

The Burger Court Opinion Writing Database

Hellenic Lines v. Rhoditis

398 U.S. 306 (1970)

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

June 5, 1970

Re: No. 661 - Hellenic Lines v. Rhoditis

Dear John:

Please join me in your dissent.



W. E. B.

Mr. Justice Harlan

cc: The Conference

May 6, 1970

Dear Bill,

Re: No. 661 - Hallen's Lines v. Rhoditis

I agree.

Sincerely,

Mr. Justice Douglas

and Members of the Court, Justice

To: The Chief Justice
Mr. Justice Black
Mr. Justice Harlan
Mr. Justice Brennan ✓
Mr. Justice Stewart
Mr. Justice White
~~Mr. Justice Black~~
Mr. Justice Marshall

2

SUPREME COURT OF THE UNITED STATES

From: Douglas, J.

Circulated: _____

No. 661.—OCTOBER TERM, 1969

Recirculated: 5-6

Hellenic Lines Limited et al., } On Writ of Certiorari
Petitioners, } to the United States
v. } Court of Appeals for
Zacharias Rhoditis. } the Fifth Circuit.

[May —, 1970]

MR. JUSTICE DOUGLAS delivered the opinion of the Court.

This is a suit under the Jones Act¹ by a seaman who was injured aboard the ship *Hellenic Hero* in the Port of New Orleans. The District Court, sitting without a jury, rendered judgment for the seaman, 273 F. Supp. 249. The Court of Appeals affirmed — F. 2d —. The case is here on petition for a writ of certiorari which we granted, — 396 U. S. —, in light of the conflict between the decision below and *Tsakonites v. Transpacific Carriers Corp.*, 368 F. 2d 426 in the Second Circuit.

¹ The Act provides:

"Any seaman who shall suffer personal injury in the course of his employment may, at his election, maintain an action for damages at law, with the right of trial by jury, and in such action all statutes of the United States modifying or extending the common-law right or remedy in cases of personal injury to railway employees shall apply; and in case of the death of any seaman as a result of any such personal injury the personal representative of such seaman may maintain an action for damages at law with the right of trial by jury, and in such action all statutes of the United States conferring or regulating the right of action for death in the case of railway employees shall be applicable. Jurisdiction in such actions shall be under the court of the district in which the defendant employer resides or in which his principal office is located."

To: The Chief Justice
Mr. Justice Black
Mr. Justice Harlan
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
~~Mr. Justice~~

3

SUPREME COURT OF THE UNITED STATES

From: Douglas, J.

Circulated: _____

No. 661.—OCTOBER TERM, 1969

Recirculated: 6-4

Hellenic Lines Limited et al., } On Writ of Certiorari
Petitioners, } to the United States
v. } Court of Appeals for
Zacharias Rhoditis. } the Fifth Circuit.

[June —, 1970]

MR. JUSTICE DOUGLAS delivered the opinion of the Court.

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To: The Chief Justice
 Mr. Justice Black
 Mr. Justice Harlan
 Mr. Justice Brennan
 Mr. Justice Stewart
 Mr. Justice White
 Mr. Justice Marshall
 Mr. Justice Powell

SUPREME COURT OF THE UNITED STATES

From: Douglas, J.

Circulated: _____

No. 661.—OCTOBER TERM, 1969

Recirculated: 6-5

Hellenic Lines Limited et al.,	} On Writ of Certiorari
Petitioners,	
v.	
Zacharias Rhoditis.	to the United States Court of Appeals for the Fifth Circuit.

[June 8, 1970]

MR. JUSTICE DOUGLAS delivered the opinion of the Court.

This is a suit under the Jones Act¹ by a seaman who was injured aboard the ship *Hellenic Hero* in the Port of New Orleans. The District Court, sitting without a jury, rendered judgment for the seaman, 273 F. Supp. 249. The Court of Appeal affirmed, 412 F. 2d 919. The case is here on petition for a writ of certiorari which we granted, 396 U. S. 1000, in light of the conflict between the decision below and *Tsakonites v. Transpacific Carriers Corp.*, 368 F. 2d 426 in the Second Circuit.

