



THE SUPREME COURT
HISTORICAL SOCIETY

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Supreme Court Historical Society Inaugural Gala

On the evening of March 13, 2013, guests gathered in the Grand Ballroom of the famed Plaza Hotel in New York City to enjoy dinner under a projected image of the Constitution of the United States. Outside the Ballroom in a reception room, a rare original 1787 printing of the Constitution was on display. These elements created a unique and exciting setting for the Society's Inaugural Fundraising Gala.

Two important honorees, Paul Cappuccio, General Counsel of Time Warner and Ted Ulyyott, Vice President and General Counsel of Facebook, received the first Amicus Curiae Awards, which provided a wonderful focal point for the event. Both Messrs. Cappuccio and Ulyyott clerked at the Supreme Court for Justice

Antonin Scalia. Mr. Cappuccio also clerked for Justice Anthony M. Kennedy.

The Gala was organized under the leadership of Society President Gregory Joseph and David Leitch, who chaired the Gala Committee and who presently serves as the Society's Development Committee Chair. Mr. Leitch and members of his committee contacted law firms and corporations to present the Society's cause and request support for the event and the Society's important preservation and education efforts.

Through the generosity of Society Vice President, Dorothy Tapper Goldman, the Gala provided a unique opportunity to view an original 1787 printing

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The Constitution of the United States was projected onto the ceiling of the Grand Ballroom of the Plaza Hotel for the Society's Inaugural Gala.

A Letter from the President



Gregory P. Joseph

On June 13, 2013, the Society lost its beloved Chairman of the Board Emeritus, Dwight D. Opperman, two weeks shy of his 90th birthday. His life, filled with accomplishment, good works and great philanthropy, will be the subject of a much longer tribute in our next issue, but the loss to the Society is so great that I want to spend a moment reflecting

on Dwight and his legacy at the Society.

Shortly after the announcement of Dwight's death, Chief Justice Roberts, the Society's Honorary Chair, issued a statement that is both touching and, by the simple fact it was issued, itself a tribute to a great life. The Chief Justice said:

"The Court was deeply saddened to learn of Dwight Opperman's passing this morning. Dwight has long been a committed friend and supporter not only of the Supreme Court but of the Federal Judiciary as a whole. He established the Edward J. Devitt Distinguished Service to Justice Award in 1982, to recognize the unsung heroes of the federal bench. He served as a Trustee and Chairman of the Board of the Supreme Court Historical Society, and helped fund many of its endeavors. The Society's headquarters building behind the Court is named the Opperman House in his honor. He demonstrated his deep commitment to the American system of justice, and in particular the role of the judge in that system, in countless other ways as well. Those of us on the Court will miss his warm friendship, and we extend our deep condolences to his wife Julie and the Opperman family."

A major figure in the legal community and legal publishing world, Dwight was among the first members of the Society. Responding to a personal invitation from then-Chief Justice Warren E. Burger, the Society's founder, Dwight became a member in 1975. He subsequently held many positions of leadership including service on the Society's Board of Trustees beginning in 1982 and as Vice President commencing in 1992. In 1997 he was elected Chairman of the Board, succeeding Dean Erwin Griswold, and he held that post until 2001, when he became Chairman Emeritus.

As the founder and CEO of West Publishing Company, Dwight Opperman brought much-needed

expertise to the Society's publishing endeavors as well as its marketing. He financially supported many of the Society's most important initiatives as the oral history project, the Summer Institute for Teachers, and other educational programs. He was the first to pledge funds to the Society's initial endowment campaign, and he was the major source of funding for the Society's headquarters, which is named in his honor as Opperman House. Indeed, it is virtually impossible to mention a single important activity of the Society in which Dwight was not an active supporter and champion. He provided a warm and supportive voice of leadership in the Society, and his openness and friendliness were hallmarks of his interaction with his colleagues and associates at the Society and the Supreme Court. The Society could not have had a better friend, champion and supporter than Dwight Opperman.

Dwight Opperman's loss will be felt by the Society for years to come, but his legacy lives on through the many projects, programs and activities that he helped to develop and support.

