



Justice Powell Dies at age Ninety

**Editor's Note- As the Quarterly was going to press, word was received of Justice Powell's death on August 25. This brief note will serve only as an announcement, and a tribute to the Justice will appear in a future issue of the magazine.*

Early Tuesday, August 25, 1998 Justice Lewis F. Powell, Jr. died at his home in Richmond, VA. at the age of ninety. A native Virginian, he practiced law for approximately forty years, achieving national stature as a President of the American Bar Association and the American College of Trial Lawyers. Powell was nominated for appointment to the Supreme Court of the United States on October 22, 1971, by President Richard Nixon. The nomination came when Powell had reached the age of 64 and he was initially reluctant to accept the appointment. He was confirmed on December 6, 1971 with only one dissenting vote cast against him. With a reputation for strong, professional ability and genteel and courtly manners, Powell took his place on the Court with no prior judicial experience. He considered himself neither a conservative nor a liberal and valued highly the

principle of moderation. Historians and analysts have labelled him a "centrist" and his vote was frequently the tie-breaking vote in controversial cases. Citing poor health, he retired from the Supreme Court on June 26, 1987, after fifteen years of dedicated service. In the years after his retirement, Justice Powell was involved in hearing cases with the Fourth Circuit Court of Appeals in Richmond. He also taught briefly at Washington and Lee and the University of Virginia Law Schools.



Lewis F. Powell, Jr.

Twenty-third Annual Meeting held June 1

The Annual Meeting of the Supreme Court Historical Society took place on Monday, June 1, 1998. Opening the program, was the Annual Lecture given by the Honorable Seth P. Waxman, Solicitor General of the United States. Mr. Waxman is an alumnus of Harvard Col-



The Honorable Seth P. Waxman, Solicitor General of the United States (pictured here at an earlier event) delivered the Annual Lecture on June 1. He gave an insightful lecture about the office of the Solicitor General and some of its previous occupants.

lege where he took his A.B. in 1973, graduating *summa cum laude*. From there he went on to Yale Law School where he received his J.D. in 1977. After graduation, Mr. Waxman clerked for U.S. District Court Judge Gerhard A. Gesell. He joined the law firm of Miller, Cassidy, Larroca & Lewin in Washington, eventually rising to Managing Partner of the firm. In 1994 he answered the call to public service, accepting an appointment as Associate Deputy Attorney General. Thereafter he served in various high level capacities in the Offices of the Attorney General and the Solicitor General. In very short order he was elevated to the post of Acting Solicitor General and in November 1997, he was appointed Solicitor General of the United States.

Mr. Waxman spoke about the history of the office of the Solicitor General. The Solicitor General has been referred to as "the government's lawyer" because it is the responsibility of the Solicitor General to determine which lower court decisions the govern-

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A Letter From the President



Each year the Society selects two articles that have appeared in the *Journal of Supreme Court History* for special recognition. Professor Melvin Urofsky and his Board of Editors select two outstanding works—one of which is written by a promising student author—to receive the Hughes-Gossett Prize for Historical Excellence. The Award is named in honor of our

recently deceased Trustee, William T. Gossett, and his wife Elizabeth Hughes Gossett—the Society's first President and third Chair—as well as her father, the late Chief Justice Charles Evans Hughes. Both Bill and Elizabeth were great friends of the Society—seeing it through its difficult founding period. Indeed, a bequest from Elizabeth helped make possible the Society's acquisition of its present headquarters, while Bill's continuing generosity provided the seed grant for the creation of the Society's endowment.

It is fitting that the Hughes-Gossett Prize should memorialize the Gossetts and the Chief Justice with a living legacy that promotes new work in a field they had so vigorously embraced during their lives. The Hughes-Gossett academic and student prizes are \$1,500 and \$500 respectively, and are intended to cultivate increased interest in writing articles on Supreme Court history by both new and established scholars. This year's winners are Professor William E. Leuchtenburg, Jr., of the University of North Carolina, for his article "The Nine Justices Respond to the 1937 Crisis" (1997 *Journal*, Vol. 1), and Kevin M. Kruse, a graduate student at Cornell University, for his article "Personal Rights", Public Wrong: The *Gaines* Case and the Beginning of the End of Segregation (1997 *Journal*, Vol. 2).

Although the Hughes-Gossett Prize is the more frequently awarded, and therefore often the more visible of the Society's efforts to encourage outside scholarship in the field of Supreme Court history, it is not the only means the Society employs to that end. This month the Griswold Prize Committee selected a recipient for the distinguished prize named in honor of the Society's former Chair, Erwin N. Griswold. Committee Chair Gerald Gunther has informed the Society of the selection of Professor Andrew Kaufman of Harvard University to receive this prestigious award for his much-anticipated biography of Justice Benjamin Cardozo.

The Prize is named in honor of the late Erwin N. Griswold. Fondly remembered as "the Dean" in deference to his long and distinguished tenure in that post at the Harvard Law School, Dean Griswold's career in the law was among the most accomplished of this century. In addition to his twenty-one years at Harvard, the Dean also served as Solicitor General of the United States from 1967 to 1973. During that period his frequent appearances before the Supreme Court elevated him to the most

experienced Supreme Court Bar member of his day with over 120 arguments to his credit. His record places him squarely in the ranks of such respected Supreme Court litigators as John W. Davis, Daniel Webster and William Pinkney.

The Griswold Prize is funded by the Dean's former law partners at Jones, Day Reavis & Pogue. Shortly after his death in 1994, his partners approached the Executive Committee with an offer to expand the firm's already generous support if the Society could identify some suitable means of honoring this great lawyer and public servant. The call was most propitious, for the Executive Committee was then contemplating the establishment of an enduring tribute to its former Chair that would reflect the Dean's lifelong commitments to education and legal scholarship. Coincidentally, it is interesting to recall that Jones, Day partner Jonathan Rose represented the firm during this exploration of common cause with the Society, as his own family history is intertwined with that of the Court as well. His father, H. Chapman ("Chappie") Rose—was a former law clerk for Justice Oliver Wendell Holmes, Jr., and also later became a partner at Jones, Day.

Ultimately, the Society and the firm settled upon renaming its Triennial Book Prize in honor of the Dean, and restructuring its award procedure. That \$5,000 prize had been created in 1987 to encourage increased book-length scholarship on the Court. As the name implied, it was awarded to the author of the best work on Supreme Court constitutional history written in the preceding 36 months. Two authors were so recognized during the ensuing years—Professor David Currie for his exceptional *The Constitution in the Supreme Court: The Second Century, 1888-1986* and Professor Gerald Gunther for his extraordinary biography of Learned Hand.

As important as it was, and continues to be, to recognize book-length works of this caliber, when the Society decided to rename the award it also determined to include a lecture for its members by the recipient—to add to the Griswold Prize's educational impact. Additionally, rather than presenting the award on a fixed schedule, irrespective of the wealth (or dearth) of quality works in the field that appear during a given period, the timetable was entirely removed. The selection committee was given instructions to select an author to receive the award whenever it deemed a title prize-worthy. *Cardozo*, arguably

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the life-work of Professor Kaufman, is the first volume to be selected under the new guidelines.

Professor Gunther's selection committee also included Anthony Lewis of the *New York Times* and First Circuit Judge Michael Boudin, who have devoted much of their time in recent months to read an extensive collection of works they considered for the Prize. Professor Gunther, conveying news of the Committee's selection, called *Cardozo* "a truly magisterial work." Judge Boudin remarked that it was "a fine work of serious scholarship, scholarship [that] readily outranks the other candidates—and any likely to come along in the immediate future." Mr. Lewis summarized by calling Professor Kaufman's book "wonderful, deserving of our prize and more." I should note that the Society is particularly grateful to Professor Gunther, Judge Boudin and Mr. Lewis for their hard work in reviewing so many texts for the Prize.

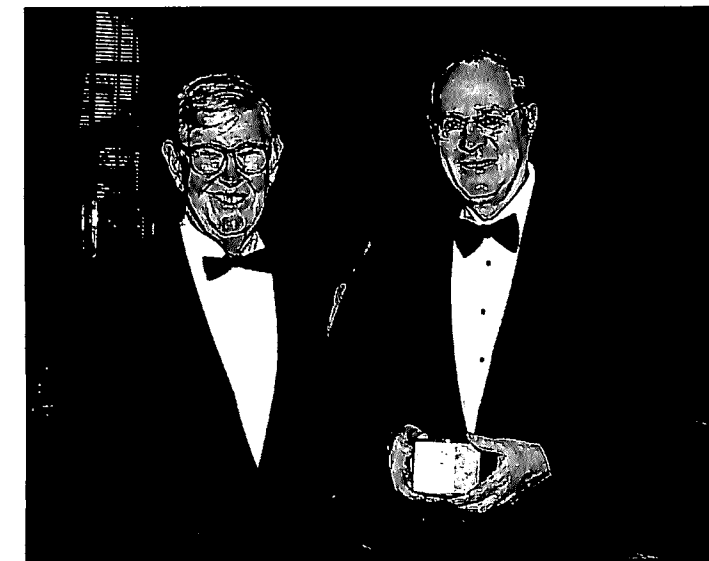
In the coming weeks the Society will make plans for the Griswold Prize lecture, which I anticipate will take place shortly after the New Year. Schedule permitting, the lecture will be held in the Supreme Court Chamber with a reception to follow in the East and West Conference Rooms.

Before closing, I would like to keep you abreast of some of our efforts which relate the Society's scholarly prizes to a larger and more focused attempt to increase Supreme Court scholarship—a conference organized by Professor Herbert Johnson in cooperation with the University of South Carolina and a pilot project the Society is now developing under the capable leadership of Dr. Maeva Marcus.

Professor Johnson, at a conference that will take place in Washington next March, will address the national downward trend of undergraduate course offerings in Supreme Court history. Scholars in the field will meet to examine the causes of the problem and to develop possible solutions. Lamentably, fewer than one in six four-year institutions in the United States today offers undergraduate courses in constitutional history, and it is this diminishing pool that must

fill the ranks of the next generation of graduate scholars in the field.

