

DEDICATION OF THE
ST. PAUL CITY HALL - RAMSEY COUNTY
COURTHOUSE

(November - December 1932)

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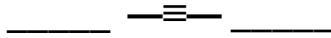
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FOREWORD

BY

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Editor, MLHP



Anyone who has visited the St. Paul City Hall-Ramsey County Courthouse to attend a meeting, apply for a license, pay a tax or fine, check public records, attend court or, if a lawyer, argue a motion or try a case, becomes aware at some point of its extraordinary interior—the bronze elevator doors, light fixtures, tables, chairs, water fountains, even door handles and hinges. From wall to wall, from floor to ceiling, it is an art deco masterpiece. In an article commemorating its “first fifty years,” culture critic Dane Smith wrote:

“[I]t....is a stunning example of innovative public architecture from the Depression era. Its functionally graceful exterior, its dark and sumptuous interiors, and the uncommon good sense of its engineering and layout already have made it the longest-lived center for local government in Ramsey County’s history.

Recognized today as one of the most outstanding examples of the skyscraper or American Perpendicular style of art deco architecture in the country, the courthouse is particularly significant because of its incredibly intact interior—and at a time when the interiors of most art deco skyscrapers which are still standing have been altered almost beyond recognition. Holabird and Root, the Chicago firm that

designed the building, were among the foremost architects in the United States of this style of building, which was considered futuristic in the 1920s and 1930s. Well known for rebuilding much of Chicago after the Great Fire of 1871, they also designed Chicago's Board of Trade and the Rand Tower in Minneapolis, a fine example of classic art deco.¹

Yet when it was dedicated in late 1932, speakers—public officials, lawyers and judges—made few references to its design, its beauty. And they did not mention the economic conditions of the period that permitted the architects to commission muralists, sculptors and craftsmen to create its exquisite interior details. Architectural historian Larry Millett recounts its background:

This remarkable public building, a masterpiece of American art deco, is the result of both brilliant design and fortuitous timing. Built at a cost of \$4 million to replace the old city hall-courthouse a block away, it was financed as part of a city bond issue approved in 1928. By the time construction actually began in 1931, however, the cost of materials and labor had plunged as the Great Depression gripped the nation. Gifted with a virtually unlimited budget, the architectural team—led by Holabird and Root of Chicago—was able to specify only the finest in materials and equipment for the new building.²

¹ Dane Smith, "The City Hall-County Courthouse And Its First Fifty Years," *17 Ramsey County History* 3 (1981).

² Larry Millett, *AIA Guide to the Twin Cities* 340 (Minn. Hist. Soc., 2007)

There were two dedication ceremonies: the first, attended by the legal community, featured prototypical bar association speeches, the second, a month later, opened the building to the public and featured an address by the Attorney General of the United States.

On Monday, November 21, 1932, the “bench and bar of the city” met to take leave of the old courthouse and to take over the new one. At the old courthouse, used since 1885, Frank B. Kellogg, once a pillar of the local bar, later U. S. Senator, Secretary of State and, at this time, a member of the International Court of Justice, spoke.³ He was followed by William H. Lightner, Judge Oscar Hallam and Alf Boyesen,⁴ who recalled lawyers and judges of an earlier era. Lightner and Boyesen, both in their 70s, had practiced for decades in the old courthouse. Hallam was a Ramsey County District Court Judge from 1905 to 1912, when he was elected to the state supreme court; he was reelected in 1918, but resigned in May 1923 to return to private practice in St. Paul.⁵

After the speeches at the “old courthouse,” the group walked to the new one, where Charles W. Bunn, a lawyer who was vice chairman of the building commission, James E. Markham, a senior member of the bar, and James C. Otis, “one of the younger members” and current president of the bar association, spoke at length about the past, briefly about the present and about the future, not much.

³ For biographical sketches, see James Grafton Rogers, “Frank Billings Kellogg” (MLHP, 2008), and Roger G. Kennedy, “Frank Billings Kellogg” (MLHP, 2008-2011).

⁴ For the Ramsey County Bar Association’s memorial to him on April 20, 1935, see “Alf. E. Boyesen (1857-1934)” (MLHP, 2010).

⁵ See generally “Oscar Hallam” in *Testimony: Remembering Minnesota’s Supreme Court Justices* 235 (Minnesota Supreme Court Historical Society, 2008).

On Monday, December 19, 1932, the building was opened to the public. The next day *St. Paul Pioneer Press* carried the story on its front page. It began:

While the new City Hall and Courthouse limned a polychrome pillar of light against St. Paul's skyline that lured thousands to its inspection, a Christmas season presentation of new municipal and county headquarters was made to the people of St. Paul Monday night.

.....

From 1 P. M. until 10 P. M. residents of the city and visitors from a half-dozen neighboring states were conducted through the new building.

