

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

CHAMBERS OF
JUSTICE POTTER STEWART

January 7, 1983

Dear Lewis,

Until receiving your note, I was not aware of the Yale Law Journal's intention of dedicating one of its issues to me. Needless to say, I am very gratified at the decision.

I think you were quite right to decline to write an article about me for the Yale Law Journal, particularly after the undeservedly glowing one you wrote for the Harvard Law Review.

Best personal wishes.

Sincerely yours,

P.S.
The Honorable Lewis F. Powell, Jr.

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

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CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

January 25, 1983

Dear Lewis:

Does this have any relevance, do you think, to
the opinion you are writing in Martinez v. Bynum?
Furthermore, would you want to answer it????

Sincerely,

Bill

Justice Powell

Encl.

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

*My File
on Justice
& our
communications*

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

January 26, 1983

Dear Morris:

When Leonard Janofsky was President, I expressed the hope that the Chief Justice would be awarded the ABA Gold Medal. Leonard will confirm that he shared my view. My understanding is that although others on the Board agreed, it was thought well to defer an award at that time. "The Brethren" had only recently been published and it was thought by some that awarding the Medal then would be viewed as an ABA response.

I write now to reaffirm my hope that the Chief Justice will be chosen this year or for the London meeting. I do not think the Medal should be bestowed upon a justice or a judge simply because he is on the bench (even the Supreme Court) or because he has distinguished himself in his judicial role. The ABA Medal should be given as recognition of distinguished service to the profession as a whole, and through the medium of the legal profession such service promotes the rule of law and benefits all of society.

In my view, no single member of our profession in many years has done as much for the profession and for the improvement of the administration of justice as Warren E. Burger. I was present when Justice Douglas (hardly a close friend of the Chief Justice) said publicly that he thought the present Chief Justice had done more for the system of justice generally than any Chief Justice since Taft. I will not document his contributions, as you are generally familiar with them. Examples that are not generally known include the Administrative Office for State Courts, now a going concern and located in Williamsburg, and the establishment of Circuit Executives at each of the Circuit Courts of Appeals. The Chief originated the idea for the former, and working with Justice Reardon of Massachusetts, was a major factor in bringing it to fruition. The Chief's annual reports to the ABA House of Delegates document a host of proposals for the improvement of the administration of justice, many of which have moved forward with his support. The Pound Conference in Minneapolis a few years ago was the Chief Justice's idea.

Viewing only his participation in the ABA, it is important to remember that he succeeded Judge Lumbard as Chairman of the Criminal Justice Project. This project produced, as you know, a series of Standards that have had a profound effect on the prosecution, defense and trial of criminal cases. This Court has cited these Standards a number of times.

And no other Chief Justice in the history of the Court has appeared before the House of Delegates annually, or generally has been as supportive of our Association as Warren Burger.

In sum, it seems to me that recognition of all this by the award of the Gold Medal to him is long overdue. I add here that I have never discussed this subject with the Chief Justice, nor has he ever mentioned it to me. This is to be contrasted with what you and I know has happened in the past: where some people have conducted quiet campaigns to have themselves chosen.

I am sending a copy of this letter to President Elect Riley, and also to John Shepherd.

I hope to be with you for the Atlanta meeting next August. I am sure you are having a busy and productive year.

Sincerely,

Hon. Morris Harrell
President
American Bar Association
4200 Republic National Bank Tower
Dallas, Texas 75201

lfp/ss

cc: Hon. Wallace D. Riley
Hon. John C. Shepherd

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

February 18, 1983

PERSONAL

81-1839 Minneapolis Star v. Minnesota Commissioner

Dear Sandra:

I read your opinion last night with interest and admiration. It has a great deal of history in it.

At the personal level I swallowed hard when I read the first sentence on page 9:

"Indeed, our nation owes its liberty as much to the aid of a free press as to our citizens' muskets".

A free press, of course, is essential in a democracy and particularly now that our country has become virtually a "pure" democracy. I have recognized this repeatedly in what I have written about the First Amendment.

Yet, there is a good deal of truth to the view - increasingly expressed - that our media has become the "fourth branch" of government (particularly television) - a branch not subject to the people or any of the lawful checks and balances of our system. Its interest and influence extend far and pervasively beyond preserving our liberties.

In my view the judiciary - and indeed for the most part all three branches of government - also have sought to preserve the liberties guaranteed by the Bill of Rights. Opinions such as yours today assure that the media is able to continue its important role. I would not single out either the media or the muskets.

