

PROCEEDINGS
OF
THE BAR OF THE
UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

ON THE OCCASION OF THE
PRESENTATION OF THE PORTRAIT

37620

OF
HONORABLE ORIE L. PHILLIPS
CHIEF JUDGE

TO
THE UNITED STATES OF AMERICA
AND
THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

ON
SEPTEMBER 12, 1949

COMMITTEE ON ARRANGEMENTS

Honorable David A. Richardson, Oklahoma City, Oklahoma, Honorary Chairman
Robert G. Bosworth, Esq., Denver, Colorado, Chairman
John H. Cantrell, Esq., Oklahoma City, Oklahoma
Hugh B. Woodward, Esq., Albuquerque, New Mexico
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ENTERTAINMENT COMMITTEE

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Robert G. Bosworth, Esq., Denver, Colorado, Ex Officio

Mr. John Lee



*The Bar of the United States Court
of Appeals for the Tenth Circuit
cordially invites you to attend a dinner
in honor of
The Honorable Eric L. Phillips, Chief Judge
commemorating his twenty-five years of distinguished service
on the Federal Bench
on Monday evening, the twelfth of September
Nineteen hundred and forty-nine
at seven o'clock
The University Club
Denver, Colorado*

*Please respond promptly
520 Equitable Building
Denver 2, Colorado*

*Dinner \$5 per person
Wives of Members are invited*



Dinner

IN HONOR OF

Orie L. Phillips

CHIEF JUDGE

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

Tendered
By the Bar of the Court
Commemorating his twenty-five years of distinguished
service to the Bench and Bar

THE UNIVERSITY CLUB

SEPTEMBER 12, 1949

Program

Presentation of Portrait - - - - - Hon. D. A. Richardson
Oklahoma City

Address on Behalf of the Bar - - - - - Hon. John F. Simms
Albuquerque

Acceptance of Portrait on Behalf of
the United States and the United
States Court of Appeals for the
Tenth Circuit - - - - - Hon. Sam G. Bratton
Circuit Judge

Music and Songs (Both Apt and Inept)

Menu

Shrimp Cocktail

Assorted Relishes

Celery

Fillet of Beef — Garni

Zucchini Creole

French Fried Potatoes

Head Lettuce — 1000 Island Dressing

Lime Sherbet

Cake

Demi-Tasse

On the date and at the time and place appointed, one hundred sixty-six lawyers from the six states comprising the Tenth Circuit, together with the wives of many of the members, gathered to pay honor to Judge Phillips. The total attendance at the dinner was two hundred fifty-seven.

AFTER DINNER
THE FOLLOWING
PROCEEDINGS
WERE TAKEN

ROBERT G. BOSWORTH, CHAIRMAN:

Judge Phillips, Ladies and Gentlemen:

To a lawyer this being a toastmaster is a sort of busman's holiday. I do not intend to make a speech and I say at the beginning that I am not going to tell you the usual wheeze as to what Anthony said to Cleopatra, as toastmasters generally do, or attempt to pull from you reluctant evidences of simulated mirth over some well known and hoary story of Bench and Bar. This is not the time for levity.

This is indeed a most pleasant and memorable occasion. The spontaneity of your response has been stimulating indeed to your Committee. I believe this is the largest gathering of the Bar of the Tenth Circuit which has occurred. May it portend a unity of purpose and action to defend our judicial system. That is an inspiring concept and hope.

This occasion is memorable not only because we are recognizing during a man's lifetime his great public service of more than a quarter century, but also because the Mother of that man is present to hear the affectionate and heartfelt eulogies of her son.

As I said, it is not my purpose to make a speech, but I would be remiss if I failed to read to you and to Judge Phillips extracts from the very many letters I have received. As Judge Richardson wrote to Orie Phillips, "Orie, you will have to tuck your modesty in your pocket, grin and bear it."

With the exception of letters from Judges throughout the country, I shall limit myself to only one or two letters from members of the Bar for each of the states of the Tenth Circuit.

(Chairman reads extracts from numerous letters, all of which are printed later on in these proceedings).

Those are just a few samples. The greatest compensation a man can have is to have his own consciousness of a job well done confirmed by the sincere opinion of his contemporaries. It is now my privilege to proceed with the program.

We have the honor tonight to hear from one of the most respected and beloved members of our profession. To call him the Nestor of the Bar of Oklahoma is to imply too great age, yet the distinction which is his would warrant it. Quick to recognize human values as well as

intellectual abilities, he is the cherished and understanding advisor of the younger men in the profession. He is civic minded and a true public servant. Judge Richardson is more responsible than anyone else for this occasion (except Judge Phillips, for, of course, you can't have Hamlet with Hamlet left out!) Hence it is not only our delight, but our privilege to have Judge David A. Richardson of Oklahoma, to speak to us and present the portrait of Judge Phillips to us, to the Court and to the United States.

JUDGE DAVID A. RICHARDSON:

Mr. Toastmaster, Judge Phillips, Fellow Lawyers, Ladies and Gentlemen:

We lawyers and laymen have gathered here from the far reaches of six large states. We have come to celebrate a great jurist's completion of 25 years of distinguished service upon the federal bench, to commemorate that service, and to pay to him our tributes of honor and respect for the judge and of admiration and affection for the man.

Orie L. Phillips has completed a quarter of a century of continuous service upon the District Court and the Court of Appeals of the United States. By the word "completed", however, I refer only to the period and not to the service. Happily he is still in the full vigor of manhood, and his service is still continuing, unimpaired in its quality and undiminished in its scope. May it long continue!

Also we have come to present and have placed upon the wall of his courtroom his portrait, which faithfully delineates his physical form and indicates his qualities of mind and character, and to have it unveiled to the view and contemplation of our contemporaries and of those who shall come after us. We do that in testimony of our high regard for him, to perpetuate his image and memory, and to inspire the younger and succeeding generations, who, viewing the portrait, will come to know that character, ability and industry will be recognized and honored.

Of all offices, that of judge is the most ancient and the most necessary. Its necessity springs from men's unavoidable association together, from their conflicting interests and desires, and from man's unchangeable nature—from the fact, as Robert Burns said, that " * * * Mankind are unco weak and little to be trusted; If self the wavering balance shake, 'tis rarely right adjusted."

Men may live together in comparative peace without kings or presidents, or even without fixed codes of law, but not without judges.

"Justice", Daniel Webster said, "is the greatest interest of man on earth." That is true because it is the natural right of every person, antedating all constitutions and all man-made laws. Our laws do not create it but recognize it as already existing, and their only excuse and purpose are to effectuate it. The sense of justice and its obligations is instinctive in all men. Even the lawless, though they may flout it when their interests or desires run counter to it, nevertheless recognize it and even insist upon it as between others. It follows, therefore, that the administration of justice, the determination of what is justice in particular cases, and meting it out correctly, is the most important and delicate function that can be entrusted to man; and unfortunate indeed are the people if that trust be misplaced. We are here to avouch that it has been well placed with our honored guest, Ori L. Phillips.

