

The Burger Court Opinion Writing Database

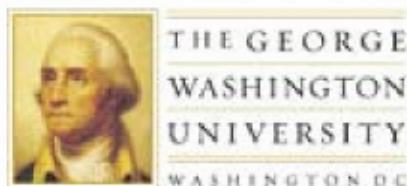
Machinists v. NLRB

412 U.S. 84 (1973)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

Forrest Maltzman, George Washington University



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

CHAMBERS OF
THE CHIEF JUSTICE

May 3, 1973

Re: No. 71-1417 - Booster Lodge No. 405, etc.
v. NLRB

Dear Bill:

Please join me in your Per Curiam.

Regards,

W. B.

Mr. Justice Rehnquist

Copies to the Conference

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

April 16, 1973

Dear Bill:

Please join me in your per curiam
in 71-1417, Machinists v. NLRB.

WW
William O. Douglas

Mr. Justice Rehnquist

cc: The Conference

WD

5
Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

May 1st, 1973

Dear Bill:

I had hoped to have my dissent
in No. 71-1417 - Booster Lodge v. NLRB -
around this week. It is in draft form
but will not be circulated probably until
May 7 or 8.

W. O. D.

Mr. Justice Rehnquist

cc: Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

April 17, 1973

RE: No. 71-1417 Booster Lodge No. 405,
etc. v. National Labor Relations Bd.

Dear Bill:

I agree with the Per Curiam you have
prepared in this case.

Sincerely,

Bill

Mr. Justice Rehnquist

cc: The Conference

WD

S

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

CHAMBERS OF
JUSTICE POTTER STEWART

April 17, 1973

Re: No. 71-1417, Machinists & Aerospace
Workers v. NLRB

Dear Bill,

I agree with the per curiam you have circulated in this case. I see no reason why it should not be a signed opinion.

Sincerely yours,

P.S.

Mr. Justice Rehnquist

Copies to the Conference

WJS

Joined
4/19

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

71-1607
A
April 25, 1973

Re: No. 71-1417 - Booster Lodge No. 405, etc.
v. NLRB

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Rehnquist

Copies to Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

April 19, 1973

Re: No. 71-1417 - Booster Lodge, IAM v. NLRB

Dear Bill:

Please join me in your per curiam.

Sincerely,



T.M.

Mr. Justice Rehnquist

cc: Conference

wp

CONTINUOUS COORDINATES

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 71-1417

C-
1

5/3/73

Records

Booster Lodge No. 405, International Association of Machinists and Aerospace Workers, AFL-CIO, Petitioner,
v.
National Labor Relations Board et al.

On Writ of Certiorari
to the United States
Court of Appeals for
the District of Co-
lumbia Circuit.

[April —, 1973]

MR. JUSTICE BLACKMUN, concurring in the judgment.

In *NLRB v. Textile Workers*, 409 U. S. 213 (1972), the strikebreaking employees, while they were members of the union, had all voted to strike. On the day following the inception of the strike, these employees also voted in favor of a union resolution that anyone aiding or abetting the company during the strike would be subject to a fine.* And all had participated in the strike prior to resigning from the union.

I was in solitary dissent in *Textile Workers*, 409 U. S., at 218. I emphasized there that "it seems likely that the three factors of a member's strike vote, his ratification of strikebreaking penalties, and his actual participation in the strike, would be far more reliable indicia of his obligation to the union and its members than the presence of boilerplate provisions in a union's constitution," *id.*, at 220; that the Court's opinion seemed to me "to exalt the formality of resignation over the substance of the various interests and national labor policies that [were] at stake," *id.*, at 221; that § 7 of the National

*See 409 U. S., at 218-219 nn. 1 and 2.

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

April 18, 1973

Re: No. 71-1417 - Booster Lodge, etc. v. NLRB

Dear Bill:

In view of my dissent in Granite State, I must write a brief comment for this case. I shall endeavor not to delay you.

Sincerely,

Harry

Mr. Justice Rehnquist

Copies to the Conference

WP

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

L
CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

April 17, 1973

Re: No. 71-1417 Machinists & Aerospace
Workers v. NLRB

Dear Bill:

Please join me in your Per Curiam.

Sincerely,

L. Powell

Mr. Justice Rehnquist

cc: The Conference

WD

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

1st DRAFT

From: Rehnquist, J.

SUPREME COURT OF THE UNITED STATES

No. 71-1417

Recirculated: 4/16/73

Booster Lodge No. 405, International Association of Machinists and Aerospace Workers, AFL-CIO, Petitioner,
v.
National Labor Relations Board et al.

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

[April —, 1973]

PER CURIAM.

In this companion case to *National Labor Relations Board v. The Boeing Company*, *ante*, — U. S. —, we must decide whether our decision in *National Labor Relations Board v. Granite State Joint Board*, — U. S. —, authorizes the Board to find that a union commits an unfair labor practice in seeking court enforcement of fines imposed for strikebreaking activities by employees who have resigned from the union, even though the union constitution expressly prohibits members from strikebreaking. We hold that it does.

On September 16, 1965, the day after the expiration of the collective bargaining agreement between Booster Lodge No. 405, International Association of Machinists and Aerospace Workers, AFL-CIO (the Union), and the Boeing Company (the Company), the Union called a lawful strike and picketed the Company's Michoud, Louisiana, plant to further its demands for a new contract. The strike continued for 18 days, during which time 143 of the 1,900 production and maintenance em-