Abington School District v. Schempp: A Look Back
by Prof. Robert Langran

Editors Note: Part one of a two part series.

The relationship between Church and State in the United States has always been controversial. The Supreme Court has been at the heart of the issue with many of its decisions, one of the most important being the case of Abington School District v. Schempp, 374 U.S. 203 (1963). The 8-1 decision forbade the reading of the Bible in the public schools as a devotional exercise. The Court's conclusion was the result of its interpretation of the First Amendment clause respecting a prohibition against establishment of religion. The Justices held that although the government of the nation does not have to be hostile to religion, it does have to be neutral, and that the practice of Bible reading in the public schools destroys such neutrality.

The Court had decided several cases involving Church and State prior to Schempp, notably ones upholding text books being provided free of cost to all school children in a state, upholding reimbursing parents for the money they spent sending their children to school by public transportation, disallowing religious instruction during public school hours on school grounds but upholding the same when done off school grounds.

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June 17, 1963. Mr. and Mrs. Edward L. Schempp go through some of the more than five hundred letters received by them with the help of their children, Donna, 17, and Roger, 20. The couple's legal action started in a Philadelphia federal court against compulsory bible reading in public schools, resulted in the Supreme Court decision to ban such activity. The situation began in 1957 when their eldest son Ellory (not shown) then a junior at Abington Senior High School, was reprimanded for refusing to read from the King James Bible in class. Ellory graduated from High School long before the case made it to the Supreme Court. His parents, brother, and sister took up the case, however, arguing that as Unitarian Universalists the Bible was not an integral part of their belief system. The Abington school district argued that it was an issue of obedience, not religious belief, and not a First Amendment violation.
A Letter From the President

A new organization, the Society concentrated most of its efforts on developing a membership base, producing publications and acquiring artifacts and memorabilia for use in the Supreme Court. These were worthy and important goals, all of which are ongoing, but success in these areas has provided a way for the Society to focus more on the development of educational outreach programs. This ability to provide meaningful educational programs, including lectures, symposia, and conferences, is an objective of the Society since its inception. In the last five years, membership growth has been achieved as donor support has enabled the Society to realize some of these goals.

One of the most prominent aspects of this program activity has been the quarterly lecture series, which have become an essential part of Society activity. Outstanding scholars and legal professionals from around the country have participated in these programs in past years, and this year’s series on The First Amendment and Free Speech, is no exception. These programs provide a forum in which speakers share their expertise and experience with audience members assembled in the Supreme Court Chamber. Countless others are able to participate in these programs through the medium of cable television. C-SPAN network taps and airs most of the programs over a period of time and the text of the lectures is published in the Journal of Supreme Court History, providing a permanent record. I am aware that many of you are unable to travel to Washington for these programs. Some of you have suggested you would like to attend programs sponsored by the Society in your own area. Unhappily, that does not at the moment appear to be feasible given the small staff and limited operating budget of the Society, and conferences, has been a primary objective of the Society since its inception. In the last five years, tremendous growth has been achieved as donor support has enabled the Society to expand its effectiveness in areas outside Washington, D.C., through the Supreme Court Summer Institute Program. In this program sixty teachers come to Washington to learn firsthand about the Supreme Court and how it works. This year the Society conducted this program for a record thirty-two teachers, indicating that in school year 1998-99 more than 14,000 students were affected by this curriculum which used such instructional strategies as moot courts, case studies and guided discussions. This kind of educational outreach is of extreme importance to the Society.

The Society is considering other ways in which to expand its activities. One possibility is co-sponsorship of programs with State Bars and other organizations for attendance in areas outside Washington, D.C. This year the program will take place at Mount Vernon, Virginia. This cooperative venture has been very rewarding, and we hope to consider additional options with other groups.

I am grateful for the many contributions you, our members, make to the success of the Society. In addition to vital monetary support, many of you have written articles and trivia quizzes, provided artifacts and memorabilia for display, delivered lectures or participated in some other vital way. As we work together in this new fiscal year, it will be our task and our pleasure to continue this important educational work.

The Supreme Court Historical Society Quarterly

Published four times yearly in Spring, Summer, Fall and Winter by the Supreme Court Historical Society, 111 Second Street, N.E., Washington, D.C. 20002. Tel. (202) 543-0400. Distributed to members of the Society, law libraries, interested individuals and professional associations.

