

"LOW-DOWN DIRTY SHAME"

# Workers Skipped Over in Pay Raises, Irked

"Its a low-down, dirty shame those d—— so and so's left us out!"

"I'm so mad I could scream. For a little bit I'd resign this old job."

"This is rank injustice. It's up to them to find some means of financing the raise and not penalize us. The cost of living is just as much for us as it is for the others."

These are just some of the expressions heard by employees in various offices in District Agencies that I visited Monday morning, the first work day after Congress passed pay raise legislation for benefiting all other classified workers and postal employees but ignoring them.

### \$330 Raise Granted

Congress passed a compromise bill granting annual pay increases of \$330 to 850,000 classified government employees, and \$450 to 480,000 postal workers. Approximately 175,000 in the former category are in Washington and 15,000 postal workers are in the Departmental Service.

There are three groups in the Federal service paid under different conditions. There are those paid under the Classification Act of 1923, as amended in 1947 and as amended a second time last Saturday; those paid under the Postal Pay Act, as also amended last Saturday; and those paid under the wage boards.

The amount of yearly salary under the bill just passed, that will be reflected in the first pay period after July 1 which will be about Aug. 1, as compared to what is re-

ceived at present is as follows:

Charwomen working in the Supreme Court Building are in a dither about being deprived of sick and annual leave. The Civil Service Act of 1936 provides that parttime workers are not entitled to sick and annual leave.

The rule, however, has been given varied interpretation by different Agencies. The Library of Congress, Office of the Capital Architect, and the Supreme Court has been granting leave to these employees for the last 12 years.

Somebody got cold feet when the threat of appropriation cut stared these agencies in the face and began trying to find some method of cutting down. This part time worker controversy flared into the open again. All of a sudden the personnel office at the Supreme Court withdrew the sick and annual leave from these employees.

### Restored in Two Agencies

Library of Congress and the Architect of the Capital personnel officials told the AFRO that their employees are still working under

P	Service and Grade	Min. Salary	New Salary Effective July 1
	SP 1	\$1080	\$1410
	1	1690	2038
		1690	2038
	1	1756	2088
	2	1822	2152
	3	1954	2284
	4	2020	2350
	5	2188	2724
	6	2394	2734
	7	2489	2793
	8	2645	2975
	9	2695	3025
	10	2886	3225
	11	3021	3351
	12	3272	3502
	13	3397	3727
	14	3648	3978
	15	3773	4103
	16	4150	4480
	17	4526	4856
	18	4902	5232
	19	5305	5635
	20	7102	7432
	21	8180	8520
	22	9975	10,305

(1) P-9 and CAF-16 have no explicit pay rates. They include positions for which Congress, in individual cases, expressly fixes a pay rate in excess of \$10,000 a year.

the same conditions they have had for the past 12 years.

The Comptroller General's Office told this column this week that no specific changes in the rules have been made. Until there is some uniform decision handed down I think the Supreme Court should restore leave privileges to its charwomen the same as the other agencies. This is no more than fair.

BY LAWLAH AWARDED

# Attackers Hunted By 300 to 500 Men

OPELOUSAS, La., July 12—(AP)—A relentless search continued today for two men who killed a retired naval officer and raped his woman companion.

The office of Sheriff Clayton Guilbeau said that between 300 and 500 men—the greatest man-hunt in the history of St. Landry Parish—was concentrated around Melville, 22 miles northeast of here.

Guilbeau, who led the search, identified the slain man as Albert B. Couvillion, Melville, 39-year-old former naval lieutenant. The sheriff said two men, believed to be Negroes, fractured Couvillion's skull, shot him to death and raped his 21-year-old woman companion several times.

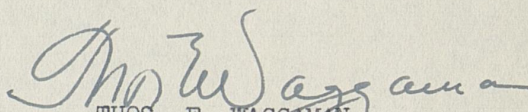
Office of the Marshal,  
Supreme Court of the United States  
Washington, D. C.

August 5, 1946

MEMORANDUM TO: Mr. Paul L. Kelley  
Administrative Assistant to the Chief Justice

I am advised that should the radio you request be for "official use" and the Chief Justice will approve its purchase, I will, upon receipt of a memorandum from you requesting its purchase for "official use", do my best to obtain the model and make radio you desire.

In selecting one please remember that this building has direct not alternating current.

  
THOS. E. WAGGAMAN  
Marshal, Supreme Court, U.S.

TEW:mr

C - SF - Marshall  
General

August 12, 1946

MEMORANDUM TO: Mr. Thos. E. Waggaman,  
Marshall, Supreme Court, U.S.

In response to your memorandum of August 5th, concerning the purchase of a radio for the official use of the Chief Justice, I would be pleased if you would arrange to make such purchase at your earliest convenience. Any good make, I am sure, will be entirely satisfactory.

I presume that you will take cognizance of the fact that the building is wired for direct and not alternating current.

(Signed) PAUL L. KELLEY

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Paul L. Kelley,  
Administrative Assistant  
to the Chief Justice.

PLK:McH

S - SF - Marshall  
General

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

October 14, 1946.

MEMORANDUM TO THE CHIEF JUSTICE:

Will you please ascertain in conference this morning on which of the first days of the next recess, Tuesday October 29, Wednesday the 30th, Thursday the 31st, at 10:00 A.M., it would be most agreeable to the Members of the Court to have their group pictures taken?

The moving pictures and newspaper photographs will be taken from 10:00 to 10:15 A.M. in the West Conference room. The studio portraits will follow in the East Conference room. Harris & Ewing, Bachrach, and Underwood & Underwood will be allowed 15 minutes each with short intermissions.

Any of the above dates are agreeable to the President of the White House Photographers. He would appreciate knowing as soon as possible which meets with the Court's approval so that he may notify his members and studios upon receipt of the information from me.

Respectfully submitted,

*Mr. Waggaman*

C - SF - MARSHAL  
General

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

November 13, 1946

MEMORANDUM TO THE CHIEF JUSTICE:

Mr. Justice Douglas suggested that the attached proposed radio script be submitted to you to ascertain whether or not you felt it proper for a Justice and Officers of the Court to participate in it, as it suggests; or would it be more appropriate for WMAL to dramatize it in their own studios without our active participation. WMAL informs us that they wish it to be recorded here and that it will be used at an appropriate time. It is one of a series of broadcasts to be made to teen agers to familiarize them with the various branches of our government.

*Mr. E. W. Saggerson*

TEW:dw

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

November 13, 1946

MEMORANDUM TO THE CHIEF JUSTICE:

When Mrs. Ash, representing WMAL, was told of the possibility that the Judges and Officers might not be in a position to broadcast, she suggested that the following be called to your attention.

Their program would be very dignified, and would be a most informative series which is badly needed, to give the growing generation a proper understanding of their Country's problem, and as an educational feature to fill what they believe to be a crying need and that if it is to be effective, it must be authentic and emanate from the personnel of the Court itself, not from their actors. The broadcast would be from coast to coast and all school boards will be informed of it, and will request their students to listen in. They would like very much to start with our Court, which they think is the most interesting approach to their important educational problem. Further, they are not putting this on as a commercial radio program.

The principal objections to the above request is that all other studios, in due course, would attempt to present some similar program as well as feel that they then had a right to ask the Court to assist them in dramatizing "headline" decisions, which, even if the Court agreed to do, would be very time-consuming.

*TEW*

TEW:dw

Supreme Court of the United States.

Memorandum.

-----Dec. 28-----, 1946.

Memo to the Chief Justice:

Copies of the attached card will  
be placed on the tables in our Cafeteria  
December 30th at noon, if you do not  
object.

*Dr. K.*

*Jew*  
Marshal.



MESSAGE TO PATRONS

If the threatened strike of production and service cafeteria workers materializes on January 1, this cafeteria will be closed throughout the emergency.

Any inconvenience you may suffer as a result of the above is regretted.

GOVERNMENT SERVICES, INC.

MESSAGE TO PATRONS

If the threatened strike of production and service cafeteria workers materializes on January 1, this cafeteria will be closed throughout the emergency.

Any inconvenience you may suffer as a result of the above is regretted.

GOVERNMENT SERVICES, INC.

MESSAGE TO PATRONS

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Any inconvenience you may suffer as a result of the above is regretted.

GOVERNMENT SERVICES, INC.

Supreme Court of the United States.

OFFICE OF THE MARSHAL

-----, 194

Edward L Corlett  
217 Bay View City

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Army + Navy Club  
Box 55  
Washington DC

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Uncle of Major George A  
now in service Waller  
former of Astland Key  
Coal expert



Gen. Jackson: "Sam, is that bridge ready yet?"

Sam: "Bridge is done. Ginerl, but them fellows ain't finished the drawing yet!"

Ed. LAW CORBETT M.D.  
NYCIV

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

*el m*

May 13, 1947

MEMORANDUM TO: Mr. Paul Kelley, Administrative Assistant to the  
Chief Justice of the United States.

The attached paper with a card saying, "If helpful and not infra  
dignotem, will you transmit these to the Justices".

The author, Harold G. Aron, is the gentleman who was offering  
to sell us the Rosenthal pictures of the Court. Do you think he pre-  
pared this article in the course of figuring out whether or not he could  
sue us for not buying his pictures, or is he preparing to stumble over the  
base of one of our columns?

*TEW*

Thos. E. Waggaman

TEW:dw

# Federal Tort Claims Act:

## Comments and Questions for Practising Lawyers

by Harold G. Aron • of the New York Bar

■ The enactment of the Federal Tort Claims Act, as a part of the Legislative Reorganization Act of 1946, was "a stupendous break with a very ancient past". That "The King can do no wrong" ceased to be law of the land. The new statute is having many consequences, and is creating many problems, for lawyers and their clients, throughout the United States.

In fulfillment of our function of giving to our readers prompt and useful information as to new legislation and its effects, Former Congressman Aaron L. Ford, of the Mississippi and District of Columbia Bars, wrote for our November issue (page 741) an authoritative article on the Legislative Reorganization Act, to which he had had a relationship. At page 744 he discussed the Federal Tort Claims Act. In our present issue, Professor Borchard, of the Yale Law School and the Section of Municipal Law, gives a further analysis of the latter statute, and also surveys the present situation and proposed legislation as to the liability of States and municipalities.

To the foregoing we add trenchant comments on the new federal statute, by Harold G. Aron, of the New York Bar. He poses many practical and challenging questions, from his long experience. Mr. Aron was born in Brooklyn, was graduated from Hamilton College and the New York Law School and was admitted in 1908 to the New York Bar, of which he has since been a member in active practice. During 1911-19 he was a Professor of Law at the New York Law School. From time to time he has been a special counsel for various federal and State boards, officers and agencies, including the Shipping Board and the Attorney General. He is the author of several books as to the law of evidence and of real property. Practising lawyers may find help in some of the questions which he raises.

■ Professor Borchard's paper seems to me to make a valiant attempt to cover a broad field of subjects which are not cognate in origin, theory or practice. To treat them together seems to me to leave a blurred picture where his outstanding legal scholarship would have been of great value in etching what is a dramatically far-reaching development in Anglo-Sax-

on Law—comparable in significance, in the light of the trend of political economy, with the abandonment of trial by ordeal.

The barrier which precludes treating together the subjects of "tort claims against . . . municipal, State and federal governments" is the varying type of political sovereignty, if it may be so called, which is involved

when one deals with wrongs wrought by the United States of America, by the several States of the Union, and by municipal corporations. Under our Constitution, the United States is a sovereign in an extremely limited sense, as far as municipal law is concerned; and none of its Courts have any inherent jurisdiction. The States, on the other hand, subject only to specific limitations of their own acceptance under the Federal Constitution, are truly sovereign in their domains; and their Courts possess inherently all of the judicial powers which have accumulated and vested over the centuries of Anglo-Saxon jurisprudence. Municipal corporations, as mere creatures of the State, have of course no sovereignty; they possess only such arbitrary powers as the State may, again within its own constitutional limitations, delegate. The transitions and developments with which Professor Borchard deals stem from the hardships which grew out of the concept, expressed in the maxim, "The King can do no wrong", but their rationale is quite independent and different.

The enactment by the 79th Congress of the Federal Tort Claims Act (Public Law 601), coupled with the very recent official statement by the Lord Chancellor of England that the Crown is about to give up its legal immunity from suits in tort and con-



HAROLD G. ARON

tract, marks an historic milestone in the Anglo-Saxon law and reveals again the graceful flexibility of Our Lady of the Common Law in meeting changed conditions through the centuries. Whithal, it is a strange compound which lies behind this far-reaching change in the two countries; and the fact that they are contemporaneous is not an historical accident, if such there ever be. To the Lord Chancellor, the doctrine that "The King can do no wrong" is a "survival that should be swept away"; and the Senate Committee which reported the Federal Tort Claims bill said, cogently and succinctly and more to the point (Senate Report 1100), as to the Government's exemption from actions "with respect to any common law tort, that "its only justification seems historical."

