



6-19-2019

## Correspondence with the Chief Justice of the Supreme Court of the United States, William H. Rehnquist

Lewis F. Powell Jr.

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September 16, 1986

Dear Chief Justice:

Your decision to retire stirs in each of us a deep sense of loss that our association as colleagues on the Court must come to an end. Your zest for life, extreme kindness, compassion and respect for all human beings have enriched our relationship beyond measure.

You have believed that it is wrong to live life without some deep abiding social commitment, and have devoted your entire professional life to pursuit of the elusive goals of freedom. The many noteworthy opinions you have authored covering the broad spectrum of issues that erupted in your seventeen years as Chief Justice constitute a major contribution to America's constitutional jurisprudence. The impact of those opinions will be lasting upon the problem areas fundamental in our constitutional democracy -- the permutations and changing shapes of authority, justice, privacy, responsibility, participation, diversity, property and freedom.

It is with great reluctance that we take our leave of you, and do so with our assurance of the great regard and affection in which we hold you. Our hope for the future is that you enjoy the best of health and many opportunities to devote yourself to projects that you enjoy.

Sincerely,

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

Sally -  
My file on  
correspondence  
among the Justices

CHAMBERS OF  
THE CHIEF JUSTICE

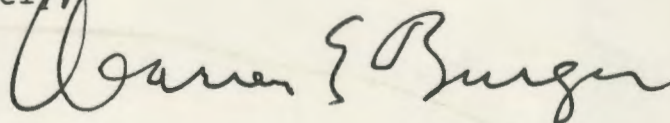
September 18, 1986

Dear Justices:

Your generous message concerning my retirement as Chief Justice so as to devote full time to the Commission on the Bicentennial of the United States Constitution gives me great satisfaction. To serve with you, and earlier with such splendid men as Hugo Black, Bill Douglas, John Harlan and Potter Stewart, has been a major satisfaction in my life. To leave this seat with such a warm message from you gives added satisfaction.

As the Court's burdens in these seventeen Terms have so greatly increased in volume and complexity, yours in the years ahead will continue to enlarge. I wish for each of you good health and the rewards of satisfaction due for the burdens you have carried and will carry in the service of our country and the great mandate set forth at Philadelphia 199 years ago.

Sincerely,



Justice Brennan  
Justice White  
Justice Marshall  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice Stevens  
Justice O'Connor

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

*CJ's  
Justice  
File*

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It is with great reluctance that we reconcile ourselves to your retirement, and do so with our assurance of the great regard and affection in which we hold you. Our hope for the future is that you enjoy the best of health and many opportunities to devote yourself to projects that you enjoy.

Sincerely,

*Richard Brennan  
Thurgood Marshall  
Lewis F. Powell Jr.  
John Paul Stevens*

*Byron R. White  
Harry E. Blackmun  
William H. Rehnquist  
Sandra D. Day O'Connor*

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

*Justices File*

*Imp*

CHAMBERS OF  
THE CHIEF JUSTICE

September 18, 1986

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Sincerely,

*Warren E. Burger*

Justice Brennan  
Justice White  
Justice Marshall  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice Stevens  
Justice O'Connor

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

CHAMBERS OF  
THE CHIEF JUSTICE

September 19, 1986

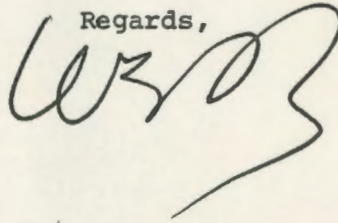
*Justices  
Full*

MEMORANDUM TO THE CONFERENCE:

I have Lewis' "birthday" memo of today, which failed to specify the 30 or 40 hours of a different vintage! "Plain error!"

Since Bill Rehnquist is so close on our "heels," let's make it a trio party, even though he prefers Pepsi Cola.

Regards,



CJ Rehn

September 25, 1986

Dear Bill:

I think you and Nino may enjoy the views of the Richmond Times-Dispatch expressed in the enclosed editorial of September 19.

I liked the reference to "mud and irrelevancy!"

