

Supreme Court of the United States

Memorandum

March 5⁻, 194⁻¹

Mr. Kelley:

For your further
information.

G. A.

UNITED STATES GOVERNMENT PRINTING OFFICE
Washington 25, D. C.

March 16, 1951

Mr. Thomas E. Waggaman
Marshal
Supreme Court of the United States
Washington 25, D. C.

Dear Sir:

National Production Authority Regulation No. 4, and Direction No. 1, issued February 27, 1951, provides a uniform procedure whereby business enterprises, government agencies, and public or private institutions may use a DO rating to procure maintenance, repair, and operating supplies (commonly referred to as "MRO").

Printing for the administrative needs of any Federal agency, is considered as operating supplies. In order, therefore, that we might better meet your printing requirements it is suggested that you rate each requisition (Standard Form 1 and your purchase orders for supplies), with the DO 97 (or the specific DO rating assigned to your agency) provided by Section 3, Regulation No. 4. These DO ratings can be extended by us to procure necessary supplies.

3 Quarterly quotas must be established by each agency making use of the DO 97 rating as provided in Section 4 of the regulation. For purposes of charges against your quarterly quota record (Section 9) you should use the amount billed you by this Office. The rating may be applied (Direction 1, Sections 2 and 4) for that part of the first calendar quarter of 1951, between the effective date of the regulation (February 27) and April 1.

It is believed that the requested application of your rating to printing and binding orders will be of mutual benefit to our respective agencies and facilitate the processing of your requisitions. Since the present quarter expires within 2 weeks, your cooperation in giving the matter prompt attention will be appreciated.

Very truly yours,
JOHN J. DEVINY
Public Printer

By: (s) J. W. Broderick

J. W. BRODERICK
Planning Manager.

C O P Y

U. S. DEPARTMENT OF COMMERCE
NATIONAL PRODUCTION AUTHORITY

**TITLE 32A—NATIONAL DEFENSE,
APPENDIX**

Chapter VI—National Production Authority, Department of Commerce

[NPA Reg. 4]

REG. 4—MAINTENANCE, REPAIR AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS

This regulation is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this regulation, there has been consultation with a number of industry representatives including trade association representatives, but it has been impracticable to consult with all affected industries because the regulation applies to all trades and industries.

Sec.

1. What this regulation does.
2. Definitions.
3. DO rating assigned.
4. Quarterly MRO quotas.
5. Quantity restrictions.
6. Materials obtained for another's benefit.
7. Use of material.
8. Relation to other regulations.
9. Records and reports.
10. Adjustments and exceptions.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. What this regulation does. This regulation provides a uniform procedure by which any business enterprise, Government agency, or public or private institution may use a DO rating (identified by the symbol "DO-97") to obtain limited quantities of maintenance, repair and operating supplies (hereinafter collectively referred to as "MRO") as well as minor capital additions. The regulation does not limit the quantity of MRO or capital additions that a person may obtain without using this DO rating, except that, if he makes any use of the rating in any particular calendar quarter, his total acquisition of MRO (rated and unrated) for such quarter becomes subject to the limitations of the regulation. The rating may not be used to secure materials for personal or household use.

Sec. 2. Definitions. For purposes of this regulation:

(a) "Person" means any individual, partnership, corporation, association, or any other organized group and includes specifically any business enterprise, Government agency, or institution. Where such a "person" has more than one de-

partment, branch, plant, or other unit which maintains separate MRO records, each shall be treated as a separate "person" hereunder.

(b) "Business enterprise" means lawful activity conducted for profit in the United States (including its territories and possessions).

(c) "Government agency" means the United States, its territories and possessions, any of the 48 States or the District of Columbia, any political subdivision thereof, and any agency of any of the foregoing which is not a business enterprise.

(d) "Institution" means any lawful organization, public or private, within the United States (including its territories and possessions) which is neither a business enterprise nor a Government agency, and includes, more specifically, institutions such as schools, libraries, hospitals, churches, clubs, and welfare establishments.

(e) "Maintenance" means the minimum upkeep necessary to continue any plant, facility, or equipment in sound working condition, and "repair" means the restoration of any plant, facility, or equipment to sound working condition when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like. Neither "maintenance" nor "repair" includes the improvement of any plant, facility, or equipment by replacing material which is in sound working condition with material of a new or different kind, quality, or design.

(f) "Operating supplies" means, in the case of a business enterprise, any materials which are normally carried as operating supplies according to established accounting practice, and also includes items (such as hand tools) purchased by an employer for sale to his employees for use only in his business and under circumstances where they would constitute operating supplies according to established accounting practice if issued to his employees without charge. In the case of a Government agency or an institution, however, "operating supplies" means any materials which are essential for conducting any activity or rendering any service, provided such materials do not constitute capital equipment according to established accounting practice but are consumed in the course of operation. Materials incorporated in a product ordinarily may not be treated by the producer as operating supplies but may be so treated where they are normally chargeable as an operating expense according to established accounting practice.

(g) "Minor capital additions" means any improvement or addition carried as capital according to established accounting practice where the total cost of ma-

terials used does not exceed \$750 for any one complete capital addition. The term "one complete capital addition" includes all items entering into the improvement or addition as part of a single project or plan whether or not installed or completed at the same time, and the cost of all such items is to be included in figuring the total cost of the addition regardless of whether they are acquired with or without the use of a rating. No capital addition shall be subdivided for the purpose of bringing it or any part of it within the foregoing definitions. Where the capital addition requires construction, authorization to construct must be obtained wherever so required by any applicable order of the NPA.

(h) "MRO" means maintenance, repair and operating supplies but does not include minor capital additions. The latter term is specifically used in this regulation wherever the meaning so requires. Products used for "MRO" (or materials required for incorporation in such products) shall not be deemed "MRO" as to the producer of such products (except as provided in paragraph (f) of this section) even though he sells them for use by others as "MRO." However, when he receives rated orders for such products, he may extend the rating to get materials to be incorporated in the products. Materials or products sold by a distributor thereof for use by others as "MRO" shall not be deemed "MRO" as to such distributor but, when he receives rated orders for them, he may extend the rating to get them.

SEC. 3. DO rating assigned. The NPA hereby assigns to every business enterprise, Government agency, and institution the right to apply a DO rating to obtain MRO and minor capital additions, subject to the quantity restrictions specified in section 5. Such DO rating shall be applied by placing on the order for MRO or minor capital additions, or on a separate piece of paper attached to the order or clearly identifying it, the symbol "DO-97" together with the words "Certified under NPA Regulation 4." Such certification shall be signed as prescribed in section 8 of NPA Reg. 2. This certification shall constitute a representation to the supplier and to the NPA that the person making it is authorized under the provisions of this regulation to use the rating to obtain the materials covered by the order.

SEC. 4. Quarterly MRO quotas. Every person making any use of the DO-97 rating herein assigned must establish his quarterly MRO quotas in accordance with this section. In figuring such quotas, he may include all expenditures for MRO in the applicable 1950 base periods, but not expenditures for minor capital additions.

(a) **Standard quota.** A person's standard quarterly MRO quota, to be used unless he elects to use the seasonal quota permitted by paragraph (b) of this section, is one-fourth of the amount he spent for MRO in the calendar year 1950 (or, if he operated on a fiscal year basis, in his fiscal year ending nearest to December 31, 1950). An election to use either the standard quota or the seasonal quota may not afterward be changed without prior written authorization of the NPA.

(b) **Seasonal quota.** A person may, if he so elects, take as his quarterly MRO quotas the amounts he spent for MRO in the corresponding quarters of the calendar year 1950 (or, if he operated on a fiscal year basis, in the corresponding quarters of his fiscal year ending nearest to December 31, 1950).

(c) **Quotas where 1950 base inapplicable.** A person not in operation throughout the year 1950 (calendar or fiscal) shall establish and report his quarterly MRO quotas as follows:

(1) **Partial operation in 1950.** A person who was in operation during a part of the year 1950 (calendar or fiscal) shall compute the amount he would have spent for MRO in that year, had he continued throughout the year the same rate of expenditure for MRO as during that part of the year when he was in operation, making such reasonable corrections as necessary to compensate for seasonal or other exceptional characteristics of the period of actual operation, so that the yearly amount so computed will be fairly representative of the year as a whole. His standard quarterly MRO quota shall be one-fourth of the amount so computed. If he elects to use seasonal quotas, he may apportion the amount so computed into four seasonal quarterly MRO quotas, in accordance with the seasonal demands of the activity in which he is engaged.

(2) **No operation in 1950.** If a person was not in operation in any part of the year 1950 (calendar or fiscal), his quarterly MRO quota (standard or seasonal) shall be the minimum amount of MRO which he determines to be reasonably necessary for his operation, but not in excess of \$5,000 per quarter. If such quota is insufficient, an application for an increased quota may be made as provided in section 10.

(3) **Notice to NPA.** Any person who establishes a quarterly MRO quota in excess of \$1,000 under the provisions of subparagraphs (1) or (2) of this paragraph must, within 30 days after his first use of a DO-97 rating pursuant thereto, notify the NPA in writing of the quota he has established, the base period he has used, the method by which he has figured the quota, and any corrections he has made for seasonal or other factors.

(4) **Future use of increased quotas.** If a person's quarterly MRO quota is increased by specific authorization of the NPA, he may continue to operate with the increased quota as his standard quota unless the increase is granted on a temporary or seasonal basis or is otherwise restricted by the terms of the authorization. An increased quarterly MRO quota granted as a seasonal quota

may be used only in the corresponding quarter of subsequent years.

(e) **Increases not retroactive.** An increase in quota will not be granted for any period prior to the filing of the application and will not have the effect of retroactively authorizing receipt of MRO or minor capital additions previously received in violation of this regulation.

Sec. 5. Quantity restrictions. (a) **Charges against quota.** Every person who, during any calendar quarter, makes any use of the DO-97 rating assigned by this regulation, shall charge against his MRO quota for that quarter:

(1) All MRO material ordered for delivery during the quarter, whether or not obtained by use of the DO-97 rating, and

(2) All material for minor capital additions ordered for delivery during the quarter, if (but only if) obtained by use of the DO-97 rating.

If, instead of computing his charges against his quarterly MRO quota on the basis of orders calling for delivery during a quarter, a person prefers to compute such charges on the basis of actual receipts of MRO during the quarter, he may do so. However, he cannot use one method for a part of his MRO and the other method for the remainder in any one quarter.

(b) **Excess of quota prohibited.** No person shall use the DO-97 rating assigned by this regulation to get anything except material needed for MRO or minor capital additions nor shall any person who, during any calendar quarter, makes any use of the rating so assigned, order for delivery (or, if he is operating on the basis of receipts, he shall not receive) during such quarter a quantity of material chargeable against his quarterly MRO quota which exceeds the amount of such quota (nor, during the first month of such quarter, a quantity of such material exceeding 40 percent of such quarterly quota). *Provided, however,* that the quantity restrictions of this section shall not apply in any calendar quarter to any person whose aggregate charges against his MRO quota for that quarter do not exceed \$1,000.

Sec. 6. Materials obtained for another's benefit.—(a) **Materials supplied by service trades.** Any business enterprise (such as a service repair shop) engaged in doing maintenance or repair work or installing minor capital additions for any other person (as defined in section 2) may use the DO-97 ratings to obtain material therefor to the same extent that such person would be entitled to use it if he were doing the work himself. The cost of materials so obtained shall be charged to the MRO quota of the person for whom the work is done.

(b) **Materials for operators under government franchise.** Any person (such as the operator of a toll bridge or a contract garbage collector) who, pursuant to a franchise from or contract with any Government agency, performs any service for such agency, may use the DO-97 rating to obtain MRO or minor capital additions to the same extent that such agency would be entitled

to use it if the agency performed such service itself. Such service shall, for purposes of computing the quantity restrictions under section 5, be treated as if performed by a separate unit of such agency, and the cost of the materials so obtained shall be charged against the quota of such unit.

(c) A person who is obligated to maintain, repair, or operate any plant, facilities, or equipment, under the terms of any lease or other agreement for the use of such property by another person, may use the DO-97 rating to obtain materials needed for such purposes. Expenditures for such materials shall be charged to the MRO quota of the person thus using the DO rating except that, if his purchase is made on a reimbursable basis for the account of the person using the property, the latter's MRO quota shall be charged.

Sec. 7. Use of material. If a person has acquired material for MRO or minor capital additions by use of the DO-97 rating and then finds that he has another use for it, he may use the material for such other purpose if he could have used any DO rating to acquire the material for such other purpose. However, if he uses the material for another rated purpose, he may not replace it in inventory by the use of the DO-97 rating assigned by this regulation. He may replace such material in inventory only by using the DO rating under which he might have obtained the material for the purpose to which it was devoted. If he uses material acquired under this regulation for another rated use, his records must be adequate to show that his purchases of material are substantially proportionate to his authorized rated uses.

Sec. 8. Relation to other regulations. (a) **Rules governing use of rating.** This regulation supplements NPA Reg. 2, which sets forth the basic rules of the priorities system, and the provisions of that regulation govern the use of the DO-97 rating herein assigned.

(b) **Inventory limitations.** Nothing in this regulation shall be deemed to authorize any person to order or receive any material if acceptance thereof would increase his inventory above a practicable working minimum as provided in NPA Reg. 1, or the limit fixed in any other applicable regulation or order of the NPA.

(c) **Delegations to Government agencies.** This regulation does not revoke or prevent the use of any authority delegated by NPA to any other Government agency whereby such agency may use ratings other than DO-97 for direct procurement of its own requirements of MRO or minor capital additions.

(d) **Other regulations and orders.** Nothing in the regulation shall be construed to relieve any person from the obligation of complying with such limitations on acquisition or use of materials or such other provisions as may be contained in any applicable regulation or order of the NPA or with any order of any other competent authority.

Sec. 9. Records and reports. (a) **Records to be kept.** Each person who makes any use of the rating assigned by this

regulation shall make and preserve, for so long as this or any successor regulation remains in effect and for 2 years thereafter, accurate and complete records showing what his quarterly MRO quotas are, how he computed them, the factual justification for them and for corrections or revisions thereof, any elections made as to the use of seasonal quotas, methods of figuring quotas and charges against them, or other options exercised, all materials ordered or received for use as MRO or minor capital additions whether rated or not, and all other relevant data, in sufficient detail to permit an audit that determines for each transaction that the provisions of this regulation have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records disclose the above data and supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) **Inspection and audit.** All records required by this regulation shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the NPA.

(c) **Other records and reports.** Persons subject to this regulation shall make such further records and submit such further reports to the NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (Pub. Law 831, 77th Cong., 5 U. S. C. 139-139F).

Sec. 10. Adjustments and exceptions. Any person affected by any provision of this regulation may file a request for adjustment or exception upon the ground that the MRO quotas provided in section 4 are insufficient for his requirements, or that a specified provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this regulation, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be submitted in writing and in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor. More particularly, where the relief sought is an increase of MRO quota, the applicant shall fully describe the nature of his business or other activity, indicating any seasonal or other unusual features, products made or distributed, or services or other activities performed, the quarterly volume of such business or other activity since January 1, 1950, etc.; state the amount spent for MRO in each quarter since January 1, 1950; specify the amount of increase in quota requested;

and set forth in detail the facts and circumstances allegedly justifying such an increase.

Sec. 11. Communications. All communications concerning this regulation shall be addressed to the National Production Authority, Washington 25, D. C. Ref.: Reg. 4.

Sec. 12. Violations. Any person who willfully violates any provision of this regulation or willfully conceals a material fact or furnishes false information in the course of operation under this regulation is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation shall take effect on February 27, 1951.

NATIONAL PRODUCTION AUTHORITY.

[SEAL] MANLY FLEISCHMANN, Administrator.

[NPA Reg. 4, Direction 1]

REG. 4—MAINTENANCE, REPAIR AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS

DIR. 1.—TRANSITIONAL PROVISIONS

This Direction 1 to NPA Reg. 4 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this direction, there has been consultation with a number of industry representatives including trade association representatives, but it has been impracticable to consult with all affected industries because the direction applies to all trades and industries.

Sec. 1. What this direction does.
2. Quota for remainder of quarter.
3. Special adjustment where quota inadequate.
4. Rating outstanding non-rated orders.
5. Re-rating outstanding orders not required.

SECTION 1. What this direction does. NPA Reg. 4 provides for the use of DO ratings to get MRO and minor capital additions. This direction provides for the transition to operation under Reg. 4 and particularly for operation during that portion of the first calendar quarter

of 1951 which remains after Reg. 4 takes effect (February 27, 1951).

Sec. 2. Quota for remainder of quarter. A person must compute his MRO quota for the first calendar quarter of 1951 as provided in Reg. 4. However, he need not charge against that quota any MRO or minor capital additions ordered for delivery (or received, if he operates on the basis of receipts) prior to the effective date of Reg. 4. Instead, he may take one-half of such quota to consider that as his remaining MRO balance available for use until April 1, 1951.

