

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

CHAMBERS OF
THE CHIEF JUSTICE

Jan 10 74

Dear Lewis

It is two years
this week that you joined
up and I felt as Custer
would have felt had he
heard bugles and saw a
blue line on the horizon.

One of many good consequences
- especially for me - is that I
still have my scalp - or most
of it!

Sometimes at 2:00 AM
I remember that I am now

working for the taxpayer
"for nothing" but we both
know there are other
compensations.

May your years here
be many more but less
taxing than the first two

Sincerely
Barren

miss memo

January 10, 1974

Dear Chief:

I would like to have the following case put on the discuss
list for Conference Friday, January 11, 1974:

No. 73-781 Scherk v. Alberto-Culver Company

(List 1, Sheet 2)

Sincerely,

The Chief Justice

LFP/gg

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

mem memo

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

January 10, 1974

Dear Chief:

I would like to have the following cases relisted for the Conference, Friday, January 18, 1974:

No. 72-930 United States Steel Corp. v. United Mine
Workers - p. 8

No. 72-1649 Westerberg v. District Court - p. 8

The first of these was held for Gateway Coal and the second for Calandra. I plan to circulate a brief memo on these cases next week.

Sincerely,

L. F. P.

The Chief Justice

lfp/ss

cc: The Conference

Murphy

January 18, 1974

Absence Memorandum

Dear Chief:

As you know, I will be making a talk at Washington and Lee University on Monday, January 21. Jo and I then plan to spend the next 9 days at Delray Beach, Florida.

My Chambers will know how to reach me, and also will advise the switchboard how to get in touch with me if this should be necessary at a time when no one is present in my Chambers.

Sincerely,

The Chief Justice

LFP/gg

B

February 2, 1974

Dear Chief:

Thank you for the copy of your letter of January 21, to President Shannon of the University of Virginia.

I suspect that, after your necessarily hectic trip to Japan, you will understandably have some aversion to any additional trips. I do believe, however, that a weekend in Charlottesville early in May would be a relaxing rather than a tiresome occasion.

I do hope you and Vera found time for some fun and rest. I look forward to hearing about the trip.

Sincerely,

The Chief Justice

lfp/ss

February 13, 1974

Dear Chief:

I would like to add the following case the the discuss list
for the February 15 Conference:

No. 73-822 Fry v. United States

Sincerely,

The Chief Justice

lfp/ss

February 15, 1974

Dear Chief:

Perhaps you have noted that the editorial in the January issue of the ABA Journal, comments favorably - from our viewpoint - on the workload problem here at the Court.

Sincerely,

The Chief Justice

lfp/ss

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

CHAMBERS OF
THE CHIEF JUSTICE

February 19, 1974

MEMORANDUM TO THE CONFERENCE:

Enclosed is a request from Senator McGee for my views
on the salary legislation.

- (1) Should I respond expressing agreement with
him stating reasons?
- (2) If so, should I agree to let him release his
request and my response?

I would value your comments.

Regards,

W E B

Encl

United States Senate

GALE W. MCGEE, WYO., CHAIRMAN

JENNINGS RANDOLPH, W. VA.
QUENTIN N. BURDICK, N. DAK.
ERNEST F. HOLLINGS, S.C.
FRANK E. MOSS, UTAH

HIRAM L. FONG, HAWAII
TED STEVENS, ALASKA
HENRY BELLMON, OKLA.
ROBERT J. DOLE, KANS.

COMMITTEE ON
POST OFFICE AND CIVIL SERVICE
WASHINGTON, D.C. 20510

February 19, 1974

RECEIVED
FEB 19 12 54 PM '74
CHAMBERS OF THE
CHIEF JUSTICE

The Honorable Warren E. Burger
Chief Justice of the Supreme
Court of the United States
1 First Street, Northeast
Washington, D. C. 20543

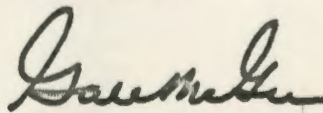
Dear Mr. Chief Justice:

Since receipt by the Congress of the President's budget message recommending pay increases for the Federal judiciary, Cabinet and subcabinet officials, and Members of Congress, some 13 resolutions of disapproval have been introduced in the Senate. One of these resolutions, now on the Senate calendar, will probably be taken up prior to March 6, when the recommendation will become effective unless disapproved by either body of Congress.

As Chairman of the Post Office and Civil Service Committee, I shall oppose any resolution to disapprove the President's proposal. To this end, I am marshalling views in consonance with my own to present to the Senate when debate on this issue occurs.

The Committee would be very grateful to you for an expression of your position. My staff advises me of a very helpful conversation which took place in a meeting with your Administrative Assistant, who explained the adverse effect a denial of the President's proposal would have upon the Federal judiciary. An expression of your views on this important question would be helpful to both the Committee and the Congress as a whole.

Sincerely,



GALE MCGEE, Chairman

fw

E. McKeen

2110 Cannon

February 20, 1974

Dear Chief:

This refers to your memorandum of February 19, concerning Senator McGee's request.

My judgment is that you should definitely respond, and allow your response to be incorporated in the record of his Committee hearings.

If the press accounts are correct in intimating that the Supreme Court is to be accorded separate and less favorable treatment than the remainder of the Federal Judiciary, perhaps you will wish to address that issue in a separate letter - on a personal basis not for the record. It is rather obvious that the members of this Court would be seriously disadvantaged if we are separated from District and Circuit Judges in the current and future operation of the salary program.

Sincerely,

The Chief Justice

lfp/ss

cc: The Conference

Chief: It seems to me that the possibility of our being separated from the rest of the Federal Judiciary is so serious that you may well wish to get in touch with Bernie Segal and possibly others whom you appointed to the Commission. Such a separation, as I understand it, would be contrary to the spirit and purpose of the Salary Plan and the consequences to the nine of us here would hardly be favorable either now or in the future. I know that Bernie would be outraged, as would other leaders in the profession such as Bill Gossett, Roger Blough, Chesterfield Smith and the like.

L. F. P., Jr.

Run Mrs

February 22, 1974

Dear Chief:

In accord with your request of Potter and me to rough out a draft of a possible covering letter to Senator McGee (transmitting the memorandum which you are having prepared), we enclose such a draft for your consideration.

Sincerely,

The Chief Justice

lfp/ss

cc: Mr. Justice Stewart

Dear Senator McGee:

Thank you for your letter of February ___, in which you request my views as to the proposed salary recommendations for the Federal Judiciary.

