

The Honorable
Walter C. Lindley

In Respect to the Memory

of

The Honorable
Walter C. Lindley

Proceedings had on the Seventh Day of May
One Thousand Nine Hundred and Fifty-eight

Before the
United States Court of Appeals
for the Seventh Circuit



HONORABLE WALTER C. LINDLEY

Painted by Grace Annette DuPré

**Memorial Ceremony for
Judge Walter C. Lindley**

**Held in the United States Court of Appeals,
For the Seventh Circuit
on Wednesday, May, 7, 1958,
at 9:30 o'clock a. m.**

Before:

Hon. F. Ryan Duffy, Chief Judge,
Hon. J. Earl Major, Circuit Judge (Retired),
Hon. Philip J. Finnegan, Circuit Judge,
Hon. Elmer J. Schnackenberg, Circuit Judge,
Hon. John S. Hastings, Circuit Judge,
Hon. W. Lynn Parkinson, Circuit Judge.

The Court convened at 9:30 A. M. this day for the sole purpose of having Proceedings relating to the presentation of Memorial Resolutions.

Chief Judge Duffy recognized Mr. Arthur Wickham of the Wisconsin Bar, President of the Bar Association of the Seventh Federal Circuit.

Mr. Arthur Wickham addressed the Court.

MAY IT PLEASE THE COURT:

On behalf of the Bar Association of the Seventh Federal Circuit and on behalf of all members of the Bar of this Court, I ask leave of this Court to present memorials this

day in tribute to the late members of this Court, the Honorable Walter C. Lindley and the Honorable H. Nathan Swaim. I ask that this Court permit Casper W. Ooms of the Illinois Bar to present the tribute to the late Judge Lindley and Hubert Hickam of the Indiana Bar present that of the late Judge Swaim.

May I also move that this Court record the proceedings of this day upon the permanent records of this Court and that a suitable copy thereof be delivered to the respective families of these distinguished jurists.

Chief Judge Duffy, on behalf of the Court, granted the Motion and recognized Mr. Casper W. Ooms of the Illinois Bar.

**Mr. Casper W. Doms of Chicago, Illinois,
Addressed the Court**

MAY IT PLEASE THE COURT:

On behalf of the bar, I am privileged this morning to address this Court in a brief tribute to its late member, the Honorable Walter C. Lindley.

Fifty years ago, barring a few months, a young man stood before this Court for the first time in his professional career. It was May 19, 1910. He was a small man, vigorous, concise and articulate. He had been at the bar only six years, but in that six years Walter C. Lindley had become one of the leading trial lawyers in mid-Illinois. A native of the state, he was educated entirely in its schools. He had taken his arts degree and two law degrees at the University of Illinois which later, upon the completion of its new law school, honored him by the award of an honorary degree of Doctor of Laws upon the same day when it conferred a similar honor upon the Chief Justice of the United States.

Entering the practice at Danville in 1904, Walter C. Lindley was early recognized as a leader in the community. The variety of his civic efforts and the ready recognition of his versatile talents is indicated by the fact that he was simultaneously a Master in Chancery of the United States District Court, a member of the Board of County Commissioners of Vermilion County, a member of the Danville Board of Education, a director of the Chamber of Commerce, a director of a leading bank, the chairman of the county chapter of the American Red Cross and, undoubtedly because of his diplomatic talent, president of the country club.

The demands upon the professional talents of Walter Lindley taxed his physical energies to dangerous extremes, and when President Harding offered him the post of United States District Judge in 1922 he accepted it as a way of life which would not divorce him from his affection for the law or separate him from his happy family and congenial community life, into which he had entered so deeply.

There was no detectable diminution in the effort and intensity with which Judge Lindley attacked his new work. Within six weeks after he was appointed to the United States District Court for the Eastern District of Illinois he was called to sit as a member of this Court in a difficult patent case in which, as would readily be expected by any who knew Judge Lindley, he of course wrote the opinion.* That was 35 years ago. Of the men who sat on the United States courts at that time, only a handful remain.

Since that time, Judge Lindley has sat in more different United States District Courts than any man who has ever been honored by appointment to that bench. Besides attending faithfully and promptly to the work in his own court, he devoted more than an equal amount of the time employed there in service in the many other courts to which he was assigned.

Promoted to a permanent position upon this Court in 1949, he maintained an incomparable record of diligent judicial productivity distinguished always by the high merit which had always characterized his opinions. Without any apparent interference with that work, he served upon appointment by the Chief Justice of the United States as a member of the United States Emergency Court of Appeals almost from the time of its creation, an assignment that carried him to hearings throughout the United States upon an indescribable variety of questions arising out of wartime economic control legislation.

* *U. S. Rubber Co. v. I. T. S. Rubber Co.*, 288 Fed. 786.

There is not time here to survey and analyze the opinions of Judge Lindley. In number and volume they probably exceed those of any other United States Judge. No one who has any acquaintance with the law has not read or used some of them. They are crisp, direct, brief and coherent. His style is that of a man who knew whereof he spoke, who attempted no embellishment for the mere sake of ornament, who was never enamored of a phrase or clichè, but always sought to express the opinion of the court with the same clarity and understanding with which he had met the problem.

