

**PHOTOGRAPHS**

**OF**

**PIERCE BUTLER**

**ASSOCIATE JUSTICE**  
**UNITED STATE SUPREME COURT**

**1923-1939**

## PIERCE BUTLER

Pierce Butler's life story is an epic of America. From his birth on a small Minnesota farm to the day of his death while a Justice of the Supreme Court of the United States his record was one of obstacles surmounted, of professional distinction achieved, and of merit appropriately rewarded.

His father and mother, Irish immigrants from County Wicklow, had settled in Dakota County, Minnesota, where they lived the life of pioneer farmers. They reared a family of eight children, of whom the future jurist was one. He was born on St. Patrick's day (March 17th), 1866. Strong of body and of vigorous mind, he dominated his environment and used its limitations as opportunities for self-development. A country schoolteacher at sixteen, he qualified for admission to Carleton College at Northfield, Minnesota, from which he graduated in 1887. During his student days he did farm chores early and late, and in the daily interval rode a farm horse to school. Having determined to become a lawyer, he moved to Saint Paul and in 1888 was admitted to the bar.

His abilities were early recognized, and after serving for two years as an assistant he became the County Attorney of Ramsey County. In this way he acquired proficiency in the art of the successful trial lawyer and was noted for his capacity to win the confidence of all the diverse elements of which local juries were composed. He had great energy; prodigious memory and a large capacity for logical thinking. His character was a unit without internal stress. There was inherent a belief that there exists a philosophical rightness and he sought to apply it to each matter in hand. A skillful legal tactician, his sole strategy was to drive forward unswervingly in the direction which he regarded as the right one. Expediency never justified retreat or indirection.

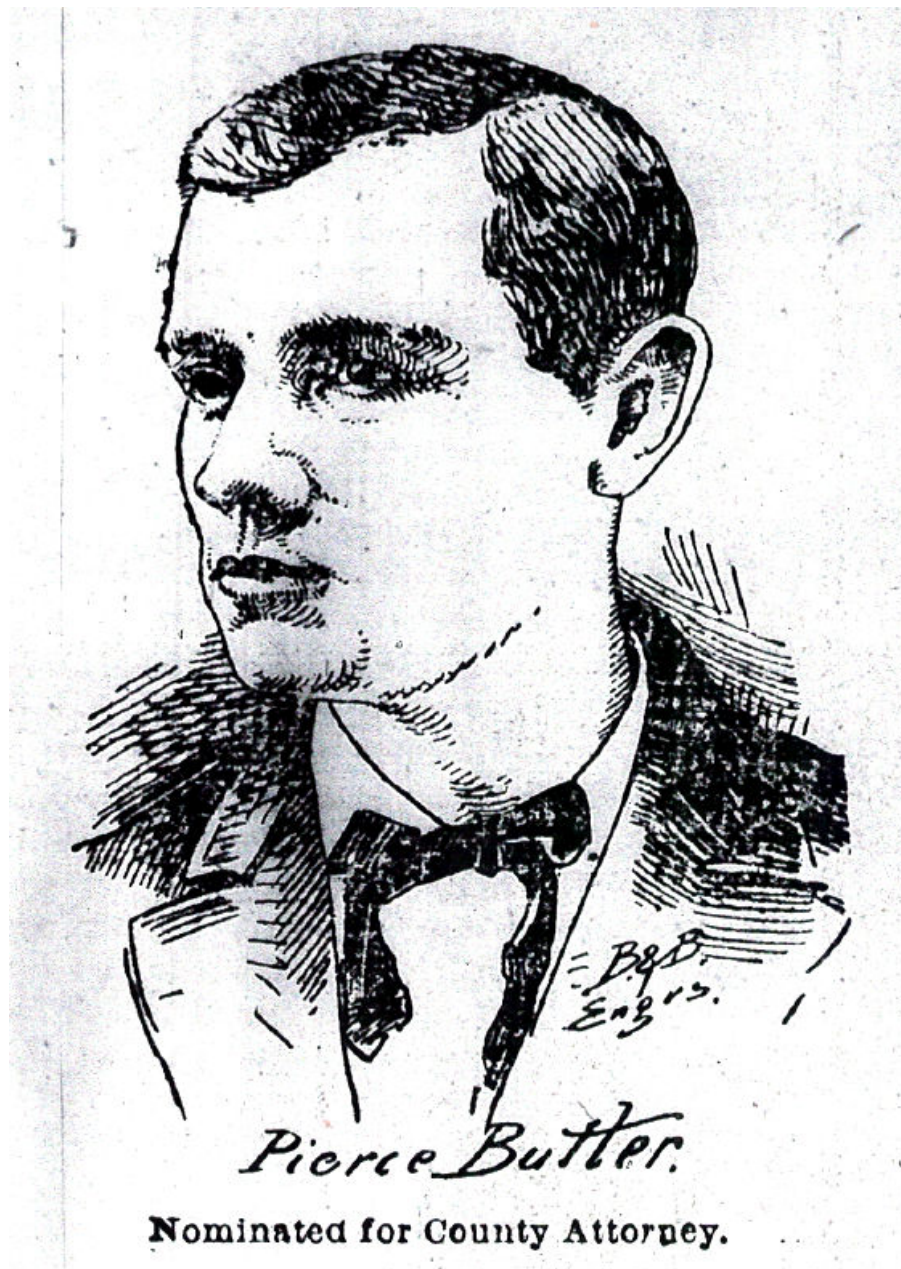
In 1897 he began the general practice of law. Here again his character and ability made their mark and important clients were eager to retain him.

