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**Introduction of Chief Justice Roberts,
at the Robert H. Jackson Center,
May 17, 2013**

John Q. Barrett
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Robert H. Jackson Center

These remarks introduced Chief Justice John G. Roberts, Jr., speaking at the Robert H. Jackson Center in Jamestown, New York, on May 17, 2013.

This introduction covers Robert H. Jackson's life path and legal career, including his first big legal case, which grew out of the 1913 strike against Jamestown's Street Railway Company. This introduction also describes some Jackson-like and Jackson-connected aspects of Chief Justice Roberts's life and career, including his birth and early boyhood in western New York State, his service as a law clerk to former Jackson law clerk Justice William H. Rehnquist, and his private law practice with former Jackson law clerk E. Barrett Prettyman, Jr.

Keywords: Robert H. Jackson Center; Robert H. Jackson; Justice Jackson; John G. Roberts, Jr.; Chief Justice Roberts; William H. Rehnquist; Chief Justice Rehnquist; Phil C. Neal; Henry J. Friendly; Judge Friendly; E. Barrett Prettyman, Jr.; Hogan & Hartson; Supreme Court; law clerk.

**Introduction of Chief Justice Roberts,
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*John Q. Barrett**

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A backdrop to this event is an ongoing, if entirely friendly, War Between the States ... or at least between two States.

As a boy, Robert H. Jackson and family moved from the state of his birth to a second state, where he completed grade school and high school and then embarked on life. Our honored guest, John G. Roberts, Jr., did the same thing in his boyhood. In Jackson's case, following his birth and early boyhood on the family farm in Spring Creek Township, Warren County, Pennsylvania, the move was to Frewsburg, New York, and then to Jamestown—Pennsylvania to New York. In John Roberts's case, following his birth and early boyhood in greater Buffalo, New York, the family move was to Indiana—New York to Indiana.¹

I do not know the “state” of the New York versus Indiana rivalry to claim John Roberts. It might exist already. I am sure that in time, in history, it will.

I do know that Pennsylvanians are a bit unhappy about New York State's proud claiming of Pennsylvania's Robert H. Jackson, including, since last year, in the heart of Buffalo, the majestic new Robert H. Jackson United States Courthouse. Indeed, a federal Judge from Pittsburgh suggested to me that you, Mr. Chief Justice, as the son of a father who was a “Pitt” alumnus, a Johnstown and a steeler (as in a steel industry man), should be, by heredity, on Pennsylvania's side of the battle to claim Robert Jackson.

* 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 May 17, 2013, introduction of Chief Justice Roberts's speech at the Jackson Center.

¹ See generally LISA TUCKER MCELROY, JOHN G. ROBERTS, JR., CHIEF JUSTICE (2006). This book, although aimed at younger students, is useful background for any reader.

But here you are, and we all are delighted. Welcome, Chief Justice Roberts, to Jamestown, New York. Welcome to the Robert H. Jackson Center. Welcome to what Justice Jackson always regarded as his hometown, the source of what he proudly called his “Jamestown jurisprudence.” And welcome back to your native western New York State.

* * *

Many individual life paths converge here today. I will mention six: Robert Jackson (of course), William H. Rehnquist, Phil C. Neal, John Roberts (of course), Henry J. Friendly and E. Barrett Prettyman, Jr. They are great lives, lived in specific locations, intersecting and shaping each other’s, sharing the dedication to reasoning, history, principles, and the betterment of lives and society that are the law.

Robert Jackson came to Jamestown High School in Fall 1909. He then stayed, beginning to work in Fall 1910 as an apprentice to two Jamestown lawyers. He was away for the next year, studying at Albany Law School. And then he returned to Jamestown.

Jackson’s first big case started 100 years ago this month with violent events in this community. During May 1913, Jamestown’s street car workers went on strike, seeking higher wages. To deprive the railway companies of more than labor, some workers resorted to property crimes—they short-circuited high tension wires, burned out a power house converter, broke signal handles, tried to saw down power poles, and placed wooden wedges in railroad track switches.²

Many were arrested. Some then retained a leading lawyer to defend them. But soon he was appointed to a state government office and had to leave the cases.

His apprentice, Robert Jackson, was twenty-one years old. He had taken and passed the New York State bar examination. But the courts had not yet admitted Jackson to practice law because he had not completed the required three years of training.

² See *Eight Men Arrested On Very Serious Charges*, JAMESTOWN EVENING JOURNAL, May 2, 1913, at 1.

In these sabotage cases, the defendants and Jackson asked the Judge to permit him to take over. The District Attorney consented—very readily. So the Judge agreed. During the trial, Jackson raised a legal objection: contrary to state law, the DA’s case was based only on uncorroborated accomplice testimony. The Judge agreed and ordered the jury to acquit—victory for Jackson, in a knockout.³

Success gets noticed. Soon the Street Railway Company and its president were Jackson clients. A few years later, Jackson caught the eye of a young Judge from Buffalo. He recommended Jackson to his former law firm. It recruited Jackson to the big city, the nation’s 10th largest.⁴

During Jackson’s two years practicing law in Buffalo, the United States entered World War I and instituted a military draft. Jackson, as the sole financial supporter of his wife, his widowed mother and his minor sister, was eligible for draft exemption.

Mary Willard, Jackson’s beloved Jamestown High School English teacher and effectively his second mother, implored him not to fight (and, in the end, he did not). She feared for his life and told him that he was destined for greatness. He might become President or, she predicted, “Chief Justice.”

