

A Guide to the Microfilm Edition of

**Federal Bureau of Investigation
Confidential Files**

**THE U.S. SUPREME COURT
AND
FEDERAL JUDGES SUBJECT FILES**

UNIVERSITY PUBLICATIONS OF AMERICA

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FEDERAL JUDGES SUBJECT FILES**

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INTRODUCTION

U.S. Supreme Court

From 1932 until at least 1985, the Federal Bureau of Investigation (FBI) maintained a “miscellaneous file” entitled United States Supreme Court (62-27585) at its Washington headquarters. The 2,076-page file is a compendium of information ranging from suspicions about possible Communist influence on the Court during the cold war and the use of court employees as FBI sources of information to clippings from newspapers and from the *Congressional Record* relating to the High Court. This file memorializes the FBI’s relationship with and changing attitude toward the Court during a fifty-three-year period.

Not all records from this file were released. Some documents were claimed as exempt under 5 U.S.C. 552(b)(1) as classified to protect U.S. national defense or foreign policy. The majority of the redactions were based upon claims of privacy, either citing the law enforcement exemption (b)(7)(c) or exemption (b)(6). “[A]pproximately 65 percent of the material released” from this file is “public source type material, that is, newspaper articles, magazine articles, pamphlets, excerpts from the *Congressional Record* and press releases.”¹ A few of these documents contain handwritten comments made by former Director J. Edgar Hoover or other FBI officials. The balance of the file contains “a collection of administrative, personnel and investigative matters”² that concern the Supreme Court. Included are FBI memos about policy, memos about providing personal favors to select justices and their wives, FBI file checks on prospective court employees, and, in the post-Hoover era, legal research conducted by bureau employees about Supreme Court rulings of interest to law enforcement.

The FBI’s “catch-all” file on the Supreme Court reflects the politicization of the FBI under Director Hoover. During the late 1950s, the FBI had become increasingly concerned about Supreme Court decisions in the internal security field. This concern is reflected in Director Hoover’s hand-written comments on one 1957 article entitled “FBI Anti-Red Efforts Hit Hard by Court.” Hoover wrote, “An excellent round-up of U.S.S.C. plague of decision thru [*sic*] June 10.” Beside another column suggesting that Supreme Court justices be elected, Hoover scribbled, “Not a bad idea at least the courts wouldn’t get any worse type than are on the bench now thru [*sic*] Presidential appointment.”

After receiving an allegation in 1957 about a “ring of left-wing law clerks” at the Court, the FBI checked its files for subversive references on all law clerks at the Supreme Court and the U.S. Circuit Court of Appeals for the District of Columbia. Other allegations were received from various individuals, including a man alleged to be psychotic, as well as information from a sitting federal judge. Yet the file showed one law clerk in 1956 offered his salary “for the benefit of the widows and children of

Special Agents.” And though the law clerks came under suspicion in 1957, three high-level court employees served as FBI sources of information during Supreme Court proceedings in the Julius and Ethel Rosenberg atomic spy cases four years earlier.

The chief of the Supreme Court police, Captain Philip H. Crook, was described in a 1953 memo as having “furnished immediately all information heard by his men stationed throughout the Supreme Court building. He kept Special Agents advised of the arrival and departure of persons having important roles in this [Rosenberg] case.” Similarly, a bureau memo records that Harold B. Willey, the clerk of the Supreme Court, made suggestions to agents as to the best places to be in order to “know at once what action individual judges, or the Court as a whole, was taking. They also advised as soon as legally possible any action contemplated by the defense attorneys.” Also “[d]uring these actions before [the] Court [in the Rosenberg cases], T. Perry Lippitt,” the marshal of the Court, “made arrangements for Special Agents to be so placed in the courtroom in order that they could be available to phones in his office and have freedom of entering and leaving the courtroom at any time.”

A few days after the execution of the Rosenbergs, an FBI memo recommends that Clerk Willey, Marshal Lippitt, and Captain Crook be sent “a letter of appreciation for their wholehearted cooperation in this case.” A month later, Willey received a “very special” tour of FBI headquarters and, at his retirement in 1956, received a letter from Director Hoover expressing his “deepest appreciation for your many services to the Bureau during your distinguished career as Clerk of the United States Supreme Court.”

The subject file entitled Supreme Court includes some memos from Hoover to his assistants about some of the Court’s well-known decisions. One memo discusses the 1966 *Miranda v. Arizona*³ ruling requiring state police officers, prior to interrogation, to advise persons in custody of their Fifth Amendment right to remain silent and Sixth Amendment right to counsel. According to the file, Senator Robert C. Byrd of West Virginia called Hoover and asked if the FBI “could prepare a little speech” about the *Miranda* decision for him to read on the Senate floor. Hoover discussed the ramifications of the *Miranda* decision and told Senator Byrd that such a speech could be prepared.

In 1969, Director Hoover discussed with President Richard M. Nixon the need for a more conservative Supreme Court. Hoover told the president that he would shortly have the opportunity to appoint four justices. “[Justice] Harlan is deaf and can’t hear anything and is planning to retire and, of course [Chief Justice Earl] Warren will be going off and [Justice Hugo] Black’s health is getting worse.... [Justice William] Douglas, of course, is not in too good health.... [T]hat makes Harlan, Douglas, Black and Warren.”

It is apparent from this FBI file that the bureau’s relationship with the chief justice had changed from the coolness of the waning years of the Earl Warren Court to a very cordial relationship with Chief Justice Warren Burger in the 1970s. After Hoover’s death in 1972, the Supreme Court appeared to increase its reliance on the FBI for a variety of security-related assistance.

