



THE SUPREME COURT  
HISTORICAL SOCIETY

# Quarterly

VOLUME X

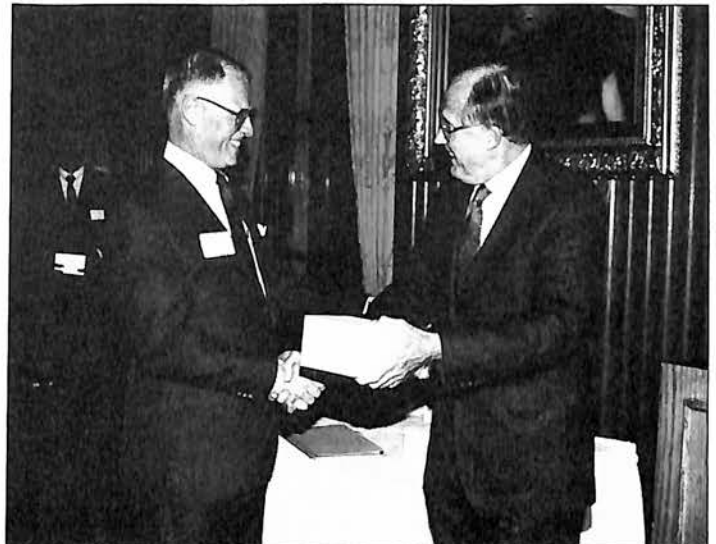
NUMBER 4, 1989

## Membership Chairpersons Honored at Supreme Court Dinner

On October 24, 1989, Chief Justice William H. Rehnquist joined Society Trustees for a dinner in honor of the membership chairpersons of the Supreme Court Historical Society. Under the direction of Membership Chairman Frank C. Jones, of King and Spalding in Atlanta, a national network of state chairpersons has been established. Mr. Jones has selected respected lawyers to represent the Society in each state. These individuals have agreed to serve as their states' chairperson and are working to meet the membership goals that have been set for their states. Some of the chairpersons have already met their annual membership goals. All of the chairpersons and their spouses were invited to attend a special evening of events to be held at the Supreme Court to honor their efforts on behalf of the Society. Twenty-three of the chairpersons, as well as some of the major contributors to the endowment campaign, attended the Supreme Court membership dinner.

The evening began with a reception held in the West Conference room of the Supreme Court. This allowed the chairpersons to meet with their colleagues as well as the Chief Justice and Endowment Fund donors. The group then moved to the East Conference Room where dinner was served.

After the guests were seated, Society Chairman Erwin N. Griswold welcomed the gathering and introduced Chief Justice Rehnquist, who had graciously offered to make the building available for the event. Dean Griswold remarked that, in this building, one need not make a formal introduction of the Chief Justice; one need only stand and say "The Chief Justice of the United States." He then laughed and proceeded to make a more lengthy introduction of Chief Justice Rehnquist. The Chief Justice, after welcoming the assemblage to the Court, noted in his remarks that there were only 384 persons who worked at the Court, which was a particularly small number for a co-equal branch of the federal government. He expressed his gratitude to the Society for the vital support that it gives to the Court, observing that, without the Society, the Court would be unable to afford many of the supplementary enrichment activities that benefit visitors and special guests of the Court. Chief Justice



Frank C. Jones, National Membership Chairman and Trustee, receives an award from the Chief Justice in recognition of his achievements and continuing efforts on behalf of the Society.

Rehnquist concluded his comments by proposing a toast to the President of the United States.

After dinner, Society President Justin Stanley thanked the Chief Justice for his remarks, noting how encouraging it was to hear the Chief Justice express his appreciation of the Society.

*-continued on page nine*

## Annual Meeting Date Set

The date for the Society's Fifteenth Annual Meeting has been set for Monday, May 14, 1990. As in past years, the activities will include the annual lecture, a tour of the Supreme Court building, an open house at the Society's headquarters, the annual membership meeting and the black tie reception and dinner. The annual lecture will be given by Retired Associate Justice Lewis F. Powell, Jr. in the Supreme Court chamber. In early April, each member will receive an invitation with further details of the events and a reservation card for the reception and dinner.

## A Letter from the President



Society President Justin A. Stanley addressed those gathered for a special dinner honoring the state membership chairpersons and endowment donors. Photographs on this and following page were taken at the membership dinner.

Our Endowment Fund campaign is moving along strongly at this point. By the end of January we had received approximately \$1.25 million in cash and pledges. As you will recall, our goal is \$2.5 million, net, and we hope to reach it before our Annual Meeting in 1991.

Since raising these funds requires, among other things, a lot of traveling, the sooner we complete the job, the better. There are many other things which the Society must accomplish and we must set about doing them.

You will recall that endowment visits were made in 1989 to

Minneapolis - St. Paul, Milwaukee, Richmond, New York, Washington, D.C., Baltimore and Chicago. Since the first of this year, we have been to Philadelphia, St. Louis and San Francisco. Chief Justice Burger accompanied me to New York and to Philadelphia. Society Trustee John C. Shepherd attended the St. Louis luncheon and Trustee Charles B. Renfrew hosted two luncheons in San Francisco, one for corporate counsel and one for law firms. Still on the docket are planned trips to Los Angeles, Houston, Dallas and Atlanta. It will be a busy Spring.

If any members can be of help by way of suggesting likely donors or centers which should be visited, that help will be welcome.

Of course, an integral part of our presentation in each city involves convincing our guests that their donations will be put to good use by funding worthwhile programs. I am happy to report that the Society is now pursuing several exciting prospects for expanding its program commitments. The Program Committee, chaired by J. Roderick Heller, III, has appointed an ad hoc subcommittee, chaired by Professor Geoffrey C. Hazard, to determine what role, if any, the Society might assume in developing oral history resources on the Supreme Court. Mr. Heller is also exploring the possibility of establishing a new judicial



Chief Justice Rehnquist, shown above with Mr. and Mrs. Don Shultz, expressed his gratitude to the Society for the vital support that it gives to the Court. Mr. Shultz is the South Dakota state Membership Chairman.

### THE SUPREME COURT HISTORICAL SOCIETY

## Quarterly

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Editor ..... Alice L. O'Donnell  
Managing Editor ..... Kathleen Shurtleff



Thomas E. Deacy, Jr., the state Membership Chairman from Missouri, received an award from Executive Director David T. Pride in recognition of Mr. Deacy's work to recruit new members.



