

IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

PROCEEDINGS

before the HONORABLE JOHN S. HASTINGS, Chief Judge,
United States Court of Appeals for the Seventh Circuit,
leading to the Presentation of a Portrait of the
HONORABLE ROBERT A. GRANT by the Seventh Circuit Bar
Association.

November 9, 1962
11:00 A.M., CDST
South Bend, Indiana

JUDGE HASTINGS: A special session of this United States District Court for the Northern District of Indiana will now be convened for the purpose of conducting proceedings leading to the presentation of a portrait of the Honorable Robert A. Grant.

First, I should like to say it is gratifying to the Court to see so many distinguished lawyers and lovely ladies here, to see other distinguished friends of Judge Grant, particularly Governor Handley, Judge Grant's associates on the District Court, and representatives of the Seventh Circuit Bar Association.

These are happy occasions. I think we might all relax and unwind a bit. It isn't often we get to hang a Federal Judge. I personally feel it a great privilege to be invited to preside here today in a Hoosier Federal Court. We get a little lonesome over in Chicago for Hoosiers, and I miss the contact that always proves so delightful on an occasion like this when it is held in Indiana.

To get about the business of the day, it is my pleasure at this time to present Mr. R. Floyd Searer, President of the St. Joseph County Bar Association.

Mr. Searer.

MR. SEARER: If it please the Court--

JUDGE HASTINGS: Mr. Searer.

MR. SEARER: On behalf of the St. Joseph County Bar Association we welcome you here today at the presentation of this portrait of Judge Grant. We are honored by your presence, Judge Hastings, and we are always delighted to have the Honorable Luther M. Swygert, who presided in this courtroom many years, here with us in South Bend. We are always delighted with the presence of many other distinguished judges and lawyers and the ladies who came to this event this morning.

This gives me particular pleasure because Judge Grant and I were classmates at both high school and at Notre Dame. Without any attempt to reveal our ages, I might say that he and I, and several other lawyers who are here in this courtroom today, have been meeting and are planning for our fortieth anniversary of our graduation from high school here in South Bend.

This ceremony came about primarily through the efforts of the Seventh Federal Circuit Bar, and I think at this time we should recognize Mr. Jerry P. Belknap,

Vice President of that association.

JUDGE HASTINGS: Mr. Belknap.

MR. BELKNAP: May it please the Court.

Judges, fellow lawyers, distinguished guests.

On behalf of the Seventh Circuit Bar Association I am especially delighted to have the chance to make a few remarks for two reasons. First of all, I am flattered and honored to be able to join the Bar Association in paying tribute to Judge Grant, whom we in Southern Indiana and throughout the circuit feel as fond and proud of as you who are here in the Northern District. Secondly, I am always happy to have any chance to say a few words about the Bar Association of the Seventh Federal Circuit.

This portrait presentation is one of the functions that the Bar Association undertakes under which we try to recognize not only the Circuit Court of Appeals, but also all of the Federal Courts of the Circuit, and members of the bar by preparing and presenting to the courts suitable portrait and biographical materials of the judges who are serving in our Federal Courts within the Circuit. This is done not only to show

honored and respected affection for the judges while they are here with us, rather than ex post facto after death has taken them away, but also as a public affirmation, if you will, of our pride in these men on our Federal bench who have to exercise, and they do it so well, the responsibility of translating the work of we who are advocates -- a section of the legal profession, if you will -- into just and proper results.

This is merely one part of the work of the Bar Association of the Seventh Federal Circuit, but it points up the fact it is sometimes overlooked. This is a Bar Association serving every Federal Court in the Circuit, the District Courts, and the Court of Appeals. It is not the private bar association for the Court of Appeals.

Among the other things the Seventh Circuit Bar Association does, if I may take a few moments, is to cooperate with all of the judges in the Circuit in helping conduct the Annual Judicial Conference which is required by law to be held, and, indeed, the Association has assumed the responsibility of conducting and presenting the entire program the first day of each annual confer-

ence, the session which is a joint session of judges and lawyers.

As an association, it is unique. There is none other like it in the country, and I suspect, in part due to it, there is probably no other circuit in the country where such a fine relationship exists between the working lawyers and the working judges in the Federal Courts.

Now, the Association has a number of hard-working committees. One is the Rules and Practice Committee, concerned with Court Rules and general practice problems of Federal District Courts. It also assumes the burden of handling the first day of the Judicial Conference.

