



THE SUPREME COURT
HISTORICAL SOCIETY

Quarterly

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Judiciary Act of 1789 Celebrated in Pictorial Cancellation

Two hundred years ago on July 17, 1789, the Senate approved a bill that became known as the Judiciary Act of 1789. The Act provided the framework upon which the entire federal judicial system was built. Senator Byrd of West Virginia discussed the importance of the Act on the floor of the Senate on July 17, 1989. He said: "Following the Constitution's mandate, it [the Judiciary Act of 1789] established a Supreme Court with a Chief Justice and five Associate Justices; district courts for each State and the districts of Maine and Kentucky; and three traveling circuits as courts of original jurisdiction and appeals. With the exception of an 1891 statute that created a separate level of appellate circuit courts, no extreme departures have been made from the system that the Senate devised in 1789."



Lawrence H. Averill, Jr., Administrative Assistant to the Chief Justice, represented the Court at ceremonies celebrating the pictorial cancellation in honor of the bicentennial of the Judiciary Act. Society Trustee Noel J. Augustyn is seated to the left of the speaker's podium; Assistant Postmaster of the United States Gordon C. Morison is seated to the right.

To honor the bicentennial of the enactment of this vital piece of legislature, the Society sponsored a special pictorial cancellation. The handsome design for the cancellation was prepared by Leonard Buckley, the Assistant Foreman of the Product Design and Engraving Division of the Bureau of Engraving and Printing. Through special permission from both the U.S. Postal Service and the Postmaster of Washington, D.C., the design was approved and permission was given to establish a temporary postal station in the Supreme Court building to perform the cancellation on Friday, September 22, 1989. Thousands of out-of-town collectors submitted items to the office of the Postmaster of Washington where the cancellation was performed for these items until the 22nd of October.

In conjunction with this special cancellation, a brief ceremony was held in the lower Great Hall of the Supreme Court building where special guests were introduced and three speakers made brief remarks commemorating the occasion. Society Trustee Noel J. Augustyn conducted the ceremony and spoke for the Society. Mr. Gordon C. Morison, Assistant Postmaster of the United States, represented the U.S. Postal Service, and Lawrence Averill, Administrative Assistant to the Chief Justice, spoke on behalf of the Supreme Court.

After welcoming the group to the commemorative ceremony, Mr. Augustyn recognized and introduced several special guests: Mr. Joseph Harris, Postmaster for the District of Columbia; Mr. Harry Bennett, Postmaster of Bethesda, Maryland; Mrs. Rita Moroney, First Historian, United States Postal Service; and Mrs. Lillian Turner, a member of the Society's Acquisitions Committee who was most instrumental in coordinating and planning the events associated with the pictorial cancellation.

Mr. Augustyn began his remarks: "As we all know by now, this Sunday, September 24, 1989, marks the 200th anniversary of the Judiciary Act of 1789, which, in its own words, was 'An Act to establish the Judicial Courts of the United States.'"

"It's appropriate in many ways that we're celebrating this event in this building, especially since the first of those 'Judicial Courts' so 'established' by the Act was the Supreme Court of the United States. 'Established' might not be the

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A Letter from the President

At this writing, I am happy to report that the endowment has grown to over \$900,000 in cash and pledges and we are working very hard to reach the million dollar mark by the end of the year. Our progress results from a coordinated effort among our Trustees, various committee members, and a number of others who support the Society's goals. Retired Chief Justice Warren E. Burger accompanied Leon Silverman and me to make a presentation to representatives of over thirty of New York's major law firms. E. Barrett Prettyman, Jr. and J. Roderick Heller, III helped to arrange a meeting of Washington, D.C. law firms. Dean Erwin N. Griswold, the Society's Chairman, and Lloyd N. Cutler hosted the luncheon and joined me in making a presentation.

Retired Associate Justice Lewis F. Powell, Jr. joined W. Gibson Harris, R. Harvey Chappell, Jr. and me in Richmond where we sought the help of many of Virginia's major firms. Charlton Deitz coordinated a meeting in Minneapolis where we talked to general counsels of major corporations. We had previously met with law firms in Minneapolis where long-time supporter and Society Trustee Dwight Opperman hosted a luncheon meeting and in Miami where Chesterfield Smith did the same. Thanks to the help of John Elam, we have been to Columbus, Ohio, and we are grateful for the hospitality of Bernard Kubale and Steven Keane in Milwaukee. In addition, we have received the support of several Chicago law firms.

In December we will meet with representatives from major firms in Baltimore and Philadelphia and we will return to New York to meet with corporate counsel. In the months ahead, we are planning meetings in St. Louis, Denver, San Francisco and Los Angeles. We will be calling upon our members to help us to reach receptive audiences in all of the cities that we visit. If you think you might be of assistance in planning a presentation in your area, please contact our Special Gifts Committee Chairman Vincent C. Burke, Jr., our Director of Endowment, Kathy Piva or me. We need everyone's help to ensure that this phase of our campaign will be successful.

While we are focusing on law firms, corporate entities and individuals, we are also seeking the support of foundations. Although many foundations do not contribute to endowment, the Robert Wood Johnson Foundation provided \$50,000 to offset the expenses of our campaign. We have also received \$25,000 contributions from the Charles E. Culpeper Foundation and the Clark-Winchole Foundation. Our \$25,000 corporate, law firm and individual contributors as well as those who have made pledges of \$25,000 are listed on page three.

With rare exceptions, we ask for pledges not to exceed \$25,000, which can be paid over a five-year period. This limitation makes our campaign somewhat more difficult, but by holding to a modest ceiling for donations it assures the Court that our campaign will be above reproach in both appearance and substance.

