

APPROVED  
OCT 17 1974

THE WHITE HOUSE  
WASHINGTON

ACTION

Last Day - October 21

October 16, 1974

Parted 10/17/74  
To Archives 10/18/74

MEMORANDUM FOR THE PRESIDENT  
FROM: KEN COLE  
SUBJECT: Enrolled Bill S.J. Res. 123  
Portrait and Bust of Former  
Chief Justice Earl Warren

Attached for your consideration is Senate Joint Resolution 123, sponsored by Senators Cranston, Hruska, Scott, and Tunney, authorizing the procurement of a portrait and a marble bust of former Chief Justice Earl Warren to be placed in the Supreme Court Building.

Roy Ash recommends approval and provides you with additional background information in his enrolled bill report. (Tab A).

We have checked with the Counsel's office (Chapman) and Bill Timmons who both recommend approval.

RECOMMENDATION

That you sign Senate Joint Resolution 123 (Tab B).



APPROVED  
OCT 17 1974

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

OCT 10 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S.J. Res. 123 - Portrait and bust of  
former Chief Justice Earl Warren  
Sponsors - Sen. Cranston (D) California, Sen. Hruska (R)  
Nebraska, Sen. Scott (R) Pennsylvania, and Sen. Tunney  
(D) California

Last Day for Action

October 21, 1974 - Monday

Purpose

To authorize the procurement of a portrait and a marble bust  
of former Chief Justice Warren for the Supreme Court Building.

Agency Recommendations

Office of Management and Budget	Approval
Supreme Court of the United States	Approval
Architect of the Capitol	Approval

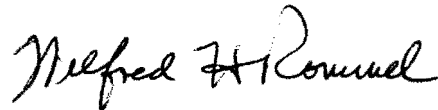
Discussion

Each Chief Justice of the Supreme Court is represented in the  
Supreme Court Building by a portrait. Chief Justices from Jay  
to Taft are represented by a marble bust in the Capitol Build-  
ing and Chief Justices Taft, Hughes, Stone, and Vinson are each  
represented by a marble bust in the main hall of the Court.  
The enrolled bill would continue a tradition of nearly 200 years.

The bill would authorize the Marshal of the Court to procure an  
oil portrait and a marble bust of former Chief Justice Warren.  
The Marshal would be subject to the direction and approval of  
the Chief Justice.

The bill would further authorize appropriation of \$25,000 for this purpose. Procurement of a portrait and bust of former Chief Justice Vinson in 1957 cost \$5,000 each. The Architect of the Capitol and court officials estimate that a similar portrait and bust would cost \$10,000 at present.

Chief Justice Burger, commenting on the joint resolution, wrote Senator Cranston expressing "the hope that this resolution will be adopted promptly to maintain an unbroken tradition of nearly 200 years."



Assistant Director for  
Legislative Reference

Enclosures

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 650

Date: October ~~14~~, 1974

Time: 9:30 a.m.

FOR ACTION:  Geoff Shepard  
 Andre Buckles  
 Phil Buchen  
 Bill Timmons

cc (for information): Warren K. Hendriks  
Jerry Jones  
Paul Theis

FROM THE STAFF SECRETARY

DUE: Date: Tuesday, October 15, 1974

Time: 2:00 p.m.

SUBJECT: Enrolled Bill S.J. Res. 123 - Portrait and bust of former Chief Justice Earl Warren

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Kathy Tindle - West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

\_\_\_\_\_  
K. R. COLE, JR.  
For the President

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

CHAMBERS OF  
THE CHIEF JUSTICE

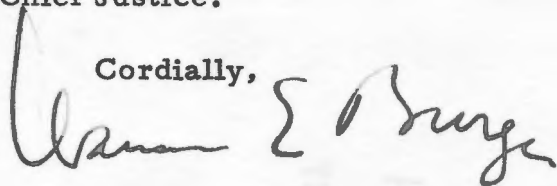
October 10, 1974

Dear Mr. Rommel:

S.J.Res. 123 providing for a portrait and bust of former Chief Justice Earl Warren has my wholehearted support and that of all my colleagues. Indeed I proposed this action to the California delegation nearly five years ago and the legislation should have been passed long since.

