

The Burger Court Opinion Writing Database

American Society of Mechanical Engineers Inc. v. Hydrolevel Corp.

456 U.S. 556 (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

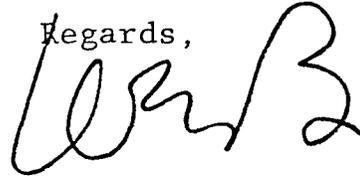
April 13, 1982

Re: No. 80-1765 - American Society of Mechanical Engineers
v. Hydrolevel Corp.

Dear Harry:

Please show me as joining in the judgment.

Regards,

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

Justice Blackmun

Copies to the Conference

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

CHAMBERS OF
THE CHIEF JUSTICE

April 29, 1982

Re: 80-1765 - American Society of Mechanical Engineers, Inc.
v. Hydrolevel Corp.

Dear Harry:

In the rush of the day, the wrong label was placed on my earlier memo to you in the above case (North Haven instead of Hydrolevel). *hydrolevel*

As noted in my previous circulation, I continue to have problems with the breadth of your opinion in Hydrolevel, and I will try to have a concurring draft out early next week when the "crunch" eases up.

Regards,



Justice Blackmun

Copies to the Conference

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

From: The Chief Justice

Circulated: MAY 11 1982

Recirculated: _____

American Society of Mechanical Engineers, Inc. v. Hydrolevel Corporation, No. 80-1765.

CHIEF JUSTICE BURGER, concurring in the judgment.

I concur in the judgment. However, I do not agree with the reasoning that leads the Court to its conclusion. I agree with the result reached since Petitioner permitted itself to be used to further the scheme which caused injury to respondent. At no time did petitioner disavow the challenged conduct of its members who misused their positions in the Society. Under the instructions approved by petitioner and given by the District Court, the jury found that petitioner had "ratified or adopted" the conduct in question.¹ On that basis the judgment against petitioner should be affirmed but no general rule can appropriately be drawn from the Court's holding.

¹The District Court instructed the jury that it could find petitioner liable for the acts of its members only if they acted on behalf of the corporation within the scope of their actual authority or if the corporation thereafter ratified or adopted their acts. Judge Weinstein refused to give the apparent authority instruction proposed by respondent. Nevertheless, the Court of Appeals did not rest on the narrow ratification theory underlying the District Court judgment, but instead reached out to decide that petitioner is liable for the acts of its members if those acts are found to be within their apparent authority: the jury never found liability on that theory and the Court of Appeals went "out of bounds." I regard that aspect of the Court of Appeals opinion and that part of the Court's opinion today as dictum not essential to support the result reached.

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

From: **The Chief Justice**

Circulated: _____

Recirculated: MAY 1982

Printed
 1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 80-1765

AMERICAN SOCIETY OF MECHANICAL
 ENGINEERS, INC., PETITIONER, v.
 HYDROLEVEL CORPORATION

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

[May —, 1982]

CHIEF JUSTICE BURGER, concurring in the judgment.

I concur in the judgment. However, I do not agree with the reasoning that leads the Court to its conclusion. I agree with the result reached since Petitioner permitted itself to be used to further the scheme which caused injury to respondent. At no time did petitioner disavow the challenged conduct of its members who misused their positions in the Society. Under the instructions approved by petitioner and given by the District Court, the jury found that petitioner had "ratified or adopted" the conduct in question.* On that basis the judgment against petitioner should be affirmed

*The District Court instructed the jury that it could find petitioner liable for the acts of its members only if they acted on behalf of the corporation within the scope of their actual authority or if the corporation thereafter ratified or adopted their acts. Judge Weinstein refused to give the apparent authority instruction proposed by respondent. Nevertheless, the Court of Appeals did not rest on the narrow ratification theory underlying the District Court judgment, but instead reached out to decide that petitioner is liable for the acts of its members if those acts are found to be within their apparent authority: the jury never found liability on that theory and the Court of Appeals went "out of bounds." I regard that aspect of the Court of Appeals opinion and that part of the Court's opinion today as dictum not essential to support the result reached.

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

March 19, 1982

RE: No. 80-1765 American Society of Mechanical Engineers
v. Hydrolevel Corporation

Dear Harry:

I agree.

