

REPORT OF PROCEEDINGS

PRESENTATION OF THE PORTRAIT

of

HON. OTTO KERNER

**CLAUDE W. YOUKER, JR.**

OFFICIAL COURT REPORTER  
U. S. DISTRICT COURT  
UNITED STATES COURT HOUSE  
ROOM 2544-A  
CHICAGO, ILLINOIS 60604  
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REPORT OF PROCEEDINGS had at the presentation of the portrait of the Hon. Otto Kerner, Judge of the Seventh Circuit Court of Appeals, by the Seventh Federal Circuit Bar Association, in the courtroom of the Seventh Circuit Court of Appeals, United States Courthouse, Chicago, Illinois, on Wednesday, May 13, 1970, commencing at 9:30 o'clock a.m., the Hon. Chief Judge Luther M. Swygert presiding.

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CHIEF JUDGE SWYGERT: Good morning, ladies and gentlemen.

This Court is now convened for the purpose of conducting proceedings leading to the presentation by the Bar Association of the Seventh Federal Circuit of the portrait of Judge Otto Kerner.

Once more this Court is the recipient of the generosity of the Association, a generosity that is deeply appreciated.

I am happy that we have with us on the bench this morning our distinguished Circuit Justice, Mr. Justice Marshall, as well as our former Circuit Justice, a man to whom we are all endeared, Mr. Justice Tom C. Clark. Also on the bench, I am happy

to note, is our newly installed Circuit Judge, Judge Pell.

We were going to be honored this morning by having Judge Duffy with us, but he sent word that he could not be here. However, we do have three other judges whom I want to present and make mention of. Simply because of space limitations on the bench, we could not have our three Senior Judges with us on the bench this morning, Senior Judge Win G. Knoch, and Senior Judges Hastings and Castle, both former Chief Judges of our Circuit. I would also like to acknowledge the presence of all of our District Judges in the Circuit.

It is now my pleasure to present Mr. Irvin B. Charne of the Milwaukee bar, President of the Bar Association of the Seventh Federal Circuit, for such remarks as are pertinent to the occasion.

MR. CHARNE: May it please the Court, Mr. Justice Marshall, Mr. Justice Clark, Chief Judge Swygert, members of the bench, distinguished members of the District Court and ladies and gentlemen:

It has been the pleasure of the Bar Association of the Seventh Federal Circuit, since its inception, to present portraits of judges to this

Court, and once again we are very happy to have the opportunity to participate in such a ceremony.

At each of these ceremonies we look for a distinguished member of our Association to make the presentation speech, and once again we have chosen a very distinguished member whom we are happy to claim as one of our own, but in this instance we have the best of both worlds because not only is he a distinguished member of our Association, but he is a distinguished jurist as well.

It is with great pleasure that I present to you at this time to present the portrait, the Honorable William J. Campbell of the Northern District of Illinois.

CHIEF JUDGE SWYGERT: Thank you, Mr. Charne.

JUDGE CAMPBELL: With leave of the Chief, I would prefer to speak from the rostrum.

CHIEF JUDGE SWYGERT: You may.

JUDGE CAMPBELL: Thank you.

May it please the Court, distinguished guests of the Association, distinguished member of the Association, my brethren of the District Court and the two Mrs. Kerners: I am very pleased, flattered and honored to have been chosen by the Bar Association

of the Seventh Circuit to make this presentation to this Court in its behalf.

I have the privilege of presenting, on behalf of the Association, the portrait of our fellow member and distinguished member of this Court, the Honorable Otto Kerner.

Judge Kerner is a native Chicagoan. He was born in this city on August 15, 1908, the son of then a young lawyer on the west side, a gentleman of Bohemian extraction named Otto Kerner, later to become a leader in his party, a judge of the state court, Attorney General of Illinois and a judge of this court, the son of this man and the lovely and charming Rose Kerner, who is with us today.

I would like at this time also to acknowledge the presence of his lovely wife Helen, who also graces the occasion.

Before proceeding to the formal education which is in the biography, Otto, that they gave me to describe you here --

(Laughter)

JUDGE CAMPBELL: (Continuing) -- I would like to observe that the finest education that the gentleman we are honoring today received was in the

home of these two lovely people, his late father, my dear friend, and Rose, who is here with us.

Parenthetically, and in passing, I would like to observe that if more education today were given in those kinds of homes, we would not be in the mess we are in.

Going on now to his formal education, he was educated in the public schools of Chicago, at Oak Park High School, and then attended Brown University, from which he received his Bachelor of Arts Degree in 1930.

He did his post-graduate work in 1930 and 1931 at Trinity College in Cambridge University in England, returning to attend Northwestern University Law School, from which he graduated in 1934 with the degree of Doctor of Laws.

He went out into private practice in the City of Chicago, not an easy thing to do in those days. From May to December of 1934 he was associated in the law firm of Cook, Sullivan and Rix, a very distinguished firm of this city, but then in January of 1935, having learned all they could teach him in eight months, he organized the firm of Kerner, Jaros and Tittle, a very outstanding firm of Chicago, with which he continued in practice, except

for his war interruptions and until becoming United States Attorney.

