

The Burger Court Opinion Writing Database

Furniture Moving Drivers v. Crowley

467 U.S. 526 (1984)

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



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

RECEIVED
SUPREME COURT, U.S.
JUSTICE MARSHALL

CHAMBERS OF
THE CHIEF JUSTICE

'84 MAY 17 A9:28

May 16, 1984

Re: 82-432 - Local No. 82, et al. v. Crowley, Jerome, et al.

Dear Bill:

I join.

Regards,



Justice Brennan

Copies to the Conference

RECEIVED
 SUPREME COURT, U.S.
 JUSTICE MARSHALL

'84 MAY -9 A9:52

Justice White
~~Justice Marshall~~
 Justice Blackmun
 Justice Powell
 Justice Rehnquist
 Justice Stevens
 Justice O'Connor

From: Justice Brennan

Circulated: 5/9/84

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 82-432

LOCAL NO. 82, FURNITURE AND PIANO MOVING,
 FURNITURE STORE DRIVERS, HELPERS, WARE-
 HOUSEMEN AND PACKERS, ET AL. v.
 JEROME CROWLEY ET AL.

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

[May —, 1984]

JUSTICE BRENNAN delivered the opinion of the Court.

The Labor-Management Reporting and Disclosure Act of 1959 (LMRDA or Act), 73 Stat. 522, 29 U. S. C. §§ 401-531, was Congress' first major attempt to regulate the internal affairs of labor unions. Title I of the Act provides a statutory "Bill of Rights" for union members, including various protections for members involved in union elections, with enforcement and appropriate remedies available in district court. Title IV, in contrast, provides an elaborate post-election procedure aimed solely at protecting union democracy through free and democratic elections, with primary responsibility for enforcement lodged with the Secretary of Labor. Resolution of the question presented by this case requires that we address the conflict that exists between the separate enforcement mechanisms included in these two titles. In particular, we must determine whether suits alleging violations of Title I may properly be maintained in district court during the course of a union election.

The Court of Appeals approved a preliminary injunction issued by the District Court that enjoined an ongoing union election and ordered the staging of a new election pursuant to procedures promulgated by the court. After reviewing the complex statutory scheme created by Congress, we conclude

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

Stylistic only

From: **Justice Brennan**

Circulated: _____

Recirculated: 5/24/84

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 82-432

LOCAL NO. 82, FURNITURE AND PIANO MOVING,
 FURNITURE STORE DRIVERS, HELPERS, WARE-
 HOUSEMEN AND PACKERS, ET AL. *v.*
 JEROME CROWLEY ET AL.

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

[May —, 1984]

JUSTICE BRENNAN delivered the opinion of the Court.

The Labor-Management Reporting and Disclosure Act of 1959 (LMRDA or Act), 73 Stat. 522, 29 U. S. C. §§ 401-531, was Congress' first major attempt to regulate the internal affairs of labor unions. Title I of the Act provides a statutory "Bill of Rights" for union members, including various protections for members involved in union elections, with enforcement and appropriate remedies available in district court. Title IV, in contrast, provides an elaborate post-election procedure aimed solely at protecting union democracy through free and democratic elections, with primary responsibility for enforcement lodged with the Secretary of Labor. Resolution of the question presented by this case requires that we address the conflict that exists between the separate enforcement mechanisms included in these two titles. In particular, we must determine whether suits alleging violations of Title I may properly be maintained in district court during the course of a union election.

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

June 7, 1984

Re: 82-432 - Local No. 82, Furniture
& Piano Moving v. Crowley

Dear Bill,

Please join me.

Sincerely yours,



Justice Brennan

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04:59 T-MJ. 18

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

May 15, 1984

Re: No. 82-432-Local No. 82, Furniture & Piano
Moving, Furniture Store Drivers, Helpers,
Warehousemen and Packers v. Crowley

Dear Bill:

Please join me.

Sincerely,

J.M.

T.M.

Justice Brennan

cc: The Conference

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RECEIVED
Supreme Court of ~~Supreme Court~~ U.S.
Washington, D. C. 20543
JUSTICE MARSHALL

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

84 MAY 14 P1:12

May 14, 1984

Re: No. 82-432 - Local 82, Furniture & Piano Moving, Etc.
v. Crowley

Dear Bill:

Please join me.

Sincerely,



Justice Brennan

cc: The Conference

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

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CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

May 10, 1984

82-432 Local No. 82 v. Crowley

Dear Bill:

Please join me.

Sincerely,

Lewis

Justice Brennan

lfp/ss

cc: The Conference

82 MAY 10 11:22

102110
20543

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



CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

May 11, 1984

Re: No. 82-432 Local No. 82, Furniture and Piano Moving,
Furniture Store Drivers, Helpers,
Warehousemen and Packers v. Crowley

Dear Bill:

Please join me.

Sincerely,

Justice Brennan

cc: The Conference

RECEIVED
SUPREME COURT, U.S.
JUSTICE MARSHALL
84 MAY 14 10:05

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

50:50 11 YAM 48

May 11, 1984

Re: 82-432 - Local No. 82 v. Crowley

Dear Bill:

You have written a strong opinion but I regret to advise you that I remain unpersuaded. I shall therefore be writing in dissent.

Respectfully,



Justice Brennan

Copies to the Conference

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

RECEIVED
 SUPREME COURT, U.S.
 JUSTICE MARSHALL

'84 JUN -4 A10:48

From: Justice Stevens

Circulated: JUN 4 1984

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 82-432

LOCAL NO. 82, FURNITURE AND PIANO MOVING,
 FURNITURE STORE DRIVERS, HELPERS, WARE-
 HOUSEMEN AND PACKERS, ET AL. *v.*
 JEROME CROWLEY ET AL.

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

[June —, 1984]

JUSTICE STEVENS, dissenting.

In the course of an election, Local 82 violated a number of the rights of respondent union members secured by Title I of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 73 Stat. 522, 29 U. S. C. §§ 401-531. Specifically, Local 82 restricted respondents' ability to nominate candidates of their choice for union office in violation of § 101(a) of the Act, 29 U. S. C. § 411(a)(1), and prevented respondents from freely expressing their views at a union nominations meeting in violation of § 101(a)(2) of the Act, 29 U. S. C. § 411(a)(2). After the suit was filed, the union indicated that it was willing to rerun the election which had been conducted subsequent to the tainted nominations meeting. The District Court preliminarily enjoined the union to do exactly that, exercising its authority under § 102 of the Act, which provides in pertinent part: "Any person whose rights secured by the provisions of this subchapter have been infringed by any violation of this subchapter may bring a civil action in a district court of the United States *for such relief (including injunctions) as may be appropriate.*" 29 U. S. C. § 412 (emphasis supplied).

Today the Court agrees that respondents have established violations of Title I, and that the District Court had jurisdic-

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

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SUPREME COURT, U.S.
JUSTICE MARSHALL

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

'84 JUN -4 P2:49

June 4, 1984

Re: No. 82-432 Local No. 82, Furniture and Piano Moving,
etc. v. Crowley

Dear Bill,

Please join me.

Sincerely,

Sandra

Justice Brennan

Copies to the Conference