62-215385-

The Attorney General

Director, FBI

THREAT TO BLOW UP U. S. SUPREME COURT BUILDING 1:30 P.M. DURING WEEK OF APRIL 5, 1971
BOMB THREAT

1 - Mr. Sullivan
1 - Mr. Rosen
1 - Mr. Malley
1 - [redacted]
1 [redacted]
1 - Mr. Bishop
1 - Mr. C. D. Brennan
1 - Mr. Conrad
1 [redacted]

April 1, 1971

b6, b7C

This is to advise that Associate Justice John M. Harlan of the U. S. Supreme Court has received a letter which contains a threat to blow up the Supreme Court building at 1:30 p.m. on an unspecified date during the week of April 5, 1971. The letter, postmarked March 28, 1971, at Pittsburgh, Pennsylvania, states that the bombing will be done by the White Panther Party of Michigan.

Investigation has been instituted to establish the identity of the writer of the letter, in view of the possible violation of Section 844 (e), Title 18, U. S. Code.

1 - The Deputy Attorney General

1 - Assistant Attorney General
Internal Security Division

1 - Assistant Attorney General
Criminal Division

b6, b7C

[redacted] (15)

NOTE: See memo Rosen to Sullivan, captioned as above, dated 4/1/71, [redacted].

MAILED 3
APR 1 - 1971
FBI

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

MAIL ROOM [ ] TELETYPE UNIT [ ]

53 APR 8 1971

ORIGINAL FILED IN 1-1-1-2

April 1, 1971

Honorable Warren E. Burger
Chief Justice of the United States
Washington, D. C. 20543

Dear Warren:

I thought you would like to know that [redacted] Supreme Court Police, has contacted Assistant Director Joseph J. Casper of this Bureau and relayed your request that the FBI review the security of the Supreme Court Building in view of the anonymous letter addressed to Associate Justice John Marshall Harlan. Mr. Casper contacted [redacted] on March 31, 1971.

We have the original of the anonymous letter and an appropriate investigation has been initiated. In addition, Mr. Casper reviewed with [redacted] the increased security steps he has put into effect since my representatives were last in touch with him.

In view of a specific threat for the week of April 5, [redacted]

MAILED
APR 1

62-[illegible]185-

[redacted]

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Walters
Sovers
Tele. Room
Holmes
Gandy

1 - Mr. Sullivan
1 - Mr. Bishop
1 - Mr. Conrad
1 - Mr. Rosen
1 - [redacted] Room 809 OPO
JJC:aga
(8)

NOTE: Based on memo Casper to Mohr, 3/31/71, re: "Threat to Blow Up U. Supreme Court Building, 1:38 P.M. During Week of April 5, 1971, Bomb Threat," JJC:aga.

53 APR 16 1971

MAIL ROOM ☐ TELETYPE UNIT ☐

Honorable Warren E. Burger

b2,
b7D

[redacted]

Other minor suggestions were given to [redacted] however, it was quite apparent he has made considerable improvement to increase the security of the Supreme Court Building since the last time my representatives visited him. We shall keep you apprised of the results of our investigation concerning the anonymous letter. In the meantime, if I can be of assistance to you, please do not hesitate to communicate with me.

b6,
b7C

Sincerely,

[redacted]

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

March 30, 1971

Joseph J. Casper
Assistant Director, F.B.I.
Department of Justice
10th & Pa., Ave., N.W.
Washington, D.C.

Dear Mr. Casper:

Would you please have this letter checked, perhaps you have heard from him too. I would appreciate any information that you might be able to give me.

REC-15

Sincerely yours, 62-95[illegible]-274

APR 6 1971

b6
b7C

[redacted]

U.S. Supreme Court Police

Encl. not recd 2:40 pm 3/31/71

54APR 9 1971

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

April 5, 1971

CHAMBERS OF
THE CHIEF JUSTICE

Mr. Tolson
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. DeLoach
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Sowers
Tele. Room
Miss Holmes
Miss Gandy

Dear Edgar:

Many thanks for your letter of April 1 and your assistance. I have reviewed security procedures with Captain Coble and we are tightening up all along the line. This week we will not permit persons to actually enter the Courtroom and all delivery trucks will be checked.

The equipment you mention may be necessary. We have no budget provision for it and that always presents problems.

Again our thanks.

Regards,

WEB

(Warren E. Burger)

EX-114

Honorable J. Edgar Hoover
Director
Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.

REC-58 62-27582-225

6 APR 13 1971

EXP. PROC
APR 7 1971

51 APR 26 1971 APR 14 1971

b6
b7C

[redacted]
Port Arthur, Texas 77640
(Portland, Maine
April 22, 1971)

Hon. Warren Burger, Ch. Justice
United States Supreme Court
Washington, D.C.

RE: SCHOOL-BUSING
DECISION

Dear Sir:

Due to its radical, left-wing, ultra-liberal decisions during the past ten years, the Supreme Court Of The United States has become the laughing-stock of the conservative world (albeit, hailed in Moscow and Hanoi), and certainly a symbol for opprobrium by the vast majority of patriotic Americans.

Your aegis of the court, and the addition of so-called "constitutional constructionism" to the infamous-nine was heralded by most citizens as a breath of clean air in the smog-filled halls of U.S. jurisprudence. We were encouraged by a thimbleful of conservative adjudications.

You can imagine, then, our disappointment in the decision of the court early this week which insisted upon eradication of school-imbalance, BUT upon ENFORCED RACIAL MIXING, by forcing working whites (primarily), to pay for busing welfare Negroes into white schools.

That decision demonstrated that the court is still legislating laws, instead of interpreting the will of majority-America.

I for one view that vote as a disgrace to the country, and I feel enormous sympathy in particular, for the people of Alabama, and what for so many years had been a system of government that made ours a wonderful country in which to live and raise children.

Upon the Supreme Court in particular, and liberal, left-wing Congressmen in general—the Kennedys, Mondales, Javits', Gaylord Nelsons, Hatfields, Churches, Stevensons, Lindseys, McGoverns, Eugene McCarthys, and other sociologists of this country, I place the blame for hundreds of acts that have gone to make ours a rotten country to live in...fast deteriorating.

62-107285-276

Among those acts were the Miranda and Escobedo decisions of your "Warren" Court; abrogated obscenity laws; open-door immigration policies in the face of unemployment and inflation; the recent arrest of the publishers of SCREW, in New York and their alleged molestation and venal photography of seven-year-old children; eradication of the death penalty enforcement; the denigration of J. Edgar Hoover and law enforcement specifically; the toleration of Resurrection City and a handful of Vietnam beat-niks on government property; and, the 18-year-old vote.

(E) REC 7
APR 27 19

5 MAY 5 -

CORRESPONDENCE

If I were a religious man, I think I would find that a majority of the court are substantially "evil" men, bent upon destroying the U.S. Since I am not, I find them still dedicated to that destruction and...despicable.

The Court might be surprised to find that most Americans agree with me.

Sincerely,

[redacted]

b6
b7C

cc: The President of the United States
Federal Bureau of Investigation
Senator Lloyd Bentsen, Texas

Houston, Tex
May 1, 1971

Mr. Sullivan
Mr. Holt
Mr. Bishop
Mr. Brennan, C.D.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

J. Edgar Hoover
Director
Federal Bureau of Investigation
Washington, D.C.

Dear Mr. Hoover:

Enclosed you will find a copy of a letter I have sent to Warren E. Burger, Chief Justice of the Supreme Court.

With this latest decree made by this court it brings us one step closer to total dictatorship by a court of nine men.

Everyone has been shooting at you and trying to get you removed from office. You have been, in my estimation the bulwark against subversity in this country. These people should be taking a long hard look at the Supreme Court if they want to have a dictatorship.

I cannot stand idly by and see my country torn apart without doing something, even though that something may be just a letter or two to the people in important places.

God bless you for your many years of service to your country.

I remain,

Respectfully yours,

[redacted]
Houston, Texas 77009

b6, b7C

EX-103

REC 44 62-[illegible]-277

6 MAY 3 1971

CORRESPONDENCE

[redacted]
5-12-71

b6-
b7C

Houston, Texas
May 1, 1971

Warren E. Burger
Chief Justice
Supreme Court of United States
Washington, D. C.

Dear Mr. Burger:

In the wake of the recent decision handed down by the Supreme Court, I feel compelled to speak out against what I believe to be the worst miscarriage of justice since the history-making Dred Scott Case. The busing of school children to achieve a so-called racial balance can only serve to create hatred and tension among the people of the United States not unlike that that prevailed shortly before the beginning of the Civil War.

How your court could decree busing to be Constitutionally necessary is beyond the scope of normal reason. Placing children on buses, transporting them miles from their homes over already overly-crowded streets and freeways is pure lunacy. The countless millions in wasted dollars, so badly needed in areas for the betterment of mankind becomes secondary in the reality that you are placing those children in unnecessary peril to satisfy the whims of a radical few and to satisfy your own ego. The full impact of this idiotic edict is yet to be felt.

To serve what purpose? When a man such as yourself can place himself above the President of the United States, the man who appointed you to your office then this man has become power hungry. Lenin himself could not have devised a more perfect plan to divide the people of the United States and cause greater civil unrest. A breakdown in the respect for law and order and economical chaos are essential in the plan for overthrow of the United States and this latest ruling is aiding this cause beyond their wildest dreams. It is tailor-made to help blow the lid off the melting pot of the world.

Chief Justice Roger B. Taney, on March 6, 1856, made the decision that Dred Scott was a chattel, "without rights or privileges except such as those who held the power and the government might choose to grant him." This, my dear man, is a direct quote from a so-called infallible Supreme Court Justice. This decree led directly to the Civil War. Is history about to repeat itself? Had this court not ruled it unconstitutional, I would ask you to pray God this could not happen again!

62-27525-217

ENCLOSURE

The working people of the U.S. have nothing to say about the selection of the men on the Supreme Courts and other Federal Courts. Our elected President has this decision to make when the need arises. If our President chooses unwisely and Congress ratifies the appointment, then we, the people are saddled with a bad choice for the remainder of your life with no means of getting you out of office besides Congressional impeachment. This being highly unlikely, we are now stuck with nine (old) men, who have ceased to interpret the laws of the land and are ever increasingly legislating them. You and the other Justices have become dictators in every sence of the word. You have tampered with the Constitution, altering it to serve the minority instead of the majority as intended.

Congress saw necessary to limit the terms of the presidency to eight years. I think that it is about time that Congress limit the terms of Supreme Court Justices and all Federal Court Judges. No man has the right to power without having to answer to anyone....not even the president who appointed him! Eight years of the likes of you in a lifetime.

When teachers are told where to teach and children are told where the must attend, then the day is not far off when we will have a government not unlike that of Red China where people will be no more than cattle to be shipped to where needed. A court that can handcuff the law enforcement agencies and free the criminals on technicalities and protects Communism under Constitutional Rights warrants extreme watching.

As the latest decree is put into effect and the bus-loads of children are upon the streets, when the first drop of blood is spilled in some tragic accident, I hope you find comfort in the fact that you are in your autumn years and will not have to bear such memories for too many years. When you are finally laid to rest, you shall come face to face with God, like it or not and He will stand as your Supreme Judge.

I remain, respectfully yours,

b6,
b7C

[redacted]
Houston, Texas 77009

Copies to: President of U.S.; Vice President of U.S.; Atty and Mrs. John Mitchell; Fifth Circuit Court of Appeals; Judge Ben C. Connally; Gov. Preston Smith; Sen. Lloyd Bentsen, Sen. John Tower; Rep. Bob Casey, Lon Lambert; Houston Independent School Dist; J. Edgar Hoover.

May 12, 1971

EX-103

REC 46 2-27585-277

[redacted]

Houston, Texas 77009

Dear [redacted]

Your letter of May 1st, with enclosure, has been received and I thank you for your thoughtfulness. I am indeed grateful for your support and hope my future endeavors continue to merit your confidence.

Sincerely yours,

J. Edgar Hoover

MAILED 10
MAY 12 1971
FBI

NOTE: Correspondent's enclosure criticizes the Supreme Court for its affirmation of the legality of busing school children.

[redacted] (3)

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Tele. Room
Holmes
Gandy

57 MAY 20 1971

MAIL ROOM ☐ TELETYPE UNIT ☐

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Sullivan

FROM : A. Rosen

DATE: May 25, 1971
1 - Mr. Sullivan
1 - Mr. Rosen
1 - [redacted]
1 - [redacted]
1 - [redacted]
1 - [redacted]
1 - [redacted]

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Tele. Room
Holmes
Gandy

SUBJECT: JAMES HERMAN BOSTIC, ET AL.
COMMERCE UNION BANK
BORDEAUX BRANCH,
NASHVILLE, TENNESSEE
APRIL 24, 1967
BANK ROBBERY

b6, b7C

[redacted]

On 5/24/71 the U. S. Supreme Court in a unanimous decision per curiam (copy attached) dismissed a writ of certiorari inasmuch as the court had been under the mistaken representation that the petitioner (Bostic) had been convicted of the offense of conspiracy to commit murder. The record shows Bostic was neither charged with nor convicted of the offense of conspiracy to commit murder. The conspiracy count on which he was convicted did not include any charge of conspiracy to commit murder, but did list the murder as one of several overt acts to further the Bank Robbery Conspiracy. The opinion contains no criticism or reference to the FB

Captioned bank was robbed by two armed men on 4/24/67 who obtained over $29,000. Bostic and William Beard were later identified as the subjects. Bureau Agents arrested Bostic on 6/5/67 and he was subsequently convicted in U. S. District Court, Nashville, Tennessee, for violation Federal Bank Robbery Statute which included a Bank Robbery - Conspiracy count for which he received a 25-year sentence. The conspiracy count contained several overt acts, one of which was the murder of one of Bostic's associates by another gang member. His conviction was upheld by the U. S. Court of Appeals, Sixth Circuit.

NOT RECORDED
139 JUN 9 1971

The U. S. Supreme Court granted the writ of certiorari to consider whether the Court of Appeals for the Sixth Circuit had erred in holding that Bostic had properly been convicted of conspiracy to commit murder in order to avoid apprehension for bank robbery. The Supreme Court noted

Enclosure b6, b7C

2 - [redacted]
(8)

SEE NOTE PAGE 2

JUN 2 1971

CONTINUED - OVER

SIXTH

5 JUN 9 - 1971

ORIGINAL FILED IN 91-16837-

that the Court of Appeals purported to uphold the conviction for this offense even though there was no evidence that Bostic knew of the plan to commit murder and he had been confined in prison for several months prior to the date of the murder. The Court noted the memorandum for the U. S. Government in opposition to the granting of the writ urged that Bostic was "responsible for the actions of his co-conspirators in killing one member of the group." The Supreme Court indicated the statements in the opinion of the Court of Appeals and in the memorandum of the U. S. Government were erroneous and that the facts were not as the Court believed them to be at the time the writ of certiorari was granted.

ACTION: For information.

SUPREME COURT OF THE UNITED STATES

No. 5250.—October Term, 1970

James Herman Bostic, Petitioner, v. United States. | On Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit.

[May 24, 1971]

Per Curiam.

We granted the writ of certiorari in this case [1] to consider whether the Court of Appeals for the Sixth Circuit had erred in holding that the petitioner had properly been convicted of conspiracy to commit murder in order to avoid apprehension for the robbery of a federally insured bank. The Court of Appeals purported to uphold a conviction for this offense, though there was no evidence that the petitioner knew of the plan to commit murder, and he had been confined in prison for several months prior to the date the murder was committed.[2] The memorandum for the United States in opposition to the granting of the writ urged that the petitioner was "responsible for the actions of his coconspirators in killing one member of the group," and as to this issue, relied on the opinion of the Court of Appeals.

[1] 400 U. S. 991.

[2] 424 F. 2d 951. The opinion recites that the conspiracy count on which the petitioner was convicted "alleged a conspiracy to rob federally insured banks with dangerous weapons and to commit murder to avoid apprehension for same." 424 F. 2d, at 953. The court went on to say, "As to Bostic, although he had been returned to the penitentiary sometime before Ferguson's murder, there is no evidence that he had renounced or withdrawn from the conspiracy." 424 F. 2d, at 964.

62 275 85

ENCLOSURE

It now appears that these statements in the opinion of the Court of Appeals and in the memorandum of the United States were erroneous, and that the facts are not as we believed them to be at the time we granted the writ. The record shows that the petitioner was neither charged with nor convicted of the offense of conspiracy to commit murder. The conspiracy count on which the petitioner was convicted did not include any charge of conspiracy to murder. Indeed, in his closing argument to the jury the prosecutor stated that the petitioner had left the conspiracy prior to the murder, when he was returned to the penitentiary.

Inasmuch as our grant of the writ of certiorari in this case was predicated on the mistaken representation that the petitioner had been convicted of the offense of conspiracy to commit murder, we now dismiss the writ as improvidently granted.

It is so ordered.

0-20 (Rev. 2-2-71)

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Tele. Room
Holmes
Gandy

UPI-82
(ROBBERY APPEAL)
WASHINGTON--THE SUPREME COURT EXPRESSED EXTREME, AND SOMEWHAT UNUSUAL, IRRITATION TODAY AT THE JUSTICE DEPARTMENT AND A FEDERAL APPEALS COURT FOR MISREPRESENTING THE FACTS IN A ROBBERY CASE.

IN A UNANIMOUS, UNSIGNED OPINION, THE HIGH COURT DISMISSED A PAUPER'S APPEAL BY JAMES HERMAN BOSTIC WHO DREW 25 YEARS IN JAIL IN CONNECTION WITH THE ROBBERY OF THE BORDEAUX BRANCH OF THE COMMERCE UNION BANK IN NASHVILLE IN 1967.

THE COURT SAID, IN EFFECT, THAT IT SHOULD NEVER HAVE TAKEN THE CASE AND THAT IT DID SO ON THE BASIS OF "THE MISTAKEN REPRESENTATION" MADE BY BOTH THE 6TH CIRCUIT COURT F APPEALS AND THE GOVERNMENT THAT BOSTICK (CORRECT) HAD BEEN CONVICTED OF THE OFFENSE OF CONSPIRACY TO COMMIT MURDER.

IT IS NOT UNUSUAL FOR THE COURT TO DISMISS CASES ONCE IT HAS AGREED TO HEAR THEM, HEARD ORAL ARGUMENT, AND THEN MET IN CONFERENCE TO DECIDE THE ISSUE. BUT BLAME IS NOT NORMALLY ATTACHED FOR MISREPRESENTATION.

THE COURT SAID IT GRANTED THE APPEAL IN ORDER TO CONSIDER WHETHER THE APPEALS COURT HAD ERRED IN HOLDING THAT BOSTICK HAD PROPERLY BEEN CONVICTED OF CONSPIRACY TO COMMIT MURDER IN ORDER TO AVOID APPREHENSION FOR THE ROBBERY OF THE FEDERALLY INSURED BANK.

BOSTIC HAD ARGUED THAT LOWER COURTS WERE MISTAKEN IN FINDING HE CONTINUED TO PARTICIPATE IN THE CONSPIRACY AFTER HIS ARREST AND THUS WAS RESPONSIBLE FOR THE ACTIONS OF HIS CO-CONSPIRATORS IN KILLING ONE MEMBER OF THE GROUP WHO HAD BEEN TALKING TO THE FBI.

THE HIGH COURT FOUND STATEMENTS IN THE APPEALLATE COURT'S OPINION AND IN THE MEMORANDUM OF THE UNITED STATES "WERE ERRONEOUS, AND THAT THE FACTS ARE NOT AS WE BELIEVED THEM TO BE AT THE TIME WE GRANTED THE WRIT."

5-24--GE/NW1204PED

62-27585—

ENCLOSURE

WASHINGTON CAPITAL NEWS SERVICE

ENCLOSURE

0-19 (Rev. 6-9-71)

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Tele. Room
Holmes
Gandy

High Court Appoints Chief Deputy Clerk

The Supreme Court has appointed Michael Rodak Jr. as its chief deputy clerk.

Rodak, 49, has been on the court's staff for nearly 15 years.

As chief deputy clerk, he succeeds Edmund P. Cullinan, who recently retired.

APPROX.

