

The Chief Justice Rev.

Gardner-Deaver is a problem but would like to distinguish it. Probably can't.

Justice Brennan Reverse

Gardner-Deaver & Barrentine control.

Reason apply. ~~WJB~~ WJB

cited the 4 differences ~~to~~ I stated in Gardner-Deaver as being equally applicable here.

Justice White

Reverse

can't distinguish our prior cases.

We would undermine arbitration if we affirmed. We would encourage employees to avoid arbitration

Justice Marshall

Rev.

Agrees with W & B (by proxy)

Justice Blackmun

Rev.

§ 1738 does not apply.

Justice Powell

Rev.

See my unedited dictated memo

Justice Rehnquist *Rev.*

Justice Stevens *Rev.*

I rule in arbitration was
not on the 1st amend. issue

Justice O'Connor *Rev.*

~~On arbitra~~