He was of the sort that men instinctively trust. He became one of the noble figures in the life of the great Northwest. When it was known that he was to appear the court room was wont to be crowded with people eager to hear him and to see him in action.

It was on November 23, 1922, while he was serving as counsel in the Toronto Railway Arbitration, that he, a Democrat, was nominated by President Harding to be an Associate Justice of the Supreme Court of the United States. The nomination not having been acted on at that session of Congress, the President re-nominated him on December 5, 1922. He was confirmed by the Senate on December 21, 1922, and on the 2nd of January, 1923, the judicial oath was administered and he took his seat upon the Bench.

During his seventeen years on the Court he saw his country pass through an era of unstable prosperity and into a period of resulting depression, but with such a life story behind him, it was inevitable that the faith of Mr. Justice Butler should never waver. He had faith in the power of objective reasoning and of the intellectual integrity of man. This faith in the individual man was expressed by resistance to any attempted infringement on the bill of rights, and, in the absence of constitutional amendment, to centralization of government and to extension of its powers over the individual. He refused to concede that the individual is a helpless creature of an environment built by others, and opposed the kind of humanitarianism that would relegate him to that position.

During all the years of his service he contributed to the Court not merely sound learning and ripe experience, but calm judgment and the stabilizing influence of tested character. -



Butler was the successful Democratic candidate for  
Ramsey County Attorney in 1894.  
St. Paul Globe, September 30, 1894 (front page, enlarged).



**Marion D. Shutter & J. S. McLain editors,  
*Progressive Men of Minnesota* (1897) (enlarged).**



**Charles E. Flandrau, ed., 1 Encyclopedia of Biography of Minnesota (1900).**



**Men of Minnesota (1902) (enlarged).**



*Pierce Butler*

**President, Minnesota State Bar Association.  
Source: Proceedings, Minnesota State Bar Association (1908).**



PIERCE BUTLER

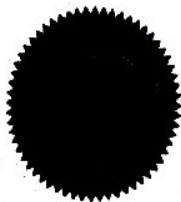
**Photograph in the published Proceedings of the Joint Wisconsin and Minnesota  
State Bar Associations in July 1919.  
Butler addressed the convention on "Federal Valuation of Railroads."**



Warren G. Harding,  
President of the United States of America.

To all who shall see these Presents: Greeting.

