

IN THE UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE 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 JESSE E. ESCHBACH, by the Seventh Circuit  
Bar Association.

March 25, 1964  
11:00 A.M., EST  
Fort Wayne, Indiana

JUDGE HASTINGS: The special session of the United States District Court for the Northern District of Indiana, the Fort Wayne Division, is now convened for the purpose of conducting a proceeding relating to the presentation of a portrait of the presiding Judge of this court, the Honorable Jesse E. Eschbach.

First I should like to express my own pleasure at being privileged to preside at this occasion. It is the first time I have held court in Fort Wayne, and I trust it may not be the last. It is also a pleasure to come here and see so many old friends and greet them, lawyers with whom I was associated for many years and count as longtime friends.

The Court at this time will recognize Mr. Frederick Beckman, president of the Allen County Bar Association.

Mr. Beckman.

MR. BECKMAN: May it please the Court, your Honors, Ladies and Gentlemen: The function this morning is primarily that of the Seventh Circuit

Bar Association. The Allen County Bar Association was asked to intervene in the proceedings and we were pleased to accept that invitation for a couple of reasons: Number 1, the court of course is located within the geographic confines of Allen County, and all of us certainly are interested in what happens in our local courts. Secondly, following his ascension to the bench, Judge Eschbach became a member of our Allen County Bar Association, and as it were he is now one of our boys, and we are interested to see what happens to the membership.

We want to express a welcome to you and we hope you have an enjoyable time, our visitors from outside of the county. If there is anything we can do to increase your pleasure while you are in Allen County please do not hesitate to call upon us. Welcome to Allen County.

JUDGE HASTINGS: Thank you, Mr. Beckman.

The Court at this time would like to introduce a few of our distinguished guests. I understand others will be presented at the luncheon which is to follow.

I am sure they are strangers to many of you. Sitting behind Mr. Beckman is Mr. Sigmund Beck, a member of the Board of Governors of the Seventh Circuit Bar Association of Indianapolis, and former treasurer of the Association. Behind Mr. Beck is Mr. David A. Shipman, secretary of the Association, and for many, many years he was a lawyer and Master in Chancery in Chicago. In the center row from Janesville, Wisconsin, is the treasurer of the Seventh Circuit Bar Association, Mr. Jacob Guest. Behind Mr. Guest is the longtime chairman until this year, and still acting chairman of the Circuit Court Portrait Memorials Committee who is directly responsible for the beginning of this event which takes place here this morning, Mr. Robert A. Williams of Chicago. I will skip Bill a minute.

Over on the right-hand side is a former president of the Seventh Circuit Bar Association, a distinguished lawyer from Chicago, Mr. Samuel Levin. Next to Mr. Levin is the chairman of the Indiana Subcommittee on Portraits and Memorials who had a part in the arranging of these proceedings

today, from Indianapolis, Mr. Bill Evans. Heading this distinguished group and leading the work of the Seventh Circuit Bar Association this year is another gentleman I should now like to present who will speak to you, a distinguished lawyer from Indianapolis, Mr. Jerry Belknap.

Mr. Belknap.

MR. BELKNAP: May it please the Court, distinguished judges, fellow members of the Bar, guests: I think first of all I would like to report, especially to Judge Eschbach, that I have had communications of congratulations and best of wishes on the happy event and regrets that they couldn't be here from, among others, Governor Kerner of Illinois, a member of the Association, from Judge F. Ryan Duffy of the Court of Appeals, from some of your fellow judges over in Illinois, Judge Jurgens and Judge Poust, and a number of others. I just don't have them with me.

It is a distinct honor to be here today and to be able to appear as a representative of the members of the Bar throughout the Seventh Federal

Circuit, and, of course, it is always a real pleasure to be here personally with my friends from Fort Wayne in doing honor to not only this court, but also to Judge Eschbach.

Since, as has been mentioned, this ceremony does represent one of the important activities of the Bar Association of the Seventh Federal Circuit, it is probably not out of line to say a few words about the Association. For those of you who may not be acquainted with it, it is an association of lawyers who are admitted to practice in any Federal court in the circuit, whether a District Court alone or a Court of Appeals, having the general purpose of cooperating with and assisting all of the Federal courts in the circuit in improving and furthering the administration of justice in our Federal courts in our three states.

