

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

*Special Memorial  
Service*

for

**THE HONORABLE JOHN C. PICKETT**

April 18, 1985



HONORABLE JOHN C. PICKETT

# Proceedings

(Proceedings commenced 2:05 p.m.)

**JUDGE HOLLOWAY:** Good afternoon. We are convened today specially at Cheyenne for a ceremony in memory of Judge John C. Pickett of Wyoming who served on the Court of Appeals for the Tenth Circuit from his appointment in 1948 by President Truman until his death in 1983.

First, I wish to read a letter from our Circuit Justice, the Honorable Byron White, himself a special friend of Judge Pickett and his family. "Dear Bill, regrettably, Marion and I cannot be with you on April 18 for the John Pickett memorial ceremony, but we shall be with you in spirit. We had great affection and admiration for Judge Pickett, both as a judge and a person. It was always such a pleasure to be with him, and we shall miss seeing him very much. Our best regards to the family. Sincerely yours, Byron."

We wish now at this time to call on our distinguished associate, our Circuit Judge of Wyoming, Judge Barrett, for introductions of dignitaries of this State.

**JUDGE BARRETT:** Chief Judge Holloway, the federal judiciary in Wyoming has been very fortunate over these many years to have such a congenial and kind relationship with the State judiciary and the members of the bar of the State. I am particularly pleased to introduce members of the Wyoming Supreme Court who are seated here on the front bench to my left. Starting on my very left side Justice John F. Raper, retired; Justice Glenn Parker, retired; Justice Rodney M. Guthrie, retired, who was my state district judge for many years; Chief Justice Richard V. Thomas, who served as Judge Pickett's law clerk for two years; Justice C. Joseph Cardine; and Justice Robert R. Rose, Jr. We are pleased to have you here.

There are many distinguished members of the Wyoming bar present in the courtroom. It would take some time to introduce all of them. Some are very close personal friends of Judge Pickett.

There is one man in the gathering who is not a lawyer, but who was a very close friend of Judge Pickett. He is Mr. Earl Holding, owner of Little America and many other enterprises. Would you please stand, Earl?

Thank you.

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Also present, and should be recognized, is a man who was for many years a close friend and associate of Judge Pickett. He practiced law in Cheyenne, now serves as the Attorney General of the State of Wyoming, and is a former justice of the Wyoming Supreme Court, General Archie McClintock. I am also pleased to recognize retired Brigadier General Robert Outsen of the Wyoming National Guard.

To those that I have not introduced, I specially thank you for being present. I'm sure that Judge Pickett would be very pleased at the honor you are showing him today.

JUDGE HOLLOWAY: Thank you, Judge Barrett.

We want to give special recognition to the family of Judge Pickett. We all regret that Mrs. Pickett is unable to be here, as is Judge Pickett's brother, Dee Pickett. Other family members are here, and I wish to recognize Mr. Dick Pickett and his wife, and I believe his sons are here, John and Brad.

Thank you.

Also, Mr. Bob Pickett and your family, if they are here with you. Cecile and Penny. You've grown too much for me.

In addition to Judge Breitenstein, Judge Seth, Judge McWilliams, Judge Barrett, Judge Doyle and I who served with Judge Pickett, we are honored that Judge Delmas Hill, also Judge Pickett's associate, has come from Kansas.

Judge Hill, would you please stand?

We have all of the Judges of the Court of Appeals here, and we have also, are very honored to have up from Colorado, Judge Chilson and Judge Weinshienk. And we are very pleased, of course, that Judge Kerr and Chief Judge Brimmer honor us by their presence here today.

I believe I've covered all of that with my associates who are all here.

Now for remarks concerning Judge Pickett, I wish to call on the son of Judge Pickett's longtime friend, the late Floyd Wright who practiced law for many years in Scottsbluff. The family of Mr. Wright and the Picketts were very, very close. And I will now call on Mr. Charles E. Wright of Lincoln, Nebraska, Mr. Floyd Wright's son. Mr. Wright.

MR. WRIGHT: May it please the Court, distinguished judges, family and friends of Judge Pickett: I'm more than happy and privileged to participate in this memorial.

