

The Burger Court Opinion Writing Database

Magnesium Casting Co. v. NLRB

401 U.S. 137 (1971)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

Forrest Maltzman, George Washington University



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

CHAMBERS OF
THE CHIEF JUSTICE

February 8, 1971

Re: No. 370 - Magnesium Casting Co. v. NLRB

Dear Bill:

Please join me.

Regards,

WEB

WEB

Mr. Justice Douglas

cc: The Conference

ST
✓
Q

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

CHAMBERS OF
JUSTICE HUGO L. BLACK

Feb. 4, 1971

Dear Bill,

No. 370

Re: Magnesium Casting Co. v. NLRB

I agree.

Sincerely,

H. L. B.
H. L. B.

Mr. Justice Douglas

cc: Members of the Conference

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION

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To: The Chief Justice
Mr. Justice Black
Mr. Justice Harlan
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun

Please give me
H

1st DRAFT

From: Douglas, J.

SUPREME COURT OF THE UNITED STATES

1/26/71
Circulated: _____

No. 370.—OCTOBER TERM, 1970

Magnesium Casting Company,	} On Writ of Certiorari
Petitioner,	
v.	
National Labor Relations Board.	
	to the United States Court of Appeals for the First Circuit.

[February —, 1971]

MR. JUSTICE DOUGLAS delivered the opinion of the Court.

Section 3 (b) of the National Labor Relations Act, as amended, 61 Stat. 136, 73 Stat. 519, 29 U. S. C. § 151, authorizes the Board to delegate to its regional directors the power to determine the unit appropriate for collective bargaining.¹ The Board accordingly adopted rules delegating its powers to determine representation issues to its regional directors and defining the conditions when

¹Sec. 3 (b) provides in relevant part:

"The Board is also authorized to delegate to its regional directors its powers under section 9 to determine the unit appropriate for the purpose of collective bargaining, to investigate and provide for hearings, and determine whether a question of representation exists, and to direct an election or take a secret ballot under subsection (c) or (e) of section 9 and certify the results thereof, except that upon the filing of a request therefor with the Board by any interested person, the Board may review any action of a regional director delegated to him under this paragraph, but such a review shall not, unless specifically ordered by the Board, operate as a stay of any action by the regional director. . . ."

File
Rec'd 1/29/71

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 370.—OCTOBER TERM, 1970

Magnesium Casting Company, Petitioner, v. National Labor Relations Board.	}	On Writ of Certiorari to the United States Court of Appeals for the First Circuit.
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[February —, 1971]

MR. JUSTICE DOUGLAS delivered the opinion of the Court.

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WD

January 27, 1971

Re: No. 370 - Magnesium Casting v. NLRB

Dear Bill:

I agree with your opinion, and am glad to join. I am asking my Law Clerk to call to your attention a few minor types in case you have missed them.

Sincerely,

J. M. H.

Mr. Justice Douglas

CC: The Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

January 27, 1971

RE: No. 370 - Magnesium Casting Co. v.
National Labor Relations Board

Dear Bill:

I agree with the opinion you have
prepared in the above.

Sincerely,

Bill
W. J. B. Jr.

Mr. Justice Douglas

cc: The Conference

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

CHAMBERS OF
ICE POTTER STEWART

January 28, 1971

No. 370 - Magnesium Casting Co. v. NLRB

Dear Bill,

I am glad to join the opinion you have
written for the Court in this case.

Sincerely yours,

P.S.
✓

Mr. Justice Douglas

Copies for the Conference

February 3, 1971

Re: No. 370 - Magnesium Casting Co.
v. NLRB

Dear Bill:

Please join me.

Sincerely,

B.R.W.

Mr. Justice Douglas

cc: The Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

February 2, 1971

Re: No. 370 - Magnesium Casting v. NLRB

Dear Bill:

Please join me.

Sincerely,



T.M.

Mr. Justice Douglas

cc: The Conference

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION

U.S. DEPARTMENT OF JUSTICE

February 1, 1971

Re: No. 370 - Magnesium Casting Co. v. NLRB

Dear Bill:

Please join me.

Sincerely,

H. A. B.

Mr. Justice Douglas

cc: The Conference

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