That is one of the most daunting problems Dr. Marcus and her staff have faced in completing the highly acclaimed *Documentary History of the Supreme Court of the United States, 1789-1800*. This shortage of scholars, while perhaps



Prof. William E. Leuchtenburg, Jr. (left) accepts the Hughes-Gossett Award for Historical Excellence from Justice Anthony M. Kennedy recognizing his outstanding work in his article, *The Nine Justices Respond to the 1937 Crisis*. Prof. Leuchtenburg is the William Rand Kenan, Jr. Professor of History at the University of North Carolina at Chapel Hill. He is a noted scholar of the New Deal Court era and is the author of numerous scholarly publications.

more acute for the early period, in which an understanding of common law antecedents to the constitutional era is important, is nevertheless not unique to that period.

When the Society established its academic prizes a decade ago it was recognizing this problem, and addressing it with what resources it had available. As the Society's reach has expanded, unfortunately, the problem has grown worse, and the prizes can now only be considered one facet of a multi-faceted approach to encourage more academic interest in the field of Supreme Court and constitutional history.

While Professor Johnson will begin to examine means of reversing the downtrend at the undergraduate level, Dr. Marcus is undertaking a pilot study that contemplates the creation of a graduate study program to be located in Washington and cosponsored by a number of regional universities. Funded in large part by a grant from the National Endowment for the Humanities, this program and Professor Johnson's initiative anticipate a more proactive role by the Society in addressing a disturbing problem. I will of course keep you informed as these efforts continue.

Leon Silverman

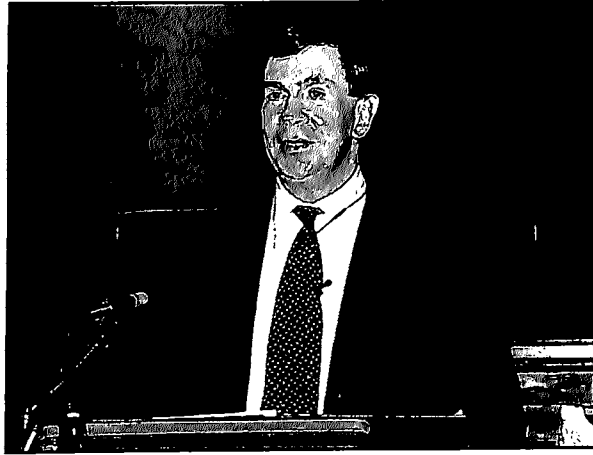


Kevin M. Kruse (left) received the Hughes-Gossett Award for Historical Excellence student prize from Justice Anthony M. Kennedy on June 1st. He is completing his doctoral work at Cornell University.

Lord Irvine Speaks at Heritage Lecture

Lord Irvine of Lairg made history in the Supreme Court Chamber the evening of May 11, 1998 when he became the first Lord Chancellor of Great Britain to present a lecture in that room. The Lord Chancellor gave the National Heritage Lecture before a large audience comprised of officers and members of the Supreme Court Historical Society, the U. S. Capitol Historical Society, and the White House Historical Association. The Lord Chancellor

spoke about his government's intention to propose legislation to draft a formal written Bill of Rights for Great Britain. He explained that while British legal tradition has long granted rights which are delineated in the Bill of Rights of the Constitution of the United States, there has never been a written guarantee of these rights for citizens of Great Britain. Creation of such a document would suggest that American legal evolution, which has drawn on the British common law experience for more than two centuries, may itself, be exerting a reciprocal effect on British legal development. (The text of his speech will appear in a future issue of the *Journal of Supreme Court History*.)



Lord Irvine delivered the National Heritage Lecture on May 11th in the Supreme Court Chamber. He is the first Lord Chancellor of Great Britain to speak in the Courtroom.

The British Constitutional system has developed over a period of time, and derived from a mingling of monarchical traditions, with evolving degrees of democracy. The Office of Lord Chancellor is a unique position within that governmental system, for the Lord Chancellor is simultaneously a member of all three branches of the government: executive, judicial and legislative. No other individual in British government has such overlapping jurisdictional authority. Information supplied by the British Embassy in Washington explains the unique role of the Lord Chancellor in the government of Great Britain.

"Over the past thousand years or so the office of Lord Chancellor has evolved to become the answer to the problem of maintaining judicial independence in a Constitution which concentrates supreme power in a democratically elected legislature dominated by party politics.

"The Office is older than any other except the Crown. In precedence, the Lord Chancellor is the second subject outside the Royal Family, ranking only after the Archbishop of Canterbury. Lord Chancellors have, over the centuries, played various major roles in Government. Today the appointment has become in effect that of a minister of justice, with the following functions:

- a. He is a judge and head of the judiciary, being: i. Presiding chairman of the Appellate Committee of the House of Lords and of the Judicial Committee of the Privy Council; and ii. President of the Supreme Court of England and Wales (that is, the Court of Appeal, the High Court and the Crown Court).

Unlike all other judges, however, he has no security of tenure, and his office is at the disposition of the Prime Minister.

b. He is also a Cabinet Minister and normally ranks as one of its most senior members, with ministerial responsibility for much of the administration of justice. In this role he is supported by a junior Minister, the Parliamentary Secretary, and two Parliamentary Private Secretaries.

c. He is also Speaker of the House of Lords which, although in itself having little to do with the administration of justice, ensures that the Lord Chancellor is always a member of the House of Lords and never of the House of Commons.

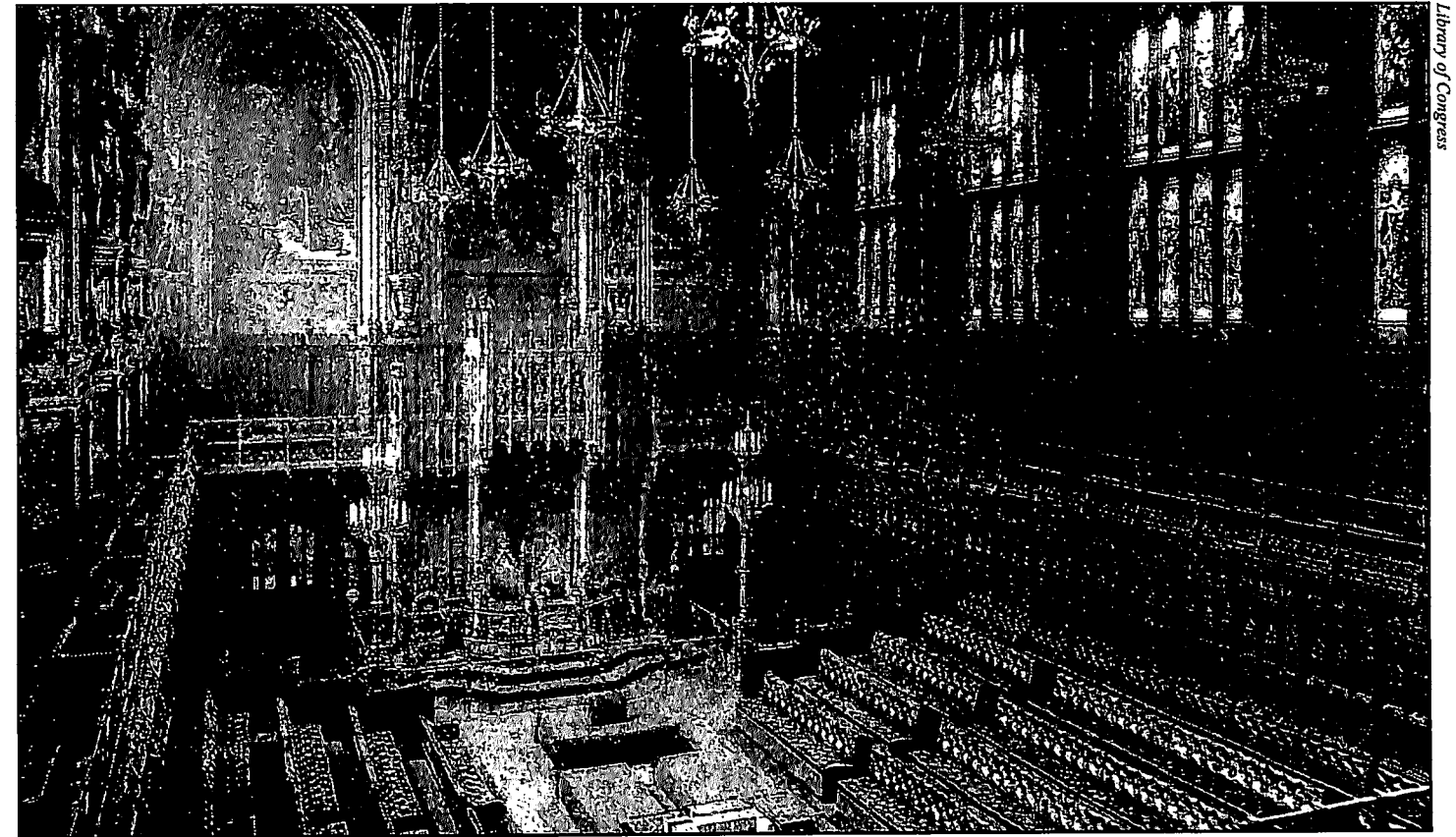
"In the exercise of his executive responsibilities the Lord Chancellor is supported by his own department and by other departments and agencies. By taking part in all three branches of Government the Lord Chancellor appears to challenge the concept of separation of powers. However, his effective purpose is actually to *maintain* the separation of powers.

The Executive

"Between them three Ministers hold the responsibilities and duties which in other countries often fall to a Minister of Justice: the Attorney General, the Home Secretary and the Lord Chancellor. The Attorney General and his deputy the Solicitor General are the Government's chief legal advisers. They are normally Members of Parliament, although the current Solicitor General is a member of the House of Lords. The Attorney is nominally the



After his lecture, the Lord Chancellor visited with (from left to right) Solicitor General Waxman, Justice O'Connor and Justice Breyer.



The Office of Lord Chancellor is older than any other in Great Britain except the crown. One of his principle functions is to serve as a judge and head of the judiciary. He is also Speaker of the House of Lords (shown above)

leader of the English Bar. He also has ministerial responsibility for the Crown Prosecution Service and the head of that service, the Director of Public Prosecutions, reports to him. So too does the Treasury Solicitor who is the head of the Government Legal Service.

"The Home Secretary is responsible for a wide range of matters connected with law and order. These include the criminal law and the criminal justice system generally, and also the police, prison and the probation services and penal policy generally.

