

TRIBUTE

JOHN HOPE FRANKLIN

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It is a great pleasure in this issue of the *Duke Law Journal* to pay tribute to John Hope Franklin. We have been friends for more than thirty years, and I have admired him for longer than that. We marched together with Martin Luther King in Montgomery; we were Fellows together at the National Humanities Center; we testified together before the United States Senate Judiciary Committee; and for a number of years, with our dear friend and colleague Walter Dellinger, we taught a course together at Duke Law School. But most of all I think of the many lovely evenings together at his home on Pineview Road in Durham, where he and Aurelia, to whom he has been married for more than half a century, radiate such warmth that you feel it come out to meet you even before you have crossed the doorsill.

In the long history of the historical profession, John Hope Franklin is unique. In that entire period stretching back into the nineteenth century, only one person has had the honor of having been elected president of the Southern Historical Association, president of the Organization of American Historians, president of the American Historical Association, and president of the American Studies Association. That person is John Hope Franklin.

That distinction is far from being the sum of his credits. John Hope has held every conceivable fellowship—Rosenwald, Guggenheim, Social Science Research Council—and he has had the very great honor of being chosen by the NEH to be Jefferson Lecturer in the Humanities. He has held a distinguished chair at the University of Chicago and was named James B. Duke Profes-

† Adjunct Professor of Legal History, Duke University School of Law. This paper is derived from remarks delivered on November 12, 1992 on the occasion of the bestowal on Dr. Franklin of the University Award of the Board of Governors of the University of North Carolina. The presentation took place in the Morehead Banquet Hall on the campus of the University of North Carolina at Chapel Hill.

sor at Duke; he has been a visiting professor at numerous American universities, including Harvard, from which, years earlier, he had received his Ph.D.; and he has held appointments abroad, including in Australia, as Fulbright Distinguished Professor, in New Zealand, and in England, as Pitt Professor of American Institutions at Cambridge University.

He has received a host of awards, notably the Cleanth Brooks Medal for Distinguished Achievement in Southern Letters, and, astonishingly, no fewer than 97 honorary degrees—at last count—a total that belongs in the *Guinness Book of Records*. He has, in turn, given *his* name to honors. Adelphi University has established a John Hope Franklin Distinguished Lectureship, and the American Studies Association a John Hope Franklin Publication Prize.

John Hope has published eleven books and edited eight more, and has turned out over one hundred scholarly essays. His book on Reconstruction did more than any other volume to correct the racist assumptions that, unhappily, once prevailed; and his classic, *From Slavery to Freedom*, which first appeared in 1947, has sold more than two million copies, and been translated into French, German, Portuguese, Chinese, and Japanese.

Nor has he been content with the cloistered world of the study. He had the instrumental role of an advisor to Thurgood Marshall and the other NAACP attorneys preparing the brief in the landmark case of *Brown v. Board of Education*, striking down Jim Crow in the public schools. He has been a member of the boards of Illinois Bell Telephone, the Museum of Science and Industry, the Chicago Public Library, and the Orchestral Association of Chicago. No fewer than three American presidents—President Kennedy, President Johnson, and President Carter—have offered him ambassadorships. And last fall, a presidential campaign tour through this state ran badly behind schedule because the Clintons and the Gores did not want to forgo the opportunity to meet with John Hope.

He has achieved all of this despite having had to cope with the outrageous indignities that can be visited on a black person in our society. When his father, who was an attorney in Indian Territory before it became Oklahoma, moved to Tulsa, the building in which he had acquired a law office was burned down by a white mob, and for months his father had to work out of a tent. As a boy riding on a Jim Crow train in Oklahoma, John Hope and his

mother were put off the coach by a white conductor and left stranded in the dust.

When as a graduate student he sought to pursue historical research at the archives in Raleigh, he was not permitted to sit with white researchers but was shunted off to an isolated chamber. The Library of Congress was still worse. I recall that when in 1946 I was the only white on the field staff of a civil rights lobby in Washington, I could not eat with my colleagues at any downtown restaurant, not even at the greasiest People's Drug Store counter. Nor, after having fought a victorious war against fascism, was there a downtown movie a black person could go to, or a downtown hotel at which, in the nation's capital, a black person could stay. That was John Hope's experience as a young scholar.

During this same period, on a train journey in North Carolina from Greensboro to Durham, he was compelled to stand even though there were ample seats in an adjacent coach—for those coach seats were reserved for whites, who sat there grinning at his discomfort. They were Nazi prisoners of war.

It would be nice to say, "Thank God, that's all behind us now." But even today this great man—who has recently celebrated his seventy-eighth birthday, who has achieved so much, who has been accorded so many honors, who, anyone can see at one glance, is a courtly gentleman of enormous dignity and imposing presence—cannot, in the cosmopolitan city of New York, hail a cab without apprehension that it may not stop for him—solely because he is black.

