

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

File -
5 JAN 1990

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

January 4, 1990

Dear Lewis,

I am sorry you will not be at the 9th Circuit Conference in Alaska in June, but I will hope it works out for you in Maui in 1991. That does seem like a long time in the future.

Thank you for the book about your former law firm. John and I look forward to reading it this winter. It is a most interesting firm.

We enjoyed Christmas week in Phoenix with our family. It was sunny and warm, and filled with time for family and friends. A good way to start the New Year.

Fondly,

Sandra

Justice Powell

January 8, 1990

Dear Sandra and John,

As always, Jo and I are interested in your family. The newest member, Courtney Day O'Connor, is quite a handsome young lady.

We send affectionate best wishes.

As ever,

Justice O'Connor and Mr. O'Connor

lfp/ss

January 9, 1990

Dear Thurgood:

Jo and I have read with interest and admiration the article in the Washington Post Magazine of last Sunday.

It is an attractively written story of your remarkable career as the leading civil rights lawyer in the United States, as well as your public service, including being a Justice on the Supreme Court.

I made a speech some years ago to Virginia Union University in Richmond in which I said, in substance, that the civil rights litigation you initiated and won contributed more to desegregating our country than the action of any other citizen or group.

With affectionate best to you and Cissy.

As ever,

Hon. Thurgood Marshall
6233 Lakeview Drive
Falls Church, Virginia 22041

lfp/ss

January 22, 1990

Dear Andy,

Jo and I so much appreciate your warm and generous Christmas greetings. We note that you were in Vermont with children and grandchildren, the best place to be on Christmas.

We have our family reunion at Thanksgiving. As our family is divided between Richmond, Houston and Salt Lake City, we could not be with all of them at Christmas.

As I have often said before, the friendship we shared with you and Potter - and since his untimely death with you - has meant a great deal to Jo and me. Do not hesitate to call on me whenever you think I could be helpful.

With affection,

Mrs. Potter Stewart
5135 Palisade Lane
Washington, D. C. 20016

lfp/ss

January 26, 1990

Virginia Bar Association

Dear Sandra:

A former partner of mine, Allen Goolsby, will take office as President of the Virginia Bar Association at its summer meeting at the Homestead. The midwinter meeting of the Association will be held in Williamsburg in January 1991.

Allen asked me if I would inquire whether you could attend either of these meetings as an honored guest, and speak briefly.

You and John would particularly enjoy the Homestead, and, of course, you are quite familiar with Williamsburg. But I know how pressed you are.

Sincerely,

Justice O'Connor

lfp/ss

January 29, 1990

PERSONAL

Dear Sandra:

This afternoon I had an occasion to read the several opinions in Garcia v. San Antonio Metropolitan Transit Authority, 469 U.S. 528 (1985). I continue to think that the Court's opinion seriously misconceives the structure of our government and the federal system. I still agree fully with your dissenting opinion.

You and I were the only members of the Court who had had experience serving in state and local government.

Sincerely,

Justice O'Connor

lfp/ss

76
Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

February 12
(1990)

Dear Lewis,

Thank you for
a most pleasant
luncheon. I seldom
go out of the building
so it was a special
treat. I miss our
frequent visits.

The DOJ letter to
Sen. Biden is attached.

(written by

Andrew McBryde
- former SOG clerk)

Sandra

March 12, 1990

Dear Sandra:

I may have told you that I will be at the University of Virginia Law School the last two weeks in March teaching several classes. One of these is on "Federalism".

In reviewing the file that I keep on this subject, I reread your excellent lecture at my college, Washington and Lee University, on October 20, 1988. We have been together on every federalism issue.

As ever,

Justice O'Connor

lfp/ss

April 9, 1990

Dear Dottie and Harry:

Jo and I agree the program and dinner in honor of the Mayo Clinic was one of the most interesting we can recall. We appreciate being invited.

When I began to have some prostate trouble you and Warren both recommended that I go to the Mayo Clinic. I do not recall specifically whether you recommended that I see David Utz. I continued to look to him until he retired and moved to Scottsdale. On his recommendation, I now see Jim Regan at Georgetown.

Harry, I thought your introductory and concluding remarks at the program were appropriate.

Sincerely,

Hon. and Mrs. Harry A. Blackmun

lfp/ss

April 18, 1990

Dear Thurgood:

It was thoughtful of you to send me a copy of the letter from a Fellow of the American College of Trial Lawyers asking your opinion as to a lawyer being considered for membership.

I am rather surprised that a Justice of this Court should be requested to express an opinion publicly as to the qualifications of a lawyer who had argued before the Court. You could ignore the letter.

I miss seeing you. We sat beside each other during my 15-1/2 years on the Court, and we had some good "side bar" conversations.

As ever,

Justice Marshall

lfp/ss

April 25, 1990

Dear Bill and John:

In the event you may not have seen it, you will be interested in the enclosed article by Professor Elliott about Shakespeare.

I recall that on the invitation of David Lloyd Kreeger you debated - here and in England, I believe - the pros and cons of this ongoing controversy.

My vote always have been for Edward deVere, the Earl of Oxford.

Sincerely,

Justice Brennan
Justice Stevens

lfp/ss
Enc.

Shakespeare, by Any Other Name

Computer-Crunching the Man From Avon and Those Who Would

April 12, 1990

By Don Oldenburg
Washington Post Staff Writer

... Blest be the man that spares
these stones,
And curst be he that moves my bones.
—from Shakespeare's epitaph

As he thumbed thoughtfully into the first act of "Hamlet, Prince of Denmark" on a flight to his father's funeral, little did Prof. Ward E.Y. Elliott know he'd embarked upon much more than one of Shakespeare's plays.

In retrospect, small coincidences were to weigh heavily a decade later: that a man as learned as Elliott hadn't before read this famous tragedy; that he'd been motivated to do so by the death of his father, a Harvard professor, a political scientist just as himself, who'd been convinced that Edward de Vere, the 17th Earl of Oxford, wrote the works of Shakespeare; that Elliott had abruptly killed a promising law career here in Washington when his reciting a few lines from "Taming of the Shrew" was seen as an intrusion by \$150-an-hour colleagues.