Judge Phillips was born in Illinois. He graduated in law at the University of Michigan. In 1910, at the age of 25 years, he went to New Mexico for his health, fell in love with the state, and remained to become one of its foremost citizens and lawyers. He practiced law there successfully for 13 years, during which time he was honored by an election to the State Senate, and became one of its most useful members. In 1923, at the age of only 37 years, he was appointed Judge of the District Court of the United States for the District of New Mexico, and he served with distinction in that capacity until April, 1929, when, upon the creation of the Tenth Circuit Court of Appeals, he became a member of that court. He has been its Senior Judge since June, 1940.

And here I pause to say that we lawyers of this circuit are proud of our Court of Appeals, and of its high rank among the other similar courts of our nation. We are proud of its judges, all of whom, by their character, learning and ability, merit and have our respect and approbation. Not one of them would we displace if we could. May their tenures be long, and bring to them in heaping measure that happiness and satisfaction to which their able and conscientious performance of important public services entitles them!

During Judge Phillip's tenure as District Judge New Mexico was in the Eighth Circuit, and he was frequently called to sit upon the Court of Appeals of that Circuit. That court was recognized as one of the most outstanding of our Circuit Courts of Appeals, given renown and prestige by such eminent judges as Caldwell, Thayer, and Sanborn, and Van Devanter, Adams, Hook, and others. The Federal Reporter contains many opinions written by Judge Phillips while so sitting, and they are worthy of the best traditions of that great court.

Judge Phillips has brought to the bench nobility of character, independence, courage and a fine judicial temperament. He has a profound knowledge of the constitution and laws of his country, not of their dogma only, but also of their history, philosophy and purpose. He knows human nature and its vagaries. He has poise and balance, and dignity without austerity. He is calm and deliberate, and kind and courteous. He has wisdom, and he loves justice. What

essential of greatness in a judge, therefore, does he lack? With one voice the bar of this circuit answers, "None! He *is* a great judge."

On a proper occasion it would be interesting and instructive to review some of his more important opinions, but this is not the time or the place to do so. Also, they speak for themselves, and few, if any, lawyers are present who have not read them. It is sufficient to say that many of them are outstanding contributions to our jurisprudence, and are and in the future will be frequently cited and quoted.

His style of composition is simple and direct. He writes and speaks in the indicative and not in the subjunctive mode. His English is correct and forceful, without stilted phrases or strivings for mere rhetorical effect. Clarity and correctness are the things aimed at, and he uses figures of speech but sparingly. His appeal is to the intellect and not to the emotions; his purpose is to demonstrate and convince and not to entertain. His mental processes are orderly and logical, and his opinions move to their conclusions with mental integrity and with the certainty of mathematical demonstrations. No one reading them is left in doubt as to what is meant, and few will question the correctness of the conclusions reached.

His activities are not bounded by his office. Whatever tends to the betterment of his community on the one hand, or to the establishment and maintenance of peace and justice in the world on the other, engages his interest and support. From 1921 through 1923 he was president of the New Mexico Bar Association. He has been an active member of the American Bar Association for more than 25 years, has served upon its Executive Committee, and has been chairman of its Judicial Section and of its Committee on Professional Ethics. He is a member of the American Judicature Society, and of the Colorado Bar Association. Since 1940 he has been active in the Judicial Conferences convened annually by the Chief Justice of the United States, and has been chairman of its Bankruptcy Committee, of its Committee on the Review of Orders of the Interstate Commerce Commission, and of several others. He has familiarized himself with international law, and has written and spoken powerfully in support of the International Court of Justice and of the United Nations. He is known personally or by reputation, and is respected by every informed lawyer in our country.

He is no recluse and no mere book-worm. He likes all clean sports that call for the exercise of men's skill and prowess. He loves the outdoors, the mountains, the valleys, the streams and the plains, and he delights to roam them as a hunter or a fisherman. He is companionable and genial, has a fine sense of humor, and is a friend of all men of good will.

There is a couplet, composed by a photographer, no doubt, that says, "You'll never know just how you look until you've had your picture took." We lawyers of this circuit, desiring

to make known just how Judge Phillips looks to us, have had painted, and are now ourselves in process of completing, his picture. The portrait shows his form and features and something of his character and spirit, but it is not the whole picture. It does not and cannot depict the whole man. And so we have provided this occasion for the purpose of filling in and completing the portrait by appraising his character, enumerating his attainments, and describing his fine qualities of mind and heart, which the portrait, excellent as it is, cannot wholly express.

And now, pursuant to the mandate of the bar of this circuit, and in its name and behalf, and with great pleasure, I present to the United States Court of Appeals for the Tenth Circuit this portrait of its Chief Judge, with the request that it hang in an appropriate place in his courtroom, in honor of him, for the adornment of the room, and for the pleasure and inspiration of all who shall view it.

And upon you, Judge Phillips, we place the seal of our approval as a good citizen, an able lawyer, a great jurist, and a manly man. It is our wish and hope that you may have many more years of life, health and usefulness, and that each of them may be richly laden with that happiness and contentment which you so well deserve.

(Applause)

The portrait of Judge Phillips was then unveiled by Miss Patricia Hickey and Miss Susan Shepard, both six years of age, granddaughters of members of the Bar.

THE CHAIRMAN: Before calling upon the next speaker, I should like to introduce to you for a moment the person to whom we are so greatly indebted for this remarkable work of art, Dr. Joseph Sigall. Having seen the portrait, you can see why we so greatly appreciate what he has done.

(Dr. Sigall arose and received great appreciative applause.)

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THE CHAIRMAN, (continuing): We have the honor tonight to hear from one of the most respected and beloved members of the New Mexico Bar. My dictionary speaks of Zeus as being a rather hairy person. Judge Simms has a remarkable amount of hair on the top of his head, and I also know that he partakes of the qualities of Zeus in his dynamic character and ability.

Judge Simms is a most distinguished lawyer and public servant, a former Justice of the Supreme Court of New Mexico, one active in all civic affairs, and even though he is classified as a Democrat, he is one, I know, who is sound in every particular! (Laughter)

Judge Simms has intimate knowledge and affection for *our* Judge Phillips, and will speak to us and give us some personal anecdotes, because the sky is the limit as far as Judge Simms is concerned. Judge Simms has been a member of the Bar of the Tenth Circuit since its establishment, and he is one whom we delight to honor.

It is my privilege, therefore, to introduce to you as the one who speaks on behalf of the Bar of the Tenth Circuit, the Honorable John F. Simms, of Albuquerque, New Mexico.

