



THE SUPREME COURT HISTORICAL SOCIETY

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THURGOOD MARSHALL HONORED ON 2003 POSTAL STAMP

The late Thurgood Marshall received one of the nation's highest honors when he was chosen as the subject of a new commemorative postage stamp issued by the United States Postal Service. The first day of issue of the stamp was celebrated by a ceremony held in the Thurgood Marshall Federal Judicial Building in Washington, D.C. on January 7, 2003.

At the special program, several speakers made remarks, including Chief Justice William H. Rehnquist. The Chief Justice gave some historical background on members of the Court commemorated by postage stamps, as well as a tribute to the career and achievements of Justice Marshall:

Justice Marshall joins six Chief Justices—John Jay, John Marshall, William Howard Taft, Charles Evans Hughes, Harlan Fiske Stone and Earl Warren—and two Associate Justices—Oliver Wendell Holmes, Jr. and Hugo L. Black—who have appeared on stamps. Chief Justice Marshall has appeared on six

stamps, the first a \$5.00 stamp issued in 1894 and the last a 25-cent stamp issued in 1990 to commemorate the bicentennial of the Supreme Court. Chief Justice Taft has appeared on four stamps, including one issued in 1986 as part of a presidential stamp series.

Ten years ago, I spoke at the first day of issue ceremony for the Earl Warren stamp and I noted then that it would be difficult to predict which Justices might be honored by being portrayed on a postage stamp. But surely Justice Marshall, a man known as 'Mr. Civil Rights,' richly deserves this tribute.

Thurgood Marshall was born in Baltimore, Maryland, on July 2, 1908. He was the first African-American appointed to the Supreme Court of the United States, where he served as an Associate Justice from October 1967 through June 1991. But he is perhaps best remembered for his career as a Supreme Court



Collection of the Curator, Supreme Court of the United States

The official unveiling of the Thurgood Marshall stamp took place on January 7, 2003. The latest issue in the "Black Heritage" stamp series honored Marshall, often referred to as "Mr. Civil Rights." On the platform for the unveiling were both of Marshall's sons (left corner of picture), John and Thurgood Marshall, Jr. (clapping). Chief Justice Rehnquist is shown here congratulating Mrs. Cecilia Marshall. Rehnquist and Marshall served on the Court together for nearly twenty years.

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A Letter from the President



Some of you may be old enough to remember a common saying of the Depression era—"Brother, can you spare a dime?"

In view of the inflation that has occurred since then, sparing a dime would not be a very generous act today. But how about a dollar?

I'm not talking about just any dollar, of course. I have a special dollar in mind. I hope that with your help, this particular dollar will be obtained.

Such a dollar would probably enable the Society to guarantee the long-term future of educational programs like the Summer Institute for Teachers. It would help ensure that the Society will have adequate funding to sustain long-term programs like the Documentary History Project and the oral history program.

Such a dollar would provide much needed support for the Society's ambitious publications endeavors, which include not only four *Quarterlies* and three issues of the *Journal of Supreme Court* history annually, but special topics books such as *The Supreme Court, Women and Gender Law*, and *Supreme Court Justices, Illustrated Biographies, 1789-1995*.

Indeed, the dollar I have in mind would go far toward guaranteeing that the Supreme Court Historical Society will be able to serve the Court and the American public for these and other worthwhile programs for many years to come.

Now you may be saying to yourself right now, "That's a bold claim, Frank, to attribute such capability to a single dollar"—but, as I said before, this would be a special dollar. The dollar would have the likeness of Chief Justice John Marshall on it.

Much to my surprise, while Congress has seen fit to honor many great people and events in American history, it has never authorized the minting of a commemorative coin featuring the great Chief Justice. The Society believes that this recognition is long overdue and that it would be very much in keeping with the Society's mission to expand public knowledge about the Court and its rich history.

When Congress authorizes the U.S. Mint to strike a commemorative coin, it also typically directs that a worthwhile charity connected to the passage of the authorizing legislation will be the recipient of a ten dollar surcharge for each coin sold. (The total expense incurred in minting the coin is first recouped so that there is no cost to the taxpayers.) Happily, the Citizens Commemorative Coin Advisory Committee ("CCCAC") in its 2002 annual report recommended to

Congress the striking of a John Marshall silver dollar in the year 2005 so as to mark the 250th anniversary of his birth.

The CCCAC did not recommend the minting of just one John Marshall silver dollar, of course. Instead, 400,000 of them was the number the Committee had in mind. It does not require a strong grasp of higher mathematics to appreciate what is at stake here and why your help is so important.

Since the modern commemorative coin program began in 1982, the U.S. Mint has raised over \$418,000,000 in surcharges to help build new museums, maintain national monuments like the Vietnam War Memorial, preserve historical sites like George Washington's home, and otherwise support the charitable missions of various worthwhile organizations. Similarly, the passage of a John Marshall Commemorative Coin Bill will provide important support for the Society's programs that benefit the Court and the Nation.

Of course, before this can happen, the bill must be passed, and as you might expect, such undertakings are no small matter, else every non-profit organization would be petitioning Congress for its own bill.

First of all, Congress has established a self-imposed restriction of just two commemorative coins a year—assuring that only the most historically significant persons and events in the Nation's history may be honored. In addition, both Houses have established very high standards for bringing commemorative coin bills to a vote—each requiring two-thirds of its legislators to co-sponsor the bill to bring it to the floor.

The Society believes that John Marshall's contribution to his country recommend him like few others to be deserving of the honor of having his likeness on a U.S. commemorative coin, and has already found many Members of Congress who share that view. Indeed, by the time you read this, we expect the bill to have been introduced in both the House and the Senate.

However, we will need a strong grass-roots campaign by the Society's members to reach the thresholds of 290 Representatives and 67 Senators necessary to send the bill to the President for signature. A committee of Society Trustees spearheaded by Ralph Lancaster has been formed and is hard at work attempting to accomplish this goal. The Ad Hoc

Committee is designed along the lines of the successful State Membership Chair network, with a Society member serving as a coordinator for all efforts within a specific judicial circuit. Members of the Society's staff are working with Committee members and key personnel from appropriate congressional staffs to try and move the project to fruition. The biggest challenge lies in the fact that support must be obtained from a large number of members of Congress and the Senate to ensure passage of the bill.

As President of the Society, and on behalf of the members of the Ad Hoc Committee, I would like to solicit your assistance in this important endeavor. A list of the Ad Hoc

Committee members appears below. I encourage you to contact the appropriate individual in your judicial district, or any other member of the Committee with whom you are personally acquainted, to offer your assistance. When you do that, please indicate which members of Congress you will be willing to approach in support of this legislation. Further, if you will outline any particular expertise and experience you might have in these matters, it would be very helpful.

I am confident that by working together, we can obtain passage of legislation authorizing a coin commemorating John Marshall. Thank you in advance for your help.

Frank L. Jones

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Chief Justice Rehnquist observed during his remarks that while serving as Solicitor General, Marshall argued 19 cases before the Supreme Court, winning 14 of them.

advocate and head of the NAACP Legal Defense and Education Fund.

