



2022

Arthur A. Thomas: A Hero of a Valet

Todd C. Peppers

Washington and Lee University School of Law, pepperst@wlu.edu

Follow this and additional works at: <https://scholarlycommons.law.wlu.edu/wlufac>



Part of the [Courts Commons](#), [Legal Biography Commons](#), [Legal History Commons](#), and the [Supreme Court of the United States Commons](#)

Recommended Citation

Todd C. Peppers, Arthur A. Thomas: A Hero of a Valet, 46 J. Sup. Ct. Hist. 271 (2022).

This Article is brought to you for free and open access by the Faculty Scholarship at Washington and Lee University School of Law Scholarly Commons. It has been accepted for inclusion in Scholarly Articles by an authorized administrator of Washington and Lee University School of Law Scholarly Commons. For more information, please contact christensena@wlu.edu.

Arthur A. Thomas: A Hero of a Valet

Todd C. Peppers

Introduction

During his time on the Supreme Court, Justice Oliver Wendell Holmes Jr. was the beneficiary of adulation from his legal secretaries (today we refer to them as law clerks) and young legal scholars, like Felix Frankfurter and Harold Laski. While the Justice basked in the warm glow of their hero worship, he was quick to point out to them that “no man is a hero to his valet.” The phrase was not original to Holmes, although the expression sounds like it sprang from his clever mind. The underlying meaning is simple—the servant tending daily to his employer sees flaws and human failings.

Assuming that Holmes was correct, how would he have answered the related question of whether a valet can be a hero to his employer? There were instances when Holmes was greatly moved by the heroism of soldiers under his command and impressed by the hard work of his law clerks. But in this essay we will examine the actions of a historically obscure man who took it upon himself to preserve Holmes’ memory. His name was Arthur A. Thomas, a one-time messenger to

Holmes who publicly shared his affection for his late employer.

Arthur A. Thomas

So who was this man whose actions reworked Holmes’ aphorism? Much of Thomas’ personal history is unknown. A native of Wheeling, West Virginia, federal census data lists Thomas’ birth date as December 9, 1862, and his race as “mulatto.” Despite these census records, Thomas once told a reporter that he didn’t know his exact age. “When I was born, they didn’t keep records like they do nowadays...and nobody ever told me my age.”¹

Thomas moved to Washington, DC, in about 1880, after a relative (perhaps his brother, who worked for the federal government) convinced Supreme Court Justice Stephen J. Field to hire Thomas as a personal valet. In an odd historical coincidence, Thomas worked at Justice Field’s home at 31 1st Street NW—the site of the future Supreme Court building. There Thomas worked alongside William H. Joice, the Supreme Court messenger who spent

three decades in Field's employ. As a personal valet, Thomas was not a government employee and his salary was paid by Justice Field.

Thomas married Aurelia A. Raife, a Maryland native of mixed race, on December 11, 1884. The couple purchased a home at 1436 Q Street in Washington, DC, in 1909, where they lived until 1943. According to census records, for at least two decades they supplemented their income by renting to boarders. The couple had no children, and Aurelia was an invalid during the final years of her life.

A brief word about messengers. The position of messenger dates to the mid-nineteenth century. Supreme Court Associate Curator Matthew Hofstedt writes that most messengers were Black men who worked at the Court for decades. Besides delivering correspondence and handling the justices' court papers, messengers performed all personal duties requested by the justices. In a memorandum written in the late 1800s, former Supreme Court Marshal John Wright explains that a messenger was the "personal attendant" of his justice. "He procures and serves the judge's luncheon at the 2 o'clock recess, looks after his robe and his carriage at proper times and performs any personal service the judge desires."²

The Supreme Court Marshal's Office assigned messengers to the justices, and typically a messenger automatically worked for their justice's successor. "Not only would this [arrangement] keep a trusted employee on the payroll," explains Hofstedt, "but it also provided the new member of the Court with a veteran messenger who could help him adjust to his new routines."³ Referring to Supreme Court messengers as "perpetual," a local South Carolina paper added:

Every Justice of the Supreme Court selects his own clerk, but he must take the messenger bequeathed to him by his predecessor. The other

justices all feel that that it is due to them that a new and untried messenger should not be brought into their confidential circle every time there is a change upon the bench.⁴

In the instance of Justice Stanley Matthews, the newly-appointed jurist was forced to accept his new messenger even though Matthews protested that he wanted to keep his current valet.