Now, there are those who consider Ward Elliott an intrusion on William Shakespeare's legacy.

On Saturday, in Claremont, Calif., the Claremont McKenna College professor will announce the official findings of the most comprehensive computer testing of the world's largest database of Elizabethan literature, in search of evidence to support or dash claims that a 17th-century bumpkin from Stratford-on-Avon could not have written the Shakespeare canon—therefore someone else did.

"It's like potato chips—one is not enough," says Elliott of the long list of claimants and pretenders to Shakespeare's throne. His voice rings eruditely Brahmin, so suitable for reciting the amassed verse he has examined via computers, virtually word by word, for the past three years while supervising The Shakespeare Clinic and its "Matching Shakespeare" study.

"The question itself is such a bottomless pit of conjecture," admits Elliott, referring to what among literati is known as The Authorship Question. It is a donnybrook of bookworms that for more than a century has wondered whether Shakespeare by any other name would smell as sweet.

But, unlike many for whom this is a never-ending quest, Elliott believes the argument can be settled, thanks to the extraordinary analytical powers of

"There must be a signature of some sort" in the 884,000 words credited to Shakespeare, he says, convinced that by detecting Shakespeare's unique stylistic imprint via computer crunching literary minutiae, from word frequency to punctuation proclivity to use of clauses and compounds, it should be possible to match that "signature" to the works of any claimants who may have contributed to Shakespeare's oeuvre—or otherwise eliminate them once and for all.

Men should be what they seem.

—Othello, III, iii, 126

At the heart of these darkest doubts about Shakespeare is the enigmatic man himself. Elliott calls this the "dicey, wobbly nature of the documentary evidence on 'Shakspeare' of Stratford." A merchant and land speculator, this Shakspeare was by standards of literary genius a hayseed who could barely spell his name the same way twice, say anti-Stratfordians (those who contend "the man from Stratford" didn't do it).

"What we know of Shakspeare doesn't make a very good match of what we know about Shakespeare, who was a tremendously learned person, his vocabulary of 17,000 words twice that of John Milton's," says Elliott. "Shakespeare knew Latin, Greek and French, a lot about the ways of courtiers and kings, law, history, and quite a bit about Europe.

"But if you look at William Shakspeare, we have a lot of records of birth and deaths and marriages and deals—he sued people over land, and parceled out his property in great detail in his will. But nowhere in that record is there any indication of manuscripts, books or literary records of any kind."

What's more, when Shakspeare died there were no comets seen, nor did heaven blaze forth. "Nobody seemed to notice," says Elliott, "which would seem surprising if he were, as Ben Jonson called him, 'The Soule of the Age.' So there are a lot of discrepancies, and therefore many ingenious attempts to match someone else with Shakespeare."

With this comes an impatient sigh from Stratfordians (defenders of The Bard). The authorship question for them is an issue of the amateur fringe, the words' razors to their wounded hearts. To quote their luminary, they do "not budge an inch." Well, maybe an inch.

Sam Schoenbaum, who in his 1970 book "Shakespeare's Lives," referred to the claimants controversy as "lunatic rubbish," is omitting that description from the revised edition. A stalwart Stratfordian, he has since softened his judgment of those who pursue the controversy.

"I'm sorry I said that," recants the professor of Renaissance literature who directs the University of Maryland's Center for Renaissance and Baroque Studies. It's just that he believes this whole thing is a waste of time and energy. "Some of them are very serious. But I get impatient." As for himself, he harbors no doubts: "I've lost no sleep over it. I think that Shakespeare is the author."

Any confusion about that may be attributed to the likelihood that others may have revised Shakespeare's plays, or that Shakespeare occasionally collaborated, he says. "It is certainly true there may have been intrusion by other writers. . . . There are all kinds of reasons why the works may have more than one author."

As for Shakespeare's personal effects, Schoenbaum dismisses the mystery. As much is known about Shakespeare as is known about his contemporaries. That the greatest English playwright and poet never went to the university, was from a provincial town and wasn't an aristo-

...from accomplishing great achievements."

Essentially, the controversy hinges on the intriguing incomprehensibility of genius, says Schoenbaum. "I think that Shakespeare's work, in a way, could *not* have been written by any [one person], just as Michaelangelo could not have painted the ceiling of the Sistine Chapel in his old age and as Mozart could not have written all of his works and died a young penniless man. People try to come up with a justification to explain the inexplicable. . . . People also have fun with this; they're playing games, some of them."

*Time's glory is to calm
contending kings.
To unmask falsehood, and bring
truth to light.*

—The Rape of Lucrece, l. 939

What started Ward Elliott on this improbable venture for a political scientist more accustomed to voting rights issues was a 1976 study by statisticians Ronald Thisted and Brad Efron that attempted to count the number of words Shakespeare knew. Using a technique developed by legendary statistician Sir Ronald Fisher to determine the number of butterfly species in Malaysia, Thisted and Efron found the test could predict word-use frequency in literature.

Nine years later, the two statisticians dragged out their methodology again to analyze "Shall I Die," a 429-word Elizabethan poem, signed W.S., that had been newly discovered and thought by some to be Shakespearean. They cranked known poems by Shakespeare and contemporaries Christopher Marlowe, John Donne and Ben Jonson through their pro-



Prof. Ward E.Y. Elliott of Claremont McKenna College with William Shakespeare, the subject of his research.

gram. Outcome: "Shall I Die" matched the new-word ratio of Shakespeare's sonnets, but not that of the other authors.

Elliott was intrigued. With Thisted's help, Elliott started dabbling with the test, retooling it to measure ratios between an author's favorite words and not-so-favorite words. He crunched his growing database of Elizabethan literature (which would total more than 3 million words), to find that Shakespeare's plays tested more consistently with Shakespeare's overall word-frequency rating than with Marlowe's, and vice versa, though the differences weren't "sharp enough" to eliminate Marlowe.

