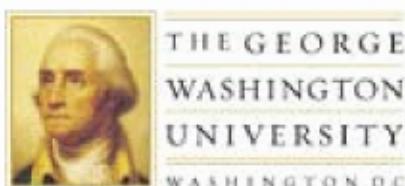


The Burger Court Opinion Writing Database

*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,



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

RECEIVED MAY 10 1964

Circulated: _____

Recirculated: _____

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.

On Writs of Certiorari to the
United States Court of Appeals 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.¹ In addition, under the applicable collective-bargaining agreements between

³ 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

Circulated: _____
MAY 24 1977
Recirculated: _____

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.

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.¹ In addition, under the applicable collective-bargaining agreements between

¹ 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.

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

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.

Southern Conference of
Teamsters, Petitioner.

75-715 21

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.¹ In addition, under the applicable collective-bargaining agreements between

* 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.

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. 20542

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,

J.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

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,

HAB

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