JOHN F. SIMMS: Mr. Toastmaster, Judge Phillips, Ladies and Gentlemen: On behalf of the Bar of the Tenth Circuit, I accept with pleasure and with pride this magnificent portrait of our honored guest.

As you know, New Mexico has contributed to this Court of Appeals Judges Phillips and Bratton. It has been rumored lately that perhaps the number of the judges of the Court might be increased; New Mexico always is ready to make sacrifices, and has twenty-five competent and capable candidates whose services are to be had.

I want to tell you something of the more humble beginnings of the Judge whom we have met tonight to honor.

Your Toastmaster has told you that Orie Phillips came to New Mexico to practice law. He just barely made it across the State line, and stopped at Raton. Raton is a fine town, with the best of people in it, but the real reason which caused Orie to stop there, instead of going on to Albuquerque, as he should have done, was that he had only \$8.00 on him, and he thought he had better get off before he lost that shooting dice with the newsbutch.

Orie was not always a judge. He has been in politics like the rest of us. Well, he was practicing law in New Mexico, where lawyers are supposed to have some visible means of support. So Orie was a lawyer—and a pretty good lawyer—in a firm down there, Crampton, Phillips and Darden. He did all right, he tried his cases well, battled with Hugh Woodward, who was District Attorney of that district, and who is his inseparable hunting and fishing companion. I was very much interested in what your Toastmaster said about the outdoor prowess of your honoree. I had the pleasure of having Mr. and Mrs. Woodward, with my wife and myself, on a motor trip from New Mexico in the last two days. Hugh would tell me, "Now, that stream, Orie and I fished there—we have hunted up in these mountains," and finally I said, "How is Orie on the out-of-door situation, what sort of a hunter is he? Is he a bear hunter?" "Well," said Hugh, "he couldn't kill one in a corral." I said, "How did he do out here on the Gunnison, with these big trout?" He said, "He couldn't hold one end of a seine." And our Toastmaster has given us to understand that he is a great outdoor man.

Now, that is fine. Down in New Mexico, when you are going out of doors for anything you go out for politics. (Laughter).

So Orie got into politics. He ran and was elected to the State Senate. He did real well up there. He learned several important things. One of the things he learned is patience. He learned that he would have to hold his friends to vote with him in the Senate on matters of

importance, and to do so he would have to make the necessary compromises on matters which were not of great importance.

He had a Spanish-American Senator conferee there, whose vote he was counting upon on a very serious matter before the Senate. This Senator had made a chattel mortgage to a bank down there on some cattle, and after he had sold the cattle out from under the mortgage, as usual he tried to defend the foreclosure upon the ground that the mortgage was invalid because the young lady who took his acknowledgment as a notary worked for the bank. This defense did not hold up; he lost the suit, and in order to get even he ran for and was elected to the State Senate. In New Mexico, that is one of the choicest methods of revenge. (Laughter).

So the Senator had a bill which ran, "Be it enacted that it shall be unlawful for any notary public in the employ of any bank or trust company to take the acknowledgment of any instrument running to said bank or trust company." And he solicited Senator Phillips' support for the bill.—Orie was in a quandry; his firm was the attorney for the biggest bank in Raton, and he could picture himself running all over town trying to find a notary public to acknowledge papers at the bank. But he could not offend and lose the support of his fellow Senator; so he said "I think this is a fine bill but it needs a little amendment." The Senator responded, "Certainly, you just put the amendment on it, as you think best."—So Orie put on an amendment which read "Provided, however, that the fact of such employment of a notary public shall in no event affect the validity of the acknowledgment or of the instrument to which it is attached."

The Senator was pleased, Orie was pleased, the bill passed the Senate, and some person whose name I will not call, saw to it that it met a timely death in the House.

Orie has been in politics otherwise too. You would not think it when you see him sitting up on the Court of Appeals. He managed a senatorial campaign in New Mexico. He elected a United States Senator down there in the days when it was possible to elect a Republican.

Orie organized the Republicans down in Bernalillo County. He got up a big rally and had one native spellbinder, who spoke for two hours from a still start. Orie coached him up and said: "Now, my friend, when you get them warmed up, you get these Republicans slapping their feet on the floor and cheering, and then wind up with your peroration. You must tell them that the time has come and we can no longer avoid the issue.—The time has come when we must take the bull by the horns and settle this issue."

The Courthouse was crowded, their feet were sticking out the windows. The orator took the stand and brought his crowd right up to the proper temperature, and here is how he carried out Orie's instructions, on concluding his speech.—He said, "My fellow Republicans, the time

has come when the issue can no longer be evaded, the time has come, my fellow Republicans, when we must take the bull by the tail and look him in the face."

Orie had a client up there, whose name was Jose Martinez, and Jose was a drinking man. Late one night he had imbibed much of the strong waters, and his friends decided he better go home. One of them said, "Jose will never find his house; we better get him a lantern, so he can see." They gave him the lantern, and they said, "Now, Jose, don't go walking into strange houses, take your lantern and see where you are going." Jose had a lovely wife, Rosa, and he was a little suspicious of her but had nothing he could prove on her. Well, he went from door to door, and he would say, "That is not my house," and go to the next one, "No es mio."

Finally he came to the last house on the row, and he held up the lantern, went around the back, opened the door quietly, and he says, "Now, this is my kitchen." "Aha," he opened the bedroom door quietly and said, "this is my house, and there is my beautiful wife Rosa asleep in the bed, and there I am sleeping by her—and I wonder who in the world is holding this lantern!" (Laughter)

One day Orie was standing on the floor of the Senate making a big speech, and a Western Union messenger boy came down the aisle—we are very informal down in New Mexico, you could bring a circus horse down the aisle if you wanted to—and he gave Orie a telegram. Orie opened the telegram and his face went as white as a sheet. He asked the president of the Senate if he might be excused from the chamber. He walked over to the office of his friend, Chief Justice Roberts, of the Supreme Court, and told him that the President of the United States had appointed him federal judge. He said, "What must I do? Can I afford to take it?" And Judge Roberts looked over his glasses and said, "Orie, don't be a complete damn fool!" (Laughter).

Well, he served a while with Judge Neblett—you all know Judge Neblett—and I think that his friendship for Orie Phillips is certainly a thing that a man would cherish as long as he lives.

Judge Neblett is a unique character. He loves justice and he makes it his business to see that it is swift in its application. Orie Phillips could not have been associated with a finer member of the Bench.

Recently Judge Neblett had a portal-to-portal case before him, where the miners were claiming several million dollars back pay for the time they spent riding the bus from town out to the mine, and riding back in the afternoon. There was a slight hint that crap games went on on the floor of the bus, entertaining the miners as they rode. The Union brought some high-powered lawyers out to New Mexico with brief cases as large as steamer trunks, prepared for the trial to last two months.

