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Mr. Justice Frankfurter

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TWENTY fateful years have elapsed since Professor Frankfurter became Mr. Justice Frankfurter on January 30, 1939. Never in the history of this nation has the Supreme Court played a more vital role than during this period. And no member of the Court—certainly during this time—has brought to the solution of the difficult problems which have confronted it a greater intelligence or a broader intellect than has the Justice. Because the Court, throughout its history, has been so largely staffed by politicians and practitioners of limited vision and understanding, it has been of immeasurable importance that the qualities of wisdom and learning be well represented on it. For even if they cannot always command a majority, they can often help to temper decisions which might otherwise rest solely on considerations of expediency or power. And it has fallen largely to the occupant of the chair now filled by Mr. Justice Frankfurter to supply these elusive values: among his predecessors in title, so to speak, were Joseph Story, Benjamin R. Curtis, Horace Gray, Oliver Wendell Holmes, Jr., and Benjamin N. Cardozo.

When Mr. Justice Cardozo's tenure was prematurely terminated by his death, long before he had full opportunity to make felt on the Court the exquisite talents which were his, Mr. Justice Stone and Solicitor General Robert H. Jackson told President Roosevelt that Frankfurter, because of his understanding of the function of the Supreme Court as an institution of government as well as by

* Articles on Mr. Justice Frankfurter by Professors Paul A. Freund and A. M. Sacks of the Harvard Law School will appear in a subsequent issue.

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