John C. Pickett was the fourth of ten children born to the marriage of Richard M. and Elizabeth A. Pickett. His parents traveled by wagon train from central Nebraska to eastern Colorado

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where they filed a homestead claim in the year 1889. After a few years in Colorado, they returned to Buffalo County in central Nebraska and Judge Pickett was born near the small town of Ravenna in the year 1896.

The Bureau of Reclamation dams that were constructed on the North Platte River in Wyoming brought irrigation waters to the Platte River Valley in eastern Wyoming and the Nebraska panhandle and were largely responsible for attracting the Pickett family to the brand new city of Scottsbluff in western Nebraska. The family, which then included six boys and one girl, in addition to the parents, was of an ideal size to raise and market the sugar beet. Judge Pickett and the rest of his family were raised in a log and sod house where they earned a living raising sugar beets and food for their own table.

By today's standards, some of their living conditions might be classified as primitive, but I believe these conditions more or less prevailed everywhere in this farming community, and if any of the Picketts were disadvantaged or underprivileged, I do not believe they were aware of it at that time. They had very little cash but had plenty to eat. Clothing was meager and bathing and sleeping conditions were certainly primitive by today's standards, but were more than adequate for those times.

Shortly after arriving in Scottsbluff, Jim Pickett, the eldest of the Pickett boys, was challenged by a gang of local boys. Jim responded with intensity and vigor, knocking out the first two challengers in short order. This trait was later exhibited by more than one of Jim's younger brothers, but more about that later.

John Pickett graduated from high school in 1915 as president of his class, having developed a keen interest for basketball and baseball. At the suggestion of a man named Owen Frank, who had been an outstanding athlete at the University of Nebraska, he decided to travel to Lincoln to attend the university. While his close friend, my Uncle Charlie, urged him to attend Hastings College, he decided to go to Nebraska because it gave him a fresh start. He knew no one in Lincoln and no one knew him. Because of his positive attitude and motivation, he sensed that he could make it on his own.

During the summer between high school and his entrance to the university, he worked at the sugar factory where he saved up a hundred dollars, after purchasing some clothes and other necessities. At that time tuition at the university was only five dollars a semester, and he was able to find part-time work. He seemed to blossom out at the university, becoming actively involved in a

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fraternity and its athletic programs. He captained both the university basketball and baseball teams.

Following service in 1918 as an officer with the coast artillery in France, he returned to the University of Nebraska where he received his LL.B. degree in 1922. In his graduating class was Robert Van Pelt who went on to become a very distinguished personality and continues to serve as a highly regarded United States District Judge in Nebraska.

While pitching for the University of Nebraska against the University of California in one game, he struck out 14 batters, allowed one hit and no runs and achieved a great deal of local and some national notoriety. I found an account of the game in the archives of the Lincoln Daily Star for Monday, May 17, 1920, which stated, among other things—they had a way of writing up the games that was a little different in those days. "The Californians were up against one of the great college pitchers of the country, and their helplessness was not a matter of wonderment to spectators who saw Pickett mow them down." Perhaps the most interesting aspect of this game was a row that developed in the final inning when the Nebraska first baseman out-raced a California batter to the bag after fielding a hot grounder. The umpire indicated that his close decision was based on the fact that the first baseman's ankle was injured by the base runner, which made it evident that the Californian lost the race to the bag.

Following graduation from Nebraska, professional offers and a tryout with the Chicago White Sox were forthcoming, but Judge Pickett decided on a law career in Cheyenne, which afforded him an opportunity to continue his strong interest in athletics at the semiprofessional level. He was offered coaching positions at the university, but stated, at one time I gave consideration to the coaching profession and could have stayed at Nebraska as basketball and baseball coach, but, as usual, the Lord had his arms around me and turned me away from that nerve-racking and fickle profession.

