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THE HOUSE OF TRUTH: HOME OF THE YOUNG FRANKFURTER AND LIPPMANN

Jeffrey O'Connell *
and *Nancy Dart* **

Between 1911 and 1920, Washington, D.C. was home to a group of attractive young lawyers, journalists, and government workers who lived together in what became known as the "House of Truth." The house, now painted white, is still standing in the Northwest section of Washington at 1727 Nineteenth Street. Among the residents were the young Felix Frankfurter and Walter Lippmann joined by many other brilliant contemporaries. All these young men shared a passion for politics and a love of entertaining: their association with one another and with many of the most influential figures of the day provides a fascinating footnote to legal and political history.

It is unclear who dubbed the residence the "House of Truth." While several sources attribute the name to Justice Oliver Wendell Holmes, Jr., a frequent visitor, Frankfurter could not recall just where the title came from. One resident referred to the title as a "mocking nickname . . . which some humourist conferred upon us."¹ In any event, the name stuck because, according to Frankfurter, the house "was a place where truth was sought, and everybody knew it couldn't be found, but even trying to seek the truth conscientiously is a rare occupation in this world."²

The house was small, with bedrooms upstairs and rooms for entertaining downstairs. From the entryway, a small hall led into a rather large room that functioned both as a dining room and a living room.³ Before meals were served, the residents and their guests gathered at one end of the room, which was dominated by a large couch capable of seating seven or eight people. A writing desk stood beyond the couch. Meals were eaten at the dining room table in the corner of the room nearest the entrance. After dinner, guests and hosts continued their conversations in the area of the

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1. E. PERCY, *SOME MEMORIES* 40 (1958).

2. H. PHILLIPS, *FELIX FRANKFURTER REMINISCES* 107 (1960).

3. *Id.* at 110.

room that served as the sitting room. As was the custom at that time, the men retired to one area and the women to another.⁴

The building first became home to young Washington bachelors in 1911.⁵ Its owner was Robert Grosvenor Valentine, an aristocrat whom President William Howard Taft had appointed Commissioner of Indian Affairs.⁶ Then nearly forty years old, Valentine was a man of varied talents. He had graduated from Harvard in 1896, taught poetry at the Massachusetts Institute of Technology, and sold bonds on Wall Street before moving to the Capital. Valentine had studied with Frederick W. Taylor, the pioneer in the field of scientific industrial management, who specialized in gathering scientific data on the production capacities of workers, and applying it to the assembly line and other workplaces in "time and motion" studies. Like President Taft, Taylor was no proponent of labor unions. Valentine disagreed with both of his elders; he believed that workers could help promote industrial efficiency if they were allowed a voice in the processes and decisions that so greatly affected their livelihood.⁷ Valentine also disagreed with Taft's policies concerning American Indians, particularly with the President's mandate that teachers on the reservations wear clerical clothing. In short, Valentine became, in historian Michael Parrish's words, a "center of sedition within the [Taft] administration."⁸ When Valentine's wife and daughter were forced to leave Washington for the sake of the child's health, Valentine invited several younger friends who shared his liberal views to live with him in the house.⁹

Two of these boarders were Winfred Denison and Frankfurter. Denison had been a classmate of Valentine's at Harvard and, like Frankfurter, an Assistant U.S. Attorney in New York under Henry L. Stimson. A skilled advocate, Denison was noted during his spell as an Assistant U.S. Attorney General for arguing cases succinctly and creatively in substantially less time than allotted by the U.S. Supreme Court.¹⁰ Denison was as popular as he was capable. Frankfurter later remembered him as cultivated, generous and lovable, someone who was "very successful socially." (He once said of himself, apropos his overly heavy social schedule, "It's that damn charm of mine!")¹¹ Denison's positive traits were marred by serious manic-depression, which eventually caused him to commit suicide by leaping in front of a

4. *Id.*

5. *Id.* at 107.

6. *Id.* at 105.

7. M. PARRISH, *FELIX FRANKFURTER AND HIS TIMES* 50 (1982).

8. *Id.*

9. H. PHILLIPS, *supra* note 2, at 105.

10. *Id.* at 108.

11. *Id.*

subway train in New York.¹²

Denison had graduated from Harvard Law School several years before Frankfurter, and it was he who introduced Frankfurter to Valentine.¹³ Frankfurter was then twenty-eight years old, with a glittering legal career already well under way. He had previously been living in a rooming house for bachelors, but in late 1911 or early 1912 joined Denison at Valentine's row house. Although Frankfurter later left Washington in 1914 to teach at Harvard Law School, he returned to live at the House of Truth during his stint in the District of Columbia in the First World War.¹⁴

