

The Burger Court Opinion Writing Database

Chemical Workers v. Pittsburgh Plate Glass Co.

404 U.S. 157 (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

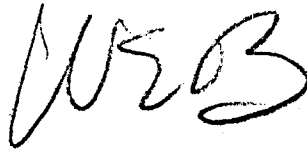
December 2, 1971

Re: No. 70-32) - Allied Chemical & Alkali Workers v. Pittsburgh
Plate Glass Co. Chemical Division
No. 70-39) - NLRB v. Pittsburgh Plate Glass Company
Chemical Division

Dear Bill:

Please join me.

Regards,



Mr. Justice Brennan

cc: The Conference

W M Doyle
Dec 17/71

32 14
Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

November 29, 1971

Dear Bill:

In Nos. 70-32 and 70-39,
would you kindly note at the end of
your opinion that I dissent?

Will
William O. Douglas

Mr. Justice Brennan

CC: The Conference

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*Please forward
7/4*

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Mr. [unclear] Black
Mr. [unclear] Douglas
Mr. [unclear] Harlan
Mr. [unclear] Stewart
Mr. [unclear] White
✓ Mr. Justice Marshall
Mr. Justice Blackmun

1st DRAFT

From: Brennan, J.

SUPREME COURT OF THE UNITED STATES

Regulated: 11-87-71

Nos. 70-32 & 70-39

Recirculated: _____

Allied Chemical & Alkali
Workers of America,
Local Union No. 1,
Petitioner.

70-32 v.

Pittsburgh Plate Glass
Company Chemical
Division et al.

National Labor Relations
Board, Petitioner,

70-39 v.

Pittsburgh Plate Glass
Company Chemical
Division et al.

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

[December —, 1971]

MR. JUSTICE BRENNAN delivered the opinion of the
Court.

Under the National Labor Relations Act as amended,
mandatory subjects of collective bargaining include bar-
gaining to include provisions for pension and insurance
benefits for active employees,¹ and an employer's mid-
term unilateral modification of such benefits constitutes

¹ See, e. g., *Labor Board v. Black-Clawson Co.*, 210 F. 2d 523
(CA6 1954) (dictum); *Labor Board v. General Motors Corp.*, 179
F. 2d 221 (CA2 1950); *W. W. Cross & Co. v. Labor Board*, 174
F. 2d 875 (CA1 1949); *Inland Steel Co. v. Labor Board*, 170 F. 2d
247 (CA7), cert. denied on this issue, 336 U. S. 960 (1949).

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Mr. Justice Black
Mr. Justice Douglas
Mr. Justice Harlan
Mr. Justice Stewart
Mr. Justice White
✓ Mr. Justice Marshall
Mr. Justice Blackmun

2nd DRAFT

From: Brennan, J.

SUPREME COURT OF THE UNITED STATES

Filed: _____

Nos. 70-32 & 70-39

Resubmitted: 12-2-71

Allied Chemical & Alkali
Workers of America,
Local Union No. 1,
Petitioner,

70-32 v.

Pittsburgh Plate Glass
Company Chemical
Division et al.

National Labor Relations
Board, Petitioner,

70-39 v.

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247 (CA7).

SP
M

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

CHAMBERS OF
JUSTICE POTTER STEWART

November 30, 1971

Nos. 70-32 and 70-39 -- Allied Chemical
Workers v. Pittsburgh Plate Glass Co.

Dear Bill,

I am glad to join your opinion for the Court in this case, with two minor suggestions:

(1) I should appreciate your deleting the sentence in the 5th and 6th lines on page 21, "After Oliver, the result in Fibreboard was compelled." For those of us who did not join the Court's opinion in Fibreboard, the compulsion of Oliver was not all that clear.

(2) Perhaps it is already self-evident from your opinion, but I would be happier if an explicit statement could be added to the effect that nothing we hold here should cast any doubt upon the proposition that future retirement benefits for present employees remain a subject of mandatory collective bargaining, and that such a retirement plan may, of course, include cost-of-living escalation provisions, etc.

Sincerely yours,

P.S.

Mr. Justice Brennan

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

November 30, 1971

Re: Nos. 70-32 & 70-39 - Allied
Chemical & Alkali Workers
v. Pittsburgh Plate Glass
Co.

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Brennan

Copies to Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

November 29, 1971

Re: Nos. 70-32 & 70-39 - Allied Chemical v.
Pittsburgh Plate Glass, etc.

Dear Bill:

Please join me.

Sincerely,


T.M.

Mr. Justice Brennan

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

December 2, 1971

Re: No. 70-32 - Allied Chemical v.
Pittsburgh Plate Glass
No. 70-39 - NLRB v. Pittsburgh
Plate Glass

Dear Bill:

I hope that my opinion in Blassie v. Kroger Co., 345 F.2d 58 (CA 8 1969), did not cause you too much difficulty. That was bitter litigation. The interests at issue there were different than those confronting us here. The focus certainly was not the same. At least I feel that we on the Eighth Circuit were right in Blassie, and I am not at all uncomfortable with that opinion and this one standing independently.

Sincerely,



Mr. Justice Brennan

Wm. Brennan
Oct 71

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B M

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

December 2, 1971

Re: No. 70-32 - Allied Chemical v. Pittsburgh
Plate Glass
No. 70-39 - NLRB v. Pittsburgh Plate Glass

Dear Bill:

Please join me.

Sincerely,

H. A. B.

Mr. Justice Brennan

cc: The Conference