

March 31, 1992

Dear Chief:

I have a copy of Dean Scott's letter to you of March 26, in which he advises that the University of Virginia will give you the Jefferson Award in Law in ceremonies at Monticello.

As I was given this award some years ago, I can testify that you will enjoy the entire occasion. You also will join (presently "company" excluded) a group of people whom you admire.

Sincerely,

The Chief Justice

lfp/ss

80 MAR 1992

SCHOOL OF LAW
UNIVERSITY OF VIRGINIA

OFFICE OF THE DEAN

March 26, 1992

The Honorable William H. Rehnquist
Chief Justice
Supreme Court of the United States
21 First Street, NE
Washington, DC 20543

Dear Chief Justice:

Each April, on the occasion of Thomas Jefferson's birthday, the University of Virginia, in conjunction with the Thomas Jefferson Memorial Foundation, which maintains and oversees Monticello, recognizes a distinguished lawyer or jurist. The award is the Thomas Jefferson Memorial Foundation Award in Law, and it is conferred in conjunction with a companion award in architecture, Jefferson's other profession. The Jefferson Award in Law has previously been conferred on Justice Lewis Powell, Judge Henry Friendly, Dean Erwin Griswold, Justice Sandra Day O'Connor, and former Chief Justice Warren Burger, among others.

On behalf of the University and of Monticello, I am privileged to invite you to receive the Thomas Jefferson Memorial Foundation Award in Law on April 13, 1993, which will mark the 250th anniversary of Jefferson's birth. Your career in law, and your enduring contributions to the rights and freedoms of Americans, to which Thomas Jefferson himself was dedicated, without question make you the most suitable recipient of this award on this anniversary.

The roster of prior recipients, who are listed on the attached sheet, is evidence of the distinction of the group that we hope you will agree to join. I have also listed the prior recipients of the Award in Architecture, who are comparably distinguished. The conjunction of the two awards, and the events surrounding their conferral here in Charlottesville, have provided for previous law recipients an additional attraction.

Let me describe the specific nature of our invitation. The actual Award will be presented at a luncheon ceremony in the Dome Room of the Rotunda on the University's Grounds on Tuesday, April 13, 1993, the day of Mr. Jefferson's birthday. As a part of the ceremony, you would be asked to make a brief response following presentation of the Award. This response would be part of the ceremony recognizing Thomas Jefferson's birthday. The evening before, there will be a formal dinner at Monticello hosted by the Thomas Jefferson Memorial Foundation. The opportunity to dine in Mr. Jefferson's home is, I believe, one of the high points of the occasion for recipients (as well as for those of us who reside locally).

CHARLOTTESVILLE, VIRGINIA 22901
(804) 924-7343
Fax (804) 924-4750

The Honorable William H. Rehnquist
March 26, 1992
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In addition to the formal occasions just described, a principal purpose of the Award is to bring into the University community individuals of distinction who will spend time with students and with faculty at the Law School sharing their insights and experiences--in classes, seminars, and informal gatherings. While I propose to leave details of this to subsequent discussions somewhat closer to next April, I would hope that you would be able to arrive on Sunday, April 11, in time for dinner, and spend at least Monday and Tuesday morning at the Law School, perhaps meeting informally with the students at one point for a question and answer session and having lunch with the faculty. In addition, it would be highly profitable for our students if you could be worked into a class or two. Most importantly, we hope you could deliver a public lecture on a topic of your choice, probably Monday afternoon or Tuesday afternoon following the Awards luncheon, if your schedule permits you to stay that long.

The Foundation provides, as part of the Award, an honorarium of \$3,000. All expenses in Charlottesville are separately covered by the Foundation.

With my colleagues at the University and at Monticello, I hope that you will accept this invitation and come to Charlottesville in April of next year to receive the Thomas Jefferson Memorial Foundation Award in Law. We hope to make this occasion one of celebration of your career and Thomas Jefferson's memory. If you require additional information, I hope you or your secretary will call me. In the meantime, I am asking Justice Powell to speak with you personally about the arrangements I have sketched and, frankly, to convince you of the attractions of Charlottesville in April.

Sincerely yours,



Robert E. Scott
Dean

RES:csm

Attachment

cc: John T. Casteen, III, President
University of Virginia
Daniel Jordan, Executive Director
Thomas Jefferson Memorial Foundation
Justice Lewis F. Powell, Jr.

