

The Burger Court Opinion Writing Database

Plumbers v. Local 334, Plumbers

452 U.S. 615 (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

June 11, 1981

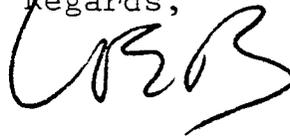
80-710 - United Association of Journeymen and
Apprentices of the Plumbing and
Pipefitting Industry of the United
States and Canada, AFL-CIO v. Local 334,
United Association, etc.

Dear Bill:

I find I could not complete my work on this
case for announcement next week.

I will be ready before next Thursday.

Regards,



Justice Brennan

Copies to the Conference

No. 80-710

UNITED ASSN. OF JOURNEYMEN AND
APPRENTICES OF THE PLUMBING AND
PIPEFITTING INDUSTRY, et al.

v.

LOCAL 334, UNITED ASSN., ETC., et al.

CHIEF JUSTICE BURGER, dissenting.

The Court holds today that union constitutions are "contracts between ... labor organizations" within the meaning of §301(a) of the Labor Management Relations Act, 29 U.S.C. §185(a). To reach this result, the Court claims to rely on the plain meaning of the statute, uncontradicted by the legislative history. Unlike the Court, I cannot construe these simple English words in such a convoluted fashion. To me, it is abundantly clear that a union constitution is not a contract between labor organizations, and the legislative history confirms that this reading comports with Congress's intent in adopting the Act.

I agree with the Court, of course, that a union and its locals are "labor organizations" as defined by §2(5) of the National Labor Relations Act, 29 U.S.C. §152(5). I also am willing to accept, at least for purposes of this case, the Court's conclusion that a union

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

From: The Chief Justice

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Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist
Mr. Justice Stevens

From: The Chief Justice

Printed
1st DRAFT

Revised: _____

JUN 17 1981

Revised: _____

SUPREME COURT OF THE UNITED STATES

No. 80-710

United Association of Journeymen
and Apprentices of the Plumb-
ing and Pipefitting Industry of
the United States and Canada,
AFL-CIO, et al., Petitioners,

v.

Local 334, United Association of
Journeymen and Apprentices of
the Plumbing and Pipefitting
Industry of the United States
and Canada, et al.

On Writ of Certiorari to
the United States Court
of Appeals for the
Third Circuit.

[June —, 1981]

CHIEF JUSTICE BURGER, dissenting.

The Court holds today that union constitutions are “contracts between . . . labor organizations” within the meaning of § 301 (a) of the Labor Management Relations Act, 29 U. S. C. § 185 (a). To reach this result, the Court claims to rely on the plain meaning of the statute, uncontradicted by the legislative history. Unlike the Court, I cannot construe these simple English words in such a convoluted fashion. To me, it is abundantly clear that a union constitution is not a contract between labor organizations, and the legislative history confirms that this reading comports with Congress’ intent in adopting the Act.

I agree with the Court, of course, that a union and its locals are “labor organizations” as defined by § 2 (5) of the National Labor Relations Act, 29 U. S. C. § 152 (5). I also am willing to accept, at least for purposes of this case, the Court’s conclusion that a union constitution is a “contract.” But I do not believe it reasonably can be described as a contract

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

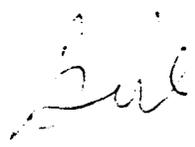
January 22, 1981

RE: No. 80-710 United Association of Journeymen
v. Local 334

Dear Byron:

Please join me.

Sincerely,



Mr. Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE W. J. BRENNAN, JR.

May 1, 1981

RE: No. 80-710 United Association, etc. v. Local 334

Dear Chief:

I shall try my hand at an opinion for the Court
in the above.

Sincerely,



The Chief Justice

cc: The Conference

19. 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: MAY 27 1981

No. 80-710, United Association of Journeyman and Apprentices of
the Plumbing and Pipefitting Industry of the United States and
Canada, AFL-CIO et al. v. Local 334, United Association etc. et
al.

Recirculated: _____

JUSTICE BRENNAN delivered the opinion of the Court.

Section 301(a) of the Labor Management Relations Act of 1947 (the Taft-Hartley Act) provides jurisdiction in the federal district courts over "[s]uits for violation of contracts between an employer and a labor organization representing employees in an industry affecting commerce as defined in this chapter, or between any such labor organizations." 29 U.S.C. §185(a) (emphasis added). The question presented in this case is whether a suit brought by a local union against its parent international union, alleging a violation of the International's constitution, falls within §301(a) jurisdiction of the federal district courts.

I

Respondent Local 334, United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada ("Local 334"), was a labor organization

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STYLISTIC CHANGES THROUGHOUT.
SEE PAGES:

7, 10, 12

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

From: [Name] [Address]

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JUN 1 1981

SUPREME COURT OF THE UNITED STATES

No. 80-710

United Association of Journeymen
and Apprentices of the Plumb-
ing and Pipefitting Industry of
the United States and Canada,
AFL-CIO, et al., Petitioners,
v.
Local 334, United Association etc.,
et al.

