Free Spring Water Supplied Senators Is Out After July 1

Copious supplies of bottled spring water, which for many years have been made available to Senators, their committees and clerks (free of charge), will dry up July 1.

The Senate Rules Committee, headed by Senator Hayden, Democrat, of Arizona decided today that at the end of the present fiscal year they would cut off all of the bottled water.

Clerks were not anxious to talk about the amount of the water which has been used, or the cost, but one official estimated the bill has been running about $18,000 a year. Another placed the cost at about $1,000 a month.

At any rate, the committee concluded that the custom had "outlived its usefulness," and that hereafter Senators, like others, could use tap water. If they want the bottled brand they will have to buy it themselves.

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FEB 8 9 31 AM
CHAMBERS OF THE
CHIEF JUSTICE

Feb. 6, 1950

Hon. Fred M. Vinson
Chief Justice, United States Supreme Court
Supreme Court Building
Washington, D.C.

Dear Mr. Chief Justice Vinson:

As we previously have explained to you, we appreciated very much your cooperation with us in sending copies of your two addresses which were made at St. Louis last fall and were furnished to us for publication at our request.

We felt that it was quite desirable that these addresses, which would be of much interest to the members of the Bench and Bar particularly who had not had the opportunity of hearing you deliver them, and therefore we published them early in the advance sheets, but we felt that it was quite desirable that the one "Work of the Federal Courts" should be placed in the permanent bound volume of the Supreme Court Reporter preceded immediately by your photograph which you so graciously sent us.

We believe that you have, in your chambers, the volumes of our Supreme Court Reporter and doubtless have examined our Vol. 69 containing your photograph and the address. If you would care for an extra copy of this volume, we would be pleased to have one sent you, with our compliments. We will be pleased to receive your advice.

OK - Thanks

Now that your Court has its full quorum, we would be very pleased to have a group picture of the Court for publication in a forthcoming volume of our Supreme Court Reporter.

With high personal regards, we are,

Very truly yours,
WEST PUBLISHING COMPANY

By L. S. Mercer.
Editorial Counsel

LSM/vw

KEY NUMBER SYSTEM
Forever Associated with the Practice of Law

February 8, 1950

Mr. L. S. Mercer,
Editorial Counsel,
West Publishing Company,
Saint Paul 2, Minnesota.

Dear Mr. Mercer:

Thank you very much for your gracious letter of February 6th. I appreciate your offer to send me another copy of your Volume 69 of the Supreme Court Reporter. I will be happy to receive it.

Insofar as your request for a group picture of the Court is concerned, Justice Douglas has not yet returned to the Bench, so there will be a little delay before a complete picture of the Court can be taken.

With kind regards,

Sincerely,

(Signed) Fred M. Vinson

Fals

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RECEIVED
FEB 20 9 27 AM '50
CHAMBERS OF THE
CHIEF JUSTICE

Feb. 17, 1950

Hon. Fred M. Vinson
Chief Justice, Supreme Court of the United States
Washington 13, D.C.

Dear Mr. Chief Justice Vinson:

We have yours of February 8 advising us that you will be happy to receive Volume 69 of the Supreme Court Reporter which we recently suggested we would be pleased to send you.

We note your suggestion regarding the group picture of the Court and the fact that the furnishing of the same will be delayed until Mr. Justice Douglas returns to the Bench.

With high personal regards, we are,

Very truly yours,
WEST PUBLISHING COMPANY

By L S Mercer
Editorial Counsel

LSM/vw

Forever Associated with the Practice of Law

February 27, 1950

MEMORANDUM TO: Mr. Justice Black
Mr. Justice Reed
Mr. Justice Frankfurter
Mr. Justice Douglas
Mr. Justice Jackson
Mr. Justice Burton
Mr. Justice Clark
Mr. Justice Minton

Justice Douglas informed me by phone that his doctor had advised him he ought not to return to Washington until March 20th. He said that he would return for the arguments on the 13th if it jammed up the works.

We considered pushing the arguments up a week, starting them on the 20th, but recalling that the weather here between March 18th and the 22nd, due to equinoctial storms, was generally unsettled, we decided that it would be better to move the arguments up two weeks. Therefore, the next arguments will start on March 27th, and will continue during the week of April 3rd.

We will have a Conference of the Court on March 11th, and announce opinions, if any are ready, and the orders of the Court on March 13th.

Chief Justice.

BRIGHT, THOMPSON & MAST
ATTORNEYS AT LAW
SOUTHERN BUILDING
WASHINGTON, D. C.
ZONE 5

FRANK S. BRIGHT (1864-1942)
HUSTON THOMPSON
OSCAR P. MAST

TELEPHONE
NATIONAL 0133
CABLE
"BRIGHT"

March 13, 1950

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CHAMBERS OF THE
CHIEF JUSTICE

File

The Honorable
Fred M. Vinson, Chief Justice,
United States Supreme Court,
Washington, D. C.

My dear Mr. Chief Justice:

You may recall that several months ago I may have violated protocol by suggesting in a letter to you that I be considered in the event that the Supreme Court should decide that it would need a Master to take testimony if the Court took jurisdiction in the Texas and Louisiana cases.

I will be out of town for several weeks on a trip to Key West and other places south when the argument comes up, and I regret that I will miss the opportunity of hearing it.

With kind regards, I am

Cordially yours,

Huston Thompson

HUSTON THOMPSON

NOTED
MAR 14 1950
F.M.V.

UNITED STATES CIVIL SERVICE COMMISSION
WASHINGTON 25, D. C.

ADDRESS ONLY
"CIVIL SERVICE COMMISSION"
IN YOUR REPLY REFER TO
FILE
AND DATE OF THIS LETTER

MAY 15 1950

PERSONAL AND CONFIDENTIAL

Honorable Fred M. Vinson
Chief Justice of the Supreme Court

Dear Mr. Chief Justice:

The Commission has been advised by the Federal Bureau of Investigation that Mr. Dan Stonebraker, who was born in 1922 in New York State, was arrested by the Metropolitan Police Department, Washington, D. C. on August 21, 1948. A copy of the arrest record, FBI Form T-2, is attached.

We have been advised that a Mr. Dan Stonebraker is employed as Clerk, Administrative Office, Supreme Court, Washington, D. C.

This matter is reported for your information.

Sincerely yours,

Harry B. Mitchell
Chairman

Enclosure 2422

May 17th, 1950 -

PERSONAL AND CONFIDENTIAL

Honorable Harry B. Mitchell,
Chairman
United States Civil Service Commission
Washington 25, D. C.

Dear Mr. Chairman:

This will acknowledge your communication of May 15th relative to a Mr. Dan Stonebraker who is reported to be an employee of the Administrative Office, Supreme Court, Washington, D. C.

The enclosure (your No. 2422) received with your letter is returned herewith.

I have to advise that there is no division of this Court which is identified as the Administrative Office; furthermore, that we do not have an employee on our rolls by this name.

It may be that the reference given intended to refer to the Administrative Office of the United States Courts - if so, it is suggested that communications meant for such agency can be directed to Mr. Henry P. Chandler, Director, Administrative Office of the United States Courts, Supreme Court Building, Washington, D. C.

Very truly yours,

(Signed) Fred M. Vinson

Chief Justice.

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

MEMORANDUM OF CONFERENCES HELD
OCTOBER TERM, 1949

- - - -

(Prepared by Edgar L. Kenney, Custodian)

June, 1950

MONTH & DATE	IN SESSION From	LUNCH Peridd.	IN SESSION From	TIME Hrs.	Min.	TOTAL TIME.
Tue. Oct. 4/49	10.05 - 1.00	"	1.40 - 4.00	5.	55	"
Wed. " 5/49	10.05 - 1.05	"	1.40 - 3.45	5.	05	"
Sat. " 15/49	11.05 - 1.08	"	1.37 - 5.20	5.	46	"
Mon. " 17/49	10.05 -11.48	(BENCH)	4.35 - 6.10	3.	18	"
Sat. " 22/49	10.05 - 1.05	Lunch	1.40 - 5.50	7.	10	"
" NOV. 5/49	11.05 - 1.11	"	1.47 - 4.05	4.	24	"
" " 12/49	11.05 - 1.08	"	1.40 - 5.25	5.	48	"
" " 19/49	11.05 - 1.08	"	1.42 - 4.55	5.	16	"
Sat. DEC. 3/49	11.05 - 1.03	"	1.45 - 4.35	4.	48	"
Thu. " 8/49	* * * * *	"	4.30 - 5.00		30	"
Sat. " 10/49	11.15 - 1.10	"	1.44 - 5.02	5.	08	"
Mon. " 12/49	11.03 -11.57	(BENCH)	4.30 - 5.57	2.	21	"
Sat. " 17/49	11.05 - 1.03	Lunch	1.38 - 4.00	4.	20	"
" JAN. 7/50	11.05 -12.55	"	1.35 - 3.40	3.	55	"
" " 14/50	11.07 - 1.07	"	1.45 - 5.10	5.	25	"
" FEB. 4/50	11.10 - 1.06	"	1.35 - 5.15	3.	34	"
Tue. " 7/50	11.48 - 12.05	(BENCH)	* * * * *		17	"
Sat. " 11/50	11.05 - 1.05	Lunch	1.40 - 5.16	5.	36	"
				70	516	78 hrs. 36 min. (over)

MONTH & DATE	IN SESSION FROM	LUNCH PERIOD	IN SESSION FROM	TIME Hrs.	Min.	TOTAL TIME
				(From Page 1) -		
				78	36	
Sat. Feb. 18th.	11.15 - 1.10	"	* * * * * * * *	1	55	"
" Mch. 11th.	11.06 - 1.00	"	1.35 - 4.20	5	39	"
" " 25th.	11.05 - 1.05	"	1.47 - 2.30	3	43	"
" Apr. 1st.	11.05 - 1.03	"	1.38 - 4.38	4	58	"
" " 8th.	11.03 - 12.53	"	1.35 - 4.10	4	25	"
" " 15th.	11.05 - 1.12	"	1.45 - 3.02	1	17	"
" " 22d.	11.05 - 1.22	"	1.53 - 4.10	4	34	"
" " 29th.	11.05 - 12.48	"	* * * * * *	1	43	"
Sat. May 6th.	11.05 - 1.00	"	* * * * * *	1	55	"
" " 13th.	11.05 - 1.25	"	2.00 - 3.40	4	00	"
" " 27th.	11.08 - 1.00	"	1.40 - 2.26	2	38	"
Thu. JUNE 1st.	11.05 - 1.05	"	* * * * * *	2	00	"
Sat. " 3d.	11.06 - 1.00	"	1.38 - 4.50	5	06	"
Mon. " 5th.	11.02 - 11.36	BENCH	* * * * * *		34	"
T O T A L N U M B E R O F C O N F E R E N C E S H E L D - - - - - - 32						123 Hrs. 3 Min.

"Minute" Conferences - those lasting less than half hour - not recorded.

Announcement of

OPINIONS TO BE HANDED DOWN
June 5, 1950

MR. JUSTICE MINTON

No. 455 - Automatic Radio Manufacturing Co. v. Hazeltine Research
Dissenting Opinion by Mr. Justice Douglas.

MR. JUSTICE BURTON

No. 1 - United States v. Kansas City Life Insurance Co.
Dissenting Opinion by Mr. Justice Minton
Dissenting Opinion by Mr. Justice Douglas, joined by Mr. Justice Black and Mr. Justice Reed

No. 25 - Henderson v. United States
Concurring Opinion by Mr. Justice Douglas.

MR. JUSTICE JACKSON

Nos. 4-9 - United States v. Gerlach Live Stock Co., et al
Concurring Opinion by Mr. Justice Douglas

No. 306 - Johnson v. Eisentrager
Dissenting Opinion by Mr. Justice Black

MR. JUSTICE DOUGLAS

No. 12 Orig. - United States v. Louisiana
Memorandum by Mr. Justice Frankfurter in Nos. 12 & 13 Orig.

No. 13 Orig. - United States v. Texas
Dissenting Opinion by Mr. Justice Reed, joined by Mr. Justice Minton.

MR. JUSTICE FRANKFURTER

No. 221 - Skelly Oil Co. v. Phillips Petroleum Company
Dissenting Opinion by the Chief Justice, joined by Mr. Justice Burton

No. 230 - Swift and Co. Packers v. Compania Colombiana Del Caribe, S. A.

No. 33 - Quicksall v. People of the State of Michigan

MR. JUSTICE BLACK

No. 76 - Travelers Health Asso. v. Commonwealth of Virginia.
2 Concurring Opinion by Mr. Justice Douglas.
3 Dissenting Opinion by Mr. Justice Minton, joined by Mr. Justice Jackson

THE CHIEF JUSTICE

No. 384 - Commissioner of Internal Revenue v. Korell

No. 44 - Sweatt v. Painter

No. 34 - McLaurin v. Oklahoma State Regents for Higher Education

No. 2 Misc. - Roberts v. United States District Court.

No. 12 - Osman v. Douds

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June 5, 1950

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No. 44 - Sweatt v. Painter

No. 34 - McLaurin v. Oklahoma State Regents for Higher Education

No. 2 - Roberts v. United States District Court.
Misc.

No. 12 - Osman v. Douds

CASES BEING HELD

No. 402 - Dorsey v. Stuyvesant Town Corporation
(Hold for No. 44 - Sweatt v. Painter)

No. 453 - Shoong v. Commissioner of Internal Revenue
(Hold for No. 384 - Comm. of Int. Rev. v. Korell)

No. 486 - Robertson Rock Bit Co., Inc. v. Hughes Tool Co.
(Hold for decision of 10th Circuit)

No. 579 - United States v. Iowa-Wisconsin Bridge Co.
(Hold for No. 1 - United States v. Kansas City Life Ins. Co.)

No. 647 - United States v. East Side Canal & Irrigation Co.
(Hold for Nos. 4-9 - U.S. v. Gerlach Live Stock, et al)

No. 682 - Commissioner of Internal Revenue v. McKay Products Corp.
(Hold for No. 445 - Brown Shoe Co. v. Comm'r. of Int. Rev.)
A motion to dismiss has been filed in this case. It is listed for conference this Saturday, May 27th.

No. 690 - Ostrander v. United States
(Hold for No. 558 - Feres v. United States - and
No. 381 Misc. - Jefferson v. United States

No. 48 Misc. - McClannahan v. People of Michigan
(Hold for No. 33 - Quicksall v. People of Michigan)

Nos. 190 Misc. thru 195 Misc. - Melanson, et al v. Massachusetts
(Hold for No. 33 - Quicksall v. People of Michigan)

No. 433 Misc. - In the Matter of Kurt Hans
(Hold for Nos. 306 - Johnson v. Eisentrager)

No. 434 Misc. - In the Matter of Hans Th. Schmidt
(Hold for No. 306 - Johnson v. Eisentrager)

No. 491 Misc. - Madsen v. Johnson
(Hold for No. 778 - Madsen v. Johnson)

August 4, 1950

Memorandum to Mr. Justice Black:

A Special Term of the Court will be held on September 20, 1950, at 12:00 noon, for the purpose of receiving admissions to the Bar of our Court.

C. J.

Mr. Justice Black

Identical memo sent to:
Mr. Justice Reed
Mr. Justice Frankfurter
Mr. Justice Douglas
Mr. Justice Jackson
Mr. Justice Burton
Mr. Justice Clark
Mr. Justice Minton

For correspondence in re Court holding session of

Court while ABA is meeting in Washington - see

Personal - Invitations - ABA Conv.

I. K. JUERGENSMEYER
SUPERINTENDENT

MACOUPIN COUNTY
SUPERINTENDENT OF SCHOOLS
CARLINVILLE, ILLINOIS

85

September 5, 1950

Hon. Fred M. Vinson
Chief Justice of the Supreme Court
Washington D. C.

Dear Sir:

We are compiling material for our 1950-51 Macoupin County School Directory.

We would appreciate it if you would make any necessary corrections in the following:

Chief Justice of the Supreme Court -- -- Fred M. Vinson

Associate Justices of the Supreme Court

Harold H. Burton	Felix Frankfurter
Hugo Lafayette Black	Robert H. Jackson
Tom Clark	Sherman Minton
William O. Douglas	Stanley F. Reed

Very truly yours,

I. K. Juergensmeyer

I. K. Juergensmeyer
County Supt. of Schools

m

September 21, 1950

Mr. I. K. Juergensmeyer,
County Superintendent of Schools,
Macoupon County,
Carlinville, Illinois.

Dear Mr. Juergensmeyer:

In reply to your letter of September 5th, addressed to the Chief Justice of the United States, please be advised that the names of the members of the Supreme Court as listed in your letter are correct.

Very truly yours,

Secretary to the Chief Justice.

Admissions to Bar - 9/30/50. #1

APPLICANTS FOR ADMISSION	SPONSOR
RAOUL ARCHAMBAULT	THE ATTORNEY GENERAL
JOSEPH W. GRIMES	
ARTHUR J. LEVY	
ANDREW P. QUINN	
JOSEPH BREEN	
HAROLD B. TANNER	

2-

SPONSOR
HONORABLE PHILIP B. PERLMAN
Solicitor General U.S. Dept. of Justice
Republic 8200

Name	Local Address	Member Bar of Highest Court of:
Hon. T. H. Coheen	Burlington Hotel	Iowa
Earl T. Thomas	Dodge Hotel	Mississippi
Burton E. Robinson	Statler Hotel	Ohio
Porter Sims	Commonwealth Apts.	Kentucky
Spaulding Glass	Congressional Hotel	Illinois
Meyer Fix	Bethesda, Md.	Rochester, N. Y.
Frank Carter	Shoreham Hotel	Oklahoma
George W. Thames	Congressional Hotel	Florida
Morris E. White	Statler Hotel	Florida
G. D. Rodgers	32 S. St., Baltimore, Md.	Maryland
D. A. Skeen	Haye-Adams House	Utah
Charles Howell, Jr.	Mayflower Hotel	Florida
William M. Howell	Mayflower Hotel	Florida
Carson G. Frailey	509 Albee Bldg.	Dist. of Col.
~~L. M. Merriman~~	~~Hamilton Hotel~~	~~Florida~~
Victor P. Showers	Ambassador Hotel	California
Francis J. Ryley	Washington Hotel	Arizona
Thomas Griffin	DuPont Plaza Hotel	Michigan
~~Raoul Archambault~~	~~Statler Hotel~~	~~Providence, R.I.~~
Bernard Moritz	Statler Hotel	Dist. of Col.
William North	Statler Hotel	Dist. of Col.
Hillary Costello	Statler Hotel	Dist. of Col.
Grace N. Thomas	Statler Hotel	Georgia
Evelyn Greer Sisk	Statler Hotel	Georgia
Marvin D. Brown	Statler Hotel	New York
Lester M. Merriman	Statler Hotel	Florida
Harold L. Sebring	Statler Hotel	Florida

2 cont'd.

HONORABLE PHILIP B. PERLMAN - Continued

Name	Local Address	Member Bar of Highest Court of:
Arthur J. Hass	Cairo Hotel	Michigan
Allen E. Barrow	Statler Hotel	Oklahoma
Joseph Franko	Statler Hotel	Texas

Otto M. Bruckner
Samuel Safronoff

APPLICANTS FOR ADMISSION	SPONSOR
(NEVA B. TALLEY (DOROTHY YANCY	SENATOR JOHN L. McCLELLAN
(GROVER C. THOMPSON (ROY HELM (JOHN NOLAND	SENATOR VIRGIL M. CHAPMAN
(PERCY RICHARD GOODENOUGH (VERA L. JONES (TIERA FARROW (RAYMOND FORDER BUCKLEY (T. HARTLEY POLLOCK	SENATOR FORREST C. DONNELL
(JOHN CREIGHTON SATTERFIELD (FRANK EDGAR EVERETT, JR. (GIBSON B. WITHERSPOON	REP. WILLIAM M. WHITTINGTON
(MARY E. BURRUS (EVANGELINE STARR	REP. HENRY M. JACKSON
(JAMES B. HARE (JOHN M. SCHOFIELD	REP. JOS. R. BRYSON
RENALDO J. JEFFRY	REP. JUSTIN LEROY JOHNSON
(WILLIAM E. ZACHARY (WILLIAM H. AGNOR	REP. JAS. C. DAVIS
(WALTER HUMKEY (LAURENCE KAYE WALRATH	REP. GEORGE A. SMATHERS
(JAY WILLARD HAYNES (JOHN P. CARR (ROY S. LOWE (CHARLES M. TANSEY, JR.	REP. ERRETT P. SCRIVNER

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HARLEY FREY FOWLER	REP. JOHN JENNINGS
WILLARD L. KING	HENRY P. CHANDLER
(GORDON MacLEAN TIFFANY ((ALBERT PEARSON JONES	ELMORE WHITEHURST
(GEORGE EDWARD COTTER ((PAUL SMITH, JR. ((JOHN N. IRWIN, II	JOHN W. DAVIS
(WILLIAM WADSWORTH EVANS ((THOMAS RABER TAYLOR ((HARLAN S. DON CARLOS ((GRAUMAN MARKS	WILL SHAFROTH

SPONSOR
HAROLD J. GALLAGHER, ESQ.
Statler Hotel
Executive 1000

4

Name	Local Address	Member Bar of Highest Court of:
Roy C. Hormberg	Statler Hotel	Missouri
William W. Evans	Statler Hotel	New Jersey
Ford E. Smith	2220 Savannah Terrace, S.E.	Washington
Rosemary Scott	Washington Hotel	Michigan
Edward J. Lawler, Jr.	Statler Hotel	Illinois
Hazel D. Selby	Statler Hotel	Massachusetts
~~Mary H. Zimmerman~~	~~Statler Hotel~~	~~Michigan~~
J. Virgil Cory	Washington Hotel	Ohio
Robert C. Vincent	Jefferson Hotel	New York
Charles M. Walton, Jr.	Jefferson Hotel	New York
Louis F. Carroll	Statler Hotel	New York
Patrick J. McGill	7317 Hampden Lane Bethesda, Md.	New York
Harry Gershenson	Statler Hotel	Missouri
L. R. Donelson	Washington Hotel	Tennessee
Sidney James Be-Hannesey	Annapolis Hotel	Illinois
Hugh P. Mullen	Statler Hotel	New York
Stanley Weldon O'Brien	Statler Hotel	New York
Allen Trumbull	StatlerHotel	New York
Welcome D. Pierson	Statler Hotel	Oklahoma
Harry E. Marble	Statler Hotel	Ohio
Wyatt Jacobs		Illinois
Victor D. Werner		New York

5

SPONSOR
WILLIAM P. McCRACKEN, ESQ.
National Press Building
National 6167

Name	Local Address	Member Bar of Highest Court of:
E. A. Niemeier ✓	Burlington Hotel	Washington
Henry L. Bryant	Willard Hotel	Kentucky
Alfred H. Highland	Willard Hotel	Indiana
Martin McDonough ✓	Carlyle Hotel	California
George Metzger ✓	Willard Hotel	Ohio
Charles Bomberger ✓	Hamilton Hotel	Indiana
George Wainwright ✓	Willard Hotel	Massachusetts
Arthur N. Fowler ✓	Raleigh Hotel	Tennessee
S. P. Dannel ✓	Raleigh Hotel	Tennessee
Edwin S. Hurst ✓	Alban Towers	Oklahoma
Burr AllenHorn, Jr. ✓	Statler Hotel	Pennsylvania
Robert Seabrook Baynard ✓	Ambassador Hotel	Florida
Martin A. Row ✓	Willard Hotel	Texas
Townsend M. Gunn ✓	Shoreham Hotel	Massachusetts
Paul E. Basye ✓	Willard Hotel	California
William M. Poteat ✓	Statler Hotel	North Carolina
I. M. Singer ✓	Washington Hotel	Texas
Frank E. Everett, Jr.	Willard Hotel	Mississippi
Charles L. Estep ✓	Washington Hotel	W. Virginia
George J. Cooper ✓	Willard Hotel	Michigan
Horace S. Haworth ✓	Annapolis Hotel	North Carolina

47

6.

