

memorandum

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

CHAMBERS OF
THE CHIEF JUSTICE

January 2, 1975

CONFIDENTIAL

MEMORANDUM TO THE CONFERENCE:

The following bulletin is being released at noon:

"Justice Douglas spent a fairly comfortable night at the Walter Reed Army Medical Center. The cerebro-vascular accident has resulted in weakness of the left side of the body but there is no evidence of mental impairment. Physicians are treating Justice Douglas with anti-coagulants to lessen the possibility of blood clots moving from the heart. Justice Douglas' condition continues to be officially categorized as 'serious' but his vital signs are stable and he is alert."

The doctors at Walter Reed state that the reference to the possibility of blood clots moving from the heart will be clear to medical writers; the worry is that of another stroke.

Mrs. Douglas spent last night in the Pershing Suite and is expected to remain at the hospital until the weekend.

Regards,

WES

January 2, 1975

Dear Chief:

I would also like to delete my home address from the new Congressional Directory.

Sincerely,

The Chief Justice

lfp/ss

74-128
74-609

January 9, 1975

Dear Chief:

Please put the following cases on the Discuss
List for January 10, 1975:

No. 74-128 Adolph Coors Co. v. Fed. Trade Comm'n.
No. 74-609 Fed. Trade Comm'n. v. Adolph Coors Co.

(List 3, Sheet 1)

No. 74-608 Carey v. O'Donnell
No. 74-610 Northeast Master Executive Council v.
Civil Aeronautics Board

(List 3, Sheet 3)

Sincerely,

The Chief Justice

member
of court

February 3, 1975

Dear Chief and Bill,

The enclosed editorial from the Richmond News Leader with respect to the Virginia Voting Rights case may be of interest.

Sincerely,

The Chief Justice
Mr. Justice Rehnquist

lfp/ss
Enc.

miss
more

February 24, 1975

Diplomatic Passport

Dear Chief:

I understand that members of the Court are entitled to Diplomatic Passports.

As you and I will be going to Mexico in less than two weeks, I would like to obtain a Diplomatic Passport. I appreciate, of course, that even a birth certificate is sufficient for Mexico. I have learned from experience, however, that if one encounters any difficulty a Diplomatic Passport is a valuable credential to have in hand.

I would appreciate your authorization and advice as to how to proceed to obtain one.

Sincerely,

The Chief Justice

lfp/ss

Murphy

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

February 27, 1975

Dear Chief:

I have just about completed my homework on the argued cases for last week and here are my tentative votes. Most of them are quite solid.

✓ No. 73-2000	- <u>United States v. Peltier</u>	- Affirm
No. 73-2050	- <u>United States v. Ortiz</u>	- Affirm
✓ No. 73-6848	- <u>Bowen v. United States</u>	- Reverse
✓ No. 74-114	- <u>United States v. Brignoni-Ponce</u>	- Affirm
✓ No. 73-1994	- <u>Vella v. Ford Motor Company</u>	- Reverse
✓ No. 73-1765	- <u>Meek v. Pittinger</u>	- <i>Reverse</i> - Affirm (with NAB and WJB)
✓ No. 73-1462	- <u>White v. Regester</u>	- Affirm (will + AB + WJB)
✓ No. 73-1461	- <u>Stanton v. Stanton</u>	- Reverse

Sincerely,

T.M.

T.M.

The Chief Justice

cc: The Conference

Mark
Flour

March 3, 1975

Dear Chief:

I enclose letter from the Clerk of the Senate of the Commonwealth of Virginia, together with the resolution referred to therein.

I hardly need say that the situation described in the resolution is not exaggerated. This is a classic example of what "the law" - when allowed to be manipulated - can totally frustrate democratic processes. One has to live in Richmond to observe the unfortunate consequences of this ill-conceived litigation.

Sincerely,

The Chief Justice

lfp/ss

Supreme Court of the United States

Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

3/3/75

Dear Lewis

I am cancelling out
on the American College
meeting as per copy enclosed.

Meanwhile I hope you
will defer acting on the
final disposition of the
Herring case until you see
a memo I am getting out.

I confess that the
past two conferences

member of Court

March 3, 1975

Dear Chief:

I am distressed that you find it necessary to give up the trip to Acapulco. I was hoping this would give you an opportunity for a few days of rest in a warmer clime.

Incidentally, your note was written to Bob Clare who went out of office last August. You and I were originally invited by Austin Lewis, and the invitation reaffirmed by Tom Deacy, the President-Elect who has taken over since Austin's death. Perhaps you will want to write a short note to Tom Deacy, sending it to the Princess Acapulco Hotel. The Board of Regents of the College commences its meeting on Wednesday of this week.

In any event, I will express your personal regret at not being able to attend. Jo and I plan to fly down on Friday, and I will be back in the Court by noon on Tuesday. We will certainly miss you and Vera at Acapulco.

As to Herring, I will, of course, await circulation of the opinion. If it is not limited to criminal cases and to final summation (however brief this may be), I will have difficulty joining an opinion. I would not extend this privilege to civil cases.

Sincerely,

The Chief Justice

lfp/ss

March 3, 1975

Dear Chief:

I thought the enclosed editorial from the Richmond Times Dispatch would be of interest - especially the first sentence at the top of the third column.

Sincerely,

The Chief Justice

lfp/ss

have depressed me greatly
in the casual attitude of
a majority to use the great
power of constitutional adjudication
to implement personal
preferences. My memo will
perhaps not persuade you
but I'd appreciate your
pondering it. A memo helped
on Bryant Wilson ~~so~~ but I
suspect I've used up my
luck for this term!

Regards

LB B

Member of
Court

March 27, 1975

Dear Chief:

I had the pleasure last night of reading your interview with U.S. News & World Report.

It is excellent in every respect, and should further the educational process with respect to the acute problems of the federal judiciary. If it does nothing else, the interview - in addition to your other efforts - will hearten all federal judges and others who work within the system. They know they have a Chief Justice who understands the problems and - of equal importance - who is willing to provide dynamic leadership in seeking solutions.

Sincerely,

The Chief Justice

lfp/ss

March 3, 1975

Furniture for my Chambers

Dear Chief:

I have not been content with the furniture in my personal Chambers.

There is one chair in Chief Justice Warren's Chambers which I would like. It is an easy chair, with a footstool, and would give me a "second" place to do my in-chambers reading. At the present time, I do not have a chair that quite fits me other than the one at my desk.