"The Lord Chancellor's ministerial responsibilities extend to England and Wales; for all relevant constitutional and administrative purposes, the two countries form a single unit. Scotland and Northern Ireland have their own separate positions, distinct from that in England and Wales so that there are three separate legal systems. The Lord Chancellor's Department was founded in 1885 by the creation of the post of Permanent Secretary. However, it wasn't until 1972, after the Courts Act 1971 came into force, that it assumed most of its present role and responsibilities. The Department's essential function is to promote the fair, efficient and effective administration of justice in England and Wales. . . . The official head of the Lord Chancellor's Department is the Permanent Secretary, a civil servant. . . .

The Courts

"All the higher courts and the county courts in England and Wales are directly administered by the Department through the Court Service Agency which provides their staff and also the buildings and equipment. An important exception to this is the magistrates' courts. Although the Lord Chancellor is accountable to Parliament for the operation of magistrates' courts, they are lo-

cally administered and the service does not fall within his direct jurisdiction. . . ."

*The Editors would like to give special thanks to Richard Homer of the British Embassy in Washington, D.C. for making this information available.

1999-2000 Judicial Fellows Program

The Judicial Fellows Commission invites applications for the 1999-2000 Judicial Fellows Program. The Program, established in 1973 and patterned after the White House and Congressional Fellowships, seeks outstanding individuals from a variety of disciplinary backgrounds who are interested in the administration of justice and who show promise of making a contribution to the judiciary.

Up to four Fellows will be chosen to spend a calendar year, beginning in late August or early September 1999, in Washington, D.C., at the Supreme Court of the United States, the Federal Judicial Center, the Administrative Office of the United States Courts, or the United States Sentencing Commission. Candidates must be familiar with the federal judicial system, have at least one post-graduate degree and two or more years of successful professional experience. 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 \$80,789.

Information about the Judicial Fellows Program and application procedure is available upon request from Vanessa M. Yarnall, Administrative Director, Judicial Fellows Program, Supreme Court of the United States, Room 5, Washington, D.C. 20543. (202) 479-3415. The application deadline is November 6, 1998.

The United States Supreme Court and Me

by Austin Cunningham

September 5, 1928 was my fourteenth birthday and a few days later I went to work as a page at the Supreme Court of the United States. At that time, it resided in the U.S. Capitol Building.

I will get the personal things out of the way initially. My mother had been widowed two years previously, following my father's prolonged illness. I was the oldest of her five children. Most people we knew were genteelly poor and our family could have been included in that categorization. I wanted a job and stayed employed for the rest of my working life, going to night school at both a private prep school and then George Washington University. Later on, I graduated from the Law School at the University of Virginia. But in 1928, we needed the money and the job paid \$110 a month for nine months a year. And to me it was a dream job. Still is, upon reflection.

Those four plus years were a magical time with each day unique. William Howard Taft presided as Chief Justice with Oliver Wendell Holmes, Jr. as the Senior Associate Justice. Calvin Coolidge was in his last few months at the White House when I started. During my time, I sat behind twelve, to me, fascinating men, a study in contrasts. There were four pages. We sat in little chairs in nooks behind the nine Justices. Our main function was to keep an alert eye for a waving hand followed by a whispered request to fetch a book or a glass of water (always Poland Spring, room temperature.) We had to know the law library by heart.

The Court met in what was known as "the old Senate Chamber" in the north wing of the Capitol just a couple of hundred feet from today's Senate Chamber with the House of Representatives at the other end of the building. The Clerk's Office was across the hall as was the Robing Room. The Conference Room was downstairs at street level—all very compact.

I'm still moved every time I'm in Washington and see that room. When the Court made the necessary move across the park to its magnificent classical quarters of today (I was there for the laying of the cornerstone by Herbert Hoover) some closure in American history occurred. They left behind a room with the voices of Daniel Webster, Henry Clay, and John C. Calhoun still imbedded in the walls, not to mention the resonant chuckles of William Howard Taft or the unforgettable deep-from-the-chest Boston Brahmin sound of Oliver Wendell Holmes. Just think, I had the privilege of sitting (or standing) every day drinking it all in. What a seminar for a youngster!

I think of it as "my Court." Let me list the members:

Chief Justice Taft: Solicitor General at 32, Governor General of the Philippines, Secretary of War under the first Roosevelt, President of the United States, Chief Justice. A man born to be a judge. When he died, his replacement was Charles Evans Hughes. I was there during that transition.

Chief Justice Hughes: Governor of New York, Justice of the Supreme Court, unsuccessful Republican Presidential candidate, Secretary of State. He exuded competence, decisiveness; he was handsome, vigorous, jocular and outgoing. Although Chief, he stood up when Justice Holmes entered the room. The United States had, back to back, two Chiefs with enormous administrative and executive experience, along with their legal and judicial competence. They kept the Court on schedule.

Oliver Wendell Holmes, Jr.: Born in 1841 during the one-month term of President William Harrison; John Quincy Adams would live another seven years! Wounded in three major battles in the Civil War, brevet colonel at age 24. He was rumored to have yelled at Abraham Lincoln, "Get down you damn fool!" when Lincoln

stood up in his tall hat to view the Confederates advancing on Washington at Bethesda. If you'd been in the background around him as much as I was, you could believe that story. He had been the Chief Judge of Massachusetts' highest court. Although 87 years old during my first year of service, he was quite lively on the bench, directing questions to lawyers. He retired in 1932.

William Van Devanter: When he'd ridden the vestigial roads

of the Wyoming Territory as a circuit judge, he did it on horseback. He was Wyoming's Chief Justice before it became a state. Strong voiced, alert man and an historical conservative.

James Clark McReynolds: One of Woodrow Wilson's Attorneys General. McReynolds had a high-pitched elegant Southern accent. I've read much about his slights directed toward his two Jewish colleagues. I wasn't sophisticated enough to pick that up. I just thought that was the way he was.

Louis Dembitz Brandeis: All the Justices had a limousine service which brought them to work. His car picked



Supreme Court, Office of the Curator

up Justice Holmes en route and they came together (and voted together, as well). He and Mrs. Brandeis extended themselves to be pleasant to us boys.

George Sutherland: Lawyer friends ask me what kind of man he was and I tell them he was the Court cutup. The ex-U.S. Sena-

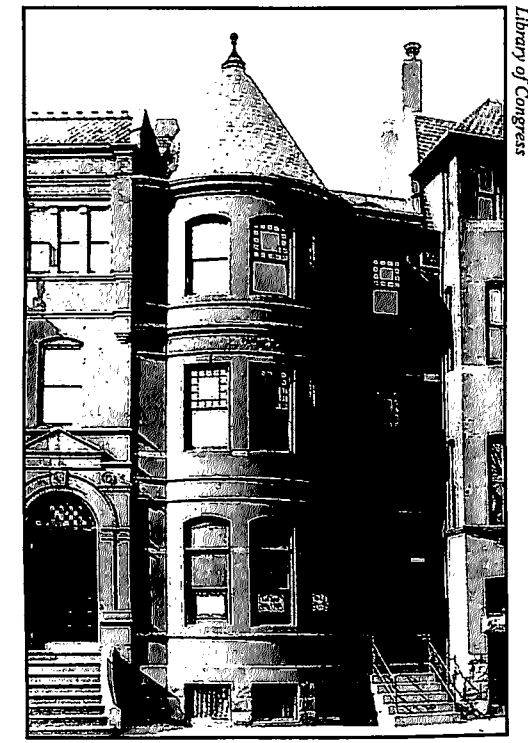
tor from Utah is today considered a conservative icon. Thus, the curiosity. "Cutup" is a mite strong, but he was a witty story teller and made humorous remarks from the bench.

Pierce Butler: One of the conservative "four horsemen" (with Van Devanter, McReynolds and Sutherland). The Court's Roman Catholic from Minnesota. He too depended on equine transportation in his younger days. A quiet man.

Edward Sanford: Another quiet man from Tennessee. He and seatmate Sutherland seemed socially close and congenial. He died one Saturday in his dentist's office, the same day newly-retired Chief Justice Taft died. (It reminds me of the deaths of Jefferson and Adams 100 years earlier, except they died on July 4).

Harlan Fiske Stone: A New Englander, a former Attorney General and Columbia Law School Dean, he later became Chief Justice. He and Mrs. Stone were forthcoming and just darned nice.

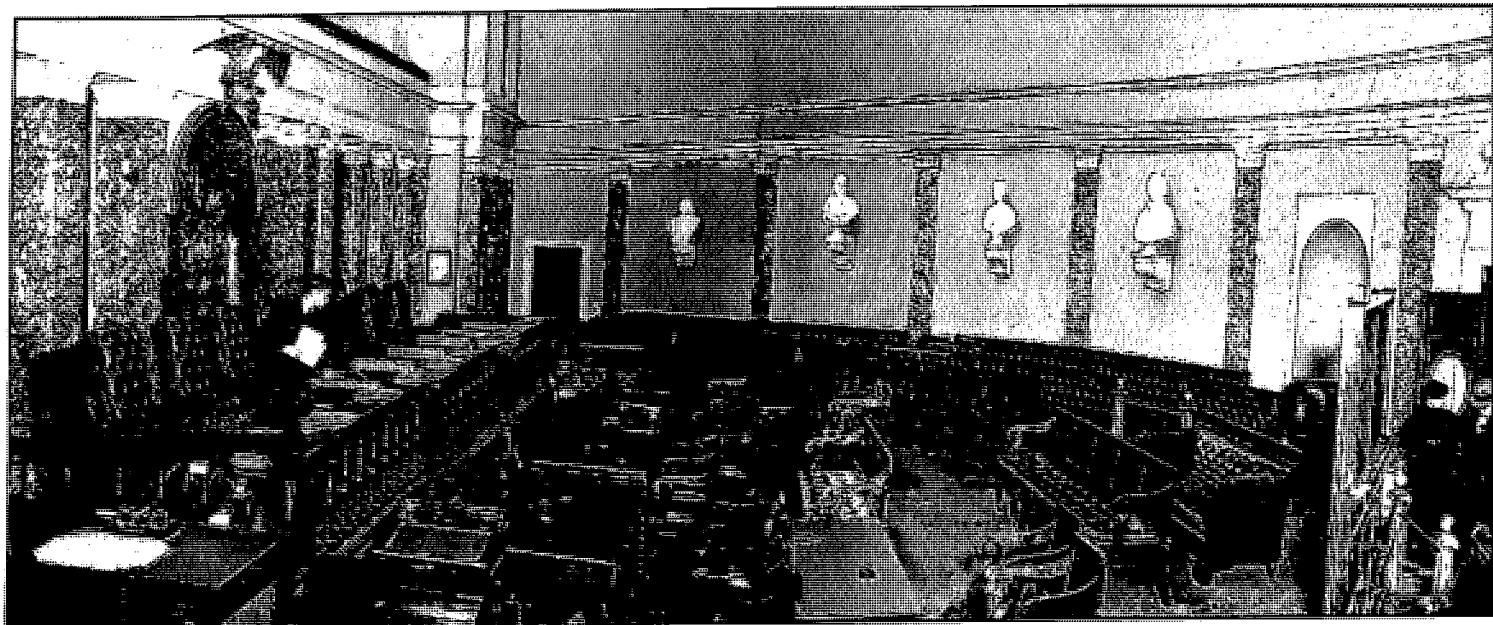
Owen J. Roberts: A Philadelphian and a consummate advocate before the Court. Story was he'd never lost a case before the Supreme Court. He didn't read his opinions. He seemed to "wing" them without referring to documents before him, looking around the room as he talked. Of course, you don't ad lib Supreme Court doctrine, so he must have had the kind of mind that committed his



