

SEVENTH FEDERAL CIRCUIT COURT OF APPEALS

PORTRAIT PRESENTATION CEREMONY

WEDNESDAY, NOVEMBER 6, 1968

Federal Building
219 South Dearborn Street
Chicago, Illinois

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. . . Court convened at 2:00 o'clock
P.M. . . .

JUDGE LATHAM CASTLE: We want to welcome all of you here to this ceremony today, and the Court is convened today for the purpose of having the portrait of Justice Clark presented.

At this time, I would like to introduce the members of our Court, and, also, the members of the District Court.

. . . Introduction of members of
the respective courts . . .

At this time, I would also like to introduce Mrs. Clark.

Mary, would you stand please? (Applause)

At this time, I will recognize Edward A. Haight, President of the Bar Association of the Seventh Federal Circuit.

MR. EDWARD A. HAIGHT: May it please the Court, our Association has welcomed this opportunity and appreciate it to present this portrait.

As Your Honor knows, our Association was formed in the late 1950's, and one of the prime purposes was to present to this Court portraits of those who

have been appointed to serve and served on this bench.

Prior to the time that we were formed, portraits were presented in an informal way by groups of members of the bar, but it was the idea that we could continue it, and I believe this is the only circuit that has a uniform group of portraits of all of the judges who have sat upon this court.

Now, of course, today, we are breaking tradition. This is a first. True it is that Mr. Justice Minton who was our Circuit Justice at the time that that portrait was presented was not on this bench at the time that was presented, but this was the first where we could follow through with what we had in mind to keep current, to have the portraits painted from life instead of from photographs and to preserve the tradition which had been started before our organization was formed of having a certain uniformity.

Those of you who have been in other circuits will recognize there are differences in size, there are many variations, but that was one of our points, to keep on this tradition.

Now, when we came to this special situation-- and I believe it was our December 1966 meeting of the Board and committee chairmen, where it was suggested

that we should have a portrait of Mr. Justice Clark--we also discussed the possibility that we might instead of have a bronze, and that was left up to the Committee on Portraits and Memorials, and they decided that we would continue the tradition of an oil portrait, and this is, of course, a very special one, but, Mr. Justice Clark, you have been a very special Circuit Justice to all of us and that includes bench and bar.

To do Mr. Justice Clark's portrait, the Committee selected Grace Annette DuPre', and I wonder, Grace, if you would stand up, please. (Applause)
She is here in the courtroom with us.

Now, to make the actual presentation, at our last Board Meeting in September, there being stated by unanimous agreement that the President of the Association would not be equal to the task, the problem was whom should we get to present the portrait, and it didn't take long--indeed, it took less time than it takes me to tell it--but what there was a unanimous decision.

We had to have one who knew this Court; one who knew Mr. Justice Clark; one who knew our Association. Also, since it was an historic occasion, and,

yet, a happy one, we had to have someone with a sense of history and still a sense of humor, and, so, we selected and requested that our spokesman be one who in the last ten years has had, I believe, the most perfect record of attendance at our Board Meetings, because as Chief Judge, we extended an invitation, and he almost without exception came, and, so, I request that the Court hear from Judge Hastings not as a member of this Court, but as a member of our Association, and permit him on our behalf to present this portrait to the Court.

JUDGE CASTLE: Thank you.

I will now recognize Judge Hastings.

JUDGE JOHN S. HASTINGS: Mr. Chief Justice Castle, Mr. Justice and Mrs. Clark--Tom and Mary, I believe--President Haight, My Colleagues on the Bench and on the District Court, and Officers and Fellow Members of the Bar Association of the Seventh Federal Circuit, Ladies and Gentlemen, how beautiful it is once again to dwell together in love and unity after a rude awakening on the morning after, "the dawn of a new day" or the "late unpleasantness", as the case may prove to be, for each of you.

I must qualify to congratulate so many who

came today and are so bright-eyed, and as most of you heard from time to time last night, "Based upon the returns now in, I project that we have a winner this afternoon, Mr. Justice Clark."

It is indeed a rare privilege and a great personal pleasure for me to assume the role of a member of the Bar Association of the Seventh Federal Circuit on this significant and happy occasion. It is always a happy occasion when Tom and Mary come home again, and it is a real joy to have that talented portrait artist and gracious lady, Miss Grace Annette DuPre', present to see her work once more added to this unusual portrait collection.

This ceremony is but another in a long series of such events in the life of the Court made possible only through the generosity and thoughtfulness of the members of the bar of this circuit.

On the walls of this courtroom and our conference room hang the oil portraits of the judges who have graced the bench of this Court now, save one, our newest member.

