

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

CHAMBERS OF
THE CHIEF JUSTICE

file
-J
Jan 2, 1977

Dear Lewis

On this anniversary
of your arrival I
send my felicitations.
A man deserves them
here just for survival!

Many more, I
hope

Regards

WJ B

c/9

January 6, 1977

Dear Chief:

Please put the following cases on the
Discuss List for the January 7, 1977 Conference:

- 76-389 Local 1830 and Local 1833 v. Bailey,
 p. 8
- 76-723 Ross v. Morales, p. 10
- 76-5447 Frazier v. United States, p. 12
- 76-676 Dresser Industries, Inc. v. Webb, p. 17

Sincerely,

The Chief Justice

LFP/lab

January 13, 1977

Dear Chief:

Please put the following cases on the
Discuss List for the January 14, 1977 Conference:

76-771 Hurt v. United States, List 1,
Sheet 3, p. 3

76-5349 Crowder v. United States, List 2,
Sheet 1, p. 5

Sincerely,

The Chief Justice

LFP/lab

c9

January 19, 1977

Dear Chief:

This refers to Bill Rehnquist's letter of January 18, advising that he may be late - or possibly miss entirely - for the 10:00 a.m. sitting on Tuesday morning.

I have a similar problem of a prior engagement with the "medics", commencing at 9:00 a.m. on Tuesday.

I suppose that the Court will be all right if you have six Justices present.

Sincerely,

The Chief Justice

lfp/ss

cc: The Conference

February 8, 1977

Dear Chief:

I think you will be interested in the article in the 1976 issue (Volume 52, No. I) of the Notre Dame Lawyer by Professor Abraham of the University of Virginia.

It is one of the most perceptive discussions of "the Burger Court" that has come to my attention.

Sincerely,

The Chief Justice

lfp/ss

C9

February 16, 1977

Dear Chief:

Please put the following cases on the Discuss
List for the February 18, 1977 Conference:

76-554) Tulare Lake Canal Co. v. U. S. - p. 1
76-555 } Salyer Land Co. v. U. S. - p. 1
76-681 Natl. Bank of No. New York v. U. S. - p. 2
76-636 Buckley Towers Condominium v. Buchwald -
p. 16
76-918 Triumph Hosiery Mills, Inc. v. Penna. -
p. 23
75-1354 Trans World Airlines, Inc. v. Day - p. 26

Sincerely,

The Chief Justice

LFP/lab

CG
February 17, 1977

Dear Chief:

Please put the following case on the Discuss
List for the February 18, 1977 Conference:

No. 76-5901 McClintock v. Ohio - p. 20

Sincerely,

The Chief Justice

LFP/lab

February 24, 1977

Dear Chief:

Please put the following case on the Discuss
List for the February 25, 1977 Conference:

76-843 Casco Bank & Trust Co. v. U. S. - p. 2

Sincerely,

The Chief Justice

LFP/lab

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

CHAMBERS OF
THE CHIEF JUSTICE

Dear Lewis

Following our
"Covid Conference" I
re-read Winship. One
reading is enough to
afford a basis for
overruling it.

Winship was just one
of many "lockdoor"
doctrinal holdings as
Hugo's dissent reflects
my dissent was

c9
March 17, 1977

Dear Chief:

Please put the following cases on the
Discuss List for the March 18, 1977 Conference:

76-1014 Bedell v. Arkansas - p. 3

76-710 Bd. of Education of Jefferson
County v. Newburg Area Council,
Inc. - p. 10

76-6167 Bustell v. Buseell - 12

Sincerely,

The Chief Justice

lfp/lab

9/10/77 *Only*
TAO

CIRCULATING OPINIONS
For Conference - Friday, March 25, 1977

Powell
(Lean
pickings!)

MR. JUSTICE STEVENS

75-1704 - Clifford Alexander, Jr., Secretary of the
Army v. Fioto

MR. JUSTICE REHNQUIST

75-1064 - Kremens v. Bartley

75-562 - Rosebud Sioux Tribe v. Kneip

MR. JUSTICE POWELL

(75-1221 - United States v. Consumer Life Insurance Co.

(75-1260 - First RR & Banking Co. of Georgia v. United States

(75-1285 - United States v. Penn Security Life Insurance Co.