But apart from Mr. Opperman's death, the opening months of 2013 have been filled with many outstanding events and developments. First was the Inaugural Gala held on March 13, 2013 at the Plaza Hotel in New York (See page 1). Under the superb leadership of David Leitch, the event was a remarkable success and raised much-needed funding for the Society's historical, educational and preservation activities.

In May the first two programs in the 2013 Silverman Lecture Series were presented. On May 22nd, Justice Sotomayor presided as "the Court" in the reenactment of the landmark case *Flood v. Kuhn*, the baseball antitrust case. She presided with great finesse and humor as creative, thoughtful, and sometimes humorous, arguments were presented by two distinguished oral advocates of the Supreme Court Bar, Patricia Millett and Roy Englert. The audience was enlightened and entertained by the stimulating repartee.

The program was so successful that the Society plans to present a reenactment of this case in partnership with the Robert Jackson Historical Society and the Historical Society of the Courts of New York at the famous Chautauqua Institute in upstate New York in the summer of 2014.

In conclusion, let me express my gratitude to the officers, members and other supporters of the Society, all of whom are essential to its success. Thank you for the important role you play in the Society's good work in preserving and promoting the history and heritage of the Supreme Court of the United States.

Gregory P. Joseph

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of the Constitution. One of only nine copies extant, Ms. Goldman owns the only copy in private hands which is rarely on view to large audiences. To enhance the display of the beautiful document, Ms. Goldman also furnished the clamshell carrying case used to protect the



Gala benefactor Paul Hilal is pictured with (left to right) Josefin Hilal, and Eloise and Karen Ackman.

document. The case is of modern origin but is unique because it bears the autographs of many distinguished Americans, including Justices of the Supreme Court of the United States and a President and Vice President of the United States. Also on display was an invitation to the investiture of Chief Justice John G. Roberts, Jr., tying the Founding Fathers to the present Supreme Court. The Constitution was available for viewing throughout the evening. The reception atmosphere was enhanced by the performance of chamber music provided by a



Greg Joseph is pictured at the Gala with (left to right) Society Trustees Steve Molo, Ted Mirvis and George Conway of Wachtell.

wonderful string quartet from the Julliard School of Music.



Dorothy Goldman explains the contents of the display case containing the 1787 printing of the Constitution to guests at the Gala.

During the program, Mr. Joseph outlined highlights of the Society's mission, accomplishments and goals. He spotlighted the Leon Silverman Lecture series delivered annually on a theme selected by members of the Program Committee of the Society. He observed that the Society is also a prodigious publisher and produces publications of exceptional quality. One of the most



(Left to right) Bart Schwartz visits with special guests The Hon. P. Kevin Castel (Southern District Court of New York), and Hon. Richard J. Leon (US District Court of the District of Columbia).

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Society Trustee David Leitch served as Chair of the Gala Committee.

recent books, **Courtwatchers: An Anecdotal History of the Court**, was written by the Society's Director of Publications, Clare Cushman, and has garnered praise and attention for providing accounts of many personal experiences related by participants in the Court's history. This title joins many others, including the influential **Journal of Supreme Court History**.

President Joseph also mentioned the Frank C. Jones Supreme Court reenactment series in which leading advocates present original arguments as they reconsider famous landmark cases. The cases are argued in the Supreme Court Chamber before a sitting member of the Court and are enlivened by questions by the Justice "presiding" over the reenactment. The Society has been honored to have several current Justices participate in the series, including Justice Scalia, who has presided over three separate reenactments, and Justices Ginsburg, Alito and Sotomayor.

At the completion of his remarks, Mr. Joseph called upon David Leitch to introduce the honorees. Mr. Joseph noted that Mr. Leitch is General Counsel

for the Ford Motor Company and has a long-standing relationship with the Supreme Court dating back to his clerkship with Chief Justice William H. Rehnquist.

Before recognizing the honorees, Mr. Leitch explained that the 2013 Amicus Curiae Awards were unique presentation pieces created specifically for the occasion. The awards were crafted utilizing John Marshall Commemorative Coins and a steel engraving of the Supreme Court Building mounted on velvet fabric. The fabric was gleaned from the original velvet draperies used in the Supreme Court Chamber from the opening of the building in 1935, until a renovation more than fifty years later. Thus the awards are not only symbolic of, but also include a piece of the Court's history.

