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Mary Burns (Chief Justice Burger's office) called to say that the material Mr. Buchen asked for this morning is on its way over -- past swearing-in material.

Also, she wants Mr. B to know that all Judges in the past have been sworn in at the Court House and not at the White House.

Also, also, all of the Justices will be in town (Washington) on Wednesday of next week -- some of them will not be here next Thurs. or Friday.

Recd
11:30

Shirley

Friday 12/12/75

10:35 Ken advises the Leadership announced this morning they will take up Judge Stevens' nomination on the floor Wednesday or Thursday of next week.



Judge Stevens

Friday 12/12/75

1:25 Ken advises that the scheduling office said Friday would be better than Thursday for the ceremony for Judge Stevens.



Friday 12/12/75

10:35 Ken advises the Leadership announced this morning they will take up Judge Stevens' nomination on the floor Wednesday or Thursday of next week.

11:00 Now hears it is to be
at noon or rather
Tues or Wed.



SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Burger, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Blackmun.

The Chief Justice said:

"In this special sitting of the Court, we will receive the commission of the Justice-designate, and at this time the Court recognizes the Attorney General.

"Mr. Attorney General."

Mr. Attorney General Mitchell said:

"Mr. Chief Justice, may it please the Court:

"I am happy to advise that the President of the United States has nominated, the Senate has consented and the President has appointed Judge Harry A. Blackmun of Minnesota, as an Associate Justice of the Supreme Court of the United States.

"I bear with me the commission, dated May 14, 1970, signed by the President of the United States, and attested by me as Attorney General, and with the permission of the Court, I will turn the commission over to the Clerk of the Court."

The Chief Justice said:

"The commission is accepted, Mr. Attorney General.

"Thank you.

"Mr. Clerk, will you read the commission."

The Clerk said:

"The commission reads as follows:

"Richard Nixon,

"President of the United States of America,

"To All Who shall See These Presents, Greeting:

"Know Ye; That reposing special trust and confidence in the Wisdom, Uprightness, and Learning of Harry A. Blackmun of Minnesota, I have nominated and, by and with the advice and consent of the Senate, do appoint him Associate Justice of the Supreme Court of the United States, and do authorize and empower him to execute and fulfill the duties of that Office according to the Constitution and Laws of the said United States, and to have and to hold the said office, with all the powers, privileges and emoluments to the same of

right appertaining, unto Him, the said Harry A. Blackmun, during his good behavior.

"In testimony whereof, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

"Done in the City of Washington, this 14th day of May, in the year of our Lord one thousand nine hundred and seventy, and of the Independence of the United States of America the one hundred and ninety-fourth."

Signed, Richard Nixon, and attested by John N. Mitchell, Attorney General, with the seal of the Department of Justice affixed.

The Justice designate was then escorted by the Clerk to the center of the bench.

The Chief Justice said:

"Please raise your right hand, Judge Blackmun, and repeat after me:

(The following oath was administered by the Chief Justice and repeated by Judge Blackmun:)

"I, Harry Andrew Blackmun, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as an Associate Justice of the Supreme Court of the United States, according to the best of my abilities and understanding, agreeably to the Constitution of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter.

"So help me God."

The Chief Justice Said:

"Will you please robe the new Justice."

Justice Blackmun was assisted in putting on his robe and was escorted by the Marshal to his seat on the bench.

The Chief Justice said:

"Mr. Justice Blackmun, on behalf of all members of the Court, I welcome you to this bench and we look forward to many years of work together in our common calling.

"Today's order list contains an order designating Circuit Justices for the several circuits of the United States Courts.

"The assignment of the Justices is as follows:

"For the District of Columbia Circuit, The Chief Justice,
 "For the First Circuit, William J. Brennan, Jr., Associate Justice,
 "For the Second Circuit, John M. Harlan, Associate Justice,
 "For the Third Circuit, William J. Brennan, Jr., Associate Justice,
 "For the Fourth Circuit, The Chief Justice,
 "For the Fifth Circuit, Hugo L. Black, Associate Justice,
 "For the Sixth Circuit, Potter Stewart, Associate Justice,
 "For the Seventh Circuit, Thurgood Marshall, Associate Justice,
 "For the Eighth Circuit, Harry A. Blackmun, Associate Justice,
 "For the Ninth Circuit, William O. Douglas, Associate Justice,
 "For the Tenth Circuit, Byron R. White, Associate Justice."

Whereupon the Court adjourned until Monday, June 15, 1970, at 10 o'clock.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Marshall.

OPINIONS

No. 201. John Dalmer Benton, petitioner, *v.* Maryland. On writ of certiorari to the Court of Special Appeals of Maryland. Judgment vacated and case remanded to the Court of Special Appeals of Maryland for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Marshall. Concurring opinion by Mr. Justice White. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins.

No. 413. North Carolina et al., petitioners, *v.* Clifton A. Pearce. On writ of certiorari to the United States Court of Appeals for the Fourth Circuit; and

No. 418. Curtis M. Simpson, Warden, petitioner, *v.* William S. Rice. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgments affirmed. Opinion by Mr. Justice Stewart. Concurring opinion by Mr. Justice Douglas with whom Mr. Justice Marshall joins. Opinion by Mr. Justice Black concurring in part and dissenting in part. Opinion by Mr. Justice Harlan concurring in part and dissenting in part. Opinion by Mr. Justice White concurring in part.

No. 770. Ted Steven Chimel, petitioner, *v.* California. On writ of certiorari to the Supreme Court of California. Judgment reversed and case remanded to the Supreme Court of California for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Stewart. Concurring opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice White with whom Mr. Justice Black joins.

The Chief Justice said:

"The other orders of the Court have been certified by the Chief Justice and filed with the Clerk and will not be announced orally."

OPINIONS PER CURIAM

No. 598. Atlas Engine Works, Inc., petitioner, *v.* National Labor Relations Board. On petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Petition for writ of

certiorari granted, judgment vacated, and case remanded to the Court of Appeals with instructions to remand the case to the Board for further consideration in light of *NLRB v. Gissel Packing Co., Inc.*, 395 U.S. —, decided June 16, 1969. Opinion *per curiam*.

No. 906. Thrift Drug Company of Pennsylvania, petitioner, *v.* National Labor Relations Board. On petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Petition for writ of certiorari granted, judgment vacated, and case remanded to the Court of Appeals with instructions to remand the case to the Board for further consideration in light of *NLRB v. Gissel Packing Co., Inc.*, 395 U.S. —, decided June 16, 1969. Opinion *per curiam*.

No. 1213. Lou DeYoung's Market Basket, Inc., petitioner, *v.* National Labor Relations Board. On petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Petition for writ of certiorari granted, judgment vacated, and case remanded to the Court of Appeals with instructions to remand the case to the Board for further consideration in light of *NLRB v. Gissel Packing Co., Inc.*, 395 U.S. —, decided June 16, 1969. Opinion *per curiam*.

No. 1273. National Labor Relations Board, petitioner, *v.* The Pembek Oil Corporation. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. Petition for writ of certiorari granted, judgment vacated, and case remanded to the Court of Appeals with instructions to remand to the Board for further consideration in light of *NLRB v. Gissel Packing Co., Inc.*, 395 U.S. —, decided June 16, 1969. Opinion *per curiam*.

No. 837. Monique Von Cleef et al., petitioners, *v.* New Jersey. On petition for writ of certiorari to the Superior Court of New Jersey, Appellate Division, Petition for writ of certiorari granted, judgment reversed, and case remanded to the Superior Court of New Jersey, Appellate Division, for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Opinion by Mr. Justice Harlan concurring in the result. Mr. Justice Black and Mr. Justice White concur in granting certiorari but dissent from reversal and remand of the judgment without a hearing.

No. 1022. William Proner, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. Petition for writ of certiorari granted, judgment vacated, and case remanded to the Court of Appeals for further consideration in light of *Benton v. Maryland*, 395 U.S. —, decided this date. Opinion *per curiam*.

