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FELIX FRANKFURTER, COLLECTOR OF PEOPLE

*John Q. Barrett**

ABSTRACT

Felix Frankfurter engaged, intensely, with people—they were the treasures that he hunted down, evaluated, and collected. This essay, written on the great occasion of Brad Snyder’s Frankfurter biography, considers some of Frankfurter’s most treasured people. One group is people who made Frankfurter, including Frankfurter himself, Henry L. Stimson, and Franklin D. Roosevelt. Another group is Justice Frankfurter’s three great U.S. Supreme Court colleagues: Justices Hugo L. Black, Robert H. Jackson, and William O. Douglas. A third group is biographers who Frankfurter admired and pushed: Harlan Buddington Phillips, Mark DeWolfe Howe, Jr., McGeorge Bundy, Alexander Bickel, Andrew L. Kaufman, and Philip B. Kurland.

Brad Snyder has, by himself collecting Frankfurter and portraying him so fully and so well, brought his people-collecting into focus. I hope that Snyder’s biography stimulates others to study

* Benjamin N. Cardozo Professor of Law, St. John’s University, and Elizabeth S. Lenna Fellow, Robert H. Jackson Center. This essay was the basis for my lecture on April 19, 2023, at Touro University Jacob D. Fuchsberg Law Center’s superb conference, *The Life, Work & Legacy of Felix Frankfurter*. Video of my lecture and the entire conference is at <https://www.tourolaw.edu/abouttourolaw/felix-frankfurter-conference>. I thank my friend Brad Snyder for adding Felix Frankfurter, in full and so alive, to my collection of treasured people; Rodger Citron, for friendship, expertise, organizing this conference, and shepherding this publication; Dean Elena Langan, Professor Rena Sepowitz, and their Touro colleagues for their conference roles and support; each conference participant, who was super; Julian Klein and Shania Vincent for excellent research assistance; and the editors of the *Touro Law Review* for great work. I dedicate this essay—on friendship—to the late R.B. Bernstein. Richard participated in Touro’s Frankfurter conference with his characteristic top smarts, strong views and voice, and mirth. Just two months later, he died unexpectedly. He was a skilled lawyer, an expert historian, a passionate, dedicated teacher, and a generous friend to me and so many others.

Frankfurter, to recover his stolen papers, to write more about him, to publish more of his writings, and to live people-filled lives like his.

I. INTRODUCTION

Felix Frankfurter was many things across his lifetime: son; brother; Jew; citizen of Austria-Hungary; friend; immigrant to, and soon citizen of, the United States; New York City boy; star student, including in New York City public schools, at the City College of New York, and at Harvard Law School; government lawyer; husband; befriender and confidant of justices of the Supreme Court of the U.S.; Harvard law professor; scholar of the Supreme Court; mentor; father figure; inner circle New Dealer; Supreme Court justice; and a major force in U.S. law and government for much of the 20th century.

Those were some of his external dimensions. Inside Felix Frankfurter, at the core of his self, was an attraction to people. He sought their company. He talked with them and at them, constantly, using his voice and also penning or dictating many notes and letters every day. “F.F.”—his nickname, and how he often signed those writings—sought others compulsively, to read him, to hear him out, to engage with him. He grabbed people—literally, by the arm—and gave them intense attention and, in many instances, lasting affection and loyalty. His 1957–1958 law clerk, Professor John Mansfield, voiced all of this four days after Frankfurter died in 1965, at a Harvard Law School memorial gathering:

I can almost feel his grip upon my arm, that vise-like grip that was the mark of his complete attention to the particular human being who was before him. I can still see the flash and sparkle of life and interest in his eyes, and hear the spontaneous combustion of his laugh.¹

Felix Frankfurter was, in this defining essence, a collector of people. He behaved toward them as a collector does: gathering objects of preliminary interest; scrutinizing them to see what might be of true, high interest; classifying objects in more detail, by types and qualities; and then keeping the treasures and discarding what matters less. People do this with coins, stamps, baseball cards, historical documents, non-fungible tokens, and so many other things. Frankfurter did this with people. His former law clerk, Professor Alexander Bickel, in a eulogy essay, described “the extraordinary experience of [Frankfurter’s] presence”²:

¹ John H. Mansfield, *Felix Frankfurter*, 78 HARV. L. REV. 1529, 1529 (1965).

