1999

Section 11: Toni House

Institute of Bill of Rights Law at the William & Mary Law School

TONI HOUSE, SUPREME SPOKESWOMAN

Irreverent Reporter Turned Mouthpiece Worked Both Sides of the Fence

The Washington Post

Wednesday, September 30, 1998

Annie Groer; Joan Biskupic, Washington Post *Staff Writers*

"Supreme Court spokeswoman Toni House."

So flat and dry a title for such an exuberant personality. Indeed, in an institution whose voice might best be likened to a stentorian rumble, the essential House sound has always been a loud, throaty chortle.

Now the rapturous laugh has been silenced.

Toni House – the first female to speak for the highest court in the land, who insisted on being called "spokeswoman" lest anyone mistake her for a man – died yesterday of lung cancer at age 55.

And with her died a bridge between "old" and "new" Washington. She was an almost-debutante whose coming out was canceled by her scandalized godmother when she quit college her freshman year to marry and have a baby; a newsie who after years of reporting in the old Washington Star's pink ghetto of the women's section found her true calling – cops; a profane, irreverent reporter fronting for nine of the nation's least voluble, most circumspect public officials.

"No one had expected then-Chief Justice Warren Burger, of all people, to hire a youngish blond female as his mouthpiece, especially one who had spent the last 15 years as a journalist," House once said.

Though not nearly as recognizable as White House press secretary Mike McCurry, in part because she rarely appeared on camera, House, a chain-smoking gamine, nonetheless was revered and respected by the reporters, filmmakers and documentarians who were her constituency.

She knew court history and ran an efficient shop. She made sure the hundreds of journalists who would rush the court on opinion days could get the rulings quickly. Good humor often compensated for the fact that at such a secretive place, she revealed little substantive information about the justices. House herself acknowledged that the court's internal workings "are cloaked in a security . . . possibly rivaled only by the National Security Agency or the CIA."

She finessed the line between loyalty to the justices and assistance to reporters, but was characteristically blunt with hapless novices: "You don't understand," she'd say. "The justices don't answer questions."

If that kiss-off didn't work, there was always "What you see is what you get. No further interpretation, explanation or illumination is forthcoming from the denizens of the Marble Temple."

And, whether one was making a serious documentary or raunchy feature like *The People vs. Larry Flynt*, she was always helpful.

House came to the court in 1982, a year after the death of what she always called the "late lamented" Star, where she had worked since 1966. Dazzling her

scruffy colleagues with a wardrobe that was part Carnaby Street, part Junior League, she spent years covering embassy parties and White House receptions before finally escaping to join the few women already on the news side.

By day – prowling the city and suburbs – she'd hit police stations, courthouses and lockups, chronicling life's losers and enforcers. Among the first women to cover the Metropolitan Police, she nearly drove rival Al Lewis of The Washington *Post* to distraction. He once asked Police Chief Jerry Wilson how he could compete with House. "Get a blond wig and falsies," Wilson replied.

After days spent with cops, she'd return at night to her gracious girlhood home off Foxhall Road where she lived with her parents. Hugh Osgood House was a prominent allergist on call to the District's police and fire departments (which provided a number of his daughter's really good sources). Mary Aiello House was a homemaker famed among Toni's friends for maintaining a museum-like attic filled with fine dresses, matching shoes, handbags and hats spanning decades. It was clear Toni's clotheshorse tendencies were genetically encoded.

But the light of the House house was Toni's daughter, Valerie Reuther, now 37, who works in Seattle as a consultant to feminist groups.

Thrice wed, House met her first husband, Eric Reuther, at Wilson High School and married him at 18. In 1973, she wed Fairfax County Executive Bob Wilson, who said she first caught his eye by wearing leather hot pants to work. Several years after coming to the court, she fell in love with William Weller, a Burger aide whom she wed in 1990.

In the early 1970s, while at the Star, House became an activist intent on ending nearly two centuries of male control of Washington's media establishment.

Like a guerrilla Brownie leader with her after-school rebel troop in Mom's basement, she helped plan picket lines and celebrity-packed galas to embarrass the all-white, all-Male Gridiron Club, and ultimately force it to integrate. In 1979, she became president of the Washington Press Club, formed to counter the National Press Club's men-only membership policy. Those battles unified three generations of female journalists.

In 1982, House took the high court job, calling it "a license to learn."

Her early days were bumpy. There was the time she failed to recognize one of her bosses, William Rehnquist. Things gradually improved. Comparing breakneck morning drives to court from their Northern Virginia homes, House once observed that Justice Antonin Scalia, "who wasn't known on the D.C. Circuit as El Nino for nothing," could occasionally be seen "careening across three lanes of traffic. I count it a point of pride that I aced the justice out of a lane one morning as I, too, raced for the [10 a.m. starting] buzzer."

