

Felix Frankfurter Oral History Interview- JFK #1, 6/10/1964
Administrative Information

Creator: Felix Frankfurter
Interviewer: Charles C. McLaughlin
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Biographical Note

Frankfurter was Associate Justice of the United States Supreme Court from 1939 to 1962. In the interview Frankfurter discusses how he came to know Joseph P. Kennedy, Sr. and his sons, the personal impact that Joseph P. Kennedy, Jr.'s death, and a July 26, 1962 meeting with President Kennedy about business issues and financial power, among other issues.

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Felix Frankfurter – JFK#1

Table of Contents

<u>Page</u>	<u>Topic</u>
2, 3, 4	Frankfurter's relationship with John F. Kennedy and Joseph P. Kennedy, Sr.
2	Frank Buxton and Fred Dumaine
6	Death of Joseph P. Kennedy, Jr.
7	July 26, 1962 meeting with President John F. Kennedy
10, 20	Issues of financial power and business
12	Discussing the New Deal
15, 18	President Kennedy's kindness toward African-Americans
16	Joseph P. Kennedy, Sr.'s Health
17	National Historical Publications Commission
21	Optimism about Civil Rights Legislation
23	Aaronsburg story
25	Issue of the Russian spy Abel and the Supreme Court
27	Frankfurter's feelings toward the United States

Oral History Interview

With

JUSTICE FELIX FRANKFURTER

June 10, 1964
Washington, D.C.

By Charles McLaughlin

For the John F. Kennedy Library

McLAUGHLIN: This is Charles McLaughlin. This is June 10, 1964.

FRANKFURTER: Aren't you going to introduce yourself the way Kennedy [John F. Kennedy] did: I'm Ted's [Edward M. Kennedy] brother. I'm Jacqueline's [Jacqueline Bouvier Kennedy] husband.

McLAUGHLIN: Oh, that's right. Jacqueline's husband. And I'm interviewing Justice Felix Frankfurter.

FRANKFURTER: And let me say Ann Landis is damn sight better looking than Jacqueline.

[-1-]

McLAUGHLIN: We'll try that. Did you know the President very much before he became President really?

FRANKFURTER: I thought that you were going to ask me, "How did I come to know him?"

McLAUGHLIN: How did you come to know him? Yes.

FRANKFURTER: I came to know him through his father [Joseph P. Kennedy, Sr.]. And then the next one you'll ask: "How did you come to know his father?"

McLAUGHLIN: All right.

FRANKFURTER: I don't remember.

McLAUGHLIN: You don't remember about his father?

FRANKFURTER: But I do know why he came to me. I don't know whether this was at the house or at the Law School. But we met somewhere. I think it was either through Frank Buxton or...Do you know who he is?

[-2-]

McLAUGHLIN: No, tell us who is he.

FRANKFURTER: He's been the chief editorial writer of the *Boston Herald* or Fred Dumaine. Do you know Fred Dumaine?

McLAUGHLIN: Yes.

FRANKFURTER: Frederick Dumaine, owner of Amoskeag Mills.

McLAUGHLIN: Oh, yes, yes. Amoskeag Mills.

FRANKFURTER: And he became famous, and I think he knew Joe Kennedy [Joseph P. Kennedy, Jr.] and Joe Kennedy floated into my line and he and Jack floated into my line by the question that his father Joe put to me. He said, "I have two lads. They are both in the Choate School. And I'm wondering—and it was suggested to me that I should talk with you—consult you." I don't know who the person who

[-3-]

suggested it is—maybe Arthur Holcombe. "Do you think they're too young to go to Harvard?" Well, I think Jack would have been a little less than twenty-one if he entered Harvard then. And I strongly advised him against it. I said to the father, "If they were mine, I know what I would do." "What would you do?" he said. I said, "I would send them to London to spend a year with Harold Laski, who is the greatest teacher in the world in my opinion. The most stimulating teacher in the world." I don't know all the teachers in the world, but I know what he has done for other people.

