

January 12, 1982

Dear Chief:

An organization called the Assistant United States Attorney's Association is planning a reception in honor of Stanley S. Harris, the newly appointed United States Attorney. A former clerk here, Hamilton P. Fox, III has asked whether I would sponsor the reception for this purpose. They would like to have a cocktail party here from 6:30 to 8:00 p.m., preferably on a Friday evening in February.

You may remember Fox (his nickname is "Phil"). He actually clerked for Stanley Reed my first Term on the Court, and Phil had been doing some work for you. When I arrived with only two law clerks, you lent Phil to me.

I have declined to sponsor parties here. My only exception in a decade was for the Securities and Exchange Commission that gave a "going away" party for its retiring general counsel.

I know that our policy is restrictive. I approve of that. But I believe exceptions are made. What is your advice?

Sincerely,

The Chief Justice

lfp/ss

c 9

January 14, 1982

Dear Chief:

As you will see from the enclosed letter from Dick Merrill, Dean of the Law School at Virginia, I sent him a copy of your year end report. He is pleased by your comments on the summer course there for judges.

The course is under the direction of Dan Meador, former Assistant Attorney General under Griff Bell, who joined you in supporting a number of reforms.

It would be helpful, and entirely appropriate, I think, for you to write Professor Meador a note commending this program as both unique and useful. I have had enthusiastic reports about it.

Perhaps you could repeat in essence what you said in your year end report, with some elaboration and a compliment to Dan Meador. I know that Dan would particularly appreciate this.

Sincerely,

The Chief Justice

lfp/ss

49
January 21, 1982

Dear Chief:

Please add the following cases to the Discuss List
for tomorrow's Conference:

81-973 United States v. Dahlstrom - p. 3

81-1033 St. Joe Paper Co. v. Superior Ct. - p. 4

Sincerely,

lfp/ss

c9

February 18, 1982

PERSONAL AND CONFIDENTIAL

Dear Chief:

I combined a brief visit with our daughter Molly and her family in Salt Lake City with a visit to the University of Utah Law School. I also spoke at the annual banquet of the Law School Alumni Association. Both federal and state judges turned out for the banquet, as well as the Governor of Utah. Dallin Oaks was among the judges present. Several people - including Chief Justice Hall - spoke highly of Dallin as making a superb member of the Utah Supreme Court.

You and I have talked before about Dallin's high qualifications for judicial appointment. He would add strength to any Court of Appeals or, indeed, this Court.

I suppose the Attorney General knows of Dallin's exceptionally high qualifications. If he should inquire of you, you might include me as an admirer. I recruited Dallin, when he was on the faculty of the University of Chicago to become the Executive Director of the American Bar Foundation. He was with the Foundation for only about a year before being "called" to the Presidency of Brigham Young. I saw a great deal of him during the period.

Several judges and lawyers asked to be remembered to you.

Sincerely,

The Chief Justice

lfp/ss

February 18, 1982

Dear Chief:

Please put the following case on the discuss list
for the February 19, 1982 Conference:

81-1134 - Ashcroft, Atty. Gen. Mo. v. Natl. Org.
for Women, Inc., p. 12.

Sincerely,

The Chief Justice

LFP/vde

cg
March 1, 1982

Dear Chief:

I enclose letter of February 22 from Mr. Schweitzer, President of the Assistant U.S. Attorneys Association.

You will recall that I sponsored a reception here by that Association in honor of the new U.S. Attorney. Mr. Schweitzer's letter is gracious and also complimentary of our people.

Sincerely,

The Chief Justice

lfp/ss

March 4, 1982

Bob Jones University and Related Cases

Dear Chief:

Two suggestions have been made to me of lawyers who apparently would like to be appointed counsel in these cases. Although I have not focused on the problem, my recollection is that in view of recusal by Wallace of the SG's office, we do have to appoint a substitute counsel.

In any event, Potter advised me that he has reason to believe that Lloyd Cutler would be available for this appointment.

I also had a telephone call from a friend in Sidley & Austin who said substantially the same thing with respect to Newton Minow.

Both of these are lawyers of high competence and standing. Each has held high office, however, and I do not know whether this makes any difference.

Former Solicitor General Erwin Griswold might merit consideration.

Although I feel obligated to bring the names of Messrs. Cutler and Minow before the Conference at the appropriate time, I am not circulating this letter.

Sincerely,

The Chief Justice

lfp/ss

March 4, 1982

Dear Chief:

Please put the following cases on the discuss list for the March 5, 1982 Conference:

- 81-198 - Ins. Co. of No. Am. v. Forty-Eight Insulations, p. 1.
- 81-200 - Aetna Casualty & Surety Co. v. Porter, p. 1.
- 81-1012 - Ins. Co. of N. Am. v. Keene Corp., p. 1.

