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
Forrest Maltzman, George Washington University

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

CHAMBERS OF
THE CHIEF JUSTICE

June 11, 1971

Re: No. 76 - Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America v. Lockridge

Dear Byron:

Please join me in your dissent.

Regards,

Mr. Justice White

cc: The Conference

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

From: Douglas, J.

3rd DRAFT

Circulated: 4-22

Recirculated:

SUPREME COURT OF THE UNITED STATES

No. 76.—October Term, 1970

Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, Etc., et al., Petitioners, *v.* Wilson P. Lockridge.	On Writ of Certiorari to the Supreme Court of Idaho.

[April —, 1971]

Mr. Justice Douglas, dissenting.

I would affirm this judgment on the basis of *Machinists* v. *Gonzales,* 356 U. S. 617, and not extend *San Diego Building Trades Council* v. *Garmon,* 359 U. S. 236, so as to make Lockridge, the employee, seek his relief in far-away Washington, D. C., from the National Labor Relations Board.

When we hold that a grievance is "arguably" within the jurisdiction of the National Labor Relations Board and remit the individual employee to the Board for remedial relief, we impose a great hardship on him, especially where he is a lone individual not financed out of a lush treasury. I would allow respondent recourse to litigation in his home town tribunal and not require him to resort to an elusive remedy in distant and remote Washington, D. C., which takes money to reach.

He has six months within which to file an unfair labor practice charge with the Regional Director and serve it upon the other party. If he does not file within six months the claim is barred. 29 U. S. C. § 160 (b). The charge must be in writing and contain either a declaration that contents are true to best of his knowledge, or else notarized. 29 CFR § 101.2. When the charge is

3, 4

4th DRAFT

SUPREME COURT OF THE UNITED STATES

From: Douglas, J.

No. 76.—October Term, 1970

Circulated: _____

Recirculated: 4-23

Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, Etc., et al., Petitioners, *v.* Wilson P. Lockridge.	On Writ of Certiorari to the Supreme Court of Idaho.

[May —, 1971]

Mr. Justice Douglas, dissenting.

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5th DRAFT

SUPREME COURT OF THE UNITED STATES

No. 76.—October Term, 1970

Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, Etc., et al., Petitioners, *v.* Wilson P. Lockridge.	On Writ of Certiorari to the Supreme Court of Idaho.

[May —, 1971]

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

From: Douglas, J.

Circulated: _____

Dated: 6/7/71

6th DRAFT

SUPREME COURT OF THE UNITED STATES

No. 76.—October Term, 1970

Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, Etc., et al., Petitioners, *v.* Wilson P. Lockridge.	On Writ of Certiorari to the Supreme Court of Idaho.

[June —, 1971]

Mr. Justice Douglas, dissenting.

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

2nd DRAFT

From: Harlan, J.

Circulated: APR 15 1971

Recirculated: _____

SUPREME COURT OF THE UNITED STATES

No. 76.—October Term, 1970

Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, Etc., et al., Petitioners, *v.* Wilson P. Lockridge.	On Writ of Certiorari to the Supreme Court of the State of Idaho.

[April —, 1971]

Mr. Justice Harlan delivered the opinion of the Court.

San Diego Building Trades Council v. *Garmon*, 359 U. S. 236 (1959), established the general principle that the National Labor Relations Act preempts state and federal court jurisdiction to remedy conduct that is arguably protected or prohibited by the Act. That decision represents the watershed in this Court's continuing effort to mark the extent to which the maintenance of a general federal law of labor relations combined with a centralized administrative agency to implement its provisions necessarily supplants the operation of the more traditional legal processes in this field. We granted certiorari in this case, 397 U. S. 1006 (1970), because the divided decision of the Idaho Supreme Court demonstrated the need for this Court to provide a fuller explication of the premises upon which *Garmon* rests and to reconsider the extent to which that decision must be taken to have modified or superseded this Court's earlier efforts to treat with the knotty preemption problem.

April 22, 1971

Re: No. 76 - Motor Coach Employees v. Lockridge

Dear Hugo:

I am obliged to you for sending me a preview of your proposed addendum. I would like to include it in the opinion but frankly I think the statute of limitations stands as an insuperable bar. I am therefore adding your piece as an addendum to the opinion, which I shall recirculate.

Sincerely,

JMH

Mr. Justice Black

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

3rd DRAFT

From: Harlan, J.

SUPREME COURT OF THE UNITED STATES

Circulated:

Recirculated: APR 26 1971

No. 76.—October Term, 1970

Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, Etc., et al., Petitioners, *v.* Wilson P. Lockridge.	On Writ of Certiorari to the Supreme Court of the State of Idaho.

[May —, 1971]

Mr. Justice Harlan delivered the opinion of the Court.

San Diego Building Trades Council v. *Garmon*, 359 U. S. 236 (1959), established the general principle that the National Labor Relations Act preempts state and federal court jurisdiction to remedy conduct that is arguably protected or prohibited by the Act. That decision represents the watershed in this Court's continuing effort to mark the extent to which the maintenance of a general federal law of labor relations combined with a centralized administrative agency to implement its provisions necessarily supplants the operation of the more traditional legal processes in this field. We granted certiorari in this case, 397 U. S. 1006 (1970), because the divided decision of the Idaho Supreme Court demonstrated the need for this Court to provide a fuller explication of the premises upon which *Garmon* rests and to reconsider the extent to which that decision must be taken to have modified or superseded this Court's earlier efforts to treat with the knotty preemption problem.