One of the last nonpublic source records in the file is a favor done for Chief Justice Burger during the directorship of William Webster. In August 1985 a teletype

concerning a “liaison matter” was sent from the FBI legal attaché in London to the “Liaison Unit” at FBI headquarters. During a trip to England for an American Bar Association meeting, Chief Justice Burger had selected two carpets from P & O Carpets, London, for use at the Supreme Court. The legal attaché “was asked to expedite delivery.”

The FBI file called Supreme Court came to light in a circuitous and peculiar manner. In response to a Freedom of Information Act (FOIA) request in 1984 for records concerning the Supreme Court as a body, the FBI wrote to the requester that it had failed to locate any responsive records.⁴ (FBI employees had in fact located a number of records concerning the Supreme Court, including a document about Supreme Court law clerks⁵ and an investigation called “Leaks to Newspapers United States Supreme Court.”⁶ After these documents were located, the FOIA requester was granted a partial fee waiver for copying costs by the bureau fee waiver committee.⁷) The requester subsequently asked for the Freedom of Information-Privacy Act file in which the FBI had placed all records concerning his requests for information. In this file the requester located the search slip listing the serial numbers of records that the FBI had located in 1984 in response to his original request for documents about the High Court. These records were then requested by their file number. It was after this request, in 1987, that the FBI located the 2,000-page file titled Supreme Court. The bulk of the Supreme Court file was released during the summer of 1988, six months after litigation was instituted in federal court for the release of the records.

In addition to headquarter’s file (referred to within the bureau as a “bufile”) 62-27585, the FBI maintained 857 pages of other records pertaining to “17 cases” where the Supreme Court was the victim in extortion matters⁸ of which 674 pages were released.⁹ One of these was bufile 157-8703, which is a 429-page file concerning a Ku Klux Klan plot to bomb the Supreme Court. One hundred thirty-nine pages were released from this file.

The FBI maintained fourteen other “main” files concerning the Supreme Court. Bufile 1-2475 consists of a one-page request dated July 9, 1941, for information from the Supreme Court police guard about the FBI National Police Academy. Bufile 52-91496 is a thirteen-page investigation of a fire at the Supreme Court during 1969. Bufile 62-2550 consists of eight pages about a 1922 investigation conducted after the Supreme Court received a letter considered threatening.

According to the FBI, the “62” classification—the number used before the hyphen in a bureau file number such as 62-2550—is assigned to files that are a “catch-all” for

various types of administrative, sensitive, personnel or investigative matters [that] could be filed and retained for future use. These matters generally did not meet the criteria as stated in federal statutes or administrative guidelines. The majority of these “62” files were compiled when the FBI’s jurisdiction was limited to a few criminal violations, i.e., kidnapping, the Mann Act, illegal gambling activities and stolen cars. Following World War II the FBI’s jurisdiction expanded.... The late FBI Director J. Edgar Hoover sometimes rendered assistance to federal Government officials, including Supreme Court Justices. Some of the inquiries and their results as requested by these officials have been maintained in the “62” classification....¹⁰

Bufile 62-9180 comprises seven pages and concerns the “transfer of duty by the FBI of guarding the United States Supreme Court Justices to the United States Marshal’s

Office" in 1924.¹¹ Bufile 62-22612 comprises five pages and is a "pamphlet and a listing of cases to be heard before the" Supreme Court. Bufile 62-36032 consists of two pages pertaining "to a [1935] request by the U.S. Marshal's Office to have three undercover FBI agents assigned to the...Supreme Court following the picketing of the Supreme Court by Communists."¹²

Bufile 62-24764, four pages in length, pertains to a Supreme Court decision that was forwarded to an assistant U.S. attorney. Bufile 62-28297, consisting of three pages, "pertains to an inquiry for material 'on the subject of Supreme Court cases dealing with the status of territory acquired from Spain.'"¹³ Bufile 62-38574, one page in length, reports that the High Court had been "inundated with protest letters in response to the Supreme Court's refusal to review a case."¹⁴

Eleven-page bufile 62-43184 concerns an anonymous letter to a U.S. senator regarding the Supreme Court. According to the FBI, "[i]f the author of the letter had been identified, prosecution would have been considered."¹⁵ Bufile 62-303647 is a thirteen-page file pertaining to two decisions of the Supreme Court. Bufile 62-46240, totaling 137 pages, was opened in 1936 and closed in 1937. "This file was initiated at the request of the United States Supreme Court regarding the alleged attempt to sell advance opinions of the Supreme Court." The FBI conducted an investigation, and "several subjects were identified" and were terminated from employment at the Court.¹⁶

In addition, thirteen "main file equivalents" identifiable to the Supreme Court were located by the FBI. "A 'main file equivalent' is a combination of a 'main' file and a 'see' reference [and they] are placed in a general file wherein different subjects have been investigated for the same area of Federal violations or general topic."¹⁷ The main file equivalents included in this collection are: 65-0-376; 6-0-41X3; 6-0-8457, 8459, 8460, 8463, and 8464; 100-0-31668 and A (3/1/61); 63-0-26873; 52-0-13694 and 9-0-126683 and 27132. The records contain a total of twenty-nine pages and concern FBI agents seeking admission to practice before the Supreme Court, general correspondence, newspaper clippings, an unsolved theft of court equipment, and an anonymous letter received at the Court.

Also included in this collection are records referred to by the FBI as "see references." A "see reference" is a cross reference to the Supreme Court in another subject file.

