Judiciary Act of 1789 Celebrated in Pictorial Cancellation

Two hundred years ago on July 17, 1789, the Senate approved a bill that became known as the Judiciary Act of 1789. The Act provided the framework upon which the entire federal judicial system was built. Senator Byrd of West Virginia discussed the importance of the Act on the floor of the Senate on July 17, 1989. He said: "Following the Constitution's mandate, it [the Judiciary Act of 1789] established a Supreme Court with a Chief Justice and five Associate Justices; district courts for each State and the districts of Maine and Kentucky; and three traveling circuits as courts of original jurisdiction and appeals. With the exception of an 1891 statute that created a separate level of appellate circuit courts, no extreme departures have been made from the system that the Senate devised in 1789."

To honor the bicentennial of the enactment of this vital piece of legislature, the Society sponsored a special pictorial cancellation. The handsome design for the cancellation was prepared by Leonard Buckley, the Assistant Foreman of the Product Design and Engraving Division of the Bureau of Engraving and Printing. Through special permission from both the U.S. Postal Service and the Postmaster of Washington, D.C., the design was approved and permission was given to establish a temporary postal station in the Supreme Court building to perform the cancellation on Friday, September 22, 1989. Thousands of out-of-town collectors submitted items to the office of the Postmaster of Washington where the cancellation was performed for these items until the 22nd of October.

In conjunction with this special cancellation, a brief ceremony was held in the lower Great Hall of the Supreme Court building where special guests were introduced and three speakers made brief remarks commemorating the occasion. Society Trustee Noel J. Augustyn conducted the ceremony and spoke for the Society. Mr. Gordon C. Morison, Assistant Postmaster of the United States, represented the U.S. Postal Service, and Lawrence Averill, Administrative Assistant to the Chief Justice, spoke on behalf of the Supreme Court.

After welcoming the group to the commemorative ceremony, Mr. Augustyn recognized and introduced several special guests: Mr. Joseph Harris, Postmaster for the District of Columbia; Mr. Harry Bennett, Postmaster of Bethesda, Maryland; Mrs. Rita Moroney, First Historian, United States Postal Service; and Mrs. Lillian Turner, a member of the Society's Acquisitions Committee who was most instrumental in coordinating and planning the events associated with the pictorial cancellation.

Mr. Augustyn began his remarks: "As we all know by now, this Sunday, September 24, 1989, marks the 200th anniversary of the Judiciary Act of 1789, which, in its own words, was 'An Act to establish the Judicial Courts of the United States.'"

"It's appropriate in many ways that we're celebrating this event in this building, especially since the first of those 'Judicial Courts' so 'established' by the Act was the Supreme Court of the United States. 'Established' might not be the

-continued on page ten
A Letter from the President

At this writing, I am happy to report that the endowment has grown to over $200,000 in cash and pledges and we are working very hard to reach the million dollar mark by the end of the year. Our progress results from a coordinated effort among our Trustees, various committee members, and a number of others who support the Society's goals. Retired Chief Justice Warren E. Burger accompanied Leon Silverman and me to make a presentation to representatives of thirty of New York City's major law firms. E. Barrett Prettyman, Jr. and I, together, helped to arrange a meeting with Washington, D.C. law firms. Dean Erwin N. Griswold, the Society's Chairman, and Lloyd N. Cutler hosted the luncheon and joined me in making a presentation.

Retired Associate Justice Lewis F. Powell, Jr. joined W. Gibson Harris, R. Harvey Chappell, Jr. and me in Richmond where we sought the help of many of Virginia's major firms. Charlton Deitz coordinated a meeting in Minneapolis where we talked to general counsel of major corporations. We have previously met with law firms in Minneapolis where long-time supporter and Society Trustee Dwight Opperman hosted a luncheon meeting and in Miami where Chesterfield Smith did the same. Thanks to the help of John Elam, we have been to Columbus, Ohio, and are grateful for the hospitality of Bernard Kubale and Steven Keane in Milwaukee. In addition, we have received the support of several Chicago law firms.

In December we will meet with representatives from major firms in Baltimore and Philadelphia and we will return to New York to meet with corporate counsel. In the months ahead, we are planning meetings in St. Louis, Denver, San Francisco and Los Angeles. We will be calling upon our members to help us reach receptive audiences in all of the cities that we visit. If you think you might be of assistance in planning a presentation in your area, please contact our Special Gifts Committee Chairman Vincent C. Burke, Jr., our Director of Endowment, Kathy Piva or me. We need everyone's help to ensure that this phase of our campaign will be successful.

While we are focusing on law firms, corporate entities and individuals, we are also seeking the support of foundations. Although many foundations do not contribute to endowment, the Robert Wood Johnson Foundation provided $50,000 to offset the expenses of our campaign. We have also received $25,000 contributions from the Charles E. Culpeper Foundation and the Clark-Winchcole Foundation. Our $25,000 corporate, law firm and individual contributors as well as those who have made pledges of $25,000 are listed on page three.

