

# The Burger Court Opinion Writing Database

*Wisconsin Department of Industry v.  
Gould Inc.*  
475 U.S. 282 (1986)

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

CHAMBERS OF  
THE CHIEF JUSTICE

January 20, 1986

Re: No. 84-1484 - Wisconsin Department of Industry,  
Labor and Human Relations v. Gould

Dear Harry:

I join.

Regards,



Justice Blackmun

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

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

February 7, 1986

No. 84-1484

Wisconsin Department of Industry,  
Labor and Human Relations, et al.  
v. Gould, Inc.

Dear Harry,

I agree.

Sincerely,



Justice Blackmun

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

February 17, 1986

84-1484 - Wisconsin Department of Industry,  
Labor and Human Relations, v. Gould, Inc.

Dear Harry,

I agree.

Sincerely yours,



Justice Blackmun

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

February 6, 1986

Re: No. 84-1484-Wisconsin Dept. of Labor v. Gould

Dear Harry:

Please join me.

Sincerely,



T.M.

Justice Blackmun

cc: The Conference

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

From: **Justice Blackmun**

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*HAB*  
*me*  
*PH*

1st DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 84-1484

**WISCONSIN DEPARTMENT OF INDUSTRY, LABOR  
AND HUMAN RELATIONS, ET AL., APPELLANTS v.  
GOULD, INC.**

**ON APPEAL FROM THE UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT**

[February —, 1986]

JUSTICE BLACKMUN delivered the opinion of the Court.

The question in this case is whether the National Labor Relations Act (NLRA), 29 U. S. C. § 151 *et seq.*, pre-empts a Wisconsin statute debarring certain repeat violators of the Act from doing business with the State. We hold that it does.

I

Wisconsin has directed its Department of Industry, Labor and Human Relations to maintain a list of every person or firm found by judicially enforced orders of the National Labor Relations Board to have violated the NLRA in three separate cases within a 5-year period. See Wis. Stat. § 101.245 (Supp. 1985).<sup>1</sup> State procurement agents are

<sup>1</sup>Section 101.245 provides in relevant part:

“(1) The department [of industry, labor and human relations] shall maintain a list of persons or firms that have been found by the national labor relations board, and by 3 different final decisions of a federal court as determined under sub. (1m), if the 3 final decisions involved a cumulative finding of at least three separate violations, to have violated the national labor relations act, 29 U. S. C. 151 *et. seq.*, and of persons or firms that have been found to be in contempt of court for failure to correct a violation of the national labor relations act on 3 or more occasions by a court within a 5-year period as determined under sub. (1m) if the 3 contempt findings involved a cumulative total of at least 3 different violations.

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

February 8, 1986

84-1484 Wisconsin Department v. Gould

Dear Harry:

Please join me.

Sincerely,



Justice Blackmun

lfp/ss

cc: The Conference

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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

February 19, 1986

Re: 84-1484 - Wisconsin Dept. of Industry v.  
Gould

Dear Harry:

Please join me.

Sincerely,  
*WHR*

Justice Blackmun

cc: The Conference

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CLARENCE THOMAS  
CHIEF JUSTICE

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

February 7, 1986

Re: 84-1484 - Wisconsin Department of  
Industry, Labor and Human Relations,  
et al. v. Gould, Inc.

Dear Harry:

Please join me.

Respectfully,

John/cs

Justice Blackmun

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

CHAMBERS OF  
JUSTICE SANDRA DAY O'CONNOR

February 10, 1986

No. 84-1484 Wisconsin Dept. of Industry v. Gould

Dear Harry,

Please join me.

Sincerely,

*Sandra*

Justice Blackmun

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