

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

CHAMBERS OF
THE CHIEF JUSTICE

Jan 5, 1984

[1985?]

Dear Lewis

You picked a strange way
to celebrate your 50th (!)
anniversary on the Court. You
should have gone hunting or to
Hounds.

Naturally we are delighted
that all has gone well even
if it does not feel that way
to you from time to time now.

Give no thought to this
place and its works. Remember
what Matthew lead to
say about all the tomorrows.

You can decide later on whether you will participate in decisions. Since you are fully prepared for the sittings beginning now, I see no reason not to vote on them, with or without hearing the tapes.

I'll defer 'phoning you until you get some rest.

Meanwhile Vera joins in all good wishes

Sincerely

Werner

February 15, 1985

Dear Chief:

You could not have sent me a present that pleases me more than the official cuff links of Lincoln's Inn.

I have always been impressed by your memory. I mentioned in your presence only once - some months ago - my admiration of your Middle Temple cuff links.

Throughout my illness you also have been typically considerate and thoughtful. You kept us stocked with fine wine, and Jo sends special thanks for her Beaujolais.

Jo and I both were particularly moved by your making the trip to Rochester - not the easiest place in the world to reach. Incidentally, after the distribution - with your signature - of the Presidential Oath of Office, and your general friendliness with the nurses and staff at the hospital, we decided you could be elected mayor of Rochester any time you wish to run. Your visit made a big hit.

Forgive this typewritten note. Even my handwriting has suffered from the effect of several weeks of serious illness. Some problems remain, but I still hope to sit for the March arguments.

We missed being with you and Vera in the Lightfoot House. We will find another opportunity.

As ever,

The Chief Justice

LFP/vde

March 19, 1985

Dear Chief:

I can see that you are anxious to get me in shape to return to work!

The Afghan bread (and so much of it) seems to have all of the necessary ingredients to add weight and improve health. I have heard you speak of the Afghan bread, and Jo and I are delighted to have the opportunity to sample it. Jo immediately tried the Burger marmalade, and said it is the best she has ever eaten. I also followed your directions at breakfast today, applying the marmalade to a slice of Afghan toast. Delicious.

Dr. O'Connell at Bethesda, possibly after conferring with David Utz, is to let me know when he sees me on Wednesday or Thursday whether - from a medical point of view - I may sit for next week's arguments. As I was given general anesthesia last Friday, this has weakened me to some extent.

Jo joins me in sending grateful appreciation to you and Vera for your continued thoughtfulness of us.

As ever,

The Chief Justice

lfp/ss

March 29, 1985

PERSONAL AND CONFIDENTIAL

Opinion Assignments

Dear Chief:

You have been wonderfully supportive throughout my long illness, and I cannot begin to tell you how much I appreciate your numerous acts of kindness as well as your telephone calls. I have survived the first week of returning to the Court, although I confess that it has been rather exhausting. When I return to our little apartment I go straight to bed for about an hour.

The purpose of this letter is to suggest what I think I can do as to the cases argued this week. I would welcome being assigned to write two opinions. I would be happy to write the two Securities Act cases: 83-1961 Landreth Timber Co. v. Landreth and 84-165 Gould v. Ruefenacht. I could write both of these cases in a single opinion, as the relevant principles are the same. My opinion in Forman has some language that will have to be explained. I would like to have the opportunity to do this.

If you agree that I should write the SEC cases in a single opinion, I would be glad to have a second opinion to write: either 84-351 Atascadero State Hospital v. Scanlon (in which my Pennhurst II decision will be helpful), or possibly 84-433 School Committee of Burlington.

I hope you will not assign 83-2136 Connecticut Dept. of Income Maintenance v. Heckler to me. This involves enormously complex statutory interpretation that would be quite burdensome. The \$10 fee limitation case, 84-571 Walters v. Radiation Survivors is another case I would prefer not to write. I am in total agreement with you that the \$10 provision is valid. The difficulty is the status of the case.

In April - if I continue to improve - I will be glad to take three cases to write. I want to be helpful to other Chambers that are backed up with assignments already

made. It also would give me a chance to "catch up" on the year's work.

I appreciate, of course, the assignment problems that you confront. Perhaps the foregoing will be helpful to you. Whatever you assign, however, I will tackle cheerfully and with as much strength as I can muster.

As ever,

The Chief Justice

lfp/ss

c2

April 16, 1985

Dear Chief:

I enclose a copy of Wally Riley's letter to me of April 11, and invite your attention to the last paragraph on the first page. It is traditional for the Past Presidents of the ABA to have a dinner at each annual meeting of the ABA, with the Immediate Past President serving as host. Although normally these dinners have been limited to Past Presidents and their spouses, there have been exceptions for distinguished guests. I therefore am confident you would be invited, but not the entire Court.

With the ABA meeting here, no doubt there will be numerous requests to use the Court for receptions and dinners. What do you think about Riley's request?

Sincerely,

The Chief Justice

lfp/ss
Enc.

April 26, 1985

PERSONAL

April Assignments

Dear Chief:

This is to say that I will be glad to take three cases to write from the April arguments. As my absence for two and a half months imposed additional burdens on other Justices, I would like to make up for this to the extent that I can.

As you know, I have circulated two of the three cases you assigned me from the March arguments. I will be able to circulate the third case early next week, as already I have a preliminary printed draft.

I also am well along in converting Dun & Bradstreet into a plurality opinion. I hope you will make the modest change in your little concurrence that I suggested in my letter of April 12. Otherwise, I will have only WHR and SOC on my opinion, with the Court split 4, 3, 1 and 1.

Although I still suffer some of the after effects of my surgery, and am required to have checkups, I have had no difficulty during the past month in keeping abreast of my work - doing a good deal of it in our apartment where rest periods are available. As my workload is lighter than other Justices, I will have no problem writing three cases by the June 1 deadline.

With appreciation.

Sincerely,

The Chief Justice

lfp/ss

c 2

May 22, 1985

Dear Chief:

The enclosed copy of "The Mini Page" of March 23, 1983 is on the Court. It is a feature that appears in the Washington Post on Sundays. Until this was brought to my attention recently by the author, I had never noticed it - as I rarely spend more than 20 minutes even on the Sunday's Post.

It is accurate, and reflects an understanding of what goes on here. This portrayal of the Court should be educational to the children who follow the Mini Page. The lady who produces this lives in our wing of the Harbour Square Apartments. Her married name is Mrs. Richard Hunt, but she does the Mini Page under her maiden name: Betty Debnam.

The Mimi Page is syndicated and published in more than 450 newspapers in the United States and Canada, and therefore reaches - it is thought - a good many million children. I am sure it would give Mrs. Hunt quite a lift if you wrote a note commending her treatment of our Court. Her address is Mrs. Richard Hunt, Harbour Square Apartment S-201, 550 N Street, S.W., Washington, D. C. 20024.