Moreover, and here I express my own personal conviction, some of the media coverage of the Vietnam war was by no means invariably accurate or in the best interest of our country. There are responsible people who think this may have handicapped the "muskets". Of course, there were enough mistakes made both in commencing and conducting that

unfortunate war to be shared among many, and so I do not single out the media.

Sincerely,

Lewis

Justice O'Connor

lfp/ss

P.S. The enclosed article was sent me some time ago. I do not indentify either Mr. Wattenburg or the publication, but the view expressed is a sobering one in terms of preserving liberties in a world threatened by totalitarian regimes.

Too Bad for Our Side:

War Is A Video Game

by Ben J. Wattenberg

Suppose you were a young military officer or a young diplomat. What would be the right lessons to learn from the recent wars?

It has been said that what's new about these wars has something to do with the devastating French missiles used by Argentina, or with the ingenious Israeli adaptation of American smartware, or with the deficiency of Soviet anti-aircraft technology used by Syria.

But I fear that the real lessons to be taught at West Point or the Fletcher School of Diplomacy will be very different. The most important new weapons are light-weight television cameras and television satellites. They have unwittingly made it more difficult for free nations to operate in the real world.

Consider the string of recent wars: Afghanistan, Iraq-Iran, El Salvador and, more recently, the Falklands and Lebanon. And consider some new rules of the road that every geopolitician and military tactician must now teach.

First Rule: Communist countries can wage long, brutal wars and pay very little for them. It is two and a half years since the Soviets rolled into Afghanistan. The Afghans continue to fight well, but the U.S. grain embargo has been lifted, sanctions were never imposed and the nightly news all over the world ignores the conflict. After all, if you can't get television cameras into a country to witness the poison gas, the dead civilians, the maimed children—then what can you show on television? No access; no horror.

Second Rule: Roughly the same guidelines hold for non-free, non-Communist countries. The Iran-Iraq war began almost two years ago; 100,000 people have been killed, including many civilians. The Iranians developed a new mine detector: young boys run across the battlefield to explode the mines. But

there are no television cameras to record the battered bits of young life blown sky high. No cameras; no news. No news; no outrage. No outrage; no penalty. And so, Iraq still hoped to host the Conference of Non-aligned Nations; the United States buys oil from Iran.

Third Rule: A democracy can wage a quick war if it is on an isolated, faraway island—which enables it to control the news. There was plenty of television coverage of the ships leaving England to the tune of "Don't Cry for Me, Argentina." But there was no contemporaneous television film of the deaths of the British sailors in the icy sea or in melting aluminum ships. No foreign correspondents were allowed with the fleet; censorship was tight. In many ways, it now comes out, the British public was purposefully misled. Question: if English television had shown the gore of the war while it was happening, could Mrs. Thatcher have kept the political support necessary to finish the war?

Fourth Rule: Only at great cost can democracies get involved—even minimally—if the battlefield is an open country. America provided military aid and fifty advisers to the civil war in El Salvador. They were outnumbered by television folks; the coverage made us appear at times like conspiratorial, lying butchers. It sometimes seemed as if the war was about four dead nuns. Another big story revealed that an American adviser actually carried a rifle. Television coverage helped to turn the American public sour on a limited, moral enterprise; now U.S. political support for El Salvador is fraying.

Fifth Rule: On non-islands, democracies can wage only short wars, telling the whole truth, all at once and immediately. If the war goes on, if goals change as targets of opportunity arise,

if the government says something it is not so—beware of the wrath of the world. Because both Israel and Lebanon host plenty of television crews, because a television journalist can get to the front quickly in a Hertz rent-a-car, because the censorship is porous—even a bit of the horror that any war produces is in everybody's living room the next day. In war, access equals horror.

The Israelis are complaining bitterly that Israel is unfairly held up to a double standard. Actually, it is more serious than that. The new rules of media warfare establish a double standard for all open societies. Television will show blood in El Salvador, in Lebanon—in any open country—and civilized people will be shocked and exert political pressure to make it stop.

This is important. The use of force and, more important, the threat of the use of force are still key parts of the global geopolitical equation. That is sad, but true.

The nature of television news demands that it show whatever horror is available. Our horror is available; our adversaries' horror is not. That process unwittingly presents our adversaries with a great gift. They can credibly use the threat of force in a harsh world; it is much more difficult for us. They know that; we know that; they know that we know that. Accordingly, they can be more adventuresome than they might ordinarily be. That is not the fault of television; it is the burden of the glory of a free press.

