

## Department of Justice Farewell to F.D.R. (1945)

*John Q. Barrett\**

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April 12, 1945, marked seventy years since the death of President Franklin D. Roosevelt.

Robert H. Jackson was eighteen years old when he met Frank Roosevelt, then a freshman New York State Senator, in Albany, New York, in early 1911. Across the next twenty-plus years, Roosevelt became F.D.R., a national official, a state governor, and then the President. Between 1934 and 1941, he nominated, and the Senate confirmed, Jackson's appointments to a succession of five high national offices. The last two were Attorney General of the United States, in 1940, and Associate Justice of the Supreme Court of the U.S., in 1941.

On Friday, April 13, 1945, the morning following Roosevelt's death, Jackson stayed at Hickory Hill, his home in McLean, Virginia. For distraction and no doubt distraught, Jackson worked in his garden. He was interrupted by a telephone call from his friend and successor as Attorney General, Francis Biddle. He asked Jackson to speak that afternoon at a Department of Justice memorial service for the late President.

Jackson dropped his gardening and started writing. His wife Irene typed his drafts.

That afternoon, they drove downtown, to DOJ. The Great Hall, which seats over a thousand, was packed, overflowing and very quiet. Attorney General Biddle spoke first. Then Justice Jackson—"at his best, his words a little faltering," Biddle later wrote<sup>1</sup>—delivered the following eulogy:

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<sup>1</sup> FRANCIS BIDDLE, IN BRIEF AUTHORITY 361 (1962).

Mr. Attorney General and friends in the Department of Justice:

I am touched, that in this hour you remember me as one who has shared with you the privilege of serving under President Roosevelt, and as one who would share your grief in his sudden death. No other event could bow so many human heads in a common sorrow and a sense of personal loss. Throughout the land, by countless humble firesides, people feel less secure today because he is gone; for, while he walked with Kings, they knew that he never lost the common touch; that he was their friend and advocate; that while he lived there would be no forgotten man. Neither sea nor land stretched far enough to get out of range of his sympathy and understanding. During these recent years I, like the rest of you, have watched with growing anxiety as he spent himself so freely in the cause in which he believed. But he brushed aside all warnings—all of his caution was bestowed upon others, and he thought of no human being but himself as expendable.

This is not the time to dwell upon his place as one of the most commanding figures of world history. No Alexander, or Caesar, or Hannibal, or Napoleon, or Hitler, ever commanded such an aggregation of physical force. But Power was never an end to him, it was a means—a means to a better world where men might live their chosen lives, rear their families in decency and security, safely think and speak their thoughts, and better their material conditions. His office was the symbol of the greatest of organized physical forces. But it was the moral forces and spiritual aspirations of mankind that he really typified, and they never were so passionately concentrated around a single person. As History will look back on our time, above the other men who made up its scenes, the figure of Roosevelt will stand “like a sharply cut rock in the midst of a shapeless sea.”<sup>[2]</sup>

President Roosevelt had an interest in this Department second only perhaps to that in the Navy, to which we often

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<sup>2</sup> HOUSTON STEWART CHAMBERLAIN, GRUNDLAGEN DES NEUNZEHNTE JAHRHUNDERTS (1899). I thank Robert S. Litt and Andrew L. Kaufman for their help in identifying and thinking about this Jackson source.

jokingly referred as “the President’s branch of the service.” As a lawyer, he often was critical of our profession, of its backward-looking tendencies, its preoccupation at times with red tape to the injury of what he thought were more vital interests. He threw upon this Department from time to time constantly expanding responsibilities, which sometimes were more welcome as evidence of his confidence than for the duties they carried. But he was deeply interested in all of its problems. He wanted us, as attorneys for the government, to live up to the best tradition of our profession, to shun shoddy work and to do equal justice under the law.

Before me are many men of whose work, either in general or in particular cases, I had occasion to talk of with the President, and many who he knew by name—usually by the first name.

We cannot avoid a somewhat personal note. Toward us in the Department he never was an exacting or critical overlord. I have had, on more than one occasion, to try to explain to him why things went the way they did, instead of the way I had told him they would go. Peals of hearty laughter would smother my embarrassment. His patience with blundering was sometimes past understanding—but it was mighty comforting when the blunder was your own. How he found time to pen in his own hand the innumerable little chits, telling, or asking, or commenting about this and that, I do not know. No father could be more solicitous of the personal and family welfare of those in his circle. No one worked harder—and no one made you so feel like working hard yourself—and no one knew better the proper proportions in which relaxation and laughter must be mixed with all well-balanced work. He loved the simple things. He could make either a King or a countryman feel at ease in his presence. His personality, his serene self-confidence and his gentle firmness were gifts of the gods.

I think President Roosevelt would be pleased that we have paused today in his memory. This is not because he would have wanted a personal tribute. But he would have seen it as a sign of our dedication to the things he stood for,

and that would gladden him. And not the least of his great services to our times was to inspire us all with his personal courage in the presence of handicaps of life and the mysteries of death. Despair of defeatism among men or nations vanished at his touch. He would want no disheartening note now. After we have paused and renewed our courage through each other's counsel, he would expect us to pick up the burden and carry on.

All of us will agree that for the interests of all that we have and are, President Roosevelt's death is untimely. How much his passing affects the destinies of mankind, we can never estimate. Certainly, when the New World meets the Old in council, this hemisphere can no longer send a personality so appealing, a mind so richly endowed and informed, a heart so warm and understanding, a spirit so unconquerable.

But we cannot say that Death dealt unkindly with him. In many ways, his sudden passing comes as a fitting climax to life. We are glad that he lived the high moments when he could see that his efforts have led our country to the very threshold of victory both in Europe and in the Orient. It is as though the President had sent his best-loved friend, General Watson to prepare the way,<sup>[3]</sup> and now he has followed to the Peace which shall have no end.<sup>4</sup>

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<sup>3</sup> Major General Edwin M. ("Pa") Watson, the President's longtime military aide and then appointments secretary, had died on February 20, 1945, as they journeyed together back from the Yalta conference.

<sup>4</sup> Jackson's final typescript version of this speech, which includes his handwritten amendment to the final line—he crossed out "none shall break" and wrote in "shall have no end"—and perhaps was his reading copy in DOJ's Great Hall, is in the Robert H. Jackson Papers, Library of Congress, Manuscript Division, Washington, D.C., Box 43. Most of his address was published two days later. See Robert H. Jackson, *Franklin Roosevelt*, WASH. POST, Apr. 15, 1945, at B4. The full speech later was published in a pamphlet, DEPARTMENT OF JUSTICE, MEMORIAL SERVICE FOR FRANKLIN DELANO ROOSEVELT IN THE GREAT HALL OF THE DEPARTMENT OF JUSTICE AT 4:00 P. M., APRIL 13, 1945, at 3-7. And the full speech plus other details included here are in ROBERT H. JACKSON, *THAT MAN: AN INSIDER'S PORTRAIT OF FRANKLIN D. ROOSEVELT* 166 & 167-69 & 258-58 nn. 9-11 (John Q. Barrett, ed., 2003).