

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

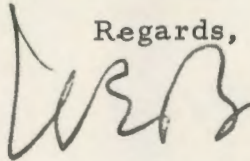
CHAMBERS OF
THE CHIEF JUSTICE

January 9, 1976

MEMORANDUM TO THE CONFERENCE:

I now find my commitment at Williamsburg for the Virginia Bar Association is Saturday evening, January 17. I will defer my departure until afternoon and suggest that our Conference on the death cases be scheduled for 9:30 a.m. (or as soon thereafter as a Court can be assembled.)

Regards,



Jul

CWI - June 12

Jim Short
Peter Brown
Duncan Cooke

Howard's suggestion

Herbert Wechsler

Legal
Historians

Robt. Rutland
(Legal Historian)

Editing Madison Papers
Mass

Alpheus Mason
Princeton

Alfred Kelly
Wayne State

Bice Rights not drafted by lawyer (Mass)

Audience - about 100

jurist / lawyers / professors
state political figures

CW will host for
dinner & night

cg
January 23, 1975

Dear Chief:

At the invitation of Paul Reardon, I had lunch at the Judicial Center on yesterday with Paul and his Committee on the Center for State Courts.

Chief Justice "Red" I'Anson of the Supreme Court of Virginia was present. He spoke enthusiastically about your address in Williamsburg Saturday evening, and said that both your speech and presence gave support and impetus for "the cause".

With all that you have on you, I know that making this trip was quite a burden.

Sincerely,

The Chief Justice

lfp/ss

January 30, 1976

Dear Chief:

I will be in Williamsburg, with Jo, until next Wednesday.

There will be a commemorative ceremony in the Capitol Saturday afternoon, in which the President, Governor and Members of the Virginia General Assembly participate. As Chairman of the Board of Trustees of Colonial Williamsburg, I will have a small part in the ceremony.

We will remain in Williamsburg, and can be reached through the Williamsburg Inn, through Tuesday.

Sincerely,

The Chief Justice

LFP/gg

February 5, 1976

Dear Chief:

Here is a copy of the talk that I made to the Virginia Historical Society, in which you are included as a member of the Court from Virginia - proudly.

I do hope you and Vera had a few days of genuine rest and change in Williamsburg.

Sincerely,

The Chief Justice

lfp/ss
Enc.

c/9
February 10, 1976

O.T. 76 Calendar

Dear Chief:

The proposed calendar looks good to me, except for the Conference suggested for Friday, November 26 - the day after Thanksgiving.

I concur in the suggestion that we schedule that Conference for Wednesday, November 24.

Sincerely,

The Chief Justice

lfp/ss

cc: The Conference

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

29
my file

CHAMBERS OF
THE CHIEF JUSTICE

February 18, 1976

MEMORANDUM TO THE CONFERENCE:

With the exception of three days out of the past two and one-half weeks I have been laid up with a debilitating brand of viral flu. I am not certain whether I will be present at the Conference on Friday. If not, I will ask Bill Brennan to carry on and leave my votes. Although the total conference list is very long, the discuss list is moderate for the span of time involved. I will keep you posted.

Regards,

WEB

c/8

February 18, 1976

Dear Chief:

I had not realized, until your note came yesterday, that your case of the flu was so protracted. This morning I saw Schafer (who had just returned from your residence), and he informed me that you have been quite ill. He also conveyed the bad news that Vera now has the flu.

Bill Rehnquist, with whom I have just talked, joins me in urging you - and perhaps Vera also - to consider seriously going to a hospital. The constant care and attention, that would be made available to you surely is more likely to expedite your recovery than care available at home.

Bill and I would be happy to come out and assist in the move, or otherwise.

I am sure that your clerks and Mary are keeping you supplied with reading material. I am not equally sure that it is advisable for you to try to keep abreast, rather than simply forgetting about the work here - as we all have to do occasionally - until you have regained your strength. In any event, if we can be helpful do not hesitate to call.

You will be particularly missed on Friday. My best to you both.

As ever,

The Chief Justice

lfp/ss

cc: Mr. Justice Rehnquist

March 15, 1976

Dear Chief:

I enclose a copy of a letter from my former partner, Eppa Hunton, IV, in which he describes the availability of a portrait of Justice John Pendleton Barbour at a price of \$16,000.

The Virginia Historical Society, originally interested in acquiring the portrait, concluded that the price was too high.

In light of recent discussions as to portraits of former Justices, I thought you would like to have Eppa Hunton's letter and the accompanying correspondence for your file. Also, I am sending copies to Elizabeth Gossett in her capacity as President of the Supreme Court Historical Society.

Sincerely,

The Chief Justice

lfp/ss

cc: Mrs. Elizabeth Gossett
Mrs. Cathe Shefos
Eppa Hunton, IV, Esquire

c9
March 18, 1976

Dear Chief:

Please add the following case to the Discuss List
for the March 19 Conference:

No. 75-865 TERRIBERRY v. UNITED STATES

Sincerely,

The Chief Justice

LFP/gg

March 18, 1976

An Additional "Court Car"

Dear Chief:

I write to suggest that we request, by a supplement to our budget request if necessary, an additional car for general use by Justices and other personnel here at the Court.

With one of our Court cars committed to one Justice, this leaves a limousine and a panel truck available for all other demands. Although each of us usually is able to use our own cars, there are many occasions when a Court car and driver are needed and are unavailable. I am prompted to write today, for example, because I have an engagement at Bethesda and no transportation is available. I had an identical experience during my annual physical examination just about a month ago.

It is little short of unbelievable that the Supreme Court of the United States should be so undersupplied with transportation. As I have commented previously, the School Board of the City of Richmond - with fewer users - had a larger "car pool" for official use, including a car for the Chairman - than we have here.

I am not suggesting a need for a Cadillac or an Imperial. I would be quite happy to settle for a basic Chevrolet, Ford or Plymouth. Indeed, my exasperation has reached the point where - if Congress is that penurious - I'd settle for almost anything larger than a motorcycle.

Sincerely,

The Chief Justice

lfp/ss

c9

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

March 18, 1976

Reservation of Seats in the Courtroom

Dear Chief:

From time to time I receive, as we all do, requests from friends for seats in the Courtroom. When we have cases of general public interest (e.g., abortion cases next week, capital cases the following week) requests tend to escalate. Normally, they are not too frequent.

My understanding is that the only seats that Justices presently have authority to reserve are the three allotted to each of us in the "box". On occasions these are inadequate to accommodate what seems to me to be fairly legitimate expectations, especially of friends who may plan a trip to Washington to hear all or part of an argument.

It would seem appropriate to me (absent some reason not apparent) to allocate a designated number of general seats to each Justice. I am not thinking of large numbers. Perhaps an additional four or five seats would suffice. The allocation system could work as follows: It would be the responsibility of each Justice (his Chambers) to notify the Marshal in writing, not less than 24 hours before the argument session, if the seats are to be used by the Justices, and if so for what period of time. Absent such a specific, prior notification, the seats would be available for utilization in the normal manner.

I may add that personnel in Chambers of the Justices (if my Chambers are typical) also are quite uncertain as to their right to be seated in the Courtroom. The clerks have the alcoves, but there are no "ground rules" of which I am aware as to their spouses or the occasional visiting friend or faculty member. My secretaries also are advised by the Marshal's office that they have no special privilege to be seated during an argument.

The important thing is to have fair and reasonable ground rules that everyone understands.

Sincerely,

lfp/ss

Lewis

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

CHAMBERS OF
THE CHIEF JUSTICE

March 18, 1976

Dear Lewis:

We have a Barbour portrait, although not a very good one. However, \$16,000 is far too steep for any portrait of any Justice, living or dead. We paid \$5,500 for Earl Warren's, and the Historical Society will probably limit its acquisition to something less.