Of course, all this is not brand new. The same phenomenon was apparent in Vietnam, when only our half of a bloody war was shown in the living rooms of the world. Now it is apparent that it was no accident; it will keep on happening that way. That may be a tough lesson for would-be generals and diplomats to swallow, but it is a more important one than which side has the smarter missiles. □

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

March 9, 1983

The Chief Justice
Justice White
Justice Marshall
Justice Blackmun
✓ Justice Powell
Justice Rehnquist
Justice Stevens
Justice O'Connor
Justice Stewart

Dear Colleagues:

Mary Fowler and I were married today and are en route
to Bermuda for a few days.

Sincerely,

Bill

Wow!

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

March 14, 1983

Dear Mary and Bill,

What a wonderful
surprise!

It was a great
idea, and Jo and I
warmly congratulate
both of you.

With affection,

Lewie

P.S. I doubt that Bill
will ever find anyone
else who can read
his hand writing.

April 5, 1983

Dear Chief and Byron:

Perhaps you know that John Brown had a coronary followed by a serious bypass operation.

This just came to my attention today in a long letter from Vera to "friends, relatives and former law clerks".

Happily, she says that John is having an excellent recovery.

If you have not received a similar letter, I will send you copies.

Sincerely,

The Chief Justice
Justice White

lfp/ss

*BRW
got a copy of letter*

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

may 4 [1983]

Dear Lewis,

Don't despair. I think
I can give you all of
the separate writing in
the three abortion cases
tomorrow. I regret
it has taken so long
but there was a great
deal for me to review
and consider before
putting it on paper.

Sincerely,
Sandra

Julien

May 17, 1983

Dear Potter,

Last night I read the first of
your three Stone Lectures on the Fourth
Amendment.

It is excellent in every respect,
agreeable to read and educational even for
one who has had a certain experience with
the Exclusionary Rule.

We must have lunch together again
soon.

Sincerely,

Justice Stewart

lfp/ss

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

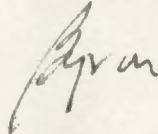
CHAMBERS OF
JUSTICE BYRON R. WHITE

May 27, 1983

Dear Dan,

I appreciate your thoughtfulness in sending along the informal photograph taken at "The American Cowboy" exhibition. Lewis looks as patient as ever when listening to an unpersuasive argument.

Sincerely,



Dr. Daniel J. Boorstin
The Librarian of Congress
Washington, DC 20540

✓cc: Justice Powell

cpm

Curt

June 18, 1983

Dear Potter:

Thank you for your memo advising that David Geronemus may be available until fall for doing some work in other Chambers.

Although I get along very well with four clerks, if David is underutilized by other Chambers you might suggest that he let me know. There always is at least some bench memo work that is educational both for the clerk and the Justice.

Sincerely,

Justice Stewart

lfp/ss

7 on Justice

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

July 1, 1983

Dear Lewis:

Thank you so much for your nice note of today. I do hope that your beloved Richmond and your devoted friends there will combine to give you the rest you so richly deserve this Summer.

I agree that this has been a demanding and taxing Term. I almost resent having the months of May and June chewed up the way they are year after year. I am planning, after my Circuit Conference, to get up into the northern Wisconsin woods for three weeks. In the past, that has helped.

Sincerely,

Harry

Justice Powell

July 1, 1983

Dear Harry,

Jo and I will be delighted to attend your dinner for the Court on November 12.

It is a great idea.

Meanwhile, I certainly hope that you and Dottie will have a pleasant and restful summer - what is left of it! This has been the most demanding - and at times frustrating - of my twelve Terms on the Court.

Sincerely,

Justice Blackmun

lfp/ss

AUG 1 1983

UNIVERSITY OF VIRGINIA
CHARLOTTESVILLE

OFFICE OF THE PRESIDENT

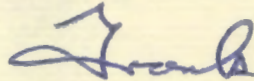
July 26, 1983

The Honorable Lewis F. Powell, Jr.
Supreme Court of the United States
Washington, D. C. 20543

Dear Lewis:

I have just written Justice O'Connor, on behalf of the Class of 1984, to invite her to be the speaker at our Commencement Exercises next spring. I would be very grateful if you could urge her to accept our invitation.