Sincerely,



Justice Blackmun

cc: The Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

March 24, 1982

Re: 80-1765 - American Society of
Mechanical Engineers, Inc.
v. Hydrolevel Corporation

Dear Harry,

I shall await the dissent.

Sincerely yours,



Justice Blackmun

Copies to the Conference

cpm

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

CHAMBERS OF
JUSTICE BYRON P. WHITE

April 8, 1982

Re: 80-1765 - American Society of
Mechanical Engineers, Inc.
v. Hydrolevel Corporation

Dear Lewis,

Please join me in your dissent in this
case.

Sincerely yours,



Justice Powell

Copies to the Conference

cpm

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

March 25, 1982

Re: No. 80-1765 - American Society of Mechanical
Engineers v. Hydrolevel Corporation

Dear Harry:

Please join me.

Sincerely,

JM.
T.M.

Justice Blackmun

cc: The Conference

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

From: Justice Blackmun

Circulated March 1, 1982

Revised March 1, 1982

1st DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 80-1765

**AMERICAN SOCIETY OF MECHANICAL
ENGINEERS, INC., PETITIONER, v. ...
HYDROLEVEL CORPORATION**

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

[March —, 1982]

JUSTICE BLACKMUN delivered the opinion of the Court.

Petitioner, the American Society of Mechanical Engineers, Inc. (ASME), is a nonprofit membership corporation organized in 1880 under the laws of the State of New York. This case presents the important issue of the Society's civil liability under the antitrust laws for acts of its agents performed with apparent authority. Because the judgment of the Court of Appeals upholding civil liability is consistent with the central purposes of the antitrust laws, we affirm that judgment.

I

ASME has over 90,000 members drawn from all fields of mechanical engineering. It has an annual operating budget of over \$12 million. It employs a full-time staff, but much of its work is done through volunteers from industry and government. The Society engages in a number of activities, such as publishing a mechanical engineering magazine and conducting educational and research programs.

In addition, ASME promulgates and publishes over 400 separate codes and standards for areas of engineering and industry. These codes, while only advisory, have a powerful influence: federal regulations have incorporated many of

New footnotes 6, 7, 13, and 14.
 - Other footnotes renumbered.

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

From Justice Blackmun

Circulated _____

Recirculated: APK 1 1982

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 80-1765

AMERICAN SOCIETY OF MECHANICAL
 ENGINEERS, INC., PETITIONER, *v.*
 HYDROLEVEL CORPORATION

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

[April —, 1982]

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PP. 11, 12, 13,
17, 18, 20

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

From: **Justice Blackmun**

Circulated: _____

Recirculated: APR 14 1982

3rd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 80-1765

AMERICAN SOCIETY OF MECHANICAL
ENGINEERS, INC., PETITIONER, *v.*
HYDROLEVEL CORPORATION

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

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STALESMIC CHANGES
and pp 12 + 17

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

From: **Justice Blackmun**

Circulated: _____

Recirculated: _____

4th DRAFT

SUPREME COURT OF THE UNITED STATES

No. 80-1765

AMERICAN SOCIETY OF MECHANICAL ENGINEERS, INC., PETITIONER, v. HYDROLEVEL CORPORATION

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

[April —, 1982]

JUSTICE BLACKMUN delivered the opinion of the Court.

Petitioner, the American Society of Mechanical Engineers, Inc. (ASME), is a nonprofit membership corporation organized in 1880 under the laws of the State of New York. This case presents the important issue of the Society's civil liability under the antitrust laws for acts of its agents performed with apparent authority. Because the judgment of the Court of Appeals upholding civil liability is consistent with the central purposes of the antitrust laws, we affirm that judgment.

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In addition, ASME promulgates and publishes over 400 separate codes and standards for areas of engineering and industry. These codes, while only advisory, have a powerful influence: federal regulations have incorporated many of

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

May 17, 1982

Memorandum to the Conference

Case Held for No. 80-1765, American Society of Mechanical Engineers, Inc. v. Hydrolevel Corp.

