

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

CHAMBERS OF
JUSTICE POTTER STEWART

March 24, 1970

Re: No. 1072 - Amalgamated Assn. of Street,
Electric Railway & Motor Coach Employees
of America v. Lockridge

Dear Bill,

I continue to think that we should grant certiorari in this case and hear arguments before deciding it. It may be, as you suggest in your memorandum of March 23, that no "vitality" remains in Machinists v. Gonzales, 356 U.S. 617, but if that case is now to be interred, I think it deserves a burial service less terse than that accorded it in your proposed Per Curiam.

Sincerely yours,

P.S.
1.81

Mr. Justice Brennan

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

March 24, 1970

Re: No. 1072 - Amalgamated Assn of
Street, Electric Railway &
Motor Coach Employees of
America v. Lockridge

Dear Bill:

I agree with your per curiam
in this case.

Sincerely,


B.R.W.

Mr. Justice Brennan

cc: The Conference