Know Ye, That reposing special trust and confidence in the Wisdom, Integrity, and Learning of Pierce Butler, of Minnesota, I have nominated and, by and with the advice and consent of the Senate, do appoint him to be Associate Justice of the Supreme Court of the United States; and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto Him the said Pierce Butler, during his good behavior, commencing December 21, 1922.



In testimony whereof, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

Given at the City of Washington this 21<sup>st</sup> day of December, in the year of our Lord one thousand nine hundred twenty-two and of the Independence of the United States of America the one hundred and forty-seventh.

By the President:

Quinn Tamm  
Attorney General

Warren G. Harding

Pierce Butler's Presidential Commission (reduced).  
On December 21, 1922, President Warren Harding signed the Commission of  
Pierce Butler as Associate Justice of the United States Supreme Court.  
Source: Minnesota Historical Society.



**December 30, 1922.**  
**Source: National Photo Company Collection, Library of Congress.**



**December 30, 1922.**  
**Source: National Photo Company Collection, Library of Congress.**



**ca. 1922-1923**

**After Senate confirmation of Butler to fill vacancy  
after resignation of William R. Day.  
Source: Harris & Ewing Collection; Library of Congress.**



**December 30, 1922**  
**Chief Justice William Howard Taft and**  
**Associate Justice Pierce Butler at White House.**  
**Source: Harris & Ewing Collection; Library of Congress.**



**December 30, 1922**  
**Chief Justice William Howard Taft and**  
**Justice Pierce Butler at White House.**  
**Source: National Photo Collection; Library of Congress.**  
**(the same photograph is part of the Harris & Ewing Collection)**



ca. post 1923  
Source: Harris & Ewing Collection; Library of Congress.



President Coolidge addresses graduates of Georgetown University in 1924.

In the background are Justice Pierce Butler,  
Rev. John B. Creeden, President of Georgetown University,  
and Governor William S. Flynn of Rhode Island.

Source: National Photo Collection, Library of Congress.





**ca. 1924**

**Associate Justice Pierce Butler, probably at home,  
as justices worked out of their homes before  
the new Supreme Court Building was constructed.  
National Photo Collection, Library of Congress.**



**ca. 1924**

**Associate Justice Pierce Butler, probably in his home,  
as justices worked out of their homes before  
the new Supreme Court Building was constructed.  
National Photo Collection, Library of Congress.**



ca. 1924

Source: Harris & Ewing Collection, Library of Congress.



ca. 1924

Source: Harris & Ewing Collection, Library of Congress.

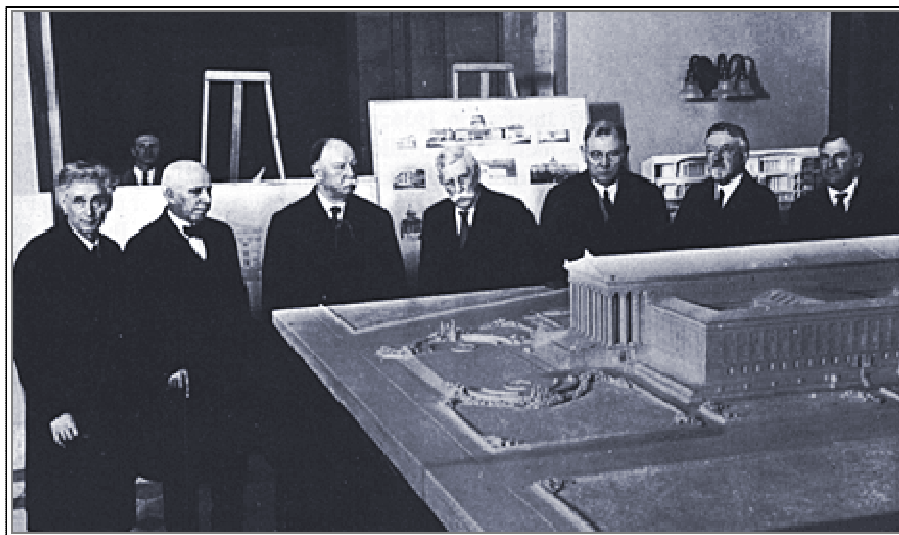


ca. 1924

Source: Harris & Ewing Collection, Library of Congress.



