

The Burger Court Opinion Writing Database

Motor Vehicle Manufacturers Association of United States, Inc. v. State Farm Mutual Automobile Insurance Co.

463 U.S. 29 (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

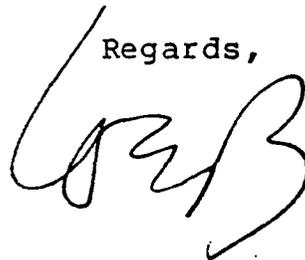
June 17, 1983

RE: Cases Nos. 82-354) - Motor Vehicle Manufacturers
Assn. v. State Farm
82-355) - Consumer Alert v. State Farm
82-398) - U.S. Dept. of Transportation v.
State Farm

Dear Byron:

I am still not ready to come to rest on this "sticky" case,
but will keep it on top of the file.

Regards,



Justice White

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

CHAMBERS OF
THE CHIEF JUSTICE

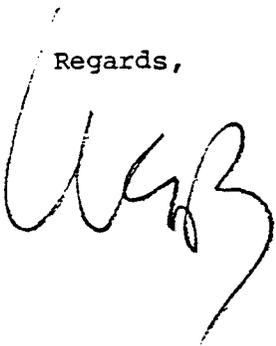
June 20, 1983

Re: 82-354; 355; 398 - Motor Vehicle Manufacturers Association of the
United States, Inc., et al.; Consumer Alert,
et al.; United States Department of
Transportation, et al. v. State Farm Mutual
Automobile Insurance Company, et al.

Dear Bill:

I join.

Regards,



Justice Rehnquist

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Washington, D. C. 20543

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

June 7, 1983

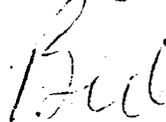
Nos. 82-354, 82-355 & 82-398

Motor Vehicle Manufacturers
Association, et al. v. State Farm
Mutual Automobile Insurance
Company, et al., etc.

Dear Byron,

I agree.

Sincerely,



Justice White

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

June 6, 1983

MEMORANDUM TO THE CONFERENCE

Re: 82-354, 82-355 and 82-398 -

Motor Vehicle Manufacturers Ass'n v.
State Farm Mutual Automobile Insurance Co.

Consumer Alert v. State Farm Mutual
Automobile Insurance Co.

U. S. Dept. of Transportation v.
State Farm Mutual Automobile Insurance Co.

My vote in Conference was to agree with the Court of Appeals insofar as it held that NHTSA should have, but did not, explain why Standard 208 was revoked as to airbags as well as seatbelts. Since I inherited this case from Bill, I take it that the Chief and Bill read the Conference action as affording at least a reasonable chance of producing a court on the above basis.

The proposed opinion that I am now circulating first disagrees with the Court of Appeals to some extent with respect to its approach to the case. It then faults the NHTSA for not dealing with the airbags issue in revoking the Standard 208. The draft then goes farther than the Conference vote would seem to support by finding NHTSA's explanation for revoking the seatbelt standard to be inadequate in certain respects. These are much closer calls than the airbags issue, but if the case is to go back for further explanation in any event, perhaps NHTSA should give some attention to these matters also. I doubt that it would find it too difficult to cover its tracks based on the present record.

Cheers,



2, 5, 8, 14, 18/

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

Handwritten notes:
A-E-W
me
7/1

From: Justice White

Circulated: **JU** 1983

Recirculated:

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 82-354, 82-355 AND 82-398

MOTOR VEHICLE MANUFACTURERS ASSOCIATION
OF THE UNITED STATES, INC., ET AL., PETITIONERS
82-354 v.
STATE FARM MUTUAL AUTOMOBILE INSURANCE
COMPANY ET AL.

CONSUMER ALERT, ET AL., PETITIONERS
82-355 v.
STATE FARM MUTUAL AUTOMOBILE INSURANCE
COMPANY ET AL.

UNITED STATES DEPARTMENT OF TRANSPORTA-
TION, ET AL., PETITIONERS
82-398 v.
STATE FARM MUTUAL AUTOMOBILE INSURANCE
COMPANY ET AL.

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

[June —, 1983]

JUSTICE WHITE delivered the opinion of the Court.

The development of the automobile gave Americans un-
precedented freedom to travel, but exacted a high price for
enhanced mobility. Since 1929, motor vehicles have been
the leading cause of accidental deaths and injuries in the
United States. In 1982, 46,300 Americans died in motor ve-
hicle accidents and hundreds of thousands more were maimed

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

June 9, 1983

Nos. 82-354, 82-355, 82-398 -

Motor Vehicle Manufacturers Ass'n
v. State Farm Mutual Automobile Insurance

Dear Lewis,

In response to your letter about the proposed opinion in this case, I would prefer to leave the draft as it is but will modify it as necessary to please a majority. The reason for remanding to the agency is to insist on a better explanation of its decision rather than any disagreement with the result it has reached. The standard governing the agency in this respect is illusive, and I am not inclined to differ with a majority of the Court that is able to discern the basis for the agency's action even if I have some doubts about it. Hence, if necessary, I shall revise the opinion to conform with your letter.

