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Justice Ruth Bader Ginsburg Lies in Repose

By Kathleen Shurtleff

Justice Ruth Bader Ginsburg, appointed to the Supreme Court in 1993, passed away at her home on September 18, 2020 at the age of 87. At the time of her death, she had become the second Associate Justice in order of seniority on the Court. Her 20th year of service on the Court corresponded with her 80th birthday. Justice Ginsburg had defeated colon cancer in 1999, but early stage pancreatic cancer occurred approximately 10 years later. Throughout her medical challenges, Justice Ginsburg continued to carry a full work load on the Court, and she was preparing for the October Term 2020 at the time of her death.

As with many of her predecessors, the Justice was honored by lying in repose in the Great Hall of the Supreme Court Building. COVID concerns necessitated a change from previous ceremonies of this nature, but some elements were retained. In keeping with the tradition, her casket was carried up the front steps of the building to be positioned in the Great Hall. Former law clerks to the Justice served as honorary pallbearers and lined the front steps as the casket arrived. Supreme Court police officers served as pallbearers. The casket lay upon the catafalque that once bore the body of President Abraham Lincoln. Her former colleagues Justices John Paul Stevens, Antonin Scalia, and Chief Justice William H. Rehnquist were honored in this manner, as well as five previous Justices. A portrait of Justice Ginsburg painted in

2016 by Constance P. Beaty was displayed in the Great Hall where her flag-draped casket lay for a brief ceremony. On prior similar occasions, the casket remained in the Great Hall while visitors filed past to pay their final respects, but given the health concerns, it was not possible to follow this tradition.



Chief Justice John G. Roberts, Jr. paid tribute to Justice Ruth Bader Ginsburg in a ceremony in the Great Hall.

The members of the Supreme Court and their spouses, and the Justice's immediate family gathered in the Great Hall for the arrival of the casket. A ceremony was held at 9:30 AM at which time Chief Justice John G. Roberts, Jr. made formal remarks on behalf of the Court. Following some private time, the Justice's casket was moved to an area immediately under the portico, outside the front doors of the Court where in the sunlight of a beautiful autumn day

and into the night, it lay in repose surrounded by a bier of flowers. Members of the public paid their respects from the plaza level of the building until approximately 10 PM that evening. The following day, the Justice also lay in repose on the portico of the Court to allow people to pay their respects. On Friday, September 25, the Justice lay in state in the Rotunda of the Capitol Building, an unusual honor customarily reserved for political figures. Justice Ginsburg was the first woman to be so honored, joining 34 men who have also lain in state.

These honors mirrored Justice Ginsburg's career during *Justice Ruth Bader Ginsburg Lies in Repose continued on Page 4*

Photograph by Fred Schilling, Collection of the Supreme Court of the United States

A Letter from the President



President Chilton D Varner

It is with bittersweet thoughts that I announce the retirement of the Society's long-time Executive Director, David T. Pride. True to his commitment until the very end, David has also helped us to secure a successor whom I believe will be a perfect fit for the Society and the Court: James Duff. Jim, a long-time member of the Society, assumed the office on February 1st following David's retirement.

Many of you know Jim, or know of him, by virtue of his long affiliation with the Court, the Society and the whole of the federal judiciary. I will give a longer account of his impressive career later in this letter. But first, we should reflect upon the exceptional tenure of our dear friend, out-going Executive Director David Pride.

That this is an organization where staff tenures are more often measured not in years, but in decades, is a testament to the loyalty that David has inspired. It is appropriate to recount some of the Society's many accomplishments under his leadership.

David has served the Society nobly since joining its staff in 1979, rising to the post of Executive Director in 1987. Working closely with then-President Justin Stanley, he oversaw the creation of the Society's endowment. Today, that endowment funds and assures the longevity of the Society's programs and undertakings, and – indeed – our overall mission.

When Justin was succeeded by Leon Silverman, Leon and David worked to institute many of the Society's long-standing programs: the National Heritage Lecture, the Erwin Griswold Prize Lecture, and a recurring lecture series at the Court. At the close of Leon's tenure, David quietly raised an endowment to fund the lecture series, and persuaded the Executive Committee to name it in Leon's honor. David and Leon also worked to provide funding for an expansion of the *Journal of Supreme Court History* to three issues annually; creation of the Annual Fund; and acquisition of the Society's headquarters at Opperman House.

My previous law partner and mentor, Frank Jones, succeeded Leon. Frank did not hesitate to look to David to help him usher the Society into its next phase of accomplishment. Frank and David saw to the completion of a 29-year research project—the Documentary History of the Supreme Court's first decade. With the invaluable leadership and remarkable energy of Ralph Lancaster, the Society also mounted a successful campaign to secure Congressional passage of the John Marshall Commemorative Coin Bill,

which yielded \$2.6 million for the Society's endowment. Once again, when Frank stepped down as President, David quietly raised an endowment to fund a permanent program named in Frank's honor—the Frank C. Jones Supreme Court Reenactment series.

Ralph Lancaster succeeded Frank as President and continued to rely upon David to guide the Society into the future. When the Court announced its first major renovation project since 1935, Ralph and David worked together to raise funds for a new Gift Shop that would be in keeping with the architectural fabric of the Supreme Court Building. Ultimately, their efforts produced a Gift Shop that pleases both the Court and the Society.