#### History of Private Laws as to Claims

Some future historian, if he digs deep enough, may opine that the proximate cause of the Federal Tort Claims Act was the long-existing and troublesome practice of private laws, relief bills and Committees on Claims, which the Act abolishes, although in practice this abolition has merely resulted, thus far, that relief measures are routed to the Judiciary Committee of the House and to the Finance and other Standing Committees of the Senate which have reviewed the Reorganization Act. A careful reading of the Federal Tort Claims Act will reveal adequate "escape clauses" to preserve, when needed, all the prior prerogatives of the Congress as to relief bills, private laws and claims against the United States, and that

what Congress really did, and wisely, was to dump a load of troubles on the federal Courts, without surrendering any of the powers it had when the first relief bill was introduced and became a private law in 1790.

Presidents since the days of Adams and statesmen since the time of Senator Brodhead have railed against the practice of relief bills and private laws; but it was not until 1855 that the Court of Claims was created, with its powers somewhat broadened twenty years later. At no time until President Truman affixed his signature last August 2 to the Act to reorganize the Congress could an American citizen sue his Government for its wrongdoing, if it went beyond a breach of contract or some specific Act of Congress. Yet as long ago as 1884, the United States Supreme Court, in *Langford v. United States* (101 U. S. 312) had said, as to the doctrine that "The King can do no wrong" and was immune from suit, that "neither in reference to the Government of the United States or the several States, or any of their officers, the English maxim has an existence in this country."

Nevertheless every Congress, before and since that decision, has been burdened and cursed—as many conscientious Members have felt, and there have been many—with thousands of relief bills seeking sanction as private laws, because the United States could not be sued for its wrongdoing, even when a negligently driven mail truck permanently injured an innocent child or killed the breadwinner of a household. In the last twelve Congresses, approximately 16,000 relief bills on behalf of such private claims have been introduced, of which about one in ten has been enacted into a private law. Not a few of them have been extremely private.

#### New Statute Means a Vast Volume of Litigation

The sheer volume of new litigation which the Federal Tort Claims Act will generate and force upon the Courts of the United States, their judges, and the law officers of Government, puts a duty squarely upon

the shoulders of the legal profession; and it seems to me regrettable that the New York State Bar Association should have seen fit to publish an attack on its provisions limiting the fees of attorneys, under the caption "Enchaining the Lawyer" (Letter No. 113; October 30, 1946). In debates on the floor of the House of Representatives, when previous attempts were made to pass this salutary legislation, bitter things have been said against the Bar, as, for example, that:

We must remember that the American Bar Association is composed of lawyers and that lawyers are prosecuting claims, and that lawyers want to get the law into the position where they can most readily and practically represent their clients. It is urged as a conclusive argument in favor of it, that the Bar Associations of the United States are behind this bill. Of course, they are. The bill opens up a tremendous new field of litigation. When the bill passes, the actions against the Federal Government will be multiplied by tens of thousands. The bill ought to be labelled a bill for the relief of lawyers in general and ambulance chasing lawyers in particular. Every one who stumbles on the post-office steps or who slips or falls in this Capitol Building or who is injured, in any way, in the national parks or the national forests, is going to run to his lawyer and bring an action against the Government. I make a prediction that in addition to its being an invitation to ambulance-chasing lawyers, it will be a direct invitation to district attorneys and their deputy district attorneys to make easy settlements in favor of those whom they owe some political obligation.<sup>1</sup>

#### Many New Problems Are Created for Practitioners

Whenever the law breaks with the past by positive legislative action, no resulting statute springs "fullarmed from the brain of Jove." The Federal Tort Claims Act has flaws, ineptitudes and ambiguities, which can be troublesome. It is to be hoped that the Bar will show a degree of self-discipline which will negate and stultify such accusations as those I have quoted.

The new law is a stupendous break with a very ancient past, due, chiefly and realistically, to the fact that, as was said of the Senate Committee

which reported it (*supra*): "With the expansion of government activities in recent years, it becomes especially important to grant private individuals the right to sue the Government in respect of such torts as negligence in the operation of vehicles." This is a classic of understatement, of oversimplification, and of using language to conceal thought. It would have been more disingenuous to have said: "On account of Marxian socialism, the New Deal and the results of incipient communism", and to have recognized the fact that the range of the new statute is as wide as the substantive law; that the procedural questions which it raises are as far-flung as the adjective law, and that the problems of proof as intricate as any aspect of the probative law.

For example, practitioners are already wandering in *terra incognita*, not even certain as to how to designate the United States as a defendant. One action already begun describes the defendant as a *sovereign corporation*, a combination of only two words that will excite the mind of any legal scholar and perhaps prompt dozens of law review contributions.

#### Practical Questions Under the New Act

To mention a few of the problems, already being faced, in litigation begun or about to be begun under this new Federal Tort Claims Act: Are admissions against interest by Presidents, Generals of the Armies, members of the Cabinet, and lesser government officials, competent evidence in proving a claim, where the rights of the inventor of the long-distance telephone were sold to France by the United States Government, without his knowledge or consent or compensation to him? Are statements of Secretaries of State, Ambassadors and other foreign envoys admissible, where an American exporter was swindled by the Imperial German Government and the negligence of the Government of the United States? Are statements made by official American agents before Mixed Claims Tribunals eligible as evidence, where an old lady lost her

all by failing to leave attached to her German bonds the coupons, when she presented her claim against Germany under the Settlement of War Claims Act after the last war?

*Au contraire*, are the self-serving declarations of officials and bureaucrats of the United States Government admissible against a plaintiff who sues under the Federal Tort Claims Act? Can there be, as against the United States, an examination before trial or its equivalent? Has any District Court jurisdiction under the Act, where it is proper or necessary to join a Cabinet officer or other public official, or does the old rule apply that all such actions must be brought in the District of Columbia? Then, too, there is this magnificent question, which arises in litigation already on its way to the Courts: Does a breach of trust, express or constructive, such as arose, on the part of the United States, under the Settlement of the War Claims Act, as to unpaid holders of awards of the Mixed Claims Commission (United States and Germany) sound in tort under the new law as it does basically and philosophically?

#### Is the Remedy Under the New Act Exclusive?

Again: Is the remedy under this Act exclusive, despite its language, where the wrong sued for emanates from the operative effect of an Act of Congress, or is there also a remedy in the Court of Claims under the Tucker Act, despite the fact that the action originates *ex delicto*? When does the Statute of Limitations prescribed in the Federal Tort Claims Act begin to run, where the tort is, as it may be and is in some pending litigation, conversion and fraud? Does the doctrine of *res ipsa loquitur* apply, under this new law, and to what extent does the settled substantive law of principal and agent apply to a defendant (the United States) with two million employees? Naturally, as in any initial legislation, covering so broad a field, the language of the new Act is inadequate, when it comes to its saving clauses and exceptions.

<sup>1</sup> Congressional Record, for September 12, 1946, pages 18207-18226.



### Years of Litigation to Define Major Questions

There are major questions raised by the language of the Act which can be delimited and defined only after years of litigation and judicial decision. What, in the sweeping language of the Act, are the rights of a citizen in the United States Court sitting without a jury and with power to adjudicate "any claim against the United States, for money only . . . on account of damages to or loss of property or on account of personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office under circumstances where the United States if a private person would be liable to the claimant for such damage, loss or injury or death in accordance with the law of the place where the act or omission occurred" (Section 410, Public Law 601). If the distinguished Editor-in-Chief of the JOURNAL runs out of material in the next five or ten years, he will find plenty of "copy" in seeking to bring within accepted legal meanings this pregnant recital of the scope of the Federal Tort Claims Act and the phrases used in connection therewith or contained therein, such as "common law tort" (are there others?), "fiscal operations of the Treasury", "regulation of the monetary system", "interference with contract rights", "combatant activities of the military and naval forces", "claims arising in a foreign country", etc.

Some years ago the Chancellor of what then was Hungary, speaking in this country, said of the administration of the law *in gene ral*: "I say we are trying. We are having great difficulty, either not fully comprehending what justice, equity and established law mean, or in shaping a course of public and private action in accord with them and the ideals they express." *Mutatis mutandis*, much the same may be said of the new Federal Tort Claims Act.

We shall better understand this new law, if we look back a few hun-

dred years. For, as Matthew Arnold said: "The largest part of that history which we commonly call ancient is practically modern, as it describes society in a stage analogous to that which it now is, while, on the other hand, most of what is called modern is practically ancient, as it relates to a state of things that has passed away."

The maxim that "the King can do no wrong" has passed away. History is stubborn, yields slowly and painfully, as one is aware in looking over the scores of volumes of learned dissertations in the Congressional Library on the subject of the divine right of kings, from which this maxim emanates. The implications of the abandonment of this doctrine in the United States and England are too great to deal with adequately within the confines of a monthly journal, however outstanding the writer may be, as is Professor Borchard, for the subject goes back a very long way.

Shortly after James I came to the throne of England in 1603, he announced that "the state of Monarchy is the supremest thing on earth"; and his royalist followers, while some of our ancestors were planning to make the great pilgrimage to Plymouth, agreed that "monarchs are divinely sanctioned to rule, deriving all authority from the Deity and none from the governed". Consonant with this doctrine was the generally accepted view that the King was the fountain-head of all justice, and out of that grew what we now call Courts of Equity, as distinguished from Courts of Law, and a quite independent system of jurisprudence which put "the King's conscience" above the law and gave rise to the great powers of what is today the highest judicial position in the world, the Lord Chancellorship of England. With these concepts of royal and indisputable power and righteousness, there developed the maxim that "the King can do no wrong."

### How Far Has the United States Gone?

And now we of the Bar and our

austere and distinguished brethren on the bench must ask ourselves whether, in the Federal Tort Claims Act, the United States has gone, to the extent of its sovereignty, the full distance of agreeing to shed its imperial robes, step down off its throne, and submit itself to the normal processes of the administration of Anglo-Saxon justice? One would think that the framers of the Federal Tort Claims Act had never heard of the time when the throne of England called in its janitor, for such is the origin of the word Chancellor, and told him to lessen the hardships of the law courts and thus created equity jurisprudence. Law in its generic sense, consists of more than actions *ex contractu* and *ex delicto*. Does the Federal Tort Claims Act cover such cases, of which there are many, where the federal government, in its old and new sprung powers, has caused loss and ruin, but within the technical mandates of the law; or does the new statute mean what was pretty well said in the Illinois statute, accepting its liability for wrongdoing to its citizens thirty years ago by establishing a Court of Claims with jurisdiction to hear all claims both legal and equitable "which the State as a sovereign commonwealth should in equity and good conscience discharge"?

It is not a simple thing to activate accurately and justly this new Federal Tort Claims Act and radiate its rationale to State and municipal government. It seems to me to need a John Marshall to construe and interpret it, with the sympathetic aid of a Bar that has not forgotten that ancient legal ethic of Anglo-Saxon jurisprudence, quoted by Gilbert in these words:

But a Counsellor cannot have this or any other action (against his client) to obtain pecuniary Consideration for his Advice; the Law of England concurring on this point with the Delicacy of the Roman Law, in not permitting a Price to be affixed to the performance of this honorable Duty in which so many and arduous questions must arise, where the spontaneous Acknowledgment of the Client can alone be adequate.

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

*file*

May 24, 1947

The Honorable Frank W. Hoover  
General Manager  
Government Services, Inc.  
Washington, D.C.

Dear Captain:

My attention was called yesterday, at the United States Senate Committee on Civil Service, to an instruction issued to your employees that, to effect economies, they use a phone provided by us instead of the one you pay for. I, accordingly, agreed to discontinue the free service on outgoing calls. Should you find this service necessary and so advise me, that service will be furnished and billed you on the basis of the usual government formula.

As to the ~~within-the-building~~ and incoming calls, we agreed that they were for our benefit and a reasonable charge to us.

Trusting this arrangement meets with your approval, I remain;

Sincerely,

Thos. F. Waggoner, Marshal

TFW:dv

Memorandum:

Mr. Chief Justice:

✓ Mr. Waggaman reports that Mr. Justice Murphy inquired of him as to whether or not there were any monies out of which the salary of an additional stenographer could be paid and that, inasmuch as this can be done from the Miscellaneous-[temporary employees] funds, he advised Justice Murphy that there were monies available, providing the salary did not exceed from \$2,000 to \$2500 per annum; but that this could only be done with the Court's approval.

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✓ Also, that some evening when you can spare the time he would like to fix the busts (or facsimiles thereof) in the Court-room entrance for your inspection; that Justice Burton will be ready at your convenience.

