

January 1, 1980

Dear Chief:

Please put the following case on the Discuss List  
for the January 4, 1980 Conference:

79-376 Lakeside Bridge & Steel Co. v. Mountain  
State Construction Co., List 5, Sheet 1

Sincerely,

The Chief Justice

LFP/lab



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

CHAMBERS OF  
THE CHIEF JUSTICE

January 12, 1980

*Sally*  
MEMORANDUM TO THE CONFERENCE: *C*

Enclosed is a memo from Henry Lind and copies of his enclosures.

The style of print which he suggests is entirely acceptable to me, but I think it would be useful if each member of the Court would indicate reactions for Mr. Lind's guidance.

cc: Mr. Lind  
*WBB*

*Dear Chief.*

*The type recommended  
by Henry Lind is fine  
with me.*



*[Handwritten signature]*  
Supreme Court of the United States  
Reporter of Decisions  
Washington, D. C. 20543

RECEIVED  
CHIEF OF THE  
CLERK JUSTICE

1980 JAN 3 PM 3 19

*[Handwritten signature]*  
January 3, 1980

Dear Mr. Chief Justice:

In order for the vendor to comply with its equipment delivery schedule with regard to the Court's Word Processing and Publication System, we must promptly select the style of type to be used in the United States Reports. For this purpose, I have determined in accordance with 28 U.S.C. §673, and after consultation with Ralph Taylor, James Donovan, and John Antonio, that the most satisfactory style of type for both readability and appearance will be Baskerville 11 point on a 13 body, a sample of which I attach to this letter. This type is comparable to that which has been used for many years under the present system, and in our opinion is even an improvement over the present style.

I would appreciate it if you would notify me as soon as possible as to whether you concur in my recommendation.

Respectfully,

*[Handwritten signature: Henry C. Lind]*  
Henry C. Lind  
Reporter of Decisions

Attachment

Honorable Warren E. Burger  
The Chief Justice  
of the United States

cc: James Donovan



11/13  
11/13  
11/13

*Kelvin H. Booty, Jr.*, argued the cause for petitioner. With him on the briefs was *Richard J. Moore*.

*William Bennett Turner* argued the cause for respondents. With him on the brief were *Jack Greenberg*, *James M. Nabrit III*, and *Stanley A. Bass*.\*

MR. CHIEF JUSTICE BURGER announced the judgment of the Court and delivered an opinion, in which MR. JUSTICE WHITE and MR. JUSTICE REHNQUIST joined.

The question presented is whether the news media have a constitutional right of access to a county jail, over and above that of other persons, to interview inmates and make sound recordings, films, and photographs for publication and broadcasting by newspapers, radio, and television.

## I

Petitioner Houchins, as Sheriff of Alameda County, Cal., controls all access to the Alameda County Jail at Santa Rita. Respondent KQED operates licensed television and radio broadcasting stations which have frequently reported newsworthy events relating to penal institutions in the San Francisco Bay Area. On March 31, 1975, KQED reported the suicide of a prisoner in the Greystone portion of the Santa Rita jail. The report included a statement by a psychiatrist that the conditions at the Greystone facility were responsible for the illnesses of his patient-prisoners there, and a statement from petitioner denying that prison conditions were responsible for the prisoners' illnesses.

KQED requested permission to inspect and take pictures within the Greystone facility. After permission was refused, KQED and the Alameda and Oakland branches of the Na-

\*Briefs of *amici curiae* urging affirmance were filed by *Christopher B. Fager*, *William G. Mullen*, and *James R. Cregan* for the National Newspaper Assn. et al.; and by *I. Daniel Stewart, Jr.*, for Kearns-Tribune Corp.



tional Association for the Advancement of Colored People (NAACP) filed suit under 42 U. S. C. §1983. They alleged that petitioner had violated the First Amendment by refusing to permit media access and failing to provide any effective means by which the public could be informed of conditions prevailing in the Greystone facility or learn of the prisoners' grievances. Public access to such information was essential, they asserted, in order for NAACP members to participate in the public debate on jail conditions in Alameda County. They further asserted that television coverage of the conditions in the cells and facilities was the most effective way of informing the public of prison conditions.

The complaint requested a preliminary and permanent injunction to prevent petitioner from "excluding KQED news personnel from the Greystone cells and Santa Rita facilities and generally preventing full and accurate news coverage of the conditions prevailing therein." On June 17, 1975, when the complaint was filed, there appears to have been no formal policy regarding public access to the Santa Rita jail. However, according to petitioner, he had been in the process of planning a program of regular monthly tours since he took office six months earlier. On July 8, 1975, he announced the program and invited all interested persons to make arrangements for the regular public tours. News media were given notice in advance of the public and presumably could have made early reservations.

Six monthly tours were planned and funded by the county at an estimated cost of \$1,800. The first six scheduled tours were filled within a week after the July 8 announcement.<sup>1</sup> A KQED reporter and several other reporters were on the first tour on July 14, 1975.