Much has been made of the fact that John Hope Franklin is black. For twenty years, he taught only at predominantly black colleges—first at Fisk, his alma mater, then at two institutions in North Carolina (one of which is today called North Carolina Central University), then for a decade at Howard. And in the mid-1950s, the news that John Hope had been named chairman of the history department of Brooklyn College, the first time a black person had ever been named to such a post at a primarily white institution, merited front-page attention in the *New York Times*.

As a consequence, he has often been called America's greatest black historian. And, of course, he is. But that term is a misnomer on two counts. John Hope is one of America's greatest historians, indeed greatest scholars, period—irrespective of race. And though he has written extensively on the black race, he ought

to be thought of as a historian of the South, a historian of America, a historian of the human condition.

Despite all of the indignities to which he has been subjected, John Hope is conspicuously a man of equipoise. Everyone who has ever known him has marveled at how a man who has had to endure what he has had to endure can have such a sweetness of temperament. That alone would be remarkable. But still more remarkable is the fact that he has been able to combine that equable composure with a courageous commitment to speak out against injustice.

The act I remember most vividly came when we were testifying before the Senate Judiciary Committee, and Senator Alan Simpson of Wyoming sought to browbeat witnesses by saying that if we did not go along with the President's nominee to the Supreme Court, there would never in the future be any opportunity to speak, for never again would there be open hearings. We had completed our testimony, and were not expected to say anything more. But, intrepidly, John Hope broke in. Here is the electrifying exchange as reported later that day by National Public Radio over "All Things Considered." The first voice is that of the bullying Senator Simpson. Then you will hear John Hope.

SENATOR ALAN SIMPSON OF WYOMING [*aggressively*]: I think you might be wary of what might happen to you . . . because the next time there will be no opportunity for you to plumb the public record. . . . [I]n this year of our Lord, we are going to put a nominee on the U.S. Supreme Court, and I think it would be well for you to consider that that is going to happen, and there will never be a surveillance like this. . . .

. . . [Y]ou're never going to see it again. Get a good look at it. And the next time you won't have the ability to probe and push and hypothesize.

JOHN HOPE FRANKLIN [*quietly, politely*]: Mr. Chairman, may I ask him a question?

SENATOR JOSEPH BIDEN OF DELAWARE, CHAIRMAN:
Yes, you may.

. . . .

FRANKLIN [*resolutely*]: Senator Simpson, do you mean to suggest then that we ought not to have anything to say about this?

SIMPSON [*stridently*]: Not at all. . . .

FRANKLIN [*persistently*]: That this is our last chance?

SIMPSON [*loudly, defensively*]: No, indeed not.

FRANKLIN [*determinedly*]: Do you mean to tell me that you as a Senator and a member of this committee would not examine the next nominee who comes up?

SIMPSON: You bet. Oh boy, you bet.

FRANKLIN: We'll all have a chance.

SIMPSON: I didn't say that at all.

FRANKLIN [*breaking in*]: We'll all have a chance, and I'll be glad to come back.¹

John Hope Franklin is a man for all seasons, a man of many talents. He is such an expert fly fisherman that in Montana streams, when the trout get word that he has crossed the state border once again, they go into hiding. For some thirty years he has cultivated orchids, even in Chicago, where wintry blasts come off Lake Michigan. If you are fortunate enough to walk into his greenhouse in Durham, you will find him nurturing some 900 species from six continents. John Hope carries a special card from the United States government permitting him to take orchids through customs, and, so well regarded is he, that there is even an orchid named after him.

For all of the worldly acclaim he has received, John Hope is a very retiring man. In fact, he has retired at least three times. One writer has said that John Hope has retired more times than anyone save Frank Sinatra. But never for long. After sixteen years at the University of Chicago, he retired, only to take a chair right afterwards at Duke. When he retired from the history department at Duke, he immediately assumed duties as professor of legal history at Duke Law School. He retired here only this past year. And there is more still to come. Last November I had dinner at

1. *Nomination of Robert H. Bork to Be Associate Justice of the Supreme Court of the United States: Hearings Before the Senate Comm. on the Judiciary, 100th Cong., 1st Sess. pt. 2, at 2149 (1987).*

the Carolina Inn with the country's foremost history editor—from Oxford University Press—and he told me that John Hope is now at work on yet another major book, one that Oxford will publish: a history of runaway slaves. So we are to be in his debt once again.

This issue will be published only a few years away from the advent of the twenty-first century, and when we, as we look back on the course of this century, which we soon shall do, seek to single out the exemplary American, we need look no farther than John Hope Franklin. In honoring him here, we honor ourselves.