

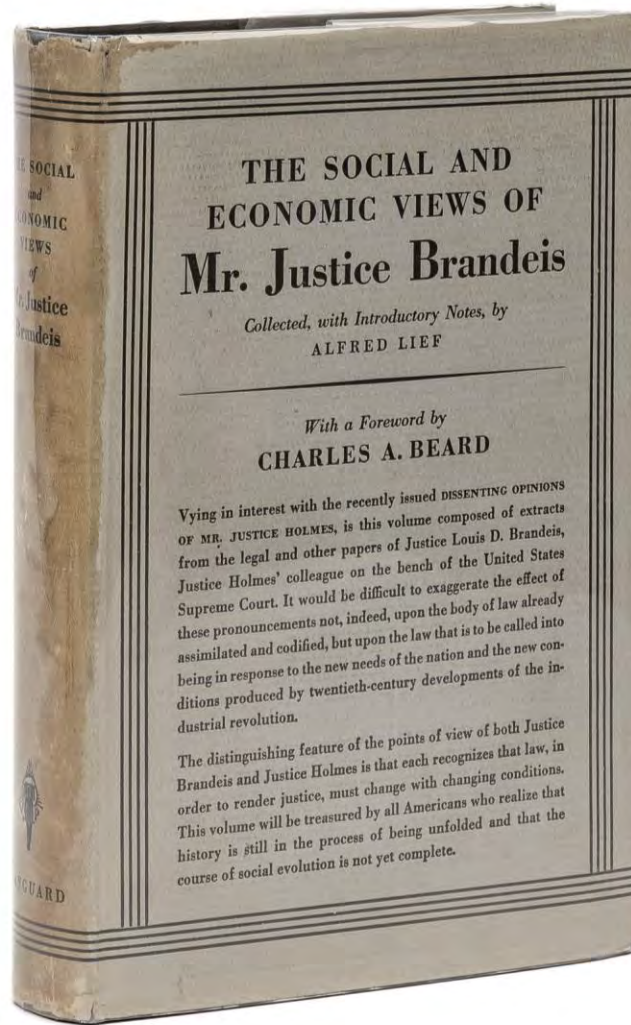
APRIL 16, 2024

# U.S. SUPREME COURT 1834-1989

30 Items



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### "The Work of a Great Lawyer"

1. Brandeis, Louis D. [1856-1941].  
Lief, Alfred [1901-1971], Editor.

*The Social and Economic Views of Mr. Justice Brandeis*. With a Foreword by Charles A. Beard. New York: The Vanguard Press, [1930]. xxi, 419 pp.

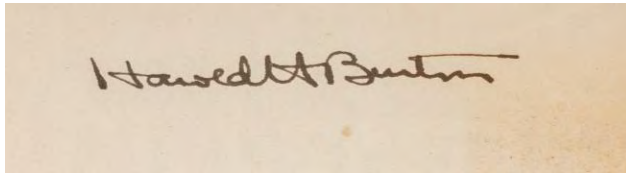
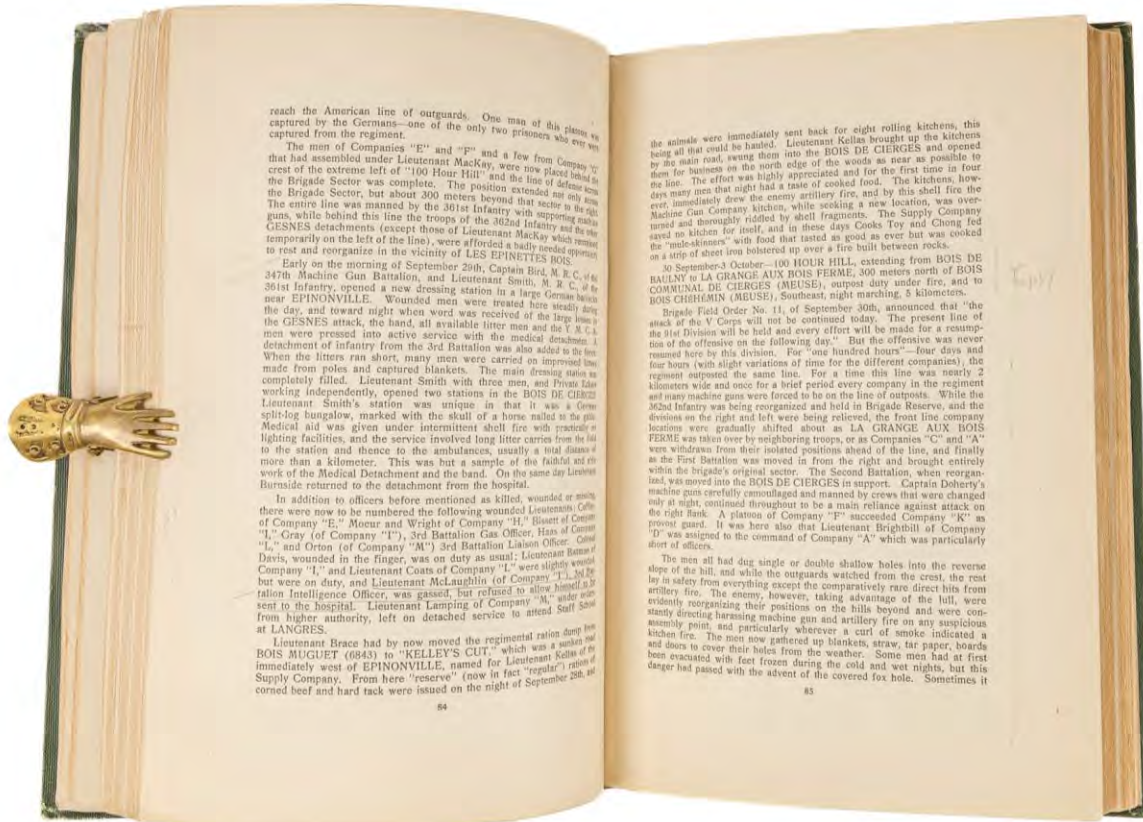
Cloth bound hardcover in dust jacket with some light staining to spine and light chipping to spine ends. \$250.

\* First edition. An insightful anonymous contemporary review in the *Boston Transcript* notes: "The papers are primarily the work of a great lawyer. His work is considered to have a tremendous effect upon not only the body of law already assimilated and codified but also upon the law which is being called into being in response to the modern development of society, particularly as regards the industrial situation."

*Boston Transcript*, November 22, 1930, cited in Marke, *A Catalogue of the Law Collection at New York University* (1953) 1061.

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Justice Burton's Annotated Personal Copy

**2. Burton, Harold H. [1888-1964], Editor.**

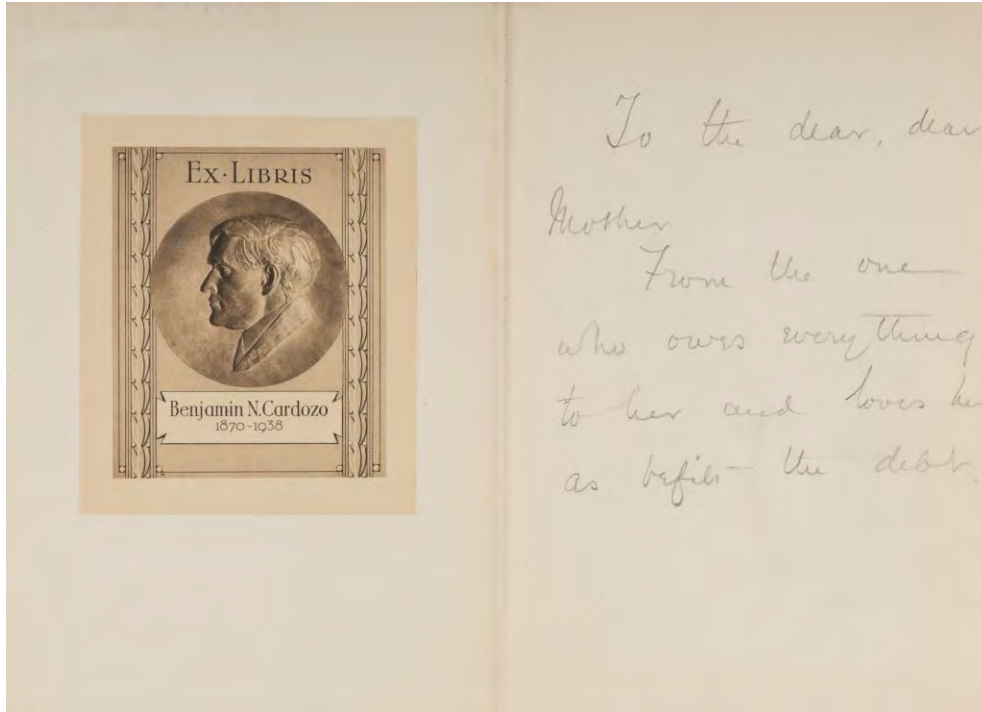
*600 Days' Service, A History of the 361st Infantry Regiment of the United States Army.* [Portland, OR?: James, Kerns & Abbott Co.?, 1921]. 276 pp., Illustrations, portraits (1 folding), 7 plates (some folding), maps (1 folding).

Cloth, gilt double frame, title and regiment insignia to front board, rebaked retaining existing spine, hinges mended. Moderate rubbing with wear to spine and corners, Burton's signature to front free endpaper. Light toning to interior, moderate edgewear to map and a few folding plates and leaves, corrections, notes and markings in pencil by Burton to several leaves, two postcards to Burton about his book laid in. Item housed in lightly rubbed cloth slipcase with calf spine label. \$250.

\* Only edition. Appointed by President Truman, Burton was an associate justice of the U.S. Supreme Court from 1945 to 1958, where he helped to craft the Court's unanimous decision in *Brown v. Board of Education* (1954). He was a lieutenant in the 361st Regiment during World War I and was injured in battle. Later promoted to captain, he resigned his commission in 1919.

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**Inscribed by Cardozo, "to the dear, dear Mother..."**

**3. Cardozo, Benjamin N. [1870-1938].**

*The Paradoxes of Legal Science*. New York: Columbia University Press, 1928. v, 142, [1] pp.

Original cloth, gilt title to spine, blind frames to boards, gilt Columbia University Press crest to center of front board. Light rubbing to extremities, Cardozo memorial bookplate to front pastedown, unsigned inscription in pencil, apparently in Cardozo's hand, to front free endpaper, light toning to text. \$1,750.

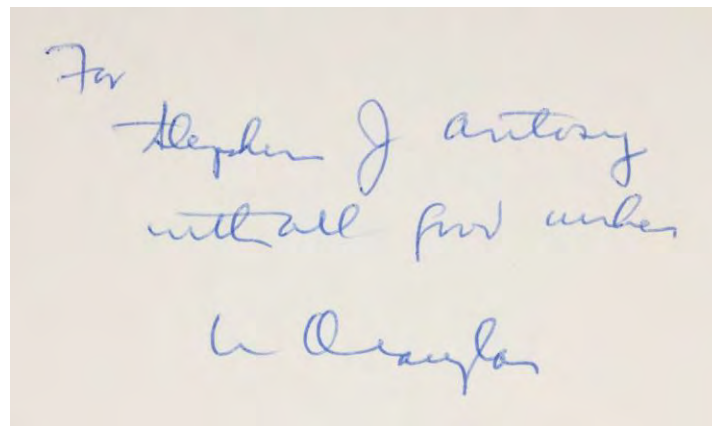
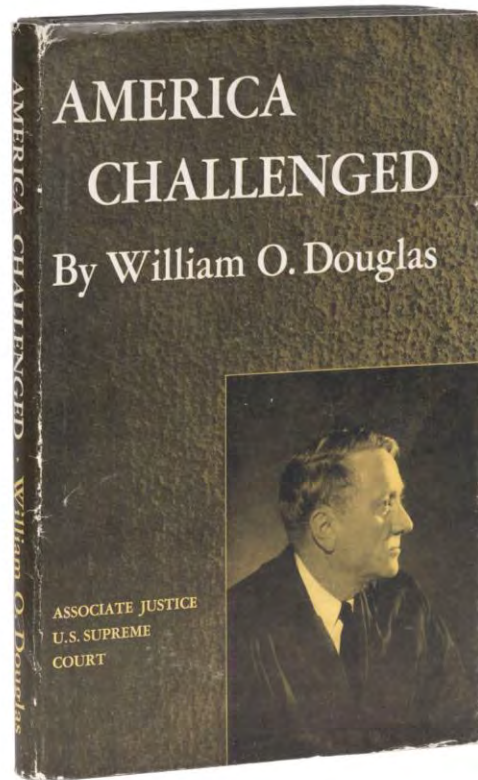
\* First edition. One of Cardozo's most important books, *The Paradoxes of Legal Science* is a classic statement of juristic pragmatism. As Goodhart points out, it also reveals the non-legal sources, such as Greek philosophy, that informed his work. The bookplate was commissioned by Judge Irving Lehman, Cardozo's executor and close friend, to mark the books from Cardozo's library that were bequeathed to him. The inscription reads: "To the dear, dear Mother From the one who owes everything to her and loves her as befits the debt." We are not sure who the "dear, dear Mother" is. It cannot be Cardozo's mother; she died when he was a child. It may be his older sister, Ellen Ida, "Nell" Cardozo, who was mostly responsible for his upbringing and was a maternal figure in his life. She died in 1929. Posner notes that Benjamin and Nell's relationship "was a good deal closer than that of an average sister and brother [it was] perhaps more like that of a mother and a son."