On Writ of Certiorari to
the United States Court
of Appeals for the
Third Circuit.

[June —, 1981]

JUSTICE BRENNAN delivered the opinion of the Court.

Section 301 (a) of the Labor Management Relations Act of 1947 (the Taft-Hartley Act) provides jurisdiction in the federal district courts over “[s]uits for violation of contracts between an employer and a labor organization representing employees in an industry affecting commerce as defined in this chapter, or *between any such labor organizations.*” 29 U. S. C. § 185 (a) (emphasis added). The question presented in this case is whether a suit brought by a local union against its parent international union, alleging a violation of the International’s constitution, falls within § 301 (a) jurisdiction of the federal district courts.

I

Respondent Local 334, United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada (Local 334), was a labor organization chartered by and affiliated with petitioner United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada

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

CHAMBERS OF
JUSTICE POTTER STEWART

May 28, 1981

Re: No. 80-710, United Assn. of Journeyman
v. Local 334

Dear Bill,

I am glad to join your opinion for the
Court.

Sincerely yours,

PS.
/

Justice Brennan

Copies to the Conference

FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS

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

From: Mr. Justice White

Circulated: 21 JAN 1981

Recirculated: _____

No. 80-710 - United Association of Journeymen v. Local 334

JUSTICE WHITE, dissenting.

Among other things, §301(a) of the Labor Management Relations Act of 1947, 29 U.S.C. §185(a), gives the United States District Courts jurisdiction over suits for violation of contracts between two labor organizations. The question in this case is whether for §301 purposes the constitution of an international union is a contract between the international and its local unions. The case arose when a local union resisted an order of the international consolidating it with other local unions, claiming that the order was contrary to the constitution of the international union. The Court of Appeals for the Third Circuit held that the District Court lacked subject matter jurisdiction because §301 does not confer jurisdiction over parent-local disputes that concern purely internal union affairs and that have no substantial impact on labor management relations or industrial peace.

The issue has generated two, possibly three, divergent views among the Courts of Appeals. Along with the Third

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

From: Mr. Justice White

Circulated: _____

Recirculated: 22 JAN 1981

Printed
1st DRAFT

SUPREME COURT OF THE UNITED STATES

UNITED ASSOCIATION OF JOURNEYMEN AND AP-
PRENTICES OF THE PLUMBING AND PIPE-
FITTING INDUSTRY OF THE UNITED
STATES AND CANADA, AFL-CIO,
ET AL. v. LOCAL 334, UNITED
ASSOCIATION ETC., ET AL.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 80-710. Decided February —, 1981

JUSTICE WHITE, dissenting.

Among other things, § 301 (a) of the Labor Management Relations Act of 1947, 29 U. S. C. § 185 (a), gives the United States District Courts jurisdiction over suits for violation of contracts between two labor organizations. The question in this case is whether for § 301 purposes the constitution of an international union is a contract between the international and its local unions. The case arose when a local union resisted an order of the international consolidating it with other local unions, claiming that the order was contrary to the constitution of the international union. The Court of Appeals for the Third Circuit held that the District Court lacked subject matter jurisdiction because § 301 does not confer jurisdiction over parent-local disputes that concern purely internal union affairs and that have no substantial impact on labor management relations or industrial peace.

The issue has generated two, possibly three, divergent views among the Courts of Appeals. Along with the Third Circuit in the immediate case, four Circuits have held that a dispute involving a union constitution may provide jurisdiction under § 301 (a) if the dispute involves something other than internal union matters. *Alexander v. International Union of Operating Engineers*, 624 F. 2d 1235 (CA5 1980); *Stelling v. International Brotherhood of Electrical Workers*, 587 F. 2d

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

From: Mr. Justice White

Circulated: _____

Recirculated: 23 JAN 1981

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

UNITED ASSOCIATION OF JOURNEYMEN AND AP-
PRENTICES OF THE PLUMBING AND PIPE-
FITTING INDUSTRY OF THE UNITED
STATES AND CANADA, AFL-CIO,
ET AL. v. LOCAL 334, UNITED
ASSOCIATION ETC., ET AL.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 80-710. Decided February —, 1981

JUSTICE WHITE, with whom JUSTICE BRENNAN joins,
dissenting.

Among other things, § 301 (a) of the Labor Management Relations Act of 1947, 29 U. S. C. § 185 (a), gives the United States District Courts jurisdiction over suits for violation of contracts between two labor organizations. The question in this case is whether for § 301 purposes the constitution of an international union is a contract between the international and its local unions. The case arose when a local union resisted an order of the international consolidating it with other local unions, claiming that the order was contrary to the constitution of the international union. The Court of Appeals for the Third Circuit held that the District Court lacked subject matter jurisdiction because § 301 does not confer jurisdiction over parent-local disputes that concern purely internal union affairs and that have no substantial impact on labor management relations or industrial peace.

