

The Burger Court Opinion Writing Database

Jacksonville Bulk Terminals, Inc. v. Longshoremen

457 U.S. 702 (1982)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

March 11, 1981

MEMORANDUM TO THE CONFERENCE

Re: No. 80-1045, Jacksonville Bulk Terminals v.
I.L.A.
No. 80-1058, Hampton Roads Shipping Ass'n v.
I.L.A.

I enclose a draft of my proposed dissent from
denial of cert in this case.

Regards,

WBB
June

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

03/11/81

FIRST DRAFT

From: The Chief Justice

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No. 80-1045, Jacksonville Bulk Terminals, Inc., et al. v. International Longshoremen's Ass'n, et al.

No. 80-1058, Hampton Roads Shipping Ass'n, et al. v. International Longshoremen's Ass'n, et al.

CHIEF JUSTICE BURGER, dissenting.

In these cases two Courts of Appeals overturned preliminary injunctions ordering the International Longshoremen's Association and Locals of that Association, pending arbitration, to cease and desist from refusing to handle certain cargo bound to or from the Soviet Union. The work stoppages were carried out, in clear violation of collective bargaining agreements, pursuant to a resolution of the Association entered into in response to the Soviet Union's invasion of Afghanistan. They also went beyond

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

From: The Chief Justice

1st PRINTED DRAFT

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SUPREME COURT OF THE UNITED STATES

Revised: _____
Date: MAR 13 1981

JACKSONVILLE BULK TERMINALS, INC., ET AL, v.
INTERNATIONAL LONGSHOREMEN'S
ASSOCIATION ET AL.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE FIFTH CIRCUIT

HAMPTON ROADS SHIPPING ASSOCIATION, ET AL, v.
INTERNATIONAL LONGSHOREMEN'S
ASSOCIATION ET AL.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE FOURTH CIRCUIT

Nos. 80-1045 and 80-1058. Decided March —, 1981

CHIEF JUSTICE BURGER, dissenting.

In these cases two Courts of Appeals overturned preliminary injunctions ordering the International Longshoremen's Association and Locals of that Association, pending arbitration, to cease and desist from refusing to handle certain cargo bound to or from the Soviet Union. The work stoppages were carried out, in clear violation of collective-bargaining agreements, pursuant to a resolution of the Association entered into in response to the Soviet Union's invasion of Afghanistan.¹

Each of the pertinent collective-bargaining agreements contains a clause prohibiting any strike or work stoppage, a clause requiring arbitration of all grievances, a clause stating that the management of the employer's business and the direction of the workforce "are exclusively vested in the Employer as functions of Management," and a clause stating that the agreement is

"intended to cover all matters affecting wages, hours,

¹The work stoppages also went beyond the official retaliatory embargo imposed by the United States on certain trade with the Soviet Union.

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

March 20, 1981

CHAMBERS OF
THE CHIEF JUSTICE

MEMORANDUM TO THE CONFERENCE

Re: No. 80-1045, Jacksonville Bulk Terminals,
Inc. v. ILA
No. 80-1058, Hampton Roads Shipping Assn
v. ILA

At Conference today, we voted to hear the problem presented by these cases. I intend to vote to grant in the CA5 case, Jacksonville Bulk Terminals, and to hold the CA4 case, Hampton Roads Shipping, for Jacksonville. The issues are more fully ventilated in the CA5 opinion. Judge Sprouse's opinion for CA4 in Hampton Roads Shipping does not discuss the Norris-LaGuardia issue, although he impliedly decides the issue in favor of the union.

Regards,

WRB

✓
Granted

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

March 12, 1981

No. 80-1045 Jacksonville Bulk Terminals v. I.L.A.
No. 80-1058 Hampton Roads Shipping Ass'n. v. I.L.A.

Dear Chief:

I approve of your draft of a proposed dissent from denial of cert, as I do not understand Buffalo Forge as reaching "political" rather than "labor" disputes.

I agree with John, however, that the question is an important one, apparently arises with some frequency, and I therefore think it would be best to grant the case.

In sum, my first vote is to grant, and failing three other votes to take the case, I would like for you to add my name to my dissent.

Sincerely,



The Chief Justice

LFP/lab

Copies to the Conference

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

March 12, 1981

Re: 80-1045 - Jacksonville Bulk Terminals v.
I.L.A.
80-1058 - Hampton Roads Shipping Assn.
v. I.L.A.

Dear Chief:

Although you make a substantial case for summary reversal, I think it may be better to hear argument in these cases. After full argument, we might decide to confine Buffalo Forge to the sympathy strike situation and discourage the extension of its reasoning to different fact situations such as this.

Respectfully,



The Chief Justice

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