Sincerely,

LFP/vde



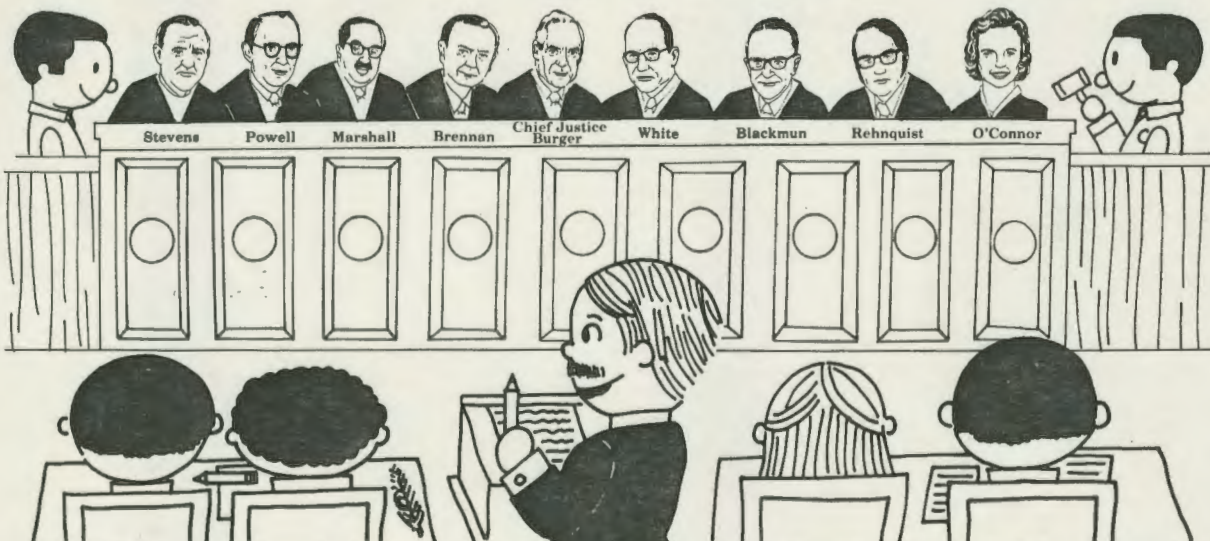
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By BETTY DEBNAM

The Mini Page Visits

from The Mini Page by Betty Debnam © 1982 Universal Press Syndicate

The U.S. Supreme Court



The U.S. Supreme Court is the most important court in the land. It makes the final decisions on questions about U.S. law. It is made up of eight associate justices and a chief justice, all appointed by the president of the United States. The justices must be approved by the Senate.

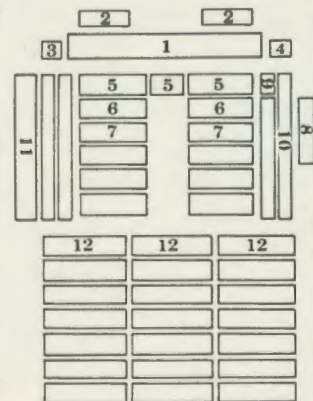
The court is very orderly. The justices wear black robes and sit in a row on a raised platform.

Some lawyers appearing before the court wear "morning coats," or coats with tails! Most do not dress up this much.

The Mini Page asked Justice Sandra O'Connor, the first woman ever to serve as a Supreme Court justice, to describe her job: "My job is to decide important questions of constitutional law, and to try to provide equal justice under the law for all those who come before the court."

Who is Who at the Court

1. Justices.
2. Court attendants.
3. The clerk, who prepares schedules and is middleman between lawyers and justices.
4. The marshal, who keeps order and is court business manager.
5. Lawyers appearing before the court.
6. Lawyers for the next case.
7. Lawyers certified to practice before the court.
8. Court recorder.
9. President's chair if he wishes to visit.
10. Special guests of the justices.
11. Press.
12. Public seating.



from The Mini Page by Betty Debnam © 1982 Universal Press Syndicate

A court recorder records what goes on in the courtroom.

Young men and women called court attendants run errands for the justices.

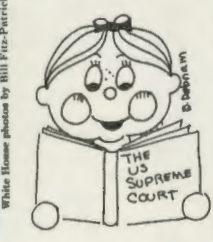
Visitors go through a security check before entering the courtroom.

Justice O'Connor Believes in Hard Work and Reading

from The Mini Page by Betty Debnam • 1982 Universal Press Syndicate



Justice O'Connor at her swearing-in ceremony on Sept. 25, 1981. She was appointed by President Reagan. Here she poses with him and the other justices.



Justice O'Connor is a lawyer from Arizona. Her husband is a lawyer, too. They have three grown sons.



The Supreme Court has a seal that is used on all official papers.

The first woman on the Supreme Court, Justice Sandra O'Connor is much admired by everyone.

The Mini Page interviewed her in her offices in the Supreme Court building.

We asked Justice O'Connor what advice she would give girls who would like to be successful too.

"Basically, to work hard at their tasks, because they will discover that learning to do something well gives them encouragement and the ability to do other things," she said.

She also gave us permission to quote a letter that she wrote to an elementary school student:

"Reading is the key that opens the door to knowledge.

"If I could bestow one gift on a friend or a child of mine, it would probably be the ability to read well, because this is the foundation on which much of our lives are built.

"I have constantly worked and still work to improve my own reading skills. Some years ago, I took a speed-reading course so I could read more quickly.

"One has to read and to read quickly and well if one hopes to succeed in many jobs which are sought after today."

Justice O'Connor spends about eight hours in her busy day reading!

MINI SPY

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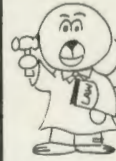
- See if you can find:
- pencil
 - nail file
 - rocket
 - book
 - safety pin
 - letter F
 - flashlight
 - candle
 - word MINI
 - egg
 - bowling ball
 - cane
 - hamburger
 - letter J



SUPREME COURT TRY'N FIND

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Words about the Supreme Court are hidden in the block below. See if you can find: Supreme, justice, law, lawyers, Washington, robe, case, arguments, chief, marshal, opinions, book, nine, study, read, recess, United States, judge, record, questions, talk, court and ask.




S U P R E M E T G H J K L X A
A Q W B C A Q E S T U D Y O R
J U A Y T R E C O R D N P P G
U E S C A S E A S K G Q R I U
S S H H L H X L W R E A D N M
T T I I K A Z A S T U V R I E
I I N E P L A W Y E R S E O N
C O G F F B C X B O O K C N T
E N T D N I N E L M B D E S S
E S O K C O U R T N E Q S O R
H U N I T E D S T A T E S U V

SCRAMBLE-LE-DO

from The Mini Page by Betty Debnam © 1982 Universal Press Syndicate

Can you unscramble these words about the Supreme Court?

1. wla	5. ucrot
2. sutjcie	6. urle
3. yawrel	7. sace
4. bero	8. dugje



Answers: 1. law, 2. justice, 3. lawyer, 4. robe, 5. court, 6. rule, 7. case, 8. judge.

MIGHTY FUNNY'S MINI JOKES

from The Mini Page by Betty Debnam © 1982 Universal Press Syndicate

WHY DID YOU CUT A HOLE IN THE RUG?
YOUR PULSE IS AS STEADY AS A CLOCK.
DOCTOR'S OFFICE

MATCH THESE PUNCH LINES



I WANTED TO SEE THE FLOOR SHOW.
THAT'S MIGHTY FUNNY!

YOU'VE GOT YOUR HAND ON MY WRIST-WATCH!
THAT'S MIGHTY FUNNY!