No electronic surveillance records are included in this collection,¹⁸ as the FBI reported that its search of the headquarter's Electronic Surveillances (ELSUR) indices "revealed no record regarding the Supreme Court."¹⁹ The ELSUR indices are a separate system of index cards on individuals who have been the subject of microphone or telephone surveillance by the bureau at any time from 1960 to the present.²⁰

This index includes individuals who were the 1) targets of direct surveillance, 2) participants in monitored conversations, and 3) owners, lessors, or licensors of the premises where the FBI conducted the ELSUR.... The index cards also include names of persons mentioned in conversations monitored between 1960 and 1969."²¹

Federal Judges

In addition to its subject file on the High Court, the FBI maintained a file called Federal Judges (bufile 62-53025) of which 3,898 pages out of 5,174 total pages were released.²² Claims of exemption for the unreleased records cited 5 U.S.C. 552(b)(1), (b)(2), (b)(3), (b)(5), (b)(7)(C), (b)(7)(D), and (b)(7)(E). The file was opened in 1939, and the last document in the file is dated 1989. The Federal Judges file was begun after allegations were made about corruption in the judiciary. Attorney General Frank Murphy had apparently ordered Director J. Edgar Hoover to check FBI files for derogatory references to any member of the federal judiciary. Later that year, all the FBI field offices were ordered to send information to headquarters concerning the physical and mental “capabilities” of all federal judges. About half of the twenty-eight volumes of records from this file contain FBI summaries about those federal judges sitting on the bench in 1939.

For judges nominated after 1930, the bureau had done background investigations. (This practice did not begin in earnest for Supreme Court justices until 1953.) Political and personal information was placed in the file as well. This included information about whether the judge was a friend or foe of the FBI. For example, Federal Judge Matthew M. Joyce was said to be “one of the fairest and most sincere” with whom the agent had come in contact. “Joyce is one of the friendliest of judges to the FBI. [H]e seems to have a high degree of confidence in the agents, often calling me to his chambers for information on a specific point. [J]udge Joyce is eminently qualified and eminently satisfactory.” The bureau also critiqued judges’ sentencing trends, their sense of humor, and their views about Hoover.

Another example of how this file served a political function involves a man who later would become chief justice of the Supreme Court. In 1955 Warren Burger was a U.S. assistant attorney general, fourteen years away from being chief justice. According to an FBI memo, Burger was preparing for oral argument before the High Court in the case of *Peters v. Hobby*,²³ which concerned anonymous informers relied upon by the government Loyalty Review Board in proceedings against government employees. Burger wanted to impress upon the Court the importance of confidential sources. He asked “if [the FBI] had ever interviewed a Supreme Court Justice who had furnished...information in confidence.” In a follow-up memo, Assistant FBI Director Louis Nichols recalled that one justice had “furnished information to [him] in confidence.” Hoover and Nichols named a few other such judges. Hoover agreed that top bureau officials would be polled about information received from justices, and this was to be given to Burger. In spite of his unusual method of preparing for oral argument, the Court ruled against Burger.

Three years later, Burger, then a federal appeals judge, had his name placed in the top spot on an FBI list of eighteen “outstanding judges.” The list had apparently been culled from the bureau’s file on federal judges at the request of Hoover. The list was used to select pro-FBI emissaries at public events and judicial conferences and apparently served as a list of judges worthy of being nominated to the High Court as well.

Federal Judge Potter Stewart was the next Supreme Court nominee in 1958, less than six months after the bureau’s judicial list was compiled. Fellow Ohioan, Federal Judge

John H. Druffel was ranked as a top jurist on the list. Druffel had served as an unpaid informer for the FBI in its investigation of a “left-wing ring” of law clerks at the High Court the previous year.

The FBI’s file on the federal judiciary, like its reports based on background investigations of judicial nominees, had always reflected political realities of the day. During Prohibition, for example, Hoover ordered his men to make a “discreet very thorough investigation” about the qualifications of a number of men for a federal circuit court judgeship, including whether the applicants drank alcohol or otherwise opposed the Eighteenth Amendment.

In 1965 the Justice Department sent a memo to the FBI requiring that all background investigations for federal judges include information about the prospective nominee’s position on civil rights matters. Black leaders were to be sought out for their comments on the nominee in order that President Johnson might avoid criticism later.

The file on federal judges also shows that the FBI engaged in improper contacts with trial judges about pending cases. In 1968 a federal judge wrote to Hoover:

Recently, I...completed the trial of a case involving...organized crime and I am now presiding in a somewhat similar case. [T]here have been a few occasions when I felt I needed to know some collateral information to assist me in the progress of the case, and I thought it suitable to tell you that I have had the usual splendid cooperation of [your] staff. You may be sure I appreciate the ability to avail myself of these services when required.

This federal judge was described as a “firm supporter and good friend of the FBI.”

In more recent years, the overwhelming majority of the documents in the bureau’s Federal Judges file consist of statistics on judicial vacancies and FBI prosecutions. Occasionally there are records concerning bureau public relations-type activities with judges. The last document released from this file is dated July 15, 1989, and it shows an opening for a court of appeals judge on the first circuit—the same court that Supreme Court Justice David Souter had joined in 1990.

The two FBI subject files, Supreme Court and Federal Judges, offer important insights into the bureau’s changing relationship with the federal judiciary, but neither is a complete record. In order to view the full range of information that the FBI had maintained about the Supreme Court and the lower federal courts, one would have to review every file pertaining to justices and to judges and every reference to them in the files of third parties.

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¹ Declaration of Special Agent Angus B. Llewellyn, p. 28, *Charns v. U.S. Dept. of Justice*, U.S. District Court, Middle District, North Carolina, C-88-175-D (hereafter cited as *Charns I*).

² *Id.*, p. 26.

³ 384 U.S. 436 (1966).

⁴ January 25, 1990 Order of Fed. Magistrate Russell A. Eliason, *Charns I*, p. 24; Tony Mauro, “Striking Gold with the FOIA. How FBI’s Court Files Came to Light,” *Legal Times* Sept. 12, 1988, p. 6.

⁵ 62-27585-74.

⁶ Bufile 62-116144, the “Leaks to Newspapers, U.S. SC” file, is included in this collection.