Thomas' time as a Supreme Court messenger would be shaped by a series of deaths. After Justice Field died in the spring of 1899, Thomas took a position as valet with Justice David J. Brewer, the nephew of the late Justice Field. Shortly thereafter, a messenger position became available with Justice Rufus Peckham. Both Justice Brewer and Sue Field, widow of Justice Field, wrote letters of recommendation to the Marshal's Office on Thomas's behalf. "Arthur is an entirely reliable man," Mrs. Field wrote. "The Judge found him an excellent valet, and I leave the house in his care during the summer. He knows, also, quite well, the duties of a messenger to a Supreme Court Judge...I would be greatly pleased if you could secure the position mentioned for Arthur."⁵ Thomas was immediately hired. By then the job of messenger provided lifetime employment at the Court at a decent government salary.

Thomas remained with Justice Peckham from the fall of 1900 until the fall of 1909, when Peckham's death led to a messenger position with Peckham's successor, Justice Horace Lurton. After Lurton's death in 1914, Thomas briefly worked for Justice James C. McReynolds (who was nominated to replace Lurton). Given Justice McReynolds' grim personality, racist attitudes, and endless demands, Thomas could not have been pleased with this new assignment.⁶

Arthur Thomas and Justice Holmes

It was the death of a Supreme Court messenger, not a justice, that landed Thomas



Arthur Thomas was briefly a personal valet to Justice Stephen J. Field (left) and worked alongside William H. Joice (right), the Supreme Court messenger who spent three decades in Field's employ. Neither men were government employees; Field paid them directly.

a position with Justice Holmes. On June 22, 1915, George Marston—Justice Holmes' messenger—suffered fatal burns while fighting a fire in his home.⁷ It is not known how Thomas came to Justice Holmes' attention, but he was soon hired to replace Marston. Thomas must have thanked his lucky stars

when he took his new position—undoubtedly his short tenure with McReynolds was enough to show Thomas that the Justice's difficult reputation was richly deserved. The move from McReynolds to Holmes, however, violated the Court norms described above. Perhaps it was McReynolds' rare

affection for Justice and Mrs. Holmes that explains why Thomas was permitted to change assignments. Or perhaps McReynolds' penchant for firing his employees led to Thomas' escape.⁸

Thomas worked for Holmes from 1915 to the Justice's retirement in January of 1932. Because the current Supreme Court building did not exist, Thomas worked out of the Holmes' residence on Eye Street. Fanny Holmes supervised a full complement of domestic servants, and, while the Court was in session, Thomas was not given any duties other than those related to Court business. Thomas did, however, keep watch over the Holmes' residence when the Justice and Fanny Holmes summered at their Beverly Farms home.

Former Holmes law clerk Arthur E. Sutherland (October Term 1927) recalls that Holmes was mystified by Thomas' efficiency:

By and by the Justice would come in, slippered and wearing a mohair house coat. He'd sit down at the big desk. Thomas would bring his mail immediately and he would begin to open his letters with a miniature saber. How did Thomas know when he sat down, and so bring the mail? The Justice used to speculate on the mystery. He thought Thomas was ready at the door, and he opened it when Holmes' chair creaked.⁹

Thomas also delivered the daily collection of cert. petitions. When it was time for Holmes to leave for the Court, it was Thomas who helped put on the Justice's well-polished, high black shoes and coat before handing the Justice his leather-bound docket book. Later in the day, Thomas would bring the Justice's lunch to the Court.

