

REMARKS UPON THE OCCASION OF THE PRESENTATION OF A PORTRAIT OF JUDGE LUTHER M. SWYGERT TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

A happy privilege is mine this morning. I rise before the United States Court of Appeals for the Seventh Circuit as a representative of the Bar Association of that circuit for the purpose of presenting to the Court a portrait of one of its Members, Judge Luther M. Swygert of Indiana. I emphasize the words "of Indiana" because the latest bound volume of the Federal Reporter gives Judge Swygert's address as Chicago, Illinois. If I accomplish nothing else by my remarks here this morning, I propose to correct this gross inaccuracy. The fact is that Judge Swygert still resides in the heart of the much discussed sand dunes of Northern Indiana.

The Bar Association of the Seventh Circuit presents Judge Swygert's portrait with the request that it may be permanently preserved by the Court and that it may be hung in an appropriate place in the corridors of this building and of any other building that may house the Court in future years.

It is indeed fitting that our Bar Association should make this presentation of a portrait of Judge Swygert. In point of service he is presently the youngest member of the Court but before he was advanced to the bench of this court he had already attained distinction as an able and an honorable lawyer, and he had estab-

lished himself as an effective jurist, a fact which is attested by the record of his achievements during the years he served as a Judge of the United States District Court for the Northern District of Indiana. We present his portrait with complete confidence that his accomplishments during the years that he will serve as a Judge of this court will so enhance his standing and his reputation that he will in due time be recognized as one of the most distinguished Judges ever to serve as a member of this court.

Indiana has contributed many distinguished men to the bench of the Seventh Circuit. We of Indiana who know Judge Swygert know that he measures up to the best of the Hoosiers who have preceded him on this bench. He was born February 7, 1905 on a farm two and one-half miles west of the town of Gilead in Miami County, Indiana, the only child of Irven W. and Catherine Hoover Swygert. He grew up on the Indiana farm of his parents. He was graduated from Gilead High School in 1923. He pursued his collegiate education at the University of Notre Dame in St. Joseph County, Indiana, and was graduated Magna Cum Laude from the Law School of that University in 1927. Shortly after graduation he was admitted to the Bar and began the practice of law at Michigan City, LaPorte County, Indiana. After a few months in that city he moved to Hammond, Lake County, Indiana, where he was an active practicing lawyer until his appointment to the bench of the United States District Court.

From his early youth Judge Swygert evidenced a great interest in governmental affairs. His career as a holder of public office had an humble beginning but his progress was steady and always upward. In 1929 he was made a member of the Board of Election Commissioners of the City of Hammond, and in the following year he became a member of the Lake County Election Board. In 1931 he was appointed a Deputy Prosecuting Attorney of Lake County and he held that office until February, 1934, when he was appointed as an Assistant United States Attorney for the Northern District of Indiana, a position which he held until 1943.

When, in 1943, the late Honorable Thomas W. Slick retired as Judge of the United States District Court for the Northern District of Indiana, Judge Swygert was appointed by President Franklin D. Roosevelt to be Judge Slick's successor. He took the oath of office as District Judge on October 20, 1943. Judge Swygert was the sole Judge of the District Court of Northern Indiana from the date of his appointment until 1957, when the Honorable Robert A. Grant was appointed by President Dwight D. Eisenhower to serve as an additional Judge for the District.

Despite the fact that the District Court over which Judge Swygert presided was always a busy one and his daily burdens often seemed overwhelming, he found the time and seized the opportunities to make many contributions for the improvement of the practice of

law and of the administration of justice in the Federal Courts. In 1945, he was appointed a member of the Judicial Conference Committee on Uniform Rules for Admissions in District Courts; in 1951 he was appointed a member of the Judicial Conference Committee on Venue; in 1956 he was appointed a member of the Judicial Conference Committee on Revision of the Laws; and in 1958 he was appointed a member of the Judicial Conference Committee to Study the Implications of the Proposed Habeas Corpus Bill. In 1961, he was elected by the Federal District Judges of the Seventh Circuit to represent them at the United States Judicial Conference, and he acted in this capacity until he became a member of this Court of Appeals.