Sec. 3. Special adjustment where quota inadequate. A person whose quarterly MRO quota is too small to provide him with MRO and minor capital additions needed for performance of DO rated orders which he holds may, upon filing an application for an increased quota under section 10 of Reg. 4, consider his application as approved by NPA (unless he is advised to the contrary). To the extent that it calls for no larger MRO quota than in fact needed for performance of DO rated business, he may accordingly take one half of such requested quota as the balance remaining available for use prior to April 1, 1951.

Sec. 4. Rating outstanding non-rated orders. A person who, on the effective date of Reg. 4, has outstanding non-rated orders for MRO or minor capital additions which he would be entitled to rate under Reg. 4, or who thereafter places such orders without rating them, may nevertheless apply the DO-97 rating to them at any time while they remain outstanding. If he so rates them prior to March 15, 1951, such ratings and all DO-97 ratings applied to new MRO orders prior to March 15, 1951, shall take effect as of March 15, 1951. All ratings applied on or after March 15, 1951, shall take effect only as of the dates when applied.

Sec. 5. Re-rating outstanding orders not required. A person who has placed DO rated orders pursuant to section 5 of NPA Reg. 2, as amended January 11, 1951, for jigs, dies, tools, or fixtures used directly in the production of rated orders, need not re-rate such outstanding rated orders by applying the DO-97 rating to them regardless of their delivery dates. He need not cancel such outstanding rated orders, even if they exceed his MRO quota for one or more quarters, but in the latter event they will exhaust his quota so that no other MRO or minor capital additions chargeable against it may be obtained in such quarter or quarters without specific authorization from NPA.

This direction shall take effect on February 27, 1951.

NATIONAL PRODUCTION AUTHORITY.

[SEAL] MANLY FLEISCHMANN, Administrator.

[NPA Reg. 4, Direction 1]

April 5, 1951.

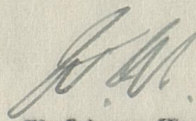
Dear Mr. Waggaman:

I am returning herewith the letter addressed to you under date of March 16, 1951, by the Public Printer with reference to National Production Authority Regulation No. 4 and Direction No. 1. Many thanks for letting me study it.

I am also sending you herewith two copies of National Production Authority Regulation No. 2, as amended February 27, 1951, which Mr. Collins obtained this morning. You will note that § 8 of Regulation 4 incorporates by reference Regulation 2.

As I told you Tuesday afternoon, I feel very strongly that it would be unwise not to consult the Chief Justice before using any DO 97 rating and thereby subjecting all the Court's purchases of "operating supplies," etc., to the requirements, limitations and penalties of regulation 4. This belief is based upon a conversation I had with the Chief Justice last summer in which he indicated a rather strong feeling that the Court ought not to be subjected to regulation by Executive agencies of the Government which appear very frequently as litigants before the Court.

Sincerely,



Walter Wyatt, Reporter.

Encls.

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

April 4, 1951.

DO NPA PRIORITY RATINGS APPLY TO THE U. S. REPORTS?

Yesterday afternoon, I conferred with the Marshal about the procedure to be followed in issuing requisitions for the United States Reports and told him that I was about to issue requisitions for the four preliminary prints and bound volume of 341 U. S.

He called to my attention a letter addressed to him under date of March 16, 1951, by the Public Printer (copy attached) calling attention to National Production Authority Regulation No. 4, issued February 27, 1951. The Public Printer stated that, "Printing for the administrative needs of any Federal Agency is considered as operating supplies" and requested that DO 97 priority ratings be given to orders for such printing to aid the GPO in obtaining the supplies which it would need for this purpose.

This led to considerable discussion between the Marshal, Mr. Lippitt and the undersigned over the question whether NPA Regulation 4 applies to the Court, whether it applies to the printing and binding work done on the Court's opinions and the United States Reports and whether, as a matter of policy, DO 97 ratings should be issued in ordering anything for the Court. If this rating is used at all in ordering even a single item, all

orders placed for maintenance, repair and operating supplies during the same quarterly period will automatically become subject to the regulations, restrictions and limitation prescribed by Regulation 4. Therefore, I took the very definite position that the Marshal should not do anything to subject the Court to this regulation without first conferring with the Chief Justice on the subject.

This was the first I had heard of the existence of this Regulation; and I borrowed from the Marshal the only copy he had of it and the letter from the Public Printer, with a view to studying the problem.

The Marshal told me that he and his staff had been studying the regulation, without being able to understand it, and that he had sent Mr. Harding to the NPA offices in an unsuccessful effort to obtain information as to whether it applies to the Court and how it would affect the Court.

I spent most of this day studying the regulation and conferring about it with Mr. T. P. Lippitt, Deputy Marshal of the Court, Mr. John W. Robinson, Acting Director of Planning Service of the GPO, and Mr. W. K. Magruder, Principal Technical Assistant to the Director of Purchasing, GPO, with the following results:

It seems clear that the regulation will not apply to any agency of the Government unless the agency elects to avail itself of a DO-97 rating in ordering maintenance, repair and operating supplies or minor capital additions. If, however, an agency does avail itself of this rating in ordering any of these items, then the entire regulation applies to all similar orders

issued during the same quarterly period. This would mean, inter alia, that the amount which could be ordered would be limited to not more than either (a) one-fourth of the amount ordered during the preceding fiscal year, or (b) the amount ordered during the corresponding quarter of the preceding fiscal year—depending upon whether the Court elects to establish a "standard quota" under § 4 (a) or a "seasonal quota" under § 4 (b). Also certain records would have to be kept and reports made. Violations would be punishable by fine and imprisonment.

I think it is very debatable whether the printing work done on the Court's opinions and the United States Reports comes within the terms of this order. It certainly does not come within the definitions of "maintenance" or "minor capital additions." I do not think it comes within the term "operating supplies"; because neither the opinions nor the United States Reports are "consumed in the course of operation." However, the NPA may take a different view about this.

As a practical matter, the Marshal's office is on the horns of a dilemma. If it avails itself of the benefits of this regulation, it automatically subjects the Court to the restrictions of the regulation. On the other hand, if it does not avail itself of the benefits of the regulation, it may be unable to get some of the supplies it needs. Mr. Lippitt tells me that they recently ordered some screws and were notified that they could not get them without a priority rating.

Mr. Robinson at the GPO said that giving a priority rating

to the printing work done on the Court's opinions and the United States Reports would make it easier for the GPO to get the supplies (i.e., ink and paper) it needs to do that work. However, he said that the amount of ink and paper consumed in the work for the Court is so relatively small that he thinks the GPO would go ahead and continue doing this work for the Court, even if the Court does not avail itself of any priority rating. He suggested that I discuss the problem with Mr. Magruder, who has been working on this problem for the GPO.

During the afternoon, I had a very satisfactory discussion of the subject with Mr. Magruder. He doesn't think that the Government Printing Office will run out of supplies needed for printing the Court's opinions and the United States Reports; and he assured me that they would "process" our requisitions for the United States Reports and do the work, even if we do not give them any priority rating.

With this understanding and after conferring with Mr. Lippitt and Mr. Harding of the Marshal's office, I went ahead and issued and sent to the Government Printing Office requisitions for Parts 1, 2, 3 and 4 and the Bound Volume of 341 U. S. without any priority ratings. I needed to do this, because the opinions and orders issued next Monday will have to go into 341 U. S.; we shall need to start the work on them early next week; we shall need to know the GPO jacket numbers before we can have any printing work done; and sometimes it takes a week to get the jacket numbers after the requisitions have been sent to GPO.

Mr. Magruder told me that he had been assured by NPA officials that their Regulation 4 was not intended to require any change in existing practices. Therefore, he advised me to go ahead and issue requisitions for the four preliminary prints and bound volume of 341 U. S. at the same time, just as we have done heretofore. He said that there would be no advantage in issuing one requisition at a time.

I called Mr. Magruder's attention to the fact that last year the requisitions for the second (and last) volume for the term was issued in February (during the third quarter of the 1950 fiscal year) and that no requisitions were issued during the last quarter of the 1950 fiscal year; whereas the requisitions for 341 U. S. will have to be issued during the last quarter of the 1951 fiscal year. However, Mr. Magruder said that he felt sure that we would get into no difficulties by issuing the requisitions at this time. I also brought this point to the attention of Mr. Lippitt and Mr. Harding, and neither of them interposed any objection to the issuance of the requisitions for 341 U. S. at this time. (If the Court were subject to the Regulation, this might be a technical violation; but I understand that the Court is not yet subject to the Regulation, because it has not availed itself of any priority ratings.)

Mr. Magruder agreed with me that it is a debatable question whether the printing work done on the Court's opinions comes within the terms of Regulation 4; but he suggested that I discuss this subject with Mr. Fred Bernfield, one of the officials of the National Production Authority. I have not yet done so, because

(1) Mr. Magruder says it is almost impossible to get Mr. Bernfield on the phone, and (2) I do not know whether The Chief Justice would wish me to contact NPA, and I do not wish to bother The Chief Justice at this time when he is very busy.

During the course of the conversation, Mr. Magruder pointed out that any person availing himself of a DO priority rating under Regulation 4 may elect to set up his books and base his compliance upon either of two methods: (a) According to the amounts ordered during any quarter; or (b) According to the amounts received during any quarter. He said that, if the Court elects to avail itself of a DO priority rating, under Regulation 4, he thought it would be to the Court's advantage to base its compliance on the amounts ordered during each quarter instead of the amounts received during each quarter. I passed this information and all other information I obtained in my conversation with Mr. Magruder along to Mr. Lippitt; and Mr. Lippitt was very glad to get it.

Mr. Magruder also confirmed our impression that, if the Court uses a DO rating under Regulation 4 in ordering anything (even a box of paper clips), then all the restrictions of the regulation automatically become applicable to all "operating supplies" etc. ordered during the same quarterly period, regardless of whether or not DO priority ratings are assigned to the other items ordered. I called this to the attention of Mr. Lippitt and Mr. Harding and tried to impress upon them the importance of not subjecting the Court to this regulation without first conferring with The Chief Justice.

Encl.

Walter Wyatt, Reporter.

April 5, 1951.

Dear Mr. Waggaman:

In view of the importance of keeping the Judiciary, and especially the Supreme Court of the United States, independent of the Executive Department of the Government (which is the most frequent litigant before the Federal Courts), I would suggest that, if you find that you cannot get along without priority ratings, an attempt be made, with the consent of The Chief Justice, to obtain an order from the N. P. A. along the following lines:

"The Supreme Court of the United States shall not be subject to any of the regulations or directives of the National Production Authority; but all of the Court's orders for equipment, supplies and services needed in the performance of its official duties and functions are hereby given a priority rating of DO _____."

In view of the fact that the critical materials needed by the Court are relatively insignificant in amount, there ought to be an excellent chance of getting such an order, if it is requested by The Chief Justice.

If such an order is requested, consideration might be given to the question whether it should be made applicable to the entire Federal Judiciary, though that might be harder to get.

If I can be of any assistance to you in this matter, please do not hesitate to call on me.

Sincerely,



Walter Wyatt, Reporter.

Honorable Thomas E. Waggaman, Marshal.

U. S. DEPARTMENT OF COMMERCE
NATIONAL PRODUCTION AUTHORITY

TITLE 32A—NATIONAL DEFENSE,
APPENDIX

Chapter VI—National Production Authority, Department of Commerce

[NPA Reg. 2, as amended Feb. 27, 1951]

REG. 2—BASIC RULES OF THE PRIORITIES SYSTEM

This regulation, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. Consultation with industry representatives in advance of the issuance of the amendment herein mentioned has been rendered impracticable by the fact that the amendment applies to all trades and industries.

This amendment affects NPA Reg. 2 (as amended Jan. 11, 1951) as follows: It amends section 11.5 (a) thereof by deleting two sentences. It amends section 11.6 (a) thereof by omitting the last clause. It redesignates §§ 11.1 through 11.27 as sections 1 through 27; §§ 11.31 and 11.100 become sections 31 and 100, respectively. The word "part" becomes "order" throughout.

As amended February 27, 1951, Regulation 2 reads as follows:

GENERAL

Sec.

1. What this order does.
2. Definitions.
3. Rating authorized.
4. When ratings may be applied.
5. When ratings may be extended for material.
6. Additional restrictions upon the use of ratings for certain materials.
7. Use of ratings for services.
8. How to apply or extend a rating.
9. Special provisions applicable to extensions; grouping of orders.
10. Rules for acceptance and rejection of rated orders.
11. Report to NPA of improperly rejected orders.
12. Cancellation of ratings.
13. Sequence of filling rated orders.
14. Changes in customers' orders.
15. Delivery or performance dates.
16. Relation of ratings and directives.
17. Use or disposition of material acquired under this order.
18. Delivery for unlawful purposes prohibited.
19. Intra-company deliveries.
20. Inventory restrictions on materials acquired with a rating.
21. Scope of regulations and orders.
22. Defense against claims for damages.
23. Records.
24. Audit and inspection.
25. Reports.
26. Violations.
27. Adjustments and exceptions.
31. List A.

INTERPRETATIONS

100. Certain containers, packaging and chemicals.

AUTHORITY: Sections 1 to 100 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order states the basic rules of the priorities system to be administered by the National Production Authority in the Department of Commerce. It states what kind of orders are rated orders, how to place them and the preference status of such orders. These rules apply to all business transactions within the jurisdiction of NPA unless more specific regulations, orders or directives of the NPA state otherwise.

SEC. 2. *Definitions.* (a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Materials" means any raw, in process, or manufactured commodity, equipment, component, accessory, part, assembly or product of any kind.

(c) "NPA" means the National Production Authority in the Department of Commerce.

(d) "Rated order" means any purchase order, contract or other form of procurement for materials or services bearing the authorized rating and certification provided for in this order.

(e) "Assignment" of a rating. A rating is assigned when the NPA, or a Government agency that it has authorized, grants a person the right to use the rating.

(f) "Application" of a rating. A rating is applied when the person to whom it is assigned uses the rating.

(g) "Extension" of a rating. A rating is extended when it is used by the person to whom it was applied or when it is further used by another person to whom it was extended.

SEC. 3. *Rating authorized.* Only a single rating is authorized, to be known as a "DO rating". This rating will be identified by the prefix DO and the two digits identifying the procurement program, which must be furnished a supplier by the person using the rating. All DO rated orders will have equal preferential status as provided in this order.

SEC. 4. *When ratings may be applied.* (a) When a regulation, order or certificate assigns a DO rating to any person either by naming him or by describing the class of persons to which he belongs,

that person may apply the DO rating to get delivery of material or the performance of certain services.

(b) No person may place rated orders for more material than he is authorized to rate even though he intends to cancel some of the orders or reduce the quantity of material ordered to the authorized amount before it is all delivered.

SEC. 5. *When ratings may be extended for material.* (a) When a person has received a rated order for the delivery of material, he may extend the rating to get the material which he will deliver on that order, or which will be physically incorporated in the material which he will deliver, including containers and packaging materials required to make the delivery, and including also chemicals directly used in the production of the material. If the material is to be processed, this includes the portion of it which would normally be consumed or converted into scrap or by-products in the course of processing.

(b) If a person has made delivery of material or has incorporated it into the material which he has delivered on a rated order, he may extend the rating to replace it in his inventory subject to the provisions of Reg. 1 on inventory. Whether or not the material is covered by Reg. 1 no rating may be used for any inventory replacement which would result in more than a practicable minimum working inventory, as defined in Reg. 1. Any material ordered with a rating as replacement in inventory must be substantially the same as the material which the person delivered or incorporated in the material which he delivered, except for minor variations in size, shape or design.

SEC. 6. *Additional restrictions upon the use of ratings for certain materials.*

(a) A person who has received a rated order may not extend the rating to get material for plant improvement, expansion, or construction, or to get machine tools or other items which he will carry as capital equipment, or to get maintenance, repair or operating supplies.

(b) The ratings established by this order shall have no effect upon deliveries of items in section 31, List A. No person shall use ratings to get any of the items in section 31, List A, and no person selling such items shall require a rating as a condition of sale. Any rating purporting to be used to get any such items on a preferred basis shall be void.

SEC. 7. *Use of ratings for services.*

(a) When a person is entitled to use a rating to get processed material, he may furnish the unprocessed material to a processor and use the same rating to get the material processed

(b) If the NPA specifically authorizes a person to use a rating to get services, he may use it for that purpose.

(c) Except as provided in paragraphs (a) and (b) of this section, no person may use a rating to get services.

(d) A person to whom a rating for services, as distinct from the production or delivery of material, has been applied or extended may not extend the rating for any purpose.

Sec. 8. How to apply or extend a rating. (a) When a person applies or extends a rating, he must put the prefix DO and the two digits supplied to him, for example DO-39, on his purchase order, or on a separate piece of paper attached to the order or clearly identifying it, together with the words "Certified under NPA Reg. 2," signed as prescribed in this section. This certificate constitutes a representation to the supplier and to the NPA that the purchaser is authorized under the provisions of this order to use the rating for the delivery of the materials covered by the order.

(b) Certifications on purchase or delivery orders must be signed by the person placing the order or by a responsible individual who is duly authorized to sign for that purpose. The signature must be either by hand or in the form of a rubber stamp or other facsimile reproduction of a handwritten signature. If a facsimile signature is used, the individual who uses it must be duly authorized in writing to use it for this purpose by the person whose signature it is, and a written record of the authorization must be kept.