Managing Editor Kathy Shurtleff Assistant Editor Christopher McGranahan

A joined-sponsored conference of the Supreme Court Historical Society and the South Carolina Historical Society will be held Friday and Saturday, June 15 and 17, 1999 in Charleston, South Carolina. The overall topic for the conference will be "A Haven for Dissenters: South Carolina and the Rise of Religious Freedom in America." The conference will include a banquet held on Thursday, September 16, 1999 at 7 P.M. in the Riviera Theater at Charleston Place. The keynote speaker for the evening will be The Honorable John T. Noonan, Jr., a Judge on the United States Court of Appeals for the Ninth Circuit. Judge Noonan’s address is titled "The Lustre of Freedom: The Development of Religious Freedom in America." The dinner program will be open only to Supreme Court Historical Society or South Carolina Historical Society members.

Presentations at the conference will examine in detail the rise of religious freedom in America, with emphasis on the South Carolina experience. This seminar has been certified for continuing legal education credits and will be held on the campus of the College of Charleston. The lectures will include:

2000-2001 Judicial Fellows Program

The Judicial Fellows Commission invites applications for the 2000-2001 Judicial Fellows Program. The Program, established in 1973 and patterned after the White House and Congressional Fellowships, seeks outstanding individuals from a variety of disciplinary backgrounds who are interested in the administration of justice and who show promise of making a contribution to the judiciary.

Up to four Fellows will be chosen to spend a calendar year, beginning in late August or early September 2000, in Washington, D.C., the United States 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 postgraduate degree and two or more years of successful professional experience. Fellowship stipends are based on salaries for comparable professional work and on individual salary histories, but will not exceed the GS 15, step 3 level, presently $83,762.

Information about the Judicial Fellows Program and application procedure is available upon request from Vanessa M. Yarnell, Administrative Director, Judicial Fellows Program, Supreme Court of the United States, Room Five, Washington, D.C. 20543. (202) 479-3415. The application deadline is November 5, 1999.

The Evaluation of the Principles of the Free Exercise of Religion among the Separation of Church and State" by Professor Van-
Abington v. Schempp (continued from page one)

grounds, and upholding Sunday Closing Laws, or "Blue Laws." Then in 1962, in the Engel v. Vitale case, the Court invalidated a brief prayer which the Board of Regents of New York State had composed and had urged various Boards of Education to adopt. The 6-1 decision was written by Justice Black, who felt the prayer a clear violation of the Establishment Clause. Only Justice Stewart disented. This decision was largely unexpected, and the immediate reaction was one of incredulity. This soon gave way to severe criticism of the Court.

At that time many people were not ready for this decision. In the year between Engel and Schempp, there was time for review and reflection. Accordingly when the Court did what most people thought it would do in the Schempp case, the reaction was very different. Schempp had its roots in a Pennsylvania law passed in 1913 which stated:

At least ten verses from the Holy Bible shall be read, or caused to be read, without comment, at the opening of the school and high school day. The reading shall be done by the teacher in charge; Provided, that when any teacher has other teachers under and subject to direction, the teacher exercising such authority shall read the Holy Bible, or cause to be read, as herein directed.

If any school teacher, whose duty it shall be to students to read, or cause to be read, shall fail or omit to so do, said school teacher shall, upon charges preferred for such failure or omission, and proof of the same, before the board of school directors of the school district, be discharged.

This law put into words a practice prevalent in Pennsylvania and other states, a practice upheld by Pennsylvania courts once in 1885 and twice in 1898. The courts ruled that reading the Bible in school constituted not only the establishment of a religion, but was also a violation of the Free Exercise Clause of the First Amendment.

Many of the states that had compulsory Bible reading laws provided that pupils could be excused from the exercise upon request. At the time of the Schempp decision, twelve states and the District of Columbia actually required such readings. Other states left the decision to local officials, as did New York City. In eighteen states Bible reading was permitted either by the general terms of the law or by reason of silence on the subject. In most of the states where Bible reading was practiced, instructions were given that no comments were to be made regarding the passages, and while the statutes often did not direct what version of the Bible was to be used, it was generally the King James version. Finally, there were twelve states which, at the time of the Schempp decision, prohibited Bible reading in public schools.

