FELIX FRANKFURTER

Dean Acheson *

It has been said of Leslie Stephen, by Maitland, I think, that those who did not know him would never understand the source and magnitude of his influence. For that reason he would be an enigma to future generations. Reading his written words would give a quite inadequate, often erroneous, impression of the man, and no sense at all of the effect on the hearer of the spoken word. This is preeminently true of Felix Frankfurter. One could read everything that he has written—a formidable task from several points of view—and still have little more than an inkling, if that, of why this man has evoked in so many such passionate devotion and exercised for half a century so profound an influence. I can think of no one in our time remotely comparable to him, though it would not surprise me if in another time Dr. Franklin might have had something of the same personal influence.

In the same way, the words, especially the written words, of another cannot convey the reality of Felix Frankfurter. There is no substitute for the apprehension of the senses. One needs to see, to hear—particularly to hear his laugh, his general noisiness—to realize what an obstreperous person this man is, to have one's arm numbed by his vise-like grip just above one's elbow, to feel the intensity of his nervous energy. Above all one needs years of experience to know the depth of his concern about people. He lives in personal relationships as a fish lives in water. This is no secluded scholar immured in library or laboratory, absorbed in intellectual problems, but a man immersed in people. At a moment's notice he will concentrate his mind and heart on their interests, their joys, or their troubles.

It has been said that Felix Frankfurter has a genius for friendship. This is not only true, but true by reason of the basic quality from which genius springs. He has an infinite capacity for taking pains about his friendships. He elevates friendship from a vague consciousness of being sympathetic with another person to an art which he practices assiduously. He thinks a great deal about his friends, talks about them with other friends,

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worries about them if they are unhappy or unfortunate, praises them, sometimes chides them. When he comes across something which would interest one of them, off goes a note or a clipping. He spends hours talking with them on the telephone; he must be a mainstay of the telephone company.

The other passion of his life, an avidity for good talk, only swells his absorption in people, so that a friendship which is old and tried, where talk flows easily and common interests are many and vigorous, can become for both parties utter joy. For twenty years we walked downtown together every fair day. My wife would speculate in amazement on what we could find to talk about for an hour every morning and during a telephone call or visit in the evening. Yet the talk never stopped and never ceased to absorb us. For one reason everything he begins to say brings in something else, parenthesis forms within parenthesis; the texture of the narrative becomes incomparably rich, varied, gay, fascinating in content. I remember what started to be a simple statement, to the effect that someone we knew did something, begun one morning as we started out and completed fourteen blocks later, with encyclopedic and delightful embroidery detailing the history of all the relatives and other connections of everyone involved. As time went on, our inability to stop our talk at the Pennsylvania Avenue entrance to the old State Department led to amused comment, which drove us to an agreement that we would stop, even in the middle of a sentence, as we passed a certain crack in the sidewalk. But it was no use. He claimed that to stop walking, but not talking, when we came to the crack, was only proper avoidance, and not illegal evasion, of the rule.

I have heard Felix Frankfurter vigorous in argument; and know that his replies are often sharp, though never with me. Norman Hapgood used to say that F.F. enjoyed nothing so much as to win in argument and by unfair means, if possible. But this, I think, came from Norman's frustration, himself a witty and adroit dialectician, at always being outpointed. Judge Hand was right in the view attributed to him, when F.F. said to me one day, "What do you bet that B says of me when I'm not present, 'Sure you can differ with him, but the little cuss is honest.'"

F.F. has a way with children. He treats them formally and seriously (again reminiscent of Dr. Franklin); they respond with unembarrassed directness. When this directness turns the tables on him, he is delighted. Years ago he came to our house to call
on a family staying with us. The parents were out, but the "dulcet and harmonious breath" of a recorder, expertly played, floated down from the second floor. F.F. followed it to a bedroom where the young son of our guests was nursing a cold. As the stranger appeared, the lad stopped his playing and looked up. "Peter," said F.F., "I'm a friend of your parents and a Justice of the Supreme Court; but I would rather be able to make music as you do than be a judge."

"So would I," said Peter.

F.F. was delighted. "Good, wasn't it?" he would shout as he told the story again and again.

To our own children over three decades, and now to grandchildren, he has been an ever beloved, understanding, and gay friend. During the war a stream of letters, clippings, and court opinions went to the Pacific to nourish days and months on a destroyer; and to the girls, too, with trials of their own, he was an ever present help.

Over the years a phrase keeps coming to my mind which seems to give the essence of my friend. It is the title of a book which I read long ago, *The Loving Spirit*. 
FELIX FRANKFURTER

portrait by
Gardner Cox