Membership Chairman Frank C. Jones displayed the special marble award that was presented to five of the state chairpersons by the Chief Justice.

fellowship for history at the Supreme Court in talks with Lawrence H. Averill, Jr., the Administrative Assistant to the Chief Justice.

One source of funds for these efforts is our membership dues income, which once again is climbing. Thanks to the hard work of Membership Chairman Frank C. Jones and his committee of state membership chairpersons, over seven hundred new members joined the Society in the first two quarters of Fiscal Year 1990 (July 1, 1989 to June 30, 1990) and dues revenues are up fifty-three per cent over the same period last year. Mr. Jones

### Endowment Fund Donors of \$25,000 as of January 12, 1990

#### Individuals:

Mr. William T. Gossett  
Mr. David Lloyd Kreeger  
Mr. Jeremiah Marsh  
Mr. Dwight Opperman  
Mr. Bernard Segal  
Mr. Justin A. Stanley

#### Law Firms:

Arnold & Porter  
Breed, Abbott & Morgan  
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hopes to report that our total membership has achieved an all-time high of 3,500 members by the time of our Annual Meeting, to be held Monday, May 14. You can help by renewing your own membership and by signing up a friend or an associate.

As you might expect from this expanded activity and membership growth, the Society is straining the capacity of its modest headquarters at 111 Second Street, N.E. Facilities Chairman Frank B. Gilbert and his committee are reviewing several alternatives to address this problem, including expansion of the current 1,500 square foot facility, purchase of adjacent properties, purchase of larger alternative sites near the Supreme Court, and ways to improve current space utilization.

In closing, I would like to note the recent decision by the Executive Committee to confirm David T. Pride

as the Society's Executive Director. Mr. Pride has reported the progress from his state. Lloyd Lochridge, the Texas Chairman, served as the Society's Acting Director since January, 1988. He joined the staff of the Supreme Court Historical Society in 1979, as did Assistant Director Kathleen Shurtleff. Collectively, they have seen the Society through some lean as well as some very good years during the past decade.



Lloyd Lochridge, the Texas Chairman, reported the progress from his state.

Opperman, Heins & Paquin  
Patterson, Belknap, Webb & Tyler  
Phelan, Pope & John  
Reasoner, Davis & Fox  
Shearman & Sterling  
Sidley & Austin  
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#### Foundations:

Clark-Winchcole Foundation  
Charles E. Culpeper Foundation  
Robert Wood Johnson Foundation

#### Corporations:

Minnesota Mining and Manufacturing Company  
Potomac Electric Power Company (PEPCO)  
West Publishing Company

## Roots of the Judiciary Act of 1789: A Conference Celebrates Its Evolution

*"The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish."* United States Constitution, Article III, Section I.

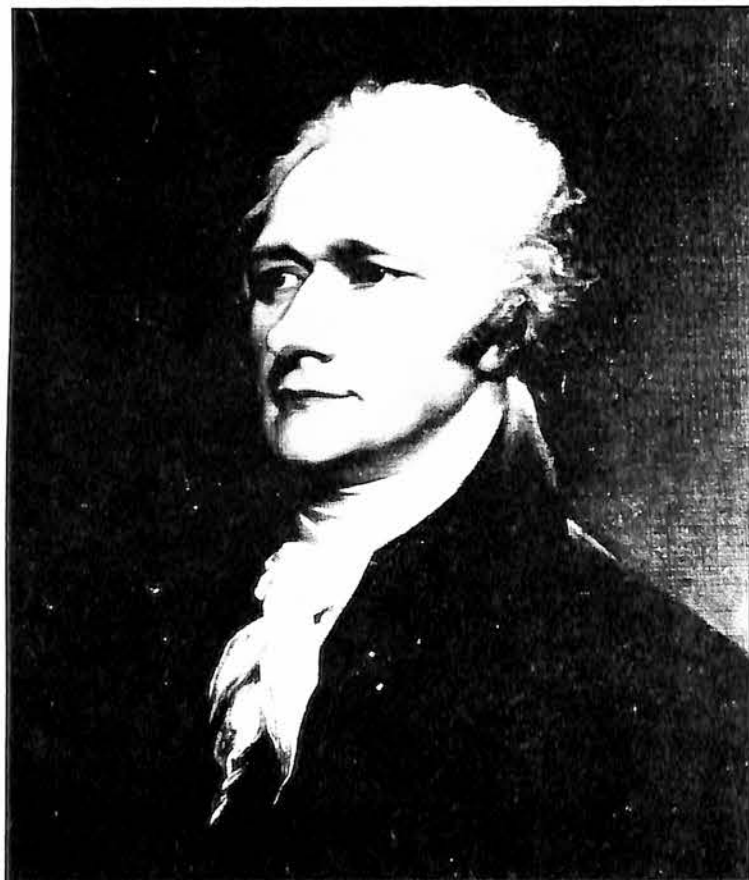
**Editor's Note:** Although the United States Constitution provided for an independent judiciary, it was not until the Judiciary Act of 1789 was enacted that the federal judicial system was created. On the occasion of the bicentennial of the Judiciary Act, a Conference was held to examine the origins of the federal judiciary and the role of the federal courts in interpreting the principles of the United States Constitution.

This Conference was part of Georgetown University's year-long Bicentennial project on the three branches of the federal government entitled "Constitutional Government in a Changing American Society." Funding for the Conference was provided by the Judicial Conference of the United States, the Public Humanities Projects of the National Endowment for the Humanities, and the Supreme Court Historical Society.

The following article is divided into three parts: a short history of the development of the Judiciary Act is delivered in Part I; an introduction to the Bicentennial Conference is given in Part II; details of the Bicentennial Conference are included in Part III.