Sincerely,

Chief Justice Rehnquist

lfp/ss

# Richmond Times-Dispatch

JOHN STEWART BRYAN III  
*Publisher*

EDWARD GRIMSLEY  
*Editor of the Editorial Page*

ALF GOODYKOONTZ  
*Executive Editor*

MARVIN E. GARRETTE  
*Managing Editor*

Friday, September 19, 1986

## Rehnquist & Scalia . . .

The 33 Senate votes against William Rehnquist's confirmation as the nation's 16th chief justice rendered the outcome "a Pyrrhic victory" for the Reagan administration, contended Eleanor Smeal, president of the National Organization for Women. To the contrary: Unlike Pyrrhus, king of Epirus, who sustained crippling losses in battles with the Romans, President Reagan and other believers in judicial restraint should be able to enjoy the fruits of victory for many years, because Mr. Rehnquist, at 61, is still a rather young warrior by Supreme Court standards.

Mr. Rehnquist himself may be feeling rather battered, having had to fend off all manner of mud and irrelevancy dredged up by the liberal muckraking crew of Kennedy, Metzenbaum, Biden & Co. That he survived these ugly assaults and won the support of 65 senators, including 16 Democrats, is remarkable. Ms. Smeal and other statists who despise Mr. Rehnquist's philosophy may harp on the fact that he received more negative votes than any successful chief justice nominee in history. But here's a fact they do not tell you: Mr. Rehnquist becomes only the fourth associate justice to become chief. Two who were nominated were not confirmed: John Rutledge in 1795 and Abe Fortas in 1968.

As for Antonin Scalia, his way to a 98-0 confirmation was no doubt eased by the muckrakers' single-minded concentration on the Rehnquist nomination. But Mr. Scalia, a judge on the U.S.

Court of Appeals in Washington since 1982 and a former University of Virginia law professor, clearly merited resounding approval. His judicial and intellectual credentials are impeccable.

Apart from the superficial difference that Mr. Scalia becomes the first justice of Italian ancestry, the new justice and new chief justice have similar traits that should strengthen the court's leadership. Both are known as hard workers with keen intellects, and also as affable persons who work well with their judicial colleagues.

Mr. Rehnquist and Mr. Scalia also appear to be equally devoted to the concept of judicial restraint, the idea that the courts' proper role is not to write law or engineer social innovation. The new chief justice has said that the president and Congress are "supposed to be the motive force in our government," while "the Supreme Court and the federal judiciary are more the brakes." Mr. Scalia said in a C-SPAN interview last April that courts "are not meant to be one of the political branches. It's unseemly."

Since Mr. Scalia is only 50 and therefore likely to serve into the next century if he remains in good health, these latest Reagan appointees should help to continue the trend away from the judicial activism that was rampant in the 1950s and 1960s. But as the editorial below points out, no one should expect a wholesale overturning of recent precedents by the newly constituted Supreme Court.



area 9/25  
Supreme Court of the United States  
Washington, D. C. 20543

*Justices Full*

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

MEMORANDUM TO THE CONFERENCE

Re: WETA Request to Tape the Swearing In Ceremony

I agree with the Chief Justice that past practice indicates that we should refuse the request of WETA to tape for television the swearing in ceremonies on Friday, September 26th. I don't see how we can sensibly change that policy on such short notice even if we were inclined to make an exception for ceremonial occasions such as this. I therefore vote that we refuse permission.

Sincerely,

*Wm*

September 29, 1986

Dear Chief:

A brief note to say that I thought the ceremonies at 2:00 p.m. on Friday went off extremely well.

Your statement was beautifully written and well read. I hope it will go into the official reports of the Court.

I also thought that the President's remarks about your service as Chief Justice were appropriate and will reflect the judgment of history.

Sincerely,

Chief Justice Burger

lfp/ss

September 29, 1986

Dear Chief:

Here is my \$10 for our 11:00  
o'clock "coffee break" fund.

L.F.P., Jr.

SS

October 22, 1986

Dear Chief:

I regret that, due to a prior commitment, I cannot attend the President's luncheon on November 17.

Sincerely,

The Chief Justice

lfp/ss

cc: The Conference

October 23, 1986

Exhibit on the Ground Floor

Dear Chief:

On Saturday I took a fairly good look at the new exhibit in the Great Hall on the ground floor. It is an exceptionally interesting exhibit, and one the public is certain to understand and enjoy.

I marvel that we have here at the Court gifted people who can produce the type and quality of exhibits we have been having the last few years. I am sending a copy of this note to Gail Galloway, as I know she had a major hand in this - probably it was her project. Also, in addition to her staff, there were others who helped put this together.