Another very hard-working committee which I am extremely proud of is the Committee on the Defense of Indigent Prisoners. It has the function of providing counsel for indigent prisoners on appeal cases before the Court of Appeals and in aiding and assisting, at least, counsel to be appointed to work in criminal cases in the District Court level. As an indication of how tough that committee is, it has even on two occasions

assigned me with the hopeless task of trying to reverse one of Judge Grant's decisions, and, needless to say, Judge Grant's legal acumen far outshone my attempt before the Court of Appeals because he was properly affirmed.

Speaking of Judge Grant, of course that gets us back to why we are here.

This program today, and many others like it throughout the Circuit, has been made possible by the Portraits and Memorials Committee of the Association under the able and hard-working leadership of its chairman, Robert C. Williams of Chicago. The actual work of preparing the portrait which will be shortly unveiled is the product of another of our members, Albert E. Hattlett, also of Chicago, who is our official portrait photographer. To them I want to give this public recognition of the Association's deep gratitude for their efforts. Also, on behalf of the Association, I want to extend our deep thanks to Mr. Searer, and to the committee and members of the St. Joseph Bar Association who have really brought this program into being and helped make this happy occasion possible. The people of the

South Bend Bar have done a splendid piece of work.

Thank you very much.

JUDGE HASTINGS: Thank you, Mr. Belknap.

I should like at this time to present the Chairman of the Portrait and Memorials Committee who not only has done the hard work leading up to the arrangements which have been made here with the St. Joseph County Bar Association, but has actually been undertaking this for each District Judge in the Circuit, as well as each Judge in the Court of Appeals.

Mr. Robert C. Williams.

Bob, will you stand up, please.

I suppose that one who speaks of the subject on such an occasion as this should be one who has always been close to him and knows a great deal about him. Today is no exception, because Mr. William E. Voor, a former law partner of Judge Grant and close personal friend, has been honored with the responsibility of saying a few kind words with reference to our subject.

I think it is too much of us to expect one who knows him so well to hope that he will tell the complete truth. Perhaps it shouldn't be told on an occasion like

this, but at any rate I am sure you all will be interested in hearing from Mr. Voor at this time.

Mr. William Voor.

MR. VOOR: May it please the Court, Honorable Judges, distinguished guests, ladies and gentlemen.

It has been stated that we are here today for the purpose of witnessing the presentation of a portrait, and while I am a little disappointed that Judge Hastings added we likewise were here probably to witness a hanging of a judge, I think I ought to add to that remark the fact that in Judge George Beamer's acceptance of the invitation to attend this ceremony, he said, "I wouldn't miss this hanging for anything." Whether he meant the hanging of the portrait, the hanging of someone, or the hanging of something else must remain to be determined by these proceedings in which we are here involved.

I do welcome the privilege of representing here today Robert Allen Grant, and with the Court's permission I should like to tell you a few things about him.

He was born near Bourbon, Indiana, on July 31, 1905, the first of five children born to Everett F. and Margaret Hatfield Grant. A few years later the family

moved to Hamlet, Starke County, Indiana, where Bob received most of his elementary and high school education. In 1922 the family moved to South Bend, where Bob finished his high school education at South Bend Central High.

He was a member of a rather famous class known as the Class of 1923, which included such notorious characters as Judge Beamer, Floyd Searer, Paul Butler, Russ Kuehl, Eugene Knoblock, Chester Copp, and others. After he had enrolled in South Bend Central High, Bob, to put it in his own words, kept the wolf away from the door by working part time at the Studebaker Corporation. After his graduation in 1923, he worked full time at Studebaker until the fall of 1924, when he became enrolled in the University of Notre Dame.

During the next few years Bob commuted back and forth between South Bend and the University on a rather unique conveyance that would be likened to the old Toonerville Trolley that used to be the subject of a cartoon in the daily papers. On one occasion Bob was a passenger on the car -- and this story I can vouch for as being true. It was bitterly cold, in January, and the heating equipment on the old Toonerville Trolley failed to function. Some

of the student passengers on this car elected to build a bonfire on the back vestibule of the car. You can well imagine that this resulted in the complete dismantling of this street car and the calling up before the Board of Discipline of the University a number of the students involved. Without saying too much more about this incident, I can say to you that a few students were suspended, but, fortunately, our Robert was not involved.

It was in 1928 at the University of Notre Dame that Bob received his AB degree, and two years later, in 1930, his law degree.