Regards,

WJB

Mr. Justice Powell

March 19, 1976

Office Space

Dear Chief:

Thank you for affording us an opportunity to look at the new rooms in "Suite 39". I have taken a look, and they are indeed quite attractive. But I believe all of the rooms, with the possible exception of one, are a bit too large even for two law clerks.

For the time being at least, I will stand pat with the space previously made available to me. In addition to my Chambers, I inherited Justice Black's upstairs space (248 and 248A) and a ground floor storage room for files.

As the space available for clerks in my Chambers is quite cramped, two of my clerks regularly work upstairs in 248 and 248A. Both of these rooms need refurbishing. Specifically, they need painting, probably recarpeting, certain additional furniture, and - most of all - better lighting. If we could have the Marshal's office spend a little time and money on them during the summer (when I am in Richmond), I will be well cared for at this time.

During my military service, I learned that an "unbending rule" in the service is never decline anything offered by a higher command, whether it be additional personnel, equipment or supplies. Accordingly, I am going against my natural instinct in not accepting your offer of one of the new rooms. But if my present space is made more attractive and usable, I think I can manage for quite a while.

Many thanks.

Sincerely,

The Chief Justice

lfp/ss

CROSSWORD PUZZLE

Edited by WILL WENG

ACROSS

- 1 Metal beam
5 "The Wreck of
The Mary —"
10 Contend with
14 Between theta
and kappa
15 Writer Horatio
16 Eye: Prefix
17 Famous group
of ten
20 State: Abbr.
21 Movies' Ma
Kettle
22 Discontinue
23 Droops
24 Ribbon: Prefix
26 Eucharistic
plates
29 Envoys
32 Resembling:
Suffix
33 Writer Lafcadio
34 Mil. address
36 Landmark case
40 Cast — vote
(oppose)
41 Stem joints
42 Parched
43 Speak in a way
45 Fortune or bank
47 Island 'off

Sumatra

- 48 Sarazen
49 Demean
52 Salvation or
Coxey's
53 Scarf
56 One of nine
60 Diamond shape
61 Of a space
62 Genesis name
63 — Coburg
64 Discernment
65 Lily of West

DOWN

- 1 Broz
2 Physicist Niels
3 Suit to —
4 Mortar beater
5 Fish of P.I.
6 Havelock —
7 Literary struggle
8 Arbiter
9 Sin
10 Convincing
11 Turkish weight
12 Calls' cousins
13 Or —
18 "— old cow
hand..."
19 — snow
23 Balkan native
24 Mets and Nets

- 25 Taj Mahal
locale
26 Cougar
27 Page and King
28 Mystic card
29 Crowbar
30 Studio piece
31 Germ cell
33 Jekyll's alter
ego et al.
35 Exceptional
person
37 Loosens
38 Church court
39 — of Wight
44 Hesitant
45 — of Artemis
46 Greek war
goddess
48 Dane or Divide
49 Elec. units
50 Town near L.A.
51 Trojan-War
figure
52 Honor cards
53 Rebozo
54 Cassini
55 Brisk, in music:
Abbr.
57 Swap for tit
58 Gershwin
59 "There — an
old..."

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3/20/76

Lewis,
they have their eye on you!
BYRON

N.Y. TIMES

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

March 23, 1976

Dear Chief:

In the matter of the instructions to the Marshal regarding reservations of seats in the Courtroom, may I suggest deletion of the last sentence in the second full paragraph? My Secretary has always handled the details of reservations for those persons whom I first approve. I should like to continue that practice.

Sincerely,



The Chief Justice

cc: The Conference

RECEIVED
MAR 29 3 57 PM '76

March 29, 1976

CHAMBERS OF THE
CHIEF JUSTICE

MEMORANDUM FOR THE CHIEF JUSTICE

Subject: Argument calendar for April

You asked me to look into the problem Mike Rodak discussed with you prior to "orders" Friday concerning the April argument calendar.

The attached proposed April argument schedule provides 12 hours of argument for the week of April 19 and 12 1/2 hours for the week of April 26. (Mike is attempting to persuade the SG to file a motion to consolidate the two border search cases, No. 74-1560 and No. 75-5387, for 1 1/2 hours of argument which would reduce total argument time the second week to 12 hours.) This obviously is a very tight calendar. (It does not, for example, allow for time taken up by opinions.) As proposed, the schedule will clear the docket of all cases granted through November. Three December cases, however, which are now ready for argument will have to be carried over:

- (1) 74-1263, Brewer, warden v. Williams.
Certiorari to CA 8 on a Miranda rights question.
- (2) 74-6438, Scott v. Kentucky Parole Board.
Certiorari to CA 6 on question of whether the Due Process Clause applies to parole determinations.
- (3) 75-616, Village of Arlington Heights v. Metro Housing Development Corp. Certiorari to CA 7 on the constitutionality of the refusal to rezone in order to permit construction of low and moderate housing.

Six other cases granted in January will be ready for argument by mid-April:

- (1) 75-552) Kleppe v. Sierra Club
)
75-561) Am. Electric Power System v.
Sierra Club

These consolidated cases raise the question of whether NEPA requires the preparation of "a comprehensive programmatic regional environmental impact statement" with respect to federal approval of strip-mining operations in the Eastern Powder River Basin.

- (2) 75-567, Oregon v. Corvallis Sand & Gravel Co.
75-577, Corvallis Sand & Gravel Co. v. Oregon

These consolidated cases involve the application of Bonelli Cattle Co. v. Arizona to a navigable river in Oregon that has changed its course.

- (3) 75-628, Craig v. Boren, Gov'r.

This is an appeal from a three-judge court decision upholding a Oklahoma statute which permits women to purchase beer at age 18, but requires that men wait until age 21. (There could be a mootness problem if this case is held over since one of the petitioners, a male under 21, will be 21 by next term. The other petitioner, a retailer who wishes to sell beer to males under 18, probably saves the case, if there is no problem in her standing to contest the statute. (None has been raised.) The case is not a class action.)

- (4) 75-679, I.R.S. v. Fruehauf

This case presents the question of whether letter rulings and technical advice memoranda are exempt from FOIA disclosure under exemption 3.

With the possible exception of the Sierra Club cases which are discussed below, none of these cases appear to be of such critical importance as to necessitate argument this term. As for statistics, although the Court "cleared" its docket last term of all cases ready to be argued, the Court this term will hear as many cases as it has

in the past:

1975 Term as presently proposed: 178

1974 Term	175
1973 Term	170
1972 Term	177

The immediate problem boils down to a choice as to whether argument should be heard this term in 75-104, United Jewish Organizations of Williamsburgh v. Carey, which was granted in November or Sierra Club cases. Everything else being equal, the earlier case would take precedence.

However, the parties in Sierra Club make a strong argument that their cases should be decided this term. At stake is the beginning of strip-mining operations in four locations within the Eastern Powder River Basin, a federal reserve. Development has been delayed since January 1975 when CA D.C. enjoined the Secretary of the Interior from taking any action to approve the mining plans and railroad rights-of-way for these four projects. The issue is whether or not a regional or programmatic EIS is required under NEPA. Upon granting cert, the Court stayed the CA injunction and the Secretary has approved the mining plans. However, the SG points out that the private companies involved are reluctant to commit the substantial investment necessary to carry out the plans until the cases are finally resolved. The SG also notes that the ICC is withholding action on proposals for necessary railroad lines. Finally, the SG points out the national importance of these cases and that "[t]he Court's decision will be of substantial importance to the Nation's overall energy resources development program.