Sincerely,

The Chief Justice

LFP/vde

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

CHAMBERS OF
THE CHIEF JUSTICE

March 12, 1982

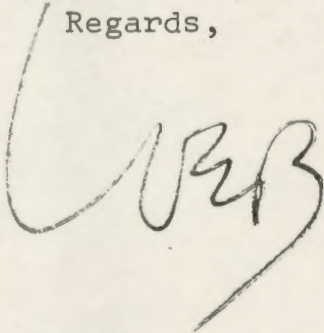
MEMORANDUM TO THE CONFERENCE:

I want to make one final attempt to find a day when all Justices and spouses will be available for a "joint photograph."

Half a dozen dates have been suggested and found wanting.

I am now proposing either April 1 or 2 at 9:30 a.m. Since I presume all Justices will be attending the Conference on April 2, that may be the preferred date. Please check with your spouses and let me know when you will both be available.

Regards,

A handwritten signature in dark ink, appearing to be "WRB", written over a large, light-colored, stylized bracket or checkmark.

March 13, 1982

Dear Chief:

Jo and I will be available on either April 1 or April 2 at 9:30 a.m., for the "joint photograph".

As I am leaving the city in the early afternoon, I will not be able to attend the Conference beyond 12:30 p.m. If we have not concluded, I will leave my votes.

Sincerely,

The Chief Justice

lfp/ss

cc: The Conference

C9

March 23, 1982

Dear Chief:

Recently when being driven by a officer, I inquired whether our police had been authorized to carry weapons and make arrests beyond our own small area.

He responded in the negative. I recall the report you made to the Conference some time ago that legislation was pending. I hope that our people are making the necessary follow-up to ensure its passage.

Quite apart from the Court itself, the community would benefit from this incremental increase in police availability.

Sincerely,

The Chief Justice

lfp/ss

CHAMBERS OF
THE CHIEF JUSTICE

Sally - To Note

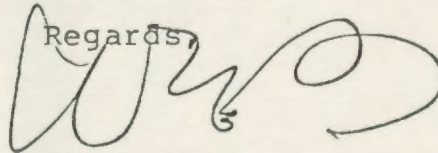
March 24, 1982

Re: April Argument Calendar

MEMORANDUM TO THE CONFERENCE:

I have received no comments on the Tentative April Argument Calendar, or the list of cases to be held over until next Term. Absent dissent, I will instruct the Clerk to release the April Argument Calendar today and set the remaining cases for argument next Term.

Regards,



Week of April 19

80-2102 RENDELL-BAKER v. KOHN

80-2015 ASARCO INC. v. IDAHO STATE
TAX COMMISSION

80-1745 F. W. WOOLWORTH CO. v. TAXA-
TION & REV. DEPT. OF N. M.

81-349 CHICAGO BRIDGE & IRON CO.
v. CATERPILLAR TRACTOR CO.

81-450 U. S. v. VALENZUELA-BERNAL

80-2116 WILLIAMS v. U. S.

80-1305 ALFRED L. SNAPP & SON, INC.
v. PUERTO RICO, EX REL.
BAREZ

81-300 FORD MOTOR CO. v. EEOC

80-1012) RICE v. NORMAN WILLIAMS CO.
)

80-1030) BOHEMIAN DISTRIBUTING CO.
) v. NORMAN WILLIAMS CO.
)

80-1052) WINE & SPIRITS WHOLESALERS
OF CALIF. v. NORMAN
WILLIAMS CO.
(Cons.--1 hour)

80-2205 FINLEY v. MURRAY

80-2195 U. S. v. GOODWIN

81-411 JACKSON TRANSIT AUTHORITY
v. LOCAL DIVISION 1285,
AMALGAMATED TRANSIT UNION

Week of April 26

81-614 GRIFFIN v. OCEANIC
CONTRACTORS, INC.

81-534 O'DELL v. ESPINOZA

81-574 GENERAL TELEPHONE CO. OF
THE SOUTHWEST v. FALCON

80-2070) SUMITOMO SHOJI AMERICA,
) INC. v. AVIGLIANO
)

81-24) AVIGLIANO v. SUMITOMO
SHOJI AMERICA, INC.
(Cons.--1 hour)

81-389) UNION LABOR LIFE INS. CO.
) v. PIRENO
)

81-390) N. Y. STATE CHIROPRACTIC
ASSN. v. PIRENO
(Cons.--1 hour)

81-451 HATHORN v. LOVORN

81-55 NEW YORK v. FERBER

81-150) NO. PIPELINE CONSTRUCTION
) CO. v. MARATHON PIPE LINE
) CO.
)

81-546) U. S. v. MARATHON PIPE LINE
CO.
(Cons.--1 hour)

80-2162 RAMAH NAVAJO SHOOL BD. v.
BUR. OF REV. OF N. M.