[-4-]

Some of the best students in the Law School were products of Harold, who had been instructor in Political Science at Harvard. You have to check these things.

McLAUGHLIN: Yes.

FRANKFURTER: And they did go to the London School of Economics.

McLAUGHLIN: Yes, both did.

FRANKFURTER: Both did. And Harold became very fond of them, of Joe. And I also liked Joe.

McLAUGHLIN: Joe, Jr.?

FRANKFURTER: Joe, Jr., and you ask me why? I never liked Joe, Sr. Does anybody like Joe, Sr.? Have you ever met anybody, except his family.

McLAUGHLIN: Oh, I guess James Landis, probably.

[-5-]

FRANKFURTER: Maybe Jim Landis. Sure, he was his bread and butter. Poor bread and poor butter.

McLAUGHLIN: But you—Why did you like Joe Jr.?

FRANKFURTER: Well, why does one like one girl better than another? I can't tell you.

McLAUGHLIN: You can't.

FRANKFURTER: But I did like him so much and when they got out a memorial volume about Joe, I was offended that they didn't ask me to contribute. I liked him so much.

McLAUGHLIN: I remember you wrote the President, enclosing a letter that you'd written, about Joseph Jr. I think.

FRANKFURTER: I was disappointed that they didn't ask me to write about him.

[-6-]

McLAUGHLIN: I see. Yes. I thought we might turn to the July 26, 1962 meeting when President Kennedy came to see you.

FRANKFURTER: You have got the Acheson [Dean G. Acheson] memorandum?

McLAUGHLIN: The Acheson memorandum, yes. And so Dean Acheson was there, wasn't he?

FRANKFURTER: When the President came (somebody told me he would like the opportunity to call on me. And I said, "Of course, it would be a great honor.")—and when he came, Acheson was here: he and me. And I said, "Mr. President, I want to tell you why Dean is here." He said, "You don't have to tell me. I'm glad he is here." I said, "With your permission, I'd like to tell you. Dean is here because from the day that I was hospitalized he was Job's comforter.

[-7-]

That is why he is here."

McLAUGHLIN: Yes, what did you talk about?

FRANKFURTER: Well, I didn't talk about anything. I thought it was up to him to lead.

McLAUGHLIN: Yes. But you were worried about the way the President was going over to the people, weren't you?

FRANKFURTER: Well, the argument of it was this. I think he came because I had told McGeorge Bundy that one reason why the President hadn't gone over to the people better was because he hadn't sufficiently appealed to them, and if I were the President, I would get a really first-class historian, specifically, Sam Morison [Samuel E. Morison], to write three or four full-dress speeches on what is there in American history

[-8-]

which would appeal to the rest of the world as a worthy nation—what incidents are there. And the President opened up by saying that Mac reported my talk with him and he'd like to have it first-rate, first-hand. I told him again that he ought to get Sam Morison to write full-dress speeches on what were the twenty incidents in American history that makes us a worthy notable among nations.

McLAUGHLIN: Did the President seem aware of this problem, do you think, when you were talking to him?

FRANKFURTER: What problem?

McLAUGHLIN: The problem of communicating the idea to the—

FRANKFURTER: Well, I thought, I got from him, that

[-9-]

he thought his chief reason was the money power, the concentrated financial power.

McLAUGHLIN: Yes.

FRANKFURTER: And I said to him, “Mr. President, before you started to think about sitting in the chair in which you now sit, didn’t you go over in your mind and realize that you would have the opposition from the big business interests? Because the history of your party is that it always has the opposition of the big monied interests and they did what they wanted, of course.” And I said, “The exception—there’s one exception and that’s no exception, that’s the

[-10-]

rule—was Cleveland. And he had in his cabinet a man named William C. Whitney who was connected with J.P. Morgan [John Pierpont Morgan] and Company. He’s a product of Tammany, a fourth-rate bunch of leadership. And generally, J.P. Morgan thought very well of him. And it was always easy to get the other fellow to agree with him.”

McLAUGHLIN: Did the President agree with you? Or did he seem responsive?