Unable to attend the University of Maryland Law School because it would not admit black students, he commuted from Baltimore to attend Howard University Law School, where he graduated first in his class in 1933. After spending three years in private practice in Baltimore, Justice Marshall became an assistant to the special counsel to the NAACP in New York. In 1938, he took over as special counsel and a year later became director of the newly created NAACP Legal Defense and Education Fund, a post he held for 23 years.

During that time, Justice Marshall argued 32 cases before the Supreme Court, winning 29 of them. He fought many rounds in the battle against state mandated school segregation, a battle which culminated in his notable victory in the case of *Brown v. Board of Education*, decided by the Court on May 17, 1954. Along the way his victories also included *Smith v. Allwright*, holding "white primaries" unconstitutional, *Morgan v. Virginia*, striking down segregation on interstate buses, and *Shelley v. Kraemer*, invalidating state court enforcement of racially restrictive covenants.

In 1955, Justice Marshall married Cissy Suyat, a colleague from the NAACP. Cissy is still a welcome presence in our building and I am happy to see her here today.

Thurgood Marshall's remarkable accomplishments as a private lawyer were followed by his appointment to the Court of Appeals for the Second Circuit, as Solicitor General, and finally, as an Associate Justice of the Supreme Court. During his four years on the Second Circuit, Justice Marshall wrote 98 majority opinions and not a single one was re-

versed by the Supreme Court. As Solicitor General, Marshall argued 19 cases, winning 14 of them.

We who sat with him during his time on the Court learned to value his wise counsel and looked forward to those occasions on which he would recount his experiences as a civil rights lawyer. Many of these stories had a humorous twist to them, but they also gave us a sense of what he had been up against in many of his cases. His forays to represent his clients required not only diligence and legal skill, but physical courage of a high order.

Thurgood Marshall left an indelible mark upon the law of his country. He was a worthy and well-liked colleague. The issuance of this commemorative stamp is a fitting sign of the nation's high regard for a man who spent much of his life working to ensure that the Constitution's protections were afforded to all of us.

Mrs. Marshall, her two sons and members of the extended family were present for the ceremony. Mrs. Marshall helped to pull the covering off the large poster of the stamp, and was acknowledged by the audience. Other participants on the program included Karen Hastie Williams, daughter of civil rights activist and Marshall colleague, William H. Hastie; Leonidas Ralph Meacham, Director, Administrative Office of the U.S. Courts; the Honorable Ralph K. Winter; the Honorable William T. Coleman, Jr.; and John E. Potter, Postmaster General of the United States. Music for the ceremony was provided by the Howard University Choir.

The design for the stamp was actually unveiled in July 2002. Mrs. Marshall remarked on that occasion, "My sons and I are so grateful that Thurgood Marshall joins so many other Americans who have been previously honored, including Roy Wilkins with whom he worked closely, who did their best to make our country a living democracy."

The stamp issued on January 7, 2003 was the result of



Roy Wilkins was honored on a stamp previously issued in the Black Heritage series. He and Marshall worked closely together on many cases for the NAACP, including the landmark case, *Brown v. The Board of Education*.



Cissy Marshall, as she is known to her friends, greets the audience at the ceremony honoring the stamp. Her two sons and their families were present for the occasion.

legislation introduced on September 29, 1999, by Congressman Elijah E. Cummings, representing Maryland's 7th Congressional District. On that occasion, Cummings remarked that he had "introduced legislation urging the Citizens Stamp Advisory Committee and the United States Postal Service to issue a commemorative stamp to honor the late great Justice Thurgood Marshall."

The Congressman told a story that had been told by Justice Marshall himself on the occasion of the installation of Wiley Branton as Dean of Howard University's Law School. In the story, a man achieves economic independence and position because someone left a door open for him. The open door allowed him ultimately to use his native abilities and talents to make himself a success.

Cummings concluded that, "Marshall epitomizes the man who left the door open. We are all millionaires—even billionaires—rich from Marshall's legacy of opening doors for those less fortunate. As we close this era, we must not forget his impact on the events of the 20th Century."

"Marshall was instrumental in supporting the rights of minorities and immigrants; limiting government intrusion in cases involving illegal search and seizure, double jeopardy, and the right to privacy; and in creating new protections under the law for women, children, prisoners, and the homeless."

The new stamp is based on a photograph taken in late 1967 by Abdon Daoud Ackad, Sr., and was designed by Richard Sheaff of Scottsdale, Arizona. It is the twenty-fifth stamp issued in the Black Heritage series, and the eighth stamp in that series to feature a photograph. The series salutes outstanding African-American activists, theorists, educators and leaders, and their many contributions to America.

Marshall was the recipient of many awards during his lifetime, and since his death on January 24, 1993, in Bethesda, Maryland at the age of 84, he has received many more. These honors include the Presidential Medal of Freedom—our country's highest civilian honor—awarded posthumously on November 30, 1993.

As Congressman Cummings observed on September 29, 1999: "His legacy has inspired Americans to name educa-

tional institutions, Federal Buildings, legal societies, libraries, and numerous academic achievement awards in his honor. It is indeed my honor to recognize a man whose career is a monument to our judiciary system and who has inspired so many to continue his quiet crusade. . . ." After his death an article in the *Washington Afro-American* stated, "We make movies about Malcolm X, we get a holiday to honor Dr. Martin Luther King, but every day we live the legacy of Justice Thurgood Marshall."



Postal officials provided first day of issue stamp cancellations following the ceremony. Thurgood Marshall is the ninth member of the Supreme Court to be honored on a U.S. postage stamp.

Starting on page 10 you will find a reproduction of three pages of a magazine article which appeared in *The Literary Digest*, September 7, 1935. A copy of the magazine was recently obtained through purchase and is now part of the Society's collection of memorabilia. It describes the new building into which the Court would move the following month, October 1935. The article also comments on the personalities of the members of the Court, and describes five specific Supreme Court decisions in which the Court had ruled on elements of President Roosevelt's New Deal legislation.

Two years later, in 1937, President Roosevelt proposed to enlarge the size of the Supreme Court in hopes of obtaining favorable rulings on legislation. This attempt has become known as "The Court-Packing plan of 1937." A documentary on the Society's website brings to life this historical confrontation between the three branches of government. If you have not yet seen it, you can access it at supremecourthistory.org.

SECRETARY TO JUSTICE HARLAN—THE EARLY DAYS

Recently, the Society received a copy of the Rombauer Memoirs: Growing up in St. Louis and Abroad written by Edgar R. Rombauer, Jr. Early in his career, Mr. Rombauer's father, Edgar R. Rombauer, Sr., worked as a secretary to Justice John Marshall Harlan I. The memoir contains a brief description of his experience with Harlan at the Supreme Court in Washington. The excerpts are reprinted without corrections or editing with the permission of the family.

