

# The Burger Court Opinion Writing Database

*Alexander v. Gardner-Denver Co.*

415 U.S. 36 (1974)

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

February 14, 1974

Re: 72-5847 - Alexander v. Gardner-Denver Co.

Dear Lewis:

Please join me.

Regards,



Mr. Justice Powell

Copies to the Conference

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

CHAMBERS OF  
JUSTICE WILLIAM O. DOUGLAS

February 6, 1973

Dear Lewis:

Please join me in your opinion  
for the Court in 72-5847, Alexander v.  
Gardner-Denver Co.

*W O D*  
WILLIAM O. DOUGLAS

Mr. Justice Powell

cc: The Conference

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

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR.

February 6, 1974

RE: No. 72-5847 Alexander v. Gardner-  
Denver Co.

Dear Lewis:

I agree.

Sincerely,

*Sill*

Mr. Justice Powell

cc: The Conference

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

CHAMBERS OF  
JUSTICE POTTER STEWART

February 6, 1974

72-5847, Alexander v. Gardiner-Denver

Dear Lewis,

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

Sincerely yours,

P.S.  
/

Mr. Justice Powell

Copies to the Conference

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

February 11, 1974

Re: No. 72-5847 - Alexander v. Gardner-Denver Co.

Dear Lewis:

Please join me.

Sincerely,



Mr. Justice Powell

Copies to Conference

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

February 6, 1974

Re: No. 72-5847 -- Alexander v. Gardner-Denver Co.

Dear Lewis:

Please join me in your opinion in this case.

Sincerely,



T.M.

Mr. Justice Powell

cc: The Conference

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

February 11, 1974

Re: No. 72-5847 - Alexander v. Gardner-Denver Co.

Dear Lewis:

I am pleased to join your opinion in this case.

Sincerely,

A handwritten signature in dark ink, appearing to read "Harry", with a horizontal line underneath.

Mr. Justice Powell

cc: The Conference



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

1st DRAFT

φ. 11

SUPREME COURT OF THE UNITED STATES

From: Powell, J.

Circulated: FEB 5 1974

No. 72-5847

Recirculated:

Harrell Alexander, Sr.,  
Petitioner,  
v.  
Gardner-Denver Company. } On Writ of Certiorari to  
the United States Court  
of Appeals for the Tenth  
Circuit.

[February —, 1974]

MR. JUSTICE POWELL delivered the opinion of the Court.

This case concerns the proper relationship between federal courts and the grievance-arbitration machinery of collective-bargaining agreements in the resolution and enforcement of an individual's rights to equal employment opportunities under Title VII of the Civil Rights Act of 1964, 42 U. S. C. § 2000e *et seq.* Specifically, we must decide under what circumstances, if any, an employee's statutory right to a trial *de novo* under Title VII may be foreclosed by prior submission of his claim to final arbitration under the nondiscrimination clause of a collective-bargaining agreement.

I

In May 1966, petitioner Harrell Alexander, Sr., a black, was hired by respondent Gardner-Denver Company (the "company") to perform maintenance work at the company's plant in Denver, Colorado. In June 1968, petitioner was awarded a trainee position as a drill operator. He remained at that job until his discharge from employment on September 29, 1969. The company informed petitioner that he was being discharged for producing too

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To: The Chief Justice  
Mr. Justice Douglas  
Mr. Justice Brennan  
Mr. Justice Stewart  
Mr. Justice White  
Mr. Justice Marshall  
Mr. Justice Blackman  
Mr. Justice Rehnquist

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

From: Powell, J.

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

No. 72-5847

Recirculated: FEB 8 1974

Harrell Alexander, Sr.,	}	On Writ of Certiorari to the United States Court of Appeals for the Tenth Circuit.
Petitioner,		
v.		
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[February —, 1974]

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Washington, D. C. 20543

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

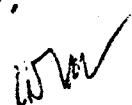
February 12, 1974

Re: No. 72-5847 - Alexander v. Gardner-Denver

Dear Lewis:

Please join me in your opinion for the Court.

Sincerely,



Mr. Justice Powell

Copies to the Conference