

JUDGE FRED L. WHAM

Some fifty-two years ago a tall, sturdy, trim, and earnest young man, then teaching in one of the elementary schools of East St. Louis, observed from the window of his rented room in a nearby lodging house the progress then being made in the construction of the building in which we are assembled today. Not being endowed with the gift of prophecy, he did not foresee that some twenty years later he would become the judge who would preside in the court which would be held in that building, and would serve in that high office for almost three decades.

Fred Louis Wham, of Scotch-Irish, English, French, and Dutch ancestry and American parentage, was born on June 15, 1884 in the home of his parents upon a farm located in Haines Township, Marion County, Illinois. His was in many respects the boyhood typical of a member of a large family (he had four brothers and three sisters) living in a rural area in Southern Illinois in those days. Present day labor saving farm machinery and equipment and household appliances were then unknown. He early acquired the habit of and capacity for working hard through long hours by doing numerous farm chores before and after school when the school he attended was in session, on Saturdays, and throughout vacation periods.

His early education was acquired in one of the one room country schools, in which all grades were taught by one teacher, which was then so typical of, but is now so rapidly disappearing from the American educational scene. His father had been a country school teacher and a

closely supervised study period was held after supper and before bed time in the family home each day during the school year. Unable to attend the nearest high school because of the lack of roads which could be traveled during the winter months, he became thoroughly grounded in the then usual and fundamental elementary school subjects by taking the work of the seventh and eighth grades a second time.

Some boyhood experience, or some advice given him, prompted him to desire to become a lawyer. In order to gain admission to the University of Illinois and study law there, he attended what was then Southern Illinois Normal University, now Southern Illinois University, for some eighteen months, and, by earnest application to his studies there, succeeded in obtaining a sufficient number of credits which, when supplemented by successfully passing University entrance examinations, enabled him to obtain admission to the then College of Literature and Arts of the University of Illinois in the fall of 1904. The family resources were insufficient to finance his education at that University, and he earned his way there through working at such jobs as were available to him, and also by temporarily discontinuing his university studies and teaching in the East St. Louis public schools, and coaching the East St. Louis High School football team, during the school year which began in the fall of 1906.

Notwithstanding these handicaps, his record at the University of Illinois was an outstanding one in several respects. His scholastic average was such that he was elected to Beta Kappa Nu, the predecessor of the Order of the Coif of today, during his senior year in the University's

College of Law. The fine physique and excellent physical coordination which he had acquired as the result of his boyhood work on the family farm enabled him to "make" the varsity football team of the University, and to earn a letter in football, during each of the last three years in which he attended it. His ability and prowess as a football player were such that during his senior year he received the honor of being chosen and designated as a tackle on the "All Western" football team of that year, a football distinction then second only to being selected as a member of Walter Camp's "All American" team.

His religious training was early and thorough and made of him a truly and deeply religious man. His father was Superintendent of the Sunday School and a Deacon of the rural Baptist Church which Judge Wham first attended. Certain rites and sacraments of that church so impressed him and his brothers and sisters that an older brother, frequently gathered the younger members of the family, including Fred, together, preached to them, and conducted a simulated but not irreverent communion service, obtaining for this purpose bread or crackers from the family kitchen and making a juice from blackberries or strawberries to serve as a substitute for the usual sacramental wine. From time to time the brother, in his self-assumed role of a Baptist minister, would follow these somewhat unorthodox services with the rite of baptism, performed, as one of the members of the family puts it, in "true Baptist style", by immersing his brothers and sisters either in a horse trough filled with cold water drawn from a well or immersing some of them, and especially Fred, in the water in the

well itself. Our subject was so deeply moved by his genuine, and possibly by these simulated, religious experiences, that, after he began residing and practicing law in Centralia and had joined the Presbyterian Church there, he became an outstanding church leader and officer, teaching a class and acting as Superintendent of the Sunday School of his church for more than twenty years, being ordained an Elder of that church, being chosen, although a layman, as the moderator of his Presbytery, and recently serving as a member of the Permanent Judicial Commission of the General Assembly of the Presbyterian Church of the United States.