At the time of my graduation [from the St. Louis Law School branch of Washington University] I was not yet eighteen years old, and as the laws of most if not all of the states of the United States required that a person must be of the age of twenty-one in order to be eligible to admission to the bar, more than three years must elapse before I could enter upon the practice of my profession. . . . [S]o it was decided that I was to go to Chicago, Illinois, for a time into the law offices of Messrs. Smith & Pence, a firm composed of Mr. George M. Smith [known as General Smith because of his service in the Civil War] and Mr. Abram M. Pence. . . .

My work in the office of Smith & Pence was in the beginning about as follows. I was supposed to report at the office at 6:00 o'clock in the morning. . . . In the office I worked very hard, sometimes quite late into the night and on several occasions the entire night. . . . After I had been in the office six months I received a salary of \$25.00 per month, and this was raised from time to time until at the time I left the office at the end of two years I was getting a salary of \$35.00 per month. . . .

In the meantime a change was taking place in the office of Smith & Pence that was to have a material influence on my subsequent life, though I did not at the time realize it. At that time it was the practice of the Judges of the Supreme Court of the United States to sit on circuit, that is to say, the entire United States was divided into nine circuits and each one of these circuits was assigned to one of the judges of the Supreme Court. Once each year the justice thus assigned visited his circuit and held circuit court for several months. The Eighth Circuit was then composed of the states of Indiana, Illinois, Kentucky, and I believe, Wisconsin, and the judge of

the Supreme Court who was assigned to this circuit was John M. Harlan. Justice Harlan was then a man of 54 years of age of tremendous physique, being over six feet tall and broad in proportion. On top of an immense pair of shoulders, supported by a very heavy, rather short, neck rested a great head, with a dome-like forehead. Smooth-shaven with a kindly countenance, he was then almost bald, a fringe of sandy hair scantily covering the sides and back of his head. A native of Kentucky, distantly connected with the Marshall family and the great Chief Justice John Marshall, he was educated in local schools, studied law, was admitted to the bar, became the prosecuting attorney of his county, and before the outbreak of the war had attained considerable prominence in Kentucky state politics. He was a strong Republican and an intense Presbyterian. A firm believer in the protective tariff and the merits of the Presbyterian doctrines, though a Republican in politics, he was a thorough Democrat by nature.

When the war broke out he enlisted in the Union Army and served with great distinction. After the close of the war he resumed the practice of the law in Kentucky and soon took a leading part in state politics. He was at one time the Republican candidate for Governor of Kentucky but was defeated. When Mr. Hayes became President of the United States in 1877,

it was thought he would appoint Harlan Attorney General of the United States. While he did not do this, he shortly afterwards appointed Harlan a Justice of the Supreme Court of the United States, where he served his country until his death in 1911, a period of over thirty years.

General Smith had become well acquainted with Justice Harlan both by practicing before him while the Justice sat on circuit in Chicago and in the Supreme Court of the United States at Washington, and so when Justice Harlan's second son John Maynard Harlan was admitted to practice law the Justice asked General Smith to take Harlan, Jr. into the office. So in the summer of 1889 John Maynard Harlan came into the office of Smith & Pence. Like his father, John Maynard Harlan was physically a giant. Broad-shouldered, he stood

about six-feet three in height. He was a graduate of Princeton University, very muscular and athletic. While, like his father, he had a clear legal mind, he had none of the good cheer of his father and lacked the democracy of heart and manner that made his father's personality so charming. . . . Through young Harlan I met his father to whom I was immediately drawn.

Sometime in November of that year, young Harlan told me that his father was dissatisfied with his private secretary, that he had decided to discharge him on the first of the year and was looking for someone to fill the vacancy that would thus be created. He asked me whether I would consider taking the position provided his father felt I could do the work. The salary would be \$1600 a year. To one who had never earned more than \$400 a year, this looked like a great deal of money. . . . [Though initially my family did not think it was a good idea for me to accept the job] I stood my ground and fought for the proposition and finally both agreed that perhaps it might be well for me to go, with the understanding that I would not remain more than two years or three years at the utmost. I returned to Chicago with a light heart. . . . I was to live in a beautiful city with a salary large enough to enable me to have pleasant lodgings, good food and clothes, and I was to work for a man whom I felt sure I would like. . . .

I left St. Louis during Xmas week and came directly to Washington over the Pennsylvania lines by way of Indianapolis, Pittsburgh, and Harrisburg. Arriving in Washington in the morning, I went directly to the hotel on 13th and F Streets, where the Smiths were stopping. About 10 o'clock in the morning I called upon Judge Harlan at his residence on 14th Street. . . . The Judge greeted me most cordially and introduced me to his family, the members then at home being his wife, his daughters Laura and Ruth and his granddaughter Elizabeth Childs. . . . Mrs. Harlan was a large heavy woman, friendly in manner, quite good-looking, most even-tempered and motherly in her ways. She was very good to me. What her actual name was I do not know, but the Judge called her Mollie. . . .

Soon I was in the midst of my work for Judge Harlan. Most of it was done in his library at his home and part of it in the law library at the capitol building and in the library of the Supreme Court judges, the latter being also located in the capitol building. My work consisted in part of taking letters for the Judge in shorthand and transcribing them on the typewriter, in part of reading records in cases and stating the facts from them, in part of examining authorities in briefs filed in cases pending before the court, and in doing the odds and ends always attendant upon a position involving close personal employer and employee. The Supreme Court of that time was composed of the Chief Justice, Mr. M.W. Fuller from Chicago, Mr. Justice Stephen Field, Mr. Justice Samuel Miller, from Iowa, Mr. Justice Harlan, from Kentucky, Mr. Justice Gray from Massachusetts, Mr. Justice Bradley from New Jersey, Mr. Justice Blatchford, of New York, Mr. Justice Lamar, from Mississippi, and Mr. Justice Brewer, from Kansas. The Court met in the morning at 12 o'clock and sat until four o'clock in the afternoon.

It was my duty to report at Justice Harlan's house at nine o'clock in the morning. He would then dispose of his morning mail, which usually took about one hour, and when this was disposed of would give me directions for my day's work. Shortly before eleven o'clock each morning he left the house and walked to the capitol building, a distance of about three miles. The dinner hour in Washington was 5 p.m., and during the social season which begins on January 1 and ends with the beginning of Lent each year, there are so many entertainments each evening that a man in high public life must attend that the Judge seldom found time for any work between the hour of adjournment of court and ten, eleven or even twelve o'clock at night. It was therefore our practice during the winter season to resume work in the Judge's study late at night. Then the letters he had dictated in the morning were read and signed, my report of the day's work was made, and the Judge would dictate opinions in cases assigned to him to me. It was not an infrequent occurrence that we began to work as late as midnight and many times we did not cease working until four or five o'clock in the morning. On these occasions I seldom went to bed before breakfast, but in the fresh morning air went from the Judge's house over the hills, through what is now Rock Creek Park, sometimes as far as Tenallytown[sic]. The work, other than the stenographic work, of which there was not a great deal, was very interesting and life in Washington was extremely interesting. At this time



Edgar R. Rombauer, Sr. served as a secretary to John Marshall Harlan I circa 1890. His memoirs provide interesting insight into the lifestyles and schedules of Supreme Court Justices at that time.