I am glad to have this opportunity to respond, as the subject is one of considerable importance to the administration of justice. In my view, the President's recommendations - which represent a significant departure from the recommendation of the Commission, are not adequate. The reasons for my considered judgment in this respect are summarized in the enclosed memorandum.

Contrary to my understanding of the original concept, I also note that the Supreme Court is to be treated differently from other federal courts in terms of the percentage of increase. In view of the uniform impact of inflation and the absence of any increase since 1969, I see no basis for according relatively less favorable treatment to the members of the Court than to other federal judges.

But my greater concern relates to the absolute dollar amounts proposed for the district and circuit court judges. We know that present salary levels are proving inadequate to attract and retain on the bench some of the best qualified members of our profession. This is distinctly not in the public interest.

It also seems to me that elementary considerations of fairness would require increases approximately commensurate with rise in the cost of living for all participants in the program envisioned by the Postal Revenue and Federal Salary Act of 1967.

It is true, of course, that some increase is better than none at all. Accordingly, I would not oppose whatever increase the Congress decides to be appropriate under the circumstances. Yet, I reemphasize - in response to your inquiry - that in my opinion the proposals submitted by the President fail to take due account of the severe inflation of the past four years and the likelihood of its continuing before a new Commission reports in 197___. Nor do these proposals result in salary levels which will enhance the prospect of maintaining the highest quality federal judiciary.

I am authorized to say that the views expressed herein are concurred in by the majority of the members of the Court.

With my appreciation for this opportunity to address you and the members of your Committee, I am

Most sincerely,

March 1, 1974

PERSONAL

Dear Chief:

You inquired a day or two ago as to whether I was interested in writing a particular case. As you know, the "short answer" is that I will undertake any case which you think should be assigned to me. The task of making assignments, considering all relevant factors, is certainly not an easy one.

There are, however, two cases argued during the past two weeks that I would prefer not to write. One, which we mentioned, is the Detroit school case. In view of my being stigmatized on this subject as a "Southern", I think you agree that it would not be in the best interest of the Court institutionally for me to write the Court opinion. It is conceivable that I may add a concurrence on some particular point.

The second case which I would prefer not to write for the Court is No. 72-1490 Federal Power Commission v. Texaco, et al (and its companion case, No. 72-1491). As I advised the Conference, my law firm has represented Exxon and although Exxon is neither a party nor in an amicus posture, I have no idea whether it has an interest in this litigation. The other fact which I mentioned to the Conference was my ownership of stock in Commonwealth Natural Gas Corporation, and intrastate pipeline company operating only in Virginia and not subject to rate regulation by the F.P.C. I do not regard these connections as disqualifying (and the Conference

agreed), but they are tangentially close to areas of arguable interest.

One other thought: I will have the "floater clerk" (Jerry Siegel) with me only until April 15 - when he goes to Potter. I am therefore in a position to handle three cases, and would welcome the opportunity of having three assigned to me at this time. Although your chart will show that I have still not circulated three cases previously assigned to me, two of these should be circulated early next week and the third possibly by the end of next week.

One further reason for my volunteering for a third case is that I have had to disqualify myself in several of the difficult cases (due to clients of my former law firm being implicated), and I am most anxious to carry my full work load on the Court.

With my thanks.

Sincerely,

The Chief Justice

LFP/gg

63

March 4, 1974

Dear Chief:

My father died this afternoon at age 94, following a final illness of several weeks.

Jo and I are leaving for Richmond early this afternoon. We probably will not return until Thursday morning.

Please do not have the Court or anyone send flowers.

If you should need to reach me, this can be done through my chambers.

Sincerely,

The Chief Justice

lfp/ss

April 10, 1974

Use of the Federal Telephone Network

In a conversation with the Chief Justice on April 10, I reviewed with him the question of appropriate and legitimate use of our telephone system. I pointed out that although I had been informed by my secretaries (who attended a briefing on the subject), that the phone was available for such use as a Justice may wish, I have nevertheless tried to be fairly careful not to use it for purely personal matters - although on rare occasions I have so used it.

In running over, with the Chief Justice, examples of appropriate or proper use, I specifically mentioned the following:

Bar association or related calls (e.g., ABA, ABF or any professional organization).

Public appearances, such as my speeches, moot courts, law review banquets and the like.

Calls to Hunton, Williams for matters essentially related to my responsibilities and to my functioning efficiently as a Justice. These would include calls relating to possible conflicts of interest, to one of my secretaries arranging to pick up mail or other records from my old firm.

Anything related to the federal judiciary, such as CA4, CA5 or the like.

The necessary conducting of personal affairs where use of the telephone conserves my time as a Justice. This would include talks with the accountant who prepares my tax returns, and with the bank which hold and advises me with respect to securities and his responsibility to assist me in avoiding conflict of interest investments.

I mentioned most, if not all, of the foregoing types of situations to the Chief Justice, and he thought they were entirely proper as they either related to my role as a judge, to the profession, or to my efficient functioning as a member of the Court.

As I have tried to do in the past I do not want to use the phone on purely personal calls - such as to my children, Mrs. Rucker or purely social friends. Such calls should be charged to my Bell System credit card number. I think you have it but can obtain it from Jo in any event. My practice has been to make most of these personal calls at night, when the rate is lower, from our apartment - as our telephone bills all too painfully show.

I would like for the two of you to follow the foregoing carefully. Incase of doubt, speak to me.

L.F.P., Jr.

CC: Sally Smith
Gail Galloway
Justice Powell's Clerks
Communications with Chief Justice File
Conflict of Interest File

April 11, 1974

No. 73-1259 Louisiana Milk Comm v.
Schwegmann Bros.

Dear Chief:

The above case is an appeal from a three-judge court,
and is not included on the discuss list.

I assume that you intend to carry it over to the next
Conference, but thought it prudent to verify this with you.

Sincerely,

The Chief Justice

lfp/ss

cc: The Conference

Miss Moe

April 18, 1974

Dear Chief:

My recollection is that you are keeping notes on possible changes to be made in our Rules.

I have one suggestion to be added to your list.

I have been reviewing the brief filed in 73-5265 Kokoszka v. Belford.

The "brief of amicus curiae for respondent" is mimeographed or xeroxed and is on 8 x 11 size pages. The petitioner's brief is duly printed in accordance with our Rules, but we received yesterday petitioner's reply brief which is mimeographed or xeroxed on legal cap size paper. This gives us three different sizes, makes it virtually impossible to keep the briefs together with a rubber band or to stack the briefs on a shelf with other briefs. In addition, reading - at least for me - legal size briefs is considerably less convenient than reading our regulation size printed briefs.

