

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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**NORFOLK SHIPBUILDING & DRYDOCK CORP. v.
GARRIS, ADMINISTRATRIX OF THE ESTATE OF GARRIS,
DECEASED**

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE FOURTH CIRCUIT

No. 00–346. Argued April 18, 2001– Decided June 4, 2001

In her complaint filed in the District Court, respondent alleged that her son died as a result of injuries sustained while performing sand-blasting aboard a vessel berthed in the navigable waters of the United States. She further asserted that the injuries were caused by the negligence of petitioner and another, and prayed for damages under general maritime law. The District Court dismissed the complaint for failure to state a federal claim, stating that no cause of action exists, under general maritime law, for death resulting from negligence. The Fourth Circuit reversed, explaining that although this Court had not yet recognized a maritime cause of action for wrongful death resulting from negligence, the principles contained in *Moragne v. States Marine Lines, Inc.*, 398 U. S. 375, made such an action appropriate.

Held: The general maritime cause of action recognized in *Moragne*—for death caused by violation of maritime duties, *id.*, at 409— is available for the negligent breach of a maritime duty of care. Although *Moragne*'s opinion did not limit its rule to any particular maritime duty, *Moragne*'s facts were limited to the duty of seaworthiness, and so the issue of wrongful death for negligence has remained technically open. There is no rational basis, however, for distinguishing negligence from unseaworthiness. Negligence is no less a maritime duty than seaworthiness, and the choice-of-law and remedial anomalies provoked by withholding a wrongful death remedy are no less severe. Nor is a negligence action precluded by any of the three relevant federal statutes that provide remedies for injuries and death suffered in admi-

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rality: the Jones Act, the Death on the High Seas Act, and the Longshore and Harbor Workers' Compensation Act. Because of Congress's extensive involvement in legislating causes of action for maritime personal injuries, it will be the better course, in many cases that assert new claims beyond what those statutes have seen fit to allow, to leave further development to Congress. See, e.g., *American Dredging Co. v. Miller*, 510 U. S. 443, 455. The cause of action recognized today, however, is new only in the most technical sense. The general maritime law has recognized the tort of negligence for more than a century, and it has been clear since *Moragne* that breaches of a maritime duty are actionable when they cause death, as when they cause injury. Pp. 2–9.

210 F. 3d 209, affirmed.

SCALIA, J., delivered the opinion of the Court, Parts I, II–A, and II–B–1 of which were unanimous, and Part II–B–2 of which was joined by REHNQUIST, C. J., and STEVENS, O'CONNOR, KENNEDY, and THOMAS, JJ. GINSBURG, J., filed an opinion concurring in part, in which SOUTER and BREYER, JJ., joined.