The case was called on Tuesday morning and Judge Neblett said, "We will finish this by Friday night." Friday afternoon at 4:00 o'clock, he said, "Well, that is all, is it?" "That is all." So the Judge said, "We will take a recess for five minutes." They asked, "Well, how long do you suppose he will take this matter under advisement?" A New Mexico lawyer said, "We don't know. Very likely he will decide it when he comes back in the room. We will see." The Judge came in in about five minutes. "Open the Court, Mr. Marshal." Then the Judge said, "On this portal-to-portal case, riding the bus is not working. Case dismissed." (Laughter).

Recently Judge Neblett had a case where a foreign corporation sought to enjoin our Bureau of Revenue from collecting a tax. Of course, the Bureau immediately moved to dismiss under the Johnson Act. The case was argued and the Court told the attorneys to be back the next morning at 9:00 o'clock—so here they came. Plaintiff's lawyer had his secretary with him, carrying a note book and a dozen sharp pencils to take down the decision. Judge Neblett mounted the dias, and after the Marshal had opened the Court, he simply stated, "In this injunction suit against the Bureau of Revenue, the motion to dismiss is sustained." Thereupon the Plaintiff's lawyer arose and said "May it please your Honor, the chief counsel of my client in Chicago, has requested me to take down and report to him the grounds of your Honor's ruling, so that he may decide upon his future course," to which Judge Neblett replied, "Tell the Chicago lawyer that he has lost the case; close the Court Mr. Marshal."

Now, my friends, we lawyers look around about us in our country today, and in the Executive Department and in the Legislative Department of our Government, we see considerable evidence of stress and strain. We see landmarks being forgotten, and we see innovations which may be good and which may not be good in the long run; but we see the Judicial Department, to which we belong and whose servants we are; we see that Department standing like a rock in defense of the rights and liberties of the citizens of this country with something of a concept of what our forefathers intended. (Applause).

There is nothing like a Federal Court to give a young lawyer, or an old one, a respect and pride in his American citizenship; when you go into a court whose judges are not elected at any ballot box, who are picked because of ability, who are scrutinized closely before they are confirmed, and who, when they take their oaths of their offices, are sure of being there as long as their conduct is exemplary, your spirits are lifted.

It has always been to me a source of pride and satisfaction that in a Federal Court the United States of America, as a party litigant, is no greater or smaller than an humble settler or homesteader, whose claim the Government seeks to cancel. In that Court, the Government is simply one more litigant whose attorneys meet opposing counsel on terms of perfect equality.

Think of it.—The Sovereign, when it comes into this Court, over which these four distinguished jurists, who sit on this platform tonight, preside, has no strike on you and no pre-

sumption against you. It is an humble suitor before that Bench. I tell you it makes a man's heart swell with pride, that the most insignificant fellow can have his case heard and his judgment given without regard to the high one or the low. (Applause).

Gentlemen, our honored guest has had twenty-five years of experience on the Bench. We have kept up with him since he has moved from New Mexico. We have kept up with him, we have appeared in his Court, we read his opinions in the Federal Reporter, and, as Judge Richardson has truly said, they read smoothly, they are logical, they read like good law—except in those occasional instances where we ourselves have suffered an adverse judgment, in which case we simply say that the best of judges may sometimes wander! (Laughter).

My friends, this is an unique occasion. I am so glad that men of good will and big hearts have come here. I am so tired of attending the unveiling of monuments and busts and statues of departed heroes, I don't know what to do. None of us has ever said a kind word to them while they lived, and we attend with mournful face after they have died.—I am so glad that we have sense enough and presence of mind enough to say to a man in the full vigor of his manhood and of his service, "Orie, you have been serving us for twenty-five years. That is a good marker, it is somewhat like a silver wedding anniversary. You have been on the Bench for twenty-five years, you have merited the love and respect of your fellows in the profession, and now we are going to do something that takes notice of it."

Mr. Toastmaster, on behalf of the Bar of the Tenth Circuit, we accept the portrait of Judge Phillips, to be hung in the Court of Appeals Building.

We hope it will be an inspiration to the Bench and Bar and to those members of the profession who will come after us. We hope it will stand for a judicial career filled with diligent application, profound learning and unquestioned integrity. The proudest possession of any one of us is our American citizenship. It is not a thing which has come to us without great labor, toil and suffering of our forefathers who founded this great Republic; it is a sacred trust which we must preserve and transmit, unimpaired, to our posterity. When we feel oncoming dangers to the structure of our Government and its most cherished institutions, we feel like the Psalmist who said "I will lift up mine eyes unto the hills from whence cometh my help." The hills of judicial integrity and fairness and incorruptibility have been and will always appeal to us as the source of our help, and so long as men of the ability and character of Orie Phillips preside over our Courts, we will not look in vain for the vindication and the protection of our rights and liberties.

I thank you.
(Applause)

THE CHAIRMAN: Now, according to the program, the portrait has been presented, the Bar of the Tenth Circuit has not only presented it but in a sense accepted it. But the donee is the Court of Appeals and the United States Government. I believe I am correct in saying that under the law the gift is not consummated until the donee accepts. On this occasion we have Judge Bratton here to represent and to accept for the Court and for the United States.

Judge Bratton, of course, is but a tyro compared to Judge Phillips, on the federal bench, having been appointed in 1933. But the appointment, may I say, was after a most distinguished public career. As Judge of the Fifth Circuit of New Mexico and as Senator of the United States from the State of New Mexico, and I believe also a Justice of the Supreme Court of New Mexico for a period, he had rendered most distinguished public services.

So although a tyro on the federal bench, he came there with a wealth of experience in public service which is hard to equal. He has continued that high standard and has discharged and is discharging eminently and with great distinction, the duties of his sacred trust. No one could be better fitted to accept for the Court tonight the testimonial presented by you than Judge Sam G. Bratton, of the Circuit Court of Appeals of the Tenth Circuit. Judge Bratton.

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JUDGE SAM G. BRATTON:

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The portrait presented and accepted this evening is a masterpiece of rare quality. Well positioned and carefully preserved, it will constantly inspire within members of the bench and the bar of the present and future generations a deeper appreciation of the public service and personal life of Judge Phillips and will stir others to a keener desire to serve mankind more effectively and efficiently. But the penetrating significance of this occasion is that members of the bar present to the United States and to the Court of Appeals of the Tenth Circuit this realistic likeness of Judge Phillips as an expression of their appreciation of his fealty to the noble ideals of their profession and of the honor which his life and work reflect from year to year upon that profession.