Ralph was, in turn, succeeded as President by Greg Joseph—the Society's current Chairman of the Board. Greg placed the same trust in David as had his predecessors. When Greg conceived a new fund-raising venue for the Society in the form of the New York Gala, he relied upon David to marshal the Society's resources to bring the Gala to fruition. Held every other year, it has produced important infusions for the endowment and other reserves.

When I succeeded Greg, I inherited a Society that was debt-free, housed in its own headquarters, and funded by a substantial endowment and other reserves. We also had a robust array of programs, and publications. Notwithstanding the pandemic, we have a Society that is stable and secure, thanks to David's imaginative leadership and his conservative management of our resources. Stated simply, David Pride has built the Supreme Court Historical Society into what it is today. He has served us for more than 40 years and we are the better for it.

As we enter a new era of leadership, I am equally confident that the Society will be in fine hands. As many of you know, Jim Duff has had a long and distinguished connection with the Court, beginning with service as aide to Chief Justice Warren Burger. He subsequently served as Administrative Assistant (a post now referred to as "Counselor to the Chief Justice") for Chief Justice William Rehnquist. Later, he served two non-consecutive terms as Director of the Administrative Office of the U.S. Courts – all of them. Appointed initially by Chief Justice Roberts in 2006, he returned to that post in 2015 when Chief Justice Roberts requested that he return. In

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Managing Editor Kathleen Shurtleff
Advisory Editor James B. O'Hara

the interim, Jim served as Chief Executive and President of Washington's Newseum.

In addition, Jim has had a distinguished career in private law practice, including service as managing partner of the Washington office of Baker, Donelson, Bearman, Caldwell & Berkowitz. He also teaches constitutional law at Georgetown University, as an adjunct professor. He was named the Peter Mullen Professor of Law at Georgetown University for the fall of 2014 after previously serving as the first lecturer of

the Giles Seminar at Georgetown. Not least, he has served on the Executive Committee of the Society.

In short, Jim brings a truly admirable set of credentials to the Society. I am sure that in the weeks and months ahead you will each come to know him better and recognize the extraordinary fit and opportunities he brings to our Society. David leaves an impressive legacy, and I know that the Membership will extend to Jim the same degree of support and engagement that David has enjoyed so much.

Chilton D. Varner

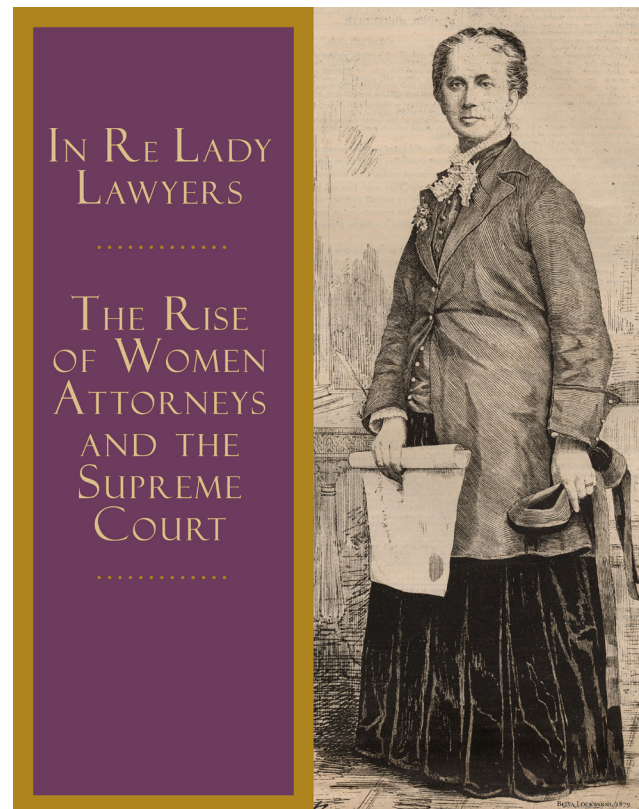
A New Online Exhibit on the Court's Website

By Maya Foo*

The Curator's Office at the Supreme Court recently posted a second online exhibition, *In Re Lady Lawyers: The Rise of Women Attorneys and the Supreme Court*, organized by Exhibitions Coordinator Maya Foo. Several objects and images acquired with the support of the Society are featured, including the image of Belva Lockwood holding her Supreme Court Bar Certificate that is prominently featured on the exhibit's title banner.

The exhibition's title comes from an envelope found in the Supreme Court Clerk's Office records from the early 1900s that contained a list of women admitted to the Supreme Court Bar. This list, which contains the names of 97 women, ends in 1920 and can be viewed in detail online. The exhibition looks at part of the history of women attorneys in the United States, including Myra Bradwell who lost her 1873 Supreme Court case, *Bradwell v. Illinois*, and was denied a license to practice law because she was married. Lockwood, who became the first woman admitted to the Supreme Court Bar in 1879.

These early women lawyers carved a path for future female advocates, judges, and eventually, Supreme Court Justices. The online exhibit includes a slideshow of images from Justice Sandra Day O'Connor's Investiture Ceremony in September 1981 along with her early official photos. It concludes with images of the other female members of the Court, including Justice Amy Coney Barrett who took her seat on October 27, 2020, as the 103rd Associate Justice of the Supreme Court.



