

# The Burger Court Opinion Writing Database

*P.C. Pfeiffer Co. v. Ford*  
444 U.S. 69 (1979)

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

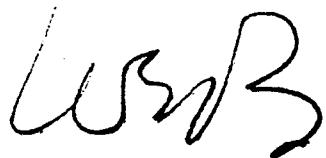
November 19, 1979

Re: 78-425 - P.C. Pfeiffer Co., Inc. v. Ford

Dear Lewis:

I join.

Regards,



Mr. Justice Powell

Copies to the Conference

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

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

November 8, 1979

RE: No. 78-425 P.C. Pfeiffer Co. v. Diverson Ford

Dear Lewis:

I agree.

Sincerely,



Mr. Justice Powell

cc: The Conference

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

CHAMBERS OF  
JUSTICE POTTER STEWART

November 8, 1979

Re: 78-425 - P. C. Pfeiffer Co. v. Ford

Dear Lewis:

It seems to me that our function in this case is to give authoritative construction to this miserably written Act so as to resolve the conflicts and minimize future litigation as to its coverage. I think your clearly written opinion admirably serves this purpose. While I hold another view as to the coverage of the Act, I have decided not to write anything in dissent and shall acquiesce in your opinion for the Court unless somebody else circulates an expression of dissenting views.

Sincerely yours,

P.S.  
P.

Mr. Justice Powell

Copies to the Conference

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

November 7, 1979

Re: No. 78-425 - Pfeiffer v. Diverson Ford

Dear Lewis,

Please join me.

Sincerely yours,



Mr. Justice Powell

Copies to the Conference

cmc

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

November 8, 1979

Re: No. 78-425 - P.C. Pfeiffer Co. v. Ford

Dear Lewis:

Please join me.

Sincerely,

*T.M.*  
T.M.

Mr. Justice Powell

cc: The Conference

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

November 8, 1979

Re: No. 78-425 - P. C. Pfeiffer Co., Inc. v. Ford

Dear Lewis:

I am glad to join your opinion for this case.

Sincerely,

*H.A.B.*

Mr. Justice Powell

cc: The Conference

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

From: Mr. Justice Powell  
Circulated: 7 NOV 1979

## 1st DRAFT

Circulated: 7 NOV 1979

## Recipients

**SUPREME COURT OF THE UNITED STATES**

No. 78-425

P. C. Pfeiffer Company, Inc.,  
et al., Petitioners,  
v.  
Diverson Ford et al. } On Writ of Certiorari to the  
United States Court of Appeals for the Fifth Circuit.

[November —, 1979]

MR. JUSTICE POWELL delivered the opinion of the Court.

The question in this case is whether two workers were engaged in "maritime employment," as defined by § 2 (3) of the Longshoremen's and Harbor Workers' Compensation Act, 33 U. S. C. § 902 (3), when they sustained injuries for which they seek compensation.

1

On April 12, 1973, Diverson Ford accidentally struck the middle finger of his left hand with a hammer while working on a public dock in the Port of Beaumont, Tex. On the day of his injury, Ford was employed by the P. C. Pfeiffer Company to fasten military vehicles onto railroad flat cars. The vehicles had been delivered to the port by ship a number of days before the accident, stored, and then loaded onto flat cars the day before. The flat cars would take the vehicles to their inland destination.

Ford was working out of the warehousemen's local on the day of the accident. Agreements between employers, the warehousemen's union and the longshoremen's union limit the tasks that warehousemen may perform in the Port of Beaumont. Warehousemen may not move cargo directly from a vessel either to a point of rest in storage or to a railroad car. Nor may they move cargo from a shoreside point of rest di-

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

11-19-79

From: Mr. Justice Powell

Circulated:

2nd DRAFT

Recirculated, 19 NOV 1979

SUPREME COURT OF THE UNITED STATES

No. 78-425

P. C. Pfeiffer Company, Inc.,  
 et al., Petitioners,  
 v.  
 Diverson Ford et al.

On Writ of Certiorari to the  
 United States Court of Ap-  
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[November --, 1979]

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I

On April 12, 1973, Diverson Ford accidentally struck the middle finger of his left hand with a hammer while working on a public dock in the Port of Beaumont, Tex. On the day of his injury, Ford was employed by the P. C. Pfeiffer Company to fasten military vehicles onto railroad flat cars. The vehicles had been delivered to the port by ship a number of days before the accident, stored, and then loaded onto flat cars the day before. The flat cars would take the vehicles to their inland destination.

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

*Hand out*

✓  
November 28, 1979

MEMORANDUM TO THE CONFERENCE

Re: Case held for 78-425- P.C. Pfeiffer Co. v. Diverson Ford

No. 77-1543, Powell v. Cargill Inc, has been held for Pfeiffer. In this case petr seeks review of the CA9 determination that he was not engaged in maritime employment at the time he was injured. Resp is a grain dealer who operates a terminal facility adjacent to navigable waters. Grain arrives at the terminal by rail, truck or barge. Petr had been employed by resp for seven months when he was injured. His usual task had been to unload grain from railroad cars. After grain is unloaded, it is moved to a central elevator to be reweighed,. It is then shipped either to vessels or to a nearby flour mill. The Benefits Review Board held that petr was engaged in maritime employment, but CA9 (Lumbard, Wright)(Anderson dissenting) reversed on the authority of Northeast Marine Terminal v. Caputo, 432 U.S. 249 (1977).

I would grant the petition for certiorari, vacate the judgment of the Court of Appeals, and remand for further proceedings in light of P.C. Pfeiffer Co. v. Diverson Ford.

*L. F. P.*

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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

November 13, 1979

Re: No. 78-425 - Pfeiffer v. Diverson Ford

Dear Lewis:

I have decided to surrender my dissenting vote in Conference to superior numbers, and hereby join your opinion.

Sincerely,

*WR*

Mr. Justice Powell

Copies to the Conference

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

November 8, 1979

Re: 78-425 - Pfeiffer v. Diverson Ford

Dear Lewis:

My views are the same as Potter's. Please join me.

Respectfully,



Mr. Justice Powell

Copies to the Conference