GUS GOODSPORT'S REPORT

from The Mini Page by Betty Debnam © 1982 Universal Press Syndicate

Supersport: Bobby Carpenter

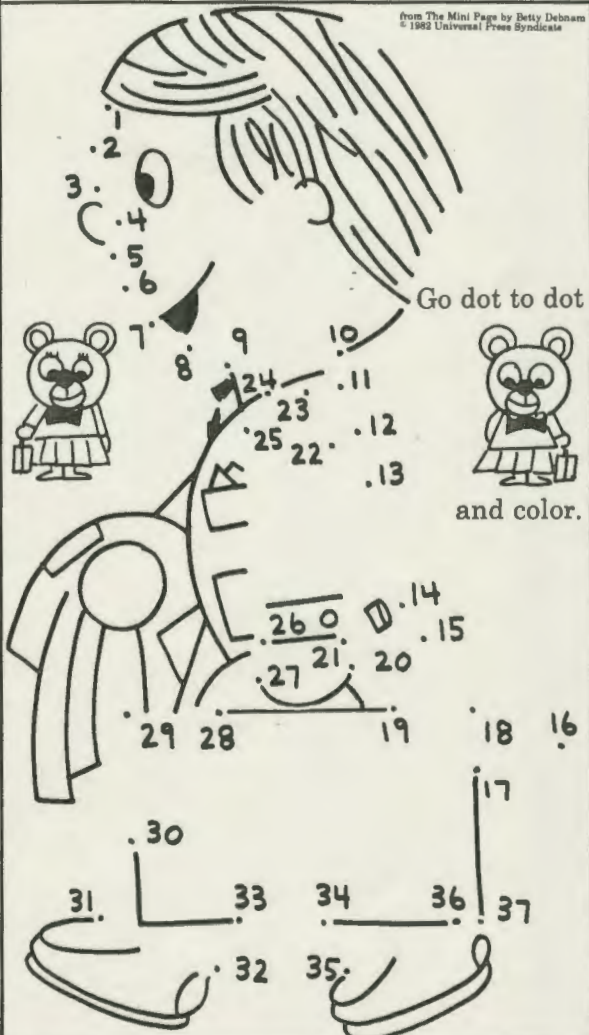



The first American hockey player to go directly from high school to the pros is 18-year-old Bobby Carpenter. He plays for the Washington Capitals. The team thinks that he gives 100 percent and has a great attitude. His nickname is "Magical Wrists" because of his talent. Before turning pro, Bobby was named the most valuable player on the U.S. Junior Olympic team. Bobby was a good student in Danvers, Mass.

The first Mini Page Joke Book has been reprinted by popular request. For your copy, send \$1.00 and a long, stamped (35¢) self-addressed envelope to: Mini Page Joke Book, Universal Press Syndicate, 4400 Johnson Drive, Fairway, Kan. 66205.

from The Mini Page by Betty Debnam © 1982 Universal Press Syndicate


Go dot to dot and color.



CASEY COUNT'S COLOR BY NUMBER

from The Mini Page by Betty Debnam © 1982 Universal Press Syndicate

DO THE MATH, THEN COLOR BY NUMBER.
6 BLUE
7 YELLOW
8 BROWN



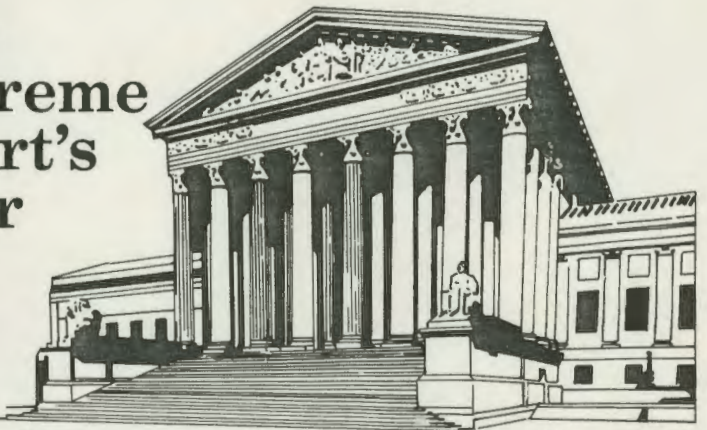
6+1	7	6+2	7	7	6+1	10-3
5+2	8	10-2	3+3	5+1	9-2	
7	4+4	8	7+1	9-1	8-1	
5+3	6	10-4	6	10-2	8	
6+0	6	7-1	6	5+1	6	
4+2	6	6	6+0	7		
3+3	6	6	9-3	6		
0+6	6	5+1	6			
7-1	6	10-3	7			
2+4	7	3+4	7+0			

The Handshake



Before conferences and before each court session, each justice shakes hands with the other eight. This tradition started years ago to remind the justices that they can remain friends although they might disagree.

The Supreme Court's Year



The Supreme Court is in a very beautiful and dignified building near the U.S. Capitol in Washington, D.C.

Quill Souvenirs



Quills were used for writing when the court first started in 1790. Today, when lawyers appear before the court, they find quills on their tables. They usually take them home as souvenirs.



Clerks

Each justice has several law clerks, young lawyers who help do research.

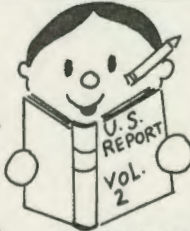
The Supreme Court's "term," or year, starts the first Monday in October. Each term is divided into "sittings" and recesses. For two weeks, the court "sits," or hears the cases. For the next two weeks, it is in recess. At this time the justices write their decisions. The justices carefully study the records for each case that comes before them. They read the "briefs," or written arguments, sent in by lawyers.

The justices ask the lawyers questions while they are appearing before the court. Each side has 30 minutes to present its case. During the summer months when the court is not in session, the justices work to decide what cases they will consider the next term. The court is asked to rule on about 5,000 cases each year. Of that number, the justices agree to hear about 150 cases.

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Jobs

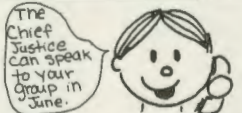
About 300 people work for the Supreme Court. Four very important people are called officers of the court. The marshal and clerk were introduced elsewhere.



The reporter of decisions is in charge of publishing the decisions of the court and seeing that they are sent to lawyers and other courts around the country.



The librarian is in charge of over 250,000 books in the court's library.



Another important person is the administrative assistant to the chief justice. His job is to help the chief justice in any way needed.

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ALPHA FACT A RODNIES

from The Mini Page by Betty Debnam © 1982 Universal Press Syndicate

Chinese

More people speak Chinese than any other language in the world. English ranks second.



Cats

If dropped upside down from a height of less than a foot, a cat can flip over and land on its paws in about a second. The U.S. is cat country. More cats live here than anywhere else in the world.



California

More people live in California than live in any other state in the U.S.



ALPHA BETTY

from The Mini Page by Betty Debnam © 1982 Universal Press Syndicate

How many words starting with C can you find to describe what you see in this picture?



Answers: corn, candle, cardinal, carriage, cone and curl, clock, cape, camera, cap, chain, cookie, clown, cup, chair, cowboy, canoe.

Release Dates: March 20-26

12 (82)

Especially for young readers

The Mini Page Teacher's Guide

For use by teachers and parents at home and at school.
For use with issue: The U.S. Supreme Court

Main idea: To inform children about the Supreme Court, its justices and their duties.

Page 1: Pre-readers and beginning readers: Read the page to the children, then ask them to:

1. Count the number of Supreme Court justices.
2. Point to the numbers 1 through 12 printed in the lower righthand corner.

Beginning readers: Ask the children to circle "Supreme Court" each time it is printed.

Readers: Ask the children to:

1. Describe the jobs of a court recorder and a court attendant.
2. Name the chief justice and the first woman justice.

All three levels:

1. For younger children, many words and phrases will have to be introduced, such as justice, important questions of constitutional law, equal justice under law, sittings, recesses, cases and briefs.
2. There are many laws that affect people's lives every day, sometimes without them realizing it. For example, the radio station that you turn on in the morning must follow certain rules set up by the Federal Communications Commission; your bus driver must have a license before he can drive you to school; and both the air you breathe and the water you drink are controlled by state and national pollution laws. Discuss the importance of laws and how they affect your lives.

Page 4: Pre-readers and beginning readers: Read the page to the children, then ask them to point to drawings of a quill, the Supreme Court building and a handshake.