**Thomas Jefferson Memorial Foundation Medals
in Architecture:**

1966 Mies van der Rohe	1979 Lawrence Halprin
1967 Alvar Aalto	1980 Hugh A. Stubbins
1968 Marcel Breuer	1981 Edward Larrabee Barnes
1969 John Ely Burchard	1982 Vincent Scully
1970 Kenzo Tange	1983 Robert Venturi
1971 Jose Luis Sert	1984 H. H. The Aga Khan
1972 Lewis Mumford	1985 Leon Krier
1973 Jean Labatut	1986 James Stirling
1974 Frei Otto	1987 Romaldo Giurgola
1975 Sir Nikolaus Pevsner	1988 Dan Kiley
1976 I. M. Pei	1989 Paul Mellon
1977 Ada Louise Huxtable	1990 Fumihiko Maki
1978 Philip Johnson	1991 John V. Lindsay
	1992 Aldo Rossi

**Thomas Jefferson Memorial Foundation Awards
in Law:**

1977 Carl McGowan
1978 Henry J. Friendly
1979 Paul Abraham Freund
1980 Erwin N. Griswold
1981 Lewis Franklin Powell, Jr. ✓
1982 Warren Minor Christopher
1983 Lord Justice Scarman
1984 Griffin B. Bell
1985 Warren E. Burger
1986 William H. Webster
1987 Sandra Day O'Connor
1988 Edmund Sixtus Muskie
1989 Sam Nunn
1990 Collins J. Sietz
1991 Robert M. Morgenthau
1992 Marian Wright Edelman



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

CHAMBERS OF
THE CHIEF JUSTICE

Sally -

You & I receive
awards.

April 9, 1992

~~Remind me~~ Remind me
on May 11

Dear Lewis:

The annual employees' service awards ceremony will be held at 3 p.m. on May 12, 1992 in the East Conference Room, with a reception following in the West Conference Room. I invite you to join me on this occasion so that your other colleagues and I may acknowledge your 20 years of Supreme Court service. Justice White, Justice O'Connor, Justice Brennan, and I will also be receiving service pins. Your secretary, Sally Smith, will also be receiving an award for 20 years of Supreme Court service.

Service awards will be presented to the Justices first. The entire ceremony, including the presentation of any special achievement or superior performance awards, will last about 15 minutes. I hope you will be able to attend for whatever time your schedule allows.

Sincerely,

Jim

Justice Powell (Ret.)

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

File

CHAMBERS OF
THE CHIEF JUSTICE

20 APR 1992

April 17, 1992

Allen C. Goolsby
Chairman and President
The John Marshall Foundation
c/o The Virginia Bar Association
701 East Franklin Street
Suite 1515
Richmond, Virginia 23219

Dear Mr. Goolsby,

Thank you for your letter of April 2nd, describing the development of the documentary film about Chief Justice Marshall. Because of the press of Court business, I have not yet been able to watch the film or the epilogue; I hope to get to it soon. Subject to any negative reactions I have when I do watch it, I would be interested in being included as a part of the epilogue. I feel very strongly and affirmatively about the part John Marshall played in the development of the Supreme Court, and would be pleased to have an opportunity to say a few words to that effect. I will plan to watch the documentary which you sent me sometime in the next few days, and meanwhile I would appreciate your telling me in a good deal more detail than was contained in your letter of April 2nd what you would like from me.

Sincerely,

William H. Rehnquist

cc: The Honorable Lewis F. Powell

April 28, 1992

Dear Chief:

Dean Scott of the University of Virginia School of Law has advised me that you have agreed to accept the 1993 Thomas Jefferson Award by the University of Virginia Law School. You join a distinguished group and also you honor the Law School.

As ever,

The Chief Justice

lfp/ss

June 25, 1992

Dear Chief:

The party yesterday afternoon for the law clerks was the best. The game you invented, and in which nine law clerks actively participated, was a great success.

I understand that you plan to be in New Hampshire for most of July and August. Jo and I will be in our Richmond home. I keep my Chambers advised and you always can reach me.

As ever,

The Chief Justice

lfp/ss

July 16, 1992

Dear Chief,

I have read with special interest the review of "Grand Inquests" by Edwin Yoder. I agree with the last paragraph in Ed Yoder's review:

"It is clear from Grand Inquests that, should he be weary of his high judicial duties, Rehnquist would do very well as an historian. The merits of this engaging and informative book go well beyond its unusual authorship."