Applying a rare-word test that 20 years earlier had clarified authorship in "The Federalist Papers," Elliott then found that Marlowe and Sir Francis Bacon could not have been common authors with Shakespeare; but the Earl of Oxford could have. Incomplete results, admittedly, but Elliott was hooked. Suddenly iambic pentameter seemed more important to him than the nature of democracy.

*Glory is like a circle in the water,
Which never ceaseth to enlarge itself.*

—King Henry the Sixth, I, ii, 133

One afternoon soon after, Elliott strolled a couple of blocks across the Claremont campus to the small, 14,000-volume Francis Bacon Library, founded in 1938 by writer, poet and critic Walter Conrad Arensberg, whom the library's director, Elizabeth Wrigley, describes as having been "a mad Baconian." It's where Elliott's challenge came into focus.

"I asked how many claimants there were," he recalls. "They said 58. This was obviously bigger than I thought."

The list of would-be Shakespeares, culled from the "Reader's Encyclope-

crucians had mysteriously scribed the works; another said it was the Jesuits. The Bard's wife, Anne Hathaway, Mary Queen of Scots, the Tudor Queen Elizabeth and Mary Herbert Sidney, all were at one time proclaimed to be the true Shakespeare.

Elliott set out to plow under this field of dreams. While evidence for any one of the claimants is circumstantial, better arguments had been made for a few who have loyal followings among the amateur anti-Stratfordians (one smug Stratfordian scholar suggested these to be synonymous). Those authors he would keep. Logistics alone cut several others to the quick—and from the list. Anne Hathaway was scratched when Elliott found no works attributed to her. Queen Mary wrote her poems in French only. Cardinal Thomas Wolsey died three decades before Shakespeare was born—so much for him.

"There is quite a bit of fancy on the list," admits Elliott, who pared the number to between 30 and 40, including the three most likely—Bacon, Marlowe and the Earl of Oxford.

*Though this be madness, yet
there is method in't.*

—Hamlet II, ii, 211

"Basically, what we have tried is a whole battery of tests," says Elliott, whose clinic was financed in part by a Sloan Foundation grant designed to encourage the use of computers among humanities students.

The Thisted-Efron test on rare word ratios, which turned out to contain some glitches, proved more reliable on plays than short poems. "It's like a paternity test," says Elliott. "It helps to eliminate some people but not all." By July, T-E ratios had determined Bacon and Marlowe to be less likely Shakespeares than Oxford and Donne, with Sir Edward Dyer and the mystery author W.S. falling inconclusively in between.

The clinic performed other promising tests. One, for instance, examined the frequency of 23 key words that were favorites of Shakespeare and not of the claimants. It boosted stock in Donne, Marlowe and Robert Devereaux (the Earl of Essex, who was executed for treason); damaged claims for Dyer, Bacon and poet George Chapman, and gave a slight nod to Oxford and Thomas Lodge. An open-lines test, which compares fre-

claimants except for Bacon, Essex, Queen Elizabeth I and Lodge, before the clinic discovered that Shakespeare's own open lines tripled over his writing lifetime. "Another interesting test was for relative clauses—'which' and 'that,'" says Elliott. "Shakespeare was quite spare in their use. Samuel Daniel, Edmund Spenser, Bacon and Marlowe, all of them used many more relative clauses. Shakespeare, on the other hand, loved compound words (like 'all-seeing') and the claimants used half as many."

On a "feminine endings" test (lines ending with an unstressed syllable), Essex, Marlowe and W.S. matched up well with Shakespeare; Chapman and Spenser not bad; the others didn't match. The line-beginnings test, which compares words used first in sentences or first in speech, showed Marlowe, Bacon and Oxford to compare with the Bard; Spenser and W.S. didn't. Shakespeare himself flunked a test that measures the use of regionalisms.

"We can't put a great deal of weight

on these tests," says Elliott. Although Oxford and Donne remained unscathed, Elliott says that, assuming the tests are reliable, and that a bad performance on any one of them disqualifies a claimant, the Authorship Question may soon be just sweet sorrow.

"It looks bad for most of the major claimants," says Elliott, whose clinic continues cramming computers with Elizabethan poesy up till the last minute. In fact, in the past week or so, Robert Valenza, a Claremont McKenna mathematician and computer ace who had developed a new "modal analysis" that charts the strength of relationships between key words in samples, found that Sir Walter Raleigh and Queen Elizabeth I matched Shakespeare convincingly.

"It's not as good as fingerprints, but it probably is as good or better than hat size," says Elliott of Valenza's modal analysis. "They'd flunked almost every other test . . . but anything that passes this test moves up sharply in the urgency . . ."

"We've got to do some more work," he says. "It's getting so interesting, it's going to be tough to put it down."

We cannot all be masters.

—Othello, I, i, 43

Resolved or not, the controversy seems destined always to touch off a skirmish of wit. Says Elliott: "We're having fun and it is just a matter of a few years before the Lit department people catch on to this."

Lit scholars aren't so sure. "The English professors all hate Ward here. Well, not hate him, but they turn their noses up on this whole thing," says Rober Daseler, Claremont's director of public relations. "They look upon Shakespeare as sacred. . . . They consider Ward's work beyond the pale."

Claremont McKenna's chairman of the literature department is even more emphatic. "This is just madness," says Ricardo Quinones. Professing admiration for Elliott's "abundant information and exotic interests," Quinones is nonetheless critical of electronically stripping down Shakespeare and others. "This is such a brutal method," he protests, perhaps too much. "Why don't they simply read the plays?"

Carol Sue Lipman boils at such statements. "The exploration of the question is far more important than what the answer is," says the president of the Shakespeare Authorship Roundtable, a Santa Monica-based nonprofit forum that since 1984 has

though most of the 35-odd members doubt the true genius was Shakespeare, the Roundtable has enthusiastically sponsored the Shakespeare Clinic. Despite the clinic's evidence contrary to their sentiments, Lipman keeps a stiff upper lip.

"There are probably a lot more tests to be done," she says. "They have just scratched the surface. What we really need is people in the English departments to explore this area."