Each tour was limited to 25 persons and permitted only limited access to the jail. The tours did not include the disci-

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<sup>1</sup> According to petitioner, the initial public interest in the tours has now subsided and there is no longer a waiting list.



plinary cells or the portions of the jail known as "little Grey-stone," the scene of alleged rapes, beatings, and adverse physical conditions. Photographs of some parts of the jail were made available, but no cameras or tape recorders were allowed on the tours. Those on the tours were not permitted to interview inmates, and inmates were generally removed from view.

In support of the request for a preliminary injunction, respondents presented testimony and affidavits stating that other penal complexes had permitted media interviews of inmates and substantial media access without experiencing significant security or administrative problems. They contended that the monthly public tours at Santa Rita failed to provide adequate access to the jail for two reasons: (a) once the scheduled tours had been filled, media representatives who had not signed up for them had no access and were unable to cover newsworthy events at the jail; (b) The prohibition on photography and tape recordings, the exclusion of portions of the jail from the tours, and the practice of keeping inmates generally removed from view substantially reduced the usefulness of the tours to the media.

In response, petitioner admitted that Santa Rita had never experimented with permitting media access beyond that already allowed; he did not claim that disruption had been caused by media access to other institutions. He asserted, however, that unregulated access by the media would infringe inmate privacy,<sup>2</sup> and tend to create "jail celebrities," who in turn tend to generate internal problems and under-

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<sup>2</sup> It is true that inmates lose many rights when they are lawfully confined, but they do not lose all civil rights. See, e.g., *Wolff v. McDonnell*, 418 U. S. 539, 555-556 (1974), and cases cited therein. Inmates in jails, prisons, or mental institutions retain certain fundamental rights of privacy; they are not like animals in a zoo to be filmed and photographed at will by the public or by media reporters, however "educational" the process may be for others.



mine jail security. He also contended that unscheduled media tours would disrupt jail operations.

Petitioner filed an affidavit noting the various means by which information concerning the jail could reach the public. Attached to the affidavit were the current prison mail, visitation, and phone call regulations. The regulations allowed inmates to send an unlimited number of letters to judges, attorneys, elected officials, the Attorney General, petitioner, jail officials, or probation officers, all of which could be sealed prior to mailing. Other letters were subject to inspection for contraband but the regulations provided that no inmate mail would be read.

With few exceptions,<sup>3</sup> all persons, including representatives of the media, who knew a prisoner could visit him. Media reporters could interview inmates awaiting trial with the consent of the inmate, his attorney, the district attorney, and the court. Social services officers were permitted to contact "relatives, community agencies, employers, etc.," by phone to assist in counseling inmates with vocational, educational, or personal problems. Maximum-security inmates were free to make unmonitored collect telephone calls from designated areas of the jail without limit.

After considering the testimony, affidavits, and documentary evidence presented by the parties, the District Court preliminarily enjoined petitioner from denying KQED news personnel and "responsible representatives" of the news me-

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<sup>3</sup> Persons who were on parole or had been released from a state prison could not visit without the approval of the commanding officer. Persons released from the Santa Rita or the courthouse jail within a certain period of time were also required to obtain approval to visit from the commanding officer.



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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

January 15, 1980

✓

Dear Chief:

The print suggested by Mr. Lind meets with my approval.

Sincerely,

H.A.B.

The Chief Justice

cc: The Conference



69  
January 15, 1980

Dear Chief:

The type recommended by Henry Lind is fine with me.

Sincerely,

The Chief Justice

lfp/ss

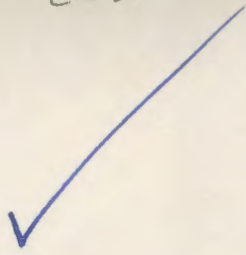
cc: The Conference



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

CHAMBERS OF  
THE CHIEF JUSTICE

Court



January 15, 1980

CONFIDENTIAL

MEMORANDUM TO THE CONFERENCE

You will recall that the question was raised whether there should be a "vigil" for Bill Douglas in the Great Hall as was done with respect to Chief Justice Warren. When this came up, as is my custom, I consulted with Bill Brennan and we concluded that we should adhere to precedent as was done with reference to Justices Black, Harlan, Whittaker and Clark.

On reflection overnight, I think I would prefer to have the benefits of your views on the subject and, therefore, request that we gather in the Conference Room at 9:50 a.m. this morning.

There will, of course, be the traditional Memorial Service, very likely in the April-June period.

Regards,



January 17, 1980

79-723 Shelby County v. EEOC

Dear Chief:

Please add the above case to the discuss list for tomorrow's Conference.

Sincerely,

The Chief Justice

lfp/ss



C9

January 18, 1980

Assignments for January Sittings

Dear Chief:

As I mentioned, Jo and I have had a long standing engagement to visit friends in Florida for an extended weekend commencing late today, and returning to Washington Tuesday evening.