Cardozo was nominated to the Supreme Court by President Hoover in 1932. Cardozo, along with left-leaning justices Harlan Fiske Stone and Louis Brandeis, formed the "Three Musketeers" and voted in favor of many New Deal policies. From 1932 to 1937, they faced off against the conservative "Four Horsemen," George Sutherland, Willis Van Devanter, James Clark McReynolds and Pierce Butler.

Lehman, *Benjamin Nathan Cardozo: A Memorial* 18. Goodhart, *The Jewish Lawyers of the Common Law* 59-60. Posner, *Cardozo: A Study in Reputation* 5.

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**Inscribed by Douglas**

**4. Douglas, William O. [1898-1980].**

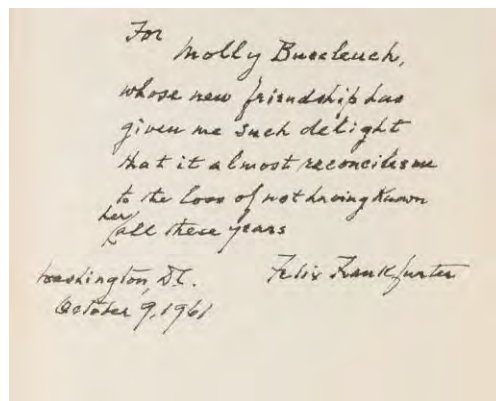
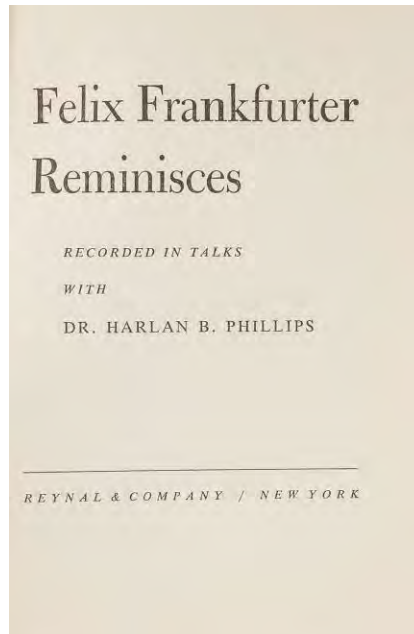
*America Challenged*. Princeton: Princeton University Press, 1960. xii, 74 pp.

Cloth in lightly edgeworn dust jacket, light toning to interior, author inscription to front free endpaper. \$150.

\* First edition. The Walter E. Edge Lectures delivered by Douglas at Princeton in 1960. Douglas argues that a pervasive spirit of conformity in postwar society threatens to sap America's vigor and independent spirit. The inscription reads: "For/ Stephen J. Antosy/ with all fond wishes/ W O Douglas."

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**Inscribed by Frankfurter to The Duchess of Buccleuch**

**5. Frankfurter, Felix [1882-1965].**

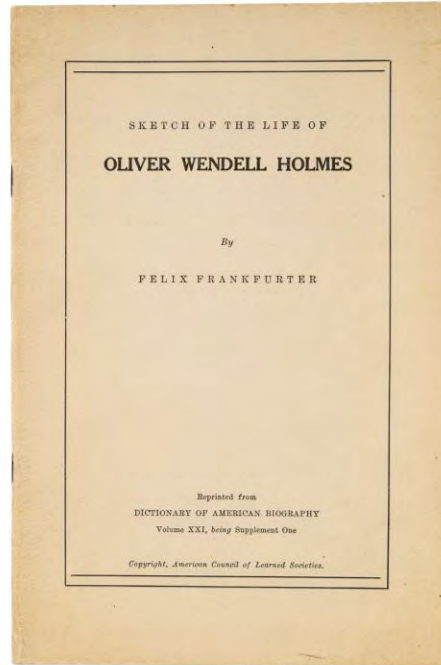
*Felix Frankfurter Reminiscences: An Intimate Portrait as Recorded in Talks with Dr. Harlan B. Phillips.* New York: Reynal & Company, [1960]. [ix], 310 pp.

Cloth in worn and chipped dust jacket, light edgewear to extremities, internally clean, presentation inscription from Frankfurter to Mary ("Molly") Montagu-Douglas-Scott, Duchess of Buccleuch, to front free endpaper. \$500.

\* First edition, sixth printing. The inscription reads: "For Molly Buccleuch,/ whose new friendship/ has given me such delight/ that it almost reconciles me/ to the loss of not having known/ her all these years./ Washington, D.C./October 9, 1961/ Felix Frankfurter." This incisive and fascinating memoir was transcribed from a series of interviews with Phillips conducted for the Columbia University Oral History Research Department. The only commercially published oral history conducted with a United States Supreme Court justice, it traces his life, career and his thoughts on such topics as religion and the function of judges.

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### Frankfurter's Brief Biography of Holmes

#### 6. Frankfurter, Felix [1882-1965].

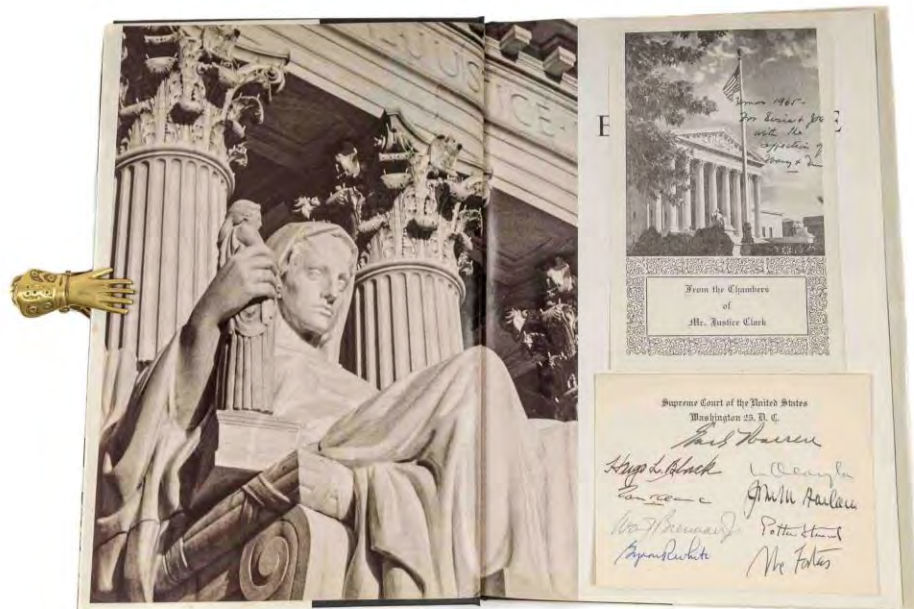
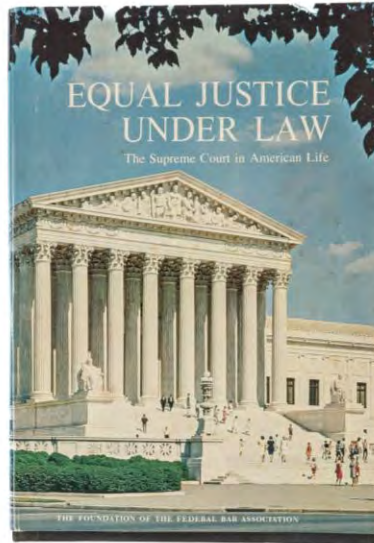
*Sketch of the Life of Oliver Wendell Holmes. Reprinted from Dictionary of American Biography Volume XXI, Supplement One.* [New York?]: American Council of Learned Societies, [1944]. 29 pp.

Stapled pamphlet in stiff printed wrappers. Negligible light shelfwear and soiling, internally clean. Pamphlet housed in lightly rubbed recent custom cloth folder, reproduction of pamphlet's front cover to its front cover, printed paper title label to spine. \$100.

\* This biographical sketch was written for the *Dictionary of American Biography*.

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Signed by the Nine Justices of the Warren Court

**7. Harrell, Mary Ann.**

*Equal Justice Under Law: The Supreme Court in American Life*. Washington D.C.: Foundation of the Federal Bar Association with the Cooperation of the National Geographic Society, [1965]. 143 pp. Illustrations, most in color.

Cloth in lightly edgeworn dust jacket. Supreme Court note card signed by all nine members of the Warren Court and Supreme Court bookplate of Tom Clark (with later gift inscription) affixed to front free endpaper. \$1,750.

\* A popular history of the U.S. Supreme Court. Chief Justice Earl Warren; the associate justices were Hugo L. Black, William O. Douglas, Tom C. Clark, John M. Harlan, William J. Brennan, Potter Stewart, Byron R. White and Abe Fortas.

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An Imposing Portrait of Chief Justice Taney

8. [Healy, George P.A. (1813-1894), After].

[Taney, Roger Brooke (1777-1864)].

[Portrait of Roger Brooke Taney]. 40-3/4" x 33" (image size). N.p., n.d.

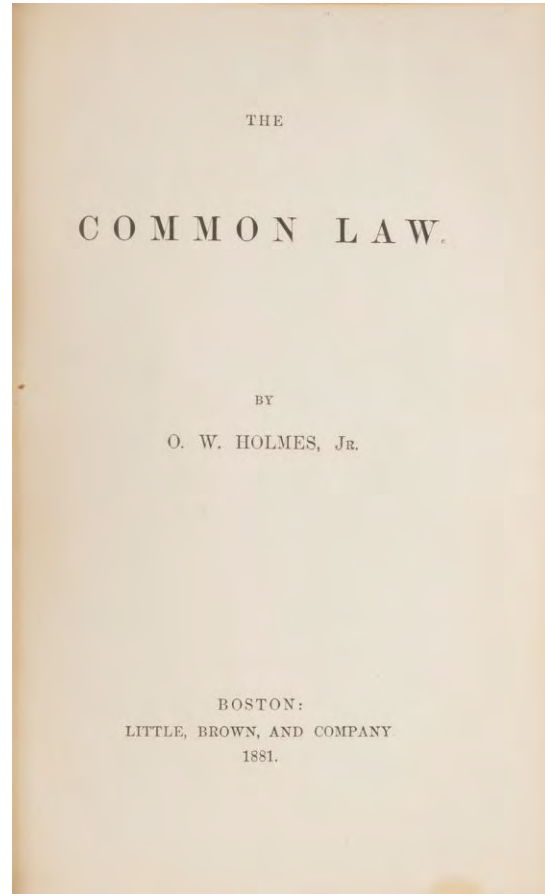
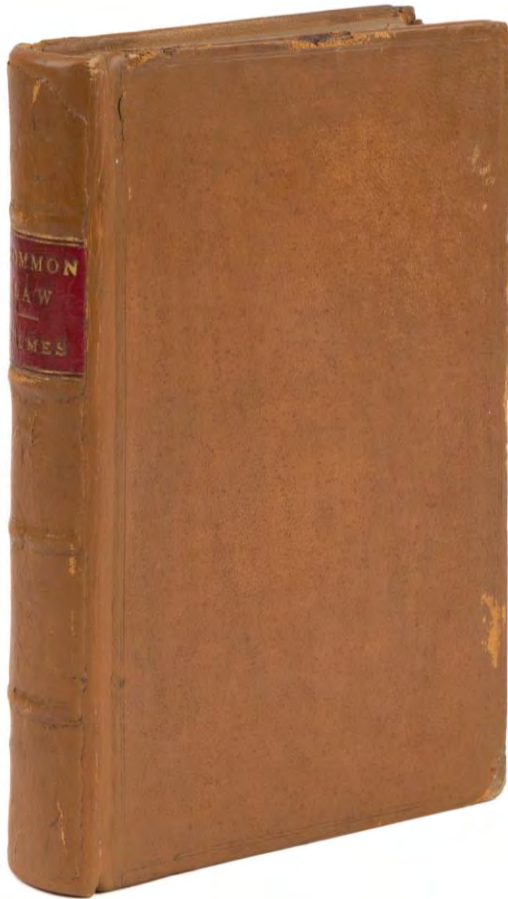
Oil on canvas in ornate nineteenth-century gilded wood frame, plaque reading "Rodger [sic] Brooke Taney/ Nat 1813-Ob 1864 / Chief Justice of the United States 1836-1864" to head of frame. A few small nicks and chips to frame, gilding slightly dulled, otherwise fine. On rear canvas inscription "Painted by Miss Strong/ Daughter of Mr. Justice Strong/ After Original in Supreme Court Room/ L.E.H. Librarian April 21, 1914." An impressive portrait. \$3,500.