In an era in which messengers were seen but not heard, what is remarkable is that Thomas spoke to the press about Holmes; while the Justice himself loathed reporters, he

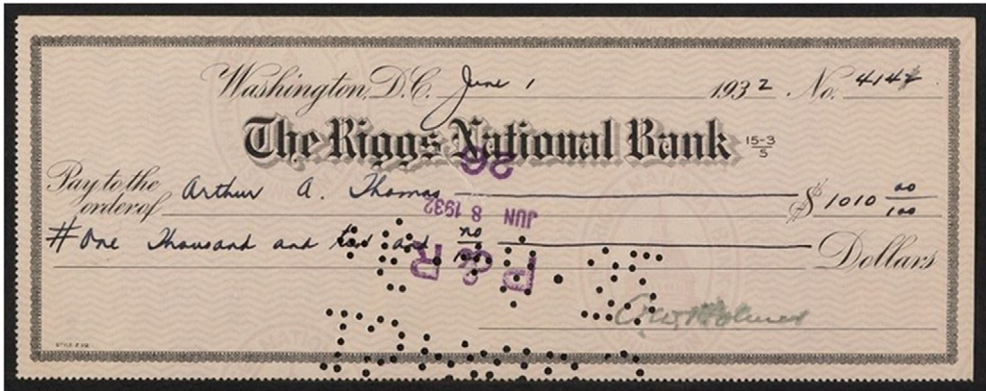
once trusted Thomas to give an interview for a story about Holmes' eighty-fifth birthday. When asked about his employer's health, Thomas replied:

The judge seems to me just as young as ever. There was a time when he had what he called a rusty hinge in his back, lumbago. I reckon it was, but he's got rid of that. Worked it off, I reckon. My, how he can work. As for eating, he's certainly good at that, too. He eats everything. Don't eat a big lot, but enough for any man.¹⁰

The article added that Holmes ate a breakfast of coffee, fruit, cereal, and toast, and at evening had a dinner "consisting of about everything the ordinary American eats, including meat, but all in moderation." No mention was made of the anchovy paste that generations of law clerks recalled seeing the Justice smear in copious amounts on his morning toast.

I have not found other examples of messengers speaking publicly about their justices. The explanation, in part, must lie in the relationship between Holmes and Thomas. A few years after the Justice's death, Thomas remarked: "I always had the greatest affection for Justice Holmes, and I think that he had the same for me."¹¹ He elaborated: "Of course he was a judge and I was a messenger, but Justice Holmes and I were quite good friends."¹²

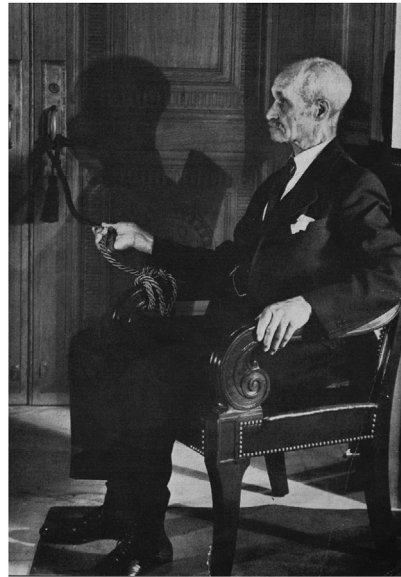
In January of 1932, Holmes "bowed to the inevitable" and retired from the Supreme Court. His retirement came approximately two months before his ninety-first birthday. His departure from government service meant that Holmes would no longer have the services of his long-time messenger. In recognition of Thomas' dedication, on June 1, 1932, Holmes wrote his former aide a check for \$1,010.00.



In recognition of Thomas' dedicated service, on June 1, 1932, Justice Holmes wrote his former aide a check for \$1,010.00. Holmes had retired in February at age 91.

President Herbert Hoover nominated Benjamin Cardozo to succeed Justice Holmes, but Thomas did not transfer to the chambers of the Court's newest justice. "I was supposed to work for Mr. Justice Cardozo, but he said that he needed a young messenger," explained Thomas. "So the Marshal put me in charge of the [courtroom] door."¹³ The Court made certain concessions in recognition of Arthur's age. "As custodian of the heavy doors at the main entrance to the chamber, Mr. Thomas was provided with a comfortable chair and a strong silken rope to pull open the portals."¹⁴ Assigning older messengers to serve as doormen or robing room attendants was the closest the Court could come to providing retirement income for its employees as the government failed to offer them pensions.

