

# The Burger Court Opinion Writing Database

## *Garcia v. San Antonio Metropolitan Transit Authority*

469 U.S. 528 (1985)

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

October 5, 1984

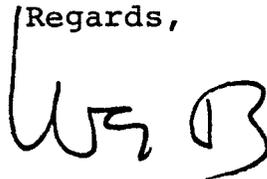
Re: No. 82-1913 - Garcia v. San Antonio Metropolitan Transit  
Authority  
82-1951 - Donovan v. San Antonio Metropolitan Transit  
Authority

Dear Bill,

Since it is "your ox" that is being "gored," will  
you take on a dissent?

If, for any reason you'd prefer not, let me know.

Regards,



cc: Justice Powell  
Justice O'Connor

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

CHAMBERS OF  
THE CHIEF JUSTICE

December 20, 1984

Re: 82-1913 - Garcia v. San Antonio Metropolitan  
Transit Authority  
82-1951 - Donovan v. San Antonio Metropolitan  
Transit Authority

Dear Lewis:

I join your dissent.

Regards,



Justice Powell

Copies to the Conference

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37  
Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR.

October 25, 1984

No. 82-1913) Garcia  
                  ) v. San Antonio  
                  ) Metropolitan  
                  ) Transit Authority  
                  )  
                  ) Donovan v. San  
                  ) Antonio  
                  ) Metropolitan  
No. 82-1951) Transit Authority

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Dear Harry,

Please join me.

Sincerely,



Justice Blackmun

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

October 29, 1984

82-1913 - Garcia v. San Antonio  
Metropolitan Transit Authority

82-1951 - Donovan v. San Antonio  
Metropolitan Transit Authority

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Dear Harry,

Please join me.

Sincerely yours,



Justice Blackmun

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

October 23, 1984

Re: No. 82-1913 and 1951-Garcia v. San Antonio  
Metropolitan Transit and Donovan v.  
San Antonio Metropolitan Transit

Dear Harry:

Please join me.

Sincerely,

*JM.*  
T.M.

Justice Blackmun

cc: The Conference

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

December 20, 1984

Memorandum to the Conference

Re: No. 82-1913, Garcia v. San Antonio Metropolitan  
Transit Authority  
No. 82-1951, Donovan, Secretary v. San Antonio  
Metropolitan Transit Authority

Unless there is further writing, I propose no changes  
in response to the dissent Lewis has circulated.

H.A.B.



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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

February 21, 1985

MEMORANDUM TO THE CONFERENCE

Re: Holds for No. 82-1913) Garcia v. SAMTA  
No. 82-1951) Donovan v. SAMTA

1. No. 82-1974, Macon v. Joiner. Respondent, an employee of the Macon, Georgia, public transit system, brought suit in the United States District Court for the Middle District of Georgia claiming that under the Fair Labor Standards Act he was entitled to receive time and a half for overtime work. The city defended on the ground that the Tenth Amendment and National League of Cities precluded application of the FLSA to the city's mass transit workers. The District Court ruled for respondent, reasoning that the city's operation of a bus system was not a "traditional governmental function" as understood in National League of Cities. The CA11 affirmed. Petitioner contends that the lower courts misapplied this Court's "traditional governmental functions" test.

Garcia forecloses petitioner's sole argument. I shall vote to deny.

2. No. 83-257, City Council of Augusta v. Alewine. Respondents, a group of bus drivers who are employed by the Augusta, Georgia's transit department, brought suit in the Southern District of Georgia claiming that under the Fair Labor Standards Act they were entitled to receive time and a half for overtime work. The city defended on the ground that the Tenth Amendment and National League of Cities precluded application of the FLSA to the city's mass transit workers. The District Court ruled for the city, reasoning that the city's operation of a bus system was a "traditional governmental function" as understood in National League of Cities. The CA11 reversed, holding that urban mass transit was not a traditional governmental function. Petitioner contends that the Court of Appeals misapplied this Court's "traditional governmental functions" test.

Garcia forecloses petitioner's sole argument. I shall vote to deny.

H.A.B.

October 8, 1984

83-1913 Garcia v. San Antonio  
83-1951 Donovan v. San Antonio

Dear Chief:

Bill and I have talked and he agrees I should write the dissent if agreeable to you and Sandra.

I will, of course, try to demonstrate that the "goring" was not of Bill's "ox", but of the Constitution.

Sincerely,

The Chief Justice

lfp/ss

cc: Justice Rehnquist  
Justice O'Connor

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

October 23, 1984

82-1913 Garcia v. San Antonio Metropolitan

Dear Harry:

In due time I will prepare and circulate a  
dissenting opinion.