Library of Congress

During his tenure on the Supreme Court, William Howard Taft and his family lived in this home located at #5 DuPont Circle. In the late 1920s, Supreme Court pages would ride the street car to deliver papers to and from the Supreme Court Justices.

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Library of Congress

The Supreme Court sat in chambers in the U. S. Capitol Building formerly occupied by the Senate. This photograph shows the room as it appeared during Mr. Cunningham's years as a page.

Attention Federal Employees!

Once again, the Supreme Court Historical Society is a participant in the Combined Federal Campaign (CFC) of the National Capital Area. The Society's 1998 designation number is 7656. Gifts made through the CFC support the Society's work in perserving and disseminating the history of the Supreme Court through public programs, workshops for teachers, publications, and our website. Please consider the Society when you review the list of Local Voluntary Agencies in the campaign catalog.

The Supreme Court and Me (continued)

written opinions to memory and recited them verbatim. A warm man, completely at ease.

Benjamin Nathan Cardozo: The man with the greatest buildup before ascending the national bench from his Chief Judgeship in New York. I'd heard him repeatedly quoted those several years before he came on the bench. For what it's worth, I pushed his chair in behind him on his first day. When I delivered papers to him we'd sometimes sit and talk a minute. He lived alone. He wrote a letter of recommendation for me when I was replaced as a page by my brother, Streit: a letter to J. Edgar Hoover who interviewed



Louis Brandeis married Alice Goldmark, shown above, in 1891. The couple decided as a matter of principle to live frugally, giving money to worthy causes and buying far more books than household goods. Mr. Cunningham described their home in the late 1920s as rather "spartan," with no rugs or carpets on the floors.

me personally. I was a statistical clerk in the FBI while I attended George Washington University at night. Judge Cardozo was frail, pale and took walks at the doctor's orders.

During the nine months the Court sat each year, we boys delivered documents and galley proofs of opinions to the Justices' homes at the end of each day by street car on the way to school. Just think of the responsibility entailed and the casual attitude about security this reveals in those long-ago days. The street car cost a nickel. Fortunately, all the Justices were bunched in the area north of R Street and west of Connecticut Avenue.

When you delivered to the Taft mansion just off Kalorama Road, you entered an english basement at ground level with dark furniture looming about, some dating back to his palatial Philippine days, I surmise. While I'd be instructing the butler that the Clerk wanted the Chief Justice to sign a paper, or told him we needed the proofs back tomorrow, someone would push a wheel chair into the room, a chair occupied by former First Lady "Nellie" Taft. She probably wanted to know who was at the door. She never smiled but might rap out a school marmish, "Good evening, young man." She looked as though she was hurting, and she probably was. If she were alive today, think of the books that would have been written about her. She'd wagged her family all over the world, back and forth to Washington and elsewhere throughout her married life. Her husband's public career spanned forty years. And she was the mother of Senator Bob Taft, "Mr. Republican."

Justice Holmes lived on Eye street in a brick row house about two blocks from the White House. On one occasion, Mrs. Holmes answered the door but it was usually Poindexter, the butler. A few times it was the great man himself with a memorable (rumble, rumble, rumble), "Good evening."

Justice McReynolds would occasionally call out, "Come in", when I rang the bell. There he sat with one foot propped on a cushion. He suffered from gout and once described his symptoms to me.

The Brandeis's lived across the street from my grandmother in one of those fine old Washington apartment buildings with splendid floors and high ceilings. A stranger might think they were people who'd just moved in and were waiting for the rest of their furniture. The atmosphere was spartan, no rugs or carpets, but Mrs. Brandeis was warm and made notes for him of what I'd been told to say.

Justice Cardozo lived on Connecticut Avenue in what was then a new apartment building (across Kalorama Road from my Aunt Louise.)

In 1928, Washington was as southern as Memphis. Each justice had a messenger-butler. They were, all nine of them, splendid "negro men" as you'd have said then. And, since we had a lot of time together when the court was in recess, good friends. I remember Smallwood, Marshall, and Poindexter vividly—all were called by their last names like English butlers. I learned a lot from them. Their jobs were considered good ones and their salaries, probably about \$1500 a year (I'm guessing) were jobs on which they and their families lived comfortably or in the genteel poverty already referred to. They were poised, refined men and seemed to enjoy the bantering give-and-take between us.

During my stay, I listened to some of the greatest advocates of the day. John W. Davis, who'd been the unsuccessful Democratic candidate for the President (against Coolidge), for example. On one occasion, the great Elihu Root appeared. He was only four years younger than Holmes. He had been Secretary of State under the first Roosevelt and Nobel honoree for World Peace in 1912. I heard the then-Attorney General, Homer Cummings, an urbane man I later studied about in law school. I was privileged to listen to impressive presentations from Charles Evans Hughes and Owen J. Roberts before they ascended to join "us." I remember the rustle around the room when Elihu Root entered.

Chief Justice Taft and Justice Sanford died on the same day, as I noted. The following Monday the Court sat for a brief memorial

service, Senior Justice Holmes presiding. When they came to work the Justices entered the Capitol under the stairs near the Rotunda. There was an ornate black and gold elevator which was reserved for the sole use of just nine passengers, the Justices of the Supreme Court. The elevator had one of those old-fashioned half-circle handles with which the operator would start and stop the elevator and which he had to jockey about to make the elevator come even with the floor before opening the heavy iron door. We pages were supposed to fill in whenever the bell rang and the operator was elsewhere. On this portentous day the bell rang twice, peremptorily. No one responded. I climbed on board, took it down and opened the door and was face to face with Oliver Wendell Holmes and Willis Van Devanter. Holmes was stooped way over with age and grief. Van Devanter with his hearty voice and strong presence put his arm halfway round the handsome old man with his Civil War cavalry moustache and said, "We've had a lot of grief, haven't we?" and tears welled up in Holmes's eyes. They got on board and I began the ascent. I was petrified. I'd never run the contraption with a passenger aboard before. I wondered if I would be able to stop the fool thing and get the floor absolutely even without first bouncing around in a display of ineptitude. I wouldn't want to see the most revered old man in America trip and fall. Well, as luck would have it, I did a professional job.

Conferences were held on Saturdays in those days. At Conference votes were cast and decisions were made, after which the Chief would assign opinion writing. One of the pages was selected to check the long table in the plain, bookshelved room and to sit outside with a messenger in case of need. There were no guards and the Capitol resonated with emptiness. But, I was present in the room as they arrived and greeted each other. I remember Chief Justice Hughes talking about his conservative personal approach to the soaring stock market, but don't remember what he said.

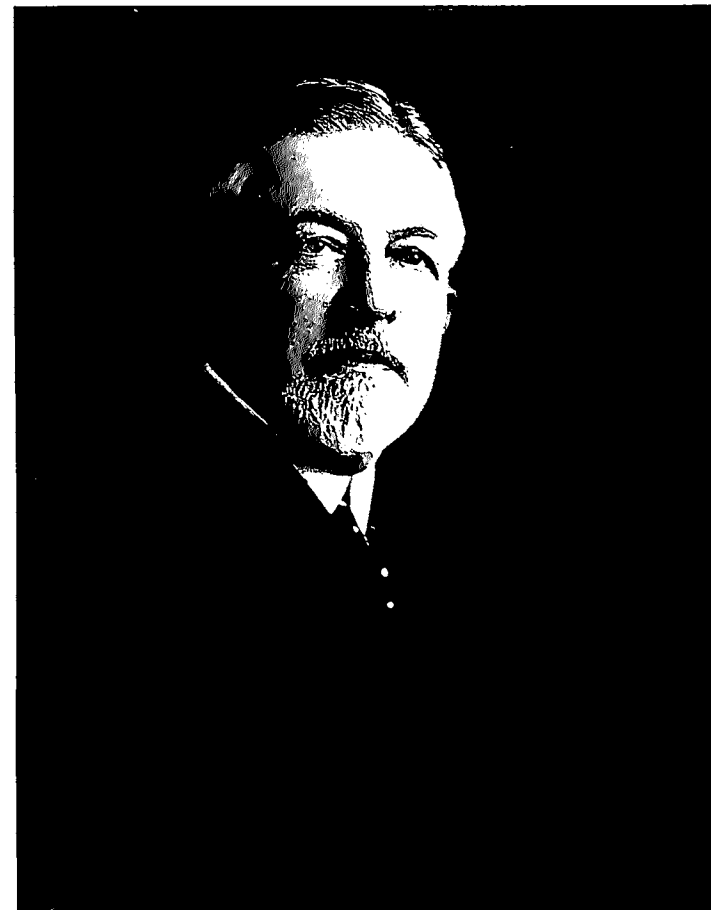
Justice Stone was a heavy-set man, a characteristic which he shared with the President, Herbert Hoover. They were old friends and Harlan Stone belonged to the "medicine ball cabinet" which met once a week at the White House to throw a heavy rubber ball around in an effort to lose weight. One Conference morning, in a joking way, Stone said, "Judge Holmes, why don't you join us next

Thursday morning and exercise with the President?" In reply, Justice Holmes in his growly old voice exclaimed, "I'd rather be damned in hell!" It got a good laugh.

