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Acceptance of Portrait

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UNVEILING OF PORTRAIT

CHARLES J. OHNHAUS*

Nothing could afford me more pleasure than to perform this act of unveiling the magnificent oil portrait of a man whom I have known since he came to Wyoming in 1901, and with whom I have been so closely associated as his Clerk of the United States District Court for the District of Wyoming since his elevation to the Federal Bench in October, 1921.

I will now remove the veil for your view of the portrait of the so favorably known, to both laymen and members of the Bar, the distinguished and Honorable Thomas Blake Kennedy, Judge of the United States District Court for the District of Wyoming.

ACCEPTANCE OF PORTRAIT

ORIE L. PHILLIPS**

It is a privilege and an honor which I highly esteem to accept this portrait as a gift from the Wyoming Bar to the United States.

I trust you will not deem it inappropriate if I take time to briefly express some personal sentiments with respect to Judge Kennedy, for whom I have a high regard and a deep affection. He was commissioned as United States District Judge for the District of Wyoming in October, 1921. He had practiced law for almost 23 years. His professional experience was wide and varied. He was an able trial lawyer and advocate. I briefly refer to these facts, because, in my opinion, service at the Bar and a broad background of experience in the every-day affairs of life are important qualifications for judicial service.

It could be well said that the superb character, the fine quality, and high order of judicial service Judge Kennedy has rendered during the period of almost 30 years speak for themselves far more eloquently than any mere words I can command. But, the character and quality of judicial service rendered discloses attributes of mind and heart and character, which we may fittingly refer to on this occasion. I first met Judge Kennedy in 1923. As I came to know him better I found in him a man with a broad understanding of human nature and human frailties and a deep sympathy for his fellow man; a man with a wealth of common sense and sound judgment, ripened and seasoned by a long and broad experience; a man who loves justice and ordered liberty under law and who hates wrong and oppression; and a man who understands, believes in, and appreciates

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American institutions, the American system of government, and the American way of life.

A more intimate acquaintance and association with him in the judicial work of the Tenth Circuit led me to find in him a man learned in the law and learned in the ways of men, standing firmly for truth and virtue, and uncompromisingly against falsehood and wrong. Patient, when forbearance is required. Swift, when dispatch is possible. Insensible to the attack of the demagogue or the blandishments of the flatterer. Striving always to square his official actions with the dictates of his own conscience and his high conception of even-handed justice. Fearless, wise, and just. To the arrogant, he is adamant, to the timid reassuring, and to the ignorant, merciful. As a judge, he has never shirked a duty, however unpleasant, distasteful or charged with unpopularity. He has never usurped power, but neither has he failed to exercise it when it existed and the occasion demanded its exercise. And, on those occasions when it would have been easier to pass a bitter cup, an experience which doubtless comes to every judge, and the alternative was to fail in a duty, he neither shrank nor hesitated, but resolutely discharged the duty that fell upon him.

The perpetuity of American institutions and the preservation of individual freedom and ordered liberty under law depend, in a large measure, upon the maintenance of judicial establishments, presided over by judges who are able, conscientious, fearless, honest, competent, and just; where the humblest citizen may resort, when his property, his liberty, or his life is threatened, and, calling to his aid the principles of right and justice embodied in the Constitution and the law, may defy the multitude, knowing that the sword and buckler of the law will afford protection to his rights and the restraining hand of equity will stay those who would encroach thereon; where rich and poor and high and low alike may confidently meet any adversary, knowing that right and justice will align their strength with him whose cause is just. Could we always be assured of judges of the character, courage, and learning of Judge Kennedy, we could rest confident that such judicial establishments will be maintained.

Mr. Webster, in his eulogy of Mr. Justice Story, said:

"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 labors 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."

The quality of the judicial service rendered by Judge Kennedy "connects him, in name, and fame, and character, with that which is and must

be as durable as the frame of human society.”