SPONSOR
JOHN J. LASKEY, ESQ.
Albee Building
National 3566

Name	Local Address	Member Bar of Highest Court of:
William Arthur Bacon	Washington Hotel	Mississippi
Shelby R. Rogers	Washington Hotel	Mississippi
Charles R. Fellows	Washington Hotel	Oklahoma
Goscoe O. Farley	Mayflower Hotel	California
John C. Weiss	Statler Hotel	Maryland
H. Beale Rollins	Willard Hotel	Maryland
Norman C. Melvin, Jr.	Lafayette Hotel	Maryland
Robert H. Gerbig	Shoreham Hotel	Maryland
Michael G. Littman	Washington Hotel	Florida
Hervey H. Yancey, Jr.	Statler Hotel	Florida
Sam D. Thurman	Statler Hotel	Utah
James W. Wine, Jr.	Washington Hotel	Kentucky
J. B. Stephenson	Washington Hotel	Kentucky
Ashley St. Clair	Statler Hotel	Massachusetts
Franklin J. Marryott	Willard Hotel	Massachusetts
James M. Keating	Statler Hotel	New York
~~Frank R. Lyon, Jr.~~	Statler Hotel	West Virginia
Edward W. Stitt, Jr.	Wardman Park Hotel	New York
John Albert McRae	Raleigh Hotel	North Carolina
William Vincent Beal	Franklin Park Hotel	Tennessee
Thomas Miller Manier	Statler Hotel	Tennessee
Price Janson	3205 Stephanson Pl,NW	Ohio
Henry C. Meader	Willard Hotel	Alabama

7

SPONSOR
FRANCIS W. HILL, JR., ESQ.
Tower Building
Republic 5236

Name	Local Address	Member Bar of Highest Court of:
Arthur Park	University Club	California
A. R. Kehoe	Congressional Hotel	Washington
M. Vandervoort	Washington Hotel	Michigan
Leo B. Parker	Mayflower Hotel	Missouri
Floyd Anderson	1405 Summit Avenue, Alex.Va.	Ohio
Charles E. Jones	Haye-Adams House	Kansas
John Horan	Shoreham Hotel	New York
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Charlotte S. Million	1300 Mass. Ave., N.W.	Pennsylvania and Dist. of Col.
Henry Clifford Bernhill	Statler Hotel	California
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G. J. Jeffries	Ambassador Hotel	Montana
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Oriens Cross	Hamilton Hotel	Michigan
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Robert D. Tylander	Washington Hotel	Florida
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Eliot L. Kaplan	Burlington Hotel	Ohio
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George W. Ericksen	Dupont Plaza Hotel	Florida
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Grace H. Simpson	Carlton Hotel	Nebraska
Robert H. Hosick,	Washington Hotel	Michigan & Calif.
Wiley E. Mayne	Washington Hotel	Iowa
Kirk Hawkins	Blackstone Hotel	Missouri
Robert H. Beatty	Statler Hotel	Nebraska
Samuel P. Sears	Shoreham Hotel	Massachusetts
Annie M. Stout	4514 Connecticut Ave,N.W.	Tennessee
Stanley B. Balbach	Washington Hotel	Illinois
J. Stanley Mullin	Mayflower Hotel	California
George R. Richter, Jr.	Mayflower Hotel	California
Julian de Bruyn Kops	3312 35th Street,N.W.	Ohio
James C. Sheppard ✓	Mayflower Hotel	California
W. F. Womble	1673 Columbia Rd.,N.W.	North Carolina
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Charles L. Davis, Jr.	Washington Hotel	Kansas
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Paul H. Heineke	Wardman Park Hotel	Illinois
Carl Hoppe	Statler	California
Donn Norcutt Gregory	Washington Hotel	Florida
David Broude	Ambassador Hotel	Massachusetts
Ward D. Foster	Shoreham Hotel	California
Lewis E. Lyon	Shoreham Hotel	California
C. Baxter Jones, Jr.	Washington Hotel	Georgia
Carl O. Hamlin	Washington Hotel	Texas
Robert H. May	Ambassador Hotel	Virginia
Lee E. Bains	3130 Ordway Street, N.W.	Alabama
Stephen R. Curtis	Statler Hotel	Illinois
Austin H. Peck, Jr.	Statler Hotel	California
Walter A. Ferrell	Roger Smith	Minnesota
Ruth E. Riddell	Statler Hotel	Michigan
Frazor T. Edmondson	Congressional	Texas
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Thomas Watters, Jr.	Haye-Adams House	Dist. of Col.
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Ray R. Christensen	Raleigh Hotel	Utah
Edwin L. Harris	Hamilton Hotel	Illinois
Leonard C. Berry	Hamilton Hotel	Illinois
Jesse E. Marshall	523 Decatur St.,N.W.	Iowa
Bernard W. Chill	Statler Hotel	Mississippi
George J. Baya	Statler Hotel	Florida
William L. Dickson	Statler Hotel	Oregon
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William Richter	Statler Hotel	New York
Harold L. Sebring	Statler Hotel	Florida
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W. W. Gibson	Washington Hotel	Texas
J. Howard Reed	Statler Hotel	Dist. of Col.
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William E. Bufalino	Statler Hotel	Pennsylvania
Leroy Benjamin Davenport	Raleigh Hotel	Ohio
Joseph U. Grimes	Hotel 2400	Rhode Island
Henri I. Ripstra	Commodore Hotel	Illinois
William Kelly Joyce	Wardman Park Hotel	Michigan
George R. Deneweth	Wardman Park Hotel	Michigan
Francis V. Hughs	Wardman Park Hotel	Michigan
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J. B. Adams, Jr.	Fairfax Hotel	Pennsylvania
Jesse E. Hutson	Fairfax Hotel	Pennsylvania
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Augusto Miceli	Sulgrave Club	Louisana
Tracy Edward Griffin	Mayflower Hotel	Washington
Robert M. Clark	Lafayette Hotel	Kansas
Dorothy Young	Mayflower Hotel	Oklahoma
Gordon Franklin	Shoreham Hotel	Illinois
Marvin K. Collie	Shoreham Hotel	Texas
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E. L. Schoenhals	Statler Hotel	Utah
Stephen L. Mayo	Lafayette Hotel	Texas
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George A. Evans	Shoreham Hotel	Wisconsin
Marcus C. Redwine	Willard Hotel	Kentucky
William Donald O'Connor	Wardman Park Hotel	Wisconsin
Charles H. Clark	Washington Hotel	Texas
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Ewing Smith	Hamilton Hotel	Tennessee
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J. H. Doughty	Willard Hotel	Tennessee
John M. Hanley	Congressional	Wisconsin
Wareham Seaman	Raleigh Hotel	California
John W. Cummiskey	Washington Hotel	Michigan
Paul W. Lashly	Washington Hotel	Missouri
Thomas H. Law	Washington Hotel	Texas
Demetri M. Spiro	Washington Hotel	Illinois
Morton Schaeffer	Wardman Park	Illinois
Libby Schaeffer	Wardman Park	Illinois
Julius Marymor	Washington Hotel	Pennsylvania
Rush H. Limbaugh	Washington Hotel	Missouri
H. S. Don Carlos	Hayes-Adams House	Connecticut
Ben R. Miller	Mayflower Hotel	Louisiana
Forrest A. Betts	Willard Hotel	California
Elmer C. Wilson	Hamilton Hotel	Illinois
Wayne L. Townsend	Statler Hotel	Missouri
Robert S. Snevily	Shoreham Hotel	New Jersey
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R. T. Jennings, Jr.	Raleigh Hotel	Pennsylvania
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Manford G. Henley	Ambassador Hotel	Indiana
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Waldo P. Breeden	Mayflower House	Pennsylvania

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John T. Wigginton	Willard Hotel	Florida
John D. Fischbeck	1606 New Hampshire Ave,NW	New Jersey
Gladys C. Williams	Chastleton Hotel	Kentucky
Earle J. Moyer	Mayflower Hotel	Nebraska
Lydon H. Beam	Willard Hotel	Ohio
~~J. Ramsey Harris~~	~~Haye-Adams House~~	~~Colorado~~
Arthur Edward Schoepfer	Statler Hotel	Massachusetts
Lou Nora Spiller	Wardman Park Hotel	Texas
E. F. Bolzendahl	AmbassadorHotel	Wisconsin
Evelyn J. Pitschke	La Salle Apartments	Indiana
Mitchell S. Dvoret	3131 16th Street,N.W.	Dist. of Col.
John T. Bowes	Statler Hotel	Massachusetts
Victoria Gilbert	Haye-Adams House	Kentucky
Helen R. Graft	Haye-Adams House	Kentucky
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George Gisler	Washington Hotel	Missouri
Clarence Cornwell	Hamilton Hotel	Iowa
Paul R. Scott	Carlton Hotel	Florida
C. N. Whitman	New Colonial Hotel	New York
Samuel Erskine	Ambassador Hotel	Ohio
Paul Van Osdal, Jr.	2800 Woodley Rd., N.W.	Missouri
R. B. Forster	Mayflower Hotel	Minnesota
L. C. White	2400 Hotel	New Mexico
Denman Moody	Willard Hotel	Texas
George L. Gisler	Willard Hotel	Missouri
James F. Flynn	Raleigh Hotel	Ohio
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E. C. Yokley	Statler Hotel	Tennessee
John Dorwin	Statler Hotel	New York
~~John P. Carr~~	~~Ambassador Hotel~~	~~Kansas~~
Sylvester J. Liddy	Roosevelt Hotel	New York
Gerald Branigin	Lee Sheraton Hotel	Indiana
Dorothy H. Romig	Arlington, Va.	New York
Gertrude D. Krichefsky	Statler Hotel	Dist. of Col.
Melvin T. Woods	Statler Hotel	South Dakota
John Charles Hoyo	Roger Smith Hotel	Texas
Moses Lane	Ambassador Hotel	Ohio
Irvin Miller	Congressional Hotel	Texas
F. A. Mac Donald	Mayflower Hotel	West. Virginia
Catherine C. Donovan	Chastleton Hotel	Michigan
Henrietta Rosenthal	Chastleton Hotel	Michigan
W. E. Phipps	Ambassador Hotel	Arkansas
Harry E. Marble	Lafayette Hotel	Ohio
Fred B. Noble	Ambassador Hotel	Florida
Ralph Adams	Bowling Field	Alabama
Albert Adcock	Statler Hotel	Illinois
Dorothy Persky	Statler Hotel	Ohio
Bettie Jane Russell	New Coloniol Hotel	Missouri
Wyatt Jacobs	Willard Hotel	Illinois
Harley J. McNeal	Willard Hotel	Ohio
Joseph Hanna	Burlington Hotel	Missouri

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John Thomas, Jr.	Willard Hotel	South Carolina
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Arthur Leslie Graves	Willard Hotel	Vermont
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Frank R. Miller	2030 F Street, N.W.	Iowa
Francis E. Teeling	2030 F Street, N. W.	Iowa
John L. Oliver	Carlton Hotel	Missouri
Kinsley H. Glenn	Statler Hotel	Wyoming
Stanley V. Printz	Ambassador Hotel	Pennsylvania
Gerald B. Klein	Statler Hotel	Oklahoma
Henry C. Mackall	Statler Hotel	Minnesota
Gus Rinehart	Annapolis Hotel	Oklahoma
Renaldo J. Jeffry	Statler Hotel	California
John H. Poe	Willard Hotel	Oklahoma
Charles F. Scanlon	Hamilton Hotel	Washington
Katharine R. Kile	Raleigh Hotel	Oklahoma
A. W. Trice	Mayflower Hotel	Oklahoma
Byron G. Hill	Gordon Hotel	California
C. Brien Dillon	Statler Hotel	Texas
George Papanicolas	Statler Hotel	Dist. of Col.
F. Edward Wheeler	Statler Hotel	Maryland
George Baumen	Congressional Hotel	California
~~Grover C. Thompson~~	Willard Hotel	Kentucky
Francis H. Fawley	Raleigh Hotel	North Carolina
Albert L. Plummer	Mayflower Hotel	Missouri
C. Baxter Jones	Mayflower Hotel	Nebraska
Pope F. Brock	Carlton Hotel	Georgia
Stanley G. Falk	Willard Hotel	New York
George S. Downey	Willard Hotel	Oklahoma

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Frank G. Lichtenstein	Statler Hotel	Massachusetts
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Supreme Court of the United States
Washington, D. C.

CHAMBERS OF
JUSTICE FELIX FRANKFURTER

October 2, 1950.

Dear Chief:

I have only just learned - through no fault of your office - that the conference tomorrow is set for ten o'clock. Unfortunately I have an appointment with my doctor tomorrow morning, so as to disable me from being here until ten-thirty.

Faithfully yours,

FF

The Chief Justice.

RECEIVED
OCT 2 4 14 PM '50
CHAMBERS OF THE
CHIEF JUSTICE

October 2, 1950

MEMORANDUM FOR THE CONFERENCE:

I am informed by one of the Brethren that, prior to his being informed of the time for the convening of the Conference tomorrow morning, he made an engagement which precludes his being with us until 10:30 a. m. I think it would be better to start the Conference with all the members present and, therefore, I am changing the time for the opening of the Conference to 10:30 tomorrow morning.

Chief Justice.

Kappa Alpha Psi | Alpha Kappa Alpha | Phi Beta Sigma | Alpha Phi Alpha | Sigma Gamma Rho | Delta Sigma Theta | Zeta Phi Beta

American Council on Human Rights

1130 Sixth Street, N.W. | Washington 1, D. C. | COlumbia 7307

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November 28, 1950.

Honorable Fred M. Vinson
Chief Justice of the Supreme Court
Washington, D.C.

Dear Mr. Justice Vinson:

The American Council on Human Rights is a cooperative program sponsored by seven national Negro collegiate fraternities and sororities - all of them old and established organizations.

We have closely observed the work of the court under your administration and have been uniformly impressed.

Our Council has decided that it wishes publicly to commend you and the Court on the high standard of judicial interpretation of the Constitution which you have set for our Nation.

We would deeply appreciate it if you would permit a committee of three to briefly consult with you at your convenience on this matter.

With deep appreciation for your consideration, we are

Respectfully yours,

Elmer W. Henderson
Director

December 11, 1950

Mr. Elmer W. Henderson,
Director,
American Council on Human Rights,
1130 Sixth Street, N. W.,
Washington 1, D. C.

Dear Mr. Henderson:

I am in receipt of your letter of November 28th.

I note the position that your organization expresses in respect of the "judicial interpretation of the Constitution" by the Court.

I do not believe it proper or advisable to participate in your suggested commendatory expressions. Upon reflection, I am certain that you will agree.

Sincerely,

[Signed] Fred M. Vinson

FMV:McH

November 16, 1950

MEMORANDUM FOR THE CONFERENCE:

The Conference for the week of November 27th will be held on Friday, December 1st, at 12:00 noon. Cases argued during that week will not be considered until the Conference scheduled for December 9th.

The Chief Justice

SAM RAYBURN
4TH DISTRICT, TEXAS

The Speaker's Rooms
House of Representatives U.S.
Washington, D.C.

December 14, 1950

Chief Justice Fred M. Vinson
United States Supreme Court
Washington, D. C.

Dear Mr. Chief Justice:

Here is a letter from our old friend, Ewing Thomason.

I wish you would comment on it so that I can answer same.

With kindest regards, I am

Sincerely yours,

Sam Rayburn

December 18, 1950

Dear Sam:

I am in receipt of your letter of December 14th, with which you enclosed a letter from Ewing Thomason.

I made the designations referred to in the Judge's letter on October 12th.

The letter from Ewing Thomason is returned herewith.

With kind regards,

Sincerely,

[signed] Fred

Honorable Sam Rayburn,
Speaker of the House,
Washington, D. C.

On October 12th you designated

Judge Phillips
Judge Hincks
and
Judge Albert Bryan

as members of this council representing the Judicial Branch-

December 27, 1950

MEMORANDUM FOR THE CONFERENCE:

The Conference this week will be held on Friday, December 29, at 11:00 a. m. instead of Saturday, December 30.

The Chief Justice

OPINIONS TO BE ANNOUNCED

January 15, 1951

MR. JUSTICE MINTON

No. 122 - National Labor Relations Board v. Gullett Gin Company

Chief Justice out.

MR. JUSTICE CLARK

No. 258 - Dean Milk Co. v. City of Madison

Dissenting Opinion by Mr. Justice Black

Douglas
Minton

MR. JUSTICE BURTON

Nos. 211-212 - Niagara Hudson Power, etc. v. Leventritt

Dissenting Opinion by Mr. Justice Frankfurter

MR. JUSTICE BLACK

No. 21 - Blau v. United States

Dissenting Opinion by Mr. Justice Minton - joined by Mr. Justice Jackson

THE CHIEF JUSTICE

Nos. 17 & 18 - Niemotko & Kelley v. State of Maryland

Black concurring in result

Concurring Opinion by Mr. Justice Frankfurter

No. 50 - Kunz v. People of the State of New York

Dissenting Opinion by Mr. Justice Jackson

No. 93 - Feiner v. People of the State of New York

Announce

Dissenting Opinion by Mr. Justice Douglas, joined by Mr. Justice Minton

Dissenting Opinion by Mr. Justice Black

No. 20 - Rogers v. United States

Dissenting Opinion by Mr. Justice Black, joined by Frankfurter and Douglas

OPINIONS TO BE HANDED DOWN FEBRUARY 26, 1951

MR. JUSTICE MINTON

No. 318 - Moore v. Chesapeake & Ohio Railway Co.

Mr. Justice Black dissenting.

MR. JUSTICE CLARK

No. 209 - Emich Motors v. General Motors

MR. JUSTICE BURTON

No. 204 - Capital Transit v. United States
No. 218 - United States v. Yellow Cab

MR. JUSTICE JACKSON

No. 133 - Norton Co. v. Dept. of Revenue of the State of Illinois

Mr. Justice Clark Dissenting.
Mr. Justice Reed Dissenting.

MR. JUSTICE DOUGLAS

No. 96 - Canton Railroad Co. v. Rogan

No. 205 - Western Maryland Railway Co. v. Rogan

Mr. Justice Jackson concurring in both No. 96 & 205

(Chief Justice is out of both No. 96 & 205)

No. 87 - Warren v. United States

Mr. Justice Frankfurter Dissenting.

MR. JUSTICE FRANKFURTER

No. 40 - Universal Camera Corporation v. NLRB

No. 42 - NLRB v. The Pittsburgh Steamship Co.

No. 267 - O'Leary v. Brown-Pacific-Maxon, Inc.

Mr. Justice Minton Dissenting.

MR. JUSTICE REED

No. 25 - U.S. v. Rock Island Motor Transport Co., et al

Nos. 38-39 - U.S., etc. v. The Texas and Pacific Motor Transport Co., etc.

No. 83 - U.S., ex rel. Touhy v. Ragen

Mr. Justice Frankfurter concurring.

THE CHIEF JUSTICE

No. 20 - Rogers v. U.S.

Mr. Justice Black Dissenting (Joined by Justices Frankfurter and Douglas)

Nos. 329 & 438 - Amalgamated Association, etc., v. Wisconsin Employment Relations Board

No. 302 - Arthur St. John v. Wisconsin Employment Relations Board

Mr. Justice Frankfurter dissenting in Nos. 329, 438 ~~& 302~~.

No. 330 - Amalgamated Asso., etc. v. Wis. Emp. Relations Board.

March 21, 1951

Memorandum to: Mr. Justice Black
Mr. Justice Reed
Mr. Justice Frankfurter
Mr. Justice Douglas
Mr. Justice Jackson
Mr. Justice Burton
Mr. Justice Clark
Mr. Justice Minton

I have been asked to ascertain whether or not the Justices of our Court would care to attend the Joint Session of Congress to be held on April 2, 1951, at 12:00 noon, at which time the President of France will speak. I would appreciate your letting me have your views as soon as convenient for you.

I would wish to

The Chief Justice

March 21, 1951

Memorandum to: Mr. Justice Black
Mr. Justice Reed
Mr. Justice Frankfurter
Mr. Justice Douglas
Mr. Justice Jackson
Mr. Justice Burton
Mr. Justice Clark
Mr. Justice Minton

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The Chief Justice

March 21, 1951

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Mr. Justice Reed
Mr. Justice Frankfurter
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Mr. Justice Clark
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The Chief Justice

March 21, 1951

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Mr. Justice Reed
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Mr. Justice Douglas
Mr. Justice Jackson
Mr. Justice Burton
Mr. Justice Clark
Mr. Justice Minton

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The Chief Justice

Dear Fred
I think it would be a desirable show of courtesy to the head of one of the great States + civilizations in all history. FT

RECEIVED
MAR 21 10 40 AM '51
CHAMBERS OF THE CHIEF JUSTICE

March 21, 1951

Memorandum to: Mr. Justice Black
Mr. Justice Reed
Mr. Justice Frankfurter
Mr. Justice Douglas
Mr. Justice Jackson
Mr. Justice Burton
Mr. Justice Clark
Mr. Justice Minton

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The Chief Justice

I think the Court should attend in a body as was done when Churchill, Mme Chiang and others were there.

F.M.V.

3/21/51

Justice Douglas' secretary reports that he will be out of the city on April 2nd

March 21, 1951

Memorandum to: Mr. Justice Black
Mr. Justice Reed
Mr. Justice Frankfurter
Mr. Justice Douglas
Mr. Justice Jackson
Mr. Justice Burton
Mr. Justice Clark
Mr. Justice Minton

I have been asked to ascertain whether or not the Justices of our Court would care to attend the Joint Session of Congress to be held on April 2, 1951, at 12:00 noon, at which time the President of France will speak. I would appreciate your letting me have your views as soon as convenient for you.

The Chief Justice

3/21 In favor of attending HHB

RECEIVED
MAR 21 10 40 AM '51
CHAMBERS OF THE
CHIEF JUSTICE

March 21, 1951

Memorandum to: Mr. Justice Black
Mr. Justice Reed
Mr. Justice Frankfurter
Mr. Justice Douglas
Mr. Justice Jackson
Mr. Justice Burton
Mr. Justice Clark
Mr. Justice Minton

not here

I have been asked to ascertain whether or not the Justices of our Court would care to attend the Joint Session of Congress to be held on April 2, 1951, at 12:00 noon, at which time the President of France will speak. I would appreciate your letting me have your views as soon as convenient for you.