No. 75-104, Carey, involves a New York state redistricting plan which was specifically drawn to create districts with at least a 65% black majority. The whites--led by the Hasidic community--complained, but CA 2 concluded that redistricting done solely on the basis of race is not unconstitutional. No stay has been granted of the CA 2 mandate and it appears that the redistricting plan is now in effect. According to Mike, counsel for petitioners was not himself bothered by the prospect of the case being carried over to next term, but his clients want the case decided this term.

On balance, it seems clear that the Sierra Club cases are the more important and should be decided this term. They are of national importance and their resolution would have an immediate effect. Resolution of Carey on the other hand will have only a

CHAMBERS OF
JUSTICE POTTER STEWART

March 29, 1976

Re: Argument Calendar for April

Dear Chief,

I agree with Jim Ginty's recommendation that Nos. 55-552 and 75-561 (the Sierra Club cases) be substituted for No. 75-104 (Carey) on the April argument list.

Sincerely yours,

P.S.
1.

The Chief Justice

Copies to the Conference

I agree that Sierra Club should be heard this Term. I'm content to leave selection of the remainder of our docket to you and Mike.

I would not extend argument beyond Wednesday, April 28th

March 30, 1976

Dear Chief:

I agree that Sierra Club should be heard this Term. I'm content to leave selection of the remainder of our docket to you and Mike.

I would not extend argument beyond Wednesday, April 28.

Sincerely,

The Chief Justice

lfp/ss

cc: The Conference

c/19

April 5, 1976

Assignment of Opinions to Write

Dear Chief:

I hesitate to write about the assignments, as I am not unaware of the delicate and difficult choices that you have to make.

Yet, as you can imagine, I am disappointed to have only one case assigned to me, especially in view of the fact that I am relatively up to date.

I console myself by thinking, however, that you are allowing me to "rest up" for cases to be assigned from the April argument calendar. If you and I are together on the "Border Search" cases, as I believe we will be in view of what was written last Term, I would like to have the opportunity of "rounding out" that trilogy.

In sum, I will put aside my disappointment and enjoy the next four weeks of relaxed pressure in anticipation of then being assigned two or three major cases to write!

Sincerely,

The Chief Justice

lfp/ss

P.S. No answer is desired or expected. As a "team player", I accept understandingly whatever you think is best for the Court.

April 8, 1976

"Briefing" of Visitors to the Court

Dear Chief:

From my vantage point at the front of the building, I continue to be impressed by the thousands of young people who stream into the Court. I wonder about the quality of their experience here, and the impressions they carry away. No doubt careful thought has been given to this, and there may be no need for further consideration of the basic program. But there may be, at least a need for careful monitoring and frequent reevaluation.

As I recall, we had some 660,000 visitors to the Court last year. This visitation, including for the most part impressionable young people, affords perhaps the best opportunity to present the Court in its true light as a basic guardian of the liberties guaranteed by the Constitution.

The Court has a duty, to the extent it properly can, to inform the public of the Judiciary's role in our society. We are handicapped in this by the familiar constraints. The media affords only limited help. Reporters - perhaps understandably - tend to think of "newsworthiness" in terms of "critical" reporting: on perceived discord among the Justices, "blocks" on the Court, Burger v. Warren Courts, political implications of decisions, and the like. To be sure, our decisions speak for themselves to a certain extent, and we have the profession and the law schools to interpret the Court as an institution. Each of us also makes a limited number of "appearances" during the year, usually at law schools or before law-oriented groups. But, in sum, all of this is a limited educational effort.

In considering opportunities for creating a more accurate understanding of the history and role of the Supreme Court,

perhaps the greatest opportunity is presented by the presence within the building of nearly three quarters of a million visitors each year.

We already do some constructive things within the building: (i) the free pamphlets; (ii) the museum; (iii) the impressions made by our fine officer and messenger staffs; and (iv) the courtroom briefings. But are we making a carefully considered maximum effort?

I sometimes wonder about the Courtroom briefings. My impression is that these are conducted, for the most part, by a variety of employees who perform their task quite well. But I believe the content of their briefing is limited.

Perhaps we could profit from the experience and techniques of Colonial Williamsburg. The Restoration is "interpreted" to the public by a corps of "hostesses". These are carefully selected, rigorously educated in Colonial history and the folklore of the buildings and shops which they "present". They are provided with scripts and also are trained in effective verbal presentation. Finally, the Restoration conducts systematic verification of the effectiveness of the program in general and of the performance of each hostess. This is done, both by "in house" personnel and - from time to time - by opinion sampling experts brought in for the purpose.

Why shouldn't we have, for example, a carefully selected group of briefers ("hostesses" or "hosts") whose responsibility will be to conduct tours and make presentations in the Courtroom, and perhaps in the museum and one of the large Conference Rooms. These "spokespersons" for the Court should be carefully selected and trained, their presentations prepared by qualified Court historians, and their verbal performance closely monitored and verified. I imply no criticism whatever of those who now do the briefing. My thought is to consider creating a staff of professional briefers who can present a significant educational experience to visitors. Perhaps we need no such change, but I do wonder what an outside consultant would say as to the adequacy of our program.

I am sure more care already is given to this opportunity to educate than I know about, but I venture nevertheless to write my Brothers because this does seem important.

Sincerely,

The Chief Justice

lfp/ss

cc: The Conference



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

CHAMBERS OF
THE CHIEF JUSTICE

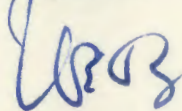
April 14, 1976

Dear Lewis:

A "surprise" 70th birthday party is being held for George MacKinnon on Thursday, April 22, in his chambers at the Court of Appeals.

I plan on "dropping in" for 10-15 minutes at 5:00 p.m. If you would like to join me, I'll be happy to share a ride.

Regards,



Mr. Justice Powell

Carl M. ... say ... he ...

KGO

C 9

April 14, 1976

Dear Chief:

Walter Craig, Chief Judge of the Arizona District, was in to visit with me on yesterday.

He volunteered that the "Association of District Court Chief Judges" (if that is the correct name of an organization unknown to me), recognizes and appreciates that you are working diligently - and obviously they hope effectively - to increase salaries. Walter thinks you would be their unanimous choice for President, especially if you do succeed.

Sincerely,

The Chief Justice

lfp/ss

My wife
on Justice
of Court

Dinner

in Honor of

WARREN E. BURGER

Given by Some of His Old Friends

For Lewis F. Powell
with appreciation
Warren & Burger

4/14/76

Chevy Chase Club

Washington

Wednesday, April Fourteenth

1976

Menu

Vichyssoise Supreme

Beef Wellington

Red Wine Beaulieu Vineyards

Rissole Potatoes

Asparagus Hollandaise

Avocado, Grapefruit Section Salad

Rolls, Butter

Cherries Jubilee

Champagne Korbel Brut

Sanka, Coffee

Brandy and Creme de Menthe

THE OLD FRIENDS

Robert V. Abendroth
Milwaukee, Wisconsin

Julian B. Baird
St. Paul Minnesota

Mr. Justice Blackmun
Washington, D.C.

Honorable Herbert Brownell
New York, New York

Hugh R. Butt, M.D.
Rochester, Minnesota

Honorable John A. Danaher
Hartford, Connecticut

Charles A. Hobbs
Washington, D.C.

Honorable H. Brian Holland
Wellesley, Massachusetts

Stephen F. Keating
Minneapolis, Minnesota

Honorable Rowland F. Kirks
Washington, D.C.

Honorable J. Edward Lumbard
New York, New York

Honorable George E. MacKinnon
Washington, D.C.

Richard A. Moore
St. Paul, Minnesota

Honorable James C. Otis
St. Paul, Minnesota

Mr. Justice Powell
Washington, D.C.