A third member of the household was Lord Eustace Percy, the seventh son of the seventh Duke of Northumberland. Percy was then serving as chief assistant to the British ambassador, Lord Bryce. As a younger son he had little of the family fortune, but that mattered little as he had been taught by strict evangelical parents to seek public service and eschew idle wealth. Percy, a very gifted person, was later characterized by Frankfurter as a "mystic" and a "dreamer."¹⁵ He lived in the House of Truth from 1911 to late 1913 or early 1914, when he left Washington at the age of 27 to work for Foreign Minister Sir Edward Grey in the British Foreign Office. But he briefly returned to the house in 1917, when he was sent to Washington on a mission with then-Foreign Minister Arthur Balfour.¹⁶

Percy's later career was distinguished—if not equal to its great early promise. He served in the House of Commons from 1921 to 1937, becoming a member of the Cabinet and the Privy Council in 1924, and a cabinet member again from 1935 to 1936. He published several books between the years of 1931 and 1937, among them a biography of John Knox. He became Rector of King's College, Newcastle-upon-Tyne, and Vice-Chancellor of the University of Durham from 1937 to 1952. A progressive educationist, Percy oversaw the expansion of King's College after the Second World War. He remained active in public affairs up until the time of his death in 1958.¹⁷

Loring C. Christie completed the nucleus of the original household. A Canadian, Christie graduated in 1909 from Harvard Law School along with Frankfurter, where he was editor-in-chief of the law review. He became interested in government through his friendship with Denison, and served as Denison's assistant at the Department of Justice—despite being a Canadian. Christie later enjoyed a distinguished career in Canadian public service, be-

12. *Id.*

13. *Id.* at 105.

14. *Id.* at 106.

15. *Id.* at 105.

16. *Id.* at 106.

17. DICTIONARY OF NATIONAL BIOGRAPHY 1951-1960, 804, 804-06 (1971).

coming Acting Solicitor General, and then Canadian minister to the United States. During and after World War I, he was legal advisor to Sir Robert Borden, the Canadian Prime Minister. Like Frankfurter and the other residents of the House of Truth, Christie felt that the private practice of law was, in historian Joseph Lash's description of him, "spiritless without real service and mainly impelled by money-making."¹⁸ For him as with others at the House of Truth, it did not "begin to satisfy a fraction of the interest" that public work excited in him.¹⁹

In addition to the original five residents, many other accomplished young men stayed temporarily at the House of Truth during their sojourns in Washington. Foremost among these temporary residents were the founders of *The New Republic* (to which Frankfurter also was a frequent contributor). Walter Lippmann had visited the house often when in town on business for the magazine. There he met Justice Holmes, who described him as a "[m]onstrous clever lad."²⁰ Lippmann and Holmes corresponded frequently, and when Lippmann sent the older man a copy of his new book, *Drift and Mastery*, Holmes was very pleased. Referring to Lippmann as "one of the young men I delight in," Holmes wrote to Sir Frederick Pollock that Lippmann's work was "devilish well-written, full of articulation of the impalpable and unutterable . . . not without the superstitions of a young come-outer as to capital, and quoting foolish things about the Courts—altogether a delightful fresh piece of writing and thinking."²¹ Holmes and Lippmann had more opportunity to exchange ideas when, soon after his marriage to Faye Albertson in 1917, Lippmann and his wife moved into a small second-story bedroom in Valentine's home.

Faye Albertson Lippmann was the first woman actually to live in the House of Truth. The young men naturally enough admired and greatly enjoyed the company of attractive young women at their dinner table, so Faye's presence in their home was understandably welcome. She took over the household accounts and helped entertain guests like Justice Holmes, who was her partner at double solitaire.²² She and Lippmann lived at the House of Truth from May to October 1917, when Lippmann accepted the position of General Secretary for "The Inquiry," the project headed by Colonel House which collected data and drafted material leading to Wilson's Fourteen Points.²³

18. J. LASH, FROM THE DIARIES OF FELIX FRANKFURTER 114 (1975).

19. *Id.*

20. 1 HOLMES-POLLOCK LETTERS 229 (M. Howe ed. 1941).

21. *Id.* at 224.

22. R. STEEL, WALTER LIPPMANN AND THE AMERICAN CENTURY 120-21 (1980).

23. *Id.* at 128-29.

The other editors of *The New Republic*, Herbert Croly, Francis Hackett and Philip Littell, also lived at the Valentine residence from time to time. Born in New York in 1869, Herbert Croly had graduated from Harvard in 1890 and authored two books by the time he founded *The New Republic* in 1914. Croly was dedicated to the view that democratic institutions must be able to adapt to the shifting social and industrial conditions of the nation, and hoped to further the process of democratic change by using the magazine as a forum for the political criticism.²⁴ Like his contemporaries at the House of Truth, Croly was an idealist and an individualist. While the journal had enjoyed great success through its sympathetic support of the Wilson administration, Croly personally decided to break with Wilson by opposing ratification of the Treaty of Versailles.²⁵ That stance cost *The New Republic* much of its readership, and temporarily much of its prestige. Later in life, Croly became exceedingly religious and mystical. He died in 1930, at the age of sixty-one.

