

Donald B. Cronson (1922-2009), Jackson Law Clerk

*John Q. Barrett**

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I am very sad to report that attorney Donald Cronson, age 87, died last Christmas Eve in Gstaad, Switzerland, his adopted home country.

Donald Cronson was born in Chicago. He graduated from the University of Chicago and, in 1942, began studies at its Law School where he was, by his later description, “a fair-to-good student...” In May 1943, Cronson left law school to serve in the U.S. Army. He received intelligence training and was sent to the Pacific theater. Near the end of his 3½ years of service, he worked on Japanese war crimes trials in Yokohama and studied closely Justice Robert H. Jackson’s work, then ongoing, as chief prosecutor at Nuremberg of Nazi war criminals. After Cronson returned to law school in late 1946, he earned top grades, became one of the school’s stars and, in his final year, began to seek one job that he wanted above all others: to clerk for Justice Jackson at the Supreme Court.

Justice Jackson selected Donald Cronson to be his law clerk, but only after he mounted a four-year campaign for the job and, in the meantime, began what became his distinguished career in private law practice. As Cronson was completing law school in late 1947, he applied to Jackson but never got an interview because the Justice’s incumbent law clerk was staying on for a second year. Cronson began to practice law at White & Case in New York City but, the next year, he renewed his application to Jackson. In February 1949, Cronson met—interviewed—with the Justice at the Supreme Court, which intensified Cronson’s desire to become Jackson’s law clerk and gave him a positive impression of the young lawyer. When the dean of Albany Law School, which Jackson had attended for a year, asked him that spring to hire its top student as a law clerk, however, Cronson again lost out. Two years later, Cronson applied

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again, only to hear back from Jackson that his two law clerks expected to stay on for another year.

In spring 1952, Cronson gave it one last shot. From Chicago, where he was working as a Special Assistant United States Attorney on a notable civil rights prosecution (the Cicero case), Cronson wrote a clerkship application letter that began like no other I have seen:

Dear Justice Jackson:

My annual application. Sorry to keep bothering you. However, it is impossible for me to read your opinions without wanting to go to work for you.

I am now a Special Assistant to the Attorney General. Actually, my appointment is, to use a phrase which may be familiar to you, good for one case only.^[1] When my case is completed I return to Messrs. White and Case, from whom I am presently on leave of absence.

I cannot complain about my professional progress in the four years I have been out of school. At least I am able to command a fairly decent amount for my services (considerably more than I could make working for you). Still, I know full well that I am not nearly as good a lawyer (or, for that matter, as good a man) as I would be had I been able to have a year with Justice Jackson. So herewith, one last stab, while I am still under thirty (by very little).²

Cronson's timing finally was right: Jackson's senior law clerk was planning to depart that spring. Before the week ended, Jackson wrote to ask an old friend—a fishing buddy—at White & Case about Cronson's

¹ Cronson was referring to a line that Justice Owen Roberts had announced eight years earlier, in his solo dissent from the Court's decision holding Texas's racist "white primary" election system to be unconstitutional. *See Smith v. Allwright*, 321 U.S. 649, 669 (1944) (Roberts, J., dissenting) ("the instant decision, overruling that announced about nine years ago, tends to bring adjudications of this tribunal into the same class as a restricted railroad ticket, good for this day and train only"). On the history of the metaphor's use in Supreme Court opinions, see Richard M. Re, *On "A Ticket Good For One Day Only,"* 16 GREEN BAG 2D 155 (2013).

² Letter from Donald Cronson to Hon. Robert H. Jackson, 31 March 1952 (original), in Robert H. Jackson Papers, Library of Congress, Manuscript Division, Washington, D.C., Box 177, Folder 3. An image of this letter is the last page in this file.

work. The friend wrote back immediately, giving Jackson a very positive review on behalf of every partner who had worked with Cronson. The next week, Jackson invited Cronson to meet with him. When Jackson offered Cronson the clerkship, he agonized briefly about not returning as promised to White & Case but ultimately accepted.

Donald Cronson served as Justice Jackson's law clerk from August 1952 until June 1953. Cronson's co-clerk was William H. Rehnquist, who had begun to work for Jackson midway through the previous Court Term.

Cronson and Jackson got along very well—it was the professional and personal year, and Jackson was the boss, of Cronson's high expectations. One tidbit of their interactions, which meant a lot to Donald Cronson for his whole life: his father Berthold, who had been Clarence Darrow's law partner in Chicago, had died at age 42 in 1937 when Donald was only 15 years old. When these names came up, Jackson told Donald Cronson of his (Jackson's) friendship with Darrow and, through national bar association activities, his friendship with Cronson's own father.

Following his Jackson clerkship, Cronson continued his law career and, ahead of many American lawyers in his generation, continued to be a person and lawyer of the world. In the later 1950s, Cronson practiced law with Cravath, Swaine & Moore in New York. In the 1960s, he moved to Zurich and began to practice there. He became in house counsel to Mobil Oil Corporation in London and, later, to Credit Suisse in Geneva. Donald Cronson ultimately became general counsel to Credit Suisse First Boston and, after retiring from that position, continued to practice law privately in Switzerland. He was a world traveler, including winter visits in various years to South Africa and Florida, regular visits to New York City and, a special pilgrimage, a fall 2003 visit to the Robert H. Jackson Center in Jamestown, New York.

Donald Cronson was a very brilliant, kind, decent man. I was lucky to be his student and his friend.

DONALD CRONSON (1922-2009), JACKSON LAW CLERK

Room 450
U. S. Courthouse
Chicago, Ill.
31 March 1952

Hon. Robert H. Jackson
Supreme Court of the United States
Washington, D.C.

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When last I saw you three years ago I expressed a desire to remain in contact with you in future years. Through your opinions I have been able to do so; and a very pleasant contact it has been. Your concurring and dissenting opinions in particular hold out a welcome hope to the confused young lawyer who is searching for some principle in the law other than "It all depends on whose ox has been gored." Keep up the good work.

In the event that you wish to consider taking me on, I believe that I should inform you that several cases, including the one on which I am now engaged, may some day be before your Court. However, I do not anticipate that any will be there next term. Further I believe that in my practice thus far I have acquired very few, if any, intellectual vested interests which might impair my efficiency for your purposes. Although I am still single, conditions are such that I cannot promise that this state will continue indefinitely.

Sincerely,

Donald Cronson
Donald Cronson