\*\*\*\*\*

✓ Also, that a potrait of Mr. Justice Roberts has been given to the Court and he would like to have permission to hang it. He assumes that in this instance the same rule that was adopted in connection with Mr. Chief Justice Hughes potrait would be applicable here. I understood him to say that some Congressman from Penna. presented the picture. I do not know, nor did I inquire, whether it was given to him for the Court, or to the Court; whether or not an acceptance of the gift is necessary. I merely made note of the information given, pending your consideration and determination as to what further steps you desired to take.

*mk*  
*Hand for*  
*next Conference*  
*5/23*

*File*

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

May 23, 1947

*TAKIT*

The Honorable Alfred C. Coxe  
U. S. District Judge  
United States Courthouse  
Foley Square,  
New York 7, N. Y.

Dear Judge Coxe:

Mr. Montgomery Hunt Johnson has let me see your letter of May 16th relative to a picture of Senator Conklin and suggested I write you direct.

What I had asked Mr. Johnson for was a photograph and a small letter in the senator's handwriting that I could frame in with the photograph in our official collection. However, if there is a chance of some of his family or friends presenting the Court with an appropriate painting of him, the Court is in a receptive mood.

Should a prospective donor inquire how a portrait would be labeled, my idea of the plaque under the portrait would read:

ROSCOE CONKLIN  
Appointed - Confirmed - Commissioned - Declined  
Associate Justiceship  
SUPREME COURT OF THE UNITED STATES

1882

Painted by

18-- - 18--

Presented by

Mr. Johnson has just contributed an excellent, original 4 x 5½ inch photograph by Brady of the Senator, which, unless a larger original turns up, we may enlarge into the 8 x 10 inch size, the size of most of our collection.

Thanking you for your interest in our problems, I remain;

Sincerely,

cc: Mr. Montgomery H. Johnson

TEW:dw

Advisory Committee on Rules for Civil Procedure  
Office of the Secretary  
Supreme Court of the United States Building  
Washington, D. C.

Edgar Bronson Tolman died at his home in Chicago  
~~on~~ yesterday, November 20, 1947. He was the Secretary  
and a member of the Advisory Committee on Rules for Civil  
Procedure appointed by the Court in June, 1935. The funeral  
will be at the Hyde Park Baptist Church, Chicago, Illinois,  
at 2:00 P. M. on Monday, November 24, 1947.

RECEIVED  
NOV 21 1947  
E. M. V.

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

February 13, 1948

MEMORANDUM FOR: Mrs Margaret McHugh

Effective Saturday, February 14th at one o'clock, and every Saturday afternoon thereafter, Mr. Slade can be reached on inter-communicating dial branch 36.

This service has been established, for use on Saturdays only, for your convenience after the Telephone Office is closed. He will be reached in the usual manner other days.

*Virvan E. Hayes*

March 4, 1948

Mr. Roy P. Basler, Exec. Secretary  
The Abraham Lincoln Association  
First National Bank Building  
Springfield, Illinois

Dear Mr. Basler:

Your letter of February 17 addressed to the Chief Justice, has been referred to me for answering, and I wish to advise you that to date, the document about which you write, has not been presented to the Court.

Should it be presented to the Court sometime in the future, I will be glad to communicate with you further on the matter of obtaining photostatic copies of it.

Very truly yours,

T. P. Lippitt, Ass't. Marshal

TPL:dw

*Advised Hayman  
Court stays out*

CHAMBERS OF THE CHIEF JUSTICE

January 23rd 1948.

From the Chief Justice,

Please indicate whether or not you feel that  
~~XXXXXXXXXXXXXXXXXXXX~~  
the Marshal should see Mr. Ayers -

Noted

- |                              | YES                  | NO        |
|------------------------------|----------------------|-----------|
| Mr. Justice Black.....       |                      | <u>NO</u> |
| Mr. Justice Reed.....        | <u>SR</u>            |           |
| Mr. Justice Frankfurter..... | <u>See note here</u> |           |
| Mr. Justice Douglas.....     |                      | <u>NO</u> |
| Mr. Justice Murphy.....      |                      | <u>NO</u> |
| Mr. Justice Jackson.....     | <u>RAJ</u>           |           |
| Mr. Justice Rutledge.....    |                      | <u>NO</u> |
| Mr. Justice Burton.....      |                      | <u>NO</u> |

*I see over!*

WUTZ  
1/26/48

Please return to  
the Chief Justice.



I do not think we should  
reopen or "negotiate" to that  
end as long as a Cobarrdis-  
pute is pending. We closed  
to stay "out". We would only  
get "in" by reopening or "negotiating"  
to reopen before the dispute  
is settled finally. W.R.

↑ that's my view  
(WR)

1/26/48 same WATB

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

January 23, 1948.

Memorandum to the Chief Justice:

Mr. Ayres, General Manager of Government Services (who manage our Cafeteria) phoned that he would like to discuss the reopening of the cafeteria and give his reasons therefor. They are prepared to reopen it with a full force of employees whom he states are better than our former force.

I requested that he inform me when he believes the Labor Department Cafeteria would reopen.

TW

From this I understand that the Marshal has already indicated that the Court will not take part in any negotiation of a labor controversy but will await its settlement according to prescribed collective bargaining methods. The question therefore is hypothetical.

rk by C. J. -  
5/12/48

May 12, 1948

Riggs National Bank  
Washington, D.C.

Attention: Mr. Elwood Davis

Gentlemen:

I have considered the oral request of Mr. Davis, of your staff, to remove certain books which he believes to be the personal property of your client, the late Earnest Knaebel, Reporter of Decisions, Supreme Court of the United States. These books were left in his official chambers, by Mr. Knaebel at the time of his retirement and at the present time are still there.

After careful study, regarding the set of U. S. Reports claimed by you as Executors, I find:

1. That Mr. Knaebel had no legal title to Volumes 1-241 U.S. inclusive. (See letter of January 20, 1947 from Mr. Knaebel to Mr. Walter Wyatt which says): "As for the volumes mentioned in the third paragraph of your letter, I believe that they are mine both morally and legally — with the possible exception of Vols. 1-241 of the Supreme Court Reports, the technical legal title to which may reside in the United States."
2. That Vols. 241-256 U.S. inclusive, presented to Mr. Knaebel by the Banks Law Publishing Company, are the property of Mr. Knaebel's Estate.
3. That Vols. 257-321 U.S. inclusive were purchased with appropriated funds of the United States and, as such, are government property.
4. That all other books on the attached lists, including the U.S. Statutes at Large Vols. 1-39, Part 2 inclusive, are the property of Mr. Knaebel's Estate.

Any time at your convenience, if you will give us a week's notice, we will cooperate to the best of our ability to assist you with the removal of the items in Numbers 2 and 4 above.

Very truly yours,

TEW:dw

Thos. E. Waggoner, Marshal

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

May 28, 1948

Memorandum to The Chief Justice.

RECEIVED  
JUN 1 11 08 AM '48  
CHAMBERS OF THE  
CHIEF JUSTICE

On Monday, May 10, you were good enough to discuss museum cases with Mr. Kramer, Mr. Lynn's Assistant and myself, and approved a site in the Lawyers' Lounge for a case to contain Mr. Flannery's proposed gift of the Lincoln brief.

Having been informed that light is not good for documents, and as there is both daylight and artificial light in the Lawyers' Lounge, I suggest, for your approval, a substitute site in the ante-room to the Library on our third floor, where there is only a subdued artificial light. In that location, we could use a display case which is now in the Library proper. I discussed this with Mr. Kramer in my office and he in turn discussed it with Mr. Lynn when he returned to the Capitol. Mr. Lynn is in complete accord and so is Miss Newman, our Librarian. This action would also simplify a further request made by Mr. Flannery, that an excellent etching of Mr. Lincoln, which he is presenting to the Court, be exhibited with the brief. Here, it could hang on the wall close to the case.

Should you prefer that the Lincoln brief be located in the Lawyers' Lounge, the location we discussed, a single case of stock design for that room would cost \$318.00. Because of the fact that it would be of stock design, it would, in all probability, be slightly different in character from our other furniture. Attached you will find an illustrated catalogue from the Michaels Art Bronze Company illustrating the case about which I speak.

If our proposed use of a Library case in this ante-room in the Library is agreeable with you, please let me know.

Respectfully,

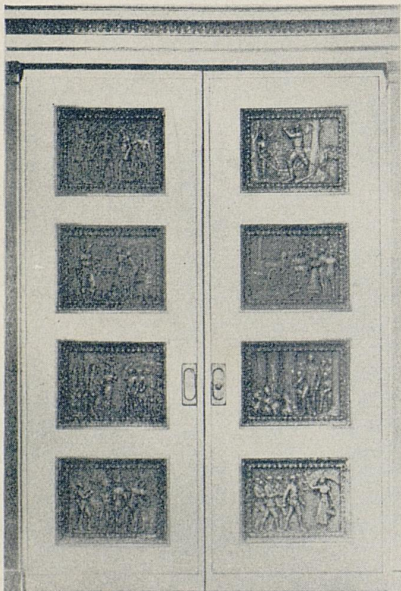
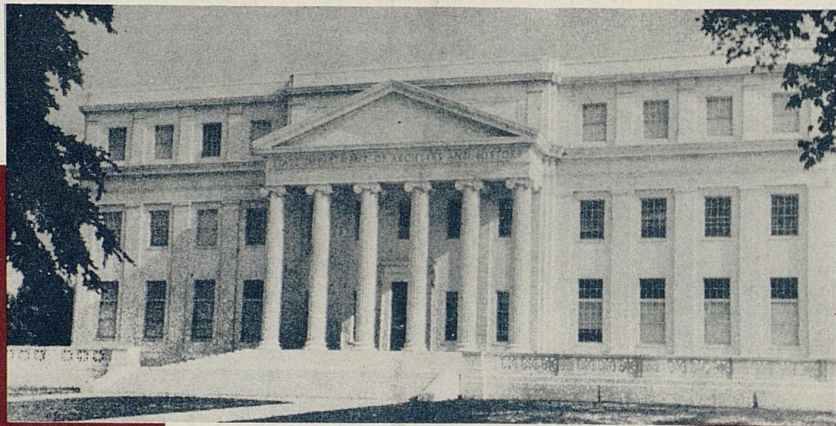
*John E. Waggoner*  
Marshal, Supreme Court, U.S.

TEW:dw  
Enclosure: 1

*Send Mr. Lynn  
Waggoner  
this piece  
6/14/48*

*6/14/48*

**THE MICHAELS ART BRONZE CO.**  
INC.  
COVINGTON, KENTUCKY



One of four Bronze Entrance Features

## STATE ARCHIVES AND HISTORY BUILDING

MONTGOMERY, ALABAMA

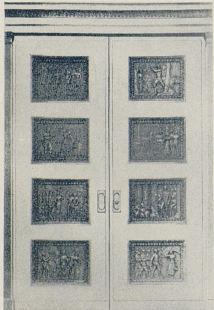
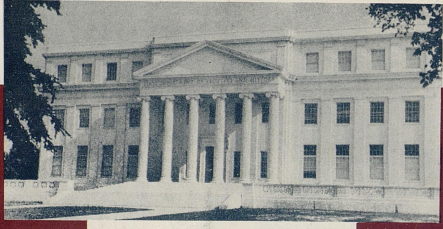
Striking examples of Michaels fine Craftsmanship are much in evidence throughout this beautiful structure.

Exhibit Case Equipment and complete Architectural Bronze installation for this building by The Michaels Art Bronze Company.

Catalogues, designs and prices covering Memorial Plaques, Donors Tablets, Statuary Work, Memorial and Architectural Bronze or Aluminum of any description will be furnished on request.



**THE MICHAELS ART BRONZE CO.**  
 INC.  
 COVINGTON, KENTUCKY



One of four Bronze Entrance Features

**STATE ARCHIVES AND HISTORY BUILDING**

MONTGOMERY, ALABAMA

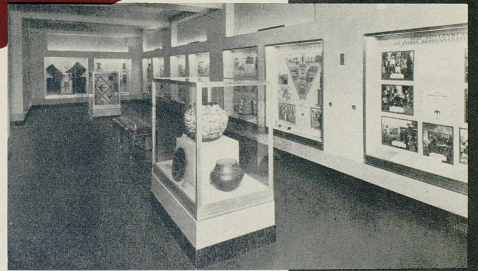
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**EXHIBIT CASES**  
 WITH  
*"Time-Tight"*  
 INNERLOCKING FRAMES  
 PATENT APPLIED FOR



U. S. Department of Interior Museum, Washington, D. C.

*built by*

**THE MICHAELS ART BRONZE CO.**

INCORPORATED  
 COVINGTON, KENTUCKY  
 THREE MINUTES FROM THE HEART OF CINCINNATI, OHIO



MUSEUM CASE DIVISION OF  
**THE MICHAELS ART BRONZE CO.**  
INC.  
COVINGTON, KY.