Collection of the Supreme Court of the United States

Belva Lockwood is shown holding her Supreme Court Bar Certificate after becoming the first woman admitted to that Bar in 1879.

www.supremecourt.gov/visiting/exhibitions/LadyLawyers/

**Maya Foo, Exhibits Coordinator, Office of the Curator, Supreme Court of the United States*



Mourners waited in line to pass before the casket of Justice Ginsburg. The Justice lay in repose on the steps of the Supreme Court Building for two days.

which she became a pioneer in several areas. Justice Ginsburg was the second woman to receive an appointment to the Supreme Court of the United States, joining Justice Sandra Day O'Connor on the bench. She was appointed to the Court in 1993 by President Bill Clinton following 13 years of service on the U. S. Court of Appeals for the District of Columbia. While serving on that Court, Judge Ginsburg gained a reputation as a hard-working and collegial judge known for maintaining an excellent working rapport with all her colleagues, including those with differing viewpoints. Joining the Supreme Court Bench reunited her with a previous colleague from the Court of Appeals; Antonin Scalia. Justice Scalia served on the Court of Appeals from 1982-1986 and during the years they worked together on that Court, Judges Scalia and Ginsburg developed a close friendship that continued throughout their service together on the Supreme Court.

At the time she joined the Supreme Court Bench, Justice Ginsburg was not a stranger to the Court. In addition to joining her prior colleague, Justice Scalia, Ginsburg also had experience arguing before the Court. Prior to her judicial career, Ginsburg was a successful advocate and champion for women's legal rights. She was a litigator and director of the Women's Rights Project of the American Civil Liberties Union in the 1970s. During that period she argued six cases before the Supreme Court of the United States, winning five of them, several of which became landmark cases. But Justice Ginsburg did not restrict herself to fighting for equal protection for women only. In one of her six Supreme Court cases, *Frontiero v. Richardson*, she advocated to obtain dependent status and benefits for the husband of a female military officer. Throughout her lifetime, the Justice was a champion of injustices or errors which she believed needed to be changed and she was a fierce advocate for and supporter

of these causes.

Justice Ginsburg was born Joan Ruth Bader in New York and grew up in the Flatbush area of Brooklyn. Early in her life she dropped the name Joan, and thereafter was known as Ruth. At the age of 17 she enrolled at Cornell University, the recipient of a scholarship. In her freshman year she met Martin Ginsburg, a sophomore at Cornell. She said the attraction was almost immediate and predicated in part on the fact that he was the first boy to appreciate her intellect. They married following her graduation in 1954. The Ginsburgs shared a lifelong romance and a shared passion for the law, their family, and music. Their personalities were complimentary. Marty, as he was known to his friends and family, was outgoing with a quick wit, while she was more reserved by nature. Early in their married life Marty assumed the duties of preparing meals after several less than successful attempts by Ruth to prepare "appetizing food." Justice Ginsburg frequently said in her talks that her food-loving family banned her from the kitchen. Not only willing to undertake the task of food preparation, Marty became an accomplished chef and invitations to dinner at the Ginsburg home were highly prized. In addition to his talents as a chef, Marty Ginsburg was a very successful tax lawyer. Shortly after relocating to Washington at the time his wife was appointed to the Court of Appeals for the District of Columbia Circuit, Marty started teaching accounting at Georgetown University. Teaching became his avocation, and he was referred to as Professor Ginsburg throughout the remainder of his life. The Ginsburgs lived in an apartment in the Watergate, adjacent to the Kennedy Center which provided easy access to the Court, to Georgetown's campus, and his law offices. The Ginsburgs frequently attended performances of the opera and the ballet there. The Ginsburg's two children, Jane and James, shared the interests of their parents. Jane is a Professor of Literary and Artistic Property Law and the Faculty Director of the Kernochan Center for Law, Media and the Arts at Columbia University in New York. Their son James is the founder and president of Cedille Records, a classical music label.

In the last years of her life, Justice Ginsburg acquired a fame that is unusual for a Justice. Her powerful dissents and advocacy for equal rights for women garnered attention across a broad spectrum of age groups throughout the country, but particularly among younger women. Courtesy of a law student, Shana Knizhnik, Ginsburg acquired the moniker, "Notorious RBG" The nickname was a play on the name of a famous rapper also born in Brooklyn and with similar initials. Images of the Justice began to appear on many items, including t-shirts and products as diverse as "Dissent Mints" and adhesive bandages. The Justice was most often portrayed wearing one of the special collars she wore with her robes

during her later years of service on the Court. In her early years on the Supreme Court, she, like Justice O'Connor, often wore a jabot to relieve the severity of the judicial robe. But later, Justice Ginsburg replaced the jabot with woven or beaded collars. After she started wearing a lace collar with her robes, she received a variety of collars as gifts made of various materials, including one made of shells. These collars became a trademark signature of the Justice and her image began to be portrayed on various products, in her robe wearing a frilly collar, frequently embellished with a crown. The Justice was initially unaware of this phenomenon until her law clerks brought to her attention that she was now widely referred to as "Notorious RBG."

