

Senator Yarborough, Chief Judge Fisher, other distinguished judges and visitors, ladies and gentlemen:

At the outset, let me express my great gratitude to the President, for nominating me as United States District Judge. A reliable person told me, not long ago, that President Johnson had this to say about lawyers:

"Most people want to go to heaven when they die; lawyers just want to be appointed federal judge."

Considering the flood of applications which he invariably receives when a vacancy on the federal bench occurs, it is entirely understandable that our chief executive should have conceived this notion. I, myself, have noted that lawyers -- particularly United States Attorneys and others aware of the difficulties attendant upon securing a nomination for the office -- seem to regard the attainment of a judgeship as a somewhat supernatural event. At the annual conference for United States Attorneys in Washington, I have heard many a U. S. Attorney use the phrase, "If lightning strikes me", in assessing his chances of securing a nomination.

It is sometimes difficult for lawyers to explain to

laymen their longing to ascend the federal bench. United States District Judges, as a class, are tremendously overworked individuals. Most of them are confronted with huge caseloads, requiring that they be away from their homes frequently and for extended lengths of time. It is often necessary that they face the dismaying and distasteful prospect of presiding over bitterly controversial trials of great magnitude, where passions are galled and even the unemotional become hypersensitive.

Despite the difficulties which continually perplex and harass these judges, nearly all of them comport themselves on the bench with celerity, confidence, and impartiality, and in such manner as to inspire a feeling among lawyers and the public at large that justice has been done. This attitude toward the federal judiciary is not a new one. Historically, the judicial branch of the federal establishment has been regarded as ably staffed and efficiently operated. Perhaps, then, this is the reason that many lawyers crave appointment to it -- the desire to become associated with an elite corps, regarded as such by the people generally.

Several years ago, the Honorable Edward J. Devitt, Chief Judge for the United States District Court for the District of Minnesota, made a speech to a group of newly

created U. S. District Judges. In the course of the speech, he said:

"Some judges may become so impressed with their importance that they forget the practical facts of their judicial birth. It is a fact that most federal judges are appointed through the influence or approval of United States Senators or other political officials. This is not to detract from their qualifications, especially in recent years, when the absence of objections from the American Bar Association is almost a prerequisite to appointment. In practical effect, judicial nominees must now be acceptable to the organized bar. *** I doubt if federal judges ever will be appointed solely on the basis of merit. So long as the United States Senate has the constitutionally granted authority to 'advise and consent' to such appointments, it is unlikely that some politics will not be involved in most of them. But as long as we get qualified Democrats during a Democratic administration and qualified Republicans during a Republican administration, we are doing about as well as can be expected.

"The truth remains, however, that we were appointed to office because, personally or vicariously, we knew the United States Senator; and that, I emphasize, is not a sinful thing at all."

As you may have gathered, I, too, know a Senator. Although he and my father had a reciprocal admiration, each for the other, I did not really become conscious of Ralph Yarborough, as an individual, until I was about sixteen years old. At that time, my father assigned me to the task of tacking up political posters for him, and shortly afterwards I had personal contact with the candidate. I formed the judgment then -- and it is an opinion I now hold more strongly than ever -- that Ralph Yarborough was an honest, brilliant, and forceful advocate for the People, and one utterly devoted to their interests. In fact, I became so inspired by his combination of high idealism and pragmatic concern for the People's welfare, that I was one of his campaign managers in the unsuccessful campaigns of 1952, 1954 and 1956, and his triumphant political operations of 1957 and 1958. I feel extremely honored that Senator Yarborough has associated himself with this ceremony; and I thank him for it.