Honorable J. Lee Rankin
New York, New York

Honorable Roger Robb
Washington, D.C.

Honorable William P. Rogers
Washington, D.C.

Joseph W. Ryan
Aitkin, Minnesota

Whitney North Seymour
New York, New York

Bernard M. Shanley
Newark, New Jersey

Arnold F. Stromberg
St. Paul, Minnesota

Honorable Edward A. Tamm
Washington, D.C.

Lawrence E. Walsh
New York, New York

James E. Webb
Washington, D.C.

B

April 15, 1976

Dear Vera,

So often last night, at the memorable dinner in honor of Warren, I wished that you could have been present to have heard what was said by each of the two dozen guests.

It was truly a remarkable demonstration of friendship, admiration and affection. I was especially impressed by the number of long-time friends who made the long trip from Minnesota.

It was also most pleasant to meet your brother, with whom I had a nice visit.

With affectionate best wishes.

As ever,

Mrs. Warren E. Burger
3111 North Rochester Street
Arlington, Virginia

lfp/ss

cg
April 15, 1976

Dear Chief:

Please put the following cases on the Discuss
List for the April 16, 1976 Conference:

No. 75-774 BIG RIVERS ELECTRIC CORP v. EPA
No. 75-787 TENNESSEE VALLEY AUTHORITY v. EPA
No. 75-1029 KENNECOTT COPPER CORPORATION v. TRAIN

(list 1, sheet 2)

Sincerely,

The Chief Justice

LFP/gg

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

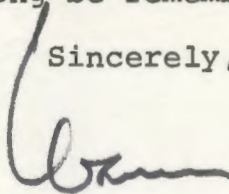
CHAMBERS OF
THE CHIEF JUSTICE

CO
✓
April 16, 1976

Dear Lewis:

The April 14th Dinner launching my "third decade" was a heart-warming experience. I am grateful to have loyal friends who took such pains to note the occasion. There was no need for me to think I deserved the event in order to have enjoyed it -- as I surely did! The party will long be remembered.

Sincerely,



Mr. Justice Powell

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

April 19, 1976

FILE COPY

PLEASE RETURN
TO FILE

Court Conference Following Last Arguments

Dear Chief:

List 1, Sheet 1 of cases circulated today
bears the caption:

"For Conference, Thursday, April 29, 1976"

My understanding was that our Thursday
Conferences begin in May. On the basis of this
understanding, I have made an engagement that will
tie me up for at least an hour and a half in the middle
of the day on Thursday, April 29.

But more important, we have some very difficult
and important cases set for that week. I would think
we would all want Thursday, April 29th, as a "free day"
to prepare for the Conference I have thought was scheduled
on Friday, April 30.

Sincerely,

Lewis

The Chief Justice

CC: The Conference

LFP/gg

*Mary Burns called
at 5:20 -*

*Mr. Rodak interpreted
March memo incorrectly.
The Conference will be
April 30 - Friday*

c 9
April 19, 1976

Court Conference Following Last Arguments

Dear Chief:

List 1, Sheet 1 of cases circulated today bears the caption:

"For Conference, Thursday, April 29, 1976"

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But more important, we have some very difficult and important cases set for that week. I would think we would all want Thursday, April 29th, as a "free day" to prepare for the Conference I have thought was scheduled on Friday, April 30.

Sincerely,

The Chief Justice

CC: The Conference

LFP/gg

c9

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

CHAMBERS OF
THE CHIEF JUSTICE

May 10, 1976

MEMORANDUM TO THE CONFERENCE:

I have received word from the Doorkeeper of the House of Representatives that there will be a Joint Session of the Congress on Tuesday, May 18, at 12:30, to hear an address by His Excellency Valery Giscard d'Estaing, President of France.

Could you let my office know promptly whether or not you can or wish to attend so we may advise the Doorkeeper whether or not the Court will attend.

Regards,

WGB

*I will not be able
to attend*

CG

May 11, 1976

Dear Chief:

I will not be able to attend the Joint Session of
Congress on May 18.

Sincerely,

The Chief Justice

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

May 14, 1976

Dear Chief:

Your proposal about change from Monday to Wednesday is agreeable.

On Saturday I will have to leave after discussion of circulating opinions. I will leave my votes on the other matters with Bill Brennan.

Sincerely,

T.M.

T. M.

The Chief Justice

cc: The Conference

May 14, 1976

Court Conference - May 15

Dear Chief:

As you know, I have a meeting of the Board of Trustees of Colonial Williamsburg on May 15 - a meeting scheduled many months ago.

I am leaving my votes on the cert petitions and appeals with Bill Rehnquist.

I have no Court opinions ready to come down.

Sincerely,

The Chief Justice

lfp/ss

c9

May 17, 1976

Dear Chief:

I think your proposed remarks to the ALI are entirely appropriate.

The media, sensing conflict, undoubtedly will portray your talk as an "attack" on Congress. Yet, it is not personal in any sense and members of Congress - of all people - must be accustomed to disagreement over legislation.

Bill Rehnquist told me today of the dissatisfaction of District Judges, at the Seventh Circuit Conference, with the Speedy Trial Act. It would be helpful if your talk stimulates the ALI to make studies in the areas indicated. In any event, I believe the reaction of the public, the bar and the judiciary will be good.

I dictated a couple of riders with the view of softening the implied criticism a bit. But I am not at all sure the riders are an improvement.

Sincerely,

The Chief Justice

lfp/ss

P.S. My thanks for your "payment in kind". I am taking it home for Jo to assess. I am sure it will be welcomed.

c J

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

CHAMBERS OF
THE CHIEF JUSTICE

May 18, 1976

Dear Bill:

Re your memorandum of May 18 on Print Shop overtime, we began to "relax the ban" last week.

One purpose in asking a Justice to authorize overtime during the Term is to put a stop to "eager beaver" law clerks who get reckless with public money when there is no occasion for it. Another was to put the Print Shop on notice that the overtime was getting out of hand.

I'll put this on the Agenda but I think the problem is largely resolved by our Thursday Conferences and our expectation of "spacing" announcements, with a limit of perhaps 6-7 opinions on any one day.

Regards,
WS

Mr. Justice Rehnquist

Copies to the Conference

①

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

CHAMBERS OF
THE CHIEF JUSTICE

May 24, 1976

MEMORANDUM TO THE CONFERENCE:

I have received word from the Doorkeeper of the House of Representatives that there will be a Joint Session of the Congress on Wednesday, June 2, at 12:30 p.m., to hear an address by His Majesty Juan Carlos I, the King of Spain.

Could you let my office know promptly whether or not you can or wish to attend so we may advise the Doorkeeper whether or not the Court will attend.

Regards,

WFB

Will not attend

LFP

Sally

c4

June 30, 1976

"Briefing" of Visitors to the Court

Dear Chief:

From my vantage point at the front of the building, I continue to be impressed by the thousands of young people who stream into the Court. I wonder about the quality of their experience here, and the impressions they carry away. No doubt careful thought has been given to this, and there may be no need for further consideration of the basic program. But there may be, at least, a need for careful monitoring and frequent reevaluation.

As I recall, we had some 660,000 visitors to the Court last year. This visitation, including for the most part impressionable young people, affords perhaps the best opportunity to present the Court in its true light as a basic guardian of the liberties guaranteed by the Constitution.