FRANKFURTER: Well it seemed to be a new thought to him.

McLAUGHLIN: Really?

FRANKFURTER: I was shocked.

McLAUGHLIN: He should have been aware of this.

FRANKFURTER: Why, of course. Be he didn’t.

McLAUGHLIN: Did he think he could build a bridge

[-11-]

between Pennsylvania Avenue and Wall Street?

FRANKFURTER: I can’t answer that question. But I intimated what I think. But he didn’t. He wasn’t interested in what I said to McGeorge Bundy about getting Samuel Morison to write books. I said that his Inaugural Address, as a Harmsworth professor at Oxford, in a little pamphlet (Do you know that address)—It’s in his essays. I said, “He says more than all these historians (and

Arthur Schlesinger, Jr. [Arthur M. Schlesinger, Jr.] was there) and these fellows like Nevins [Joseph Allan Nevins] who wrote big fat books and say a few little niggling things.” Before I forget it, he did ask me one question towards the end. And this ought to be recorded.

[-12-]

He said, “Who’s the Raymond” [Raymond C. Moley]—and I said, “Do you agree with Arthur’s account of the New Deal?” I said, “I certainly don’t—I don’t agree with it at all.”

McLAUGHLIN: What kind of a what?

FRANKFURTER: Whether I agree with Arthur’s interpretation of the New Deal.

McLAUGHLIN: Oh yes.

FRANKFURTER: There were two New Deals. I said, “There were two New Deals, but not Arthur’s New Deals.” What two New Deals were there? I said, “There was the first New Deal when FDR [Franklin D. Roosevelt] was preoccupied with domestic issues and there’s ‘win the war FDR’.” And then he said to me, “Who was the—who is the Raymond Moley of this administration?”

[-13-]

And I said, “If you will tell me who is the Mr. Buttinsky of this administration, I’ll tell who’s the Raymond Moley.” And he stuck out his forefinger and pointed to Arthur Schlesinger; quite surprising.

McLAUGHLIN: Oh, really? Then he went on and talked about greatness in his office.

FRANKFURTER: I said, “It’s true of the presidency, as it’s true of the Supreme Court of the U.S. that [Here we had to stop—Frankfurter was talking about understanding the history, limitations and possibilities of the office.]

FRANKFURTER: We then had two colored maids and both of them knew the young man who was then President Kennedy’s valet and Ellen, lovely Ellen, said “I know

[-14-]

whatever his name was. And he lived near Senator Byrd’s [Robert C. Byrd] place.” And what impressed me most about the visit, about the President, and I thought quite a lot about it, was how gracious a gentleman the President was to these two colored women. I

said, "Mr. President, Matilda, who's our cook, used to serve dinners for you when you were Senator. May she now serve you a cup of tea?" And he said, "Certainly." And she brought him tea. And then he said to me, "May I have another cup of tea?" And after a long while, in came one of these Secret Service men and said, "Mr. President, your guest, your next guest at the White House is waiting outside."

[-15-]

He said, "Let them wait, I'm having too good a time."

McLAUGHLIN: The President seemed very well, didn't he?

FRANKFURTER: And oh, I began when he came in, I said, "Mr. President, how's your father progressing?" And he said, "Nothing like as good as you are." I said, "I agree with others with his reflections on a man who is hit by a stroke." Joe, the Ambassador, said they specialized on getting him to talk. He had this. He was hurt on his jaw and he couldn't talk, and I talk freely, just as I do now. "What was the statement that you agreed with him on?" He said, "I'd rather talk than walk." That's me.

[-16-]

McLAUGHLIN: When you next saw the President, at the White House, didn't you? At the National Historical Publications Commission?