No. 1370. Alexander H. Lindsay, appellant, *v.* Joseph J. Kelley, Jr., Secretary of the Commonwealth of Pennsylvania. Appeal from the Supreme Court of Pennsylvania, Middle District. The motion of the Pennsylvania Bar Association for leave to file a brief, as *amicus*

curiae, is granted. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 1414. J. W. Anderson et al., appellant, *v.* The Urban Renewal and Community Development Agency of the City of Paducah, Kentucky. Appeal from the Court of Appeals of Kentucky. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 1539. Julia Rosado et al., petitioners, *v.* George K. Wyman, etc., et al. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit; and

No. 1540. Julia Rosado et al., appellants, *v.* George K. Wyman, etc. Appeal from the United States District Court for the Eastern District of New York et al.

The motions of Joseph Barbaro et al.; and American Civil Liberties Union et al., for leave to file briefs, as *amici curiae*, are granted. The motion to expedite review is denied. The application to vacate the stays granted by the Court of Appeals on June 11, 1969, and June 19, 1969, of the injunctions of the District Court presented to Mr. Justice Brennan, and by him referred to the Court, is denied. Petition for writ of certiorari before judgment in No. 1539 is denied. The appeal in No. 1540 is dismissed for want of jurisdiction. Opinion *per curiam*. Mr. Justice Douglas and Mr. Justice Harlan took no part in the consideration or decision of these cases.

No. 540, Misc. Bruce Warnie Shipley, petitioner, *v.* California. On petition for writ of certiorari to the Court of Appeal of California, Second Appellate District. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment reversed and case remanded to the Court of Appeal of California, Second Appellate District, for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Black concurs in granting certiorari but dissents from the reversal and remand of the judgment without a hearing. Dissenting opinion by Mr. Justice White.

No. 652, Misc. Richard Lee Byers, petitioner, *v.* City of Oklahoma City et al. On petition for writ of certiorari to the Court of Criminal Appeals of Oklahoma. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Court of Criminal Appeals of Oklahoma for further consideration in light of *Williams v. City of Oklahoma City*, 395 U.S. —, decided June 9, 1969.

No. 996, Misc. Manuel Moya and Ernestine Moya, appellants, *v.* Dan Debaca, etc., et al. Appeal from the United States District Court

for the District of New Mexico. Motion for leave to proceed *in forma pauperis* granted. The motion to dismiss is granted and the appeal is dismissed. Opinion *per curiam*. Mr. Justice Harlan and Mr. Justice Brennan would vacate judgment and remand case for further consideration in light of *Sniadach v. Family Finance Corp. of Bay View*, 395 U.S. —, decided June 9, 1969.

No. 1259, Misc. Harold Frank White, petitioner, *v. United States*. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Court of Appeals for further consideration in light of *Benton v. Maryland*, 395 U.S. —, decided this date. Opinion *per curiam*.

No. 1642, Misc. Carroll M. House, appellant, *v. United States et al.* Appeal from the United States Court of Appeals for the Fourth Circuit. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 1879, Misc. John P. Tillman et al., petitioners, *v. United States*. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari as to Fox granted, and as to all other petitioners petition for writ of certiorari denied. Judgment vacated and case remanded to the United States District Court for the Northern District of Georgia for further consideration in light of *Alderman v. United States*, 394 U.S. 165. Opinion *per curiam*. Mr. Justice Black dissents.

No. 1939, Misc. James L. Dillard, appellant, *v. Family Court, Queens County, et al.* Appeal from the United States District Court for the Eastern District of New York. The appeal is dismissed for want of jurisdiction. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. —. Cleveland Board of Education, petitioner, *v. Pearl E. Masheter*. The application for stay presented to Mr. Justice Douglas, and by him referred to the Court, is denied.

No. —. Geoffrey W. Sloan, petitioner, *v. Local Board No. 1, Bernalillo County, New Mexico, et al.* The application for stay presented to Mr. Justice White, and by him referred to the Court, is denied.

No. 216. Patrick G. Martone, appellant, *v. Cecil Morgan et al.* The respondents are requested to file a response to the petition for rehearing within thirty days.

No. 1036. The Tobacco Institute, Inc., et al., petitioners, *v. Federal Communications Commission et al.*;

No. 1059. National Association of Broadcasters et al., petitioners, *v. Federal Communications Commission et al.*;

No. 1060. American Broadcasting Companies, Inc., petitioner, *v. Federal Communications Commission et al.*; and

No. 1067. National Broadcasting Company, Inc., petitioners, *v. Federal Communications Commission et al.* The Solicitor General is invited to file a memorandum expressing the views of the respondents with respect to the applicability to these cases of the opinion in *Red Lion Broadcasting Co., etc., et al. v. Federal Communications Commission et al.*, 395 U.S. — (decided June 9, 1969).

No. 1474. James Turner, petitioner, *v. United States.* The motion for the appointment of counsel is granted, and it is ordered that Josiah E. DuBois, Jr., Esquire, of Camden, New Jersey, a member of the Bar of this Court, be, and he is hereby, appointed to serve as counsel for the petitioner in this case.

No. 2085, *Misc.* Safeguard Mutual Insurance Company, petitioner, *v. Abraham L. Freedman, Judge of the U.S. Court of Appeals for the Third Circuit, et al.*;

No. 2164, *Misc.* Richard E. Jones, petitioner, *v. Pratt & Whitney, Inc., et al.*; and

No. 2199, *Misc.* Marvin Puryear, appellant, *v. Frank S. Hogan, District Attorney, etc., et al.* The motions to expedite are denied.

APPEALS—JURISDICTION NOTED

No. 1131, *Misc.* Gladys Boddie et al., appellants, *v. Connecticut et al.* Appeal from the United States District Court for the District of Connecticut. Motion for leave to proceed *in forma pauperis* granted. In this case probable jurisdiction noted. Case transferred to the appellate docket and placed on the summary calendar.

No. 1977, *Misc.* Lelia Mae Sanks et al., appellants, *v. Georgia et al.* Appeal from the Supreme Court of Georgia. Motion for leave to proceed *in forma pauperis* granted. In this case probable jurisdiction noted and case transferred to the appellate docket, placed on the summary calendar and set for oral argument immediately following No. 1232.

CERTIORARI GRANTED

No. 846. Joseph Waller, Jr., petitioner, *v. Florida.* Petition for writ of certiorari to the District Court of Appeal of Florida, Second District, granted. Case placed on the summary calendar and set for oral argument immediately following No. 1099.

No. 1246. Association of Data Processing Service Organizations, Inc., et al., petitioners, *v.* William B. Camp, Comptroller of the Currency of the United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit granted and case placed on the summary calendar.

No. 515, Misc. Dennis Mullene Moon, petitioner, *v.* Maryland. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Court of Appeals of Maryland granted. Case transferred to the appellate docket, placed on the summary calendar and set for oral argument immediately following No. 477. In addition to the questions presented by the petition counsel are requested to brief and argue the question of retroactivity of *North Carolina v. Pearce*, 395 U.S.—, and *Simpson v. Rice*, 395 U.S. — (both decided this date).

No. 995, Misc. Charles Lee Parker, petitioner, *v.* North Carolina. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Court of Appeals of North Carolina granted. Case transferred to the appellate docket, placed on the summary calendar, and set for oral argument immediately following No. 1064.

No. 1925, Misc. Robert M. Brady, petitioner, *v.* United States. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit granted. Case transferred to the appellate docket, placed on the summary calendar, and set for oral argument immediately following No. 1064.

No. 1254, Misc. Earl Price, petitioner, *v.* Georgia. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Georgia granted. Case transferred to the appellate docket, placed on the summary calendar, and set for oral argument immediately following No. 515 Misc. In addition to the questions presented by the petition, counsel are requested to brief and argue the question of retroactivity of *Benton v. Maryland*, 395 U.S. — (decided this date) and whether that decision is applicable to this case.

No. 2083, Misc. Michael Buie, petitioner, *v.* United States. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted. Case transferred to the appellate docket, placed on the summary calendar, and set for oral argument immediately following No. 1473.