As we draw nearer to our goal of \$2.5 million, we will also open the campaign to donations from all of our members. We are aware that not everyone can afford to give \$25,000; but we do hope that everyone who can will give as generously as possible. I will be seeking one hundred percent support from our Officers and Trustees.



Supreme Court Historical Society President Justin A. Stanley addressed those attending a special dinner in honor of the Society's State Membership Chairpersons and endowment campaign donors. News of the activities of the State Chairpersons will be included in the next issue of the *Quarterly*.

The Society can be thankful for the strong support we have so far enjoyed from law firms, businesses and a number of very generous individual donors. We are listing all major donors in this, and every subsequent issue of the *Quarterly* for the duration of the campaign to recognize their generosity, and to keep you, as members, abreast of our progress.

In addition, we are recognizing all major donors to the endowment with a special token of our appreciation-- a polished marble paperweight affixed with the Seal of the United States Supreme Court-- the stone for which was cut from a piece of the Supreme Court building. Several of the major donors were on hand at a special dinner last month, at which Chief Justice William H. Rehnquist was kind enough to present the awards in person. Details of that function will appear in the next issue of the *Quarterly*.

We are off to a good start, but we have a long way to go, and our campaign must and should involve the cooperation of the whole Society. The endowment will serve to ensure continuity in the Society's programs by guaranteeing financial strength and stability. I hope that each of you will give thought to how you might assist us in furthering our aims.

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Endowment Fund Donors

All donors listed below have contributed or pledged at least \$25,000 to the endowment campaign as of November 7.

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Society Trustee Dwight Opperman (above) received an award from Chief Justice Rehnquist in recognition of his contribution to the endowment.



Gathered at the recent Supreme Court dinner honoring state membership chairpersons and endowment campaign contributors were (clockwise, beginning at left) Society Vice President David Lloyd Kreeger, Chairman of the Board of Trustees Erwin N. Griswold, Mrs. Carmen Kreeger, and Mrs. Harriet Ford Griswold. Mr. Kreeger received an award in recognition of his major contribution to the endowment campaign.



Mr. Howard Trienens (above), attending the dinner on behalf of Sidley & Austin, received an award from Chief Justice Rehnquist. The awards presented were polished marble paperweights crafted from stone removed from the Supreme Court building during recent repairs. A gold-plated replica of the seal of the Supreme Court of the United States was affixed to the top of each award.

Fiftieth Anniversary of William O. Douglas' Appointment to Supreme Court

On April 17, 1939, William O. Douglas was appointed to the Supreme Court bench from the state of Washington. Douglas had worked at the Securities and Exchange Commission (SEC) for approximately four years, becoming Chairman of the Commission in 1937, and was serving as Chairman of the SEC at the time of his nomination. His earlier career included practice in one of the great law firms of Wall Street, Cravath, deGersdorff, Swaine and Wood, private practice in his native state of Washington, brief tenure as a professor at Columbia University Law School, and five years on the faculty of the Yale Law School.

His early life was marked by emotional and physical difficulties, including the death of his father when Douglas was only six years old, after which he and his family suffered great financial hardships. His childhood was further complicated when he contracted infantile paralysis. According to a biography of Douglas by John P. Frank, a Society member and the Arizona State Membership Chairman, "the local doctor thought he [Douglas] would lose the use of his legs and prescribed a fifteen minute massage every two hours each day for weeks. Douglas' mother gave the massages. Up to the age of thirteen, he looked puny and was humiliated by the other schoolchildren. He set out to be a good student and then to build himself up by climbing in the mountains and reconstructing his legs."



Cathleen Douglas Stone, widow of William O. Douglas, hosted the ceremony with colleagues and friends of the Justice.

"Perhaps because he gave the title *Go East, Young Man* to the first part of his autobiography, most of us think of him as a native of the Pacific northwest. But he was born in the little town of Maine, Minnesota, on October 16, 1898. I first got to know Bill Douglas when I came to the Court in 1972, at a time when the press was making much of the idea that Chief Justice Warren Burger and Justice Harry Blackmun were the 'Minnesota Twins' because they voted together so often. Bill Douglas used to say that the papers had it all wrong: Harry Blackmun had been born in Illinois, and the real 'Minnesota Twins' were Bill Douglas and Warren Burger!

"Justice Douglas was appointed to the Court by President Franklin Roosevelt in 1939, filling the seat left vacant by the resignation of Justice Louis Brandeis. At the age of forty, he was—and remains—the youngest appointee to the Supreme Court in the twentieth century. Indeed, he was the youngest person to sit on the Court since the appointment of Justice Joseph Story at the age of thirty-two in 1812. Bill Douglas brought a wealth of experience as an academic lawyer and as Chairman of the Securities and Exchange Commission to the Court. He served on this Court for more than thirty-six years—longer than any other Justice before him or since. His closest competitor, Justice Stephen J. Field, lags behind by two full years. His opinions for the Court made major contributions to the law in almost every area with which the Court dealt during his time. By one count he authored a total of fifteen hundred and forty-six opinions, although the majority of these were dissents. But it was not at all unusual for him to write between twenty-five and thirty opinions for the Court during a given Term, at a time when his colleagues would be writing half that many.

"Bill Douglas' interests had extended well beyond this Court and legal matters generally. He was an environmentalist before his time—an avid naturalist and an intrepid hiker—and his well publicized hike along the entire length of the C&O Canal thirty-five years ago was instrumental in having the Canal and its towpath declared a National Historic Park. He was an inveterate traveler, journeying to the four corners of the earth and writing prolifically about his travels. With typical Douglas humor, he



Chief Justice Rehnquist welcomed friends and colleagues of William O. Douglas to the Supreme Court for the ceremony celebrating the fiftieth anniversary of Justice Douglas' appointment to the Bench. (photos this page courtesy of Lois Long)

remember his thirty-six years of service to the Supreme Court.