This was the situation throughout the country when the Schempps came on the scene. Edward Schempp, an electrician, is the second member of the family, his wife, Mrs. Maladyn Murray O'Hair and her two sons, William 16, and Garth 8, and their daughter Donna, had lived in Roslyn, Pennsylvania since 1949, where they attended the Germantown Unitarian Church. In March, 1957, Ellory the eldest, was sixteen years old and a junior in high school. Passages were read from all of the Schempp's children's schools. At Abington Senior High School the readings were given by students in public speaking as part of their training. By contrast, at Roger and Donna's schools, students took turns and could pick the passages they read. In all three instances the passages were followed by a reading of the Lord's Prayer during which all had to stand with bowed head and closed eyes.

In March, 1957, the Schempps' request for legal help to contest Bible reading was considered by a committee of the Board of School Directors of Abington Township. Normally only one judge hears a case at the District Court level, but three presided when the Schempps' case was heard. The trial took place at the U.S. Courthouse in Philadelphia, February 28, 1963. Their case would be combined with the Schempp's by the Supreme Court.

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When it was time for Mr. Ward's argument, he asked the teachers and the principal why they considered Bible reading to be a good pedagogical practice; why it was done at all. They argued that the statute was not intended to teach religion; was not calling for a religious ceremony; and was not seeking to indoctrinate the children. He then brought in an expert witness, Dr. Luther A. Weigle, Dean Emeritus of the Yale Divinity School. Dr. Weigle argued that Bible reading was not a sectarian practice. Rather, it had moral value, it had literary value; it was a religious practice. It made the text say it is intended to give "such a blow unto that man of sin as will not be healed." That "man" obviously referred to Catholics. Thus Sawyer contended the King James version was Protestant dogma directed against Catholics. Sawyer called on Rabbi Solomon Grayzel, a Biblical student and editor of the Jewish Publication Society of America, to present the Jewish reaction to the King James version. Dr. Grayzel contended that reading a sacred text should not be imposed upon a minority with a different understanding of that text. Furthermore, the Bible cannot simply be read without comment. He testified that there are any number of verses that require explanation, without which the text has no meaning.

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Memorial Session for Justice Lewis F. Powell, Jr.

A special meeting of the Supreme Court Bar was convened the afternoon of Tuesday, May 18, 1999, to memorialize the life and career of Justice Lewis F. Powell, Jr. Following tradition, leaders of the Bar met to commemorate the life of the late Justice. Under the direction of the Solicitor General of the United States, The Honorable Seth P. Waxman, speakers provided their personal insights into the Justice and his work. Speakers for the program were The Honorable J. Harvie Wilkinson III, Chief Judge of the U. S. Court of Appeals for the Fourth Circuit; Professor Gerald Gunther; William Nelson Cromwell Professor of Law Emeritus, Stanford Law School; Christina Brooke Whitman, Professor of Law and Women’s Studies, The University of Michigan Law School; and Walter E. Dellinger III, Professor of Law, Duke University School of Law and former Acting Solicitor General.

At the conclusion of the presentations, a motion was made to adopt the written resolutions prepared by a special committee chaired by John C. Jeffries, Jr. A special session of the Supreme Court was convened at 3:00 P.M. Solicitor General Waxman presented the formal Resolutions of the Bar, after which the Attorney General, The Honorable Janet Reno, requested that the Supreme Court formally accept the Resolutions and make them a part of the official records of the Supreme Court. The Chief Justice responded, accepting the Resolutions and commenting on his former colleague's illustrious career and personal connection with Justice Powell.

Lewis Franklin Powell, Jr., served on the Supreme Court from January 7, 1972, until June 26, 1987. Born on September 19, 1907, in Suffolk, Virginia, Powell lived most of his life in Richmond. His father was a successful businessman, with sufficient resources to send his son to a private boy's school in Richmond, then to six years at Washington and Lee University, where Lewis, Jr., earned both undergraduate and law degrees, and finally to one year at Harvard Law School. At Washington and Lee, he was the proverbial "big man on campus." He was elected president of the student body, tapped for a succession of exclusive clubs, and chosen to represent the school at the National Student Federation. In 1931 Powell graduated first in his law school class at Washington and Lee, and then went to Harvard. There the competition was entirely different. Powell took a seminar in Administrative Law taught by Felix Frankfurter, who would later succeed Benjamin Cardozo on the Supreme Court. Seated around the seminar table with the two future Justices were Harold Stephens, who would later serve on the D. C. Circuit Court of Appeals; Louis Jaffe, who had a brilliant career on the Harvard law faculty as a specialist in administrative law; and Paul Freund, who became a celebrated teacher of constitutional law.

