

10-1-2002

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Recommended Citation

John Q. Barrett, *A Jackson Portrait for Jamestown, "A Magnet in the Room"*, 50 Buff. L. Rev. 809 (2002).
Available at: <https://digitalcommons.law.buffalo.edu/buffalolawreview/vol50/iss3/2>

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BUFFALO LAW REVIEW

Volume 50

Fall 2002

Number 3

TRIBUTE

A Jackson Portrait for Jamestown, "A Magnet in the Room"

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† Professor of Law, St. John's University School of Law, New York City, and Elizabeth S. Lenna Fellow, Robert H. Jackson Center, Jamestown, NY (<http://www.roberthjackson.org>). Copyright © 2002 by John Q. Barrett. All rights reserved. This text is based on remarks that I delivered on July 20, 2002, at the Jackson Center unveiling of Lurabel Long Colburn's portrait of Justice Jackson. I am very grateful to Melissa Peterson for her excellent research assistance; to Vice Dean Dianne Avery and librarian Marcia Zubrow at The State University of New York at Buffalo School of Law, Mary Cammas of the United States Department of Justice (DOJ) Antitrust Division, the late G. Bowdoin Craighill, Jr., Rita Cumbra of the counsel's office in the Internal Revenue Service, United States Department of the Treasury, Anthony Harris of DOJ's Office of the Solicitor General, Michelle Henry of the Chautauqua County Courthouse, Matt Hofstedt and his colleagues at the Supreme Court Curator's Office, Professor Dennis Hutchinson of the University of Chicago, Sarah Loffman of the National Portrait Gallery, Mary Anne Niebyl of the Des Moines Art Center, Jan Oberla of the DOJ Library, Gregory Peterson of the Jackson Center, Brenda Seegars of DOJ's Tax Division, and Rebecca Swanbeck of DOJ's Office of the Deputy Attorney General for their generous responses to my various inquiries; and to the editors of the BUFFALO LAW REVIEW for their interest in publishing this portrait and text.

INTRODUCTION AND BACKGROUND

Robert Houghwout Jackson (1892-1954) built his ultimate legal reputation nationally and internationally. He was Solicitor General and Attorney General in the administration of President Franklin D. Roosevelt. He then became an Associate Justice of the Supreme Court, where he served for more than thirteen Terms. He was the architect of and chief American prosecutor before the International Military Tribunal that tried the Nazi leaders at Nuremberg following World War II. Jackson's life, his diverse experience as a lawyer in private practice and his personal values and outlook, however, were anchored in western New York.

Jackson was born on a family farm just south of the New York state line. As a boy, he moved with his family to the small town of Frewsburg, New York, where he was raised and schooled. After graduating from high school, Jackson's base in the world moved north to the city of Jamestown, New York. He spent a year as a post-graduate student at Jamestown High School and then began to apprentice in a local law office. After a year away taking classes at Albany Law School, Jackson returned to Jamestown, resumed his apprenticeship and, at age twenty-one, passed the New York bar examination and became a lawyer without ever having attended college.

During the next twenty years, until he moved to Washington in 1934 to join the New Deal, Jackson was in private practice handling all types of legal matters. He was both a country lawyer and lead counsel to major corporations, a spell-binding trial lawyer and a technically-skilled legal advocate in appellate courts. During the 1920s, he became Jamestown's and western New York's leading young lawyer and a force in bar circles nationally.

As Jackson rose in law practice and national government, he had particularly close ties to the city of Buffalo and to this University and School of Law. Jackson briefly practiced law in Buffalo for a year near the start of his career. He continued thereafter to handle Buffalo cases and represent Buffalo clients even though his practice was based in Jamestown. In 1946, Jackson received an honorary degree from the University of Buffalo at its centennial

commemoration and spoke then about his just-completed Nuremberg experiences, including the evidence on German persecution of minorities.¹ In 1951, Justice Jackson's speech on "Wartime Security and Liberty Under Law" was the first James McCormack Mitchell lecture at the Buffalo School of Law.² Many of the great legal figures in Buffalo and the University of Buffalo history, including "Wild Bill" Donovan, Louis Jaffe, John Lord O'Brian, Charles Sears and Frank Shea, also were among Jackson's close mentors, colleagues, assistants and friends.

Although Jackson is remembered prominently in American and Supreme Court history and in international law, he is becoming increasingly visible today due to notable efforts based in his home region and adult hometown. In early 2001, the Robert H. Jackson Center was established in Jamestown—and on the web, at <http://www.roberthjackson.org>—to advance Jackson's legacy through educational programming, exhibitry and special events that connect his life and ideas to today's issues and challenges.

