

# SUPREME COURT OF THE UNITED STATES

MONDAY, OCTOBER 5, 1942

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Present: The CHIEF JUSTICE, MR. JUSTICE ROBERTS, MR. JUSTICE BLACK, MR. JUSTICE REED, MR. JUSTICE FRANKFURTER, MR. JUSTICE DOUGLAS, MR. JUSTICE MURPHY, and MR. JUSTICE JACKSON.

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The CHIEF JUSTICE said:

"In deep sorrow I announce the death on July 18th last of George Sutherland, a retired Justice of this Court.

"A citizen and member of the Bar of the State of Utah, he was United States Senator from that State from 1905 to 1917. He was in active service as a member of this Court from his appointment in 1922 to his retirement on January 18, 1938. As a Justice he brought to the service of his country a well-grounded knowledge of the law, a thorough understanding of the art of government, derived from a wide and varied experience in public affairs, and an unswerving devotion to constitutional government as the safeguard of cherished institutions and traditions of the Republic.

"His death has brought to a close a career of eminent public service, and has severed the ties of friendship which his unflinching kindness and winning personality inspired in his colleagues and all those who knew him."

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The CHIEF JUSTICE then voiced the regret of himself and his colleagues over the resignation of Mr. Justice Byrnes from his office as an Associate Justice of this Court, and their wish for the success of the resigning Justice in the new and arduous public undertaking which induced his separation from the court.

MR. GEORGE MAURICE MORRIS addressed the Court as follows:

"On behalf of the bar of the United States, I have been requested by certain members of the bar of this Court to present for the artistic archives of the Court a bronze bust of the late Louis D. Brandeis. The bust is the work of Miss Eleanor Platt, a sculptor of New York City. The bust has been set up in the library of this building. It would be inappropriate at this time to say anything respecting the career and virtues of the Justice so well known to your Honors and who sat with several of you. It is my understanding that adequate eulogy respecting Mr. Justice Brandeis will be presented at the memorial services which the Court has in mind."

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The CHIEF JUSTICE replied:

"Mr. Morris, it is altogether fitting that on this, the first anniversary of the death of Justice Brandeis, there should be placed in this building a permanent memorial of his life and public service.

"In accepting it we are happy in the recognition that the bust which you present is something more than a mere record of his countenance. For it is a work of art in which the hand of the artist has revealed the spiritual beauty and intellectual distinction which were characteristic of the man.

"It will be placed in the Supreme Court Library. There it will stand for generations to come, a daily reminder to his surviving colleagues and to his successors on this Bench, to the members of the Bar, and to students of the law, of all those qualities of mind and heart which made Justice Brandeis a great law giver and an inspiring leader in the thought of men."

## ORDER

It is ordered by the Court that the accompanying correspondence between members of the Court and Mr. Justice Byrnes be this day spread upon the Minutes and that it also be printed in the reports of the Court.

OCTOBER 4, 1942.

DEAR JUSTICE BYRNES:

We learn of your resignation with a deep sense of the loss which it brings to the Court and to all of us personally.

In the all too brief period of our association since your appointment to the Court we have come to value highly your contribution to its deliberations, drawn from the wide knowledge of affairs which you have gained in the course of a long and eminent public service. We cherish the happy personal relationship which that association has established. All of us part with you reluctantly and with regret. We are reconciled to your going only by the realization that you are moved by a sense of duty to render a needed service of public importance in a time of great national emergency.

We wish you all success in this new and arduous undertaking, and that you may find in it that durable satisfaction which is the true reward for a great task greatly performed.

Faithfully yours,

HARLAN F. STONE.  
OWEN J. ROBERTS.  
HUGO L. BLACK.  
STANLEY REED.  
FELIX FRANKFURTER.  
WILLIAM O. DOUGLAS.  
FRANK MURPHY.  
ROBERT H. JACKSON.

MONDAY, OCTOBER 5, 1942.

## SUPREME COURT OF THE UNITED STATES

Washington, D. C.

Chambers of

Justice JAMES F. BYRNES

OCTOBER 5, 1942.

MY DEAR BRETHREN:

I shall always treasure your generous words of esteem and affection.

You are correct. Only a sense of duty impelled me to resign from the Court. My association with you has been enjoyable and inspiring and I leave with great respect and genuine affection for each of you. The cordial expressions of your letter make me happy; they encourage me to hope that I may still continue to enjoy your companionship.

Sincerely yours,

JAMES F. BYRNES.

THE CHIEF JUSTICE,  
MR. JUSTICE ROBERTS,  
MR. JUSTICE BLACK,  
MR. JUSTICE REED,  
MR. JUSTICE FRANKFURTER,  
MR. JUSTICE DOUGLAS,  
MR. JUSTICE MURPHY,  
MR. JUSTICE JACKSON.