In 1937 Powell was appointed to the faculty of Sweet Briar College as a specialist in administrative law; and in 1940 he was assigned to the United States Strategic Air Force, where he eventually became head of the Operational Intelligence Division, comprising about 40 officers and as many enlisted personnel. In that capacity, Powell often represented his superiors at General Eisenhower’s daily briefing, held originally in London and subsequently in the Petit Trianon at Versailles. Operational intelligence rewarded a lawyer’s skills. Powell analyzed evidence, organized it coherently, and presented it to his superiors, all the while balancing loyalty to their aims and objectives with the independence of judgment necessary to a good counselor. From this experience, Powell gained a firm sense of his own competence and fitness to command.

At the end of the war, Powell returned home with the rank of full colonel, a chest full of decorations, and a set of long-stemmed champagne glasses that he had "liberated" from the basement of Hitler’s retreat at Berchtesgaden. Powell also came home a patriot. Although his love of country was not of the sloganecing, flag-waving variety, Powell never doubted the broad alignment of national self-interest with world peace and freedom. For Powell, American mistakes continued on page eight
Justice Powell's family stands by as his grandchildren unveil his portrait at the reception in the Great Hall.
point to the Supreme Court. When this approach proved successful, President Nixon announced the nominations of Lewis F. Powell, Jr., of Virginia and William H. Rehnquist of Arizona. On January 12, 1972, they took their seats as the 93rd and 94th Justices of the Supreme Court.

Justice Powell served from that date until he retired, after 19 months short of his eightieth birthday, in 1987. In those years, neither liberals nor conservatives dominated the Supreme Court. Powell was not a liberal or a conservative in the sweeping generalization, and committed above all to the institution of compromise, a judge mindful of context and distrustful of extremes and theism, or would care to contribute to the newly established Acquisitions Society's endeavor to acquire artifacts, memorabilia, literature or other materials relating to the history of the Court or its members.

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 especially interested in securing artifacts, manuscripts, or any other materials related to the history of the Court and its members. These items are often used in exhibits at the Court's Office of Public Information, in the Court's official reports, or in the case of members, in court proceedings.
In September 1997, the editors received a letter from Arne Wercich of Truckee, California. Mr. Wercich raised some questions which grew out of his experience as a young attorney at the Supreme Court Bar. On March 14, 1968, just a few weeks shy of his twenty-eighth birthday, Mr. Wercich had argued a case in the Supreme Court in the case of Edwards v. Pacific Fruit Express. Appearing as sole counsel for the Petitioner, Mr. Wercich argued the case and at the commencement of his argument, had the opportunity to move the admission of his father, Jack Wercich, to the Bar of the Court. Mr. Wercich wrote to the editors to inquire if either of these circumstances was unique in the history of the Supreme Court Bar. Specifically, was he the youngest person to argue before the Court, and was he the only person to move admission to the Bar of his own parent.

After making some inquiries, it became apparent that records about Supreme Court Bar members are not complete. Over the last twenty or thirty years, however, several offices in the Supreme Court have attempted to compile material documenting or recording unique experiences before the Bar. Documentation efforts have been made by the offices of the Curator of the Court, the Clerk of the Court, and the Public Information Office. Any happenings in the Courtroom. These three offices have graciously provided much of the information for this article. It is our hope that this article may elicit responses from readers who are aware of other singular circumstances, and that this may form a nucleus or effort. He had read from a case styled as Blanche K. Towson et al, appellants vs. Christiana V. Moore et. al. A story in the January 27, 1899 edition of The Washington Post, titled Death Ended his Plea, has the dubious distinction as the only United States litigant to die while arguing before the Supreme Court. In the early 1900's, George and Georgina Rallis immigrated to the United States from Greece. In their pilgrimage from New York to Sioux Falls, South Dakota, they sold apples on street corners to make their way. They dreamed of sending their three sons to law school, which they did. The admission of their three sons to the Supreme Court of the United States was the fulfillment of a dream. Almost thirty years later, on February 19, 1997, Ronald Dean Rallis, Sr., Dean George Rallis, Jr., and Kirk Dean Rallis, the three sons of Dean George Rallis Sr. and his wife Marion, simultaneously took the oath of admission to the bar of the Supreme Court of the United States as their father and uncles before them.