75-6297 - Fiallo v. Bell

75-6527 - Ingraham v. Wright

75-5952 - Trimble v. Gordon

MR. JUSTICE BLACKMUN

75-1439 - Smith v. United States

75-1687 - U.S. Trust Co. of New York v. New Jersey

MR. JUSTICE MARSHALL

75-915 - Bounds v. Smith

75-1053 - Jones v. Rath Packing Co.

True

MR. JUSTICE WHITE

75-1407 - Trainor v. Hernandez

MR. JUSTICE STEWART

75-1153 - Abood v. Detroit Board of Education

75-6289 - Moore v. City of East Cleveland, Ohio

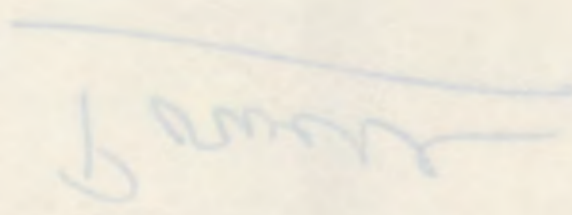
MR. JUSTICE BRENNAN

75-443 - Hugh Carey v. Population Services Int'l., et al.

76-120 - United States v. Martin Linen Supply Co.

THE CHIEF JUSTICE

75-1453 - Wooley v. Maynard



March 31, 1977

Dear Chief:

Please put the following cases on the Discuss
List for the April 1, 1977 Conference:

76-959 Maggio v. Newman - p. 2

76-5856 Holloway v. Arkansas - p. 4

Sincerely,

The Chief Justice

LFP/lab

c 9

April 2, 1977

Dear Chief:

In the unlikely event that you have not seen S. 35, I enclose a copy.

One of my clerks estimates that this bill would, in effect, overrule a dozen or more Supreme Court cases, even if one counts all "pullman abstention" cases as one case.

I suspect that you will find little to cheer about in Section 4 (p. 6) of the bill.

The title (Section 5) is "The Civil Rights Improvement Act of 1977". It would not be entirely inappropriate to suggest that the title be changed to read something along the following lines: "A bill to accelerate the unequal and episodic redistribution of wealth through litigation in the federal courts, and to complete the overwhelming of the federal judicial system."

What about you, Brennan and I resigning, if this bill is passed, and organizing a public interest law firm?

With respect,

The Chief Justice

lfp/ss

c9

April 18, 1977

PERSONAL

Dear Chief:

A friend sent me the enclosed copy of "Aim Report", a publication that concerns itself with identifying major inaccuracies in media coverage and reporting.

I thought you might be interested in the comment on our favorite magazine's article on "Cuba Today".

Although I have not read that article, I continue to be more than a little dismayed by the naivete of some of our "friends" who go to Cuba and come back talking as if they have been to the promised land. When I read recent news accounts of the visit there by a prominent Senator, I had some difficulty holding my lunch.

Sincerely,

The Chief Justice

LFP/lab

bcc: Lewis III

CQ

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

CHAMBERS OF
THE CHIEF JUSTICE

April 19, 1977

MEMORANDUM TO THE CONFERENCE:

Propositions (1) and (2) are both carried--
"by a divided court," but carried.

I have suggested that we have better staff
work in the future.

Regards,

W.B.

cl
April 19, 1977

Dear Chief:

It may not have come to your attention that Mary Lou Brown, wife of John Brown, is in a Houston hospital suffering from terminal cancer.

If you wish to write her a note, Sally can provide the correct address. John tells me that Mary Lou has not been told that her condition is terminal.

Sincerely,

The Chief Justice

lfp/ss

May 25, 1977

Dear Chief:

Please put the following cases on the
Discuss List for the May 26, 1977 Conference:

76-1281 - Churchill Forest Industries v.
Securities & Exchange Comm'n. - p. 1

76-1493 - Brown v. United States - p. 3

Sincerely,

The Chief Justice

LFP/lab

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

*Copy file on
letters & memos
among Justices*

CHAMBERS OF
THE CHIEF JUSTICE

June 13, 1977

We mourn the loss of our Brother Tom Clark who died early this morning in New York. He was unique in the annals of this Court and the Judiciary in that he took all problems of the judicial process as his personal burden. Following his fine career as a Justice he has literally "ridden Circuit" as the Justices did in the first century of the Court. He is the only man ever to sit as a Judge in every Circuit.

His work to improve the system will be his lasting monument. His service as first Director of the Federal Judicial Center was notable, but great as it was, it was only the "tip of the iceberg" of his total contribution.

We have lost a distinguished colleague and an incomparable friend.