It may be of interest to you that its passage at this time is largely due to the vigorous action of Congressman Moss of Sacramento, California, which was the legal and voting residence of the late Chief Justice.

Cordially,

A handwritten signature in cursive script, appearing to read "Warren E. Burger". The signature is written in dark ink and is positioned to the right of the word "Cordially,".

Mr. W. H. Rommel  
Assistant Director  
for Legislative Reference  
Office of Management and Budget  
Washington, D. C. 20503



Washington, D.C. 20515

October 10, 1974

Mr. W. H. Rommel  
Assistant Director for  
Legislative Reference  
Office of Management and Budget  
Executive Office of the President  
Washington, D. C. 20503

Attention: Mrs. Garziglia

Dear Mr. Rommel

In response to your communication of October 9, 1974, I wish to advise you that I recommend approval of S. J. Res. 123 "Authorizing the procurement of an oil portrait and marble bust of former Chief Justice Earl Warren".

Sincerely yours,

A handwritten signature in cursive script that reads "Mario E. Campioli".

Mario E. Campioli  
Acting Architect of the Capitol

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 650

Date: October 11, 1974

Time: 9:30 a.m.

FOR ACTION: ✓ Geoff Shepard  
Andre Buckles  
Phil Buchen  
Bill Timmons

cc (for information): Warren K. Hendriks  
Jerry Jones  
Paul Theis

FROM THE STAFF SECRETARY

DUE: Date: Tuesday, October 15, 1974

Time: 2:00 p.m.

SUBJECT: Enrolled Bill S.J. Res. 123 - Portrait and bust of  
former Chief Justice Earl Warren

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Kathy Tindle - West Wing

*Approve  
HCS*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks  
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 650

Date: October 11, 1974

Time: 9:30 a.m.

FOR ACTION: ~~Geoff Shepard~~  
Andre Buckles  
Phil Buchen  
Bill Timmons

cc (for information): Warren K. Hendriks  
Jerry Jones  
Paul Theis

FROM THE STAFF SECRETARY

DUE: Date: Tuesday, October 15, 1974

Time: 2:00 p.m.

SUBJECT: Enrolled Bill S.J. Res. 123 - Portrait and bust of former Chief Justice Earl Warren

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Kathy Tindle - West Wing

*No Objection - ALUR*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks  
For the President



THE WHITE HOUSE

WASHINGTON

October 12, 1974

MEMORANDUM FOR: MR. WARREN HENDRIKS  
FROM: WILLIAM E. TIMMONS *WT*  
SUBJECT: Action Memorandum - Log No. 650  
Enrolled Bill S. J. Res. 123 - Portrait  
and Bust of former Chief Justice Earl Warren

The Office of Legislative Affairs concurs in the attached proposal and has no additional recommendations.

Attachment

## THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 650

Date: October 11, 1974

Time: 9:30 a.m.

FOR ACTION: Geoff Shepard  
 Andre Buckles  
 Phil Buchen  
 ✓ Bill Timmons

cc (for information): Warren K. Hendriks  
 Jerry Jones  
 Paul Theis

FROM THE STAFF SECRETARY

DUE: Date: Tuesday, October 15, 1974

Time: 2:00 p.m.

SUBJECT: Enrolled Bill S.J. Res. 123 - Portrait and bust of  
 former Chief Justice Earl Warren

## ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

## REMARKS:

Please return to Kathy Tindle - West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks  
 For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 650

Date: October 11, 1974

Time: 9:30 a.m.

FOR ACTION: Geoff Shepard  
Andre Buckles  
✓ Phil Buchen  
Bill Timmons

cc (for information): Warren K. Hendriks  
Jerry Jones  
Paul Theis

FROM THE STAFF SECRETARY

DUE: Date: Tuesday, October 15, 1974

Time: 2:00 p.m.