Although Justice Ginsburg was reserved by nature, she was first amused, and later, perhaps a bit bemused, at her sudden fame. After time, she came to be more comfortable with her new status as "a rock star," as her name and image appeared increasingly in pop culture references. Not surprisingly, a number of books were published about her life, including children's biographies. Most of the articles and books discussed her early life, career and many professional accomplishments. But one publication was an exception to the academic books; it is a small volume containing illustrations and instructions on how to work out like Justice Ginsburg published by her personal trainer. Following its publication, the Justice appeared on a talk show where she and the male host performed some of the workout together. Considerably younger, the host had difficulty keeping up with the Justice who pursued rigorous personal training. Another development in her career was the production of a Hollywood biopic about her life, focusing primarily on her experiences as a lawyer working to overcome discrimination against women.

Shortly after Justice Ginsburg joined the Supreme Court, Justice Sandra Day O'Connor suggested that Justice Ginsburg would be the perfect person to coordinate the Court's Musicales programs, called "Music at the Court." These occasional concerts are designed to provide a break from the heavy workload of the Court. Justice Ginsburg assumed that responsibility and through her connections to and love of the arts, the program grew and flourished. Partnering with the Washington Performing Arts organization, these occasional concerts at the Court have showcased a variety of leading musical artists of the world. Artists were chosen from many genres of music, with an emphasis on opera. One of Justice Ginsburg's greatest loves was opera. Performers have included Bryn Terfel, Renee Fleming, Itzak Perlman, YoYo Ma, Lang Lang and the Wynton Marsalis Quintet. At the spring 2019 concert, Justice Ginsburg celebrated her 15th year as chair of the Musicales.

After lying in state at the Capitol Building, Justice Ginsburg was buried in a private ceremony on September 28 at Arlington National Cemetery. She was laid to rest beside her husband who passed away in 2010. The section in which the Ginsburgs are buried is an older section of the cemetery where markers are not restricted to the uniform white headstones found throughout the majority of the cemetery. The headstone is black and bears a Star of David. The ceremony was restricted to those who knew her best: her family; close friends; Justices; and members of Ginsburg's staff. To honor her love of opera, the ceremony concluded with recordings of two arias by Giacomo Puccini sung by Leontyne Price. Justice Ginsburg lies in close proximity to nine other former Justices who are buried in the same section of the cemetery, including three with whom she had served.

Note: Please check the website, <https://supremecourthistory.org> for some additional photographs from the lying in repose service as well as some photographs of Justice Ginsburg.



Collection of the Supreme Court of the United States

Justice Ginsburg's casket lay in repose overlooking the Capitol Building. Visitors filed by until late in the evening.

Deborah Gelin: Supreme Court Pioneer

By Todd C. Peppers*

Monday, October 2, 1972 was a momentous day at the United States Supreme Court. At approximately 10:00 a.m., the Justices processed into the courtroom to start October Term 1972. For the first time in the Court's history, a young woman took a seat on the raised rostrum. She was not Sandra Day O'Connor, who would become the first female Justice approximately nine years later. Her name was Deborah Gelin, and she was a fourteen-year-old high school student from Rockville, Maryland. Hired by the Court in September of 1972, Gelin was the first young woman to serve as a Supreme Court page. The goal of this short essay is to tell Gelin's story.

The old expression "for the want of a nail the kingdom was lost" reflects the idea that small events in our lives have significant consequences. This saying is especially relevant for Deborah Gelin. In her story, the trivial event upon which history turned was the book **Patty Goes to Washington** – a book that a "nice Jewish girl" found in her Christmas stocking. Based on the characters from "The Patty Duke Show," the paper-thin plot is summarized on the dust cover:

Join television's favorite teen-agers, pretty, perky Patty Lane and her look-alike cousin, Cathy, on a whirlwind Washington tour filled with wonderful fun and fascinating facts about famous people and places. The girls have a very special guide to the White House and two handsome pages to show them around the Capitol.

The "handsome pages" work in the United States Senate. After a chance meeting outside the Capitol, Patty and Cathy learn about the page program from their male admirers as well as get a tutorial course in the "fantabulous" history of Washington, DC. And, of course, there is time for romance!

As Gelin read the book, she was intrigued by the story line about the pages. The job "sounded unusual and interesting," recalled Gelin. That spring, she reached out to both Congress and the Supreme Court and inquired about working as a page. While the Supreme Court marshal's office told Gelin that they did not have any open positions, it still sent her an application.

Undaunted, Gelin completed the application and returned

it to the marshal's office. In the summer of 1972, her luck turned and she was offered an interview. "I interviewed with Frank M. Hepler, who was in the marshal's office [marshal of the court]," said Gelin. "He asked me about what sports I liked and things like that." Curiously, the fact that Gelin might become the first woman to serve in the century-old page program was not discussed. Gelin was quickly offered the job. When asked why she accepted the position, Gelin simply said: "I like history and it was better than babysitting."

Gelin's hiring sparked headlines across the country, many of which were patronizing. "A Lass, at Last, 'Liberates' Court" (*The Los Angeles Times*). "High Court Hires Girl" (*The New York Times*). "Girl Page on Payroll" (*The Amarillo Global Times*). "Girl Makes History" (*The Capital Journal*). "Teen-ager to Reign Supreme as Court's 1st Girl Page" (*The Cincinnati Inquirer*). "New Look Page" (*The Washington Post*). "New Page in History" (*The Herald*).

