

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

CHAMBERS OF
JUSTICE HUGO L. BLACK

October 28, 1946

Dear Chief:

It seems to be necessary for me to assign Nos. 21, 23, 86, and 24, and I therefore suggest the following:

No. 21	<u>Champlin Refining Co. v. U.S.</u>	Justice Jackson
No. 23)	<u>Gibson v. U.S.</u>	Justice Rutledge
86)	<u>Dodez v. U.S.</u>	
No. 24	<u>Halliburton Oil Well Cementing Co. v. Walker</u>	Justice Black

HLB

147 misc
723-

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

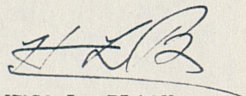
CHAMBERS OF
JUSTICE HUGO L. BLACK

April 5, 1947

Dear Chief:

No. 147 Misc.-Ludecke v. Watkins.

In view of the Court's decision that the District Court was without jurisdiction to hear the Ahrens case, I think it very important that the Ludecke case be set down for argument at our next session. The Ahrens decision will leave unsettled the question concerning the present applicability of the 1798 Act. Should we not hear and decide the Ludecke case we would therefore have to await decision on this important question until the next term of court, and I wish to urge that the Ludecke case be set down for argument before the Ahrens opinion goes down.


HUGO L. BLACK

The Chief Justice.

Original Filed in VIP Correspondence File

*replied
11/23*

Supreme Court of the United States
Washington 25, D. C.

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CHAMBERS OF
JUSTICE HUGO L. BLACK

CHAMBERS OF THE
CHIEF JUSTICE

November 23, 1948

Dear Chief:

I have assigned No. 75,
Uveges v. Pennsylvania to Justice Reed
and will circulate per curiam opinions
today in No. 76, Harris v. South Carolina
and No. 107, Turner v. Pennsylvania.



HUGO L. BLACK

The Chief Justice.

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

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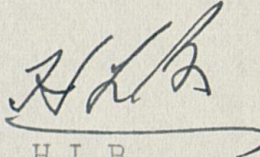
CHAMBERS OF
JUSTICE HUGO L. BLACK

CHAMBERS OF THE
CHIEF JUSTICE

April 5, 1949

Dear Chief:

Please assign No. 390,
Propper v. Clark, to Justice Reed, and No. 255,
Eisler v. United States, to Justice Murphy.


H.L.B.

The Chief Justice.

To: *The Chief Justice*
From: Black, J.
Circulated:
Recirculated: *3/24/52*

*Change mhd.
p. 2.*

SUPREME COURT OF THE UNITED STATES

No. 387.—OCTOBER TERM, 1951.

William Walter Remington,
Petitioner,
v.
The United States of America. } On Petition for Writ
of Certiorari to the
United States Court of
Appeals for the Second
Circuit.

[March 24, 1952.]

MR. JUSTICE BLACK, with whom MR. JUSTICE DOUGLAS
concur, dissenting.

A federal district court grand jury indicted petitioner
for perjury. A petit jury convicted him. The Court of
Appeals reversed but refused to order the indictment dis-
missed. 191 F. 2d 246. Petitioner is now seeking cer-
tiorari, claiming that the indictment should have been
dismissed. The majority now denies his petition. I
think we should grant and consider two questions the
petitioner presents. These questions challenge the fair-
ness of the prosecutorial methods used to obtain and to
sustain the indictment. These challenges are:

*The first
challenge
is*

“The Circuit Court of Appeals erred:

“In failing to dismiss the indictment on the
ground that the foreman of the indicting grand jury,
at the very time the indictment was returned, was
the financial and literary collaborator of the chief
prosecution witness in a book-publishing venture
whose success depended upon the defendant’s
indictment.”

The second challenge is:

“The United States Attorney deliberately withheld
information concerning the collaboration of Bentley

2 REMINGTON *v.* UNITED STATES.

and Brunini from defendant's counsel and then sought to suppress the evidence when it became known to defendant's counsel from other sources."

Governmental conduct here charged is abhorrent to a fair administration of justice. It approaches the type of practices unanimously condemned by this Court as a violation of due process of law in *Mooney v. Holohan*, 294 U. S. 103. For this reason I have felt constrained to depart from my custom and give reasons for my vote to grant certiorari in this case.

