

The Burger Court Opinion Writing Database

Steelworkers v. Usery
429 U.S. 305 (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

January 6, 1977

Re: 75-657 Local 3489 United Steelworkers of America v.
W. J. Usery, Jr.

Dear Bill:

I join.

Regards,

WEB

Mr. Justice Brennan

cc: The Conference

WB
MK

1/3/77

1/3/77

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 75-657

Local 3489, United Steelworkers
of America, AFL-CIO, et al.,
v.
W. J. Usery, Jr., Secretary of
Labor.

On Writ of Certiorari to
the United States Court
of Appeals for the Sev-
enth Circuit,

[January —, 1977]

MR. JUSTICE BRENNAN delivered the opinion of the Court.
The Secretary of Labor brought this action in the District Court for the Southern District of Indiana under § 402 (b) of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 29 U. S. C. § 482 (b), to invalidate the 1970 election of officers of Local 3489, United Steelworkers of America. The Secretary alleged that a provision of the Steelworkers' International Constitution, binding on the Local, that limits eligibility for local union office to members who have attended at least one-half of the regular meetings of the local for three years previous to the election (unless prevented by union activities or working hours),¹ violated § 401 (e) of the LMRDA, 29 U. S. C. § 481 (e).² The District

¹ International Constitution, United Steelworkers of America, Art. VII, § 9 (c).

² This section provides, in pertinent part:

"(e) In any election required by this section which is to be held by secret ballot a reasonable opportunity shall be given for the nomination of candidates and every member in good standing shall be eligible to be a candidate and to hold office (subject to section 504 and to reasonable qualifications uniformly imposed) and shall have the right to vote for or otherwise support the candidate or candidates of his choice, without being subject to penalty, discipline, or improper interference."

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

CHAMBERS OF
JUSTICE POTTER STEWART

January 5, 1977

Re: No. 75-657, Steelworkers v. Usery

Dear Lewis,

I should appreciate your adding my name
to your dissenting opinion in this case.

Sincerely yours,

P. J.
A. J.

Mr. Justice Powell

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

January 5, 1977

Re: No. 75-657 - Local 3489, United Steelworkers
v. Usery

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Brennan

Copies to Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

January 4, 1977

Re: No. 75-657 -- Local 3489, United Steelworkers,
etc. v. Usery

Dear Bill:

Please join me.

Sincerely,

JM
T. M.

Mr. Justice Brennan

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

January 5, 1977

Re: No. 75-657 - Local 3489, United Steelworkers,
etc. v. Usery

Dear Bill:

Please join me.

Sincerely,

Harry

Mr. Justice Brennan

cc: The Conference

✓

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

January 4, 1977

Memorandum to the Conference:

No. 75-657 Local 3489 United Steelworkers,
etc. v. Usery

I intend to circulate a dissent in the
above case.

L.F.P.

L.F.P., Jr.

LFP/lab

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

From: Mr. Justice Powell

Circulated: Jan 5 1977

1st DRAFT

Recirculated: _____

SUPREME COURT OF THE UNITED STATES

No. 75-657

Local 3489, United Steelworkers of America, AFL-CIO, et al., Petitioners, v. W. J. Usery, Jr., Secretary of Labor.	On Writ of Certiorari to the United States Court of Appeals for the Sev- enth Circuit.
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[January —, 1977]

MR. JUSTICE POWELL, dissenting.

The petitioner's attendance rule, imposed by the Constitution of the International Steelworkers' Union, provides that no member shall be eligible for election to a local union office unless he has attended one half of the regular meetings of his local union during the preceding 36 months. The Court holds today, resolving a conflict among the Circuits, that this eligibility requirement is not reasonable within the meaning of § 401 (e) of Title IV of the Labor Management Reporting and Disclosure Act (the Act), 29 U. S. C. § 481 (e). As this holding seems to me to be an unwarranted interference with the right of the union to manage its own internal affairs, I dissent.

Stated broadly, the purpose of Title IV of the Act is to insure "free and democratic" elections. But,

"the legislative history [of the Act] shows that Congress weighed how best to legislate against revealed abuses in union elections without departing needlessly from its longstanding policy against unnecessary governmental intrusion into internal union affairs." *Wirtz v. Local 153, Glass Bottle Blowers Association*, 389 U. S. 463, 470-471; *Wirtz v. Hotel Employees*, 391 U. S. 492, 496.

— ✓
Stylistic Changes Throughout.

P. 1

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

From: Mr. Justice Powell

3rd DRAFT

Circulated: _____

SUPREME COURT OF THE UNITED STATES
Circulated: JAN 7 1977

No. 75-657

Local 3489, United Steelworkers
of America, AFL-CIO, et al.,
Petitioners,
v.
W. J. Usery, Jr., Secretary of
Labor.

On Writ of Certiorari to
the United States Court
of Appeals for the Sev-
enth Circuit.

[January —, 1977]

MR. JUSTICE POWELL, with whom MR. JUSTICE STEWART
and MR. JUSTICE REHNQUIST join, dissenting.

The petitioner's attendance rule, imposed by the Constitution of the International Steelworkers' Union, provides that no member shall be eligible for election to a local union office unless he has attended one half of the regular meetings of his local union during the preceding 36 months. The Court holds today, resolving a conflict among the Circuits, that this eligibility requirement is not reasonable within the meaning of § 401 (e) of Title IV of the Labor Management Reporting and Disclosure Act (the Act), 29 U. S. C. § 481 (e). As this holding seems to me to be an unwarranted interference with the right of the union to manage its own internal affairs, I dissent.

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"[t]he legislative history [of the Act] shows that Congress weighed how best to legislate against revealed abuses in union elections without departing needlessly from its long-standing policy against unnecessary governmental intrusion into internal union affairs." *Wirtz v. Local 153, Glass Bottle Blowers Association*, 389 U. S. 463, 470-471; *Wirtz v. Hotel Employees*, 391 U. S. 492, 496.

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

January 6, 1977

Re: No. 75-657 - Local 3489 v. Usery

Dear Lewis:

Please join me in your dissenting opinion.

Sincerely,

WR

Mr. Justice Powell

Copies to the Conference

Supreme Court of the United States

Washington, D. C. 20542

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

January 4, 1977

Re: No. 75-657 Local 3489, United Steelworkers of
America, AFL-CIO, et al., v. W.J.
Usery, Jr., Secretary of Labor

Dear Bill:

Please join me.

Respectfully,



Mr. Justice Brennan

Copies to the Conference