With rare exceptions, we ask for pledges not to exceed $25,000, which can be paid over a five-year period. This limitation makes our campaign somewhat more difficult, but by holding to a modest ceiling for donations it assures the Court that our campaign will be above reproach in both appearance and substance.

As we draw nearer to our goal of $2.5 million, we will also open our campaign to donations from all of our members. We are aware that not everyone can afford to give $25,000, but we do hope that everyone who can will give as generously as possible. I will be seeking one hundred percent support from our Officers and Trustees.

Endowment Fund Donors

All donors listed below have contributed or pledged at least $25,000 to the endowment campaign as of November 7.

Individuals:
- Mr. William T. Gossett
- Mr. David Lloyd Keegee
- Mr. Jeremiah Marsh
- Mr. Dwight Opperman
- Mr. Bernard Segal
- Mr. Justin A. Stanley

Law Firms:
- Arnold & Porter
- Cravath, Swaine & Moore
- Fried, Frank, Harris, Shriver & Jacobson
- Hogan & Hartson
- Jones, Day, Reavis & Pogue
- King & Spalding
- Mayer, Brown & Platt
- Oopperman, Wolf & Donnelly
- Opperman & Paquin
- Phelps, Pope & John
- Reasoner, Davis & Fox
- Shearman & Sterling
- Sidley & Austin
- Sullivan & Cromwell
- Vorys, Sater, Seymour & Pease
- Wachtell, Lipton, Rosen & Katz
- Wilmer, Cutler & Pickering

Corporations:
- Potomac Electric Power Company (PEPCO)
- Washington Publishing Company
- West Publishing Company

Foundations:
- Clark-Winchcole Foundation
- Robert Wood Johnson Foundation

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Chief Justice Rehnquist welcomed friends and colleagues of William O. Douglas to the Supreme Court for the celebration of the fiftieth anniversary of Justice Douglas' appointment to the Court. Cathleen Douglas Stone, widow of William O. Douglas, hosted the ceremony with colleagues and friends of the Justice.

Perhaps because he gave the title Go Far, Young Man to the first part of his autobiography, most of us think of him as a native of the Pacific northwest. But he was born in the little town of Maine, Minnesota, on October 16, 1898. I first got to know Bill Douglas when I came to the Court in 1972, at a time when the press was making much of the idea that Chief Justice Warren Burger and Justice Harry Blackmun were the 'Minnesota Twins'. Because they worried together so often. Bill Douglas used to say that the press had it all wrong. Harry Blackmun had been born in Illinois, and the real 'Minnesota Twins' were Bill Douglas and Warren Burger.

"Justice Douglas was appointed to the Court by President Franklin Roosevelt in 1939, filling the seat left vacant by the resignation of Justice Louis Brandeis. At the age of forty, he was—and remains—the youngest appointee to the Supreme Court in the twentieth century. Indeed, he was the youngest person to sit on the Court since the appointment of Justice Joseph Story at the age of thirty-two in 1812. Bill Douglas brought a wealth of experience as an academic lawyer and as Chairman of the Securities and Exchange Commission to the Court. He served on this Court for more than thirty-six years—longer than any other Justice before him or since. His closest competitor, Justice Stephen J. Field, lagged behind by two full years. His opinions for the Court made major contributions to the law in almost every area with which the Court dealt during his time. By one count he authored a total of fifteen hundred and forty-six opinions, although the majority of these were dissents. But it was not at all unusual for him to write between twenty-five and thirty for the Court during a given Term, at a time when his colleagues would be writing half that many. "Bill Douglas' interests had extended well beyond this Court and life in general. He was an accomplished naturalist and an intrepid hiker—and his well publicized hikes along the entire length of the C&O Canal thirteen years ago were the event of a lifetime for environmentalists. His experiences with the Justice during the summer of 1939 and 1940 were confirmed by his intimate association with the Justice during the summer cottage on one of the Islands in the St. Lawrence River had been made available to Bill and his family. Bill invited me to join them for a few weeks, explaining—my regret—that the cots would be sent to us and I could just as well work on them there. I remember vividly the pile of mail sacks that awaited me. There was also pleasure: the river and the area were beautiful and there was swimming and a rowboat. One evening during the visit we were sitting on the ground around a campfire near the cottage talking about mosquitos and the weather, the New York World's Fair and Steinbeck's new book, The Grapes of Wrath. Suddenly someone ran out of the house and said the radio had just reported that Germany had invaded Poland. Talk stopped. When it began again we wondered when Britain and France would declare war and we speculated about how long it would be before we too would be in it. Camp broke the next day and I drove back to Washington.

Clifford first met Justice Douglas in 1945 when Clifford came to Washington to work in the White House for President Truman. He and Justice Douglas became personal friends and enjoyed trading good stories. Clifford remembered that continued on page six.