WRB

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

CHAMBERS OF
THE CHIEF JUSTICE

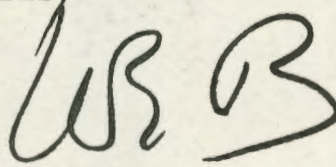
June 13, 1977

MEMORANDUM TO THE CONFERENCE:

I have the sad news that Tom Clark passed away during the night. He was sitting in the Second Circuit.

I had urged him to let up on assignments, but to no avail. He wanted to go "with boots on." Will you send to Barrett McGurn any tribute you wish to make.

Regards

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

cc: Mr. Justice Douglas

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

June 13, 1977

MEMORANDUM TO THE CONFERENCE

I have sent the attached to Mr. McGurn for
whatever use he may make of it.

W.J.B. Jr.

~~Following Bill Brennan's
example, I also~~

The untimely death of Mr. Justice Clark is a deep personal loss. We have been close friends for twenty-two years. He brought to his judicial task both in this Court and the Courts of Appeals throughout the country a thorough grasp of the Law's impact upon the problem areas fundamental in our constitutional democracy. His great distinction as a judge is the reflection of his conviction that it is wrong to live life without some deep and abiding social commitment. Like countless others I shall miss him.

W.J.B. JR.

69
June 16, 1977

Dear Chief:

The enclosed letter from Professor A. E. Dick Howard of the University of Virginia is self explanatory.

Knowing Dick as well as I do, I was confident that he had made no derogatory comment about you.

In any event, Dick is concerned and wants to keep the record straight.

Sincerely,

The Chief Justice

lfp/ss

cc: Professor A. E. Dick Howard

6/22/77

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

CHAMBERS OF
THE CHIEF JUSTICE

Dear Lewis

I must reject one
point in your Milliken memo,
i.e., that you have no "standing".
Whether you + I agree or
not you have standing!

In this case there is
much to your point &
I will address it at
once. I hope you note
I did not quote that
extravagant rhetoric

"root, bark + branch" - or
whatever. It was wholly
out of place there + although
I must sometime
quote the case, spare
me from the language.

Regards

6/2/77

WJB

June 29, 1977

DISTRIBUTION OF CERT PETITIONS

Dear Chief:

This refers to the discussion at a recent Conference of the lag that usually takes place in the distribution of cert petitions following the end of a Term.

The view expressed by Byron and several others, which I join strongly, is that the circulation of petitions (discontinued during the last two weeks of June) should be resumed promptly so that clerks and Justices will not fall behind.

My own experience has been that cert memoranda from the Pool do not begin to "flow", in anything like a normal pattern, until about the first week in August. A partial explanation, understandably, is that some slowdown is inevitable as "old" clerks leave and the new ones take over. Also, the new clerks naturally take awhile to produce cert memos with the facility that later develops.

In sum, although some slowing down is inevitable, it would be helpful to do what we properly can to minimize this.

Sincerely,

The Chief Justice

cc: Mr. Justice White

LFP/lab

bcc: Gene Comey
Sam Estreicher

July 1, 1977

PERSONAL

Dear Chief:

I write this note, as I understand from Bill Rehnquist that you are not available today.

In accordance with our talk, I have asked Judge Haynesworth to have a transcript of the panel discussion at the Fourth Circuit Judicial Conference sent directly to you. Judge Haynesworth was not able to give an estimate as to when the reporter would have this available.

If the Judiciary Committee wishes to have a University of Virginia faculty member, Peter Low is a senior professor who teaches Federal Jurisdiction and Federal Courts. Although I have no idea what Peter's views are on any particular question, he was active in the ABA criminal justice project and also has done staff work for a Congressional committee on the proposed new Criminal Code. He is a first-rate scholar.

As your office knows, I will be in Richmond over the long weekend holiday; then to Sun Valley where I speak at the Utah/Idaho Bar Meeting on July 8; and I will be back here at the Court from the afternoon of July 12th until the 15th. You can always reach me through my Chambers.

Sincerely,

The Chief Justice

LFP/lab

September 19, 1977

Dear Chief:

Both Jo and I were enormously gratified by the many compliments paid to Gail by both the English and American members of the "Team", and from the women as well as the men.

No doubt similar views were expressed to you. But as the word spread that Gail had formerly worked in my Chambers, it seemed to me that a good many people made a special point of speaking warmly of Gail as a "tour guide" and person.