⁷ January 25, 1990 Order in *Charns I*, p. 25.

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- ⁸ Extortion cases are given the bufile prefix "9," which is the classification number.
- ⁹ Declaration of Special Agent Llewellyn, pp. 19–20, *Charns I*.
- ¹⁰ *Id.*, pp. 21–22.
- ¹¹ *Id.*, pp. 22–23.
- ¹² *Id.*, p. 23.
- ¹³ *Id.*, p. 24.
- ¹⁴ *Id.*
- ¹⁵ *Id.*, p. 25.
- ¹⁶ *Id.*, p. 26.
- ¹⁷ Declaration of Special Agent Llewellyn, p. 30, *Charns I*.
- ¹⁸ Justices of the SC have been inadvertently recorded in wiretapped conversations by the FBI. Athan G. Theoharis and John S. Cox, *The Boss* (Temple Univ. Press, 1988), p. 245; Alexander Charns, "How the FBI Spied on the High Court," *The Washington Post*, 3 December 1989, C1. Wiretaps installed prior to 1960 are not included in the ELSUR indices.
- ¹⁹ Second Declaration of Special Agent Llewellyn, p. 10, *Charns I*.
- ²⁰ *Id.*, p. 9.
- ²¹ *Id.*
- ²² These records were released in *Charns v. U.S. Dept. of Justice*, U.S. Middle District of North Carolina, C-89-208-D.
- ²³ 349 U.S. 331 (1955). Warren E. Burger, Asst. Atty. Gen., is the only government attorney listed for the respondent.

NOTE ON SOURCES

The *U.S. Supreme Court and Federal Judges Subject Files* has been filmed in its entirety as released by the FBI through the Freedom of Information Act. The originals are now in the FBI Central Files in the FBI Headquarters, Washington, D.C.

ABBREVIATIONS

The following abbreviations are used throughout this guide and are spelled out here for the convenience of the researcher.

FBI	Federal Bureau of Investigation
H. J. Res.	House Joint Resolution
H. R.	House Resolution
P. L. 87-36	Public Law, 87th Congress, Enrolled Number
S.	Senate bill

EXPLANATION OF EXEMPTIONS

The Freedom of Information Act (FOIA), under which these documents were requested, processed, and released, allows the FBI and other federal agencies to delete and withhold a variety of types of information. These exemptions—listed below and on the following page—authorize the Bureau to withhold any classified information (exemption [b] [1]), any material “related solely to the internal rules and practices of the FBI,” such as informant coding symbols ([b] [2]), any records that would invade someone’s personal privacy, for instance, by discussing their sexual habits ([b] [7] [C]), or material that would “reveal the identity of a confidential source or reveal confidential information furnished only by the confidential source” ([b] [7] [D]), among others. Whichever exemption or exemptions the FBI is claiming in withholding a certain passage or document is cited as such in the margin of a partially released document or on the top line of the “deleted page” sheets, which are inserted when a single page or entire document is withheld. Deleted page sheets also appear in place of referral documents, memos prepared by agencies other than the FBI and which the FBI forwarded to the originating agency for separate (and subsequent) FOIA processing.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b) (1) information which is currently and properly classified pursuant to Executive Order 12356 in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods
- (b) (2) materials related solely to the internal rules and practices of the FBI
- (b) (3) information specifically exempted from disclosure by statute (see continuation page)
- (b) (4) privileged or confidential information obtained from a person, usually involving commercial or financial matters
- (b) (5) inter-agency or intra-agency documents which are not available through discovery proceedings during litigation; documents, the disclosure of which would have an inhibitive effect upon the development of policy and administrative direction; or documents which represent the work product of an attorney-client relationship
- (b) (6) materials contained in sensitive records such as personnel or medical files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy
- (b) (7) investigatory records compiled for law enforcement purposes, the disclosure of which would:
(A) interfere with law enforcement proceedings; (B) deprive a person of the right to a fair trial or an impartial adjudication, or give one party of a controversy an undue advantage by exclusive access to such information; (C) constitute an unwarranted invasion of the personal privacy of another person; (D) reveal the identity of a confidential source or reveal confidential information furnished only by the confidential source; (E) disclose investigative techniques and procedures, thereby impairing their future effectiveness; and (F) endanger the life or physical safety of law enforcement personnel
- (b) (8) information collected by Government regulatory agencies from financial institutions
- (b) (9) geological and geophysical information, including maps, produced by private companies and filed by them with Government agencies.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d) (5) information compiled in reasonable anticipation of a civil action proceeding**
- (j) (2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals, except records of arrest**
- (k) (1) information which is currently and properly classified pursuant to Executive Order 12356 in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods**
- (k) (2) investigatory material compiled for law enforcement purposes, other than criminal, which would reveal the identity of an individual who has furnished information pursuant to a promise that his identity would be held in confidence**
- (k) (3) material maintained in connection with providing protective service to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056**
- (k) (4) required by statute to be maintained and used solely as statistical records**
- (k) (5) investigatory material compiled solely for the purpose of determining suitability eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his identity would be held in confidence**
- (k) (6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process**
- (k) (7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his identity would be held in confidence.**

4-694a (Rev. 5-26-83)

HOW TO CITE FBI RECORDS

Citations of FBI records should give the reader sufficient information to access the same material if desired. Although FBI files contain many different types of records, the following examples should suffice for most of them. They should include document type, "sender" to "recipient," date, caption/subject, headquarters or field office city, and classification-file number-subfile (if applicable)-serial number.

Example: memo, SAC [Special Agent in Charge], Boston to Director, FBI, 12/10/50, WILLIAM JONES, JOHN SMITH-VICTIM, Bureau File 7-xxxx-124.