² Alexander M. Bickel, *Felix Frankfurter*, 78 HARV. L. REV. 1527, 1527 (1965).

At any given moment, he thought more thoughts, loved more loves, felt more outrages than anyone else. There never was a man so quick to understand, so ready to contradict, so warm in sympathy and so warm in anger, so indulgent of the frailties of others and so intolerant of them, so patient and so restless, so gentle and so brusque. There never was such a listener and such a talker, such a verbal fencer and such a lover of music. There never was such laughter and such intellectual rigor, such involvement in politics and such moral rectitude. And above all there never was such a friend.

Young or old, whoever was touched by the friendship of Felix Frankfurter was affected forever. He was a hero worshipper who transformed all those he worshipped into real heroes. Friendship with Felix Frankfurter was a romance. It made everything worthier and handsomer, including the friend. But there were these differences. The private, hard judgment of Frankfurter himself was never finally beguiled. And the friend, drawn out, encouraged, beseeched, charmed, wheedled, needled, and finally driven by the canniest of teachers operating on the simple, unadorned premise that there is, after all, something in everybody — the friend actually became a little worthier and a little handsomer than he could ever otherwise have been.³

My theory is Frankfurter was this person because he understood life—he felt it—as intrinsically communal, not solitary. He found daily meaning not only in his thoughts, which were abundant and powerful, but also in his relationships with other people. His realm was people, in themselves and as actors accomplishing worthy things, such as law, government, peace, security, and progress. People also were Frankfurter's fun—they were, in his presence, in his touches, and in his thoughts, his joys.

In the almost sixty years since Felix Frankfurter's death, that reality has been forgotten, obscured, and misrepresented. Brad

³ *Id.* at 1527-28.

Snyder's excellent new Frankfurter biography,⁴ which adds to his previous book's deep research and analysis regarding Frankfurter and friends,⁵ brings Frankfurter and how he lived, and thus this reality, to our knowledge—indeed, to our experience.

To begin to understand Felix Frankfurter as a collector and keeper of treasured people, consider some examples (most addressed, along with so much more, in Snyder's Frankfurter biography⁶), sorted into three categories: people who made Felix Frankfurter; people who were in the center of his Supreme Court family; and people who became his treasured biographers of treasured biographees.

II. ESSENTIAL FRANKFURTER PEOPLE: THOSE WHO MADE HIM

Three big relationships made Felix Frankfurter. First and foremost, he invented himself (as we each do). From boyhood forward, he figured out how far he could go and worked intensely to get there, or to as close to “there” as possible. He himself, through his reading, his talking, his people-collecting, and everything else that he did, made F.F. happen.

A second person, Henry L. Stimson, was Frankfurter's first and lasting great hero. Stimson, as a U.S. Attorney and then as a leader in the legal profession and in national government, inspired Frankfurter, valued him, and advanced him professionally, very significantly.

Franklin D. Roosevelt completes the trio. He delighted in Frankfurter's exuberant friendship, welcomed his counsel during Roosevelt's governorship and then across almost every aspect of his presidency, and chose to make him a governor's mansion regular, then a White House insider, and, in time, officially, Justice Frankfurter.

In identifying Stimson and Roosevelt as Frankfurter's top heroes, I am not overlooking Justices Holmes, Brandeis, and Cardozo. Frankfurter had close relationships with each. But they did not employ him, and they were not directly instrumental in advancing him. They did give him, as he gave each of them, an increasingly bright aura. Over the years, that aura contributed to Harvard, to the general public,

⁴ BRAD SNYDER, *DEMOCRATIC JUSTICE: FELIX FRANKFURTER, THE SUPREME COURT, AND THE MAKING OF THE LIBERAL ESTABLISHMENT* (2022).

⁵ See generally BRAD SNYDER, *THE HOUSE OF TRUTH: A WASHINGTON POLITICAL SALON & THE FOUNDATIONS OF AMERICAN LIBERALISM* (2017).

⁶ See SNYDER, *supra* note 4.

to Stimson, and to Roosevelt, all thinking more and more often, and better, of Frankfurter.

Another Frankfurter intimate, a hero of sorts, Marion Denman Frankfurter, also did not employ, mentor, or train him, nor did she elevate him officially in private or government power. Marion did marry Felix, and then she was his closest listener and private advisor for decades.⁷ She was extremely interesting, capable, intellectual, and forceful. She became complicated, unwell, and an emotional weight on Felix. For historians, she is elusive. Undeniably, she always was at the heart of his life.