Mr. Leitch announced that these awards would be presented to two men who are also a part of the Court's history, and who have been of great service in helping the Society preserve that history, in addition to taking on important leadership roles in the legal community. The first was Paul T. Cappuccio, the Chief Legal Officer of Time Warner, Inc.



Paul Cappuccio (left) and Ted Ulyott (right) were honored on March 13 as the recipients of the 2013 Amicus Curiae Awards.

Mr. Cappuccio is a 1983 graduate of Georgetown University and a 1986 graduate of Harvard Law School. Shortly after graduation he began a clerkship with Judge Alex Kosinski of the Ninth Circuit. The following year Justice Scalia invited Mr. Cappuccio to clerk for him during the 1987-8

Term, and despite the discretion with which the Court generally operates, we must assume he did a pretty creditable job of it, as he was invited by incoming Justice Anthony M. Kennedy to clerk for him in the 1988-9 Term.

Mr. Cappuccio then went to work for the Justice Department, serving as Deputy Attorney General before entering into private practice as a partner at Kirkland & Ellis. His work in telecommunications law, appellate litigation and negotiation with government

agencies soon earned him appointment as Senior Vice President and General Counsel for America Online, and ultimately his position with Time Warner. Throughout he has maintained a relationship with the Court that epitomizes the spirit of the Amicus Curiae Award.

Mr. Leitch then introduced Ted Ullyot, Vice President and General Counsel at Facebook, where he has led the company's legal team since 2008. He holds a bachelor's degree from Harvard College and a J.D. from the University of Chicago Law School. Upon graduation he was invited to clerk for Judge J. Michael Luttig of the U.S. Court of Appeals for the Fourth Circuit. His exceptional service in that role brought him to the attention of Justice Scalia.

In an unusual development, the honorees spoke together, rather than individually. After expressing gratitude for the honor of the recognition, they spoke of their great admiration and respect for the Court and

its members, highlighting the important and often difficult role that the Court fulfills in serving as a check to prevent other branches of the government from overstepping the boundaries allotted to them by the Constitution. They also expressed admiration of and support for the service the Society provides in supporting the Court, in providing high quality educational publications, programs and materials and in preserving items of great significance to the Court.

The initial goal of the Committee was to attract 350 attendees, but as enthusiasm for the event grew, so did the audience. On the evening of March 13, more than 450 guests filled the Ball Room for this festive evening. Leading members of the legal community attended the dinner. Funds raised will support future educational, publication and preservation efforts of the Society, including an important one-volume history of the federal judiciary.



Dorothy Tapper Goldman (left) visited with Rita Silverman during the reception. Mrs. Silverman represented her husband, Leon Silverman, long-time President and Chairman of the Board of the Society.



A series of images were projected onto panels at the back of the stage during the dinner, providing guests with a rotating backdrop of scenes related to the Court and the Historical Society's endeavors.

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William O. Douglas and the Preservation of the C & O Canal

A government biologist and a Supreme Court Justice seem unlikely traveling companions, but in the summer of 1956 Justice William O. Douglas and his wife Mercedes joined Olaus Murie and his wife Mary on a five-person expedition to explore the Arctic. The Muries had arranged for scientists and naturalists to be part of the trip, but they hoped to include a well-known person whose presence would garner some publicity and support for conservation efforts. Olaus Murie reached out to Justice Douglas to fill this role. The men held similar views about conservation and had worked together in the past on several occasions. In particular, they had both been part of the campaign to preserve the C & O Canal. The trek on the C & O became the stuff of which legends are made.

The Chesapeake & Ohio Canal runs along the north bank of the Potomac River for 184 miles from Washington, D.C. to Cumberland, Maryland. It “began as a dream of passage to Western wealth” with a goal of providing a link from the Chesapeake Bay to the Ohio River. The Potomac is too shallow in many places for traditional boats to travel. In addition, there are areas of rocky and difficult passages, including the Great Falls area of the river that further complicates the passage of boats. While the canal never did completely accomplish that goal, The National Park Service tells us that “. . . for nearly 100 years, the canal was a lifeline for communities along the Potomac River as coal, lumber and agricultural products floated down the waterway to market.” Constructed between 1828 and 1850, it operated until 1924 when flood damage destroyed large sections.