\* Taney held many state and federal political and legal positions and became chief justice of the United States Supreme Court in 1836, a post he held until his death in 1864. As chief justice, he is known for the notorious Dred Scott decision (1857), which ruled that a slave who had resided in a free state or territory was not entitled to his freedom and that African-Americans were not and could never be citizens of the United States. It also invalidated the Missouri Compromise of 1820, which prohibited slavery west of Missouri and north of latitude 36° 30.'

We have not been able to determine the identity of "Miss Strong," one of the four daughters of William Strong [1808-1895], a Philadelphia lawyer and judge who served as an associate justice of the U.S. Supreme Court from 1870 to 1880. This portrait belonged to the Philadelphia Bar Association. Founded in 1802, it is the oldest association of lawyers in the United States. Its library, where this portrait was last displayed, was renamed the Theodore F. Jenkins Memorial Law Library in 1967.

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First Edition of *The Common Law* in the Scarce Law-Calf Binding

**9. Holmes, Oliver Wendell, Jr. [1841-1935].**

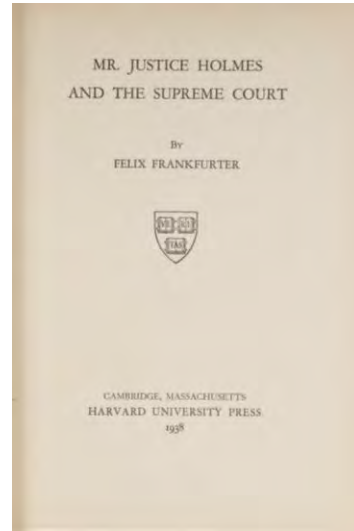
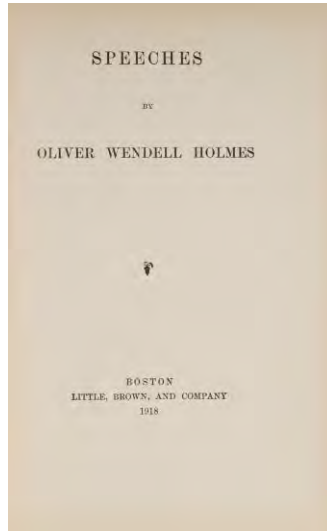
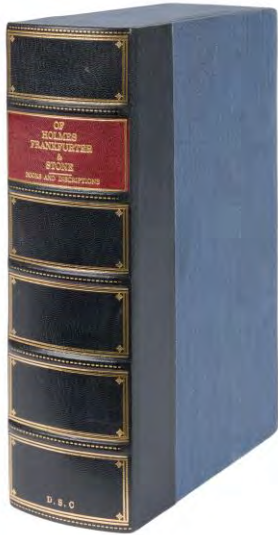
*The Common Law*. Boston: Little, Brown, And Company, 1881. [i]-xvi, 422 pp. Octavo (8-1/4" x 5-1/4").

Original law calf, rebaced retaining existing spine with raised bands and lettering piece, blind frames to boards, hinges mended. A few light scuffs to boards, a few small chips to board edges, faint creases to spine, corners bumped and moderately worn, early owner signature (Samuel L. Morris, Jr., 1/13/1908) to front and rear pastedowns. Moderate toning to interior, offsetting, light soiling and a few tiny chips to edges of endleaves. \$1,750.

\* First edition, second issue, with the one-line printer statement reading "The University Press, Cambridge, Mass., U.S.A." at foot of the title page, verso, and foot of p. 422. As Friedman points out, "The Common Law was easily the most distinguished book on law by an American published between 1850 and 1900." In contrast to earlier Anglo-American jurists, and the reigning positivist ethos of the nineteenth century, Holmes proposed that the common law was not a science founded on abstract principles but a body of practices that responded to particular situations. This functionalist interpretation led to his radical idea that law was not discovered, but invented. This theme is announced at the beginning of Lecture I: "The life of the law has not been logic: it has been experience" (1).

"Oliver Wendell Holmes and *The Common Law*," Meyer Boswell Books, Inc., *Rare and Unusual Law Books, Catalogue Fourteen* 2. Friedman, *A History of American Law* 544. Grolier Club, *One Hundred Influential American Books* 84.

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To Harlan F. Stone  
from his associate and friend  
Oliver Wendell Holmes  
May 23, 1928

For H. F. S., a meagre  
conveyance of your  
great friend, but it  
comes to you with the  
highest regards, from  
Cambridge,  
6 October 1938

**Presentation Copies from Oliver Wendell Holmes  
and Felix Frankfurter Inscribed to Harlan Fiske Stone**

**10. Holmes, Oliver Wendell, Jr. [1841-1935].**

*Speeches*. Boston: Little, Brown, and Company, 1918. [vi], 103 pp. Original printed paper boards. Light soiling, somewhat heavier on spine, moderate rubbing to extremities with some wear to spine ends and corners. Moderate toning to text, author inscription to front free endpaper.

[With]

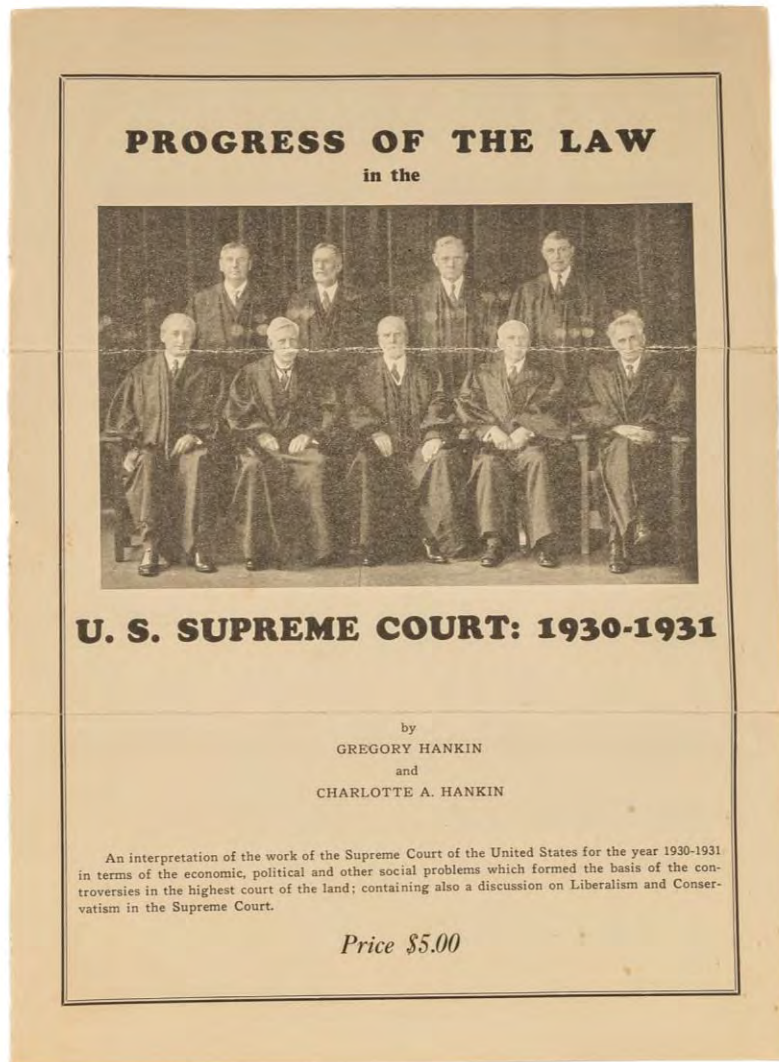
**Frankfurter, Felix [1882-1965].**

*Mr. Justice Holmes and The Supreme Court*. Cambridge: Harvard University Press, 1938. 137 pp. Frontispiece. Original cloth, gilt title to spine. Light rubbing to extremities with light wear to spine ends and corners, light fading to spine. Moderate toning to interior, author inscription to front free endpaper.

Books, each in a cloth flap folder, housed in handsome two-compartment cloth slipcase, quarter morocco spine with raised bands, gilt ornaments and gilt title reading: *Of Holmes Frankfurter & Stone, Books and Inscriptions*. \$7,500.

\* *Speeches*: later printing, *Mr. Justice Holmes*: first edition. Both of these books were presented to Harlan Fiske Stone when he was an associate justice of the U.S. Supreme Court. (He was chief justice from 1941 to 1946.) *Speeches* is inscribed: "To Harlan F. Stone from his associate and friend Oliver Wendell Holmes. May 23, 1928. *Mr. Justice Holmes* is inscribed: "For H.F.S., a meagre conveyance of your great friend, but it comes to you with the highest regards from F.F. Cambridge, 6 October 1938." Frankfurter became Stone's associate on the Court in 1939. Holmes retired in 1932.

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### Prospectus for a Book About the Supreme Court

11. [Legal Publishing].

Legal Research Service.

[Hankin, Gregory and Charlotte A.].

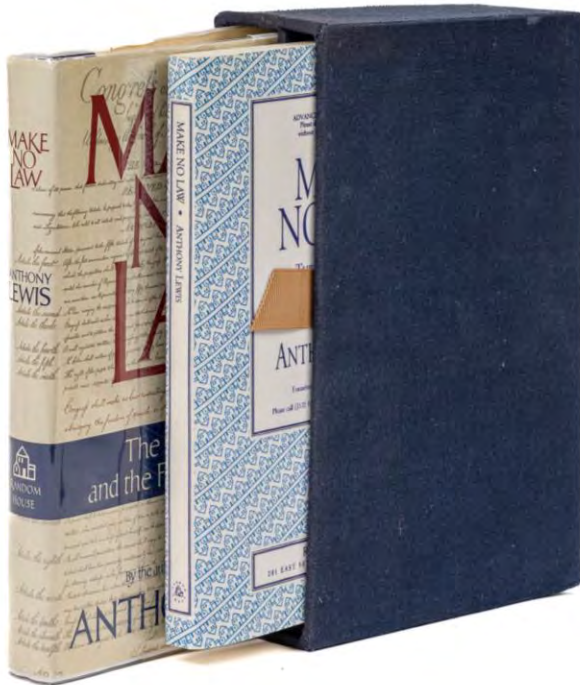
[*Prospectus for Progress of the Law in the U.S. Supreme Court: 1930-1931*]. Washington, DC: Legal Research Service, [1932]. 4 pp.

11" x 8" bifolium leaflet. Light toning, horizontal fold lines, a few faint spots and stains, a few small tears starting along fold lines, text not affected. \$150.

\* This prospectus for Gregory and Charlotte A. Hankin's *Progress of the Law in the U.S. Supreme Court* (1932) includes a brief summary of the work, a list of the work's fifteen chapters with summaries for each, favorable reviews of other books by the Hankins and an order form for the book.