One Stratfordian scholar agrees. Though Donald Foster scoffs at the Authorship Question as heresy, he sees value in the clinic's methodology. "The electronic age is a little slow in making its way into literary studies," says the professor of English Literature at Vassar College. "But with the help of computer technology, I think we will settle any questions of authorship."

But, for Ward Elliott, the controversy has gone beyond Shakespeare's identity and has somehow entangled his own. "It is the kind of thing," he admits, "that people do out of love."

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

April 26, 1990

Dear Lewis,

Thanks so much for the Shakespeare article. This is a debate that will go on and on and on. I read only recently that there have been 156 claimants to be the author and that either there was no Shakespeare at all or he was a faker of sorts.

Personally, I've not been persuaded that Edward deVere was genuine, notwithstanding the wide-spread support his claimants have gained. And I don't think a computer report will strengthen deVere's case. So there!

Sincerely,

Bill

Justice Powell

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

File

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

May 3, 1990

on Bill Douglas

Dear Lewis,

Thanks so very much for the
"Mountain" playbill. I certainly hope I
get a chance to see it. I read
something the other day that there's
consideration of bringing it to
Washington. I certainly hope so.

All the best.

Sincerely,

Bill

Justice Powell



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MAY 2

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

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CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

May 21, 1990

Dear Lewis:

I was privileged to spend most of the weekend at your College and Law School in Lexington. It was an enjoyable interlude. Dottie and I found the place most impressive. We stayed in the Morris House and had a sentimental visit to the Lee Chapel and all that it had.

I was impressed, too, with the Lewis building. They are making big plans there for housing the LFP papers and, as you know, have hired an archivist for that purpose. I enclose a copy of the Commencement Program which you may find of interest.

Harry

Justice Powell

May 22, 1990

Dear Harry:

Thank you for your letter reporting on your weekend at the W&L Law School. I am sure that President Wilson as well as Randy Bezanson greatly appreciated your making the trip to Lexington, and speaking to the Law School graduates. Randy is a fine Dean.

Attending a comparatively small university and law school has some advantages. This is evident from my experience at W&L and what is planned with respect to my papers. There will certainly be a Harry A. Blackmun Chair funded at Harvard.

With affectionate best to you and Dottie.

As ever,

Justice Blackmun

lfp/ss

June 12, 1990

Dear Harry:

The enclosed copy of Randy Bezanson's letter of June 4, will be of some interest.

I have heard from other sources that the faculty and students at my law school were most favorably impressed by your visit. It is not often that a Supreme Court Justice visits the little town of Lexington, Virginia.

As the home of Robert E. Lee and Stonewall Jackson (both buried there), Lexington does have a great deal of history. Indeed, the town itself has changed very little since I was a student.

With affectionate best to you and Dottie.

As ever,

Justice Blackmun

lfp/ss
Enc.

WASHINGTON AND LEE
UNIVERSITY

SCHOOL OF LAW

Lexington, Virginia 24450

Office of the Dean
Lewis Hall
(703) 463-8502

June 4, 1990

11 JUN 1990

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

Dear Mr. Justice:

Thank you for your letter of May 29 concerning your chair. I very much hope it can be located in the "Powell Wing" and, indeed, located in the office that we hope you will use regularly while in residence here. We are entirely flexible as to the timing. If it is inconvenient for you to maintain it in Washington, we can easily arrange to have it brought here. On the other hand, if it is no inconvenience to you it might be better to await the completion of the addition, so that the chair can be moved directly to its permanent location.

All of this reminds me to tell you that we now have a fairly large and deep hole in the ground immediately to the west of the law building. I am looking forward to much construction activity over the summer and, if we get lucky, I am told that we might be pretty well finished with the addition by early fall of 1991. I have been involved in construction enough to know better than to plan on that date, but it certainly is an attractive objective.

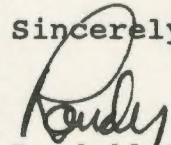
I am glad to hear of Justice Blackmun's enthusiasm about Washington and Lee. We certainly enjoyed having him and Dottie here for graduation, and I think he was very much taken by Lee Chapel, the Colonnade, and the history of the University. The students, in turn, were very much taken by both Dottie and him.

Elaine and I are soon to leave for the North Woods of Wisconsin. The respite will be welcomed. Upon my return in mid-August I hope that Sally Wiant, John Jacobs (the new Archivist), and I will be seeing you and Jo in Richmond. I hope, as well, that we will be seeing you both in Lexington next year. Perhaps we could even attract you to spend another few weeks in residence here next spring. We could

easily do so under a much more relaxed schedule, and that would give you, I believe, a useful opportunity to work more closely with John Jacobs on the archiving of your papers. When you have a moment to do so, let me know your schedule for the coming year.

Elaine and I send our very best wishes to you and Jo.

Sincerely,

A handwritten signature in dark ink, appearing to read "Randy", written over the printed name.

Randall P. Bezanson
Dean and Professor of Law

RPB/cms

bc: President John D. Wilson
Mr. James M. Jordan
Professor Sarah K. Wiant

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

*My file on
the Court*

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

July 20, 1990

My dear Colleagues,

I have decided to retire from the Court, effective immediately, and have sent the enclosed letter to the President today. I think each of you fully appreciates how very much it has meant to me to know each of you as a colleague and a friend during our years of service together. I look forward to our continued friendship.

Respectfully and affectionately,

Wm J Brennan Jr

The Conference

cc: Retired Chief Justice Burger
Retired Justice Powell

Enclosure

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

July 20, 1990

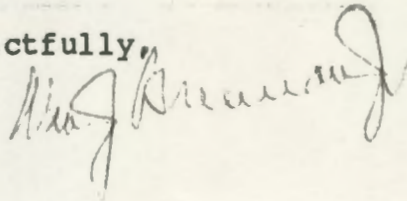
The President
The White House
Washington, D.C.

My dear Mr. President:

The strenuous demands of court work and its related duties required or expected of a Justice appear at this time to be incompatible with my advancing age and medical condition.

I, therefore, retire effective immediately as an Associate Justice of the Supreme Court of the United States.

Respectfully,

A handwritten signature in dark ink, appearing to read "W. J. Brennan Jr.", written in a cursive style.