Hackett served as arts editor of the fledgling magazine. Born in Ireland in 1883, he came to the United States in 1901 when he was eighteen years old. Before working at *The New Republic*, he was employed by the *Chicago Evening Post*, where he created the newspaper's innovative book supplement. In the late 1920's he was to author a very popular life of Henry VIII (of which Justice Holmes wrote Harold Laski, "I agree with Frankfurter in thinking [it] a masterpiece," but which Laski characterized as "mostly brilliant eye-wash").²⁶ Hackett was a fervent Irish nationalist: His extremist position gradually caused so much friction between him and Lippmann that Lippmann's dislike for his fellow editor was a major factor in the latter's decision to leave the magazine for the *New York World* in 1921. Hackett ceased speaking to Lippmann because he felt Lippmann had not taken a tough enough stance against Britain's suppression of Ireland's Easter Uprising in 1916. Lippmann, on the other hand, felt that Hackett's personal views had corrupted his professionalism. In a letter written to Frankfurter on June 24, 1921, Lippmann expressed his dissatisfaction with Hackett's performance: "He has made the intellectual tone steadily more uncharitable, more querulous, more rasping. He has taken the department [of the magazine] which deals with the freer life of the mind and made it more factious than the political part."²⁷

Philip Littell, another associate editor of *The New Republic*, and frequenter of the House of Truth when he was in Washington, was a Yankee,

24. DICTIONARY OF AMERICAN BIOGRAPHY 209-10 (Supp. One 1944).

25. *Id.*

26. 2 HOLMES-LASKI LETTERS 1153, 1178 (M. Howe ed. 1953).

27. R. STEEL, *supra* note 22, at 177.

born in Brookline, Massachusetts and graduated from Harvard College in 1890. A friend of Croly's from college, Littell edited the weekly column entitled "Books and Things."²⁸

Another temporary resident of the House of Truth was Philip Kerr, a young British nobleman who later as Lord Lothian was to become British Ambassador to the United States in 1939. A good friend of Eustace Percy, he evidently became friends with the other residents of the House of Truth during his visits to the United States in connection with, among other things, his position as private secretary to the British Prime Minister, David Lloyd George, and as Secretary to the Rhodes trust that administered the Rhodes scholarships. Lothian was then and later an intimate of Lady Astor, the American-born wife of millionaire Waldorf Astor and later first female member of Parliament. It was she who first introduced Kerr to Christian Science. While he was still a young man, in the spring of 1914, Lady Astor sent him a copy of Mary Baker Eddy's *Science and Health*. By 1915, Kerr had decided to leave the Church of England and convert to Christian Science. Lady Astor and Kerr later spent much time together at the Astor's home at Cliveden, along with other British notables who composed the famous "Cliveden Set," closely associated with Chamberlain's appeasement policy.²⁹

The House of Truth provided temporary lodgings for a number of other people who were then or later became prominent in public life. Stanley King, who in 1932 became president of Amherst College, lived there for a time during the First World War.³⁰ From October 1917 to May 1919, King served in the office of Secretary of War Newton D. Baker. Edward H. Hart, who eventually married the daughter of Frank Noyes, president of the Associated Press and owner and editor of the *Washington Star*, also spent time under its roof.³¹ Louis G. Bissell, a worker at the Interstate Commerce Commission, was another resident.³² Another regular was the young and courtly John Lord O'Brian, later to become a legendary leader at the bar and civil liberties advocate.³³

According to Eustace Percy, the "household had a touch of du Maurier's Quarter Latin with law and the erratic politics of the then infant *New Republic* taking the place of art as the focus of its endless table talk and even more

28. G. Test, *The Vital Connection: A Study of The New Republic Magazine as a Literary Journal 1914-22* (dissertation, Ann Arbor, Mich., University Microfilms, 94-95 (1960)).

29. *DICTIONARY OF NATIONAL BIOGRAPHY* 507 (1949).

30. H. PHILLIPS, *supra* note 2, at 108.

31. *Id.* at 107.

32. *Id.* at 106.

33. M. PARRISH, *supra* note 7, at 52.

endless flow of casual guests."³⁴ Because the household group was large and fairly transient, it was sometimes a problem to keep it running smoothly. Valentine and his boarders took turns at the household duties, while employing a housekeeper and a cook to manage their daily affairs. But they did not care if small things went awry during a party, or if domestic routines were not always strictly observed. In fact, they preferred the household be loosely run. Indeed, the woman Frankfurter later married thought it "very important," according to Frankfurter, in

understanding . . . the house and the spirit of it, its gaiety, the relaxed behavior of guests, etcetera, that it was run by men who [didn't worry] about things being just right. . . . [U]nimportant things were unimportant. If something happened to the soup, so what? If the ice cream that was to have turned up for dessert didn't turn up, then so what? Nobody worried about it.³⁵