## SECURE AND ECONOMICAL CASES OF DISTINCTION

THE MICHAELS ART BRONZE COMPANY since 1870 have been crafting in Bronze, Aluminum, and Iron. Their notable achievements are in proud evidence throughout the country.

*"Time-Tight"* innerlocking frames for exhibit cases are one of the recent developments, and are designed to meet the requirements of any user.

Exhibit Halls are useful only if they are able to convey to the public easily and forcefully the knowledge and information they contain. In order to educate by exhibits, new methods have had to be devised.

There is a growing demand for exhibit cases of plain standard design, but, modern education also requires custom built units.

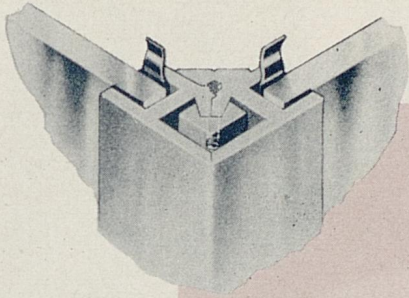
This folder points out some of the important details which make *"Time-Tight"* frames desirable, practical, and economical, and, illustrates a few standard types of completed cases.

Files of many years of experience in lighting, linings, proper glass sizes, interiors, shelf arrangement, design, etc., are freely available upon request. The CASE ECONOMY PLAN may assist if your budget is low.

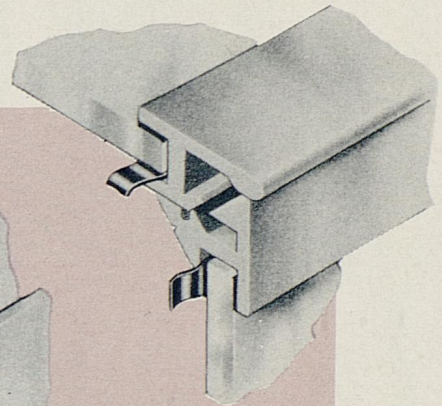
Please write for more complete information.

# CONSTRUCTION DETAILS OF "Time-Tight" EXHIBIT CASES

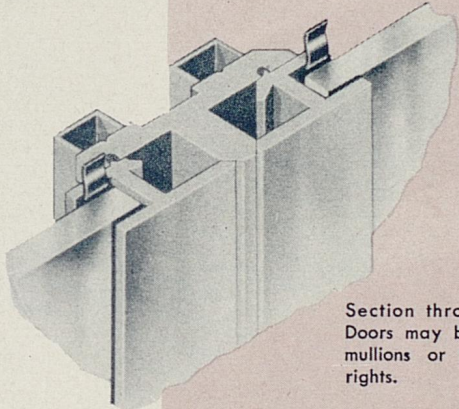
**PATENTED CLAMP BAR IN CORNER SECTION CONSOLIDATES FRAMES AS AN INTEGRAL UNIT**  
 (Reducing to a minimum the necessity of auxiliary dustproofing)



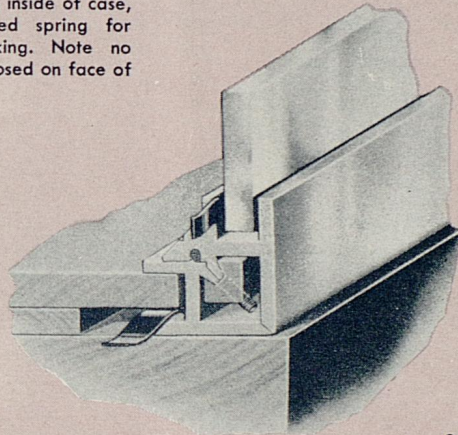
Section through corner frame showing innerlocking assembly and screw fastenings from inside of case, also crimped spring for glass packing. Note no screws exposed on face of frames.



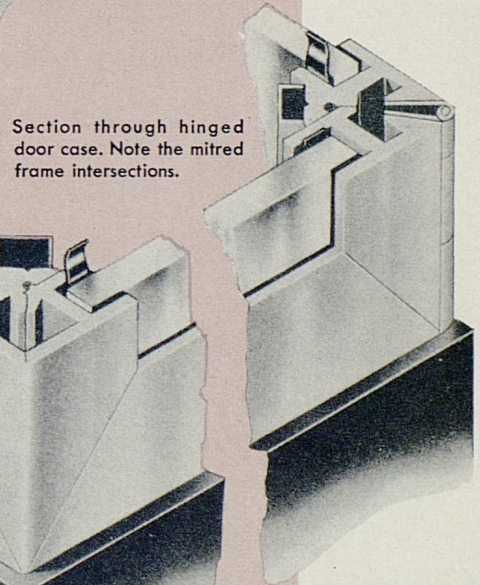
Section through front of table case lid.



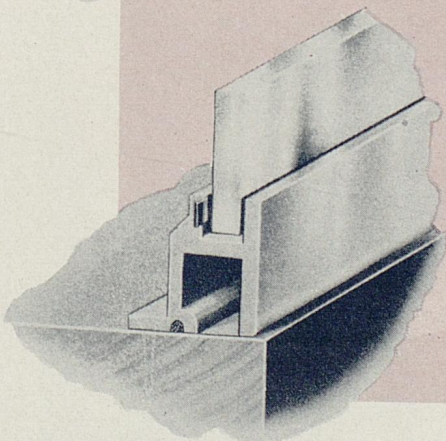
Section through mullion. Doors may be hinged on mullions or on end up-rights.



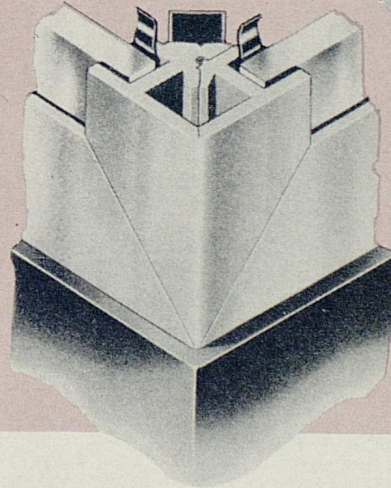
Section through typical bottom member showing assembly at base.



Section through hinged door case. Note the mitred frame intersections.



Section through bottom member, with deck packed into case in the same manner as the glass, independent of the base.



PAT. No. 2344161

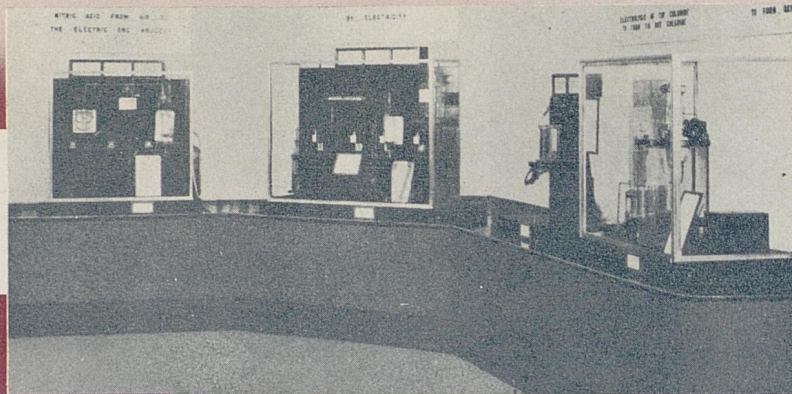
**NO SCREWS EXPOSED ON FACE OF FRAMES**  
 (Except where necessary on access panels)

**ALL FRAME INTERSECTIONS ARE MITRED**  
 (No butt joints)

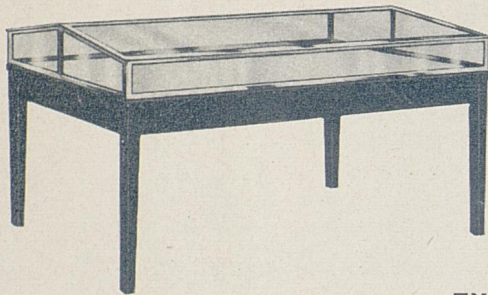




# TABLE CASES



Franklin Institute,  
Philadelphia, Pa.



## TYPE No. 120

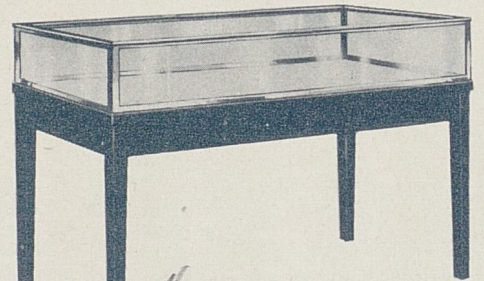
Top sloped lids hinged, having two point lock and lid supports. Dimensions overall: 39" high at center, 36" high at side, 60" long, 47½" deep. Base 29½" high.

## TYPE No. 110

Top lid hinged, having two point lock and lid supports. Dimensions overall: 36" high, 60" wide, 28" deep. Base 29½" high.

## TYPE No. 111

Same as above, except base is 26½" high.



*\$318. per ea.*

## General Specifications

**METAL**—Cases are furnished with either extruded bronze or aluminum frames.

**FINISH**—Satin finish is standard for both aluminum and bronze cases. Other electroplated or polished finishes may be supplied if desired.

**GLASS**—Frames are designed to take full ¼ inch thick polished plate glass.

**SHELVES**—Shelves have all four edges ground and polished, and are furnished ¼ inch thick or ½ inch thick as weight conditions may require. All shelves are supported on corner brackets or arm brackets, adjustable every inch.

**LOCKS**—Paracentric locks are standard in all locked cases.

**DUSTPROOFING**—A minimum of auxiliary dustproofing is necessary with "TIME-TIGHT" frames; at the corners and around the doors special cotton packing is used.

**DIMENSIONS**—Dimensions shown are merely suggestive. They are both practical and economical. Any variations in measurements of exhibition sections should start from even inch glass sizes, and conform to safe operating practice.

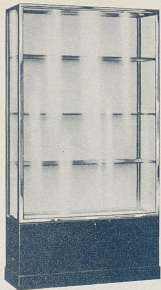
**INTERIOR AND BASES**—Any desired interior arrangement or base can be furnished. The exhibition sections are independent of the bases on standard cases. Frames have a three-way mitre at all four corners. No screws are exposed on the face of the frames except where necessary for removable or hinged panels, this exclusive feature gives exceptional security to the exhibit. Cases may be lined with fabric if desired. Bases may be wood or metal.

**ILLUMINATION**—Interior or exterior channel lighting is possible and we are prepared to recommend the latest and best types.



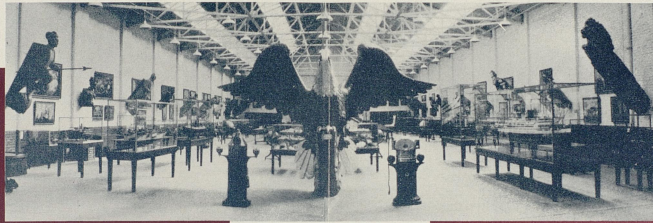
MUSEUM CASE DIVISION OF  
**THE MICHAELS ART BRONZE CO.**  
 INC.  
 COVINGTON, KY.

**WALL  
 CASES**



**TYPE No. 140**

Front panel hinged. Three glass shelves adjustable every inch. Vehicote back. If preferable removable panel can be substituted for hinged panel. Dimensions overall: 78" high, 42" wide, 15 3/4" deep. Base 20 1/2" high.



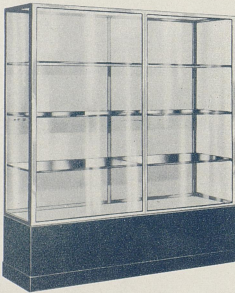
The Mariners' Museum, Newport News, Va.

**AISLE  
 CASES**



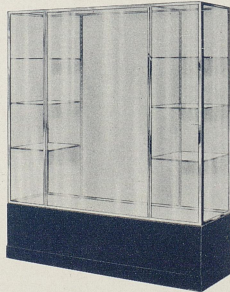
**TYPE No. 170**

End panels hinged. If preferable removable panels can be substituted for hinged panels. Dimensions overall: 74" high, 68" wide, 34" deep. Base 32 1/2" high.



**TYPE No. 130**

Front panels hinged. Six glass shelves adjustable every inch. Vehicote back. If preferable removable panels can be substituted for hinged panels. Dimensions overall: 78" high, 83 3/4" wide, 15 3/4" deep. Base 20 1/2" high. This case can also be supplied in long lengths divided into any number of units.



**TYPE No. 180**

Front center panel hinged. Six glass shelves adjustable every inch. Vehicote back. If preferable removable panel can be substituted for hinged panel. Dimensions overall: 78" high, 69 1/4" wide, 15 3/4" deep. Base 20 1/2" high. Center section 37 1/2" wide.

