



THE SUPREME COURT
HISTORICAL SOCIETY

Quarterly

VOLUME XI

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Society Celebrates Fifteenth Annual Meeting

The fifteenth Annual Meeting of the Supreme Court Historical Society was held on Monday, May 14, 1990. The day-long program of activities included the Annual Lecture, open house, private tour of the Supreme Court building, Trustees Meeting and Annual Meeting of the General Membership. The traditional reception and formal dinner concluded the 1990 meeting.

The first event, the lecture, was delivered by Retired Justice Lewis F. Powell, Jr. before a large crowd assembled in the Supreme Court chamber. Justice Powell prefaced his prepared remarks saying, "President Justin A. Stanley has given great leadership" to the Society, so much so that the "Supreme Court Historical Society has become a very important component of the Supreme Court."

The subject of Justice Powell's speech was George Wythe, who was appointed the first professor of law in this country by (then) Governor Thomas Jefferson. As Justice Powell explained, "Wythe was a towering figure in our history, not in the sense of holding the highest offices, but because of his influence on those who did." It is difficult, Powell explained, to leave an enduring reputation without holding office, "nevertheless, Wythe was admired, even revered, in his time."

"His teaching career is perhaps best known. Few, if any, teachers in our history have taught such an exceptional group of students. In addition to Jefferson, there were John Marshall; Henry Clay; John Breckinridge, who became Jefferson's Attorney General; Judge Spencer Roane, famous for his opinion in Kamper v. Hawkins, that anticipated Marbury v. Madison; and he taught numerous other persons of prominence in and after the revolutionary era.

"The tutelage under Wythe was the equivalent for Jefferson of the most demanding university education, far more than what is called a university education today."

Although Wythe was mainly self-taught, he acquired a commanding knowledge of the law. "Jefferson recalled one minor case, long since forgotten, in which Wythe fired a bewildering barrage of authorities at his adversary. He cited Virginia and British statutes, decisions of the British courts, sections of



Justice Byron R. White describes the Hughes - Gossett Prize before presenting the award to Jeffrey D. Hockett (standing, right) as Mrs. Violette Sutton and Mr. Jeremiah Marsh (seated) look on. Details about the prizes awarded at the dinner follow on page ten.

Justinian's Roman Code, and Cicero's Orations. [C]omparable erudition is rarely heard even in arguments before the Supreme Court of the United States."

Wythe "was a conspicuous leader in Virginia. Wythe was no Patrick Henry urging revolution, but he did assume leadership when it became clear that British policy was inflexible and unjust. Though he was the last of the seven Virginians to sign the Declaration of Independence, Wythe wrote his name above the other six signatures."

Wythe sought to enlist in the revolutionary regiment, but the then forty-nine-year-old lawyer was gently rejected. "Happily,

-continued on page ten

A Letter from the President



Society President Justin A. Stanley (left) was surprised with an award, presented by Justice Lewis F. Powell, Jr., in appreciation of his leadership gift to the Endowment Campaign.

The Annual Meeting held in Washington, D.C. on May 14, 1990 was, I thought, a great success. Retired Justice Lewis F. Powell, Jr. gave the Annual Lecture, on the subject of George Wythe, the first professor of law in the United States. Professor Wythe taught at William and Mary, and, as Justice Powell pointed out, had many distinguished pupils, among them Thomas Jefferson and John Marshall.

At the business meetings of the Members and Trustees, the following new Trustees were elected for three-year terms: William Edlund, Thomas W. Evans, Charles O. Galvin, S. Howard Goldman, Francis M. Gregory, and John R. Risher, Jr. Lawrence H. Averill, Jr., the Administrative Assistant to the Chief Justice, was made both a Trustee and a member of the Executive Committee by virtue of a by-laws amendment.



Ms. Gail Galloway, the Curator of the Supreme Court, spoke with Mr. S. Howard Goldman at the reception preceding the fifteenth Annual Dinner. Mr. Goldman had just been named a new Trustee of the Society at the general membership meeting.

The Officers for the coming year are: Justin A. Stanley, President; Alice L. O'Donnell, First Vice President; J. Roderick Heller, Jr., Frank C. Jones, David Lloyd Kreeger, Melvin M. Payne, E. Barrett Prettyman, Jr. and Leon Silverman, Vice Presidents; Virginia Warren Daly, Secretary; Peter A. Knowles, Treasurer.

Serving on the Executive Committee, in addition to the Officers and committee chairpersons will be: Lawrence H. Averill, Jr.; William T. Coleman, Jr., Dwight D. Opperman and M. Truman Woodward, Jr., At-Large Members.

In other business, our membership is at an all-time high; on May 14, 1990, it was 3,428. Further, we have raised \$1,600,000 toward our endowment goal of \$2,500,000 net, which we hope to achieve by the next Annual Meeting in May of 1991.