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BEN W. GILBERT 427 N. Sixth St. TACOMA WA 98403 (206) 372-6158  
September 17, 1991

Anthony Lewis  
New York Times  
2 Faneuil Hall Marketplace  
Boston MA 02109

Dear Tony:

I have just finished "Make No Law" and have turned on my computer to tell you that it is an exciting and great book. First, it makes the intricacies of the Sullivan decision clear. I never fully understood it, but now feel that I do. Second, it provides the setting, the history of libel in this country, in a dynamic way. Remarkably it does so without referring to the Zenger case, which although important, kept libel in a certain straight-jacket for generations. Madison comes to life as a contemporary figure who would have loved Bill Brennan.

Next steps to provide limits on damages may be needed, but would entail certain risks as White's shift illustrates. Isn't this a question involving a look at all kinds of damage awards, rather than just libel?

I must confess that I shared some of Lester Markel's concerns in 1964. Although I understood the great gain to the press provided by the decision, I feared that it could encourage something beside robust expression, a license of recklessness that might affect the fairness and accuracy of the news columns.

I soon realized that I was identifying an internal editing and administrative problem, not a legal one, to be dealt with in the editing process. In preparing a hard-hitting series of articles about the owners of slums in Washington, D. C., we delayed publication a day to get a missing comment from one of the landlords. That dismayed the young reporter who had worked hard to meet an exacting schedule. We thought I was being fussy; the so-and-so would probably not have anything to say anyway. He didn't. Nor did he sue. The reporter went on to other things and is now executive editor of the Washington Post. I expect he will run a tight ship, but won't shun hard-hitting stories, either.

There is another Sullivan case which might interest. A lawyer in Washington, D. C. named Sullivan made his living by ambulance chasing through the columns of the old Washington Times Herald. The T-H would settle such complaints for a few hundred dollars, figuring doing so cheaper than court. After the Post purchased the Times-Herald on March 17, 1954, I started getting calls from Sullivan who read the paper line-by-line to identify real or imagined "errors". The Post, like the Times, routinely refused to settle, although it did "regret" errors. It took Sullivan six weeks to recognize that we really meant it. The calls stopped. I don't know what he did for a living after that.

Regards,

The New York Times  
2 FANEUIL HALL MARKETPLACE  
BOSTON, MASS. 02109

ANTHONY LEWIS

September 30, 1991

Dear Ben:

How good to hear from you. And your letter was fascinating. I loved the story about the other Sullivan. And your distinction between a legal problem and one of internal journalism is vital.

And of course I value your kind words about the book.

Best -  
Tony

Housed in a Slipcase with Two Related Letters, One from Lewis.

## 12. Lewis, Anthony [1927-2013].

*Make No Law: The Sullivan Case and the First Amendment*. New York: Random House, [1991]. x, 354 pp. First edition. Cloth in lightly edgeworn worn dust jacket, internally clean. Copy of letter about the book from Ben. W. Gilbert to Lewis laid in, Lewis's reply, signed, affixed to front pastedown. **[Housed in custom cloth slipcase with]** *Make No Law* [Advance Uncorrected Proof]. Softbound, light edgewear, internally clean. \$250.

\* First edition. A landmark in the history of legal journalism, this book is an account of the Sullivan libel case against the *New York Times* and a history of the First Amendment. The published copy offered here belonged to Gilbert [1918-2007], a distinguished writer and editor at the *Washington Post* who later served as a government official in Washington, DC and Washington State and an advocate for the rights of the hearing impaired.

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Supreme Court of the United States,  
Washington, D.C.  
Jan. 22, 1903  
Dear Chief Justice Knowlton  
The invitation to the  
Hampden County Ban Dinner did not  
indicate a wish that I should write  
anything to be read at the dinner and  
therefore I send a line of good wishes  
to you in person, as I could do the quiet  
silent wish regard to your change of  
place. You know how deserved and just  
I think the appointment. I told the Governor  
that of course you were the man. I need  
not say to you at length how much I  
respect your abilities and character.

It will with say to an old friend  
that he has my affectionate good wishes  
and confident prophecy for his success  
in his future as in the past.  
Yours truly  
Oliver Wendell Holmes

**Holmes Warmly Congratulates His  
Successor on the Massachusetts Supreme Judicial Court**

**13. [Manuscript].**

**Holmes, Oliver Wendell, Jr. [1841-1935].**

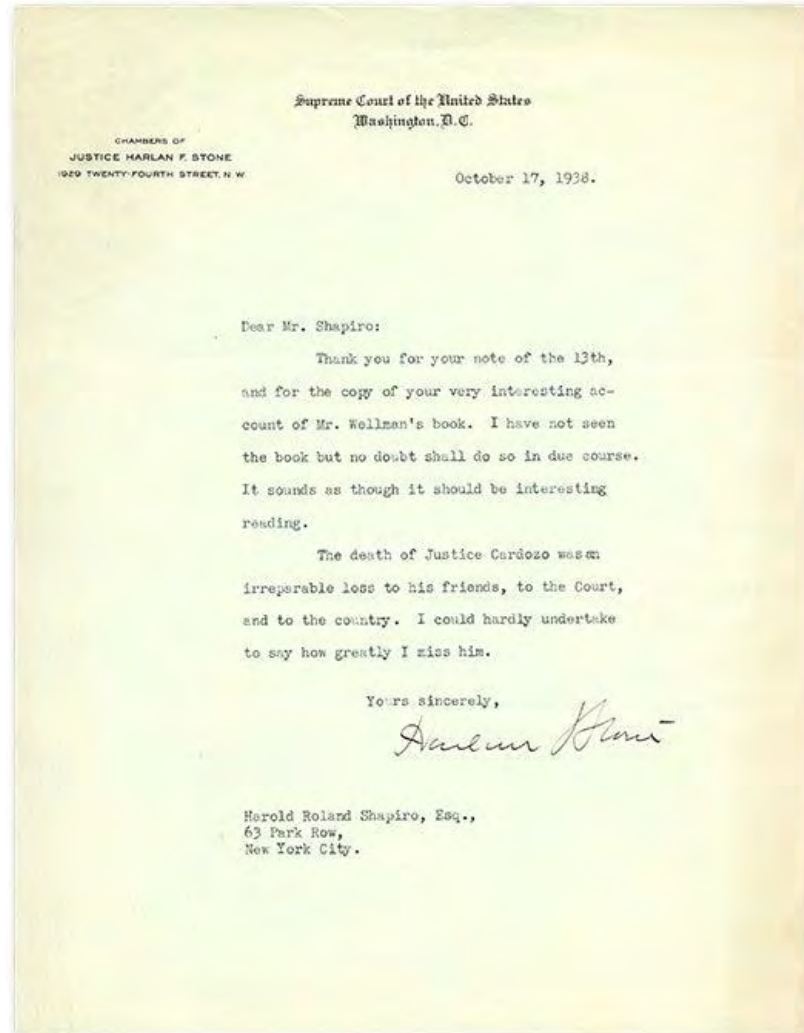
**[Knowlton, Marcus Perrin (1839-1918)].**

[Autograph Letter, Signed, To Marcus P. Knowlton, Washington, DC, January 22, 1903].

Content to first 2 pp. of 7-3/4" x 5" U.S. Supreme Court bifolium letterhead. Moderate toning, single faint horizontal fold line, light offsetting to first page. With transmittal envelope postmarked January 22, 1903. Typed transcription included. \$1,850.

\* After serving as an associate justice since 1887, Knowlton was appointed as Holmes's successor as Chief Justice on the Massachusetts Supreme Judicial Court in 1902. This warm and effusive letter from Holmes congratulates him: "You know how deserved and just I think this appointment. I told the Governor that of course you were the man...[I] will say to an old friend that he has my affectionate good wishes and confident prophecy for his success in his future as in his past."

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**Poignant Letter Regarding the  
"Death of Justice Cardozo" by a Fellow Justice**

**14. [Manuscript].**

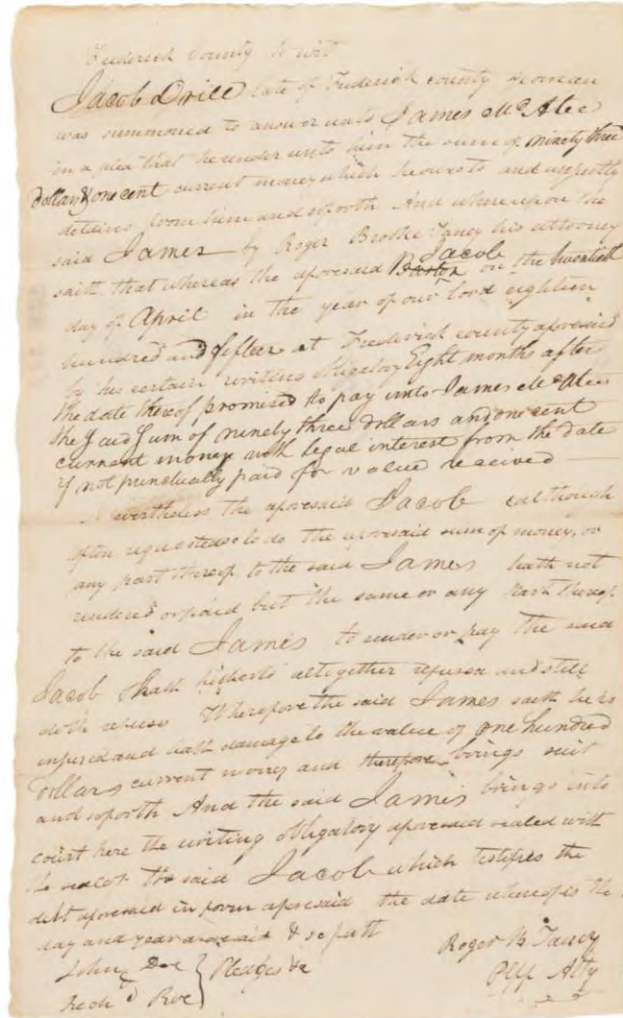
**Stone, Harlan Fiske [1872-1946].**

[*Typed Letter, Signed, Regarding the Death of Benjamin Cardozo, On U.S. Supreme Court Letterhead, October 17, 1938*].

Single-sided letter on 10-1/2" x 8" sheet, signed Harlan Stone. Faint horizontal fold lines, a few minor creases to edges, negligible light soiling to upper left corner. \$500.

\* This letter was sent to Harold Roland Shapiro, a lawyer, law professor and legal writer who was involved with trade and anti-trust regulation during the New Deal. Stone eulogized Associate Justice Cardozo, who had died three months before this letter was written. He wrote: "The death of Justice Cardozo was an irreparable loss to his friends, to the Court, and to the country. I could hardly undertake to say how greatly I miss him." Stone also thanks Shapiro for sending him a "very interesting account" of "Mr. Wellman's book," most likely Francis Wellman's *Luck and Opportunity: Recollections* (1938).

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A Court Document in Taney's Hand, Signed by Taney

15. [Manuscript].

Taney, Roger B. [1777-1864].

[Court Document in Taney's Hand, Signed by Taney, Frederick County, MD, February 1, 1817]. 2 pp.

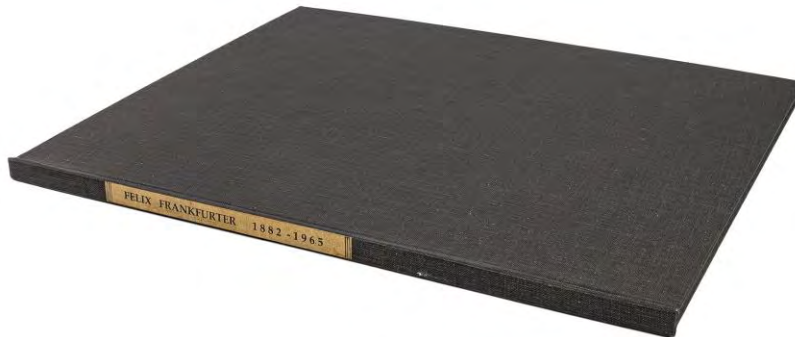
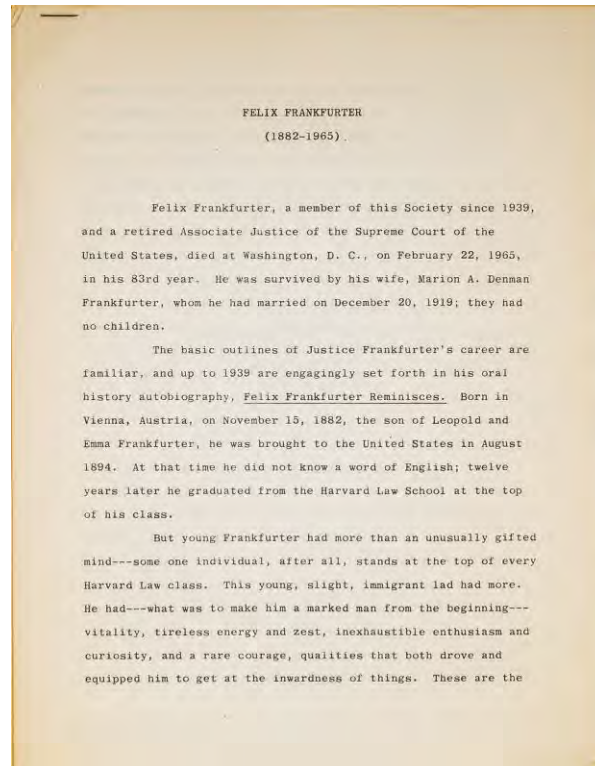
13-1/4" x 8" leaf, docketed on verso. Moderate toning, untrimmed edges, three horizontal fold lines with short tears at ends. Content in neat hand. \$1,250.