Beginning readers: Ask the children to find Washington, D.C., on a map.

Readers: Ask the children to name four important officers of the court.

All three levels: Ask the children to circle the first Monday in October on a calendar.

(Note to Editor: Above is the Teacher's Guide for Issue 12.)

May 22, 1985

Dear Chief,

You told me last night that May 21st was the 16th anniversary of your nomination to be Chief Justice of the United States. I hasten to dictate this note - though a longhand letter would be more appropriate.

I want to say that in my view you have made a distinguished Chief Justice. I believe history will give the Burger Court years high marks on many counts. Your opinion in the Nixon Tapes case will rank with Marbury v. Madison as a decision that preserved the unique role of this Court in a time of national crisis. It is a decision that no foreigner can understand, but one applauded by thoughtful Americans.

I have admired your courage, your unconcern about criticism, and the numerous constructive contributions you have made to the administration of justice.

Jo and I also appreciate the many acts of friendship that you and Vera have extended to us over the years.

As ever,

The Chief Justice

lfp/ss

Dear C J - "Scheduling a C

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

for the 27th
is satisfactory
with me." JFB

The ~~actual~~
status of our
cases improves,
this can be
r

CHAMBERS OF
THE CHIEF JUSTICE

May 27, 1985

MEMORANDUM TO THE CONFERENCE:

The last Conference now scheduled for this Term is Thursday, June 20.

With 61 more opinions to be released before the end of the Term (62 at this time last year), it would appear that we will probably be in session through Monday, July 1.

The Clerk advises that at the present time there are sufficient cases for the argument calendar for October and November. Between now and the end of June, we likely will grant about 20 more cases. This will fill the argument calendar through December.

The first Monday in October is October 7, and any grants on that date would not be fully briefed until Christmas. This would leave less than two weeks time between briefing and the arguments to be set for January 13.

I recommend scheduling a clean-up Conference on Thursday, June 27

Regards,

JFB

P.S. I am due at the Fourth Circuit Conference Thursday, but I will defer.

May 28, 1985

Dear Chief:

Scheduling of a Conference for the 27th is satisfactory with me.

Sincerely,

The Chief Justice

lfp/ss

cc: The Conference

May 31, 1985

MEMORANDUM TO THE CONFERENCE:

In line with our discussion yesterday, when I have participated at the cert stage of a case but was absent for the oral argument we agreed that it probably is more accurate simply to say at the end of such an opinion that: "Justice Powell took no part in the decision of this case".

L.F.P., Jr.

ss

bc: My Law Clerks

I would appreciate your watching each circulation of a Court opinion from other Chambers, and preparing the little form letter that I write requesting the author of the opinion to add - if it has been overlooked - that I did not participate in the "decision".

June 8, 1985

Dear Chief,

Dr. Wilton S. Dillon, one of the scholars with the Smithsonian, is married to one of my cousins. Dr. Dillon made a point of telling me that, at a chance meeting with you (I believe you were buying herbs for your garden), he had a nice visit discussing Smithsonian plans for the 200th anniversary of the Constitution. He was much impressed and spoke highly of you.

I am impressed that you know which "herbs" to buy. Perhaps Jo and I will have the opportunity to sample them. .

As ever,

The Chief Justice

lfp/ss

June 8, 1985

The Moving Picture on the Court

Dear Chief:

The moving picture on the Court, made available to us "for free" by the Young Lawyers Division of the Virginia State Bar, has been a big hit with visitors.

The film is now a decade old, and it shows it. The color has faded badly, and some of the dialogue - particularly by Tom Clark - is difficult to understand and needs updating.

It may well be that the film is the single most educational component of the Court's exhibits for the benefit of the thousands of people who visit us each year. Your presentation is excellent but the color has faded badly. I recommend that we commission the Historical Society to produce a new film, and perhaps to solicit funds specifically for that purpose.

Sincerely,

The Chief Justice

lfp/ss

cc: Ms. Gail Galloway



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

CHAMBERS OF
THE CHIEF JUSTICE

June 10, 1985

Re: The Moving Picture on the Court

Dear Lewis:

The problem isn't the film so much as the equipment. I have discussed with Gail three steps:

- (a) new equipment;
- (b) an editing to cut out some of the "drag" in the "tour" aspects of the film;
- (c) a "new" film would cost a "bundle" -- like \$25,000.00 and unless we got a special grant, the most we could do now is "edit." That would run \$6,000-8,000.

I'm glad to have your comments in support of a change and let's discuss over coffee or tea.

Regards,

Justice Powell

cc: Gail Galloway

cg
June 8, 1985

Dear Chief:

This will confirm that I will be at Mayo for a checkup on Monday and Tuesday of next week, and therefore will miss both of the Court sessions on those days.

My physicians think it is prudent to have a thorough checkup - with the elaborate battery of tests - every six months. Dr. David Utz at Mayo prefers that at least the first of these be at the Mayo Clinic by the people who made similar tests last winter.

If all goes well, I will be back at the Court on Wednesday. On the chance that there may be unanticipated delay, I will have my Chambers give my votes for Thursday's Conference to Bill Rehnquist.

Sincerely,

The Chief Justice

lfp/ss

cc: The Conference

MAYO CLINIC
ROCHESTER, MINNESOTA

*My file on
on the Justice*

June 17, 1985

3-085-631

The Honorable Warren Burger
Chief Justice
Supreme Court of the United States
Washington, D. C. 20543

Dear Justice Burger:

Justice Lewis Powell returned on June 10 for a thorough assessment of his medical status.

I was pleased with the progress he has made and his improved physical appearance since the Justice and I were together in March. Detailed investigations do not reveal any evidence of prostatic tumor.

While periodic reassessments in the future are prudent and customary, I am very much encouraged by the results of this current review and his clinical well-being.

He has a small inguinal hernia that probably will require repair, perhaps in July, on recess of the current session. We will see him then.

With regards and esteem,

David C. Utz, M.D.
Anson L. Clark Professor of Urology
Mayo Clinic and Mayo Medical School

DCU:gh

June 26, 1985

Dear Chief,

We congratulated you at the Conference today on your Presidential appointment as Chairman of the Commission to Celebrate the 200th Anniversary of the Constitution. Your appointment assures that the Commission will have strong and wise leadership.

I do have this caveat. I share Hugh Butt's concern that you undertake too many responsibilities, are conscientious about all of them, and in the end place your health in some jeopardy.

No doubt you will insist on an adequate and highly qualified staff for the Commission, and I am glad that you have reserved the right to become Honorary Chairman. In view of this additional major responsibility (so long as you are the active Chairman), your colleagues here would understand if you carried a lighter load of opinion writing next Term.

In short, we want to keep you around.

Sincerely,

The Chief Justice

lfp/ss

Justice File

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

June 27, 1985

RECEIVED
CHAMBERS OF THE
CHIEF JUSTICE

Personal

'85 JUN 27 P4:17

LADIES LUNCHEONS

Dear Chief:

Jo was one of the co-hostesses for the "Ladies Luncheon" held yesterday.

It came to my attention that the Court does not provide transportation for the widows of deceased members of the Court including Chief Justice Warren's widow. The widows who attended the luncheon yesterday included, in addition to Mrs. Warren, Mary Clark and Elizabeth Black.

Would it not be appropriate for the Court to make our cars available for the widows. These lunches occur only three or four times a year. I do not believe that any of the three drive their own cars - or at least not regularly.