As to the legal significance of a denial of the petition for writ of certiorari, MR. JUSTICE FRANKFURTER refers to his memoranda in *Maryland v. Baltimore Radio Show, Inc.*, 338 U. S. 912, and *Agoston v. Pennsylvania*, 340 U. S. 844.

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CHAMBERS OF THE
CHIEF JUSTICE

387 - Black Dissent
To: *The Chief Justice*
From: Black, J.
MAR 21 1952
Circulated:
Recirculated:

SUPREME COURT OF THE UNITED STATES

No. 387.—OCTOBER TERM, 1951.

William Walter Remington, } On Writ of Certiorari
Petitioner, } to the United States
v. } Court of Appeals for
The United States of America. } the Second Circuit.

[March —, 1952.]

MR. JUSTICE BLACK, dissenting.

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“The Circuit Court of Appeals erred:

“In failing to dismiss the indictment on the ground that the foreman of the indicting grand jury, at the very time the indictment was returned, was the financial and literary collaborator of the chief prosecution witness in a book-publishing venture whose success depended upon the defendant’s indictment.

“The United States Attorney deliberately withheld information concerning the collaboration of Bentley and Brunini from defendant’s counsel and then sought to suppress the evidence when it became known to defendant’s counsel from other sources.”

2 REMINGTON *v.* UNITED STATES.

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SUPREME COURT OF THE UNITED STATES

No. 387.—OCTOBER TERM, 1951.

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[March 24, 1952.]

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“The United States Attorney deliberately withheld information concerning the collaboration of Bentley

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December 8, 1951.

MEMORANDUM FOR THE CHIEF JUSTICE

Mr. Waggaman has just telephoned me to advise that due to the fact of inadequate facilities at Arlington arrangements have had to be changed and Mrs. Black's funeral is now scheduled for 2:00 P.M. Monday at All Souls Unitarian Church, internment to be in Arlington.

Willey

c

The Black family has asked that instead of sending flowers, persons wishing to do so should send a contribution to the Community Chest. The Marshal has asked Perry Lippitt to order flowers for the Court any way. Perry is asking whether this meets with the Justices' approval.

yes
CJ

Mr. Chief Justice -

Burt Whittington is releasing the details of Mrs. Black's funeral arrangements to the press. He thinks he should include a statement as to whether the Court will conduct any business on Monday and also whether they will attend the funeral.

What do you think?

McH

The Court meets Monday -
~~for sole purpose of~~ no business
other than an expression of the
Court of regret ~~and~~ the
death of Mrs. Black, and adjournment
out of respect, with statement
that the Court will attend the
funeral services -
adjournment. Tuesday 12:00 noon -
Court

Mr. Chief Justice

THE CHIEF JUSTICE

the Court will conduct any business on Monday and
He thinks he should include a statement as to whether
Mrs. Black's funeral arrangements to the press.
But I am not sure of the details of

What do you think?

also whether they will attend the funeral.

[Dec. 1951]

Dear Fred

Here is a
rough draft
~~of~~ I hope may

help

W O D

←

D R A F T

Dear Fred

[12/57]

Here is a rough
draft but I hope
may help.
WFD

Josephine Foster Black was a sweet and gracious lady every day of her life. She combined the friendliness and warmth of the South with the stern discipline of the Scotch Presbyterian faith. She carried herself with dignity and [fortitude through the hard early years.] [She and brought to official Washington a tolerance and understanding that made ^{her universally beloved.} all who knew her love her.] She walked as a lady in the most elegant of drawing rooms and in the most humble of homes. Her consuming interest was her family. And yet she found time for many diverse activities outside the home. [She served as a nurse] ^{As a grey lady,} during war years, ^{she brought} bringing comfort and sympathy to the sick and wounded. In community ^{war found} causes she always ^{humanity,} threw her weight on the side of justice. The oppressed of all races and religions instinctively knew her as a friend. Yet in spite of her wide interests and activities she found time in recent years to develop her talents as a painter. On her untimely death her works of art were receiving wider and wider recognition and reaching an ever increasing audience.

Whatever her expression -- whether as a mother, a wife, a hostess, an artist, a friend -- it was always gentle, and friendly. She showed by her life the great richness of love.

Mr. Chief Justice Vinson said:

Mrs. Black, wife of Mr. Justice Black, died on Friday last.