Portions of the canal are still visible in Washington, D.C., especially in the Georgetown area. Canal Road is so named because it parallels the path of the canal from Maryland into the city. In the Great

Falls, Maryland, C & O canal park area, visitors enjoy rides on mule-drawn barges which travel through a lock that rises eight feet. Park Rangers dressed in period clothing interpret what life was like for the people who lived and worked along the canal in the 1870s. The “towpath” area that runs along either side of the canal, provides a flat area for mules to pull (tow) the barges. These mule-powered boat trips are offered during the warm months of the year, but the path is utilized in all

seasons by runners and hikers, making it literally a “toe path” for many urbanites seeking exercise and recreation in the Washington metropolitan area.

In the 1950s, portions of the canal area were threatened by the possibility of development. While at first glance the issue seems like a classic case of development versus conservation, there were other factors involved in the recommendation. The U. S. government had purchased the right of way to the canal in 1938. Once again, the Park Service tells us: “Unused as a commercial waterway since 1924, the government hoped to restore it as a natural recreation area. The first 22 miles of the canal had been repaired and re-watered when World War II restrictions halted the remainder of the project.” Following

the war, Congress funded a joint survey to study the feasibility of converting some of the area into a highway. The objective of the road was to provide “. . . better access to the beauty and recreational opportunities of the Potomac River Valley.” They also felt it would provide economic assistance to many towns in western Maryland. On January 3, 1954, an editorial in the *Washington Post* was published which endorsed the government’s plan. One reader in particular disagreed with the idea of experiencing nature from the seat of a car. He was U. S. Supreme Court Justice William O.



Justice William O. Douglas' bust is displayed in Georgetown, commemorating the Justice's efforts to save the C & O Canal.

Douglas and the actions he took helped save the C & O Canal.”

Douglas was known already as an advocate of preserving the natural state of rivers and other wild areas and was frequently the only negative vote on the Court in cases relating to conservation. He had led successful campaigns to prevent the construction of dams in Kentucky, Arkansas, Illinois and his home state of Washington. In his book, **My Wilderness: The Pacific West**, Douglas expressed his opinion that “[man] and his great dams have frequently done more harm than good.” After quoting a poem by Margaret Hindes that bore out this sentiment he said, “I discussed this matter with Olaus J. Murie. ‘We pay farmers *not* to produce certain crops,’ I said. ‘Why not pay the Army Engineers *not* to build dams?’ Olaus laughed and said, ‘Good idea.’”

Given his past history, it probably should not have come as a surprise that Douglas would respond to the editorial with a statement of his own. He frequently hiked along the canal, observing that “he was grateful that an accident of history created a continuous strip of park land along one of America’s most beautiful rivers.”

In response to the editorial recommending the construction of the highway, he penned a letter. That letter appeared in the January 19, 1954 edition of the *Post*.

The discussion concerning the construction of a parkway along the Chesapeake and Ohio Canal arouses many people. Fishermen, hunters, hikers, campers, ornithologists, and others who like to get acquainted with nature first-hand and on their own are opposed to making a highway out of this sanctuary.

The stretch of 185 miles from Washington, D. C. to Cumberland, Md., is one of the most fascinating and picturesque in the

Nation. The river and its islands are part of the charm. The cliffs, the streams, the draws, the beaches, the swamps are another part. The birds and game, the blaze of color in the spring and fall, the cattails in the swamp, the blush of buds in late winter—these are also some of the glory of the place.

In the early 20’s, Mr. Justice Brandeis traveled the canal and river by canoe to Cumberland. It was for him exciting adventure and recreation. Hundreds of us still use this sanctuary for hiking and camping. It is a refuge, a place of retreat, a long stretch of quiet and peace at the Capitol’s back door—a wilderness area where we can commune with God and

with nature, a place not yet marred by the roar of wheels, and the sound of horns.

It is a place for boys and girls, men and women. One can hike 15 or 20 miles on a Sunday afternoon, or sleep on high dry ground in the quiet of a forest, or just go and sit with no sound except water lapping at one’s feet. It is a sanctuary for everyone who loves woods, a sanctuary

that would be utterly destroyed by a fine two-lane highway.