My suggestion is that even where mimeographed or xeroxed briefs are allowed, they should be required to conform in dimensions to our printed briefs, and should be bound (and not carelessly stapled) on the left margin so that they open like a book or printed brief.

With the volume of work which engulfs the Clerk's Office and the Justices, I do not think we should tolerate deviations from Rules or that our Rules should allow any type of brief other than standard size, type and "leading" between lines. On this latter point, we receive a good many briefs that seem to be on smaller type than is desirable, with inadequate spacing between lines.

I would hope that Mike would simply refuse to accept briefs which do not comply with the letter of our Rules.

Sincerely,

The Chief Justice

lfp/ss

cc: Mr. Michael Rodak, Jr.

*mem
memo*

CHAMBERS OF
THE CHIEF JUSTICE

April 24, 1974

Dear Bill:

I worked late last night and later in the evening was suddenly taken with chills and "shakes." I found I had a temperature of well over 100. The doctor has insisted that I stay in bed, and I impose on you to carry on today.

If I can get up the energy I have some brief summaries of the cases which probably won't be of any use to anybody, but if I can pull them together I will send them down for whatever they are worth. I will ask Bill Rehnquist to record the votes and make an extra vote sheet for my book.

I would appreciate it if you would announce, due to a virus infection I cannot be present, but for the moment you can also announce that I will reserve the right to participate on the basis of briefs, records and recorded oral argument.

I hope the virus infection can be cleared up so I can be at Conference on Friday.

Regards,

WEB

Mr. Justice Douglas

Copies to the Conference

Miss Mary

April 25, 1974

Dear Chief:

Please add the following case to the discuss list
for the Conference on Friday, May 26:

No. 73-989 De Met v. United States - p. 2

Sincerely,

The Chief Justice

lfp/ss

Miss memo

April 29, 1974

Dear Chief:

Please put the following case on the discuss
list for the May 10 Conference:

No. 73-6431 Williams v. Richmond Guano Co.

(List 2, Sheet 4 - May 10).

Sincerely,

The Chief Justice

LFP/gg

Miss memo

May 8, 1974

Dear Chief:

Please add the following case to the May 10, 1974
Discuss List:

No. 73-1399 Pennsylvania v. Romberger

Sincerely,

The Chief Justice

LFP/gg

May 13, 1974

Misc
mem

Dear Chief:

I would prefer to bring down my three cases on Wednesday in the following order:

No. 73-1470 Bob Jones University v. ~~Simon~~

No. 73-1371 Alexander v. Americans United

No. 73-5412 Dillard v. Industrial Commission of Virginia

The opinion in Bob Jones reflects the basic position of the Court on the Anti-injunction Act, and Americans United - although involving some other issues - is controlled by Bob Jones.

I will assume this is agreeable with you unless advised to the contrary.

Sincerely,

The Chief Justice

lfp/ss

cc: Miss Mary Burns

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

*Miss
Meyer*

CHAMBERS OF
THE CHIEF JUSTICE

May 20, 1974

PERSONAL

MEMORANDUM TO THE CONFERENCE:

Enclosed is copy of a letter which I received from Mr. Hudon. I have made some inquiry on the basis of Bill Douglas' memo and so far I draw a blank.

When Mr. Hudon has had problems regarding compensation, space and staff, he has always communicated with me. I assume if he has any remediable problems now, he will communicate them to me.

Until I hear from him directly, I contemplate no action.

Regards,

W B

Encl

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

Mem memo



CHAMBERS OF
THE CHIEF JUSTICE

May 20, 1974

Dear Bill:

I have placed your May 17 memo on the agenda
for Friday, May 24.

My schedule will give me no problems on this
change.

Regards,

WB B

Mr. Justice Brennan

Copies to the Conference

B

May 22, 1974

PERSONAL

Dear Warren,

How pleasant to be reminded that today is the Fifth Anniversary of your nomination as Chief Justice of the United States.

I remember my great satisfaction when the President made the announcement the evening before, your splendid appearance on television that evening, and the subsequent events which I followed so closely. I consider your nomination a memorable event in the history of our country, and one that already has borne notable fruit for the administration of justice.

It has been a special privilege to serve with you for a part of these five years. If Vera can keep you from driving yourself quite so hard, I hope you will be willing to celebrate many other anniversaries of this important date.

As ever,

Hon. Warren E. Burger
Chief Justice of the United States
Washington, D. C.

lfp/ss

13
May 22, 1974

Dear Chief:

I enclose copy of a letter from the Association of Federal Investigators, asking if I will accept its "Judiciary Award".

I note that you and other judges are prior recipients.

My question is whether it is appropriate for me to accept this now that I am on the Supreme Court. I assume the organization is related to the FBI (and through it, the Department of Justice). As the Department is frequently before the Court, I wonder whether it would be appropriate for me to accept.

If you are inclined to think it is appropriate, should I present this also to the full Conference?

Sincerely,

The Chief Justice

lfp/ss

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

CHAMBERS OF
THE CHIEF JUSTICE

5/23/74

Dean Lewis

It was very thoughtful
of you to write me on the
"5th Anniversary". Neither of us
knew what we were getting into
but if we work at it I believe we
can hammer out some changes.
But it will literally take a
"hammer" to accomplish - and
perhaps too late to give either of
us the respite needed.

Your proposed remarks to
the 5th Circuit Conference
look very good to me. I agree

that the "hard" and documented
speech on the subject should wait.
I began a draft for A.L.I. this year
but dropped it in favor of the
milder one I used.

I'll be much interested in the
reaction you get.

Regards

Warren

Dear Senator _____

This will acknowledge your letter of May 31, in which you request that we consider "remaining in session" over the "next four months period" to enable the Court to deal expeditiously with Watergate or related matters. We also have your statement to the press of May 31, referring to the Court's "four months recess".

As is evident from your letter and press release, there is a widespread misconception that the Court takes a "recess" or "vacation" of several months during the summer when it neither performs any duties nor is available to act on matters of public importance. I am grateful to you for affording this opportunity to clarify this misconception. The facts, briefly summarized, are as follows:

1. According to statute, the Court has one regular Term each year which commences on the first Monday in October. There is no prescribed date for its end, which is determined in accordance with the business of the Court. We continue in session until all argued cases have been disposed of, in the great majority of instances by formal written opinions. In recent years our Term has ended late in June: on June ___, in 1973, June ___, in 1972 and June ___, in 1971. Our earliest target date this year was

*I drafted
this for C.F.
at his
request
- or a
promise
reply to
Senator
Mousfield,
(The C.F.)
write
a some-
what
different
letter*

tentatively set, based on a recent appraisal of our progress in writing opinions, for June 24. In view of recent developments, we will, of course, carry forward well into July.