81-497 SUMMIT VALLEY INDUSTRIES,
INC. v. LOCAL 112

81-770 BLUM v. BACON

81-750 FIDELITY FED. SAV. & LOAN
ASSN. v. de la CUESTA

cg
March 29, 1982

Personal

Dear Chief:

The enclosed clipping from a recent U.S. News and World Report suggest that members of Congress pay for drugs that are prescribed by Dr. Cary and his staff.

I was told, when I came to the Court, that the medical service - including prescription and other drugs - were available without cost to Justices. I therefore do not recall having paid for any such drugs for myself. Of course, Jo uses private physicians.

When I had colon surgery at Bethesda, I paid - with substantial assistance from Medicare and insurance - the hospital bill of about \$4500.

Is my understanding correct?

Sincerely,

LFP/vde

c9

April 26, 1982

Dear Chief:

Ann Widgery called yesterday to say that she will be in Washington from Wednesday, April 28, through Sunday, May 2.

She will be staying in our apartment.

Jo, who went to Richmond yesterday for a funeral, asked me to invite you and Vera to an early supper on Wednesday, the 28th, or Saturday, May 1.

Thursday is the night before a Conference and Jo and I have a long-standing date on Friday evening. Perhaps you could arrange for Ann to attend the Historical Society dinner on Friday.

If Penny could let Sally ^{know} whether you and Vera can join us, I would appreciate it. We need to arrange for someone to help Jo with the supper.

Sincerely,

The Chief Justice

lfp/ss

19
April 27, 1982

Photographs

Dear Chief:

I also have checked, and confirm that I advised Gail as to my preference when we were first requested to do so.

She tells me that the delay, so far as she knows, is not attributable to uncertainty about the photographs.

Sincerely,

The Chief Justice

lfp/ss

cc: The Conference
Ms. Gail Galloway

May 24, 1982

Dear Chief:

I enclose a letter from Harvey Chappell, former President of the Virginia State Bar, commending James N. Woodson who has applied for the position of Public Information Officer here.

I am sure you know Harvey Chappell, as he has been on the Board of Governors of the ABA and will be a candidate for President Elect next February. He is one of the leading lawyers in our state and a long time friend of mine.

Sincerely,

The Chief Justice

lfp/ss

bc: R. Harvey Chappell, Jr., Esquire

5/27/82
Supreme Court of the United States
Washington, D.C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

Dear Lewis
Immediately after the
Conference on 80-2043,
Pico, I was so disturbed
at the absurd result that
I delivered myself of a
dozen pages of rough draft for
dissent. That was more
than three months ago
and I had no copy in
my file and had
forgotten that I gave it
to a clerk with directions

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

CHAMBERS OF
THE CHIEF JUSTICE

to "beef it up."

I suspect that the
Clerk is trying to "soften"
my draft and only
now do I discover
that I have a dozen
pages of vigorous dissent.

If agreeable to you
we will "name pro
funt" and if my
dissent is too "soft" you
can add some fire and
brimstone! Regards WSB

June 24, 1982

Dear Chief:

This refers to your memorandum with respect to the schedule of cases.

I have four cases to bring down. We agreed at Conference today that 81-38 Crawford v. Board of Education would come down on Monday, with Harry's opinion in the Seattle school case. I note that they are carried over until Tuesday.

You will recall my memorandum of June 23 advising of my plans to leave here Wednesday afternoon to attend the Fourth Circuit Judicial Conference. Your memorandum now would set Lehman for Wednesday. All of the votes are in, and this is ready - unless Harry has some further thoughts - on any day next week. I have no objection to it coming down on Wednesday, as I am not scheduled to leave until after lunch.

My primary concern is the two tax cases now listed for Thursday or Friday. You are the only one out in these cases, and I have had no indication from Sandra that she is doing any further writing. I circulated footnotes in reply to her dissent on June 17 and 19.

I have done everything I could to make it possible for me to leave Wednesday afternoon. All of my Court opinions were circulated by May 29, and my last dissent was circulated in Lodge this morning. I had been awaiting John's dissent that came yesterday. In sum, I contemplate no further writing.

Of course, if bringing down my cases by Wednesday inconveniences anyone else, it is my duty to remain and I will cheerfully do so. I know that your scheduling task is not an easy one, but absent inconvenience to others, perhaps my remaining four case could be announced no later than Wednesday.