The Buffalo Law Review contributes to that effort, and it reinforces the strong ties that bind Jackson to its academic home, by publishing here the portrait of Jackson that New York painter Lurabel Long Colburn³ donated to the Robert H. Jackson Center and remarks from the occasion of the portrait's unveiling in July 2002.

PORTRAIT DEDICATION REMARKS

I am very pleased on this special occasion to contribute a few words about Robert Houghwout Jackson, about tribute and dedication events, and about the magnetic power of great people and their depictions.

As a prominent public figure for most of his life—first here in Jamestown, then in Washington, then nationally and ultimately internationally, especially in Europe in the early days of the hard-won peace following World War II—

1. See Lance Zavitz, *War Trial Set Rule By Law, Jackson Says*, BUFF. EVENING NEWS, Oct. 4, 1946, at 1.

2. See *Impatience With Law in Wartime Perils Our Rights, Jackson Asserts*, BUFF. COURIER-EXPRESS, May 10, 1951, at 23. This lecture was published as Robert H. Jackson, *Wartime Security & Liberty Under Law*, 1 BUFF. L. REV. 103-17 (1951).

3. See *infra* note 10.

Robert H. Jackson attended and participated in more than his fair share of tributes and dedications.

On many of these occasions, Jackson wrote and spoke—and his prose was always beautiful—about a living monument. Here are two examples:

In 1932, when Robert Jackson was one of Jamestown's and western New York's leading lawyers, he addressed fellow Jamestown High School alumni at the Hotel Jamestown and paid tribute to their former principal, teacher and mentor, Milton J. Fletcher.

In early 1940, new Attorney General Jackson gave a speech, which was broadcast nationally by radio, regarding the role and proper conduct of government lawyers in keeping the public trust, and he praised an exemplar, former Attorney General (by then Associate Justice) Harlan Fiske Stone, who was being honored that evening by the Washington, D.C., bar association of government lawyers.⁴

On many other occasions, Jackson paid tribute to remembered monuments in his life and experiences. Some additional examples:

In 1931, lawyer Jackson spoke in the Euclid School auditorium to Jamestown residents about his beloved, recently deceased former Jamestown High School teacher Mary Willard.

In May 1940, Attorney General Jackson spoke to the Supreme Court and its bar about the late Justice Pierce Butler—a member of the anti-New Deal Court who Jackson described as utterly wrong in matters of legal and constitutional analysis but utterly principled and decent in how he conducted himself on the bench.⁵

On April 13, 1945, Justice Jackson spoke tearfully in the Great Hall at the Department of Justice about Franklin D. Roosevelt—"The President," not only to Bob Jackson but to all who lived during FDR's twelve years in the White House—who had died so suddenly in Warm Springs, Georgia, the previous afternoon.⁶

One year later, when Jackson was serving as the American Chief Prosecutor before the International

4. Robert H. Jackson, *Government Counsel and Their Opportunity* (Federal Bar Ass'n, 20th Anniversary Dinner, Washington, D.C., Jan. 20, 1940), reprinted in 26 AM. BAR ASS'N J. 411-12 (1940).

5. See 310 U.S. XIII-XX (May 20, 1940).

6. See FRANCIS BIDDLE, IN BRIEF AUTHORITY 361-62 (1962).

Military Tribunal in Nuremberg, Germany, he traveled to Czechoslovakia and spoke movingly, and extemporaneously, about FDR at that nation's Roosevelt commemorative ceremony in Prague.

Jackson also participated in dedicating many buildings and their accessories. A leading example is, of course, the building that today is the Robert H. Jackson Center. It is a Jamestown historic site, the former Alonzo Kent mansion, where Jackson, who was a Mason, participated in many meetings and events when it was the Consistory of New York's Supreme Council of the Scottish Rite of Freemasonry.

A neighboring example is the Elk's Club building just down the block. In 1927, when Jackson led the local Elk's chapter, he dedicated a tablet there to Civil War veteran and New York State Militia Colonel Augustus F. Allen, whose home the building was originally.

A more distant example is the National Gallery of Art in Washington, D.C. Attorney General Jackson attended its dedication in March 1941 and, on that occasion, heard President Roosevelt and others praise the generosity of its donors. Prior to the event, FDR had joked privately about having Jackson personally do the dedication honors. The more sober decision was for the President himself to speak. Jackson had, you see, some years earlier, just begun to prosecute former Treasury Secretary Andrew W. Mellon in civil court for tax evasion—including through allegedly fraudulent "sales" of art from his personal collection to corporations that he controlled—when his defense attorney publicly announced Mr. Mellon's decision to donate his magnificent art collection and a museum (today's West Wing of the National Gallery) to the people of the nation.⁷ Jackson always doubted that there would have been a museum if there had been no tax case, and most non-Mellon observers seemed to agree with his assessment.