Among other things, the Association participates actively in the annual Judicial Conference, and, indeed, assumes the responsibility of presenting the entire program on the first day of the conference, which is the joint session of

the judges and the lawyers. That brings to mind one thing, the judges, of course, have to attend, they are compelled by law. We lawyers have a captive audience, and we have been known to take advantage of the fact to tell them where they have made their mistakes and why they have gone awry in not deciding certain cases for us. The fact that we do take advantage of that a little bit makes it the more appropriate that we be able to counter-balance it by having one of these affairs where we can remind the judges that we really love them and do respect them highly.

In addition to that, the Association has had a program since its formation some fourteen years ago in assisting all of the courts in this circuit in attaining suitable portraits and biographical materials of the judges who serve the courts so well. With regard to this aspect of the activities the Association has long regarded it as a tragedy that so many Federal courts have a difficult time collecting the portraits of the fine jurists who have served so well in the courts, and it is an

even greater tragedy that customarily the courts never get these portraits until after the judge has passed on and it has to be presented posthumously.

Now, to correct the situation the Association has been embarked, as I say, for fourteen years on this project of having portraits prepared of sitting judges during their lifetime, and having presentation ceremonies such as this in the Judge's own presence so that not only are we making an historical record, but we can also make a public testimonial of the respect, the esteem, the affection that all of the Bar throughout the three states have for our splendid Federal judiciary.

As president of the Association I am especially glad to participate in these affairs for another reason, and maybe it is a little private. I think the impression has been received among lawyers in the circuit that this Association is some sort of private club of lawyers who practice before the Court of Appeals up in Chicago, and it doesn't have much interest beyond that court. Nothing could be further from the truth, and this

ceremony is the best exemplification of the point that I could make. The Association is vitally concerned and interested in the administration of justice and some of the problems encountered right here in the Fort Wayne Division of the District Court for the Northern District of Indiana, and we stand ready at all times, as we are here today, to take all proper action and lend any assistance that is required to maintain, or even improve, if possible, the high quality of the practice of the law and the administration of justice in this court.

Now, with regard to this immediate ceremony, this project is handled by the Portraits and Memorials Committee of the Association, as Judge Hastings has mentioned. Duncan Lloyd of Chicago is the general chairman of that. Mr. Evans is the Indiana chairman. These men, with Bob Williams of Chicago and the members of the Board of Governors assigned to supervise the work of the committee, are the real workers of the Association who have co-operated with the Allen County Bar in arranging this ceremony. The portrait itself is the work product of Judge

Delbert Hallett of Chicago, a longtime member of the Association, who has continued his membership even after he ascended the state court bench in Illinois. He is very obviously a talented portrait photographer, and has produced a portrait of which we are proud to make available to the court.

To all these men we publicly express our thanks, and we have a special gratitude to the Allen County Bar Association which has done a magnificent job of arranging this very delightful affair.

Thank you.

JUDGE HASTINGS: Thank you, Mr. Belknap.

This gives me an opportunity on behalf of the Federal judiciary of the Seventh Circuit to pay a brief tribute to the work of the Seventh Circuit Bar Association, but before we proceed with the actual hanging which, of course, necessarily results in some lovely wife becoming a widow, I think I should present the prospective widow, Mrs. Eschbach.

I should like to have you meet my wife who is here celebrating her 39th birthday on this

occasion, Mrs. Hastings.

The work of the Bar Association is indeed an important thing in the administration of justice throughout this circuit. Its work is not confined to the Court of Appeals, but makes itself felt throughout all of the district courts in the circuit. To recount the many things this Association does would take more time than I should consume here, but among those things have been the interest the Association takes, of course, in the Rules of the court, both on the circuit and the district court level; these portraits throughout the circuit and on the Court of Appeals, and I hope that many of you will find it possible to attend a similar function some few months hence whenever we can get Judge Hallett enough free time to photograph Judge Beamer. Mr. Hallett could do this quite readily and quickly before he came a circuit court judge. Now we have to catch him on Saturday mornings when we can get him. That is the only reason why a similar ceremony isn't being conducted very close to this time for Judge Beamer as well as other

district judges throughout the circuit.