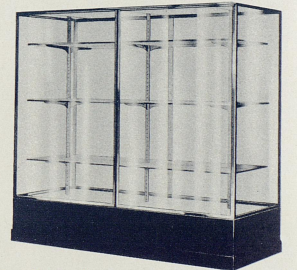
**TYPE No. 181**

Same as above, except entire front panel is removable, and overall width of case is 60". Center section 30 3/4" wide.



**TYPE No. 160**

End panels hinged. Three glass shelves adjustable every inch, supported on corner brackets and telescopic standards at center. Dimensions overall: 66" high, 60" wide, 24" deep. Base 18 1/2" high.

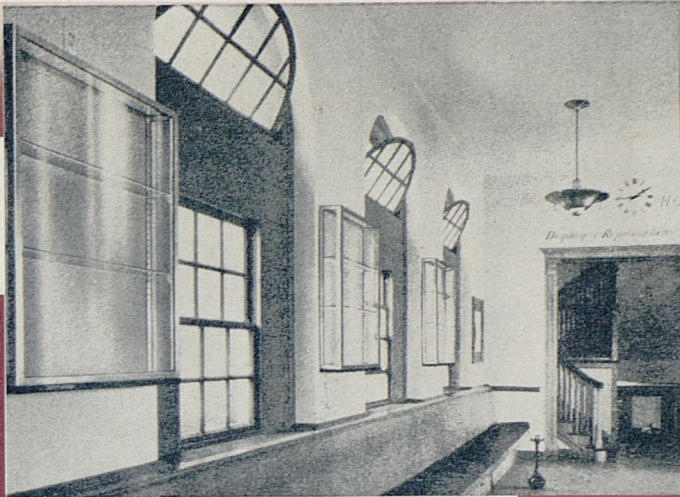


**TYPE No. 150**

Two hinged panels on each side. Six glass shelves adjustable every inch, supported by arm brackets on center standards. If preferable, removable panels can be substituted for hinged panels. Dimensions overall: 78" high, 79 1/2" wide, 32" deep. Base 20 1/2" high. Interior diaphragms of plywood or vehicote may be used. Similar cases composed of any number of units can be supplied.

**E. W. W. HOYT**  
 Special Representative

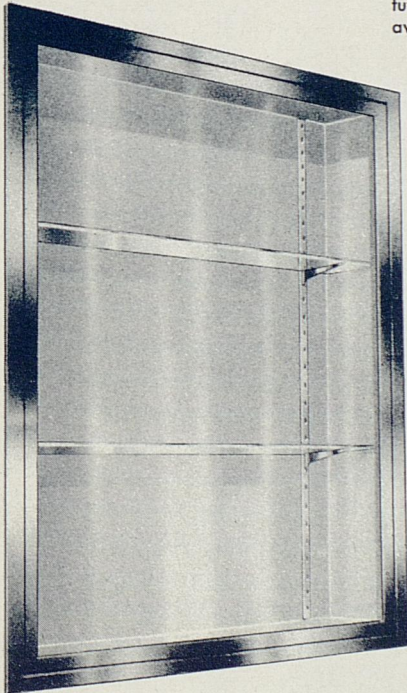
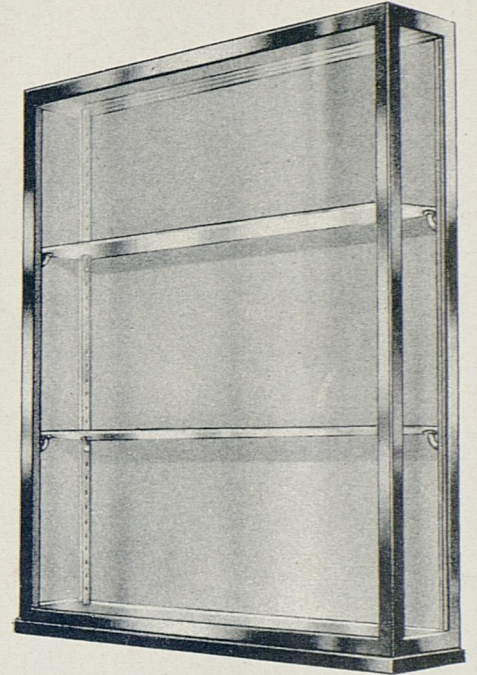
Colonial  
Williamsburg, Inc.,  
Williamsburg, Va.



## SUSPENDED CASES

### TYPE No. 200

Front panel hinged. Shelves adjustable every inch. Wood or metal supporting shelf. If preferable removable panel can be substituted for hinged panel. Dimensions: Should be determined by available wall space and type of exhibits to be used.



## RECESSED CASES

### TYPE No. 300

Consists of removable panel set into a stationary frame around recessed wall opening. Can be made with any desired interior and shelving arrangement. Dimensions: Should be determined by available wall space and type of exhibits to be used. Can be made in continuous lengths, having mullions separating the panels, and removable diaphragms dividing the exhibits.

Our engineering staff is at your service for special designs, layouts and prices.



Supreme Court of the United States.

OFFICE OF THE MARSHAL

June 10, 1948

Memo to: Mr. Kelley

The writer of the attached letter, Mr. King, is doing a biography of Chief Justice Fuller, in the course of which he was in my office on Saturday last discussing photographs, leaving me he said he had an appointment with Mrs. Bacon, who lives in what was Chief Justice Fuller's house. This letter seems to be the outgrowth of his visit. Will you please ascertain what the Chief Justice's wishes in the matter are? She is the wife of former Congressman Bacon, who used to be on our appropriation committee.

*Tees*  
*Mrs Smith*  
*make*  
*a copy of letter*  
*plus memo*  
*+ copy*  
*return letter*  
*to Wagoner*

C O P Y

ROSENTHAL, ELDRIDGE, KING & ROBIN

105 West Monroe Street

Chicago 3, Illinois

re Melville W. Fuller

June 7, 1948

Dear Mr. Waggaman:

I had a good visit with Mrs. Bacon on Saturday.

She asked me how she could leave the house on her death so that it would be preserved as a permanent memorial of Chief Justice Marshall's and Fuller's use of it. She is very attached to the house, and doesn't want it to revert to a boarding house after her death. I told her that she could leave it to the United States of America to be used as a Museum of the History of the Supreme Court. She said: "But they have plenty of room for that in their present building." I responded that you had a large number of historical objects that were not displayed and which could be much better displayed in a building like this which was redolent of association with two of the greatest Chief Justices. Mrs. Bacon said that she knew you very well and would talk to you on the subject. This letter is to warn you.

The house was used by Mr. Chief Justice Marshall and several members of his Court in 1831 and 1832. Doubtless the conferences of the Court were held there then. Saturday morning conferences were held there during the Fuller regime.

Mrs. Bacon has in mind writing a book on the history of the house. She asked me to write the Countess DeLupe, a granddaughter of Chief Justice

*Original Returned to  
Mr. Waggaman - 6/22/48.*

Fuller who lived in the house as a child and ask her if she could write the chapters in the book dealing with its occupancy by his family. I have done as Mrs. Bacon asked.

It has since occurred to me that Mrs. Bacon might leave the house to the U.S.A. to be occupied by the Chief Justice of the United States and it might be open to the public in limited hours on the main floor in the same way that the White House is open.

Mrs. Bacon said that it was her impression that the house was built in 1801. I should be much surprised if it was built that early. Charles Warren has written an article on the house which I have somewhere.

When you see Miss Waters, will you please tell her that I intended to call and pay my respects to the Justice, but that I got so involved with Mrs. Bacon and her house that no time remained. And anyway the Justice is too busy just now to see unnecessary callers.

With best regards, I am

Sincerely yours,

(signed) Willard L. King

Hon. Thomas E. Waggaman, Marshal,  
Supreme Court of the United States,  
Washington, D.C.

Washington, D. C.

July 13, 1948.

Chief Justice Fred Vinson:  
Wardman Park Hotel

Dear Sir:

I am Viola Richardson  
a Charwoman of The Supreme Court  
and have been a maid of Mrs.  
Stone for some time. At the  
present time I am only working  
at the Court.

Mr. Justice we were told in  
May that our Sick and Annual  
leave were taken from us in  
the month of April. From  
that time we haven't been  
able to get a real reason why.  
We understand that Congress  
discussed the matter but made  
no true decision. We were  
told that just what the  
other Buildings do we would  
be treated likewise, this hasn't  
been done. The Library of Congress  
the House Office and the  
Senate made things O. K. and  
their women are getting their

time they ~~have~~ made The  
past year before this matter  
was discussed, but we haven't  
had any consideration and  
every day any of our girls  
are out, regardless, to sickness  
or death its being taken out  
our little pay of 32.83 every  
two weeks.

We can't find anyone who  
will take the matter up and  
find out why we aren't treated  
like other federal workers. If  
there is no shortage why  
does the pay be cut? and  
where does that money go  
since its taken from us.

The Summer Vacation is almost  
gone and we need a rest  
like others. We work from  
5:30 Am. to 8:30 and we feel  
that we give the most precious  
hours of our life and should  
be given some consideration  
during the Hot Summer months  
for morning rest. We hope  
you will give orders for  
our time be given us as others.  
The others can't be wrong and



our head man <sup>(3)</sup> be the only  
one to be right.

I don't feel that we are  
being treated right, so will you  
please look into the matter  
and help us out. Thanking  
you in advance for what  
you may do for us.

If it isn't taking too much  
of your time will you  
please read this clipping

Yours truly

Viola E. Richardson

42 Randolph St

N. W.



COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON 25

RECEIVED  
JUL 13 1948  
LIBRARIAN'S OFFICE

LIBRARY OF CONGRESS 75661  
RECEIVED  
JUL 13 1948  
SECRETARY'S OFFICE

July 12, 1948.

*Bob*

~~LIBRARIAN~~  
~~ADMINISTRATIVE SERVICES~~  
~~ACCOUNTS OFFICE~~  
~~PERSONNEL OFFICE~~

Librarian of Congress,  
Library of Congress.

*Librarian*

My dear Mr. Evans:

There has been considered your letter of June 4, 1948, as follows:

"I have received from the Audit Division of the General Accounting Office the following letter:

"Dear Sir:

"The audit of the pay roll accounts at the Library of Congress revealed that it is a practice to grant leave, and to make lump sum payments for accrued annual leave, upon separation, to part-time charwomen.

"Since legislative employees have been held to be subject to the general leave acts of 1936 (25 Comp. Gen. 808) it is requested that this office be advised of any reason why exceptions should not be raised in the audit of payments heretofore made to part-time charwomen for sick or annual leave either currently as granted, or in lump sum for accrued annual leave upon separation.

"In this connection your attention is invited to decisions 18 Comp. Gen. 457 and 1001; 21 id. 644; 25 id. 796; and B-38084, November 16, 1943.

Very truly yours,

/s/ E. W. Bell  
Chief, Audit Division'

"In view of the importance to the Library of an immediate decision on the question raised by the letter from the Audit Division, I should like to present the question to you for formal

consideration.

"According to the records of the Library, charwomen have been granted leave privileges since the passage of the first leave act. They have been considered not only as permanent employees but also as full-time employees. While their work week, as established by the Librarian, calls for a three hour per day schedule from Monday through Saturday, with an additional three hours on alternate Sundays, this constitutes a full-time work week for all charwomen. In this connection I quote an early decision by the Comptroller General, No. 4-51:

"Classification of Civilian Employees-Charwomen.

"The pay of charwomen whose compensation is fixed under the classification act of March 4, 1923, 42 Stat. 1488, at a rate per hour, is to be computed on the number of hours actually employed during the period in question, and no pay for Sundays or holidays is authorized unless services are actually performed on such days.

"Charwomen, if permanently employed, are entitled under section 7 of the act of March 15, 1898, 30 Stat. 316, as amended by the act of February 24, 1899, 30 Stat. 690, to annual and sick leave with pay subject, in so far as applicable, to conditions and regulations prescribed for per annum employees, the amount of pay to be allowed for the period of such absence to be the amount the employee would have received if not on leave and working the number of hours usually required each workday during the period of absence."

"The above quoted letter from the Audit Division cites Comptroller General Decision 25-808. On page 813 of that decision, it is stated that 'an examination of the legislative history of the 1936 leave statute discloses that the primary purpose of that enactment was to increase the number of days of leave of absence with pay then authorized for Federal employees to an amount sufficient to cover not only the normal absence from work for personal reasons but also to enable such employees to avail themselves of annual vacations with pay so that, by such respite from official duties for extended periods, they might be better fitted to discharge the duties of their particular office.'

