

St. John's University School of Law

St. John's Law Scholarship Repository

Faculty Publications

2013

Remarks at the Naming Ceremony, Robert H. Jackson United States Courthouse, Buffalo, New York

John Q. Barrett

St. John's University School of Law

Follow this and additional works at: https://scholarship.law.stjohns.edu/faculty_publications



Part of the [Legal History Commons](#)

This Remarks is brought to you for free and open access by St. John's Law Scholarship Repository. It has been accepted for inclusion in Faculty Publications by an authorized administrator of St. John's Law Scholarship Repository. For more information, please contact selbyc@stjohns.edu.



LEGAL STUDIES RESEARCH PAPER SERIES

Remarks at the Naming Ceremony,
Robert H. Jackson United States Courthouse,
Buffalo, New York

Paper Number 13-0012

John Q. Barrett

E-mail Comments to:

barrettj@stjohns.edu

St. John's University School of Law
8000 Utopia Parkway
Queens, NY 11439

This paper can be downloaded without charge from The Social Science Research Network Electronic Paper Collection at: <https://ssrn.com/abstract=2335517>.

**Remarks at the Naming Ceremony,
Robert H. Jackson United States Courthouse,
Buffalo, New York**

John Q. Barrett
St. John's University School of Law
Robert H. Jackson Center

This text was the basis of remarks at the September 30, 2013, official ceremony naming the new Robert H. Jackson United States Courthouse in Buffalo.

The text describes Robert Jackson's life path, including his two years (1917-1918) living and practicing law in Buffalo near what is today the Jackson Courthouse site in the heart of downtown Niagara Square; his late 1918 confidence that leaving Buffalo, one of the nation's great cities, to live and practice law in much smaller Jamestown, New York, would work out for the best; his legacy today in special places and buildings, including courthouses throughout the U.S. and internationally, including in Nuremberg, Germany; and his high regard, expressed in 1937 to a friend who was a new Judge of the United States District Court for the Western District of New York, for the significant work of U.S. District Judges.

This file includes photographs of Jackson's former office and apartment buildings in Buffalo, him with his son and WDNY Judge Harold P. Burke, and the new Jackson Courthouse.

Keywords: Robert H. Jackson; Justice Jackson; Buffalo; Jackson Courthouse; Western District of New York; Harold P. Burke; District Judges.

**Remarks at the Naming Ceremony,
Robert H. Jackson United States Courthouse,
Buffalo, New York**

*John Q. Barrett**

Copyright © 2013 by John Q. Barrett.
All rights reserved.

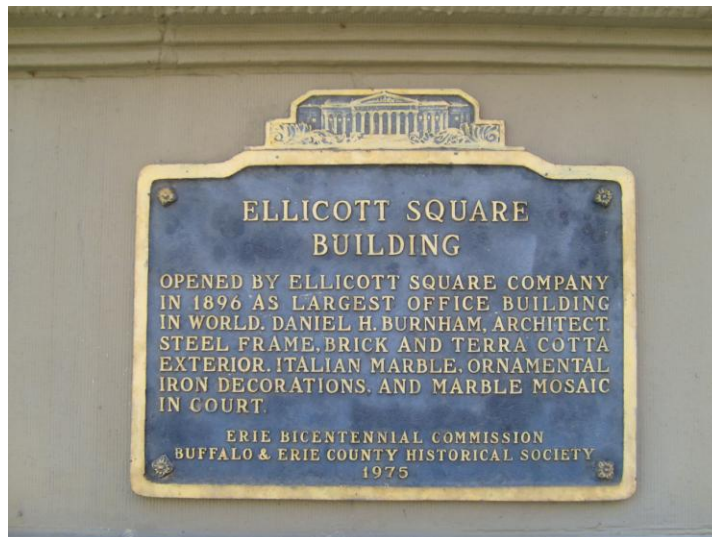
Thank you, Chief Judge Skretny, for that generous introduction. Thank you and congratulations, for vision and dedicated efforts, to Senators Schumer and Gillibrand; Representative Higgins; Chief Judge Skretny and Judge Arcara; Chief Judge Katzmann; Chief Judge Preska; all of their judicial and court colleagues; Administrator Pease; Mayor Brown and city officials; Buffalo law, business and civic leaders; and the people—all of the lucky “Jacksonland” people—of the Western District of New York.

As has been noted, young Robert H. Jackson’s life path ran right through this site. Born in Spring Creek, Pennsylvania, Jackson grew up there and then in Chautauqua County, New York, in the hamlet of Frewsburg and then in the city of Jamestown. He became a law apprentice in Jamestown and then a law student at Albany Law School.

