

Freedom after a Supreme Court Term (1950)

*John Q. Barrett**

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As the Supreme Court of the United States neared the conclusion of its Term in spring 1950, Justice Robert H. Jackson left one major decision to others. It was the matter of exactly when he and some of his friends would take their annual summer fishing trip to upstate New York and Canada.

On May 25, 1950, in the midst of reading and editing Court opinions that were reaching final form, Justice Jackson dictated a letter to his close friend Donald A. Dailey, postmaster of Rochester, New York, and that year's lead planner of the fishing expedition—

Dear Don:

It is pretty clear now that we are going to finish the Term either the first or the second Monday in June. It will really make no difference whatever to me just what day we arrive at Johnny Schlauder's hostelry [in Cape Vincent, New York]. All of you have businesses with claims on your time, but at that period I expect to be as free as the air. So let me leave it to you and you let me know what you decide.

I do not know whether I will attempt to drive, for I understand that there is a good deal of road construction going on and that somewhere along the Harrisburg route there are bad detours. But if you have any maps that show

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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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fairly clear routes, I would be glad to have one and it will serve as a souvenir of your presidency.

I am looking forward to the first week of July.

With best wishes,

Sincerely yours,

/s/ Bob

After his secretary typed this letter, Jackson signed his “Bob” and, to emphasize how much he was looking forward to July, he underlined his final sentence with a wavy line—it depicts both choppy and smooth water.¹

Then he went back to work. On Monday, May 29th, the Court announced two decisions—Jackson wrote one for the Court and dissented in the other case.

A week later, on June 5th, the Court completed its Term. The Justices announced seventeen(!) final decisions, including two written by Jackson (*Johnson v. Eisentrager* was one²). Chief Justice Fred M. Vinson announced six decisions, including the Court’s unanimous, landmark holdings that racial segregation of students at the University of Texas and at the University of Oklahoma was unconstitutional (*Sweatt v. Painter*³ and *McLaurin v. Oklahoma State Regents for Higher Education*,⁴ respectively). As his final order of the day, the Chief Justice adjourned the Court for its summer recess.

A few weeks later, Jackson and his friends indeed did make the fishing trip. On July 1st, they left the Rochester Yacht Club on the *Domarhel II*, which belonged to Fred M. Tobin, president of Rochester’s Tobin Packing Company, Inc. The group included Don Dailey, his son Robert, Tobin, Jackson and Edward P. Mulrooney, a former New York

¹ Letter from Robert H. Jackson to Donald A. Dailey, May 25, 1950. An image of this letter immediately follows this text.

² See 339 U.S. 763 (1950), available at <http://supreme.justia.com/cases/federal/us/339/763>.

³ See 339 U.S. 629 (1950), available at www.law.cornell.edu/supct/html/historics/USSC_CR_0339_0629_ZS.html.

⁴ See 339 U.S. 637 (1950), available at www.law.cornell.edu/supct/html/historics/USSC_CR_0339_0637_ZS.html.

City police commissioner.⁵ At the northeast end of Lake Ontario, the mouth of the St. Lawrence River, they were joined at Cape Vincent by two others, Louis A. Wehle, president of Rochester's Genesee Brewing Company, and Thomas N. Nagle, another Rochester area friend. Some stayed on the boat and others stayed in the Hotel Carleton, John C. Schlauder's hostelry.

The fishing and the human companionship were great. On July 8th, Justice Jackson drove from Cape Vincent back to his home, Hickory Hill in McLean, Virginia. Five days later, his wife Irene wrote that he came home "laden with fish, mostly bass, some perch, and we have been eating fish ever since, also our friends and neighbors."⁶

Jackson, briefly back at the Supreme Court that week before embarking on another trip (his annual sojourn in northern California), wrote to Fred Tobin to thank him for his hospitality and, it seems, some gifts:

I arrived home safely, although if anyone had known that I was carrying such a cargo of precious food supplies and cutlery and a few [sic?] fish, I probably would have been held up somewhere in the Pennsylvania hills. The grandchildren waded into the liverwurst and authorize me to extend their thanks, as well as my own. And the hams are awaiting the day when we run out of bass. I am sure that the Syracuse knives will make all steaks more tender—they [the manufacturers] really did a beautiful job in making these [knives] up, and I am happy to possess them.

It was a most delightful trip and your hospitality was greatly appreciated. ...⁷

⁵ A photograph of this group aboard the *Domarhel II*, published in the Rochester newspaper, is also attached at the end of this file. See *Ready for Beachhead in Annual Bass Blitz*, ROCHESTER TIMES UNION, July 1, 1950.

⁶ Letter from Irene G. Jackson to Nancy R. Jackson & William E. Jackson, July 13, 1950. (I assume that the Jacksons did not eat any of their friends or neighbors, and that those people did eat fish provided by Justice Jackson.)

⁷ Letter from Robert H. Jackson to Fred M. Tobin, July 11, 1950 (unsigned carbon copy), in the Robert H. Jackson Papers, Library of Congress, Manuscript Division, Washington, D.C., Box 20, Folder 18. Tobin's primary business was meat packing, and one of his related ventures produced knives.

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Jackson also sent Don Dailey a check for Jackson's share of the trip expenses.⁸

⁸ See Letter from Elsie L. Douglas to Donald A. Dailey, July 12, 1950: "Before leaving for California, Justice Jackson asked me to send this check for his share of the expense for the trip to Cape Vincent. He is most grateful to you."

Supreme Court of the United States
Washington, D. C.

CHAMBERS OF
ROBERT H. JACKSON

May 25, 1950.

Mr. Donald A. Dailey,
Rochester 3, New York.

Dear Don:

It is pretty clear now that we are going to finish the Term either the first or the second Monday in June. It will really make no difference whatever to me just what day we arrive at Johnny Schlauder's hostelry. All of you have businesses with claims on your time, but at that period I expect to be as free as the air. So let me leave it to you and you let me know what you decide.

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I am looking forward to the first week of July.

With best wishes,

Sincerely yours,

Bob

Ready for Beachhead in Annual Bass Blitz



Annual attack on the fish population of the St. Lawrence River was in prospect for these Rochesterians and their guests as they shoved off from the Rochester Yacht Club pier this morning.

Included were (from the left) Robert H. Jackson, U. S. Supreme Court

Justice; Edward P. Mulrooney, former police commissioner of New York City; Robert E. Dailey, son of Postmaster Donald A. Dailey (right) and Fred M. Tobin, owner of the yacht, the Domarhel II.

They will be joined tomorrow morning, at Cape Vincent, by Louis

A. Wehle and Thomas N. Nagle, of Webster, for the week's fishing trip.

Justice Jackson and Commissioner Mulrooney have been guests of Dailey, Wehle and Tobin on this annual fishing cruise for many years. The justice and commissioner arrived in Rochester last night and were house guests of the Daileys.

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