



Why Judges Resign: Influences on Federal Judicial Service, 1789 to 1992

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Why Judges Resign:
Influences on Federal Judicial Service,
1789 to 1992

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I. Introduction

In the 1980s and early 1990s, the Department of Justice sought and acquired indictments against five sitting U.S. judges on charges ranging from income tax evasion to bribery. The judges were Harry Claiborne (D. Nev.), Alcee Hastings (D. Fla.), Walter Nixon (D. Miss.), Robert Collins (D. La.), and Robert Aguilar (D. Cal.). Judges Harry Claiborne, Walter Nixon, Robert Collins, and Robert Aguilar were convicted, and Judge Alcee Hastings was acquitted. Congress has subsequently impeached, convicted, and removed three of these judges, including Alcee Hastings. In two cases, Congress has been awaiting the outcome of judicial appeals before proceeding to impeach. In the case of Judge Collins, this action could be coming soon, in view of the Supreme Court's refusal to hear his appeal.¹

None of the five judges involved chose to resign either at the time of indictment or at the time of conviction. Judge Harry Claiborne drew his salary for two years while in jail, and he vowed to return to his seat on the U.S. District Court for Nevada before Congress finally removed him through the impeachment process in 1986;² similarly, Judge Robert Collins, who has been in prison since 1991, continues to draw his annual salary of \$133,600.³

Overwhelmed by these recent rapid-fire prosecutions and impeachment proceedings against federal judges, actions that contemporary commentators perceive as the result of an unprecedented surge in judicial misconduct, Congress is seeking guidance on how to deal with the potential increase in investigations and removals of federal judges that these prosecutions might bring. In point of fact, however, very little is known about how these recent prosecutions fit into the overall history of the federal judiciary. There is much anecdote and tradition about the nature of the federal judiciary and the people who have served as its judges, but what reliable information exists is scattered among many different sources. It is the purpose of this study to explore some of those sources and cast light on the historical behavior of federal judges. This study gives particular attention to why federal judges have left the bench. Where the cause is not clear, the study indicates the reasons that judges have given for their departures. This information will help clarify whether the recent prosecutions are in fact a symptom of alarming changes in judicial behavior.

1. *Collins v. United States*, 972 F.2d 1385, cert. denied, 61 U.S.L.W. 3680 (U.S. Apr. 5, 1993) (No. 92-964); *Supreme Court Order Opens the Way for Possible Impeachment of Judge*, Wash. Post, Apr. 6, 1993, at A4.

2. Gerald Stern, *What Claiborne Did*, N.Y. Times, Oct. 10, 1986.

3. Wash. Post, *supra* note 1.

This study focuses on the 188 judges who, over the last 200 years, resigned from the bench for *stated* reasons other than age or health.⁴ Some attention is also paid to judges who resigned or retired for reasons of age or health before 1919, when “retirement from regular active service” was first offered as an option to Article III judges. This study also addresses the relationship between resignation, malfeasance, and threats of different kinds of punishment. We also consider the historical factors surrounding resignations of judges for employment-related reasons and the history of other aspects of judicial tenure that may be salient to the question of how to ensure the high quality and integrity of the federal judiciary, such as the effects of changes in provisions for retirement and disability.

Following the prosecutions of Judges Hastings, Claiborne, Nixon, Aguilar, and Collins, and the congressional removal of Judges Hastings, Claiborne, and Nixon, judicial observers and reformers understandably have turned their attention primarily to judges who have been impeached. Over the course of our history Congress has impeached thirteen judges.⁵ Seven were convicted and removed from office, four were acquitted, and two resigned before Senate trial.⁶ The small size of this universe, however, makes it difficult to form any reasoned judgment about whether significant changes are occurring in the nature of the federal judiciary. A broader look at all Article III judges who have left the bench, and the reasons why they have done so, may yield more reliable information about judicial behavior.

4. Much of the biographical information included in this study is distilled from data collected by the Federal Judicial History Office (FJHO) on all Article III judges who could be identified as resigning from office or retiring between 1869 (when retirement became an option) and 1919 (when retiring “from regular active service” became an option). As of this writing, there is no comprehensive, accurate listing of judges who retired, “retired from the office,” took disability retirement, or were “involuntarily” certified as disabled that would allow distinguishing between these categories. Thus, it is not possible at this time to assess change over time in either the numbers of judges entering these categories or their reasons for doing so. Therefore, treatment of retired judges, of whatever stripe, will be limited to an impressionistic discussion.

5. The thirteen are John Pickering (1804), Samuel Chase (1804), James Peck (1830), West H. Humphreys (1862), Mark H. Delahay (1872), Charles H. Swayne (1905), Robert Archbald (1913), George W. English (1925), Harold Louderback (1932), Halstead L. Ritter, (1936) Harry Claiborne (1986), Alcee Hastings (1989), and Walter Nixon (1989). Warren S. Grimes, *Hundred-Ton-Gun Control: Preserving Impeachment as the Exclusive Removal Mechanism for Federal Judges*, 38 UCLA L. Rev. 1209, 1214 n.32 (1991). See also Joseph Borkin, *The Corrupt Judge: An Inquiry into Bribery and Other High Crimes and Misdemeanors in the Federal Courts* app. (1962); 3 *Hind’s Precedents of the House of Representatives* ch. 89 (1907); 6 *Cannon’s Precedents of the House of Representatives* ch. 202 (1935); 3 *Deschler’s Precedents of the United States House of Representatives* ch. 14 (1979); and Judge Biographical Database, Federal Judicial History Office, Federal Judicial Center, Washington, D.C. [hereinafter Judge Biographical Database].

6. The convicted and removed judges were Judges Pickering, Humphreys, Archbald, Ritter, Hastings, Claiborne, and Nixon. The four who were acquitted were Justice Samuel Chase and Judges Peck, Swayne, and Louderback. Judges Delahay and English resigned after impeachment but before the conclusion of the process.

Part 2 of this study begins with a summary of the two centuries of growth of the federal Article III judiciary, from the nineteen judgeships created by the Judiciary Act of 1789 to the 829 judgeships that were authorized by Congress by the close of this study. This part offers a picture of the changing contours of the judiciary as an institution and provides a context for evaluating the changing numbers of judicial resignations. An overview of the numbers of judicial resignations for the last two centuries includes an analysis of these numbers and how they have changed over time. It briefly explores the major categories of resignations and examines in some detail the underlying pattern of judges resigning from office to pursue other employment. This overview sets the stage for the next part, which explores the most salient issues raised by these numbers.

Part 3 explores the relationship between judicial accountability and judicial independence by taking a close look at not only the most well known incidents of alleged judicial misbehavior leading to congressional investigations, but also at the less well known instances of Justice Department investigations and local prosecutions, as well as the effects on judicial resignation of threats to use all of these mechanisms. The implications for judicial accountability and judicial independence of these approaches to influencing judicial behavior are suggested.

Part 4 summarizes the legislative provisions for retirement and disability and considers their impact in addressing the problem of the incompetent judge. The final part provides recommendations for further study.

2. Overview

The Growth of the Federal Judiciary

The American judiciary has changed dramatically in size over the past 200 years in response to three major factors: (1) geographical growth, (2) population growth, and (3) changes in federal jurisdiction. As the country expanded westward and as territories became states, Congress added corresponding district courts.⁷ In addition, as population increased through acquisition of territory, natural increase, and immigration, consequent pressures on the federal courts demanded an expanded judiciary. Finally, particularly in the twentieth century, legislation, executive enforcement policies, and the judiciary's interpretation of legal rights and remedies have caused the federal judicial caseload to grow. Congress and the President have responded with many minor and several major expansions of the judicial work force in this century.⁸

In 1789 the first Congress created nineteen Article III judgeships.⁹ Six men sat on the Supreme Court and rode circuit as trial and appellate judges. The remaining thirteen judgeships staffed the district courts, one per district for each of the eleven states, plus one each for the districts of Maine and Kentucky, then parts of Massachusetts and Virginia respectively.¹⁰ Over the next seventy years the number of Supreme Court justices gradually grew to nine, where, with the exception of five years in the 1860s, it has remained ever

7. Russell R. Wheeler & Cynthia Harrison, *Creating the Federal Judicial System* 14 (1989).

8. Prohibition was responsible for an enormous increase in judicial workload in the 1920s. Some judges seemed to relish the increase. See, e.g., *Judge M. B. Campbell Sets a Padlocking Record*, N.Y. Times, Aug. 1, 1924; and *32 Dry Padlocks in Day Set Record*, N.Y. Times, Aug. 8, 1924.

9. Act of Sept. 24, 1789, §§ 1-3, 1 Stat. 72.

10. The numbers of judgeships cited in this section and used as the basis for statistical calculations throughout are from an internal report by the Administrative Office of the U.S. Courts, Statistics Division (1991) [hereinafter AOUSC Report], on the number of authorized judgeships from 1789-1990. These numbers are for life-tenured Article III judgeships and include the Supreme Court, the circuit courts of appeals (including the U.S. Court of Appeals for the Federal Circuit, established in 1982), the Supreme Court of the District of Columbia (1863-1935), the Court of Customs and Patent Appeals (1958-1981), the Court of Claims (1855-1981), and the Court of International Trade (1956-1990). Another source for similar, although not equivalent, information is Richard A. Posner, *The Federal Courts: Crisis and Reform* tbl. B.3, at 353-57 (1985). Although it would have been preferable to use numbers of judges rather than judgeships in this report, to date there has been no accurate compilation of the numbers of judges sitting per year for the years prior to 1882.

since.¹¹ During the same period, the growth of the country to thirty-three states brought a concomitant increase in the number of district court judgeships to a total, in 1860, of forty-three. In 1855 Congress created the first circuit judgeship to deal with the large number of land disputes in California.¹² By 1860, on the eve of the Civil War, a total of fifty-five U.S. judgeships provided for "good behavior" tenure.

By 1900, the number of Article III judgeships had reached 113. Thus, over the course of 100 years, the judiciary had grown by nearly 500%. After 1900, the judiciary continued to grow at an exponential rate, doubling in size over the next three decades.¹³ By 1970, it had doubled again, to 521 judgeships. During the 1980s Congress added 157 new judgeships (see Figure 1, p. 49). In 1990 the number of Article III judgeships stood at 829, double the number of only twenty-five years before.¹⁴

In recent years, both judges and scholars have expressed building concerns about what effects the growth in the judiciary may have on the appeal of the job and the behavior of judges.¹⁵ For instance, one theory holds that the larger the size of the judiciary, the lower the prestige of the job, and thus the lower the quality of people willing to serve.¹⁶ However, this concern appears to be, if not belied by the history of judicial resignations, then at least in need of qualification in deference to other factors that make the equation more complex. Similarly, the theory that as the size of the judiciary increases, collegiality and peer pressure decrease, resulting in more questionable behavior on the part of judges, requires close empirical study.¹⁷

It may be that the growth of the judiciary, per se, has less impact on judicial behavior and prestige than the achievement of a "critical mass," the size of which is unclear as yet. Still, as discussed in the next part, the highest percentage of resignations in our country's history occurred in the decade when our judiciary was smallest, which, critical mass problems aside, suggests that small size may be necessary, but it is not sufficient to the promotion of "prestige." Factoring out the resignations caused by the secession of the South before the Civil War, the next highest percentages occurred in the 1820s and 1910s, decades when the judiciary was only a fraction of its current

11. In 1862, 1863, and 1864 there were ten Supreme Court justices; in 1867 and 1868, there were eight.

12. Wheeler & Harrison, *supra* note 7, at 14.

13. Congress passed omnibus judgeship bills in 1922 (Act of Sept. 14, 1922, 48 Stat. 837); 1935 (Act of Aug. 19, 1935, 49 Stat. 659); and 1938 (Act of May 31, 1938, 52 Stat. 585).

14. AOUSC Report, *supra* note 10, at tbl. 7.

15. See, e.g., Richard Posner, *Will the Federal Courts of Appeals Survive Until 1984? An Essay on Delegation and Specialization of the Judicial Function*, 56 S. Cal. L. Rev. 761 (1983); Jon O. Newman, *Restructuring Federal Jurisdiction: Proposals to Preserve the Federal Judicial System*, 56 U. Chi. L. Rev. 761, 762-767 (1989); Working Papers of the Federal Courts Subcommittee on the Role of the Federal Courts and their Relations to the States 94-102 (1990).

16. See, e.g., Report of the Federal Courts Study Committee 6-8 (Apr. 2, 1990).

17. See, e.g., Charles G. Geyh, Means of Discipline Other Than Those Prescribed By the Judicial Discipline Statute, 28 U.S.C. § 372(c), Draft Report to the National Commission on Judicial Discipline and Removal 89-92 (Feb. 19, 1993).

size. Other theories related to size also bear closer scrutiny. Does bigness result in more dissatisfaction with the office, measured by resignations to take other jobs? Does a higher proportion of potential candidates for judgeships decline nomination now than in the past? If so, is it that the size of the federal judiciary diminishes its "elite" status? Does bigness mean more investigations into allegations of judicial misbehavior? Although they are beyond the scope of this study, such questions must be addressed with more than impressionistic or anecdotal studies.

Changes in Judicial Tenure

Whether or not the size of the judiciary can be said to affect the nature of judicial tenure—that is, the appeal and quality of the office—it clearly must affect any assessment of whether and how the tenure itself—that is, the length of office holding and the reasons for leaving—has changed over time. Because the judiciary has historically numbered relatively few people, it is not surprising that the absolute number leaving office has been correspondingly small. Resignations occur infrequently enough (until the 1970s averaging only slightly more than one per year) so that discovering a pattern or even discerning change over time is difficult. But if numbers of resignations are considered as a percentage of the total Article III judiciary at a given point in time, some patterns begin to emerge.

Judicial Resignations as a Percentage of the Total Judiciary: Change Over Time

Between 1789 and 1992, 2,627 men and women served as federal judges.¹⁸ Of those, 184 left the bench citing reasons other than health or age. Thus, over the course of U.S. history, only 7% of all Article III judges have resigned from the bench for reasons other than health or age. With the exception of this one overall percentage, the resignation rates per decade referred to here (see Figure 2, p. 50) were arrived at by calculating the average number of judgeships per decade (not per year) and dividing that number into the total number of resignations for the entire decade. These numbers do not include senior judges.¹⁹ Looked at by decade, the percentage of judges leaving the bench has fluctuated over the years, but it has declined since 1910, as the size

18. This number was arrived at by counting appointments per president from Washington through Carter from lists within the *Index by Appointing President*, in The Bicentennial Committee of The Judicial Conference of the United States, *Judges of the United States 563-65* (1983). The numbers for judges appointed by Presidents Reagan and Bush are from the Administrative Office of the U.S. Courts (AOUSC).

19. When referring to the average size of the judiciary in a decade, then, the reference is to the average judgeships, and not to the total number of individual judges who served over the course of a decade. Because the goal in creating the resignation rates was to assess change over time, it was thought that, applied consistently, the method employed would yield numbers that would allow comparison by decade. These rates will *not*, however, compare with rates based on a ratio of numbers of resignations to numbers of judges sitting in any given year.

of the judiciary has increased. In fact, the highest departure rate for reasons other than health or age—32%—occurred in the decade when the judiciary was smallest, 1789–1800.

During the first decade of the federal judiciary, the average number of judgeships per year was twenty-two; ten judges resigned during that period. Three judges left for reasons of health or age, three were elected or appointed to other offices, and four left to resume private practice (one explicitly citing inadequate salary as his reason for doing so). In the early years of the federal judiciary, the pay was low, the work sparse, and the physical requirements involved with holding court quite onerous. Four of the ten resignations came from Supreme Court justices, whose circuit-riding duties made the office too physically demanding for some.²⁰ The first Chief Justice, John Jay, resigned to become governor of New York; when he was reappointed to the position of Chief Justice by John Adams in 1800, he returned his Commission, explaining to the President:

I left the Bench perfectly convinced that under a System so defective, it would not obtain the Energy weight and Dignity which are essential to its affording due support to the national Govern^t; nor acquire the public Confidence and Respect, which, as the last Resort of the Justice of the nation, it should possess. Hence I am induced to doubt both the Propriety and Expediency of my returning to the Bench under the present System. . . .²¹

The system to which Jay referred required that Supreme Court justices ride circuit and act as judges of the circuit courts. Jay went on to note that, given the circuit-riding requirements of the office, “independent of other Considerations, the State of my Health removes every Doubt—it being clearly and decidedly incompetent to the fatigues incident to the office.”²² Thus, the aspect of Supreme Court service that was to generate the most dissatisfaction among its justices over the first century of the federal judiciary—circuit riding—resulted in the appointment of John Marshall, the man whose leadership of the Supreme Court would be the single most important factor in elevating the stature of the office from its unappealing status in the first decade of the Republic. During Marshall’s tenure, only two justices resigned from the Court, and both left for health reasons.²³

The next highest percentage of departing judges occurred in the 1860s. The 27% departure rate can be accounted for almost entirely by the fifteen judges who resigned (and the one who was impeached) as a consequence of

20. On the burdens of court duty in the first decade of the Republic, see Maeva Marcus & Emily Field Van Tassel, *Judges and Legislators in the New Federal System, 1789–1800*, in *Judges and Legislators: Toward Institutional Comity* (Robert Katzmann ed., 1988).

21. John Jay to John Adams, Jan. 2, 1801, in *The Documentary History of the Supreme Court of the United States, 1789–1800*, at 146–47 (Marcus & Perry eds., 1985).

22. *Id.*; Marcus & Van Tassel, *supra* note 20.

23. These were Justices Alfred Moore and Gabriel Duvall.

Confederate service or sympathies.²⁴ Judge James Hughes returned to private practice because he found life on the Court of Claims “too tame.”²⁵ But, with the exception of Judge Hughes, the nine resignations not related to the Civil War all followed from old age or poor health. Of the ten judges who left the bench for reasons other than health or age in the 1870s, half did so under the cloud of congressional investigation.²⁶ The highest departure rate in the twentieth century occurred when roughly 12% of the federal judiciary left the bench in the decade between 1910 and 1920. In 1911 salaries for Supreme Court justices went up by \$2,000; district and circuit judge salaries had recently increased by \$1,000. But between 1911 and 1926, the year that Congress raised judicial salaries, real wages eroded by approximately 55% for Supreme Court justices, 67% for circuit court judges, and 69% for district court judges.²⁷ Of the eighteen judges that resigned during that decade, thirteen left to take other employment, and three of those thirteen explicitly cited the inadequate salary of the office as their reason for stepping down. Five others departed from the bench after allegations of misbehavior were made against them.²⁸

The resignation rate steadily declined from 8% in 1920–29 to 4% in the 1940s. The lowest departure rates in the history of the judiciary occurred in the 1950s (2%) and 1960s (1%). The departure rate then grew to just over 3.6% for the decade between 1970 and 1980 and dropped marginally in the 1980s to 3.5%. Although the absolute number of departures in the 1980s is large—thirty judges resigned—the rate of departure was actually lower than it was in all but three other decades in the history of the federal judiciary.²⁹

What is most striking about the resignation rate of federal judges is that it has declined or increased only slightly since the 1940s, contrary to the belief

24. One of these judges, Henry Boyce of the Western District of Louisiana, left the bench in January of 1861. Reports conflict; given the date and place, however, it is reasonable to suspect motivations related to the secession of the South.

25. Marion T. Bennett, *The United States Court of Claims, A History. Part I. The Judges, 1855–1976*, at 23 (1976).

26. Ohio District Judge Charles Taylor Sherman resigned in 1873 after corruption charges were leveled against him in the House. Mark W. Delahay (D. Kan.) resigned sometime after he was impeached in 1873, but before being tried by the Senate. Richard Busted (D. Ala.) resigned while under congressional investigation on impeachment charges for non-residence. Edward Henry Durell (D. La.) resigned in 1875 after a House committee recommended his impeachment for “bankruptcy irregularities.” And William Story (W.D. Ark.) resigned after appearing before a House committee with “lame and disconnected” testimony about inordinately large expenditures he had approved for his court (*see infra* text accompanying notes 66–68).

27. Calculations are based on salary figures, in current dollars and in 1983 dollars, in Posner, *supra* note 10, at tbl. B.1.

28. One of these was Judge Archbald, who was removed through the impeachment process.

29. This number does not include the judges who “retired from the office” under some form of what is codified under 28 U.S.C. § 371(a). An additional fourteen judges “resigned” under this provision once they were eligible for their pensions under the age and service requirements.

of many observers. If large size and low salary are having an adverse impact on the prestige of the federal judiciary, and thus on the desire of people to serve, it is not yet resulting in large-scale resignations. The effect may be occurring at the other end of the process, in increasing declinations to serve.³⁰

Why Judges Resign

Specific reasons that judges have given for resignation cover a wide range and sometimes have multiple components. As Figure 3 (see p. 51) illustrates, these reasons can range from the relatively common (poor health or low salary) to the unique (the case of Judge Mahlon Dickerson, who resigned so that his brother might be appointed in his place). For the purpose of this paper, however, resignation reasons can be grouped into five major categories. These are (1) age and/or health; (2) appointment to other office/elected office; (3) dissatisfaction; (4) return to private practice, other employment, inadequate salary; and (5) allegations of misbehavior (including impeachments and convictions).

Age and/or health (including disability and pre-1919 retirement)

Not surprisingly, judges have most commonly offered the pressures of advanced age or poor health as their reason for resignation. During most of the nineteenth century Congress provided no incentive for aging or incapacitated judges to leave the bench;³¹ as a consequence, many judges continued in office after they could no longer carry out their duties. On the other hand, a great many other judges chose to relinquish their lifetime salary once it became clear to them that they could not execute the duties attached to the salary. This issue is discussed separately in the part covering retirement and disability.

Appointment to other office/elected office

Resignations to accept appointments to other offices or to run for (or accept) elected office have occurred regularly since the first decade of the Republic, following in the tradition set by John Jay and John Rutledge. Although such appointments have a long history, their occurrence has been relatively infrequent until recently. Throughout the nineteenth century, the President did not often look to the federal courts as a source for other government appointments. In recent years, however, presidents have chosen federal judges twice to serve as director of the Federal Bureau of Investigation

30. Former White House Counsel Fred Fielding, who screened judicial candidates for five years during the Reagan administration, has indicated that many qualified lawyers quickly removed themselves from consideration on the basis of the low salary. *Wash. Post*, Jan. 21, 1987. Determining whether declinations have increased over time, and for what reason, would require research not only in presidential papers and Department of Justice files, but also in the papers of individual senators who were in office when judicial vacancies occurred in their states.

31. The legislative responses to age and incapacity are discussed in some detail *infra* part 4.

(FBI);³² other appointments have included Ambassador to the United Nations, two solicitors general, and Secretary of Health, Education and Welfare. Although ethical questions or separation of powers concerns have occasionally arisen in the past, there are currently no issues not covered by ethical guidelines or legislation that fall within the confines of this report.

Dissatisfaction

"Dissatisfaction" is something of a catchall category, and the reasons for a judge's inclusion here range from resignations laid to rest, generalized unhappiness with systemic or institutional factors associated with judging to a desire by the resigning judge to move on to other things. In the last case, the resigning judge has sometimes specifically stated that it was not dissatisfaction with the office that led to resignation, but the incompatibility of a federal judgeship with personal goals. Such judges are included under the heading of dissatisfaction because their resignations indicate a desire to do something different, something other than judging.

Nevertheless, there are judges who have left office for reasons having to do with specific aspects of the office. Judges who have left because of institutional dissatisfaction in recent years include Judge Robert Bork, who after his failed nomination to the Supreme Court, stated his wish for a more open forum than the federal bench provides from which to comment on the state of the judiciary. Judge J. Lawrence Irving resigned in protest over what he concluded to be the excessive harshness of the new federal Sentencing Guidelines, saying: "If I remain on the bench I have no choice but to follow the law. I just can't, in good conscience, continue to do this."³³ Earlier in the twentieth century, Justice John Hessin Clarke, with a touch of racism that is ironic considering his reason for resigning, informed President Harding that he would "die happier" working for world peace than he would spending his time "determining whether a drunken Indian had been deprived of his land before he died or whether the digging of a ditch was constitutional or not."³⁴

Although the judges who resign because of dissatisfaction often have little in common, the unifying thread running through many of their reasons for resignation is a sense of restrictiveness in the office of judge. This discomfort speaks more to a chafing at the requirement that a judge exhibit "judicial temperament" than to a need for any particular institutional change in the office. To the extent that potential nominees can be briefed about the restrictions and "life-style" changes inherent in judicial service, resignations stemming from a failure to appreciate the full extent of the limitations and frustrations of the office might be lessened by more selective acceptance of the office initially. However, "dissatisfaction" resignations do not seem to raise current issues of discipline or removal.

32. On 6 August 1993, Judge Louis J. Freeh (S.D.N.Y.) became the third judge to be named FBI director, N.Y. Times, Aug. 8, 1993.

33. N.Y. Times, Sept. 30, 1990.

34. Elder Witt, Congressional Quarterly's Guide to the U.S. Supreme Court 854 (2d ed. 1990).

Return to private practice, other employment, inadequate salary

Most judges who have left office for reasons other than age or health have taken other employment immediately after leaving the bench, and many have cited that "other employment" as their reason for leaving the bench. In some cases, this category is the most opaque for purposes of determining precisely *why* judges have decided to leave. If judges resign from the bench before being forced to by old age or ill health, it is quite likely that they will subsequently be employed unless they are independently wealthy. Dissatisfaction with the job, the inadequacy of judicial salaries, and pressures stemming from allegations of misbehavior or incapacity are all reasons that might underlie a decision to leave the bench for other employment. Where it has been possible, such reasons are separately identified. However, for the majority of judges taking other employment, we are left to speculate about the reasons based on changes in aggregate numbers and historical context.

Over the last 200 years relatively few judges have explicitly cited the low pay of the office as their reason for resignation. For the period studied, only twenty-one judges have actually said as much, but forty-nine additional judges returned to private practice or accepted other employment. Seventy-one judges resigned to engage in other jobs, excluding those appointed or elected to other office and those who resigned to run for other office but were defeated. It is reasonable to suppose that in some instances salary was a factor. For instance, 47-year-old Theodoric Bland, the district judge for Maryland, resigned in 1824 after only five years on the court to accept the office of Chancellor, the highest-paying judicial post in Maryland.³⁵ He may have been prevailed on to take the post for financial reasons, for reasons relating to status or family, or for personal reasons. Similarly, Judge Julius Mayer, who left the Second Circuit in 1924 to return to private practice, cited inadequate salary as a secondary reason for his resignation.

Judges have complained about the low salary of the office from the earliest years of the Republic. Nathaniel Pendleton, district judge for Georgia, wrote to President Washington in 1791 expressing his dissatisfaction:

When I solicited the appointment of Judge of this District, I imagined Congress would have made a more ample provision for their Judges; but having, at my own solicitation had the honor to be nominated by you, I could not with propriety refuse serving; although it will readily be admitted by those who knew the extant [sic] of my practice at the bar, that the salary allowed me, is but a small compensation, nor is it indeed an adequate provision for a family in this Country.³⁶

Pendleton stayed on for five more years before resigning in 1796 because the salary was not adequate to educate his children.

35. H. H. Walker Lewis & James F. Schneider, *A Bicentennial History of the U.S. District Court for the District of Maryland, 1790-1990*, at 28 (1990); 1 Conway W. Sams & Elihu S. Riley, *The Bench and Bar of Maryland* 268 (1901).

36. Nathaniel Pendleton to George Washington, Mar. 5, 1791, in Marcus & Perry, *supra* note 21, at 722.

In 1857 Justice Benjamin Curtis resigned as a direct result of serious disagreements over the *Dred Scott* case; however, his dissatisfactions with the office were personal as well as legal and political. It was later reported that “[i]n letters to his friends he stated that his main reason for [resigning] was that the salary was so small,—it was then \$6,000,— he could not support his family in Washington, without expending, in addition to this salary, his entire private income, and he did not deem it his duty to do so.”³⁷

The number of people who have declined to be considered for federal judgeships because of the low salary is undoubtedly far higher than those resigning judgeships for that reason. However, this is a number that can only be guessed. In the nineteenth century, when some presidents had a habit of nominating individuals for judgeships without consulting them first, it is possible to discover people declining nomination or declining to serve after confirmation because of the low salary.³⁸ For instance, when looking for a nominee for the newly created judgeship of the Western District of Louisiana, President Taylor was hard put to find a nominee among his wealthy Whig acquaintances willing to serve on a salary of \$2,000 a year. His first nominee, James G. Campbell, turned down the nomination (after he learned of it) in favor of his lucrative law practice. He recommended that Taylor appoint in his stead state Circuit Court Judge John Kingsbury Elgee. Elgee, explained Campbell, possessed “an ample fortune which will enable him to accept the appointment, for with the salary attached to it, the Judge will have to support the office and not the office the Judge.” Taylor issued a recess commission to Campbell, who also promptly declined, preferring the lesser travel involved in his better paying state circuit judgeship.³⁹ President Tyler ran into similar problems when one of his nominees declined because of the “utter inadequacy of the compensation,” and another turned down the job after confirmation because his salary as Indiana Supreme Court Justice was \$1,500 higher than the federal judgeship.⁴⁰

37. Albert Dickerman, *The Business of the Federal Courts and the Salaries of the Judges*, 24 Am. L. Rev. 78, 85 (1890).

38. Individuals who were nominated and confirmed but declined to serve have not been included in the statistical portions of this study or in the biographical appendix.

39. Kermit Hall, *The Politics of Justice: Lower Federal Judicial Selection and the Second Party System, 1829–61*, at 86–87 (1979).

40. *Id.* at 49, 52.

| | Returned to Private Practice | Other Employment | Inadequate Salary | Appointment to Other Office | Elected Office | Sought Elected Office - Defeated | Total |
|-----------|------------------------------|------------------|-------------------|-----------------------------|----------------|----------------------------------|-------|
| 1789-1799 | 3 | 0 | 1 | 1 | 2 | 0 | 7 |
| 1800-1809 | 0 | 0 | 0 | 1 | 0 | 0 | 1 |
| 1810-1819 | 0 | 0 | 1 | 0 | 0 | 0 | 1 |
| 1820-1829 | 0 | 2 | 0 | 0 | 3 | 0 | 5 |
| 1830-1839 | 0 | 0 | 0 | 1 | 1 | 0 | 2 |
| 1840-1849 | 0 | 0 | 0 | 1 | 1 | 0 | 2 |
| 1850-1859 | 0 | 0 | 0 | 1 | 0 | 0 | 1 |
| 1860-1869 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1870-1879 | 0 | 0 | 2 | 1 | 1 | 0 | 4 |
| 1880-1889 | 1 | 2 | 1 | 3 | 0 | 0 | 7 |
| 1890-1899 | 3 | 0 | 0 | 2 | 1 | 0 | 6 |
| 1900-1909 | 2 | 1 | 0 | 1 | 0 | 0 | 4 |
| 1910-1919 | 4 | 2 | 3 | 0 | 2 | 1 | 12 |
| 1920-1929 | 5 | 0 | 2 | 1 | 0 | 1 | 9 |
| 1930-1939 | 5 | 0 | 0 | 2 | 1 | 1 | 9 |
| 1940-1949 | 1 | 1 | 0 | 6 | 1 | 0 | 9 |
| 1950-1959 | 0 | 0 | 2 | 3 | 0 | 1 | 6 |
| 1960-1969 | 0 | 2 | 0 | 1 | 0 | 1 | 4 |
| 1970-1979 | 3 | 2 | 3 | 4 | 0 | 1 | 13 |
| 1980-1989 | 9 | 1 | 5 | 7 | 0 | 0 | 22 |
| 1990- | 1 | 0 | 1 | 1 | 0 | 0 | 3 |
| Total | 37 | 13 | 21 | 37 | 13 | 6 | 127 |

Table 1
Judges Leaving the Bench for Other Employment by Decade

In the twentieth century, salary became a source of dissatisfaction at several different periods. In the decade between 1910 and 1920 the judicial departure rate spiked to the highest it had been since the 1870s. In the 1870s, four judges left for other employment or other office; only one explicitly cited salary as a reason. By contrast, in the 1910s, twelve judges left for other employment or other office, and three cited salary as their motivation for doing so. From the 1910s to the 1960s, the judicial departure rate steadily declined, moving upward again in the 1970s, when it reached the 4% rate of the 1940s. Seventeen of the twenty departing judges in the 1970s accepted other employment or other office. Three of those leaving in that decade cited salary as their primary motivation. In the 1980s, the number resigning because of inadequate salary climbed to five; from 1990 to 1992, one judge has resigned for that reason.⁴¹

41. Judge Biographical Database, *supra* note 5.

During the 1970s a group of federal judges was so angered by Congress's refusal to address the erosion of their real wages that they took the extraordinary step of suing Congress over their remuneration.⁴² One hundred and forty-four judges went to court to challenge Congress, claiming that their salaries had been unconstitutionally reduced by Congress's failure to adjust for inflation.⁴³ The Court of Claims rejected their argument.⁴⁴ The morale of the judiciary was particularly low at this time, and the Commission on Executive, Legislative and Judicial Salaries (known as the Quadrennial Commission) reiterated in several reports the assertion that judicial resignations because of inadequate salary during the 1970s and 1980s exceeded all judicial resignations for all reasons combined for the preceding 200 years.⁴⁵ Although a close look at the history of judicial resignations proves the statement to be inaccurate, the sentiment suggests the depth of concern that the salary issue evoked.

In his 1962 book on judicial malfeasance, author Joseph Borkin suggested that problems with judges tend to crop up in hard economic times.⁴⁶ His focus was on the judicial scandals that surfaced during the Great Depression, a period during which there were eight congressional impeachment investigations, one removal, a resignation of a judge under investigation, and the criminal conviction of another judge. The only time period for which there were as many formal allegations of judicial misbehavior was the 1870s, when Congress investigated eight judges, five of whom resigned—one after being impeached but before his trial. Of those eight, six were charged with offenses involving financial irregularities.⁴⁷ Unlike the 1910s, however, Congress did raise judicial salaries, and real wages went up over the course of the decade. For the Supreme Court, real wages went up 44% in 1983 dollars; circuit court salaries increased by 61%, and district court salaries went up by 82%.

42. One member of Congress responded by requesting their impeachment.

43. Judges had gone to court over salary matters several times in the past. See cases considering the constitutionality of taxing the salaries of Article III judges, for example, *O'Malley v. Woodrough*, 307 U.S. 277 (1939); *Miles v. Graham*, 268 U.S. 501 (1925); and *Evans v. Gore*, 253 U.S. 245 (1920). In the 1930s Congress reduced the salaries of retired judges. The Supreme Court held the salary reduction unconstitutional in *Booth v. United States*, 291 U.S. 339 (1933).

44. *Atkins v. United States*, 556 F.2d 1028 (Ct. Cl. 1977). Forty-four judges filed suit originally; by the time the case went to court their numbers had swelled by another 100 judges. 44 *Federal Judges to Sue for Pay Lost to Inflation*, N.Y. Times, Feb. 11, 1976; *A.B.A. Chief Backs Judges' Suit on Pay; Calls Congress "Unfair"*, N.Y. Times, Feb. 14, 1976.

45. See, e.g., The Report of the Commission on Executive, Legislative and Judicial Salaries 28 (1980); *The Quiet Crisis: A Report by the 1984-85 Commission on Executive, Legislative, and Judicial Salaries* app. C (1984-85); and *Fairness for Our Public Servants: The Report of the 1989 Commission on Executive, Legislative and Judicial Salaries* 26 (1989). See also Corporate Committee for Fair Compensation of the Federal Judiciary and the American College of Trial Lawyers, *Promises Made Promises Still Unkept: Restoration of Inflation-Induced Salary Cuts for Top Government Officials* 48 (1986).

46. Joseph Borkin, *The Corrupt Judge: An Inquiry into Bribery and Other High Crimes and Misdemeanors in the Federal Courts 207-10* (1962).

47. The House did not record the charges against the other two.

Supreme Court justices received a salary increase of \$4,000 over the course of the decade, from \$6,000 to \$10,000. Circuit judges' salaries went from \$5,000 to \$6,000 over the same time period, and district judges' salaries apparently did not increase at all.⁴⁸ On the other hand, the 1980s, a period of boom economic times, saw both significant malfeasance and the steady erosion of judicial salaries. This link suggests that low salaries relative to the rest of the legal profession may have some effect on judicial misbehavior.

Resignations to go into private practice also raise concerns about both the specter of judges giving preferential treatment to litigants who may be future employers and the *perception* of impropriety that such resignations raise. For instance, when 58-year-old Judge Royce Savage left the bench in 1961 after twenty years of service, he ran into a barrage of criticism. It did not escape public notice that he was going to work as general counsel to Gulf Oil Corporation less than two years after acquitting Gulf of criminal antitrust charges. The *New York Times* editorialized:

No one has suggested, nor is there the slightest grounds for thinking, that Judge Savage was moved by improper considerations in the anti-trust case; and there is no law against his now going to work for Gulf. Nevertheless, he showed poor judgment in doing so, because his action tends to lessen public confidence in the independence and integrity of the Federal Judiciary.⁴⁹

President Kennedy, in accepting Judge Savage's resignation, took note of the circumstances of his departure and observed:

the reason that [judges] are appointed for life is so that there can . . . be no actual improprieties [and] no appearance of impropriety. . . . I don't think that anyone should accept a Federal judgeship unless prepared to fill it for life because I think the maintenance of the integrity of the Judiciary is so important.⁵⁰

Hugh Martin Morris, a district judge in Delaware, ran into similar criticism when he accepted a retainer from Universal Oil Products the day after he left the bench to join a corporate law firm, and only a short time after ruling in cases involving Universal.⁵¹ Kennesaw Mountain Landis, on the other hand, resigned under pressure of a threatened impeachment after he accepted the \$42,500 per annum job as the first commissioner of baseball while still on the bench.⁵²

The primary reason for resignation outside of age or health is taking other employment. When the numbers of judges leaving to return to private practice, to accept appointment to other office, to seek or accept elected office, to engage in other employment, and because of inadequate salary are added together, the result—113 resignations—exceeds all other reasons not

48. See Posner, *supra* note 10, app. B, at 347.

49. As quoted in David Stein, *Judging the Judges* 8–9 (1974).

50. *Id.*

51. Stephen B. Presser, *Studies in the History of the United States Courts of the Third Circuit, 1790–1980*, at 195 (1982).

52. 6 Cannon's Precedents § 536, at 1768–69 (1935).

related to age or health combined and also exceeds all age- and health-related reasons. When appointments to other office and runs for elected office are excluded, the number of resignations is seventy-one. Too much should not be made of this number, since in many instances it is not possible to derive what the underlying motivation might be for leaving the bench—a judge leaving to avoid investigation or prosecution, for instance, would be likely to take other employment. What can be said, however, is that judges who resign to take other employment, for whatever reason, still represent less than 5% of the judiciary for the entire period studied.

Allegations of misbehavior (including impeachments and convictions)

The rate of judicial departures following allegations of misbehavior is much higher than either the impeachment or the conviction rate. As indicated earlier, twenty-two judges have resigned under fire; these resignations are discussed in detail in the following part.

3. Judicial Resignations Following Allegations of Misbehavior

Thomas Jefferson's dismay over the failed impeachment of Supreme Court Justice Samuel Chase in 1805 led him later to complain that "impeachment is not even a scarecrow."⁵³ Subsequent events have proven Jefferson wrong. Although the full panoply of the impeachment process has only rarely been used, its existence until recently gave Congress an impressively big stick to wield in persuading miscreant judges to leave the bench.⁵⁴ Since Jefferson's time, our experience has suggested two things about judicial discipline and removal. One is that investigations, threats of investigations, and threats of impeachment can be very powerful tools in inducing judges to voluntarily resign from office. The second is that these tools have a great potential for misuse.

A core value that is supported by the constitutional structure of the federal judiciary is judicial independence. The appointment, salary protections, and removal mechanism are all means to ensure that federal judges be independent and impartial in their decision making. On the other hand, judicial independence was never intended to trump judicial accountability for misbehavior.⁵⁵ Just as, for the benefit of society, we value holding judges accountable for behavior deviating from high standards of probity, so, too, is the protection of judicial independence for the benefit of litigants and society, not for the benefit of individual judges.⁵⁶ The balancing of independence and accountability has never been easy; history shows that privileging one above the other can carry serious costs. For Jefferson, the costs of independence overwhelmed its benefits after the defeated Federalists retreated into the judiciary at the end of John Adams's presidency. The vehemence of his rejection of judicial independence, and his proposed means to control judges, highlights just how fragile a concept judicial independence can be in the face of partisan differences:

Before the canker is become inveterate, before its venom has reached so much of the body politic as to get beyond control, rem-

53. 7 Herbert A. Washington, *The Writings of Thomas Jefferson* 256 (1853-59).

54. James Bryce called the impeachment process a "one hundred ton gun." See Grimes, *supra* note 5, at 1209.

55. The disagreement comes over what behavior judges can be held accountable for. As will be discussed later, some people believe that judicial accountability extends only to misbehavior in office, whereas others feel that it extends to both judicial and nonjudicial malfeasance.

56. But see Russell Wheeler, *Judicial Independence and Judicial Administration* (1988), who argues that the framers, taking human nature into account, intended that judicial independence should foster the desire of judges as individuals to achieve fame.

edy should be applied. Let the future appointment of judges be for four or six years and renewable by the President and Senate. This will bring their conduct at regular periods under revision and probation and may keep them in equipoise between the general and special governments. . . . That there should be public functionaries independent of the nation, whatever may be their demerits, is a solecism in a republic of the first order of absurdity and inconsistency.⁵⁷

The question we are left with is the same one that attends many constitutional issues: what costs are we willing to incur as we weigh one value against another?⁵⁸

Background

The chilling of judicial independence has been at issue in the context of actions taken not only by the legislative branch but also by the executive branch and by the states. Similarly, the judiciary itself has at times been accused of trying to control or influence the actions of particular judges.⁵⁹ The following discussion is intended to be suggestive of the range of circumstances in which federal judges have been subject to investigations and to threats of prosecution or impeachment. It is not suggested that the intent has always been to coerce particular judges or the judiciary as a whole; it is suggested, however, that such measures can have the *effect* of chilling judicial independence and—setting aside constitutional questions—as a matter of policy should be understood as potentially troubling.

As already noted, Congress has removed seven Article III judges in the last 200 years. But between 1818, when Georgia's district judge, William Stephens, resigned during a congressional investigation, and 1980, at least twenty-two other Article III judges resigned or retired from the bench under a cloud. In some cases there is no hard evidence linking the resignation with the investigation or other action against the judge. In most of these cases the proximity of the resignation to the investigation or to allegations against the judge is at the very least suggestive of a connection. However, this should not

57. Washington, *supra* note 53, at 256.

58. For an illuminating discussion of this crucial point, see Russell R. Wheeler & A. Leo Levin, *Judicial Discipline and Removal in the United States 59–60* (1979). Wheeler and Levin note that

[it] is important to take care to distinguish reasoned appeal to the need to preserve judicial independence from less justifiable references to this principle. "Judicial Independence" is not a talismanic phrase that justifies a veto of any and all proposals for new disciplinary mechanisms. Sometimes it appears to be no more than an automatic reflex: the assertion of the need for such independence seems at times to be used as a tactical ploy to hide other, less reasonable objections to a particular proposal. Cheapening the argument in this way is unfortunate, for it clouds the issue and makes it more difficult for sponsors of proposals to appreciate insidious threats to such independence that may in fact exist. *Id.* at 74–75.

59. *See, e.g.,* Chandler v. Judicial Council, 398 U.S. 74 (1970).

be viewed uncritically; in at least one instance, that of Seventh Circuit Judge Samuel Alschuler, who several commentators have indicated retired in response to a congressional investigation,⁶⁰ the proximity of retirement to allegations seems clearly to be only coincidental. In Alschuler's case, Representative Everett Dirksen of Illinois brought accusations against Alschuler on the floor of the House for apparently political reasons. After referral to the Judiciary Committee, the resolution was laid on the table. Dirksen's colleagues condemned him for the proceedings, stating in the committee report of August 15, 1935, that "no mitigating facts or circumstances have been discovered by this committee touching the conduct of the said Everett M. Dirksen, in basing upon a misstatement of facts a false accusation of personal and official dishonesty against the said Samuel Alschuler."⁶¹ The historian of the Seventh Circuit notes that Judge Alschuler and his supporters "felt completely vindicated by the House report." Judge Alschuler did not retire until nine months after the House had exonerated him.⁶²

The list of judges resigning or retiring to avoid sanction for behavior inappropriate for a federal judge—or perhaps to avoid bringing discredit on the federal bench—should not be taken as definitive, since no record is kept of such resignations, and discovering the motivation for resignation is often serendipitous. For instance, when Judge John Augustine Marshall of the U.S. District Court of Utah resigned in 1915, no congressional investigation had been launched or was threatened. Still, Judge Marshall indicated that he would resign after he, in the words of one observer,

became enmeshed in a scandal involving the cleaning woman of his courtroom. Mr. Van Cott and Will Ray, who was then United States District Attorney, both thought the accusation was a frame-up and urged the judge to meet the thing head on with a fight to the finish, But the judge resigned from the bench rather than go through the ordeal of the scandal.⁶³

There may be other instances in which a judge resigned while under investigation and may have done so to avoid the embarrassment or the expense of challenging the charges, rather than because the charges were warranted.⁶⁴

Having said that, it is still possible to conclude that connections exist between investigations or allegations of misbehavior and subsequent resignations, even if it is not always possible to assess the merits of the investigation

60. See Borkin, *supra* note 46, at 219; Grimes, *supra* note 5, at 1213 n.24.

61. Rayman L. Solomon, *History of the Seventh Circuit, 1891-1941*, at 121 (n.d.), *quoting* H.R. Rep. No. 1802, 74th Cong., 1st Sess. 1 (1935).

62. Solomon, *supra* note 61, at 121-22.

63. Clifford L. Ashton, *History of Territorial Federal Judges for the Territory of Utah 1848-1896 and United States District Judges for the District of Utah 1896-1978*, at 57-58 (n.d.), *quoting* S. N. Cornwall's history of the Van Cott firm.

64. Judge Francis Winslow, who resigned during an impeachment investigation, claimed that he did so because "his usefulness as a member of the judiciary was . . . impaired" and that even if exonerated, "the prestige of the court would be impaired should he return to it." He also indicated that the financial burden of fighting the charges would be too great. N.Y. Times, Mar. 30, 1932.

or allegations. For instance, Congress investigated Judge William Story of the Western District of Arkansas in 1874 for, among other things, inordinately large undocumented court expenditures and for allowing bail for persons convicted of capital crimes while they were awaiting sentence.⁶⁵ The House committee found that Judge Story's testimony was "lame, disconnected and unsatisfactory."⁶⁶ Within the month after publication of the committee investigation and report in the *Arkansas Gazette*, Judge Story resigned and moved to Denver. He was elected lieutenant governor of Colorado fifteen years later, and a biographical directory of Colorado published in 1899 implies that the 32-year-old Story resigned for health reasons.⁶⁷ But the coincidence of the reports of the investigation and Story's resignation suggests that avoidance of impeachment or possible criminal prosecution was the most likely motivation for his resignation.

Judge Story's case, as well as some others, raises the question of whether closer attention to character, background, and "judicial temperament" during the nominating process might diminish the number of problem judges on the federal bench. The average age at appointment of judges who resigned after allegations of misbehavior were made against them was 43.9. Judge Story was 27 when he was appointed; Judge Martin Manton, whose judicial corruption resulted in prosecution and a prison term after he resigned in disgrace in 1939, was 36 when he joined the bench. Although greater age at appointment does not in itself have any correlation to greater probity of appointees, it would ensure that appointees had a long enough professional record to allow investigators a greater body of activity to assess.

Age does not guarantee either competence or good behavior, however. In addition to resigning, judges have also taken senior status under pressure, and although such "retirements" are beyond the scope of this study, two instances should be noted here, indicative of the elusiveness of any definitive statements about the extent or outcome of judicial misbehavior. The first is Judge John Warren Davis of the Third Circuit. Judge Davis was writing and selling decisions going out over Judge Joseph Buffington's signature. Buffington was aging, deaf, and nearly blind; he was clearly not writing these opinions. Davis was the subject of investigation and speculation when he took senior status in 1941. It is not clear whether he expected his retirement to forestall further action; if he did, he was mistaken. Formal process was not begun until after his retirement and was not abandoned until he relinquished his pension rights. The second is Judge Mell Underwood of the Southern District of Ohio, who also took senior status at a time when there would appear to be nothing un-

65. The committee compared expenditures for the entire state for the three years before the Civil War with expenditures in the Western District for the three years after its creation in 1871, which corresponded with Story's stewardship as district judge. From 1858 through 1860, the average expenditure per year was \$20,000 for the entire state. Under Story's tenure the expenditures for the Western District alone averaged more than \$241,000 per year. *Ark. Gazette*, June 9, 1874.

66. *Id.*; *Ark. Gazette*, June 30, 1874.

67. *Portrait and Biographical Record of the State of Colorado* 141 (1899).

toward about doing so—he was 73 years old and had served for nearly thirty years. But he had a number of mandamus cases filed against him, and he was “just not doing much work.” He first responded to efforts by his circuit council to induce him to retire by digging in his heels. “I told them to go to hell,” he is reported to have said. Nevertheless, he did end up retiring after reports of his behavior began appearing in a statewide newspaper.⁶⁸ In Underwood’s case, retirement was sufficient.

Investigations

Congressional Investigations

Judicial resignations have quite frequently been triggered by congressional investigations of a judge’s behavior, as precursors to impeachment proceedings. The House has engaged in more than fifty judicial investigations since 1789, resulting in thirteen resignations, four convictions, four acquittals, and five censures.⁶⁹ Currently there are concerns about the quantity of recent judicial prosecutions that have occurred without congressional investigations. Knowing how congressional behavior has changed over time may offer insights into the nature of the problem.

Although the absolute number of House investigations of Article III judges has not changed significantly over the decades, the percentages have. As with departures, the highest percentage of investigations occurred in the judiciary’s infancy. Over the course of the first decade of the nineteenth century, Congress investigated four Article III judges.⁷⁰ The average size of the judiciary was twenty-four, so Congress investigated 16.6% of the judgeships in that decade. The four investigations in the 1820s equaled 11%, which was the second highest rate for the period studied.⁷¹

During the first decade of the nineteenth century, the investigations and impeachment proceedings may be laid directly to partisan politics. Throughout Jefferson’s administration and beyond, the Jeffersonian Democrats launched repeated attacks on the judiciary. Henry Adams reports in his history of Jefferson’s second administration that Senator Tiffin of Ohio proposed an amendment to the Constitution in 1807 that would have changed judicial tenure from a lifetime office to one held for a specified number of years and allowed removal by the President upon address of two-thirds of both houses of Congress. Adams tells us that Tiffin’s motion

was not an isolated or personal act. The State legislatures were invoked. Vermont adopted the amendment. The House of Delegates in Virginia, both branches of the Pennsylvania legislature, the popular branch in Tennessee, and various other State governments, in whole or in part, adopted the principle and urged it upon

68. Peter Graham Fish, *The Politics of Federal Judicial Administration* 412, 416 (1973).

69. These figures do not include territorial judges and exclude judges who have traditionally been listed as resigned, where new evidence shows otherwise.

70. They were Judges Pickering, Chase, Peters, and Innis.

71. The 1820s investigations were of Judges Buckner, Peck, Conkling, and Tait.

Congress. In the House, George W. Campbell moved a similar amendment January 30, and from time to time other senators and members made attempts to bring the subject forward.⁷²

That same year, Joseph Story listened, appalled, as another senator attacked the judiciary, exclaiming, "[N]ever did I hear such all-unhinging and terrible doctrines. He laid the axe at the root of judicial power, and every stroke might be distinctly felt."⁷³ Between 1807 and 1812, nine judicial-removal amendments were proposed in Congress. After the fervor of antijudiciary sentiment subsided, the nineteenth century saw only two other such proposals, in 1837 and 1867.⁷⁴

After the 1820s, the investigation rate fluctuated from 0% to 5.5% for the rest of the nineteenth century, with the notable exception of the 1870s, when Congress investigated nine judges, 11.7% of the 76.5 judgeships that the decade averaged.⁷⁵ Of the nine investigated judges, all were appointed between 1863 and 1871. Lincoln had appointed five, Johnson one, and Grant the remaining three. The six whose political affiliation is known were all Republicans, and they were investigated at a time when both Congress and the Executive were controlled by the Republican party. Partisan animosity would thus not appear to be the motivating factor behind this abnormally large number of investigations.

During the twentieth century, the investigation rate has never climbed above 4%, although in the 1930s the 3.17% rate represented seven investigations, two shy of the record nine investigations of the 1870s. From 1900 to 1910, there were no congressional investigations, although during this time Congress apparently requested that the Justice Department conduct several investigations.⁷⁶ From 1910 to 1920, Congress investigated 4% of the judiciary. This percentage dropped to 0.5% in the 1940s and 0% in the 1950s and 1960s, and it went up to 0.2% in the 1970s.

It is worth noting that when Congress was most actively investigating federal judges in the 1870s, the entire Grant administration was reeling from disclosure of massive corruption at the cabinet level. The Credit Mobilier scandal went hand in glove with exposure of malfeasance by the Secretary of the Treasury, the Secretary of the Navy, the Attorney General, the Postmaster General, and the Secretary of War. William Belknap, the Secretary of War, resigned in 1876; he was nevertheless impeached and avoided conviction only because the Senate decided it lacked jurisdiction.

72. 4 Henry Adams, *History of the United States of America* 206 (1921).

73. *Id.*

74. Herman V. Ames, *The Proposed Amendments to the Constitution of the United States During the First Century of Its History*, Annual Report of the American Historical Association 151-52 (1896).

75. These were Justice Stephen Field and Judges Mark Delahay, Edward Durell, Charles Sherman, Richard Busteed, William Story, David Humphreys, Andrew Wylie, and Henry Blodgett.

76. See *infra* text accompanying note 81.

In the 1920s the Harding administration was similarly rocked by the Teapot Dome scandal. Improprieties in the Justice Department, the Veterans Bureau, and the Interior Department resulted in suicides, resignations, and the first prison term for a cabinet officer in American history. Justice Oliver Wendell Holmes, who averred, "I don't follow politics," was nevertheless moved to comment that "we are investigating everybody and I dare say fostering a belief too readily accepted that public men generally are corrupt."⁷⁷ If that belief was shared, however, it seems to have followed that it did not really matter. New York newspapers found the scandal of so little concern that they dubbed senators investigating the affair "scandalmongers," "mudgunners," and "assassins of character." This was the atmosphere of public life in the 1920s that preceded the next major exposure of judicial venality in the 1930s.