All Standing Committees and some Special Committees are busy and are almost at full complement. As we plan and start to implement additional programs, we should have a busy and



After delivering the lecture, Justice Powell presented awards to seven state membership chairpersons who had met their annual goals. Mr. Jim Miller, the Co-Chairman for the District of Columbia, accepted the award from Justice Powell for himself and Mr. Daniel Gribbon, the Membership Chairman for the District of Columbia.

THE SUPREME COURT HISTORICAL SOCIETY

Quarterly

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fruitful year ahead.

At the dinner, the establishment of the Hughes - Gossett prizes for the best original articles in the *Yearbook* were announced. The first prize carries a stipend of \$1,500, the second, \$500. The awards are named after two of the most prominent families in the history of the Society. Elizabeth Hughes Gossett was the daughter of Chief Justice Charles Evans Hughes and was the first President of the Society. Her husband, William T. Gossett, is a former President of the American Bar Association and is, along with Elizabeth, one of the principal benefactors of the Society.

Associate Justice Byron H. White announced the award winners. Loren P. Beth, an historian at the University of Georgia, won the first prize for his article "President Hayes Appoints a Justice." Professor Beth was unable to attend the dinner. The second prize winner, Jeffrey D. Hockett, an Assistant Professor of Political Science at the University of Oklahoma, did attend; Professor Hockett was awarded the second prize by Justice White for his article "Justice Robert H. Jackson and Segregation: A Study of the Limitations and Proper Basis of Judicial Action." Justice White presented a special award to Grier D. Stephenson to honor his fifteenth year of contributing to the *Yearbook*.

As usual, many more members wanted to attend the dinner than we could accommodate. As we grow in numbers, the problem of accommodating all who want to attend will, I am afraid,



Society Trustee M. Truman Woodward, Jr. (from left), Louisiana Membership Chairman Harvey Koch, and Solicitor General and Mrs. Starr pictured conversing during the reception.

increase rather than diminish.

Our entertainment was provided by the Strolling Strings of the U.S. Army Band and by the Alexandria Harmonizers. Both groups were good and they were received enthusiastically. Chief Judge Howard T. Markey, who is the Chairman of the Annual Meeting Committee, and is, with the Society's Assistant Director Kathleen Shurtleff, in charge of the dinner, is to be commended for a job well done.

I am pleased to have the privilege of serving as your President for another year.

Endowment Fund Donors of \$25,000 as of June 15, 1990

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Mr. Jeremiah Marsh
Mr. Dwight Opperman
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Portrait of Justice Hugo L. Black Unveiled in Supreme Court Ceremony

The evening of March 6, 1990 marked the unveiling of a new portrait of Justice Hugo L. Black. The painting was commissioned by the former clerks of Justice Black under the leadership of a small committee comprised of John P. Frank, George C. Freeman, Jr. and Frank M. Wozencraft. Each former clerk was asked to contribute to a portrait fund to underwrite the cost.

The leadership committee contacted Hugo L. Black, Jr. to ask him for suggestions for an artist to fulfill this commission. He recommended John Black, the son of Sterling Black, and Justice Black's grandson. John Black is a professional painter and sculptor whose works include a bronze bust of "the Judge," as former clerks and others fondly call Justice Black, which is displayed in the Birmingham, Alabama federal courthouse building dedicated to Justice Black. John decided to base the portrait on an etching which appeared on a five-cent commemorative stamp issued by the Postal Service in 1986 honoring the centennial of Justice Black's birth.

John Black came to Washington to meet with Gail Galloway, Curator of the Supreme Court, and Society staff to search through the photographic archives in the Curator's office for photographic images which might be helpful in producing the portrait. He also examined the collection of portraits of former Justices which hang in the Supreme Court building. Armed with photographs and information such as specific size requirements for display in the building, John returned to Albuquerque to begin work on the portrait.

Under the direction of Messrs. Frank, Freeman and Wozencraft, the necessary funds were donated to the Society to pay for

the portrait, with a small balance left over to help defray the costs of maintenance of the portrait over the coming years. In celebration of the completion of the portrait, the clerks organized a dinner which was held in the Supreme Court on the evening of March 6, 1990. On that occasion members of the Black family, Justices of the Supreme Court, all former clerks and their spouses, former secretaries to Justice Black, and representatives of the Historical Society were present to witness the official unveiling of the portrait. Mr. Freeman acted as Master of Ceremonies for the brief program. His comments conveyed the warm feelings of friendship which exist between the former clerks and the Black family, who refer to clerks as the "extended Black family." Mr. Freeman invited John Black to unveil the portrait. The unveiling was greeted with applause and enthusiasm.