The Washington Post
Times Herald
The Washington Daily News
The Evening Star (Washington)
The Sunday Star (Washington)
Daily News (New York)
Sunday News (New York)
New York Post
The New York Times
The Daily World
The New Leader
The Wall Street Journal
The National Observer
People's World

Date JUN 29 1971

EX-115

REC-8

NOT RECORDED
JUL 1 1971

Mr. Tolson
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. Brennan CI
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Mr. Beaver
Tele. Room
Miss Holmes
Miss Gandy

b6
b7C

[redacted]
River Grove, Illinois 6017[illegible]
June 30, 1971

The 9 Supreme Court Justices
Their home addresses

Honorable Justices:

Our Supreme Court today contributed, again, to our nation's rising crime rate. By its permissiveness, again, towards crime.

Namely, by your acquital today of the New York Times, for its breaking of our national-security laws, you have encouraged, again, every individual in our nation to break our laws, provided they, in their individual judgement, prejudge that they are in the right and that the people (our government) are in the wrong.

I wish you would cease increasing our crime rate by encouraging people to break laws.

b6,
b7C

Sincerely yours,

[redacted]

/s/

copy:

Attorney General John Mitchell.
FBI Director J. Edgar Hoover.
House Committee on Crime.
Senate Judiciary Committee.
National Commission on Crime and Deliquency.
World Association of Judges.
National Association of Citizens' Crime Commissions.
American Association of Criminology.
United Nations' Committee of Experts on the Prevention of Crime.
Mr. Patrick Buchanan, the White House.
American Society for the Prevention of Crime.

EXP. PROC.
JUL 6 1971

62-27565-278

REC-52

EX-105

22 JUL 6 1971

JUL 9 1971

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/28/81 BY SP2 STP/mlc

CORRESPONDENCE

62 JUL 13 1971

July 1, 1971
Terre Haute, Ind

34 EX-PROG 7-7-71

Dear Mr. Hoover

I have been an admirer of you for many years, as has
of the F. B. I. in Washington D. C. & think all law-abidin
citizens of mature age feel the same way! I'm glad Pres
ident Nixon sees fit to keep you as head of this de
partment as many Presidents have done before him. I read
once a report on the department when you took it over,
which was not good! I believe, as we get older, we realize
too, that wisdom & experience ~~is~~ comes by it is our best teachers! I think
the people "hollering" about you are either immatures, or
revolutionaries & not responsible citizens & some may
not even be American citizens! These people are out
to do anything to ruin America down, or destroy Ameri
in any way possible & of course they do not like any-
body affording our laws or investigating people. I think
it is due to your departments efforts that America
is still free & to warn people of the forces behind
these riots, bombings, killings & etc. I commend you
& your department for a job well done, no doubt men
under you have lost their lives or been injured while
trying to guard our country & our people & I as a private
citizen, do appreciate it & the police forces & our ~~the~~
of the national guard, who look out for us, too.

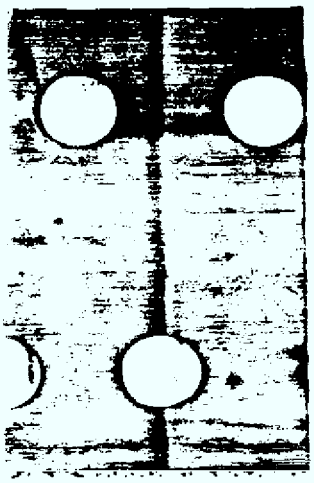
REC-33 62-2925-279

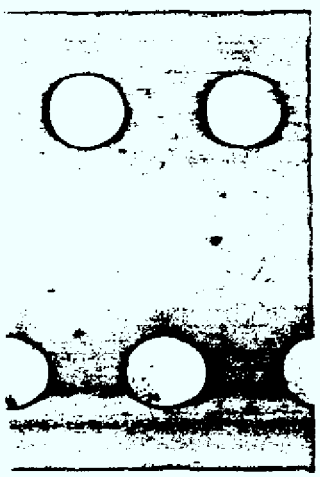
16 JUL 13 1971

If the Supreme Court & lower courts done as good a
job while trying the people you search out & find
in a much better & safer country! I have criticized
the Supreme Court but I never received a answer to
my letter! I do not think the Supreme Court acts al-
ways in the best interest of majority of the people. If
one is to believe, it would perhaps be better if they were
elected by popular vote, every 10 years or so. For some
do not seem to be highly experienced men at times
& these men should be best judges in our land. If this

CORRESPONDENCE

7/9/71





I think they should be very highly educated in this field & they should be of the highest moral character of most anyone in our government. I've been told that Justice Warren was a political pay-off appointee. This appointment is one thing I do criticize President Eisenhower for doing. He did not seem to have a very good educational & experienced back ground as a judge when he was appointed. And, his views seemed entirely too liberal to suit me. Also, I believe Judge Douglas has been criticized for a book he wrote, which was very liberal. I can not remember the name of the book, but the paragraph I heard discussed seemed rather shocking coming from a Supreme Court Justice. I do not believe in banning prayer from public schools either! How could 1 atheist woman, who I understand was driven out of America, have been listened to? How can a simple prayer, as the Lords prayer or other non-denominational prayer hurt anybody? The pilgrims came to America to have freedom of worship, this is the 1st step to a country's downfall, forgetting God! Every country who forgot God has been destroyed down through History! This is what is the main trouble with the youth of today, who riot, steal, down grade America, our services know & everything good principles & God fearing people believe in, they are out to destroy! This really alarms me! But, I feel as Billy Graham says, we may have hit the low in morals & behavior & I hope, as he does, that there will be a great spiritual awakening, not only in our Country, but all over the world & people turn back to God! This is the only thing I believe, which will change people. They have lost their purpose in life & in being here! If we all obeyed Gods Ten Commandments, we would have Heaven on Earth! We may never have it but we can do our part by striving for right & justice in the world! I believe you & your men have tried & it's against great odds! But, thanks again for a job well done.

Sincerely,
Mrs. Helen Stough

[redacted]
Terre Haute, Ind.
47802

b6, b7C

July 1, 1971
Terre Haute, Ind.

Dear Mr. Hoover:

I have been an admirer of you for many years, as head of the F. B. I. in Washington D, C. I think all law-abiding citizens of mature age feel the same way! I'm glad President Nixon sees fit to keep you as head of this department as many Presidents have done before him. I read once a report on the department when you took it over, which was not good! I believe, as we get older, we realize too, that wisdom comes by experience & it is our best teachers! I think the people "hollering" about you are either immature, or revolutionaries & not responsible citizens & some may not even be American citizens! These people are out to do anything to run America down, or destroy America in any way possible & of course they do not like anybody enforcing our laws or investigating people. I think it is due to your departments efforts that America is still free & to warn people of the forces behind these riots, bombings, killings & etc. I commend you & your department for a job well done, no doubt men under you have lost their lives or been injured while trying to guard our country & our people, & I, as a private citizen, do appreciate it & our police forces & our boys of the national guard, who look out for us, too.

If the Supreme Court & lower courts done as good a job while trying the people

copy:rw

[redacted] 7/9/71

b6, b7C

Mr. Tolson ✓
Mr. Sullivan
Mr. Mohr ✓
Mr. Bishop
Mr. Brennan, C.D.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Mr. Beaver
Tele. Room
Miss Holmes
Miss Gandy

you search out, it would be a much better & safer country! I have criticized the Supreme Court but I never received a answer to my letter! I do not think the Supreme Court acts always in the best interest of majority of the people. I've come to believe, it would perhaps be better if they were elected by popular vote, every 10 years or so. As some do not seem to be highly experienced men at times & these men should be best judges in our land, I think. I think they should be very highly educated in their field & they should be of the highest moral character of most anyone in our goverment. I've been told that Justice Warren was a political pay-off appointee. This appointment is one thing I do criticize President Eisenhower for doing. He did not seem to have a very good educational & experienced back ground as a judge when he was appointed. And, his views seemed entirely to liberal to suit me. Also, I believe Judge Douglas has been criticized for a book he wrote, which was very liberal. I can not remember the name of the book, but the paragraph I heard discussed seemed rather shocking coming from a Supreme Court Justice. I do not believe in banning prayer from public schools either! How could 1 atheist woman, who I understand was driven out of America, have been listened to? How can a simple prayer, as the Lords prayer or other non-denomational prayer hurt anybody? The pilgrims came to America to have freedom of worship, this is the 1st step to a country's downfall, forgetting God! Every country who forgot God has been destroyed down through History! This is what is the main trouble with the youth of to-day, who riot, steal, down grade America, our service men & everything good principles & God fearing people believe in, they are out to destroy! This really alarms me! But, I feel as Billy Graham says, we may have hit the low in morals & behavior & I hope, as he does, that there will be a great spiritual awakening, not only in our Country, but all over the world & people turn back to God! This is the only thing, I believe, which will change people. They have lost their purpose in life & in being here! If we all obeyed God's Ten Commandments, we would have Heaven on Earth! We may never have it

but we can do our part by striving for right & justice in the world? I believe you & your men have tried & it's against great odds! But, thanks again for a job well done!

Sincerely,

[redacted]

b6, b7C

July 9, 1971

REC-33 62-[redacted]-279

[redacted] 54, 57C

Terre Haute, Indiana 47802

Dear [redacted]

I received your letter on July 7th and appreciate your interest in furnishing me your views. Your comments about my work are most encouraging and mean a great deal to me.

Sincerely yours,

J. Edgar Hoover

MAILED 10
JUL 9 - 1971
FBI

NOTE: Correspondent is not identifiable in Bufiles. In her letter she supports the Director, is critical of the Supreme Court, and hopes for [redacted] (3) a spiritual reawakening.

Rec'd 54, 57C

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
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Conrad
Dalbey
Felt
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Rosen
Tavel
Walters
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Beaver
Tele. Room
Holmes
Gandy

JUL 16 1971

MAIL ROOM ☐ TELETYPE UNIT ☐

Mr. Tolson
Mr. Felt
Mr. Rosen
Mr. Mohr
Mr. Bates
Mr. Cleveland
Mr. Pooser
Mr. Bates
Mr. Tavel
Mr. Walters
Mr. Sayars
Tele. Room
Miss Holmes
Miss Gandy

b6,
b7C

[redacted]

Houston, Texas
October 7, 1971

The Honorable Richard M. Nixon
1600 Pennsylvania Avenue
Washington, D. C.

b6,
b7C

[redacted]

Dear Mr. President:

As a citizen of the United States, I as many others fearfully await your decision of the choices for the Supreme Court. Once again I took upon myself to ask the one person--Grethe, whom I knew could receive an answer for you from the Infinite Source of Wisdom, and I am forwarding that message to you.

I hope you will find comfort, love and brotherhood on the written pages I have enclosed.

Sincerely yours,

b6,
b7C

[redacted]

EC-14
62-27585-28

11 OCT 14 1971

EX-102

cc: Rev. Dr. Billy Graham
J. Edgar Hoover
Gov. Ronald Reagan
Prof. Daniel Moynihan
Sen. John Tower
Hon. Leon Jaworshi
Hon. Murray Chotiner
Sen. Barry Goldwater
Mr. Charles G. Rebozo
Sen. Russel Long
Hon. John Connally
Rep. Richard Poff

20 OCT 20 1971

ENCLOSURE

"Once again in man's history an innocent man stands at the crossroads of a mighty civilization with the burden to undo the erroneous deeds of men who preceded him, to once again try to abide by the laws of God and to not give in to the pressures of erroneous men; this is the significance of the appointment for the highest Court of the United States which is now facing the President of the United States.'

"If two men who love God and who have respect for law and order do not occupy these positions of this court, the United States will have removed herself completely from her true foundation and can become nothing but a jungle, and in a very short time she shall reduce herself to ashes with all her great achievements consummed by flames of hatred. For many years the men who have occupied these high court positions have completely forgotten God and have taken it upon themselves to disregard God's laws and the nation's Constitution by which this country became such a great civilization in only a very short time. These men wanted to be looked upon as gods. So, time and time again, they made decisions which opened the gate for untruths after untruths to sweep through and to touch every citizen of the United States, and to make America a paradise for the criminals who want to destroy and to kill, and to make their own laws with no regard for anyone but themselves. But, each man is an individual, each man has his own personality and will find his

ENCLOSURE

own interest and, therefore, no two men are supposed to be equal. This is God's plan and no man whoever he may be, whatever position he may hold, will be capable of changing this Truth.'

"One other Truth these men did not comprehend was that, although they may go down in history books as saviors and great heroes it is not so written in God's Universe. There they face God's Law of Compensation which will punish them without ceasing until all of their erroneous behavior is removed from their souls. There is no way in earthy words to describe that suffering.'

"No man has the right to play God; he has the right to love God, to love his country, and to want his country to prosper just as does the man who is now President of the United States. In Truth the present President wants nothing for himself and his love for his country is without measure, so it is for this reason that he must choose the two men himself and he must <u>demand</u> that his appointments be confirmed because the ones who will oppose him in his choices cannot afford to be exposed in their true nature to the American people; this is the pressure point in the President's favor. These men will give in and await a next time which in truth will never come if the President does choose his own men because from then on the United States of America will regain her true foundation and no one, nothing, can stop her from becoming the greatest civilization since creation time.'

"This last paragraph is spoken directly to the man who is now President of the United States. "Thy burden is great but thy strength and courage is greater. Thy have no reason to fear the other side. Make thy own choices and stand by them and an abundance of help, love, and brotherhood will envelope thee, not alone from Above but from the citizens of the United States who in Truth truly deserve that this country reaches the plateau of the highest civilization since creation time."

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Felt
Sullivan
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. Cleveland

DATE: 9-24-71

FROM : L. H. Martin

SUBJECT: PROSPECTIVE CANDIDATES FOR U. S. SUPREME COURT VACANCY

With the retirements of Justices Hugo L. Black and John Marshall Harlan of the Supreme Court of the United States, the wire services and the local press have speculated on a successor to these Justices. The names of those most prominently mentioned have been searched through the indices of the Bureau. Hereinafter is set forth biographical data concerning them, as well as information from Bureau files on all available references. A check was made with the Identification Division of the Bureau and no arrest records were located for any of these individuals. The names of these individuals are as follows:

[redacted]

LEWIS FRANKLIN POWELL, JR.

[redacted]

REC-4 NOT RECORDED

4 DEC 10 1971

ACTION:

For information purposes only. Memos were previously submitted on [redacted] and [redacted]

Enclosures (8)

1 - Mr. Sullivan
1 - [redacted]
1 - Mr. Bishop
1 - Mr. Rosen
1 - Administrative Review Unit Crime Records Division
1 - Mr. Cleveland
1 - [redacted]
1 - [redacted]

(9)

DEC 20 1971

RA

The Attorney General

October 29, 1971

Director, FBI

LEWIS FRANKLIN POWELL, JR.
WILLIAM HUBBS REHNQUIST
JUSTICES
SUPREME COURT OF THE UNITED STATES

The "Washington Post" on October 29, 1971, on page A1 carried an article captioned "FBI Queries Possible Opponents of Two Supreme Court Nominees." This article indicates that certain individuals interviewed during the course of the investigation of the captioned individuals were asked "whether they plan to fight the confirmations."

This is to advise that the Agents who conducted the interviews of these individuals have been contacted and deny that at any time did they ask whether the person being interviewed planned to fight the confirmations or planned to testify against the nominees.

62-27585.

1 - The Deputy Attorney General

[redacted] b6, b7C

-5-

NOT RECORDED
NOV. 1 1971

Note: See memo Cleveland to Rosen, 10-29-71, same caption, JAR:bsh

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Miller, E.S.
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MAILED 2
OCT 29 1971
FBI

60 NOV 3 1971

MAIL ROOM TELETYPE UNIT

20 NOV 1 1971

ORIGINAL FILED IN

62-27585-282

CHANGED TO

62-117197-X

APR 20 1977

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

September 20, 1972

Mr. L. Patrick Gray
Director, Federal Bureau of
Investigation
Pennsylvania Ave. at 9th St., N. W.
Washington, D. C.

Dear Mr. Gray:

As you may know, the law clerks to the Justices of the United States Supreme Court regularly invite distinguished guests to have lunch with them in the Supreme Court Building. The lunches are quite informal. They are designed to give the law clerks an opportunity to chat with the guests about their experiences and ideas.

We realize that your schedule is a demanding one, but we would be pleased if you could find time to be our guest sometime during the weeks of October 9, 16, or 23. We are free to have guests any day except Friday, the Court's Conference day. I shall be happy to arrange a date at your convenience.

If you can accept this invitation, perhaps your secretary could call me at 393-1640 to arrange for a definite time and date. If these dates are not convenient, perhaps we can work out an alternative. [I have attached a list of possible alternative dates for your convenience.] We are all looking forward to meeting you.

REC-61 62-27585-283

Sincerely,

[redacted]

18 SEP 29 1972

CRIME RESEARCH

Encl.

20 NOV 3 1972

Made for Tele. Rm.

70 OCT 10 1972

NOTED

SUPREME COURT OF THE UNITED STATES

Days which are not Days of Conference or Argument

OCTOBER: 25, 26, 27, 30, 31

NOVEMBER: 1, 2, 16, 21, 22, 23, 24, 27-30

DECEMBER: 14, 19, 20, 21, 28, 29

JANUARY: 2, 3, 4, 18, 23-26, 29, 30, 31

FEBRUARY: 1, 2, 5-9, 12-15,

MARCH: 6-9, 12-15, 29.

APRIL: 3-6, 9-12, 24-27, 30, 31.

MAY: 1, 2, 3, 8-10, 15-17, 22-24, 30, 31.

JUNE: 5-7, 12-14, 19-21.

(October Term, 1972)

283

ENCLOSURE

DO-6 OFFICE OF ACTING DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

9/25/72

Mr. Gray:

If you wish to do this luncheon, the week of October 30th really looks better for you.

mln

MR. FELT
MR. BAKER
MR. BATES
MR. BISHOP
MR. CALLAHAN
MR. CLEVELAND
MR. CONRAD
MR. DALBEY
MR. JENKINS
MR. MARSHALL
MR. MILLER, E.S.
MR. PONDER
MR. SOYARS
MR. WALTERS
TELE. ROOM
MR. KINLEY
MR. ARMSTRONG
MS. HERWIG
MRS. NEENAN

471

62-[illegible]-283

ENCLOSURE

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Felt
Baker
Bishop
Callahan
Cleveland
Conrad
Dalbey
Jenkins
Marshall
Miller, E.S.
Ponder
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

TO : Mr. Felt

DATE: October 31, 1972

FROM : T. J. Jenkins

SUBJECT: NATIONAL ACADEMY; VISIT OF LAW SEMINAR STUDENTS TO SUPREME COURT

Twenty-three National Academy students are currently participating in a Law Seminar conducted at Quantico by [redacted], University of Virginia Law School. As part of the course, [redacted] has arranged for the students to visit the United States Supreme Court, Washington, D. C., on November 6, 1972. The objectives of the visit are to acquaint the students with how the Court operates, allow them to hear oral arguments before the Court on police-related issues, and meet with Justice Lewis Powell at the end of the visit. These purposes are closely related to the aims of the Law Seminar.

The students will arrive at the Court at approximately 9:30 a.m., hear oral arguments from 10:00 a.m. until 2:30 p.m., and visit with Justice Powell thereafter.

Students will be required to miss regular National Academy classes on November 6, 1972. A Bureau Agent from the Office of Legal Counsel, as well as [redacted], will accompany the group on the trip. Bus transportation to and from the Supreme Court will be provided by the Bureau.

RECOMMENDATION:

Approval of proposed visit, travel to be arranged by Training Division, Quantico.

Approved. G... 10/31, 10:08P

1 - Mr. Dalbey
1 - [redacted]
1 - [redacted] (UVA)

[redacted] (6)

ST-111

2-[illegible]

70 NOV 15 1972

OPTIONAL FORM NO. 10 5010-104
MAY 1962 EDITION
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

Memorandum

Felt
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Marshall
Miller, E.S.
Purvis
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

TO : **Mr. Felt** DATE: **11/7/72**

FROM : **D. J. Dalbey**

SUBJECT: **WASHINGTON FIELD OFFICE SUBMISSION OF PETITIONS FOR WRITS OF CERTIORARI FILED IN THE U.S. SUPREME COURT**

The Washington Field Office (WFO) practice of submitting copies of petitions for writs of certiorari filed in the U.S. Supreme Court should be discontinued. At present, WFO submits copies of petitions filed by defendants, however, experience has shown the statement of issues and the arguments presented by defendants and their counsel are not sufficiently reliable to be particularly useful for legal research. The WFO program duplicates in substance the service afforded us by the Office of the Solicitor General from which we receive, on a weekly basis, copies of the Government's responses to the petitions filed. The Government's statement of the issues and arguments provide a more useful means of detecting any significant development in the law.