I also need a couple of chairs to flank my sofa. There are suitable ones both in Chief Justice Warren's Chambers and in the Lawyers Lounge.

Normally, I would not bother you with these details. The Marshal informed me, however, that nothing is to be removed from Earl Warren's office without your prior approval.

Sincerely,

The Chief Justice

lfp/ss

Misc memo

April 8, 1975

Dear Chief:

I would very much prefer not to attend any Joint Session of the Congress unless tradition requires it.

If we are properly invited, and you conclude that attendance is in accord with tradition, I will arrange to attend.

Apart from my general disinclination, I also have in mind that we have a Court Conference on Friday, April 11, and I usually devote the evening before to preparation for the Conference.

Sincerely,

The Chief Justice

lfp/ss

cc: The Conference

April 24, 1975

Dear Chief:

Please add the following case to the Discuss
List for April 25, 1975:

No. 74-5872 Johnson v. United States (List 2, Sheet 1)

Sincerely,

The Chief Justice

LFP/gg

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

CHAMBERS OF
THE CHIEF JUSTICE

April 24, 1975

Dear Lewis:

Re your memo of April 23, you may not remember that no less than three times in the past two years I have -- without signal success -- tried to get the Conference to focus on this problem of abuse of IFP authority. I was so concerned over this that I have long since, unilaterally, instructed Jim Ginty to examine every affidavit and also to consider an amendment to our rules, if needed.

Regards,

WBJ

More later on this.

Mr. Justice Powell

mem memo

May 8, 1975

Dear Chief:

Please put the following case on the Discuss
List for the May 9, 1975 Conference:

No. 74-1198 MACKETHAN v. VIRGINIA (List 3, Sheet 3)

Sincerely,

The Chief Justice

CHAMBERS OF
THE CHIEF JUSTICE

May 16, 1975

Re: O. T. 1975 Calendar

MEMORANDUM TO THE CONFERENCE:

In beginning the work on the calendar for the O. T. 1975 we again run into the matter of Monday statutory holidays fixed by Congress.

Fortunately, only two of this year's statutory holidays impinge on argument weeks. In the current Term we dropped Thursday argument in a week when we lost the Monday. This was to allow a day free before the Friday Conference which is imperative. On another Thursday we sat and this allowed very little time to prepare for Conference.

We have Columbus Day celebrated on October 13 and George Washington's birthday on February 16. Our choice is to limit arguments to two days those weeks or shift the employees' holidays, giving them a Friday in lieu of Monday.

This will mean our personal staffs will probably lose two holidays during the year but that could be compensated by days off when Justices are away from Washington.

The choice is to do this or lose two argument days; I cannot sit on a Thursday before a Conference and I believe this view is shared generally. Another alternative, if we sit on Tuesday, Wednesday and Thursday, is to hold Conference on Saturday in those two weeks. I expect little enthusiasm for that!

My preference is to follow the first alternative, i. e., sit on Monday, October 13, and Monday, February 16, keeping the entire building staff working those two days and give employees a Friday in lieu of the "lost Monday."

After you review your calendar and the enclosed TENTATIVE calendar, please advise your choice.

- 2 -

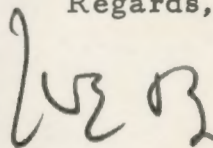
Our calendar this year has been expeditiously handled in spite of handicaps but the "reargued" cases carried over will add as much as eight to eleven hours to next year's load. Four hours for reargued cases are already announced.

We have struggled with the "February break" but, as you see, it is only three weeks unless we move everything forward one week beginning with the February 16 sitting. The consequence of that will be to have the April 1976 sitting on 19, 20, 21 and 26, 27, 28 with the risk that two days or more may be added to that.

A possible alternative would be to sit during three weeks in December, adding December 15, 16 and 17 to the two weeks already scheduled.

I await your reactions.

Regards,

A handwritten signature in dark ink, appearing to be 'W. B.' or similar, written in a cursive style.

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

May 19, 1975

Dear Chief:

I agree with the suggestion about the proposed informal
Court photograph.

Sincerely,

Harry
—

The Chief Justice

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

May 19, 1975

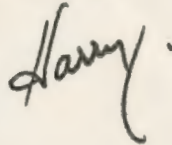
Re: O. T. 1975 Calendar

Dear Chief:

My comments are only as follows:

1. In the first four of my five Terms here, the Christmas break was three weeks and the February break was four weeks. This year the February break was shortened to three weeks. Mr. Rodak's proposed calendar would now give us a four-week break at Christmas and a three-week break in February. At least the total is on the old basis, although the order is reversed. Personally, I would prefer three and four rather than four and three, although this is only a preference. The old style would have us start the January session on the 5th, and some may find this a little soon after the holidays.
2. I suspect that we shall run into internal problems if we sit on the two holiday Mondays even though Fridays are offered in return.
3. I agree that sitting on a Thursday before a Friday Conference is not desirable.
4. I have no enthusiasm for a Saturday Conference.

Sincerely,



The Chief Justice

cc: The Conference

May 20, 1975

October Term 1975 Calendar

Dear Chief:

My comments are as follows:

1. I would strongly prefer to follow the former precedent of a three-weeks' Christmas break, followed by the regular four-weeks' break at the end of January and first two weeks of February.

2. In order to avoid the "holiday" problem, I agree with Bill Brennan that we could make up the two days by hearing arguments on the 15th and 16th of December.

3. I agree that sitting on a Thursday before a Friday Conference is undesirable and, like Harry, I have no enthusiasm for Saturday Conferences. This is the one day which I can work uninterruptedly here in my Chambers.

Sincerely,

The Chief Justice

lfp/ss

May 22, 1975

Dear Chief:

I approve of the proposed 1975 calendar - with
enthusiasm.

Sincerely,

The Chief Justice

lfp/ss

cc: The Conference

June 4, 1975

Dear Chief:

Please put the following case on the Discuss
List for the June 5 Conference:

No. 74-6400 WHITE v. TEXAS (List 2, Sheet 3)

Sincerely,

The Chief Justice

LFP/gg

member of Court

June 20, 1975

Dear Chief:

This refers to the Marshal's memorandum announcing the disability retirement of Capt. Coble and the appointment of Lt. Zagami as "acting" chief of our security force.