Most of the newspaper articles were accompanied by a picture of Gelin, standing on the steps of the

Supreme Court. Joining Gelin were returning pages Daniel Robinson, Mark Albertson, and Robert Mathias. The three male teenagers were not only fellow pages, but now Gelin's classmates at the Capitol Page School. Located in the Library of Congress, all pages attended morning classes at the school before starting their duties on Capitol Hill or the Supreme Court. The teenagers look uncomfortable in their staged poses, with tense smiles plastered on their faces. "We were shell-shocked" during the photo session, recalled former page Mark Albertson.

The newspaper articles did not contain much information about Gelin, in large part because the Supreme Court banned the young teenager from talking to the press. Desperate for any details, the newspapers reported that "Debbie" was a "petite brunette" who learned about the page program from "reading books." Gelin's parents would not tell reporters how much their daughter would be making as a page, but her father – an attorney at the Justice Department – couldn't help bragging that his daughter was "quite a bit above average" and that she played both the bassoon and the saxophone.

The Kansas City Times (September 26, 1972)



The 1972 class of pages at the Supreme Court (above) included a young lady, Deborah Gelin.

While we don't know why the Supreme Court banned Gelin from talking, its decision may be linked to the earlier hiring of Charles Vernon Bush, the first black page to work at the Court. After Bush's hiring was announced in the summer of 1954, Bush and his family were hounded by the press. "We were inundated with interview requests and information requests and I was an instant media personality," remembered Bush. Not surprisingly, the fourteen-year-old Bush was not ready to be "paraded around Capitol Hill and having my picture taken and [be] asked all sorts of intrusive questions." Bush felt like the Supreme Court failed to prepare his family for the limelight, and perhaps the Court learned from Bush's hiring.

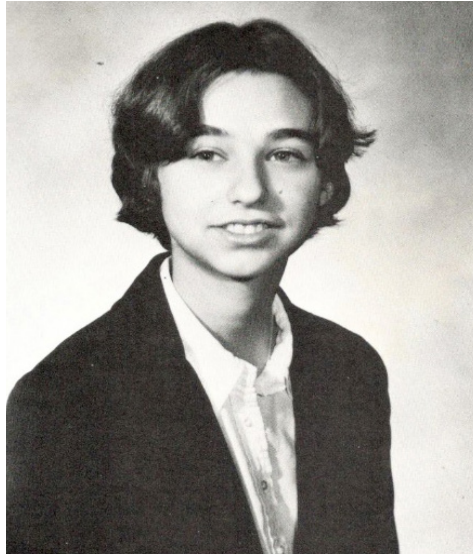
While Gelin stated that she never felt any gender discrimination at either the Court or Capitol Page School, the photoshoot did result in two gendered responses. The Court decided that the skirt worn by Gelin in the pictures was too short. "I was told that I had to wear a knee-length skirt," said Gelin. "Finding a longer skirt for a thin 14-year-old was hard." Her mother eventually found some skirts at the thrift store. Gelin was not allowed to wear slacks until her third and final year in the page corps. This would not be the first time that page uniforms preoccupied the Court; until the early 1960's, traditionalists at the Court insisted that the male pages continue to wear their trademark knickers.

The second gendered reaction to her hiring: Gelin received hate mail for taking the place of the young men who were better suited to be pages. When asked about the letters, Gelin recalled being "appalled."

In preparing to write this essay, I spoke with former pages Albertson and Mathias about Gelin's hiring. "It was a big deal when Deborah was appointed because no female had ever been on the bench in any capacity," explained Albertson. "I thought it was great that a female page was hired... the ground had already been broken in Congress...[and] it would have been wrong for the third major branch of government not to follow suit."

Mathias stated that although the pages were "curious" to meet the first female Supreme Court page, no discriminatory animus was directed towards Deborah. "I don't recall anything at the Court regarding discrimination on the basis of gender," said Mathias. "Most of the people at the Court were male, and that might have made Deborah uncomfortable. But I don't remember anyone being mean to her." Concluded Mathias: "She came in and fit in well." Albertson echoed Mathias. "We were all very accepting of Deborah. I don't recall the Justices having a problem with it."

By the time Gelin started at the Court in September of 1972, the duties of the pages were well established. After going to school in the early morning, the pages quickly walked from the Library of Congress to the Supreme Court. "For a normal day at school, we would finish school at 9:45 a.m. and it would be a mad race to head to the bench," explained Albertson. "We would drop our books off in the anteroom behind the bench and take our positions to open the curtains for the Justices."



Along with her fellow pages, Deborah Gelin attended school in the mornings prior to assuming her duties at the Court.

After the Justices entered the courtroom, the pages would push in the Justices' chairs. Then the pages took their positions in four chairs located immediately behind the justices. During oral argument, the Justices would pass notes to the pages – typically requesting that the pages retrieve court reporters located in the anteroom behind the bench or deliver notes to their chambers. Former page Mathias explained that William O. Douglas kept the pages busy:

"The pages didn't want to sit behind Douglas because he wrote the most amount of notes. He was one of the most prolific multitaskers that I have ever met. He would act like he wasn't listening to oral argument, but he was. We thought he was working on books, [writing] notes to his wife Cathy, etc."

From her perch behind the Justice, Gelin witnessed some of the most important cases of the twentieth century being argued. *Roe v. Wade*. *United States v. Nixon* (the "Nixon tapes" case). *Miller v. California* (the case in which the Court crafted its obscenity test).