On April 22, 1991 a father and son argued on the same day for the first time in the history of the Court (at least as far as it is recorded). The 10:00 AM case was argued by Robert G. Pugh of Shreveport, Louisiana representing the respondent in two cases, Chison v. Roemer and U.S. v. Roemer (Governor of Louisiana). Robert G. Pugh, Jr., represented the appellee, the Governor of Louisiana, in the case Clark v. Roemer in the afternoon case.

Major David Jonas of the U.S. Marine Corps, was the first Marine to appear in military uniform before the Supreme Court on March 29, 1994. While the records cannot guarantee a continued on page fourteen
Unusual Facts (continued from page thirteen)

Although no sitting president has ever argued in the Supreme Court in military uniform prior to Major Jonas, changes in procedure make it likely that he was the first in any branch of the service. William Suter, Clerk of the Court noted that prior to 1984, certiorari did not apply to the Court of Military Appeals and court-martial cases got to the Supreme Court only rarely through a long process of seeking habeas in a district court. Thus, it is very likely that Major Jonas was the first military officer in uniform to argue before the Court. Lieutenant Colonel Kim L. Sheffield, of the U.S. Air Force, argued for the respondent in US v. Scheffer on November 3, 1997. She was the first Air Force officer to argue in uniform at the Supreme Court, and the first female military officer to argue in uniform before the Court. She was the third military attorney to argue at the Supreme Court in uniform. Sandwiched between Major Jonas and Lt. Col. Sheffield was an appearance of a Coast Guard officer who appeared in uniform when he argued in the March 1994.

Another trend-breaking fashion appearance in the Supreme Court Chamber occurred on Monday, March 20, 1995 when Robert D. Luskin appeared before the Court wearing an ear-ring in his left ear. Mr. Luskin’s appearance was the first time that a male attorney had worn an earring while arguing in the Supreme Court Chamber. This event spawned a number of articles, including one in a Los Angeles legal daily and an article in the Washington Post by Sandra Terry. Speaking of the flood of commentary Mr. Luskin’s earring had spawned, Ms. Tony wrote: “...in the staid world of trial law, the earring was viewed as a daring breakthrough. Luskin had pushed the envelope in court, where the conservative suit and muted tie have reigned for decades. In a debate on Lexis of the service. William Suter, Clerk of the Court noted that prior to 1984, certiorari did not apply to the Court of Military Appeals and court-martial cases got to the Supreme Court only rarely through a long process of seeking habeas in a district court. Thus, it is very likely that Major Jonas was the first military officer in uniform to argue before the Court. Lieutenant Colonel Kim L. Sheffield, of the U.S. Air Force, argued for the respondent in US v. Scheffer on November 3, 1997. She was the first Air Force officer to argue in uniform at the Supreme Court, and the first female military officer to argue in uniform before the Court. She was the third military attorney to argue at the Supreme Court in uniform. Sandwiched between Major Jonas and Lt. Col. Sheffield was an appearance of a Coast Guard officer who appeared in uniform when he argued in the March 1994.

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Sometimes being admitted to the Supreme Court has family affairs. On Tuesday, October 4, 1994 nine members of one family were sworn into the Supreme Court Bar. Congressman John LaFalce of New York moved admission of nine members of a family on that day. The family consisted of a father, Samuel Perla; his four sons, Gregory Perla, Jeffrey Perla, Mark Perla, and Keith Perla; one daughter Cynthia Meckler; and two daughters-in-law, Marilyn Palumbo-Perla, and Mary Perla. Reportedly the family attended court meeting with Attorney General Attorney General Antonio Scalia prior to their admission to the Bar. After they were sworn in, the family sat and listened to the first arguments. In an argument of the day, Perla told reporters that he planned to have a party of 200 friends join the family in Salvatoro’s Italian Garden in his home town the Friday following the admission ceremony. One interesting fact that Tony Mauro reported was that the Perla Family connection with the law started in 1957. Mr. Perla was working as a cab driver at the time, but won $16,000 as a contestant on a television quiz show. He used his earnings to pay his tuition so that he could attend law school at the University of Buffalo.

Another probable familial first occurred on November 13, 1996 when a husband and wife argued a case together before the Supreme Court. Thomas H. Speedy Rice and his wife, the respondent in Edward v. Robuck, who argued the case together. The records show that Mr. Rice presented argument, but was accompanied at counsel table by Ms. Clarke.