III. OMNIPRESENT FRANKFURTER PEOPLE: HIS SUPREME COURT FAMILY

Justice Felix Frankfurter served actively on the Supreme Court of the United States for twenty-three years, from early 1939 until spring 1962. He served across those years with, coincidentally, twenty-three fellow justices. They became Frankfurter family of sorts, because of their proximity and overlapping life sentences. But three of Frankfurter's fellow justices mattered most to him during his Court years. They were his brothers in a quartet of brilliance, ambitions, affections, antagonisms, and judicial greatness.⁸

A. Justice Hugo L. Black

Justice Black was the great colleague whose service entirely bracketed Frankfurter's—Black was on the Court from 1937 to 1971, a time period that included all of Frankfurter's Court tenure. Their complicated relationship began with political affinity. Justice

⁷ See Felix Frankfurter, *Prefatory Note to OF LIFE AND LAW & OTHER THINGS THAT MATTER: PAPERS & ADDRESSES OF FELIX FRANKFURTER 1956-1963* (Philip B. Kurland ed., 1965) (“[E]xpress[ing] my warm appreciation to my wife for improvingly editing some of these pieces in their original form by means of her skillful pen and literary taste.”). This sentence, dated August 5, 1964, might be the final thing that Justice Frankfurter, then in failing health, wrote for publication; he died on February 22, 1965.

⁸ See, e.g., WILLIAM DOMNARSKI, *THE GREAT JUSTICES, 1941-54: BLACK, DOUGLAS, FRANKFURTER AND JACKSON IN CHAMBERS* (2006); NOAH FELDMAN, *SCORPIONS: THE BATTLES AND TRIUMPHS OF FDR'S GREAT SUPREME COURT JUSTICES* (2010).

Frankfurter then came to regard Justice Black with some intellectual disdain (and Black knew it).

Then Black, and perhaps Frankfurter too, matured. They became, in later years, true friends and judicial allies. When Frankfurter died, Black, in northern Florida, learned the news from a newspaper headline. He was shocked, and he teared up. He drove back to Washington to make it to the next-day funeral.⁹ A month later, Justice Black spent nearly a full Saturday writing a short essay about Frankfurter for the *Harvard Law Review*.¹⁰ It is an essay of genuine affection. Black wrote that during their Court years, “we and our families became friends. My three children learned to love [Frankfurter], as did all children who came into contact with him. And this family friendship continued to the day of his death.”¹¹ Black’s description continued:

I am happy to have had the opportunity and good fortune to have served with him for twenty-three years and seven months; to argue with him; to agree with him; to disagree with him; and to live a large part of my life in the light of his brilliant intellect, his buoyant spirit and his unashamed patriotism. This was a man. We need more like him.¹²

And Justice Black, when he had finished writing these love-paragraphs, said to his wife, “Well, now that I have written about my deep and sincere friendship for Felix, I feel free to write my views on how mistaken his views were.”¹³ And in other parts of his essay, falling between the above-quoted paragraphs, Black indeed noted that “Felix and I did have disagreements about the law and the meaning of the Constitution, many of them,” and Black then elaborated on that.¹⁴

⁹ See ELIZABETH BLACK ET AL., MR. JUSTICE & MRS. BLACK: THE MEMOIRS OF HUGO L. BLACK AND ELIZABETH BLACK 101-02 (1986) (quoting her February 23 & 24, 1965, diary entries).

¹⁰ See *id.* at 105 (quoting Elizabeth Black’s March 13, 1965, diary entry).

¹¹ Hugo L. Black, *In Memoriam: Mr. Justice Frankfurter*, 78 HARV. L. REV. 1521, 1521 (1965).

¹² *Id.* at 1522.

¹³ BLACK, *supra* note 9, at 105 (quoting her March 13, 1965, diary entry).

¹⁴ Black, *supra* note 11, at 1521.



October 2, 1939: U.S. Solicitor General Robert H. Jackson and Supreme Court justices Felix Frankfurter and Hugo L. Black, outside the White House on the occasion of the nine U.S. Supreme Court justices plus the attorney general and the solicitor general visiting President Roosevelt.

B. Justice Robert H. Jackson (and His Family and Court Family)

Justice Jackson served on the Supreme Court for thirteen years, 1941–1954, all within Justice Frankfurter’s years of service. So Felix Frankfurter got Robert H. Jackson as his Court colleague for every minute that he was Justice Jackson. And Frankfurter loved him.