Example: letter, SAC, Atlanta to Chief of Police, Atlanta, 1976 TRAINING SCHEDULE, 1-xxxx-124.

The types of documents usually found in FBI files are as follows:

- (1) Letters: A communication sent from FBIHQ to a field office, from a field office to FBIHQ, from one field office to another or from either FBIHQ or a field office to any outside agency or person.
- (2) Memorandum: A communication (on FBI memorandum paper) to the Attorney General and other departmental officials; from one official to another at FBIHQ, or from one employee to another within a field territory. It is also applicable to the omnibus types, such as memoranda to all SACs.
- (3) Letterhead Memorandum (LHM): A memorandum on letterhead stationery; it should normally require a cover communication for transmittal.
- (4) Report: A written document containing the results of an investigation. It is almost always prepared in a field office.
- (5) Cover Page: The page(s) containing administrative data, leads and informant evaluations not found in LHMs or reports. Cover page(s) are not disseminated outside the FBI.
- (6) Teletype: A communication transmitted by machine.
- (7) Airtel: An intra-FBI communication with highest priority of those sent through the mail. Originally conceived as a teletype sent via airmail, it may be in teletype phraseology.

REEL INDEX

Entries in this index refer to specific files within the *U.S. Supreme Court and Federal Judges Subject Files*. The files in the U.S. Supreme Court Subject File are arranged by bureau file number and type of file. The U.S. Supreme Court Subject File consists of chronological files, Extortion Files, Main Files, Main File Equivalents, and a Sampling of Cross References or "See References." The first portion of this file, the chronological files, is arranged by bureau file designation, followed by part number. Parts 1 and 2 and the first 195 pages of Part 3 are arranged in chronological order and reflect the FBI's interest, investigations, criticisms, and support of the U.S. Supreme Court. The remainder of Part 3 and Parts 4 and 5 consist of news clippings, news/wire service reports, press statements, and radio/television broadcast reports and excerpts. The Extortion Files, Main Files, Main File Equivalents, and a Sampling of Cross References or "See References" are described in detail in the Introduction. Inclusive dates for the chronological files and other descriptive headings are centered under the U.S. Supreme Court Subject File heading.

The Federal Judges Subject File is arranged by bureau file number, followed by section number or description. There are twenty-two sections comprising chronological files and sections consisting of press clippings/news service reports, Justice Department documents, Securities and Exchange Commission documents, and "not recorded" documents. Again, inclusive dates for the chronological files and other descriptive headings are centered under the Federal Judges Subject File heading.

The documents within the individual files are arranged generally in chronological order; exceptions are noted by the bracketed statement [documents out of chronological order] following the file's page count. Investigative cases are denoted by the individual or organization being investigated and a lower case "c" in the word case, for example Archibald McNeil case. These cases may not have developed into legal cases.

In the interest of accessing material within files, this index denotes major issues, investigative and legal cases, prominent individuals and organizations, and key policy matters under the category *Major Topics*. The four-digit number on the far left is the frame number where the documents for a particular file begin.

Reel 1

Frame No.

0001 Introduction. 15pp.

U.S. Supreme Court Subject File September 1932--April 1970

0016 Bureau File 62-27585, Part 1. September 1932--September 1958. 437pp.
Major Topics: Court security; nomination of Hugo Black; memorial speeches regarding Louis Brandeis; *Pendergast v. U.S.*; annual meetings of the U.S. Judicial Conference; administration of justice; H.R. 5824; Julius and Ethel Rosenberg Espionage Case; admissibility of confessions in state and local cases; training of court police force; left-wing law clerks investigations; press, congressional, and FBI comments on 1957 rulings limiting anti-subversive laws and rulings on anti-Communist cases; S. 2646 on appellate jurisdiction; analyses of 1957 rulings; Jencks Case; congressional, press, and public criticism of Warren Court.

Frame No.

- 0453 Bureau File 62-27585, Part 2. September 1958–April 1970. 571pp.
Major Topics: Comments on cases relating to Communists and subversives; threats to justices; congressional, press, and public criticism of Warren Court; name checks of staff and court police force; American Bar Association activities; Tadlock Survey of Supreme Court; notification of appeals in FBI cases; John Patrick Henry Case; H.R. 756 on appellate jurisdiction; training of court police force; protest and hate mail; civil rights; Hoffa Case; admissibility of confessions in state and local cases; *Escobedo v. Illinois*; *Miranda v. Arizona*; H.R. 146 on qualifications to be a justice; 1968 appointments; alleged impotence of Subversive Activities Control Act and Internal Security Act; Safe Streets and Crime Control Act; North Carolina General Assembly petition seeking redress of usurpation of powers by Supreme Court; *Offutt v. U.S.* regarding contempt; *Illinois v. Allen* regarding court procedure.

Reel 2

U.S. Supreme Court Subject File cont. [December 1969] March 1970–October 1985

- 0001 Bureau File 62-27585, Part 3. [December 1969] March 1970–October 1985. 195pp.
Major Topics: Security and bomb threats; death penalty for airplane hijackers; name checks and applicant investigations; school busing issue; protest mail; Supreme Court nominations; rules for handling appeals and *Writs of Certiorari* filed in U.S. Supreme Court; dismissal of court employees and right to due process; Miranda rights and custodial interrogation; obligatory appellate jurisdiction; H.R. 6204 on security; computer risk analysis; 1984–1985 term; wiretapping and electronic surveillance.