In October of 1974, Gelin was sitting behind the Justices when *Southeastern Promotions, Ltd. v. Conrad* was argued. The case revolved around the question of whether the city of Chattanooga, Tennessee violated the First Amendment when it denied the application of a theater troupe to mount a production of the musical "Hair." As Gelin listened to the Justices question the attorneys, it suddenly struck her that she was the only person on the bench who had actually seen the musical.

Oral argument also afforded Gelin the chance to see talented lawyers in action. "I remember Ruth Bader Ginsburg arguing twice," said Gelin. "She did a phenomenal job." Gelin added that when Ginsburg was scheduled to appear before the Court, the Justices would request her file from the clerk's office so they could learn more about the young activist attorney. Gelin was also impressed with the oral advocacy and "presence" of Sarah Weddington, the lead attorney in *Roe v. Wade*.

Gelin had one unique responsibility during oral argument.

The Kansas City Times (September 26, 1972)

On December 31, 1974, Justice William O. Douglas suffered a severe stroke. When the impaired Douglas returned to the Supreme Court bench, he had difficulty staying awake during oral argument. At the Justice's request, Gelin would discreetly lean forward in her chair and gently poke Douglas when he started dozing.

When the Court was not in session, the pages worked out of Chief Justice Warren Burger's chambers. The pages opened the mail as well as delivered correspondence and legal files to other chambers. One page sat outside the conference room during the Justices' meetings in case notes needed to be delivered. In particularly slow times, Gelin would go down to Justice Douglas' chambers and help do filing.

In my conversation with the former pages, all three had vivid memories of reviewing the endless stream of letters that the Court received after the *Roe* decision – including the graphic images included with the letters. “I remember opening all these letters with pictures of dead fetuses and negative notes about the decision,” stated Albertson. “[It was] the first time I had seen images like this.” The pages read the letters in the Justice's conference room, and on one occasion Justice Harry Blackmun – who penned the majority opinion in *Roe* – joined the pages in sorting through the mail. “It was an emotional time for the Court,” Mathias explained. “They were under attack.”

The pages worked under the watchful eye of Alvin Wright, Sr. – the Chief Justice's messenger. Former page Albertson described Wright as a “good friend and mentor” and a “decent and loyal man” who was “very close to all the pages.” Mathias recalled that Wright treated the pages “like his own kids,” from helping train the young teenagers to bringing them dessert (mainly pies). And to Gelin, Wright was simply “terrific.” Since the pages worked in the Chief Justice's chambers, they also regularly interacted with the Chief Justice himself. “He was a very gracious man,” said Albertson. “He was certainly kind to the pages.”

As with pages of generations past, the close working quarters afforded them the opportunity to get to know the Justices. “I liked Potter Stewart the best,” said Gelin. “He was a really nice guy

[and] I admired him.” When Gelin applied to Yale, she asked the Justice to write her a letter of recommendation. Most memorable was Stewart's comment on the form accompanying his letter. He wrote that he knew the applicant as “as a fellow employee of the Supreme Court.” Gelin's letter of recommendation to Harvard was written by alumnus Harry Blackmun. Gelin ultimately attended Harvard, and, as a student, she was surprised to see the visiting Blackmun on campus. “I was wondering if I would run into you,” Blackmun announced when he spied the former page.

All three former pages interviewed had fond memories of one of the newest member of the Court, William H. Rehnquist. Both Albertson and Mathias played high school basketball, as did Justice Rehnquist's son. The day after the games, Justice Rehnquist liked checking the box scores and chatting with Albertson and Mathias about their shooting performances. “I remember being on the bench on Monday morning during oral argument,” said Albertson. “Rehnquist turned his chair around during oral argument and asked me how the team did in their last game. When I told him that the team didn't do well, he encouraged me to ‘hang in there.’ And then turned his chair back around [and returned to] oral argument.”

One Justice who intimidated the pages was the gruff and taciturn Byron White. “He was a very tough man,” explained Gelin. “Instead of saying hello when you passed by, he would raise his eyebrows.” The pages were also worried about how White handled case books. “He would crank open books...[and we] would worry about the spine.”

When White ran out of cigarettes, he would ask the pages to fetch him a fresh pack from the vending machine outside the court cafeteria. “One day he came out of conference and asked me to get him a pack of cigarettes,” said Albertson. “He gave me the brand name and the coins. He told me

that the machine wouldn't work unless I put in the coins in a certain sequence, which he explained to me.” Luckily, Albertson successfully followed White's precise instructions.

Deborah Gelin graduated from Capitol Page School in the summer of 1975. In her senior yearbook, her peers lauded Gelin for her

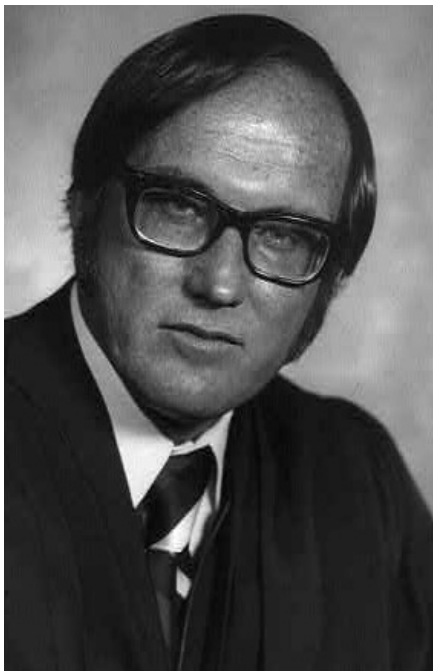


The Supreme Court as it was comprised in 1972. First row (left to right): Justices Potter Stewart, William O. Douglas, Chief Justice Warren Burger, Justices William J. Brennan and Byron R. White. Back row (left to right) Justices Lewis F. Powell, Thurgood Marshall, Harry Blackman and William H. Rehnquist.