2. Your primary concern is that the Court be available if needed during the summer period in the event "a genuine emergency arises". I can give you full assurance on this point. Members of the Court remain "on call" at all times and we will not hesitate to reconvene in a Special Term if this is required by the public interest, as we have on numerous occasions in the past. The most recent example was in July 1972 when we convened a Special Term to consider cases vital to the convening of the Democratic National Convention. Other examples are cited in the note below.*

In short, I know of no instance in the past in which there has been "unconscionable delay", as referred to in your press release, in the convening of the Court to deal with matters of national importance.

3. Although the regular Term customarily ends late in June, leaving three months (not four months as stated in your letter) before commencement of the next regular Term, the business of the Court continues without interruption throughout all 12 months of the entire year. In addition to remaining on call for a Special Term, cases reach us in the ordinary course primarily in two ways:

*Here cite several examples of the Court reconvening in special terms.

By petitions for certiorari and by appeals. There is no limitation whatever as to when these are filed, and as our records will show they continue to come in during the summer at an average rate of some 70 to 80 per week, or a total of some 1,000 for the three months. Absent a need to call a Special Term, these cases are not officially acted upon by the Court until the regular Term convenes. Yet, it would be imprudent indeed to allow this large volume of cases to accumulate without work on them during the three summer months. Accordingly, these petitions and appeals are delivered weekly to the chambers of the respective Justices and each pursues his own method of keeping abreast of this substantial workload. Several of us work primarily here in Washington, one maintains an office in the federal court in his home city, and the others work in their respective residences - the documents being forwarded regularly to each and with law clerks in constant touch with the Justices.

4. In addition to the foregoing work that is carried forward during the summer, each Justice is personally responsible for emergency matters in the Circuit to which he is assigned. These will vary from a relatively small number to as many as three to five a week, depending upon the Circuit. Moreover, we have already granted or noted a total of ____ cases for argument during the next Term,

and the briefs and relevant portions of the record in these cases are distributed to the Justices as they are received during the summer. Again, each Justice pursues his own methods but many of us utilize the period for advance work on the more difficult cases.

5. All of this is not to say, of course, that Justices do not take some genuine vacation in the customary sense of this term. Speaking only for myself, my personal files will show that in the five years that I have been on the Court the longest vacation I have taken away from my work in one summer has been a total of ____ days. I would add that an examination of the total work product of the Court during a Term indicates to those familiar with the process of adjudication that perhaps some reasonable period for regenerating batteries and restoring vitality is indeed needed.

The foregoing procedures have been followed over the years. We have no reason to believe that the other courts in the Federal system or the legal profession have found these procedures unsatisfactory. Yet, members of the Court were deeply concerned by your letter, as your views are greatly respected throughout our country, and the misconception underlying them will attract widespread public attention. This could weaken, unjustifiably we think, public confidence in the Supreme Court as an institution at a time when this seems least desirable.

I repeat, in concluding, that it is evident from your letter that perception of the manner in which the Court functions, and especially as to the meaning as we use them of the ancient words "vacation" and "Term", is not in accord with fact. It is therefore most helpful to have this opportunity to respond to your letter.

Sincerely,

June 3, 1974

Overlap of Clerks

Dear Chief:

In view of the decision to hear the executive privilege case on July 8, I have the problem - which may well exist in other chambers - of this important case falling "between the stools" of my outgoing and incoming law clerks.

I had scheduled this transition so that during the month of July a new clerk would replace, substantially simultaneously, a departing clerk. But the first "exchange" was scheduled for July 8. By the last week in July the other new clerks will have arrived and my present clerks all will have departed. Thus, clerks who work with me on the executive privilege case will not be here to see it through the opinion writing stage.

I can meet this situation best by bringing in one of my new clerks a couple of weeks early or by carrying over present clerks. Either course would result, as some overlap of old and new clerks on a staggered basis is necessary, in my having four clerks on the payroll for a two or three week period. I write this letter to request authority do to this.

I am not sure whether matters of this kind are handled by the Marshal or by Mark Cannon independently of you. I am enclosing a copy of this letter if it should go to one of these gentlemen. In any event, I wanted you to know my problem which I consider to be a realistic one.

Sincerely,

The Chief Justice

lfp/ss

MA new
June 6, 1974

Dear Chief:

I would like to have the following case put
on the Discuss List for June 7:

No. 73-1432 Georator Corp v. United States
(List 1, Sheet 3 - June 7)

Sincerely,

The Chief Justice

mem. mem.

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

June 6, 1974

Dear Chief:

I would like to have the following case put
on the Discuss List for June 7:

No. 73-1432 Georator Corp v. United States
(List 1, Sheet 3 - June 7)

Sincerely,

The Chief Justice

*You put this on
Discuss list!*

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

Mean man

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

June 11, 1974

Re: Cert Pool

Dear Chief:

I agree with Harry and Byron that there should be some interlude in the summer during which the law clerks are not pooled. I think it might well be for a shorter period than was the case last summer, but I think rapid exposure to a wide variety of cases is a good indoctrination for the clerks; writing individual cert memoes on a greater number of cases, I believe, gives them this to a greater extent than doing pool memoranda. I also think that the greater feeling of personal responsibility that comes from a memorandum the clerk has done himself, and the interchange that is stimulated by the boss' reaction to the memorandum, makes the individual system one which more quickly acquaints all parties in the chambers with the propensities and idiosyncracies of one another.

Sincerely,

WHR

Copy to: Mr. Justice White
Mr. Justice Blackmun
Mr. Justice Powell

miss me

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

CHAMBERS OF
THE CHIEF JUSTICE

June 10, 1974

MEMORANDUM TO:

Mr. Justice White
Mr. Justice Blackmun
Mr. Justice Powell ✓
Mr. Justice Rehnquist

When we inaugurated the "cert pool" the first year we agreed that its operations should begin August 1 (I believe) rather than at the end of the Term.

Now that we have experience with the program I lean to continuing pool operations throughout the year. There are pros and cons on this but I believe continuity outweighs the countervailing factor.

Regards,

W.B.

Agreed. JGJ

But of course! The new clerks enter on staggered dates throughout the summer. Thus if the pool were in operation they would be able to learn directly from those outgoing clerks who are still on board. J. White's notion is terribly unproductive in that regard. If he must have "bloody noses," let's run the pool without him over the summer. Jack

June 11, 1974

CERT POOL

Dear Chief:

In light of the circulations received, I judge that the majority view (Byron, Harry and Bill Rehnquist) is that there should be some interlude during which the clerks are not pooled but that this should be for a shorter period than last summer.