The Court has a duty, to the extent it properly can, to inform the public of the Judiciary's role in our society. We are handicapped in this by the familiar constraints. The media affords only limited help. Reporters - perhaps understandably - tend to think of "newsworthiness" in terms of "critical" reporting: on perceived discord among the Justices, "blocks" on the Court, Burger v. Warren Courts, political implications of decisions, and the like. To be sure, our decisions

speak for themselves to a certain extent, and we have the profession and the law schools to interpret the Court as an institution. Each of us also makes a limited number of "appearances" during the year, usually at law schools or before law-oriented groups. But, in sum, all of this is a limited educational effort.

In considering opportunities for creating a more accurate understanding of the history and role of the Supreme Court, perhaps the greatest opportunity is presented by the presence within the building of nearly three quarters of a million visitors each year.

We already do some constructive things within the building: (i) the free pamphlets; (ii) the museum; (iii) the impressions made by our fine police officer and messenger staffs; and (iv) the courtroom briefings. But are we making a carefully considered maximum effort?

I sometimes wonder about the Courtroom briefings. My impression is that these are conducted, for the most part, by a variety of employees who perform their task as well as could be expected from persons who are not "pros" and who have other responsibilities.

Perhaps we could profit from the experience and techniques of Colonial Williamsburg. The Restoration is "interpreted" to the public by a corps of "hostesses". These are carefully selected, rigorously educated in Colonial history and the folklore of the buildings and shops which they "present". They are provided with scripts and also are trained in effective verbal presentation. Finally, the Restoration conducts systematic verification of the effectiveness of the program in general and of the performance of each hostess. This is done, both by "in house" personnel and - from time to time - by opinion sampling experts brought in for the purpose.

Why shouldn't we have, for example, a carefully selected group of briefers ("hostesses" or "hosts") whose responsibility will be to conduct tours and make

presentations prepared by qualified Court historians, and their verbal performance closely monitored and verified. I imply no criticism whatever of those who now do the briefing. My thought is to consider creating a staff of professional briefers who can present a significant educational experience to visitors. Perhaps we need no such change, but I do wonder what an outside consultant would say as to the adequacy of our program.

I am sure more care already is given to this opportunity to educate than I know about, but I venture nevertheless to write because this does seem important.

Sincerely,

The Chief Justice

LFP/gg

C9

June 30, 1976

Dear Chief:

As you know, when you were unable to accept, I was requested through the White House to conduct the naturalization ceremony at Monticello on July 5.

I am advised that I need to be authorized to function in this respect as a United States District Judge. I assume you have some form that is customarily used.

Also, I assume the authorization goes through official channels.

If I can assist in any way, do not hesitate to have your office let me know.

Sincerely,

The Chief Justice

lfp/ss

c9

July 6, 1976

Dear Chief:

I think you had every reason to be gratified by the record of the Court during the Term that ended this morning.

The handicaps were not insignificant: Bill Douglas' illness and resulting problems; the uncertainty as to when we would have a full nine man Court; the deferral for this reason of some of the more important cases; the intrinsic importance and difficulty of a number of our cases; and the diligence and care with which the Court addressed these cases, even in the final hectic weeks.

While the legal correctness, and wisdom, of some of our decisions will be questioned by some and praised by others, this is not unique in the history of the Court. Indeed, it is both inevitable and perhaps wholesome. However one views the great cases decided, their significance in the life and history of the Court will not be questioned.

My personal thanks to you for your leadership, unfailing good humor, your thoughtfulness to all of us, and your toleration of the errors of your Brothers.

I do hope you and Vera will take some genuine "rest and recreation" during the summer.

As ever,

The Chief Justice

LFP/gg

JUL 9 1976

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

CHAMBERS OF
THE CHIEF JUSTICE

July 7, 1976

Dear Lewis:

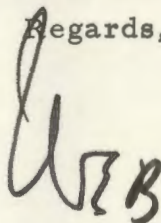
Thank you for your warm note of July 6. I hope you had a reasonably easy drive to Richmond, which on a 4:00 p.m. departure is open to doubt. I had hoped to see you but miscellaneous "emergencies" intervened, including some media problems on Thurgood's situation. He authorized -- and I think wisely -- that we "tell it the way it is." My latest information indicates a "stable condition" with total rest indicated. The word "serious" is used but for people of our age any cardiac disturbance is serious.

I am in general agreement with your appraisal of the current Term. Our maximum approval quotient is 50%, and even the "winners" tend to think we "do but simple justice."

We have a problem I wish to discuss with you before ~~Fall~~ and hopefully we can connect in the interval. Perhaps I might stop en route to Williamsburg. We have no fixed summer plans. I go West for an "easy" meeting and will probably stop at Mayo on the way. The American Bar Association is a "burden" we share. It cuts the summer midway. I would prefer it in July or September.

We all need rest and change. I hope you and Jo get both.

Regards,



Mr. Justice Powell

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

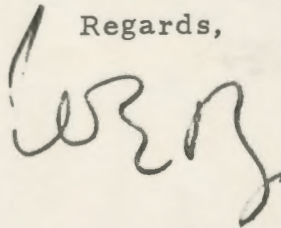
CHAMBERS OF
THE CHIEF JUSTICE

July 8, 1976

MEMORANDUM TO THE CONFERENCE:

The attached identification card is for your wife. If you will have it appropriately filled out and return to my Chambers I will arrange to have the Marshal sign, along with myself.

Regards,



C9

July 16, 1976

Dear Chief:

Thank you for your letter, which reached me here in Richmond. I was sorry to miss you the day we adjourned. To avoid the heaviest traffic on Route 95, I left the Court about 4:30.

We again missed each other on Monday and Tuesday of this week, when I was back at the Court for a couple of days. I had hoped to have the pleasure of taking you to lunch. I will be in Washington for another day or two before going to Atlanta, and will let you know.

I enclose a draft of a speech to be given at a luncheon program arranged by the Labor Law Section. As requested, I am talking generally about the Court, trying not to be too serious and yet to say something of substance. The latter part of the speech moves into a fairly sensitive area. I would particularly appreciate your reaction and advice as to (i) whether I should say anything about the Warren Court/Burger Court comparisons, and (ii) if the answer is affirmative, do you have any comments as to this draft?

I am again at the Federal Court here in Richmond, and can be reached whenever you want me. Apart from the Atlanta meeting, Jo and I have no plans for the summer -- other than to keep up with cert petitions and do some reading for next Term.

Sincerely,

Honorable Warren E. Burger
Chief Justice
U. S. Supreme Court
Washington, D. C. 20543

LFP/vsl
Enclosure

c-j

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

August 16, 1976

Dear Chief:

I have a copy of President Huntley's invitation to you to be a special guest at the dedication ceremonies next May 7th for the new law school complex at Washington and Lee University in Lexington.

I write to endorse enthusiastically this invitation, and to say that I think you and Vera would find a brief visit to the campus at Washington and Lee -- and to the unique little town of Lexington -- quite a pleasant interlude, especially in May. With a private plane available, you could make the round trip in a day, although I hope that you will plan to remain in Lexington for the dinner and return to Washington Sunday morning.

I will be happy to discuss this with you more fully at any time.

I did not have an opportunity in Atlanta to congratulate you on your fine address at the opening assembly. I heard from various sources that you were in great form on other occasions, including the mock trial Sunday evening. Jo and I remained in Atlanta until late Wednesday. I thought the meeting was a good one.

As ever,

The Chief Justice

LFP/vsl

bcc: Dr. Robert E. R. Huntley
Washington and Lee University
Lexington, Virginia

WASHINGTON AND LEE UNIVERSITY
LEXINGTON, VIRGINIA 24450
OFFICE OF THE PRESIDENT

AUG 9 1976

August 4, 1976

The Honorable Warren Earl Burger
Chief Justice of the Supreme Court
Washington, D. C. 20543

My dear Mr. Chief Justice:

Washington and Lee is moving its School of Law into a magnificent new structure this Fall. The building is to be named Lewis Hall in honor of Frances and Sydney Lewis of Richmond, whose generosity made it possible.

