

The Burger Court Opinion Writing Database

FCC v. ITT World Communications, Inc.
466 U.S. 463 (1984)

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

Supreme Court of the United States
Justice Powell

'84 APR 27 PM 12:21

CHAMBERS OF
THE CHIEF JUSTICE

April 27, 1984

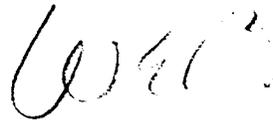
83-371-

RE: Federal Communications Commission v.
ITT World Communications, Inc.

Dear Lewis:

I join.

Regards,



Justice Powell

Copies to the Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

April 24, 1984

No. 83-371

Federal Communications Commission,
et al. v. ITT World Communications,
Inc., et al.

Dear Lewis,

I agree.

Sincerely,



Justice Powell

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

April 23, 1984

No. 83-371: FCC v. ITT World
Communications

Dear Lewis,

I agree.

Sincerely,



Justice Powell

cc: The Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

April 24, 1984

Re: No. 83-371-FCC v. ITT World Communications

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 26, 1984

Re: No. 83-371, FCC v. ITT World Communications, Inc.

Dear Lewis:

Please join me.

I have, however, a small concern. On page 8 of the opinion is the statement that in their motion for summary judgment the respondents did not allege that the Consultative Process sessions resulted in firm positions. In their complaint, however, the respondents, I believe, did allege precisely that. See App. 67, 70. I think that in a motion for summary judgment the allegations of the complaint are not without significance.

I am firm in my join, however, and mention this matter merely for your consideration.

Sincerely,



Justice Powell

cc: The Conference

04/19

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

From: **Justice Powell**

Circulated: APR 20 1984

Recirculated: _____

~~LAP
Plurison me
M~~

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 83-371

**FEDERAL COMMUNICATIONS COMMISSION ET AL.,
PETITIONERS v. ITT WORLD COMMUNICATIONS,
INC. ET AL.**

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

[April —, 1984]

JUSTICE POWELL delivered the opinion of the Court.

The Government in the Sunshine Act, 5 U. S. C. §552b, mandates that federal agencies hold their meetings in public. This case requires us to consider whether the Act applies to informal international conferences attended by members of the Federal Communications Commission. We also must decide whether the District Court may exercise jurisdiction over a suit that challenges agency conduct as *ultra vires* after the agency has addressed that challenge in an order reviewable only by the Court of Appeals.

I

Members of petitioner, the Federal Communications Commission (FCC), participate with their European and Canadian counterparts in what is referred to as the Consultative Process. This is a series of conferences intended to facilitate joint planning of telecommunications facilities through an exchange of information on regulatory policies. At the time of the conferences at issue in the present case, only three American corporations—respondents ITT World Communications, Inc., (ITT) and RCA Global Communications, Inc., and Western Union International—provided overseas telecommunications services. Although the FCC had approved entry into the market by other competitors, European regulators

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

April 25, 1984

Re: No. 83-371 FCC v. ITT

Dear Lewis:

Please join me.

Sincerely,

Wm

Justice Powell

cc: The Conference

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

April 23, 1984

Re: 83-371 - FCC v. ITT World Communications

Dear Lewis:

Please join me.

Respectfully,

A handwritten signature in black ink, appearing to be the initials 'JP' with a stylized flourish, representing Justice Powell.

Justice Powell

Copies to the Conference

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

April 23, 1984

Re: No. 83-371 FCC v. ITT World Communications

Dear Lewis,

Please join me.

Sincerely,



Justice Powell

Copies to the Conference