

The Burger Court Opinion Writing Database

Thomas v. Washington Gas Light Co.

448 U.S. 261 (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

June 23, 1980

RE: 79-116 - Thomas v. Washington Gas Light Co.

Dear Byron:

Please show me joining your concurring opinion.

Regards,

A handwritten signature in dark ink, appearing to be 'WRB', written in a cursive, stylized script.

Mr. Justice White

Copies to the Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

June 17, 1980

RE: No. 79-116 Thomas v. Washington Gas Light Co.

Dear John:

I agree.

Sincerely,

Bill

Mr. Justice Stevens

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

June 4, 1980

Re: No. 79-116, Thomas v.
Washington Gas Light Co.

Dear John,

I am glad to join your opinion for
the Court.

Sincerely yours,

P.S.
1

Mr. Justice Stevens

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE


June 3, 1980

Re: 79-116 - Thomas v. Washington Gas
Light Company

Dear John,

Before finally coming to rest, I
should like to have the benefit of
whatever might be said in dissent.

Sincerely yours,



Mr. Justice Stevens

Copies to the Conference

cmc

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

June 13, 1980

Re: 79-116 - Thomas v. Washington Gas Light Co.

Dear John,

My vote to reverse in this case was based on McCartin, and I prefer to proceed in that fashion, leaving whatever tension there is between McCartin and Magnolia precisely where it has been these many years. If I were to choose between the two cases, however, I would abandon McCartin rather than Magnolia since I prefer Chief Justice Stone's approach to full faith and credit to that of the dissenters in Magnolia and hence to both McCartin and the analysis you propose in your circulating opinion.

I fear that your approach will not be easily contained and in the end would not be confined to worker compensation awards made by administrative tribunals. If the company had contested and appealed an award against it and lost in a court of general jurisdiction, would this judicial determination be any more preclusive of an award in the District of Columbia? I would think not under the reasons you give for not applying full faith and credit to the administrative award, although on page 19 of the circulating draft you indicate that court judgments are different for full faith and credit purposes. Of course, if they are, an employer need only appeal and have the administrative award affirmed to foreclose proceedings in another state.

If there is a wrongful death recovery in the courts of Virginia by a resident of the District of Columbia, may there be a further award in the District if its allowable recovery exceeds that of Virginia? Under your approach, I would not think there would be any more inconsistency in making such an additional award than exists in the present case. And I take it that in either case, the plaintiff having prevailed in Virginia, the defendant may not relitigate the "facts" when he has sued in the District. His liability has been determined and only the maximum recovery is to be augmented.

- 2 -

I shall concur in the result based on McCartin.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Byron".

Mr. Justice Stevens

Copies to the Conference

cmc

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

From: Mr. Justice White

Circulated: 17 JUN 1980

Recirculated: _____

Re: 79-116 - Thomas v. Washington Gas Light Co.

MR. JUSTICE WHITE, concurring in the result.

I agree that the judgment of the Court of Appeals should be reversed, but I am unable to join in the reasoning by which the Court reaches that result. Although the Court argues strenuously that the rule of today's decision is limited to awards by state workmen's compensation boards, it seems to me that the underlying rationale goes much further. If the employer had exercised its statutory right of appeal to the Supreme Court of Virginia and that Court upheld the award, I presume that today's decision would nevertheless permit a subsequent award in the District of Columbia. Otherwise, employers interested in cutting off the possibility of a subsequent award in another jurisdiction need only seek judicial review of the award in the first forum. But if such a judicial decision is not preclusive in the second forum, then it appears that the Court's decision is not limited in its effect to judgments of administrative tribunals.

STYLISTIC CHANGES THROUGHOUT.
SEE PAGES: 1-3

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

From: Mr. Justice White

1st DRAFT

Circulated: _____
Recirculated: 21 JUN 1980

SUPREME COURT OF THE UNITED STATES

No. 79-116

Halley I. Thomas, Petitioner.

v.

Washington Gas Light
Company et al.

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

[June —, 1980]

MR. JUSTICE WHITE, with whom MR. JUSTICE POWELL joins,
concurring in the judgment.

I agree that the judgment of the Court of Appeals should be reversed, but I am unable to join in the reasoning by which the Court reaches that result. Although the Court argues strenuously that the rule of today's decision is limited to awards by state workmen's compensation boards, it seems to me that the underlying rationale goes much further. If the employer had exercised its statutory right of appeal to the Supreme Court of Virginia and that Court upheld the award, I presume that today's decision would nevertheless permit a subsequent award in the District of Columbia. Otherwise, employers interested in cutting off the possibility of a subsequent award in another jurisdiction need only seek judicial review of the award in the first forum. But if such a judicial decision is not preclusive in the second forum, then it appears that the Court's decision is not limited in its effect to judgments of administrative tribunals.