The Chief Justice

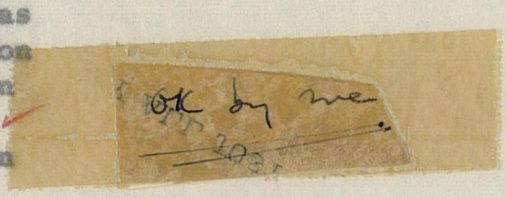
Dear Chief

I agreed to address the Oregon Bar assoc the night of Mar 31st. So I doubt if I can get back to wash DC by noon on the 2nd. Fairly sure I can't

WOD

March 21, 1951

Memorandum to: Mr. Justice Black
Mr. Justice Reed
Mr. Justice Frankfurter
Mr. Justice Douglas
Mr. Justice Jackson
Mr. Justice Burton
Mr. Justice Clark
Mr. Justice Minton



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The Chief Justice

March 21, 1951

Memorandum to: Mr. Justice Black
Mr. Justice Reed
Mr. Justice Frankfurter
Mr. Justice Douglas
Mr. Justice Jackson
Mr. Justice Burton
Mr. Justice Clark
Mr. Justice Minton

I have been asked to ascertain whether or not the Justices of our Court would care to attend the Joint Session of Congress to be held on April 2, 1951, at 12:00 noon, at which time the President of France will speak. I would appreciate your letting me have your views as soon as convenient for you.

The Chief Justice

March 23, 1951

Dear Howard:

As you know, the Judicial Conference of the United States met on Monday and Tuesday, March 19th and 20th.

We are greatly concerned with the disposition of cases on the federal dockets, and in our discussion we checked the vacancies which have not been filled. I am enclosing herewith a list of such vacancies as presented to me by the Director of the Administrative Office.

I know you are familiar with the condition of the dockets, and express the hope that we may get this much needed judicial manpower as early as we can. The condition of the docket in the Southern District of New York is growing worse as the days go by. The Judicial Conference has recommended the appointment of five additional judges, and we find that Congress uses the non-filling of vacancies as an argument against granting additional judgeships. I am referring to the Northern District of Ohio bill. This vacancy, as I understand it, has been filled.

With the kindest regards,

Sincerely,

(Signed) Fred M. Vinson

Honorable J. Howard McGrath,
Attorney General of the United States,
Washington, D. C.

FMV:McH

Office of the Attorney General
Washington, D.C.

March 29, 1951

RECEIVED
MAR 30 9 41 AM '51
CHAMBERS OF THE
CHIEF JUSTICE

Honorable Fred M. Vinson
The Chief Justice
Supreme Court of the United States

Dear "Chief":

This will acknowledge your letter of March 23 transmitting the list of judgeship vacancies.

I assure you that we will continue to put forth our best efforts to fill these vacancies at the earliest possible moment. I too am concerned about the disposition of cases on the federal dockets and appreciate the necessity of filling vacancies as quickly as possible.

With kind regards and best wishes, I am

Sincerely,

Howard

Attorney General

OPINIONS TO BE ANNOUNCED MONDAY, MARCH 26th

MR. JUSTICE CLARK

No. 344 - United States v. Moore

Chief Justice, Justice Black, Justice Frankfurter and Justice Douglas noting dissent

MR. JUSTICE BURTON

No. 132 - Spector Motor v. McLaughlin

Dissenting Opinion by Justices Clark, Black & Douglas

MR. JUSTICE FRANKFURTER

No. 363 - 62 Cases, etc. v. United States

Dissenting Opinion by Justice Douglas

MR. JUSTICE BLACK

No. 347 - United States v. Lewis

Dissenting Opinion by Justice Douglas

THE CHIEF JUSTICE

No. 421 - Hammerstein v. Superior Court of the State of California (Per Curiam)

March 31, 1951

MEMORANDUM FOR THE CONFERENCE:

One of the Brethren has informed me that, because of previous commitments, it will not be convenient for him to attend the Conference which I called for April 3rd at 11:00 a. m. Therefore, I am cancelling the Conference for that date.

Case No. 565 - Radio Corporation of America, et al v. The United States, et al - will be considered at the regular Conference scheduled for Saturday, April 7th.

The Chief Justice

OFFICERS: *Chairman* BOLITHA J. LAWS, Chief Judge, United States District Court for the District of Columbia . . . *Vice-Chairman* JOHN J. PARKER, Chief Judge, United States Court of Appeals for the Fourth Circuit . . . *Vice-Chairman* LAURANCE M. HYDE, Chief Justice, Supreme Court of Missouri . . . *Director* ROSCOE POUND, Dean Emeritus, Harvard Law School . . . *Treasurer* FRANK T. BOESEL, Member Judicial Council of Wisconsin . . . *Secretary* PAUL B. DEWITT, Executive Secretary of Association of the Bar of the City of New York.

EXECUTIVE COMMITTEE: *Chairman* ARTHUR T. VANDERBILT, Chief Justice, Supreme Court of New Jersey . . . HENRY P. CHANDLER, Director of Administrative Office of United States Courts . . . EDWARD R. FINCH, formerly Judge of the Court of Appeals of New York . . . JAMES W. MCCLENDON, formerly Chief Justice, Court of Civil Appeals of Texas . . . GEORGE ROSSMAN, Chief Justice, Supreme Court of Oregon . . . EDSON R. SUNDERLAND, Secretary, Judicial Council of Michigan . . . CARL V. WEYGANDT, Chief Justice, Supreme Court of Ohio.

National Conference of Judicial Councils

744 Broad Street · Newark 2, New Jersey

RECEIVED
APR 2 9 18 AM '51
CHAMBERS OF THE
CHIEF JUSTICE

No 3896

April 2, 1951

Note:—Talked with the C.J. and he advised that it would be Ok for this Council to use the Conference Room for their Luncheon.....Phoned Judge Laws that it was OK-----

Honorable Fred M. Vinson,
The Chief Justice of the United States,
Washington 13, D. C.

Dear Mr. Chief Justice:

PK- 4/12/51.-

I beg to confirm my oral request made to you that the Justices of the Supreme Court of the United States give permission to the National Conference of Judicial Councils to give a luncheon in the Supreme Court Building in May of this year, about the time of the meeting of the American Law Institute in Washington. As you will recall, such permission previously has been given the Conference for the past four years. On each of these occasions, except last year, one of the Justices of the Supreme Court of the United States has honored the Conference by addressing it.

The National Conference of Judicial Councils is made up largely of United States and State Judges who are engaged in promoting improvements of judicial procedures in the courts of the nation. The procedures in many of the states are far behind in the progress which has been made in United States courts. The holding of a luncheon at the time of the American Law Institute meeting affords the best opportunity in the year to make known what is being done in the United States courts and what should be done in the state courts. This is a program in which the Justices of the Supreme Court of the United States are interested, as they have shown by their attendance at the luncheons. This manifestation of interest gives impetus to the work of the Conference and at the same time brings the work of the Conference to the attention of the Supreme Court Justices.

I wish to assure you and the other Justices of the Supreme Court of the United States of the appreciation of the courtesy previously shown the National Conference of Judicial Councils and to express the hope that the Conference may continue to carry on its program in collaboration with you.

Respectfully yours,

Bolitha J. Laws

April 7, 1951

CHIEF JUSTICE'S CIRCULATING OPINIONS

No. 336 - DENNIS v. UNITED STATES

Agree	Concurring	Dissent	Unreported	Out
Reed*	Jackson	Douglas	Black	Clark
Burton			Frankfurter	
Minton				

* Agreed Verbally.

~~No. 281 - UNITED STATES~~ v. ALCEA BAND OF TILLAMOOKS (Per Curiam)

Agree	Concurring	Dissent	Unreported	Out
Black			~~Reed~~	Jackson
Frankfurter			Douglas	
Burton			~~Minton~~	
Clark				

Reed
FF
Minton
Douglas

No. 348 - JORDAN v. DE GEORGE - (Dissent)

JOINED
Reed
Douglas
Clark
Minton

No. 421 - HAMMERSTEIN v. THE SUPERIOR COURT OF THE STATE OF CALIF.

Agree	Concurring	Dissent	Unreported
Black			~~Douglas~~
Reed			~~Jackson~~
Frankfurter			~~Burton~~
Burton			~~Clark~~
Douglas			~~Minton~~
Minton			
Clark			
Jackson			

OPINIONS TO BE ANNOUNCED MONDAY, APRIL 9, 1951

MR. JUSTICE MINTON

No. 301 - Moser v. United States

Dissenting Opinion by Mr. Justice Reed

MR. JUSTICE DOUGLAS

No. 295 - Robertson v. Chambers

MR. JUSTICE FRANKFURTER

No. 147 - West Virginia at rela. of Dyer v. Sims

Concurring Opinion by Mr. Justice Reed

Concurring Opinion by Mr. Justice Jackson

MR. JUSTICE REED

No. 252 - American Fire & Casualty v. Finn

Dissenting Opinion by Mr. Justice Douglas

MR. JUSTICE BLACK

No. 364 - United States v. Allied Oil Corp.

THE CHIEF JUSTICE

No. 281 - United States v. Alcea Band of Tillamooks, et al
(Per Curiam)

OPINIONS TO BE ANNOUNCED MONDAY, APRIL 23, 1951

MR. JUSTICE DOUGLAS

No. 310 - Calif. State Auto. Asso. Inter-Insurance Bur. v. Maloney

No. 365 - Williams v. United States

MR. JUSTICE FRANKFURTER

No. 26 - United States v. Williams

Concurring Opinion by Mr. Justice Black

Dissenting Opinion by Mr. Justice Douglas

MR. JUSTICE REED

No. 134 - United States v. Williams

THE CHIEF JUSTICE

No. 476 - Woodward v. United States - (Per Curiam)

April 28, 1951

CHIEF JUSTICE'S CIRCULATING OPINIONS

No. 336 - DENNIS v. UNITED STATES

Agree	Concurring	Dissent	Unreported	Out
Reed *	Jackson	Douglas	Black	Clark
Burton			Frankfurter	
Minton				

* Agreed verbally

No. 348 - JORDAN v. DE GEORGE

Agree	Concurring	Dissent	Unreported
Reed		Jackson	Black
Douglas			Frankfurter
Burton			
Clark			
Minton			

NO. 395 - ALABAMA PUBLIC SERVICE COMMISSION v. SOUTHERN RAILWAY CO.

Agree	Concurring	Dissent	Unreported
Black			Frankfurter
Reed			Jackson
Douglas			Burton
Minton			Clark

NO. 146 - ALABAMA PUBLIC SERVICE COMMISSION v. SOUTHERN RAILWAY CO.

Agree	Concurring	Dissent	Unreported
Black			Frankfurter
Reed			Jackson
Douglas			Burton
Minton			Clark

OPINIONS TO BE HANDED DOWN MONDAY, APRIL 30, 1951

MR. JUSTICE MINTON

No. 435 - Bowman Dairy v. United States

MR. JUSTICE BURTON

Nos. 8, 7 & 71 - Anti-Fascist Cases

Mr. Justice Black's Concurring Opinion

Mr. Justice Frankfurter's Concurring Opinion

Mr. Justice Douglas' Concurring Opinion

Mr. Justice Jackson's Concurring Opinion

Mr. Justice Reed's Dissenting Opinion
(Joined by Chief Justice and Mr. Justice Minton)

MR. JUSTICE BLACK

No. 168 - United States v. Pewee Coal Company, Inc.

Mr. Justice Reed's Concurring Opinion

Mr. Justice Burton's Dissenting Opinion

May 5, 1951

CHIEF JUSTICE'S CIRCULATING OPINIONS

No. 336 - DENNIS v. UNITED STATES

Agree	Concurring	Dissent	Unreported	Out
Reed *	Jackson	Douglas	Black	Clark
Burton			Frankfurter	
Minton				

* Agreed verbally

No. 348 - JORDAN v. DE GEORGE

Agree	Concurring	Dissent	Unreported
Reed		Jackson	~~Black~~
Douglas			Frankfurter
Burton			
Clark			
~~Minton~~			

Nos. 146 & 395 - ALABAMA PUB. SERVICE COMM. v. SOUTHERN RAILWAY CO.

Agree	Concurring	Dissent	Unreported
Black			Frankfurter
Reed			Jackson
Douglas			Burton
Minton			Clark

Nos. 169 & 177 - UNITED STATES v. WHEELOCK BROS., INC. (PER CURIAM)

Agree	Concurring	Dissent	Unreported
Black			~~Douglas~~
Reed			
Frankfurter			
Douglas Jackson			
Burton			
Clark			
Minton			

No. 621 - EWING v. GARDNER (PER CURIAM)

Agree	Concurring	Dissent	Unreported
Black			~~Frankfurter~~
Reed Frankfurter			~~Douglas~~
Jackson			
Burton			
Clark			
Minton			

Douglas -

OPINIONS TO BE ANNOUNCED ON MONDAY, MAY 7, 1951

MR. JUSTICE CLARK

Nos. 473 & 474 - Brannan, etc. v. Elder, etc.

No. 433 - United States v. Champlin Refining Co.

Mr. Justice Frankfurter Concurring

Mr. Justice Douglas Concurring in part and Dissenting in part

[Mr. Justice Minton Dissenting]

Mr. Justice Black Dissenting

MR. JUSTICE JACKSON

No. 77 - Montana-Dakota Utilities Co. v. Northwestern PSC

Mr. Justice Frankfurter, joined by Justices Black, Reed and Douglas, Dissenting

No. 461 - Mosser v. Darrow

Mr. Justice Black Dissenting

THE CHIEF JUSTICE

No. 348 - Jordan v. De George

Mr. Justice Jackson Dissenting

Nos. 169 & 177 - United States v. Wheelock Bros., Inc. (Per Curiam)

No. 621 - Ewing v. Gardner (Per Curiam)

LEWIS, GRANT, NEWTON, DAVIS & HENRY
ATTORNEYS AND COUNSELLORS AT LAW
FIRST NATIONAL BANK BUILDING
DENVER 2, COLORADO

MASON A. LEWIS
JAMES B. GRANT-1915-1947
QUIGG NEWTON, JR.
RICHARD M. DAVIS
S. ARTHUR HENRY
IRVING HALE, JR.
DONALD S. GRAHAM
DONALD S. STUBBS
JOHN N. ADAMS
BYRON R. WHITE
STANLEY L. DREXLER

May 10, 1951.

Mr. Newton Minow,
Chambers of the Chief Justice,
Supreme Court of the United States,
Washington, D. C.

Dear Newton:

I am sorry not to have responded sooner to your letters in regard to the dinner for the Chief Justice. However, some weeks ago a tangle on the squash courts put me in the hospital for a back operation and I have only now returned to the office. Unfortunately, I shall be unable to travel as far as Washington for some time.

Please convey my regrets, and also my regards to the Chief, as well as to the assembled group.

Very truly yours,

Byron White

BRW:rw

195	— AIR ONE WAY
1.25	— TAXI
6.50	— HOTEL
1.75	— MEAL
1.00	— TAXI
3.60	— AIR PRIMACY
.45	— PHONE CALL
2.00	—
1.35	— TAXI
42.	— RAIL
13	— PULLMAN
4.25	— MEAL
1.50	
1.50	
.50	
124.25	

1.25
1.00
1.35
3.60

42
13
3.60
58.60

May 12, 1951

CHIEF JUSTICE'S CIRCULATING OPINIONS

No. 336 - DENNIS v. UNITED STATES

Agree	Concurring	Dissent	Unreported	Out
Reed *	Jackson	Douglas	Black	Clark
Burton			Frankfurter	
Minton				

* Agreed verbally

No. 146 - ALABAMA PUB. SERVICE COMM. v. SOUTHERN RAILWAY CO.

Agree	Concurring	Dissent	Unreported
Black			Frankfurter
Reed			Jackson
Douglas			Burton
Minton			Clark

No. 395 - ALABAMA PUB. SERVICE COMM. v. SOUTHERN RAILWAY CO.

Agree	Concurring	Dissent	Unreported
Black	Frankfurter		Jackson
Reed			~~Burton~~
Douglas			~~Clark~~
Minton			
Clark			
Burton			

PHONE 403

ROOM 5, WRIGHT BLDG.
123 WEST SEVENTH STREET

Law Offices of

WILLIAM M. MARTIN
HANFORD, CALIFORNIA

May 15, 1951

Newton Minow
Chambers of the Chief Justice
Supreme Court of the United States
Washington, D. C.

Dear Mr. Minow:

I genuinely regret that the distance and prior committments prevent my coming to Washington for the Chief Justice dinner upon Tuesday, June 5th.

Some of my most pleasant memories are associated with my duties as Judge Vinson's Law Clerk, and I would greatly appreciate your not only bearing my felicitations to him, but advising me of my proportional share of the gift you contemplate presenting.

Thank you for your kind invitation.

Yours very truly,

William M. Martin,
Attorney at Law

WMM:bl

OPINIONS TO BE ANNOUNCED MONDAY, MAY 14, 1951

MR. JUSTICE MINTON

No. 486 - Panhandle Eastern Pipe Line Co. v. Michigan PSC

Mr. Justice Frankfurter Dissenting.

MR. JUSTICE JACKSON

No. 425 - NLRB v. Highland Park Manufacturing Co.

Mr. Justice Douglas Dissenting.

Mr. Justice Frankfurter Dissenting.

May 19, 1951

CHIEF JUSTICE'S CIRCULATING OPINIONS

No. 336 - DENNIS v. UNITED STATES

Agree	Concurring	Dissent	Unreported	Out
Reed *	Jackson	Douglas	Black	Clark
Burton			Frankfurter	
Minton				

* Agreed verbally

No. 146 - ALABAMA PUB. SERVICE COMM. v. SOUTHERN RAILWAY CO.

Agree	Concurring	Dissent	Unreported
Black			Frankfurter
Reed			Jackson
Douglas			Burton
Minton			Clark

No. 395 - ALABAMA PUB. SERVICE COMM. v. SOUTHERN RAILWAY CO.

Agree	Concurring	Dissent	Unreported
Black	Frankfurter		
Reed	Jackson (Joined FF)		
Douglas			
Burton			
Clark			
Minton			

No. 421 - HAMMERSTEIN v. SUPERIOR COURT - (PER CURIAM)

Agree	Concurring	Dissent	Unreported
Reed			Black
Minton			Frankfurter
			Douglas
			Jackson
			Burton
			Clark

MEMORANDUM ON PETITIONS FOR CERT BEING HELD FOR REASONS OTHER THAN AWAITING DECISION OF ARGUED CASES.

No. 511, Sickman v. United States. ~~Because~~ Because of a related issue, this case is being held for the consideration of the petition in No. 665, United States v. Stewart, et als. Stewart was docketed April 9. The response is due May 13, and the case should be scheduled in normal order for the Conference on May 26.

Nos. 11 Misc. and 179 Misc., Chapman v. California, are being held at the request of counsel, apparently appointed by the court or the Public Defender, to allow him time to investigate the matters. On Feb. 24 the Clerk wrote counsel that the Court was holding consideration pending that investigation, but that he assumed that the case would be disposed of by adjournment in June. Nothing further has been received from counsel.

No. 159 Misc., Lapean v. Burke. This case is being held for the disposition by the Wisconsin Supreme Court of a habeas corpus petition by a co-conspirator of this petitioner. The matter was referred to a referee, who found facts adversely to the confederate. The case was scheduled to be taken up on the March 5 call of the Wisconsin Supreme Court, and probably was argued March 9. It is the practice of the Wisconsin Supreme Court to take about a month between argument and opinion. The Clerk of

the Wisconsin Supreme Court has promised to send the Clerk of this Court a copy of any order or opinion in the case as soon as it comes down.

No. 458, Stefanelli v. Minard, and No. 328 Misc., Dixon v. Duffy. These cases are being held for No. 529, United States v. Coplon, a CA 2 decision. The judgment of the CA was handed down December 5. An extension of time for filing the petition for cert was granted and the petition was docketed February 3. Justice Jackson granted the Gov't an extension of time within which to serve the respondent, until 10 days after the printing of the record. Since then, the parties have not been able to agree upon the printing of the record, and the case does not seem to be progressing. Both parties, however, seem to be quite content about this, and I suspect both are waiting for the decision of CA D.C. in another case involving the same respondent and the same issues, which was argued on Nov. 30. Since the respondent is allowed 30 days after service within which to file a response, it is doubtful that the petition for cert can be considered this Term.

MLS

May 21, 1951

CASES BEING HELD PENDING DISPOSITION OF OTHER CASES

Nos, 7, 8, 71, 336, 453 & 577 - ANTI-FASCIST, DENNIS, GARNER & GERENDE

No. 541 - Adler v. Bd. of Education of the City of New York

No. 599 - Thompson v. Wallin

Nos. 85, 108, 313 & 393 - NLRB, ETC. v. DENVER BUILDING, ETC.

No. 387 - United Brotherhood of Carpenters, etc. v. NLRB

No. 336 - DENNIS v. UNITED STATES

No. 201 - Sacher v. United States

No. 300 - Hallinan v. United States

No. 513 - HOFFMAN v. UNITED STATES

No. 586 - Greenberg v. United States

No. 602 - UNITED STATES v. FORTIER

No. 603 United States v. Duvarney

May 14, 1951

CASES BEING HELD PENDING DISPOSITION OF OTHER CASES

Nos. 7, 8, 71, 336, 453 & 577 - ANTI-FASCIST, DENNIS, GARNER & GERENDE

No. 541 - Adler v. Bd. of Education of the City of New York

No. 599 - Thompson v. Wallin

Nos. 85, 108, 313 & 393 - NLRB, ETC. v. DENVER BUILDING, ETC.

No. 387 - United Brotherhood of Carpenters, etc. v. NLRB

Nos. 146 & 395 - ALABAMA PUBLIC SERVICE COMMISSION v. SOUTHERN RAILWAY

No. 483 - Alabama Public Service Commission v. Atlantic Coast Line RR

No. 660 - Alabama Public Service Commission v. Louisville & Nashville

No. 336 - DENNIS v. UNITED STATES

No. 201 - Sacher v. United States

No. 300 - Hallinan v. United States

No. 338 - TENNEY v. BRANDHOVE Denied - 5/21/51

No. 388 - Brandhove v. Robinson

No. 425 - NLRB v. HIGHLAND PARK MANUFACTURING CO.

No. 466 - West Texas Utilities Co. v. NLRB

Nos. 442 & 443 - SCHWEGMANN BROS. v. CALVERT DISTILLERS, ETC.

No. 538 - Sunbeam Corp. v. Wentling

No. 513 - HOFFMAN v. UNITED STATES

No. 586 - Greenberg v. United States

No. 602 - UNITED STATES v. FORTIER

No. 603 - United States v. Duvarney

May 7, 1951

CASES BEING HELD PENDING DISPOSITION OF OTHER CASES

Nos. 7, 8, 71, 336, 453 & 577 - ANTI-FASCIST, DENNIS, GARNER & GERENDE

No. 541 - Adler v. Bd. of Education of the City of New York

No. 599 - Thompson v. Wallin

Nos. 85, 108, 313 & 393 - NLRB, ETC. v. DENVER BUILDING, ETC.

No. 387 - United Brotherhood of Carpenters, etc. v. NLRB

Nos. 146 & 395 - ALABAMA PUBLIC SERVICE COMMISSION v. SOUTHERN RY.

off No. 464 - Pioneer News Service v. Southwestern Bell Telephone Co.

No. 483 - Alabama Public Service Commission v. Atlantic Coast Line RR

No. 660 - Alabama Public Service Commission v. Louisville & Nashville

No. 336 - DENNIS v. UNITED STATES

No. 201 - Sacher v. United States

No. 300 - Hallinan v. United States

No. 338 - TENNEY v. BRANDHOVE

No. 388 - Brandhove v. Robinson

No. 425 - NLRB v. HIGHLAND PARK MANUFACTURING CO.