Even after Thomas was assigned new duties at the Supreme Court, the Marshal's Office allowed him to pay twice-daily visits to Holmes.¹⁵ This is further evidence of the strong personal bonds between the Justice and his messenger. Thomas recounted that after greeting him, the retiree would ask "[h]ow are things at the court, and how are [you] getting along."¹⁶ Of the elderly Holmes, Thomas later remarked: "Why, Mr. Justice Holmes was smart as a whip right up to the very last. And I think he would have stayed that way no matter how old he became."¹⁷



The Marshal appointed Thomas (above) to be the Courtroom doorkeeper, a position reserved for aging messengers to provide them with retirement income, as the government failed to offer them pensions. Before Thomas, Richard Nugent was the doorkeeper, having served for 57 years as a messenger to Ward Hunt, Samuel Blatchford, and Morrison R. Waite, before his death in 1929 at age 81.

Marking Anniversaries of Holmes' Death

National and international newspapers carried the news of Justice Holmes' death in March of 1935. Few papers, however, ran stories on the first anniversary of Holmes' death, until a small paid notice in the *Evening*

Star caught the attention of journalists. It was an “in memoriam” piece written by Thomas.

Holmes, Oliver Wendell. In sad remembrance of the late associate justice of the supreme court, Oliver Wendell Holmes, who passed to his reward one year ago today, March 6, 1935. Death is the gate to endless joy, but we dread to enter there.

The memoriam was signed as follows: “His Old Messenger, Arthur A. Thomas.”

Newspapers across the country reported on Thomas’ act of devotion to Holmes.¹⁸ One newspaper—the *Montgomery Advertiser*—took the occasion to both honor Thomas and lament the lost tradition of such “in memoriam” notices, which the paper speculated was due to the fact that “modern man is more occupied with the affairs of the living” and possesses “a sophistication which frowns on public displays of sentiment.”¹⁹

When pressed to explain why he placed the ad, Thomas said that the Justice had no family in the area and “I thought that someone ought to do something.”²⁰ Thomas added that he “regretted that he couldn’t say more [in the “in memoriam” notice], but ‘being a colored man, I had to be careful not to say too much.’”²¹ In the social order of Washington, DC, Thomas was rightfully concerned that a White reader might take umbrage at a Black servant thinking he was qualified to assess the accomplishments of a White employer.

An enterprising reporter also asked Thomas what Holmes would have thought of the newly built Supreme Court building. “The judge never did get to see it,” said Thomas, “but I guess ‘twas just as well—he wouldn’t have liked it anyway.”²² It is likely that Holmes would have agreed with Harlan Fiske Stone, who referred to the new building as “the temple of Karnak.”

For the rest of his life, Thomas observed Holmes’ passing by placing flowers on his grave site at Arlington National Ceme-

tery. And additional tributes appeared in the *Evening Star*. In March of 1937, Thomas again placed an “in memoriam” notice in the *Evening Star*.

Clearness, repose and depth characterized his intellect; purity, impartiality, love of justice and respect for public and private rights were marked elements of his greatness.²³

As with the original notice, Thomas personally composed the new one. He was modest about his contribution. “They [the lines] aren’t as nice as I’d like them to be,” he told a reporter. “No words could do right by Justice Holmes. I did the best that I know how, though—well, it’s just a humble tribute.” Thomas assured the nameless reporter, however, that he would “make up an even better one next year.”²⁴

Despite his promise for a grander tribute, Thomas’ 1938 notice simply marked the occasion of Holmes’ death and described him as “an upright man, unpretentious gentleman and an impartial judge.”²⁵ Subsequent “in memoriam” pieces were variations on this theme. The 1940 ad referred to Holmes as “[f]aithful and true in all his ways, [d]evoted and honest to the end of his days, [a]n upright man, unpretentious gentlemen and an impartial judge.”²⁶ The same text was used in the 1941 ad.²⁷ And, as with the original ad, newspapers kept reporting on Thomas’ annual tribute.²⁸

