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[Contents of Issue](#)

[Click here](#)

[Home](#)

**Justice Jackson's (pre-justiceship) Speech of December 1936  
National Affairs**

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Law Professor John Q. Barrett of St. John's ([barrett@stjohns.edu](mailto:barrett@stjohns.edu)) is writing a biography of Justice Robert Jackson, perhaps the greatest writer ever to sit on the Supreme Court and the first American Chief Prosecutor at Nuremberg. Every few weeks or so, Professor Barrett sends an email about an event in or an aspect of Jackson's life to persons on his [Jackson List](#). His April 28th email is about a speech Jackson made in late 1936, after FDR's massive electoral victory. The speech, as Barrett himself has said, is of great relevance to our contemporary situation. It is so pertinent that I've asked for and received Professor Barrett's permission to re-publish it, below:

For the Jackson List:

On Wednesday evening, December 2, 1936, more than 400 people attended a Democratic Party victory dinner and celebration at the Hotel Jamestown in Jamestown, New York. The guest of honor was Robert H. Jackson, a former Jamestown resident, lawyer and leading Democrat who was serving under President Franklin D. Roosevelt in the United States Department of Justice as Assistant Attorney General heading the Tax Division. At the time, press reports from Washington indicated that the newly-reelected President Roosevelt was about to appoint Attorney General Homer S. Cummings to a new position, and that Jackson was the leading candidate to succeed Cummings. (As events developed, Cummings continued as Attorney General for almost two more years. His successor was, for a year, Frank Murphy. In 1940, Jackson succeeded Murphy as Attorney General.)

At the Jamestown dinner, following musical entertainment and various addresses,

including a principal speech by Francis M. Shea, the young Dean of the University of Buffalo School of Law, Jackson delivered these timely - then, and now - remarks:

My friends and neighbors are generous as well as gracious in singling me out for honors tonight. Many of you could not be expected to enthuse over the political aspects of this occasion and your interest is deeply appreciated. Others are celebrating the event by which the Democratic Party became a majority party not only in state and nation but in this city as well. I share your joy at that achievement. It is a delight to have Dean Shea come to Jamestown for any reason and I feel honored that he should come now.

While I enjoy getting credit for achievements, whether earned or not, I must disclaim all except a very modest share in the victory. It was too general and too sweeping to be attributable to personal efforts. It was a result of a great many contributions.

The local party organization remained loyal from top to bottom. Organized labor gave the most effective demonstration of its strength and solidarity in local history. Our Swedish citizenry were not afraid of the cry of communism and ruin, for they knew that the efforts of the Roosevelt administration were already achievements in their native land. The Italian people have developed a fine group of young professional men who saw in the Democratic policy a fulfillment of the hopes of a people who came here seeking opportunity and security. So many groups broke with their old tradition and they are entitled to the credit for the result.

I am not so confident that the Republican Party is dead. Some sixteen million voters who remained loyal even this year is a very respectable political beginning, if properly led, and if it can make up its mind what its principles are to be. It is terribly handicapped in leadership. Its old leaders are discredited and its future leaders are unknown. They have few governorships, senatorships, or even large mayoralties in which to learn leadership and to develop public standing. Moreover the leadership problem is complicated by the tendency of the seaboard states to want one kind of leadership and the interior another. So the Republican Party is in a bad way. But it is not dead. Democratic blundering might give it life again.

The fact is that the election leaves us with a tremendous responsibility. It is no time for delusions of grandeur nor for animosities, pettiness or partisanship.

Our danger is not from opposition so much as from the lack of it. Our victory may be too devastating to be wholesome. It is a temptation to be reckless, an invitation of factions. We have been given a lot of rope and it will take some self restraint to keep from hanging ourselves, by the excesses and arrogances which too often follow oversized majorities.

There is another danger. We must not forget our responsibilities to those who elected us, just because those who were lately so bitter are now outdoing themselves in proffers for good fellowship. This campaign was no

tea party - it had a definite meaning. The cat cannot be put in care of the canary just because it is now purring. Visible opposition is gone but do not believe that invisible underground work has ceased by those whose motto is "Time Marches - Backwards."

In the president [FDR] and the governor [Herbert H. Lehman] and in our local appeals we offered a fighting faith in real democracy, in economic freedom as well as legal freedom for the working masses. We denied that the injustice and disadvantage under which many people work must be accepted and worshipped as the American way. We believe the soul killing processes of industry and the cruelties of economic life are capable of improvement. We challenged the doctrine that God stopped His great clock in 1789 when our Constitution was framed and that He placed on the Supreme Court a duty of seeing that nothing ever moves again.

In this local campaign, we carried our cause directly to the people who cast the votes. We dealt with no broker. We wasted no time trying to reach workers through their employers. We had no middlemen. Let that be our method always. When we go to the people we educate them to understand us, but far more important they educate us to understand them.

Let us never forget that political campaigns in the large sense are not materialistic. They are of the spirit. Those who came with us cared nothing for our organization, our patronage or our narrower partisanship, and they overlooked our many mistakes. Their response was to ideas and ideals.

It is the salvation of democracy that both sides learn wisdom from a campaign. Although the campaign often seems so unintelligent, it is also characteristic that after the heat of the campaign both sides welcome cooler thought and are glad the bitterness is over with. There is evidence already that conservatives have become more aware of the need of concession, the liberalism more aware of the need of being practical. Only if conservatism is intelligent and liberalism practical can the struggle between the two be solved by the ballot.

So whether we were among the victors or the vanquished, we share together the exciting adventure of free government, with its process of claim and counterclaim, of progress by compromise, of trial and error. Slowly but surely we move to greater economic security, to a more humane and just and equal order of society.

From the bottom of my heart I thank you all for its demonstration of confidence and friendship. It gives courage in whatever little part I may play to remember your trust in me and to keep the faith.

Thanks for your interest, and please share this note with others who might be interested too.

Sincerely,

Professor John Q. Barrett

St. John's University School of Law

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[Contents of Issue](#)

[Click here](#)

[Home](#)

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