\* This is a collection notice addressed to Jacob Drill composed and signed by Taney on behalf of his client, James McAlee, when he was practicing law in Frederick and a Maryland state senator. Taney held many state and federal political and legal positions and became chief justice of the United States Supreme Court in 1836, a post he held until his death in 1864. As chief justice, he is known for the notorious Dred Scott decision (1857), which ruled that a slave who had resided in a free state or territory was not entitled to his freedom and that African Americans were not and could never be citizens of the United States. It also invalidated the Missouri Compromise of 1820, which prohibited slavery west of Missouri and north of latitude 36° 30.'

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### A Tribute to Frankfurter by a Distinguished Former Student

#### 16. [Manuscript].

Wiener, Frederick Bernays [1906-1996].

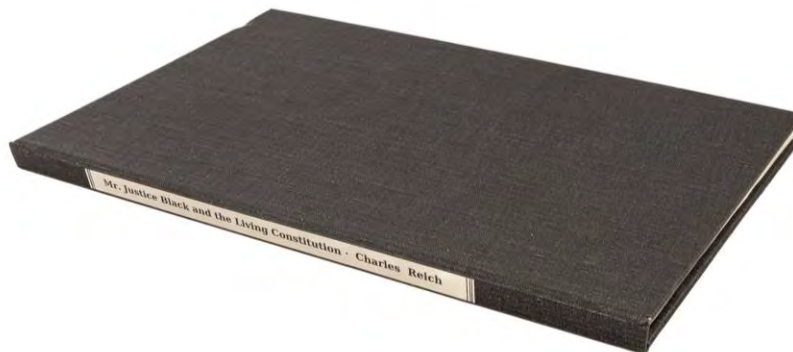
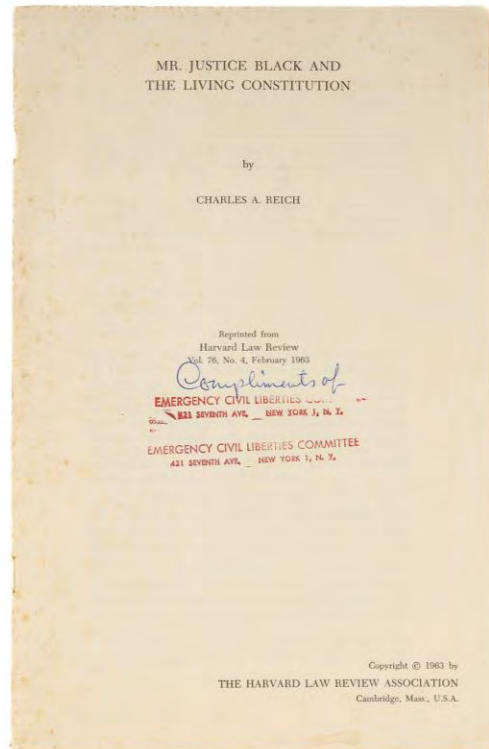
*Felix Frankfurter (1882-1965)*. [N.p., 1965]. 17 ff.

Stapled typescript, light toning, folds to corners of several leaves, final leaf detached with chipping to corners. Item housed in lightly rubbed recent custom cloth folder, printed paper title label to spine. \$250.

\* This tribute by a distinguished former student and associate, was published in the *Year Book of the American Philosophical Society* in 1965. Wiener, who was also an officer in the Army Reserve, was a authority on military justice and constitutional law with a long career in government and academia. While a lawyer in the Solicitor General's Office, he successfully argued the landmark 1957 Supreme Court case *Reid v. Covert*.

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### In Honor of Justice Black's Seventy-Seventh Birthday

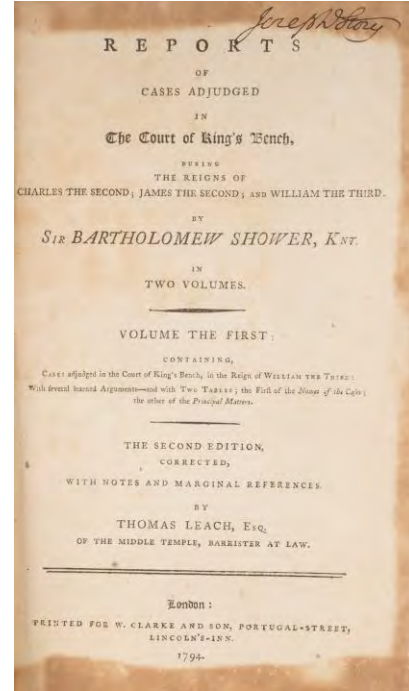
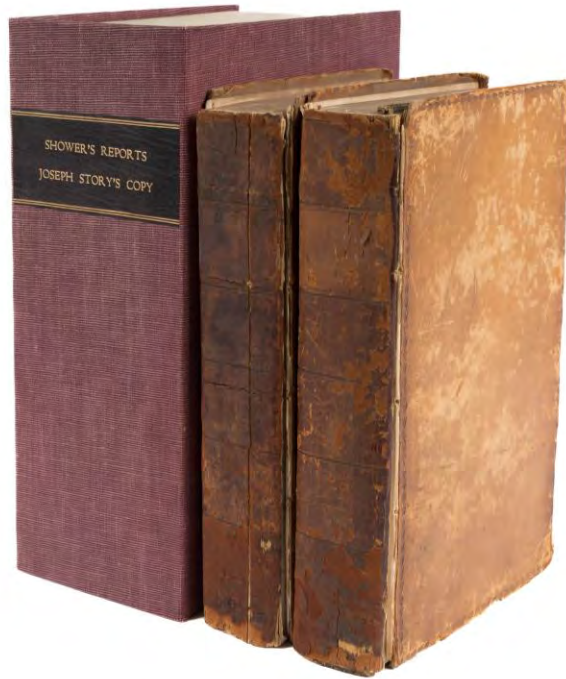
#### 17. Reich, Charles A.

*Mr. Justice Black and the Living Constitution*. Reprinted from *Harvard Law Review* Vol. 76, No. 4, February 1963. Cambridge: The Harvard Law Review Association, 1963. 673-754 pp.

Stapled pamphlet in self-wrappers, annotation and ink stamps (Compliments of Emergency Civil Liberties Committee) to front wrapper. Light foxing and a few tiny stains to exterior, slight creasing to rear wrapper, wrappers separating from text block but secure, internally clean. Housed in custom 7" x 10-1/2" cloth folder, printed label to spine. \$100.

\* This article appeared in an issue of the *Harvard Law Review* dedicated to Justice Black in honor of his seventy-seventh birthday. Reich was an associate professor of law at Yale.

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**A Copy Owned by Joseph Story, Benjamin Butler and Henry Fowle Durant**

**18. Shower, Bartholomew.  
Leach, Thomas, Editor.**

*Reports of Cases Adjudged in the Court of King's Bench, During the Reigns of Charles the Second; James the Second; And William the Third. By Sir Bartholomew Shower, Knt. In Two Volumes. Volume the First: Containing, Cases Adjudged in the Court of King's Bench, In the Reign of William the Third: With Several Learned Arguments—And with Two Tables; The First of the Names of the Cases; The Other of the Principal Matters. Corrected, With Notes and Marginal References.* London: Printed for W. Clarke and Son, 1794. Two volumes. xii, 540, [40]; x, 510, [62] pp. Octavo (8-3/4" x 5-1/2").

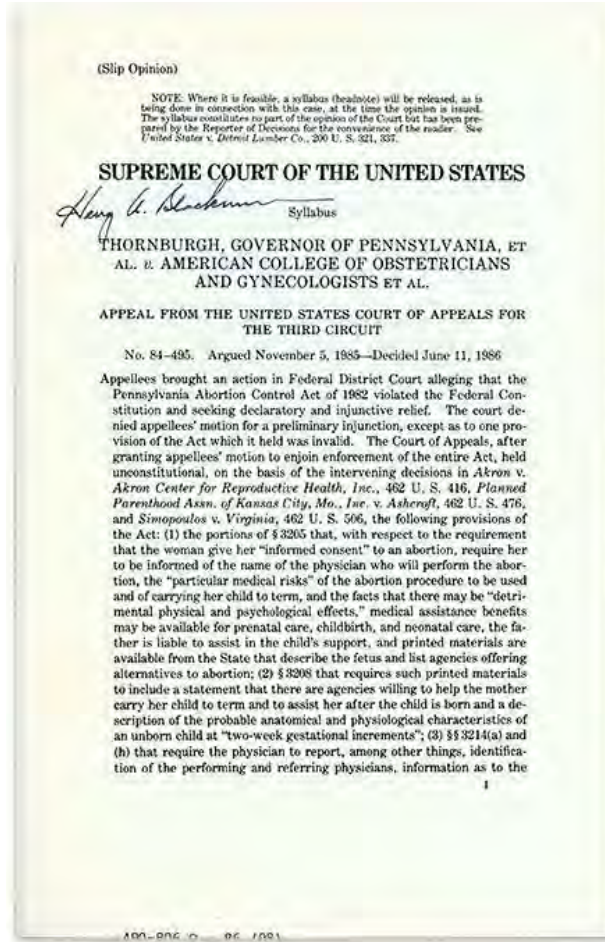
Contemporary calf, blind fillets to boards and spines, lettering pieces lacking. Rubbing to boards and extremities with wear to spine ends and corners, boards detached, crack through spine of Volume II. Moderate toning and to interiors, light foxing in places, faint dampstaining to fore-edge of text block at rear of Volume II. A few struck-through signatures to front endleaves, signature of Joseph Story to title page of Volume I and front free endpaper of Volume II, signature of Henry F. Durant to front pastedowns, owner mark of "Benjamin F. Butler/ Lowell, Mass." to front pastedown of Volume I. Books housed in cloth clamshell box with morocco spine label. \$1,500.

\* Second edition. This well-regarded edition of an important set of reports from 1678-1694 had a notable series of owners. Foremost among these is Joseph Story [1779-1845], the distinguished U.S. Supreme Court justice, Harvard Law School professor and legal author best known for his *Commentaries on the Constitution* (first edition 1833), a landmark in American law. Another owner was Benjamin F. Butler [1818-1893], the Lowell, Massachusetts lawyer, businessman, politician and major general of the Union Army. At some point this book was acquired by Henry Fowle Durant [1822-1881], the Boston lawyer and philanthropist who, with his wife, founded Wellesley College.

Wallace, *The Reporters* 392. *English Short-Title Catalogue* T97379. Hoefflich and Beck, *Catalogues of Early American Law Libraries: The 1846 Auction Catalogue of Joseph Story's Library* 266.

