

The Burger Court Opinion Writing Database

Weinberger v. Rossi

456 U.S. 25 (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 26, 1982

Re: 80-1924 - Weinberger v. Rossi

Dear Bill:

I join.

Regards,

A handwritten signature in black ink, appearing to be 'WRB', written over the word 'Regards,'.

Justice Rehnquist

Copies to the Conference

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

March 23, 1982

RE: No. 80-1924 Weinberger v. Rossi

Dear Bill:

Please join me.

Sincerely,

A handwritten signature in cursive script that reads "Bill".

Justice Rehnquist
cc: The Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

March 24, 1982

Re: 80-1924 - Weinberger v. Rossi

Dear Bill,

Please join me.

Sincerely yours,



Justice Rehnquist

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. 80-1924 - Weinberger v. Rossi

Dear Bill:

Please join me.

Sincerely,



T.M.

Justice Rehnquist

cc: The Conference

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

March 26, 1982

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

Re: No. 80-1924 - Weinberger v. Rossi

Dear Bill:

Please join me.

Sincerely,



Justice Rehnquist

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

March 24, 1982

80-1924 Weinberger v. Rossi

Dear Bill:

Please join me.

Sincerely,

A handwritten signature in cursive script that reads "Lewis".

Justice Rehnquist

lfp/ss

cc: The Conference

Pg 4,7-11

W
1 *1*

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

From: Justice Rehnquist

Circulated: MAP. 22 1982

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 80-1924

CASPAR W. WEINBERGER, SECRETARY OF
DEFENSE, ET AL., PETITIONERS *v.*
ANTHONY M. ROSSI ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE DISTRICT OF COLUMBIA

[March —, 1982]

JUSTICE REHNQUIST delivered the opinion of the Court.
Section 106 of Pub. L. 92-129, 85 Stat. 355, 5 U. S. C. § 7201 note (1976 ed., Supp. III), prohibits employment discrimination against United States citizens on military bases overseas unless permitted by "treaty." The question in this case is whether "treaty" includes executive agreements concluded by the President with the host country, or whether the term is limited to those international agreements entered into by the President with the advice and consent of the Senate pursuant to Art. II, § 2, cl. 2 of the United States Constitution. This issue is solely one of statutory interpretation.

I

In 1944, Congress authorized the President, "by such means as he finds appropriate" to acquire after negotiation with the President of the Philippines, military bases "he may deem necessary for the mutual protection of the Philippine Islands and of the United States." 22 U. S. C. § 1392. Pursuant to this statute, the United States and the Republic of the Philippines in 1947 entered into a 99-year Military Bases Agreement (MBA), March 14, 1947, 61 Stat. 4019, T.I.A.S. No. 1775.¹ The MBA grants the United States the use of

¹This agreement has been amended periodically, most recently on Janu-

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

From: **Justice Rehnquist**

Circulated: _____

Recirculated: 5/2/82

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 80-1924

CASPAR W. WEINBERGER, SECRETARY OF
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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

March 25, 1982

Re: No. 80-1924 Weinberger v. Rossi

Dear Bill:

Please join me.

Respectfully,



Justice Rehnquist

cc: The Conference

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

March 22, 1982

No. 80-1924 Weinberger v. Rossi

Dear Bill,

Please join me in your opinion.

Sincerely,



Justice Rehnquist

Copies to the Conference