While on this general subject, the moving picture that we have shown for a dozen years is now out of date and also is a bit "shop worn". It has been enormously popular with visitors. We now need a new film, and perhaps the Virginia Bar Association (that donated the present one) or some other professional entity would provide it, with assistance from the Curator.

Sincerely,

The Chief Justice

lfp/ss

cc: Ms. Gail Galloway

c9

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

CHAMBERS OF  
THE CHIEF JUSTICE

October 28, 1986

MEMORANDUM TO THE CONFERENCE

The President, through Peter Wallison, now proposes Tuesday, November 25th, as a date on which we might have lunch with the President. I would appreciate each of you advising me as soon as possible whether or not you will be available on that date.

Sincerely,

*Wm*

*Dear Chief,*

*I will be available  
for the President's lunch  
on Nov 25<sup>th</sup>.*

*Sincerely*

*cc Conference*

October 28, 1986

Dear Chief:

I will be available for the President's lunch on  
November 25.

Sincerely,

The Chief Justice

lfp/ss

cc: The Conference

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

December 2, 1986

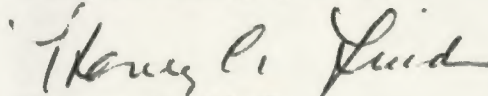
Honorable William H. Rehnquist  
The Chief Justice  
of the United States

Dear Chief Justice:

This is to notify you that my date of retirement will be January 31, 1987. This will enable us to carry out the advantageous plan of having me still here after my successor, Frank Wagner, arrives probably on January 5th (the specific date of his arrival still has to be worked out).

I would like to take this opportunity to say that I have those mixed feelings that many persons contemplating retirement have. My experience in over 13 years at the Court, first as Henry Putzel's Assistant and the last 8 years as the Reporter, has been most gratifying. I feel privileged to have served. I have been very fortunate in having a fine staff to help me carry out my responsibilities. So too, my working relationships with the Justices, their law clerks and secretaries, and with other offices in the Court have been of great assistance in carrying out those responsibilities. I shall miss the constant challenges presented by the work. But I think the time has come to let someone else face those challenges. One thing I will not miss is the ever-increasing problem of commuting in the Washington area.

Respectfully yours,



Henry C. Lind  
Reporter of Decisions

cc: Betsy Saxon, Personnel Officer

*memo to conference*

*I wanted to pass along to each of you the attached ltr from Henry Lind. I plan to reply, & will circulate a copy of the reply*

*wc*



*Justice File*

CHAMBERS OF  
THE CHIEF JUSTICE

December 16, 1986

MEMORANDUM TO THE CONFERENCE

I have today sent the attached memorandum to the Marshal in keeping with the Conference decision taken last Friday. I intend to determine myself as qualifying for home to Court transportation, and I will naturally consider a request for such determination from any other member of the Court. As you know, the relevant section of the statute speaks in terms of "compelling operational considerations" making such transportation essential to the conduct of official business. Any request should outline the considerations involved, and contain a "clear statement" that the Justice requesting the determination is of the opinion that the request meets the requirements of the statute.