The Court contends that unlike courts of general jurisdiction, workmen's compensation tribunals generally have no power to apply the law of another State and thus cannot determine the rights of the parties thereunder. *Ante*, at 25. Yet I see no reason why a judgment should not be entitled to full res judicata effect under the Full Faith and Credit Clause merely because the rendering tribunal was obligated to apply the law of the forum—provided, of course, as was certainly the case here, that the forum could constitutionally apply its

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

June 23, 1980

MEMORANDUM TO THE CONFERENCE

Re: No. 79-116 - Thomas v. Washington Gas Light Company

I am sure that it has occurred to you that with the Chief Justice joining my concurrence in this case, there are four on John's opinion, three on mine and two in dissent. This means that the three on my concurrence--the Chief Justice, Lewis and myself--rest judgment on McCartin, a case that six other Justices deem insufficiently sound to warrant respect as a precedent and that we three ourselves have doubts about. Indeed, as I have said before, given a choice, I would prefer Magnolia to McCartin, and it may be that the Chief and Lewis would too. I am unenthusiastic about the result being determined by four votes expressing a view that a majority of the Court rejects and by three other votes based on a case that at least a majority of the Court would overrule; but as presently advised, I would let the matter rest where it is.

Sincerely yours,



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

STYLISTIC CHANGES THROUGHOUT.
~~SEE PAGES:~~

From: Mr. Justice White

Circulated: _____

Recirculated: 25 JUN 1980

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 79-116

Halley I. Thomas, Petitioner,	} On Writ of Certiorari to the	
v.		United States Court of Ap-
Washington Gas Light Company et al.		peals for the Fourth Circuit.

[June —, 1980]

MR. JUSTICE WHITE, with whom THE CHIEF JUSTICE and MR. JUSTICE POWELL join, concurring in the judgment.

I agree that the judgment of the Court of Appeals should be reversed, but I am unable to join in the reasoning by which the plurality reaches that result. Although the plurality argues strenuously that the rule of today's decision is limited to awards by state workmen's compensation boards, it seems to me that the underlying rationale goes much further. If the employer had exercised its statutory right of appeal to the Supreme Court of Virginia and that Court upheld the award, I presume that the plurality's rationale would nevertheless permit a subsequent award in the District of Columbia. Otherwise, employers interested in cutting off the possibility of a subsequent award in another jurisdiction need only seek judicial review of the award in the first forum. But if such a judicial decision is not preclusive in the second forum, then it appears that the plurality's rationale is not limited in its effect to judgments of administrative tribunals.

The plurality contends that unlike courts of general jurisdiction, workmen's compensation tribunals generally have no power to apply the law of another State and thus cannot determine the rights of the parties thereunder. *Ante*, at 25. Yet I see no reason why a judgment should not be entitled to full res judicata effect under the Full Faith and Credit Clause merely because the rendering tribunal was obligated to apply the law of the forum—provided, of course, as was certainly the case here, that the forum could constitutionally apply its

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

June 4, 1980

Re: No. 79-116 - Thomas v. Washington Gas
Light Company

Dear John:

I await the dissent.

Sincerely,

jm

T.M.

Mr. Justice Stevens

cc: The Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL


June 18, 1980

Re: No. 79-116 - Thomas v. Washington Gas Light

Dear Bill:

Please join me in your dissent.

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

June 17, 1980

Re: No. 79-116 - Thomas v. Washington Gas Light Co.

Dear John:

Please join me.

Sincerely,

Ha S.

Mr. Justice Stevens

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

June 6, 1980

No. 79-116 Thomas v. Washington Gas Light Co.

Dear John:

I write at this time merely to say that I am not yet at rest.

We voted the same way at Conference. My vote was cast with some hesitation because my initial view was that Magnolia is closer to being sound doctrine than McCartin. Yet, McCartin was decided after Magnolia and although it purported to distinguish rather than overrule Magnolia, subsequent authorities - both primary and secondary - generally have read McCartin as leaving Magnolia a precedent of little, if any, force. In short, I rather thought stare decisis pointed to a reversal.