No. 466 --West Texas Utilities Co. v. NLRB

Second Page sent

April 5, 1951

CASES BEING HELD FOR SUNDRY REASONS

NO. 511 - SICKMAN v. UNITED STATES

Hold for Stewart case from Seventh Circuit (not yet docketed here)

NO. 11 MISC. - CHAPMAN v. CALIFORNIA SUPERIOR COURT

Held at petitioner's request so that new counsel may have opportunity to study the case.

NO. 159 MISC. - LAPEAN v. BURKE

Hold for Wisconsin Supreme Court decision in case of Peter Bachmeyer.

April 16, 1951.

CASES BEING HELD PENDING DISPOSITION OF OTHER CASES

NOS. 7, 8, 71, 336, 453 & 577 - ANTI-FASCIST, DENNIS, GARNER & GERENDE

No. 541 - Adler v. Bd. of Education of the City of New York

No. 599 - Thompson v. Wallin

NO. 49 - BAILEY v. RICHARDSON

No. 229 - Washington v. McGrath

NOS. 85, 108, 313 & 393 - NLRB, ETC. v. DENVER BUILDING, ETC.

No. 387 - United Brotherhood of Carpenters, etc. v. NLRB

NOS. 146 & 395 - ALABAMA PUBLIC SERVICE COMMISSION v. SOUTHERN RY.

No. 464 - Pioneer News Service v. Southwestern Bell Telephone Co.

No. 483 - Alabama Public Service Commission v. Atlantic Coast Line RR

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NO. 336 - DENNIS v. UNITED STATES

No. 201 - Sacher v. United States

No. 300 - Hallinan v. United States

NO. 338 - TENNEY v. BRANDHOVE

No. 388 - Brandhove v. Robinson

NO. 425 - NLRB v. HIGHLAND PARK MANUFACTURING CO.

No. 466 - West Texas Utilities Co. v. NLRB

NOS. 442 & 443 - SCHWEGMANN BROS. V. CALVERT DISTILLERS, ETC.

No. 538 - Sunbeam Corp. v. Wentling

NO. 513 - HOFFMAN v. UNITED STATES

No. 586 - Greenberg v. United States

May 14, 1951

CASES BEING HELD FOR SUNDRY REASONS

No. 511 - SICKMAN v. UNITED STATES

Listed 5/26/51 Hold for No. 665 - United States v. Stewart - Not ready to be listed for Conference

Listed 5/26/51 No. 159 MISC. - LAPEAN v. BURKE

Hold for Wisconsin Supreme Court decision in case of Peter Bachmeyer

OPINIONS TO BE ANNOUNCED MONDAY, MAY 21, 1951

MR. JUSTICE DOUGLAS

Nos. 442 & 443 - Schwegmann Bros., et al. v. Calvert Distillers, et al

Mr. Justice Jackson Concurring

Mr. Justice Frankfurter Dissenting - joined by Justices Black & Burton

MR. JUSTICE FRANKFURTER

No. 338 - Tenney v. Brandhove

Mr. Justice Black Concurring

Mr. Justice Douglas Dissenting

THE CHIEF JUSTICE

No. 395 - Alabama Public Service Commission v. Southern Railway

Mr. Justice Frankfurter Concurring - Joined by Justice Jackson

No. 146 - Alabama Public Service Commission v. Southern Railway

(May 22, 1951)

Memorandum:-

The Marshal desired that this be brought to your attention:

as you know, spring water is furnished for the use of the Members of the Court at government expense;

The Marshal was fearful that at sometime in the future this item of expense might come to light and, because of the apparent precedent set by the Senate in this instance, the Court (or, in my opinion, those supporting the Budget, i.e., the Marshal, etc) may be subjected to criticism by the appropriation committees.

In checking the amount involved, I find it is not substantial - $250.00 per year is a liberal estimate. It is considered part of Miscl. Expense and is not an item that requires specific justification in our estimates.

I see no reason to become anxious - or conscience stricken with respect to the item; should it become a matter of controversy it can very well be stricken at the time.

I am merely disturbing you with the matter because of the Marshal's request.-

k.-

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PALO ALTO, CALIFORNIA
DAVENPORT 2-2564

Palo Alto, California
May 22, 1951

Hon. Fred M. Vinson, Chairman,
Judicial Conference of the United States,
Supreme Court,
Washington, D. C.

Subject: Communism in Legal Profession.

Dear Chief Justice Vinson:

This is in regard to the proposal of the American Bar Association that lawyers be required to furnish an anti-communist form of oath. It is suggested

> "That the legislature, the court, or other appropriate authority of each state, or territory, and the District of Columbia, be requested to require . . . an affidavit stating whether (affiant) is or ever has been a member of the Communist Party, or affiliated therewith . . . "

The Association also recommends that there be an investigation to determine fitness for continuance in practice where such affidavits disclose communist affiliation.

The contempt and disbarment problem has become particularly acute in the federal courts in connection with the trial of communist cases. It would seem not only proper but desirable to establish the requirement of such an oath, either by rule or statute, for attorneys practicing in those courts.

The enclosed documents were filed recently in the California Legislature in support of a bill of this type. It occurred to me that this material might be of interest to the members of the Judicial Conference.

Very truly yours,

Aaron M. Sargent

AMS:jb
enclosures

RECEIVED
MAY 26 10 21 AM '51
CHAMBERS OF THE
CHIEF JUSTICE

AARON M. SARGENT,
1115 Hobart Building,
San Francisco 4, Calif.
Phone: EXbrook 2-1447

Attorney for The California Society,
Sons of the American Revolution.

BEFORE THE COMMITTEE ON BUSINESS AND PROFESSIONS

OF THE CALIFORNIA SENATE

Hearing on Senate Bill No. 1666

Anti-Communist Oath for Members of State Bar.

STATEMENT IN SUPPORT OF BILL.

TO THE HONORABLE EARL D. DESMOND,
Chairman of the Senate Committee
on Business and Professions, and

TO THE MEMBERS OF SAID COMMITTEE:

Gentlemen:

We have prepared a series of exhibits to assist you in passing on Senate Bill 1666.(1) The documents cover the history and background of the present attack on the Judiciary, the contempt and

(1) Exhibit No. 1: Chronology of Subversive Activities Problem; Exhibit No. 2: Fronts Involved in Attacks on Courts; Exhibit No. 3; Manual of International Labor Defense to Organize Attack on Judiciary; Exhibit No. 4: Contempt Certificate of Judge Medina; Exhibit No. 5: Statement of Circuit Judge Frank; Exhibit No. 6: New York Disbarment Charges; Exhibit No. 7: Taft-Hartley Oath; Exhibit No. 8: Decision Denying Right of Communists to Practice Law; Exhibit No. 9; Los Angeles Oath; Exhibit No. 10; New Oath Prescribed by Constitutional Amendment; Exhibit No. 11: Resolution of American Bar Assn.; Exhibit No. 12: Brief on Constitutionality.

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disbarment proceedings in New York, with source material bearing on the matter of constitutionality.

The measure before you seeks to bar revolutionists from engaging in the practice of law in this state. This proposal should be considered as a defense measure because of its direct relation to the problem of National Security.

We know that the Communist attack on the home front involves three distinct operations: First, an infiltration to obtain control of key positions in government and elsewhere in the community; second, the continuous use of propaganda to undermine faith and destroy the confidence of the people, and, finally, a seizure of power accompanied by the use of force and violence.

These are the conditions confronting us. They should be clear to all who are willing to look and able to see. Our present course must be determined by realism, by the exercise of sound judgment. This is no time for technicalities or theoretical considerations. There is nothing theoretical about the situation in which we find ourselves.

Recently the Legislature approved a Constitutional Amendment prescribing an anti-Communist oath for public officers and employees. That measure represents an attack on the infiltration problem. It is designed to keep the government service free from the influence of men seeking its overthrow by force or violence. A second purpose is to eliminate those whose affiliations show they are likely to become dangerous security risks. We endorse that amendment and believe the people will give it overwhelming support at the November 1952 election.

Senate Bill 1666 extends the same principle to a profession directly concerned with the administration of justice. The lawyer works in an area which the communist party has made the subject of

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direct attack. Lawyers and judges are joint trustees of our liberty. We demand and expect the highest integrity from them. It is their primary responsibility to support and defend the kind of government established by the Constitution. There is no place for revolutionists in this profession.

About two years ago, Judge Medina started the trial of the Communist Party leaders in New York. It took four hundred city police on special duty to maintain order in the federal court house and surrounding area. There were threats of violence - almost continuous contempts of court. The trial lasted ten months. Communist fronts were directly involved in these activities. The lawyers were given jail sentences for misconduct. The judge found that their purpose was to sabotage the administration of justice, to impair his health, to make it impossible to go on with the trial. This is what happens when Communists are allowed to practice law. In spite of these tactics the Communist Party leaders were convicted.

We find that attacks on the Judiciary began many years ago. The International Labor Defense was a front organized about 1922. During the Depression it issued a manual instructing workers in the art of carrying on roughhouse tactics in a courtroom. The technique outlined is the one used by Messrs. Harry Sacher, Abraham J. Isserman and Richard Gladstein, the ring leaders in the trial before Judge Medina. Two of these lawyers are now involved in a disbarment proceeding at New York. The other is a member of the State Bar of California.

Since 1922 there have been many attacks on Courts and Legislative Committees. The American Committee for Democracy and Intellectual Freedom was a front organized in 1939. Its immediate purpose was to vilify a Committee investigating Communism in the

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New York City schools. It was subsequently expanded. Many so-called "liberals" and gullible "intellectuals" were induced to join. It denounced the House Committee on Un-American Activities and sought to have it abolished. It opposed legislation of the type now under consideration. Another front active in this field is the National Federation for Constitutional Liberties, created under Communist auspices in 1940. It gave advice to many seeking to evade and defy government agencies investigating subversive activities. In April, 1946, this National Federation and International Labor Defense were merged to create the front now operating as "Civil Rights Congress". This is the organization behind the attack on Judge Medina. It played an important part in the recent trial of Harry Bridges at San Francisco. We have had ample experience with Communist front activity of this type in California.

The Mundt-Nixon-McCarran Bill was passed in 1950. It is now a criminal offense to picket courts, threaten judges, or intimidate jurors and witnesses. We still have the problem of dealing with misconduct in the courtroom.

High standards are demanded of judges. What purpose is served by putting men of caliber on the Bench if they are confronted by revolutionists at the Bar? Surely the obligation of integrity imposed on the Judiciary is equally binding on the lawyer who appears in court to plead a case. There must be a single standard of ethics in the legal profession.

Senate Bill 1666 requires members of the State Bar to certify, under oath, (1) that they do not advocate or belong to organizations which advocate the overthrow of government by force or violence or other unlawful means, and (2) that they will not engage in this activity while licensed to practice in California.

Opposition to the oath comes mainly from the Communist Party

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and its front organizations. There are some others who object on theoretical grounds. Those people are unfamiliar with the Communist front movement. They do not understand, or have failed to consider the implications of the doctrine they are expounding.

The Communist position on the oath was stated by Richard Gladstein (2) at a recent meeting of the Governors of the State Bar. He asserted a "Right" of Revolution; said it was infringed by this bill; that the proposal was unconstitutional.

We challenge that statement and we assert that there is no such thing as a right of revolution where the purpose is to establish either a dictatorship of the proletariat or any other despotic form of government. In the American Revolution, force was used when other means had failed. The object was to establish a free government to rule with the consent of the people. This false claim of the Communists has a purpose - to establish a legal basis for treason. In a nation such as ours, where the ballot privilege is secure, there can be no "right" of revolution. No man committed to that policy is fit to practice law in this state.

There is ample precedent for this legislation. The Taft-Hartley Act prescribes a similar oath for labor leaders. It was sustained by the Supreme Court in American Communications Association v. Douds. The Los Angeles oath was upheld by the District Court of Appeal in Garner v. Board of Public Works. On April 16, 1951, the Supreme Court sustained the anti-Communist oath required of candidates for office, in the State of Maryland. The decision is Gerende v. Board of Supervisors. The Board of Regents Case - Tolman v. Underhill - is not in conflict. The decision is not final

(2) Gladstein, we understand, is the attorney for the Communist Party in California.

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and it turns on the special section of the State Constitution to be modified by Assembly Constitutional Amendment No. 9.

This bill does not deprive an accused of his right to counsel. There are 14,745 active members of the State Bar at the present time. Many of them specialize in the trial of criminal cases. The choice open to an accused is so wide as to indicate no possibility of infringement. The people making this objection are raising an entirely different question. They insist, in effect, that Communists and other radicals have the right to be represented by attorneys who advocate and believe in violence and revolution. We know that a defendant in a murder case has no right to be represented by a murderer. One charged with embezzlement cannot demand the appointment of an embezzler. Certainly there is no greater right in the case of one charged with treason.

Some assert that this bill interferes with the thoughts or beliefs of the individual. Neither of these words appear anywhere in the statute. The thing prohibited is advocacy and not belief in violence. This is the equivalent of inciting revolution. An attorney involved in this conduct not only brings his profession in disrepute - he is guilty of a breach of trust.

The statute is said to be uncertain in failing to define the organizations included. It might be well to limit its terms to those "lawfully determined" to be committed to the violent overthrow of government, or "otherwise known" to an affiant to be of that character. The section requiring a disclosure of past affiliations may be unwise, as applied to persons not in the government service. It may infringe the immunity against self-incrimination secured by the Federal Constitution and the Constitution of this state. Evidence obtained under such a clause might not be admissible on a prosecution or in a disbarment proceeding. If so, this provision

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would defeat its own purpose. Subject to these amendments, we consider Senate Bill 1666 to be constitutional and a sound piece of legislation.

The remaining point is a practical one. What results can be accomplished by an oath of this type? We think the following may be expected:

1. Disbarment. The Communist affiliations of some attorneys may be so clear as to eliminate them at the outset. To be realistic, we must assume that there will be a considerable amount of perjury among men of this type. Many of them will be picked up later when involved in misconduct and contempts of court. Prosecutions will then aid Bar Associations in eliminating those who are unfit.

2. Resignations. There are liable to be important resignations from attorneys now belonging to fronts. This will terminate the abuse of trust now existing on the part of those supporting the Communist movement.

3. Ethical Standards. Enactment of this bill should have a salutary effect in restoring proper standards of professional ethics in trials involving Communists and other radicals. It will constitute an emphatic denial of the so-called "right of revolution" asserted by the Communist Party. Revolutionary tactics will be recognized for what they are - treason against the government of the United States. We think there will be renewed public confidence in the administration of justice.

Recent decisions have emphasized the need for action in this field. The Court of Appeals of British Columbia has held that no Communist has the right to practice law in that province. Circuit Judge Frank made the following statement in affirming the contempt judgment against the lawyers in the New York trial:

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". . .fear is expressed that, if we affirm any of the contempt orders in this case, lawyers for labor unions or for minority groups . . .will, in the future, be intimidated . .

"The eloquence is misplaced . . . .We affirm the orders punishing these lawyers not because they courageously defended their clients, or because those clients were Communists, but only because of the lawyers' outrageous conduct . . . .The acts of the lawyers . . .in this case can make no sensible man proud.

"What they did was like assaulting the pilot of an aeroplane in flight, or turning out the lights during a surgical operation . . .they tried to throw a wrench in the machinery of justice. . ."

We think it appropriate to close our presentation with the resolution adopted by the Assembly and House of Delegates of the American Bar Association.

". . .the lawyers of America, by virtue of the license each has obtained to practice law . . have a much greater duty than citizens generally to support the principles of the Constitution and oppose the doctrines of Communism inconsistent therewith . . .

". . .it is not inappropriate, with world conditions as they are, that any American citizen be required to attest his loyalty to our form of government. . .

". . .it is especially appropriate that all licensed to practice law in the United States be required to do so . . ."

Dated: April 26, 1951.

AARON M. SARGENT
Attorney for California Society,
Sons of the American Revolution.

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JOURNAL OF AMERICAN JUDICATURE SOCIETY

April 1951 - Page 173

"WASHINGTON SUPREME COURT ADOPTS CANONS OF PROFESSIONAL AND JUDICIAL ETHICS AND NON-COMMUNIST ADMISSION OATH

"Effective January 2, 1951, the Supreme Court of Washington promulgated its rules adopting the current American Bar Association canons of professional ethics, and, with minor changes and one exception, the current A.B.A. canons of judicial ethics. At the same time and in the same manner the Court made 'membership in any party or organization having for its purpose and object the overthrow of the United States government by force or violence' a ground for discipline, and added a requirement that the applicant, as part of his bar admission oath, swear that 'I am not now and never have been a member of any organization' having such purpose and object. Violation of that oath is an added ground for discipline.

"Credit for initiating the idea of court promulgation of the ethics rules goes to Alfred J. Schweppe of Seattle. The amendments to the disciplinary rules and admission oath in respect of Communism were recommended to the Court by the integrated Washington State Bar Association, stimulated by Tracy E. Griffin, its past president.

"The House of Delegates of the American Bar Association, at its February meeting, recommended the expulsion of Communists from the bar through appropriate proceedings in the several states. Washington had already taken the lead, and the action of the Supreme Court of that state should allay the fear that it will be difficult to provide effective means of dealing with any Communist infiltration of an integrated bar. Washington has pointed the way."

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BEFORE THE COMMITTEE ON BUSINESS AND PROFESSIONS OF
THE CALIFORNIA SENATE

- - - - - - - - - - -

Hearing on Senate Bill No. 1666
Anti-Communist Oath for Members of State Bar.

Exhibit No. 1.

A CHRONOLOGY OF THE SUBVERSIVE ACTIVITIES PROBLEM.

June 23, 1947 - Taft-Hartley Oath. Congress, in enacting the Labor Management Relations Act of 1947, included a provision requiring officers of labor organizations to certify, under oath, that they are not members of the Communist Party, or believe or belong to any organization advocating violent overthrow of government.

June 25, 1948 - Smith Act. Criminal responsibility was imposed upon individuals and groups advocating the violent overthrow of government or conspiring to engage in this activity.

January 17, 1949 - New York Trial. This date marks the beginning of the trial of the Communist Party leaders before Federal Judge Medina at New York City. The proceedings lasted ten months. To maintain order in the federal court house and area surrounding the building, 450 foot and mounted police were assigned for special

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duty on this case by the New York Police Commissioner, who acted on the request of the Honorable John C. Knox, Chief Judge of the United States District Court at New York City.

October 14, 1949 - Communist leaders found guilty. The federal jury in this case brought in a verdict of guilty against all of the Communist Party leaders charged with violation of the Smith Act. On the same day, the attorneys for these defendants were found guilty of contempt and given jail sentences because of deliberate and wilful misconduct in attempting to disrupt the trial.

January 21, 1950 - Alger Hiss. A trial jury in the Federal District Court at New York City found Alger Hiss guilty of perjury in connection with a charge involving espionage and treason against the Government of the United States. Public attention was directed to the infiltration problem by this verdict.

March 1, 1950 - Fuchs. On this date Dr. Kraus Emil Fuchs entered a plea of guilty in a British court for violation of the Official Secrets Act in communicating valuable atomic information to Russian agents in England and in the United States where he worked on the Los Alamos project.

April 4, 1950 - Bridges. A federal court jury at San Francisco brought in a verdict of guilty in the perjury trial of Harry Bridges, charged with concealing membership and giving false testimony regarding his affiliation with the Communist Party.

April 5, 19 50 - Contempt citation sustained. The United States Court of Appeals at New York sustained the judgments of contempt rendered by Judge Medina against Harry Sacher, Richard Gladstein, Abraham J. Isserman, and others.

April 25, 1950 - Communists not entitled to practice law. The Court of Appeals of British Columbia held that regardless of any educational or other qualifications, a member of the Communist

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Party did not have the right to be admitted to the Bar or to engage in the practice of law in that Province.

May 9, 1950 - The Supreme Court of the United States sustained the anti-Communist form of oath prescribed by the Taft-Hartley Act.

May 23, 1950 - Contempt in Hallinan case. The United States Court of Appeals for the Ninth Circuit sustained the judgment of contempt rendered against Vincent Hallinan in connection with the trial of Harry Bridges.

June 25, 1950 - Korea. American forces became involved in the war in Korea. Public attention was immediately directed to the danger of revolutionary activity from Communist organizations at home.

July 15, 1950 - Los Angeles Oath. The District Court of Appeal at Los Angeles sustained the Constitutionality of a municipal ordinance prescribing an anti-Communist form of oath for city employees.

August 1, 1950 - New York judgment affirmed on appeal. A unanimous decision of the United States Court of Appeals for the Second Circuit affirmed the conviction of the Communist Party leaders as determined in the trial before Judge Medina.

September 23, 1950 - McCarran Bill. The Internal Security Act of 1950 was passed over Presidential veto and took effect as of this date. It required registration on the part of Communist front organizations and established a procedure designed to prevent espionage and infiltration of the Federal government.

November 30, 1950 - Feinberg Law. The Court of Appeals of the State of New York sustained an act of the Legislature prohibiting employment of subversive teachers; and in another opinion rendered on the same date, it recognized the validity of an act to prevent

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employment of persons with subversive records in the public school system.

February 15, 1951 - Maryland Statute. On this case the Court of Appeals of the State of Maryland sustained an anti-subversive oath prescribed by the Legislature for candidates for state office.

April 5, 1951 - California Constitutional Amendment. The Assembly joined in the constitutional amendment proposed by the California Senate prescribing an anti-Communist form of oath for State employees, similar in purpose to the City of Los Angeles form of oath sustained by the District Court of Appeal in the case of Garner v. Board of Public Works, 98 Cal. (2d) 493.

April 6, 1951 - The District Court of Appeal for the Third Appellate District at Sacramento held that a form of oath prescribed for faculty members at the University of California was invalid under state law because of a provision in the State Constitution (Article XX, Sec. 3) prohibiting the imposition of any form of oath other than the specific oath then in the State Constitution. The effect of this decision will be superseded by the State Constitutional Amendment above described. The opinion does not challenge the determination sustaining validity of the Los Angeles oath nor does it raise any question regarding the Constitutional power to modify the form of oath to be prescribed for state employees.

April 12, 1951 - Maryland Oath Sustained. The Supreme Court of the United States sustained the form of oath prescribed for candidates for state office under the Ober law.

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BEFORE THE COMMITTEE ON BUSINESS AND PROFESSIONS OF THE CALIFORNIA SENATE

- - - - - - - - - - -

Hearing on Senate Bill No. 1666 Anti-Communist Oath for Members of State Bar.

Exhibit No. 2

COMMUNIST FRONTS INVOLVED IN ATTACKS ON COURTS AND LEGISLATIVE COMMITTEES.

American Committee for Democracy and Intellectual Freedom.

The following data on this front appears in the First Section of Appendix IX of the House Un-American Activities Committee report on National Citizens Political Action Committee (hereinafter cited as Appendix IX), pages 323 and 325:

> "The American Committee for Democracy and Intellectual Freedom is a Communist Front organization operating among college teachers and professors. Established on Lincoln's birthday in 1939, its announced purpose was the 'Preservation and extension of democracy and intellectual freedom'. The Daily Worker of February 13, 1939, featured the event with a front-page display . . .
>
> "Despite its high-sounding title, the American Committee for Democracy and Intellectual Freedom was strongly preoccupied with the defense of Communists . . .(It) issued the original call for the organization of a so-called citizen's Committee to defend Free Public Education, the real objective of which was to villify and obstruct the New York

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legislative committee investigating subversive activities in the public schools of that State. A long list of Communist teachers was exposed by this Committee and they were subsequently dropped from the educational system . . .