In late 1913, 100 years ago this November, Robert Jackson, age 21, was admitted to the New York State bar. He began to practice law in Jamestown and throughout the southern tier and in Erie County. In 1915, Jackson joined the bar of this Court. In the Mayville, New York, county courtroom (which today features Jackson’s portrait), he met and came to impress greatly a new judge, Charles B. Sears of Buffalo, who was presiding there as a visiting judge. In 1916, Sears arranged for

* 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). This text was the basis of my September 30, 2013, remarks at the Jackson Courthouse naming ceremony.

his former partners in the law firm then known as Penney, Killeen & Nye, located in Buffalo's Ellicott Square Building, to meet, recruit and hire young lawyer Robert Jackson.¹



¹ See John Q. Barrett, *Bringing Nuremberg Home: Justice Jackson's Path Back to Buffalo*, *October 4, 1946*, 60 *BUFF. L. REV.* 295, 297-99 (2012).

And so Jackson moved to Buffalo. During 1917 and 1918, he and his wife Irene lived in the Lyndhaven apartment



building at 49 Johnson Park, which is located very near this courthouse, just one block to the west and a few blocks up South Elmwood Avenue. In those years, Jackson's walk to work along Joseph Ellicott's planned streets of this city, designed and built during the 19th century, passed the Buffalo High School, today called Hutchinson Tech, which was built in 1913. At Niagara Square, Jackson passed the McKinley memorial obelisk, which was dedicated in 1906. And opposite the obelisk, he passed this spot, the land that today supports the beautiful Robert H. Jackson United States Courthouse.



This all was unimaginable ... except perhaps to young Jackson himself. For two years in Buffalo, he tried cases and argued appeals on behalf of the Penney firm's principal client, the International Railway Company. He also began the friendships with Buffalo lawyers and leaders that deepened and lasted for the rest of his life.²

² See *id.*

Then, in late 1918, Jackson decided to return to Jamestown. The mayor, a Republican, recruited young Democrat Jackson, whom he knew well and admired, to be the city's attorney. More fundamentally, Jackson was convinced that he could rise higher and faster in the legal profession from a base in Jamestown than he could in the large, nationally prominent bar of Buffalo.

Of course he was right. Soon he was arguing cases before the New York Court of Appeals; its chief judge, Benjamin N. Cardozo, became a Jackson mentor. By the late 1920s, Jackson was a leading lawyer in this region and the president of the bar associations of all of western New York, including Buffalo and Erie County. A few years later, he chaired the American Bar Association's national conference of bar association delegates. In early 1934, President Franklin Roosevelt nominated and the Senate confirmed Jackson to his first U.S. government office. And you know his story from there.

In March 1938, after Jackson was appointed Solicitor General of the United States, he received a congratulatory letter from a George Bailey of Buffalo. He was the retired court reporter of the New York State Supreme Court in this city. In 1917 and 1918, Bailey, working with his brother Charles, had been an Ellicott Square building neighbor of Jackson and his colleagues in the Penney law firm. In his letter twenty years later, George Bailey recalled asking Jackson "once why [he] should give up such a fine berth with [the Penney law firm] to return to the Sticks." Bailey recalled that Jackson "said it seemed for the best, as it appeared and appears It Was."³ (Or to draw on another, more fictional George Bailey—the one from Bedford Falls, New York—the one who is on your television at

³ See Letter from George A. Bailey to Robert H. Jackson, Mar. 8, 1938, in Robert H. Jackson Papers, Library of Congress, Manuscript Division, Washington, D.C., Box 81, Folder 2.

Christmastime—the one whose story has more than a few Jacksonian dimensions: “It’s a Wonderful Life.”)

Robert H. Jackson’s legacy—his stirring, motivating life and his major, eloquent, enduring contributions to law, in the U.S. and internationally—gets delivered and grows everywhere, including on the web and in individual minds and lives, and also in physical locations. They include these ten:

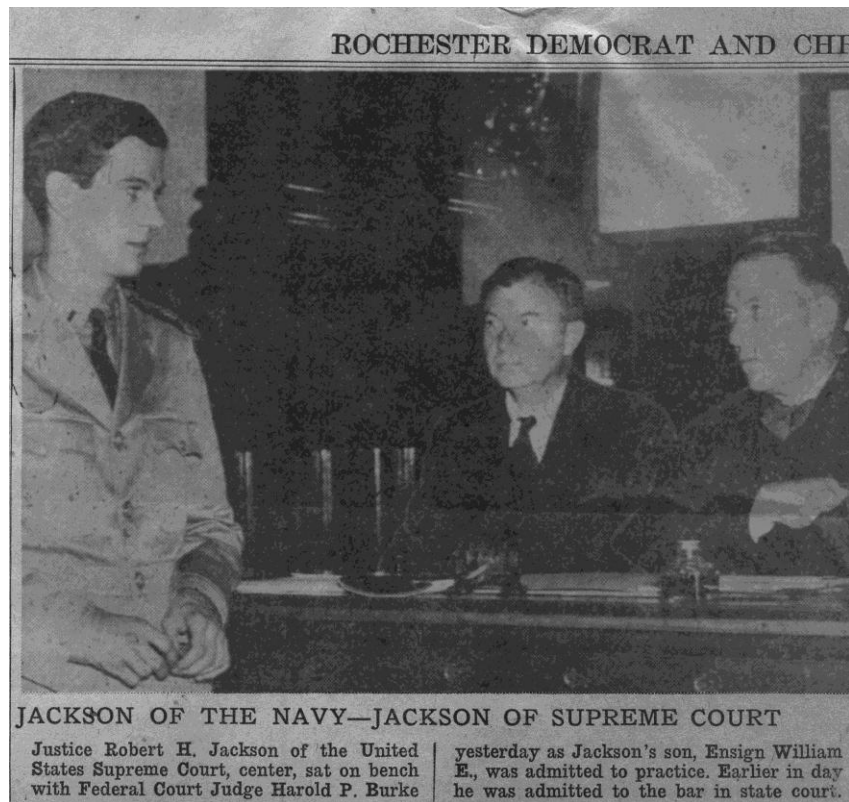
- the Robert H. Jackson Center in Jamestown;
- Chautauqua Institution, where Jackson learned and taught and recreated throughout his life;
- school classrooms and libraries, from elementary to university, where Jackson is studied;
- homes, offices and social spaces, where that study continues and where its effects are most tangible—people who learn their Jackson get smarter, inspired and more competent, and their lives are better, on the inside and as they conduct themselves, for having connected with his;
- the government buildings where he served, and where his name, his example and his words are alive, assisting and elevating the performance of his successors;
- courthouses in New York State, from Mayville to Federal District Courts to the New York Court of Appeals to the U.S. Court of Appeals for the Second Circuit—Jackson litigated in each;

- other State and Federal Courts throughout the country, including the Supreme Court of the United States—Jackson is a vibrant figure in each;
- the Palace of Justice in Nuremberg, Germany, including its Courtroom 600—prosecutor Jackson’s 1945-46 courtroom, which thus became humanity’s courtroom, which sixty-seven years ago today saw the International Military Tribunal begin to deliver its Judgment, and which is, we can hope, on its way to becoming a UNESCO World Heritage site;
- courts throughout the world, including international courts in The Hague and elsewhere, and local courts, even the most primitive, informal ones that resemble the rural justice courts of Jackson’s apprentice and young lawyer days; and
- now, most fittingly and visibly, this Robert H. Jackson United States Courthouse in the heart of Buffalo.

In 1937, Jackson, just 45 years old, was in his third year in Washington—his temporary sojourn away from his western New York home had lengthened; he then was serving in his fourth (of, ultimately, six) major appointed position in the executive branch. He was Assistant Attorney General of the United States heading the Department of Justice’s Antitrust Division and, in addition, as one of President FDR’s most loyal and highly skilled advocates, he was defending on principled grounds and very persuasively the President’s controversial

legislative proposal for judicial reform (also known, of course, as “Court-packing”).

That June, Robert Jackson wrote a letter to an old friend at the bar, former Rochester city attorney Harold P. Burke. Days earlier, Harold Burke had been appointed a Judge of this Court, the U.S. District Court for the Western District of New York. (Judge Burke went on to serve on this Court for forty-four years, including twelve as Chief Judge.)



William E. Jackson, Justice Robert H. Jackson and Judge Harold P. Burke,
Rochester, New York, June 28, 1944.

In his letter to Judge Burke, Robert Jackson offered his congratulations and best wishes. He then wrote words that fit the substance of today’s occasion, which is not only Jackson’s famous name and his high legacies in law and history but also

the central place of the United States District Court in people's lives. "I think there is no post of greater usefulness than that of district judge," Jackson wrote. "They influence the lives of a thousand people while appellate judges are dealing with a dozen...."⁴

In this Jackson Courthouse, in this District that was Robert Jackson's formative and lifelong legal and personal home, the Judges will, for many, many years, influence lives for the better by administering equal justice under law. How Jacksonian. How apt this courthouse name.



⁴ Letter from Robert H. Jackson to Hon. Harold P. Burke, June 25, 1937 (unsigned typed carbon copy), in Robert H. Jackson Papers, Library of Congress, Manuscript Division, Washington, D.C., Box 9, Folder 12.