Sincerely,

*Wm*

*I'll not send one!*

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

CHAMBERS OF  
THE CHIEF JUSTICE

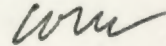
December 16, 1986

Alfred Wong  
Marshal of the Court

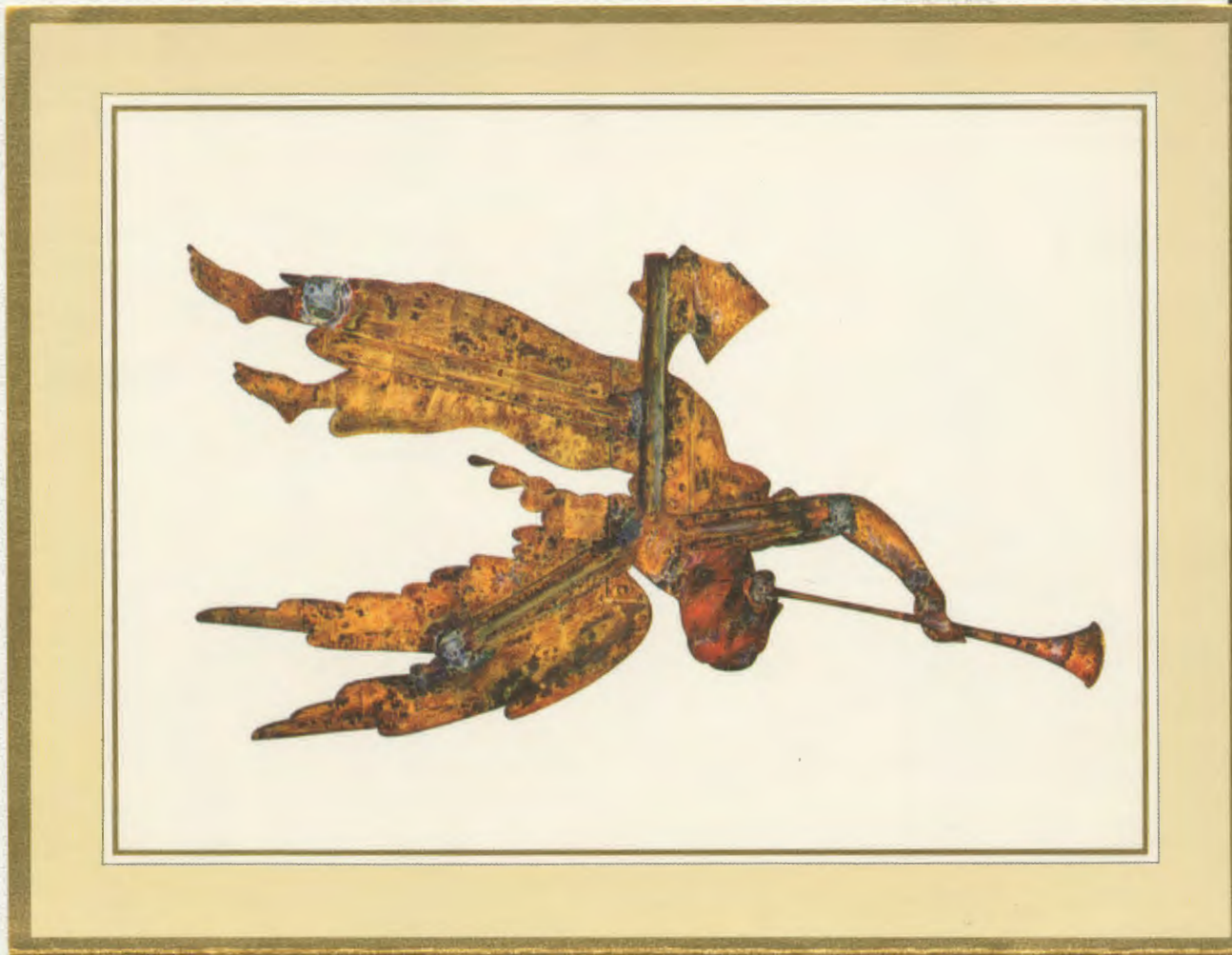
Dear Al,

As of January 1, 1987, no Court cars shall be used to provide transportation to or from home to the Court for any Justice of the Court or any other officer or employee of the Court unless I have determined, pursuant to the provisions of H. R. 36.14 (99th Congress, 2nd Session) that such transportation would comply with the provisions of the statute. That statute provides that an initial determination for such transportation may last for no more than fifteen days, and that subsequent renewals of the determination may last for no more than ninety days.

Sincerely,



cc: The Conference



Gilded Iron Weather Vane  
Watercolor Rendering by Lucille Chabot  
(Index of American Design)  
*National Gallery of Art, Washington, D.C.*

*Caspari*

[h.d.]

Ann de Lewis and Jo -

*Christmas joy and happiness throughout the year*

Ann and Bill

January 10, 1987

Dear Chief:

I agree that we should consider the several proposed changes in the Rules at a single Conference.

Sincerely,

The Chief Justice

lfp/ss

cc: The Conference

January 21, 1987

Dear Chief:

Jo and I will be here and glad to attend the State  
of the Union message.

Sincerely,

The Chief Justice

lfp/ss

cc: The Conference

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

*Just from  
Toll  
✓*

CHAMBERS OF  
JUSTICE SANDRA DAY O'CONNOR

January 22, 1987

Dear Chief,

It only took me five hours to get here today  
in order to verify your snow measurements. I know  
when to accept defeat. Enclosed is my dollar.