July 24, 1990

PERSONAL

Dear Bill,

I find it quite impossible to put in appropriate words my feelings about your retirement. Having gone through the same experience myself because of uncertain health, I do appreciate why you concluded - as I did - to accept the recommendation of your physicians. My guess is that without the pressure under which a sitting Justice lives and works, your health will stabilize.

I have read with full agreement the accolades and praise written and spoken about your service on the Court. As has been suggested, and I fully agree, you will rank with Holmes, Brandise, Cardoza, Hughes and Harlan as the judicial "giants" of this Century. You and John Harlan often differed, just as you and I have on some types of cases. Yet our respect and admiration was mutual.

Our friendship, dating back before I went on the Court, has meant a great deal to me. Jo and I have great affection for you and Mary.

As ever,

The Honorable William J. Brennan, Jr.
Supreme Court of the United States
Washington, D.C. 20543

LFP/djb

bc: Professor Jeffries

64 III

July 24, 1990

PERSONAL

Dear Judge Souter,

A brief note to congratulate you and the Court on your nomination to fill the vacancy created by Justice Brennan's retirement. I will never forget my own concern whether I was qualified to serve on the most important judicial body in the world. But unlike you, I had had no judicial experience, and had held no government position. Except for four years in the Air Force, I had practiced law privately since 1932.

I can testify that you will be received warmly by the other members of the Court. You also will find that most of the cases granted and decided by the Court present challenging and interesting questions. I like to think of the meaning of the Nixon Tapes Case. The Court's decision was accepted by the President and brought about his resignation. This could not have happened in any other country in the world.

Despite the language - sometimes even harsh criticism - in dissenting opinions, the Supreme Court is a collegial body with a high level of respect and courtesy among the Justices.

I have Chambers at the Court, as will as Justice Brennan. I look forward to meeting you in September.

Sincerely,

Honorable David H. Souter
United States Court of Appeals for the
First Circuit
Box 1515
Concord, New Hampshire 03301

LFP/djb

bc: Professor Jeffries
bcc: III

Sally—
Supreme Court of the United States *Suspended*
Washington, D. C. 20543 *to 9/28*

CHAMBERS OF
JUSTICE BYRON R. WHITE

Accepted
by my letter
of July 25

In honor of Bill and Mary Brennan

Byron and Marion White
request the pleasure of your company
at dinner

Saturday, September 29th

7:00 P.M.

East Conference Room, Supreme Court

Black tie

Please respond to
BRW office 479-3075

Sept. 28

July 27, 1990

Dear Byron,

The invitation from you and Marion to attend the dinner for Bill and Mary Brennan was forwarded to us here in our Richmond home. The dinner is a great idea, and Jo and I look forward to being with you.

We will be in our Richmond home until after Labor Day. I will be sitting on CA 11 in September, and will have briefs to read by mid-August. So far, my health has continued to remain stable.

We hope you and Marion are with your children in Colorado, and that you will have time to catch a few trout.

As ever,

Honorable Bryon R. White
Supreme Court of the United States
Washington, D.C. 20543

LFP/djb

bc: Sally -----
Please note this on my calendar.

Dot - Send to Sally &

David H. Souter
Washington, D.C.

6 AUG 1990

ask her to bring
this letter to
me on Sept 4

August 2, 1990

Sally -
When Souter
is confirmed
& comes to the
Court - remind
me.

Sally - Suspend
Oct 1st

Dear Justice Powell:

I wish I could thank you adequately for the kindness of your letter of July 24. You do understand the concerns that have filled my mind for ten days now, and your words are a great comfort to me.

Whenever it might be convenient for you, I would welcome the chance to visit you, and to try to explain how grateful I am that you wrote to me.

Yours respectfully,

David Souter

David H. Souter

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

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

August 9, 1990

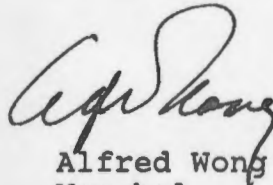
MEMORANDUM

TO: The Chief Justice

SUBJECT: Bench Chair - Justice Brennan

In the event the Court wishes to continue the tradition of presenting a retiring Justice his bench chair, it has been determined that the used furniture value is \$56.00.

Including Chief Justice Burger and Justice Powell, the cost for each Justice would be \$5.60, payable to the Treasurer of the United States.


Alfred Wong
Marshal

cc: Lawrence H. Averill, Jr.

AUG 17 1990

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

August 15, 1990

*File
Correspondence
with other
Justices*

*I had a
good talk
with Bill.
He is restricted
to 2 hours
a day at
the Court.*

Dear Lewis,

I've been trying to catch up on my mail, and also to give some thought as to what I should try to do with my time. I've been invited by the Judges of the First and Third Circuits (my old Circuits), and the Eighth Circuit, to sit with them, and I've decided to try to do it. I can't undertake it until after the end of the year because Dr. Krasner has strongly recommended not to do anything until after that time, and until he has a chance to review his original recommendation. If you are free to talk with me any time soon, I'd like very much to do so. I'm going to count heavily on your advice.

Our affectionate regards to Jo and yourself.

Sincerely,

Bill

Justice Powell



UNIVERSITY COLLEGE DUBLIN

September 4, 1990

Justice Lewis Powell
United States Supreme Court
1 First Street NE
Washington, DC 20543

10 SEP 1990

U. C. D. in North America
University East Building
11328 Euclid Avenue
Suite 404
Cleveland, Ohio 44106

Telephone: (216) 791-0424
(216) 791-4207

Facsimile: (216) 721-9447

Dear Justice Powell:

Thank you very much indeed for agreeing to serve on the Honorary Host Committee for the Justice Brennan dinner on September 27. We very much hope you can attend in person as our guest that evening. An invitation and return card are enclosed.

Under separate cover, you will receive an invitation to the ceremony at the Irish Embassy earlier in the day, at which Justice Brennan will receive the degree of Doctor of Laws *honoris causa* from the President of University College Dublin. This will be a fifteen minute ceremony, followed by a short reception, and will begin promptly at 3 p.m. If your schedule permits, we would be very pleased indeed to see you there also.