When you make the assignments for the January sittings, I would appreciate your bearing in mind that two of the cases previously assigned to me turned out to be quite skimpy Per Curiam opinions.

One of these was Secretary of Navy v. Huff. As this involved one of the two questions presented by Glines, it was only necessary for me to summarize the facts, and refer back to Glines. The second case was Baldasar, which involved - as five of us viewed it - the mechanical application of Scott v. Illinois. These opinions were four or five pages long, with no analysis in Huff, and virtually none - certainly no fresh analysis - in Baldasar.

Thus, through the first three months of sittings, I have had only five Court opinions - all of which have been in circulation for some time. In short, except for dissents and concurrences\*, my decks are completely clear.

I am in dissent in more of the January cases than in any other single month since I have been on the Court. This means I should have been following you with greater consistency! But there are still plenty of interesting cases which I did join you.

\*My major dissent in Geraughty will be circulated next week, with Roper close behind.



With the "winter break" ahead I could handle three assignments, easily, and catch up with other Chambers.

One wholly unrelated matter. If Bill Douglas should die during my absence and the funeral should be scheduled before I return Tuesday evening, do you think I should accelerate my return?

John Stevens is addressing the Bar Association of the City of Richmond at noon on Thursday, the 24th, and since I invited him to do this, I have agreed to accompany him to Richmond and introduce him there.

Finally, Jo and I thoroughly enjoyed the dinner with the new judges Wednesday evening. It was a warm and happy evening, although we missed Vera.

Sincerely,

The Chief Justice

lfp/ss



P.S. This letter is written before the assignments for the second week of January have been made.



c9

February 5, 1980

Dear Chief:

The news accounts of your "State of the Union" address impressed me quite favorably.

Your proposal that the Judicial Conference determine the need for additional judges is imaginative and sound. Yet, it has about as much chance of being approved by the politicians as Muhammad Ali has of being a competent "ambassador" for our country. In this connection, the following quote from David Kindred's column in this morning's Post may amuse you:

"But to send Muhammad Ali on a mission of diplomacy, to send him into the thicket of international squabbling when all he knows about international squabbles is that his second wife hit him with a chair in the Philippines, to send this man of simplistic slogans . . . [as] an instant diplomat is unfair to him and condescending to those African nations we seek to sway."

I would only add that it is even unfairer to the people of the United States. On the basis of its record we can be grateful that our government didn't send Sloane Coffin and Bella Abzug along with Ali.

But back to our responsibility. I understand that you gave your address on television, and commend you for making this decision. I know it was not pleasant. But, as we have discussed before, you make such a splendid impression on TV, I urge you to continue to do this. You are the best "salesman" we have for the constructive improvements in our judicial system that you propose.

I would appreciate your sending me a copy of your address.

As ever,

The Chief Justice

lfp/ss



January 27th [1980]  
Carr

Dear Justice Powell,

Thank-you so much for writing the letter to Colonel Slane of the Virginia State Police concerning my application. I went to the Department headquarters near Richmond to take a series of written and physical agility tests. I was told that day that I had passed the written test. The department is presently conducting a background investigation, and I will keep you informed as to the results.

I know that your letter will be of great help. to me. If I become a State Trooper, I assure you that I will do everything in my power to live



up to the standards of the department. Again, thank you very much for your thoughtfulness in taking the time, despite your heavy schedule, to write a letter of recommendation to Colonel Slane. I truly appreciate it.

Sincerely yours,

John Marshall

p.s. I have also been informed that I passed the physical agility tests.



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

CHAMBERS OF  
THE CHIEF JUSTICE

February 14, 1980

Dear Lewis:

Thank you for your February 5 note on the  
A.B.A. Report.

Even you (!) share a common misimpression of  
"T.V. vs. W.E.B." as they have made it out. Each year -  
without exception - since 1970, I have agreed to coverage  
but on the same conditions as 1970, i.e., stationary  
cameras and no glaring, offensive lights. In 1971  
when there was lip service to this, the lights were so  
offensive I said "no more unless you comply." I was  
unwilling to disturb a large meeting with lights and  
wandering TV cameras, especially when only 70-90  
seconds of the report was used - that, of course, being a  
sound editorial judgment of the Networks.

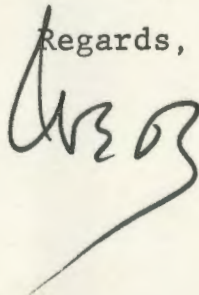
Every year since 1970, this option has been tendered.  
Those conditions not met; there was coverage only about  
three of the 10 years. This year I added another: no  
"wandering minstrels" thrusting a "mike" into my face in  
the lobbies and halls to ask - as one lunatic did -  
"What is your position on SALT II!"