Your thoughtful opinion ranges well beyond stare decisis, and I have not had an opportunity to think carefully about your draft. I note your reasons for concluding that Magnolia was wrongly decided. I hope to be able to reach a conclusion on this case next week.

Sincerely,



Mr. Justice Stevens

Copies to the Conference

LFP/lab

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

June 14, 1980

79-116 Thomas v. Washington Gas Light

Dear John:

Since writing you last week (June 6), I have given further thought to this case.

Byron's letter of this date identifies some of my concerns. As indicated in my note of June 6, I could join a reversal on the basis that McCartin has been accepted as settled law for many years, even though I think it wrongly decided.

Absent such an opinion, I am inclined to adhere to my vote to reverse and simply join in the judgment. If Byron writes I may join him as well as in the judgment.

Sincerely,



Mr. Justice Stevens

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

June 17, 1980

79-116 Thomas v. Washington Gas Light

Dear Byron:

Please join me in your concurring opinion.

Sincerely,

Lewis

Mr. Justice White

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

June 24, 1980

MEMORANDUM TO THE CONFERENCE

No. 79-116 Thomas v. Washington Gas Light Company

I expect that none of us is at all enthusiastic about the curious way in which the votes have happened to fall in this case.

I would, as Byron indicated, prefer Magnolia to McCartin if we were to make a choice. I have joined Byron's concurrence only because of the long acceptance of the latter. I suppose that lawyers and courts will understand the "bottom line" of our several opinions, and accordingly I will remain with Byron unless four other Justices, including John, wish to have this case reargued. In the event of a reargument, I would expect - and hope others would join - in a reconsideration of McCartin as a valid precedent.

Sincerely,

Lewis

Copies to the Conference

LFP/lab

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

June 3, 1980

Re: No. 79-116 Thomas v. Washington Gas Light Co.

Dear John:

In due course I will circulate a dissent.

Sincerely,



Mr. Justice Stevens

Copies to the Conference

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

Circulated: 12 JUN 1980

Recirculated: _____

Thomas v. Washington Gas Light Company, et al., No. 79-116

MR. JUSTICE REHNQUIST, dissenting.

In the penultimate sentence of its opinion, the Court announces that it is overruling Magnolia Petroleum Co. v. Hunt, 320 U.S. 430 (1943). In fact, it does quite a bit more than that, actually overruling not only Magnolia but also Industrial Commission of Wisconsin v. McCartin, 330 U.S. 622 (1947), a decision that many believe had, itself, implicitly overruled Magnolia. Plunging into the resulting vacuum, the Court announces a heretofore unprecedented exception to the Full Faith and Credit Clause, and eventually decides that the District of Columbia is free to reopen a workmen's compensation

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

Circulated: _____

Circulated: 18 JUN 1980

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 79-116

Halley I. Thomas, Petitioner,

v.

Washington Gas Light
Company et al.

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

[June —, 1980]

MR. JUSTICE REHNQUIST, dissenting.

In the penultimate sentence of its opinion, the Court announces that it is overruling *Magnolia Petroleum Co. v. Hunt*, 320 U. S. 430 (1943). In fact, it does quite a bit more than that, actually overruling not only *Magnolia* but also *Industrial Commission of Wisconsin v. McCartin*, 330 U. S. 622 (1947), a decision that many believe had, itself, implicitly overruled *Magnolia*. Plunging into the resulting vacuum, the Court announces a heretofore unprecedented exception to the Full Faith and Credit Clause, and eventually decides that the District of Columbia is free to reopen a workmen's compensation award entered by the Commonwealth of Virginia regardless of the status of that award as a matter of Virginia law. Because I believe that *Magnolia* was correctly decided, and because I fear that the rule ultimately announced by the Court is both ill considered and ill defined, I dissent.

In his opinion for the Court in *Magnolia*, Mr. Chief Justice Stone identified the issue as "whether, under the full faith and credit clause, Art. IV, § 1 of the Constitution of the United States, an award of compensation for personal injury under the Texas Workmen's Compensation Law . . . bars a further recovery of compensation for the same injury under the Louisiana Workmen's Compensation Law. . . ." 320 U. S., at 432. A majority of this Court answered that inquiry in

P.1

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

Circulated: _____

Recirculated: _____ 0 JUN 1980

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 79-116

Halley I. Thomas, Petitioner,
v.
Washington Gas Light
Company et al. } On Writ of Certiorari to the
United States Court of Ap-
peals for the Fourth Circuit.

[June —, 1980]

MR. JUSTICE REHNQUIST, with whom MR. JUSTICE
MARSHALL joins, dissenting.