While he may have had some help from the Lord in his decision, I am certain he also had a very good intuitive sense about what was and was not best for him and that he made a very wise decision when he decided to move out to Wyoming. In retrospect, Wyoming was very good for Judge Pickett and in turn benefited greatly from his presence. Cheyenne provided him with an ideal setting to develop his interest in the field of law and strike up acquaintances with new and interesting people, a trait at which he had no equal. He practiced law in Cheyenne from 1922 through 1935 and served in the United States Attorney's Office from 1935 until 1949 when he was appointed by President Truman to this Court of Appeals. He

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served on this court until the time of his death on September 1, 1983, having taken senior status in 1966.

His own family in Cheyenne commenced with his marriage to Lura Pratt, who still resides in Cheyenne. As is often the case with many successful individuals who rise from meager beginnings, he had the constant admiration and respect of his lovely wife who was, if anything, equally positive and outgoing as was the Judge.

And in later years, the Judge was extremely proud of the fact that both of his sons, Dick and Bob, obtained their law degrees at the University of Wyoming and are now practicing in this state. He also thoroughly enjoyed his two grandsons, John and Brad, and his granddaughter, Penelope.

I believe he absolutely enjoyed every minute of his service on this Court of Appeals. Any trepidations he had shortly following his appointment were soon overcome by his willingness to throw himself wholeheartedly into his work and the friendship and mutual respect that developed between him and then Chief Judge Orie Phillips and by his fast friendship with Judge Alfred Murrah and the respect and esteem he had for Judge Sam Bratton and Judge Walter Huxman. He also had very kind words for the other judges who were subsequently appointed to this court.

During his early years as a lawyer, he had an opportunity to observe the proceedings of the Teapot Dome litigation to cancel the government's leases with Harry Sinclair. While serving in the Laramie County Attorney's Office, he gained considerable experience as a prosecutor and handled numerous fascinating cases. However, nothing surpasses his experience as special counsel for the United States Senate Committee comprised of Senators Nye, Norbeck, Ashurst and Carey to investigate the activities of Horace Albright, Director of the National Park Service, and John D. Rockefeller, Junior, in the acquisition of land in the Jackson Hole area for the development of the Teton National Monument. During the course of the hearings, where the Wyoming Senator Carey actively opposed the project and the South Dakota Senator Norbeck actively favored it, Judge Pickett admits to having reacted quite angrily to the needling of Senator Norbeck and telling him that if he were not an old man, he would slap his face, or words to that effect.

The hearings served to forestall any special legislation to enable the government to take over the land that Rockefeller had acquired. However, the land was subsequently donated to the government under the Antiquities Act and after a challenge in the federal court, the area became the Teton National Monument.

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During World War II, while serving in the United States Attorney's Office, he was involved in many interesting cases, including a mass draft evasion case against younger Americans of Japanese ancestry, prosecuting Selective Service violations, as well as several interesting and involved murder cases. A lifelong Democrat, he was nominated to this court by Wyoming Senators O'Mahoney and Hunt.

One of his most interesting and perplexing cases on this court involved pro football player Ralph Neeley and the refusal of District Judge Chandler to execute the mandate handed down by this court. With characteristic candor, Judge Pickett indicated that this case upset him more than any other he had decided. He also wrote the opinion involving the murder conviction and death sentence imposed upon Richard Hickock and Perry Smith arising out of an incident later memorialized by Truman Capote in his best-selling book *In Cold Blood*.

Judge Pickett also served on the Judicial Conference of the United States and as chairman of its Advisory Committee on Criminal Rules and as a member of its Committee on the Administration of Criminal Law. At the time of his death in 1983, he was continuing to work on a more or less daily basis in his office here in Cheyenne.

Now with some of these details aside, I would like to comment briefly on a few of Judge Pickett's outstanding character traits.

First and foremost, he was positive about everything that he did. He often attributed his success to good luck, but in retrospect, it was more often due to his positive attitude and his willingness to accept responsibility. He radiated confidence and somehow knew that he would be able to succeed at nearly any task. He was a good listener, and with his infectious grin could bring out the best in any storyteller.

My father and I often went fishing with Judge Pickett and his sons, Dick and Bob. Judge Pickett always drew the responsibility for obtaining permission to fish from the landowner. He knew them well and would leave us all sweltering in the car while he engaged in lengthy conversations, often lasting in excess of one hour. When he returned to the car, he knew not only where to fish and how they were biting, but what had transpired with the landowner for the past 18 months. On one occasion he committed us all to attending a cookout and revival meeting as a condition to our gaining access to the rancher's good trout water.