I assume from this announcement that Jim Zagami is the "front running" candidate to succeed Capt. Coble. In my view, this would be an excellent appointment.

I share the pride we all have in our security force. With perhaps a few exceptions the officers are a fine group of men who perform their duties well. I have heard many compliments of our officers from visitors to the Court.

Of all officers on our force, Jim Zagami has made the most favorable impression on me. He is intelligent, alert, obviously capable of decisive and forceful reaction to situations requiring such action, and yet he is always respectful and particularly good with groups and crowds of visitors. Lt. Zagami also has impressed me as the most useful officer when major judicial or social functions are being held here at the Court.

I hardly need add that no one has requested that I write you. I write only because of my conviction that Lt. Zagami is a topflight man and officer, fully qualified to succeed Capt. Coble.

Sincerely,

The Chief Justice

lfp/ss

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

June 20, 1975

Dear Chief:

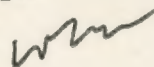
I had a feeling that at the very close of today's Conference we may have fitted Matthew Arnold's closing lines in "Dover Beach" wherein he refers to those

"Swept with confused alarms of struggle and flight

Where ignorant armies clash by night".

I therefore take the liberty of stating my understanding that at our Conference Monday morning, immediately after coming off the bench, we are planning to discuss all cases held for opinions scheduled, in Conferences held today or earlier, to come down next week.

Sincerely,



The Chief Justice

Copies to the Conference :

RE JUNE 23, 1915

L. F. P.

Chief -

What do you think
about my sending this
letter? ↓

Lewis

By all means
send it. The Sup. Ct is
constantly touted as a model →

When in truth it is one
of the worst administered
large courts in USA

LOB B

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

RECEIVED

JUN 25 9 59 AM '75

CHAMBERS OF THE
CHIEF JUSTICE

June 23, 1975

Dear Judge Green:

I write to bring to your attention the following story which illustrates one of the reasons why justice is so often frustrated. The story concerns a case in the Family Division-Juvenile Branch of your Court, styled as follows:

In the Matter of Angelo Boone - Jacket No. J-0958-75

During the Christmas season (about six months ago) one of our employees here at the Court, Mr. Spencer Campbell, was mugged and robbed at the entrance to his apartment at 1507 Fourth Street, N.W., Washington, D.C., 20001. He subsequently identified, from police photographs, a picture that he assumes was that of Angelo Boone. The police advised Mr. Campbell that Boone was a convicted juvenile who had been released from detention for the holiday season. Mr. Campbell was requested to testify on behalf of the prosecution, which he was willing to do - although, as you know, many victims of this type of crime are afraid to testify for fear of recrimination.

I come now to the essence of the story: Mr. Campbell has now responded to subpoenas from your Court on three occasions, spaced over the past several months. The most recent of these was Thursday, June 19, when - in response to a subpoena - Mr. Campbell reported to Room 107 at 8:30 a.m. He remained there until about 1:00 p.m., and was

finally informed (he thinks by an Assistant Prosecutor) that Boone was in jail and that there would be no trial.

Mr. Campbell's experience on Thursday was not unlike that of his two prior appearances in response to subpoenas. He sat around for the better part of a day on each occasion, being given little or no information as to the delay. Thus, to date he has wasted three days, we have been deprived of his services here at the Court for three days, and still there has been no trial.*

When he returned late last Thursday after a wholly exasperating experience in Court, Mr. Campbell remarked to me that there is "No wonder that citizens refuse to testify, and that few persons accused of crime are ever brought to trial and convicted."

I may add that Mrs. Rehnquist, the wife of Justice Rehnquist, had a somewhat similar experience in your Court last year when she appeared several times as a witness, and wasted many long hours awaiting a trial that did not materialize.

As one who recently came to the Bench from the practicing Bar, I am familiar with the dilatory practices of defense counsel - often facilitated by the consent of over-worked prosecution officers. It is standard procedure to delay trial as long as judges tolerate it, with the reasonable expectation that witnesses will fade away. The result is failure of the judicial system to discharge its necessary function effectively. The delay in our system conveys a clear message to those attracted to crime that the likelihood of punishment is indeed remote.

* I make no comment, of course, on the merits of the case. My sole concern is the type of delay, with resulting frustration of the system, which occurred in this case.

I have no doubt that you and your brothers on the Superior Court fully share my concern over this problem. Solutions, I am sure, are difficult - if not impossible - as long as you are handicapped by lack of personnel and facilities at the same time that crime continues to spiral upward.

In view of the concern of Attorney General Levi for expediting the trial of cases, I am sending him a copy of this letter. He has the opportunity, better than any of us on the Bench, to bring these conditions to the attention both of the public and the appropriate committees of the Congress.

With my best wishes.

Sincerely,

Honorable Harold Green
Chief Judge
Superior Court of the District of Columbia
400 F Street, N.W.
Building B
Washington, D. C. 20001

CC: The Honorable Edward H. Levi
Attorney General of the United States
Department of Justice
Washington, D.C. 20530

LFP/gg

P.S. I enclose herewith a Xerox copy of the summons commanding Spencer Campbell to appear for the third time "to testify" in a case not yet tried.

June 24, 1975

Clerks for Powell Chambers

Dear Chief:

This refers to our recent conversation concerning the administrative problem as to the pay of my clerks.

Having now had experience for the 1974 Term with four clerks, I am completely persuaded that the assistance of a fourth clerk is definitely helpful. It enabled my Chambers to be more thorough in several aspects of my work. My own work habits and hours were not altered. I merely felt better briefed and better supported, especially by additional research on argued cases.

Most of us have worked with four clerks previously under the rotation program for the Reed and Clark clerks. I found that program was meritorious, and that experience - plus the recommendation of all of my prior clerks - prompted me to initiate my present program. I personally think other Chambers also would benefit from staff augmentation, but obviously this is a matter of personal choice for each Justice.

As I will engage my 1976 Term clerks no later than September (I like to get this behind me early), I am proceeding on the theory that I have all requisite authority to employ four clerks. I have talked to Byron about this and he anticipates no problem with the appropriation request.

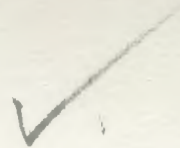
Sincerely,

The Chief Justice

lfp/ss

cc: Mr. Justice White

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



CHAMBERS OF
THE CHIEF JUSTICE

June 24, 1975

Dear Lewis:

I have your note of June 24.