**September 9, 1927**  
**Justice Butler and his son Kevin.**  
**Source: George Grantham Bain Collection, Library of Congress.**



**1929**

**Chief Justice William Howard Taft (third from left)  
and the Associate Justices admire architect Cass Gilbert's model  
of a new Supreme Court building in 1929.**

**Justice Butler is third from right.**

**Source: [supremecourthistory.org](http://supremecourthistory.org).**



**March 17, 1937**  
**Justice Pierce Butler, 71 years old,**  
**celebrates his birthday by taking his morning walk.**  
**He is leaving his home on 19th Street, Washington, D. C.**  
**Source: Harris & Ewing Collection, Library of Congress.**





**April 28, 1938.**

**Justices attend funeral services for deceased Supreme Court Marshal.  
Chief Justice Charles Evans Hughes and Associate Justice James Clark  
McReynolds leaving Holy Trinity Catholic Church, Washington, D.C., after  
attending funeral services for the late Frank Key Green, Marshal of the United  
States Supreme Court for the last 23 years.**

**In the rear are Associate Justice and Mrs. Pierce Butler.  
Source: Harris & Ewing Collection, Library of Congress.**



**April 29, 1938  
Butler and wife attend funeral services for late Frank Key Green,  
Marshall of the U. S. Supreme Court.  
Source: Harris & Ewing Collection, Library of Congress.**



**1939**  
**Clerk of the Supreme Court Charles B. Cropley, with**  
**Chief Justice Charles E. Hughes and Justice James McReynolds,**  
**followed by Justice Pierce Butler, enter House Chamber Room in 1939,**

joining 150th Congress ceremonies.  
Source: Harris & Ewing Collection, Library of Congress.



**November 16, 1939**  
Shortly after the death of Associate Justice Pierce Butler was announced on November 16, 1939, attaches of the U.S. Supreme Court draped his seat on the bench in mourning.  
Source: Harris & Ewing Collection, Library of Congress.



**November 16, 1939**

**Flag lowered at half-mast at Supreme Court, Washington, D. C.  
The flag in front of the United States Supreme Court was lowered to half-mast  
out of respect to Associate Justice Pierce Butler, who died in the morning of  
November 16, 1939, at emergency hospital after a long illness.**

**Source: Harris & Ewing Collection, Library of Congress**



**Supreme Court flag half-masted out of respect to Justice Pierce Butler, who died on November 16, 1939, after a long illness. The flag is shown through the pillars of the Supreme Court Building, Source: Harris & Ewing Collection, Library of Congress.**



**Funeral services for Pierce Butler, November 17, 1939.  
The body of the late Justice is carried from St. Matthew's Cathedral,  
Washington, D. C., following a high mass of requiem.  
Members of the Supreme Court are shown in the photograph.  
Source: Harris & Ewing Collection, Library of Congress.**



**Official portrait**  
**Artist: Nicholas R. Brewer**





**Pierce & Walter Butler House, St. Paul, Minnesota.  
Photograph taken January 6, 2013.  
Source: McGhievers, photographer, Wikimedia commons.**

