

# The Burger Court Opinion Writing Database

## *Bayside Enterprises, Inc. v. NLRB*

429 U.S. 298 (1977)

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

December 28, 1976

Re: 75-1267 - Bayside Enterprises, Inc. et al. v. NLRB

Dear John:

I join.

Regards,



Mr. Justice Stevens

Copies to the Conference

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

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR.

December 22, 1976

RE: No. 75-1267 Bayside Enterprises v. N.L.R.B.

Dear John:

I agree.

Sincerely,

*Stevens*

Mr. Justice Stevens

cc: The Conference

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

CHAMBERS OF  
JUSTICE POTTER STEWART

December 22, 1976

Re: No. 75-1267, Bayside Enterprises v.  
National Labor Relations Board

Dear John,

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

Sincerely yours,

PS.  
1.3  
/

Mr. Justice Stevens

Copies to the Conference

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

December 29, 1976

Re: No. 75-1267 - Bayside Enterprises Inc. v.  
NLRB

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Dear John:

Please join me.

Sincerely,



Mr. Justice Stevens

Copies to Conference

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

December 27, 1976

Re: No. 75-1267, Bayside Enterprises, Inc. v. N.L.R.B.

Dear John:

Please join me.

Sincerely,

  
T.M.

Mr. Justice Stevens

cc: The Conference

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

CHAMBERS OF  
 JUSTICE HARRY A. BLACKMUN

January 3, 1977

Re: No. 75-1267 - Bayside Enterprises v. NLRB

Dear John:

I am pleased to join your opinion in this case.

Sincerely,



Mr. Justice Stevens

cc: The Conference

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

✓

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

December 27, 1976

✓

No. 75-1267 Bayside Enterprises v. NLRB

Dear John:

Please join me.

Sincerely,

*L. Lewis*

Mr. Justice Stevens

lfp/ss

cc: The Conference



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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

December 30, 1976

Re: No. 75-1267 - Bayside Enterprises v. NLRB

Dear John:

Please join me.

Sincerely,



Mr. Justice Stevens

Copies to the Court

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

From: Mr. Justice Stevens

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2nd DRAFT

## SUPREME COURT OF THE UNITED STATES

No. 75-1267

Bayside Enterprises, Inc., et al., Petitioners, v. National Labor Relations Board.	}	On Writ of Certiorari to the United States Court of Appeals for the First Circuit.
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[January —, 1977]

MR. JUSTICE STEVENS delivered the opinion of the Court.

The petitioners, collectively described as "Bayside," are three affiliated corporations operating a large, vertically integrated poultry business in Maine.<sup>1</sup> The question they present is whether six of their employees, who truck poultry feed from their feedmill to 119 farms on which their chickens are being raised, are "agricultural laborers" and therefore not covered by the National Labor Relations Act.

After a few preliminary talks, Bayside refused to bargain with the union representing these drivers on the ground that they were not "employees" within the meaning of the Act.<sup>2</sup> The union's resulting unfair labor practice charge was sustained by the Labor Board and the Court of Appeals for the First Circuit.<sup>3</sup> An apparent conflict with decisions of

<sup>1</sup> Bayside Enterprises, Inc., and its wholly owned subsidiary Poultry Processing, Inc., are operating corporations; the subsidiary Penobscot Poultry Company is apparently inactive.

<sup>2</sup> The drivers are represented by Truckdrivers, Warehousemen and Helpers Union, Local No. 340, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America. That local and the Amalgamated Meatcutters Local 385 jointly represent employees in petitioners' processing plant.

<sup>3</sup> *Bayside Enterprises, Inc.*, 216 N. L. R. B. 502, enf'd, 527 F. 2d 436 (CA1 1975). The Board's order requires Bayside to bargain with the union.