Justice Powell Dies at age Ninety

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

Early Tuesday, August 25, 1998 Justice Lewis F. Powell, Jr. died at his home in Richmond, VA. at the age of ninety. A native Virginian, he practiced law for approximately forty years, achieving national stature as a President of the American Bar Association and the American College of Trial Lawyers. Powell was nominated for appointment to the Supreme Court of the United States on October 22, 1971, by President Richard Nixon. The nomination came when Powell had reached the age of 64 and he was initially reluctant to accept the appointment. He was confirmed on December 6, 1971 with only one dissenting vote cast against him. With a reputation for strong, professional ability and genteel and courtly manners, Powell took his place on the Court with no prior judicial experience. He considered himself neither a conservative nor a liberal and valued highly the principle of moderation. Historians and analysts have labelled him a "centrist" and his vote was frequently the tie-breaking vote in controversial cases. Citing poor health, he retired from the Supreme Court on June 26, 1987, after fifteen years of dedicated service. In the years after his retirement, Justice Powell was involved in hearing cases with the Fourth Circuit Court of Appeals in Richmond. He also taught briefly at Washington and Lee and the University of Virginia Law Schools.

Twenty-third Annual Meeting held June 1

The Annual Meeting of the Supreme Court Historical Society took place on Monday, June 1, 1998. Opening the program, was the Annual Lecture given by the Honorable Seth P. Waxman, Solicitor General of the United States. Mr. Waxman is an alumnus of Harvard College where he took his A.B. in 1973, graduating summa cum laude. From there he went on to Yale Law School where he received his J.D. in 1977. After graduation, Mr. Waxman clerked for U.S. District Court Judge Gerhard A. Gesell. He joined the law firm of Miller, Cassidy, Larroca & Lewin in Washington, eventually rising to Managing Partner of the firm. In 1994 he answered the call to public service, accepting an appointment as Associate Deputy Attorney General. Thereafter he served in various high level capacities in the Offices of the Attorney General and the Solicitor General. In very short order he was elevated to the post of Acting Solicitor General and in November 1997, he was appointed Solicitor General of the United States.

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

continued on page ten
A Letter From the President

Each year the Society selects two articles that have appeared in the Journal of Supreme Court History for special recognition. Professor Melvin Urofsky and his Board of Editors select two outstanding works—one of which is written by a promising student author—to receive the Hughes-Gossett Prize for Historical Excellence. The Award is named in honor of our recently deceased Trustee, William T. Gossett, and his wife Elizabeth Hughes Gossett—the Society's first President and third Chair—as well as her father, the late Chief Justice Charles Evans Hughes. Both Bill and Elizabeth were great friends of the Society—seeing it through its difficult founding period. Indeed, a bequest from Elizabeth helped make possible the Society's acquisition of its present headquarters, while Bill's continuing generosity provided the seed grant for the creation of the Society's endowment.

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

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

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

In the coming weeks the Society will make plans for the Griswold Prize lecture, which I anticipate will take place shortly after the New Year. Schedule permitting, the lecture will be held in the Supreme Court Chamber with a reception to follow in the East and West Conference Rooms. Before closing, I would like to keep you abreast of some of our efforts which relate the Society’s scholarly prizes to a larger and more focused attempt to increase Supreme Court scholarship—a conference organized by Professor Herbert Johnson in cooperation with the University of South Carolina and a pilot project the Society is now developing under the capable leadership of Dr. Maeva Marcus.

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

That is one of the most daunting problems Dr. Marcus and her staff have faced in completing the highly acclaimed Documentary History of the Supreme Court of the United States, 1789-1800. This shortage of scholars, while perhaps more acute for the early period, in which an understanding of common law antecedents to the constitutional era is important, is nevertheless not unique to that period. When the Society established its academic prizes a decade ago it was recognizing this problem, and addressing it with what resources it had available. As the Society’s reach has expanded, unfortunately, the problem has grown worse, and the prizes can now only be considered one facet of a multifaceted approach to encourage more academic interest in the field of Supreme Court and constitutional history.

