

# The Burger Court Opinion Writing Database

## *East Texas Motor Freight System, Inc. v. Rodriguez*

431 U.S. 395 (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

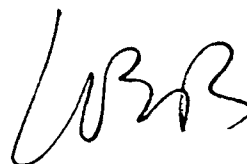
May 25, 1977

RE: (75-651 - Teamsters Local v. Rodriguez  
(75-715 - Southern Conference v. Rodriguez  
(75-718 - East Texas Motor Freight v. Rodriguez

Dear Potter:

I join.

Regards,

A handwritten signature in dark ink, appearing to be "WB", is written below the typed word "Regards,".

Mr. Justice Stewart

Copies to the Conference

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

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR.

May 25, 1977

RE: Nos. 75-651, 715 & 718 - Teamsters Local, et al. v.  
Rodriguez

Dear Potter:

I agree.

Sincerely,



Mr. Justice Stewart

cc: The Conference

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

From: Mr. Justice Stewart

Circulated: MAY 13 1977

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1st DRAFT

## SUPREME COURT OF THE UNITED STATES

Nos. 75-651, 75-715, AND 75-718

Teamsters Local Union 657,  
 Petitioner,  
 75-651 v.  
 Jesse Rodriguez et al.

Southern Conference of  
 Teamsters, Petitioner,  
 75-715 v.  
 Jesse Rodriguez et al.

East Texas Motor Freight  
 System Inc., Petitioner,  
 75-718 v.  
 Jesse Rodriguez et al.

On Writs of Certiorari to the  
 United States Court of Ap-  
 peals for the Fifth Circuit.

[May —, 1977]

MR. JUSTICE STEWART delivered the opinion of the Court.

These cases, like *International Brotherhood of Teamsters v. United States*, ante, at —, involve alleged employment discrimination on the part of an employer and unions in the trucking industry. The employer, East Texas Motor Freight System, Inc., is a common carrier that employs city and over-the-road, or "line" truck drivers. The company has a "no-transfer" policy, prohibiting drivers from transferring between terminals or from city driver to line-driver jobs.<sup>1</sup> In addition, under the applicable collective-bargaining agreements between

<sup>1</sup> Under this policy a city driver must resign his job and forfeit all seniority in order to be eligible for a line-driver job. He gets no priority over other line-driver applicants by virtue of formerly having been with the company, and if he fails to become a line driver he is not automatically entitled to be restored to his city job.

*stylistic changes,*  
+ pp. 9, 10

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

From: Mr. Justice Stewart

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Recirculated: \_\_\_\_\_ MAY 24 1977

2nd DRAFT

## SUPREME COURT OF THE UNITED STATES

Nos. 75-651, 75-715, AND 75-718

Teamsters Local Union 657,  
Petitioner,

75-651 v.

Jesse Rodriguez et al.

Southern Conference of  
Teamsters, Petitioner,

75-715 v.

Jesse Rodriguez et al.

East Texas Motor Freight  
System Inc., Petitioner,

75-718 v.

Jesse Rodriguez et al.

On Writs of Certiorari to the  
United States Court of Ap-  
peals for the Fifth Circuit.

[May —, 1977]

MR. JUSTICE STEWART delivered the opinion of the Court.

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P. 9

✓  
✓

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

From: Mr. Justice Stewart

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

Recirculated: \_\_\_\_\_ MAY 23 1977

3rd DRAFT

# SUPREME COURT OF THE UNITED STATES

Nos. 75-718, 75-651, AND 75-715

East Texas Motor Freight  
System Inc., Petitioner,  
75-718 v.

Jesse Rodriguez et al.

Teamsters Local Union 657,  
Petitioner,  
75-651 v.

Jesse Rodriguez et al.

Southern Conference of  
Teamsters, Petitioner,  
75-715 v.

Jesse Rodriguez et al.

On Writs of Certiorari to the  
United States Court of Ap-  
peals for the Fifth Circuit.

[May —, 1977]

MR. JUSTICE STEWART delivered the opinion of the Court.

These cases, like *International Brotherhood of Teamsters v. United States*, ante, at —, involve alleged employment discrimination on the part of an employer and unions in the trucking industry. The employer, East Texas Motor Freight System, Inc., is a common carrier that employs city and over-the-road, or "line" truck drivers. The company has a "no-transfer" policy, prohibiting drivers from transferring between terminals or from city driver to line-driver jobs.<sup>1</sup> In addition, under the applicable collective-bargaining agreements between

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

May 20, 1977

Re: Nos. 75-651, 75-715 & 75-718 - Teamsters v.  
Rodriguez

Dear Potter:

Please join me.

Sincerely,



Mr. Justice Stewart

Copies to Conference

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

May 25, 1977

Re: Nos. 75-651, 715 & 718 - Teamsters Local, et al. v.  
Rodriguez

Dear Potter:

Please join me. I do have some trouble with your  
new footnote 13.

Sincerely,



T.M.

Mr. Justice Stewart

cc: The Conference

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

May 24, 1977

Re: No. 75-651 - Teamsters Local v. Rodriguez  
No. 75-715 - Southern Conference v. Rodriguez  
No. 75-718 - East Texas Motor Freight v. Rodriguez

Dear Potter:

Please join me in your recirculation of May 24.

Sincerely,

*HAJ*

Mr. Justice Stewart

cc: The Conference

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

May 23, 1977

No. 75-651 Teamsters Local v. Rodriguez

Dear Potter:

Please join me.

Sincerely,

*Lewis*

Mr. Justice Stewart

lfp/ss

cc: The Conference

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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

May 19, 1977

Re: Nos. 75-651; 75-715; and 75-718 - Teamsters  
Local 657 v. Rodriguez, et al.

Dear Potter:

Please join me.

Sincerely,

*whr* / THJ

Mr. Justice Stewart

Copies to the Conference

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

May 20, 1977

Re: 75-651, 715, 718 - Teamsters Local Union 657  
v. Rodriguez

Dear Potter:

Please join me.

Respectfully,



Mr. Justice Stewart  
Copies to the Conference