Leonard, like Bernie Segal, insisted on literal  
compliance by TV and there were no problems. No one was  
aware of lights or cameras. Generally, those between  
Segal and Janofsky were either unaware that they had to  
"crack the whip" or they literally cringed when a TV  
crew made demands.

So, we had our 90 seconds on national TV and it is  
open to question whether the public is any the wiser!

I intend to continue the Report - but on these terms.

Regards,



Mr. Justice Powell



February 20, 1980

April Sitting

Dear Chief:

Thank you for your memo on the 1980 calendar. This looks fine to me.

I write to comment on the last paragraph in your memo, advising that only one day remains unassigned for April. You further state that any added cases will mean extra sittings. We agreed to accelerate the abortion funding cases, and perhaps one or two more. Apparently Mike has done a fine job in persuading counsel to accelerate argument schedules.

I urge, however, that we hold the line on no extra sittings in April short of some major emergency. It would be well, I would think, to hold at least a half a day free in the event of such an emergency.

Each Term we have hoped that June would not be quite so hectic, a hope not yet fulfilled. The Fourth Circuit meeting this year is scheduled for June 26-29. I would hope that for a change we might conclude this Term so that you could improve your record of attendance - not to mention my own.

Sincerely,

The Chief Justice

lfp/ss

cc: The Conference



CHAMBERS OF  
THE CHIEF JUSTICE

February 20, 1980

Re: 1980 Court Calendar

MEMORANDUM TO THE CONFERENCE:

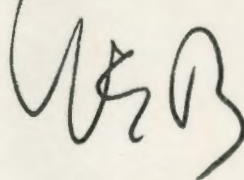
This 2d Proposed Schedule for October Term 1980 is the same as the previous proposed schedule for the months of October through December.

The balance of the schedule is somewhat changed, starting with a Christmas recess period of four weeks instead of three weeks.

However, January 20, 1981, is Inauguration Day and a Legal Holiday, which means that there would be only five days of argument in January. We had only five days of argument in February this year.

We have only one day remaining unassigned for April. Any added cases will mean hearing five cases some days or extra sittings in April.

Regards,





c9

Please put the following case, which appears on List 1, Sheet 3 of the February 22, 1980 Conference, on the Discuss List:

Sincerely,

LFP/lab



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

CHAMBERS OF  
THE CHIEF JUSTICE

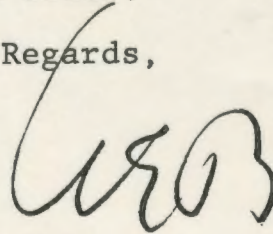
March 11, 1980

MEMORANDUM TO THE CONFERENCE:

Enclosed is a proposed draft of a vote sheet  
for original jurisdiction cases prepared by  
the Legal Office.

Suggestions are in order.

Regards,



*Our docket sheet is attached.*



....., 19.. *Argued*  
....., 19.. *Submitted*  
....., 19.. *Voted on*  
....., 19.. *Announced*

vs.

[illegible]







Abbreviations for use on Voting Sheets for Original Cases

(File Bill)	Motion to File Bill of Complaint
(File C. Claim)	Motion to File Counterclaim
(Amend Compl.)	Motion to Amend Complaint
(Judg. on Pl.)	Motion for Judgment on the Pleadings
(File Amicus)	Motion to File Brief Amicus Curiae
(Intervene)	Motion for Leave to Intervene
(CFR)	Call for Response
(CFV/SG)	Call for Views of SG
(App. Sp. M.)	Appoint Special Master
(Ref. Sp. M.)	Refer to Special Master
(File Rep. Sp. M.)	Order Report of Special Master Filed
(Ord. Ex. Filed)	Direct Parties to File Exceptions
(Set Argument)	Set for Oral Argument
(Enter Decree)	Enter Decree
(Modify Decree)	Motion to Modify Decree
(Rehear.)	Motion for Rehearing
(Reserve Jur.)	Motion for Reservation of Jurisdiction
(Sp. M. Comp.)	Motion of Master for Allowance of Compensation



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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

March 12, 1980

Re: Original Jurisdiction Case Docket Sheet

Dear Chief:

The proposed draft, of course, is a great improvement. I, for one, would prefer to have the Justices listed in order of seniority. This would be in line with the regular docket sheet. Our present original case (orange) sheets are ancient enough to follow the old juniority system. I see no reason to follow one route for one type of docket sheet and the reverse for another type.

Sincerely,

*HAB.*

The Chief Justice

cc: The Conference



49  
March 13, 1980

Docket Sheet for Original Jurisdiction Cases

Dear Chief:

I agree with Harry that the Justices should be listed in order of seniority, commencing with you at the top of the list. This is the way we vote.

Otherwise, the sheet looks fine to me.