With every good wish.

Sincerely,

Patience Ryan

Patience Ryan
Director
UCD in North America

*Sally - call & accept,
apologize for
for my delay.
Overlooked*

enc.
PR/bw

*Normandy Inn
483-1350
Patience Ryan*

Bob Wones



UNIVERSITY COLLEGE DUBLIN

Sally - Remind me.

3 AUG 1990

August 22, 1990

Justice Lewis F. Powell, Jr.
United States Supreme Court
1 First Street NE
Washington, DC 20005

U. C. D. in North America
University East Building
11328 Euclid Avenue
Suite 404
Cleveland, Ohio 44106

Telephone: (216) 791-0424
(216) 791-4207

Facsimile: (216) 721-9447

Dear Justice Powell:

It was a pleasure to speak with you earlier today, and I am happy that you have agreed to be added to the Honorary Committee for the Justice Brennan event. As you requested, I have already passed on information regarding the function to your secretary, but I am also outlining the details below for your information.

3 PM
University College Dublin, Ireland's largest university, is awarding an Honorary Doctor of Laws degree to Justice William Brennan on September 27 in Washington, DC. The ceremony will take place at the residence of the Irish Ambassador to the United States at 3:00 p.m. We very much hope you will be able to attend. Since invitations will not be mailed until later in August, this letter will serve as an advance notice.

Dinner
On the evening of September 27, following the award ceremony, Justice Brennan will attend a private party, given in his honor, at the home of Elizabeth and Smith Bagley. Through this event, we will seek support for the establishment of a William J. Brennan, Jr. Scholarship in Human Rights at the University. Once again, thank you for agreeing to serve as a member of the Honorary Host Committee for this event, along with other prominent individuals in Washington. Needless to say, your participation is strictly honorary and will not require any active involvement in raising funds.

I am also delighted that you will be free to attend the function as our guest, and further details will follow in the form of an invitation for both the ceremony and the dinner. I look forward to meeting you then.

Sincerely,

Mark Mac Mahon
UCD in North America

About University College Dublin

University College Dublin was founded in 1851 by the Catholic hierarchy, who invited John Henry Cardinal Newman, the English convert and intellectual, to be its first Rector. It was then known as the Catholic University of Ireland. In 1881, the institution changed its name to University College Dublin, and in 1883 its management was transferred to the Jesuits. In 1908, University College Dublin became a constituent college of the National University of Ireland (NUI) under the new Irish Universities Act. The smaller colleges of Cork and Galway became part of NUI at this time, and Maynooth was affiliated as a recognized college.

University College Dublin received its own charter in 1908, and established its headquarters at Earlsfort Terrace in the center of Dublin.

By the early 1960s, University College Dublin had become the largest university institution in Ireland. Prompted by the increased demand for university places and for appropriate facilities, the College began its move to Belfield, a 300-acre campus in the southern suburbs.

Today, the College has a student body of 10,684, a faculty of 852 full- and part-time academics and ten schools. Undergraduate and graduate courses of study are offered and applications from students in North America for degree or semester-abroad programs are welcomed. The Schools of Agriculture, Architecture, Arts, Commerce, Engineering, Law, Medicine, Science, Social Science and Veterinary Medicine offer a range of courses in over 80 cultural, scientific and technological disciplines.

About the Newman Scholars Program

The Newman Scholars Program at University College Dublin is a prestigious new venture named for the University's founder, John Henry Cardinal Newman. Through the program, UCD seeks to recruit a group of outstanding postgraduate scholars to undertake a significant research project in the humanities or the sciences.

Each Newman Scholar is appointed for a three year term. Candidates are sought from North America and Ireland. Excellence is the sole criterion for selection. The first nine Newman Scholars took up their appointments in October of 1989 and a further ten were recently selected for 1990.

US sponsors of the "Newmans" to date include: H. J. Heinz Foundation; Jacobs Engineering; UCD's North American Development Council, Graduates and Friends; Baxter International Inc.; Dr. and Mrs. Daniel Rooney and Family; Schering Plough; Syntex; Dr. George Moore; Merck, Sharp and Dohme; and the Friends of former Ambassador to Ireland John Moore.

University College Dublin anticipates that, in time, the Newman Scholars will be equivalent in prestige to the Rhodes and Fulbright Scholars.

About the William J. Brennan, Jr. Newman Scholar in Human Rights

The William J. Brennan, Jr. Newman Scholar will acknowledge the outstanding contributions of Justice Brennan to the cause of human rights during his thirty-three years of service on the Supreme Court of the United States and will serve as a permanent affirmation of his ties to Ireland. It is hoped to establish an endowment of \$225,000 to fund the Scholarship in perpetuity.



Honorary Host Committee

Honorable Christopher J. Dodd
Honorable Brian Donnelly
Honorable Thomas S. Foley
Honorable H. John Heinz
Honorable Edward M. Kennedy
His Excellency Padraic MacKernan
Honorable George J. Mitchell
Honorable Daniel Patrick Moynihan
Reverend Leo J. O'Donovan, S.J.
Honorable Thomas P. O'Neill, Jr.
Justice Lewis F. Powell, Sr. ✓

Host Committee

Elizabeth Frawley Bagley
John P. Cosgrove
Thomas P. Donahue
Norman Dorsen
William T. Finley, Jr., Esq.
Mrs. Abe Fortas
Thomas Halton
Joseph Hassett
John T. Joyce
Edward R. Leahy, Esq.
William F. McSweeney
Carol Melton
Daniel H. Murray
James E. Murray, Esq.
Stella O'Leary
Christopher R. O'Neill
Paul S. Quinn, Esq.
Daniel A. Rezneck, Esq.
Vincent R. Sambrotto
Robert B. Shanks, Esq.
Mrs. Cathleen Douglas Stone ✓

Elizabeth and Smith Bagley

and

Dr. Patrick Masterson

President of University College Dublin, Ireland

request the pleasure of your company
for a reception and dinner
honoring

Justice William J. Brennan, Jr.

on Thursday, September 27, 1990
at seven o'clock in the evening

Mille Fleurs
1539 29th Street, NW
Washington, D.C. }

RSVP by enclosed card
or telephone (202) 333-5984

Black tie optional

\$500 per person/
tax-deductible

*The degree of Doctor of Laws, honoris causa,
of the National University of Ireland
will be bestowed on Justice Brennan
by Dr. Patrick Masterson,
earlier in the day.*

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

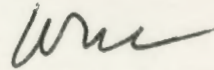
CHAMBERS OF
THE CHIEF JUSTICE

September 6, 1990

MEMORANDUM TO THE CONFERENCE

Attached is a memo from the Marshal about the cost per capita of purchasing Bill's bench chair to give to him. I suggest we proceed by sending our checks to the Marshal.