As Frankfurter put it, "I suppose if we had wives and children it would have made a difference, but since we didn't, I didn't see why we shouldn't have the luxury of carefreeness, very un-Scotch and un-New England doctrine."³⁶

Frankfurter's unique energy and catalyzing qualities are conveyed in a letter by Denison to Frankfurter's mother:

Felix is getting on here with his usual speed as you must see from the number of his friends here and their faith in him. . . . We enjoy living together in this nice house very much and Felix keeps us alive most of the time. The only trouble with him is that he wants to sit up all night and sleep all day. And he's terribly slow about getting dressed and washed and down to breakfast. Why in the world did you fail to teach him that black air means night and time to sleep and white air means day and time to be awake? Otherwise than that you've brought him up tip top.³⁷

The House of Truth became celebrated throughout Washington as an exciting place to dine and converse. The young bachelors of the house entertained frequently, and their guests included many of the outstanding and prominent people who lived in or passed through the Capital. "Almost everybody who was interesting in Washington," said Frankfurter, "sooner or later passed through that house."³⁸ Here, the residents of the house cemented friendships that would serve them well throughout their personal and professional lives. Frankfurter—perhaps with the self-delusion so often characteristic of him—insisted that he and his friends were not concerned

34. E. PERCY, *supra* note 1, at 40.

35. H. PHILLIPS, *supra* note 2, at 111.

36. *Id.* at 109-11.

37. L. BAKER, FELIX FRANKFURTER 36 (1969).

38. *Id.* at 106.

with the status of their guests, or their own popularity among the elite of Washington. "It would have been obnoxious . . . if anybody had a consciousness that, 'This is really an exciting place. We must keep it exciting by being exciting.' . . . It didn't suffer from pretension . . . pomposity . . . self-consciousness."³⁹ However, Frankfurter was clearly aware that it was useful to maintain such contacts. Writing at the time on the fact that Major General Clarence Edwards of the Bureau of Insular Affairs (after whom Camp Edwards on Cape Cod is named) respected him because he was "Stimson's man," Frankfurter noted in his diary the necessity "of having a status down here to have full opportunities for effective work," and of utilizing fully the opportunities Washington offered for contact with "rare" and "worthwhile" men who were on "the inside."⁴⁰

Foremost among the "rare men" who dined at the House of Truth was Justice Oliver Wendell Holmes, Jr. Holmes became acquainted with Frankfurter and Denison, and in the course of many social visits came to know their housemates and friends as well. He delighted in their company, and referred possessively to them as "my young men."⁴¹ Frankfurter was among his favorites. While Frankfurter appreciated the older man's iconoclasm and erudition, Holmes admired Frankfurter's "unimaginable gift of wiggling in wherever he wants to."⁴² Wrote Holmes to Harold Laski in March, 1918: "I dined out last night. It was at the House of Truth with Lord Eustace Percy as host—2 dames and a lot of men all much younger than I. They made me laugh consumedly."⁴³ Holmes's affection for his youthful friends also shows in a letter written to diplomat Lewis Einstein shortly after Holmes' seventy-fifth birthday. While the Justice received many accolades on that day, he was especially thrilled by the party arranged for him by his wife. Mrs. Holmes invited a group of young people for dinner and punch, and they stayed late into the evening. Holmes related: "We giggled and made giggle, as Cowper says, until after midnight, and I was really touched and pleased . . . I like the young, and these, at least, seem to be fond of me. We encourage each other."⁴⁴ In turn, Holmes earned the awed respect of the young progressives by his ruthless willingness to re-examine tradition and long-held assumptions about American law and society.

As Holmes's letter to him indicates, another visitor to the House of Truth

39. *Id.* at 112.

40. J. LASH, *supra* note 18, at 110.

41. HOLMES-EINSTEIN LETTERS 72 (J. Peabody ed. 1964).

42. A. SCHLESINGER, THE AGE OF ROOSEVELT—THE CRISIS OF THE OLD ORDER 419 (1957).

43. 1 HOLMES-LASKI LETTERS, *supra* note 26, at 142.

44. HOLMES-EINSTEIN LETTERS, *supra* note 41, at 124.

was Laski, who had become friends with Frankfurter while lecturing in history at McGill University in 1916. Having heard about Laski through a friend, Frankfurter sought him out during a trip to Canada and was immediately impressed by his awesome intellectual ability. Upon returning to Harvard, where he was teaching in the Law School, Frankfurter arranged for Laski to be offered an appointment in the Graduate School there.⁴⁵