CERTIORARI DENIED

No. 916. Theodore Varitimos, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 1163. Frank Smith, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1307. Edward M. Heligman, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1323. James B. Polson, petitioner, *v. Idaho*. Petition for writ of certiorari to Supreme Court of Idaho denied.

No. 1325. Clyde H. Hale, Jr., petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1345. Michael Zaffarano, petitioner, *v. Walter W. Fitzpatrick, Warden*. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1358. Pacific Oil Company, petitioner, *v. Walter J. Hickel, Secretary of the Interior of the United States*. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1371. Sigmund Goldblatt, petitioner, *v. United States*;

No. 1372. Robert C. Cotten, Jr., petitioner, *v. United States*; and

No. 1373. Nathan Wechsler, petitioner, *v. United States*. Petitions for writs of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1375. Wolf Corporation et al., petitioners, *v. Leon Green*; and

No. 1376. Troster, Singer & Co., petitioner, *v. Leon Green*. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1378. William H. Lutsko and Harold S. Lutsko, petitioners, *v. Pennsylvania*. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 1379. Walter Humphrey et al., petitioners, *v. Dealers Transport Company et al.* Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1383. Jack L. Roach, petitioner, *v. Connecticut*. Petition for writ of certiorari to the Supreme Court of Connecticut denied.

No. 1384. Howard H. Baldwin and Clair C. Wagner, petitioners, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1476. Norfolk and Western Railway Company, petitioner, *v. James Odell Smith*. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1500. Pikes Peak Broadcasting Company et al., petitioners, *v. Federal Communications Commission et al.* Petition for writ of cer-

tiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 500. Arnold Grover Schmear, petitioner, *v.* John R. Gagnon, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice White is of the opinion that certiorari should be granted.

No. 1314. Garwin Corporation et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 1381. Joseph N. Tooni et al., petitioners, *v.* Eugene Zuckert, Secretary of the Air Force. Motion of District Lodge 23, International Association of Machinists and Aerospace Workers for leave to file a brief, as *amicus curiae*, granted. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 271, Misc. John Edward Daugherty, petitioner, *v.* Walter E. Craven, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 734, Misc. John Marshall Hartley, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Special Appeals of Maryland denied.

No. 1045, Misc. Anthony G. Saville, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 1086, Misc. William I. Davis, petitioner, *v.* John E. Bennett, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1282, Misc. Donald A. Cavanaugh, petitioner *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1422, Misc. Francis Rhodes Vickers, petitioner *v.* West Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 1428, Misc. William R. Liss, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1518, Misc. Tony Scolari, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1543, Misc. Gabriel Rangel, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 1559, Misc. Michael Joseph Gurleski, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1737, Misc. David Brian Stoppelman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 1833, Misc. Michael Pasterchik, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1855, Misc. Thomas C. Warnock, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied.

No. 1858, Misc. John Marshall Stocker, Jr., petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Special Appeals of Maryland denied.

No. 1859, Misc. Chin Kee, petitioner, *v.* Massachusetts. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 1880, Misc. Mike Waldo Simmons, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1883, Misc. Thomas Brewer Turner, petitioner, *v.* Carlton Wilkes et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1896, Misc. John Marvin White, petitioner, *v.* Walter Craven, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1899, Misc. Aaron Roosevelt Green, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1900, Misc. Salvatore Rispo, Jr., petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Superior Court of Pennsylvania denied.

No. 1909, Misc. Robert Martinez, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 1916, Misc. Percy Rutherford, petitioner, *v.* John T. Deegan, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1920, Misc. Isaac Bud Wilson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1929, Misc. Henry Squire, petitioner, *v. John Rush, Warden, et al.* Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1931, Misc. Jesse Ross Safley, petitioner, *v. United States.* Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1933, Misc. Norina Lelii, petitioner, *v. Dolente Construction Company et al.* Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 1940, Misc. Luis Morales, petitioner, *v. California.* Petition for writ of certiorari to the Supreme Court of California denied.

No. 1948, Misc. Albert Harris, Jr., petitioner, *v. Louie L. Wainwright.* Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1951, Misc. William Kenneth Parrish, petitioner, *v. C. C. Peyton, Superintendent, Virginia State Penitentiary.* Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1955, Misc. Charles William Caton, petitioner, *v. United States.* Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1963, Misc. Garnette Sutherland, petitioner, *v. Ohio.* Petition for writ of certiorari to the Court of Appeals of Ohio, Eighth Judicial District, denied.

No. 1964, Misc. George McCreary, petitioner, *v. Maurice Sigler, Warden.* Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1966, Misc. Dale George Henderson, petitioner, *v. California.* Petition for writ of certiorari to the Court of Appeal of California, Third Appellate District, denied.

No. 1970, Misc. Clarence Hill, petitioner, *v. Illinois.* Petition for writ of certiorari to the Appellate Court of Illinois, First District, denied.

No. 2077, Misc. A. Clairborne Leigh, petitioner, *v. United States.* Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 395, Misc. Anthony Lloyd Chrisman, petitioner, *v. California.* Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied. Mr. Justice Harlan and Mr. Justice White are of the opinion that certiorari should be granted.

No. 550, Misc. Ralph Cooper Jamison, petitioner, *v. United States.* Petition for writ of certiorari to the United States Court of Appeals

for the Second Circuit denied. Mr. Justice Harlan and Mr. Justice White are of the opinion that certiorari should be granted.

No. 1037, Misc. Edward F. Mahoney, petitioner, *v. J. Edwin LaVallee*, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. Mr. Justice Douglas and Mr. Justice White are of the opinion that certiorari should be granted.

No. 1097, Misc. Robert Harris, petitioner, *v. Illinois*. Petition for writ of certiorari to the Appellate Court of Illinois, First District, denied. Mr. Justice White is of the opinion that certiorari should be granted.

No. 1104, Misc. George R. Jacques, petitioner *v. New Jersey*. Petition for writ of certiorari to the Supreme Court of New Jersey denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice Harlan dissents for the reasons stated in his separate opinion in *North Carolina v. Pearce*, 395 U.S. — (decided this date).

No. 1440, Misc. Stanley Nick Gonsior, petitioner, *v. California*. Petition for writ of certiorari to the Court of Appeal of California, Third Appellate District, denied. The Chief Justice and Mr. Justice Marshall are of the opinion that certiorari should be granted.

No. 1824, Misc. Jerome Byrnes, petitioner, *v. United States*, Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Marshall took no part in the consideration or decision of this petition.

No. 1868, Misc. Mae Frances Neal et al., petitioners, *v. Saga Shipping Co., S. A., et al.* Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. 1941, Misc. Joseph Linwood Richards, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. The Chief Justice, Mr. Justice Brennan and Mr. Justice Stewart are of the opinion that certiorari should be granted.

No. 1945, Misc. Joe Ramirez Hernandez, petitioner, *v. Texas*. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied. The Chief Justice and Mr. Justice Marshall are of the opinion that certiorari should be granted.

LEAVE TO FILE PETITION FOR WRIT OF HABEAS CORPUS DENIED

No. 1888, Misc. Charles L. Everett, petitioner, *v. Warden, United States Penitentiary*. Motion for leave to file petition for writ of habeas corpus denied. Mr. Justice Marshall took no part in the consideration or decision of this motion.

MONDAY, JUNE 23, 1969



REHEARINGS DENIED

No. 297. Immigration and Naturalization Service, petitioner, *v.* Veljko Stanisic;

No. 1113. The Telephone Users Association, Inc., petitioner, *v.* The Public Service Commission of the District of Columbia et al.;

No. 1191. Steverson Tillie Morgan, petitioner, *v.* J. L. Nelson et al.;

No. 1235. Reese Hubbard et al., petitioners, *v.* Donna M. Kiefel;

No. 1257. Helen Lopo etc., appellant, *v.* Saks Fifth Avenue;

No. 1769, Misc. Mayo M. Goff, petitioner, *v.* Veterans Administration;

No. 1795, Misc. Samuel Bernstein, petitioner, *v.* Martin P. Catherwood, as Industrial Commissioner of New York; and

No. 1930, Misc. Richard Emmett Smiley, petitioner, *v.* California et al. Petitions for rehearing denied.

