Jackson, Fifty Years Gone, on the Faith of His Fathers

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Saturday, October 9, 2004, marked, to the day of the week, the 50th anniversary of the death of Robert Houghwout Jackson. He passed away in 1954 at an age, 62, that seems young but was fairly typical for men in the middle of the twentieth century. (FDR, to pick just one example from those who were significant parts of Jackson's own life, died at age 63.) Justice Jackson understood, following his major heart attack in March 1954 (which seems not to have been his first) that his remaining time probably would be brief, and he was at peace with his mortality and all that he had been able to do, and see, and learn, and express in his span.

Jackson made a special point in the summer of 1954, in what turned out to be his last months, of getting back to the places and spending time with the people he loved best. He visited his adult hometown of Jamestown, New York. He made a special trip to the abandoned farmland in Spring Creek, Pennsylvania, that had been his birthplace. He went fishing with friends on Lake Ontario and, accompanied by a friend who also happened to be one of his doctors, spent two weeks at the Bohemian Grove summer encampment beneath the California redwoods that Jackson found so captivating.

Ever the real lawyer and a deep believer in his profession, Justice Jackson attended the American Bar Association's annual meeting in Chicago that August. There, and again soon thereafter in Washington, he got to see and host his British counterpart at Nuremberg, Sir David Maxwell Fyfe.

Jackson also, in his final months, directly told some of his earlier antagonists of his affection and respect for them. He arranged for his beloved baby sister Helen, for whom he had been legal guardian in Frewsburg, New York, following their father's early death, to spend what

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turned out to be Jackson's final weekend with him and his wife Irene at their Hickory Hill home in McLean, Virginia.

Robert Jackson was at peace in fall 1954 because he had, better and more distinctively than most, lived the free, self-defining and brilliantly accomplished life that is the American story. From a humble birth in the rural wilderness, Jackson grew and flourished in open space. Through family and school teaching, a modest amount of formal education (no college, and only one year of law school) and constant personal effort, he became a highly educated man with well-developed, distinctively powerful mind, voice and pen.

Jackson attained professional and material success in the law, first regionally and then nationally, and he pursued real justice on each step of that rise. His work in the Roosevelt administration contributed to our national progress and, in times when the stakes really were enormous, maybe even the survival of democracy. Jackson became, on the Supreme Court, the accessible thinker and gifted writer whose work and approaches to legal problems and the judicial role seem to grow ever more important with age. As the architect of and then chief American prosecutor at Nuremberg, he brought real fairness, legal accountability and restraint to the aftermath of devastating, lawless war and, in the process, created a historical record of Nazi atrocities and a model of international law that teach, serve and challenge the world now and for the future.

And Jackson was, in all of that, always independent and, to his core, practical. He lived for his time—not perfectly, of course, but in a real, human and immensely attractive fashion—and then departed with confidence that he was leaving a world that, if not quite the undeveloped, open Spring Creek, Frewsburg, Jamestown, Washington and Nuremberg of his own years, still offered individuals the real liberty he had know to be free and just on their own life paths.

Robert H. Jackson, whose values began with individualism and freedom, was more a thinker and student than a believer in any formal religion. Remembering him fifty years after his death, it fits to share some of his words on fundamental topics including life, death and faith.

Jackson wrote in his last year, and then left unpublished, an autobiographical fragment called "The Faith of My Fathers." In it, he wrote more of his ancestors and their views of religion than about himself. But he

was, and he took pride in being, very much of those pioneering American individuals, and it is fair to think that Jackson left on his pages of longhand writing an essential glimpse of himself:

> …[T]heir negative attitude toward organized religions did not mean that they had no reflective hours on the mysteries of life and death. Indeed in the stillness of the country evening, they often meditated on whence we came and whither we go and why we are here. They never got very far with answers, a matter in which there is little to distinguish between the efforts of the simplest and the greatest of minds. But at least they knew a mystery when they saw one and did not pretend to get answers out of the clouds, and they acknowledged no better authority on the subject for themselves than their own reason. But at least no dogma was invoked to prevent discussion or to provide answers where reason failed to give any. There was no trace of atheism in them. A vague belief in some hazy kind of Supreme Being hovered over their serious moments. The male Jacksons were traditionally active Free Masons in a small country lodge where Masonry is at its best. That is based on a belief in a Supreme Being and goes little beyond. That perhaps was the nearest to a formulated religious belief that any of them possessed. There were no family prayers, they returned no thanks at meal time, for they were under no illusions as to how they got their daily bread. It was their own hard work and often I heard "God helps only those who help themselves." As to the Christian revelation they were respectfully agnostic, as to the superstructure of dogma reared on it they were skeptic and unbelieving, as to church discipline they were non-conforming.
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> And they died as they lived. The "fear of God" was no more in my people than fear of anything else. They faced the vicissitudes of life without mitigation by what the Communists call "the opiate" of religion. When grave sickness came there was no appeal to the clergy. If one called he was received and appreciated as a neighborly act, not as a professional ministration. Had one taken advantage of the occasion to exert missionary pressures it would certainly have been resented. When death approached there was no call for help, no conversion, no repentance, no last rites. They had lived their lives, poor things perhaps but their own, and what they had done would have to stand.

Death they simply took as in the natural order of things. I cannot recall a single manifestation of fear of it in any of them. Who ordained it, what it meant in terms of the personality and what if anything lies beyond it they knew not. But to it they would go alone, yet with all mankind for company, and they expected to get through it as well as most.

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If I should sum up the attitudes that I absorbed from the example more that from the precept of my forebears, I should say it is that religion is an intensely personal affair in which one is entitled to be free from aggression. From the beginning I was taught that the other man's relations with the infinite were none of my business. My people detested all meddlesomeness in affairs of the spirit—and so do I.

How well I have walked in this faith or non-faith, as you may chose to call it, is for others to judge.

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So far as the intellectual problems with which religion is concerned I have had many, many advantages over my parents and grandparents and those who shared their lives. I have met priests, bishops, archbishops and the Pope. I have heard great preachers in my own country, in England and in Europe. Rather more than casually I have dipped into the Holy Writ of other peoples—the best available translation of the glorious Koran of the Muslim world, "that immutable symphony, the very sound of which moves men to tears and ecstasy"—the sayings of Confucius—the Egyptian Book of the Dead—the Bagavad Gita of the Hindu—the Book of Mormon—and many Christian works. I have journeyed to Jerusalem and on a Christmas even to Bethlehem, where walking outside the little village the shepherds were still tending their flocks and the stars seemed almost within reach. And I have lingered for days at Luxor, resting in the shade cast by temples that the faith of men built 4,000 years ago and trudging through a city of tombs that bespoke their belief that death was a beginning as well as an end.

But I cannot add one thought to those I heard expressed by simple country folks around the fireside when death had struck in their midst and they were pensive and sad.

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