(c) When a rated order is placed by telegram, the rating identification and certificate must be set out in full in the telegram. It will be sufficient if the file copy of the telegram is signed in the manner required for certification by this order.

(d) On rated orders requiring shipment within seven days, the substance of the certification may be stated verbally or by telephone. However, the following rules must be complied with:

(1) The person making the statement for the buyer must be a person duly authorized to make the certification.

(2) Both the buyer and the seller must promptly make a written record of the fact that the certification was given orally and the record must be signed by the buyer in the same way as a certification.

(e) The person who places a rated order, the individual whose signature is used and the individual who approves the use of the signature, will each be considered to be making a representation to the NPA that the statements contained in the certification are true to the best of his knowledge and belief. The person receiving the certification and any other information required to be included with it, shall be entitled to rely on it as a representation of the buyer unless he knows or has reason to believe that it is false.

(f) No person shall knowingly apply or extend or purport to apply or extend a rating to any order unless he is entitled to do so. No person shall apply or extend

a rating for material or services after he has received the material or after the services have been performed, and any person who receives such a rating shall not extend it.

Sec. 9. Special provisions applicable to extensions; grouping of orders. (a) No person may extend any rating to replace inventory after three months have passed from the time he could have first extended it.

(b) If the purchase requirements for filling a number of rated orders for different items bearing different rating identifications are combined in one purchase order, each applicable rating identification must be placed alongside the related item.

(c) If the purchase requirements for filling a number of rated orders for the same material but bearing different rating identifications are combined in one purchase order, the purchase order must show the amount of each material to which a particular rating identification is extended.

(d) In the case of a manufacturer of common components or shelf items or any other person who has a number of rated orders for which he cannot place orders for minimum commercially procurable quantities of materials, to fill the rated orders individually, he may place one rated order for all the materials using the identification symbol DO-99. However, the amounts so ordered may not exceed the total amount of the material required for the rated orders so combined.

Sec. 10. Rules for acceptance and rejection of rated orders. Every order bearing a rating must be accepted and filled regardless of existing contracts and orders except as provided in this section. The "existing contracts and orders" referred to include not only ordinary purchase contracts but other arrangements achieving substantially the same results, though in form they may concern the use of production facilities rather than the material produced.

(a) A person must not accept a rated order for delivery on a date which would interfere with delivery of rated orders which he has already accepted, nor if delivery of the material ordered would interfere with delivery on an order which the NPA has previously directed him to fill.

(b) If a person when receiving a rated order bearing a specific delivery date does not expect to be able to fill it by the time requested, he must not accept it for delivery at that time. He must either (1) reject the order, stating when he could fill it, or (2) accept it for delivery on the earliest date he expects to be able to deliver, informing the customer of that date. He may adopt either of these two courses, depending on his understanding of which his customer would prefer. He may not reject a rated order just because he expects to receive other rated orders in the future.

(c) A supplier does not have to accept a rated order in any of the following cases, but there must be no discrimination in such cases against rated orders or between rated orders of different customers:

(1) If the person seeking to place the order is unwilling or unable to meet regularly established prices and terms of sale or payment. When a person who has a rated order asks a supplier to quote his regularly established prices and terms of sale or payment, the supplier must do so, except that if this would require detailed engineering or accounting work, he may give his best estimate without such work and say that it is not binding. However, the supplier need not quote if he is not required to accept the rated order and advises the person seeking the quotation of the reason for his refusal.

(2) If the order is for the manufacture of a product or the performance of a service of a kind which the person to whom the order is offered has not usually made or performed, and in addition, if either (i) he cannot fill the order without substantially altering or adding to his facilities or (ii) the order can readily be performed by someone else who has usually accepted and performed such orders.

(3) If an order for material is offered to a person who produces or acquires it for his own use only, and he has not filled any orders for that material within the past two years. If he has filled any orders within that period, but the rated order would take more than the excess over his own needs, he may reject the order for any amount over the excess.

(4) If filling the order would stop or interrupt the supplier's operations during the next 60 days in a way which would cause a substantial loss of total production or a substantial delay in operations.

(d) A manufacturer or processor need not accept a rated order from another person who manufactures or processes the same product, unless specifically directed to do so by the NPA.

(e) Any person who refuses to accept a rated order shall, upon written request of the person placing the order, promptly give his reasons in writing for his refusal.

Sec. 11. Report to NPA of improperly rejected orders. When a rated order is rejected in violation of this order, a report of the relevant facts may be filed with the NPA, Washington 25, D. C., Ref: Reg. 2. The NPA will take such action as it considers appropriate after requiring an explanation from the person rejecting the order.

Sec. 12. Cancellation of ratings. If a rating which has been used by a person is revoked he must immediately, in the case of each order to which he has applied such rating, either cancel the order or inform his supplier that it is no longer to be treated as a rated order. If any person receives notice from his customer or otherwise that the customer's order is no longer a rated order or that the customer's order is cancelled, he must immediately withdraw any extensions of that rating which he has made to any purchase order placed by him.

Sec. 13. Sequence of filling rated orders. (a) Every person who has rated orders on hand must schedule his operations, if possible, so as to fill each rated

order by the required delivery or performance date. If this is not possible, for any reason, he must give precedence to all rated orders over unrated orders.

(b) As between conflicting rated orders, precedence must be given to the order which was received first with the rating: *Provided*, That orders received prior to October 3, 1950, and which receive ratings prior to October 31, 1950, take precedence as of the dates on which orders were first placed. As between conflicting rated orders received on the same date, precedence must be given to the order which has the earliest required delivery or performance date.

(c) A rated order calling for earlier delivery than a rated order already accepted must not be allowed to interfere with scheduled delivery on the first order, but if both deliveries can be made on schedule it is not necessary to produce or make delivery on the first customer's order ahead of the second.

(d) In the usual case, the date on which specifications have been furnished to the manufacturer in sufficient detail to enable him to put the product into production is to be considered the date on which the rated order is received.

(e) If a rated order or a rating applicable to an order is cancelled when the supplier has material in production to fill it, he need not immediately stop processing in order to put other rated orders into production. He may continue to process the material which he had put into production for the cancelled order to a stage of completion which will avoid a substantial loss of total production, but he may not incorporate any material which he needs to fill any rated orders on hand. He may not, however, delay putting other rated orders into production for more than 15 days.

SEC. 14. *Changes in customers' orders.*

(a) The general rule is that any change in a customer's rated order constitutes a cancellation of the order and must be considered as a new order received on the date of the change, if the change will require the manufacturer to interfere with his production. For example:

(1) A change in shipping destination does not constitute the placing of a new order.

(2) An increase in the total amount ordered is a new order to the extent of the increase unless it can be filled with only a negligible interference with the filling of later rated orders.

(3) A change in the date of the delivery, whether advanced or deferred, when made by the customer, is a new rated order if it interferes with production or delays delivery on another rated order.

(4) A reduction in the total amount ordered will presumably not require a change in the manufacturer's schedule and will not constitute a new rated order. If the quantity is reduced below a minimum production quantity, the manufacturer may insist on the delivery of not less than a minimum production quantity. If the customer is not willing to order that amount, the manufacturer

may reject the order. The manufacturer may not discriminate between customers in requiring delivery of minimum production amounts.

(5) When the customer directs the manufacturer to hold or suspend production without specifying a new delivery date, the rated order must be considered cancelled. If requested to do so within ten days after receiving such an instruction, the manufacturer must reinstate the order as nearly as possible to its former place in his proposed schedule of delivery as long as the reinstatement does not cause loss of production or delay in the scheduled deliveries of other rated orders. Any request for reinstatement made after ten days shall be treated as the placing of a new rated order.

(6) Where minor variations in size, design, capacity, etc., are requested by the customer and can be arranged by the manufacturer without interfering with his production, such changes do not constitute a new rated order.

(b) Where a change in an order constitutes a new rated order, the conditions existing at the time the change is received govern the acceptance of the rated order and its sequence in delivery under the rules of this order.

SEC. 15. *Delivery or performance dates.* (a) Every rated order must specify delivery or performance on a particular date or dates or during a particular month, which, in no case, may be earlier than required by the person placing the order. Any order which fails to comply with this requirement shall not be treated as a rated order. The words "immediately" or "as soon as possible" or other words to that effect do not meet the requirements of this paragraph.

(b) The required delivery or performance date, for purposes of determining the sequence of deliveries or performance pursuant to section 13, shall be the date on which delivery or performance is actually required. The person with whom the rated order is placed may assume that the required delivery or performance date is the date specified in the order or contract unless he knows either (1) that the date so specified was earlier than required at the time the order was placed, or (2) that delivery or performance by the date originally specified is no longer required by reason of any change of circumstances. A delay in the scheduled receipt of any other material which the person placing the order requires prior to or concurrently with the material ordered, shall be deemed a change of circumstances.

(c) If, after accepting a rated order which specifies the time of delivery, the person with whom it is placed finds that he cannot fill it approximately on time, he must promptly notify the customer, telling him when he expects to be able to fill the order.

SEC. 16. *Relation of rating and directives.* Special directives or authorizations issued by NPA take precedence over rated orders previously or subsequently received, unless a contrary instruction appears on the directive or authorization.

SEC. 17. *Use or disposition of material acquired under this order.* (a) Any person who gets material with a rating or through a specific authorization or a directive of the NPA must, if possible, use or dispose of it (or of the product into which it has been incorporated) for the purpose for which the assistance was given. Physical segregation is not required as long as the restrictions applicable to any specific lot of material or product are observed with respect to an equivalent amount of the same material or product.

(b) The restriction in paragraph (a) of this section does not apply when a material, or a product into which it has been incorporated, can no longer be used for the purpose for which the priority assistance was given, for example, when the assistance was given to fill a particular order and the material or product does not meet the customer's specifications or the contract order is cancelled. In such cases the rules on further use or disposition in paragraph (c) of this section must be observed.

(c) The holder of a material or product subject to paragraph (b) of this section may sell it as long as he complies with all requirements of other applicable sections of this order and of other orders and regulations of the NPA, or he may use it himself in any manner or for any purpose as long as he complies with such requirements.

SEC. 18. *Delivery for unlawful purposes prohibited.* No person shall deliver any material which he knows or has reason to believe will be accepted, redelivered, held or used in violation of any order or regulation of the NPA.

SEC. 19. *Intra-company deliveries.* The provisions of this order apply not only to deliveries to other persons, including affiliates, and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

SEC. 20. *Inventory restrictions on materials acquired with a rating.* The inventory restrictions described in NPA Reg. 1 apply to all listed materials acquired with ratings or other priorities assistance.

SEC. 21. *Scope of regulations and orders.* (a) All regulations and orders of the NPA (including directions, directives and other instructions) apply to all subsequent transactions even though they are covered by contracts previously entered into. Regulations and orders apply to transactions in the territories or insular possessions of the United States unless the regulation or order specifically states that it is limited to the continental United States or to the 48 States and the District of Columbia. However, restrictions of NPA orders or regulations on the use of material or on the amount of inventory shall not apply when the material is used or the inventory is held directly by the Department of Defense outside the 48 States and the District of Columbia, unless otherwise specifically provided.

(b) All orders and regulations of the NPA which control the sale, transfer or delivery of any material, product or equipment, apply to sales made by any person, whether for his own account or for the account of others, and all restrictions upon accepting delivery apply to acceptance of delivery at any type of sale, including sales made by auctioneers, receivers, trustees in bankruptcy, and other cases where the assets of a business are being liquidated.

SEC. 22. *Defense against claims for damages.* No person shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with any regulation or order of the NPA (including any direction, directive or other instruction) notwithstanding that any such regulation or order shall thereafter be declared by judicial or other competent authority to be invalid.

SEC. 23. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least two years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 24. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the NPA.

SEC. 25. *Reports.* Persons subject to this order shall make such records and submit such reports to the NPA as it shall require, subject to the terms of the Federal Reports Act.

SEC. 26. *Violations.* Any person who wilfully violates any provision of this order or any other regulation or order of the NPA, or furnishes false information or conceals any material fact in the course of operation under any such regulation or order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

SEC. 27. *Adjustments and exceptions.* Any person affected by any provision of this order may file an application for an adjustment or exception upon the ground that such provision works an unreasonable hardship upon him not suffered generally by others in the same

trade or industry or that its enforcement against him would not be in the interest of the national defense.

SEC. 31. *List A.* Allocation and distribution of the following items is subject to regulation by other Government agencies and these items are therefore not subject to ratings issued by or under authority of NPA. However, producers of such items are subject to NPA regulations with respect to other materials and products used by them:

Electric power.¹
Farm equipment.²
Fertilizer, commercial.²
Food.²
Fuels, solid.¹
Gas.¹
Petroleum.¹
Source and fissionable materials.³
Transportation services, domestic, storage and port facilities.⁴

The following items are not subject to any ratings issued by or under authority of the NPA at the present time, and no rating issued by NPA may be extended to obtain such items unless specific authorization is given by NPA:

Communications services.
Ice.
Mineral aggregates:
Sand.
Gravel.
Crushed stone.
Slag.
Ores and scrap.
Steam heating, central.
Transportation services, other.
Waste paper.
Water.
Wood pulp.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Regulation 2 as amended shall be effective February 27, 1951.

NATIONAL PRODUCTION
AUTHORITY,

[SEAL] MANLY FLEISCHMANN,
Administrator.

INTERPRETATION NO. 1

SEC. 100. *Certain containers, packaging and chemicals.* (a) The authority to apply ratings under the priorities system established by this order (NPA Reg. 2) to direct contracts and purchase orders for certain purposes has been dele-

¹ Under jurisdiction of the Department of the Interior—E. O. 10161, 15 F. R. 6105.

² Under jurisdiction of the Department of Agriculture—E. O. 10161, 15 F. R. 6105.

³ Under jurisdiction of the Atomic Energy Commission—60 Stat. 755; 42 U. S. C. et seq.

⁴ Under jurisdiction of the Interstate Commerce Commission—E. O. 10161, 15 F. R. 6105.

gated, subject to stated limitations, to the Secretary of Defense and the Atomic Energy Commission (NPA Dels. 1 and 2). However, this order (Reg. 2) does not apply to the items specified in section 31 *List A*, including petroleum and food. The Secretary of Defense and the Atomic Energy Commission may not therefore, apply a rating to a purchase order for petroleum or food.

(b) In addition, the Secretary of Defense and the Atomic Energy Commission have been authorized by the same delegations to assign the right to apply ratings to persons placing orders for materials to be delivered to the Department of Defense and to the Commission, respectively. The "Assignment" of a rating is defined by section 2 (e) of Reg. 2 as follows:

A rating is assigned when the NPA, or a Government agency that it has authorized, grants a person the right to use the rating.

(c) In view of the Delegations of Authority mentioned and of the provisions of this order (Reg. 2), the Secretary of Defense and the Atomic Energy Commission, and their respective authorized representatives, may assign to their suppliers of petroleum and food the right to apply ratings to get the drums, cans and other containers and packaging required for the delivery of the petroleum and food, and to get chemicals required for use (i) directly in the production of the petroleum and food, or (ii) in processing the petroleum and food and which will be consumed or converted into by-products in the course of the processing. These ratings may not be used to get containers, packaging or chemicals, in excess of the minimum quantities required to fill such orders for petroleum and food.

(1) *Illustration 1.* The Department of the Navy places an order with the X Refining Company for 500 drums of gasoline. This is not a rated order. An authorized Navy representative may assign to the X Company the right to apply a rating to get the drums required for delivery of the 500 drums of gasoline.

(2) *Illustration 2.* The Department of the Army places an order with the X Company for 100 bbls. of flour. This is not a rated order. An authorized Army representative may assign to the X Company the right to apply a rating to get the packages or containers required for the delivery of the 100 bbls. of flour.

(3) *Illustration 3.* The Department of the Air Force places an order with the Z Refining Company for 100 cans of lubricating oil. This is not a rated order. The Z Company requires two types of chemicals to be used in filling this order: (i) A chemical to be directly used in the production of the oil, and (ii) a chemical that will be consumed or converted into by-products in the course of processing the oil. An authorized representative of the Air Force may assign to the Z Company the right to apply a rating to get the chemicals so required.

Marshal Office-Purchases -
July 27th - Materials &
Supplies

File

Memorandum:--

Discussed this matter further with the Marshal today and it is his notion that in view of the fact that the Reporter's situation has been, at least temporarily, taken care of, and the further fact that up to the present time they have experienced no considerable difficulties in securing materials, and other supplies, the question of securing a DO rating, or a special priority rating should be held in abeyance for the time being---

that, in the event, difficulty should arise in the future, he will so advise and we can then make an effort to secure an exemption, a special priority, or the best rating that we can from the rating agency.

I am in accord with this.

k ---

Supreme Court of the United States

Memorandum

-----May 8th-----, 194-51-

File Memorandum:---

Talked with Mr. Waggaman 1:05pm: he states that the Govt. Printing Office, under a recent order and/or regulation no longer requires a "DO" for the work of the Court - this takes care of the Reporters' problems.