The program consisted of several speakers. Chief Justice William H. Rehnquist welcomed the guests to the Supreme Court and paid tribute to Justice Douglas. His remarks contained a biographical sketch of Douglas, as well as some personal reflections:



Justices Harry Blackmun, William Brennan, Jr., John Paul Stevens and Chief Justice Warren Burger gathered with Douglas when Douglas' portrait was unveiled in 1977. Douglas used to say that he and Chief Justice Burger were the real "Minnesota Twins", as Blackmun had been born in Illinois.

once said, 'My real claim to distinction is that I have never traveled at government expense.'

"My wife, Nan, and I had the pleasure of visiting Bill and Cathy Douglas at their delightful home in Goose Prairie, Washington. One night I asked Bill if I might take a book with me to bed, and he pointed to a long shelf of books and said, 'Take anything you want.' Upon examination I realized that all of the indicated books had but one author--William O. Douglas--but that did not mean they lacked variety. Bill Douglas authored some thirty non-fiction books during his long career."

The Chief Justice's remarks were followed by several other speakers including David Ginsburg, of Ginsburg, Feldman and Bress, U.S. Circuit Court Judge Betty B. Fletcher, University of Texas Professor Dagmar Hamilton, and Clark M. Clifford, of Clifford and Warnke. It is interesting that the speakers each had worked closely with Justice Douglas at various stages during his career, and at different times, so that a chronological progression was portrayed by their remarks.

David Ginsburg, who served as Justice Douglas' first clerk, opened his remarks by reminiscing about his service with Justice Douglas. He described the day of Justice Douglas' investiture as follows:

It was April 17, fifty years ago that the Justice was sworn in. In this room, before the fireplace, three of us sat on a bench, Justice Douglas in the middle, Edith Waters, his SEC secretary on one side and I on the other. Our pictures were taken and I still have the brittle, yellowing newspaper clipping that records the fact. Before that, when Bill was chairman of the SEC, I worked with him as an assistant; we had met when he and Abe Fortas were called from Yale to organize the protective committee study. After Justice Brandeis resigned and Douglas was nominated he very casually asked one day whether, if he were confirmed, I'd care to go along as his law clerk. I did and my first assignment, on April 17, 1939, was to find the robing room. That duty I discharged with great aplomb.

many had invaded Poland. Talk stopped. When it began again we wondered when Britain and France would declare war and we speculated about how long it would be before we too would be in it. Camp broke the next day and I drove back to Washington."

Clark Clifford first met Justice Douglas in 1945 when Clifford came to Washington to work in the White House for President Truman. He and Justice Douglas became personal friends and enjoyed trading good stories. Clifford remarked that

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William O. Douglas in our Nation's capital.

Douglas Anniversary (continued from page five)

he occasionally received telephone calls from Douglas while Douglas was staying at his summer home in Goose Prairie. In addition to trading stories, Douglas enjoyed telling Clifford the "new titles of western country music that were particularly appealing to him. I particularly remember his delight at a new album that apparently had come out of western music, the title of which was, 'Songs I Learned At my Mother's Knee and at Other Joints.' Included in the album were such choice items as 'When the Phone Don't Ring, You'll Know It's Me'; 'Walk Out Backwards, So I'll Think You're Coming In', and 'My Wife Ran Off With My Best Friend, And I Sure Do Miss Him.'"

Mr. Clifford continued his talk saying that he "decided that it might broaden the program if I were to refer to three incidents that might have happened to Bill, but did not." The first event Clifford mentioned was the choice of President Franklin Roosevelt's running mate in 1944. Clifford reported that Roosevelt "had under consideration Henry Wallace, Alben Barkley, James Byrnes, Bill Douglas and Harry Truman. As the time came close to the Democratic Convention in Chicago in the summer of 1944 he eliminated Wallace, Barkley and Byrnes from consideration. His two remaining choices were Douglas and Truman. Apparently he delayed making the final decision until the evening before his choice for Vice President was to be nominated. President Roosevelt telephoned the hotel where top Democrats were meeting and advised that after exhaustive deliberation he had decided to select Harry Truman.

"You will remember that the Roosevelt-Truman ticket was elected by a substantial margin and three months after Roosevelt was inaugurated he died and Harry Truman became President. It just as easily could have been Bill Douglas. Bill would speak of it from time to time and was curiously philosophical about it. He recognized that it would have been a tremendous opportunity for service and a chance to promulgate his deeply liberal beliefs, but did not spend time being unhappy about it."

The other two "might have been" incidents Clifford reported were Truman's offer of the job of Secretary of the Interior to Douglas in 1946 and Truman's offer to Douglas to be his running mate as candidate for Vice President on the presidential ticket in 1948. According to Clifford's account, Truman even suggested that Mrs. Roosevelt contact Douglas to try and persuade him to take the job as Secretary of the Interior. In both cases, Douglas refused the offers citing his belief that he owed his greatest allegiance to the Court.

Professor Dagmar S. Hamilton served as Douglas' editorial and research associate from 1962-73, and from 1975-76, assisting him in the preparation of many of the books he published during his lifetime. Professor Hamilton commented that the public image of Justice Douglas in that time period was of almost epic proportions: "a liberal hero in the days when the term 'liberal' had not yet been discredited. . . Douglas was a man who had stood up to McCarthyism; and who was in the vanguard of the dissents which would lead the Warren Court into the era of being perceived as socially activist. He was a world traveler whose journeys had taken him not to Western Europe, which he regarded as basically finished, but instead to Eastern Europe, the Middle East, and many parts of Asia: those parts of the world both very old and yet on the verge of shaking off the last vestiges of colonialism."