Sincerely,



Frank L. Hereford, Jr.
President

FLH:ls

OFFICE OF THE PRESIDENT

July 26, 1983

C
The Honorable Sandra Day O'Connor
Supreme Court of the United States
Washington, D. C. 20543

Dear Madame Justice:

O
I write once again to ask if you can speak at the University. Every spring a committee made up of faculty and students meets just before the end of the term to decide who they would like me to invite to be the speaker at Finals the year after. On their behalf, and on behalf of the Class of 1984, I am honored to be able to extend their invitation to you to be the speaker at the University's Commencement Exercises next spring.

P
The Exercises next spring will be held on Sunday, May 20 and will begin at 10:00 a.m., with an academic procession of faculty and students down the Lawn from the Rotunda. After brief opening ceremonies, the Finals speaker is introduced; the speaker's address is usually fifteen or twenty minutes in length and necessarily should not exceed thirty minutes. After this, I present degrees to the graduates in blocks, not individually, and the ceremony thus is over well before noon as far as you and I are concerned as the diplomas are actually awarded by the Deans in separate ceremonies that follow. This past spring, Governor Robb, in spite of rain which persisted most of the day, had an audience of over 12,000 on the Lawn.

Y
You are, of course, welcome to use any topic for your address. In deference to the opinions of our Founder, Thomas Jefferson, the University has never given an honorary degree but we are able to offer a small honorarium in addition to your travel expenses. If you and your husband can join us on the preceding afternoon or evening, as I hope you can, the University would be delighted to provide accommodations for you. If, however, your schedule would not permit you to arrive in Charlottesville before Sunday morning, my wife, Ann, and I hope you can at least join us for lunch at our house, Carr's Hill after the Final Exercises.

Two of your colleagues -- Thurgood Marshall and Bill Rehnquist -- have spoken here at Finals in recent years and Lewis Powell has spoken at the University frequently since he went to the Supreme Court. I hope very much that you will be able to accept our invitation and that we will have a chance of welcoming you back to Charlottesville.

Sincerely,

Frank L. Hereford, Jr.
President

FLH:ls

bcc: The Honorable Thurgood Marshall
The Honorable Lewis F. Powell, Jr. ✓
The Honorable William H. Rehnquist

August 2, 1983

Dear Andy and Potter:

I so much appreciate your telephone calls, and your concern, about the cataract surgery on my left eye.

So far, all seems to be going very well. I now have an interim new pair of glasses to be replaced early in September after my eyes have adjusted to the new lens. At the moment, I feel somewhat out of balance but still can read and look at TV - when there is anything on it that interests me.

Admiral Rickover spoke here on the inadequacy of American education. In his irascible style, he blamed parents and television, as well as the schools, for the lowest intellectual standards in the (western) world. Quite apart from what it does to children, much of TV "news" (show business) and commentary tend to weaken confidence in the institutions of our Government, and indeed so often blames America for whatever is perceived to be wrong in the world.

On the side of "good news", that prompted me to write as well as to thank you for your calls, is the report that Potter has been appointed to two commissions of great importance. Potter will be a constructive leader in both groups. These also assure that Potter's life again will be vigorous and challenging.

With affection to you both.

Justice Stewart
and Mrs. Stewart
Bowen Brook Farm
Franconia, New Hampshire 03580

August 4, 1983

Dear Sandra:

President Hereford of the University of Virginia has sent me a copy of his letter of July 26 inviting you to speak at the Commencement Exercises next May.

You may recall that I commended this occasion to you when the University extended an invitation for the 1982 commencement. As you and John know the University and Charlottesville quite well, I need not say that being on that lovely campus is always a heartwarming experience. And the commencement ceremony on the Lawn is unique in many respects.

I can testify also as to the hospitality extended to guest speakers, including the delightful lunch in the President's residence following the Final Exercises.

I know, of course, that you necessarily limit severely your speaking commitments. This is one, relatively convenient, that I know would give you and John - as well as the large audience - special pleasure.

As we have been sweltering here in unusually dry, hot and humid weather, we have envied you and John playing golf in the Scottish Highlands.

Sincerely,

Justice O'Connor
United States Supreme Court
1 First Street, N. E.
Washington, D. C. 20543

bc: Mr. Frank L. Hereford, Jr.
President, University of Virginia

My very best to you and Ann.

August 11, 1983

Dear Potter:

The NBC news last night "covered" the swearing in ceremonies - at The White House - of your Commission on future policy in Central America.