It was not solely Thomas’ yearly acts of devotion that placed him in the public spotlight. In the spring of 1937, a reporter asked Thomas what he thought of President Franklin D. Roosevelt’s Court-packing plan. In an article entitled “Elderly Doorman Cool to Court Plan,” the *Evening Star* stated:

Because his own ability to perform his duties is unimpaired by age, Arthur A. Thomas is convinced that the elderly members of the Supreme Court must be equally capable of

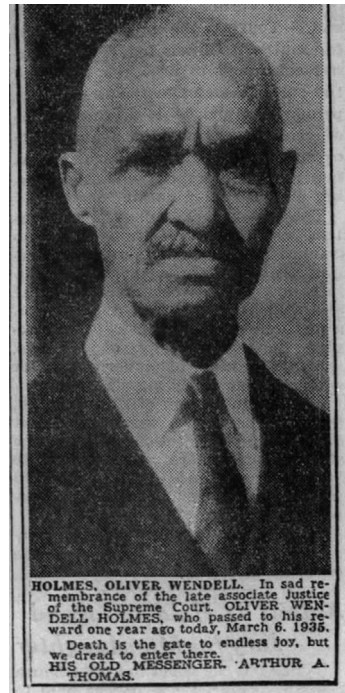
holding down their jobs. “After all,” he said, “they’re much smarter than me. And if I can do my work satisfactorily, why can’t they?”²⁹

As evidence of his work ethic and longevity, Thomas pointed to the fact that he had only taken three sick days since starting at the Court. Added the reporter: “Regardless of his age, however, Thomas is ‘ready to retire tomorrow’ if his salary would continue, but no pensions have been provided by the Government for attaches of the tribunal.”

Finally, Holmes was not the only justice that Thomas celebrated on important anniversaries. On Justice Louis Brandeis’ 80th birthday, the *Washington Post* reported that messages received at the Brandeis home included a short note from Thomas. “Congratulations of your birthday and may you live to enjoy many more,” wrote the former messenger.³⁰ Given Brandeis’ habit of regularly calling on Justice Holmes, Brandeis and Thomas undoubtedly knew each other.

Thomas’ long career exemplifies the behind-the-scenes lives at the Court—the many unknown and unheralded people whose careers supported the justices. Messengers were servants to be seen and not heard—and not given pensions. Even in the 1930s and 1940s, the only public recognition of messengers came in their obituaries—and the reporters who crafted these announcements seemed more impressed with the fact that the justices themselves attended the funerals than with the lengthy service of the messengers themselves. And newspapers certainly did not ordinarily interview messengers and inquire about their opinions on political issues of the day, as they did with Thomas and FDR’s Court-packing plan.

What is also striking is that Thomas seems to have been more than a valet. The affection in his “in memoriam” notices as well as his public comments about Holmes suggests that a substantive relationship existed between the two men. Holmes would



A year after Holmes’ death, Thomas (pictured) placed a newspaper announcement in the *Evening Star* in memory of the late Justice. Thomas would memorialize Holmes in this way until he retired from the Court due to ill health in 1938. The former messenger also observed Holmes’ passing by placing flowers on his grave site at Arlington National Cemetery.

have not considered Thomas to be his equal, but one wonders if the Justice drew Thomas into conversations about Holmes’ favorite topic: man’s place in “the cosmos.”