The declining number of House investigations after the 1930s probably says more about changes in Congress than it does about changes in the judiciary. As others have noted, beginning in the 1930s, Congress seemed more willing to entrust the Justice Department and the criminal court system with judicial discipline.⁷⁸ During the period of the communist witch hunts in the 1950s Congress did not conduct any formal investigations of Article III judges. This may not mean that judges were more upstanding in the 1950s than at other times, but simply that an institution with significant time constraints had other fish to fry.

In 1796, the year of the earliest recorded investigation of a federal judge, the House requested the opinion of Attorney General Charles Lee on the best method of proceeding against Ohio Territorial Judge George Turner⁷⁹ after receiving a petition complaining of Turner's behavior. Lee was of the opinion that because of the expense of conducting an impeachment of a judge so far from the seat of government (1,500 miles was the estimate he offered), Judge Turner ought to be prosecuted by information or indictment before the Supreme Court of the territory. He informed the House that

in consequence of affidavits stating complaints against Judge Turner, of oppressions and gross violations of private property, under color of his office, which have been lately transmitted to the President of the United States, the Secretary of State has been by

77. Oliver Wendell Holmes, Jr., to Sir Frederick Pollock, Apr. 6, 1924, in 2 *Holmes-Pollock Letters: The Correspondence of Mr. Justice Holmes and Sir Frederick Pollock 1874-1932*, at 132 (Mark DeWolfe Howe ed., 1944).

78. *See, e.g.*, Grimes, *supra* note 5, at 1216.

79. Judge Turner's case is of interest because it was dealt with during a period when Congress was still treating territorial judges in the same manner as Article III judges for the purposes of removal. Territorial judges serve for limited terms, are not Article III judges, and may be removed by the President. Territorial judges were the subject of a number of House investigations until the Supreme Court ruled in 1828 that territorial courts are legislative, not Constitutional Courts (*see The American Insurance Company v. Canter*, 1 Pet. 511, 546 (1828)), and the House Judiciary Committee concluded in 1833 that a territorial judge "is not a proper subject of trial by impeachment" (*see 3 Hind's Precedents* § 2493, at 991 (1907)). For statistical purposes, territorial judges have not been included in this study.

him instructed to give orders to Governor St. Clair to take the necessary measures for bringing that officer to a fair trial, respecting those charges, before the court of that Territory. . . .⁸⁰

The House then set aside its own investigation. Although Judge Turner himself requested that the House investigate the charges against him, the investigating committee reported that his case should be heard before the court of the territory, where Turner would have the opportunity to defend himself.

Justice Stephen Field was at the center of a controversy early in his career that he perceived as a direct attack by Congress on judicial independence. In 1867 and 1868, the Supreme Court was asked on several occasions to consider the constitutionality of the Reconstruction Acts passed in the aftermath of the Civil War. Field was suspected of overt hostility to the Acts, and he found himself subjected to what he took to be an attempt to influence his decision and chill the independence of the other justices, as evidenced by a somewhat absurd attempt to impeach him.

As Field told it, he was invited to a dinner party that began at about five in the afternoon; by eight, Field was ready to retire and left.⁸¹ Shortly after, Rodman Price, the former governor of New Jersey, arrived and was told to take Field's place at the table. In the course of subsequent conversation, Price expressed the opinion that "the whole reconstruction measures would soon be 'smashed up' and sent to 'kingdom come' by the Supreme Court." This was said within the hearing of a reporter, who immediately asked a waiter for the identity of the speaker; of course, the place card bore Justice Field's name. The comment appeared in the next day's paper, attributed only to a justice of the Supreme Court. When the story was reprinted by a Baltimore paper, Field was identified as the justice in question. On January 30, 1868, Mr. Scofield, a representative from Pennsylvania, introduced a resolution in the House directing the Judiciary Committee to begin an impeachment inquiry; the resolution passed, ninety-seven to fifty-four.

The facts became known soon enough, and the resolution was laid on the table in June.⁸² But Field saw the action as something more than comical, although it did not affect his actions: "The resolution was evidently intended to intimidate me, and to act as a warning to all the judges as to what they might expect if they presumed to question the wisdom or the validity of the reconstruction measures of Congress."⁸³ Although unsuccessful in this regard, if such intimidation had even been the intention, this incident highlights the ways in which disciplinary measures directed against an individual judge may create an atmosphere that is not conducive to the full exercise of judicial independence by other members of the judiciary. Similarly, Judge John

80. 3 Hind's Precedents § 2486, at 982-83 (1907).

81. The following account is taken from Carl Brent Swisher, *Stephen J. Field, Craftsman of the Law*, at 160-63 (1969), quoting from Stephen J. Field, *Personal Reminiscences of Early Days in California* (1893).

82. For a brief recounting of the House actions, see 3 Hind's Precedents § 2503, at 1008 (1907).

83. Swisher, *supra* note 81, at 160-63.

Watrous, the first district judge for the district of Texas, faced repeated politically and financially motivated ouster attempts that he interpreted as a frontal assault on judicial independence. After the House voted not to impeach Judge Watrous in 1858, Senator Sam Houston denounced him on the Senate floor to pave the way for another impeachment attempt, an effort in which Watrous's enemies were at least in some measure successful. On the occasion of this latest of numerous attacks, Judge Watrous decided to reply in a printed pamphlet, in which he stated: "If I am driven from the bench by such methods of annoyance, then have we reached the beginning of the end of anything like independence of the Judiciary." Judges would be forced to "consult the popular cry and not the law." Watrous's remonstrances fell on deaf ears. For the fourth time, a congressional committee recommended impeachment. But also for the fourth time, the full House refused to impeach.⁸⁴

Department of Justice Investigations

Although it is clear that prosecutions or threats of prosecutions may adversely affect judicial independence, it is less clear that investigations or threats of investigations may also have a chilling effect on judicial independence. Since the time of Judge Turner, varying opinions have been expressed on the subject of the authority of the Executive to investigate federal judges. These opinions have at times been explicitly expressed in Justice Department testimony to Congress and at other times implicitly avowed through the investigative activities of the Justice Department. The investigations that have led to prosecution or impeachment are well known; what are less visible are those investigations that have not resulted in further action against a judge or judges. Because such investigations have seldom come to public attention, assessing their propriety and impact is much more difficult.

An incident occurring in the early 1920s in which an assistant U.S. attorney was dismissed for launching an investigation of a judge without authorization suggests that the Justice Department recognized that it is dangerous to treat the investigation of judges the same way as any other investigation. Assistant Attorney General Rush L. Holland testified before a House appropriations subcommittee:

[W]e recently discharged an employee who, without authority or suggestion, on his own motion, proceeded to investigate a United States judge. We discharged him by reason of the fact that we are not attempting to exercise espionage or jurisdiction over judges. That rests wholly with the Congress, and the Attorney General himself could not issue an order to do a thing of that kind, except when called upon by Congress so to do.⁸⁵

84. The proceedings against Judge Watrous are chronicled in 3 *Hind's Precedents* §§ 2496-2499, at 994-1004. See also Wallace Hawkins, *The Case of John C. Watrous: A Political Story of High Crimes and Misdemeanors* 62-64 (1950).

85. *Hearing Before Subcomm. of House Comm. on Appropriations, Department of State and Justice Appropriation Bill, 1923, Part 2, 67th Cong., 2d Sess.* 163 (1922) (testimony of Rush L. Holland, Mar. 6, 1922) [hereinafter *Hearings*].

A few years earlier, in 1913, Attorney General James McReynolds had reported to Congress that, although

[n]o inspectors or other agents are appointed or employed by the Attorney General or by the Department of Justice specifically to investigate and report upon the conduct or proceedings of any of the courts or judges of the United States, . . . [w]ithin the past five years agents of the department have investigated the conduct of three judges of courts of the United States appointed under the Constitution to hold office during good behavior. . . .⁸⁶

One of those investigated judges was Judge Archbald, whom Congress subsequently impeached and convicted.⁸⁷ McReynolds indicated that, although the Executive did not possess the power to remove Article III judges, “it seems clearly within his prerogative to inform the House of Representatives of facts which might necessitate a further investigation or an impeachment.”⁸⁸ Professor Peter Fish suggests that the Justice Department perceived investigations as a potent weapon in influencing how judges did their job. He notes that, “whatever their intrinsic value, investigations afforded or were perceived as affording the prosecuting department immense leverage in its relations with the judges.”⁸⁹ Professor Fish quotes Senator William E. Borah’s comment: “In different ways and by different methods other than by the usual practice judges are given to understand the views of the Government as to what the law is and what the decision should be.”⁹⁰

After Congressman Fiorello La Guardia preferred charges against Tennessee District Court Judge Harry B. Anderson in March of 1930, Senator Kenneth McKellar of Tennessee accused the Justice Department of having used its investigatory powers in an attempt to intimidate the Tennessee judge. He told Attorney General William Mitchell that he had evidence of a report made by one of Mitchell’s assistants, in which the assistant “recommended that you call Judge Anderson before you and tell him that unless he changed his rulings in liquor cases and in matters of procedure that an investigation looking to his impeachment should be immediately begun.”⁹¹

86. Report on Courts and Judges: Letter from the Attorney General, S. Doc. No. 156, 63d Cong., 1st Sess. 1–2 (1913) (James C. McReynolds to president of the United States Senate, Aug. 6, 1913). McReynolds did not address the issue of whether the Justice Department could legitimately investigate judges with a view toward criminal prosecution rather than impeachment, but the clear implication of his letter was that such an option was not even on the table at that time.

87. According to the testimony of the Chief of the Division of Accounts of the Justice Department in 1922, both Judge Archbald and Judge Swayne (who had been impeached and acquitted in 1905) were investigated by the Justice Department at the request of Congress. See *Hearings, supra* note 85 (testimony of John D. Harris). The clear implication of McReynolds’ testimony is that the executive branch instigated the Archbald investigation.

88. *Id.* at 3.

89. Fish, *supra* note 68, at 103.

90. *Id.*

91. Kenneth McKellar, 72 Cong. Rec., pt. 10, at 10881 (1930).

Attorney General Mitchell stated unequivocally, "It is clear that Attorneys General have no authority to make investigations with a view to impeachment of Federal judges, and, so far as I know, no Attorney General has claimed any such authority."⁹² He then went on to deny that he had ever received the report that McKellar referred to, but he did indicate that the investigation, which he characterized as an investigation of the administration of bankruptcy laws, was being carried out on the department's own initiative, and that, although Judge Anderson was not the subject of the investigation, "during the course of the investigations of departmental agents . . . persons at Memphis, on their own motion, went to the agents of the department and laid before them statements relating to Judge Anderson's official conduct." The Attorney General indicated that the agents had then properly recorded and transmitted these statements to the Justice Department. He denied as well that the Justice Department had made the report of the investigation available to Congressman La Guardia.⁹³ Senator McKellar was not mollified, and he informed the Senate that he had brought the matter to their attention,

so that Senators would think over the proposition of whether it is in the province of the Department of Justice to put sleuths on Federal judges and have secret reports made concerning Federal judges in this country. . . . If a Federal judge feels that he is under constant scrutiny of the Department of Justice, I do not know that he can make a fair and upright and honest judge. Nor do I think the department, while admitting it has no authority to investigate judges looking to their impeachment, should actually exercise such authority under some other pretense.⁹⁴

Ignoring the policies underlying the separation of powers, if not the explicit constitutional mandates, specifically the exclusive vesting of the impeachment power in Congress, can sometimes undermine public trust in the judiciary in two directions, depending on the political relationships between the judges and the other two branches. When the Executive is a member of one party and the judge being investigated is of another, clear issues of partisan pressure surface. On the other hand, when the judge and the President are of the same party, and questions about the judge's integrity are raised but not pursued, equally disturbing questions may arise. Both circumstances expose threats not only to the reality of judicial independence but also, equally important, to the public perception of judicial independence. The circumstances surrounding the resignation of Supreme Court Justice Abe Fortas in 1969 provide an interesting example of both sides of the partisan coin.

After Associate Justice Fortas's failed nomination to be Chief Justice in 1968, questions began surfacing about his relationship to financier Louis

92. *But cf.* the comments of Attorney General McReynolds, *supra* text accompanying note 86.

93. McKellar, *supra* note 91, at 10882.

94. *Id.* at 10883. The House determined that impeachment was not warranted, but censured Judge Anderson. *See* 6 Cannon's Precedents §§ 542, 551, at 776-77, 793 (1935).

Wolfson, who had recently been convicted of conspiracy to violate the securities laws. In September of 1968, the Senate Judiciary Committee received an anonymous letter advising it to investigate Fortas's relationship with Wolfson. Senator Robert Griffin of Michigan, who had led the earlier fight against Fortas, sought FBI assistance in investigating the matter. Senator Griffin's representative was told that an investigation could be done only with the approval of Attorney General Ramsey Clark, to which Griffin's representative replied that the Senator would not pursue the matter because "the Attorney General had fully endorsed Fortas and would not authorize the FBI to conduct [an] investigation along lines which might seek to discredit him."⁹⁵

Fortas biographer Bruce Murphy reports that when President Lyndon Johnson told Ramsey Clark in June that he wanted to elevate Fortas to the chief justiceship, Clark was not happy about the prospect of investigating Fortas again. Professor Murphy reports that Clark was genuinely concerned about the

"danger" to the constitutional "separation of powers" in a member of the executive branch saying to a sitting, and presumably independent, judge, "Okay, now, are you an honorable man? Have you done anything dishonest? Have you taken bribes, or have you done things foolish?"⁹⁶

Murphy found no evidence that an FBI investigation was done.⁹⁷

A few months later, however, the administration had changed. *Life* magazine reporter William Lambert was also attempting to investigate the relationship between Fortas and Wolfson, and he was now dealing with a Justice Department more openly hostile to Fortas. Lambert met with Will Wilson, the assistant attorney general in charge of the Justice Department's criminal division. He sought, in that meeting and later, to get Justice Department corroboration of the tip he had received about possible financial improprieties. Wilson, who was no fan of Lyndon Johnson's and a critic of the Warren Court, declared later, "I knew what kind of a potential coup we had. In all candor, we wanted Fortas off the Court."⁹⁸ Wilson launched his own parallel investigation of the justice's activities, "making the matter a top priority for the Justice Department."⁹⁹ He informed Attorney General John Mitchell and J. Edgar Hoover of the FBI of the connection between Fortas and Wolfson. Mitchell passed this information along to President Nixon.¹⁰⁰

In an interview with Bruce Murphy in 1982, Wilson confirmed the complicity of the Nixon administration, which was suspected at the time, in the production of the damaging article about Fortas. Writes Murphy:

Lambert returned to the office of a senior Justice Department official and told him that he still needed confirmation of the story.

95. Laura Kalman, *Abe Fortas: A Biography* 360 (1990).

96. Bruce Murphy, *Fortas: The Rise and Ruin of a Supreme Court Justice* 284 (1988).

97. *Id.* at 638 n.55.

98. *Id.* at 549-51.

99. *Id.* at 551.

100. Kalman, *supra* note 95, at 362.

When assistance was not immediately forthcoming, the reporter pressed: "I will not run the story unless I have confirmation of it." So, even though Justice Department files about an ongoing investigation are confidential, the official confirmed the story. This was all that Lambert needed to proceed.

Murphy concludes: "With that, the Nixon Justice Department had now become an accomplice in the production of the story."¹⁰¹

After the *Life* magazine story questioning Fortas's dealings with Wolfson broke, President Nixon met with Republican members of Congress to persuade them that impeachment proceedings against Fortas would be inadvisable, since they would only divide the country. Every indication was that Fortas could be forced to resign without impeachment. Attorney General Mitchell arranged to meet with Chief Justice Earl Warren to persuade him to apply pressure on Fortas to resign. After the meeting, Warren remarked to his secretary (referring to Abe Fortas), "He can't stay."¹⁰² Fortas later said he "had received a message from the Nixon administration that if he did not resign, it would institute criminal proceedings against him."¹⁰³ Fortas resigned. A month after Fortas's resignation, Senator Strom Thurmond declared, "Douglas is next."¹⁰⁴

In a relatively recent instance of judicial recalcitrance in the face of requests for resignation, Judge Herbert Fogel of the Eastern District of Pennsylvania remained in office for more than a year after he was investigated in 1976 by the Justice Department for business irregularities occurring before he ascended to the bench. Judge Fogel invoked the Fifth Amendment when questioned before a grand jury about his role in a questionable government contract deal involving his uncle. The *New York Times* reported in November of 1976 that "Deputy Attorney General Harold R. Tyler, Jr. has let it be known to Judge Fogel that it would be best for the reputation of the Federal Judiciary if he left the bench voluntarily." Judge Fogel resigned about a year later and returned to private practice.¹⁰⁵

The same year, the Department of Justice was also apparently investigating Judge John Singleton in Texas, but the department's efforts to force Singleton to resign were unsuccessful, and a grand jury refused to indict. According to a journalistic account published in 1980:

... in 1976, a Department of Justice investigation turned up large personal loans to Judge Singleton in the records of Houston's now defunct Franklin Bank. At that time, Judge Singleton was presiding over the criminal prosecution of James Robert Lyne, former president of the bank. In 1977 Judge Singleton informed his fellow

101. Murphy, *supra* note 96, at 555.

102. Kalman, *supra* note 95, at 368.

103. *Id.* at 374-75. Although impeachment proceedings were never fully pursued against Justice Fortas, Congressman H. R. Gross of Iowa did prepare articles of impeachment. *Id.* at 372.

104. *Id.* at 374, citing a press release from Senator Thurmond's office.

105. Quoted in Grimes, *supra* note 5.

judges that he was being investigated by a federal grand jury in Houston and that he had been asked to resign. Singleton said his problems had arisen out of his getting heavily into debt. . . . Not only had Judge Singleton not removed himself from the Lyne case, but the Justice Department listed a total of 18 cases in which it thought the judge had a conflict of interest. The grand jury, however, did not indict Singleton. . . .¹⁰⁶

There is also evidence that, on occasion, individual U.S. attorneys have instigated investigations or charges against federal judges, although with little success and sometimes dire, but predictable, results. In the case of West Virginia District Judge William Baker, the complaints lodged by the U.S. attorney prompted Congress to launch an impeachment investigation, after which Baker was exonerated. Chief Justice Taft was outraged by this intrusion and attempted to get the Judicial Conference to adopt a resolution supporting the replacement of the U.S. attorney. The acrimony between Judge Baker and the U.S. attorney had apparently brought judicial business in the district to a virtual halt.¹⁰⁷

Outside Investigations

Threats to investigate or launch charges have not always had the desired result. Judge Peter Grosscup of the Seventh Circuit announced in 1911 that he wanted to leave the bench to become more active in politics. But the newspaper story about Grosscup's intentions also revealed that Grosscup had been shadowed for the previous two years by a private detective for a muckraking magazine. Former U.S. Solicitor General Charles Aldrich announced that he had supplied information for the investigation, and he charged that Grosscup was resigning because of what the magazine had uncovered. Grosscup responded by declaring that he would withdraw his resignation if formal charges were made against him. The magazine's publisher backed down, asserting that he wished to do nothing that might stand in the way of Judge Grosscup's resignation. As the Seventh Circuit's historian puts it: "The judge resigned October 23, 1911, with the allegations of malfeasance never having been formally made or proven—yet not disproven."¹⁰⁸ It may be that Grosscup's initial decision to resign was motivated by the magazine's informal investigation, but his threat to revoke his resignation suggests that formal charges might have caused him to stand his ground and fight.

It is clear that many resignations have followed from the use or threats of the use of formal investigatory and prosecutorial mechanisms. What is no less clear, but far less quantifiable, is that resignations and retirements of unfit judges have been accomplished through less formal—and less public—per-

106. Clark Mollenhoff & Greg Rushford, *Judges Who Should Not Judge*, reprinted from Reader's Dig., Feb. 1980, in *Hearings on Judicial Tenure and Discipline 1979-80, Before the House Subcomm. on Courts, Civil Liberties, and the Admin. of Justice, 96th Cong., 2d Sess., Serial No. 36 (1980)*.

107. Fish, *supra* note 68, at 47.

108. Solomon, *supra* note 61, at 88.

suasion. Neither public pressure nor behind-the-scenes urgings have been uniformly effective, but it is clear that the existence of the big stick of impeachment allows the occasional effective use of soft speech in “suggesting” modification of judicial behavior or resignation or retirement from office.

Prosecutions Outside the Impeachment Process

One concern that has been expressed about various proposals to reform or streamline judicial discipline has been that judges should be fully accountable for their actions and subject to the full range of prosecution, both local and federal, for all transgressions of the law. Although the constitutionality of prosecuting judges prior to impeachment and conviction is an unresolved and pressing issue, there are strong arguments that the framers of the Constitution never intended that impeachment must invariably precede other legal actions against federal judges. The bribery section of the Crimes Act of 1790¹⁰⁹ is the most often cited example of contemporary eighteenth-century understanding; perhaps a more immediately compelling example is the case of Supreme Court Justice James Wilson.

Justice Wilson’s tribulations, widely known to his contemporaries, support the contention that the founding generation did not contemplate federal judges being above the law, and they were able, likewise, to tolerate imprisonment, albeit of a “private” nature, without immediately resorting to impeachment to remove a judge from the bench. Appointed by George Washington to the first Supreme Court in 1789, James Wilson had already had an outstanding career in the law and in nation building. But in addition to his more admirable activities, Wilson had also engaged in various speculative financial schemes, which began to catch up with him in the closing years of the eighteenth century. In 1798, Harrison Gray Otis wrote to his wife that Justice Wilson “left this city [Philadelphia] a few days since to escape from his creditors but managed with so little address that he has got himself arrested at New Castle in Delaware where he will probably be imprisoned.”¹¹⁰ Wilson was indeed imprisoned; after his release, he rode the Southern circuit in an attempt to flee further from his creditors.

There may have been some initial question about whether process could be served on the justice while he was actually sitting: South Carolina Congressman John Rutledge, Jr. (son of Associate Justice Rutledge), wrote to his uncle Edward Rutledge that “heretofore it has been supposed by his [Wilson’s] Creditors that he was not tangible during the sitting of the Court, but this doctrine is over-ruled, & he has not been able to make his appearance at the Court held this month.”¹¹¹ Wilson’s judicial activities were further disrupted when Pierce Butler, another one of his creditors, caught up with him on the Southern circuit and had him imprisoned in Edenton, North

109. Act of Apr. 30, 1790, § 21, 1 Stat. 117.

110. Harrison Gray Otis to Sally Otis, Feb. 18, 1798, in Marcus & Perry, *supra* note 21, at 858.

111. *Id.* (John Rutledge, Jr., to Edward Rutledge, Feb. 25, 1798).

Carolina, for two months in the spring of 1798.¹¹² This state of affairs probably would not have been suffered to continue, however, had Wilson's death in August of 1798 not intervened. Former Congressman Samuel Johnston wrote to his brother-in-law, Justice James Iredell, intimating a prosecution was in store if Wilson could not bring himself to resign, opining that, "surely, if his feelings are not rendered altogether callous, by his misfortunes, he will not suffer himself to be disgraced by a conviction on an impeachment."¹¹³ With the exception of the brief reticence of Wilson's creditors to serve process while he was sitting—which appears to have been more out of deference to the Court than a sense of Wilson's individual judicial immunity—there is no evidence of objection to his imprisonment as an unconstitutional removal.

Department of Justice Prosecutions

Although not dispositive of constitutionality, historical precedent also indicates an acceptance of pre-impeachment prosecutions. This presumption has not invariably been true, and statements by attorneys general and their staff indicate that the Department of Justice did not settle into an assumption of the propriety of unilateral prosecutions until sometime after the 1920s, and perhaps not until the 1970s. Between the 1905 case of Judge Francis Baker and the 1973 case of Otto Kerner, all Department of Justice prosecutions proceeded against judges who had resigned prior to prosecution.

In 1905, under Attorney General William H. Moody (who would join the Supreme Court the following year), the Justice Department took the position that no sitting judge could be indicted without first being removed from office by impeachment. In that year, complaints surfaced that Seventh Circuit Judge Francis Baker had coerced postal employees into contributing to the Indiana State Republican party in 1902. A postal employee in Goshen, Indiana, filed charges with the U.S. Civil Service Commission airing the allegations; in response, as Rayman Solomon describes:

The commission investigated the matter and issued findings in October, 1905. Their report detailed a story, corroborated by several witnesses, in which employees were told by the assistant postmaster to pay a visit to Judge Francis Baker. The judge explained to the employees that it was in the workers' best interests to ensure that Republicans were kept in office, as Democrats would probably fire them. The judge then told the employees that he gave liberally to the party (about 5 percent of his salary) and that they should do the same. One worker said he could not afford that amount, and the

112. There may be some question about whether Wilson was physically restrained in Edenton or was kept there under threat of imprisonment. See 3 *The Documentary History of the Supreme Court of the United States, 1789-1800*, at 277-78 n.3, 289 n.1 (Marcus ed., 1990).

113. *Id.* at 859 (Samuel Johnston to James Iredell, July 28, 1798).

judge is reported as replying, "You can afford to do without a suit of clothes and make the payment."¹¹⁴

Although the commission recommended turning the matter over to the Department of Justice, Justice determined that both legal and political barriers stood in the way of indicting Judge Baker. The first contention was that pre-impeachment prosecution was impermissible, and the second was that even if indictment without impeachment was possible, the statute of limitations appeared to have run. Impeachment was considered improbable since Congress was unlikely to either impeach or convict on the charges alone. So Baker continued in office, and the matter was so thoroughly forgotten that Baker was among three finalists for a Supreme Court seat in 1922.¹¹⁵

When another Seventh Circuit judge, Otto Kerner, Jr., was indicted for offenses committed while he was governor of Illinois, including bribery, mail fraud, and tax evasion, his counsel argued that indictment was tantamount to removal and thus unconstitutional because it was outside the sole constitutionally prescribed means to remove a federal judge.¹¹⁶ The Seventh Circuit did not agree, noting that "protection of tenure is not a license to commit crime or a forgiveness of crimes committed before taking office."¹¹⁷ The Court not only found no support for Kerner's position but also opined that judicial independence "is better served when criminal charges against its members are tried in a court rather than in Congress. With a court trial, a judge is assured of the protections given to all those charged with criminal conduct."¹¹⁸ Judge Kerner resigned after his appeals were denied, so the ancillary question of what to do about criminally convicted and imprisoned judges who do not resign was left to be answered following the judicial prosecutions of the 1980s and early 1990s.

Local Prosecutions

Toward the end of the nineteenth century, another Supreme Court justice briefly found himself on the wrong end of the law, although unlike the source of James Wilson's travails, this time it was the criminal law.¹¹⁹ Justice Stephen Field had become involved, while on circuit in California, in deciding a messy case of alleged marriage, divorce, fraud, and forgery, in which two of the principals were volatile, vindictive sorts who had threatened violence against Field on several occasions. The special deputy hired to protect Field against these threats ended up shooting and killing one of these people, former California Supreme Court Justice David S. Terry, when Terry

114. Solomon, *supra* note 61, at 61-62.

115. Solomon notes that "an investigation of the Justice Department appointment files of Judge Baker in the National Archives revealed no mention of the 1905 scandal during the selection process." *Id.* at 63 n.76.

116. Brief for Appellant Otto Kerner, Jr., at 43-52, *United States v. Isaacs*, 493 F.2d 1124 (7th Cir. 1973) (No. 73-1410).

117. *United States v. Isaacs*, 493 F.2d 1124, 1142 (7th Cir. 1973).

118. *Id.* at 1144.

119. The following account is taken from Swisher, *supra* note 81, at 321-61.

attacked Field. Field was subsequently arrested for murder, although through quick work in filing a petition for habeas corpus, he was not actually taken to jail. After a preliminary hearing, Field was released on his own recognizance, with a \$5,000 bond. Before any jurisdictional or constitutional matters could be raised, California's governor intervened, urging that the proceedings be dismissed, and they were. Another of the judges involved noted that

[w]e are extremely gratified to find that, through the [action of the] chief magistrate, and the Attorney-General, a higher officer of the law, we shall be spared the necessity of further inquiry as to the extent of the remedy afforded the distinguished petitioner, by the Constitution and laws of the United States, or of enforcing such remedies as exist, and that the stigma cast upon the state of California by this hasty and, to call it by no harsher term, ill-advised arrest, will not be intensified by further prosecution.¹²⁰

Thus, the question remains whether a federal judge could be tried, convicted, and imprisoned—possibly for life—without first being impeached, convicted, and removed by Congress.

In 1907, local Illinois prosecutors succeeded in what was probably the first indictment of a sitting federal judge.¹²¹ Judge Peter Grosscup of the Seventh Circuit was also president and principal owner of the Mattoon City Railway, which had been involved in a serious accident in which fifteen people were killed and many others injured. This event, in conjunction with two other accidents involving serious injuries in recent months, caused community outrage of enough magnitude to encourage a prosecutor to seek indictments of the owners on charges of criminal negligence. Grosscup, along with five other directors, finally began trial in February of 1908. The judge quashed the indictments after three days of argument on the grounds that there could be no criminal liability unless the directors were actually present and in control of the train. No one addressed the question of whether Grosscup, as a sitting federal judge, must be impeached before being indicted.¹²²

120. *Id.* at 355.

121. This statement is reserved to Article III judges; as noted above (*see supra* note 79), territorial judges may well have received different treatment.

122. Solomon, *supra* note 61, at 57–58.

4. Retirement and Disability

The reasons most often given by judges for leaving the bench have been those relating to age and health or to other employment. It has been said that the majority of the problems with federal judges that have surfaced over the years can be attributed to the aging process and its attendant infirmities. Congress has acted incrementally over the years to deal with these problems by giving aging judges incentives to retire. The following discussion is intended to provide a statutory and historical context for the choices that judges have made about retirement, as well as for the means taken to deal with judicial infirmity.

Retirement

For the first eight decades of the federal judiciary, Congress made no provision for the retirement of Article III judges. As a consequence, an aged judge was forced to choose between resigning from the bench and losing his salary and continuing in office despite possible incapacity in order to retain financial support. During that eighty-year period, only twenty judges left office for reasons of age or health. By way of comparison, sixteen Article III judges were investigated by Congress during that same period; five of those judges resigned or were removed. Within the first thirty years after Congress provided for retirement, the number of retirements equaled the number of age and health resignations for the previous eighty years.

Lacking any provision for retirement, many judges stayed on past the point when they were capable of serving adequately. For instance, Justice Henry Baldwin, appointed to the Supreme Court by Andrew Jackson in 1830, died in office in 1844 at the age of 64. But one account states that “[t]owards the close of his life his intellect became deranged and he was violent and ungovernable in his conduct on the bench.”¹²³ Of Associate Justice John McKinley, Attorney General John J. Crittenden commented that “for many of the last years of his life he was enfeebled and afflicted by disease, and his active usefulness interrupted and impaired.”¹²⁴

Between 1809 and 1869, members of Congress proposed four constitutional amendments that would have established mandatory retirement ages

123. John S. Goff, *Old Age and the Supreme Court*, in *Selected Readings: Judicial Discipline and Removal* 31 (Glenn R. Winters ed., 1973), quoting 1 Hampton L. Carson, *The History of the Supreme Court of the United States* 281 (1892).

124. Goff, *supra* note 123, at 32.

for federal judges.¹²⁵ Senator Pope of Kentucky proposed the first of these in 1809 in connection with a proposal for the removal of judges. He suggested that judges not be permitted to remain in office after reaching age 65. Similar proposals reached the floor in 1826 and 1836. In 1869, Representative Ashley bemoaned the state of the Supreme Court with "one-third of its members sleeping upon the bench and dying with age, and one-third or more crazed with the glitter of the presidency."¹²⁶ He proposed dealing with part of the problem by constitutionally limiting judicial terms to twenty years and mandating retirement at age 70.¹²⁷

Although it failed to approve Ashley's retirement amendment of the same year, in 1869 Congress for the first time passed retirement legislation allowing a judge who had reached the age of 70 and who had served at least ten years to retire on an annual pension equal to the salary he was receiving at the time he retired.¹²⁸ This law was the first glimmer of official recognition that the constitutional language defining judicial tenure as "during good behavior" need not always mean "for life," and that there were good reasons to allow elderly judges to retire without consigning them to destitution.¹²⁹

The probable first instance of a requested retirement under the new act was that of Justice Robert C. Grier. He was elderly and had been ailing for some time. He sent in his resignation in December of 1869¹³⁰ after a committee of justices visited him to request that he step down. Many years later, the aged Justice Stephen Field was reminded of his participation in seeking Grier's resignation when confronted with a similar deputation, prompting him to exclaim, "[A] dirtier day's work I never did in my life!"¹³¹

Lower court judges as well as Supreme Court justices immediately availed themselves of the new retirement provisions. Between 1869 and 1919, an average of just under one judge per year retired under the new provision. Then, in 1919, Congress made it possible for judges to retire from active duty with-

125. This end was sought by other means in eighteen amendments proposed between 1807 and 1879 that would have limited judicial terms in office, with the limits ranging from four to twenty years. See Ames, *supra* note 74, at 151-52 (1896).

126. *Id.* at 151 n.6.

127. *Id.* at 151.

128. Act of Apr. 10, 1869, 16 Stat. 44, § 5 states:

That any judge of any court of the United States, who, having attained to the age of seventy years, resign his office, shall thereafter, during the residue of his natural life, receive the same salary which was by law payable to him at the time of his resignation.

129. The discussion of retirement and disability legislation has benefited greatly from the following sources: Robert Keeton, *The Office of Senior Judge*, in 2 Federal Court Study Committee, Working Papers and Subcommittee Reports 154 (1990); *Judicial Independence: Discipline and Conduct, Hearings before the Subcomm. on Courts, Intellectual Property, and the Administration of Justice of the House Comm. on the Judiciary*, 101st Cong., 1st Sess. 24-26 (1989) (testimony of U.S. Circuit Judge Frank M. Coffin, Apr. 27, 1989) [hereinafter *Hearings*]; and research done by University of Pennsylvania Law School student Eric Laumann in Aug. 1989 for Professor Steven Burbank.

130. To take effect the following February.

131. Goff, *supra* note 123, at 32-33, 35.

out resigning the office.¹³² This provision allowed judges who were past the age of 70 to continue to serve according to their desire and ability while allowing the President to appoint an additional judge to carry a full caseload. Since 1919, Congress has fine-tuned judicial retirement provisions on a number of occasions. In 1937, Supreme Court justices were given the same choice between retiring and resigning that other life-tenure judges had been given in 1919.¹³³ In 1948, Congress modified the salary provisions, so that judges resigning at age 70 after ten years of service would receive the salary they were receiving when they resigned, but judges choosing to retire from regular active service would receive the salary of the office—that is, they would be eligible for all pay raises.¹³⁴ In 1954, Congress extended the “senior status” option (retirement from regular active service on the salary of the office) to judges who had reached the age of 65 and served at least fifteen years. Judges who wished to *resign* on salary still had to be 70 and have served for at least ten years.¹³⁵ In 1958, Congress changed the name of judges retiring from regular active service from “retired” judges to “senior” judges.¹³⁶

Between 1919 and 1979, approximately 450 judges retired or took senior status.¹³⁷ From 1980 to 1989, at least 197 judges retired from regular active

132. Act of Feb. 25, 1919, 40 Stat. 1156, § 260:

... But, instead of resigning, any judge other than a justice of the Supreme Court, who is qualified to resign under the foregoing provisions, may retire, upon the salary of which he is then in receipt, from regular active service on the bench, and the President shall thereupon be authorized to appoint a successor; but a judge so retiring may nevertheless be called upon by the senior circuit judge of that circuit and be by him authorized to perform such judicial duties in such circuit as such retired judge may be willing to undertake, or he may be called upon by the Chief Justice and be by him authorized to perform such judicial duties in any other circuit as such retired judge may be willing to undertake, or he may be called upon either by the presiding judge or senior judge of any other such court and be by him authorized to perform such judicial duties in such court as such retired judge may be willing to undertake.

133. Act of Mar. 1, 1937, 50 Stat. 24.

134. Act of June 25, 1948, 62 Stat. 1016.

135. Act of Feb. 10, 1954, 68 Stat. 12.

136. Judicial retirement provisions have been modified several times since 1980, the original cut-off date for this study. Since 1980, for instance, the modified “rule of 80” was adopted, allowing judges to take senior status on a sliding scale of age and service, starting at age 65 with fifteen years of service, and moving up to age 70 with ten years of service, always providing that the sum of age and years of service equals eighty. Additionally, the late 1980s saw the introduction of a service certification process for judges to remain in senior status.

137. There are currently no accurate figures on the total number of judges who have taken senior status since its inception in 1919 or on the number who retired from the office under what is now section 371(a). See *supra* note 4. In a report to Congress in 1976, the AOUSC listed only one judge as receiving a pension under section 371(a). *Hearings Before the Subcomm. on Courts, Civil Liberties, and the Administration of Justice of the House Comm. on the Judiciary*, 94th Cong., 2d Sess. app. A (1976) (statement of Joseph F. Spaniol, Jr., May 20, 1976). According to a list created by the General Counsel’s Office of the AOUSC, updated as

service (i.e., took "senior status"), and an additional fourteen "retired from the office." Of the 211 judges who chose to reduce their workload once they became eligible to do so, 7% resigned completely. From 1990 to the end of 1992, ninety-nine judges took senior status, and fourteen more chose to resign completely, which represents an apparent doubling of the rate of "retirements from the office" to 14%.¹³⁸ Of the fourteen judges who retired from the office from 1990 to 1992, we have information on the subsequent activities of nine. Seven have returned to private practice, and two have taken full-time teaching positions.¹³⁹ The average age at termination of those retiring from the office in the 1990s is 75; the average age at termination of the seven who are known to have gone into private practice is 69. These seven judges served on the federal bench for an average of eighteen years each.

Because the 1990 numbers represent only three years of the decade, and because we do not yet have historical data for comparison, these numbers should be interpreted with caution. But there is a perception within the judiciary that there is a rising number of judges who may be treating the judiciary, in the words of Chief Justice Rehnquist, as "a stepping stone to a lucrative private practice." Judge Abner Mikva (now chief judge of the U.S. Court of Appeals for the District of Columbia Circuit) noted that "[t]his is supposed to be the last stop on the road. A judge shouldn't be thinking about going back to work for a law firm that's coming before him. That's unhealthy."¹⁴⁰ What these numbers suggest, then, is that further study should be done of both senior judges and judges who have retired from the office in the twentieth century.¹⁴¹

Disability

Retirement provisions did not solve all the problems of incapacity on the bench. Section 25 of the short-lived Judiciary Act of 1801 had provided for disability of district judges by directing that the newly created circuit courts would have the power to appoint a circuit judge from the court to take over

of the end of 1992, an additional judge retired from the office effective fifteen days before the above hearings.

138. These numbers were taken from a list of judicial resignations and retirements provided by the General Counsel's Office of the AOUSC, in conjunction with a list of senior status judges provided by the Human Resources Division of the AOUSC and a list generated by the FJHO. Because of the way statistics and information have been collected and organized in the past, these numbers should be treated as illustrative, rather than definitive.

139. The law firm of Covington & Burling in Washington, D.C., did a LEXIS/NEXIS search for the names of the section 371(a) judges for a month on either side of their retirement date.

140. Wash. Post, Jan. 21, 1987.

141. There currently exist a few studies, including Wilfred Feinburg, *Senior Judges: A National Resource*, 56 Brook. L. Rev. 409 (1990); Robert Keeton, *supra* note 130, at 154; and *Hearings*, *supra* note 129, at 24-26. In 1938, Charles Fairman did a study on judicial retirements that treated only the Supreme Court: Charles Fairman, *The Retirement of Federal Judges*, 51 Harv. L. Rev. 397 (1938).

the duties of a disabled district judge within the circuit for as long as the disability might continue.¹⁴² District Judge John Pickering of New Hampshire was relieved under Section 25 of the 1801 Act; repeal of the Act put him back on the bench and resulted in the first impeachment and conviction of a federal judge. Pickering's "high crimes and misdemeanors" were alcoholism and insanity.¹⁴³

In 1809 Congress addressed the issue of district judge disability again. Although a proposed amendment to the Constitution that would have forbidden judges to serve after reaching age 65 failed to pass, Congress did pass a disability statute requiring the Supreme Court justice assigned to the circuit in which there was a disabled district judge to issue *certiorari* to the clerk of the district court to certify all pending matters to the next circuit court.¹⁴⁴ What this procedure did, of course, was simply to shift the burden of holding the district court to the justice sitting as a circuit judge "during the continuance of such disability." No provision was made for the *retirement* of a permanently disabled judge, or for the appointment of a replacement.

Not until 1850 did Congress provide for the assignment, by a circuit judge or by the Chief Justice, of a district judge from another district to carry out the duties of a disabled district judge.¹⁴⁵ The illness of Samuel Rossiter Betts of the Southern District of New York had apparently prompted the introduction of special legislation, which was later converted into general legislation.¹⁴⁶ In 1863, Congress extended the coverage of the disability statute to include temporary assignment of judges to hold circuit courts as well.¹⁴⁷

Although provisions now existed for maintaining judicial efficiency by temporarily assigning able judges to stand in for disabled judges, it was still not possible for a disabled judge who did not meet the age and service requirements to retire from active service and receive his salary. As a result, Congress found itself passing special legislation on several occasions after 1869 until it enacted general legislation in 1919.

In 1875 Congress passed special legislation extending the benefits of the 1869 retirement act to the district judge of Vermont who had suffered a stroke.¹⁴⁸ Wilson McCandless of the Western District of Pennsylvania, who had served for twenty years, was not yet 70 when he became physically incapacitated for service. Congress responded to his incapacity by passing legislation in 1876 allowing him to retire under the provisions of the 1869 Act, provided that he resign within six months of the passage of the special act.¹⁴⁹ Similarly, in 1882, Congress made the same provision for Supreme

142. 5 Stat. 230, 250 (1801).

143. One also might include "Federalism" among his crimes. See Richard Ellis, *The Jeffersonian Crisis: Courts and Politics in the Young Republic 70-75* (1971).

144. Act of Mar. 2, 1809, Chap. 94, 9 Stat. 259.

145. Act of July 29, 1850, Chap. 30, 9 Stat. 442.

146. See Cong. Globe, 31st Cong., 1st Sess. 1439 (1850) (remarks of Mr. Thompson).

147. Act of Mar. 3, 1863, Chap. 43, 12 Stat. 768.

148. Act of Feb. 18, 1875, 18 Stat. 329.

149. Act of June 2, 1876, 19 Stat. 57.

Court Justice Ward Hunt. Hunt had been on the Court for only six years when, on January 5, 1879, he was "struck speechless with paralysis." It took three years of an understaffed Court before Congress acted in January of 1882 to allow Hunt to retire under the provisions of the 1869 Act, notwithstanding the fact that he fell short of the ten-year-service requirement.¹⁵⁰

In 1870, Congress responded to the petition of twenty-eight members of the Galveston bar and provided a pension for Texas District Court Judge Watrous, a judge who had served for twenty-four years, survived four impeachment attempts, and was one year short of retirement age.¹⁵¹ In 1910, and again in 1922, Congress took the time to pass special retirement legislation for the benefit of Associate Justices William Moody and Mahlon Pitney.¹⁵² Still, it was not until 1939 that Congress made any general provision for voluntary disability retirement.¹⁵³ In that year Congress passed an act allowing permanently disabled judges, regardless of age, who had served for less than ten years to retire on half pay; those who had served for ten years or more were permitted to retire on the salary they were receiving at the time of their retirement.

In 1919 Congress dealt with the problem of the superannuated judge who refused to resign or retire in spite of disability. In the retirement act of that year, Congress authorized the President, "if he finds any such judge [i.e., an active judge at least 70 years old with ten or more years of service] is unable to discharge efficiently all the duties of his office by reason of mental or physical disability of permanent character," to appoint an additional judge. The disabled judge would then be considered junior to all other judges in the district or circuit.¹⁵⁴ In 1957 Congress authorized the circuit judicial councils to certify a judge as disabled by a majority vote of the members of the judge's judicial council. Such certification was then to be passed on to the President for the purposes of appointing another judge if the President agreed it was necessary.¹⁵⁵

The statutes that have provided for judicial disability retirements over the years have allowed a certain amount of flexibility in dealing with judges unable to dispatch business in a reasonably efficient manner. But they have also caused a certain amount of confusion. One of the uses of the 1919 "involuntary" disability statute, occurring in 1928, illustrates the opacity of congressional intent in this area.

150. Act of Jan. 27, 1882, 22 Stat. 2; Goff, *supra* note 123, at 33.

151. Act of Apr. 5, 1870, 16 Stat. 81; Hawkins, *supra* note 84, at 62-64 (1950). Watrous was the subject of four impeachment investigations throughout the 1850s and is commonly thought to have resigned as a result. (See, e.g., Borkin, *supra* note 46.) He weathered all four, however; his resignation in 1870 followed a paralytic stroke suffered in early 1869.

152. Act of June 23, 1810, 25 Stat. (pt. 2) 1861 (William Moody) and Act of Dec. 11, 1922, 42 Stat. 1063 (Mahlon Pitney).

153. Act of Aug. 5, 1939, 53 Stat. 1204. The disability provisions in the 1919 Act only applied to judges eligible to retire upon meeting the age and service requirements of 70 + 10.

154. Act of Feb. 25, 1919, 40 Stat. 1156.

155. Act of Sept. 2, 1957, 71 Stat. 586.

The lone district judge for the state of Kansas, 70-year-old Judge John Pollock, under pressure of an overwhelming backlog and consequent unfavorable newspaper stories demanding his resignation, consulted the retirement act of 1919 and decided that if he refused to retire but asked the President to appoint an extra judge in light of the infirmities of his age, he could get some help with his docket without giving up his position. He wrote to his senators and to President Coolidge expressing his wishes: "Not intending to either retire or resign, I hereby respectfully request that you appoint an additional District Judge for the District of Kansas to assist me in accordance with [the involuntary disability provision]."¹⁵⁶ President Coolidge replied on December 12 that "your retirement effective at once is approved."¹⁵⁷ An "astonished" Judge Pollock immediately wired the President, exclaiming, "I have not retired," and reiterating that "all I have requested or consented to is appointment of [an] additional judge for this district."¹⁵⁸

Judge Pollock's action prompted an extraordinary flurry of correspondence as well as an eight-page memorandum of law from the Attorney General outlining the possible ramifications of Judge Pollock's unprecedented request. The Attorney General ultimately concluded that it would be better for the government in most cases to appoint extra judges under the involuntary disability provision because, unlike the "retirement from regular active service" section, disabled judges could be required, rather than merely requested, to work. The President ultimately appointed another judge.

From Judge Pollock's perspective, the result of invoking the disability provision rather than retiring was mixed. He became junior to the new judge just as he would have had he retired. But he believed that under the disability section he would be protected from the effective removal that would occur if no designation to sit were forthcoming for him. As noted some time later by the circuit executive for the Seventh Circuit, "Senior district and circuit judges sit by designation. Their judicial career can be ended by . . . revoking or not issuing a designation."¹⁵⁹ It is not clear, however, that Judge Pollock was correct in his assessment of the effect of involuntary disability.

Since 1928, judges, the President, or circuit councils have invoked the involuntary disability provision eight other times.¹⁶⁰ In at least four, and probably six, of those cases, the involuntary disability provision was used so that the judges involved, who did not meet the service requirements for full-pay retirement, would be entitled to continue receiving their salaries. In at

156. John Pollock to Calvin Coolidge, Dec. 5, 1927, files of the AOUSC (Human Resources Division).

157. Calvin Coolidge to John Pollock, Dec. 12, 1927, files of the AOUSC (Human Resources Division).

158. Telegram, John Pollock to Calvin Coolidge, Dec. 15, 1927, files of the AOUSC (Human Resources Division).

159. Collins T. Fitzpatrick, *Misconduct and Disability of Federal Judges: The Unreported Informal Responses*, 71 *Judicature* 282 n.2 (1988).

160. This number may underreport the number of occurrences, but it is clear that the section has not been invoked frequently.

least one additional case, Judge A. Lee Wyman of South Dakota, who qualified for senior status and could continue to receive the salary of the office, refused to do so, but late in 1953, he requested that President Eisenhower appoint an additional judge because of his disability.¹⁶¹ The Committee on Retirement of Judges of the Judicial Conference of the United States may have had Judge Wyman in mind when it noted that it had learned that, in some instances, "judges contemplating retirement had hesitated to accept it because the term to them carried a connotation of inability to carry on judicial duties."¹⁶² The committee therefore proposed that section 371(b) of Title 28 "be amended so as to designate a judge taking advantage of the retirement provisions as 'senior judge' instead of his being called a 'retired judge' as at present." Congress did not follow through on the Judicial Conference recommendation until 1958, five years after the "involuntary" disability of Judge Wyman.

161. Dwight D. Eisenhower, "Memorandum," Dec. 9, 1953, files of the AOUSC (Human Resources Division).

162. Annual Report of the Proceedings of the Judicial Conference of the United States 8-9 (1954).

5. Conclusion and Recommendations

An observer of the Supreme Court once noted that “the old men of the court seldom died and never retired.”¹⁶³ We know, however, that lower court judges as well as Supreme Court justices have retired, and that they have resigned as well. Judges *have* left office over the years, some in disgrace, many to pursue private-sector employment, some to seek other avenues of public service. What is perhaps most remarkable, however, is that there have been so few resignations. This low turnover may be interpreted in a number of ways, not all of them positive. Before retirement legislation was passed beginning in the 1860s, it is clear that many judges were staying on the bench beyond the point at which they could function effectively. And clearly some unfit judges have stayed on the bench because no one could figure out how to get them off. Still, the low turnover rate of federal judges does suggest a relatively high rate of job satisfaction, from the point of view of both the judges and those who are empowered to remove them.

Although this study shows that the known cases of judicial misconduct have often come to light in groups and do not tend to occur at regular rates, it cannot answer the question of whether judicial misconduct is in fact on the rise. What it does show, however, is that the means for dealing with such misconduct has changed. Although a busy Congress quite reasonably presumed that efficiency would be served by entrusting “judicial discipline” involving criminal behavior to the Department of Justice, in every recent case the outcome has undercut that supposition. Criminal convictions in the 1980s and early 1990s have not taken the impeachment burden off Congress. In fact, had Congress investigated and threatened to impeach Judges Claiborne, Hastings, Nixon, Aguilar, and Collins, it is quite possible that at least some of them would have resigned.

Without offering any conclusions about the motivations of past investigations and coercion of judges to resign, it is clear that these means have often proven very effective (although not uniformly so) in getting judges off the bench. On the other hand, the recent Department of Justice prosecutions of judges have not had the same effect. One can certainly argue that the honorable thing for the recently prosecuted judges to do would have been to resign once they were indicted (as Martin Manton did in 1939) or, at the very least, when they were setting off to jail (as Otto Kerner did in 1974). But it is not hard to see that if resignation were not offered by the Justice Department in cooperation with Congress as a form of “plea-bargaining” option, once convicted, there would be no particular incentive for a judge to resign, and per-

¹⁶³ Goff, *supra* note 123, at 30, quoting 2 Henry Pringle, *Life and Times of William Howard Taft* 956 (1939).

haps a strong incentive *not* to resign.¹⁶⁴ For instance, after his criminal conviction, Harry Claiborne clearly saw the impeachment process as a second chance to vindicate himself.¹⁶⁵ Additionally, if a convicted judge runs the risk of disbarment, and thus cannot return to the lucrative practice of law to earn a living, that judge would have a clear incentive to hold on to the salary and benefits of judicial office as long as possible. And finally, a judge who has gone through a criminal trial, been convicted, and sent to prison is not likely to view impeachment with quite the same fear of public humiliation or as having quite the same level of threat to reputation as would a judge who has not had (and wishes to be spared) those experiences.

The policy question is whether the goal of prosecution and conviction is paramount, or whether removal of bad judges from the bench (with the risk that they might *not* ultimately be prosecuted) is the overriding goal. If removal is the goal, then the evidence suggests that the big stick of impeachment, prior to prosecution, effectively goads judges to voluntarily resign. It seems intuitively likely that impeachment is less of a threat when one has already been prosecuted than it would be in the absence of prosecution.

Recommendations

The two recommendations offered encourage further empirical historical study, so that the information will be available to those who may be called on in the future to recommend policy in these areas. If anything can be learned from the history of judicial discipline and removal, it is that the issues addressed by this Commission will be visited again. Given that the research proposed is of a sort that cannot be accomplished precipitously, the Commission would do a great service in encouraging such research, so that the information will be available to inform future reform efforts.

Recommendation I

It is recommended that the Commission solicit a study comparable to this one of the tenure of all federal judges who did not leave office, particularly to include a study of the demographics of those members of the federal judiciary who have taken some form of retirement.

This recommendation for further historical research stems from a recognition that many of the conclusions that might be drawn from this study must remain tentative, awaiting compilation of comparative data about judges who did *not* resign, as well as about the nature of the judicial tenure of senior judges. For instance, it might be useful to know whether there is any difference in the average age of appointment between judges who resigned to take other employment and those who stayed on the bench until death or retire-

164. On the lack of congressional involvement, see Grimes, *supra* note 5.

165. "Judge Claiborne . . . has refused to resign because he said he wants to present his defense in an impeachment trial in the Senate." N.Y. Times, Aug. 11, 1986.

ment. It could be instructive to know whether the percentage of judges taking senior status or retiring at earlier ages has increased. Is there a trend toward more judges leaving the bench for private practice between the ages of 65 and 70, or has departure for this reason always occurred in relatively stable numbers?

Recommendation 2

It is recommended that the Commission request that Congress encourage research that would determine whether informal actions short of formal investigations and impeachment proceedings have been taken by members of Congress, particularly chairs of judiciary committees and subcommittees, to promote judicial integrity, and whether there has been any change in the existence, nature, or extent of those actions over time. Such research should include comprehensive searches through relevant congressional manuscript collections for information on complaints about judges (prior to the complaint files now kept by the House Judiciary Committee) and relationships between Congress, the Executive, and the judiciary.