On behalf of the clerks, Mr. Freeman officially presented the portrait to Dean Erwin Griswold, who accepted the portrait for the Society. Dean Griswold thanked Mr. Freeman and the clerks and quipped that "Harriet and I will take it right home and hang it over the mantle." He commented on the significance of the portrait, noting that it would be an important addition to the collection of official portraits on display to the hundreds of thousands of yearly visitors to the Supreme Court. He said that these visits would be greatly enriched by the visual representation of former members of the Court.

The Dean reminisced about his memories of arguing in the Supreme Court before Justice Black. Griswold noted that "the Judge" had asked him piercing questions from the bench on several occasions which caused him some concern. He mentioned specifically arguing in the Watergate tapes case. He said he had tapes of his argument during the case that he listened to occasionally. He noted that, while he considered his arguments in the case "pretty good," he had been asked some troublesome questions from the bench by Justice Black. This comment drew appreciative laughter from the clerks who all remembered their own experiences with difficult questions from "the Judge." The

Dean noted that listening to Justice Black's voice on the tape brought back some of the discomfort he had experienced in the Court Room and also prompted him to think of responses he wished he had been able to make at the time. He noted, somewhat wryly, that he had lost that case.

In conclusion, Dean Griswold again expressed his appreciation to the clerks, personally and on behalf of the Society, for their generosity and public service in making the portrait available for viewing. Dean Griswold pledged the Society's continuing support of the Supreme Court and officially presented the portrait to Associate Justice Byron H. White, who accepted the portrait on behalf of the Court for display in the Supreme Court building.

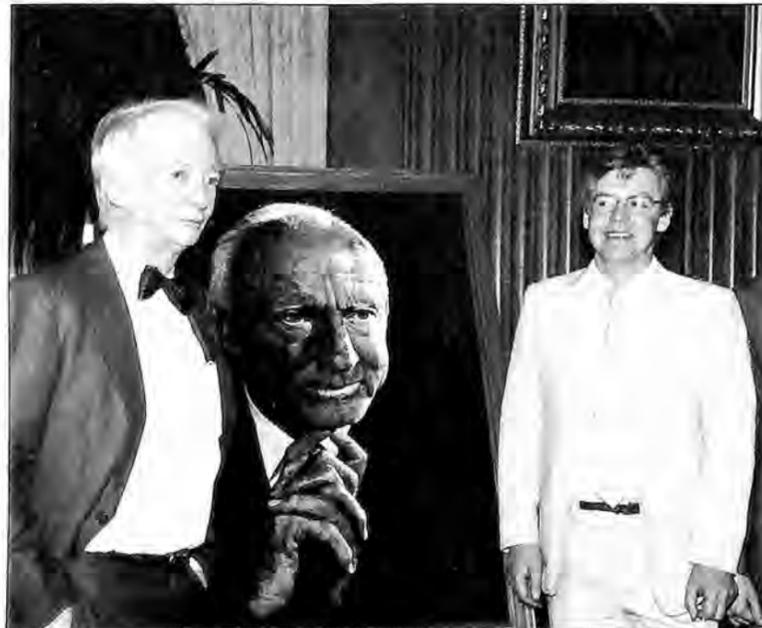
Justice White thanked Dean Griswold and the former clerks for their roles in making the portrait a reality. Studying the portrait carefully, Justice White said he had fre-

quently seen Justice Black in such a contemplative pose during conference when he was discussing his viewpoints on important cases. Justice White then commented on Dean Griswold's reminiscences about arguing before the Supreme Court and quipped that he was glad the Dean had had the opportunity that evening to "reargue" the case.

Many members of the Black family as well as former clerks to Justice Hugo Black gathered on March 6 for the portrait unveiling. (Above, from left to right) J. Vernon Patrick, Jr., a former clerk to Justice Black; Hugo L. Black, Jr.; Sylvia Patrick; Hugo L. Black, III; and Graham Black were among those attending the ceremony.



Hugo L. Black, Jr. (left), the son of the Justice, poses with the portrait and the artist, John P. Black. John Black, grandson of Justice Black, was born in Los Alamos, New Mexico in 1955. He studied art in the Albuquerque Public Libraries. John Black painted this portrait in 1989. The portrait is based on a photograph by Karash of Ottawa. It was funded by Justice Black's former law clerks acting under the leadership of three of their fellow clerks: Frank M. Wozencraft, George C. Freeman, Jr. and John P. Frank.



Photographs on this and the following page by Lois Long, from the Collection of the Supreme Court of the United States.

1991 - 92 Judicial Fellows Program

During its seventeen-year history, the Judicial Fellows Program has consistently attracted exceptionally talented people capable of making significant contributions to the administration of justice. Each year, two or three fellows are chosen to spend one year working with top officials in the judicial branch of government. With assignments at the Supreme Court, the Federal Judicial Center, and, in some years, the Administrative Office of the United States Courts, the Fellows are involved in a wide range of projects relating to the operation of the federal courts and the responsibilities of the judiciary.