A final example can be found in Chicago. In November 1953, Justice Jackson laid the cornerstone of what would become the first American Bar Center at the University of Chicago and, on that occasion, delivered a true valedictory address regarding his faith in the rule of law, the power of

7. See *Mellon Gives Art to U.S.; \$27,000,000, With Gallery*, N.Y. TIMES, Jan. 13, 1937, at 1.

reason and the profession of lawyering.⁸ (When that Center was dedicated in August 1954, Jackson again was present, and he got to see that the concluding words from his 1953 speech had been carved in Indiana blue limestone over the building's entrance: "A cathedral to testify to our faith in the rule of law."⁹)

Each of these events and occasions, and the many more in Jackson's life that resembled them, was characterized by the testament of his presence, the genuineness of his emotion, the beauty of his expression, and the power of his ideas and values. This morning's portrait dedication, and the painting by Lurabel Long Colburn that we have gathered here to admire,¹⁰ similarly delivers Jackson himself, and all that he was and stood for, by capturing so well his look, bearing and subtly expressive face.

Mrs. Colburn's painting is not, of course, the first Jackson portrait to go on public display. Indeed, the visage of Robert H. Jackson can be found in many notable locations:

At the Washington, D.C., headquarters of the Internal Revenue Service, which is the successor to the Treasury Department's Bureau of Revenue where Robert Jackson served as general counsel in his first Roosevelt Administration position, Jackson's photograph hangs in the third floor hallway outside the office of the IRS General Counsel.¹¹

At the Department of Justice, Jackson's is one of the photographs of Assistant Attorneys General who have headed the Tax Division that today line the incumbent's conference room in Main Justice.¹²

8. See Robert H. Jackson, *A Testimony to Our Faith in the Rule of Law*, 40 AM. BAR ASS'N J. 19-22 (1954).

9. See Roy E. Willey, *We Have Built a Cathedral*, 40 AM. BAR ASS'N J. 655, 666 (1954). This building is today the University of Chicago's "1155 Building," which houses the Harris School of Public Policy Studies, the National Opinion Research Center and other University components. The former main entrance to the building is now a courtyard entrance. The 1953 cornerstone that Jackson laid is to the right side of, and his "cathedral" quotation remains in the limestone above, that entrance.

10. Lurabel Long Colburn studied at the Cleveland School of Art for four years, majoring in portrait, after receiving early art training in public school courses in Lockwood, Ohio. She is a renowned portrait artist and art teacher in Chautauqua County, New York.

11. 1111 Constitution Avenue, NW, Washington, D.C.

12. Room 4736, Robert F. Kennedy Justice Building, 950 Pennsylvania

In the Department's Antitrust Division, where Jackson next served as Assistant Attorney General, his photograph similarly hangs today in the AAG's conference room.¹³

In the Office of the Solicitor General at the Department of Justice, Jackson's photograph is one of the select handful of former SG portraits currently hanging in the SG's front office.¹⁴

The official portrait of Jackson as Attorney General was painted in 1942 (the year after he left that position for the Supreme Court) by John Christen Johansen (1876-1964), who was one of America's most noted portrait painters. It hangs today in the Deputy Attorney General's conference room.¹⁵

As an Associate Justice of the Supreme Court, Jackson was photographed with his Court colleagues for the official photographs that generally mark the arrivals of a new Associate Justice, Chief Justice or Court Term. Although intra-Court relations during Jackson's tenure were not always harmonious, these photographs include both the solemn faces of the 1943 Court headed by Chief Justice Stone and the laughing joviality of the 1951 Court headed by Chief Justice Fred M. Vinson.¹⁶

Each Supreme Court Justice also becomes the subject of a painted portrait. Justice Jackson's official Court portrait was painted by Johansen, who "updated" Jackson's Attorney General portrait (in effect, he put him in a judicial robe) following Jackson's sudden death in October 1954. This portrait, which was completed in 1956, hangs today, along with paintings of other Solicitors General who became Justices of the Court, in the Solicitor General's office in the Supreme Court building.¹⁷ (This painting also is

Avenue, NW, Washington, D.C. Due to ongoing renovation work, some of the July 2002 RFK Justice Building office locations cited here are temporary quarters.

