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MR. JUSTICE RUTLEDGE

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I have been asked to write of my association, both personal and professional, with Justice Wiley Rutledge on the Court of Appeals for the District of Columbia and on the Supreme Court. I count it an honor and privilege to do so.

No one who knew Wiley Rutledge can write about him as a judge without writing of him as a man. His mind was keen and analytical; his background in the law was impressive; his opinions were logical and persuasive. In short, he was a legal technician of the highest caliber. But he was more than that—much more. For he combined with great capacity of mind a nobility of character and grace of spirit which made of his life a never-ending search for the right, the just, and the decent.

Almost every case before the Court was, for him, not only an intellectual but an emotional challenge. The important questions he was called upon to decide troubled him immensely. He wrestled, fought, and lived with them, not for hours but for days at a time. They became his personal problems. He once said that before he could sign an opinion he not only had to be satisfied that it was logically sound but must feel intuitively that it was *right*. The same thought is found in the early pages of his *Declaration of Legal Faith*. The easy way was not the way of Wiley Rutledge. He abjured the merely supportable. The basic tenet of his philosophy, I believe, was this: that law must be the servant of the people, not their master. He has declared in moving words his faith in a trinity—law conjoined with freedom and justice. To the principle that law must serve the ends of freedom and justice he dedicated his life.

Nor could I recount my association with Justice Rutledge as a colleague without speaking of him as a friend. The fellowship which I shared with him on the bench and in the conference rooms

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of two courts was made precious by his unfailing courtesy and good humor.¹ To know of Justice Rutledge was to admire and respect him. To know him was to love him.

Others will write in these pages of Justice Rutledge's approach and contributions to various fields of law. Such studies should prove fruitful and rewarding to every thoughtful student of our legal system. I cannot but feel, however, that one of his most significant contributions to the law is incapable of assessment. For it is not to be found in the pages of the Supreme Court Reports or in his other published writings but in the minds and hearts of thousands of his students, his friends, and his colleagues. There his memory will remain ever fresh, a living reminder of an abiding faith in law, not as an end in itself, but as the means by which alone liberty and justice may be secured to ourselves and our posterity.

1. For evidence of the latter, if any were needed, I would refer the reader to Justice Rutledge's concurring opinion in *Scharfeld v. Richardson*, 133 F.2d 340, 344 (1942).