No. 80-1771, Hydrolevel Corp. v. American Society of Mechanical Engineers, Inc. Hydrolevel's cross-petition is the only case held for ASME. Hydrolevel was awarded \$3.3 million by the jury. The Second Circuit determined that the award was excessive and remanded for a new trial on damages. The Court of Appeals determined that, unless Hydrolevel presented evidence to the contrary during the new trial, ASME's June 1972 letter constituted a retraction sufficient to terminate the period during which ASME was liable for Hydrolevel's lost profits. The Court of Appeals also criticized the reliability of Hydrolevel's expert testimony concerning its lost profits and the generality of the District Court's instructions on damages. The Court of Appeals instructed the District Court to restrict the expert testimony and issue more definite instructions at the second trial.

Hydrolevel argues that ASME's letter was not an effective retraction and that the expert estimation of damages was reliable. The cross-petition thus presents largely factual questions. I shall vote to deny.

H. A. B.
—

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

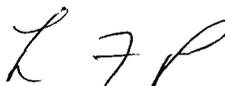
March 19, 1982

80-1765 American Society v. Hydrolevel Corp.

Dear Harry:

In accord with my vote at Conference, I will await
the dissent.

Sincerely,



Justice Blackmun

lfp/ss

cc: The Conference

March 19, 1982

80-1765 American Society v. Hydrolevel Corp.

Dear Harry:

In accord with my vote at Conference, I will await the dissent.

Sincerely,

Justice Blackmun

lfp/ss

cc: The Conference

Byron: I was in substantial accord, as I recall, with the views you expressed at Conference. Bill Rehnquist also agreed with you. Let me know if you should want me to write the dissent. It is your choice.

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

From: **Justice Powell**

APR 7 1982

Circulated: _____

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 80-1765

AMERICAN SOCIETY OF MECHANICAL
ENGINEERS, INC., PETITIONER, *v.*
HYDROLEVEL CORPORATION

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

[April —, 1982]

JUSTICE POWELL, dissenting.

The Court today adopts an unprecedented theory of anti-trust liability, one applied specifically to a nonprofit, standard-setting association but a theory with undefined boundaries that could encompass a broad spectrum of our country's nonprofit associations. The theory, based on the agency concept of "apparent authority," would impose the potentially crippling burden of treble damages. In this case, the Court specifically holds that standard-setting organizations may be held liable for the acts of their agents even though the organization never ratified, authorized, or derived any benefit whatsoever from the fraudulent activity of the agent and even though the agent acted solely for his private employer's gain. In my view such an expansive rule of liability, at least as applied to nonprofit organizations, is inconsistent with the weight of precedent and the intent of Congress, unsupported by the rules of agency law that the Court purports to apply, and unnecessary to the achievement of the goals of the anti-trust laws.

I

The American Society of Mechanical Engineers (ASME) is a nonprofit, tax-exempt, membership corporation with over

Case No. 1, 3, 4, 6, 7, 9-15
Footnotes renumbered

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

From: **Justice Powell**

Circulated: _____

APR 12 1982

Recirculated: _____

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 80-1765

AMERICAN SOCIETY OF MECHANICAL
ENGINEERS, INC., PETITIONER, *v.*
HYDROLEVEL CORPORATION

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

[April —, 1982]

JUSTICE POWELL, with whom JUSTICE WHITE joins,
dissenting.

The Court today adopts an unprecedented theory of anti-trust liability, one applied specifically to a nonprofit, standard-setting association but a theory with undefined boundaries that could encompass a broad spectrum of our country's nonprofit associations. The theory, based on the agency concept of "apparent authority," would impose the potentially crippling burden of treble damages. In this case, the Court specifically holds that standard-setting organizations may be held liable for the acts of their agents even though the organization never ratified, authorized, or derived any benefit whatsoever from the fraudulent activity of the agent and even though the agent acted solely for his private employer's gain. In my view such an expansive rule of liability, at least as applied to nonprofit organizations, is inconsistent with the weight of precedent and the intent of Congress, unsupported by the rules of agency law that the Court purports to apply, and unnecessary to the achievement of the goals of the anti-trust laws.