Copies of the Solicitor General's brief in opposition to petitions are routed to interested divisions at FBI Headquarters in addition to being studied by the Office of Legal Counsel. In view of the duplication of the work and of the savings that may be realized, it is recommended that WFO be instructed to discontinue the obtaining and submitting of petitions for certiorari filed in the U.S. Supreme Court.

RECOMMENDATION:

That the attached airtel be approved and sent to WFO.

Enc.
1 - Mr. Bates
1 - Mr. Miller
1 - Mr. Cleveland
1 - Mr. Dalbey
1 - Mr. Mintz
JAM:mfd (6)

ST-103

REC-70 62-27585-285

23 NOV 9 1972

Airtel

REC-70 62-27512-285

11/8/72

To: SAC, Washington Field Office

From: Acting Director, FBI

1 - Mr. Bates
1 - Mr. Miller
1 - Mr. Cleveland
1 - Mr. Dalbey
1 - Mr. Mintz

ST-103

WASHINGTON FIELD OFFICE SUBMISSION OF PETITIONS FOR WRITS OF CERTIORARI FILED IN THE U.S. SUPREME COURT

Washington Field Office discontinue collecting and submitting petitions for writs of certiorari filed in the U.S. Supreme Court.

NOTE: Based on memo Dalbey to Felt, 11/7/72, captioned as above, JAM:mfd.

JAM:mfd
(8)

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Marshall
Miller, E.S.
Purvis
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

MAILED 25
NOV 8 1972
FBI

54 NOV 2 1972

MAIL ROOM ☑ TELETYPE UNIT ☐

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Felt

DATE: 11/13/72

FROM : D. J. Dalbey

SUBJECT: NATIONAL ACADEMY, VISIT OF LAW SEMINAR STUDENTS TO SUPREME COURT

On November 6, 1972, 21 National Academy students enrolled in the advanced seminar in law being conducted by [redacted] University of Virginia Law School, visited the United States Supreme Court, Washington, D. C. After hearing oral arguments before the court, the students met briefly with Justice Lewis Powell. [redacted] with the cooperation of the Training Division, arranged for both the visit to the court and the meeting with Justice Powell. The Office of Legal Counsel participates in the seminar.

On November 10, 1972, [redacted] advised that he had sent a letter to Justice Powell thanking him for his appearance before the students. He stated further that he did not think it necessary that a letter of appreciation be sent from the Acting Director of the FBI to Justice Powell. Rather he suggested the members of the seminar might desire to send such a letter. The class members indicated their intention of doing so.

RECOMMENDATION:

None; for information.

1 - Mr. Jenkins
1 - Mr. Dalbey
1 - [redacted]

[redacted]
(4)

NOT RECORDED
191 NOV 17 1972

22 NOV 14 1972

60 NOV 21 1972

FD-36 (Rev. 5-22-64)

FBI

Date: 11/13/72

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL (Priority)

Mr. Baker
Mr. Bates
Mr. Bishop
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Delaney
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Ponder
Mr. Soyars
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Herwig
Mrs. Neenan

TO: ACTING DIRECTOR, FBI
(ATTENTION: OFFICE OF LEGAL COUNSEL)

FROM: SAC, WFO (66-3081)

WASHINGTON FIELD OFFICE
SUBMISSION OF PETITIONS FOR
WRITS OF CERTIORARI FILED
IN THE U.S. SUPREME COURT

Reurairtel 11/8/72.

RULES GOVERNING CAPTIONED MATTER

Rules for handling appeals and petitions for writs of certiorari filed in the USSC (hereafter referred to as briefs) are set forth in the Manual of Rules and Regulations, Part II, Section 8K, Miscellaneous Regulations, page 22, and Manual of Instructions, Volume 1, Section 9A, page 28. - U.S. SUPREME COURT - consent records only.

Pertinent rules governing jurisdiction and venue of USSC are set forth in Title 28, United States Code, Sections 1252, 1253, 1254 and 1257.

CURRENT PRACTICE

USSC docket is reviewed to identify new cases involving Bureau interests. Field offices covering circuit courts of appeals and offices of origin (office of prosecution) also request WFO to obtain briefs filed in the USSC. All such briefs are read. One xeroxed copy of a brief containing no

ST-113 REC-73 62-27585-286

22 NOV 21 1972

(2) - Bureau
- WFO
(3) [redacted] b7c

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

serious allegations against the FBI is submitted to the Bureau, and a xeroxed copy of the questions presented is distributed to the office of origin. Two xeroxed copies are made of USSC briefs containing serious allegations against the FBI: One copy is distributed to the Bureau and one to the office of origin. Experience shows greater number of briefs do not contain serious allegations against the FBI. The decision of the USSC, whether by order or written opinion, is furnished to the Bureau and the office of origin.

Written opinions of the USSC setting forth decisions of interest are furnished to the Bureau whether or not such matters involve FBI cases.

PROCEDURES IN USSC

Briefs filed in the USSC may set forth legal questions never presented to the circuit court of appeals. For example, an appeal to the circuit court may only raise the question of an illegal search, but the same petitioner in his brief filed in the USSC may raise the additional question of an illegal lineup. The USSC has the power to hear certain matters not raised in the lower appellate court. Accordingly, allegations against the FBI could be made in connection with the mentioned lineup and such allegations would not be set forth in the brief filed in the circuit court.

Rules regarding filing briefs in the USSC stipulate that the opinion of the circuit court will be attached to the brief for the USSC. The brief filed in the circuit court, however, is not attached. Review of available materials at the USSC would not, therefore, be determinative as to whether or not new matter involving the FBI has been incorporated into the USSC brief.

Under certain circumstances an appeal may be made directly from the U.S. District Court to the USSC. In these cases no brief would be filed in the circuit court and only by reading the USSC brief could the contents of the appeal be determined.

RECOMMENDATION

In light of instructions set forth in referenced communication and information set forth above the following changes are recommended in connection with handling matters at the USSC:

(1) WFO will continue to follow all USSC cases involving Bureau interests, but only USSC briefs which set forth serious allegations against the FBI will be submitted hereafter.

(2) In the event special circumstances exist and appropriate request is made by the Bureau and/or field offices, WFO will obtain and distribute a brief.

(3) All field offices should be advised by the Bureau of the changes set forth above.

(4) WFO will continue to use form letters WFO-61 and WFO-62 to distribute data from USSC. However, in accordance with the change set forth in (1) appropriate changes will be made in the wording of these letters.

Unless advised to the contrary, WFO will immediately institute these recommended changes.

ST-113

SAC, Albany

November 16, 1972

REC-73
Acting Director, FBI 62-27585-286

1 - Mr. Cleveland
1 - Mr. Gebhardt
1 - Mr. Miller
1 - Mr. Jenkins (Attn: [redacted])
1 - Mr. Dalbey
1 - Mr. Mintz

**WASHINGTON FIELD OFFICE
SUBMISSION OF PETITIONS FOR
WRITS OF CERTIORARI FILED
IN THE U.S. SUPREME COURT**

The Washington Field Office has been instructed to discontinue collecting and submitting petitions for writs of certiorari in the U.S. Supreme Court. Each office will continue to observe the provisions of Part II, Section 8, Subsection K, Page 22, of the Manual of Rules and Regulations.

In the event special circumstances exist and an appropriate request is made, the Washington Field Office will obtain and distribute a copy of the petition filed in a particular case.

2 - All Offices

NOTE: Based on Bureau airtel to WFO 11/8/72, captioned as above, and WFO airtel to Bureau, 11/13/72. No manual changes necessary. We now receive copies of the Solicitor General's briefs and that is the reason we do not need this service from WFO.

JAM:mfd
(125)

MAILED 5
NOV 17 1972
FBI

70 NOV 29 1972

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Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

1 - Mr. Kinley
1 - Mr. Callahan
1 - Mr. Dalbey
1 - Mr. Cleveland
1 - Mr. Martin

The Attorney General

January 16, 1973

Acting Director, FBI

Supreme Court

APPLICANT INVESTIGATIONS FOR THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS AND THE CHIEF JUSTICE

The FBI has been conducting applicant-type investigations for the Administrative Office of the United States Courts. These have included investigations for the positions of United States Magistrates, Federal Defenders, Probation Officers, and Referees in Bankruptcy. Requests for these investigations have been channeled to us through the office of the Deputy Attorney General and receipt of them from that office has constituted the FBI's authority to conduct the investigations.

Mr. John T. Duffner, Executive Assistant to the Deputy Attorney General, has advised that the channeling of these cases through the Deputy Attorney General's office serves no useful purpose and causes unnecessary work. He considers it preferable for the requests to be sent directly to this Bureau by the Administrative Office with the results being returned directly to it. You may desire, therefore, to grant blanket authority for the FBI to conduct such investigations. If this is done, we will make the necessary procedural arrangements for the handling of the cases.

Mr. Mark Cannon, Administrative Assistant to Chief Justice Warren E. Burger, has advised a Judicial Fellows Program is being set up at the direction of the Chief Justice which will be similar to The White House Fellows Program. He has inquired whether the FBI would investigate the applicants under this program. He anticipates there will be four to eight applicants who will be considered each year. It is suggested, therefore, that, if you agree, the above authority be broad enough to include investigations such as these.

MAILED 2
JAN 24 1973
FBI

62-21575-
NOT RECORDED
141 JAN 24 1973

5 JAN 24 1973

1 - The Deputy Attorney General

LHM:dc:cld
(9)

NOTE: See memorandum L. H. Martin to Mr. Cleveland 1-15-73. LHM:dc:cld

70 JAN 29 1973

Felt
Baker
Callahan
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Purvis
Sayers
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Tele. Room
Mr. Kinley
Mr. Arrington
Mrs. Herron
Mrs. Neenan

MAIL ROOM TELETYPE UNIT

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Purvis
Mr. Soyars
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

TO : Mr. Cleveland

DATE: 2-6-73

FROM : L. H. Martin

SUBJECT: JUDICIAL FELLOWS PROGRAM
U. S. SUPREME COURT
REQUEST FOR FBI INVESTIGATION OF APPLICANTS

b6 b7C

On memorandum from Mr. Callahan to Mr. Felt 1-10-73 captioned as above, Mr. Gray approved our handling of investigations of applicants for the Judicial Fellows Program and the setting up of procedures for processing the requests with Mr. Mark Cannon, Administrative Assistant to the Chief Justice.

On 2-5-73 arrangements were completed with Mr. William E. Foley, Deputy Director, Administrative Office of the U. S. Courts, for the procedure for the handling of all cases for the U. S. Courts (memorandum L. H. Martin to Mr. Cleveland 2-6-73 captioned "Applicant Investigations for the Administrative Office of the U. S. Courts and the Chief Justice"). Mr. Foley agreed to handle any requests for investigations under the Judicial Fellows Program under the same procedure. On 2-6-73 Mr. Cannon was advised of this and he was informed that the requisite application forms, fingerprint cards, and transmittal forms could be obtained from Mr. Foley and could be handled through the latter's office. Mr. Cannon indicated this would be most satisfactory.

The question was raised with Mr. Cannon regarding the undesirability of disseminating FBI reports of investigation outside of his office. It was suggested that he personally retain all copies of our reports and that he brief any other officials in charge of this program regarding the results of the investigation, being most careful not to disclose any of the sources of information. Mr. Cannon stated he was aware of the problems involved and that he planned to follow this procedure.

ACTION: For information

FEB 8 1973

ORIGINAL FILED IN

NOT RECORDED
168 MAR 1 1973

1 - Mr. Callahan
1 - Mr. Cleveland
1 - Mr. Martin

Spec. Inq.

LHM:dc
(5)

54 MAR 21 1973

UNITED STATES GOVERNMENT

Memorandum

TO MR. FELT

DATE 1-10-73

FROM MR. CALLAHAN

SUBJECT JUDICIAL FELLOWS PROGRAM
U. S. SUPREME COURT
REQUEST FOR FBI INVESTIGATION OF APPLICANTS

The purpose of this memorandum is to advise of a request for FBI investigation of applicants for the program and to recommend that we accommodate.

Mr. Mark Cannon, Administrative Assistant to Chief Justice Warren E. Burger, on 1-9-73, telephonically advised the Judicial Fellows Program is being set up at the direction of the Chief Justice. The program setup will be similar to the White House Fellows Program. The program is expected to get underway in approximately April or May of 1973 and will be financed for the first year or so by non-Government funds. Thereafter, the program will be funded through the regular appropriation for the Supreme Court. Mr. Cannon asked if the FBI would investigate some 4 to 8 applicants who would be considered each year and if we would conduct such investigations without charge for the first year.

At the present time, we do investigations on a reimbursable basis for the Administrative Office of the U. S. Courts which, of course, is under the jurisdiction of the Supreme Court. We investigate applicants for positions as magistrates, referees in bankruptcy, probation officers and public defenders. The requests for these investigations are channeled to the FBI through the Deputy Attorney General who orders the investigations.

The charge for each investigation for the Administrative Office of the U. S. Courts is $1750 after giving effect to the recent pay raise. Investigations of applicants for the Judicial Fellows Program would be at the same rate. Based on the estimate furnished by Mr. Cannon, the cost of investigations under the Judicial Fellows Program would run from $7000 (4@ $1750) to $14,000 (8@ $1750) each year. We could handle the investigations for the first year on a no-charge basis with little impact upon our budget picture. We would expect requests for such investigations would be channeled through the Deputy Attorney General's Office.

62-27505-

NOT RECORDED
191 JAN 29 1973

16 JAN 24 1973

(4)
1 - Mr. Cleveland
1 - [redacted]

(OVER)

ORIGINAL FILED IN CRIM. TARGUM

Memorandum Callahan to Felt
RE: Judicial Fellows Program

For your information, the FBI does not handle investigations of applicants for the White House Fellows Program. These investigations are handled by the Civil Service Commission.

RECOMMENDATIONS:

1. That we agree to handle investigations of applicants for the Judicial Fellows Program and that no charge be made for the investigations conducted for the first year.

2. That I be authorized to contact Mr. Cannon to setup procedures for processing requests through the Deputy Attorney General's Office.

Approved
1-11
12:25P

WGC

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

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Telephone Rm.	
Director Sec'y	

TO : Mr. Franck

DATE: 1-31-74

FROM : G. E. Malmfeldt

SUBJECT: REQUEST FOR THE DIRECTOR TO APPEAR AT INFORMAL LUNCH WITH LAW CLERKS TO THE JUSTICES OF THE U. S. SUPREME COURT
WEEKS OF FEBRUARY 4 OR 11; OR MARCH 4 OR 11, 1974

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By letter dated 1-28-74, [redacted] Supreme Court of the U. S., invited Mr. Kelley to join the law clerks to the Justices of the U. S. Supreme Court for lunch in the Supreme Court Building during the weeks of February 4 or 11, or March 4 or 11, 1974. He indicated the lunches are quite informal and encouraged discussions which give the law clerks a broader perspective of the Governmental process. [redacted] asked that a member of the Director's staff contact him concerning a definite date and time. He can be reached at the Supreme Court, telephone EX3-1640.

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The Director has asked to be advised regarding this matter. [redacted] is not identifiable in Bufiles. In 1957 former Director J. Edgar Hoover was invited to appear before the law clerks to the Justices, but he declined to do so. The law clerks are "cream of the crop" lawyers selected to serve in the Supreme Court, namely because of the outstanding records they made in law school. These young attorneys clerk in the Supreme Court for several years and then go on to practice law or other positions in Government. Many of the most famous lawyers once clerked for a Justice of the Supreme Court. Some of these young attorneys have gone on to become U. S. Attorneys or to hold key Government positions. It is the position of the External Affairs Division that the Director should give favorable consideration to having lunch with these bright young attorneys.

REC-38 [illegible] 1974

The Director's schedule for the first two weeks of February and the first two weeks of March is crowded. On 3-4-74 he has a speaking engagement in Denver and will possibly testify on 3-6-74 regarding FBI Appropriations. During the week of March 11th he may be able to work in a lunch with these attorneys.

CORRESPONDENCE RECOMMENDATION - OVER

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1 - [redacted]
1 - Office of Legal Counsel
1 - [redacted] (Att: [redacted])
1 - Mr. Malmfeldt
1 - Telephone Room

GEM:nb (7)

5 MAR 14 1974

FEB 21 1974

Time and date confirmed for luncheon 3/13/74 [illegible] 2/7/74

NOTED SPEECH LOGS

G. E. Malmfeldt to Franck memo
RE: REQUEST FOR DIRECTOR TO APPEAR

RECOMMENDATION:

That Mr. Kelley accept the invitation to have lunch with the law clerks to the Justices of the U. S. Supreme Court during the week of March 11th and that this memorandum be returned to the Correspondence and Tours Section so that [redacted] may be advised of the time and date the Director will be available.

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

January 28, 1974

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Director Sec'y _____

The Honorable Clarence M. Kelley
Director, Federal Bureau of Investigation
9th and Pennsylvania Avenues N. W.
Washington, D.C. 20535

Dear Mr. Kelley:

As you know, the law clerks to the Justices of the United States Supreme Court regularly invite distinguished guests to have lunch with them in the Supreme Court Building. The lunches are quite informal. We hope these discussions will give the law clerks a broader perspective of the governmental process.

This year's law clerks have requested that I invite you to join them at a convenient date during this Term. We realize your schedule is a demanding one, but we would be both pleased and honored if you could find some time to be our guest during the weeks of February 4, 11, March 4 or 11. I shall be happy to arrange a date at your convenience.

If a member of your staff would like to contact me concerning a definite date and time, I can be reached at the Court, EX 3-1640. If this period is not convenient, perhaps we can work out an alternative. We are all looking forward to meeting you.

Sincerely,

[redacted]

EXP. PROC.
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JAN 29 1974

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62-112 RECORDED 62-27525-288

2-11

15 JAN 31 1974

CORRESPONDENCE

Copy made for Accle. Bu.

57 MAR 15 1974

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

March 15, 1974

Honorable Clarence M. Kelley
Director, Federal Bureau of
Investigation
9th Street and Penna. Ave., N.W.
Washington, D.C. 20535

Dear Mr. Kelley:

On behalf of the entire staff I want to thank you for joining us earlier this week. Everyone enjoyed the occasion immensely. It was good of you to give us so much of your time.

Sincerely,

[redacted]

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REC-69 62-4[illegible]-289

14 MAR 20 1974

EX-114

MAR 13 1974

5 C MAR 20 1974

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

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TO : Mr. T. J. Jenkins

DATE: 6/18/74

FROM : Legal Counsel

SUBJECT: ADVERSE PERSONNEL ACTIONS--
DUE PROCESS REQUIREMENTS

[redacted]

Attached hereto is a copy of an article which appeared in the 6/12/74, issue of the "Washington Post," entitled "High Court Eyes Own Labor Ills."

The article indicates that effective 6/10/74, employees of the Supreme Court were afforded new protections with regard to dismissal. It describes the appointment of an Adverse Action Review Committee, the composition thereof, and its function which includes the power to overrule or confirm an employee's dismissal.

It is significant to note that according to the article, court employees are not part of the Civil Service System. Until now, we have been fully justified in believing that in the case of an excepted agency, due process did not require the institution of any review board to reconsider dismissals and other serious disciplinary actions. However, the advent of such a review board for employees of the Supreme Court bears an obvious inference for other excepted agencies. The Supreme Court is the ultimate arbiter of what constitutes due process. If it now believes due process requires its employees to be provided with such protection, we may expect to be held to the same standard in the future. In that event, we would be better advised to institute our own review system structured to the needs of the FBI. This would avoid the possibility that a court might order the reinstatement of a discharged employee based upon lack of due process, and also order institution of such a review board, with resultant adverse publicity.

Enc.

1 - Mr. Walsh
2 - Mr. Mintz
1 - [redacted]

(5)

ENCLOSURE

NOT RECORDED
141 AUG 7 1974

54 AUG 8 1974

18 JUL 23 1974

CONTINUED - OVER

ORIGINAL FILED IN

Memorandum to Mr. T. J. Jenkins
Re: Adverse Personnel Actions--
Due Process Requirements

In order to assess the exact implications of this development, we are requesting WFO separately to obtain full information as to the contents of the plan and the considerations behind it for further study. You will be advised as to the results of such study and any recommendations deemed appropriate.

