

The Burger Court Opinion Writing Database

Michigan Canners & Freezers Association Inc. v. Agricultural Marketing and Bargaining Board

467 U.S. 461 (1984)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University



7
Supreme Court of the United States
Washington, D. C. 20543

RECEIVED
SUPREME COURT, U.S.
JUSTICE MARSHALL

CHAMBERS OF
THE CHIEF JUSTICE

May 30, 1984

'84 MAY 30 P4:08

Re: 82-1577 - Michigan Canners and Freezers Association
v. Agricultural Marketing and Bargaining
Board

Dear Bill:

I join.

Regards,



Justice Brennan

Copies to the Conference

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

From: Justice Brennan

Circulated: MAY 24 1984

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R. B. ...
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1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 82-1577

MICHIGAN CANNERS AND FREEZERS ASSOCIATION, INC., ET AL. v. AGRICULTURAL MARKETING AND BARGAINING BOARD ET AL.

ON APPEAL FROM THE SUPREME COURT OF MICHIGAN

[May —, 1984]

JUSTICE BRENNAN delivered the opinion of the Court.

A perceived need to help the American farmer in his economic relations with large and powerful agricultural processors has moved Congress and various states to enact laws designed to bolster the farmer's bargaining power when bringing his goods to market. This case involves two such laws: the federal Agricultural Fair Practices Act of 1967 (AFPA or Act) and the State of Michigan's Agricultural Marketing and Bargaining Act (Michigan Act). The question presented is whether certain provisions of the Michigan Act, which accord agricultural cooperative associations exclusive bargaining authority for the sale of agricultural products, are pre-empted by the federal Act. The Supreme Court of Michigan held that the Michigan Act is not pre-empted. 416 Mich. 706, 332 N. W. 2d 134 (1982). We noted probable jurisdiction, — U. S. — (1983), and now reverse.

I

A

The federal Agricultural Fair Practices Act, 7 U. S. C. § 2301 *et seq.*, protects the right of farmers and other produc-

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SUPREME COURT, U.S. Washington, D. C. 20543
JUSTICE MARSHALL

CHAMBERS OF
JUSTICE BYRON R. WHITE

JUN -4 P2:49

June 4, 1984

Re: 82-1577 - Michigan Canners and Freezers
Ass'n v. Agricultural Marketing
and Bargaining Board

Dear Bill,

I agree.

Sincerely,



Justice Brennan

Copies to the Conference

cpm

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


CHAMBERS OF
JUSTICE THURGOOD MARSHALL

May 29, 1984

Re: No. 82-1577-Michigan Cannery and Freezers
Association, Inc. v. Agricultural Marketing
and Bargaining Board

Dear Bill:

Please join me.

Sincerely,

T.M.
T.M.

Justice Brennan

cc: The Conference

5

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

May 29, 1984

Re: No. 82-1577 - Michigan Cannery and Freezers Assn.
v. Agricultural Marketing & Bargaining Board

Dear Bill:

Please join me.

Sincerely,



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'84 MAY 29 10:14

Justice Brennan

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

May 24, 1984

82-1577 Michigan Canners v. Agricultural Marketing

Dear Bill:

Please join me.

Sincerely,

Lewis

Justice Brennan

lfp/ss

cc: The Conference

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

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JUSTICE MARSHALL

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

24 MAY 25 P2:18

May 25, 1984

Re: No. 82-1577 Michigan Cannery & Freezers Assn. v.
Agricultural Marketing & Bargaining Board

Dear Bill:

Please join me.

Sincerely,



Justice Brennan

cc: The Conference

2

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

May 24, 1984

Re: 82-1577 - Michigan Cannery and Freezers
Assn., Inc. v. Agricultural Marketing
and Bargaining Board

Dear Bill:

Please join me.

Respectfully,



Justice Brennan

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JUSTICE MARSHALL

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

74 MAY 25 11 34

May 25, 1984

No. 82-1577 Michigan Cannery and Freezers
Assoc., Inc. v. Agricultural Marketing
and Bargaining Board

Dear Bill,

Please join me.

Sincerely,



Justice Brennan

Copies to the Conference