Following these eloquent paragraphs describing the beauty and benefits of the wilderness area, Douglas then issued a challenge:

I wish the man who wrote your editorial of January 3, 1954, approving the parkway would take time off and come with me. We would go with packs on our backs and walk the 185 miles to Cumberland. I feel that if your editor did, he would return a new man and use the power of your great editorial page to help keep this sanctuary untouched.

One who walked the canal its full length could plead that cause with the eloquence of a John Muir. He would get to know muskrats,



Justice Douglas (in the foreground) leads a group of hikers during the famous 1954 trek to save the Canal.



Justice Douglas shakes hands with a woman who came out to greet the hikers.

badgers, and fox; he would hear the roar of wind in thickets. He would see strange islands and promontories through the fantasy of fog; he would discover the glory there is in the first flower of spring, the glory there is even in a blade of grass; the whistling wings of ducks would make silence have new values for him. Certain it is that he could never acquire that understanding going 60, or even 25 miles an hour.

Justice Douglas' challenge was accepted. The Justice assumed there would be a small party of three or four people backpacking the canal. However, news of the hike attracted other conservationists who wanted to join the party. Eventually the group grew to 58 participants, including his friend R. Olaus Murie, president of the Wilderness Society, and Sigurd Olson, president of the National Parks Association. Experts on geology, geography, ecology, history, ornithology and specialists in mammals joined the trek for portions of the journey. On the trail "[e]ach night the group was treated to lectures on what it had seen and would see the next day. Sporting clubs along the route hosted the

group in the evenings, various organizations prepared and served meals, and a trail club transported the gear so the hikers wouldn't have to carry it."

Even with this assistance, it was a difficult trip. The hikers averaged 23 miles per day with Justice Douglas setting "a brisk four mile per hour pace." A driving snow storm beset the hikers on the second day of the eight day hike. Most of the party travelled on a portion of the trail, with people joining and leaving the group on a rotating basis. In the end, only nine men, including the 55 year-old Justice, completed the entire route.

One of the interesting by-products of the trip was the composition of "The Canal Song." New stanzas were added each night based on the events of the day. A total of 31 verses were composed by the end of the trip. Below is a sampling of the verses.

*The duffers climbed aboard the truck
With many a groan and sigh,
But something faster passed them up
The Judge was whizzing by.*

*The blisters are a'burning
And the tendon's getting sore,
While the shutter-boys from Washington
Keep yelling "Just one more."*

*The miles are rolling right along,
We're tough as nails by now,
We hold our broken bodies straight
As the Justice takes a bow!*



Justice Douglas was photographed shaking hands with the Secretary of the Interior during the 1954 hike, which was publicized widely by the national press.

*Oh the towpath licks are standing
And the tunnel's still intact
We know our friends will fight like hell
To stop the Cadillacs.*

*And now our journey's ended,
Our aches and troubles gone;
'But blisters heal', so says the Post,
And memories linger on.*

The hike was publicized nationally. Wire services provided stories to thousands of newspapers across the country about the event. *Time* magazine ran a story and movie theaters showed newsreels of the hike. Douglas was interviewed as he hiked the trail and photographers documented the team's progress and travails. People came out at various points along the trail to join the Justice for a portion of the hike. School children and townspeople went out to shout support to the group, and public support for saving the Canal

swelled as the days progressed. Douglas' prediction came true: the editors of the *Washington Post* reversed their original position to support preservation of the canal.

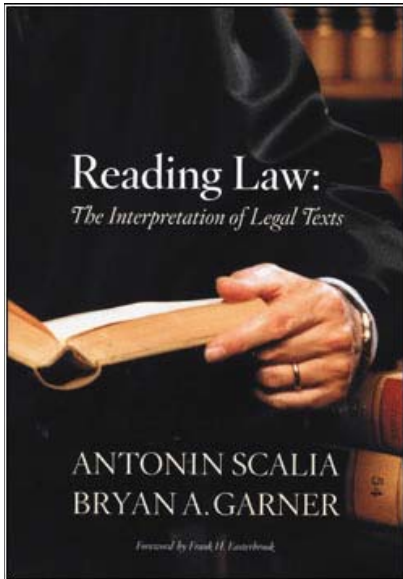
On the last night of the hike, the Justice organized a committee to make recommendations and draft plans to preserve the area and its resources. He served as chairman of the group which became known as the C & O Canal Association in 1957. Even with all of the publicity and support, the victory was not achieved until January 8, 1971, when Congress passed The Chesapeake and Ohio Canal National Historical Park Act.

