



WHEN THURGOOD MARSHALL STAYED FOR DINNER

Ralph J. Moore, Jr.

EACH YEAR CHIEF JUSTICE EARL WARREN'S former law clerks gave a dinner for him, usually at the Federal Bar Association headquarters in Washington, DC. We always invited the President, Attorney General, and Solicitor General to join us for cocktails beforehand, and occasionally one or more of those dignitaries did so. But only the Chief and his current and former clerks attended the dinner itself, which was strictly off the record so the Chief could talk freely about whatever he felt like talking about.

The dinner arrangements were made each year by the senior clerk living in the Washington area who had not previously arranged the dinner. When my turn came, Lyndon Johnson was President, Nicholas deB. Katzenbach was the recently appointed Attorney General, and Thurgood Marshall was the even more recently appointed Solicitor General. I invited all three to join us for cocktails before dinner, as was our custom. To my surprise, the President's office sent word that he would attend. The Solicitor General's office also sent word that he would join us for cocktails. Katzenbach's office sent regrets. But needless to say, I was delighted that two out of three of those great figures would be coming.

Ralph Moore practiced law in Washington, DC for nearly 50 years after his clerkship with Chief Justice Earl Warren, and is now in the same business in his home state of California.



Presenting the report of the Commission on the Assassination of President Kennedy to President Lyndon B. Johnson (left to right): Ford Foundation Chairman John J. McCloy, Commission General Counsel J. Lee Rankin, Senator Richard Russell, Representative Gerald Ford, Chief Justice Earl Warren, President Johnson, former CIA Director Allen Dulles, Senator John Sherman Cooper, and Representative Hale Boggs (September 24, 1964).

Johnson and Warren were something of a mutual admiration society at that time. Johnson liked the Chief and owed the Chief big time for agreeing to serve as Chair of the Commission on the Assassination of President Kennedy. Warren had led the Court through its long and lonely struggle against Jim Crow after *Brown v. Board of Education* with President Dwight Eisenhower standing aloof until the very end, when Governor Faubus's open rebellion in Little Rock forced Ike to send in troops to enforce the Court's order to desegregate Central High School. President John F. Kennedy had been much more supportive and sponsored a civil rights bill with real teeth, but he had lacked the votes to make it law. When Johnson became President, the cavalry arrived, and Warren appreciated it deeply.

After the time for cocktails ended, the President bid us goodbye and left. But the Solicitor General stayed. And stayed. After a time, it became apparent that he had not been told that he had been invited for cocktails, not for dinner. No one was about to tell him that it was a clerks-only

When Thurgood Marshall Stayed for Dinner



Solicitor General Thurgood Marshall (left) and President Lyndon Johnson outside the White House (July 9, 1965).

event. So we made a place for the Solicitor General at the table next to the Chief.

The dinner began with a toast to the Chief. I had designated Jon Newman, later of the Second Circuit, to deliver the toast, as he was the most senior former Warren clerk attending the function. Newman's toast was gracious and witty, although he complained at the outset that my appointing him was a perversion of one man one vote.

Because the dinner was off the record, I cannot say what was discussed that evening, although, of course, the business of the Court could not be discussed that year because Marshall was present. I can say that both Warren and Marshall had an endless supply of fascinating experiences to talk about, and that dinner with these two implacable foes of segregation was unforgettable.

JB