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## Gertrude Jenkins, Unplugged

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# GERTRUDE JENKINS, UNPLUGGED

*Todd C. Peppers*

**T**HE NAME JOHN KNOX is a familiar one to students of the Supreme Court. A former law clerk to Justice James Clark McReynolds, Knox kept a diary of his year working for the Court's "Ebenezer Scrooge" in 1936-37. The diary was edited and published by Dennis Hutchinson and David Garrow in 2002.<sup>1</sup> The book is a fascinating glimpse not only into the Hughes Court and McReynolds's chambers, but also into the fragile psyche of the young diarist.

As the editors note, Knox secured his clerkship by connections rather than merit. While a Harvard Law School graduate, Knox was a mediocre student. He was, however, a prolific letter writer and social climber. Knox corresponded with several Supreme Court justices and visited them in Washington, DC. Through these contacts, Knox secured a clerkship with the mercurial McReynolds.

Knox also cultivated relationships with other Court staffers – including a lengthy, post-clerkship correspondence with Gertrude Jenkins, the long-time secretary for Justice (and later, from 1941 to 1946, Chief Justice) Harlan Fiske Stone. Knox was a pack rat, and before his death he donated

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<sup>1</sup> Dennis J. Hutchinson and David J. Garrow, eds., *The Forgotten Memoir of John Knox: A Year in the Life of a Supreme Court Law Clerk in FDR's Washington* (University of Chicago Press, 2002).

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his voluminous personal papers to various law school libraries. The materials contained a portion of his correspondence with Jenkins. Although only a few of Jenkins's letters remain, they, like Knox's diary, offer an insider's unvarnished and startling observations about Justices McReynolds (the "Old buzzard" who wouldn't retire) and Felix Frankfurter (an "S.O.B." who stole her scrambled eggs).

Gertrude Jenkins was born in Little Rock, Arkansas in 1896. Her father died when she was around ten years old, which forced her mother to work outside the home and temporarily place Gertrude and her younger sister Myrtle in an orphanage. Myrtle attended secretarial school and Gertrude likely did as well. According to family lore, in the fall of 1926 Gertrude secured a position as Justice Stone's stenographic clerk after achieving the highest score on a secretarial aptitude test. Gertrude told her family that Stone hired her despite the fact that she was a woman (at that time, stenographic clerks at the Supreme Court were typically men). According to great-niece Susan Wienstroer, Gertrude thought highly of Stone. Wienstroer still remembers Gertrude telling the humorous story of an embassy party where Chief Justice Stone, the guest of honor, was served the delicacy of a lamb's eye on the tip of a sword (Stone graciously ate the gourmet treat).<sup>2</sup>

Gertrude Jenkins worked for Stone until his death in 1946. Adept at multi-tasking, she also ran a boarding house to make more money. (Wienstroer says her great-aunt was paid less than the male stenographic clerks.) A position as a floating secretary was created for Jenkins at the Court, and she worked in other chambers as well as the Court library until October 1949, when she accepted a position in Justice Frankfurter's chambers. Jenkins retired in August 1953.

Wienstroer spent time with her great-aunt after her retirement. She describes Jenkins as an "Auntie Mame type" and "a hoot," an independent woman who defied convention by wearing trousers. Wienstroer recalled her great-aunt as a woman of many interests and talents – a world traveler, a gourmet chef, and one of the few people who could make hollandaise sauce from scratch.

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<sup>2</sup> Author's correspondence with Susan Wienstroer.

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*Gertrude Jenkins. Courtesy of the Supreme Court Curator's Office.*

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Knox first met Jenkins in 1932, when he called on Justice Stone. Jenkins befriended the awkward young man, and their subsequent correspondence stretches from 1937 (after Knox's clerkship ended) until shortly before Jenkins's death in 1979. We only have Jenkins's letters, but one senses that she is often responding to specific questions about the individual justices from the inquisitive Knox. While Jenkins does not divulge information about the business of the Court, she offers her unvarnished opinions on the justices and other staff members.

