

Farewell to the Chief Justice (1953)

*John Q. Barrett**

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Frederick Moore Vinson, born in 1890, rose from humble beginnings in Louisa, Kentucky, to a very distinguished career in United States law and public life. After graduating from Centre College in Danville, Kentucky, and then from its law school, Vinson returned to Louisa. He practiced law there and became the city attorney. He then served in the U.S. Army in the Great War and thereafter served in the office of the Commonwealth of Kentucky's attorney.

In 1923, Fred Vinson went to Washington. He, a Democrat, won a special election to fill a vacant seat in the United States House of Representatives and then, in 1924 and again in 1926, he was reelected to full terms. Vinson was defeated when he sought reelection in 1928, but in 1930 he won election back to the House and then he was reelected in 1932, 1934 and 1936.

In spring 1938, Vinson began his federal judicial career. President Franklin D. Roosevelt appointed him an associate justice of the District of Columbia Court of Appeals. In 1942, Chief Justice Harlan Fiske Stone designated Justice Vinson to serve concurrently as chief judge of the U.S. Emergency Court of Appeals.

In 1943, Vinson left the judiciary for the executive branch. He served under President Roosevelt as director of the Office of Economic Stabilization, then briefly as Federal Loan Administrator, and then as director of War Mobilization and Reconversion. In summer 1945, the new president, Harry S. Truman, appointed Vinson to serve as Secretary of the Treasury.

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In June 1946, Fred Vinson returned to the federal judiciary, at its pinnacle. Following Chief Justice Stone's death, President Truman nominated Secretary Vinson to serve as Chief Justice of the United States. After the Senate swiftly confirmed the appointment, Chief Justice Vinson was commissioned.

* * *

Robert H. Jackson became acquainted with Fred Vinson in Washington during the 1930s. At the end of that decade and into the 1940s, as each became a federal judge, they were cordial, generally like-minded and mutually admiring, if not intimate, friends.

Justice Jackson was absent from the Supreme Court and from the U.S. during the 1945-46 Supreme Court term. When Chief Justice Vinson was appointed in June 1946, Jackson still was in Nuremberg, in his fourteenth month as President Truman's appointee as U.S. chief counsel and prosecutor of Nazi criminals before an international tribunal.

Justice Jackson, in Nuremberg, learned of Secretary Vinson's nomination to the Court from a colleague who had heard the news on the radio. Jackson sent his congratulations by cable. On June 26th, Chief Justice Vinson responded by letter:

Dear Bob:

Your congratulations and word of personal pleasure in the President's appointment of me as Chief Justice made me very happy. I want to thank you most sincerely for cabling me so promptly, and to tell you that I am looking forward to our association on the Court.

With kind regards, I am

Sincerely,

/s/ Fred M. Vinson¹

¹ Letter from Fred M. Vinson to Robert H. Jackson, June 26, 1946 (original), in Robert H. Jackson Papers, Library of Congress, Manuscript Division, Washington, D.C. ("RHJL"), Box 100, Folder 7. An image of this letter follows this text.

In August 1946, Justice Jackson returned briefly to Washington and Supreme Court work while the International Military Tribunal (IMT) judges in Nuremberg heard final witnesses and arguments and drafted their judgment. On August 3rd, Jackson's first day back at the Supreme Court, one of his first meetings was a visit with Chief Justice Vinson—their in-person work association commenced.

On Monday, October 7, 1946, the new Supreme Court term—Chief Justice Vinson's first term—began. Justice Jackson, who had travelled from Washington back to Nuremberg in late September to be present for the IMT judgment, was back in Washington to stay and present on the Supreme Court bench.

Vinson and Jackson then served together for the next eight Supreme Court terms.

* * *

At the end of the Supreme Court session on Monday, June 15, 1953, Chief Justice Vinson announced that the Court was beginning its summer recess. It was short-lived. On Wednesday, June 17th, Justice William O. Douglas granted a stay in the cases of convicted atomic spies Julius and Ethel Rosenberg, who were scheduled to be executed the following evening. In response, the U.S. Attorney General asked the Court to reconvene in Special Term and to vacate Justice Douglas's stay order. Chief Justice Vinson ordered the Special Term. The next day, the Court heard oral arguments. On Friday, June 18th, the Court, divided 6-3, announced its decision to vacate the stay. Chief Justice Vinson and Justice Jackson were among the majority; Justices Douglas, Hugo L. Black and Felix Frankfurter were the dissenters. That evening, the Rosenbergs were executed.