The ceremony commemorated not only Douglas' thirty-six years of service to the Supreme Court, but also Douglas the man. In the words of John Frank: "[T]he length of service and quality and quantity of output are not Douglas' only distinctions. He is also the foremost conservationist, naturalist, and traveler in the history of the Court. . . In the course of his travels he has filled some two hundred little black notebooks with his jottings. His collection of the flora of Iran is in the National Herbarium [part of the Smithsonian Institution]. Douglas is the only Justice whose picture is likely to appear in *Field and Stream* magazine singing 'The Song of Sergeant Parker' with obvious gusto."



President Franklin Roosevelt rides with Vice President Harry Truman and Secretary of Agriculture Henry Wallace. Roosevelt had considered William O. Douglas for the second spot on the Democratic ticket in 1944. Had he been chosen, Douglas, and not Truman, would have become the thirty-third President.

Gift Ideas from the Supreme Court Historical Society

Desk Accessories

Desk Folder Cloth-backed vinyl with brass-plated corners, this finely constructed business accessory will keep your papers clean and unruffled for important meetings. Inside flap and letter-size ruled pad included. Maroon color, smooth finish with gold stamped picture of the Supreme Court building in the lower right corner. "Supreme Court of the United States" printed in gold beneath the image. \$13.00.

Brass Gavel Our brass gavels are perfect for their decorative appeal or for actual use. Each piece is turned from solid brass and highly polished and is a little more than one-half scale of the full-sized wooden gavels. \$12.00.

Wooden Gavel The engraved wooden gavel is perfectly balanced and is made of solid walnut with "Supreme Court of the United States" engraved on its gold band. \$17.95.

Walnut Gavel Plaque Our large, impressive plaque measures 9 by 12 inches, is made of rich solid walnut and makes a perfect presentation gift. The plaque is ornamented with the Society's enamel seal, a solid walnut gavel and a 2" x 4" polished brass plate ready for engraving and gift giving. \$45.00.

Ceramic Inkwell These ceramic inkwells are replicas of those used in the Colonial period. They are hand fired in "The Old Dominion" from Virginia clay. Each piece is hand signed and individually painted with a colorful cobalt blue design. Each inkwell comes with a handcut pair of quill pens. \$11.00.

Pewter Inkwell with Quill Pens Patterned after those made by silversmiths of the Colonial period, this highly polished inkwell has the look and feel of silver and will add a bit of history to any home or office. Each piece comes with a pair of handcut goose quill pens and makes a charming gift. \$29.00.

Pewter Plates Richly detailed with no two exactly identical, the plates are crafted in a Queen Ann style. The plates are available in two sizes; diameter of the larger plate measures 10 inches, while the smaller measures just over 5 inches. The plates are hand cast and polished to a burnished sheen. Each plate has the seal of the Supreme Court of the United States centered on it with edging to highlight the detail of the seal. The larger of the two plates is \$47.00; the smaller one is \$17.50.

Marble Paperweight Our newest desk item is a distinctive 3 x 3 inch white Carrara marble paperweight. This impressive white marble has veining throughout and is embellished with a richly detailed casting in bronze of the Supreme Court Seal. \$12.95.

Porcelain Handled Letter Opener This attractive letter opener has a pistol grip handle of black porcelain. The seal of the Supreme Court is embossed on the handle in gold. The blade is Sheffield stainless steel. This attractive and useful accessory is boxed in royal blue for an elegant look. \$8.00

The four desk items that follow are companion pieces.

Memo Caddy The memo caddy is crafted from natural walnut and bears the full color enamel seal of the Society. Each tray includes a matching pen and a generous supply of memo sheets which measure 8 1/4" by 4 1/4". Order forms are included for future paper refills. \$32.00.

Bookends The handsome bookends are decorated with the full color enamel seal of the Supreme Court Historical Society on each piece. The bottom of each piece is covered with cork to prevent damage to furniture. \$30.00.

Single Pen Set The companion piece to the memo caddy and bookends, this walnut pen set also features the Society's richly detailed color enamel seal. The bottom is felt covered to prevent damage to fine furniture. The set measures 4 x 5 inches. \$24.00.

Double Pen Set Solid walnut base with three-inch Supreme Court Historical Society seal in full color enamel. Each set measures 4" by 10" and comes with matching pens. It is a companion piece to the three items above. \$28.00.

Round Laser Etched Box Each box is four inches in diameter and carved from a solid piece of walnut. The boxes are felt lined and have the Supreme Court seal laser etched on the lid with exacting detail. These circular boxes are perfect for holding stamps, paper clips, jewelry or other small items. Appropriate for either home or office use. \$9.00.

Walnut Single Pen Set is a classic design crafted of hand-rubbed wood polished to a glossy sheen. A two-inch gold plated medallion of the seal of the Supreme Court complements the natural wood beauty. Felt squares on the base of the pen set prevent damage to furniture. Packaged in a gift box. \$45.00.

Matching Walnut Pencil Caddy with two inch gold plated medallion of the seal of the Supreme Court. This piece stands five inches high, and is large enough to hold an ample supply of writing instruments. A perfect companion piece to the pen set, above, it is similarly fitted with felt pads on its base. \$36.00.

Wooden Business Card Holder The newest addition to our collection of desk items is our solid wood business card holder. This item is handcrafted from hardwoods including walnut, chestnut, and oak, and each comes with the Society's enameled seal recessed into the front of the piece. The holder has a protective felt bottom. Please specify choice of wood. \$12.00.

Walnut Constitution Our most impressive gift item, this limited edition stainless steel walnut Constitution is very masculine and distinctive. It is quite large, measuring 16 x 22 inches. The unabridged Constitution of the United States is etched into a stainless steel plate which is then mounted on a hand rubbed walnut plaque. This is truly the ultimate gift for any attorney's office. \$217.95.