The Bar Association has been particularly helpful in furnishing the source of court-appointed counsel for indigent prisoners both on the district court and the appellate court level. Our prisoners, our indigent prisoners, through the efforts of this Association--and many of these distinguished lawyers sitting at counsel table here have many times represented these prisoners in our court--and it is through their efforts and lawyers like them we now find, at least on appeal, indigent prisoners are getting better representation than those who can afford to hire their own counsel in the criminal field, and this necessarily brings about some reversals.

The Association has been most active in advancing anything that will further the general cause of the better administration of justice on the Federal level.

The Association is unique in that it is the only one of its kind in the United States. No other circuit has its own bar association. Lest you

think this is a small group, they now number almost 1,000. I hope that many of you who do not belong may find an opportunity to join, but whether you join or whether you don't join, you are invited to attend our annual circuit conference at Chicago on May 12th and 13th.

On May 12th, as Mr. Belknap told you, we will have a stimulating lawyer's program throughout the day, the program being conducted by the lawyers, and of items that are of keen professional interest to every practicing lawyer as well as to the judges.

I think you and your wives will enjoy the two social occasions on that day because they really promise to be brilliant affairs. This will be at the Ambassador West, the luncheon will be in the Guild Hall, and Mr. Justice Clark of the Supreme Court will be honored by the Association on that occasion for his many years as our Circuit Justice and will talk. At the dinner that evening at which we will probably have some five to six to seven hundred people--the dress is informal for the men--

Mr. Justice White of the Supreme Court of the United States will be our speaker. So, you have an opportunity at first hand to see and to meet and to hear two of our nine Justices on the Supreme Court. I think you will find it all a very stimulating occasion, and I hope many of you will find it possible to come.

At this time I would like to present one of your own lawyers, Mr. Bill McNagny, who will present the portrait.

MR. McNAGNY: May it please the Court, distinguished guests and friends, my voice isn't very good and there are some things that I am going to say that probably shouldn't be said very loud anyway. It seems to me you would miss some of the peculiar flavor of Judge Eschbach if we said too many kind things about him today. It does evoke some pleasant memories to see Judge Swygert here and Judge Grant. I might say it makes me nervous enough to have one Federal judge on this bench, but we not only have two, but a galaxy over here in this jury box. It is enough to shake a country lawyer

up a bit.

I might say that I do feel that this presentation is something of an anti-climax as I was reading in the paper last night and the night before, and there was an item in there about the lady who has given \$500 to the Natural History Museum for a woodchuck exhibit in memory of her husband, and it seems to me a tribute like that just can't be beaten by a mere portrait.

When they asked me to say a few words about Judge Eschbach I was reminded of the remark that no man is a hero to his valet, and I think the same thing is true of a law school classmate. Getting a kind word out of them is a pretty difficult job. I talked to one of our fellow classmates, Tom Robinson down in Franklin who said, "You shouldn't have any trouble saying some nice things about Jeep," and I said, "Jeep?" and he said, "Don't you remember, that was the name." He said, "Among the other things you ought to remember was that while the rest of us were living off of Uncle Sam and not speaking to our assorted parents, Jesse came down

and bought a laundromat and not only did he put himself through school, but sent some money home," and he said that last with sort of a touch of awe.

"Another thing I liked about him," he said, "he started in law school and he had a few thousand when he started in, and he ended up with about every dollar in the place." He said, "Do you remember how well he did on the Law Journal?" I said, "You know how I feel about people who work on the Law Journal, they couldn't do it on bridge." I said, "Now that he has come onto the bench I am quite sure some of those notes are being read with a lot more interest than when they were written."

There is quite a great accent on youth these days. One of my favorite cartoons is the one where the sweet young thing is in the night club with this man and she says, "Goodness, Mr. Weatherby, seventy isn't old for a millionaire." I might say the same thing is true of a Federal judge. I don't want to push this too far, but I would say that forty-one or so is certainly not very old for a Federal judge, particularly when he has had as much

career as our Judge has here today.

He went back to Warsaw where his father was a distinguished lawyer before him and he went into a firm there, made one of the better known ones in this part of the state. He testified before Congressional committees without taking the Fifth Amendment, and it is even rumored that he can work the CCH looseleaf system, although I can't say that in my own background.

Back in the days when Fort Wayne was interested in getting business I was impressed with how much business the Chamber of Commerce, with our friend, was getting for Warsaw.