Sincerely,

The Chief Justice

lfp/ss

cc: The Conference



March 13, 1980

Dear Chief:

Please add the following case which appears on List  
2, Sheet 1, of the March 14, 1980 Conference to the Discuss  
List:

79-5932    Doe v. Delaware, p. 5

Sincerely,

The Chief Justice

LFP/lab



c9  
March 14, 1980

Dear Chief:

You may recall your generous thought about obtaining for Jo a copy of the picture that was so good of both of you when the Pope was here.

My recollection is that a request had been made. Do you think that there is anything that I can do, properly, to encourage compliance with the request?

In the alternative, if Vera would be willing to lend her copy of the picture to me, perhaps I could arrange for Captain Zagami to have a negative made.

Sincerely,

The Chief Justice

lfp/ss



March 20, 1980

Dear Chief:

Please put the following case on the Discuss List  
for the March 21, 1980 Conference:

79-5831 Meyer v. Georgia, p. 5

Sincerely,

The Chief Justice

LFP/lab



19  
Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

March 28, 1980

✓

Dear Chief:

Byron has agreed to try the Court opinion in No. 79-488  
General Telephone Co. of Northwest, Inc. v. EEOC, and I'll try  
my hand at No. 79-5364 Brown v. Louisiana.

Sincerely,

Guil

The Chief Justice

cc: The Conference



69  
March 31, 1980

Dear Chief:

Thank you for sending me Dan Meador's article on the federal judiciary.

I must say that the full scope of your duties, imposed by law, far exceeds my prior understanding. I just do not see how you keep up with them, although - as I have said publicly on more than one occasion - you undoubtedly do so better than any Chief Justice in our history.

If you have not done so, I hope you will send a copy of this article to the other members of the Court. I would think it would be well for Mr. McGurn also to have the article and be familiar with it.

Sincerely,

The Chief Justice

lfp/ss



C9

April 7, 1980

Dear Chief:

In the event you may have missed it, I think you will be interested - and amused - by the enclosed article from today's New York Times.

I am sure that Byron will be particularly interested in the report that "not a single newsroom has been searched by law enforcement authorities" since Zurcher.

I am sending a copy to Bill Brennan as our leading spokesman on media/Court relations.

Sincerely,

The Chief Justice

lfp/ss

cc: Mr. Justice Brennan  
Mr. Jusstice White



-9

Apeil 17, 1980

Dear Chief:

Please put the following case on the Discuss List  
for the April 18, 1980 Conference:

79-1204    Nolichuckey Sand Co. v. Marshall, p. 2

Sincerely,

The Chief Justice

LFP/lab



c 9  
April 23, 1980

Dear Chief:

As this is the season of Circuit Conferences, and other absences, I write to give you my present schedule:

May 1-3 Dallas, Southwestern Legal Center

May 18-20 Dallas, CA5 Judicial Conference.

June 26-28 CA4 Judicial Conference

I will be absent for the nonargument session set for Monday, May 19.

Sincerely,

The Chief Justice

lfp/ss

cc: The Conference



cg  
April 24, 1980

Dear Chief:

Please place the following cases on the Discuss  
List for the April 25, 1980 Conference:

79-1383		<u>Gant v. Union Bank</u> , p. 3
79-1396)		<u>IBM v. Greyhound Computer Corp.</u> , p. 3
)		
79-1397)		<u>IBM v. Greyhound Computer Corp.</u> , p. 3

Sincerely,

The Chief Justice

LFP/lab



May 7, 1980

Dear Chief:

Please put the following cases on the Discuss List  
for the May 8, 1980 Conference:

79-1436 State of Minnesota v. Planned Parenthood  
of Minnesota, p. 9

79-1465 California v. Braeseke, p. 11

79-1515 United States v. Swank, p. 12

Sincerely,

The Chief Justice

LFP/lab



cg  
May 14, 1980

Dear Chief:

Please put the following case on the Discuss List  
for the May 15, 1980 Conference:

79-1156 Miller v. Castlewood Intl. Corp., p. 1

Sincerely,

The Chief Justice

LFP/lab



cg

May 21, 1980

Dear Chief:

Please put the following case on the Discuss List  
for the May 22, 1980 Conference:

79-1549 Geeck v. New Orleans, p. 1

Sincerely,

The Chief Justice

LFP/lab



May 27, 1980

Dear Chief:

At the Fifth Circuit Conference last week, many of the Judges asked particularly to be remembered to you.

I conveyed your well wishes to the entire gathering when I spoke on Monday. At the executive session luncheon with all active and senior Circuit Judges, we had a good discussion generally. I also had the opportunity to repeat some of the things that I said in my Southwestern Legal Foundation talk about the libel and inaccuracies of "The Brethren". None of the Judges had taken the book seriously.

John Brown spoke most warmly and admiringly of you. He thinks that history will rank you among the forefront of all Chief Justices.

The decision to divide the Circuit was made unanimously, having learned in a hurry that en banc hearings and decision making by 26 judges becomes a farce. I found little or no support for the possibility of a three way split, although it may well be inevitable in a few years.