With respect to the over-all picture, he advises that they have not as yet found it necessary to use a "DO" on their purchases of supplies, equipment, etc., for the Court. It is his notion, and I am in accord, that it is better to hold the matter in abeyance pending future developments, reather than to attempt any action looking for exemptions, preferances, priorities, etc., for the Court. Unless we hear further from the Marshal, no action will be taken in the matter -

Paul Kelley-

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

March 22, 1951

MEMORANDUM TO: The Chief Justice

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

The Court, in robes, will attend in a
body the Joint Session of Congress in honor
of the President of France on Monday, April
2, 1951 at 12:00 noon.

The Court will assemble in the Con-
ference Room in the Supreme Court Building
at 11:40 A.M. and in a body go to the old
Supreme Court Chamber in the Capitol, from
which Chamber they will be called at the
appropriate time to go to the House of
Representatives.

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

April 5, 1951

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

My dear Mr. Chief Justice:

The attached bulletin from the Director of the Bureau of the Budget on the subject of "Emergency Relocation Plan" while addressed to the "Executive Departments and Establishments" puts me on notice that I must make or try to make provisions for our continuity of operations, "in the event of enemy action or the 'imminent threat' thereof".

This memo is directed to the condition described in the attached bulletin and subject to the qualifying assumption stated on page 1 of the Director's bulletin "(1) that Washington will not be evacuated, and (2) that the emergency relocation plan will not be effectuated unless required by enemy action or the imminent threat of such action".

"I. Objective of the plan ***The immediate objective of such planning will have been achieved if arrangements are promptly made whereby essential defense activities can be carried on under emergency conditions for a period of 90 days at designated relocation centers. It is, of course, understood that during that period further steps would be taken to organize for long-range operation."

To meet the objectives of the Director my thought is that if believed desirable an order might be entered providing that in certain events the Court should automatically, upon the declaration of an emergency, recess for sixty or ninety days or possibly a shorter period if the emergency was temporary, in which event, counsel and the public would be notified of the new date of convening by mail, telegraph and the newspapers.

While in that emergency recess the Court would function at a minimum as it now does during the summer recess. This would only require a small group of the Clerk's staff consisting of the Clerk, a Deputy and Assistant Clerk, Financial Clerk, and one or two Stenographers to move to the temporary

Honorable Fred M. Vinson

April 5, 1951

location where they could carry on the then necessary functions of their office.

On the assumption set forth in the attached bulletin, that Washington would not be evacuated, it would be necessary to keep Government employees together and paid, as otherwise Washington would soon become and remain a city of breadlines. To pay the Members of the Court and all of our employees and perform the numerous other duties that would fall on us, I would require substantially a similar force as that above outlined for the Clerk's office. As I see the problem, I would also require, in addition to my clerical force, two of my men, one to drive the Court car, one our truck, as otherwise we could not circulate orders, petitions, etc., between the Clerk's office and the Members of the Court, nor distribute pay and other checks. Should a police force and cleaning force not be provided at the emergency location, provision would have to be made for those necessary to perform those services.

Should our present Library and the Library of Congress be unusable in the emergency, it is questionable of what use it would be to have an emergency office for the temporary use of the Library. Likewise, the question arises, would not the Reporter's Office have to suspend work for the period of the emergency as it is highly improbable that printing facilities could be made available for his use.

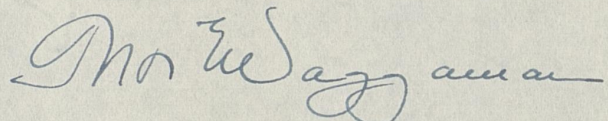
With respect to a newspaper report that appeared several weeks ago in the Evening Star concerning the fact that the Supreme Court would be moved "some distance away", I contacted the Bureau of the Budget and made inquiry as to the source of this statement, and the basis upon which it was made. Subsequently, after a survey, they advised that the individual making such a statement had apparently gone overboard and had no basis, in fact, upon which to ground such a supposition. Also, that while they were not certain that the Supreme Court would or should come within the purview of the National Security Resources Board's order, they felt that the individual who was assigned for the purpose of coordinating this work would be very glad to discuss our problems and angles at anytime that would suit our convenience.

Honorable Fred M. Vinson

April 5, 1951

If it is your wish that I am to contact the Bureau of the Budget in regard to obtaining facilities for the staff as outlined above, your advice as to what additional facilities you believe desirable, would be most appreciated.

Respectfully,

A handwritten signature in cursive script, reading "Thos. E. Waggaman".

Thos. E. Waggaman
Marshal, Supreme Court, U. S.

TEW:mf

RESTRICTED

EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

WASHINGTON 25, D. C.

BULLETIN NO. 51-11

March 21, 1951

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: Emergency relocation planning

The National Security Resources Board has requested the Bureau of the Budget and the General Services Administration to prepare a plan for the emergency relocation of essential units of the executive branch now located in the Washington area which would provide sufficiently complete information and procedures to permit its rapid and orderly execution should the need arise. The Board also requests that personnel assigned to this planning be advised of two assumptions, (1) that Washington will not be evacuated, and (2) that the emergency relocation plan will not be effectuated unless required by enemy action or the imminent threat of such action.

Advance notice of the need for this plan was contained in Section II of the attachment accompanying my letter to heads of executive departments and agencies on the subject of "Planning for Continuity of Operations Under Emergency Conditions," dated November 9, 1950. Since then it is understood that considerable thought has been given by the agencies to their respective requirements for emergency planning.

In the interest of time and effort, the Bureau of the Budget and the General Services Administration will develop the plan as a joint undertaking. Certain basic information is now required of the departments and agencies which should be furnished not later than April 5. Sample of the reporting form, instructions concerning data to be reported, and general information on the subject are attached for your guidance.

Your attention is also invited to the security classification of this letter. In the event the information to be supplied by the reporting agency requires a higher classification than "Restricted," it is suggested that such material be held in the agency and proper note made on the reporting form to the effect that the information requested has a higher classification and will be made available to us in accordance with security regulations.

FREDERICK J. LAWTON
Director

Attachments

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Exhibit 51-11A

EMERGENCY RELOCATION

The National Security Resources Board has requested the General Services Administration and the Bureau of the Budget to develop a plan for the emergency relocation of essential units of the Federal Government, to take effect in the event of enemy action or the "imminent threat" thereof. It will be recalled that in his request of last November for proposals from agency heads regarding activities to be dispersed or decentralized, the Director of the Bureau of the Budget asked that serious thought be given to such interim measures as should be taken or planned in the interest of security.

General

I. Objective of the Plan

The basic objective of emergency relocation planning is still that which was described in the Director's communication; namely, to assure the continuity of essential functions in the event of a devastating attack. The immediate objective of such planning will have been achieved if arrangements are promptly made whereby essential defense activities can be carried on under emergency conditions for a period of 90 days at designated relocation centers. It is, of course, understood that during that period further steps would be taken to organize for long-range operation.

II. Information Requested

The present request requires the identification of the measures which will be taken by each agency and a listing of the facilities which must be provided by other agencies at emergency relocation centers in order to effectuate each agency plan.

RESTRICTED

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III. Controlling Factors

Emergency planning requires that provision be made for:

A. The physical protection of personnel, essential records, and special equipment which may be in the target area at the time of an attack. Information and instructions regarding this phase of planning will be given by the General Services Administration.

B. The movement of personnel, essential records, and special equipment. Immediately before, during, or after an attack, all movement will be controlled by the District of Columbia Civil Defense authorities.

In conformity with the intent of instructions issued by the National Security Resources Board, the General Services Administration will serve as the liaison agency between the executive branch and the District of Columbia Civil Defense authorities. It will keep the agencies informed regarding regulations for controlling movement during an emergency period, including provisions for access to relocation centers.

C. The contingency that an emergency might develop either during the night or during day-time working hours.

In the event of a night emergency, most of the employees would be in their residences, from which selected key employees would be expected to report, in accordance with previously received instructions, directly to their designated relocation centers. Under such conditions it is clear

RESTRICTED

Engineer Says Train Was Late At T.

(Continued From First Page.)

"not enough" at the first approach block before the stalled troop train.

Mr. Eller guessed his speed at the time at 50 miles per hour. ICC regulations require that speed be reduced to 30 miles an hour at an approach block so the train can come to a complete stop at the next "stop and proceed" sign.

The engineer testified he did not apply his service brake until he reached the "stop and proceed" signal near the crash scene. He said he did not apply his emergency until he passed the signal.

Saw Stalled Train.

At about the time he passed the "stop and proceed" signal, Mr. Eller admitted he saw the stalled troop train. He said:

"It was very close."

In reply to an ICC question as to whether both wayside and cab signals were working properly, the engineer murmured:

"Yes."

Mr. Eller said he saw the flares and signals set out at the rear of the troop train by a flagman aboard the stopped train.

He said he applied the emergency brake immediately.

Mr. Eller's fireman, E. J. Kearns, testified Mr. Eller was "one of the most alert, capable men in railroad service."

Mr. Kearns said he saw the flagman of the stopped troop train standing just east of the automatic block signal. He testified the rear of the stalled train was about 50 car lengths beyond the flagman.

Flagman Tells Story.

W. G. Lancaster, 34, Pittsburgh, flagman aboard the troop train, told of his futile efforts to stop the "Spirit of St. Louis" before it crashed into the stalled troop train.

Mr. Lancaster told the inquiry that the troop train had broken down 2 1/2 miles east of Dennison, Ohio, before the two trains crashed.

He said the first breakdown was caused when a steam line on the last car of the train became disconnected.

He said that when he attempted to stop the troop train by pulling a signal cord, a valve broke before the signal was completed.

The damage was repaired, Mr.

Lancaster proceeded

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-Louis Johnson orders as he left House yesterday e his resignation secretary was an -AP Photo.

Appropriations

From First Page.)

other necessary re-

lice Get \$40,000.

Park Police it allowed this is required in con- with legislation placing on a five-day week comes out of the Dis- appropriation, but the com- made another \$40,000 for the same purpose Interior Department

committee approved \$63,000 s to the Elephant House ational Zoological Park. e same figure the House

3,000 For Stadium.

enate, meanwhile, today a measure authorizing for night lighting and improvements on the sta- Eastern High School. l, already passed by the goes back to that chamber on an amendment.

Senate also passed a bill g tax exemption to the y of the Young Men's an Association and a bill to an exchange of land be- the Government and the mple Committee on Ma- street near Thirty-ninth N.W.

ie District's child day-care were not continued after r 1, the date set by the for liquidating the program, of the families involved e forced immediately upon e rolls, it was said.

ant Also Cites War. r Hunt, Democrat. of

Civil Defense

(Continued From First Page.)

sites for construction of buildings within an hour's commuting distance of Washington for between 75,000 and 100,000 Federal workers. The eventual cost was estimated at \$300 million.

5. The Executive and Legislative Branches of the Government are expected to remain in Washington or its environs, in the event of war, but the Supreme Court might be moved "some distance" away.

6. Neither the sites for the new buildings nor the agencies to occupy them had been selected. Listed, however, as "essential elements of Government" were Congress, the Executive Office of the President, the Joint Chiefs of Staff and their key military personnel, the FBI and the Central Intelligence Agency.

7. Certain agencies would be moved to other cities, and this time the planners hoped the moves would be permanent.

Payment Speed-up Asked.

Mr. Reynolds asked the committee to include a proviso that work on the General Accounting Office could be speeded up through additional payments to the contractor so the new building's 800,000 square feet of space could be occupied before the scheduled completion date in October or November of next year.

General Services Administrator Jess Larson told the Senators the dispersal plan is based on the assumption that the "seat of Government will always be a highly attractive target for enemy attack

portant functions of Government -military, civil, legislative and judicial.

In answer to questions from the Senators, Mr. Larson said he did not believe the dispersal plan is based on the assumption the military will do its utmost to defend the Capital and that caves like the Luray Caverns and Mammoth Cave are being surveyed for the purpose of storing records.

District officials, meanwhile, moved ahead in their planning by calling on one of the District's chief air raid wardens during the last war to help them plan a warden organization for the present civilian defense program.

He is Max C. Schwartz, real estate man, who was named chief air raid warden on March 21, 1944, after having served more than a year as assistant chief of the service. He held the top post for about a year and a half.

Floods Force 50 Out In Petersburg, W. Va.

By the Associated Press
PETERSBURG, W. Va., Sept. 13.—Two streams overflowed their banks here early today, forcing the evacuation of about 50 people from the town's lowland residential district.

A heavy, five-hour rain coming on top of three days of intermittent showers pushed Lunice Creek to 6 feet above normal and caused the north fork of the south branch of the Potomac River to spread over its banks in this Eastern West Virginia Panhandle region.

10 Convicted To Stay Free

By the Asso

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- 3 -

that action must have been taken in advance to assure the availability of records essential to the performance of the functions to be performed at relocation centers. It follows that this advance action must be taken regardless of whether an emergency develops during either night or day. In the latter case, since effective measures must already have been taken to make essential records available, the principal problem would be one of protection and movement of personnel-- a matter referred to above.

IV. Basic Determinations

In the light of the foregoing, there are at least four basic determinations to be made which have already received the consideration of responsible agency officers.

- A. Establishing the relative intra-agency priority of defense functions now performed in the central Washington area.
- B. Selecting the key personnel essential to the continued performance of high priority functions.
- C. Identifying the records (and highly specialized equipment, if any) necessary for the conduct of those functions.
- D. Deciding upon the various means available which should be incorporated in an emergency plan for assuring continuity of operations.

V. Plans for Action

It is anticipated that a general directive, to be followed by detailed instructions, will be issued to all agencies in the

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executive branch regarding the protection of personnel. Accordingly, present plans for action will consist primarily of (1) preparing instructions for key personnel as to how and when to report to a designated relocation center; (2) arranging well in advance for the availability of necessary records (and special equipment, if any) at the relocation center; and (3) determining agency requirements (space, special facilities, etc.) at the center.

It is urged that agencies take full advantage of field establishments when considering possible emergency relocation centers. As a rule, arrangements for utilizing an existing field office can more readily and effectively be made than will be the case when a new center must be established.

The report requested below provides for the compilation of basic data prerequisite to the development of plans for action.

Guide Lines for Reporting

Reference is made below to the column numbers and headings on the attached report form.

Column No.

(1) Organization Unit

Identify the organization unit to be reported upon in Columns (2) to (14). Such units should be listed in order of their intra-agency priority, commencing with those performing the most essential functions. Whenever feasible, please follow the organizational breakdown appearing on

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- 5 -

Exhibit A or the summary sheet of the report which you furnished to the Bureau of the Budget on dispersal and decentralization.

(2) Major Function (Brief identification)

Identify in abbreviated form the major function performed by the organization unit.

(3) Washington Area Personnel as of 6/30/51

Give the number of employees which are authorized for employment through June 30, 1951, in the Washington area, i.e., the District of Columbia and immediate vicinity.

(4) Any Field Offices? (Yes or No)

If the answer is "No", Columns 8, 9, and 10 will be left blank and Columns (11) and (12) used.

Delegation of Authority

(5) Positions Identified? (Yes or No)

If the answer is "No", report under that entry the date when determinations will have been completed.

(6) Instructions Prepared? (Yes or No)

If the answer is "No", report under that entry the date when instructions will have been prepared.

(7) Sufficient Authority? (Yes or No)

The purpose of this question is to ascertain whether the agency has sufficient legal powers to permit the necessary delegations of authority and succession of command to

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become effective in the event of an emergency. If the answer to this question is "No", describe in an appendix to be attached to the report the legal restriction which would prevent delegation including suggested remedial legislative language.

Emergency Relocation Requirements

At Existing Field Offices

When an agency has existing field offices, it is possible, and often probable, that arrangements can be made whereby the headquarters functions under consideration can be carried on under emergency conditions at a field office rather than at a new relocation center. As stated in section V above, full advantage should be taken of this possibility of simplifying a somewhat difficult problem. In some instances, the agency may wish to make a distinction between the function of directing policy and programs and the function of supervising operations. Depending on circumstances, these functions may be relocated at the same or different field offices. When field offices exist and no suitable arrangements can be made, the reasons should be explained in an appendix to be attached to the report. If a field office has been selected, report the information required in Columns (8), (9), and (10).

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(8) Location

Give location of field office selected.

Personnel and Records

(9) Number of Employees

Enter here the minimum number of employees to be transferred to the designated field office.

(10) Space (sq.ft.)

Enter here the number of additional square feet of office space which it is estimated will be required to accommodate the employees and the records to be transferred to the designated field office.

At New Relocation Centers

When there are no field offices or when existing field offices are determined to be unsuitable by reason of being in a critical target area or because of other conditions, new relocation centers will be designated from a list of locations to be furnished by the General Services Administration. These temporary locations will be within commuting distance of Washington whenever possible.

Personnel and Records

(11) Number of Employees

Enter here the minimum number of employees to be transferred to the new relocation center.

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- 8 -

(12) Space (sq.ft.)

Enter here the estimated number of square feet of space required by the employees and the records to be transferred to the new relocation center.