We commenced the pool last summer with the first cert list after Labor Day. This means we are now talking only about the months of July and August, and if the focus is on a "shorter period" than last summer, presumably this means that the pool would not be effective during one of these months.

In my case, I am retaining my present clerks for almost all of July to ensure continuity of work in my Chambers on the Nixon case. If a similar situation obtains in other Chambers, I propose that we continue the pool during the month of July, discontinue it during August and resume it following Labor Day.

I assume there is no sentiment in favor of further indoctrination of our present clerks by having them function without the pool.

Sincerely,

The Chief Justice

CC: Mr. Justice White
Mr. Justice Blackmun
Mr. Justice Rehnquist

LFP/gg

Misc memos

June 11, 1974

CERT POOL

MEMORANDUM TO:

The Chief Justice
Mr. Justice White
Mr. Justice Blackmun
Mr. Justice Rehnquist

I strongly agree with the Chief's suggestion that we continue the pool operation throughout the year.

My new clerks come in on a staggered basis over a period of several weeks. If the pool is in operation they will be able to learn directly from the outgoing clerks who are still on board.

Most important of all, I like for my clerks to devote a substantial part of the summer months to special study of the more important cases set for argument next Term. I had a list of about 25 such cases last summer, and despite a fine effort by my clerks they simply did not have enough time to undertake all of these studies. Or, putting it differently, the purpose of the cert pool is to economize on the clerks' time. This seems important to me in the summer as well as for the remainder of the year.

I do recall Byron's thought that it was not a bad idea to give the incoming clerks an intensive experience in writing cert notes. This is, of course, a fairly arguable view. I simply find it substantially outweighed by the considerations mentioned above. By the time the Term starts, the clerks will be pretty well indoctrinated

in the mysteries of writing cert memoranda in any event.

My own clerks unanimously favor continuing the pool operations throughout the summer, based on their own experience.

Sincerely,

LFP/gg

P.S. Harry's note has just come in. Although I remain of the opinion above expressed, I will of course go along with the majority view.

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

mm mm
✓

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 11, 1974

Dear Chief:

Re: Cert Pool

I am, of course, in favor of continuing the Cert Pool. I think that generally it has worked well.

I feel, however, that there is some merit in going "off" the Pool for three or four weeks during the summer. This enables the new clerks to get a heavy dose of certiorari applications and jurisdictional statements, something they do not have when they have only a one-fifth share. It gives them a feel for the business of the Court and, I think, makes them more appreciative and more selective when they pick up the Pool work.

I believe that a number of the old clerks are staying on longer this year because of the Jaworski litigation. So long as there is a fair number of old clerks here, there is no point in going off the Pool. I would prefer, however, to have my new clerks to be on their own for three or four weeks during the summer.

Sincerely,

H. A. B.

The Chief Justice

cc: Mr. Justice White
Mr. Justice Powell
Mr. Justice Rehnquist

*Jack -
What do
you & your
colleagues
think?*

July 1, 1974

National Center for State Courts

Dear Chief:

You will recall the discussion, at the Breakfast on Friday morning, of the need for additional funds to construct the Center at Williamsburg.

It occurs to me that one possible source would be through David Peck. You may recall that Dave, almost single-handedly was responsible for raising the first \$500,000 for the ABA Criminal Justice Project. Whit Seymour and I were in Ed Lombard's office in New York wondering how we could raise money, and Ed called Dave on the telephone and outlined our project and the need. Dave said he would be glad to see what he could do, especially with the Astor and Avalon foundations - on the Board of one of which Dave served. I think he is counsel for the other.

In any event, in a relatively short period of time we had \$250,000 from each of these foundations. Whit and I did join Dave in a meeting with the Director of the Astor Foundation and Mrs. Astor. Dave, however, was the controlling figure.

It occurs to me that it might be worthwhile for you to get in touch with Ed Lombard and determine his possible willingness to discuss this with Dave Peck. If Dave shows interest, I am sure that Al Murrah, Paul Reardon and others would be happy to meet with Dave in New York and brief him.

If you called Ed, this would put the weight of your great prestige behind the inquiry.

Changing the subject, I greatly admired your performance at the Fourth Circuit Conference last week. On each occasion when you spoke, it seemed to me that you said the right thing and said it very well indeed. It was obvious that the Judges and lawyers in attendance greatly appreciated your presence and participation.

Sincerely,

The Chief Justice

LFP/gg

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

CHAMBERS OF
THE CHIEF JUSTICE

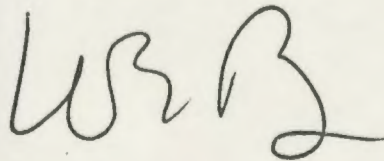
July 10, 1974

MEMORANDUM TO THE ASSOCIATE
AND RETIRED JUSTICES:

This will amend and supplement my memo of earlier today:

- (1) The services at the National Cathedral will be at one o'clock. Attached is press release with fuller details.
- (2) Tomorrow morning, all honorary pallbearers are invited to assemble in the East Conference Room at 9:30 a.m. Coffee will be available.
- (3) On Friday morning we will assemble, together with the former justices and wives, in the Conference Room adjacent to my office at 12 noon prior to departing the Court at 12:20 for the National Cathedral.

Regards,



Enclosure

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

Press Release
Immediate use

July 10 1974

Funeral for Chief Justice Warren

Following are the arrangements for the funeral of Chief Justice Warren.

There will be public visiting from 7 to 9 p.m. today at the Gawler Funeral Home, Wisconsin and Harrison Avenues N.W., Washington, D.C.

WARREN

Chief Justice will be brought to the Supreme Court arriving there at 9:45 a.m. tomorrow, July 11. Eight pallbearers of the Supreme Court security force will transfer the casket from the hearse at curbside on First Street up the front steps of the building into the main hall on the First Floor. The body will lie in repose at the crossing of the building just before the doors of the Courtroom.

(Photographers will be permitted to work from an area on the plaza in front of the building and also from an area in the crossing on the first floor.) (PAST AND PRESENT)

The members of the Supreme Court, as honorary pallbearers, will receive the casket before the entranceway of the Courtroom.

Two officers of the Supreme Court security staff will take positions beside the casket as honor guards.

The general public will be admitted to the first floor of the Court to file past the casket during the course of the day.

