Society Celebrates Its First Decade At Tenth Annual Meeting

On May 19, 1976, a year and a half after its founding, the Society convened its first annual membership meeting in the West Conference Room of the Supreme Court. Though spirits were high, only a handful of members attended the early afternoon session. But by evening, the attendance had swelled to over 200 with the promise of comments by Chief Justice Burger on the need for the new organization at the Society's first annual dinner.

Nine years later, on May 13, 1985, when Society members gathered at the Society's tenth annual meeting, it marked a decade of struggle and obstacles overcome. Now over 3,000 strong, with numerous projects both completed and ongoing to their credit, Society members conducted their business and then paused to enjoy the annual dinner.

The meeting's opening session was the annual lecture, delivered this year by Judge Antonin Scalia of the D.C. Court of Appeals for the District of Columbia. Judge Scalia was introduced to the standing-room-only audience in the restored Supreme Court Chamber of the U.S. Capitol building.

Following his address, this year's annual lecturer, Judge Antonin Scalia (left), was thanked for his interesting presentation by Governor Linwood Holton (center), the Society's president, and Executive Director Cornelius Kennedy (right).

Annual Meeting Chairman J. Roderick Heller, III welcomed members to the tenth annual lecture — the opening event of the day-long schedule of meetings.

(Editor's Note: The full text of Judge Scalia's lecture will appear in the 1985 Yearbook to be published later this year.

Judge Scalia examined what he termed "two juris-historical anomalies" in the evolution of American constitutional law, and especially in the field of federal administrative law. The first half of this discussion dealt with the development of the doctrine of domestic sovereign immunity for the federal government and its officials, dating from the case of Chisholm v. Georgia (1793).

In Judge Scalia's opinion, the extension of such immunity to the federal government, as was previously enjoyed by the —continued on page two
Following the annual lecture, many members adjourned to the Society's headquarters for an informal reception.

Ambassador Kenneth Rush, the Society's chairman, reported on a number of developments in the Society's activities at the Board of Trustees meeting.

and legal practice, Judge Scalia concluded:

The study of law, properly conceived, cannot be separated from a study of law's history. Without that perspective, today's decision is an isolated point on a graph, with no indication where the line progressing from it will proceed.

Following the annual lecture many Society members attended a tour of the public and private areas of the Court conducted by the Court Curator's office. Others met at the Society's headquarters building adjacent to the Court's grounds for an informal reception.

At 6:00 pm, the Board of Trustees met in the courtroom of the Supreme Court building. This was followed by the annual meeting of the membership. Ambassador Kenneth Rush, the Society's Chairman, presided over the trustees' meeting. In his opening remarks, he noted that the Society had undergone several changes in the previous year: Cornelius Kennedy was appointed as its new Executive Director; and, the Society had purchased two new computers to facilitate communications and record-keeping in its headquarters. Ambassador Rush also pointed out that a fund had been established and that donations were being sought to furnish the headquarters building. In prefacing his introduction of the Society's Treasurer, Peter Knowles, Ambassador Rush also commented on what he termed "the significant progress made this past year from kiosk and office sales as well as increased membership revenues. At the recommendation of the Nominating Committee, Melvin M. Payne was reelected to a three-year term as Vice President. Elected to one-year terms on the Executive Committee were: Elizabeth S. Black; Mark W. Smith; and, the Society had purchased two new computers to facilitate communications and record-keeping in its headquarters.

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Manchester, NH 03105

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79 South Main Street
Salt Lake City, UT 84145

Membership Drive Moves Rapidly
State Chairmen Congratulated by Chief Justice

Following its most productive membership effort in eight years, the Society's Membership Committee, chaired by Justin A. Stanley, has set a goal of 4,000 members for the Society's fiscal year which commenced July 1, 1985. Through the coordinated efforts of over 50 state and regional chairmen appointed by the Membership Committee, the Society's membership passed the 3,000 mark for the first time in the Society's history, reaching 3,070 by the end of Fiscal Year 1985 (July 1, 1984—June 30, 1985). Of the 732 new members who joined last year over 250 were the result of four state chairmen: R. William Barnett of Houston, Texas; Frank C. Jones of Atlanta, Georgia; Robert W. Mosner of Waltham, Massachusetts, and M. Truman Woodward, Jr. of New Orleans, Louisiana. Mr. Woodward, whose recruiting efforts on the Society's behalf yielded over 50 members last year, has since joined the Society's Board of Trustees.

