

The Burger Court Opinion Writing Database

Carson v. American Brands, Inc.

450 U.S. 79 (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

February 20, 1981

RE: 79-1236 - Carson v. American Brands

Dear Bill:

I join.

Regards,



Justice Brennan

Copies to the Conference

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CONFERENCE COPY

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

From: Mr. Justice Brennan

Circulated: 94 2 8 1981

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 79-1236

Frank L. Carson, Lawrence
Hatcher and Stuart E.
Mines, Petitioners,
v.
American Brands, Inc., etc., et al. { On Writ of Certiorari to
the United States Court
of Appeals for the Fourth
Circuit.

[February —, 1981]

JUSTICE BRENNAN delivered the opinion of the Court.

The question presented in this Title VII class action is whether an interlocutory order of the District Court denying a joint motion of the parties to enter a consent decree is an appealable order.

I

Petitioners, representing a class of present and former black seasonal employees and applicants for employment at the Richmond Leaf Department of the American Tobacco Company, brought this suit in the United States District Court for the Eastern District of Virginia under 42 U. S. C. § 1981 and Title VII of the Civil Rights Act of 1964, 42 U. S. C. § 2000e *et seq.* Alleging that respondents¹ had discriminated against them in hiring, promotion, transfer, and training opportunities, petitioners sought a declaratory judgment, preliminary and permanent injunctive relief and money damages.

After extensive discovery had been conducted and the plain-

¹ Respondents in this case are: American Brands, Inc., which operates the Richmond Leaf Department of the American Tobacco Company; Local 182 of the Tobacco Workers International Union, the exclusive bargaining agent for all hourly paid production unit employees of the Richmond Leaf Department; and the International Union.

REPRODUCED FROM THE COLLECTED MANUSCRIPT DIVISION OF THE SUPREME COURT OF THE UNITED STATES

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

January 29, 1981

RE: No. 79-1236 Carson v. Brands

Dear Potter:

Of course I shall make the change in line 3.
Thank you for the suggestion.

Sincerely,

Biel

Mr. Justice Stewart

cc: The Conference

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OFFICE OF THE CLERK OF THE SUPREME COURT OF THE UNITED STATES

1710

To: The Chief Justice
Mr. Justice Stewart
Mr. Justice
Mr. Justice
Mr. Justice
Mr. Justice
Mr. Justice
Mr. Justice

From: Mr. [unclear]

3rd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 79-1236

Frank L. Carson, Lawrence
Hatcher and Stuart E.
Mines, Petitioners,
v.
American Brands, Inc., etc., et al. } On Writ of Certiorari to
the United States Court
of Appeals for the Fourth
Circuit.

[February —, 1981]

JUSTICE BRENNAN delivered the opinion of the Court.

The question presented in this Title VII class action is whether an interlocutory order of the District Court denying a joint motion of the parties to enter a consent decree containing injunctive relief is an appealable order.

I

Petitioners, representing a class of present and former black seasonal employees and applicants for employment at the Richmond Leaf Department of the American Tobacco Company, brought this suit in the United States District Court for the Eastern District of Virginia under 42 U. S. C. § 1981 and Title VII of the Civil Rights Act of 1964, 42 U. S. C. § 2000e *et seq.* Alleging that respondents¹ had discriminated against them in hiring, promotion, transfer, and training opportunities, petitioners sought a declaratory judgment, preliminary and permanent injunctive relief and money damages.

After extensive discovery had been conducted and the plain-

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U. S. DEPARTMENT OF COMMERCE

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

CHAMBERS OF
JUSTICE POTTER STEWART

January 28, 1981

Re: No. 79-1236, Carson v. Brands

Dear Bill,

I think it quite important to add some such phrase as "that contained an injunction" after "consent decree" in the third line of your proposed opinion for the Court. If you are willing to make such a change, I shall be glad to join your opinion.

Sincerely yours,

P.S.
/

Justice Brennan

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U.S. DEPARTMENT OF COMMERCE

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

CHAMBERS OF
JUSTICE POTTER STEWART

February 3, 1981

Re: No. 79-1236, Carson v. Brands

Dear Bill,

I am glad to join your opinion for
the Court.

Sincerely yours,

P.S.
✓

Justice Brennan

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MANUSCRIPT DIVISION

U.S. SUPREME COURT

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

February 6, 1981

Re: 79-1236 - Carson v. American Brands

Dear Bill,

Please join me.

Sincerely yours,



Mr. Justice Brennan

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

February 3, 1981

Re: No. 79-1236 - Carson v. American Brands

Dear Bill:

Please join me.

Sincerely,



T.M.

Justice Brennan

cc: The Conference

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THE MANUSCRIPT DIVISION

U.S. DEPARTMENT OF COMMERCE

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

February 3, 1981

Re: No. 79-1236 - Carson v. American Brands, Inc.

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Brennan

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

February 6, 1981

79-1236 Carson v. American Brands, Inc.

Dear Bill:

Please join me.

Sincerely,

Lewis

Mr. Justice Brennan

lfp/ss

cc: The Conference

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U.S. DEPARTMENT OF COMMERCE

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

January 30, 1981

Re: No. 79-1236 Carson v. American Brands

Dear Bill,

Although I think I was pretty much by myself at conference in voting to affirm the opinion for the Court of Appeals in this case, after all of the circulations back and forth in Delta, I think I will adhere to my position and write a dissent. I will try to prepare and circulate as soon as possible.

Sincerely,

Mr. Justice Brennan

cc: The Conference

REPRODUCED FROM THE COLLECTED MANUSCRIPT DIVISION

OFFICE OF THE CLERK OF THE SUPREME COURT

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

February 18, 1981

Re: No. 79-1236 Carson v. American Brands

Dear Bill:

Although I voted the other way at Conference, I shall conceal my reservations from the public and hereby join your opinion.

Sincerely,



Justice Brennan

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

February 2, 1981

Re: 79-1236 - Carson v. American Brands

Dear Bill:

Please join me.

Respectfully,



Justice Brennan

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