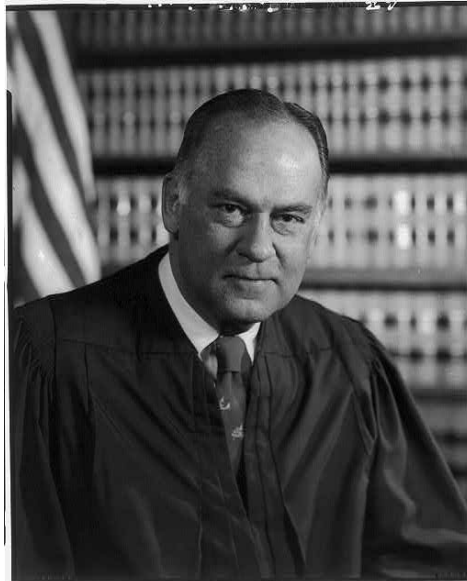
historical place in the page program. “Breaking through the barriers of sexual discrimination, Deborah has experienced the singular honor of being the first female Supreme Court page.” After listing Gelin’s honors – including three years of serving as class president, membership on the student council, and election to the National Honor Society, the yearbook predicted future success. “The students at CPA [Capital Page School] are certain that whatever this liberated lady decides for the future, her accomplishments will surely threaten any male dominated society. Watch out world, step aside boys, here comes Deborah Gelin!” While the yearbook language is a bit dated, the sincere sentiment shines through.

Harvard College awaited Gelin, followed by Harvard Business School. Gelin’s Harvard degrees would initially propel her into positions at Newsweek and the American Lawyer, followed by a long stint as the head of a legal placement agency. When asked whether her time as a page impacted her professional life Gelin replied: “After being a page, I wasn’t in awe of people who were in positions of power; if Justices know you on a first-name basis, you can relate to other people better.”

The first female Supreme Court page would also be the last one. In July of 1975, the Supreme Court announced that it was ending the practice of hiring young teenagers to work



The pages enjoyed Justice Rehnquist who often discussed high school basketball scores with them.



Gelin admired Justice Potter Stewart (above), and when she applied to Yale University she requested a letter of recommendation from him.

Collection of the Curator, Supreme Court of the United States

Notes:

1 For those readers too young to remember, the “Patty Duke Show” starred child actress Patty Duke. In the television series, Duke – thanks to the magic of the split screen – played “identical cousins” whose different personalities and tastes led to crazy adventures – often involving dreamy boys.

2 Frances Spatz Leighton. **Patty Goes to Washington**. Ace Books, 1964.

3 Author’s June 17, 2020 interview with Deborah Gelin.

4 Author’s June 19, 2020 interview with Mark Albertson.

5 Teenager to Reign Supreme as Court’s 1st Girl Page.” *The Cincinnati Enquirer*. September 19, 1972.

6 Darryl Gonzalez July 24, 2007 interview with Charles Bush.

7 Albertson interview.

8 Gelin interview.

9 Albertson interview.

10 410 U.S. 113 (1973).

11 418 U.S. 683 (1974).

12 413 U.S. 15 (1973).

13 420 U.S. 546 (1975).

14 *Frontiero v. Richardson*, 411 U.S. 677 (1973) and *Weinberger v. Wiesenfeld*, 420 U.S. 636 (1975).

15 Linda Carlton was hired in the fall of 1973 to work as a page. At the time, Carlton was attending night law school. Despite the title “page,” I do not consider her to be a traditional page because of her age and education.

16 “Supreme Court Page No More.” *The South Bend Tribune*, July 9, 1975; “Supreme Court Upgrades Pages to ‘Attendants.’” *The Los Angeles Times*, July 9, 1975.

*Todd Peppers is a professor at Roanoke College and the author of *Courtiers of the Marble Palace: The Rise and Influence of the Supreme Court Law Clerk*.

2020 Annual Meeting of the Board of Trustees Broke Tradition

COVID restrictions made it impossible to hold the customary Annual Meeting events in person, so the Annual Lecture, Reception and Dinner were cancelled. But utilizing technology undreamt of in November of 1974 when the Society was first incorporated, the meeting was conducted virtually to allow the Trustees an opportunity to conduct the required business for the year.

President Chilton Varner opened the meeting by providing a short summary of the activities and the financial status of the Society during the fiscal year which ended June 30, 2020. The pandemic has necessitated changes. The Gift Shop has been closed to the public, lectures and other events have been postponed, or cancelled, but alternative solutions are being pursued where feasible. New content has been added to the website, and the Gift Shop continues to function on-line. The Society's premier publication, the **Journal of Supreme Court History**, has not been affected. These volumes have garnered favorable reviews and are accessed with increasing frequency by scholars and students. The annual Hughes-Gossett Prize for the best article published in the year was awarded to Professor Cynthia I. Nicoletti for her article titled "Chief Justice Salmon P. Chase and the Permanency of the Union."