Sincerely,



cc: Chief Justice Burger
Justice Powell
Al Wong



Maurice Brazil Prendergast (1859-1924)

MONTE PINCIO, ROME, 1898-99

Watercolor, 15-1/2 x 19-3/4 in.

Daniel J. Terra Collection
1986 Terra Museum of American Art
Chicago, 60611

~~Dear~~ Lewis,

Best wishes on this
your birthday. May
you enjoy many more
and good health all
the while.

Fondly,
Sandra

9/19/90



PASSAIC COUNTY BAR ASSOCIATION

COUNTY COURT HOUSE

HAMILTON STREET • PATERSON, NEW JERSEY 07505

(201) 345-4585

Executive Secretary
ANITA HOOGSTRA

3 OCT 1990

October 1, 1990

Hon. Lewis F. Powell, Jr.
Associate Justice of the Supreme
Court of the United States
Supreme Court Building
1 First Street, N.E.
Washington, D.C. 20543

Dear Mr. Justice Powell:

The Reporter plans to have a special Christmas issue honoring Mr. Justice Brennan on his retirement. We hope very much that you will send us any statement you care to make to our readers about him. You have been most cooperative in the past of a similar request from us, and it is a source of great personal pride that we were able to include your warm comments about him in our special issue of Spring, 1984 when we previously honored him in a similar manner.

May I express my personal wishes for your continued health and happiness.

Respectfully yours,

A handwritten signature in blue ink that reads "Daniel Crystal".

Daniel Crystal, Executive Editor

DC:ah

October 3, 1990

Dear Mr. Crystal:

As requested, I make the following brief statement about Justice Brennan:

"Justice Brennan and I were friends before I came on the Court in January 1972. He had spoken to the Virginia State Bar on my invitation. Our friendship ripened with the passage of time. To say that I admire him is an understatement. He will certainly rank in history as one of the great Justices of this Court."

I am sure your issue on Justice Brennan will be widely read and appreciated.

Sincerely,

Mr. Daniel Crystal
Executive Editor
Passaic County Bar Association
County Court House
Hamilton Street
Paterson, New Jersey 07505

lfp/ss

October 9, 1990

Dear David:

At the request of Carolyn Palmer Miller, I enclose a copy of her resume. She would like to serve as your secretary.

My Chambers are next to those of Byron White. Carolyn was Justice White's No. 1 secretary for a number of years, and my impression is that she was competent and conscientious. If you consider her, I suggest you talk to Byron.

Sincerely,

Justice Souter

lfp/ss
Enc.

October 9, 1990

Dear David:

First, and certainly more important, I say again how pleased I am that you are now a Justice of this Court. You bring to it high qualifications, and at your age you may well equal Justice Brennan's tenure and influence.

The ceremony at the White House on yesterday was appropriate and you spoke well. As a retired Justice, I have Chambers here and sit on Courts of Appeals from time to time and also visit law schools occasionally.

Of course, feel free to call on me if at any time I can be helpful.

Sincerely,

Justice Souter

lfp/ss

17 OCT 1990

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

Justice
Souter

October 13, 1990

Dear Lewis,

Thank you again for your
kindness to me in this, my
initial work, and particularly
for your note of the 8th. You
have made me feel welcome
in circumstances strange to
me, and I am grateful.

Yours sincerely,

David Souter

WASHINGTON AND LEE

UNIVERSITY

SCHOOL OF LAW

Lexington, Virginia 24450

Office of the Dean

Lewis Hall

(703) 463-8502

October 23, 1990

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

Dear Justice Scalia:

On behalf of the faculty of the Washington and Lee University School of Law, and the Board of Trustees of Washington and Lee University, I am writing to invite you to present the 1991 John Randolph Tucker Lecture at Washington and Lee University School of Law. The Tucker Lecture was first established by the Board of Trustees in 1949 in memory of the distinguished service of John Randolph Tucker, who served as Dean and Professor of Law. Since then, the lecture has been presented every year by a distinguished jurist, lawyer, or academic. As you will see from the enclosed program, the Tucker Lecture has attracted a highly distinguished group of speakers over its forty-year history.

Each year the Tucker Lecturer is selected by the faculty of the School of Law, with the concurrence of the University Board of Trustees. As the Dean of the Washington and Lee School of Law, it is my great pleasure to invite you to present the 1991 Tucker Lecture. Next year, the lecture has been scheduled for October 11. It is given at noon, and the speech should last roughly forty-five minutes. The lecture is usually well attended by law students, law faculty, and students and faculty from around the University, as well as by alumni and other persons from the Lexington community. The lecture is subsequently published in the Washington and Lee Law Review. The lecture carries an honorarium of \$2,000. Accommodations will be provided for you and Mrs. Scalia in a historic home on the front campus of the University, and all of your expenses will be taken care of by the University.

As you know, Washington and Lee University is a small, private, and highly selective university located in the Shenandoah Valley of Virginia, about forty miles north of

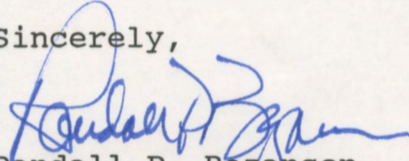
The Honorable Antonin Scalia
Page 2
October 23, 1990

Roanoke. The Law School is the only graduate program, and its character partakes of that of the university. I am enclosing a brochure about the Law School, which you may find of interest. The Shenandoah Valley lies between the Appalachian and Blue Ridge Mountains, and is spectacular in its beauty in mid-October, when the trees are turning. We hope that you and Mrs. Scalia will feel encouraged to remain for an extra day or so, without further agenda or obligation, to enjoy some free time in the valley and the mountains.