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THE SUPREME COURT IN TIMES OF NATIONAL EMERGENCY 2002 LEON SILVERMAN LECTURE SERIES CONCLUDED

The 2002 Lecture series was concluded on December 11, 2002 when the sixth program was presented in the Supreme Court Chamber. *The Supreme Court in Times of National Emergency* focused on times when the Supreme Court has dealt with cases pitting the government's interest in protecting the nation against the expectation that constitutionally guaranteed individual and group civil liberties will be upheld, even in times of crisis. Striking a balance between these sometimes-conflicting claims becomes most difficult during times of war or other national emergency. Created by the Constitution to safeguard those rights, the Supreme Court of the United States has been faced with difficult challenges in defining the delicate balance between those expectations and rights for individuals on the one hand, against the needs of the federal government under extraordinary circumstances on the other hand.

Five of the programs in the series were presented in the Supreme Court Chamber of the Supreme Court of the United States, but in a departure from tradition, the sixth program was held in Camden, New Jersey. As many members of the Supreme Court Historical Society have indicated a desire to attend a program outside the Washington area, this program served as an experiment in cooperative programming outside Washington, D.C. The co-sponsors for the program were the Historical Society of the United States District Court of the District of New Jersey, the Historical Society of the Third Circuit, and the Historical Society for the Eastern District of Pennsylvania.

The series opened on October 9 with a talk by Professor Geoffrey R. Stone, who spoke on the issue of free speech during times of war. Professor Stone is the Provost and Harry Kalven, Jr. Distinguished Professor of Law at the University of Chicago, and the author of many books and articles dealing with the topic of free speech. Justice Ruth Bader Ginsburg introduced Professor Stone. The text of this and the five other lectures comprising the series will appear in the November issue of the *Journal of Supreme Court History*.



Professor Stone met Justice Ginsburg in her chambers prior to his lecture focusing on "free speech during times of war."



Professor Robert Turner presented a lecture treating the topic "Civil Rights and Civil Liberties." Justice Kennedy provided an introduction that evening.

The second program, on October 24th, considered the Japanese Internment Cases, and was held at the Mitchell H. Cohen Federal Building and U.S. Courthouse in Camden, New Jersey. The Honorable John M. Ferren, a Senior Judge on the District of Columbia Court of Appeals, spoke on the topic, "Military Curfew, Race-Based Internment, and Mr. Justice Rutledge." Judge Ferren is currently completing a full-length biography of Justice Rutledge to be called *Salt of the Earth: The Story of Justice Wiley Rutledge*. In addition to the article based on this lecture, an excerpt from the book appeared in the April issue of the *Journal of Supreme Court History*.

Professor Harry N. Scheiber, the Stefan A. Riesenfeld Professor of Law and History at Boalt Hall at the University of California Berkeley, presented the third program in the series on October 30. His topic was "Private Property versus Public Needs." Professor Scheiber worked previously with the Society when he served as one of the facilitators for the 2002 Institute for Constitutional Studies last June. Justice John Paul Stevens participated in the program by introducing the speaker.

The fourth lecture, held on November 13, treated the topic civil rights and civil liberties. Professor Robert F. Turner, a co-founder and the Associate Director of the Center for National Security Law at the University of Virginia School of Law, presented that program, which was hosted by Justice Anthony M. Kennedy.

"Cold War versus Hot War" was the topic of the fifth program, held on November 20. Justice Clarence Thomas hosted the program, introducing the speaker, Professor Douglas W. Kmiec. Professor Kmiec is the Dean of the Columbus School of Law and the St. Thomas More Professor of Law at The Catholic University. He is a former White House Fellow and has served in two previous administrations.

Professor Michal R. Belknap gave the final program, considering the topic of "Military Courts and Military Tribunals," and their place within the national judicial system. Professor Belknap was introduced on December 11 by Jus-

tice Sandra Day O'Connor. Belknap is a professor of law at the California Western School of Law, and has recently published a book treating the John Calley court martial case from the Vietnam War era.

Guests at each lecture were treated to insightful historical analyses of issues that are making news today. In addition to the lectures, the speakers graciously took the time during the receptions that followed to converse with guests and further elucidate certain points.

Currently, the members of the Program Committee are working to develop the 2003 Lecture Series. This series will focus on the topic of Supreme Court advocates and advocacy. The program will be announced in an upcoming issue of the *Quarterly* and all members will receive an invitation to the series.



Michal Belknap and Justice O'Connor visit at the reception after his lecture presentation on December 11. Belknap's topic was "Military Courts and Military Tribunals."



Judge John Ferren presented his speech "Military Curfew, Race-Based Internment and Mr. Justice Rutledge" at the Mitchell H. Cohen Courthouse in Camden, New Jersey.



A former White House Fellow, Professor Douglas Kmiec of The Catholic University spoke on the topic of "Cold War versus Hot War." He was introduced by Justice Clarence Thomas.



Professor Harry N. Scheiber, the Riesenfeld Professor of Law and History at the University of California Berkeley, spoke of the competing interests of "Private Property v. Public Needs."

Update on 2003 Leon Silverman Lecture Series

The topic for the 2003 Silverman Lecture Series will be "Supreme Advocates and Advocacy." Programs will focus on famous Supreme Court advocates, as well as the intricacies and unique attributes of oral argument before the Court. Dates, speakers and precise topics are still being refined, but the series will start in the Fall of 2003. All members will receive invitations to the programs which include lectures, followed by a reception.

Date for the National Heritage Lecture Set

The date for the next National Heritage Lecture has been set for Wednesday, November 12, 2003, and the program will be held at the Navy Memorial in Washington, D.C. The host organization this year will be the White House Historical Association. Arthur Schlesinger, Jr. will speak on President John F. Kennedy. Invitations will be mailed to members approximately six weeks prior to the date of the event.

WANTED

In the interest of preserving the valuable history of the 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 and any other materials related to the history of the Court and its members. These items are often used in exhibits by the Court Curator's Office. If any of our members, or others, have anything they would care to share with us, please contact the Acquisition's Committee at the Society's headquarters, 224 East Capitol Street, N.E., Washington, D.C. 20003 or call (202) 543-0400. Donations to the Acquisitions fund would be welcomed. You may also reach the Society through its website at www.supremecourthistory.org.

Nine Mortal Men Prepare

Nation Waits to Learn Whether Black-Robed Justices, World's Most Powerful Judicial Body, Will Send Remainder of New Deal on Blue Eagle's Flight to Oblivion

An overworked and overheated Congress ended its turbulent session and went home. The President quietly plans a trip around the country. The Nation's Capital has relaxed. It is tranquil on the Potomac.

But, while Washington convalesces from the hurly-burly of the last eight months, the nation cocks an expectant ear. There is a growing anticipation that heavy thunder is just over the horizon.

While Congress was in session, the feeling might have arisen from any of a hundred rumors. To-day the nation awaits, not a faint back-of-the-hand whisper but the sound of the Court-crier's gavel that, on Monday morning, October 7, will open the next session of the Supreme Court of the United States.