1, 13-15, 18-21, 22, 26, 27

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

4th DRAFT

From: Harlan, J.

SUPREME COURT OF THE UNITED STATES

Circulated: _____

No. 76.—October Term, 1970

Recirculated: JUN 10 1971

Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, Etc., et al., Petitioners, *v.* Wilson P. Lockridge.	On Writ of Certiorari to the Supreme Court of the State of Idaho.

[June —, 1971]

Mr. Justice Harlan delivered the opinion of the Court.

San Diego Building Trades Council v. *Garmon,* 359 U. S. 236 (1959), established the general principle that the National Labor Relations Act preempts state and federal court jurisdiction to remedy conduct that is arguably protected or prohibited by the Act. That decision represents the watershed in this Court's continuing effort to mark the extent to which the maintenance of a general federal law of labor relations combined with a centralized administrative agency to implement its provisions necessarily supplants the operation of the more traditional legal processes in this field. We granted certiorari in this case, 397 U. S. 1006 (1970), because the divided decision of the Idaho Supreme Court demonstrated the need for this Court to provide a fuller explication of the premises upon which *Garmon* rests and to consider the extent to which that decision must be taken to have modified or superseded this Court's earlier efforts to treat with the knotty preemption problem.

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

April 26, 1971

RE: No. 76 - Amalgamated Assn. of Street, Electric Railway, etc. v. Wilson P. Lockridge.

Dear John:

I agree.

Sincerely,

W.J.B. Jr.

Mr. Justice Harlan

Cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

June 10, 1971

No. 76 - Motor Coach Employees
v. Lockridge

Dear John,

I am glad to join your opinion for the Court in this case, as recirculated today.

Sincerely yours,

P.S.

Mr. Justice Harlan

Copies to the Conference

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

From: White, J.

Circulated: 6-3-71

Recirculated:

SUPREME COURT OF THE UNITED STATES

No. 76.—October Term, 1970

Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, Etc., et al., Petitioners, *v.* Wilson P. Lockridge.	On Writ of Certiorari to the Supreme Court of Idaho.

[June —, 1971]

Mr. Justice White, dissenting.

Like Mr. Justice Douglas, I would not overrule *Gonzales*. In light of present statutory law and congressional intention gleaned therefrom, state courts should not be foreclosed from extending relief for union deprivation of members' state law rights under the union constitution and bylaws. Even if I agreed that the doctrine of *San Diego Bldg. Trades Council* v. *Garmon*, 359 U. S. 236, properly preempts such union member actions based on state law where the challenged conduct is arguably an unfair labor practice, I could not join the opinion of the Court since it unqualifiedly applies the same doctrine where the conduct of the union is only arguably protected under the federal law.

The *Garmon* doctrine, which is today reaffirmed and extended, has as its touchstone the presumed congressional goal of a uniform national labor policy; to this end, the Court has believed, the administration of that policy must insofar as is possible be in the hands of a single, centralized agency. In many ways I have no quarrel with this view. Many would agree that as a general matter some degree of uniformity is preferable to the conflicting voices of 50 States, particularly in view

pp 1, 11, 15, 18, 19, 24

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

2nd DRAFT

From: White, J.

SUPREME COURT OF THE UNITED STATES

Circulated: _____

No. 76.—October Term, 1970

Recirculated: 6-11-71

Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, Etc., et al., Petitioners, *v.* Wilson P. Lockridge.	On Writ of Certiorari to the Supreme Court of Idaho.

[June —, 1971]

Mr. Justice White, dissenting.

Like Mr. Justice Douglas, I would neither overrule nor eviscerate *Int'l Assn. of Machinists* v. *Gonzales,* 356 U. S. 617 (1958). In light of present statutory law and congressional intention gleaned therefrom, state courts should not be foreclosed from extending relief for union deprivation of members' state law rights under the union constitution and bylaws. Even if I agreed that the doctrine of *San Diego Bldg. Trades Council* v. *Garmon,* 359 U. S. 236, properly preempts such union member actions based on state law where the challenged conduct is arguably an unfair labor practice, I could not join the opinion of the Court since it unqualifiedly applies the same doctrine where the conduct of the union is only arguably protected under the federal law.

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

April 27, 1971

Re: No. 76 - Amal. Ass'n of Street, etc.
v. Lockridge

Dear John:

Please join me.

Sincerely,

T.M.

Mr. Justice Harlan

cc: The Conference

June 7, 1971

Re: No. 76 - Amalgamated Assn., etc. v. Lockridge

Dear Bill and Byron:

Will one of you (perhaps Byron) add at the end of your opinion the following:

> "Mr. Justice Blackmun also dissents for the basic reasons set forth by Mr. Justice Douglas and Mr. Justice White in their respective dissenting opinions."

Sincerely,

H. A. B.

Mr. Justice Douglas
Mr. Justice White

cc: The Conference