They met at the White House in June 1935, when Frankfurter was a Harvard law professor and Jackson was counsel heading the Treasury Department’s bureau of internal revenue. They worked together on tax legislation, and they hit it off.¹⁵ Over the next few years, they worked together on other New Deal projects and became friends. In 1938, Jackson became U.S. solicitor general. He helped to persuade Roosevelt to nominate Professor Frankfurter in January 1939 to serve on the Supreme Court.

Solicitor General Jackson then began to argue cases to a Supreme Court that included Justice Frankfurter. He was a friendly judge for the government. More than that, he was Jackson’s personal friend. One indication of this is that during oral arguments, Frankfurter on the bench regularly scribbled joking notes to Jackson (I assume not while he was arguing), and sometimes to Jackson’s wife when she was in the audience. Frankfurter would hand a note, addressed to one or the other Jackson, to one of the Court’s pages. The page would deliver the note to its addressee. And sometimes Robert Jackson would respond right away by writing a note back to Justice Frankfurter, which the page then would deliver to him up on the bench.

In 1941, Jackson became Frankfurter’s Supreme Court colleague. As justices, their relations were not immediately or always smooth. Perhaps this was because each had plenty of intellect, ego, self-confidence, and independent temperament. Perhaps it was the arm-grabbing—Frankfurter at times trying to steer the new justice, and Jackson shaking free from that. They were not entirely like-minded. Frankfurter-Jackson disagreements occurred in prominent Court cases such as *West Virginia State Board of Education v. Barnette*¹⁶ and *Korematsu v. United States*.¹⁷ But Justices Frankfurter and Jackson, generally, were in sync as judges and they were very much in sync as

¹⁵ See ROBERT H. JACKSON, *THAT MAN: AN INSIDER’S PORTRAIT OF FRANKLIN D. ROOSEVELT* 128 (John Q. Barrett ed., 2003).

¹⁶ 319 U.S. 624 (1943).

¹⁷ 323 U.S. 214 (1944).

people. Frankfurter's published tributes to Jackson, written after his death, are profound essays on a dear, lost-too-soon, and deeply mourned friend.¹⁸

Frankfurter's love for Jackson included his family. Frankfurter was close to Jackson's wife Irene, including in the years after Jackson's death.¹⁹ Frankfurter also was a friend and mentor to the Jacksons' son William. During World War II, when Bill Jackson was a Harvard Law School student who was desperate to join the U.S. Army but had such bad eyesight that he could not pass its physical examination, Justice Frankfurter asked Bill, ultimately unsuccessfully, to become his law clerk after he graduated.²⁰ (How awkward would it have been for one justice to employ an active colleague's child as a law clerk?!) And Frankfurter was affectionately attentive—spirited uncle-like—to the Jacksons' daughter Mary.²¹

Justice Frankfurter also knew Jackson's secretary Elsie Douglas well and collected her as his own friend. After Jackson died in 1954 and Mrs. Douglas retired from the Court, Frankfurter recruited her to return as his secretary. She ran his Court chambers and assisted with all of his work, judicial and otherwise, from 1955 until his retirement, due to a serious stroke, in 1962. She continued to work for him thereafter. And after Justice Frankfurter died in 1965, Mrs. Douglas looked out for his widow's, Marion Frankfurter's, support and care.

Justice Frankfurter also collected Jackson's law clerks. This was part of a larger pattern—Frankfurter collected many other justices' law clerks as his own confrères and friends. For example, when Justice

¹⁸ See Felix Frankfurter, *Foreword*, 55 COLUM. L. REV. 435 (1955); Felix Frankfurter, *Mr. Justice Jackson*, 68 HARV. L. REV. 937 (1955).

¹⁹ See, e.g., John Q. Barrett, *Lincolnian Jackson*, THE JACKSON LIST, Feb. 13, 2008, <https://thejacksonlist.com/wp-content/uploads/2014/02/20080213-Jackson-List-Lincolnian.pdf> (quoting and publishing a photograph of a February 11, 1955, letter from Felix Frankfurter to Irene G. Jackson).

²⁰ See, e.g., Letter from Felix Frankfurter to William E. Jackson, Nov. 18, 1943 (opening "Dear Bill: How would you like to spend the 1944 Term with me?"), in Felix Frankfurter Papers, Library of Congress, Manuscript Division, Washington, D.C. ("FFLC"), Box 70.