It was April 17, fifty years ago that the Justice was sworn in. In this room, before the fireplace, three of us sat on the floor, and Justice Douglas was. It was April 17, 1939 and Justice Douglas was sworn in. In this room, before the fireplace, three of us sat on the floor, and Justice Douglas was.
Douglas Anniversary (continued from page five)

he occasionally received telephone calls from Douglas while Douglas was staying at his summer home in Goose Prairie. In addition to trading stories, Douglas enjoyed telling Clifford the "new tales of western country music that were particularly appealing to him. I particularly remember his delight at a new album that apparently had come out of western music, the title of which was, 'Songs I Learned At My Mother's Knee and at Other Joints.' Included in the album were such choice items as 'When the Phone Don't Ring, You'll Know It's Me,' 'Walk Out Backwards, So I'll Think You're Coming In', and 'My Wife Ran Off With My Best Friend, and I Sure Do Miss Him.'"

Mr. Clifford continued his talk saying that he "decided that it might broaden the program if I were to refer to three incidents that might have happened to Bill, but did not." The first event Clifford mentioned was the choice of President Franklin Roosevelt's running mate in 1944. Clifford reported that Roosevelt "had under consideration Henry Wallace, Alben Barkley, James Byrnes, Bill Douglas and Harry Truman. As the time came close to the Democratic Convention in Chicago in the summer of 1944 he eliminated Wallace, Barkley and Byrnes from consideration. His two remaining choices were Douglas and Truman. Apparently he delayed making the final decision until the evening before his choice for Vice President was to be nominated. President Roosevelt telephoned the hotel where top Democrats were meeting and advised that after exhaustive deliberation he had decided to select Harry Truman.

"You will remember that the Roosevelt-Truman ticket was elected by a substantial margin and three months after Roosevelt was inaugurated he died and Harry Truman became President. It just as easily could have been Bill Douglas. Bill Douglas was staying at his summer home in Goose Prairie in 1944. Fool and Truman were meeting and advised that after exhaustive deliberation he had decided to select Harry Truman. Apparently he delayed making the final decision until the evening before his choice for Vice President was to be nominated. President Roosevelt telephoned the hotel where top Democrats were meeting and advised that after exhaustive deliberation he had decided to select Harry Truman. Truman."

The other two "might have been" incidents Clifford reported were Truman's offer of the job of Secretary of the Interior to Douglas in 1946 and Truman's offer to Douglas to be his running mate as candidate for Vice President on the presidential ticket in 1948. According to Clifford's account, Truman even suggested that Mrs. Roosevelt contact Douglas to try and persuade him to take the job as Secretary of the Interior. In both cases, Douglas refused the offers citing his belief that he owed his greatest allegiance to the Court.

Professor Dagmar S. Hamilton served as Douglas' editorial and research associate from 1962-73, and from 1975-76, assisting him in the preparation of many of the books he published during his lifetime. Professor Hamilton commented that the public image of Justice Douglas in that time period was of almost epic proportions: "a liberal hero in the days when the term 'liberal' had not yet been discredited... Douglas was a man who had stood up to McCarthyism; and who was in the vanguard of the dissenters which would lead the Warren Court into the era of being perceived as socially activist. He was a world traveler whose journeys had taken him not to Western Europe, which he regarded as basically finished, but instead to Eastern Europe, the Middle East, and many parts of Asia: those parts of the world both very old and yet on the verge of shaking off the last vestiges of colonialism."

The ceremony commemorated not only Douglas' thirty-six years of service to the Supreme Court, but also Douglas the man. In the words of John Frank: '[T]he length of service and quality and quantity of output are not Douglas' only distinctions. He is also the foremost conservationist, naturalist, and traveler in the history of the Court. ... In the course of his travels he has filled some two hundred little black notebooks with his jottings. His collection of the flora of Iran is in the National Herbarium [part of the Smithsonian Institution]. Douglas is the only Justice whose picture is likely to appear in Field and Stream magazine singing 'The Song of Sergeant Parker' with obvious gusto.'

President Franklin Roosevelt rides with Vice President Harry Truman and Secretary of Agriculture Henry Wallace. Roosevelt had considered William O. Douglas for the second spot on the Democratic ticket in 1944. Had he been chosen, Douglas, and not Truman, would have become the thirty-third President.
Glass items

Lead Crystal Box measures two and three-quarter inches square and is acid-etched with the seal of the Supreme Court of the United States on the top panel. Useful for keeping small items on a desk, or the two halves can be used individually. This item is gift-boxed for convenient gift giving. $9.00.

Smoky, Beveled-edge Glass Box with brass trim and hinges. The seal of the Supreme Court is engraved on the lid and is reflected on the mirrored bottom. The box measures 4 by 4 inches. $31.50.

Glass Set This is a set of four double-old-fashioned sized glasses. The seal of the Supreme Court of the United States has been acid-etched onto each glass. $13.00.

Lead Crystal Glass Set These glasses are made of fine French lead crystal. The seal of the Supreme Court is hand-engraved on the front of the one piece. One of our most popular items, this unusual paperweight, and makes an attractive conversation piece. $7.99.