"It was obviously not the intent of Congress in the 1936 Leave Act to deprive employees of former privileges. I therefore believe that the charwomen employed by the Library continue to be entitled to leave privileges."

The decision referred to in your letter and the syllabus thereof which is quoted is the decision of July 14, 1924, by former Acting Comptroller Ginn to the Secretary of the Treasury. That decision had reference to the leave rights of charwomen employed by the Treasury Department--a department in the executive branch of the Government--under the provisions of the act of March 15, 1898, 30 Stat. 316, as amended by the act of February 24, 1899, 30 Stat. 890 (5 U.S. Code 30), which applies solely to employees in the executive branch of the Government. It is not understood upon what basis that decision, applying as it did to the leave rights of employees in the executive branch of the Government under the 1898 law, as amended, has any bearing upon a determination of the leave right of employees in the legislative branch under the provisions of the 1936 leave act, and the regulations thereunder, involved in the present matter.

The view is expressed in your letter that it obviously was not the intent of the Congress in the 1936 annual leave act to deprive employees of former privileges. Such view, so far as it pertains to the amount of leave, appears to be refuted by a comparison between the total number of days of annual leave (30), authorized under the said 1898 act, as amended, and the 26 days annual leave granted under the 1936 leave statute. Also, under the 1898 leave law, administratively there could be granted 30

days absence with pay on account of sickness whereas under the 1936 sick leave act--enacted on the same date as the 1936 annual leave statute--sick leave is limited to 15 days in any calendar year. Further, so far as it concerns the leave privileges of particular employees, such view does not necessarily reflect the true operation of the 1936 leave statute. In that connection, it is to be noted that prior to the enactment of the said 1936 annual leave statute, the only statute authorizing leave of absence with pay to Federal employees generally was the referred-to leave act of 1898, as amended. There were other leave statutes authorizing leave privileges for employees of specified departments and establishments of the Federal Government--mainly in the executive branch. The granting of leave under the 1898 act, as amended, and under the other specific statutes generally was in the discretion of the head of each department or establishment. That is to say, under such laws, there was no right in the employee to demand such leave but the actual granting thereof was solely an administrative matter, not only as to the time when leave was to be taken, but also, whether any leave could be taken. Furthermore, there was required no uniformity between the various departments and establishments as to the particular categories of employees to whom such leave would be granted.

Employees in the legislative and judicial branches of the Government--including chaplains--had no general statute granting them leave privileges such as authorized by the 1898 act, as amended, for employees of the executive branch. Hence, any leave privileges they may have enjoyed prior to the enactment of the 1936 leave statute, appear to have been conferred merely as the result of an administratively adopted policy.

The concept of leave prevailing prior to the enactment of the 1936 leave statute was changed completely by that act. Where, prior to 1936, the taking of annual leave was a privilege to be granted or denied administratively as the case may be, it thereafter was a right vested in the employee subject only to administrative discretion as to the time of taking. Also, where, formerly, each administrative office was authorized to administer leave as it saw fit within relatively broad limits, and to grant or withhold leave from certain categories of employees, the 1936 leave act was directed to the establishment of a uniform leave system, under uniform regulations, and with the inclusion and exclusion of categories of employees to be applied uniformly throughout the Federal service. In so completely changing the then existing concept of leave by enacting the 1936 leave law, and in vesting the President with authority to prescribe uniform regulations for the administration thereof, it is not unreasonable to assume that the Congress was aware of the fact that certain

categories of employees who theretofore administratively had been denied leave would be entitled to it under the new statute, and conversely, employees in certain categories who theretofore had been granted leave in the discretion of some administrative officials no longer would be entitled thereto. Hence, a determination of a particular employee's leave privileges prior to the effective date of the annual leave act of March 14, 1936, is not necessarily controlling with respect to his leave rights under that act.

The earliest Executive order issued pursuant to the authority vested in the President by section 7 of the 1936 annual leave act expressly excepted from the leave benefits of that act "Employees not required to be continuously employed during regular tour of duty, such as \* \* \* part-time or intermittent employees." See Executive Order No. 7409, July 9, 1936. Such exception has been continued in the various Executive orders and in the regulations of the Civil Service Commission, issued from time to time, governing the administration of the 1936 leave statute. Further, the decisions of this Office, as evidenced by the citations appearing in the letter from the Audit Division set out in your letter quoted above, consistently have followed and applied the said Executive orders and regulations to exclude part-time employees from the benefits of the 1936 leave act. Consequently, it is not understood upon what basis it administratively has been determined that part-time charwomen employed in the Library of Congress are entitled to a grant of annual leave under the 1936 annual leave statute.

Further, the view that charwomen who work a regular tour of duty of three hours each day are "full-time" employees rather than "part-time" employees within the meaning of the latter term as used in the leave regulations is not in accord with the intent of such regulations or the settled construction placed upon that term by the decisions of the accounting officers. As early as 1938 in decision dated November 17 of that year to the Administrator, Federal Housing Administration, 18 Comp. Gen. 450, it was held:

"Appointments for service limited to definite portions of each day, week, or month, followed by service in accordance with such appointments, are to be considered part-time employees entitled to no leave. \* \* \* "

Certainly the controlling Executive orders, the regulations of the Civil Service Commission, and the decisions of the General Accounting Office would appear to cast sufficient doubt upon the correctness of such administrative views to have warranted submission of the matter to this Office for decision at a much earlier date.

In connection with the matter of the rights of part-time employees, generally, to annual leave under the provisions of the said 1936 statute, it is noted that under date of June 8, 1948, there was introduced H. R. 6340, entitled "A Bill to amend the Act of March 14, 1936, entitled 'An Act to provide for vacations to Government employees, and for other purposes', to include part-



time employees for whom there has been established a regular tour of duty." That bill, if enacted into law, materially would affect the entire subject of leave rights for part-time employees such as the charwomen mentioned in your letter. It is assumed that bill will be considered in the event the 60th Congress reconvenes, or that a similar bill will be considered by the 61st Congress. On that assumption, no further action will be taken by the General Accounting Office respecting payments heretofore made as for such leave granted by the Library of Congress until such reasonable time as the Congress shall have had an opportunity to consider legislation in the matter.

Respectfully,



Comptroller General  
of the United States.

*File*

August 4th, 1948.

Mrs. Viola E. Richardson  
42 Randolph Place, N. W.,  
Washington, D. C.

Dear Mrs. Richardson:

The Chief Justice has requested that I reply to your letter of July 13th with reference to the discontinuance of the allowance of annual and sick leave to part-time employees (members of the Char force, etc.,) of the Supreme Court.

Under the law, the Comptroller General is the final interpretative authority on questions relating to the proper expenditure of funds made available to the various agencies of the government through Congressional Appropriation Acts. And, in connection with the instant matter, the Comptroller General has ruled that part-time employees whose work-week does not equal or exceed forty hours do not come within the purview of the terms of the Act under which employees receive annual or sick-leave benefits.

I am informed by the Marshal, Mr. Waggaman, that he has endeavored to give a full explanation of the situation to each and every employee of the Court affected by the ruling.

It is, of course, always a source of displeasure to discontinue practices beneficial to the employees. However, in view of the Comptroller General's ruling, there is no authorization under which the previous practice could be continued.

I trust that the foregoing clarifies the matter in your mind, and that you will appreciate the necessity of taking this action.

Very truly yours,

Executive Secretary  
to the Chief Justice.

THE CHESAPEAKE AND POTOMAC TELEPHONE COMPANY

723 THIRTEENTH STREET NORTHWEST

WASHINGTON 5, D. C.

TELEPHONE  
METROPOLITAN 9900

August 4, 1948

Mr. Thomas E. Waggaman, Marshal  
U. S. Supreme Court  
Washington 25, D. C.

Dear Mr. Waggaman:

Orders have been issued for the installation of twenty additional dial lines to your present intercommunicating system. The additional lines will be the maximum number that can be installed on this system. These orders, as discussed, are being held pending your advice on the following proposal.

Since you have requested us to move the present terminal equipment to another location which cannot be accomplished without a lengthy interruption of service, and considerable cost to both parties, we would suggest that consideration be given the installation of a single dial telephone system to replace the present dual manual and dial systems. Although a single system under present rates would cost slightly more than the present setup, we feel that, after making a complete survey, savings could be made on your present station equipment to offset the additional cost of full dial service. As a result of our survey of your present equipment, and to provide room for future growth, we recommend the installation of a new 701-A Dial P.B.X. of 260 lines. For your guidance an approximate comparison of cost between present and proposed systems is attached.

Should you approve our recommendation for a new dial P.B.X. we would appreciate an order from you as soon as possible so that we may place a requisition for the necessary equipment, and arrange our manufacturing and installation schedules.

Very truly yours,

*W. D. Hefflebower*  
Service Engineer

Attachment

Present 605-A Manual

3	Positions	\$ 60.00
1	Trunk EX-1640	6.00
19	Trunks EX-1641 to 1659 incl.	33.25
6	Mult Jacks (Bridged to 5674-79)	3.00
4	Trunk (outgoing) EX-1660-1663)	7.00
1	Conference Equipment	2.75
1	Tie Line - Library of Congress	1.00
7	Interdepartmental Trunks	36.75
		<u>149.75</u>

Present 711-E Dial

7	Selector-Connectors	\$14.00
7	Line Finders	7.00
1	Power	30.00
2	Selector-Connectors) On	4.00
2	Line Finders ) Order	2.00
		<u>57.00</u>

TOTAL	149.75
	57.00
STATION EQUIPMENT	<u>417.30</u>
TOTAL BILL	624.05

701 A Dial (New)

26	Line Finders	\$ 26.00
26	First Selectors	52.00
21	Connectors	42.00
2	Positions	30.00
1	Power	50.00
1	Trunk	6.00
16	Trunks	28.00
9	Interdepartmental Trunks	47.25
		<u>281.25</u>
Station Equipment	367.00	(estimated)
		<u>648.25</u>

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

*file*

October 25, 1948

Mr. Charles C. Wall,  
Resident Superintendent,  
The Mount Vernon Ladies Association  
of the Union,  
Mount Vernon, Virginia.

Dear Mr. Wall:

The Chief Justice, in behalf of the Members of the Court, has directed me to thank you and to request that you convey their thanks to the annual Council of the Mount Vernon Ladies' Association for the two photostatic copies of letters dated October 6, 1825 and May 9, 1826, written by the Honorable Bushrod Washington, Associate Justice of the Supreme Court of the United States to Mr. Justice Thompson.

Sincerely,

COPY

Thos. E. Waggaman, Marshal

TEW:dw

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

August 7, 1948

MEMORANDUM TO: Mr. Chief Justice Vinson

RE: Telephone System

In this year's appropriation funds are provided to move the terminal equipment of the building's telephone system from its present location to a new one and to make the old terminal room into a restroom for the telephone operators.

Recently, we requested the telephone company to add twenty more intercommunicating branches to our present equipment. This request was made as the Administrative Office have an insufficient number of branches.

As a result of our request the telephone company made a survey of the service in the building and found that it could be improved but that after the twenty additional branches were added further expansion would be impossible.

They recommend in lieu of the present dual, manual and dial systems an automatic dial system, similar to our present intercommunicating (dial) system and that used in other government departments.

It is estimated by the company that the service will be considerably improved in speed, accuracy and efficiency of operation for a small additional cost per month, see company proposal attached herewith. If the terminal equipment is moved and the present dual unexpandable system is retained, the cost of moving it will amount to over \$1,000, with no improvement in service.

The Justices who wish to retain their present manual phones will be able to do so with the new system, thus their service will continue to be the same as it is today. However, in lieu of the present night service lines, they would have to be provided with an additional dial line to use when the switchboard is closed.

The Justices who wish the new dial system will still be able to contact the operators in the building by dialing 0 - i.e., when they wish information or to have a long distance call placed for them.

The advantages of the new board are that it will provide for all employees twenty-four hour outgoing and incoming service to and from private exchanges as well as within the building itself. At present only forty-two phones out of one hundred eighty-seven are usable at night for outgoing calls.

*[Handwritten mark]*

*28 good  
branches*

*only  
a rest room*

Mr. Chief Justice Vinson

August 7, 1948

Incoming calls for dial phones during the day would be handled as at present by the operators on the switchboard. After the switchboard closes all calls incoming to Executive 1640 would be answered by the Guard Room. The guard would hold the call, dial the individual wanted, tell him who was calling and ask him to dial a certain number. When the individual dials this number the Guard Room is automatically disconnected and the individual is automatically connected with the calling party on a private line.

The advantage to this is, that should the individual called, for example a Justice alone in his office, not desire to talk to the caller, the guard, without the caller knowing that he has talked to the Justice, can inform the caller that the Justice has left the building or give any other message he is instructed to transmit.