Founded by Retired Chief Justice Warren E. Burger in 1973, the Program is designed to provide promising individuals with a first-hand understanding of the workings of government and, in particular, of the judiciary. The Fellows participate in the ongoing work of the third branch, and they are provided with numerous opportunities that allow them to gain a broader perspective on the dynamics of interbranch relations.

Like its counterparts in the executive and legislative branches (The White House Fellows Programs and the Congressional Fellows Program), the Judicial Fellows Program promotes a continuing contribution to the public interest by its Fellows after completion of their year in Washington, D.C. Many former Judicial Fellows have pursued that goal in academia, and others have done so in government, private business, law practice, and as members of the judiciary.

The Judicial Fellows Program seeks outstanding individuals from diverse fields. Backgrounds of Fellows previously selected

include political science, public and business administration, economics, the behavioral sciences, operations research and systems analysis, and journalism, as well as law.

The needs of the judiciary and the interests and capabilities of the Fellows selected will determine assignments and projects. In addition, numerous educational and social opportunities are available to broaden the Fellowship experience.

The Fellowship is ordinarily for one year, beginning in September. The exact duration of the Fellowship is subject to mutual agreement between the Fellow and the Executive Director of the Fellows Program.

Fellowship stipends are based on salaries for comparable government work and on individual salary histories but will not exceed the GS-15, step 3 level, presently \$63,164.

Competition for the Judicial Fellowships is intense. The Program is designed for professionals in the early stages of their career development who will receive long-term benefits from the experience and who will contribute to the improvement of the judicial process both during and after the fellowship. Candidates should have one or more post-graduate degrees and at least two years of professional experience with a record of high performance.

Information about the Judicial Fellows Program and application procedure is available from Vanessa Yarnall, Administrative Director, Judicial Fellows Program, Supreme Court of the United States, Room 5, Washington, D.C. 20543. The application deadline is November 15, 1990.

The Supreme Court: 1790 to 1990

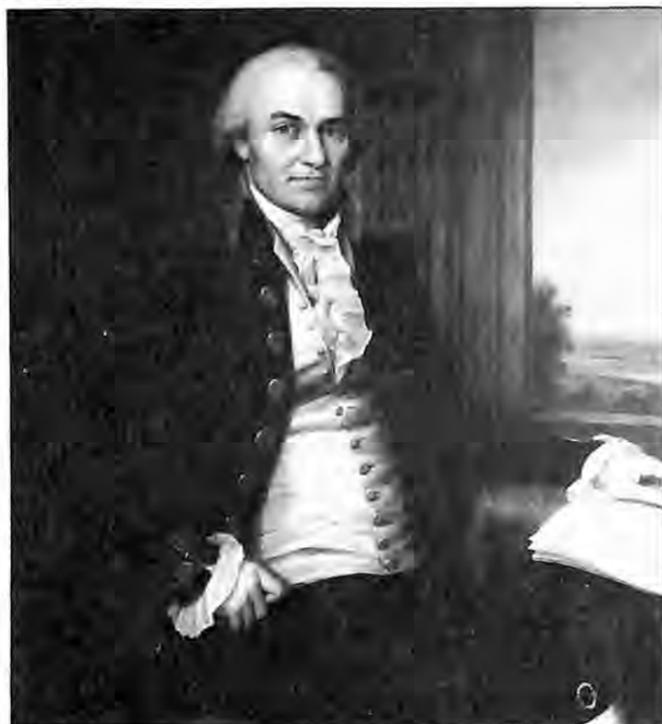
by Priscilla Goodwin

"... the Supreme Court of the United States... shall hold annually at the seat of government, two sessions, the one commencing the first Monday in February..."
-The Judiciary Act of 1789

February 1, 1790 is a significant date in Supreme Court history, for the Court first met on that day in the Royal Exchange Building in New York City, then the capital city. Chief Justice John Jay and Associate Justices William Cushing and James Wilson convened but immediately had to adjourn until the next day as they were one Justice shy of a quorum. On February 2, Justice John Blair arrived from Virginia, and with four members present, the Supreme Court was open for business. Since the federal court system had just been established, no cases were before the Court during this first term. Over the next two weeks the Justices held short sessions during which they appointed a court crier and clerk, decided upon the Court's official seal, and admitted attorneys to the Supreme Court Bar.

An exhibit celebrating the bicentennial of the Supreme Court is on display in the Supreme Court building. *The Supreme Court: 1790 - 1990* covers the Court's history from its establishment in the Constitution to the present. Two hundred plus objects are arranged thematically, covering the Court's establishment, first Justices, first Session, circuit riding, the Supreme Court Bar, former and current homes of the Court, the Court's work, significant cases, traditions, the membership of the Court, and changes in the Court's work over the last two hundred years.