"The American Committee strenuously opposed the adoption of the Devany bill by the New York Legislature, barring from teaching and civil service anyone who advocates the overthrow of Government by force and violence, or who 'prints, publishes, edits, issues, or sells any book, paper, document or written or printed matter' proposing such doctrines.

"Pamphlets and petitions have been published by the American Committee attacking the Special Committee on Un-American Activities' attempts to expose the activities of the Communist Party, and those documents have been widely circulated."

International Labor Defense. Cited in Appendix IX, Section 2, pages 814 and 818, with the following comment:

"The International Labor Defense was established as a result of a decision by the Fourth Congress of the Communist International held in Moscow November 7 to December 2, 1922, which instructed all the Communist parties to establish an organization to render material and moral aid to the imprisoned victims of capitalism . . .

"Benjamin Gitlow, former Communist candidate for Vice-President . . .has testified as to the character of this organization and how it was manipulated by the Communist Party: 'It is the legal defense organization of the Communist Party and of the Communist International in this country, and serves, also, as a highly political and propagandist Communist organization. The International Labor Defense from its very inception has been consciously used by the Communist Party to enable the party to gain a foothold in all kinds of organizations . . .'"

The December 18, 1948, report of "Citations" issued by the House Committee on Un-American Activities, shows at page 53 that this organization was cited as a front by Attorney General Francis Biddle on September 24, 1942, by Attorney General Tom Clark on June 1, 1948, and by the California Committee on Un-American Activities (1947 Report, page 214).

National Federation for Constitutional Liberties. Cited

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in Appendix IX, Section 4, page 1222, with the following comment:

> "The call for the initiatory conference of the National Federation for Constitutional Liberties was published in the New Masses, Communist Weekly organ, on June 6, 1940 (p. 9) although the name of the organization had already been circulated in Communist front circles months before without any apparent convention sanction . . .
>
> "The June conference assailed the Federal Bureau of Investigation and the Dies Committee (Daily Worker, June 9, 1940, p. 1, 5).
>
> "In a letter dated November 6, 1940, the National Federation demanded the release of King, Conner, and Ramsay, convicted for murder in California and defended by the International Labor Defense . . .
>
> "The National Federation for Constitutional Liberties has given advice to those seeking to evade and defy government agencies investigating subversive activities, in a pamphlet prepared by Abraham J. Isserman, (1) attorney for the Communist Party in Jersey City (Daily Worker, December 8, 1936, p. 3) The pamphlet refers the reader to the January and February 1941 bulletins of the International Juritical Association for further assistance."

The December 18, 1948, citation list of the House Un-American Activities Committee shows that this organization was cited as a front on September 24, 1942, by Attorney General Francis Biddle, that similar action was taken on December 24, 1947, and September 21, 1948, by Attorney General Tom Clark, and that further evidence to the same effect appears at pages 201 and 327 of the 1948 report of the California committee on Un-American activities.

Civil Rights Congress. The December 18, 1948, citation list of the House Un-American Activities Committee shows that this

(1) Isserman was one of the attorneys for the defense in the trial of the Communist Party leaders before Judge Medina at New York City. He was sentenced for misconduct in that case and the judgment of contempt was recently sustained by the United States Court of Appeals for the second Circuit.

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organization is a front formed in April, 1946, by the merger of International Labor Defense with the National Federation for Constitutional Liberties, and that it is controlled by individuals who are either members of the Communist Party or openly loyal to it. It is a front of recent origin (1947 Report California Committee on un-American Activities, p. 187), and was involved in the misconduct occurring during the trial before Judge Medina and also on the prosecution of Harry Bridges before Federal Judge Harris at San Francisco.

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Exhibit No. 3

MANUAL OF INTERNATIONAL LABOR DEFENSE TO ORGANIZE ATTACK ON THE JUDICIARY.

The photostat attached hereto is a copy of a pamphlet entitled "UNDER ARREST - Workers' Self-Defense in the Courts" distributed widely during the 1930's by the International Labor Defense to organize the attack against federal and state courts in cases involving Communists and other radicals.

The sponsoring organization is a well-known Communist front cited as such by the Attorney General of the United States and by the un-American Activities Committee of the House of Representatives.

(The original exhibit filed with the Committee includes photostat of document.)

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Exhibit No. 4

CONTEMPT CERTIFICATE OF JUDGE MEDINA

The following is a portion of the certificate filed by the Honorable Harold R. Medina on October 14, 1949 in holding attorneys Harry Sacher, Richard Gladstein and Abraham Isserman guilty of contempt in connection with the trial of the Communist Party leaders in Federal Court at New York City, viz:

"CONTEMPT CERTIFICATE

"In conformity with Rule 42 (a), Federal Rules of Criminal Procedure, I hereby certify that the series of criminal contempts set forth below were committed in the actual presence of the Court and were seen or heard by the Court during the trial of the case of United States of America v. Foster et al., C 128-87 which commenced on January 17, 1949.

"By way of preliminary, I may say that I would have overlooked or at most merely reprimanded counsel for conduct which appeared to be the result of the heat of controversy or of that zeal in the defense of a client or in one's own defense which might understandably have caused one to overstep the bound of strict propriety. Before the trial had progressed very far, however, I was reluctantly forced to the conclusion that the acts and statements to which I am

about to refer were the result of an agreement between these defendants, deliberately entered into in a cold and calculating manner, to do and say these things for the purpose of: (1) causing such delay and confusion as to make it impossible to go on with the trial; (2) provoking incidents which they intended would result in a mistrial; and (3) impairing my health so that the trial could not continue.

"I find that the acts, statements and conduct of each of the defendants, hereinafter specified, constituted a deliberate and wilful attack upon the administration of justice, an attempt to sabotage the functioning of the federal judicial system, and misconduct of so grave a character as to make the mere imposition of fines a futile gesture and a wholly insufficient punishment. To maintain the dignity of the court and to preserve order in the court room, under these circumstances, was a task of the utmost difficulty. There was, accordingly, no alternative than to give the repeated warnings which from time to time I gave, and to postpone the impositions of the sentence until the close of the case. To have done otherwise would inevitably have broken up the trial and thus served the ends which these defendants tried so hard to attain."

The above certificate is published in full in the opinion of the United States Court of Appeals for the 2nd Circuit in the case of the United States v. Sacher, 182 Fed. 2nd, 430-453.

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Exhibit No. 5

STATEMENT OF CIRCUIT JUDGE FRANK

The following statement is taken from the concurring opinion of Circuit Judge Jerome N. Frank, U. S. v. Sacher at 182 Fed. 2d, 453-454:

> "1. 'Friends of the court' have filed with us a large number of briefs which eloquently recall how, in the past, courageous lawyers have importantly contributed to liberty and democracy by defending unpopular clients, despite the browbeating of tyrannical, domineering trial judges. In those briefs, fear is expressed that, if we affirm any of the contempt orders in this case, lawyers for labor unions or for minority groups or for unpopular persons will, in the future, be intimidated or throttled.
>
> "The eloquence is misplaced. The fears are unfounded. We affirm the orders punishing these lawyers not because they courageously defended their clients, or because those clients were Communists, but only because of the lawyers' outrageous conduct - conduct of a kind which no lawyer owes his client, which cannot ever be justified, and which was never employed by those advocates, for minorities or for the unpopular, whose courage has made lawyerdom proud. The acts of the lawyers for the defendants in this trial can make no sensible man proud.
>
> "What they did was like assulting the pilot of an aeroplane in flight, or turning out the lights during

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a surgical operation. To use homlier words, they tried to throw a wrench in the machinery of justice. Whatever may have been their purpose, their acts might have made a trial of their clients impossible. Not to punish such behavior summarily, but, instead, to require a long trial of these lawyers, might well be to encourage that sort of behavior. The summary punishment here will tend to deter imitation of that behavior in other trials. If it is not deterred, the administration of justice in our courts is highly likely to break down.

"The basis of our decision is as simple as that. We affirm these orders, not because the personal "dignity" of the trial judge was affronted; for such dignity, when it exists, manifests itself, needs no punitive safeguards. We affirm for the plain reason that the crude antics of these lawyers, if copied by lawyers in other cases, would almost surely disrupt trials.

"Here we come to the heart of the matter: Preservation of the liberties of citizens, when on trial for crimes charged against them, demands order in the courtroom. Absent such order, no trial can be fair. More important, if criminal trials cannot go on in orderly fashion, then the defendants, if unpopular or if members of minority groups, may become the victims of that monstrous substitute for trials - mob violence. The greatest danger to those minorities, on whose behalf the 'friends of the court' have spoken, could easily result from a denial of the power of a trial judge to deal with trial-disrupters as the judge has dealt with the lawyers here. In short, the protection of civil liberties calls for sustaining the contempt judgments in this case."

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Exhibit No. 6.

DISBARMENT CHARGES AGAINST NEW YORK ATTORNEYS.

Attached hereto is a copy of the order to show cause and petition filed at the request of the Association of the Bar of the City of New York against Harold Sacher, also known as "Harry" Sacher, and Abraham J. Isserman, attorneys licensed to practice in the State of New York, with reference to the proceeding instituted for their disbarment and now pending in the United States District Court for the Southern District of New York.

The charges referred to arise from conduct in connection with the recent prosecution of the leaders of the Communist Party tried by the Honorable Harold R. Medina.

(Original document filed with the above described committee of the California Senate includes a copy of the order and petition in question.)

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Exhibit No. 7

TAFT-HARTLEY OATH

The following form of oath is prescribed by the Taft-Hartley Act, Title 29, United States Code, Section 159H:

> ". . . . . and no complaint shall be issued pursuant to a charge made by a labor organization under subsection (b) of Section 160 of this title, unless there is on file with the Board an affidavit executed contemporaneously or within the preceding twelve-month period by each officer of such labor organization and the officers of any national or international labor organization of which it is an affiliate or constituent unit that he is not a member of the Communist Party or affiliated with such Party, and that he does not believe in and is not a member of or supports any organization that believes in or teaches, the overthrow of the United States Government by force or by any illegal or unconstitutional methods."

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DECISION DENYING RIGHT OF A COMMUNIST TO PRACTICE LAW

On April 26, 1950, the Court of Appeal of British Columbia held that a Communist was not entitled to be admitted to the practice of law. The opinion, which contains an able analysis of the destructive effect of the Communist philosophy, is reported at 3 D. L. R. (1950) page 173. The following quotations are taken from that opinion:

> "Widely publicized trials in the United States, Britain and Canada, have disclosed Communist activities to a degree inconceivable and incredible to the average citizen, if the facts had not been conclusively established by the most careful and impartial judicial investigations. Wherever there is an opportunity to create discontent or disaffection, there may be found Communist agents and neo-Communists actively engaged in doing whatever they hope will promote world revolution." (Page 177.)

> "For a Communist to talk about personal freedom of action, expression and thought is like the devil talking about the delights of Heaven. There is no such thing as personal freedom in Soviet Russia, where organized

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practices of inhumanity, lawlessness, and depersonalization continue to shock the conscience of the civilized world." (Page 179.)

". . .if a well known lawyer member of the Liberal party or of the Progressive-Conservative party should publicly declare his belief in Marxist Communism, the Benchers of the Law Society might well find it their duty (after a proper hearing of course) to disbar him from practice. Such action by the Benchers would not be directed toward his 'political opinions' but toward beliefs of his inimical to his country and repugnant to the ancient and honorable profession of law, even if his pernicious beliefs might be included in the expression 'Political Science' as it is understood in the Universities." (Page 187).

"Moreover, the law student's training is not manual training, but is training of the mind, not only in law, but if he wishes to be something more than a mere legal mechanic, he must study logic, history, and in particular constitutional history . . .The job of the lawyer is basically to advise people upon all manner of things arising out of the complexities of life and the frailties of human nature. As such he can not fail in time to acquire an influence upon others, impossible to reduce to purely material terms. It is not too much to say that the training and experience a lawyer undergoes fits him for leadership to a greater or less degree. Obviously such men should not be partial to political philosophies or movements that conflict with the interests of their own country." (Page 189).

"It sometimes happens that men of unmoral or amoral outlook or unstable character, or of little integrity, or whose object is to use the law solely to make money, find their way into the profession of law. But they are the type of men who bring the profession into disrepute. To prevent these undesirables entering into the practice of law and to keep up the standard of legal practitioners the Benchers are elected by the lawyers under statutory authority to act for the protection of the public. If every person had the right to practice law upon passing the University law examinations, there would be no protection for the public. It is the duty of the Benchers to protect the public by refusing admission to the practice of law, not only the type of person who will prey upon the public for his own selfish ends, but also the type of person who professes a political philosophy alien to our free society, and who in a time of 'cold war' is little else than a fifth columnist (designedly or not) to assist an unfriendly country to destroy the rights and privileges a free people have established in Canada." (Pages 189-190)

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Exhibit No. 9

LOS ANGELES OATH

The following form of oath has been sustained by the unanimous opinion of the District Court of Appeal of the State of California for the 2nd Appellate District in the case of Garner v. Board of Public Works of the City of Los Angeles, reported at 98 Cal. App. 2nd, 493-494:

> "The People of the City of Los Angeles Do Ordain as Follows:
>
> "Section 1. Every person who is hereafter elected or appointed to an office or position in the service of the City of Los Angeles must before entering upon the duties of his office or position, take and subscribe to the following oath:
>
> "I, ...do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America and the State of California, and will support and defend the Constitution and laws of the United States of America and of the State of California and the laws of the City of Los Angeles against all enemies, foreign and domestic. I further swear (or affirm) that I do not advise, advocate or teach, and have not within the period beginning five (5) years prior to the effective date of the ordinance

requiring the making of this oath or affirmation, advised, advocated or taught, the overthrow by force, violence or other unlawful means, of the Government of the United States of America or of the State of California and that I am not now and have not, within said period, been or become a member of or affiliated with any group, society, association, organization or party which advises, advocates, or teaches, or has, within said period, advised, advocated, or taught, the overthrow by force, violence or other unlawful means of the Government of the United States of America, or of the State of California. I further swear (or affirm) that I will not, while I am in the service of the City of Los Angeles, advise, advocate or teach, or be or become a member of or affiliated with any group, association, society, organization or party which advises, advocates or teaches, or has within said period, advised, advocated or taught, the overthrow by force, violence or other unlawful means, of the Government of the United States of America or of the State of California, that I will well and faithfully discharge the duties of my office or employment in the service of the City of Los Angeles and that I take this whole obligation freely without any mental reservation or purpose of evasion, So Help Me, God.

"Sec. 2. Every person who now holds or occupies an office or position in the service of the City of Los Angeles must, within thirty (30) days after the effective date of this ordinance, or if he be on leave or under suspension for cause from the service of the city at such effective date, within thirty (30) days after his return to such service, take and subscribe to the oath set forth in Section 1 hereof.

"Sec. 3. Every person who is hereafter elected or appointed to an office or position in the service of the City of Los Angeles must, before entering upon the duties of his office or position, execute an affidavit stating whether or not he is or ever was a member of the Communist Party of the United States of America or of the Communist Political Association, and if he is or was such a member, stating the dates when he became, and the periods during which he was, such a member; provided, however, that no additional affidavit shall be required on account of the transfer, demotion or promotion of any person who has once executed an affidavit under this section or under Section 4 hereof.

"Sec. 4. Every person who now holds or occupies an office or position in the service of the City of Los Angeles, must within thirty (30) days after the effective date of this ordinance, or if he be on leave or under suspension for cause from the service of the city at such effective date, within thirty (30) days after his return to such service, execute an affidavit stating the facts required to be stated in the affidavit required by Section 3 of this ordinance."

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Exhibit No. 10

CALIFORNIA ANTI-COMMUNIST OATH TO BE PRESCRIBED BY CONSTITUTIONAL AMENDMENT FOR STATE EMPLOYEES

The following anti-Communist form of oath was proposed by the California Senate on April 3, 1951, as an amendment to Section 3 of Article XX of the State Constitution and was approved by the Assembly on April 5, 1951, for ratification by the electors on the November 1952 ballot. That proposal, which is set forth herein in full, is submitted for the convenience of the members of the Senate Committee on Business and Professions in connection with its consideration of Senate Bill No. 1666:

> "Sec. 3. Members of the Legislature, and all public officers and employees, executive, legislative, and judicial, except such inferior officers and employees as may be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation:
>
> "I,_____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State

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of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

"And I do further swear (or affirm) that I do not advocate, nor am I a member of any party or organization, political or otherwise, that now advocates the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means; that within the five years immediately preceding the taking of this oath (or affirmation) I have not been a member of any party or organization, political or otherwise, that advocated the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means except as follows:

_____

(If no affiliations write in the words 'No Exceptions'), and that during such time as I hold the office of _____(name of office) I will not advocate nor become a member of any party or organization, political or otherwise, that advocates the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means."

And no other oath, declaration, or test, shall be required as a qualification for any public office or employment.

"'Public officer and employee' includes every officer and employee of the State, including the University of California, every county, city, city and county, district, and authority, including any department, division, bureau, board, commission, agency, or instrumentality of any of the foregoing."

An oath in substantially the same form, prescribed for employees of the City of Los Angeles, was sustained by the District Court of Appeal of the State of California, Second Appellate District, in Garner v. Board of Public Works, 98 Cal. App. (2d) 493. The Supreme Court of the United States upheld the constitutionality of a similar oath under the Taft-Hartley Act (29 USCA 159 (h)).

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Exhibit No. 11

RESOLUTION OF AMERICAN BAR ASSOCIATION

The following is a copy of the Resolution adopted by the Assembly and House of Delegates of the American Bar Association on September 21, 1950:

> "WHEREAS, Lawyers better than any other group in America, can understand and teach others to understand the principles of our Constitution and the protections afforded by our Bill of Rights, and the fundamental conflicts between these constitutional principles and the doctrines of Communism; and
>
> WHEREAS, The lawyers of America, by virtue of the license each has obtained to practice law, to serve courts of justice and to advise citizens as to their legal rights, have a much greater duty than citizens generally to support the principles of the Constitution and oppose the doctrines of Communism inconsistent therewith; now, therefore, be it
>
> RESOLVED, By the American Bar Association:
>
> First, That it is not inappropriate, with world conditions as they are, that any American citizen be required to attest to his loyalty to our form of government by anti-Communist oath, and that it is especially appropriate that all licensed to practice law in the United States of America be required so to do;

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Second, (2) That the legislature, the court, or other appropriate authority of each state, or territory, and the District of Columbia, be requested to require each member of its Bar, within a reasonable time and periodically thereafter, to file an affidavit stating whether he is or ever has been a member of the Communist party, or affiliated therewith, and stating also whether he is or ever has been a member or supporter of any organization that espouses the overthrow, by force or by any illegal or unconstitutional means, of the United States Government, or the government of any of the states or territories of the United States; and in the event such affidavit reveals that he is or ever has been a member of said Communist Party, or of any such organization, that the appropriate authority promptly and thoroughly investigate the activities and conduct of said member of the Bar to determine his fitness for continuance as an attorney.

(b) That in the event at any time later it be established that said attorney has wilfully sworn falsely to any of the facts, he should be the subject of immediate disbarment proceedings.

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LEGAL BRIEF - CONSTITUTIONALITY
OF THE PROPOSED OATH.

The measure before this Committee is not a "loyalty" oath. It is an anti-Communist declaration to establish facts concerning attorney memberships in organizations known to be committed to the overthrow of constitutional government by force or violence or other unlawful means.

1. History of "loyalty" oaths. The taking of an oath to be loyal to and committing one to support the established government is a practice which has existed in most countries from ancient times. The promise or pledge so taken was supported by the religious or moral sanction necessarily attaching to a commitment of this character. The framers of the Federal Constitution recognized that to be successful it must be supported by men of integrity. They sought to bind all by the obligation to support our form of government. This is the reasoning behind Article VI, which provides

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that:

> "The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or Public Trust under the United States."

The Declaration of Independence is the charter of our American political philosophy. It is supported by the following statement, equivalent to the taking of an oath:

> "And for the support of this Declaration, with a firm reliance on the Protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor."

Until the Civil War, the oath prescribed by Congress was a general pledge to support the Constitution. At that time it was changed

> ". . .and the affiant was required to say that he had not borne arms against the United States or given aid or encouragement to hostile forces, or held office under hostile authority; and he was made to declare that he would support and defend the constitution against all enemies, that he took the oath without mental reservation or evasion, and that he would faithfully discharge the duties of the office, 'so help me God.'"(1)

The California Constitution of 1849 prescribed a general oath with no reference to "mental reservation or evasion" (Article XI, Sec. 3). By the Act of April 25, 1863, the Legislature supplemented this oath, requiring the following declaration:

> "That I have not, since the (date of the passage of this act) knowingly aided, encouraged, countenanced, or assisted, nor will I hereafter, in any manner aid, encourage, countenance, or assist the so-called Confederate States, or any of them, in their rebellion against the lawful

---

(1) "The Constitution of the United States, Its Sources and Application", by Thomas James Norton, page 182.

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Government of the United States; and this I do without any qualification or mental reservation whatsoever. So help me God."

In Cohen v. Wright, 22 Cal. 293, this oath was held to be constitutional and its provisions were applied to the case of an attorney seeking to practice in the courts of this state.

The Civil War controversy over the oath involved an entirely different problem from the one we have today. We now have persons who assert, or at least allege, that they may, without inconsistency, assume an obligation to support the Constitution and be active as members of organizations seeking its overthrow. Intellectual dishonesty is involved in this conduct. The oath in its present form has limited value.

2. The Anti-Communist Oath. To deal with this condition we have devised the "anti-Communist" form of oath requiring a positive denial of membership in subversive organizations. The Communist Party challenges this requirement, asserting a "right" of revolution. The Declaration of Independence is misquoted in an effort to establish such a "right". It is asserted that Thomas Jefferson and Abraham Lincoln endorsed this doctrine. Aside from being a libel on the reputation of these eminent men, that statement is false. Lincoln died a few years after promulgation of the doctrine of Karl Marx. During the years just preceding his death, he was preoccupied with a Constitutional crisis of a wholly different sort. The revolutionary theory of Marx was unknown at the time of Jefferson. Neither of these men advocated or intended to advocate the right to use force to establish a dictatorship of the proletariat, or despotism of any other sort.

Under the Declaration of Independence, men have certain "unalienable rights" which no government may rightfully take away from them. Governments derive "their just powers from the consent

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of the governed". The road to liberty is a one way street. Force may be used to resist oppression. It may never be employed to establish it!