We can assure you, therefore, not only a fine lecture series and an enjoyable time, but beautiful surroundings, as well. I hope your schedule will permit you to present the lecture, as I would very much like to host you here.

I will call you next week to discuss our invitation. The faculty and Board of Trustees join me in expressing the hope that your schedule will permit you and Mrs. Scalia to join us next fall.

Sincerely,



Randall P. Bezanson
Dean and Professor of Law

RPB/cms

Enclosures-2

bc: The Honorable Lewis F. Powell, Jr.

WASHINGTON AND LEE
UNIVERSITY
SCHOOL OF LAW
Lexington, Virginia 24450

Office of the Dean

25 OCT 1990

Mr. Justice -

I know that mid-October is a terrible time for Justice Scalia to think about coming to W+L to give the Tucker Lecture, but perhaps our proximity will make it easier. In any event, if you see him & can put in an encouraging word, we would be very grateful.

My best,

Randy

October 25, 1990

Dear Nino:

I believe you have received a letter from the Dean of the School of Law at Washington and Lee University inviting you to give the Tucker Lecture there in fall of 1991. You may recall that W&L is my alma mater. I write to express the hope that you will accept the invitation.

Perhaps you know that John Randolph Tucker, who was Dean at W&L shortly after the turn of the century, bears a name famous in Virginia dating back before the Revolution. One of the original residences in Williamsburg is the Tucker home.

I write this note on my own. I have not been asked to write or speak to you.

As ever,

Justice Scalia

lfp/ss

bc: Dean Randall P. Bezanson

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.
RETIRED

November 7, 1990

MEMORANDUM TO THE CONFERENCE

If this hasn't come to your attention, I
thought you might be interested. It's quite an
important project.

Sincerely,

Bill

Attachment

cc: Chief Justice Burger (Retired)
Justice Powell (Retired)

November 8, 1990

Dear Bill:

I had overlooked Linda Greenhouse's article of November 2, and thank you warmly for bringing it to my attention. We must get together soon.

Sincerely,

Justice Brennan

lfp/ss

November 9, 1990

File
Justice White

Dear Mrs. Hodges:

It is with genuine regret that I write to say that Mrs. Powell and I will be unable to attend the Christmas dinner dance on December 14. We made another commitment for that evening some time ago.

We have enjoyed these Christmas dinner dances over a number of years, and will try to reserve the date for 1991.

I am happy to enclose my check for \$250 payable to "The Women's Committee of the Smithsonian Associates."

Sincerely,

Mrs. Walter J. Hodges
4100 Cathedral Avenue, N.W. #808
Washington, D. C. 20016

lfp/ss
Enc.

bc: Justice White
✓ Mrs. Powell

5 NOV 1990

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

November 17, 1990

Dear Lewis,

When you so kindly took me to
lunch several weeks ago, I
mentioned seeing a photo of your
son in the New Hampshire Bar
Association's weekly tabloid. I
meant to copy it for you and
forgot. Here it is belatedly.

I still meet our lunch with
pleasure.

Yours sincerely,

Lewis

N.H. Bar Leaders And Judges Share Ideas And Concerns About Professionalism In The State's Legal Community



Attorneys and judges from New Hampshire and other states gathered in Portsmouth on September 7-8 to participate in the 1990 Fall Retreat on Attorney Professionalism. Pictured at the Fall Leadership Retreat are (clockwise from top left): Supreme Court Associate Justice William F. Batchelder speaking during a breakout session; Bar President John T. Broderick, Jr., introducing panel members Lewis F. Powell, III, (middle) and "Bucky" Askew; ABA President John J. Curtin, Jr., and Rockingham County Probate Judge John R. Maher role-playing a portion of Thomas Moore's play "A Man For All Seasons;" Mike Hall sharing an idea during a breakout session while Graham F. McSwiney looks on; and a strong showing of Bar leaders who reviewed a number of programs related to improving attorney professionalism before participating in breakout discussions. (See the last issue of Bar News for story coverage of Fall Retreat 1990.)



November 26, 1990

Dear Byron:

John Wilson, President of Washington and Lee University, in a report to members of the Board of Trustees spoke warmly of your visit to Lexington. I am glad that you and Marion made the trip. In addition to being the location of W&L and VMI, it also is the burial place of Robert E. Lee and Stonewall Jackson.

Perhaps you know that John Wilson, like you, was a Rhodes Scholar and a famous football player. He is making a superb President of my college.

Jo and I were in our Richmond home for Thanksgiving with all children and grandchildren. Family means a good deal to us just as it does to you and Marion.

As ever,

Justice White

lfp/ss

November 28, 1990

Dear Bill:

The November 1990 issue of the Harvard Law Review is one I will keep. The six tributes to you have my enthusiastic approval. I only wish I had been asked to write one of them.

I have said before that you will rank in history as one of the half-a-dozen of the greatest Justices who have served on this Court. I am proud of the fact that you and I were colleagues during my 15-1/2 years as a sitting Justice.

I send affectionate best to you and also to Mary.

As ever,

Justice Brennan

lfp/ss

November 28, 1990

Dear Sandra:

In the event you may not have seen it, I think you will be interested in Professor Charles Fried's article on Metro Broadcasting Inc. in the November 1990 issue of the Harvard Law Review.

Had I been on the Court I would have joined your opinion. I emphasized in Bakke that the rights created by the first section of the Fourteenth Amendment are individual rather than "group" rights.

Sincerely,

Justice O'Connor

lfp/ss

December 17, 1990

Dear Cissy and Thurgood,

Jo and I look forward each year to your Christmas greetings. We admire both of you, and know that with your sons and grandchildren you will have a happy Christmas season.

As ever,

Hon. and Mrs. Thurgood Marshall
6233 Lakeview Drive
Falls Church, Virginia 22041

lfp/ss