



7-5-1976

Citizenship Ceremony, Monticello, Charlottesville, Virginia

Lewis F. Powell Jr.

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SPEECH NOT ENCLOSED

CITIZENSHIP CEREMONY

CHARLOTTESVILLE, VA

JULY 5, 1976

TO: Justice Powell

FROM: Phil Jordan

Re: Naturalization Proceedings

It appears the ceremony is short and sweet.

Judging from the program of a previous ceremony sent by Judge Widener, you will be [REDACTED] introduced immediately after the opening of the ceremony. Someone will [REDACTED] declare court "opened"--presumably some designated official, rather than you.

As soon as court is declared open, you will recognize the person from the Immigration Service who has all of the information on the petitioners. According to Judge Widener, This person will be a Mr. Herman, who is an Immigration Examiner. You say "The Court will recognize Mr. Herman for a motion."

Mr. Herman will say something to the effect that there are "X" number of petitioners, that each has been [REDACTED] examined by the INS and investigated and found eligible for citizenship. He may also say something about the Attorney General having waived his right to be present and to cross-examine a petitioner.

One of two things may happen here. If Mr. Herman has no special motions, you will go right into the oath ceremony when he finishes speaking. More likely, however, he will have one or two special motions. (1) If any of the petitioners are children 14 years old or younger, he probably will move that the oath be waived ^{as} to them and that the adult petitioners take the oath in their behalf. (2) If any petitioners have petitioned to have their names changed, he will move that such change be allowed upon their taking the oath. As to either or

both of such motions, all you have to do is say "It will be granted" when he [redacted] finishes making it.

The oath ceremony itself [redacted] appears to consist of a calling of the petitioners' names and then a [redacted] taking of the oath. It is totally ambiguous from the transcript sent by Judge Widener whether the [redacted] oath is administered to each petitioner [redacted] individually or is taken by the whole [redacted] group collectively. (I cannot [redacted] imagine administering it to 40 or 50 petitioners individually, but perhaps we should call Judge Widener to [redacted] be sure on this score. He stated in his letter that you could have your law clerk call with [redacted] any questions, so I don't think he would be offended if I dealt with him instead of your doing so.) On the assumption that the oath is administered [redacted] collectively, the procedure would appear to be that (1) either you or some court official will call the [redacted] names of all petitioners, and each petitioner presumably will stand as his name is called (this doesn't show from the transcript), then (2) you administer the oath, phrase by phrase, to the entire group.

As soon as the oath is completed, you or the President or somebody has to say "a few words" about citizenship. This is required by statute

After the citizenship oath is completed, you have to administer if necessary, a special oath to anyone who possesses a hereditary title or order of nobility from a foreign state. Almost surely this oath will not have to be given. The papers sent by Judge Widener do not contain a form for this oath, and the statute does not dictate its form. Presumably you will be informed before

the ceremony [redacted] if such an oath will be required, and you can frame a one-sentence oath then that will be keyed to the particular title that is to be renounced. For example, if the Queen of England were [redacted] being naturalized, the [redacted] oath would go:

I, Elizabeth II, do hereby solemnly renounce before God and man any right, claim or title to the crown of England.

As soon as the oath(s) are completed, you or the President or someone has to say "a few words" about citizenship. This is required by statute, although nothing about the form of the address is dictated. I have attached the language used by Judge Widener in the transcript he sent, and Gail will put his words on cards.

At this point the transcript of Judge Widener's ceremony just says that certificates of citizenship were [redacted] presented and photographs made, and the Girl and Boy Scouts led everyone in the pledge of [redacted] allegiance. It does not say whether the presiding judge or someone else presents the certificates.

When all of this has [redacted] been done, you introduce the next person on the [redacted] program.

Remarks of Judge Widener at previous ceremony:

Ladies and gentlemen, I am not a loquacious judge. The statute requires me to say a few words and I will say a few.

I urge you as new citizens of this country to oppose tyranny in all of its forms, whatever disguise it may take. I refer particularly to both the tyranny of the masses and the classes.

I remind you that there are no second class citizens in this country. It doesn't make any difference who you are or where you came from. In this country we believe in reaching for the stars. Your ambitions are limited only by your capacity to achieve. I congratulate you and you are now citizens of the United States.

Trustees

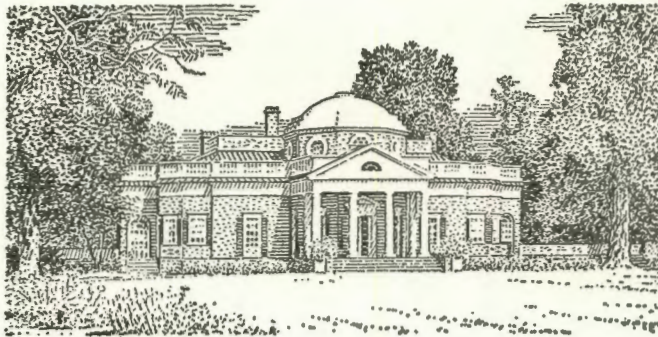
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JUN 1 8 1976

Thomas Jefferson Memorial Foundation

P. O. Box 316, Charlottesville, Virginia 22902
June 15, 1976

The Honorable Lewis F. Powell, Jr.
Justice, Supreme Court of the
United States
Eleventh Street, N.E.
Washington, D.C.