Sincerely,

*Sandra*

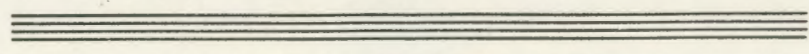
cc: Justice Powell  
Justice Stevens

*I won the  
bet with the Chief,  
S. O. C & John  
as to how much  
snow. L.F.P.*

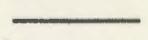
*See picture in the Post!*

W.F.P.

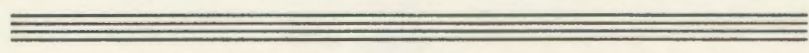
Burger's actions to  
improve the adm. of  
justice. - 3



1986 YEAR-END STATEMENT



BY WILLIAM H. REHNQUIST  
CHIEF JUSTICE OF THE UNITED STATES





A matter of considerable interest not only to the federal judiciary but to the country as a whole is presently pending before the President and Congress, and this report will first discuss that before turning to the items which it has traditionally contained.

That matter is, of course, the report of the Commission on Executive, Legislative and Judicial Salaries which submitted its report to the President earlier this month. It recommended substantial increases in the salaries of officials in the Executive Branch, Members of Congress, and federal judges. The President will submit his recommendations to Congress in January for action by that body.

I am sure that many, if not all, of the reasons which support the Commission's recommendations for judicial salaries also support its recommendations for increases in executive and legislative salaries, but because I am a judge I am more familiar with the reasons for an increase in judicial pay. All of us who are judges can be forgiven for watching this process with some trepidation; the Commission mechanism in its 18-year life has "worked" as designed only one time, in 1969. Since then the cost of living has increased far more rapidly than have the salaries of federal judges.

Those who feel that the Salary Commission's recommendations are excessive point out that the present salary of a District Judge, \$78,700, is far more than most people in the United States earn at their jobs. If federal judges were drawn from a cross-section of occupations, this would be a valid criticism. But of course, federal judges must be lawyers, and have completed not only four years of undergraduate education but have received a law degree and practiced law for a considerable period of time. The relevant comparison, therefore, is not with salaries and wages throughout the economy, but with the income of other lawyers. In 1985 the median income of a 50-year-old partner in a law firm was \$164,000. We must be able to attract this kind of person, among others, to the federal judiciary if we are to maintain its tradition of excellence.

We will always have men and women available to fill vacancies in the federal judiciary, but if salaries are not made

comparable to the average earned in private practice, fewer of these candidates will possess the first-rate talent which has always been a hallmark of the federal bench. The pay of federal judges has never been comparable to the earnings of lawyers at the top of their profession in private practice, and the recommendations of the Salary Commission do not approach those figures. The Commission's recommendation would simply restore to federal judges the sort of earnings which have always made that office attractive to those who combine a desire for public service with an interest in the judicial process. Because a capable federal judiciary is essential to the proper functioning of our system of government, adequate compensation for judges is a matter of importance not just to the judges but to the country as a whole.

Judge Frank M. Coffin of the U. S. Court of Appeals for the First Circuit, a former member of Congress with over twenty years on the federal bench, has put the problem in stark but accurate terms. Judges, he notes, have accepted numerous changes in the nature of their work, "but what no judge appointed to the bench in the past two decades has ever expected to bear was an almost 40 percent reduction in his or her real compensation over the past 18 years. More and harder cases, yes. A more monastic life, yes. Greater involvement in administration, yes. But not, in addition, the erosion in both the respect and security that were always a critical part of the bargain" they made upon appointment. That bargain meant giving up "top remuneration, excitement, and freedom for a monastic life of deliberation, service, respect, and security."

As Judge Coffin's statement points out, sitting judges' inevitable loss of morale, their increasing preoccupation with possible congressional rectification, and the possibility that lawyers will come to see federal judicial service not as a calling but as a stepping stone to a lucrative private practice all threaten the traditions of our independent judiciary. Should the President and Congress fail to make realistic salary

adjustments for judges, the present drawbacks to that honorable service will be exacerbated.