The issue has generated two, possibly three, divergent views among the Courts of Appeals. Along with the Third Circuit in the immediate case, four Circuits have held that a dispute involving a union constitution may provide jurisdiction under § 301 (a) if the dispute involves something other than internal union matters. *Alexander v. International Union of Op-*

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

May 28, 1981

Re: 80-710 - United Assn. of Journeymen
and Apprentices of the Plumbing and
Pipefitting Industry of the United
States and Canada, AFL-CIO v. Local
334, United Assn, etc.

Dear Bill,

Please join me.

Sincerely yours,



Justice Brennan
Copies to the Conference
cpm

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

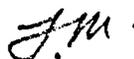
January 22, 1981

Re: No. 80-710 - United Association of Journeymen,
et al. v. Local 334 et al.

Dear Byron:

Please join me in your dissent.

Sincerely,



T.M.

Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

May 27, 1981

Re: No. 80-710 - United Association, etc. v.
Local 334

Dear Bill:

Please join me.

Sincerely,



T.M.

Justice Brennan

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

January 22, 1981

Re: No. 80-710 - United Association v. Local 334

Dear Byron:

I am in a position now to join three to grant.

Sincerely,



Mr. Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 1, 1981

Re: No. 80-710 - United Association of Journeymen
& Apprentices of the Plumbing & Pipefitting
Industry v. Local 334, Etc.

Dear Bill:

Please join me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Harry", with a horizontal line underneath.

Mr. Justice Brennan

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

May 27, 1981

80-710 United Association of Journeymen v. Local 334

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Brennan

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

May 1, 1981

MEMORANDUM TO THE CONFERENCE

Re: No. 80-710 United Assn. of Journeymen & Apprentices
v. Local 334

In this case at Conference I voted to reverse the judgment of the Court of Appeals for the Third Circuit, feeling that under its authority under the Commerce Clause Congress could not only create a forum for the resolution of the disputes described in § 301 but could provide that state law would govern where applicable. Since I expressed the view that Lincoln Mills is a rather large extension of the literal language of § 301, I have now come around to John Stevens' view, expressed at Conference, that the conferring of federal jurisdiction under § 301 where there is no settled body of federal law to apply, and the federal court adjudicating the dispute ends up somewhat fictionally "borrowing" state law to resolve the dispute, is in excess of congressional authority to grant jurisdiction in cases "arising under". I therefore change my vote to affirm the result reached by the Court of Appeals for the Third Circuit, but on the grounds heretofore described, rather than those contained in the opinion of the Third Circuit.

Sincerely,



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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

June 10, 1981

Re: No. 80-710 United Association of Journeymen &
Apprentices of the Plumbing & Pipefitting Ind.
v. Local 334

Dear John:

Please join me in your dissent.

Sincerely,



Justice Stevens

Copies to the Conference

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

May 27, 1981

Re: 80-710 - United Assn. of Journeymen et al.
v. Local 334

Dear Bill:

As soon as I can get to it, I will circulate a dissent.

Respectfully,



Justice Brennan

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 Ste

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80-710 - United Association of Journeymen & Apprentices
of the Plumbing & Pipefitting Ind. v. Local 334

JUSTICE STEVENS, dissenting.

Congress has defined the essential elements of the Nation's labor policy by creating certain basic federal rights and providing procedures for their enforcement. To enable the federal courts to carry out that basic policy, the Court in Textile Workers v. Lincoln Mills, 353 U.S. 448, construed §301 of the Labor Management Relations Act of 1947, 61 Stat. 156, 29 U.S.C. §185, as a grant of authority to fashion substantive rules of law concerning the making and enforcement of contracts between management and labor. The question this case presents is whether that statute conferred any such lawmaking power on the federal courts in cases arising out of contracts between two labor organizations.

In Textile Workers v. Lincoln Mills, supra, the Court was presented with the question whether §301, which "is drafted in terms which appear to be exclusively jurisdictional," Textile Workers Union v. American Thread Co., 113 F. Supp. 137, 139 (D. Mass. 1953), was meant by Congress to be an authorization for

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

77. 1-3, 4

From: Mr. Justice Stevens

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SUPREME COURT OF THE UNITED STATES

No. 80-710

United Association of Journeymen
and Apprentices of the Plumb-
ing and Pipefitting Industry of
the United States and Canada,
AFL-CIO, et al., Petitioners,

v.

Local 334, United Association of
Journeymen and Apprentices of
the Plumbing and Pipefitting
Industry of the United States
and Canada, et al.

On Writ of Certiorari to
the United States Court
of Appeals for the
Third Circuit.

[June —, 1981]

JUSTICE STEVENS, with whom JUSTICE REHNQUIST joins,
dissenting.

Congress has defined the essential elements of the Nation's labor policy by creating certain basic federal rights and providing procedures for their enforcement. To enable the federal courts to carry out that basic policy, the Court in *Textile Workers v. Lincoln Mills*, 353 U. S. 448, construed § 301 of the Labor Management Relations Act of 1947, 61 Stat. 156, 29 U. S. C. § 185, as a grant of authority to fashion substantive rules of law concerning the making and enforcement of contracts between management and labor. The question this case presents is whether that statute conferred any such law-making power on the federal courts in cases arising out of contracts between two labor organizations.

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