Later that day House told Scalia she'd "seen him on the bridge."

"Did I cut you off?" he asked sweetly.

"No sir," she said, "I cut you off."

She often worked the way she drove. "I think of her as an absolutely explosive person," said office mate Kathy Arberg. "I got e-mails entitled 'Grrrrrrr.' But then, she also called everyone 'Sweetie.' "

In an age of obstructionist and obfuscatory government spokespeople, House charmed court regulars: "She was more honest and more candid about what she could tell you than any other press officer I have known," said the Baltimore Sun's Lyle Denniston, dean of the court's

press corps and a onetime Star crony.
"And she had the nicest way of telling you to get lost."

1999-2000 Supreme Court Preview

Conference Schedule

Friday, September 24, 1999
William & Mary School of Law

5:30 – 6:10 p.m.
Lobby
Registration

6:10 p.m.
McGlothlin Court Room
Welcome
Davison Douglas, College of William & Mary School of Law

6:15 – 7:40 p.m.
McGlothlin Court Room
MOOT COURT ARGUMENT
Mitchell v. Helms, No. 98-1648

Advocates:
Erwin Chemerinsky, Univ. of Southern California Law School
Suzanna Sherry, Univ. of Minnesota School of Law

"Supreme Court" Justices:
Joan Biskupic (Chief Justice), The Washington *Post*
Akhil Amar, Yale Law School
Richard Carelli, Associated Press
Neal Devins, College of William & Mary School of Law
Aaron Epstein, Knight-Ridder Newspapers
Linda Greenhouse, The New York *Times*
Paul Marcus, College of William & Mary School of Law
Tony Mauro, *USA Today*
David Savage, The Los Angeles *Times*

7:40 – 7:50 p.m.
Lobby
Break

8:00 – 9:00 p.m.
Law School Room 120
THE DIRECTION OF THE COURT:
Reflections on the Recent Past and Implications for the Future
Moderator: Charles Bierbauer, CNN
Panel:
Akhil Amar, Yale Law School
Steve Calabresi, Northwestern Univ. School of Law
Lyle Denniston, The Baltimore *Sun*
Michael Gerhardt, College of William & Mary School of Law
Susan Herman, Brooklyn Law School

9:00 p.m.
Lobby
Recess/Reception

Saturday, September 25, 1999

William & Mary School of Law

8:15 a.m.
Student Lounge

Coffee

8:45 – 9:35 a.m.
Law School Room 120

BUSINESS AND COMMERCE

Moderator: Joan Biskupic, The Washington *Post*
Panel:
John Duffy, Benjamin N. Cardozo School of Law
Aaron Epstein, Knight-Ridder Newspapers
Charles Koch, College of William & Mary School of Law
Tony Mauro, *USA Today*

9:45 – 10:35 a.m.
Law School Room 120

FEDERALISM

Moderator: Kathryn Urbonya,
College of William & Mary School of Law
Panel:
Steve Calabresi, Northwestern Univ. School of Law
Erwin Chemerinsky, Univ. of Southern California Law School
Linda Greenhouse, The New York *Times*
Suzanna Sherry, Univ. of Minnesota School of Law

10:45 – 12:00 p.m.
Law School Room 120

FIRST AMENDMENT

Moderator: David Savage, The Los Angeles *Times*
Panel:
Erwin Chemerinsky, Univ. of Southern California Law School
Lyle Denniston, The Baltimore *Sun*
Susan Herman, Brooklyn Law School
Steve Wermiel, American University College of Law

12:00 – 1:30 p.m.

Independent Lunch Break
Speaker's Meeting

1:30 – 2:20 p.m.
Law School Room 120

CIVIL RIGHTS

Moderator: Charles Bierbauer, CNN
Panel:
Richard Carelli, Associated Press
Neal Devins, College of William & Mary, School of Law
Aaron Epstein, Knight-Ridder Newspapers
Suzanna Sherry, University of Minnesota School of Law

2:30 – 3:20 p.m.
Law School Room 120

CRIMINAL LAW AND PROCEDURE

Moderator: Paul Marcus,
College of William & Mary School of Law

Panel:
Akhil Amar, Yale Law School
Linda Greenhouse, The New York *Times*
Susan Herman, Brooklyn Law School
David Savage, The Los Angeles *Times*

3:30 – 4:30 p.m.
Law School Room 120

LOOKING AHEAD

Upcoming Issues in the Court

Moderator: Steve Wermiel, American Univ. College of Law

Panel:
Joan Biskupic, The Washington *Post*
Richard Carelli, Associated Press
Lyle Denniston, The Baltimore *Sun*
Michael Gerhardt, College of William & Mary School of Law

