RETIREMENT OF MR. JUSTICE McKENNA

SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 5, 1925.

PRESENT: THE CHIEF JUSTICE, MR. JUSTICE McKENNA, MR. JUSTICE VAN DEVANTER, MR. JUSTICE McREYNOLDS, MR. JUSTICE BRANDEIS, MR. JUSTICE SUTHERLAND, MR. JUSTICE BUTLER AND MR. JUSTICE SANFORD.

The CHIEF JUSTICE said:

"GENTLEMEN OF THE BAR: Mr. JUSTICE McKENNA has announced to us, his colleagues of the Court, his purpose to retire from the bench. He has presented his resignation to the President, who has accepted it. As his associates we have expressed our feelings toward him in a personal letter which I shall now read."

JANUARY 5, 1925.

DEAR BROTHER McKENNA: Your active membership in this court is ending after 27 years. The affectionate and charming intimacy of that relation is known only to those who have enjoyed it. Few have been permitted to share it as long as you have. Happy are you with such a retrospect of love, confidence, and usefulness.

What an extended and varied experience you have had! Going with your parents to California at the age of 12, you settled in the Golden State a little more than five years after the arrival of the Forty-niners. Your youth and young manhood were spent in the atmosphere of that community's irrepressible enthusiasm and inspiring confidence in its great future.

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Admitted to the bar in 1865, twice district attorney of your home county, for two years its representative in your State legislature, your upward steps carried you to the National House of Representatives, where during four Congresses you served with distinction. Put to the test in one of your electoral campaigns, you declined to yield your convictions of what you deemed sound monetary principles, and in the face of overwhelming adverse local sentiment, you carried again your congressional district. You attached your colleagues in the House to you by your proved character and won the admiration and trust of the two great rival Republican leaders of that day.

Against your inclination, President Harrison induced you to become a Federal circuit judge, and to begin your experience on the bench with the birth of a tribunal which has since done much to expedite the administration of national justice—The Circuit Court of Appeals. Five years you had served there when your former congressional colleague, William McKinley, called you to his Cabinet as Attorney General. Then he appointed you a Justice of this court.

For more than a quarter century you have borne the burden of intense judicial labor. More than half that time you have been the senior Associate Justice. Your opinions, found in 96 volumes of our reports, 170 to 266, number 633. In them you depart from conventional wording and adopt a distinctive style of your own, readily recognized by one familiar with the reports. It is characterized by clearness and force, with a grace of touch and aptness of phrase that stimulates the reader's interest. An examination of that array of judgments in cases, many of them of primary public importance, reveals how much of your trained mental energy, long experience with men and affairs, judicial and ethical spirit, and love of country have been poured into them.

Your pride in the court, its high traditions, and its courage has made deep impression on us who have en-

joyed the benefit of your greater experience, example, and *esprit de corps*. Your fraternal nature, your loyalty toward each of us, your tenderness in times of strain and stress, endear you to us and make us feel deeply sensible of our loss.

May you have many years of happy and well-earned leisure, sweetened by thoughts of the affection and high regard of your associates, and still more by the knowledge of the good you have wrought in your great and honorable career. Farewell!

Affectionately yours,

WILLIAM H. TAFT.
OLIVER WENDELL HOLMES.
WILLIS VAN DEVANTER.
JAMES C. MCREYNOLDS.
LOUIS D. BRANDEIS.
GEORGE SUTHERLAND.
PIERCE BUTLER.
EDWARD T. SANFORD.

Mr. JUSTICE MCKENNA.

In response to these farewell words, Mr. JUSTICE MCKENNA read the following:

JANUARY 5, 1925.

MY DEAR CHIEF JUSTICE AND MY DEAR BRETHREN: I thank you for your expressions of esteem. I accept and appreciate even their praise as impelled by personal friendship and as a mark of it. They mitigate the regret—indeed, sorrow—that I feel in separating from the work of a tribunal so necessary to the existence of a constitutional government—a work, whose guiding and prompting considerations regarded, it has so adequately performed, and, it is assured prediction, will continue to perform.

Added to this sorrow I shall have the more intimate personal one of a separation from the companionship of you, my dear Chief and Brethren. Here, again, is the mitigation that I shall carry to my retirement, as you so

feelingly remind me,—abiding reminiscences of that companionship, of the honor it conferred, of the pleasure it gave. And to it will be added the recollection of the association with the eminent men who preceded you in the constitution of the court and its work. May I say in some emphasis of my service that it was under three Chief Justices—Chief Justice Fuller, Chief Justice White, and you, my dear Chief, which is yet in instance, though soon to become a memory.

I conclude, assured by your words of regard, that while our official relations are this day severed, our personal ones, their pleasure and honor to me, will be continued.

With these words of good-bye go my sincere and affectionate regards.

JOSEPH McKENNA.