Following his graduation from the College of Law of the University of Illinois he took and passed the Illinois bar examination. He then opened an office and began the practice of law in Ft. Smith, Arkansas. After practicing there for a short time, he accepted a position in the office of the counsel for the St. Louis-San Francisco Railroad Company at Fayetteville, Arkansas, and, while holding that position, frequently officiated in football games at the University of Arkansas, the University of Oklahoma, and other universities in that area. Some years later he became an Assistant to the Solicitor of the United States Department of Agriculture at Washington, D.C., a position which he held until 1917 when he and his younger brother Charles formed a partnership for the practice of law at Centralia, Illinois and established a law firm which for many years has constituted, and now constitutes, one of the leading and most successful firms in the southern area of this state.

In 1926 impeachment charges were voted by the House of Representatives of the Congress of the United States against the then senior judge of the United States District Court for the Eastern District of Illinois. That Judge resigned from that office upon the eve of his trial in the United States Senate upon those charges. The selection and appointment of a qualified and suitable person to serve as a Federal Judge is always a matter of great importance and of real public concern. This was especially true in connection with choosing one to fill the vacancy in the Eastern District of Illinois thus created. After several able, prominent, and reputable lawyers and state court judges were considered but were not chosen, Senator Charles S. Deneen suggested the appointment of Fred L. Wham to President Coolidge. The latter, upon reviewing Mr. Wham's record as a lawyer, a citizen, and a church leader, promptly declared, with his characteristic loquacity, "This is our man". Shortly afterwards, Fred L. Wham took the oath of office as a Judge of the Eastern District of Illinois on March 7, 1927.

He held that office until, as the result of the appointment of Judge Walter C. Lindley, his colleague and senior as a Judge of that District Court, to the United States Court of Appeals, he became Chief Judge of the Eastern District in October, 1949, and then served in the latter capacity until his voluntary retirement, effective March 3, 1956. The cases which were tried before him, and the opinions he wrote during those three decades were both numerous and important, but the work of a Judge should be evaluated and will be remembered by the way in which it has been performed rather than by reviewing statistics covering the number of cases he has tried and opinions he has written. Consequently, none will be cited here.

The attributes which Judge Wham had displayed, and the habits and

qualifications he had acquired before he became a Judge of this Court, have been constantly manifested by his outstanding work in the very important judicial positions he has held. He became a Judge of this Court at a time when it was not held in the highest regard by the residents of the Southern portion of this district. The National Prohibition Act was then in effect and its attendant evils were prevalent here as well as in numerous other parts of the nation. Wrong-doing and crime flourished in portions of this district and gangsters and others engaged in criminal activities considered themselves to be above the law and were flouting it with impunity. The Eastern District of Illinois is a large one comprising some forty-five counties in the Southern and Eastern portions of the State. Only a fearless, determined, persevering, and dedicated man could adequately fill the position and perform the duties of the judge presiding in the southern portion of it.

Judge Wham soon demonstrated that he was and is such a man and judge. Harold G. Baker, Sr. was then the United States attorney for the District. Prosecutions for violations of the Federal criminal laws soon became so efficient and successful that a parody upon the old baseball adage "Tinker to Evers to Chance" substituting "Baker to Wham to Leavenworth" for it became commonplace language among offenders brought into this Court and among many of the attorneys who represented them. "The way of the transgressor" became "hard", and violations of Federal law diminished very substantially, both in volume and importance.

This does not signify, however, any blind zeal resulting in unwarranted measures, or lack of respect for the rights of those accused of crime, upon Judge Wham's part. On the contrary, he displayed and exercised, in both

criminal and civil cases, the utmost fairness to and meticulous respect for the rights of those who appeared before him. All too frequently even able and conscientious judges, their patience sorely tried by both litigants and lawyers, tend to become rather impatient and somewhat inconsiderate of the feelings of those who appear before them. Judge Wham has never manifested any of these undesirable traits. No more patient, conscientious, fair, honest, courteous, and considerate judge than Judge Wham has ever sat upon the bench of any court. No judge has worked harder or striven more diligently to properly perform the duties of his office and to do justice to all who have appeared before him in any capacity than this Judge we honor here today. No judge has earned and merited more than he the high regard, respect, and esteem in which he is held by the lawyers who have appeared before him and all who know him and are familiar with his exemplary work on the bench of this and numerous other Federal Courts throughout the nation.