### I The Inception of the Judiciary Act

Alexander Hamilton viewed the lack of a federal judicial



Alexander Hamilton viewed the lack of a Federal Judicial System as a major defect of the Articles of Confederation, and expressed this opinion in *The Federalist*.

system as a major defect of the Articles of Confederation. In *The Federalist* he observed:

*"Laws are a dead letter, without courts to expound and define their true meaning and operation. The treaties of the United States, to have any force at all, must be considered as part of the law of the land. Their true import, as far as it respects individuals must, like all other laws, be ascertained by judicial determination. To produce uniformity in these determinations, they ought to be submitted, in the last resort, to one Supreme Tribunal. And this tribunal ought to be instituted under the same authority which forms the treaties themselves."*

James Madison expressed his feelings in a letter dated April 16, 1787 to George Washington in which he said:

*"The National supremacy ought also to be extended, as I conceive, to the judiciary department. If those who are to expound and apply the laws are connected by their interests and their oaths with the particular States wholly, and not with the Union, the participation of the Union in the making of the laws may be possibly rendered unavailing. It seems, at least, necessary that the oaths of the judges should include a fidelity to the general, as well as local, Constitution; and that an appeal should lie to some national tribunal in all cases to which foreigners, or inhabitants of other States, may be parties. The admiralty jurisdiction seems to fall within the purview of the National Government."*

Given the views of these leading political figures of the time, it is not surprising to find that the first discussion of a proposed federal judiciary at the Philadelphia Constitutional Convention in 1787 included a clause implementing these ideas. The clause of the "Virginia Plan," which described the proposed judicial branch, read:

*"That a National judiciary be established; to consist of one or more supreme tribunals, and of inferior tribunals; to be chosen by the National Legislature; to hold their offices during good behavior, and to receive punctually, at stated times, fixed compensation for their services, in which no increase or diminution shall be made so as to affect the persons actually in office at the time of such increase or diminution. That the jurisdiction of the inferior tribunals shall be to hear and determine, in the first instance, and of the supreme tribunal, in the dernier resort, all piracies and felonies on the high seas; captures from an enemy; cases in which foreigners, or citizens of other States, applying to such jurisdictions, may be interested; or which respect the collection of the National revenue, impeachment of any National officers, and questions which may involve the National peace and harmony."*

The Virginia Plan was only the first of several plans discussed on the floor of the Convention. The rival New Jersey Plan, presented by William Paterson, called for a judicial branch that differed considerably from the judiciary proposed in the Virginia Plan. The New Jersey Plan established only one Supreme Court and did not provide for the creation of any inferior courts. It included a provision that no member of the judiciary should be



William Paterson presented the New Jersey Plan to the Convention.

capable of receiving or holding any other office or appointment during the time of his service on the bench, and for an unspecified time after he left the bench. Like the Virginia Plan, the New Jersey Plan called for tenure based on good behavior, and a fixed and immutable compensation.

When the Convention actually voted on the judiciary clauses of these plans, a resolution that a national judiciary be established passed unanimously. After heated debate, a clause that the judiciary should "consist of one supreme tribunal and of one or more inferior tribunals" passed in the affirmative. But several days later the words "one or more" were stricken. The delegates agreed upon the need for a national judiciary rather easily, but the debate over inferior courts was possibly the most hotly contested issue involving the judiciary at the Convention. The delegates were so divided that they left the details of the judicial system to be established by the legislature.

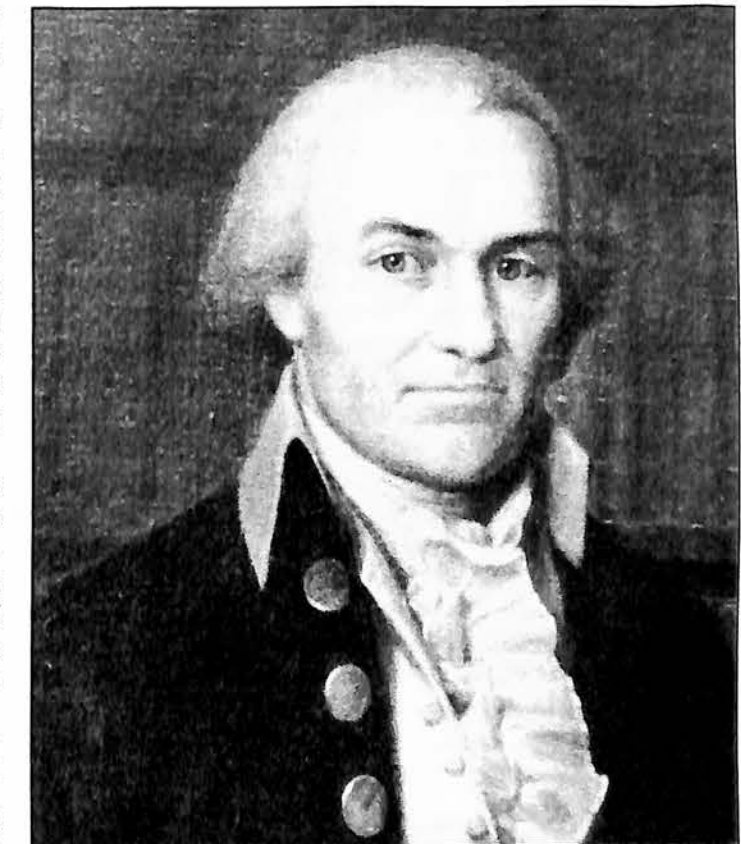
This difficulty in resolving the details of the principles of the system was to be symptomatic of the entire Convention. While the delegates almost readily agreed upon a government comprised of three separate branches, the definition of these branches was very difficult to resolve. Questions concerning the nature of the executive, the method of determining representation in the legislature, and the role and jurisdiction of the judicial branch were heatedly debated.

The records of the Convention reflect that there was a great deal of discussion concerning both the legislative and the executive branches of the government, but relatively little concerning the exact duties and nature of the judicial branch. In part, this might be attributed to the fact that so much time had been expended defining the other branches that the delegates simply did not have the time to debate the judicial branch any further.

In part, it may be attributed to the fact that the delegates thought it was not fitting to define the duties too narrowly. Catherine Drinker Bowen observed in her book, *Miracle at Philadelphia*, that when the Constitution was drafted, the delegates aimed to set "down a working instrument of government which must be plain, brief and strategically a trifle vague in places, to give play for future circumstance. 'It is important not to make the government too complex,' Caleb Strong had said in Convention, and Nathaniel Gorham had urged that 'the vagueness of the terms constitutes the propriety of them.'" The Founding Fathers undoubtedly had political realities in mind when they drafted the Constitution, as well as an eye to the future, and thus determined it was best to leave the further definition of the judicial branch to someone else.