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To outsiders, the quantity and quality of the work of a single member of an appellate court is sometimes difficult of exact ascertainment. It is only as he speaks through the published opinions which he is commissioned to announce does the public generally know the extent or the character of his service. His unremitting toil, his single-minded devotion to duty, his discriminating intellect, his clear perceptions, his aid in council, and his decisiveness of character, have their full and free play inside the cloistered portals of the court and are more clearly manifested to those associated with him in judicial labor.

Since it has been my privilege during the last sixteen years to bear close association with Judge Phillips on the bench, in council, and at the conference table, perhaps you will permit me to sketch briefly and in a faltering manner his judicial career thus far. His service has covered a quarter of a century. During that period the jurisprudence of the country has been profoundly affected by new conditions and new problems. These conditions and problems have concerned themselves with the relation and activities of individuals and their results to each other, the relation between the powers of the States and those of the Nation, and the obligation and effect of the limitations imposed upon all governments as the consequence of the guarantees in favor of individual rights forming an inherent part of our constitutional system. Judge Phillips has maintained a keen appreciation of the duty to make adjustment between conflicting activities in such manner as to preserve the rights of all by protecting the rights of each. He has portrayed a clear conception of the duty to sustain unimpaired the broad powers of the States not ceded to the National Government and at the same time to uphold the authority of the Union in respect to the subjects fairly coming within the legitimate scope of its power as conferred by the Constitution. And he has demonstrated almost daily an acute awareness of the duty to uphold the guarantees of individual freedom as declared by the

Constitution. He recognizes plainly the intervention of marked changes in social and economic needs, and he believes with a passion that law can be accommodated to the changes within the limits set by the Constitution. It is his concept that law can make progress adapted to new social and economic conditions and fully accommodate itself to the current needs of society, all with the torch of constitutional limits still burning. And he never departs from the conviction that law should serve rather than rule the institutions which it shelters and that it should never fail to promote justice at its highest level. With his ready grasp of fundamental principles, his power of analysis, his discriminating perception, and his facility for terse, forceful, and vigorous expression, his published opinions running into the hundreds constitute an invaluable contribution to the development of American law. In addition to discharging a full share of the case-load of the court, he devotes much of his time to its administrative features; and his efficient administrative supervision has much to do with the work being dispatched at a fair pace and the docket being kept fairly current.

Judge Phillips maintains a high judicial manner on the bench. He is unfailingly courteous and dignified. His colloquies with counsel in the course of oral argument are always with the single purpose of obtaining the views of counsel. His incisive questions propounded to counsel make plain his desire to arrive at the very core of the case. He is forceful in council and at the conference table. He disregards completely mere subtleties and narrowness of view, and he rejects sophistry in all its forms. He thinks along broad lines with a conscience sensitive to right and a vivid purpose to frustrate wrong. He is kind to a fault with his associates and is deeply considerate of their views, but once his convictions are formed with mature consideration, he holds to them with a courage of steel that knows not how to yield. Association with him is a personal privilege and it makes the work of the court both pleasant and inspiring.

Socrates said, "Four things belong to a judge, to hear courteously, to answer wisely, to consider soberly, and to decide impartially." And in a later generation Newton D. Baker, a statesman and member of the bar having no superiors, used this language: "Well, what is a judge? Who is fit to be a judge? A man of learning who spends tirelessly the weary hours after midnight acquainting himself with the great body of traditions and the learning of the law—A man who bears himself in his community with friends but without familiars; almost lonely, devoting himself exclusively to the most exacting mistress that man ever had, the law as a profession in its highest reaches where he not only interprets the law but applies it, fearing neither friend nor foe, fearing only one thing in the world—that in a moment of abstraction, or due to human weakness, he may in fact commit some error and fail to do justice. That is a judge." Those words of both apply fittingly and appropriately to Judge Phillips.

Much of Judge Phillips' life is centered in his home and in the intimate association with personal friends. But apart from his interest in the home and in the work of the court over which he presides, he maintains a wide variety of other interests and activities. He discharges

his full responsibilities as a member of the Judicial Conference of the United States, he is active in the labors of the American Bar Association, he is closely identified with the program of the American Law Institute, and he is a member of an organized effort to develop and mature an enduring basis for permanent peace throughout the civilized world. He is a hunter and fisherman of wide repute. And he yields to no one in his concern in baseball, football and other sports.

It is a satisfaction and pleasure which defies description in words to accept on behalf of the United States and of the United States Court of Appeals for the Tenth Circuit this portrait of Judge Phillips, and to give assurance that it will be preserved throughout the present and coming generations as an inspiration to others to follow his example.

(Applause).

THE CHAIRMAN: Several days ago I called Judge Phillips on the telephone and warned him that although his name was not on the program it would be as if in the play of Hamlet, Hamlet were left out if he did not say a word or two to us if he found it in his heart so to do.

Judge Phillips, this gathering is visual demonstration of the esteem and affection in which we hold you, and of the esteem and affection which you have so richly deserved. The only trouble is that what we have said tonight sounds as though perhaps someone else would be appointed soon. If so, we hope it is an elevation for you. But we do not want you to leave our Court. In other words, there has been too much of what you might call a vacant chair attitude in many of the people tonight. We hope these twenty-five years are but a part of your service with us. We wish in all truthfulness we could say another twenty-five years, but that is not to be hoped for. We hope for another score of years, in any event, of your court service.

Now, Judge, if you find it in your heart to say a word or two to us, now is your chance, or forever hold your peace! (Applause, the audience rising.)

JUDGE PHILLIPS:

Mr. Bosworth, Judge Richardson, Judge Simms, Judge Bratton, distinguished guests, ladies and gentlemen:

It has been truly said that "the highest award, aside from the approval of his Heavenly Father and his own conscience, vouchsafed to man in this mortal existence is the approval of his course and acts by those of his fellow citizens whose character, knowledge, and wisdom qualify them to judge his course and his acts."

In your magnanimity you have graciously granted me that reward. I esteem it as the greatest honor that could possibly be awarded me.

Would that I could command words to adequately express the gratitude and the sentiments that overflow my heart. To do so is all the more difficult because my emotions are deeply stirred.

May I humbly and simply express my sincere appreciation and my thanks.

In my 26 years and 6 months of service on the Federal Bench, I have worked hard and earnestly strived to do exact justice with certainty and expedition and to temper justice with mercy where it seemed fitting and proper so to do, to make the law so living and dynamic as to meet the needs of a modern and complex society and yet so constant in its principles and their application as to enable men to know the rules that conditioned their acts and the legal consequences of their contractual and other obligations.

If in those endeavors I have attained a fair measure of success, it is largely due to two factors:

First, the great judges with whom it has been my privilege to serve.