The Chief Justice and all of them had their offices at home. Their messenger brought their luncheons from home as well. They ate in the Robing Room



A picture of Justice Stone working in his home office circa 1938. His secretary, Gertrude Jenkins, sits across the desk from him.



Justice Edward T. Sanford was appointed to the Supreme Court in 1923 when the death of Mahlon Pitney left an opening on the Court. Chief Justice Taft supported Sanford's nomination to the Court. Ironically, both Taft and Sanford died on the same day, March 8, 1930. A visibly shaken Senior Associate Justice Oliver Wendell Holmes, Jr. presided over a memorial service of the Court on the following Monday.

in the half hour break in the Court's four-hour days. Chief Justice Taft could inhale the better part of a whole roasted chicken with accompaniments from a domed silver serving tray during the break. The only other luncheon ingredients I recall were those of Louis Brandeis. He was a pioneer of today's health frenzy. His was a spinach sandwich—two slices of plain wheat bread with spinach between.

One day a frantic attorney was about to address the Court and needed a document from the clerk's office. I was passing and he asked me to get it for him. Such a task wasn't included in my job description, but of course, I got it for him. He pressed a five dollar bill on me (a fortune) which I rejected out of hand. We didn't know anything about tips at the Supreme Court. He was grateful, but might have thought me insufferable.

When attorneys appeared before the Court they wore swallow tail coats, winged collars, vests and striped trousers. Nobody said they had to, but they just knew. One young red haired lawyer from Oklahoma didn't get the word or didn't have the money to rent such an outfit. He appeared in a brown suit with a vast expanse of white shirt and loud tie. I heard Owen Roberts say to Pierce Butler, "Where does the SOB think he is, police court?"

continued on page fourteen



Dwight D. Opperman, Chairman of the Board of Trustees, summarized the program activities of the Society in Fiscal Year 1998 prior to conducting the business of the Annual Meeting of the Board of Trustees.

Annual Meeting (continued)

ment should appeal to the Supreme Court, what legal stand the government will adopt, and who will argue the case before the Supreme Court. The post of Solicitor General was created by an act of Congress in 1870, the same act which created the Department of Justice. The purpose of the Solicitor General's office was to provide for a "staff of law officers sufficiently numerous and of sufficient ability to transact this law business of the Government in all parts of the United States." The legislation directed specifically that the Solicitor General should be "a man of sufficient learning, ability and experience that he can be sent . . . into any court wherever the government has any interest in litigation and there present the case of the United States as it should be presented." To date, four individuals, Chief Justice William Howard Taft and Associate Justices Stanley Reed, Robert H. Jackson and Thurgood Marshall had

served as Solicitor General at some point in their careers prior to being appointed to the Supreme Court bench. The complete text of Mr. Waxman's lecture will be printed in the *1998 Journal of Supreme Court History, Vol. II*. Anticipated publication for the volume is the end of calendar year 1998.

At 6 PM the Annual Meeting of the General Membership of the Society was opened by President Leon Silverman. Mr. Silverman summarized briefly the activities of the Society during fiscal year 1998, touching upon some of the highlights of the year. One of the most significant events of the year was the purchase of a building at 224 East Capitol Street which after appropriate renovation will serve as the headquarters of the Society. Purchase of this property was made possible by a generous gift from Dwight D. Opperman. Mr. Opperman's generosity and support were applauded by the audience, and Mr. Silverman expressed gratitude to Mr. Opperman for his steadfast support of the Society and all of

continued on page twelve

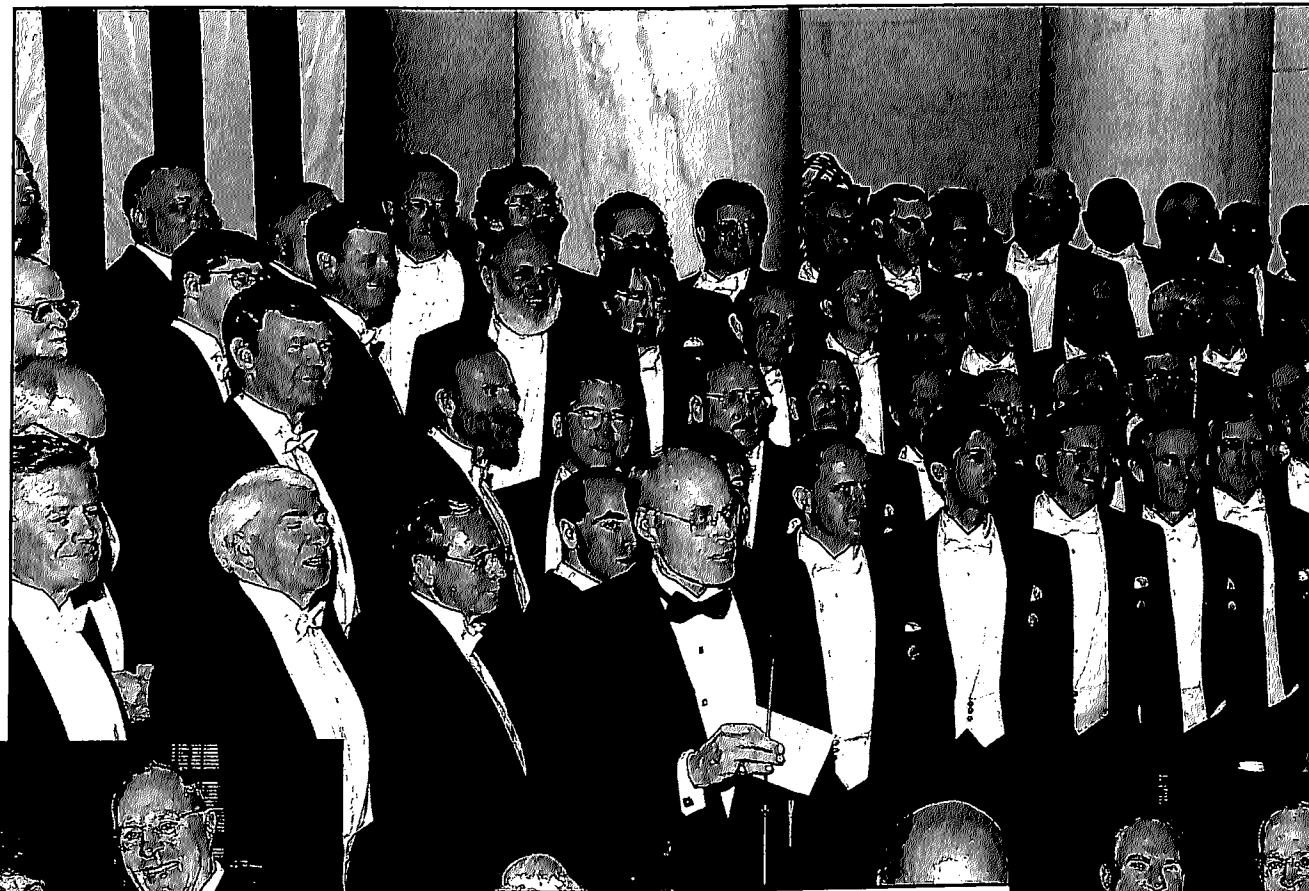


Patricia Dwinell Butler, a dedicated supporter and Trustee of the Society over many years, received an award at the Annual Meeting from Justice Kennedy in recognition of her gift establishing an Acquisitions Fund.

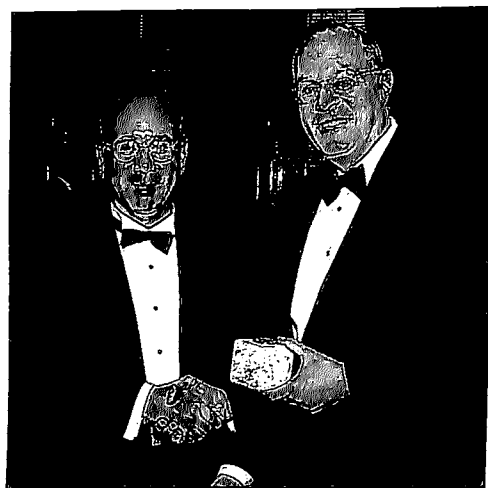
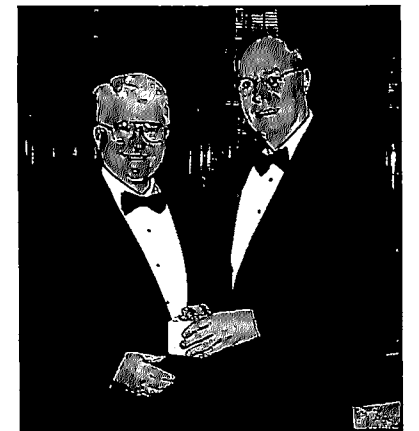


Society Trustee, James J. Kilpatrick and his fiancée Marianne Means (left) visit with Virginia Warren Daly (Secretary of the Society) during the reception.

Annual Meeting Chair, William Bradford Reynolds, (in the black tie) introduced the Alexandria Harmonizers. This outstanding chorus sings in barbershop harmony and the 1998 performance marked their third appearance at the Court.



Walter Baker (left) received an award from Justice Kennedy for his efforts on behalf of the Society membership in the state of Kentucky.



Justice Anthony M. Kennedy (right) presented awards recognizing membership chairs for their efforts during the year. Jay Shultz of South Dakota is shown here accepting his award.

Karen McGinley served as Membership Chair for the state of New Hampshire. She not only met her goal for the year, but also surpassed it.



Stuart Shanor (left) received an award for his participation in the membership campaign for Fiscal Year 1998. This was Mr. Shanor's second year as chairman for the state of New Mexico, and he has agreed to serve for the coming year as well.



On June 1 Dorothy Tapper Goldman received an award from Justice Kennedy for her generous support of the Society's programs and activities. Earlier in the evening she was elected a Vice President of the Society in recognition of her dedication to the Society.

Annual Meeting (continued)

its activities and projects. The new building is sufficiently large to allow all staff members of the Society to work therein. It will also provide some facilities for meetings, display and library facilities. (See *The Letter of the President* by Leon Silverman in Vol. XIX, No. 1 of the *Quarterly* for further information about the house.)