FRANKFURTER: Yes, I couldn't go to the luncheon he gave to all the people that were involved. He asked me to come in a few minutes before the luncheon, and do you know who Lefty Lewis [Wilmarth S. Lewis] is? Well, as Mrs. Douglas and I were about to be rolled into the Executive offices, I heard somebody say, "Felix." I looked around and there was Lefty. So we went in together. And when we came in to the President—(you see, he's related to the President—no, not he, but—but Mrs. Kennedy is the niece of Mr. Auchincloss [Hugh D. Auchincloss, Jr.]. That's

[-17-]

Lefty Lewis' wife who is the sister of Auchincloss.) And they had the luck to have two or three sons. And the President said, "Hello, Lefty," and he said, "Pull a chair over so that we three Yale men can sit together"—Three Yale men because I got an honorary degree from them and so did he—and Lefty Lewis is Mr. Yale.

McLAUGHLIN: In your letter to Kennedy, June 19th, after the meeting, you said it was a memorable talk with him. You remember why you felt this way.

FRANKFURTER: Well, it was an extraordinarily pleasant occasion, and he talked so

freely. It was particularly memorable because of the colored servants—his treatment of these two menial colored servants.

[-18-]

McLAUGHLIN: Oh, in that letter, too, you said—

FRANKFURTER: And when I think of what he said, and I was also surprised that he didn't know that all the big shots in money and finance would go after him. He was supposed to be a great historian, a student of history, I never took any stock in that. I thought that was all baloney.

McLAUGHLIN: About his interest—

FRANKFURTER: Not his interest but his vast knowledge of history. I thought that was baloney. Anybody who thought as highly of Arthur Holcombe, as he did, I know didn't have much deep knowledge about political science and history. Do you know Arthur Holcombe?

McLAUGHLIN: I don't—you do. [Meaning Anne McLaughlin]

[-19-]

A. McLAUGHLIN: I took a course from him.

FRANKFURTER: Well, you didn't think much of him, did you?

A. McLAUGHLIN: Very dry, very dull.

FRANKFURTER: He's dull, unimaginative, without any doubt—and if that's the fellow who inspired him, I know he wasn't inspired.

McLAUGHLIN: Do you think this is because of his father that he lacked this sense of business opposition to Democratic Administrations?

FRANKFURTER: What?

McLAUGHLIN: Do you think it's because of his father, that he this blind spot about business?

FRANKFURTER: His father didn't have any blind spot about big business. His father was

[-20-]

all for big business.

McLAUGHLIN: He seemed to size up the steel people pretty well.

FRANKFURTER: Who?

McLAUGHLIN: Papa.

FRANKFURTER: I don't know what he said about them.

McLAUGHLIN: It's unprintable.

FRANKFURTER: I thought that's what the President said, according to the Tom Wicker [Thomas G. Wicker] article.

McLAUGHLIN: Yes, in your letter, you also said about...that you felt the President seemed optimistic about civil rights, that he thought Congress would pass the bill.

FRANKFURTER: He said, "I think we'll get most of our bills through." I'm suspicious of optimistic characters. I once

[-21-]

said something good about optimism, even if I say it myself. Mrs. Frankfurter [Marion Frankfurter] and I used to visit Hyde Park once a year, and the President and Mrs. Roosevelt [Eleanor R. Roosevelt] asked in the fall of the year to spend a weekend. And one day, as we drove out and FDR has showed his usual buoyancy and ardor, and I said to Marion, "With most people optimism is—what's the thing that gets you to sleep?—an anodyne, with Roosevelt it is an energy."

McLAUGHLIN: Do you think this was true with Kennedy too? Or?

FRANKFURTER: Well, I don't know whether he was optimistic. Was he?

McLAUGHLIN: I seem to have this view of a long

[-22-]

twilight struggle, which was not too cheerful, I don't think.

FRANKFURTER: But I think that's pretty good: "Not an anodyne but an energy." It makes you do things.

McLAUGHLIN: Oh, you mentioned talking to the President before the NHPC [National Historical Publications Commission] meeting. The

Aaronsburg story, what was that? You said you mentioned it to Kennedy, and it was something about a church that was being built?