c.1940–November 1972

Press Clippings, News Service, Radio, and Television Reports

- 0196 Bureau File 62-27585 [-A], Part 3. c.1940–June 1957. 256pp.
Major Topics: Criminal procedure in federal courts; labor cases; Charles Evans Hughes; support of Roosevelt administration's foreign policy; Louis Brandeis; citizenship cases; German Saboteurs Case; nominations; sedition cases; Jehovah's Witnesses Case; draft evasion and objector cases; Texas Negro Vote Case; Harry Bridges Case; *Amerasia* Case; civil rights and integration decisions; internal security issue cases; Communist cases; Senate Internal Security Subcommittee activities; restrictions on congressional investigatory powers.
- 0452 Bureau File 62-27585 [-A], Part 4. June 1957–May 1958. 370pp.
Major Topics: "Safeguarding" civil liberties decisions; congressional criticism of Warren Court; restrictions on congressional investigatory powers; opening of confidential files for defendants and Jencks Case; Communist cases; admissibility of confessions; "legislative actions" of Supreme Court; obscenity issue; labor; civil rights; states judicial rights; Jenner Bill (S. 2646); Senate Internal Security Subcommittee activities; Mallory Rule on criminal procedure; Yates Case.
- 0822 Bureau File 62-27585 [-A], Part 5. June 1958–November 1972. 284pp.
Major Topics: States judicial rights; Jenner-Butler Bill; Communist threat issue; passports issue; H.R. 3; school integration; Eisenhower administration appointments; 1958–1959 term; American Bar Association criticism; citizenship issue; individual rights issue; internal security and subversive threat; civil rights demonstrations; national court of appeals proposal.

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U.S. Supreme Court Subject File cont. Extortion Files

- 0001 Bureau File 157-8703. November 18, 1968–June 1971. 166pp.
Major Topics: Ku Klux Klan bomb plot; Cleveland Field Office investigation; federal grand jury hearings; Donald Robert Heath.
- 0167 Bureau File 174-8740. April 1980–May 1980. 11pp.
Major Topics: Bomb threat; Los Angeles Field Office investigation.
- 0178 Bureau Files 9-26223 thru 9-39730. May 1954–March 1962. 132pp.
Major Topics: Extortion threats; investigations in: Harlan, Kentucky; Suffolk, Virginia; Oklahoma City, Oklahoma; and Clarksdale, Mississippi.
- 0310 Bureau Files 9-43207 thru 9-51206. January 1965–September 1972. 173pp.
Major Topics: Extortion threats; investigations in: Los Angeles, California; San Antonio, Texas; Carlsbad, New Mexico; Farmingdale, New York; Bishopville, South Carolina; and Chicago, Illinois; threats against Edward Kennedy and Chicago, Illinois investigation.
- 0484 Bureau Files 9-52085 thru 9-66757. December 1970–December 1982. 283pp.
Major Topics: Extortion threats; investigations in: Pittsburgh, Pennsylvania; Brushton, Pennsylvania; Alexandria, Virginia; Selmer, Tennessee; St. Louis, Missouri; New York City, New York; and Prince Georges County, Maryland.

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U.S. Supreme Court Subject File cont. Main Files

- 0001 Bureau File 1-2475. July 9, 1941. 1p.
- 0002 Bureau File 52-91496. June–July 1969. 13pp.
Major Topic: Supreme Court building fire investigation.
- 0015 Bureau File 62-2550. June–July 1922. 8pp.
Major Topic: Threat investigation in Manchester, New York.
- 0023 Bureau File 62-9180. July and October 1924. 7pp.
Major Topic: Transfer of protection duties to U.S. Marshal's Office.
- 0030 Bureau File 62-22612. Undated. 5pp.
Major Topic: 1928–1929 term list of cases.
- 0035 Bureau File 62-36032. June 1935. 2pp.
Major Topic: Protection of justices.
- 0037 Bureau File 62-24764. January 1931. 4pp.
Major Topic: *U.S. v. Edward Benz.*
- 0041 Bureau File 62-28297. February 1933. 3pp.
- 0044 Bureau File 62-28564. April and August 1933. 9pp.
Major Topic: Interpretation of *U.S. v. Darby* case involving false entries in books and reports of national banks.
- 0053 Bureau File 62-38574. October 1935. 1p.
Major Topic: Receipt of protest letters.
- 0054 Bureau File 62-43184 [62-38715]. May 1936. 11pp.
Major Topics: Extortion threats; investigations in Elizabeth and Princeton, New Jersey.
- 0065 Bureau File 62-38742. November 1935–June 1940 and January 1960. 13pp.
Major Topics: Supreme Court police visits to FBI facilities; training of Supreme Court police.

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- 0078 Bureau File 62-105555. August 1969–March 1977. 41pp.
Major Topics: Extortion threats; investigations in Metairie, Louisiana, and Topeka Kansas; threat against Ladybird Johnson.
- 0119 Bureau File 62-30367. December 1933–January 1934. 13pp.
Major Topics: *John S. Funk v. U.S.*; *U.S. v. Chavez et al.*
- 0132 Bureau File 62-46240. October 1936–April 1937 and June 1960. 104pp.
Major Topics: Investigation of W. J. Cox and alleged sale of advance opinions of the court; H. Alexander Smith on court decisions.
- 0236 Bureau File 62-116144. June–September 1974. 72pp.
Major Topic: Investigations regarding press leaks on Supreme Court affairs.

Main File Equivalents

- 0308 Bureau File 65-0-376. December 1923. 4pp.
Major Topic: Office of Naval Intelligence report on Japanese activities in the U.S.
- 0312 Bureau File 6-0-41X3. n.d. 2pp.
Major Topic: Illegality of sit-down strike.
- 0314 Bureau Files 67-0-8457, 8459, 8460, 8463, 8464. December 1953. 7pp.
Major Topic: Admission of FBI Special Agents to practice law before the Supreme Court.
- 0321 Bureau Files 100-0-31668 and 100-0-A. August 1957 and March 1961. 4pp.
Major Topics: Comments on Communist's freedom of speech case and House Un-American Activities Committee's Baltimore hearings.
- 0325 Bureau File 63-0-26873. March 1971. 1p.
Major Topic: *Illinois v. Allen.*
- 0326 Bureau File 52-0-13694. October 1970. 3pp.
Major Topic: Theft of office equipment.
- 0329 Bureau File 9-0-26683. January 1983–March 1985. 5pp.
Major Topics: Extortion threats; investigations in New York City.

