

The Burger Court Opinion Writing Database

Automobile Workers v. Brock

477 U.S. 274 (1986)

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 11, 1986

84-1777 - International Union v. Brock

Dear Byron:

Please show me as joining your dissent.

Regards,

A handwritten signature in cursive script, appearing to read 'W. White', written in dark ink.

Justice White

Copies to the Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

April 5, 1986

United Auto Workers v. Brock

No. 84-1777

Dear Chief,

Thurgood has agreed to try his hand at an opinion for the Court in the above case. Please note that this changes my earlier assignment.

Sincerely,

W.J.B., Jr. /LK

W.J.B., Jr.

The Chief Justice

Copies to the Conference

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APR 11 1986

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

June 3, 1986

No. 84-1777

International Union, United
Automobile Workers, Aerospace,
etc., et al. v. Brock

Dear Thurgood,

I agree.

Sincerely,

Butt

Justice Marshall

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

June 2, 1986

84-1777 - International Union v. Brock

Dear Thurgood,

I shall be writing separately in this
case.

Sincerely yours,



Justice Marshall

Copies to the Conference

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

From: Justice White

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 84-1777

INTERNATIONAL UNION, UNITED AUTOMOBILE
WORKERS, AEROSPACE, ETC., ET AL., PETI-
TIONERS *v.* WILLIAM E. BROCK, SECRETARY,
UNITED STATES DEPARTMENT OF LABOR

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

[June —, 1986]

JUSTICE WHITE, dissenting.

I disagree with the Court's conclusion that the District Court properly exercised jurisdiction over this case.

Section 239(d) of the Trade Readjustment Act of 1974, 19 U. S. C. § 2311(d), provides that "[a] determination by a cooperating State agency with respect to entitlement to program benefits . . . is subject to review in the same manner and to the same extent as determinations under the applicable State law [regarding unemployment compensation benefits] and only in that manner and to that extent." The legislative history explains that "[t]he bill would have the effect of channeling all questions arising from determinations by State agencies through the normal State review procedure." Senate Report No. 93-1298, at 139 (1974 U. S. C. C. A. N., at 7281). Congress thus expressed the intent that once a claim for TRA benefits is submitted to a cooperating State agency, the agency and State courts shall have exclusive jurisdiction to determine *all* questions, legal as well as factual, regarding the claim.

The Court treats § 239(d) as inapplicable to the present case on the ground that petitioners have not requested federal-court review of any particular benefit determination under the relevant federal guideline, but instead challenge

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

From: **Justice White**

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SEE PAGES: 1

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 84-1777

INTERNATIONAL UNION, UNITED AUTOMOBILE
AEROSPACE AND AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA, ET AL., PETITIONERS *v.*
WILLIAM E. BROCK, SECRETARY, UNITED STATES
DEPARTMENT OF LABOR

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

[June —, 1986]

JUSTICE WHITE, with whom THE CHIEF JUSTICE and JUSTICE REHNQUIST join, dissenting.

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

From: **Justice White**

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3rd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 84-1777

INTERNATIONAL UNION, UNITED AUTOMOBILE
AEROSPACE AND AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA, ET AL., PETITIONERS *v.*
WILLIAM E. BROCK, SECRETARY, UNITED STATES
DEPARTMENT OF LABOR

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

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tent that once a claim for trade readjustment allowance
(TRA) benefits is submitted to a cooperating state agency,
the agency and state courts shall have exclusive jurisdiction
to determine *all* questions, legal as well as factual, regarding
the claim.

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

From: **Justice Marshall**

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 84-1777

INTERNATIONAL UNION, UNITED AUTOMOBILE
WORKERS, AEROSPACE, ETC., ET AL., PETI-
TIONERS *v.* WILLIAM E. BROCK, SECRETARY,
UNITED STATES DEPARTMENT OF LABOR

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

[June —, 1986]

JUSTICE MARSHALL delivered the opinion of the Court.

This suit was brought by the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) and several of its members challenging the Secretary of Labor's interpretation of the eligibility provisions of the Trade Act of 1974 (Act), 19 U. S. C. §2101, which provides benefits to workers laid off because of competition from imports. The issues presented here are whether the Union has standing to sue in federal court on behalf of its affected members and whether such a suit can be maintained without the joinder as defendants of the state agencies that administer the benefit program in question.