Another thing that intrigues me, you know that every lawyer, I think, outside of wanting a convertible, would like to be a successful businessman. We advise people in that field all day long. And, I might add, that after the other goals the Judge reached, he was a successful businessman, had a church furniture business in Warsaw for a while, and, I might say a la the metaphor, "You know you can go from bar to bench if you want."

I never knew that among one of the fine religious institutions which I believe the Church Furniture Company supplied was our City Court in Fort Wayne. It is the usual thing to ask whether the church attendance and everything has held up. Why, our City Court was able to report the attendance was always up in there.

I have checked with some of his friends over in Warsaw, and some of these things shouldn't even be exposed. I have wiped those out. But, during the time that he was a successful businessman and a successful lawyer, it is even rumored that there was one rather frantic matron over there who was a good friend of the family who was on a three-party line and rapidly losing her mind. He called her up one day and in a very stern voice told her he represented I don't know how many million subscribers and now she was being put on an eight-party line. I think her husband had to take her away on a vacation that year.

Judge Eschbach has done another thing which all of us have secretly hankered to do.

Haven't you ever wanted to go to a friend's house when he was having some very stuffy out-of-town guests and pose as a butler? He has already actually done that, and of course the punch line is when the head of the house comes in and calls for his martini and the remark is, "Get it yourself, you old so-and-so." I would say if they turn down two more pay bills he may just possibly go back to catering to a very select group.

I learned also this about him. He supported the Little League over in Warsaw, and he always has had time for the endeavors over there, and these are the things that I don't think we always know as lawyers. These are the things that often give a content to the personality which is lasting and which is real.

The stories about his fishing have been greatly exaggerated. I was talking to one of his former law clerks who was quite excited one day about an 11-pound bluegill which was being displayed in a public place. I don't take much interest in fishing, but that sounded to me like the

biggest fish since Jonah and the whale, so I rushed down and it turned out to be the fish was a 1.1-pound bluegill. I have a feeling that many of the fish taken out of Winona Lake have been weighed on the same scale as that bluegill. I have made a slight check with the religious community over there and they can confirm nothing except that he does fish on Sunday. I might say as a word of advice to the fish that after the Judge has been reasonably patient, bite.

Around our house there has been an article laying around in the Ladies Home Journal on Mrs. Lyndon Johnson, and I thought the most impressive part about it was how she in her spare time ran a \$17,000 investment up to \$7,000,000, and I have been leaving it around for whatever moral effect it might have on my wife. The article started out by pointing to the old cliché that you have all heard that Washington is full of successful men because of the women they married when they were young. I might say that it is said that Mrs. Johnson is one of those. I think we can say as

much for our Judge's wife, charming, responsive, and he has kept her young, sort of like the picture of Dorian Gray, she stays the same age and he has aged. That is real chivalrous. They have a fine family, and their TV is fixed, and as I say, these things you don't always mention, in a meeting of this kind, and I do think the content and meaning in a person's life, as Abraham Lincoln said one time in a letter about a certain man that he had a wife and a fine family, and after all anyone is rich who has that.

Judge Eschbach has been on the bench here a very short time and it reminds me of a remark Cliff Milnor made about his back. He was having trouble with it and his doctor and the doctor at Mayo's said you won't live to be 100, it will just seem like it. Since he has come on this bench I have had files which I didn't think I would disturb for five years and they are jumping around like kids. The dilatory motion which I always thought was the intellectual lawyer's qualification has practically disappeared. There are certain plaintiffs and

certain defendants that I hadn't planned to see in court for years and they are on my doorstep now. He not only has caught up with the docket, he is ahead of it, and he is about six months ahead of me. It is a nervewracking experience. I have been waiting for this to wear off, but so far he's not even winded.

After a town gets a railroad station and an airport and an industry or two, the next step is a Federal judge. Now, we have had some very distinguished sojourners in our midst, we have had Judge Swygert, and Judge Grant; but, as I say, they were sojourners only. I like to think that Judge Eschbach is really one of our own. I think he feels he is ours. I think he's close to our Bar, we know him, and we know him in a way that is a little bit different, but I say, I think he is definitely in our midst. We are proud of him. We are proud in a little bit of a way that a private is in the army of his top sergeant. He scares him a little bit the way he pops around, but he is proud of being in a good outfit and he thinks he

will stack up against most any other sergeant in the outfit.