In July 1916, Frankfurter introduced Laski to Justice Holmes at Holmes's summer house in Beverly Farms, Massachusetts. Holmes, too, was immediately struck by Laski, and inquired of Sir Frederick Pollock whether he knew this "astonishing young Jew."⁴⁶ Laski again visited Holmes in early February 1917, during a trip to Washington when he would likely have stayed at the House of Truth. Following that meeting, Holmes described him to Pollock as

an unbelieving Jew with a *specialité* for church history. He was distinguished at Oxford . . . then lectured at Magill [sic] and now does at Harvard. Beat the American champion at tennis [an example of Laski's lifelong propensity for embroidering—indecipherable—facts], is one of the very most learned men I ever saw of any age, is in his 20's and an extraordinarily agreeable chap. He goes with some of the younger men like Frankfurter and the *New Republic* lot, who make much of your venerable uncle and not only so, but by bringing an atmosphere of intellectual freedom in which one can breathe, make life to him a good deal more pleasant.⁴⁷

Thus, the fellowship characteristic of the House of Truth gave rise to one of the most prolific and touching friendships of modern time, one memorialized in 1953 with the publication of the *Holmes-Laski Letters*. In one of those letters, written on March 28, 1920, Laski frankly expressed the deep affection he felt for both Holmes and Frankfurter. He had just accepted a teaching position at the London School of Economics, and agonized over the thought of leaving the United States and his beloved friends:

You will know what I mean when I say that my love for you and Felix is the one thing that holds me back. It is one of the two or three most precious things I have ever known and to diminish the personal contact that has lit up these last four years so much is not easy. Yet I think it has gone deep enough to make space, I do not say unimportant, but irrelevant.⁴⁸

His assessment was proved correct by the rich and frequent correspon-

45. G. EASTWOOD, HAROLD LASKI 11-12 (1977).

46. HOLMES-POLLOCK LETTERS, *supra* note 20, at 238.

47. *Id.* at 243.

48. 1 HOLMES-LASKI LETTERS, *supra* note 26, at 255.

dence—perhaps the richest in modern times—between Holmes and himself that spanned the fifteen years remaining until Holmes' death in 1935.

Holmes was by no means the only Supreme Court Justice to be a guest at the House of Truth. Justice Horace Lurton, a Democrat from Tennessee who had been appointed by President Taft in 1909, happened to eat at the House of Truth on a night when Frankfurter was shaking cocktails. Lurton had recently heard the young lawyer argue a case before the Court, and had been extremely impressed. As Frankfurter poured his drink, the Justice said, "I hope you mix drinks as well as you argue cases." While Frankfurter beamed with pride, the Justice tasted his cocktail and added, "You mix drinks even better than you argue cases."⁴⁹

The lasting friendship between Frankfurter and Louis D. Brandeis also burgeoned at the House of Truth, where Brandeis dined regularly.⁵⁰ While the latter was practicing law in Boston with the firm of Warren and Brandeis, he traveled to Washington from time to time to argue cases before the Supreme Court and to engage in progressive politics. Brandeis and Frankfurter had been corresponding for over a year when they first met in the Capital in the fall of 1911. The very first entry in Frankfurter's diary, dated October 20, 1911, contains a reference to Brandeis's powerful personality: "Brandeis is a very big man, one of the most penetrating minds I know; I should like to see him Attorney General of the United States."⁵¹ The friendship deepened, and in 1913 it was Brandeis who proposed to Roscoe Pound that Frankfurter be given an appointment to Harvard Law School.⁵² As

49. H. PHILLIPS, *supra* note 2, at 109.

This same flair, albeit in another vein under quite different circumstances, was manifested in another incident told with relish by [Harold] Ickes in his diary. Ickes writes that during the hey-day of the New Deal, Frankfurter was a frequent guest at the White House. During one visit, at the cordial invitation of Vice-President Garner, Frankfurter went to the Vice-President's office in the Capitol to chat late in the afternoon. Garner produced his customary bottle of whisky and two stiff three-finger drinks were poured and tossed off. Frankfurter complimented the whisky and asked for more. Each then proceeded to imbibe freely for about three hours. When Frankfurter finally returned to the White House, the only sign of his activity was his unusually measured tones in contrast to his normally rapid speech. He breezed through cocktails with the President, never once evincing any signs of previous drinking except for his careful enunciation (which Roosevelt mimicked inimitably in telling Ickes the story). Garner on the other hand, a notoriously heavy drinker who doubtless had his own ideas on the convivial capacities of this "Harvard Professor," had to be helped home where he faced the outraged remonstrances of his wife.

O'Connell, Book Review, 46 IOWA L. REV. 705, 706 (1961) (reviewing H. PHILLIPS, FELIX FRANKFURTER REMINISCES (1960)) (citing 2 H. ICKES, A SECRET DIARY OF HAROLD L. ICKES—THE INSIDE STRUGGLE 1936-1939, at 601-02 (1954)).

