

# The Burger Court Opinion Writing Database

*W.R. Grace & Co. v. Rubber Workers*

461 U.S. 757 (1983)

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 11, 1983

Re: 81-1314 - W.R. Grace & Company v. Local Union No. 759, Etc.

Dear Harry:

I join.

Regards,

A handwritten signature in black ink, appearing to be 'W.R.B.', written in a cursive style.

Justice Blackmun

Copies to the Conference

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

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR.

May 12, 1983

Re: No. 81-1314

W. R. Grace & Company  
v. Local Union 759, etc.

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Dear Harry:

I agree.

Sincerely,



Justice Blackmun

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

May 12, 1983

Re: 81-1314 -

W. R. Grace and Co. v. Local Union 759,  
Int'l Union of the United Rubber, Cork,  
Lineoleum and Plastic Workers of America

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Dear Harry,

I agree.

Sincerely,



Justice Blackmun

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cpm

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

March 3, 1983

Re: No. 81-1314 - W.R. Grace & Co. v. Local  
Union No. 759, etc.

MEMORANDUM TO THE CONFERENCE

My vote in this case is to Affirm.

Sincerely,

*Jm.*

T.M.

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

May 12, 1983

Re: No. 81-1314-Grace v. Local Union 759, etc.

Dear Harry:

Please join me.

Sincerely,

*J.M.*

T.M.

Justice Blackmun

cc: The Conference



HAB

May 20, 1983

Dear Sandra:

Re: No. 81-1314 - W.R. Grace & Co. v. Local 759

The change you suggest in your note of May 20 will be made.

Sincerely,

HAB

Justice O'Connor

To: The Chief Justice  
 Justice Brennan  
 Justice White  
 Justice Marshall  
 Justice Powell  
 Justice Rehnquist  
 Justice Stevens  
 Justice O'Connor

From: **Justice Blackmun**

Circulated: \_\_\_\_\_

Recirculated: MAY 23 1983

pp. 4, 5, 13

2nd DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 81-1314

W. R. GRACE AND COMPANY, PETITIONER *v.*  
 LOCAL UNION 759, INTERNATIONAL UNION OF  
 THE UNITED RUBBER, CORK, LINOLEUM  
 AND PLASTIC WORKERS OF AMERICA

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

[May —, 1983]

JUSTICE BLACKMUN delivered the opinion of the Court.

Faced with the prospect of liability for violations of Title VII of the Civil Rights Act of 1964, as amended, petitioner signed with the Equal Employment Opportunity Commission (Commission or EEOC) a conciliation agreement that was in conflict with its collective bargaining agreement with respondent. Petitioner then obtained a court order, later reversed on appeal, that the conciliation agreement should prevail. The issue presented is whether the Court of Appeals was correct in enforcing an arbitral award of backpay damages against petitioner under the collective bargaining agreement for layoffs pursuant to the conciliation agreement.

I

A

In October 1973, after a lengthy investigation, the EEOC's District Director determined that there was reasonable cause to believe that petitioner W.R. Grace and Company (Company) had violated Title VII of the Civil Rights Act of 1964, 78 Stat. 253, as amended, 42 U. S. C. §§ 2000e to 2000e-17 (1976 ed. and Supp. IV), by discriminating in the hiring of Negroes and women at its Corinth, Miss., plastics manufac-

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

May 20, 1983

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

81-1314 Grace & Co. v. Local Union 759

Dear Harry:

Please join me in your opinion for the Court.

Sincerely,



Justice Blackmun  
Copies to the Conference

LFP/vde

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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

May 9, 1983

Re: No. 81-1314 W. R. Grace & Co. v. Local Union 759

Dear Harry:

Please join me.

Sincerely,



Justice Blackmun

cc: The Conference

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

May 10, 1983

Re: 81-1314 - W.R. Grace v. Local  
Union 759

Dear Harry:

Please join me.

Respectfully,



Justice Blackmun

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

CHAMBERS OF  
JUSTICE SANDRA DAY O'CONNOR

May 19, 1983

No. 81-1314 W. R. Grace & Co. v. Local  
Union No. 759, etc.

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Dear Harry,

Please join me.

Sincerely,

*Sandra*

Justice Blackmun

Copies to the Conference

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

CHAMBERS OF  
JUSTICE SANDRA DAY O'CONNOR

May 20, 1983

No. 81-1314 W. R. Grace & Co. v. Local  
Union No. 759, etc.

Dear Harry,

I have joined your opinion. Nevertheless, I would like to call to your attention one minor point which you might consider.

On page 5, the opinion states that the union contested "Sabella's decision as applied to the grievants there." Instead, the union challenged Sabella's reasoning in later arbitrations. Perhaps it would be better to substitute the word "reasoning" for "decision" in the quoted phrase.

My joinder remains unaffected either way.

Sincerely,



Justice Blackmun