In the early days of my service on the District bench in New Mexico with Colin Neblett; on the Court of Appeals with the great Walter H. Sanborn, Senior Judge of the Eighth Circuit; Kimbrough Stone, later Senior Judge of the Eighth Circuit; our own beloved Robert E. Lewis, with his intuitive sense of justice, the first Senior Judge of the Tenth Circuit; John H. Cotteral; the brilliant George T. McDermott; and able Robert L. Williams.

In those early days, their counsel, guidance, and help were invaluable to me.

And now it is my great privilege to serve with Sam Bratton, Walter A. Huxman, and Alfred P. Murrah. Their fine judicial service and their friendship and cooperation are a tower of strength to me in carrying on the arduous work of our court.

Ours is a congenial court. Of course we differ at times as to the law and its application and support our views earnestly and vigorously in conference, but those differences are wholly impersonal. Never have I known a single tinge of personal feeling or bitterness. It is a privilege and a joy to work with such able and cooperative associates.

The other factor is the very able bar of the Tenth Circuit.

In personal character, in professional rectitude, in intellectual integrity, in legal learning, and in ability to present their causes fairly, yet strongly and effectively, no bar anywhere surpasses the lawyers of the Tenth Circuit. They have been and are truly ministers of justice, doing well their part in enabling our fellowmen to live together in peace and order, to enjoy individual freedom and liberty under law, and to obtain justice in controversies between themselves and between them and their government.

There is no more lofty calling than theirs, for in the words of the great Webster: "Justice, sir, is the great interest of man on earth. It is the ligament which holds civilized beings and civilized nations together. Wherever her temple stands, and so long as it is duly honored, there is a foundation for social security, general happiness, and the improvement and progress of our race. And whoever labor on this edifice with usefulness and distinction, whoever clears its foundations, strengthens its pillars, adorns its entablatures, or contributes to raise its august dome still higher in the skies, connects himself, in name, and fame, and character, with that which is and must be as durable as the frame of human society."

To those great ministers of justice who made this event possible, to Dr. Joseph Sigall, distinguished artist and cultured gentleman, who labored long with his heart, his soul, and his great talents to produce this portrait, for the inspiration, the satisfaction, and the joy you have given me, I again express my deepest gratitude and my heartfelt thanks.

(Great applause.)

ROBERT G. BOSWORTH: This has been a most delightful occasion. We will now call the official part of this meeting to a close, so that you may take your time to inspect the portrait. I therefore declare that the meeting is adjourned subject to any later expression of your wishes.

Extracts from numerous letters received, which extracts were read by the Chairman in the course of his remarks (See page 13 of these proceedings)

MR. JUSTICE STANLEY REED, Supreme Court of the United States:

“It was my good fortune to come to know Judge Phillips, since then Orie to me, shortly after the beginning of President Hoover’s administration. He seemed young then to be a Federal Judge and he seems very young now to have rounded out twenty-five years.

“Of his ability as a judge, all agree that he stands in the front rank of our jurists. For me, however, I think his extra-docket activities deserve equal praise. There has been no let up in his zeal to learn and to teach. His services in improving the administration of justice are recognized by all who have a purpose to make our system better.

“When we celebrate his fifty years on the federal bench we shall have many more good opinions and good works of his to commemorate.”

MR. JUSTICE ROBERT H. JACKSON, Supreme Court of the United States:

“My acquaintance with Judge Phillips dates back to before my service on the bench, and the pleasant friendship formed long ago has continued throughout the years. His work has won the admiration of all the members of his profession and this is a reward that a judge prizes highly. Kindly give him my best wishes and the hope that his service will be long continued.”

MR. JUSTICE HAROLD H. BURTON, Supreme Court of the United States:

“I regret that it will not be possible for me to be present in person. However, I join wholeheartedly in the tribute which you are paying to this eminent jurist who has rendered a generation of invaluable service both to his country and his profession.”

JUDGE COLIN NEBLETT, Santa Fe, New Mexico:

"I would sure like to attend this dinner. I have had a long acquaintance with Judge Phillips, which has been most pleasant and beneficial to me. I consider Judge Phillips an extremely able Judge, and I admire him for the manner in which he has handled the work of the Circuit Court of Appeals for the Tenth Circuit, during the time he has been Chief Judge.

"I was very fortunate in being associated with Judge Phillips when he was one of the Judges of the District for New Mexico. During the time he was such Judge we became very close friends, and with his wonderful personality, our association was most pleasant. Because of my friendship for, and admiration of Judge Phillips I would sure like to be present at the dinner; however, my health is not of the best, and it would be pretty hard for me to take a trip to Denver; I feel that the trip to Denver to attend the dinner would be more than my health could stand.

* * *

"Please convey to Judge Phillips my sincere good wishes for a long life, and the hope that he will serve long on the Court of Appeals, as we need such men as Judge Phillips on the Bench."

JUDGE CALVERT MAGRUDER, Court of Appeals First Circuit:

"I am disappointed that it will not be possible for me to attend the dinner in honor of Judge Phillips on Sept. 12. He richly deserves this tribute from the bar, as he is recognized throughout the nation as one of the best of its judges and a very fine human being."

JUDGE JOHN BIGGS, JR., Chief Judge Court of Appeals Third Circuit:

"It is entirely proper to honor Judge Phillips on the occasion of his Twenty-Fifth Anniversary on the Federal Bench. He is, as you know, one of the very outstanding members of the Federal Judiciary and he has contributed very largely to the development of the law not only in the Tenth Circuit but throughout the United States. An opinion by Judge Phillips has great weight everywhere. He is indeed fit caliber for the Supreme Court of the United States and it is a source of regret to most of us that he has not been honored by an appointment to that Tribunal.

"His work as a member of the Judicial Conference of the United States has also been outstanding. He has given unstintingly of his time and energy in effecting the work of the Conference and his efforts in promulgating new and helpful legislation have been very successful.

"Let me say again that I regret that I cannot be present when you honor him by this dinner. Please be assured that I shall join you in the spirit of the occasion though I will not be able to be present in the flesh."

JUDGE JOSEPH C. HUTCHESON, JR., Chief Judge United States Court of

Appeals, Fifth Circuit:

"I admire and esteem him highly, and in addition I have the warmest personal feelings for him. He is the kind of judge who not only does honor to the bench but in his steadfast adherence to the highest traditions of judicial, personal, and intellectual integrity, helps to preserve our constitutional way of life."

JUDGE XEN HICKS, Chief Judge, United States Court of Appeals, Sixth Circuit:

"I have your very gracious invitation to attend the testimonial dinner to be given in honor of Judge Phillips September 12th. I regret that the distance to be travelled to Denver precludes my acceptance. Permit me to say, however, that the dinner is in honor of a most worthy judge. Judge Phillips is a tireless worker in the interest of every activity designed to promote the welfare and effectiveness of the federal judicial system. I know of no member of the judiciary who has exceeded him in this respect. He is a great judge, possessed of great capabilities and rock-like integrity. He is held in high regard by those of us who know him personally as well as by those of the judges and members of the bar who know him indirectly through a long list of masterly judicial opinions."