The Documentary History of the Supreme Court of the United States, 1789-1800. The first and second volumes of the Documentary History Project are now available. Volume I deals with the structure of the Supreme Court and the official records of its activities from 1789-1800, and serves as an introduction to the planned seven volume series. This volume contains primary source materials including manuscripts, correspondence, private papers, newspaper articles, and official records of the period. Volume II, The Justice on Circuit, 1790-94, details the early workings of the federal judicial system. The documents in this volume also touch on topics that figured prominently in the law and politics of the era: neutrality, the boundary between state and federal crimes, and others. Each volume: $75.00.

The Illustrated History of the Supreme Court of the United States by Robert Shapery. This beautiful book contains portraits and engravings, hand-colored maps and rare archival items, sketches by Cass Gilbert, the architect of the Supreme Court building, as well as illustrations of the people, places, and events associated with the history of the Supreme Court. The 304 page book contains a bibliography, a chart of Justices, and over 370 illustrations. Special Price $24.00

Jewelry

Jewelry with the seal of the Supreme Court. Die stamped medallions with fine detail, available in either gold or silver plate. Tie Bars, $18.00; Tie Tacks, $11.00; Money Clips, $22.00; Cufflinks, $24.00.

Elegant 10-K Gold Filled Jewelry featuring the seal of the Supreme Court. Ladys Charm, $24.00.

Our Most Popular Items

Gavel Pencils This unique pencil has a double-headed eraser which gives it the look of a gavel. The barrel is inscribed with the words "With Liberty and Justice for All," as well as "The Supreme Court of the United States." The pencils are available in cream, metallic gold, and silver colors. $.65 each or $6.00 per dozen.

Note Card Pictured above, our newest design features a black ink sketch of the Supreme Court building by Edward F. Fogle on heavy white stock with matching envelopes. A short description of the Supreme Court and the history of its building is written on the back of the card. $1.00 each or 10 cards for $8.50.

Jewelry

Embossed Note Card This white on white notecard features a blind embossing of the Supreme Court building for an understated, elegant look. The card is blank and can be used as either a card or notecard. The card measures 4 1/2 by 6 inches and is accompanied by a white envelope. $30 each.

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Ornaments

Finished in 24K gold, these 3 by 3/1/2 inch oval, metal cuffed ornaments are available in three designs: the Supreme Court building, the seal of the Supreme Court, and the figure of lady justice. Each is presented in a foil bag which includes a short history of the design. $7.75 each.

The Supreme Court building lithograph This limited edition lithograph by Carolyn Anderson is prepared on museum quality stock, and each print is hand signed by the artist and numbered. The picture is a handsome watercolor rendering of the Supreme Court building, showing the dome of the original Library of Congress building in the background. The lithograph measures 22 x 28 inches. This attractive piece is appropriate for home or office decor. $20.00.

Handcolored Watercolor of the Supreme Court building by Andy Dedula. These beautiful paintings are double matted with beveled edge mats and are ready for framing. The picture is available in two sizes: the small picture is 8 1/2 by 7 inches, and the large picture measures 16 by 20 inches. Both pictures are excellent values and are priced at $6.50 and $11.00, respectively.

Poster of the Supreme Court building by Susan Pear Meisel. This poster was made for the 1980 Washington Art Show by nationally noted artist Susan Pear Meisel. The poster is done in the bright, vibrant tones characteristic of Ms. Meisel's style and has a very contemporary feeling. For a limited time, these posters are available signed by the artist. $10.00.

Doors of Washington, D.C. This poster is one of a series featuring interesting and unique doors. This poster features the bronze doors of the Supreme Court building, as well as those of many private residences and buildings throughout the District of Columbia, and presents a unique view of Washington. $8.50.

Bookmarks are finished in 24k gold over intricate metal cut work. Designs include: the seal of the Supreme Court, the U.S. Capitol or Supreme Court building, and the Great Seal of the United States. A brief description and history of the design is included with each bookmark. $4.00 each.

Greeting Cards

Holiday Greeting Cards Two new cards for holiday remembrances. The cards are beautiful full-color photographic images of the "Capital in the Snow" and the "Supreme Court in the Snow." The pictures and greetings are non-religious and the season is the holiday season as portrayed by two of the most important buildings in the Nation's capitol. The cards measure 5 by 7 inches. The rich colors in the photographs are enhanced by the accompanying blue envelopes. Individual cards $5.49 each; 100 or more $4.39 each.

Embroidered Note Card This white on white notecard features a blind embossing of the Supreme Court building for an understated, elegant look. The card is blank and can be used as either a card or notecard. The card measures 4 1/2 by 6 inches and is accompanied by a white envelope. $30 each.

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Metallic Gold, and Silver Colors. $.65 each or $6.00 per dozen.

Elegant 10-K Gold Filled Jewelry featuring the seal of the Supreme Court. Ladys Charm, $24.00.