I know that you also would like to attend the CA4 Conference. If my remaining, to provide a quorum, would enable you to go on Wednesday, I will be glad to stay. After all, you are the Circuit Justice.

Sincerely,

The Chief Justice

lfp/ss

cc: The Conference

June 26, 1982

Fourth Circuit Judicial Conference

Dear Chief:

Thank you for the moving up to Wednesday my last two cases (Crawford and Lehman).

I believe that all writing has been completed in all four of my remaining cases, including the tax cases scheduled for Tuesday.

This will confirm, therefore, that I will leave here Wednesday afternoon, and serve as your proxy at the judges' session on Thursday, and opening the Conference on Friday morning. Chief Judge Winter and his colleagues are counting on you for the after-dinner address at the banquet Friday evening. I am sure a private plane will be provided to fly you into Davis. It takes at least five hours to drive to the Greenbrier, and it might be advisable to reserve a plane, just on the chance that you may need it. If you wish I will arrange this through Sam Phillips.

Of course, if for any reason a quorum problem should arise, I will cancel my plans.

Sincerely,

The Chief Justice

lfp/ss

July 21, 1982

Dear Chief,

Although I hope you are not yet back in Washington (temperatures have ranged well into the 90's for the past week in both Richmond and Washington), I write now to enclose an editorial of July 16 from The Richmond Times-Dispatch that I think will be of interest to you.

Also, I enclose a letter from Bob Chapman, the most recent appointee to the Fourth Circuit Court of Appeals. His comment on the Seattle school case will appeal to you.

We hope you and Vera have had a pleasant and restful time at Saltzburg.

Sincerely,

Enclosures:

1. Editorial
2. Judge Chapman's Ltr

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

djb

Thin Balance

Even though Harry A. Blackmun had the support of top Democratic Party liberals, as well as of conservatives, when he was appointed to the U.S. Supreme Court in 1970, conservatives had reason to expect the appointment to help turn the court away from its extreme liberalism of the 1960s. For the man Justice Blackmun succeeded — Justice Abe Fortas, who had resigned — was a dedicated member of the court's liberal bloc headed by former Chief Justice Earl Warren.

A New York Times Service news analysis at the time of Justice Blackmun's appointment said that he and Chief Justice Warren E. Burger "have so much in common by background and judicial philosophy that it seems logical that . . . they will often see things the same way on the Supreme Court."

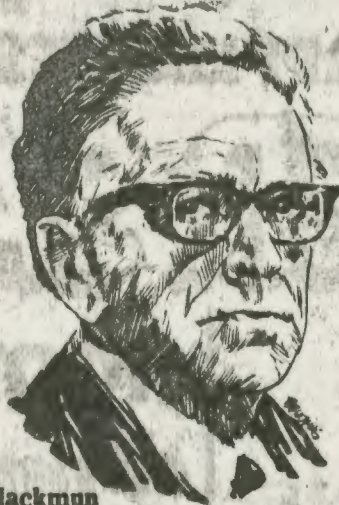
Alas, for conservatives, the Associated Press could report in a story this week that Justice Blackmun, "a firm member of a dominant conservative bloc" during most of his 12 years on the court, has now, "statistically, at least, become more of a 'liberal,' a transformation that signaled a surprising liberal momentum on the court during 1982." Burger and Blackmun, who are from the same state, were dubbed the "Minnesota Twins" in 1970 by observers who predicted the two would vote together on nearly all issues. But during the term just ended, they were on opposing sides in 53 of the 93 instances in which the court divided on a case, Congressional Quarterly reports.

It was Justice Blackmun who wrote the majority opinion in the decision this term overturning Washington state citizens' 2-to-1 vote to prohibit school boards from forcing pupils to attend any school other than the one closest to their homes, or next closest. He was with the majority in the 5-to-4 decision limiting school boards' powers to remove objectionable books from school libraries — a decision which, Justice Lewis F. Powell declared, "rejects a basic concept of public school education in our country: that the states and locally elected school boards should have the responsibility for determining the educational policy of the public schools." He was one of the majority, in another 5-to-4 decision, that made it more difficult for employers to defend themselves against job-discrimination lawsuits, and that reaffirmed the court's "exclusionary rule," which aids criminal defen-

dants by barring the use of illegally obtained evidence in trials.

Justice Blackmun is not a reflection of the late Justice Fortas, whom he succeeded; his appointment by President Nixon certainly tended to move the court to the right. But his gradual swing to the liberal side of the judicial spectrum is significant not only in how it has affected specific decisions, but also as a demonstration of the difficulty of getting the court to take a strict-constructionist, conservative approach to the interpretation of the Constitution.

