

The Burger Court Opinion Writing Database

International Telephone & Telegraph Corp v. Electrical Workers

419 U.S. 428 (1975)

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



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

CHAMBERS OF
THE CHIEF JUSTICE

January 8, 1975

Re: 73-1313 - ITT v. Local 134, Intl. Bro. of Electrical Workers

Dear Bill:

Please join me in your circulation of January 3.

Regards,

Mr. Justice Rehnquist

Copies to the Conference

*Box 145-11
we
for*

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

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

December 21, 1974

73-1313
L+L v. Local 134

Dear Bill:

At Conference I took a different view of §10(k) and therefore found §5 of APA applicable and voted to affirm.

But I am content to abide by the majority view that §10 (k) is not to be brought under APA. So I join your opinion.

W. O. Douglas

Mr. Justice Rehnquist

cc: The Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

December 23, 1974

RE: No. 73-1313 - ITT v. Electrical Workers

Dear Bill:

I agree.

Sincerely,



Mr. Justice Rehnquist

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

December 20, 1974

Re: No. 73-1313, ITT v. Electrical Workers

Dear Bill,

I agree with you opinion for the Court in this case.

Sincerely yours,

P.S.
/

Mr. Justice Rehnquist

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

December 30, 1974

Re: No. 73-1313 - ITT v. Local 134, International
Brotherhood of Electrical
Workers

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

December 30, 1974

Re: No. 73-1313 -- International Telephone and Telegraph
Corporation, Communication equipment and Systems
Division v. Local 134, International Brotherhood of
Electrical Workers, AFL-CIO

Dear Bill:

Please join me.

Sincerely,

T.M.
T. M.

Mr. Justice Rehnquist

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

January 6, 1975

Re: No. 73-1313 - ITT Corp. v. Local 134, International
Brotherhood of Electrical Workers

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Rehnquist

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

December 27, 1974

No. 73-1313 International Telephone and
Telegraph Corporation v.
Local 134

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Rehnquist

lfp/ss

cc: The Conference

To: The Chief Justice
Mr. Justice
Mr. Justice
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Black
Mr. Justice Powell

1st DRAFT

From: Rehnquist, J.

SUPREME COURT OF THE UNITED STATES

Attorneys: _____

Recirculated: _____

No. 73-1313

International Telephone and
Telegraph Corporation, Com-
munication equipment
munications Equipment
and Systems Division,
v.

Local 134, International Broth-
erhood of Electrical Workers,
AFL-CIO.

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

[December —, 1974]

MR. JUSTICE REHNQUIST delivered the opinion of the
Court.

In 1947 Congress responded to the labor unrest caused
by jurisdictional disputes by adding § 8 (b) (4) (D) to
the National Labor Relations Act,¹ which made it an

¹ Labor Management Relations Act, 1947, 61 Stat. 136, 141-142.
As amended by the Labor-Management Reporting and Disclosure
Act of 1959, 73 Stat. 519, 542, 543, § 8 (b) (4) (D) presently provides:

"(b) It shall be an unfair labor practice for a labor organization
or its agents—

"(4) (i) to engage in, or to induce or encourage any individual
employed by any person engaged in commerce or in an indus-
try affecting commerce to engage in, a strike or a refusal in the course
of his employment to use, manufacture, process, transport, or
otherwise handle or work on any goods, articles, materials, or com-
modities or to perform any services; or (ii) to threaten, coerce, or
restrain any person engaged in commerce or in an industry affecting
commerce, where in either case an object thereof is—

"(D) forcing or requiring any employer to assign particular work
to employees in a particular labor organization or in a particular

Footnote 1 moved
Old Footnote 9 deleted
3, 9, 14

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

2nd DRAFT

From: Rehnquist, J.

SUPREME COURT OF THE UNITED STATES

Revised: 12-20

No. 73-1313

Recirculated: 1-3

International Telephone and
Telegraph Corporation, Com-
munications Equipment
and Systems Division,

v.

Local 134, International Broth-
erhood of Electrical Workers,
AFL-CIO.

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

[January —, 1975]

MR. JUSTICE REHNQUIST delivered the opinion of the Court.

In 1947 Congress responded to the labor unrest caused by jurisdictional disputes by adding § 8 (b) (4) (D) to the National Labor Relations Act, which made it an unfair labor practice for a labor organization to induce the employees of any employer to strike in the hopes of forcing an employer to assign particular work to employees in a particular labor organization.¹ In the belief

¹ Labor Management Relations Act, 1947, 61 Stat. 136, 141-142. As amended by the Labor-Management Reporting and Disclosure Act of 1959, 73 Stat. 519, 542-543, § 8 (b) (4) (D), 29 U. S. C. § 158 (b) (4) (D), presently provides:

"(b) It shall be an unfair labor practice for a labor organization or its agents—

"(4) (i) to engage in, or to induce or encourage any individual employed by any person engaged in commerce or in an industry affecting commerce to engage in, a strike or a refusal in the course of his employment to use, manufacture, process, transport, or otherwise, handle or work on any goods, articles, materials, or com-