You may remember that Ed Yoder, a Rhodes Scholar, and now a professor at Washington and Lee University, was Editor of the Editorial Page of the old Washington Star. I had the good fortune to meet Ed when I came to Washington, and we have lunch at The Monocle (your and my favorite restaurant) from time to time.

I hope you are having a restful summer in New Hampshire.

Sincerely,

Honorable William H. Rehnquist
The Chief Justice
Supreme Court of the United States
Washington, D.C. 20543

cc: Dr. Edwin M. Yoder
Professor, Washington & Lee University
Lexington, Virginia 24450

bc: Lewis III w/Dr. Yoder's ^{article} letter

Clear and Grave Misconduct

GRAND INQUESTS

The Historic Impeachments of Justice Samuel Chase and President Andrew Johnson

By William L. Rehnquist
Morrow. 303 pp. \$23

By Edwin M. Yoder

WHEN THE Chief Justice of the United States writes a book about impeachments it isn't as if your everyday historian had tossed in his two cents' worth. Is there an official subtext here?

Apparently not. The chief justice is an amateur of history in the best sense. *Grand Inquests*—a sequel of sorts to his well-received popular history, *The Supreme Court: How It Was, How It Is*—examines two pivotal episodes of our constitutional history: the Samuel Chase impeachment of 1805 and the Andrew Johnson impeachment 63 years later. Historians have not ignored either episode. In fact, there is a received view that both impeachments were partisan exercises. Rehnquist does not argue otherwise. But he brings fresh information and a fresh angle of vision to the confirmation of an orthodoxy.

Samuel Chase, a Marylander who had signed the Declaration of Independence, appointed as a Federalist to the Supreme Court by George Washington, was an able jurist. He was also a fount of Federalist views, expressed—even at times from the bench—in terms that struck Jeffersonians as inappropriate and intimidating. It would seem that Thomas Jefferson had had his eye on Chase for quite a while. Once president, the master of Monticello was not slow to drop hints to confederates in the House that Chase made an inviting target for exemplary discipline. It was true enough. Chase was felt to have played, at times, the role of a vindictive partisan during the domestic travail occasioned by the French Revolutionary wars in Europe—especially in his zealous efforts to enforce the Sedition Act.

In those days the Washington duties of Supreme Court justices were very light. They all rode circuit, conducting trials and grand jury inquests. Chase had presided in several controversial sedition and treason trials, where defense counsel had taken grave exception to his manner and rulings. On one notorious occasion he had charged a grand jury in Baltimore in ways that seemed to cast him as a cheerleader for the Sedition Act. He had hectored grand jurors to indict when they had no mind to. These occasions formed the basis of the impeachment charges. But as Rehnquist shows, and John Quincy Adams wrote at the time, "the attack on Mr. Chase was a systematic attempt upon the independence and powers of the judicial department." It fortunately failed.

As for President Andrew Johnson, his rolling clash with the "radical" Republicans over post-Civil War Reconstruction policy is familiar. Less familiar is the Tenure of Office Act, an ad-hoc attempt at a unilateral constitutional rewrite in which Congress sought to tie Johnson's hands by making presidential subordinates accountable to, as well as confirmable by, the Senate. When Johnson, without Senate permission, fired Secretary of War Edwin Stanton, the radicals' mole in his cabinet, the House rose in wrath and shouted through impeachment charges (which it had rejected a short time before) in a matter of hours.

Lincoln, not Johnson, had appointed Stanton and it was unclear that the Tenure of Office Act, even in its own dubious terms, was binding upon him. The act said a president could remove an executive official confirmed by the Senate only with the Senate's leave. Most of the impeachment charges against Johnson (eight of which were ultimately dropped when the



FROM THE COLLECTION OF THE SUPREME COURT

Chief Justice William H. Rehnquist

most serious failed to gain a sufficient majority) stemmed from his alleged violation of the Tenure of Office Act.

This gravely flawed piece of legislation remained on the books for another 20 years. The Taft Supreme Court finally established its unconstitutionality in 1927, in *Myers vs. U.S.* The presidential power to discharge subordinates, the Court ruled, is an essential corollary of the presidential duty to "take care that the laws be faithfully executed" and could not be infringed by congressional act. The first congresses, where many framers sat, had thought precisely that. It had taken a century and a quarter to confirm their view.

Rehnquist examines the background, course and result of these two epic struggles with a fluent and expert hand. *Grand Inquests* may be law office history; certainly it is the sort of issue-oriented history that lawyers and judges like to turn to polemical uses. But here it is also incisive, readable and fair-minded.

