

# The Burger Court Opinion Writing Database

*Consumer Product Safety Commission v. GTE Sylvania, Inc.*

447 U.S. 102 (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

CHAMBERS OF  
THE CHIEF JUSTICE

May 27, 1980

RE: 79-521 - Consumer Product Safety Commission  
v. GTE Sylvania, Inc.

Dear Bill:

I join.

Regards,



Mr. Justice Rehnquist

Copies to the Conference

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

CHAMBERS OF  
JUSTICE W. J. BRENNAN, JR.

May 22, 1980

RE: No. 79-521 Consumer Product Safety Commission  
v. GTE Sylvania, Inc., et al.

Dear Bill:

I agree.

Sincerely,



Mr. Justice Rehnquist

cc: The Conference

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

CHAMBERS OF  
JUSTICE POTTER STEWART

May 22, 1980

Re: No. 79-521, Consumer Product Safety  
Comm'n v. GTE Sylvania

Dear Bill,

Although my original very tentative view was that the judgment in this case should be reversed, your opinion for the Court has convinced me to the contrary, and I am glad to join it.

Sincerely yours,

P. S.  
P.

Mr. Justice Rehnquist

Copies to the Conference

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

May 26, 1980

Re: 79-521 - Consumer Product Safety  
Commission v. GTE

Dear Bill,

Please join me.

Sincerely yours,



Mr. Justice Rehnquist

Copies to the Conference

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

June 5, 1980

Re: No. 79-521 - Consumer Product Safety  
Commission v. GTE

Dear Bill:

Please join me.

Sincerely,



T.M.

Mr. Justice Rehnquist

cc: The Conference

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

May 27, 1980

Re: No. 79-521 - Consumer Product Safety Commission v. GTE

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Rehnquist

cc: The Conference

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

May 23, 1980

No. 79-521 Consumer Product Safety Comm. v. GTE

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Rehnquist

Copies to the Conference

LFP/lab

To: The Chief Justice  
 Mr. Justice Brennan  
 Mr. Justice Stewart  
 Mr. Justice White  
 Mr. Justice Marshall  
 Mr. Justice Blackmun  
 Mr. Justice Powell  
 Mr. Justice Stevens

From: Mr. Justice Rehnquist  
 MAY 21 1980

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**SUPREME COURT OF THE UNITED STATES**

No. 79-521

Consumer Product Safety Commission et al., Petitioners, v. GTE Sylvania, Inc., et al. } On Writ of Certiorari to the United States Court of Appeals for the Third Circuit,

[June —, 1980]

MR. JUSTICE REHNQUIST delivered the opinion of the Court.

The question presented is whether § 6 (b)(1) of the Consumer Product Safety Act, 15 U. S. C. § 2055 (b)(1), governs the disclosure of records by the Consumer Product Safety Commission pursuant to a request under the Freedom of Information Act. We granted certiorari to review a judgment of the Court of Appeals for the Third Circuit because of the importance of the question and because of a conflict in the circuits.<sup>1</sup>

I

In 1972, Congress enacted the Consumer Product Safety Act (CPSA), 15 U. S. C. § 2051 *et seq.*, in order *inter alia* "to protect the public against unreasonable risks of injury associated with consumer products" and "to assist consumers in evaluating the comparative safety of consumer products." 15 U. S. C. §§ 2051 (b)(1) and (2). The Act created the Consumer Product Safety Commission (Commission) to carry out the statutory purposes. 15 U. S. C. § 2053. The Commission's powers include the authority to collect and disseminate

<sup>1</sup> The decision below, 598 F. 2d 790 (CA3 1979) is in direct conflict with *Pierce & Stevens Chemical Corp. v. United States*, 585 F. 2d 1382 (CA2 1978).

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

May 23, 1980

Re: 79-521 - Consumer Product Safety  
Commission v. GTE Sylvania

Dear Bill:

Please join me.

Respectfully,



Mr. Justice Rehnquist

Copies to the Conference