Thomas retired from the Court in 1938. Doubtless his retirement was due to his wife’s poor health and his own advanced age. Aurelia Thomas died at their home on March 26, 1940 after a long illness. She was buried at the Columbian Harmony Cemetery, one of the oldest and largest black cemeteries in the District of Columbia. Thomas posted a “card of thanks” in the *Evening Star*, expressing gratitude to friends and family for their “sympathy and kindness” to him as well as their “beautiful floral expressions,” all of which “lightened the burden he sustained by the loss of his wife.”³¹

The Death of Arthur Thomas

Thomas died at his home on April 23, 1943, after what was described as a short illness. His funeral was held two days later at the Metropolitan A.M.E. Church on M Street in Washington, DC. Traditionally, the justices themselves attended the funerals of former messengers. We don't know if this practice was followed for Thomas' service, but it was reported that Thomas was "honored as justices of the Court are" and "many prominent people in Washington attended his funeral."³² As with his wife, Thomas was buried at the Columbian Harmony Cemetery. In a fitting tribute, two years later his nephews Raymond and Charles Thomas ran a short "in memoriam" piece in honor of their "devoted uncle."³³

There is a sad postscript to the story of Arthur A. Thomas. In 1960, Columbian Harmony Cemetery was sold to a business developer. As part of the sale, it was agreed that 37,000 of the dead buried at the historical cemetery would be exhumed and reinterred at the National Harmony Memorial Park in Maryland. The agreement did not include the movement of markers and headstones, and most of the dead were reinterred in mass graves. Only recently was it discovered that many of the original stone grave markers were dumped into the Potomac to solidify the shoreline.³⁴ So we cannot do what Arthur A. Thomas did, namely, commemorate an honorable man by placing flowers on his grave.

Conclusion

Of course, we can only guess what Holmes would have thought of Thomas' actions. The elderly Holmes did enjoy sunning himself in the adulation of younger lawyers and jurists, although one suspects that Holmes was too clever to completely ignore the poorly disguised self-interest of silver-tongued flatters like Felix Frankfurter and Harold Laski. Thomas, however, had no personal agenda save celebrating the life of

a man that he loved and respected. And for Holmes, whose childhood was filled with books about chivalrous knights and noble quests, he likely would have been moved to tears by the heroic and selfless deeds of his former messenger.

Author's Note: I would like to thank Margaret Stein, Susan Stein, and Supreme Court Associate Curator Matthew Hofstedt for reading previous versions of this article.

ENDNOTES

¹ Phillip H. Love. "Elderly Doorman Cool to Court Plan." *The Evening Star*, February 13, 1937.

² Quoted in "Afterward: A Brief History of Supreme Court Messengers" by Matthew Hofstedt. *Journal of Supreme Court History* Vol. 39 (2014): 259–263.

³ "A Brief History of Supreme Court Messengers," 260.

⁴ "Perpetual Supreme Court Messengers." *The Abbeville Press and Banner*, July 4, 1888.

⁵ June 30, 1900, letter from Sue Field to Supreme Court Marshal John Wright. Courtesy of the Office of the Curator, Supreme Court of the United States.

⁶ See Dennis J. Hutchinson and David J. Garrow, eds.

The Forgotten Memoir of John Knox: A Year in the Life of a Supreme Court Law Clerk in FDR's Washington. University of Chicago Press (June 1, 2002).

⁷ "Suffers Burns While Fighting Fire." *The Evening Star*, June 23, 1915.

⁸ For an account of Justice McReynolds' sour relationship with his law clerks, see Clare Cushman. "James C. McReynolds's Other Law Clerks, 1914–1941." Todd C. Peppers and Clare Cushman, eds. **Of Courtiers & Kings: More Stories of Supreme Court Law Clerks and Their Justices.** University of Virginia Press (December 2015).

⁹ Arthur E. Sutherland. "Reflections of Justice Holmes." Reprinted in "Sutherland's Recollections of Justice Holmes." *Supreme Court Historical Society Yearbook* 1988: 19–25.

¹⁰ "Justice Holmes, 86 Today Keeps Young by Working Hard." *The Tampa Tribune*, March 7, 1927.

¹¹ "Loyal Messenger Pays for Tribute to Holmes." *The Morning News* (Wilmington), March 7, 1936.

¹² "Arthur Thomas, 80, Veteran Messenger in the Supreme Court, Dies." *The Evening Star*, April 24, 1943.