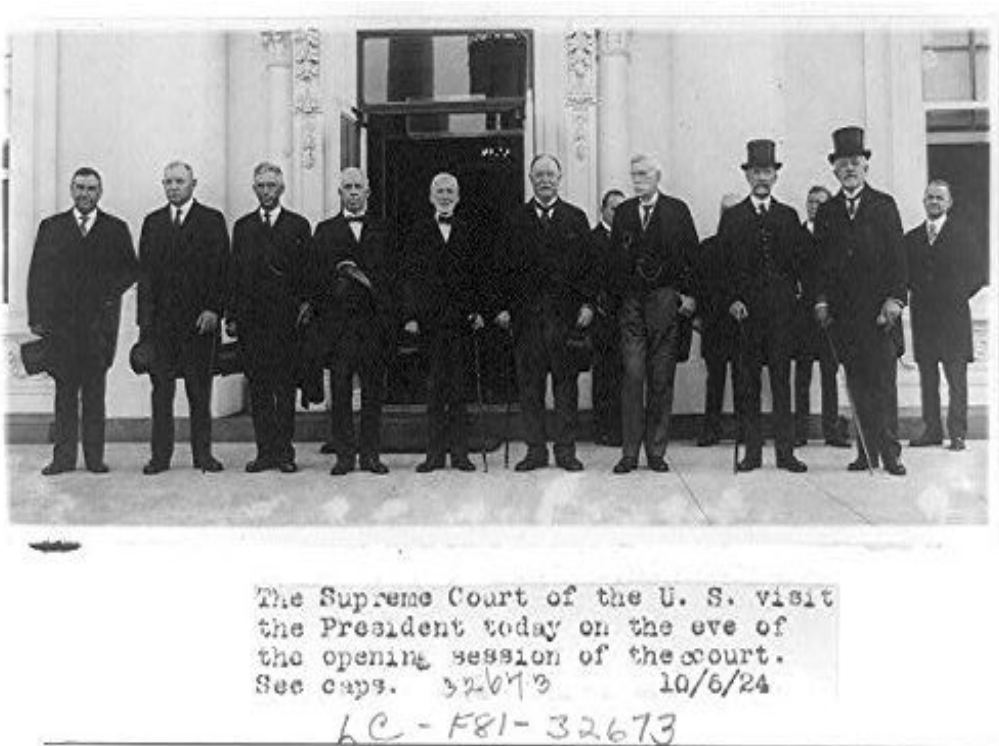


**Pierce & Walter Butler Home,  
1345-1347 Summit Avenue, St. Paul.  
Photograph taken: March 15, 2008.  
Source: William Wesen, photogrpaher; Wikimedia commons.**



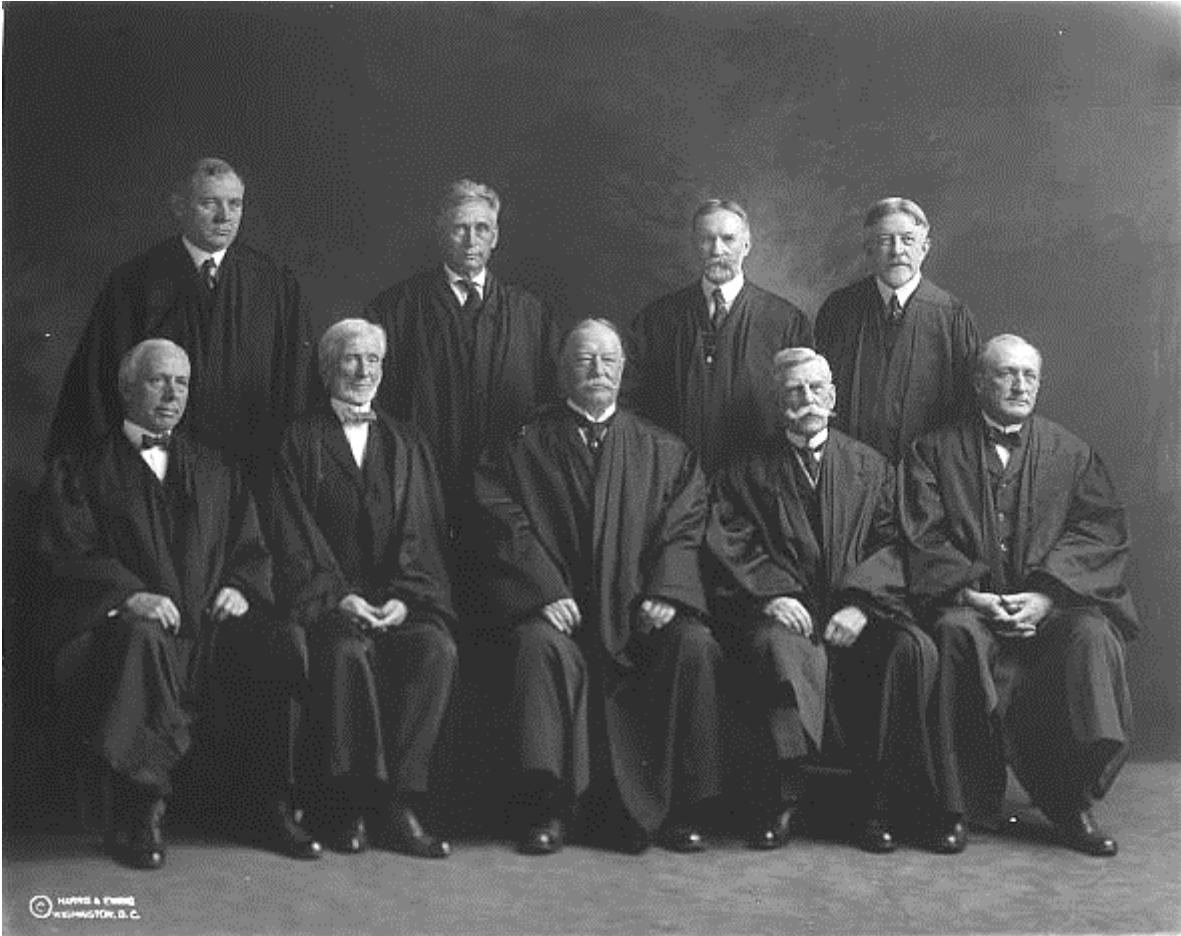
## Photographs of the Supreme Court during the Butler years.

