

NOV 21 1994

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

Dear Lewis and Jo:

Thanks for helping
us say farewell to
the Krasners. They
appreciated it. *Sally-*

Fordly, Julie

Sandra



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

CHAMBERS OF
JUSTICE ANTHONY M. KENNEDY

File
February 24, 1995

Dear Lewis,

Your friend, former clerk, and distinguished biographer, John Jeffries, is arguing a fascinating case here on Wednesday, March 1. It is *Rosenberger v. UVA* set for argument at 10:00 a.m.

Best personal regards.

Sincerely,



Lunch

Justice Powell



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

✓
CHAMBERS OF
JUSTICE RUTH BADER GINSBURG

File

September 12, 1995

Dear Lewis:

My memory was faulty. The comparison was not with Frankfurter, but with Harlan and you. I hope I will someday deserve the association.

With appreciation,

John

Justice Powell

**The Judicial World
of
Ruth Bader Ginsburg**

A Study of Her First Year on the Court

**Walter E. Joyce
Professor of Law
Chairman,
Department of Legal Studies,
Taxation and Real Estate
Pace University
New York, NY**

**Academy of Legal
Studies in Business
August 1995**

nominations. Her record on the bench was summarized by one writer who examined her three hundred opinions as ones which "avoided setting sweeping precedents or using far reaching language ... incremental changes in the legal language are more enduring than revolutionary decisions that ignore carefully laid precedents.", While on the Appeals bench she addressed the problem of Roe v. Wade in two speeches: at the University of North Carolina in 1985, and in the prestigious James Madison Lecture at New York University Law School in March, 1993. Ginsburg criticized the extent of the holding and its constitutional rationale. Stating that Roe had "ventured too far in the change it ordered" she felt that the right to abortion should be based upon an equality concept rather than the Court's privacy reasoning. It was a sex discrimination issue rather than a right based on the elusive idea of privacy, originally enunciated by the Court in Griswold v. Connecticut. She also stated in her Madison Lecture that Roe v. Wade "halted a political process that was moving in a reform direction and thereby ...prolonged divisiveness and deferred stable settlement of the issue." Such statements, while worrisome to liberals, did not adversely affect the Senate's consideration of her nomination. There was no question as to her belief in a woman's right to an abortion. There was equally no question that the Georgia and Texas statutes involved were unconstitutional. The Court's emphasis on viability and privacy was her problem. A key to understanding Ruth Bader Ginsburg's approach to the function of the Court is a statement of hers, quoted from an interview with the Washington Post on July 23, 1993, soon after her nomination. "The Supreme Court generally follows, it does not lead, changes taken place elsewhere in society. But without taking giant strides and thereby risking a backlash, the Court, through constitutional adjudication, can moderately accelerate the pace of change." As we shall see, that legal philosophy was a mark of her work in her first year on the Court.

The Opinions

Associate Justice Ruth Bader Ginsburg's opinions are meticulously thorough, clearly written with no particular literary style or Holmesian phrase-making, with attention given to precedent and congressional intent in statutory construction cases as well as the text itself. They are narrowly drawn, with scant attention to historical or other extra legal factors. She is perhaps more akin to Justices Harlan and Powell than to Brennan or Marshall with whose decisions she possibly feels intellectually and philosophically more comfortable. Her opinions are characterized by an intense legal analysis, combined with a sense of the reality.

Ironically Justice Ginsburg's first published opinion was a concurring opinion in a leading sex discrimination case decided early in the 1993 term.⁵ Here she returned to her pioneering and successful work with the ACLU. The Court unanimously held that Title VII is violated when the workplace is "permeated" by

AUG 11 1995

August 11, 1995

Honorable Lewis F. Powell, Jr.
Supreme Court of the United States
One First Street, N.E.
Washington, D.C. 20543

Dear Justice Powell:

As you may know, this December will mark the twentieth anniversary of Justice Stevens' ascension to the United States Supreme Court. To commemorate this occasion and to honor his judicial service, Justice Stevens' former law clerks are hoping to assemble a collection of humorous and serious letters from his colleagues, friends, and idols along the theme of "Justice Stevens' Service on the Supreme Court: A Celebration of the First Twenty Years and Advice for the Next Twenty Years." For example, along the humorous side, we are asking Chris Evert to offer advice concerning his tennis game, a leading fashion designer to comment on (or prepare sketches of alternative designs for) Justice Stevens' bow ties, and Justice Stevens' former kindergarten teacher to advise him to "get along" with his colleagues on the bench. We hope to assemble the letters in a notebook we can present to Justice Stevens following our law clerks' dinner in October.

✓ We sincerely hope that you will be able to contribute a letter to our collection. In addition to recounting memories with Justice Stevens, we hope you will consider imparting advice to the Justice for the next twenty years on matters ranging anywhere from his judicial service on the Court to his service on the tennis court (or on any of his other hobbies and activities). Although humor would be particularly appreciated, we also hope to assemble thoughtful and touching letters from friends and colleagues.

If you are willing to contribute a letter, please send it to the attention of Nellie Pitts in Justice Stevens' chambers (in an envelope marked confidential). In order to be able to present the letters to Justice Stevens following our dinner in October, we hope to receive them by September 22, 1995. If you would like

further information about this project, or assistance in drafting a letter, please do not hesitate to contact us at the phone numbers listed below. Also, we would appreciate greatly your keeping this project confidential, as we are hoping to surprise Justice and Mrs. Stevens in October.

Thank you in advance for any contribution you are able to make and, again, please do not hesitate to contact us if we can be of any assistance.

Yours sincerely,

Preetta D. Bansal
(Ph. 202/514-5122)

Randy Moss
(Ph. 202/663-6266)