Sampling of Cross References or "See References"

- 0334 June 1923–June 1969. 594pp.
Major Topics: FBI–U.S. Supreme Court Police relations; Harry Bridges Case; labor cases; National Lawyers Guild; H.R. 282 [on un-American propaganda activities in U.S.] and House Special Committee on Un-American Activities; Yamashita War Criminal Case; loyalty oath issue; *Gebardi v. U.S.* [White Slave Trade Act case]; October 1933 term cases; Anthony Cramer Treason Case; internal security and Supreme Court decisions; German-American Bund cases; Wagner Act; wiretapping; admissibility of confessions; *Ashcraft, et al. v. Tennessee*; War Risk Insurance cases; Communist cases; extradition; California Senate Committee on Un-American Activities; antitrust cases; *U.S. v. Darby*; *U.S. v. United Mine Workers*; Japanese situation in U.S.; German war criminals.

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**Federal Judges Subject File
January 1939–May 1939**

- 0001 Bureau File 62-53025, Section 1. January–April 1939. 147pp.
Major Topics: Investigation of judiciary in Alaska; House Judiciary Committee activities; file checks of nominated judges for federal judiciary; review information and investigations of federal judiciary by federal judicial district; New York District federal judiciary investigations; McKesson & Robbins, Inc. Income Tax Case.

Frame No.

- 0148 Bureau File 62-53025, Section 2. March–April 1939. 190pp.
Major Topics: New York District federal judiciary investigations; McKesson & Robbins, Inc. Income Tax Case; misconduct investigations of federal officials in New York City; review information and investigations of federal judiciary by federal judicial district.
- 0338 Bureau File 62-53025, Section 3. April 1939. 152pp.
Major Topics: Review information and investigations of federal judiciary by federal judicial district; New York District federal judiciary investigations; Archibald McNeil case.
- 0490 Bureau File 62-53025, Section 4. April–May 1939. 153pp.
Major Topics: Archibald McNeil case; review information and investigations of federal judiciary by federal judicial district; New York District federal judiciary investigations; Morgan S. Kaufman case.
- 0643 Bureau File 62-53025, Section 5. April 1939. 125pp.
Major Topics: New York District federal judiciary investigations; Morgan S. Kaufman case; Archibald McNeil case; McKesson & Robbins, Inc. Income Tax Case; review information and investigations of federal judiciary by federal judicial district.
- 0768 Bureau File 62-53025, Section 6. April–May 1939. 156pp.
Major Topics: New York District federal judiciary investigations; Morgan S. Kaufman case; investigation of misconduct by Treasury Department agents in Connecticut; review information and investigations of federal judiciary by federal judicial district; S. 188 [administration of U.S. courts] and Senate Committee on the Judiciary hearings; Samuel Ungerleider case; Archibald McNeil case; Richard Whitney case.
- 0924 Bureau File 62-53025, Section 7. April–May 1939. 121pp.
Major Topics: New York District federal judiciary investigations; Richard Whitney case; Morgan S. Kaufman case; Judge Matthew T. Abruzzo Misconduct Case; Archibald McNeil case; Samuel Ungerleider case; Judge John Clark Knox Misconduct Case; Judge Grover M. Moskowitz Misconduct Case.
- 1045 Bureau File 62-53025, Section 8. April–May 1939. 96pp.
Major Topics: New York District federal judiciary investigations; review information and investigations of federal judiciary by federal judicial district; Morgan S. Kaufman case; Judge J. Warren Davis Misconduct Case; Prudence Company tax evasion investigation.

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Federal Judges Subject File cont. May 1939 cont.–July 1961

- 0001 Bureau File 62-53025, Section 9. May–June 1939. 143pp.
Major Topics: New York District federal judiciary investigations; review information and investigations of federal judiciary by federal judicial district; Morgan S. Kaufman case; investigation of judiciary in Alaska; Judge Martin T. Manton Misconduct Case; Judge Matthew T. Abruzzo Misconduct Case; Archibald McNeil case.
- 0144 Bureau File 62-53025, Section 10. May–June 1939. 113pp.
Major Topics: Morgan S. Kaufman case; New York District federal judiciary investigations; review information and investigations of federal judiciary by federal judicial district; Judge Martin T. Manton Misconduct Case; investigation of judiciary in Alaska; Judge J. Warren Davis Misconduct Case; Samuel Ungerleider case.

Frame No.

