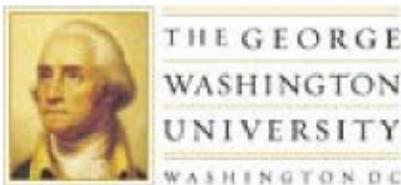


# The Burger Court Opinion Writing Database

*Longshoremen v. Allied International, Inc.*  
456 U.S. 212 (1982)

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

March 29, 1982

Re: No. 80-1663 - International Longshoremen's Assn.,  
AFL-CIO v. Allied International, Inc.

Dear Lewis:

I will defer action on this case until the situation in 80-1045 - Jacksonville Bulk Terminals v. International Longshoremen's Assn. is settled. I have sent out a memo of my view and my dissent will "track" that memo.

Regards,



Justice Powell

Copies to the Conference

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

CHAMBERS OF  
THE CHIEF JUSTICE

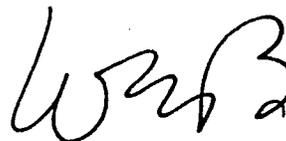
April 13, 1982

Re: No. 80-1663 - International Longshoremen's Assn.,  
AFL-CIO v. Allied International, Inc.

Dear Lewis:

I join.

Regards,

A handwritten signature in black ink, appearing to be 'W. Powell', written in a cursive style.

Justice Powell

Copies to the Conference

Supreme Court of the United States  
Washington, D. C. 20543CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

March 25, 1982

No. 80-1663      International Lonshoremen's v. Allied International

Dear Lewis,

Although my tentative vote at Conference was the other way, I believe that I could join your second draft of the opinion of the Court in this case. I remain a bit concerned about the effect of certain language on page 12 on Tree Fruits. Would you consider adding a footnote to the final sentence of the first paragraph on that page, to the following effect:

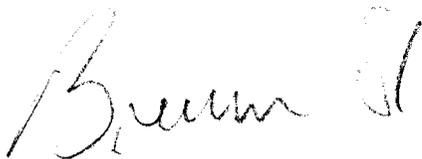
"Of course, Congress did not intend to bar "all peaceful consumer picketing at secondary sites." Labor Board v. Fruit Packers, 377 U.S. 58, 63."

With that addition, I would be pleased to join.

Sincerely,

  
W.J.B., Jr.

Justice Powell



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

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

March 26, 1982

RE: No. 80-1663 Intern'l Longshoremen's Assn. v.  
Allied International, Inc.

Dear Lewis:

I agree.

Sincerely,

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

Justice Powell

cc: The Conference

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

March 30, 1982

Re: 80-1663 - International Longshoremen's Ass'n  
v. Allied International, Inc.

---

Dear Lewis,

Please join me.

Sincerely yours,



Justice Powell

Copies to the Conference

cpm

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

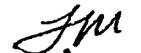
April 14, 1982

Re: 80-1663 - International Longshoremen's Assn. v.  
Allied International, Inc.

Dear Lewis:

Please join me.

Sincerely,



T.M.

Justice Powell

cc: The Conference

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

April 2, 1982

Re: No. 80-1663 - Internat'l Longshoremen's Association  
v. Allied International, Inc.

Dear Lewis:

Please join me.

Sincerely,



Justice Powell

cc: The Conference

To: The Chief Justice  
 Justice Brennan  
 Justice White  
 Justice Marshall  
 Justice Blackmun  
 Justice Rehnquist  
 Justice Stevens  
 Justice O'Connor

From: Justice Powell

Circulated:     MAR 22 1982    

1st DRAFT

Recirculated: \_\_\_\_\_

## SUPREME COURT OF THE UNITED STATES

No. 80-1663

INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO, ET AL., PETITIONERS *v.*  
 ALLIED INTERNATIONAL, INC.

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

[March —, 1982]

JUSTICE POWELL delivered the opinion of the Court.

