Tom Bodell -

I am grateful for the opportunity to participate in this program honoring the memory of these two distinguished jurists to whom we pay tribute here this afternoon.

Judge Walter J. LaBuy was a courageous, forthright, wise and just-minded man and Judge. His judgment and perspicacity will long be remembered and respected.

He was born a farm boy in Dodge County, Wisconsin in 1888 where he received his elementary education.

He left the farm early in life and came to Chicago in 1905. His dedication and willingness to work enabled him to obtain his college and post graduate education at Kent College of Law and DePaul University. After graduation, he practiced law in Chicago for over 20 years where he distinguished himself in many important areas.

Lasting joy was brought into his life in 1914, when he married Helen Warzeski of Chicago. We pay special tribute today to Mrs. LaBuy and Helen Shackelford and Alice Foy, his two daughters, who encouraged and sustained him and provided the impetus and drive which permitted him to be so wise and just, respected and revered.

Judge LaBuy was elected to the Board of Commissioners of Cook County in 1930. His 2½ years on the Board were marked by his aggressive sponsorship of a number of constructive programs to improve public service. He resigned his membership on the

County Board when he was elected Judge of the Circuit Court of Cook County in 1933. While he was Chief Justice of that Court in 1935 he established a new business like administration of the Court. The plan included a single motion judge, a central assignment court and the first pre-trial procedure in the State of Illinois. The new system greatly improved the efficiency of the Court and expedited the disposition of cases.

He was highly commended on his record by the Chicago Bar Association when Judge LaBuy was a candidate for re-election in 1939.

He resigned his Circuit Court Judgeship in 1944 when he was appointed Judge of the United States District Court.

During his tenure as Federal Judge, he presided over many trials of national interest and importance and had a hand in shaping history in many of its aspects from the deportation of Paul "The Waiter" Ricca to his famous, well-reasoned decision in the Government's efforts to separate Dupont from General Motors at the ownership level.

This was a complex anti trust case fraught with innumerable tax and legal problems. Judge LaBuy divested Dupont and its management of the right to vote its General Motors stock and barred DuPont from exerting any kind of influence on General Motors operations. But he held that enforced disposal of their stock

would impose needless financial hardship upon DuPont's innocent quarter million stockholders by subjecting them to heavy tax losses.

The Supreme Court chose to ignore the economic hardship resulting from divestiture and reversed Judge LaBuy by a scant 4 to 3 decision. Justice Frankfurter, who wrote the minority opinion, contended that Judge LaBuy's careful and well reasoned decision was the "judgment from experience" which distinguished it from the "judgment from speculation" of the Supreme Court majority.

Justice Frankfurter also said Judge LaBuy's enlightened formula (and I quote) "allow(ed) the Court to act on the basis of informed hindsight rather than treacherous conjecture".

Judge LaBuy's solution and decision was the popular one. Many contended that the way to justice, tradition and common sense was on the side of Judge LaBuy and Justice Frankfurter. It would be one thing if no LaBuy formula had been worked out, if no one had been able to see an effective remedy, short of complete stock divestiture. As it is, upsetting Judge LaBuy's careful plan came perilously close in the view of many to judicial whimsy.

Judge LaBuy's decision was on the side of good legal

doctrine and sound public policy. His practicality and experience were sustained by the Congress and the public. As a result of the reversal it was necessary for Congress to grant special tax relief to prevent untold financial hardship (of approximately One Billion Dollars in taxes that would have resulted) to stockholders of DuPont by the reversal of his decision. Needless to say, under Judge LaBuy's decision the invocation of relief by another branch of Government would not have been necessary.

Judge LaBuy retired in 1961 but remained on call to assist the Court until his death. His judicial services were wisely utilized and he continued to work diligently and regularly.

In 1962 Judge LaBuy was appointed Chairman of a Committee of 4 by the Judicial Conference of the Seventh Circuit to study and draft uniform jury instructions in Federal Criminal Cases. When the Manual on Jury Instructions was completed, Chief Judge John S. Hastings of the United States Court of Appeals for the Seventh Circuit said:

> "This work represents a product of judicial research in its highest form and will be the basis for a lasting and valuable authoritative guide for many years to come.
> . . . . . .
> This great work shall stand as a fitting monument to the scholarship, industry and unselfish devotion to duty of the distinguished Chairman, Senior District Judge Walter J. LaBuy.
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> . . . . One cannot say enough in paying the high tribute to him he so richly deserves."

The instructions have been published and sold in book form and were adopted as the official instructions of the Federal Courts of the Seventh Circuit and are being extensively used by the Federal Courts throughout the country as model jury instructions.

Judge LaBuy loved the outdoors. He was a reforestation and wild life enthusiast, an avid fisherman and huntsman. He had a keen interest in and was a Director for many years of the McGraw Wildlife Foundation. He was a long time member of the Fin and Feather Club where he enjoyed many relaxing hours pursuing his favorite hobbies.

Judge LaBuy earned and merited the respect of the Bar for his unquestioned integrity and innate sense of fairness. He was a man of great dignity - who cast it aside from time to time to participate over a 10 year period in the revelry and fun of the Chicago Bar Association's Christmas Spirits Show. He endeared himself to the Bar in other ways - he never forgot in his 34 years on the Bench that he was once a practicing lawyer. He maintained a close relationship over the years with the Chicago, Illinois State and American Bar Associations. It was this human touch that ingratiated him to the Bar - a quality those of us of lesser charm and talents seek to emulate.

Those of us who were fortunate enough to know him will always be grateful for the kindly influence and direction of this distinguished jurist who was and is held in high esteem by everyone. We miss his profound, warm and practical counsel. There are too few men of his grasp and character.