In a publication entitled "The Judiciary Act of 1789", by David Eisenberg, Christine R. Jordan, Maeva Marcus and Emily Van Tassel, the authors suggest that the convention delegates purposefully avoided spelling out exact details of the new judicial branch to facilitate the ratification of the Constitution. They point out that the "concept of a national judiciary was a new one in the late 1780's, and its embodiment in article 3 was a cause of much concern. The structure of the judiciary was a rock upon which the Constitution could founder when it went before the states for ratification; hence Federalist efforts had focused on creating a constitutional framework that would give wide latitude to Congress to flesh out the particulars of a court system. By creating a structure that left all the details of form and content to congressional discretion, Federalists hoped to allay--or at least postpone until after the Constitution was safely ratified--

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Oliver Ellsworth was the principal author of the Judiciary Act of 1789. Upon the resignation of John Jay and the Senate refusal to confirm John Rutledge, Ellsworth was nominated Chief Justice of the Supreme Court by President George Washington and served four years on the Bench.

## Judiciary Act (continued from page five)

Anti-Federalist fears that the national judiciary would swallow up the state courts.”

As the authors point out later in their article, inherent in the controversy surrounding the nature and structure of the new judicial branch were the fears of a repressive judicial system and the concerns about the new national system undermining or subsuming the state courts. British justice, as dispensed in the colonies, had created a deep distrust of judges and courts, and to some extent, the entire legal community. This heritage of distrust was a liability that the Federalists had to consider. In addition, there were fears that a national court system would prove costly to the nation, as well as to the individual litigants who might be called upon to travel great distances to the seat of the national courts.

Whether by design or default, it became the task of the newly created legislative branch to give form to the third branch. This was undertaken during the first session of Congress. On April 7, 1789, the House of Representatives considered the important matter of duties on imports, while the Senate appointed a committee to consider the creation of the judicial branch.

The Senate committee appointed to draft a judiciary bill was composed of the following: Oliver Ellsworth, William Paterson, William Maclay, Charles Carroll, Ralph Izard, Caleb Strong, Richard Henry Lee, Richard Bassett, William Few and Paine Wingate. The committee drafted a bill entitled “An Act to establish the Judicial Courts of the United States,” commonly referred to as the Judiciary Act of 1789. The bill was written principally by Ellsworth with assistance from Paterson. In its final form, it would shape and frame the judicial branch and would set the federal court system in order.

## II An Introduction to the Bicentennial Conference

As part of the bicentennial celebration of the Judiciary Act of 1789, Georgetown University, in cooperation with the Judicial Conference of the United States and the Society, sponsored a conference that contemplated the background, history and development of the federal court system and the act that created it. Dr. Maeva Marcus, Editor of *The Documentary History of the Supreme Court of the United States: 1789-1800*, a project co-sponsored by the Society, the Supreme Court and the National Historical Publications and Records Commission served as the coordinator of the Conference.

In explaining the purpose and mission of the Conference, Dr. Marcus traced the history of research dealing with the Judiciary Act itself, noting that the first scholarly article dealing with the entire Act was written by Charles Warren and published in 1924. This article dealt with “the meaning of particular sections of the act as revealed by the many amendments proposed in the course of enacting the legislation.” Dr. Marcus pointed out that one of the most recent treatments appears in Julius Goebel’s *Antecedents and Beginnings to 1801*, which is the first volume in the Oliver Wendell Holmes Devise History of the Supreme Court of the United States. She continued, saying that this study “also centers on the legal significance of the various sections and their relationship to English, colonial, and state law.”



Associate Justice Antonin Scalia, then a Judge on the U.S. Court of Appeals for the District of Columbia, delivered the 1985 Annual Lecture of the Supreme Court Historical Society in the Restored Supreme Court Chamber.

Dr. Marcus further commented that while many articles in law reviews cover the ramifications of specific provisions, “no one has taken an in-depth look at the Judiciary Act from a political and economic as well as a legal perspective.” This became the objective of the Bicentennial Conference.

The Conference included the presentation of papers written by academics from across the country. The papers considered various provisions of the Judiciary Act and how they have evolved. Several papers focused upon how the attitudes of the Framers of the Constitution could be revealed by studying the Act and its interpretations.

In “‘Carrying Justice... To Every Man’s Door’: Commentaries on the Judiciary Act of 1789,” written by Dr. Marcus and Natalie Wexler, Associate Editor of *The Documentary History of the Supreme Court of the United States: 1789-1800*, the authors considered the creation of the act itself. This paper serves as an introduction to the Conference.

“The Judiciary Act of 1789, which set up the nation’s first federal court system, has often been viewed as the embodiment of Article III of the United States Constitution. Contemporary correspondence reveals, however, that those engaged in the drafting of the Act paid less attention to the constitutional language, which was ambiguous at best, than to contemporary

political necessities. Members of the First Congress solicited advice from prominent lawyers and judges in their respective states, who expressed concerns ranging from the expense that a system of federal courts would entail, to the fear that a federal court system would engulf the state courts. Moreover, tough political issues that the Constitutional Convention deliberately avoided--the question of whether the English common law would be the basis of federal jurisprudence, the protection of the common law rights of individuals within the legal system--survived the ratification debates to plague the members of the First Congress.

“In the aftermath of those debates, the drafters of the Judiciary Act overwhelmingly concerned themselves with creating a judicial system that safeguarded federal interests without antagonizing those who favored a strong role for the states. Meeting the challenge of resolving this issue, in practical terms, left the First Congress little time or inclination to muse on the spare and essentially unilluminating language of Article III. Thus it is hazardous to rely on the Judiciary Act as evidence of the ‘original understanding’ of Article III. In answering the large questions as well as setting forth the details of the federal judiciary, the First Congress’ solutions reflected not so much the powers granted by the Framers in 1787 as the powers that were acceptable to the nation in 1789.”



Associate Justice William J. Brennan, Jr. participated in a roundtable discussion of the operation of the federal court system. The discussion was the closing event of the two day conference on the Judiciary Act.