Sincerely,

LFP/vde

*Dear Gavin
I have arranged for
transportation for
Mrs. Warren's death
for Mrs. Clark's death
for Mrs. Black's death
& later for Mrs. Warren*



Box 24110 • Washington, D.C. 20024 • (202) 488-7919

July 11, 1985

Chief Justice Warren Burger
Supreme Court of the United States
Washington, D.C., 20543

Dear Chief Justice Burger,

Thank you so very much for inviting me to discuss the part that The Mini Page might play in celebrating the Bicentennial of the Constitution.

I am honored to be asked by you to make to make a contribution to this important observance.

We propose to produce a series of articles about the Constitution. We would like very much to cooperate with your Commission in any way possible.

Each Mini Page is built around a central theme. We hope to devote several entire Mini Pages to some aspect of the Constitution. We also would like to run a series of shorter articles about this subject.

We would need the direction of you and your staff as to the important subjects that should be covered. We also would like information sources and contacts. We also would like to have our articles approved for accuracy by some expert in the field. We also would need ready access to photos in the Library of Congress or other federal agencies.

I also thank you for my copy of "Equal Justice Under Law".

I look forward to working with you and your Commission.

Cordially,

Betty Debnam
Betty Debnam
Editor



Box 24110 • Washington, D.C. 20024 • (202) 488-7919

Mini Page Background

The Mini Page is a nationally syndicated feature for children in 450 papers across the country. It is for children from 6 to 12 years old. It is syndicated by Universal Press Syndicate.

The Mini Page is an information source for kids, parents and teachers. We have many adult readers, too.

The Mini Page is an important part of the Newspaper In Education programs sponsored by newspapers to encourage teachers and parents to use newspapers as a teaching tool. It is often used in the classroom.



Box 24110 • Washington, D.C. 20024 • (202) 488-7919

JUL 15 1985

file on
correspondence
with other
Justice -
July 11, 1985
unless we have
a separate
file on
communication
with Mr C L

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

9 put
in Betty in
touch with
Mr C. J.
W. P.

Dear Justice Powell,

I wanted to send you a copy of my letter
to Chief Justice Burger.

I am most excited about the project and
am looking forward to the chance to take
part in such an exciting celebration.

I sincerely thank you for your interest
in me and The Mini Page.

Please give my very best to Mrs. Powell.
I do hope that you have a pleasant summer
and I am looking forward to your return
to Washington.

Sincerely,

Betty Debnam Hunt

MAYO CLINIC
ROCHESTER, MINNESOTA

*Sally. Put in my
file on "The
Justices"*

July 16, 1985

3-085-631

The Honorable Warren Burger
Chief Justice
Supreme Court of the United States
Washington, D.C. 20543

Dear Justice Burger:

Justice Lewis Powell is convalescing very well from a bilateral inguinal hernia repair and a urethral procedure. I anticipate that he will be returning home tomorrow.

I am encouraged about his progress to date as far as his prostatic malignancy is concerned. Thorough assessment of his status indicates no activity of this tumor. From a clinical performance standpoint, I am most encouraged by his status and I have no reservations about him returning to his responsibilities at the Court.

With regards and esteem,

David C. Utz, M.D.
Anson L. Clark Professor of Urology
Mayo Clinic and Mayo Medical School

DCU:gh
cc Justice Lewis F. Powell

P.S. I am enclosing a copy of my previous letter of June 17, 1985, for your file.

August 13, 1985

Dear Chief:

The address of Molly and her husband "Kit" in Salt Lake City is:

Mr. Christopher J. Sumner
2660 Walker Lane
Salt Lake City, Utah 84117
801-278-2333

Kit (graduate of the University of Virginia Law School) is the President of Western Savings & Loan, a multi-state S&L. His office telephone is 801-350-9600.

If you have any errands to run or any need for medical attention or otherwise, I know that Molly and Kit would be glad to be of assistance.

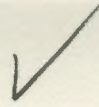
Sincerely,

Hon. Warren E. Burger
Chairman
Presidential Commission on the Adoption
of the Constitution
Hotel Utah
South Temple and Main
Salt Lake City, Utah 84111

lfp/ss



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



CHAMBERS OF
THE CHIEF JUSTICE

August 19, 1985

Re: 50th Anniversary of the Supreme Court Building

Dear Lewis:

Your comment about the limit of speeches for the
October 7 ceremony is entirely in order.

Indeed, my invitations to the three gentlemen was
to speak up to seven minutes. If they have something
more they want to put in the Journal, we can accommodate
them. I did not want the Courtroom ceremony to run over
one half hour.

Regards,

Justice Powell

Copies to the Conference

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

CHAMBERS OF
THE CHIEF JUSTICE

September 5, 1985

Sally

MEMORANDUM TO THE CONFERENCE:

This is to serve as a reminder that we will
open our first day of Conference on Monday, September
30th, 1985 at 9:30 a.m.

Regards,

W. B.

September 18, 1985

Dear Chief:

The cataract surgery on my right eye went off satisfactorily last Wednesday at the Wilmer Institute. This should not handicap my ability to continue to do the work of the Court--although my new glasses will not be fitted for several weeks.

As I have in the past, I was driven to Baltimore by my messenger in a Court car. I believe this is an entirely proper use of the government vehicle, but if there is any question I would prefer to reimburse the Court for the mileage. I have done this when I have used the Court station wagon to move my files and belongings to Richmond for the months of July and August--a move we did not make this year.

I am continuing to have my messenger come for me in the morning, and often take me home in the afternoon. I have not yet regained my full strength.

Sincerely,

The Chief Justice

lfp/ss

September 26, 1985

PERSONAL

Law Clerks for the 1986 Term

Dear Chief:

I recently completed selecting my clerks for the 1986 Term after having interviewed a number of strong applicants. As in the past, with your approval, I now mention two whom I can strongly recommend:

Ms. Gretchen Wolfinger. Marshall-Wythe School of Law (William and Mary), first in a class of 175; executive officer of law review; graduate of the University of Virginia, B.A., with high honors; and now clerking for Judge Aldisert (who recommends her strongly).

Brad Saxton. University of Virginia Law School, Articles Editor; possibly No. 1 in his class; William and Mary College, B.A., cum laude, Phi Beta Kappa; good summer clerkships, including strong recommendation from Hogan & Hartson; now clerking for Judge Oberdorfer, who also strongly recommended Saxton.

As I chose another clerk presently with Judge Oberdorfer, and I do not take two clerks from the same judge, this prevented my engaging Saxton. I liked him personally a great deal. If I had chosen a fifth clerk, it would have been Gretchen Wolfinger. She is a delightful person whom you would enjoy having in Chambers. Her application was not received by me until I had substantially completed my interviews and made my choices.

Sincerely,

The Chief Justice

lfp/ss

October 31, 1985

Dinner, November 17

Dear Chief:

Jo and I regret that we think it best to decline your invitation for reception and dinner on Sunday, November 17.

We will be in Colonial Williamsburg from the afternoon of Friday, November 15 (I hope our Conference that day will be short) until sometime during the day on Sunday, November 17. It will be a strenuous time for me in view of the elaborate plans to celebrate Carl Humelsine's retirement, including a speech by me on Saturday evening.

I just do not think I will be up to going out for the third successive night, particularly after driving up from Williamsburg.

We do appreciate being invited.

Sincerely,

The Chief Justice

lfp/ss

P.S. Jo and I appreciated your driving us to the dinner at the Library of Congress, and particularly your waiting until we came down to the garage. We slipped out about 10:30, and I hope you and Vera had similar good luck.

November 13, 1985

CONFIDENTIAL

Dear Chief:

One of my former law clerks, John Buckley (now with Williams, Connolly), sent me the enclosed articles, one from the New York Law Journal of November 1 quoting Judge Weinfeld, and the other an earlier article from the New York Times eulogizing Judge Weinfeld.