On the evening of May 12th a special dinner in the Supreme Court building, hosted by Chief Justice Warren Burger, was held for the state chairmen. The Chief Justice expressed his appreciation for their hard work and diligence pointing out membership growth was "the key to the Society's efforts to develop a broader public understanding of the Court's contribution to our nation's constitutional development."

The state chairmen responded by pledging their commitment to Mr. Stanley's goal of 4,000 members by June 30, 1986. Joining in this membership campaign, in addition to the state chairmen listed in the last issue of the Quarterly will be:

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Ambassador Kenneth Rush, the Society's chairman, reported on a number of developments in the Society's activities at the Board of Trustees meeting.

Ambassador Kenneth Rush (right) welcomes state chairman Wallace Riley (left) Michigan, and Albert E. Jenner (center) Illinois, at the state chairmen's reception held in the Court's East Conference Room.

The Chief Justice (center) greets Membership Committee Chairman Justin Stanley (right) and Hector Richard (left), state chairman for Puerto Rico, at the state chairmen's dinner.
At the age of 42, Curtis came to the Supreme Court bench already holding the reputation of an able and successful advocate. He was noted for his calm, reasonable, pragmatic approach and he belonged to what was then considered the party of compromise, the Whigs. His talents were quickly engaged by the many crucial issues which were before the Court. Among these was the issue of the commerce clause (Art. I, Sec. 8, nr. 3), which deals with federal jurisdiction over interstate commerce.

The decisions of the Marshall Court tended to make interstate commerce the exclusive province of the federal government, while the decisions handed down in the early years of the Taney Court had been in favor of concurrent jurisdiction. Curtis was not disposed to that regulation. Curtis, an accomplished orator and persuasive speaker joined the Court as a freshman Justice when this issue was before the Court. In the case of the Court, the Board of Wardens, Curtis advocated the doctrine of "selective exclusiveness." Taking the middle ground between the Marshall Court's federal control, and the Taney Court's states' control, Curtis argued that where the federal government had exercised its power to regulate interstate or foreign commerce, the states could not, but that in those areas where there was no federal regulation, the states might do so. He did not advocate an "either or" situation, but rather a policy that took into account the specific peculiarities, needs and circumstances of the activity, as well as the necessity for national conformity. Thus, if there was no federal regulation to the contrary, local issues could be handled by local or state regulation. Curtis felt that commerce could be either local or national in character and that regulation should be determined on that basis.

The issue in the Cooley case was that of local public utility. Curtis argued that the states had the power to regulate such matters. Curtis' argument for some federal regulation of commerce did not supersede the state's right to direct local matters, where it was not only unnecessary to have federal regulation, but perhaps wiser to allow control by those familiar with the regional peculiarities and characteristics. In this decision, Curtis was advocating that the best solution was a solution which was most workable. He felt that each situation should be considered on its unique and peculiar facts, and that necessary future latitude could be preserved by leaving many of the undefined matters to the states or municipalities. Curtis said that the decision was one of compromise, as the Court had to be careful of the situation and circumstances warranted a clear definition. Curtis' contemporaries commented that Curtis was always a master of a precise and accurate statement and discussion.

While Curtis was highly praised for his written opinions and statements, contemporaries commented that his oratorical skills were perhaps even more impressive. His colleagues bore record to the fact that his oral presentations in conferences were most persuasive. Campbell wrote that Curtis "always came to the conference with full cognizance of the case, the pleadings, facts, questions, arguments, authorities." Combined with his mastery of the material was a skillful employment of a precise and accurate statement and discussion.

As was his custom, he dealt with only those issues that were essential to the case at hand, rather than addressing possible complications. This view was that the field of commerce was vast, "containing not only many, but exceedingly various subjects, quite unlike in their nature." He felt that to create a single uniform rule to encompass all the various body of issues of commerce was a mistake, and that flexibility was essential. In 1849, Justice Hugo Black emphasized that "the basic principles of the Cooley rule have been... the asserted grounds for determination of all commerce cases decided by this Court from 1852 until today."
Update (continued from page five)

Nikolas P. Chilivis, Atlanta
Solly Lee Skog, Summersville
Curt Adah Casgrove, Atlanta
Overton A. Currie, Atlanta
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E. Miller Coeur D'alene
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New Publication
Views From The Bench: The Judiciary And Constitutional Politics, with an
introduction by Chief Justice Warren E. Burger, is an anthology collected
and edited by Mark W. Cannon and David M. O'Brien presenting the views
of members of the Supreme Court and leading federal and state judges on the
judicial process, the function of judges, and the role of courts in American
society.

*A treasure trove for anyone interested in public law, the judicial
process, or American politics.* Walter F. Murphy, Princeton University.