I have said that Judge Kennedy is a man who understands, believes in, and appreciates American institutions, the American system of government, and the American way of life. While he believes in the ancient proverb “remove not the ancient landmarks which thy fathers have set”, and while he adheres to the view that the limitations on government written into the Constitution by the fathers should be rigorously enforced, and that the fundamental concepts on which our government was founded should not be departed from, either to meet temporary emergencies or to gain supposed desirable social or economic ends, he is a liberal in the true sense of that term. My concept of a true liberal is one who believes in the greatest possible degree of individual freedom in an ordered society under law. Liberty is a happy mean between governmental authority on the one hand and individual freedom on the other. When authority reaches too far it becomes tyranny. When individual freedom is not properly restrained, it becomes license and anarchy. A free and ordered society enjoys true liberty, when a delicate balance is maintained between governmental authority and individual freedom.

Although past the age of retirement, but still possessing mental vigor, Judge Kennedy has chosen, not the easy path, but the more arduous one of continuing judicial service, and thus he exemplifies the teaching of the poet Will Allen Dromgoole, when he wrote:

“An old man, going a lone highway
 Came at the evening, cold and gray,
 To a chasm vast and deep and wide,
 Through which was flowing a sullen tide.
 The old man crossed in the twilight dim,
 The sullen stream had no fear for him;
 But he turned when safe on the other side
 And built a bridge to span the tide.

“‘Old Man,’ said a fellow pilgrim near,
 ‘You are wasting your strength with building here;
 Your journey will end with the ending day,
 You never again will pass this way;
 You’ve crossed the chasm deep and wide,
 Why build you this bridge at evening tide?’

“The builder lifted his old gray head.
 “‘Good friend, in the path I’ve come,’ he said,
 ‘There followed after me today,
 A youth whose feet must pass this way;
 This chasm that has been as naught to me,
 To that fair-haired youth may a pitfall be;
 He, too, must cross in the twilight dim—
 Good friend, I’m building this bridge for him.”

We, his associates, have been enriched by the superb quality of his work, influenced by the nobility of his character, and inspired by our

association with him, as we have labored together on the work of administering law and equity to the ends that the actions of men and of government shall be in accord with right and justice.

And, when he shall have passed from us, and lest those who remain and those who come after, shall too soon forget and in forgetting fail to reap in the fullest measure the rich inspiration and the influence for good emanating from the life, the work, the achievements, and the character of this good and just man, it is fitting and proper to hang in the temple of justice he has so long graced, this portrait, as a gift to his country which he has loved and honored with a high order of public service. For, if, as we are told by the scientists and the philosophers, every form of matter or energy registers its effect throughout infinitude, that the pebble dropped in placid water spreads ever widening circles to unknown ends, that the scent of the modest violet pervades the universe, then surely the life of this man, with its gentleness, its lessons of probity, service, and courage, will continue on by remembrance through the years to come and in God's good time blossom again and again in the thoughts and acts of those unknown, and perhaps unborn.

What we say here will soon be forgotten. What he has done and will continue to do, will long endure. He is giving to life impulses that will long abide.

In behalf of the United States, I accept this portrait as a gift from the Bar of Wyoming.

REMARKS

T. BLAKE KENNEDY*

Judge Pickett, as Moderator of this occasion, Judge Phillips, all visiting Judges, of whom several are present upon this occasion (and enough to "unsettle" all the taxation problems we have heard at this session of the Association), Members of the Bar, Ladies and Gentlemen, friends all:

I never was so embarrassed in my life. I have realized, especially during my service on the bench, that lawyers are given to exaggeration at times. That could be expected and forgiven on account of their enthusiasm for the cause which they are representing, but I have never heard such a complete super-abundance of exaggeration as I have heard here tonight and therefore I am embarrassed with it. I wish to thank all of the speakers of the evening for the very commendatory remarks that they have made in regard to my service on the bench. I have been considering whether or not this magnanimous gift from the State Bar members was

* Judge of the United States District Court for the District of Wyoming.