During his tenure, or his career, at the University, Bob, being an accomplished musician, helped defray his expenses by playing in a dance band and, at the same time, he found it possible to become an important member of the University band.

After his graduation in 1930, Bob started looking around for a place to hang up his shingle. His search finally lead him to the offices of Pyle and Voor in the Associates Building. Dan Pyle, the senior member of the firm, who later on became our County Circuit

Court Judge, was so impressed with this young lawyer -- and his junior partner likewise felt a certain degree of warmth -- that, thereupon, Robert was welcomed warmly into the fold, and thus began an association that lasted some twenty-seven years and until he was appointed to this district bench.

Bob was an aggressive and active young lawyer and he distinguished himself nobly -- and despite the fact we were still in the midst of a depression, in 1933 Robert wooed and won the lovely Margaret Ann McLaren of Galien, Michigan. Bob and Margaret have since made their home in South Bend, and they are, justifiably, the proud parents of two fine children. One, a son, Robert Jr., is a student at Massachusetts Institute of Technology, and the other, their lovely daughter Peggy Ann, attends John Adams High School, South Bend.

In 1935 and 1936 -- if my dates are correct, and I believe they are -- Bob served as Deputy Prosecuting Attorney under George L. Rulison. Bob himself is the author of the statement that that service under Mr. Rulison was one of the most valuable experiences of his career. It must have made a deep impression upon him,

this serving the public, because in 1938 he became the candidate of his party for Representative in Congress from the Third District and he was elected. I will not mention the fact that he defeated one of my good Democratic friends.

From that time on Robert served in the Congress from 1939 to 1949, and I believe that for a large portion of his career in Congress he was a member of the Naval Affairs Committee. This required him to make frequent journeys throughout the world, and on one of these journeys he happened to stop in Rome, where he called upon a man who was then Pope Pious XII.

Perhaps some of you remember that while this Pope was a Cardinal he had visited Notre Dame and the South Bend area, and Bob, in his inimicable way of making conversation, recalled to this Pope -- who understood English quite well -- that he was a graduate of the University of Notre Dame and that he was well acquainted with a lot of the priests and officials of that institution of learning. He also advised the Pope that he knew Father John O'Hara well and that just before he had left this country, Father O'Hara had been elevated

to the rank of Bishop of Buffalo. Bob tells this part of the story himself -- Do you know what the Pope did? He looked at me knowingly and smiling and said, "Yes, I know. I appointed him."

As all of you know, Bob's career in Congress was marked by distinction and an aggressive effort on his part at all times to serve his constituents. But then came that fateful night in 1948 when Governor Tom Dewey slept and Harry Truman surprised not only the country, but the world, by being elected to the Presidency. Whereupon, after a short time, Robert was on his way back home again to Indiana, and, thankful to say, he resumed his practice of the law with his old associates in the same offices that he had always maintained as his legal place of business.

Bob continued to practice law until the summer of 1957 when the President of the United States, Dwight Eisenhower, appointed him Federal District Judge. At that time Judge Swygert was the Chief Judge of the Northern District Court, and Bob took upon his shoulders the divisions at Fort Wayne and South Bend, and Judge Swygert continued with the Western Divisions of

Lafayette and Hammond. As you know, Bob has served extremely well and has made an enviable record for himself as a Judge of this court.

I think I should tell you that Bob is an energetic member of the American, Indiana, and St. Joseph Bar Associations, and he maintains an active interest in these organizations because he believes they serve for the betterment of the legal profession.

You know, of course, that until May of this year, Bob was acting the role of All Chief and No Indians because Judge Swygert had been elevated to the Circuit Court bench and Bob had all four divisions under his direction and control -- and as that Chief and No Indians, was really hard put to take care of the business of this entire Northern District. Fortunately, in May of 1962 we democrats came to his rescue and Judge Beamer and Judge Eschbach were appointed.

Besides being an active member of his community in more than one way, Bob Grant is a republican -- I say that rather carefully -- a Methodist, a 33d Degree Mason, a Shriner, an Elk, and a Rotarian. He has been most active in the DeMolay organization, which, as you know,

is a youth organization, and he has for many years served as its executive officer in this area. He has also been Potentate of Temple Orak of the Mystic Shrine. He is a member of the First Methodist Church of South Bend, and he is Chairman of its official board. He is also a member of many civic and social organizations, and he has at all times been most willing and generous with his time in supporting community projects.