The Court's 1953 summer recess then recommenced. Justice Jackson was largely away from Washington and his Court colleagues. He travelled home to New York State to go fishing with old friends. He travelled to California, spending two weeks at the Bohemian Grove summer encampment with other friends and, as his guest, his daughter's fiancé. At the end of August, Jackson and his wife Irene travelled to Boston to attend the week-long annual meeting of the American Bar Association (ABA).

In Boston, Justice Jackson, a lifelong man of bar associations and, in his private lawyer days, an ABA national leader, was extremely busy. He spent many hours in meetings and in social gatherings, including with his friend and former Nuremberg assistant Robert G. Storey, who was completing his year as the ABA's president. Jackson attended and spoke at numerous ABA committee meetings, including about its new Special Committee on the Administration of Criminal Justice that he was chairing. Jackson was the featured speaker at the ABA's annual dinner honoring the judiciary. Three nights later, he attended and spoke again at the ABA meeting's closing gala dinner, which featured Chief Justice Vinson introducing the principal speaker, Viscount Simonds, the Lord Chancellor of the United Kingdom.

Alas, by summer 1953, Justice Jackson had long concluded that Chief Justice Vinson was not a great leader, jurist or person. Jackson's discontent with Vinson had many parts, including his continued involvements in politics and presidential administration (he was especially close to President Truman), Vinson's imperious and petty style in dealings with colleagues, his lack of analytical or legal rigor, and his dependence on law clerks as ghostwriters.

Some of Jackson's low view of Vinson is captured in a catty letter that Jackson, in his hotel room at the ABA meeting, scrawled and mailed to his friend Justice Frankfurter (who probably was Vinson's greatest detractor among the associate justices):

Thurs Eve

Dear Felix

I am leaving here
with more about our C.J. than you
could dream up. Details later but
for now

(a) He tried to get [Chief Judge] Bo. [Bolitha] Laws
[of the U.S. District Court for the District of Columbia] to
make [Vinson's aide Paul L.] Kelly [sic—Kelley]
Administrative Officer of the D.C. Courts

(b) After Laws refused he [Vinson] told the
Appropriations Committee that [Chief Judge] Laws was
asking for much more [court funding] than he needed

(c) He [Vinson] refused to come to this
[ABA annual] meeting where he had agreed to introduce

the Lord Chancellor until he had
assurances [that] he [Vinson] would be met at the [Boston]
train [station] by designated high officers of the
bar among them [ABA] President etc.

(d) This is written before the [Vinson] introduction
[of Lord Chancellor Simonds] so can not report on that

Many many inquiries for and about you

Best wishes

Bob²

* * *

Following the ABA meeting, Justice Jackson travelled at the start of September 1953 to New York City, where he visited his son and his family. Jackson then travelled to western New York State, spending time in Jamestown, Frewsburg and the Allegheny Park with other family members and friends. Jackson was in Jamestown on Labor Day (September 7th) when, in the overnight hours, Chief Justice Vinson, age 63, died of a heart attack in his Washington apartment.

Jackson learned the news by telephone the next morning. He then began to draft a statement for public release. It seems that he first wrote and edited this statement:

~~I am~~ The Country will be shocked and saddened at the sudden passing of Chief Justice Vinson. ~~Washington had few such amiable~~ He was eminently affable and popular, ~~figures~~ and brought to the Court ~~wide~~ long experience in the Congress and the Executive branch of the government along with a large fund of native common sense.³

Jackson then, it seems, continued to tinker with his draft. An apparently later version, again as he wrote and edited it, reads:

Chief Justice Vinson brought to the Court the common sense of the country lawyer, the legislative experience of long service in Congress, the teachings of several important posts in the Executive branch as well as previous judicial

² Letter from Robert H. Jackson to Felix Frankfurter, n.d. [Aug. 27, 1953] (original), in Felix Frankfurter Papers, Library of Congress, Manuscript Division, Washington, D.C., Box 149.

³ Handwritten text by Robert H. Jackson, n.d. (original), in RHJL Box 177.

experience. He was affable and popular and ~~will be~~ his sudden passing ~~is much~~ causes widespread sadness.⁴

Jackson, deleting his reference to Vinson's "previous judicial experience," read this statement to a Jamestown reporter and it was published that afternoon.⁵

Washington press received (probably from the Supreme Court) and published what seems to be a still later Jackson statement:

Chief Justice Vinson was eminently affable and popular and brought to the Court long experience in Congress and the executive branch of the Government along with a large fund of native common sense. He'll be much missed in Washington.⁶

* * *

Justice Jackson returned to Washington on September 9th. On Thursday, September 10, 1953, he attended Chief Justice Vinson's funeral in the National Cathedral. President Eisenhower, former President Truman, seven Associate Justices (all but Justice Sherman Minton, who could not attend), numerous other dignitaries and citizenry filled the cathedral.