Sincerely,



Justice Blackmun

lfp/ss

cc: The Conference

December 19, 1984

82-1913 and 82-1951 Garcia v. San Antonio Metropolitan  
Transit, et al

Dear Bill:

My dissent in this case was circulated this afternoon. I have tried to defend your fine opinion in National League of Cities. Having considered your reasoning more carefully, I have even a higher opinion of what you wrote in League of Cities than formerly.

If you have any inclination to write separately, I would of course welcome it.

I am sending copies of this note to the Chief and Sandra. Suggestions from any of you will be carefully considered.

Sincerely,

Justice Rehnquist

cc - The Chief Justice  
Justice O'Connor

LFP/vde



December 26, 1984

PERSONAL

82-1913 Garcia v. San Antonio Metropolitan

Dear Sandra:

Upon my return to the Court today I was glad to find your letter to Harry indicating that you will write in this case.

You may recall that I expressed the hope that you would write. After all, you and I are the only members of the Court who have had extended experience in state and local government. Your experience, of course, was of a more important character as mine was limited to serving on Boards and Commissions.

I hope that also you will join my opinion. If there are changes that you would like for me to make, I probably would be glad to accept your views.

Sincerely,

Justice O'Connor

LFP/vde



02/10

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

From: Justice Powell

Stylistic Changes Throughout

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

Recirculated: FEB 11 1985

3rd DRAFT

**SUPREME COURT OF THE UNITED STATES**

Nos. 82-1913 AND 82-1951

82-1913  
JOE G. GARCIA, APPELLANT  
*v.*  
SAN ANTONIO METROPOLITAN TRANSIT  
AUTHORITY ET AL.

82-1951  
RAYMOND J. DONOVAN, SECRETARY OF  
LABOR, APPELLANT  
*v.*  
SAN ANTONIO METROPOLITAN TRANSIT  
AUTHORITY ET AL.

ON APPEALS FROM THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS

[February —, 1985]

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

The Court today, in its 5-4 decision, overrules *National League of Cities v. Usery*, 426 U. S. 833 (1976), a case in which we held that Congress lacked authority to impose the requirements of the Fair Labor Standards Act on state and local governments. Because I believe this decision substantially alters the federal system embodied in the Constitution, I dissent.

I

There are, of course, numerous examples over the history of this Court in which prior decisions have been reconsidered and overruled. There have been few cases, however, in which the principle of *stare decisis* and the rationale of recent

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

February 11, 1985

82-1913 & 82-1951 Garcia v. San Antonio Metro. Transit  
Auth.

Dear Sandra:

Please join me.

Sincerely,



Justice O'Connor

Copies to the Conference

LFP/vde

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

From: **Justice Rehnquist**

Circulated: JAN 6 1985

Recirculated: \_\_\_\_\_

1st DRAFT

**SUPREME COURT OF THE UNITED STATES**

Nos. 82-1913 AND 82-1951

82-1913  
JOE G. GARCIA, APPELLANT  
*v.*  
SAN ANTONIO METROPOLITAN TRANSIT  
AUTHORITY ET AL.

82-1951  
RAYMOND J. DONOVAN, SECRETARY OF  
LABOR, APPELLANT  
*v.*  
SAN ANTONIO METROPOLITAN TRANSIT  
AUTHORITY ET AL.

ON APPEALS FROM THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS

[January —, 1985]

JUSTICE REHNQUIST, dissenting.

I join JUSTICE POWELL's thoughtful dissent. His reference to the "balancing test" approved in *National League of Cities* is not identical with the language in that case, which recognized that Congress could not act under its commerce power to infringe on certain fundamental aspects of state sovereignty that are essential to "the States' separate and independent existence." Nor is either test precisely congruent with JUSTICE BLACKMUN's views in 1976, when he spoke of a balancing approach which did not outlaw federal power in areas "where the federal interest is demonstrably greater." But under any one of these approaches the judgment in this case should be affirmed, and I do not think it incumbent on those of us in dissent to spell out further than JUSTICE POWELL already has the fine points of a principle that will, I am confident, in time again command the support of a majority of this Court.

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

October 23, 1984

Re: Nos. 82-1913 and 82-1951 - Garcia v. San  
Antonio Metropolitan Transit Authority

Dear Harry:

Please join me.