Dear Lewis:

I heard today that you have accepted to come to Monticello on July 5 to conduct the proceedings for those qualifying for U.S. citizenship in this area. As you know, this is an impressive ceremony under any circumstances, but I am particularly glad that you will be here on this special occasion, when we shall also have the honor of having the President as speaker.

It will be my good fortune to introduce you, and I just want to send this word of thanks and welcome. All of us here look forward with great pleasure to seeing you and Josephine on July 5.

Sincerely,

Frederick E. Nolting, Jr.

A NONPROFIT CORPORATION PRESERVING AS A NATIONAL MEMORIAL, MONTICELLO,
THE HOME AND BURIAL PLACE OF THOMAS JEFFERSON AT CHARLOTTESVILLE, VIRGINIA

United States Court of Appeals
for the Fourth Circuit
P. O. Box 868
Abingdon, Virginia 24210

Suspended
to 28th

JUN 17 1976

H. Emory Widener, Jr.
Circuit Judge

June 16, 1976

Honorable Lewis F. Powell, Jr.
United States Supreme Court
Supreme Court Building
Washington, D. C. 20544

Dear Mr. Justice Powell:

Please find enclosed the cover and first page of a program of a previous immigration ceremony at Charlottesville, which will give you a good idea of the general outline; copies of the pages of the district judge's benchbook concerning the ceremony, which includes the oath parsed as I give it for my own convenience; and the transcript of a program.

The Immigration Examiner, a Mr. Herman, from Washington, will be there, and will have ascertained all of the technical information listed in paragraphs 1, 2, and 4. You will note the statement of Mrs. Oberg on pages 6 and 7 of the transcript, which is the usual form the statement of the Immigration Officer takes and is quite brief. I always assume that all of the applicants will swear instead of affirming, unless I am otherwise advised, and that they will take the oath to bear arms instead of performing non-combatant service or work of national importance, also unless I am otherwise advised. I have never had one yet ask to be affirmed or who did not want to take the oath to bear arms.

→ | In view of 8 USC § 1447, I suggest that you be designated a district judge for service in the Western District of Virginia, at least for that day.

You will see the only remarks of any significance I made, on page 7 of the transcript, are very brief and are really not necessary.

You will note that certain parts of the transcript have been marked out. We intend to exclude

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everything unnecessary because of the presence of you and the President.

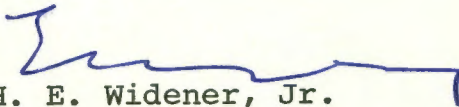
I will write you again if anything else comes to mind, and you should feel perfectly free to call at any time or have your law clerks do so if you had rather.

I have made arrangements with Deputy U. S. Marshal, C. N. Bordwine, of the Eastern District of Virginia, to drive you to Charlottesville, either from Richmond or Washington, and I am sure he will be satisfactory; I have known Mr. Bordwine for a good many years and have confidence in him. *Quick*

I will be in touch with you again during the week of the 28th to make definite arrangements about the transportation.

I want you to know that I do appreciate very much your undertaking this chore for us. You will add greatly to the occasion, and as I think we mentioned over the week-end, Judge Turk, Judge Dalton, and I will all be on the platform and have all conducted these ceremonies.

Sincerely,


H. E. Widener, Jr.

June 18, 1976

*supers
June 28
penfile*

Dear Emory:

Thank you for yours of June 16, with enclosures.

I will review these in due time, and let you know if I have questions.

As it is uncertain whether I shall be in Richmond or Washington, I also will let you know later - probably it will be about the first of July - whether I need transportation.

It now seems quite doubtful that I shall be able to attend the Fourth Circuit Confernce.

Best wishes.

Sincerely,

Hon. H. Emory Widener, Jr.
United States Court of Appeals
for the Fourth Circuit
P. O. Box 868
Abingdon, Virginia 24210

lfp/ss

June 29, 1976

Dear Fritz:

Thank you for your gracious note of June 15.

Jo and I look forward to seeing you on July 5.

I understand that we proceed directly to Monticello, and we will plan to arrive there about a half an hour before the ceremony.

We will drive up from Richmond.

Sincerely,

Hon. Frederick E. Nolting, Jr.
Chairman
Thomas Jefferson Memorial Foundation
P. O. Box 316
Charlottesville, Virginia 22902

lfp/ss

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

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THE CHIEF JUSTICE

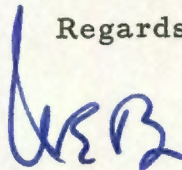
June 30, 1976

Dear Lewis:

Since all you are doing is administering an oath, under Section 459, Title 28, every Justice and Judge of the United States has authority to perform this function with no further designation.

Furthermore, I have no evidence before me to show your qualifications to act as a United States District Judge! (You may use this in a speech at the Fourth Circuit Judicial Conference next year!)

Regards,



Mr. Justice Powell