A black-draped chair used by the Chief Justice during his sixteen years as a member of the Supreme Court will stand behind the casket.

The casket will leave the Court at 12:20 p.m. Friday, July 12. Eight pallbearers of the Court security staff will carry the casket to the hearse on First St. opposite the front entrance of the Court Building. A cortege of family members and members of the Court will follow the hearse to the National Cathedral for a one-hour memorial service at 1 p.m.

Burial will be in Arlington Cemetery at 3 p.m. military honors ~~will be~~ / ~~accorded.~~

Almighty and Everlasting God in whose order stars are settled in their places and planets keep their appointed rounds, and by whose grace men do fashion their laws after Thine eternal ones, Grant that we may know Thy blessing. Especially do we thank Thee for the life and leadership of Thy servant, Earl, through whose quiet strength and unfailing honor we have been enlarged, and our nation rooted ever more firmly in Thy truth. Through him have we been given wider justice and a fairer share of the heritage to which all are heir in this land.

Ever concerned to guard the evenness of legal benefit to great and weak alike, he only sought to insure that our Constitution might more clearly trace Thy mercy and love to all men equally. For this we praise Thee O Lord, even as we rejoice in the courage and companionship of Thy servant, our brother Earl. May Thy blessing continue to sustain him now and evermore.

Amen.

The Very Rev. Francis B. Sayre Jr.
Dean of Washington Cathedral
Upon the occasion of the
Tribute to Chief Justice Earl Warren
Lincoln Memorial
Sunday, 29 June 1969

+

The Funeral of
The Honorable Earl Warren

1891 - 1974

in

Washington Cathedral

12 July 1974

at one o'clock

+

All stand for the procession

"Thou knowest, Lord"

Henry Purcell

Opening Sentences (*remain standing*)

Psalm 91 (*seated*)

Choir Hymn

"Nearer my God, to Thee"

Address

St. Francis' Prayer

M. Searle Wright

The Beatitudes

Organ Meditation

"Onward Christian Soldiers"
"Lead Kindly Light"

Address

The Prayers

for the departed
for those who mourn
for our country

The Lord's Prayer (*said by all*)

"The Battle Hymn of the Republic"

the Choir

The Benedictions (*all standing*)

Bishop Walker
Rabbi Fine
Archbishop Hannan

Organ Recessional

"A Mighty Fortress"

*All remain quietly standing in their
places until the family have left the
cathedral.*

The Most Reverend Philip M. Hannan
Roman Catholic Archbishop of New Orleans
Address

The Right Reverend John T. Walker
Suffragan Bishop, Episcopal Diocese of Washington
Prayers

The Reverend Canon C. Leslie Glenn
Sub-Dean of Washington Cathedral
Opening sentences and lesson

Rabbi Alvin Fine
Professor of Humanities, San Francisco State University
Lesson and address

The Reverend Canon Jeffrey Cave
Precentor, Washington Cathedral

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

CHAMBERS OF
JUSTICE POTTER STEWART

July 24, 1974

Re: Close of Term

Dear Chief,

I have no objection to the procedure
proposed in your memorandum of today.

Sincerely yours,

P.S.
/

The Chief Justice

Copies to the Conference

Dear Chief,

I agree to the procedure
you suggested for concluding
this Term.

We should consider most
seriously, with respect to
future Terms, remaining
in Term for the full
year. We could ^{continue to} adjourn
whenever ~~the~~ ^{we} have concluded the
argued cases. Sincerely,

Miss
over

July 24, 1974

Close of Term

Dear Chief:

I agree to the procedure you suggested for concluding this Term.

We should consider most seriously, with respect to future Terms, remaining in Term for the full year. We could continue to adjourn whenever we have concluded the argued cases.

Sincerely,

The Chief Justice

CC: The Conference

July 25, 1974

Dear Warren:

I want to say again, a little more formally, how proud I was of you on yesterday.

*

Your oral delivery of the Court's opinion was masterful in every respect. It was fun to watch the audience. You raised and lowered their spirits a half a dozen times (almost like a yo-yo) as you appeared to be leaning first one way and then the other.

Quite apart from audience reaction, all of your colleagues were proud of you and of the Court. In many respects, it was a sad day for our Nation but at least the Court acquitted itself with dignity and I hope with justice.

I know the past few weeks have been exceptionally trying and demanding for you. You have borne up well and bravely, and held the Court together. I do hope now that you and Vera can simply get away and do absolutely nothing for a week or ten days. You deserve it.

Sincerely,

The Chief Justice

* U. S. v. NIXON

JLH

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

CHAMBERS OF
THE CHIEF JUSTICE

July 30, 1974

PERSONAL

Dear Lewis:

When your warm note arrived, I had just "penned" a note to you to express appreciation for your patience and forbearance in our travail that began May 24 when Jaworski's cert petition was filed. That meant the beginning of two months of effort for all of us that will not soon be forgotten.

It was good that on the underlying issue we were of one mind from the outset and had we been in the middle of the Term, with each of us absorbed in a host of routine tasks, things might have been easier. But a cluster of Justices for the moment under no pressure save this one case is not the greatest state of affairs! It recalls to my mind a speech in St. Paul in 1931-32 by Crown Prince Gustav Adolph of Sweden who, in describing a hunting trip in Africa, said "I tell you, a wounded goreela iss notting to monkey vit." Just what that has to do with Presidential Privilege, I'm not prepared to say.

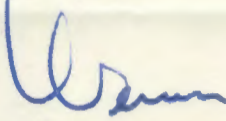
From the outset I felt most of us wanted a narrow opinion, low key and with a minimum of adjectival rhetoric. I think we came close to accomplishing all these objectives. I am not only pleased but almost astonished that we have articulated a firm constitutional basis for confidentiality of communications which will now in reality be shared in common by Presidents, Congressmen and Judges - within their assigned spheres.

It was not easy for any of us to superimpose this case on a heavy Term and I keep dreaming of a year like Earl Warren's first in 1953 when the Court had, as I recall, 65 full signed opinions.

Vera and I are now thinking of going somewhere quiet in Europe for a couple of weeks, but I have literally two months accumulation of "housekeeping" that had to be laid aside. I know why my law clerk's were correct when they scored 41 consecutive days worked to July 24! Of course you and I had that "quiet interlude" at the Fourth Circuit where we worked only half days on "the case".

I hope you catch up on your rest and that you and Jo will be fully mended by October.

Sincerely,



Honorable Lewis F. Powell
1238 Rothesay Road
Richmond, Virginia 23221

P.S. I really was prepared to stay until Labor Day to get the job done!

