

SUPREME COURT REPORTER



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Covering

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*Cases Argued and Determined
in the*

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1982

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JUSTICES

OCTOBER TERM, 1982

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. WILLIAM FRENCH SMITH

SOLICITOR GENERAL

HON. REX E. LEE

CLERK

ALEXANDER L. STEVAS

REPORTER OF DECISIONS

HENRY C. LIND

MARSHAL

ALFRED WONG

LIBRARIAN

ROGER F. JACOBS

*

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.

Alabama, Florida, Georgia, 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, Georgia, and Florida.

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

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

FEDERAL CIRCUIT.

CHIEF JUSTICE WARREN E. BURGER, of Virginia.

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

ALLOTMENT OF THE JUSTICES

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**

**ASSIGNMENT OF CHIEF JUSTICE WARREN
BURGER TO THE FEDERAL CIRCUIT**

ORDER

October 12, 1982

Pursuant to the provisions of Title 28, U.S.C. Section 42, it is ordered that the Chief Justice be, and he hereby is, assigned to the Federal Circuit as Circuit Justice, effective October 1, 1982.

*

ORDER

RESOLUTIONS IN HONOR OF JUSTICE FORTAS

December 13, 1982

The Chief Justice said:

"The court is in special session this afternoon to receive the resolutions of the Bar of the Supreme Court in tribute to our former colleague and friend, the late Justice Fortas.

The Solicitor General is recognized at this time for the purpose of presenting those resolutions which were adopted by the Bar. Mr. Solicitor General."

Mr. Solicitor General Lee addressed the Court as follows:

"Mr. Chief Justice, and may it please the Court:

RESOLUTIONS

The members of the Bar of the Court met this day and have adopted resolutions in honor of Justice Fortas. And I would ask leave of the Court to present those resolutions at this time.

Abe Fortas, Associate Justice of the Supreme Court of the United States from 1965 to 1969 died at his home in Washington, D.C. on April 5, 1982. He was 71 years old, but even for a man whose career had been so rich, so varied and so fruitful, his death cannot be said to have come in the fullness of time. Only a few days before, he had argued before this Court and neither his appetite for work nor his powers showed any signs of diminishing.

The members of the Bar have met in the Supreme Court building on December 13, 1982 to commemorate him as one of the great figures of our profession, to survey his vast and diverse accomplishments and to testify to the enrichment he brought to the law, to the arts and to the nation.

To recall the details of his life is to exhibit, as the historian Burckhardt said, only the "underside of the tapestry": the knots and stitches, not the whole work. Abe Fortas was animated by a warmth, a compassion, a profound gravity that could be felt, that cannot be captured in words, but that made him who he was and whom we remember.

Abe Fortas was born in Memphis, Tennessee on June 19, 1910. His Orthodox Jewish parents had emigrated from England. His father was a cabinetmaker who was also a sometime shopkeeper and jeweler. Abe was the youngest of five children, and his family's modest circumstances dictated that any achievement he enjoyed would be self-made.

He worked his way through high school by playing the violin in a small dance band. The violin began as a source of pleasure, became a means of self-support along with part-time work in a shoe store, and remained a passion throughout his life. His academic record led to a scholarship at Southwestern College, a Presbyterian institution in