

Rehnquist Was Humble, Respectful With Great Sense of Humor

By Kevin Boyle

A lot has been written and said about Chief Justice William Rehnquist over the last few days — some of it nice, some of it not so nice.

In the latter category, Alan Dershowitz wrote the day before Rehnquist's funeral that Rehnquist was a racist and an anti-Semite who bragged about finishing first in his law-school class at Stanford, which, according to Dershowitz, was a racist and anti-Semitic institution, and that Rehnquist's judicial philosophy was "result-oriented, activist, and authoritarian."

I was a law clerk for the Chief (that's what we called him), and, as such, I took a vow that I would never disclose anything the Chief told me concerning the business of the U.S. Supreme Court. My lawyery reading of that vow is that I am allowed to disclose things that were not said to me by the Chief.

I first saw the Chief in person in 1996 when he came to my law school to teach a two-week class on the history of the Supreme Court. Hundreds of people took the class, nearly all of them with vastly different "judicial philosophies" or "ideologies" from him. Seemingly without exception, every student left the class liking him and having fond memories of him. Even those students who were brave enough to challenge his opinions directly seemed to truly appreciate his respectful responses.

I first met the Chief in 1998 when I interviewed for a clerkship. I was extremely nervous during the interview, but I remember quite clearly that he did not

distaste for minorities or discuss cases through a "result-oriented, activist, and authoritarian" lens.

To the contrary, I was quite impressed with the careful attention he gave to each and every case on its individual merits and with the personal respect he would grant to all people we encountered both inside and outside the court.

After the clerkship ended, I remained in contact with the Chief by letters and visits whenever I was back in D.C. Because of my work schedule, I was not able to attend the annual Rehnquist Reunion until 2003. The annual reunions were for the Chief and all past "Chief clerks" and were held at the court every June. They were two-day affairs that included basketball, outdoor lawn sports, cocktails, a formal dinner (Day 1) and a swimming-pool party at a clerk's house (Day 2).

The Chief took the reunions very seriously and he hand-picked who would sit at his table at the dinner. The clerk lore was that his table, Table 1, was reserved for his favorite clerks. Although it may be the case that the clerk lore was not true and that Table 1 was really for the out-of-town clerks he saw less often, it did seem that certain clerks would be at Table 1 more often than others.

By this time I was — gasp — a Los Angeles plaintiffs' trial lawyer. I had represented numerous minority clients against big corporate interests. And I had been updating the Chief periodically about the kinds of cases I was working on and who my clients were. When I showed up at the reunion that year, I was surprised to see that I had been assigned to Table 1. And when I sat down at the table, the Chief introduced me to the older Table 1 regulars and proudly announced that I was a plaintiffs' trial lawyer.

He seemed truly happy about the path I had taken with my career. He recounted, verbatim, something I had forgotten I said in my 1998 interview that he thought was funny. He had asked me whether I asked any questions when I took his class in law school, and I responded "no." He asked me why I hadn't asked any questions, and I nervously blurted, "Because I thought you were doing just fine on your own."

I also should add that, throughout the dinner, he didn't say anything negative about minorities, brag about his law school class ranking, or exhibit any results-oriented, activist, or authoritarian behavior.

The Chief had a photographic memory, the ability to get to the heart of a complicated legal matter immediately and unsurpassed influence over the federal judiciary for 18 years. Despite all that, he was a humble man with a great sense of humor who treated all people he encountered with dignity and respect.

I never heard him say anything that would indicate otherwise, and this is true whether one agrees with his legal opinions or not.

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make any racist or anti-Semitic comments or brag about finishing first in his class. I do remember him asking me what my judicial philosophy was. I responded that, because I was only a few months out of law school, I couldn't see how it would be possible for me to have a judicial philosophy. He still offered me the job, despite me not claiming a judicial philosophy that was "result-oriented, activist, and authoritarian."

I clerked for the Chief for the one-year term beginning October 1999. As a part of that clerkship, I would speak with him at length numerous times a day, play tennis with him once a week and attend private social functions with him some evenings and weekends. Again, throughout that whole year, he did not brag about his academic achievements, comment about any

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