Sincerely,

The Chief Justice

lfp/ss



29  
May 27, 1980

Dear Chief:

On the day following my session with all of the Judges, I had lunch privately with John Brown.

In the course of that, he expressed the hope that you would put him to work on one of the Committees of the Judicial Conference. He is full of energy, likes to work with you, and would provide strong leadership to any Committee.

Sincerely,

The Chief Justice

lfp/ss

bc: Hon. John R. Brown



June 2, 1980

Dear Chief:

Paul Reardon called me today to ask for my consent to the publication in the Boston Law Journal of the talk I made at the Southwestern Legal Foundation Dinner in Dallas. Incidentally, the ABA Journal is going to reprint the talk.

But I write this note to say that Paul spoke quite enthusiastically about your presence and speech at a dinner in Boston. I do not recall the name of the organization. Paul did say that there were a number of leading lawyers and distinguished citizens in attendance, and that the audience was enormously impressed both by what you said and by you personally.

Although it is a great thing for the Court for you to attend conferences and speak, I repeat my often expressed concern that you are too generous in this respect. You impose an awful burden on yourself physically and emotionally to do this traveling, prepare for and make speeches, and - perhaps most taxing of all - is meeting hundreds of people who wish to shake hands and visit with you.

In any event, the happy side of this picture is brought to mind when one of Paul Reardon's stature and perception speaks so warmly of your Boston visit.

Sincerely,

The Chief Justice

LFP/lab



CG  
June 11, 1980

Dear Chief:

Please put the following case on the Discuss List  
for the June 12, 1980 Conference:

79-6276 Fisher v. Reiser, p. 7

Sincerely,

The Chief Justice

LFP/lab



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

CHAMBERS OF  
THE CHIEF JUSTICE

June 12, 1980

PERSONAL

MEMORANDUM TO THE CONFERENCE:

As the Term nears the end, I wonder if you would be disposed to an informal "farewell reception" for law clerks!

If so, the afternoon of June 24 is a convenient date.

Let me have your "vote".

Regards,

WJB

OK



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

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

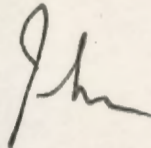
✓

June 13, 1980

Dear Chief:

The plans for the law clerks sound good to me. The date of June 24th is convenient.

Respectfully,



The Chief Justice

Copies to the Conference



June 13, 1980

Dear Chief:

June 24 is fine with me.

Sincerely,

The Chief Justice

lfp/ss

cc: The Conference



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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

✓  
June 13, 1980

Dear Chief:

The afternoon of June 24 is all right with me.

Sincerely,

*WHR*

The Chief Justice

cc: The Conference

*Sally - write C 2*

*June 24 is fine with me*



c9.

June 18, 1980

Dear Chief:

I agree with your suggestion as to plans for next week.

Sincerely,

The Chief Justice

lfp/ss

cc: The Conference





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

CHAMBERS OF  
THE CHIEF JUSTICE

June 18, 1980

MEMORANDUM TO THE CONFERENCE

Lewis and I are due at the Fourth Circuit Conference late Wednesday.

I suggest that apart from any needed special conference on Thursday or Friday to clear cases, we meet as follows next week:

Monday - following the announcement of opinions.

Wednesday - 10:00 a.m.

It may develop that a conference on Tuesday would be useful. We should be available on a day to day basis from now on.

Regards,

W B



CHAMBERS OF  
THE CHIEF JUSTICE

OK

June 18, 1980

Re: June Syndrome !

MEMORANDUM TO THE CONFERENCE:

Forget a Conference after opinions, i.e., at  
10:15 a.m. on Monday, June 23.

Conference for 2:00 p.m. stands, as per memo  
of June 17.

Regards,

WRB



*Sally - Suspend*  
Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
THE CHIEF JUSTICE

July 30, 1980

MEMORANDUM TO THE CONFERENCE:

Re: Dedication Ceremonies for Thurgood Marshall  
Law Library, University of Maryland School  
of Law, October 9, 1980 \* *See attached memo*

I have been informed that our wives are also  
invited to attend the ceremonies and reception.

The Marshal will coordinate transportation to  
Baltimore. Please advise him if you will attend or not.

Regards,

*WRB*

cc: The Marshal



*Sally - My file in Correspondence  
among Justices*  
Supreme Court of the United States  
Washington, D. C. 20543

AUG 1 1980

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

July 31, 1980

MEMORANDUM TO THE CONFERENCE:

I feel obliged to send this memorandum in regard to the Chief Justice's memorandum of July 30, concerning the "Dedication of the Thurgood Marshall Law Library", in Baltimore, on October 9.

In the first place, I will not be there and I have made this clear to them from the beginning.

I am very certain that Maryland is trying to salve its conscience for excluding the Negroes from the University of Maryland for such a long period of time.