In September, the Court’s records show that a husband and wife each argued a case before the Supreme Court in a month of eight days. On Tuesday, October 6, 1997 David Strauss of Chicago, Illinois argued in cases no. 96-643 Steel Co. v. Citizens for Better Environment. On Tuesday, October 14, his wife, Benna Ruth Solomon, argued in Chicago v. International College of Surgeons. This was probably the first case of a husband and wife arguing in the same argument session. Ms. Solomon was no stranger to the Court when she made that appearance in 1997, having clerked for Justice Byron R. White from August 1, 1979 through June 30, 1980.

A trio of sisters were admitted to the Supreme Court Bar on March 2, 1998. Susan Orr Henderson, Karen Orr McClure, and Joanne Orr, attorneys from Indianapolis and Covington, Indiana were sworn in before the Supreme Court. The three sisters are members of the Richard Henry Lee chapter of the National Society Daughters of the American Revolution. Tuesday, March 21, 1995 marked another “what was believed to be a first” in Supreme Court advocacy: when an attorney argued two cases in succession before the Supreme Court. Jeffrey P. Minear, Assistant to the Solicitor General family line, argued two cases in succession in the same argument session on December 2, 1997. Solicitor General Seth Waxman argued two cases, back-to-back before the Court. The Solicitor General not only argued in two cases on the same day, but without any rebuttal separating the arguments. The first argument in the 10:00 AM argument did not argue in rebuttal. Thus, when Mr. Waxman completed argument for the respondent in the first case, he remained at the podium while Chief Justice Rehnquist called the second case and immediately began his argument for the petitioner in the second case. But further research revealed two earlier instances of “double-play” presentations were given by William C. Bryson who argued two cases on March 21, 1989, and John Glover Roberts who argued two cases in such circumstances on January 21, 1996. Stanley Geller may be the record-holding attorney who can claim the longest period of time elapsed between arguments on the same case. He argued for the respondent in Agnivall v. Felton for the first time on December 5, 1984. When the case was docketed for a second appearance it was restyled as Agnivall v. Felton. Mr. Geller appeared for the respondent for the second time on April 15, 1997, with approximately twelve and one-half years between the two arguments.

In a modern-day exception to the norm, John G. Roberts, Jr. argued four cases in the October 1997 Term. During the October term Mr. Roberts appeared in approximately one-month intervals: October 6, 1997; Nov. 4, 1997; December 10, 1997; and January 21, 1998. This is a record for modern attorneys not on the staff of the Solicitor General of the United States. Research in the Court’s early history would probably reveal that Mr. Roberts’ accomplishment is not unique. Frequent appearances before the Court were not unusual in the early nineteenth century, when the Supreme Court Bar was small and litigants hired Washington area attorneys to represent their cases before the Supreme Court. Walter Jones, Francis Scott Key, Thomas Swann and William Wirt all are likely candidates to have equaled or surpassed Mr. Roberts’ record.

Francis Scott Key was admitted to the Supreme Court Bar on February 10, 1807. His age at the time of his admission is difficult to fix. Some records show that he was born in August of 1779, and others report it was August of 1780. Either way, it appears that Mr. Key was younger than Mr. Wrench’s “just a few weeks short of my 28th birthday” at the time of his first appearance before the Court. If Key was born in 1780, he would have been 26 years and six months old, if he was born the previous year, he would have been 27 years and six months of age. Whatever his exact age, Key made an interesting entrance into practice before the Court. Key was born in 1782, he would have been 26 years and six months old, if he was born the previous year, he would have been 27 years and six months of age. Whatever his exact age, Key made an interesting entrance into practice before the Court.

Although no sitting president has appeared before the Supreme Court, William H. Taft (above) and Abraham Lincoln (right, from an 1864 campaign poster) are two of the presidents who have argued before the Court.
The Marshall House
by Marion Harland

Editors Note: In 1897, Marion Harland published Some Colonial Homesteads and Their Stories, which contained information about houses in America of historical importance, as well as vignettes about the individuals who had dwelt in the houses. Excerpted here is part of a chapter which deals with John Marshall’s home in Richmond. The vignettes about his character, family and lifestyle reveal much about the Great Chief Justice and his life of the bench. The Marshall House still stands in Richmond and is open to the public. It is maintained by a nonprofit organization which raises funds to oversee the restoration and maintenance of the house.