He was also intense, without exhibiting undue temperament irritability. His intensity was always channeled toward positive results. I thought of him as a finder of lost gloves. On one



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occasion, around 1945, the Wrights and Picketts were fishing on the Wind River Indian Reservation and living in the government cottages provided for the agency personnel at Fort Washakie. I borrowed the Judge's Bill Doak glove to participate in a ball game which we held shortly after lunch with the local children. When the game was over, the glove had disappeared and I reported this sorry state of affairs to the Judge. He told me this was his personal glove that he used when he tried out with the Chicago White Sox and he didn't want to lose it. However, instead of becoming angry, he broke into a broad grin and initiated a very vigorous search among the children who had been playing with us. In about 30 minutes, the glove was found and my shame and humiliation were partially dissipated.

In 1949, while pitching against the Cheyenne Legion team in Cheyenne, my three-fingered fly catcher ball glove was pilfered from the top of the visiting team's dugout. Judge Pickett had come down to watch the ball game. I told him about the missing glove. "Did it have any distinguishing marks?" I replied that I had branded it with a cigarette lighter from my father's car. In about two weeks my ball glove had arrived in the mail from Cheyenne. The Judge had apparently tracked it down through the Chief of Police based on the brand that I had applied with the cigarette lighter. The brand had been altered with a pocket knife but was still identifiable.

The Judge had a well-developed and insatiable interest in everyone. On this same trip to the Wind River Indian Reservation, he arranged for all of us to observe the Shoshoni Tribal Court in session. All manner of cases involving members of the Tribe were brought before the three-member panel for summary disposition. I believe one of the chiefs presided. One of the defendants happened to be the chief's daughter. He calmly excused himself while another took his place and justice was rendered.

A most interesting character trait was the Judge's temperament. Like all successful adults, he continued to mature after graduating from the university and developed an ability to maintain control over his temper. This trait was earlier exhibited by his brother Jim in defending the family honor on their arrival in Scottsbluff. It was subsequently exhibited by his younger brother Theor, who was also quite a good baseball pitcher.

In 1948, the University of Colorado baseball team formed a local summer team known as "The Boulder All Stars," who played many of the town teams in western Nebraska and southeast Colorado. They had good ball players such as Tom Brookshire and Don Hagin and several others whose names I cannot remember. Theor Pickett was the plate umpire for the game in Scottsbluff and the catcher on

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that evening made two bad mistakes. While squatting behind the plate, the catcher protested a called ball and cast aspersions on the umpire's ancestry. The catcher's second mistake was to turn his head toward Theor Pickett while uttering his blasphemy. Whereupon Theor reached out with his left hand and snatched the mask from the catcher's face and with his right hand laid him flat on the ground with a well-timed punch to the jaw. This is the first and only time that I have ever seen an umpire strike a player.

Another trait which was self-evident was the Judge's motivation toward achievement. With his positive attitude and his intensity, he was certain that if he struck out on his own at the University of Nebraska with a hundred dollars in his pocket, somehow he would be able to find part-time employment, acquire sufficient social graces to make him socially acceptable to his fraternity brothers and successfully complete his college education. Not only was he very successful, but he made numerous friends and acquaintances with whom he maintained contact for the rest of his life.

Finally, it is readily apparent that Judge Pickett was also a very responsible person. While he had many wonderful members among his family, he took it upon himself to set an excellent example for all of them. He neither drank nor smoked but neither criticized those who did.

As is often the case with federal judicial appointments, his appointment to this court seemed to bring out the very best of his efforts. One outstanding example of his responsibility is the fact that he took time during his final years to record a very candid and picturesque, detailed history of his family, followed by his own personal memoirs.

It is interesting to note that he counted among his friends and acquaintances not only such persons as John D. Rockefeller, Jr., Dean Atchison, Earl Warren, Eddie Dyer, Branch Ricky and Sally Rand, but that he retained a sense of candor and humility in discussing his origins, his approach toward his work and was able to discuss his experiences in a manner which convinced you that he was totally objective.