The Communist Party is not a political party; it is a conspiracy involved in treason. This was recognized as a fact by Justice Jackson in American Communications Association v. Douds, 339 U. S. 382, the case sustaining the constitutionality of the anti-Communist oath in the Taft-Hartley Act (No. 10, October Term, 1949). He said:

> "If the statute before us required labor union officers to forswear membership in the Republican Party, the Democratic Party or the Socialist Party, I suppose all agree that it would be unconstitutional. But why, if it is valid as to the Communist Party?
>
> "The answer, for me, is in the decisive differences between the Communist Party and every other party of any importance in the long experience of the United States with party government . . .
>
> "The Communist Party, at least outwardly, only exaggerates . . .well-worn political techniques and many persons are thus led to think of it as just another more radical political party. If it were nothing but that, I think this legislation would be unconstitutional. There are, however, contradictions between what meets the eye and what is covertly done . . .
>
> "1. The goal of the Communist Party is to seize powers of government by and for a minority rather than to acquire power through the vote of a free electorate . . .
>
> "2. The Communist Party alone among American parties past or present is dominated and controlled by a foreign government. It is a satrap party which, to the threat of civil disorder, adds the threat of betrayal into alien hands . . .
>
> "3. Violent and undemocratic means are the calculated and indispensible methods to attain the Communist Party's goal. It would be incredible naivete to expect the American Branch of this movement to forego the only methods by which a Communist Party has anywhere come into power . . .

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"4. The Communist Party has sought to gain this leverage and hold on the American population by acquiring control of the labor movement . . ."

3. Constitutionality. The Smith Act, 18 USCA 2385, became effective June 25, 1948. It imposes criminal penalties in the case of anyone who

". . .knowingly or wilfully advocates, abets, advises or teaches the duty, necessity, desirability, or propriety of overthrowing or destroying the government of the United States or the government of any State . . ."

This statute was the basis of the prosecution of the Communist Party leaders before Judge Medina, of New York City. Its constitutionality was sustained by the United States Court of Appeals for the Second Circuit in United States v. Dennis, 183 Fed. (2d) 201.

There is broad power to apply an anti-Communist oath under the Taft-Hartley act, as we have noted. The same principle applies to persons in the government service. See decision of United States Supreme Court in Gerende v. Board of Supervisors, October Term, 1950, No. 577 (April 12, 1951), sustaining the Ober Law prescribing such an oath for candidates in the State of Maryland.

In Garner v. Board of Public Works, 98 Cal. App. (2d) 493, the District Court of Appeals for the Second Appellate District sustained an oath for employees of the City of Los Angeles, requiring a disclosure of affiliations during a period of five years preceding the taking of the oath. The form approved by this decision is set forth in full in Exhibit No. 9 presented herewith.

In cases involving government employment, the power is broad. The same principle extends, with limitations, to other occupations where there is a trust relationship bearing on the discharge of a governmental function. This is true, unquestionably, in the case of the legal profession. On that ground, the above decisions may be relied upon as precedents.

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HOBART BUILDING
SAN FRANCISCO, CAL.

It has always been recognized that attorneys occupy a position of trust, carrying with it the power to establish reasonable regulations. In Cohen v. Wright, 22 Cal. 293, the court said:

> "Attorneys are officers of the Court, and as such are subject to the control of the Court before whom they practice, which has power to summarily investigate the dealings and transactions between them and their clients in cases before it, as also to disbar them for misconduct and deprive them of the privilege of practicing their profession . . .(22 Cal. 315)
>
> "The right to practice law is not an absolute right, derived from the law or nature. It is the mere creature of the statute, and when the license is issued and the official oath taken, which authorizes the attorney to exercise the right, it confers but a statutory privilege, subject to the control of the Legislature . . .(22 Cal. 319)."

In prescribing an oath for lawyers, we will establish no precedent justifying the extension of this practice to other businesses or professions. In our view, the oath is justified in this instance solely because of the trust responsibility bearing directly on the administration of justice.

The recent decision of the District Court of Appeal for the Third Appellate District, in Tolman v. Underhill, 3 Civ. No. 7946 (April 6, 1951), is not in conflict with the above. That case held that a special oath required of faculty members at the University of California violated Section 3 of Article XX of the State Constitution. Lawyers do not take their present oath under this section. It is prescribed by the Business and Professions Code. The Constitutional point involved in the Tolman case will be cleared up by the constitutional amendment to be submitted on the ballot in November, 1952.

4. Past affiliations. In the case of persons not in the government service, there may be doubt of the right to require a disclosure of past affiliations. This could infringe the immunity

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from self-incrimination secured by the Fifth Amendment of the Federal Constitution, and Section 13 of Article I of the Constitution of this State. If that objection is sound, the inclusion of this clause might create doubt as to the validity of other parts of the statute. Evidence obtained under an oath in violation of the Constitution might not be admissible in a criminal prosecution or on a disbarment proceeding. If so, this requirement would defeat its own purpose. For these reasons, it is suggested that this particular clause be deleted. The statute will then require a positive declaration as to present affiliations and it will support prosecution and disbarment in the event of a violation.

5. Knowledge and intent. Section 6179 of the proposed bill may be objectionable in failing to include a clause covering the element of intent. The following re-draft of that section would cover this point:

> "Every person having filed the affidavit required by this article, who, while a member of the State Bar of California advocates or becomes a member of any party or organization, political or otherwise, lawfully determined to be one advocating the overthrow of the government of the United States by force or violence or who becomes a member of any party or organization otherwise known to him to be of that character, is guilty of a felony, and is punishable by imprisonment in the state prison not less than one nor more than 14 years."

Constitutionality of oath under Steiner case.

The so-called precedent under the Tolman case under which the opponents of Senate Bill 1666 base their main reliance is greatly in conflict with the decision of the District Court of Appeal for the Second District in Steiner v. Darby, 88 Cal. App. (2d) 481, where there is an extended discussion of the constitutional right to prescribe oaths of the kind here involved. We submit that this opinion is a complete answer to the objections made on constitu-

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tional grounds. The following quotation is taken from the opinion in that case:

"Conceded Facts

On August 26, 1947, the Board of Supervisors of the County of Los Angeles adopted a resolution requiring each officer and employee under its jurisdiction to execute an oath and affidavit reading as follows:

"Oath and Affidavit

"Department_____

"A. Oath of Office or Employment

"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of the State of California, 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 or employment on which I am about to enter or am now engaged. SO HELP ME GOD.

"B. Affidavit re Subversive Activity

"I do further swear (or affirm) that I do not advocate, nor am I now a member, nor have I been since December 7, 1941, a member of any political party or organization that advocates the overthrow of the Government of the United States, or State of California, or County of Los Angeles, by violence, except those specified as follows:_____

_____and that during such time as I am an officer or employee of the County of Los Angeles, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States, or State of California, or County of Los Angeles, by force or violence.

"C. Affidavit re Aliases

"I do further swear (or affirm) that I have never used or been known by any names other than those listed as follows:

_____."

Also included in the document is paragraph "D" requiring such officers and employees to indicate whether they have been a member of or supported any of some 142 named organizations.

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SAN FRANCISCO, CAL.

"September 3, 1947, plaintiffs, who are employees of the County of Los Angeles, filed complaints seeking an injunction to prevent defendants from requiring them to execute an affidavit as set forth above.

"March 5, 1948, the Honorable Clarence M. Hanson, trial judge, sustained demurrers to plaintiffs' amended complaints without leave to amend, and on March 9, 1948, judgments of dismissal of the actions were entered. From these judgments plaintiffs appeal. There are also purported appeals from the orders sustaining defendants' demurrers to plaintiffs' complaints as amended.

Question

"(1a) May the Board of Supervisors of the County of Los Angeles proceed with a fact-finding program under which the officers and employees within its jurisdiction are asked: (1) to take an oath of allegiance to the federal and state Constitutions and the laws of California as against all enemies of the United States of America, the State of California, and the county of Los Angeles; and (2) as such officers and employees to answer upon their oath or affirmation, (a) whether or not they advocate the overthrow of the government by force or violence and whether or not since December 7, 1941, they have been members of any organizations or political parties that advocate the overthrow of the government by force or violence, as well as to sign an affidavit not to advocate the overthrow of the government by force and violence or to become a member of an organization or political party which so advocates so long as the person is a county officer or employee; (b) to state any aliases they have ever used or been known by; and (c) to indicate whether they have ever been a member of or directly or indirectly supported any of the organizations listed in the affidavit submitted to them?

"This question must be answered in the affirmative. The mere asking of the question points unerringly to the answer any loyal, sane citizen of the United States of America would give to it. It is an unequivocal 'Yes.'

"(2) The people of the State of California are supreme and have the undoubted right to protect themselves and to preserve the form of government which they have adopted against any and all enemies whether they be domestic or foreign. It is not alone the right of the people to protect themselves and their chosen form of government against attack from all sources, but it is their duty to do so, since they have guaranteed to the people of the United States 'a Republican Form of Government' in this state (U. S. Const., art. IV, P. 4; Const. of Calif. Art. I, P. 3).

AARON M. SARGENT
HOBART BUILDING
SAN FRANCISCO, CAL.

"Every citizen is a minority member of society, and the form of government which the people of the several states have adopted guarantees to each minority member, as well as to the majority, a republican form of government in his own state. Such form of government has long since passed through the experimental stage. It has proved to be the most satisfying to the aspirations of mankind, and at the same time the most practical government yet devised. Trial and experience have demonstrated it to be the best form of government that this world has ever known. Our system has maintained democratic processes, improved the condition of the people, preserved liberty, promoted justice, encouraged the arts and sciences, and served the needs of changing peoples. All this in spite of an occasional administrative failure to adhere to the Constitution of the United States, due to incompetence or criminal design of some individual.

"The people acting through their duly authorized representatives have assumed the foregoing obligation and have plenary power to perform it under any and all conditions.

"The extreme limit to which the people may exercise this power is found in their undisputed right to require a citizen to give his time, be maimed, or even sacrifice his life in defense of his country . . . . . .

". . . . . .Many fraternal and other organizations require that a neophyte assume an obligation of loyalty to the government of the United States of America prior to his attaining membership in the organization. It has never been questioned, nor could it reasonably be questioned that the organization had a right to exact such an obligation prior to accepting the applicant for membership. None of his constitutional rights is invaded by such requirement. For example, no one would think of claiming that a prospective member of the Benevolent and Protective Order of Elks was having his constitutional rights violated because such order, before admitting a member, requires that he take an obligation to be loyal to the government of the United States of America.

"If a private organization can lawfully require a loyalty obligation, without question the people may require such an obligation from a person seeking to remain in a public position with its attendant prerequisites and manifold benefits.

"The obligation or oath required of defendants is substantially the same as that which a foreign born person is required to take before becoming entitled to the honor, benefits and privileges of being a naturalized citizen of the United States

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HOBART BUILDING
SAN FRANCISCO, CAL.

of America. Since a naturalized citizen has the same rights and duties as a native born, with certain constitutional exceptions, there is not any logical reason why a native born citizen should object to assuming a similar obligation."

CONCLUSIONS

The oath prescribed by Senate Bill No. 1666 is a special anti-communist form designed to remedy obvious defects in the oath now required of members of the bar.

Subject to the amendments suggested herein it is clearly constitutional and in our judgment a sound piece of legislation which should be approved by this Committee and adopted by the Legislature by an overwhelming vote.

AARON M. SARGENT
HOBART BUILDING
SAN FRANCISCO, CAL.

May 26, 1951

CHIEF JUSTICE'S CIRCULATING OPINIONS

No. 336 - DENNIS v. UNITED STATES

Agree	Concurring	Dissent	Unreported	Out
Reed*	Jackson	Douglas	Black	Clark
Burton			Frankfurter	
Minton				

* Agreed verbally

No. 421 - HAMMERSTEIN v. SUPERIOR COURT - (PER CURIAM)

Agree	Concurring	Dissent	Unreported
Reed		Douglas	Black
Frankfurter		Black	Jackson
Burton		Jackson	Clark
Minton		Clark	

OPINIONS TO BE ANNOUNCED MONDAY, MAY 28, 1951

MR. JUSTICE CLARK

No. 513 - Samuel Hoffman v. United States

+

MR. JUSTICE JACKSON

Nos. 298 & 314 - Zittman, etc. v. McGrath

Mr. Justice Douglas Concurring

Mr. Justice Reed Concurring and Dissenting

Nos. 299 & 315 - Zittman, etc. v. McGrath

No. 324 - McCloskey v. McGrath

+

MR. JUSTICE REED

No. 384 - Standard Oil Co. v. State of New Jersey

Mr. Justice Douglas Dissenting

Mr. Justice Frankfurter Dissenting

+

MR. JUSTICE BLACK

No. 565 - RCA v. United States

Mr. Justice Frankfurter, dubitante

6

+

THE CHIEF JUSTICE

No. 421 - Hammerstein v. Superior Court of California (Per Curiam)

+

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
WASHINGTON 25, D. C.

PLEASE ADDRESS REPLY TO

AND REFER TO THIS FILE NO.

May 29, 1951

Honorable Fred M. Vinson
Chief Justice
United States Supreme Court
Washington 25, D. C.

My dear Mr. Chief Justice:

I am a member of the Bar of the Supreme Court and in the past several years have had occasion to be in the court on many occasions. I should like to pass along to you, for whatever it may be worth, my personal impression of the court's practice of reading opinions.

Has the court had occasion recently to consider the desirability of continuing that practice? No other appellate court with which I have been familiar has delivered its opinions orally. I know that the practice has venerable roots in the common law and I appreciate that the decisions of the United States Supreme Court are of infinitely greater importance than those of any other court. But antiquity does not in itself provide justification, and the importance of your decisions necessarily means that they are addressed to a vast audience, overshadowing the few auditors in the courtroom.

I can testify that I have enjoyed being present on opinion days, and I am certain that this enjoyment is shared by the attorneys in the Department of Justice and the relatively few other attorneys who are privileged to attend. But nevertheless it seems to me that the reading of opinions unnecessarily consumes the time and energies of the court. Since the decisions are discussed, formulated, and written in advance, nothing substantial seems to be added by the oral delivery. And I have observed that in some instances the opportunity for forensic argument has tended to promote sharpened controversy on the bench.

The vital and lasting phase of the court's decision is incorporated in its written opinion. It is that opinion which guides the bench, the bar and the country. It is that written opinion which furnishes a beacon for the future. In my humble estimation there would be no measurable loss if the court were

to decide that its future opinions were to be rendered only in written form.

I submit these views most respectfully, in the belief that you may wish to have the benefit of a personal reaction.

Sincerely yours,

Charles Gordon

Charles Gordon
Office of General Counsel

June 2, 1951

CHIEF JUSTICE'S CIRCULATING OPINIONS

No. 336 - DENNIS v. UNITED STATES

Agree	Concurring	Dissent	Unreported	Out
Reed *	Frankfurter	Douglas	Black	Clark
Burton	Jackson			
Minton				

* Agreed verbally.

No. 399 - BREARD v. CITY OF ALEXANDRIA - (Dissent)

OPINIONS TO BE ANNOUNCED MONDAY, JUNE 4, 1951

MR. JUSTICE CLARK

No. 453 - Garner v. Board of Public Works of the City of Los Angeles

Mr. Justice Burton concurring in part and dissenting in part.

Mr. Justice Frankfurter concurring in part and dissenting in part.

Mr. Justice Douglas dissenting.
(To be read by Justice Black)

Mr. Justice Black dissenting.

MR. JUSTICE BURTON

No. 313 - NLRB v. International Rice Milling Co.

No. 393 - NLRB v. Denver Building and Construction Trades Council

Mr. Justice Douglas dissenting.
(To be read by Justice Reed)

No. 108 - International Brotherhood of Electrical Workers v. NLRB

No. 85 - Local 74, etc. v. NLRB

MR. JUSTICE JACKSON

No. 217 - Collins v. Hardyman

Mr. Justice Burton dissenting - joined by Justices Black and Douglas

Mr. JUSTICE REED

No. 399 - Breard v. City of Alexandria

Mr. Justice Black dissenting.

Mr. Chief Justice dissenting.

MR. JUSTICE BLACK

No. 352 - Timken Roller Bearing Co. v. US

Mr. Justice Reed dissenting in part - joined by Chief Justice.

Mr. Justice Jackson dissenting.

Mr. Justice Frankfurter dissenting.

No. 355 - Hughes v. Fetter

Mr. Justice Frankfurter dissenting - joined by Justices Reed and Minton

THE CHIEF JUSTICE

No. 336 - Dennis v. US

Mr. Justice Frankfurter concurring.

Mr. Justice Jackson concurring.

Mr. Justice Douglas dissenting.
(To be announced by Chief Justice)

Mr. Justice Black dissenting.

Nos. 697, 702, etc. - Land v. Dollar (Per Curiam)

Mr. Justice Jackson's memorandum.

Mr. Justice Frankfurter's memorandum.

RECEIVED
JUN 4 4 01 PM '51
CHAMBERS OF THE
CHIEF JUSTICE

June 4, 1951

Dear Mr. Kelley:

Now that vacation time is here, I am wondering if it would be possible for me to start my vacation on June 25th. I would like very much to make plans for the month of July, and would greatly appreciate your permission to do so.

Thank you.

Sincerely,

Betty Mayhew

Mr. C.J.
Is this satisfactory with you - PK

O.K. C.J.

CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable symbol above or preceding the address.

WESTERN UNION

1201

W. P. MARSHALL, PRESIDENT

SYMBOLS
DL=Day Letter
NL=Night Letter
LT=Int'l Letter Telegram
VLT=Int'l Victory Ltr.

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OA534

O.SDC002 NL PD=TDSD CHULA VISTA CALIF 4= JUN 5 AM 1 29

HOWARD J TRIENENS:

=CHAMBERS OF THE CHIEF JUSTICE US SUPREME COURT WASHDC=

FOR THE CHIEF I JOIN WITH THE OTHERS IN CONGRATULATING YOU ON YOUR FIRST FIVE YEARS ONLY THE NAVY KEEPS ME FROM BEING THERE MAY THE FUTURE BRING ENJOYMENT EQUAL TO THE SERVICE YOU HAVE GIVEN AND WILL GIVE TO THE COUNTRY MY BEST TO ALL PRESENT=

DAN WALKER=..

THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE

6/5/51

Joe Wershba of the Columbia Broadcasting System phoned to inquire whether you would permit Perry Lippitt to make a recording of banging the gavel and giving the Court cry. They want to use it in connection with a radio program on the govern ment put on once a week by Ed Murrow.

McH

Phone Mr. Wershba - Metropolitan 3200

6/6/51 - Phoned permission to Mr. Wershba -.

[June 19, 1951]

File

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

RECORD OF CONFERENCES HELD DURING OCTOBER TERM, 1950.

Prepared by

Edgar L. Kenney, Conference Custodian.

- - - -

OCTOBER: -	Tues.	3d.	10.30 - 1.06	(Lunch Period)	1.40 - 4.04:	5HRS.	
	Wed.	4th.	10.30 - 1.00	" "	1.40 - 4.00:	4 "	50 MIN.
	Sat.	14th.	10.05 - 1.03	" "	1.38 - 6.25:	7 "	45 "
	Mon.	16th.	10.30 - 11.57	(B e n c h)		1 "	27 "
	Fri.	20th.	. . . . .		2.50 - 3.35:		45 "
	Sat.	21st.	11.00 - 1.00	(L u n c h)	1.35 - 5.42:	6 "	07 "
NOVEMBER: -	Sat.	4th.	11.05 - 1.35	. . . . .		2 "	30 "
	Sat.	11th.	10.05 - 1.08	(L u n c h)	1.40 - 4.50:	6 "	13 "
	Mon.	20th.	12.35 - 2.30	. . . . .		1 "	55 "
	Tues.	21st.	10.30 - 12.00	. . . . .		1."	30 "
	Sat.	25th.	11.05 - 1.08	. . . . .		2 "	03 "
	Thurs.	30th.	3.16 - 4.00	. . . . .			44 "
DECEMBER: -	Sat.	9th.	11.03 - 1.05	(L u n c h)	1.35 - 5.05:	5 "	32 "
	Fri.	29th.	11.07 - 1.00	"	1.50 - 2.40:	2 "	43 "
JANUARY: -	Sat.	6th.	11.04 - 1.10	"	1.40 - 3.10:	3 "	36 "
	Sat.	13th.	11.03 - 1.14	"	1.50 - 2.50:	3 "	11 "
FEBRUARY: -	Sat.	24th.	11.00 - 1.08	"	1.40 - 5.08:	5 "	36 "

T O T A L C O N F E R E N C E S 17 - - - T I M E 61 Hrs. 27 Min.

(see Next page)

CONFERENCES HELD DURING OCTOBER TERM, 1950 (continued).

			BROUGHT OVER - - - - - - - - - - -	61 Hrs.	27 Min.	
M A R C H -	Sat.	3d.	11.05 - 1.03 (Lunch Period) 1.35 - 5.22:	5 "	45 "	
	"	10th.	10.10 - 1.35	3 "	25	
	Mon.	12th.	10.10 - 12.00 (BENCH)	1 "	50 "	
	Sat.	24th.	11.05 - 1.14 (Lunch) 1.45 - 2.45:	3 "	09 "	
A P R I L -	Sat.	7th.	11.08 - 1.05 " 1.40 - 3.30:	3 "	47 "	
	Wed.	11th.	11.05 -11.55 (BENCH)		50 "	
	Thur.	12th.	10.35 -11.10 "		35 "	
	Sat.	14th.	11.05 - 1.00 (Lunch) 1.35 - 2.20:	2 "	40 "	
	Sat.	21st.	11.00 -12.45	1 "	45 "	
	Sat.	28th.	11.05 - 1.05 (Lunch) 1.35 - 4.35:	5 "		
M A Y - - -	Sat.	5th.	11.00 - 1.00	2 "		
	~~Sat.~~	~~12th.~~	~~11.05 - 1.00 (Luncheon~~)			
	Sat.	12th.	11.05 -12.35	1 "	30 "	
	Sat.	19th.	11.00 - 1.00 (Luncheon) 1.36 - 2.45:	3 "	09 "	
	Sat.	26th.	11.05 - 1.19 " 1.52 - 3.25:	3 "	47 "	
J U N E - -	Sa t.	2d.	10.03 - 12.59 " 1.40 - 2.45:	4 "	01 "	

x x x x x x x x x x

(CONFERENCES Oct. to June - 32) Total Hours . . . . . 104 " 05 "

NO RECORD KEPT OF CONFERENCES OF LESS THAN 30 MINUTES

June 18/51.

OFFICE OF THE CLERK,
Supreme Court of the United States,
Washington 13, D. C.

File

July 18, 1951.

My dear Mr. Chief Justice:

Enclosed for your signature is an order temporarily assigning Mr. Justice Reed as Circuit Justice for the Second Circuit.

Sincerely yours,

Harold B. Willey

Hon. Fred M. Vinson,
Chief Justice of the United States.

JONATHAN CLUB
LOS ANGELES 17

file

RECEIVED
JUL 26 9 23 AM '51
CHAMBERS OF THE CHIEF JUSTICE

July 24th,
1951.

Honorable Fred M. Vinson,
Chief Justice,
United States Supreme Court,
Washington, D. C.

Dear Chief Justice Vinson:

I have just read the article "Our Not So Supreme Court" in Look magazine, July 31st, 1951 issue, by Fred Rodell. The article disturbs me greatly, especially so, since I am a devout New Deal Democrat, and I would want very much to have you reply to the article and, if possible, write me personally, in order that I may combat some other vicious propaganda circulating about your Court, as indicated in this article. I am sure conditions can not be as extreme as the article points out and I will very much appreciate being enlightened by your side of the story. No doubt, this is another Republican trick to discredit the present administration, which is doing so much for world peace and the common man.

Anticipating your early advice and information, with which I can combat the critics of our Democratic administration,

Respectfully yours,

Carl R. Erickson

CRE/mc

Carl R. Erickson.
c/o Jonathan Club,
Los Angeles, Calif.