Created by the Supreme Court's Office of the Curator, the



A chair, with writing arm attached, that belonged to Chief Justice Oliver Ellsworth (above) is included in the bicentennial exhibit. Photo taken from a portrait by Charles Loring Elliot that hangs in the Supreme Court building.



Circuit riding was quite hazardous in the early days of the Court. A journey in the Phoenix Line "Safety Coach" (drawing, above) from Baltimore to Washington, D.C. took five hours to complete.

exhibit uses documents, engravings, photographs, portraits and busts, furniture and objects that belonged to the Justices to tell the story of the Supreme Court.

The exhibit's initial artifact is Justice Pierce Butler's copy of the draft of the Constitution, with notes he made in the margins during the debates of the Constitutional convention. The signers of the Constitution left it to the first federal Congress to set up any lower federal courts it deemed necessary and to decide many details of the federal court system. Congress passed the Judiciary Act in September 1789. This major piece of legislation established the basic structure of the federal court system we have today, with district and appellate courts below the Supreme Court. The first and last pages of the Judiciary Act of 1789, signed by President George Washington, are on display in the exhibit. Oliver Ellsworth's chair, with writing arm attached, calls to

mind the significance of his role in the drafting of the Judiciary Act. As one of Connecticut's first U.S. Senators, Ellsworth led the committee which wrote the Judiciary Act. Ellsworth was later to be the third Chief Justice of the United States.

A sample of the many historic and original objects in the exhibit include the minutes of the Court's first session; a cloth bag used to carry documents while riding circuit; a traveling box used by Chief Justice John Marshall; the roll signed by counselors and attorneys admitted to the Supreme Court Bar between 1790 and 1805; and a chair that belonged to Chief Justice John Marshall, now used during investiture ceremonies by the new Justice before he takes his oath and joins his colleagues on the bench.

Priscilla Goodwin is the Visitor Programs Coordinator, Supreme Court of the United States.

1789: CONGRESS DECIDED AT FIRST TO FIX THE NUMBER OF JUSTICES AT SIX.

1801: CONGRESS PLANNED ON A CHANGE TO FIVE, BUT THE SIX REMAINED VERY MUCH ALIVE.

1807: SIX HIGH JUDGES, SUPREME AS HEAVEN - AND JEFFERSON ADDED NUMBER SEVEN.

1837: SEVEN HIGH JUDGES, ALL IN A LINE - TWO MORE ADDED, AND THAT MADE NINE.

1863: NINE HIGH JUDGES WERE SITTING WHEN LINCOLN MADE THEM AN EVEN TEN.

1866: TEN HIGH JUDGES, VERY SEDATE; WHEN CONGRESS GOT THROUGH THERE WERE ONLY EIGHT.

1869: EIGHT HIGH JUDGES WHO WOULDN'T RESIGN; GRANT BROUGHT THE FIGURE BACK TO NINE.

1937: WOULD A JUSTICE FEEL LIKE A PACKED SARDINE IF THE NUMBER WAS RAISED TO - SAY - FIFTEEN?

The Herblock cartoon (left), first published at the time of Roosevelt's proposal to enlarge the Court, is one of the many items included in *The Supreme Court: 1790-1990* exhibit that is on display until the end of August 1990. The exhibit is located on the ground floor of the Supreme Court building, which is open Monday through Friday from 9 a.m. to 4:30 p.m. Tours of the building are available to members of the Supreme Court Historical Society by reservation.

Membership Update

The following members have joined the Society between March 12 and June 1, 1990.

Alabama

Jere Locke Beasley, Montgomery
J. Bernard Brannan Jr., Montgomery
John N. Pappanastos, Montgomery

Arizona

David J. Cantelme, Phoenix
Anna L. Durand, Phoenix
Stanley G. Feldman, Phoenix
Gerald K. Smith, Phoenix
James Walsh, Phoenix

California

Jack Albertson, El Centro
Orville A. Armstrong, Los Angeles
Michael R. Barr, San Francisco
Jerome I. Braun, San Francisco
Barbara A. Caulfield, San Francisco
Robert W. Cosby, San Francisco
William B. Craig, Irvine
Robert Elliott, San Francisco
John E. Hartman, San Francisco
Philip L. Judson, San Rafael
Terry Michael Kee, San Francisco
George H. Link, Los Angeles
Parker A. Maddux, San Francisco
Stephen S. Mayne, San Francisco
John H. McGuckin Jr., San Francisco
Melville Owen, San Francisco
Alden G. Pearce, Los Angeles
Rodney R. Peck, San Francisco
Walter Robinson, San Francisco
James N. Roethe, San Francisco
Michael Steel, San Francisco
Joseph R. Tiffany II, San Francisco
James O'Malley Tingle, San Francisco
James E. Towery, San Jose
Kenneth L. Waggoner, Los Angeles
Pothier & Hinrichs, Santa Ana