Douglas remained committed to the preservation of the country's natural resources throughout his lifetime, and he had many other excursions including the trip to the Arctic region. But perhaps because of the proximity to Washington, or the involvement of a major newspaper, his efforts on behalf of the C & O Canal were more widely publicized, and therefore the most influential of his efforts as a preservationist.



The so-called "immortal nine" who hiked the entire length of the Canal with Douglas are shown in this picture. Douglas is the sixth from the left wearing his camera around his neck.

Signed Copies of the books below are available in limited quantities from the Supreme Court Giftshop. Please call 202.544.8300 for availability and ordering or visit our website www.supremecourtgifts.org



Reading Law: The Interpretation of Legal Texts
Justice Antonin Scalia and Bryan A. Garner
Price: \$49.95

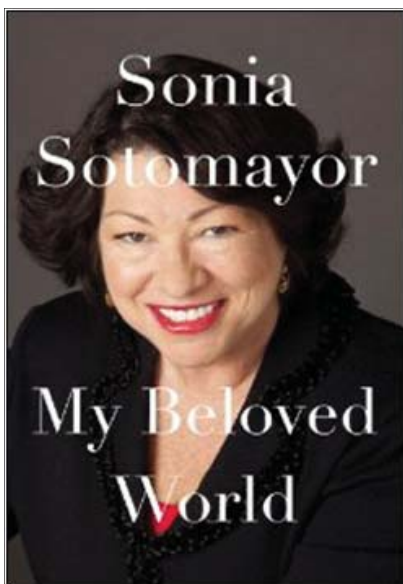
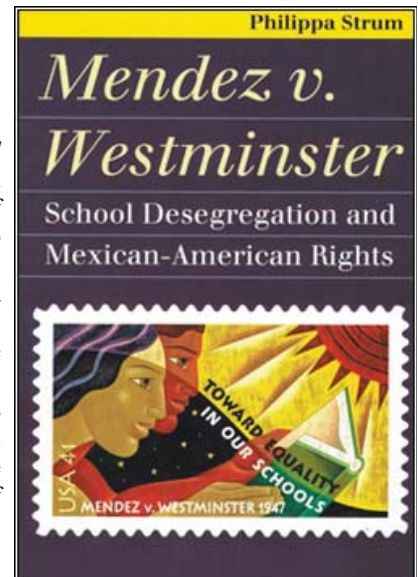
In this groundbreaking book by best-selling authors Justice Antonin Scalia and Bryan A. Garner, all the most important principles of constitutional, statutory, and contractual interpretation are systematically explained in an engaging and informative style—including several hundred illustrations from actual cases. Never before has legal interpretation been so fascinatingly explained. Both authors are individually renowned for their scintillating prose styles, and together they make even the seemingly dry subject of legal interpretation riveting. Though intended primarily for judges and the lawyers who appear before them to argue the meaning of texts, *Reading Law* is sound educational reading for anyone who seeks to understand how judges decide cases—or should decide cases. The book is a superb introduction to modern judicial decision-making. Justice Scalia, with 25 years of experience on the Supreme Court, is the foremost expositor of textualism in the world today. Bryan A. Garner, as editor in chief of *Black's Law Dictionary* and author of Garner's *Dictionary of Legal Usage*, is the most renowned expert on the language of the law. *Reading Law* is an essential guide to anyone who wishes to prevail in a legal argument based on a constitution, a statute, or a contract. The book is calculated to promote valid interpretations: if you have lame arguments, you'll deplore the book; if you have strong arguments, you'll exalt it. But whatever your position, you'll think about law more clearly than ever before.

Mendez v. Westminster School Desegregation and Mexican-American Rights
By Philippa Strum
Price: \$34.95 for Hardcover 16.95 for Softcover

While *Brown v. Board of Education* remains much more famous, *Mendez v. Westminster School District* (1947) was actually the first case in which segregation in education was successfully challenged in federal court. Finally giving *Mendez* its due, Philippa Strum provides a concise and compelling account of its legal issues and legacy, while retaining its essential human face: that of Mexican-Americans unwilling to accept second-class citizenship.