I

To aid workers who have lost their jobs because of import competition, the Trade Act of 1974 established a program of trade readjustment allowance (TRA) benefits as a supplement to state unemployment insurance benefits. 19 U. S. C. §2291. Under the Act's scheme, a group of workers, their union, or some other authorized representative may petition the Secretary of Labor to certify that their firm has been adversely affected by imports. §§2271-2273. If the Secretary issues a certificate of eligibility for such a

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

STYLISTIC CHANGES THROUGHOUT +

PP. 3 + 6

From: Justice Marshall

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2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 84-1777

INTERNATIONAL UNION, UNITED AUTOMOBILE
WORKERS, AEROSPACE, ETC., ET AL., PETI-
TIONERS *v.* WILLIAM E. BROCK, SECRETARY,
UNITED STATES DEPARTMENT OF LABOR

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 17, 1986

Re: No. 84-1777, International Union v. Brock

Dear Thurgood:

Please join me.

Sincerely,

HAB.

Justice Marshall

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

May 30, 1986

84-1777 International Union v. Brock

Dear Thurgood:

Please join me.

Sincerely,

Lewis

Justice Marshall

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

June 6, 1986

84-1777, International Union v. Brock

Dear Thurgood:

At Conference my vote in this case was tentatively to vacate the judgment in accordance with Byron's argument that there is no federal jurisdiction under §239(d). I was also troubled by the possibility that this case might further extend associational standing beyond Warth and Hunt.

Through an office snafu [Sally misunderstood my instructions and I'll sign anything she hands me!], I mistakenly circulated a join note on May 30. Please disregard it.

Sincerely,

Lewis

Justice Marshall

lfp/ss

cc: The Conference

06/20

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

From: **Justice Powell**

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 84-1777

INTERNATIONAL UNION, UNITED AUTOMOBILE
AEROSPACE AND AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA, ET AL., PETITIONERS *v.*
WILLIAM E. BROCK, SECRETARY, UNITED STATES
DEPARTMENT OF LABOR

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

[June —, 1986]

JUSTICE POWELL, dissenting.

The Court today holds that petitioner UAW has standing to proceed in a suit challenging the Secretary of Labor's interpretation of the eligibility provisions of the Trade Act, codified at 19 U. S. C. § 2291, because those members of the UAW who have claims pending before a state administrative agency would have standing to bring a similar suit. There is no means of determining, however, how many members of the UAW fall within this potential class. I believe there is the danger that ultimately the number of members that the UAW can represent will be quite small. The UAW may therefore lack the incentive to provide the adequate representation needed by the courts.

It is well settled that an association can represent its members' interest in a third-party action when an association has alleged a related injury. *E. g.*, *Warth v. Seldin*, 422 U. S. 490 (1975). Moreover, in appropriate circumstances this Court has conferred standing upon an association whose members have suffered an alleged injury, even though the organization itself has not suffered an injury. In *Hunt v. Washington Apple Advertising Comm'n*, 432 U. S. 333 (1977), the Court stated:

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06/23

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

From: **Justice Powell**

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2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 84-1777

INTERNATIONAL UNION, UNITED AUTOMOBILE
AEROSPACE AND AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA, ET AL., PETITIONERS *v.*
WILLIAM E. BROCK, SECRETARY, UNITED STATES
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It is well settled that an association can represent its members' interest in a third-party action when an association has alleged a related injury. *E. g.*, *Warth v. Seldin*, 422 U. S. 490 (1975). Moreover, in appropriate circumstances this Court has conferred standing upon an association whose members have suffered an alleged injury, even though the organization itself has not suffered an injury. In *Hunt v. Washington Apple Advertising Comm'n*, 432 U. S. 333 (1977), the Court stated:

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

June 6, 1986

Re: No. 84-1777 International Union v. Brock

Dear Byron,

Please join me in your dissent in this case.

Sincerely,



Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

May 29, 1986

Re: 84-1777 - International Union, UAW v. Brock

Dear Thurgood:

Please join me.

Respectfully,



Justice Marshall

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

June 4, 1986

No. 84-1777 International Union v. Brock

Dear Thurgood,

Please join me.

Sincerely,



Justice Marshall

Copies to the Conference