4:30 p.m. Adjourn

SEPTEMBER, 1999 CERT GRANTS

98-1811 *GEIER v. AMERICAN HONDA MOTOR CO.*

Ruling below (CA 11, 166 F.3d 1236)

Geier maintained that a design defect lawsuit based on the absence of an airbag does not conflict with the National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. § 1381 et seq (Act), or the Federal Motor Vehicle Safety Standard 208, 49 C.F.R. § 571.208 (Standard 208) because Honda can be held accountable under state law for failing to do more than the minimum required by the option it chose. Honda argued that a verdict in Geier's favor would stand as an obstacle to the federal government's objective of achieving uniform safety in automobile manufacturing, and consequently, the Act impliedly preempts Geier's lawsuit. Honda also argued that a state cannot require a car manufacturer to install airbags in vehicles when Standard 208 makes them an option. The court below held that Geier's lawsuit is impliedly preempted by the National Traffic and Motor Vehicle Safety Act of 1966

Question presented: Does federal law preempt a defective design lawsuit against the American Honda Motor Company for damages arising from injuries suffered by Alexis Geier when her 1987 Honda Accord, which did not have an airbag, crashed into a tree?

98-1696 *UNITED STATES v. JOHNSON*

Ruling below (CA 6, 154 F.3d 569)

Johnson was convicted of five criminal offenses and sentenced to serve 171 months. His sentence was later reduced by the 6th Circuit. In March 1996, the district court vacated two convictions under 18 U.S.C. § 924(c) in light of the Supreme Court's decision in Bailey v. United States, 516 U.S. 137 (1995). The district court refused to credit the extra time Johnson served in prison (2 ½ years) to his three-year supervised release. The court below held that the date of his "release" was the date he was entitled to be released rather than the date he walked out the prison door, and that Johnson should be given credit for the extra time served toward his supervised release. The court based its rationale on United States v. Blake, 88 F 3d 824 (9th Cir. 1996). The dissent would have followed the 1st and 8th Circuits. United States v. Joseph, 109 F.3d 34 (1st Cir. 1997), United States v. Douglas, 88 F.3d 533 (8th Cir. 1996).

Question presented: When a defendant's sentence of imprisonment is reduced below the time he has already served, should his term of supervised release commence on the date of his actual release or on the date he should have been released according to his revised sentence?

98-1960 *CORTEZ BYRD CHIPS, INC. v. BILL HARBERT CONSTRUCTION CO.*

Ruling below (CA 11, 169 F 3d 693):

Bill Harbert Construction Co. (Harbert) entered into an agreement to build a wood chip mill for Cortez Byrd Chips, Inc., (Byrd), in Mississippi. After a dispute arose between the parties, an arbitration panel convened in Alabama and rendered an award in favor of Harbert. Byrd filed a complaint to vacate the award in the U.S. District Court for the Southern District of Mississippi. Soon after, Harbert filed an action to confirm the arbitration award in the U.S. District Court for the Northern District of Alabama. The court below held that under the Federal Arbitration Act, when parties fail to specify the venue in their agreement, exclusive jurisdiction to confirm an arbitration award rests with the district court in and for the district within which the arbitration award was made.

Question presented: Under Section 9 of the Federal Arbitration Act, 9 USC § 9, does the district court for the district within which the arbitration award was made have exclusive jurisdiction to confirm arbitration awards when parties fail to specify for such venue in their agreement?

99-51 *GUTIERREZ v. ADA*

Ruling below (CA 9, 179 F 3d 672):

At Guam's general election of November 3, 1998, gubernatorial candidate Carl T C. Gutierrez received 24,250 votes (49.83%), and Joseph F Ada received 21,200 votes (43.56%) out of 48,666 ballots cast. After deducting the 1,313 "undervotes" (ballots cast by persons who had not made a gubernatorial selection), Gutierrez was declared the winner with a majority of 51.21% of the vote. Ada requested a writ of mandamus, arguing that the undervotes should not have been deducted for purposes of calculating a majority vote. Gutierrez contended that the plain language of 42 U.S.C. § 1422 unambiguously includes only actual "votes cast" for a candidate. Ada points to a different portion of § 1422, which states "If no candidates receive a majority of the votes cast in any election . . . a runoff election shall be held. " The court below interpreted the phrase "in any election" as meaning all votes cast at the general election, and held that ballots that did not make a gubernatorial selection should have been included in the total number of votes cast for purposes of calculating a majority.

Question presented: Does 42 U.S.C. § 1422, which sets forth the qualifications for governor and lieutenant governor of the Territory of Guam, require a majority vote of all ballots cast or a majority of votes cast on a particular intiative?