Chief Justice Burger began the practice of a year-end report as one more way of bringing attention to developments, needs, and prospects in the administration of justice. Whatever form these reports may take in the future, it is appropriate to continue the practice this year if only to pay tribute to Chief Justice Burger's tenure as the nation's chief judicial officer during a period of unprecedented growth in the federal courts' workload and workforce. I refer not simply to the new institutions that he helped to create and that he nurtured—institutions that educate judges and court administrators, foster research and exchange among and between state and federal courts, and promote dialogue among the three branches of government. Nor do I think solely of the concepts, such as alternative dispute resolution, that he helped to make a part of the vocabulary of the legal system. More than anything, he expected—demanded, really—that we think of the administration of justice in systemic terms. He forced us to realize that the Congress, the Executive, and the Judiciary cannot move in splendid isolation from one another, any more than can the federal and the state courts.

Among the improvements accomplished during Chief Justice Burger's tenure are: circuit executives for federal courts, the American Inns of Court, the National Center for State Courts, the Institute for Court Management, the State Justice Institute, federal-state judicial councils, and an annual seminar for leaders of the three branches to exchange views. He almost single-handedly created a new profession—judicial administration. Chief Justice Burger also reminded us that judicial reform, to draw once again on Justice Vanderbilt's well-worn phrase, is "no sport for the short-winded." The maintenance and improvement of our courts depends on the implementation of incremental change—institutional and procedural—to meet evolving needs. Several steps in 1986 bear mention:

—In April, Congress rectified an inadvertent change in the social security law that had the effect of reducing the net income of retired federal judges who continue to hear cases, even though they have no legal obligation to do so as senior judges.

—Last June, in approving a supplemental appropriations request, Congress relieved the courts of the dilemma of either extending a brief moratorium on civil jury trials or allowing such trials to proceed with no appropriated funds for juror fees.

—Also in June, Congress enacted long-sought improvements in the Judicial Survivors' Annuity System.

—In September, the United States Sentencing Commission released a preliminary draft of new proposed sentencing guidelines for federal courts. The purpose is to provide uniformity for federal criminal sentences and to eliminate the vagaries of the parole system. Public hearings are being conducted and revisions are being made. The final draft is now due before Congress in 1987 and Congress will have six months for review before the guidelines will take effect.

—In October, Congress authorized 52 additional judges for the nation's heavily-burdened bankruptcy courts. I am confident Congress will act quickly to appropriate funds for salaries, thus allowing the courts of appeals to fill those positions. Last year, our bankruptcy courts had a 31 percent increase of new case filings.

What is on the agenda for 1987?

We are now nine months from the two-hundredth anniversary of the signing of the Constitution. The next year will see an outpouring of popular celebration and scholarly analysis. That is as it should be. In one sense, we celebrate the Constitution simply by the way we meet our civic responsibilities as citizens. I encourage every public official and citizen to participate in this historic observation.

In 1987, it is already clear, there must be initial attention to continuing problems in this country's administration of justice. Those in the judicial branch have their perspectives on the administration of justice and its needs. Those in the legislative branch and in the executive branch have theirs. So too do the bar and the citizenry. The challenge is to realize the potential of these perspectives.

These are among the problems that most need attention in 1987:

—Debate on whether and how to increase the capacity of the federal courts to provide national appellate review has gone on for almost two decades, starting before I joined the Court. There has been considerable public discussion over the proposal made by Chief Justice Burger and others for a national courts of appeals or an inter-circuit tribunal to meet this need. I am convinced that the need for this sort of court is present now, and I urge Congress to enact appropriate legislation.

—An even more obvious, albeit less momentous, step to the same end is to eliminate as much of the Supreme Court's mandatory jurisdiction as the Constitution permits.

—One of Chief Justice Burger's most important contributions was to make us aware of the range of dispute resolution mechanisms that are either in place or that could be developed, to get away from the instinctive response that the ultimate place to resolve any difference is in a courtroom. I hope that the latter part of the twentieth century is remembered as a time when those alternatives blossomed. For example, we must pay careful attention to the experience of the federal district courts currently experimenting with court-annexed arbitration.

—I welcome a continuation of the lively debate among the bench and bar about the effects of the 1983 amend-

ments to the Federal Rules of Civil Procedure creating "sanction power" to constrain abuse of the litigation process.

—The developments with the sentencing guidelines should be closely monitored. Once the guidelines are final, there should, if feasible, be a period for the judiciary and the bar to study and learn the new procedures before they are actually implemented.

