

# The Burger Court Opinion Writing Database

*Gonzalez v. Automatic Employees Credit Union*

419 U.S. 102 (1975)

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



✓  
✓  
REPRODUCED FROM THE COLLECTION OF THE MANUSCRIPT DIVISION  
Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
THE CHIEF JUSTICE

December 2, 1974

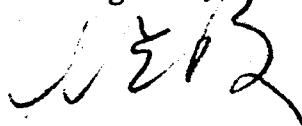
Re: No. 73-858 - Alfredo Gonzalez v. Automatic Employees  
Credit Union

Dear Potter:

Please join me.

You might get a "plug" in for our views on three-judge courts by a footnote on page 11, line 4, first full paragraph, along these lines: "Our mandatory docket on these three-judge court cases in the 1973 Term was 46 (?) argued cases, apart from other direct cases allowing appeal as of right. Thus, the 'control of our docket' envisioned by Chief Justice Taft in the 1925 Act has been markedly diluted."

Regards,



Mr. Justice Stewart

Copies to the Conference

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

CHAMBERS OF  
JUSTICE WILLIAM O. DOUGLAS

November 27, 1974

Dear Potter:

Please join me in your opinion  
in 73-858, GONZALEZ v. EMPLOYEES CREDIT  
UNION.

(e/m)

William O. Douglas

Mr. Justice Stewart

cc: The Conference

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

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR.

December 3, 1974

RE: No. 73-858 Gonzalez v. Automatic Employees Credit Union, et al.

Dear Potter:

I'm happy to join your first rate opinion  
in the above.

Sincerely,



Mr. Justice Stewart

cc: The Conference

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

## 1st DRAFT

## SUPREME COURT OF THE UNITED STATES

No. 73-858

Circulated: NOV 26 1974

Recirculated: \_\_\_\_\_

Alfredo Gonzalez, individually  
and On Behalf of All Others  
Similarly Situated,  
Appellant,  
v.  
Automatic Employees Credit  
Union et al.

On Appeal from the  
United States District  
Court for the North-  
ern District of Illinois.

[December —, 1974]

MR. JUSTICE STEWART delivered the opinion of the Court.

This is an appeal under 28 U. S. C. § 1253 from an order of a three-judge court dismissing the appellant's complaint for lack of "standing."<sup>1</sup> We deferred consideration of our jurisdiction until the hearing on the merits. 415 U. S. 947. For the reasons that follow, we have concluded that the District Court's order is not directly appealable to this Court.

## I

The appellant Gonzalez and three other named plaintiffs brought a class action in the District Court attacking as unconstitutional various provisions of the Commercial Code and Motor Vehicle Code of Illinois governing repossession, retitling, and resale of automobiles purchased on an instalment payment basis under security agreements.<sup>2</sup> The plaintiffs alleged that the statutory scheme

<sup>1</sup> *Mojica v. Automatic Employees Credit Union*, 363 F. Supp. 143.

<sup>2</sup> Ill. Rev. Stat. c. 26, §§ 9-503 and 9-504, and Ill. Rev. Stat. c. 95½, §§ 3-114 (b), 3-116 (b), and 3-612.

To: The Chief Justice  
Mr. Justice Douglas  
Mr. Justice Brennan  
Mr. Justice White  
✓Mr. Justice Marshall  
Mr. Justice Blackmun  
Mr. Justice Powell  
Mr. Justice Rehnquist

3rd DRAFT

from: Stewart, J.

SUPREME COURT OF THE UNITED STATES

Recirculated: \_\_\_\_\_

No. 73-858

Recirculated: DEC 4 1974

Alfredo Gonzalez, individually  
and On Behalf of All Others  
Similarly Situated,  
Appellant,  
v.  
Automatic Employees Credit  
Union et al.

On Appeal from the  
United States District  
Court for the North-  
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<sup>2</sup> Ill. Rev. Stat. c. 26, §§ 9-503 and 9-504, and Ill. Rev. Stat. c. 95½, §§ 3-114 (b), 3-116 (b), and 3-612.

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

November 29, 1974

Re: No. 73-858 - Gonzalez v. Automatic Employees  
Credit Union

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Dear Potter:

Please join me in your opinion in this  
case.

Sincerely,



Mr. Justice Stewart

Copies to Conference

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

December 3, 1974

Re: No. 73-858 -- Alfredo Gonzalez v. Automatic Employees  
Credit Union et al.

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Dear Potter:

Please join me in your opinion in this case.

Sincerely,

*T.M.*  
T. M.

Mr. Justice Stewart

cc: The Conference

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

November 29, 1974

Re: No. 73-858 - Gonzalez v. Automatic Employees  
Credit Union

Dear Potter:

Please join me. I think this opinion makes a distinct contribution, for it gathers together the law on 3-judge courts.

Sincerely,



Mr. Justice Stewart

cc: The Conference

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

November 27, 1974

No. 73-858 Gonzalez v. Automatic Employees  
Credit Union

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Dear Potter:

Please join me.

Sincerely,

*Lewis*

Mr. Justice Stewart

LFP/gg

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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

November 27, 1974

Re: No. 73-858 - Gonzalez v. Automatic Employees Credit  
Union

Dear Potter:

Please join me in your opinion.

Sincerely,

*WRW*

Mr. Justice Stewart

Copies to the Conference