Time battles relentlessly to erase the shallow footprints which a man leaves in this life. No memorial has yet been contrived that does full justice to the memory of a man in the eyes of those who knew him. The men who knew and worked with Judge Lindley will be fewer as the years pass. This portrait in which we see him now will evoke fewer memories as the years unroll. Recollections will come more reluctantly. Yet Judge Lindley has raised a greater memorial to himself than we could devise. Generation after generation of lawyers who will stand in this Court, and the hundreds of courts that make up the eternal legal system in which we live, will in their advocacy quote Judge Lindley speaking for this Court and repeat his phrases in the unmistakable clarity with which he spoke. And courts will so cite him. Both will do so with assurance and pride—with assurance in that Judge Lindley spoke with authority, and with pride in work that always clearly showed he loved the law. His work was good.

Response by
Honorable J. Carl Major
Former Chief Judge, (Retired)

By JUDGE MAJOR:

The proffered resolution is an appropriate tribute to the memory of our late associate, Judge Walter C. Lindley. Mr. Casper Ooms no doubt is as well qualified to speak of Walter Lindley, both as a man and as a Judge, as any member of the Bar. The Court is grateful to the sponsors of the resolution and to Mr. Ooms. The sentiment expressed is shared and appreciated by members of the Bar and the judiciary.

For twenty years it was my great privilege to sit by the side of Walter Lindley on the bench, in the conference room, at the breakfast, lunch and dinner table. During that time I formed for him an ever increasing respect and affection. For many years we occupied adjacent chambers in this building. I shall always be grateful for his invaluable assistance, particularly during the time when I was Chief Judge. It was a great satisfaction to have him near; his mere presence engendered a sense of security.

Few, if any, Judges have left such an indelible imprint upon the case law of this country. For thirty-five years—almost half his lifetime—he graced the Federal bench, twenty-seven as a District Judge for the Eastern District of Illinois and the last eight as a member of this Court. During his tenure as a District Judge he sat often on this bench by assignment. I doubt if there has ever been another District Judge who has rendered so much service to a Court of Appeals. More than that, he sat by assignment

on many District Courts and on numerous Courts of Appeals in all parts of the country. He also served by appointment of the Supreme Court as a member of the five-Judge Emergency Court of Appeals which had far flung jurisdiction over matters pertaining to wartime emergency laws and regulations. On that Court, as elsewhere, he carried more than his share of the load.

Walter Lindley was not merely a good Judge; he was one of the great Judges of all time. It is my firm belief that he performed more judicial work than any person who has graced a bench in the history of this country. In addition to his long tenure and the service rendered by him to many courts, he was a prodigious worker, which, together with his outstanding ability, enabled him to accomplish more than most Judges in the same length of time.

It has been said that the finest tribute which can be paid to the memory of a man comes from the recognition that he was a gentleman. Walter Lindley was that and much more. His frail body housed a fertile mind, ever alert and active, and a heart which beat in sympathy and unison with those who sought justice for mankind. He was tolerant in his approach to men and to problems. He entertained firm political and economic views and witnessed during his tenure on the bench an almost revolutionary change in both fields. Even so, he readily accommodated himself to changed conditions, ever recognizing the traditional function of a member of the judiciary. He wrote with clarity, with results supported by reason and logic. The hundreds of opinions of which he was the author constitute an imposing and enduring monument to his memory. So long as men delve into books in search of legal principles, the name and works of Walter Lindley will survive.

Under our archaic system of partisan appointment to the Federal bench, Walter Lindley enjoyed the rare distinction of having been appointed to the District Court by a Presi-

dent of the party with which he was affiliated and to this Court by a President of the opposing party. Judge Sherman Minton, like all other associates of Judge Lindley, became keenly aware of his great ability and worth to this Court. At the time Judge Minton was appointed as a Justice of the Supreme Court, he strongly urged the President to appoint Walter Lindley as his successor here. His effort succeeded. Thus, this Court was the beneficiary of the deserved honor bestowed upon Walter Lindley. The Chicago Daily News in an editorial tribute to Judge Lindley stated, "This recognition by two Presidents, of opposing parties, is a tribute to the truly judicial temperament, uninfluenced by politics, that Judge Lindley brought to his high duties."

All must recognize that in this life no man is indispensable, but Walter Lindley came near to occupying that impossible status. He contributed immeasurably to the stature of this Court and the Federal judiciary generally. Every Judge, past and present, had great respect for his learning and ability and a deep, sustained affection for him as a man and associate. The grief occasioned by his departure is assuaged in some part by the memory which we cherish of his noble and useful life.

It is our fervent prayer that the great Judge of us all will bestow His richest blessings upon the devoted companion and children of Walter Lindley, of whom he was so justly proud, and that He will accord to Walter the same tolerant consideration which Walter, while on this earth, extended to his fellow man.