The Judge was also involved in what was probably my most humiliating experience. He wrote in his memoirs that Judge Phillips had given him his fly rod when Judge Phillips had quit fishing. Well, this bamboo fly rod had been given to Judge Phillips by President Eisenhower and would be highly priced as a collector's item today. But this was not to be. After an evening's fishing, it was my duty to unload the fully assembled fly rod from the car when we returned to camp. As I was lifting three or four rods out of the back window, I felt a catch and heard a snap. The leader on

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the Judge's rod was hung up on the seat and the tip of his prized rod was broken. I went weak at the knees and my mouth became parched. I was sweating profusely when I made my voluntary confession to the Judge. He merely laughed and said, "Well, we will just have to try to get it fixed somewhere."

With all of his intensity, he had a very extensive and well-developed sense of humor which he continuously exhibited to those around him. Because of this, I know he would break into a wide grin and perhaps chuckle if I suggested to him that the next time I go fishing on the North Platte River and catch what I consider to be a representative rainbow trout, I'm going to carefully remove the hook from this trout, hold him aloft in a symbolic salute and then put one back for the Judge.

JUDGE HOLLOWAY: Thank you very much, Mr. Wright. We appreciate your coming very much for this ceremony and your very wonderful remarks.

Next I would like to recognize for his remarks Judge Breitenstein.

JUDGE BREITENSTEIN: We are here this afternoon to do honor to the memory of Judge John C. Pickett. Judge Pickett was a member of the United States Court of Appeals for the Tenth Circuit for almost 38 years. The Oath of Office was administered on October 15, 1949. He took senior status on January 1, 1966, but continued to sit with the Court until 1978. After that, until just before his death, he worked on Rule 9 and Rule 34 cases that were assigned to him.

During his long tenure on the Court of Appeals, he sat on over 4,000 cases and authored the opinion in over 1,000 of them. His work on the Court of Appeals will be long remembered by all of his associates.

Judge Pickett graduated from the University of Nebraska Law School in 1922 and began the practice of law in Cheyenne, Wyoming. He was attracted to Cheyenne by the opportunities to play semipro baseball. He became the star pitcher on the team. He survived the vicissitudes of the early years of law practice and in 1931 married Lura Pratt of Fremont, Nebraska. They had two sons, Dick and Bob, who are now successful lawyers in Cheyenne, and Rock Springs, respectively. In 1928 Judge Pickett was elected County Attorney of Laramie County, Wyoming, and served three terms in that office. In 1933, on the recommendation of Senator Carey of Wyoming, he was appointed attorney for the committee of the United States Senate investigating charges that the Rockefeller interests were acquiring land in the Jackson Hole area. This culminated in the creation of the Teton National Monument. In

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1935 he was appointed Assistant United States Attorney for the District of Wyoming and continued in that office until retirement of the United States Attorney in 1949 when he was appointed to succeed him.

In 1948 the Judicial Conference of the United States decided that the Court of Appeals for the Tenth Circuit needed another judge. The four judges then on the Court, Phillips, Bratton, Huxman, and Murrah, had been getting along pretty well and were uncertain about the proposal. A presidential election was in the offing and the pollsters favored Tom Dewey over Harry Truman. Judge Phillips, then the only Republican member of the Court, assured his brethren that in the event of Republican success, he would be in a position reasonably to assure the appointment of an acceptable and competent man. With that assurance, the Judges approved the proposal and a fifth judgeship was created. But Truman won the election and there was great consternation.

In 1949 a convocation was held at the University Club in Denver for the unveiling of a portrait of Judge Phillips. The occasion is important because that evening the members of the Court met a chap named John C. Pickett of Wyoming who was sponsored by an influential Wyoming senator for the new judgeship. Your imagination does not have to wander far to conjure up the scrutiny which the Court members gave this upstart Pickett. But Pickett, a man among men, passed muster and in 1949 became the fifth member of the Court.