In the penultimate sentence of its opinion, the Court announces that it is overruling *Magnolia Petroleum Co. v. Hunt*, 320 U. S. 430 (1943). In fact, it does quite a bit more than that, actually overruling not only *Magnolia* but also *Industrial Commission of Wisconsin v. McCartin*, 330 U. S. 622 (1947), a decision that many believe had, itself, implicitly overruled *Magnolia*. Plunging into the resulting vacuum, the Court announces a heretofore unprecedented exception to the Full Faith and Credit Clause, and eventually decides that the District of Columbia is free to reopen a workmen's compensation award entered by the Commonwealth of Virginia regardless of the status of that award as a matter of Virginia law. Because I believe that *Magnolia* was correctly decided, and because I fear that the rule ultimately announced by the Court is both ill considered and ill defined, I dissent.

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Changes throughout

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

3rd DRAFT

~~2nd DRAFT~~

Circulated: _____

Recirculated: 24 JUN 1

SUPREME COURT OF THE UNITED STATES

No. 79-116

Halley I. Thomas, Petitioner,

v.

Washington Gas Light
Company et al.

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

[June —, 1980]

MR. JUSTICE REHNQUIST, with whom MR. JUSTICE
MARSHALL joins, dissenting.

This is clearly a case where the whole is less than the sum of its parts. In choosing between two admittedly inconsistent precedents, Magnolia Petroleum Co. v. Hunt, 320 U.S. 430 (1943), and Industrial Commission of Wisconsin v. McCartin, 330 U.S. 622 (1947), six of us agree that the latter decision, McCartin, is analytically indefensible. See ante, at 7-9 (plurality opinion); infra, at 2. The remaining three members of the Court concede that it "rests on questionable foundations." Ante, at 4 (opinion of White, J.). Nevertheless, when the smoke clears, it is Magnolia rather than McCartin that the plurality suggests should be overruled. See ante, at 23. Because I believe that Magnolia was correctly decided, and because I fear that the rule proposed by the plurality is both ill considered and ill defined, I dissent.

In his opinion for the Court in Magnolia, Mr. Chief Justice Stone identified the issue as "whether, under the full faith and credit clause, Art. IV, § 1 of the Constitution of the United States, an award of compensation for personal injury under the Texas Workmen's Compensation Law . . . bars a further recovery of compensation for the same injury under the Louisiana Workmen's Compensation Law. . . ." 320 U. S., at 432. A majority of this Court answered that inquiry in

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79-116 - Thomas v. Washington Gas Light Company

To: The Chief Justice
Mr. Justice Brandeis
Mr. Justice Stevens
Mr. Justice White
Mr. Justice Harlan
Mr. Justice Black
Mr. Justice Powell
Mr. Justice Rehnquist

MR. JUSTICE STEVENS delivered the opinion of the Court.

From: Mr. Justice

Circulated: JUN 2

Recirculated: _____

Petitioner received an award of disability benefits under the Virginia Workmen's Compensation Act. The question presented is whether the obligation of the District of Columbia to give full faith and credit to that award^{1/} bars a supplemental award under the District's Workmen's Compensation Act.^{2/}

^{1/} United States Constitution, Article IV, Section 1:

"Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof."

28 U.S.C. § 1738 provides, in part:

"The Acts of the legislature of any State, Territory, or Possession of the United States, or copies thereof, shall be authenticated by affixing the seal of such State, Territory or Possession thereto."

* * *

"Such Acts, records and judicial proceedings or copies thereof, so authenticated, shall have the same full faith and credit in every court within the United States and its Territories and Possessions as they have by law or usage in the courts of such State, Territory or Possession from which they are taken."

^{2/} The District of Columbia Workmen's Compensation Act, 36 D.C. Code §§ 501-502 (1968) adopts the terms of the Longshoremen and Harbor Workers' Compensation Act (LHWCA), 33 U.S.C. § 901 et seq. The program is administered by the United States Department of Labor.