I think you will find these articles interesting, and doubt that you will disagree with what is said by and about Judge Weinfeld.

Sincerely,

The Chief Justice

lfp/ss

NOV 12 1985

November 8, 1985

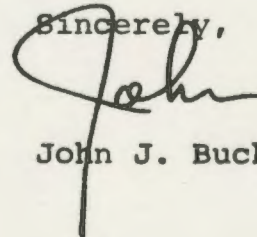
Honorable Lewis F. Powell, Jr.
The Supreme Court
Washington, D.C.

Dear Mr. Justice:

I happened to notice the enclosed article from the New York Law Journal which quotes Judge Weinfeld's comments that Supreme Court Justices who give interviews or speeches criticizing other justices are "policitizing" the Court. Among the examples of such "politicization," he cites Justice Brennan's recent and much publicized speech. That brought to mind another article, also enclosed, in which Justice Brennan was quoted as saying "there is no better judge on any Court" than Judge Weinfeld, who is "a day-to-day example of what we want our judges to be."

If only Justice Brennan would follow that example

Sincerely,



John J. Buckley, Jr.

Enclosure

Weinfeld Laments 'Politicalization' Of Supreme Court

By Alan Kohn

A dean of federal trial judges has taken issue with Supreme Court justices speaking out publicly about disputes with fellow justices or with Attorney General Edwin Meese 3d.

When justices speak out publicly, Judge Edward Weinfeld said at a New York County Lawyers' Association luncheon Wednesday, they are engaging in a "politicalization of the Court."

Court as Institution

Stressing the nation's highest court was an institution, the judge said he believed its greatness, whether one agrees with it or not, came from its "well-reasoned" opinions.

Judge Weinfeld used the words "unfortunate" and "undesirable" in commenting on an interview given last year by Justice Harry A. Blackmun and recently publicized speeches this year by Justices William J. Brennan Jr. and John P. Stevens.

In the interview, Justice Blackmun talked about his differences with Chief Justice Warren E. Burger, while the other two justices commented on Mr. Meese's views on constitutional law.

Judge Weinfeld, who is eighty-five years old and has sat as an active judge for thirty-five years on the U.S. District Court for the Southern District of New York, also answered questions from the audience during the luncheon forum.

Among his views:

Diversity jurisdiction — Its abolition is "long past due . . . It's a bygone relic."

Quality of lawyers — The judge disagreed with Justice Burger that the quality of lawyers has declined. When lawyers do not measure up to a high standard, he asserted, it was not because they are not qualified but because they are not prepared.

Compulsory arbitration of federal civil cases under \$50,000 — He is against the concept, since citizens should have the "right to resort to the courts and not have arbitration imposed on them." (A pilot arbitration program will begin next year in the U.S. District Court for the Eastern District of New York.)

Civil suits under the Federal racketeering law — The law has been "abused" and applied in a way Congress did "not intend."

Jurors and complicated securities-law cases — It is an "amazing experience" but juries "really do comprehend and understand."

Individual assignment system — While a "doubting Thomas" having "some reservations" when the system was introduced in the Southern District, Judge Weinfeld said that now he is a "very strong advocate" of the system by which the same judge is in charge of the case from start to finish.

The "single problem" facing the Southern District Court — Judge Weinfeld's answer was a smile when, after the question was asked, someone in the audience immediately responded, "the elevators!"

A Lifetime of Law and Quiet Diligence for Judge Weinfeld

By DAVID MARGOLICK

It is very quiet in Foley Square at 4:30 in the morning, when 84-year-old Judge Edward Weinfeld usually arrives. The square is deserted except for the homeless people sleeping in the park across from the United States Court House.

Last week Judge Weinfeld marked his 35th anniversary on the bench in appropriate fashion. He showed up at the Court House five minutes earlier than usual, switched on the lights in his chambers, made a pot of coffee and began doing the job he loves — the lonely, difficult but exhilarating work of a Federal trial judge.

When Judge Weinfeld leaves his apartment on East 66th Street for Room 2204 of the courthouse each day, he merely forsakes one home and family for another. At the courthouse he is married to the law, and his clerks are his sons and daughters.

Friends, colleagues and former law clerks have begged him not to work so hard. But the judge, a stickler for facts, takes issue with not only their sentiments, but also their choice of words.

Not Work but 'Joy'

"When, at a fairly early hour of the morning, I put the key into the door of my darkened chambers and walk across the room to start the day's activities," he wrote recently, "I do so with the same enthusiasm that was mine the very first day of my judicial career. What one enjoys is not work. It is joy."

Edward Weinfeld is the oldest active Federal judge in the United States. But in a profession known for its dissenters, nearly everyone agrees that he also remains what he has long been: one of the most respected Federal judges in the country.

Two years ago, when Judge Weinfeld's alma mater, the New York University Law School, named a professorship after him, Associate Justice William J. Brennan Jr. of the United States Supreme Court called him "a day-by-day living example of what we want our judges to be." He added: "There is general agreement on bench and bar throughout this nation that there is no better judge on any court."

Judge Weinfeld has earned his reputation through decades of diligence rather than through the luck of assignments or the eloquence of his writing.

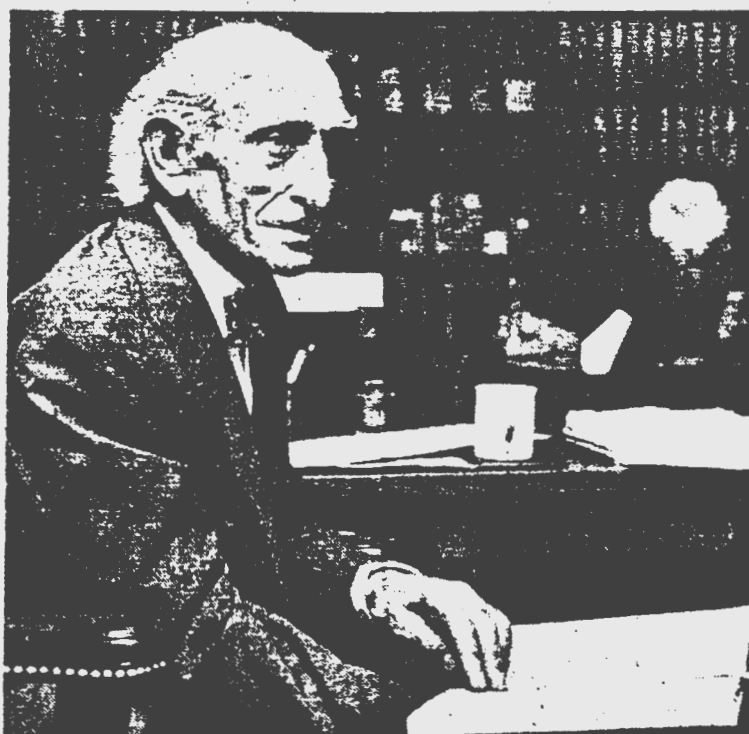
2,106 Opinions

He has presided over his share of famous cases — the libel suit by the author Quentin Reynolds against Westbrook Pegler, the noted Hearst journalist, for instance, and New York City's case against Rockwell International for defective subway cars — but no more than his share.

His opinions — 2,106 of them as of last week — are long on facts and short on aphorisms.

In 35 years on the bench, he has granted only one interview: to his granddaughter, who is recording his memoirs.

"In a sense, it would be easier to salute him if he'd been more noisy, if he had laid claim to some innovative legal philosophy or sought attention through 'great' opinions or a monopoly of 'important' cases," Justice Brennan said.



