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MR. JUSTICE MURPHY

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Third Judicial Circuit of Michigan

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MR. JUSTICE MURPHY

WHEN Justice Frank Murphy took his seat on the bench of the Supreme Court of the United States, I was asked to make a public statement about the appointment.

As a result, in January 1940 I said:

"My first reaction to Frank Murphy's appointment to the highest tribunal was that it was a 'natural,' as the man on the street would say, for I suspect that it has always been his guiding ambition, and that the other assignments which he took and executed so brilliantly in the administrative branch of the government were only stepping stones on the way to the ultimate goal of public service which he had set for himself.

"Devoted as he is and always has been, to a deep religious appreciation of the mysteries of life, he unquestionably found the glorious pageantry of the Catholic Church a natural outlet for the spiritual needs of an almost mystical nature seeking opportunity to live realistically and practically in service to his fellow man. The story that he constantly carries with him a Bible, given to him by his mother, is oft repeated and well known. I suspect too that he has spent considerable time thumbing the pages which carry the stories of the Judges as well as those which carry the stories of the Prophets. Judges were essential to life—we learn from the sacred writings. A good judge held an exalted position. Frank Murphy was and will be a good Judge.

"But he will be a Judge in the sense that he will see Justice done between man and man and between man and society represented by the government in which we live. He will not be shackled by the tradition of precedent. He will not be circumscribed by legalistic formulas. His record on the bench—and we must not forget that he had a long and honorable record in that socially most important court, the criminal court of a great city—has proven that he can temper the law to human needs. Trained in the great tradition of the law, graduated from a classic law school, he recognizes the necessity for established rules of conduct

which can not be capriciously ignored or altered by the will of any individual; but as a great humanist he also knows that these rules and precedents should be a shield and not a sword. He has learned to use them with sympathy and understanding to the end that Justice may be done.

“While Frank Murphy and I were brought up in different religious faiths and in different political party councils, we have worked together in many a political and social struggle. He was always on the right side, that is, on the side of the suffering and the weak, but he was always judicial. He asked nothing more for them than Justice.

“The people of this country are fortunate in anticipating a long life for Frank Murphy on the bench of the Supreme Court of the United States.”

Justice Murphy’s voice on that powerful tribunal did emphasize human needs and individual rights.

The faith of those who believed in him then was justified.

*Ira W. Jayne, Presiding Judge
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