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### An Important Decision Concerning Reproductive Rights Signed by Justice Blackmun

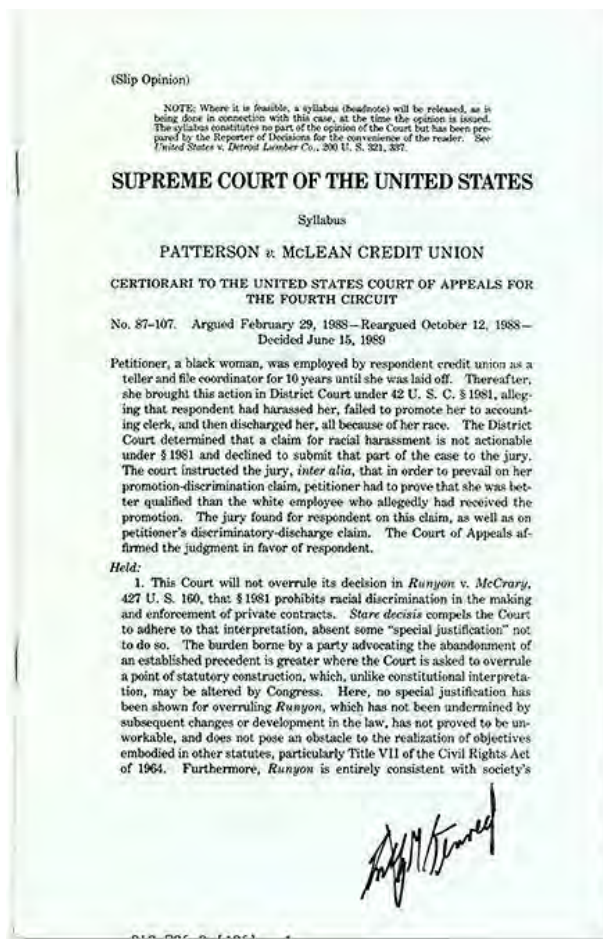
**19. [Slip Opinion].  
Supreme Court, United States.  
[Blackmun, Harry (1908-1999)].**

*Thornburgh, Governor of Pennsylvania, et al. v. American College of Obstetricians and Gynecologists et al. Slip Opinion.* [Washington, DC: Government Printing Office, 1986]. iii, [1], 23, [1], 10, 4, 29, [1], 20 pp. Signature of Justice Blackmun to head of first page. Fine. \$500.

\* *Thornburgh v. American College of Obstetricians and Gynecologists* involved a challenge to Pennsylvania's Abortion Control Act of 1982, which aimed to limit abortion rights. Blackmun's majority opinion for the Court rejected this act and reaffirmed *Roe*.

A U.S. Supreme Court opinion is disseminated through a four-step process. The first is a bench opinion, which is issued on the day the Court announces a decision. A slip opinion, which often incorporates revisions, is issued a few days afterwards. With the addition of an index and other features, such as a table, an opinion is issued later as a soft-cover Preliminary Print designated as a Part (i.e. Part 1). Over time, it is joined with other parts to make up a preliminary soft-cover *United States Reports* volume. A few years later, the opinion, after a final round of editing and indexing, is printed in its final, official, form in the hardcover *United States Reports*.

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### A Notable Racial Discrimination Decision Signed by Justice Kennedy

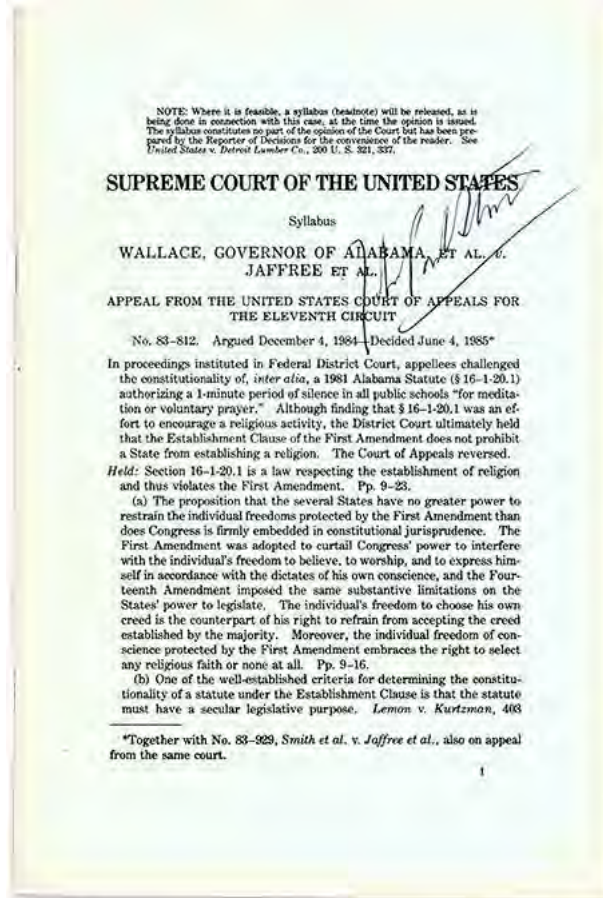
20. [Slip Opinion].  
Supreme Court, United States.  
[Kennedy, Anthony].

*Patterson v. McLean Credit Union, Certiorari to the United States Court of Appeals for the Fourth Circuit.* [Washington, DC: Government Printing Office, 1989]. iv, 21, [1], 31, [1], 4 pp. Stapled wrappers. Signature of Justice Kennedy on cover page. Fine. \$400.

\* This decision concerned a case of racial discrimination at a Virginia credit union, after she lost a promotion to a less-qualified white colleague and was later fired. The case was affirmed in part and reversed in part; this was the first in a series of events that led to the Civil Rights Act of 1991. Justice Kennedy wrote the opinion of the Court.

A U.S. Supreme Court opinion is disseminated through a four-step process. The first is a bench opinion, which is issued on the day the Court announces a decision. A slip opinion, which often incorporates revisions, is issued a few days afterwards. With the addition of an index and other features, such as a table, an opinion is issued later as a soft-cover Preliminary Print designated as a Part (i.e. Part 1). Over time, it is joined with other parts to make up a preliminary soft-cover *United States Reports* volume. A few years later, the opinion, after a final round of editing and indexing, is printed in its final, official, form in the hardcover *United States Reports*.

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**A Notable Case Concerning  
Prayer in Public Schools Signed by Justice Stevens**

**21. [Slip Opinion].**

**Supreme Court, United States.**

**[Stevens, John Paul].**

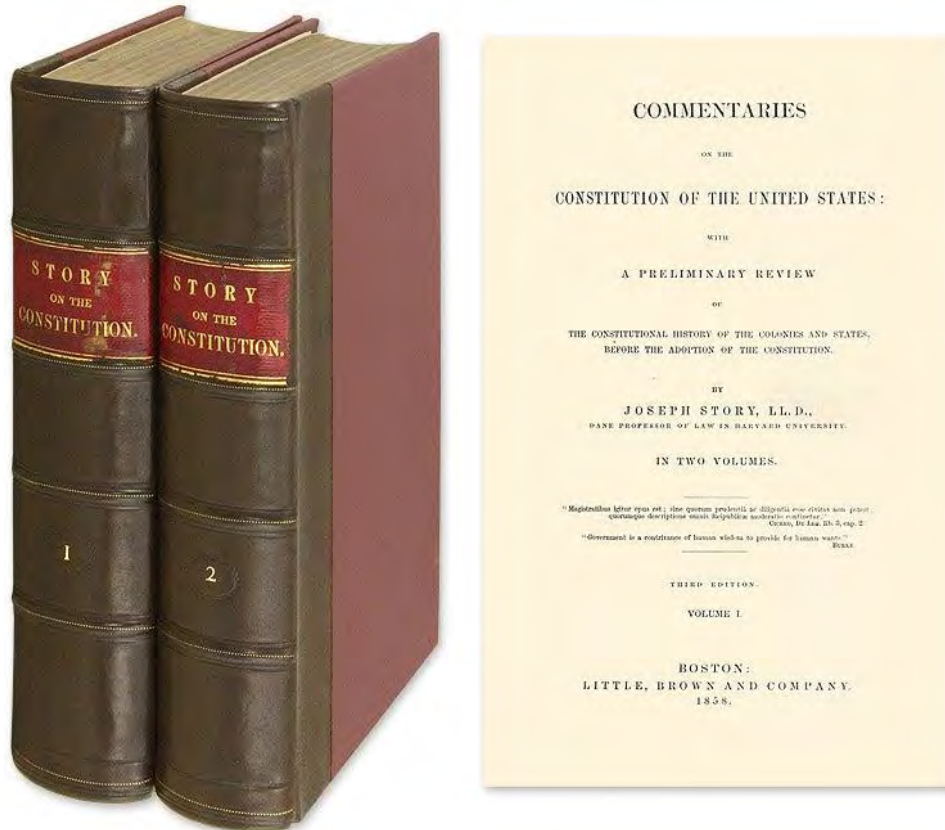
*Wallace, Governor of Alabama, Et al. v. Jaffree, Et al.* [Washington, DC: Government Printing Office, 1985]. ii, 23, [1], 6, 19, [1], 7, [1], 2, 24 pp. Stapled wrappers. Signature of Justice Stevens to cover page.

Light finger smudges to a few leaves, otherwise fine. \$400.

\* In this notable case the Supreme Court ruled that an Alabama statute authorizing a one-minute period of silence in all public schools "for meditation or voluntary prayer" violated the First Amendment's establishment clause. Stevens wrote the majority opinion, which was joined by Justices Brennan, Marshall, Blackmun and Powell.

A U.S. Supreme Court opinion is disseminated through a four-step process. The first is a bench opinion, which is issued on the day the Court announces a decision. A slip opinion, which often incorporates revisions, is issued a few days afterwards. With the addition of an index and other features, such as a table, an opinion is issued later as a soft-cover Preliminary Print designated as a Part (i.e. Part 1). Over time, it is joined with other parts to make up a preliminary soft-cover *United States Reports* volume. A few years later, the opinion, after a final round of editing and indexing, is printed in its final, official, form in the hardcover *United States Reports*.

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Attractive Third Edition of Story's *Commentaries on the Constitution*, The Last Edition Published Before the Civil War

22. Story, Joseph [1779-1845].

[Bennett, E.H., Editor].

*Commentaries on the Constitution of the United States: With a Preliminary Review of the Constitutional History of the Colonies and States, Before the Adoption of the Constitution.* Boston: Little, Brown and Company, 1858. Two volumes. 8, xxxiii, [ii], 735; [ii], 702 pp. (Eight-page publisher catalogue at beginning of Volume I.) Octavo (9" x 5-1/2").

Recent period-style quarter calf over cloth, raised bands, retaining original red morocco lettering pieces, endpapers renewed. Light to moderate toning, negligible foxing to a few leaves, some offsetting to margins of Volume II title page, internally clean. A nice copy in a handsome binding. \$1,000.

\* Third edition. First published in 1833, this work is probably the most important work written on the American Constitution during the nineteenth century. Though overshadowed by Marshall on the U.S. Supreme Court, Story had no peer as a teacher or writer. Comparing the *Commentaries* to *The Federalist*, James Kent observed that Story's treatise was "written in the same free and liberal spirit, with equal exactness and soundness of doctrine, and with great beauty and eloquence of composition. Whoever seeks for a complete history and exposition of this branch of our jurisprudence, will have recourse to the above work, which is written with great candor, and characterized by extended research, and a careful examination of the vital principles upon which our government reposes."

Kent cited in Marvin, *Legal Bibliography* 669-670. Cohen, *Bibliography of Early American Law* 2917.

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### Images of the United States Supreme Court

#### 23. [Supreme Court, United States].

[A Collection of Twenty-Two Black-and-White Press Photographs of (or About) the United States Supreme Court, 1935-1987].

Sizes range from 7" x 9" to 8-1/2" x 11." Light edgewear, annotations, tipped-in captions and stamps to versos, some have minor creases, one is lacking a corner with no damage to image. \$1,500.

\* Nine of these are formal group portraits of the Court taken in 1935, 1937, 1946, 1952, 1955, 1957, 1965, 1970 and 1976, two record the Court's annual White House visits in 1935 and 1939, the others are images of individual justices (William Brennan, Tom Clark, Felix Frankfurter, Thurgood Marshall, Lewis Powell, Stanley Reed and Earl Warren). There is also a photo of the United States Supreme Court building flying the flag at half-mast in honor of Justice Frank Murphy.

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A Portrait of the U.S. Supreme Court Justices in 1882

24. [Supreme Court, United States].

Bell, C[harles] M[ilton] [1848-1893], Photographer.