SUBJECT: Enrolled Bill S.J. Res. 123 - Portrait and bust of former Chief Justice Earl Warren

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Kathy Tindle - West Wing

*No objection*

*D.C.*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks  
For the President

## AUTHORIZING THE PROCUREMENT OF AN OIL POR- TRAIT AND MARBLE BUST OF FORMER CHIEF JUSTICE EARL WARREN

JUNE 4, 1974.—Ordered to be printed

Mr. CANNON, from the Committee on Rules and Administration,  
submitted the following

### REPORT

[To accompany S. J. Res. 123]

The Committee on Rules and Administration, to which was referred the joint resolution (S.J. Res. 123) authorizing the procurement of an oil portrait and marble bust of former Chief Justice Earl Warren, having considered the same, reports favorably thereon without amendment and recommends that the joint resolution do pass.

Senate Joint Resolution 123 would (1) authorize and direct the Marshal of the Supreme Court, subject to the direction and approval of the Chief Justice of the United States, to procure an oil painting and a marble bust (including pedestal) of former Chief Justice Earl Warren for placement in the United States Supreme Court Building; and (2) authorize the appropriation of \$25,000 to carry out the purposes of this joint resolution.

Senator Alan Cranston, author of the joint resolution, has stated "I am advised that a bust and a portrait of every prior Chief Justice of the United States is presently displayed in the Supreme Court Building." In a letter dated September 26, 1972, addressed to Senator Cranston, Chief Justice Warren E. Burger stated, in part:

Every Chief Justice is represented in the Court Building by a portrait, and Chief Justices Taft, Hughes, Stone, and Vinson each have a marble bust in the main hall of the Court. Busts of Chief Justices from Jay to Taft are in the Capitol Building.

Approval of Senate Joint Resolution 123 would, in the words of Chief Justice Burger, permit the Supreme Court "to maintain an unbroken tradition of nearly 200 years".

The statement of Senator Cranston on the Floor of the Senate on June 18, 1973 (including an exchange of correspondence between him and Chief Justice Warren E. Burger), when he introduced Senate Joint Resolution 123, is as follows:

PORTRAIT AND SCULPTURE HONORING FORMER CHIEF JUSTICE  
EARL WARREN

Mr. CRANSTON. Mr. President, I introduce, for appropriate reference, on behalf of myself, and my colleague from California (Mr. TUNNEY), the minority leader of the Senate who is as well a member of both the Rules and Judiciary Committees (Mr. SCOTT of Pennsylvania), and the ranking minority member of the Judiciary Committee (Mr. HRUSKA), a bipartisan, noncontroversial measure virtually identical to Senate Joint Resolution 269, which we introduced last Congress, to authorize the appropriation of \$25,000 to commission the preparation of a portrait and a sculptured bust of the former Chief Justice of the United States, Earl Warren.

Mr. President, last year when I introduced this measure, I called it to the attention of present Chief Justice Warren E. Burger, who in reply advised me on September 26, 1972, that the measure had the support of all Justices of the Supreme Court. At the suggestion of Chief Justice Burger, we have increased the dollar authorization from \$17,500 to \$25,000, which seems a fairer estimate of the costs of creating objects involved. My understanding is that this High Court support continues for the measure as introduced today.

Mr. President, I ask unanimous consent that the text of my exchange of letters with the Chief Justice last year be set forth in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
Washington, D.C., September 25, 1972.

HON. WARREN E. BURGER,  
Chief Justice of the United States, Supreme Court Building, Washington,  
D.C.

DEAR MR. CHIEF JUSTICE: Enclosed is a copy of S.J. Res. 269, a joint resolution which I introduced today, along with Senators Hruska, Tunney and Scott, authorizing the procurement of an oil portrait and marble bust of former Chief Justice Earl Warren. In view of our conversations regarding this matter and your strong feeling that it would be highly desirable to undertake this project at the earliest possible date, I thought you would wish to have a copy of this resolution.

