

# An Attorney General Departs

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Robert H. Jackson had been serving as Attorney General of the United States for about seventeen months when President Franklin D. Roosevelt announced on June 12, 1941, that he was nominating Jackson to the Supreme Court.

At the Department of Justice, Jackson decided immediately to avoid possible conflicts of interest and distractions stemming from his pending nomination by handing off his responsibilities to the Department's number two official, his friend and the Solicitor General of the United States, Francis Biddle. After conferring with him, Jackson called a special meeting with other senior colleagues to report his nomination and that Biddle would be acting as Attorney General until the President nominated a successor to Jackson. (Roosevelt's choice was Biddle himself, who was nominated on August 25<sup>th</sup> and served as Attorney General from fall 1941 until late spring 1945.)

Jackson's Supreme Court nomination moved quickly. After a subcommittee of the Senate Judiciary Committee held hearings in late June, the full Committee voted unanimously on June 30<sup>th</sup> to recommend Jackson's confirmation. After a July 4<sup>th</sup> recess, the Senate confirmed Jackson by voice vote on Monday, July 7<sup>th</sup>.

Once Jackson was safely confirmed, Department of Justice friends organized a celebration.<sup>1</sup> On Wednesday evening July 9<sup>th</sup>, Department personnel saluted Jackson at a farewell reception and cocktail party in the main ballroom at Washington's Mayflower Hotel. During the course of the evening gathering, Jackson, his wife Irene and their daughter Mary—her brother Bill Jackson was not present because he was working that summer in Idaho—received about 1,500 DOJ officers and employees in the Hotel's Chinese Room.<sup>2</sup>

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<sup>1</sup> See *1,500 to Fete Justice Jackson*, WASH. POST, July 8, 1941, at 17.

<sup>2</sup> See *Jackson Given Judicial Robe At Reception*, WASH. POST, July 10, 1941, at 30.

The reception, which Department of Justice personnel paid for out of pocket, culminated in a gift and some remarks. Acting Attorney General Biddle gave Jackson, as a gift from DOJ employees, his first judicial robe. In his remarks, Biddle expressed the hope that Justice Jackson would “carry in its folds the friendly warmth of the Department to temper the cool dignity of the great court which you are about to join.” Jackson, in response, voiced a clever turn on Biddle’s theme: “I am sure that the thoughts of the loyal and friendly cooperation that I have received in the Department of Justice and of the work that we did together will survive even the chill that the Solicitor General thinks will come upon one when he enters that great refrigerator.”<sup>3</sup>

Two days later, after Jackson attended his final Cabinet meeting, President Roosevelt signed and presented to Jackson his judicial commission. Jackson then took his constitutional and judicial oaths, becoming an Associate Justice.

...except for one loose end: Jackson realized that his Supreme Court appointment did not automatically vacate his Cabinet position, and that he therefore was still the Attorney General too.

Justice Jackson promptly wrote a letter of explanation and resignation to President Roosevelt.<sup>4</sup> A few days later, FDR dictated his response:

Dear Bob:-

Ever so many thanks for your note. I do wish you could occupy both posts at the same time....<sup>5</sup>

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<sup>3</sup> *Id.*

<sup>4</sup> See Robert H. Jackson to Franklin D. Roosevelt, July 12, 1941, *in* OF 10-6, FDR Presidential Library, Hyde Park, NY.

<sup>5</sup> FDR to RHJ, July 15, 1941, *in id.*