(13) Special Equipment (Yes or No)

This entry has reference to highly specialized equipment of a type not available in the open market but essential to the conduct of the function in question. If the answer given in Column (13) is "Yes", information to be furnished in an attached appendix is requested on the following points:

1. Is similar equipment available in any field offices, and if so, where?
2. If such equipment is located only in the Washington area, can any of it be spared for standby purposes and stored elsewhere?
3. If the answers to 1 and 2 are in the negative, does the agency propose to purchase or construct extra equipment for standby purposes? If so, give estimated cost and time required for delivery.
4. What steps does the agency believe should be taken, with the assistance of the General Services Administration, to protect the equipment which must continue to be used in the Washington area?

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5. Report the number of square feet of floor space needed to accommodate the equipment at a relocation center, and note any special requirements such as floor load and power.

(14) Special Facilities (Yes or No)

It can be assumed that heat, light, water, and at least one telephone line will be furnished at relocation centers. "Special facilities" has reference to any unusual requirements of the organization unit in the way of communications, power, vaults, or special fixtures, etc. If the answer is "Yes", a complete description of requirements should be reported in an appendix to be attached to the report.

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1 ORGANIZATION OR UNIT
Supreme Court of the United States

2 MAJOR FUNCTION (BRIEF IDENTIFICATION)
The dispensing of Justice

3 WASHINGTON AREA PERSONNEL AS OF 6/30/51
262

204 our payrolls
36 Architect's Office
5 G. O. P (printing Unit)
17 Clerks Office
262

4 ANY FIELD OFFICES? (YES OR NO)
No

DELEGATION OF AUTHORITY

5 POSITIONS IDENTIFIED? (YES OR NO)

5 Sec 3 & 4 of 28 U. S. C. 1948 ed. provide for succession of the Members of the Court. sef. 671 to 674 provide for the officers and their (Deputies for the Clerk only) Assistants. (The authority of the Assistant Librarian to sign vouchers was questioned ~~by~~ some time ago.)

6 INSTRUCTIONS PREPARED (YES OR NO)
No. 60 d ays.

7 SUFFICIENT AUTHORITY (YES OR NO)
Yes ? (see answer to 5)

8 AT AN EXISTING FIELD OFFICE
9 None

10

11 NEW RELOCATION CENTER* PERSONNEL AND RECORDS
NO. EMPLOYEES

clerk or dep. assist. financial clerks *Massachusetts ass't finan clerks & drivers*

12 SPACE (SQ.FT)

13 SPECIAL EQUIPMENT
No.

14 SPECIAL FACILITIES

Answer depends entirely on whether the Court would contemplate holding Court or not. Otherwise No.

[The above answers to Budget Bulletin #51-11 of March 21, 1951 are based on my assumption that the Court would recess for the period of the emergency. That we would carry on as we now do during the summer recess and only contact a Member of the Court for the purpose of approval or allowance of orders etc., or extentions of time etc.]

While this bulletin is directed to the Executive Departments it may be the best way to go on record as to our minimum requirements in the event we must operate out of the city for a brief period.

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Exhibit 51-118

NOTE: Transmit original and three copies to the Bureau of the Budget on 21" x 16" paper.

EMERGENCY RELOCATION DATA

Organization Unit (1)	Major Function (Brief identification) (2)	Washington area personnel as of 6/30/51 (3)	Any field offices? (Yes or No) (4)	Delegation of Authority			Emergency Relocation Requirements						
				Positions identified? (Yes or No) (5)	Instructions Prepared? (Yes or No) (6)	Sufficient Authority? (Yes or No) (7)	At an Existing Field Office		New Relocation Center		Special Equipment? (Yes or No) (13)	Special Facilities? (Yes or No) (14)	
							Location (8)	No. Employees (9)	Space (sq. ft.) (10)	No. employees (11)			Space (sq. ft.) (12)

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

April 5, 1951

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

My dear Mr. Chief Justice:

The attached bulletin from the Director of the Bureau of the Budget on the subject of "Emergency Relocation Plan" while addressed to the "Executive Departments and Establishments" puts me on notice that I must make or try to make provisions for our continuity of operations, "in the event of enemy action or the 'imminent threat' thereof".

This memo is directed to the condition described in the attached bulletin and subject to the qualifying assumption stated on page 1 of the Director's bulletin "(1) that Washington will not be evacuated, and (2) that the emergency relocation plan will not be effectuated unless required by enemy action or the imminent threat of such action".

"1. Objective of the plan ***The immediate objective of such planning will have been achieved if arrangements are promptly made whereby essential defense activities can be carried on under emergency conditions for a period of 90 days at designated relocation centers. It is, of course, understood that during that period further steps would be taken to organize for long-range operation."

To meet the objectives of the Director my thought is that if believed desirable an order might be entered providing that in certain events the Court should automatically, upon the declaration of an emergency, recess for sixty or ninety days or possibly a shorter period if the emergency was temporary, in which event, counsel and the public would be notified of the new date of convening by mail, telegraph and the newspapers.

While in that emergency recess the Court would function at a minimum as it now does during the summer recess. This would only require a small group of the Clerk's staff consisting of the Clerk, a Deputy and Assistant Clerk, Financial Clerk, and one or two Stenographers to move to the temporary

Honorable Fred M. Vinson

April 5, 1951

location where they could carry on the then necessary functions of their office.

On the assumption set forth in the attached bulletin, that Washington would not be evacuated, it would be necessary to keep Government employees together and paid, as otherwise Washington would soon become and remain a city of breadlines. To pay the Members of the Court and all of our employees and perform the numerous other duties that would fall on us, I would require substantially a similar force as that above outlined for the Clerk's office. As I see the problem, I would also require, in addition to my clerical force, two of my men, one to drive the Court car, one our truck, as otherwise we could not circulate orders, petitions, etc., between the Clerk's office and the Members of the Court, nor distribute pay and other checks. Should a police force and cleaning force not be provided at the emergency location, provision would have to be made for those necessary to perform those services.

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

May 14, 1951

MEMORANDUM TO: The Chief Justice

A Bill to amend the Civil Service Retirement Act, S. 995 - 82 d. Congress, 1st Session, has just been called to my attention. We believe that it would be advantageous to have the Court request the Congress to amend Section 1 (e) of the bill which is essentially a re-enactment of Public Law 199, 81st Congress, 1st Session, approved August 2, 1949, U. S. Code Congressional Service for 1949, page 485, so that temporary employees of the Court, like temporary employees of the other U.S. Courts, will be specifically eliminated from the Retirement Act.

It has been the policy of this office, which is in accord with the present statutory policy with respect to temporary employees of other U. S. Courts, when hiring temporary employees not to take retirement deductions from their salary, as the forms and reports necessary to be maintained and made to the Civil Service Commission for these deductions are numerous and under the circumstances needless, because of the temporary nature of the employment.

Social Security deductions and returns are made to the Collector of Internal Revenue at the same time those for the Federal Withholding Taxes are made and by so handling considerable detail work is eliminated.

Moreover, if temporary employees are under Social Security, they will continue to be eligible for those benefits, whereas, if they are under Civil Service Retirement, and at the termination of their employment have their deductions refunded to them, they lose, for their period of employment here, the benefits of either retirement plan. Furthermore, to be eligible for Civil Service Retirement they must have at least five years of creditable government service.

C.J. says ok to seek
the necessary amendment to
S. 995 in order to bring
Sup. Ct. Temp. Employees specifically
under this legislation 6/21/51

Original returned
to Marshal with advice
of CJ's approval &
suggestion to proceed
in whatever manner was
deemed best to secure
amendment - 16
6/21/51

May 3, 1951

WASHINGTON PILGRIMAGE OF AMERICAN CHURCHMEN

A National Program to Review the Documentary
Heritage of Religious Faith in America

Advisory Committee

- Dr. Oscar Blackwelder, Lutheran Church of the Reformation,
Washington, D. C.
- Dr. Ernest Bryan, President, International Christian Endeavor,
Washington, D. C.
- Mr. Donald B. Cahoon, Attorney, Scranton, Pa.
- Mr. Leland D. Case, Field Editor, The Rotarian, Tucson, Arizona
- Dr. Samuel McCrea Cavert, General Secretary, National Council of
the Churches of Christ, New York City
- Dr. Theodore A. Distler, Franklin and Marshall College, Lancaster, Pa.
- Dr. William H. Leach, Editor, Church Management, Cleveland, Ohio
- Dr. Kirtley F. Mather, Professor of Geology, Harvard University,
Cambridge, Mass.
- Mr. Andrew H. Phelps, Vice President, Westinghouse Electric Corp.
Pittsburgh, Pa.
- Dr. Harold Cooke Phillips, Minister, First Baptist Church of
Greater Cleveland, Ohio
- Dr. Edward H. Pruden, Minister, First Baptist Church, Washington, D.C.
- Mr. Carlton Sherwood, Executive Vice President, Pierce, Hedrick
and Sherwood, New York City
- Dr. Ralph W. Sockman, Christ Methodist Church, New York City
- Mr. Wallace C. Speers, Chairman, The Laymen's Movement for
Christian World, New York City
- Mr. Lowell Thomas, Pawling, N. Y.
- Bishop Beverley D. Tucker, Protestant Episcopal Bishop of Ohio,
Cleveland, Ohio
- Dr. Robert B. Whyte, Minister, Old Stone Church, Cleveland, Ohio
- Dr. Myron F. Wicke, Secretary, Division of Higher Education,
Board of Education of the Methodist Church, Nashville, Tenn.
- Mrs. Houghton, General Federation of Women's Clubs
- Dr. Willard Givens, Ex. Sec. NEA
- Senator James Duff, of Pennsylvania.

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

May 17, 1951

MEMORANDUM TO: The Chief Justice

Mr. Justice Burton, on Wednesday afternoon, referred to me a Mr. Harold M. Dudley, 4302 East West Highway, Bethesda, Maryland, for an answer on how to solve a problem occasioned by the proposed visit on Saturday, September 29th next of the Washington Pilgrimage of American Churches (400 - 500 pilgrims). They will be on a schedule when visiting the Capitol, Library of Congress, our building and propose to be in the one group and are desirous, if possible, of being shown through our building with reasonable expedition, and if possible, to have some reference made while in the Courtroom to our Heritage of Religious faith as typified by the friezes in the Courtroom.

The subject being a bit over the heads of my possible guides, would you object to Dr. Blackwelder, Pastor of the Lutheran Church on East Capitol Street, one of their advisory committee, and one who well knows our building, describe the Courtroom to this group and in so doing speak a few words about the friezes. As he speaks both loud and well, the entire group could sit or stand and be addressed in one group which would permit them to see the building in from fifteen to twenty minutes. Otherwise, I should have them shown through the building in three or more groups by our guides which would take ten to fifteen minutes for each group to be shown into, be spoken to and shown out of the Courtroom.

Mr. Dudley would appreciate my advising him as soon as convenient of which the above plans I will follow.

Dr. E. W. Waggoner

Memorandum:-

It is the Marshal's notion that the best and most practical plan to take care of this group would be for permission to be granted for Dr. Blackwelder to show them through the Court Room and briefly discuss the friezes-- if this could be done the whole group could be taken care of in one gathering, whereas, if he is required to show them thru it will necessitate 3 or 4 trips -

if the foregoing permission ^{be} deemed "out of order" an arrangement could be had whereby the whole group could be gathered in the Court Room to view it and then, following their visit, they could adjourn to the Lutheran Church where Dr. Blackwelder could lecture or discuss the friezes.

Dr. Blackwelder is quite friendly and on various occasions has been of service to the Marshal upon call.

Whatever be your decision with respect to the use of the Court Room for this group, the Marshal feels that something satisfactory can be worked out. -

ooooooooOOoooooooo

It strikes me that this is quite a representative group, and that the request is quite different from that of the ABA or others for the use of the Court's facilities (Conference Rooms, etc) for functional purposes. I just don't see any analogy, and do not feel that it would establish a precedent - or, if it did it would be a good one, and one that would not incur any great burden in following -- rather, it would afford considerable convenience to the Marshal and his staff in operation -

For attention
of the Court
F.M.V.

File

The Senate

Memorandum:-

The Marshal would like to have your advice in regard to the following:--

The Senate Appropriations Committee, and the Senate as a whole in passing upon the appropriation bill, struck therefrom a proviso which would supply the members of this ~~body~~ with Poland water during the session. As I recall, this amount figured between \$15,000 & \$20,000.

Query: In view of such action, do you feel that we should continue to provide Poland water for the Brethern ?

The amount involved is very small, approximating, liberally speaking, \$500.00 per session (per annum); it is not carried as a specific item in our estimates, but is covered into the Miscellaneous Expense item; the benefits received therefrom, while I have no basis upon which to make a statement, may be many to some of the Brethern;

therefor, it is my notion that until the matter is brought up by some one else, there is no need for us to discontinue this little item of luxury or what have you. Certainly, no one can complain as to the amount spent here for other than necessary - official - items. I do not feel that we have to take "judicial" notice of the action of the Senate with respect to their own members.

I would say let the matter ride -

It seems
to me that
the Court
should
act on this.
I would tend toward
discontinuance
F.M.V. 4/27/51

k - 7/26/51

9:42 am

Supreme Court of the United States

Memorandum

Oct 10, 1947.

Mr. Nash planned

Guests would arrive at
front curb in auto at 11:30
5 minutes to walk to chambers

Leave chambers 11:50

Leave curb in auto 11:55

15 minutes in building

Visit on Friday

November 2nd

FW

Supreme Court of the United States

Memorandum

May 6, 1952
-----, 194---

Mr. Whittington, our Press Officer, requests that this retirement, if released by you, be through him, as he has requested two or three of his Reporters, who had picked up the rumor of it, not to release it until you had officially acted on it.

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

May 6, 1952

The Chief Justice and Associate Justices
of the Supreme Court of the United States
United States Supreme Court Building
Washington, D. C.

Gentlemen:

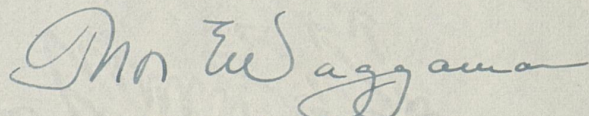
Today, having reached the minimum age requirement, I am eligible to exercise my option to retire under the Civil Service Retirement Act, as the minimum service requirement of thirty years was met more than ten years ago.

Accordingly, your permission is requested to allow me to retire effective the close of business June 30, 1952. I believe that date will be to the Court's best interest, as it is the close of the fiscal year and of the accounting period for this office. In addition, it will give my successor a reasonable time to familiarize himself, during the summer recess, with his duties as Marshal.

I feel more notice to the Court to be unnecessary as my Assistant, Mr. Lippitt, is fully qualified to take over the position and has a proper understanding of the responsibilities and duties incident to the position of Marshal. As you know he is thirty-seven years of age, and has spent the past sixteen years in our office qualifying himself for that position.

May I thank the Court for the many gracious personal courtesies and kindnesses extended to me in the more than forty years I have had the privilege of serving it.

Respectfully,



Thos. E. Waggaman
Marshal, Supreme Court of the U.S.

Supreme Court of the United States

Memorandum

-----, 194---

This is a revision of the previous circulation. In this recirculation the first and last sentences have been revised.

F.F.

June 9, 1952.

Draft of proposed remarks by the Chief Justice at today's session of the Court.
This is circulated by F.F. at the request of Brother Black:

I regret I must announce the retirement of Thomas E. Waggaman as Marshal of this Court, but with gratitude for his services. His name will now be added to the honor roll of those who through long years of service have given themselves to the great interests of the Court. Mr. Waggaman came here as a page boy more than forty years ago. For nearly fifteen years he has discharged the complicated and pervasive demands made upon the Marshal with wisdom and conspicuous devotion. The duties of that office are not dramatic. The more they are performed with quiet and almost unseen effectiveness, the better they are discharged. But they are duties that require tact, resourcefulness, disregard of self -- high intelligence and character. Mr. Waggaman has all these qualities and he has devoted them wholeheartedly to the service of the Court. He leaves behind him grateful memories. He goes with our best wishes for long years of health and for the happy exercise of his faculties.

RECEIVED

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OK
BR

I REGRET I MUST ANNOUNCE THE RETIREMENT OF THOMAS E. WAGGAMAN AS MARSHAL OF THIS COURT, BUT WITH GRATITUDE FOR HIS SERVICES. HIS NAME WILL NOW BE ADDED TO THE HONOR ROLL OF THOSE WHO THROUGH LONG YEARS OF SERVICE HAVE GIVEN THEMSELVES TO THE GREAT INTERESTS OF THE COURT.

MR. WAGGAMAN CAME HERE AS A PAGE BOY MORE THAN FORTY YEARS AGO. FOR NEARLY FIFTEEN YEARS HE HAS DISCHARGED THE COMPLICATED AND PERVASIVE DEMANDS MADE UPON THE MARSHAL WITH WISDOM AND CONSPICUOUS DEVOTION. THE DUTIES OF THAT OFFICE ARE NOT DRAMATIC. THE MORE THEY ARE PERFORMED WITH QUIET AND ALMOST UNSEEN EFFECTIVENESS, THE BETTER THEY ARE DISCHARGED. BUT THEY ARE DUTIES THAT REQUIRE TACT, RESOURCEFULNESS, DISREGARD OF SELF--HIGH INTELLIGENCE AND CHARACTER. MR. WAGGAMAN HAS ALL THESE QUALITIES AND HE HAS DEVOTED THEM WHOLEHEARTEDLY TO THE SERVICE OF THE COURT. HE LEAVES BEHIND HIM GRATEFUL MEMORIES. HE GOES WITH OUR BEST WISHES FOR LONG YEARS OF HEALTH AND FOR THE HAPPY EXERCISE OF HIS FACULTIES.