Colorado

John S. Pfeiffer, Denver
Benjamin F. Stapleton, Denver

Connecticut

Thomas L. Brayton, Waterbury

Anthony M. Fitzgerald, New Haven
Charles C. Goetsch, Woodbridge
Thomas J. Groark Jr., Hartford
Paul Knag, Stamford
Richard McGrath, Stamford
Francis P. Schiaroli, Stamford
John F. Spindler, Stamford
Shaun S. Sullivan, New Haven
George G. Vest, New Canaan
Frederic H. Weisberg, Stamford
Eric Watt Wiechmann, Hartford
William P. Yelenak, New Haven

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Maurice A. Barboza
John H. Beisner
Robert W. Bishop
Lindy Boggs
Christian Scott Booth
John B. Breaux
William B. Cowen
Richard D'Avino
Daniel H. DuVal
Mark R. Eaton
Dannie B. Fogleman
Jimmy Hayes
Jerry Huckaby
J. Bennett Johnston
Mark A. Kuller
Bruce K. Lagerman
Jackie S. Levinson
Abbott B. Lipsky Jr.
Robert L. Livingston
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Eugene M. Pfeifer
James J. Regan
Katherine L. Rhyne
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Jim Blanchard Jr., Augusta
Robert G. Wellon, Atlanta

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Idaho

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Daniel F. Evans, Indianapolis
John W. Graub, Indianapolis
Richard Kammen, Indianapolis
David W. Mernitz, Indianapolis
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David A. Dettman, Davenport
James P. Hayes, Iowa City
Thomas M. Kamp, Davenport
Richard M. MacMahon, Davenport
Charles Miller, Davenport
William H. Tucker, Iowa City

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Richard A. Barber, Lawrence
Don W. Bostwick, Wichita
Wesley E. Brown, Wichita
Bernard E. Nordling, Hugoton
James L. Postma, Lawrence

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Ben Bagert Jr., New Orleans
V.J. Bella, Franklin
Roy Brun, Shreveport
Emile Bruneau Jr., New Orleans
Carl N. Crane, Baton Rouge
Quentin Dastague, Metairie
James Donelon, Metairie
John C. Ensminger, Monroe
Glenna C. Fallin, Baton Rouge
Garey Forster, New Orleans
Robert T. Garrity Jr., Harahan
E. Clark Gaudin, Baton Rouge
Terry Gee, New Orleans

John J. Hainkel, New Orleans
Kernan Hand, Kenner
Gerry E. Hinton, Slidell
Ken Hollis, Metairie
Ralph L. Kaskell Jr., New Orleans
Charles D. Lancaster Jr., Metairie
Kenneth Osterberger, Baton Rouge
David E. Post, Gretna
David S. Rubin, Baton Rouge
Leslie Schiff, Opelousas
Ed Scogin, Slidell
Art Sour, Shreveport
James V. St. Raymond, New Orleans
Vic Stelly, Lake Charles
Fritz H. Windhorst, Gretna

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Julia W. Willis, Bethesda

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Richard Godosky, New York
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Boris Kostelanetz, New York
William J. Junkerman, Fieldston
Pamela A. Liapakis, New York
Mackenzie Smith Lewis et al., Syracuse
Carroll J. Mealey, Loudonville
James V. Ryan, Rye
Merritt E. Vaughan, Utica

Oregon

George L. Kirklin, Portland

Pennsylvania

Michael S. Dinney, Bryn Mawr
Steven D. Frankino, Villanova
Jay Lee, Altoona
Francis E. McGill Jr., Philadelphia
Francis E. McGill III, Philadelphia
Guy N. Valvano, Dunmore

Tennessee

James E. Brading, Johnson City
C. George Caudle, Chattanooga
J. Paul Coleman, Johnson City
Jerry C. Colley, Columbia

William T. Gamble, Kingsport
James Gentry Jr., Chattanooga
Olen G. Haynes, Johnson City
John B. Phillips Jr., Chattanooga
Don C. Stansberry Jr., Knoxville

Texas

Martin J. Cirkiel, Hutto
J. Chrys Dougherty, Austin
William D. Powell, Dallas
Eddy J. Rogers Jr., Houston

Utah

D. Gary Christian, Salt Lake City
H. James Clegg, Salt Lake City

Virginia

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Warren Kreunen, Milwaukee
A. H. Laun Jr., Milwaukee
David L. MacGregor, Milwaukee
Joseph A. Melli, Madison
Richard R. Robinson, Milwaukee

Erratum

Phil C. Neal was misidentified as Charles B. Renfrew on page 2 of the last issue of the *Quarterly*. Mr. Neal, of Neal, Gerber, Eisenberg & Lurie in Chicago, is the gentleman who was photographed with Mrs. Rehnquist at the Society's Fourteenth Annual Dinner.