Judge Pickett may not have been a summa cum laude from an ivy league school but he had the ability, when occasion demanded, to bring the Court from the ivory towers of scholastic pedantry to the realities of a just decision affecting everyday people. He taught the Court that even federal appellate courts should be concerned, at least at times, with the practicalities of life.

An example is found in the case of *Burns v. United States*, 286 F.2d 152. The defendant was charged with Security Act violations, mail fraud, and conspiracy. It was shown that Burns opened investors' meetings with prayer. A minister of the church which the defendant attended was asked this question: "Now I want you to tell the jury what you know about Mr. Burns praying." The Court sustained an objection and his action in so doing was assigned as error. A member of the panel thought the case should be reversed because of the ruling. Judge Pickett ended the discussion by saying flatly: "I am not in favor of prayer in the sale of securities."

In his memoirs Judge Pickett mentions three cases which he always remembered. The first was a complicated patent case

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involving the machinery used in the manufacture of beet sugar. The industry contested the patent on the ground there was nothing new in the process which was patentable. The Court held otherwise, taking the commonsense view that, although the different procedures were known, the industry had never devised a combination that was successful. See *Oliver United Filters v. Silver*, 206 F.2d 659. The second was a habeas corpus for the review of a state court decision sentencing Hickock and Smith to death for the murder of a Kansas farm family. The Court upheld the convictions, 334 F.2d 95, and the Supreme Court denied certiorari. The case was the subject of a best-selling book entitled, "In Cold Blood" written by Truman Capote. The third was a football player who had signed two contracts to play with professional teams. The Court again took the commonsense view that he was bound by the first contract. See *Houston Oilers, Inc. v. Neely*, 361 F.2d 36.

Judge Pickett was active in the administrative affairs of the Tenth Circuit. The Judicial Council of the Circuit is charged with the duty of making orders for the effective and expeditious administration of the business of the district courts within the Circuit. Judge Stephen Chandler was the Chief Judge of the Western District of Oklahoma which was in a constant turmoil. Judge Pickett was given the responsibility of negotiating with Judge Chandler. The Judicial Council forbade the assignment of new cases to him and reassigned existing cases. Judge Chandler sued all the members of the Tenth Circuit in the Supreme Court. After some delay, the Court upheld the Tenth Circuit. See *Chandler v. Judicial Council*, 398 U.S. 74.

Judge Willis Ritter of Utah was another troublemaker. He and his associates on the bench had difficulties over the assignment of cases. The Council entered an order in this regard which, after much turmoil, prevailed. In the *Indian Horse* case, Judge Ritter expressed a keen personal interest which was reflected in his judgment. An opinion written by Judge Pickett suggested that the case be tried by another judge. 257 F.2d 920. Ritter refused to comply. The result was that the Tenth Circuit took more decisive action and another judge was designated to hear the case, 273 F.2d 20. The case was then settled.

Judge Pickett's devotion to the Court is perhaps best shown by the work which he did for the Judicial Conference of the United States, the policymaking head of the federal court system. The Conference works through committees. In 1960, Chief Justice Warren appointed Judge Pickett as Chairman of the Committee on Criminal Rules. The function of the Committee was to adopt rules that would govern proceedings in criminal cases triable in the United States Courts. Judge Pickett was the Committee Chairman

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for about ten years. Later he was on the Conference Committee for Criminal Law and on the Conference Committee to study and make recommendations as to the feasibility of adopting federal rules for the admission of evidence. The Committee reported favorably and Rules of Evidence were adopted. Work on these Committees was of great importance to the federal courts. The work which Judge Pickett did for the Conference of the United States cannot be too highly praised.

Judge Pickett's activities outside of the Courts are well known. He was devoted to baseball and basketball, and encouraged and participated in those sports in Cheyenne. He was an avid fisherman and huntsman. His tales of hunting expeditions, often in the company of other members of the Court, are fascinating. He acquired a lodge near Encampment, Wyoming, from which he could fish in the North Platte River. He was most assuredly a devoted sportsman.