For example, Jenkins wrote that Justice Benjamin Cardozo had shingles and a heart condition (December 20, 1937),<sup>3</sup> that she suspected that Justice Pierce Butler died from cancer (January 20, 1940),<sup>4</sup> and that Justice Owen Roberts was "mad at the entire court" when he resigned (although she can't remember why). (April 25, 1963)<sup>5</sup> After Cardozo's death, Jenkins spoke of her admiration for the late justice: "I felt just as most people did about Cardozo. He was so gentle and kindly and he always filled me with the feeling of being in the presence of someone Godly." (April 11, 1940)<sup>6</sup>

Jenkins also volunteered her opinions of Stone's clerks. Of Alexis Coudert, who clerked during October Term 1938, Jenkins wrote that he was married to the daughter of the president of Tiffany's and brought "some real Ritz" to the chambers. She added that Coudert is "going to be the nicest one we've had for at least six years." (October 13, 1938)<sup>7</sup> Two years later, she lamented Allison Dunham's decision to clerk a second year. Jenkins tartly observes that Dunham was a poor editor of draft opinions,

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<sup>3</sup> December 20, 1937, letter from Gertrude Jenkins to John Knox. The correspondence between John Knox and Gertrude Jenkins referenced in this article is held by the University of Chicago Library. The Jenkins correspondence can be found in the following file: "A Few Representative Letters from the Secretary to Chief Justice and Mrs. Harlan Fiske Stone to a Former Law Clerk and Secretary to Justice James C. McReynolds of the Supreme Court of the United States." University of Chicago Library (<http://pi.lib.uchicago.edu/1001/cat/bib/459261>). Many of the letters are typed on Supreme Court stationery, either from the chambers of Harlan Fiske Stone or Felix Frankfurter.

<sup>4</sup> January 20, 1940, letter from Gertrude Jenkins to John Knox.

<sup>5</sup> April 25, 1963, letter from Jenkins to Knox.

<sup>6</sup> April 11, 1940, letter from Jenkins to Knox.

<sup>7</sup> October 13, 1938, letter from Jenkins to Knox.

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once causing the mild-mannered Stone to call Dunham's work product "a God damned mess." (January 20, 1940)<sup>8</sup>

Even after the new Supreme Court building was opened, Jenkins worked primarily in Stone's home office – an arrangement that she preferred. "I rather like being far removed from the center of activity," she explained to Knox. "It makes me very exclusive and remote, sort of a mythical person, as it were." (April 11, 1940)<sup>9</sup> Of the Court staff, she wrote that things had changed. "The whole place is so entirely different, women all over it, and now with the new Administrator they too will have a big force." She adds, however, that the Marshal's office remained unchanged. "[O]f course they will carry on in the same dignified manner as they always have."<sup>10</sup>

What is most striking about the letters is Jenkins's open contempt for Justices McReynolds and Frankfurter. Jenkins had a series of nicknames for Knox's former employer: "Old buzzard."<sup>11</sup> "Old crab."<sup>12</sup> "Old boy."<sup>13</sup> "His Nibs."<sup>14</sup> Of the opening day of October Term 1937, Jenkins humorously wrote:

Incidentally he [McReynolds] was his usual bored self at the opening of court, leaned back as far as he could get in that chair, with his eyes closed, presumably bored and sick of the whole mess. One of these days the springs on that chair are going to break and it will be just my luck not to be there to witness the spectacle. (October 6, 1937)<sup>15</sup>

Jenkins conceded, however, that McReynolds was capable of acts of kindnesses. "[T]hey say he is wonderful to the page boys, the negroes at court and the boys around the Marshal's office," she wrote. "Our law clerk this year . . . saw him come in one day. He smiled right and left to pages,

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<sup>8</sup> January 20, 1940, letter from Jenkins to Knox.

<sup>9</sup> April 11, 1940, letter from Jenkins to Knox.

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

<sup>12</sup> April 18, 1940, letter from Jenkins to Knox.

<sup>13</sup> December 20, 1937, letter from Jenkins to Knox.

<sup>14</sup> January 20, 1940, letter from Jenkins to Knox.

<sup>15</sup> October 6, 1937, letter from Jenkins to Knox.

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*Gertrude Jenkins's most (left, Harlan Fiske Stone) and least (right, Felix Frankfurter) favored justices of the Supreme Court.*

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attaches, and messengers, and then sailed right past three of the Justices without so much as a ‘good morning.’” Concluded Jenkins: he is a “queer old duck.” (January 20, 1940)<sup>16</sup>

In a subsequent letter, Jenkins puzzled over McReynolds’s refusal to retire. “Why he doesn’t get off the Bench I don’t know. Well, I do know too. Its just cussed meanness. He knows everyone would be jubilant and he won’t give them that much happiness.” (April 11, 1940)<sup>17</sup> And she fumed when McReynolds didn’t acknowledge Stone’s elevation to the center chair. “Incidentally your former boss did not say ‘congratulations’ to the new Chief. But then we knew he wouldn’t, didn’t we?” (August 19, 1941).<sup>18</sup>

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<sup>16</sup> January 20, 1940, letter from Jenkins to Knox.