¹³ Phillip H. Love. "Elderly Doorman Cool to Court Plan." *The Evening Star*, February 13, 1937. Serving as the court's gatekeeper seems to be a position awarded to aging messengers. For example, Richard Nugent worked at the Supreme Court for 57 years—including serving

as a messenger to Justices Ward Hunt and Samuel Blatchford as well as Chief Justice Morrison Waite. From age 73 to 81, Nugent held the position of doorkeeper. "Richard Nugent, 81, a U.S. Supreme Court Employee for 57 Years, Dead." *The New York Age*, December 28, 1929. A similar appointment was made for messenger J. Edward Joice, who had previously worked for Justices Joseph McKenna and Harlan Fiske Stone before becoming a doorkeeper.

¹⁴ "Arthur Thomas, 80, Veteran Messenger in the Supreme Court, Dies." *The Evening Star*, April 24, 1943.

¹⁵ "Loyal Messenger Pays for Tribute to Holmes." *The Morning News* (Wilmington), March 7, 1936.

¹⁶ "Sole Public Tribute to Holmes."

¹⁷ "Arthur Thomas, 80, Veteran Messenger in the Supreme Court, Dies." *The Evening Star*, April 24, 1943.

¹⁸ See, for example, "Negro Pens Tribute to Justice Holmes." *The New York Times*, March 7, 1936; "Sole Public Tribute to Holmes Is Paid by His Ex-Messenger." *The Washington Post*, March 7, 1936; "Doorman Remembers Late Justice Holmes." *The Chattanooga Daily Times*, March 7, 1936; "Aide Buys 'Memoriam' in Tribute to Holmes." *The Morning Post* (Camden), March 7, 1936; "Negro Proffers Tribute to Late Justice Holmes." *The Salt Lake Tribune*, March 7, 1936; "His Former Aide Honors Holmes: Colored Man Alone Recalls Death of Loved Justice." *The Times Union* (Brooklyn), March 6, 1936; "Tribute of Holmes' Servant." *St. Louis-Dispatch*, March 6, 1936. Some of the newspaper headlines contain racist tropes, such as the *Boston Globe* reporting about the ad placed by Justice Holmes' "faithful negro." "Loving Tribute by Holmes Messenger: Memory Kept

Green by Faithful Negro." *The Boston Globe*, March 7, 1936.

¹⁹ "A Simple Memorial Notice." *The Montgomery Advertiser*, March 10, 1936.

²⁰ "The Messenger Remembered." *The Province Vancouver*, April 3, 1936 (reprinting an article from *Time* magazine).

²¹ "Negro Proffers Tribute to Late Justice Holmes." *The Salt Lake Tribune*, March 7, 1936.

²² "Negro Proffers Tribute."

²³ "High Court Aide Pens Holmes Tribute on Death Anniversary." *The Evening Star*, March 6, 1937.

²⁴ "High Court Aide Pens Holmes Tribute."

²⁵ "In Memoriam." *The Evening Star*, March 6, 1938.

²⁶ "In Memoriam." *The Evening Star*, March 6, 1940.

²⁷ "In Memoriam." *The Evening Star*, March 6, 1941. I have been unable to locate the text of the 1939 ad, but it was run. It is unclear whether Thomas purchased an ad in 1942.

²⁸ "Justice Holmes Again Honored by Ex-Aide, 79." *The Evening Star*, March 6, 1941.

²⁹ Phillip H. Love. "Elderly Doorman Cool to Court Plan." *The Evening Star*, February 13, 1937.

³⁰ "'Work as Usual,' Brandeis' Role on Reaching 80." *The Washington Post*, November 14, 1936.

³¹ "Card of Thanks." *The Evening Star*, April 5, 1940.

³² Erich Brandeis. "Looking at Life." *The Morning Call* (Allentown), May 5, 1943.

³³ "In Memoriam." *The Evening Star*, April 23, 1945.

³⁴ Gregory S. Schneider. "A Virginia State Senator Found Headstones on His Property." *Washington Post*, October 25, 2020.