

Political Conventions

*John Q. Barrett**

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Robert H. Jackson was, like so many of us, a political convention listener and a convention news reader. He also was, sometimes, a convention attendee and even a delegate.

Robert Jackson got interested in politics as a boy at the start of the 20th century. His family heritage, which he followed, was loyalty to the Democratic Party—his great-grandfather Elijah Jackson, an early white settler in northwestern Pennsylvania, was a delegate at the Party's Warren County (PA) convention as early as 1825. The Jacksons subscribed to newspapers (including, in Pennsylvania and continuing after they moved to southwestern New York State, a paper from New York City) which they, and he, read closely. They regularly discussed public issues and officials.

Jackson's older cousin Frank Mott, a lawyer who also was very active in New York State Democratic Party politics—he often was a candidate and he sometimes, even in heavily Republican Jamestown, New York, got elected—was a particularly important political influence on Jackson. Through Mott, Jackson met William Jennings Bryan, Franklin D. Roosevelt and other political figures when Jackson was still a teenager. From boyhood forward, Jackson heard Mott and others give many political speeches, and Jackson soon was joining them in speechmaking and other political activities.

In adulthood, Robert Jackson often attended political conventions. At the New York State level, Jackson attended Democratic Party conventions in the 1910s, 1920s and 1930s and he was, in later years, a principal author of party platforms.

Robert Jackson first attended a national political convention in 1924. One of his law clients, a wealthy Pennsylvania oil man, persuaded

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Jackson to come with him to New York City for the Democratic Party convention that summer. As a spectator in Madison Square Garden, Jackson watched FDR, three years after contracting polio, deliver courageously his “happy warrior” speech nominating New York Governor Al Smith for the presidency. (The delegates ultimately nominated lawyer John W. Davis; Governor Smith had to wait four more years before he was nominated.) Jackson also saw Bryan, sixty-four years old in 1924 and entering what turned out to be the last year of his life, deliver his final political convention speech.

Jackson’s national political activities peaked between 1930 and his 1941 appointment to the Supreme Court. In 1932, Jackson was very active in New York State Democratic Party organizations and activities, especially during FDR’s successful presidential campaign that fall. In 1936, Jackson—then an Assistant Attorney General—attended the Democratic Party national convention in Philadelphia as a delegate representing Jamestown.

In 1940, Jackson—by then the Attorney General of the United States—chose to let someone else be the delegate from Jamestown. To Jackson’s surprise, his friend and New York Democratic Party chairman James A. Farley, who was opposing FDR’s unprecedented run for a third term and, indeed, attempting to run against him, then did not select Jackson as a delegate-at-large. At FDR’s request, Jackson still attended the national convention in Chicago that July, however, and he stayed in close contact with the president in Washington, including about the platform, the mechanics of announcing his willingness to accept the convention’s nomination and his choice of a running mate. (In 1944, then Justice Jackson went fishing in Canada during the Democratic National Convention. He also did not attend the 1948 and 1952 conventions.)

Jackson’s political interests were not, of course, limited to his own party and its conventions. He never attended a Republican Party state or national convention but he followed them, and Republican politics generally, closely. This was particularly true in 1940, both at the start of the year when Jackson himself was a serious presidential prospect and later in the spring when he was deeply involved in U.S. policies relating to the developing world military crisis and, related, President Roosevelt’s plans to seek a third term. Late that June, Jackson watched from a distance and listened on radio as the Republican Party held its national convention in Philadelphia and, on the sixth ballot, nominated Wendell Willkie, a New

York City attorney and businessman who had never held political office, to be its presidential candidate (and then the Senator Minority Leader, Charles L. McNary of Oregon, to be its vice presidential candidate).

Robert Jackson knew Wendell Willkie. In the mid-1930s, they had been adversaries, including institutionally in litigation before the Supreme Court regarding the constitutionality of a major New Deal law, the Public Utility Holding Company Act.¹ In early 1938, when each man was being “boomed” as his party’s next leader and 1940 presidential prospect, they met in a nationally-broadcast debate in New York City’s Town Hall (a debate which, on radio, sounded better for Willkie).² In summer 1940, Jackson was quite concerned about Willkie’s strength as the isolationist, anti-Roosevelt, Republican presidential candidate.

Willkie did not give a speech in Philadelphia accepting his party’s nomination. In the custom of the day, the Republican Party nomination was communicated to him formally after the convention. He then, on the evening of Saturday, August 17th, in Elwood, Indiana, where he had lived and attended high school, gave his acceptance speech in a park filled with 250,000 people (and over nationwide radio).³

During that month, Attorney General Jackson was working in Washington, with President Roosevelt, administration colleagues and British government officials, on secret, complex negotiations and legal analyses. This work soon would culminate in FDR’s agreement to provide Great Britain, then under attack by Nazi Germany and standing alone since France’s surrender, with 50 World War I-era destroyers in exchange for long-term naval basing rights on British territories in the North Atlantic and the Caribbean.⁴

In the middle of August 1940, however, Jackson took a weekend break from Washington to visit his native northwestern Pennsylvania. On

¹ See *Electric Bond & Share Co. v. Securities & Exchange Commission*, 303 U.S. 419 (1938) (upholding, by a vote of 6-1, the Act’s constitutionality). Assistant Attorney General Jackson and his colleague Benjamin V. Cohen presented the government’s successful oral arguments in this case on February 8-9, 1938.

² See generally *Jackson, Willkie Debate Slump*, WASH. POST, Jan. 7, 1938, at 1, 7; *Slurs on Business Scored By Willkie*, N.Y. TIMES, Jan. 7, 1938, at 6.

³ See Edward T. Folliard, *Roosevelt Courts War, Willkie Charges; Favors Conscripton*, WASH. POST, Aug. 18, 1940, at 1, 16.

⁴ See ROBERT H. JACKSON, *THAT MAN: AN INSIDER’S PORTRAIT OF FRANKLIN D. ROOSEVELT* 81-103 (John Q. Barrett, ed., 2003).

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Saturday August 17th, Jackson was at his birthplace, formerly his family's farm, in Spring Creek, PA. That evening, he and a number of good friends who happened to be Republicans built a fire and broiled steaks in the woods. At the appointed hour, they turned on a car radio to hear Willkie's speech. As Jackson wrote about it later, he was "half expecting some powerful message. It went flatter and flatter. My spirits went higher and higher, and my Republican friends' lower and lower. I got the full force of the deflation. Everybody felt let down. It was oversold in advance. The actor just could not live up to the billing."⁵

⁵ *Id.* at 41. One reporter who was present for Willkie's speech noted that he, "like Al Smith and many other orators, does better when he is able to speak without a manuscript. He seemed irked [at Elwood] by the necessity of reading his speech. He would toss his large, shaggy head up in the air, wave his arm and then find himself far off track." Folliard, *supra* note 3, at 16. This reporter also speculated, elliptically, about the possibility that the radio and live audiences might have had differing impressions of Willkie's speech: "What the country and the world may think of it remains to be determined, but the 11,000 natives of Elwood and the thousands who are departing it tonight are convinced that Willkie's speech today was one of the greatest ever delivered by an American politician." *Id.*