50. M. PARRISH, *supra* note 7, at 52.

51. J. LASH, *supra* note 18, at 104.

52. B. MURPHY, THE BRANDEIS-FRANKFURTER CONNECTION 38 (1982).

Bruce Murphy has recently highlighted, after Brandeis was appointed to the Supreme Court in 1916, in an arguably ethically questionable manner he began subsidizing Frankfurter's teaching salary such that Frankfurter was able to pursue public matters in which Brandeis was interested.⁵³

The young residents of Valentine's boarding house entertained other political luminaries. Herbert Hoover ate with them often when he was the organizer of Belgian relief during World War I—and provided great entertainment once when he became so engrossed in a dinner table discussion that he chewed through an unlit cigar.⁵⁴ Another eminent guest was the French General Requin, who later commanded the army that made the final stand on the French front against the Germans during World War II. While dining at the House of Truth, Frankfurter recalled, he illustrated a battle formation by pushing aside his plate and sketching on the white tablecloth.⁵⁵

At the House of Truth, political figures mixed with artists and men of letters. Sir Arthur Willert, the prominent British journalist of his day and then Washington correspondent for the *London Times*, frequently visited the house along with his wife Flo, a Scot who only half-kiddingly expressed dismay at the easygoing manner in which the house was run. She and her husband were nonetheless great friends of the young men who lived there.⁵⁶ Another distinguished guest was John Galsworthy, the playwright and novelist.⁵⁷ Galsworthy also held a degree in jurisprudence from Oxford, and was a member of Lincoln's Inn;⁵⁸ he therefore had much in common with these young reformers who were both writers and advocates. Gutzon Borglum, the sculptor, also visited the House of Truth. Frankfurter recounts how one evening, at the urging of Justice Holmes, Borglum pushed all the dinner plates to the center of the table and drew on the tablecloth an outline of the Presidential heads he planned to carve on Mount Rushmore. According to Frankfurter, the very first sketch of the design was the one displayed at their table.⁵⁹

Because those who lived at the House of Truth were among the most eligible bachelors in the Capital, many attractive young women were often

53. *Id.* at 40-45. For a critical review of Murphy's book, see Cover, *The Framing of Justice Brandeis*, *THE NEW REPUBLIC*, May 5, 1982, at 17; for a review also critical of Murphy but conceding Brandeis' extrajudicial conduct as "troubling," see Danelski, Book Review, 96 *HARV. L. REV.* 312, 323-24, 330 (1982).

54. R. STEEL, *supra* note 22, at 123.

55. H. PHILLIPS, *supra* note 2, at 110-11.

56. *Id.* at 109.

57. *Id.* at 111.

58. *DICTIONARY OF NATIONAL BIOGRAPHY 1931-1940*, at 303 (1949).

59. H. PHILLIPS, *supra* note 2, at 110-11.

among them. As Frankfurter put it, “[I]t was contrived more often than not [that] there were some good lookers at the table.”⁶⁰ Among them was Marion Denman, Frankfurter’s future wife, the daughter of a Congregational minister from Longmeadow, Massachusetts, pale and beautiful, with auburn hair and hazel eyes.

Like Frankfurter and his housemates, Denman was intelligent and well-educated. She had grown up in an erudite family, amidst a large library of both classic and current books. Denman had attended Smith College, graduating Phi Beta Kappa in 1912. The following spring, she was introduced to Frankfurter by a mutual friend whom she was visiting in Washington. At the time, Denman was on vacation from her job as assistant head of the Spence School in New York.⁶¹

Frankfurter had been immediately taken with Denman, and began a courtship that was to last nearly six years. After Denman left Washington, Frankfurter pursued her through letters. During this time, Denman had enrolled at the New York School of Social Work. The strenuous workload impaired her frail health, and when in 1914 she retired to a hospital at Saranac to recover, Frankfurter visited her there. On his way back to Washington, Frankfurter paid his first visit to her parents’ house to report on her progress. After he left, Mrs. Denman began to realize that he was indeed serious about marrying her daughter.⁶² Frankfurter and Denman were able to see more of each other when she moved to Washington during World War I to work for the War Camp Activities Bureau. Frankfurter finally proposed, in a hansom cab in Central Park, one night in May 1918 before Denman left for England to survey war organizations run by English women.⁶³

Denman and Frankfurter had a volatile and sometimes difficult courtship (and, indeed, marriage). Temperamentally, they were opposites: she was sensitive, high-strung and brittle, while he was awesomely energetic, confident and competent. Throughout their courtship, the independent Denman chafed under Frankfurter’s dominating personality. In October 1916, she wrote to him, “[Y]ou threaten the securities of a person whose securities are only in the making, and will never be better than slow and . . . painful. . . . I must make my life after my own pattern, even if it is less than it would be if I let myself follow you.”⁶⁴ Two years later, the same issues were still alive. In response to a particularly pessimistic letter from Denman in the summer

60. *Id.* at 110.

61. L. BAKER, *supra* note 37, at 40.

62. *Id.* at 49-50.

63. *Id.* at 75-76.