I have heard quite a few people during the Hoffa and Ruby trials, when all of the hijinks were going on in the newspapers, say, "I would like to have that case tried in front of Judge Eschbach." I think that the justice would have been clearer and stronger. At the time of Jimmy Hoffa's conviction I was impressed by a remark of the judge, that anybody who tampers with a jury to some degree tampers with the soul of America. That is rather a sordid place and way to learn a lesson, but it is certainly extremely true. Both lawyers as practicing lawyers and lawyers on the bench have the business of being concerned with justice and being concerned with it very closely and intimately, and it is a very living thing. I think--when I was thinking about this a little while back--we have got a lot of comparisons between the Communist system and the democratic way, and really the great way is a sense of justice. In Communist Russia, for example, or China, or Cuba, there is no such

thing as individual right and wrong. It is perfectly all right to lie, to steal, to inform on your neighbor, or do a dozen different things. It is perfectly all right to do those things because the State tells you to. The thing that is the glory of our system is that it is the system where the individual, both as an individual and as part of an electoral system, decides what is right and what is wrong. I think that's our strength, I think that's our glory, and I think that's our responsibility, and I think it's a challenge.

You know, there has been quite a bit of talk over the last ten, twenty, or thirty years, I suppose, about the era of the common man. I think to some degree we are escaping that misconception of wrong because we are getting back to the point where we know we have to have some common men, we have to have men that stand for something better than every day. And better even than that, we have to have someone who will lead us, someone who will direct us, someone who by his own example can give us some impression of what is right.

One thing about Judge Eschbach is--and I think all of us who practice in this court know it, and we thank him for it--we know he is industrious, we know he is competent, but I think we can almost expect that from a Federal judge. We can expect those things. But I think what we salute him for is that dedication, that spiritual involvement, the standard of excellence which he gives us which far transcends ordinary competent work. I think that is something we can really salute him for. I think to many degrees he has made us better lawyers. He has made us serve our clients better, and he has made us carry out the ideals of our Bar in the highest tradition which we certainly know. I was thinking about this and I thought my goodness, when you think of the different kinds of cases, the different kinds of lawyers, and the different kind of personalities, it is just like someone wanting to tie you up. It is certainly a tough job for one man, and he is one man who has managed to do it.

I don't know of anyone I have known for

so short a time in an active way on the bench about whom I could sincerely say so many kind things. However, he has been on the bench a short time, I think he will be on the bench a great many more years, and if we say too many kind things to him there will be nothing to say when he is ninety, so I think we should move on at this point. The kind things we have said, I am sure he knows are sincere.

Turning to his picture, I might say we would like to give him a nicer picture, but it is customary to give a picture of the Judge. That is quite an engaging likeness, but I was thinking if you wanted to win an argument put before him on the bench, I think it would kind of help you prepare for it if you tried it before the picture first.

Not so long ago someone gave me some of those Spy cartoons and it showed a British judge and down below the caption was "fair, if not beautiful," and I think we could append that to this picture.

So, Judge Eschbach, we give this with admiration, we give it with regard, and we hope you

will be around for a picture, the same pose at least, eighty years from now, and we must say you will probably look very much the same, stern, unyielding, and fair.

JUDGE HASTINGS: Thank you, Mr. McNagny.

I might say in passing that having presided at a number of these ceremonies, Mr. Belknap, I think it would be in order to almost hire Mr. McNagny to do this on each of those occasions. Actually, of course, that doesn't complete the ceremony because, Judge Eschbach, before you are given the opportunity to respond the Court has the duty to determine whether or not this offer will be accepted. I consulted with my colleagues over there briefly before I came this morning and they deferred to my judgment. After hearing Mr. McNagny both pro and con it is the considered judgment of the Court that this portrait should be accepted by this court and ordered hung in an appropriate place for time to come.

I think also before I give the Judge a chance to defend himself that I would like, on

behalf of the twenty-two colleagues you have on the district bench, and seven on the Court of Appeals, and several senior judges, to extend to you our sincere congratulations on this occasion. We do that most sincerely and heartily.

As I observed we have twenty-three active Federal district judges in our circuit, and my good friend Luther Swygert and I have the opportunity from time to time to review the work of all twenty-three. You begin to form judgments, of course. They all are different individuals and all have their own way of working, but by and large we are very proud of our district bench in this circuit, and Judge Eschbach bids there to attain his rightful place among his older colleagues who have distinguished themselves throughout the years. We are proud to have him in the family. We are delighted the President saw fit to nominate him and the Senate saw fit to confirm it. He is a most worthwhile addition to our circuit court family.