RECOMMENDATION:

None; for information.

High Court Eyes Own Labor Ills

By John P. MacKenzie
Washington Post Staff Writer

The Supreme Court, which often discusses national labor issues but rarely mentions its own internal labor problems, has come up with a new—non-union—way of dealing with its 260-member work force.

New grievance procedures and a novel system for reviewing disciplinary actions were disclosed to court employees Monday, following by two weeks the court's latest refusal to recognize a union to which most of its 50 policemen belong.

Court spokesman said the two actions were not related. But several policemen said they saw the move as a substitute—an inadequate one—for a union to represent them in talks about pay and working conditions.

Court empolyees are not part of the federal Civil Service System, which permits unions.

Under the new procedures, firings and other serious disciplinary actions may be appealed to a nine-member committee of fellow employees chosen by Chief Justice Warren E. Burger. He named Julian S. Garza, a respected deputy clerk, as the committee's first chairman, and designated eight other employees from clerical, library, payroll and other staffs to work under him.

According to the rules outlined for the new Adverse Action Review Committee, a panel of three members picked by the chairman will have "final and binding" power to overrule or confirm an employee's dismissal.

The court also established a plan whereby an employee, after making his complaint to his supervisor, can consult the court's personnel officer.

At present there is no congressionally authorized personnel officer. The court's budget includes a $20,000 request for the post.

The acting personnel officer is L. Gordon Gee, 29, a recent Columbia law school graduate who worked on the grievance and disciplinary procedures. Gee is serving on a foundation-sponsored "judicial fellowship" under a program designed to recruit specialists in judicial administration.

Gee refused to discuss the changes directly with a reporter, and answered questions only through court information officer Barrett McGurn. In one answer, he said the court's action was first studied long before court officials became aware of any discussion concerning the possibility of a police union."

McGurn said court officials had reaffirmed within the past 10 days their earlier stand against recognition of the union, a local of the American Federation of Government Employees.

Asked whether the justices had established the new personnel policy, McGurn said, [illegible] Hepler, the marshal of the court, and Capt. V[illegible], head of the police force, had taken that step and "they have not been overruled by the court."

McGurn, asked whether the matter had been taken to the justices for their decision, replied, "There is nothing I can give you on that."

Page B-19
Washington Post
6/12/74

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

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Telephone Rm.
Director Sec'y

TO : Mr. Jenkins

DATE: 8/6/75

FROM : W. M. Mooney

SUBJECT: U.S. SUPREME COURT SELECTION BOARD
REQUEST FOR FBI ASSISTANCE
AUGUST, 1975

On 8/5/75, [redacted] U. S. Supreme Court Staff (393-1640, extension [redacted] telephonically contacted SA [redacted] and advised that [redacted] U. S. Supreme Court Police, had taken an early retirement in July because of health reasons. He stated that a Committee has been formed to conduct the final screening for [redacted] replacement.

According to [redacted], there will be at least three and no more than five applicants for [redacted] position. He advised that the following individuals will comprise the Board: [redacted] U. S. Capitol Police; [redacted] U. S. Marshal, U. S. Supreme Court; [redacted] U. S. Secret Service; [redacted] Executive Protective Service; and [redacted] who will act as the Secretary for the Selection Committee. [redacted] requested that SA [redacted] of the Quantico Staff be permitted to act as a member of the final Selection Committee. He stated that this will entail no more than one or two days at the most.

In accordance with your instructions and authorization given on 8/5/75, SA [redacted] will sit on this Selection Board. On 8/6/75, [redacted] was advised that the FBI will be glad to assist the U. S. Supreme Court in this matter and that SA [redacted] will be available to assist as a member of this Selection Committee.

RECOMMENDATION: ST-110

For information.

REC-53 62-27585-290

5 AUG 11 1975

TWO

[redacted]

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OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
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UNITED STATES GOVERNMENT

Memorandum

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Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

TO : Mr. Jenkins

DATE: 8/18/75

FROM : W. M. Mooney

SUBJECT: U.S. SUPREME COURT SELECTION BOARD
REQUEST FOR FBI ASSISTANCE
AUGUST, 1975

Remymemo 8/6/75.

The Selection Board in captioned memorandum met at the Supreme Court Building, Room 4, at 9:00 a.m. on 8/13/75. In addition to SA [redacted] who was our representative, the following individuals were in attendance: [redacted] U.S. Capitol Police; [redacted] U.S. Marshal, U.S. Supreme Court, Chairman of the Committee; [redacted] Secretary to the Committee; and [redacted] U.S. Marshal's Service.

Applicants for the position who were interviewed were [redacted], and [redacted].

Interviews and preliminary discussion were completed and secret ballots cast 2:30 p.m. on the same date. Recommendations of the Selection Board (which are unknown at this time) will be acted upon by [redacted] with the concurrence of the Chief Justice. To date, no successor for [redacted] has been designated.

RECOMMENDATION:

For information.

[redacted]

(3)

REC-54 62-[redacted]-3241

AUG 22 1975

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

October 15, 1975

Mr. John A. Mintz,
Assistant Director, Legal Counsel Division,
Federal Bureau of Investigation Headquarters,
Ninth Street and Pennsylvania Avenue, N. W.,
Washington, D. C. 20535.

Dear Mr. Mintz:

This letter is to confirm and clarify the request for information I have made to Mr. Joe Davis of your office.

We are interested in the formal F. B. I. procedures regarding custodial interrogation of a suspect being questioned as to his guilt. Specifically, we are looking for anything which indicates that once such a suspect has indicated he wishes to assert his Miranda rights, it is F. B. I policy not to attempt to obtain a waiver of the Miranda rights (especially the right to remain silent) either by:

(1) specifically asking the suspect if he wishes to waive his rights, or

(2) attempting to further question the suspect,

(3) reading the suspect his Miranda rights a second time, subsequent to the initial interrogation, and attempting to further question him at that time.

We would appreciate it if those sections of the F. B. I. Handbook or Manual of Instruction which deal with the procedure to be followed in these circumstances, along with the title page of such handbook or manual, could be photocopied and copies sent to us via our messenger who delivers this letter.

Your help, and that of Mr. Davis, is appreciated.

Sincerely yours,

[redacted]
Research Librarian.

X-110

REC-4

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62-27585-292

October 17, 1975

1 - Mr. Mooney
2 - Mr. Mintz
1 - Mr. Davis

[redacted]
Research Librarian
Supreme Court of the United States
Washington, D. C. 20543

Dear [redacted]

Your letter of October 15, 1975, addressed to Assistant Director John A. Mintz has been brought to my attention. In your letter you requested the FBI furnish certain portions of the "FBI Handbook for Special Agents" and/or "Manual of Instructions."

I understand you are interested in the sections of our written instructions which set forth our procedures regarding custodial interrogation of a suspect being questioned as to his guilt. Also, specifically, you are desirous of locating any instructions which would indicate that it is the FBI's policy not to attempt to secure a waiver of a suspect's Miranda rights after he has once indicated that he wishes to assert any of those rights, particularly the right to remain silent.

In response to your question concerning our general procedures regarding custodial interrogation of a suspect and your specific request for certain sections of the "FBI Handbook for Special Agents" and "Manual of Instructions," I am enclosing one copy each of the following:

(1) The title page of the "FBI Handbook for Special Agents."

4 - ENCLOSURE

(2) Page 12 and a portion of page 12a from Part II of the "FBI Handbook for Special Agents."

JRD:kiw
(6)

(See NOTE, Page 3.)

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NOV 4 1975

MAIL ROOM ☑ TELETYPE UNIT ☐

(3) The title page of the FBI "Manual of Instructions," Volume I.

(4) Page 15 of the FBI "Manual of Instructions," Volume I, Section 2.

The remainder of page 12a has been deleted as it relates to the mechanics of recording a waiver of rights and preparation of signed statements.

Each Special Agent is furnished a copy of the "FBI Handbook" and is charged with knowledge of its contents. The FBI's "Manual of Instructions" is maintained in each FBI field office and is available to Special Agents for their assistance.

In response to the more specific question concerning our policy as to a subsequent attempt to interview a person concerning his guilt after he has once asserted his Miranda rights, our written instructions do not address this situation. As you will note from a review of the enclosed documents, our instructions do state that once an individual indicates he wishes to remain silent or wants an attorney, "all interrogation for evidence of guilt must cease." ("FBI Handbook," Part II, Page 12a; and "Manual of Instructions," Volume I, Section 2, Page 15). The purpose and thrust of this portion of our instructions is to insure that Special Agents are aware that once an individual makes known his intention to exercise his Miranda rights he is not to be coerced in any way to relinquish these rights.

These instructions are basically addressed to the initial interview and are not intended to prohibit a subsequent attempt to interview an arrestee, either in regard to his involvement with a separate offense not the subject of the previous interview, or in connection with the offense which was the subject of the previous interview, if additional information came to light which would make a subsequent attempt to interview the individual logical and desirable.

I should also point out that these instructions are revised periodically as the need for such revision becomes apparent and, therefore, at some time in the past these instructions may have differed somewhat from their present form.

I hope the above will be of assistance in your inquiry.

Sincerely yours,

Clarence M. Kelley
Director

Enclosures (4)

NOTE: Legal Counsel to Mr. J. B. Adams memorandum dated 10/14/75, captioned "Request for Portions of FBI Handbook or Manual of Instructions by [redacted] Clerk, United States Supreme Court," set forth the background of this request and recommended this request be discussed with a representative of the Solicitor General's Office of the Department to obtain their concurrence in our response, and that Legal Counsel Division prepare the response furnishing the requested materials. This matter was discussed with Deputy Solicitor General Andrew L. Frey on 10/15 and 10/16/75, and he concurs in this response. A copy of this letter is being furnished to the Office of the Solicitor General by separate memorandum.

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F.B.I. HANDBOOK

FOR

SPECIAL AGENTS

OF

THE FEDERAL BUREAU OF INVESTIGATION

October 16, 1944

This Handbook is a summary of and contains citations to:
Manual of Rules and Regulations
Manual of Instructions

F.B.I. HANDBOOK NO. 1004

Contents of this manual must be held in strict confidence and may not be disseminated outside this Bureau. Manual must be maintained in a safe and secure place so it will not be available to unauthorized individuals.

A copy of this Handbook shall be issued to each Special Agent of the FBI and each Agent shall be held responsible for a full and complete knowledge of its contents.

ENCLOSURE 62-27585-

PART II

2. INTERVIEWS WITH WITNESSES, SUSPECTS, AND SUBJECTS; CONFESSIONS AND SIGNED STATEMENTS

A. Policy and instructions

1. Interviews of subjects, suspects, and witnesses must be handled in a businesslike manner, carefully prepared, and thoughtfully planned. It is imperative that all pertinent information be obtained in a minimum of time. Every effort should be made to avoid recontacts unless good judgment, common sense, and sound investigation make them necessary.
2. Interviews with persons under arrest must be in a manner that will not unnecessarily delay their appearance before a U. S. [Magistrate.]
3. Constitutional safeguards must be borne in mind at all times. At the beginning of an interview with any known subject of a Bureau case, or any person under arrest or for whom arrest is contemplated on completion of the interview or later, or any other person so strongly suspect that he is now to be interviewed for a confession or admission of his own guilt in the case rather than merely as a possible source of information, such person must be advised of the names and official identities of the interviewing Agents, the nature of the inquiry, and must be warned of his rights as follows:

> Before we ask you any questions, you must understand your rights. You have the right to remain silent. Anything you say can be used against you in court. You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning. If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish. If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

The warning of rights must be followed by an express waiver of those rights before interrogation can proceed to an admissible confession or admission of guilt. A valid waiver will not be presumed simply from the silence of the suspect or simply from the fact a confession eventually was obtained. The text of the waiver should read as follows:

ENCLOSURE 62-27585-292

PART II

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Care must be taken to see that no duress is exercised; that no attempt is made to obtain a confession or admission of guilt by force, threats, or promises. Duress makes a confession or admission involuntary and inadmissible in court.

Whether he will cooperate is left entirely to the suspect or accused. If he indicates at any time prior to or during questioning that he wishes to remain silent or that he wants an attorney, all interrogation for evidence of guilt must cease. Any effort to persuade, trick, or cajole the suspect out of exercising his constitutional rights will invalidate the waiver.

MANUAL OF INSTRUCTIONS

VOLUME I

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

MANUAL NO. _____

Contents of this manual must be held in strict confidence and may not be disseminated outside this Bureau. Manual must be maintained in a safe and secure place so it will not be available to unauthorized individuals.

Copies are issued to all field divisions. A Special Agent in Charge may issue a copy to any Resident Agent. No clerical employee is permitted to remove this manual from a division office.

ENCLOSURE

2. Bureau policy and instructions

a. Interviews of subjects, suspects, and witnesses must be handled in a businesslike manner, carefully prepared, and thoughtfully planned. It is imperative that all pertinent information be obtained in a minimum of time. Every effort should be made to avoid recontacts unless good judgment, common sense, and sound investigation make them necessary.

b. Interviews with an arrested person must be conducted in a manner that will not unnecessarily delay the appearance of such arrested person before a U. S. [Magistrate,] U. S. district judge, or other committing magistrate for a hearing. The procedure for handling interviews with suspects or persons under arrest must conform with the procedure recommended by the U. S. district court in each judicial district.

c. Constitutional safeguards must be borne in mind at all times. At the beginning of an interview with any known subject of a Bureau case, or any person under arrest or for whom arrest is contemplated at the conclusion of the interview or later, or any other person so strongly suspected that he is now to be interviewed for a confession or admission of his own guilt in the case rather than merely as a possible source of information, such person must be advised of the names and official identities of the interviewing Agents, the nature of the inquiry, and must be warned of his rights as follows:

> Before we ask you any questions, you must understand your rights. You have the right to remain silent. Anything you say can be used against you in court. You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning. If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish. If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

The warning of rights must be followed by an express waiver of these rights before interrogation can proceed to an admissible confession or admission of guilt. A valid waiver will not be presumed simply from the silence of the suspect or simply from the fact a confession eventually was obtained. The text of the waiver should read as follows:

> I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Care must be taken to see that no duress is exercised; that no attempt is made to obtain a confession or admission of guilt by force, threats or promises. Duress makes a confession or admission involuntary and inadmissible in court.

Whether he will cooperate is left entirely to the suspect or accused. If he indicates at any time prior to or during questioning that he wishes to remain silent or that he wants an attorney, all interrogation for purposes of guilt must cease. Any effort to threaten, trick, or cajole the suspect out of exercising his constitutional rights will invalidate the waiver.

best copy available

ENCLOSURE

The Solicitor General

October 17, 1975

Director, FBI

1 - Mr. Moore
Attn.: [redacted]
2 - Mr. Mintz
1 - Mr. Davis

b6, b7C

REQUEST FOR PORTIONS OF THE FBI HANDBOOK AND/OR MANUAL OF INSTRUCTIONS BY [redacted], RESEARCH LIBRARIAN, UNITED STATES SUPREME COURT

b6, b7C

This will confirm the discussions between Deputy Solicitor General Andrew L. Frey and Special Agent Joseph R. Davis of our Legal Counsel Division concerning the above request on October 15 and 16, 1975.

b6, b7C

Enclosed is a copy of [redacted]'s letter to this Bureau dated October 15, 1975, and a copy of my letter to [redacted] dated October 17, 1975, with enclosures, responding to his request.

My response was prepared with the concurrence of Mr. Frey.

MAILED 6
OCT 20 1975
FBI

Enclosures (2)

EX-115

NOTE: See memorandum Legal Counsel to Mr. Adams dated 10-14-75 captioned as above.

REC-7 62-27585-293

4-ENCLOSURE

15 NOV 17 1975

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
Asst. Dir.: ___
Admin. ___
Comp. Syst. ___
Ext. Affairs ___
Files & Com. ___
Gen. Inv. ___
Ident. ___
Inspection ___
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Laboratory ___
Plan. & Eval. ___
Spec. Inv. ___
Training ___
Legal Coun. ___
Telephone Rm. ___
Director Sec'y ___

JRD:mbk
(6)

MAIL ROOM ☐ TELETYPE UNIT ☐

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

October 15, 1975

Mr. John A. Mintz,
Assistant Director, Legal Counsel Division,
Federal Bureau of Investigation Headquarters,
Ninth Street and Pennsylvania Avenue, N. W.,
Washington, D. C. 20535.

Dear Mr. Mintz:

This letter is to confirm and clarify the request for information I have made to Mr. Joe Davis of your office.

We are interested in the formal F. B. I. procedures regarding custodial interrogation of a suspect being questioned as to his guilt. Specifically, we are looking for anything which indicates that once such a suspect has indicated he wishes to assert his Miranda rights, it is F. B. I policy not to attempt to obtain a waiver of the Miranda rights (especially the right to remain silent) either by:

(1) specifically asking the suspect if he wishes to waive his rights, or

(2) attempting to further question the suspect,

(3) reading the suspect his Miranda rights a second time, subsequent to the initial interrogation, and attempting to further question him at that time.

We would appreciate it if those sections of the F. B. I. Handbook or Manual of Instruction which deal with the procedure to be followed in these circumstances, along with the title page of such handbook or manual, could be photocopied and copies sent to us via our messenger who delivers this letter.

Your help, and that of Mr. Davis, is appreciated.

Sincerely yours,

[redacted]

Research Librarian.

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b7C

ENCLOSURE 62-27585

October 17, 1975

1 - Mr. Mooney
2 - Mr. Mintz
1 - Mr. Davis

b6,
b7C

[redacted]
Research Librarian
Supreme Court of the United States
Washington, D. C. 20543

Dear [redacted]

Your letter of October 15, 1975, addressed to Assistant Director John A. Mintz has been brought to my attention. In your letter you requested the FBI furnish certain portions of the "FBI Handbook for Special Agents" and/or "Manual of Instructions."

I understand you are interested in the sections of our written instructions which set forth our procedures regarding custodial interrogation of a suspect being questioned as to his guilt. Also, specifically, you are desirous of locating any instructions which would indicate that it is the FBI's policy not to attempt to secure a waiver of a suspect's Miranda rights after he has once indicated that he wishes to assert any of those rights, particularly the right to remain silent.

In response to your question concerning our general procedures regarding custodial interrogation of a suspect and your specific request for certain sections of the "FBI Handbook for Special Agents" and "Manual of Instructions," I am enclosing one copy each of the following:

(1) The title page of the "FBI Handbook for Special Agents."

(2) Page 12 and a portion of page 12a from Part II of the "FBI Handbook for Special Agents."

JRD:kiw
(6)

(See NOTE, Page 3.)

ENCLOSURE

62-27545-243

(3) The title page of the FBI "Manual of Instructions," Volume I.

(4) Page 15 of the FBI "Manual of Instructions," Volume I, Section 2.

The remainder of page 12a has been deleted as it relates to the mechanics of recording a waiver of rights and preparation of signed statements.

Each Special Agent is furnished a copy of the "FBI Handbook" and is charged with knowledge of its contents. The FBI's "Manual of Instructions" is maintained in each FBI field office and is available to Special Agents for their assistance.

In response to the more specific question concerning our policy as to a subsequent attempt to interview a person concerning his guilt after he has once asserted his Miranda rights, our written instructions do not address this situation. As you will note from a review of the enclosed documents, our instructions do state that once an individual indicates he wishes to remain silent or wants an attorney, "all interrogation for evidence of guilt must cease." ("FBI Handbook," Part II, Page 12a; and "Manual of Instructions," Volume I, Section 2, Page 15). The purpose and thrust of this portion of our instructions is to insure that Special Agents are aware that once an individual makes known his intention to exercise his Miranda rights he is not to be coerced in any way to relinquish these rights.

These instructions are basically addressed to the initial interview and are not intended to prohibit a subsequent attempt to interview an arrestee, either in regard to his involvement with a separate offense not the subject of the previous interview, or in connection with the offense which was the subject of the previous interview, if additional information came to light which would make a subsequent attempt to interview the individual logical and desirable.

I should also point out that these instructions are revised periodically as the need for such revision becomes apparent and, therefore, at some time in the past these instructions may have differed somewhat from their present form.

I hope the above will be of assistance in your inquiry.

