

## RETIREMENT OF MR. JUSTICE WHITTAKER.

SUPREME COURT OF THE UNITED STATES.

MONDAY, APRIL 2, 1962.

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Present: MR. CHIEF JUSTICE WARREN, MR. JUSTICE BLACK, MR. JUSTICE FRANKFURTER, MR. JUSTICE DOUGLAS, MR. JUSTICE CLARK, MR. JUSTICE HARLAN, MR. JUSTICE BRENNAN, and MR. JUSTICE STEWART.

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THE CHIEF JUSTICE said:

With the concurrence of all my colleagues, I announce with regret the retirement from this Court of Mr. Justice Whittaker, effective April 1, 1962, in accordance with the provisions of Section 372 (a) of Title 28, United States Code.

In the past five years he has worked to the point of physical exhaustion, and his doctors have advised him that continued service on the Court would seriously impair his health. He and we bow to the necessity of the situation in the hope and expectation that complete rest and relaxation will restore his vigor.

Justice Whittaker leaves the Court with the affection of all his colleagues, and I am sure with the satisfaction that flows from the years of diligent and patriotic service he has given to the Nation.

Our appreciation of that service and our friendship for him are more adequately expressed in a letter to him in response to his letter of retirement, both of which will be spread upon the Minutes of the Court.

## ORDER.

IT IS ORDERED by the Court that the accompanying correspondence between members of the Court and Mr. Justice Whittaker upon his retirement as an Associate Justice of the Court be this day spread upon the record, and that it also be printed in the reports of this Court.

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SUPREME COURT OF THE UNITED STATES,  
CHAMBERS OF JUSTICE CHARLES E. WHITTAKER,  
*Washington 25, D. C., March 29, 1962.*

MY DEAR BRETHREN:

This is in confirmation of my retirement from regular active service as an Associate Justice of this Court, pursuant to the provisions of Section 372 (a) of Title 28, United States Code, effective April 1, 1962. I have taken this action with regret but in accordance with competent medical advice and with a desire to serve the best interests of all concerned.

I deeply appreciate the privilege which has been mine of serving the people of the United States upon the Federal Judiciary for nearly eight years, the last five as a member of this Court, to the best of my ability. I also wish to express my most cordial regards and genuine affection for every member of the Court with whom I have served and to thank each of them and all members of the Court staff for uniformly courteous and helpful cooperation.

I will always be warmly interested in the welfare of every member of the Court and shall endeavor in every way possible to serve its best interest.

Very sincerely,

CHARLES E. WHITTAKER

THE CHIEF JUSTICE  
MR. JUSTICE BLACK  
MR. JUSTICE FRANKFURTER  
MR. JUSTICE DOUGLAS  
MR. JUSTICE CLARK  
MR. JUSTICE HARLAN  
MR. JUSTICE BRENNAN  
MR. JUSTICE STEWART

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SUPREME COURT OF THE UNITED STATES,  
CHAMBERS OF THE CHIEF JUSTICE,  
*Washington 25, D. C., March 30, 1962.*

Honorable CHARLES E. WHITTAKER,  
*Associate Justice of the Supreme Court,*  
*Washington, D. C.*

DEAR JUSTICE WHITTAKER:

It is with the utmost reluctance that we bow to the necessity of your retirement as an Associate Justice of this Court.

As you know, we had hoped it could have been otherwise, and that to regain your strength you would permit us to absorb amongst ourselves your work for the remainder of the Term. Your doctors have decided that this would not be consistent with your future well-being, that excessive work is responsible for your physical exhaustion, and that only complete rest and relaxation can restore your

vigor. We submit, as you properly did, to that advice. In fairness to your family, neither you nor we have the right to insist that you continue to do that which would seriously impair your health.

Our five years of association with you have been in the finest traditions of the Court. No Justice could have worked harder or in more complete harmony with his Brethren. We shall miss your kindly advice, but absence from our conference table cannot affect our attachment to you. That we will retain always.

We wish for you a complete restoration of health and the many years of happiness to which your conscientious service to your country so justly entitles you.

Sincerely,

EARL WARREN  
HUGO L. BLACK  
FELIX FRANKFURTER  
W. O. DOUGLAS  
TOM C. CLARK  
JOHN M. HARLAN  
WILLIAM J. BRENNAN, JR.  
POTTER STEWART