The two extreme liberals on the court are Justices William J. Brennan and Thurgood Marshall. They often stand alone in dissent. But frequently, they are joined by



Blackmun

Justices Byron R. White, John Paul Stevens and/or Blackmun. Often standing together on the conservative side are Chief Justice Burger and Justices William H. Rehnquist, Sandra Day O'Connor and Powell. This does not mean, of course, that there aren't occasions when members of the blocs intermingle or that the conservatives don't sometimes attract one or more of the "swing" group to their camp in specific cases.

The regret, on the part of conservatives, that Justice Blackmun has eased toward liberalism is offset to some degree by the consistent conservative record of the court's newest member, Mrs. O'Connor.

The frequent 5-to-4 tallies in major cases give reason for both hope and fear for the future. The balance is so fine that one retirement could drastically change the court's complexion. Five members — Burger, Blackmun, Brennan, Marshall and Powell — are in their 70s. The future cast of the court will depend on (1) which members leave the court, and (2) who is residing in the White House when court vacancies occur.

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

CHAMBERS OF
THE CHIEF JUSTICE

September 1, 1982

MEMORANDUM FOR THE CONFERENCE

Subject: Report on Chambers Actions on Miscellaneous Motions,
Submitted with other Non-Discuss Matters

1. Nos. 81-1 and 81-3, Goldsboro Christian Schools, Inc. v.
United States

Bob Jones University v. United States

(i) Motion of the SG for divided argument.

(ii) Motion of Bob Jones Univ. for divided argument
out of time and additional time and for divided argument in
the above cases.

(iii) Motion of Goldsboro Christian School for divided
argument and additional time.

--No additional time is requested by the SG.

--Bob Jones Univ. requests 10 additional
minutes.

--Goldsboro Schools requests 15 additional
minutes.

--Argument is set for October 12, 1982.

--On April 19, 1982, the Court granted the
SG's motion for leave to file an out-of-time
motion for divided argument. It has not yet
acted on the motion itself.

--The SG notes that the United States agrees
in part with petrs that the CA erred; however,
it does not agree that the petrs' First
Amendment rights were violated. He therefore
suggests that the one hour of allotted time
be divided as follows:

SG	20 minutes
Petrs (Schools)	20 minutes
<u>Amicus</u> (Mr. Coleman)	<u>20 minutes</u>
	60 minutes

--Petr Bob Jones Univ. argues that its motion for divided argument should not be considered untimely in view of the fluctuating circumstances of this case and because it has been filed well in advance of the Fall Term.

--Petr suggests that the two schools--having distinct and differing racial policies--should divide their argument as follows:

Petr Bob Jones	30 minutes
Petr Goldsboro	<u>10 minutes</u>
	40 minutes

--Should additional time not be granted, petr Bob Jones does not seek any division of petrs' argument.

Goldsboro Christian Schools joins in the Bob Jones' motion but moves (untimely) that an additional 15 minutes be granted and that it be divided as follows:

Petr Bob Jones	30 minutes
Petr Goldsboro	<u>15 minutes</u>
	45 minutes

Note: The Court denied Goldsboro's previous motion for divided argument on Dec. 14, 1981.

--Mr. William Coleman, as amicus supporting affirmance of the CA decision, has no objection to Bob Jones' motion but requests an amount of time equal to the combined times allotted to the SG and petrs. In any event amicus requests at least 30 minutes to respond to the many issues raised in this case.

--Although petrs' motions for dividing argument among the two schools is not persuasive, it would be helpful to hear from the SG. Because he is aligned more with petrs, it would be appropriate to divide their 30 minutes with him. Mr. Coleman's request is sound.

It would seem appropriate to use the following allotment:

Petr's (Schools)	20 minutes
SG	15 minutes
Mr. Coleman	35 minutes
	1 hour-10 minutes

GRANT SG's
Motion for
Divided Argu-
ment.
(SG - 15 min.,
Petr's - 20
min., Amicus -
35 min.)

DENY Bob
Jones' Motions

DENY Goldsboro
Motion

(iv) Motion of the International Human Rights Law Group to file amicus brief in support of affirmance.

--Timely.

GRANT

(v) Motion of Lawrence E. Lewy to file amicus brief in support of affirmance.

--Timely.

GRANT

(vi) Motion of Independent Sector to file amicus brief in support of affirmance.

--Timely.

GRANT

(vii) Motion of the National Association of Independent Schools to file amicus brief in support of affirmance.

--Timely.

GRANT

(viii) Motion of the Anti-Defamation League of B'nai B'rith for leave to file amicus brief in support of affirmance.