## III Details of the Conference Events

To commemorate the bicentennial of the Judiciary Act of 1789, Georgetown University, The Bicentennial Committee of the Judicial Conference of the United States, and the Supreme Court Historical Society jointly sponsored a Conference on the history and present status of the federal courts and the act that created them.

The Conference was held over a two-day period, September 21 and 22, 1989, with most sessions taking place in the Moot Court Room of the Georgetown University Law Center. Special sessions were held in the Supreme Court and the Dirksen Senate Office Building.

The opening day of the Conference included the presentation of scholarly papers followed by discussion and commentary. The initial session focused on the Judiciary Act of 1789. The first paper presented, entitled “‘Carrying Justice... to Everyman’s Door’: Commentaries on the Judiciary Act of 1789,” was written by Maeva Marcus and Natalie Wexler. The second paper was entitled “Recovering Coterminous Power Theory: The Lost Dimension of Marshall Court Sovereignty Cases” and was written by G. Edward White, Professor of Law, University of Virginia School of Law. The third paper presented in the morning session, entitled “The Two-Tiered Structure of the Judiciary Act of 1789,” was written by Akhil Amar, Associate Professor of Law, Yale Law School. Harry Scheiber, Professor of Law, Boalt Hall, served as the moderator of the discussion of the papers and introduced the speakers. Following the presentations, Gerald Gunther, Professor of Law, Stanford Law School, commented upon the papers.

The afternoon session focused on the topics of economics and society in the early National period. The moderator for the afternoon session was Barbara Black, Dean of Columbia University School of Law. The first paper presented in the afternoon session was entitled “Debtors, Creditors, and Republicanism after the American Revolution,” and was written by Bruce H. Mann, Professor of Law and History, University of Pennsylvania Law School. The second paper, written by Robert Weisberg, Professor of Law, Stanford Law School, was entitled “Debt Crises, Commercial Morals, and Bankruptcy Laws: 1789 and 1989.” These papers were followed by commentary from Warren Schwartz, Professor of Law, Georgetown University Law Center, and John Murrin, Professor of History, Princeton University.

The activities of the first day ended with a plenary session held at the Supreme Court. The special meeting began with an introductory address by William H. Rehnquist, Chief Justice of the United States. The plenary address, on the topic of “The Judiciary Act of 1789,” was delivered by Gerhard Casper, Provost, University of Chicago. A reception in the Great Hall of the Supreme Court concluded the first day.

The second day of the Conference began with a session focusing upon the enactment of the Judiciary Act. Kenneth W. Starr, Solicitor General of the United States, served as the moderator. The first paper to be presented was entitled “Dual Office Holding and the Courts: A View from Hayburn’s Case,” and was written by Mark Tushnet, Professor of Law, Georgetown University Law Center. The second paper, “*Murdock v.*

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## Judiciary Act (continued from page seven)

**Memphis** (1875): Section 25, Federalism, and 'the independence of the state courts,' was written by William Wiecek, Professor of Public Law, Syracuse University College of Law. Wythe Holt, Professor of Law, University of Alabama School of Law, offered further commentary on the papers.

The afternoon program of the second day of the Conference opened with a session narrated by James C. Oldham, Professor of Law, Georgetown University Law Center. The first paper presented that afternoon, "Judges and Juries in a Republican Society," was written by Kathryn Preyer, Professor of History, Wellesley College. The second paper was entitled "United States v. Ravara: 'Presumptuous Evidence,' 'Too Many Lawyers,' and a Federal Common Law Crime." This paper was written by John D. Gordan, III, an attorney with the law firm Lord Day & Lord, Barrett Smith. The third paper presented was entitled "Temples of Justice: The Iconography of Judgment and



Chief Justice Howard T. Markey, a participant in the roundtable discussion of the judicial system, is shown above (left) introducing Associate Justice Anthony M. Kennedy in the Supreme Court Chamber. Justice Kennedy delivered the Fourteenth Annual Lecture of the Society.

American Culture," and was written by Michael Kammen, Professor of History, Cornell University. Commentary on these three papers was given by Thomas Green, Professor of Law, University of Michigan Law School.

The last academic event of the Conference was a panel discussion of the topic "Federal Courts: Progress and Prospects." The moderator for this segment was Benno C. Schmidt, President of Yale University. The panel members were: Justices William J. Brennan, Jr. and Antonin Scalia; United States Court of Appeals Judges Howard T. Markey and Abner Mikva; Oregon State Supreme Court Justice Hans Linde; Representative Robert W. Kastenmeier; and Sheldon Goldman, Professor of Political Science, University of Massachusetts, Amherst. The forum discussed a number of questions, which included the following:

1. What is the appropriate response by the Courts and Congress to claims that statutes enacted in the past should be interpreted in ways that authorize relatively expansive exercises of federal jurisdiction?
2. How should Congress and the courts respond to concerns that recently enacted statutes might inappropriately expand the scope of federal jurisdiction?
3. Should Congress change the way in which it considers legislation that affects federal jurisdiction?
4. Have Congress and the courts been overly concerned in recent years with the possible overexpansion of federal jurisdiction, without taking sufficient account of the appropriateness of federal jurisdiction to advance distinctively federal interests?
5. Is it appropriate to rethink the concept embodied in the Judiciary Act of 1789 of federal districts contained within state boundaries? Should some federal judicial districts be redrawn across state lines to better reflect the economic and social realities of certain metropolitan areas?
6. Should the process of selection of lower court judges as provided for in the Judiciary Act of 1789 and continued to this day be rethought?

The Bicentennial Conference afforded an opportunity not only to look back at the roots of the Judiciary Act of 1789, but also to reflect upon the development and evolution that have taken place during two hundred years of interpretation. The papers presented at the Conference will be published together in a volume by Oxford University Press, scheduled tentatively to be printed in Spring, 1991.

## 1989 Supreme Court Historical Society Yearbook Published

The 1989 edition of the Supreme Court Historical Society Yearbook will be mailed to members in February. The 1989 book includes two articles, written by Associate Justice William J. Brennan, Jr. and Chief Justice Warren E. Burger, Retired, on the twentieth anniversary of the retirement of Chief Justice Earl Warren. The book also features works by Chief Justice William H. Rehnquist, Professor David M. O'Brien, and others. Professor D. Grier Stephenson, Jr. has contributed "The Judicial Bookshelf," his annual survey of recent books published about the Supreme Court.

