

Samuel Alschuler

1859 - 1939

IN MEMORIAM: SAMUEL ALSCHULER

LATE JUDGE OF THE UNITED STATES CIRCUIT COURT
OF APPEALS, SEVENTH CIRCUIT

*Eulogy Delivered at the Funeral Services in Aurora, Illinois, on November 13, 1939,
by the Honorable Evan A. Evans, Senior Circuit Judge*

We are gathered here today, sad-faced and heavy-hearted, to pay a last tribute to a beloved friend and associate. Samuel Alschuler has fallen into his long, last sleep. Trials—troubles—and tribulations—are all behind him. The long, long sickness is ended. He is at rest.

Why then do we grieve? Why are we heartsick and depressed? Although we knew it was inevitable—the fate of all of us—although in his case the long, exhausting, hopeless, depressing illness was surely to close in a final sleep, the end nevertheless disturbs us—makes us pause—leaves us with a feeling of helplessness and of defeat.

Our deep and affectionate regard for him calls for some expression of our appreciation. In this hour of defeat—when sadness and discouragement are overwhelming—there exists a strong and irresistible impulse to speak in proud testimonial and joyous appreciation of him we proudly called our friend. In the contemplation of a noble life, worthily spent, we must find our solace and encouragement in an otherwise zero hour.

It is quite impossible to disassociate Samuel Alschuler's public from his private life. The two were so inextricably interwoven as to be inseparable. The same qualities were prominent whether

we view him as a friend or as a public official. Duty and conscience were the keystones of his public career. Sympathy and kindness were the foundations of his private, personal relationships. Yet all these qualities had for their back-

ground the same mental attitude—a thoroughly accepted and constantly practiced mode of living—a never - wavering love of fellow men.

He seemingly was born for public service. With equal accuracy I could say he was born for private service. In either case, service is the word to be stressed as characteristic of his activities.

I would grievously err today if I indulged in extravagance of eulogy. Nothing would be more repulsive to him. Yet

no true statement can be made which is not filled with words of admiration, of praise, and of love.

Why did we all love him? How came so many loyal and devoted friends? From whence sprang such universal trust in him?

He was widely known publicly for forty-three years. He was on the bench for twenty-four years. His public acts and conduct were the subject of observation, of study, and even of scrutiny by members of a critical, intelligent group



—the bar. Looking back over this long public career, we find that every year our confidence in him deepened; our respect for him and his quality of justice grew; our pride in his loyalty to his ideals increased; our admiration of him, both as a private citizen and public official became more and more complete; and our love of him grew richer and deeper.

The performance of judicial duties of necessity calls for autocratic action. There is little or no room for compromise. Defeat of the hopes of one side is unavoidable. Yet his decisions were characterized always by an absence of rancor. Many years have I observed him and studied him, and I think I have the explanation for this. It was due to his ever-present humility of spirit. How wonderfully becoming is modesty — especially when worn by one in a position of authority. And beautifully it adorned the life and career of Samuel Alschuler. Deeply rooted and far reaching in its influence in this respect was the example of his hero, Abraham Lincoln.

Well did I witness it when during the World War, he served as arbitrator between employer and employee of the food production industries of the nation. Patiently, day after day, week after week, he listened to the thrice-told grievances of labor. Willingly, though at the expense of weary hours, he patiently heard complaint and complainant and sought the last word that might enlighten his decisions. How completely he won the confidence of both sides in the fairness and justice of his awards! The angry disputes so characteristic of these contests were conspicuously absent in the presence of this modest, quiet, fair-minded arbitrator.

But it is not of his public career I am thinking today, proud though we are of his success in that field. It is of Samuel Alschuler, the friend, we are meditating right now.

A friend is the noblest specimen of man. A friend is the normal man at his best. At the end of life's journey, we set to one side the public triumphs, but we pause and bow before—aye, we

lift our voices in praise of, one we call a friend.

In the circle of Samuel Alschuler's many friends, you and I had the proud privilege to sit. We witnessed and appreciated and enjoyed those finest of all human qualities—sincerity—loyalty—tenderness—and sympathy.

Conscience and duty were the overpowering influences of his public career. Sympathy and tenderness were the magic qualities that stirred our love of him as a friend. The constancy of his loyalty, his thoughtfulness, and his devotion to his friends were ever present. He rejoiced with you in the hour of your success, grieved with you when defeat and despair overwhelmed you. He was womanly in his sympathy and in his tenderness. Yet the marvel to me always was that one so tender and sympathetic could be so adamant in the constancy of his conviction, in his devotion to duty, and in the steadfast adherence to his ideals. To the teachings and beliefs of his youth, he adhered throughout life; to them he was always true. Right as he saw it was never sacrificed to serve the advantage of the hour. Nor was it compromised out of a desire to please—or of a fear of offending.

We are all deeply indebted to him. I am especially so. Such influence extends far beyond the grave. His life is a silent but most persuasive appeal for tolerance. Narrowness, bigotry, and intolerance melt away under the warmth and glow of a personality so noble and yet so non-assertive. The power to inspire the best in others is a trait not possessed by many. Judge Alschuler was one so endowed. His influence on the bench and the bar was of an inspirational character. It will long survive. It will last through the lives of all of us. Twenty-four years ago on his shoulders was placed the ermine robe. He laid it down last week unsullied. The reputation of the court was lifted because he was a part of it. His influence has become a part of its best traditions.

In friendships such as Samuel Alschuler generated, must we not find assurance and support for our several faiths? In such friendships must there not arise a

better, deeper faith in our fellow men—a faith that makes for greater faithfulness?

As consoling words to those who were especially near and dear to Samuel Alschuler and who are today heavy of heart, whose horizon is seemingly unlightened by a single star, I offer the words of one whom I know he greatly admired.

“I do not believe that even now Samuel Alschuler’s light has been permanently extinguished. For, if the Father deigns to touch with divine power the cold and the pulseless heart of a buried acorn, and make it burst forth from its prison walls, will He leave neglected, in the earth, the soul of man, made in the image of his Creator? If He gives to the rosebud, whose withered blossoms float

upon the breeze, the sweet assurance of another springtime will He refuse the words of comfort, to the sons of men when the frosts of winter come? If matter, mute and inanimate, though changed by the forces of nature into a multitude of forms, can never die, will the imperial spirit of man suffer annihilation, after it has paid a brief visit, like a royal guest, to the tenement of clay? No, rather must we believe that He, who in His apparent prodigality wastes not the raindrop, the blade of grass, or the evening’s sighing zephyr, has given immortality to the mortal and gathered to Himself the generous spirit of our friend.”

In this spirit and in this belief, I bid my old friend and associate a long, but not a final farewell.