Of all of his achievements of a busy and active career, there is one that stands out like a new moon in a starlit sky. It is the devotion, the respect and esteem with which Bob Grant is honored by his fellow men. There is a certain humaneness about Bob that makes him such a devoted father and husband, a sincere friend, and an excellent Judge. I am grateful for the many years of association with him.

And now, on behalf of the Seventh Circuit Bar Association, it is my great pleasure to present to the court this portrait of Robert Allen Grant.

JUDGE HASTINGS: Thank you, Mr. Voor. At this time the formal program as arranged by the committee calls upon the presiding Judge of today to accept this

portrait for the court.

Now, Robert, you should understand one thing. This portrait can't be hung unless it is accepted, and it hasn't been accepted yet. That decision hangs in the balance. I thought, however, that it would be a little more appropriate if I requested one of my colleagues on the Court of Appeals to accept that portrait, if that is his decision, on behalf of the court because of his long service in the Northern District of Indiana. He was the Chief Judge of this court, he served with Judge Grant in the Northern District of Indiana, and he has, I am sure, a warm spot in the hearts of all of you. So I am going to yield to my colleague, the Honorable Luther M. Swygert, and ask him to make the determination for the court as to whether or not this portrait shall be accepted and to say whatever comes into his heart in that connection.

Judge Swygert.

JUDGE SWYGERT: Thank you, Chief Judge Hastings. Judge Grant, distinguished Judges and guests, members of the bar, ladies and gentlemen. I feel it a great privilege and a great honor to receive and to

accept this portrait of Judge Grant on behalf of the court. As one of Judge Grant's predecessors and as his former associate on the bench, the Northern District of Indiana has sentiments, memories, and meanings for me that are inexpressable. I am only one link in the chain of judges that have sat and are sitting in this District. Before me, as you know, my predecessor was Judge Slick. Then later with me, Judge Grant and Judge Parkinson, and now with Judge Grant, Judge Beamer and Judge Eschbach. But, as a link in that chain, it is with a feeling of privilege and pleasure that I accept on behalf of the court this portrait.

As you know, it is the generous and gracious gift of the Seventh Circuit Bar Association, and I am sure I speak the mind of all of us when I say we appreciate this presentation, and it is appreciated, and we feel grateful to the Bar Association -- and I am sure I speak also for Judge Grant, especially for him.

I never fail and never tire to recall and record whenever I can the pleasant association I had with Judge Grant on this bench. He was, if I may say

so, a perfect colleague, always gracious, co-operative, friendly. Bob Grant is the friend of and has been a friend of everyone here, and I am sure we all know what that friendship means. We not only value his friendship, but we also admire and respect him as a lawyer, as a good Judge, and as a man of high and of good qualities.

Today we honor him, and we also join with you in wishing him and that most gracious of ladies, his wife Margaret, his fine family, Bob, Junior, and Peggy, joy and happiness that they truly deserve and to wish Bob continued good health and many fruitful years of service to the public and to this court.

It is a pleasure that on behalf of the court I accept this portrait.

JUDGE HASTINGS: Thank you, Judge Swygert. I am indeed happy to concur in this decision.

The Federal courts are giving emphasis these days to the question of due process. The man in court should never be denied the right, particularly, to speak in his own defense, and I think, Robert, before we conclude this ceremony, you should at least be

given an opportunity to speak in your own defense, and affirm or deny, admit, or make any sort of plea you care to. The Court recognizes you at this time for that purpose.

JUDGE GRANT: Chief Judge Hastings, Judge Swygert, my distinguished bretheren of the Bench and of the Bar, and friends.

Sir, would you accept a plea of nolo contendere? If I ever had any idea of what I might say here, it has completely escaped me at the moment and I don't know where to begin. I think in the first place this meeting is in too serious a vein. I can't help but remind myself of the story of the funeral that was being conducted of the father and the husband, and the widow and the little daughter were sitting back there, and a lot of nice things were being said, and the mother said, "Daughter Mary, you better go up there and see if that really is your daddy in that box." Maybe you have the wrong fellow here.

This is a very wonderful thing that the Seventh Circuit Bar does, and I should like to express the appreciation of this Court to you, sir, Jerry

Belknap, for this contribution that the Seventh Circuit Bar has made to the furtherance of its good work in this District. And I approach this, and I make this comment, not from a personal point of view at all.