It seems in retrospect that it was inevitable that the record and the achievements of Judge Swygert should bring him advancement in the judicial realm. On September 18, 1961, President John F. Kennedy nominated him to be a member of the Court of Appeals for the Seventh Circuit. His appointment was made to fill a judgeship which was newly created by the Eighty-Seventh Congress. The nomination was confirmed by the Senate of the United States on September 23, 1961, and Judge Swygert took the oath as a member of this Court on October 11, 1961.

I have made no attempt to review the many creditable activities of Judge Swygert outside the field of bench and bar, but I deem it essential to record the fact that on October 31, 1931, Judge

Swygert was married to his childhood sweetheart, Mildred Kercher, who had been his classmate at Gilead High School. To this union two sons were born: Robert, who was born in 1932 and died in 1945; and Michael, who was born in 1939, and who with his wife, Dianne, now resides in Chesterton, Indiana.

It has been my understanding that my remarks this morning are expected to be biographical in nature, but I cannot resist the temptation to comment briefly concerning the character of the man whom we honor here today.

It is indeed a comforting thing that in these times in which we live - times that are constantly described as "changing times" and "troubled times", we are able to record the achievements of a man whose life demonstrates that America is still the land of opportunity. I hold out Judge Swygert as a living example of the fact that here in America it is possible today, as in the past, for a man to rise from the most humble beginnings to a position of preeminence. But success of the kind which Judge Swygert has achieved comes only to the few; and there are always reasons why such success does come to those few. Those reasons are found in the make-up of the man who achieves pre-eminence. It is interesting to note briefly the elements in the make-up of Luther M. Swygert, which have brought him to the high position which he occupies today. No doubt many elements of his character have contributed to his progress. I have selected four points which seem

worthy of special comment.

The first of these elements of Judge Swygert's character which I would point out is his idealism; and I refer not to the sort of idealism which makes a man a dreamer, or the sort of idealism which is contrasted to realism, but rather to that idealism which Webster has defined as the practice of forming ideals, i. e., standards of perfection, and living under their influence. Judge Swygert has never been satisfied with anything short of the best attainable. He has "hitched his wagon to a star"; he has always given his best. Like all of us, he has had his days of adversity; he has tasted the bitter with the sweet; he has struggled with problems that have seemed at times insoluble. But he has never lost his faith in the attainment of the ultimate goal of high achievement; he has never wavered in the pursuit of the ideal of perfection.

The second element of Judge Swygert's make-up which deserves comment is his intelligence. I do not hold him up as an Aristotle or an Einstein; I do not say that his judgments are always correct; and certainly I have not always agreed with his decisions; but I say to you that he is a man of keen perception and deep understanding. He has been a good student always, and he has added to his native intelligence, his formal education and his scholarly attainments a broad experience in the fields of law. For many years he has dealt with the problems and the people that have passed day after day before the bench

of a busy court. The result is that he brings to this Court a trained and disciplined intelligence that can cope with and master the matters that will come to him here for solution.

The third element that has contributed to Judge Swygert's progress in life is one that is recognized by all who know him, - his industry. In my forty-five years at the bar I have known and observed hundreds upon hundreds of judges and lawyers, and I can truthfully say that I have known none who have surpassed and but few who have equalled this man in his diligence. The hour has never been either too early or too late to find him at work, - reading, studying, writing, struggling with the tasks before him. It is small wonder that such industry applied to the ideals and the intelligence that belong to Judge Swygert have brought him the respect which he commands today.

But crowning all of the characteristics of this newest member of our Court of Appeals, is his personal integrity. His every decision, be it right or wrong, is the product of his honest judgment. He enjoys our confidence because he deserves that confidence. He is the personification of justice "administered freely, and without purchase; completely, and without denial; speedily, and without delay." Verily, he is a rock of dependability.

Therefore, it is with pride that I move that Judge Swygert's

portrait presented here this morning by the Bar Association of the Seventh Circuit be accepted by the Court and that it be hung in an appropriate place in the corridors of the building which houses the Court.