

The Burger Court Opinion Writing Database

Charlotte v. Firefighters

426 U.S. 283 (1976)

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

May 24, 1976

Re: 75-250 - City of Charlotte v. Local 660, Intl. Assoc. of
Firefighters

Dear Thurgood:

I join your opinion dated May 19.

Regards,



Mr. Justice Marshall

Copies to the Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

May 21, 1976

✓

RE: No. 75-250 Charlotte v. Firefighters

Dear Thurgood:

I agree. I would not make the changes suggested
by Potter however.

Sincerely,

Brennan

Mr. Justice Marshall

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

May 20, 1976

Re: No. 75-250- Charlotte v. Firefighters

Dear Thurgood,

Would you be willing to delete the first full paragraph on page 3 and its accompanying footnote (2), and to change the opening words of the last sentence of the opinion on page 7 to read "Since we find the challenged classification is not invidiously discriminatory . . ." ? If these changes were to be made, I'd gladly join your opinion for the Court.

Sincerely yours,

P.S.

Mr. Justice Marshall

Copies to the Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

June 2, 1976

Re: No. 75-250, Charlotte v. Firefighters

Dear Thurgood,

If you plan no further changes in this opinion, I should appreciate your adding the following at the foot thereof:

"MR. JUSTICE STEWART concurs in the judgment upon the ground that the classification challenged in this case is not invidiously discriminatory and does not, therefore, violate the Equal Protection Clause of the Fourteenth Amendment.

Sincerely yours,

P.S.

Mr. Justice Marshall

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

May 20, 1976

Re: No. 75-250 - City of Charlotte v. Local 660

Dear Thurgood:

Please join me.

Sincerely,



Mr. Justice Marshall

Copies to Conference

13

To: The Chief Justice
 Mr. Justice Brennan
 Mr. Justice Stewart
 Mr. Justice White
 Mr. Justice Blackmun
 Mr. Justice Powell
 Mr. Justice Rehnquist
 Mr. Justice Stevens

From: Mr. Justice Marshall

Circulated: MAY 19 1976

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 75-250

City of Charlotte et al.,
 Petitioners,
 v.
 Local 660, International
 Association of Fire-
 fighters, et al. } On Writ of Certiorari to the
 } United States Court of Ap-
 } peals for the Fourth Circuit,

[June —, 1976]

MR. JUSTICE MARSHALL delivered the opinion of the Court.

The city of Charlotte, N. C., refuses to withhold from the paychecks of its firefighters dues owing to their union, Local 660, International Association of Firefighters. We must decide whether this refusal violates the Equal Protection Clause of the Fourteenth Amendment.

I

Local 660 represents some 351 of the 543 uniformed members of the Charlotte Fire Department. Since 1969 the union learned that it could obtain a private group life insurance policy for its membership only if it had a dues checkoff agreement with the city, the union and its officers filed suit in federal court alleging, *inter alia*, that the city's refusal to withhold the dues of union members violated the Equal Protection Clause of the

AND INDIVIDUAL
 MEMBERS HAVE
 REPEATEDLY RE-

P. 2

To: The Chief Justice
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist
Mr. Justice Stevens

From: Mr. Justice Marshall

Circulated: _____

Recirculated: MAY 25 1976

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 75-250

City of Charlotte et al.,
Petitioners,
v.
Local 660, International
Association of Fire-
fighters, et al. } On Writ of Certiorari to the
United States Court of Appeals for the Fourth Circuit,

[June —, 1976]

MR. JUSTICE MARSHALL delivered the opinion of the Court.

The city of Charlotte, N. C., refuses to withhold from the paychecks of its firefighters dues owing to their union, Local 660, International Association of Firefighters. We must decide whether this refusal violates the Equal Protection Clause of the Fourteenth Amendment.

I

Local 660 represents some 351 of the 543 uniformed members of the Charlotte Fire Department. Since 1969 the union and individual members have repeatedly requested the city to withhold dues owing to the union from the paychecks of those union members who agree to a checkoff. The city has refused each request. After the union learned that it could obtain a private group life insurance policy for its membership only if it had a dues checkoff agreement with the city, the union and its officers filed suit in federal court alleging, *inter alia*, that the city's refusal to withhold the dues of union members violated the Equal Protection Clause of the

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

May 20, 1976

Re: No. 75-250 - City of Charlotte v. Local 660

Dear Thurgood:

I was about to suggest the very same changes Potter proposes in his letter of today. If those changes are made, I am glad to join your opinion.

Sincerely,

Harry

Mr. Justice Marshall

cc: The Conference

6/4/76
By telephone TAB Accts in
is a straight joint JAB

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 4, 1976

Re: No. 75-250 - City of Charlotte v. Local 660,
Intern'l Ass'n of Firefighters

Dear Thurgood:

This will confirm the fact that I am now a "straight
join."

Sincerely,

H. A. B.

Mr. Justice Marshall

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

May 21, 1976

No. 75-250 City of Charlotte v. Local 660

Dear Thurgood:

Please join me.

Sincerely,

Lewis

Mr. Justice Marshall

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

May 20, 1976

Re: No. 75-250 - City of Charlotte v. Firefighters

Dear Thurgood:

I join your proposed opinion circulated May 19th. I would prefer, in your footnote 1, to see the word "unsupported", which comes immediately before the word "allegation" in the eighth line, deleted, because my understanding of the applicable test for jurisdictional amounts is that unless the allegation is controverted it need not be "supported". But I join your circulation regardless of whether you adopt this suggestion.

Sincerely,

WW

Mr. Justice Marshall

Copies to the Conference

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

May 20, 1976

Re: 75-250 - City of Charlotte v. Local 660, etc.

Dear Thurgood:

Please join me.

Sincerely,



Mr. Justice Marshall

Copies to the Conference