JUDGE J. EARL MAJOR, Chief Judge, United States Court of Appeals, Seventh Circuit:

"I would be delighted to accept the dinner invitation of the Bar of your Circuit in honor of your Chief Judge, Honorable Ori L. Phillips, but circumstances are such that I must decline. In common with members of the Bar and judiciary throughout the country, I am glad to know that your Bar is to pay this deserved tribute to an able and outstanding Judge."

JUDGE ARCHIBALD K. GARDNER, Chief Judge, United States Court of

Appeals, Eighth Circuit:

"A term of our court opens its session in St. Louis on the 12th of September and as I am to sit it will be impossible for me to accept your very gracious invitation, which I greatly regret. I know of no Federal Judge more worthy than Judge Phillips of the honor you are showing him. May I take this occasion to extend my congratulations to Judge Phillips."

JUDGE JOHN B. SANBORN, Court of Appeals, Eighth Circuit:

"I am delighted that the years of distinguished service rendered by Judge Phillips are to be commemorated by the Bar. I have known the Judge almost from the very inception of his judicial career, my appointment as a Federal District Judge coming very shortly after his. As you, no doubt, know, he served almost continuously on the Circuit Court of Appeals of the Eighth Circuit from the time of his appointment as a District Judge until the Circuit was divided. I not infrequently was associated with him.

"Perhaps the most flattering testimonial to his judicial capacity is the regard in which he was always held by my cousin, the late Judge Walter H. Sanborn, for many years the Senior Circuit Judge of the Eighth Circuit, whose standards of judicial competency were so exacting that it was difficult to meet them. Judge Phillips has had the respect and admiration of the Bench and Bar of the Eighth Circuit as well as that of the Tenth. Perhaps his outstanding quality is the ability to do excellently whatever he undertakes, coupled with a great capacity for dealing intelligently and practically with any problem which may be submitted to him.

"I shall appreciate it if you will convey to Judge Phillips my best wishes and most affectionate regards."

JUDGE KIMBROUGH STONE

"I have known Judge Phillips and his charming wife for many years. I have served with him on the Eighth Circuit Court of Appeals many times. We have worked together on the Judicial Conference from the time he first came there many years ago. Also, we have been together on important committees of the Conference. I think I know him very well.

"He is a most admirable Judge as well as a strong man and a delightful gentleman. I know of no Judge in this Country who is his superior.

"He richly deserves this testimonial dinner and I am genuinely regretful that I cannot be present in person to join you in honoring him."

JUDGE WILLIAM DENMAN, Chief Judge, Court of Appeals, Ninth Circuit:

"As stated in your invitation, this has been a quarter of a century of distinguished service. More than that, it commemorates a lifetime given by a wise, strong and sensitive human being to his country."

JUDGE HAROLD M. STEPHENS, Chief Judge, United States Court of Appeals,

District of Columbia Circuit:

"I thank you for inviting me to the dinner being given by the Bar of the United States Court of Appeals for the Tenth Circuit in honor of the Honorable Orie L. Phillips, Chief Judge.

"I am distressed to have to reply that the present outlook is that I shall not be able to attend. Judge Phillips is a personal friend of mine and an honored colleague on the Federal Bench and on the Judicial Conference of the United States. I should like very much to be present to join in paying compliment to him.

"Please convey to him my congratulations upon completion with distinction of his twenty-fifth year as a United States Judge."

JUDGE BOLITHA J. LAWS, Chief Judge, United States District Court, District of Columbia:

"I regret more than I can tell you that it will not be possible for me to accept the invitation of the Bar of the United States Court of Appeals for the Tenth Circuit to attend the testimonial dinner honoring Ori L. Phillips. I don't know any event that I should rather attend, but I shall have to be in Washington at that time.

"I am delighted that you are honoring Chief Judge Phillips. He is one of the great men of the Judiciary of our Nation, and I shall not be entirely happy about the affairs of the Federal Judiciary until his talents are recognized by his being placed on the Supreme Court of the United States."

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TELEGRAM:

"Please express our sincere regrets to Judge Phillips and explain our court opens today Monday with first oral arguments scheduled Tuesday and heavy dockets both days. Accumulated items make attendance of each Justice mandatory and we were unable to have advance conference to change these plans made several weeks ago. We each know and greatly admire Judge Phillips. We give him our hearty congratulations today and tonight though not present our thoughts will join those of all of you in honoring him for the man and judge that he is and for that most eminent service he has rendered America for years and with the wish for many like years to come.

Denver N. Davison, Chief Justice of Oklahoma
Ben Arnold, Vice Chief Justice
Earl Welch, Associate Justice
N. S. Corn, Associate Justice
Thomas L. Gibson, Associate Justice
John E. Luttrell, Associate Justice
Harry L. S. Halley, Associate Justice
N. B. Johnson, Associate Justice
C. T. O'Neal, Associate Justice."

Telegram from *JUDGE BOWER BROADDUS*, District Court of Oklahoma:

"Please express my regret to Judge Phillips at not being able to attend the dinner given in his honor. I trust the picture will reflect not only his learning and ability but also the kindly consideration he extends to everyone."

JUSTICE MORTIMER STONE, Colorado Supreme Court:

"I regret greatly that it will be impossible for me to attend the dinner being given in recognition of the long service on the Federal Bench of Judge Orie L. Phillips. "Particularly at this time, when there seems to be an increasing tendency to regard the courts as political rather than judicial institutions, it is heartening to find judges of the legal scholarship, the judicial poise and the statesmanlike vision of Judge Phillips. We do well to pay him the tribute of such recognition."

JUDGE ARTHUR J. MELLOTT, United States District Court, Kansas City:

"It is regretted that I will be unable to attend in view of the fact that I will be holding court at Wichita during that week. I wish that it were otherwise; for like most of the members of the bar of the Court of Appeals for the Tenth Circuit, I am very fond of Judge Phillips and would be happy to show it by my attendance."

FRANK E. HOLMAN, ESQ., Ex-President American Bar Association:

"I have the very highest regard for him, in fact, I think he is one of the most outstanding judges in the whole country."

Telegram from *E. R. WRIGHT, ESQ.*, Santa Fe, New Mexico:

"Regret inability to be present tonight. Trust you may have twenty-five more years of health and happiness to add to your twenty-six years and six months' service on the Federal Bench."

CHARLES C. PARSONS, ESQ., Salt Lake City, Utah:

"The occasion will be a richly deserved tribute commemorating his twenty-five years of indeed most distinguished service. The Bar will desperately require his guidance over the troublous years to come."