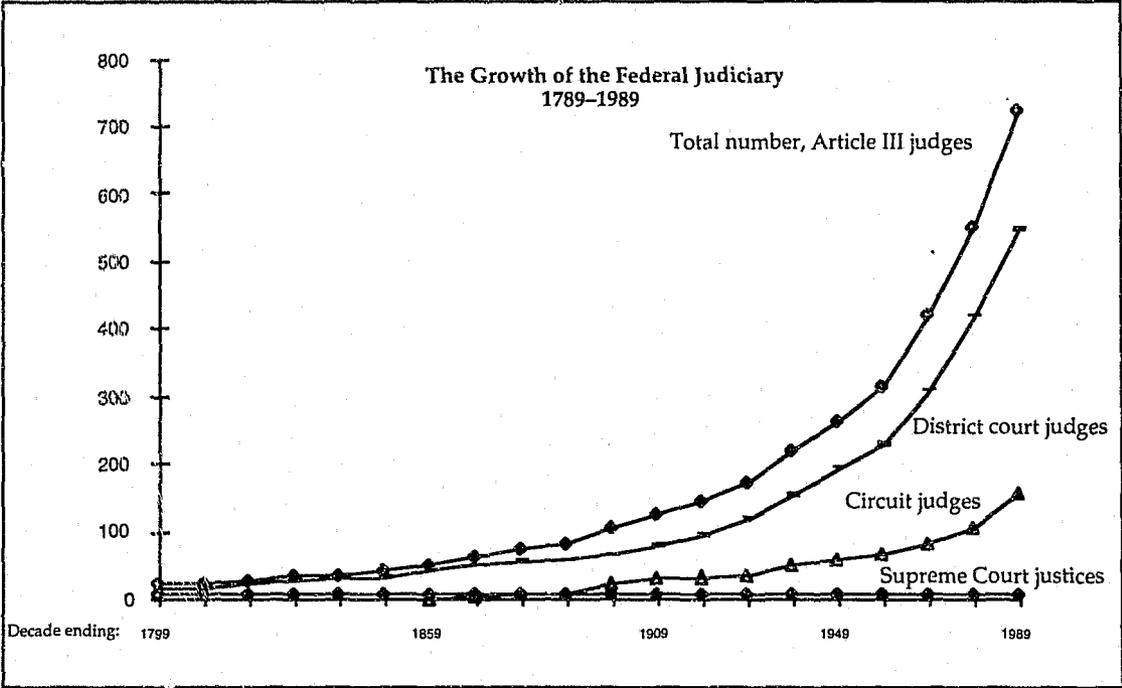
Although historical studies have been made of congressional handling of judicial investigations and impeachments, these studies have concentrated primarily on the impeachment side of the ledger, rather than on the initiating or investigatory side.¹⁶⁶ The statistics on the declining numbers of formal, reported House investigations over the years suggest that the kind of information provided by this study of federal judges can show only part of the picture. The other side must focus on the specifics of how judicial behavior has historically been brought to the attention of Congress; do formal investigations tell the whole story, or, as with internal judicial discipline, has much of the effective action been taken informally? Given the trough in formal congressional investigations over the latter half of the twentieth century, has there been significant activity behind the scenes, or is the appearance the reality?

Just as knowledge about the informal disciplinary mechanisms of the judiciary is important to enlightened reform efforts in judicial discipline, so, too, it seems, would be the knowledge about whether informal mechanisms within Congress have existed, whether they have fallen into disuse, and whether they might or ought to be encouraged as an additional means of promoting a judiciary of high integrity, fostering high public trust.

To assess whether the recent spate of judicial prosecutions suggests changes in judicial behavior and the nature of the judiciary, or changes in the behavior of the House Judiciary Committee or its chair, or, most likely, a combination of the two, detailed information about members of Congress and relations with the Executive and the judiciary of the sort already gathered for judges will be necessary.

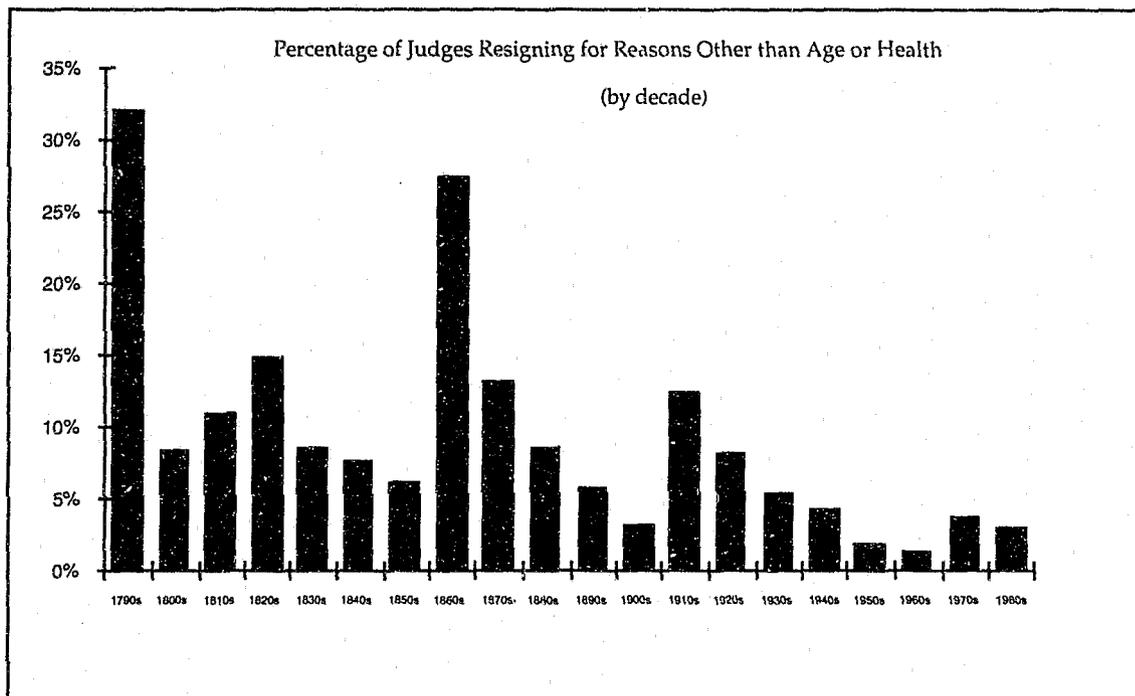
166. See Grimes, *supra* note 5.

Charts and Graphs



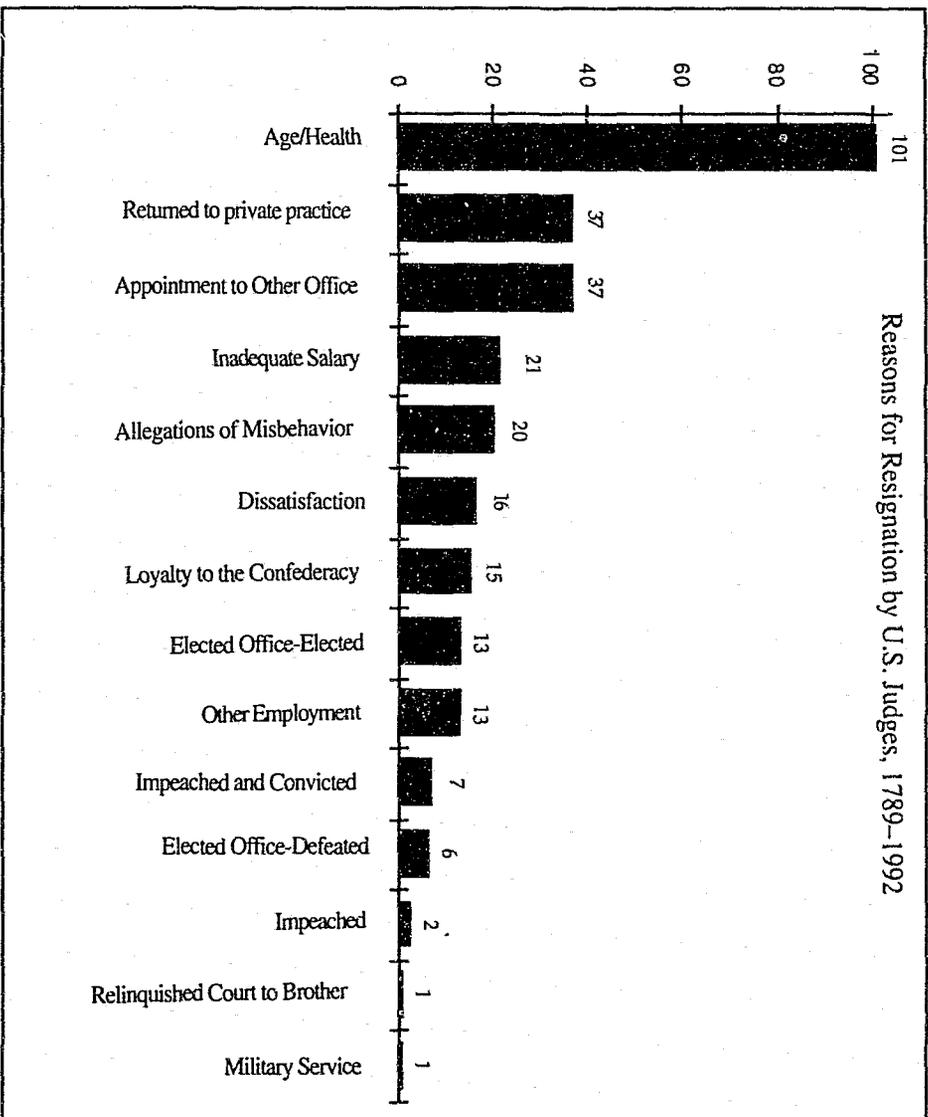
Federal Judicial History Office, Federal Judicial Center

Figure 1



Federal Judicial History Office, Federal Judicial Center

Figure 2



Federal Judicial History Office, Federal Judicial Center

Figure 3

Appendix: Judges identified as having resigned

Adams, George

Aug. 1, 1784–Aug. 14, 1844

Reason for termination: Dissatisfaction with Office

“the resignation in September 1838, of Judge George Adams, of Mississippi, a Jackson appointee tired of the extensive travel imposed by district court service.”

Court: D. Miss.

Year of first appointment: 1836

Date of termination: Sept. 30, 1838

Age at appointment: 51

Age at termination: 54

Number of years on bench: 3

Age at death: 60

Last Appointing President: Andrew Jackson

Political party: Democrat

Source: Hall, Kermit L. *The Politics of Justice: Lower Federal Judicial Selection and the Second Party System, 1829–1861.* 1979. p. 30.

Adkins, Jesse Corcoran

April 13, 1879–March 29, 1955

Reason for termination: Disability

Suffered a heart attack shortly before leaving the bench. [1] “W. Bissell Thomas, local attorney, sought his impeachment in 1933, along with Justice Letts, in connection with their handling of Wardman Park receivership. Got nowhere.” [2]

Court: D.D.C.

Year of first appointment: 1930

Date of termination: Oct. 19, 1946

Age at appointment: 51

Age at termination: 68

Number of years on bench: 17

Age at death: 76

Last Appointing President: Herbert Hoover

Political party: Republican

Source: [1] Paull, Joseph. “A New Shingle: Do Not Disturb.” *Washington Post*, 20 Oct. 1946. [2] *Washington Herald*, 15 July 1937.

Alvey, Richard Henry

March 6, 1826–Sept. 14, 1906

Reason for termination: Retired

“Here, until his retirement from failing health in 1904, he was responsible for laying down the rules of practise [*sic*] of the new tribunal and he made it answer to expectations.”

Court: D.C. Cir.

Year of first appointment: 1893

Date of termination: Dec. 31, 1904

Age at appointment: 67

Age at termination: 79

Number of years on bench: 12

Age at death: 81

Last Appointing President: Grover Cleveland

Political party: Republican

Source: Malone, Dumas, ed. *Dictionary of American Biography.* 1936. p. 235.

Angell, Alexis Caswell

April 16, 1857–Dec. 24, 1932

Reason for termination: Returned to Private Practice

Court: E.D. Mich.

Year of first appointment: 1911

Date of termination: June 1, 1912

Age at appointment: 54

Age at termination: 55

Number of years on bench: 1

Age at death: 76

Last Appointing President: William H. Taft

Political party: [not available]

Source: Phillips, Harry, and Samuel S. Wilson. *History of the Sixth Circuit: A Bicentennial Project.* 1977. pp. 112–13.

Archbald, Robert W.

Sept. 10, 1848–Aug. 19, 1926

Reason for termination: Impeachment and Conviction

“Archbald was impeached on July 8, 1912 on charges of having used his judicial office and influence for his personal financial gain both in relation to litigants in his courts and others. He was also charged with corrupt conduct, in that he permitted a lawyer to introduce vital evidence in a case informally and after the trial had been completed, in which he later handed down an opinion with a judgment on the side of the favored lawyer.”

Court: 3d Cir.

Year of first appointment: 1901

Date of termination: Jan. 13, 1913

Age at appointment: 53

Age at termination: 64

Number of years on bench: 12

Age at death: 78

Last Appointing President: William McKinley

Political party: Republican

Source: Borkin, Joseph. *The Corrupt Judge: An Inquiry into Bribery and Other High Crimes and Misdemeanors in the Federal Courts.* 1962. pp. 221–22. *See also* ten Broek, Jacobus. “Partisan Politics and Federal Judgeship Impeachment Since 1903.” *Minnesota Law Review* 23 (1939):189n.

Atkinson, George Wesley

June 29, 1845–April 4, 1925

Reason for termination: Retired

“Judge Atkinson served on the court for almost 11 years, until his resignation on April 16, 1916. . . . Judge Atkinson returned to his beloved West Virginia where he was immediately chosen president of the State bar association.”

Court: Ct. Cl.

Year of first appointment: 1905

Date of termination: April 16, 1916

Age at appointment: 60

Age at termination: 71

Number of years on bench: 11

Age at death: 80

Last Appointing President: Theodore Roosevelt

Political party: Republican

Source: Bennett, Marion T. *The United States Court of Claims, A History.* Part I. *The Judges, 1855–1976.* 1976. p. 108.

Bard, Guy Kurtz

Oct. 24, 1895–Nov. 23, 1953

Reason for termination: Sought Elected Office - Defeated

Resigned from the federal bench in 1952 to make an unsuccessful campaign for U.S. Senate against Sen. Edward Martin.

Court: E.D. Pa.

Year of first appointment: 1939

Date of termination: June 16, 1952

Age at appointment: 43

Age at termination: 57

Number of years on bench: 13

Age at death: 58

Last Appointing President: Franklin D. Roosevelt

Political party: Democrat

Source: Pennsylvania Bar Association. *Members of the Bar, Jan. 24, 1945–Dec. 31, 1961.* p. 343. *See also* Presser, Stephen B. *Studies in the History of the United States Courts of the Third Circuit, 1790–1980: A Bicentennial Project.* 1982. p. 246.

Batts, Robert L.

Nov. 1, 1864–May 19, 1935

Reason for termination: Other Employment

Nature of other employment: General Counsel, Gulf Oil Corporation

“In August of that year Judge Batts became the first judge to resign from the Fifth Circuit Court; he did so to accept the position of General Counsel for Gulf Oil Corporation, an office he held for four years; he relinquished it because it necessitated living in Pittsburgh and he wanted to return to Texas. He resumed private practice in Austin, and served for a time as chairman of the Board of Regents of the University of Texas.”

Court: 5th Cir.

Year of first appointment: 1917

Date of termination: Aug. 22, 1919

Age at appointment: 52

Age at termination: 55

Number of years on bench: 3

Age at death: 71

Last Appointing President: Woodrow Wilson

Political party: Democrat

Source: Couch, Harvey C. *A History of the Fifth Circuit, 1891–1981.* n.d. p. 30.

Bauman, Arnold

July 24, 1914-

Reason for termination: Inadequate Salary

Nature of other employment: Shearman & Sterling, New York

"said yesterday that he would resign from his lifetime appointment on August 15 because he could no longer live on his \$40,000 a year salary. Judge Bauman would say only that he was returning to private practice but sources in the legal community said he would join a large corporate law firm." [1] "Needless to say, when I accepted this high office it was my intention to serve for the rest of my life. Almost exactly coincidentally, there started an unforeseen, precipitous inflation, which in the last two years has resulted in a substantial reduction in my real income and has constrained me to conclude that I can no longer continue. . . . I have never known a group so dedicated, so able and so unswerving in the pursuit of excellence as my colleagues on the federal bench. . . . My one hope is that my action may have some effect in alleviating their increasingly difficult condition." [2]

Court: S.D.N.Y.

Year of first appointment: 1971

Date of termination: Aug. 15, 1974

Age at appointment: 57

Age at termination: 60

Number of years on bench: 3

Last Appointing President: Richard Nixon

Political party: Republican

Source: [1] "Judge to Resign; Cites Low Salary." *New York Times*, 7 June 1974. [2] "Letter of Resignation," from Arnold Bauman to the President of the United States, 6 July 1974.

Bell, Griffin Boyette

Oct. 21, 1918-

Reason for termination: Returned to Private Practice

Nature of other employment: King & Spalding, Atlanta, Georgia

A few months after resigning to practice law with King & Spalding in Atlanta, Judge Bell was appointed to the Office of Attorney General by President Jimmy Carter. [1] "I have stated publicly several times and also to the Senate that the judicial salary was not the prime reason for my leaving the Court. The work had become dreary, given the heavy load of criminal and habeas corpus matters in the Fifth Circuit, and I decided to do something else in the remaining years of my career." [2]

Court: 5th Cir.

Year of first appointment: 1961

Date of termination: March 1, 1976

Age at appointment: 42

Age at termination: 57

Number of years on bench: 15

Last Appointing President: John F. Kennedy

Political party: Democrat

Source: [1] Couch, Harvey C. *A History of the Fifth Circuit, 1891-1981*. n.d. p. 169. [2] "Griffin B. Bell to Judge Irving R. Kaufman," 16 July 1980, appended to memo from Joseph Spaniol, Jr., to Alfred Zuck, 12 Nov. 1980, in Administrative Office Files.

Benedict, Charles Linnaeus

March 2, 1824-Jan. 8, 1901

Reason for termination: Retired

"It was failing health that led him to retire from the bench in February 1897."

Court: E.D.N.Y.

Year of first appointment: 1865

Date of termination: Jan. 1, 1897

Age at appointment: 41

Age at termination: 73

Number of years on bench: 32

Age at death: 77

Last Appointing President: Abraham Lincoln

Political party: [not available]

Source: "Judge C. L. Benedict Dead. Had Suffered for a Long Time from Heart Disease." *New York Times*, 9 Jan. 1901.

Betts, Samuel Rossiter

June 8, 1786-Nov. 3, 1868

Reason for termination: Age/Health

When Congress was considering a bill to provide for the holding of the District Courts in case of sickness or other disability of the District Judge, Mr. Thompson of Pennsylvania said "this bill was peculiarly applicable at this time to the southern district of New York. The United States judge of that district was in very bad health and not able to hold his court." [1] [Betts apparently recovered, for he did not resign for another 17 years.] "[F]or nearly forty-five years [he was] the judge of the United States district court in the district. He died on Monday evening at New Haven, whither he had removed after his resignation of his seat upon the bench." [2]

Court: S.D.N.Y.

Year of first appointment: 1826

Date of termination: Jan. 1, 1867

Age at appointment: 41

Age at termination: 81

Number of years on bench: 40

Age at death: 82

Last Appointing President: John Quincy Adams

Political party: Democrat

Source: [1] *Congressional Globe*. 31st Cong., 1st Sess., 1850. p. 1439. [2] 30 Fed. Cas. 1285 (1897).

Biddle, Francis

May 9, 1886-Oct. 4, 1968

Reason for termination: Appointment to Other Office

Nature of other employment: United States Solicitor General

Court: 3d Cir.

Year of first appointment: 1939

Date of termination: Jan. 22, 1940

Age at appointment: 53

Age at termination: 54

Number of years on bench: 1

Age at death: 82

Last Appointing President: Franklin D. Roosevelt

Political party: Democrat

Source: 105 *Legal Intelligencer* 291 (26 Aug. 1941).

Biggs, Asa

Feb. 4, 1811–March 6, 1878

Reason for termination: Loyalty to the Confederacy

Nature of other employment: Confederate Judge for North Carolina

“Asa Biggs resigned as Federal judge in April 1861 and in June was appointed Confederate judge for all the North Carolina divisions.”

Court: D.N.C.

Year of first appointment: 1858

Date of termination: April 23, 1861

Age at appointment: 47

Age at termination: 50

Number of years on bench: 3

Age at death: 67

Last Appointing President: James Buchanan

Political party: Democrat

Source: Beers, Henry Putnam. *The Confederacy: A Guide to the Archives of the Government of the Confederate States of America*. 1986. p. 50.

Blair, John

Jan. 1, 1732–Aug. 31, 1800

Reason for termination: Age/Health

Blair did not attend all sessions, due to his wife's health and the relative inactivity of the Court. He resigned in January 1796, four years after his wife's death. [1] “A strange disorder of my head, which has lately compel'd me to neglect my official duties, & in one instance, where that was not strictly the case, has been the cause of their being attended to in a way by no means satisfactory to myself, has for some time past made me contemplate the resignation of my office, as an event highly probable.” “I knew the advantage of my situation, I had a just sense of the high obligation confer'd upon me thro your goodness, & perhaps I should say, too partial opinion of my merit; & I confess, it was with reluctance that I thought of quitting [sic] such a station, flattering my self that by some happy turn I might be restored to a capacity of performing it's [sic] duties. These, however, at all events, were not to be neglected; and in respect to them I thought my self limited to some short time of probation. The appointed term has now run out, without producing the effect of which I had a first but faint hope . . .” [2]

Court: Supreme Court

Year of first appointment: 1789

Date of termination: Jan. 27, 1796

Age at appointment: 57

Age at termination: 64

Number of years on bench: 7

Age at death: 69

Last Appointing President: George Washington

Political party: Federalist

Source: [1] Witt, Elder. *Congressional Quarterly's Guide to the U.S. Supreme Court*, 2nd Edition. 1990. p. 804. [2] John Blair to George Washington, 25 Oct. 1795, in *The Documentary History of the Supreme Court of the United States, 1789–1800*. Volume 1, Part 1, *Appointments and Proceedings*. Maeva Marcus and James R. Perry, eds. 1985. p. 59.

Bland, Theodric

Dec. 6, 1776–Nov. 16, 1846

Reason for termination: Other Employment

Nature of other employment: Chancellor of Maryland

Resigned to become Chancellor of Maryland, the highest-paying judicial post in that state. [1] Appointed chancellor of Maryland on the 16th of August, 1824. [2]

Court: D. Md.

Year of first appointment: 1819

Date of termination: Aug. 16, 1824

Age at appointment: 43

Age at termination: 48

Number of years on bench: 5

Age at death: 70

Last Appointing President: James Monroe

Political party: [not available]

Source: [1] Lewis, H. H. Walker, and James F. Schneider. *A Bicentennial History of the U.S. District Court for the District of Maryland, 1790–1990*. n.d. [2] Sams, Conway W., and Elihu S. Riley. *The Bench and Bar of Maryland*. Vol. 1. 1901. p. 268.

Bledsoe, Benjarain Franklin

Feb. 8, 1874–Oct. 30, 1938

Reason for termination: Sought Elected Office - Defeated

Resignation due to Judge Bledscoe's candidacy for mayor of Los Angeles, California.

Court: S.D. Cal.

Year of first appointment: 1914

Date of termination: March 24, 1925

Age at appointment: 40

Age at termination: 51

Number of years on bench: 11

Age at death: 65

Last Appointing President: Woodrow Wilson

Political party: Democrat

Source: “District Judge Out for L.A. Mayoralty.” *San Francisco Chronicle*, 19 Feb. 1925.

Blodgett, Henry

July 21, 1821–Feb. 9, 1905

Reason for termination: Appointment to Other Office

Nature of other employment: Counsel for the United States in the Bering Sea Arbitration

“Judge Blodgett resigned after President [Benjamin] Harrison appointed him one of the United States counselors to Paris for the Bering Strait arbitration.” “The bar also respected Blodgett for his honesty and integrity. That respect, however, was put to the test in 1878, when some members of the Chicago Bar Association charged him with official misconduct. He was accused of taking loans from court-appointed referees in bankruptcy who made the loans from their official funds. They alleged that he showed ‘gross favoritism toward his friends and exert[ed] severe pressure against his foes.’ Among the most conspicuously mentioned ‘friends’ were the railway corporations with whom the judge had been associated. The accusers persuaded the Chicago Congressman, Carter H. Harrison, to introduce an impeachment resolution. The House Judiciary Committee investigated the charges and issued a report that found the allegations concerning the loans to be correct but noted that the judge had promptly repaid them. The report, although critical of the judge, recommended that no further steps toward impeachment be taken.”

Court: N.D. Ill.

Year of first appointment: 1870

Date of termination: Dec. 5, 1892

Age at appointment: 49

Age at termination: 71

Number of years on bench: 23

Age at death: 84

Last Appointing President: Ulysses S. Grant

Political party: Republican

Source: Solomon, Rayman L. *History of the Seventh Circuit, 1891–1941.* 1981. pp. 19–20.

Bodine, Joseph Lamb

Nov. 6, 1883–June 10, 1950

Reason for termination: Appointment to Other Office

Nature of other employment: Justice, New Jersey Supreme Court

Court: D.N.J.

Year of first appointment: 1920

Date of termination: March 31, 1929

Age at appointment: 36

Age at termination: 45

Number of years on bench: 9

Age at death: 67

Last Appointing President: Woodrow Wilson

Political party: Democrat

Source: Presser, Stephen B. *Studies in the History of the United States Courts of the Third Circuit, 1790–1980: A Bicentennial Project.* 1982.

Bonner, Robert C.

Jan. 29, 1942–

Reason for termination: Appointment to Other Office

Nature of other employment: Administrator of the Drug Enforcement Agency of the Department of Justice

Court: C.D. Cal.

Year of first appointment: 1989

Date of termination: Aug. 12, 1990

Age at appointment: 47

Age at termination: 49

Number of years on bench: 1

Last Appointing President: George Bush

Political party: Republican

Source: Robert C. Bonner to George Bush, 31 July 1990, Files of the Administrative Office of the United States Courts (Human Resources Division).

Bork, Robert H.

March 1, 1927–

Reason for termination: Dissatisfaction with Office

Nature of other employment: American Enterprise Institute

“The crux of the matter is that I wish to speak, write, and teach about law and other issues of public policy more extensively and more freely than is possible in my present position. As a sitting judge on a very busy court, I cannot devote the time and energy I wish to public discourse. Moreover, constraints of propriety and seemliness limit the topics a federal judge may address and the public positions he may advocate. My experience as your nominee for Associate Justice of the Supreme Court of the United States made me acutely aware of the restrictions on my ability to address issues. For several months various highly vocal groups and individuals systematically misrepresented not only my record and philosophy of judging but, more importantly, the proper function of judges on our constitutional democracy. This was a public campaign of miseducation to which, as a sitting judge, I felt I could not publicly respond. What should have been a reasoned national debate about the role of the courts under the Constitution became an essentially unanswered campaign of misinformation and political slogans. If, as a judge, I cannot speak out against this attempt to alter the traditional nature of our courts, I think it important to place myself where I can.”

[1] “Last month the judge was reported on the verge of resigning from the bench to become a fellow at the American Enterprise Institute, a conservative-oriented public policy research organization here.” [2]

Court: D.C. Cir.

Year of first appointment: 1982

Date of termination: Feb. 5, 1988

Age at appointment: 55

Age at termination: 61

Number of years on bench: 6

Last Appointing President: Ronald Reagan

Political party: Republican

Source: [1] Robert Bork to Ronald Reagan, 7 Jan. 1988, Files of the Administrative Office of the United States Courts (Human Resources Division). [2] “Judge Bork is Stepping Down to Answer Critics And Reflect.” *New York Times*, 15 Jan. 1988.

Boudin, Michael

Nov. 29, 1939–

Reason for termination: Dissatisfaction with Office

Nature of other employment: U.S. Circuit Judge for the U.S. Court of Appeals for the First Circuit

On December 14, 1990, Michael Boudin entered on duty as a judge of the United States District Court for the District of Columbia, nominated by George Bush. On January 6, 1992, Boudin resigned from that post. On May 29, 1992, Boudin entered on duty with the Court of Appeals for the First Circuit. [2] "A year of experience, however, has convinced me that continued service as a trial judge in Washington, D.C. is not a suitable course for me. My wife and children reside permanently in Massachusetts, and the nature and time constraints of District Court work make that separation unworkable for us. With regret, I have therefore determined to resign." [1]

Court: D.D.C.

Year of first appointment: 1990

Date of termination: Jan. 6, 1992

Age at appointment: 51

Age at termination: 52

Number of years on bench: 1

Last Appointing President: George Bush

Political party: Republican

Source: [1] Michael Boudin to George Bush, 6 Jan. 1992, Files of the Administrative Office of the United States Courts (Human Resources Division). [2] Files of the Administrative Office of the United States Courts (Human Resources Division).

Bourquin, George M.

June 24, 1863–Nov. 15, 1958

Reason for termination: Sought Elected Office - Defeated

Retired in March of 1934 and became a candidate for senator. Was defeated by B. K. Wheeler. [1] When announcing his retirement he made no mention of any political plans, but said: "I am persuaded that the very great debt I owe to the generous and kindly people of Montana may be more nearly paid during perhaps the next 22 years by service in due time at the bar or other occupation of greater activity and freedom." [2]

Court: D. Mont.

Year of first appointment: 1912

Date of termination: March 9, 1934

Age at appointment: 49

Age at termination: 71

Number of years on bench: 22

Age at death: 95

Last Appointing President: William H. Taft

Political party: Republican

Source: [1] "George M. Bourquin, 95, Former U.S. Judge Dies." Great Falls Tribune, 17 Nov. 1958. [2] "George M. Bourquin On Bench 22 Years Will Retire May 17." Butte Daily Post, 8 March 1934.

Boyce, Henry

Jan. 1, 1797–March 1, 1873

Reason for termination: Loyalty to the Confederacy

Nature of other employment: Self-employed as a planter from 1861 until his death in Rapides Parish, Louisiana

"He continued to serve as federal district judge until the Court was suspended during the Civil War." [1] "When Louisiana seceded, two Federal judges resigned. Passing over the former incumbents, President Davis appointed Edwin Warren Moise, a former attorney general of Louisiana, as Confederate district judge. Moise presided over the court . . . from May 1861 to March 1862." [2] "Elected to the U.S. Senate from Louisiana in 1865; Senate refused to seat him." [1]

Court: W.D. La.

Year of first appointment: 1849

Date of termination: Jan. 1, 1861

Age at appointment: 52

Age at termination: 64

Number of years on bench: 12

Age at death: 76

Last Appointing President: Zachary Taylor

Political party: Whig

Source: [1] Whittington, G. P. Rapides Parish, Louisiana: A History. 1970. p. 113. [2] Beers, Henry Putnam. The Confederacy: A Guide to the Archives of the Confederate States of America. 1986. p. 48.

Boyle, Patricia J.

March 31, 1937–

Reason for termination: Appointment to Other Office

Nature of other employment: Michigan State Supreme Court

"In a dramatic turnaround, Federal Judge Patricia Boyle accepted a seat on the embattled Michigan Supreme Court because of the 'challenge' it offers." "Explaining her decision to reconsider Gov. James J. Blanchard's offer of a Supreme Court seat, Mrs. Boyle, 45, said: 'In (federal) District Court, you deal with one case at a time, but on the Michigan Supreme Court you're part of a group shaping laws for the entire state.'"

Court: E.D. Mich.

Year of first appointment: 1978

Date of termination: April 20, 1983

Age at appointment: 41

Age at termination: 46

Number of years on bench: 5

Last Appointing President: Jimmy Carter

Political party: Democrat

Source: "Boyle Reconsiders, Will Join Top Court." New York Times, 23 March 1983.

Boynton, Thomas Jefferson

Aug. 31, 1838–May 2, 1871

Reason for termination: Age/Health

"his health not improving, he resigned his position and returned north where he soon died."

Court: S.D. Fla.

Year of first appointment: 1863

Date of termination: Jan. 1, 1869

Age at appointment: 25

Age at termination: 30

Number of years on bench: 5

Age at death: 33

Last Appointing President: Abraham Lincoln

Political party: [not available]

Source: Browne, Jefferson B. *Key West, The Old and the New*. 1973. p. 65.

Bradford, Edward Green, II

March 12, 1848–March 30, 1928

Reason for termination: Retired

"He retired in 1918, and had been in poor health ever since."

Court: D. Del.

Year of first appointment: 1897

Date of termination: May 8, 1918

Age at appointment: 49

Age at termination: 70

Number of years on bench: 21

Age at death: 80

Last Appointing President: William McKinley

Political party: Republican

Source: "E.G. Bradford, Jurist, Dies at 80." *New York Times*, 31 March 1928.

Brawley, William Hiram

May 13, 1841–Nov. 15, 1916

Reason for termination: Retired

"After Judge Brawley retired from the bench he spent the remaining years of his life with us in Charleston in the quiet ease and dignity of a gentleman of South Carolina who had performed the duties of his life with success and benefit to himself, his family, his state and country." "He did not wish to go to the bench, much preferring politics. He was known and liked in Congress and in Washington on all sides, and genuinely liked the work. However, after full consideration of the circumstances he accepted from President Cleveland the office." "Judge Brawley was a Cleveland Democrat at a time when many of his Democratic . . . colleagues were imbued with the free silver tenets of the hour, and his speech in Congress on that question was so admired by President Cleveland that at the first opportunity he was appointed United States District Judge."

Court: D.S.C.

Year of first appointment: 1893

Date of termination: June 14, 1911

Age at appointment: 53

Age at termination: 70

Number of years on bench: 17

Age at death: 76

Last Appointing President: Grover Cleveland

Political party: Democrat

Source: "Tribute is Paid to Judge Brawley." *News and Courier*, 16 Nov. 1916.

Brockenbrough, John White

Dec. 23, 1806–Feb. 20, 1877

Reason for termination: Loyalty to the Confederacy

Nature of other employment: Confederate Judge for the Western District of Virginia

"former judge of the U.S. District Court of the Western District of Virginia, was commissioned as Confederate judge of the same district on May 23, 1861."

Court: W.D. Va.

Year of first appointment: 1845

Date of termination: May 4, 1861

Age at appointment: 39

Age at termination: 54

Number of years on bench: 15

Age at death: 70

Last Appointing President: James Knox Polk

Political party: Democrat

Source: Beers, Henry Putnam. *The Confederacy: A Guide to the Archives of the Government of the Confederate States of America*. 1986. p. 57.

Brown, Henry Billings

March 2, 1836–Sept. 4, 1913

Reason for termination: Retired

Justice Brown was severely handicapped by impaired vision.

Court: Supreme Court

Year of first appointment: 1875

Date of termination: May 28, 1906

Age at appointment: 39

Age at termination: 70

Number of years on bench: 31

Age at death: 78

Last Appointing President: Benjamin Harrison

Political party: Republican

Source: Witt, Elder. *Congressional Quarterly's Guide to the U.S. Supreme Court*, 2nd Edition. 1990. p. 841.

Bryan, George Seabrook

May 22, 1809–Sept. 28, 1905

Reason for termination: Retired

"There are now nine Federal judges living, who have retired and are receiving their salary . . . [including George] Bryan . . ."

Court: D.S.C.

Year of first appointment: 1866

Date of termination: Jan. 1, 1886

Age at appointment: 57

Age at termination: 77

Number of years on bench: 20

Age at death: 96

Last Appointing President: Andrew Johnson

Political party: [not available]

Source: Dickerman, Albert. "The Business of the Federal Courts and the Salaries of the Judges." 24 *American Law Review* 78, 87 (1890).

Buffington, Joseph

Sept. 5, 1855–Oct. 21, 1947

Reason for termination: Allegations of Misbehavior

Retired from 3rd Circuit at the age of 82. "Buffington will retire from the 3rd Circuit on May 14th after the longest service of any federal jurist in the nation's history. Now 82 he had hoped to serve a half-century on the bench - his retirement will bring him to 46 years." [1] "the decision by Buffington was 'unfortunate and perhaps dishonest. We are not naive enough to believe it was a defect in the law. We think it was a defect laid in the judge that tried the case.'" [3] "Whatever one may say or think about Judge Buffington's prior career, by the year 1935 he appeared to his colleagues on the bench, to the bar generally, and to all who sat in his court, helpless and senile. Already in his eightieth year, he was almost totally deaf, a condition which embarrassed him. Worse than that, for all practical purposes he was blind." [2] "But decisions over his signature flowed copiously between 1935 to 1939. One would have to be blind himself not to see that a malign influence existed on the bench of the Third Circuit. Judge Davis was writing and selling the decisions Judge Buffington was signing." [2]

Court: 3d Cir.

Year of first appointment: 1892

Date of termination: Jan. 1, 1938

Age at appointment: 36

Age at termination: 82

Number of years on bench: 46

Age at death: 92

Last Appointing President: Theodore Roosevelt

Political party: Republican

Source: [1] 98 *Legal Intelligencer* 964 (29 April 1938). [2] Borkin, Joseph. *The Corrupt Judge: An Inquiry into Bribery and Other High Crimes and Misdemeanors in the Federal Courts*. 1962. pp. 101–28. [3] *Id.* p. 146, quoting Congressman Francis E. Walter of PA.

Bullock, Jonathan Russell

Sept. 6, 1815–May 7, 1899

Reason for termination: Age/Health

"In September, 1869, in consequence of failing health, he resigned this office."

Court: D.R.I.

Year of first appointment: 1865

Date of termination: Sept. 15, 1869

Age at appointment: 49

Age at termination: 54

Number of years on bench: 5

Age at death: 84

Last Appointing President: Abraham Lincoln

Political party: [not available]

Source: Wilson, General James Grant, and John Fiske, eds. *Cyclopedia of American Biography*, Vol. 1. 1915. p. 108.

Bunn, Romanzo

Sept. 24, 1829–Jan. 25, 1909

Reason for termination: Retired

Court: W.D. Wis.

Year of first appointment: 1877

Date of termination: Jan. 9, 1905

Age at appointment: 48

Age at termination: 75

Number of years on bench: 27

Age at death: 79

Last Appointing President: Rutherford B. Hayes

Political party: Republican

Source: Report of the Proceedings of the Meetings of the State Bar Association of Wisconsin for the Years 1912-1913-1914. 1915. p. 37.

Burrows, Warren Booth

Sept. 14, 1877–Dec. 8, 1952

Reason for termination: Elected Office

Nature of other employment: Connecticut State Senate

Court: D. Conn.

Year of first appointment: 1928

Date of termination: Jan. 1, 1930

Age at appointment: 50

Age at termination: 52

Number of years on bench: 2

Age at death: 75

Last Appointing President: Calvin Coolidge

Political party: Republican

Source: Judge Biographical Database, Record 169501, Federal Judicial History Office, Federal Judicial Center, Washington, D.C.

Busteed, Richard

Feb. 16, 1822–Sept. 14, 1898

Reason for termination: Allegations of Misbehavior

"The majority of the House Judiciary Committee recommended the impeachment of Judge Busteed, principally for non-residence. The House discontinued impeachment proceedings when Judge Busteed resigned."

Court: M.D. Ala.

Year of first appointment: 1863

Date of termination: Jan. 1, 1874

Age at appointment: 42

Age at termination: 52

Number of years on bench: 10

Age at death: 77

Last Appointing President: Abraham Lincoln

Political party: Unionist

Source: 3 Hinds' Precedents § 2512. 1907. *See also* Borkin, Joseph. The Corrupt Judge: An Inquiry into Bribery and Other High Crimes and Misdemeanors in the Federal Courts. 1962. pp. 221-22.

Butler, William

Dec. 2, 1822–Nov. 2, 1909

Reason for termination: Retired

"Ten years later he was re-elected [Judge of the Chester County (Pa.) courts] and sat until 1879, when he was appointed judge of the United States District Court in Philadelphia. In the latter position he served for a period of twenty years, retiring with many honors."

Court: E.D. Pa.

Year of first appointment: 1879

Date of termination: Jan. 1, 1899

Age at appointment: 56

Age at termination: 76

Number of years on bench: 20

Age at death: 87

Last Appointing President: Rutherford B. Hayes

Political party: [not available]

Source: "Judge Butler Dead After Short Illness." Philadelphia Inquirer, 3 Nov. 1909. *See also* Presser, Stephen B. Studies in the History of the United States Courts of the Third Circuit, 1790-1980: A Bicentennial Project. 1982. p. 252.

Byrnes, James Francis

May 2, 1879–April 9, 1972

Reason for termination: Appointment to Other Office

Nature of other employment: Director, Office of Economic Stabilization

Byrnes was restless on the Court due to the World War, saying "I don't think I can stand the abstractions of jurisprudence at a time like this." He resigned to take a more active part in the administration's war effort. After leaving the bench, Byrnes served as Director of the Office of Economic Stabilization from 1942 to 1943 and as Director of the Office of War Mobilization the following two years. He was Secretary of State during the Truman administration, and later practiced law in South Carolina and Washington, D.C. with the firm of Hogan & Hartson. He served as the Governor of South Carolina from 1951-1955.

Court: Supreme Court

Year of first appointment: 1941

Date of termination: Oct. 3, 1942

Age at appointment: 62

Age at termination: 63

Number of years on bench: 1

Age at death: 93

Last Appointing President: Franklin D. Roosevelt

Political party: Democrat

Source: Witt, Elder. Congressional Quarterly's Guide to the U.S. Supreme Court, 2nd Edition. 1990. p. 864.

Caldwell, Henry Clay

Sept. 4, 1832–Feb. 15, 1915

Reason for termination: Retired

“Henry Clay Caldwell . . . who had been retired for many years died yesterday at his home in Los Angeles.” Judge Caldwell was . . . a Circuit Judge of the Eighth Judicial District from which he resigned in 1903.”

Court: 8th Cir.

Year of first appointment: 1864

Date of termination: June 4, 1903

Age at appointment: 32

Age at termination: 71

Number of years on bench: 39

Age at death: 83

Last Appointing President: Benjamin Harrison

Political party: Republican

Source: “Ex-Judge Henry Clay Caldwell.” *New York Times*, 17 Feb. 1915.

Campbell, John Archibald

June 24, 1811–March 12, 1889

Reason for termination: Loyalty to the Confederacy

Nature of other employment: Assistant Secretary of War, Confederate States of America

Justice Campbell resigned his Court position and returned to the South, settling in New Orleans, LA. He joined the Confederate government as Assistant Secretary of War, and was in charge of administering the conscription law, in which position he remained until the fall of the Confederacy in 1865. After the fall of the Confederacy, Campbell built up a prosperous and prestigious law practice.

Court: Supreme Court

Year of first appointment: 1853

Date of termination: April 30, 1861

Age at appointment: 42

Age at termination: 50

Number of years on bench: 8

Age at death: 78

Last Appointing President: Franklin Pierce

Political party: Democrat

Source: Witt, Elder. *Congressional Quarterly's Guide to the U.S. Supreme Court*, 2nd Edition. 1990. p. 826.

Campbell, Ralph

May 9, 1867–Jan. 9, 1921

Reason for termination: Other Employment

Nature of other employment: Cosden & Company

“when Mr. Frantz became head of the land department of Cosden & Co., he suggested his friend Judge Campbell be appointed head of the legal department. After much persuasion, Judge Campbell decided to accept the offer of Cosden & Co., and he had been in charge of that work since September 1, 1918.”

Court: E.D. Okla.

Year of first appointment: 1907

Date of termination: Sept. 1, 1918

Age at appointment: 41

Age at termination: 51

Number of years on bench: 11

Age at death: 54

Last Appointing President: Theodore Roosevelt

Political party: Republican

Source: “An Accidental Shot Kills Judge R. E. Campbell.” *Tulsa Daily World*, 10 Jan. 1921.

Carpenter, George Albert

Oct. 20, 1867–Sept. 13, 1944

Reason for termination: Returned to Private Practice

Nature of other employment: Tenney, Sherman, Rogers & Guthrie

“Since his resignation from the bench, Judge Carpenter had been with the law firm of Tenney, Sherman, Rogers & Guthrie, with offices at 120 South La Salle Street.” [1] “Prodded by the Chief Justice, the senior circuit judges [in 1928] discussed the quantity and quality of judicial output in the trial courts. ‘Does Judge [George A.] Carpenter do his end of the work?’ queried Taft [in 1927] who, as President, had appointed Carpenter to the federal bench. When the senior circuit judge indicated a negative answer the Chief Justice complained that Carpenter had reportedly adjourned a trial while he went on a shooting trip down in New Orleans.” [2] “Likewise, District Judge George A. Carpenter’s failure to clear his docket or resign provoked the Chief Justice to threaten an ultimatum to him for ‘his refusal to do any team work or to be interested in his work.’” [1928] [2] [Note that Carpenter did not leave until he became eligible for retirement at age 65, some five years after these complaints.]

Court: N.D. Ill.

Year of first appointment: 1910

Date of termination: June 30, 1933

Age at appointment: 42

Age at termination: 66

Number of years on bench: 23

Age at death: 77

Last Appointing President: William H. Taft

Political party: Republican

Source: [1] “George A. Carpenter, A Chicago Jurist, 76.” *New York Times*, 14 Sept. 1944. [2] Fish, Peter Graham. *The Politics of Federal Judicial Administration*. 1973. pp. 56, 88.

Carswell, George H.

Dec. 12, 1919–

Reason for termination: Sought Elected Office - Defeated

“Meanwhile, after only six months on the Court of Appeals, Judge Carswell was nominated by President Nixon for the Supreme Court. It appeared briefly the appointment would proceed smoothly, and then it suddenly ran into a storm of criticism. It began with the unearthing of a segregationist speech Carswell had made in 1948 in an unsuccessful race for Congress. There was some willingness to discount this as mere political rhetoric, but then it was discovered that in 1956 he had been part of the transformation of a public golf course into a private facility. As indicated earlier, this was not an uncommon practice in the South after desegregation of a public facility was ordered. Then ensued criticism of Carswell’s performance as a judge, in civil rights cases in particular, but also generally. Moreover, it was known that the Fifth Circuit judges did not unanimously support the nomination. All of these factors contributed to the defeat of Carswell’s nomination in the Senate by a vote of 51–45. Soon after, on April 20, 1970, Carswell resigned from the Court to seek the Republican nomination for the United States Senate, but was soundly defeated in the primary. Carswell had served on the Court of Appeals for less than a year, the briefest term of any judge.” [1] “Although originally upon his denial of confirmation Judge Carswell had announced he would remain on the Fifth Circuit, two months thereafter he abruptly resigned to seek the Republican nomination for the United States Senate in the Florida Republican primary. Defeated in his political bid, G. Harold Carswell again became a federal judicial officer, assuming a post as a Referee in Bankruptcy in Tallahassee, Florida. In 1976 Judge Carswell’s name again surfaced in the national press; it was reported that he was arrested on a morals charge involving an off-duty police officer.” [2]

Court: 5th Cir.

Year of first appointment: 1958

Date of termination: April 20, 1970

Age at appointment: 38

Age at termination: 50

Number of years on bench: 12

Last Appointing President: Richard Nixon

Political party: Republican

Source: [1] Couch, Harvey C. *A History of the Fifth Circuit, 1891–1981*. p. 151. [2] Read, Frank T., and Lucy S. McGough. *Let Them Be Judged: The Judicial Integration of the Deep South*. 1978. p. 464.

Casey, Joseph

Dec. 17, 1814–Feb. 10, 1879

Reason for termination: Age/Health

“Judge Casey served a total of nine and one-half years on the court, including over seven years as Chief Justice. In failing health, he resigned the bench on December 1, 1870 . . .”

Court: Ct. Cl.

Year of first appointment: 1861

Date of termination: Dec. 1, 1870

Age at appointment: 46

Age at termination: 56

Number of years on bench: 10

Age at death: 64

Last Appointing President: Abraham Lincoln

Political party: Whig

Source: Bennett, Marion T. *The United States Court of Claims, A History*. Part I. *The Judges, 1855–1976*. 1976. p. 29.

Chipman, Nathaniel

Nov. 15, 1752–Feb. 17, 1843

Reason for termination: Returned to Private Practice

“According to Chipman, there ‘was very little business in the district court’ or circuit court and scholars concur.” [1] “In 1793 he resigned and took up his private practise [sic] . . .” [2]

Court: D. Vt.

Year of first appointment: 1791

Date of termination: Jan. 1, 1793

Age at appointment: 38

Age at termination: 40

Number of years on bench: 2

Age at death: 90

Last Appointing President: George Washington

Political party: Federalist

Source: [1] Hand, Samuel B., and J. Potash. *Nathaniel Chipman: Vermont’s Forgotten Founder*, in Sherman, Michael, ed. *A More Perfect Union: Vermont Becomes a State, 1777–1816*. 1991. p. 63 and n.34 at page 77. [2] Malone, Dumas, ed. *Dictionary of American Biography*. 1936. p. 73.

Claiborne, Harry

Jan. 1, 1917–

Reason for termination: Impeachment and Conviction

"The judge's troubles appear to have been with Joe Conforte, who with his wife, Sally, owned the Mustang Ranch, a brothel 20 miles from Reno. Just before Mr. Conforte fled to Brazil in December 1980, to avoid serving a Federal prison term for failure to collect withholding taxes from the brothel's maintenance employees, according to court testimony, Mr. Conforte telephoned a Department of Justice prosecutor in Las Vegas. He said he could provide evidence that would convict Judge Claiborne, the trial record shows. The price would be reducing the Conforte tax bill and jail term. . . . Mr. Conforte served about a year under his plea bargain. His testimony before a grand jury contributed to Judge Claiborne's indictment on December 8, 1983. He testified in Judge Claiborne's first trial that he bribed the judge to quash subpoenas of some Mustang Ranch prostitutes, and to influence Federal appeals court judges in the Conforte tax case." [1] "Judge Claiborne, who was appointed to the District Court in Nevada in 1978, was convicted in 1984 of failing to pay taxes on more than \$100,000 of income in 1979 and 1980. . . . He refused to resign his seat on the Federal bench and vowed to return to his Nevada courtroom after completing his prison term. In so doing, he forced Congress to impeach him." [2]

Court: D. Nev.

Year of first appointment: 1978

Date of termination: Oct. 9, 1986

Age at appointment: 61

Age at termination: 70

Number of years on bench: 9

Last Appointing President: Jimmy Carter

Political party: [not available]

Source: [1] "Impeachment May Focus on Intrigue." *New York Times*, 11 Aug. 1986. [2] "What Claiborne Did." Editorial, *New York Times*, 20 Oct. 1986.

Clark, William

Feb. 1, 1891–Oct. 10, 1957

Reason for termination: Military Service

Nature of other employment: Lt. Colonel, U.S. Army

Clark was inducted into the U.S. Army in March of 1942 as a Lt. Colonel. Senior Judge John Biggs, Jr. administered Clark's oath and afterwards, Lt. Col. Clark said that President [Franklin D.] Roosevelt had "refused to accept his resignation [from the bench] and insisted that he take a leave of absence." Clark joined the army anyway. [1] After his return from WWII he tried to regain his post, saying that the GI Bill protected his job on the bench. U.S. Court of Claims ruled unanimously against him. Clark was appointed Chief Justice of the Court of Appeals in Germany in 1948, and was dismissed in 1953 after a long feud with U.S. High Commissioner Conant. The controversy involved the question of court jurisdiction. Clark was ordered home, but refused and staged a sit down strike in his Frankfurt chambers. He finally returned home and was informed that his appointment would not be renewed. [2]

Court: 3d Cir.

Year of first appointment: 1925

Date of termination: Jan. 1, 1942

Age at appointment: 34

Age at termination: 51

Number of years on bench: 17

Age at death: 67

Last Appointing President: Franklin D. Roosevelt

Political party: Republican

Source: [1] 106 *Legal Intelligencer* 417 (27 March 1942). [2] 137 *Legal Intelligencer* 417 (11 Oct. 1957).

Clarke, John Hessin

Sept. 18, 1857–March 22, 1945

Reason for termination: Dissatisfaction with Office

Nature of other employment: League of Nations' Non-Partisan Association of the United States

Justice Clarke resigned from the Court "to promote American participation in the League of Nations, informing the President [Harding] that he would 'die happier working for world peace rather than devoting his time to determining whether a drunken Indian had been deprived of his land before he died or whether the digging of a ditch was unconstitutional or not.'" From 1922–1930 Clarke presided over the League of Nations' Non-Partisan Association of the United States.

Court: Supreme Court

Year of first appointment: 1914

Date of termination: Sept. 19, 1922

Age at appointment: 56

Age at termination: 65

Number of years on bench: 9

Age at death: 88

Last Appointing President: Woodrow Wilson

Political party: Democrat

Source: Witt, Elder. *Congressional Quarterly's Guide to the U.S. Supreme Court*, 2nd Edition. 1990. p. 854.

Colt, LeBaron Bradford

June 25, 1846–Aug. 18, 1924

Reason for termination: Elected Office

Nature of other employment: United States Senate

Court: 1st Cir.

Year of first appointment: 1881

Date of termination: Feb. 7, 1913

Age at appointment: 35

Age at termination: 67

Number of years on bench: 32

Age at death: 78

Last Appointing President: Chester A. Arthur

Political party: Republican

Source: Biographical Directory of the U.S. Congress, 1774–1989. Bicentennial Edition. 1989. p. 812.

Combs, Bertram Thomas

Aug. 13, 1911–Dec. 4, 1991

Reason for termination: Returned to Private Practice

Nature of other employment: Wyarr, Tarrant & Combs

Court: 6th Cir.

Year of first appointment: 1967

Date of termination: June 5, 1970

Age at appointment: 55

Age at termination: 59

Number of years on bench: 3

Age at death: 80

Last Appointing President: Lyndon B. Johnson

Political party: Democrat

Source: Phillips, Harry, and Samuel S. Wilson. History of the Sixth Circuit: A Bicentennial Project. 1977. pp. 123–24.

Comiskey, James August

Oct. 16, 1926–

Reason for termination: Other Employment

Nature of other employment: President, Bank of Louisiana

Court: E.D. La.

Year of first appointment: 1967

Date of termination: June 15, 1976

Age at appointment: 40

Age at termination: 50

Number of years on bench: 9

Last Appointing President: Lyndon B. Johnson

Political party: Democrat

Source: Judge Biographical Database, Record 230002, Federal Judicial History Office, Federal Judicial Center, Washington, D.C.