Submissions for the 1990 Yearbook should be sent by March 31, 1990. It is not too early to consider writing an article for the 1991 Yearbook; deadline for submission is March 31, 1991. Although previously published papers relating to the history of the Supreme Court and the Justices will be considered for inclusion, only original works will be eligible for two awards, a first prize of \$1,500 and a second prize of \$500.

Please submit papers in a double-spaced, typewritten format to: Clare Cushman, Yearbook Editor, Supreme Court Historical Society, 111 Second Street, N.E., Washington, D.C. 20002.

## State Chairpersons' Dinner (continued from page one)

Mr. Stanley then introduced National Membership Chairman Frank Jones.

Mr. Jones called upon each state chairperson who was present to stand in place and to present a short report on the progress being made in his or her state. Sam Adams, the Massachusetts Chairman, was the first to speak. He promised to spread interest in the Society, even "if we have to burn a tree, ring a bell or throw tea in the harbor. We will do it."

Nebraska Chairman Dick Knudsen drew appreciative laughs when he quipped, "I'd like a continuance." He has since surpassed the annual goal for his state.

Bill Haight, one of two chairpersons for California, said that "Frank [Jones] had the toughest job, to call and make us feel important. He did it well."

George P. Hewes, III, the Mississippi Chairman, stated that his work provided a "classic example of where bigger is not necessarily better." Because Mississippi is a less populous state, it had a lower membership goal. Therefore, he was able to achieve the more modest goal that was set for a state of that size.



Ralph Stockton, from North Carolina, was one of twenty-three state chairpersons to attend the membership dinner.

Mr. Hewes was one of ten chairpersons to receive awards for meeting the interim membership targets that had been established. Each membership chairperson who had met the interim goal by the time of the membership dinner received a small token from the Society in recognition of his efforts. These awards, handsome walnut boxes, were presented during the membership reports by the Executive Director of the Society, David T. Pride. In addition to Mr. Hewes, the following also received the interim award: Harvey C. Koch of Louisiana, Thomas E. Deacy, Jr. of Missouri, Hector Reichard of Puerto Rico, Ralph I. Lancaster, Jr. of Maine, Bill Haight of California, Ralph M. Stockton, Jr. of North Carolina, John T. Marshall of Georgia, Ben Lampkin of Oklahoma, and George Apostolos of Wyoming, who accepted the award for that state's Chairman, William H. Brown. At the close of the chairpersons' reports, Mr. Jones noted that Wayne Hilliard of Oregon, Patrick T. Ryan of Pennsylvania, and Robert V.P. Waterman, Sr. of Iowa had earned the interim award as well, but were unable to attend the dinner.

Frank Jones then described a special award that would be presented to chairpersons who had met their annual membership goals. The awards are polished marble paperweights crafted from stone taken from the Supreme Court building during recent repairs; a gold-plated replica of the seal of the Supreme Court is affixed to the face of the marble. Mr. Jones asked each state chairperson who had met the annual goal for his state to approach the speaker's podium in order to receive the special award from the Chief Justice. Those present who received these special awards were: George P. Hewes, III, Harvey C. Koch,



Mr. Ralph Lancaster (standing, left) received an award from the Society's Executive Director, David T. Pride, in recognition of Mr. Lancaster's work as the Maine State Membership Chairman. Others in attendance at the Membership dinner were (seated, left to right) Mississippi State Chairman George P. Hewes, III, Mrs. Ralph Lancaster, and the Chief Justice.

Ralph I. Lancaster, Jr., Hector Reichard, and Ben Lampkin. Mr. Jones also recognized Eugene J. Wait, Jr. of Nevada and Richard L. Sutton of Delaware, both of whom were unable to attend the dinner but had earned the special award.

Following the presentations to the state chairpersons, President Stanley resumed the dias. He spoke of the importance of the endowment program and called forward each of the major donors who was present to receive his awards from Chief Justice Rehnquist (for details of the endowment program and those honored at the dinner, please see the *Quarterly*, Volume X, Number 3).

In closing, Mr. Stanley thanked the Chief Justice for his visible support of the Society. The guests were then invited to join a special evening tour of the Supreme Court building conducted by Tour Director Priscilla Goodwin and members of the Court Curator's staff.



The Chief Justice poses with (left) Sam Adams, the State Membership Chairman of Massachusetts, and (right) John Marshall, the State Membership Chairman of Georgia.

## Membership Update

The following members have joined the Society between October 16 and December 15, 1989

### Arizona

John Taylor Farnsworth, Mesa  
Brett L. Dunkelman, Phoenix  
Susan M. Freeman, Phoenix  
Mark I. Harrison, Phoenix  
Ed Hendricks, Phoenix  
Janet Napolitano, Phoenix  
Julianna C. Miller, Tempe  
George Watson, Tempe

### California

Paul M. Hogan, Altadena  
William K. Rasmussen, Arcadia  
Richard De Stefano, Beverly Hills  
Michael J. Glennon, Davis  
Sharp Whitmore, Fallbrook  
Edward Dean Price, Fresno  
Janyce Keiko Imata Blair, Gardena  
Thomas F. Overlander, Glendale  
William M. Crosby, Irvine  
John Baker, Los Angeles  
Dennis C. Brown, Los Angeles  
Richard D. DeLuce, Los Angeles  
Charles E. Donnelly, Los Angeles  
Evan Finkel, Los Angeles  
Eugene R. Grace, Los Angeles  
Paul R. Greenberg, Los Angeles  
S. M. Hufstedler, Los Angeles  
Michael B. Hughes, Los Angeles  
Alvin S. Kaufer, Los Angeles  
A. Richard Kimbrough, Los Angeles  
Pierce O'Donnell, Los Angeles  
Ronald L. Olson, Los Angeles  
Barbara Reeves, Los Angeles  
Clay Robbins III, Los Angeles  
Frank Rothman, Los Angeles  
Harvey I. Saferstein, Los Angeles  
John W. Spiegel, Los Angeles  
Charles M. Stern, Los Angeles  
William W. Vaughn, Los Angeles  
Julian O. Von Kalinowski, Los Angeles  
Robert S. Warren, Los Angeles  
Nolan M. Kennedy, Monterey  
Nick E. Yocca, Newport Beach  
Albert Hampton, North Hollywood  
Kenneth A. Hearn, North Hollywood  
Arnold B. Haims, Oakland  
Joseph A. Woods Jr., Oakland  
John J. Cooper, Palo Alto  
Joshua W. Potter, Pasadena  
Earl Warren Jr., Sacramento  
Cyrus J. Lemmon, San Bernadino  
Vincent Di Figlia, San Diego  
G. Joseph Bertain Jr., San Francisco