With warmest regards,  
Sincerely,

ALAN CRANSTON.

SUPREME COURT OF THE UNITED STATES,  
Washington, D.C., September 26, 1972.

HON. ALAN CRANSTON,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR CRANSTON: Thank you for your letter of September 25 advising of the plan to introduce a joint resolution to provide for the traditional portrait and bust of Earl Warren. Every Chief Justice is represented in the Court building by a portrait, and Chief Justices Taft, Hughes, Stone and Vinson each have a marble bust in the main hall of the Court. Busts of Chief Justices from Jay to Taft are in the Capitol Building.

I speak for all members of the Court in expressing the hope that this resolution will be adopted promptly to maintain an unbroken tradition of nearly 200 years.

Cordially,

WARREN E. BURGER.

Mr. CRANSTON. Mr. President, I am advised that a bust and a portrait of every prior Chief Justice of the United States is presently displayed in the Supreme Court Building. Given the broad bipartisan support for adding a portrait and bust of Mr. Chief Justice Warren, I am hopeful that the Senate Rules Committee will move this measure rapidly so that funds can be appropriated as soon as possible to begin this important project.

A table setting forth the Chief Justices of the United States is as follows:

Chief Justices of the United States

Name <sup>1</sup>	State whence appointed	Date of commission <sup>2</sup>	Date service terminated	Years of service
CHIEF JUSTICES				
1. John Jay	New York	Sept. 26, 1789	June 29, 1795	5
2. John Rutledge <sup>3</sup>	South Carolina	July 1, 1795	Dec. 15, 1795	4
3. Oliver Ellsworth	Connecticut	Mar. 4, 1796	Dec. 15, 1800	4
4. John Marshall	Virginia	Jan. 31, 1801	July 6, 1835	34
5. Roger Brooke Taney	Maryland	Mar. 15, 1836	Oct. 12, 1864	28
6. Salmon Portland Chase	Ohio	Dec. 6, 1864	May 7, 1873	8
7. Morrison Remick Waite	do	Jan. 21, 1874	Mar. 23, 1888	14
8. Melville Weston Fuller	Illinois	July 20, 1888	July 4, 1910	21
9. Edward Douglas White	Louisiana	Dec. 12, 1910	May 19, 1921	10
10. William Howard Taft	Connecticut	June 30, 1921	Feb. 3, 1930	8
11. Charles Evans Hughes	New York	Feb. 13, 1930	June 30, 1941	11
12. Harlan Fiske Stone	do	July 3, 1941	Apr. 22, 1946	4
13. Frederick Moore Vinson	Kentucky	June 21, 1946	Sept. 8, 1953	7
14. Earl Warren	California	Oct. 2, 1953	June 23, 1969	15
15. Warren E. Burger	Virginia	June 23, 1969		

<sup>1</sup> The acceptance of the appointment and commission by the appointee, as evidenced by the taking of the prescribed oaths, is here implied, otherwise the individual is not carried on this list of the members of the Court. Examples: Robert Hanson Harrison is not carried, as a letter from President Washington of Feb. 9, 1790, states Harrison declined to serve; neither is Edwin M. Stanton, who died before he could take the necessary steps toward becoming a member of the Court. Chief Justice Rutledge is included because he took his oaths and presided over the August term of 1795, his name appearing on 2 opinions of the Court for that term.

<sup>2</sup> Where a member received 2 commissions the one entered on the Court's minutes is here used.  
<sup>3</sup> Commissioned July 1, 1795 (during adjournment of Congress); presided at August term, 1795. Nomination rejected by the Senate Dec. 15, 1795.

<sup>4</sup> Also served as Associate Justice.

