

The Burger Court Opinion Writing Database

NLRB v. Scrivener

405 U.S. 117 (1972)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

Forrest Maltzman, George Washington University



B

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

CHAMBERS OF
THE CHIEF JUSTICE

February 17, 1972

Re: No. 70-267 - NLRB v. Scrivener

Dear Harry:

Please join me.

Regards,

WRB

Mr. Justice Blackmun

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

February fifth
1972

Dear Harry:

In No. 70-267 - NLRB v. Scrivener,
please join me in your opinion.

W.O.
William O. Douglas

Mr. Justice Blackmun

CC: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

February 16, 1972

Dear Harry:

Re: No. 70-267 - NLRB v. Scrivener

On February fifth I joined your
Memorandum circulated February fourth.
So when you recirculated it on February
tenth as an Opinion of the Court, I did
not think it was necessary for me to
join you again.

WWD
William O. Douglas

Mr. Justice Blackman
CC: The Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

February 7, 1972

RE: No. 70-267 - N. L. R. B. v. Scrivener

Dear Harry:

I agree.

Sincerely,



Mr. Justice Blackmun

cc: The Conference

B 7
Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE POTTER STEWART

February 7, 1972

70-267, NLRB v. Scrivener

Dear Harry,

I agree with your memorandum in this case.

Sincerely yours,

P.S.
P.J.

Mr. Justice Blackmun

Copies to the Conference

February 5, 1972

Re: No. 70-267 - NAME & -
- - - - -

DENTISTRY

Please see

卷之三

卷之三

NET: THREE BLOCKS

卷之三

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

February 8, 1972

Re: No. 70-267 - NLRB v. Scrivener

Dear Harry:

Please join me.

Sincerely,



T.M.

Mr. Justice Blackmun

cc: The Conference

To: The Chief Justice
Mr. Justice Blackmun
Mr. Justice Burger
Mr. Justice S. M. ~~Shultz~~
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Powell
Mr. Justice Rehnquist

1st DRAFT

From: Blackmun, J.

SUPREME COURT OF THE UNITED STATES

Recirculated: 2/4/72

No. 70-267

Recirculated: _____

National Labor Relations Board, Petitioner, *v.* Robert Scrivener, dba AA Electric Company. } On Writ of Certiorari to the United States Court of Appeals for the Eighth Circuit.

[February —, 1972]

Memorandum of MR. JUSTICE BLACKMUN.

Section 8 of the National Labor Relations Act, as amended, 61 Stat. 140-141, 29 U. S. C. § 158, provides:

“Sec. 8. (a) It shall be an unfair labor practice for an employer—

“(1) to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7;

“(4) to discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this Act.”

Section 7 of the Act, as amended, 61 Stat. 140, 29 U. S. C. § 157, provides:

“Sec. 7. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection . . .”

This case presents the issue whether an employer's retaliatory discharge of an employee who gave a written

8/1
Mr. 1/2

To: The Chief Justice
Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Powell
Mr. Justice Rehnquist

2nd DRAFT

From: Blackmun, J.

Circulated:

No. 70-267

Recirculated: 2/10/72

National Labor Relations
Board, Petitioner,
v.
Robert Scrivener, dba AA
Electric Company.

On Writ of Certiorari to the
United States Court of
Appeals for the Eighth
Circuit.

[February —, 1972]

MR. JUSTICE BLACKMUN delivered the opinion of the
Court.

Section 8 of the National Labor Relations Act, as
amended, 61 Stat. 140-141, 29 U. S. C. § 158, provides:

“Sec. 8. (a) It shall be an unfair labor practice for
an employer—

“(1) to interfere with, restrain, or coerce em-
ployees in the exercise of the rights guaranteed in
section 7;

“(4) to discharge or otherwise discriminate against
an employee because he has filed charges or given
testimony under this Act.”

Section 7 of the Act, as amended, 61 Stat. 140, 29 U. S. C.
§ 157, provides:

“Sec. 7. Employees shall have the right to self-
organization, to form, join, or assist labor organiza-
tions, to bargain collectively through representatives
of their own choosing, and to engage in other con-
certed activities for the purpose of collective bar-
gaining or other mutual aid or protection . . .”

This case presents the issue whether an employer's
retaliatory discharge of an employee who gave a written

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

February 16, 1972

Re: No. 70-267 - NLRB v. Scrivener

Dear Bill:

Thanks for your note of February 16. I was not waiting for a second letter. My problem was that we have no record here of ever having received your note of February 5. It, of course, may have gone astray somewhere. In any event, our records are now complete.

Sincerely,



Mr. Justice Douglas

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

February 8, 1972

Re: No. 70-267 NLRB v. Schrivener

Dear Harry:

Please join me.

Sincerely,

Lewis

Mr. Justice Blackmun

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

February 7, 1972

Re: No. 70-267 - NLRB v. Scrivener

Dear Harry:

Please join me.

Sincerely,

W.H.R.

cc: The Conference