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

Lord Irvine of Lairg made history in the Supreme Court Chamber the evening of May 11, 1998 when he became the first Lord Chancellor of Great Britain to present a lecture in that room. The Lord Chancellor gave the National Heritage Lecture before a large audience comprised of officers and members of the Supreme Court Historical Society, the U. S. Capitol Historical Society, and the White House Historical Association. The Lord Chancellor spoke about his government’s intention to propose legislation to do away with the formal written Bill of Rights for Great Britain. He explained that while British legal tradition has long granted rights which are delineated in the Bill of Rights of the Constitution of the United States, there has never been a written guarantee of these rights for citizens of Great Britain. Creation of such a document would suggest that American legal evolution, which has drawn on the British common law experience for more than two centuries, may itself, be exerting a reciprocal effect on British legal development. (The text of his speech will appear in a future issue of the Journal of Supreme Court History.)

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

"The Office is older than any other except the Crown. In pre-history, the Lord Chancellor was the leader of the English Bar. He also has ministerial responsibility for the Crown Prosecution Service and the head of that service, the Director of Public Prosecutions, reports to him. So too does the Treasury Solicitor who is head of the Government Legal Service. "The Home Secretary is responsible for a wide range of matters connected with law and order. These include the criminal law and the criminal justice system generally, and also the police, prison and the probation services and penal policy generally. "The Lord Chancellor’s ministerial responsibilities extend to England and Wales; for all relevant constitutional and administrative purposes, the two countries form a single unit. Scotland and Northern Ireland have their own separate positions, distinct from that in England and Wales so that there are three separate legal systems. The Lord Chancellor’s Department was founded in 1885 by the creation of the post of Permanent Secretary. However, it wasn’t until 1972, after the Courts Act 1971 came into force, that it assumed most of its present role and responsibilities. The Department’s essential function is to promote the fair, efficient and effective administration of justice in England and Wales. . . . The official head of the Lord Chancellor’s Department is the Permanent Secretary, a civil servant. . . . The Courts. . . . All the higher courts and the county courts in England and Wales are directly administered by the Department through the Court Service Agency which provides their staff and also the buildings and equipment. An important exception to this is the magistrates’ courts. Although the Lord Chancellor is accountable to Parliament for the operation of magistrates’ courts, they are locally administered and the service does not fall within his direct jurisdiction. . . ."

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

1999-2000 Judicial Fellows Program

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

Up to four Fellows will be chosen to spend a calendar year, beginning in late August or early September 1999, in Washington, D.C., at the Supreme Court of the United States, the Federal Judicial Center, the Administrative Office of the United States Courts, or the United States Sentencing Commission. Candidates must be familiar with the federal judicial system, have at least one post graduate degree and two or more years of successful professional experience. Fellowship stipends are based on salaries for comparable government work and on individual salary histories, but will not exceed the GS 15, step 3 level, presently $80,789.

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

September 5, 1928 was my fourteenth birthday and a few days later I went to work as a page at the Supreme Court of the United States. At that time, it resided in the U.S. Capitol Building. I will get the personal things out of the way initially. My mother had been widowed two years previously, following my father’s protracted illness. I was the oldest of her five children. Most people we knew were genteelly poor and our family could have been included in that categorization. I wanted a job and stayed employed for the rest of my working life, going to night school at both a private prep school and then George Washington University. Later on, I graduated from the Law School at the University of Virginia. But in 1928, we needed the money and the job paid $110 a month for nine months a year. And to me it was a dream job. Still is, upon reflection.

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

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

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

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

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

Oliver Wendell Holmes, Jr.: Born in 1841 during the one-month term of President William Harrison; John Quincy Adams would live another seven years! Wounded in three major battles in the Civil War, brevet colonel at age 24. He was rumored to have yelled at Abraham Lincoln, “Get down you damn fool!” when Lincoln stood up in his tall hat to view the Confederates advancing on Washington at Bethesda. If you’d been in the background around him as much as I was, you could believe that story. He had been the Chief Judge of Massachusetts’ highest court. Although 87 years old during my first year of service, he was quite lively on the bench, directing questions to lawyers. He retired in 1932.

William Van Devanter: When he’d ridden the vestigial roads of the Wyoming Territory as a circuit judge, he did it on Territorial Horse. He was Wyoming’s Chief Justice before it became a state. Strong voiced, alert man and an historical conservative.

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

Lewis Dembitz Brandeis: All the Justices had a limousine service which brought them to work. His car picked up Justice Holmes on route and they came together (and voted together, as well). He and Mrs. Brandeis extended themselves to be pleasant to us boys.