Some reference was made to the ingenuity of Mrs. Johnson, and it was suggested probably that

Sally Eschbach might come along in that fashion. I want to tell you she has already arrived. Mrs. Hastings and I were fortunate enough to be the guests of Sally and Jesse at their home last night and at breakfast this morning. We were finishing breakfast and sitting at the table looking out over Lake Winona, a gorgeous setting, and it has been a wonderful experience to visit with them. Jesse, I think, instinctively reverted to type because in somewhat of a show of dignity he sort of pushed his chair back from the breakfast table, looked at Sally just a bit sternly, and he said, "Sally, if you don't mind--" and she interrupted and said, "Yes, I do mind." I tell you the Judge was completely taken aback, and we haven't let him forget it since that happened this morning. Sally has already arrived.

I know that it is customary in this court at least, and in most of our courts, before sentence is finally pronounced to give the defendant an opportunity to say a few words in his own behalf. Judge Eschbach, you have that opportunity.

JUDGE ESCHBACH: Thank you, Judge Hastings, Judge Swygert, and my distinguished colleagues on the district bench, lovely ladies, and gentlemen: I appreciate the opportunity to speak in my own defense, but I am like some others who have appeared in this courtroom, I am not just sure what to say to the Court before sentence is passed. I will say that the not guilty plea that I entered earlier this morning to you, Judge Hastings, I would now like to withdraw, and after reviewing the jury I would like to change that plea to guilty. I am not at all sure I could have a fair trial here.

This is a very hard thing to respond to because, not being facetitious for a moment, it is something that you know and I know certainly is not deserved, at least at this particular instance. As Bill McNagny appropriately pointed out, I have not yet served here two years. It will be two years very shortly. It has been a very pleasant two years, two years fraught with challenges that I frankly didn't know could exist. I say that most sincerely, Judge Hastings. A few of my challenges

have made their way to your doorstep.

I first want to thank the Seventh Circuit Bar Association, Jerry, Bill, and all these fine representatives of that group. I am delighted that Sam Levin could be here. I enjoyed his hospitality a year ago in Chicago and Sally and I appreciated it so much.

I cannot say that watching you here today is a noble thing, but it is nevertheless gratefully appreciated. Certainly I have been impressed with the work of the Seventh Circuit Bar Association, I commend it to the Bar of Allen County, and the adjoining counties that practice in this District Court. As Jerry pointed out, this is not confined to lawyers practicing only in the Court of Appeals. As a matter of fact I might say to those who join in practice in this court I would be hopeful that you would not have too much work in that court. But, nevertheless, the programs are most worthwhile, and I have appreciated as a judge of this court in my brief two years the co-operation and the programs you have so effectively promoted.

Likewise, I deeply appreciate the cooperation and the planning in this matter by the Allen County Bar Association. You gentlemen have been more than any new judge could have asked for. I say this to all of you. There are faces all over this courtroom that I have called and asked to serve many times under adverse circumstances, at times when your work schedule, I am sure, was already more than you could bear, and I have never been turned down in my requests that you represent an indigent defendant in a criminal matter in this court. To all of you, to all of the members of the Allen County Bar I express not only my appreciation for your participation today, the planning that Fred Beckman and his able assistants have put through here, but also the work you have done with this Court throughout the past two years.

There are representatives of other county bars here and I deeply appreciate your making the effort to be here today. As I say, I recognize even more than you do that this is not necessarily a noble gesture. It certainly, so far as the

speaker is concerned, is one that is undeserved, but I nevertheless appreciate it and I will not soon forget it. I cannot overcome the emotion to say to my colleagues from Kosiusko County how much it means to me to see you here. We locked our horns together many years ago, many of us, and I am very grateful that you saw fit to be here.

Serving as the Judge of this court has certainly been the highest professional privilege that any lawyer could have. It is made even more so by virtue of the tradition which has been established in this court, the tradition that goes back to Judge Slick, who, of course, is no longer with us, who was followed by a man whom I regard as one of the most eminent judges I ever had the privilege of appearing before, my good friend the Honorable Luther Swygert; and after Judge Swygert my own Chief Judge, a man whose patience has gone far beyond the call of duty, the Honorable Robert Grant, whose patience and guidance has meant a great deal to me. The tradition that you gentlemen established here is something that I do not hope

to achieve, but it is a worthwhile goal which has meant much to me, and I think the lawyers who practice in this court have a right to expect I will make the effort to achieve your level of excellence in this court, and I will make that effort.