The pictures were two fragmentary for me to identify you. Typically, NBC coverage was essentially negative. It gave more time - with a closeup - to the Spanish-American member who apparently already opposes any American intervention in Central America. The only other member to speak was Kissinger, and only for an innocuous sentence or two. The basic message of the broadcast was that the Commission would probably "boomerang" against the Administration, the implication being that our policy is too stupid even to merit consideration.

One must be concerned, as we have discussed, whether any Administration - democratic or republican - can conduct successfully a coherent foreign policy when the the national media, particularly the three TV networks, tends almost invariably to under-cut our country's efforts. The most recent example is the "knee-jerk" criticism of any aid to Chad. Of course, I do not suggest that foreign policy - on any other Government action - should be immune to criticism. But the perception of any obligation to be generally supportive of our own country seems now to be quite old-fashioned.

I have agreed with you in most, if not all, of the First Amendment cases involving freedom of the press. Our duty as judges is to construe and apply the First Amendment, and its language is rather explicit. As a citizen, however, I must say that I am troubled by the incessant effort to find fault with almost everything America does to help preserve peace and order in an extremely dangerous world.

Justice Stewart
August 11, 1983
Page Two

At the personal level, the prognosis about my eye surgery continues to be positive. I am back reading briefs and cert memos, though not at full speed. I hope to have permanent new glasses by mid-September. Virginia is in the midst of the worst drought almost in living memory. It is less pleasant being here in the summer than I can remember. Yet, Jo and I do enjoy being at home and seeing our friends. The Bemisses recently left for the cooler clime of Maine.

Perhaps you saw in the press that my former clerk Jay Wilkinson has been nominated to fill the vacancy on CA 4. Although opposition from the NAACP and ACLU is expected (and I would have preferred a lawyer with substantial practicing experience), Jay is a splendid scholar and will become a fine addition at the circuit court level. The Chief's former clerk, Ken Starr, has been nominated for CADC. These two nominations break a deadlock that has existed over the Administration's desire to put Starr, a non-Virginian, in one of Virginia's places on CA 4. Often politicians seem to lack elementary political judgment. Predictably, the Virginia Bar was up in arms.

Affectionate best to you and Andy.

As ever,

Mr. Justice Stewart
Bowen Brook Farm
Franconia, New Hampshire 03580

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

*File
correspondence
with Justice*

CHAMBERS OF
JUSTICE POTTER STEWART

AUG 29 1983

August 25, 1983

Dear Lewis,

Thank you for your letter of August 11, and for your earlier one to Andy and me. I agree with you that the national media, particularly network TV, are more interested, seemingly, in controversy and confrontation instead of news. It must be very frustrating for this or any President.

We had not heard of Jay Wilkinson's or Ken Starr's nominations to the respective Courts of Appeals. I am particularly happy about Jay, whom I knew much better than Ken Starr.

We are delighted to know of the favorable prognosis about your eye, and send you and Jo our affectionate best wishes.

Yours sincerely

Potter

The Honorable Lewis F. Powell, Jr.

~~Sept 23~~

September 14, 1983

MEMORANDUM TO THE CONFERENCE:

Although I am much younger than the Chief (his birthday is the 17th), I suggest we celebrate both on the 26th. As the "junior", I will provide the ~~wine~~.

refreshments

L.F.P., Jr.

ss

MARUYAMA SCHOOL
Japanese
Basket of Flowers, Watercolors on silk.
Unsigned, but possibly by Maruyama Okyo
himself, or one of his followers.
Undated, but probably late 18th century.

THE SCH'MAVONIAN COLLECTION
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CORTE MADERA, CALIFORNIA

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in each year
to give joy to
others by your
kindness and
intelligence.

Fondly,

Sandra

Sept. 19, 1983

Dear Lewis,

May this be
a very happy
birthday for you!
You should be
very proud of
each year of your
life because you
have managed

AUG 29 1983

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

Sally - file
"Correspondence
with
Justice"

August 22 [1983]

Dear Lewis,

Thank you for your
note encouraging me to
accept President Hareford's
invitation to give the
commencement address
at University of Virginia.
I will seriously consider
accepting, although I am
not fond of giving com-
mencement addresses. I
will resolve my speaking
engagements in early
September.

I hope you and Jo
have had a wonderful
and restful summer.

John and I enjoyed our
trip to Scotland exceedingly.
John is back in Washington
now until Scott's wedding,
and I am escaping to
our mountain cabin near
Prescott — reaching briefs
and cert memos.

I look forward to
seeing you in September.