File

RECEIVED
AUG 1 8 53 AM '51
CHAMBERS OF THE
CHIEF JUSTICE

July 30, 1951.

Hon. George Wharton Pepper,
Land Title Bldg.,
Philadelphia, Pa.

Dear Senator Pepper:

I enclose copy of a letter I have written Tap Gregory about the Rodell article. I feel very deeply that this attack on the Supreme Court should not be allowed to go unchallenged by the leaders of the legal profession. I hope that you may prepare an article in answer to it and publish it in the Bar Journal or such other publication as you may think appropriate.

With warm regards and best wishes always, I am

Sincerely yours,

JJP/B
Encl.

July 30, 1951.

Hon. Tappan Gregory,
105 S. LaSalle St.,
Chicago 3, Ill.

Dear Tap:

I assume that you have seen the attack on the Supreme Court by Professor Rodell of Yale in the recent issue of "Look" magazine. It has recently been called to my attention. It is entirely unjust and unfair and creates the false impression that the Court is lazy and is evading its responsibilities in the handling of applications for certiorari. Every well informed man knows that the Court has been faced with as many troublesome problems in the past five years as it has ever been called upon to meet in a similar period. It has met them honestly and courageously and in the spirit of our Constitution and traditions. While there has been considerable disagreement, which has caused some criticism, I do not think that the disagreement on the Court has been greater than that existing among the people or greater than what was to be expected with respect to the highly controversial character of the matters involved. The imputations of laziness and evasion of duty are outrageously unfair. The Court probably does more work than any other court in the United States (I understand that it had more than twelve hundred applications for certiorari to deal with last year); and it has not hesitated to bring up and decide all sorts of questions of the most troublesome character. The fact that it does not grant certiorari in some case in which Professor Rodell takes an interest ought not subject it to this sort of indecent abuse. There is no reason to think that its discretion in denying certiorari has not been honestly and fairly exercised.

Ordinarily I would not be in favor of taking any notice of an article of this sort, but, because it is put forth by a professor of Yale University and for that reason may be given attention that it would not otherwise receive, and because it deals with the certiorari jurisdiction which the public does not understand, I am inclined to think that it should be answered. It occurs to me that you might answer it editorially and call upon some leading member of the

legal profession for an article to publish in the columns of the Journal. You would know whom to call on for an article better than I would. Obviously no member of the Supreme Court or of any court which it reviews would be a proper person to write such an article. It should be written by an outstanding member of the legal profession of such age and attainments as to give authority to what he says. I would suggest that Senator George Wharton Pepper would be an ideal person to prepare such an article, if he would agree to do so. His position as a former Senator of the United States and a former President of the American Law Institute, as well as his outstanding character as a man and as a lawyer and his known interest in every worthy cause, will give great weight to anything that he may say.

With warm regards and best wishes always, I am

Sincerely yours,

JJP/B

Memorandum:-

Judge Harold Stephens 'phoned and reqqested that the following information be passed along to you:---

Regis Noel, and the District Bar Assn. are interested in reissuing, after reediting, the work of Mr. Noel concerning the courts of the District of Columbia:

His former work was the only work of its kind, but dealt solely with the District Court and the Supreme Court of the District of Columbia -

Judge Stephens, pursuant to request of Mr. Noel, has given him some historical facts concerning the Court of Appeals.

Judge Stephens referred to Mr. Noel's work in gathering data for the President when the new Court Bldg., was dedicated.

Mr. Noel, after learning that Judge Stephens thought well of bringing his previous work up to date, and reissuing it, requested that he, Judge Stephens, inform you that he was undertaking this project, and Judge Stephens promised that he would mention the fact to you. In order to keep his promise to Mr. Noel, Judge Stephens wanted you to ~~be~~ have this information.

k. 8/2/51.

Aug 2nd 1951

LAW OFFICES
REEVES & BARRET
JOHNSON BUILDING
TELEPHONE MAIN 709
HAZARD, KENTUCKY

WILLIS W. REEVES
MAXWELL P. BARRET

August 8, 1951.

The Honorable Fred M. Vinson,
Chief Justice United States Supreme Court,
Washington, D.C.

My dear Mr. Justice:

May I invite your attention to my good friend, James R. Bryant, attorney at law, of 231 South LaSalle Street, Chicago, Illinois.

He has been practicing law there for many years and serves as Master in Chancery. He is a good lawyer, industrious, popular and has a judicial temperament. I have known him personally for thirty-three years.

If it is ethical to do so, won't you transmit this letter to the Attorney General or other proper person, so he may know that there is a good friend of yours here in Kentucky who believes Jim Bryant would be an excellent choice for Federal Judge of the Northern District of Illinois.

With kind regards and every good wish, I am,

Sincerely,

Willis W. Reeves

August 13, 1951

Mr. Willis W. Reeves,
Reeves & Barret,
Johnson Building,
Hazard, Kentucky.

Dear Mr. Reeves:

I have your letter of August 8th, and regret to inform you that I do not feel I should intervene in the federal judgeship matter in the Northern District of Illinois.

With kind regards,

Sincerely,

(Signed) Fred M. Vinson

Circulate

UNITED STATES CIVIL SERVICE COMMISSION
WASHINGTON 25, D. C.

ADDRESS ONLY
"CIVIL SERVICE COMMISSION"
IN YOUR REPLY REFER TO
FILE
AND DATE OF THIS LETTER

August 9, 1951

The Chief Justice
The Supreme Court of the United States
U. S. Supreme Court Building
#1 First Street, N. E.
Washington 25, D. C.

RECEIVED
AUG 10 11 48 AM '51
CHAMBERS OF THE
CHIEF JUSTICE

Dear Mr. Chief Justice:

The Commission recently has learned that in several cases Federal employees have exercised their rights of optional retirement under the Civil Service Retirement Act and then have been immediately reemployed in the same positions. Since no actual retirement takes place, presumably the objective of this action is to permit the employee to qualify for Social Security benefits after a relatively short period of additional service. Thus he will later be able to leave the Government service with a Social Security annuity in addition to his civil service annuity.

In the Commission's opinion this practice is contrary to the intent and purposes of the civil service retirement and social security systems. We believe that Federal administrative officials would invite criticism by participating in such an arrangement with an employee.

The Commission is bringing this matter to the attention of each agency head in the belief that a reasonable and firm policy will be adopted in each department and agency to prevent abuses. We prefer that such steps be taken rather than to impose restrictive rules governing the reemployment of annuitants. For this purpose, we suggest a policy substantially as follows:

> "Reemployment of a civil service annuitant will not be approved for the purpose of conferring upon the employee the benefits of the Social Security Act. In considering any such reemployment request, the appointing officer must be convinced that affirmative action will be in the interest of the public service.
>
> "Reemployment without a break in service of a former employee who is eligible and has applied for optional retirement will be conclusively presumed in the interest of the applicant and will be denied."

Sincerely yours,

Robert Ramspeck

Robert Ramspeck
Chairman

August 14, 1951

Honorable Robert Ramspeck,
Chairman,
United States Civil Service Commission,
Washington 25, D. C.

Dear Mr. Chairman:

This is to acknowledge receipt of your letter of August 9, relative to employees who have exercised their rights of optional retirement under the Civil Service Retirement Act and then are immediately reemployed in the same positions.

I have called your letter to the attention of the officers of the Court concerned with the hiring of personnel. We will be glad to cooperate with the Commission in the policy as outlined in your letter.

With kind regards,

Sincerely,

(Signed) Fred M. Vinson

Copy to: The Marshal
The Librarian
The Reporter
" Clerk.

THE WASHINGTON PILGRIMAGE OF AMERICAN CHURCHMEN

"This Nation Under God"

RUTH DUDLEY, *Executive Secretary*
ERNEST R. BRYAN, *Director of Studies*
HAROLD M. DUDLEY, *Public Relations*

4302 EAST-WEST HIGHWAY
WASHINGTON 14, D. C.
OLiver 0835 • REpublic 0943

Dr. Oscar Blackwelder, Minister, Lutheran Church of the Reformation, Washington, D. C.

Dr. Ernest R. Bryan, President, International Christian Endeavor, Washington, D. C.

Mr. Donald B. Cahoon, Attorney, Scranton, Pennsylvania

Dr. Harold F. Carr, Minister, Lakewood Methodist Church, Lakewood, Ohio

Mr. Leland C. Case, Field Editor, The Rotarian, Tucson, Arizona

Dr. Samuel McCrea Cavert, General Secretary, National Council of the Churches of Christ in America, New York, N. Y.

Mr. David C. Cook III, President, David C. Cook Publishing Co., Elgin, Illinois

Dr. Theodore A. Distler, President, Franklin and Marshall College, Lancaster, Pennsylvania

Honorable James H. Duff, United States Senator from Pennsylvania, Washington, D. C.

Dr. James W. Eichelberger, Secretary of Christian Education, African Methodist Episcopal Zion Church, Chicago, Illinois

Rev. Edward L. R. Elson, Minister, The National Presbyterian Church, Washington, D. C.

Dr. Louis H. Evans, Minister, First Presbyterian Church of Hollywood, California

Dr. Arthur S. Flemming, President, Ohio Wesleyan University, Ohio

Mr. Harrison W. Fry, Editor in Charge of Education, The Evening Bulletin, Philadelphia, Pennsylvania

Mrs. Zelma Watson George, Church Women's Council of Greater Cleveland, Cleveland, Ohio

Dr. Willard E. Givens, Executive Secretary, National Education Association, Washington, D. C.

Mr. Houston Harte, Publisher, San Angelo Standard Times, San Angelo, Texas

Dr. J. Warren Hastings, Minister, National City Christian Church, Washington, D. C.

Mrs. Hiram Cole Houghton, President, General Federation of Women's Clubs, Washington, D. C.

Dr. C. Oscar Johnson, Minister, Third Baptist Church, St. Louis, Missouri

Dr. Mordecai W. Johnson, President, Howard University, Washington, D. C.

Dr. William H. Leach, Editor, Church Management Magazine, Cleveland, Ohio

Mrs. W. Murdoch MacLeod, General Director, United Church Women, New York, N. Y.

Dr. Louis L. Mann, Rabbi, Chicago Sinai Congregation, Chicago, Illinos

Dr. Kirtley F. Mather, Professor of Geology, Harvard University, Cambridge, Mass.

August 14, 1951

Chief Justice Fred M. Vinson,
The Supreme Court
Washington, D.C.

Dear Justice Vinson:

Three hundred distinguished church men and women will be in Washington September 28-30 to review the documentary evidences showing that our American form of government and democratic way of life are based on religious principles.

We wish to visit the Chamber of the Supreme Court at 11:30 Saturday morning, September 29.

Your cooperation with this program will be appreciated.

Sincerely,

H. M. Dudley

Dr. Alton L. Miller, Industrial Executive, Boston, Massachusetts

Mr. Ray H. Nichols, President, General Board of Lay Activities, Methodist Church, Vernon, Texas

Mr. Andrew H. Phelps, Vice President, Westinghouse Electric Corporation, Pittsburgh, Pennsylvania

Dr. Harold Cooke Phillips, Minister, First Baptist Church of Greater Cleveland, Cleveland, Ohio

Mr. Willard A. Pleuthner, Vice President, Batten, Barton, Durstine & Osborne, Inc., New York, N. Y.

Dr. Edward H. Pruden, Minister, First Baptist Church, Washington, D. C.

Dr. Frederick E. Reissig, Executive Secretary, The Washington Federation of Churches, Washington, D. C.

Mr. Walter Reuther, President, United Automobile Workers, Detroit, Michigan

Dr. Vernon Britt Richardson, Minister, University Baptist Church, Baltimore, Md.

Hon. Ruth Bryan Rohde, Formerly Ambassador to Denmark, New York, N. Y.

The Very Rev. Francis B. Sayre, Jr., Dean of the Washington Cathedral, Washington, D. C.

Mr. Carlton Sherwood, Executive Vice President, Pierce, Hedrick and Sherwood, New York, N. Y.

Mr. Stanley H. Simpson, Macintyre-Simpson & Woods, Chicago, Illinois

Rev. Maurice O. Smith, Minister, Methodist Church, Rapid City, South Dakota

Dr. Guy E. Snavely, Executive Director, Association of American Colleges, Washington, D. C.

Dr. Ralph W. Sockman, Minister, Christ Church, Methodist, New York, N. Y.

Mr. Wallace C. Speers, Chairman, The Laymen's Movement for a Christian World, New York, N. Y.

Mr. Frank Stewart, Religious Editor, Cleveland Press, Cleveland, Ohio

Mr. Lowell Thomas, Lecturer-Commentator, Pawling, N. Y.

Dr. Charles C. Tillinghast, Principal Emeritus, Horace Mann School, New York, N. Y.

The Rt. Rev. Beverley D. Tucker, Protestant Episcopal Bishop of Ohio, Cleveland, Ohio

Mr. J. Richard Wager, Church Editor, Cleveland Plain Dealer, Cleveland, Ohio

Dr. Robert B. Whyte, Minister, Old Stone Church, Cleveland, Ohio

Dr. Myron F. Wicke, Secretary, Division of Higher Education, Board of Education of the Methodist Church, Nashville, Tennessee

PROGRAM



CHRIST CHURCH, ALEXANDRIA, VA.

Special arrangements for the Washington Pilgrimage have been made with those who administer many of the stately buildings and monuments in the National Capital. The cooperation of government officials has been spontaneous and generous. A long series of unique events—new presentations—carefully chosen exhibits—have been organized for this occasion. Speakers of national reputation will be present with short addresses. To participate in the Pilgrimage will open an experience of rare value.

This is no casual or routine sight-seeing tour. This is a dedication of the leadership of the nation to its original intent and responsibilities. This is the true American answer to godless communism.

RELIGIOUS ART—NATIONAL GALLERY OF ART—Lecture Room
10 a.m., Friday, September 28
Special Presentation of the Religious Art of the National Gallery—Dr. Raymond S. Stites, Curator in Charge of Education
Tour of Gallery
Lunch at Gallery

BASIC RELIGIOUS DOCUMENTS—LIBRARY OF CONGRESS—Coolidge Auditorium
2 p.m., Friday, September 28
Greetings—Dr. Luther Evans, Librarian of Congress
The Religious Significance of the Basic Documents of the Founding Fathers—Dr. Harold F. Carr, Minister, Lakewood Methodist Church, Lakewood, O.
Tour of special exhibits including religious documents which serve as the foundation of American democracy

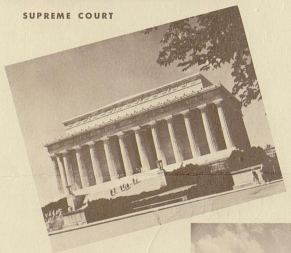
A HISTORIC CHURCH—CHRIST CHURCH, Alexandria (The Church of Washington and Lee)—4 p.m., Friday, September 28
A Worship Service in the Tradition of George Washington and Robert E. Lee
The Reverend B. B. Comer Lile, Rector

RELIGIOUS VIEWS OF CONTEMPORARY STATESMEN—NATIONAL CITY CHRISTIAN CHURCH—14th Street and Thomas Circle—8 p.m., Friday, September 28

THE LAW—LUTHERAN CHURCH OF THE REFORMATION—11 a.m., Saturday, September 29
Constitutional Safeguards of Religious Liberty. Dr. Oscar Blackwelder, Minister, Presiding
THE UNITED STATES SUPREME COURT BUILDING—11:30 a.m., Saturday, September 29—Meeting in the Chamber of the United States Supreme Court.
Luncheon, 12:30, Saturday, September 29, Calvary Baptist Church, 8th and H Streets, N.W.



SUPREME COURT



LINCOLN MEMORIAL

These beautiful buildings in Washington, D. C.—the possession of all Americans—are the repositories of our priceless heritage of art, music, literature, history, law and religion which speak to all the world of our national belief in God as the "Author of our liberties".

This invitation goes only to men and women whose time and energies are greatly in demand—those who have received bountifully from America. With it comes a challenge to join in the founding of a new emphasis on a well known truth, one which requires the same strong devotion today it has received from our fathers and the Founding Fathers.

NATIONAL MONUMENTS
(Unique programs have been arranged at the monuments listed below through the cooperation of the National Capital Parks of the National Park Service.)
WASHINGTON MONUMENT—9:30 p.m., Friday, September 28
Night view of the city of Washington from the top of the Monument (Excellent elevator service)
JEFFERSON MEMORIAL—10 a.m., Saturday, September 29
The Jefferson Memorial—Mr. Stanley W. McClure, Park Historian.
Presentation of the Inspirational Contributions of Jefferson
LINCOLN MEMORIAL—2 p.m., Saturday, September 29
The Lincoln Memorial—Mr. Cornelius Heine, Park Historian
"This Nation Under God"—An Interpretation of the Religious Faith of Abraham Lincoln
LEE MANSION—3 p.m., Saturday, September 29
"Arlington and Religious Influence in the Life of Robert E. Lee"
Mr. Murray H. Nelligan, Park Historian
A Salute to Eminent Churchmen Buried in Arlington
ARLINGTON—4 p.m., Saturday, September 29
Laying of Wreath on Tomb of the Unknown Soldier

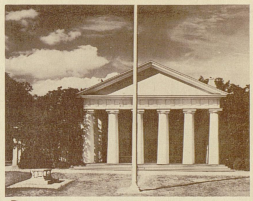
WASHINGTON PILGRIMS' DINNER
WASHINGTON HOTEL—Hall of Nations—6:30 p.m., Saturday, September 30
Reception and dinner
Dinner Chairman, Dr. William H. Leach, Editor *Church Management*
Speaker, Dr. Robert B. Whyte, Minister, Old Stone Church, Cleveland, O.
Presentation of Award—"Churchman of the Year"
Greetings to the Founders of the Washington Pilgrimage of American Churchmen—Mr. Andrew H. Phelps, Vice President, Westinghouse Electric Corporation

CHURCH OF YOUR CHOICE—11 a.m., Sunday, September 30

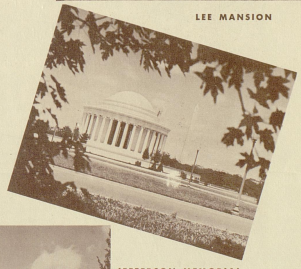
CONVOCATION OF AMERICAN CHURCHMEN—WASHINGTON CATHEDRAL, 4 p.m., Sunday, September 30
Procession of the Advisory Committee
Dedication Service
The Rt. Rev. Angus Dun, Bishop of the Diocese of Washington, preaching
Cathedral Tour



WASHINGTON MONUMENT



LEE MANSION

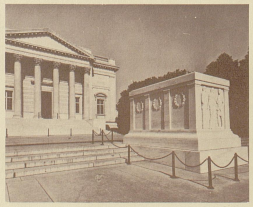


JEFFERSON MEMORIAL

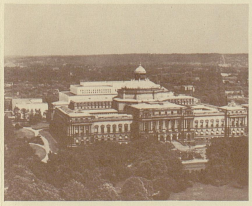
Registration: WASHINGTON HOTEL *(One Block from White House)*
Reception — Thursday Evening, 7:30 to 9:30, WASHINGTON ROOM



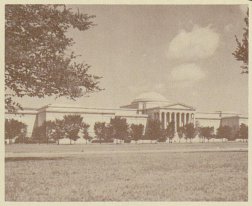
WASHINGTON CATHEDRAL



TOMB OF THE UNKNOWN SOLDIER



LIBRARY OF CONGRESS



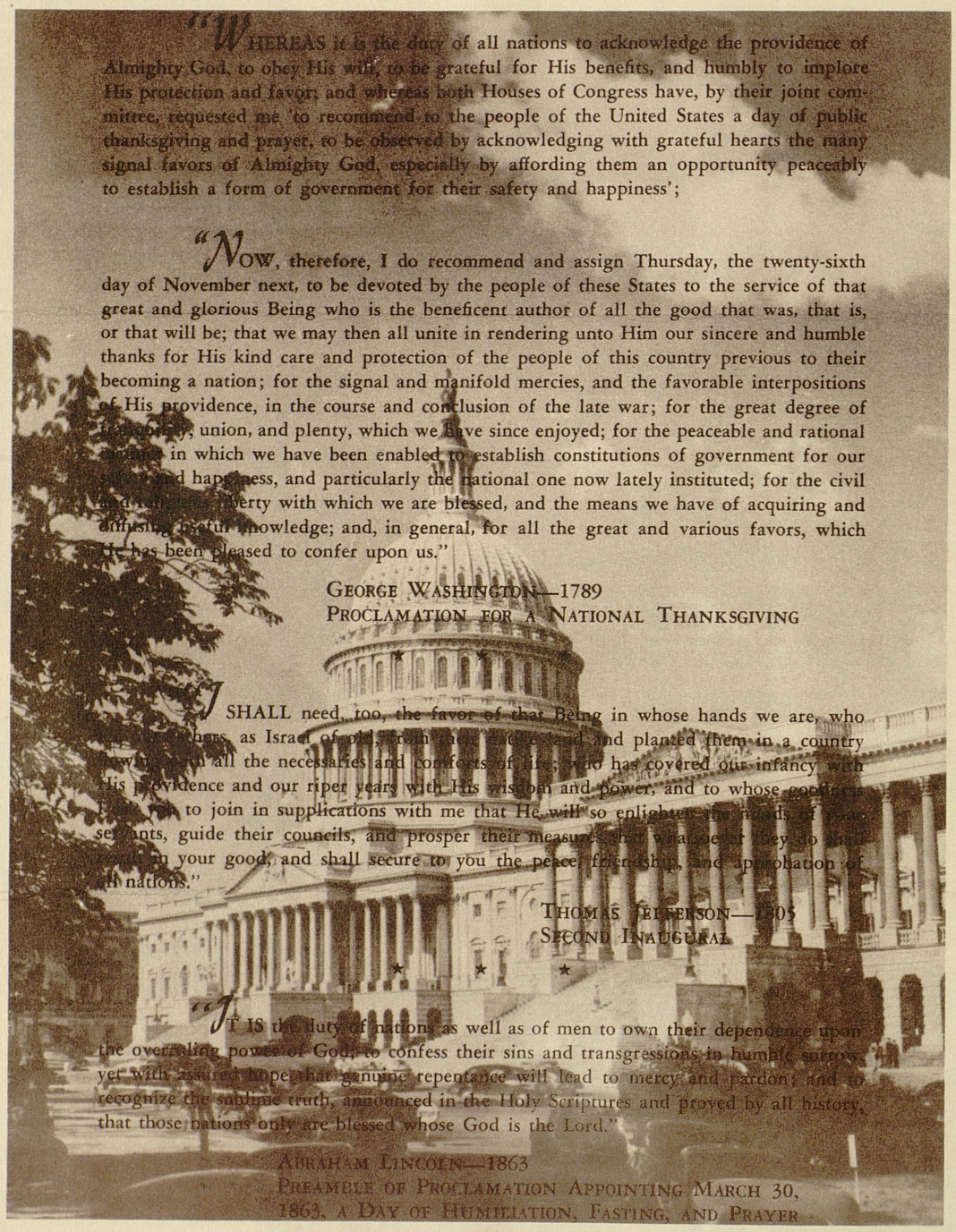
NATIONAL GALLERY OF ART

Initiated by *Church Management*, Dr. William H. Leach, Editor

Editorial Advisory Board:
Dr. Harold F. Carr
Dr. Harold Cooke Phillips
The Rt. Rev. Beverley D. Tucker
Dr. Robert B. Whyte

"Church and State in the United States" — Harper and Brothers, 1950. 3 Vols. By Dr. Anson Phelps Stokes.
A suggested source book for those attending the Washington Pilgrimage.