I believe, Judge Hastings, you indicated I could say a few words in my own defense.

Bill McNagny has appeared in this court a number of times. Bill often has the facts confused. Not always, but often. I think perhaps the best example is one removed from this court. Bill was recently going into Chicago and his church had ordered a stained glass window in there, but they had neglected to send the correct inscription for the face of the stained glass window or the dimensions. The pastor asked Bill if he would take the inscription and the dimensions and go into the glass company, and Bill, being by nature a very accommodating gentleman, indicated he would do so. He got into Chicago, but found he had forgotten the slip of paper with the inscription and the

dimensions, so, he wired his lovely wife and asked her to wire back immediately the inscription and the dimensions for that window, and that he would await the reply in the telegraph office, which he did. As the little mechanism began to tick and the yellow tape rolled out, a young lady in the telegraph office watched the words as Bill was watching her and all of a sudden she passed out completely, fainted. Being more curious than a gentleman, Bill hastened to review the tape and pulled it out, and it read, "To you this day a son is born, fourteen feet high and six feet wide." So, as you can see, Bill often gets some of these things confused. The nice things you said I am sure were not deserved, Bill, and all the bad things I merely ask that the persons here assembled take with a grain of salt. I won't necessarily deny them on the record, but I will just say there are two sides to these stories.

I also want to say that I appreciate here the presence of the Chief Judge of the United States District Court for the Southern District of Indiana, and his lovely wife. I almost appreciate her

presence more than Chief Judge Steckler's. And, Judge and Mrs. Beamer. I know they all had heavy trial schedules and they interrupted them to come here today.

Mr. Fleming, your presence is a sincere pleasure to me as you are one of Indiana's most distinguished citizens, and a former U. S. Attorney in this very court. We are always delighted to see you, sir.

Mr. Moellering, of course we see you frequently in here maintaining the traditions which your worthy predecessors Mr. Fleming and Judge Swygert had established. I think Mr. Haynie has made his contribution too.

There are many others that I owe a word of gratitude to, but I don't know where to start and where to stop. To the Bar Association, the judges, Judge Hastings, to my own staff who has made no little contribution to the planning of and to what I hope will be the effective operation of this court, I say to all of you I appreciate the contribution which you have made, and I sincerely appreci-

ate your presence here today.

Thank you, Judge Hastings.

JUDGE HASTINGS: Thank you, Judge Eschbach.

I think maybe it might be appropriate to make one explanation. I am told that television and radio people were set up to do the ceremony here this morning. It was necessary to deny them that privilege because of the action of the Judicial Conference of the United States affecting all Federal courts. The rule is inviolable that no pictures may be taken, no radio or television broadcast may be had of any court proceeding including these ceremonials. That was not the whim of your own District Judge, nor of me. It is the rule in every Federal court in the United States. If any of the photographers are still here and still disposed to want to take pictures they may have all the pictures they want in this court over around the portrait as soon as the court is adjourned. I make that purely as an explanation so that those who may have been affected will understand that this is no rule especially laid down

here this morning.

Another brief announcement, after the court is adjourned Judge and Mrs. Eschbach will go over beside the portrait and be glad to receive friends there briefly, if you want to greet them as I am sure you do.

Mr. Beckman, do you have anything further you want to announce.

MR. BECKMAN: Yes, I do, Judge.

When the meeting is adjourned there will be a luncheon meeting in the Oak Room of the Van Orman Hotel. For those of you who haven't sent in reservations, why, come on over anyway. We didn't have any program planned, but I gather from Bill McNagny's comment that there were some things left unsaid. Possibly we might prevail upon him to say them off the record as it were.

The Allen County Bar has a gridiron tradition here, Judge Hastings, and I might be able to further that tradition. Other than that, there is no particular program planned, just a little get-together.

JUDGE HASTINGS: Thank you--for those of you both locally and circuit-wise who have been responsible. This ceremony just having been concluded, I now declare this special session of the United States District Court adjourned.