

# Honorary Degrees

*John Q. Barrett\**

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The Spring commencement season features University conferrals of honorary degrees on many deserving persons, including some jurists. In his day, Justice Robert H. Jackson received his share of honorary degrees, including from the University of Buffalo, Syracuse University, Duke University, Dartmouth College, St. Lawrence University, Union College, the University of Brussels, Belgium, and the University of Warsaw, Poland.

In June 1958, a few years after Justice Jackson's lifetime, Harvard University conferred an honorary doctorate on its double alumnus, former Overseer and devoted son Judge Charles E. Wyzanski, Jr.<sup>1</sup> He then was in his eighteenth year of service on the United States District Court for the District of Massachusetts.

Judge Wyzanski was deeply gratified but not deluded by Harvard's honor. A week after the commencement exercises, he wrote this assessment to Justice Felix Frankfurter, his former Harvard Law School professor and lifelong mentor:

Dear Mr. Justice,

You and I who know so much about the inside process of this honorary degree business cannot take it too seriously. After all, it was the Harvard Overseers who two decades ago ~~who~~ rejected the [honorary degree] nomination of L.D.B. [Justice Louis D. Brandeis]. The [Harvard] Corporation never proposed Robert Jackson or Eleanor Roosevelt [for an honorary degree], and has yet to realize that in Calvert Magruder and Bill Hastie the Law School has produced the two outstanding lower court judges.[<sup>2</sup>]

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\* Professor of Law, St. John's University School of Law, New York City, and Elizabeth S. Lenna Fellow, Robert H. Jackson Center, Jamestown, New York ([www.roberthjackson.org](http://www.roberthjackson.org)). I posted an earlier version of this text to my Jackson email list on June 5, 2008.

For a selected archive of Jackson List posts, see my homepage at [www.law.stjohns.edu](http://www.law.stjohns.edu). To subscribe to the Jackson List, which does not display recipient identities or distribute their email addresses, send a note to [barrettj@stjohns.edu](mailto:barrettj@stjohns.edu).

<sup>1</sup> See John H. Fenton, *M'Elroy Sees U.S. Facing Austerity*, N.Y. TIMES, June 13, 1958, at 10.

<sup>2</sup> Calvert Magruder (1893-1968), a 1916 graduate of Harvard Law School, was appointed a Judge of the United States Court of Appeals for the First Circuit in 1939. William Henry Hastie

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HONORARY DEGREES

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All we can say is that like kisses honorary degrees go by favor, and that it is a delicious sensation to be kissed by the girl you like best.

Affectionately,

Charlie.<sup>3</sup>

Justice Frankfurter, receiving Wyzanski's letter, immediately dictated his reply. Frankfurter voiced his similar views and his own admiration for his late Supreme Court colleague and close friend Jackson, who also had been Wyzanski's New Deal colleague and friend:

Dear Charlie:

...

Of course I agree with you regarding honorary degrees in general and at Harvard in particular. I have always derived satisfaction from the fact that my college [the City College of New York], following the precedent of the University of Virginia, confers no honorary degrees, though it departed from that practice in celebrating its centennial. For me it is a permanent black mark against the major universities that not one recognized the distinction that Bob Jackson conferred on this country by his conduct of the Nürnberg trial, particularly as represented by his opening and his closing [arguments]. Can you tell me who is ... the boss regarding degrees at Harvard? Maybe it is somebody who can be made to see why Harvard should honor Calvert [Magruder], both as a teacher and as a judge.<sup>4</sup>

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(1903-1976), who earned both LL.B. and S.J.D. degrees at Harvard Law School (in 1930 and 1933, respectively), was Judge of the United States District Court for the District of the Virgin Islands (1937-39), Dean of the Howard University School of Law (1939-46), and Territorial Governor of the Virgin Islands (1946-49) prior to his 1949 appointment as a Judge of the United States Court of Appeals for the Third Circuit.

<sup>3</sup> Letter from "Charlie" [Judge Charles E. Wyzanski, Jr.] to "Mr. Justice" [Felix Frankfurter], June 18, 1958, in Felix Frankfurter Papers, Library of Congress, Manuscript Division, Washington, D.C., Box 113. An image of this letter follows this text.

<sup>4</sup> Letter from Justice Felix Frankfurter to Hon. Charles E. Wyzanski, Jr., June 23, 1958, at 2, in *id.* Justice Frankfurter, who was 75 years old when he dictated this somewhat parochial letter, probably regarded Harvard, Columbia, Princeton and Yale, and maybe no others, as "the major universities" in the United States.

Harvard did not award an honorary degree to Judge Magruder before his death in 1968. It did award an honorary doctorate to Senior Judge Hastie in 1975.

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*HONORARY DEGREES*

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Thursday, June 5, 2008 was commencement day at Harvard University. At morning exercises, it conferred ten honorary doctorate degrees on distinguished and worthy recipients including one jurist, Senior Judge Damon J. Keith of the United States Court of Appeals for the Sixth Circuit.

Neither Justice Brandeis nor Justice Jackson nor Judge Magruder nor Mrs. Roosevelt was honored in Cambridge, Massachusetts, in June 2008—Harvard does not “do posthumous.”



June 18, 1958.

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Appreciatively,

Charlie.