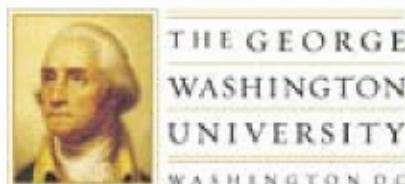


# The Burger Court Opinion Writing Database

*GTE Sylvania, Inc. v. Consumers Union of United States, Inc.*

445 U.S. 375 (1980)

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

8

CHAMBERS OF  
THE CHIEF JUSTICE

March 11, 1980

RE: 78-1248 - GTE Sylvania, Inc. v. Consumers Union  
of U.S., Inc.

Dear Thurgood:

I join.

Regards

WJM

Mr. Justice Marshall

Copies to the Conference

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

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR.

March 11, 1980

RE: No. 78-1248 GTE Sylvania v. Consumers Union of  
the United States

---

Dear Thurgood:

I agree.

Sincerely,



Mr. Justice Marshall

cc: The Conference

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

CHAMBERS OF  
JUSTICE POTTER STEWART

March 10, 1980

Re: 78-1248 - GTE Sylvania v. Consumers Union

Dear Thurgood:

I am glad to join your opinion for the Court.

Sincerely yours,

C.S.

Mr. Justice Marshall

Copies to the Conference

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

March 10, 1980

Re: 78-1248 - GTE Sylvania, Inc. v. Consumers  
Union of the United States, Inc.

Dear Thurgood,

Please join me.

Sincerely yours,



Mr. Justice Marshall  
Copies to the Conference  
cmc

3/7/80

1st DRAFT

## SUPREME COURT OF THE UNITED STATES

No. 78-1248

GTE Sylvania, Incorporated,  
et al., Petitioners,  
v.  
Consumers Union of the  
United States, Inc., et al. } On Writ of Certiorari to the  
United States Court of Appeals  
for the District of Columbia Circuit.

[March —, 1980]

MR. JUSTICE MARSHALL delivered the opinion of the Court.

This case presents the issue whether information may be obtained under the Freedom of Information Act, 5 U. S. C. § 552, when the agency holding the material has been enjoined from disclosing it by a federal district court.

### I

In March 1974 respondent Consumer Product Safety Commission (CPSC) announced that it would hold a public hearing to investigate hazards in the operation of television receivers and to consider the need for safety standards for televisions. 39 Fed. Reg. 10929 (Mar. 22, 1974). In the notice the CPSC requested from television manufacturers certain information on television-related accidents. After reviewing the material voluntarily submitted, the CPSC through requests, 15 U. S. C. § 2076 (b)(1), and subpoenas, 15 U. S. C. § 2076 (b)(3), obtained from the manufacturers, including petitioners, various accident reports. Claims of confidentiality accompanied most of the reports.

Respondents Consumers Union of the United States, Inc., and Public Citizen's Health Research Group (the requesters) sought disclosure of the accident reports from the CPSC under the Freedom of Information Act. The requesters were given

PP. 1, 2, 3, 4, 5, 9, 11

14 MAR 1980

2nd DRAFT

**SUPREME COURT OF THE UNITED STATES**

**No. 78-1248**

GTE Sylvania, Incorporated,  
et al., Petitioners,  
v.  
Consumers Union of the  
United States, Inc., et al.

On Writ of Certiorari to the  
United States Court of Ap-  
peals for the District of  
Columbia Circuit.

[March —, 1980]

MR. JUSTICE MARSHALL delivered the opinion of the Court.  
This case presents the issue whether information may be obtained under the Freedom of Information Act, 5 U. S. C. § 552, when the agency holding the material has been enjoined from disclosing it by a federal district court.

I

In March 1974 respondent Consumer Product Safety Commission (CPSC) announced that it would hold a public hearing to investigate hazards in the operation of television receivers and to consider the need for safety standards for televisions. 39 Fed. Reg. 10929 (Mar. 22, 1974). In the notice the CPSC requested from television manufacturers certain information on television-related accidents. After reviewing the material voluntarily submitted, the CPSC through orders, 15 U. S. C. § 2076 (b)(1), and subpoenas, 15 U. S. C. § 2076 (b)(3), obtained from the manufacturers, including petitioners, various accident reports. Claims of confidentiality accompanied most of the reports.

Respondents Consumers Union of the United States, Inc., and Public Citizen's Health Research Group (the requesters) sought disclosure of the accident reports from the CPSC under the Freedom of Information Act. The requesters were given

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

5  
March 11, 1980

Re: No. 78-1248 - GTE Sylvania, Inc. v.  
Consumers Union of U.S. Inc.

Dear Thurgood:

Please join me.

Sincerely,

Harry

Mr. Justice Marshall

cc: The Conference

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

1

March 10, 1980

78-1248 GTE-Sylvania v. Consumers Union

Dear Thurgood:

Please join me.

Sincerely,

*L. Lewis*

Mr. Justice Marshall

lfp/ss

cc: The Conference

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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

March 10, 1980

Re: No. 78-1248 - GTE Sylvania v. Consumers Union

Dear Thurgood:

Please join me.

Sincerely,

*W.W.*

Mr. Justice Marshall

Copies to the Conference

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

March 10, 1980

Re: 78-1248 - GTE Sylvania v. Consumers  
Union

Dear Thurgood:

Please join me.

Respectfully,



Mr. Justice Marshall

Copies to the Conference