98-1701 ***UNITED STATES v. LOCKE***

98-1706 ***INTERNATIONAL ASSN. OF INDEPENDENT TANKER v. LOCKE***

Ruling below (CA 9, 148 F.3d 1053):

In the aftermath of the Exxon Valdez oil spill, Washington enacted laws to protect its waters from oil pollution. These laws require tanker operators transporting oil in state waters to comply with the state's Best Achievable Protection (BAP) Regulations. Various tanker operators argue that the Oil Protection Act of 1990, the Port and Tanker Safety Act of 1978, the Waterways Safety Act of 1972, and the Tank Vessel Act of 1936 preempt the state's BAP regulations. The court below held: (1) federal regulation of oil tankers is not so comprehensive as to preempt impliedly the field of tanker regulation except for design and construction, (2) operational requirements are not subject to field preemption, (3) radar and emergency towing package requirements are preempted, and (4) regulations did not impermissibly burden interstate commerce.

Question presented: Are Washington's Best Achievable Protection (BAP) Regulations, which impose requirements on oil tankers to prevent oil spills, preempted by comparable federal legislation under the Supremacy Clause or otherwise forbidden by the United States Constitution?

98-1904 ***UNITED STATES v. WEATHERHEAD***

Ruling below (CA 9, 157 F.3d 735):

In 1994, Weatherhead sent requests under Freedom of Information Act (FOIA) relating to the extradition of his client Sally Croft, who was on trial for conspiracy to murder the United States Attorney for Oregon. Croft was a member of the Rajneeshpuram commune in Central Oregon in the 1980s. In 1995, the State Department advised Weatherhead that the letter contained information classified as confidential in the interest of foreign relations and would therefore be withheld under FOIA Exemption 1. The district court held that the government failed to demonstrate the letter was properly classified, but upon in camera review, the court "knew without hesitation or reservation that the letter could not be released." The court below agreed that the government never met its burden of identifying or describing any damage to national security that would result from the release of the letter; however, after reviewing the letter in camera, the court said that it failed to comprehend how disclosing the letter at this time could cause harm to the national defense or foreign relations of the United States and therefore held the letter "innocuous."

Question presented: Was the Freedom of Information Act's Exemption 1, 5 U.S.C. § 552(b)(1), which protects classified information from disclosure, properly used to withhold a letter from the British Foreign Office to the United States Department of Justice?

98-21 ***WEEKS v. ANGELONE***

Ruling below (CA 4, 176 F.3d 249):

Weeks was convicted of the capital murder of Virginia State Trooper Jose Cavazos and, upon the jury's finding that his conduct satisfied the "vileness" requirement, was sentenced to death. After exhausting all available state remedies and unsuccessfully petitioning for habeas corpus, Weeks filed for a certificate of appealability with the Court of Appeals. Weeks argued that the trial court's refusal to clarify its capital sentencing instruction to the jury after they indicated confusion with the instruction prevented the consideration of relevant mitigating evidence in violation of the Eighth and Fourteenth Amendments, that the trial court's refusal to appoint ballistics and pathology experts violated his due process rights under the Fourteenth Amendment, and that the Supreme Court of Virginia's refusal to suppress his confession to the murder of Trooper Cavazos, which was made after he initially cut off questioning, violated his Fifth and Fourteenth Amendment rights. The court concluded that Weeks failed to make "a substantial showing of the denial of a constitutional right" and dismissed his petition.

Questions presented: 1) Did the trial court's refusal to clarify its capital sentencing instruction after the jury indicated confusion prevent consideration of mitigating evidence in violation of the Eighth and Fourteenth Amendments? 2) Did the trial court's refusal to appoint ballistics and pathology experts violate due process? 3) Did the Virginia Supreme Court's refusal to suppress Weeks' confession that was made after he initially cut off questioning violate his Fifth and Fourteenth Amendment rights?

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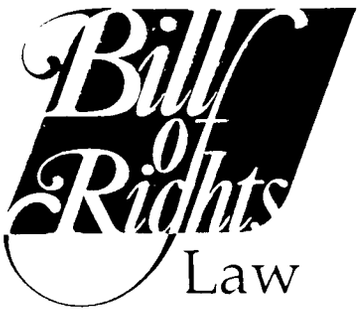

Supreme Court Preview 1999 Evaluation

Please evaluate each of the panels:

	Excellent	Good	Fair	Did not see
Moot Court				
Direction of the Court				
Business				
Federalism				
First Amendment				
Civil Rights				
Criminal Law & Procedure				
Future Issues				

What parts of the Preview did you enjoy the most/find the most useful?

What parts of the Preview did you enjoy the least/find the least useful?

What are 3 things we could do to improve the Supreme Court Preview?

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