--Timely.

GRANT

2. No. 81-185, Simopoulos v. Virginia

(i) Motion of the American Public Health Association for leave to file amicus brief.

—Timely.

GRANT

(ii) Motion of Women Lawyers of Sacramento, et al. for leave to file amicus brief.

—Timely.

GRANT

3. No. 81-523, Container Corp. of America v. Franchise Tax Board

Motion of the International Bankers Association in Calif. and Akai Electric Co. for leave to file amicus brief in support of appellant.

--Timely.

GRANT

4. No. 81-746, City of Akron v. Akron Center for Reproductive Health

(i) Motion of the SG for leave to argue as amicus and for divided argument.

--No additional time is requested.

—The SG moves to argue as amicus in support of petr (resp in 81-1172) City of Akron. He points out that the United States has a strong interest in this case which involves questions concerning the standards federal courts should apply in reviewing state regulation of abortion decisions.

—Petr has ceded 10 minutes to the SG for argument.

GRANT
(Divided
Argument; 10
minutes to SG)

(ii) Motion of resps Francois Sequin, M.D. and Patricia Black for divided argument and for additional time.

--Additional time is requested
(15 minutes),

—These individuals, intervenors in the trial court, claim to be aligned with the City of Akron (petr/resp) and move for an additional 15 minutes to present their interests as "parents of unmarried daughters of child-bearing age." In the alternative they request 10 minutes of the time allotted for the City of Akron.

--Akron has consented to bringing this motion.

—Counsel for Akron Center for Reproductive Health opposes the motion arguing that these individuals were intervenors below and that their cert petn was denied on May 24, 1982 (Sequin and Black v. Akron Center for Reproductive Health, 81-854). Further, they have no standing because none of their children are pregnant.

DENY
(Divided
Argument and
Additional
Time)

5. No. 81-1574, Local 926, International Union of Operating Engineers, AFL-CIO, et al v. Jones

Motion of the SG for leave to argue as amicus and for divided argument.

--No additional time is requested.

—The SG, on behalf of the NLRB, moves to argue on behalf of appellants. They have ceded 10 minutes to him for that purpose. This case involves the issue of whether a state court's jurisdiction is preempted by the NLRA where the suit centers on a claim for interference with a contract through union coercion.

--The SG's views should be helpful.

GRANT
(Divided
Argument; 10
min. to SG)

6. Nos. 81-1618 and 81-1619, Weyerhaeuser Co. and Willamette Industries, Inc. v. Lyman Lamb Co., et al.

Georgia-Pacific Corp. v. Lyman Lamb Co., et al.

Motion of the SG for leave to participate in oral argument as amicus and for additional time.

--SG requests 10 minutes.

--The SG states that the United States agrees in part and disagrees in part with both parties. At issue are jury instructions on price fixing violations of the Sherman Act and on the standard for determining damages. As the enforcer of antitrust laws, the United States has a substantial interest in this case.

--Although there appears to be no cessation of time from either side, the SG's views as amicus would be helpful.

GRANT (Additional 10 min. to SG)

(ii) Motion of the Business Roundtable and the National Association of Manufacturers for leave to file amicus brief in support of reversal.

--Timely.

GRANT

7. 81-1627, Shepard v. NLRB

Motion of California Dump Truck Owners Assoc. for Divided Argument.

--No additional time is requested.

--UNTIMELY. (Approx. three weeks)

--Movant (CDTOA) is a resp aligned with petr. The SG has moved for an additional 15 minutes for each side (see memo on Miscellaneous Motions, etc., August 10, 1982) and movant requests that if that motion is granted 15 minutes of the time allotted to petr (Shepard) be reserved for movant.

—Petr concurs in this request.

DENY
(Divided
Argument and
Additional
Time)

8. 81-1661, General Motors Corp. v. Devex Corp., et al.

(i) Motion of the Bar Association of the District of Columbia for leave to participate in oral argument as amicus and for additional time.

--Additional time (none specified) is requested.

--The Bar Assoc. summarily contends that it would present a view on pre-judgment interest not presently advanced by either side.

--Petr has filed an opposition contending that it is addressing the very argument noted by amicus.

--Movant presents no compelling arguments for its participation in oral arguments.

DENY
(Participation
in Oral Argument and Additional Time)

(ii) Motion of Bar Association of the District of Columbia to file amicus brief in support of affirmance.

--Timely.

GRANT

9. No. 81-1756, Lehr v. Robertson and Robertson

Motion of Community Action for Legal Services, Inc., et al. for leave to file amici brief in support of reversal.

--Timely.