Notwithstanding the demands upon his time and energy resulting from his busy law practice before being appointed to the bench, his heavy burdens as a judge of this busy and important court, and the long hours of painstaking work and sustained effort he devoted to both, Judge Wham has somehow found time and energy to engage in other numerous and worth while activities in which he has attained deserved prominence and honors. Mention has been made of his manifold contributions and extremely valuable services to his church. He has also been very active in civic work of various kinds in the community in which he has resided; so much so that in 1946 the Junior Chamber of Commerce acclaimed him as Centralia's outstanding citizen and presented him with a Distinguished Service Award and an honorary life membership in that organization.

He has always manifested a keen interest in the welfare and progress of his alma mater. In 1924 the citizens of Illinois elected him a member of the Board of Trustees of the University of Illinois, a position in which he rendered yeoman service to that University before resigning from it upon assuming his judicial duties, which the law required him to do upon taking his office as a Federal Judge. He is an active and very useful member of the Alumni Association of the University of Illinois and a member of the Citizens Committee appointed by the President of that University for the purpose of advising him and other University officers and Trustees, and aiding them, with respect to the activities and problems of that great educational institution.

He has been a Rotarian, and active in the work of the Rotary Club of Centralia, for many years.

He is a member of the Masonic fraternity and of the Masonic Lodge at Centralia, and was presented with his fifty year membership pin by that Lodge less than a month ago. A member of the Scottish Rite Bodies of East St. Louis for many years, he received several years ago the high Masonic honor of having conferred upon him by the Supreme Council of the Scottish Rite the Thirty-third Degree, and since then has received, and now holds, the even higher honor of being an active member of that Supreme Council, an office of great responsibility as well as of marked distinction, in the Scottish Rite. He is also a valued and respected member of Ainad Temple, the Shrine Temple at East St. Louis.

In June, 1958 Southern Illinois University, in recognition of his splendid work as a lawyer and as a judge, and his contributions to the welfare

and progress of his fellow citizens, conferred upon him the Southern Illinois University Alumni Achievement Award for outstanding professional service.

Despite the important offices he has held and the many honors which have been conferred upon him, Judge Wham always has been and is today a modest, unassuming, sincere, warm-hearted and cordial man giving his utmost to the important work of the positions he holds and devoted to his fellow citizens, his host of friends, the members of his family, and his numerous relatives.

I cannot conclude without saying something concerning his immediate family. In connection with its members, both past and present, he has experienced the great joys, and also some of the deep tragedies, which so often attach to one who has lived a long and busy life. He always has been and is a devoted and exemplary husband, and his life at home with his charming wife is an ideal one. He has three sons, two of whom are successful lawyers, and one of whom is a physician holding an important public post. Being the kind of father that he is, he finds his greatest delight, and the finest reward for his life's work, in their progress and success and in the welfare and future prospects of his grandchildren.

Although he retired from his position as Chief Judge for the Eastern District of Illinois over two years ago, and has attained the age of seventy-five, he is still a man of remarkable vigor, industry, and usefulness. Fortunately for the cause of justice and the welfare of this nation, Judge Wham's retirement from the judicial office he formerly held did not mark the end of his judicial services. Since his retirement he has frequently accepted assignments to

preside in Federal Courts in many parts of the nation. It is his fond hope and earnest desire, and that of all who are gathered here today, that he will be able to continue his many useful activities, both as a judge and in other important capacities, for years to come.

What has been said establishes why we of the Bar Association of the Seventh Federal Circuit and of the East St. Louis Bar Association have gathered here in sincere and heartfelt tribute to this exemplary man and ideal judge, and proudly present to this Court, to be hung upon the walls of this court room and serve as an inspiration to all who see and study it in the years to come, his photographic portrait. With it go to him our highest respect and esteem, our profound admiration and appreciation of all that he has done, our warm and abiding friendship and affection, and our earnest hope and wish that the future holds in store for him many years of a continued rich and useful life.

Ralph F. Lesemann