Glass items

Lead Crystal Box measures two and three-quarter inches square and is acid-etched with the seal of the Supreme Court of the United States on the top panel. Useful for keeping small items on a desk, or the two halves can be used individually. This item is gift-boxed for convenient gift giving. \$9.00.

Smoky, Beveled-edge Glass Box with brass trim and hinges. The seal of the Supreme Court is engraved on the lid and is reflected on the mirrored bottom. The box measures 4 by 4 inches. \$31.50.

Glass Set This is a set of four double old-fashioned sized glasses. The seal of the Supreme Court of the United States has been acid-etched onto each glass. \$13.00.

Lead Crystal Glass Set These glasses are made of fine French 24% lead crystal. The seal of the Supreme Court is hand etched into each glass. The glasses are round, but the lower third is shaped in a columnar form, giving the impression that the glass has a square bottom. These elegant glasses are available in two sizes: double old-fashioned and highball. Sets of four. \$30.00.

Glass Suncatcher The suncatcher is a striking lead crystal diamond shaped piece that measures 3 by 3 inches and has the seal of the Supreme Court acid-etched in its center. The beveled edge creates dazzling effects when struck by light. This lovely design comes with a ribbon tie so that it may be used as a Christmas ornament, or use the enclosed suction cup to hang in a window and enjoy all year. Individually boxed. \$5.00.

Glass Paperweight is circular and has a delicately fluted edge. The seal of the Supreme Court is acid-etched in the center of the piece. One of our most popular items, this unusual paperweight measures almost four inches in diameter. \$6.00.

Lead Crystal Paperweight is crafted of 24% lead crystal and measures 3 3/4" wide by 4 1/2" long. The Supreme Court seal is hand etched into the center; each edge is beautifully finished in a heavy bevel. Gift boxed. \$15.99.

Lead Crystal Ruler is 24% lead crystal and has beveled edges. The ruler measures 6 by 2 inches and is imprinted with "United States Supreme Court" across its face. It may be used as a ruler or paperweight, and makes an attractive conversation piece. \$7.99.

French Crystal Vase is an elegant and impressively designed gift. The Supreme Court seal is hand engraved on the front of the one foot tall piece. \$25.00.

Ornaments

Finished in 24K gold, these 3 by 3 1/2 inch oval, metal cutwork ornaments are available in three designs: the Supreme Court building, the seal of the Supreme Court, and the figure of lady justice. Each is presented in a folio which includes a short history of the design. \$7.75 each.

Publications

The Documentary History of the Supreme Court of the United States, 1789-1800. The first and second volumes of the Documentary History Project are now available. **Volume I** deals with the structure of the Supreme Court and the official records of its activities from 1789-1800, and serves as an introduction to the planned seven volume series. This volume contains primary source materials including manuscripts, correspondence, private papers, newspaper articles, and official records of the period. **Volume II, The Justices on Circuit, 1790-94,** details the early workings of the federal judicial system. The documents in this volume also touch on topics that figured prominently in the law and politics of the era: neutrality, the boundary between state and federal crimes, and others. Each volume: \$75.00.

The Illustrated History of the Supreme Court of the United States by Robert Shnayerson. This beautiful book contains portraits and engravings, hand-colored maps and rare archival items, sketches by Cass Gilbert, the architect of the Supreme Court building, as well as illustrations of the people, places, and events associated with the history of the Supreme Court. The 304 page book contains a bibliography, a chart of Justices, and over 370 illustrations. **Special Price \$24.00**

Jewelry

Jewelry with the seal of the Supreme Court. Die stamped medallions with fine detail, available in either gold or silver plate. Tie Bars, \$18.00; Tie Tacks, \$11.00; Money Clips, \$21.00; Cufflinks, \$24.00.

Elegant 10-K Gold Filled Jewelry featuring the seal of the Supreme Court. Ladies' Charm, \$24.00.

Our Most Popular Items

Gavel Pencils This unique pencil has a double-headed eraser which gives it the look of a gavel. The barrel is inscribed with the words "With Liberty and Justice for All", as well as "The Supreme Court of the United States". The pencils are available in cream, metallic gold, and silver colors. \$.65 each or \$6.00 per dozen.

Mugs Crafted of ironstone for durability, the mug is cobalt blue with the Supreme Court building traced in gold. The rim is trimmed in gold for an added touch of class. \$6.00 each.

Scales of Justice These beautiful scales are made of solid brass, have brass ropes, and are capped with a majestic eagle. They are available in two sizes: the smaller is 11 inches tall, the larger is over 15 inches in height. The smaller is \$18.00, the larger is \$42.00.

Bookmarks are finished in 24k gold over intricate metal cut work. Designs include: the seal of the Supreme Court, the U.S. Capitol or Supreme Court building, and the Great Seal of the United States. A brief description and history of the design is included with each bookmark. \$4.00 each.