GRANT

10. No. 81-1945, Pacific Gas and Electric Co. and So. Calif.
Edison Co. v. State Energy Resources
Conservation and Development Commission,
et al.

Motion of New England Legal Foundation for leave to file
amicus brief in support of petrs.

--Timely.

GRANT

Regards,

W. E. B.

c9

September 20, 1982

Clerk Selections

Dear Chief:

I interviewed 18 applicants for clerkships, and - of course - could take only four. As usual there were many I would have liked to take who seem equally well qualified.

One of those whom I particularly commend to you and your committee is Elizabeth Taylor, Virginia graduate, Articles Editor of the Law Review there, and now clerking for Judge Coffin. She was voted by the faculty as the most outstanding member of her class of 375 students.

By a "knife's edge" decision, I took another young woman from Virginia who also had a fine record. The two women would have been a "toss up", but for the fact that the one I chose also was recommended to me highly by lawyers at my former law firm. I have no doubt that Ms. Taylor is equally well qualified.

In addition, she is extremely attractive personally, with a fair measure of southern charm (a North Carolinian, with a summa cum laude degree from the University of North Carolina).

I enclose a copy of Ms. Taylor's resume. I assume you have received - as I have - letters of recommendation. Dan Meador as well as Dean Merrill were among those who recommended Taylor to me.

Sincerely,

The Chief Justice

lfp/ss

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

cg
Jury - Put in
front of
my Docket Sh. Rk

September 21, 1982

Re: Chambers Actions on Miscellaneous
Motions

Dear Chief:

With apologies for failing to respond more promptly to your September 1, 1982 Report on Chambers Actions, I have concluded that in 81-1 and 81-3 that the Schools should be given a little more time than you recommend because both the SG and the amicus disagree with at least a part of their position. I would be inclined to give the Schools 30 minutes, Mr. Coleman 30 minutes, and cut the SG back to 10 minutes. My second choice would be to follow Bill Brennan's suggestion in his letter of September 3.

I also am inclined to agree with Bill Brennan that we should deny the SG's motion for leave to argue orally in 81-746.

Otherwise, I agree with your proposed dispositions.

Sincerely,

Jh

The Chief Justice

Copies to the Conference

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

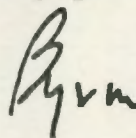
CHAMBERS OF
JUSTICE BYRON R. WHITE

September 22, 1982

Dear Chief,

I agree that the cases listed in your September 20 memorandum should be dismissed and denied except for 81-2019, which you have taken care of in your memorandum of September 21. However, I agree with Harry that there should be added to the Dismiss-and-Deny list the cases so designated in his September 20 memorandum to you, except for 81-2236 and 82-8 which are on Bill Brennan's discuss list. Thus, I think that 81-2395, a case from a federal court, should be dismissed and denied.

Sincerely yours,



The Chief Justice

Copies to the Conference

cpm

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

September 23, 1982

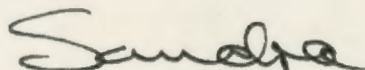
Dear Chief,

I agree with your September 20 dismiss and deny memorandum as supplemented by your September 21 memorandum.

I also agree with Harry that there are additional appeals which should be dismissed and denied. However, I am inclined to think No. 82-8 California St. Bd. of Equalization v. Western Marina Corp. (List 1, Sheet 4) should be dismissed for want of jurisdiction. I think No. 81-2395, Kalin v. Aerospace Corp. (List 1, Sheet 3) should be dismissed and denied.

No. 81-2236, Lockwood v. Jefferson Area Teachers Ass'n. (List 1, Sheet 2) appears to me to be a proper appeal and, therefore, could be dismissed for want of a substantial federal question.

Sincerely,



The Chief Justice

Copies to the Conference

September 23, 1982

Chambers Actions on Miscellaneous Motions

Dear Chief:

I agree with your proposed dispositions, with the exceptions noted below.

At first, I was inclined to agree with your allocation of time in the Bob Jones/Goldsboro cases. Now that I have read the briefs, I have some question as to whether the allocation you suggest for the two schools is adequate. As the cases are fully briefed, I do not suggest that additional oral argument will particularly benefit us. But the perception of fairness in these controversial cases is important. Moreover, Bob Jones argues that it falls within the "religion" rather than the "education" category, and to this extent its argument necessarily is somewhat different from Goldsboro's.

I therefore think John's suggestion of 30 minutes for the schools and the same time for Mr. Coleman is about the minimum. Although I do not feel strongly about it, I think the importance of the case - and the interest of the government - justify giving the Solicitor General 15 minutes.