Sincerely,

Sandra

School of Law

F O R D H A M U N I V E R S I T Y

Lincoln Center
140 West 62nd Street
New York, N.Y. 10023
841-5191

Office of the Dean

SEP 27 1983

September 20, 1983

The Honorable Justice Lewis F. Powell, Jr.
Supreme Court of the United States
Washington, D.C. 20543

Dear Justice Powell:

It is my pleasure to announce the selection of Mr. Justice Potter Stewart as the 1983 Fordham-Stein Prize recipient.

The presentation will be made at a formal dinner at the Hotel Pierre in New York on Thursday, October 27, 1983. We would be honored to have you with us on this happy occasion.

I am very grateful for your interest in this award on behalf of the profession and appreciate your nomination of this year's recipient.

Respectfully,



John D. Feerick

JDF/mf

September 27, 1983

Dear John:

I am delighted that Justice Stewart has been selected as the 1983 Fordham-Stein Prize recipient.

You could not have made a finer selection.

It will not be possible, however, for me to attend the presentation dinner. We have a Court Conference scheduled for Friday, October 28, and the Thursdays before a Conference are very busy days.

I have been much pleased that you are serving as Dean at Fordham, and recall most warmly our earlier association. I still have your book in my library.

With best wishes.

Sincerely,

Dean John D. Feerick
School of Law
Fordham University
140 West 62nd Street
New York, New York 10023

lfp/ss

JLM
10/18/83

Dear Lewis,

Thank you for
letting me read Dan
Meador's article. It
sounds like a difficult
proposal to get through
Congress, but it tries
to strike a reasonable
compromise in the face
of the current Congressional
impasse. I suspect
this Court should go

ahead with efforts
to determine when
successive petitions
for habeas are an
abuse of the writ, or
how res judicata
applies.

Sandra

December 20, 1983

Harlow v. Fitzgerald, 457 U.S. 800

Dear Byron:

Henry Lind has referred the enclosed letter to me.

Although I do not think the suggested "comma" is necessary, I certainly have no objection. Do you?

Sincerely,

Justice White

lfp/ss

December 29, 1983

Dear Mr. Crystal:

Thank you for your note of December 23, and the Christmas issue of The Reporter. I am glad to have the concluding part of Justice Stewart's exclusionary rule lecture at Columbia.

As to your request that I submit a tribute to Justice Brennan, I think it best to decline. I am behind in my opinion writing here and have little or no time for outside commitments. I also would hesitate because over the past several years (usually in the summer), I have written tributes for several law reviews - including one on Justice Stewart. It therefore would have greater force, perhaps, if some other Justice wrote the principal tribute to Justice Brennan.

I would be happy for you to quote me as saying the following:

"In my view, Justice Brennan will go down in history as one of the truly great Justices of the Supreme Court. He brought to his duties here an exceptionally broad experience for a relatively young lawyer. He also is a gifted legal scholar. Over the long tenure of his service on the Supreme Court, he has written a number of the landmark decisions - decisions that will shape our law for decades to come. When one also considers the number of his dissenting and concurring opinions, Justice Brennan may well have added more pages to the United States Reports than any other Justice in the Court's history.

Despite the occasional sharpness in the language of some of his dissents, Justice Brennan is a warm and generous human being - liked personally by all of us who live rather closely together in this handsome building. As inexact as the terms "liberal" and "conservative" are, Justice Brennan is more liberal in his view of the commands of the Constitution than I am. This is not to say, of course, that

he is always right! He also thinks I sometimes err egregiously. Despite differences, he and I remain warm friends - a friendship that dates back a number of years before I came to the Court."

If you elect to use the foregoing, I would like to see it in printed proof form.

Sincerely,

Mr. Daniel Crystal
Associate Editor
The Reporter
County Court House, Room 212
Hamilton Street
Paterson, New Jersey 07505

lfp/ss



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

12/14/83

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

Dear Lewis,

I am amazed that you were able to construct a cogent and persuasive opinion in the Stephens v. Kemp stay application on such short notice. I think it will be helpful to CA II when it considers the Spencer case. It will also be of great assistance in helping this Court come to grips with the abuse of the writ issue.

I appreciate your
efforts and guidance
very much.

Sincerely,

Sandra

P.S. Let us hope that is
the last midnight petition
for a while.

Justice File

[1983]



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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

Dear Lewis and Jo,

Enclosed is a snapshot
from Park City with some
familiar faces.

Now, finally, we have
also met your wonderful
daughter, Jo. That was
a special treat also.

Fondly,

Sandra

1983