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Mug Crafted of ironstone for durability, the mug is cobalt blue and features the Supreme Court seal hand engraved on the front of the one piece. The mug is 3 1/2 inches tall and measures 4 by 3 inches. $18.00.

Scales of Justice These beautiful scales are made of solid brass, have brass ropes, and are capped with a majestic eagle. They are available in two sizes: the smaller is 11 inches tall, the larger is over 15 inches in height. The smaller is $18.00, the larger is $42.00.

Bookmarks are finished in 24K gold over intricate metal cut work. Designs include: the seal of the Supreme Court, the U.S. Capitol or Supreme Court building, and the Great Seal of the United States. A brief description and history of the design is included with each bookmark. $4.00 each.

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Artwork
Ordering Information

To order, please send this form along with your check, money order or credit card number and expiration date to: The Supreme Court Historical Society, 111 Second Street, N.E., Washington, D.C. 20002. Mastercard and Visa users may also order by telephone by calling (202) 479-3450, between 10:00 AM and 4:00 PM (EST) weekdays. Please allow three to four weeks for standard delivery. Special rush orders may be possible. Please telephone for information and availability.

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Address ____________________________
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<td></td>
<td>Lead Crystal Glass Set (double old-fash./highball)</td>
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<td>Glass Suncatcher</td>
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<td>Glass Paperweight</td>
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<td>Lead Crystal Paperweight</td>
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<td>Lead Crystal Ruler</td>
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<td>French Crystal Vase</td>
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<td>Ornament (specify design: seal/building/lady justice)</td>
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<td>Documentary History (Volume I / Volume II )</td>
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<td>Illustrated History</td>
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<td>Tie Bars (specify gold or silver plate)</td>
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<td>Tie Tacks (gold / silver)</td>
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<td>Money Clips (gold / silver)</td>
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<td>Cufflinks (gold / silver)</td>
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<td>Ladies' Charm (gold / silver)</td>
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<td>Gavel Pencils (each / dozen)</td>
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<td>Mugs</td>
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<td>Scales of Justice (large / small)</td>
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<td>Bookmarks (seal / Supreme Court / Capitol / Great Seal)</td>
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<td>Anderson Lithograph</td>
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<td>Deduction Watercolor (large / small)</td>
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<td>Embossed Note Card</td>
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Note: Prices on this list include postage and member discounts. Non-members must add twenty percent to the prices listed.
Membership Update (continued from page seven)

Louisiana
Renee' Salomon, Baton Rouge
Brady M. Fitzsimmons, Covington
John C. Christian, New Orleans

Massachusetts
Jas Murray Howe, Boston
Ronald H. Kruse, Boston
Joseph L. Kociuba, Boston
Frederick S. Lane, Boston
Alford P. Rudnick, Boston
Birge Albright, Cambridge
Will J. Bangs, Carlisle
Michael Ball, Pittsfield

Maryland
Ronald H. Jarashow, Annapolis
Benson Everett Legg, Baltimore
James L. Shea, Baltimore
Michael F. McAllister, Bethesda
May Day Taylor, Chevy Chase

Maine
Thatcher M. Adams Jr., Bangor
Paul W. Chaiken, Bangor
George Z. Solog, Bangor
David R. Bleist, Bar Harbor
Richard N. Solman, Caribou
George S. Isaacson, Lewiston
Robert F. Hanson, Portland
Charles A. Harvey Jr., Portland
John N. Kelly, Portland
Thomas G. Leavy, Portland
Richard Leffler, Portland
Tom Monaghan, Portland
Ben Thompson, Portland
Albert M. Stevens, Presque Isle
John L. Knight, Rockland
Roger S. Elliot, Saco

Michigan
Siene Heights College, Adrian
William J. Halliday Jr., Grand Rapids

Minnesota
Julie Bergh Penn, Golden Valley

Missouri
Timothy J. Heinze, Columbia
Karl W. Blanchard, Joplin

New Hampshire
Lawrence M. Berkowitz, Kansas City
Spencer J. Brown, Kansas City
Paul E. Domond, Kansas City
Max W. Forust, Kansas City
Reed O. Geasty, Kansas City
Thomas G. Kosukada, Kansas City
Edward W. Mullen, Kansas City
Warren E. Slagle, Kansas City
William M. Stapleton, Kansas City
Mr. & Mrs. Thomas Howell, Rock Hill
Eugene K. Buckley, St. Louis
Frank N. Gundlach, St. Louis
Mr. & Mrs. Louis Roux, University City
Joseph T. Roos, University City
James V. Young, Warrensburg

New Jersey
Frank O. Croxto Jr., Indianola
Alexander A. Aborn, Jackson
Lawrence J. Frank, Jackson
Harold D. Miller Jr., Jackson
Thomas A. Bourdeaux, Meridian
John V. Dunson III, Opelika
Roy C. Williams, Pascagoula