No. 1670, Misc. Bradley T. Moye, petitioner, *v.* Sioux City & New Orleans Barge Lines, Inc. Motion of American Trial Lawyers Association, Admiralty Section, for leave to file a brief, as *amicus curiae*, denied. Petition for rehearing denied.

The Chief Justice said:

"We are honored today to have the presence of the President of the United States as a Member of this Bar.

"Mr. President, may I recognize you at this time."

President Nixon said:

"Mr. Chief Justice, may it please the Court:

"I am honored to appear today, not as President of the United States but as a Member of the Bar admitted to practice before this Court.

"At this historic moment I am reminded of the fact that while this is the last matter that will be heard by the Chief Justice of the United States, the first matter to be heard by this Court when he became Chief Justice was the occasion when, as Vice President of the United States on October 5, 1953, I moved the admission of Warren Olney, III, and Judge Stanley Barnes to be members of this Court.

"I have also had another experience at this Court. In 1966, as a Member of the Bar, I appeared on two occasions before the Supreme Court of the United States. Looking back on those two occasions, I can say, Mr. Chief Justice, that there is only one ordeal which is more challenging than a Presidential press conference and that is to appear before the Supreme Court of the United States.

"On this occasion, it is my privilege to represent the Bar in speaking of the work of the Chief Justice and in extending the best wishes of the Bar and the Nation to him for the time ahead.

"In speaking of that work, I naturally think somewhat in personal terms of the fact that not only is the Chief Justice concluding almost 16 years in his present position, but that today he concludes 52 years of public service to local, State and National Government:

"As District Attorney in Alameda County, as Attorney General of the State of California, as Governor of the State of California, the only three-term Governor in the history of that State.

"The Nation is grateful for that service.

"I am also reminded of the fact that the Chief Justice has established a record here in this Court which will be characterized in many ways. In view of the historical allusion that was made in the opinions just read, may I be permitted an historical allusion?

"Will Rogers, in commenting upon one of the predecessors of the Chief Justice, Chief Justice William Howard Taft, said that "It is great to be great. It is greater to be human."

"I think that comment could well apply to the Chief Justice as we look at his 52 years of service. One who has held high office in this Nation, but one who, in holding that office, always had the humanity which was all-encompassing, the dedication to his family, his personal family, to the great American family, to the family of man.

"The Nation is grateful for that example of humanity which the Chief Justice has given to us and to the world.

"But as we consider this moment, we also think of the transition which will shortly take place. We think of what it means to America, what it means to our institutions.

"Sixteen years have passed since the Chief Justice assumed his present position. These 16 years, without doubt, will be described by historians as years of greater change in America than any in our history.

"And that brings us to think of the mystery of Government in this country, and for that matter in the world, the secret of how Government can survive for free men. And we think of the terms "change" and "continuity." Change without continuity can be anarchy. Change with continuity can mean progress. And continuity without change can mean no progress.

"As we look over the history of this Nation, we find that what has brought us where we are has been continuity with change. No institution of the three great institutions of our Government has been more responsible for that continuity with change than the Supreme Court of the United States.

"Over the last 16 years there have been great debates in this country. There have been some disagreements even within this Court. But

standing above those debates has been the symbol of the Court as represented by the Chief Justice of the United States: fairness, integrity, dignity. These great and simple attributes are, without question, more important than all of the controversy and the necessary debate that goes on when there is change, change within the continuity which is so important for the progress which we have just described.

"To the Chief Justice of the United States, all of us are grateful today that his example, the example of dignity, the example of integrity, the example of fairness, as the chief law official of this country, has helped to keep America on the path of continuity and change, which is so essential for our progress.

"When the historians write of this period and the period that follows, some with a superficial view will describe the last sixteen years as the 'Warren Court' and will describe the Court that follows it as the 'Burger Court.'

"I believe, however, that every Member of this Court would agree with me when I say that because of the example of the Chief Justice, a selfless example, a nonselfish example, that this period will be described, not only his but that of his successor, not as the Warren Court, not as the Burger Court, not in personal terms, but in this hallowed moment in this great Chamber, the Supreme Court. It was always that way; may it always be that way. And to the extent that it is, this Nation owes a debt of gratitude to the Chief Justice of the United States for his example."

The Chief Justice said:

"Mr. President, your words are most generous and are greatly appreciated, I assure you. I accept your personal, kind words, but in doing so I must confess that I sense in your presence here and in the words you have spoken your great appreciation of the value of this Court in the life of our Nation and the fact that it is one of the three coordinate Branches of the Government and that it is a continuing body.

"I might point out to you, because you might not have looked into the matter, that it is a continuing body to the extent that if any American at any time in the history of the Court—180 years—had come to this Court he would have found one of seven men on the Court, the last of whom, of course, is our Senior Justice, Mr. Justice Black. Because at any time an American might come here he would find one of seven men on the Bench in itself shows how continuing this body is and how it is that the Court develops consistently the eternal principles of our Constitution in solving the problems of the day.

"We, of course, venerate the past, but our focus is on the problems of the day and of the future as far as we can foresee it.

"I cannot escape the feeling that in one sense, at least, this Court is similar to your own great office and that is that so many times it speaks the last word in great governmental affairs. The responsibility

of speaking the last word for not only 200 million people, but for those to follow us is a very awesome responsibility.

"It is a responsibility that is made more difficult in this Court because we have no constituency. We serve no majority. We serve no minority. We serve only the public interest as we see it, guided only by the Constitution and our own consciences. And conscience sometimes is a very severe taskmaster.

"But the Court through all the years has pursued a more or less steady course, and in my opinion has progressed and has applied the principles set forth in those 5000 general words of the Constitution in a manner that is consistent with the public interest and consistent with our future so far as it can be discerned.

"We do not always agree. I hope the Court will never agree on all things. If it ever agrees on all things, I am sure that its virility will have been sapped because it is composed of nine independent men who have no one to be responsible to except their own consciences.

"It is not likely ever, with human nature as it is, for nine men to agree always on the most important and controversial things of life. If it ever comes to such a pass, I would say that the Court will have lost its strength and will no longer be a real force in the affairs of our country. But so long as it is manned by men like those who have preceded us and by others like those who sit today, I have no fear of that ever happening.

"I am happy today to leave the service of my country with a feeling of deep friendship for all these men whom I have served with for 16 years, in spite of the fact that we have disagreed on many occasions. In the last analysis, the fact we have often disagreed is not of great importance. The important thing is that every man will have given his best thought and consideration to the great problems that have confronted us.

"So I leave in a happy vein, Mr. President, and I wish my successor all the happiness and success in his years on the Court, which I hope will be many. You having issued a commission to him, it becomes my very happy duty and pleasure to administer the oath to him.

"But before doing so, I want to say :

"All cases submitted and all business before the Court at this term in readiness for disposition having been disposed of,

"It is ordered by this Court that all cases on the docket be, and they are hereby, continued to the next term.

"The Clerk will now read the Commission of the Chief Justice designate."

The Clerk then read the commission as follows:

“Richard Nixon,
“President of the United States of America,

“To All Who shall See These Presents, Greeting:

“Know Ye; That reposing special trust and confidence in the Wisdom, Uprightness, and Learning of Warren E. Burger of Virginia, I have nominated and, by and with the advice and consent of the Senate, do appoint him Chief Justice of the United States, and do authorize and empower him to execute and fulfill the duties of that Office according to the Constitution and Laws of the said United States, and to have and to hold the said office, with all the powers, privileges and emoluments to the same of right appertaining, unto Him, the said Warren E. Burger, during his good behavior.

“In testimony whereof, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

“Done at the City of Washington, this twenty-third day
of June, in the year of our Lord one thousand nine hundred
and sixty-nine, and of the Independence of the United
States of America the one hundred and ninety-third.

“By the President:

“RICHARD NIXON.