<sup>17</sup> April 11, 1940, letter from Jenkins to Knox.

<sup>18</sup> August 19, 1940, letter from Jenkins to Knox.

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Of all the justices on the Court, Jenkins saved her harshest criticism for Frankfurter. When his secretary left in 1949, Jenkins was eager to apply for the empty position. “I jumped at the chance to have something to put my teeth into. Everyone from the Marshal down BEGGED me not to – But I went right ahead. I didn’t know, and they did.” (April 13, 1953)<sup>19</sup> While Jenkins had previously worked as a relief secretary for Frankfurter, she hadn’t foreseen the future tension between herself and the Justice. “The times I had been in, sometimes two weeks at a stretch, on relief, the ‘charm’ was poured on thick,” she told Knox. “[B]ut once I got in here permanently the company manners were turned off and the real nature was apparent. NOW since I have told everyone I am leaving their immediate reaction is: ‘Well, I told you so; I can’t understand how you have been able to take it this long.’” (April 13, 1953)<sup>20</sup>

Much of Jenkins’s ire stemmed from Frankfurter’s excessive demands on her time and attention. “When he comes in and I am on the telephone I am supposed to cut right off in the middle of a sentence and hang up. But that I refuse to do.” Jenkins explained that the chambers phones had a “cut-off button” so Frankfurter would not be interrupted. “If it rings while he is in either of our offices we just reach over and cut off the bell and let her ring.” (April 13, 1953)<sup>21</sup>

Frankfurter required Jenkins to assist with social gatherings in chambers, a task that Jenkins resented. She blamed these responsibilities on Marion Frankfurter’s unwillingness to entertain at home. “Much social entertaining which should be done at the residence is done here – the madam cannot be bothered, and besides it is cheaper here,” she wrote. Tea was served every afternoon at five o’clock in chambers, accompanied by toast or cookies for guests. And Jenkins chafed at the fact that Frankfurter would not eat lunch with the other justices, but stayed in his chambers and occasionally asked for a portion of the “delicious scrambled eggs and bacon” that Jenkins had prepared for her own lunch. (April 13, 1953)<sup>22</sup>

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<sup>19</sup> April 13, 1953, letter from Jenkins to Knox.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.



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Knox clearly wanted to know more about the mysterious Marion Frankfurter. “Yes, there is a ‘Madam’ – completely different,” Jenkins told him. “She has beautiful snow white hair, gentle and sweet. She is either not too well or just lethargic – and not one iota of plain business sense. Can’t be bothered.” Next to his “tall and handsome” wife, Jenkins said that Frankfurter “looks like a pigmy.” (April 13, 1953)<sup>23</sup>

Having recently married, Jenkins decided to retire in August of 1953. She wrote Knox that Frankfurter would go on vacation in June of 1953, and that she would be “rid of him forever. McReynolds had nothing on him, believe me. How I have been able to take him for 4 terms is beyond me.” (March 27, 1953)<sup>24</sup>

While Frankfurter’s excessive demands help explain Jenkins’s antipathy, likely the primary source of her anger was Frankfurter’s negative opinion of Stone, an opinion that he freely shared with Jenkins. Even a decade after her retirement, Jenkins’s anger towards Frankfurter was unabated.

I bet that nasty little F.F. is having a good time writing HIS book. He kept a diary of day-to-day doings of the Court and his personal opinion of the Justices. It was pretty awful and one of the reasons why I hated his guts – If you will excuse the expression – and especially what he had written about Stone. I should have liked to throw all of it out but I knew if I did he would know who had done it. (April 25, 1963)<sup>25</sup>

Twelve years later, Jenkins again responded to Knox’s further inquiries about Frankfurter. “The only thing I would have to say about FF is that I loathed him. He was not only small of stature but small minded.” He was a real S.O.B.” (April 8, 1975)<sup>26</sup> This is the last letter from Jenkins, who would die in 1979.

Gertrude Jenkins’s letters neither shed light on the grand constitutional issues of her day nor provide insights into the justices’ jurisprudential views. They will not cause historians to radically reevaluate the individuals who sat on the Court in the early-to-mid twentieth century. The letters

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<sup>23</sup> Ibid.

<sup>24</sup> March 27, 1953, letter from Jenkins to Knox.

<sup>25</sup> April 25, 1963, letter from Jenkins to Knox.

<sup>26</sup> April 8, 1975, letter from Jenkins to Knox.

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do, however, offer some tantalizing tidbits on the all-too-human men and women who have been associated with our country's highest court and are a refreshing tonic to the hagiography that often surrounds famous historical figures.

