

John Paul Stevens: First-Class Last in His SCOTUS Law Clerk Class (1947-2019)

*John Q. Barrett**

Copyright © 2019 by John Q. Barrett.
All rights reserved.

By one measure, the death last summer of Justice John Paul Stevens means that the current term of the United States Supreme Court is the first in forty-four years that is missing his living connection to its vital work.

Justice Stevens was appointed to the Court in 1975. He retired from active service in 2010 at age 90. But even in senior status, he was a visible giant of the law. He continued to speak publicly and wrote important books and articles. He remained deeply relevant to what the Supreme Court is in the U.S. government, in law and public service, and to people in the U.S. and globally.

By another measure, John Paul Stevens was part of the Supreme Court's life and greatness for a much longer period: seventy-two years. Stevens first came to the Court in 1947, when Justice Wiley Rutledge hired him to serve as a law clerk. Until this year, in other words, Justice Stevens was a living connection to the Supreme Court of Chief Justice Fred M. Vinson and Associate Justices Hugo L. Black, Stanley Reed, Felix Frankfurter, William O. Douglas, Frank Murphy, Robert H. Jackson, Wiley Rutledge, and Harold H. Burton.

During that 1947-48 year at the Supreme Court, John Stevens was one of fifteen law clerks. The roster of their names includes many that may be familiar to people who know American law, legal academia, and history since World War II:

* 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 emailed an earlier version of this essay to The Jackson List on November 10, 2019. I am deeply grateful to Justice John Paul Stevens and to his assistant Janice Harley for their generous help.

For an archive of selected Jackson List posts, many of which include document images or photographs, visit <http://thejacksonlist.com>. This essay is posted there as a PDF file with "live" hyperlinks.

To subscribe to The Jackson List, which does not display recipient identities or distribute their email addresses, use the "Subscribe" button at <https://thejacksonlist.com/> or email me at barrettj@stjohns.edu.

- Chief Justice Vinson's clerks were Francis A. Allen, Lawrence F. Ebb, and John R. Thompson;
- Justice Black's clerk was William Joslin;
- Justice Reed's clerks were John B. Spitzer and Robert B. von Mehren;
- Justice Frankfurter's clerks were Irving J. Helman and Albert J. Rosenthal;
- Justice Douglas's clerk was Stanley E. Sparrowe;
- Justice Murphy's clerk was Eugene Gressman;
- Justice Jackson's clerk was James M. Marsh;
- Justice Rutledge's clerks were Stanley L. Temko and John Paul Stevens; and
- Justice Burton's clerks were Bruce K. Griswold and James Lake.

Many of these men—yes, in the rigged world of that time, they all were men—went on to great careers as practicing lawyers, law professors, and businessmen.

And many—I assume all—were wonderful people. I know some of this directly because I had the good fortune to know, in varying degrees, seven of them in their later years. Jackson's law clerk Jim Marsh, a Philadelphia lawyer, was a dear, smart, erudite, and entertaining friend. Frankfurter law clerk Al Rosenthal, a Columbia Law School professor emeritus and former CLS dean, was my faculty colleague at St. John's and a model of brilliance, class, and kindness. I knew and learned from law professors Frank Allen and Gene Gressman, and from attorneys Stan Temko and Robert von Mehren. And Justice Stevens was very kind and generous in sharing his recollections of Justice Rutledge, Justice Jackson, the Vinson Court, and some of its 1947-48 cases.

Most of these men lived long lives. Justice Stevens, reaching age 99 last spring, was the last of them. Now they are memories, and high examples to study and teach.

Here they are as young men, posing for an official photographer on the front steps of the Supreme Court, I assume in Spring 1948. I got this photograph from Jim Marsh's family—it was one of his treasures. I got the identification information from Justice Stevens in 2014—it is authoritative.



United States Supreme Court law clerks, October Term 1947

First row, left to right: Stanley L. Temko (law clerk to Justice Rutledge), Lawrence F. Ebb (Chief Justice Vinson), John A. Thompson (Chief Justice Vinson), & Robert B. von Mehren (Justice Reed).

Middle row, l-r: James M. Marsh (Justice Jackson), Albert J. Rosenthal (Justice Frankfurter), James Lake (Justice Burton), John Paul Stevens (Justice Rutledge), & John B. Spitzer (Justice Reed).

Back row, l-r: Bruce K. Griswold (Justice Burton), William Joslin (Justice Black), Eugene Gressman (Justice Murphy), Irving J. Helman (Justice Frankfurter), & Stanley E. Sparrowe (Justice Douglas).