

The Anonymity of Supreme Court Service

*John Q. Barrett**

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Monday, October 3, 2005, marked the first day of the Supreme Court's October Term 2005, a new Chief Justice's first day on the bench and a President's nomination of a prospective next appointee to the Court. Chief Justice John G. Roberts, Jr., today sat publicly as a justice for the first time as he presided at the Court's session opening the new Term. President Bush announced early this morning his nomination of Harriet Miers, his White House Counsel, to succeed retiring Justice Sandra Day O'Connor.

These developments, which involve apparent jumps from relative anonymity to national prominence as part of the process of becoming a Supreme Court justice, call to mind a Justice Robert H. Jackson story and a contemporary counterpart.

The Jackson story is from the late 1940s. At that time, one of his former Supreme Court law clerks was working as an associate at the Pillsbury, Madison & Sutro law firm in San Francisco. One day this young lawyer left the office for lunch. When he returned, the receptionist said, "Oh, you just missed your friend who stopped in to see you." "What friend?" asked the lawyer. "I knew you would ask that," said the receptionist. "I even wrote it down because I knew that I wouldn't remember his unusual first name unless I did. And here it is: it was your friend Justice Jackson. That's such an unusual name."

The lawyer was of course disappointed that he had missed the chance to see his former boss, who was passing through the city on his way to or from the Bohemian Grove summer encampment north of San Francisco. Truly upset, when they learned later that a justice of the Supreme Court of the United States had stopped at their firm, left a message, gone unrecognized and departed (probably quite amused), were the powers of Pillsbury, Madison & Sutro.

* Professor of Law, St. John's University School of Law, New York City, and Elizabeth S. Lenna Fellow, Robert H. Jackson Center, Jamestown, New York (www.roberthjackson.org). I posted an earlier version of this text to my Jackson email list on October 3, 2005.

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The contemporary counterpart is a very recent event. This story came today to one of my relatives, who shared it with me. He got it in the following email from a reliable friend who heard the story from his friend Dave:

Subject: A nice "only in DC" story
Date: Mon, 3 Oct 2005 12:14:24 -0400

So I get this call last night from my friend Dave, the bass player in my old band. He was on his way home from jamming with a guitar player up in Takoma. The guy gave him a ride back into DC, and on the way they stopped off at a gas station on Wisconsin Ave.

They see an old Nissan hatchback, or some similar model car, pull in to the station driven by an older gentleman with his wife in the passenger seat. Dave notices they have a flat tire and tells them. The couple tries to get assistance from the clerk inside the minimart. He refuses, so Dave and guitar guy offer to change the tire for them. They do so, and afterward, the husband approaches Dave and says something like, "Thank you very much for helping us. Would you like to attend a case hearing sometime?"

And Dave asks the guy, "Oh, are you a judge here in DC?"

The guy says yes, scribbles some info on a Metrocard (with \$2.15 on it) and says, "Here's my secretary's number. Give her a call and you can attend a hearing anytime you want."

Dave looks at the paper (and maybe a business card too): Justice Stephen Breyer.