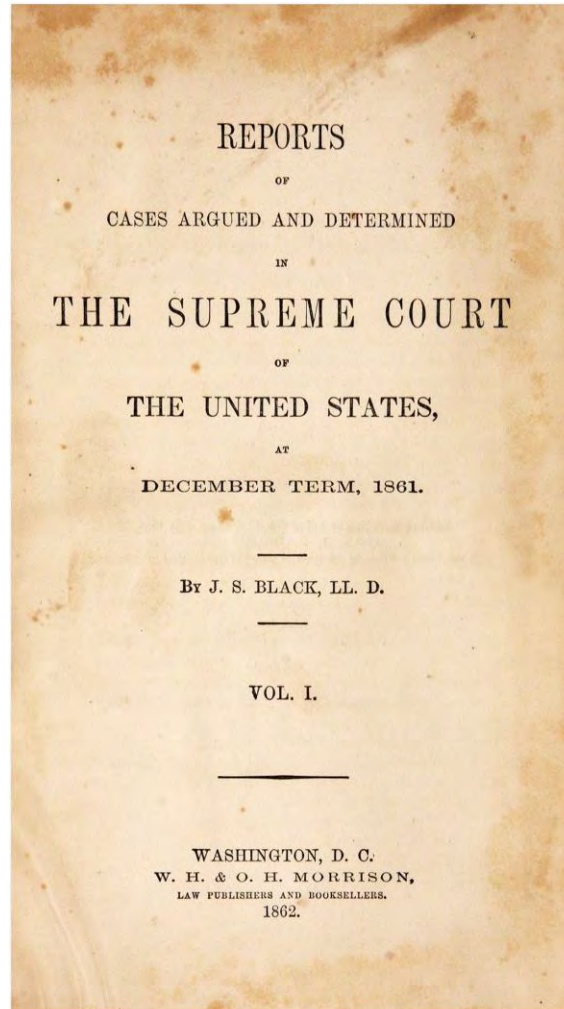
[Group Portrait of the Waite Court (1874-1888)]. Washington, DC: C.M. Bell, 1882.

15" x 20-1/2" albumen silver print mounted on illustration board with border and printed caption, tipped onto 27-1/2" x 24" mat. Light toning and soiling to board, a few tiny spots to image, some chipping to edges, upper corners lacking (not visible behind mat), clean crack near upper-right corner above image. \$1,000.

\* This was the fourth portrait taken of the Court. (The first was in 1867.) Morrison Waite was chief justice from 1874 to 1888. The associate justices pictured here are Samuel Blatchford, Joseph P. Bradley, Stephen J. Field, Horace Gray, John Marshall Harlan, Stanley Mathews, Samuel F. Miller and William Burnham Woods. The youngest member of a family of photographers based in Washington, DC, Charles Minton Bell was one of the capitol's leading portrait photographers during the last quarter of the nineteenth century.

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**First Edition of Black's Supreme Court Reports**

**25. [Supreme Court, United States].**

**Black, J[eremiah] S[ullivan] [1810-1883].**

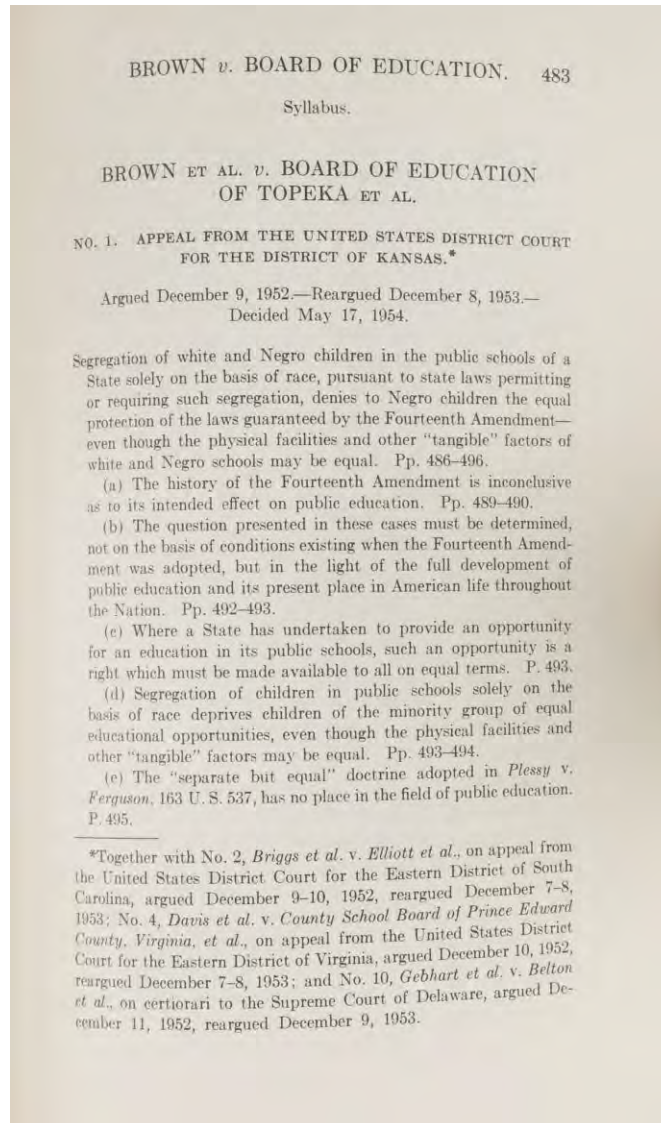
*Reports of Cases Argued and Determined in the Supreme Court of the United States, At December Term, 1861* [-1862]. Washington, DC: W.H. & O.H. Morrison, 1862-1863. Two volumes. Complete set. Octavo (9" x 6").

Later buckram, red and black lettering pieces to spines. Light shelfwear, some staining to bindings. Moderate toning to interior of Volume I, light foxing to its title page and a few following leaves, negligible light toning to interior of Volume II. \$450.

\* First edition. Later republished as Volumes 66 and 67 of *United States Reports*. Black was the sixth U.S. Supreme Court reporter. Although he only held this position for two terms, his work is held in high regard. According to Carl Swisher, his reporting is "far superior to either Peters or Howard, and...at least the equal of any of his predecessors."

Swisher, *History of the Supreme Court of the United States (Holmes Devise)* V:317. Cohen and O'Connor, *A Guide to the Early Reports of the Supreme Court of the United States* 193-194.

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### A Turning Point in the History of Civil Rights

#### 26. Supreme Court, United States.

##### [*Brown v. Board of Education of Topeka*].

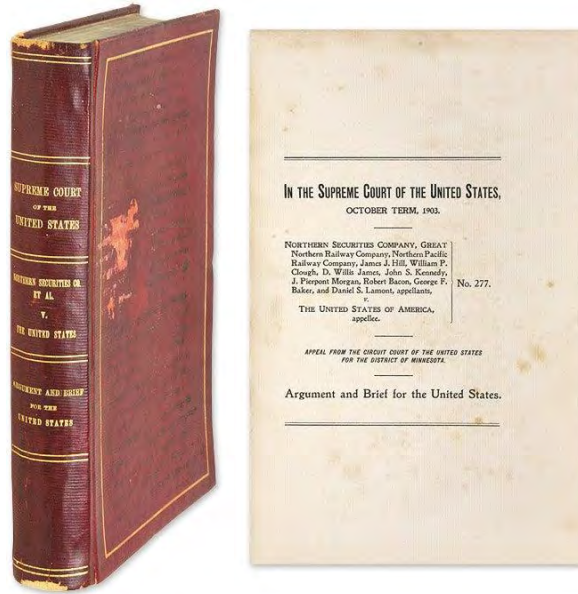
*United States Reports Volume 347: Cases Adjudged in the Supreme Court at October Term, 1953* [and] *Volume 349: Cases Adjudged...at October Term, 1954*. Washington: United States Government Printing Office, 1954-1955. Together two books.

Publisher's original tan buckram, red and black lettering pieces, blind frames. Volume 347 with slight buckle to spine and very light soiling at foot of spine, else very good copies. \$650.

\* First editions. These volumes contain the first printings of the Court's momentous decision *Brown et al. v. Board of Education of Topeka et al.*, popularly known as *Brown I* and *II*. *Brown I* (347 U.S. 483) is the famous opinion written by Earl Warren; *Brown II* (349 U.S. 294) outlined remedies. Several key phrases are underlined in both decisions, including "with all deliberate speed" in *Brown II*.

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**The Attorney General's Argument in a Landmark  
Antitrust Case That Had a Famous Dissent by Holmes**

**27. Supreme Court, United States.**

**[Knox, Philander (1853-1921)].**

**[Northern Securities Co. v. United States].**

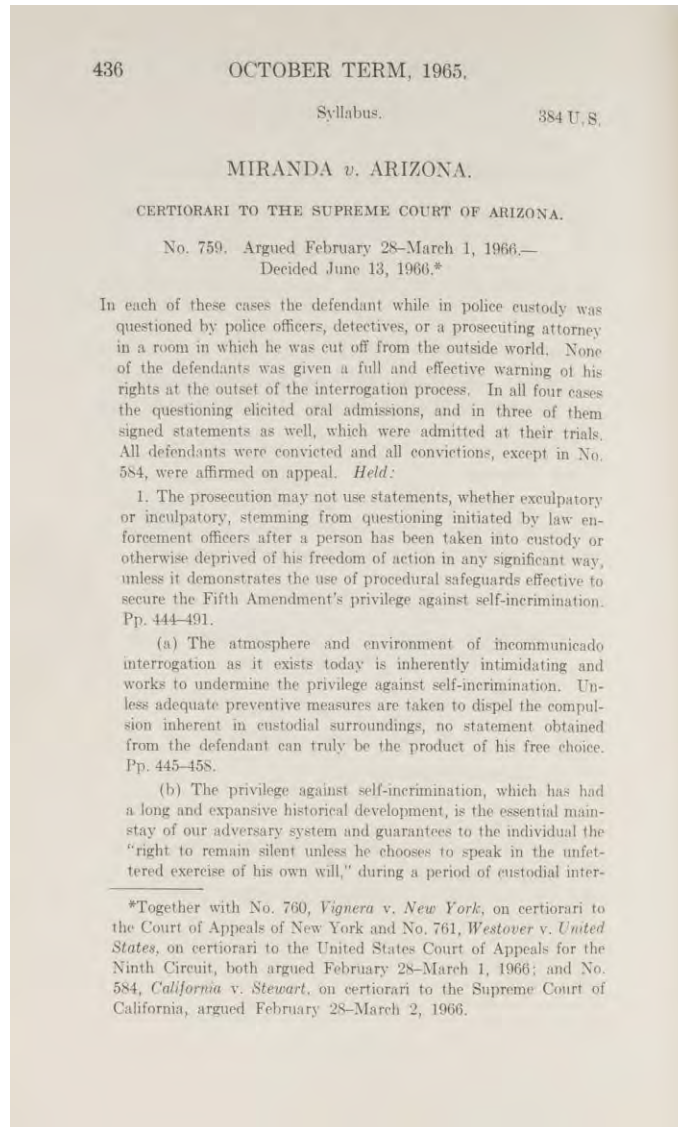
*In the Supreme Court of the United States, October Term, 1903. Northern Securities Company [et al.] v. United States of America, Appellee. Appeal for the Circuit Court of the United States for the District of Minnesota. Argument and Brief for the United States.* [Washington, DC: Government Printing Office, 1904]. [iv], 94; [ii], ii, 180 pp. Two parts preceded by general title page.

Contemporary morocco, gilt frames to boards, gilt title to spine, untrimmed edges. Moderate rubbing to extremities, with some wear to spine ends and corners, scuffing and light soiling to front board, which is slightly bowed, a few cracks to text block. Light toning to text, foxing in a few places, internally clean. \$950.

\* First edition. This volume, containing Attorney General Philander C. Knox's Supreme Court argument in the landmark Northern Securities Case, and the federal government's appeal of the case from the Circuit Court to the Supreme Court, was likely bound by Knox as a gift to a colleague or friend. Decided in 1904, the Northern Securities Case was a pivotal case in the legal history of the Progressive Era and the history of railroads in the American West. The Northern Securities Company was a powerful trust formed by J.P. Morgan and James G. Hill to control railroad trunk lines in the Northwest and into Chicago and stifle competition. President Roosevelt, seeing an opportunity to exert federal power against a business monopoly, instructed Knox to bring suit against the Northern Securities Company. Knox handled the case personally, writing the appeal from the decision of the Minnesota Circuit Court, and arguing the government's case before the U.S. Supreme Court. Invoking the Sherman Antitrust Act of 1890, Knox argued that The Northern Securities Company acted in restraint of trade. The Court's decision, on a 5-4 vote with Oliver Wendell Holmes and Chief Justice Melville Fuller dissenting, upheld the government's argument, affirming the constitutionality of the Sherman Antitrust Act.

