

The Burger Court Opinion Writing Database

Baker v. General Motors Corp.

478 U.S. 621 (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

June 7, 1986

CHAMBERS OF
THE CHIEF JUSTICE

Re: No. 85-117 - Baker v. GMC

Dear John,

I join.

Regards,

A handwritten signature in black ink, appearing to be 'W. Stevens', written in a cursive style.

Justice Stevens

Copies to the Conference

M

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

April 8, 1986

No. 85-117

Baker v. GMC

Dear Thurgood and Harry,

We three are in dissent in the
above. I'll take it on.

Sincerely,

Bill

Justice Marshall

Justice Blackmun

19 8-168-02

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

June 3, 1986

No. 85-117

Baker v. GMC Corp, etc.

Dear John,

In due course, I shall circulate a
dissent in the above.

Sincerely,



Justice Stevens

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104 104

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

From: Justice Brennan

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W
Please find me in your
direct
TW

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 85-117

A. G. BAKER, JR., ET AL., APPELLANTS *v.* GENERAL
MOTORS CORPORATION AND MICHIGAN EMPLOY-
MENT SECURITY COMMISSION

ON APPEAL FROM THE SUPREME COURT OF MICHIGAN

[June —, 1986]

JUSTICE BRENNAN, dissenting.

The State of Michigan disqualifies an individual from receiving unemployment benefits for "financing" the labor dispute that causes his unemployment. Mich. Comp. Laws § 421.29(8)(a)(ii) (Supp. 1986). As construed by the Michigan Supreme Court, this means that an unemployed individual is denied benefits for making a significant financial contribution to a labor organization "in temporal proximity" to the labor dispute that caused his unemployment if that contribution was "for the purpose of assisting labor disputes which reasonably and foreseeably include the dispute that caused the [individual's] unemployment." *Baker v. General Motors Corp.*, 420 Mich. 463, 506, 363 N. W. 2d 602, 621-622 (1984). Because I believe that, as so construed, this statute conflicts with the National Labor Relations Act (NLRA) in a way that Congress did not intend to permit, I respectfully dissent from the Court's opinion and judgment.

In enacting Title IX of the Social Security Act, Congress left the States a "wide range" of discretion to establish qualifications for receiving unemployment benefits. *Steward Machine Co. v. Davis*, 301 U. S. 548, 593 (1937); see also, *Ohio Bureau of Employment Services v. Hodory*, 431 U. S. 471, 482-489 (1977). We have previously found evidence in the legislative history of the Social Security Act indicating that Congress intended that this broad grant of authority

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

From: Justice Brennan

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STYLISTIC CHANGES THROUGHOUT.
 SEE PAGES: |

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 85-117

A. G. BAKER, JR., ET AL., APPELLANTS *v.* GENERAL
 MOTORS CORPORATION AND MICHIGAN EMPLOY-
 MENT SECURITY COMMISSION

ON APPEAL FROM THE SUPREME COURT OF MICHIGAN

[June —, 1986]

JUSTICE BRENNAN, with whom JUSTICE MARSHALL joins,
 dissenting.

The State of Michigan disqualifies an individual from receiving unemployment benefits for "financing" the labor dispute that causes his unemployment. Mich. Comp. Laws § 421.29(8)(a)(ii) (Supp. 1986). As construed by the Michigan Supreme Court, this means that an unemployed individual is denied benefits for making a significant financial contribution to a labor organization "in temporal proximity" to the labor dispute that caused his unemployment if that contribution was "for the purpose of assisting labor disputes which reasonably and foreseeably include the dispute that caused the [individual's] unemployment." 420 Mich. 463, 506, 363 N. W. 2d 602, 621-622 (1984). Because I believe that, as so construed, this statute conflicts with the National Labor Relations Act (NLRA) in a way that Congress did not intend to permit, I respectfully dissent from the Court's opinion and judgment.

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

June 2, 1986

85-117 - Baker v. General Motors Corporation
and Michigan Employment Security Comm'n

Dear John,

Please join me.

Sincerely yours,



Justice Stevens

Copies to the Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

June 3, 1986

Re: No. 85-117-Baker v. General Motors Corp. and
Michigan Employment Security Comm.

Dear John:

I await the dissent.

Sincerely,

Jm.

T.M.

Justice Stevens

cc: The Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

June 27, 1986

Re: No. 85-117-Baker v. General Motors Corp. and
Michigan Employment Security Comm.

Dear Bill:

Please join me in your dissent.

Sincerely,



T.M.

Justice Brennan

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 30, 1986

Re: No. 85-117, Baker v. GMC

Dear Bill:

Please join me in your dissent.

Sincerely,



Justice Brennan

cc: The Conference

(b)

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

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

June 9, 1986

85-117 Baker v. General Motors

Dear John:

Please join me.

Sincerely,

Lewis

Justice Stevens

lfp/ss

cc: The Conference

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



CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

June 4, 1986

Re: No. 85-117 Baker v. General Motors Corp.

Dear John,

Please join me.

Sincerely,

A handwritten signature in cursive script, appearing to be 'W. Rehnquist'.

Justice Stevens

cc: The Conference

Justice Brennan
 Justice White
 Justice Marshall
 Justice Blackmun
 Justice Powell
 Justice Rehnquist
 Justice O'Connor

From: **Justice Stevens**

Circulated: JUN 2 1986

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 85-117

**A. G. BAKER, JR., ET AL., APPELLANTS v. GENERAL
 MOTORS CORPORATION AND MICHIGAN EMPLOY-
 MENT SECURITY COMMISSION**

ON APPEAL FROM THE SUPREME COURT OF MICHIGAN

[June —, 1986]

JUSTICE STEVENS delivered the opinion of the Court.

In Michigan an employee is ineligible for unemployment compensation if he has provided “financing”—by means other than the payment of regular union dues—for a strike that causes his unemployment.¹ The question presented by this appeal is whether Michigan’s statutory disqualification is im-

¹ Section 29(8) of the Michigan Employment Security Act provides:

“(8) An individual shall be disqualified for benefits for a week in which the individual’s total or partial unemployment is due to a labor dispute in active process . . . in the establishment in which the individual is or was last employed, or to a labor dispute, other than a lockout, in active progress . . . in any other establishment within the United States which is functionally integrated with the establishment and is operated by the same employing unit. . . . An individual shall not be disqualified under this subsection if the individual is not directly involved in the dispute.

“(a) For the purposes of this subsection an individual shall not be considered to be directly involved in a labor dispute unless it is established that any of the following occurred:

“(ii) The individual is participating in or financing or directly interested in the labor dispute which causes the individual’s total or partial unemployment. The payment of regular union dues, in amounts and for purposes established before the inception of the labor dispute, shall not be construed as financing a labor dispute within the meaning of this subparagraph.” Mich. Comp. Laws § 421.29(8) (Supp. 1986).

STYLISTIC CHANGES THROUGHOUT.
SEE PAGES:

Justice Brennan
Justice White
Justice Marshall
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice O'Connor

From: **Justice Stevens**

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2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 85-117

A. G. BAKER, JR., ET AL., APPELLANTS *v.* GENERAL
MOTORS CORPORATION AND MICHIGAN EMPLOY-
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ON APPEAL FROM THE SUPREME COURT OF MICHIGAN

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CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

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

June 2, 1986

No. 85-117 Baker v. General Motors Corp.

Dear John,

Please join me.

Sincerely,

A handwritten signature in cursive script that reads 'Sandra'.

Justice Stevens

Copies to the Conference

Y 20