John D. Carter, San Francisco  
Howard Golub, San Francisco  
Thomas J. Klitgaard, San Francisco  
James Lee Warren, San Francisco  
Gary A. Bague, Santa Ana  
James Loveder, Santa Ana  
Michael Leahy, Santa Monica  
Elliott Olson, Santa Monica  
Gary C. Ottoson, Santa Monica  
Wayne Peterson, Santa Monica  
Morton Rosen, Santa Monica  
John W. Sheller, Santa Monica  
Roy Weatherup, Santa Monica  
David B. Cassleman, Tarzana  
Herbert Zinman, Van Nuys  
Robert L. Kaufman, Westlake Village

### Colorado

Raphael J. Moses, Boulder  
Boyd N. Boland, Denver  
Walter A. Steele, Denver

### Connecticut

University of Bridgeport, Bridgeport  
Richard T. Meehan Sr., Shelton

### Delaware

Charles S. Crompton Jr., Wilmington  
Richard G. Elliott Jr., Wilmington  
Stephen E. Herrmann, Wilmington  
Walter L. Pepperman II, Wilmington

### District of Columbia

Ralph T. Borrello  
Joseph R. Guerra  
Peter Keidler  
Larry Pressler  
Gregory L.A. Thomas

### Florida

R. Brady Osborne Jr., Boca Raton  
Mr. & Mrs. C. Clyde Atkins, Coral Gables  
Maria J. Chiaro, Hollywood  
George D. Gabel Jr., Jacksonville  
Rachel S. Blechman, Miami  
Dean C. Colson, Miami  
David L. Deehl, Miami  
Lawrence A. Kellogg, Miami  
Craig C. Villanti, New Port Richey  
James M. Russ, Orlando  
Glen D. Wieland, Orlando

William C. Cramer Jr., Panama City  
Claire L. Hamner, Sarasota  
Teresa Cooper Ward, St. Petersburg  
Patrick J. Farrell Jr., Tallahassee  
William C. Owen, Tallahassee  
R. Michael Underwood, Tallahassee  
Anthony W. Cunningham, Tampa  
F. Ronald Fraley, Tampa  
Richard A. Kaufper, West Palm Beach

### Georgia

Bruce W. Baber, Atlanta  
Emmet J. Bondurant, Atlanta  
Dean Booth, Atlanta  
J. Kevin Buster, Atlanta  
David L. Coker, Atlanta  
Dwight J. Davis, Atlanta  
Walter Driver Jr., Atlanta  
Robert H. Hall, Atlanta  
Edward J. Hawie, Atlanta  
William A. Holby, Atlanta  
Hugh H. Howell Jr., Atlanta  
Daniel J. King, Atlanta  
John T. Marshall, Atlanta  
John R. Meyer, Atlanta  
David C. Nutter, Atlanta  
Richard A. Schneider, Atlanta  
Richard L. Shackelford, Atlanta  
Charles M. Shaffer Jr., Atlanta  
Horace H. Sibley, Atlanta  
Larry D. Thompson, Atlanta  
W.T. Walsh, Atlanta  
James H. Wildman, Atlanta  
William M. Fulcher, Augusta  
Jesse G. Bowles, Cuthbert  
G. Hughel Harrison, Lawrenceville  
John B. Miller, Savannah  
Paul W. Painter Jr., Savannah

### Illinois

Frank C. Bernard, Chicago  
Robert L. Berner Jr., Chicago  
Lee Melville Burkey, Chicago  
Cornfield and Feldman, Chicago  
Mr. and Mrs. Paul C. Neuert, Chicago

### Indiana

James C. Farmer, Indianapolis  
Jack Wickes, Indianapolis

### Iowa

Patrick M. Roby, Cedar Rapids

Ralph D. Sauer, Davenport  
Donald H. Sitz, Davenport  
Robert A. Van Vooren, Davenport  
Robert V.P. Waterman Jr., Davenport  
Thomas D. Waterman, Davenport  
Francis Fitzgibbons, Estherville  
Maurice B. Nieland, Sioux City  
Edward J. Gallagher Jr., Waterloo

### Louisiana

F.A. Little Jr., Alexandria  
John S. Baker Jr., Baton Rouge  
John N. Dimos, Baton Rouge  
Shannon Hardy, Baton Rouge  
Kirk Landry, Baton Rouge  
Kirk Reasonover, Metairie  
Jennifer B. Eagan, New Orleans  
Bob Eitel, New Orleans  
Mark Haslem, New Orleans  
Charles E. Hamilton III, New Orleans  
John R. Kramer, New Orleans  
R.D. Kuehnle, New Orleans  
Frank E. Lamothe III, New Orleans  
Harry T. Lemmon, New Orleans  
Howard Marks, New Orleans  
Henry A. Mentz Jr., New Orleans  
Mishthi G. Ratnesar, New Orleans  
Gary J. Rouse, New Orleans  
Sal Scanio, New Orleans  
John M. Wilson, New Orleans  
Alan Wolf, New Orleans

### Maine

Kenneth M. Curtis, Castine  
Howard H. Dana Jr., Portland  
Hugh G.E. MacMahon, Portland  
Joel C. Martin, Portland  
Harrison L. Richardson, Portland  
Carl R. Wright, Skowhegan

### Maryland

Edward J. Birrane Jr., Baltimore  
David Cordish, Baltimore  
Marvin Ellin, Baltimore  
Herbert S. Garten, Baltimore  
Roy L. Mason, Baltimore  
Thomas J. Schetelich, Baltimore  
Bruce I. Selfon, Chevy Chase  
James J. Doyle III, Timonium

### Massachusetts

Edgar J. Bellefontaine, Boston  
Hirsh Freed, Boston  
Lawrence T. Perera, Boston