13. Room 3744, RFK Justice Building.

14. Room 5712, RFK Justice Building.

15. Room 4141, RFK Justice Building. This portrait is reproduced in UNITED STATES DEPARTMENT OF JUSTICE, ATTORNEYS GENERAL OF THE UNITED STATES 115 (Washington: U.S. Govt. Printing Office, 1980). This publication also contains biographical information about Jackson and Johansen. *See id.* at 114, 108.

16. These two photographs, which are part of the Court's archival holdings, are reproduced following page 158 in MELVIN I. UROFSKY, DIVISION AND DISCORD: THE SUPREME COURT UNDER STONE AND VINSON, 1941-1953 (1997).

17. Room 112, Supreme Court of the United States.

reproduced in color on the Supreme Court Historical Society's web site.¹⁸⁾

Justice Jackson's portrait also resides outside the Court and the various government offices he once occupied:

The National Portrait Gallery, which is part of the Smithsonian Institution in Washington, D.C., holds in its permanent collection a 1950 Feliks Topolski (1907-1989) drawing of the Vinson Court, including Jackson.

The Portrait Gallery also possesses, in its study collection, an early 1940s Oskar Stoessel (1879-1943) drawing of Jackson in his judicial robes.

The Des Moines Art Center collection, and its current public display, includes a 1963 painting by Ben Shahn (1898-1969), the famous American social-realist painter. This work, which is titled "Integration, Supreme Court," depicts Jackson and his eight Court colleagues—all white men—sitting at their seats on the bench before pillars that tower behind them. They were, of course, the Court that had decided unanimously in *Brown v. Board of Education* in May 1954 that school segregation was unconstitutional.¹⁹

And here in Chautauqua County, New York, the courthouse at Mayville includes, above the judge's bench in the County Courtroom, its own copy, donated by the Jamestown Bar Association, of Johansen's Supreme Court portrait of Justice Jackson.

Unlike all previous Jackson portraits, however, Mrs. Colburn's work now resides here in Jamestown. This location is significant historically because Jamestown was Jackson's home when he was a young man and served as his touchstone for the rest of his life. The Jamestown location also is significant as one looks forward, for the Robert H. Jackson Center is becoming and will be for the future the touchstone for learning about Jackson's life, accomplishments, values and ideas.

I would like to close by recalling a few words from someone who we remember and bless this weekend, Jackson's late son-in-law G. Bowdoin Craighill, Jr.²⁰ Bowdie

18. See http://www.supremecourthistory.org/02_history/subs_timeline/images_associates/070.html.

19. See 347 U.S. 483 (1954).

20. George Bowdoin Craighill, Jr. (1914-2002), a native of Washington, D.C., was a graduate of St. Albans School, The University of the South and George Washington University Law School. During World War II, he was an United States Navy officer and served in fourteen major Pacific theater campaigns. He

Craighill came into the Jackson family only during the Justice's last few years. A favorite Bob Jackson quip about Bowdie, an accomplished Washington, D.C., lawyer then and throughout his long life, was that he (Jackson) was "delighted to have a son-in-law in law."

I think of Bowdie Craighill on this occasion because he once gave me this lovely description of the power of Robert Jackson's personality:

"If you walked into a room filled with fifty people" including Jackson, "you would say, even before you knew who he was or who else was present that there was a magnet in the room" because, even when he was making no effort to attract attention and wasn't the only VIP in attendance, people simply were drawn to Jackson and naturally would cluster around him.²¹

On this occasion, I think we can all agree that the Jackson Center now has, in Mrs. Colburn's beautiful, accurate and very much "alive" portrait of Robert H. Jackson, its own magnet. Her portrait of this great man will draw near and move the many people who will view it here in Jamestown and, by viewing it, truly see and experience Jackson's presence as they learn about him and from him.

was awarded the Silver Star for "conspicuous gallantry and intrepidity aboard the *U.S.S. Atlanta*," an anti-aircraft cruiser, in combat operations. Craighill, a trusts and estates specialist, practiced law in Washington, D.C., for more than sixty years. He was married to Justice Jackson's daughter, Mary Jackson Loftus Craighill, from 1952 until her death in 1999. *See generally* Bart Barnes, *G. Bowdoin Craighill Jr. Dies; Lawyer, Church Officer*, WASH. POST, Apr. 9, 2002, at B7. On July 20, 2002, following the dedication at the Jackson Center of Lurabel Long Colburn's portrait of Justice Jackson, Bowdie Craighill's family and friends laid his ashes to rest, next to his wife's, in the country cemetery in Spring Creek, Pennsylvania, the birthplace of Robert H. Jackson.

21. Interview with G. Bowdoin Craighill, Jr. (May 25, 2000).