At the conclusion of his remarks, Mr. Silverman called upon Virginia Daly, Secretary of the Society, to present nominations for election. By direction of the By-Laws the Nominating Committee is chaired by the Secretary of the Society. Acting in this capacity, Mrs. Daly presented the names of candidates for elected office in the Society. The following were nominated for and were elected to initial three-year terms as members of the Board of Trustees: **Vincent Battaglia, Sr.; Benjamin Civiletti; Ruth Insel; Philip Allen Lacovara;** and **Ralph Lancaster.** The Nominating Committee also presented for election to an additional three-year term as a member of the Board of Trustees, the following individuals: **George Adams; Barbara Black, Vera Brown, Vincent C. Burke, Jr., Andrew Coats, F. Elwood Davis, John T. Dolan, John D. Gordan, III, Geoffrey C. Hazard, Jr., Steve Nealon, Dwight D. Opperman, Leon Polsky, Cathleen Douglas Stone, Agnes Williams and Foster Wollen.** All nominees were elected to the positions indicated and will serve on various Committees of the Society. Each of these individuals has made important contributions to the work of the Society in the past, and will continue to work to accomplish the objectives and goals of the Society in the coming years.

The Annual Meeting of the Board of Trustees was convened immediately following the Annual Membership Meeting with Dwight D. Opperman, Chairman of the Board, conducting. Mr. Opperman presented remarks to the group in which he noted particularly some of the educational successes of the fiscal year. He highlighted the lecture programs which have been given over the past year and further commented on the development of a web site which provides direct access to information about the Society and its programs and activities. He then acknowledged some of the



During the reception, newly-elected members of the Board of Trustees, Philip Allen Lacovara (left) and Ruth Insel, enjoyable a brief visit with Ed Harnden, Society Membership Chair for the State of Oregon.

significant donors to the Society, whose contributions have enabled the programs to go forward during the year. After his remarks, Mr. Opperman called up Mrs. Daly to present the report of the Nominating Committee so that election of officers could take place. Mrs. Daly presented the names of the following individuals who were nominated for and elected to the positions indicated: **Dwight D. Opperman, Chairman of the Board of Trustees; Dorothy Tapper Goldman, Vice President; Vera Brown, Mrs. Thurgood Marshall, John Nannes, and John R. Risher, Jr. to one-year terms as At-large members of the Executive Committee.**

Literary achievement awards, the Hughes-Gossett Awards for Historical Excellence, were presented at the end of the business meetings. Two scholars were honored for outstanding original articles published in the *1997 Journal of Supreme Court History*. **Professor William E. Leuchtenburg, Jr.** received an award of \$1,500 for his article, *The Nine Justices Respond to the 1937 Crisis* which appeared in Volume I of the *Journal*. **Kevin M. Kruse**, a doctoral candidate at Cornell University, received cash award of \$500 for his article *Personal Rights, Public Wrongs: The Gaines Case and the Beginning of the End of Segregation*. Prof. Lecuhtenburg and Mr. Kruse received their awards from Associate Justice **Anthony M. Kennedy**, who graciously joined the meetings to present special awards.

Outstanding achievements in the efforts of membership recruitment were announced by **Lively Wilson**, National Membership Chairman for the Society. These individuals worked throughout the year to promote membership in the Society within their states. Each state chair was given a specific target goal for membership within his or her state, predicated upon the number of lawyers within the state and other variables. Those individuals who met or surpassed goal were presented with an award. **Justice Anthony M. Kennedy** presented awards for membership achievement. Present to accept their awards that evening were: **Mark Alcott** of New York, **Walter Baker** of Kentucky, **Perry Brandt** of Missouri, **James Falk** of Washington, D.C., **John Gianoulakis** of Missouri, **Edward Harnden** of Oregon, **Jan Jurden** of Delaware, **James Morris** of Virginia, **Michael Ruberto** of Massachusetts, **Jay Shultz** of South Dakota, **Stuart Shanor** of New Mexico, and **James Sturdivant** of Oklahoma.

As the last order of business for the meeting, **Justice Kennedy** assisted Mr. Opperman in presenting awards to recognize special gifts provided by donors throughout the year. Those receiving awards were: **Vincent C. Burke, Jr.**, of the **Clark-Winchole Foundation**, **Patricia Dwinell Butler** who made a generous contribution to provide seed money for a new Acquisitions Fund, **Dorothy Tapper Goldman**, who has given often and generously to fund various program needs, **Jerome Libin** of the **Park Foundation** which has provided generous funding to support the Documentary History Project and other important educational endeavors of the Society, and **Jill Virnstein**, representing the UPS Foundation, who received an award acknowledging donations made by the Foundation benefitting several programs. Most recently, a contribution was made supporting the web site. The final award of the evening was presented to **Michael Dunn** of the Lexis-Nexis company. Lexis-Nexis recently committed a multi-year grant to support the Society's web site.

Following the meetings, the Twenty-third Annual Reception was held in the East and West Conference Rooms of the Supreme Court Building. String quartets of the U. S. Army Band performed cham-

ber music and other appropriate selections during the reception, greatly adding to the enjoyment of the event. Dinner was held in the Great Hall which was lined with the flags of all of the States in the Union. Gracing the hall for the first time this year, was a new flag of the Supreme Court which stood on a standard directly across from the door to the Supreme Court Chamber. Following the opening toast, dinner was enjoyed by members of the Supreme Court, and Society members.

At the conclusion of dinner, **William Bradford Reynolds, Jr.**, Chairman of the Annual Meeting, introduced a concert by the Alexandria Harmonizers under the direction of Scott Werner. The appearance on June 1 marked the third visit to the Court by this one hundred voice barbershop group. Their program included a variety of music and was enthusiastically received by the audience. Following the concert, Mr. Reynolds thanked everyone for their participation, and the twenty-third Annual Meeting was concluded.

Trivia Quiz

Other Jobs

By James B. O'Hara

Before becoming Justices, members of the Supreme Court held other positions, some surprising.

1. This Justice was an actuary.
2. This Justice was a professional football player.
3. This Justice was a custom's collector.
4. This Justice was a newspaper owner.
5. This Justice was a practicing physician.
6. This Justice gave singing lessons.
7. This Justice was a page boy in the State Senate.
8. This Justice played semi-pro baseball.
9. This Justice played violin in a jazz band.
10. This Justice was an insurance accountant.

Answers on page sixteen

Membership Update April 1 - June 30, 1998

Overseas

Alex Guttieres, Italy
Maren Hanson, Saudi Arabia
Nancy Caldwell, APO
Clinton Richard Carroll, APO
Major Jeffrey S. Willis, APO

Alabama

Harold I. Apolinsky, Birmingham
Marvin H. Campbell, Montgomery
Ronald O. Gaiser Jr., Birmingham
Steven P. Gregory, Birmingham
John W. Haley, Birmingham
Jack J. Hall, Birmingham
Edward L. Hardin Jr., Birmingham
Jim Kilgore, Oneonta
Robert R. Kracke, Birmingham
David A. Larsen, Birmingham
Thad G. Long, Birmingham
David M. Overstreet, Birmingham
Charles E. Sharp, Birmingham
Barbara Strickland, Dothan

Alaska

Gary Lehnhart, Juneau

Arizona

Melanie Joy Acorn, Tucson
Cari Gerchick, Scottsdale
Dorothea P. Kraeger, Phoenix
Joseph P. Martori, Phoenix
Alan A. Matheson, Tempe
Patricia Lee Refo, Phoenix
John Yanez, Globe

Arkansas

James A. Buttry, Little Rock
Kevin A. Crass, Little Rock
Adrian Hansen, Little Rock
William H. Sutton, Little Rock

California

Sharon J. Arkin, Claremont
Jason Beckerman, Marina del Ray
Ellen Brown, Encino
Mary Ann Capra, Auburn
Shin-Ki Cho, Albany
Brendan P. Cullen, Los Angeles
Sam H. Eulmi, San Diego
Carye Goodman, Van Nuys
Robert S. Hedrick, Sacramento

Keith Lang, Burbank

Mr. & Mrs. Alfred G. Lucky,
Rancho Palos Verdes
Nancy Marshall, Ventura
Lindy Ann Roath, Chicago Park
Pat Roberts, Carmel
Gail Migdal Title, Los Angeles
James P. Wagoner, Fresno
Carol Weesner, Monterey

Colorado

Ginny Jones, Boulder

Connecticut

Earl H. Doppelt, Stamford
Terry Gellen, Hartford
Edward Kweskin, Stamford
Susan E. Nugent, New Haven
Richard Pascal, Norwich
Mary Schneckenburger, Litchfield

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The Supreme Court and Me (continued)

When the Court was in a three week recess, our schedule was light. I caught up on my homework, did what I was told to do and spent a lot of time in the Senate gallery listening to the likes of William E. Borah, George W. Norris, Huey Long or the colorful Thaddeus Caraway.

I frequently climbed way up the stairwell inside the Capitol dome to the two outside viewing levels, one a third of the way up and the other near the lady (state of Freedom) at the top. I was a good distance runner in my teens, and the lower of these two areas was a natural running track. One day, I began running around the outside of the Capitol dome. With each lap I was picking up speed, round and round, what a kick! All of a sudden, a Capitol policeman came flying through the door, red of face, short of breath and furious. "What are you doing, you GD fool?" he asked. Well, what was I doing? The Capitol dome is made of cast iron and I'd been generating a low roar as the whole dome began to throb, and with each accelerating round the roar got louder, more mystifying and frightening below in the Rotunda. I don't know what might have happened if I'd kept it up indefinitely. In Kansas City when people danced on an iron balcony the rhythmic beat caused the whole structure to collapse. Could I have imploded our national Capitol's dome? I have asked engineers, and they just shake their heads. Unhappily, national security prevents tourists from climbing up there now. The view is superb.

Today, as an eighty-four year old man, I look back seventy years on that age of innocence with wonderment. Imagine kids carrying next week's Supreme Court opinions on street cars; senators and judges making \$12,000 a year; walking home from school near DuPont Circle at 11 o'clock at night with no fear for safety; Supreme Court Justices "brown bagging" food from home!