George Sutherland: Lawyer friends ask me what kind of man he was and I tell them he was the Court curmudgeon. The ex-U.S. Senator from Utah is today considered a conservative icon. Thus, the curiosity. “Curmudgeon” is a mite strong, but he was a witty story teller and made humorous remarks from the bench.

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

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

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

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

Attention Federal Employees!

Once again, the Supreme Court Historical Society is a participant in the Combined Federal Campaign (CFC) of the National Capital Area. The Society’s 1998 designation number is 7656. Gifts made through the CFC support the Society’s work in preserving and disseminating the history of the Supreme Court through public programs, workshops for teachers, publications, and our website. Please consider the Society when you review the list of Local Voluntary Agencies in the campaign catalog.
written opinions to memory and recited them verbatim. A warm man, completely at ease.

Benjamin Nathan Cardozo: The man with the most build-up before ascending the national bench from his Chief Judgeship in New York. I’d heard him repeatedly quoted those several years before he came on the bench. For what it’s worth, I pushed his chair in behind him on his first day. When I delivered papers to him we’d sometimes sit and talk a minute. He lived alone. He wrote a letter of recommendation for me when I replaced a page as a copy by my brother, Streit: a letter to J. Edgar Hoover who interviewed me personally. I was a statistical clerk in the FBI while I attended George Washington University at night. Judge Cardozo was frail, pale and took walks at the doctor’s orders.

During the nine months the Court sat each year, we boys delivered documents and galley proofs of opinions to the Justices’ homes at the end of each day by street car on the way to school. Just think of the government business entailed and the casual attitude in those days; our success in these dull, long days, the street car cost a nickel. Fortunately, all the Justices were bunched in the area north of R Street and west of Connecticut Avenue.

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

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

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

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

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

In 1928, Washington was as southern as Memphis. Each justice had a messenger-buiter. They were, all time of them, splendid “negro men” as you’d have said them. And, since we had a lot of time together when the court was in recess, good friends. I remember Smallwood, Marshall, and Poindexter vividly—all were called by their last names like English butlers. I learned a lot from them.

Their jobs were considered good ones and their salaries probably about $1500 a year (I’m guessing) were jobs on which they and their families lived comfortably in the genteel poverty already referred to. They were poised, refined men and seemed to enjoy the banter-negro and-st quo that was tolerated.

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

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

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

Justice Stone was a heavy-set man, a characteristic which he shared with the President, Herbert Hoover. They were old friends and Harlan Stone belonged to the "medicine ball cabinet" which met once a week at the White House to throw a heavy rubber ball around in an effort to lose weight. One Conference morning, in a joking way, Stone said, "Judge Holmes, why don’t you join us next Thursday morning and exercise with the President?" In reply, Justice Holmes in his growly old voice explained, "I’d rather be damned in hell!"

It got a good laugh.

The Chief Justice and all of them had their offices at home. Their messenger brought their lunches from their tea rooms as well. They ate in the Robing Room in the half-hour break in the Court’s four-hour days. Chief Justice Taft could inhale the better part of a whole roasted chicken with accompaniments from a domed silver serving tray during the break.

The only other luncheon ingredients I recall were those of Louis Brandeis. He was a pioneer of today’s health frenzy. His was a spinach sandwich—two slices of plain wheat bread with spinach between.

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

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

continued on page fourteen
Annual Meeting (continued)

ment should appeal to the Supreme Court, what legal stand the govern-
ment will adopt, and who will argue the case before the Su-
preme Court. The post of Solicitor General was created by an act
of Congress in 1870, the same act which created the Department of
Justice. The purpose of the Solicitor General's office was to pro-
vide for a "staff of law officers sufficiently numerous and of suffi-
cient ability to transact this law business of the Government in all
parts of the United States." The legislation directed specifically that
the Solicitor General should be "a man of sufficient learning, abil-
ity and experience that he can be sent ... into any court wherever
the government has any interest in litigation and there present the
case of the United States as it should be presented." To date, four
individuals, Chief Justice William Howard Taft and Associate Jus-
tics Stanley Reed, Robert H. Jackson and Thurgood Marshall had
served as Solicitor General at some point in their careers prior to
being appointed to the Supreme Court bench. The complete text
of Mr. Wexman's lecture will be printed in the 1998 Journal of
Supreme Court History, Vol. II. Anticipated publication for the
volume is the end of calendar year 1998.