Josephine Foster Black was a sweet and gracious lady - every day of her life. She combined the friendliness and warmth of the South with the stern discipline of the Scotch Presbyterian faith. She carried herself with dignity and brought to Washington a tolerance and understanding that made her universally beloved. She walked as a lady in the most elegant of drawing rooms and in the most humble of homes.

Her consuming interest was her family, and yet she found time for many diverse activities outside the home. As a Gray Lady during the war years, she brought comfort and sympathy to the sick and wounded. In community causes, she was always found aiding the underprivileged. The oppressed of all races and religions knew her instinctively as a friend. Yet in spite of her wide interests and activities, she found time in recent years to develop her talents as a painter. Her works of art are receiving wider and wider recognition and reaching an ever-increasing audience.

Whatever her expression - whether as mother, wife, hostess, artist, friend - it was always friendly and gentle. She showed by her life the great richness of love.

As a mark of our sorrow and affection for our brother, Mr. Justice Black, and his family, and our respect and affection for Mrs. Black, the Court will transact no business today, will attend the funeral services in a body, and will adjourn until tomorrow.

The Court will meet at 12:00 noon on Monday, December 10, 1951, at which time the Chief Justice will make a statement expressing the regret and sorrow of the Court on the death of Mrs. Black. As a mark of respect and in tribute to the memory of Mrs. Black, the Court will transact no business on Monday, but will adjourn until Tuesday, December 11th, at 12:00 noon.

Members of the Court will attend the funeral services in a body.

ok 19.

*Copy given to Whittington -
12/14/51-*

SUPREME COURT OF THE UNITED STATES

[December 10, 1951.]

MR. CHIEF JUSTICE VINSON said:

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SUPREME COURT OF THE UNITED STATES

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

..... June 16, 1948

..... GLADYS BUCHHORN COATES is hereby designated and
appointed to serve as my Stenographer-Clerk
from the first day of July, 1948
at a salary of \$ 5116.32, per annum.

.....
Associate Justice of the Supreme Court of the United States.

Approved:

.....
Chief Justice of the United States.

August 26, 1948

Dear Judge:

Justice Black would appreciate your signing this authorization for his law clerk. He would like to have him put on the pay roll as of August 30th. I am enclosing a self-addressed envelope for the return of the papers.

Paul *signed & returned*

Aug 28, 1948
F. M. V.

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

August 25, 1948

TRUMAN HOBBS is hereby designated and
appointed to serve as my Law Clerk
from the 30th day of August, 1948
at a salary of \$ 4,618.68, per annum.

Hugo L. Black

Associate Justice of the Supreme Court of the United States.

Approved:

Fred M. Vinson

Chief Justice of the United States.

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

..... August 31, 19 49

..... FRANK M. WOZENCRAFT is hereby designated and
appointed to serve as my law clerk
from the 2d day of September, 19 49

at a salary of \$ 4618.68, per annum.

Hugo L. Black
.....
Associate Justice of the Supreme Court of the United States.

Approved:

(Signed) Fred M. Vinson

.....
Chief Justice of the United States.

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

August 9, 1950

LUTHER HILL, Jr. is hereby designated and
appointed to serve as my law clerk
from the day of , 19
at a salary of \$4,757.50, per annum.



Associate Justice of the Supreme Court of the United States.

Approved:

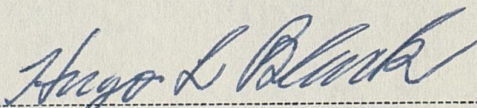
(Signed) Fred M. Vinson

Chief Justice of the United States.

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

August 9, 1950

GEORGE TRIESTER is hereby designated and
appointed to serve as my law clerk
from the day of , 19
at a salary of \$5610.00, per annum.



Associate Justice of the Supreme Court of the United States.

Approved:

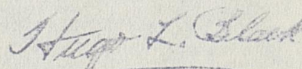
(Signed) Fred M. Vinson

Chief Justice of the United States.

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

....., 19.....

NEAL P. RUTLEDGE..... is hereby designated and
appointed to serve as my Law Clerk.....
from the day of, 19.....
at a salary of \$..... 5610.00....., per annum.



.....
Associate Justice of the Supreme Court of the United States.

