

Remembering FDR (1942)

*John Q. Barrett**

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On Saturday, April 11, 1942, Justice Robert H. Jackson arrived, by invitation, at the White House. That afternoon, he was driven, along with President Franklin D. Roosevelt, his press secretary Stephen Early, Postmaster General Frank Walker and presidential physician Dr. Ross McIntire, to Charlottesville, Virginia.¹

In those early months of United States military involvement in World War II, the President was getting away from Washington to relax with current and former assistants. They spent that Saturday night at the Charlottesville home of President Roosevelt's appointments secretary, U.S. Army Major General Edwin M. ("Pa") Watson. They probably played some cards and had a drink or two.

They definitely talked of weighty topics. For example, the President at one point told Justice Jackson, who less than a year earlier had been the Attorney General of the U.S., that he (FDR) was thinking of adding a counsel to his small White House staff. When FDR asked Jackson what he thought of the idea, he replied

that if I was Attorney General I wouldn't think much of it. I'd think that if he had to have a different counsel he ought to change Attorneys General. After all, the Attorney General, as a matter of law, was his adviser, head of the Department [of Justice], and in contact with the courts. A White House counsel between the President and the Attorney General was a bad thing likely to lead to conflict and I wouldn't want it if I were Attorney General. He went on to say that he was thinking of bringing Sam Rosenman right in the White House

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¹ See White House Ushers Log, Apr. 11, 1942, in *Franklin D. Roosevelt Day by Day*, FDR Presidential Library, available at www.fdrlibrary.marist.edu/daybyday/daylog/april-11th-1942/.

to advise him on questions of law and be his legal adviser.^[2] I said to him that of course I thought he couldn't have a better man than Sam Rosenman, particularly in view of their personal relations, but I thought that would be very much of a slap at the Attorney General. If I were Attorney General, I would say, "Well, now here, you just appoint Mr. Rosenman Attorney General and let him take over." He chuckled and said, "[Attorney General] Francis [Biddle] will not say that."³

They also discussed the War. As Jackson recalled it,

[w]e discussed many phases of the conflict and the problems that it was going to raise in the future. Some of them we had discussed before. The proposition came up as to the future of Germany. We all assumed, of course, that there was no question that eventually the United States, with its allies, would win. How long it would take no one was in a position to say. The President long before that had said to me what he now repeated—that he thought Germany would have to be broken up to its pre-Bismarckian small states. I had argued against that. It seemed to me that peace in the world could never be advanced by atomizing large units, but would rather come by consolidating them and reducing the occasions for friction. During our week-end trip the President again was back on that thesis that Germany ought to be broken up. We discussed that at some length.

We also discussed the role and attitudes of various people in the war effort. I told the President that on the [Supreme] Court I felt I was in a sort of back eddy. I wasn't doing anything that promoted the war effort, and not much that seemed to be very important in contrast with the great issues

² See generally SAMUEL I. ROSENMAN, *WORKING WITH ROOSEVELT* (1952). FDR announced on September 14, 1943, that he was appointing Rosenman to serve as his fulltime special counsel. See generally *id.* at 379; *Rosenman Quits Bench to Become Roosevelt Aide*, WASH. POST, Sept. 15, 1943, at 1; *President Names Rosenman as Aide To Advise on Draft and Court-Martials*, N.Y. TIMES, Sept. 15, 1943, at 30; Turner Catledge, *President Widens Rosenman's Scope*, N.Y. TIMES, Sept. 19, 1943, at E6.

³ COLUMBIA UNIVERSITY ORAL HISTORY RESEARCH OFFICE, *THE REMINISCENCES OF ROBERT H. JACKSON* 919-20 (Harlan B. Phillips, ed., 1955). For another Jackson account of this conversation, see ROBERT H. JACKSON, *THAT MAN: AN INSIDER'S PORTRAIT OF FRANKLIN D. ROOSEVELT* 64-65 (John Q. Barrett, ed., 2003), available at www.amazon.com/That-Man-Insiders-Portrait-Roosevelt/dp/0195177576/ref=sr_1_1?s=books&ie=UTF8&qid=1334353524&sr=1-1.

at stake in the world. I said I thought there were a good many men who were entirely capable of performing the function on the Court with satisfaction, and that if there was anything in the war effort he thought I could be more useful in, I would be quite ready to resign and take it on. I had to admit, and to say, that there were a very limited number of things in which I could be of use in a war effort, being anything but a warrior.

The President said that he didn't think there was anything at present. He thought the work on the Court had permanent importance, even though temporarily it didn't seem to be. He thought I ought to stay there and that there were further prospects in connection with the Court, which I took to be a reference to the chief justiceship. He said that it was quite possible, however, that when the peace came and the time for the settlement arrived, there would be important things which I was particularly qualified to do. What it was he didn't say, and of course I didn't ask. The matter dropped at that.⁴

The President, Jackson and the others arrived back at the White House on Sunday evening, April 12, 1942.⁵ Three years later, to the date, FDR was gone.

⁴ *Id.* at 106-07.

⁵ See White House Ushers Log, Apr. 12, 1942, in *Franklin D. Roosevelt Day by Day*, FDR Presidential Library, available at www.fdrlibrary.marist.edu/daybyday/daylog/april-12th-1942/.