“A sparkling selection of contemporary writings on the judicial process,
splendidly introduced by the editors,” William K. Muir, Jr., University
of California, Berkeley. (Item B-1). $25 per hardcover volume. $10 of
this price constitutes a charitable deduction to the Society.

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SPECIAL HOLIDAY GIFT IDEAS

50th Anniversary Commemorative Poster—Limited Edition

Special limited edition commemorative poster in celebration of the 50th
anniversary of the opening of the Supreme Court building. This attractive
poster is printed as part of the special session in the Supreme Court
celebrating the building's 50th anniversary. You can share in this his-
torical commemoration. This high-quality 17 x 22 inch duo-tone poster in
black and sepia is suitable for framing. (Item A-1). $12.50. NEW ITEM!

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NEW ITEMS

---continued on next page---
**GREETING CARDS**

Picture of the Supreme Court building in the snow. Redrawn from an original photograph by Dr. Ralph Jones, this card captures the tranquility and majesty of the building on a quiet winter evening. The scene is in predominantly blue tones, with a warm amber glow from the porch lights under the front pediment of the building, and a snowy foreground. Available with an inside imprint: "Seasons Greetings". Card measures 7 x 5 inches, and comes with envelope (Item C-1) $1.00 each; package of 8 for $7.50. Also available without message. (Item C-2) $1.00 each, package of 8 for $7.50. **NEW ITEM!**

**JEWELRY ITEMS**

Jewelry with the Supreme Court seal. Die cast medallions with fine detail, available in gold-tone or rich pewter-look finish. Cuff-links (Item E-1) $15.00, Tie Tack (Item E-2) $10.00, Tie Bar (Item E-3) $12.00, Large one inch Blazer Buttons (Item E-4) $5.65 each, sleeve buttons (Item E-5) $5.25 each, Ladies' Charm (Item E-6) $7.50, Money Clip (Item E-7) $12.00.

Elegant 10 Karat gold-filled jewelry featuring the seal of the Supreme Court. Ladies' Charm, (Item G-1) $20.00

Key Chain comprised of 1 1/2 inch die cast medallion of the Supreme Court seal in gleaming gold-tone. Seal may be removed from key chain for use as an emblem. (Item I-1) $13.00

**DESK ITEMS**

Walnut Single Pen Set. Features 1 1/2 inch gold-tone die cast medallion of the Supreme Court seal, with swivel base pen holder and Readyriter pen. Crafted in solid walnut, with beveled edges, the pen base measures 7 1/2 inches by 3 1/2 inches by 1 1/2 inches and is a very handsome addition to any desk. Specially priced at $24.00. **NEW ITEM!**

Solid walnut pen sets, handsomely adorned with rich full-color enamel Society seal. Available in single or double pen sets. Single (Item L-1) $25.50; Double (Item L-2) $30.50

Desk Folder. Cloth-backed vinyl with polished brass-plated corners and nylon stitching—a finely constructed business accessory. Inside flap and ruled pad (included). Maroon color, smooth finish with gold stamped picture of the Supreme Court building in lower right corner "Supreme Court of the United States" printed in gold beneath the image. Letter size. (Item N-1) $14.00

White Italian marble paperweight, measuring two by two inches, with a full-color cloisonne seal of the Society affixed. (Item O-1), $6.00

Double rectangular pencil caddy. Crafted in solid walnut with bevelled edges at the base, the caddy measures 3 inches by 3 1/2 inches by 2 inches, and is decorated with a 1 1/2 inch gold-tone medallion of the Supreme Court seal. A perfect companion piece for the walnut pen set listed above left, priced at $18.00. **NEW ITEM!**

Walnut memo tray and pen holder with full-color Society seal surrounded by gold braid. Set includes pen and a supply of paper. (Item M-1) $32.00

Single pen set in three by three inch block of striated Italian white marble. Adorned with full-color cloisonne Society seal. (Item P-1), $9.95
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To order, simply fill out the form below and send it, along with your check, money order, or credit card name, number and expiration date to: The Supreme Court Historical Society, 111 Second Street, N.W., Washington, D.C. 20002. Prices include shipping and handling. Please allow four to six weeks for delivery.