Sincerely,

*T.M.*

T.M.



August 21, 1980

Personal

Dear Chief,

A few weeks ago we received a card from Ed and Kate Levi, written from Saltzburg, in which they said:

"The Chief and Vera made  
a great impression..."

As Ed and Kate are careful with their use of words, we were pleased - though certainly not surprised - by this report.

I also write to enclose an article from the Richmond Times-Dispatch that will not surprise you. Jo and I return to Washington Labor Day weekend.

As ever,

Enclosure:  
T-D Article

The Chief Justice  
United States Supreme Court  
1 First Street, N. E.  
Washington, D. C. 20543





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

CHAMBERS OF  
THE CHIEF JUSTICE

29  
file

July 29, 1980

Dear Lewis:

Thank you for your letter of July 22 and enclosure.

The former presents interesting aspects which did not emerge until quite late in the progress of the Bankruptcy legislation. The "slippery" methods employed by the sponsors tended to keep us in the dark a good deal of the time. The ardent Congressional sponsors had no time to think about constitutional problems.

As to the Draft Registration case, any expediting may "cut both ways". At the moment, I question whether there is any need for a speedy disposition. Why not let it take its own course? I'd be glad to discuss this and your reasons may persuade me.

The Salzburg Seminar was excellent, although they would have liked to have you and Carl McGowan who dropped out at the last moment.

Regards,

WRB

Mr. Justice Powell



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

c9  
file

CHAMBERS OF  
THE CHIEF JUSTICE

September 3, 1980

MEMORANDUM TO THE CONFERENCE:

We are finally getting away for about ten days. All appears in reasonable order, including the "word processing" project, albeit slightly behind schedule.

Our first Conference on the Summer Lists will begin Monday, September 29, at 9:30 a.m., as usual.

Regards,

WRB

P.S. / L.F.P.:

Thank you for your August 21  
note and enclosure.  
Salzburg was somewhat relaxing  
since I stayed on the Neer to Richmond  
Newspapers and needed little advance  
study. They broke neatly into five  
lectures. The Bicentennial films  
were a "hit" - one every evening with  
a brief introduction + a "Q + A"  
following. WRB



~~Leah~~ Linda — c-2  
Supreme Court of the United States  
Washington, D. C. 20543

Front of Book

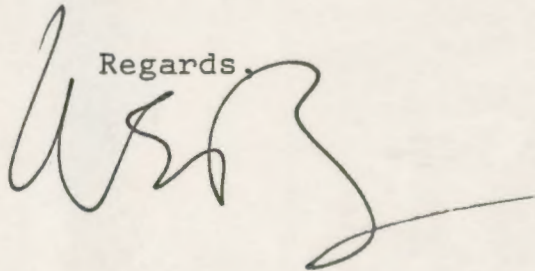
CHAMBERS OF  
THE CHIEF JUSTICE

September 25, 1980

MEMORANDUM TO THE CONFERENCE:

The enclosed memorandum from the Reporter  
will be on the Conference Agenda for Monday,  
September 29.

Regards,



Why not send concurrently  
& directly over to Reporter?



RECEIVED  
U.S. DEPT. OF THE  
JUSTICE

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

1980 SEP 25 PM 4 17

September 25, 1980

Dear Mr. Chief Justice:

In view of the change in the October 1979 Term in the method for distributing drafts of opinions to this office for headnoting purposes whereby we no longer receive copies of concurring and dissenting opinions, there are some situations meriting special consideration. I would be most appreciative if you would call to the Conference's attention the following:

(1) For lineup purposes in those cases where there are concurrences, we must know whether the opinion is a full concurrence, thus joining the majority opinion or whether it concurs only in the result or judgment, thus not joining the majority as to rationale. If it is an opinion concurring in part, it would be most helpful if we could receive a copy of it so as to determine whether the part of the majority opinion with which it concurs can be identified in the syllabus lineup (e.g., Part II-A).

(2) In the "no majority as to rationale" cases, we should receive copies of all opinions concurring in the result, as we must include summaries of these in the syllabus.

(3) In cases where a dissenting or concurring opinion applies to more than one case, we should be informed of this for lineup purposes. There was one instance last Term where lineups for two cases were given to us by a law clerk who did not notify us of a dissent that applied to both cases, and we had no reason to believe that there were not separate dissents, since we no longer were receiving copies of dissenting opinions. This caused some confusion as to the lineups when the opinions were released.

Respectfully,

*Henry C. Lind*  
Henry C. Lind  
Reporter of Decisions

Honorable Warren E. Burger  
The Chief Justice of the United States



c-9  
October 30, 1980

Dear Chief:

Please put the following case on the Discuss List  
for the October 31, 1980 Conference:

80-310    Chapman v. CIR, p. 12

Sincerely,

The Chief Justice

LFP/lab



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

File <sup>cg</sup>

CHAMBERS OF  
THE CHIEF JUSTICE

November 19, 1980

Re: Governor Reagan's call

MEMORANDUM TO THE CONFERENCE:

The latest information tells us that the call will be between 1:30 p.m. and 2:00 p.m., arrival estimated shortly after 1:30 p.m.