Conkling, Alfred

Oct. 12, 1789–Feb. 5, 1874

Reason for termination: Appointment to Other Office

"In 1862 upon the accession of the Whigs to power, he was appointed Minister to Mexico by President Fillmore."

Court: N.D.N.Y.

Year of first appointment: 1825

Date of termination: Aug. 25, 1852

Age at appointment: 36

Age at termination: 63

Number of years on bench: 27

Age at death: 84

Last Appointing President: John Quincy Adams

Political party: National Republican

Source: "Judge Alfred Conkling." New York Times, 6 Feb. 1874.

Covington, James Harry

May 3, 1870–Feb. 4, 1942

Reason for termination: Returned to Private Practice

Nature of other employment: Covington, Burling, Rublee, Acheson & Shorb

Founded the law firm of Covington & Burling; was also appointed to the Railroad Wage Commission.

Court: D.D.C.

Year of first appointment: 1914

Date of termination: Jan. 1, 1918

Age at appointment: 44

Age at termination: 48

Number of years on bench: 4

Age at death: 72

Last Appointing President: Woodrow Wilson

Political party: [not available]

Source: "J. Harry Covington Dies at 71; Former Justice, Representative." Washington Post, 5 Feb. 1942.

Cowan, Finis E.

Oct. 16, 1929–

Reason for termination: Returned to Private Practice

Nature of other employment: Baker & Botts

Court: S.D. Tex.

Year of first appointment: 1977

Date of termination: June 30, 1979

Age at appointment: 48

Age at termination: 50

Number of years on bench: 2

Last Appointing President: Jimmy Carter

Political party: Democrat

Source: Marquis Who's Who in America 1978–1979. 40th Edition. Vol. 1. 1979.

Cox, Walter Smith

Oct. 25, 1826–Jan. 1, 1902

Reason for termination: Retired

"He was appointed on the District Supreme bench in 1879 and retired therefrom in 1899."

Court: D.D.C.

Year of first appointment: 1879

Date of termination: July 1, 1899

Age at appointment: 52

Age at termination: 73

Number of years on bench: 20

Age at death: 75

Last Appointing President: Rutherford B. Hayes

Political party: Republican

Source: "Guiteau's Judge Passes Away." *New York Times*, 26 June 1902.

Coxe, Alfred Conkling, Sr.

May 20, 1847–April 15, 1923

Reason for termination: Retired

"Alfred C. Coxe . . . also retired at the age of 70 - that was in 1917 - after serving on the Federal bench in the Northern district of New York for thirty-five years."

Court: 2d Cir.

Year of first appointment: 1902

Date of termination: July 31, 1917

Age at appointment: 55

Age at termination: 70

Number of years on bench: 15

Age at death: 76

Last Appointing President: Theodore Roosevelt

Political party: Republican

Source: "U.S. Judge Cox [Alfred Conkling Coxe, Jr.] Retires Here at 70: Third of Family Since 1825 on Federal Bench, He has served Southern District 21 Years." *New York Times*, 12 June 1951.

Crowley, John Powers

Oct. 5, 1936–

Reason for termination: Returned to Private Practice

Nature of other employment: Cotsirilos, Stephenson, Tighe & Streicker

"Judge John Powers Crowley, one of our talented federal judges, has resigned at age 44. The resignation of this able jurist so early in his career is a loss that will be felt for many years to come." "While Judge Crowley did not single out finances as the motivation behind his resignation we may take notice of the fact that the oldest of his three children has reached college age and one cannot educate children at private institutions on a judge's salary."

Court: N.D. Ill.

Year of first appointment: 1976

Date of termination: June 30, 1981

Age at appointment: 39

Age at termination: 45

Number of years on bench: 5

Last Appointing President: Gerald Ford

Political party: Democrat

Source: "The Resignation of Judge John Crowley." Editorial, *Chicago Tribune*, 6 May 1981.

Curtis, Benjamin Robbins

Nov. 4, 1809–Sept. 15, 1874

Reason for termination: Dissatisfaction with Office

Nature of other employment: Private Practice

"Dissension and suspicion over rendering and releasing the Dred Scott opinions provided the catalyst for Curtis to resign from the Supreme Court on September 1, 1857, at the age of forty-seven. Yet Richard Leach finds that Curtis would have resigned on any account in a matter of time because of the conflict between the demands and requirements of the office and the inclination and temperament of the man. To begin with, Curtis did not enjoy being away from his family, whether serving on circuit duty in New England or sitting on the bench in Washington. Not only did he dislike the travel, but circuit duty became burdensome. In addition, Curtis was accustomed to an excellent income from his lucrative law practice, and found that his salary on the Court was wholly inadequate, which indeed it was. A third matter was abolitionist attack, which had soured Curtis and spoiled his job. Moreover, Curtis who believed in the elitist duty of the educated to lead the people, became upset when the people talked back. Finally, he correctly recognized, following the Dred Scott fiasco, that his lack of confidence in his colleagues was reciprocated and that such mistrust would gravely limit both his enjoyment and effectiveness as a member of the Court team. In retrospect, his personal reasons seem compelling; the miracle is that he served so long and so well." [1] "On September 1st, 1857, Associate Justice Benjamin Robbins Curtis, of Boston, tendered his resignation as such Justice to the President, and it was accepted. In letters to his friends he stated that his main reason for doing so, was that the salary was so small, - it was then \$6,000, - he could not support his family in Washington, without expending, in addition to this salary, his entire private income, and that he did not deem it his duty to do so. After his resignation he entered at once upon the practice of his profession and was so engaged until his death." [2]

Court: Supreme Court

Year of first appointment: 1851

Date of termination: Sept. 30, 1857

Age at appointment: 42

Age at termination: 48

Number of years on bench: 6

Age at death: 65

Last Appointing President: Millard Fillmore

Political party: Whig

Source: [1] Friedman, Leon, and Fred L. Israel, eds. *The Justices of the Supreme Court, 1789–1969: Their Lives and Major Opinions*. Vol II. 1969. pp. 904–05. [2] Dickerman, Albert. "The Business of the Federal Courts and the Salaries of the Judges." 24 *American Law Review* 1 (Jan.–Feb. 1890). p. 86.

Dallas, George Mifflin

Feb. 7, 1839–Jan. 1, 1917

Reason for termination: Retired

Court: 3d Cir.

Year of first appointment: 1891

Date of termination: May 24, 1909

Age at appointment: 53

Age at termination: 70

Number of years on bench: 17

Age at death: 78

Last Appointing President: Benjamin Harrison

Political party: [not available]

Source: 66 Legal Intelligencer 176 (19 March 1909).

Davies, William

July 8, 1755–April 30, 1829

Reason for termination: Elected Office

Nature of other employment: Georgia State Senate

Court: D. Ga.

Year of first appointment: 1819

Date of termination: March 9, 1821

Age at appointment: 64

Age at termination: 66

Number of years on bench: 2

Age at death: 74

Last Appointing President: James Monroe

Political party: Democratic-Republican

Source: Judge Biographical Database, Record 52701, Federal Judicial History Office, Federal Judicial Center, Washington, D.C.

Davis, David

March 9, 1815–June 26, 1886

Reason for termination: Elected Office

Nature of other employment: United States Senate

“Tired of his career on the Supreme Court, Davis accepted his election in 1877 by the Illinois legislature to the U.S. Senate and resigned from the Court.”

Court: Supreme Court

Year of first appointment: 1862

Date of termination: March 4, 1877

Age at appointment: 48

Age at termination: 62

Number of years on bench: 14

Age at death: 71

Last Appointing President: Abraham Lincoln

Political party: [not available]

Source: Witt, Elder. Congressional Quarterly's Guide to the U.S. Supreme Court, 2nd Edition. 1990. p. 829.

Davis, John A.

Jan. 25, 1761–Jan. 14, 1847

Reason for termination: Age/Health

“In July 1841, Judge Davis, though his intellectual vigor was still unabated, resigned the judicial office which he had so long and so honorably held.”

Court: D. Mass.

Year of first appointment: 1801

Date of termination: July 10, 1841

Age at appointment: 40

Age at termination: 81

Number of years on bench: 40

Age at death: 86

Last Appointing President: John Adams

Political party: Federalist

Source: Collections of the Massachusetts Historical Society. Vol. X of the Third Series. 1849. p. 194.

Davis, John Chandler Bancroft

Dec. 29, 1822–Dec. 27, 1907

Reason for termination: Appointment to Other Office

Nature of other employment: Assistant Secretary of State

“On December 14, 1877, Bancroft Davis was commissioned an associate judge of the Court of Claims by President Rutherford B. Hayes and was seated on January 7, 1878. On December 9, 1881, he resigned at the request of President Chester A. Arthur to become Assistant Secretary of State for the third time, this time on special assignment. The judgeship was held open for him, and he was reappointed to it the following year, serving until November 5, 1883.” “Judge Davis again resigned his judgeship on November 5, 1883, to accept an appointment as the Reporter of Decisions for the United States Supreme Court where he served with distinction for 19 years, until October 1902, editing the United States Reports, volumes 108–186.”

Court: Ct. Cl.

Year of first appointment: 1877

Date of termination: Dec. 9, 1881

Age at appointment: 55

Age at termination: 59

Number of years on bench: 4

Age at death: 85

Last Appointing President: Rutherford B. Hayes

Political party: Republican

Source: Levin, A. Leo. The United States Court of Claims, A History, Part I, The Judges, 1855–1976. 1976. pp. 63–65.

Davis, John Chandler Bancroft

Dec. 29, 1822–Dec. 27, 1907

Reason for termination: Other Employment

Nature of other employment: Reporter of Decisions, U.S. Supreme Court

See prior entry on Judge Davis.

Court: Ct. Cl.

Year of first appointment: 1882

Date of termination: Nov. 5, 1883

Age at appointment: 60

Age at termination: 61

Number of years on bench: 1

Age at death: 85

Last Appointing President: Chester A. Arthur

Political party: Republican

Source: Levin, A. Leo. *The United States Court of Claims, A History, Part I, The Judges, 1855–1976*. 1976. pp. 63–65.

Dawson, Charles I.

Feb. 13, 1881–April 24, 1969

Reason for termination: Returned to Private Practice

“Judge Charles L. Dawson, whose recent adverse decisions on important New Deal Legislation attracted national attention, late today announced his resignation from the United States Court, Western District of Kentucky.” “Judge Dawson is a Republican and his resignation, mailed to President Roosevelt today, effective June 15, or earlier if the place can be filled, may mean that for the first time Kentucky will have two Democratic Federal Judges.”

Court: W.D. Ky.

Year of first appointment: 1925

Date of termination: June 14, 1935

Age at appointment: 44

Age at termination: 54

Number of years on bench: 10

Age at death: 88

Last Appointing President: Calvin Coolidge

Political party: Republican

Source: “Dawson Quits the Bench.” *New York Times*, 1 June 1935.

Day, William L.

Aug. 13, 1878–July 15, 1936

Reason for termination: Inadequate Salary

Nature of other employment: Squire, Sanders & Dempsey, Cleveland, Ohio

“He resigned in 1914 because the salary, which was then \$6,000, was not large enough to provide for his family.” [1] Returned to private practice. [2]

Court: N.D. Ohio

Year of first appointment: 1911

Date of termination: May 1, 1914

Age at appointment: 33

Age at termination: 36

Number of years on bench: 3

Age at death: 58

Last Appointing President: William H. Taft

Political party: [not available]

Source: [1] “Bench, Bar Mourn William L. Day.” *Cleveland Plain Dealer*, 16 July 1936. [2] Phillips, Harry, and Samuel S. Wilson. *History of the Sixth Circuit: A Bicentennial Project*. 1977. p. 128.

De Vries, Marion

Aug. 15, 1865–Sept. 11, 1939

Reason for termination: Returned to Private Practice

Nature of other employment: Established a law office in Washington, D.C.

Court: Ct. Cust. App.

Year of first appointment: 1910

Date of termination: Oct. 31, 1922

Age at appointment: 45

Age at termination: 57

Number of years on bench: 13

Age at death: 74

Last Appointing President: William H. Taft

Political party: Democrat

Source: Rich, Giles S. *A Brief History of the United States Court of Customs and Patent Appeals*. 1980. pp. 35–36.

Delahay, Mark W.

Jan. 1, 1828–May 8, 1879

Reason for termination: Impeached - Not Convicted

“Apparently resigned after the House called for impeachment in 1872. (Congressional records incomplete.)” [2] “The investigating committee reported to the House of Representatives that Delahay’s ‘personal habits unfitted him for the judicial office . . . and that his sobriety would be the exception and not the rule.’” [3] “The House impeached him on March 3, 1873 without a record vote and before articles of impeachment had been drafted detailing his misconduct. Judge Delahay resigned following his impeachment, and the House of Representatives took no further action against him. Evidence that his resignation had been accepted derives from the fact that Ulysses S. Grant appointed another judge to his post on March 10, 1874. Thus, although Mark W. Delahay was impeached, no documentary record in the form of impeachment articles exists in his case. He is significant in history as the only impeached officer against whom articles of impeachment were not drafted, and the first such officer to evade trial by resigning.” [3] [The exact date of Judge Delahay’s resignation is not known. It occurred sometime between March 3, 1873 - the day the House impeached him - and March 10, 1874 - when President Grant appointed his successor.]

Court: D. Kan.

Year of first appointment: 1863

Date of termination: March 3, 1873

Age at appointment: 36

Age at termination: 45

Number of years on bench: 9

Age at death: 51

Last Appointing President: Abraham Lincoln

Political party: Republican

Source: [1] *Kansas Historical Collection*, volume 7. [2] Borkin, Joseph. *The Corrupt Judge: An Inquiry into Bribery and Other High Crimes and Misdemeanors in the Federal Courts*. 1962. pp. 229–30. [3] Bushnell, Eleanore. *Crimes, Follies and Misfortunes: The Federal Impeachment Trials*. 1992. pp. 1–2.

Denison, Arthur

Jan. 1, 1861–May 27, 1942

Reason for termination: Returned to Private Practice

Nature of other employment: Baker, Hosterler & Patterson

Court: 6th Cir.

Year of first appointment: 1905

Date of termination: Dec. 21, 1931

Age at appointment: 44

Age at termination: 71

Number of years on bench: 27

Age at death: 81

Last Appointing President: William H. Taft

Political party: [not available]

Source: Phillips, Harry, and Samuel S. Wilson. History of the Sixth Circuit: A Bicentennial Project. p. 128.

Dick, John McClintock

June 6, 1790–Oct. 18, 1861

Reason for termination: Elected Office

Nature of other employment: North Carolina State Senate

Court: D. La.

Year of first appointment: 1821

Date of termination: Jan. 1, 1824

Age at appointment: 31

Age at termination: 34

Number of years on bench: 3

Age at death: 71

Last Appointing President: James Monroe

Political party: Jeffersonian Democrat

Source: Judge Biographical Database, Record 55001, Federal Judicial History Office, Federal Judicial Center, Washington, D.C.

Dick, Robert Paine

Oct. 5, 1823–Sept. 12, 1898

Reason for termination: Loyalty to the Confederacy

Nature of other employment: Private Practice

“President Andrew Johnson appointed officers for the United States District Court, and in May, 1865, appointed Robert Paine Dick, of Guilford County, judge for the Albemarle, Pamlico and Cape Fear District. But in 1862 Congress had prescribed an oath of office called the ‘ironclad oath,’ one of its provisions being that the person had never given counsel or encouragement to persons engaged in armed hostilities, and that he had never yielded voluntary support to any pretended government. Dick could not take that oath. After holding the office only two months, he resigned. He went back to the practice of law and practiced three years.”

Court: D.N.C.

Year of first appointment: 1865

Date of termination: July 1, 1865

Age at appointment: 42

Age at termination: 42

Number of years on bench: 2 months

Age at death: 75

Last Appointing President: Andrew Johnson

Political party: Republican

Source: Hewlett, Crockette W. The United States Judges of North Carolina. 1978. p. 43.

Dick, Robert Paine

Oct. 5, 1823–Sept. 12, 1898

Reason for termination: Age/Health

Suffered from Bright's Disease.

Court: W.D.N.C.

Year of first appointment: 1872

Date of termination: Jan. 1, 1898

Age at appointment: 49

Age at termination: 74

Number of years on bench: 26

Age at death: 75

Last Appointing President: Ulysses S. Grant

Political party: Republican

Source: Greensboro Patriot, 21 Sept. 1898

Dickerson, Mahlon

April 17, 1770–Oct. 5, 1853

Reason for termination: Relinquished Court to His Brother

“Sat on bench until his brother Philemon Dickerson was appointed to the New Jersey district court.” [1] “Two of the embattled Democratic congressmen-Philemon Dickerson and Peter D. Vroom-applied for the district judgeship. Both were early Jackson supporters and both were former governors. If [President Martin] Van Buren appointed either of them, he ran the risk of reducing the already slender Democratic House majority; the Whigs’ recent successes suggested that they would be likely to elect a successor. Moreover, Whigs were certain to charge that in appointing either congressman, the president was tacitly admitting the tenuous nature of Democratic claims to the House seats. . . . The president formulated a compromise intended to circumvent senate opposition, to assist his reelection, to sustain the Democratic majority in the House, and to place his first choice, Philemon Dickerson on the federal bench. Van Buren, on July 13, 1840, nominated Mahlon Dickerson instead of his younger brother. Disappointed Democratic aspirants for the judgeship demanded that Dickerson decline to serve, but the former Secretary of the Navy, although perplexed that the president had not consulted him about the appointment faithfully cooperated. He denied allegations that he was merely holding the judgeship for his brother until after the 1840 elections, but New Jersey Whigs denounced the appointment as a ‘mere contrivance.’ With the nomination coming only two days before adjournment, Whigs in the upper house apparently did not have time to understand the full meaning of the nomination, and the Senate quickly confirmed Dickerson. If Van Buren’s former Secretary of the Navy was not aware of the president’s intentions when nominated, he surely was not innocent of subsequent events. After Philemon Dickerson lost his bid for reelection, Mahlon, in February, 1841, resigned the judgeship. Van Buren immediately nominated the younger Dickerson, whom the Senate confirmed without opposition.” [2]

Court: D.N.J.

Year of first appointment: 1840

Date of termination: Feb. 16, 1841

Age at appointment: 70

Age at termination: 71

Number of years on bench: 6 MONTHS

Age at death: 84

Last Appointing President: Martin Van Buren

Political party: Jeffersonian Democrat

Source: [1] Presser, Stephen B. *Studies in the History of the United States Courts of the Third Circuit, 1790–1980: A Bicentennial Project*. n.d. p. 258. [2] Hall, Kermit. *The Politics of Justice: Lower Federal Judicial Selection and the Second Party System, 1829–1861*. 1979. pp. 34–35.

Dillon, John Forrest

Dec. 25, 1831–May 6, 1914

Reason for termination: Inadequate Salary

Nature of other employment: Professor, Columbia University

“Since provision was made for their appointment, two at least, Judge Dillon and McCrary, of the Eighth Circuit, have resigned on account of the salary being so small.” [1] “After a decade of distinguished service on the Federal bench, Mr. Dillon tendered his resignation in the Fall of 1879 in order that he might accept a professorship at Columbia University.” [2]

Court: 8th Cir.

Year of first appointment: 1869

Date of termination: Sept. 1, 1879

Age at appointment: 38

Age at termination: 48

Number of years on bench: 10

Age at death: 82

Last Appointing President: Ulysses S. Grant

Political party: Republican

Source: [1] Dickerman, Albert. “The Business of the Federal Courts, and the Salaries of the Judges.” 24 *American Law Review* 1 (Jan.–Feb. 1890). p. 86. [2] “Ex-Judge Dillon, Noted Lawyer, Dies.” *New York Times*, 7 May 1914.

Dodge, Frederic

April 4, 1847–March 7, 1927

Reason for termination: Retired

“Frederic Dodge, retired Judge of the United States Circuit Court, died at his home here early today following a sudden illness.”

Court: 1st Cir.

Year of first appointment: 1912

Date of termination: July 1, 1918

Age at appointment: 65

Age at termination: 71

Number of years on bench: 7

Age at death: 80

Last Appointing President: William H. Taft

Political party: Republican

Source: “Ex-Judge Frederic Dodge.” *New York Times*, 8 March 1927.

Donworth, George

Nov. 26, 1861–Sept. 6, 1947

Reason for termination: Returned to Private Practice

Nature of other employment: Donworth & Todd

“He resigned this position in 1912 to resume law practice, as a member of the firm of Donworth and Donworth, which later became Donworth, Donworth & Smith.” [1] “was on the bench until 1912. In that year he joined with Elmer E. Todd in the legal firm of Donworth & Todd. After the dissolution of that firm Judge Donworth continued in law practice, eventually joining with his son, Charles T. Donworth, in the firm Donworth, Donworth & Smith.” [2]

Court: W.D. Wash.

Year of first appointment: 1909

Date of termination: Jan. 1, 1912

Age at appointment: 47

Age at termination: 50

Number of years on bench: 3

Age at death: 86

Last Appointing President: Theodore Roosevelt

Political party: Republican

Source: [1] *Eminent Judges and Lawyers of the Northwest, 1843–1855*, p. 140. [2] “Judge Geo. Donworth, Jurist and Seattle Civic Leader, Dies.” *Seattle Daily*, n.d.

Drake, Charles Daniel

April 11, 1811–April 1, 1892

Reason for termination: Retired

Nature of other employment: Private Practice

Court: Ct. Cl.

Year of first appointment: 1870

Date of termination: Jan. 12, 1885

Age at appointment: 59

Age at termination: 74

Number of years on bench: 15

Age at death: 81

Last Appointing President: Ulysses S. Grant

Political party: Republican

Source: Bennett, Marion T. *The United States Court of Claims, A History*. Part I. *The Judges, 1855–1976*. 1976. p. 53.

Drummond, Thomas

Oct. 16, 1809–May 15, 1890

Reason for termination: Retired

“Judge Drummond resigned from the bench in 1884, having passed the constitutional age, and President Arthur appointed Judge Gresham his successor.”

Court: 7th Cir.

Year of first appointment: 1850

Date of termination: July 18, 1884

Age at appointment: 40

Age at termination: 75

Number of years on bench: 34

Age at death: 81

Last Appointing President: Ulysses S. Grant

Political party: Whig

Source: “Judge Thomas Drummond.” *New York Times*, 16 May 1890.

Duane, James

Feb. 6, 1733–Feb. 1, 1797

Reason for termination: Age/Health

“which position he held till his permanent retirement from public life on account of ill health in March 1794.”

Court: D.N.Y.

Year of first appointment: 1789

Date of termination: March 17, 1794

Age at appointment: 57

Age at termination: 61

Number of years on bench: 4

Age at death: 64

Last Appointing President: George Washington

Political party: Federalist

Source: Malone, Dumas, ed. *Dictionary of American Biography*. 1936. p. 466.

Duell, Charles Holland

April 13, 1850–Jan. 29, 1920

Reason for termination: Returned to Private Practice

Nature of other employment: Duell, Warfield & Duell

Court: D.C. Cir.

Year of first appointment: 1904

Date of termination: Aug. 31, 1906

Age at appointment: 54

Age at termination: 56

Number of years on bench: 3

Age at death: 70

Last Appointing President: Theodore Roosevelt

Political party: Republican

Source: “Ex-Justice Chas. H. Duell, Former Jurist of U.S. Court of Appeals Dies in Yonkers at 69.” *New York Times*, 30 Jan. 1920.

Duncan, Robert M.

Aug. 24, 1927–

Reason for termination: Returned to Private Practice

Nature of other employment: Jones, Day, Reavis & Pogue

In a letter to the President, dated April 8, 1985, Judge Duncan resigned “to return to the private practice of law.” Judge Duncan stated in a letter to the Director of the Administrative Office of the United States Courts, that “after an agonizing appraisal of my future, I have decided that leaving my office is best for my family and me.”

Court: S.D. Ohio

Year of first appointment: 1974

Date of termination: April 15, 1985

Age at appointment: 47

Age at termination: 58

Number of years on bench: 11

Last Appointing President: Richard Nixon

Political party: Republican

Source: Robert M. Duncan to Ronald Reagan, 8 April 1985, Files of the Administrative Office of the United States Courts (Human Resources Division).

Durrell, Edward Henry

July 14, 1810–March 29, 1887

Reason for termination: Allegations of Misbehavior

“Resigned after House Judiciary Committee recommended impeachment in 1874 for bankruptcy irregularities.”

Court: E.D. La.

Year of first appointment: 1863

Date of termination: Dec. 4, 1874

Age at appointment: 53

Age at termination: 64

Number of years on bench: 12

Age at death: 77

Last Appointing President: Abraham Lincoln

Political party: Republican

Source: Borkin, Joseph. *The Corrupt Judge: An Inquiry Into Bribery and Other High Crimes and Misdemeanors in the Federal Courts.* 1962. pp. 230–31.

Duvall, Gabriel

Dec. 6, 1752–March 6, 1844

Reason for termination: Age/Health

“By the end of his tenure on the Court, Duvall was eighty-two years old. His deafness and frequent absences had become an embarrassment, and his resignation in 1835 came as a great relief.”

Court: Supreme Court

Year of first appointment: 1811

Date of termination: Jan. 14, 1835

Age at appointment: 58

Age at termination: 82

Number of years on bench: 24

Age at death: 91

Last Appointing President: James Madison

Political party: Democratic-Republican

Source: Witt, Elder. *Congressional Quarterly's Guide to the U.S. Supreme Court*, 2nd Edition. 1990. p. 815.

Dyer, Charles E.

Oct. 15, 1834–Nov. 25, 1905

Reason for termination: Other Employment

Nature of other employment: Counsel, Northwestern Mutual Life Insurance Company

“Early in 1888 after thirteen years of service he resigned his position and accepted the place of counsel of the Northwestern Mutual Life Insurance Company of Milwaukee.” “Appointed counsel and elected trustee on July 17, 1888. Held both positions by continued reelection until his death.” “Here, as in former positions, he met his large responsibilities with conscientious and thoughtful earnestness, giving the best of his large mental endowment to each duty as it presented itself.”

Court: E.D. Wis.

Year of first appointment: 1875

Date of termination: May 18, 1888

Age at appointment: 40

Age at termination: 54

Number of years on bench: 13

Age at death: 71

Last Appointing President: Ulysses S. Grant

Political party: [not available]

Source: Report of the Proceedings of the Meeting of the State Bar Association of Wisconsin. Held at Milwaukee, March 13 and 14, 1906. 1907. p. 283.

Dyer, David Patterson

Feb. 12, 1838–April 29, 1924

Reason for termination: Retired

“His actual services on the bench were terminated by his death and not by his formal retirement in 1918 [sic].” [1] “Although Judge Dyer retired formally from the bench late in 1918 [sic], he was subject to call and frequently during the interim presided over court and enlivened such sessions with the vigorous remarks that characterized his long term on the bench.” [2]

Court: E.D. Mo.

Year of first appointment: 1907

Date of termination: Jan. 1, 1918

Age at appointment: 69

Age at termination: 80

Number of years on bench: 11

Age at death: 86

Last Appointing President: Theodore Roosevelt

Political party: Republican

Source: [1] “Death of Judge Dyer.” *St. Louis Globe-Democrat*. n.d. [2] “Judge David P. Dyer Dies, Sat on Federal bench for 17 years.” [Unidentified clipping], 30 April 1924.

Ellis, Powhatan

Jan. 17, 1790–March 18, 1863

Reason for termination: Appointment to Other Office

Nature of other employment: Chargé d'affaires in Mexico City

"He resigned [from the U.S. Senate] in 1832 to become federal judge of the Mississippi district, upon appointment of President Jackson. Four years later the President requested him to become United States chargé d'affaires in Mexico City."

Court: D. Miss.

Year of first appointment: 1832

Date of termination: Jan. 5, 1836

Age at appointment: 43

Age at termination: 46

Number of years on bench: 3

Age at death: 73

Last Appointing President: Andrew Jackson

Political party: Democrat

Source: Malone, Dumas, ed. *Dictionary of American Biography*. 1936. p. 108.

Ellsworth, Oliver

April 29, 1745–Nov. 26, 1807

Reason for termination: Age/Health

"Ellsworth had been on the Court only three years when President Adams sent him to France with two other envoys in an effort to soften hostilities between France and the United States. The mission, plagued by transportation difficulties and only partially successful, took its toll on Ellsworth's health. Before returning home, Ellsworth notified Adams of his resignation . . ." [1] Ellsworth notified Adams of his resignation in a letter dated 16 October 1800. The letter was not received by Adams until 15 December 1800. [2]

Court: Supreme Court

Year of first appointment: 1796

Date of termination: Dec. 15, 1800

Age at appointment: 51

Age at termination: 56

Number of years on bench: 5

Age at death: 63

Last Appointing President: George Washington

Political party: Federalist

Source: [1] Witt, Elder. *Congressional Quarterly's Guide to the U.S. Supreme Court*, 2nd Edition. 1990. p. 809. [2] Oliver Ellsworth to John Adams, 16 Oct. 1800, in *The Documentary History of the Supreme Court of the United States, 1789–1800. Volume 1, Part 1, Appointments and Proceedings*. Maeva Marcus and James R. Perry, eds. 1985. p. 123.

English, George W.

May 9, 1866–?

Reason for termination: Impeached - Not Convicted

"The House of Representatives had voted articles of impeachment against him on April 1, 1925, following a year of investigation of his conduct by a subcommittee of the House Judiciary Committee. The subcommittee reported that Judge English had (1) unlawfully disbarred two attorneys; (2) coerced public officials, jurors, and reporters; (3) shown partiality in making appointments in bankruptcy proceedings for his own enrichment; (4) arranged for deposit of bankruptcy funds in banks in which he held stock; (5) secured a position for his son in a bank receiving deposits of bankruptcy funds under English's control and increasing those deposits from \$10,000 to \$130,000 following his son's employment; and (6) habitually used profane and vulgar language."

Court: E.D. Ill.

Year of first appointment: 1918

Date of termination: Nov. 4, 1926

Age at appointment: 52

Age at termination: 61

Number of years on bench: 9

Age at death: [not available]

Last Appointing President: Woodrow Wilson

Political party: [not available]

Source: Bushnell, Eleanore. *Crimes, Follies and Misfortunes: The Federal Impeachment Trials*. 1992. pp. 1–2. *See also* Borkin, Joseph. *The Corrupt Judge: An Inquiry Into Bribery and Other High Crimes and Misdemeanors in the Federal Courts*. 1962. pp. 231–32; *Proceedings of Senate, Trial of Impeachment of George W. English*. Senate Documents, Vol. 2, No. 177, 69th Cong., 2d Sess., 1926–27.

Erskine, John

Sept. 13, 1813–Jan. 27, 1895

Reason for termination: Retired

"Availing himself of the privilege allowed him by law of retiring for life without loss of salary, he relinquished the bench in December 1883, and from thenceforth, lived as a private citizen."

Court: D. Ga.

Year of first appointment: 1865

Date of termination: Dec. 1, 1883

Age at appointment: 52

Age at termination: 70

Number of years on bench: 18

Age at death: 81

Last Appointing President: Andrew Johnson

Political party: [not available]

Source: *Memoirs of Georgia*. 1895. pp. 770–71.

Ewing, Nathaniel

June 17, 1848–March 28, 1914

Reason for termination: Other Employment

Nature of other employment: Chairman, Pennsylvania State Railroad Commission

Court: W.D. Pa.

Year of first appointment: 1906

Date of termination: Jan. 31, 1908

Age at appointment: 58

Age at termination: 60

Number of years on bench: 2

Age at death: 66

Last Appointing President: Theodore Roosevelt

Political party: [not available]

Source: Presser, Stephen B. *Studies in the History of the United States Courts of the Third Circuit, 1790–1980: A Bicentennial Project*. 1982.

Field, Stephen Johnson

Nov. 4, 1816–April 9, 1899

Reason for termination: Retired

"In the 1890s Field's mental powers were visibly declining, and he was taking less and less part in Court proceedings. Finally, the other justices strongly hinted that he retire."

Court: Supreme Court

Year of first appointment: 1863

Date of termination: Dec. 1, 1897

Age at appointment: 46

Age at termination: 81

Number of years on bench: 35

Age at death: 82

Last Appointing President: Abraham Lincoln

Political party: Democrat

Source: Witt, Elder. *Congressional Quarterly's Guide to the U.S. Supreme Court*, 2nd Edition. 1990. p. 829.

Finkelnburg, Gustavus Adolphus

April 6, 1837–May 18, 1908

Reason for termination: Age/Health

"He was appointed judge of the United States District Court for the Eastern District of Missouri May 20, 1905, from which ill health compelled him to resign, April 1, 1907." [1] "He accepted the office contrary to the advice of his nearest friends, who thought that his feeble health would not enable him to stand its arduous duties, in which they were not mistaken. After an occupancy of two years he found himself forced to resign, and seek the reestablishment of his health in various health resorts." [2]

Court: E.D. Mo.

Year of first appointment: 1905

Date of termination: April 1, 1907

Age at appointment: 68

Age at termination: 70

Number of years on bench: 2

Age at death: 71

Last Appointing President: Theodore Roosevelt

Political party: Republican

Source: [1] *Missouri Historical Review*, July 1908. pp. 321–22. [2] *Proceedings of the 26th Annual Meeting of the Missouri Bar Association*. pp. 237–41.

Fisher, George Purnell

Oct. 13, 1817–Feb. 10, 1899

Reason for termination: Appointment to Other Office

Nature of other employment: U.S. Attorney for the District of Columbia

Court: D.D.C.

Year of first appointment: 1863

Date of termination: May 18, 1870

Age at appointment: 45

Age at termination: 53

Number of years on bench: 7

Age at death: 81

Last Appointing President: Abraham Lincoln

Political party: [not available]

Source: *Judge Biographical Database*, Record 198001, Federal Judicial History Office, Federal Judicial Center, Washington, D.C.

Fogel, Herbert Allen

April 20, 1929–

Reason for termination: Allegations of Misbehavior

Nature of other employment: Bartel & Fogel

"Judge Fogel, who was once said to have been the target of an impeachment move, told President Carter in a letter yesterday that he would resign from the bench, effective May 1. Judge Fogel said in a press release that he would join a New York City law firm to be known as Bartel & Fogel." [1] "He added that he would become board chairman of the G & H Steel Service Companies Inc. of Pennsylvania and New England." [1] "Federal District Judge Herbert Allen Fogel announced his resignation from the bench on January 20, 1978, after the Justice Department threatened to prosecute him." [2]

COURT: D. C.

Year of first appointment: 1973

Date of termination: May 1, 1978

Age at appointment: 44

Age at termination: 49

Number of years on bench: 5

Last Appointing President: Richard Nixon

Political party: [not available]

Source: [1] "U.S. Judge in Philadelphia To Quit Bench on May 1." *New York Times*, 21 Jan. 1978. [2] Grimes, Warren S. "Hundred-Ton-Gun Control: Preserving Impeachment as the Exclusive Removal Mechanism for Federal Judges." 38 *UCLA Law Review* 5 (1991). p. 1218 n.53. See also "U.S. Reportedly Asks Resignation of Judge." *New York Times*, 26 Nov. 1976.

Fortas, Abe

June 19, 1910–April 5, 1982

Reason for termination: Allegations of Misbehavior

Nature of other employment: Private Practice

Allegations regarding monies received from a local university and from a charitable foundation. [1] "It was unclear, however, what the President [Nixon] and [John] Mitchell wanted. Did they hope that Fortas would resign, or did they intend to have him impeached? The answer became apparent on May 6 when Patrick Buchanan, a White House staff member, informed the President that the 'cloud gathering over Justice Fortas makes it a good probability that he will be forced to resign after a decent interval.' At a meeting with Mitchell and other key Republicans that day, Nixon dissuaded members of Congress from initiating proceedings to impeach Fortas. Impeachment would take too long and would divide the country. Nor was it necessary. Mitchell implied that the justice would resign." [2] "When Mitchell met with [Chief Justice Earl] Warren on May 7 [1969] he brought the six documents he had acquired from the Wolfson Family Foundation. For the first time, Warren learned of the justice's lifetime arrangement with Wolfson. But the material the chief justice saw contained no evidence that the justice had ever contacted a government official on Wolfson's behalf, and it showed that Fortas had returned the first and only payment to the financier. The information Mitchell revealed did not incriminate Fortas legally. Still, the meeting between Mitchell and Warren hurt Fortas. 'He can't stay,' Warren remarked to his secretary at the time." [2]

Court: Supreme Court

Year of first appointment: 1965

Date of termination: May 14, 1969

Age at appointment: 55

Age at termination: 59

Number of years on bench: 4

Age at death: 72

Last Appointing President: Lyndon B. Johnson

Political party: Democrat

Source: [1] Witt, Elder. *Congressional Quarterly's Guide to the U.S. Supreme Court*, 2nd Edition. 1990. p. 874. [2] Kalman, Laura. *Abe Fortas: A Biography*. 1990. pp. 367, 368.

Foster, Cassius G.

June 22, 1837–June 21, 1899

Reason for termination: Age/Health

"During the latter years of his life Judge Foster's health was much impaired and he was obliged to give up active work."

Court: D. Kan.

Year of first appointment: 1874

Date of termination: Jan. 6, 1899

Age at appointment: 37

Age at termination: 62

Number of years on bench: 25

Age at death: 62

Last Appointing President: Ulysses S. Grant

Political party: [not available]

Source: *A Biographical History of the Eminent Men of Kansas*. 1901.

Frankel, Marvin E.

July 26, 1920–

Reason for termination: Dissatisfaction with Office

Nature of other employment: Kramer, Levin, Nessen, Kamin & Frankel

"Federal judgeships are lifetime appointments. But the job got to be more like a lifetime sentence for Marvin E. Frankel, who was bored stiff by it. So after 13 distinguished years in the Southern District, he made his break from 'repetitive tedium' into private practice, where he can speak out freely on social and political issues." [1] "I announced publicly when I resigned that in my circumstances the salary was not a major consideration, the most relevant circumstance in this respect being my wife's income as a practicing physician." [2]

Court: S.D.N.Y.

Year of first appointment: 1965

Date of termination: Sept. 30, 1978

Age at appointment: 44

Age at termination: 58

Number of years on bench: 14

Last Appointing President: Lyndon B. Johnson

Political party: Democrat

Source: [1] *New York Times*, 6 Nov. 1978. [2] "Marvin Frankel to Judge Irving R. Kaufman," 14 July 1980, appended to memo from Joseph F. Spaniol, Jr., to Alfred Zuck, 12 Nov. 1980, in *Administrative Office Files*.

Garvin, Edwin Lewis

Oct. 25, 1877–Oct. 10, 1960

Reason for termination: Inadequate Salary

Nature of other employment: Lewis, Garvin & Kelsey

"In 1925 he resigned to become a member of the law firm of Lewis, Garvin & Kelsey." [1] "A United States Judge can not provide for the future on the salary that is now given him," Judge Garvin said. "I came to this bench from what is commonly referred to as an inferior court and yet it paid substantially more than I have received as a United States Judge. With the expenses entailed in the visits of other Judges, the fair standard of living that must be maintained, and the benefactions that a Judge is supposed to subscribe to, the salary of a District Judge is impossible." [2] "Judge Garvin declared yesterday that as a citizen and a lawyer he would now be glad to join any movement to increase the pay of Federal Judges." [2]

Court: E.D.N.Y.

Year of first appointment: 1918

Date of termination: Nov. 19, 1925

Age at appointment: 40

Age at termination: 48

Number of years on bench: 8

Age at death: 83

Last Appointing President: Woodrow Wilson

Political party: Democrat

Source: [1] "Edwin L. Garvin, Ex-Justice, Dead." *New York Times*, 11 Oct. 1960. [2] "Judge Garvin Quits; \$7,500 Pay Too Low." *New York Times*, 15 Oct. 1925.

Getzendanner, Susan

July 24, 1939–

Reason for termination: Returned to Private Practice

Nature of other employment: Skadden, Arps, Slate, Meagher & Flom

“I herewith tender my resignation as United States District Judge for the Northern District of Illinois effective September 30, 1987. I was appointed by President Jimmy Carter, September 30, 1980. I have very much enjoyed being a judge and have benefited from the experience, but I have decided to return to private practice.” “Both you and Justice Scalia have recently given speeches predicting the resignation of good federal judges. All of the reasons you identified have figured into my decision to some extent. Principally, however, I have missed the active litigation practice in which I was engaged before becoming a judge and have decided to resign.”

Court: N.D. Ill.

Year of first appointment: 1980

Date of termination: Sept. 30, 1987

Age at appointment: 41

Age at termination: 48

Number of years on bench: 7

Last Appointing President: Jimmy Carter

Political party: Democrat

Source: Susan Getzendanner to Ronald Reagan, 6 Aug. 1987, Files of the Administrative Office of the United States Courts (Human Resources Division).

Gholson, Samuel J.

May 19, 1808–Oct. 16, 1883

Reason for termination: Loyalty to the Confederacy

Nature of other employment: Major General, Confederate army

Court: D. Miss.

Year of first appointment: 1839

Date of termination: Jan. 1, 1861

Age at appointment: 31

Age at termination: 53

Number of years on bench: 22

Age at death: 75

Last Appointing President: Martin Van Buren

Political party: Democrat

Source: Judge Biographical Database, Record 200901, Federal Judicial History Office, Federal Judicial Center, Washington, D.C.

Glenn, Elias

Aug. 26, 1769–Jan. 6, 1846

Reason for termination: Age/Health

Resigned at least partially due to poor health. [1] “he resigned in 1836 on account of failing health and retired to his county seat, Glenburnie.” [2]

Court: D. Md.

Year of first appointment: 1824

Date of termination: April 1, 1836

Age at appointment: 55

Age at termination: 67

Number of years on bench: 12

Age at death: 76

Last Appointing President: James Monroe

Political party: [not available]

Source: [1] Lewis, H. H. Walker, and James F. Schneider. A Bicentennial History of the U.S. District Court for the District of Maryland, 1790–1990. 1990. [2] Pearson, Jonathan. Contributions for the Genealogies of the Descendants of the First Settlers of the Patent and City of Schenectady, from 1662 to 1800. 1976. See appendix.

Goff, Nathan

Feb. 9, 1843–April 23, 1920

Reason for termination: Elected Office

Nature of other employment: United States Senate

“[Judge Goff was] elected as a Republican to the United States Senate for the term commencing March 4, 1913, but did not immediately take his seat, preferring to remain on the bench, and served from April 1, 1913, to March 3, 1919 . . .”

Court: 4th Cir.

Year of first appointment: 1891

Date of termination: March 31, 1913

Age at appointment: 49

Age at termination: 70

Number of years on bench: 21

Age at death: 77

Last Appointing President: Benjamin Harrison

Political party: Republican

Source: Biographical Directory of the U.S. Congress, 1774–1989. Bicentennial Edition. 1989. p. 1069.

Goldberg, Arthur J.

Aug. 8, 1909–Jan. 19, 1991

Reason for termination: Appointment to Other Office

Nature of other employment: U.S. Ambassador to the United Nations

President Johnson named Justice Goldberg U.S. Ambassador to the United Nations in July 1965. [1] “As Johnson told it, he was visiting with John Kenneth Galbraith when the economist mentioned that Justice Arthur Goldberg was restless at the Supreme Court. Goldberg confirmed Galbraith’s report in a conversation with the President on the way back from [Adlai] Stevenson’s funeral on July 19 [1965]. When Johnson offered him a Cabinet position as Secretary of Health, Education, and Welfare, Goldberg replied that he was more interested in foreign affairs. On July 20 Goldberg informed the White House that he would accept the ambassadorship to the United Nations. Because Johnson knew that Goldberg, a former secretary of labor and skilled negotiator, would be ‘an outstanding representative of our nation in that crucial international organization,’ he appointed Goldberg as Stevenson’s replacement. At least that was the President’s story. Others recalled the incident differently. Arthur Goldberg later insisted he had not been bored with the Court. ‘I left because of vanity,’ he explained. ‘I thought I could influence the President to get out of Vietnam.’ He maintained that he would not have resigned if Johnson had not pressed him. So eager was Johnson to make a place for Fortas on the Supreme Court that he was tempting Goldberg with the vice-presidency. ‘You’re over there isolated from the action,’ he said, ‘and you can’t get to the Vice-Presidency from the Court.’ The President had offered the position at the Court to Fortas even before Goldberg had definitely decided to resign. According to Paul Porter, Johnson telephoned Fortas as he was flying back to Washington from [Adlai] Stevenson’s funeral and informed the attorney he was about to be named to the Supreme Court.” [2]

Court: Supreme Court

Year of first appointment: 1962

Date of termination: July 25, 1965

Age at appointment: 53

Age at termination: 56

Number of years on bench: 3

Age at death: 82

Last Appointing President: John F. Kennedy

Political party: Democrat

Source: [1] Witt, Elder. *Congressional Quarterly’s Guide to the U.S. Supreme Court*, 2nd Edition, 1990. p. 874. [2] Kalman, Laura. *Abe Fortas: A Biography*, 1990. pp. 240–41.

Gresham, Walter Quintin

March 17, 1832–May 28, 1895

Reason for termination: Appointment to Other Office

Nature of other employment: United States Postmaster General

“He was called from the bench to the cabinet of President Arthur as Postmaster General in 1883, and his political career really dates from that time.” [1] He served on the bench for 13 years prior to his appointment as postmaster general in 1883. [2] “In 1882 Judge Gresham decided to retire from the district court bench and renew the more lucrative practice of law, which would also give him more freedom to pursue his political ambitions. While still on the bench, he had contemplated running for either the Senate or the governorship of Indiana, but decided to wait until after he had resumed practice. His proposed partnership with Joseph E. MacDonald never materialized, however, because President Chester Arthur selected him as his postmaster-general. As postmaster, Gresham’s prime concern was implementing the Congressional statutes that prohibited the use of the mails for lotteries. He also worked to lower the cost of sending first-class mail and opposed government takeover of the telegraph service. Following the death of Secretary of the Treasury Charles Folger, Walter Gresham was appointed to fill that vacancy, serving for two months. On the eve of the presidential election of 1884, Judge Thomas Drummond of the Seventh Circuit resigned, and President Arthur appointed Gresham circuit judge. Gresham and his family moved to Chicago, where he began his duties on November 2, 1884.” [3]

Court: D. Ind.

Year of first appointment: 1869

Date of termination: April 18, 1883

Age at appointment: 37

Age at termination: 51

Number of years on bench: 14

Age at death: 63

Last Appointing President: Ulysses S. Grant

Political party: [not available]

Source: [1] Schulyer, Montgomery. “Walter Quintin Gresham.” *Harpers Weekly*, 6 June 1895, p. 530. [2] Simons, Richard S. “Who Delivered When Hoosiers Ran the Mail.” *Indianapolis Star Magazine*, 5 Sept. 1976, p. 7. [3] Solomon, Rayman L. *History of the Seventh Circuit, 1891–1941*. 1981. p. 11.

Gresham, Walter Quintin

March 17, 1832–May 28, 1895

Reason for termination: Appointment to Other Office

Nature of other employment: Secretary of State

“Judge Gresham became a front-running candidate for the Republican presidential nomination in 1888. He led the reform elements in the party, who favored sound money and moderate tariffs. At the outset of the Republican convention in Chicago, Gresham controlled about twenty percent of the delegates. He expected to pick up additional votes through political manipulation at the convention, but failed because of his refusal to support the high tariff plank of the platform. Instead of nominating Gresham, the delegates chose his Indiana political rival, Benjamin Harrison. Gresham offered Harrison no support, either in that campaign or during his campaign for reelection. Having failed in his bid for the presidency, Judge Gresham turned his attention again to the bench.” “Early in 1893, for the second time, Judge Walter O. Gresham [sic] resigned the federal bench to accept a cabinet position. Soon after his election, President Grover Cleveland invited Judge Gresham to become his secretary of state. The judge at first declined, partly because he enjoyed his work at the Seventh Circuit and life with his family in Chicago. He also feared angering his Republican supporters by serving in a Democratic administration, even though he had openly supported Cleveland over Harrison. However, after conferring with several long-time Republicans and after a second call from Cleveland, Gresham relented. He became secretary of state, and as Cleveland had promised, the leader of the cabinet. The judges resignation became effective March 3, 1893, and he took his cabinet seat three days later.”

Court: 7th Cir.

Year of first appointment: 1884

Date of termination: March 3, 1893

Age at appointment: 53

Age at termination: 61

Number of years on bench: 8

Age at death: 63

Last Appointing President: Chester A. Arthur

Political party: [not available]

Source: Solomon, Rayman L. *History of the Seventh Circuit, 1891–1941*. 1981. pp. 11–12, 31.

Grier, Robert Cooper

March 5, 1794–Sept. 25, 1870

Reason for termination: Age/Health

“Toward the end of his service, his mental and physical powers waned to the point that he was barely functioning. Finally, a committee of his colleagues called on him to urge his retirement. He took their advice and retired in January 1870. He died seven months later.”

Court: Supreme Court

Year of first appointment: 1846

Date of termination: Jan. 31, 1870

Age at appointment: 52

Age at termination: 76

Number of years on bench: 24

Age at death: 77

Last Appointing President: James Knox Polk

Political party: Democrat

Source: Witt, Elder. *Congressional Quarterly's Guide to the U.S. Supreme Court*, 2nd Edition. 1990. p. 824.

Grosscup, Peter Stenger

Feb. 15, 1852–Oct. 1, 1921

Reason for termination: Allegations of Misbehavior

"Judge Grosscup, no stranger to newspaper headlines, was at the center of a storm that involved vague innuendoes that unspecified evidence had been uncovered which would show that Judge Grosscup had used his office for personal profit." "The first front-page headline appeared September 21, 1911, and indicated that the judge intended to retire. He stated that he wanted to leave the bench so that he could be more active in politics. He also added that he believed the court of appeals job would no longer be as interesting since the abolition of the circuit courts would practically eliminate his opportunity to do trial work." "This statement has certain credibility, given the Judge's outspoken views on economic policy and given the attitude towards the work of the court of appeals which he expressed in the letter to Judge K. M. Landis which was quoted in Chapter IV. However, the newspaper article announcing the judge's resignation contained a startling revelation. The judge had been shadowed for two years by a private detective who had been hired by a muckraking magazine. The detective had investigated every aspect of cases decided by Grosscup in an effort to find evidence of malfeasance; in fact, the judge had been under observation even while traveling in Europe. The detective implied that he had uncovered damaging evidence that would later be divulged in the magazine *Everybody's*. The story became further complicated when former United States Solicitor General Charles Aldrich, the man who had failed to be nominated to the federal bench ten years earlier and who had leveled charges against Judge Kohlsaat, announced that he had supplied information for the investigation. He charged that Grosscup was resigning because he feared the results of the magazine investigation. Additionally, Aldrich urged the Chicago Bar Association to refuse to 'indors[e] him [Grosscup] by a banquet or foolishly eulogistic speech.'" "Judge Grosscup reacted to the charges by threatening to withdraw his resignation if formal allegations were made against him. He challenged Aldrich and *Everybody's* publisher to make their evidence public. He further charged that the magazine had been guilty of burglary by breaking into the home of his former clerk, Marshall Sampsell, and taking bank records. The magazine declined to accept Grosscup's challenge. Instead, the publisher issued a statement saying he would do nothing which would jeopardize the possibility of Grosscup's resignation. The entire episode thus ended. The judge resigned October 23, 1911, with the allegations of malfeasance never having been formally made or proven - yet, not disproven."

Court: 7th Cir.

Year of first appointment: 1892

Date of termination: Oct. 23, 1911

Age at appointment: 41

Age at termination: 60

Number of years on bench: 19

Age at death: 70

Last Appointing President: Benjamin Harrison

Political party: Republican

Source: Solomon, Rayman L. *History of the Seventh Circuit, 1891-1941*. 1981. pp. 87-88.

Hagner, Alexander Burton

July 13, 1826–June 30, 1915

Reason for termination: Retired

"Justice Hagner served on the [District of Columbia] Supreme Court bench several years after he was eligible for retirement. He resigned from public service June 1, 1903."

Court: D.D.C.

Year of first appointment: 1879

Date of termination: June 1, 1903

Age at appointment: 53

Age at termination: 77

Number of years on bench: 24

Age at death: 89

Last Appointing President: Rutherford B. Hayes

Political party: Republican

Source: "Justice Hagner is Dead." *Washington Post*, 1 July 1915.

Haight, Thomas Griffith

Aug. 4, 1879–Jan. 26, 1942

Reason for termination: Returned to Private Practice

Nature of other employment: Wall, Haight, Carey & Hartpence

"When he resigned from the Circuit Court of Appeals in 1920, Mr. Haight entered private law practice with the Jersey City firm of Wall, Haight, Carey & Hartpence."

Court: 3d Cir.

Year of first appointment: 1914

Date of termination: Jan. 1, 1920

Age at appointment: 35

Age at termination: 40

Number of years on bench: 6

Age at death: 63

Last Appointing President: Woodrow Wilson

Political party: Democrat

Source: "Thomas G. Haight, Jurist, 62, is Dead." *New York Times*, 27 Jan. 1942.

Hall, Dominic A.

Jan. 1, 1765–Dec. 19, 1820

Reason for termination: Inadequate Salary

Judge Hall was originally appointed by President Jefferson, under the Judiciary Act of 1801, to the Fifth Circuit Court of Appeals, which office was eliminated with the repeal of the Act in 1802. "Louisiana became a state in 1812 and Hall became the District Judge for the District of Louisiana. Then Judge Hall, obviously a highly respected figure, was named to the first Louisiana Supreme Court and resigned to take a place on the state tribunal in March, 1813; this meant an increase in salary from \$3,000 to \$5,000. Less than three months later, however, Hall relinquished this position and again was appointed United States District Judge. His opponents years later would say that he left the state court because of an impending impeachment, but there is no basis for this and it seems hardly credible. Two other explanations are surely closer to the truth. One is that Hall, who was reserved, austere, and aristocratic in his manners, preferred being his own master as a federal judge. Perhaps the better explanation is the following: 'It is said his principal motive for thus promptly exchanging one life position for another was the Babel of foreign tongues which immediately smote his judicial ear. He had scarcely a working knowledge of French and none of Spanish, and between the civil law and the French advocates he judges his hope of fame and his happiness to mind to lie in a court which would not be called upon incessantly to master and adjudicated these new and foreign ideas of jurisprudence.'"

Court: D. La.