Strum effectively weaves together narrative and analysis with personality portraits to create a highly readable and accessible story, allowing us to hear the voices of all the protagonists. She also presents the issues evenhandedly, effectively balancing her presentation of arguments by both the plaintiffs and the schools that sought to continue the segregation of Mexican-American students.

Ultimately, *Mendez* highlights how Mexican-Americans took the lead to secure their civil rights and demonstrates how organization, courage, and persistence in the Mexican-American communities helped to overcome the racism of the school boards. Their inspiring example is particularly timely given the current controversies over immigration and the growing national interest in Latino life. This book is part of the Landmark Law Cases and American Society series.



My Beloved World
Sonia Sotomayor
Price: \$27.95

The first Hispanic and third woman appointed to the United States Supreme Court, Sonia Sotomayor has become an instant American icon. Now, with a candor and intimacy never undertaken by a sitting Justice, she recounts her life from a Bronx housing project to the federal bench, a journey that offers an inspiring testament to her own extraordinary determination and the power of believing in oneself. Here is the story of a precarious childhood, with an alcoholic father (who would die when she was nine) and a devoted but overburdened mother, and of the refuge a little girl took from the turmoil at home with her passionately spirited paternal grandmother. But it was when she was diagnosed with juvenile diabetes that the precocious Sonia recognized she must ultimately depend on herself. With only television characters for her professional role models, and little understanding of what was involved, she determined to become a lawyer; a dream that would sustain her on an unlikely course, from valedictorian of her high school class to the highest honors at Princeton, Yale Law School, the New York County District Attorney's office, private practice, and appointment to the Federal District Court before the age of forty. Along the way we see how she was shaped by her invaluable mentors, a failed marriage, and the modern version of extended family she has created from cherished friends and their children. Through her still-astonished eyes, America's infinite possibilities are envisioned anew in this warm and honest book, destined to become a classic of self-invention and self-discovery.

Also available in Spanish and Audio book.

Another Best Friend By: Dr. Craig A. Smith*

Editor's Note:

The editors received a response to the Trivia quiz which appeared in the last issue of the Quarterly suggesting a better way to identify the individuals in the group photograph showing President Truman with members of the Supreme Court. The photograph appears below, along with a more detailed description of the individuals in the photograph.

In addition to clarifying the identification of persons in the photograph, Professor Smith wrote a short article suggesting that there could be an additional correct answer to the question of who in the photograph could be considered a "Best Friend" to President Truman. Professor Smith's answer follows.

Tom Clark (present in the same photograph, top row, last on the right) is also a correct answer. Historically, the "warm friendship" that Clark shared with Truman may have appeared just as close as the one shared between Burton and Truman. Like Senator Burton, Clark, as a member of the Justice Department, worked closely with the famed "Truman Committee" to investigate corporate corruption. In addition, Clark became Truman's first Attorney General (the position he held at the time the photograph was taken.)

News stories as early as March 1943 indicated that Attorney General Francis Biddle wanted his Assistant Attorney General, Tom Clark, to continue in his role as head of the War Frauds Unit even after Clark received Senate confirmation to head the anti-trust division. At the time, Truman's Senate investigation had disclosed irregularities in steel shipments for the Navy, and Truman was forwarding "new evidence" to

Clark of faked tests to prove the level of corruption. According to one news account, prosecutions through the War Frauds Unit took "over where the Truman committee left off."¹ A few months later the War Frauds Unit was again working closely with Senator Truman, this time investigating defective airplane equipment. Truman's committee made available to Clark all materials on the Curtiss-Wright company for analysis and review, and Clark agreed not to initiate prosecution without the committee's approval. Once the committee completed its investigations, Clark proceeded with a case before a grand jury.²

Following their cooperative efforts to end wartime corporate corruption, Clark became Truman's Attorney General, a position Clark held until 1949 when Truman elevated him to the Supreme Court. As the "president's lawyer," Clark was a member of Truman's inner-circle, assisting Truman with ending the war and converting to peace, promoting Truman's civil rights agenda, and even stumping on the campaign trail for Truman's remarkable re-election victory.

