

# The Burger Court Opinion Writing Database

## *Atlantic Coast Line Railroad Co. v. Locomotive Engineers*

396 U.S. 1201 (1969)

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



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

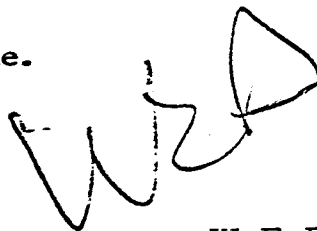
CHAMBERS OF  
THE CHIEF JUSTICE

May 27, 1970

Re: No. 477 - Atlantic Coast Line RR v.  
Brotherhood of Locomotive Eng.

Dear Hugo:

Please join me.

A handwritten signature in black ink, appearing to be 'W.E.B.', written in a cursive style.

W.E.B.

Mr. Justice Black

cc: The Conference

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

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

SUPREME COURT OF THE UNITED STATES

No. 477.—OCTOBER TERM, 1969

From: Black, J.

Circulated: MAY 6 1970

Atlantic Coast Line Railroad  
Company, Petitioner,  
v.  
Brotherhood of Locomotive  
Engineers, et al.

On Writ of Certiorari to  
the United States Court  
of Appeals for the Fifth  
Circuit.

Circulated: \_\_\_\_\_

[May —, 1970]

MR. JUSTICE BLACK delivered the opinion of the Court.

Congress in 1793, shortly after the American Colonies became one united Nation, provided that in federal courts "a writ of injunction [shall not] be granted to stay proceedings in any court of any state." 1 Stat. 335, c. 2. Although certain exceptions to this general prohibition have been added, that statute, directing that state courts shall remain free from interference by federal courts, has remained in effect until this time. Today that amended statute provides:

"A court of the United States may not grant an injunction to stay proceedings in a State court except as expressly authorized by Act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments." 28 U. S. C. § 2283.

Despite the existence of this long-standing prohibition, in this case a federal court did enjoin the petitioner, Atlantic Coast Line Railroad (ACL),<sup>1</sup> from invoking an

<sup>1</sup> After this suit was instituted ACL merged with the Seaboard Air Line Railroad Co. to form the present Seaboard Coast Line Railroad Co. We will continue, as have the parties, to refer to the petitioner as ACL.

REPRODUCED FROM THE COLLECTIONS OF THE FARMUSCKI DIVISION

To: The Chief Justice  
Mr. Justice Douglas  
Mr. Justice Harlan  
✓ Mr. Justice Brennan  
Mr. Justice Stewart  
Mr. Justice White  
Mr. Justice Black  
Mr. Justice Powell  
Mr. Justice Rehnquist

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SUPREME COURT OF THE UNITED STATES

No. 477.—OCTOBER TERM, 1969

Black, J

recirculated: 6-3-70

Atlantic Coast Line Railroad }  
Company, Petitioner, } On Writ of Certiorari to  
v. } the United States Court  
Brotherhood of Locomotive } of Appeals for the Fifth  
Engineers, et al. } Circuit.

[June —, 1970]

MR. JUSTICE BLACK delivered the opinion of the Court.

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To: The Chief Justice  
Mr. Justice Douglas  
Mr. Justice Harlan  
~~Mr. Justice Brennan~~  
Mr. Justice Stewart  
Mr. Justice White  
Mr. Justice Marshall  
Mr. Justice Blackmun

4

From: Black, J.

SUPREME COURT OF THE UNITED STATES

Recirculated:

No. 477.—OCTOBER TERM, 1969

Recirculated: JUN - 5 1970

Atlantic Coast Line Railroad  
Company, Petitioner,  
v.  
Brotherhood of Locomotive  
Engineers, et al. } On Writ of Certiorari to  
the United States Court  
of Appeals for the Fifth  
Circuit.

[June 8, 1970]

MR. JUSTICE BLACK delivered the opinion of the Court.

Congress in 1793, shortly after the American Colonies became one united Nation, provided that in federal courts "a writ of injunction [shall not] be granted to stay proceedings in any court of a state." Act of March 2, 1793, § 5, 1 Stat. 335. Although certain exceptions to this general prohibition have been added, that statute, directing that state courts shall remain free from interference by federal courts, has remained in effect until this time. Today that amended statute provides:

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To: The Chief Justice  
✓ Mr. Justice Douglas  
Mr. Justice Harlan  
Mr. Justice Brennan  
Mr. Justice Stewart  
Mr. Justice White  
Mr. Justice Fortas  
Mr. Justice Marshal

2

SUPREME COURT OF THE UNITED STATES

From: Black, J.

No. 477.—OCTOBER TERM, 1969

Circulated: MAY 6 1970

Atlantic Coast Line Railroad  
Company, Petitioner,  
v.  
Brotherhood of Locomotive  
Engineers, et al.

On Writ of Certiorari to  
the United States Court  
of Appeals for the Fifth  
Circuit.

Recirculated: \_\_\_\_\_

[May —, 1970]

MR. JUSTICE BLACK delivered the opinion of the Court.

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*Pages  
610*

June 2, 1970

Re: No. 477 - Atlantic Coast Line v. Locomotive  
Engineers

Dear Bill:

As I informed you yesterday I have decided, contrary to my Conference vote, to go for reversal. Let me add that I think you have said all that can be said in your dissent in favor of affirmance, but I have reluctantly come to the conclusion that from my standpoint affirmance will not wash. I shall therefore join Hugo's opinion for the Court, possibly with a short concurring piece of my own.

