



THE ORIGINAL SOURCE

Earl Warren

Here is how Chief Justice Earl Warren recalled first meeting his office staff at the Supreme Court and, later in the day, taking the Judicial Oath:

The Court convened at noon in those days, and on the fourth day of October, 1953,¹ I went to the Court building around 10 A.M. First I went to the Marshal's Office and asked to be taken to the Chief Justice's chambers. There I met Mrs. Margaret McHugh, who had been the executive secretary to Chief Justice Vinson and who, to my great good fortune, remained to hold that position with me throughout my time in office. There also were three law clerks – William Oliver, later a law professor at the University of Indiana,² who had served with the late Chief Justice Vinson and was held over by him for another year, and Earl Pollock and Richard Flynn . . . [Shortly after noon, after opening proceedings in the courtroom,] came the Judicial Oath . . . It was administered to me by the Clerk of the Court.³

By all accounts, McHugh and those clerks served Warren well during his first Term. But the clerks may have required a bit of training up to Warren's standards, as the note on page 356 below (from his papers in the Manuscript Division at the Library of Congress) suggests.⁴

— *The Editors*

Earl Warren was Chief Justice of the United States from 1953 to 1969.

¹ *Editors' note:* He probably meant fifth, since some events he describes took place on the fifth, according to an original source: the Court's own *Journal*. See pages 354-355 below.

² *Editors' note:* He probably meant Indiana University (an important nuance in Bloomington), since that is where Oliver was a professor.

³ Earl Warren, *The Memoirs of Earl Warren* 276, 279 (1977).

⁴ Cf. D. Brock Hornby, *Fables in Law, Chapter 14*, 22 Green Bag 2d 359, 361 (2019).

MONDAY, OCTOBER 5, 1953

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Jackson, Mr. Justice Burton, Mr. Justice Clark, and Mr. Justice Minton.

Mr. Justice Black said:

"With deep sorrow the Court records at this time the sudden and unexpected death on September 8, 1953, of our Chief Justice, Fred M. Vinson. Death came in his 63d year. Most of his life was spent in fine public service for his State and his Nation, both of which he loved and served with passionate devotion. Since 1946—seven years—he worked with us as Chief Justice. His services here, as in the many other public jobs he held, were able and unselfish. His colleagues of this Court respected him for his integrity and ability. They loved him for his kindness, sympathy, understanding, and fairness. We join the Nation in lamenting the death of this capable and loyal public servant. We, his brethren of the Court, also mourn the loss of a congenial and treasured friend. At an appropriate time the Court will receive resolutions in tribute to his memory. Now the business of the Court goes on.

"The President has appointed Earl Warren of California to be Chief Justice. His credentials have been presented and he has taken his constitutional oath. His commission will now be read, the judicial oath administered by the Clerk, and Mr. Warren will then take his place as The Chief Justice of the United States."

The Clerk then read the commission as follows:

"DWIGHT D. EISENHOWER

"PRESIDENT OF THE UNITED STATES OF AMERICA

"To All Who Shall See These Presents, Greeting:

"Know Ye: That reposing special trust and confidence in the Wisdom, Uprightness, and Learning of Earl Warren, of California, I do appoint him Chief Justice of the United States, and do authorize and empower him to execute and fulfil the duties of that office according to the Constitution and laws of the said United States, and to Have and to Hold the said Office, with all the powers, privileges, and emoluments to the same of right appertaining, unto Him, the said Earl Warren, until the end of the next session of the Senate of the United States and no longer; subject to the provisions of law.

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Journal of the Supreme Court of the United States, Oct. 5, 1953, at 1.

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"In testimony whereof, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

"Done at the City of Washington this second day of October, in the year of our Lord one thousand nine hundred and fifty-three, and of the Independence of the United States of America the one hundred and seventy-eighth.

"DWIGHT D. EISENHOWER.

"By the President:

"HERBERT BROWNELL, Jr.,
"Attorney General."

The oath of office was then administered by the Clerk, and Mr. Chief Justice Warren was escorted by the Marshal to his seat on the bench.

Mr. Acting Solicitor General Stern presented the Honorable Herbert Brownell, Jr., Attorney General of the United States.

The Chief Justice said:

"Mr. Attorney General, the Court welcomes you to the performance of the important duties which devolve upon you as the chief law officer of the Government, and as an officer of this Court. Your commission will be recorded by the Clerk."

Warren Olney III, of Berkeley, Calif., and Stanley N. Barnes, of San Marino, Calif., on motion of Mr. Vice President Richard M. Nixon; Eugene Francis Mullin, Jr., of Washington, D. C., on motion of Mr. Charles Sylvanus Rhyne; Ewell C. Orme, of Troy, Ala., Jesse M. Williams, Jr., of Montgomery, Ala., and Paul P. Benjamin of Los Angeles Calif., on motion of Mr. Acting Solicitor General Robert L. Stern; Samuel I. Barchas, of Los Angeles, Calif., on motion of Mr. Gerhard Van Arkel; Tom Killefer, of Washington, D. C., on motion of Mr. William A. Sutherland; A. Andrew Hauk, of Los Angeles, Calif., on motion of Mr. Frank B. Belcher; Perry William Morton, of Lincoln, Nebr., on motion of Mr. James Lee Rankin; Edwin Longcope, of New York, N. Y., on motion of Mr. J. Frank Staley; John W. Lowe, of Salt Lake City, Utah, on motion of Mr. Edwin C. Blanchard; Theodore A. Horn, of Los Angeles, Calif., on motion of Mr. James P. Burns; Elmer H. Wiblishauser, of St. Paul, Minn., on motion of Mr. Felix A. Russell; Robert Douglas Armstrong, of Indianapolis, Ind., on motion of Mr. Moultrie Hitt; Jacob Goldberg, of Washington, D. C., on motion of Mr. Howard E. Wahrenbrock; Seymour Martinson,

Journal of the Supreme Court of the United States, Oct. 5, 1953, at 2.

November 18, 1953

MEMORANDUM FOR THE LAW CLERKS:

The reporter has pointed out that in my first opinion the statute was quoted in error, indicating that perhaps the quotation was taken from a brief instead of copying it from the original source.

This must not happen in the future. Quotations and citations must be taken only from the original sources.

Chief Justice

Earl Warren to Richard Flynn, William Oliver, and Earl Pollock regarding Warren's opinion for the Court in Voris v. Eikel, 346 U.S. 328 (1953) (a "case involv[ing] the proper application of the notice provisions of the Longshoremen's and Harbor Workers' Compensation Act").