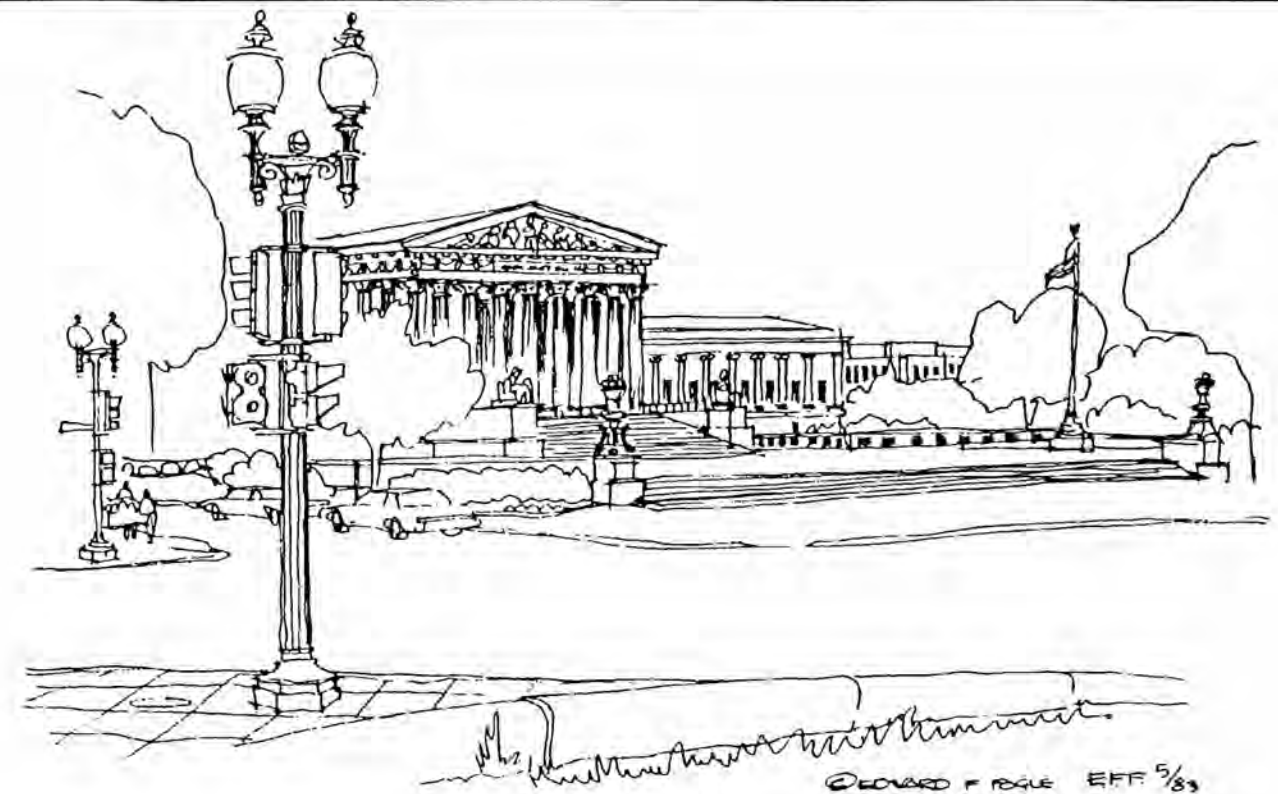
Artwork

Supreme Court building lithograph This limited edition lithograph by Carolyn Anderson is prepared on museum quality stock, and each print is hand signed by the artist and numbered. The picture is a handsome watercolor rendering of the Supreme Court building, showing the dome of the original Library of Congress building in the background. The lithograph measures 22 x 28 inches. This attractive piece is appropriate for home or office decor. \$20.00.

Handcolored Watercolor of the Supreme Court building by Andy Dedula. These beautiful paintings are double matted with beveled edge mats and are ready for framing. The picture is available in two sizes: the small picture is 8 1/2 by 7 inches, and the large picture measures 16 by 20 inches. Both pictures are excellent values and are priced at \$6.50 and \$11.00, respectively.

Poster of the Supreme Court building by Susan Pear Meisel. This poster was made for the 1980 Washington Art Show by nationally noted artist Susan Pear Meisel. The poster is done in the bright, vibrant tones characteristic of Ms. Meisel's style and has a very contemporary feeling. For a limited time, these posters are available signed by the artist. \$10.00.

Doors of Washington, D.C. This poster is one of a series featuring interesting and unique doors. This poster features the bronze doors of the Supreme Court building, as well as those of many private residences and buildings throughout the District of Columbia, and presents a unique view of Washington. \$8.50.



Greeting Cards

Holiday Greeting Cards Two new cards for holiday remembrances. The cards are beautiful full-color photographic images of the "Capitol in the Snow" and the "Supreme Court in the Snow". The pictures and greetings are non-religious and the message is the holiday season as portrayed by two of the most important buildings in the Nation's capitol. The cards measure 5 by 7 inches. The rich colors in the photographs are enhanced by the accompanying blue envelopes. Individual cards \$.50 each; 100 or more \$.39 each.

Embossed Note Card This white on white notecard features a blind embossing of the Supreme Court building for an understated, elegant look. The card is blank and can be used as either a card or notecard. The card measures 4 1/2 by 6 inches and is accompanied by a white envelope. \$.90 each.

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Membership Update

The following members have joined the Society between June 15 and October 15, 1989.

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Membership Update (continued from page seven)

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Society Trustees Recognized by American Judicature Society

Society Trustees E. Barrett Prettyman, Jr., a partner with the Washington, D.C. firm of Hogan & Hartson, and Robert S. Banks, a partner with Latham and Watkins in New York, were elected by the American Judicature Society to the Board of Directors and President, respectively.

Mr. Prettyman served as special counsel to the Committee on Standard of Official Conduct of the U.S. House of Representatives in connection with the ABSCAM investigation; as outside counsel to the Subcommittee on Oversight and Investigations of the House Committee on Interstate and Foreign Commerce relating to the AT&T lawsuit; and as special consultant for the Senate Judiciary Committee investigating the problems of Vietnam refugees and escapees.

A graduate of the University of Virginia Law School,

Mr. Prettyman served as a law clerk to three Supreme Court Justices and is a member of the American College of Trial Lawyers, the American Bar Foundation, the National Institute for Citizen Education in the Law advisory committee, the annual Judicial Conference of the District of Columbia and the Media Law Reporter advisory board. Mr. Prettyman has authored the book, **Death and the Supreme Court**, which won the Mystery Writers of America Award, and he has written numerous articles about the Supreme Court's procedure and media/law subjects.