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

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

its activities and projects. The new building is sufficiently large to allow all staff members of the Society to work therein. It will also provide some facilities for meetings, display and library facilities.

(See: The Letter of the President by Leon Silverman in Vol. XIX, No. 1 of the Quarterly for further information about the house.)

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

The Annual Meeting of the Board of Trustees was convened immediately following the Annual Membership Meeting with Dwight D. Opperman, Chairman of the Board, conducting. Mr. Opperman presented remarks to the group in which he noted par-
ticularly some of the educational successes of the fiscal year. He highlighted the lecture programs which have been given over the past year and further commented on the development of a web site which provides direct access to information about the Society and its programs and activities. He then acknowledged some of the significant donors to the Society, whose contributions have enabled the programs to go forward during the year. After his remarks, Mr. Opperman called upon Mrs. Daly to present the report of the Nomi-
nating Committee so that election of officers could take place. Mrs. Daly presented the names of the following individuals who were nominated for and elected to the positions indicated: Dwight D. Opperman, Chairman of the Board of Trustees; Dorothy Tap-
er Goldman, Vice President; Vera Brown, Mrs. Thurgood Marshall; John Nannes, and John R. Risher, Jr. to one-year terms as at-large members of the Executive Committee.

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

Outstanding achievements in the efforts of membership recruitment

Membership Update April 1 - June 30, 1998

Overseas
Alex Gutierrez, Italy
Karen Hanson, Saudi Arabia
Nancy Caldwell, APO
Clinton Richard Carroll, APO
Major Jeffrey S. Willis, APO

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

Arizona
Melanie Joy Acorn, Tucson
Cari Gerich, Scottsdale
Dorothea P. Kneager, Phoenix
Joseph P. Martori, Phoenix
Alan A. Mathers, Tempe
Patricia Lee Reo, Phoenix
John Yanez, Globe

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

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

Colorado
Ginny Jones, Boulder

Connecticut
Earl H. Doppelt, Stamford
Terry Gellen, Hartford
Edward Kwasnik, Stamford
Susan E. Nugent, New Haven
Richard Pascall, Norwich
Mary Schneekensburger, Litchfield

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

Terrys Gellen, Hartford
Edward Kwasnik, Stamford
Susan E. Nugent, New Haven
Richard Pascall, Norwich
Mary Schneekensburger, Litchfield

continental page fifteen

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

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

Answers on page sixteen
The Supreme Court and Me (continued)

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

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

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

I left that job just before Franklin Roosevelt’s Inauguration and his later unhappiness with that Court. He wanted to pack the Court in 1937, remember? The majority stood in his way but eventually, he outlasted them. I’ve thought a lot about that. A clash was inevitable. There was an historical and generational gap. Franklin Roosevelt was barely 18 when the 23rd century ended. My Court, the “nine old men” as Drew Pearson called them, including the “four horsemen of conservatism,” had been molded and its ethos formed in the 1800’s. In the year 1900, Oliver Wendell Holmes (the eldest of my twelve) was 59 years old. Owen J. Roberts, the youngest, was 25. Taft was 43 with a brilliant career under his ample belt. Van Devanter was 41, and McReynolds 38.

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

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

New Members (continued)

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

District of Columbia
Michael E. Anderson
Kelli A. Andrews
Charles G. Cole
C. Salvatore D'Alessio Jr.
David D'Zurilla
Tom Forgue
Michael J. Gippert
Margaret Hartigan
Mrs. Barbara S. Hitchcock
Tyresse Home
Conrad Christopher Ledoux
Tom Odum
Patricia Quinn
Bruce Ragedale
Paul R. Reichert
Warren Richard
Mr. & Mrs. Donald H. Richardson
David Sahr
Paul Brian Turner
Michael Wilson
Peter F. Winch
Lyne K. Zoisman