64. H. HIRSCH, *THE ENIGMA OF FELIX FRANKFURTER* 50-51 (1981).

of 1918, Frankfurter strove to reassure her that he was sensitive to her needs and wished to accommodate them: "If another could gauge one's feelings, if you knew what such glimpses of your own griefs, your sense of my inadequacy, do to me—well you might believe that I'm learning some things."⁶⁵

Their companions at the House of Truth, however, thought Denman and Frankfurter a perfect match. Laski was happy that his friend was "safe" with a woman who was "wise and grown-up and good to look-upon—a real companion."⁶⁶ He also noted that their engagement had changed Frankfurter for the better. While his friendship with Frankfurter had always been a close one, Laski told Holmes that within a few days it seemed "to have gone deeper into more fruitful soil."⁶⁷ Holmes agreed with Laski that Denman resembled the beautiful women portrayed by the Italian painter Luini.⁶⁸

Denman and Frankfurter were married on December 20, 1919. As Frankfurter's biographer Michael Parrish has remarked, for a law professor at Harvard, Frankfurter managed to botch the legal side of the ceremony: First he asked Holmes, and then Learned Hand, to perform the ceremony. But as federal judges, neither had jurisdiction to do so. But a worthy substitute was found—Benjamin Cardozo of the New York Court of Appeals. Then at the last moment, Hand had to remind the groom to bring along the marriage license. "Having got this butterfly chloroformed for the nonce," said Hand, "we don't propose to have him wake up till he is well skewered in a vital spot." Laski joined the small wedding party of seven (absent from the interfaith wedding was Frankfurter's mother who opposed a *shiksa* as her son's bride). Reported Laski to Holmes, "[T]he girl was positively radiant—bubbling over with a gentle, suffused happiness which made me feel how right all was." After the couple's return from their honeymoon, Laski further wrote to Holmes of the "two cooing doves." "To see their anxiety for each other's proper protection against the snow etc. is charming. The boy is very happy. The girl is rather still reticent and shy . . . but she makes him sing an unceasing song."⁶⁹

But despite Laski's characteristically romantic view of things, the personality conflicts that had plagued their engagement continued to take their toll on Mrs. Frankfurter throughout their marriage.⁷⁰ Frankfurter nevertheless remained devoted to his wife, and proud of her intelligence and beauty. From the time they first met at the House of Truth until his death in 1965,

65. *Id.* at 60.

66. 1 HOLMES-LASKI LETTERS, *supra* note 26, at 219.

67. *Id.* at 221.

68. *Id.* at 221, 234.

69. M. PARRISH, *supra* note 7, at 123-24.

70. H. HIRSCH, *supra* note 64, at 82-84.

she remained the one woman in his life. In contrast, Lippmann, in one of the sensational scandals of the age, later left his wife, Faye, to marry the wife of his best friend, Hamilton Fish Armstrong, after a passionate affair.⁷¹

Guests who spent time at the House of Truth were caught up in the free-spirited and stimulating conversations that took place before, during, and after meals. Frankfurter characterized the place as one of continual excitement and vitality. He attributed this atmosphere to the fact that people felt free to speak spontaneously and unguardedly, without fear that their words would be distorted, or even reported, in a newspaper column. There were no sacred cows: visitors and residents assumed that everyone present was "friendly, truth-seeking and truth-speaking," so no one hesitated to speak his or her mind. As a result, Frankfurter later remarked, everyone left the house with a more comprehensive view of the ideas that had been discussed.⁷²

The tenor of conversation and the quality of the company at the House of Truth were apparently a welcome relief from the often banal companionship of other Washingtonians. Frankfurter's account of an evening at the home of General Edwards stands in sharp contrast to his memories of his own dinner parties. After a tiresome night of the Edwards' name-dropping, Frankfurter wrote in his diary on October 25, 1911:

It's a truism that the company determines the character of the conversation. As a result I maintained the cheap level of tittle-tattle, superficial phrases of Edwards and his spouse He is extremely superficial, the most thoughtless kind of judgment and totally ignorant of the big forces that are at work in the country.⁷³

While those that gathered at the House of Truth also talked about the people they knew in Washington, it was most often in the context of political ideology and reform. During the early years of the household, the conversation at the House of Truth centered around Teddy Roosevelt (TR) and the issues raised by governmental regulation of labor and industry. "You must remember," Frankfurter later said,

that this was in 1911, 1912, 1913. One had high hopes that by the steady progress of free inquiry you could remake the world. . . . This was the period [of the] Bull Moose Movement You [could remake] society to deal with the great problems that the industrial revolution, the industrialization of society in the western world, had thrown up. . . . The air was rife with intellectual enterprise and eagerness. . . . After a preoccupation with mere

71. R. STEEL, *supra* note 22, at 345-60.

72. H. PHILLIPS, *supra* note 2, at 111-12.

73. J. LASH, *supra* note 18, at 110.

money-making . . . opening up and despoiling the continent, the time had come for social movements, social reforms, putting an end to glaring and garish ruthlessness and inequalities.⁷⁴