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EXERCISE OF HIS FACULTIES.

J. H. [unclear]

File

July 30, 1952
12.15 Noon

Mr. Robert V. Murray
Major and Superintendent
Metropolitan Police Department
Washington, D. C.

Dear Mr. Murray:

Re: Automobile with license No. K-4708
Supreme Court Policeman No. 18

I wish to report the following law violation which just occurred and which jeopardized my life.

I was crossing the street with the green traffic light at Maryland avenue and 1st street, northeast. An automobile with the license no. of K-4708 came with dangerously high speed around the tail end of a trolley which was travelling north and made a left turn. The driver under the circumstances could not see the pedestrian walkway, did not have his car under control, and failed to yield right of way to a pedestrian crossing with a light, and thereby forcing me back. Had I not been unusually alert and quick, I would now be seriously hurt or dead.

This occurrence was observed by Supreme Court Policeman No. 18 who voluntarily said he would have arrested the driver of the car, had he been closer. I believe, however, this officer was negligent in his duty, for in response to my questions he admitted that he had a whistle, he was only a few feet from the corner—certainly within "whistle" distance. A few hurried steps would have brought this officer to the corner. This officer said he would report this law violation, but in view of his general appearance of lassitude, I don't feel at all sure he will.

Will you kindly inform me of the name and address of the owner of the above mentioned automobile?

As a constant, and law abiding pedestrian, I have long noted an ununderstandable laxity on the part of the policemen in this city to make any effort towards the safe conduct of pedestrians

RECEIVED
JUL 35 12 26 PM '52
CHAMBERS OF THE
CHIEF JUSTICE

crossing the street with a traffic light. There seems to be no official recognition of the fact that just as soon as a pedestrian gets a green light, he immediately has to contend with two lanes of automobiles--those making left turns and those making right turns. I have noted many of the various advertisements of the National Safety Council in its effort to "educate" drivers to safer driving, but never once have I seen any effort to "educate" the drivers to the fact of law that pedestrians crossing with a light do have the right of way.

By this letter, I do not mean to imply that this is the only instance in which my life has been jeopardized while crossing the street with a traffic light in Washington, D. C., but it is one case in which there was a good witness--namely, the policeman of the Supreme Court.

Very truly yours,

Camillo O'R. Agnew

Mrs. C. O'R. Agnew
1026 15th St., N.W.
Washington, D.C.

cc: Office of the Chief Justice
Supreme Court of U.S.

RECEIVED

PRESIDENT
T. JACK GARY, JR.

VICE PRESIDENTS
IRWIN S. DECKER
STEPHEN B. IVES

SECRETARY
LAURENCE W. ACKER

TREASURER
E. REECE HARRILL

IMMEDIATE PAST PRESIDENT
WALTER F. FRESE

FEDERAL GOVERNMENT ACCOUNTANTS ASSOCIATION

P. O. BOX 53
WASHINGTON 4, D. C.

October 23, 1952

DIRECTORS

EDUCATION
CLARK L. SIMPSON

LOCAL CHAPTERS
ANDREW BARR

MEETINGS
HAROLD R. GEARHART

MEMBERSHIP
BOYD A. EVANS

PROGRAMS
JOHN C. COOPER, JR.

PUBLICATIONS
HOWARD W. BORDNER

PUBLICITY
LAWRENCE C. WANDS

RESEARCH
HERSCHEL C. WALLING

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

Dear Mr. Chief Justice:

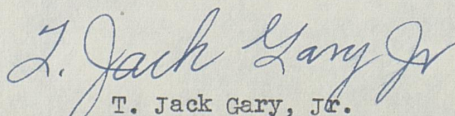
Because of the outstanding success of last year's symposium the Federal Government Accountants Association has made this event an annual affair. This year's symposium will be held on Wednesday, November 12, 1952, on the subject of "Financial Reporting." A copy of the program is enclosed. As you will see, our Association has again been fortunate in securing outstanding speakers for this meeting.

Last year's symposium was attended by more than one thousand persons, many of whom were engaged in management rather than purely accounting activities of the Federal Government. We believe this year's subject will be of even more interest to management officers than last year's theme of "Internal Control." Useful and informative financial reports bridge the gap between the technical knowledge necessary for their production and an understanding of the significance of the impact of financial transactions on management considerations vital to efficient administration.

To avoid imposing unduly on your time, we are by separate letter asking the person who has been designated as your agency's representative for the Joint Program for Improvement of Accounting in the Federal Government to serve as a focal point within your agency for information on our meeting. However, we realize that the enthusiasm with which many of the individuals in your agency support our undertaking will depend a great deal upon your attitude toward it.

We appreciate the support that you and other agency heads gave to our first symposium which did much to make it the success that it was. We trust that this program made a sufficiently significant contribution to the knowledge required for intelligent management to warrant your cooperation again this year.

Respectfully,


T. Jack Gary, Jr.
President




SECOND
ANNUAL SYMPOSIUM

—○—
SUBJECT:
FINANCIAL REPORTING

—○—
DEPARTMENTAL AUDITORIUM
Constitution Avenue between 12th and 14th, N. W.
Washington, D. C.

WEDNESDAY
November 12, 1952

—○—
Sponsored by
FEDERAL GOVERNMENT ACCOUNTANTS
ASSOCIATION
P. O. Box 53
Washington 4, D. C.



PROGRAM

9:00 to 9:45 Registration (for attendance only)

9:45 to 10:00 Welcome, T. Jack Gary, Jr. President

10:00 to 11:00

Subject — Trends in Financial Reporting of Private Enterprise

Chairman — Stephen B. Ives, Vice President

Speaker — Carman G. Blough, Research Director, American Institute of Accountants

11:15 to 12:15

Subject — External Financial Reporting by Government Agencies

Chairman — Walter F. Frese, Past President

Speaker — Russell H. Hassler, Professor of Accounting, Graduate School of Business Administration, Harvard University

1:45 to 2:45

Subject — Management Utilization of Government Financial Reports

Chairman — Irwin S. Decker, Vice President

Speaker — Joseph Pois, Director of Finance, State of Illinois

3:00 to 4:30

Panel discussion — Written questions may be submitted throughout the day for panel consideration.

Chairman — Robert W. King, Past President

Panel — Messrs., Blough, Hassler, Pois, Mark, and

Vernon D. Northrop, Under Secretary, Department of the Interior

Howard W. Bordner, Deputy Comptroller for Accounting Policy, Office of Secretary of Defense

Captain C. B. Arrington, Comptroller, U. S. Coast Guard

REGULAR DINNER MEETING

(Tickets must be purchased in advance through association members)

Time: Cocktails at 6:00 p.m. followed by Dinner at 6:30 p.m.

Place: Crystal Room, Willard Hotel

Speaker: Ralph C. Mark, Comptroller, General Motors Corporation

Subject: Internal Financial Reporting of the General Motors Corporation

COMMITTEE ON ARRANGEMENTS

Irwin S. Decker, Chairman

Milton V. Boone	Charles R. Janes
Howard W. Bordner	William E. Katon
Gerald T. Buckley	R. T. Krock
Norman L. Burton	Ellsworth H. Morse, Jr.
John C. Cooper, Jr.	John H. Prince
Raymond Einhorn	Timothy E. Russell
T. Jack Gary, Jr.	Clark L. Simpson
Ralph F. Gates	Ralph D. Snow
Harold R. Gearhart	Herschel C. Walling
Howard Greenberg	Lawrence C. Wands
John A. Hogg	William J. Wilson
Stephen B. Ives	

This is the second symposium to be sponsored by the Federal Government Accountants Association. The first was held on January 10, 1952 and dealt with the subject of "Internal Control." The success of this symposium, as evidenced by the favorable comments from members of the Association and others, led the Directors of the Association to make the symposium an annual event.

"Financial Reporting" has been selected as the theme for this symposium because of the widespread interest in this area both in government and in private industry. There is a growing recognition of the very vital part that financial reporting plays in every agency in the Federal Government. Improved accounting techniques are relatively meaningless unless adequate reporting affords effective use thereof by management in carrying out its responsibilities to the Congress and to the public.

The Federal Government Accountants Association is an organization of professionally qualified accountants in the Federal Government Service. Since its organization in 1950 the Association has presented through its meetings and publications the ideas of outstanding authorities in the fields of accounting, auditing, and financial reporting, both in government and in private industry. Attention has been focused on accounting and financial administration in the Federal Government and the Association has provided a means of discussing common problems as well as providing ideas and information for their solution.

The Association believes that discussion of problems of financial management by recognized authorities in the field of fiscal administration will provide a real service to Federal Government officials. Through these symposiums and its regular activities the Association hopes to make a significant contribution to the joint accounting improvement program sponsored by the General Accounting Office, Treasury Department, and the Bureau of the Budget.

Your attendance at this symposium is appreciated. The Association will welcome your comments and suggestions.

October 31, 1952

Mr. T. Jack Gary, Jr.,
President,
Federal Government Accountants Association,
P. O. Box 53,
Washington 4, D. C.

Dear Mr. Gary:

I have your letter of October 23rd relative to the Second Annual Symposium sponsored by the Federal Government Accountants Association on November 12th.

You state in your letter that you are asking the person "who has been designated as your agency's representative for the Joint Program for Improvement of Accounting in the Federal Government" to serve as a focal point for information on your meeting. I understand that you have written Mr. John C. Brown, Jr. of the Administrative Office of the United States Courts in regard to this matter.

I would like to call your attention to the fact that the Supreme Court and the Administrative Office of the United States Courts are entirely separate organizations. Since apparently a representative of the Supreme Court has never been appointed, I am designating Mr. T. Perry Lippitt, Marshal, to serve in that capacity. I would appreciate your communicating with him in regard to the meeting to be held on November 12th.

Very truly yours,

(Signed) Fred M. Vinson

This organization apparently is under the impression that Mr. Brown of the Administrative Office is the accounting officer of the Supreme Court as they have written him and sent him a copy of their letter to you.

Perhaps we ought to write Mr. Gary informing him that the Supreme Court and the Administrative Office of the United States Courts are two different organizations, and possibly appoint the Marshal as the Supreme Court representative. Mr. Lippitt seemed to think that some good might come out of the meetings.

OK.

McH

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

December 5, 1952

MEMORANDUM TO THE CHIEF JUSTICE

Mr. Waggaman informs me that he can find no information as to why it is necessary for Court to be in session for the swearing in of the President. However, he thinks that when the Chief Justice as Presiding Officer of the Court, in the presence of his fellow Members of the Court, swears in the President, the Court is witnessing the oath in its official capacity and should be in a recessed session just as are the Houses of Congress Acting as the officer giving the oath and official witnesses is the difference between this occasion and an ordinary Joint Session where the Court has no function to perform other than to be present. Also it is a proper mark of respect to the President and Congress.

The first mention of the ceremony in the Minutes of the Court was in 1829 where "Proclamation being made the Court is opened - - - - -
- - - - - Inaugural - - - - - Proclamation being made
the Court is adjourned". Next on March 4, 1845 appears "The Court attended the inauguration of His Excellency James K. Polk, President of the United States". This form was followed in 1849 for Taylor, in 1853 for Pierce, in 1861 for Lincoln, and in 1869 and again in 1873 for Grant. The same language was used in 1877 for Hayes, 1881 for Garfield, 1885 for Cleveland, 1889 for Harrison, 1893 for Cleveland and in 1897 for McKinley.

In 1901 the Minutes read "The Chief Justice announced that the Court would take a recess for the purpose of attending the inauguration of the President of the United States.

"The oath of office was administered to the Honorable William McKinley as President of the United States by The Chief Justice and the Court reconvened".

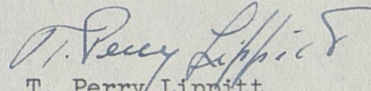
In 1905, the same language appears for Roosevelt, in 1909 for Taft, in 1913 and 1917 for Wilson and in 1921 for Harding. In 1925 for Coolidge and in 1929 for Hoover, "The Chief Justice announced that the Court will take a recess to attend the Inauguration of the President of the United States".

In 1933, 1937, 1941 and 1945 the Minutes read "The Court took a recess for the purpose of attending the Inauguration of the President of the United States.

December 5, 1952

"The oath of office was administered to the Honorable Franklin Delano Roosevelt as President of the United States by the Chief Justice and the Court Reconvened".

Respectfully

A handwritten signature in cursive script, reading "T. Perry Lippitt".

T. Perry Lippitt
Marshal, Supreme Court, U. S.

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

December 8, 1952

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

My dear Mr. Chief Justice:

*Returned to
Mr. Lippitt -
12/17/52 -*

The attached letter is forwarded to you for your consideration with the suggestion that the pages be allowed to wear long trousers just like the Senate and House pages.

Although I'm personally in favor of the pages continuing to wear the knickers, I have to bow to the fact that the largest size stocking sold today in the girl's department of the local stores is size 10½ and two of the pages wear size 12.

