

The Burger Court Opinion Writing Database

Hodgson v. Steelworkers

403 U.S. 333 (1971)

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

June 3, 1971

Re: No. No. 655 - Hodgson v. Local Union 6799, United
Steelworkers of America, AFL-CIO

Dear Thurgood:

Please include me.

Regards,

WB

Mr. Justice Marshall

cc: The Conference

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

CHAMBERS OF
JUSTICE HUGO L. BLACK

May 26, 1971

Dear Thurgood,

Re: No. 655- Hodgson v. Local Union, etc.

While I voted the other way in this case,
you have written a very persuasive opinion
and I agree.

Sincerely,


Hugo

Mr. Justice Marshall

cc: Members of the Conference



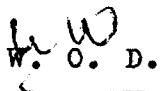
Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

May 26, 1971

Dear Thurgood:

In No. 655 - Hodgson v.
Local Union 6799, please join me
in your opinion.



W. O. D.

Mr. Justice Marshall

BR
✓ J.M.H.

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

CHAMBERS OF
JUSTICE JOHN M. HARLAN

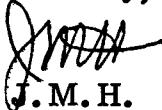
May 28, 1971

Re: No. 655 - Hodgson v. Local
Union 6799

Dear Thurgood:

I am glad to join your opinion.

Sincerely,


J. M. H.

Mr. Justice Marshall

CC: The Conference

Mr. Justice Black
Mr. Justice Douglas
Mr. Justice Harlan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun

1st DRAFT

SUPREME COURT OF THE UNITED STATES

From: Brennan, J.

No. 655.—OCTOBER TERM, 1970

Circulated: 6/1/71

Recirculated:

James D. Hodgson, Secretary
of Labor, Petitioner,
v.

Local Union 6799, United
Steelworkers of America,
AFL-CIO, et al.

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

[June —, 1971]

MR. JUSTICE BRENNAN, dissenting.

I dissent. The Court acknowledges that 29 U. S. C. § 482 (b), in permitting the Secretary to bring a civil action against the union if his investigation discloses "a violation" of § 481, might well mean "any violation whatever revealed by the investigation." *Ante*, at 5. Nonetheless, it concludes that "a violation" is limited to "any of the violations raised by the union member during his internal protest," *ibid.*, because the broader interpretation would disregard the congressional purpose in imposing the exhaustion requirement. It is in giving controlling significance to the exhaustion requirement rather than to the clear and primary policy judgment enacted by Congress that the Court, in my view, falls into error.

Wirtz v. Local 153, Glass Bottle Blowers Assn., 389 U. S. 463 (1968), and *Wirtz v. Local 125, Laborers' Union*, 389 U. S. 477 (1968), comprehensively analyzed the policy Congress meant to further in enacting the Secretary's enforcement powers under § 482. We said that "Title IV's special function in furthering the overall goals of the LMRDA is to insure 'free and democratic' elections," 389 U. S., at 470, an interest "vital" not alone to union members but also to the general public. 389 U. S., at 475, 483. While we recognized that Congress desired to

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

CHAMBERS OF
JUSTICE POTTER STEWART

May 26, 1971

No. 655 - Hodgson v. Steelworkers

Dear Thurgood,

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

Sincerely yours,

P.S.

Mr. Justice Marshall

Copies to the Conference

38
RPLV
To: The Chief Justice
Mr. Justice Black
Mr. Justice Douglas
Mr. Justice Harlan
Mr. Justice Brennan
Mr. Justice Stewart
✓Mr. Justice Marshall
Mr. Justice Blackmun

1st DRAFT

SUPREME COURT OF THE UNITED STATES

From: White, J.

Circulated: 6-9-71

No. 655.—OCTOBER TERM, 1970

Recirculated:

James D. Hodgson, Secretary
of Labor, Petitioner,
v.
Local Union 6799, United
Steelworkers of America,
AFL-CIO, et al.

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

[June —, 1971]

MR. JUSTICE WHITE, dissenting.

If as in this case, a new election is ordered because a candidate used union facilities when he should not have, the Act directs a new election "under supervision of the Secretary and, so far as lawful and practicable, in conformity with the constitution and bylaws of the labor organization." 29 U. S. C. § 482 (c). I take it, then, that the Secretary is under no obligation, indeed forbidden, to follow a provision of the bylaws or constitution that is unlawful. If in proceedings which order a new election, the Secretary discovers in the bylaws or constitution a provision regulating elections that he deems unlawful—such as the meeting attendance rule—but the union insists that it is entirely lawful, does the Secretary simply ignore the provision in holding the election, may he or the union secure a judicial ruling on it or is court action foreclosed and the Secretary required to follow the provision simply because a member in challenging the election failed to attack the meeting attendance rule, probably because it did not affect him?

I agree that if Hantzis' claim of using union facilities had been rejected, a new election could not have been ordered even though the Secretary turned up the meeting attendance rule in his investigation and discovered that

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 655.—OCTOBER TERM, 1970

[June —, 1971]

MR. JUSTICE MARSHALL delivered the opinion of the Court.

Petitioner, the Secretary of Labor, instituted this action under § 402b of the Labor Management Reporting and Disclosure Act of 1959, against Local 6799, United Steelworkers of America, to set aside a general election of officers conducted by the union.¹ The lawsuit arose after Nicholas Hantzis, an unsuccessful candidate for president of the local, protested the election to both the local and international union organizations. His protest concerned several matters including the use of union facilities to prepare campaign materials for the incumbent president who was re-elected.²

¹ The United Steelworkers of America, an international union under which Local 6799 is chartered, intervened as a party defendant.

² Hantzis' written protest consisted of a letter to the International Union which purported to describe the election's operation. Since the letter did not make specific allegations, it is difficult precisely to define Hantzis' objection(s). However, in addition, to his general charge that Union machinery had been used to aid incumbents, Hantzis also protested several procedural matters including the

Typographic Corrections

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 655.—OCTOBER TERM, 1970

James D. Hodgson, Secretary
of Labor, Petitioner,
v.
Local Union 6799, United
Steelworkers of America,
AFL-CIO, et al. } On Writ of Certiorari to
the United States Court
of Appeals for the
Ninth Circuit.

[June 14, 1971]

MR. JUSTICE MARSHALL delivered the opinion of the Court.

Petitioner, the Secretary of Labor, instituted this action under § 402b of the Labor Management Reporting and Disclosure Act of 1959, against Local 6799, United Steelworkers of America, to set aside a general election of officers conducted by the union.¹ The lawsuit arose after Nicholas Hantzis, an unsuccessful candidate for president of the local, protested the election to both the local and international union organizations. His protest concerned several matters including the use of union facilities to prepare campaign materials for the incumbent president who was re-elected.²

¹ The United Steelworkers of America, an international union under which Local 6799 is chartered, intervened as a party defendant.

² Hantzis' written protest consisted of a letter to the International Union which purported to describe the election's operation. Since the letter did not make specific allegations, it is difficult precisely to define Hantzis' objections. However, in addition, to his general charge that Union machinery had been used to aid incumbents, Hantzis also protested several procedural matters including the

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 1, 1971

Re: No. 655 - Hodgson v. Local Union 6799, et al.

Dear Thurgood:

Please join me.

Sincerely,

Harry

Mr. Justice Marshall

cc: The Conference