These portraits bear mute testimony of the deep respect and loyal devotion of those engaged in the

practice of the law for their erstwhile fellows now on the judiciary, and this historic occasion has special meaning in its break from tradition that President Haight made passing reference to.

There have been several Circuit Justices designated to guide our Seventh Circuit. All of these fine gentlemen have enjoyed the confidence and the admiration of the lawyers, but for the first time today, this unusual recognition is being accorded to a member of the Supreme Court who has not served as an active judge of this Court.

The deep friendship and affection of the members of the bar now finds an expression for one who has come to occupy an unique place in our minds and our hearts.

This portrait presentation stems from the determination of the officers and members of our Association in December, 1966 to honor our Circuit Justice and his lovely lady on Tom and Mary Clark Night in May, 1967, for, then, it was first decided and later announced, to commission the painting of a portrait of Mr. Justice Clark and present it to this Court.

Mr. Tom agreed to sit, and Miss DuPre' undertook the assignment to bring this project into fruition.

Through the untiring efforts of our fellow member, Mr. Robert C. Williams, and after unavoidable delays, the mission was accomplished, and the finished work is now at hand.

Bob, won't you please stand and take a bow.
(Applause)

This occasion recognizes the distinguished service of our honored guest as our Circuit Justice from 1957 until his retirement from the Supreme Court in 1967.

At a memorable dinner on Tom and Mary Clark Night in May, 1967, it was my happy privilege to speak at some length on the outstanding career of our honored guest. This is not the time to repeat those remarks, but I think it is fitting to note that since his retirement, Mr. Tom has worked full time on many important assignments by the American Bar in the related fields of judicial administration and effective service of lawyers in the practice of law.

His most notable undertaking was at the request of the Chief Justice when he became the first Director of the Federal Judicial Center recently authorized by Congressional legislation, and a few days

ago, this important Center dedicated its new headquarters in the historic Dolly Madison House in Washington, D.C.

It is safe to predict that our honored guest is now adding to his long list of valuable contributions to the advancement of the law in fathering the establishment of the Federal Judicial Center.

In closing this brief tribute to this good friend today, I think I can do no better than to repeat a quotation from one of his essays I used on Tom and Mary Clark Night, where in writing of the kind of citizens our America needs, how appropriate it must be, he said, "Men who prefer honor to wealth, truth to sophistry, kindness to covetousness, modesty to vaingloriousness, service to recognition, humility to grandeur, usefulness to reward," and, so, Mr. Chief Judge, it is in this spirit of personal esteem and warm affection that the Bar Association of the Seventh Federal Circuit now proudly presents to the Court of Appeals this portrait of Mr. Justice Clark in the hope that you will accept it and hang it in an appropriate place on the walls of this courtroom and there to take its rightful place in our family of judges.

JUDGE CASTLE: Thank you, Judge Hastings.

I just noticed that the Chairman of the House of Delegates of the American Bar Association just came in, Mr. Sears, would you stand and take a bow, please. (Applause)

Judge Hastings, I, too, want to thank the Bar of the Seventh Circuit for their many contributions which they have made over the years, and, especially, to Bob Williams, as you pointed out.

It is not only a contribution, but it is a thing which will sort of keep alive the history of the Court. I know I had an inquiry not long ago if we had portraits of the judges, and I was able to tell them that we had. I think it was from the Chicago Historical Society. I think from that standpoint it is a great thing.

Now, the last ten years that Justice Clark has been our Circuit Justice, we have, of course, learned to love him and became very fond of him, and I think in many instances, he went far beyond the call of duty to be of help to this Court.

It wasn't only in the formal meetings of the Court that we got to know him, but in the many social affairs which we had. Both he and Mary seemed to enjoy those affairs, and I know that all of the members

of the Court certainly enjoyed being with them.

At this time, it gives me a great deal of pleasure to accept the portrait on behalf of the Court, and it will hang right behind the bench.

That will be the first time that we have ever been able to get a Justice's back against the wall.

So, I think, perhaps, at this time we ought to have a few words from Justice Clark.

JUSTICE TOM CLARK: Mr. Chief Judge, Judge Hastings, My Brothers of the Bench, President of the Bar and the Chairman of the Board and My Brother Lawyers and Ladies and Gentlemen, well, I guess, a fellow ordinarily would not enjoy his hanging, but Mary and I are enjoying this one, and we appreciate it very much.