Raymond L. Brown, Pascagoula  
Joseph Guerreiro, Stoughton

### Minnesota

James T. Hale, Minneapolis

### Mississippi

James H. Herring, Canton  
Maurice Dantin, Columbia  
James E. Upshaw, Greenwood  
Newt P. Harrison, Jackson  
John Land McDavid, Jackson  
Calvin L. Wells, Jackson

### Missouri

Richard F. Adams, Kansas City  
Lane D. Bauer, Kansas City  
George M. Bock, Kansas City  
Paul E. Vardeman, Kansas City  
John J. Williams, III, Kansas City

### Montana

George C. Dalthorp, Billings

### Nebraska

Hans J. Holtorf Jr., Gering  
Denzel R. Busick, Grand Island  
Bernard B. Smith, Lexington  
C. Arlen Beam, Lincoln  
Robert B. Crosby, Lincoln  
Thomas M. Davies, Lincoln  
William A. Harding, Lincoln  
Warren C. Johnson, Lincoln  
Frederic H. Kauffman, Lincoln  
Richard A. Knudsen, Lincoln  
Richard W. Smith, Lincoln  
Daniel D. Jewell, Norfolk  
Milton R. Abrahams, Omaha  
Thomas R. Burke, Omaha  
Donald H. Erickson, Omaha  
Charles F. Gotch, Omaha  
Deryl F. Hamann, Omaha  
Joseph P. Insera, Omaha  
William M. Lamson Jr., Omaha  
John R. Maenner, Omaha  
Charles V. Sederstrom Jr., Omaha  
Robert A. Skochdopole, Omaha  
Thomas J. Walsh, Omaha  
Otto H. Wellemsiek, Syracuse

### Nevada

Frankie Sue Del Papa, Carson City  
Alfred Leland Gleghorn, Las Vegas

James W. Hardesty, Reno  
Jack I. McAuliffe, Reno  
George W. Swainson, Reno

### New Hampshire

Leo B. Lind Jr., Concord  
Richard E. Boyer, Nashua

### New Jersey

Carl D. Poplar, Cherry Hill  
Edward A. Zunz Jr., Morristown  
Robert N. Wilentz, Oakhurst

### New Mexico

Lyman G. Sandy, Albuquerque

### New York

Michael J. Lane, Brooklyn Heights  
Deirdre A. Burgman, New York  
Thomas F. Curnin, New York  
Raymond L. Falls Jr., New York  
Lawrence S. King, New York  
Denis McInerney, New York  
Jed S. Rakoff, New York  
Taryn V. Shelton, New York  
Michael P. Tierney, New York  
Timothy L. Barnes, Newark  
Henry G. Miller, White Plains

### North Carolina

William S. Byassee, Greensboro  
James D. Blount Jr., Raleigh  
Jimmy H. Barnhill, Winston-Salem

### Oklahoma

Jack L. Freeman, Edmond  
Gloria E. Trout, Norman  
William E. Woodson, Norman  
Robert M. Behlen, Oklahoma City  
H. Blanton Brown, Oklahoma City  
Jack G. Bush, Oklahoma City  
John A. Claro, Oklahoma City  
J.W. Coyle III, Oklahoma City  
James D. Foliart, Oklahoma City  
Jerry W. Foshee, Oklahoma City  
John A. Kenney, Oklahoma City  
William Murphy Jr., Oklahoma City  
Larry D. Ottaway, Oklahoma City  
Robert R. Robles, Oklahoma City  
John Vitali, Oklahoma City

## Membership Update *(continued from page eleven)*

### Oregon

Randall B. Kester, Portland  
Peter C. Richter, Portland

John S. Rainey, Greenville  
Daniel A. Speights, Hampton  
Dan M. Byrd Jr., Rock Hill

Andrew J. Ellis Jr., Richmond  
Russell V. Palmore Jr., Richmond  
William R. Rakes, Roanoke  
Colin J.S. Thomas Jr., Staunton  
Carter R. Allen, Waynesboro

### Pennsylvania

Arthur Newbold, Malvern  
Paula T. Ryan, Merion  
Richard M. Bernstein, Philadelphia  
Mark M. Bridge, Philadelphia  
Stephen A. Cozen, Philadelphia  
John W. Frazier III, Philadelphia  
Lawrence T. Hoyle Jr., Philadelphia  
David H. Marion, Philadelphia  
Manny Pokotilow, Philadelphia  
Richard M. Rosenbleeth, Philadelphia  
David J. Armstrong, Pittsburgh  
George M. Weis, Pittsburgh

### South Dakota

William F. Day Jr., Sioux Falls

### Tennessee

John W. Wheeler, Knoxville

### Texas

Gaylord Armstrong, Austin  
C. Morris Davis, Austin  
John M. Harmon, Austin  
Charles A. Spain Jr., Austin  
Pamela Karum, San Antonio  
Deborah L. Miller, Universal City

### Washington

Julian C. Dewell, Everett  
David A. Wells, Mt. Vernon  
J. David Andrews, Seattle  
William L. Dwyer, Seattle  
James R. Ellis, Seattle  
H. Weston Foss, Seattle  
Keith Gerrard, Seattle  
D. Wayne Gittinger, Seattle  
Sam L. Levinson, Seattle  
Roy J. Mocerri, Seattle  
Jack R. Dean, Spokane  
F. Ross Burgess, Tacoma  
Patrick C. Comfort, Tacoma  
Katherine H. O'Neil, Vancouver

### Rhode Island

Edward T. Hogan, East Providence  
Michael P. DeFanti, Providence  
Robert B. Gates, Providence

### Vermont

Norwich University, Northfield

### West Virginia

Milton T. Herndon, Charleston  
James R. Bailes, Huntington  
Luther Woods, Huntington  
Clarence E. Martin III, Martinsburg

### South Carolina

Robert N. Rosen, Charleston  
C.E. Singletary, Charleston  
Herbert A. Johnson, Columbia  
Charles Porter, Columbia  
John E. Johnston, Greenville  
John W. Kittredge, Greenville

### Virginia

H. Richard Chew, Arlington  
Robert W. Mann, Martinsville  
Ben Cotten, McLean  
John S. Stump, McLean  
Norman F. Slenker, Merrifield  
Robert P. Buford, Richmond  
William R. Coger, Richmond

### Wyoming

George M. Apostolos, Casper

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