Great Eras

Three great eras of decisions have made the Supreme Court the most powerful judicial body in the world. During the early stages of government under the Constitution, the Court laid down the broad definitions of the powers of the individual States as distinct from those of the Federal Government.

The second era came with the development of the slavery issue and with the reconstruction of a country shattered by the War between the States. During the last decade of the nineteenth century came the mushroom growth of the great industrial combines, and, with it, new decisions by the Court dealing with the new economic conditions brought about by large-scale industry.

Last January, the Supreme Court made front-page news when it ushered in the fourth era of significant decisions by invalidating the oil-production control provisions of the National Recovery Act. This was the first pronouncement by the highest court in the land on a phase of President Roosevelt's New Deal program.

Five Decisions

After it came five other important decisions: (1) the gold-clause decisions sustaining the Administration's measures to establish a new currency system; (2) the rail-pension case, declaring unconstitutional the Railroad Retirement Act; (3) the Humphrey case, holding that the President had exceeded his authority in removing the late William E. Humphrey from his office as a member of the Federal Trade Commission; (4) the Frazier-Lemke Act case, declaring unconstitutional the five-year moratorium on farm mortgages.

The fifth, and most sensational, decision was in the so-called Schechter case last May, by which the entire code structure of the National Industrial Recovery Act was invalidated.

How profoundly this decision affected



Straw Houses Won't Stop This Wolf

—Carmack in The Christian Science Monitor

the political structure of the American Government was discussed by Oswald Garrison Villard in *The Nation*:

"It (the Supreme Court's verdict) may, in future time, be recognized as the initial cause of a wholesale revision of the Constitution by a Constitutional Convention. Of course there will be the greatest outcry against this, not only on the part of reactionaries, but on the part of many liberals as well. . . .

"But if we can't have faith in ourselves, what have we to look forward to in the way of a successful effort to subordinate wealth and business to the common welfare of the country—and to give to labor the rights and privileges it deserves?"

"Who would change it?" the Rochester *Democrat & Chronicle* (Rep.) asks. "Would the most ardent defender of the New Deal wish to have the Constitution other than it is? Would he wish to have it susceptible to change at every veering of the political wind, conformable to every extreme from Communism to Fascism? If such there be, now is the opportunity to prove it."

Will the remainder of the President's program go the way of his ill-fated Blue Eagle?

The nation awaits the entrance of the

black-robed Justices. Last week briefs were deposited with the Court which demand a test of the constitutionality of two other great stones in the foundation of the New Deal—the Agricultural Adjustment Act and the Tennessee Valley Authority.

In a long series of lower-court decisions these two departments have been heatedly attacked, and just as heatedly defended. Before the Supreme Court the battles will be brought to a conclusion.

Home

Not less momentous than the convening of the Court itself is the fact that Chief Justice Hughes and his eight associates will be meeting for the first time in the gleaming white ten-million-dollar structure that has just been completed.

Rising beside the Congressional Library, and facing the Capitol, the new home of the Supreme Court is literally blinding to look at in the brilliant Washington sun. Majestically simple in its Corinthian design, the most notable external feature of the building is the great pediment above the columns in front. The symbolic figures are actual images of men prominent in the nation's judicial history—Chief Justice Marshall, Charles Evans Hughes, William Howard Taft, and Elihu Root. Robert Aitken, the sculptor who did the group, and Cass Gilbert, one of the architects of the building, are also represented.

Inside the building, the Supreme Court chamber occupies the central portion of the main floor. It has 60 per cent. more floor-space than the room the Justices used in the Capitol, and will seat 300 persons. Thick marble columns line the side walls, and, behind them, are allegorical panels.

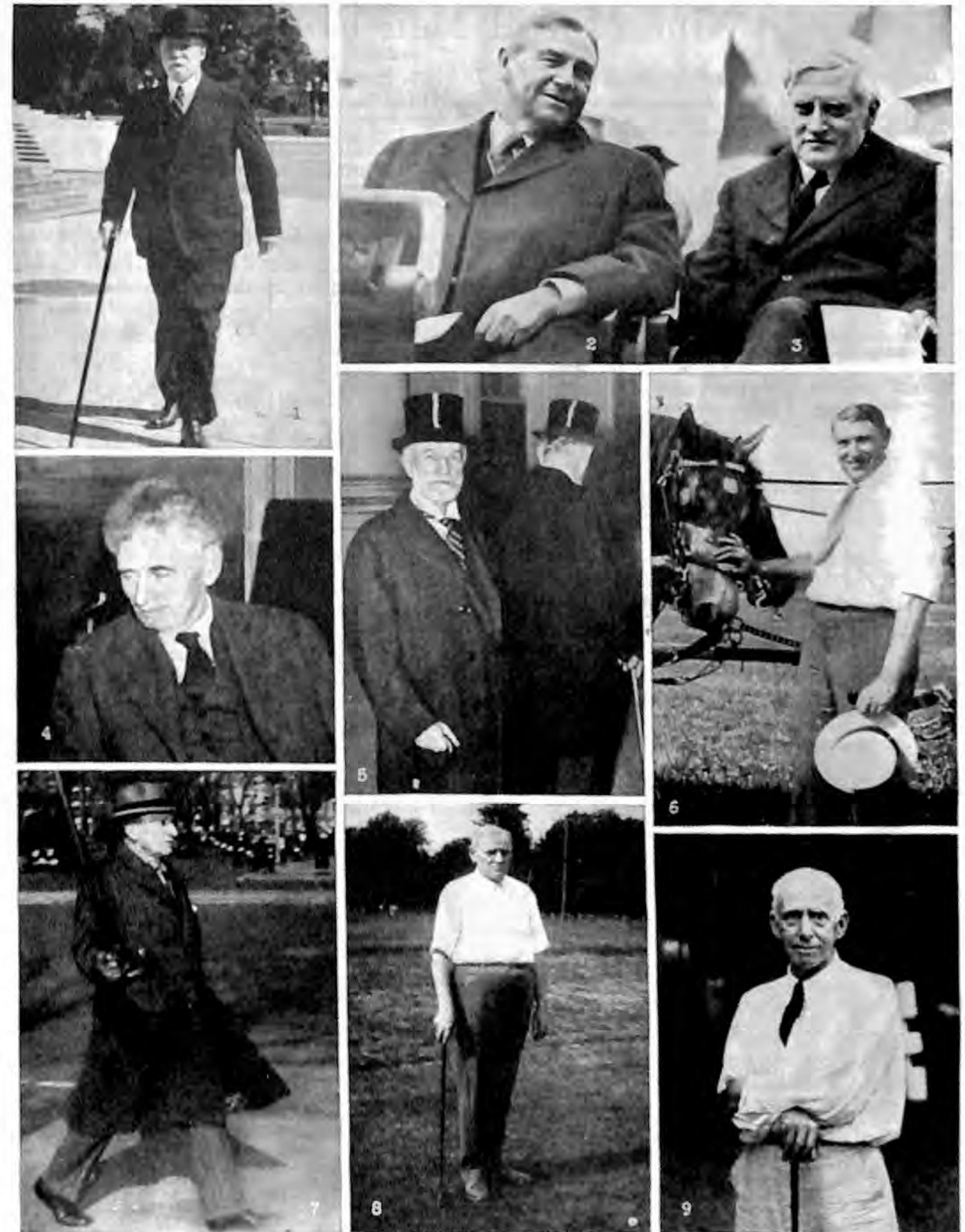
Individual offices of the Justices are so arranged that the Justices may pass from their own chambers to the court-room, the conference-room or the library, without entering the public corridor.