Respectfully yours,

*Pages are to continue
to wear knickers -*

T. Percy Lippitt
Marshal, Supreme Court, U. S.

Members of the Supreme Court of the United States

Name	Place of Birth	Date of Birth	State App't From	Appointed by President	Date of Commission "Letters Patent"	(A) Date of Commission	(B) Judicial Oath Taken	(C) Age at Taking Oath	(C) Date Service Terminated	(D) Service Terminated By	(C) Years of Service	(C) Age at Termination	Date of Death	(C) Age at Death
Chief Justices:														
Jay, John	New York	Dec. 12, 1745	New York	Washington	Sept. 26, 1789	(c) Feb. 2, 1790	44	June 29, 1795	resigned		5	49	May 17, 1829	83
Rutledge, John	So. Car.	Sept. 1, 1739	So. Car.	Washington	July 1, 1785	Aug. 12, 1785	55	Dec. 15, 1795	Rejected	(E) 0	5	56	June 21, 1800	60
Ellsworth, Oliver	Conn.	Apr. 29, 1745	Conn.	Washington	Mar. 4, 1796	Mar. 8, 1796	50	Dec. 15, 1800	resigned		4	55	Nov. 26, 1807	62
Marshall, John	Virginia	Sept. 24, 1755	Va.	Adams	Jan. 31, 1801	Feb. 4, 1801	45	July 6, 1835	Death		34	79	July 6, 1835	79
Taney, Roger Brooke	Maryland	Mar. 17, 1777	Maryland	Jackson	Mar. 15, 1836	Mar. 28, 1836	59	Oct. 12, 1864	Death		28	87	Oct. 12, 1864	87
Chase, Salmon Portland	New Hamp.	Jan. 13, 1808	Ohio	Lincoln	Dec. 5, 1864	Dec. 15, 1864	56	May 7, 1873	Death		8	65	May 7, 1873	65
Waite, Morrison Renick	Conn.	Nov. 29, 1816	Ohio	Grant	Jan. 21, 1874	Mar. 4, 1874	57	Mar. 23, 1888	Death		14	71	Mar. 23, 1888	71
Fuller, Melville Weston	Maine	Feb. 11, 1833	Illinois	Cleveland	July 20, 1888	Oct. 1, 1888	55	July 4, 1910	Death		21	77	July 4, 1910	77
White, Edward Douglas	Louisiana	Nov. 3, 1845	Louisiana	Taft	Dec. 12, 1910	Dec. 19, 1910	65	May 19, 1921	Death	(E) 10	75	May 19, 1921	75	
Taft, William Howard	Ohio	Sept. 15, 1857	Conn.	Harding	June 30, 1921	July 11, 1921	63	Feb. 3, 1930	retired		8	72	Mar. 8, 1930	72
Hughes, Charles Evans	New York	Apr. 11, 1862	New York	Hoover	Feb. 13, 1930	Feb. 24, 1930	67	June 30, 1941	RETIRED	(E) 11	79	Aug. 27, 1948	86	
Stone, Harlan Fiske	New Hamp.	Oct. 11, 1872	New York	Roosevelt F.D.	July 3, 1941	July 3, 1941	68	Apr. 22, 1946	Death	(E) 4	73	Apr. 22, 1946	73	
Vinson, Frederick Moore	Kentucky	Jan. 22, 1890	Kentucky	Truman	June 21, 1946	June 24, 1946	56							
Associate Justices:														
Rutledge, John	So. Car.	Sept. 1, 1739	So. Car.	Washington	Sept. 26, 1789	(c) Feb. 15, 1790	50	Mar. 5, 1791	resigned		1	51	June 21, 1800	60
Cushing, William	Mass.	Mar. 1, 1732	Mass.	Washington	Sept. 27, 1789	(b) Feb. 2, 1790	57	Sept. 13, 1810	Death		20	78	Sept. 13, 1810	78
Wilson, James	Scotland	Sept. 14, 1742	Penn.	Washington	Sept. 29, 1789	(b) Oct. 5, 1789	47	Aug. 21, 1798	Death		8	55	Aug. 21, 1798	55
Blair, John	Virginia	Jan. 1, 1732	Virginia	Washington	Sept. 30, 1789	(c) Feb. 2, 1790	58	Jan. 27, 1796	resigned		5	64	Aug. 31, 1800	68
Iredell, James	England	Oct. 5, 1751	No. Car.	Washington	Nov. 10, 1790	(b) May 13, 1790	38	Oct. 20, 1799	Death		9	48	Oct. 20, 1799	48
Johnson, Thomas	Maryland	Nov. 4, 1732	Maryland	Washington	Nov. 7, 1791	(c) Aug. 6, 1792	59	Feb. 1, 1793	resigned		0	60	Oct. 26, 1819	86
Peterson, William	Ireland	Dec. 24, 1745	New Jer.	Washington	Apr. 14, 1793	(a) Mar. 11, 1793	47	Sept. 9, 1806	Death		13	71	Sept. 9, 1806	71
Chase, Samuel	Maryland	Apr. 17, 1741	Maryland	Washington	Jan. 27, 1796	Feb. 4, 1796	54	June 19, 1811	Death		15	70	June 19, 1811	70
Washington, Bushrod	Virginia	June 5, 1762	Virginia	Adams, John	Dec. 20, 1798	(c) Feb. 4, 1799	36	Nov. 26, 1829	Death		30	67	Nov. 26, 1829	67
Moore, Alfred	No. Car.	May 21, 1755	No. Car.	Adams, John	Dec. 10, 1799	(c) Aug. 9, 1800	45	Jan. 26, 1804	resigned		3	48	Oct. 15, 1810	55
Johnson, William	So. Car.	Dec. 27, 1771	So. Car.	Jefferson	Mar. 26, 1804	May 7, 1804	32	Aug. 4, 1834	Death		30	62	Aug. 4, 1834	62
Livingston, Henry Brockholst	New York	Nov. 25, 1757	New York	Jefferson	Nov. 10, 1806	Jan. 20, 1807	49	Mar. 18, 1823	Death		16	65	Mar. 18, 1823	65
Todd, Thomas	Virginia	Jan. 23, 1765	Kentucky	Jefferson	Mar. 3, 1807	(a) May 4, 1807	42	Feb. 7, 1836	Death		18	61	Feb. 7, 1836	61
Murphy, Gabriel	Virginia	Nov. 18, 1811	Virginia	Madison	Nov. 18, 1811	(a) Nov. 23, 1811	58	Jan. 14, 1835	resigned		23	82	Mar. 1, 1844	91
Story, Joseph	Mass.	Sept. 18, 1779	Mass.	Madison	Nov. 18, 1811	(c) Sept. 3, 1812	32	Sept. 10, 1845	Death		33	65	Sept. 10, 1845	65
Thompson, Smith	New York	Jan. 17, 1768	New York	Monroe	Dec. 9, 1823	(b) Sept. 1, 1823	55	Dec. 18, 1843	Death		20	75	Dec. 18, 1843	75
Trumble, Robert	Mass.	May 9, 1793	Kentucky	Adams, J. Q.	May 9, 1826	(a) June 16, 1826	49	Aug. 25, 1828	Death		2	51	Aug. 25, 1828	51
McLean, John	New Jersey	Mar. 11, 1785	Ohio	Jackson	Mar. 7, 1829	(c) Jan. 11, 1830	44	Apr. 4, 1861	Death		31	76	Apr. 4, 1861	76
Baldwin, Henry	Conn.	Jan. 14, 1780	Penn.	Jackson	Jan. 6, 1830	Jan. 18, 1830	50	Apr. 21, 1844	Death		14	64	Apr. 21, 1844	64
Wayne, James Moore	Georgia	Jan. 17, 1790	Georgia	Jackson	Jan. 9, 1835	Jan. 14, 1835	45	July 5, 1867	Death		32	77	July 5, 1867	77
Barbour, Philip Pendleton	Virginia	May 25, 1783	Virginia	Jackson	Mar. 15, 1836	May 12, 1836	52	Feb. 25, 1841	Death		4	57	Feb. 25, 1841	57
Catron, John	Penn.	Jan. 1, 1786	Tenn.	Van Buren	Mar. 8, 1837	May 1, 1837	51	May 30, 1865	Death		28	79	May 30, 1865	79
McKinley, John	Virginia	May 1, 1780	Alabama	Van Buren	Sept. 25, 1837	(c) Jan. 9, 1838	57	July 19, 1852	Death		14	72	July 19, 1852	72
Daniel, Peter Vivian	Virginia	Apr. 24, 1784	Virginia	Van Buren	Mar. 3, 1841	(c) Jan. 10, 1842	57	May 31, 1860	Death		18	76	May 31, 1860	76
Nelson, Samuel	New York	Nov. 10, 1792	New York	Tyler	Feb. 13, 1845	Feb. 27, 1845	52	Nov. 28, 1872	retired		27	80	Dec. 13, 1873	81
Woodbury, Levi	New Hamp.	Dec. 22, 1789	New Hamp.	Polk	Sept. 20, 1845	(b) Sept. 23, 1845	55	Sept. 4, 1851	Death		5	61	Sept. 4, 1851	61
Crier, Robert Cooper	Penn.	Mar. 5, 1794	Penn.	Polk	Aug. 9, 1845	Aug. 16, 1845	52	Jan. 21, 1870	retired		25	67	Jan. 21, 1870	67
Curtis, Benjamin Robbins	Mass.	Nov. 4, 1809	Mass.	Fillmore	Dec. 20, 1851	(b) Oct. 10, 1851	41	Sept. 30, 1857	resigned		5	47	Sept. 15, 1874	64
Campbell, John Archibald	Georgia	June 24, 1811	Alabama	Pierce	Mar. 22, 1853	(c) Apr. 11, 1853	41	Apr. 30, 1861	resigned		8	49	Apr. 12, 1889	77
Clifford, Nathan	New Hamp.	Aug. 18, 1803	Maine	Buchanan	Jan. 12, 1858	Jan. 21, 1858	54	July 25, 1881	Death		23	77	July 25, 1881	77
Swayne, Noah Haynes	Virginia	Dec. 7, 1804	Ohio	Lincoln	Jan. 24, 1862	Jan. 27, 1862	57	Jan. 24, 1881	retired		18	76	June 8, 1884	79
Miller, Samuel Freeman	Kentucky	Apr. 5, 1816	Iowa	Lincoln	July 16, 1862	July 21, 1862	46	Oct. 13, 1890	Death		28	74	Oct. 13, 1890	74
Davis, David	Maryland	Mar. 9, 1815	Illinois	Lincoln	Dec. 8, 1862	Dec. 10, 1862	47	Mar. 4, 1877	resigned		14	63	June 26, 1886	71
Field, Stephen Johnson	Conn.	May 5, 1816	Calif.	Lincoln	Jan. 10, 1862	Jan. 10, 1862	46	Dec. 28, 1870	retired		8	61	Apr. 9, 1899	82
Strong, William	Conn.	May 6, 1808	Penn.	Grant	Feb. 18, 1870	Mar. 14, 1870	61	Dec. 14, 1880	retired		10	72	Aug. 19, 1895	87
Bradley, Joseph P.	New York	Mar. 14, 1813	New Jers.	Grant	Mar. 21, 1870	Mar. 24, 1870	57	Jan. 22, 1892	Death		21	78	Jan. 22, 1892	78
Hunt, Ward	New York	June 14, 1810	New York	Grant	Dec. 11, 1872	Jan. 9, 1873	62	Jan. 27, 1882	Death		9	71	Feb. 24, 1886	75
Harlan, John Marshall	Kentucky	June 1, 1833	Kentucky	Hayes	Nov. 29, 1877	Dec. 10, 1877	44	Oct. 14, 1911	Death		33	78	Oct. 14, 1911	78
Woods, William Burnham	Ohio	Aug. 3, 1824	Georgia	Hayes	Dec. 21, 1880	Jan. 5, 1881	56	May 14, 1887	Death		6	62	May 14, 1887	62
Mathews, Stanley	Ohio	July 21, 1824	Ohio	Garfield	May 12, 1881	May 17, 1881	56	Mar. 22, 1889	Death		7	64	Mar. 22, 1889	64
Gray, Horace	Mass.	Mar. 24, 1828	Mass.	Arthur	Dec. 20, 1881	Jan. 9, 1882	53	Sept. 15, 1902	Death		20	74	Sept. 15, 1902	74
Blatchford, Samuel	New York	Mar. 9, 1820	New York	Arthur	Mar. 22, 1882	Apr. 3, 1882	62	July 7, 1893	Death		11	73	July 7, 1893	73
Lamar, Lucius Quintus C.	Georgia	Sept. 17, 1825	Miss.	Cleveland	Jan. 16, 1888	Jan. 18, 1888	62	Jan. 23, 1893	Death		5	67	Jan. 23, 1893	67
Brewer, David Josiah	Mass. Minor	Dec. 18, 1825	Mass.	Harrison	Dec. 18, 1889	Jan. 8, 1890	59	Oct. 20, 1908	Death		20	72	Mar. 28, 1910	72
Brown, Henry Billings	Mass.	Mar. 2, 1836	Michigan	Harrison	Dec. 29, 1890	Jan. 5, 1891	54	May 28, 1906	retired		15	70	Sept. 4, 1913	77
Shiras, George Jr.	Penn.	Jan. 26, 1832	Penn.	Harrison	July 26, 1892	Oct. 10, 1892	60	Feb. 23, 1903	retired		10	71	Aug. 2, 1924	92
Jackson, Howell Edmunds	Tenn.	Apr. 8, 1832	Tenn.	Harrison	Feb. 18, 1893	Mar. 9, 1893	60	Aug. 8, 1895	Death		2	63	Aug. 8, 1895	63
White, Edward Douglas	Louisiana	Nov. 3, 1845	Louisiana	Cleveland	Feb. 19, 1894	Mar. 12, 1894	48	Dec. 18, 1910	Promoted		16	65	May 19, 1921	75
Peckham, Rufus Wheeler	New York	Nov. 8, 1838	New York	Cleveland	Dec. 9, 1895	Jan. 6, 1896	57	Oct. 24, 1909	Death		13	70	Oct. 24, 1909	70
McKenna, Joseph	Penn.	Aug. 10, 1843	Calif.	McKinley	Jan. 21, 1898	Jan. 26, 1898	54	Jan. 5, 1925	retired		26	81	Nov. 21, 1926	83
Holmes, Oliver Wendell	Mass.	Mar. 8, 1841	Mass.	Roosevelt T.	Dec. 4, 1902	Dec. 8, 1902	61	Jan. 12, 1932	retired		29	90	Mar. 6, 1935	93
Day, William Rufus	Ohio	Apr. 17, 1849	Ohio	Roosevelt T.	Feb. 23, 1903	Mar. 2, 1903	53	Nov. 13, 1922	retired		19	73	July 9, 1923	74
Moody, William Henry	Mass.	Dec. 23, 1853	Mass.	Roosevelt T.	Dec. 12, 1906	Dec. 17, 1906	52	Nov. 20, 1910	disabled		3	56	July 2, 1917	63
Lurton, Horace Harmon	Kentucky	Feb. 26, 1844	Tenn.	Ta	Dec. 20, 1909	Jan. 3, 1910	65	July 12, 1914	Death		4	70	July 12, 1914	70
Hughes, Charles Evans	New York	Apr. 11, 1862	New York	Taft	May 2, 1910	Oct. 10, 1910	48	June 10, 1916	resigned		5	54	Aug. 27, 1948	86
Van Devanter, Willis	Indiana	Apr. 17, 1859	Wyoming	Taft	Dec. 16, 1910	Jan. 3, 1911	51	June 2, 1937	RETIRED		26	78	Feb. 8, 1941	81
Lamar, Joseph Rucker	Georgia	Oct. 14, 1857	Georgia	Taft	Dec. 17, 1910	Jan. 3, 1911	53	Jan. 2, 1916	Death		4	58	Jan. 2, 1916	58
Pinney, Mahlon	New Jersey	Feb. 5, 1858	Tennessee	Taft	Mar. 13, 1912	Mar. 18, 1912	54	Dec. 31, 1922	disabled		10	64	Dec. 9, 1924	66
McReynolds, James Clark	Kentucky	Feb. 3, 1862	Tennessee	Wilson	Aug. 29, 1914	Oct. 12, 1914	52	Jan. 31, 1941	RETIRED		26	78	Aug. 24, 1946	84
Brandeis, Louis Dembitz	Kentucky	Nov. 13, 1856	Mass.	Wilson	June 1, 1916	June 5, 1916								

