

The Burger Court Opinion Writing Database

Beasley v. Food Fair of North Carolina, Inc.

416 U.S. 653 (1974)

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

May 7, 1974

Re: No. 72-1597 - Beasley, et al v. Food Fair of
North Carolina, Inc. et al

Dear Bill:

Please join me.

Regards,

WJ

Mr. Justice Brennan

Copies to the Conference

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


CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

April 26, 1974

Dear Bill:

I voted the other way but you
have convinced me I was in error.

So -- sign me up in 72-1597,
Beasley v. Food Fair.


William O. Douglas

Mr. Justice Brennan

cc: The Conference

Not Circulated

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 72-1597

Ulysses Vernon Beasley et al., Petitioners, v. Food Fair of North Caro- lina, Inc., et al.	}	On Writ of Certiorari to the Supreme Court of North Carolina.
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[April —, 1974]

MR. JUSTICE BRENNAN delivered the opinion of the Court.

Taft-Hartley amendments of the National Labor Relations Act excluded supervisors from the protections of the Act and thus freed employers to discharge supervisors solely on account of labor union membership.¹ The

¹ Labor-Management Relations Act, 1947, c. 120, 61 Stat. 136. The three amendments relevant to this case provide:

"§ 2 (3) 'The term "employee" shall include any employee, and shall not be limited to the employees of a particular employer, unless the Act explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment, but shall not include any individual employed as an agricultural laborer, or in the domestic service of any family or person at his home, or any individual employed by his parent or spouse, or any individual having the status of an independent contractor, or any individual employed as a supervisor, or any individual employed by an employer subject to the Railway Labor Act, as amended from time to time, or by any other person who is not an employer as herein defined.'"

61 Stat. 137-138.

"§ 2 (11) 'The term "supervisor" means any individual having authority, in the interest of the employer, to hire, transfer, suspend,

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4-26-74

3rd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 72-1597

Ulysses Vernon Beasley et al., Petitioners, v. Food Fair of North Caro- lina, Inc., et al.	}	On Writ of Certiorari to the Supreme Court of North Carolina.
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[April —, 1974]

MR. JUSTICE BRENNAN delivered the opinion of the Court.

Taft-Hartley amendments¹ of the National Labor Relations Act excluded supervisors from the protections of the Act and thus freed employers to discharge supervisors without violating the Act's restraints against

¹ Labor-Management Relations Act, 1947, c. 120, 61 Stat. 136. The three amendments relevant to this case provide:

§ 2 (3) "The term 'employee' shall include any employee, and shall not be limited to the employees of a particular employer, unless the Act explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment, but shall not include any individual employed as an agricultural laborer, or in the domestic service of any family or person at his home, or any individual employed by his parent or spouse, or any individual having the status of an independent contractor, or any individual employed as a supervisor, or any individual employed by an employer subject to the Railway Labor Act, as amended from time to time, or by any other person who is not an employer as herein defined."

61 Stat. 137-138.

§ 2 (11) "The term 'supervisor' means any individual having authority, in the interest of the employer, to hire, transfer, suspend,

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

CHAMBERS OF
JUSTICE POTTER STEWART

May 6, 1974

Re: No. 72-1597, Beasley v. Food Fair
of North Carolina

Dear Bill,

I have decided to convert my tentative
disagreement in this case into a "graveyard dissent."
In other words, I acquiesce.

Sincerely yours,

P.S.

Mr. Justice Brennan

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

April 30, 1974

Re: No. 72-1597 - Beasley v. Food Fair of North
Carolina

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

April 29, 1974

Re: No. 72-1597 -- Beasley v. Food Fair of North Carolina,
Inc., et al.

Dear Bill:

Please join me.

Sincerely,

JM.
T.M.

Mr. Justice Brennan

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

May 2, 1974

Dear Bill:

Re: No. 72-1597 - Beasley v. Food Fair of
North Carolina

Please join me.

Sincerely,



Mr. Justice Brennan

Copies to the Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

April 29, 1974

No. 72-1597 Beasley v. Food Fair

Dear Bill:

Please join me.

Sincerely,

Lewis

Mr. Justice Brennan

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

May 8, 1974

Re: No. 72-1597 - Beasley v. Food Fair

Dear Bill:

Please join me in your opinion for the Court in this case.

Sincerely,



Mr. Justice Brennan

Copies to the Conference