Respectfully,



Justice Blackmun

Copies to the Conference

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

CHAMBERS OF  
JUSTICE SANDRA DAY O'CONNOR

October 9, 1984

No. 83-1913 Garcia v. San Antonio  
No. 83-1951 Donovan v. San Antonio

Dear Lewis,

It is certainly agreeable with me if you take on the dissent in this case. As I indicated at Conference, I may want to add a few thoughts of my own on the subject.

Sincerely,

*Sandra*

Justice Powell

cc: The Chief Justice  
Justice Rehnquist

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

CHAMBERS OF  
JUSTICE SANDRA DAY O'CONNOR

October 23, 1984

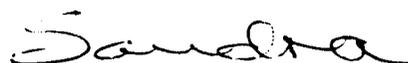
No. 82-1913 Garcia v. San Antonio Metropolitan Transit  
Authority  
No. 82-1951 Donovan, Secretary of Labor v. San Antonio  
Metropolitan Transit Authority

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Dear Harry,

I will await the dissent and may have something to  
say in separate dissent as well.

Sincerely,



Justice Blackmun

Copies to the Conference

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

CHAMBERS OF  
JUSTICE SANDRA DAY O'CONNOR

December 20, 1984

No. 82-1913 Garcia v. San Antonio MTA  
No. 82-1951 Donovan v. San Antonio MTA

Dear Harry,

I realize a great deal has been said already in your opinion and in Lewis' dissent. Nevertheless, I plan to add a few words of my own and I will try not to hold you up for long.

Sincerely,

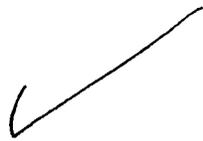


Justice Blackmun

Copies to the Conference

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

CHAMBERS OF  
JUSTICE SANDRA DAY O'CONNOR



January 24, 1985

Re: 82-1913) Garcia v. San Antonio MTA  
          ) Donovan v. San Antonio MTA  
      82-1951)

Dear Lewis,

I will be circulating my dissent in this case shortly. I would like to join your excellent dissent also, but, frankly, I do not feel comfortable with the citations to City of Akron v. Akron Center for Reproductive Health on page 3 and in footnote 3 of your dissent. If you would not object to deleting those references, I would welcome the opportunity to join your dissent.

OK to  
come

Sincerely,

Justice Powell



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

CHAMBERS OF  
JUSTICE SANDRA DAY O'CONNOR

January 30, 1985

82-1913 Garcia v. San Antonio Metropolitan  
Transit Authority  
82-1951 Donovan v. San Antonio Metropolitan  
Transit Authority

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Dear Lewis,

Please join me in your dissenting opinion.

Sincerely,

*Sandra*

Justice Powell

Copies to the Conference

7P. 1

To: The Chief Justice  
Justice Brennan  
Justice White  
Justice Marshall  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice Stevens



From: Justice O'Connor

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

Recirculated: \_\_\_\_\_

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 82-1913 AND 82-1951

JOE G. GARCIA, APPELLANT

82-1913

v.

SAN ANTONIO METROPOLITAN TRANSIT  
AUTHORITY ET AL.

RAYMOND J. DONOVAN, SECRETARY OF LABOR,  
APPELLANT

82-1951

v.

SAN ANTONIO METROPOLITAN TRANSIT  
AUTHORITY ET AL.

ON APPEALS FROM THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF TEXAS

[January —, 1985]

JUSTICE O'CONNOR, with whom JUSTICE REHNQUIST  
joins, dissenting.

The Court today surveys the battle scene of federalism and sounds a retreat. Like JUSTICE POWELL, I would prefer to hold the field and, at the very least, render a little aid to the wounded. I write separately to note my fundamental disagreement with the majority's views of federalism and the duty of this Court.

The Court overrules *National League of Cities v. Usery*, 426 U. S. 833 (1976), on the grounds that it is not "faithful to the role of federalism in a democratic society." *Ante*, at 17. "The essence of our federal system," the Court concludes, "is that within the realm of authority left open to them under the Constitution, the States must be equally free to engage in any activity that their citizens choose for the common weal. . . ." *Ibid.* *National League of Cities* is held to be inconsistent with this narrow view of federalism because it

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*Garcia File*

*transmission has*

*read this*

*See p 5*

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

CHAMBERS OF  
JUSTICE SANDRA DAY O'CONNOR

April 17, 1985

Dear Lewis,

Enclosed is a copy of part of Gerry Gunther's book on constitutional law. I thought you would like to read his comments about Garcia.

Sincerely,

*Sandra*

Justice Powell

Enclosure