The service, lasting thirty minutes, was dignified and straightforward. There was no eulogy. As Eisenhower was leaving the cathedral, he asked the justices to exit with him. They formed parallel lines outside the door and stood with their hats over their hearts as the coffin was carried out by eight Supreme Court policemen. Mrs. Vinson, on exiting the cathedral, kissed the cheek of the President and each Associate Justice.⁷

⁴ Handwritten text by Robert H. Jackson, n.d. (original), in RHJL Box 177.

⁵ See *Jackson Pays Vinson Tribute*, JAMESTOWN POST-JOURNAL, Sept. 8, 1953, at 1.

⁶ *1947 Lewis Coal Strike, 1952 Steel Mill Seizure Were Among Vinson's Toughest Cases*, WASH. POST, Sept. 9, 1953, at 2.

⁷ See Edward F. Ryan, *Leaders Join In Tribute at Vinson Rites*, WASH. POST, Sept. 11, 1953, at 1, 12.

FAREWELL TO THE CHIEF JUSTICE (1953)



September 10, 1953: U.S. Supreme Court Justices Hugo L. Black, Robert H. Jackson and Felix Frankfurter outside the funeral of Chief Justice Fred M. Vinson, Washington National Cathedral.

Chief Justice Vinson's remains then were driven to Union Station. While the Vinson family travelled west by private airplane, six Associate Justices—Hugo Black, Stanley Reed, Bill Douglas, Bob Jackson, Harold H. Burton and Tom C. Clark—accompanied the body of Fred Vinson on a night train to Louisville, Kentucky, and then to Louisa.

On the morning of September 11th, the chief clerk from the U.S. prison in Ashland, Kentucky, driving his personal car, met the Justices at the Louisa train station. He drove Justices Black, Douglas, Jackson and Burton through the countryside.⁸ (Justice Reed, a Kentuckian, went his own way from the train, presumably with family or friends.)

⁸ See Letter from Robert H. Jackson to James V. Bennett, Sept. 16, 1953 (unsigned carbon copy of typed letter), *in* RHJ, Box 9, Folder 10.

That afternoon, they all plus Justices Reed and Minton—Justice Frankfurter thus was the only associate justice not present—attended Chief Justice Vinson’s funeral in Louisa Methodist Church, which he had attended as a boy. His body then was buried in Pine Hill Cemetery, on a knoll overlooking the valley.⁹

* * *

On September 30, 1953, President Eisenhower announced his recess appointment of a new chief justice, California Governor Earl Warren, age 62. He was commissioned and took the bench when the Term commenced on October 5th.

At the Supreme Court, Fall 1953 featured, in addition to the new Chief Justice, the rearguments of *Brown v. Board of Education* and its companion cases challenging the constitutionality of school segregation.

The U.S. Senate, after a period of political maneuvering and delay, on March 1, 1954, confirmed Earl Warren’s nomination to be Chief Justice. On March 20th (i.e., after a period of additional delay that is puzzling), Chief Justice Warren received his commission and Justice Jackson administered the oath.

On May 17th, the Supreme Court decided unanimously, with Chief Justice Warren writing the Court’s opinions, that racial segregation in public schools violated the Fifth and Fourteenth Amendments.

⁹ See *Notables, Friends at Vinson Burial*, N.Y. TIMES, Sept. 12, 1953, at 17.

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

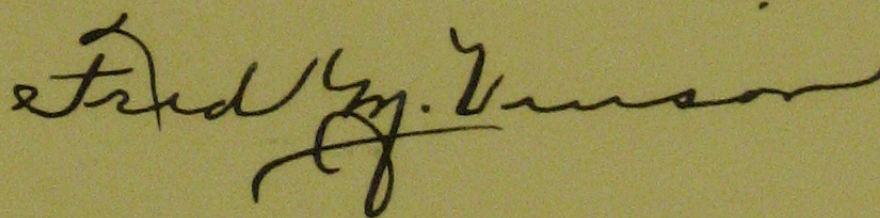
June 26, 1946

Dear Bob:

Your congratulations and word of personal pleasure in the President's appointment of me as Chief Justice made me very happy. I want to thank you most sincerely for cabling me so promptly, and to tell you that I am looking forward to our association on the Court.

With kind regards, I am

Sincerely,

A handwritten signature in cursive script, reading "Fred M. Vinson". The signature is written in dark ink and is positioned below the typed word "Sincerely,".

Honorable Robert Jackson,
Chief Prosecutor,
APO 124-A,
c/o The Postmaster,
New York, New York.