The house built by John Marshall, - United States Senator from Virginia on December 17, 1800, and Chief Justice of the U.S. Supreme Court 1801-35, - and in which he resided until his death, except when the duties of his office called him to Washington, is still standing in Richmond, Virginia on the corner of Marshall and Ninth Streets. By an odd, and what seems to us an inexplicable, mishap, the architect, in Judge Marshall's prolonged absence, built the whole mansion “two-sided before.” A handsome entrance hall and staircase, the balusters of which are of carved cherry, dark with age, are at the back, opening toward the entrance-hall and staircase, the balusters of which are of carved cherry, dark with age, are at the back, opening toward the Old market on lower Main Street witnessed many friendly acquaintances, who were all friends and admirers, and when his purchases were deposited and taken home. About the market-place also hung men and boys, eager to turn an honest shilling by assisting in this burden-bearing if need offered. The rustics then stood, and in the easy-going, hospitable city, for gentlemen who were heads of families to do their own marketing. The Old market on lower Main Street witnessed many friendly meetings each morning of “solid men,” and echoed to much wise and witty talk. Behind each gentleman, stool and walked a negro footman, bearing a big basket in which the morning purchases were deposited and a vivid home. About the market-place also hung men and boys, eager to turn an honest shilling by assisting in this burden-bearing if need offered. Judge Marshall shook hands and chatted cheerily with acquaintances, who were all friends and admirers, and when his purchases were made, shouldered his own basket or, as often happened, he had forgotten to bring it, loaded himself up with the provisions as best suited his humor. His invariable practice was to carry home whatever he bought at stall or shi

Unusual Facts (continued from page fifteen)

Street on morning in Christmas-week. A huge turkey, with the legs tied together, hung, head downward, from one of the Judge's arms, a pair of ducks dangled from the other. A browned butter puddle, niddled by the beefsteak it enveloped, had been

John Marshall's disregard for the clothing fashion and manners of his time was legendary. Appearing more theuttentation than Chief Justice, he preferred to pack together his old suits and stockings, hang after they had gone out of style. The people of Richmond loved him for his eccentricities, however, and stories of his odd habits were told well before he gets home. You can't get rid of the lesson. And he would carry ten turkeys and walnuts twice as far for the joke you have given him.
Who Wrote It
Answers


4. Touched with Fire (1946) collects the surviving Civil War letters and diary fragments of Justice Oliver Wendell Holmes, Jr. and is edited by Mark DeWolfe Howe.

5. Justice Robert H. Jackson published The Struggle for Judicial Supremacy in 1941, the same year he joined the Court.

6. Justice William Johnson wrote Sketches of the Life and Correspondence of Nathaniel Greene (2 volumes, 1822).

7. Justice Joseph Story's treatises were standard legal texts and references throughout the Nineteenth Century. His Commentaries on the Constitution of the United States is still in print in abridged form.


9. Once again, the author is Justice William O. Douglas. The books were Of Men and Mountains (1950), and Strange Lands and Friendly People (1951).


Justice Lamar (right) was the subject of his wife Clarinda P. Lamar's book, The Life of Joseph Rucker Lamar 1857-1916. Dorothy Goldberg was the author of A Private View of a Public Life (1975). Chief Justice William Rehnquist described the political battles surrounding the impeachment trials of Samuel Chase (shown above) and Andrew Johnson.

National Heritage Lecture
The Eighth Annual National Heritage Lecture will be held at 7:30 p.m. on Wednesday, September 29, 1999 at the Gilbert Grosvenor Auditorium of the National Geographic Society in Washington, D.C. It will be held by Professor David Herbert Donald, a Pulitzer Prize winning historian and author of Lincoln who will speak on the Lincoln White House. The primary sponsor of this year's lecture is the White House Historical Association. The National Heritage Lecture is hosted on a rotating basis by the historical societies of the three branches of government. Supreme Court Historical Society members should expect to receive invitations to the Heritage Lecture six weeks prior to the lecture.

1999 Calendar of Events

September 14, 1999—The Supreme Court of President George Washington
The second lecture in a two-part collaboration with The Mount Vernon Ladies’ Association will be held at Mount Vernon, Virginia. Dr. Maeva Marcus will present an overview of the first Supreme Court of the United States.

October 6, 1999 —Free Speech: The Clear and Present Danger Test 1917-1953
Professor Douglas Laycock
This lecture will reconsider the “Clear and Present Danger Test” that Justice Oliver Wendell Holmes, Jr., introduced in Schenck v. United States during World War I. Professor Laycock teaches at the School of Law at the University of Texas. The Professor will be introduced by Justice Stephen G. Breyer.