Sincerely yours,

Clarence M. Kelley
Director

Enclosures (4)

NOTE: Legal Counsel to Mr. J. B. Adams memorandum dated 10/14/75, captioned "Request for Portions of FBI Handbook or Manual of Instructions by [redacted] Clerk, United States Supreme Court," set forth the background of this request and recommended this request be discussed with a representative of the Solicitor General's Office of the Department to obtain their concurrence in our response, and that Legal Counsel Division prepare the response furnishing the requested materials. This matter was discussed with Deputy Solicitor General Andrew L. Frey on 10/15 and 10/16/75, and he concurs in this response. A copy of this letter is being furnished to the Office of the Solicitor General by separate memorandum.

b6, b7C

MANUAL OF INSTRUCTIONS

VOLUME I

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

MANUAL NO. 3340

Contents of this manual must be held in strict confidence and may not be disseminated outside this Bureau. Manual must be maintained in a safe and secure place so it will not be available to unauthorized individuals.

Copies are issued to all field divisions. A Special Agent in Charge may issue a copy to any resident Agent. No clerical employee is permitted to remove this manual from a division office.

ENCLOSURE 62-27585-243

2. Bureau policy and instructions

a. Interviews of subjects, suspects, and witnesses must be handled in a businesslike manner, carefully prepared, and thoughtfully planned. It is imperative that all pertinent information be obtained in a minimum of time. Every effort should be made to avoid recontacts unless good judgment, common sense, and sound investigation make them necessary.

b. Interviews with an arrested person must be conducted in a manner that will not unnecessarily delay the appearance of such arrested person before a U. S. [Magistrate,] U. S. district judge, or other committing magistrate for a hearing. The procedure for handling interviews with suspects or persons under arrest must conform with the procedure recommended by the U. S. district court in each judicial district.

c. Constitutional safeguards must be borne in mind at all times. At the beginning of an interview with any known subject of a Bureau case, or any person under arrest or for whom arrest is contemplated on completion of the interview or later, or any other person so strongly suspect that he is now to be interviewed for a confession or admission of his own guilt in the case rather than merely as a possible source of information, such person must be advised of the names and official identities of the interviewing Agents, the nature of the inquiry, and must be warned of his rights as follows:

> Before we ask you any questions, you must understand your rights. You have the right to remain silent. Anything you say can be used against you in court. You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning. If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish. If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

The warning of rights must be followed by an express waiver of these rights before interrogation can proceed to an admissible confession or admission of guilt. A valid waiver will not be presumed simply from the silence of the suspect or simply from the fact a confession eventually was obtained. The text of the waiver should read as follows:

> I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Care must be taken to see that no duress is exercised; that no attempt is made to obtain a confession or admission of guilt by force, threats, or promises. Duress makes a confession or admission involuntary and inadmissible in court.

Whether he will cooperate is left entirely to the suspect or accused. If he indicates at any time prior to or during questioning that he wishes to remain silent or that he wants an attorney, all interrogation for evidence of guilt must cease. Any effort to persuade, trick, or cajole the suspect out of exercising his constitutional rights will invalidate the waiver.

F.B.I. HANDBOOK

FOR

SPECIAL AGENTS

OF

THE FEDERAL BUREAU OF INVESTIGATION

October 16, 1944

This Handbook is a summary of and contains citations to:
Manual of Rules and Regulations
Manual of Instructions

F.B.I. HANDBOOK NO. 10

Contents of this manual must be held in strict confidence and may not be disseminated outside this Bureau. Manual must be maintained in a safe and secure place so it will not be available to unauthorized individuals.

A copy of this Handbook shall be issued to each Special Agent of the FBI and each Agent shall be held responsible for a full and complete knowledge of its contents.

ENCLOSURE 62-27581-20

2. INTERVIEWS WITH WITNESSES, SUSPECTS, AND SUBJECTS; CONFESSIONS AND SIGNED STATEMENTS

A. Policy and instructions

1. Interviews of subjects, suspects, and witnesses must be handled in a businesslike manner, carefully prepared, and thoughtfully planned. It is imperative that all pertinent information be obtained in a minimum of time. Every effort should be made to avoid recontacts unless good judgment, common sense, and sound investigation make them necessary.

2. Interviews with persons under arrest must be in a manner that will not unnecessarily delay their appearance before a U. S. (Magistrate.)

3. Constitutional safeguards must be borne in mind at all times. At the beginning of an interview with any known subject of a Bureau case, or any person under arrest or for whom arrest is contemplated on completion of the interview or later, or any other person so strongly suspect that he is now to be interviewed for a confession or admission of his own guilt in the case rather than merely as a possible source of information, such person must be advised of the names and official identities of the interviewing Agents, the nature of the inquiry, and must be warned of his rights as follows:

> Before we ask you any questions, you must understand your rights. You have the right to remain silent. Anything you say can be used against you in court. You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning. If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish. If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

The warning of rights must be followed by an express waiver of those rights before interrogation can proceed to an admissible confession or admission of guilt. A valid waiver will not be presumed simply from the silence of the suspect or simply from the fact a confession eventually was obtained. The text of the waiver should read as follows:

PART II

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Care must be taken to see that no duress is exercised; that no attempt is made to obtain a confession or admission of guilt by force, threats, or promises. Duress makes a confession or admission involuntary and inadmissible in court.

Whether he will cooperate is left entirely to the suspect or accused. If he indicates at any time prior to or during questioning that he wishes to remain silent or that he wants an attorney, all interrogation for evidence of guilt must cease. Any effort to persuade, trick, or cajole the suspect out of exercising his constitutional rights will invalidate the waiver.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR 101-11.6

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Legal Coun. ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Telephone Rm. ____
Director Sec'y ____

TO : Mr. J. B. Adams

DATE: 10/14/75

FROM : Legal Counsel

SUBJECT: REQUEST FOR PORTIONS OF FBI HANDBOOK OR MANUAL OF INSTRUCTIONS BY [redacted] CLERK, UNITED STATES SUPREME COURT

On 10/14/75, [redacted] telephone number 393-1640, extension 311, contacted SA Joseph R. Davis of the Legal Counsel Division. [redacted] identified himself as a law clerk in the library of the U.S. Supreme Court and explained that he was not assigned to a particular Supreme Court Justice but does research for the Court under the direction of the Chief Librarian of the Supreme Court for the use of various Justices.

[redacted] inquired as to whether the FBI could furnish portions of our written instructions or manuals available to Agents which set forth the procedures which an Agent should follow when conducting an interview of an individual under arrest. He stated that the specific question involved was: "What course of conduct is prescribed in any such instructions when the individual being interviewed indicates that he does not wish to answer any questions or that he wishes to exercise any of his Miranda rights (such as his right to counsel)?

[redacted] advised that he did not know what Justice had requested this information or what case, if any, it is related to.

EX-115 REC-76 2 - 27585 291

SA Davis suggested that to insure there was no misunderstanding concerning the scope of the question it would be helpful if a letter could be directed to the FBI setting forth the above-mentioned factual situation and requesting the appropriate written

2 - Mr. Mintz
1 - Mr. Davis
JRD:kiw
(4)

15 NOV 17 1975

(CONTINUED - OVER)

11- LEGAL COUNSEL

5010-106

Legal Counsel Memo to
Mr. J. B. Adams
Re: Request For Portions of FBI
Handbook or Manual of Instructions
By [redacted] Clerk, United
States Supreme Court

instructions to Agents be furnished [redacted] advised that he would have such a letter prepared and hand delivered on 10/15/75, setting forth the above factual situation and requesting the pertinent portion of our manuals or other appropriate instructions be furnished. He indicated that he had been requested to expedite this research and hoped the material could be furnished on 10/15/75 or 10/16/75. SA Davis advised [redacted] that this matter would be discussed with the appropriate FBI officials and his request would be considered on an expedite basis.

[redacted] indicated his desire to have Xerox copies of the appropriate instructions along with a copy of the title page of the publication from which they were taken to insure, if necessary, that they are cited correctly. In view of this request, it appears we should consider the fact that any material furnished may appear either in the text or a footnote of a Supreme Court opinion.

RECOMMENDATION:

1. A representative of the Legal Counsel Division contact the Solicitor General's Office of the Department to ascertain if that office has a case pending before the Supreme Court which might involve such an inquiry, and to obtain their concurrence in any response.

(CONTINUED - OVER)

Legal Counsel Memo to
Mr. J. B. Adams
Re: Request For Portions of FBI
Handbook or Manual of Instructions
By [redacted] Clerk, United
States Supreme Court

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2. If the Solicitor General's Office interposes no objection, Legal Counsel Division prepare a response from the Director furnishing the pertinent portions of the Manual of Instructions and/or FBI Handbook.

JBA
Pen

United States Department of Justice

OFFICE FOR IMPROVEMENTS IN THE ADMINISTRATION OF JUSTICE
WASHINGTON, D.C. 20530

January 10, 1978

MEMORANDUM

TO: Heads of Offices, Boards and Divisions

FROM: Daniel J. Meador
Assistant Attorney General

SUBJECT: Obligatory Appellate Jurisdiction of the Supreme Court

Attached for your consideration and comments is a proposed bill which this Office is developing for submission to the Attorney General, OMB, and Congress. Also attached is a memorandum giving some of the background for the proposal.

The effect of this legislation is to limit the obligatory appellate jurisdiction of the Supreme Court generally to those cases involving the granting or denial of an injunction by a three-judge district court. All other cases would come to the Court on writ of certiorari to one of the courts of appeals, the Court of Claims, the Court of Customs and Patent Appeals, the highest court of a state, or the Supreme Court of Puerto Rico.

Obligatory appellate jurisdiction is retained in those cases decided by three-judge courts because, after the 1976 revision of the jurisdiction of such courts, relatively few cases are still heard by three-judge courts, and since that revision is so recent we are reluctant to ask Congress to reopen the question of three-judge courts at this time. Moreover, if mandatory jurisdiction were removed from these cases there would be no appeal of right available unless one was created in the courts of appeals. Courts of appeals review of these cases would be peculiar in that one group of three judges would be reviewing the decision of another group of three judges, and the latter would include one judge from the reviewing court.

X-105 REC-42 62-27585-295

2-15

7 JAN 16 1978

2- ENCLOSURE

LEGAL COUNSEL

We would appreciate your views on the proposal and on the issues raised in Part 4 of the attached memorandum. Please feel free to contact me or Denis Hauptly (ext. 5107) of this Office for any further information on this subject. We would appreciate receiving your comments by January 25.

Attachments

A BILL

To improve the administration of justice by reducing the obligatory appellate jurisdiction of the Supreme Court, permitting the Court greater discretion in selecting the case to be heard by it and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That this Act may be cited as the "Supreme Court Jurisdiction Act of 1978".

SEC. 2. Section 1252 of title 28, United States Code, is repealed.

SEC. 3. Section 1254 of title 18, United States Code, is amended by deleting subsection (2), by redesignating subsection (3) as subsection (2) and by deleting "appeal;" from the title.

SEC. 4. Section 1257 of title 28, United States Code, is amended to read as follows:

"§1257. State courts; certiorari.

Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity or statute of the United States is drawn in question or where the validity of a State statute is drawn in question on the ground of its being repugnant to the Constitution, treaties or laws of

62-27585-795

ENCLOSURE

the United States, or where any title, right, privilege or immunity is specially set up or claimed under the Constitution, treaties or statutes of, or commission held or authority exercised under, the United States.

"For the purposes of this section, the term 'highest court of a State' includes the District of Columbia Court of Appeals.

SEC. 5. Section 1258 of title 28, United States Code, is amended to read as follows:

"§1258. Supreme Court of Puerto Rico; certiorari.

Final judgments or decrees rendered by the Supreme Court of the Commonwealth of Puerto Rico may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty of statute of the United States is drawn in question or where the validity of a statute of the Commonwealth of Puerto Rico is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution, treaties, or statutes of, or commission held or authority exercised under, the United States.".

SEC. 6. The analysis at the beginning of chapter 81 of title 28, United States Code, is amended to read as follows:

"Chapter 81 - SUPREME COURT

"Sec.

January 10, 1978

BACKGROUND MEMORANDUM ON THE SUPREME COURT'S OBLIGATORY APPELLATE JURISDICTION

1. The Problem

Prior to 1925 the majority of the Supreme Court's docket was comprised of cases brought under the Court's obligatory appellate jurisdiction. In that year Congress passed the Judge's Bill which provided for certiorari, or discretionary, review of most lower court decisions. However, review of decisions of three-judge district courts and certain other decisions remained mandatory and as the caseloads of these courts gradually increased so did the mandatory docket of the Supreme Court.

A study conducted for the Court by student interns reveals that in the 1972-73 Term 424 cases were decided on the merits. Of these cases 293 came to the Court via the obligatory route.

Legislative changes since 1973 have certainly altered this picture somewhat. See P.L. 93-258 amending the Expediting Act 1/ and P.L. 94-381 altering the jurisdiction of three-judge courts. We expect new data from the Court in the near future documenting the effect of these changes. Preliminary data indicates there were 307 cases on the mandatory docket in the 1976-77 Term. It seems certain that obligatory appellate jurisdiction cases form a large percentage of the Court's docket.

It is our view, and the view of many others (see section 2, infra), that there is little justification for the obligatory jurisdiction. Certainly there are categories of cases which annually produce questions of such magnitude that it is very important that the Supreme Court review them. But such questions regularly appear in its certiorari docket as well. Because some cases should be heard is no basis for requiring the Court to review hundreds on the merits, disposing of many, if not most, in a summary and unsatisfactory fashion.

Indeed, the form of disposition has led to considerable confusion in the law. In Edelman v. Jones, 415 U.S. 651 (1974) the Court held that summary affirmance carries less precedential weight than a full opinion on the merits. In Hicks v. Miranda, 422 U.S. 332 (1975) it was held that a dismissal for a lack of a substantial federal question is a decision on the merits whose precedential value is unclear.

1/ See also Bosky and Gressman, "Recent Reforms Reforming the Federal Judicial Structure, Three-Judge District Courts and Appellate Review," 67 F.R.D. 135 (1976).

ENCLOSURE
62-27585-295

In short, there is little gained by continuing the present obligatory burden and much to be gained (and little, if anything, to be lost) by eliminating it.

2. Proponents of the Elimination

Among those who have advocated the elimination of the Court's obligatory appellate jurisdiction are Chief Justice Burger, Justice Marshall, Justice Blackmun and Justice Powell. See Commission on Revision of the Federal Appellate Court System, Structure and Internal Procedures: Recommendations for Change, 172-188 (1975).

In addition the Department of Justice has previously taken a position favoring the elimination of obligatory appellate jurisdiction. See Department of Justice Committee on Revision of the Federal Judicial System, The Needs of the Federal Courts, 11-13 (1977). Finally, the Freund Report strongly advocated the same change. See, Federal Judicial Center, Report of the Study Group on the Case Load of the Supreme Court, 25-38 (1972).

We are unaware of any opposition.

3. The Proposal

The proposal is fairly simple in form. Set forth below is a section-by-section analysis of the draft.

Section 1. This section gives the name of the Act.

Section 2. This section repeals 28 U.S.C. 1252. That section currently provides for appellate (mandatory) jurisdiction in the Supreme Court for cases from the various district courts where one judge has invalidated an Act of Congress in a case in which the United States or its agencies or employees is a party. The purpose of the section obviously is to expedite cases in which an Act of Congress has been invalidated by a single judge. However, it is our view that in such cases application for a stay would almost always be granted and where it is not application can be made for certiorari prior to judgment in the court of appeals under 28 U.S.C. 1254(1).

The effect of the repeal is to place jurisdiction for such cases in the courts of appeals under 28 U.S.C. 1291 and 1292. If the judgment were upheld and the case of sufficient importance then a writ of certiorari could be sought under 28 U.S.C. 1254(1).

Section 3. This section modifies 28 U.S.C. 1254 which governs the Supreme Court's jurisdiction over cases arising from the courts of appeals. Subsection (2) of that section is deleted. That subsection provides for obligatory appellate jurisdiction where the court of appeals has found a state statute to be invalid as repugnant to the Constitution, treaties or laws of the United States. Review is limited to Federal questions. There is nothing which makes these cases, as a class, different from other cases in the courts of appeals. While there is some aura of federalism about the provision the same "state's rights" arguments could be made about habeas corpus cases, invalidation of state regulations, and many prisoners' rights cases.

Cases presently appealed under subsection (2) would now be brought by writ of certiorari under subsection (1).

Section 4. This section modifies 28 U.S.C. 1257. Currently that section provides for obligatory jurisdiction for cases from the highest available state court when the state decision invalidated a statute or treaty of the United States or when a state statute was found to be repugnant to the Constitution or a treaty or law of the United States. The section also provides for certiorari jurisdiction when any state statute or federal treaty or law is questioned on federal grounds.

The changes made in the section simply eliminate appellate jurisdiction and substitute certiorari jurisdiction. The theory is similar to those previously expressed: there is no particular reason to believe that these cases, as a class, are more significant than other cases arising in state courts or, for that matter, in the federal courts.

Section 5. This section modifies 28 U.S.C. 1258. That section is virtually identical to 28 U.S.C. 1257 except that it applies only to cases from the Supreme Court of Puerto Rico. The changes made are the same as those made to 28 U.S.C. 1258 and the result is the same.

Section 6. This section makes conforming changes to the caption at the beginning of chapter 81. In addition it is likely that some other technical changes will have to be made to delete references to 28 U.S.C. 1252 which would be repealed by section 2 of this proposal.

4. Areas Not Modified

There are at least four sections outside of title 28 which provide for obligatory appellate jurisdiction. These are 25 U.S.C. 652 (Indian claims against the United States for land); 43 U.S.C. 1652(d) (actions related to the Alaska pipeline); and 45 U.S.C. 719(e) and 743(d) (dealing with appeals from the special court reviewing railroad reorganization matters). The last three sections appear to be measures of temporary necessity, while the first appears to be more long range. Because of the technical nature of these sections we would especially appreciate the views of the relevant divisions as to their continued utility. In addition there are some sections (e.g., 15 U.S.C. 29(b) and 49 U.S.C. 45(b)) which appear to provide for obligatory appellate jurisdiction but in fact lodge discretion in the Court. These have not been dealt with. If relevant sections have been overlooked we would certainly appreciate being informed.

1 - Mr. Mintz
1 - [redacted]
2 - [redacted]

FEDERAL GOVERNMENT

January 25, 1978

b6, b7C

Assistant Attorney General
Office for the Improvements in Administration
of Justice
Assistant Director - Legal Counsel
Federal Bureau of Investigation

OBLIGATORY APPELLATE JURISDICTION OF
THE SUPREME COURT

Reference is made to your memorandum to the Heads of Offices, Boards and Divisions dated January 10, 1978, with enclosures, captioned as above. Reference is also made to the telephonic conversation between Special Agent [redacted] Legal Counsel Division, Federal Bureau of Investigation, and Miss Patricia Bailey of your office on January 23, 1978.

As discussed during the referenced telephone conversation, it appears that the proposed Supreme Court Jurisdiction Act of 1978 will have no effect on the investigative and other operations of the FBI. We, therefore, will have no comments or observations to make regarding the proposed legislation.

MAILED 17
JAN 25 1978
FBI

NOTE: By referenced memorandum Mr. Meador solicited comments from the Heads of all Offices, Boards, and Divisions regarding the proposed Supreme Court Jurisdiction Act of 1978 which would restrict the mandatory appellate jurisdiction of the Supreme Court so that an instance of a Federal statute being overturned by a District Court can be appealed to a Circuit Court and need not be directly appealed to the U. S. Supreme Court. The proposed legislation provides for certiorari appeal in cases of sufficient importance. Other changes are set forth in the background memorandum attached to referenced 1/10/78 communication.

V-6 REC-42 62-27385-296
DE-67
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JEK-105

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Adm. Serv.
Crim. Inv.
Fin. & Pers.
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Intell.
Laboratory
Legal Coun.
Plan. & Insp.
Rec. Mgnt.
Spec. Inv.
Tech. Servs.
Training
Public Affs. Off.
Telephone Rm.
Director's Sec'y

APPROVED:
Director
Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Adm. Serv.
Crim. Inv.
Fin. & Pers.
Ident.
Intell.
Laboratory
Plan. & Insp.
Rec. Mgnt.
Spec. Inv.
Tech. Servs.
Training
Public Affs. Off.