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

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

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

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

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

Indiana
Mark S. Briscoe, Vincennes
Rosemarie Kunz, Indianapolis
Joanne Minelli, Hammond

continued on page seventeen

WANTED

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

1. Justice Joseph P. Bradley was a part-time actuary for a mutual insurance company, and maintained a life-long interest in mathematics.
2. Justice Byron R. White led the National Football League in rushing while playing for Pittsburgh. “Whiznet” White is in the Collegiate Hall of Fame.
3. Justice James Fredendall was made Comptroller of Customs at Edenton, North Carolina in 1768.
4. Justice John H. Clarke bought the Youngstown (Ohio) Vindicator while still a young lawyer.
5. Justice Samuel F. Miller received his medical degree in 1838 and practiced medicine in Barbourville, Kentucky, until he was admitted to the Bar in 1847.
6. Justice Nathan Clifford taught singing to young children while working his way through school.
7. Justice Anthony M. Kennedy began working as a Senate Page when he was eleven years old and held the job for five years.
8. Chief Justice Fred Vinson played baseball while in college and tried out for the Cincinnati Reds. His failure to make the team confirmed his decision to practice law. Justice Sherman Minton was also a semi-pro baseball player, and he also passed up a professional contract.
9. Justice Abe Fortas played the violin with a local combo at dances and parties while still a student at Southwestern College in Memphis, Tennessee.
10. Chief Justice Warren Burger worked full-time in the accounting department of an insurance company while attending law school at night.

New Members (continued)

Iowa
Paul Jackson, Sioux Falls

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

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

Louisiana
Eileen Depee, New Orleans
Deborah Tatman, Eunice

The Honorable Nelson E. Toluren, Pittsburgh

Maine
Miles F. Archer, Portland
Timothy H. Boulette, Portland
Sarah L. Glynn, Raymond
Kathryn King, Hampden
Terry O’Toul, Lincolnville

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

continued on page eighteen
New Members (continued)

Charles A. Sanders, Houston
Reagan William Simpson, Houston
Robert J. Swift, Houston
Al Vera, Houston
Earl Wall, Cleburne
Howard Wolf, Houston
William D. Wood, Houston

Utah
Jim Griffin, Payson
Bryce Roe, Salt Lake City

Virginia
William H. Allen, Arlington
Susan C. Armstrong, Richmond
J. Rudy Austin, Roanoke
C. Louise Ball, Alexandria
Stephen E. Baril, Richmond
John W. Bates III, Richmond
Steven D. Benjamin, Richmond
J. Edward Betts, Richmond
Lynne Jones Blain, Richmond
Orran L. Brown, Richmond
Ann T. Burks, Richmond
L.B. Cann III, Richmond
L.B. Chandler Jr., Charlottesville
Susan L. Christenberry, Arlington
John M. Claytor, Richmond
James K. Cluverius, Richmond
Michael R. Conway, Falls Church
Nancy Douglas Cook, Richmond
Richard Cullen, Richmond
Sheila Day, Midland
James P. Elligott Jr., Richmond
Jacqueline G. Epps, Richmond
John D. Epps, Richmond
E. Duncan Getchell Jr., Richmond
James F. Goodman, Springfield
Allen C. Goolsby, Richmond
Eric B. Grimes, Vienna
Kenneth Halla, Leesburg
Kerry Harding, Reston
John Hayford, Fairfax
Thomas L. Hemingway, Springfield
Stanley K. Joynes III, Richmond
William B. Kilduff, Richmond
William H. King Jr., Richmond
Stephen Maczynski, Alexandria
Robert W. Mann, Martinsville
R. Hunter Manson, Richmond
Virginia C. Mars, McLean
Henry H. McVey III, Richmond
Charles F. Midkiff, Richmond
Douglas M. Nabhan, Richmond
John M. Oakey Jr., Richmond
Russell V. Palmore Jr., Richmond
John Y. Pearson Jr., Norfolk
Henry R. Pollard IV, Richmond
Barrett E. Pope, Richmond
Virginia Powell, Richmond
James H. Price III, Richmond
Benjamine Reid, Alexandria
Robert F. Resnick, Falls Church
M. Pierce Rucker, Richmond
Beverly Sharkey, Ashburn
John C. Shea, Richmond
Greg N. Stillman, Norfolk
Thomas D. Stokes, Richmond
Lewis T. Stoneburner, Richmond
William B. Tiller, Richmond
Charles F. Witthoeft, Richmond

Washington
Robert Ford, Vancouver
James H. Robinson, Seattle

West Virginia
J.H. Mahaney, Huntington