

West's
**SUPREME COURT
REPORTER**

A Unit of the National Reporter System



Volume 106

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Covering

VOLUMES 473-475 U. S. REPORTS

*Cases Argued and Determined
in the*

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1985

ST. PAUL, MINN
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1989

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106 S. Ct.

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JUSTICES

OCTOBER TERM, 1985

CHIEF JUSTICE

HON. WARREN E. BURGER

ASSOCIATE JUSTICES

HON. WILLIAM J. BRENNAN, Jr.

HON. BYRON R. WHITE

HON. THURGOOD MARSHALL

HON. HARRY A. BLACKMUN

HON. LEWIS F. POWELL, Jr.

HON. WILLIAM H. REHNQUIST

HON. JOHN PAUL STEVENS

HON. SANDRA DAY O'CONNOR

ATTORNEY GENERAL

HON. EDWIN MEESE III

SOLICITOR GENERAL

HON. CHARLES FRIED

CLERK

JOSEPH F. SPANIOL

REPORTER OF DECISIONS

HENRY C. LIND

MARSHAL

ALFRED WONG

LIBRARIAN

STEPHEN G. MARGETON

*

ALLOTMENT OF THE JUSTICES

DISTRICT OF COLUMBIA CIRCUIT

CHIEF JUSTICE WARREN E. BURGER, of Virginia.

Appointed Chief Justice by President Nixon June 23, 1969;
took office June 23, 1969.

FIRST CIRCUIT.

Maine, Massachusetts, New Hampshire, Rhode Island, and Puerto Rico.

JUSTICE WILLIAM J. BRENNAN, Jr., of New Jersey.

Appointed by President Eisenhower October 15, 1956;
took office October 16, 1956.

SECOND CIRCUIT.

Connecticut, New York, and Vermont.

JUSTICE THURGOOD MARSHALL, of New York.

Appointed by President Johnson August 30, 1967;
took office October 2, 1967.

THIRD CIRCUIT.

Delaware, New Jersey, Pennsylvania, and Virgin Islands.

JUSTICE WILLIAM J. BRENNAN, Jr., of New Jersey.

Appointed by President Eisenhower October 15, 1956;
took office October 16, 1956.

FOURTH CIRCUIT.

Maryland, North Carolina, South Carolina, Virginia, and West Virginia.

CHIEF JUSTICE WARREN E. BURGER, of Virginia.

Appointed Chief Justice by President Nixon June 23, 1969;
took office June 23, 1969.

FIFTH CIRCUIT.

Louisiana, Mississippi, Texas, and Canal Zone.

JUSTICE BYRON R. WHITE, of Colorado.

Appointed by President Kennedy April 12, 1962;
took office April 16, 1962.

ALLOTMENT OF THE JUSTICES

SIXTH CIRCUIT.

Kentucky, Michigan, Ohio, and Tennessee.

JUSTICE SANDRA DAY O'CONNOR, of Arizona.

Appointed by President Reagan September 22, 1981;
took office September 25, 1981.

SEVENTH CIRCUIT.

Illinois, Indiana, and Wisconsin.

JUSTICE JOHN PAUL STEVENS, of Illinois.

Appointed by President Ford, December 17, 1975;
took office December 19, 1975.

EIGHTH CIRCUIT.

*Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota,
and South Dakota.*

JUSTICE HARRY A. BLACKMUN, of Minnesota.

Appointed by President Nixon May 14, 1970;
took office June 9, 1970.

NINTH CIRCUIT.

*Alaska, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada,
Oregon, and Washington.*

JUSTICE WILLIAM H. REHNQUIST, of Arizona.

Appointed by President Nixon December 15, 1971;
took office January 7, 1972.

TENTH CIRCUIT.

Colorado, Kansas, New Mexico, Oklahoma, Utah, and Wyoming.

JUSTICE BYRON R. WHITE, of Colorado.

Appointed by President Kennedy April 12, 1962;
took office April 16, 1962.

ELEVENTH CIRCUIT.

Alabama, Florida, and Georgia.

JUSTICE LEWIS F. POWELL, Jr., of Virginia.

Appointed by President Nixon December 9, 1971;
took office January 7, 1972.

ALLOTMENT OF THE JUSTICES

FEDERAL CIRCUIT.

CHIEF JUSTICE WARREN E. BURGER, of Virginia.

Appointed Chief Justice by President Nixon June 23, 1969;
took office June 23, 1969.

TEMPORARY EMERGENCY COURT OF APPEALS.

CHIEF JUSTICE WARREN E. BURGER, of Virginia.

Appointed Chief Justice by President Nixon June 23, 1969;
took office June 23, 1969.

*

**SUPREME COURT
OF THE
UNITED STATES**

APPOINTMENT OF MR. JAMES E. MACKLIN, JR.

ORDER

Effective October 1, 1985

It is ordered that James E. Macklin, Jr., be appointed Deputy Director of the Administrative Office of the United States Courts, effective October 1, 1985, pursuant to the provisions of Sec. 601 of Title 28 of the United States Code.

*

SUPREME COURT OF THE UNITED STATES

DEATH OF JUSTICE STEWART

December 9, 1985

The Chief Justice said:

"It is my sad duty to announce that our distinguished colleague and friend, Justice Potter Stewart, died Saturday December 7, 1985, in Hanover, New Hampshire.

Justice Stewart served as a Judge of the United States Court of Appeals for the Sixth Circuit from 1954 to 1958 when he was appointed to this Court to succeed Justice Harold Burton. He took office on October 14, 1958, and served as an Associate Justice for 23 years until his retirement in 1981 at the close of the 1980 Term of Court. He had served his country for four years in the United States Navy in World War II.

His appointment to the Court of Appeals in 1954 came at the age of 39, making him the youngest Federal Judge in the country at that time. His opinions on a wide range of subjects appear in nearly 100 volumes of the United States Reports covering a period of great social, political and economic development reflecting the turmoil, upheavals and changes taking place throughout the world.

Those changes had a marked impact on the kinds of issues coming into all courts including this Court. In meeting these issues in the setting of the dramatic changes in the world at large, Justice Stewart exhibited a steadiness of purpose, comprehension and grasp of contemporary law and its antecedents in the Common Law.

His work as a Justice rejected the popular labels and categorizations of judges. Adhering to precedent he sought to resolve cases on narrow grounds leaving related but unresolved issues to the future. He was particularly concerned that the rights of privacy of person and home, protected by the Fourth Amendment be observed by all levels of government. Few legal issues concerned him more than the protection of the rights envisaged by those who crafted the Constitution and the Bill of Rights.

We mourn Justice Stewart's passing but we will not forget the comradeship and friendship that overshadowed the inescapable differences arising in the processes of resolving the difficult issues that find their way to this Court.

ANNOUNCEMENT

I speak for all members of the Court in expressing our profound sympathy to Mrs. Stewart and her family.

In due course, the traditional memorial service of the Bar of this Court and the Court will be conducted in this Chamber to pay our respects more fully to Justice Stewart.”