I write merely to let you know that the Powell Chambers are proud of our alumna.

Sincerely,

The Chief Justice

lfp/ss

cc: Mr. Mark W. Cannon

c 0

September 22, 1977

Dear Chief:

As usual, I have completed my clerk selections in order to get this process behind me. In the process, I personally interviewed about 20 applicants who seemed to have exceptional records.

As you have indicated an interest in the past, I enclose a list of applicants whom I interviewed and who impressed me quite favorably. I am confident that each of those listed is well qualified to clerk here at the Court and each made a favorable personal impression on me. My choices of four other applicants were made on the basis of subjective judgments too subtle for me to defend.

If you or your committee wishes to discuss any of these with me, I am available.

Sincerely,

The Chief Justice

lfp/ss

(Names listed in no order of priority)

Robert N. Weiner	Princeton University Yale Law School Note and Topics Editor Judge Friendly, CA-2
Daniel R. Fischel	Brown University Univ. of Chicago Law School Comment Editor Judge Fairchild, CA-7
Bill McDaniel	Harvard College University of Va. Law School Editor-in-Chief Judge Seitz, CA-3
Andrew J. Levander	Tufts University Columbia Univ. School of Law Notes & Comments Editor Judge Feinberg, CA-2
Philip A. Gelston	Harvard College Harvard Law School Supreme Court Note Editor Judge Wisdom, CA-5
Michael J. Shepard	Princeton University Stanford Law School Senior Article Editor Judge Cummings, CA-7
Deborah L. Rhode	Yale College Yale Law School Editor Judge Gurfein, CA-2
Sondra Berchin	UCLA UCLA School of Law Chief Article Editor Judge Oakes, CA-2
Walter F. Pratt	Oxford University (Rhoads) Yale Law School Article & Book Review Editor Judge Clark, CA-5
William Paul	Michigan Law School, <i>Note Editor</i> Judge Gee, CA-5
Carter Phillips	Northwestern Ohio State Judge Sprecher, CA-7

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

CHAMBERS OF
THE CHIEF JUSTICE

September 22, 1977

Dear Lewis:

I have your letter claiming credit for the fine performance of one Gail Galloway, based on the tutoring received in your office.

The performance of the team of Morris and Galloway was of such high order that I am persuaded it was a result of the superior guidance they have received in recent months rather than in any earlier period.

Seriously, I will share the credit with you. They were both "great" but I think Gail will agree she had more of the "glamour" assignment than did Jeff. Anyway she is prettier than Jeff, as he will readily agree!

Regards,

WJB

Mr. Justice Powell

Add to Discuss List

76-6720 Richmond v. Arizona
(Capital Case - Rehearing Petition)

76-6823 Neal v. Arkansas
(Capital Case)

Take off List for Possible "Discuss List"
Next Conference

76-6962 Witzkowski v. Ill
(Appeal)

76-6870 Schneider v. McNutt
(Appeal three judge court - response not in)

76-6873 McDermott v. U.S

77-5016 Robinson v. U.S
(Certs. I would deny Robinson unless McDermott is granted. But I think cases merit discussion).

77-5028 Runnels v. Oklahoma
(cert. petition)

*These cases are not on CJ's discuss list. If another Justice adds them, I am ready to discuss them.

c9
September 28, 1977

Dear Chief:

One of the names on the list of clerk applicants that I sent you last week was that of Jack Pratt, now clerking for Charlie Clark of the Fifth Circuit.

If you are interested in him at all, I thought the enclosed letter from Sherwood Wise might be added to his file.

I believe you know Sherwood Wise. He is probably the leading lawyer in Mississippi and served for a number of years as the Fifth Circuit representative on the ABA Committee that screens nominees for federal judgeships.

I was quite favorably impressed by Jack Pratt, and he was on my final list of a half a dozen applicants. I did take two "southerners" for the 1978 Term, one from Louisiana and the other from Virginia.

Sincerely,

The Chief Justice

lfp/ss

October 4, 1977

Dear Chief:

Please put the following case on the Discuss List
for the October 7, 1977 Conference:

No. 77-5111 Townsend v. U. S., List 2, Sheet 2

Sincerely,

The Chief Justice

LFP/lab

October 19, 1977

Dear Chief:

I thought you would be interested in the attached brochure on the Board Room of the Chemical Bank.

It is modeled after the old Senate Chamber occupied by the Court.