It will perhaps be no surprise that Rehnquist, like most historians before him, condemns both impeachments as the hothouse plants of overheated partisan zeal. He quietly demolishes both cases and shows clearly why a minority of senators could in good conscience put the Constitution above party orthodoxy. A handful of Jeffersonians voted to acquit Chase and a smaller handful of Republicans voted down the key charges against Johnson. After Johnson's trial one senator who had voted to acquit opined that the president's conviction would have "Mexicanized" the U.S. Constitution.

THERE WAS, begging the pardon of our southern neighbors, something to that. Rehnquist makes the obligatory point that the two acquittals discouraged further political uses of impeachment, confirming the political independence of the Supreme Court and the status of the presidency as a co-equal department of government. In both proceedings, a sufficient constitutional minority rejected the urging of congressional zealots that impeachment be viewed as our version of the parliamentary vote of confidence—an interim device for removing objectionable officials between scheduled elections.

That view simply didn't fit the facts. The framers had required the chief justice to preside at presidential impeachment trials. They had also provided that in all impeachment trials senators were to be on oath. With this judicial cast, impeachment trials were clearly intended to be more than mere votes of confidence, if less than criminal trials. Impeachable offenses needn't reach the level of indictable criminality. But they must be prompted by clear and grave misconduct in office, not mere political discord and conflict.

It is clear from *Grand Inquests* that, should he weary of his high judicial duties, Rehnquist would do very well as an historian. The merits of this engaging and informative book go well beyond its unusual authorship.

MEMORANDUM

TQ: Dot Bain
FROM: Rebecca
DATE: July 24, 1992
SUBJ: Handgun Article

*Thn file
on the C. J.*

I sent the handgun article via Federal Express yesterday, so you should receive that sometime this morning. Please put the attached cover letter to Justice Powell with the article when it arrives.

In other news, Barbara from Chief Justice Rehnquist's office called. She asks that we relay the message that the Chief appreciates Justice Powell's letter concerning Rehnquist's new book. Apparently, Chief Justice Rehnquist did not call himself because he is out of town for several weeks.

Let me know if I can do anything for you on this end. Have a great weekend.

October 1, 1992

Dear Chief,

Jo and I send affectionate best wishes on your 68th birthday.

As we became Justices of the Supreme Court on the same day in January 1972, I have a special reason for being proud of your service to the Court and to our Country.

As ever,

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

LFP/djb



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

CHAMBERS OF
THE CHIEF JUSTICE

October 13, 1992

Dear Lewis,

You are invited to join me for tea, cookies and a tour of the new Supreme Court chambers in the Federal Judiciary Building on October 19th at 1:30 p.m. Some of the Court Officers will also be on hand to explain the electronic linkups between the new chambers and the Supreme Court Building and how the Court will continue to serve the needs of those who occupy the new chambers.

Sincerely,

Justice Brennan (Ret.)
cc: The Conference

Call Sandra

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

ADMINISTRATIVE ASSISTANT TO
THE CHIEF JUSTICE


MEMORANDUM

TO: Ret. Chief Justice Warren E. Burger's Chambers:
Kathryn Idoni
Karl Tilleman
Dennis Darnoi

Ret. Associate Justice Lewis F. Powell's Chambers:
Sally Smith
Rebecca Womeldorf
Nat Weldon

Ret. Associate Justice William J. Brennan's Chambers:
Mary Elmore
Julius Genahowski
Romeo Cruz

Ret. Associate Justice Thurgood Marshall's Chambers:
Jane McHale
Radhika Rao
Terry McCarthy

FROM: Robb M. Jones 

DATE: October 13, 1992

RE: Retired Justices' Tour and Tea Scheduled for
Federal Judiciary Building, October 19, 1992

You are all invited to join the Chief Justice for tea, cookies and a tour of the new Supreme Court chambers in the Federal Judiciary Building on October 19th at 1:30 p.m. Some of the Court Officers will also be on hand to explain the electronic linkups between the new chambers and the Supreme Court Building and how the Court

Memorandum to Retired Justices' Chambers

Page Two

October 13, 1992

will continue to serve the needs of those who occupy the new chambers. Transportation will be provided by the Marshal's Office if you desire. If the weather is agreeable, some of you may prefer to walk. Please call Charlotte Suniega on ext. 3374 and let her know who will be attending.

Thank you.

cc: The Marshal's Office
The Police Room