

The Burger Court Opinion Writing Database

NLRB v. Raytheon Co.

398 U.S. 25 (1970)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

Forrest Maltzman, George Washington University



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

CHAMBERS OF
THE CHIEF JUSTICE

May 8, 1970

Re: No. 440 - NLRB v. Raytheon Co.

Dear Thurgood:

I concur. Sorry to take so long to get
to you!

W. E. B.

Mr. Justice Marshall

cc: The Conference

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

CHAMBERS OF
JUSTICE HUGO L. BLACK


April 23, 1970

Dear Thurgood:

Re: No. 440 - NLRB v. Raytheon Corp.

I agree.

Sincerely,



H. L. B.

Mr. Justice Marshall

cc: Members of the Conference

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To: The Chief Justice
Mr. Justice Black
Mr. Justice Douglas
Mr. Justice Harlan
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Fortas

SUPREME COURT OF THE UNITED STATES

From: Marshall, J.

Circulated: APR 21 1970

No. 440.—OCTOBER TERM, 1969

Recirculated: _____

National Labor Relations Board, Petitioner,
v.
Raytheon Company et al. } On Writ of Certiorari to
the United States Court
of Appeals for the Ninth
Circuit.

[April —, 1970]

MR. JUSTICE MARSHALL delivered the opinion of the Court.

This case was brought here on certiorari by the National Labor Relations Board for review of the dismissal of its petition for enforcement of a cease-and-desist order forbidding certain conduct of the Raytheon Company found to be in violation of § 8 (a)(1) of the National Labor Relations Act.

After it lost a representation election conducted by the Board on February 4, 1965, the International Union of Electrical, Radio and Machine Workers, AFL-CIO, filed objections to the election and unfair labor practice charges, both based on pre-election misconduct of the company. On October 19, 1965, an unfair labor practice complaint issued alleging violations of § 8 (a)(1). The proceedings on that charge were consolidated with the objections to the election case, and a hearing was held before a Trial Examiner. Thereafter, on October 5, 1966, the Board rendered its decision, ordering that a new election be held and that the company cease and desist certain antiunion activity.

On February 8, 1968, pursuant to § 10 (e) of the Act, the Board filed a petition in the Court of Appeals for the Ninth Circuit seeking enforcement of its unfair

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U.S. DEPARTMENT OF COMMERCE

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

CHAMBERS OF
JUSTICE JOHN M. HARLAN

April 21, 1970

Re: No. 440 - NLRB v. Raytheon

Dear Thurgood:

I think the disposition you have made
of this case is the correct one, and I am glad to join your
opinion.

Sincerely,


J. M. H.

Mr. Justice Marshall

CC: The Conference

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U.S. SUPREME COURT RECORDS

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

April 23, 1970

RE: No. 440 - N. L. R. B. v. Raytheon Co.

Dear Thurgood:

I agree with your opinion in the above
case.

Sincerely,



W.J.B. Jr.

Mr. Justice Marshall

cc: The Conference

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U.S. DEPARTMENT OF CONGRESS

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

CHAMBERS OF
JUSTICE POTTER STEWART

April 21, 1970

No. 440 - NLRB v. Raytheon

Dear Thurgood,

Unless somebody else writes separately,
I shall acquiesce in your opinion for the Court in this
case.

Sincerely yours,

P.S.
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Mr. Justice Marshall

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

April 22, 1970

Re: No. 440 - NLRB v. Raytheon Co.

Dear Thurgood:

Please join me.

Sincerely,

By
B.R.W.

Mr. Justice Marshall

cc: The Conference

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SECTION OF ADVISORY

Q *April*

To: The Chief Justice
Mr. Justice Black
Mr. Justice Douglas
Mr. Justice Harlan
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Fortas

SUPREME COURT OF THE UNITED STATES

From: Marshall, J.

APR 21 1970

No. 440.—OCTOBER TERM, 1969

Circulated: _____

Recirculated: _____

National Labor Relations Board, Petitioner,
v.
Raytheon Company et al. } On Writ of Certiorari to
the United States Court
of Appeals for the Ninth
Circuit.

[April —, 1970]

MR. JUSTICE MARSHALL delivered the opinion of the Court.

This case was brought here on certiorari by the National Labor Relations Board for review of the dismissal of its petition for enforcement of a cease-and-desist order forbidding certain conduct of the Raytheon Company found to be in violation of § 8 (a)(1) of the National Labor Relations Act.

After it lost a representation election conducted by the Board on February 4, 1965, the International Union of Electrical, Radio and Machine Workers, AFL-CIO, filed objections to the election and unfair labor practice charges, both based on pre-election misconduct of the company. On October 19, 1965, an unfair labor practice complaint issued alleging violations of § 8 (a)(1). The proceedings on that charge were consolidated with the objections to the election case, and a hearing was held before a Trial Examiner. Thereafter, on October 5, 1966, the Board rendered its decision, ordering that a new election be held and that the company cease and desist certain antiunion activity.

On February 8, 1968, pursuant to § 10 (e) of the Act, the Board filed a petition in the Court of Appeals for the Ninth Circuit seeking enforcement of its unfair

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To: The Chief Justice
Mr. Justice Black
Mr. Justice Douglas
Mr. Justice Harlan
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Fortas

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pp 4 & 5

SUPREME COURT OF THE UNITED STATES

No. 440.—OCTOBER TERM, 1969

Circulated: _____

Recirculated: *5/15*

National Labor Relations Board, Petitioner,
v.
Raytheon Company et al. } On Writ of Certiorari to
the United States Court
of Appeals for the Ninth
Circuit.

Opinion of the Court by Mr. Justice Marshall, announced by Mr. Justice Stewart.
[May 18, 1970]
~~Mr. Justice Marshall delivered the opinion of the Court.~~

This case was brought here on certiorari by the National Labor Relations Board for review of the dismissal of its petition for enforcement of a cease-and-desist order forbidding certain conduct of the Raytheon Company found to be in violation of § 8 (a)(1) of the National Labor Relations Act.

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