In 1934 he entered the Illinois National Guard as a private. In March 1941, he was called to active duty as Captain Kerner. He served in the Mediterranean Theater victoriously against the famous Desert Fox, Field Marshal Rommel, and later in the Pacific Theater.

He was released from active duty in 1945 as Lt. Col. Kerner. He retired from the Illinois National Guard in 1954 with the rank of Major General.

In 1947 President Truman appointed him United States Attorney for the Northern District of Illinois, in which office he served vigorously and fairly until he resigned in 1954, having been kept on in the office by an administration of another political hue, because of his ability.

He resigned that office in 1954 and was then elected County Judge of Cook County. He was re-elected to that office in 1958, and during both of his terms he added luster, much needed decorum and orderly procedure to that very important court in this community.

In 1960 he was elected Governor of Illinois. He was re-elected in 1964 to that high office, and I should note that he is only the second member of

the party of truth and light to be re-elected in over one hundred years. It shows how backward Illinois is, for you people from Indiana from whom I heard entirely too much the other day.

(Laughter)

JUDGE CAMPBELL: In 1967 President Johnson appointed the National Commission on Civil Disorders, with Governor Kerner as Chairman. The outstanding and much publicized report of that commission issued March 1, 1968, and known as the Kerner Report, has become history and further redounds to the credit of the person whom we are honoring today.

In May, 1968, he resigned as Governor of Illinois and took his oath of office as a judge of this court.

Judge Kerner holds honorary degrees from eleven different universities and colleges, and he is active in all charitable and civic welfare organizations of this city, outstanding among which are the Boy Scouts of America, the United Fund, the Cancer Fund, the Red Cross, all of the bar associations and many fraternities and social clubs. In addition to this, he is a trustee of his alma mater, Brown University.

Your Honors, the Bar Association of the Seventh Circuit honors itself, as it honors this Court, by the presentation to this Court of this portrait of its distinguished member, Judge Kerner.

CHIEF JUDGE SWYGERT: Thank you, Judge Campbell, for your very nice presentation. On behalf of the Court, we are indeed happy to accept this handsome portrait of Judge Kerner.

Now, I would like to ask Judge Kerner if he would like to respond.

JUDGE KERNER: Thank you very much.

Mr. Justice Marshall, Mr. Justice Clark, Chief Judge Swygert, my brethren and particularly Junior Judge Fell: I am particularly pleased to have Judge Campbell make the presentation. I thought it entirely appropriate, Judge Campbell, that you should inform the people that I did have a formal education, because sometimes there are those who doubt that I did.

(Laughter)

JUDGE CAMPBELL: I did not mention that.

(Laughter)

JUDGE KERNER: The other day we had a most interesting installation of a new judge, and those of

you who are here I know appreciated the remarks. But may I say that a Justice of the Supreme Court really knows how to hurt you, when he mentioned that I am all the way to the right.

(Laughter)

JUDGE KERNER: I do not know whether that would hurt more than the prediction that I was to be "hung" this morning, but at least I have been able to be present at my own "hanging."

(Laughter)

JUDGE KERNER: I do appreciate what the Bar Association has been doing and has done on this occasion, but I would like to call Judge Pell's attention to the fact that I have been here almost two years, apparently on a probationary period, before they would commission the artist to do the painting. Just a word of caution to you.

(Laughter)

JUDGE KERNER: I think what the Bar Association has been doing for many years, in all sincerity, is really a wonderful thing. May I say that I was pleased, when I was County Judge, to have a picture of every one of the County Judges who served in that court during its existence in this county. I was so

pleased to see the Bar Association of the Seventh Circuit do the same sort of thing, because when I come into this courtroom to sit and hear matters, it is always very pleasant to look up on that side (indicating) and see a picture of Dad, who I am sure watches over me and has scolded me a few times; but it is always good to see his face again, as well as so many of the judges whom I personally have known over this period of years. I deeply appreciate it.

I deeply appreciate, too, what the artist, Mr. Ingerswen, has done, and the patience he has had with me. May I say that your Arts Committee selected well in recommending Mr. Ingerswen to do the portrait. Helen likes it, and I think that is a very good criterion.

Thank you so very much.

(Applause)

CHIEF JUDGE SWYGERT: Thank you, Otto, for your very appropriate remarks.

I do not wish to detain you much longer, but I would like to make some concluding remarks. I dare say that it is not often that we have in a gallery of judges' portraits, a father-and-son

combination who have served on the same court.

Today that is the case.

Many of you knew the senior Otto Kerner who graced this bench from 1938 to 1952. We indeed are fortunate in having both him and his son serve as judges on this Court.

It is truly a son-like-father fortuity, both humble men with great hearts, having the judicial attributes of learning and good judgment, and above all, true gentlemen.

In conclusion, I want to express to you, Mr. Charne, and to the Bar Association of the Seventh Federal Circuit, our grateful appreciation for this portrait and for your generosity in the past and today.

Thank you very much for coming, all of you. Court is now adjourned.

(WHICH were all of the proceedings had for the Seventh Circuit Court of Appeals on the day and date aforesaid.)

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