As a matter of fact, Chief Judge, I always call him "Chief Judge"--Chief Judge Hastings, I served with four Chief Judges here from time to time, and, as a matter of fact, I served this Circuit twice. Most people don't know that because the order was never made public, but when I went on the Court, I succeeded Mr. Justice Murphy who had this Circuit, and soon thereafter--about six weeks or a month--something like that--Justice Minton was appointed.

Meanwhile, I was designated for this Circuit,

and when Justice Minton came on, I thought he should have his own Circuit, so I took the Eighth and Tenth Circuits.

We take these Circuits by seniority, and, of course, the fellow on the bottom of the totem pole can't bump anybody, but I thought he should have his Circuit, and, so, I took the Eighth and the Tenth, and, then, when this Circuit became vacant from the standpoint of a Justice, I took it back eleven years ago. I think it was in 1957, and, so, I chose this Circuit because Mary and I have learned to love it and learned to enjoy being here and working with it.

John, you know, one night we sang a song, "We Shall Overcome", well, Mary and I, we are overcome today. We appreciate very much your kindness in having this distinguished artist, Miss DuPre', paint me.

Another fellow sat for that. That is why it looks so good. Any of you who will have your portrait painted, have someone else sit for you, and, then, you can get a good one.

I enjoyed sitting with Miss DuPre'. We worked under adverse circumstances from time to time. We sat in one of our conference rooms in the Court.

Miss DuPre' is one who wants the light just right, and, so, we had to have two or three different light experts and two or three different other experts arrange the Venetian blinds, so that the light would come down just right, and you can see she got a pretty good light.

I will be honored to have my portrait hung. I understand you are going to put "Shay" up here, too--

FROM THE FLOOR: Yes.

JUSTICE CLARK: I will be honored to have my portrait hung along with "Shay's". "Shay" and I-- well, we are old partners, going back many years, in fact, to when he sat in the Senate in the United States. So, I am honored to be hung next to him.

As I look down over your shoulders from back there, I will not be invading your business, but I shall be looking upon you with that satisfaction and admiration that I have always had for the Seventh Circuit.

In my meanderings around the country, I have always said that there is no greater bar than the Seventh Federal Circuit Bar. I notice they always put that "Federal" in there, and some of the other Circuits have been envious, and they have organized

bars in order to try to cope with the Seventh Circuit, but they have not been able to do it, because it takes more than just an organization of the bar. You have to have people to make it, and you have here in the lawyers of this bar not only the most distinguished advocates, but you have those that are dedicated to the bar and to the judicial process, and for that reason, you are able to have better programs, you are able to have more distinguished people come here on your programs.

I can remember well how you gather them from all over the United States on some of these programs, and, so, I know that those programs will continue.

Mary and I shall miss the Seventh Circuit. We have always enjoyed it.

You know, you gave her a little charm bracelet in 1967, and we were over in Utah at the University last spring, and we found suddenly that the bracelet was gone, and I called several people, including the F.B.I., and we had a search instituted all over San Francisco, Los Angeles, Salt Lake and other places, and a day or two later, who would find the bracelet, but a charwoman in the basement of the hotel in Salt Lake, and the lady who was instrumental in finding the char-

woman was my secretary, Miss O'Donnell's--she is now my Professional Assistant, incidently, on the Judicial Center--sister-in-law who lives in Salt Lake and became interested in trying to find the bracelet, and she went down to the hotel, and this lady had found the bracelet and turned it into the Lost and Found, and the reason she thought it had some significance is because she read on it the inscription that you put there, and it says on there, "Tom and Mary Clark Night". That is really an amazing inscription. The heart is there. It really is wonderful, and it shows how expressive it is, that this lady would know that it had some significance.

Mary sent me a little note one time not long ago when I was making a speech, and all it had on it --from the back the man brought it up to me--was "K.I.S.S." When he handed it to me, he said, "You know, that is one of the most wonderful things I ever experienced that your wife of forty-three years is sending you this expressive good wish just before you made your speech."

And I said, "Do you know what that means?"

And he said, "No, 'kiss', a word of affection, love."

I said, "No, it means, 'Keep it short,

Stupid.'"

Thank you very much. (Applause)

JUDGE CASTLE: Thank you very much, Justice Clark.

I am sure that your portrait hanging behind us during our court hearings, it will be a great inspiration. Of course, it is just too bad that we didn't do this when you were on the Court. It might have had a healthy effect on some of your opinions.

JUSTICE CLARK: They could have stood that.

JUDGE CASTLE: Well, that concludes the ceremony, and I am sure that Justice Clark would like to stand down there and meet any of you that would like to come up and say hello to him.

That concludes the ceremony, and the Court will now stand in recess until tomorrow morning at nine.

. . . The session recessed at

2:25 o'clock P.M. . . .