We are extremely proud to be able to house our venerable School of Law in such handsome new quarters and are planning a special dedication ceremony next Spring -- Saturday, May 7. My purpose in writing is to express our warm invitation to you to be our special guest for that occasion.

Not all the details of the ceremony and accompanying events have been decided, but in general our intention is to have a thirty minute ceremony of dedication at 11:00 or 11:30 a.m. followed by buffet luncheon on the lawn of the new building. In the afternoon we will schedule our annual Tucker Law Lecture, which will be delivered by Mr. Herbert Wechsler. And of course there will be tours of the building. In the evening we will have a reception and dinner for special guests and friends.

It is our custom here on most ceremonial occasions to attempt a blend of solemnity with informality. To this end, it is our hope -- if you can come -- to have remarks from the podium only from three persons, you, Dean Steinheimer, and me.

We would of course want you and Mrs. Burger to be our guests for as much of the week-end as is convenient for you. Our trustee, Jack Warner of Gulf States Paper Company, has offered the Company's executive jet airplane to facilitate transportation for you and Mrs. Burger.

As you may know, Justice Lewis Powell is an alumnus and dedicated trustee of Washington and Lee. He is aware of our plans and intends to be present for the ceremony together with the other members of our Board. Also present will be the Judges of the United States Fourth Circuit Court of Appeals and United States District Court Judges in Virginia. The Virginia Supreme Court will also be with us.

It would give me great personal pleasure to have you here for the happy occasion, and Washington and Lee would be singularly honored by your presence and participation.

Sincerely yours,

Robert E. R. Huntley

bcc: Justice Lewis F. Powell, Jr. ✓

cg
August 20, 1976

Dear Chief:

At the request of my personal dermatologist in Richmond, the incoming president of the American Dermatological Association, I spoke at the annual meeting of the Association in Williamsburg last May.

The Association, which includes only two or three hundred leading dermatologists, wished to give me an honorarium -- which I do not accept. I am now informed by Dr. Murrell -- who knows my addiction for duck shooting -- that they are going to present a shotgun to me as a gift.

I suppose I will have to report it on our "six months report," but I want to check with you before accepting the gift.

This small medical association (incidentally, founded in 1876), is similar in its selectivity to the American College of Trial Lawyers. I am told it has no litigation pending.

Jo and I will be back in Washington on September 1st. We hope that Vera has fully recovered, and that we can spend an evening with you before another hectic Term commences.

As ever,

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

LFP/vsl

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

CHAMBERS OF
THE CHIEF JUSTICE

AUG 30 1976

August 26, 1976

Dear Lewis:

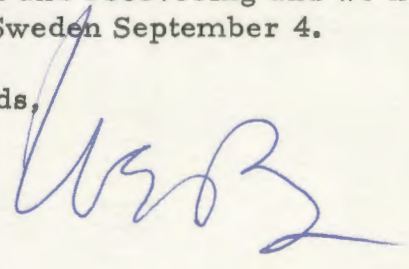
I have your letter of August 20 and it recalls to my mind the fact that the Court, i. e., all the surviving Justices who had served with Earl Warren, joined in presenting a very expensive, handmade Belgium shotgun to him. You may recall also some comments he made about it as it was not presented to him, I believe, until he had been retired nearly two years. Apparently the handmaking of a shotgun in Belgium is a very slow business.

I really have no suggestion to make about this situation. If it is stated as a gift from the American Dermatological Association, I suppose it must be included in the report. Obviously with 300 members, more or less, a gift from each member represents a very small amount.

I look forward to seeing you but I will be gone from September 4-16. However, if you get here before I leave, I would enjoy an opportunity to have lunch and discuss some things I have had on my mind since the end of the Term but our timing didn't permit a visit.

Vera is out of the hospital and recovering and we now plan to depart on a short trip to Sweden September 4.

Regards,



Mr. Justice Powell

c9
✓

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

CHAMBERS OF
THE CHIEF JUSTICE

August 27, 1976

Re: Smithsonian Magazine

MEMORANDUM TO THE CONFERENCE:

I believe I mentioned at a Conference sometime during the past year that the Smithsonian Magazine has long wanted to do an article on the Court. It would now be vaguely tied into the bicentennial theme, but as I understand it it would undertake to reflect some of the realities about the Court's work including such things as the weekly delivery of cert petitions, jurisdictional statements, motions, etc. to the Justices whether they are in Washington or elsewhere. It would undertake to deal with the day-to-day operations of the Court as an institution without getting into any substantive matters.

Because their outline of ideas was not as fully articulated as it has now emerged, I have frankly dragged my feet for more than a year. The magazine now has somewhere in the neighborhood of four to five million readers, although there is no guarantee that all the readers will be sufficiently fascinated to read a piece about the Court since it will not be "spiced" with gossip or leaks.

Shortly after the end of the Term I had a session with the editor, Edward K. Thompson (formerly editor of LIFE), and with the writer they contemplate assigning, one Dick Williams, and they have pursued a "feasibility" study to formulate their concept of the content. For this limited purpose I authorized them to have a session with Henry Putzel, Mike Rodak and Alfred Wong in order to understand the movement of papers and cases through the Court.

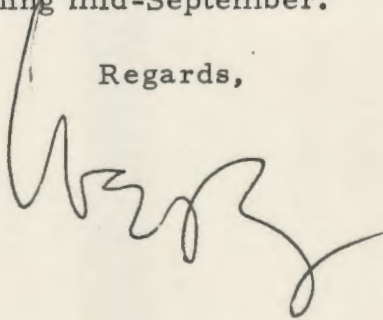
I had another visit with some of them yesterday and they are optimistic that they can do a "human interest" story about the Court without reaching into any matters that are properly out-of-bounds. For example, in order to show that Lewis Powell does not sit for three or four months during the summer in front of his "plantation" mansion sipping mint juleps, they contemplate taking some pictures in his office at the Federal Building in Richmond. The photographer they have engaged for this purpose is one, Mr. Okomoto, who was the official White House photographer under Lyndon Johnson.

I have become reasonably satisfied that the material would be useful to the Court and will be presented in an appropriate way. The net of it is that nothing any Justice says to Mr. Williams will be used unless the Justice authorizes it. They now believe it will take at least two articles in tandem and possibly even three to accomplish their objectives.

They would like to visit each of the Justices and I informed them this was a matter for the decision of each Justice and I could give no assurances or even encouragement. Lewis agreed and will see them in Richmond before he leaves to return to Washington next week. You may, therefore, expect a telephone call from Mr. Dick Williams and what you do about it is, of course, a matter entirely for your decision. I am now satisfied that an interesting story about the Court and its work, with some development of historical background, can be made into readable form. The matter, therefore, rests with each one of you, but I felt this explanation should be given so you would understand the purpose of Mr. Williams' call when it comes.

I have been taking this week off with the usual kind of interruptions that come if one stays in Washington. We hope to take about a ten day semi-holiday in Sweden, returning mid-September.

Regards,



P. S. -- I did not want to give out your telephone numbers at Nantucket, et al, but advised Mr. Williams he could make contact through the Court switchboard. --WEB

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

CHAMBERS OF
THE CHIEF JUSTICE

10
10
Sunday
7/14/76

Dear Lewis

I stopped away
from Washington until
you "caught up" with me!
I am more comfortable with
you now even age.

Happy Birthday &

many more.

As ever

105303

P.S. Had birthday dinner with
Ken & Jean in Paris. They
send warm greetings to.