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May 8, 1970

MEMORANDUM TO THE CONFERENCE

Re: No. 681 - Helene Linn v. Shoditis

Dear Brother:

In our course I will circulate a dissent in this

Sincerely,

J. M. W.

cc: The Conference

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To: The Chief Justice
Mr. Justice Black
Mr. Justice Douglas
Mr. Justice Harlan
Mr. Justice Stewart
Mr. Justice White
Mr. Marshall

SUPREME COURT OF THE UNITED STATES

No. 661.—OCTOBER TERM, 1969

From: *Harlan, J.*

Circulated: JUN 3 1970

Hellenic Lines Limited et al., } On Writ of Certiorari
Petitioners, } to the United States
v. } Court of Appeals for
Zacharias Rhoditis. } the Fifth Circuit.

[June —, 1970]

MR. JUSTICE HARLAN, dissenting.

I dissent from today's decision holding that a Greek seaman who signs articles in Greece for employment on a Greek-owned, Greek-flag vessel may recover under the Jones Act for shipboard injuries sustained while the vessel was in American territorial waters. This result is supported neither by precedent, nor realistic policy, and in my opinion is far removed from any intention that can reasonably be ascribed to Congress.

A

Section 688 of the Jones Act provides:

"Any seaman who shall suffer personal injury in the course of his employment may, at his election, maintain an action for damages at law, with the right of trial by jury, and in such action all statutes of the United States modifying or extending the commonlaw right or remedy in cases of personal injury to railway employees shall apply; and in case of death of any seaman as a result of any such personal injury the personal representative of such seaman may maintain an action for damages at law with the right of trial by jury, and in such action all statutes conferring or regulating the right of action for death in the case of railway employees shall be applicable. Jurisdiction in such actions

P. 7, 8

To: The Chief Justice,
Mr. Justice Black
Mr. Justice Douglas
✓ Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall

STYLISTIC CHANGES THROUGHOUT.
SEE PAGES: 2, 4

2

SUPREME COURT OF THE UNITED STATES Harlan, J.

No. 661.—OCTOBER TERM, 1969

Circulated: _____

Hellenic Lines Limited et al.,
Petitioners,
v.
Zacharias Rhoditis.

On Writ of Certiorari
to the United States
Court of Appeals for
the Fifth Circuit.

Recirculated: _____

JUN 4 1970

[June —, 1970]

MR. JUSTICE HARLAN, with whom MR. JUSTICE STEWART joins, dissenting.

I dissent from today's decision holding that a Greek seaman who signs articles in Greece for employment on a Greek-owned, Greek-flag vessel may recover under the Jones Act for shipboard injuries sustained while the vessel was in American territorial waters. This result is supported neither by precedent, nor realistic policy, and in my opinion is far removed from any intention that can reasonably be ascribed to Congress.

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2, 3, 4, 7-8

To: The Chief Justice
Mr. Justice Black
Mr. Justice Douglas
✓ Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall

4

SUPREME COURT OF THE UNITED STATES Harlan, J.

No. 661.—OCTOBER TERM, 1969

Circulated: _____

JUN 6 1970

Recirculated: _____

Hellenic Lines Limited et al., } On Writ of Certiorari
Petitioners, } to the United States
v. } Court of Appeals for
Zacharias Rhoditis. } the Fifth Circuit.

[June 8, 1970]

MR. JUSTICE HARLAN, with whom THE CHIEF JUSTICE
and MR. JUSTICE STEWART join, dissenting.

I dissent from today's decision holding that a Greek seaman who signs articles in Greece for employment on a Greek-owned, Greek-flag vessel may recover under the Jones Act for shipboard injuries sustained while the vessel was in American territorial waters. This result is supported neither by precedent, nor realistic policy, and in my opinion is far removed from any intention that can reasonably be ascribed to Congress.

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

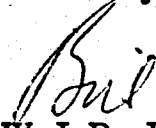
May 7, 1970

RE: No. 661 - Hellenic Lines Limited v.
Rhoditis

Dear Bill:

I agree.

Sincerely,


W.J.B. Jr.

Mr. Justice Douglas

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

June 4, 1970

No. 661 - Hellenic Lines v. Rhoditis

Dear John,

I am glad to join your dissenting
opinion in this case.

Sincerely yours,

P.S.

Mr. Justice Harlan

Copies to the Conference

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May 9, 1970

Re: No. 661 - Hellenic Lines Ltd
v. Rhoditis

Dear Bill:

Please join me.

Sincerely,

B.R.W.

Mr. Justice Douglas

for the Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

May 8, 1970

Re: No. 661 - Hellenic Lines Ltd. v. Rhoditis

Dear Bill:

Please join me.

Sincerely,


T.M.

Mr. Justice Douglas

cc: The Conference