New York
Bruce Ryan Tool, Billings
James H. Gootz, Bozeman

North Carolina
John T. Allred, Charlotte
Whiteford S. Blakney, Charlotte
R.C. Carmichael Jr., Charlotte
Katherine N. Piva, Durham
Stephen Perry Milliken, Greensboro
John McNell Smith, Greensboro
Frank B. Wyatt, High Point
Kenneth S. Etheridge, Laurinburg
Thomas M. Faw, Mount Airy
David L. Ward Jr., New Bern
John L. Thomas, Thomasville
W. Harold Mitchell, Valdese
Fred G. Crampton Jr., Winston-Salem
J. Robert Elster, Winston-Salem

Ohio
A. Lee Lassiter, Cincinnati

Oregon
Robert D. Maloney, Portland
Dennis P. Rawlinson, Portland
James C. Noss, Westwood, Portland
Richard A. Wright, Portland

Pennsylvania
Seymour J. Toll, Bala-Cynwyd
John G. Shea, Bryn Mawr
Paul R. Annapolis, Philadelphia
Ralph W. Brenner, Philadelphia
Edward D. Convery, Philadelphia
Howard Crofford, Philadelphia
D.J. Fargone, Philadelphia
Joseph C. Kohn, Philadelphia
Harold E. Kohn, Philadelphia
Seymour Kurland, Philadelphia
Martin R. Lentz, Philadelphia
Terrence J. Mccabe, Philadelphia
John D. McCloskey, Philadelphia
Dianne M. Nast, Philadelphia
James W. O'Brien, Philadelphia
John W. Pelsno, Philadelphia
Patrick T. Ryan III, Philadelphia
Daniel J. Ryan, Philadelphia
Daniel L. Golden, South River

Rhode Island
Jeff Masten, Canton

Tennessee
Hugh J. Moore Jr., Chattanooga
Thomas E. Ray, Chattanooga
W. Kirk Sowleather, Chattanooga
Bethel College Library, McKenzie
Lester H. Conner Jr., Nashville

Texas
John S. iPhone, Austin
Bradley J. Hibbert, Corpus Christi
Fred R. Sorensen, Dallas
Lee A. Lassiter, Dallas

Washington
Douglas E. M. Bock, Seattle
William J. Cawley, Seattle
Richard L. Schreiber, Westport
Robert D. Maloney, Portland

Wisconsin
Douglas M. D. Houghton, Madison
Robert A. Houghton, Madison
David R. Wilson, Madison

Wyoming
Kent E.ator, Casper
William S. Schmoe, Casper

Society Trustees Recognized by American Judicature Society

Society Trustees E. Barrett Prettyman, Jr., a partner in the Washington, D.C. firm of Hogan & Hartson, and Robert S. Banks, a partner with Latham and Watkins in New York, were elected by the American Judicature Society to the Board of Directors and President, respectively.

Mr. Prettyman served as special counsel to the Committee on Standard of Official Conduct of the U.S. House of Representatives in connection with the ABCSCAN investigation; as outside counsel to the Subcommittee of Oversight and Investigations of the House Committee on Interstate and Foreign Commerce relating to the AT&T lawsuit; and as special consultant for the Senate Judiciary Committee investigating the problems of Vietname refugees and evacuees.

A graduate of the University of Virginia Law School, Mr. Prettyman served as a law clerk to three Supreme Court Justices and is a member of the American College of Trial Lawyers, the American Bar Foundation, the National Institute for Citizen Education in the Law advisory committee, the Annual Judicial Conference of the District of Columbia and the Media Law Reporter advisory board. Mr. Prettyman has authored the book, Death and the Supreme Court, which won the Mrs. Writers of America Award, and he has written numerous articles about the Supreme Court's proper role in the nation's legislative process.

Robert S. Banks, a graduate of Cornell Law School, served as Vice President and General Counsel of the Xerox Corporation before joining Latham & Watkins. He has served as Director of the American Judicature Society.
Pictorial Cancellation (continued from page one)
correct word, though, since the Supreme Court was, in one sense, established by Article III, Section I of the Constitution.
It is in the Constitution that some of the details concerning the organization and the powers of the judicial branches have taken their places in the whole halls of the entire federal judiciary—are found: for example, the term of office “during good Behaviour” commonly known today, rather preemptively, I think, as “life tenure,”—and “and Compensation, which shall not be diminished during their Continuance in Office.” . . .
Mr. Augstyn discussed the content of the Act noting that “Section 1 of the Act, for example, provided that our first Supreme Court consist of only six judges: the Chief Justice and five associate judges; apparently no one thought of the untoward consequences resulting from a 3-2-vote. And while we today have grown accustomed to the Court’s Term beginning the first Monday in October, the 1789 Act provided for two sessions a year, the first on Monday, February 1, and the first Monday in August! This was, of course, over a decade before the Capitol was moved here to Washington, which may explain the apparent unreasonableness of convening the Court in August.