Chief

September 22, 1976

Dear Chief:

Please put the following cases on the Discuss
List for the September 27, 1976 Conference:

- 75-1597 - Brown v. United States - p. 12
- 75-1606 - Lacy v. United States - p. 12
- 75-1685 - Kolios v. Immigration and Naturalization
Service - p. 15
- 75-1693 - Blackledge & N. C. v. Allison - p. 16
- 75-1860 - Jhirad v. Ferrandina, U. S. Marshal - p. 23
- 75-1514 - Peskin v. United States - p. 9
- 76-151 - Glantz v. Association of Bar - p. 45

Sincerely,

The Chief Justice

lfp/lb

Chief
September 23, 1976

Dear Chief:

Please put the following cases on the
Discuss List for the September 27, 1976 Conference:

75-6828 - Coleman v. United States - p. 34

75-6653 - Pulliam v. Georgia - p. 53

Sincerely,

The Chief Justice

lfp/lb

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

FILE COPY
PLEASE RETURN
TO FILE

October 4, 1976

Solicitor General's Proposal

Dear Chief:

I agree with Harry's note to you of
October 1.

The SG's responses in many cases are quite
helpful, and for the long term I would be reluctant
to relieve his office of what I think is a proper
responsibility to provide them.

I would be disposed, short term, to try to
be as helpful as we can consistent with our obligations
here.

Sincerely,

Lewis

cc: The Conference

Sally, Linda & Spencer

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

CHAMBERS OF
THE CHIEF JUSTICE

I approve!

October 12, 1976

MEMORANDUM TO THE CONFERENCE:

Salary cost of living increases for government civil servants have been granted by the President in Executive Order No. 11941, effective the first full pay period in October. Absent objections, I will authorize appropriate equivalent increases for all Court employees to be effective from October 10, 1976, below the rank of Officers of the Court. A memorandum on the increases for the Officers will follow.

Regards,

WSB

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

CHAMBERS OF
THE CHIEF JUSTICE

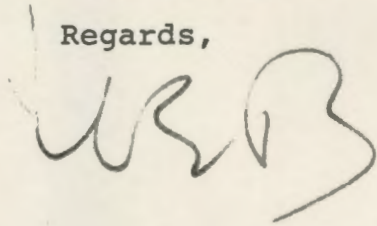
October 12, 1976

MEMORANDUM TO THE CONFERENCE:

At the last conference we agreed that we would make ourselves available for an "informal" photograph in the West Conference Room shortly after 3:00 p.m. on Wednesday.

You will recall that the reception for the law clerks will be held across the hall at 4:00 p.m.

Regards,

A handwritten signature in dark ink, appearing to be 'WRB', written in a cursive, stylized script.

October 14, 1976

Dear Chief:

Please put the following case on the
Discuss List for the October 15, 1976 Conference:

75-1833 Meyers v. United States - p. 2

Sincerely,

The Chief Justice

lfp/lab

October 20, 1976

Dear Chief and Harry:

I thought possibly both of you might be interested in the enclosed letter from Clement Haynsworth on behalf of Henry L. Parr, Jr., a clerk applicant.

Clement's letter reached me after I had completed my selections for next Term. I have since heard from other sources, including my son at the University of Virginia, that Henry Parr is both a fine scholar and a most delightful, cultured South Carolina gentleman.

Clement Haynsworth does not make a recommendation lightly. This is by far the strongest recommendation I have received from him.

Sincerely,

Enclosure

The Chief Justice
Mr. Justice Blackmun

LFP/lab

October 20, 1976

Dear Chief:

In the process of closing up my files on clerk applications, and bearing in mind that your selection process proceeds at a more deliberate pace than mine, I thought you might be interested in my reaction to Monte N. Stewart, the number one graduate and editor-in-chief of the Brigham Young Law School.

I interviewed Monte Stewart, and was very favorably impressed. I had met him when you and I were at the dedication of his law school last September, and perhaps you also met him at that time. He comes highly recommended by Dallin Oaks, as well as the law school faculty.

I interviewed about twenty applicants this year, and Monte -- although well up on my list -- did not quite make it. I have no doubt, however, that he would make a splendid law clerk. I am also sure that you would find him wholly compatible.

Best wishes.

Sincerely,

Enclosures

The Chief Justice

LFP/lab

P.S. As Mark Cannon may be a helpful source on Stewart, I am sending him a copy of this letter.

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

CHAMBERS OF
THE CHIEF JUSTICE

October 21, 1976

Dear Clement:

Lewis Powell advises that he has chosen his law clerks for 1977-78, and he sent me your letter of October 1 with the enclosures.

I will be glad to consider Mr. Parr's application.

Cordially,

Honorable Clement F. Haynsworth, Jr.
Chief Judge
United States Court of Appeals
Post Office Box 10127
Greenville, South Carolina 29603

✓
cc: Mr. Justice Powell

cg
October 28, 1976

Dear Chief:

Please put the following case on the Discuss
List for the October 29, 1976 Conference:

76-60 - Briscoe v. Levi - p. 10

Sincerely,

The Chief Justice

LFP/lab

c9
November 23, 1976

Judicial Survivors Annuity System

Dear Chief:

This refers to your interest in my options under the Federal Judicial Annuity Program for wives of Justices.

I enclose a copy of Mr. Spaniol's (of Rowland Kirks' office) memorandum of November 22, in which he outlines the options available to me. The fixed widow's annuity of \$5,000 is so de minimis that it has little or no appeal. The alternatives are not significantly more attractive unless I live long enough to accrue a substantial period of service on the Court. As the enclosed memorandum indicates, if I make a deposit of \$14,674 and then die during the year 1977, my wife Jo's annual annuity would total only \$6,699. I happen to be fortunate enough to have outside resources, accumulated in the private practice before being appointed to the Court.

But unless other resources were available, the widow of a Justice similarly situated would have a pension below the poverty standard level in Washington, D.C.

This situation would be typical of what may happen to one appointed to the Court relatively late in life, and without prior government service. Three members of the present Court were appointed after they attained age 60. Absent extended prior government service, there is no way one who comes to this Court so late can accrue a pension benefit adequate to support his widow.

I do appreciate the assistance that Rowland Kirks and his people have given me in reviewing my situation. I have not yet made a decision as to what to do.

Sincerely,

The Chief Justice

lfp/ss

November 24, 1976

Dear Chief:

On further reflection, I think it best not to send Peterson my letter and the accompanying memo.

It could be construed as "contrived" although, of course - as you know - it was not.

You have conveyed the essence of the letter orally.

Sincerely,

The Chief Justice

lfp/ss

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

CHAMBERS OF
THE CHIEF JUSTICE

November 24, 1976

MEMORANDUM TO THE CONFERENCE:

Inadvertently the proposed figures for adjustment of Officers' salaries was not sent to you.

As a result of "in-house" studies and "comparability" within government (which is limited), I concluded that the following changes should be recommended for conference consideration:

- Clerk of the Court - increase from \$39,000 to \$41,000
(4.86 percent increase would be \$40,856.00)
- Reporter of Decisions- (\$36,000 to \$39,600) On this
a 4.86 percent increase would bring it to \$37,714, but the
deputy reporter is now getting \$39,600.00
- Marshal of the Court - (\$33,500 to \$34,000.00) Mr. Wong's salary as Captain was \$26,076. \$34,000 represents Frank Hepler's final salary plus approximately 4.86 percent
- The Librarian - Salary is open for further consideration when a selection is made.

Regards,

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

OK

CHAMBERS OF
THE CHIEF JUSTICE

December 13, 1976

MEMORANDUM TO THE CONFERENCE:

Enclosed is a possible schedule for the
October 1977 Term. Some have expressed the need
for this in relation to making engagements for
1977-78.