Governor Reagan will be accompanied by George Bush and Messrs. James Baker, Meese and Casey.

Only a Smithsonian photographer will be present in the Justices' Dining Room to record the event. We will control any release of the Smithsonian photos.

The usual "buzzer" signal will give a five-minute alert to gather in the Justices' Dining Room and the elevator will be reserved for Justices' use.

Regards,

WRB

Coffee and Tea, at least, will be on hand.  
(a pleasant occasion)

L.F.P



-9

November 17, 1980

CONFIDENTIAL

Dear Chief:

Although I do not feel strongly and did not speak out when this was discussed last June, I must say that I agree with Harry as to the change at this time in the traditional reference to a sitting member of this Court.

It is as certain as anything in this life can be that one of us will be replaced by a woman. In my view, this not only will be desirable; the choice of a woman may well be overdue, given the glacial changes in our society over the past two decades.

But it does seem more dignified, and perhaps less anticipatory of a political judgment, to defer making a change at this time. It certainly will be appropriate when a "Sister" joins us.

Sincerely,

The Chief Justice

Copies to the Conference

LFP/lab



cast 29

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

November 17, 1980

Dear Chief:

If you are maintaining a permanent record on the vote to eliminate the use of "Mr.," please record me as in opposition.

It seems to me that of late we tend to panic and to get terribly excited about some rather inconsequential things. I regard this as one of them. We are swayed by the anticipatory remarks of a federal appellate woman judge to the use of "Madam." So far as I am concerned, I think it would have been far better to let the present system, in force for many decades, continue until a woman is on the Court and her particular desires are made known. We seem to be eliminating, step by step, all aspects of diverseness, and we give impetus to the trend toward a colorless society.

To be entirely consistent, instructions should go forth to Ed Douglas to remove and replace the brass plates that are on the backs of the chairs at the bench and in the Conference Room, and to do the same with the brass plates that are on the doors of the respective chambers (other than yours, of course). I shall be opposed to such a move and, like some of our predecessors, shall go my own way as to those details.

As Hugo Black once despairingly said (and how well I remember), "All these changes around here!"

Sincerely,

H.A.B.

The Chief Justice

cc: The Conference



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

✓ c9

CHAMBERS OF  
THE CHIEF JUSTICE

November 20, 1980

MEMORANDUM TO THE CONFERENCE:

Personal

With Harry and Lewis, I thought we moved much too fast on the "Mr. Justice" business, as I thought we did on the recent hasty change in the Rules. But the Conference voted to make the change on last Monday's Order List, and Mike did as he was told. In each case, it was predictable that the media would have a word on the subject.

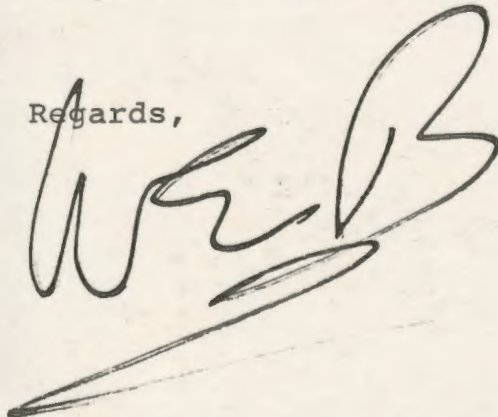
The media's response is less important by far than the appearance of hasty rather than deliberate action on significant changes. On matters of relatively minor consequence, little damage is done. What was done on these two matters illustrates the risks of a "rush to judgment."

As to Harry's concern for name plates, I can assuage his fears. Each Justice can describe himself in his (or her!) own way.

I should think that would be self evident, for who would want to tell the first "Madame Justice" how to describe herself!

You may recall that I do not address the Ms. Counsel as "Mizz." My successor may change that, but I hope not in haste or "panic."

Regards,





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

CHAMBERS OF  
THE CHIEF JUSTICE

December 19, 1980

Re: Inauguration

MEMORANDUM TO THE CONFERENCE:

Mark Hatfield advises me that his Committee has no jurisdiction over the Inaugural Balls. That is the province of a volunteer committee headed by Bob Gray.

As a result, I have no information on the subject but I will have it pursued.

Letters from Hatfield to us went out today.

On the matter of dress, which the press has played up more than usual, Mr. Reagan will wear a club coat, oxford or pearl gray vest and stripped trousers.

I will wear the same but would "not be caught dead" in a pearl gray vest except at a Garden Party or a wedding! I'll wear the one I wore for appearances in this Court.

Generally, most people will wear whatever they want!

More later.

Regards,

CRB