Evidence of their mutual respect and admiration for each other is contained in historical artifacts found in the Tom Clark Papers at the University of Texas at Austin. On a hand-

written scrap of paper [undated] Clark mused one day during a cabinet meeting in a memo he titled "thoughts of a Cabinet Officer":

Meet every Friday
Simple-but handsome
All there
Wilson there too
Jefferson & Madison



Members of the Supreme Court were photographed during what was then an annual visit to the White House. (Left to right first row) Chief Justice Harlan Fiske Stone, President Truman, Justice Hugo L. Black, with Justice Felix Frankfurter on the far right (slightly above the others on that row.) Middle row (left to right) Justices Stanley Reed, Harold M. Burton, Wiley Rutledge and Frank Murphy. Back row (left to right) Justice William O. Douglas with officials from the Department of Justice including then-Attorney General Tom C. Clark at the far right.

Quiet man comes in—he
 inquires of each their feelings—
 How's Mary & the kids—He
 sits at the head of the long
 table—The real business begins.
 The State Dept—Treasury—War
 Navy—Justice—Labor
 All their problems on his head
 Outside last Friday it was snowing in Wsh
 It might as well be Britain—Russia--
 France—China—Japan—Germany
 For decisions for them too have to come
 from the same man
 A real American—He keeps his head
 My Boss—friend—The Pres—HST³

There was also a letter from Truman to Clark written after Clark joined the Supreme Court where Truman tried to explain his absence at a birthday celebration Clark had planned for him. Clearly anguished, Truman wrote, "I am sure so understanding a friend as you will appreciate the frank spirit in which I am writing this note. Even so, I find it a little difficult to convey my feelings to you . . . Nor could I write this letter of regret without an assurance of my heartfelt appreciation of our rich friendship, a friendship which I know will endure until one or the other of us can enter into no further human relationship."⁴

Written during Clark's first Court term, Truman's letter expressed an intimacy of friendship that had its origins long before Clark became a Justice and that developed over years of close, personal contact.

End Notes

1. *Pittsburgh Post-Gazette*, March 26, 1943; 1; and the *Spokane Daily Chronicle*, March 31, 1943, 1.



Truman Library

United States Attorney General Tom C. Clark was photographed in a lounge chair and smoking a cigar. The tie he wears shows the scales of justice imprinted in it as a design.

2. *Pittsburgh Post-Gazette*, May 20, 1943, 24; and *New York Times*, July 13, 1943, 9.
3. Box B 49, folder 3, Funny Letters, 1940-1968, General Correspondence and Office Files (GC), Tom C. Clark Papers, Tarlton Law Library, University of Texas at Austin (TCC).
4. Truman to Clark, March 28, 1950, Box B 118, folder 4, Truman, Harry S, 1949-1959, GC, TCC.

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WANTED

In the interest of preserving the valuable history of the highest court, The Supreme Court Historical Society would like to locate persons who might be able to assist the Society's Acquisitions Committee. The Society is endeavoring to acquire artifacts, memorabilia, literature and any other materials related to the history of the Court and its members. These items are often used in exhibits by the Court Curator's Office. If any of our members, or others, have anything they would care to share with us, please contact the Acquisitions Committee at the Society's headquarters, 224 East Capitol Street, N.E. Washington, D.C. 20003 or call (202)543-0400. Donations to the Acquisitions fund would be welcome. You may reach the Society through its website at www.supremecourthistory.org

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The portrait bust of Justice Anthony M. Kennedy was unveiled by Angelo Tsakopoulos (left) the donor, aided by the Justice's children, from left Gregory, Justin and Kristin.

On March 7, 2013 a 2/3 length portrait bust of Justice Anthony M. Kennedy was unveiled at the Justice Anthony M. Kennedy Library and Learning Center in the Sacramento California Federal Courthouse. The bust was commissioned by Angelo Tsakopoulos who donated the bust to the Supreme Court Historical Society. The bust was executed by world-renown sculptor Vangelis Moustakas who was also present for the unveiling and installation ceremony. Many members of the Kennedy family were present for the occasion, along with a number of dignitaries and other special guests.