

Supreme Court at Christmastime (1951)

*John Q. Barrett**

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In his youth, Robert H. Jackson learned to appreciate and to write in all literary forms, including speeches, essays, letters and poems. In adulthood, Jackson devoted most of his writing energy to crafting the speeches, essays and judicial opinions that made him one of America's highly lauded writers. But at least occasionally, he still wrote a poem.

In December 1951, Justice Jackson was, with all at the U.S. Supreme Court, grieving the recent death of Justice Hugo Black's wife, Josephine. On December 21st, Jackson prepared to try to lift that mood a bit by penning a poem. He titled his draft "The Court at Christmas" (parodying "Twas the Night Before Christmas").¹ At its end, he wrote that it was "Copywronged by Longfellow, Whittier Whitman." Then, perhaps realizing that Clement Clarke Moore had authored the original poem (in 1822), Jackson crossed out his attribution line.¹ He also tweaked his title a bit and then had his secretary type up the final product.

At lunchtime that Friday, Jackson read his composition at a holiday gathering for staff in the Supreme Court cafeteria²:

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For an archive of selected Jackson List posts, many of which have document images attached, visit www.stjohns.edu/academics/graduate/law/faculty/profiles/Barrett/JacksonList.sju.

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¹ Jackson's handwritten draft is in the Robert H. Jackson Papers, Library of Congress, Manuscript Division, Washington, D.C. ("Jackson Papers, LOC"), Box 120, Folder 5.

² Typed note by Elsie L. Douglas, Secretary of Justice Jackson, on the typed, final version of "THE COURT AT CHRISTMASTIME[,] By RHJ," in *id*; accord Elsie L. Douglas typed inventory of "Cabinet 4 Drawer 4 (cont'd)" at 33 ("read [by RHJ] to Court employees at lunch table in cafeteria Christmastime 1951"), in Jackson Papers, LOC, Box 236, Folder 7.

THE COURT AT CHRISTMASTIME

'Twas the week before Christmas and all through the Court
Not a person was working, not even the Clerk.
The certs were all tossed on the bookshelves with care
In the hope that Rodell would not learn they were there.

Mrs. Mertens, as Mamma, provided a table
With all the good dishes her kitchen was able.
The crowd gathered round to gossip and wonder
What Christmas would bring them in the nature of plunder.

The whole Marshal's office was answering questions;
Doc Slade was preparing for upset digestions.
The messengers were busy conveying regards,
And broad Christmas smiles wreathed the face of the guards.

Each law clerk was hoping, not for trinkets or fudge.
But just a good chance to trip up his judge.
And down in the print shop Buck Row and his minions
Shook with laughter at thoughts of bedeviled opinions.

Up in the Library they all just said "Look!
"Give me any old thing except some damned book."
Bert Whittington's friends were much on the spot.
They prayed, "Give us more news and make some of it hot!"

Secretarial hope grew higher and higher
As Santa Claus' visit came nigher and nigher.
She answered the buzzer with high expectation –
But all the boss gave her was just more dictation.

So, all of your Christmas is what you can hear –
A merry old time – and a Happy New Year!³

³ "THE COURT AT CHRISTMASTIME[,] By RHJ," in Jackson Papers, LOC, Box 120, Folder 5.

Some identifications: Fred Rodell (1907-1980) was a Yale Law School professor who wrote frequently, often critically, about the Supreme Court. Mrs. Mertens managed the Court's cafeteria and probably also was its chief cook. Buck Row managed the Court's in-house printing shop. Horace F. ("Doc") Slade worked at the Court from 1941 until 1972, first as a "Nurse" and later as a "Physical Therapist." Banning E. ("Bert") Whittington (1912-1989) was the Court's press spokesman from 1946 until 1973. His "friends" were the reporters who covered the Supreme Court.