Judge Edward Weinfeld in his chambers at the U.S. Court House.

nan said. What has distinguished his career, he said, has been "the purity of its devotion and its quiet dedication to the business of judging."

Judge Weinfeld, who is routinely showered with such praise, is likened to New York's other noted 20th-century jurists, Benjamin Cardozo and Learned Hand.

But Judge Hand himself might have disputed that assessment, at least judging from a photograph he once inscribed to his friend: "To Edward Weinfeld, who makes the rest of us feel like drones."

Age has forced some changes in Judge Weinfeld's daily routine. He rarely takes his ruminative lunchtime walks across the Brooklyn Bridge anymore, and his 6 A.M. tennis game died a while ago, with the only person he could find to play at that hour. Some lawyers say that in recent years the judge has grown more impatient, even peremptory, with them in court.

But as sleep becomes more difficult for him, his workday begins earlier than ever. It starts in his chambers, following a round of pushups, with a verse of the Bible — first in Hebrew, then in English. In the hours before his law clerks arrive, he writes opinions, reviews court records and sentencing reports and reads the latest Supreme Court rulings.

One story, apocryphal perhaps but not im-

plausible, tells of a prosecutor who met the judge on the Court House steps at 8 o'clock one morning.

"Going out for breakfast, judge?" he asked.

"No, for lunch," Judge Weinfeld replied.

The judge's work, to many, could seem like drudgery: writing and re-writing opinions, reviewing reams of court documents, cross-examining probation officers before sentencing. But Judge Weinfeld is fond of referring to himself as a "minister of justice" and telling his law clerks that "there is no such thing as an unimportant case."

Such sentiments could seem corny to some — but not to those who have reviewed his decisions on appeal, shared the trial bench with him, worked for him or been litigants in his courtroom.

The United States Supreme Court often mentions Judge Weinfeld by name, a rare tribute for a trial judge. Fellow jurists regularly seek his counsel and use his jury instructions.

And appellate courts rarely reverse him — not even in the midst of the McCarthy era, when he ruled that a Senate subcommittee had improperly questioned a Columbia University lecturer, Corliss Lamont, about his political beliefs.

"In my view the Court of Appeals would not

have upheld any other judge," said Leonard Boudin, who represented Mr. Lamont. "The weight of his learning, legal analysis and reputation made him virtually irreversible."

Judge Weinfeld has periodically promised his wife of 54 years, Lillian, that he plans to retire from his post, a lifetime appointment. But despite gout, phlebitis and other ailments, there is no evidence that he intends to keep his word. Already, he has hired law clerks both for next year and the year after.

They will presumably develop the same bond with Judge Weinfeld as their predecessors, most of whom have long since gone on to successful careers of their own. Many, looking back, say nothing could compete with their first job or first boss.

"One of the tragedies of my life is that I peaked at 25," said Mitchell Lowenthal, Judge Weinfeld's 1983 clerk and now an associate at Cleary, Gottlieb, Steen & Hamilton in New York.

Another New York lawyer, Daniel Levitt, wrote of his clerkship in 1964-65: "That was the best year. The rest are only to be used to prove we were worthy of you."

Judge Weinfeld has said he aspired to serve the rule of law even as the 9-year-old son of immigrant parents on the Lower East Side. He practiced law for 27 years before entering public service, first as a delegate to the 1938 New York State Constitutional Convention, and later, as head of Governor Herbert H. Lehman's pioneering public-housing program.

Truman Appointee

It was Lehman, as a United States Senator, who persuaded President Truman to name him a Federal judge.

Like Judge Hand, Judge Weinfeld was often mentioned for higher judicial office, most notably in 1965, when he was recommended by Senator Robert Kennedy and Emanuel Celler, the chairman of the House Judiciary Committee, and his own colleagues for the United States Court of Appeals. President Lyndon Johnson, however, ignored Senator Kennedy's nomination and chose Judge Wilfred Feinberg.

"There is no question that Feinberg's was a fine appointment," said Nicholas deB. Katzenbach, who was Attorney General at the time. "But I think Johnson wanted to teach Bobby a lesson in politics, and did."

"Right now, he would stand mountain high in comparison with any Justice on the Supreme Court," said Louis Nizer, who appeared before him in the Reynolds libel case. "It's a great waste."

According to his friends, Judge Weinfeld is somewhat baffled by the adulation he has received. His attitude toward his life's work appears akin to his feelings about jurors — to whom, he feels, no thanks are ever due.

"I happen to believe that one who faithfully and conscientiously discharges his duty neither is entitled to, nor must he or she expect, thanks," he tells jurors before they are discharged. "Your reward must come from the knowledge that you responded to the call of duty as a citizen, and were privileged to play an important part in the administration of justice."



*Congress of the United States
House of Representatives
Washington, D.C. 20515*

*James T. Molloy
Director*

November 14, 1985

Dear Mr. Justice,

The President of the United States will deliver his Report to the Congress on the Summit Meeting in Geneva at a Joint Session of the Congress of the United States on November 21, 1985 at 9 PM and you and the Associate Justices of the Supreme Court are invited to attend.

The Report will be delivered in the House Chamber, and we request that the Court present themselves in room H-219 The Capitol at 8:30 PM so that seating can be concluded on the Floor of the House before the set time.

Please confirm the presence of the Court on this occasion by calling this office on 225-3505.

Sincerely yours,

Warren Earl Burger, Esq.
Chief Justice of the United States
One First Street
Washington, D. C. 20543

November 19, 1985

Group Admissions to Our Bar

Dear Chief:

This letter is prompted by Monday's performance of our sitting on the bench for 25 minutes while three large groups of lawyers were admitted to the bar of our Court.

I have thought for some time that "group admittance" is a farce and probably a reflection on the Court itself. We require the moving lawyer to state that he or she "is satisfied that [the applicant] possesses the requisite qualifications". I doubt that many of the lawyers who move the admission of large groups would be willing to make that representation under oath. They can know little or nothing about the qualifications beyond the fact that certificates have been filed certifying that the applicant has been at the state bar for three years and remains in good standing. The moving lawyer probably would not know whether criminal or disbarment proceedings are pending, or whether the lawyer has ever tried or argued a case, or indeed whether he or she has ever practiced or taught law.

I was impressed by Erwin Griswold's address at our 50th anniversary session. In the early years of the Court there was a genuine Supreme Court bar. Today what we call our "Bar" bears no resemblance to a genuine bar. It is primarily a means of providing certificates that applicants can frame and hang in their Chambers - if they do practice - to impress (if not deceive) prospective clients. Moreover, I understand that the expenses of the trip to Washington are tax deductible.

There is much to be said for eliminating group admissions, and requiring the moving lawyer to state that he or she personally knows the applicant or is familiar with the applicant's reputation as a lawyer. I suggest that we discuss this at some convenient time, including the possibility of charging some nominal dues so that we can determine who in fact is a current member of our "bar".

Sincerely,

The Chief Justice

lfp/ss

cc: The Conference

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

CHAMBERS OF
THE CHIEF JUSTICE

November 19, 1985

*file w.
exchange
between Justices*

Re: Group Admissions

MEMORANDUM TO THE CONFERENCE:

Lewis' note today on this subject recalls Conference discussion 16 years ago when I sought to eliminate all Courtroom admissions.

"Tradition" and "public relations" it was said, mandated this anachronism. I settled for my fallback position to make Courtroom presence optional. We settled, although had I pressed for a vote in 1969, I think we would have carried the day.

Between opinion announcement--even in the sensibly truncated form--and the admissions, we waste an astonishing number of "judge days" every year.

I am certain most lawyers, who make a special trip, take a business expense deduction.