“John N. Mitchell,

[SEAL] “*Attorney General.*”

Judge Burger was then escorted by the Marshal to the center of the bench where the oath of office was then administered by the Chief Justice in the following words:

“I, Warren Earl Burger, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as Chief Justice of the United States, according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well

and faithfully discharge the duties of the office on which I am about to enter.

"So help me God.

"Warren E. Burger.

"Subscribed and sworn to before me this twenty-third day of June, 1969.

"Earl Warren,
"Chief Justice."

The Chief Justice said:

"I present the new Chief Justice of the United States."

Adjourned to the time and place appointed by law.

It was ordered by the Court that the accompanying correspondence between members of the Court and Mr. Chief Justice Warren upon his retirement as Chief Justice of the United States be this day spread upon the minutes and that it also be printed in the reports of the Court.

SUPREME COURT OF THE UNITED STATES,
WASHINGTON, D.C., June 23, 1969.

HON. EARL WARREN,
Chief Justice of the United States,
Washington, D.C.

DEAR CHIEF, Your retirement today from our Court brings us mingled feelings—regret that you are leaving and gratitude that you have served the Court and the Nation with such eminent distinction.

We, your brethren, cannot let you leave without expressing our admiration and affection for you. Through our years of service together we have been constantly impressed by your patriotism and your unswerving devotion to liberty and justice. For us it is a source of pride that we have had the opportunity to be members of the Court over which you have presided during one of the most important and eventful eras of our Nation.

We are happy that you leave the Court in good health and wish you many more years of health and happiness in your well-earned retirement.

Sincerely,

HUGO L. BLACK
JOHN M. HARLAN
BYRON R. WHITE

W. O. DOUGLAS
WM. J. BRENNAN, Jr.
POTTER STEWART

THURGOOD MARSHALL

MONDAY, JUNE 23, 1969

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SUPREME COURT OF THE UNITED STATES,
WASHINGTON, D.C., *June 23, 1969.*

DEAR BRETHREN:

Your letter of today concerning my retirement was heartwarming for me.

To have been able to serve with you through these many eventful years is one of the great satisfactions of my life, and to retire with the friendship of all of you fills my cup to overflowing.

I shall always be interested in you and your work, and I trust that each of you will, for many years, enjoy continued good health and happiness.

Sincerely,

EARL WARREN.

Mr. Justice Black
Mr. Justice Douglas
Mr. Justice Harlan
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall

SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Burger, Mr. Justice Douglas, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, Mr. Justice Marshall, Mr. Justice Blackmun, Mr. Justice Powell and Mr. Justice Rehnquist.

The Chief Justice said:

"In this special sitting of the Court, we will receive the commission of the Justice-designate Powell and at this time the Court recognizes the Attorney General.

"Mr. Attorney General."

Mr. Attorney General Mitchell said:

"Mr. Chief Justice, may it please the Court:

"I am happy to advise that the President of the United States has nominated, the Senate has consented and the President has appointed Mr. Lewis F. Powell, Jr., of Virginia, as an Associate Justice of the Supreme Court of the United States.

"I bear with me the commission, dated December 9, 1971, signed by the President of the United States, and attested by me as Attorney General, and with the permission of the Court, I will turn the commission over to the Clerk of the Court."

The Chief Justice said:

"The commission is accepted, Mr. Attorney General.

"Thank you.

"Mr. Clerk, will you read the commission."

The Clerk said:

"The commission reads as follows:

"RICHARD NIXON,

"President of the United States of America.

"To All Who shall See These Presents, Greeting:

"Know Ye; That reposing special trust and confidence in the Wisdom, Uprightness, and Learning of Lewis F. Powell, Jr., of Virginia, I have nominated and, by and with the advice and consent of the Senate, do appoint him an Associate Justice of the Supreme Court of the United States, and do authorize and empower him to execute and fulfill the duties of that Office according to the Constitution and Laws of the said United States, and to have and to hold the said office, with all the powers, privileges and emoluments to the same of right appertaining, unto Him, the said Lewis F. Powell, Jr., during his good behavior.

"In testimony whereof, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

"Done in the City of Washington, this 9th day of December, in the year of our Lord one thousand nine hundred and seventy-one, and of the Independence of the United States of America the one hundred and ninety-sixth."

Signed, Richard Nixon, and attested by John N. Mitchell, Attorney General, with the seal of the Department of Justice affixed.

The Justice designate was then escorted by the Clerk to the center of the bench.

The Chief Justice said:

"Please raise your right hand, Mr. Powell, and repeat after me:

(The following oath was administered by the Chief Justice and repeated by Mr. Powell:)

"I, Lewis F. Powell, Jr., do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as an Associate Justice of the Supreme Court of the United States, according to the best of my abilities and understanding, agreeably to the Constitution of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter.

"So help me God."

The Chief Justice said:

"Will you please robe the new Justice."

Justice Powell was assisted in putting on his robe and was escorted by the Marshal to his seat on the bench.

The Chief Justice said:

"Mr. Justice Powell, on behalf of all members of the Court, I welcome you to this bench and we look forward to many years of work together in our common calling."

The Chief Justice said:

"In this special sitting of the Court, we will receive the commission of the Justice-designate Rehnquist and at this time the Court recognizes the Attorney General.

"Mr. Attorney General."

Mr. Attorney General Mitchell said:

"Mr. Chief Justice, may it please the Court:

"I am happy to advise that the President of the United States has nominated, the Senate has consented and the President has appointed Mr. William H. Rehnquist, of Arizona, as an Associate Justice of the Supreme Court of the United States.

"I bear with me the commission, dated December 15, 1971, signed by the President of the United States, and attested by me as Attorney General, and with the permission of the Court, I will turn the commission over to the Clerk of the Court."

The Chief Justice said:

"The commission is accepted, Mr. Attorney General.

"Thank you.

"Mr. Clerk, will you read the commission."

~~The Chief Justice said:~~ CLERK SAID:

"The commission reads as follows:

"RICHARD NIXON,

"President of the United States of America.

"To All Who shall See These Presents, Greeting:

"Know Ye; That reposing special trust and confidence in the Wisdom, Uprightness, and Learning of William H. Rehnquist, of Arizona, I have nominated and, by and with the advice and consent of the Senate, do appoint him an Associate Justice of the Supreme Court of the United States, and do authorize and empower him to execute and fulfill the duties of that Office according to the Constitution and Laws of the said United States, and to have and to hold the said office, with all the powers, privileges and emoluments to the same of right appertaining, unto Him, the said William H. Rehnquist, during his good behavior.

"In testimony whereof, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

"Done in the City of Washington, this 15th day of December, in the year of our Lord one thousand nine hundred and seventy-one, and of the Independence of the United States of America the one hundred and ninety-sixth."

Signed, Richard Nixon, and attested by John N. Mitchell, Attorney General, with the seal of the Department of Justice affixed.

The Justice designate was then escorted by the Clerk to the center of the bench.

The Chief Justice said:

"Please raise your right hand, Mr. Rehnquist, and repeat after me:
(The following oath was administered by the Chief Justice and repeated by Mr. Rehnquist:)

"I, William H. Rehnquist, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as an Associate Justice of the Supreme Court of the United States, according to the best of my abilities and understanding, agreeably to the Constitution of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter.

"So help me God."

The Chief Justice said:

"Will you please robe the new Justice."

Justice Rehnquist was assisted in putting on his robe and was escorted by the Marshal to his seat on the bench.

"The Chief Justice said:

"Mr. Justice Rehnquist, on behalf of all members of the Court, I welcome you to this bench and we look forward to many years of work together in our common calling."

ORDER

It is ordered that the following allotment be made of the Chief Justice and Associate Justices of this Court among the circuits, pursuant to Title 28, United States Code, Section 42 and that such allotment be entered of record, viz:

For the District of Columbia Circuit, Warren E. Burger, Chief Justice,

For the First Circuit, William J. Brennan, Jr., Associate Justice,

For the Second Circuit, Thurgood Marshall, Associate Justice,

For the Third Circuit, William J. Brennan, Jr., Associate Justice,

For the Fourth Circuit, Warren E. Burger, Chief Justice,

For the Fifth Circuit, Lewis F. Powell, Jr., Associate Justice,

For the Sixth Circuit, Potter Stewart, Associate Justice,

For the Seventh Circuit, William H. Rehnquist, Associate Justice,

For the Eighth Circuit, Harry A. Blackmun, Associate Justice,

For the Ninth Circuit, William O. Douglas, Associate Justice,

For the Tenth Circuit, Byron R. White, Associate Justice.