So far as I am concerned, you may proceed
as outlined in your note relating to next year's law clerks.

Your reference to Byron's view reminds me
I have not got around to filling him in on ex parte
information deriving from the subcommittee. I agree
with his conclusion, however, that no issue will be
made on the point.

Regards,

Mr. Justice Powell

cc: Mr. Justice White

June 24, 1975

Cert Pool

Dear Chief:

This is written to confirm my understanding that we will continue the Cert Pool for the 1975 Term, and that it will continue - without interruption - through the summer months.

Sincerely,

The Chief Justice

lfp/ss

cc: Mr. Justice White
Mr. Justice Blackmun
Mr. Justice Rehnquist

Court

July 1, 1975

Pictures Taken at the Time of Chief Justice Warren's Funeral

MEMORANDUM TO THE CHIEF JUSTICE:

You will recall the group of interesting color photographs, taken at Chief Justice Warren's funeral, which were in the bound volume of testimonials and memorabilia that you had in the Conference Room the afternoon of the Warren Memorial ceremony here at the Court.

At that time, we agreed that each of us would like copies of these pictures.

I write this memorandum merely to be sure that we do not overlook this. If you wish me to undertake to follow this up, I will be glad to do so upon my return to my Chambers.

In view of Byron's special interest, I am sending him a copy of this memorandum.

L.F.P., Jr.

CC: Mr. Justice White

LFP/gg

c/g
July 24, 1975

PERSONAL

Dear Chief:

I think you may be interested in the enclosed editorial from the Richmond Times-Dispatch. It reflects the same admiration for Justice Black's opinion of the reverse-discriminatory nature of the Voting Rights Act that you and I share.

Jo and I have been in Richmond since July 3rd, except for a long weekend with our daughter Jody on Fisher's Island and a couple of days back at the Court before you returned. I have a meeting at Williamsburg tomorrow, and Jo and I will probably stay there over the weekend. We plan to spend a day or two in Washington en route to Montreal, and may see you then.

I do hope you are not pushing yourself this summer. It has been a long time since you and Vera had several weeks all to yourselves, free of responsibilities (except, perhaps, the ubiquitous cert memos).

Affectionate best to you both.

As ever.

Honorable Warren E. Burger
Chief Justice
United States Supreme Court
Supreme Court Building
Washington, D. C. 20543

LFP/vsl
Enclosure

c g
July 28, 1975

Dear Chief:

Jo and I were inspired by the handsome picture of you enlightening the Mayo alumni on the subtleties of the Constitution -- at least until we observed the soporific effect of your lecture on the gentleman in the center of the audience.

As ever.

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

LFP/vsl

Enclosure

Sally - My File
on JUL 30 1975
on *circumstances*
with C.J.

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

CHAMBERS OF
THE CHIEF JUSTICE

July 30, 1975

Dear Lewis:

It was not the oratory but the
martinis that did it!

(Also, I had no idea the photos
were to be used in a publication!)

Regards,

WRB

Mr. Justice Powell

*I hope to see you
where you are here*

mess memo

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

CHAMBERS OF
THE CHIEF JUSTICE

August 18, 1975

PERSONAL AND CONFIDENTIAL

MEMORANDUM TO THE CONFERENCE:

By the time you receive this I will have launched on several weeks' vacation, but it seemed to me it might be helpful if I would give you a report on a miscellany of pending problems and recent events.

(1) Stanley and Mrs. Reed have returned to Washington, as you know, and an arrangement has been worked out to provide them with a driver. Mrs. McGuire has located a trained person who will be with the Reeds at all times when they are in their car and at other times as well.

(2) Bob Wilkins has been ill and absent, and has been in and out of the hospital. I have no specific progress report, but I have assured him that he is to give no concern about his absence, however extended it may be.

(3) Some time ago I appointed a "Search Committee" consisting of the Chief of the Capitol Police, the Chief of the U.S. Marshals, the FBI Director of Training, Mark Cannon, Frank Hepler serving as Chairman, and Mr. Powers, the new Personnel Officer, serving as Secretary to the Committee. In keeping with our general policy, all the members of the Court's security staff were notified that this process was taking place and that applications would be received. Only two applications were received -- one from Lieutenant Zagami and one from Sergeant Reil. The committee has conducted interviews and will presently report. As you know, the appointment is made by the Marshal with the concurrence of the Chief Justice. A number of applications came from outside, including applications from highly qualified security people with Secret Service and similar backgrounds. The decision will be made on this position sometime before the opening of the Term, and there is now under study a structural reorganization of the security force along the lines covered in the recent confidential recommendation made by the Secret Service.

(4) The computer program in the Clerk's office is going forward along with the physical changes in that office. It has developed that the projected equipment will not be adequate and adjustments are being made accordingly. This was through no fault of the Clerk and his planning committee, but simply a result of the fact that the equipment delivered did not conform to the specifications.

(5) After some consultation on the matter of arguments during the first two weeks, I concluded that the safest of the "reargue" cases to list would be

No. 73-1808 - Laing v. United States, et al.

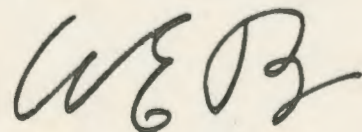
No. 74-75 - United States, et al. v. Hall

(6) We have heard nothing recently as to Senate action on our budget but, as usual, we have been obliged to proceed on the assumption that the Senate and the President would approve what the House has already enacted. We must hope that the new fiscal year program will eliminate these problems in the future.

(7) You may recall that the House approved \$50,000 for the Bicentennial and tentatively this will be used, in part at least, to provide portraits of missing Justices. In 1969 I wrote the Governors and bar associations of the States of origin of the missing Justices and we did receive 8 or 9 portraits. About a baker's dozen are still missing and we will hope to supply those. We should also consider the use of some of this Bicentennial budget to have copies of the busts of the first five Chief Justices. Copies of these can readily be made from those now situated in the recently restored Courtroom in the Capitol. That would mean by the Bicentennial all former Chief Justices' busts would be in the Great Hall.

(8) The House has also approved the appropriation for Earl Warren's bust and portrait. The portrait has been completed and approved by Mrs. Warren. We have deferred commissioning a sculptor to execute the bust awaiting the return of Mr. John Walker. Mrs. Warren requested that we secure his advice on the selection of a sculptor and we will, of course, comply with that request.

