

Danger & Distinction in Public Service

*John Q. Barrett**

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Robert H. Jackson, born in 1892 in Warren County, Pennsylvania, remained deeply connected to that region and its people for all of his life. Although Jackson was a young boy when his family moved from his farm birthplace into southwestern New York State, he continued to visit relatives in Spring Creek, located in Warren County, as he was growing up. In Jackson's adulthood, even after the farm was sold out of his family, ultimately failed and went fallow, he continued to visit it to ride, hike, fish, picnic and camp—and he often considered repurchasing the property. In the last summer of his life, when Justice Jackson knew that his time was short, he made a special trip back to the old Jackson farm to see, walk and feel that land.

Warren County also was central to Robert Jackson's legal career and some of his close friendships. As a lawyer in private practice based in New York State from 1913 until the 1930s, he litigated (*pro hac vice*) in the Warren County Courthouse, which was and is located in the county seat city of Warren. One of his leading business clients was Warren's New Process Company—Jackson represented it, served on its board and was very close to its founder, John L. Blair. On Jackson's visits to Pennsylvania and New York State during the decades when he lived in and then near Washington, he often stayed with John and Maude Blair at their home in the heart of Warren. He also visited and relaxed with them at their second, nearby home on the Allegheny River.

In the 1930s, Robert Jackson came to know a young Warren lawyer, Allison D. Wade. As John Blair once described it, Wade had “probably the best practice of any young lawyer in town.” Wade also chaired Warren's Young Men's Republican Committee. Jackson got to

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For an archive of selected Jackson List posts, many of which have document images attached, visit www.stjohns.edu/academics/graduate/law/faculty/profiles/Barrett/JacksonList.sju.

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know Wade, liked him and admired his abilities. I think it is not a stretch to say that Jackson saw a lot of himself, a notch younger, in his friend Allie Wade.

In 1941, each man became a judge—Jackson was appointed to the Supreme Court of the United States and Wade was elected to a ten-year term on the Court of Common Pleas of the Commonwealth of Pennsylvania. Each continued to hear regularly of the other, and sometimes their paths crossed. Wade on occasion told Jackson with pride about the daughter the Wades had adopted.

In 1949, Allison Wade sent word through John Blair to Justice Jackson that he (Judge Wade), contemplating what he would do after his judicial term ended, was speaking with the University of Virginia about joining its law faculty. Jackson, then a Virginia resident, wrote to his friend Frederick D.G. Ribble, UVa's law dean, endorsing Wade. Jackson also sent word to Wade to think about Duke University, where Jackson also had contacts and which he thought might have law faculty openings. In the end, Wade chose not to pursue these prospects because his wife was in failing health. Instead, he ran for reelection in 1951 and won a second ten-year term as President Judge of Pennsylvania's 37th Judicial District (encompassing Warren and Forest Counties).

* * *

In a 1952 divorce case involving domestic violence charges, Judge Wade ordered the husband, a construction worker, to pay \$30 per week in support to his wife. The man appealed to the Superior Court, which affirmed the order. He failed to make his support payments, however, so at the start of 1954 he was haled into court to explain.

On Wednesday, January 13, 1954, the man stood before Judge Wade. "Have you anything to say?," he asked. "No," the man replied sullenly. Then he reached under his coat and pulled out a Colt .45 caliber automatic pistol. He began firing at the district attorney, but he was able to flee the courtroom uninjured. The shooter then turned toward the bench. Judge Wade tried to shield himself with a chair and begged the man not to shoot. He fired, hitting Wade, age 51, twice in the chest. He fell to the floor in front of the empty jury box and died.¹

¹ See *Crime: He Killed the Judge*, TIME, Jan. 25, 1954, available at www.time.com/time/magazine/article/0,9171,823214,00.html.

Justice Jackson, in Washington, learned immediately of Judge Wade's murder—the crime was covered prominently in leading newspapers.² On Friday, January 15th, one of Jackson's friends and former law partners in Jamestown, New York, located near Warren, sent Jackson a telegram. It reported that Wade's funeral would be the next afternoon in Warren and asked if Jackson could attend. Jackson replied immediately:

Regret regular Saturday conference this Court prevents leaving Washington to attend Judge Wade's funeral. Had a personal friendship and great respect for Wade and find his assassination almost too shocking to believe. Wish I could join fellow lawyers in attendance as a mark of respect to a good judge.³

Early the next week, a Warren attorney wrote Justice Jackson to report that Wade's funeral had been well-attended, including by many lawyers from Warren, Jamestown and throughout the region. The lawyer also informed Jackson that a special "Memorial Court" for Judge Wade was to be held that Friday in the Warren Courthouse. Jackson sent a memorial message to the judge who would be presiding:

I wish I could be present to join with the members of the bar of that region in paying tribute to [Judge Wade's] high-minded service. The shocking way in which his life was terminated brings our attention the more sharply to the

² See, e.g., *Defendant Kills Judge in Court, Wounds Himself After Car Chase*, N.Y. TIMES, Jan. 14, 1954, at 1, 24; *Six Watch As Defendant Shoots Judge To Death*, HARTFORD COURANT, Jan. 14, 1954, at 2; *Judge Slain On Bench as Case Is Called*, WASH. POST, Jan. 14, 1954, at 3.

³ Robert H. Jackson to Ernest D. Leet, Jan. 15, 1954 (sender's carbon copy of Western Union telegram), in Robert H. Jackson Papers, Library of Congress, Manuscript Division, Washington, DC, Box 45, Folder 5. An image of this document is attached at the end of this file.

It turned out that the Supreme Court justices' Saturday, January 16, 1954, conference was particularly significant. On that day, the full Court discussed in conference, for the first time since reargument in December 1953, *Brown v. Board of Education* and its companion cases concerning the constitutionality of public school racial segregation. The justices also voted that Saturday in another landmark case, *Hernandez v. Texas*, which invalidated a criminal conviction because of the systematic exclusion of persons of Mexican ancestry from jury commissioner, grand jury and trial jury service in the Texas county at issue. See 347 U.S. 475 (announced May 3, 1954), available at <http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=us&vol=347&invol=475>. I know of no information indicating, however, that Justice Jackson's decision to attend the Court's January 16th conference rather than Judge Wade's funeral turned on the momentous nature of the matters on the conference agenda; it simply was the practice that absent personal illness or perhaps immediate family obligation, justices did not miss conference. One result of this policy for Jackson and every justice was that Court conferences regularly caused them to miss friends' funerals and other important personal events.

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devotion to the profession by which his life was distinguished.

Jackson also wrote separately to Judge Wade's daughter, age nine, who now was an orphan:

My dear [Miss] Wade:

It has not been my privilege to know you except as your father has spoken so affectionately of you to me. That you should have lost him under such circumstances has at least this consolation: he was doing his duty to his country in a distinguished position, where he had earned the respect and affection of his fellow lawyers and judges.

May I extend to you my deepest sympathy and every good wish.

Sincerely yours,

/s/ Robert H. Jackson

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HON ROBERT H JACKSON=

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=FUNERAL OF HON ALLISON D WADE PRESIDENT JUDGE,

WARREN COUNTY, SATURDAY AFTERNOON 2 PM. CAN YOU ATTEND=

ERNEST D LEET=