²¹ See Letter from Mary Jackson Craighill to Justice & Mrs. Frankfurter, n.d. [circa June 1961] (inviting the Frankfurters to a barbecue buffet at her home), in FFLC, Box 42; cf. John Q. Barrett, *Happy Birthday, FF (1952)*, THE JACKSON LIST, Nov. 15, 2012, <https://thejacksonlist.com/wp-content/uploads/2014/02/20121115-Jackson-List-FF-BD.pdf> (quoting Craighill's undated wedding gift thank you letter, written on or about November 15, 1952, two years before Justice Jackson's death, to Felix Frankfurter).

Douglas's 1949–1950 law clerk Warren Christopher wrote to Justice Frankfurter a couple of years later that he (Christopher) had a “fear of presuming” in writing to express admiration for recent Frankfurter opinions,²² Frankfurter wrote back his understanding of their personal connection, built during Christopher's clerkship year with Douglas: “I am glad you overcame your ‘fear of presuming.’ Toward the law clerks who I see as much as I happily saw of you, I have the same feeling of intellectual comradeship as I have toward my [Harvard Law School] students in Cambridge.”²³

One of the Jackson law clerks who became a Frankfurter person was William H. Rehnquist. He clerked for Jackson from early 1952 through June 1953—the second half of one Court term and all of the next.²⁴ Rehnquist and Justice Jackson had a cordial relationship but, candidly, Rehnquist was not one of Jackson's favorite law clerks.²⁵ Interestingly, Rehnquist somewhat reciprocated Jackson's less than total affection; while it seems that Rehnquist during his clerkship thought well enough of his boss Justice Jackson,²⁶ the Justice who captivated Rehnquist was Frankfurter. He regularly would pop into the Jackson law clerks' office and start talking with them (probably sometimes grabbing their arms). Bill Rehnquist loved these experiences. Decades later, when Rehnquist himself had become a Supreme Court Justice, he sometimes used the name “Felix” and also signed himself that way in letters to family.²⁷ Justice Rehnquist wrote in his memoir of clerking that Frankfurter had been “magnetic,” that he (Rehnquist) as Jackson's law clerk “was tremendously drawn to [Frankfurter] by his willingness to discuss and argue while asking no quarter by reason of his position or eminence,” and that, on reflection,

²² Letter from Warren M. Christopher to Mr. Justice Felix Frankfurter (Apr. 17, 1952) in FFLC, Box 41.

²³ Letter from Felix Frankfurter to Warren M. Christopher, Esq. (Apr. 24, 1952) in FFLC, Box 41.

²⁴ See WILLIAM H. REHNQUIST, *THE SUPREME COURT: HOW IT WAS, HOW IT IS* 76–77 (1987).

²⁵ See, e.g., E. Barrett Prettyman, Jr., 1953 & 1954 Terms Law Clerk to Justice Jackson, Lecture at Chautauqua Institution (Aug. 24, 2010) (on file with author).

²⁶ Cf. Brad Snyder & John Q. Barrett, *Rehnquist's Missing Letter: A Former Law Clerk's 1955 Thoughts on Justice Jackson & Brown*, 53 B.C. L. REV. 631 (2012) (describing Rehnquist's negative assessment of Jackson, written privately to Frankfurter following Jackson's death).

²⁷ See JOHN A. JENKINS, *THE PARTISAN: THE LIFE OF WILLIAM REHNQUIST* 17 (2012).

his (Rehnquist's) "fondness for Justice Frankfurter was [not] any different from that of any other law clerk or law student whom he first dazzled and then befriended."²⁸

C. Justice William O. Douglas

For much of the 1930s, William O. Douglas was an acquaintance whom Professor Frankfurter regarded positively. In spring 1939, just a few months after Justice Frankfurter's appointment to the Supreme Court, Douglas became his colleague there. He soon became Frankfurter's bugbear. Douglas was the Court "family" member who Frankfurter often loathed but was forced by circumstances to have in the center of his life. (Yes, this was in part Frankfurter's doing—unlike Jackson,²⁹ Frankfurter never contemplated quitting the Court because of ire at colleagues' misbehaviors.).

²⁸ REHNQUIST, *supra* note 24, at 76-78.