But in addition to knowing a senator, I have been blessed with other advantages. If I appear to become maudlin, I regret it. I do not intend to indulge in sickly sentimentality, but simply to state facts. I regarded my father as a towering figure -- a wonderfully able, aggressive, and fearless lawyer, and the most wholly compassionate person I have ever known. I learned from him. My mother, a sweet and gentle woman,

demonstrated to me in her everyday personal contacts the value of patience, tact, and kindness. My wife and daughter, of whom I am immoderately proud, have always been a joyful influence in my life. I have also profited from living the greater part of my life in the wholesome and egalitarian atmosphere of Athens and Henderson County. Many of my life-long friends from there are here in the courtroom, today. At the University of Texas, I had the benefit of being associated with blithe and lively types, most of them bright and some of them brilliant. Among them were two of my roommates, G. C. Spillers, Jr., of Tulsa, Oklahoma, and Lewis Legette Chandler of Grapeland, Texas, both of whom are here.

In the private practice of law, my father and I had three partners associated with us at different times; R. Homer Moore of Frankston, Texas, now deceased, my brother-in-law, J. Mike Rowan of Tyler; and William H. Kugle, Jr., who now practices in Athens. Some of the most pleasant and rewarding moments of my life were spent with these gentlemen -- all of whom were genial, hard-working, intelligent and able.

When I became United States Attorney for the Eastern District of Texas in July of 1961, I inherited from my predecessor in office, a staff of competent and diligent attorneys and industrious and helpful secretaries. Through

the intervening seven years, by a process of attrition, the personnel changed until only one attorney and two secretaries now remain of the original staff. All of those with whom I have served, without exception, have been public servants of the highest type, assiduously concerned with the effective performance of their duties.

Finally, I have been privileged to appear in the courts presided over by two truly outstanding United States District Judges -- the Honorable Joe W. Sheehy, now deceased, and the Honorable Joe J. Fisher, presently the Chief Judge of the Eastern District of Texas.

Judge Sheehy, during his sixteen years in office, disposed of a prodigious volume of litigation, with great efficiency and dispatch. Held in universal esteem by the Bar of this district for the utter fairness and impartiality with which he conducted the cases in his court, Judge Sheehy also merited and received the adulation and gratitude of the litigants, jurors, and witnesses appearing before him, for his many courtesies to them, and for the admirable promptness with which he managed and directed the business of his court. Judge Sheehy invariably placed the affairs of his office above his own comfort, convenience, and health. He was an inspiration to all who were associated with him; and

with his death, a great and distinguished judge left the American scene.

The life of the present Chief Judge of the Eastern District of Texas, the Honorable Joe J. Fisher, has been a sequence of accomplishments. After graduating from the University of Texas School of Law, he was admitted to the State Bar in 1936. Judge Fisher served successively as County Attorney of San Augustine County, District Attorney of the First Judicial District of Texas, and District Judge of the same district. His private practice in the city of Jasper was conspicuously successful, and he was elevated to the office of United States District Judge in 1959. He was a member of the Law Enforcement Study Commission of Texas in 1957, a member of the Advisory Board of the Salvation Army, a member of the Board of Directors of the Y.M.C.A. in Beaumont, Texas, a recipient of the Silver Beaver award of the Boy Scouts of America in 1952, Chairman of the Judicial Section of the American Bar Association in 1957, President of the First Judicial District Bar Association in 1956, a member of the legislative and executive committees of the State Bar of Texas for the term 1957 to 1959, President of the Jasper Chamber of Commerce from 1943 to 1945, a past director of the East Texas Chamber of Commerce, a member of the American Judicature Society, Delta Kappa Epsilon fraternity, a teacher

in the men's Bible class in the Methodist Church, and a past district governor, international director, and member of the executive committee of Lions International.

With credentials such as these, it is easy to understand the reason for his appointment to office, and to perceive the cause of his success on the bench. Judge Fisher is a natural leader of men. Despite the crushing burden which has confronted him this past sixteen months -- when he was the only judge regularly assigned to the Eastern District of Texas -- he has, with the kind assistance of visiting judges from other districts, kept the docket relatively stable. It is a wonderful tribute to Judge Fisher that this could have been done. I anticipate with great pleasure my future association with Judge Fisher on the bench.