On the new dial phones, in order to call someone in the building, one merely dials their extension number, just as one now does with the intercommunicating system. For outgoing calls, one dials 9, waits for the second dial tone, then dials the desired number. If he is calling a government department, he dials the agency code number. All of the above calls can be made on the same branch.

The telephone service engineer informs me it would be a pleasure to be able to explain in detail the proposed system to you or to your staff if you wish, at your convenience.

It is requested that the Justices notify me of their acceptance or rejection of the new dial board as soon as possible, since the telephone company is holding up the order for the twenty additional intercommunicating branches until I answer their attached proposal of a new dial board in lieu of the present dual system.

*Mr. Wagoner*  
Marshal, Supreme Court, U.S.

TEW:mf

*Phoned Mr. Wagoner  
OK to go ahead provided  
the Ass. Justices are  
contacted in the face with  
respect of their views  
on devices relative to  
the services which they  
may want and for need  
8/11/48*

16 December 1948.

MEMO. TO MARSHAL WAGGAMAN:

At 10:00 A.M. this date, I observed a man carrying a placard picketing this Court bearing the following:

Veteran No. 602-58-30  
Protest denial of the Supreme  
Court of the U.S.A. in Case  
219 presented under Soldiers  
and Sailors Relief Act.

This man gives the name of Lewis P. Montague. Reference attached No. 219 of 1947. This man stated he represented himself and no Organization. Up to the present time his conduct in picketing is peaceful.

Respectfully submitted,

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

PHC/r



## 214

*Suttle v. Reich Bros. Construction Co., et al.*  
Filed July 16, 1947.  
Certiorari to U. S. C. C. A., 5th Circuit,  
decision of April 30, 1947; rehearing de-  
nied, May 31, 1947.  
Venue of suit to recover damages for death,  
personal injuries, and property damage as  
result of automobile accident—Jurisdiction  
over resident defendant as conferring ju-  
risdiction over nonresident co-defendants.

## 215

*In re William Oliver.* Filed July 17, 1947.  
Certiorari to Mich. Supreme Ct.  
Contempt of court—Hearing before one-man  
grand jury—No hearing before court at  
time of declaration of guilty of contempt  
of court.

## 216

*Austin v. Commissioner of Internal Revenue.*  
Filed July 19, 1947.  
Certiorari to U. S. C. C. A., 6th Circuit,  
decision of May 12, 1947. (161 F. 2d 666).  
Federal taxation—Inclusion of interest paid  
on promissory note as income—Note as  
gift to children from taxpayer—Payment  
of gift tax.

## 217

*Bracev, et al. v. Luray Trading as Luray Iron  
& Metal Co.* Filed July 19, 1947.  
Certiorari to U. S. C. C. A., 4th Circuit,  
decision of April 2, 1947. (161 F. 2d 128).  
Fair Labor Standards Act—Recovery of  
unpaid minimum wages and overtime  
compensation by employees of a scrap  
iron and metal business—Validity of com-  
promise agreement.

## 218

*Berry, Individually and as Administratrix of  
the Goods, Chattels and Credits of Marshall,  
Deceased, v. Franklin Plate Glass Corp.*  
Filed July 21, 1947.  
Certiorari to U. S. C. C. A., 3rd Circuit,  
decision of April 30, 1947. (161 F. 2d 184).  
Wrongful death caused by inhalation of  
poisonous ingredients from waste silica  
piles—Infection to respiratory system—  
Right of recovery by estate of deceased  
from owner of the silica piles—Statute of  
limitations.

No. 214

## 219

*Montague v. Smith, et al.* Filed July 21, 1947.  
Certiorari to Va. Sup. Ct. of App.; decision  
of April 22, 1947.  
Soldiers' & Sailors' Civil Relief Act of  
1940—Denial of rights under Act and vio-  
lation of due process clause of Fourteenth  
Amendment.

## 220

*Weiss v. United States.* Filed July 21, 1947.  
Certiorari to U. S. C. C. A., 2nd Circuit,  
decision of June 23, 1947.  
Selective Training and Service Act of 1940  
—Failure to inform draft board of facts  
about liability for service—Termination  
of employment which exempted person  
from service.

## 221

*Eisenberg v. Commissioner of Internal Rev-  
enue.* Filed July 22, 1947.  
Certiorari to U. S. C. C. A., 3rd Circuit,  
decision of April 22, 1947. (161 F. 2d 506).  
Federal income tax—Settlor's liability for  
tax on income of a trust created for his  
children, the trust being a portion of his  
interest in a partnership and a member of  
the partnership.

## 222

*Schaeffer v. Commissioner of Internal Rev-  
enue.* Filed July 22, 1947.  
Certiorari to U. S. C. C. A., 3rd Circuit,  
decision of April 22, 1947. (161 F. 2d 506).  
Companion case to Docket No. 221 above.

## 223

*United States, et al. v. Baltimore & Ohio Rail-  
way Co., et al.* Filed July 22, 1947.  
Appeal from U. S. Dist. Ct., N. Dist. of  
Ohio, decision of May 14, 1947. (71 F.  
Supp. 499).  
Interstate Commerce Act—Private owner-  
ship of land over which spur track of  
railroad runs—Legality of landowner's  
action in prohibiting shipments in com-  
merce except on own terms—Abrogation  
by contract of obligations of railroad sub-  
ject to Act.

## 224

*James V. Watters, Inc. v. Commissioner of  
Internal Revenue.* Filed July 23, 1947.  
Certiorari to U. S. C. C. A., 9th Circuit,  
decision of March 19, 1947; rehearing de-  
nied, April 25, 1947. (160 F. 2d 596).  
Federal taxation—Computation of life insur-  
ance proceeds for excess profits taxes  
—Exemption of proceeds—Construction of  
Secs. 22 (b) (1), 721, and 732 (c), I. R. C.

Copyright 1947, Commerce Clearing House, Inc.

## 204

*Boone v. Boone, Trustee.* Filed July 10, 1947. Certiorari to U. S. Ct. of App., D. C., decision of February 17, 1947 (160 F. 2d 13). Full faith and credit—A North Carolina personal judgment for money against an individual in a suit brought against him in a representative capacity while he was in the armed services—Validity of judgment allowing full faith and credit in an action in the District of Columbia.

## 205

*Globe Liquor Co., Inc. v. San Roman, doing business under the Firm Name and Style of International Industries.* Filed July 11, 1947.

Certiorari to U. S. C. C. A., 7th Circuit, decision of February 14, 1947; rehearing denied, April 14, 1947 (160 F. 2d 800).

Damages—Breach of implied warranty in sale of liquor—Condemnation of shipment as being adulterated with glass particles—Power of court to grant motion for a directed verdict.

## 206

*Lillie v. Thompson, Trustee.* Filed July 11, 1947.

Certiorari to U. S. C. C. A., 6th Circuit, decision of April 15, 1947.

Federal Employers' Liability Act—Woman telegraph operator beaten while on duty—Safe place to work—Damages.

## 207

*Philadelphia Record Co. v. O'Donnell.* Filed July 11, 1947.

Certiorari to Pa. Supreme Ct., decision of March 29, 1947; rehearing denied, April 14, 1947 (51 A. 2d 775).

Libel action—Newspaper columnist subject of editorial purporting to inform readers his sympathy with Nazi aims—Right of newspaper publisher to freedom of press in publishing editorial—Money judgment.

## 208

*Travelers Insurance Co. v. Commissioner of Internal Revenue.* Filed July 12, 1947.

Certiorari to U. S. C. C. A., 2nd Circuit, decision of April 15, 1947 (161 F. 2d 93).

Federal taxation—Income tax deficiency—Liability of transferee of assets of company with reference to tax liabilities of company—*Res judicata.*

## 209

*Crowell-Collier Publishing Co. v. Caldwell.* Filed July 14, 1947.

Certiorari to U. S. C. C. A., 5th Circuit, decision of April 21, 1947; rehearing denied, June 5, 1947 (161 F. 2d 333).

Libel—Publication of editorial inferentially disparaging a state governor as a public official held to be libelous *per se.*

## 210

*Gordons Transports, Inc. v. Walling, Administrator of the Wage and Hour Division.* Filed July 14, 1947.

Certiorari to U. S. C. C. A., 6th Circuit, decision of April 14, 1947.

Fair Labor Standards Act—Exemption of "breakout men", "wheelers", and "hostlers" of motor carrier operating under jurisdiction of ICC—Overtime compensation.

## 211

*St. Louis-San Francisco Railway Co., Debtor, v. Central Hanover Bank and Trust Co., et al.* Filed July 15, 1947.

Certiorari to U. S. C. C. A., 8th Circuit, decision of April 16, 1947.

Bankruptcy—Railroad reorganization—Right of bankruptcy court to seize debtor's right to exist—Determination of creditors' claims on amounts due—Right of debtor to be heard by ICC—Review of dismissal of appeal from "Order of Consummation and Final Decree."

## 212

*St. Louis-San Francisco Railway Co., Debtor, v. Central Hanover Bank and Trust Co., et al.* Filed July 15, 1947.

Certiorari to U. S. C. C. A., 8th Circuit, decision of April 16, 1947.

Companion case to Docket No. 211 above.

## 213

*E. J. Stanton & Son v. County of Los Angeles and City of Los Angeles.* Filed July 16, 1947.

Certiorari to Calif. Dist. Ct., 2nd App. Dist., decision of February 28, 1947; rehearing denied, April 17, 1947 (177 P. 2d 804).

State taxation—Taxes for city and county purposes levied upon imported hardwood lumber—Claims of exemption from state taxation on basis of Article 1, Section 10, Clause 2 of Constitution.

April 28, 1949

The Honorable Tomas D. Casares  
President of the Supreme Court of Argentina  
Buenos Aires, Argentina.

Dear Mr. President:

Your letter of September 30, 1948 directed to the Chief Justice of the United States has this day been presented by Colonel George R. Fearing, Jr., Director of the Office of Libraries and Intelligence-Acquisition of the Department of State, together with Publication No. 210, Volumes 1,2,3,4, Decisions of your Court.

Colonel Fearing informs me that arrangements have been made so that future reports containing the decisions of our Court will be forwarded to you through his Department. He will also forward the Annual Report of the Judicial Conference of the United States and a magazine "Federal Probation" published by The Administrative Office of the United States Courts, which I trust will be of interest.

My associates join me in sending best wishes to you and the fellow Members of your Court.

Cordially,

Chief Justice of the United States

Memorandum: -

The Marshal, pursuant to my request, met with representatives of the State Department (at their request) to discuss a rather delicate diplomatic problem - i.e., the question of an exchange of reports of the opinions of this court, and certain other publications relating to the federal judiciary, with the Sup.Ct. of Argentina.

The proposed letter for your signature was prepared upon their suggestion [and has their approval]. They felt it highly desirable that some communication from you should go forward.

RECEIVED

JAN 15 10 59 AM '49

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

CHAMBERS OF THE  
CHIEF JUSTICE

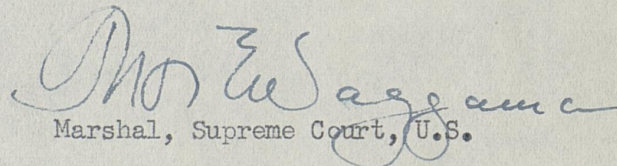
January 15, 1949

MEMORANDUM TO: The Chief Justice

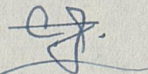
From the morning papers, the so-called four day holiday for Inauguration will be granted by Congress on Monday.

Subject to its granting by Congress and your approval, our Building will be closed to the Public at 12:00 o'clock noon after the adjournment of Court on Inauguration Day, January 20, and will remain closed to the Public until Monday January 24th.

Elevator service and mail on Thursday afternoon, Friday and Saturday, will be as is usual on Saturday afternoons. The Cafeteria will be closed Friday and Saturday, unless you otherwise order.

  
Marshal, Supreme Court, U.S.

Approved



TEW:dw

ADDRESS OFFICIAL COMMUNICATIONS TO  
THE SECRETARY OF STATE  
WASHINGTON 25, D. C.

DEPARTMENT OF STATE  
WASHINGTON



In reply refer to  
IAD

May 4, 1949

*file*

My dear Mr. Waggaman:

The letter of April 28, 1949 addressed by the Honorable Fred M. Vinson, Chief Justice of the United States Supreme Court, to the Honorable Tomas D. Casares, President of the Supreme Court of Argentina, has been received and is being forwarded to the American Embassy at Buenos Aires for transmittal.

I should like to express to you and to ask you to convey to the Chief Justice my gratitude for the courteous and expeditious treatment of this matter.

Sincerely yours,

*George R. Fearing, Jr.*

George R. Fearing, Jr.  
Director  
Office of Libraries  
and Intelligence Acquisition

Mr. Thomas E. Waggaman,  
Marshal,  
Supreme Court of the United States.