Robert S. Banks, a graduate of Cornell Law School, served as Vice President and General Counsel of the Xerox Corporation before joining Latham & Watkins.

The American Judicature Society is an independent organization working to improve the nation's justice system.

Pictorial Cancellation (continued from page one)

correct word, though, since the Supreme Court was, in one sense, established by Article III, Section I of the Constitution. It is in the Constitution that some of the details concerning the Supreme Court--which have become hallmarks of the entire federal judiciary--are found: for example, the term of office 'during good Behaviour'--commonly known today, rather presumptuously, I think, as 'life tenure,'--and 'a Compensation, which shall not be diminished during their Continuance in Office' . . ."

Mr. Augustyn discussed the content of the Act noting that "Section 1 of the Act, for example, provided that our first Supreme Court consist of only six justices: the Chief Justice and five associate justices; apparently no one thought of the untoward consequences resulting from a 3-3 vote! And while we today have grown accustomed to the Court's Term beginning the first Monday in October, the 1789 Act provided for two sessions a year: the first Monday of February; and the first Monday in August! This was, of course, over a decade before the Capital was moved here to Washington, which may explain the apparent unreasonableness of convening the Court in August.

"One feature of today's Court that remains unchanged from two centuries ago, however, is its reliance upon seniority in conducting so much of its ceremony and business. Section I of the Act provides 'that the associate justices shall have precedence according to the date of their commissions, or when the commission of two or more of them bear date on the same day, according to the respective ages.'

"With respect to the 'inferior' federal courts, as the Constitution called them, the 1789 Act set up 13 districts--as contrasted with 94 federal districts today.

"Nor was it simply one district for each of the 13 original states. While there was one federal district court each for New Hampshire, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, South Carolina and Georgia, Massachusetts had two: 'one to consist of that part of the State of Massachusetts which lies easterly of the State of New Hampshire, and to be called Maine District;' and 'one to consist of the remaining part of the State of Massachusetts.' One district was 'to consist of the State of Virginia, except that part called the District of Kentucky'. North Carolina and Rhode Island didn't ratify the Constitution until November of 1789 and May of 1790, respectively, so they were not included in the Act.

"Each of these districts, by the way, was assigned only one district judge. And those 13 districts comprised 3 circuits: The Eastern Circuit, for New Hampshire, Massachusetts, Connecticut and New York; the Middle Circuit for New Jersey, Pennsylvania, Delaware, Maryland and Virginia; and the Southern Circuit for South Carolina and Georgia." The Act made provisions for the Maine and Kentucky Districts. Judgements appealed from the Maine District were to proceed to the Eastern Circuit. The District Court of Kentucky was also to function as a circuit court, as the Act stated that "writs of error and appeals shall lie from decisions therein to the Supreme Court."

"While the act provided that the circuit courts have appellate jurisdiction from the district courts, the circuit courts also served as trial courts. The drafters of the 1789 Act, by the

way, were economically mindful: there was no separate category of circuit court judges; rather, each circuit court consisted of the district judges in each circuit and any two Justices of the Supreme Court.

". . . [T]he total number of federal judgeships established by the Act--including the Supreme Court--was 19. Quite a contrast to the 575 district and 168 circuit judgeships existing today, plus our nine Supreme Court Justices." [Congress is considering legislation which would bring the number of district judgeships up to 634 and the circuit judgeships up to 179.]

Mr. Augustyn mentioned several other interesting points about the Act including the so-called "judicial oath." He concluded saying that "[t]hese are but a few examples of the subjects addressed by the 35 sections of the Act, which also provided for the judiciary's marshals and their deputies, and for the Attorney General of the United States, who should be a 'meet person, learned in the law.'"

In closing, Mr. Augustyn noted that "[t]he Act is a document whose importance to the Third Branch of the United States Government can hardly be over-estimated. . . ."

At the conclusion of his remarks, Mr. Augustyn called upon Lawrence H. Averill, Jr., Administrative Assistant to the Chief Justice, to make a brief speech. Mr. Averill welcomed the special guests and speakers and other participants to the ceremony on behalf of the Chief Justice and the Court saying "[w]e are pleased that you have taken the time and effort to hold this special event."

Mr. Averill noted that "[a]lthough the Constitutional Convention of 1787 resolved many of the questions of governance for this new nation, in many regards it merely created a



Mr. Alfred Wong, Marshal of the Supreme Court, looks over the pictorial design at the temporary post office set up in the Supreme Court.

skeleton of government which needed the flesh of a system. This attribute was particularly applicable to the Judicial Article III. The language of Article III was of rhetorical merit in pronouncing the primacy of the Federal courts, but short on detail. It was apparent that the real battle on the judiciary had merely been postponed. As prescribed in Article III, the responsibility for giving form and structure to the third branch rested with the Congress. Its task was made doubly difficult by the necessity of disposing with this issue in short order, lest the nascent government fall hopelessly behind a growing backlog of litigation. When the newly formed Senate finally achieved quorum on April 6, 1789, the judiciary question was one of the first matters discussed on the floor and a special committee chaired by Oliver Ellsworth of Connecticut was formed to draft Senate Bill No. 1: The Judiciary Act of 1789.

"Many of the very same intellectuals and politicians who had devised the Constitution in 1787 assumed vital roles in the new government when it convened for the first time two years later in New York City. Moreover, their opponents from the ratification debates, the Anti-Federalists, were also present in the new legislatures. The stage was set for a resumption of the contest of words between those who preached the virtues of a strong national government and those who feared it. It was in this highly charged political setting that Congress set to work on the judicial bill.