²⁹ See John Q. Barrett, *Attorney General Robert H. Jackson and President Franklin D. Roosevelt*, 44 J. SUP. CT. HIST. 90, 103 (2019) (describing Justice Jackson's secret 1943 negotiations, later aborted, to resign from the Court and join a New York City law firm, "Jackson, Simpson, Thacher").



August 17, 1954 (estimate): Newspaper photograph of Justice Douglas in Australia hugging a koala bear. Justice Frankfurter clipped this out of his paper and sent it to Justice Jackson with a handwritten comment: "Sez Marion [Frankfurter]: 'How tender he is — to bears!'" (Robert H. Jackson Papers, Library of Congress, Manuscript Division, Washington, D.C., Box 230, Folder 2).

In Douglas's autobiography, which he wrote with ghostwriting help following his severe 1974 stroke and his 1975 retirement from active Court service, he decried "untrue [press] stories that Frankfurter and I were always at loggerheads."³⁰ That is correct—they were not always at loggerheads. But they did, as Douglas wrote, disagree about ideas "greatly . . ."³¹ They also were, as Douglas observed astutely, similar in how people reacted to them: "Frankfurter aroused people; they either loved him or hated him. He was not unique in that respect. Hugo Black, and also I, had that quality."³²

Brad Snyder's book describes in detail this mutual anti-friendship and its foundations. I think that Frankfurter, regarding Douglas, came to feel a form of heartbreak, or at least deep disappointment. Frankfurter soured on the brilliant Douglas for many reasons. One is that Douglas regularly chose, as Frankfurter saw things, not to be intellectually honest.

IV. FRANKFURTER PEOPLE FOR PERPETUITY: THE BIOGRAPHERS

Justice Frankfurter's attraction to people produced a distinctive intersection. He was tied closely to law students and law professors, to lawyers, and to scholars. His own law clerks were in this group and they tended to stay there for life.³³ And Frankfurter also was drawn to biographers—his attractions to people included significant interests in biographical writings, ranging from private descriptions to essays to full-treatment biographies. The intersection is that he steered many of "his people" toward such projects—toward becoming biographers.

Dr. Harlan Buddington ("Bud") Phillips ranked high in this group. Dr. Phillips, a historian, worked in the 1950s at Columbia University's Oral History Research Office. As one of his major OHRO projects, Phillips recorded interviews with Justice Jackson during numerous, lengthy sessions in 1951, 1952, and 1953, had the tapes transcribed, finalized draft transcripts, gave them to Jackson for editing and, after Jackson's 1954 death, completed a final text of him

³⁰ WILLIAM O. DOUGLAS, *THE COURT YEARS, 1939-1975*, at 22 (1980).

³¹ *Id.*

³² *Id.* at 23.

³³ See generally Andrew L. Kaufman, *The Justice & His Law Clerks*, in *FELIX FRANKFURTER: THE JUDGE* 223 (Wallace Mendelson ed., 1964).

“reminiscing.”³⁴ Jackson, during the years when Phillips was interviewing him, introduced Frankfurter to Phillips and they became friends. In time, Phillips also interviewed Frankfurter, also at length, about his life up until his 1939 appointment to the Supreme Court. Their final product was an interesting, delight-filled book, *Felix Frankfurter Reminisces*.³⁵ It became a U.S. bestseller. Frankfurter, knowing that Phillips had a young family and a low salary, gave him all of the book royalties.

Frankfurter was driven, even before he met Phillips, to make great biographies happen. In the 1930s and 1940s, for example, he chose one of his star Harvard Law School students, Mark DeWolfe Howe, Jr., to clerk for Justice Oliver Wendell Holmes, Jr., and later, when Howe had become a law professor, Frankfurter supported Howe’s selection to be Holmes’s biographer.³⁶ And in the 1940s, Frankfurter played a role in recruiting McGeorge Bundy, a young Harvard scholar, to work with Frankfurter’s great mentor Henry Stimson on his memoirs.³⁷ But I think that Frankfurter first seeing Phillips working closely with Jackson, and then Frankfurter himself working very closely with Phillips, increased Frankfurter’s dedication to biography. He saw it as a craft that needed to be done well. He valued it enormously as a contribution to future readers and their lives.