This case is remembered today, in part, for the famous passage in Holmes's dissent: "Great cases like hard cases make bad law. For great cases are called great, not by reason of their real importance in shaping the law of the future, but because of some accident of immediate overwhelming interest which appeals to the feelings and distorts the judgment."

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**"You Have the Right to Remain Silent..."**

**28. Supreme Court, United States.**

**[Miranda v. Arizona].**

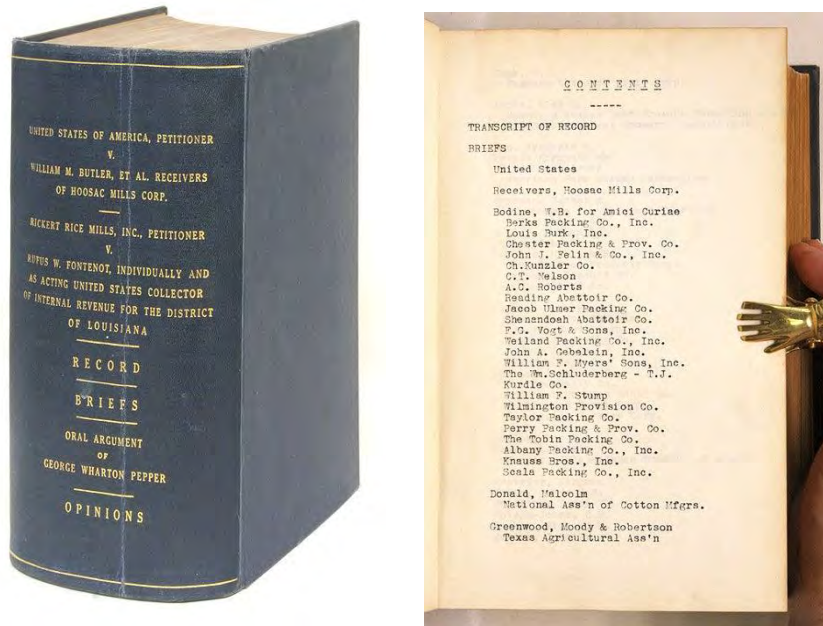
*Miranda v. Arizona, Certiorari to the Supreme Court of Arizona in United States Reports 384 (October Term 1965), pp. 536-543. Washington, DC: Government Printing Office, 1967.*

Publisher's original tan buckram, blind frames to boards, red and black lettering pieces to spine. Light shelfwear and soiling, faint vertical crease through center of spine, card pocket to front free endpaper, library stamp to front free endpaper, internally clean. \$250.

\* First edition. A landmark in the history of U.S. civil rights, this ruling held that the Fifth Amendment's right against self-incrimination requires law enforcement officials to advise suspects of their right to remain silent and to obtain an attorney during interrogations while in custody.

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**Documentary Record of Owens v. Butler, A Supreme Court Case that Invalidated an Important New Deal Program**

**29. Supreme Court, United States.**

**[Owens v. Butler].**

*United States of America, Petitioner V. William M Butler, Et Al. Receivers of Hoosac Mills Corp., Rickert Rice Mills, Inc., Petitioner V. Rufus W. Fontenot, Individually and as Acting United States Collector of Internal Revenue for the District of Louisiana. Record. Briefs. Oral Argument of George Wharton Pepper. Opinions* [spine title]. Washington, DC, 1935-1936. 19 items, various paginations. Folding tables.

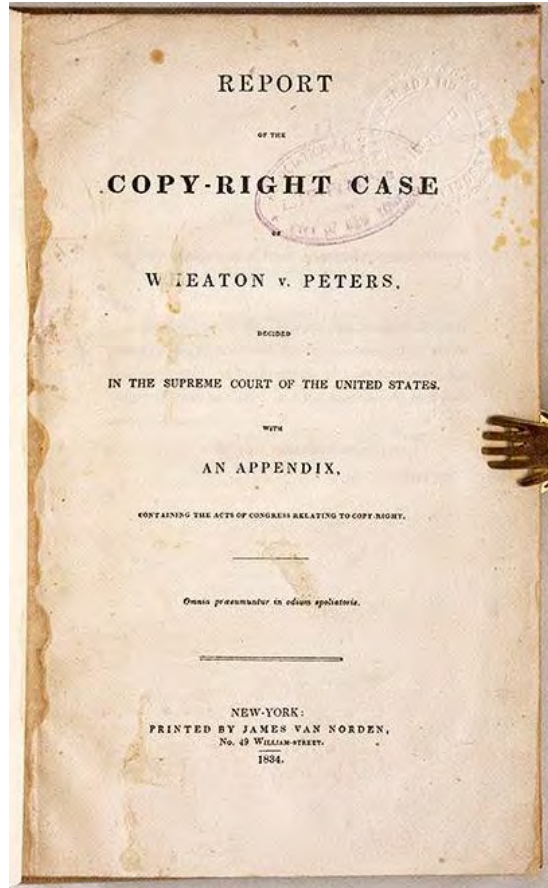
Pamphlets in wrappers bound in cloth, gilt title to spine, bound-in typewritten table of contents. Some rubbing to extremities with minor wear to corners, faint vertical crease through spine. Minor edgewear and a few tears to folding tables, internally clean. \$1,500.

\* Assembled by an unknown attorney or law clerk, the 19 items in this volume, a 2-part transcript, 15 briefs, an oral argument and the opinion of U.S. Supreme Court Justice Owen J. Roberts form a documentary record of Owens v. Butler [297 U.S. 1 (1936)] the case that brought about the demise of the Agricultural Adjustment Act of 1933.

Part of Roosevelt's New Deal, this was a Federal law that aimed to raise the value of crops by paying farmers and ranchers to reduce production. The money for these subsidies was generated through an exclusive tax on companies that processed farm products. This led to a series of seven suits by processors, who believed they were being taxed unfairly. The most important of these was Owens v. Butler. As framed by the plaintiff's lawyers, it asserted the right of a taxpayer to question the validity of a Federal tax. The Court decided in favor of Owens, ruling that the taxes instituted under the 1933 Agricultural Adjustment Act were unconstitutional under the Tenth Amendment.

As argued by Justice Roberts, the tax was not valid because it was established in conjunction with coercive contracts with proceeds earmarked for the benefit of farmers complying with the prescribed conditions. The court also held that the basic premise of the act, paying a farmer to produce less to manipulate prices, went beyond the powers of the national government. The issues raised by Owens v. Butler were addressed by the Agricultural Adjustment Act of 1938, which continued the farm subsidy program.

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### The First Supreme Court Ruling on Copyright

#### 30. [Supreme Court, United States]. [Wheaton et al v. Peters et al].

*Report of the Copy-Right Case of Wheaton v. Peters. Decided in the Supreme Court of the United States. With an Appendix, Containing the Acts of Congress Relating to Copy-Right.* New York: Printed by James Van Norden, 1834. 176 pp. Errata sheet tipped-in between pp. 136 and 137. Octavo (9-3/4" x 6-1/4").

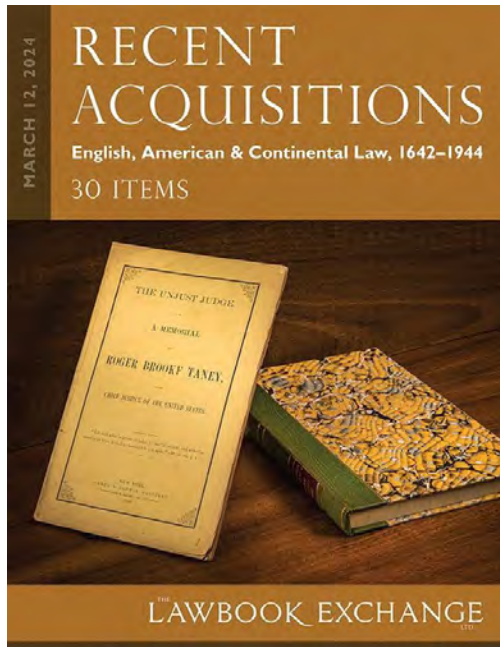
Later library cloth, red and black calf lettering pieces and paper location label to spine, endpapers renewed, hinges reinforced with cloth. Light soiling, a few chips to lettering pieces, crack in text block between front endleaf and title page. Moderate toning, light foxing to a few leaves, faint library stamps, one embossed, to title page, library markings to verso. \$250.

\* Only edition, one of two issues from 1834, the other published in Washington, DC. In this case, the first U.S. Supreme court ruling on copyright, Henry Wheaton, former reporter of the Supreme Court, sued Richard Peters, then the current reporter, for copyright infringement based on Peters's inclusion in his publication, *Condensed Reports*, of decisions originally reported by Wheaton. The decision of the court stated: "It may be proper to remark that the Court is unanimously of opinion that no reporter has or can have any copyright in the written opinions delivered by this Court, and that the judges thereof cannot confer on any reporter any such right."

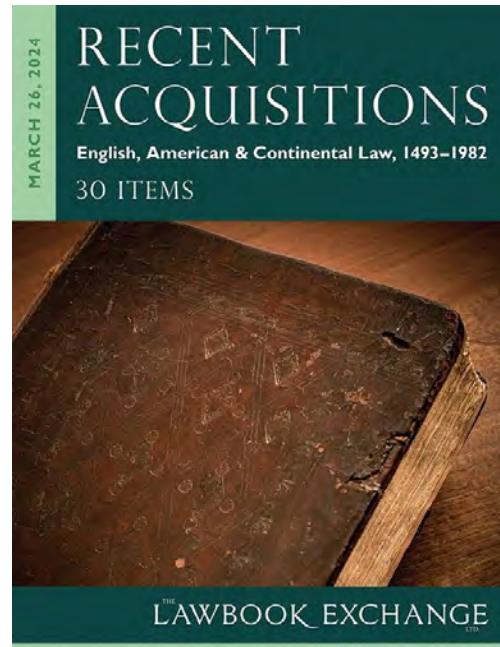
Cohen, *Bibliography of Early American Law* 11538.

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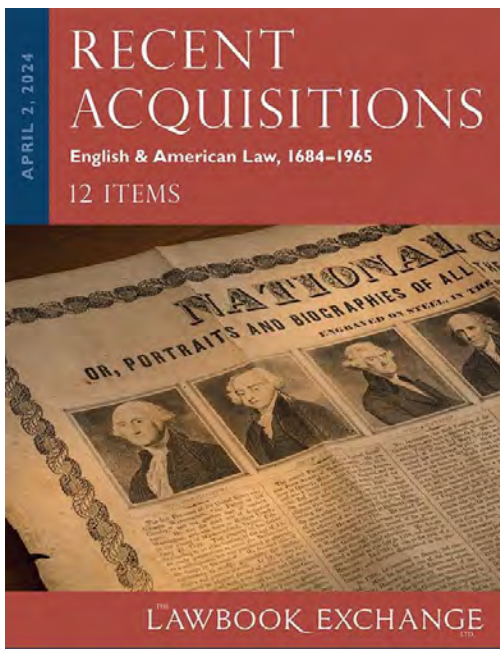
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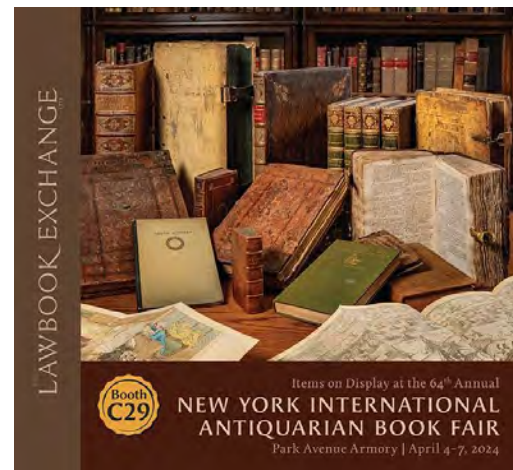
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