Regards,



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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

August 26, 1975

Dear Chief:

Jo and I were keenly interested in the enclosed article in the Richmond Times-Dispatch on August 24th.

We were aware generally of your interest in sculpture and art, but did not realize that you were a practicing sculptor and artist. We would certainly like a private exhibition, and Jo wonders why Cathy Hetos couldn't arrange a public exhibition at the Court!

Your splendid article in the New York Times also was carried in the Richmond Times-Dispatch. I am delighted that it has had this sort of coverage through the New York Times' news service.

I am glad to learn that you and Vera are vacationing in Utah. We look forward to joining you there next week.

As ever.

Mr. Justice Warren E. Burger
Chief Justice, United States
Supreme Court
Supreme Court Building
Washington, D. C. 20543

LFP/vsl

cg
September 9, 1975

Dear Chief:

I pass this on to you, as requested
by Tom Clark.

Sincerely,

The Chief Justice

lfp/ss

c/g
September 23, 1975

Dear Chief:

Attached hereto is a list of cases to be added to the Discuss List for next week's Conference, unless another Justice already has put them on the list.

Sincerely,

The Chief Justice

LFP/gg

Enclosure

9/23/75
CQ

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

CHAMBERS OF
THE CHIEF JUSTICE

Dear Lewis

Please accept this belated Happy Birthday which I will "annoint" with some wine next week. The wine was hand carried from Paris!

Ken Rush asked me to convey his & Jane's greetings to you & Jo.

Regards
WJH

8
September 26, 1975

Dear Chief:

Please put the following case on the Discuss
List for the September 29 Conference:

No. 74-6452 Acosta v. United States (Summer List 14, Sheet 1)

Sincerely,

The Chief Justice

LFP/gg

cg
September 29, 1975

Dear Chief:

My stepmother died on Saturday, and the funeral will be held in Richmond on Tuesday at 2:00 p.m.

I plan to attend the Conference Tuesday morning for the first hour and a half, leaving at 11:00 a.m. I will ask Harry to announce my votes on the petitions that are considered during the remainder of Tuesday's Conference.

I will return to Washington in time for the Conference Wednesday morning.

Sincerely,

The Chief Justice

lfp/ss

[DEC. 1975]

C9



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

CHAMBERS OF
THE CHIEF JUSTICE

Dear Lewis

Enjoy This as an
adjunct to Joe's report
taken. It is not a Christmas
taken but at this time of the
year when I "take stock" I

am reminded of many
kindnesses at your hands
and for your unfailing
"moral support."

But since it is Christmas
we wish you a Merry one
As always

Waver

49

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

October 3, 1975

No. 74-1518 Telex Corp. v. IBM

Dear Chief:

As you know, I disqualified myself when the cert petition in the above case was before the Conference earlier this week, in view of my ownership of IBM stock.

We barely had a quorum, as two other Justices also were disqualified. On my instructions, the bank in Richmond which takes care of my affairs has now sold my IBM stock. Accordingly, I am eligible to participate and have requested Bill Rehnquist to relist the above case for the next Conference. While I have no reason to believe that my vote will affect the outcome in any way, there is some merit in having seven of us participating rather than a bare quorum.

I must confess regret at the sale of my IBM shares. I have held them for a number of years, my cost basis is low, and after paying the resulting taxes (federal, Virginia and D.C.) and reinvested the proceeds the transaction will hardly be a beneficial one. But I had in mind, in addition to the present case, the major antitrust litigation involving IBM now pending in New York which probably will end up here at the Court. It will be a "landmark" antitrust case, and - if possible - we should have more than a bare quorum of the Court.

In short, all things considered, I have now parted company with my favorite investment, and one I promised Jo never to sell!

Sincerely,

The Chief Justice

lfp/ss

October 20, 1975

Court Schedule

Dear Chief:

It has come to my attention that our schedule for arguments and conferences (at least my copy) shows a Court Conference on Friday, November 28, the day after Thanksgiving.

I, for one, was quite unaware when we approved the schedule that Thanksgiving came so late in November. It would be extremely inconvenient for me to have a Court Conference on the 28th, as we have followed the practice - since I came on the Court - of having a reunion in Richmond of the members of my immediate family. Our daughters from Portland, Oregon and Houston, and their children join us for the long Thanksgiving weekend. Perhaps other Justices also would prefer not to meet on the day after Thanksgiving.

As an alternative, I suggest that we hold a Conference on Wednesday, November 26th or Tuesday, November 25th. This would be about half way between our Conferences scheduled for November 14 and December 5. As an alternative, we could hold the Conference on Friday, November 21. I have a Moot Court engagement at Harvard on the night of Thursday, November 20, but could fly back early on Friday morning in time for a 10:00 a.m. Conference.

Sincerely,

The Chief Justice

CC: The Conference

LFP/gg

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

CHAMBERS OF
THE CHIEF JUSTICE

October 21, 1975

MEMORANDUM TO THE CONFERENCE:

From responses to Lewis' memo and my
proposed alternative, it would appear that we must set
the Conference for Friday, November 21. Absent
dissent I will advise the Clerk.

Regards,

W.S.O.

69
October 22, 1975

Dear Chief:

I note that the Conference will now be rescheduled for Friday, November 21.

As indicated this is agreeable to me. As I will be flying back that morning from Harvard, I would appreciate your setting the hour at 10:00 a.m.

Sincerely,

The Chief Justice

lfp/ss

October 22, 1975

Dear Chief:

I would welcome you advise as to whether to send the enclosed letter to Ed Walsh.

I do not think I have ever read a more outrageous account of a lawyer's conduct than the enclosed story.

My only hesitation about sending the clipping to Ed is that, conceivably, some disbarment issue might ultimately reach us. Unfortunately, I consider this most unlikely.

Sincerely,

The Chief Justice

lfp/ss

c9

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

CHAMBERS OF
THE CHIEF JUSTICE

October 23, 1975

Re: Appointment of "one Justice of the Supreme Court" as a Member of the National Study Commission on Records and Documents of Federal Officials.