“One feature of today’s Court that remains unchanged from two centuries ago, however, is its reliance upon seniority in conducting so much of its business and ceremony. Section 1 of the Act provides ‘that the associate judges shall have precedence according to the date of their commissions, or when none be therein named, according to the date on which they were elected.’”

With respect to the ‘inferior’ federal courts, as the Constitution called them, the 1789 Act set up 13 districts—contrasted with 94 federal districts today.

“Nor was it simply one district for each of the 13 original states. While there was one federal district court each for New Hampshire, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, South Carolina and Georgia, Massachusetts had two: ‘one to consist of the part of the State of Massachusetts which lies easterly of the county of New Hampshire, and to be called Maine District;’ and ‘one to consist of the remaining part of the State of Massachusetts.’ One district was ‘to consist of the State of Virginia, except that part called the District of Kentucky.’ North Carolina and Rhode Island didn’t ratify the Constitution until November of 1789 and May of 1790, respectively, so they were not included in the Act.

“Each of these districts, by the way, was assigned only one district judge. And those 13 districts comprised 3 circuits: The Eastern Circuit, for New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, the Middle Circuit for New Jersey, New York, Pennsylvania, Delaware, Maryland and Virginia; and the Southern Circuit for South Carolina and Georgia.” The Act made provisions for the Maine and Kentucky Districts, Judges’ salaries appealed from the Maine District were to proceed to the Eastern Circuit. The District Court of Kentucky was also to function as a circuit court, as the Court stated that “writs of error and appeals shall lie from decision made by the Circuit Court.”

“While the act provided that the circuit courts have appellate jurisdiction from the district courts, the circuit courts also served as trial courts. The drafters of the 1789 Act, by the way, were economically mindful: there was no separate category of circuit court judges; rather, each circuit court consisted of the district judges in each circuit and any two Justices of the Supreme Court.

“[T]he total number of federal judgeships established by the Act—incorporating the Supreme Court—was 19. Quite a contrast to the 575 districts and 168 circuit judgeships existing today, plus our nine Supreme Court Justices.” Congress is considering legislation which would bring the number of district judgeships up to 634 and the circuit judgeships up to 179.

Mr. Augstyn mentioned several other interesting points about the Act including the section on “personal appearance.” He concluded saying that “[t]hese sections but a few examples of the subjects addressed by the 35 sections of the Act, which also provided for the judiciary’s marshals and their deputies, and for the Attorney General of the United States, who should be a ‘meet person, learned in the law.’

In closing, Mr. Augstyn noted that “[t]he Act is a document whose importance to the Third Branch of the United States Government can hardly be over-estimated . . . .”

At the conclusion of his remarks, Mr. Augstyn called upon Lawrence, Jr. H. Augstyn, to make a brief speech. Mr. Augstyn welcomed the special guests and speakers and other participants to the ceremony on behalf of the Chief Justice and the Court saying “We are pleased that you have taken the time and effort to hold this special event.

Mr. Augstyn noted that “[a]lthough the Constitutional Convention of 1787 was a meeting of the people to determine the question of governance for this new nation, in many regards it merely created a skeleton of government which needed the flesh of a system. This attribute was particularly applicable to the Judicial Article III of the Constitution. The framers were newly construing the primacy of the Federal courts, but short on detail. It was apparent that the real battle on the Judiciary had merely begun through the assigning of responsibility for giving form and structure to the third branch rested with the Congress. Its task was made doubly difficult by the necessity of disposing with this issue in short order, lest decisions already behind the scenes be subject to backlogging of litigation. When the newly formed Senate finally achieved quorum on April 6, 1789, the judiciary question was one of the first to be debated on a special floor. The new committee chaired by Oliver Ellsworth of Connecticut was formed to draft Senate Bill No. 1. The Judiciary Act of 1789.

"Many of the very same intellectuals and politicians who had devised the Constitution in 1787 assumed vital roles in the new government when it convened for the first time two years later in 1789. Of course, their opponents from the ratification debates, the Anti-Federalists, were also present in the new legislatures. The stage was set for a resumption of the controversy, and those who opposed the Constitution had to reach the people on the issue of the strong national government and those who feared it. It was this highly charged political setting that Congress set to work on the Judicial bill.

"Several Founding Fathers played significant roles in the passage of this Judiciary Act. One of these was Oliver Ellsworth of Connecticut. He had been an important player at the Constitutional Convention and was a delegate to the ratification convention of the State of Connecticut in the new Congress. The character of Senator Ellsworth is inextricably related with the bill he authored and, indeed, entire judicial system as it exists to this day. As one of his critics in the Senate, William Macly of Pennsylvania, grunted at the time, ‘this vile bill is a child of his and he defends it with the care of a parent, even wrath and anger.’

"When Ellsworth arrived in New York, he exercised his political finesse in securing the Committee on the Judiciary as his ally, and arranging for the introduction of his idea. As a nod to the fellow Founding Fellow, William Paterson of New Jersey. These two devoted the better part of two months to the preparation of the Act which was presented to the full Senate on 27 June 1789.