Sincerely,

The Chief Justice

lfp/ss

October 20, 1977

Dear Chief:

The applicant for a clerkship whom I mentioned this morning as the "Civil War buff" is:

William A. McDaniel, Jr.
22 Centre Drive
Camp Hill, Pennsylvania 17011

Bill McDaniel was Editor-in-Chief of the University of Virginia Law Review last year, where he was at or very near the top of his class. He is now clerking for Chief Judge Seitz of the Third Circuit.

Sincerely,

The Chief Justice

October 26, 1977

Dear Chief:

Please put the following cases on the Discuss List for the October 28, 1977 Conference:

77-5055 D., a Minor Child v. Oregon - p. 4
77-5063 Scott v. Fed'l. Nat'l. Mortgage Assoc. - p. 4
76-6870 Schneider v. McNutt - p. 4
77-5205 Montgomery v. United States - p. 5
77-5285 Scott v. Kentucky Parole Board - p. 5
77-5305 Burns v. Texas - p. 6
77-5355 Shippy v. Texas - p. 13
77-5464 Pryor v. Georgia - p. 14

Sincerely,

The Chief Justice

LFP/lab

C9

October 27, 1977

Dear Chief:

Please put the following cases on the Discuss
List for the October 27, 1977 Conference:

77-332 F. Eberstadt & Co. v. Tannenbaum - p. 2

76-1755 Hollenbach v. Haycraft - p. 1

Sincerely,

The Chief Justice

LFP/lab

cg
November 9, 1977

Dear Chief:

Please put the following cases on the
Discuss List for the November 11, 1977 Conference:

77-5161 Johnson v. Hampton, p. 6
77-5488 Blake v. Georgia, p. 8
77-5538 Spenkelink v. Florida, p. 8

Sincerely,

The Chief Justice

LFP/lab

November 21, 1977

Dear Chief:

Please put the following cases on the Discuss
List for the November 23, 1977 Conference:

77-5269 Simpson v. Florida, p. 6
77-5541 Downs v. Ohio, p. 13
77-5450 CEJA v. Arizona, p. 14
77-5547 Jackson v. Ohio, p. 14
77-5549 Taylor v. Kentucky, p. 14

Sincerely,

The Chief Justice

LFP/lab

29
November 22, 1977

Dear Chief:

In the event you missed it, the enclosed column from the Star of November 17 by Ed Yoder will be of interest.

Thank you for your note suggesting a "Camp David" type of retreat for ailing (as well as fun loving) Justices. Please "join me".

Sincerely,

The Chief Justice

lfp/ss
Enc.

Politics of 'merit' in judicial selection

The Justice Department is discouraging the association of the word "merit" with what is sometimes called the "merit system" of selecting new federal judges. It has adjusted the nomenclature on the sensible ground that the word might imply, to some, an odious comparison between judges chosen under the dirty old political system (whose ranks once included the present attorney general) and judges chosen under the clean new system favored by candidate Jimmy Carter last year and now, under Executive Order 11972, being implemented around the country.

Merit selection, I gather, was pushed for years by the estimable American Judicature Society before Mr. Carter took up the cry. It has much to be said for it in principle. In practice, its adoption by the Carter administration illustrates an unfortunate tendency to borrow political trouble.

Consider a situation familiar to this writer — the replacement of the late Judge Braxton Craven Jr. on the U.S. Court of Appeals for the Fourth Circuit (Maryland, Virginia, West Virginia and the two Carolinas).

Judge Craven, a courageous and conscientious judge, died a few months ago while playing tennis in Richmond. Since Judge Craven was the only North Carolinian on the Fourth Circuit bench, it was made known that his successor would also come from that state. Under Mr. Carter's executive order, a screening panel — composed, it must be said, of names

enjoying somewhat less than household currency — sat down to consider candidates and forward no more than five names to the president, via the attorney general's office.

In the bad old days, these distinguished judicial appointments often went to men of political as well as legal prestige. Atty. Gen. Griffin Bell, before his elevation to the Fifth Circuit, had managed John Kennedy's effective 1960 campaign in Georgia. The late J. Spencer Bell of North Carolina (no kin, as far as I know) was among the first of a handful of Southern delegates to endorse Mr. Kennedy at Los Angeles. He became a judge on the Fourth Circuit.

The unspoken implication of "merit" selection, however, is that if timely support of a presidential candidate (or other party labors) is not an absolute *disqualification*, neither is it the bargaining chip of old.