- 0257 Bureau File 62-53025, Section 11. June 1939. 93pp.
Major Topics: New York District federal judiciary investigations; Morgan S. Kaufman case; Judge Edwin S. Thomas Misconduct Case; antitrust investigations of movie industry; review information and investigations of federal judiciary by federal judicial district; Judge J. Warren Davis Misconduct Case.
- 0350 Bureau File 62-53025, Section 12. June–July 1939. 104pp.
Major Topics: New York District federal judiciary investigations; Morgan S. Kaufman case; Judge Martin T. Manton Misconduct Case; Joseph B. Keenan case; *U.S. v. J. Arthur House* Case; Samuel Ungerleider case; Judge J. Warren Davis Misconduct Case.
- 0454 Bureau File 62-53025, Section 13. July–August 1939. 60pp.
Major Topics: Richard Whitney case; New York District federal judiciary investigations; Morgan S. Kaufman case; Joseph B. Keenan case; Judge Martin T. Manton Misconduct Case; *U.S. v. J. Arthur House* Case.
- 0514 Bureau File 62-53025, Section 14. August 1939–January 1940. 149pp.
Major Topics: Morgan S. Kaufman case; Joseph B. Keenan case; New York District federal judiciary investigations; Judge Martin T. Manton Misconduct Case; *U.S. v. J. Arthur House* Case; Archibald McNeil case; Treasury Department/Internal Revenue Service investigations; J. Warren Davis Misconduct Case; Richard Whitney case; Robert V. Newman case; Judge Albert W. Johnson Malfeasance Case; investigation of judiciary in Alaska.
- 0663 Bureau File 62-53025, Section 15. January 1940–October 1941. 92pp.
Major Topics: Investigation of judiciary in Alaska; Morgan S. Kaufman case; Joseph B. Keenan case; New York District federal judiciary investigations; misconduct in judicial office cases; racketeering investigations in New York District; H.R. 146 [trial of good behavior of certain federal judges].
- 0755 Bureau File 62-53025, Section 16. November 1941–May 1956. 196pp.
Major Topics: Uniform Crime Reports; H.R. 146; judicial appointments; Morgan S. Kaufman case; review information and investigations of federal judiciary by federal judicial district; Southern California District investigations of judiciary; investigations of judiciary in New Orleans, Louisiana; dissemination of information and Responsibilities Program; special inquiry investigations for federal judges; appointment of Theodore McMillan; “age directory” of federal judges.
- 0951 Bureau File 62-53025, Section 17. January 1957–July 1961. 125pp.
Major Topics: Temporary judgeships; name checks of appointees to federal judgeships; H.R. 3815 [regarding bailiffs]; civil rights cases and requests for investigations; federal court jurisdiction in Alaska; creation of additional judicial districts; Judicial District of Alaska cases; P.L. 87-36 [creation of additional judgeships].

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Federal Judges Subject File cont. August 1961–July 1989

- 0001 Bureau File 62-53025, Section 18. August 1961–October 1966. 166pp.
Major Topics: Visits to FBI facilities; judgeship nominations; H.R. 9168/S. 1666 [realignment of California judicial districts]; Criminal Justice Act of 1964 reporting; H.R. 13658 [realignment of judicial districts in Maryland]; judgeship shortages and vacancies.
- 0167 Bureau File 62-53025, Section 19. October 1966–July 1969. 204pp.
Major Topics: Criminal Justice Act of 1964 reporting; judgeship shortages and vacancies; P.L. 89-372 [realignment of California judicial districts]; judgeship nominations; H.J. Res. 841 [requirements for judgeship appointment]; Planning, Programming, and Budgeting Program [support of federal judicial system].

Frame No.

- 0371 Bureau File 62-53025, Section 20. August 1969–March 1973. 290pp.
Major Topics: Name checks of Chicago District judicial employees; judgeship shortages and vacancies; S. 952 [Omnibus Judgeship Bill]; security and protection of courts and judiciary; pending prosecutions statistics.
- 0661 Bureau File 62-53025, Section 21. April 1973–August 1975. 161pp.
Major Topics: Pending prosecutions statistics; judgeship shortages and vacancies; misconduct investigations in New Orleans, Louisiana; Speedy Trial Act of 1974.
- 0822 Bureau File 62-53025, Section 22. October 1975–July 1989. 248pp.
Major Topics: Judgeship shortages and vacancies; study of Illinois judicial districts; pending prosecutions statistics; requests for and procedures used in background investigations of judicial employees; law enforcement issues seminars for new federal judges; judgeship appointments.

Press Clippings/News Service Reports

- 1070 Bureau File 62-53025-A. 1939–1976. 162pp.
Major Topics: Judicial investigations in New York District; Frank Murphy; politics; judgeship shortages and vacancies; judgeship nominations and appointments.

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**Federal Judges Subject File cont.
Justice Department Documents**

- 0001 Bureau File 62-53025. December 1936–October 1967 [documents out of chronological order]. 97pp.
Major Topics: Judicial investigations; judicial nominations and appointments; requests for income tax returns for investigations; P.L. 89-372; program and financial plan of support for federal judicial system.

Securities and Exchange Commission (SEC) Documents

- 0098 Bureau File 62-53025. June 1936–September 1938. 121pp.
Major Topics: McKesson & Robbins, Inc. case; Archibald McNeil.

“Not Recorded” Documents

- 0219 Bureau File 62-53025–NR #1. February 1939. 128pp.
Major Topic: Review information and investigations of federal judiciary.
- 0347 Bureau File 62-53025–NR #2. February 1939. 221pp.
Major Topics: Review information and investigations of federal judiciary; Judge Grover M. Moskowitz case; Judge J. Warren Davis case.
- 0568 Bureau File 62-53025–NR #3. February 1939. 233pp.
Major Topics: Review information and investigations of federal judiciary; Senate Judiciary Committee on nomination of Gunnar H. Nordbye; Judge Albert W. Johnson case.
- 0801 Bureau File 62-53025–NR #4. March 1939–August 1939 and July 1958–June 1976. 303pp.
Major Topics: Review information and investigations of federal judiciary; Samuel Ungerleider case; Judge Martin T. Manton Misconduct Case; Judge Edwin S. Thomas Misconduct Case; Judge J. Warren Davis Misconduct Case; Archibald MacNeil case; William P. Rogers on additional judgeships; activities against Ku Klux Klan in Alabama; investigations of judicial nominees; judicial shortages and vacancies; Congress on selection of judgeship nominations; Puerto Rican draft cases; pending prosecutions statistics.
- 1104 Bureau File 62-53025–NR #5. July 1976–November 1981. 68pp.
Major Topics: Pending prosecutions statistics; name check procedures.

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