Year of first appointment: 1812

Date of termination: Jan. 1, 1813

Age at appointment: 47

Age at termination: 48

Number of years on bench: 1

Age at death: 56

Last Appointing President: James Madison

Political party: [not available]

Source: Couch, Harvey C. *A History of the Fifth Circuit, 1891–1981*. n.d. pp. 7–8.

Hall, Willard

Dec. 14, 1780–May 10, 1875

Reason for termination: Retired

"In December, 1871, being then in his ninety-first year, he resigned his Judgeship."

Court: D. Del.

Year of first appointment: 1823

Date of termination: Dec. 6, 1871

Age at appointment: 42

Age at termination: 91

Number of years on bench: 49

Age at death: 94

Last Appointing President: James Monroe

Political party: [not available]

Source: "Death of Hon. Willard Hall of Delaware." *New York Times*, 12 May 1875.

Hallett, Moses

July 16, 1834–April 25, 1913

Reason for termination: Retired

"At his retirement ceremonies in 1906 . . ." [1] "Judge Hallett has been in Washington for the last week. He went there ten days ago with the full intention of not resigning, but when he learned that the lay of the land was to his liking regarding a successor, he agreed to step down from the bench." [2]

Court: D. Colo.

Year of first appointment: 1877

Date of termination: May 1, 1906

Age at appointment: 43

Age at termination: 72

Number of years on bench: 29

Age at death: 79

Last Appointing President: Ulysses S. Grant

Political party: [not available]

Source: [1] Guice, John D. W. "Moses Hallett, Chief Justice." 57 *Colorado Magazine* 1970, p. 140. [2] "Fight Over Judgeship: Filing of Hallett's Resignation from Federal Bench Starts Row in Republican Party." *Rocky Mountain News*, 8 April 1906.

Halyburton, James Dandridge

Feb. 23, 1803–Jan. 26, 1879

Reason for termination: Loyalty to the Confederacy

Nature of other employment: Confederate Judge for the Eastern District of Virginia

Court: E.D. Va.

Year of first appointment: 1844

Date of termination: April 17, 1861

Age at appointment: 41

Age at termination: 58

Number of years on bench: 17

Age at death: 76

Last Appointing President: James Tyler

Political party: [not available]

Source: *Richmond Dispatch*, 28 Jan. 1879. See also Bryson, W. H. *Legal Education in Virginia, 1779–1979: A Biographical Approach*. 1982. p. 272.

Hanford, Cornelius Holgate

April 21, 1849–Jan. 1, 1926

Reason for termination: Allegations of Misbehavior

Resigned while under House investigation in 1912. [1] “[A] congressional sub-committee came to town to open impeachment hearings in June, 1912. . . . After the hearing concluded Judge Hanford resigned. Back in Washington Congress responded by ending the impeachment proceedings. There was no point in prolonging the agony.” [2]

Court: W.D. Wash.

Year of first appointment: 1890

Date of termination: Aug. 5, 1912

Age at appointment: 41

Age at termination: 63

Number of years on bench: 22

Age at death: 77

Last Appointing President: Theodore Roosevelt

Political party: [not available]

Source: [1] Borkin, Joseph. *The Corrupt Judge: An Inquiry Into Bribery and Other High Crimes and Misdemeanors in the Federal Courts*. 1962. pp. 231–32. [2] Hunt, William R. “Sober as a Judge Was Not an Apt Simile.” *P-I/Northwest Magazine*, 26 Aug. 1979. pp. 2–3.

Hastings, Alcee Lamar

Sept. 5, 1936–

Reason for termination: Impeachment and Conviction

“A bill of impeachment against Judge Hastings, the first black official ever impeached, was approved by the House 413 to 3 on Aug. 8. He is accused of conspiring with a Washington attorney to obtain money from two convicted racketeers in exchange for a guarantee that they would not serve time. The impeachment bill also accuses him of making false statements at his 1983 trial, in which a Federal jury acquitted him of conspiracy.” [1] “Many charges on which Judge Hastings was convicted by the Senate accused him of making false statements and producing false documents in a 1983 criminal trial accusing him of seeking the \$150,000 bribe. He was acquitted in the criminal trial. . . . The Senate action concluded an eight-year ordeal for Judge Hastings. The articles of impeachment accused Judge Hastings of conspiring with a lawyer friend in 1981 to impose a sentence on two criminal defendants that would not include prison time. In return, the charges said, Judge Hastings and the friend, William A. Borders, sought \$150,000 from the two defendants, who had been convicted of racketeering. The impeachment charges followed a Federal criminal trial in Miami on the conspiracy charges in 1983 in which the judge was acquitted. Despite the acquittal, a Federal judicial panel concluded in 1987 that there was sufficient evidence that he did conspire to obtain the bribe. . . . Senators who voted to convict Judge Hastings said they had little difficulty reaching their verdict. Senator Slade Gorton, Republican of Washington, a member of the Senate panel that reviewed the evidence, said he found the case to be ‘difficult not complex. It seemed to me there was one overriding issue,’ said Mr. Gorton, who voted to convict the judge on the conspiracy charge. ‘Was Alcee Hastings a conscious participant in a conspiracy of William Borders to extract \$150,000? While there are 3,000 pages of testimony, the facts are not in dispute. He was guilty.’” [2]

Court: S.D. Fla.

Year of first appointment: 1979

Date of termination: Oct. 20, 1989

Age at appointment: 43

Age at termination: 53

Number of years on bench: 10

Last Appointing President: Jimmy Carter

Political party: Democrat

Source: [1] “Senate Panel Proposed for Trial of U.S. Judge.” *New York Times*, 4 Feb. 1986. [2] “Hastings Ousted as U.S. Judge by Senate Vote.” *New York Times*, 21 Oct. 1989.

Hawley, Thomas Porter

July 18, 1830–Oct. 7, 1907

Reason for termination: Retired

Court: D. Nev.

Year of first appointment: 1890

Date of termination: June 30, 1906

Age at appointment: 60

Age at termination: 76

Number of years on bench: 16

Age at death: 77

Last Appointing President: Benjamin Harrison

Political party: Republican

Source: Judge Biographical Database, Record 18501, Federal Judicial History Office, Federal Judicial Center, Washington, D.C.

Henning, Edward J.

Dec. 28, 1868–Jan. 1, 1937

Reason for termination: Returned to Private Practice

Nature of other employment: General Counsel, General Order of Moose; Counsel for motion picture interests

"Federal District judge Edward J. Henning, who was appointed to the Federal court here by President Coolidge in April, 1925, last night announced his resignation effective Dec. 31. He said he would return to the practice of law in New York."

Court: S.D. Cal.

Year of first appointment: 1925

Date of termination: Dec. 19, 1929

Age at appointment: 56

Age at termination: 61

Number of years on bench: 5

Age at death: 68

Last Appointing President: Calvin Coolidge

Political party: [not available]

Source: [1] "General Counsel of Moose Expires." San Francisco Chronicle, 7 Sept. 1935. [2] "E. J. Henning Quits Federal Bench." New York Times, 24 Dec. 1929.

Hermansdorfer, Howard David

April 11, 1931–

Reason for termination: Returned to Private Practice

Nature of other employment: Barnett & Alagia, Ashland, KY; Hermansdorfer & Coburn, Ashland, KY

"I hereby resign my commission as a United States District Judge for the Eastern District of Kentucky to be effective January 31, 1981. My decision to resign is prompted by my election to pursue other interests which present new and rewarding challenges." [1] "It has been a great privilege to serve in the office I now relinquish and I should like to express my deep appreciation for the opportunity and experience it afforded me." [1] The judge wanted to return to the private practice of law. He went with Barnett & Alagia in Ashland, KY immediately upon leaving the bench. He is now with Hermansdorfer and Coburn in Ashland, KY. [2]

Court: E.D. Ky.

Year of first appointment: 1972

Date of termination: Jan. 31, 1981

Age at appointment: 41

Age at termination: 50

Number of years on bench: 9

Last Appointing President: Richard Nixon

Political party: Republican

Source: [1] Howard David Hermansdorfer to Ronald Reagan, 6 Jan. 1981, Files of the Administrative Office of the United States Courts (Human Resources Division). [2] Telephone conversation with Linda Mae Cornwell, former secretary to Judge Hermansdorfer, March 30, 1993.

Higby, Lynn C.

Aug. 6, 1938–

Reason for termination: Inadequate Salary

Nature of other employment: Sale & Bryant, Panama City, Florida

"On October 26, 1982, I submitted my resignation from the bench of the United States District Court for the Northern District of Florida to the President of the United States, to become effective on January 3, 1983. I made this choice not because of any dissatisfaction or disaffection for this court, my fellow judges, or the profession which practices before it. I will miss my association with the many dedicated people who serve the court with me." "When I assumed my position over three years ago, I knew, of course, what the job paid and was willing to take a substantial reduction in my income in the spirit of public service. What I did not anticipate, however, was the continued intransigence of the administration and the Congress in refusing to grant equitable judicial pay increases that keep up with inflation. In short, I erred in pursuing and accepting this appointment. Nonetheless, I have regretfully concluded that to continue my service on the bench will jeopardize the education of my children. Two of our sons are presently attending out of state universities without the benefit of government subsidized loans which recently became a thing of the past." "I am returning to the private practice of law. On January 4, 1983, I will become a partner in the Panama City, Florida, law firm of Sale & Bryant."

Court: N.D. Fla.

Year of first appointment: 1979

Date of termination: Jan. 3, 1983

Age at appointment: 41

Age at termination: 44

Number of years on bench: 3

Last Appointing President: Jimmy Carter

Political party: Democrat

Source: Lynn C. Higby to President Ronald Reagan, 26 Oct. 1982, Files of the Administrative Office of the United States Courts (Human Resources Division).

Hill, Robert Andrews

March 25, 1811–July 2, 1900

Reason for termination: Retired

"Judge Hill reached the age of retirement March 25, 1881 when he was seventy years of age, but he continued to serve until August 1, 1891 when he had reached his eightieth year."

Court: D. Miss.

Year of first appointment: 1866

Date of termination: Aug. 1, 1891

Age at appointment: 55

Age at termination: 80

Number of years on bench: 25

Age at death: 89

Last Appointing President: Andrew Johnson

Political party: Republican

Source: Godspeed. *Memoirs of Mississippi*. 1891. See also Dunbar. *Encyclopedia of Mississippi History*. 1907.

Hoehling, Adolph A., Jr.

Nov. 3, 1868–Feb. 17, 1941

Reason for termination: Returned to Private Practice'

Nature of other employment: Hoehling, Peelle & Ogilby

Court: D.D.C.

Year of first appointment: 1921

Date of termination: Jan. 1, 1927

Age at appointment: 52

Age at termination: 58

Number of years on bench: 6

Age at death: 72

Last Appointing President: Woodrow Wilson

Political party: [not available]

Source: "A.A. Hoehling, Retired Justice and D.C. Banker, Dies at 72." Washington Post, 18 Feb. 1941.**Holt, George Chandler**

Dec. 31, 1843–Jan. 26, 1931

Reason for termination: Retired

Nature of other employment: Receiver, Aetna Explosives Company

"Judge Holt had been retired for a long while and had been living in Europe for the last two years." "After retiring from the bench he was receiver for the Aetna Explosives Company."

Court: S.D.N.Y.

Year of first appointment: 1903

Date of termination: Jan. 1, 1914

Age at appointment: 59

Age at termination: 70

Number of years on bench: 11

Age at death: 87

Last Appointing President: Theodore Roosevelt

Political party: Independent

Source: "Ex-Judge G. C. Holt Dies in Nice, France." New York Times, 27 Jan. 1931.**Howe, Harland Bradley**

Feb. 19, 1873–April 22, 1946

Reason for termination: Disability

Physical disability caused his resignation on 31 January 1940, and he permanently retired on 31 July 1945.

Court: D. Vt.

Year of first appointment: 1915

Date of termination: Jan. 31, 1940

Age at appointment: 42

Age at termination: 67

Number of years on bench: 25

Age at death: 73

Last Appointing President: Woodrow Wilson

Political party: [not available]

Source: Vermont Bar Association Proceedings, Volume 6, 1949.**Howe, James Henry**

Dec. 5, 1827–Jan. 4, 1893

Reason for termination: Dissatisfaction with Office

Nature of other employment: Private Practice

"It was understood that he accepted the judgeship as a relief from the strain of professional life; but judicial life and duties proved less congenial than he expected."

Court: E.D. Wis.

Year of first appointment: 1873

Date of termination: Jan. 1, 1875

Age at appointment: 46

Age at termination: 47

Number of years on bench: 1

Age at death: 65

Last Appointing President: Ulysses S. Grant

Political party: [not available]

Source: Berryman, John R. History of the Bench and Bar of Wisconsin, Vol. II, 1898, p. 8.**Howell, George Evan**

Sept. 21, 1905–

Reason for termination: Appointment to Other Office

Nature of other employment: Chairman, Illinois State Toll Highway Authority

Court: Ct. Cl.

Year of first appointment: 1947

Date of termination: Sept. 30, 1953

Age at appointment: 42

Age at termination: 48

Number of years on bench: 6

Last Appointing President: Harry S Truman

Political party: Republican

Source: Bennett, Marion T. The United States Court of Claims, A History. Part I. The Judges, 1855–1976, 1976, p. 172.**Howry, Charles Bowen**

May 14, 1844–July 20, 1928

Reason for termination: Retired

Court: Ct. Cl.

Year of first appointment: 1897

Date of termination: March 15, 1915

Age at appointment: 53

Age at termination: 71

Number of years on bench: 18

Age at death: 84

Last Appointing President: Grover Cleveland

Political party: Democrat

Source: Bennett, Marion T. The United States Court of Claims, A History. Part I. The Judges, 1855–1976, 1976, p. 94.

Hufstедler, Shirley M.

Aug. 24, 1925-

Reason for termination: Appointment to Other Office

Nature of other employment: Secretary, Department of Education

"President Carter plans to announce tomorrow the nomination of Shirley Mount Hufstедler, a Federal judge in California, as Secretary of the newly created Department of Education, Administration officials said today." [1] "In response to your letter of July 11, I did not leave the Federal Judiciary by reason of inadequate salaries. To be sure, judicial salaries are not adequate. However, my decision to leave the judiciary was based entirely upon the unique opportunity that President Carter offered to me in becoming the first Secretary of Education." [2]

Court: 9th Cir.

Year of first appointment: 1968

Date of termination: Dec. 6, 1979

Age at appointment: 43

Age at termination: 54

Number of years on bench: 11

Last Appointing President: Lyndon B. Johnson

Political party: Democrat

Source: [1] "Carter to Name Judge to Direct Education Dept." New York Times, 31 Oct. 1979. [2] "Shirley M. Hufstедler to Judge Irving R. Kaufman," 18 July 1980, appended to memo from Joseph F. Spaniol, Jr., 12 Nov. 1980, in Administrative Office Files.

Hughes, Charles Evans

April 11, 1862-Aug. 27, 1948

Reason for termination: Sought Elected Office - Defeated

Hughes resigned from the bench in order to become Republican presidential candidate in 1916. Lost the election by only 23 electoral votes. Served again on the U.S. Supreme Court.

Court: Supreme Court

Year of first appointment: 1910

Date of termination: June 10, 1916

Age at appointment: 48

Age at termination: 54

Number of years on bench: 6

Age at death: 86

Last Appointing President: William H. Taft

Political party: Republican

Source: Witt, Elder. Congressional Quarterly's Guide to the U.S. Supreme Court, 2nd Edition. 1990. p. 848.

Hughes, James

Nov. 24, 1823-Oct. 21, 1873

Reason for termination: Dissatisfaction with Office

Nature of other employment: Returned to Private Practice

"Service on the court was too tame for this man and he resigned in December 1864."

Court: Ct. Cl.

Year of first appointment: 1860

Date of termination: Dec. 18, 1864

Age at appointment: 36

Age at termination: 41

Number of years on bench: 5

Age at death: 50

Last Appointing President: James Buchanan

Political party: Democrat

Source: Bennett, Marion T. The United States Court of Claims, A History. Part I. The Judges, 1855-1976. 1976. p. 23.

Hughes, Robert William

Jan. 16, 1821-Dec. 10, 1901

Reason for termination: Retired

"when owing to his advanced age he tendered his resignation."

Court: E.D. Va.

Year of first appointment: 1873

Date of termination: Feb. 22, 1898

Age at appointment: 53

Age at termination: 77

Number of years on bench: 24

Age at death: 81

Last Appointing President: Ulysses S. Grant

Political party: [not available]

Source: Summers, Lewis Preston. History of Southwest Virginia, 1746-1786: Washington County, 1777-1870. 1903. p. 794.

Humphreys, West H.

Aug. 26, 1806-Oct. 16, 1882

Reason for termination: Impeachment and Conviction

Early in 1861, Judge Humphreys accepted the post of Judge for the District Court of Tennessee without resigning his federal commission, making him the only federal judge who, after joining the Confederacy, failed to resign his federal commission. He was impeached by the House of Representatives and convicted by the Senate.

Court: D. Tenn.

Year of first appointment: 1853

Date of termination: June 26, 1862

Age at appointment: 47

Age at termination: 56

Number of years on bench: 9

Age at death: 76

Last Appointing President: Franklin Pierce

Political party: Democrat

Source: Bushnell, Eleanore. Crimes, Follies, and Misfortunes: The Federal Impeachment Trials. 1991. pp. 115-24.

Hunt, Ward

June 14, 1810–March 24, 1886

Reason for termination: Retired

“In January 1879 he suffered a paralytic stroke that incapacitated him from further service, but he did not retire for another three years. The law then in effect granted a full pension only to justices who had reached the age of seventy and had served on the Court for ten years. Finally with the Court in danger of becoming bogged down because of Hunt’s illness and the increasing age of several other justices, Congress passed a special law exempting Hunt from the terms of the pension law, granting him retirement at full pay if he would retire from the Court within thirty days of enactment of the exemption. He retired the day the law went into effect and died four years later.”

Court: Supreme Court

Year of first appointment: 1872

Date of termination: Jan. 27, 1882

Age at appointment: 63

Age at termination: 72

Number of years on bench: 9

Age at death: 76

Last Appointing President: Ulysses S. Grant

Political party: Republican

Source: Witt, Elder. *Congressional Quarterly’s Guide to the U.S. Supreme Court*, 2nd Edition. 1990. p. 833. Act of Jan. 27, 1882, 22 Stat. 2.

Hunt, William Henry

June 12, 1823–June 27, 1884

Reason for termination: Appointment to Other Office

Nature of other employment: Secretary of the Navy

Court: Ct. Cl.

Year of first appointment: 1878

Date of termination: March 11, 1881

Age at appointment: 55

Age at termination: 58

Number of years on bench: 3

Age at death: 61

Last Appointing President: Rutherford B. Hayes

Political party: Republican

Source: Bennett, Marion T. *The United States Court of Claims, A History. Part I. The Judges, 1855–1976.* 1976. p. 69.

Irving, J. Lawrence

Feb. 16, 1935–

Reason for termination: Dissatisfaction with Office

“Federal District Judge J. Lawrence Irving, who has presided over a series of highly publicized cases in San Diego, has announced that he is resigning because he believes Federal sentencing guidelines are too harsh.” “If I remain on the bench I have no choice but to follow the law,” Judge Irving said Thursday, when his resignation was announced. “I just can’t, in good conscience, continue to do this.”

Court: S.D. Cal.

Year of first appointment: 1982

Date of termination: Dec. 31, 1990

Age at appointment: 47

Age at termination: 56

Number of years on bench: 8

Last Appointing President: Ronald Reagan

Political party: Republican

Source: “Criticizing Sentencing Rules, U.S. Judge Resigns.” *New York Times*, 29 Sept. 1990.

Irwin, Thomas

Feb. 22, 1785–May 14, 1870

Reason for termination: Allegations of Misbehavior

On January 13, 1859 the House authorized the Judiciary Committee to investigate charges against Judge Irwin. On January 28, the House discontinued proceedings on the report that Judge Irwin had resigned that day. [1] “Throughout his career on [the] fed[eral] bench, he was a controversial figure. At least 3 different attempts were made by Pittsburgh Bar to secure impeachment. Was charged with partiality toward certain lawyers, with holding needless terms of ct. and with demanding that U.S. marshal for Western PA kick-back a portion of his salary and fees to Judge. Was also detested by anti-slavery bar of Western PA for maintenance of constitutionality of the Fugitive Slave Act. Faced with almost certain impeachment, resigned.” [2]

Court: W.D. Pa.

Year of first appointment: 1831

Date of termination: Jan. 4, 1859

Age at appointment: 46

Age at termination: 74

Number of years on bench: 28

Age at death: 85

Last Appointing President: Andrew Jackson

Political party: Democrat

Source: [1] 3 Hinds’ Precedents § 2500. 1907. [2] Judge Biographical Database, Record 211501, Federal Judicial History Office, Federal Judicial Center, Washington, D C.

Jackson, John Jay, Jr.

Aug. 4, 1824–Sept. 2, 1907

Reason for termination: Retired

“On account of his age, Judge Jackson retired about two years ago . . .”

Court: W.D. Va.

Year of first appointment: 1861

Date of termination: Jan. 1, 1905

Age at appointment: 37

Age at termination: 80

Number of years on bench: 43

Age at death: 83

Last Appointing President: Abraham Lincoln

Political party: [not available]

Source: “Notable Jurist Who Lived in Stirring Times Passes Away.”
Richmond Times Dispatch, 3 Sept. 1907.

Jay, John

Dec. 12, 1745–May 17, 1829

Reason for termination: Elected Office

Nature of other employment: Governor of New York

Elected Governor of New York. [1] “I left the Bench perfectly convinced that under a System so defective, it would not obtain the Energy weight and Dignity which are essential to its affording due support to the national Government; nor acquire the public Confidence and Respect, which, as the last Resort of the Justice of the nation, it should possess. Hence I am induced to doubt both the Propriety and Expediency of my returning to the Bench under the present System, especially as it would give some Countenance to the neglect and Indifference with which the opinions & Remonstrances of the Judges on this important Subject have been treated.” [2]

Court: Supreme Court

Year of first appointment: 1789

Date of termination: June 29, 1795

Age at appointment: 44

Age at termination: 50

Number of years on bench: 6

Age at death: 83

Last Appointing President: George Washington*

Political party: Federalist

Source: [1] Witt, Elder. *Congressional Quarterly's Guide to the U.S. Supreme Court*, 2nd Edition. 1990. p. 800. [2] Jay, John to John Adams. 2 Jan. 1801, in *The Documentary History of the Supreme Court of the United States, 1789–1800. Volume 1, Part 1, Appointments and Proceedings*. eds. Maeva Marcus and James R. Perry. 1985. p. 147.

*Jay was reappointed to the Supreme Court by John Adams in 1801 but declined his commission after Senate confirmation. The biographical appendix does not include individuals who declined to serve after completion of the appointment process. Thus, although John Adams was technically the last president to appoint Jay to the bench, Washington is listed as the last appointing president for the purposes of this study.

Jenkins, James Graham

July 18, 1834–Aug. 6, 1921

Reason for termination: Retired

Nature of other employment: Dean, Marquette University School of Law

“On February 23 Judge James Jenkins wrote a letter of resignation to President Roosevelt. He had turned seventy in July, 1904, and could retire at full pay. His poor eyesight caused him to decide that a younger man should replace him. Judge Jenkins did not remain idle in retirement. At the age of seventy-three he accepted the deanship at Marquette University Law School.” “Political considerations also played a role in Judge Jenkins’ decision to leave the bench. In the Wisconsin senatorial race of 1904 the insurgent, Robert M. LaFollette, defeated the stalwart Republican incumbent, Joseph F. Quarles. Quarles, Jenkins and the judge of the Eastern District of Wisconsin, William H. Seaman, were friends. An agreement was worked out whereby Jenkins would resign, Seaman would be elevated to replace Jenkins, and Quarles could receive the district court judgeship. President Roosevelt was willing to make the necessary nominations (even though Seaman was a Democrat) because this enabled him to make peace with the regular wing of the Wisconsin Republican party, who believed Roosevelt had sided with LaFollette in the bitter election. One complication arose that almost destroyed the plan. In 1903 Quarles had voted for a raise in the amount of salary for district judges from \$5,000 to \$6,000. Article I, section 6 of the United States Constitution barred Quarles from being appointed to the bench until after the expiration of his term on March 4, 1905. It was feared that LaFollette, who would then be senator, would block the appointment. However, intervention by Roosevelt persuaded LaFollette to consent to Quarles’s nomination. President Roosevelt sent both names to the Senate on February 25, 1905. Judge Seaman received Senate confirmation three days later. He took his oath and place on the bench April 11, 1905, the same day the bench and bar gathered to honor Judge Jenkins.”

Court: 7th Cir.

Year of first appointment: 1888

Date of termination: Feb. 23, 1905

Age at appointment: 54

Age at termination: 71

Number of years on bench: 17

Age at death: 87

Last Appointing President: Grover Cleveland

Political party: Democrat

Source: Solomon, Ray L. *History of the Seventh Circuit, 1891–1941*. 1981. pp. 66–67.

Johnson, Albert Williams

Nov. 28, 1872–Mar. 22, 1957

Reason for termination: Allegations of Misbehavior

A House Judiciary Subcommittee condemned former Judge Johnson calling him a “wicked, evil and mendacious judge.” Charged that for more than 15 years he used the court to operate “an unconscionable, a despicable and degrading conspiracy against the administration of justice.” Summed up its lengthy investigation into Johnson’s conduct in a scathing 43-page report in which language of unprecedented vehemence was used. The report said it did not request impeachment only because he resigned and waived all retirement rights but it added that Congress should “enact legislation which would prevent the jurist from ever claiming his retirement pay and which would bar any federal judge from profiting in bankruptcy cases.” Judge was indicted last September 11. Report of subcommittee said that almost “every litigant who had the misfortune to appear before this wicked and malicious judge became the immediate object of a crooked conspiracy whose sole interest was the amount of money that could be extorted from him for justice or the evasion of justice.” The report did not say when the committee became interested in Johnson’s conduct, but members said “they had received numerous complaints about Johnson’s action in cases dating back to soon after his appointment to the federal bench.

Court: M.D. Pa.

Year of first appointment: 1925

Date of termination: July 3, 1945

Age at appointment: 52

Age at termination: 73

Number of years on bench: 21

Age at death: 84

Last Appointing President: Calvin Coolidge

Political party: Republican

Source: 114 Legal Intelligencer 185 (7 Feb. 1946).

Johnson, Thomas

Nov. 4, 1732–Oct. 26, 1819

Reason for termination: Age/Health

“Citing ill health, he resigned from the bench after serving little more than a year.” He continued in public life after his resignation from the Supreme Court. He was appointed by President Washington to plan the new national capital on the Potomac. [1] “Thomas Johnson resigned his commission of judge in a letter to George Washington dated 16 January 1793.” [2]

Court: Supreme Court

Year of first appointment: 1791

Date of termination: Feb. 1, 1793

Age at appointment: 59

Age at termination: 60

Number of years on bench: 1

Age at death: 87

Last Appointing President: George Washington

Political party: Federalist

Source: [1] Witt, Elder. Congressional Quarterly’s Guide to the U.S. Supreme Court, 2nd Edition. 1990. p. 806. [2] Thomas Johnson to George Washington. 16 Jan. 1793, in The Documentary History of the Supreme Court of the United States, 1789–1800. Volume 1, Part 1, Appointments and Proceedings. eds. Maeva Marcus and James R. Perry. 1985. p. 80.

Jones, Charles Alvin

Aug. 27, 1887–May 22, 1966

Reason for termination: Appointment to Other Office

Nature of other employment: Chief Justice, Pennsylvania Supreme Court

Served as Justice, Supreme Court of PA. [1] “Judge Charles Alvin Jones resigned from the [3rd District] Court in December 1944 to accept appointment to the Pennsylvania Supreme Court and later became Chief Justice of Pennsylvania.” [2]

Court: 3d Cir.

Year of first appointment: 1939

Date of termination: Dec. 1, 1944

Age at appointment: 51

Age at termination: 57

Number of years on bench: 6

Age at death: 79

Last Appointing President: Franklin D. Roosevelt

Political party: Democrat

Source: [1] 139 Legal Intelligencer 705 (12 Dec. 1958). [2] The Academy of Trial Lawyers of Allegheny County, The Federal Court System in Western Pennsylvania. 1972.

Jones, Shirley Brannock

June 27, 1925–

Reason for termination: Returned to Private Life

“I have this date submitted to President Reagan my resignation, effective December 31, 1982, as a Judge of the United States District Court for the District of Maryland. My entire professional career has been devoted to the law, the last twenty-three years having been in service as a judge in the State and Federal courts. My judicial career has been most gratifying, and it has been a distinct privilege to have served my State and Country in this capacity. In particular, it has been an honor to have served on such a distinguished Bench as the United States District Court for the District of Maryland, and on occasion, to sit by special designation with the United States Court of Appeals for the Fourth Circuit. I have nothing but the highest respect for the Judges of these Courts.” “My husband, William L. Jones, and I wish to modify our lifestyles so as to have more flexibility than our present careers allow. After long and careful thought, we have determined that now, while we are in the prime of our lives, is the appropriate time to make these changes. I would like to explore new vistas in the financial and business community. Mr. Jones is withdrawing as a partner in the accounting firm of C. W. Amos & Company, but will remain as a consultant. He will also be entering the real estate business, a field in which he has had a long time interest. As a result of the changes, we plan to spend more time at our home on the Eastern Shore.”

Court: D. Md.

Year of first appointment: 1979

Date of termination: Dec. 31, 1982

Age at appointment: 54

Age at termination: 58

Number of years on bench: 3

Last Appointing President: Jimmy Carter

Political party: Democrat

Source: Shirley Brannock Jones to Ronald Reagan, 15 Sept. 1982, Files of the Administrative Office of the United States Courts (Human Resources Division).

Jones, William Giles

Nov. 7, 1808–April 1, 1883

Reason for termination: Loyalty to the Confederacy

Nature of other employment: Confederate Judge for the District of Alabama

“He was appointed in 1859 by President Buchanan to succeed Governor Gayle as United States District Judge, and resigned when the war broke out. Jefferson Davis appointed him Confederate District Judge, which office he held until the end of the war.”

Court: D. Ala.

Year of first appointment: 1859

Date of termination: Jan. 1, 1861

Age at appointment: 51

Age at termination: 52

Number of years on bench: 1

Age at death: 74

Last Appointing President: James Buchanan

Political party: Democrat

Source: “William Giles Jones.” *New York Times*, 2 April 1886.

Kampf, Edward S.

?–?

Reason for termination: Age/Health

“Judge Edward S. Kampf, Albany Democrat, has applied for retirement from the Federal bench because of ill-health, it was learned today. Judge Kampf has been in poor health for more than a year.”

Court: N.D.N.Y.

Year of first appointment: 1946

Date of termination: June 30, 1948

Age at appointment: 1946

Age at termination: 1949

Number of years on bench: 2

Age at death: ?

Last Appointing President: Harry S Truman

Political party: Democrat

Source: “Judge Kampf to Retire.” *New York Times*, 20 April 1948.

Kaufman, Samuel Hamilton

Oct. 26, 1893–May 5, 1960

Reason for termination: Age/Health

“Mr. Kaufman retired from the Federal Court in the Southern District of New York in 1955 because of ill health. He had suffered a crippling stroke, from which he never recovered.”

Court: S.D.N.Y.

Year of first appointment: 1948

Date of termination: Jan. 1, 1955

Age at appointment: 55

Age at termination: 61

Number of years on bench: 7

Age at death: 67

Last Appointing President: Harry S Truman

Political party: Democrat

Source: “Samuel Kaufman, Ex-U.S. Judge, Dies.” *New York Times*, 27 Oct. 1960.

Kenamer, Franklin E.

Jan. 12, 1879–May 1, 1960

Reason for termination: Age/Health

“Due to increasing pressures and failing health.”

Court: N.D. Okla.

Year of first appointment: 1924

Date of termination: June 1, 1940

Age at appointment: 45

Age at termination: 61

Number of years on bench: 16

Age at death: 81

Last Appointing President: Calvin Coolidge

Political party: [not available]

Source: Judge Biographical Database, Record 171, Federal Judicial History Office, Federal Judicial Center, Washington, D.C.

Kennedy, Harold Maurice

Aug. 6, 1895–July 1, 1971

Reason for termination: Inadequate Salary

Nature of other employment: Burlingham, Veeder, Clark & Hupper

“Judge Harold M. Kennedy, who has been a member of the United States Court in the Eastern District for the last eight years, announced yesterday that he had submitted his resignation to President Truman, to become effective on Sept. 30. The jurist will join the law firm of Burlingham, Veeder, Clark & Hupper. He said he could not decline the offer to become a partner in the admiralty firm.” [1] District Judge Harold M. Kennedy left the bench because his salary and benefits did not permit him to provide for his survivors.” [2]

Court: E.D.N.Y.

Year of first appointment: 1944

Date of termination: Sept. 30, 1952

Age at appointment: 49

Age at termination: 57

Number of years on bench: 8

Age at death: 76

Last Appointing President: Franklin D. Roosevelt

Political party: Democrat

Source: [1] “Kennedy to Resign as Judge Sept. 30.” *New York Times*, 1 July 1952. [2] Administrative Office of the United States Courts. Federal Judicial Compensation: A Pressing Need for Increase. A Report to the Commission on Executive, Legislative and Judicial Salaries. 31 Aug. 1984. p. 4.

Kerner, Otto, Jr.

Aug. 15, 1908–May 9, 1976

Reason for termination: Allegations of Misbehavior

“Upon his conviction in 1973, Mr. Kerner became the first sitting Federal judge to be found guilty of a serious crime.” [1] “On July 22, 1974, Judge Otto Kerner, Jr., resigned. Following his indictment on charges of conspiracy, bribery, mail fraud, and income tax evasion on December 15, 1971, the judge had taken a leave of absence from the bench. He was convicted on February 19, 1973. After the affirmance of his conviction on appeal by a panel of judges from outside the circuit, who were designated to sit by Chief Justice Warren Burger, Judge Kerner spent eight months in prison.” [2] “Until today, Kerner had steadfastly refused to resign, although there was a move under way in the House of Representatives to sponsor impeachment action against him.” [3] “He apparently did so in the face of warnings from members of the Congress that he would face impeachment unless he resigned his \$42,500-a-year judicial seat.” [4] [Thomas E. Patton, one of Otto Kerner’s attorneys indicated in a phone conversation with FJHO Associate Historian Emily Van Tassel that the congressional urgings for resignation were friendly suggestions so that Kerner would not be put through further proceedings. No formal actions were underway to begin impeachment proceedings.]

Court: 7th Cir.

Year of first appointment: 1968

Date of termination: July 22, 1974

Age at appointment: 60

Age at termination: 66

Number of years on bench: 6

Age at death: 68

Last Appointing President: Lyndon B. Johnson

Political party: Democrat

Source: [1] “Ex-Gov. Otto Kerner Dies; Convicted While a Judge.” *New York Times*, 10 May 1976. [2] Solomon, Rayman L. *History of the Seventh Circuit, 1891–1941*. 1981. p. 180. [3] “Kerner Quits U.S. Appeals Judgeship.” *Washington Post*, 25 July 1974. [4] “Kerner Resigns Seat.” *New York Times*, 25 July 1974.

Kilty, William

Jan. 1, 1757–Oct. 10, 1821

Reason for termination: Appointment to Other Office

Nature of other employment: Chancellor of the State of Maryland

He left the bench to accept an appointment by the governor of Maryland as Chancellor of the state.

Court: D.C. Cir.

Year of first appointment: 1801

Date of termination: Jan. 27, 1806

Age at appointment: 44

Age at termination: 49

Number of years on bench: 5

Age at death: 65

Last Appointing President: Thomas Jefferson

Political party: [not available]

Source: Malone, Dumas, ed. *Dictionary of American Biography*. 1936. p. 376.

King, Alexander C.

Dec. 7, 1856–July 25, 1926

Reason for termination: Age/Health

Nature of other employment: King & Spalding

Served on the Court until ill health required his resignation in 1925. Returned to private practice to the extent possible mainly in an advisory capacity.

Court: 5th Cir.

Year of first appointment: 1920

Date of termination: Jan. 1, 1925

Age at appointment: 64

Age at termination: 68

Number of years on bench: 4

Age at death: 70

Last Appointing President: Woodrow Wilson

Political party: Democrat

Source: Coleman, Kenneth, and Charles S. Gurr, eds. *Dictionary of Georgia Biography*. Volume 2. p. 573.

Knowles, John Power

June 13, 1808–Aug. 3, 1887

Reason for termination: Retired

“This position he occupied until March, 1881, when he resigned. Feeble health has prevented his attention to other than his personal affairs since.”

Court: D.R.I.

Year of first appointment: 1869

Date of termination: March 21, 1881

Age at appointment: 61

Age at termination: 73

Number of years on bench: 11

Age at death: 79

Last Appointing President: Ulysses S. Grant

Political party: Republican

Source: *Providence Journal*, 4 Aug. 1887.

Krekel, Arnold

March 12, 1815–July 14, 1888

Reason for termination: Age/Health

“President Lincoln finally appointed Col. Krekel to the position which he but lately resigned, and which is now held by Judge Phillips.” “He died of Brights Disease of the kidneys.” [1] “At the time of his death in Kansas City, July 14, 1888, Krekel was one of the oldest federal judges of the country, both in age and in length of service.” [2]

Court: W.D. Mo.

Year of first appointment: 1865

Date of termination: June 1, 1888

Age at appointment: 50

Age at termination: 73

Number of years on bench: 23

Age at death: 73

Last Appointing President: Abraham Lincoln

Political party: Republican

Source: [1] “Judge Arnold V. Krekel.” *St. Louis Times Democrat*, 15 July 1888. [2] Shoemaker, Floyd C. *Missouri, Day by Day*. n.d. pp. 192–93.

Landis, Kenesaw Mountain

Nov. 20, 1866–Nov. 25, 1944

Reason for termination: Allegations of Misbehavior

Nature of other employment: National Commissioner of Baseball

Judge Landis accepted appointment as baseball arbiter while serving as judge, and in 1921, the House Judiciary Committee (66th Congress) recommended that the complete investigation be left to the 67th Congress. No action was taken by the 67th Congress. [1] "In 1920, in the wake of the "Black Sox scandal" involving the fixing of the 1919 World Series, Landis, who had played semiprofessional baseball while working in Logansport, was named organized baseball's first high commissioner. He served as both a commissioner and as a judge before he was forced to resign from the bench in 1922." [2] "On February 14, 1921, Mr. Benjamin F. Welty, of Ohio, claiming the floor for a question of privilege, said: I impeach said Kenesaw Landis for high crimes and misdemeanors and charge said Kenesaw M. Landis as follows: First. For neglecting his official duties for another gainful occupation not connected therewith. Second. For using his office as district judge of the United States to settle disputes which might come into his court as provided by the laws of the United States. Third. For lobbying before the legislatures of the several States of the Union to procure the passage of State laws to prevent gambling in baseball, instead of discharging his duties as district judge of the United States. Fourth. For accepting the position as chief arbiter of disputes in baseball associations at a salary of \$42,500 per annum while attempting to discharge the duties as district judge of the United States which tends to nullify the effect of the judgment of the Supreme Court of the District of Columbia and the baseball gambling indictments pending in the criminal courts of Cook County, Ill. Fifth. For injuring the national sport of baseball by permitting the use of his office as district judge of the United States because the impression will prevail that gambling and other illegal acts in baseball will not be punished in the open forum as in other cases. Mr. Speaker, I move that this charge be referred to the Committee on the Judiciary without debate for investigation and report, and on that I move the previous question." "The Congress was nearing its close and consideration of the report was not reached by the House." [3]

Court: N.D. Ill.

Year of first appointment: 1905

Date of termination: March 1, 1922

Age at appointment: 38

Age at termination: 55

Number of years on bench: 17

Age at death: 78

Last Appointing President: Theodore Roosevelt

Political party: Republican

Source: [1] Borkin, Joseph. *The Corrupt Judge: An Inquiry Into Bribery and Other High Crimes and Misdemeanors in the Federal Courts*. 1962. pp. 231–32. [2] Garraty, John A., and Jerome L. Sternstien, eds. *Encyclopedia of American Biography*. 1974. p. 638. [3] 6 Cannon's Precedents § 536. 1935. pp. 1768–69.

Lane, Arthur Stephen

Dec. 26, 1910–

Reason for termination: Other Employment

Nature of other employment: Director, Johnson & Johnson

"Johnson & Johnson, the surgical dressings producer, announced yesterday in New Brunswick, N.J. the election of Thomas E. Batey and Arthur S. Lane as directors." "Mr. Lane, 56, joined the company as general counsel earlier this month after serving as a United States District Court judge."

Court: D.N.J.

Year of first appointment: 1960

Date of termination: June 1, 1967

Age at appointment: 49

Age at termination: 56

Number of years on bench: 7

Last Appointing President: Dwight Eisenhower

Political party: Republican

Source: "Two Elected by Johnson & Johnson." *New York Times*, 25 July 1967.

Laurance, John

Jan. 1, 1750–Nov. 11, 1810

Reason for termination: Elected Office

Nature of other employment: United States Senate

"he was elected to the U.S. Senate as a successor to his friend and associate Rufus

King . . ." [1] "He left the bench in 1796, when he was elected to the U.S. Senate." [2]

Court: D.N.Y.

Year of first appointment: 1794

Date of termination: Nov. 8, 1796

Age at appointment: 44

Age at termination: 47

Number of years on bench: 3

Age at death: 61

Last Appointing President: George Washington

Political party: Federalist

Source: [1] Malone, Dumas, ed. *Dictionary of American Biography*. 1936. p. 32. [2] Morris, Jeffrey B. *Federal Justice in the Second Circuit: A History of the United States Courts in New York, Connecticut and Vermont*. 1987. p. 14.

Leavitt, Humphrey Howe

June 18, 1796–March 15, 1873

Reason for termination: Retired

"We are met to express our respect and esteem for our honored guest upon his retirement from the bench."

Court: D. Ohio

Year of first appointment: 1834

Date of termination: April 1, 1871

Age at appointment: 38

Age at termination: 75

Number of years on bench: 37

Age at death: 77

Last Appointing President: Andrew Jackson

Political party: Democrat

Source: 30 Fed. Cas. 1319–20 (1897).

Leavy, Charles H.

Feb. 16, 1884–Sept. 25, 1952

Reason for termination: Disability

“He had retired less than a month ago because of ill health.”

Court: W.D. Wash.

Year of first appointment: 1942

Date of termination: Sept. 1, 1952

Age at appointment: 58

Age at termination: 69

Number of years on bench: 11

Age at death: 69

Last Appointing President: Franklin D. Roosevelt

Political party: Democrat

Source: New York Times, 27 Sept. 1952.

Letts, Ira Lloyd

May 29, 1889–Nov. 24, 1947

Reason for termination: Returned to Private Practice

Nature of other employment: Curtis, Matteson, Boss & Letts

“He resigned from the bench and returned to private law practice.”

Court: D.R.I.

Year of first appointment: 1927

Date of termination: June 24, 1935

Age at appointment: 38

Age at termination: 46

Number of years on bench: 8

Age at death: 59

Last Appointing President: Calvin Coolidge

Political party: Republican

Source: “Ira L. Letts, Jurist in Rhode Island, 58.” New York Times, 25 Nov. 1947.

Lewis, William

Jan. 1, 1751–Aug. 16, 1819

Reason for termination: Returned to Private Practice

Returned to private practice and became active in local politics.

Court: E.D. Pa.

Year of first appointment: 1791

Date of termination: April 11, 1792

Age at appointment: 41

Age at termination: 41

Number of years on bench: 0

Age at death: 69

Last Appointing President: George Washington

Political party: Federalist

Source: Presser, Stephen B. *Studies in the History of the United States Courts of the Third Circuit, 1790–1980: A Bicentennial Project*. 1982. p. 252.

Lochren, William

April 3, 1832–Jan. 17, 1912

Reason for termination: Retired

“He continued on the federal bench until March 31, 1908, when he sent in his resignation and retired from active life. At the time of his resignation Judge Lochren was 76 years old. At that time his health began to fail and he thought it best for the interest of the federal bench and for himself that he resign and give way to a younger man. It was with reluctance that he resigned and he said then in announcing his decision to retire that he had been in the harness so long that he could hardly realize that he had come to the end of the work of a life time.”

Court: D. Minn.

Year of first appointment: 1896

Date of termination: March 31, 1908

Age at appointment: 64

Age at termination: 76

Number of years on bench: 12

Age at death: 80

Last Appointing President: Grover Cleveland

Political party: Democrat

Source: “Judge William Lochren, Old Soldier, Pioneer Resident and Eminent Jurist, Dead.” *Minneapolis Journal*, 28 Jan. 1912.

Locke, James William

Oct. 30, 1837–Sept. 6, 1922

Reason for termination: Retired

“A lingering illness restricted Judge Locke’s ability to try cases and forced him to retire in 1912 at the age of 74.” [1] The House Judiciary Committee investigated Judge Locke in 1884. Among other things he was accused of buying votes in an election for state senate, and of decreeing salvage to a vessel in which he had a half ownership, and using the proceeds himself. The committee found all charges against Judge Locke to be baseless. Interestingly, however, the committee noted that “The press took notice of the matter, and since the reference to this committee, 21st February, 1884, Judge Locke and his friends have sent to the committee answers to the same.” The implication of this statement is that Locke was informed of the charges against him solely through the agency of the press. [2]

Court: S.D. Fla.

Year of first appointment: 1872

Date of termination: July 4, 1912

Age at appointment: 34

Age at termination: 75

Number of years on bench: 40

Age at death: 85

Last Appointing President: Ulysses S. Grant

Political party: Republican

Source: [1] Hall, Kermit L., and Eric W. Rise. *From Local Courts to National Tribunals, The Federal District Courts of Florida, 1821–1990*. 1991. p. 60. [2] “Impeachment of James W. Locke.” Report, Committee on the Judiciary, House of Representatives, 48th Cong., 1st Sess., Rep. No. 1442, pp. 1–5 (May 7, 1884).

Loring, Edward Greely

Jan. 28, 1802–June 19, 1890

Reason for termination: Retired

“He retired from the bench on December 14, 1877, having served over 19 years.”

Court: Ct. Cl.

Year of first appointment: 1858

Date of termination: Dec. 14, 1877

Age at appointment: 56

Age at termination: 76

Number of years on bench: 20

Age at death: 88

Last Appointing President: James Buchanan

Political party: Democrat

Source: Bennett, Marion T. *The United States Court of Claims, A History. Part I. The Judges, 1855–1976.* 1976. p. 15.

Lowell, John

Oct. 18, 1824–May 14, 1897

Reason for termination: Returned to Private Practice

Court: 1st Cir.

Year of first appointment: 1865

Date of termination: May 1, 1884

Age at appointment: 40

Age at termination: 60

Number of years on bench: 19

Age at death: 73

Last Appointing President: Abraham Lincoln

Political party: Republican

Source: Proceedings of the Massachusetts Historical Society, Second Series, Vol. 14, 1900. 1901. p. 180.

Lucas, Malcolm M.

April 19, 1927–

Reason for termination: Appointment to Other Office

Nature of other employment: Associate Justice, California State Supreme Court

“I have been appointed by Governor Deukmejian as an Associate Justice of the California Supreme Court. A confirmation hearing is scheduled for April 6, 1984. Assuming nothing untoward, I will be sworn-in on April 6, 1984.” [1] “I, therefore, resign my judicial position as of April 6, 1984, conditioned upon successful completion of the confirmation hearing on April 6, 1984.” [1] “Gov. George Deukmejian swore in Malcolm M. Lucas as a state Supreme Court justice Friday, minutes after Lucas asked that a commission not confirm him if it had any doubts about his integrity. [2]

Court: C.D. Cal.

Year of first appointment: 1971

Date of termination: April 6, 1984

Age at appointment: 44

Age at termination: 57

Number of years on bench: 13

Last Appointing President: Richard Nixon

Political party: Republican

Source: [1] Malcolm M. Lucas to the President of the United States, 19 March 1984, Records of the Administrative Office of the United States Courts (Human Resources Division). [2] “Lucas Sworn in as High Court Justice.” *Los Angeles Times*, 7 April 1984.

Lumpkin, Alva Moore

Nov. 13, 1886–Aug. 1, 1941

Reason for termination: Elected Office

Nature of other employment: United States Senate

Court: E.D.S.C. & W.D.S.C.

Year of first appointment: 1939

Date of termination: July 21, 1941

Age at appointment: 53

Age at termination: 55

Number of years on bench: 2

Age at death: 55

Last Appointing President: Franklin D. Roosevelt

Political party: Democrat

Source: Judge Biographical Database, Record 154901, Federal Judicial History Office, Federal Judicial Center, Washington, D.C.

Lynch, Charles Francis

Jan. 9, 1884–June 17, 1942

Reason for termination: Inadequate Salary

Nature of other employment: Private Practice, Newark, New Jersey

“Federal Judge Charles F. Lynch of Newark confirmed yesterday that he had resigned. He said that he had sent letters to President Coolidge and Attorney General Stone informing them that he desired to relinquish his office by March 31. Judge Lynch said that his action was prompted by the failure of bills in Congress providing for an increase in the salaries of Federal Judges. He said that his present yearly salary of \$7,500 was inadequate and that he planned to resume private law practice in Newark.”

Court: D.N.J.

Year of first appointment: 1919

Date of termination: March 31, 1925

Age at appointment: 35

Age at termination: 41

Number of years on bench: 6

Age at death: 58

Last Appointing President: Woodrow Wilson

Political party: Democrat

Source: “Quits Bench; Pay Too Low.” *New York Times*, 1 March 1925.

MacArthur, Arthur

Jan. 26, 1815–Aug. 26, 1896

Reason for termination: Retired

He resigned at the age of 72 after serving eighteen years on the District bench.

Court: D.D.C.

Year of first appointment: 1870

Date of termination: April 1, 1887

Age at appointment: 56

Age at termination: 72

Number of years on bench: 17

Age at death: 82

Last Appointing President: Ulysses S. Grant

Political party: Republican

Source: “Judge M’Arthur Dead.” *Washington Post*, 27 Aug. 1896.

Magrath, Andrew Gordon

Feb. 8, 1813–April 9, 1893

Reason for termination: Loyalty to the Confederacy

Nature of other employment: Confederate District Judge for South Carolina

“Magrath became governor of South Carolina in December 1864 and was succeeded as judge early in 1865 by Judge Benjamin F. Perry.”

Court: D.S.C.

Year of first appointment: 1856

Date of termination: Nov. 7, 1860

Age at appointment: 43

Age at termination: 48

Number of years on bench: 5

Age at death: 80

Last Appointing President: Franklin Pierce

Political party: Democrat

Source: Beers, Henry Putnam. *The Confederacy: A Guide to the Archives of the Government of the Confederate States of America.* 1986. p. 570.

Mahoney, John C.

Dec. 19, 1882–Nov. 18, 1952

Reason for termination: Age/Health

Court: 1st Cir.

Year of first appointment: 1935

Date of termination: Dec. 18, 1950

Age at appointment: 52

Age at termination: 68

Number of years on bench: 16

Age at death: 70

Last Appointing President: Franklin D. Roosevelt

Political party: Democrat

Source: U.S. Congress, Senate, Committee on the Judiciary. *Legislative History of the United States Circuit Courts of Appeals and the Judges Who Served During the Period 1901 Through March 1958.* 1958. p. 40.

Manton, Martin Thomas

Aug. 2, 1880–Nov. 17, 1946

Reason for termination: Allegations of Misbehavior

“After a year of careful and secret work, Mr. [Thomas E.] Dewey [District Attorney for New York County] sent a list of charges against the jurist to Representative Hatton W. Summers, chairman of the House Judiciary Committee. The result was an investigation by a Federal grand jury under Mr. Cahill and the indictment, in April 1939, of the judge. He had resigned his office the preceding January on publication of Mr. Dewey’s charges.”

Court: 2d Cir.

Year of first appointment: 1916

Date of termination: Feb. 7, 1939

Age at appointment: 36

Age at termination: 59

Number of years on bench: 22

Age at death: 66

Last Appointing President: Woodrow Wilson

Political party: Democrat

Source: “Ex-Judge Manton of U.S. Bench Here: Head of the Appeals Court Who Served Time for Accepting \$186,000 Dies Up-State.” *New York Times*, 18 Nov. 1946. *See also* Borkin, Joseph. *The Corrupt Judge: An Inquiry into Bribery and Other High Crimes and Misdemeanors in the Federal Courts.* 1962. pp. 25–93.

Marshall, John Augustine

Sept. 5, 1854–April 4, 1941

Reason for termination: Allegations of Misbehavior

Nature of other employment: Howat, Marshall, MacMillan & Nebeker

“The judge resigned in 1915. It is reported by S. N. Cornwall in his history of the Van Cott firm that the judge terminated his judgeship when he became enmeshed in a scandal involving the cleaning woman of his courtroom. Mr. Van Cott and Will Ray, who was then United States District Attorney, both thought the accusation was a frame-up and urged the judge to meet the thing head on with a fight to the finish. But the judge resigned from the bench rather than go through the ordeal of the scandal.”

Court: D. Utah

Year of first appointment: 1896

Date of termination: Dec. 31, 1915

Age at appointment: 41

Age at termination: 61

Number of years on bench: 20

Age at death: 87

Last Appointing President: Grover Cleveland

Political party: Democrat

Source: Ashton, Clifford L. *History of Territorial Federal Judges for the Territory of Utah 1848–1896 and United States District Judges for the District of Utah 1896–1978.* n.d. pp. 57–58. *See also* Salt Lake Tribune, 5 April 1941.

Marvin, William

April 14, 1808–July 9, 1902

Reason for termination: Age/Health

“Resigned under accusations of support for the Confederacy.” [1] “Although a Luke [sic] warm Unionist, Marvin did not resign because he was suspected of ‘support for the Confederacy but rather from poor health.’” [2]

Court: S.D. Fla.

Year of first appointment: 1839

Date of termination: Jan. 1, 1863

Age at appointment: 31

Age at termination: 55

Number of years on bench: 24

Age at death: 94

Last Appointing President: Martin Van Buren

Political party: Democrat

Source: [1] Hall, Kermit L., and Eric W. Rise. *From Local Courts to National Tribunals: The Federal Districts of Florida, 1821–1990.* 1991. [2] Kearney, Kevin E., ed. “Autobiography of William Marvin.” 36 *Florida Historical Quarterly* (Jan. 1958), pp. 179–222.