Judge Pickett had many community activities. For over 60 years he was active in the Frontier Days celebration in various capacities up to and including the office of president of the association. He was on the board of directors and president of the Cheyenne Chamber of Commerce. For two years he headed the United Fund Drive in Cheyenne. He was on the board of directors of the Laramie County Memorial Hospital and successfully helped the program for the modernization of its hospital.

We, who were on the Court with Judge Pickett, will always remember him as a great Judge. He wrote good opinions which clearly defined the facts, the issues, and the controlling law. They were understandable. The litigants knew why they either won or lost. His expositions of the law were accepted by his associates, with rare exception, for their precedential value. He inspired confidence. The place of Judge Pickett in the history and traditions of the Court of Appeals is well established. It is enough to say that we honor him as a man and a Judge and cherish our memories of him. To us he will always be Mr. Wyoming.

**JUDGE HOLLOWAY:** Thank you, Judge. Now I wish to call on Judge Seth for his remarks. Judge Seth.

**JUDGE SETH:** Thank you, Judge Holloway.

It's a great privilege for me and for Jean to be here today to join with you in honoring Judge Pickett and Lura Pickett. I think on occasions like this we all have very definite and very clear recollections of Judge Pickett and Lura Pickett and the two sons and their families. We all have very vivid cameos of Judge Pickett, Lura Pickett, and the family in certain surroundings, and I think it's important and interesting and significant with Judge Pickett, we

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see him in this great variety of circumstances and with a great variety of people. And this means in my view that he was a unique person.

We all know of his diverse interests and all of us sitting here today I'm sure can see him in particular circumstances and a particular place doing something significant, something he liked to do, something that was important to the community and to the people in the community.

Jean and I were especially privileged through the years to be able to see Judge Pickett and Lura Pickett and the family, and our children were especially pleased each time we had an opportunity to see Judge Pickett. They still talk about him and have all of these very pleasant recollections of Judge Pickett.

This is very significant, I think, it was in my life, and I think it's significant for all of us to think of him as a person with all these diverse interests and participation with a great number and variety of people in important engagements. Of course, when I came on the Court, it was extremely important to have his participation, having his guidance and assistance in my early days on the Court. And these were very important to me, and I'm sure they have had a lasting effect, a good effect. He didn't have much to work with me when I first went on the Court, he didn't have much to work with I'm afraid, but he stayed with it, and I'm very appreciative for what he did.

He was able through the years and by his influence on the members of the Court as individuals to have a very subtle influence for the good of the Court and the decisions, and he had a good effect on the litigants and the lawyers who appeared.

This is a very lasting influence. We still feel it in all of us in this room, and the litigants who have come before the court during the years will continue to have benefited from it.

It's so seldom I think in this day and age to see a person like Judge Phillips, Judge Huxman and the group on the court with Judge Pickett, but Judge Pickett, of all of them, by his significant contribution is going to have a very lasting long-time effect.

I think the family is very fortunate to have been able to participate with him on all of his many ventures. Jean and I would see him coming through Santa Fe going to Mexico, and Lura and I saw him in the court and my youngsters did, too, and I think it's going to be a great impact on the court itself and on the individuals.

I'm again very pleased to be able to participate with all his good friends here today in this very important occasion. Thank you.

JUDGE HOLLOWAY: Thank you, Judge Seth.

## IN MEMORIAM

May I briefly add these thoughts: The friendship of my family with Judge Pickett began in 1929 when Judge Pickett came to Oklahoma to argue as a district attorney for the extradition of a Wyoming train robber from Oklahoma back to Wyoming. The governor of Oklahoma at that time was my father. Judge Pickett recalled this well when I was appointed and he and my father visited about it through the years. He said he liked dad, although he lost his case, because he said the California district attorney from Los Angeles mildly overstated his case as a murder case to get claim on the defendant.

Through the years, to me, as to all of the younger judges on the court, Judge Pickett was the warm, kindly and very patient teacher and counselor to us all. We are all profoundly indebted to him personally as the nation is indebted to him immeasurably for the long service of a great judge.

In closing, I wish to thank each of you for coming today to help us honor Judge Pickett and his family. These proceedings will now be adjourned, thank you.

(Proceedings concluded 2:45 p.m.,  
April 18, 1985.)