RECEIVED
AUG 15 10 32 AM '51
CHAMBERS OF THE
CHIEF JUSTICE



"WHEREAS it is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits, and humbly to implore His protection and favor; and whereas both Houses of Congress have, by their joint committee, requested me 'to recommend to the people of the United States a day of public thanksgiving and prayer, to be observed by acknowledging with grateful hearts the many signal favors of Almighty God, especially by affording them an opportunity peaceably to establish a form of government for their safety and happiness';

"NOW, therefore, I do recommend and assign Thursday, the twenty-sixth day of November next, to be devoted by the people of these States to the service of that great and glorious Being who is the beneficent author of all the good that was, that is, or that will be; that we may then all unite in rendering unto Him our sincere and humble thanks for His kind care and protection of the people of this country previous to their becoming a nation; for the signal and manifold mercies, and the favorable interpositions of His providence, in the course and conclusion of the late war; for the great degree of tranquility, union, and plenty, which we have since enjoyed; for the peaceable and rational manner in which we have been enabled to establish constitutions of government for our safety and happiness, and particularly the national one now lately instituted; for the civil and religious liberty with which we are blessed, and the means we have of acquiring and diffusing useful knowledge; and, in general, for all the great and various favors, which He has been pleased to confer upon us."

GEORGE WASHINGTON—1789
PROCLAMATION FOR A NATIONAL THANKSGIVING

★

"I SHALL need, too, the favor of that Being in whose hands we are, who led our fathers, as Israel of old, from their native country and planted them in a country flowing with all the necessaries and comforts of life; who has covered our infancy with His providence and our riper years with His wisdom and power, and to whose goodness I ask you to join in supplications with me that He will so enlighten the minds of your servants, guide their councils, and prosper their measures that whatever they do shall result in your good, and shall secure to you the peace, friendship, and approbation of all nations."

THOMAS JEFFERSON—1805
SECOND INAUGURAL

★ ★ ★

"IT IS the duty of nations as well as of men to own their dependence upon the overruling power of God; to confess their sins and transgressions in humble sorrow, yet with assured hope that genuine repentance will lead to mercy and pardon; and to recognize the sublime truth, announced in the Holy Scriptures and proved by all history, that those nations only are blessed whose God is the Lord."

ABRAHAM LINCOLN—1863
PREAMBLE OF PROCLAMATION APPOINTING MARCH 30, 1863, A DAY OF HUMILIATION, FASTING, AND PRAYER

August 15, 1951

Mr. Harold M. Dudley,
Public Relations,
The Washington Pilgrimage of American Churchmen,
4302 East-West Highway,
Washington 14, D. C.

Dear Mr. Dudley:

I have your letter of August 14th, advising that some 300 distinguished church men and women desire to visit the Supreme Court Building on Saturday morning, September 29th.

I beg to assure you that the Marshal of the Court will be happy to receive your group and cooperate with them in their visit.

Sincerely,

(signed) Fred M. Vinson

Copy to the Marshal

SUPREME COURT OF THE UNITED STATES

October Term, 1951.

Russell D. Hurst, et al.,	)	
	)	On Applications for Stay in Execution
v.	)	of Sentence and Fines and for Admission
	)	to bail.
The State of West Virginia.	)	

[August 29, 1951.]

Before the Chief Justice in Chambers.

Applicants were convicted in the state courts of West Virginia of the crime of false swearing. Applications for stay of sentences and fines, and for admission to bail pending action by this Court on forthcoming petitions for certiorari, have been filed with me as an individual Justice of this Court.

Prior to applicants' trial, petitions supported by exhibits and affidavits were filed with the trial court praying for a change of venue on the ground that newspaper coverage of the proceedings, including prior trial of Applicant Hurst for manslaughter, had so aroused public passion that a fair trial could not be had in Hancock County, West Virginia. The prayer for change of venue was based upon specified provisions of the West Virginia Constitution and statutes. Nowhere in the petitions or in any of the other papers before me does it appear that applicants raised any federal question in the state courts. The trial judge held that the petitions for change of venue were insufficient as a matter of law and, in addition, that he did not believe that it would be impossible to find a sufficient number of fair and unprejudiced jurors in the county to try applicants.

Applicants also challenged the array of petit jurors on the ground that their names were drawn from three envelopes rather than a single Jury Box as allegedly required by West Virginia law. Applicant Hurst also moved to dismiss the false swearing indictment on the ground that his prior acquittal of the different crime of manslaughter barred further prosecution on principles of res judicata. The trial court denied each of the pre-trial motions and the Supreme Court of Appeals of West Virginia declined to grant writs of error to review the convictions.

I have considered the applications, the response submitted by the State of West Virginia, and the portions of the record necessary for resolution of the questions presented. Since it does not appear that any substantial federal question has been raised, I must deny the applications for stay and bail pending disposition of petitions for certiorari.

(Signed) Fred M. Vinson

Fred M. Vinson
Chief Justice of the United States.

Dated this 29th day of August, 1951.

SUPREME COURT OF THE UNITED STATES

October Term, 1951.

Russell D. Hurst, et al.,	)	
	)	On Applications for Stay in
v.	)	Execution of Sentence and
	)	Fines and for Admission to
The State of West Virginia.	)	Bail.

[August 29, 1951.]

Before the Chief Justice in Chambers.

Applicants were ~~each~~ convicted of the crime of false swearing in the state courts of West Virginia. ~~The Supreme Court of West Virginia Bail was denied by bail.~~

NO ¶ ~~On August 24, 1951,~~ Applications for stay of sentences and fines ~~imposed in the West Virginia courts~~, and for admission to bail pending action by this Court on forthcoming petitions for certiorari, ~~were~~ have been filed with me as an individual Justice of this Court.

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I have considered the applications, the response submitted by the State of West Virginia and ~~those~~ the portions of the record necessary ~~for~~ for resolution of the questions presented. Since it does

not appear that any substantial federal question has been raised, I must deny the applications for stay and bail pending disposition of petitions for certiorari.

Fred M. Vinson,
Chief Justice of the United States.

Dated this 29th day of August, 1951.

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

CHAMBERS OF
JUSTICE FELIX FRANKFURTER

October 4, 1951.

Dear Brethren:

I should like you to know, if only in the interest of history, that I am authoritatively informed that any suggestion about wives did not emanate from H.R.H. Princess Elizabeth.

F. F.

October 30, 1951

MEMORANDUM FOR THE MEMBERS OF THE COURT:

After receipt of the memorandum from Justice Frankfurter informing me that he was "authoritatively informed that any suggestion about wives did not emanate from H. R. H. Princess Elizabeth," I instructed the Marshal to advise the State Department that the members of the Court would be glad to meet the Princess and the Duke Friday morning, November 2nd, at 11:30, in the Justice's Conference Room.

The Marshal informs me that he gave this information to the State Department, and that no statements of any kind emanated from this end of the line that the wifes of the Justices would be present.

As presently arranged, the Justices will meet the Princess and the Duke and their party in the Justices' Conference Room shortly after 11:30 Friday morning.

Chief Justice

[Od. 34 1951]

Miscellaneous

Matters to be taken up in the Conference --

Ascertain whether or not the Court desires to call upon the President - and, if so, what date and time would meet with its convenience---

****

Princess Elizabeth, et al., are scheduled to visit the Court on November 2nd (time not as yet fixed, but we understand that representatives of the State Department are meeting with the representatives of the British Embassy today to endeavor to complete final and definite arrangements, timing, etc):

She has expressed a desire to meet the members of the Court, and if their respective wives so desire, she would be pleased to have them present also at this time.

The Marshal has a notion that, in the event the Court desire to meet the Princess, and the wives of the members will be present, one of the larger Conference rooms would probably be the best place for the occasion.

PLK-

October 5, 1951

MEMORANDUM FOR THE CONFERENCE:

Re: No. 38 - Commonwealth of Pennsylvania, ex rel. Dominick Palmer v. Ashe

Argument for this case has been set for November 5th.

Counsel for the respondent has moved that argument in this case be postponed. Counsel is Acting District Attorney of Allegheny County, Pennsylvania, and states that he has official duties to perform on Tuesday, November 6th, upon which day a general election will be held in Pennsylvania. However, he has informed the Clerk that it will be perfectly satisfactory for him to hold argument on Thursday, the 8th, or Friday, the 9th. The following arguments have been scheduled for November 5th:

No. 38	Palmer v. Ashe	2 hours
Nos. 80, 81 & 82	Keenan, Jankowski & Foulke v. Burke	3 hours

It is also contemplated that the Illinois Post-Conviction cases, Nos. 95 & 96, and No. 29 Misc. (3 hours) will be heard, provided that this scheduling will give counsel adequate time to prepare.

The next session of the Court, after the November 5th session, will be held on November 26th. In order to avoid postponement to the 26th and still accommodate counsel, argument in Palmer v. Ashe could be set for either the 8th or 9th.

It would be helpful if the members of the Court would indicate whether they will be available for argument of this case on either of those dates.

Chief Justice.

October 5, 1951

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Palmer v. Ashe 2 hours

Kesan, Jankowski & 81 & 82 3 hours
Romine v. Burke

Chief Justice

October 5, 1951

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It would be helpful if the members of the Court would indicate whether they will be available for argument of this case on either of those dates.

C.J.

Chief Justice.

I shall be available on either date
J Reed

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

CHAMBERS OF
JUSTICE FELIX FRANKFURTER

October 5, 1951.

Dear Chief:

I would let the provision now made for hearing No. 38 stand.

It affects me as almost an indignity to this Court for a district attorney to suggest that because he ought to be at home on election day he cannot attend to an argument before the Supreme Court of the United States on the preceding Monday. He can make his argument here and be back in Pittsburgh in ample time. It seems to me that we are coming to a pretty pass when we modify the Court's schedule, presumably made after due consideration, to suit the convenience of the district attorney of a county.

Faithfully yours,

F.F.

The Chief Justice.

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

CHAMBERS OF
ROBERT H. JACKSON

October 5, 1951

MEMORANDUM FOR THE CHIEF JUSTICE.

No. 38. - Palmer v. Ashe.

I certainly would not postpone this case. In the first place, whatever duties counsel may have on November 6th in Pittsburgh, he can argue his case and still reach there for the 6th, either by plane or by the Pennsylvania Railroad or by the Baltimore & Ohio Railroad.

Even if he could not, I would not postpone it. I may have an exalted notion of the place of this Court in the scheme of things. But I cannot imagine that political duties of an Acting District Attorney of a County could cause the postponement of a case, especially when it means the postponement of a sitting of this Court.

I think if the bar ever gets the impression that it can postpone cases for such reasons as this, which would not be acceptable in a local court, we will have no end of trouble.

Robert H. Jackson

RHJ

Supreme Court of the United States
Washington 13, D. C.

CHAMBERS OF
JUSTICE HAROLD H. BURTON

October 5, 1951

MEMORANDUM TO THE CHIEF JUSTICE

No. 38 - Pennsylvania, ex rel.
Palmer v. Ashe

I will be available to hear this case on either November 8 or 9.

H.H.B.

Supreme Court of the United States
Washington 13, D. C.

CHAMBERS OF
JUSTICE TOM C. CLARK

October 8, 1951

MEMORANDUM FOR THE CHIEF JUSTICE

Re: Your memorandum of October 5, 1951.
Commonwealth of Penaa. ex rel. Dominick
Palmer v. Ashe

Either day o.k. - Prefer the 9th.

T.C.C.

October 5, 1951

MEMORANDUM FOR THE CONFERENCE:

Re: No. 38 - Commonwealth of Pennsylvania, ex rel. Dominick Palmer v. Ashe

Argument for this case has been set for November 5th.

Counsel for the respondent has moved that argument in this case be postponed. Counsel is Acting District Attorney of Allegheny County, Pennsylvania, and states that he has official duties to perform on Tuesday, November 6th, upon which day a general election will be held in Pennsylvania. However, he has informed the Clerk that it will be perfectly satisfactory for him to hold argument on Thursday, the 8th, or Friday, the 9th. The following arguments have been scheduled for November 5th:

No. 38	Palmer v. Ashe	2 hours
Nos. 80, 81 & 82	Keenan, Jankowski & Foulke v. Burke	3 hours

It is also contemplated that the Illinois Post-Conviction cases, Nos. 95 & 96, and No. 29 Misc. (3 hours) will be heard, provided that this scheduling will give counsel adequate time to prepare.

The next session of the Court, after the November 5th session, will be held on November 26th. In order to avoid postponement to the 26th and still accommodate counsel, argument in Palmer v. Ashe could be set for either the 8th or 9th.

It would be helpful if the members of the Court would indicate whether they will be available for argument of this case on either of those dates.

Chief Justice.

October 5, 1951

MEMORANDUM FOR THE CONFERENCE:

Re: No. 38 - Commonwealth of Pennsylvania, ex rel. Dominick Palmer v. Ashe

Argument for this case has been set for November 5th.

Counsel for the respondent has moved that argument in this case be postponed. Counsel is Acting District Attorney of Allegheny County, Pennsylvania, and states that he has official duties to perform on Tuesday, November 6th, upon which day a general election will be held in Pennsylvania. However, he has informed the Clerk that it will be perfectly satisfactory for him to hold argument on Thursday, the 8th, or Friday, the 9th. The following arguments have been scheduled for November 5th:

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The next session of the Court, after the November 5th session, will be held on November 26th. In order to avoid postponement to the 26th and still accommodate counsel, argument in Palmer v. Ashe could be set for either the 8th or 9th.

It would be helpful if the members of the Court would indicate whether they will be available for argument of this case on either of those dates.

Yes - either OK WOD

Chief Justice.

Supreme Court of the United States
Washington 13, D. C.

CHAMBERS OF
JUSTICE SHERMAN MINTON

October 6, 1951

My dear Mr. Chief Justice:

RE: No. 38 - Pennsylvania ex rel.
PALMER V ASHE

I have your memorandum of October 5.

I shall be available to hear this case on either November 8 or 9.

Sincerely yours,

SHERMAN MINTON

The Chief Justice

October 6, 1951

MEMORANDUM FOR THE CONFERENCE:

In No. 68, United States v. Sims, I have entered my vote to deny certiorari. Since there are not four votes to grant, an order denying certiorari will be included in the order list for Monday, October 8th.

Chief Justice.

October 17th, 1951.

Memorandum to the Justices -

FROM: The Chief Justice.

Colonel Gault of the Adjutant General's Staff, Department of the Army, who has been working with the Civilian Defense Administration in connection with developing a program for the Capitol Hill area in the event of a bombing, has arranged to discuss the program which they are now proposing for the area with such members of the Court who may be interested therein at 3:00pm tomorrow afternoon, Thursday, October 18th.

The discussion will be had in the Justices' Conference Room.

C.J.

October 29, 1951

MEMORANDUM FOR THE CONFERENCE:

I would like to schedule a Conference of the Court on Thursday morning, November 1st, at 11:00, to discuss Justice Frankfurter's memorandum, circulated June 1, 1951, relative to the disposition of cases on the merits.

Would you please let me know whether or not this is a convenient time for you.

Chief Justice.

October 30, 1951

MEMORANDUM FOR THE CONFERENCE:

I have been informed that two of the Justices have other engagements for Wednesday, October 31st, at 3:30 p.m. Therefore, we will be unable to have a conference at that time.

I will bring this matter up at the conference on Saturday, and see whether we can agree on a date for holding this special conference.

Chief Justice

October 30, 1951

MEMORANDUM FOR THE CONFERENCE:

Justice Douglas informs me that he has made arrangements to be out of the city on Thursday, November 1st.

I think it is important that all the members be present at the discussion on Justice Frankfurter's memorandum on the disposition of cases on the merits and, therefore, I would like to hold the conference on Wednesday, October 31st, at 3:30 p.m.

Would you please let me know whether this time and date are convenient for each of you.

Chief Justice

yes WOD

Blank - okay -
Reed - "
FF - yes

Burton okay —
Clark "
Minton - okay

October 30, 1951

MEMORANDUM FOR THE CONFERENCE:

Justice Douglas informs me that he has made arrangements to be out of the city on Thursday, November 1st.

I think it is important that all the members be present at the discussion on Justice Frankfurter's memorandum on the disposition of cases on the merits and, therefore, I would like to hold the conference on Wednesday, October 31st, at 3:30 p.m.

Would you please let me know whether this time and date are convenient for each of you.

Chief Justice

October 29, 1951

MEMORANDUM FOR THE CONFERENCE:

I would like to schedule a Conference of the Court on Thursday morning, November 1st, at 11:00, to discuss Justice Frankfurter's memorandum, circulated June 1, 1951, relative to the disposition of cases on the merits.

Would you please let me know whether or not this is a convenient time for you.

Chief Justice.

OK
R.H.J.

Supreme Court of the United States
Washington 13, D. C.

CHAMBERS OF
JUSTICE TOM C. CLARK

October 29, 1951

Dear Chief:

November 1st at 11:00 a. m.

if fine so far as I am concerned. Unless I hear to the contary, I shall be in the Conference Room at that time.

T. C. C.

The Honorable
The Chief Justice

Supreme Court of the United States
Washington 13, D. C.

CHAMBERS OF
JUSTICE HAROLD H. BURTON

October 30, 1951

Dear Chief:

Wednesday, October 31, at 3:30 p.m. will be a convenient time for me to attend the suggested conference.

H.H.B.

The Chief Justice

October 29, 1951

MEMORANDUM FOR THE CONFERENCE:

I would like to schedule a Conference of the Court on Thursday morning, November 1st, at 11:00, to discuss Justice Frankfurter's memorandum, circulated June 1, 1951, relative to the disposition of cases on the merits.

Would you please let me know whether or not this is a convenient time for you.

Chief Justice.

F.M.V.

Supreme Court of the United States
Washington 13, D. C.

CHAMBERS OF
JUSTICE HAROLD H. BURTON

October 29, 1951

Dear Chief:

A conference at 11 a.m., Thursday, November 1, to discuss Justice Frankfurter's memorandum of June 1, 1951, will be quite convenient for me.

H.H.B.

The Chief Justice

Black okay

Minton - okay —

October 29, 1951

MEMORANDUM FOR THE CONFERENCE:

I would like to schedule a Conference of the Court on Thursday morning, November 1st, at 11:00, to discuss Justice Frankfurter's memorandum, circulated June 1, 1951, relative to the disposition of cases on the merits.

Would you please let me know whether or not this is a convenient time for you.

Chief Justice.

Dear Chief
I made an appointment
in Nye for Thursday
morning Nov 1st. I will
be back that night, late
WVV

October 30, 1951

MEMORANDUM FOR THE CONFERENCE:

Justice Douglas informs me that he has made arrangements to be out of the city on Thursday, November 1st.

I think it is important that all the members be present at the discussion on Justice Frankfurter's memorandum on the disposition of cases on the merits and, therefore, I would like to hold the conference on Wednesday, October 31st, at 3:30 p.m.

Would you please let me know whether this time and date are convenient for each of you.

Chief Justice

OK H.L.B. Black

#159
Misc.
FF

RE: Ex Parte Gene Mitchell Gray, et al.,
No. 159, Misc., October Term, 1951.

This motion distributed today to determine whether any of the Justices desire action on the appeal in case No. 120 (Gray, et al. v. Board of Trustees, etc., et al.) withheld pending consideration of this application.

Willey

For the C. J.

Why don't we deny this motion together with the denial of No. 120. Petitioners had their declaration sustained but ~~the~~ an injunction did not issue on assumption that A. & T. would admit them. It does not appear (a) that A. & T. has refused or (b)

in the alternative that
A. Court has refused
injunction.

This should be
~~dis~~ denied with
dismissal of
No. 120

F

#159 Misc. - Burton

Supreme Court of the United States
Washington 13, D. C.

CHAMBERS OF
JUSTICE HAROLD H. BURTON

October 5, 1951

MEMORANDUM TO THE CHIEF JUSTICE

No. 120 - Gray v. Board of Trustees
No. 159 Misc. - Ex parte Gray

In response to the memorandum from Willey circulating the motion for leave to file a petition for mandamus in No. 159 Misc., the petition seems to me to raise questions involved in No. 120 and that we should hold No. 120 until we have passed upon No. 159 Misc.

H.H.B. ✓

Office of the Marshal,
Supreme Court of the United States
Washington, D. C.
14 December 1951.

Mrs. Margaret K. McHugh,
Secretary to
Chief Justice Vinson.

Dear Mrs. McHugh:

May I call your attention to the attached copy of the standing order relative to disposition of telegrams and special delivery letters.

I trust this meets with your approval. If you have any suggestions of benefit to your service, it will receive prompt attention.

Again may I express my regrets for previous error.

Respectfully yours,

P. H. Crook

P.H.Crook,
Captain, S.C.U.S. Police.

PHC:r

COPY

TELEGRAMS AND SPECIAL DELIVERY MAIL FOR JUSTICES.

"COURT TERM SCHEDULE"

THE ACCEPTANCE AND DISPOSITION OF TELEGRAMS AND SPECIAL DELIVERY MAIL ADDRESSED TO THE JUSTICES, SHALL BE GOVERNED BY THE FOLLOWING REGULATIONS UNTIL FURTHER NOTICE.

"TELEGRAMS"

WHEN THE BUILDING IS CLOSED, TELEGRAMS FOR THE JUSTICES SHALL BE DIRECTED TO THE OFFICER IN CHARGE, WHO WILL ASCERTAIN IF THERE IS AN AUTHORIZED PERSON IN THE JUSTICE'S OFFICE TO ACCEPT IT. IF SUCH PERSON IS NOT PRESENT, PHONE CONTACT WILL THEN BE MADE TO THE SECRETARY'S HOME. IF UNABLE TO CONTACT THE SECRETARY, THE TELEGRAMS SHALL BE ACCEPTED AND CONTACT ATTEMPTED TO SECRETARY AT INTERVALS UP TO 11:00 P.M. IF NO CONTACT HAS BEEN MADE, THE TELEGRAMS SHALL BE HELD AT THE NORTHWEST DOOR AND HANDLED AS OTHER MAIL. A REPORT IS TO BE MADE IN THE INCIDENTAL BOOK OF ITS DISPOSITION.

"SPECIAL DELIVERIES"

SPECIAL DELIVERIES TO THE JUSTICES SHALL BE ACCEPTED BY THE OFFICER IN CHARGE, WHO WILL CONTACT THE JUSTICE'S OFFICE TO ASCERTAIN IF THERE IS AN AUTHORIZED PERSON IN THE JUSTICE'S OFFICE TO ACCEPT IT. IF SUCH PERSON IS NOT PRESENT, THE SPECIAL DELIVERY MAIL SHALL BE HELD AT THE NORTHWEST DOOR AND HANDLED AS OTHER MAIL.

P.H.CROOK,
CAPTAIN, S.C.U.S. POLICE.

December 20, 1951

MEMORANDUM FOR THE CONFERENCE:

All of the Justices have agreed to the suggestion of one of the Brethren that the conference, originally scheduled for December 29th, be postponed to the 31st. Accordingly, the conference will be held on Monday, December 31st, at 11:00 a.m.

Chief Justice