Annual Meeting (continued from page one)

Wythe's place in history does not depend upon his military record. It was after independence had been won that he achieved leadership and prominence. He chaired the Committee of the Whole when the Virginia Constitutional Convention adopted the Constitution, and was one of the leaders of that historic convention."

In conclusion, Justice Powell expressed his hope that the brief vignettes of the life of George Wythe "make clear why Wythe's stature and influence loom large two centuries after he became our country's first formal professor of law."

After thanking Justice Powell, Justin Stanley announced the recent success of the Society's membership campaign. As he said, "the lagging membership of the Society is no longer lagging, and is almost up to 3,500." Under the direction of National Membership Chairman Frank C. Jones, a network of state chairpersons had been assembled to recruit new members. Twenty-three of the chairpersons met their annual goals by May 14, and seven were presented with marble awards by Justice Powell in the Court Chamber. These seven were: Fulton Haight, of California; James D. Miller, who, with Daniel Gribbon, worked in Washington, D.C.; Robert Waterman, of Iowa; Thomas Deacy,

of Missouri; Richard Knudsen, of Nebraska; Johnnie Walters, of South Carolina; and John Walker, of Virginia. Mr. Stanley made special mention of Charles Renfrew, of California, who recruited over one-hundred and forty new members, but was unable to attend the ceremony.

President Stanley then spoke of the endowment campaign, which had been undertaken one year earlier to provide financial stability to the Society. Nine individual, corporate or foundation donors of twenty-five thousand dollars or more to the endowment were presented with awards by Justice Powell. Those honored were: Charlton Dietz, of the Minnesota, Mining and Manufacturing Foundation; Jim Ellis, of Southwestern Bell Foundation; S. Howard Goldman; George C. Freeman, of Hunton & Williams; John Kester, of Williams and Connolly; Jeremiah Marsh; Gordon Pehrson, of Sutherland, Asbill and Brennan; E. Barrett Prettyman, Jr., of Hogan & Hartson; and Warren Wood, of the Robert Wood Johnson Foundation.

At this point, Justice Powell surprised Mr. Stanley by presenting an award to him and saying, "There's no better President than Justin A. Stanley. He has really touched lawyers all over the United States."

While Justice Powell spoke with many members of the capac-

Presentation of Hughes - Gossett Prize and Yearbook Award

At the Society's 1990 Annual Dinner, Associate Justice Byron R. White announced the winners of the first annual Hughes - Gossett prizes. The prizes, which total two thousand dollars, were named in tribute to the Hughes and Gossett families because of their generous support for the Society. The prizes were awarded for the two best original articles published in the 1989 *Yearbook* as determined by a vote of the Board of Editors.

Loren P. Beth, an historian at the University of Georgia, won first prize for "President Hayes Appoints a Justice," an account of the nomination and confirmation proceedings leading up to the appointment of Justice John Marshall Harlan of Kentucky in 1877. Professor Beth was unable to attend the dinner, but Jeffrey D. Hockett, the second-place winner, was in attendance. Hock-

ett, an Assistant Professor of Political Science at the University of Oklahoma, won for his article entitled "Justice Robert H. Jackson and Segregation: A Study of the Limitations and Proper Basis of Judicial Action." In addition to their checks, each prize winner received a brass plaque with an inscription commending the winner for historical excellence.

Professor Grier D. Stephenson, Jr., author of "The Judicial Bookshelf," the book review section of the *Yearbook*, since 1976, received a special award to honor him for his distinguished and faithful service. Stephenson, the Charles A. Dana Professor of Government at Franklin and Marshall College, was awarded a bronze plaque by Justice White acknowledging his "valuable editorial contributions" and thanking him "for helping to make the *Yearbook* a high-quality and informative publication."



Professor D. Grier Stephenson, Jr. and his wife, Ellen. Professor Stephenson received a special award to honor his editorial contributions to the *Yearbook*.



Justice White presented the Hughes - Gossett Award to Jeffrey D. Hockett, Assistant Professor of Political Science at the University of Oklahoma.

ity crowd, other guests began to assemble for the tour of the public and private areas of the Supreme Court. The tour was led by Priscilla Goodwin, Assistant Curator for Education of the Supreme Court.

At four o'clock, an open house was held at the Society's headquarters on Second Street. This pleasant affair allows members and their guests to tour the headquarters building and meet with Society staff over coffee and light desserts.

At six-thirty in the evening, members and their guests reassembled in the Supreme Court Chamber for the Society's general membership meeting. At this time, fourteen Trustees were re-elected, and six individuals were elected to their first terms as Trustees. The new Trustees are: William Edlund, a life member of the Society and partner at Pillsbury, Madison and Sutro in San Francisco; Thomas W. Evans, a sustaining member of the Society and partner at Mudge, Rose, Guthrie, Alexander & Ferndon in New York; S. Howard Goldman, a life member of the Society from New York; Charles O. Galvin, a regular member of the Society and Professor of Law at Vanderbilt University School of Law; Francis M. Gregory, a founding member of the Society and partner at Sutherland, Asbill and Brennan in Washington, D.C.; and John R. Risher, Jr., a sustaining member of the Society and partner at Arent, Fox, Kintner, Plotkin & Kahn, also in the District of Columbia.