The question for our decision is whether a refusal by an American longshoremen's union to unload cargoes shipped from the Soviet Union is an illegal secondary boycott under section 8(b)(4), 29 U. S. C. § 158(b)(4), of the National Labor Relations Act (NLRA), as amended, 29 U. S. C. § 158(b)(4).

### I

On January 9, 1980, Thomas Gleason, President of the International Longshoremen's Association (ILA), ordered ILA members to stop handling cargoes arriving from or destined for the Soviet Union. Gleason took this action to protest the Russian invasion of Afghanistan.<sup>1</sup> In obedience to the

<sup>1</sup>The directive provided:

"In response to overwhelming demands [by] the rank and file members of the Union, the leadership of ILA today ordered immediate suspension in handling all Russian ships and all Russian cargoes in ports from Maine to Texas and Puerto Rico where ILA workers are employed.

"This order is effective across the board on all vessels and all cargoes. Grain and other foods as well as high valued general freight. However, any Russian ship now in process of loading or discharging at a waterfront will be worked until completion.

"The reason for this action should be apparent in light of international

Changes at 10, 12-14

To: The Chief Justice  
 Justice Brennan  
 Justice White  
 Justice Marshall ✓  
 Justice Blackmun  
 Justice Rehnquist  
 Justice Stevens  
 Justice O'Connor

From: Justice Powell

Circulated: \_\_\_\_\_

Recirculated: MAR 24 1982

2nd DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 80-1663

INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO, ET AL., PETITIONERS v. ALLIED INTERNATIONAL, INC.

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

[March —, 1982]

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 "The reason for this action should be apparent in light of international

pgs 12, 13

*[Handwritten initials and scribbles]*

To: The Chief Justice  
 Justice Brennan  
 Justice White  
 Justice Marshall  
 Justice Blackmun  
 Justice Rehnquist  
 Justice Stevens  
 Justice O'Connor

From: **Justice Powell**

Circulated: \_\_\_\_\_

Recirculated: **MAR 25 1982**

3rd DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 80-1663

INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO, ET AL., PETITIONERS *v.* ALLIED INTERNATIONAL, INC.

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

[March —, 1982]

JUSTICE POWELL delivered the opinion of the Court.

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*Stylistic Changes Throughout*  
*p.13*

To: The Chief Justice  
 Justice Brennan  
 Justice White  
 Justice Marshall  
 Justice Blackmun  
 Justice Rehnquist  
 Justice Stevens  
 Justice O'Connor

From: **Justice Powell**

Circulated: \_\_\_\_\_

APR 15 1982

Recirculated: \_\_\_\_\_

4th DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 80-1663

INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO, ET AL., PETITIONERS, *v.* ALLIED INTERNATIONAL, INC.

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

[April —, 1982]

JUSTICE POWELL delivered the opinion of the Court.

The question for our decision is whether a refusal by an American longshoremen's union to unload cargoes shipped from the Soviet Union is an illegal secondary boycott under section 8(b)(4), 29 U. S. C. § 158(b)(4), of the National Labor Relations Act (NLRA), as amended, 29 U. S. C. § 158(b)(4).

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"The reason for this action should be apparent in light of international

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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

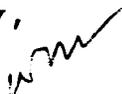
April 1, 1982

Re: No. 80-1663 Int'l. Longshoremen's Assn. v. Allied  
International, Inc.

Dear Lewis:

Please join me.

Sincerely,



Justice Powell

Copies to the Conference

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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

April 1, 1982

Re: 80-1663 - International Longshoremen's  
Assn. v. Allied International, Inc.

Dear Lewis:

Please join me.

Respectfully,



Justice Powell

Copies to the Conference

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

CHAMBERS OF  
JUSTICE SANDRA DAY O'CONNOR

March 24, 1982

No. 80-1663 International Longshoremen's  
Association, AFL-CIO v. Allied International

Dear Lewis,

Please join me in your opinion.

Sincerely,



Justice Powell

Copies to the Conference