Most of the residents and their guests ardently supported TR, viewing Taft as a dangerously ineffective national leader. *The New Republic* carried glowing editorials by Lippmann and Croly in praise of TR's "New Nationalism," which the magazine's young and idealistic staff felt was the remedy for America's trend towards class warfare and industrial imperialism. Their mentors, Brandeis and Holmes, demurred. Brandeis was an early and influential supporter of Woodrow Wilson, and was deeply opposed to TR's efforts to centralize governmental functions.⁷⁵ Holmes mistrusted the Bull Moose philosophy because of its "vague and sweeping suggestions" that legislation could cure all social evils.⁷⁶ But with his astringent skepticism, he acknowledged that his young friends might know better. Writing to Lewis Einstein on November 24, 1912 about his young friends' support of Roosevelt, Holmes confided:

Although I have not as yet extracted any definite proposition from any of them . . . I admit in words and, so far as humanly may be, in my heart that they may have the message of the future in their belly. I find it dreadfully hard to think that there is much chance that they have, thinking as I do that all the strange currents I see in legislation, etc., are wrong to the point of being ridiculous.⁷⁷

Frankfurter, Lippmann and their young friends, it turned out, did have "the message of the future in their belly"—a "progressive" message that, alas, was to be battered by far vaster forces than Holmes's skepticism. But, in the phrase of their contemporary, Edna St. Vincent Millay, what "a lovely light" did shine for awhile in the "House of Truth."⁷⁸

I. POSTSCRIPT

The House of Truth had a reincarnation thirty years later in World War II after Frankfurter's return to Washington as a Supreme Court Justice.

Edward F. Prichard, the brilliant Kentucky lawyer, later to be imprisoned for vote fraud, Philip Graham, later publisher of the *Washington Post*, and

74. H. PHILLIPS, *supra* note 2, at 107.

75. M. PARRISH, *supra* note 7, at 53.

76. HOLMES-EINSTEIN LETTERS, *supra* note 44, at 73.

77. *Id.* at 75-76.

78. My candle burns at both ends;
It will not last the night;
But, ah, my foes, and oh, my friends—
It gives a lovely light.

Edna St. Vincent Millay, *A Few Figs from Thistles*, FIRST FIG (1920).

Adrian Fisher, later a prominent international lawyer, all former Frankfurter law clerks in the Supreme Court, had rented the Hockley House in Arlington, Virginia, and later 2620 Foxhall Road in the District of Columbia, also apparently called Hockley House by the group. They lived with a number of other bright young bachelors including Graham Claytor, a former Brandeis clerk and later the head of the Southern Railroad and Amtrak; John Ferguson, later ambassador to Morocco; John Oakes, a reporter on the *Washington Post*, a member of a branch of the *New York Times*' Ochs family and later prominent with *The Times*; and William Cary, later chairman of the Securities and Exchange Commission. Also there were John Gardner, later Secretary of HEW; Richard Helms, later head of the CIA; Henry Reuss, later longtime influential Congressman from Wisconsin; and Carl McGowan, later a key aide to Adlai Stevenson in the latter's roles as Governor of Illinois and Presidential candidate and still later a very distinguished federal appellate judge. As Bruce Murphy describes it in his study of Brandeis and Frankfurter:

[W]ith the continual conversation, gaiety, and feverish pitch of excitement there, it was reminiscent of Frankfurter's earlier 'House of Truth.' Periodically, these former Frankfurter clerks would hold parties to which the justice would be invited. Naturally, all the top figures in Washington were also invited and most of them appeared: the Dean Achesons, the Harold Ickes, the Monnets, the Pattersons, the McCloyes, the Henry Morgenthau and others. . . . Justice Frankfurter would go off in a corner offering opinions and advice on every conceivable political subject. . . . [A] butler served mint juleps and good food. In fact, the monthly food bills were at least \$100 apiece for each of the occupants.⁷⁹

The butler, named Johnson, had been Dean Acheson's butler, and married to Acheson's cook but was separated from her. Johnson, who tended to cook with a lavish hand, could always accommodate any number of last minute guests. Johnson, in turn, employed a cook and dishwasher.⁸⁰ Continuing in Murphy's words:

[T]he discussion here was always wide ranging with no holds barred on the civilian economy, the draft, the week's events in Congress and foreign affairs. . . . [T]here was animated discussion between the justice and his friends, with frequent periods of yelling and screaming so loud that little else could be heard above the din. It was the sort of conversation Frankfurter regularly encouraged. Fully at home in this milieu, he learned and accom-

79. B. MURPHY, *supra* note 53, at 225-26 (supplemented by a telephone interview between Jeffrey O'Connell and Judge Carl McGowan, May 7, 1984).

80. Telephone interview, *supra* note 79.

plished a great deal in this very sociable atmosphere.⁸¹

81. B. MURPHY, *supra* note 53, at 226.