I left that job just before Franklin Roosevelt's Inauguration and his later unhappiness with that Court. He wanted to pack the Court in 1937, remember? The majority stood in his way but eventually,

he outlasted them. I've thought a lot about that. A clash was inevitable. There was an historical and generational gap. Franklin Roosevelt was barely 18 when the 19th century ended. My Court, "The nine old men" as Drew Pearson called them, including the "four horsemen of conservatism," had been molded and its ethos formed in the 1800's. In the year 1900, Oliver Wendell Holmes (the eldest of my twelve) was 59 years old. Owen J. Roberts, the youngest, was 25. Taft was 43 with a brilliant career under his ample belt. Van Devanter was 41, and McReynolds 38.

The 19th century was a great one in American history. A time when it took its place on the world stage. The century commenced just after Washington's death, when we were a tiny nation of just four million people. At its end, Theodore Roosevelt was just coming up and we were already "the light of the world," a city on a hill." Of course, the majority of my Justices had difficulty grappling with anything like a "New Deal." That opened up a whole new vista, a tectonic shift in legal approach to the Constitution, and the separation of powers.

Ending on a personal note, I will always be grateful to my twelve old men. As I became the eldest page, some of them would say, "get the tall boy." I'm not very tall, but I was the tallest in those days.



Library of Congress

Located in the basement of the U. S. Capitol Building, the Supreme Court Library circa 1928, (shown above) was small and inadequate to the needs of the Justices, most of whom did the majority of their work in their home offices.



Courtesy of Austin Cunningham

Austin Cunningham became a page for the Supreme Court in 1928 at the age of 14. Mr. Cunningham went on to become the CEO and President of five companies. In this photograph, he is seated on the left (back row) on the stairs near the "library entrance" to the Capitol building with his fellow pages.

New Members (continued)

Delaware

Robert S. Brady, Wilmington
Christopher Coons, Wilmington
Laura Davis Jones, Wilmington
Tyrone S. Workman, Claymont

District of Columbia

Michael E. Anderson
Kelli A. Andrews
Charles G. Cole
C. Salvatore D'Alessio Jr.
David D'Zurilla
Tom Forgue
Michael J. Gippert
Margaret Hartigan
Mrs. Barbara S. Hitchcock
Tyresse Horne
Conrad Christopher Ledoux
Tom Odom
Patricia Quann
Bruce Ragsdale
Paul R. Reichert
Warren Richard
Mr. & Mrs. Donald H. Richardson
David Sahr
Paul Brian Turner
Michael Wilson
Peter F. Winch
Lynne K. Zusman

Florida

T.W. Ackert, Orlando
James A. Bonfiglio, Ocean Ridge

Cynthia Brendle, Zephyrhills
Judith Carrico, Altamonte Springs
Robert D. Chapin, Delray Beach
John F. Harkness Jr., Tallahassee
Lydia Jesuele, Cape Coral
Jonathan D. Kaney Jr., Daytona Beach
Clifford Marko, Coconut Grove
William E. Marshall, St. Petersburg
Janet Masciotta, Largo
Richard C. Milstein, Miami
Thomas H. Wakefield, Key Biscayne

Georgia

Robert E. Babb Jr., Atlanta
Beth T. Baer, Atlanta
Andrew T. Bayman, Atlanta
James W. Boswell, Atlanta
Robert H. Brown, Atlanta
L. Frank Coan, Atlanta
Stephen S. Cowen, Atlanta
Jake Daly, Atlanta
Leigh Dowden, Atlanta
Mark Erb, Dacula
H. Stephen Harris Jr., Atlanta
John Mark Hatfield, Waycross
John C. Herman, Atlanta
Charlotte Hopkins, Atlanta
Jimmy Jewell, Decatur
Harold Johnson, Talbotton
Kristin Livingston, Atlanta
Charles McKnight Jr., Atlanta
Richard H. Neuwirth, Atlanta
John C. Richter, Atlanta
Derwood H. Rusher II, Roswell
J. Kirby Spivey, Acworth
Andrew Walcoff, Atlanta

Hawaii

Daniel A. Bent, Honolulu
Sandra Cashman, Haleiwa
Russell L. Ching, Honolulu
C.F. Damon Jr., Honolulu
William C. Darrah, Honolulu
David L. Fairbanks, Honolulu
Eric A. James, Honolulu
Lawrence S. Okinaga, Honolulu
Edward K. Placek Jr., Honolulu
Rai St. Chu, Honolulu
Thomas R. Sylvester, Honolulu
Peter C. Wolff Jr., Honolulu

Illinois

Steve Armstrong, Palatine
Robert Byman, Chicago
Richard R. Elledge, Chicago
Deanna Green, Chicago
Terry M. Grimm, Chicago
James Gustafson, Lockport
Robert J. Harris, Chicago
D.J. Hutchinson, Chicago
William Jirkovsky, Riverside
Peter C. John, Chicago
Lorenz Koerber Jr., Northbrook
Heather McMurray, Burr Ridge
Lawrencz Necheles, Chicago
Lisa M. Noller, Chicago

Indiana

Mark S. Briscoe, Vincennes
Rosemarie Kuntz, Indianapolis
Joanne Minelli, Hammond

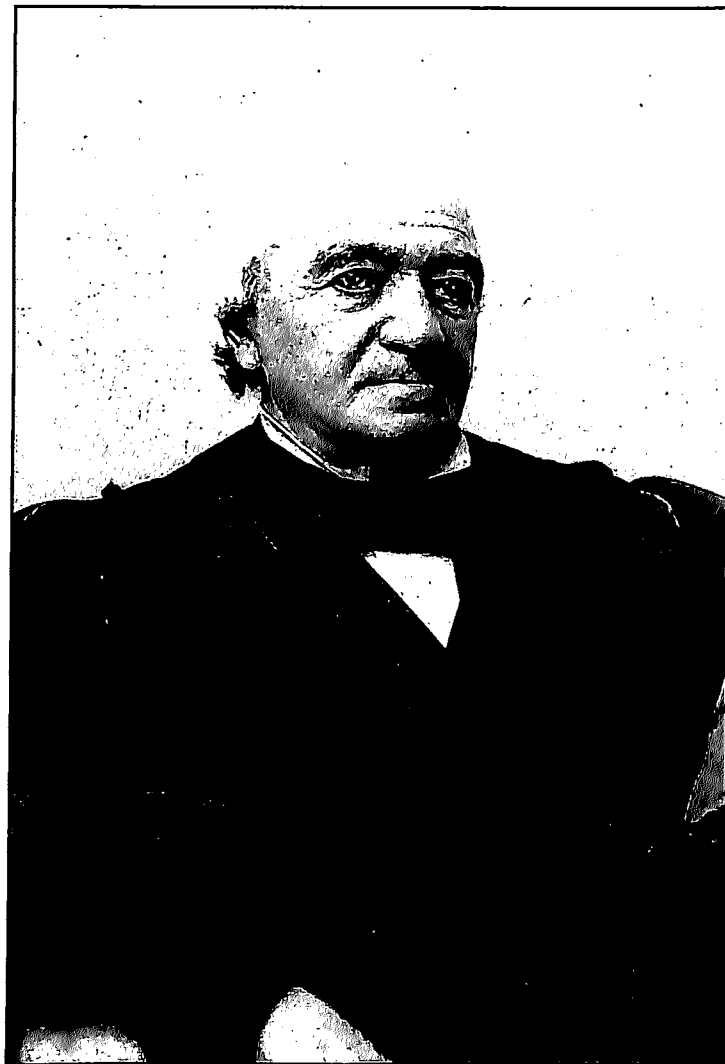
continued on page seventeen

WANTED

In the interest of preserving the valuable history of our highest court, the Supreme Court Historical Society would like to locate persons who might be able to assist the Society's Acquisitions Committee. The Society is endeavoring to acquire artifacts, memorabilia, literature or any other materials related to the history of the Court and its members. These items are often used in exhibits by the Curator's Office. If any of our members, or others, have anything they would care to share with us, please contact the Acquisitions Committee at the Society's headquarters, 111 Second Street N.E., Washington, D.C. 20002, or call (202) 543-0400. www.supremecourthistory.org

Trivia Quiz Answers

- Justice Joseph P. Bradley was a part-time actuary for a mutual insurance company, and maintained a life-long interest in mathematics.
- Justice Byron R. White led the National Football League in rushing while playing for Pittsburgh. "Whizzer" White is in the Collegiate Hall of Fame.
- Justice James Iredell was made Comptroller of Customs at Edenton, North Carolina in 1768.
- Justice John H. Clarke bought the Youngstown (Ohio) *Vindicator* while still a young lawyer.
- Justice Samuel F. Miller received his medical degree in 1838 and practiced medicine in Barbourville, Kentucky, until he was admitted to the Bar in 1847.
- Justice Nathan Clifford taught singing to young children while working his way through school.
- Justice Anthony M. Kennedy began working as a Senate Page when he was eleven years old and held the job for five years.
- Chief Justice Fred Vinson played baseball while in college and tried out for the Cincinnati Reds. His failure to make



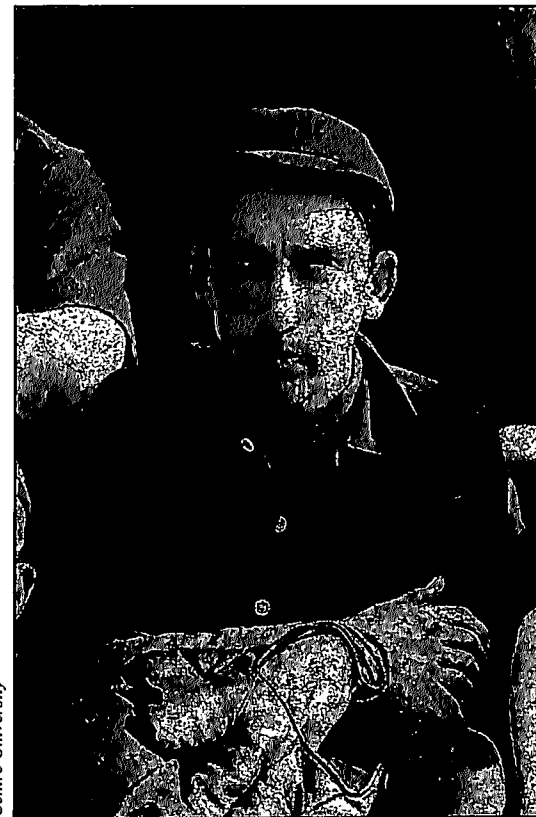
Supreme Court, Office of the Curator

Joseph Bradley entered Rutgers College in 1833. Described by another scholar as a "desperately serious young man," Bradley graduated from Rutgers in two years. After passing the bar in 1839, he took several jobs, including a job with a newly established insurance company—Mutual Benefit Life—where he worked as an actuary over a period of 12 years.

the team confirmed his decision to practice law. Justice Sherman Minton was also a semi-pro baseball player, and he also passed up a professional contract.