Whereupon the Court adjourned until Monday, January 10, 1972, at 10 o'clock.

Supreme Court of the United States
Washington, D. C. 20543



CHAMBERS OF
THE CHIEF JUSTICE

December 12, 1975

Eve and/or Shirley -

Here are the Journals of the Court setting forth the swearing-in ceremonies of the Chief Justice and Justice Blackmun. Also enclosed is xerox copy of the Justice Powell and Justice Rehnquist swearing-in.

A xerox of a "program" for the Chief Justice is enclosed which may be useful.

Also copies of the invitation card extended for two of the swearing-in ceremonies are enclosed.

To reiterate what I told you on the telephone, all Justices have been sworn in at the Court, and not at the White House, for the past 25 years.

And, all the Justices will be in Washington through Wednesday of next week. Thursday and Friday will find some of them out of the city.

If you need further information, please call.

Mary Burns

The Chief Justice and the Associate Justices

of the United States Supreme Court

cordially invite you to a

special sitting of the Court at which

The Honorable Harry A. Blackmun

will take the oath of office as an

Associate Justice

Tuesday, the ninth of June

at ten o'clock

*Guests must be seated
no later than 9:45*

*Informal Reception,
East Conference Room, at 10:30*

RSVP Miss Allen, EX. 3-1640—Ext. 282

The Chief Justice and the Associate Justices

of the United States Supreme Court

*cordially invite you to a
special sitting of the Court at which*

The Honorable Lewis F. Powell, Jr.

and

The Honorable William H. Rehnquist

will take the oaths of office as

Associate Justices

Friday, the seventh of January

at ten o'clock

*RSVP no later than January 5,
Mrs. Bryant (202) EX. 3-1640—Ext. 350*

*Guests must be seated
no later than 9:45*

Powell, J.
and
Rehnquist, J.

*The Chief Justice and the Associate Justices
of the United States Supreme Court
cordially invite you to a
special sitting of the Court at which*

*The Honorable Lewis F. Powell, Jr.
and
The Honorable William H. Rehnquist*

will take the oaths of office as

Associate Justices

*Friday, the seventh of January
at ten o'clock*

*RSVP no later than January 5,
Mrs. Bryant (202) EX. 3-1640—Ext. 350*

*Guests must be seated
no later than 9:45*

Reception

immediately following ceremony

East Conference Room

Mr. Justice Powell

Reception

immediately following ceremony

West Conference Room

Mr. Justice Rehnquist

*Receptions
immediately following ceremony
in Conference Rooms*

Court Just



Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

December 16, 1975

Dear Mr. Buchen:

To "tie together" the several discussions we have had regarding Judge Stevens' oath-taking, if it works out to be held on Friday, December 19, at 10:00 a.m. at the Court, I will outline the two alternatives we have discussed.

(1) Presidents Eisenhower, Kennedy and Johnson (their respective wives and two staff members) attended some of the oath-takings of Justices appointed by them, sitting in a specially reserved area.

President Nixon sat at the counsel table at the beginning of the ceremony in June 1969 and participated by way of paying tribute to Chief Justice Warren on his retirement which, of course, took place the same day I took the oath. His remarks were directed exclusively to Chief Justice Warren's public career of 52 years' duration. At the conclusion of his remarks President Nixon joined Mrs. Nixon in a reserved area. I sent you the record of the proceeding last week.

The actual oath-taking is very brief, as you have observed from reading the oath-takings of Justices Blackmun, Powell and Rehnquist.

(2) Should President Ford wish to take some part in the oath-taking session, the attached is the suggested outline you requested. This, of course, is a matter entirely for the President's decision.

(3) The media have requested data on the program and we have deferred any final guidance to them in order to coordinate with your press officers. In the past the only contact the media had with the President was picture-taking. No questioning or requests for statements from the President or the new Justice have been allowed and we would so instruct those who cover the Supreme Court.



- 2 -

Still photos and TV cameras will be set up in one of the following areas, depending on weather conditions:

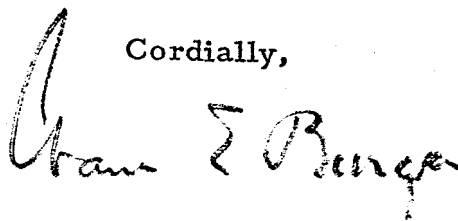
- (a) Courtyard
- (b) Front steps
- (c) Great Hall
- (d) Conference Room

No photographers are permitted in the Courtroom.

If the ceremony is held at 10:00 a.m., the regular Court opening time, the Court will have a reception for Judge and Mrs. Stevens, their family, and such guests as they wish, immediately following. If it is held this week, time will probably not allow for formal invitations and the reception may simply be announced from the bench or by a Court officer. The Courtroom events did not take more than ten minutes in all for Justices Blackmun, Powell and Rehnquist.

Please do not hesitate to call as to any questions. Your staff may contact Mark Cannon and your press people may contact Barrett McGurn on details.

Cordially,



Honorable Philip W. Buchen
Counsel to the President
The White House
Washington, D.C. 20500



Suggested outline for oath-taking by
Circuit Judge John Paul Stevens as an
Associate Justice of the Supreme Court of the United States



[If the President takes an affirmative part in the ceremonies, he would be sitting at the counsel table with the Attorney General and the Solicitor General when the Justices enter the Courtroom. At that time Judge Stevens would be sitting in the well of the Courtroom next to the Clerk of the Court. (The Attorney General and the Solicitor General traditionally wear formal morning clothes in the Courtroom.) As soon as the Justices are seated after entering the Courtroom, the President could rise and go to the lectern, at which time the following is the suggestion which I have prepared at your request:]

THE CHIEF JUSTICE: This special sitting of the Court is held to receive the Commission of a newly-appointed Associate Justice, Circuit Judge Stevens. The Court recognizes the President of the United States.

THE PRESIDENT: Mr. Chief Justice, and may it please the Court, I appear here this morning as a member of the bar of this Court to inform the Court, officially, that the nomination of Circuit Judge John Paul Stevens has been consented to by the United States Senate, and I have appointed him as an Associate Justice of the Supreme Court of the United States. The Commission as Associate Justice has been signed by me and attested by the Attorney General. Judge Stevens is present in the Courtroom ready to take his oath, and I request that the Attorney

General present the Commission to the Court.

THE CHIEF JUSTICE: Thank you, Mr. President. The Court recognizes the Attorney General of the United States.

[The Attorney General would then go to the lectern.]

THE ATTORNEY GENERAL: Mr. Chief Justice, and may it please the Court. I bear with me the Commission issued to Circuit Judge John Paul Stevens as an Associate Justice of this Court. It has been duly signed by the President and attested by me as Attorney General. I move that the Clerk read this Commission and that it be made part of the permanent record of the Court.

THE CHIEF JUSTICE: Your motion is granted, Mr. Attorney General.

[Whereupon the Commission is handed to the Clerk of the Court by a Court attendant. The Clerk will read it into the record.]

THE CHIEF JUSTICE: The Clerk will please escort Judge Stevens to the bench to take the oath.

[Judge Stevens will be escorted to the Chief Justice by the Clerk. The oath of office is then administered to Judge Stevens by the Chief Justice.]

THE CHIEF JUSTICE: Please raise your right hand, Judge Stevens, and repeat after me:

(Oath)

Will the Marshal kindly escort Mr. Justice Stevens to his seat at the bench.



[The Marshal will then escort Mr. Justice Stevens to his place at the bench. When the new Associate Justice is seated, the Chief Justice will say:]

THE CHIEF JUSTICE: Mr. Justice Stevens, on behalf of all the members of the Court I extend to you a warm welcome as an Associate Justice of the Court and wish for you a long and happy career in our common calling.

