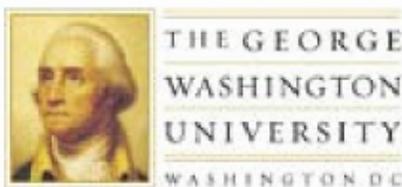


The Burger Court Opinion Writing Database

Ellis v. Railway Clerks

466 U.S. 435 (1984)

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 14, 1983

Re: No. 82-1150, Ellis v. Bhd. of Ry., Airline, et al.

Dear Byron:

I have decided to join your position thus making
a 4th to grant cert.

Regards,

A handwritten signature in black ink, appearing to be 'WR', with a long, sweeping flourish extending downwards and to the right.

Justice White

Copies to the Conference

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

From: Justice White

Circulated: MR 7 1983

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

HOWARD ELLIS, ET AL., *v.* BROTHERHOOD OF
RAILWAY, AIRLINE AND STEAMSHIP
CLERKS, FREIGHT HANDLERS,
EXPRESS AND STATION
EMPLOYEES, ET AL.

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

No. 82-1150. Decided April —, 1983

JUSTICE WHITE dissenting from the denial of certiorari.

It is often the case that the union selected by a majority of the public employees in a certain bargaining unit is the exclusive representative of employees in the unit, and that all members of that unit, even those who disagree with the goals of the union or the concept of unionization itself, must pay dues to the union. In *Abood v. Detroit Board of Education*, 431 U. S. 209 (1977), we were presented with the question whether compulsory dues violated the First Amendment rights of collective bargaining unit members who disagreed with the aims of the unit's exclusive representative. We held that insofar as the dues are used to "finance expenditures by the Union for the purposes of collective bargaining, contract administration, and grievance adjustment", mandatory dues requirements did not violate the First Amendment rights of dissident union members, *id.*, at 225, 232, but that to the extent that the union expended funds for "the expression of political views, on behalf of political candidates, or toward the advancement of other ideological causes not germane to its duties as collective-bargaining representative" the opposite conclusion was warranted, *id.*, at 235. At least two of the questions raised by petitioners deserve this our attention.

In the decision that petitioners ask us to review, *Ellis v. Brotherhood of Railway, Airline and Steamship Clerks*, 685 F. 2d 1065 (1982), a panel of the Ninth Circuit held, over vig-

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

April 13, 1983

82-1150 Ellis v. Railway Clerks

Dear Byron:

Please join me in your dissent from denial of cert.

Sincerely,

Lewis

Justice White

Copies to the Conference

LFP/vde

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

April 11, 1983

Re: No. 82-1150 Ellis v. Brotherhood of Railway, Airline
and Steamship Clerks, Freight
Handlers, Express and Station
Employees

Dear Byron:

Please join me in your dissent from denial of certiorari.

Sincerely,

WM

Justice White

cc: The Conference