On this floor there also are a robing-room, offices for the Attorney General, Solicitor General, and officials of the Court, and for the first time, a press-room.

The second floor is utilized for libraries, document files, attorneys' offices, and reading-rooms. The third floor contains a large reading-room, with shelves and stacks for a library of 222,000 law-books.

On the ground floor there are more filing and stock rooms, storage for records and archives, lunch- and rest-rooms, telephone-rooms and accommodations for the mechanical staff.

When the nine Justices move to their



Acme, Wildo World, Underwood, Harris & Ewing

Off the Bench with the Supreme Court of the United States

(1) Charles E. Hughes, (2) Harlan F. Stone with (3) Benjamin N. Cardozo, (4) Louis D. Brandeis, (5) George Sutherland, (6) Owen J. Roberts, (7) James C. McReynolds, (8) Pierce Butler, (9) Willis Van Devanter

DINNER HONORS STATE CHAIRS AND MAJOR DONORS



Society Treasurer Sheldon Cohen (left) and Society Secretary Virginia Daly are pictured here during the reception talking with Frank Gilbert, Chair of the Facilities Committee. Society President Frank Jones is visible between Mrs. Daly and Mr. Gilbert.

On the evening of January 30, 2003, a reception and dinner were held to honor members of the State Chair network, as well as significant donors to the Society. Society President Frank Jones presided over the event assisted by National Membership Chair Ralph Lancaster, and Development Chair Jerome Libin. The function was hosted by Associate Justice David H. Souter, and Justice Ruth Bader Ginsburg, her husband, Professor Martin Ginsburg, and Justice Stephen G. Breyer also attended.

The program was organized as an expression of appreciation for volunteer services rendered throughout the country on behalf of the Society. As Mr. Jones noted: "A number of you join us this evening as State Membership Chairs, while others are here as donors and volunteers involved in other aspects of the Society's activities. Kathleen McCree Lewis, a member of the Ad-Hoc Membership Advisory Committee, also joins us this evening. Without the generosity of your energies and donations the Society's activities would not be possible, and we gather here this evening to express that appreciation." He added:

Each of you has in common a will and commitment to serve this great institution in whose building we now meet. That, after all, is the primary function of the Society. When you look about this room, among the portraits and furnishings you see are items drawn from the Society's extensive permanent collection housed in this building. Acquisition of items relevant and important to the history of the Court provides a tangible connection with the history of the Court. Obtaining such items for preservation and possible display in the Court is one of the most significant aspects of the Society's work.

A second area of great importance in the work of the Society is the production of publications. The *Journal of Supreme Court History* is a highly respected publication, providing a forum for outstand-

ing scholarship on the history of the Court. Other publication projects include the production of a special volume dedicated to the Memoirs of Malvina Harlan, widow of the first John Marshall Harlan, as well as a publication dedicated to examining the Court's role in the constitutional evolution of gender law. Justice Ginsburg played a large part in the production of these special publications, and we thank her again for her many insightful contributions.

Beyond these two special activities, the Society focuses a great deal of time and funding on educational projects. First among those is a series of scholarly books treating the *Documentary History of the Supreme Court of the United States, 1789-1800*. The seventh in an eight-volume series will be circulated later this year. This series makes important contributions to scholarship and has been a program activity of the Society almost since the incorporation of the Society.

Other important activities sponsored by the Society include development and sponsorship of lecture series, smaller historical research projects, a summer institute for high school teachers interested in improving their capability to teach about the Court, and many other programs that are made possible through the hard work and generosity of many people honored this evening.

Among the most supportive of these groups are the members of the Court, whose commitment to the work of the Society is manifest in a variety of ways and is so essential to the success of the organization. To you we express again our gratitude for giving so generously of your limited time and energies to support our efforts.

Another person who has devoted a great deal of time and attention to the Society of late is our Membership Chair, Ralph Lancaster, who is one of the



Society Trustee Ralph Lancaster of Maine has served this year as the National Chair of the Membership Committee. Under his outstanding leadership, volunteer State Chairs have successfully recruited many new members of the Society.

hardest working individuals ever to take up the cause of the Society. He has appointed a network of chairs throughout the states and has stayed in constant communication with them to better encourage them to greater efforts on behalf of the Society. This year's campaign has been an outstanding success to date, for which much of the credit is due to Mr. Lancaster. As a consequence of his efforts, and with the help of his Vice Chair, Frank Gundlach, the Society's membership has grown substantially in the past few months, with more than 800 new members. The Society is deeply in Ralph's debt and it is my privilege to yield the podium to him now so that he might recognize the hard work of some these dedicated State Chairs.

Mr. Lancaster assumed the podium and thanked Justice Souter for hosting the program, and Justices Ginsburg and Breyer for their attendance. He noted that they demonstrated "to those in attendance the support the Society enjoys from members of the Court." Mr. Lancaster went on to thank the "State Membership Chairs who give of their time and energy to build a vigorous membership base for the Society—a network of volunteers that numbers nearly 4,900 individuals as of this date." For the actual presentation, Mr. Lancaster asked Justice Souter to assist him in distributing the awards to the chairs who had achieved or surpassed their goals for the year.

The awards presented were pieces of marble taken from the Supreme Court Building. State Chairs present to receive awards that evening were: **Edmund Burke of Hawaii; Jordan B. Cherrick of Eastern Missouri; Wayne J. Mark of Nebraska; W. Scott McGeary of Virginia; Judge Randy T. Rogers of Ohio; Jeffrey A. Sadowski of Michigan; John R. Schaibley of Indiana; and Richard (Doc) Schneider of Georgia.**

In addition to those individuals present on January 30, six other state Chairs had already accomplished their goals



Hawaii State Chair Edmund Burke received an award from Justice Souter. Mr. Burke not only successfully achieved his goal for new members, but was willing to leave Hawaii and travel to Washington in January to receive his award.



John R. Schaibley, III, State Chair of Indiana, was recognized on January 30 for achieving the new membership goal for his home state. Mr. Schaibley is not a stranger to the Supreme Court Building, as he served as a law clerk to Justice John Paul Stevens from 1983-1984.

but were unable to attend the dinner. These individuals were: **John K. Aurell of North Florida; Paul T. Fortino of Oregon; Barbara M. Mayden of Middle Tennessee; Michael Mone of Massachusetts; Charles M. Thompson of South Dakota; and John H. Tucker of Oklahoma.**

In addition to these individuals, Mr. Lancaster recognized the efforts of William I. Edlund of California; James H. Falk of the District of Columbia; Joseph B. Harlan of Maryland, and James R. Wyrsh of Missouri who were present that evening and anxiously working to accomplish their goals before the June 30 deadline.

