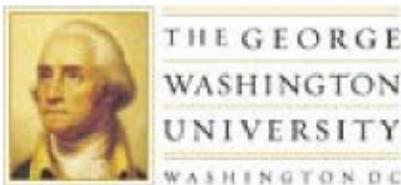


The Burger Court Opinion Writing Database

Lockheed Aircraft Corp. v. United States
460 U.S. 190 (1983)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University



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

From: Justice White

Circulated: 4/1/82

Recirculated: _____

No. 81-1181 -- Lockheed Aircraft Corporation v. United States

JUSTICE WHITE, dissenting.

I

On April 4, 1975, a C-5A military aircraft manufactured by petitioner took off from Saigon, Vietnam carrying orphans and adults who were being evacuated in the final days of the Vietnam War. The plane crashed, killing at least 144 persons, including Ann Nash Bottorff, a civilian employee of the United States. The United States paid death benefits to Ms. Bottorff's survivors pursuant to the Federal Employees' Compensation Act (FECA), 5 U.S.C. §§8101, et seq. The administrator of her estate later filed suit against Lockheed in District Court seeking damages for wrongful death. Lockheed impleaded the United States as a third-party defendant seeking indemnity or contribution under, inter alia, the Federal Tort Claims Act, 28 U.S.C. §1346(b).

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

April 1, 1982

81-1181 Lockheed Aircraft Corporation v. United States

Dear Byron:

Please add my name to your dissent.

Sincerely,

Lewis

Justice White

Copies to the Conference

LFP/vde

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

April 1, 1982

Re: 81-1181 - Lockheed Aircraft Corp.
v. United States

Dear Byron:

You have persuaded me to change my vote to a grant. Perhaps I have been cowed by the citation to Atcon in two different oral arguments this week.

Respectfully,



Justice White

Copies to the Conference