"The bill which came out of committee called for the establishment of a federal court system. Two new courts were included. The Supreme Court of the United States was a generous bill from the Federalist point of view, ensuring the predominance of the federal courts and granting a wide breadth of both original and appellate jurisdiction to the new Supreme Court.

"The creation of lesser federal courts, in particular, was viewed with great suspicion by several of the Senators. The Anti-Federalist counter-proposal was simply to allow the State courts to exercise concurrent authority and assume the jurisdiction given the inferior federal courts. The Federalists would have none of this, as James Madison tersely concluded the debate in the House of Representatives: ‘the state courts cannot be trusted with the execution of federal laws.’ Although debate carried on over several weeks, Ellsworth’s bill passed the Senate on a vote of 14-6 and was then forwarded to the House for consideration.

"Siting as a Committee of the Whole, the House proposed cuts, then to the bill in an atmosphere that has been described as an unsparing exchange of ‘warmed-over arguments from the ratification debate.’

"On September 24, 1789, Washington signed ‘An Act to Establish the Federal Courts of the United States’ and sent his nominations for the first judges to the Senate. On September 23, the Senate sent a conference report on the proposed Bill of Rights. The Senate followed suit the next day and the amendments went to the states for ratification and became part of the Constitution in 1791. A most important pair of documents.

"Although the Judiciary Act has been amended and supplanted by other acts, the basic structure and basic concept of the federal court was established by this Act and it continues today.

"It is fitting and proper to pay tribute to this act at this time. We express our appreciation to the Post Office and the Supreme Court Historical Society for commemorating this event.”

The last speaker was Gordon C. Morgan, Assistant U.S. Postmaster of the United States. Mr. Morgan also recognized the importance of the Federal Judiciary Act of 1789 and noted that “on the same day as the first Federal Post Office opened, it passed the Federal Judiciary Act... it established the Federal Post Office. And within a few days, President Washington appointed the first Postmaster General under the Constitution. In 1789, there were only six justices, and only 75 post offices. We’ve both grown a little since then. But then so has our workload.

During the Congress’s early years, its justices had to journey back and forth from its district courts to the national capital. And those [journeys] often were made on mail coaches. Fortunately, we no longer have to rely on mail coaches. And, the justices, fortunate enough to ride in a horse-drawn carriage would on occasion write letters to each other while traveling. . . . Our stamp program provides an opportunity to celebrate the best of America’s past, present and future. Her people, her lands, her history, her people forward. . . . . Our stamp program provides an opportunity to celebrate the best of America’s past, present and future. Her people, their lands, her history, her people forward.

There have been three [stamps honoring] Chief Justice Marshall. That was only the first of three stamps commemorating him. In all, the justices, the court, and the document it interprets have been the subject of 23 stamps. That may not seem like much, but it is when you consider the enormous number of subjects that are requested. People who have requested these stamps include: Chief Justice Marshall, and also three for William Howard Taft, the only Chief Justice to have served as President. And, John Jay the first Chief Justice, Charles Evans Hughes, Oliver Wendell
Pictorial Cancellation (continued from page eleven)
Holmes, Jr., Harlan Stone and Hugo Black, have each been commemorated.

"Recommendations on who and what will be honored on commemorative stamps are made by the Citizens' Stamp Advisory Committee, which at present is composed of 15 members whose backgrounds reflect a wide range of educational, artistic, historic and professional expertise. And, right now, the Committee is considering proposals to honor Chief Justice Warren and Associate Justices Brandeis and Cardozo.

"But, it hasn't been only the Justices we've commemorated. In 1950, we issued a stamp honoring the Court itself, as an institution. The 75th anniversary of the 13th Amendment, outlawing slavery, also was commemorated. And, the Nineteenth Amendment, voting suffrage, was recognized on three occasions.

"The Constitution itself was the subject of two early commemoratives, to celebrate anniversaries of its signing and ratification. And, in 1987, we issued a postal card marking the convening of the Constitutional Convention, and a booklet pane of five stamps celebrating the bicentennial of the drafting of the Constitution. . . . It had a portion of the Preamble printed on each of the five stamps. Retired Chief Justice Burger unveiled these stamps at a national meeting of high school principals. And, on September 25, 1989, a stamp dedication ceremony will mark the bicentennial of the drafting of the Bill of Rights.

". . . Earlier this year, the Executive and Legislative Branches each received their own commemoratives, three in all, and I'm certain that each of you is keenly aware that early next year this Court will have its own stamp in the Constitution Series.

"As you can see, history means as much to us at the Postal Service as it does to the members of the Supreme Court Historical Society."

Supreme Court Historical Society
111 Second Street, NE
Washington, D.C. 20002

Mrs. Lilian Scheffres Turner (standing), a member of the Society's Acquisitions Committee, was instrumental in coordinating and planning the events associated with the pictorial cancellation. Mrs. Rita Moroney (seated) is the First Historian, United States Postal Service.