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(9) [redacted]

MAIL ROOM ☑ TELETYPE UNIT ☐

FBI

May 22, 1978

FEDERAL GOVERNMENT

[redacted]
Supreme Court Building
Washington, D. C. 20544

Dear [redacted]

Pursuant to your telephonic conversation with [redacted] of my staff, Treasurer of the United States Check Number 316,878, dated May 15, 1978, is being returned for correction. You will note that there is a discrepancy between the written amount and the numeric amount. SF-1080 number 78-83 is also being returned.

It will be appreciated if a new check is forwarded promptly.

Sincerely yours,

Richard E. Long
Assistant Director
Administrative Services Division

MAILED 12
MAY 23 1978
FBI

Enclosures (2)
[redacted]
(3)

NOTE: The discrepancy on the check is the difference in the written amount and the numeric numbers. Per telephonic conversation with [redacted] requested the return of the check.

REC-72 62-27585-297

MAY 24 1978

ENCLOSURE

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Adm. Servs. ____
Crim. Inv. ____
Ident. ____
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Director's Sec'y ____

JUN 7 1978
MAIL ROOM

FBI/DOJ

Revised May 1970
2 Treasury FRM 2500
1080-108

VOUCHER FOR TRANSFERS BETWEEN APPROPRIATIONS AND/OR FUNDS

SCHEDULE NO.

BILL NO. 78-83

PAID BY

Department, establishment, bureau, or office billing

U.S. Department of Justice - Federal Bureau of Investigation
Washington, D.C. 20535 Accounting Station 15-02-0001

Department, establishment, bureau, or office billed

Administrative Office of the
U. S. Courts
Supreme Court Building
Washington, D.C. 20544

ORDER NO.	DATE OF DELIVERY	ARTICLES OR SERVICES	QUANTITY	UNIT PRICE COST	UNIT PRICE PER	AMOUNT DOLLARS AND CENTS
		Reimbursement for investigative work under authority contained in Section 686 of Title 31 of U. S. Code (Annotated). Received during March, 1978: 6 name checks @ $1.94 and 24 full field investigations @ $2,365.00. See attached.				$56,771.64
					TOTAL	$56,771.64

Remittance in payment hereof should be sent to—

Federal Bureau of Investigation
Richard E. Long, room 6012 JEH
Washington, D.C. 20535

ACCOUNTING CLASSIFICATION—*Billing Office*

1580200 Salaries & Expenses, FBI, 1978

RDH 4/12/78

CERTIFICATE OF OFFICE BILLED

I certify that the above articles were received and accepted or the services performed as stated and should be charged to the appropriation(s) and/or fund(s) as indicated below; or that the advance payment requested is approved and should be paid as indicated.

(Date)

(Authorized administrative or certifying officer)

(Title)

ACCOUNTING CLASSIFICATION—*Office Billed*

Paid by Check No.

62-27582-297

ENCLOSURE

ADMINISTRATIVE OFFICE
OF THE U.S. COURTS

WASHINGTON, D. C.

No. 316,878
SYMBOL 5697

DO NOT FOLD, SPINDLE OR MUTILATE
KNOW YOU'R ENDORSER -- REQUIRE IDENTIFICATION

Treasurer of the United States 15-50/000

May 15, 1978

PAY $56,771 Dollars 65 Cents

$56,771.64

TO THE ORDER OF U. S. Department of Justice
Federal Bureau of Investigation
Richard E. Long
Room 6012 JEH
Washington, D.C. 20535

VO. NO. 12767

ACCT. NO.

CLAIM FOR ABOVE OBJECT

DISBURSING OFFICER

BY

⑈5697⑈ ⑆0000⑈0050⑆ 00316878⑆

62-27547-217

ENCLOSURE

UNITED STATES GOVERNMENT

Memorandum

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Adm. Servs. ____
Crim. Inv. ____
Ident. ____
Intell. ____
Laboratory ____
Legal Coun. ____
Plan. & Insp. ____
Rec. Mgmt. ____
Tech. Servs. ____
Training ____
Public Affs. Off. ____
Telephone Rm. ____
Director's Sec'y ____

TO : Assistant Director
Criminal Investigative Division

DATE: 10/25/78

FROM : Legal Counsel

SUBJECT: INQUIRY BY [redacted]
U.S. SUPREME COURT MARSHAL,
CONCERNING ANONYMOUS TELEPHONE
CALL TO WFO BY COURT EMPLOYEE

PURPOSE:

To advise of anonymous telephone call to WFO alleging irregularity by Supreme Court [redacted] employee.

DETAILS:

On October 23, 1978, [redacted] telephoned SA [redacted], asking for particulars in captioned matter. According to [redacted] WFO night supervisor [redacted] telephoned information concerning it to the Supreme Court Police on October 20, 1978, at 7:45 p.m.

The anonymous male caller advised [redacted]

[redacted] said [redacted] personnel consists of [redacted] and [redacted] whose primary responsibility [redacted]

1 OCT 30 1978

SA [redacted] relayed [redacted]'s information to WFO ASAC Joseph Corless, who advised that WFO Agents will contact [redacted]

RECOMMENDATION:

For information.

APPROVED:

Director		Adm. Serv.	Legal Coun.
Assoc. Dir.		Crim. Inv.	Plan. & Insp.
Dep. AD Adm.		Ident.	Rec. Mgmt.
Dep. AD Inv.		Intell.	Tech. Servs.
		Laboratory	Training
			Public Affs. Off.

1 - Mr. Boynton
1 - Mr. Moore
1 - Mr. Mintz
1 - [redacted]

2 - Mr. Coulson
1 - [redacted]

FBI/DOJ

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

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Adm. Serv.
Crim. Inv.
Ident.
Intell.
Laboratory
Legal Coun.
Plan. & Insp.
Rec. Mgmt.
Tech. Servs.
Training
Public Affs. Off.
Telephone Rm.
Director's Sec'y

August 9, 1979

The Honorable
William H. Webster
Director, Federal Bureau of Investigations
Department of Justice
Constitution Avenue and 10th Street, N.W.
Washington, D.C. 20530

Dear Mr. Webster:

We have an opening for a Legal Officer at the Supreme Court. I have enclosed a brief description of the position.

Please help us to find strong candidates by calling our vacancy to their attention.

Thank you.

Sincerely,

James A. Robbins
Acting Personnel Officer

Enclosure

1 ENCLOSURE

REC-70
ST-103 DE-43
AUG 20 1979

GEN. COUNSEL

No candidates within LCD with the practice requirement qualification demanded. No response necessary

59 SEP 12 1979

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

August 7, 1979

JOB VACANCY

POSITION: Legal Officer

DESCRIPTION: Legal work for the Justices, including memoranda on certain motions appearing on the Conference Lists, on applications for emergency or extraordinary relief, and on original cases. Other responsibilities include research and analysis on jurisdictional issues, and the occasional drafting of orders and opinions. Also, assistance with the circuit work of some Justices, special projects as assigned by the Justices, and rendering legal advice to key Court personnel on internal administration of Court.

Employment of a legal officer is intended to provide an additional degree of continuity and experience to the Court's legal staff.

QUALIFICATIONS: Attorney with excellent research and writing skills. Demonstrated ability to perform high quality legal work with minimum supervision and within specified time limits.

A minimum of four years practice preferably including criminal and constitutional law, especially on appellate level. Supreme Court practice particularly helpful.

SALARY: Commensurate with the GS-14 range.

CLOSING DATE: August 27, 1979

CONTACT: Send resume, writing samples, and SF 171, including telephone numbers of references and supervisors to:

James A. Robbins
Acting Personnel Officer
202-252-3404

ENCLOSURE

United States Department of Justice
Office of the Solicitor General
Washington, D.C. 20530

May 14, 1980

FEDERAL GOVERNMENT

MEMORANDUM

To: Heads of Offices, Boards, Divisions, and Bureaus

From: Wade H. McCree, Jr.
Solicitor General

Subject: Increase in Admission Fee to the Supreme Court Bar

Under amended Rule 52(d) of the Supreme Court effective June 30, the fee for admission to the Bar of the Court will increase from $25 to $100. You may wish to advise eligible attorneys (admitted three or more years) in the event they wish to be admitted before the effective date of the increase.

J-13 DE-95 2-27585-300

OCT 8 1980

LEGAL

FEDERAL GOVERNMENT

2 - Mr. Mintz
1 - Mr. McKenzie
1 [redacted]

November 20, 1980

Honorable Warren E. Burger
Chief Justice of the United States
Washington, D.C. 20543

Dear Mr. Chief Justice: Supreme Court

On behalf of the Federal Bureau of Investigation, I would like to express sincere appreciation for the courtesy you extended to a number of our National Academy students on Saturday, November 8.

It was most gracious of you to take time from your other responsibilities, particularly on a Saturday, to talk with these officers. I assure you they were both thrilled and impressed by this unique experience. Your generous remarks regarding the FBI Academy and the National Academy program were relayed to me.

I would be remiss if I did not acknowledge the outstanding job Mr. Robert N. Weaver of your office continues to do in arranging and hosting these visits to the Court by students from the FBI Academy.

DE-88 62-215585-301

Again, thank you for your hospitality.

Sincerely yours,

B:11

William H. Webster DEC 1 1980
Director

NOV 21 1980 FBI

APPROVED: Director
Exec. AD-Adm.
Exec. AD-Inv.
Exec. AD-LES
Adm. Serv.
Crim. Inv.
Ident.
Intell.
Laboratory
Legal Coun.
Plan. & Insp.
Rec. Mgnt.
Tech. Servs.
Training
Off. of Cong. & Public Affs.

JRD:clp (6)

NOTE: See memorandum 11/18/80, Legal Counsel to Director captioned "Letter of Appreciation to Chief Justice Warren E. Burger".

DEC 10 1980 MAIL ROOM

June 21, 1982

FEDERAL GOVERNMENT

[redacted]

Supreme Court of the United States
One First Street, N.E.
Washington, D.C. 20543

b6, 2
b7C

Dear [redacted]

On June 14, 1982 [redacted] of your office provided a tour of the Supreme Court to a group of students from the FBI National Academy. I have been informed that Miss McCullough acted in a most professional and exemplary manner while conducting the tour. The students who participated in the tour are law enforcement officers from various police departments throughout the United States and many of them commented that the tour was excellent and thorough. The students who participated in the tour were most impressed with their day at the Supreme Court. I wish to thank you personally for your efforts on behalf of the Federal Bureau of Investigation.

62-27585-302

Sincerely yours,

John A. Mints
Assistant Director - Legal Counsel

MAILED 10
JUN 22 1982
FBI

17 JUN 28 1982

Exec AD Inv. ___
Exec AD Adm. ___
Exec AD LES ___
Asst. Dir.:
Adm. Servs. ___
Crim. Inv. ___
Ident. ___
Intell. ___
Laboratory ___
Legal Coun. ___
Plan. & Insp. ___
Rec. Mgmt. ___
Tech. Servs. ___
Training ___
Public Affs. Off. ___
Telephone Rm. ___
Director's Sec'y ___

1-Mr. Mints
1-[redacted]

MAIL ROOM

b6, b7C

FBI/DOJ

June 21, 1982

FEDERAL GOVERNMENT

[redacted]
Marshal
Supreme Court of the United States
One First Street, N.E.
Washington, D.C. 20543

Dear [redacted]

On June 14, 1982, a group of students from the FBI National Academy made a visit to the Supreme Court. After the completion of the Supreme Court's public business for the day, [redacted] of your office made a presentation to the group concerning the history of the Court. [redacted]'s talk was delivered in a professional manner and was most informative. I wish to extend to you my personal thanks for your efforts on behalf of the Federal Bureau of Investigation.

Sincerely yours,

John A. Mintz
Assistant Director - Legal Counsel

62-22585-303

JUN 22 1982 FBI

JUN 28 1982

Exec AD Inv. ___
Exec AD Adm. ___
Exec AD LES ___
Asst. Dir.:
Adm. Servs. ___
Crim. Inv. ___
Ident. ___
Intell. ___
Laboratory ___
Legal Coun. ___
Plan. & Insp. ___
Rec. Mgmt. ___
Tech. Servs. ___
Training ___
Public Affs. Off. ___
Telephone Rm. ___
Director's Sec'y ___

1-Mr. Mintz
[redacted]
(3)

MAIL ROOM ☑

FBI/DOJ

Memorandum

Exec AD Adm. ___
Exec AD Inv. ___
Exec AD LES ___
Asst. Dir.: ___
Adm. Servs. ___
Crim. Inv. ___
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Legal Coun. ___
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Rec. Mgmt. ___
Tech. Servs. ___
Training ___
Off. of Cong. & Public Affs. ___
Telephone Rm. ___
Director's Sec'y ___

To : The Director

Date 1/3/83

From : R. S. Young

Subject : AN ACT RELATING TO THE POLICING OF THE BUILDING AND GROUNDS OF THE SUPREME COURT.

PURPOSE: To advise of the passage of referenced bill.

DETAILS: H.R.6204, which provides for the appointment and authority of the Supreme Court Police and other purposes has been enacted by Congress and has been signed into law by the President.

Currently, the authority for policing the Supreme Court building and grounds and the responsibilities of the "special policemen" designated by the Marshal of the Supreme Court of the United States are primarily set forth in 40 U.S.C. 13. These special police have the power within the Supreme Court building, grounds and adjacent streets to enforce and make arrests for the following: violations of certain provisions of Section 13; violations of a regulation prescribed by the Marshal of the Supreme Court; violations of any law of the United States, any law of the District of Columbia, or of any State; or violations of any regulation promulgated pursuant thereto. (Section 13n)

The enrolled bill amends Section 13 redesignating these special police as members of the Supreme Court Police and redefines, in part, and clarifies their authority. Therefore, as amended, the Supreme Court Police have the authority to police the Supreme Court building, grounds and adjacent streets "for the purpose of protecting persons and property." In performance of those duties they are permitted to make arrests for any violation of a law of the United

DE-206 62-2151-303X

1 - Mr. Revell - Enc.
1 - Mr. Mintz - Enc.
1 - Mr. Young - Enc.
1 - Mr. Haynes - Enc.
3 - Mr. Moschella - Enc.
1 - [redacted]

1 - Mr. Colwell - Enc.
1 - Mr. Otto - Enc.

12 JAN 7 1983

(CONTINUED - OVER)

1 - [redacted] b6, b7C

b6, b7C [redacted]

53 JUN 12 1984

Memorandum to the Director from R. S. Young
RE: AN ACT RELATING TO THE POLICING OF THE BUILDING AND GROUNDS OF THE SUPREME COURT

States or any state. Further, the enrolled bill permits the Supreme Court Police to carry firearms as may be required to perform their duties. In addition, these police are authorized to protect the person of the Chief Justice and any Associate Justice of the Supreme Court or any officer or employee of the Court while engaged in the performance of official duties. In the performance of these duties, the Supreme Court Police can make arrests for any violation of the laws of the United States and any regulation under such law. However, this additional protective authority is only effective for three years and annual reports are required to be made to Congress regarding the costs of carrying out such additional duty.

RECOMMENDATIONS:

1) That the Criminal Investigative Division review and prepare manual changes and/or instructions to the field as deemed necessary.

APPROVED:	Adm. Servs.	Laboratory
	Crim. Inv.	Legal Coun.
Director		Off. of Cong. & Public Affs.
Exec. AD-Adm.	Ident.	Rec. Mgnt.
Exec. AD-Inv.	Inspection	Tech. Servs.
Exec. AD-LES	Intell.	Training

2) That OCPA obtain copies of Public Laws when printed and provide to CID and Legal Counsel Division.

APPROVED:	Adm. Servs.	Labgratory
	Crim. Inv.	Legal Coun.
Director		Off. of Cong. & Public Affs.
Exec. AD-Adm.	Ident.	Rec. Mgnt.
Exec. AD-Inv.	Inspection	Tech. Servs.
Exec. AD-LES	Intell.	Training

H. R. 6204

Ninety-seventh Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Monday, the twenty-fifth day of January, one thousand nine hundred and eighty-two

An Act

To provide for appointment and authority of the Supreme Court Police, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first section of the Act entitled "An Act relating to the policing of the building and grounds of the Supreme Court of the United States", approved August 18, 1949 (40 U.S.C. 13f), is amended—

(1) by striking out "special policemen" and inserting in lieu thereof "members of the Supreme Court Police"; and

(2) by striking out ", for duty" and all that follows through "adjacent streets".

(b) Subsection (b) of section 7 of such Act (40 U.S.C. 13l(b)) is amended by striking out "promulgated under" and all that follows through the end of the subsection and inserting in lieu thereof "prescribed under this section shall be posted in a public place at the Supreme Court Building and shall be made reasonably available to the public in writing.".

(c)(1) Section 9 of such Act (40 U.S.C. 13n) is amended by striking out "SEC. 9. The special" and all that follows through ": *Provided,* That the Metropolitan Police force of the District of Columbia" and inserting in lieu thereof the following:

"SEC. 9. (a) The Marshal of the Supreme Court and the Supreme Court Police shall have authority, in accordance with regulations prescribed by the Marshal and approved by the Chief Justice of the United States—

"(1) to police the Supreme Court Building and grounds, and adjacent streets for the purpose of protecting persons and property;

"(2) in any part of the United States, to protect—

"(A) the person of the Chief Justice of the United States, any Associate Justice of the Supreme Court, and any official guest of the Supreme Court; and

"(B) the person of any officer or employee of the Supreme Court while such officer or employee is engaged in the performance of official duties;

"(3) in the performance of duties necessary for carrying out paragraph (1) of this subsection, to make arrests for any violation of a law of the United States or any State and any regulation under such law;

"(4) in the performance of duties necessary for carrying out paragraph (2) of this subsection, to make arrests for any violation of a law of the United States and any regulation under such law; and

"(5) to carry firearms as may be required for the performance of duties under this Act.

"(b) The Metropolitan police force of the District of Columbia".

(2) Section 9 of such Act (40 U.S.C. 13n), as amended by paragraph (1) of this subsection, is further amended by adding at the end the following new subsections:

"(c) The authority created under subsection (a)(2) shall expire three years after the date of enactment of this subsection. During the three-year effective period of subsection (a)(2), the Marshal of the Supreme Court shall report annually to the Congress on March 1 regarding the administrative cost of carrying out his duties under such subsection. Duties under subsection (a)(2)(A) of this section with respect to an official guest of the Supreme Court in any part of the United States (other than the District of Columbia, Maryland, and Virginia) shall be authorized in writing by the Chief Justice of the United States or an Associate Justice of the Supreme Court, if such duties require the carrying of firearms under subsection (a)(5) of this section.

"(d) As used in this Act, the term—

"(1) 'official guest of the Supreme Court' means an individual who is a guest of the Supreme Court, as determined by the Chief Justice of the United States or any Associate Justice of the Supreme Court;

"(2) 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States; and

"(3) 'United States', when used in a geographical sense, means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.".

(d) Section 11 of such Act (40 U.S.C. 13p) is amended by adding at the end the following new sentence: "In addition to the property referred to in the preceding sentence, for the purposes of this Act, the Supreme Court grounds are comprised of any property under the custody and control of the Supreme Court as part of the Supreme Court grounds, including property acquired as provided by law on behalf of the United States in lots 2, 3, 800, 801, and 802 in square 758 in the District of Columbia as an addition to the grounds of the United States Supreme Court Building.".

SEC. 2. Section 672(c) of title 28, United States Code, is amended—

(1) by striking out the period at the end of paragraph (7) and inserting in lieu thereof a semicolon; and

(2) by adding at the end the following new paragraph:

"(8) Oversee the Supreme Court Police.".

SEC. 3. Section 3 of the Act entitled "An Act to provide for the acquisition of certain property in square 758 in the District of Columbia as an addition to the grounds of the United States Supreme Court Building", approved December 15, 1980 (40 U.S.C. 13p note), is amended by striking out "Act of May 7, 1934 (40 U.S.C. 13a through 13p), as amended" and inserting in lieu thereof "Act entitled 'An Act to provide for the custody and maintenance of the

United States Supreme Court Building and the equipment and grounds thereof', approved May 7, 1934 (40 U.S.C. 13a–13c), and section 6 of the joint resolution entitled 'Joint resolution to provide for the use and disposition of the bequest of the late Justice Oliver Wendell Holmes to the United States, and for other purposes', approved October 22, 1940 (40 U.S.C. 13e)".