Mason, John Young

April 18, 1799–Oct. 3, 1859

Reason for termination: Appointment to Other Office

Nature of other employment: Secretary of the Navy

Court: E.D. Va.

Year of first appointment: 1841

Date of termination: March 23, 1844

Age at appointment: 42

Age at termination: 45

Number of years on bench: 3

Age at death: 60

Last Appointing President: Martin Van Buren

Political party: Democrat

Source: "The Heritage and Preparation of a Statesman." *The Virginia Magazine of History and Biography* 75 (July 1967), p. 330.

Masterson, Thomas

Dec. 10, 1927–

Reason for termination: Inadequate Salary

Nature of other employment: Morgan, Lewis & Bockius, Philadelphia

"During 1973 Judge Thomas A. Masterson of Philadelphia . . . resigned because 'of the inadequacy of their judicial salaries, . . .'"

Court: E.D. Pa.

Year of first appointment: 1967

Date of termination: Nov. 16, 1973

Age at appointment: 39

Age at termination: 46

Number of years on bench: 7

Last Appointing President: Lyndon B. Johnson

Political party: [not available]

Source: Gouldon, Joseph C. *The Benchwarmers: The Private World of the Powerful Federal Judges*. 1974. p. 47n. See also *Who's Who in American Law*. 3d ed. 1983; Administrative Office of the United States Courts. *Federal Judicial Compensation: A Pressing Need for Increase. A Report to the Commission on Executive, Legislative and Judicial Salaries*. 31 Aug. 1984. Table 9, Judicial Resignations.

Mayer, Julius

Sept. 5, 1865–Nov. 30, 1925

Reason for termination: Dissatisfaction with Office

Nature of other employment: Mayer, Warfield & Watson

"At the time of his resignation and retirement to practice a friend said that 'the inadequacy of the salaries of Federal Judges was a secondary consideration in his decision' and that Judge Mayer believed he could be of greater service in practice, and that after bearing for ten years the brunt of the important receiverships caused either by the war or post-war conditions he sought the greater freedom of action and expression denied a judge."

Court: 2d Cir.

Year of first appointment: 1912

Date of termination: Jan. 1, 1924

Age at appointment: 46

Age at termination: 58

Number of years on bench: 12

Age at death: 60

Last Appointing President: William H. Taft

Political party: Republican

Source: "Judge Mayer Dies of Heart Attack." *New York Times*, 1 Dec. 1925.

McAllister, Matthew Hall

Nov. 26, 1800–Dec. 19, 1865

Reason for termination: Age/Health

"In 1862 Judge McAllister, resigned his place on the bench, having at the age of sixty two greatly failed in health. He died three years later." [1] "McAllister broke down suddenly in body and mind, in the summer of 1888. The physicians said the trouble was impoverishment of blood, caused by overwork." [1] "In March 1855, President Franklin Pierce appointed Georgia lawyer Matthew Hall McAllister as Circuit Judge of the Circuit Court of California. McAllister's sole responsibility was to that court, as distinguished from district judges and Supreme Court justices who periodically convened circuit court within their own districts. He arrived in 1856, in the midst of San Francisco's wave of vigilante violence, but returned to Georgia six years later, worn out from his duties. With McAllister's resignation, Congress abolished the California circuit court." [2]

Court: Cal. Cir.

Year of first appointment: 1855

Date of termination: April 7, 1862

Age at appointment: 54

Age at termination: 61

Number of years on bench: 7

Age at death: 65

Last Appointing President: Franklin Pierce

Political party: Democrat

Source: [1] Shuck, Oscar T. "Men of the First Era," in *History of the Bench and Bar of California*. 1901. pp. 418, 421. [2] *A History and Guide to the United States Courts for the 9th Circuit*. 1992. p. 9.

McCaleb, Theodore Howard

Feb. 10, 1810–April 29, 1864

Reason for termination: Loyalty to the Confederacy

“He remained in this office until January 1861, when, notwithstanding his Union sentiments, he decided to throw in his lot with the Confederacy on the secession of Louisiana from the Union.”

Court: D. La.

Year of first appointment: 1841

Date of termination: Jan. 28, 1861

Age at appointment: 32

Age at termination: 51

Number of years on bench: 19

Age at death: 54

Last Appointing President: James Tyler

Political party: Whig

Source: Malone, Dumas, ed. Dictionary of American Biography. 1936. p. 561.

McCandless, Wilson

June 19, 1810–June 30, 1882

Reason for termination: Disability

Nature of other employment: Retired Lawyer in Private Practice

Congress passed an act on June 2, 1876 extending the resignation benefits of the 1869 Act to McCandless because of physical disability in spite of the fact that he had not reached age 70. (He was 66, had served for twenty years and was unable to speak clearly because of paralysis.) The Act required that he resign his office within six months after passage in order to receive the benefit offered.

Court: W.D. Pa.

Year of first appointment: 1859

Date of termination: July 24, 1876

Age at appointment: 49

Age at termination: 66

Number of years on bench: 17

Age at death: 72

Last Appointing President: James Buchanan

Political party: Democrat

Source: Act of June 2, 1876, 19 Stat 57 (1876).

McCarthy, James William

Sept. 8, 1872–June 28, 1939

Reason for termination: Age/Health

“Ill health forced him to resign after less than a year on the bench.”

Court: D.N.J.

Year of first appointment: 1928

Date of termination: Jan. 31, 1929

Age at appointment: 56

Age at termination: 56

Number of years on bench: 0

Age at death: 67

Last Appointing President: Calvin Coolidge

Political party: Republican

Source: “James W. McCarthy, Ex-U.S. Judge, Dies.” New York Times, 29 June 1939.

McComas, Louis Emory

Oct. 28, 1846–Nov. 10, 1907

Reason for termination: Elected Office

Nature of other employment: United States Senate

Elected U.S. Senator from Maryland. President Theodore Roosevelt nominated Judge McComas to the Court of Appeals of the District of Columbia as a recess appointee on 1 July 1905. Judge McComas served as an associate justice of that court until his death.

Court: D.D.C.

Year of first appointment: 1892

Date of termination: March 3, 1899

Age at appointment: 46

Age at termination: 52

Number of years on bench: 6

Age at death: 61

Last Appointing President: Benjamin Harrison

Political party: Republican

Source: “Justice McComas Dead.” New York Times, 11 Nov. 1907.

McCrary, George Washington

Aug. 19, 1835–June 23, 1890

Reason for termination: Inadequate Salary

Nature of other employment: General Counsel, Atchison, Topeka and Santa Fe Railroad

“Since provision was made for their appointment, two at least, Judges Dillon and McCrary, of the Eighth Circuit, have resigned on account of the salary being so small.” [1] “After five years he left the bench, moved to Kansas City, Mo., and acted as general-counsel for the Atchison, Topeka and Santa Fe Railroad for the rest of his life.” [2]

Court: 8th Cir.

Year of first appointment: 1879

Date of termination: March 18, 1884

Age at appointment: 44

Age at termination: 49

Number of years on bench: 4

Age at death: 55

Last Appointing President: Rutherford B. Hayes

Political party: Republican

Source: [1] Dickerman, Albert. “The Business of the Federal Courts, and the Salaries of the Judges.” 24 American Law Review 1 (Jan.–Feb. 1890), p. 86. [2] Malone, Dumas, ed. Dictionary of American Biography. 1936. p. 3.

McCree, Wade H., Jr.

July 3, 1920-

Reason for termination: Appointment to Other Office

Nature of other employment: U.S. Solicitor General

"I am in receipt of Joseph F. Spaniol, Jr.'s letter inquiring whether my resignation from the judiciary was because of the inadequacy of the salary I was receiving. Although I regarded the judicial salary as inadequate, I must advise you that my salary as Solicitor General is smaller and even more inadequate in light of the duties of the Office. I leave it to your judgment how to utilize this information."

Court: 6th Cir.

Year of first appointment: 1961

Date of termination: March 19, 1977

Age at appointment: 41

Age at termination: 57

Number of years on bench: 16

Last Appointing President: Lyndon B. Johnson

Political party: Democrat

Source: "Wade H. McCree, Jr. to Judge Irving R. Kaufman," July 25, 1980, appended to memo from Joseph F. Spaniol, Jr., Nov. 12, 1980, in Administrative Office Files.

McDonald, Gabrielle K.

April 12, 1942-

Reason for termination: Dissatisfaction with Office

"U.S. District Court Judge Gabrielle McDonald stepped down from the bench yesterday to return to private legal practice, leaving fewer than a dozen black women among the nation's federal trial judges. McDonald said she considered that statistic when deciding to leave the bench in Houston after nine years. 'One of the most pressing concerns I have is my race and my sex, because I know I have brought to the bench a different perspective,' she said. 'The federal judiciary is an institution, and an institution should reflect society.' However, she said: 'I think I've done all I can do here. For me, it's time to move on.'" [1] "Consumer activist Ralph Nader argues that dozens of able young, female, Hispanic and black lawyers would be eager to accept the current pay. 'I really resent Nader's implication that we could come cheap,' says Gabrielle McDonald, who resigned her district judgeship in Houston last year and now makes in the neighborhood of \$200,000. 'If you're good, you're good, and the government should pay for it.'" [2] "McDonald currently holds the position of assistant vice president for academic affairs at the University of Houston." [3]

Court: S.D. Tex.

Year of first appointment: 1979

Date of termination: Aug. 14, 1988

Age at appointment: 37

Age at termination: 46

Number of years on bench: 9

Last Appointing President: Jimmy Carter

Political party: Democrat

Source: [1] "Black Judge Resigns." *Newsday*, 16 Aug. 1988. [2] "Pay Raise: Judges Make Case: Jurists say bench means cut in pay." *USA Today*, 23 Jan. 1989. [3] "50 Women who Made their Mark in and on Houston." *Houston Chronicle*, 4 April 1993.

McFadden, Frank H.

Nov. 20, 1925-

Reason for termination: Inadequate Salary

Nature of other employment: Executive with the construction firm of Blount, Inc.

"Federal District Court Judge Frank H. McFadden is resigning January 1 partly because he does not think he is paid enough. In a letter of resignation to President Reagan, Judge McFadden, whose salary is \$70,300 a year, said that pay was 'one of the principal reasons' for his departure. The Birmingham News reported that Judge McFadden would take a top executive job with Blount Inc., an international construction concern in Montgomery."

Court: N.D. Ala.

Year of first appointment: 1969

Date of termination: Jan. 1, 1982

Age at appointment: 44

Age at termination: 56

Number of years on bench: 12

Last Appointing President: Richard Nixon

Political party: Republican

Source: *New York Times*, 2 Dec. 1981.

McGranery, James Patrick

July 8, 1895-Dec. 23, 1962

Reason for termination: Appointment to Other Office

Nature of other employment: U.S. Attorney General

Served as Attorney General of the U.S., 1952-1953. President Truman announced his appointment of McGranery as A.G. on April 3, 1952. McGranery said that he would "endeavor with the help of God to restore the confidence of the people in the administration of justice." He also announced that he would immediately resign his position as judge on the district court.

Court: E.D. Pa.

Year of first appointment: 1946

Date of termination: April 3, 1952

Age at appointment: 51

Age at termination: 57

Number of years on bench: 6

Age at death: 68

Last Appointing President: Harry S Truman

Political party: Democrat

Source: 126 *Legal Intelligencer* 423 (4 April 1952).

McIntosh, McQueen

Jan. 1, 1822–Jan. 1, 1868

Reason for termination: Loyalty to the Confederacy

Was named CSA Judge to the Admiralty Court in Key West, FL. The Judge stated, however, that he never served.

Court: N.D. Fla.

Year of first appointment: 1856

Date of termination: Jan. 3, 1861

Age at appointment: 34

Age at termination: 39

Number of years on bench: 5

Age at death: 46

Last Appointing President: Franklin Pierce

Political party: Democrat

Source: Judge Biographical Database, Record 97601, Federal Judicial History Office, Federal Judicial Center, Washington, D.C.

McKenna, Joseph

Aug. 10, 1843–Nov. 21, 1926

Reason for termination: Retired

“He was eighty-two years old and in failing health when Chief Justice Taft and the other members of the Court finally persuaded him to step down.”

Court: Supreme Court

Year of first appointment: 1892

Date of termination: Jan. 25, 1925

Age at appointment: 49

Age at termination: 82

Number of years on bench: 33

Age at death: 83

Last Appointing President: William McKinley

Political party: [not available]

Source: Witt, Elder. *Congressional Quarterly's Guide to the U.S. Supreme Court*, 2nd Edition. 1990. p. 845.

McKenna, William

Sept. 27, 1816–Oct. 27, 1893

Reason for termination: Retired

“[I] nfirm health impelled his resignation.”

Court: 3d Cir.

Year of first appointment: 1869

Date of termination: Jan. 2, 1891

Age at appointment: 53

Age at termination: 74

Number of years on bench: 21

Age at death: 77

Last Appointing President: Ulysses S. Grant

Political party: Republican

Source: 50 *Legal Intelligencer* 406 (3 Nov. 1893).

McLellan, Hugh Dean

Sept. 10, 1876–June 20, 1953

Reason for termination: Returned to Private Practice

Nature of other employment: Herrick, Smith, Donald, Farley & Kerchum, Boston, Massachusetts

“When he resigned from the bench, Judge McLellan returned to private law practice as senior partner in the Boston firm of Herrick, Smith, Donald, Farley & Ketchum.”

Court: D. Mass.

Year of first appointment: 1932

Date of termination: Oct. 1, 1941

Age at appointment: 56

Age at termination: 65

Number of years on bench: 10

Age at death: 77

Last Appointing President: Herbert Hoover

Political party: [not available]

Source: “Hugh D. McLellan, 76, Bay State Ex-Jurist.” *New York Times*, 21 June 1953.

McNairy, John

March 30, 1762–Nov. 12, 1837

Reason for termination: Age/Health

“Increasing infirmities induced him to resign a short time before his decease.”

Court: D. Tenn.

Year of first appointment: 1797

Date of termination: Sept. 1, 1833

Age at appointment: 35

Age at termination: 71

Number of years on bench: 37

Age at death: 76

Last Appointing President: George Washington

Political party: [not available]

Source: 30 *Fed. Cas.* 1323 (1897).

McQuade, Richard B., Jr.

April 7, 1940–

Reason for termination: Other Employment

Nature of other employment: Blue Cross and Blue Shield of Ohio

“Blue Cross and Blue Shield of Ohio, Cleveland, appointed Richard B. McQuade Jr. president and chief operating officer.”

Court: N.D. Ohio

Year of first appointment: 1986

Date of termination: Sept. 30, 1989

Age at appointment: 47

Age at termination: 50

Number of years on bench: 3

Last Appointing President: Ronald Reagan

Political party: Republican

Source: *New York Times*, 18 Sept. 1989.

Meanor, H. Curtis

Oct. 6, 1929–

Reason for termination: Returned to Private Practice

Nature of other employment: Podvey, Sachs, Meanor, Catenacci, Hildner & Coccoziello

Judge Meanor's letter to the President simply stated that he was returning to the private practice of law.

Court: D.N.J.

Year of first appointment: 1974

Date of termination: Feb. 7, 1983

Age at appointment: 45

Age at termination: 53

Number of years on bench: 8

Last Appointing President: Richard Nixon

Political party: Republican

Source: H. Curtis Meanor to Ronald Reagan, 8 Dec. 1982, Files of the Administrative Office of the United States Courts (Human Resources Division).

Michie, Thomas Johnson

June 7, 1896–April 9, 1973

Reason for termination: Disability

"Mr. Michie had been retired from the court since suffering a stroke in 1967."

Court: W.D. Va.

Year of first appointment: 1961

Date of termination: Jan. 1, 1967

Age at appointment: 65

Age at termination: 71

Number of years on bench: 6

Age at death: 77

Last Appointing President: John F. Kennedy

Political party: Democrat

Source: "Thomas Michie, Former Federal Judge." Washington Post, 11 April 1973.

Middlebrooks, David Lycurgus, Jr.

June 27, 1926–

Reason for termination: Dissatisfaction with Office

Nature of other employment: Levin, Warfield, Middlebrooks, Graff, Mabie, Rosenbloum & Magie, PA, Pensacola, Florida

"Money wasn't Middlebrooks' reason for resigning - he didn't like spending three months at a time away from his family, nor riding a 375 mile circuit, nor leading the restricted social life of a judge, nor contemplating the prospect of spending the rest of his life bogged down with administrative cases."

Court: N.D. Fla.

Year of first appointment: 1969

Date of termination: Aug. 1, 1974

Age at appointment: 43

Age at termination: 48

Number of years on bench: 5

Last Appointing President: Richard Nixon

Political party: Republican

Source: Chapin, Pat. "The Judicial Vanishing Act." *Judicature* Vol. 58, No. 4. (Nov. 1974), p. 161.

Miller, James R., Jr.

June 15, 1931–

Reason for termination: Age/Health

"After suffering a heart attack last year and realizing the fleeting nature of life, I have decided to resign as a United States District Judge for the District of Maryland in order to pursue other interest which I have. Since I have deep respect for my colleagues on this bench and am well aware of the workload which they carry, I wish to make my resignation effective in such a way as to minimize the period during which this position I hold will be vacant. Accordingly, this resignation is effective upon the nomination, confirmation, and swearing in of my successor."

Court: D. Md.

Year of first appointment: 1970

Date of termination: Dec. 1, 1986

Age at appointment: 39

Age at termination: 56

Number of years on bench: 16

Last Appointing President: Richard Nixon

Political party: Republican

Source: James R. Miller to Ronald Reagan, 7 May 1986, Files of the Administrative Office of the United States Courts (Human Resources Division).

Mitchell, George J.

Aug. 20, 1933–

Reason for termination: Appointment to Other Office

"Earlier today Governor Joseph E. Brennan announced his intention to appoint me to the vacancy created in the United States Senate by your appointment of Senator Edmund Muskie to the position of Secretary of State." "Accordingly, I hereby resign as United States District Judge for the District of Maine, effective upon my assuming the office of United States Senator."

Court: D. Me.

Year of first appointment: 1979

Date of termination: May 16, 1980

Age at appointment: 46

Age at termination: 47

Number of years on bench: 1

Last Appointing President: Jimmy Carter

Political party: Democrat

Source: George J. Mitchell to Jimmy Carter, 8 May 1980, Records of the Administrative Office of the United States Courts (Human Resources Division).

Monroe, Thomas Bell

Oct. 7, 1791–Dec. 24, 1865

Reason for termination: Loyalty to the Confederacy

Nature of other employment: Confederate Provisional Congress

“After the outbreak of the Civil War he fled his home at Frankfort and took refuge within the Confederate lines at Nashville, where on October 6, 1861 he was the first person to formally take the oath of allegiance to the government of the Confederate states. An entry was made by the clerk of the District Court of Kentucky in 1861: ‘Exact date unknown. Went south to join Confederate forces. This court has no Judge.’ After February 7, 1862, Judge Monroe represented the district of his Kentucky residence in the Confederate provisional congress at Richmond where he practiced law.”

Court: D. Ky.

Year of first appointment: 1834

Date of termination: Sept. 18, 1861

Age at appointment: 42

Age at termination: 70

Number of years on bench: 28

Age at death: 74

Last Appointing President: Andrew Jackson

Political party: Democrat

Source: Phillips, Harry, and Samuel S. Wilson. *History of the Sixth Circuit: A Bicentennial Project.* 1977. p. 172.

Montgomery, Martin V.

Oct. 20, 1840–Nov. 12, 1898

Reason for termination: Returned to Private Practice

Nature of other employment: Montgomery & Montgomery, Lansing, Michigan

Returned to Lansing, Michigan, and formed a partnership with his brother, R. A. Montgomery, the firm being considered one of the strongest in the country.

Court: D.D.C.

Year of first appointment: 1887

Date of termination: Oct. 18, 1892

Age at appointment: 47

Age at termination: 52

Number of years on bench: 5

Age at death: 58

Last Appointing President: Grover Cleveland

Political party: Democrat

Source: “Death of Judge Montgomery.” *Washington Post*, 13 Nov. 1898.

Moody, William H.

Dec. 23, 1853–July 2, 1917

Reason for termination: Age/Health

“Moody’s Supreme Court career was shortened by the onslaught of a crippling form of arthritis that forced his retirement in 1910. He returned home to Haverhill, where he died July 2, 1917.”

Court: Supreme Court

Year of first appointment: 1906

Date of termination: Nov. 20, 1910

Age at appointment: 53

Age at termination: 57

Number of years on bench: 4

Age at death: 64

Last Appointing President: Theodore Roosevelt

Political party: Republican

Source: Witt, Elder. *Congressional Quarterly’s Guide to the U.S. Supreme Court*, 2nd Edition. 1990. p. 847.

Moore, Alfred

May 21, 1755–Oct. 15, 1810

Reason for termination: Age/Health

Citing ill health, Moore returned home and worked on the development of the University of North Carolina.

Court: Supreme Court

Year of first appointment: 1799

Date of termination: Jan. 26, 1804

Age at appointment: 45

Age at termination: 49

Number of years on bench: 4

Age at death: 55

Last Appointing President: John Adams

Political party: Federalist

Source: Witt, Elder. *Congressional Quarterly’s Guide to the U.S. Supreme Court*, 2nd Edition. 1990. p. 810.

Morrill, Amos

Aug. 25, 1809–March 5, 1884

Reason for termination: Age/Health

“At the close of the spring term of the Federal court at Galveston, in 1883, Judge Morrill, in consequence of a severe attack of neuralgia in his face and eyes, and otherwise failing health, determined to resign his position upon the bench, and communicated his intention to his friends; upon which the following correspondence occurred between him and the leading members of the Galveston bar: ‘. . . After due consideration, I am inclined to believe that my failing health requires that I should soon resign the position which for the past eleven years has afforded me the greatest pleasure . . .’”

Court: E.D. Tex.

Year of first appointment: 1872

Date of termination: Oct. 18, 1883

Age at appointment: 62

Age at termination: 74

Number of years on bench: 12

Age at death: 75

Last Appointing President: Ulysses S. Grant

Political party: Republican

Source: “Amos Morrill,” in Lynch, James D. *The Bench and Bar of Texas.* 1885. pp. 153–55.

Morris, Hugh Martin

April 9, 1878–March 18, 1966

Reason for termination: Returned to Private Practice

Nature of other employment: Morris, Nichols, Arshnt & Tunnell

Returned to law practice, was a prominent Delaware corporate lawyer. Morris was criticized for accepting a retainer from Universal Oil Products Company the day following his resignation from the federal bench, and only shortly after ruling in cases involving Universal.

Court: D. Del.

Year of first appointment: 1919

Date of termination: June 30, 1930

Age at appointment: 41

Age at termination: 52

Number of years on bench: 11

Age at death: 88

Last Appointing President: Woodrow Wilson

Political party: Democrat

Source: Presser, Stephen B. *Studies in the History of the United States Courts of the Third Circuit, 1790–1980: A Bicentennial Project.* 1982. p. 195

Morris, Joseph Wilson

April 28, 1922–

Reason for termination: Other Employment

Nature of other employment: Senior Counsel, Shell Oil Company

“A Federal judge in Oklahoma who deserted the oil business for the groves of academe and the bench, has decided to retrace some of his steps. District Judge Joseph W. Morris has announced that he will resign Aug. 1 to become vice president and senior counsel of the Shell Oil Company.” [1] “While on the bench I was extremely happy, loved being a Judge and fully expected to remain on the bench the rest of my life. Out of the blue an offer was made to me one day by Shell to return as Vice President and General Counsel. The decision to resign from the bench was the most difficult personal professional decision I have ever had to make and clearly one of the considerations which was important in arriving at a decision was the inadequate salary of a Judge as compared to the salary and the fringe benefits available to me as Shell’s General Counsel. The security for my family was an important consideration in making the decision to leave the bench.” [2]

Court: E.D. Okla.

Year of first appointment: 1974

Date of termination: Aug. 1, 1978

Age at appointment: 52

Age at termination: 56

Number of years on bench: 4

Last Appointing President: Richard Nixon

Political party: Republican

Source: [1] “Judge in Oklahoma Returns to Shell Oil.” *New York Times*, 6 July 1978. [2] “Joseph W. Morris to Judge Irving R. Kaufman,” 22 July 1980, appended to memo from Joseph F. Spaniol, Jr., 12 Nov. 1980, in Administrative Office Files.

Morris, Martin Ferdinand

Dec. 3, 1834–Sept. 12, 1909

Reason for termination: Retired

Retired and combined the practice of law with the pursuit of literature.

Court: D.C. Cir.

Year of first appointment: 1893

Date of termination: June 30, 1905

Age at appointment: 58

Age at termination: 71

Number of years on bench: 12

Age at death: 75

Last Appointing President: Grover Cleveland

Political party: Democrat

Source: “Judge M. F. Morris Dead.” *New York Times*, 14 Sept. 1909.

Mulligan, William H.

March 5, 1918–

Reason for termination: Inadequate Salary

Nature of other employment: Skadden, Arps, Slate, Meagher & Flom

“At the same time, inflation has rendered continued judicial service inequitable. While federal judges serve for life at full salary, the benefits awarded to their surviving widows are shockingly low. The failure of President Carter to accept the recommendations of the Quadrennial Commission was disappointing and in my view, short sighted. Even had those recommendations been accepted in full, federal judges would not have received any real increase but would still be receiving considerably less than the salary which was received in 1971 when I joined the bench.” “In order to attract competent and experienced lawyers to service on the federal bench, they must be compensated at significantly higher salaries than those now afforded. Moreover, adequate provision must be made for their surviving spouses. . . . My concern is the welfare of my family and at this point in my life, I cannot in good conscience continue to serve. I have therefore decided to enter the private practice of law. After full consideration of available opportunities I have decided to become as of April 1, 1981 a partner of Skadden, Arps, Slate, Meagher & Flom.”

Court: 2d Cir.

Year of first appointment: 1971

Date of termination: March 31, 1981

Age at appointment: 53

Age at termination: 63

Number of years on bench: 10

Last Appointing President: Richard Nixon

Political party: Republican

Source: William H. Mulligan to Ronald Reagan, 4 Feb. 1981, Files of the Administrative Office of the United States Courts (Human Resources Division).

Mullins, Clarence H.

March 16, 1895–June 30, 1957

Reason for termination: Disability

"He died . . . of a prolonged illness that had forced his retirement from the federal bench here in 1957."

Court: N.D. Ala.

Year of first appointment: 1943

Date of termination: May 31, 1953

Age at appointment: 48

Age at termination: 58

Number of years on bench: 10

Age at death: 62

Last Appointing President: Franklin D. Roosevelt

Political party: Democrat

Source: "Lawyers Pay Final Tribute to Ex-Jurist." Birmingham News, 1 July 1957.

Nelson, Samuel

Nov. 10, 1792–Dec. 12, 1873

Reason for termination: Retired

In 1871 President Grant appointed Nelson a member of the commission to settle the Alabama claims dispute against Great Britain, and his hard work on the commission finally broke his health. He retired from the Court the next year."

Court: Supreme Court

Year of first appointment: 1845

Date of termination: Nov. 28, 1872

Age at appointment: 52

Age at termination: 80

Number of years on bench: 28

Age at death: 81

Last Appointing President: James Tyler

Political party: Democrat

Source: Witt, Elder. Congressional Quarterly's Guide to the U.S. Supreme Court, 2nd Edition. 1990. p. 823.

Nicoll, John C.

Jan. 1, 1794–Nov. 16, 1863

Reason for termination: Loyalty to the Confederacy

Nature of other employment: District Attorney, State of Georgia

Court: D. Ga.

Year of first appointment: 1839

Date of termination: Jan. 19, 1861

Age at appointment: 45

Age at termination: 67

Number of years on bench: 22

Age at death: 70

Last Appointing President: Martin Van Buren

Political party: Democrat

Source: Judge Biographical Database, Record 104601, Federal Judicial History Office, Federal Judicial Center, Washington, D.C.

Nixon, Walter Louis, Jr.

Dec. 16, 1928–

Reason for termination: Impeachment and Conviction

"Judge Nixon was convicted of perjury after denying in 1984 before a Federal grand jury and Justice Department investigators that he intervened in a narcotics case involving the son of a Hattiesburg, Miss., businessman. Judge Nixon was acquitted of accepting an illegal gratuity, but evidence presented at his trial and developed in an impeachment investigation by the House showed that Judge Nixon discussed the marijuana case with the Forrest County District Attorney. After Judge Nixon's acquittal, the Hattiesburg businessman, Wiley Fairchild, pleaded guilty to a charge of providing Judge Nixon with an improper gratuity in the form of an oil and gas investment in 1981. Judge Nixon paid with \$9,500 in promissory notes, and he collected royalties totaling \$60,000. The written agreement between the two was backdated one year to a time before Mr. Fairchild's son, Drew Fairchild, the manager of the Hattiesburg airport, was indicted on charges of helping to smuggle a ton of marijuana through the airport. Judge Nixon's lawyers have argued that many of the answers that he gave to the grand jury were technically correct and that others did not constitute an impeachable offense. The three articles of impeachment said Judge Nixon 'has raised substantial doubt as to his judicial integrity, undermined confidence in the integrity and impartiality of the judiciary, betrayed the trust of the people of the United States and brought disrepute on the Federal courts and the administration of justice.'" [1] "The Senate voted overwhelmingly today to remove Federal District Judge Walter L. Nixon, Jr. from the bench by finding him guilty on two of three articles of impeachment. The 61-year old former judge, who sat in Biloxi, Miss., had been convicted in 1986 on perjury charges and sentenced to five years in prison. . . . The impeachment proceedings were begun in the House after Mr. Nixon refused to resign after his conviction. Federal judges have lifetime tenure and Mr. Nixon has been receiving his annual salary of \$89,500. It stopped today with his conviction." [2]

Court: S.D. Miss.

Year of first appointment: 1968

Date of termination: Nov. 3, 1989

Age at appointment: 40

Age at termination: 61

Number of years on bench: 21

Last Appointing President: Lyndon B. Johnson

Political party: Democrat

Source: [1] "Impeachment Voted; Federal Judge Faces a Trial in the Senate." New York Times, 11 May 1989. [2] "Senate Convicts U.S. Judge, Removing Him From Bench." New York Times, 4 Nov. 1989.

Nott, Charles Cooper

Sept. 16, 1827–March 16, 1916

Reason for termination: Retired

Court: Ct. Cl.

Year of first appointment: 1865

Date of termination: Dec. 31, 1905

Age at appointment: 37

Age at termination: 78

Number of years on bench: 41

Age at death: 89

Last Appointing President: Abraham Lincoln

Political party: Republican

Source: Bennett, Marion T. *The United States Court of Claims, A History. Part I. The Judges, 1855–1976.* 1976. p. 40.**Noyes, Walter**

Aug. 8, 1865–June 12, 1926

Reason for termination: Inadequate Salary

Nature of other employment: General counsel for the Delaware and Hudson Company

"In 1913 Noyes drew nation-wide attention to himself by resigning from the bench with the statement that his judicial salary of \$7,000 was too low for the comfortable maintenance of his family and the education of his children. Much editorial comment on low judicial salaries ensued. Noyes resumed private practice in New York City where he at once assumed a position of importance at the bar." [1] "The retirement from the bench and the service of the United States Government of District Judge Walter C. Noyes, for the deplorable but sufficient reason that his salary is inadequate for the support of his family and the education of his children, should arouse his thinking fellow-citizens to the need of removing the evil of which he is the victim." "But it is vastly more important that our Federal Judges, many of whom represent the best legal knowledge in this country, and most of whom are men of the highest character, should be paid living wages." "He [Noyes] is a man of the type that is needed for Judgeships, and his loss is a matter for national regret." "But the trouble in Congress is that when there is any money to spend the members know too well where to spend it for political advantage." [2]

Court: 2d Cir.

Year of first appointment: 1907

Date of termination: Jan. 1, 1913

Age at appointment: 42

Age at termination: 47

Number of years on bench: 5

Age at death: 61

Last Appointing President: Theodore Roosevelt

Political party: Republican

Source: [1] Malone, Dumas, ed. *Dictionary of American Biography.* 1936. p. 591. [2] "The Loss of a Good Judge." *New York Times*, 7 June 1913.**O'Connor, Robert, Jr.**

June 22, 1934–

Reason for termination: Returned to Private Practice

Nature of other employment: O'Connor & Adler

"U.S. District Judge Robert O'Connor, Jr., sometimes the sharp-witted jester of Houston's federal courts, and the presiding judge of the massive school desegregation lawsuit, announced Tuesday he's leaving the bench to 'get back into the trenches' as a private lawyer."

Court: S.D. Tex.

Year of first appointment: 1975

Date of termination: Sept. 30, 1984

Age at appointment: 41

Age at termination: 50

Number of years on bench: 9

Last Appointing President: Gerald Ford

Political party: Republican

Source: "O'Connor Will Retire from Federal Bench." *Houston Post*, 19 Sept. 1984.**Olin, Abram Baldwin**

Sept. 21, 1808–July 7, 1879

Reason for termination: Retired

Retired at his own request - died 6 months later.

Court: D.D.C.

Year of first appointment: 1863

Date of termination: Jan. 13, 1879

Age at appointment: 55

Age at termination: 70

Number of years on bench: 16

Age at death: 71

Last Appointing President: Abraham Lincoln

Political party: Republican

Source: "Ex-Judge Abraham B. Olin." *New York Times*, 8 July 1897.**Paine, Elijah**

Jan. 21, 1757–April 28, 1842

Reason for termination: Age/Health

He was 85 when he left the bench and died three weeks later.

Court: D. Vt.

Year of first appointment: 1801

Date of termination: April 1, 1842

Age at appointment: 44

Age at termination: 85

Number of years on bench: 41

Age at death: 85

Last Appointing President: John Adams

Political party: Federalist

Source: Gregory, John. *Centennial Proceedings and Historical Incidents of the Early Settlers of Northfield, VT With Biographical Sketches . . . 1878.* pp. 58–62.

Parris, Albion Keith

Jan. 19, 1788–Feb. 11, 1857

Reason for termination: Elected Office

Nature of other employment: Governor of Maine

Served as Governor of Maine, 1822–1826; U.S. Senator from Maine, 1826–1828 from which he resigned to accept appointment as Judge of the Supreme Court of Maine from 1828–1836. He then became second comptroller of the U.S. Treasury from 1836–1850. He retired to Portland in 1850 and became mayor in 1852.

Court: D. Me.

Year of first appointment: 1818

Date of termination: Jan. 1, 1822

Age at appointment: 30

Age at termination: 34

Number of years on bench: 4

Age at death: 69

Last Appointing President: James Monroe

Political party: Jeffersonian Democrat

Source: 30 Fed. Cas. 1389.

Patterson, Robert

Feb. 12, 1891–Jan. 22, 1952

Reason for termination: Appointment to Other Office

Nature of other employment: Assistant Secretary of War

Appointed by President [Franklin D.] Roosevelt as Assistant Secretary of War. Later served as Secretary of War from 1945–47. [1] "The Second Circuit was unwilling to let Patterson go; his colleagues wanted him to take a leave of absence. At the request of his brethren, particularly Learned Hand, Judge Clark twice wrote to Attorney General Robert Jackson asking that no successor be named so long as there remained a possibility that Patterson would return to the bench." [2]

Court: 2d Cir.

Year of first appointment: 1930

Date of termination: July 19, 1940

Age at appointment: 39

Age at termination: 49

Number of years on bench: 11

Age at death: 61

Last Appointing President: Franklin D. Roosevelt

Political party: Republican

Source: [1] "Patterson Held Key Post in War." *New York Times*, 23 Jan. 1952. [2] Marvin Schick. *Learned Hand's Court*. 1970. p. 9n.

Peck, Ebenezer

May 22, 1805–May 25, 1881

Reason for termination: Retired

"after nearly 15 years of judicial service and having reached 73 years of age, he retired, effective May 1, 1878 and returned to Chicago. The last time Judge Peck sat on the bench was February 14, 1878."

Court: Ct. Cl.

Year of first appointment: 1863

Date of termination: May 1, 1878

Age at appointment: 58

Age at termination: 73

Number of years on bench: 15

Age at death: 76

Last Appointing President: Abraham Lincoln

Political party: Republican

Source: Bennett, Marion T. *The United States Court of Claims, A History*. Part I. *The Judges, 1855–1976*. 1976. p. 36.

Peck, John Weld

Feb. 5, 1874–Aug. 10, 1937

Reason for termination: Returned to Private Practice

Nature of other employment: Peck, Schaffer & Williams

Court: S.D. Ohio

Year of first appointment: 1919

Date of termination: April 3, 1923

Age at appointment: 45

Age at termination: 49

Number of years on bench: 4

Age at death: 64

Last Appointing President: Woodrow Wilson

Political party: Democrat

Source: Phillips, Harry, and Samuel S. Wilson. *History of the Sixth Circuit: A Bicentennial Project*. 1977.

Peelle, Stanton Judkins

Feb. 11, 1843–Sept. 4, 1928

Reason for termination: Retired

"Upon his retirement from the court, Justice Peele continued an active interest in civic and educational matters."

Court: Ct. Cl.

Year of first appointment: 1892

Date of termination: Feb. 11, 1913

Age at appointment: 49

Age at termination: 70

Number of years on bench: 21

Age at death: 86

Last Appointing President: Benjamin Harrison

Political party: Republican

Source: Bennett, Marion T. *The United States Court of Claims, A History*. Part I. *The Judges, 1855–1976*. 1976. p. 88.

Pendleton, Nathaniel

Jan. 1, 1756–Oct. 20, 1821

Reason for termination: Inadequate Salary

“The judge resigned from the bench because the compensation was insufficient to educate his children.”

Court: D. Ga.

Year of first appointment: 1789

Date of termination: Sept. 1, 1796

Age at appointment: 34

Age at termination: 41

Number of years on bench: 7

Age at death: 66

Last Appointing President: George Washington

Political party: [not available]

Source: Judge Biographical Database, Record 0699, Federal Judicial History Office, Federal Judicial Center, Washington, D.C.

Pennybacker, Isaac Samuels

Sept. 3, 1805–Jan. 12, 1847

Reason for termination: Elected Office

Nature of other employment: United States Senate

Court: W.D. Va.

Year of first appointment: 1840

Date of termination: Dec. 6, 1845

Age at appointment: 34

Age at termination: 40

Number of years on bench: 6

Age at death: 41

Last Appointing President: Martin Van Buren

Political party: Democrat

Source: Biographical Directory of the U.S. Congress, 1774–1989, Bicentennial Edition. 1989.

Phillips, Layn R.

Jan. 2, 1952–

Reason for termination: Inadequate Salary

Nature of other employment: Irell & Manella

“A lifetime appointment to the federal bench is something that is not given up without considerable thought. Public service has been my life. Indeed, since my graduation from law school, my entire professional career has been spent in public service. While I have considered entering the private sector on several occasions over the years, I have always opted to remain in public service. Recently, however, after careful consideration of the matter with my family, we have decided that it is time for a change.” “While I believe it would be in my family’s financial interest to resign sooner, I do not want the Western District of Oklahoma to suffer another case backlog during the hiatus between judges as the district did when it was awaiting my arrival in 1986–1987. Accordingly, I will agree to stay on until my successor is appointed, but no longer than June 22, 1991.”

Court: W.D. Okla.

Year of first appointment: 1987

Date of termination: June 22, 1991

Age at appointment: 35

Age at termination: 39

Number of years on bench: 4

Last Appointing President: Ronald Reagan

Political party: Republican

Source: Layn R. Phillips to George Bush, 16 Feb. 1990, Files of the Administrative Office of the United States Courts (Human Resources Division).

Pickering, John

Jan. 1, 1738–April 11, 1805

Reason for termination: Impeachment and Conviction

He suffered a mental breakdown in 1801, and refused to resign his office. Amid bitter party feuding, he was impeached by the House of Representatives in 1803 and after a perfunctory trial, the Senate voted for removal. [1] "It probably would have been best for all had Pickering resigned, but unfortunately neither the demented judge nor his family would agree to this. The administration in the person of Albert Gallatin, then approached William Plumer, one of New Hampshire's Federalist senators, and suggested that, unless Pickering resigned, it would be forced to take stern measures." [2] "Although [President Thomas] Jefferson was now determined to see Pickering removed, there is every indication that he had turned to impeachment reluctantly and only as a last resort." [2] "There was no crossing of party lines on the vote: nineteen Republicans pronounced Pickering guilty on every charge; seven Federalists voted for his acquittal." [2] "Pickering was the first federal judge to be successfully impeached and convicted." [2]

Court: D.N.H.

Year of first appointment: 1795

Date of termination: March 12, 1804

Age at appointment: 57

Age at termination: 66

Number of years on bench: 9

Age at death: 67

Last Appointing President: George Washington

Political party: Federalist

Source: [1] Judge Biographical Database, Record 70901, Federal Judicial History Office, Federal Judicial Center, Washington, D.C. [2] Ellis, Richard E. *The Jeffersonian Crisis: Courts and Politics in the Young Republic*. 1971. pp. 69–75.

Pitney, Mahlon

Feb. 5, 1858–Dec. 9, 1924

Reason for termination: Age/Health

"Mental and physical stress forced the sixty-four year old justice to resign after ten years of service. He suffered a stroke in August 1922 and retired in December. Pitney's premature death two years later in Washington, D.C., had been attributed to the strain of overwork while on the court."

Court: Supreme Court

Year of first appointment: 1912

Date of termination: Dec. 21, 1922

Age at appointment: 54

Age at termination: 65

Number of years on bench: 11

Age at death: 67

Last Appointing President: William H. Taft

Political party: Republican

Source: Witt, Elder. *Congressional Quarterly's Guide to the U.S. Supreme Court*, 2nd Edition. 1990. p. 851.

Pollard, Robert N.

June 16, 1880–May 24, 1954

Reason for termination: Age/Health?

"Robert Nelson Pollard, retired Federal judge for the Eastern District of Virginia, died here today in a hospital after a long illness."

Court: E.D. Va.

Year of first appointment: 1936

Date of termination: April 22, 1947

Age at appointment: 56

Age at termination: 67

Number of years on bench: 11

Age at death: 74

Last Appointing President: Franklin D. Roosevelt

Political party: Democrat

Source: New York Times, 25 May 1954.

Preyer, Lunsford Richardson

Jan. 11, 1919–

Reason for termination: Sought Elected Office - Defeated
Defeated in his run for Governor, but was eventually elected several times to the U.S. House of Representatives.

Court: M.D.N.C.

Year of first appointment: 1961

Date of termination: Sept. 19, 1963

Age at appointment: 43

Age at termination: 45

Number of years on bench: 2

Last Appointing President: John F. Kennedy

Political party: Democrat

Source: Various newspaper clippings from the Raleigh News and Observer, 8 April 1962; 9 Oct. 1963. *See also* Hewlett, Croquette W. *The United States Judges of North Carolina*. 1978. p. 140.

Priest, Henry Samuel

Feb. 7, 1853–July 9, 1930

Reason for termination: Returned to Private Practice

Nature of other employment: Boyle, Priest & Lehman

"He succeeded Judge Amos Thayer, but resigned after a year's service to re-enter private practice, with the firm of Boyle, Priest & Lehman, now Boyle and Priest."

Court: E.D. Mo.

Year of first appointment: 1894

Date of termination: Jan. 1, 1895

Age at appointment: 42

Age at termination: 42

Number of years on bench: 0

Age at death: 77

Last Appointing President: Grover Cleveland

Political party: Democrat

Source: "H. S. Priest Dies Suddenly from Heart Disease." *Daily Globe Democrat*, 10 July 1930.

Putnam, William LeBaron

May 26, 1835–Feb. 5, 1918

Reason for termination: Retired

“Judge William Putnam, who retired last September of the United States Circuit Court of Appeals after a service of nearly thirty years, died at his home here today.”

Court: 1st Cir.

Year of first appointment: 1891

Date of termination: Sept. 17, 1917

Age at appointment: 57

Age at termination: 82

Number of years on bench: 26

Age at death: 83

Last Appointing President: Benjamin Harrison

Political party: Democrat

Source: “Judge William LeBaron Putnam.” *New York Times*, 6 Feb. 1918.

Ramirez, Raul A.

March 8, 1944–

Reason for termination: Inadequate Salary

Nature of other employment: Orrick, Herrington & Surcliffe

“Saying he is tired of being underpaid and overworked, U.S. District Judge Raul A. Ramirez of Sacramento announced his resignation Tuesday and used the event to make a case for boosting federal judicial salaries.” “The 45-year-old judge said he and his colleagues throughout the country should be paid much more than the current \$89,500 annual salary.” “You can’t attract good, competent, qualified candidates for the position of federal judge by paying them one-third of what they’re worth, by working them 50 percent harder than you work anybody else,” Ramirez said.” “In defending his move to private practice, Ramirez said he wants to be able to send his four children to private colleges a privilege he cannot afford on his current salary.”

Court: E.D. Cal.

Year of first appointment: 1980

Date of termination: Dec. 31, 1989

Age at appointment: 36

Age at termination: 46

Number of years on bench: 10

Last Appointing President: Jimmy Carter

Political party: Democrat

Source: “Judge Ramirez Resigns, Cites Low Pay, Workload.” *Sacramento Bee*, 1 Nov. 1989.

Rasch, Carl L.

May 8, 1866–Feb. 2, 1961

Reason for termination: Dissatisfaction with Office

Nature of other employment: Private Practice

“I feel like a man who has had a mighty load lifted from his shoulders. If I were ten or fifteen years older I might consider staying on the bench, but I am not yet ready for the constraint which hedges about this position. It doesn’t comport with my temperament. I like to have my friends, a man on the bench cannot have real friends. When I meet a man I know and like, I want to slap him on the back if I feel that way and ask him to have a drink. You can’t do that when you’re a federal judge.”

Court: D. Mont.

Year of first appointment: 1910

Date of termination: Oct. 19, 1911

Age at appointment: 44

Age at termination: 45

Number of years on bench: 2

Age at death: 95

Last Appointing President: William H. Taft

Political party: Republican

Source: “Judge Rasch Now Private Citizen.” *Helena Independent*, 15 Oct. 1922.

Reed, James Hay

Sept. 10, 1853–June 17, 1927

Reason for termination: Returned to Private Practice

Nature of other employment: Knox & Reed (now Reed, Smith, Shaw & McClay)

“Mr. Reed was nominated to the District Court, resigned within a year, and the firm of Knox and Reed resumed its activities.”

Court: W.D. Pa.

Year of first appointment: 1891

Date of termination: Jan. 15, 1892

Age at appointment: 37

Age at termination: 38

Number of years on bench: 1

Age at death: 74

Last Appointing President: Benjamin Harrison

Political party: Republican

Source: “Ex-Judge J. H. Reed Dies in 74th Year.” *Philadelphia Inquirer*, 18 June 1927.

Reed, John A., Jr.

June 29, 1931-

Reason for termination: Returned to Private Practice

Nature of other employment: Lowndes, Drosdick, Doster & Reed

"Reed would not discuss his plans but a law firm in Orlando said it has hired him." "Reed said he was returning to 'private life,' but said judicial ethics prevented him from disclosing those plans. Attorney John Lowndes, a longtime friend and a classmate of Reed's at Duke University Law School in the 1950s confirmed reports that Reed would be joining his firm of Lowndes, Drosdick, Doster & Kantor in Orlando on Feb. 1 as a partner." "After 17 years on the bench, I think I've made my contribution." "With tears in his eyes, he said he had been contemplating starting a second career for the past year. 'I want to go off the bench the same way I came on - with a great deal of respect for the position.'" "Although he likely will make more money in private practice, he said money was not a factor in his decision." "Lowndes said Reed also told him he 'wanted another challenge.' Others who know Reed said another factor may have been his disappointment at being passed over for a seat on a federal appellate court."

Court: M.D. Fla.

Year of first appointment: 1973

Date of termination: Jan. 1, 1985

Age at appointment: 42

Age at termination: 54

Number of years on bench: 11

Last Appointing President: Richard Nixon

Political party: Republican

Source: "U.S. Judges Young, Reed to Resign." *The Orlando Sentinel*, 12 Oct. 1984.

Renfrew, Charles B.

Oct. 31, 1928-

Reason for termination: Appointment to Other Office

Nature of other employment: Deputy Attorney General of the United States

"Having served as a U.S. District Judge for the Northern District of California since February 1, 1972, and having been nominated by you and confirmed by the United States Senate as Deputy Attorney General of the United States, I hereby tender my resignation as a U.S. District Judge, effective upon my taking the oath and assuming the responsibilities of Deputy Attorney General."

Court: N.D. Cal.

Year of first appointment: 1972

Date of termination: Feb. 27, 1980

Age at appointment: 43

Age at termination: 51

Number of years on bench: 8

Last Appointing President: Richard Nixon

Political party: Republican

Source: Charles B. Renfrew to Jimmy Carter, 25 Feb. 1980, Records of the Administrative Office of the United States Courts (Human Resources Division).

Rifkind, Simon Hirsch

June 5, 1901-

Reason for termination: Inadequate Salary

Nature of other employment: Paul, Weiss, Rifkind, Wharton & Garrison

"Simon Rifkind, himself a federal district judge from 1941-1950, when he resigned with a complaint that he was 'unable to maintain a reasonable standard of living' on the \$15,000 salary then earned by judges. (As a partner in Paul, Weiss, Rifkind, Wharton & Garrison, he now does perhaps ten times that well.)"

Court: S.D.N.Y.

Year of first appointment: 1941

Date of termination: May 24, 1950

Age at appointment: 40

Age at termination: 49

Number of years on bench: 9

Last Appointing President: Franklin D. Roosevelt

Political party: Democrat

Source: Goulden, Joseph C. *The Benchwarmers: The Private World of the Powerful Federal Judges*. 1974. p. 91.

Ringo, Daniel

Oct. 27, 1803-Sept. 3, 1873

Reason for termination: Loyalty to the Confederacy

"Daniel Ringo resigned his commission as Federal district judge and on May 21, 1861, was confirmed as the Confederate judge."

Court: D. Ark.

Year of first appointment: 1849

Date of termination: Jan. 1, 1861

Age at appointment: 46

Age at termination: 57

Number of years on bench: 11

Age at death: 70

Last Appointing President: Zachary Taylor

Political party: Whig

Source: Beers, Henry Putnam. *The Confederacy. A Guide to the Archives of the Confederate States of America*. 1986. p. 44.

Riphey, Harlan Watson

Sept. 8, 1874–March 19, 1946

Reason for termination: Appointment to Other Office

Nature of other employment: Justice, New York State Court of Appeals

“Although Judge Riphey had a distinguished career, he served in the Western District for only two years before leaving the federal bench to become an Associate Judge of the New York State Court of Appeals. He remained there until 1944, when he retired at the age of 70.”

Court: W.D.N.Y.

Year of first appointment: 1934

Date of termination: Jan. 1, 1936

Age at appointment: 60

Age at termination: 61

Number of years on bench: 2

Age at death: 72

Last Appointing President: Franklin D. Roosevelt

Political party: Democrat

Source: United States Courts in the Second Circuit, A Collection of History Lectures delivered by Judges of the Second Circuit. 1992. p. 130.

Ritter, Halsted L.

July 14, 1868–Oct. 15, 1951

Reason for termination: Impeachment and Conviction

Seven articles of impeachment were voted by the House against him. The Senate convicted him only of Article VII, by a 56/28 vote. He was charged with income tax evasion, awarding excessively large sums to a former law partner, and bartering his judgment in a suit between the Florida Power and Light Company and the City of Miami. He was acquitted of the six specific charges, but convicted of Article VII, which charged that because of specific misdoings, [he] was unfit to hold office as a Judge. He always contended that this was improper, that having been acquitted of all specific charges, [he] should have been as a matter of law, acquitted under Article VII. [1] “Halsted L. Ritter’s experience produced two results new to impeachment history. The First concerns the vote by which the Senate declared him innocent, at least technically, of all the precise charges laid against him and then found him guilty on an omnibus article that included all the allegations of which it had just proclaimed him not guilty. Senators voting guilty on the cumulative article must have decided that multiple accusations, even if not accepted as separately proved by the requisite majority, somehow created a pattern of misconduct meriting conviction. The second unusual aspect of the proceedings concerned Judge Ritter’s response to being found guilty on a potpourri article and then removed from office. He sued in the Court of Claims for his salary, basing his argument on the grounds that the charges levied against him did not fit constitutional standards for impeachable acts and the Senate had no right to find him not guilty on allegations presented in six specific articles and guilty on the seventh, ‘which charged only matters which were contained in the prior articles.’ The five-member Court of Claims, noting that a challenge to an impeachment decision had never before been presented to a federal court, held that no tribunal except the Senate had jurisdiction in an impeachment; courts did not have authority, the judges said, to review or set aside a Senate verdict.”

Court: S.D. Fla.

Year of first appointment: 1929

Date of termination: April 17, 1936

Age at appointment: 61

Age at termination: 68

Number of years on bench: 7

Age at death: 83

Last Appointing President: Calvin Coolidge

Political party: Republican

Source: Judge Biographical Database, Record 50101, Federal Judicial History Office, Federal Judicial Center, Washington, D.C. *See also* Bushnell, Eleanore. Crimes, Follies, and Misfortunes: The Federal Impeachment Trials. 1992. pp. 286–87.

Rutledge, John

Sept. 17, 1739–June 21, 1800

Reason for termination: Appointment to Other Office

Nature of other employment: Chief Justice, Supreme Court of South Carolina

Rutledge resigned to accept what he “considered to be a more prestigious position - Chief Justice of the Supreme Court of South Carolina.” [1] “Although Rutledge accepted the commission, he was unable to attend any of the meetings of the Supreme Court but did serve on the circuit. He did not remain long on the Court, however; in March, 1791, he resigned his commission to become chief justice of the South Carolina Court of Common Pleas.” [2]

Court: Supreme Court

Year of first appointment: 1789

Date of termination: March 5, 1791

Age at appointment: 50

Age at termination: 51

Number of years on bench: 1

Age at death: 61

Last Appointing President: George Washington

Political party: [not available]

Source: [1] Witt, Elder. *Congressional Quarterly's Guide to the U.S. Supreme Court*, 2nd Edition. 1990. p. 801. [2] Marcus, Maeva, and James R. Perry, eds. *The Documentary History of the Supreme Court of the United States, 1789–1800. Volume 1, Part 1, Appointments and Proceedings.* 1985. p. 17.

