



“Be My Solicitor General”

Date: 1965-07-07
Conversation: WH6507-01-8307
Participant: Lyndon B. Johnson
Participant: Thurgood Marshall
Start Time: 13:30
Duration: 03:14
Place: Oval Office

SCENE SETTER: Explaining that he wanted to “do this job that Lincoln started,” President Johnson asked appellate judge Thurgood Marshall to become solicitor general of the United States. Johnson intimated that the post might not be the last one in Marshall’s career, implying that he might yet appoint Marshall as the first Black justice on the U.S. Supreme Court.

President Johnson: Hello?

Thurgood Marshall: Yes, sir.

President Johnson: Judge, how are you?

Marshall: Fine, sir.

President Johnson: I have a . . . a rather big problem that I wanted to talk to you about.

Marshall: Right.

President Johnson: I want you to give it some real thought, because it’s . . . it’s something that I have thought about for weeks, and I think that we can’t think of how it affects us personally. We’ve got to think about the world—

Marshall: Right.

President Johnson: —and our country—

Marshall: Yes, sir.

President Johnson: —and our government, and then ourselves way down at the bottom of the list. I want you to be my solicitor general.

Marshall: Wow.

President Johnson: Now, you lose a lot. You lose security, and you lose the freedom that you like, and you lose the philosophizing that you can do. And I'm familiar with all those things.

Marshall: The number one [*unclear*].

President Johnson: Well, I—you won't lose any, and I want you to do it for two or three reasons. One, I want the top lawyer in the United States representing me before the Supreme Court [*Marshall acknowledges throughout*] to be a Negro and to be a damn good lawyer that's done it before. That's—so you have those peculiar qualifications.

Number two, I think it will do a lot for our image abroad and at home, too, that this is the man that the whole government has to look to to decide whether it prosecutes a case, or whether it goes up with a case, or whether it doesn't, and so on, and so forth.

Number three, I want you to have the experience and be in the picture. I'm not discussing anything else, and I don't want to make any other commitments, and I don't want to imply or bribe or mislead you, but I want you to have the training and the experience of being there day after day for the next few weeks, anyway. Or maybe the next few months if you could do it.

Now, I've talked to [W.] Ramsey Clark, whose father [Tom C. Clark] is on the Supreme Court, and both of them have a high regard for you. I've talked to the Attorney General, [Nicholas deB.] Nick Katzenbach.

Marshall: Right.

President Johnson: I've talked to you. Now, I haven't talked to anybody else. I don't want to talk to anybody else.

Marshall: Right, sir.

President Johnson: Nobody'll ever know I talked to you. If you decide that you can do it, I think you ought to do it for . . . for the people of the world. I just think it'll be . . . you've got a great job, you've got lots of security, but I don't think you'll lose any by this. And after you do it awhile, if there's not something better, which I would hope there would be, that you would be more amenable to, there'll be security for you, because I'm going to be here for quite a while. And—

Marshall: That's right. That's right.

President Johnson: But I want to do this job that [Abraham] Lincoln started, and I want to do it the right way.

End of excerpt.

CITATION: "Lyndon B. Johnson and Thurgood Marshall on 7 July 1965," Conversation WH6507-01-8307, *Presidential Recordings Digital Edition* [Lyndon B. Johnson and Civil Rights, vol. 2, ed. Kent B. Germany] (Charlottesville: University of Virginia Press, 2014–). URL: <http://prde.upress.virginia.edu/conversations/4005163>

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