—In a matter of judicial housekeeping, I have appointed a committee of judges to help me assess the internal structure and procedures of the Judicial Conference of the United States. Our goal is to make the Conference even more effective.

—I invite the Congress, the executive branch, and all other interested observers, to consider with me the best mechanisms to ensure that our varying perspectives on the administration of justice can be shared and examined.

In our natural tendency to focus on what is close at hand, it is easy for federal judges to forget that there are fifty-one different judicial systems in the United States: the federal judicial system and the judicial systems of the fifty states. Chief Justice Burger did much to increase understanding and cooperation between members of the state and federal judiciaries, and I intend to continue to foster that relationship.

The coming Bicentennial year will be one in which we, in all three branches of government and in all fifty states, will need to cooperate with one another to achieve needed improvements. It will also be an important year for us to look forward—to study and to plan for the future of our judicial system.

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CHAMBERS OF  
CHIEF JUSTICE BURGER  
RETIRED

December 15, 1986

Dear Mr. President:

I have just learned the conclusions of the Commission on Executive, Legislative and Judicial Salaries. My professional life has been divided between 23 years of active practice and, since 1956, as a member of the Judiciary.

For nearly seventeen and a half years as Chief Justice, it was my privilege and obligation to serve as Chairman of the Judicial Conference of the United States and of the Federal Judicial Center, the research and development and continuing education arm created by Congress. As a result, I necessarily developed in intimate familiarity with the workings and the members of the Judiciary.

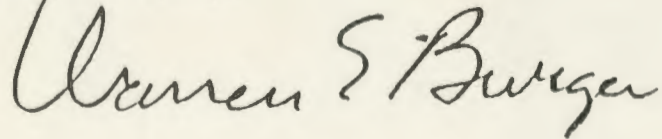
In just my relatively brief tenure as Chief Justice--in relation to the 200 years of our national history--there have been more judges of the federal bench resign and return to practice than in all of the period from 1789 to 1969. Since June of 1969, more than fifty Article III judges have left the bench to return to practice or related pursuits. The overwhelming proportion of these members of the bench so resigning did so for economic reasons. The current salary figures graphically explain why a judge with children in college, or on the way to college simply cannot cope financially.

As Chief Justice I had no responsibility, of course, for the compensation of other branches of government, but in my submission to the Salary Commission, I expressed my view, as a citizen, that I felt the country should be served by members of Congress at \$150,000 a year, and, of course, that would mean some comparable figure for the Judiciary.

The Commission proposals are modest but understandable in the Gramm-Rudman Hollings era, but they will stop the "hemorrhaging" of the Federal Judiciary.

I cannot emphasize too strongly that Congress should be urged to adopt the Commission's recommendations. Failure to do that will inevitably lead to continued loss of some of the ablest members of the judiciary and increased difficulty in persuading qualified and experienced members of the bar to accept appointments to the bench.

Cordially and respectfully,



The President  
• The White House  
Washington D. C. 20500

rel. Status not  
332-7484.

C2 FRIDAY, JANUARY 23, 1987 ... R



BY RAY LUSTIG—THE WASHINGTON POST

Chief Justice William Rehnquist (standing, in dark jacket), who was a meteorologist in World War II, watches as David Leitch (left) and Ronald Mann, of the Supreme Court staff, measure the snowfall on the Supreme Court Plaza to settle a wager. Cheering in the background is staff member William Lindsey. Terms of the bet were not revealed, but Rehnquist lost.

C 11 T 01



el. Status not  
332-7484.

C2 FRIDAY, JANUARY 23, 1987 ... R



BY RAY LUSTIG—THE WASHINGTON POST

Chief Justice William Rehnquist (standing, in dark jacket), who was a meteorologist in World War II, watches as David Leitch (left) and Ronald Mann, of the Supreme Court staff, measure the snowfall on the Supreme Court Plaza to settle a wager. Cheering in the background is staff member William Lindsey. Terms of the bet were not revealed, but Rehnquist lost.

C 11 11

January 26, 1987

Dear Chief:

I have just had an opportunity to read your 1986 Year-End Statement, and write to say that it is excellent in every respect.

You were both thoughtful and gracious to summarize the improvements in the administration of justice accomplished under the leadership of Warren Burger. I agree that his accomplishments in this important area have been unequalled.