Saunders, Eugene Davis

July 25, 1853–Oct. 27, 1914

Reason for termination: Inadequate Salary

Nature of other employment: Saunders, DuFour & DuFour

“Accepted appointment at considerable personal sacrifice because his law practice was heavy.” Resigned to resume practice.

Court: E.D. La.

Year of first appointment: 1907

Date of termination: Jan. 1, 1910

Age at appointment: 54

Age at termination: 56

Number of years on bench: 3

Age at death: 61

Last Appointing President: Theodore Roosevelt

Political party: Democrat

Source: “Judge Saunders Passes to Death in Virginia Home.” *New Orleans Times-Picayune*, 28 Oct. 1914.

Savage, Royce H.

March 31, 1904–

Reason for termination: Other Employment

Nature of other employment: General Counsel, Gulf Oil Corporation 1961-1969; Boone, Smith, Davis & Minter

“When U.S. District Judge Royce H. Savage left his post to become general counsel to Gulf Oil Corporation less than two years after he had acquitted that company (and twenty-eight others) of criminal antitrust charges, President Kennedy accepted the resignation without the usual thanks, but with the observation: ‘I think that the reason that [judges] are appointed for life is so that there can . . . be no actual improprieties [and] no appearance of impropriety. . . . I don’t think that anyone should accept a Federal judgeship unless prepared to fill it for life because I think the maintenance of the integrity of the judiciary is so important.’” *The New York Times*, editorializing on the same subject, was more direct: “No one has suggested, nor is there the slightest grounds for thinking, that Judge Savage was moved by improper considerations in the anti-trust case; and there is no law against his now going to work for Gulf. Nevertheless, he showed poor judgment in doing so, because his action tends to lessen public confidence in the independence and integrity of the Federal judiciary.”

Court: N.D. Okla.

Year of first appointment: 1940

Date of termination: Oct. 31, 1961

Age at appointment: 37

Age at termination: 58

Number of years on bench: 21

Last Appointing President: Franklin D. Roosevelt

Political party: Democrat

Source: David Stein. *Judging the Judges.* 1974. pp. 8–9.

Scalera, Ralph Francis

June 28, 1930–

Reason for termination: Returned to Private Practice

Nature of other employment: Thorp, Reed & Armstrong

Court: W.D. Pa.

Year of first appointment: 1971

Date of termination: May 1, 1976

Age at appointment: 41

Age at termination: 46

Number of years on bench: 4

Last Appointing President: Richard Nixon

Political party: Republican

Source: Judge Biographical Database, Record 40401, Federal Judicial History Office, Federal Judicial Center, Washington, D.C.

Scarburgh, George Parker

Feb. 11, 1806–Dec. 21, 1879

Reason for termination: Loyalty to the Confederacy

“Judge Scarburgh may not have formally resigned. His name last appears in court records on April 11, 1961. He apparently chose loyalty to the Confederacy. He practiced law during the Civil War in Halifax County, VA.” [1] When the Civil War began and Virginia seceded, Judge Scarburgh left the court - never returning and never officially resigning. [2]

Court: Ct. Cl.

Year of first appointment: 1855

Date of termination: April 11, 1861

Age at appointment: 49

Age at termination: 55

Number of years on bench: 6

Age at death: 74

Last Appointing President: Franklin Pierce

Political party: Democrat

Source: [1] Bennett, Marion T. *The United States Court of Claims, A History. Part I. The Judges, 1855–1976.* 1976. pp. 12–13. [2] Judge Biographical Database, Record 5501, Federal Judicial History Office, Federal Judicial Center, Washington, D.C.

Schwellenbach, Lewis Baxter

Sept. 20, 1894–June 10, 1948

Reason for termination: Appointment to Other Office

Nature of other employment: Secretary of Labor

Court: E.D. Wash.

Year of first appointment: 1940

Date of termination: June 30, 1945

Age at appointment: 46

Age at termination: 51

Number of years on bench: 5

Age at death: 54

Last Appointing President: Franklin D. Roosevelt

Political party: Democrat

Source: Judge Biographical Database, Record 11501, Federal Judicial History Office, Federal Judicial Center, Washington, D.C.

Scofield, Glenni William

March 11, 1817–Aug. 30, 1891

Reason for termination: Retired

Court: Ct. Cl.

Year of first appointment: 1881

Date of termination: July 29, 1891

Age at appointment: 64

Age at termination: 74

Number of years on bench: 11

Age at death: 75

Last Appointing President: James Garfield

Political party: Republican

Source: Bennett, Marion T. *The United States Court of Claims, A History. Part I. The Judges, 1855–1976.* 1976. p. 74.

Scott, Thomas E.

April 27, 1948–

Reason for termination: Returned to Private Practice

Nature of other employment: Steel, Hector & Davis

“U.S. District Judge Thomas E. Scott of Miami decided to retire from the bench at age 42 after five years as a state judge and five more on the federal level.” “Scott will more than double his \$96,600 salary after he joins the Miami law firm of Steel, Hector and Davis on October 31. But he said his comparative pay as a judge was only one of his frustrations. In his resignation speech Thursday, Scott appealed for more support for judges in the war on drugs. ‘Constantly at odds with a Congress that does not address its needs and problems . . . they face a daily struggle against threats of physical violence, overburdened crime calendars and limited resources,’ he said.”

Court: S.D. Fla.

Year of first appointment: 1985

Date of termination: Oct. 31, 1990

Age at appointment: 37

Age at termination: 43

Number of years on bench: 5

Last Appointing President: Ronald Reagan

Political party: Republican

Source: “Job is Too Much, Federal Judges Say.” *St. Petersburg Times*, 1 Oct. 1990.

Sessions, William S.

May 7, 1930–

Reason for termination: Appointment to Other Office

Nature of other employment: Director, Federal Bureau of Investigation

Court: W.D. Tex.

Year of first appointment: 1974

Date of termination: Nov. 1, 1987

Age at appointment: 45

Age at termination: 58

Number of years on bench: 13

Last Appointing President: Gerald Ford

Political party: Republican

Source: Files of the Administrative Office of the United States Courts (Human Resources Division).

Sewall, David

Oct. 7, 1735–Oct. 22, 1825

Reason for termination: Age/Health

In his letter of resignation to Secretary of State, John Quincy Adams dated January 9, 1818, Sewall said: “—having officiated as Judge of the district Court of Maine for 23 years without for once being prevented attending its duties by any providential event. I think my age and the distance, from the place where the Courts are holden render it uncertain whether I shall hereafter be able to attend I therefore inclose my Resignation of the Said Office, which you are desired to lay before the President to the end a successor may be seasonably appointed.”

Court: D. Me.

Year of first appointment: 1789

Date of termination: Jan. 9, 1818

Age at appointment: 54

Age at termination: 82

Number of years on bench: 28

Age at death: 90

Last Appointing President: George Washington

Political party: Federalist

Source: Sewall, Frank. “Biographical Data and Letters of the Hon. David Sewall, LL.D. of York,” in Collections and Proceedings of the Maine Historical Society, 2nd Series, Vol. 2, 1891, p. 316.

Shannon, Fred

Dec. 17, 1942–

Reason for termination: Returned to Private Practice

Nature of other employment: Shannon & Weidenbach, San Antonio, Texas

Court: W.D. Tex.

Year of first appointment: 1980

Date of termination: Jan. 1, 1984

Age at appointment: 38

Age at termination: 41

Number of years on bench: 4

Last Appointing President: Jimmy Carter

Political party: Democrat

Source: Telephone conversation with the Clerk of the Court for the Western District of Texas, 30 March 1993.

Sherman, Charles Taylor

Feb. 3, 1811–Jan. 1, 1879

Reason for termination: Allegations of Misbehavior

“it appears by the letters of Charles T. Sherman, a judge of the district court of the United States for the northern district of Ohio, that he proposed to corruptly control legislation for money, to be paid to him by the stock exchange of New York, and subsequently insisted on such payment on the ground of such control, and threatened adverse legislation if the same was not paid. . . .” Judge Sherman resigned before consideration by the next House of Representatives.

Court: N.D. Ohio

Year of first appointment: 1867

Date of termination: Jan. 1, 1873

Age at appointment: 56

Age at termination: 62

Number of years on bench: 6

Age at death: 68

Last Appointing President: Andrew Johnson

Political party: [not available]

Source: Borkin, Joseph. *The Corrupt Judge: An Inquiry Into Bribery and Other High Crimes and Misdemeanors in the Federal Courts.* 1962, pp. 231–32. *See also* 3 Hinds' Precedents § 2511, 1907, p. 1019.

Shipman, Nathaniel

Aug. 22, 1828–June 26, 1906

Reason for termination: Retired

“When Shipman retired in ill health, the ‘Connecticut’ seat was filled by the man who succeeded him as District Judge, William Townsend.”

Court: 2d Cir.

Year of first appointment: 1873

Date of termination: March 22, 1902

Age at appointment: 45

Age at termination: 74

Number of years on bench: 29

Age at death: 78

Last Appointing President: Benjamin Harrison

Political party: Republican

Source: Morris, Jeffrey B. *Federal Justice in the Second Circuit: A History of the United States Courts in New York, Connecticut and Vermont.* 1987, p. 96.

Shipman, William Davis

Dec. 29, 1818–Sept. 24, 1898

Reason for termination: Inadequate Salary

Nature of other employment: Barlow, Shipman & MacFarland

“His retirement from the bench, which he had so signally adorned, is mainly due to the inadequate compensation which the position brings him, the salary being only \$3,000, a very insignificant amount in comparison to what he would receive from the practice of his profession. It is understood that he will at once, after vacating the judgeship, form a copartnership with the prominent legal firm of Barlow, Laroequa and MacFarland in New York under the name of Barlow, Shipman and MacFarland, and this connection will insure him a very large annual income.”

Court: D. Conn.

Year of first appointment: 1860

Date of termination: April 16, 1873

Age at appointment: 41

Age at termination: 54

Number of years on bench: 13

Age at death: 80

Last Appointing President: James Buchanan

Political party: Democrat

Source: “Judge Shipman’s Resignation.” Hartford Courant, 16 April 1873.

Shiras, George, Jr.

Jan. 26, 1832–Aug. 2, 1924

Reason for termination: Retired

“He retired as he had earlier resolved to do, at the age of seventy-one, and lived out the years of his retirement in quiet comfort . . .”

Court: Supreme Court

Year of first appointment: 1892

Date of termination: Feb. 23, 1903

Age at appointment: 61

Age at termination: 71

Number of years on bench: 10

Age at death: 93

Last Appointing President: Benjamin Harrison

Political party: [not available]

Source: Witt, Elder. Congressional Quarterly’s Guide to the U.S. Supreme Court, 2nd Edition. 1990. p. 842.

Shiras, Oliver Perry

Oct. 22, 1833–Jan. 7, 1916

Reason for termination: Retired

“Hon. Oliver Perry Shiras, recently retired and now residing at the Wales Hotel, Dubuque.”

Court: N.D. Iowa

Year of first appointment: 1882

Date of termination: Nov. 1, 1903

Age at appointment: 49

Age at termination: 70

Number of years on bench: 21

Age at death: 82

Last Appointing President: Chester A. Arthur

Political party: Republican

Source: Goodspeed, Kenneth Cornell. History of Dubuque County, Iowa. p. 778.

Smalley, David Allen

April 6, 1809–March 10, 1877

Reason for termination: Age/Health

“A paralytic stroke impaired his physical powers in July, 1874. In consequence of this, Congress passed an act in February, 1875, authorizing him to retire from labor, and continuing his salary. Partial restoration induced him to decline the proffered privilege. But in February, 1877, he tendered his resignation which was accepted, and was to take effect from the appointment of his successor. On the 10th of March, 1877, Judge Smalley died at his own residence in Burlington.”

Court: D. Vt.

Year of first appointment: 1857

Date of termination: March 10, 1877

Age at appointment: 48

Age at termination: 68

Number of years on bench: 20

Age at death: 68

Last Appointing President: Franklin Pierce

Political party: Democrat

Source: The State of Vermont. n.d. p. 417.

Smith, Sidney Oslin, Jr.

Dec. 30, 1923–

Reason for termination: Inadequate Salary

Nature of other employment: Alston, Miller & Gaines

"Smith, 50, joined the Atlanta, Ga., law firm of Alston, Miller & Gaines. Salary 'wasn't the sole consideration' for Smith. He hadn't had a vacation in three years; he couldn't get a clear direction from the appellate courts, particularly with respect to civil rights cases; and the backlog kept building — 'it doubled last year in spite of everybody just killing themselves down there,' Smith said. On top of that, Congress was alternately deaf and cavalier to the desperate need for more federal judges. So, Smith resigned. It took eight and one-half months to appoint his successor." [1] "As you are aware, I served as District Judge, Northern District of Georgia, from 1965 until 1974, the last six years as Chief Judge. At that time, I resigned to join this law firm. I have been asked many times whether salary was a factor in my decision. While there were other important considerations involved, obviously it was. At the time I was 50 years old and had been a Judge for 12 years. I had two children in college and one only a year away. I had missed some productive years and, therefore, did not have any personal estate to fall back on. Indeed, what resources I had were diminishing during these expensive years and through eroding inflation. When I realized what rewards were available in private practice, I felt I owed my family this new opportunity. Excepting only those who have inherited wealth or those who go on the bench at an age after they have accumulated some security, most lawyers aged 35-55 can serve only at great sacrifice. I am certain the courts are missing many fine persons with the talent and inclination to serve because of inadequate compensation." [2]

Court: N.D. Ga.

Year of first appointment: 1965

Date of termination: May 31, 1974

Age at appointment: 42

Age at termination: 50

Number of years on bench: 9

Last Appointing President: Lyndon B. Johnson

Political party: Democrat

Source: [1] Chapin, Pat. "The Judicial Vanishing Act." *Judicature* Vol. 58, No. 4 (Nov. 1974), p. 161. [2] "Sidney O. Smith, Jr. to Judge Irving R. Kaufman," 21 July 1980, appended to memo from Joseph F. Spaniol, Jr., 12 Nov. 1980, in Administrative Office Files.

Sneeden, Emory M.

May 30, 1927–Sept. 30, 1987

Reason for termination: Inadequate Salary

Nature of other employment: McNair Law Firm

"Since taking a seat on the Court, my family circumstances have significantly changed. As a result, it is for financial reasons that I must return to private practice." [1] After his resignation, Judge Sneeden joined the McNair Law Firm in Columbia, South Carolina. He died not long after he left the bench, in late September 1987. [2]

Court: 4th Cir.

Year of first appointment: 1984

Date of termination: March 1, 1986

Age at appointment: 58

Age at termination: 59

Number of years on bench: 1

Age at death: 60

Last Appointing President: Ronald Reagan

Political party: Republican

Source: [1] Emory M. Sneeden to Ronald Reagan, 13 Jan. 1986, Records of the Administrative Office of the United States Courts (Human Resources Division). [2] Telephone conversation, 30 March 1993, with Sam Phillips, 4th Circuit Executive.

Sofaer, Abraham

May 6, 1938–

Reason for termination: Appointment to Other Office

Nature of other employment: Legal Advisor, United States Department of State

"I wasn't surprised by the time I was offered the job (State Department's Legal Advisor). Someone asked me if I would be interested in being considered. I realized that I would be interested. I anticipated I would find the work very interesting, having written a lot in the area of foreign affairs and about constitutional power and war making. I was also influenced because I have tremendous admiration for George Shultz even though I had not then met him. This was in addition to the fact that I thought Ronald Reagan was running our foreign policy very well and restoring confidence in American government. So I felt it was an interesting possibility and I allowed the consideration of my name to go forward and eventually the Secretary offered me the job."

Court: S.D.N.Y.

Year of first appointment: 1979

Date of termination: June 9, 1985

Age at appointment: 41

Age at termination: 47

Number of years on bench: 6

Last Appointing President: Jimmy Carter

Political party: Democrat

Source: Sofaer, Abraham. Interview by Alice O'Donnell. Dec. 1986. Transcript. Federal Judicial History Office, Federal Judicial Center, Washington, D.C.

Sprague, Peleg

April 27, 1793–Oct. 13, 1880

Reason for termination: Age/Health

“He retired from the bench in 1865 because of failing health and was entirely blind for the last sixteen years of his life.”

Court: D. Mass.

Year of first appointment: 1841

Date of termination: Jan. 1, 1865

Age at appointment: 48

Age at termination: 72

Number of years on bench: 23

Age at death: 88

Last Appointing President: James Tyler

Political party: Whig

Source: Malone, Dumas, ed. *Dictionary of American Biography*. 1936. p. 474.

Starr, Kenneth W.

July 21, 1946–

Reason for termination: Appointment to Other Office

Nature of other employment: U.S. Solicitor General

Court: D.C. Cir.

Year of first appointment: 1983

Date of termination: May 29, 1989

Age at appointment: 37

Age at termination: 43

Number of years on bench: 6

Last Appointing President: Ronald Reagan

Political party: Republican

Source: Files of the Administrative Office of the United States Courts (Human Resources Division).

Stephens, William

Jan. 17, 1752–Aug. 6, 1819

Reason for termination: Allegations of Misbehavior

In 1818 the House began an inquiry into the conduct of Judge Stephens, but did not specify upon what grounds. On November 24, 1818 the House discontinued the investigation upon learning of Judge Stephens's resignation.

Court: D. Ga.

Year of first appointment: 1801

Date of termination: Oct. 13, 1818

Age at appointment: 50

Age at termination: 67

Number of years on bench: 17

Age at death: 68

Last Appointing President: John Adams

Political party: Jeffersonian Republican

Source: 3 Hinds' Precedents § 2489. 1907. See also Borkin, Joseph. *The Corrupt Judge: An Inquiry Into Bribery and Other High Crimes and Misdemeanors in the Federal Courts*. 1962. pp. 231–32.

Stern, Herbert J.

Nov. 8, 1936–

Reason for termination: Returned to Private Practice

Nature of other employment: Hellring, Lindeman, Goldstein, Siegal & Greenberg

“will join the Newark-based law firm of Hellring, Lindeman, Goldstein, Siegal & Greenberg.” [1] “Judge Stern, who lives with his wife and four children in Hoboken, acknowledged that resigning his life tenure on the bench and entering private law practice runs counter to the norm. While most lawyers look at a position on the bench as the high point of their careers, he said, ‘I don’t want to look back some day and find that I never represented an individual, that I never represented a private case.’” [2]

Court: D.N.J.

Year of first appointment: 1974

Date of termination: Jan. 4, 1987

Age at appointment: 37

Age at termination: 50

Number of years on bench: 13

Last Appointing President: Richard Nixon

Political party: Republican

Source: [1] “Federal Judge Leaving Bench.” *New York Times*, 29 Oct. 1986. [2] “Judge’s Years with U.S.: From Malcolm X to Berlin.” *New York Times*, 9 Nov. 1986.

Story, William

April 4, 1843–June 20, 1921

Reason for termination: Allegations of Misbehavior

Nature of other employment: Lt. Governor, State of Colorado (1891–1892)

Resigned to avoid impeachment. [1] "the committee had found the expenditures of Story's court to be 'extraordinarily large' and not always supported by vouchers; that the investigation had revealed a 'most lamentable state of morals among the court officials' of the Western District; that Story had signed blank accounts current for the marshal to fill in at the latter's discretion; that Story had allowed bail for persons convicted of capital crimes while they were awaiting sentence, and while motions were pending for new trials, which motions were never acted on; and that Judge Story's testimony before the committee had been 'lame, disconnected and unsatisfactory.'" [2] "which office he resigned in July, 1874, and, in the hope of recovering his health, which had been greatly shattered, removed to Denver, Colo., where he resided for three years. In 1890 he was nominated by the Republican party and elected lieutenant-governor of Colorado - running largely ahead of his ticket in that portion of the state in which he was best known." [3]

Court: W.D. Ark.

Year of first appointment: 1871

Date of termination: Jan. 1, 1875

Age at appointment: 28

Age at termination: 32

Number of years on bench: 4

Age at death: 78

Last Appointing President: Ulysses S. Grant

Political party: Republican

Source: [1] Borkin, Joseph. *The Corrupt Judge: An Inquiry into Bribery and Other High Crimes and Misdemeanors in the Federal Courts.* 1962. pp. 247–48. [2] *Arkansas Gazette*, 9 June 1874; 30 June 1984. [3] *Portrait and Biographical Record of the State of Colorado.* 1899. p. 141.

Strong, William

May 6, 1808–Aug. 19, 1895

Reason for termination: Retired

"The case of Strong's retirement is an interesting one and one to prove the opposite of 'the men of the Court seldom die and never retire.' Strong left at the height of his capabilities, reasoning he would rather leave when people say 'Why does he?' than to wait until the comment is 'Why doesn't he?'" [1] "After his retirement from the Court, Strong - then seventy-two - devoted himself to religious work, something he had begun while still on the bench. From 1883-1895, he was president of the American Sunday School Union; he also served as vice president of the American Bible Society from 1871 to 1895, and was president of the American Tract Society from 1873-1895." [2]

Court: Supreme Court

Year of first appointment: 1870

Date of termination: Dec. 14, 1880

Age at appointment: 62

Age at termination: 73

Number of years on bench: 11

Age at death: 87

Last Appointing President: Ulysses S. Grant

Political party: Democrat

Source: [1] Goff, John S. "Old Age and the Supreme Court," in Glenn R. Winters, ed. *Selected Readings: Judicial Discipline and Removal.* 1973. p. 34. [2] Witt, Elder. *Congressional Quarterly's Guide to the U.S. Supreme Court*, 2nd Edition. 1990. p. 830.

Taft, William Howard

Sept. 15, 1857–March 8, 1930

Reason for termination: Appointment to Other Office

Nature of other employment: President, Philippine Commission; Chief Justice, U.S. Supreme Court; President of the United States

Left Circuit for other government service - appointed President of Philippine Commission. Later served on U.S. Supreme Court and was President of the United States.

Court: 6th Cir.

Year of first appointment: 1891

Date of termination: March 15, 1900

Age at appointment: 34

Age at termination: 43

Number of years on bench: 8

Age at death: 73

Last Appointing President: Benjamin Harrison

Political party: Republican

Source: Witt, Elder. *Congressional Quarterly's Guide to the U.S. Supreme Court*, 2nd Edition. 1990. pp. 854–55.

Tait, Charles

Feb. 1, 1768–Oct. 7, 1835

Reason for termination: Other Employment

Nature of other employment: Planter

"In May 1820 President Monroe appointed him first federal judge of the District of Alabama. Retiring in 1826, he devoted himself to planting on land he owned in Wilcox County and to scientific study." [2] Charged with improper, corrupt, and extrajudicial conduct, he was exonerated by the House Judiciary Committee in 1822–1823. [1]

Court: D. Ala.

Year of first appointment: 1820

Date of termination: Feb. 1, 1826

Age at appointment: 52

Age at termination: 58

Number of years on bench: 6

Age at death: 68

Last Appointing President: James Monroe

Political party: Jeffersonian Democrat

Source: [1] Borkin, Joseph. *The Corrupt Judge: An Inquiry Into Bribery and Other High Crimes and Misdemeanors in the Federal Courts*. 1962. pp. 231–32. [2] Malone, Dumas, ed. *Dictionary of American Biography*. 1936. p. 274.

Tallmadge, Matthias Burnett

March 1, 1774–Oct. 18, 1819

Reason for termination: Allegations of Misbehavior

In February of 1819, the House inquired into the conduct of Judge Tallmadge for allegedly failing to hold terms of the district court. The committee found that at certain times he had failed to sit, but also found that since 1810 his health had been extremely delicate and that "any unusual agitation of mind, invariably produced severe sickness, so as to disqualify him for any official duties; and that his life was prolonged by visiting a more genial climate in the winter season. . . . The committee are of opinion that there is nothing established in the official conduct of Judge Tallmadge to justify the constitutional interposition of the House." The report was laid on the table.

Court: D.N.Y.

Year of first appointment: 1805

Date of termination: July 1, 1819

Age at appointment: 31

Age at termination: 45

Number of years on bench: 14

Age at death: 46

Last Appointing President: Thomas Jefferson

Political party: Jeffersonian Democrat

Source: 3 Hinds' Precedents § 2489 (1907). See also Borkin, Joseph. *The Corrupt Judge: An Inquiry Into Bribery and Other High Crimes and Misdemeanors in the Federal Courts*. 1962. pp. 249–50.

Thacher, Thomas Day

Sept. 10, 1881–Nov. 12, 1950

Reason for termination: Appointment to Other Office

Nature of other employment: U.S. Solicitor General

"He left the bench to accept an appointment by President Hoover as Solicitor General, serving for three years."

Court: S.D.N.Y.

Year of first appointment: 1925

Date of termination: Jan. 1, 1930

Age at appointment: 43

Age at termination: 48

Number of years on bench: 5

Age at death: 69

Last Appointing President: Calvin Coolidge

Political party: Republican

Source: "Thomas Thacher, Noted Jurist, 69." *New York Times*, 13 Nov. 1950.

Thomas, Edwin Stark

Nov. 11, 1872–Jan. 21, 1952

Reason for termination: Allegations of Misbehavior

Implicated in Manton scandal, but suffered a collapse and entered a mental institution. [1] "Judge Thomas resigned the Federal Post April 6, 1939, while he was ill at the Hartford Retreat (now the Institute of Living) with nervous disorders which friends attributed to circumstances under which he had been questioned by a federal grand jury. The case concerned a multi-million dollar swindle involving officials of McKesson and Robbins, Inc. Investigation led eventually to a \$10,000 fine and Federal penitentiary sentence for United States Circuit Court Judge Martin T. Manton who was charged with conspiracy to obstruct justice before his own bench. Attorney General Frank Murphy announced that Judge Thomas's resignation 'made it unnecessary to give further consideration to the question of impeachment.' But none of Judge Thomas's grand jury testimony was ever disclosed and no punitive action was taken against him. During the investigation, Judge Thomas said repeatedly that 'he had nothing to conceal.' His friends bitterly denounced the manner of the Federal investigation into the Judge's personal and financial affairs." [2]

Court: D. Conn.

Year of first appointment: 1913

Date of termination: Jan. 1, 1939

Age at appointment: 41

Age at termination: 66

Number of years on bench: 25

Age at death: 79

Last Appointing President: Woodrow Wilson

Political party: Democrat

Source: [1] Morris, Jeffrey B. *Federal Justice in the Second Circuit: A History of the United States Courts in New York, Connecticut and Vermont, 1787 to 1987*. 1987. [2] "E. S. Thomas, Former U.S. Judge, Dies." *Hartford Courant*, 22 Jan. 1953.

Tone, Phillip W.

April 9, 1923-

Reason for termination: Dissatisfaction with Office

"Tone entered on duty with the United States District Court for Northern Illinois on March 2, 1972. On May 17, 1974 he entered on duty with the Court of Appeals for the Seventh Circuit." [1] "On March 12, 1980, Judge Tone wrote to the President setting his effective date of termination for April 30, 1980, "to spend the rest of my career in the practice of law." [1] "Joe Spaniol has asked that I write you a letter indicating whether inadequate salary was a consideration in my decision to resign from the United States Court of Appeals for the Seventh Circuit. My decision was based upon a number of considerations. I cannot say that the inadequacy of the salary was the decisive factor, although it was a festering problem in our family during the entire time I was on the bench. If the other reasons for my decision had not existed, I probably would have remained on the bench despite the salary. Nevertheless, the fact that the compensation of a judge is a minor fraction of the amount he can earn as a practicing lawyer is bound to be a factor in the judge's weighing of all the considerations that go into the decision of whether to remain on the bench for the rest of his life or return to the practice of law." [2] "Sources said Mr. Tone left the bench because he missed the work of a trial lawyer." [3]

Court: 7th Cir.

Year of first appointment: 1972

Date of termination: April 30, 1980

Age at appointment: 49

Age at termination: 57

Number of years on bench: 8

Last Appointing President: Richard Nixon

Political party: Republican

Source: [1] Files of the Administrative Office of the United States Courts (Human Resources Division). [2] "Philip W. Tone to Judge Irving R. Kaufman," 8 Aug. 1980, appended to memo from Joseph F. Spaniol, Jr., 12 Nov. 1980, in Administrative Office Files. [3] New York Times, 12 Aug. 1980.

Travia, Anthony John

Feb. 26, 1911-

Reason for termination: Dissatisfaction with Office

Nature of other employment: Private Practice

"Judge Anthony J. Travia, saying he wanted 'a little rest and more time for his family', announced his intention to resign from the bench of the Federal Court for the Eastern District of New York at the end of November. Although at the age of 63, Judge Travia is seven years short of the official retirement age for Federal district judges and will relinquish his \$40,000 a year salary as well as his Federal pension rights by resigning, the judge said he had been last year. After a vacation with his wife, Judge Travia said, he will enter private practice as a lawyer."

Court: E.D.N.Y.

Year of first appointment: 1968

Date of termination: Dec. 1, 1974

Age at appointment: 57

Age at termination: 64

Number of years on bench: 6

Last Appointing President: Lyndon B. Johnson

Political party: Democrat

Source: "Judge Anthony J. Travia, 63, Is Resigning From U.S. Court to Seek 'Rest.'" New York Times, 17 Oct. 1974.

Treat, Samuel

Dec. 17, 1815-Aug. 31, 1902

Reason for termination: Retired

"For thirty years Judge Treat performed the duties of this office and only resigned in 1887, because old age made the duties of his office too laborious."

Court: E.D. Mo.

Year of first appointment: 1857

Date of termination: March 5, 1887

Age at appointment: 41

Age at termination: 71

Number of years on bench: 30

Age at death: 87

Last Appointing President: Franklin Pierce

Political party: Democrat

Source: "Some of Our Grand Old Men." St. Louis Star, 21 April 1895.

Troup, Robert

Jan. 1, 1757-Jan. 14, 1832

Reason for termination: Returned to Private Practice

Returned to private practice and later held various other government positions.

Court: S.D.N.Y.

Year of first appointment: 1796

Date of termination: Jan. 1, 1798

Age at appointment: 40

Age at termination: 41

Number of years on bench: 1

Age at death: 75

Last Appointing President: George Washington

Political party: Federalist

Source: Morris, Jeffrey B. Federal Justice in the Second Circuit: A History of the United States Courts in New York, Connecticut and Vermont, 1787 to 1987. 1987.

Tucker, St. George

July 10, 1752–Nov. 10, 1827

Reason for termination: Age/Health
"Resigned by reason of ill health."

Court: D. Va.

Year of first appointment: 1813

Date of termination: June 30, 1825

Age at appointment: 61

Age at termination: 73

Number of years on bench: 12

Age at death: 75

Last Appointing President: James Madison

Political party: Jeffersonian Democrat

Source: Virginia Law Register. Vol. 1: May 1895–April 1896. p. 793.

Tyler, Harold R., Jr.

May 14, 1922–

Reason for termination: Appointment to Other Office

Nature of other employment: U.S. Deputy Attorney General

"Judge Tyler has now succumbed to the lure of Washington, however, and he welcomed his nomination yesterday to become the Deputy Attorney General. The tall lean 52 year old judge said . . . he wanted to help Attorney General Edward H. Levi in the 'restoration of the organization, the personnel and the soul, really, of the department.'" [1] "His new post, which is subject to confirmation by the Senate, would pay \$42,500 a year, \$2,500 more than his salary as a judge." [2]

Court: S.D.N.Y.

Year of first appointment: 1962

Date of termination: April 8, 1975

Age at appointment: 40

Age at termination: 53

Number of years on bench: 13

Last Appointing President: John F. Kennedy

Political party: Republican

Source: [1] "Choice at Justice." New York Times, 13 March 1975. [2] "Ford Picks Judge For Justice Post." New York Times, 13 March 1975.

Veeder, Van Vechten

July 4, 1867–Dec. 4, 1942

Reason for termination: Returned to Private Practice

Nature of other employment: Burlingham, Veeder, Clark & Hupper

"He resigned to enter the private practice of law."

Court: E.D.N.Y.

Year of first appointment: 1911

Date of termination: Jan. 1, 1917

Age at appointment: 44

Age at termination: 50

Number of years on bench: 6

Age at death: 75

Last Appointing President: William H. Taft

Political party: [not available]

Source: "Van V. Veeder Dies; Federal Ex-Jurist." New York Times, 5 Dec. 1942.

Vinson, Fred Moore

Jan. 22, 1890–Sept. 8, 1953

Reason for termination: Appointment to Other Office

Nature of other employment: Director, Office of Economic Stabilization, 1943–45; Administrator, Federal Loan Agency, 1945; Director, Office of War Mobilization and Reconversion, 1945; Secretary of the Treasury, 1945–46; Chief Justice, U.S. Supreme Court, 1946–53

Court: D.C. Cir.

Year of first appointment: 1938

Date of termination: May 28, 1943

Age at appointment: 48

Age at termination: 53

Number of years on bench: 5

Age at death: 64

Last Appointing President: Franklin D. Roosevelt

Political party: Democrat

Source: Witt, Elder. Congressional Quarterly's Guide to the U.S. Supreme Court, 2nd Edition. 1990. p. 867.

Walker, Thomas G.

Dec. 9, 1899–

Reason for termination: Other Employment

Nature of other employment: Counsel, New Jersey Bell Telephone Company

"Judge Thomas Glynn Walker resigned from the court January 1 to become counsel for the New Jersey Bell Telephone Company."

Court: D.N.J.

Year of first appointment: 1939

Date of termination: Jan. 1, 1942

Age at appointment: 39

Age at termination: 42

Number of years on bench: 3

Last Appointing President: Franklin D. Roosevelt

Political party: Democrat

Source: "Meeting Stirs Political Talk." Trenton Evening News, 22 Jan. 1942.

Wallace, William James

April 14, 1837–March 11, 1917

Reason for termination: Retired

Nature of other employment: Private Practice

"In 1892 Judge Wallace became the first presiding judge of the newly established Court of Appeals for the Second Circuit, serving in that capacity until his retirement in 1907 to join a law firm with a Wall Street address."

Court: N.D.N.Y.

Year of first appointment: 1874

Date of termination: May 19, 1907

Age at appointment: 37

Age at termination: 70

Number of years on bench: 33

Age at death: 80

Last Appointing President: Ulysses S. Grant

Political party: Republican

Source: United States Courts in the Second Circuit: A Collection of History Lectures delivered by Judges of the Second Circuit. Published by the Federal Bar Council Foundation. 1992. p. 84.

Walsh, Lawrence Edward

Jan. 8, 1912–

Reason for termination: Appointment to Other Office

Nature of other employment: U.S. Deputy Assistant Attorney General

Judge Walsh served as U.S. Deputy Assistant Attorney General from 1957–1960 and was President of the American Bar Association from 1975–76. He was also appointed independent counsel for the Iran-Contra investigation in 1986. Walsh has also been a partner in the firm of Davis, Polk and Wardwell, 1961–1981 and counsel to the firm of Crowe and Dunlevy of Oklahoma City, 1981 to the present.

Court: S.D.N.Y.

Year of first appointment: 1954

Date of termination: Dec. 29, 1957

Age at appointment: 43

Age at termination: 46

Number of years on bench: 3

Last Appointing President: Dwight Eisenhower

Political party: [not available]

Source: Marquis Who's Who in America 1992–1993. 47th Edition. Vol. 2. 1992.

Ware, Ashur

Feb. 10, 1782–Sept. 10, 1873

Reason for termination: Age/Health

“resigned after a judicial service of more than forty-four years.”

Court: D. Me.

Year of first appointment: 1822

Date of termination: May 31, 1866

Age at appointment: 40

Age at termination: 84

Number of years on bench: 44

Age at death: 92

Last Appointing President: James Monroe

Political party: Jeffersonian Democrat

Source: 30 Fed. Cas. 1349.

Watrous, John Charles

Aug. 1, 1801–June 17, 1874

Reason for termination: Age/Health

“After his appointment to the federal bench, he became the object of severe criticism because of his personal connections with land speculation in Texas. The alleged relation of Watrous to an attempt to validate forged land certificates resulted in the Texas Legislature passing a resolution in 1848 asking the judge to resign. Impeachment proceedings against him began in the United States House of Representatives in January, 1851, with the presentation of three petitions or memorials. The main charges against him were violating Texas statutes punishing those dealing in fraudulent land certificates, misusing his judicial influence, and holding sessions of court improperly. After numerous investigations the case was dropped by a vote of 111 to 97 on December 15, 1858. Memorials continued to be presented to each succeeding Congress; Sam Houston, on February 3, 1859, made a scathing attack on Watrous, and A. J. Hamilton prosecuted the impeachment until the adjournment of Congress on March 3, 1861. Watrous was inactive during the Civil War when the district courts in Texas were under the Confederate government, but he resumed his seat at the end of the war and presided until 1869 when he was stricken with paralysis and forced to resign.

Court: D. Tex.

Year of first appointment: 1846

Date of termination: April 19, 1870

Age at appointment: 45

Age at termination: 69

Number of years on bench: 24

Age at death: 73

Last Appointing President: James Knox Polk

Political party: Whig

Source: Judge Biographical Database, Record 59001, Federal Judicial History Office, Federal Judicial Center, Washington, D.C. See also Borkin, Joseph. *The Corrupt Judge: An Inquiry Into Bribery and Other High Crimes and Misdemeanors in the Federal Courts*. 1962. pp. 231–32; Webb, Walter Prescott, ed. *The Handbook of Texas*, Volume II. 1952. pp. 869–70.

Webb, Nathan

May 7, 1825–Nov. 8, 1902

Reason for termination: Retired

“Judge Webb resigned from the bench some months ago on account of failing health.”

Court: D. Me.

Year of first appointment: 1882

Date of termination: Jan. 1, 1902

Age at appointment: 57

Age at termination: 77

Number of years on bench: 20

Age at death: 78

Last Appointing President: Chester A. Arthur

Political party: Republican

Source: “Judge Nathan Webb Is Dead.” *Bangor Daily News*, 10 Nov. 1902.

Webster, William Hedgcock

March 26, 1924–

Reason for termination: Appointment to Other Office

Nature of other employment: Director, Federal Bureau of Investigation, 1978–87; Director, Central Intelligence Agency, 1987–91; Private Practice, Millbank, Tweed, Hadley & McClay, 1991–present

Court: 8th Cir.

Year of first appointment: 1970

Date of termination: Jan. 1, 1978

Age at appointment: 47

Age at termination: 54

Number of years on bench: 7

Last Appointing President: Richard Nixon

Political party: Republican

Source: Marquis Who's Who in America 1992–1993. 47th Edition. Vol. 2. 1992.

Wheeler, Hoyt Henry

Aug. 20, 1833–Nov. 19, 1906

Reason for termination: Retired

Never recovered from wife's death - developed an "insidious disease."

Court: D. Vt.

Year of first appointment: 1877

Date of termination: Oct. 20, 1906

Age at appointment: 44

Age at termination: 73

Number of years on bench: 30

Age at death: 73

Last Appointing President: Rutherford B. Hayes

Political party: Republican

Source: Vermont Bar Association: Officers, Proceedings, Papers and Addresses. 1907.

Whittaker, Charles Evans

Feb. 22, 1901–Nov. 26, 1973

Reason for termination: Age/Health

"Physically exhausted from overwork, Whittaker followed his doctor's advice and resigned from the Court at the age of 61 after only five years of service."

Court: Supreme Court

Year of first appointment: 1957

Date of termination: March 31, 1962

Age at appointment: 56

Age at termination: 61

Number of years on bench: 5

Age at death: 73

Last Appointing President: Dwight Eisenhower

Political party: [not available]

Source: Witt, Elder. Congressional Quarterly's Guide to the U.S. Supreme Court, 2nd Edition. 1990. pp. 871–72.

Wilkins, Ross

Feb. 19, 1799–May 17, 1872

Reason for termination: Age/Health

"resigned, never having been absent a term in 32 [sic] years."

Court: D. Mich.

Year of first appointment: 1836

Date of termination: Dec. 18, 1869

Age at appointment: 37

Age at termination: 71

Number of years on bench: 33

Age at death: 73

Last Appointing President: Andrew Jackson

Political party: [not available]

Source: Michigan Biographies. Vol. II, L–Z. 1924. p. 446.

Wilkins, William

Dec. 20, 1779–June 23, 1865

Reason for termination: Elected Office

Nature of other employment: United States Senate

Served in the U.S. Senate from March 4, 1831–June 30, 1834.

Court: W.D. Pa.

Year of first appointment: 1824

Date of termination: Jan. 1, 1831

Age at appointment: 44

Age at termination: 51

Number of years on bench: 7

Age at death: 86

Last Appointing President: James Monroe

Political party: National Republican

Source: Pennsylvania Biographical Dictionary. p. 413. See also Presser, Stephen B. Studies in the History of the United States Courts of the Third Circuit, 1790–1980: A Bicentennial Project. 1982.

Wing, Francis Joseph

Sept. 14, 1850–Feb. 2, 1918

Reason for termination: Returned to Private Practice

"He resigned December 26, 1904, to resume the practice of law."

Court: N.D. Ohio

Year of first appointment: 1901

Date of termination: Dec. 18, 1904

Age at appointment: 50

Age at termination: 54

Number of years on bench: 4

Age at death: 67

Last Appointing President: William McKinley

Political party: [not available]

Source: "Ex-Federal Judge Francis J. Wing." New York Times, 3 Feb. 1928.

Winslow, Francis Asbury

Oct. 13, 1866–March 29, 1932

Reason for termination: Allegations of Misbehavior

Nature of other employment: Private Practice

“Resigned after the Grand Jury charged him with indiscretions, and on the day the House investigation was to begin, 1929.” [1] “The major charges against Judge Winslow stemmed from his appointment of bankruptcy receivers and from his relation with some of the lawyers in question. ‘U.S. Attorney Tuttle was told by Chief Judge Knox to investigate and “follow the evidence, no matter to whom [it] may lead.”’” [1] “On April 1, 1929, he resigned, giving as his reason the fear that the financial drain of fighting the charges would be too great.” [2]

Court: S.D.N.Y.

Year of first appointment: 1922

Date of termination: April 1, 1929

Age at appointment: 56

Age at termination: 63

Number of years on bench: 6

Age at death: 66

Last Appointing President: Warren Harding

Political party: Republican

Source: [1] Borkin, Joseph. *The Corrupt Judge: An Inquiry Into Bribery and Other High Crimes and Misdemeanors in the Federal Courts*. 1962. pp. 231–32. [2] “Ex-Judge Winslow of U.S. Bench Dies.” *New York Times*, 30 March 1932.

Wright, Daniel Thew

Sept. 24, 1864–Nov. 18, 1943

Reason for termination: Allegations of Misbehavior

Nature of other employment: Private Practice

“Resolved, That the Committee on the Judiciary be directed to inquire and report whether the action of this House is necessary concerning the alleged official misconduct of Daniel Thew Wright; whether he has accepted favors from lawyers appearing before him; whether he has permitted counsel for a street railway company to indorse [sic] his notes while said counsel was retained in business and causes before his court; whether he has performed the services of lawyer and accepted a fee during his tenure of judicial office, in violation of the statutes of the United States’ whether he has collected and wrongfully appropriated other people’s money; whether he has purposely changed the record in order to prevent reversal of causes wherein he presided; whether he has borne deadly weapons in violation of law; whether he is guilty of judicial misconduct in the trial of a writ of habeas corpus to an extent which provoked a reviewing court of the District of Columbia to justly characterize the trial as a ‘travesty of justice’; whether he has arbitrarily revoked without legal right, an order of a judge of concurrent jurisdiction, appointing three receivers, so as to favor his friend by appointing him sole receiver; whether he is morally and temperamentally unfit to hold judicial office; and whether he has been guilty of various other acts of personal and judicial misconduct for which he should be impeached.”

[1] “On October 6, 1914, Mr. Justice Wright tendered his resignation to the President, which was duly accepted October 7, 1914, to become effective November 15, 1914, and that because Judge Wright is not eligible under the law to retire with pay this resignation, when it becomes effective, will entirely separate him from the public service. Because of this fact the committee is of the opinion that further proceedings under House resolution 446 are unnecessary.” [1] “Former Judge Daniel Thew Wright [of D.C.] , 79, justice of the Supreme Court from 1903 to 1914 and prominent Washington, D.C. lawyer until his retirement six years ago, died yesterday at his country home near Fenwick, Md. He had been ill for more than six months.” [2]

Court: D.D.C.

Year of first appointment: 1903

Date of termination: Nov. 15, 1914

Age at appointment: 38

Age at termination: 50

Number of years on bench: 12

Age at death: 79

Last Appointing President: Theodore Roosevelt

Political party: Republican

Source: [1] 6 *Cannon’s Precedents* § 529. 1935. pp. 752, 754. [2] “Judge Wright, Noted Jurist, Dies at 79.” *Washington Post*, 19 Nov. 1943.

Wylie, Andrew

Feb. 25, 1814–Aug. 1, 1905

Reason for termination: Retired

The investigation occurred in 1875–76, but the charges and the outcome were not recorded. [1] “Justice Andrew Wylie, who, for twenty three years, until his retirement on account of age, served on the bench of the Supreme Court of the District of Columbia, died at his late residence, 1206 Thomas Circle, Tuesday afternoon, at the age of ninety-one years. Judge Wylie was once the subject of a Congressional investigation but was acquitted.” [2]

Court: D.D.C.

Year of first appointment: 1863

Date of termination: May 1, 1885

Age at appointment: 49

Age at termination: 71

Number of years on bench: 22

Age at death: 91

Last Appointing President: Abraham Lincoln

Political party: Republican

Source: [1] Borkin, Joseph. *The Corrupt Judge: An Inquiry Into Bribery and Other High Crimes and Misdemeanors in the Federal Courts.* 1962. pp. 231–32. [2] “Judge Andrew Wylie Dead.” *Washington Post*, 3 Aug. 1905.

Index I: Resignations by decade

1790-1799

- 1791 Rutledge, John (Supreme Court): Appointment to Other Office
- 1792 Lewis, William (E.D. Pa.): Returned to Private Practice
- 1793 Chipman, Nathaniel (D. Vt.): Returned to Private Practice
- 1793 Johnson, Thomas (Supreme Court): Age/Health
- 1794 Duane, James (D.N.Y.): Age/Health
- 1795 Jay, John (Supreme Court): Elected Office
- 1796 Blair, John (Supreme Court): Age/Health
- 1796 Laurance, John (D.N.Y.): Elected Office
- 1796 Pendleton, Nathaniel (D. Ga.): Inadequate Salary
- 1798 Troup, Robert (S.D.N.Y.): Returned to Private Practice

1800-1809

- 1800 Ellsworth, Oliver (Supreme Court): Age/Health
- 1804 Moore, Alfred (Supreme Court): Age/Health
- 1804 Pickering, John (D.N.H.): Impeachment and Conviction
- 1806 Kilty, William (D.C. Cir.): Appointment to Other Office

1810-1819

- 1813 Hall, Dominic A. (D. La.): Inadequate Salary
- 1818 Sewall, David (D. Me.): Age/Health
- 1818 Stephens, William (D. Ga.): Allegations of Misbehavior
- 1819 Tallmadge, Matthias Burnett (D.N.Y.): Allegations of Misbehavior

1820-1829

- 1821 Davies, William (D. Ga.): Elected Office
- 1822 Parris, Albion Keith (D. Me.): Elected Office
- 1824 Bland, Theodric (D. Md.): Other Employment
- 1824 Dick, John McClintock (D. La.): Elected Office
- 1825 Tucker, St. George (D. Va.): Age/Health
- 1826 Tait, Charles (D. Ala.): Other Employment

1830-1839

- 1831 Wilkins, William (W.D. Pa.): Elected Office
- 1833 McNairy, John (D. Tenn.): Age/Health
- 1835 Duvall, Gabriel (Supreme Court): Age/Health
- 1836 Ellis, Powhatan (D. Miss.): Appointment to Other Office
- 1836 Glenn, Elias (D. Md.): Age/Health
- 1838 Adams, George (D. Miss.): Dissatisfaction with Office

1840-1849

- 1841 Davis, John A. (D. Mass.): Age/Health
- 1841 Dickerson, Mahlon (D.N.J.): Relinquished Court to His Brother
- 1842 Paine, Elijah (D. Vt.): Age/Health
- 1844 Mason, John Young (E.D. Va.): Appointment to Other Office
- 1845 Pennybacker, Isaac Samuels (W.D. Va.): Elected Office

1850-1859

- 1852 Conkling, Alfred (N.D.N.Y.): Appointment to Other Office
- 1857 Curtis, Benjamin R. (Supreme Court): Dissatisfaction with Office
- 1859 Irwin, Thomas (W.D. Pa.): Allegations of Misbehavior

1860-1869

- 1860 Magrath, Andrew Gordon (D.S.C.): Loyalty to the Confederacy
- 1861 Biggs, Asa (D.N.C.): Loyalty to the Confederacy
- 1861 Boyce, Henry (W.D. La.): Loyalty to the Confederacy
- 1861 Brockenbrough, John White (W.D. Va.): Loyalty to the Confederacy
- 1861 Campbell, John Archibald (Supreme Court): Loyalty to the Confederacy
- 1861 Gholson, Samuel J. (D. Miss.): Loyalty to the Confederacy
- 1861 Halyburton, James Dandridge (E.D. Va.): Loyalty to the Confederacy
- 1861 Jones, William Giles (D. Ala.): Loyalty to the Confederacy
- 1861 McCaleb, Theodore H. (D. La.): Loyalty to the Confederacy
- 1861 McIntosh, McQueen (N.D. Fla.): Loyalty to the Confederacy
- 1861 Monroe, Thomas Bell (D. Ky.): Loyalty to the Confederacy
- 1861 Nicoll, John C. (D. Ga.): Loyalty to the Confederacy
- 1861 Ringo, Daniel (D. Ark.): Loyalty to the Confederacy
- 1861 Scarborough, George Parker (Ct. Cl.): Loyalty to the Confederacy
- 1862 McAllister, Matthew Hall (Cal. Cir.): Age/Health
- 1862 Humphreys, West H. (D. Tenn.): Impeachment and Conviction
- 1863 Marvin, William (S.D. Fla.): Age/Health
- 1864 Hughes, James (Ct. Cl.): Dissatisfaction with Office
- 1865 Sprague, Peleg (D. Mass.): Age/Health
- 1865 Dick, Robert Paine (D.N.C.): Loyalty to the Confederacy
- 1866 Ware, Ashur (D. Me.): Age/Health
- 1867 Betts, Samuel Rossiter (S.D.N.Y.): Age/Health
- 1869 Boynton, Thomas J. (S.D. Fla.): Age/Health
- 1869 Bullock, Jonathan Russell (D.R.I.): Age/Health
- 1869 Wilkins, Ross (D. Mich.): Age/Health

1870-1879

- 1870 Casey, Joseph (Ct. Cl.): Age/Health
 1870 Fisher, George Purnell (D.D.C.): Appointment to Other Office
 1870 Grier, Robert Cooper (Supreme Court): Age/Health
 1870 Watrous, John Charles (D. Tex.): Age/Health
 1871 Hall, Willard (D. Del.): Retired
 1871 Leavitt, Humphrey Howe (D. Ohio): Retired
 1872 Nelson, Samuel (Supreme Court): Retired
 1873 Delahay, Mark W. (D. Kan.): Impeached - Not Convicted
 1873 Sherman, Charles Taylor (N.D. Ohio): Allegations of Misbehavior
 1873 Shipman, William Davis (D. Conn.): Inadequate Salary
 1874 Busted, Richard (M.D. Ala.): Allegations of Misbehavior
 1874 Durrell, Edward Henry (E.D. La.): Allegations of Misbehavior
 1875 Howe, James Henry (E.D. Wis.): Dissatisfaction with Office
 1875 Story, William (W.D. Ark.): Allegations of Misbehavior
 1876 McCandless, Wilson (W.D. Pa.): Disability
 1877 Davis, David (Supreme Court): Elected Office
 1877 Loring, Edward Greely (Ct. Cl.): Retired
 1877 Smalley, David Allen (D. Vt.): Age/Health
 1878 Peck, Ebenezer (Ct. Cl.): Retired
 1879 Dillon, John Forrest (8th Cir.): Inadequate Salary
 1879 Olin, Abram Baldwin (D.D.C.): Retired

1880-1889

- 1880 Strong, William (Supreme Court): Retired
 1881 Davis, John C. B. (Ct. Cl.): Appointment to Other Office
 1881 Hunt, William Henry (Ct. Cl.): Appointment to Other Office
 1881 Knowles, John Power (D.R.I.): Retired
 1882 Hunt, Ward (Supreme Court): Retired
 1883 Davis, John C.B. (Ct. Cl.): Other Employment
 1883 Erskine, John (D. Ga.): Retired
 1883 Gresham, Walter Quintin (D. Ind.): Appointment to Other Office
 1883 Morrill, Amos (E.D. Tex.): Age/Health
 1884 Drummond, Thomas (7th Cir.): Retired
 1884 Lowell, John (1st Cir.): Returned to Private Practice
 1884 McCrary, George W. (8th Cir.): Inadequate Salary
 1885 Drake, Charles Daniel (Ct. Cl.): Retired
 1885 Wylie, Andrew (D.D.C.): Retired
 1886 Bryan, George Seabrook (D.S.C.): Retired
 1887 MacArthur, Arthur (D.D.C.): Retired
 1887 Treat, Samuel (E.D. Mo.): Retired
 1888 Dyer, Charles E. (E.D. Wis.): Other Employment
 1888 Krekel, Arnold (W.D. Mo.): Age/Health

1890-1899

- 1891 Hill, Robert Andrews (D. Miss.): Retired
 1891 McKennan, William (3d Cir.): Retired
 1891 Scofield, Glenni William (Ct. Cl.): Retired
 1892 Blodgett, Henry (N.D. Ill.): Appointment to Other Office
 1892 Montgomery, Martin V. (D.D.C.): Returned to Private Practice
 1892 Reed, James Hay (W.D. Pa.): Returned to Private Practice
 1893 Gresham, Walter Quintin (7th Cir.): Appointment to Other Office
 1895 Priest, Henry Samuel (E.D. Mo.): Returned to Private Practice
 1897 Benedict, Charles Linnaeus (E.D.N.Y.): Retired
 1897 Field, Stephen Johnson (Supreme Court): Retired
 1898 Dick, Robert Paine (W.D.N.C.): Age/Health
 1898 Hughes, Robert William (E.D. Va.): Retired
 1899 Butler, William (E.D. Pa.): Retired
 1899 Cox, Walter Smith (D.D.C.): Retired
 1899 Foster, Cassius G. (D. Kan.): Age/Health
 1899 McComas, Louis Emory (D.D.C.): Elected Office