A certain political asepsis was no handicap in the Fourth Circuit screening. The five names forwarded to Washington are not, I believe, officially released but are known. They include three academics (two former law school deans and a professor of constitutional law), a federal district judge (James McMillan, whose busing plan for the Charlotte schools was up-

held in a landmark Supreme Court case) and a prominent black lawyer, Julius Chambers, the first black to edit the University of North Carolina law review — all able but none politically prominent.

It was not the five choices, it was the pointed exclusions that puzzled and disgruntled political observers in North Carolina. For reasons not disclosed, the panel excluded all candidates from the state bench, including two who were popular and prominent: Sam Ervin III, the son of the former senator; and Justice James G. Exum Jr. of the North Carolina Supreme Court.

Justice Exum, the brightest young state jurist to emerge in North Carolina since Richardson Preyer (now the Sixth District congressman), would have made a superb successor to Judge Craven: an undergraduate president of Phi Beta Kappa, a former Root-Tilden scholar at NYU law school, and in his early forties the youngest Supreme Court justice in over half a century. He has been a judge for about 10 years and before that a state legislator. (He is also, I must disclose, an old and valued personal friend).

Guidelines issued to the circuit selection panels by Associate U.S. Atty. Gen. Michael J. Egan listed a number of "considerations" including "integrity and good character," "sound physical and mental health," "outstanding legal ability," "legal experience," "judicial temperament," "the current needs

of the court," and personal stamina and sensitivity.

But the experience of at least one candidate — Justice Exum, not to be coy — was baffling. The panel asked no questions about his attitudes toward the judicial process, or tending to reveal judicial temperament. He was, however, asked for personal views on substantive questions: abortion, women's rights, "state sovereignty," and the Bakke case.

He explained that while he had personal reservations about the morality of abortion, the law had been settled by the Supreme Court and he would be bound by it; that he could not pronounce on the Bakke case without considering the facts first-hand; that, in his view, states enjoy "sovereignty" within their own spheres, not inconsistent with the U.S. Constitution. He had the impression that his responses agitated and annoyed some panelists because they disagreed. One academic political scientist squirmed impatiently in his chair during the exposition of Exum's unfashionable views on state sovereignty.

If the procedures of the Fourth Circuit panel are representative — and they may not be — judicial merit may be confused here with a fashionable political outlook. What is the gain if "merit" selection — to use again the forbidden word — bootlegs the new politics onto the appellate courts while piously pretending to eschew the old politics? And if this is what the new wrinkle amounts to, is it worth the political price?

Pat Oliphant is on vacation. His cartoons will be resumed on his return.

November 29, 1977

Dear Chief:

As I have a long-standing commitment to be in New York Wednesday evening, I must leave the Court no later than 4:15 p.m. to make my 4:50 p.m. flight.

You may recall that because of my law firm's participation I am out of 76-419, Vermont Yankee Nuclear Power Corp. If it will not inconvenience you or other members of the Conference, I would appreciate our considering first the other cases that are to be discussed at tomorrow's Conference.

Sincerely,

The Chief Justice

lfp/ss

cc: The Conference

[C. NOV. 1977]

✓



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

CHAMBERS OF
THE CHIEF JUSTICE

Dear Lewis

Belatedly I thank
you for the remembrance during
my hospital stay. I will use
it internally not as an aid
to massage. Regards WJB

C9

December 7, 1977

Dear Chief:

Please put the following cases on the Discuss
List for the December 9, 1977 Conference:

77-5388 Brown v. North Carolina - p. 5

77-5553 Brock v. Texas - p. 5

Sincerely,

The Chief Justice

LFP/lab

c-19

December 19, 1977

Dear Chief:

Jo and I leave this afternoon for Richmond, planning to remain there until the morning of Monday, December 26. I expect to be back in the Court for most of the 26th and thereafter.

I can be reached either at my residence (804-358-4647) or at my Chambers at the Fourth Circuit (804-782-2733). If you call the Chambers there and receive no answer you could leave a message for me with the Clerk, William K. Slate, Jr. (804-782-2213) or with the Circuit Executive Samuel W. Phillips (804-782-2185).

It was good to see you and Vera Sunday evening. I was especially pleased to see you looking normal again. We have been distressed by the pain and discomfort that you have suffered. I suppose the problem is more or less chronic (in view of your history), but at least we can hope that its severity is now behind you.

We wish for you and Vera - and your family - a pleasant holiday season.

As ever,

The Chief Justice

lfp/ss