Mr. Jones then called upon Jerome Libin, Chair of the Development Committee, to make presentations to individual donors, or representatives of foundations or corporations who have made charitable donations to the Society. Mr. Libin observed that "this has been a difficult year for foundation and private donors whose stock portfolios have been under the same pressures that are affecting the whole of the economy. Accordingly, the Society is particularly grateful for their loyal and continuing support. The Society's fund-raising needs are significant as we seek to sustain the quality and quantity of program commitments that have made this organization a valuable asset to the Court and to the American people."

Awards were presented to the following individuals for personal donations to support the work of the Society: **Leon Silverman; Hugo L. Black, Jr.; Gregory Michael; Robert Gwinn; Frank C. Jones; and Bernard Reese.** In addition, awards were presented representing gifts made by corporations or foundations. Those so honored were: **Jack Levengard representing Lexis-Nexis; Joseph Moderow representing United Parcel Service Foundation; and Jim Tuitt and Regina Dillard representing the State Farm Foundation.**

Two special awards were conferred recognizing the extraordinary contributions of two whose support of the Society has been manifest over the course of years, and in the



Society Trustee Hugo L. Black, Jr. received an award from Justice Souter recognizing his personal donations in support of the Society.



Gregory Michael, a new Trustee of the Society, also received an award recognizing his personal contributions to the Society. Mr. Michael is a familiar face at the Supreme Court as he worked for Chief Justice Rehnquist prior to his current career.

form of multiple gifts. Those so honored were: **Vincent C. Burke, III** of the Clark-Winchcole Foundation; and **Dwight D. Opperman**, for personal gifts. As both these individuals have received several marble blocks in the past, they were presented with unique gifts. Mr. Burke was given a replica of the seal of the Supreme Court while Mr. Opperman received a signed copy of Chief Justice Rehnquist's most recent book.

Mr. Jones returned to the podium to close the program, at which time he made a special gift to Mr. Libin in his capacity as a representative of the Park Foundation. This foundation has provided continuing support to the Summer Institute for Teachers, as well as the D.C. Public Schools Initiative. In recognition of these important contributions, Mr. Jones presented Mr. Libin with a replica of the seal of the Supreme Court.



Chair of the Development Committee, Jerome Libin, was recognized at the dinner as a representative of the Park Foundation. The Park Foundation has provided generous funding to support the Supreme Court Summer Institute for High School Teachers held annually in Washington.



At the reception, Mr. and Mrs. James Wyrsh of Kansas City, Missouri, visited with Frank Gundlach (right) of St. Louis. Mr. Wyrsh served this year as the state chair for Missouri, and received an award for his efforts on January 30. Mr. Gundlach is serving as the Vice Chair of National Membership and will succeed Ralph Lancaster in FY 2004.

Continued from page 11

new quarters, an old face will go with them—that of Charles Elmore Copley, the Court-crier. He it is who calls the court to order just as the Justices march in. Tall, broad-shouldered, and dark, he has a forbidding look. In his formal Court cut-away, striped trousers and winged collar, he presents an arresting figure.

"Off-stage" he is extremely jovial and well-liked. His hearty laugh fills the room he occupies and can be heard many doors away down the corridor.

At five minutes to twelve, on the morning of October 7, the Justices of the Supreme Court will begin the ritual that has characterized their meetings for years. A Negro in the robing-room will help them into their heavy silk robes. At noon, they will walk, in single file, to their seats.

The Crier will rap his gavel, and announce: "The Honorable, the Chief Justice, and the Associate Justices of the Supreme Court of the United States." Small page-boys will help the Justices to their seats. The lawyers before the Court will bow and the business of the day will begin.

From this moment, until the last Monday in May, when the session will end, the eyes of the nation will be scrutinizing these nine men. What are they like?

"Until recently, to his inner resentment, Mr. Hughes was regarded as a cold and austere individual who did not love his fellow-men," Henry F. Pringle wrote in his sketch of the Chief Justice, appearing in *The New Yorker*.

Amiable

"Theodore Roosevelt so viewed him. William Howard Taft did, too, until he became better acquainted, and changed his mind. A scathing phrase was once applied to Hughes, and was widely accepted as an apt one—he was 'an animated feather-duster,' instead of a human being. Now official Washington knows him more accurately for the warm and amiable individual he really is.

"But he is shy. He has no taste for the bluff, hearty contacts . . . which politicians maintain. At no time in his life has Mr. Hughes had more than a few close friends; he has hardly any intimates to-day.

"His humor is sometimes elusive. Once in a great while some young lawyer will call with the proper letters of introduction, and will ask for advice on the best way to get ahead.

"Don't work too hard," the Chief Justice has been known to answer, no gleam in his eye to show that he is teasing. 'I, myself, have never worked hard. I spent my time playing cards when I was an undergraduate at Brown University.'

When President Hoover nominated Mr. Hughes as Chief Justice, the nomination was opposed in the Senate on the ground that the new appointee always would have at heart the interests of large corporations, since he had been the recipient of enormous fees during his career as a private lawyer. But, during the five years Mr. Hughes has held his office, he has shown that he can be as "progressive" as the most progressive of his colleagues.

In most decisions of the Court the Chief



© Harris & Ewing

Supreme Court's new chamber: When the Justices sit, no photographs are allowed

Justice is generally associated with Owen J. Roberts, Benjamin N. Cardozo, Harlan Fiske Stone, and Louis D. Brandeis.

Liberals

Born in Philadelphia, sixty years ago, to a well-to-do family, Associate Justice Roberts's upbringing augured a philosophy of conservatism to which his opinions on the bench have been in marked contrast. He is modest and democratic. During Court recesses he retires to his 700-acre farm in Chester County outside Philadelphia. He is the "baby" of the Court.

Associate Justice Stone, an athlete pretty much in restraint, made President Hoover's medicine-ball tossing strenuous exercise. But the former Dean of Columbia Law School has other penchants.

Maintaining a wide variety of studious interests, he is regarded as one of the leading scholars on the bench. He has been mentioned, with Justice Roberts, as a possible Republican Presidential nominee.

The dean of the Court, and the most generally beloved, is Associate Justice Brandeis. His liberal philosophy is the inspiration of many of the younger men engaged in carrying out New Deal measures. He has scorned official life in Washington, and has gathered a cosmopolitan group that meets weekly at his house to be entertained by his brilliant conversation.

Modest, shy, and retiring are the three adjectives that best describe Associate Justice Cardozo. He leads a quiet, clock-like life. Books, read in the early morning, and an occasional theater or concert are virtually his only diversions. He spent his summer vacation at his home in Rye, New York.

Opposition

Opposed, broadly, to these five, are James C. McReynolds, Willis Van Devanter, Pierce Butler, and George Sutherland.

"Willis Van Devanter," wrote Mildred Adams, in the *New York Times*, "one of the older ones, who can retire whenever he chooses, has the reputation of being the hardest-working man on the bench. Statis-

tics do not show it—he wrote one opinion last year as against Cardozo's twenty-five, Hughes's twenty-four, and Butler's twenty-three—but there is apparently more to opinions than mere numbers.

