This Day in History… November 15, 1882

Birth of Felix Frankfurter

Felix Frankfurter was born in Vienna on November 15, 1882, and came to New York with his family at age 12. His career connected progressive reform, Roosevelt's New Deal, and a distinctive view of the Supreme Court's role.



From the Supreme Court Justices Issue

Frankfurter grew up in New York City and was a strong student. He enjoyed chess, read widely at Cooper Union, and attended political lectures. He graduated from the City College of New York in 1902. To save money for law school, he worked in New York's Tenement House Department. He entered Harvard Law School that year, became president of the Harvard Law Review, and graduated first in his class in 1906.

After law school, Frankfurter briefly practiced with a New York firm. He soon became an assistant US attorney for the Southern District of New York under Henry L. Stimson. When Stimson became secretary of War in 1911, Frankfurter joined the War Department's Bureau of Insular Affairs as a legal officer. He advised on US territories and island possessions. In 1914, he joined the Harvard Law School faculty, teaching administrative and criminal law. He also served as counsel to the National Consumers' League, which supported workplace reforms.



From the National Capitol Sesquicentennial Set

During World War I, Frankfurter returned to Washington. He served as an Army Reserve major and judge advocate, and as an assistant to Secretary of War Newton D. Baker. He also worked on President Woodrow Wilson's Mediation Commission, which addressed labor disputes in wartime industries, and chaired the War Labor Policies Board. After the war, he returned to Harvard. In 1920, he helped found the American Civil Liberties Union, following wartime restrictions on speech and government raids on suspected radicals. He also advised the National Association for the Advancement of Colored People on legal matters.

Frankfurter became a trusted adviser to Franklin D. Roosevelt before and during the New Deal. He encouraged former students and colleagues to take government jobs. Some of these young lawyers became known as "Felix's Happy Hot Dogs." In 1939, Roosevelt nominated Frankfurter to replace Justice Benjamin Cardozo. The Senate confirmed him, and he took his seat on January 30.

Many expected the former reformer and civil-liberties advocate to favor broad individual rights on the Court. Frankfurter instead became a leading advocate of judicial restraint. He did not believe judges should avoid interpreting the Constitution. He believed they should respect decisions made by elected lawmakers and avoid substituting personal policy views for legislative judgment. He once wrote, "As a member of this court I am not justified in writing my private notions of policy into the Constitution." This approach sometimes led him to vote against positions he personally supported. In 1943, for example, he dissented in *West Virginia State Board of Education v. Barnette*, which struck down a requirement that public-school students salute the flag. In his dissent, he acknowledged that his personal views differed from his legal judgment.



From the To Form a More Perfect Union Sheet

Frankfurter also took part in the Court's consideration of *Brown v. Board of Education* and *Brown II*. During deliberations, he urged the justices to rehear the school-segregation cases to allow more time for discussion and agreement. He helped draft questions for the lawyers. The Court's 1954 decision declared public-school segregation unconstitutional; *Brown II*, decided the following year, addressed how desegregation should proceed.

After a stroke, Frankfurter retired on August 28, 1962. President John F. Kennedy awarded him the Presidential Medal of Freedom in 1963. Frankfurter died in Washington, DC, on February 22, 1965, at age 82.

This Day in History… November 15, 1882

Birth of Felix Frankfurter

Felix Frankfurter was born in Vienna on November 15, 1882, and came to New York with his family at age 12. His career connected progressive reform, Roosevelt's New Deal, and a distinctive view of the Supreme Court's role.



From the Supreme Court Justices Issue

Frankfurter grew up in New York City and was a strong student. He enjoyed chess, read widely at Cooper Union, and attended political lectures. He graduated from the City College of New York in 1902. To save money for law school, he worked in New York's Tenement House Department. He entered Harvard Law School that year, became president of the Harvard Law Review, and graduated first in his class in 1906.

After law school, Frankfurter briefly practiced with a New York firm. He soon became an assistant US attorney for the Southern District of New York under Henry L. Stimson. When Stimson became secretary of War in 1911, Frankfurter joined the War Department's Bureau of Insular Affairs as a legal officer. He advised on US territories and island possessions. In 1914, he joined the Harvard Law School faculty, teaching administrative and criminal law. He also served as counsel to the National Consumers' League, which supported workplace reforms.



From the National Capitol Sesquicentennial Set

During World War I, Frankfurter returned to Washington. He served as an Army Reserve major and judge advocate, and as an assistant to Secretary of War Newton D. Baker. He also worked on President Woodrow Wilson's Mediation Commission, which addressed labor disputes in wartime industries, and chaired the War Labor Policies Board. After the war, he returned to Harvard. In 1920, he helped found the American Civil Liberties Union, following wartime restrictions on speech and government raids on suspected radicals. He also advised the National Association for the Advancement of Colored People on legal matters.

Frankfurter became a trusted adviser to Franklin D. Roosevelt before and during the New Deal. He encouraged former students and colleagues to take government jobs. Some of these young lawyers became known as "Felix's Happy Hot Dogs." In 1939, Roosevelt nominated Frankfurter to replace Justice Benjamin Cardozo. The Senate confirmed him, and he took his seat on January 30.

Many expected the former reformer and civil-liberties advocate to favor broad individual rights on the Court. Frankfurter instead became a leading advocate of judicial restraint. He did not believe judges should avoid interpreting the Constitution. He believed they should respect decisions made by elected lawmakers and avoid substituting personal policy views for legislative judgment. He once wrote, "As a member of this court I am not justified in writing my private notions of policy into the Constitution." This approach sometimes led him to vote against positions he personally supported. In 1943, for example, he dissented in *West Virginia State Board of Education v. Barnette*, which struck down a requirement that public-school students salute the flag. In his dissent, he acknowledged that his personal views differed from his legal judgment.



From the To Form a More Perfect Union Sheet

Frankfurter also took part in the Court's consideration of *Brown v. Board of Education* and *Brown II*. During deliberations, he urged the justices to rehear the school-segregation cases to allow more time for discussion and agreement. He helped draft questions for the lawyers. The Court's 1954 decision declared public-school segregation unconstitutional; *Brown II*, decided the following year, addressed how desegregation should proceed.

After a stroke, Frankfurter retired on August 28, 1962. President John F. Kennedy awarded him the Presidential Medal of Freedom in 1963. Frankfurter died in Washington, DC, on February 22, 1965, at age 82.