Several online projects have been pursued, including an update of the video describing the Court's involvement in the Election Commission of 1876 which resolved the disputed Hayes-Tilden Election. While not complete at the time of the meeting, it has become an outstanding asset. An article on how the Court functioned during the 1918-19 flu pandemic was posted outlining the experience of the Court during that pandemic. The Society's Publications Director, Ms. Cushman has written pieces for the website and planned and moderated a panel discussion on *Plessy v. Ferguson* as part of a joint webinar in conjunction with the American College of Trial Lawyers. The discussion planned included a presentation by Professor Steven Luxenberg about his book, **Separate: The Story of Plessy v. Ferguson, and America's Journey from Slavery to Segregation** published in 2019. Two preeminent lawyers who are also Trustees of the Society, Carter G. Phillips and Seth Waxman participated and the program is now available on the Society's website.

The permanent collection has continued to grow through acquisition and gifts. Society assets have been carefully managed to maximize the funds available for this and other activities. The closure of the Gift Shop and the suspension of events has made a significant financial impact on the Society. Ms. Varner expressed gratitude to the Trustees for their generous support of the Annual Fund. These gifts provide much-needed income to help defray operational costs. These gifts have been supplemented by gifts from Society members, and some grants. All of these sources of funding have been of critical importance this year.

Since the Gift Shop has been physically closed since March, it has been important to increase the shop's online presence, and those sales are trending higher now as a result. The staff of the Gift Shop and the Society's Technology Department have worked together to achieve this.

Necessary, repairs were made to the roof of the headquarters building to ensure its integrity. Expenditures have been minimized where possible to alleviate the strain caused by the many changes related to the pandemic closures, and we continue seek out new grants and alternative sources of funding. It was not possible to hold the New York Gala in 2020, and an alternative date is being explored for a future Gala when it is feasible to meet again.

Members have continued to play an important part in the success and work of the Society and new technology will be utilized to help bring the Society to the attention of potential members. President Varner emphasized the gratitude of the Society to the members for their support and their generosity in making additional gifts above and beyond their dues by supporting the Annual Fund.

Following her report, Ms. Varner called upon Philip Kessler, Secretary, to present the nominations for election of officers and members of the Board of Trustees. All nominees were elected to the positions indicated below:

Elected to an initial 3 –year Term as a Member of the Board of Trustees

Boris Bershteyn.

Elected to serve an additional 3-year term as a member of the Board of Trustees:

Robert Anello; Dennis Block; Norman Brothers; Robert Bynum; Paul Curnin; James R. Figliulo; Samuel Franklin; David Frederick; Greg Garre; James Gauch; William J. Haynes; Philip Kessler; Gregory Joseph; Robert Juceam; Christy Jones; Thomas Leighton; Joan Lukey; Mrs. Thurgood Marshall; Neal MacBride; Nestor Mendez; Theodore Olson; John Quinn; Harry Reasoner; Teresa Roseborough; Donald Rosenberg; Richard Schneider; Michael W. Smith; Kenneth Starr; Jeffrey E. Stone; Theodore Ulyot; Mark Wasserman; David Weinstein; and Gayle Wright.

Elected to a Three-year Term as Officers

Chilton Varner, President; Vincent C. Burke III, Vice President; Robert Giuffra, Vice President; Mrs. Thurgood Marshall Vice; President, Philip Kessler, Secretary

Elected to a one-year as an At-Large Member of the Executive Committee

Robert Anello; Charles Cooper; James Duff; Teri McClure; John Nannes; James O'Hara; Theodore Olson; Michael Park; Leon Polsky; Jonathan Schiller; Seth P. Waxman; and Robert Young.

All candidates nominated to serve as officers and members of the Board of Trustees were elected. Ms. Varner

congratulated all and thanked the standing Committee Chairs serving on the Executive Committee: **Carter Phillips, Chair of the Budget and Finance Committee and Treasurer; Robert Giuffra, Chair of the Development Committee and Vice President; Donald B. Ayer, Chair of the Publications Committee; Richard (Doc) Schneider, Chair of the Program Committee and Vice President; Jonathan Schiller, Chair of the Membership Committee; Dorothy T. Goldman, Chair of the Acquisitions Committee and Vice President; James McCrery, Chair of the Facilities Committee; Vincent C. Burke III, Chair of the Gift Shop**

Committee and Vice President; James B. O'Hara, Chair of the Library Committee.

Following the elections, Ms. Varner expressed the gratitude of the Society to donors whose contributions during the year have helped to support the Society. Every gift has made an importance difference in this difficult year. In conclusion, Ms. Varner again observed that although there are many challenges facing the Society presently, the staff and Trustees continue to adapt and to proceed with programs and publications as possible.

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 Jamie Wintz-McKeon - Morgan Lewis
 W. Foster Wollen
 Gayle Wright
 Douglas Young - Farella Braun & Martel

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April 2020 through September 2020

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Gary Beery, Palo Alto
Peter King, Wrightwood
Michael Solner, Burbank

District of Columbia
Allison Bruff
Ethan Fallon
Alan Grose
Beth Marcus
James Montgomery
Eric Rosenthal
Blake Stafford
Colin Stretch

Florida
Matt Reres, Lake Mary

Hawaii
Micah Smith, Honolulu

Illinois
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