

# 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

36  
W  
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?

William O. Douglas

Mr. Justice Brennan

CC: The Conference

2  
*Please find me*  
2/1

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

1st DRAFT

From: Brennan, J.

SUPREME COURT OF THE UNITED STATES

Recirculated: 11-2-71

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,<sup>1</sup> and an employer's mid-  
term unilateral modification of such benefits constitutes

<sup>1</sup> 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).

Supreme Court of the United States  
Dec. 12, 1971, 21, 23, 24 34-31

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

Nos. 70-32 & 70-39

Recirculated: 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,

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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.

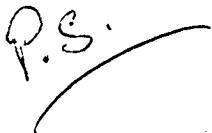
Dear Bill,

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,



Mr. Justice Brennan

Copies to the Conference

*W*  
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.

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Dear Bill:

Please join me.

Sincerely,

*Byron*

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

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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

BDM

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