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Senator George Sutherland,  
  
Washington, D C

My dear Senator:

I hasten to be among the first to congratulate you and the American people, on the published notice today that the President will appoint you Justice of the U S Supreme Court to succeed Justice Clarke. I had information that the President seriously contemplated your appointment last year to succeed Chief Justice White; but I suppose the popular indorsement of ExPresident Taft, who was so much more in the popular mind than any one else because of his prominence in statesmanship inclined the President to choose him. I know now that the President has selected a great lawyer--one that will never deserve the anathema against him "who removeth the landmarks", but holding fast to the landmarks set by the Constitution as driven down by the great Chief Justice--Marshall, will at the same time realize that the law is a part of human life, and develops pari passu with its progress and its spirit, and must always be interpreted and applied with common sense.

I have not known you but a year, but my few discussions with you on the "direct tax" clause, and the reading of your speech in the U S Senate in May 1909, on the proposed income tax in the Tariff bill then proposed, have shown me that yours is a legal mind which goes instinctively to fundamentals and comprehends the legal reason: By this I mean the common sense reason as necessarily confined within the reasonable application of the rules of pleading and practice, made for the orderly administration of justice. Please accept my sincere congratulations.

Yours very respectfully,

H. K. White