MEMORANDUM TO THE CONFERENCE:

In the Public Documents Act of 1974, 88 Stat. 1698, 44 U.S.C.A. 3315 et seq. (Pamphlet 1, Feb. 1975), Congress has purported to place on me a duty to designate "one Justice of the Supreme Court" as one of the 17 members of a commission whose duties are to study problems with respect to the control, disposition and preservation of Federal records and documents "with a view toward the development of appropriate legislative recommendations. . . ." The defined duties go on to delimit eight specific areas to be included in the Commission's study. One such area requires the Commission to consider

"whether the historical practice regarding the records and documents produced by or on behalf of Presidents of the United States should be rejected or accepted and whether such practice should be made applicable with respect to all Federal officials."

Other areas include the scope of materials which should be considered to be the records and documents of Members of the Congress and consideration of the privacy interests of individuals whose communications with

Federal officials, and with task forces, commissions, and boards, are a part of the records and documents produced by such bodies.

See 44 U.S.C.A. 3317. (Pamphlet 1, Feb. 1975).

The legislation provides that a majority and minority member of the House and a majority and minority member of the Senate be designated by the Speaker and President pro tempore, respectively, to the seventeen member Commission. The Executive is allotted a total of eight appointments: one from the Executive Office, "one representative" each appointed by the Secretaries of State, Defense and Justice and by the Administrator of General Services, and three private citizens appointed by the President with the advice and consent of the Senate. The Librarian of Congress is also made a member of the Commission and three appointments are provided private groups such as the American Historical Society.

As noted, the legislation requires "one Justice of the Supreme Court, appointed by the Chief Justice of the United States." 44 U.S.C.A. 3318(a)(1)(E) (Pamphlet 1, Feb. 1975).

Although I wonder why we were not consulted prior to the inclusion of "one Justice" on the Commission, I am of the view that whenever possible we should try to cooperate with Congress and the Executive in order to give effect to the "coordinate" concept that should govern the three Branches. I also have no desire to be unduly sensitive on the

matter of "tokenism," although limiting the part of the Judicial Branch to a single appointee (and only a "Justice") is uncommonly restrictive. It may suggest to some, perhaps, a casual afterthought that having a Justice "in the act" would lend some degree of respectability to the enterprise. There are more important considerations to weigh.

It is not too difficult to imagine that if legislation is recommended and adopted, its enforcement in due time may well reach this Court. Indeed, argument was heard last month before a three-judge court in the District in Nixon v. Administrator of General Services which, I understand, challenges the provision of Title I of the very act which establishes the Public Documents Commission. On this point alone, it might be undesirable to have one of us sitting on the Commission while at the same time entertaining the almost certain appeal from the District Court. There would be, moreover, a very real question as to statutory disqualification of a Justice in a case involving the recommended legislation. As you know, 28 U.S.C.A. 455 would require a Justice to disqualify himself in any case "in which his impartiality might reasonably be questioned" or "[w]here he has personal knowledge of disputed evidentiary facts." Canon 4B of the Code of Judicial Conduct for United States Judges also would seem relevant in that it limits a judge's appearance before executive or legislative bodies to matters

concerning only the administration of justice. And, there is, of course, long-standing precedent against participation in essentially executive functions. I am thinking of John Jay and the Court's reply to President Washington's request for advice on twenty-nine questions on international law and treaties. That letter might well be a model appropriate here and its content may have receded in your memory.

Addressed to George Washington, it read:

"Sir:

We have considered the previous question stated in a letter written by your direction to us by the Secretary of State on the 18th of last month, [regarding] the lines of separation drawn by the Constitution between the three departments of the government. These being in certain respects checks upon each other, and our being judges of a court in the last resort, are considerations which afford strong arguments against the propriety of our extra-judicially deciding the questions alluded to, especially as the power given by the Constitution to the President, of calling on the heads of departments for opinions, seems to have been purposely as well as expressly united to the executive departments.

We exceedingly regret every event that may cause embarrassment to your administration, but we derive consolation from the reflection that your judgment will discern what is right, and that your usual prudence, decision, and firmness will surmount every obstacle to the preservation of the rights, peace, and dignity of the United States.

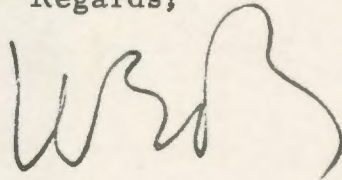
We have the honour to be, with perfect respect, sir, your most obedient and most humble servants."

3 The Correspondence and Public Papers of
John Jay, at 488-89 (Johnston Ed. 1891).

Or, we might decline simply because none of us has the time.

Although in the present situation the responsibility is mine, I
would value your views on the matter if you care to pass them on.

Regards,

A handwritten signature in dark ink, appearing to be "W. B. E." with a large, sweeping flourish at the end.

October 24, 1975

Commission on Records and Documents

Dear Chief:

I doubt the propriety of a member of the Court serving on this Commission in view of the area of inquiry mentioned in your memorandum of October 23. Litigation already is pending involving the Nixon records and documents, and it may well end up in this Court.

My experience with study commissions suggests that they tend to be expansive in their investigations and recommendations. One cannot predict whether other areas of possible federal litigation will be implicated.

But even if there were no other reason for "declining the honor", I speak for myself in saying that I simply would not have time - without neglecting duties here - to be a diligent and contributing member of a national commission.

Sincerely,

The Chief Justice

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

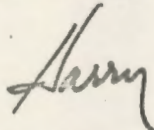
✓
October 24, 1975

Re: Commission on Records and Documents

Dear Chief:

It seems to me that despite the provision in the statute that one member of the Commission shall be a Justice of this Court, I feel that this is not for us. Apparently, the Congress did not think of the possibility that some of the Commission's activity would be challenged, and that the challenge might come here. If a Justice were not named, I suppose we could be accused of failing to fulfill our statutory obligation, but this is the kind of thing the Congress may not appropriately insist that we do.

Sincerely,



The Chief Justice

cc: The Conference

cg
October 28, 1975

Dear Chief:

Over the weekend I read Ed Levi's address of September 16, to the 82nd Annual Convention of the International Association of Chiefs of Police.

If you have not seen this, I think you would find it interesting. One point he makes is that judges "have not, as a group, imposed prison sentences with a great enough frequency". He also makes the obvious statement that "deterrence will not work when the chance of effective punishment is minimal".

It occurs to me that it would be well if Attorney General Levi's speech could be sent to all federal judges, particularly the district judges by the appropriate agency. Perhaps this would be the Administrative Office or the Judicial Conference itself. I am not familiar with policy and practice in this respect. But when we have an Attorney General with the ability and prestige of Ed Levi, and when he talks about criminal justice, there should be some way to bring his thoughts to the attention of federal judges.