I'm ready to help cut down the National Debt Deficit by eliminating:

- (a) ~~All~~ Courtroom admissions; *- No*
- (b) ~~All~~ Courtroom opinion announcements as of January 1986. *- No*

This will be on the next Conference agenda.

Regards,

WRO

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

CHAMBERS OF
THE CHIEF JUSTICE

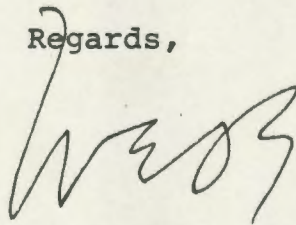
November 19, 1985

MEMORANDUM TO THE CONFERENCE:

The President of the United States will deliver his Report to the Congress on the Summit Meeting in Geneva at a Joint Session of the Congress of the United States on Thursday, November 21, 1985 at 9 p.m. in the House Chamber.

Do you wish to follow our practice of declining, as in the past?

Regards,



CC - The Marshal's Office
Justice Stewart

November 19, 1985

Joint Session of Congress

Dear Chief:

Unless you think this is a "command performance", I would be happy not to attend.

If you and as many as four other Justices think we should go, I will join you.

Sincerely,

The Chief Justice

lfp/ss

cc: The Conference

e

MEMO

TO : The Chief Justice
FROM : Jim Donovan *JD*
DATE : October 25, 1985
SUBJECT: Westlaw Terminals

Interest is growing in the possibility of accessing Lexis and Westlaw from terminals in Chambers as an alternative (or supplement) to use of those in the Library. The steadily increasing computer familiarity evidenced by each successive group of law clerks results in demands for more sophisticated and more convenient access to the legal data bases. In response to the demand for greater access, we now have Westlaw terminals in 3 Chambers and the Reporter's Office. Separate Lexis terminals are located in one Chamber and the Reporter's Office.

The present approach portends the placement of a Westlaw terminal and possibly a Lexis terminal in every Chamber. In contrast, we are investigating the feasibility and cost of a possible alternative approach. This alternative would equip the Atex system with hardware and software to allow use of the installed Atex terminals in Chambers to access Lexis and Westlaw. (Our Atex system is now sophisticated enough to be equipped with additional hardware and software to handle this capability.)

The benefits (assuming feasibility is proven) would be:

1. No need for separate Lexis and Westlaw terminals in each Chamber - a cost saving, space saving, time saving solution. The Atex terminal would become a multi-purpose tool.
2. Data needed from Lexis/Westlaw could be moved into the Atex system without re-keying. Then the data could be merged, modified, etc. by the law clerk as appropriate.

The proposal from Atex will be ready in approximately one month. We can then determine which alternative will be the most cost-effective to pursue.

In the meantime, I recommend approval of the Westlaw terminal request you have received from Justice Rehnquist, since this will satisfy his immediate needs. The Westlaw terminals are rented and can be removed if the Atex solution proves feasible.

I shall keep you advised.

cc: Justice Powell
Justice Stevens
Dr. Cannon

✓
October 29, 1985

Dear Chief:

This refers to Jim Donovan's memo to you of October 25, with respect to Westlaw Terminals.

Jim had discussed this with me, and I strongly endorse his recommendation. Jim has identified the benefits, and my clerks tell me it would save good deal of time.

Indeed, if funds are available, I would be happy to have a Westlaw Terminal in my Chambers now.

Sincerely,

The Chief Justice

lfp/ss

cc: Messrs. Cannon and Donovan

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

CHAMBERS OF
THE CHIEF JUSTICE

December 2, 1985

I sent a copy of this morning's rough
draft of your letter on Lord Diplock to
Justice Powell, who has promised to have
his final letter sent to me late this
afternoon.

Both letters will then be sent via
overnight mail to Mr. Clare in New York.

PP
Sewer
Penny is "on the job"
W

December 13, 1985

PERSONAL

Dear Chief:

As I will be away on Monday, when you usually make assignments I write this letter.

Perhaps I have mentioned that I go to Mayo (Rochester) on Sunday for the six months checkup that will keep me there possibly through Wednesday. I prefer that this trip not become general knowledge, as the media would give it undue publicity. I will, of course, let you know the result when I return.

As to assignments, I hope you will give me several cases as I am in fairly good shape. Of the five that you have assigned me, four have been circulated - including Wygant that went out this afternoon. I still have that dreadful Matsushita Electric antitrust case that has given me a good deal of difficulty. But I should get it circulated no later than the end of next week. In view of the uncertainties in my life, I would like to have cases to work on during our four weeks' Christmas break.

Even our Richmond children will be away (Lewis with his wife's parents in Birmingham, and our daughter Penny and her family with Molly in Salt Lake City). Jo and I therefore will be a lonely couple, and plan to spend only a few days in Richmond. In short, I will be available for work.

Sincerely,

The Chief Justice

lfp/ss

December 13, 1985

National Geographic's New Atlas

Dear Chief:

This will confirm that I would like to purchase two copies of your National Geographic new atlas on North America with the amazing satellite pictures.

You were kind enough to say that you could obtain them for me, and I suppose our van that goes uptown could pick them up. If someone in your office could let me know the price, I will send a check.

I envy you being on the National Geographic Board.

Sincerely,

The Chief Justice

lfp/ss

AM.

CHAMBERS OF
THE CHIEF JUSTICE

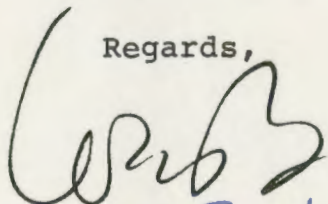
December 18, 1985

MEMORANDUM TO THE CONFERENCE

It develops that Lewis is not fully in accord on 83-1968, Thornburg v. Gingles. Bill Brennan is willing to "surrender" 84-6263, Batson v. Kentucky in a "switch."

With thanks to Bill, I now reassign each of those cases accordingly.

Regards,



84-6263 Batson v. Ky

Dear Chief,

I understand that
Batson has now been assigned
to me in place of Thornburg

~~In view of my~~

~~for~~

v. Gingles.

~~In the memo stated in~~
~~my letter of Dec 14th, I then~~

~~I was~~
My thanks to you and
Bill Brennan. I did not think
I could write Thornburg
— an important case — in
accord with the views of a majority
of the Court as expressed at Conference.

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

December 18, 1985

Dear Chief:

I have your memorandum about LFP's difficulty and your solution. I, too, am "not fully in accord with" Catawba. I, too, seek assistance.

Sincerely,

TM.

T.M.

The Chief Justice

cc: The Conference

c9
December 27, 1985

PERSONAL

Dear Chief:

I suppose you also received a copy of "Our National Parks" from the Reader's Digest.

We had a case last Term that involved the Reader's Digest. You and I concluded that the Colonial Williamsburg DeWitt Wallace Fund was too tangential a connection even to consider disqualification.

I do not recall, however, ever having received a book from the Reader's Digest. Do you think we should accept this gift? I will not mail the enclosed letter to Barny until I hear from you.

On the same general subject, all of us receive numerous books primarily from law book publishers and the authors of law books. I have recently received, for example, Professor Areeda's new two volume work on antitrust law. Apart from professional sources, a company called United Technologies has sent me two or three handsome books, and I assume these books also have been sent to other Justices. I have no idea what United Technologies is, and do not recall that it has ever been before the Court. Do you accept books of this kind? And should we report them on our disclosure forms that are filed May 15?

Sincerely,

The Chief Justice

lfp/ss

[n. d.]



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

CHAMBERS OF
THE CHIEF JUSTICE

Dear Lewis

There is nothing
like fortified jam to
fortify a man!

209 B

agricot jam made by the Chief Justice