

# President Eisenhower and Justice Jackson's Funeral (1954)

*John Q. Barrett\**

Copyright © 2016 by John Q. Barrett.  
All rights reserved.

Following the death last month of United States Supreme Court Justice Antonin Scalia, President Obama, in California to meet with Asian nation leaders, made a public statement of remembrance and mourning.<sup>1</sup> Six days later, as Justice Scalia's body lay in repose in the Court's Great Hall, the President and First Lady Michelle Obama visited to pay their respects.<sup>2</sup> The next day, Vice President Biden but not the Obamas attended the funeral mass for Justice Scalia, held in Washington's Basilica of the National Shrine of the Immaculate Conception.

Some media, commenting on President Obama's decision not to attend Justice Scalia's funeral, have reported that presidents often have not attended the funerals of Supreme Court justices, and that, for example, President Eisenhower "snubbed" the funeral of Justice Robert H. Jackson.

Regarding Eisenhower and Jackson, these reports used the wrong verb. The President, a Jackson friend and admirer, snubbed nothing—as everyone understood at the time. He did not attend because he was out of town.

\* \* \*

Justice Jackson died suddenly on Saturday, October 9, 1954. At that time, President Eisenhower was vacationing and working in Denver, Colorado. He had been there for seven weeks and did not plan to return to Washington until October 15<sup>th</sup>.

---

\* Professor of Law, St. John's University School of Law, New York City, and Elizabeth S. Lenna Fellow, Robert H. Jackson Center, Jamestown, New York ([www.roberthjackson.org](http://www.roberthjackson.org)). I emailed an earlier version of this essay to The Jackson List on March 5, 2016.

For an archive of selected Jackson List posts, many of which include document images, visit <http://thejacksonlist.com>.

To subscribe to The Jackson List, which does not display recipient identities or distribute their email addresses, send "subscribe" to [barrettj@stjohns.edu](mailto:barrettj@stjohns.edu).

<sup>1</sup> For video, see <http://www.c-span.org/video/?404675-1/president-obama-statement-death-associate-justice-antonin-scalia>.

<sup>2</sup> For video, see <http://www.c-span.org/video/?404938-101/presidential-respects-justice-antonin-scalia>.

Eisenhower knew Jackson pretty well. They had met in Europe in May 1945, following Nazi Germany's surrender to the Allies, as fellow "generals." Eisenhower of course was a general for real, the Supreme Allied Commander. Jackson, embarking then on his assignment by President Truman to prosecute leading Nazi war criminals, had been granted the assimilated rank of general, to facilitate military cooperation with his work.<sup>3</sup>

Eisenhower and Jackson had sporadic contacts between 1945 and 1954, mostly at official events but sometimes for informal conversations. They got along well—Jackson admired Eisenhower, and Ike had warm, positive feelings for Jackson. Indeed, when Chief Justice Fred Vinson died suddenly in September 1953, President Eisenhower at first was inclined to elevate Justice Jackson to succeed him. Ultimately—and fortuitously, given Jackson's worsening health and then death in the next year—Eisenhower appointed California governor Earl Warren to be the next chief justice.

On October 9, 1954, President Eisenhower was golfing at Cherry Hills Country Club in Denver when he learned of Jackson's death. The President promptly sent a telegram from Lowery Air Force Base, his Denver "summer White House," to Irene Jackson, the Justice's widow, at her Hickory Hill home:

Mrs Robert H Jackson McLean Vir All America will mourn the passing of your husband. He was a distinguished jurist. Dedicated and diligent in the service of our people. His exceptional legal talents and devotion to the public good will be sorely missed by all citizens of our country. Mrs Eisenhower and I send our deepest sympathy to you and your family [sic] in your bereavement Dwight D Eisenhower[.4]

That afternoon, Jackson family and friends were gathered at Hickory Hill, consoling each other. The Justice's law clerk, E. Barrett Prettyman, Jr., was there, answering the door and the telephone. He took

---

<sup>3</sup> For a 2015 Jackson List post, "Meeting Ike (May 1945)," on their first meeting, see <http://thejacksonlist.com/wp-content/uploads/2015/07/20150526-Jackson-List-Eisenhower.pdf>.

<sup>4</sup> Notes by E. Barrett Prettyman, Jr., n.d. [Oct. 9, 1954], in Papers of E. Barrett Prettyman, Jr., 1944 (1953-1955)-1982, MSS 86-5, Box No. 1/13, Special Collections, University of Virginia Law Library; *accord Tributes to Jackson; Eisenhower, Brownell, Dewey and Truman Make Statements*, N.Y. TIMES, Oct. 10, 1954, at 86 (quoting the President's message to Mrs. Jackson).

the phone call that first delivered, by voice, the presidential message. Prettyman wrote the message down and then shared it with others.

On Tuesday, October 12, 1954, Justice Jackson's funeral was held in Washington's National Cathedral. The Supreme Court justices, other current and former U.S. government officials, international diplomats, family, friends, admirers and tourists were present. Attorney General Herbert Brownell represented the President.<sup>5</sup> A five-foot cross of white carnations, sent by President and Mrs. Eisenhower, stood beside the bier.<sup>6</sup>

After the funeral, the Jackson family, the Justices and other close friends travelled by overnight train from Washington to Jamestown, New York, Jackson's adult hometown.

The next day, they, along with many of Jackson's New York friends and admirers, including Governor Thomas E. Dewey, attended a second funeral service, held in Jamestown's St. Luke's Episcopal Church. Jackson's remains then were laid to rest in Maple Grove Cemetery in nearby Frewsburg, New York, his boyhood home.

President Eisenhower left Denver by plane that Friday afternoon, October 15<sup>th</sup>. After a brief stop at Butler University in Indianapolis to make a political speech that was broadcast nationwide on radio (it was a midterm election year), he returned to Washington shortly after midnight.<sup>7</sup>

About three weeks later, President Eisenhower nominated U.S. Circuit Court Judge John M. Harlan to succeed Justice Jackson on the Supreme Court.

After some delays caused by racial segregationist U.S. Senators who were upset about the Supreme Court's *Brown v. Board of Education* decision earlier that year and concerned about what would happen in the *Brown II* "remedy" case that was about to be argued before the Court, Justice Harlan was confirmed and commissioned in March 1955.

---

<sup>5</sup> See Frank R. Kent, Jr., *Tribute Paid Justice Jackson At Rites Held in Cathedral*, WASH. POST & TIMES HERALD, Oct. 13, 1954, at 18.

<sup>6</sup> See Luther A. Huston, *Service in Capital Held for Jackson*, N.Y. TIMES, Oct. 13, 1954, at 3.

<sup>7</sup> See William M. Blair, *Eisenhower Asks Help of Farmers in Congress Race*, N.Y. TIMES, Oct. 16, 1954, at 1, 8.