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JOHN W. DAVIS—A TRIBUTE

LLOYD PAUL STRYKER

NEVER can his place be filled. There is no one like him. All that which a great American lawyer should be, he was. He was a supreme advocate, the unquestioned leader of his profession in America. His light will shine as long as the cause of justice is revered. His inspiration stirred not only those of his own generation, but will live on to light the way of those as yet unborn. He was a great American, a faithful public servant and an indomitable champion of the reign of law.

To recount the achievements of his life would be but to repeat a story known to everyone. County lawyer, state legislator, member of Congress, solicitor-general of the United States, Ambassador to the Court of St. James, Democratic candidate for President, president of the American Bar Association and of the Association of the Bar of the City of New York, adviser of great interests and counsellor as well to the impoverished and the friendless,—all this he was, but so much more. To describe so rare a man, to recapture and portray so unusual a personality, would escape the canvas even of a supreme artist. Neither oils nor bronze nor words can recreate him. The pen of the most facile and intuitive biographer would be powerless to restore him to our eyes, for there was about him something that eludes analysis. He was *sui generis*.

There was nothing quite like him in our times. Was it the gift of oral utterance? He had that to a supreme degree. Was it his mastery of words? He marshaled them like a commander on a battlefield. Was it his profound knowledge of the law? No one ever knew it better. Was it his tact and diplomacy? No diplomat ever has had more. Was it his courage to pursue a course that he had concluded to be just? No man was ever more intrepid in espousing any cause he undertook, undeterred by clamor raised against his client and uninfluenced by the hue and cry of popular opinion.

All this is true of him, and yet it fails even to come close to a real understanding of the man he was. He was so much more. In my heart, what makes him live was his gentle kindness and unflinching

LLOYD PAUL STRYKER was one of America's most distinguished trial lawyers and an alumnus of New York Law School.

sympathy, his gift of humor and his flashing wit, the ability to laugh with and not at his fellow men, his invariable simplicity, his human understanding, his patience to listen to those less gifted and less wise, his readiness to help those who had no justifiable claim upon his time, his unaffected modesty. All this he had, and yet this alone would not describe him to anyone who had not seen and felt the radiance and glow that warmed the hearts of men and drew them to him.

Now he has gone and to those who knew and loved him well, there is a void that never can be filled.

Some biographer will one day seek to recreate him. He will have many avenues of approach. He will tell the story of how an American lawyer made himself beloved in England and how, in so doing, he brought the United States nearer to the English understanding. He will recount the narrative of his masterly appearances, two hundred or more, before the great court in Washington, his sure discerning of the vital point and his capacity to rouse judges to an understanding of it, his eloquence that made them want to follow him.

This future biographer, if he be gifted with an appreciation of the magic of language and the power of words, will devote pages of analysis to his matchless oral arguments and his incomparable briefs. He will portray the genius with which he seized upon the inevitable word. What more useful course could any law school give, than to employ the things he wrote as models of our mother tongue, as supreme examples of the art of making logic come alive and glow with fire.

Let us hope that some inspired Boswell will one day come to do for John W. Davis what a young Scotch advocate once did for Samuel Johnson. How our departed friend would squirm if he were forced to read the many dull and heavy chronicles that the insensitive will yet foist upon us.

I cannot write of John Davis without emotion, for he was a great friend. Nor am I alone in this. His partner, Theodore Kiendl, wrote me the other day:

"We have received a veritable flood of telegrams and letters paying tribute to him and even I was surprised at the tremendous affection in which he was held by bench and bar everywhere."

On the occasion of his eightieth birthday, one of his firm wrote

to a number of his friends asking them to write something commemorative of that notable day. With much misgiving, I transcribe here the little sonnet (if I may call it such) which I wrote for that occasion:

“We know the power of his voice and pen
His matchless skill, his wisdom and his wit.
His fame exalts us and inspires. But when
As boys in school before a master sit,
’Tis not of all his learning that we think
But of his gentle friendliness, his smile,
His kindly words to those about to sink
In sheer despair. Like an enchanted isle
That rears its head above a storm-tossed sea,
He beckons on the weary mariner
To give tired hope a new tenacity.
Oh, what a world we’d have if all men were
As kind, serene and gentle! That is how
His fourscore years sit lightly on his brow!”