SEP 1 1974

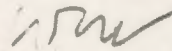
CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

August 30, 1974

Dear Chief:

I see from Frank Hepler's letter of August 8th that the Court's budget submissions to OMB are due in October. I have been dismayed during the past year or so by the inadequacy of the Court's xerox equipment, and the frequency with which the various machines seem to be out of commission. I don't think one small sized copying machine for each chambers would be an over supply, but if we can't have that many I at least think we should have several more than we presently do.

Sincerely,



The Chief Justice

cc: The Conference

memo

September 4, 1974

Dear Chief:

I warmly subscribe to Bill Rehnquist's suggestion that we request funds for several additional xerox machines.

I agree with Bill that, in view of the volume of copying work required, valuable time would be saved if each chambers had a small xerox machine.

Sincerely,

The Chief Justice

lfp/ss

September 11, 1974

Law Clerks

Dear Chief:

In accord with our recent telephone conversation (following advice from the Marshal that funds are available for a fourth law clerk for my chambers for the 1974 Term), I have now engaged a fourth clerk who is scheduled to report on Monday, September 23.

I have spoken to Byron and Harry (who presented our budget request to the Subcommittees of the House and the Senate), and they confirm that there is no doubt that this additional position was requested and brought to the attention of the Subcommittees. They both also think it unlikely that any question will be raised in the future as to the continuation of this additional position. Accordingly, I will also recruit four clerks for the 1975 Term.

As I indicated to the Conference when we were discussing our needs, I consider the "fourth clerk" an experiment just as you and Byron do with respect to your "experienced" clerk. I have no doubt as to the desirability of greater depth of professional assistance. My only uncertainty, so far as my chambers are concerned, is whether this is more likely to be achieved successfully by retaining an "experienced" clerk, by a fourth clerk for the customary one year term, or perhaps by some "staff clerk" concept such as that now widely employed among the Courts of Appeals.

Sincerely,

The Chief Justice

lfp/ss

cc: Mr. Justice White
Mr. Justice Blackmun

bc: Mr. Justice Stewart

For your information.
L.F.P., Jr.

October 2, 1974

Dear Chief:

Please put the following case on the discuss list
for the October 7 Conference:

No. 73-1922 First Presbyterian v. Lowe - p. 24.

Sincerely,

The Chief Justice

lfp/ss

October 23, 1974

Dear Chief:

I am quite in accord with the suggestion in your Memorandum of October 18th that we have our opening Conference next Fall during the week prior to October 6.

Sincerely,

The Chief Justice

CC: The Conference

LFP/gg

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

mem
mcc

CHAMBERS OF
THE CHIEF JUSTICE

November 1, 1974

MEMORANDUM TO THE CONFERENCE:

The best available date for the Annual
Christmas Party given by the Justices for the
Employees appears to be Monday, December 23.
December 12 and 19 are both days preceding a
Friday Conference. No other days appear feasible.

Regards,

(6215)

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

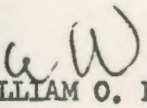
CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

November 1, 1974

Dear Chief:

The Christmas parties at Court have been getting so good I thought this year we might have three. One on December 12 could be initiatory and quiet. The one on December 19 could pick up momentum and the one December 23 could really explode!

This would consume much more energy.
But with so little to do our problem is to
get rid of the excess in a constructive
way.


WILLIAM O. DOUGLAS

The Chief Justice

cc: The Conference

November 1, 1974

Dear Chief:

As Jo and I have a longstanding engagement in Richmond for Monday evening, December 23, I am afraid it will not be possible for us to attend the Christmas party on that afternoon.

Indeed, I plan to leave for Richmond shortly after our morning session on that day.

I recognize your scheduling problem and do not suggest that you seek another date. I merely wanted you to know of our previous commitment.

Sincerely,

The Chief Justice

cc: The Conference

lfp/ss

11/1/74

Draft of letter of Chief to
send to Mr. Dabney

Mr. Virginius Dabney
Chairman
U.S. Bicentennial Society
Dept. N., First & Main Streets
Richmond, Virginia 23219

Dear Mr. Dabney:

Justice Powell has briefed me on his conversation with you concerning the U.S. Bicentennial Society.

I must say that I misunderstood the nature and purpose of the Society. When I responded to the request to write a brief commentary on Chief Justice Marshall, I was under the impression that the Society was affiliated in some way with the national commemoration of the Bicentennial, a commemoration in which each of the states is participating. I did not know that the Society is a private, profit undertaking and that my name would be used in a way which might be construed as an endorsement of the project.

As I do not think it appropriate to lend my name to any private venture, however worthy it may be, I would appreciate your taking such action as may be necessary to remove my name from future advertisements and future association with the products being offered to the public by the Society. I understand that the book of American Revolutionary Patriots, in which my commentary was to appear, has not gone to press and accordingly I would be grateful if you would omit my brief article from the book.

I regret the misunderstanding and hope that this causes you and your associates no serious inconvenience. I also trust that you will understand my conviction that the name of the Chief Justice of the United States should not be associated with a profit-making enterprise even when it is educational and has distinguished sponsorship.

Sincerely,

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

CHAMBERS OF
THE CHIEF JUSTICE

November 4, 1974

Dear Mr. Dabney:

Justice Powell has briefed me on his conversation with you concerning the U.S. Bicentennial Society.

I must say that I misunderstood the nature and purpose of the Society. When I responded to the request to write a brief commentary on Chief Justice Marshall, I was under the impression that the Society was affiliated in some way with the official national commemoration of the Bicentennial, a commemoration in which each of the states is participating. I did not know that the Society is a private, profit undertaking and that my name would be used in a way which might be construed as an endorsement of the project.

Since it is inappropriate for me to lend my name to any private venture, however worthy it may be, I would appreciate your taking such action as may be necessary to remove my name from future advertisements and future association with the products being offered to the public by the Society. I understand that the book of American Revolutionary Patriots, in which my commentary was to appear, has not gone to press and accordingly I would be grateful if you would omit my brief article from the book.

I regret the misunderstanding and hope that this causes you and your associates no serious inconvenience. I also trust that you will understand my conviction that the office of the Chief Justice of the United States should not be associated with a profit-making enterprise even when it is an educational project and has distinguished sponsorship.

Cordially,

Mr. Virginius Dabney
Chairman
U.S. Bicentennial Society
Dept. N., First & Main Streets
Richmond, Virginia 23219

bc: Mr. Justice Powell ✓
Mr. Cannon

miss memo

November 5, 1974

Dear Chief:

I agree that our Police Force should have the same retirement benefits as the Metropolitan Police and Executive Protection Service.