By virtue of an amendment to the by-laws of the Society, the Administrative Assistant to the Chief Justice was made both a Trustee and a member of the Society's Executive Committee. The present Administrative Assistant, Lawrence H. Averill, Jr., need not be reelected to remain a Trustee.

During the Trustees Meeting, Frank C. Jones, E. Barrett Prettyman, Jr. and Leon Silverman were elected new Vice Presidents, and William T. Coleman was elected an At-Large member of the Executive Committee. After concluding business, President Justin A. Stanley adjourned the meeting.

Following the meetings, Society members and their guests



Professor Edward Levi, former Attorney General of the United States, and Mrs. Christopher Sumner, an attorney from Salt Lake City and the daughter of Justice and Mrs. Powell, were among those attending the formal dinner.



Following the Annual Lecture, Associate Justice Lewis F. Powell, Jr. presented awards to state membership chairpersons and endowment campaign donors. The awards were made of marble taken from the Supreme Court Building; a medallion engraved with the seal of the Supreme Court was affixed to each piece. Mr. Jim Ellis (above, right), representing the Southwestern Bell Foundation, received an award from Justice Powell.

gathered in the East and West Conference rooms for the reception. The String Quartets of the U.S. Army Band provided chamber music in each room. This year, guests were able to stroll about the fountains of the adjoining courtyards, which are not usually accessible.

After an hour of chatting with some of the Supreme Court Justices and fellow Society members, guests filed into the Great Hall for the formal dinner. The Great Hall was decorated with state flags along the sides of the room and a large American flag that was draped across the front pillars. The tables were set with large peony bouquets set over elegant floral chintz cloths. Three hundred persons were seated for the dinner.

Justin Stanley welcomed everyone to the dinner and introduced Associate Justice Byron R. White. Justice White presented the Hughes - Gossett Prize to Jeffrey D. Hockett, Assistant Professor of Political Science at the University of Oklahoma. Justice White also presented a special plaque to D. Grier Stephenson, Jr., Professor of Government at Franklin and Marshall College, in recognition of Professor Stephenson's long-standing commitment to the Society's *Yearbook*.

During the dessert course, the Strolling Strings of the U.S. Army Band performed a lively set of music that was enthusiastically received. Chief Judge Howard T. Markey, the Annual Meeting Chairman, introduced the Alexandria Harmonizers, a large barbershop-style chorus, who sang a variety of songs from American Musical Theatre. The Harmonizers performed an Americana medley to bring the eventful day to a successful close.

Editor's Note: The text of the Annual Lecture, delivered by Justice Powell, will be included in its entirety in the 1990 Yearbook of the Supreme Court Historical Society. The tentative date of publication is December 1, 1990.

The Supreme Court Bar

The Supreme Court 1790-1990, an exhibit currently on display in the Supreme Court building (see related article on page six) includes some interesting artifacts and anecdotes relating to the history of the Supreme Court Bar.

Approximately 185,000 attorneys have been admitted to the Supreme Court Bar, many of whom have argued before the Court. The first member of the Supreme Court Bar was Elias Boudinot of New Jersey who was admitted on February 5, 1790. Seventy-five years later, on February 1, 1865, Dr. John S. Rock became the first black member of the Supreme Court Bar. The first woman to join the Bar was Belva A. Lockwood on March 3, 1879. Many famous attorneys have argued before the Supreme Court, including Presidents Abraham Lincoln, William H. Taft, and Richard M. Nixon.

Before modern transportation made it easier for attorneys to travel, persons with a case before the Court often retained counsel from the Washington D.C. area. Thus a small number of attorneys--such as Daniel Webster, Henry Clay, and John C. Calhoun--argued most of the cases, and their oratorical skills drew crowds to the courtroom, making oral argument a Washington social occasion. In the 20th century, Supreme Court cases have been divided among more attorneys. Where Daniel Webster argued 170 cases, today an attorney who appears before the Court a half a dozen times is considered a seasoned veteran.

Now, only the Solicitor General and his staff, who argue cases for the United States, and a few attorneys in private practice appear before the Court regularly. Along with transportation improvements, the 1970 amendment to the Supreme Court rules

permitting Bar admission through mail (as an alternative to oral motion in open Court) has caused the Bar's ranks to swell. About 5,000 attorneys are now admitted each year.

Elias Boudinot of New Jersey was the first attorney admitted to the Supreme Court Bar. Requirements for admission in 1790 remain the same today: an attorney must have an acceptable personal and professional character and be qualified to practice before the highest Court of a state or territory.



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