Sincerely,



Justice Powell

Copies to the Conference

cpm

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

STYLISTIC CHANGES THROUGHOUT.
SEE PAGES: 2-5, 14-15, 17-18,
20, 23-24

From: Justice White

Circulated: _____

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2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 82-354, 82-355 AND 82-398

MOTOR VEHICLE MANUFACTURERS ASSOCIATION
OF THE UNITED STATES, INC., ET AL., PETITIONERS
82-354

v.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY ET AL.

CONSUMER ALERT, ET AL., PETITIONERS
82-355

v.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY ET AL.

UNITED STATES DEPARTMENT OF TRANSPORTA-
TION, ET AL., PETITIONERS
82-398

v.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY ET AL.

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

[June —, 1983]

JUSTICE WHITE delivered the opinion of the Court.

The development of the automobile gave Americans un-
precedented freedom to travel, but exacted a high price for
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the leading cause of accidental deaths and injuries in the
United States. In 1982, 46,300 Americans died in motor ve-
hicle accidents and hundreds of thousands more were maimed

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

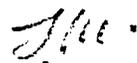
June 6, 1983

Re: No. 82-354,355 and 398-Motor Vehicle
Manufacturers Association of the US
v. State Farm Mutual Automobile Ins;
Consumer Alert v. State Farm Mutual
Automobile Ins. and United States
Dept. of Transportation v. State Farm
Mutual Automobile Ins.

Dear Byron:

Please join me.

Sincerely,



T.M.

Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 16, 1983

Re: No. 82-354) - Motor Vehicle Manufacturers Ass'n
v. State Farm Mutual Automobile Insurance Co.
No. 82-355) - Consumer Alert
v. State Farm Mutual Automobile Insurance Co.
No. 82-398) - U. S. Department of Transportation
v. State Farm Mutual Automobile Insurance Co.

Dear Byron:

I go along.

Sincerely,



Justice White

cc: The Conference

Supreme Court of the United States

Washington, D. C. 20543

June 7, 1983

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

82-354, 82-355, 82-398 Motor Vehicle Manufacturers
and Companion Cases

Dear Byron:

Your opinion addresses three points: (i) the failure of the agency to explain why it rejected the air bag standard; (ii) its failure to explain why a continuous spool belt (not detachable but that will "spool out" in an emergency) was not an acceptable alternative to detachable belts; and (iii) its failure to explain why seat belt usage would not increase with detachable belts.

My vote at Conference initially was to reverse CADC across the board. After hearing the discussion, I said that I had not fully considered the distinction you made then between the air bags and the seat belts, and would take another look.

Your opinion persuades me to agree that the agency at least should have explained why it rejected the air bag feature. I also think I can go with you in holding that the agency should have explained why the spool belt was not an acceptable alternative to the detachable belt. Both airbags and continuous belts comply with the existing standard, and therefore the agency should not have eliminated the entire rule without first addressing them.

But I continue to adhere to my Conference vote with respect to the agency's decision to eliminate the de-detachable passive restraint feature. I think the agency made a rational judgment that the usage rates of detachable passive restraints are too uncertain to predict reliably that they will be used much more than regular seat belts.

The agency considered the relevant factors, including the fact that "some people ... who would not otherwise use manual belts would not disconnect automatic belts." App. to Pet. for Cert. 113a. It concluded that there was great uncertainty as to whether detachable belt use would be sufficiently high to achieve the benefits of passive restraints. There is relatively little evidence on this question, and not much more than opinion evidence is likely to be available. CADC certainly went too far in requiring the

agency to prove that usage of detachable belts would not be substantially greater than usage of regular belts. Although you would not impose this unusual burden, your opinion - as I read it - does imply that the agency might be required to retain the standard until further evidence is developed.

It is significant, I think, that what the agency said on this subject appears to be more than was said when the detachable belt was approved in the first place. As your opinion notes, the "detachable" feature was adopted with little consideration. There was no prior finding - and no prior evidence - as to the likely usage rates of detachable belts.

My notes indicate that there were at least six of us at Conference who would reverse CADC on the detachable belt usage issue. I would join an opinion that adhered to this vote but that remanded - as you suggest - on the airbags and continuous belt issues.