I was surprised to learn they do not have them already.

Sincerely,

The Chief Justice

lfp/ss

cc: The Conference

huc
mem

November 12, 1974

Appointment of Counsel for Indigents

Dear Chief:

Orison Marden has written me that one of his younger partners in the Washington office of White & Case would like to be considered for appointment to represent indigents.

His name and address are as follows:

Charles N. Brower, Esquire
White & Case
1747 Pennsylvania Avenue, N.W.
Washington, D. C. 20006

Mr. Brower graduated from Harvard in 1962; served as Deputy Legal Adviser in the State Department, and is now back in the litigation section of White & Case.

Sincerely,

The Chief Justice

lfp/ss

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

CHAMBERS OF
THE CHIEF JUSTICE

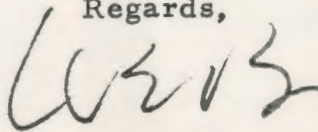
November 18, 1974

MEMORANDUM TO THE CONFERENCE

Subject: Supreme Court Rules

In view of the concern that has been expressed over the adequacy of the Court's rules, it may be desirable at some point during the term to appoint a committee to consider appropriate revisions. Meanwhile, I suggest that any of us who have thoughts on the matter communicate their views to the legal officers, with a memorandum copy to the Conference so that we might all be kept informed. This would provide the Court with a central repository for all complaints, ideas etc. and would permit the legal officers to do some advance work with a view to preparing an agenda for or otherwise assisting a revision committee.

Regards,



W. E. B.

cc: The Clerk
Legal Officers

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

Miss Meyer

CHAMBERS OF
THE CHIEF JUSTICE

November 20, 1974

MEMORANDUM TO MR. JUSTICE BLACKMUN:

Confirming our telephone conversation, these are my votes for
Conference on the argued cases:

73-1231)	<u>Linden Lumber Division, Summer & Co. v. NLRB</u>	- Reverse
73-1234)	<u>NLRB v. Truck Drivers Union Local No. 413</u>	
73-765 -	<u>International Ladies' Garment Workers Union</u> <u>v. Quality Mfg. Co.</u>	- Reverse or Vacate & remand to NLRB (tentative)
73-1363 -	<u>NLRB v. J. Weingarten, Inc.</u>	- Reverse
73-1121 -	<u>North Georgia Finishing, Inc. v. Di-Chem, Inc.</u>	- Affirm
73-1123 -	<u>U.S. v. Feola</u>	- Affirm

Regards,

LSJ

Copies to the Conference

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

Misc
memos

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

November 20, 1974

Dear Chief:

During our Conference on November 20th after you left we voted on four cases.

In 73-1231 and 73-1234 we voted to reverse. You were reported as voting to reverse so that made it 6 to 3 to reverse. Potter, Byron, and Thurgood voted to affirm in each of those cases.

In 73-765 we reversed. You were noted as reversing, Potter and Lewis voted to affirm.

The same vote went for 73-163 as was taken in 73-765.

In 73-1121 we voted to reverse, with you being recorded as voting to affirm. All but you, Harry, and Bill Rehnquist voted to reverse.

In order to get along with the Conference list I took the liberty of assigning that Georgia case to Byron to write.

We didn't take up 73-1123, the Feola case because some were not ready.

wcd

William O. Douglas

The Chief Justice

cc: The Conference

December 18, 1974

Dear Chief:

I will not wish any tickets to the induction ceremony
of Governor Rockefeller.

Sincerely,

The Chief Justice

lfp/ss

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

CHAMBERS OF
THE CHIEF JUSTICE

December 19, 1974

BULLETIN - 11:42 a.m.

MEMORANDUM TO THE CONFERENCE:

Arrangements for Governor Rockefeller's "induction" are necessarily somewhat chaotic simply because there are many problems about installing TV equipment and lines into the Senate Chamber where they have never been used before and because necessarily the hour to which the House will have acted on the nomination is not predictable.

I have been requested to administer the oath to the new Vice President and I am advised that tickets are being printed today and that there will be a sufficient number of Gallery seats for the Justices.

Some of the difficulties encountered are indicated by the fact that only the leadership of the House (eight members) will be seated and all the rest of the House members will be admitted on a standing room basis only. The Cabinet and a very limited number of the Diplomatic Corps will also be in the Gallery. (I am not aware of what historic or protocol factors entered into the decision to have the ceremony in the Senate rather than the House where there is much more space available, but under the separation of powers doctrine they do not consult Justices of the Supreme Court about such practical matters! I suspect that since Rockefeller was never a Member of the House and will be President of the Senate, this leads Senators to assert their prerogatives.)

Only ten (10) "extra" Gallery seats will be available for Justices and I would appreciate it if you would advise me whether you wish to have a ticket and, additionally, whether, if a ticket becomes available for your spouse, you would wish to have it.

The only sounding I have as to the time of this event is that it will occur sometime after three and up to eight or nine in the evening, which is hardly very precise. We are informed that the House convened at ten o'clock this morning

- 2 -

and that the time for debate has been reduced from eight hours to six hours. If the House members insist on talking all of that time, the ceremony could not possibly take place until after five o'clock. The ceremony is set for one hour following the vote.

If anyone has any complaints on how this matter is being handled, I suggest they take it up with Messrs. Mansfield and Albert!

Regards,

WE B

December 27, 1974

Dear Warren,

The wild rice, which you and Vera so thoughtfully provided, was a welcome addition to our Christmas dinner.

Lewis III managed to bag a pair of geese, and the combination of turkey, goose and wild rice was something quite special for us.

I returned from Richmond late Christmas afternoon, leaving Jo in Richmond for a few days.

We have a Smithfield ham for you and Vera which I was directed to deliver, but now I have forgotten it two straight mornings.

As my third year on the Court comes to an end, I look back with especial gratitude and appreciation for the warmth and generosity of your friendship and guidance. Vera, typically thoughtful, has made life in Washington much more enjoyable for Jo.

I know Jo would join in sending you both affectionate best wishes for 1975.

As ever,

Hon. Warren E. Burger

lfp/ss

Conveyance
member of
win

miss memo

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

CHAMBERS OF
THE CHIEF JUSTICE

December 30, 1974

MEMORANDUM TO THE CONFERENCE:

The Congressional Directory is presently being revised for the new Congress. We have been asked if we wish to change our personal listings.

I am deleting my address from the new directory. Could you advise my office of your own wishes?

So far as I am concerned no other changes need be entertained at present.

Regards,

WRB