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pp. 14, 15, 16, 19, 20, 22, 23

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

1st PRINTED DRAFT

From: Mr. Justice Stevens

SUPREME COURT OF THE UNITED STATES

Circulated: JUN 9 '80

Recirculated: _____

No. 79-116

Halley I. Thomas, Petitioner,
v.
Washington Gas Light
Company et al. } On Writ of Certiorari to the
United States Court of Ap-
peals for the Fourth Circuit,

[June —, 1980]

MR. JUSTICE STEVENS delivered the opinion of the Court,
Petitioner received an award of disability benefits under
the Virginia Workmen's Compensation Act. The question
presented is whether the obligation of the District of Colum-
bia to give full faith and credit to that award¹ bars a supple-
mental award under the District's Workmen's Compensation
Act.²

¹ United States Constitution, Art. IV, § 1:

"Full Faith and Credit shall be given in each State to the public Acts,
Records, and judicial Proceedings of every other State. And the Con-
gress may by general Laws prescribe the Manner in which such Acts,
Records and Proceedings shall be proved, and the Effect thereof."

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the United States, or copies thereof, shall be authenticated by affixing the
seal of such State, Territory or Possession thereto.

"Such Acts, records and judicial proceedings or copies thereof, so
authenticated, shall have the same full faith and credit in every court
within the United States and its Territories and Possessions as they have
by law or usage in the courts of such State, Territory, or Possession from
which they are taken."

² The District of Columbia Workmen's Compensation Act, 36 D. C.
Code §§ 501-502 (1968) adopts the terms of the Longshoremen and Harbor
Workers' Compensation Act (LHWCA), 33 U. S. C. § 901 *et seq.* The
program is administered by the United States Department of Labor.

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

June 13, 1980

Re: 79-116 - Thomas v. Washington Gas Light Co.

Dear Byron:

Thank you for your letter. My answer to the two questions are as follows:

First, it would seem to me that an appeal to a court of general jurisdiction from a compensation award would not change the essential nature of that award. The principle reason is that on appeal, just as in the proceedings before the compensation commission, the issues would be limited to those properly authorized by the Virginia compensation statute.

Second, as far as the wrongful death case is concerned, you certainly are correct that a similar argument could be made in favor of a second proceeding. I would not think the argument should prevail, however, because in the wrongful death action, unlike a workmen's compensation case, the tribunal that tried the case would have the authority to apply the law of another jurisdiction if it seemed appropriate to do so. Moreover, the considerations that favor informality in the initiation of a compensation proceeding would not apply to a judicial proceeding.

Respectfully,



Mr. Justice White
Copies to Conference

HAE

✓

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

June 24, 1980

MEMORANDUM TO THE CONFERENCE

Re: Case Heretofore Held for Decision in Thomas v.
Washington Gas Light Company, No. 79-1116

The only case held for Thomas, is National Van Lines, Inc. v. Director, Office of Workers' Compensation Programs, No. 79-1460. In that case, the respondent-employee was employed by a Virginia company that did some business in the District of Columbia. He was severely injured in New York in the course of his employment. He received benefits under Virginia's Workmen's Compensation Program and then sought supplemental benefits under the District's program, which were granted. CADC affirmed the award, holding that there was sufficient connection between respondent's employment in the District, though Judge Tamm dissented on this point. It also held that the full faith and credit obligations of the District of Columbia did not preclude a supplemental workmen's compensation award. The first issue, that concerning the connection between the employment relationship in the District of Columbia, is fact-bound. And the other, the one identical to that raised in Thomas v. Washington Gas Light Company, was resolved in accord with the disposition of the two prevailing opinions in Thomas. Accordingly, I will vote to deny.

Respectfully,



Pp. 1, 23

Mr. Chief Justice
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist

From: Mr. Justice Stevens

Circulated: _____

Recirculated: _____ JUN 25 1980

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 79-116

Halley I. Thomas, Petitioner,
v.
Washington Gas Light
Company et al. } On Writ of Certiorari to the
United States Court of Ap-
peals for the Fourth Circuit.

[June —, 1980]

MR. JUSTICE STEVENS announced the judgment of the Court and delivered an opinion in which MR. JUSTICE BRENNAN, MR. JUSTICE STEWART, and MR. JUSTICE BLACKMUN join.

Petitioner received an award of disability benefits under the Virginia Workmen's Compensation Act. The question presented is whether the obligation of the District of Columbia to give full faith and credit to that award¹ bars a supplemental award under the District's Workmen's Compensation Act.²

¹ United States Constitution, Art. IV, § 1:

"Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof."

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"Such Acts, records and judicial proceedings or copies thereof, so authenticated, shall have the same full faith and credit in every court within the United States and its Territories and Possessions as they have by law or usage in the courts of such State, Territory, or Possession from which they are taken."

² The District of Columbia Workmen's Compensation Act, 36 D. C. Code §§ 501-502 (1968) adopts the terms of the Longshoremen and Harbor