

DEATHS OF MR. JUSTICE MURPHY AND MR. JUSTICE RUTLEDGE.

SUPREME COURT OF THE UNITED STATES.

MONDAY, OCTOBER 3, 1949.

Present: MR. CHIEF JUSTICE VINSON, MR. JUSTICE BLACK, MR. JUSTICE REED, MR. JUSTICE FRANKFURTER, MR. JUSTICE JACKSON, MR. JUSTICE BURTON, and MR. JUSTICE CLARK.

THE CHIEF JUSTICE said:

Since last this Court convened we have been saddened by the untimely deaths of Mr. Justice Murphy and Mr. Justice Rutledge. These tragic losses to the Court and the Nation are the more keenly felt because our brothers were stricken in the fullness of their great powers of mind and spirit, which were ever applied with selfless devotion to the work of the Court. In addition, we must contemplate the end of personal associations made precious by the courtesy, warmth, and friendliness that marked their every word and deed.

Frank Murphy devoted his life to public service. Except for one three-year period, his career, from the time of his Army service during the first World War until his death 32 years later, was one of service to his City, State, and Nation. During that time he held the positions of Assistant United States Attorney, Judge of the Recorder's Court of the City of Detroit, Mayor of Detroit, Governor General and then United States High Commissioner of the Philippine Islands, Governor of Michigan, Attorney General of the United States, and Associate Justice of this Court. In each of these positions of high trust and honor, Mr. Justice Murphy displayed a tenacity

of conviction and devotion to ideals that earned for him the respect and admiration of all. Though gentle and kindly of temperament, in defense of the fundamental rights of the accused and the underprivileged his spirit was that of a warrior. His passionate defense of the rights of minorities whose principles were anathema to him will stand as a monument to his honesty, integrity, and valor.

Wiley Blount Rutledge was a teacher until he took his seat on the bench. After conquering disease that early threatened his life, he taught successively at the law schools of the University of Colorado, Washington University at St. Louis, and the University of Iowa. At the two Universities last named, he assumed the additional burdens of the Deanship. He was appointed to serve on the United States Court of Appeals for the District of Columbia in 1939. In 1943 he took his seat on this bench. Beloved of his students, he became beloved of us all. His friendship was a source of great joy while he lived; it is a source of great pride now that he is gone. It was said of Mr. Justice Cardozo that he had a "passion for justice." No epitaph could be more fitting for Mr. Justice Rutledge, nor would he have wanted any other. His search for the right, the just, and the decent was unrelenting. His devotion to this task so overtaxed his strength that he was taken from us in the prime of his years. But in our memories he remains—a revered teacher, a wise judge, and a faithful friend.

Saddened by our losses but inspired by the examples of devotion to duty which Mr. Justice Murphy and Mr. Justice Rutledge have provided for us, we turn to the work before us. At an appropriate time, the Court will receive the resolutions of the Bar in tribute to their memory.