"Several Founding Fathers played significant roles in the passage of this Judiciary Act. One of these was Oliver Ellsworth of Connecticut. He had been an important player at the Constitutional Convention and now was a senator from the State of Connecticut in the new Congress. The character of Senator Ellsworth is inextricably related with the bill he authored and, indeed, many aspects of our judicial system as it exists to this day. As one of his critics in the Senate, William Maclay of Pennsylvania, grouched at the time, 'this vile bill is a child of his and he defends it with the care of a parent, even wrath and anger.'

"When Ellsworth arrived in New York, he exercised his political finesse in securing the Committee on the Judiciary as his own, and arranging for the inclusion of his ideological ally, the fellow Founding Fellow, William Paterson of New Jersey. These two devoted the better part of two months to the preparation of the Act which was presented to the full Senate on 27 June 1789.

"The bill which came out of committee called for the establishment of both District and Circuit courts inferior to the Supreme Court of the United States. It was a generous bill from the Federalist point of view, ensuring the preeminence of the federal courts and granting a wide breadth of both original and appellate jurisdiction.

"The creation of lesser federal courts, in particular, was viewed with great suspicion by several of the Senators. The Anti-Federalist counter-proposal was simply to allow the State courts to exercise concurrent authority and assume the jurisdiction given the inferior federal courts. The Federalists would have none of this, as James Madison tersely concluded during debate in the House of Representatives: 'the state courts cannot be trusted with the execution of federal laws.' Although debate carried on over several weeks, Ellsworth's bill passed the Senate on a vote of 14-6 and was then forwarded to the House for

consideration.

"Sitting as a Committee of the Whole, the House proposed no less than 52 amendments to the bill in an atmosphere that has been described as an uninspired exchange of 'warmed-over arguments from the ratification debate.' Although the House attached four amendments to the bill, it receded from them in conference. The Senate bill thereby emerged largely untouched and was forwarded to President George Washington to be signed.

"On September 24, 1789, Washington signed 'An Act to Establish the Federal Courts of the United States' and sent his nominations for the first judges to the Senate. Not coincidentally, the House accepted on that same date the conference report on the proposed Bill of Rights. The Senate followed suit the next day and the amendments went to the states for ratification and became part of the Constitution in 1791. A most important pair of documents.

"Although the Judiciary Act has been amended and supplanted numerous times over the two centuries since its passage by the First Congress, it nonetheless stands out as a seminal piece of legislation to this day. Much of its importance derives from the court system and jurisdictions it created. The basic concept of the federal court was established by this Act and it continues today.

"It is fitting and proper to pay tribute to this act at this time. We express our appreciation to the Post Office and the Supreme Court Historical Society for commemorating this event."

The last speaker was Gordon C. Morison, Assistant U.S. Postmaster of the United States. Mr. Morison also recognized the importance of the Federal Judiciary Act of 1789 and noted that "on the same day the Congress passed the Federal Judiciary Act, . . . it established the Federal Post Office. And within a few days, President Washington appointed the first Postmaster General under the Constitution. In 1789, there were only six justices, and only 75 post offices. We've both grown a little since then. But then so has our workload.

During the Court's early years, its Justices had to journey twice a year to distant parts of the country. And those [journeys] often were made on mail coaches. Fortunately, we no longer have to rely on mail coaches. And, the Justices, fortunately, no longer have to make such trips.

". . . Our stamp program provides an opportunity to celebrate the best of America's past, present and future. Her people and accomplishments. . . . In a simple, straight-forward and time-honored way, postage stamps are an expression of the values that Americans hold dear and a record of the people and events that shaped the way we live. . . . In 1893, we issued the first commemorative stamp. The very next year, a stamp was issued to honor Chief Justice Marshall. That was only the first of three stamps commemorating him. In all, the justices, the court, and the document it interprets have been the subject of 23 stamps. That may not seem like much, but it is when you consider the enormous number of subjects that are requested.

". . . [T]here have been three [stamps honoring] Chief Justice Marshall, and also three for William Howard Taft, the only Chief Justice to have served as President. And, John Jay the first Chief Justice, Charles Evans Hughes, Oliver Wendell

-continued on page twelve

Pictorial Cancellation *(continued from page eleven)*

Holmes, Jr., Harlan Stone and Hugo Black, have each been commemorated.

"Recommendations on who and what will be honored on commemorative stamps are made by the Citizens' Stamp Advisory Committee, which at present is composed of 15 members whose backgrounds reflect a wide range of educational, artistic, historic and professional expertise. And, right now, the Committee is considering proposals to honor Chief Justice Warren and Associate Justices Brandeis and Cardozo.

"But, it hasn't been only the Justices we've commemorated. In 1950, we issued a stamp honoring the Court itself, as an institution. The 75th anniversary of the 13th Amendment, outlawing slavery, also was commemorated. And, the Nineteenth Amendment, voting suffrage, was recognized on three occasions.

"The Constitution itself was the subject of two early commemoratives, to celebrate anniversaries of its signing and ratification. And, in 1987, we issued a postal card marking the convening of the Constitutional Convention, and a booklet pane of five stamps celebrating the bicentennial of the drafting of the Constitution. . . . It had a portion of the Preamble printed on each of the five stamps. Retired Chief Justice Burger unveiled these stamps at a national meeting of high school principals. And, on September 25, 1989, a stamp dedication ceremony will mark the bicentennial of the drafting of the Bill of Rights.

". . . Earlier this year, the Executive and Legislative Branches each received their own commemoratives, three in all, and I'm certain that each of you is keenly aware that early next year this Court will have its own stamp in the Constitution Series.

"As you can see, history means as much to us at the Postal Service as it does to the members of the Supreme Court Historical Society."



Mrs. Lilian Scheffres Turner (standing), a member of the Society's Acquisitions Committee, was instrumental in coordinating and planning the events associated with the pictorial cancellation. Mrs. Rita Moroney (seated) is the First Historian, United States Postal Service.

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