

Goldberg Reports Transition to Judgeship Easy and Enjoyable

By CHARLOTTE G. MOULTON
United Press International
Washington — Justice Arthur J. Goldberg is settling down to work in the Supreme Court like a man home at last from a long journey to far countries.

This was the impression derived from a visit to the friendly, 54-year-old justice in his sparsely furnished chambers. There he works surrounded by his law books and oil paint-

ings by his artist wife, Dorothy. Goldberg has left behind the big-time policy making, the foreign tours, the role of mediator in crippling strikes, the frequent trips to the White House. All of these were his life as secretary of labor.

Before that he led an equally frenzied existence for 25 years as a labor lawyer and negotiator.

Now he works alone, or in conference with one or two

law clerks. He has a secretary, Mrs. Jeanne Trexler, to take care of office tasks, and a messenger, Robert Suttive, who doubles as chauffeur.

For inspiration there hangs on the wall opposite his desk one of Mrs. Goldberg's abstract paintings showing the preamble to the constitution.

Mrs. Goldberg likes to incorporate bits of writing into her paintings. This one says: "Look back, look back, therefore with reverence at these times of ancient renown

when our fathers traversed a vast ocean and planted their land. Recall to your mind their labor, their toll, their perseverance and let that spirit animate you in all your endeavors."

"How do you like all this solitude?" the justice was asked.

"The transition was not too difficult for me to make," he replied. "Years ago in my private practice I did precisely this type of work. I was a lawyer's lawyer. My principal

clients were other lawyers. "I was admitted to the bar in 1929. I didn't represent any labor unions for about 10 years. I had an appellate practice. I would write briefs and argue cases. In a way this is a return to the same type of activity but of course in a much more stimulating way."

Despite his wide-ranging conciliation activities as labor secretary, Goldberg said he definitely does not strain at the leash during serious strikes.

"People say, 'I'm sure he's itching to get into it,'" the justice laughed. "I don't take that point of view at all. I think it's very unhealthy for some one who has relinquished responsibility to meddle around. I just think it is wrong. And I have a strong conviction that no one is indispensable."

The jurist's career developed from humble beginnings. He was the last of 11 children born to a Russian Jewish couple who immigrated to

America just before the turn of the century. His father worked as a peddler in Texas for a short time. Then he moved to Chicago, where he carted produce to hotels in a horse-drawn wagon.

The neighborhood was rough. Young Arthur was the only child in the family to finish high school.

He was asked if, as a law student or a young attorney, he thought of the judiciary as a goal.

"I have never believed in fashioning a career on any objective," he answered. "It is self-defeating. In each aspect of life you do what you have to do. There is an element of accident in the events of a person's life. I don't think a man would be a lawyer if he didn't think of a judgeship but it never was an objective of mine."

Then he added with a smile: "When I started to represent the new and struggling American Newspaper Guild in 1939, that wasn't exactly

the way to plot a course to the Supreme Court."

The justice has developed a schedule which permits him some exercise — walking part way to work, as do several of his colleagues. He has walked with Chief Justice Earl Warren a few times but has no regular walking dates because he wants to keep his own program flexible.

"I like to get to court early on days when we're sitting," he said, "so I can have an hour or so in the office before going on the bench at 10 o'clock. Some of the justices like to arrive just before court time. It's a matter of work habits."

As he looks down from the grandeur of the high mahogany bench on harassed attorneys, struggling as he once did with piercing questions from the justices, what are his sentiments?

"The experience has confirmed what I knew as a lawyer," he said. "Every lawyer who practices here takes his responsibility very seriously. One impression I had earlier has been very much confirmed: 'The value to the court of attorneys' arguments.'"

"It is true that we have written briefs in all the cases," the justice explained, "but a good oral argument can point up aspects of a case, emphasize them. Arguments can really illuminate a brief. When you review the briefs after the argument you find much more than you did when you read them the first time. I thought I knew this as a lawyer, but I see it in a new light now."

The court's general practice throughout the term is to sit two weeks and then take two weeks off for opinion writing.

Goldberg said he always takes home at night the briefs of the cases to be argued the following day.

"I have to have the material fresh in mind," he said. "It's no good to read it weeks in advance."

Often Goldberg will pick up the printed record of what has taken place in lower courts and ask an attorney a question such as: "How do you account for this statement half way down on Page 395?"

Questions from the bench, Goldberg said, are among the most important aspects leading to a final decision.

"I know they are disconcerting when a lawyer has his argument all planned," the justice said. "But this type of inter-change is a unique aspect of this court. It isn't used to such an extent elsewhere. This dialogue is highly important. It doesn't determine any case. But it does indicate aspects of the case that are of concern."

Style Changed
Goldberg remarked that the lawyers' style has changed markedly over the years.

"The age of great oratory is not our age," he said. "A direct, straight presentation of issues is the best. The best lawyer has the best candor."

"The justice's heavy work load when the court is sitting has cut drastically into his social life. He and Mrs. Goldberg are now trying to find a happy accommodation of the two."

"When the court isn't sitting we try to have a reasonable amount of social activity because we enjoy it and always have," he said. "We like to keep in touch with old friends."

Then, as if becoming more aware of his aloofness from the life he has known, he commented:

"It is important to converse about what is going on in the world. From a personal standpoint I think this is needed."

He already has assumed an important role in a swing of the court towards a more activist role in national affairs. By the end of April he had written six majority opinions. Some of them of considerable national significance.

He spoke for a five-man majority which:

— Ruled that a native-born American cannot lose his citizenship by going abroad in time of emergency to avoid military service.

— Emphasized that states must give penniless defendants as good a chance to appeal their convictions as wealthy individuals have.

— Held that the president of the National Association for the Advancement of Colored People in Miami could not be compelled by a state investigating committee to bring his membership list to a hearing.

This is an impressive record for a junior justice in his first term.

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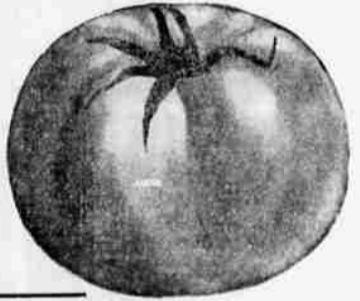
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