

May it please the Court:

I doubt that I shall ever have a more agreeable professional duty to discharge than the one at hand -- the presentation to this Court, on behalf of its Bar, of the portrait of Judge Kiley -- one of the Court's newest, but no less distinguished, members.

Roger Kiley is in a sense a captive of his past -- a prisoner, as it were, of his youthful prowess as a football player. The shadow he cast in that role was so imposing that it still falls across his path these many years later. This has some curious consequences. In filling a recent judicial vacancy one of the factors entering into the final account apparently was that a newly-appointed All-American on the Seventh Circuit was doing so well as to suggest that there should also be one on the Supreme Court. This was a highly practical adaptation of a rule formulated by Judge Kiley's old mentor, Knute Rockne -- never stop using a play while it is gaining! Indeed, if our friend could only have contrived to acquire a dramatically alliterative nickname in his playing days -- well, who can say what might have happened? In any event, we of the Seventh Circuit Bar Association are most happy that our portrait is to hang in

*was done, learning and appreciation as his own mission here*

this courthouse and not elsewhere.

The fact that a portrait is the occasion for this assemblage has brought to mind one of the great lawyers -- and great men -- of Judge Kiley's faith. In the year 1525 the famous Dutch scholar, Erasmus, recommended an artist to his English lawyer-friend, Sir Thomas More. This was the German painter, Hans Holbein the Younger, who lived for two years in England as a member of More's household; and one of the fruits of that visit is the well-known Holbein portrait of his host which now hangs in Windsor Castle.

Sir Thomas More was a scholar and writer of renown, and a great common lawyer who performed judicial duties with distinction and who eventually became Lord Chancellor of England. But his sovereign, to whom he owed a very great deal indeed in terms of political and professional preferment, was Henry the Eighth -- and almost at the very moment More reached the peak of his temporal career, his spiritual integrity compelled him to sacrifice it, along with his life. As between his patron the King, on the one hand, and his conscience, on

the other, More chose the latter -- and it was he, you will recall, who said upon the scaffold, that he "died the King's good servant, but God's first." This very moving and affecting story is the subject of one of the finest plays currently on the New York stage, which I am sure many in this room have seen. It is called: A Man For All Seasons.

Now, I think there is something very useful about this title for the friends of Roger Kiley who indulge themselves in public reflections about him. It pulls together in a convenient way the many different aspects of the man which one would wish to convey to others who do not know him as do we. He has, after all, been both a great football player and a serious scholar -- and the two do not always go together. He has made his living as a private practitioner, and he has ably served this City in public life, even before he went on the bench.

As a judge, it is now his privilege to be, and to have been, a part of two separate and distinct judicial systems -- first, that of the State of Illinois, which he served devotedly and well for many years, and now that of the federal government, where we rejoice that he has many



years of service ahead of him. An incidental effect of this duality of judicial service is that it makes it hard to be dogmatic about the merits of an elective, as compared with an appointive, judicial system. Be that as it may, Judge Kiley is at home with -- and always welcomed among -- the practicing bar, the political leaders from the precinct level up, the law professors and other academics, the business community, and the people of this City, whether they be of low or high estate.

There is one particular fact of this variousness of Judge Kiley, this widely-ranging breadth of feeling and interest and sympathy, which merits special mention. It is not accidental that one of his major non-professional activities has been his work in the National Conference of Christians and Jews -- an organization which respects the fact of differing religious faiths but rejects the proposition that they must be walled off by barriers of individual or collective suspicion, mistrust, or hostility. And as with creed, so with color or class. In Roger Kiley's catholicity of fellow feeling, these differentiations have dissolved into nothingness.

In any life there are seasons, times of well-being and times of adversity. He who would be a man for all meets them in turn with humility and with courage. The portrait we tender today will, we believe, tell its own story in this regard amply and eloquently. We are glad that its subject, unlike the lawyer who sat for Holbein 400 years ago, will never be presented with the same cruel choice between sovereign and conscience which was the lot of Thomas More. But the part that conscience plays in Judge Kiley's application of the law as he understands it, in the face of certain popular misunderstanding, need no longer be the subject of mere speculation. We honor him for it; and he -- and this Court -- have strongly sustained the great tradition of an independent federal judiciary.

"Justice, sir," said Daniel Webster, "is the great interest of man on earth." He might have added that the achievement of justice -- the realization in fact of this fundamental human interest -- rests more squarely than ever in the hands of an independent, industrious, informed, and conscientious judiciary. Legislatures may perform their miracles of greater or lesser degree; and the executive arms

of government may function well or indifferently in their allotted areas. Either may approximate the authentic, albeit inconstant, voice of the people at any one point in time. But neither can get on with the great business of trying lawsuits between man and man, nor can they supervise under fair procedures the determination of the guilt or innocence of persons accused by their governments.

Judge Kiley has, in Justice Cardozo's phrase, been called to do his part "in an ageless process." That part will, we are certain, be borne with honor and distinction in all seasons.

In that confidence and with the affectionate regard of the bar of this circuit, I now move the Court to accept from that bar the portrait of Roger Kiley, Circuit Judge.