

# Jackson on Politics, February 1948

*John Q. Barrett\**

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On this Primary Day in New York, eight other States and the District of Columbia, and during the United States political season that will fill the Fall, a purely political Jackson tidbit may be of interest.

Robert H. Jackson of course was a Democrat. He was a descendant of Jeffersonians and (Andrew) Jacksonians, a Bryan and Wilson supporter in his youth and, in time, a FDR Democrat and a core New Dealer.<sup>1</sup> But Jackson himself never ran for elective office and, by early 1948, his days of political activity were in his past—he had been a Supreme Court justice since summer 1941, FDR was almost three years gone, Jackson had served post-Roosevelt as chief U.S. prosecutor of the Nazis at Nuremberg and now was spending much of his extra-judicial energy on those issues and that legacy and, although a Democrat was still in the White House, New Dealers and their ideas were very much out of power in President Harry Truman’s Washington.

All of that combined to bring Jackson, in February 1948, an interesting piece of mail that triggered an interesting response. Journalist Richard Wilson, a newspaperman who had become the Washington editor of Look magazine, sent letters to Justice Jackson and many others, including Jackson’s Supreme Court colleagues Justices Felix Frankfurter and William O. Douglas. Wilson explained that he was “trying to get together the views of some of the people who were prominent or influential in the Roosevelt administrations on a few challenging questions:

- What has become of the liberals?
- What does the future hold for them?
- Can or should the spirit of the New Deal be revived and, if so, why?
- In the present situation with only an indecisive political choice in prospect what should liberals do?”<sup>2</sup>

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<sup>1</sup> See ROBERT H. JACKSON, THAT MAN: AN INSIDER’S PORTRAIT OF FRANKLIN D. ROOSEVELT (John Q. Barrett, ed., 2003).

<sup>2</sup> See Richard L. Wilson to Honorable Robert H. Jackson, Feb. 11, 1948 (photographic image included as part of this file), in Robert H. Jackson Papers, Library of Congress, Manuscript Division, Washington, D.C. (“RHJL”) Box 21. In the article that Wilson subsequently published, he disclosed

As he read Wilson's letter, Justice Jackson responded immediately, but only to himself, in his customary way: Jackson, an inveterate draftsman and a dogged, perfecting editor of his own writing, started to jot some of his ideas on paper. Jackson noted four points, each of which really responded only to Wilson's first question: What had become of New Deal liberals? Here are Jackson's thoughts (decoded a bit by me to make the prose flow):

1. [Liberals have an] Inferiority complex. driven from places [of] power + leadership.
2. Confusion [of] liberals with communists.
3. Liberal turning to money making
4. ~~Liberals~~ [There has been a] Betrayal [of] liberal principles  
by professed liberals  
[For example, in the] Courts  
[Liberals once] Fought vs Jud[icial] supremacy  
[but there was] never more [of it than there is  
today]  
[Liberals once were] Not [about] class service...<sup>3</sup>

It is not clear whether Justice Jackson ever did more than jot these thoughts; if he did write back to Wilson, he did it longhand and did not keep

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that he "corresponded with, or talked to, 100 of the top men who worked out the social ideas and drafted the economic plans of the New Deal." Richard Wilson, *What's Become of the New Dealers?*, 12 LOOK 25 (Apr. 27, 1948). The text is surrounded by photographs, including one of Douglas and one of Frankfurter's one-sentence letter, dated the day after Wilson had written to Jackson and, I presume, to Frankfurter among many others: "You raise interesting questions, but, alas, I am a victim of judicial lockjaw." *Id.* at 28. See also Katherine Graham, *The Magazine Rack*, WASH. POST, Apr. 18, 1948, at B6 (recommending and summarizing Wilson's article).

<sup>3</sup> See Robert H. Jackson's note, undated (photographic image included as part of this file), in RHJL Box 21.

a copy. But if Jackson jotted only these notes, they contain, explicitly and implicitly, profound ideas that are as relevant in our time as they were to his:

- being out of political power does not demonstrate inferiority or powerlessness (so get over it);
- any group or label, be it “liberal” or something else, means only what it actually encompasses, not other dirty words or dangerous groups that adversaries seek to attach to it;
- there are activities that are more valuable than money making;
- there are policy matters that should not be determined by judicial decree; and
- government is about the business of the public, not the service of any favored class.

Maybe Justice Jackson did write back to journalist Wilson. When his article, *What’s Become of the New Dealers?*, appeared in Look in April 1948, it included a paragraph that sounds like Jackson (and also like Douglas): “An associate justice of the Supreme Court, a former New Deal luminary, says privately that the liberals should stay out of power a good long time. ‘Maybe then they can figure out what they stand for and get their vitality back.’”<sup>4</sup>

I think that there is some fodder here for all points on the political spectrum—and that that says something about Robert H. Jackson’s spanning views and his lasting significance.

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<sup>4</sup> Wilson, *What’s Become of the New Dealers?*, *supra* note 2, at 25.

# LOOK

NATIONAL PRESS BUILDING, WASHINGTON, 4, D. C.

February 11, 1948

Honorable Robert H. Jackson  
Associate Justice of the Supreme  
Court of the United States  
Washington, D. C.

Dear Mr. Justice:

I am trying to get together the views of some of the people who were prominent or influential in the Roosevelt administrations on a few challenging questions.

What has become of the liberals? What does the future hold for them? Can or should the spirit of the New Deal be revived and, if so, why? In the present situation with only an indecisive political choice in prospect what should liberals do?

Perhaps these questions may seem to you a little out of focus. In that case they may at least suggest to you a line of thought of your own.

I hope you can write a letter to me on some phase of the dilemma of the liberals. It may be that you will want to write me confidentially, and I assure you your name will not be connected with any thoughts you express.

I am trying to arrive at a synthesis of the present thinking of the men and women who were influential in the New Deal for publication in LOOK. Naturally, I would prefer that you would permit me to quote from any letter you write on this subject. I will abide by your feeling as to whether your reply should be confidential or not.

May I have an early reply?

Sincerely,

*Richard L. Wilson*

Richard L. Wilson

RLW/sc

Supreme Court of the United States

Memorandum

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3. Liberal turning to money making
4. ~~Liberal~~ Betrayal liberal principle  
by professed liberals  
Courts  
Fought is just supremacy  
never more  
Not class service  
James R. [unclear]  
discredit laws of