I am glad that the Administrative Office is sending a copy of your statement to all federal judges.

Sincerely,

The Chief Justice

lfp/ss

bc: Hon. Warren E. Burger

Warren: As I have said publicly on a number of occasions, your leadership in originating and assuring the improvements summarized in Bill's report have never been equaled.

February 19, 1987

Dear Chief:

Our granddaughter, Lycia Carmody of Richmond, is a senior at St. Catherine's School in Richmond. The senior class has a three-weeks' program that requires the students to do something educational and write a paper about the experience.

Lycia is staying with Jo and me, and she is doing a paper on the Court. Although Lycia will be spending a part of her time in our Library, Gail Galloway said that she could use some of Lycia's time to advantage. As this also would be quite educational, I have agreed to it. Lycia - as I understand it - is dividing her time between work on her paper (she is basing it on a particular litigated case), and helping Gail with some of her history projects.

Of course, Lycia is not on the payroll and is not an employee. I am fully aware of the "no nepotism" rule. I write because last night Lycia exhibited to me an identification card that apparently Gail thought would be helpful for her to have. I do not know the significance of this.

In any event, I want to make sure that having this 18-year-old here for this brief period is not inappropriate. Perhaps I should add that about a dozen or so of her classmates also are in Washington, some based in offices of members of Congress.

Sincerely,

The Chief Justice

lfp/ss



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

CHAMBERS OF  
THE CHIEF JUSTICE

March 9, 1987

Dear Lewis,

Thank you very much for sending me the book "The Story of English." I will look forward to reading it, and will return it to you after I have read it.

Sincerely,

*Bur*

June 15, 1987

Dear Chief:

Although I certainly share the view expressed by you and others that O'Brien's conduct merits a reprimand, I suppose we are in part responsible for permitting filming in the Conference Room in the absence of a Justice or someone specifically designated by a Justice to be present.

Of course, as Sandra suggests, we place temptation in the way of others when confidential papers that have not been shredded are placed in wastebaskets or fireplaces. Cleaning personnel are in our Chambers five days in the week, usually with little or no oversight. I find it difficult, if not impossible, to keep in locked cabinets the countless court papers that come to our office every day, and often arrive after my departure.

My impression is that the press corps (who easily could bribe cleaning personnel or otherwise obtain drafts of opinions or confidential memoranda) have been quite responsible. Over the years, there have been few examples to the contrary.

Sincerely,

The Chief Justice

lfp/ss

cc: The Conference

June 16, 1987

Dear Chief:

This refers to your memorandum suggesting a schedule that would enable us to recess by Tuesday, June 30. I agree that it would be helpful for us to sit on Friday of this week, as well as three sittings next week.

As of now, I have nothing ready to bring down on Friday. A brief status report follows:

85-1716 Welch. At present the vote is 4-4. Bill Brennan may make some response to my 3rd draft of June 11.

85-2064 Greer v. Miller. I have a Court and am awaiting Bill Brennan's dissent.

86-270 San Francisco Arts v. U.S. Olympic. I have three votes for my opinion, and need one more for a Court. Bill Brennan is dissenting.

86-511 CIR v. Fink. I have a Court, and so far as I know all writing has been circulated. One vote remains out. There also is a cross cite to Fink in 86-88 Citicorp Industrial Credit v. Brock.

\* \* \*

I have sent to the print shop this afternoon minor changes in my concurring opinion in 85-1513 Edwards v. Aquillard. So far as I am concerned, this case will be ready on Friday.

Sincerely,

The Chief Justice

lfp/ss

cc: The Conference

June 22, 1987

Dear Nan and Bill:

Your party Saturday evening for "the Court" was easily the most fun party for the Court in the 15 1/2 years that you and we have been here.

We regret being almost an hour late. This additional "cocktail time" may even have made the evening more spirited, but harder for you. The dinner was delicious, and most important of all: Nan looked and seemed fine, though we know that again being in the hands of medics is disheartening.

I add, and particularly I want Nan to know, that all eight of the other Justices think the new Chief Justice has performed with distinction during his first Term. The work of the Court has been conducted with a new expedition, and also with warmth and good humor.

With affection.

The Chief Justice and Mrs. Rehnquist

LFP/vde