

The Burger Court Opinion Writing Database

Northwest Airlines, Inc. v. Transport Workers

451 U.S. 77 (1981)

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

April 1, 1981

Re: 79-1056 - Northwest Airlines, Inc. v. Transport
Workers Union of America, AFL-CIO

Dear John:

I join.

Regards,

A handwritten signature in dark ink, appearing to be 'WB B', likely representing William Brennan.

Justice Stevens

Copies to the Conference

P.S. As of now, I have no strong feeling pro
or con on your Note 42, Page 21.

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

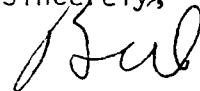
March 23, 1981

RE: No. 79-1056 Northwest Airlines v. Transport
Workers Union, etc.

Dear John:

I agree.

Sincerely,

A handwritten signature in cursive script, appearing to read "Stevens", written in dark ink.

Justice Stevens

cc: The Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.


March 26, 1981

RE: No. 79-1056 Northwest Airlines, Inc. v. Transport
Workers Union of America

Dear John:

I'm still with you.

Sincerely,



Mr. Justice Stevens

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

March 26, 1981

Re: No. 79-1056, Northwest Airlines
v. Transport Workers

Dear John,

I am glad to join your opinion for
the Court.

Sincerely yours,

P.S.
✓

Justice Stevens

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

March 20, 1981

Re: 79-1056 - Northwest Airlines,
Inc. v. Transport Workers Union of
America, AFL-CIO, et al.

Dear John,

Please join me.

Sincerely yours,

A handwritten signature in dark ink, appearing to be "Byron", with a long horizontal flourish extending to the right.

Mr. Justice Stevens

Copies to the Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

April 1, 1981

Re: No. 79-1056 - Northwest Airlines v. Transport
Workers

Dear John:

Please join me.

Sincerely,

Jm.

T.M.

Justice Stevens

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

March 20, 1981

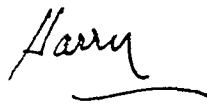
Re: No. 79-1056 - Northwest Airlines, Inc. v. Transport
Workers Union of America

Dear John:

At the end of your opinion would you please add the following:

"JUSTICE BLACKMUN took no part in the consideration or decision of 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.

March 23, 1981

79-1056 Northwest Airlines v. Transport Workers

Dear John:

Please join me in your opinion for the Court.

I may write a brief concurring opinion.

Sincerely,

Lewis

Mr. Justice Stevens

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

March 27, 1981

79-1056 Northwest Airlines v. Transport Workers

Dear John:

In view of the clarifications in your draft of March 26, I confirm my join and no longer plan to write a concurring opinion.

Sincerely,

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

March 26, 1981

Re: No. 79-1056 Northwest Airlines, Inc. v.
Transport Workers Union of America, AFL-CIO

Dear John:

Please join me.

Sincerely,

Mr. Justice Stevens

Copies to the Conference

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

Circulated: _____

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 79-1056

Northwest Airlines, Inc., Petitioner, v. Transport Workers Union of America, AFL-CIO, et al.	}	On Writ of Certiorari to the United States Court of Ap- peals for the District of Columbia Circuit.
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[March —, 1981]

JUSTICE STEVENS delivered the opinion of the Court.

The question presented in this case is whether an employer held liable to its female employees for backpay because collectively bargained wage differentials were found to violate the Equal Pay Act of 1963¹ and Title VII of the Civil Rights

¹The Equal Pay Act, 29 U. S. C. § 206 (d), which was enacted in 1963 as an amendment to the Fair Labor Standards Act, 29 U. S. C. § 201, *et seq.*, provides, in relevant part:

“(d)(1) No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate at which he pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or (iv) a differential based on any other factor other than sex: *Provided*, That an employer who is paying a wage rate differential in violation of this subsection shall not, in order to comply with the provisions of this subsection, reduce the wage rate of any employee.

“(2) No labor organization, or its agents, representing employees of an employer having employees subject to any provisions of this section

2nd DRAFT

MAR 26 '81

SUPREME COURT OF THE UNITED STATES

No. 79-1056

Northwest Airlines, Inc., Petitioner, v. Transport Workers Union of America, AFL-CIO, et al.	}	On Writ of Certiorari to the United States Court of Ap- peals for the District of Columbia Circuit.
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"(2) No labor organization, or its agents, representing employees of an employer having employees subject to any provisions of this section

10. The Chief Justice
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Souter

From: Mr. Justice Stevens

Circulated.

3rd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 79-1056

Northwest Airlines, Inc., Petitioner, v. Transport Workers Union of America, AFL-CIO, et al.	}	On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit.
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[March —, 1981]

JUSTICE STEVENS delivered the opinion of the Court.

The question presented in this case is whether an employer held liable to its female employees for backpay because collectively bargained wage differentials were found to violate the Equal Pay Act of 1963¹ and Title VII of the Civil Rights

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"(2) No labor organization, or its agents, representing employees of an employer having employees subject to any provisions of this section

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

April 20, 1981

MEMORANDUM TO THE CONFERENCE

Re: Case held for No. 79-1056, Northwest Airlines, Inc. v. Transport Workers Union of America

One case, Retail, Wholesale and Department Store Union v. G.C. Murphy Co., No. 80-461, has been held for Northwest Airlines. The question presented in this case is whether an employer held liable for backpay under Title VII has a cause of action for contribution against a labor union that allegedly participated in the Title VII violation.

The plaintiffs in the underlying employment discrimination class action in G.C. Murphy asserted claims under Title VII and the Equal Pay Act. The employer cross-claimed against the union for contribution, contending that the union was solely responsible for the alleged violations. After the employer settled with the plaintiff class, a trial was held on the contribution cross-claim. The District Court (Scalera, J.) ruled that while contribution was not available under the Equal Pay Act, the federal courts do have the authority to award contribution in Title VII cases. On appeal, CA3 (Adams, Biggs, Hunter) did not address the merits of the District Court's Title VII decision; rather, the court remanded for consideration of certain jurisdictional issues. Glus v. G.C. Murphy Co., 562 F.2d 880 (1977). In a related appeal, CA3 (Adams, Biggs, Hunter) affirmed the District Court's conclusion that contribution was not available under the Equal Pay Act. Denicola v. G.C. Murphy Co., 562 F.2d 889 (1977).

On remand, the District Court (McCune, J.) found that the jurisdictional requirements of Title VII had been satisfied with respect to the