Sincerely,

The Chief Justice

lfp/ss

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

October 28, 1975

RE: Commission on Records and Documents

Dear Chief:

I am inclined to agree with Bill Rehnquist that you should make the appointment to the Commission created by the Public Documents Act. My understanding is that the Commission, like the Hruska Commission, only proposes legislation. I therefore see considerable merit in Bill Rehnquist's suggestion that the best chance of avoiding any proposal addressed to our practices lies in having one of us make the Commission aware how indispensable is confidentiality to our proceedings. It may be of course that in any event the Commission staff would ask our views, as was the case with the staff of the Hruska Commission. But the chances are better if our views are voiced by one of us as a Commission member.

As to the prospect that the appointed member might have to recuse himself if legislation results that is attacked here, it never occurred to me that my several interviews with Hruska staff would require me to recuse myself if the Hruska Commission proposals become law and are challenged in a case that comes here. I don't see that the case would be different had one of us, rather than Judge Lumbard, been the Judicial member of that Commission. It is true that the proposals of the Hruska Commission may affect in greater degree our jurisdiction and practices but I don't see that this differs the situations; the mission of the Public Documents Commission could also vitally affect our way of doing business. In any event, I'd rather risk the recusal hazard than miss the opportunity to head off bad legislation at the pass.

Moreover, I think your declining to make an appointment, however explained, would inevitably be misunderstood.

Having said all this, I adopt Lewis' concluding paragraph and also for the reasons he states, record my unavailability for the "honor."

If the appointment of a sitting Justice seems undesirable would Tom Clark be eligible if willing? I note that 28 U.S.C. Sec. 371 provides that a Justice retiring under subsection (b) "may retain his office but retire from regular active service." Is he then still "one Justice of the Supreme Court" for purposes of the statute?

Sincerely,

Bril

The Chief Justice

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

October 28, 1975

Re: Commission on Records and Documents

Dear Chief,

In addition to the reasons offered by Thurgood, Harry, and Lewis, for our non-participation in the work of this Commission, I believe that it would clearly violate the Code of Judicial Conduct for a sitting Justice to serve as a member of the Commission. Canon 5G provides in pertinent part as follows:

"A judge should not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice."

The Commentary, the Reporter's notes, and my own recollection confirm that the language of the Canon means what it seems to say.

For the reasons indicated by Bill Brennan and Bill Rehnquist, there might be considerable benefit to be gained if at least one member of the Commission were a person with a knowledge and understanding of the problems of this Court and of the federal judiciary generally. It seems to me that Bill Brennan's ingenious suggestion might allow us to have our cake and eat it too. Specifically, the compliance provision of the Code of Judicial Conduct makes clear that all the provisions of the Code are applicable to a retired Justice "except Canon 5G." (See paragraph C. of compliance section.) If Tom Clark would be willing to "refrain from judicial service during the period of" his

service on the Commission, as required by the compliance section, and I realize that this is a big "if," I think you should appoint him to the Commission. I think that for the reason indicated by Bill Brennan, Tom is, for this purpose, "one Justice of the Supreme Court" (see 28 U. S. C. §371), and he certainly would be if, by your appointment, you say that he is.

Sincerely yours,

J.S.
1.

The Chief Justice

Copies to the Conference

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

29

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

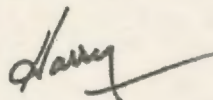
November 6, 1975

Dear Chief:

In view of the almost insolvable confusion about the late November conference, I have decided to cancel my proposed trip to Chicago on November 20 and 21. This will leave the 21st free for a conference if others so desire.

I would earnestly hope, however, that we do not attempt on that day to cover four cert lists rather than the usual two. With Thanksgiving week free of oral argument I, for one, would prefer to review four lists on December 5 (and, if necessary, on December 6) despite the fact that the first week in December is an argument week.

Sincerely,



The Chief Justice

6/9
November 6, 1975

Dear Chief:

Please put the following case on the Discuss
List for the November 7 Conference:

No. 75-5130 COLON v. PENNSYLVANIA (List 2, Sheet 2)

Sincerely,

The Chief Justice

LFP/gg

c/g
November 11, 1975

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

CHAMBER OF
THE CHIEF JUSTICE

Friday's Conference

November 13, 1975

Dear Chief:

I am driving to Williamsburg Friday afternoon upon completion of our Conference. As this is a three-hour drive, and traffic is heavy on Friday afternoons and evenings, I am hopeful that I can get away before the heavy traffic builds up.

If it does not inconvenience you or other members of the Court, perhaps we could shorten the lunch period to 45 minutes (reconvening at 1:15 rather than 1:30) and - if necessary - defer any nonurgent housekeeping matters until the next Conference.

Sincerely,

W.S.B.

The Chief Justice

lfp/ss

cc: The Conference

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

c 9

CHAMBERS OF
THE CHIEF JUSTICE

December 17, 1975

MEMORANDUM TO THE CONFERENCE:

Mr. and Mrs. Norman Barry of Chicago are hosting an informal luncheon-buffet at the Hay-Adams Hotel at 12:30 Friday, December 19, honoring the new Justice and his wife. Friends and family will be in attendance.

I volunteered to extend this invitation in the Barrys' behalf in the interest of time.

Would you please RSVP to my chambers. Details as to the room will be relayed to your secretaries when available.

Regards,

Wib

e 9

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

CHAMBERS OF
THE CHIEF JUSTICE

December 17, 1975

MEMORANDUM TO THE CONFERENCE:

I am informed that the Senate will vote on Judge Stevens sometime after noon today. Subject to that the swearing-in session will be at 10:00 a.m. Friday, with the private oath taking at 9:45 a.m. in the Conference Room as usual.

Judge Stevens has requested six seats for his family and this will mean they will be in the front row of the box, probably with Mrs. Ford. The box holds an aggregate of 27 seats. At most I will be using two and possibly only one seat for Mrs. Burger. Will you please let me know as soon as possible how many seats you will need in the box.

Mr. McGurn advises that the press interest will call for a substantial number of additional seats and approximately 26 seats are being reserved for a delegation from Chicago. The House and Senate judiciary committees and miscellaneous other categories are traditionally invited. The space for Court personnel will be reserved as usual in back of the area where the clerks normally hold forth.