Members of the Supreme Court of the United States

Name	Place of Birth	Date of Birth	State of Birth	Appointed by President	Date of Commission "Letters Patent"	(A) Judicial Oath Taken	(B) Age at Taking Oath	Date of Service Terminated	(D) Service Terminated By:	(C) Years of Service	(C) Age at Termination	Date of Death	(C) Age at Death
Chief Justices:													
Jay, John	New York	Dec. 12, 1745	New York	Washington	Sept. 26, 1789	(c)Feb. 2, 1790	44	June 29, 1795	resigned	5	49	May 17, 1829	83
Rutledge, John	So. Car.	Sept. 1739	So. Car.	Washington	July 1, 1795	Aug. 12, 1795	55	Dec. 15, 1795	Rejected	(E) 0	56	June 21, 1800	60
Ellsworth, Oliver	Conn.	Sept. 29, 1745	Conn.	Washington	Mar. 4, 1796	Mar. 8, 1796	50	Dec. 15, 1800	resigned	4	55	Nov. 26, 1807	62
Marshall, John	Virginia	Sept. 24, 1755	Va.	Adams	Jan. 31, 1801	Feb. 4, 1801	45	July 6, 1835	Death	34	79	July 6, 1835	79
Taney, Roger Brooke	Maryland	Mar. 17, 1777	Maryland	Jackson	Mar. 15, 1836	Mar. 28, 1836	59	Oct. 12, 1864	Death	28	87	Oct. 12, 1864	87
Chase, Salmon Portland	New Hamp.	Jan. 13, 1808	Ohio	Lincoln	Dec. 6, 1864	Dec. 15, 1864	56	May 7, 1873	Death	8	65	May 7, 1873	65
Waite, Morrison Remick	Conn.	Nov. 29, 1816	Ohio	Grant	Jan. 21, 1874	Mar. 4, 1874	57	Mar. 23, 1888	Death	14	71	Mar. 23, 1888	71
Fuller, Melville Weston	Maine	Feb. 11, 1833	Illinois	Cleveland	July 20, 1888	Oct. 8, 1888	55	July 4, 1910	Death	21	77	July 4, 1910	77
White, Edward Douglas	Louisiana	Nov. 3, 1845	Louisiana	Taft	Dec. 12, 1910	Dec. 19, 1910	65	May 19, 1921	Death	(E) 10	75	May 19, 1921	75
Taft, William Howard	Ohio	Sept. 15, 1857	Conn.	Harding	June 30, 1921	July 11, 1921	63	Feb. 3, 1930	retired	8	72	Mar. 8, 1930	72
Hughes, Charles Evans	New York	Apr. 11, 1862	New York	Roosevelt	Feb. 13, 1930	Feb. 24, 1930	67	June 30, 1941	RETIRED	(E) 11	79	Aug. 22, 1948	76
Stone, Harlan Fiske	New Hamp.	Oct. 11, 1872	New York	Roosevelt	F. D. July 3, 1941	July 3, 1941	68	Apr. 22, 1946	Death	(E) 4	73	Apr. 22, 1946	83
Vinson, Frederick Moore	Kentucky	Jan. 22, 1890	Kentucky	Truman	June 21, 1946	June 24, 1946	56						
Associate Justices:													
Rutledge, John	So. Car.	Sept. 1739	So. Car.	Washington	Sept. 26, 1789	(c)Feb. 15, 1790	50	Mar. 5, 1791	resigned	1	51	June 21, 1800	60
Cushing, William	Mass.	Mar. 1, 1732	Mass.	Washington	Sept. 27, 1789	(b)Feb. 2, 1790	57	Sept. 13, 1810	Death	20	78	Sept. 13, 1810	78
Wilson, James	Scotland	Sept. 14, 1742	Penn.	Washington	Sept. 29, 1789	(b)Oct. 5, 1789	47	Aug. 21, 1798	Death	8	55	Aug. 21, 1798	55
Blair, John	Virginia	Apr. 24, 1732	Virginia	Washington	Sept. 30, 1789	(c)Feb. 2, 1790	48	Jan. 27, 1796	resigned	4	64	Aug. 31, 1803	68
Fredell, James	England	Oct. 5, 1751	No. Car.	Washington	Nov. 10, 1790	(b)May 13, 1790	38	Oct. 20, 1799	Death	9	48	Oct. 20, 1799	48
Johnson, Thomas	Maryland	Nov. 4, 1732	Maryland	Washington	Feb. 7, 1791	(c)Aug. 6, 1792	59	Feb. 1, 1793	resigned	0	60	Oct. 26, 1819	86
Paterson, William	Ireland	Dec. 24, 1745	New Jer.	Washington	Mar. 4, 1793	(a)Mar. 11, 1793	47	Sept. 8, 1806	Death	13	60	Sept. 8, 1806	60
Chase, Samuel	Virginia	Apr. 17, 1742	Maryland	Washington	Apr. 27, 1796	Feb. 4, 1796	54	June 19, 1805	Death	15	70	June 19, 1811	70
Washington, Bushrod	Virginia	June 5, 1762	Virginia	Adams, John	Dec. 20, 1798	(c)Feb. 4, 1799	36	Nov. 26, 1829	Death	30	67	Nov. 26, 1829	67
Moore, Alfred	No. Car.	May 21, 1755	No. Car.	Adams, John	Dec. 10, 1799	(c)Aug. 9, 1800	45	Jan. 26, 1804	resigned	3	48	Oct. 15, 1810	55
Johnson, William	So. Car.	Dec. 27, 1771	So. Car.	Jefferson	Mar. 26, 1804	May 7, 1804	32	Aug. 4, 1834	Death	30	62	Aug. 4, 1834	62
Livingston, Henry Brockholst	New York	Nov. 25, 1757	New York	Jefferson	Nov. 10, 1806	Jan. 20, 1807	42	Mar. 18, 1823	Death	16	65	Mar. 18, 1823	65
Todd, Thomas	Virginia	Jan. 23, 1765	Kentucky	Jefferson	Mar. 3, 1807	(a)May 4, 1807	42	Feb. 7, 1826	Death	18	61	Feb. 7, 1826	61
Duvall, Gabriel	Virginia	Apr. 24, 1784	Virginia	Van Buren	Mar. 3, 1841	(c)Jan. 10, 1842	57	May 31, 1869	Death	18	76	May 31, 1869	76
Story, Joseph	Mass.	Sept. 18, 1779	Mass.	Madison	Nov. 18, 1811	(c)Feb. 3, 1812	32	Sept. 10, 1845	Death	33	65	Sept. 10, 1845	65
Thompson, Smith	New York	Jan. 17, 1768	New York	Monroe	Dec. 9, 1823	(b)Sept. 1, 1823	55	Dec. 18, 1843	Death	20	75	Dec. 18, 1843	75
Trimble, Robert	Virginia	Mar. 11, 1777	Kentucky	Adams, J. Q.	May 9, 1826	(a)June 16, 1826	49	Aug. 25, 1828	Death	2	51	Aug. 25, 1828	51
McLean, John	New Jersey	Apr. 17, 1785	Ohio	Lincoln	Mar. 7, 1829	(c)Jan. 11, 1830	44	Apr. 4, 1861	Death	31	74	Apr. 4, 1861	74
Baldwin, Henry	Conn.	Jan. 14, 1780	Penn.	Jackson	Jan. 6, 1830	Jan. 18, 1830	50	Apr. 21, 1844	Death	14	64	Apr. 21, 1844	64
Wayne, James Moore	Georgia	Jan. 11, 1790	Georgia	Jackson	Jan. 9, 1835	Jan. 14, 1835	45	July 5, 1867	Death	32	77	July 5, 1867	77
Barbour, Philip Pendleton	Virginia	May 25, 1783	Virginia	Jackson	Mar. 15, 1836	May 12, 1836	52	Feb. 25, 1841	Death	4	57	Feb. 25, 1841	57
Catron, John	Penn.	1786	Tenn.	Van Buren	Mar. 8, 1837	May 1, 1837	51	May 30, 1865	Death	28	79	May 30, 1865	79
McKinley, John	Virginia	May 1, 1780	Alabama	Van Buren	Sept. 25, 1837	(c)Jan. 9, 1838	57	July 19, 1852	Death	14	72	July 19, 1852	72
Daniel, Peter Vivian	Apr. 24, 1784	Virginia	Van Buren	Mar. 3, 1841	(c)Jan. 10, 1842	57	May 31, 1869	Death	18	76	May 31, 1869	76	
Nelson, Samuel	New York	Nov. 10, 1792	New York	Tyler	Feb. 13, 1845	Feb. 27, 1845	52	Nov. 28, 1872	retired	27	80	Dec. 13, 1873	81
Woodbury, Levi	New Hamp.	Dec. 22, 1789	New Hamp.	Polk	Sept. 20, 1845	(b)Sept. 23, 1845	55	Sept. 4, 1851	Death	5	61	Sept. 4, 1851	61
Grier, Robert Cooper	Penn.	Mar. 5, 1794	Penn.	Polk	Aug. 4, 1846	(c)Aug. 10, 1846	50	Jan. 31, 1870	retired	5	75	Jan. 31, 1870	76
Curtis, Benjamin Robbins	Mass.	Nov. 4, 1809	Mass.	Pilmore	Dec. 20, 1851	(c)Jan. 10, 1851	41	Sept. 20, 1857	resigned	5	47	Sept. 25, 1874	64
Campbell, John Archibald	Georgia	June 24, 1811	Alabama	Pierce	Mar. 22, 1853	(c)Apr. 11, 1853	41	Apr. 30, 1861	resigned	8	49	Mar. 11, 1863	57
Clifford, Nathan	New Hamp.	Aug. 18, 1803	Maine	Buchanan	Jan. 12, 1858	Jan. 21, 1858	54	July 25, 1881	Death	23	77	July 25, 1881	77
Swayne, Noah Haynes	Virginia	Dec. 7, 1804	Ohio	Lincoln	Jan. 24, 1862	Jan. 27, 1862	57	Jan. 24, 1881	retired	18	76	June 8, 1884	79
Miller, Samuel Freeman	Kentucky	Apr. 5, 1816	Iowa	Lincoln	July 16, 1862	July 21, 1862	46	Oct. 13, 1890	Death	28	74	Oct. 13, 1890	74
Davis, David	Maryland	Mar. 9, 1815	Illinois	Lincoln	Dec. 8, 1862	Dec. 10, 1862	47	Mar. 4, 1877	resigned	14	61	June 26, 1886	71
Field, Stephen Johnson	Conn.	Nov. 10, 1810	Conn.	Dec. 8, 1863	Mar. 20, 1863	53	Dec. 20, 1893	Death	31	81	Dec. 20, 1893	82	
Strong, William	Conn.	May 6, 1808	Penn.	Grant	Feb. 18, 1870	Mar. 14, 1870	61	Dec. 14, 1880	retired	10	74	Jan. 19, 1895	87
Bradley, Joseph P.	New York	Mar. 14, 1813	New Jer.	Grant	Mar. 21, 1870	Mar. 23, 1870	57	Jan. 22, 1892	Death	21	78	Jan. 22, 1892	78
Hunt, Ward	New York	June 14, 1813	New York	Grant	Dec. 11, 1872	Jan. 1, 1873	60	Jan. 27, 1882	disabled	9	71	Mar. 24, 1886	75
Harlan, John Marshall	New York	Aug. 1, 1833	Kentucky	Grant	Nov. 29, 1877	Dec. 10, 1877	44	Oct. 14, 1911	Death	33	78	Oct. 14, 1911	78
Woods, William Burnham	Ohio	Aug. 3, 1824	Kentucky	Hayes	Dec. 21, 1880	Jan. 5, 1881	56	May 14, 1887	Death	6	62	May 14, 1887	62
Matthews, Stanley	Ohio	July 21, 1824	Ohio	Garfield	May 12, 1881	May 17, 1881	56	Mar. 22, 1889	Death	7	64	Mar. 22, 1889	64
Gray, Horace	Mass.	Mar. 24, 1828	Mass.	Arthur	Dec. 20, 1881	Jan. 9, 1882	53	Sept. 15, 1902	Death	20	74	Sept. 15, 1902	74
Blatchford, Samuel	New York	Apr. 9, 1820	New York	Arthur	Mar. 22, 1882	Apr. 3, 1882	62	July 7, 1893	Death	11	73	July 7, 1893	73
Lamar, Lucius Quintus C.	Georgia	Sept. 17, 1825	Miss.	Cleveland	Jan. 16, 1888	Jan. 18, 1888	60	Jan. 23, 1893	Death	5	67	Jan. 23, 1893	67
Brewer, David Josiah	Asia Minor	June 20, 1837	Mass.	Harrison	Dec. 18, 1889	Jan. 6, 1890	52	Mar. 28, 1910	Death	20	72	Mar. 28, 1910	72
Brown, Henry Billings	Mass.	Mar. 2, 1836	Michigan	Harrison	Dec. 29, 1890	Jan. 5, 1891	54	May 28, 1906	retired	15	70	Sept. 4, 1913	77
Shiras, George Jr.	Penn.	Jan. 26, 1832	Penn.	Harrison	Dec. 29, 1890	Oct. 10, 1892	60	Feb. 23, 1903	retired	10	71	Aug. 2, 1924	92
Jackson, Howell Edmunds	Tenn.	Apr. 8, 1832	Tenn.	Harrison	Feb. 18, 1893	Mar. 12, 1893	60	Aug. 8, 1895	Death	2	63	Aug. 8, 1895	63
White, Edward Douglas	Louisiana	Nov. 3, 1845	Louisiana	Cleveland	Feb. 19, 1894	Mar. 12, 1894	48	Dec. 18, 1910	Promoted	16	65	May 19, 1921	75
Peckham, Rufus Wheeler	New York	Nov. 8, 1838	New York	Cleveland	Dec. 9, 1895	Jan. 6, 1896	57	Oct. 24, 1909	Death	13	70	Oct. 24, 1909	70
McKenna, Joseph	Penn.	Aug. 10, 1843	Calif.	McKinley	Jan. 21, 1898	Jan. 26, 1898	54	Jan. 5, 1925	retired	26	81	Nov. 21, 1926	83
Holmes, Oliver Wendell	Mass.	Mar. 8, 1841	Mass.	Roosevelt, T.	Dec. 4, 1902	Dec. 8, 1902	61	Jan. 12, 1932	retired	29	90	Mar. 6, 1935	93
Day, William Rufus	Ohio	Apr. 17, 1849	Ohio	Roosevelt, T.	Feb. 23, 1903	Mar. 2, 1903	53	Nov. 13, 1922	retired	19	73	July 9, 1923	74
Moody, William Henry	Mass.	Dec. 23, 1853	Mass.	Roosevelt, T.	Dec. 12, 1906	Dec. 17, 1906	52	Nov. 20, 1910	disabled	3	56	July 2, 1917	63
Burton, Horace Harmon	Kentucky	Feb. 26, 1844	Penn.	Taft	Dec. 20, 1909	Jan. 3, 1910	55	July 12, 1914	Death	4	70	July 12, 1914	70
Hughes, Charles Evans	New York	Apr. 11, 1862	New York	Taft	May 2, 1910	Oct. 10, 1910	48	June 10, 1916	resigned	5	54	Aug. 27, 1948	86
Van Devanter, Willis	Indiana	Apr. 17, 1859	Wyoming	Taft	Dec. 16, 1910	Jan. 3, 1911	51	June 2, 1937	RETIRED	26	78	Feb. 8, 1941	81
Lamar, Joseph Tucker	Georgia	July 14, 1857	Georgia	Taft	Oct. 17, 1910	Jan. 3, 1911	53	Jan. 2, 1916	Death	4	58	Jan. 2, 1916	58
Pitney, Mahlon	New Jersey	Feb. 5, 1868	New Jer.	Taft	Mar. 13, 1912	Mar. 18, 1912	54	Dec. 31, 1922	DISABLED	10	64	Dec. 9, 1924	66
McReynolds, James Clark	Kentucky	Feb. 3, 1862	Tennessee	Wilson	Aug. 29, 1914	Oct. 12, 1914	52	Jan. 31, 1941	RETIRED	26	78	Aug. 24, 1946	84
Brandeis, Louis Dembitz	Kentucky	Nov. 13, 1856	Mass.	Wilson	June 1, 1916	June 5, 1916	59	Feb. 13, 1939	RETIRED	22	82	Oct. 5, 1941	84
Clarke, John Hessin	Ohio	Sept. 18, 1857	Ohio	Wilson	July 24, 1916	Oct. 9, 1916	59	Sept. 18, 1922	resigned	5	65	Mar. 22, 1945	87
Sutherland, George	England	Mar. 25, 1862	Utah	Harding	Sept. 5, 1922	Oct. 2, 1922	60	Jan.					

TABLE OF SUCCESSION OF THE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES
SHOWING THE STATE FROM WHICH APPOINTED AND YEARS OF ACTIVE SERVICE ON THE COURT

Judiciary Act of 1789 provided for a Chief Justice and 5 Associate Justices										
1789	John Jay, N.Y. CJ 1789-1795	John Rutledge, S.C. J 1789-1791	William Cushing, Mass. J 1789-1810	James Wilson, Pa. J 1789-1798	John Blair, Va. J 1789-1796					1789
1790		Thomas Johnson, Md. J 1791-1793		James Iredell, N.C. J 1790-1799						1790
1800	John Rutledge, S.C. CJ 1795 Oliver Ellsworth, Conn. CJ 1796-1800	William Paterson, N.J. J 1793-1806		Alfred Moore, N.C. J 1799-1804	Burke Washington, Va. J 1798-1829	Samuel Chase, Md. J 1796-1811				1800
1810	John Marshall, Va. CJ 1801-1835	Henry B. Livingston, N.Y. J 1806-1823		William Johnson, S.C. J 1804-1834						1810
1820										1820
1830		Smith Thompson, N.Y. J 1823-1843								1830
1840	Roger B. Taney, Md. CJ 1836-1864			James M. Wayne, Ga. J 1835-1867	Henry Baldwin, Pa. J 1830-1844	Philip P. Barbour, Va. J 1836-1841	John Catron, Tenn. J 1837-1865	John McKinley, Ala. J 1837-1852		1840
1850		Samuel Nelson, N.Y. J 1845-1873	Levi Woodbury, N.H. J 1846-1851			Peter V. Daniel, Va. J 1841-1860				1850
1860			Benjamin R. Curtis, Mass. J 1851-1857							1860
1870	Salmon P. Chase, Ohio CJ 1864-1873		Nathan Clifford, Maine J 1858-1881			Samuel F. Miller, Iowa J 1862-1890	Noah H. Swayne, Ohio J 1862-1881	David Davis, Ill. J 1862-1877	Stephen J. Field, Calif. J 1863-1897	1870
1880	Morrison R. Waite, Ohio CJ 1874-1888	Ward Hunt, N.Y. J 1872-1882			William Strong, Pa. J 1870-1880					1880
1890			Samuel Blatchford, N.Y. J 1882-1893	Horace Gray, Mass. J 1881-1902	William B. Woods, Ga. J 1880-1887	Stanley Matthews, Ohio J 1881-1889				1890
1900	Melville W. Fuller, Ill. CJ 1888-1910				Lucius Q.C. Lamar, Miss. J 1888-1893	David J. Brewer, Kans. J 1889-1910				1900
1910		Edward D. White, La. J 1894-1910 CJ 1910-1921			Howell E. Jackson, Tenn. J 1893-1895 Rufus W. Peckham, N.Y. J 1895-1909	Henry B. Brown, Mich. J 1890-1906			Joseph McKenna, Calif. J 1898-1925	1910
1920			Oliver Wendell Holmes, Mass. J 1902-1932				William H. Moody, Mass. J 1906-1910			1920
1930	Edward D. White, La. J 1894-1910 CJ 1910-1921	Willis VanDevanter, Wyo. J 1910-1937			Horace H. Lurton, Tenn. J 1909-1914	Joseph R. Lamar, Ga. J 1910-1916	Charles E. Hughes, N.Y. J 1910-1916	Mahlon Pitney, N.J. J 1912-1922		1930
1940					James C. McReynolds, Tenn. J 1914-1941	Louis D. Brandeis, Mass. J 1916-1939	John H. Clarke, Ohio J 1916-1922			1940
1950	William H. Taft, Conn. CJ 1921-1930						George Sutherland, Utah J 1922-1938	Edward T. Sanford, Tenn. J 1923-1930	Harlan F. Stone, N.Y. J 1925-1941 CJ 1941-1946	Pierce Butler, Minn. J 1922-1939
	Charles E. Hughes, N.Y. CJ 1930-1941		Benjamin N. Cardozo, N.Y. J 1932-1938					Owen J. Roberts, Pa. J 1930-1945		1950
		Harlan F. Stone, N.Y. J 1925-1941 CJ 1941-1946	Howe L. Black, Ala. J 1937-	Felix Frankfurter, Mass. J 1939-		William O. Douglas, Conn. J 1939-	Stanley F. Reed, Ky. J 1938-		Robert H. Jackson, N.Y. J 1941-	Frank Murphy, Mich. J 1940-1949
	Fred M. Vinson, Ky. CJ 1946-				James F. Byrnes, S.C. J 1941-1942 Wiley Rutledge, Iowa J 1943-1949			Harold H. Burton, Ohio J 1943-		Tom C. Clark, Tex. J 1949-

Based in part upon table prepared in the office of the Marshal of the Supreme Court, April 1, 1944. Certain minor details are omitted, such as appointments which were declined. The years given are those of active service; the table does not distinguish between retirement and resignation.