I

The American Society of Mechanical Engineers (ASME) is

Changes at 1-4, 7, 10, 12-16

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

From: Justice Powell

Circulated: _____

Recirculated: APR 20 1982

3rd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 80-1765

AMERICAN SOCIETY OF MECHANICAL
ENGINEERS, INC., PETITIONER, *v.*
HYDROLEVEL CORPORATION

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

[April —, 1982]

JUSTICE POWELL, with whom JUSTICE WHITE joins,
dissenting.

The Court today adopts an unprecedented theory of anti-trust liability, one applied specifically to a nonprofit, standard-setting association but a theory with undefined boundaries that could encompass a broad spectrum of our country's nonprofit associations. The theory, based on the agency concept of "apparent authority," would impose the potentially crippling burden of treble damages. In this case, the Court specifically holds that standard-setting organizations may be held liable for the acts of their agents even though the organization never ratified, authorized, or derived any benefit whatsoever from the fraudulent activity of the agent and even though the agent acted solely for his private employer's gain. In my view such an expansive rule of strict liability, at least as applied to nonprofit organizations, is inconsistent with the weight of precedent and the intent of Congress, unsupported by the rules of agency law that the Court purports to apply, and irrelevant to the achievement of the goals of the antitrust laws.

I

The American Society of Mechanical Engineers (ASME) is

P. 1

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

From: **Justice Powell**

Circulated: _____

Recirculated: APR 2 1982

4th DRAFT

SUPREME COURT OF THE UNITED STATES

No. 80-1765

AMERICAN SOCIETY OF MECHANICAL ENGINEERS, INC., PETITIONER, *v.* HYDROLEVEL CORPORATION

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

[April —, 1982]

1 JUSTICE POWELL, with whom JUSTICE WHITE and JUSTICE REHNQUIST join, dissenting.

The Court today adopts an unprecedented theory of anti-trust liability, one applied specifically to a nonprofit, standard-setting association but a theory with undefined boundaries that could encompass a broad spectrum of our country's nonprofit associations. The theory, based on the agency concept of "apparent authority," would impose the potentially crippling burden of treble damages. In this case, the Court specifically holds that standard-setting organizations may be held liable for the acts of their agents even though the organization never ratified, authorized, or derived any benefit whatsoever from the fraudulent activity of the agent and even though the agent acted solely for his private employer's gain. In my view such an expansive rule of strict liability, at least as applied to nonprofit organizations, is inconsistent with the weight of precedent and the intent of Congress, unsupported by the rules of agency law that the Court purports to apply, and irrelevant to the achievement of the goals of the antitrust laws.

I

The American Society of Mechanical Engineers (ASME) is

April 23, 1982

PERSONAL

1765
80-1756 American Association v. Hydrolevel

Dear Chief:

You may wish to take a look at my April 21 circulation (third draft) of a dissent in this case.

Further work on the case persuades me that the Court's opinion subjects nonprofit, tax exempt organizations to a new rule of strict liability with treble damages, for the unauthorized action of members. This could have far reaching consequences.

You have joined only the judgment, thus evidencing your unwillingness to join the Court opinion. Yet, the judgment affirms the opinion of CA2, that adopted this same rule of strict liability. Your vote, therefore, will be construed as at least approving the new doctrine.

If, as I would expect, you do not approve it, I make the following suggestion for your consideration: you could write briefly stating your disapproval of this Court's decision, but affirming the judgment below on the basis of the finding by the jury - on proper instructions - that petitioner had ratified the fraudulent act of its member.

You will recall that CA2, inexplicably elected to broaden the basis for affirming the District Court's judgment. It held, quite unnecessarily, that the judgment should be affirmed on the agency principle of apparent authority. Harry's opinion, adopting and expanding CA2's apparent authority rationale, also unnecessarily reaches out to adopt this new rule as the law of the land.

Of course, I would much prefer that you simply join my dissent.

Sincerely,

The Chief Justice

lfp/ss

pg 1 +

Stylistic Changes Throughout.

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

From: **Justice Powell**

Circulated: _____

Recirculated: APR 27 1982

5th DRAFT

SUPREME COURT OF THE UNITED STATES

No. 80-1765

AMERICAN SOCIETY OF MECHANICAL
 ENGINEERS, INC., PETITIONER, *v.*
 HYDROLEVEL CORPORATION

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

[April —, 1982]

JUSTICE POWELL, with whom JUSTICE WHITE and JUSTICE REHNQUIST join, dissenting.