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<td>Views From The Bench (B-1)</td>
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SUPREME COURT SEAL JEWELRY

| Cuff-links (E-1) | $15.00 |
| Tie tack (E-2) | $10.00 |
| Tie bar (E-3) | $5.50 |
| Large blazer buttons (E-4) | $5.35 |
| Sleeve buttons (E-5) | $5.25 |
| Ladies charm (E-6) | $7.50 |
| Money clip (E-7) | $12.00 |

OTHER ITEMS

| Cuff-links with Court Seal circa 1789 (F-1) | $10.00 |
| Ladies' cloisonne charm (H-1) | $6.00 |
| Cloisonne stick-pin (H-2) | $7.00 |
| Key Chain with Seal (I-1) | $13.00 |
| Walnut pen set with Court Seal (J-1) | $24.00 |
| Single pen with gold imprint (K-1) | $18.00 |
| Single walnut pen set, Society Seal (L-1) | $25.50 |
| Single walnut pen set, Society Seal (L-2) | $23.50 |
| Memo tray & pen holder, Society Seal (N-1) | $32.00 |
| Desk folder with gold imprint (N-1) | $14.00 |
| Marble paperweight with Society Seal (O-1) | $6.00 |
| Marble pen set with Society Seal (P-1) | $9.95 |

Thank You! Total $ 810.95

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Thomas M. Sperry, Stoneham
H. Lawrence Kyle, Boston
Berge G. Tashjian, Worcester
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Maryland

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<td>Marble pen set with Society Seal (P-1)</td>
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John E. Drava, Minneapolis
Thomas D. Frazer, Minneapolis
John D. French, Minneapolis
John D. Gould, Minneapolis
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Gleem E. Pariseau, Minneapolis
James Stuart Simmons, Minneapolis
Jeffery J. Strand, Minneapolis
Michael P. Sullivan, Minneapolis
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Missouri

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Mississippi

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The political quadrille

Music by Dred Scott

The controversies surrounding the 1850s antislavery debates reached far beyond the legal questions involved, giving rise to a spirited conflict among the divided Court, and threatening to render the nation's political institutions incapable of a united northern policy, and many threats to the Union. "The Political Quadrille," sketched here, might be considered the satirist's "view of the pervasive nature of this case in contemporary politics."
forms offset the external criticism he received. He was par-
tially defensive in his criticism of him and was determined to write his own separate opinion, even if that meant voting with the majority, and the reading of the various opinions in Court took two days.

Taney's opinion ran in accordance with factual lines, declaring that blacks could not become citizens, that the Missouri compromise was unconstitutional, and that Con-


Curtis' tenure on the Court was not very long, many scholars have held him in high esteem. Felix Frankfurter wrote in 1949 that no one could seriously study the Constitution's Bicentennial in Philadelphia in May 1987, the Mount Vernon Ladies Association invited business executives, foundation officers and representatives of government agencies working on Bicentennial programs to George Washington's home on April 30, 1987. The agenda focused on the role of commerce in the creation of the Constitution. Peace would be awarded to the Mauritania by the League of Women Voters, will highlight significant dates in the Constitution's Bicentennial.
At the conclusion of the Board of Trustees meeting, the chairman recognized Governor Linwood Holton, the Society’s President, who called the annual meeting of the membership to order. Governor Holton reviewed the Society’s financial status which he described as “favorable” and pointed out the particular strides made in acquiring new members. He credited this progress in expanding the Society’s membership base to Membership Committee Chairman Justin A. Stanley and his fellow committee members, Griffin B. Bell and J. Roderick Heller, III. The next item on the agenda was the nomination of trustees. Governor Holton called on Nominating Committee Chairwoman, Virginia Warren Daly. Those nominated for reelection to an additional three year term on the Board of Trustees were: Ralph E. Becker, Griffin B. Bell, William T. Coleman, William T. Gossett, Erwin N. Griswold, Jr., J. Roderick Heller, III, Joseph H. Hennage, Bruce E. Kiernat, Wade H. McCree, Jr., Dwight D. Opperman, E. Barrett Prettyman, Jr., Merlo J. Pusey, Fred Schwengel, and John C. Shepherd. Those nominated for a first term of three years were: Mac Asbill, Jr., Mark W. Cannon, Rex E. Lee, Howard T. Markey, Norman E. Murphy, and M. Truman Woodward, Jr. All of the candidates were unanimously elected.

Before he adjourned the meeting, Governor Holton commented that he felt it appropriate at the Society’s annual meeting to remind members of one of the Society’s missions — to broaden public interest in and understanding of the Court’s history. Accordingly, he read some historical extracts from the life of Justice James C. McReynolds and especially Justice McReynolds’ commentaries on the High Bench, which were known for their dry, often sardonic wit.

Subsequent to the adjournment approximately 240 members and their guests attended the Annual Reception and Dinner held in the Court’s East and West Conference Rooms and the Great Hall. Entertainment for this black tie function was provided by the Singing Sergeants of the U.S. Air Force and the Strolling Strings of the U.S. Army Band.