In the 1950s, years that included Jackson’s early death due to heart disease and then Frankfurter’s own heart attack, Frankfurter worked hard to nurture specific legal history and biography projects. He recruited, assisted, supervised, and nudged a generation of his younger friends and colleagues on these projects. For example, Alexander Bickel, one of Frankfurter’s 1952–1953 law clerks, worked with Louis Brandeis’s papers. Andrew Kaufman, a Frankfurter law clerk for two terms, 1955–1957, took on the project of writing about Benjamin Cardozo. Philip Kurland, Frankfurter’s law clerk in 1945–1946, researched and wrote about Robert H. Jackson. Those projects

³⁴ See *THE REMINISCENCES OF ROBERT H. JACKSON* (Columbia University Oral History Research Office, 1955).

³⁵ See *FELIX FRANKFURTER REMINISCES, RECORDED IN TALKS WITH DR. HARLAN B. PHILLIPS* (1960).

³⁶ See *MARK DEWOLFE HOWE, JUSTICE OLIVER WENDELL HOLMES: THE SHAPING YEARS, 1841-1870*, vii (1957) (expressing thanks to Frankfurter, because in this instance “it is merely a necessity”).

³⁷ See *HENRY L. STIMSON & MCGEORGE BUNDY, ON ACTIVE SERVICE IN PEACE AND WAR* (1947).

produced important works.³⁸ Frankfurter, having first “collected” the worthy subjects of these projects, did all that he could for them to live on through the work of some of his collected, younger thinkers and writers.

V. CONCLUSION

Brad Snyder now has joined that line of Frankfurter-collected top biographers. Frankfurter posthumously collected Snyder by filling history with Frankfurter papers, all over the U.S. and in the United Kingdom. Frankfurter’s personal papers, difficult-to-read handwriting and all, are, as he was, powerfully magnetic. They pulled Snyder up a tall hill that had been, for decades, too steep for others. And now, thanks to Snyder, we all get to see the view from the top: Felix Frankfurter in his life, in his times, in his ideas, and in his relationships with so many people.

But there are—always—more hills that people should, with dedication, climb. For example, as Snyder wrote, there is much more writing that he and others should do about Felix Frankfurter.

First, Frankfurter’s voluminous letters and notes—“a torrent of correspondence”³⁹—should be collected, organized, and published.⁴⁰ Scholars, institutions, and funders can and should make that happen.

Second, the important Frankfurter diaries, letters, and other papers that were stolen from the Library of Congress in the early 1970s⁴¹ should be recovered and restored to the owners to whom F.F.

³⁸ See ALEXANDER M. BICKEL, *THE UNPUBLISHED OPINIONS OF MR. JUSTICE BRANDEIS: THE SUPREME COURT AT WORK* (1957); ANDREW L. KAUFMAN, *CARDOZO* (1998); Philip B. Kurland, *Robert H. Jackson*, in 3 *THE JUSTICES OF THE UNITED STATES SUPREME COURT* 273 (Leon Friedman & Fred L. Israel eds., 4th ed. 1997).

³⁹ Mark Silverstein, *Frankfurter, Felix*, in *THE YALE BIOGRAPHICAL DICTIONARY OF AMERICAN LAW* 205 (Roger K. Newman ed., 2009).

⁴⁰ See SNYDER, *supra* note 4, at 721.

⁴¹ See LIBR. OF CONG., *Material Missing from the Felix Frankfurter Papers* (undated pamphlet, in author’s possession); LIBR. OF CONG., *Felix Frankfurter: A Register of His Papers in the Library of Congress* 4 (Libr. of Cong. Ms. Div. rev. ed. 2023) (describing, in the Library’s Frankfurter collection Finding Aid, its 1972 discovery that some papers were missing, and the subsequent recovery of photocopies of some of these papers); *id.* at 67 (appendix listing missing items not replaced by photocopies); see also Jill Lepore, *The Great Paper Caper*, *THE NEW YORKER*, (Nov. 24, 2014), <https://www.newyorker.com/magazine/2014/12/01/great-paper-caper>.

bequeathed them: the public.⁴² Scholars, the Library of Congress, law enforcement, and knowledgeable people of good conscience can and should make that happen.

In the meantime, thanks to Brad Snyder's work and talents, history has now collected a thoroughly researched, well-written, big, and detailed biography of Felix Frankfurter. It is a treasure—a keeper. It enriches us. It adds F.F. to every reader's collection of real, compelling people. It grips us by the arm.

⁴² SNYDER, *supra* note 4, at 721.