9. Justice Abe Fortas played the violin with a local combo at dances and parties while still a student at Southwestern College in Memphis, Tennessee.

10. Chief Justice Warren Burger worked full-time in the accounting department of an insurance company while attending law school at night.



Centre University

Fred Vinson loved the game of baseball and at Centre University, led the *Praying Colonels* to three successful seasons, while also playing some semiprofessional baseball. Although he ultimately decided not to become a professional player, he continued to play baseball even after being elected to Congress.



Justice Anthony M. Kennedy served as a Senate page in the State Senate of his native state of California.

New Members (continued)

Iowa

Paul Jackson, Sioux Falls

Kansas

J. Eugene Balloon, Overland Park
 Jack R. Euler, Wathena
 Norman E. Gaar, Overland Park
 Robert S. Johnson, Topeka
 Kansas Supreme Court Law Library,
 Topeka
 Ron Keehover, Topeka
 Bruce Keplinger, Overland Park
 Justice B. King, Topeka
 William L. Mitchell, Hutchinson
 Robert D. Ochs, Topeka
 Fred W. Rausch Jr., Topeka
 Frank Sabatini, Topeka
 Brock R. Snyder, Topeka
 Paul Stuewe, Lawrence

The Honorable Nelson E. Toburen,
 Pittsburgh

Kentucky

John T. Alexander, Glasgow
 The Honorable Danny J. Boggs,
 Louisville
 The Honorable Benny Dickinson,
 Glasgow
 Sandra Hoover, Louisville
 Douglas L. McSwain, Lexington
 W. Mitchell Nance, Glasgow
 Brian K. Pack, Glasgow
 Phil Patton, Glasgow
 Carroll M. Redford Jr., Glasgow
 John Rogers, Glasgow
 James W. Shepherd, Carrollton
 Herbert B. Sparks, Edmonton

Louisiana

Eileen Depreo, New Orleans
 Deborah Tatman, Eunice

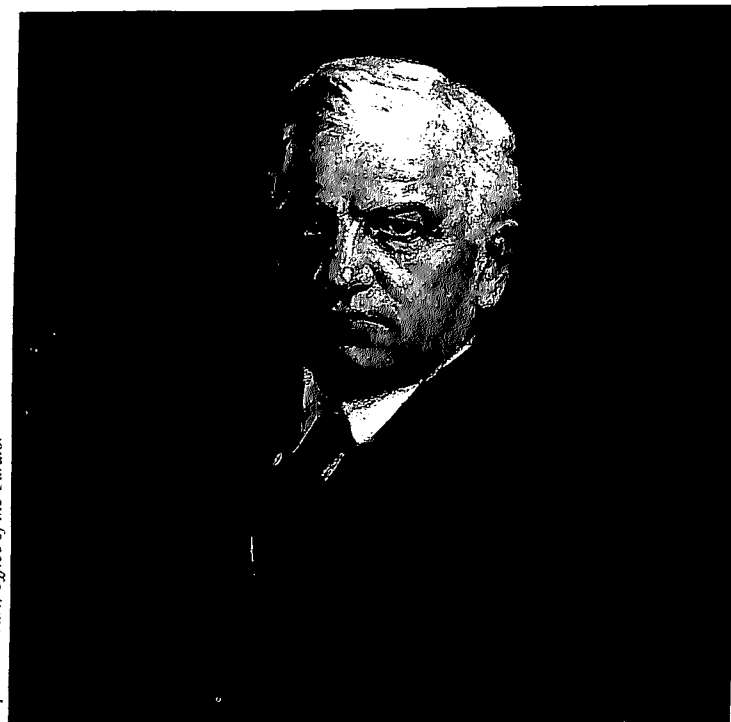
Maine

Miles F. Archer, Portland
 Timothy H. Boulette, Portland
 Sarah L. Glynn, Raymond
 Kathryn King, Hampden
 Terry O'Toole, Lincolnville

Maryland

J. Shawn Alcarese, Towson
 Mara Arkin, Ellicott City
 Richard M. Barnes, Baltimore
 Bonnie J. Beavan, Baltimore
 Kathleen A. Birrane, Baltimore
 Major Barbara Goodwin Brand,
 Ft. Meade
 John Y. Cole, Chevy Chase
 Daniel C. Costello, Annapolis
 Paul A. D'Amico Jr., Annapolis
 Tom Dawson, Temple Hills
 Angela Dobbins, Owings Mill

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John Hessin Clarke opened his own law firm at the age of twenty-three. He also bought an interest in the *Vindicator*, the local Democratic paper. Under his direction, the paper became a financial success and actively promoted progressive politics.

New Members (continued)

Jonathan M. Grossman, College Park
 Joseph B. Harlan, Baltimore
 Martha Henderson, Clarksville
 Richard Horowicz, Timonium
 J. Gregory Lahr, Baltimore
 Michael L. Lisak, Baltimore
 Michael B. MacWilliams, Baltimore
 The Hon. Howard M. Metzenbaum,
 Chevy Chase
 Mary E. Monahan, Kensington
 Winona Morisette-Johnson, Accokeek
 Michael Edmund O'Neill, Chevy
 Chase
 Bruce R. Parker, Baltimore
 Charlotte Sadel, Kensington
 Jan Schultz, Germantown
 Alison Serino, Bethesda
 Albert Small, Bethesda
 Antoinette Smallwood, Mitchellville
 Peg Killian Smith, Arnold
 H. Mark Stichel, Baltimore
 Peter Wellington, Chevy Chase

Massachusetts

Robert Cali, Boxboro
 Yvonne Courtney, Mashpee
 Michael Dank, Boston
 Joel Z. Eigerman, Cambridge
 Richard E. Gentilli, Boston
 Eileen M. Herlihy, Boston
 Andrea C. Kramer, Boston
 Cerise Lim-Epstein, Boston
 Ruth A. McLaughlin, North Falmouth
 Charles W. Robins, Boston
 Jonathan L. Samen, Boston
 Eileen P. Seman, Boston
 Dennis Shapiro, Chestnut Hill
 Hazel Varella, North Eastern
 Janice von Herzen, Woods Hole

Michigan

John W. Allen, Kalamazoo
 John E. Anding, Grand Rapids
 Terrance R. Bacon, Grand Rapids
 Brett Bean, Lansing
 Robert Blaske, Bellevue
 Steve Clifton, Traverse City
 Frederick D. Dilley, Grand Rapids
 J. Terrance Dillon, Grand Rapids
 Raymond Gierach, Mt. Clemens
 Dr. Thomas A. Green, Ann Arbor
 James Harwood, Evert

Myles Hoffert, Southfield
 John P. Jacobs, Grosse Pointe Farms
 Lague Newman & Irish, Muskegan
 Barbara A. Meneer, Flint
 Hillary Miller, Traverse City
 Susan Mortenson, Ann Arbor
 Bruce W. Neckers, Grand Rapids
 Lawrence Nolan, Elton Rapids
 John Noling, Whitehall
 Frank Harrison Reynolds, Lansing
 Stuart J. Rice, Farmington Hills
 Larry Rivard, Dearborn
 Schenk Boucher & Prasher,
 Grand Rapids
 Robert Schwartz, Southfield
 Linda Spycher, Mt. Pleasant
 John D. Tully, Grand Rapids
 Jon D. Vander Ploeg, Grand Rapids
 Verspoor Waalkes Lalley Slotsema &
 Talen, Grand Rapids
 The Honorable John R. Weber,
 Marquette

Mississippi

Joshua Green, Jackson
 Frank D. Montague Jr., Hattiesburg

Missouri

Millie Aulbur, Jefferson City
 Donald Barzowski, Ironton
 Josephine Carter, Florissant
 Anthony J. Durone, Kansas City
 M. Courtney Koger, Kansas City
 Brad Pierce, St. Louis
 Tom Schult, Kansas City
 Richard E. Schwartz, St. Louis
 John Shaw, Kansas City
 Hugh A. Sprague, Jefferson City
 Donald L. Wolff, St. Louis

Montana

Robert Hislop, Polson
 Susan Suiter, Billings

Nebraska

James M. Bausch, Lincoln
 Kelvin C. Berens, Omaha
 Colleen Ogden, Lincoln
 Linda Simonsen, Ruskin

Nevada

John J. McKissick, Las Vegas

New Hampshire

Camille Holton DiCroce, Manchester
 Michael Harvell, Manchester
 Patrick J. McNicholas, Concord
 Leslie C. Nixon, Manchester
 Lee C. Nyquist, Manchester
 Kitty L. Peterson, Manchester
 Amy Remus, Bedford

New Jersey

Helen Aslanides, Ridgewood
 Audrey Chau-Rothbloom,
 East Windsor
 Morrill Cole, Hackensack
 Michael J. DeFazio, Bedminster
 Edward B. Deutsch, Morristown
 Michael Freizer, Jersey City
 James Clifford Greller, Belleville
 Donald Guida, Succasunna
 Sheppard A. Guryan, Roseland
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Al Vera, Houston
Earl Wall, Cleburne
Howard Wolf, Houston
William D. Wood, Houston

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Bryce Roe, Salt Lake City

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Susan L. Christenberry, Arlington
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Michael R. Conway, Falls Church
Nancy Douglas Cook, Richmond
Richard Cullen, Richmond
Sheila Day, Midland
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Jacqueline G. Epps, Richmond
John D. Epps, Richmond
E. Duncan Getchell Jr., Richmond
James F. Goodman, Springfield
Allen C. Goolsby, Richmond
Eric B. Grimes, Vienna
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Kerry Harding, Reston
John Hayford, Fairfax
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Stanley K. Joynes III, Richmond
William B. Kilduff, Richmond
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