

Buying Hickory Hill (1941)

*John Q. Barrett**

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When Robert H. Jackson went to Washington in early 1934 to serve as General Counsel of the Bureau of Revenue in the United States Department of the Treasury, he told his friends and clients in Jamestown and throughout western New York State that he intended to stay only six months (i.e., through the summer) or, at most, one year. He told the same to the Secretary of the Treasury, Henry Morgenthau, Jr.—Jackson accepted the appointment on these terms. During that winter and spring, Jackson left his large, beautiful house in Jamestown unoccupied, visiting when he could. He lived in Washington, with his wife Irene and their children William and Mary, in a rented apartment in the Wardman Park hotel.

One thing did, of course, lead to another. During the next six years, Jackson moved from Treasury to the Securities and Exchange Commission and then to the Department of Justice. At DOJ, he was twice an Assistant Attorney General, first in the Tax Division (1936) and then in the Antitrust Division (1937), then Solicitor General of the United States (1938) and ultimately the Attorney General of the United States (1940). Throughout these years, Jackson thought regularly that he would soon be returning to Jamestown and private law practice. He held onto his Jamestown house, ultimately renting it to a friend and always declining to sell it. In greater Washington during those years, the Jacksons continued to rent. At various times, they resided in Wardman Park apartments, in a row house, and on a horse farm in Maryland.

In June 1941, Robert Jackson's appointment to the Supreme Court caused him to acknowledge that he would be working and thus residing permanently in or near Washington. He and Irene sold their Jamestown house and began—really it was Irene who began, because Bob Jackson was busy being a Supreme Court nominee—to house hunt in Washington, D.C. She consulted advertisements and realtors and looked at houses in Georgetown, Kalorama and other neighborhoods.

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At some point during that busy month, the Jacksons learned that Hickory Hill, an antebellum house and almost six acres of land in rural McLean, Virginia, was for sale. According to lore, Hickory Hill had been a Civil War headquarters of Union Army General George B. McClellan. In fall 1940, its owners had advertised it for sale (for no listed price) in the WASHINGTON POST.¹ In June 1941, within days of Jackson's nomination to the Supreme Court but before his Senate confirmation hearing had begun, the POST ran a prominent story with three photographs: *Historic Old Hickory Hill Now for Sale*.²

To many 1941 eyes, Hickory Hill's great drawback was its remote location: it was (and is) about thirteen miles from Capitol Hill and the Supreme Court building. To the Jacksons, who were country people, horse owners and riders, it was perfect. Moving quickly, Robert Jackson, having just completed four days of confirmation hearing proceedings before a subcommittee of the Senate Judiciary Committee and earning its unanimous approval, agreed on July 3 to the sellers' price, which was \$47,950. He gave a \$5,000 cash deposit to their realtor and agreed to pay the balance at settlement on or before August 1, 1941.

Jackson also executed on July 3, 1941, a memorandum of understanding with the sellers, Leo and Leonora Rocca. The memorandum, which on signing became part of their agreement, itemized personal property that the Roccas would leave at Hickory Hill to become property of the Jacksons.

The memorandum also memorialized that the Jackson-Rocca agreement had an unusual contingency, which Robert Jackson drafted in the first person: "While I anticipate no such event, it is understood that I have no use for the property except in event that my pending nomination is confirmed. In event of failure of confirmation, the purchase will not be effective."

On the following Monday, July 7th, the United States Senate confirmed Jackson's Supreme Court appointment by voice vote. Two days later, he wrote a personal check (#6483) for \$43,018.97 to a Virginia title company as settlement of his agreement to purchase Hickory Hill. After the deal closed, the Jacksons hired contractors who, under the new Justice's

¹ See WASH. POST, Oct. 13, 1940, at 49.

² *Historic Old Hickory Hill Now for Sale*, WASH. POST, June 15, 1941, at R2.

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supervision on breaks from Supreme Court work, renovated various rooms and built a new, three-horse stable.

Bob and Irene Jackson moved into Hickory Hill shortly before October 1, 1941 (and the start of the Supreme Court term, Jackson's first, on the ensuing Monday, October 6th). They lived there, with horses, for the rest of Justice Jackson's life.