That did not happen. But Jackson did travel other high altitude paths. He was recruited back from Buffalo and became Jamestown’s city attorney. He then became its leading private lawyer with a truly general practice. As a still-young lawyer, Jackson rose to the top ranks of the legal profession nationally.

Jackson also rose in public life, especially through his friendship with Franklin D. Roosevelt as he became Governor of New York and then President.⁵ On five occasions, President FDR nominated Jackson to high national office and he was confirmed by the U.S. Senate. He served in the Treasury Department and then in the Department of Justice. As Solicitor General of the United States, he argued over 40 cases before the U.S. Supreme Court and won almost all of them. As Attorney General of the

³ See *End of Street Railway Cases*, JAMESTOWN EVENING JOURNAL, Nov. 12, 1913, at 5.

⁴ See John Q. Barrett, *Bringing Nuremberg Home: Justice Jackson’s Path Back to Buffalo, October 4, 1946*, 60 BUFFALO LAW REVIEW 295, 297-99 (2012).

⁵ See generally ROBERT H. JACKSON, *THAT MAN: AN INSIDER’S PORTRAIT OF FRANKLIN D. ROOSEVELT* (John Q. Barrett, ed., 2003).

United States, Jackson managed for eighteen complex months the legal issues relating to U.S. preparation for possible involvement in World War II.

In 1941, Robert Jackson became Justice Jackson. Until his death in 1954, he served on the Supreme Court as the eloquent, practical, independent Justice of permanent greatness and influence.

Plus, by appointment of President Truman, Justice Jackson served for what turned out to be a full year away from the Supreme Court as the chief architect of the world's first international criminal court, and then as the U.S. chief prosecutor of Nazi war criminals at what became the Nuremberg trial.

* * *

William H. Rehnquist—life number two—served in World War II, then completed college, earned two master's degrees, and enrolled at Stanford Law School. There, he impressed a young professor, Phil Neal—life number three, here with us today—who a few years earlier had been Justice Jackson's law clerk. Professor Neal arranged for Jackson to interview Rehnquist. And soon he hired him.⁶

Within two years of Rehnquist's clerkship, Justice Jackson was gone. It was a life of only 62 years, but in his full living it was a giant life. And it is a life of major legacies and growing significance.

* * *

Life number four, John G. Roberts, Jr., began that very winter, in Buffalo. Raised there and then in Indiana, Roberts became a top student at Harvard College and at Harvard Law School. He became a New Yorker again, briefly, when he served as a law clerk to Judge Henry Friendly of the U.S. Court of Appeals in New York City—life number five. Judge

⁶ See John Q. Barrett, *Introduction of Chief Justice Rehnquist, Dedication of the Robert H. Jackson Center*, May 16, 2003, available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2228825.

Friendly was one of history's greats, and by the way, a Jackson-like "lawyer's lawyer," then "lawyer's judge," and a great Jackson admirer.⁷

In 1980, John Roberts became a law clerk at the Supreme Court to then-Associate Justice Rehnquist. Roberts served subsequently in the Justice Department, the White House and in the Solicitor General's office. He became one of his generation's very finest Supreme Court advocates. In private practice at Hogan & Hartson in Washington, he worked closely with another great attorney, E. Barrett Prettyman, Jr.—life number six, also here with us today. Decades earlier, Barrett Prettyman served as Justice Jackson's final law clerk, and in the past decade Mr. Prettyman has been a devoted, essential member of the Jackson Center's Board.

Justice Rehnquist of course did become the Chief Justice of the United States. And ten years ago yesterday he spoke here, with his direct knowledge and memories of Justice Jackson and with palpable emotion, formally dedicating the Robert H. Jackson Center.⁸

During that same month, May 2003, John Roberts was confirmed by the Senate to become a Judge of the U.S. Court of Appeals for the District of Columbia Circuit. Two years later, he was appointed Chief Justice of the United States.

* * *

I have no basis to claim that Indiana imparted anything to John Roberts that was specifically Jacksonian.

Most every other step on the Chief Justice's greatly accomplished life path, however—western New York, study of history, study of law, Judge Friendly, Washington, the Supreme Court, Justice Rehnquist, the Executive Branch, the Office of the Solicitor General, Supreme Court advocacy, private practice, Barrett Prettyman, judicial service, and Supreme Court service—is strikingly Jackson-like and Jackson-connected.

⁷ See generally DAVID M. DORSEN, HENRY FRIENDLY: GREATEST JUDGE OF HIS ERA (2012); William Domnarski, *The Correspondence of Henry Friendly and Richard A. Posner, 1982-86*, 51 AMERICAN JOURNAL OF LEGAL HISTORY 395 (2011).

⁸ See Chief Justice William H. Rehnquist, Remarks of the Chief Justice[,] Dedication of the Robert H. Jackson Center[,] Jamestown, New York[,] May 16, 2003, available at www.supremecourt.gov/publicinfo/speeches/view speeches.aspx?Filename=sp_05-16-03.html. Video of the live event is at www.youtube.com/watch?v=UqA7zUJwYk.

INTRODUCTION OF CHIEF JUSTICE ROBERTS (May 17, 2013)

It thus is, for the Robert H. Jackson Center and this region, and for the Jackson Center's work here and globally, particularly apt and very special to host today's guest.

The Chief Justice of the United States, John G. Roberts, Jr.