AUTHORIZING THE PROCUREMENT OF AN OIL POR-  
TRAIT AND MARBLE BUST OF FORMER CHIEF JUS-  
TICE EARL WARREN

OCTOBER 1, 1974.—Committed to the Committee of the Whole House on the  
State of the Union and ordered to be printed

Mr. NEDZI, from the Committee on House Administration, submitted  
the following

REPORT

[To accompany S.J. Res. 123]

The Committee on House Administration, to which was referred the joint resolution (S.J. Res. 123) having considered the same, reports favorably thereon without amendment and recommends that the joint resolution do pass.

By voice vote, the Committee unanimously adopted a motion to report Senate Joint Resolution 123.

Senate Joint Resolution 123 would authorize and direct the Marshal of the Supreme Court of the United States to procure an oil portrait and a marble bust, including pedestal, of the former Chief Justice, Earl Warren, and cause them to be placed in the United States Supreme Court Building. In so doing, the Marshal would be subject to the direction and approval of the Chief Justice of the United States. The joint resolution would authorize \$25,000 to carry out these purposes.

Court officials have advised the Committee that the procurement and placement of an oil portrait and bust is customary in the case of a former Chief Justice. The last legislation for such purposes was Public Law 85-20, relative to former Chief Justice Vinson, which was approved in 1957 and which authorized \$10,000. Of that sum, \$5,000 was subsequently expended for the painting and \$5,000 for the marble bust.

The \$25,000 figure was included in the joint resolution to reflect substantially increased costs in the last 17 years. While Court officials have refrained from soliciting formal bids prior to approval of the joint resolution, they estimate that a marble bust and oil painting would today cost at least \$10,000 each. The Architect of the Capitol, who

enjoys considerable expertise in the procurement of works of art, has concurred in this estimate, in a report to the Committee.

The Senate approved Senate Joint Resolution 123 on June 5, 1974, by voice vote.

The report of the Architect is as follows:

**THE ARCHITECT OF THE CAPITOL,  
Washington, D.C., September 28, 1974.**

HON. WAYNE L. HAYS,  
*Chairman, Committee on House Administration,  
House of Representatives,  
Washington, D.C.*

DEAR MR. CHAIRMAN: I am pleased to respond to the request from Congressman Nedzi of the Committee on House Administration for my views on S.J. Res. 123, authorizing the procurement of an oil portrait and marble bust of former Chief Justice Earl Warren, with regard to adequacy of the funds authorized to be appropriated to carry out the purposes of the resolution.

In confirmation of my verbal report, I have discussed this matter with officials of The National Gallery, The National Portrait Gallery, the National Collection of Fine Arts, the National Sculpture Society and with practicing portraitists and sculptors. I am informed that the sum of \$25,000, as presently authorized by the resolution, should be sufficient to obtain the services of competent, if not renowned, artists. Most of these officials also pointed out that the greater the amount of funding, the greater selectivity that is possible.

I shall, of course, be pleased to provide further information you may deem desirable.

Cordially,

GEORGE M. WHITE, FAIA,  
*Architect of the Capitol.*

○

# Ninety-third Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-first day of January,  
one thousand nine hundred and seventy-four*

## Joint Resolution

Authorizing the procurement of an oil portrait and marble bust of former Chief Justice Earl Warren.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Marshal of the Supreme Court of the United States, subject to the direction and approval of Chief Justice of the United States, is authorized and directed to procure an oil portrait and a marble bust, including pedestal, of the former Chief Justice Earl Warren and to cause them to be placed in the United States Supreme Court Building.*

*(b) There is authorized to be appropriated \$25,000 to carry out the purposes of this joint resolution.*

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*



October 9, 1974

Dear Mr. Director:

The following bills were received at the White House on October 9th:

S.J. Res. 123 ✓	H.R. 7954 ✓
S. 1794 ✓	H.R. 9054 ✓
S. 2220 ✓	H.R. 11537 ✓
S. 3362 ✓	

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder  
Chief Executive Clerk

The Honorable Roy L. Ash  
Director  
Office of Management and Budget  
Washington, D. C.