### Supreme Court 1924



October 6, 1924  
Justice Butler is second from left.  
Source: amazon.com

## Supreme Court 1924



**Left to right: Justices Willis Van Devanter, Pierce Butler, Joseph McKenna, Louis Dembitz Brandeis, Chief Justice William Howard Taft, George Sutherland, Oliver Wendell Holmes, Edward Terry Sanford and James Clark McReynolds.**  
**Source: Harris & Ewing Collection, Library of Congress.**

## Supreme Court 1925



**Left to right: Justices James Clark McReynolds, Edward Terry Sanford,  
Oliver Wendell Holmes, George Sutherland, Chief  
Justice William Howard Taft, Pierce Butler, Willis Van Devanter,  
Harlan Fiske Stone and Louis Dembitz Brandeis.  
Source: Harris & Ewing Collection, Library of Congress**

## Supreme Court 1930



*J. C. McReynolds O. W. Holmes Charles E. Hughes Willis Van Devanter Louis Brandeis  
Harlan V. Stone Geo. Sutherland Pierce Butler Owen J. Roberts*

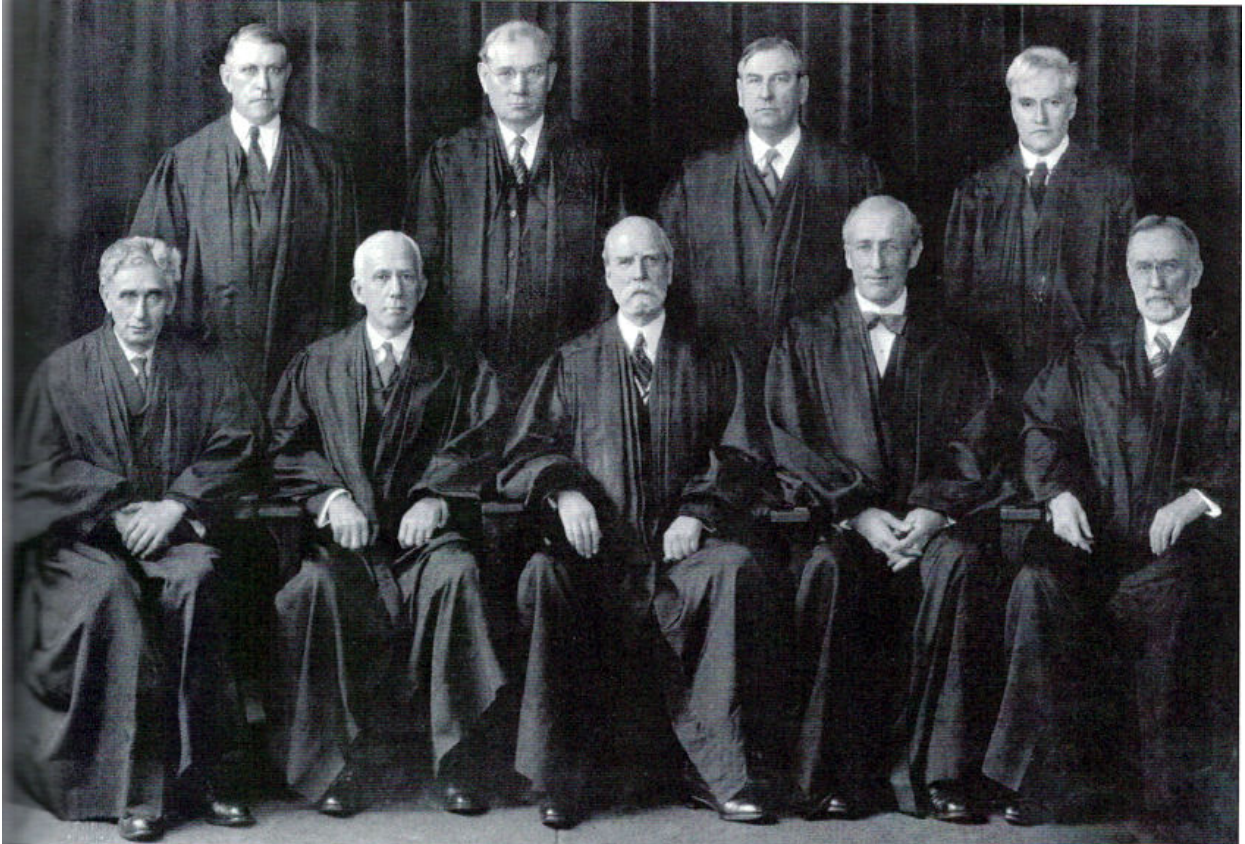
© Harris & Ewing

*The United States Supreme Court in 1930*

**Harris & Ewing Collection, Library of Congress.  
Also, Merlo J. Pusey, 2 Charles Evans Hughes (1963) (with signatures).**



## Supreme Court 1932



*Handwritten signatures of the Supreme Court Justices in 1932, including Chief Justice Charles Evans Hughes and Justices Louis Brandeis, Owen Roberts, William Van Devanter, and others.*

Source: James F. Simon, *FDR and Chief Justice Hughes* (2012)  