The Court today adopts an unprecedented theory of anti-trust liability, one applied specifically to a nonprofit, standard-setting association but a theory with undefined boundaries that could encompass a broad spectrum of our country's nonprofit associations. The theory, based on the agency concept of "apparent authority," would impose the potentially crippling burden of treble damages. In this case, the Court specifically holds that standard-setting organizations may be held liable for the acts of their agents even though the organization never ratified, authorized, or derived any benefit whatsoever from the fraudulent activity of the agent and even though the agent acted solely for his private employer's gain. In my view such an expansive rule of strict liability, at least as applied to nonprofit organizations, is inconsistent with the weight of precedent and the intent of Congress, unsupported by the rules of agency law that the Court purports to apply, and irrelevant to the achievement of the goals of the antitrust laws. Accordingly, I dissent.

I

The American Society of Mechanical Engineers (ASME) is

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

From: **Justice Rehnquist**

Circulated: APR 13 1982

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 80-1765

AMERICAN SOCIETY OF MECHANICAL
 ENGINEERS, INC., PETITIONER, *v.*
 HYDROLEVEL CORPORATION

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

[April —, 1982]

JUSTICE REHNQUIST, dissenting.

I agree with JUSTICE POWELL that the agency principle of apparent authority may not be used to hold a defendant liable under the Sherman Act. The Court's conclusion to the contrary is unsupported either by our previous decisions or by Congressional intent. I also strongly disagree with the Court's simplistic assumption that an antitrust case is rightly decided if the result is to make it easier for a plaintiff to win an award of treble damages from a defendant. I would reverse the decision of the Court of Appeals and remand this case to that court so that it might consider the alternative ground of liability, based upon ratification by the principal of the unauthorized acts of its agent, which was the basis upon which the District Court imposed liability on this petitioner.

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

April 14, 1982

Re: No. 80-1765 American Society Mechanical
Engineers, Inc. v. Hydrolevel
Corporation

Dear Lewis:

In accordance with our telephone conversation of a couple of days ago, I thought I would send along a written explanation of my difficulties with some parts of your circulating dissent in this case. My basic problem is that while I agree completely with your treatment of "apparent authority", I have difficulty in thinking that it would be proper for this Court to decree that only single damages could be recovered against certain classes of defendants, when Congress seems to have provided quite specifically that recovery should be trebled as a general rule. I think I am supported in this conclusion by the fact when Congress wanted only single damages to be awarded, it said so in so many words -- as in the case of monetary recovery by the United States.

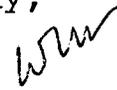
Holding this view, at least tentatively, I had some difficulty with your footnote 2 on page 2; I do not quarrel with Professor Areeda's quoted language in the footnote, because it seems to me he distinguishes between "a damage remedy" and other kinds of relief; however, since I have not read the portion of the text quoted in its context, I cannot be sure I am right on that point.

As you might imagine, for the same reason I hesitated to join your opinion because of the last paragraph in the text on page 14, carrying over to page 15, footnote 18, and the third sentence in footnote 19 on page 15.

I should add that I am not opposed as a matter of personal preference to the sort of development which your opinion might generate in the area of antitrust damages, but

I have doubts as to whether the development could be accomplished with due fidelity to Congressional intent.

Sincerely,

A handwritten signature in cursive script, appearing to be 'J.P.', written in dark ink.

Justice Powell

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

April 21, 1982

Re: No. 80-1765 American Society of Mechanical
Engineers v. Hydrolevel Corporation

Dear Lewis:

Please join me in your dissent. I hereby withdraw the
dissent which I circulated earlier.

Sincerely,



Justice Powell

cc: The Conference

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

April 2, 1982

Re: 80-1765 - American Society of Mechanical
Engineers v. Hydrolevel Corporation

Dear Harry:

Please join me.

Respectfully,



Justice Blackmun

Copies to the Conference

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

March 19, 1982

No. 80-1765 American Society of Mechanical
Engineers v. Hydrolevel Corporation

Dear Harry,

Please join me in your opinion,

Sincerely,



Justice Blackmun

Copies to the Conference