Unlike a candidate elected to public office, a United States District Judge is not required, by custom, to announce his intentions as to the manner in which he plans to conduct the affairs of his office. I do not believe, however, that protocol will be seriously breached, if I disclose certain attitudes of mine toward the judicial process in the Eastern District of Texas.

I believe, first, that litigants and their attorneys

are entitled to a courteous and patient hearing of their

causes, seasonably and expeditiously conducted. *Not long ago, a lawyer friend of mine said: "All I want out of Federal Court is safe conduct in and out." It is my hope that the court presided over by me ~~will~~ will not be regarded in this light.*

Second, I contend that dignity and decorum in the courtroom promote the efficient administration of justice.

Third, I maintain that lawyers owe an obligation, as officers of the court, to be frank and candid in their dealings with the court.

Fourth, I feel that stipulations as to uncontroverted issues, or issues easily susceptible of proof, should be freely and voluntarily made by counsel, in order to preserve the time of the court for truly crucial matters. I emphasize this, because the Eastern District of Texas has the fourth heaviest caseload per judge of any district in the Nation.

sincerely
I thank all of my friends and the dignitaries here present for their participation in this qualification ceremony. I will do my best to justify the trust which the President and Senator Yarborough have placed in me.

And, now, I turn to my first official act as United States District Judge. I doubt that many of the actions which will be required of me will afford me the pleasure that now

becomes mine -- the swearing in of Richard Brooks Hardee as United States Attorney for the Eastern District of Texas.

Mr. Hardee was born in Chandler, Texas, the son of Mr. and Mrs. E. B. Hardee. His parents have reared two distinguished sons. The other, Jack Y. Hardee, was, successively State Representative, County Attorney of Henderson County, District Attorney of the Third Judicial District of Texas, and District Judge of the same district. The Athens firm of which he is presently a member has a vast and lucrative practice. Richard Brooks Hardee graduated from the Chandler High School and Tyler Junior College, obtained a Bachelor of Business Administration degree from the University of Texas, and was graduated from the University of Texas School of Law in 1957. He served three and one-half years in the Army following his graduation, rising from the rank of private in the infantry to the grade of Captain in the Judge Advocate Generals Corps.

After his service in the Army, he was appointed Assistant United States Attorney, under the administration of the then United States Attorney for the Eastern District of Texas, the Honorable Joe Tunnell. He took office in May of 1961. On July 1, 1961, I became United States Attorney, and I have been intimately associated with Mr. Hardee since

that time.

I quickly found Mr. Hardee to be exceptionally efficient in the performance of his duties. He became head of the lands section of the office in the Fall of 1962. In 1964, he was assigned the position of head of the civil section. Finally, in September of 1966, he was promoted to First Assistant U. S. Attorney, where he has continued to handle civil work, in addition to his administrative duties. Mr. Hardee has compiled an outstanding record, in every respect, in the U. S. Attorney's office. Besides being extraordinarily effective in the management of the duties assigned to him, Mr. Hardee earned the respect and admiration of his associates for his even temper, sense of fair play, and compatability.

In performing his duties in the civil division, it has been his responsibility to prosecute and defend all civil cases in the Tyler, Sherman, Paris and Texarkana divisions of the court, involving a case load of approximately 200 cases, and, in addition, has supervised all civil cases in the Marshall and Beaumont Divisions of the court. His has also been the duty to enforce approximately 550 civil judgments and criminal fines for the entire district. It has been while serving in this division that he has compiled one of his most outstanding

records of achievement, for during his tenure in this division of the office, he personally closed 886 of the 1,357 cases closed, 245 of the 348 matters closed, retired 1,550 judgment files, and has collected \$2,268,848.39 of the \$2,603,924.84 collected during the period July 1, 1961, through May 1, 1968.

I take great ^{pleasure}~~pride~~ in presenting to you the Honorable Richard Brooks Hardee, to whom I will now administer the oath of office.