Approved:

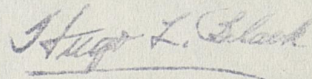
(Signed) Fred M. Vinson

.....
Chief Justice of the United States.

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

....., 19.....

..... C. Sam Daniels is hereby designated and
appointed to serve as my law clerk
from the day of, 19.....
at a salary of \$.....4757.50....., per annum.



.....
Associate Justice of the Supreme Court of the United States.

Approved:

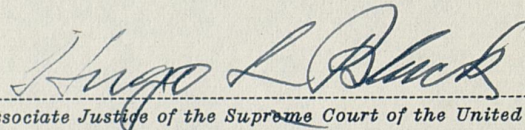
(Signed) Fred M. Vinson

.....
Chief Justice of the United States.

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

..... June 9, 19 52

MELFORD O. CLEVELAND..... is hereby designated and
appointed to serve as my Law Clerk.....
from the day of, 19.....
at a salary of \$ 6,116.00, per annum.



.....
Associate Justice of the Supreme Court of the United States.

Approved:

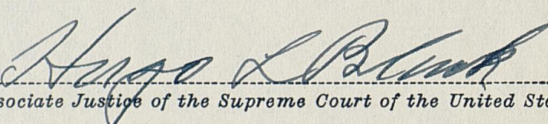
(Signed) Fred M. Vinson

.....
Chief Justice of the United States.

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

..... June 9....., 1952.....

..... HUEY B. HOWERTON, Jr. is hereby designated and
appointed to serve as my Law Clerk.....
from the day of 19.....
at a salary of \$ 6,116.00....., per annum.


.....
Associate Justice of the Supreme Court of the United States.

Approved:

(Signed) Fred M. Vinson

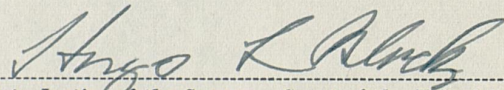
.....
Chief Justice of the United States.

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

.....August 1....., 1953.....

.....CHARLES A. REICH..... is hereby designated and
appointed to serve as my Law Clerk
from the 1st day of August , 19 53

at a salary of \$6116.00....., per annum.



.....
Associate Justice of the Supreme Court of the United States.

Approved:

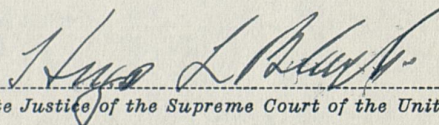
.....
(Signed) Fred M. Vinson

.....
Chief Justice of the United States.

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

August 20, 1953

DAVID J. VANN is hereby designated and
appointed to serve as my Law Clerk
from the 20th day of August, 1953
at a salary of \$6116.00, per annum.



Associate Justice of the Supreme Court of the United States.

Approved:

(Signed) Fred M. Vinson

Chief Justice of the United States.

November 28, 1952

MEMORANDUM TO THE CONFERENCE

In view of our opinion requesting the attorney general of Kansas to argue a case, I thought the Court would be interested in reading United States v. Coolidge, et al., 1 Wheat. 415. The Attorney General of the United States declined to argue that case before this Court.

HUGO L. BLACK

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CHAMBERS OF THE
CHIEF JUSTICE

June 5, 1952

MEMORANDUM FOR THE CONFERENCE

Due to the fact that one special guest could attend the Monday steak party only at 6:30 PM, the party will be held at that time, at my home.

HUGO L. BLACK



RECEIVED

JAN 31 4 20 PM '52

CHAMBERS OF THE
CHIEF JUSTICE

January 31, 1952

MEMORANDUM FOR THE CONFERENCE

In re No. 78 - Von Moltke v. Gillies

I wish to direct the attention of the Conference to Rule 32(d) which now provides that pleas of guilty may be withdrawn "to prevent manifest injustice." When Mrs. Von Moltke originally filed this petition, the rules authorized a withdrawal only where motion was made within ten days. It is because of this latter rule that the high burden was put on her. My belief is that this Rule 32(d) should control the disposition of this case. Rule 54 makes it clear that the rules "apply to all criminal proceedings . . . in the Supreme Court of the United States." My own view is that this record shows that a manifest injustice has been done and that this Court should so declare. At the very least, however, the District Court should be required to pass on the question in view of Rule 32(d).