1900-1909

- 1900 Taft, William Howard (6th Cir.): Appointment to Other Office
 1902 Shipman, Nathaniel (2d Cir.): Retired
 1902 Webb, Nathan (D. Me.): Retired
 1903 Caldwell, Henry Clay (8th Cir.): Retired
 1903 Hagner, Alexander B. (D.D.C.): Retired
 1903 Shiras, George (Supreme Court): Retired
 1903 Shiras, Oliver Perry (N.D. Iowa): Retired
 1904 Alvey, Richard Henry (D.C. Cir.): Retired
 1904 Wing, Francis Joseph (N.D. Ohio): Returned to Private Practice
 1905 Bunn, Romanzo (W.D. Wis.): Retired
 1905 Jackson, John Jay (W.D. Va.): Retired
 1905 Jenkins, James Graham (7th Cir.): Retired
 1905 Morris, Martin Ferdinand (D.C. Cir.): Retired
 1905 Nott, Charles Cooper (Ct. Cl.): Retired
 1906 Brown, Henry Billings (Supreme Court): Retired
 1906 Duell, Charles Holland (D.C. Cir.): Returned to Private Practice
 1906 Hallett, Moses (D. Colo.): Retired
 1906 Hawley, Thomas Porter (D. Nev.): Retired
 1906 Wheeler, Hoyt Henry (D. Vt.): Retired
 1907 Finkelnburg, Gustavus A. (E.D. Mo.): Age/Health
 1907 Wallace, William James (N.D.N.Y.): Retired
 1908 Ewing, Nathaniel (W.D. Pa.): Other Employment
 1908 Lochren, William (D. Minn.): Retired
 1909 Dallas, George Mifflin (3d Cir.): Retired

1910-1919

- 1910 Moody, William H. (Supreme Court): Age/Health
 1910 Saunders, Eugene Davis (E.D. La.): Inadequate Salary
 1911 Brawley, William Hiram (D.S.C.): Retired
 1911 Grosscup, Peter Stenger (7th Cir.): Allegations of Misbehavior
 1911 Rasch, Carl L. (D. Mont.): Dissatisfaction with Office
 1912 Angell, Alexis Caswell (E.D. Mich.): Returned to Private Practice
 1912 Donworth, George (W.D. Wash.): Returned to Private Practice
 1912 Hanford, Cornelius H. (W.D. Wash.): Allegations of Misbehavior
 1912 Locke, James William (S.D. Fla.): Retired
 1913 Archbald, Robert W. (3d Cir.): Impeachment and Conviction
 1913 Colt, LeBaron B. (1st Cir.): Elected Office
 1913 Goff, Nathan (4th Cir.): Elected Office
 1913 Noyes, Walter (2d Cir.): Inadequate Salary
 1913 Peelle, Stanton Judkins (Ct. Cl.): Retired
 1914 Day, William L. (N.D. Ohio): Inadequate Salary
 1914 Holt, George Chandler (S.D.N.Y.): Retired
 1914 Wright, Daniel Thew (D.D.C.): Allegations of Misbehavior
 1915 Howry, Charles Bowen (Ct. Cl.): Retired
 1915 Marshall, John Augustine (D. Utah): Allegations of Misbehavior
 1916 Atkinson, George Wesley (Ct. Cl.): Retired
 1916 Hughes, Charles Evans (Supreme Court): Sought Elected Office - Defeated
 1917 Coxe, Alfred Conkling (2d Cir.): Retired
 1917 Putnam, William LeBaron (1st Cir.): Retired
 1917 Veeder, Van Vechten (E.D.N.Y.): Returned to Private Practice
 1918 Bradford, Edward Green (D. Del.): Retired
 1918 Campbell, Ralph (E.D. Okla.): Other Employment
 1918 Covington, James Harry (D.D.C.): Returned to Private Practice
 1918 Dodge, Frederic (1st Cir.): Retired
 1918 Dyer, David Patterson (E.D. Mo.): Retired
 1919 Batts, Robert L. (5th Cir.): Other Employment

1920-1929

- 1920 Haight, Thomas Griffith (3d Cir.): Returned to Private Practice
 1922 Clarke, John Hessin (Supreme Court): Dissatisfaction with Office
 1922 De Vries, Marion (Ct. Cust. App.): Returned to Private Practice
 1922 Landis, Kenesaw M. (N.D. Ill.): Allegations of Misbehavior
 1922 Pitney, Mahlon (Supreme Court): Age/Health
 1923 Peck, John Weld (S.D. Ohio): Returned to Private Practice
 1924 Mayer, Julius (2d Cir.): Dissatisfaction with Office
 1925 Bledsoe, Benjamin F. (S.D. Cal.): Sought Elected Office - Defeated
 1925 Garvin, Edwin Lewis (E.D.N.Y.): Inadequate Salary
 1925 King, Alexander C. (5th Cir.): Age/Health
 1925 Lynch, Charles Francis (D.N.J.): Inadequate Salary
 1925 McKenna, Joseph (Supreme Court): Retired
 1926 English, George W. (E.D. Ill.): Impeached - Not Convicted
 1927 Hoehling, Adolph A. (D.D.C.): Returned to Private Practice
 1929 Bodine, Joseph Lamb (D.N.J.): Appointment to Other Office
 1929 Henning, Edward J. (S.D. Cal.): Returned to Private Practice
 1929 McCarthy, James William (D.N.J.): Age/Health
 1929 Winslow, Francis Asbury (S.D.N.Y.): Allegations of Misbehavior

1930-1939

- 1930 Burrows, Warren Booth (D. Conn.): Elected Office
 1930 Morris, Hugh Martin (D. Del.): Returned to Private Practice
 1930 Thacher, Thomas Day (S.D.N.Y.): Appointment to Other Office
 1931 Denison, Arthur (6th Cir.): Returned to Private Practice
 1933 Carpenter, George Albert (N.D. Ill.): Returned to Private Practice
 1934 Bourquin, George M. (D. Mont.): Sought Elected Office - Defeated
 1935 Dawson, Charles I. (W.D. Ky.): Returned to Private Practice
 1935 Letts, Ira Lloyd (D.R.I.): Returned to Private Practice
 1936 Rippey, Harlan Watson (W.D.N.Y.): Appointment to Other Office
 1936 Ritter, Halsted L. (S.D. Fla.): Impeachment and Conviction
 1938 Buffington, Joseph (3d Cir.): Allegations of Misbehavior
 1939 Manton, Martin Thomas (2d Cir.): Allegations of Misbehavior
 1939 Thomas, Edwin Stark (D. Conn.): Allegations of Misbehavior

1940-1949

- 1940 Biddle, Francis (3d Cir.): Appointment to Other Office
- 1940 Howe, Harland Bradley (D. Vt.): Disability
- 1940 Kennamer, Franklin E. (N.D. Okla.): Age/Health
- 1940 Patterson, Robert (2d Cir.): Appointment to Other Office
- 1941 Lumpkin, Alva Moore (E.D.S.C. & W.D.S.C.): Elected Office
- 1941 McLellan, Hugh Dean (D. Mass.): Returned to Private Practice
- 1942 Byrnes, James Francis (Supreme Court): Appointment to Other Office
- 1942 Clark, William (3d Cir.): Military Service
- 1942 Walker, Thomas G. (D.N.J.): Other Employment
- 1943 Vinson, Fred Moore (D.C. Cir.): Appointment to Other Office
- 1944 Jones, Charles Alvin (3d Cir.): Appointment to Other Office
- 1945 Johnson, Albert Williams (M.D. Pa.): Allegations of Misbehavior
- 1945 Schwellenbach, Lewis Baxter (E.D. Wash.): Appointment to Other Office
- 1946 Adkins, Jesse Corcoran (D.D.C.): Disability
- 1947 Pollard, Robert N. (E.D. Va.): Age/Health?
- 1948 Kampf, Edward S. (N.D.N.Y.): Age/Health

1950-1959

- 1950 Mahoney, John C. (1st Cir.): Age/Health
- 1950 Rifkind, Simon Hirsch (S.D.N.Y.): Inadequate Salary
- 1952 Bard, Guy Kurtz (E.D. Pa.): Sought Elected Office - Defeated
- 1952 Kennedy, Harold Maurice (E.D.N.Y.): Inadequate Salary
- 1952 Leavy, Charles H. (W.D. Wash.): Disability
- 1952 McGranery, James Patrick (E.D. Pa.): Appointment to Other Office
- 1953 Howell, George Evan (Ct. Cl.): Appointment to Other Office
- 1953 Mullins, Clarence H. (N.D. Ala.): Disability
- 1955 Kaufman, Samuel Hamilton (S.D.N.Y.): Age/Health
- 1957 Walsh, Lawrence E. (S.D.N.Y.): Appointment to Other Office

1960-1969

- 1961 Savage, Royce H. (N.D. Okla.): Other Employment
- 1962 Whittaker, Charles Evans (Supreme Court): Age/Health
- 1963 Preyer, Lunsford R. (M.D.N.C.): Sought Elected Office - Defeated
- 1965 Goldberg, Arthur J. (Supreme Court): Appointment to Other Office
- 1967 Lane, Arthur Stephen (D.N.J.): Other Employment
- 1967 Michie, Thomas Johnson (W.D. Va.): Disability
- 1969 Fortas, Abe (Supreme Court): Allegations of Misbehavior

1970-1979

- 1970 Carswell, George H. (5th Cir.): Sought Elected Office - Defeated
- 1970 Combs, Bertram Thomas (6th Cir.): Returned to Private Practice
- 1973 Masterson, Thomas (E.D. Pa.): Inadequate Salary
- 1974 Bauman, Arnold (S.D.N.Y.): Inadequate Salary
- 1974 Kerner, Otto (7th Cir.): Allegations of Misbehavior
- 1974 Middlebrooks, David Lycurgus (N.D. Fla.): Dissatisfaction with Office
- 1974 Smith, Sidney Oslin (N.D. Ga.): Inadequate Salary
- 1974 Travia, Anthony John (E.D.N.Y.): Dissatisfaction with Office
- 1975 Tyler, Harold R. (S.D.N.Y.): Appointment to Other Office
- 1976 Bell, Griffin Boyette (5th Cir.): Returned to Private Practice
- 1976 Comiskey, James August (E.D. La.): Other Employment
- 1976 Scalera, Ralph Francis (W.D. Pa.): Returned to Private Practice
- 1977 McCree, Wade H. (6th Cir.): Appointment to Other Office
- 1978 Fogel, Herbert Allen (E.D. Pa.): Allegations of Misbehavior
- 1978 Frankel, Marvin E. (S.D.N.Y.): Dissatisfaction with Office
- 1978 Morris, Joseph Wilson (E.D. Okla.): Other Employment
- 1978 Webster, William H. (8th Cir.): Appointment to Other Office
- 1979 Cowan, Finis E. (S.D. Tex.): Returned to Private Practice
- 1979 Hufstедler, Shirley M. (9th Cir.): Appointment to Other Office

1980-1989

- 1980 Mitchell, George J. (D. Me.): Appointment to Other Office
1980 Renfrew, Charles B. (N.D. Cal.): Appointment to Other Office
1980 Tone, Phillip W. (7th Cir.): Dissatisfaction with Office
1981 Crowley, John Powers (N.D. Ill.): Returned to Private Practice
1981 Hermansdorfer, Howard David (E.D. Ky.): Returned to Private Practice
1981 Mulligan, William H. (2d Cir.): Inadequate Salary
1982 Jones, Shirley Brannock (D. Md.): Returned to Private Life
1982 McFadden, Frank H. (N.D. Ala.): Inadequate Salary
1983 Boyle, Patricia J. (E.D. Mich.): Appointment to Other Office
1983 Higby, Lynn C. (N.D. Fla.): Inadequate Salary
1983 Meanor, H. Curtis (D.N. J.): Returned to Private Practice
1984 Lucas, Malcolm M. (C.D. Cal.): Appointment to Other Office
1984 O'Connor, Robert (S.D. Tex.): Returned to Private Practice
1984 Shannon, Fred (W.D. Tex.): Returned to Private Practice
1985 Duncan, Robert M. (S.D. Ohio): Returned to Private Practice
1985 Reed, John A. (M.D. Fla.): Returned to Private Practice
1985 Sofaer, Abraham (S.D.N.Y.): Appointment to Other Office
1986 Claiborne, Harry (D. Nev.): Impeachment and Conviction
1986 Miller, James R. (D. Md.): Age/Health
1986 Sneed, Emory M. (4th Cir.): Inadequate Salary
1987 Getzendanner, Susan (N.D. Ill.): Returned to Private Practice
1987 Sessions, William S. (W.D. Tex.): Appointment to Other Office
1987 Stern, Herbert J. (D.N.J.): Returned to Private Practice
1988 Bork, Robert H. (D.C. Cir.): Dissatisfaction with Office
1988 McDonald, Gabrielle K. (S.D. Tex.): Dissatisfaction with Office
1989 Hastings, Alcee Lamar (S.D. Fla.): Impeachment and Conviction
1989 McQuade, Richard B., Jr. (N.D. Ohio): Other Employment
1989 Nixon, Walter Louis (S.D. Miss.): Impeachment and Conviction
1989 Ramirez, Raul A. (E.D. Cal.): Inadequate Salary
1989 Starr, Kenneth W. (D.C. Cir.): Appointment to Other Office

1990-1999

- 1990 Bonner, Robert C. (C.D. Cal.): Appointment to Other Office
1990 Irving, J. Lawrence (S.D. Cal.): Dissatisfaction with Office
1990 Scott, Thomas E. (S.D. Fla.): Returned to Private Practice
1991 Phillips, Layn R. (W.D. Okla.): Inadequate Salary
1992 Boudin, Michael (D.D.C.): Dissatisfaction with Office

Index 2: Resignations by reason

Age/Health

1793 Johnson, Thomas (Supreme Court)
1794 Duane, James (D.N.Y.)
1796 Blair, John (Supreme Court)
1800 Ellsworth, Oliver (Supreme Court)
1804 Moore, Alfred (Supreme Court)
1818 Sewall, David (D. Me.)
1825 Tucker, St. George (D. Va.)
1833 Mcnairy, John (D. Tenn.)
1835 Duvall, Gabriel (Supreme Court)
1836 Glenn, Elias (D. Md.)
1841 Davis, John A. (D. Mass.)
1842 Paine, Elijah (D. Vt.)
1862 McAllister, Matthew Hall (Cal. Cir.)
1863 Marvin, William (S.D. Fla.)
1865 Sprague, Peleg (D. Mass.)
1866 Ware, Ashur (D. Me.)
1867 Betts, Samuel Rossiter (S.D.N.Y.)
1869 Boynton, Thomas J. (S.D. Fla.)
1869 Bullock, Jonathan Russell (D.R.I.)
1869 Wilkins, Ross (D. Mich.)
1870 Casey, Joseph (Ct. Cl.)
1870 Grier, Robert Cooper (Supreme Court)
1870 Watrous, John Charles (D. Tex.)
1877 Smalley, David Allen (D. Vt.)
1883 Morrill, Amos (E.D. Tex.)
1888 Krekel, Arnold (W.D. Mo.)
1898 Dick, Robert Paine (W.D.N.C.)
1899 Foster, Cassius G. (D. Kan.)
1907 Finkelnburg, Gustavus A. (E.D. Mo.)
1910 Moody, William H. (Supreme Court)
1922 Pitney, Mahlon (Supreme Court)
1925 King, Alexander C. (5th Cir.)
1929 McCarthy, James William (D.N.J.)
1940 Kennamer, Franklin E. (N.D. Okla.)
1947 Pollard, Robert N. (E.D. Va.)
1948 Kampf, Edward S. (N.D.N.Y.)
1950 Mahoney, John C. (1st Cir.)
1955 Kaufman, Samuel Hamilton (S.D.N.Y.)
1962 Whittaker, Charles Evans (Supreme Court)
1986 Miller, James R. (D. Md.)

Allegations of Misbehavior

1818 Stephens, William (D. Ga.)
1819 Tallmadge, Matthias Burnett (D.N.Y.)
1859 Irwin, Thomas (W.D. Pa.)
1873 Sherman, Charles Taylor (N.D. Ohio)
1874 Busted, Richard (M.D. Ala.)
1874 Durrell, Edward Henry (E.L. La.)
1875 Story, William (W.D. Ark.)
1911 Grosscup, Peter Stenger (7th Cir.)
1912 Hanford, Cornelius H. (W.D. Wash.)
1914 Wright, Daniel Thew (D.D.C.)
1915 Marshall, John Augustine (D. Utah)
1922 Landis, Kenesaw M. (N.D. Ill.)
1929 Winslow, Francis Asbury (S.D.N.Y.)
1938 Buffington, Joseph (3d Cir.)
1939 Manton, Martin Thomas (2d Cir.)
1939 Thomas, Edwin Stark (D. Conn.)
1945 Johnson, Albert Williams (M.D. Pa.)
1969 Fortas, Abe (Supreme Court)
1974 Kerner, Otto (7th Cir.)
1978 Fogel, Herbert Allen (E.D. Pa.)

Appointment to Other Office

1791 Rutledge, John (Supreme Court)
1806 Kilty, William (D.C. Cir.)
1836 Ellis, Powhatan (D. Miss.)
1844 Mason, John Young (E.D. Va.)
1852 Conkling, Alfred (N.D.N.Y.)
1870 Fisher, George Purnell (D.D.C.)
1881 Davis, John C. B. (Ct. Cl.)
1881 Hunt, William Henry (Ct. Cl.)
1883 Gresham, Walter Quintin (D. Ind.)
1892 Blodgett, Henry (N.D. Ill.)
1893 Gresham, Walter Quintin (7th Cir.)
1900 Taft, William Howard (6th Cir.)
1929 Bodine, Joseph Lamb (D.N.J.)
1930 Thacher, Thomas Day (S.D.N.Y.)
1936 Rippey, Harlan Watson (W.D.N.Y.)
1940 Biddle, Francis (3d Cir.)
1940 Patterson, Robert (2d Cir.)
1942 Byrnes, James Francis (Supreme Court)
1943 Vinson, Fred Moore (D.C. Cir.)
1944 Jones, Charles Alvin (3d Cir.)
1945 Schwollenbach, Lewis Baxter (E.D. Wash.)
1952 McGranery, James Patrick (E.D. Pa.)
1953 Howell, George Evan (Ct. Cl.)
1957 Walsh, Lawrence E. (S.D.N.Y.)
1965 Goldberg, Arthur J. (Supreme Court)
1975 Tyler, Harold R. (S.D.N.Y.)
1977 McCree, Wade H. (6th Cir.)
1978 Webster, William H. (8th Cir.)
1979 Hufstедler, Shirley M. (9th Cir.)
1980 Mitchell, George J. (D. Me.)
1980 Renfrew, Charles B. (N.D. Cal.)
1983 Boyle, Patricia J. (E.D. Mich.)
1984 Lucas, Malcolm M. (C.D. Cal.)
1985 Sofaer, Abraham (S.D.N.Y.)
1987 Sessions, William S. (W.D. Tex.)
1989 Starr, Kenneth W. (D.C. Cir.)
1990 Bonner, Robert C. (C.D. Cal.)

Disability

1876 McCandless, Wilson (W.D. Pa.)
1940 Howe, Harland Bradley (D. Vt.)
1946 Adkins, Jesse Corcoran (D.D.C.)
1952 Leavy, Charles H. (W.D. Wash.)
1953 Mullins, Clarence H. (N.D. Ala.)
1967 Michie, Thomas Johnson (W.D. Va.)

Dissatisfaction with Office

1838 Adams, George (D. Miss.)
1857 Curtis, Benjamin R. (Supreme Court)
1864 Hughes, James (Ct. Cl.)
1875 Howe, James Henry (E.D. Wis.)
1911 Rasch, Carl L. (D. Mont.)
1922 Clarke, John Hessin (Supreme Court)
1924 Mayer, Julius (2d Cir.)
1974 Middlebrooks, David Lycurgus (N.D. Fla.)
1974 Travia, Anthony John (E.D.N.Y.)
1978 Frankel, Marvin E. (S.D.N.Y.)
1980 Tone, Phillip W. (7th Cir.)
1988 Bork, Robert H. (D.C. Cir.)
1988 McDonald, Gabrielle K. (S.D. Tex.)
1990 Irving, J. Lawrence (S.D. Cal.)
1992 Boudin, Michael (D.D.C.)

Elected Office

1795 Jay, John (Supreme Court)
1796 Laurance, John (D.N.Y.)
1821 Davies, William (D. Ga.)
1822 Parris, Albion Keith (D. Me.)
1824 Dick, John McClintock (D. La.)
1831 Wilkins, William (W.D. Pa.)
1845 Pennybacker, Isaac Samuels (W.D. Va.)
1877 Davis, David (Supreme Court)
1899 McComas, Louis Emory (D.D.C.)
1913 Colt, LeBaron B. (1st Cir.)
1913 Goff, Nathan (4th Cir.)
1930 Burrows, Warren Booth (D. Conn.)
1941 Lumpkin, Alva Moore (E.D.S.C. & W.D.S.C.)

Impeachment and Conviction

1804 Pickering, John (D.N.H.)
1862 Humphreys, West H. (D. Tenn.)
1913 Archbald, Robert W. (3d Cir.)
1936 Ritter, Halsted L. (S.D. Fla.)
1986 Claiborne, Harry (D. Nev.)
1989 Hastings, Alcee Lamar (S.D. Fla.)
1989 Nixon, Walter Louis (S.D. Miss.)

Impeached - Not Convicted

1873 Delahay, Mark W. (D. Kan.)
1926 English, George W. (E.D. Ill.)

Inadequate Salary

- 1796 Pendleton, Nathaniel (D. Ga.)
- 1813 Hall, Dominic A. (D. La.)
- 1873 Shipman, William Davis (D. Conn.)
- 1879 Dillon, John Forrest (8th Cir.)
- 1884 McCrary, George W. (8th Cir.)
- 1910 Saunders, Eugene Davis (E.D. La.)
- 1913 Noyes, Walter (2d Cir.)
- 1914 Day, William L. (N.D. Ohio)
- 1925 Garvin, Edwin Lewis (E.D.N.Y.)
- 1925 Lynch, Charles Francis (D.N.J.)
- 1950 Rifkind, Simon Hirsch (S.D.N.Y.)
- 1952 Kennedy, Harold Maurice (E.D.N.Y.)
- 1973 Masterson, Thomas (E.D. Pa.)
- 1974 Bauman, Arnold (S.D.N.Y.)
- 1974 Smith, Sidney Oslin (N.D. Ga.)
- 1981 Mulligan, William H. (2d Cir.)
- 1982 McFadden, Frank H. (N.D. Ala.)
- 1983 Higby, Lynn C. (N.D. Fla.)
- 1986 Sneed, Emory M. (4th Cir.)
- 1989 Ramirez, Raul A. (E.D. Cal.)
- 1991 Phillips, Layn R. (W.D. Okla.)

Loyalty to the Confederacy

- 1860 Magrath, Andrew Gordon (D.S.C.)
- 1861 Biggs, Asa (D.N.C.)
- 1861 Boyce, Henry (W.D. La.)
- 1861 Brockenbrough, John White (W.D. Va.)
- 1861 Campbell, John Archibald (Supreme Court)
- 1861 Gholson, Samuel J. (D. Miss.)
- 1861 Halyburton, James Dandridge (E.D. Va.)
- 1861 Jones, William Giles (D. Ala.)
- 1861 McCaleb, Theodore H. (D. La.)
- 1861 McIntosh, McQueen (N.D. Fla.)
- 1861 Monroe, Thomas Bell (D. Ky.)
- 1861 Nicoll, John C. (D. Ga.)
- 1861 Ringo, Daniel (D. Ark.)
- 1861 Scarburgh, George Parker (Ct. Cl.)
- 1865 Dick, Robert Paine (D.N.C.)

Military Service

- 1942 Clark, William (3d Cir.)

Other Employment

- 1824 Bland, Theodric (D. Md.)
- 1826 Tait, Charles (D. Ala.)
- 1883 Davis, John C. B. (Ct. Cl.)
- 1888 Dyer, Charles E. (E.D. Wis.)
- 1908 Ewing, Nathaniel (W.D. Pa.)
- 1918 Campbell, Ralph (E.D. Okla.)
- 1919 Batts, Robert L. (5th Cir.)
- 1942 Walker, Thomas G. (D.N.J.)
- 1961 Savage, Royce H. (N.D. Okla.)
- 1967 Lane, Arthur Stephen (D.N.J.)
- 1976 Comiskey, James August (E.D. La.)
- 1978 Morris, Joseph Wilson (E.D. Okla.)
- 1989 McQuade, Richard B., Jr. (N.D. Ohio)

Relinquished Court to His Brother

- 1841 Dickerson, Mahlon (D. N.J.)

Retired

- 1871 Hall, Willard (D. Del.)
- 1871 Leavitt, Humphrey Howe (D. Ohio)
- 1872 Nelson, Samuel (Supreme Court)
- 1877 Loring, Edward Greely (Ct. Cl.)
- 1878 Peck, Ebenezer (Ct. Cl.)
- 1879 Olin, Abram Baldwin (D.D.C.)
- 1880 Strong, William (Supreme Court)
- 1881 Knowles, John Power (D.R.I.)
- 1882 Hunt, Ward (Supreme Court)
- 1883 Erskine, John (D. Ga.)
- 1884 Drummond, Thomas (7th Cir.)
- 1885 Drake, Charles Daniel (Ct. Cl.)
- 1885 Wylie, Andrew (D.D.C.)
- 1886 Bryan, George Scabrook (D.S.C.)
- 1887 MacArthur, Arthur (D.D.C.)
- 1887 Treat, Samuel (E.D. Mo.)
- 1891 Hill, Robert Andrews (D. Miss.)
- 1891 Scofield, Glenni William (Ct. Cl.)
- 1891 McKennan, William (3d Cir.)
- 1897 Field, Stephen Johnson (Supreme Court)
- 1897 Benedict, Charles Linnaeus (E.D.N.Y.)
- 1898 Hughes, Robert William (E.D. Va.)
- 1899 Butler, William (E.D. Pa.)
- 1899 Cox, Walter Smith (D.D.C.)
- 1902 Shipman, Nathaniel (2d Cir.)
- 1902 Webb, Nathan (D. Me.)
- 1903 Hagner, Alexander B. (D.D.C.)
- 1903 Shiras, Oliver Perry (N.D. Iowa)
- 1903 Caldwell, Henry Clay (8th Cir.)
- 1903 Shiras, George (Supreme Court)
- 1904 Alvey, Richard Henry (D.C. Cir.)
- 1905 Bunn, Romanzo (W.D. Wis.)
- 1905 Jackson, John Jay (W.D. Va.)
- 1905 Morris, Martin Ferdinand (D.C. Cir.)
- 1905 Nott, Charles Cooper (Ct. Cl.)
- 1905 Jenkins, James Graham (7th Cir.)
- 1906 Hallett, Moses (D. Colo.)
- 1906 Hawley, Thomas Porter (D. Nev.)
- 1906 Brown, Henry Billings (Supreme Court)
- 1906 Wheeler, Hoyt Henry (D. Vt.)
- 1907 Wallace, William James (N.D.N.Y.)
- 1908 Lochren, William (D. Minn.)
- 1909 Dallas, George Mifflin (3d Cir.)
- 1911 Brawley, William Hiram (D.S.C.)
- 1912 Locke, James William (S.D. Fla.)
- 1913 Peelle, Stanton Judkins (Ct. Cl.)
- 1914 Holt, George Chandler (S.D.N.Y.)
- 1915 Howry, Charles Bowen (Ct. Cl.)
- 1916 Atkinson, George Wesley (Ct. Cl.)
- 1917 Coxe, Alfred Conkling (2d Cir.)
- 1917 Putnam, William LeBaron (1st Cir.)
- 1918 Dyer, David Patterson (E.D. Mo.)
- 1918 Dodge, Frederic (1st Cir.)
- 1918 Bradford, Edward Green (D. Del.)
- 1925 McKenna, Joseph (Supreme Court)

Returned to Private Life

1982 Jones, Shirley Brannock (D. Md.)

Returned to Private Practice

1792 Lewis, William (E.D. Pa.)
1793 Chipman, Nathaniel (D. Vt.)
1798 Troup, Robert (S.D.N.Y.)
1884 Lowell, John (1st Cir.)
1892 Montgomery, Martin V. (D.D.C.)
1892 Reed, James Hay (W.D. Pa.)
1895 Priest, Henry Samuel (E.D. Mo.)
1904 Wing, Francis Joseph (N.D. Ohio)
1906 Duell, Charles Holland (D.C. Cir.)
1912 Angell, Alexis Caswell (E.D. Mich.)
1912 Donworth, George (W.D. Wash.)
1917 Veeder, Van Vechten (E.D.N.Y.)
1918 Covington, James Harry (D.D.C.)
1920 Haight, Thomas Griffith (3d Cir.)
1922 De Vries, Marion (Ct. Cust. App.)
1923 Peck, John Weld (S.D. Ohio)
1927 Hoehling, Adolph A. (D.D.C.)
1929 Henning, Edward J. (S.D. Cal.)
1930 Morris, Hugh Martin (D. Del.)
1931 Denison, Arthur (6th Cir.)
1933 Carpenter, George Albert (N.D. Ill.)
1935 Dawson, Charles I. (W.D. Ky.)
1935 Letts, Ira Lloyd (D.R.I.)
1941 McLellan, Hugh Dean (D. Mass.)
1970 Combs, Bertram Thomas (6th Cir.)
1976 Bell, Griffin Boyette (5th Cir.)
1976 Scalera, Ralph Francis (W.D. Pa.)
1979 Cowan, Finis E. (S.D. Tex.)
1981 Crowley, John Powers (N.D. Ill.)
1981 Hermansdorfer, Howard David (E.D. Ky.)
1983 Meanor, H. Curtis (D.N.J.)
1984 O'Connor, Robert (S.D. Tex.)
1984 Shannon, Fred (W.D. Tex.)
1985 Duncan, Robert M. (S.D. Ohio)
1985 Reed, John A. (M.D. Fla.)
1987 Getzendanner, Susan (N.D. Ill.)
1987 Stern, Herbert J. (D.N.J.)
1990 Scott, Thomas E. (S.D. Fla.)

Sought Elected Office - Defeated

1916 Hughes, Charles Evans (Supreme Court)
1925 Bledsoe, Benjamin F. (S.D. Cal.)
1934 Bourquin, George M. (D. Mont.)
1952 Bard, Guy Kurtz (E.D. Pa.)
1963 Preyer, Lunsford R. (M.D.N.C.)
1970 Carswell, George H. (5th Cir.)

Index 3: Resignations by reason and decade

1790-1799

Age/Health - 1793 - Johnson, Thomas (Supreme Court)
Age/Health - 1794 - Duane, James (D.N.Y.)
Age/Health - 1796 - Blair, John (Supreme Court)
Appointment to Other Office - 1791 - Rutledge, John
(Supreme Court)
Elected Office - 1795 - Jay, John (Supreme Court)
Elected Office - 1796 - Laurance, John (D.N.Y.)
Inadequate Salary - 1796 - Pendleton, Nathaniel (D. Ga.)
Returned to Private Practice - 1792 - Lewis, William
(E.D. Pa.)
Returned to Private Practice - 1793 - Chipman, Nathaniel
(D. Vt.)
Returned to Private Practice - 1798 - Troup, Robert (S.D.N.Y.)

1800-1809

Age/Health - 1800 - Ellsworth, Oliver (Supreme Court)
Age/Health - 1804 - Moore, Alfred (Supreme Court)
Appointment to Other Office - 1806 - Kilty, William
(D.C. Cir.)
Impeachment and Conviction - 1804 - Pickering, John
(D.N.H.)

1810-1819

Age/Health - 1818 - Sewall, David (D. Me.)
Allegations of Misbehavior - 1818 - Stephens, William (D. Ga.)
Allegations of Misbehavior - 1819 - Tallmadge, Matthias
Burnett (D.N.Y.)
Inadequate Salary - 1813 - Hall, Dominic A. (D. La.)

1820-1829

Age/Health - 1825 - Tucker, St. George (D. Va.)
Elected Office - 1821 - Davies, William (D. Ga.)
Elected Office - 1822 - Parris, Albion Keith (D. Me.)
Elected Office - 1824 - Dick, John McClintock (D. La.)
Other Employment - 1824 - Bland, Theodric (D. Md.)
Other Employment - 1826 - Tait, Charles (D. Ala.)

1830-1839

Age/Health - 1833 - McNairy, John (D. Tenn.)
Age/Health - 1835 - Duvall, Gabriel (Supreme Court)
Age/Health - 1836 - Glenn, Elias (D. Md.)
Appointment to Other Office - 1836 - Ellis, Powhatan
(D. Miss.)
Dissatisfaction with Office - 1838 - Adams, George (D. Miss.)
Elected Office - 1831 - Wilkins, William (W.D. Pa.)

1840-1849

Age/Health - 1841 - Davis, John A. (D. Mass.)
Age/Health - 1842 - Paine, Elijah (D. Vt.)
Appointment to Other Office - 1844 - Mason, John Young
(E.D. Va.)
Elected Office - 1845 - Pennybacker, Isaac Samuels (W.D. Va.)
Relinquished Court to His Brother - 1841 - Dickerson, Mahlon
(D.N.J.)

1850-1859

Allegations of Misbehavior - 1859 - Irwin, Thomas (W.D. Pa.)
Appointment to Other Office - 1852 - Conkling, Alfred
(N.D.N.Y.)
Dissatisfaction with Office - 1857 - Curtis, Benjamin R.
(Supreme Court)

1860-1869

Age/Health - 1866 - Ware, Ashur (D. Me.)
 Age/Health - 1867 - Betts, Samuel Rossiter (S.D.N.Y.)
 Age/Health - 1862 - McAllister, Matthew Hall (Cal. Cir.)
 Age/Health - 1863 - Marvin, William (S.D. Fla.)
 Age/Health - 1869 - Boynton, Thomas J. (S.D. Fla.)
 Age/Health - 1869 - Bullock, Jonathan Russell (D.R.I.)
 Age/Health - 1865 - Sprague, Peleg (D. Mass.)
 Age/Health - 1869 - Wilkins, Ross (D. Mich.)
 Dissatisfaction with Office - 1864 - Hughes, James (Ct. Cl.)
 Impeachment and Conviction - 1862 - Humphreys, West H. (D. Tenn.)
 Loyalty to the Confederacy - 1860 - Magrath, Andrew Gordon (D.S.C.)
 Loyalty to the Confederacy - 1861 - Ringo, Daniel (D. Ark.)
 Loyalty to the Confederacy - 1861 - Boyce, Henry (W.D. La.)
 Loyalty to the Confederacy - 1861 - Jones, William Giles (D. Ala.)
 Loyalty to the Confederacy - 1861 - Gholson, Samuel J. (D. Miss.)
 Loyalty to the Confederacy - 1861 - McIntosh, McQueen (N.D. Fla.)
 Loyalty to the Confederacy - 1861 - Nicoll, John C. (D. Ga.)
 Loyalty to the Confederacy - 1861 - McCaleb, Theodore H. (D. La.)
 Loyalty to the Confederacy - 1861 - Scarburgh, George Parker (Ct. Cl.)
 Loyalty to the Confederacy - 1861 - Halyburton, James Dandridge (E.D. Va.)
 Loyalty to the Confederacy - 1861 - Biggs, Asa (D.N.C.)
 Loyalty to the Confederacy - 1861 - Campbell, John Archibald (Supreme Court)
 Loyalty to the Confederacy - 1861 - Brockenbrough, John White (W.D. Va.)
 Loyalty to the Confederacy - 1861 - Monroe, Thomas Bell (D. Ky.)
 Loyalty to the Confederacy - 1865 - Dick, Robert Paine (D.N.C.)

1870-1879

Age/Health - 1870 - Casey, Joseph (Ct. Cl.)
 Age/Health - 1870 - Grier, Robert Cooper (Supreme Court)
 Age/Health - 1870 - Watrous, John Charles (D. Tex.)
 Age/Health - 1877 - Smalley, David Allen (D. Vt.)
 Allegations of Misbehavior - 1873 - Sherman, Charles Taylor (N.D. Ohio)
 Allegations of Misbehavior - 1874 - Busteed, Richard (M.D. Ala.)
 Allegations of Misbehavior - 1874 - Durrell, Edward Henry (E.D. La.)
 Allegations of Misbehavior - 1875 - Story, William (W.D. Ark.)
 Appointment to Other Office - 1870 - Fisher, George Purnell (D.D.C.)
 Disability - 1876 - McCandless, Wilson (W.D. Pa.)
 Dissatisfaction with Office - 1875 - Howe, James Henry (E.D. Wis.)
 Elected Office - 1877 - Davis, David (Supreme Court)
 Impeached - Not Convicted - 1873 - Delahay, Mark W. (D. Kan.)
 Inadequate Salary - 1873 - Shipman, William Davis (D. Conn.)
 Inadequate Salary - 1879 - Dillon, John Forrest (8th Cir.)
 Retired - 1871 - Hall, Willard (D. Del.)
 Retired - 1871 - Leavitt, Humphrey Howe (D. Ohio)
 Retired - 1872 - Nelson, Samuel (Supreme Court)
 Retired - 1877 - Loring, Edward Greely (Ct. Cl.)
 Retired - 1878 - Peck, Ebenezer (Ct. Cl.)
 Retired - 1879 - Olin, Abram Baldwin (D.D.C.)

1880-1889

Age/Health - 1883 - Morrill, Amos (E.D. Tex.)
 Age/Health - 1888 - Krekel, Arnold (W.D. Mo.)
 Appointment to Other Office - 1881 - Hunt, William Henry (Ct. Cl.)
 Appointment to Other Office - 1881 - Davis, John C. B. (Ct. Cl.)
 Appointment to Other Office - 1883 - Gresham, Walter Quintin (D. Ind.)
 Inadequate Salary - 1884 - McCrary, George W. (8th Cir.)
 Other Employment - 1883 - Davis, John C. B. (Ct. Cl.)
 Other Employment - 1888 - Dyer, Charles E. (E.D. Wis.)
 Retired - 1880 - Strong, William (Supreme Court)
 Retired - 1881 - Knowles, John Power (D.R.I.)
 Retired - 1882 - Hunt, Ward (Supreme Court)
 Retired - 1883 - Erskine, John (D. Ga.)
 Retired - 1884 - Drummond, Thomas (7th Cir.)
 Retired - 1885 - Drake, Charles Daniel (Ct. Cl.)
 Retired - 1885 - Wylie, Andrew (D.D.C.)
 Retired - 1886 - Bryan, George Seabrook (D.S.C.)
 Retired - 1887 - MacArthur, Arthur (D.D.C.)
 Retired - 1887 - Treat, Samuel (E.D. Mo.)
 Returned to Private Practice - 1884 - Lowell, John (1st Cir.)

1890-1899

Age/Health - 1898 - Dick, Robert Paine (W.D.N.C.)
Age/Health - 1899 - Foster, Cassius G. (D. Kan.)
Appointment to Other Office - 1892 - Blodgett, Henry (N.D. Ill.)
Appointment to Other Office - 1893 - Gresham, Walter Quintin (7th Cir.)
Elected Office - 1899 - McComas, Louis Emory (D.D.C.)
Retired - 1891 - Hill, Robert Andrews (D. Miss.)
Retired - 1891 - McKennan, William (3d Cir.)
Retired - 1891 - Scofield, Glenni William (Ct. Cl.)
Retired - 1897 - Benedict, Charles Linnaeus (E.D.N.Y.)
Retired - 1897 - Field, Stephen Johnson (Supreme Court)
Retired - 1898 - Hughes, Robert William (E.D. Va.)
Retired - 1899 - Butler, William (E.D. Pa.)
Retired - 1899 - Cox, Walter Smith (D.D.C.)
Returned to Private Practice - 1892 - Montgomery, Martin V. (D.D.C.)
Returned to Private Practice - 1895 - Priest, Henry Samuel (E.D. Mo.)
Returned to Private Practice - 1892 - Reed, James Hay (W.D. Pa.)

1900-1909

Age/Health - 1907 - Finkelnburg, Gustavus A. (E.D. Mo.)
Appointment to Other Office - 1900 - Taft, William Howard (6th Cir.)
Other Employment - 1908 - Ewing, Nathaniel (W.D. Pa.)
Retired - 1902 - Shipman, Nathaniel (2d Cir.)
Retired - 1902 - Webb, Nathan (D. Me.)
Retired - 1903 - Caldwell, Henry Clay (8th Cir.)
Retired - 1903 - Hagner, Alexander B. (D.D.C.)
Retired - 1903 - Shiras, Oliver Perry (N.D. Iowa)
Retired - 1903 - Shiras, George (Supreme Court)
Retired - 1904 - Alvey, Richard Henry (D.C. Cir.)
Retired - 1905 - Bunn, Romanzo (W.D. Wis.)
Retired - 1905 - Jackson, John Jay (W.D. Va.)
Retired - 1905 - Jenkins, James Graham (7th Cir.)
Retired - 1905 - Morris, Martin Ferdinand (D.C. Cir.)
Retired - 1905 - Nott, Charles Cooper (Ct. Cl.)
Retired - 1906 - Brown, Henry Billings (Supreme Court)
Retired - 1906 - Halletr, Moses (D. Colo.)
Retired - 1906 - Hawley, Thomas Porter (D. Nev.)
Retired - 1906 - Wheeler, Hoyt Henry (D. Vt.)
Retired - 1907 - Wallace, William James (N.D.N.Y.)
Retired - 1908 - Lochren, William (D. Minn.)
Retired - 1909 - Dallas, George Mifflin (3d Cir.)
Returned to Private Practice - 1904 - Wing, Francis Joseph (N.D. Ohio)
Returned to Private Practice - 1906 - Duell, Charles Holland (D.C. Cir.)

1910-1919

Age/Health - 1910 - Moody, William H. (Supreme Court)
Allegations of Misbehavior - 1911 - Grosscup, Peter Stenger (7th Cir.)
Allegations of Misbehavior - 1912 - Hanford, Cornelius H. (W.D. Wash.)
Allegations of Misbehavior - 1914 - Wright, Daniel Thew (D.D.C.)
Allegations of Misbehavior - 1915 - Marshall, John Augustine (D. Utah)
Dissatisfaction with Office - 1911 - Rasch, Carl L. (D. Mont.)
Elected Office - 1913 - Colt, LeBaron B. (1st Cir.)
Elected Office - 1913 - Goff, Nathan (4th Cir.)
Impeachment and Conviction - 1913 - Archbald, Robert W. (3d Cir.)
Inadequate Salary - 1910 - Saunders, Eugene Davis (E.D. La.)
Inadequate Salary - 1913 - Noyes, Walter (2d Cir.)
Inadequate Salary - 1914 - Day, William L. (N.D. Ohio)
Other Employment - 1918 - Campbell, Ralph (E.D. Okla.)
Other Employment - 1919 - Batts, Robert L. (5th Cir.)
Retired - 1911 - Brawley, William Hiram (D.S.C.)
Retired - 1912 - Locke, James William (S.D. Fla.)
Retired - 1913 - Peelle, Stanton Judkins (Ct. Cl.)
Retired - 1914 - Holt, George Chandler (S.D.N.Y.)
Retired - 1915 - Howry, Charles Bowen (Ct. Cl.)
Retired - 1916 - Atkinson, George Wesley (Ct. Cl.)
Retired - 1917 - Coxe, Alfred Conkling (2d Cir.)
Retired - 1917 - Putnam, William LeBaron (1st Cir.)
Retired - 1918 - Bradford, Edward Green (D. Del.)
Retired - 1918 - Dodge, Frederic (1st Cir.)
Retired - 1918 - Dyer, David Patterson (E.D. Mo.)
Returned to Private Practice - 1912 - Donworth, George (W.D. Wash.)
Returned to Private Practice - 1912 - Angell, Alexis Caswell (E.D. Mich.)
Returned to Private Practice - 1917 - Veeder, Van Vechten (E.D.N.Y.)
Returned to Private Practice - 1918 - Covington, James Harry (D.D.C.)
Sought Elected Office - Defeated - 1916 - Hughes, Charles Evans (Supreme Court)

1920-1929

Age/Health - 1922 - Pitney, Mahlon (Supreme Court)
Age/Health - 1925 - King, Alexander C. (5th Cir.)
Age/Health - 1929 - McCarthy, James William (D.N.J.)
Allegations of Misbehavior - 1922 - Landis, Kenesaw M. (N.D. Ill.)
Allegations of Misbehavior - 1929 - Winslow, Francis Asbury (S.D.N.Y.)
Appointment to Other Office - 1929 - Bodine, Joseph Lamb (D.N.J.)
Dissatisfaction with Office - 1922 - Clarke, John Hessin (Supreme Court)
Dissatisfaction with Office - 1924 - Mayer, Julius (2d Cir.)
Impeached - Not Convicted - 1926 - English, George W. (E.D. Ill.)
Inadequate Salary - 1925 - Garvin, Edwin Lewis (E.D.N.Y.)
Inadequate Salary - 1925 - Lynch, Charles Francis (D.N.J.)
Retired - 1925 - McKenna, Joseph (Supreme Court)
Returned to Private Practice - 1920 - Haight, Thomas Griffith (3d Cir.)
Returned to Private Practice - 1922 - De Vries, Marion (Ct. Cust. App.)
Returned to Private Practice - 1923 - Peck, John Weld (S.D. Ohio)
Returned to Private Practice - 1927 - Hoehling, Adolph A. (D.D.C.)
Returned to Private Practice - 1929 - Henning, Edward J. (S.D. Cal.)
Sought Elected Office - Defeated - 1925 - Bledsoe, Benjamin F. (S.D. Cal.)

1930-1939

Allegations of Misbehavior - 1938 - Buffington, Joseph (3d Cir.)
Allegations of Misbehavior - 1939 - Thomas, Edwin Stark (D. Conn.)
Allegations of Misbehavior - 1939 - Manton, Martin Thomas (2d Cir.)
Appointment to Other Office - 1930 - Thacher, Thomas Day (S.D.N.Y.)
Appointment to Other Office - 1936 - Rippey, Harlan Watson (W.D.N.Y.)
Elected Office - 1930 - Burrows, Warren Booth (D. Conn.)
Impeachment and Conviction - 1936 - Ritter, Halsted L. (S.D. Fla.)
Returned to Private Practice - 1930 - Morris, Hugh Martin (D. Del.)
Returned to Private Practice - 1931 - Denison, Arthur (6th Cir.)
Returned to Private Practice - 1933 - Carpenter, George Albert (N.D. Ill.)
Returned to Private Practice - 1935 - Dawson, Charles I. (W.D. Ky.)
Returned to Private Practice - 1935 - Letts, Ira Lloyd (D.R.I.)
Sought Elected Office - Defeated - 1934 - Bourquin, George M. (D. Mont.)

1940-1949

Age/Health - 1940 - Kennamer, Franklin E. (N.D. Okla.)
Age/Health? - 1947 - Pollard, Robert N. (E.D. Va.)
Age/Health - 1948 - Kampf, Edward S. (N.D.N.Y.)
Allegations of Misbehavior - 1945 - Johnson, Albert Williams (M.D. Pa.)
Appointment to Other Office - 1940 - Biddle, Francis (3d Cir.)
Appointment to Other Office - 1940 - Patterson, Robert (2d Cir.)
Appointment to Other Office - 1942 - Byrnes, James Francis (Supreme Court)
Appointment to Other Office - 1943 - Vinson, Fred Moore (D.C. Cir.)
Appointment to Other Office - 1944 - Jones, Charles Alvin (3d Cir.)
Appointment to Other Office - 1945 - Schwellenbach, Lewis Baxter (E.D. Wash.)
Disability - 1940 - Howe, Harland Bradley (D. Vt.)
Disability - 1946 - Adkins, Jesse Corcoran (D.D.C.)
Elected Office - 1941 - Lumpkin, Alva Moore (E.D.S.C. & W.D.S.C.)
Military Service - 1942 - Clark, William (3d Cir.)
Other Employment - 1942 - Walker, Thomas G. (D.N.J.)
Returned to Private Practice - 1941 - McLellan, Hugh Dean (D. Mass.)

1950-1959

Age/Health - 1950 - Mahoney, John C. (1st Cir.)
Age/Health - 1955 - Kaufman, Samuel Hamilton (S.D.N.Y.)
Appointment to Other Office - 1952 - McGranery, James Patrick (E.D. Pa.)
Appointment to Other Office - 1953 - Howell, George Evan (Ct. Cl.)
Appointment to Other Office - 1957 - Walsh, Lawrence E. (S.D.N.Y.)
Disability - 1952 - Leavy, Charles H. (W.D. Wash.)
Disability - 1953 - Mullins, Clarence H. (N.D. Ala.)
Inadequate Salary - 1950 - Rifkind, Simon Hirsch (S.D.N.Y.)
Inadequate Salary - 1952 - Kennedy, Harold Maurice (E.D.N.Y.)
Sought Elected Office - Defeated - 1952 - Bard, Guy Kurtz (E.D. Pa.)

1960-1969

Age/Health - 1962 - Whittaker, Charles Evans (Supreme Court)
Allegations of Misbehavior - 1969 - Fortas, Abe (Supreme Court)
Appointment to Other Office - 1965 - Goldberg, Arthur J. (Supreme Court)
Disability - 1967 - Michie, Thomas Johnson (W.D. Va.)
Other Employment - 1961 - Savage, Royce H. (N.D. Okla.)
Other Employment - 1967 - Lane, Arthur Stephen (D.N.J.)
Sought Elected Office - Defeated - 1963 - Preyer, Lunsford R. (M.D.N.C.)

1970-1979

Allegations of Misbehavior - 1974 - Kerner, Otto (7th Cir.)
Appointment to Other Office - 1975 - Tyler, Harold R.
(S.D.N.Y.)
Allegations of Misbehavior - 1978 - Fogel, Herbert Allen
(E.D. Pa.)
Appointment to Other Office - 1977 - McCree, Wade H.
(6th Cir.)
Appointment to Other Office - 1978 - Webster, William
Hedgcock (8th Cir.)
Appointment to Other Office - 1979 - Hufstедler, Shirley M.
(9th Cir.)
Dissatisfaction with Office - 1974 - Middlebrooks, David
Lycurgus (N.D. Fla.)
Dissatisfaction with Office - 1974 - Travia, Anthony John
(E.D.N.Y.)
Dissatisfaction with Office - 1978 - Frankel, Marvin E.
(S.D.N.Y.)
Inadequate Salary - 1973 - Masterson, Thomas (E.D. Pa.)
Inadequate Salary - 1974 - Smith, Sidney Oslin (N.D. Ga.)
Inadequate Salary - 1974 - Bauman, Arnold (S.D.N.Y.)
Other Employment - 1976 - Comiskey, James August
(E.D. La.)
Other Employment - 1978 - Morris, Joseph Wilson
(E.D. Okla.)
Returned to Private Practice - 1970 - Combs, Bertram Thomas
(6th Cir.)
Returned to Private Practice - 1976 - Bell, Griffin Boyette
(5th Cir.)
Returned to Private Practice - 1976 - Scalera, Ralph Francis
(W.D. Pa.)
Returned to Private Practice - 1979 - Cowan, Finis E.
(S.D. Tex.)
Sought Elected Office - Defeated - 1970 - Carswell, George H.
(5th Cir.)

1980-1989

Age/Health - 1986 - Miller, James R. (D. Md.)
Appointment to Other Office - 1980 - Renfrew, Charles B.
(N.D. Cal.)
Appointment to Other Office - 1980 - Mitchell, George J.
(D. Me.)
Appointment to Other Office - 1983 - Boyle, Patricia J.
(E.D. Mich.)
Appointment to Other Office - 1984 - Lucas, Malcolm M.
(C.D. Cal.)
Appointment to Other Office - 1985 - Sofaer, Abraham
(S.D.N.Y.)
Appointment to Other Office - 1987 - Sessions, William S.
(W.D. Tex.)
Appointment to Other Office - 1989 - Starr, Kenneth W.
(D.C. Cir.)
Dissatisfaction with Office - 1980 - Tone, Phillip W. (7th Cir.)
Dissatisfaction with Office - 1988 - Bork, Robert H.
(D.C. Cir.)
Dissatisfaction with Office - 1988 - McDonald, Gabrielle K.
(S.D. Tex.)
Impeachment and Conviction - 1986 - Claiborne, Harry
(D. Nev.)
Impeachment and Conviction - 1989 - Hastings, Alcee Lamar
(S.D. Fla.)
Impeachment and Conviction - 1989 - Nixon, Walter Louis
(S.D. Miss.)
Inadequate Salary - 1981 - Mulligan, William H. (2d Cir.)
Inadequate Salary - 1982 - McFadden, Frank H. (N.D. Ala.)
Inadequate Salary - 1983 - Higby, Lynn C. (N.D. Fla.)
Inadequate Salary - 1986 - Sneed, Emory M. (4th Cir.)
Inadequate Salary - 1989 - Ramirez, Raul A. (E.D. Cal.)
Other Employment - 1989 - McQuade, Richard B., Jr.
(N.D. Ohio)
Returned to Private Practice - 1981 - Crowley, Jolin Powers
(N.D. Ill.)
Returned to Private Practice - 1981 - Hermansdorfer, Howard
David (E.D. Ky.)
Returned to Private Practice - 1982 - Jones, Shirley Brannock
(D. Md.)
Returned to Private Practice - 1983 - Meanor, H. Curtis
(D.N.J.)
Returned to Private Practice - 1984 - O'Connor, Robert,
(S.D. Tex.)
Returned to Private Practice - 1984 - Shannon, Fred
(W.D. Tex.)
Returned to Private Practice - 1985 - Duncan, Robert M.
(S.D. Ohio)
Returned to Private Practice - 1985 - Reed, John A. (M.D. Fla.)
Returned to Private Practice - 1987 - Getzendanner, Susan
(N.D. Ill.)
Returned to Private Practice - 1987 - Stern, Herbert J. (D.N.J.)

1990-1999

Appointment to Other Office - 1990 - Bonner, Robert C.
(C.D. Cal.)

Dissatisfaction with Office - 1990 - Irving, J. Lawrence
(S.D. Cal.)

Dissatisfaction with Office - 1992 - Boudin, Michael (D.D.C.)

Inadequate Salary - 1991 - Phillips, Layn R. (W.D. Okla.)

Returned to Private Practice - 1990 - Scott, Thomas E.
(S.D. Fla.)

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