(signature block added).

## **Supreme Court 1937**



**Supreme Court in 1937, following Willis Van Devanter's retirement in June 1937, and succession by Hugo L. Black in August 1937.**

**Left to Right: George Sutherland, Benjamin N. Cardozo, James C. McReynolds, Harlan Fiske Stone, Chief Justice Charles Evans Hughes, Owen J. Roberts, Louis D. Brandeis, Hugo L. Black and Pierce Butler.**

**Source: Oyez.**



## **Supreme Court 1939**



**Supreme Court following George Sutherland's retirement in 1938 and succession by Stanley F. Reed that year; Benjamin Cardozo's death in 1938 and replacement by Felix Frankfurter in 1939; and Louis D. Brandeis's retirement in 1939 and succession by William O. Douglas that year.**

**Left to Right: Harlan Fiske Stone, Felix Frankfurter, James C. McReynolds, Hugo L. Black, Chief Justice Charles Evans Hughes, Stanley F. Reed, Pierce Butler, William O. Douglas and Owen J. Roberts,  
Source: Harris & Ewing Collection, Library of Congress.**

## **Acknowledgments**

**The biographical sketch of Pierce Butler on page 2 is from the 1941 Minnesota Legislative Manual.**

**It was our aim to post photographs of the full court for each year of Butler's service but these photos are surprisingly elusive. When others are located, they will be added. •**



**Posted MLHP: January 23, 2016;  
expanded several times thereafter.**