Speaker of the House of Representatives.

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

Memorandum

Exec AD Adm. ____
Exec AD Inv. ____
Exec AD LES ____
Asst. Dir.:
Adm. Servs. ____
Crim. Inv. ____
Ident. ____
Insp. ____
Intell. ____
Lab. ____
Legal Coun. ____
Off. Comp. & Public Affs. ____
Rec. Mgmt. ____
Tech. Servs. ____
Training ____
Telephone Rm. ____
Director's Sec'y ____

To : The Director

Date 9/22/83

From : Legal Counsel

Subject : CASES BEFORE THE U.S. SUPREME COURT INVOLVING FBI INVESTIGATIONS

Reference is made to recent MAOP changes (Part II, Section 4-5) wherein the Legal Instruction Unit assumes responsibility for monitoring the U.S. Supreme Court's docket and for reporting on the status of lower court decisions in FBI cases wherein certiorari has been granted.

During the Supreme Court's 1982-83 term, certiorari was granted in three FBI cases. None has been decided. The cases have been deferred until the 1983-84 term of court. They are:

DE-152 62-27585

1) Matter of Grand Jury Empanelled March 19, 1980, 680 F.2d 327 (3d Cir. 1982), cert. granted sub nom., United States v. Doe, 51 U.S.L.W. 3789 (May 2, 1983), docket #82-786. This is a Hobbs Act investigation from the Newark Division. A sole proprietor of a business successfully invoked the Fifth Amendment privilege against self-incrimination to resist disclosure of business-related records pursuant to a federal grand jury's subpoena duces tecum. The government appealed while the case was still in the investigative stage. Questions presented: (1) May the Fifth Amendment privilege against compelled self-incrimination be invoked by a sole proprietor in response to a subpoena for preexisting business records, many of which were not prepared by him and are of the type kept by virtually all businesses? (2) May a person properly resist compliance with subpoena duces tecum on the ground that act of production would be self-incriminating, despite the government's offer of the functional equivalent of use immunity with respect to act of production?

OCT 26 1983

2) United States v. Martino, 681 F.2d 952 (5th Cir. 1982) (en banc), cert. granted sub nom., Russello v. United States, 51 U.S.L.W. 3508 (Jan. 10, 1983), docket #82-472. This appeal stems from a conviction in a RICO case from the Tampa Division. The court of appeals held that profits and income from an arson-for-insurance-profit scheme, and not just the interest in the enterprise, are subject to forfeiture

1-Mr. Colwell
1-Mr. Otto
1-Mr. Young
[redacted] (7)

1-Mr. Davis
1-[redacted]
1-[redacted]

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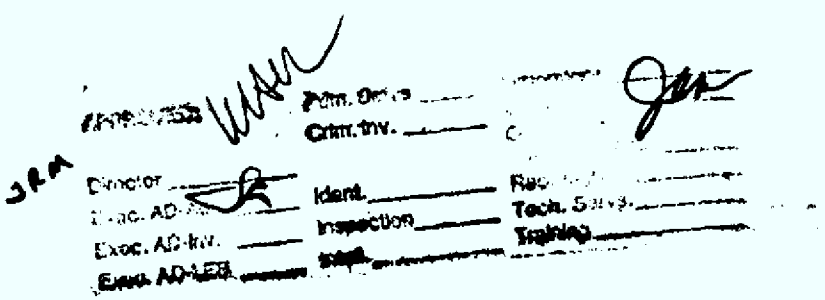
FBI/DOJ

under 18 U.S.C. §1963(a)(1), a provision in the RICO statute. Question presented: Does the term "interest" as used in 18 U.S.C. §1963(a)(1) include income and profits derived from a pattern of racketeering activity?

3) Dixson v. United States, Hinton v. United States, 683 F.2d 195 (7th Cir.), cert. granted, 51 U.S.L.W. 3473 (Dec. 13, 1982), docket #82-5279 and 82-5331. These appeals stem from the bribery conviction of the executive director and housing rehabilitation coordinator of a private, community based, non-profit corporation that contracted with a municipality to administer federal funds granted under a Block Grant program. The convictions resulted from an investigation instituted by the Chicago Division. Question presented in Hinton: Is the employee of a private, nonprofit organization that was sub-grantee of Community Development Block Grant funds a "public official" within the meaning of 18 U.S.C. 201(a)? Question presented in Dixson: Is the employee of a community-based, nonprofit corporation, under contract with a city to administer Community Development Block Grant received from Department of Housing and Urban Development, a public official within the meaning of 18 U.S.C. 201?

Legal Instruction Unit will monitor the status of these cases and advise the office of origin upon final disposition.



FEDERAL GOVERNMENT

November 17, 1983

DE-155

Honorable Sandra Day O'Connor
Associate Justice of the Supreme
Court of the United States
Washington, D.C. 45

Dear Sandra:

I am delighted to learn that you will be available to speak to our Supervisory (Management) group on January 4th as a part of our Distinguished Lecturer Series. I know you will find this to be a receptive and supportive audience and we are very grateful that you can find time to be with us.

I think you will find the question and answer period stimulating and enjoyable. These young men and women have an active interest in how the process works, and they ask good questions.

I hope you will stay and have lunch with me following your talk. Perhaps John and Drue will be able to join us.

Warmest regards and many thanks,

Sincerely,

DE-155 62—27585—305

M-5

William H. Webster
Director

file/copy
11/21
3pm

1 - Mr. Young

WHW:mfd

64 DEC 5 1983

SENT FROM D.O.
TIME 11:50
11/18/83

17 NOV 23 1983

Dir. AD Adm. ___
Dir. AD Inv. ___
Dir. AD LES ___
Asst. Dir.:
Adm. Servs. ___
Crim. Inv. ___
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Legal Coun. ___
Off. Cong. & Public Affs. ___
Rec. Mgmt. ___
Tech. Servs. ___
Training ___
Telephone Rm. ___
Director's Sec'y ___

MAIL ROOM ☐

Memorandum

Exec. AD Adm. ___
Exec. AD Inv. ___
Exec. AD LES ___
Asst. Dir.:
Adm. Servs. ___
Crim. Inv. ___
Ident. ___
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Tech. Servs. ___
Training ___
Off. of Cong. & Public Affs. ___
Telephone Rm. ___
Director's Sec'y ___

To : Mr. Colwell

Date 1/3/84

From : K. T. Boyd

Subject : TECHNICAL SECURITY ASSESSMENT FOR THE CHIEF JUSTICE, U.S. SUPREME COURT

PURPOSE: To apprise you of the Chief Justice's concern for assuring the protection of sensitive Supreme Court decisions prior to their official announcement and how we contemplate lending assistance.

DETAILS: During his luncheon with the Director on 12/29/83, the Chief Justice expressed concern for the physical security of the Supreme Court Building and the protection of information indicating the Court's decision prior to the time of public announcement. He indicated an awareness of certain sophisticated attacks made possible through modern technology (e.g., Tempest exploitation).

With respect to the latter concern, the Director requested today that I extend the Chief Justice such assistance as will apprise him of the vulnerable points (from the Justice's decision through the steps prior to its publication), what technological attacks are feasible, and what measures may be taken to prevent exploitation or reduce its likelihood.

I will contact the Chief Justice's Administrative Assistant, Mark W. Cannon, to obtain, if available, a description of the process leading to publication of Court decisions as well as the identity of pertinent technical equipment. Thereafter, one or two specialists from this Division will make an on-scene evaluation and prepare a threat assessment report for the Chief Justice's perusal.

I will keep you and the Director informed of these events.

ACTION: For information.

1 - Mr. Colwell
1 - Mr. Boyd
1 - Mrs. Morris (Attn: [redacted]
1 - Mr. Witzel (Attn: [redacted]

[redacted] (5)

64 JAN 27 1984

7 JAN 6 1984

APPROVED:

Adm. Servs.		Laboratory	
Crim. Inv.		Legal Coun.	
		Off. of Cong. & Public Affs.	
Director		Ident.	Rec. Mgmt.
Exec. AD-Adm.		Inspection	Tech. Servs.
Exec. AD-Inv.		Intell.	Training
Exec. AD-LES			

FBI/DOJ

Memorandum

To : DIRECTOR, FBI
(Attention: Civil Rights and Applicant Section)

Date 5/4/84

From : SAC, WFO

Subject : Unnecessary Bar Checks at the U.S. Supreme Court and U.S. District Court in Applicant Type Investigations

Washington Field currently conducts a record check at the U.S. Supreme Court and U.S. District Court in applicant type investigations in every instance where an applicant indicates they are an attorney. The purpose of those checks is to determine whether the applicant is admitted to practice before those courts. A record check is also conducted at the District of Columbia Bar (D.C. Unified Bar) to determine membership and at the Office of Bar Counsel to determine standing and grievances.

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b7C

[redacted] Membership Office, District of Columbia Bar has advised that the District of Columbia Bar is the only office in Washington, D.C., that has licensing authority over attorneys. He further advised that the Office of Bar Counsel, which is associated with the District of Columbia Bar, is the office responsible for maintaining records on standing and grievances pertaining to local attorneys. [redacted] noted that admission to practice before individual courts, including the U.S. Supreme Court, within the District of Columbia is simply a matter of the attorney requesting to be placed on the court's register and furnishing a letter certifying good standing.

After reviewing this procedure it is Washington Field's conclusion that the record checks at the U.S. Supreme Court and U.S. District Court are unnecessary and an unwarranted drain of this field office's limited resources. It is unclear why or when these checks were instituted at Washington Field or the rationale behind them. The checks reveal only whether the applicant has met the pro forma requirements for admission to practice before those courts. Neither court has licensing authority and a check of their membership records does not produce information as to any record of complaints or investigations concerning an applicant.

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FBI/DOJ

UACB Washington Field is discontinuing routine agency checks at the U.S. Supreme Court and U.S. District Court Lawyer's Register. When warranted, e.g., in a judgeship investigation, checks will be conducted at those courts. Washington Field will continue to check the records of the District of Columbia Bar (D.C. Unified Bar) and the Office of Bar Counsel for evidence of membership, standing and grievances.

1 [redacted]

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SAC, WFO 5/15/84

Director, FBI

UNNECESSARY BAR CHECKS AT THE U. S. SUPREME COURT
AND U. S. DISTRICT COURT IN APPLICANT TYPE INVESTIGATIONS

Reurlet 5/4/84.

Your proposal to limit bar checks in background investigations to those entities responsible for admission to practice and for maintaining records on standing and grievances has considerable merit and should be placed into effect. Your interest in eliminating unnecessary investigative steps is appreciated and you are encouraged to continue to seek out ways to streamline operations by increasing the efficiency and effectiveness of our procedures.

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APPROVED:
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Exec AD-Inv.
Exec AD-LES
Adm. Servs.
Crim. Inv.
Ident.
Inspection
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62-27585-

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Director's Sec'y

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FBI/DOJ

Memorandum

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Director's Sec'y ___

To : Mr. Bayse

Date 6-6-84

From : R. W. Witzel

[redacted]

Subject : COMPUTER RISK ANALYSIS/
SUPREME COURT OF THE UNITED STATES

b7C, 66

PURPOSE: To report on the meetings held with Messrs [redacted] and [redacted], Supreme Court (SC) of the United States.

SYNOPSIS: Personnel from the Engineering Section (ES) met with personnel from the Supreme Court of the United States to discuss their concern on their newly acquired computer system. This computer is used in the SC Building for word processing and typesetting. With few exceptions, the security precautions taken to prevent unauthorized access to the files in the system are adequate. Several observations were made where minor changes could improve the security of the system.

RECOMMENDATIONS: That the attached letter tc Chief Justice Warren E. Burger be sent.

Director		Adm. Servs.	Laboratory
Exec. AD-Adm.		Crim. Inv.	Legal Coun.
Exec. AD-Inv.		Ident.	Off. of Cong. & Public Affs.
Exec. AD-LES		Inspection	Rec. Mgmt.
		Intell.	Tech. Servs.
			Training

DETAILS: During early February 1984 the Engineering Section was asked to meet with Supreme Court personnel to discuss their concerns on their computer system.

DE-21 62-2755-307

On February 10, 1984, SSAs [redacted] and [redacted] met with Messrs [redacted] Supreme Court of the United States, Washington, D.C.

23 JUN 12 1984

Enc. - 2 c/ 7/84

1 - Mr. Colwell
1 - Mr. Bayse
1 - Mr. Witzel
1 - [redacted]
1 - [redacted]
1 - [redacted]

66, b7C

[redacted]

GOVERNMENT PRINTING OFFICE: 1988-411-864/9070

(CONTINUED - OVER)

Memorandum from R. W. Witzel to Mr. Bayse
RE: COMPUTER RISK ANALYSIS/
SUPREME COURT OF THE UNITED STATES

b2, b6, b7C, D

[redacted]

b6 b7C

Due to time constraints, [redacted] was unable to provide all pertinent information to fully evaluate the system's security during the first meeting. Also, in view of conflicts with both [redacted] and Engineering Section personnel, the next two meetings were scheduled for mid April and early May 1984.

Based on these meetings, the following comments reflect views as to the strength and weaknesses of security measures currently in force at the SC building:

b2, b7E

[redacted]

TEMPEST Exploitation:

b2, b7D

[redacted]

Memorandum from R. W. Witzel to Mr. Bayse
RE: COMPUTER RISK ANALYSIS/
SUPREME COURT OF THE UNITED STATES

b2,
b7D

[redacted]

Attacks Against Computer System:

b2,
b7D

[redacted]

(CONTINUED - OVER)

Memorandum from R. W. Witzel to Mr. Bayse
RE: COMPUTER RISK ANALYSIS/
SUPREME COURT OF THE UNITED STATES

[redacted]

b2, b7D

[redacted]

b6, b7C

On May 1, 1984, ET [redacted] and SSA [redacted] met with [redacted] and [redacted] Marshall of the Court, telephone number 252-3200, to discuss the technical security of their telephone system.

[redacted]

b6, b7C, D

(CONTINUED - OVER)

No technical evaluation to the security of their telephone system was performed as it is being replaced in the near future, possibly by August.

b6
b7C

[redacted] commented that they may request FBI assistance in the security aspect of their proposed new telephone system.

The continued services and assistance of the Engineering Section were offered to both Messrs [redacted] and [redacted]

It should be noted that the attachment to Chief Justice Burger's letter is basically the same as the details of this memorandum.

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FM LEGAT LONDON

TO DIRECTOR FBI ROUTINE

BT

UNCLAS E F T O

ATTN: LIAISON UNIT, INTD

LIAISON MATTER

RECEIVED
TELETYPE UNIT
29 AUG 85 10 33Z
FEDERAL BUREAU
OF INVESTIGATION

ON AUGUST 22, 1985, AN INVOICE WAS HAND DELIVERED TO THE AMERICAN EMBASSY, LONDON, FROM P&O CARPETS LIMITED, 63 SOUTH AUDLEY STREET, MAYFAIR, LONDON W1. INVOICE INDICATED THAT PAYMENT IN THE AMOUNT OF $2,546.46 HAD BEEN RECEIVED BY U.S. TREASURY CHECK FROM [redacted], MARSHAL, U.S. SUPREME COURT, WASHINGTON, D.C. A NOTE ACCOMPANYING THE INVOICE ADVISED THAT "YOUR CARPETS HAVE BEEN DESPATCHED FROM THE SHOP".

TWO CARPETS FROM P&O CARPETS WERE SELECTED BY, AND SET ASIDE FOR, CHIEF JUSTICE WARREN BURGER WHEN HE RECENTLY VISITED LONDON IN CONJUNCTION WITH THE AMERICAN BAR ASSOCIATION MEETING HERE. THESE ORIENTAL CARPETS WERE FOR USE AT THE SUPREME COURT, AND LEGAT LONDON WAS ASKED TO EXPEDITE DELIVERY. [redacted] WAS ADVISED TO SEND A GOVERNMENT PURCHASE ORDER AND CHECK TO P&O CARPETS AS MOST EXPEDITIOUS WAY OF GETTING CARPETS TO U.S.

62-27585

NOT RECORDED
19 SEP 27 1985

P&O CARPETS ADVISED RECENTLY THAT CARPETS ARE USUALLY AIR

2 OCT 23 1985

[redacted]

66, 67C

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PAGE TWO LON

FREIGHTED WITHIN 48 HOURS OF DESPATCH.

~~LIAISON UNIT REQUESTED TO~~ CONTACT [redacted] AT U.S. SUPREME COURT TO ADVISE HIM THAT CARPETS MAY NOW BE AT U.S. CUSTOMS IF NOT ALREADY DELIVERED TO HIM.

b6, b7C

INVOICE WILL BE SENT DIRECT TO [redacted] BY MAIL FROM LEGAT LONDON.

BT

NNNN

Memorandum

Exec AD Adm. ___
Exec AD Inv. ___
Exec AD LES ___
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Training ___
Telephone Rm. ___
Director's Sec'y ___

To : The Director

Date 10/15/85

From : Legal Counsel

Subject : 1984-1985 SUPREME COURT TERM

PURPOSE: To provide you a summary of cases of interest to the FBI that were decided by the Supreme Court during its 1984-85 term.

DETAILS:

During the last Supreme Court term, 43 cases of interest to the FBI involving criminal procedure, statutory construction, evidence and civil liability were decided. Of that number four cases directly involved the FBI: Wayte v. U.S. sustained the conviction of a man who failed to register with the Selective Service over his claim of selective prosecution; U.S. Department of Justice v. Provenzano, involving the Freedom of Information Act request of Anthony Provenzano, was remanded to the District Court without decision in light of subsequently enacted legislation mooting the issue; U.S. v. Miller concerned the sufficiency of proof necessary to sustain a mail fraud conviction; and Mitchell v. Forsyth, arising from an Attorney General-ordered FBI electronic surveillance, held that a district court's refusal to grant qualified immunity is immediately appealable.

In addition, we have listed, by topic, the cases of interest in which review has been granted for the Court's present term. None of these is an FBI case.

RECOMMENDATION:

DE-58 Y-120 62-27585-308

None, for information only.

1 - ENCLOSURE

APPROVED:

Enclosure

1-Mr. Davis
1-Mr. Kelley
1-Each Legal Counsel Unit Chief
1 - [redacted]
1 - [redacted] (12)
1 - Mr. Mintz
1 - Chief Counsel-DEA

b6, b7C

31 DEC 18 1985

XEROX DEC 31 1985

FBI/DOJ

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1984-85 Supreme Court Term

Cases Decided

I. Criminal Procedure

A. Investigative Detention

1. U.S. v. Hensley, 105 S.Ct. 675 (1-8-85)

A unanimous Court held that the investigative detention doctrine - first recognized in Terry v. Ohio, 392 U.S. 1 (1968) - is applicable to completed offenses as well as prospective and on-going offenses, and that a "wanted flyer" issued by a police department may form the basis for the stop. The officers making such a stop need not have knowledge of all of the underlying facts so long as the issuing agency is in possession of specific, articulable facts amounting to reasonable suspicion.

2. U.S. v. Sharpe, 105 S.Ct. 1568 (3-20-85)

In a 7-2 decision the Supreme Court upheld the 20-minute detention of an individual suspected of trafficking in marihuana. Rejecting the appellate court's effort to establish a per se rule regarding the allowable time for an investigative stop, the Court held that the reasonableness of the stop should be considered in light of purposes to be served by the stop and the time reasonably needed to effectuate that purpose. The Court noted that the examination should focus on whether the police acted diligently in pursuing steps which are likely to confirm or dispel their suspicions quickly.

3. Hayes v. Florida, 105 S.Ct. 1643 (3-20-85)

In an 8-0 decision the Court held that the investigative detention of a person at the police station for fingerprinting violates the Fourth Amendment unless there is either probable cause to arrest, consent or judicial authorization for the detention. The Court suggested that a brief detention on the street for the purpose of fingerprinting might be reasonable if (1) there is reasonable suspicion that the suspect has committed a crime; (2) there is a reasonable basis for believing that fingerprinting will resolve the situation; and (3) the procedure is carried out with dispatch.

