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Renegotiation Board v. Grumman Aircraft Engineering Corp.

421 U.S. 168 (1975)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University



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

CHAMBERS OF
THE CHIEF JUSTICE

April 21, 1975

Re: 73-1316 - Renegotiation Board v. Grumman

Dear Byron:

Please join me in your opinion.

Regards,

WB3

Mr. Justice White

Copies to the Conference

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

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

April 21, 1975

Dear Byron:

Please add the following at the
end of your opinion in 73-1316, RE-
NEGOTIATION BOARD v. GRUMMAN AIRCRAFT:

Mr. Justice Douglas dissents.

WOD/sy

William O. Douglas

Mr. Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE W. J. BRENNAN, JR.

March 24, 1975

RE: No. 73-1316 The Renegotiation Board v. Grumman Aircraft
Engineering Corporation

Dear Byron:

Please join me.

Sincerely,

Bill

Mr. Justice White
cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

March 24, 1975

No. 73-1316 - Renegotiation Bd.
v. Grumman Aircraft

Dear Byron,

I am glad to join your opinion in
this case.

Sincerely yours,

P.S.

Mr. Justice White

Copies to the Conference

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

From: White, J.

Circulated: 3-20-75

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 73-1316

The Renegotiation Board,
Petitioner, } On Writ of Certiorari to the
v. } United States Court of Ap-
Grumman Aircraft Engi- } peals for the District of
neering Corporation. } Columbia Circuit.

[March —, 1975]

MR. JUSTICE WHITE delivered the opinion of the Court.

The issue in this case is whether certain documents—documents generated by the Renegotiation Board (the Board) and by its Regional Boards in performing their task of deciding whether certain Government contractors have earned, and must refund, “excessive profits” on their Government contracts—are “final opinions” explaining the reasons for agency decisions already made, and thus expressly subject to disclosure pursuant to the Freedom of Information Act (the Act), 5 U. S. C. § 552 (a)(2), or are instead predecisional consultative memoranda exempted from disclosure by 5 U. S. C. § 552 (b)(5). See *National Labor Relations Board v. Sears, Roebuck & Company, ante*, at p. —.

I

Essential to the consideration of whether the documents at issue in this case must be disclosed pursuant to the relevant provisions of the Act is an understanding of the renegotiation process, a process that itself serves to define the documents in issue and hereinafter described.¹

¹ *Id.*, at 13-16. See generally S. Rep. No. 927, 93d Cong., 2d Sess., at 1-2 (1974); Staff Review of Recommendations Made on the

pp 5, 10, 17, 22, 23

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

From: White, J.

Circulated: _____

Recirculated: 3-25-75

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 73-1316

The Renegotiation Board,
Petitioner,
v.
Grumman Aircraft Engi-
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United States Court of Ap-
peals for the District of
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[March —, 1975]

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

May 8, 1975

file

MEMORANDUM FOR THE CONFERENCE

Re: No. 74-736, Washington Research Project, Inc.
v. Department of HEW (Held for
Renegotiation Board v. Grumman,
No. 73-1316)

This case presents the question whether the statements and reports of the Initial Review Group, a group of non-governmental technical consultants, made to the National Advisory Mental Health Council must be disclosed under the Public Information Act. The Court of Appeals concluded that the IRGs had no decisional authority and that their reports were communicated before the decision of the officials who had the authority to act. They were therefore within Exemption 5. I think the case is squarely controlled by Grumman and would deny.

B.R.W.

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

March 26, 1975

Re: No. 73-1316 -- The Renegotiation Board v. Grumman
Aircraft Engineering Corporation

Dear Byron:

Please join me.

Sincerely,

T.M.

T. M.

Mr. Justice White

cc: The Conference

Box 146-1

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

March 26, 1975

Re: No. 73-1316 - Renegotiation Board v. Grumann
Aircraft Engineering Corp.

Dear Byron:

Please join me.

Sincerely,



Mr. Justice White

cc: The Conference

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Supreme Court of the United States
Washington, D. C. 20542

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

March 20, 1975

No. 73-1316 Renegotiation Board v. Grumman

Dear Byron:

Please note at the end of your opinion that I took no part in the consideration or decision of this case.

Sincerely,

L. Lewis

Mr. Justice White

1fp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

March 25, 1975

Re: No. 73-1316 - Renegotiation Board v. Grumman

Dear Byron:

Please join me.

Sincerely,

WW

Mr. Justice White

Copies to the Conference