FRANKFURTER: I don't know, in a town called Aaronsburg in Pennsylvania, in which—It was a regular old, in the eighteenth century—a typical, small, Pennsylvania town, and there was a Jewish resident called

[-23-]

something—Aaron something. And the village is called Aaronsburg. He had property there; real estate, and he presented the property; I forget what the denomination was—to one of the religious Christian sects and also the whole altar set, several altar sets. And on the occasion of the anniversary of this event, somebody had the idea of celebrating, to show what kind of a place Aaronsburg is and they felt very proud of it: an Irishman, a Catholic, and a Jew as speakers, and I was speaking as a Jew. Bunche [Ralph J. Bunche] was there. I forget who the Catholic was.

McLAUGHLIN: James Donovan was.

[-24-]

FRANKFURTER: James Donovan who's making a mess of the New York school situation. I'm not surprised.

McLAUGHLIN: Really.

FRANKFURTER: He wrote a most insulting brief to the Supreme Court of the United States, which if it had had any guts they would have hauled him off for contempt of court. He defended this Russian.

McLAUGHLIN: Spy—Abel [Col. Rudolf Abel].

FRANKFURTER: Spy—and in his petition for rehearing, he said, "I would never have argued the defense (?) if I had known that the case was decided before I got on my feet, because he was a Communist." And no self-respecting court under the law ought

[-25-]

to have allowed that to stand.

McLAUGHLIN: Well, what was Kennedy's response to your story? Or did you just casually mention it?

FRANKFURTER: I said to Kennedy, "There's a point about that, and you ought to learn it, because that's America. There was a crowd on the hillside

as big as at the Stadium at the Yale-Harvard football game. You can get it in the library. It was worth looking at.”

McLAUGHLIN: Yes.

FRANKFURTER: And I think what I said in my book, *Of Law and Men*—there is reprinted a speech I made on what I think of America. And you know, when the citizens are sworn in down at the foot of the Washington monument. And

[-26-]

the main substance of that; what I suppose is best put in a sentence somewhere Mr. Stimson [Henry L. Stimson] wrote: “If I was asked who was the most passionate American; who has the strongest feeling about this country, I would have to say that I know no more passionate American than Felix Frankfurter.” And Reinhold Niebuhr once said to me, I almost make a religion of my belief in the democratic processes in America. I don’t know—but he said that—but partly, largely true.

McLAUGHLIN: Well, sir. It’s about ten minutes after 1:00 on June 10, 1964. This is Charles McLaughlin recording. The recording was made at Felix Frankfurter’s

[-27-]

apartment, at 2339 Massachusetts Avenue, Washington, D.C., and present were Charles McLaughlin and his wife, Ann.
[End tape one]

[END OF INTERVIEW #1]

[-28-]

Felix Frankfurter – JFK #1
Name List

A

Abel, Col. Rudolf, 25
Acheson, Dean G., 7
Auchincloss, Hugh D., Jr., 17, 18

B

Bunche, Ralph J., 24
Bundy, McGeorge, 8, 9, 12
Buxton, Frank, 2
Byrd, Robert C., 15

C

Cleveland, Grover, 11

D

Donovan, James, 24, 25
Douglas, Mrs., 17
Dumaine, Fred, 3

F

Frankfurter, Marion, 22

H

Holcombe, Arthur, 4, 19, 20

K

Kennedy, Edward M., 1
Kennedy, Jacqueline Bouvier, 1, 17
Kennedy, John F., 1-4, 7-11, 14-23, 26
Kennedy, Joseph P., Jr., 3, 5, 6
Kennedy, Joseph P., Sr., 2-5, 16, 20, 21

L

Landis, Ann, 1
Landis, James M., 5, 6
Laski, Harold, 4, 5
Lewis, Wilmarth S., 17, 18

M

Moley, Raymond C., 13, 14
Morgan, John Pierpont, 11

Morison, Samuel E., 8, 9, 12

N

Niebuhr, Reinhold, 27
Nevins, Joseph Allan, 12

R

Roosevelt, Eleanor R., 22
Roosevelt, Franklin D., 13

S

Schlesinger, Arthur M., Jr., 12, 13, 14
Stimson, Henry L., 27

W

Whitney, William C., 11
Wicker, Thomas G., 21