Sincerely,

  
J. M. E.

Mr. Justice Brennan

CC: The Conference

Dear Hugo:

I understand that my Law Clerk and yours have been discussing certain minor changes in your opinion. I shall therefore await your recirculation before giving you my formal return.

  
J. M. H.

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

CHAMBERS OF  
JUSTICE JOHN M. HARLAN

June 2, 1970

Re: No. 477 - Atlantic Coast Line v. Locomotive  
Engineers

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Dear Bill:

As I informed you yesterday I have decided, contrary to my Conference vote, to go for reversal. Let me add that I think you have said all that can be said in your dissent in favor of affirmance, but I have reluctantly come to the conclusion that from my standpoint affirmance will not wash. I shall therefore join Hugo's opinion for the Court, possibly with a short concurring piece of my own.

Sincerely,

*J.M.H.*  
J. M. H.

Mr. Justice Brennan

CC: The Conference



To: The Chief Justice  
Mr. Justice Black  
Mr. Justice Douglas  
✓ Mr. Justice Brennan  
Mr. Justice Stewart  
Mr. Justice White  
Mr. Justice Marshall

1

SUPREME COURT OF THE UNITED STATES

From: Harlan, J.

Circulated: JUN 3 1970

No. 477.—OCTOBER TERM, 1969

Recirculated: \_\_\_\_\_

Atlantic Coast Line Railroad  
Company, Petitioner,  
v.  
Brotherhood of Locomotive  
Engineers et al. } On Writ of Certiorari to  
the United States Court  
of Appeals for the Fifth  
Circuit.

[June —, 1970]

MR. JUSTICE HARLAN, concurring.

I join the Court's opinion on the understanding that its holding implies no retreat from *Brotherhood of Railroad Trainmen v. Jacksonville Terminal Co.*, 394 U. S. 369 (1969). Whether or not that case controls the underlying controversy here is a question that will arise only on review of any final judgment entered in the state court proceedings respecting that controversy.

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

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR.


May 6, 1970

RE: No. 477 - ACLR Co. v. Brotherhood of  
Locomotive Engineers, etc.

Brethren:

In due course I shall circulate a dissent  
in the above case.

Sincerely,

  
W.J.B. Jr.

The Conference

Circulated  
5-27-70

**SUPREME COURT OF THE UNITED STATES**

No. 477.—OCTOBER TERM, 1969

Atlantic Coast Line Railroad Company, Petitioner,	} On Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit.
v.	
Brotherhood of Locomotive Engineers, et al.	

[June —, 1970]

MR. JUSTICE BRENNAN, dissenting.

My disagreement with the Court in this case is a relatively narrow one. I do not disagree with much that is said concerning the history and policies underlying 28 U. S. C. § 2283. Nor do I dispute the Court's holding on the basis of *Amalgamated Clothing Workers v. Richman Bros.*, 348 U. S. 511 (1955), that federal courts do not have authority to enjoin state proceedings merely because it is asserted that the state court is improperly asserting jurisdiction in an area pre-empted by federal law or federal procedures. Nevertheless, in my view the District Court did not lack discretion to enjoin the state proceedings in the present case because it did so pursuant to an explicit exception to the prohibition of § 2283, that is, "to protect or effectuate [the District Court's] judgments."

The pertinent portions of the District Court's 1967 order, denying ACL's application for injunctive relief and defining BLE's federally protected right to picket at the Moncrief Yard, are as follows:

"3. The parties to the BLE-FEC 'major dispute,' having exhausted the procedures of the Railway Labor Act, 45 U. S. C. § 151, *et seq.*, are now free

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SUPREME COURT OF THE UNITED STATES

No. 477.—OCTOBER TERM, 1969

Atlantic Coast Line Railroad Company, Petitioner,	}	On Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit.
v.		
Brotherhood of Locomotive Engineers et al.		

[June —, 1970]

MR. JUSTICE BRENNAN, with whom MR. JUSTICE WHITE joins, dissenting.

My disagreement with the Court in this case is a relatively narrow one. I do not disagree with much that is said concerning the history and policies underlying 28 U. S. C. § 2283. Nor do I dispute the Court's holding on the basis of *Amalgamated Clothing Workers v. Richman Bros.*, 348 U. S. 511 (1955), that federal courts do not have authority to enjoin state proceedings merely because it is asserted that the state court is improperly asserting jurisdiction in an area pre-empted by federal law or federal procedures. Nevertheless, in my view the District Court did not lack discretion to enjoin the state proceedings in the present case because it did so pursuant to an explicit exception to the prohibition of § 2283, that is, "to protect or effectuate [the District Court's] judgments."

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

CHAMBERS OF  
JUSTICE POTTER STEWART

May 12, 1970

No. 477 - Atlantic Coast Line R. Co.

Dear Hugo,

I am glad to join your opinion for the  
Court in this case.

Sincerely yours,

P.S.

Mr. Justice Black

Copies to the Conference

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

June 1, 1970

RE: No. 477 - Atlantic Coast Line  
Rd Co. v. Brotherhood of  
Locomotive Engineers

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Dear Bill:

Please add my name to your  
dissenting opinion in this case.

Sincerely,



B.R.W.

Mr. Justice Brennan

cc: The Conference