October 13, 1999 - Panel Discussion of the Clear and Present Danger Doctrine with Professors Philippa Strum, Walter Berns and Floyd Abrams
Justice Anthony Kennedy will moderate a panel discussion considering First Amendment case law from 1917 to 1953.

Professor Lillian BeVier
Professor BeVier of the University of Virginia School of Law will consider free speech cases of the Warren and Burger Courts and their impact on political speech and liberties.
New Members (continued from page eleven)

Murray Richman, Bronx
Paul K. Rooney, New York
Michael S. Ross, New York
Leonard B. Sand, New York
Jerry Lawrence Siegel, New York
Joseph A. Stern, New York
John O. Tramontine, New York
Charles R. Wall, New York
James H. R. Windels, New York

North Carolina
Gardner Altman Jr, White Oak
Carmen J. Battle, Fayetteville
Frank Boardman, Carrboro
Kimberly Martinez, Durham
Karen McKaig, Charlotte
Jason B. Sprenkle, Charlotte
Sandra Tudor, Charlotte
Joseph W. Womack, Mocksvilie

North Dakota
Myron H. Bright, Fargo
Daniel M. Traynor, Devils Lake

Ohio
Deborah Cook, Columbus
Jennifer Lynn Duval, Columbus
Stephan J. Habash, Columbus
Mark J. Hedren, Columbus
Edd Johnson, Columbus
Fred Mills, Cleveland Heights
Thomas J. Scanlon, Cleveland
Timothy Taylor, Cincinnati

Oregon
Jane E. Angus, Lake Oswego
Paula A. Baran, Portland
Mona F. Buckley, Portland
Mary McCauley Burrows, Eugene
Joyce E. Cohen, Portland
Patricia Cornett, Grants Pass
Julie Graniel, Portland
Kirk R. Hall, Lake Oswego
Todd Hanchett, Portland
David Huyotowitz, Portland
LeAnne K. Jabs, Portland
Mark A. Johnson, Portland
Lawrence B. Rew, Pendleton
Jeff Sapiro, Lake Oswego
James M. Sumner, Salem
John J. Tyner III, Hillsboro

Pennsylvania
Elizabeth K. Ainslie, Philadelphia
Maureen Anderson, Newtown
Edward L. Baxter, Philadelphia
Carmen P. Belefonte, Media
John Robinson Block, Pittsburgh
Nancy J. Bregstein, Haverford
James M. Bregman, St. Davids
Melanie Bruno, Philadelphia
Andrew A. Chirla, Philadelphia
James E. Collerman, Philadelphia
Andrew J. Conner, Erie
Mary Dean, Philadelphia
Jerald M. Goodman, Philadelphia
Norman Hegge, Jr., Philadelphia
C. Clark Hodgson, Jr., Philadelphia
Ronald Karam, Philadelphia
Thomas R. Kline, Philadelphia
Marilin Z. Kutler, Philadelphia
William Maffucci, Philadelphia
Lawrence G. McMichael, Philadelphia
James D. Pagliaro, Philadelphia
Michael O’Hara Peare, Jr., Pittsburgh
Gene E. K. Pratter, Philadelphia
John S. Roberts, Jr., Wynnewood
James J. Rodgers, Philadelphia
Bruce Rosenfield, Philadelphia
Deena Jo Schneider, Philadelphia
Denise Davis Schwartzman, Haverford
Theodore O. Struk, Pittsburgh

Puerto Rico
Courtney R. Carroll, San Juan

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Michael W. Long, Providence
Brooks R. Magratten, Providence
Wendy L. Preston, Providence

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C. Mitchell Brown, Columbia
Clarence Davis, Columbia
Lynn Dickinson, Fort Mill
Richard Mark Gergel, Columbia
James K. Lehman, Columbia
Douglas F. Patrick, Greenville

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Kent Alshuler, Houston
William Patrick Bishop, Houston
William Book, Houston

Utah
Robert S. Campbell, Jr., Salt Lake City
Stephen G. Cecchet, Salt Lake City
Robert Peterson, Salt Lake City
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James F. Lehman, Columbia
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Richard H. Jones, Arlington
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Rebeca Kotre, McLean
Patrice M. Kelly, Arlington
Martha A. Lambert, Arlington
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Derek P. C. Lawson, Alexandria
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S. G. Lipman, McLean
Jonathan F. love, Alexandria
John R. Marshall, McLean
Harriet McClenkin, Alexandria

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