whether or not a particular injury was also within the constitutional reach of a state workmen's compensation law or other law. By the 1972 amendments to the LHWCA, Congress extended the law shoreward by refining the tests of "employee" and "navigable waters," so as to reach piers, wharfs, and the like in certain circumstances.[931]

(2) The passage of the Jones Act[932] gave seamen a statutory right of recovery for negligently inflicted injuries on which they could sue in state or federal courts. Because injured parties could obtain a jury trial in Jones Act suits, there was little attempted recourse under the savings clause[933] to state law claims and thus no need to explore the line between applicable and inapplicable state law. But in the 1940s personal injury actions based on unseaworthiness[934] were given new life by Court decisions for seamen;[935] and the right was soon extended to longshoremen who were injured while on board ship or while working on the dock if the injury could be attributed either to the ship's gear or its cargo.[936] While these actions could have been brought in state court, federal law supplanted state law even with regard to injuries sustained in state territorial waters.[937] The 1972 LHWCA amendments, however, elimi-

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[931] 86 Stat. 1251, § 2, amending 33 U.S.C. § 902. The Court had narrowly turned back an effort to achieve this result through construction in Nacirema Operating Co. v. Johnson, 396 U.S. 212 (1969). *See also* Victory Carriers v. Law, 404 U.S. 202 (1971). On the interpretation of the amendments, *see* Northeast Marine Terminal Co. v. Caputo, 432 U.S. 249 (1977); Director, Office of Workers Compensation Programs v. Perini, 459 U.S. 297 (1983).

[932] 41 Stat. 1007 (1920), 46 U.S.C. § 688. For the prior-Jones Act law, *see The Osceola*, 189 U.S. 158 (1903).

[933] "Cases of Admiralty and Maritime Jurisdiction," supra.

[934] Unseaworthiness "is essentially a species of liability without fault, analogous to other well known instances in our law. Derived from and shaped to meet the hazards which performing the service imposes, the liability is neither limited by conceptions of negligence nor contractual in character. . . . [T]he owner's duty to furnish a seaworthy ship is absolute and completely independent of his duty under the Jones Act to exercise reasonable care." Mitchell v. Trawler Racer, 362 U.S. 539, 549 (1960).

[935] Mahnich v. Southern S.S. Co., 321 U.S. 96 (1944). *See also* Mitchell v. Trawler Racer, 362 U.S. 539 (1960); Michalic v. Cleveland Tankers, 364 U.S. 325 (1960); Waldron v. Moore-McCormack Lines, 386 U.S. 724 (1967).

[936] Seas Shipping Co. v. Sieracki, 328 U.S. 85 (1946); Pope & Talbot v. Hawn, 346 U.S. 406 (1953); Alaska S.S. Co. v. Patterson, 347 U.S. 396 (1954); Gutierrez v. Waterman S.S. Corp., 373 U.S. 206 (1963); *But see* Usner v. Luckenback Overseas Corp., 400 U.S. 494 (1971); Victory Carriers v. Law, 404 U.S. 202 (1971).

[937] Garrett v. Moore-McCormack Co., 317 U.S. 239 (1942); McAllister v. Magnolia Petroleum Co., 357 U.S. 221 (1958); Kermarec v. Compagnie Generale Transatlantique, 358 U.S. 625 (1959).