4. Florida v. Rodriguez, 105 S.Ct. 308 (11-14-84)

In a per curiam opinion (from which three Justices dissented) the Court reversed a state court's suppression of narcotics seized from a drug courier suspect's luggage at an airport. The state court had ruled that no reasonable suspicion existed to stop the suspects, and that a subsequent consent to

search the luggage was rendered involuntary by the officer's failure to advise the suspect of his right to refuse. Without deciding that a "seizure" had actually occurred when the police confronted the suspects at the airport, the Court ruled that the facts supported a reasonable suspicion to make an investigative stop. The Court further held that the state court's conclusion regarding the consent was inconsistent with the holdings in Schneckloth v. Bustamonte, 412 U.S. 218 (1973) that an otherwise voluntary consent is not rendered involuntary because of a failure to advise the suspect of his right to refuse consent. The case was remanded to the state court to determine whether other factors affecting voluntariness of the consent had been considered.

5. U.S. v. DeHernandez, 105 S.Ct. 3304 (7-1-85)

The Court upheld the 16-hour detention by Customs Agents of a woman arriving in the United States from a foreign country. The Court held that the Customs Agents had an articulable suspicion that she was engaged in alimentary canal smuggling, and the lengthy detention was justified in this case because of the nature of the criminal activity - i.e., "the method by which she chose to smuggle illicit drugs into the country" - as well as the actions of the defendant in attempting to evade discovery.

B. Search of Persons

1. New Jersey v. T.L.O., 105 S.Ct. 733 (1-15-85)

In T.L.O., the Court held that the Fourth Amendment prohibition on unreasonable searches and seizures applies to the search of students by school officials. However, the Supreme Court concluded that the needs of school officials to maintain discipline, preserve order and provide a proper educational environment outweigh a student's privacy interests and, therefore, justify warrantless searches by teachers or other school officials. The Court held that in light of the above interests, reasonable suspicion, not probable cause, is the standard which must be met before a teacher or school official may search a student for evidence of a violation of the law or the rules of the school.

2. Winston v. Lee, 105 S.Ct. 1611 (3-20-85)

In Winston, the Court ruled invalid a court order compelling bullet removal surgery because the state failed to establish a compelling need for the evidence. The Court held that compelled surgical intrusions might be unreasonable, even where the surgery is minor in nature and probable cause exists, if the identifiable government needs in acquiring the evidence are outweighed by the risks to the individual and the degree of the intrusion.

C. Search of Motor Vehicles

1. U.S. v. Johns, 105 S.Ct. 881 (1-21-85)

In a 7-2 decision the Court upheld the warrantless search of packages three days after they had been removed from vehicles by Customs Agents and stored in a warehouse. The Court held that the officers had probable cause to believe that marihuana was in the vehicles as well as in the packages, and therefore the search was justified under the vehicle exception. The three-day delay in conducting the search did not affect its legality because the probable cause still existed, and a search of a vehicle and its contents under the vehicle exception does not have to be contemporaneous with its seizure.

2. Oklahoma v. Castleberry, 105 S.Ct. 1859 (4-1-85)*

An evenly divided Court (4-4) affirmed a state court ruling that required police to have a warrant to search a suitcase which they had seized from an automobile trunk. The state court had concluded that the probable cause was limited to the suitcase, and that the vehicle exception did not apply.

3. California v. Carney, 105 S.Ct. 2066 (5-13-85)

In a 6-3 decision the Court held that the vehicle exception to the warrant requirement applies to a fully mobile motor home in the same sense that it applies to other vehicles. The Court reasoned that even though the motor home may possess some attributes of a residence, it also possesses the two attributes of vehicles which have historically been used to justify warrantless searches when probable cause exists: (1) they are readily mobile; and (2) there is a reduced expectation of privacy as a result of pervasive state regulation of vehicles which are capable of travelling on the highways.

D. Confessions

1. Smith v. Illinois, 105 S.Ct. 490 (12-10-84)

The Supreme Court stressed the importance of honoring a suspect's request to have counsel present during custodial interrogation by holding that statements made by a suspect, following a clear and unequivocal request for a lawyer, may not be used even to cast doubt on the clarity of the suspect's request to have a lawyer present.

2. Shea v. Louisiana, 105 S.Ct. 1065 (2-20-85)

The Supreme Court reaffirmed its ruling in Edwards v. Arizona, 451 U.S. 477 (1981), that once a criminal defendant has requested an attorney during custodial interrogation all police interrogation must stop and cannot be reinstituted except after counsel has been made available or the defendant has initiated a

conversation with police. Shea v. Louisiana held that the Edwards rule applies retroactively to cases on direct appeal when Edwards was decided.

3. Oregon v. Elstad, 105 S.Ct. 1285 (3-4-85)

The Supreme Court ruled that a confession obtained by police after giving the Miranda warnings and obtaining a valid waiver, was not automatically tainted by the fact that they had earlier secured an initial admission without first advising the suspect of his Miranda rights. The Elstad case recognized the Miranda warnings as only a judicially created safeguard to the Fifth Amendment privilege against compelled self-incrimination, but not in themselves of constitutional dimension. Thus, so long as the initial admission was not coerced, a second admission preceded by the advice and waiver of Miranda rights may be admitted into evidence.

4. Tennessee v. Street, 105 S.Ct. 2078 (5-13-85)

The Sixth Amendment's Confrontation Clause is not violated by the admission of a non-testifying accomplice's confession at a sole defendant's trial where that confession is offered on rebuttal for the limited purpose of showing that the defendant's own confession was not coerced.

E. Right to Counsel

1. Evitts v. Lucey, 105 S.Ct. 830 (1-21-85)

The Supreme Court held that the Due Process Clause of the Fourteenth Amendment guarantees a criminal defendant the effective assistance of counsel on his first appeal as of right following his conviction.

F. Search of Premises

1. Thompson v. Louisiana, 105 S.Ct. 409 (11-26-84)

In Thompson, the Supreme Court held that a warrantless 2-hour search of a murder scene after the victim and suspect were removed violated the Fourth Amendment. The Court reiterated that there is no "murder scene" exception to the warrant requirement. Law enforcement officers may make emergency warrantless entries when necessary to locate victims and suspects and to render assistance and any evidence found in plain view during that entry may be seized. Once the emergency function has been fulfilled, any further search must be conducted pursuant to a search warrant or consent.

2. Maryland v. Macon, 105 S.Ct. 2778 (6-17-85)

In Macon, the Court held that an undercover purchase at a public adult bookstore did not constitute a search and seizure within the meaning of the Fourth Amendment.

II. Federal Statutes

A. Selective Service Act - 50 U.S.C. 463

1. Wayte v. U.S., 105 S.Ct. 1524 (3-29-85)**

The Supreme Court held that the government's selective policy of enforcing the Selective Service registration requirement, under which the government investigates and prosecutes only those young men who advise the government that they have failed to register or who are reported by others as having failed to register, and who persist in their refusal after being warned that prosecution might result, does not violate the equal protection clause of the Fifth Amendment, since there is no evidence to indicate that the policy has a discriminatory effect or that it is motivated by a discriminatory purpose. Furthermore, the Court concluded that the selective enforcement policy does not violate petitioner's First Amendment guarantees because the policy serves the substantial, legitimate government interest of prosecutorial efficiency.

B. Federal Firearms Statute - 18 U.S.C. 992 and 994

1. Ball v. U.S., 105 S.Ct. 1668 (3-26-85)

The Supreme Court held that a previously convicted felon who is found to be in possession of a firearm cannot, because of congressional intent, be convicted and concurrently sentenced for both receiving the firearm in violation of 18 U.S.C. 992(h) and possessing that firearm in violation of 18 U.S.C. App. 1202(a).

C. Privacy Act - 5 U.S.C. 552a

1. U.S. Department of Justice v. Provenzano, 105 S.Ct. 413 (11-26-84)**
2. Shapiro v. DEA (11-26-84)

These two cases, one an FBI case (Provenzano) and one a DEA case (Shapiro), presented the identical issue of whether the Privacy Act was an exempting statute under the Freedom of Information Act (FOIA). Subsequent to the Supreme Court's grant of review in these cases, Congress passed legislation prohibiting an agency from claiming the Privacy Act as an exempting statute. Accordingly, the Supreme Court vacated the judgment of the Circuit Courts of Appeal and remanded the cases for further proceedings to determine if the individual plaintiffs could receive access to the records under the FOIA.

D. Mail Fraud - 18 U.S.C. 1341

1. U.S. v. Miller, 105 S.Ct. 1811 (4-1-85)**

Miller appealed his conviction arguing that his Fifth Amendment right to a grand jury indictment was violated when he was tried under an indictment that alleged a certain fraudulent scheme, but was convicted based on trial proof that supported only a significantly narrower and more limited, though included, fraudulent scheme. A unanimous Supreme Court held that as long as the crime and the elements thereof that sustain the conviction are fully and clearly set out in the indictment, the right to a grand jury indictment is not normally violated by the fact that the indictment alleges additional crimes or other means of committing the crime.

E. Assault on Person in Custody of the Mails - 18 U.S.C. 2114

1. Garcia v. U.S., 105 S.Ct. 479 (12-10-84)

In a 6-3 decision, the Supreme Court held that 18 U.S.C. 2114, which proscribes assault or robbery of any custodian of "mail matter, or of any money or other property of the United States," applied to the conduct of petitioners who assaulted an undercover United States Secret Service Agent in an attempt to rob him of $1,800 of government "flash money" that the Agent was using to buy counterfeit currency from petitioners. The Court rejected Garcia's contention that 18 U.S.C. 2114 is limited to crimes involving the Postal Service.

F. Entry Onto Military Base - 18 U.S.C. 1382

1. U.S. v. Albertini, 105 S.Ct. 2897 (6-24-85)

The Supreme Court held that 18 U.S.C. 1382, which makes it unlawful for any person to reenter a military base after having been ordered not to do so by the commanding officer, applied to the conduct of the respondent who entered an Air Force base during an "open house," contrary to the terms of a "bar letter" issued to him nine years earlier by the base commander. The Court refused to accept a lower court's finding that prosecution under 18 U.S.C. 1382 violated respondent's First Amendment rights merely because respondent was engaged in a peaceful demonstration at the time the provisions of the statute were enforced against him.

G. Interstate Transportation of Stolen Property - 18 U.S.C. 2314

1. Dowling v. U.S., 105 S.Ct. 3127 (6-28-85)

Interstate transportation of "bootleg" records does not

constitute a violation of the National Stolen Property Act (18 U.S.C. 2314) regardless of the value of the shipment. The Court, noting that "[a] copyright...comprises a series of carefully defined and carefully delimited interests to which the law affords correspondingly exact protections," held that mere copyright infringement was insufficient to cause the infringing materials to be regarded as "stolen, converted or taken by fraud."

H. False Statements - 18 U.S.C. 1001

1. U.S. v. Woodward, 105 S.Ct. 611 (1-7-85)

A person passing through customs who makes a false declaration (in this case, answering "no" to the question, "Are you carrying over $5,000?") may be convicted for both making a false statement (18 U.S.C. 1001) and willfully failing to report carrying in excess of $5,000 into the United States (31 U.S. 1058, 1101 [1976 version]). The Court held that the false statement felony is not a lesser included offense of the currency reporting misdemeanor. Therefore the defendant may be punished for both offenses even though both are based on the same criminal act.

I. Arson - 18 U.S.C. 844(i)

1. Russell v. U.S., 105 S.Ct. 2455 (6-3-85)

A two-unit apartment building in Chicago earning rental income and being treated as business property for tax purposes has a sufficient impact on interstate commerce to be protected by federal statute from malicious damage or destruction (18 U.S.C. 844(i)). In affirming Russell's conviction for attempting to burn his apartment building, the Court noted that in passing 844(i) Congress intended to exercise its full power under the Commerce Clause to protect "business property."

J. Age Discrimination in Employment Act - 29 U.S.C. 621

1. Johnson v. Mayor and City Council of Baltimore, 105 S.Ct. 2717 (6-17-85)

Federal statute requiring federal firefighters and law enforcement employees (including FBI Special Agents) to retire at age 55 does not, as a matter of law, establish that age 55 is a bona fide occupational qualification (BFOQ) for nonfederal firefighters and law enforcement officers within meaning of Age Discrimination in Employment Act's BFOQ exemption.

2. Western Airlines v. Criswell, 105 S.Ct. 2743 (6-17-85)

In order to establish that age 60 is a bona fide occupational qualification (BFOQ) to justify forced retirement of flight engineers, an airline must show that: 1) retirement at age 60 is reasonably necessary to safe transportation of passengers; 2) determining abilities of flight engineers above age 60 on individualized basis is highly impractical; and 3) some flight engineers above age 60 possess traits precluding safe and efficient job performance that cannot be ascertained by means other than knowing their age.

K. RICO - 18 U.S.C. 1961-8

1. Sedima v. Imrex, 105 S.Ct. 3275 (7-1-85)
2. American National Bank and Trust Co. v. Haroco, 105 S.Ct. 3291 (7-1-85)

Criminal convictions for predicate acts that constitute "racketeering activity" are not prerequisites to maintenance of private civil actions under the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961-1968). Under the statute, racketeering activity is defined as acts "chargeable" under several generically described state criminal laws, or acts "indictable" under numerous specific federal criminal provisions (including mail and wire fraud), or any "offense" involving bankruptcy or securities fraud or drug-related activities that is "punishable" under federal law. In these cases, the Court held, in a 5-4 decision, that to require prior convictions for these predicate acts before a suit could be maintained was contrary to the language and intent of the RICO statute. The Court also held that a plaintiff, in order to maintain a civil RICO action, need not establish a distinct "racketeering injury" beyond the injury resulting from the predicate acts themselves.

III. State Statutes

A. Fleeing Felon

1. Memphis Police Dept. v. Garner, 105 S.Ct. 1694 (3-27-85)

2. Tennessee v. Garner

In Garner, the Supreme Court declared unconstitutional a state statute which authorized police officers to use deadly force to prevent the escape of fleeing felons. The Court held that deadly force may not be used by the police except when necessary and in 1) self defense or defense of others or 2) to prevent the escape of a felon who committed a crime involving the infliction or threatened infliction of serious bodily injury.

B. Disenfranchisement

1. Hunter v. Underwood, 105 S.Ct. 1916 (4-16-85)

A unanimous Supreme Court held that an Alabama constitutional provision providing for the disenfranchisement of persons convicted of certain felonies and misdemeanors, including "any crime...involving moral turpitude," although facially neutral, operated in a racially discriminatory manner and was adopted in 1901 with racially discriminatory intent, and, therefore, violated the Equal Protection Clause of the Fourteenth Amendment.

C. Obscenity

1. Brockett v. Spokane Arcades, Inc., 105 S.Ct. 2794 (6-19-85)

2. Eikenberry v. J-R Distributors

The Supreme Court held unconstitutional a portion of a Washington state statute which defined obscene material as that which engenders lust. The Court reasoned that lust includes a normal interest in sex and thus the statute was overbroad.

IV. Civil Liability

A. 42 U.S.C. 1983/Bivens

1. Brandon v. Holt, 105 S.Ct. 873 (1-21-85)

In cases under Section 1983, a judgment against a public servant "in his official capacity" imposes liability on the entity that he represents. Here, the Director of the Memphis Police Department's lack of actual knowledge of an officer's propensities was found to have been caused by inherently deficient police administrative procedures involving the discovery of officer misconduct, specifically, a code of silence induced by peer pressure which produced few internal complaints.

2. Wilson v. Garcia, 105 S.Ct. 1938 (4-17-85)

Claims under 42 U.S.C. 1983 must be treated as personal injury actions for purposes of determining which state statute of statute of limitations is to be applied.

3. City of Oklahoma City v. Tuttle, 105 S.Ct. 2427 (6-3-85)

A single incident of unusually excessive use of force by a police officer is not sufficient by itself to create an inference of "policy" of inadequate training or supervision to create municipal liability.

4. Mitchell v. Forsyth, 105 S.Ct. 2806 (6-19-85)**

Denial of qualified immunity is an appealable final decision notwithstanding the absence of a final judgment. Qualified immunity, similar to absolute immunity, is an entitlement not to stand trial under certain circumstances. Such entitlement is an immunity from suit rather than a mere defense to liability.

V. Evidence

A. Impeachment

1. U.S. v. Abel, 105 S.Ct. 465 (12-10-84)

A witness in federal court may be impeached by a showing of bias even though the Federal Rules of Evidence do not expressly mention bias as a ground for impeachment. The Court held that evidence showing membership of the witness and the defendant in a secret prison gang whose members were sworn to perjury and self-protection was sufficiently probative of the witness' possible bias towards the defendant to warrant its admission.

2. Luce v. U.S., 105 S.Ct. 460 (12-10-84)

To raise and preserve for review on appeal the claim of improper impeachment with a prior conviction, a defendant must testify. The Court held that to perform the weighing of the prior conviction's probative value against its prejudicial effect, as required by Federal Rule of Evidence 609(a)(1), the reviewing court must know the precise nature of the defendant's testimony. Where the defendant makes an unsuccessful pre-trial motion to bar the prosecution from using a prior conviction and then elects not to testify, no meaningful review of the matter is possible.

3. U.S. v. Bagley, 105 S.Ct. 3375 (7-2-85)

Brady v. Maryland requires the prosecution to disclose evidence to the defense that is both favorable to the accused and material either to guilt or punishment. In Bagley the Court held that the government's failure to disclose, upon request by the defense, impeachment or other exculpatory evidence amounts to constitutional error requiring reversal of a conviction only if there is a reasonable probability that, had the requested evidence been disclosed to the defense, the result of the trial would have been different. Failure to disclose does not require automatic reversal.

B. Verdicts

1. U.S. v. Powell, 105 S.Ct. 471 (12-10-84)**

The Supreme Court refused to recognize an exception to the rule that a convicted defendant cannot successfully gain a new trial merely because the jury's verdicts on several counts are inconsistent. A criminal defendant is afforded sufficient protection against jury irrationality or error by the independent review of the sufficiency of the evidence undertaken by the trial and appellate courts.

C. Insanity Defense

1. Ake v. Oklahoma, 105 S.Ct. 1087 (2-26-85)

Indigent defendant who makes preliminary showing that his sanity at time of offense is likely to be "significant factor" at trial or capital sentencing hearing is entitled under due process clause to his own state-provided psychiatrist to examine him and assist in evaluation, preparation, and presentation of his defense, including cross-examination of state's witnesses.

D. Double Jeopardy

1. Fugate v. New Mexico, 105 S.Ct. 1858 (3-26-85)*

An equally divided Supreme Court affirmed a decision of the New Mexico Supreme Court which held that a defendant's conviction in municipal court of driving while intoxicated and careless driving did not create a double jeopardy bar to his subsequent prosecution, in a higher court, for vehicular homicide based on the same incident.

2. Garrett v. U.S., 105 S.Ct. 2407 (6-3-85)

The Supreme Court heard the Double Jeopardy arguments of a petitioner who, after pleading guilty to a predicate offense, was convicted of engaging in a continuing criminal enterprise (CCE) in violation of 21 U.S.C. 848. The Court held that Congress, in passing the Drug Abuse Prevention and Control Act of 1970, intended the CCE offense to be a separate offense that was both prosecutable and punishable in addition to, not as a substitute for, the predicate offenses.

Cases Pending

I. Criminal Procedure
   A. Open Fields - Aerial Surveillance
      1. California v. Ciraolo

2. Dow Chemical Co. v. U.S.

B. Search of Motor Vehicles
   1. New York v. Class

C. Confessions
   1. Moran v. Burbine
   2. Miller v. Fenton

D. Right to Counsel
   1. Michigan v. Jackson
   2. Michigan v. Bladel
   3. Nix v. Whiteside
   4. Maine v. Moulton
   5. Henderson v. Wilson
   6. Lee v. Illinois

II. Federal Statutes
   A. Rule 6 - Federal Rules of Criminal Procedure (Grand Jury)
      1. U.S. v. Mechanik

III. State Statutes
   A. Obscenity
      1. City of Renton v. Playtime Theatres, Inc.

IV. Civil Liability
   A. 42 U.S.C. 1983
      1. Daniels v. Williams
      2. Malley v. Briggs
      3. Whitley v. Albers
      4. Davidson v. Cannon
      5. Pembaur v. City of Cincinnati

V. Evidence
   A. Hearsay
      1. U.S. v. Inadi
   B. Double Jeopardy
      1. Heath v. Alabama
      2. Marshall v. Mathews

* Denotes a 4-4 vote
** Denotes FBI case