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

May 9, 1949

MEMORANDUM TO: The Chief Justice

The Doorkeeper of the House of Representatives requests that I inform him, as soon as possible, if the Court will attend in a body the Joint Session of Congress on May the 19th, probably at 12:30 P.M., at which time President Truman and the President of Brazil will address the Joint Session of Congress.

*Wm. E. Jackson*  
Marshal, Supreme Court, U.S.

*Co. J. informs the  
Court voted to attend  
5/9/49*

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

May 18, 1949

MEMORANDUM TO: The Chief Justice

By direction of the Chief Justice, the Marshal circulates the following:

The Court, in robes, will attend in a body the Joint Session of Congress in honor of the President of Brazil on Thursday, May 19th at 12:30 P.M.

The Court will assemble in the Conference Room in the Supreme Court Building at 12:00 Noon and in a body go to the old Supreme Court Chamber in the Capitol, from which Chamber they will be called at the appropriate time to go to the House of Representatives.



WOMEN'S BAR ASSOCIATION  
OF THE  
DISTRICT OF COLUMBIA  
WASHINGTON, D. C.

May 26, 1949

RECEIVED  
MAY 27 9 19 AM '49  
CHAMBERS OF THE  
CHIEF JUSTICE

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

Dear Mr. Chief Justice:

The Women's Bar Association wishes to express its appreciation and gratitude for your courtesy in extending to it the use of the East Conference Room yesterday afternoon for its Memorial Service in honor of Helen Carloss.

Mr. Thomas E. Waggaman, whom you designated to assist with the arrangements, was most generous with his time and suggestions, and contributed in large measure to the orderly and impressive manner in which the service was conducted.

Please accept the sincere thanks of the Association.

Very truly yours,

*Helen V. Dolan*

Helen V. Dolan, Chairman  
Memorial Service Committee  
18 Eighth Street, Northeast

CHAMBERS OF THE CHIEF JUSTICE

April 15, 1949

FOR CIRCULATION

*To Sued Hoggeman  
to contact Miss Salow  
advise the Court would be the  
glad to make me of the  
Conference & the woman's  
for the "barlow" ceremonies, etc*

*14/1/49*

APPROVED  
~~NOTICE~~

Yes No

Mr. Justice Black.....

Mr. Justice Reed.....

Mr. Justice Frankfurter.....

Mr. Justice Douglas.....

*offer conference room*

Mr. Justice Murphy.....

*OK if one of our rooms is offered.*

Mr. Justice Jackson.....

*But I think we should offer one of the conference rooms*

→

Mr. Justice Rutledge.....

*Conference Room preferably*

Mr. Justice Burton.....

*offer conference room as used in recent memorial services for Justices. (There were none such in 1906 when Court Room was used)*

Please Return to the Chief Justice.

*Supreme Court of the United States.*

*Memorandum.*

-----April 15-----, 1949

According to Mr. Willey in the Clerk's Office the last memorial meeting for a member of the Court's Bar was held in our Court Room in 1906.

TPL

April 19, 1949

Memorandum for the Marshal:

Re: Request of Women's Bar Association of the District of  
Columbia for use of the Court Room to conduct memorial  
services for Miss Helen Carloss

The attached letter from Miss Helen V. Dolan of the Association is self-explanatory.

It is suggested that you contact Miss Dolan and advise her that the Court will be glad to make one of its conference rooms available to the Association for the purpose of conducting this memorial service. So far as the Court Room is concerned, it is not desired to establish this precedent.

---

Executive Secretary  
to the Chief Justice.

PLK:McH

*Corte Suprema de Justicia  
de la Nación*

RECEIVED  
JUN 28 3 58 PM '49  
CHAMBERS OF THE  
CHIEF JUSTICE

Buenos Aires, 6 de junio de 1949.-

A S.E. el Señor Presidente de la Corte Suprema  
de Justicia de los Estados Unidos de América  
Honorable Fred M. Vinson

En nombre de la Corte Suprema de  
Justicia de la República Argentina que presido, tengo  
el honor de dirigirme a V.E. en contestación a su nota  
del 28 de abril próximo pasado recibida en la fecha,  
por la que se comunica que esa Corte Suprema ha acor-  
dado establecer el canje de publicaciones oficiales  
sugerido oportunamente.

Al formular mis más fervientes vo-  
tos para que, con el intercambio de publicaciones antes  
aludido se estrechen aún más las vinculaciones de nues-  
tros dos países hermanos, aprovecho la oportunidad para  
agradecerle profundamente en mi nombre y en el de mis  
colegas sus cordiales expresiones de aprecio.

Dios guarde al Señor Presidente.



*Felipe Santiago Perez*  
Felipe Santiago Perez  
PRESIDENTE DE LA CORTE SUPREMA  
DE JUSTICIA DE LA NACION

To His Excellency the President of the Supreme  
Court of Justice of the U. S. A.  
Honorable Fred M. Vinson

In the name of the Supreme  
Court of Justice of the Argentine  
Republic, over which I preside, I have  
the honor of directing to you in  
answer to your note of April 28th  
last, received on this date, by  
which it is communicated that  
the Supreme Court has agreed to  
establish the exchange of  
official publications suggested.

In ~~expressing~~ <sup>formulating</sup> my most  
fervent wishes that, with the  
exchange of publications above  
referred to the chain of our two

brotherly countries may be even  
stronger, I take the opportunity to  
reciprocate sincerely in my name  
and in the name of my colleagues  
your cordial expressions of esteem

may God keep you, <sup>Dear</sup>  
Excellency

Signed Perez

FAST



DIRECT



# RADIOGRAM RCA COMMUNICATIONS, INC.

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*Via RCA*

LC SENOR PRESIDENTE DE LA CORTE SUPREMA DE JUSTICIA DE LOS  
ESTADOS UNIDOS DE NORTEEHERICA SR FRED M VINSON  
WASHINGTON

EN OCASION ANIVERSARIO PATRIO CORTE SUPREMA DE JUSTICIA  
REPUBLICA ARGENTINA SALUDA A CORTE SUPREMA DE JUSTICIA  
DE ESTADOS UNIDOS DE NORTEAMERICA FORMULANDO LOS MEJORES  
VOTOS POR EL FUTURO DE LA

*Tele*

CFM - 104 M A

**Telephone: National 2600**

Form 112 WN 15-7

To secure prompt action on inquiries, this original RADIOGRAM should be presented at the office of RCA COMMUNICATIONS, Inc. In telephone inquiries quote the number preceding the place of origin.



The Supreme Court of Argentine  
sends best wishes to the Supreme  
Court of the U.S. on the occasion  
of the anniversary of the 4th  
of July for the future of  
the friendly nation -

(Signed) L. Felipe Santiago Perez  
Pres. Supreme Court of  
Justice.

Mr. Waggaman:--

For translation - please.

PLK-----7/15/49.

Mr. Wggg

Supreme Court of the United States.

OFFICE OF THE MARSHAL

-----, 194

Mr. Kelley:

*file*

For your information  
P.W.

SUPPLEMENTAL ESTIMATE—THE JUDICIARY, SUPREME  
COURT OF THE UNITED STATES

---

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

SUPPLEMENTAL ESTIMATE OF APPROPRIATION FOR THE JUDI-  
CIARY, SUPREME COURT OF THE UNITED STATES, FISCAL YEAR  
1949, AMOUNTING TO \$5,000

---

JUNE 29 (legislative day, JUNE 2), 1949.—Read; referred to the Committee on  
Appropriations and ordered to be printed

---

THE WHITE HOUSE,  
Washington, June 29, 1949.

The PRESIDENT OF THE SENATE.

Sir: I have the honor to transmit herewith for the consideration of the Congress a supplemental estimate of appropriation for the fiscal year 1949 in the amount of \$5,000, for the Judiciary, Supreme Court of the United States.

The details of this estimate are set forth in the accompanying letter of the Director of the Bureau of the Budget.

Respectfully yours,

HARRY S. TRUMAN.

2 SUPPLEMENTAL ESTIMATE—UNITED STATES SUPREME COURT

EXECUTIVE OFFICE OF THE PRESIDENT,  
BUREAU OF THE BUDGET,  
*Washington 25, D. C., June 29, 1949.*

The PRESIDENT,  
*The White House.*

SIR: I have the honor to submit herewith for your consideration a supplemental estimate of appropriation in the amount of \$5,000 for the fiscal year 1949, for The Judiciary, Supreme Court of the United States, as follows:

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

PREPARATION OF RULES FOR CIVIL PROCEDURE

For expenses of the Supreme Court incident to proposed amendments or additions to the rules of civil procedure for the district courts of the United States pursuant to Title 28, United States Code, section 2072, to be expended as the Chief Justice in his discretion may approve, including personal services in the District of Columbia, printing and binding, and per diem allowances in lieu of actual expenses for subsistence at rates to be fixed by him not to exceed \$10 per day, \$5,000, to remain available until June 30, 1950.

This being an estimate for the Supreme Court of the United States, I make no observation regarding its necessity.

Respectfully yours,

F. J. LAWTON,  
*Acting Director of the Bureau of the Budget.*

○

---

SUPPLEMENTAL ESTIMATE—THE JUDICIARY, SUPREME  
COURT OF THE UNITED STATES

---

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

SUPPLEMENTAL ESTIMATE OF APPROPRIATION FOR THE JUDI-  
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Respectfully yours,

F. J. LAWTON,  
*Acting Director of the Bureau of the Budget.*

○



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

*file*

July 20, 1949

Honorable Frank Pace, Jr.,  
Director, Bureau of the Budget,  
Executive Office of the President,  
Washington, D.C.

My dear Mr. Pace:

Pursuant to the provisions of Public Law 92  
of the 81st Congress, approved June 9, 1949, the per diem  
allowance in lieu of subsistence for travel on official  
business within the continental limits of the United States,  
is hereby fixed at a rate of \$9.00 per day for officials and  
employees of the Supreme Court of the United States other  
than the Members of the Court.

**COPY**

Sincerely,

Thos. E. Waggaman

Thos. E. Waggaman, Marshal

APPROVED: JUL 20 1949 1949

[Signed] Fred H. Vinson

Chief Justice of the United States

TEW:dw

*Copy - EAO*

File  
Manual - Personnel

October 13, 1950

MEMORANDUM TO: Mr. Thos. E. Waggaman  
Marshal, Supreme Court, U. S.

On October 12, about 11 A.M. we had a mechanical failure on Branch 311, the Bar Library, which I had reported for repair.

The failure had continued for approximately 25 minutes, and in the belief that it would show up as a permanent signal in the National Exchange, and since it was not desirable to release at the PBX before the repair man arrived, I entered the Operating Room to ask Mrs Miller if the Wire Chief called, to put the call on my desk, or if I were out of the room, to tell him that we were holding up the trunk waiting for the repair man to trace the trouble, and to be sure not to take the connection down.

At that time I was attracted by an unanswered signal on our Government Trunk, and also saw Mrs Miller with a listening key open, which is in violation of the "Communications Act of 1934." Thereupon, I said "Mrs Miller why are you supervising on the call?" Then I saw and heard Mrs Miller close the listening key before answering the incoming Government signal.

The repair man, Mr. Twynham, arrived at approximately 11:30 A.M. and began work on the circuit.

My first opportunity to report the incident to you was 11:40 A.M. which was so near the convening of Court, that I did not want to disturb you at that time. I left for lunch at noon and came back to relieve Mrs Miller at her regular lunch hour, and she left the room presumably for lunch.

Your call to me about 1:20 P.M. was my first knowledge that Mrs Miller had come to you before I had an opportunity to report the incident to you.

*Vivian E. Hayes*  
(Miss) Vivian E. Hayes  
Supervisor, Telephone Office

cc: Mr. P. L. Kelley

GOVERNMENT SERVICES INC.

December 8, 1949  
Supreme Court Cafeteria

Memorandum to Mr. Paul Kelly

Subject: Table Reservation

Reference is again made to the request of table reservation in the cafeteria between the hours of 11:55 A. M. to 12:30 P. M.

We fully understand your situation and we regret that we do not feel justified in granting your request. Due to a small staff of employees along with the manager and one supervisor, and many more requests for reserved tables which we are unable to handle. Reserved tables create a seating problem for employees of the building as well as visitors.

In view of our problems we request your cooperation and we are sure you understand the situation. However, from 1:00 P. M. thru the remainder of lunch period we will be glad to reserve as many tables as you desire.

After discussing this matter with Miss Hoover, Director of Cafeterias we have come to this decision.

RECEIVED  
DEC 8 2 49 PM '49  
CHAMBERS OF THE  
CHIEF JUSTICE

B. Mertins  
Cafeteria Manager

*B. Mertins*

Mr. Paul Kelly  
Marshal Waggaman  
Miss M. Hoover