Regards,

WSB

PROPOSED SCHEDULE

SUPREME COURT OF THE UNITED STATES
SCHEDULE FOR OCTOBER TERM 1977

<u>1977</u>	<u>M</u>	<u>T</u>	<u>W</u>			
October	3,	4,	5	(Argument)		
	H,	11,	12	(Argument)	(2 weeks)	
	17			(No argument)		
	<u>RECESS - OCTOBER 18 through OCTOBER 30</u>					(2 weeks)
	Nov.	Nov.				
October	31,	1,	2	(Argument)		
November	7,	8,	9	(Argument)	(2 weeks)	
	14			(No argument)		
	<u>RECESS - NOVEMBER 15 through NOVEMBER 27</u>					(2 weeks)
November	28,	29,	30	(Argument)		
December	5,	6,	7	(Argument)	(2 weeks)	
	12			(No argument)		
	<u>RECESS - DECEMBER 13 through JANUARY 8</u>					(4 weeks)
<u>1978</u>						
January	9,	10,	11	(Argument)		
	16,	17,	18	(Argument)	(2 weeks)	
	23			(No argument)		
	<u>RECESS - JANUARY 24 through FEBRUARY 20</u>					(4 weeks)
February	H,	21,	22	(Argument)		
	27,	28,	Mar. 1	(Argument)	(2 weeks)	
March	6			(No argument)		
	<u>RECESS - MARCH 7 through MARCH 19</u>					(2 weeks)
March	20,	21,	22	(Argument)		
	27,	28,	29	(Argument)	(2 weeks)	
April	3			(No argument)		
	<u>RECESS - APRIL 4 through APRIL 16</u>					(2 weeks)
April	17,	18,	19	(Argument)		
	24,	25,	26	(Argument)	(2 weeks)	
May	1			(No argument)		
	<u>RECESS - MAY 2 through MAY 14</u>					(2 weeks)
May	15			(No argument)		
	22			(No argument)		
	H,	30		(No argument)		
June	5			(No argument)		
	12			(No argument)		
	19			(No argument)		

Preliminary - Proposed

Supreme Court Schedule

Oct. Term 1977

Opening conf. Sept. 26

OCTOBER						
S	M	T	W	T	F	S
→ 1st Conf. →						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	→	→			

NOVEMBER						
S	M	T	W	T	F	S
	←	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

DECEMBER						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

(1978)

JANUARY						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

FEBRUARY						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	→			

MARCH						
S	M	T	W	T	F	S
	←	←	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

APRIL						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

MAY						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

JUNE						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

Note: Argument days marked in red; non-argument sessions marked in blue; Conference days marked in green; and holidays circled in black.

SUPREME COURT OF THE UNITED STATES
SCHEDULE FOR OCTOBER TERM 1977

<u>1977</u>	<u>M</u>	<u>T</u>	<u>W</u>			
October	3, H, 17	4, 11,	5 12	(Argument) (Argument) (No argument)		(2 weeks)
<u>RECESS - OCTOBER 18 through OCTOBER 30</u>						
October November	31, 7, 14	Nov. 1, 8,	Nov. 2 9	(Argument) (Argument) (No argument)		(2 weeks)
<u>RECESS - NOVEMBER 15 through NOVEMBER 27</u>						
November December	28, 5, 12	29, 6,	30 7	(Argument) (Argument) (No argument)		(2 weeks)
<u>RECESS - DECEMBER 13 through JANUARY 8</u>						
<u>1978</u>	<u>M</u>	<u>T</u>	<u>W</u>			
January	9, 16, 23	10, 17,	11 18	(Argument) (Argument) (No argument)		(2 weeks)
<u>RECESS - JANUARY 24 through FEBRUARY 20</u>						
February March	H, 27, 6	21, 28,	22 Mar. 1	(Argument) (Argument) (No argument)		(2 weeks)
<u>RECESS - MARCH 7 through MARCH 19</u>						
March April	20, 27, 3	21, 28,	22 29	(Argument) (Argument) (No argument)		(2 weeks)
<u>RECESS - APRIL 4 through APRIL 16</u>						
April May	17, 24, 1	18, 25,	19 26	(Argument) (Argument) (No argument)		(2 weeks)
<u>RECESS - MAY 2 through MAY 14</u>						
May	15 22			(No argument) (No argument)		
June	H, 5 12 19	30		(No argument) (No argument) (No argument) (No argument)		

February 28, 1977

Sally - W. to CJ

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

has letter

CHAMBERS OF
JUSTICE POTTER STEWART

December 13, 1976

Dear Chief,

The proposed schedule for the October
1977 Term seems fine to me.

Sincerely yours,

P.S.,
1.

The Chief Justice

Copies to the Conference

December 13, 1976

Dear Chief:

The proposed schedule for the October 1977 Term is
fine with me.

Sincerely,

The Chief Justice

lfp/ss

cc: The Conference

c9.
December 13, 1976

Dear Chief:

I would appreciate your giving me on a confidential basis your outside telephone number here at the Court, as I have found it particularly difficult at times to reach you here on weekends.

Sincerely,

The Chief Justice

lfp/ss

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

CHAMBERS OF
THE CHIEF JUSTICE

November 24, 1976

Dear Lewis:

Something along these lines:

If, while on the Court, the salary is barely enough to maintain the standard of living based on the prior income in private life, there is simply no way a sitting Justice can provide for his widow. When we consider how long it took to prevail on Congress to make even this present "poverty level" provision for widows, any reliance on change in the widows' program is an idle dream. From 1789 until 1972, I believe it was, there was no provision for widows until Fred Vinson's widow was bracketed in for \$5,000 in 1954. To say that the whole matter of compensation for the Supreme Court has been outrageous is putting it mildly, and I trust the Salary Commission will not compound that problem as was done some years ago when Justices were given less than District and Circuit Judges.

At present salaries, someone in my posture could not even consider accepting a place on the Supreme Court unless he had substantial means.

Regards,

Mr. Justice Powell

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

CHAMBERS OF
THE CHIEF JUSTICE

DEC 27 1976

December 20, 1976

Dear Lewis:

I have your memorandum about the "electronic secretary." Mark Cannon and I have been discussing this very thing for some time. The reason for no action was the matter of where we would start.

Now that you have "volunteered, "we can move." Your new salary increment will be enough to pay for it!

Mark will discuss with you.

Regards,

WRB

Mr. Justice Powell

c9

December 30, 1976

PERSONAL

Dear Chief:

First, thank you for your generous note suggesting that Marks be a signed opinion. My draft opinion does have eight and a half pages - almost exactly the length of John Stevens' Court opinion in Secretary of Agriculture v. Hein - and I do think Marks should be helpful in clarifying the reach of Miller. Thus, I am happy to have Marks delivered as a signed opinion if the other members of the Conference approve. But I do have this caveat: I would not like for Marks to be viewed by you as a replacement for one of the major cases that you would normally assign me during the Term.

The Harvard Law Review records that I wrote fewer opinions for the Court last Term than any other Justice (see enclosed xerox of page 276, November issue). This tabulation does not reflect the Election Act or the Capital Cases, but most of us worked on those cases as well as assigned opinions.

I recognize that statistics are rather meaningless, but they are the visible measurement of our work. As I take every opportunity to say publicly that the Court's docket is overburdened, I don't like to appear to be doing the least work. Moreover, there are some unusually interesting cases ahead of us this Term that I would like to have a chance to write.

Turning to your major opinion in Bangor Punta, your responses to John's dissent are right on target. They reflect the reaction and the jugular instinct of a litigation lawyer.

Sincerely,

The Chief Justice

lfp/ss