"On the bench he seems stern. . . . Men who work with him say that his word is absolutely dependable, that if he says a thing, you may rest assured that he has searched the uttermost corners of human knowledge regarding it. . . ."

Associate Justice Sutherland's economic philosophy also is inherited from *laissez-faire* days of the pioneer West. He represents the implications that he is a "stand-patter."

Pierce Butler is a more inveterate conservative than the three Justices with whom he is associated. He is said to be deeply perturbed by the Court's liberal trend.

Rumor frequently had Justice McReynolds engaged to some leading society woman when he first came to Washington. But the brisk Tennessee lawyer has not married. Genial, and well-liked in his few personal contacts, he is considered the most forceful and emphatic member of the Court.

Issue

These are the nine whom the nation watches. By throwing into the discard the whole structure of the Roosevelt program, it is possible for them to make the Constitution the chief issue of the 1936 Presidential campaign. Out of their decisions, whether they be in favor of or against the major premises of the New Deal, there may arise a new political party. It is almost certain that the verdict of the Court will play a major rôle in determining the candidates for the two big parties.

"It is interesting to note that the Dred Scott decision endowed the Republican Party with a burning issue, but split the Democratic Party wide open," Charles Warren, historian of the Supreme Court, once said. "It may be said that Chief Justice Taney elected Abraham Lincoln to the Presidency."

Will Chief Justice Hughes and his associates elect the President in 1936?

Continued from page 0

there were strong men in both branches of the Congress: in the Senate such men as George F. Edmunds of Vermont, Hoar of Massachusetts, Hale of Maine, Vest of Missouri, Ingalls of Kansas, Daniel of Virginia and others, and in the house Thomas B. Reed of Maine, who was the speaker, William McKinley of Ohio, then Chairman of the Committee on Ways and Means, Breckenridge of Kentucky, Bynum of Indiana, Springer of Illinois and many others. The first session of Congress while I was in Washington developed the fight on the Reed Rules, a most bitter fight, in which the Republicans, with the aid of Speaker Reed, a most forceful and at the same most even-tempered man, were successful.

Frequently during the session and particularly when Judge Harlan advised me that some particularly interesting proceedings were about to be had, I found myself in the gallery of the House or Senate. Here I heard many of the debates on the McKinley tariff bill that was up for consideration at this session and many interesting debates on many subjects.

Much of my leisure time during the day was spent in listening to arguments in cases before the Supreme Court. Here I heard many famous lawyers make their arguments, among others James C. Carter, Frederick Coudert, Joseph Choate and Senator Evarts of New York, Senator Edmunds of Vermont, Robert S. Ingersol of Illinois, and John M. Butler of Indiana. I also heard Grover Cleveland, who had then been succeeded as President by Benjamin Harrison, make an argument, and also heard William J. Bryan (at this writing—July 1913—Secretary of State of the United States) argue the maximum freight rate case that came from Nebraska. Neither Cleveland nor Mr. Bryan was considered highly as lawyers.

... At the end of September, the first fall after I left Chicago for Washington I had a very delightful trip. I accompanied Justice Harlan to New York to attend the wedding of his son Richard, and the Judge suggested that it might prove pleasant for me to take a trip to Niagara Falls and thence through parts of Canada and New England. . . . Shortly before I left Washington in the spring of 1892, I worked harder than I had ever before worked and harder than I have ever worked since. . . . Richard Harlan had, as I said, married a very wealthy widow. Now his wife, in addition to being very wealthy, had a very wealthy father. Shortly before I left Washington Mrs. Harlan's father died and Richard Harlan was named as one of the executors of his father-in-law's estate. As such it was his duty to file an inventory, or list, of the property of the deceased. This property consisted almost entirely of mortgages on farms in the West and there were a great number of these. . . . Mr. Richard Harlan, who had engaged passage for Europe and who was anxious to complete and file this inventory before his departure employed me to assist him in making it. As I had my regular work to do in addition to this special work, and there was a great mass of this special stuff, during those two weeks I worked practically continuously night and day. I think I can truthfully say that in the entire two weeks I did not spend thirty hours in sleeping. . . .

In the spring of 1892 I left Washington and returned to Chicago. Here I again associated myself with the firm of Smith & Pence, but in a different capacity. I was now admitted to the bar of Illinois and a practicing lawyer. . . . Towards fall I began to feel that I was not well. . . . The irregular life I had

been living began to tell upon me and by Xmas I knew that I was quite sick. . . . I was treated by Dr. Robert Luedekini . . . [who] recommended that I should go to Colorado for at least six months. . . . On the day of the evening on which I was to leave for Denver I received a telegram from Judge Henry W. Blodgett, of Chicago, who had shortly before that time been appointed leading counsel in the case of the United States against Russia involving the disputed right to seal fisheries on the Alaskan Coast. This dispute was to be tried in Paris, France, before the Behring Sea Arbitration Board. This telegram, as I remember it, read as follows: "Mr. Justice Harlan recommends you strongly for the position of Associate Counsel in the Behring Sea case. If you can accept the position wire how soon you can meet me in New York prepared to sail for France to be gone six months." I was compelled to reply that I was then leaving for a six months trip to Colorado in search of health and that acceptance of the employment was out of the question. I have always regretted that I could not accept this responsible employment. . . ."

*It is interesting to note that Irma Rombauer, the wife of Edgar R. Rombauer, Sr., is the author of the famous cookbook **The Joy of Cooking**. After her husband's death in February 1930, she found herself in straightened financial circumstances as a result of the stock market crash of October 1929. Seeking a way to supplement her income, she ultimately determined to capitalize upon her local reputation as an outstanding cook and hostess, and "produce a practical cookbook to be sold at a profit for her own benefit." Investing one-third of the family's fortune in the enterprise, she enlisted her daughter "Marion, an art teacher at the time, to do the cutout illustrations for the book. . . ." The first edition was printed as a private printing. Later the publishing company Bobbs-Merrill contracted with Mrs. Rombauer to produce the book, with the first edition in 1935. By 1940 it had been number one on the non-fiction bestseller list for two years running. By the time of Mrs. Rombauer's death in 1962, Bobbs-Merrill estimated that over 26 million copies had been sold—which did not include the figures of the plagiarized copies sold by a Chinese company working from Hong Kong.*



Irma Rombauer, Mrs. Edgar R. Rombauer, Sr., holds a copy of her famous book *The Joy of Cooking*. By 1962, the year of her death, more than 26 million copies of the book had been sold.



When Mr. Rombauer came to Washington to serve as a secretary to Justice John Marshall Harlan I, the Court was comprised of (left to right front row): Associate Justices Joseph Bradley, Samuel Miller, Chief Justice Melville Fuller, Associate Justices Stephen Field, and John Marshall Harlan. Back row, left to right: Associate Justices Samuel Blatchford, Lucius Q. C. Lamar, Horace Gray, and David J. Brewer.

MARSHALL COIN COMMITTEE—Continued

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