Telegram from *PAUL H. RAY, ESQ.*, Salt Lake City, Utah:

"Regret exceedingly that emergency prevents my attendance at dinner commemorating twenty-five years wonderful service on the Bench. It has been my pleasure to be a member of your Bar for most of that time. The Bar is to be congratulated upon having you as its professional leader. Sincerest good wishes."

BARTON E. GRIFFITH, ESQ., Topeka, Kansas:

"However I do wish you to know that in my practice, I have appreciated the fact that you were on the Federal Bench. Your fairness of approach to matters presented to the Court, your patience and courtesy extended to the attorneys and general attention to the details of your office have given great satisfaction to the Bar and the public. Your opinions have been clear and concise and have always reflected a true consideration of the legal problems involved. To have you sit on a case gives to the lawyer a sense of confidence and ease in arguing his case because he knows that he will be heard fully and his contentions duly considered."

O. L. O'BRIEN, ESQ., Independence, Kansas:

"The strength of our country lies in the character of men like Judge Phillips whether they are on or off the bench, and it is indeed fortunate when men of this character are permitted to serve their country in the way that Judge Phillips has."

FRED ROBERTSON, ESQ., Kansas City, Kansas:

"I regard him as one of the very ablest jurists in our country and think he should have been on the Supreme Court long ago. * * * Although I am not of his political persuasion, I have heretofore contributed my mite toward putting him on that court and regret the effort was not successful. He has been and is a fine public servant."

Telegram from *ROBERT L. STEARNS*, President University of Colorado:

"Regret cannot be with you. Honors richly deserved. Hearty Congratulations."

JAMES D. BENEDICT, ESQ., Denver, Colorado:

"It is with extreme regret that owing to physical disability I am unable to accept the invitation honoring you at a dinner on September 12. * * *

"Your work as a jurist and the opinions of the Circuit Court of Appeals rendered by you show comprehensive knowledge of the law and diligent research into the problems presented.

"May you continue for many years your honorable career and service to this community."

DONALD C. McCREERY, ESQ., Denver, Colorado:

"No Judge whom I know is more entitled to outspoken recognition than he, both for the length of his tenure and more especially for the superb performance of his judicial duties. He is both courteous and firm; willing to learn and learned; open minded and of conviction; and ever mindful of his oath of office to defend, protect and preserve our constitutional system of government. He is the real Judge."

HONORABLE JOHN C. VIVIAN, Denver, Colorado:

"I regret exceedingly that I expect to be out of the city on September 12 and consequently will be deprived of attending the dinner to my good friend, Ori L. Phillips, for whom I have the highest regard and profound respect, both as a man and as a jurist. I would appreciate it if you would say to the judge that it is my loss that I cannot be present and that I wish for him many more happy and profitable years upon the federal bench."

Telegram from *RAY S. FELLOWS, ESQ.*, Tulsa, Oklahoma:

"Cecil Hunt of Stanolind Pipe Line Company, W. W. Heard of Stanolind Oil and Gas Company, Ellis Gable, President of Tulsa County Bar Association and the undersigned have been standing by for three hours expecting to fly in a Stanolind plane to attend Judge Phillips' testimonial dinner. The flight is now definitely cancelled because of weather conditions in your vicinity. Please extend our congratulations and best wishes to Judge Phillips together with our regrets and disappointment that weather has prevented our participation in this memorable event. Thank you for our invitations."

GEORGE J. FAGIN, ESQ., Oklahoma City, Oklahoma:

"It is with a good deal of regret that I will be unable to be present. However, I cannot pass up the opportunity of extending my sincere congratulations to the United States Court of Appeals for the Tenth Circuit in having as its Chief Judge a man of such eminence as the Honorable Ori L. Phillips.

"Judge Phillips is the ideal of those of us members of the Bar who have had the privilege of presenting legal matters before the United States Court of Appeals. His fairness and legal distinction has made us proud that he graces this high court. I consider him as one of the great jurists of our time. I trust and hope that he will serve many more years."

CLAUDE MONNET, ESQ., Oklahoma City, Oklahoma:

"I consider Judge Phillips to be everything that there should be in a judge. It has always been a keen disappointment to me that he was not placed on the Supreme Court of the United States. He is just the kind of a man who belongs there. He has all of the qualities that a Justice of the Supreme Court of the United States should have."

PHIL W. DAVIS, JR., ESQ., Tulsa, Oklahoma:

"In the capacity of citizen and jurist Judge Phillips exemplifies traditional Americanism at its best. It will be difficult indeed to mete sufficient eulogy to the richness of his eminent service to the Republic and to the purity of the patriotism which characterizes his loyalty to his Country."

HONORABLE OREL BUSBY, Ada, Oklahoma:

"Every member of our firm regards Judge Phillips as one of the outstanding jurists of the United States. In fact, at some time in the past, we have thought we might be able to assist in elevating him to the Supreme Court of the United States. He merits that honor."

W. J. WEHRLI, ESQ., Casper, Wyoming:

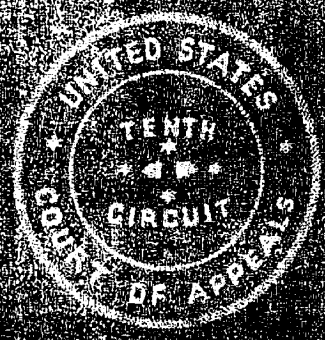
"I am indeed sorry that I will be unable to attend the dinner for Judge Orie L. Phillips, of the 10th Circuit Court, on the 12th, but other engagements make it impossible.

"I recall with distinct pleasure his appearance before the State Bar of Wyoming at our Cody convention, September 2, 1948, when he delivered an address upon the work of the United Nations. The care with which he prepared his material, the meticulous consideration of the different factors involved, and the careful marshalling of all the facts, was characteristic of his work on the bench, and quite typical of the opinions coming from his hand. His work upon the 10th Circuit Bench has been recognized throughout the country, and he has won a place in the estimation of lawyers, judges and laymen that will long be remembered."

JOHN U. LOOMIS, Cheyenne, Wyoming:

"In addition to Judge Phillips' unquestioned ability and distinction as a Judge, I find myself thinking particularly of his friendly and helpful attitude, and of his ability, in a way consistent with the dignity of his position, to maintain his contacts with his fellow lawyers and with the public, and to be of service to all. I believe these attributes make a great Judge even greater, and I believe Judge Phillips has attained the equilibrium of which I speak to the maximum extent."

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PROCEEDINGS

IN HONOR OF

ORIE L. PHILLIPS

CHIEF JUDGE

UNITED STATES COURT OF APPEALS

TENTH CIRCUIT

SEPTEMBER 12, 1949

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