

# 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

RB  
RJM

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

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.

Mr. Justice Douglas

cc: Members of the Conference

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

1st DRAFT

From: Douglas, J.

**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.

[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.<sup>1</sup> The Board accordingly adopted rules delegating its powers to determine representation issues to its regional directors and defining the conditions when

<sup>1</sup> Sec. 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  
Recd 1/29/1

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.

[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.<sup>1</sup> The Board accordingly adopted rules delegating to its regional directors its powers to determine representation issues and defining the conditions

<sup>1</sup> See. 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 (e) 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. . . ."

WD

January 27, 1971

Re: No. 379 - Magnatum Casting v. WILRS

Dear Bill:

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

Sincerely,

J. M. H.

Mr. Justice Douglas

CC: The Conference

W  
W  
W

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

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR.

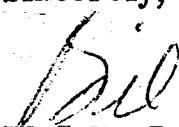
January 27, 1971

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,

  
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.  
P.

Mr. Justice Douglas

Copies for the Conference

February 3, 1971

Re: No. 370 - Magnesium Casting Co.  
V. M.R.B.

卷之三

卷之三

三

卷之三

Mr. Justice Douglass

## See The Categories

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

February 1, 1971

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

Dear Bill:

Please join me.

Sincerely,

H. A. B.

Mr. Justice Douglas

cc: The Conference