I happen, temporarily, to occupy this seat at this District Bench. Another day others will come, as distinguished men like Luther Swygert have filled this seat before. And so, when I say thank you, I do so on the part of the Court because the Court does appreciate what you do. But even though I must say this is an official expression of appreciation, I would be less than human if I didn't try to tell you, my friends, something of what is in my heart of the appreciation and affection that I have and hold for all of you by your part in these proceedings and by your appearance here today.

The years go by fast, and as Bill Voor has said, it was the summer of '57, more than five years ago, when I began to assume these duties. It seems like yesterday. To put it another way, if I am blessed with good health and can continue to finish my expected years in this duty, it would be a tenure of fifteen

years, and already more than one-third of that duty is behind me. Yes, the years do fly by. It seems only yesterday, too, those years in high school and in college of which my friend Floyd Searer spoke. I never think of those days together except that I recall on many days I was able to save that nickel on that streetcar because Floyd had an old Franklin automobile, an air-cooled Franklin, and it had the happy knack of starting by internal combustion. We would go out and turn the switch on and the car would start without even the necessity of touching the starter. But those were happy days, and many years ago, and many things have happened since that time. So much for that.

I would not want to let this opportunity pass without especially noting my appreciation to a couple of men in particular who meant so much along the way. They have been mentioned already, but, in addition to the people who are on this program, they are Judge Dan Pyle, who served for twenty-four years as a Judge of the St. Joseph Circuit Court, and George L. Rulison, now a practicing attorney in Ligonier, Indiana, who warms my heart by being here with us today, and who was the

Prosecuting Attorney under whom I served a term in 1935 and 1936.

The business of the court has grown. We today are blessed with the wonderful and able co-operation in this District of Judge George Beamer and Judge Jesse Eschbach, and I have with them, Luther, that same wonderful spirit of co-operation and warmth that we enjoyed together and of which you so kindly spoke in those remarks that you made.

I should, of course, want to say thank you to my long-time associate, Bill Voor. I am glad that there are some of the things in our joint past that he decided to delete from the record. They had better be left untold. Most of the things he said I would, perhaps, have to plead guilty to, but there would have been others, too, and I would have felt better about this whole thing if my dear friend, John Hastings, would have permitted a plea of nolo contendere so I wouldn't have had to debate the subject at all.

May I just say thank you again to those of you in particular who have come from some distance to be here today. It means so much to see you here and to say, last

of all, that this proceeding would not be complete without the able leadership and work that has been done by the local people of the St. Joseph County Bar, Floyd Searer, its president; Russ Kuehl, head of the committee that did the work here; Bill Voor; and last, but by no means least, the wise counsel and able leadership of the man who wields the gavel here today, a man whom we have often referred to as the Pride of Indiana, who is the Chief Judge of the Circuit Court of Appeals for the Seventh Circuit, a wise jurist, a humanist, a warm friend of all of us, Chief Judge John S. Hastings.

May I just say thank you.

JUDGE HASTINGS: Thank you, Robert. I was reminded when you said you had decided you weren't going to accept this as an obituary, turn up your heels and quit, but would work another five or ten years, that I have been working for two weeks on an opinion, reviewing a decision of Judge Grant's, and I have heard far better reasons this morning for affirming it than the lawyers gave in their briefs. I am sure, Robert, everyone is sincere about this.

Now, as I indicated at the outset, there are

a number of distinguished people here, and I am told by the committee in charge of the affair that they will be formally introduced and presented at the luncheon. However, I cannot help but note in addition to Governor Handley the presence of three distinguished Federal Judges -- Judge Steckler from Indianapolis, Judge Beamer and Judge Eschbach of this District and their lovely wives, who will be presented to you at a later time. This, indeed, is not the only part of the program here today, but I am not so sure if it is not the most interesting part of the program.

First, I should present Mr. Searer who will make an announcement concerning the luncheon.

Mr. Searer.

MR. SEARER: If the Court please, this concludes the ceremony here in the courtroom this morning. I think each of you know the luncheon is scheduled at the Indiana Club for any who have made reservations there, and we will be afforded an opportunity of hearing from some of the other distinguished guests.

I will return the floor to Judge Hastings. As far as the St. Joseph County Bar Association is concerned,

this concludes this ceremony.

JUDGE HASTINGS: Thank you, Mr. Searer. Before adjourning court, I would like to suggest, Judge Grant, if you would leave the bench and make yourself available in front of the bench so that your friends may greet you and compare the likeness of the portrait with you, and those who cannot come to the luncheon will then have an opportunity to greet you.

This court now stands adjourned.

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