An order will be entered today designating Circuit Justices for the several Circuits of the United States courts. Those assignments, effective as of today, are as follows:

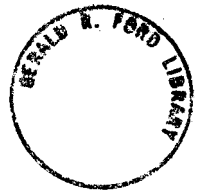
[The Chief Justice will then announce the new assignments of Justices to the several circuits.]

[At this point the Marshal will rise and announce that the Court is adjourned and request that all guests remain standing while the President and Mrs. Ford are escorted from the Courtroom. The Justices leave the bench. (If a reception is to be held, probably some announcement of that will be made from the bench since time will not permit sending formal invitations.)

At this point the audience remains standing while the President is escorted to the East Conference Room by the Marshal of the Court. (The place for photographs will have been agreed upon.) The Justices would later join the President and Justice Stevens in the Conference Room for the reception. The President, of course, could remain as long or briefly as his schedule permits. (Before going to the Conference Room



the media will wish to take pictures and, depending on the weather, cameras will be set up in the Courtyard or in one of the Conference Rooms.) So far as I can determine, the media have never been permitted to put any questions either to the new Justice or to the President. The media session is exclusively for taking photographs and for television cameras. Following the session with photographers, the party will be escorted to the Conference Room where coffee and tea will be served.]





Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

December 18, 1975

Dear Mr. Buchen:

I enclose a slightly modified outline of the proceedings for Friday morning reflecting our last discussion. A copy is also being sent to Mr. Lazarus with whom I talked this morning. Mr. Cannon was not available when Mr. Lazarus called.

Cordially,

The Honorable Philip W. Buchen
Counsel to the President
The White House
Washington, D. C. 20500



Outline for oath-taking by
Circuit Judge John Paul Stevens as an
Associate Justice of the Supreme Court of the United States
December 19, 1975

[If the President takes an affirmative part in the ceremonies, he would be sitting at the counsel table with the Attorney General and the Solicitor General when the Justices enter the Courtroom. At that time Judge Stevens would be sitting in the well of the Courtroom next to the Clerk of the Court. (The Attorney General and the Solicitor General traditionally wear formal morning clothes in the Courtroom.) As soon as the Justices are seated after entering the Courtroom, the Chief Justice will announce the special session of the Court; the President would then rise and go to the lectern.]

THE CHIEF JUSTICE: This special sitting of the Court is held to receive the Commission of the newly-appointed Associate Justice, Circuit Judge Stevens. The Court recognizes the President of the United States.

THE PRESIDENT: [Announces, officially, Judge Stevens' confirmation; presents Attorney General for delivery of Judge Stevens' Commission.]

THE CHIEF JUSTICE: Thank you, Mr. President. The Court recognizes the Attorney General of the United States.

[The Attorney General would then go to the lectern.]



THE ATTORNEY GENERAL: Mr. Chief Justice, and may it please the Court: I bear with me the Commission issued to Circuit Judge John Paul Stevens as an Associate Justice of this Court. It has been duly signed by the President and attested by me as Attorney General. I move that the Clerk read this Commission and that it be made part of the permanent record of the Court.

[The Commission is handed to a Courtroom Attendant, who will be seated just left of the lectern.]

THE CHIEF JUSTICE: Your motion is granted, Mr. Attorney General.

[The Commission having been handed to the Clerk of the Court by a Court Attendant, the Clerk then reads it for the record.]

THE CHIEF JUSTICE: Will the Clerk please escort Judge Stevens to the bench to take the oath?

[Judge Stevens will be escorted to the Chief Justice by the Clerk. The oath of office is then administered to Judge Stevens by the Chief Justice.]

THE CHIEF JUSTICE: Please raise your right hand, Judge Stevens, and repeat after me:

(Oath)

Will the Clerk kindly escort Mr. Justice Stevens to his seat at the bench.

[The Clerk will then escort Mr. Justice Stevens to his place at the bench (far left from the Chief Justice). When the new Associate Justice is seated, the Chief Justice will say:]



THE CHIEF JUSTICE: Mr. Justice Stevens, on behalf of all the members of the Court I extend to you a warm welcome as an Associate Justice of the Court and wish for you a long and happy career in our common calling. [The Chief Justice may express regrets of Justices Marshall and Powell who are out of the city.]

An order will be entered today designating Circuit Justices for the several Circuits of the United States Courts. Those assignments, effective as of today, are as follows:

[The Chief Justice will then announce the new assignments of Justices to the several Circuits.]

[At this point the Marshal will rise and announce that the Court is adjourned and the Justices will retire.

The President and Mrs. Ford will immediately be escorted from the Courtroom by way of a side corridor. The Chief Justice will meet the President and Mrs. Ford at that point.

(The Chief Justice may announce that invited guests may go to the East Conference Room to greet Justice and Mrs. Stevens at a reception.)

Justice Stevens and the Chief Justice have been requested to meet media photographers in the West Conference Room for five minutes of photos, possibly with the President. The Justices and their wives will go to the East Conference Room for the reception. The President, of course, could remain as long or briefly as his schedule permits. Following the session with photographers, the party will be escorted to the East Conference Room where coffee and tea will be served.]

[It may be that the media photographers would like to take some fast shots of the wives after they have taken some pictures of the President, the Chief Justice, and Justice Stevens. If so, the three ladies could very quickly step across the hall and join the three men for some informal shots.]

[The Attorney General has been advised that both Counsel Tables will be reserved for himself, the Solicitor General, the Deputy Attorney General, and perhaps two others of his staff. All are to be seated in the Courtroom not later than 9:50 a.m. to be sure of being present when the President arrives.]

If the President attends without taking affirmative part, he will be seated in the first chair in front of the Box, a place traditionally reserved for Presidents.]

THE WHITE HOUSE

WASHINGTON

December 18, 1975

SWEARING-IN OF JUDGE STEVENS

Friday, December 19, 1975

10:00 a.m. (1 hour)

The Supreme Court

Through: Philip Buchen

From: Kenneth Lazarus



I. PURPOSE

To participate in the installation of Judge John Paul Stevens to be an Associate Justice of the United States Supreme Court.

II. BACKGROUND, PARTICIPANTS & PRESS PLAN

- A. Background: Judge John Paul Stevens will be sworn in as the 101st Justice of the Supreme Court, vice Associate Justice Douglas. [Schedule at Tab A]
- B. Participants: The President, Members of the Supreme Court, Judge Stevens, the Attorney General and Solicitor General. A number of Administration officials will attend. [Outline of ceremony at Tab B]
- C. Press Plan: (1) Press pool coverage (no cameras) of courtroom proceeding; (2) Open photo coverage (President, Chief Justice and Justice Stevens) in West Conference Room following ceremony; and (3) Kennerly photos at reception.

III. TALKING POINTS

[President's statement to the Court at Tab C]

IV. ATTIRE

President, Attorney General and Solicitor General to wear formal morning clothes, i.e., cutaway coat, striped pants, dark vest, black and white striped tie and ordinary collar.



10:06 am Attorney General Levi announces
appointment of Justice Stevens.

10:07 am Clerk of Court reads the commission.

10:08 am Justice Stevens is escorted to the
center of the bench.

10:09 am Chief Justice Burger administers the
oath of office to Justice Stevens.

10:11 am Justice Stevens puts on his robe and
is seated on the bench.

10:12 am Chief Justice Burger welcomes Justice
Stevens.

10:13 am New circuit order is read.

10:14 am Court is adjourned.

10:14 am The President, escorted by Attorney General
Levi and Solicitor General Bork, departs
courtroom and proceeds to the disrobing area.

10:15 am The President meets Chief Justice Burger and
Justice Stevens and they proceed to the West
Conference Room for photo session.

10:16 am The President arrives West Conference Room.

OPEN PRESS COVERAGE

10:25 am The President departs West Conference Room
en route East Conference Room for reception.

10:26 am The President arrives East Conference Room.