HUGO L. BLACK

The Court will meet at 12:00 noon on Monday, December 10, 1951, at which time the Chief Justice will make a statement expressing the regret and sorrow of the Court on the death of Mrs. Black. As a mark of respect and in tribute to the memory of Mrs. Black, the Court will transact no business on Monday, but will adjourn until Tuesday, December 11th, at 12:00 noon.

Members of the Court will attend the funeral services in a body.

October 12, 1951

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CHIEF JUSTICE
CHAMBERS OF THE
MEMORANDUM TO THE CONFERENCE

No. _____, 1951 Term. Whitehead v. Henry

A petition for extension of time to file certiorari addressed to me in the above case raises a question of interpretation of 28 USC §2101(c) which I desire to refer to the Conference.

Petitioner had judgment rendered against him by the Court of Appeals of Georgia on July 13, 1951; his petition for rehearing was denied on July 25, and his application for certiorari from the Supreme Court of Georgia was denied on September 12. He has asked for an extension on the theory that under §2101(c) the time limit to file certiorari here will run from July 13 or July 25.

I am of the opinion that under the proper interpretation of §2101(c) the time limit begins to run from the September 12 date. This seems to be supported by American Railway Express Co. v. Levee, 263 US 19 (1923), and certainly by better practice. If the members of the Conference agree, I will simply deny the application as unnecessary.

HUGO L. BLACK

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1948

LYNDON B. JOHNSON, in his individual)
capacity, and)
V. F. STRIEGLER, County Judge of Blanco)
County, Texas, and)
FRANK SHELLEY, Sheriff of said County,)
and C. H. STEVENSON, County Clerk of)
said County, in their official capacity)
as members of and constituting the)
Election Board of said County and as)
representatives of the Election Boards)
of the other Counties of Texas as a class,) No. _____
Petitioners,)
vs.)
COKE R. STEVENSON,)
Respondent.)

O R D E R

This cause came on to be heard before me on the
Petitioners' motion for a stay of a temporary injunction
issued by the United States Court for the Northern District
of Texas, Fort Worth Division, and for a stay of other pro-
ceedings in the said District Court, and after hearing argu-
ment by counsel for the Petitioners and Respondent, it is

ORDERED, that the temporary injunction issued by the
United States District Court for the Northern District of
Texas, Fort Worth Division, on September 23rd, 1948, in the
case entitled Coke R. Stevenson v. Lyndon B. Johnson, et al.,
Civil No. 1640, be and the same hereby is stayed, and that
the said temporary injunction is and shall be of no force
and effect, until further order of the Supreme Court.

(SIGNED) HUGO L. BLACK
Associate Justice of the
Supreme Court of the United States.

September 29, 1948.

Approved as to form:

(SIGNED) ALVIN J. WIRTZ
Counsel for Petitioners

(SIGNED) DAN MOODY
Counsel for Respondent

June 4, 1952

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CHIEF JUSTICE
CHAMBERS OF THE

✓ The Chief Justice
Mr. Justice Reed
Mr. Justice Frankfurter
Mr. Justice Douglas
Mr. Justice Jackson
Mr. Justice Burton
Mr. Justice Clark
Mr. Justice Minton

Dear Brethren:

I have a number of nice steaks and would like to deliver one to each of you Monday at my home.

My thought had been that we could have dinner in the evening, and I had intended to invite you to be with me by 6:30 PM if you could. I have discovered that the wife of one of the brethren has made a dinner engagement for that evening, and while he can come at 6:30, he could not remain for the evening. The only other Monday alternative would be somewhere around 1:30 or 2:30 in the afternoon, depending on when we get out of court.

In order to arrange the time, would you please indicate below which hour you would prefer.

H.L.B.

1:30 PM _____ 6:30 PM _____ Either time _____ Neither time _____

June 13, 1953

MEMORANDUM FOR THE CONFERENCE

In re Invitation to the Attorney General to argue the
Segregation Cases

In view of the political uses that are being made of our permission to the Attorney General to argue the recent racial discrimination cases in the District of Columbia, I think we should amend our order in the segregation cases and eliminate the paragraph which invites the Attorney General to argue. I do not think that this Court should permit itself to become involved in current political controversies, and I know of no way to prevent it in respect to the subject except to change our order. Consequently, if this matter comes up before the conference, I vote to amend the order in this way.

HUGO L. BLACK