I note some disagreement as to whether the SG should be granted leave to argue orally in 81-746. I prefer your suggestion that we grant 10 minutes to the SG. He may be more helpful than the more partisan counsel.

As to your Chambers Action Memorandum of September 22, your proposed dispositions are acceptable to me, though I do not feel strongly about the counterproposals from other Chambers.

Sincerely,

The Chief Justice

lfp/ss

cc: The Conference

October 25, 1982

Dear Chief:

In Nos. 82-168 and 82-438 the NLRB seeks review of decisions by the CA1 and CA3, respectively, on the burden of proof under §8(a)(3). The petition in No. 82-438 simply incorporates by reference the arguments in No. 82-168.

No. 82-438 is set for Conference on Nov. 5, while No. 82-168 is scheduled for Nov. 12. I suggest that No. 82-438 be relisted for the Nov. 12 Conference so that we may consider the two petitions together.

L.F.P., Jr.

The Chief Justice

Copies to the Conference

LFP/ss

October 29, 1982

82-393 Western Electric Co., Inc. v. Hill

Dear Chief:

In the above case, four of us voted to grant vacate and remand on Falcon.

I would like for the record to show:

"Justice Powell would grant the petition for certiorari, vacate the judgment below, and remand the case for consideration in light of Rodriguez and General Telephone Co. of the Southwest v. Falcon, ___ U.S. ___ (1982)".

I am sending a copy of this letter to the Clerk with a request that the record show the foregoing. I have not checked to see whether my language is in the customary form, but Al Stevas will know.

Sincerely,

The Chief Justice

Copies to the Conference

cc - Alexander Stevas

LFP/vde

October 29, 1982

82-393 Western Electric Co., Inc. v. Hill

Dear Chief:

In the above case, four of us voted to grant vacate and remand on Falcon.

I would like for the record to show:

"Justice Powell would grant the petition for certiorari, vacate the judgment below, and remand the case for consideration in light of Rodriguez and General Telephone Co. of the Southwest v. Falcon, ___ U.S. ___ (1982)".

I am sending a copy of this letter to the Clerk with a request that the record show the foregoing. I have not checked to see whether my language is in the customary form, but Al Stevas will know.

Sincerely,

The Chief Justice

Copies to the Conference

cc - Alexander Stevas

LFP/vde

November 11, 1982

Dear Chief:

The annual meeting of the Board of Colonial Williamsburg is being held this weekend.

Colonial Williamsburg has invited Sandra and John to be guests for the weekend, and they are driving down with us Friday afternoon to arrive in time for dinner.

Although we have eight cases to consider, the remainder of our agenda does not look too formidable. If you move us right along (as you usually do), I would hope to leave by 3:00 p.m. or soon thereafter. Friday traffic is fierce.

Sincerely,

The Chief Justice

lfp/ss

cc: Justice O'Connor

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

CHAMBERS OF
THE CHIEF JUSTICE

11/15/82

Dear Louis

Here is part of my
9 to 6:00 p.m. Sunday.

Can I impose on you
to scan it & see if it
is too strong? It is
not a final draft by
any means. Don't
be concerned about style

But if you have any
thoughts on substance
I'd be glad to have them
via phone. Regards
WRB

c2

December 3, 1982

Dear Chief:

In the event you may not have focused on its usefulness, I invite your attention to the cert petition in 82-5605 McRorie v. Oshiro.

This is a \$1983 suit. The petitioner, a prison inmate, is claiming a violation of his constitutional rights because the prison is not allowing him to order by mail his favorite brand of pipe tobacco, and - of all things - the prison store does not carry his brand. Moreover, a pipe ordered by the prisoner arrived in a broken condition.

CA9 ended up with the right "bottom line", but meandered around citing Bell v. Wolfish and Parratt v. Taylor. The case should have been dismissed out of hand as involving no constitutional right of any kind.

In any event, this will give you another "tobacco" case to cite in your next speech. This is one tobacco issue on which you and I agree.

As ever,

The Chief Justice

lfp/ss

December 8, 1982

81-185 Simpopoulos v. Virginia
81- 746) City of Akron v. Akron Center for Reproductive
 Health, Inc.
81-1172) Akron Center for Reproductive Health, Inc. v.
 City of Akron
81-1255) Planned Parenthood Association of Kansas City,
 Missouri v. Ashcroft
81-1623) Ashcroft v. Planned Parenthood Association of
 Kansas City, Mo.

Dear Chief:

I will not be available Wednesday morning, December 15,
after 10:30, or Thursday morning prior to 11:00 A.M.
Otherwise I will be available anytime next week.

Sincerely,

The Chief Justice

Copies to the Conference

LFP/vde