OFFICIAL PHOTO COVERAGE
ATTENDANCE: 150

10:45 am The President departs East Conference Room
en route motorcade for boarding.

10:47 am The President arrive basement entrance.

-3-

MOTORCADE DEPARTS Supreme Court Building en route
South Grounds.

(Driving time: 6 minutes)

10:54 am MOTORCADE ARRIVE South Grounds.

Outline for oath-taking by
Circuit Judge John Paul Stevens as an
Associate Justice of the Supreme Court of the United States

[The President would be sitting at the counsel table with the Attorney General and the Solicitor General. At that time Judge Stevens would be sitting in the well of the Courtroom next to the Clerk of the Court. The Justices enter and are seated.]

THE CHIEF JUSTICE: This special sitting of the Court is held to receive the Commission of a newly-appointed Associate Justice, Circuit Judge Stevens. The Court recognizes the President of the United States.

[The President rises and goes to the lectern.]

THE PRESIDENT: Mr. Chief Justice, and may it please the Court, I appear here this morning as a member of the bar of this Court to inform the Court, officially, that the nomination of Circuit Judge John Paul Stevens to be an Associate Justice of the Supreme Court of the United States has been consented to by the United States Senate. The Commission as Associate Justice has been signed by me and attested by the Attorney General. Judge Stevens is present in the Courtroom ready to take his oath, and I request that the Attorney General present the Commission to the Court.



THE CHIEF JUSTICE: Thank you, Mr. President. The Court recognizes the Attorney General of the United States.

[The Attorney General would then go to the lectern.]

THE ATTORNEY GENERAL: Mr. Chief Justice, and may it please the Court. I bear with me the Commission issued to Circuit Judge John Paul Stevens as an Associate Justice of this Court. It has been duly signed by the President and attested by me as Attorney General. I move that the Clerk read this Commission and that it be made part of the permanent record of the Court.

THE CHIEF JUSTICE: Your motion is granted, Mr. Attorney General.

[Whereupon the Commission is handed to the Clerk of the Court by a Court attendant. The Clerk will read it into the record.]

THE CHIEF JUSTICE: The Clerk will please escort Judge Stevens to the bench to take the oath.

[Judge Stevens will be escorted to the Chief Justice by the Clerk. The oath of office is then administered to Judge Stevens by the Chief Justice.]

THE CHIEF JUSTICE: Please raise your right hand, Judge Stevens, and repeat after me: [Audience stands.]

(Oath)

Will the Marshal kindly escort Mr. Justice Stevens to his seat at the bench.

[The Marshal will then escort Mr. Justice Stevens to his place at the bench. When the new Associate Justice is seated, the Chief Justice will say:]

THE CHIEF JUSTICE: Mr. Justice Stevens, on behalf of all the members of the Court I extend to you a warm welcome as an Associate Justice of the Court and wish for you a long and happy career in our common calling.

An order will be entered today designating Circuit Justices for the several Circuits of the United States courts. Those assignments, effective as of today, are as follows:

[The Chief Justice will then announce the new assignments of Justices to the several circuits.]

[At this point the Marshal will rise and announce that the Court is adjourned and request that all guests remain standing while the President (and Mrs. Ford) are escorted from the Courtroom. An announcement of the reception will be made. The Justices leave the bench. The audience remains standing while the President, escorted by the Attorney General and the Solicitor General, departs the Courtroom.]

MR. CHIEF JUSTICE, AND MAY IT PLEASE THE COURT, I APPEAR
HERE THIS MORNING AS A MEMBER OF THE BAR OF THIS COURT TO
OFFICIALLY INFORM THE COURT THAT THE NOMINATION OF CIRCUIT JUDGE
JOHN PAUL STEVENS TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT
OF THE UNITED STATES HAS BEEN CONSENTED TO BY THE UNITED STATES
SENATE. THE COMMISSION AS ASSOCIATE JUSTICE HAS BEEN SIGNED
BY ME AND ATTESTED BY THE ATTORNEY GENERAL. JUDGE STEVENS IS
PRESENT IN THE COURTROOM, READY TO TAKE HIS OATH. I REQUEST
THAT THE ATTORNEY GENERAL PRESENT THE COMMISSION TO THE COURT.

JUDGE STEVENS' LIST OF INVITEES TO SWEARING-IN

Mr. and Mrs. Norman J. Barry

Mr. and Mrs. Bernard J. Cunningham

Judge and Mrs. Thomas E. Fairchild

Mr. and Mrs. Greg Huffaker

Dr. and Mrs. Robert W. Jamplis

Mr. and Mrs. Harold Kennedy

Mr. and Mrs. William G. Myers

Mr. and Mrs. Edward I. Rothschild

Mr. and Mrs. Robert Seaks

Mr. and Mrs. John J. Coffey

Family

Mr. and Mrs. Edward Jedlicka (daughter and son-in-law)

Mr. and Mrs. Ernest S. Stevens (brother)

Mr. and Mrs. Richard J. Stevens (brother)

Mr. and Mrs. William K. Stevens (brother)

Mrs. John Paul Stevens (wife)

Elizabeth Stevens (daughter)

Susan Stevens (daughter)

TOTAL

31

ADMINISTRATION INVITEES TO SWEARING-IN

President and Mrs. Ford

Members of the Cabinet:

Hon. William T. Coleman, Jr. (Secretary, Transportation)
Hon. Carla A. Hills (Secretary, HUD)
Hon. Edward H. Levi (Attorney General)
Hon. John A. Knebel (Under Secretary, Agriculture)

White House Staff:

Douglas Bennett
Philip Buchen (Mr. and Mrs.)*
Richard Cheney*
Max Friedersdorf*
Jay French
H. P. Goldfield
Robert Hartmann (Mr. and Mrs.)*
William Kendall
Bobbie Greene Kilberg
Kenneth Lazarus (Mr. and Mrs.)
John Marsh (Mr. and Mrs.)*
Patrick O'Donnell
Richard Parsons
Barry Roth
Russell Rourke
Edward Schmults
William Seidman*
James Wilderotter
Robert Wolthuis

Office of the Vice President:

Peter Wallison

Office of Management and Budget:

Calvin Collier
William Nichols



Department of Justice:

Bruce Baird
Robert Bork (Mr. and Mrs.)
Ronald Carr
Andrew Frey
Daniel Friedman
Keith Jones
Rex Lee
Douglas Marvin
Philip Modlin
Ray Randolph
Antonin Scalia
Michael Uhlmann
Lawrence Wallace

Senate Staff:

J. C. Argetsinger
Francis Rosenberger
Peter Stockett

TOTAL 47

* Traveling with the Presidential motorcade

THE WHITE HOUSE
WASHINGTON

December 18, 1975

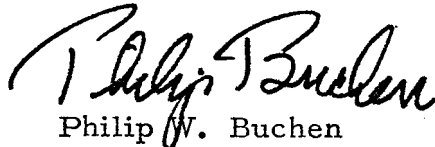
Dear Mr. Attorney General:

Enclosed are copies of: (1) the confidential briefing paper for the President relevant to tomorrow's swearing-in of Judge Stevens; (2) Judge Stevens' list of invitees to the ceremony; and (3) the list of guests invited by the Administration.

I trust this material will be sufficient to coordinate the details of the ceremony.

Please give me a call if I can be of any further assistance.

Sincerely,



Philip W. Buchen
Counsel to the President

The Honorable Edward H. Levi
The Attorney General
Washington, D. C.

Enclosures



THE WHITE HOUSE
WASHINGTON

December 18, 1975

Dear Mr. Chief Justice:

Enclosed are copies of: (1) the confidential briefing paper for the President relevant to tomorrow's swearing-in of Judge Stevens; (2) Judge Stevens' list of invitees to the ceremony; and (3) the list of guests invited by the Administration.

I trust this material will be sufficient to coordinate the details of the ceremony.

Please give me a call if I can be of any further assistance.

Sincerely,



Philip W. Buchen
Counsel to the President

The Honorable Warren Burger
The Chief Justice of the
United States
Washington, D. C.

Enclosures