Sincerely,



Justice White

Copies to the Conference

LFP/ss

June 16, 1983

82-354 Motor Vehicle v. State Farm

Dear Byron:

I would appreciate your taking a look at the last sentence beginning at the bottom of page 13 where you state - citing Bob Jones - that "an agency's interpretation of a statute may be confirmed or ratified by subsequent congressional failure to change that interpretation".

This is a rather sweeping statement. It probably was accurate in Bob Jones where there had been a decade of specific opportunities to make a change. Ordinarily, I would think that a mere failure to change an interpretation would not in and of itself constitute ratification. Would you consider qualifying the sentence along the following lines:

"Although Congress' failure to change an agency's interpretation of a statute may be considered as supporting the correctness of that interpretation . . ."

Sincerely,

Justice White

lfp/ss

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

June 16, 1983

82-354 Motor Vehicle v. State Farm

Dear Bill:

Please join me in your concurring and dissenting
opinion in this case.

Sincerely,



Justice Rehnquist

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

June 7, 1983

Re: Nos. 82-354, 82-355 & 82-398 Motor Vehicle
Manufacturers Assn v. State Farm Mutual Automobile
Insurance Company

Dear Byron:

As you indicated in your memorandum accompanying your draft opinion in this case, I felt my views were not in accord with those expressed by a majority at Conference, and after the Chief assigned it to me you were good enough to agree that it could be reassigned to you. Having read your opinion, I am persuaded by its discussion on the "airbags" issue. I remain of the other view, however, as to "seatbelts," and would give the Agency a little more running room than you do because of the change in Administration. I will write separately to this effect, hopefully before July 2nd when I leave for Vermont.

Sincerely,



Justice White

cc: The Conference

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

From: **Justice Rehnquist**

Circulated: JUN 13 1983

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 82-354, 82-355 AND 82-398

MOTOR VEHICLE MANUFACTURERS ASSOCIATION
OF THE UNITED STATES, INC., ET AL., PETITIONERS
82-354 *v.*
STATE FARM MUTUAL AUTOMOBILE INSURANCE
COMPANY ET AL.

CONSUMER ALERT, ET AL., PETITIONERS
82-355 *v.*
STATE FARM MUTUAL AUTOMOBILE INSURANCE
COMPANY ET AL.

UNITED STATES DEPARTMENT OF TRANSPORTA-
TION, ET AL., PETITIONERS
82-398 *v.*
STATE FARM MUTUAL AUTOMOBILE INSURANCE
COMPANY ET AL.

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

[June —, 1983]

JUSTICE REHNQUIST, concurring in part and dissenting in
part.

I join parts I, II, III, and IV-A of the Court's opinion. In
particular, I agree that, since the airbag and continuous spool
automatic seatbelt were explicitly approved in the standard
the agency was rescinding, the agency should explain why it
declined to leave those requirements intact. In this case,

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

From: **Justice Rehnquist**

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Pg 1, 3

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 82-354, 82-355 AND 82-398

MOTOR VEHICLE MANUFACTURERS ASSOCIATION
OF THE UNITED STATES, INC., ET AL., PETITIONERS
82-354

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY ET AL.

CONSUMER ALERT, ET AL., PETITIONERS
82-355

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY ET AL.

UNITED STATES DEPARTMENT OF TRANSPORTA-
TION, ET AL., PETITIONERS
82-398

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY ET AL.

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

June —, 1983

JUSTICE REHNQUIST, with whom THE CHIEF JUSTICE,
JUSTICE POWELL, and JUSTICE O'CONNOR join, concurring in
part and dissenting in part.

I join parts I, II, III, IV, and V-A of the Court's opinion.
In particular, I agree that, since the airbag and continuous
spool automatic seatbelt were explicitly approved in the
standard the agency was rescinding, the agency should ex-

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

June 6, 1983

Re: 82-354; 82-355; 82-398 - Motor Vehicle
Manufacturers Assn. v. State Farm
Mutual Automobile Insurance Co., et al.

Dear Byron:

Please join me.

Respectfully,



Justice White

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

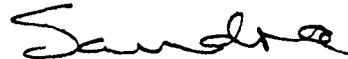
June 6, 1983

No. 82-354 Motor Vehicle Manufacturers Assoc.
v. State Farm
No. 82-355 Consumer Alert v. State Farm
No. 82-398 U. S. Dept. of Transportation v.
State Farm

Dear Byron,

For the present, I will await any further
writing in this case.

Sincerely,



Justice White

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

June 13, 1983

No. 82-354 Motor Vehicle Manufacturers Assoc.
v. State Farm
No. 82-355 Consumer Alert v. State Farm
No. 82-398 U. S. Dept. of Transportation v.
State Farm

Dear Bill,

Please join me in your opinion concurring in
part and dissenting in part.

Sincerely,



Justice Rehnquist

Copies to the Conference