As soon as we have word of the Senate's action we will send around a detailed schedule. The staff has been alerted to prepare for a reception in the East Conference Room which will begin approximately 15 minutes after the termination of the Courtroom proceedings. During the interval the press has requested an opportunity to take pictures which presumably will cover the new Justice, his family and probably the President. I have no final word yet as to what part the President will take.

Regards,

WRB

c/9
December 17, 1975

Dear Chief:

As you know, I have a long-standing commitment to visit a 90-year-old friend on the Eastern Shore of Maryland on Friday. Unless you have a different view after further thought, my understanding is that you see no reason for my not fulfilling this engagement.

Accordingly, I will not be here for the swearing in of Judge Stevens or for the luncheon given by Mr. and Mrs. Barry. I would appreciate your expressing my regret both to Judge and Mrs. Stevens and the Barrys.

As Jo left for Richmond today, I will not need any of our seats in the box.

Sincerely,

The Chief Justice

lfp/ss

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

CHAMBERS OF
THE CHIEF JUSTICE

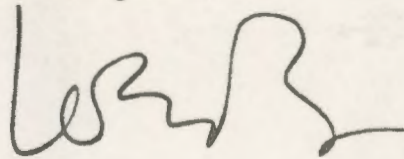
*Remind LRP to
dress up on picture taking days*
December 30, 1975

MEMORANDUM TO THE CONFERENCE:

The enclosure awaits a collective decision.

What is your pleasure?

Regards,

A handwritten signature in dark ink, appearing to be 'W. R. B.' or similar, written in a cursive style.

TO: Chief Justice
FROM: Barrett McGurn
RE: Information Office
CC: Mark Cannon
DATE: December 29 1975

RECEIVED
DEC 29 3 18 PM '75
CHAMBERS OF THE
CHIEF JUSTICE

COURT PHOTOS

Various of the media have asked to photograph the new Court.

I would suggest the following:

~~January 15 or January 22 (Thursdays), the~~
~~group photo of the Court.~~ (These are weeks of Hearings and so all members of the Court should be here. Being Thursdays there should be no Conference).

As last time I suggest that we give ~~Bob Oakes~~
~~of the National Geographic Society 15 minutes at about 10 a.m. in~~
~~the West Conference Room.~~ Bob will shoot 20 color exposures. He expects to get about 18 good shots out of these. He will ask each Justice (through us) to list his first choice and others which the Justice considers acceptable. Bob asks that the "pick of the litter" go to him for use in future editions of Equal Justice Under Law. We will get the second shot (of almost identical good quality). From this we will print the pictures which we provide to Justices and employees at \$12.50 a print. We will also receive the remaining negatives for such disposition as we wish. In the past the main studios (Bachrach, Harris and Ewing, Scurlock and Hessler) received these from us as I understand. This time I would

cc The Conference

urge that we add the Library of Congress. I understand that the photo studios charge \$15 or \$20 a print. The Library of Congress will sell 8x10 black and white prints for as little as \$2.50 each.

As last time I suggest that the Justices walk across the hall to the East Conference Room for a second session with the pictorial media. This time the TV cameras and all the still photo outlets who are interested (AP, UPI, New York Times, Time, Newsweek, Star, Post etc.) would be allowed to shoot for another 15 minutes or so.

Still photos (individual)

I suggest that we follow up the above with still photos of the Justices.

As you recall Bob Oakes of the National Geographic has agreed to shoot photos of the nine Justices and to provide a print of each to the Library of Congress.

I suggest that we do three Justices each day on the mornings of January 26, 27, 28. The Court is on the Bench for a few minutes at 10 a.m. on January 26, before beginning Recess.

Bob would like to shoot in the Justices' Library. He insists on working alone and asks for 30 minutes with each Justice.

Bob would give us for the Library of Congress a color print convertible to black and white. They would sell at

\$2.50 a print. The loss in quality in shifting from the color print to black and white will be very slight, Bob says.

Currently the Geographic lacks portraits of Justices Stewart, White, Marshall, Blackmun and Stevens. The Library of Congress has no member of the present Court and no group photo since 1938. (The Library of Congress has all the Justices up to 1930 except Smith Thompson of 1823-1843. It has the Courts of 1864, '76, '88, '90, '92, '94, '96, '99, 1911, '12, '32 and '37, but lacks the rest. It has individuals of the 1946 Court but lacks Chief Justice Taft and Justices Fortas, Goldberg and Whittaker in addition to all present Justices.)

In addition to letting Bob do his usual superlative work as above, I would like your permission to have Hugo Wessels, Washington bureau manager for the United Press International, shoot the same Justices for another half hour at another room - perhaps the Justices' dining room, or a corner of one of the two public conference rooms. This would follow immediately after the Oakes session. Wessels agrees to shoot copies for each of the main Washington newsphoto outfits (AP, the Post, the Star, the New York Times, Time, Newsweek). Wessels will come with a two-man team, shooting both black and white and color. He will cover the needs both of print and TV media. The latter require "shifted" shots which can be flashed on a screen to the left or right of a newscaster. (Samples attached.)

The advantage of the above is that we will have Oakes quality plus a sophisticated adaptation to media and TV needs. The UPI TV photo service currently includes 600

subjects. Each of the Justices except Justice Stevens are included but UPI says that the quality is poor.)

If you agree I will speak to Mr. Wessels about setting up as above, and I will ask each Justice to indicate an acceptable time for the one-hour of individual shooting (divided half and half between the Justices' Library and the Public Conference Room or Justices' Dining Room.) Camera equipment would remain on scene for the three days. The purpose of three days would be to assure that each Justice was shot while rested in early morning. Oakes agrees to the above. Wessels agrees in principle and will need to agree now in detail.

c 9
December 31, 1975

Pictures of the Court

Dear Chief:

I write in reply to your memo of December 30, as to pictures of the Court and individual Justices.

Although I can be available for the Court pictures on either January 15 or January 22, I prefer the latter date.

I have a problem with the dates for the individual pictures by National Geographic. I have a long-standing commitment to address the annual meeting of the Virginia Historical Society on the evening of January 26, and Jo and I have a further commitment in Richmond on January 28. Thus, I will not be here on either the 27th or the 28th, but I could be available on the morning of January 26 after we come off the bench.

Sincerely,

The Chief Justice

lfp/ss

cc: The Conference