They inspected the architectural adornment, its spacious concourse, and its paraphernalia of supervisory efficiency. They tried out the seating facilities provided for the head of the city government by sitting in the mayor's chair, with a thrill rather than rest of mind.⁶

William DeWitt Mitchell, son of a famous jurist, another former pillar of the local bar, later Solicitor General and, at this time, Attorney General of the United States, delivered the dedicatory address.⁷ His term was nearly over — on March 4th a new president would take office — and he was not in the mood to reminisce. He had a blunt message for the citizens of the city: organized crime was rampant across the country, although it

⁶ "New Courthouse Formally Turned Over to City, With Throngs Making Inspection," *St. Paul Pioneer Press*, December 20, 1932, at 1.

⁷ For a memorial to him by the New York City Bar Association on October 7, 1955, see, "William DeWitt Mitchell (1874 -1955)" (MLHP, 2012).

had “not yet gained a substantial foothold” in St. Paul.⁸ Repealing prohibition would not end lawlessness but only cause liquor traffickers and racketeers to find other venues for their criminal activities. Local government had the responsibility to suppress crime because the federal government’s powers were restricted by the constitution. On this festive occasion and time of the year, he painted a sobering picture of the country and appealed for urgent community action.

SOURCES & ACKNOWLEDGMENTS

The speeches at the two dedication ceremonies follow. They are complete, though reformatted. Misspellings and grammatical errors have been corrected.

A thirty-five page transcript of the proceedings on November 21st is at the Historical Society. Evidentially the bar association believed this ceremony should be preserved for history, and so it hired court reporter C. Hess to record it.

General Mitchell’s complete address was reprinted on page 3 of the *St. Paul Pioneer Press* on Tuesday, December 20, 1932. I am indebted to Doris Wahl and Deb Kerkvliet, librarians at the main St. Paul Public Library, for their assistance in locating this address.

Dane Smith’s 1981 article in *Ramsey County History* on the City Hall-Courthouse has not been surpassed.

Related articles: Articles on the construction of over three dozen other county courthouses are posted on the MLHP.

⁸ But see James Redman, “The Killing and Transfiguration of Harry Morris” (MLHP, 2008), for an account of a gangland killing of a St. Paul “career criminal” near Red Wing in 1931.

CEREMONIES

Held by the Bench and Bar of the City of St. Paul
on the occasion of leaving the old and
taking over the new court house

November 21, 1932.

Hon. James C. Michael, presiding.

Mr. George Markham, Chairman.

JUDGE MICHAEL: Distinguished guests, members of the Bar and citizens of St. Paul, we have met here this morning to bid a fond farewell to this old court house which has housed the courts of Ramsey county for more than forty-three years.

The exercises attendant upon this occasion are under the sponsorship of the Ramsey County Bar.

The Court now recognizes Mr. George W. Markham, chairman of the committee of the Bar Association.

THE CHAIRMAN: Gentlemen of the Court, ladies and gentlemen of the Bar and others present, when the time came for the preparation to move from the old court house the Judges asked that some members of the Bar take charge of the proceedings which we would have,—something very simple.

Our president being very busy (a member of the county attorney's staff) was unable to attend to it, and he asked Mr. Charles Briggs and myself to act as a committee to make what little arrangements were necessary for the occasion.

As your Honor has said, the time has now come for us to abandon this old place and take possession of the new, and the Judges and the Bar thought it fit time that we should have some brief services in appropriate commemoration of this fact, and we are met here for this purpose.

At the first meeting of the Committee and the Judges the Judges announced that they did not care to have any long-drawn-out set speeches such as characterized the meeting held when the attorneys moved into this building. The older members of the Bar had some very elaborate essays and talks, which, of course, were very enjoyable. We thought it best not to have that at this time; simply asked to please select a few of the older members of the Bar, and preferably those who were present at the original meeting, to say a few words here before leaving the old court house, and then we will adjourn in a body to the new place, and, after some brief appropriate services there, the court would adjourn for the day. The Court has declared today to be an entire holiday. Anybody who has any work to do, if there are any lawyers of that kind, nowadays, are supposed to desist and to have a good time today on this occasion.

This evening there will be a dinner, as probably most of you know, at the old Ryan Hotel, which was chosen, apparently, by the committee in charge of that arrangement on account of the situation. The dinner was had there when we moved into this court house. I have nothing to do with that program; simply wish

to announce that after our adjournment here today there will be nothing doing in the courts and the members are supposed to make a holiday of it.

I am asked by the program committee to call the attention of the courts and the lawyers to the fact that they are very anxious that they should all be there this evening, and to remind some of them that the Eighteenth Amendment has not yet been repealed.

After this meeting here—I might as well say this now so that you will understand what we are doing. After the talks here it is the plan that the Judges will assemble on the lower floor on the Wabasha street side of the court house, and it is hoped that as many of the lawyers as can—it is a difficult place to assemble, especially in view of our limited elevator service, but it is hoped that the lawyers will assemble and follow the judges when they leave the court house, so that we can march in as compact a body as possible over to the Third street entrance to the new court house, to a number of the elevators there (we will have to use the elevators) and we will gather in the new jury assembly room, which is the largest we have and is on the eighth floor. There will be no chance to get up there except by these elevators. They have, I think, four elevators set aside for our convenience, and it is hoped that it won't take too long to assemble on the eighth floor. The only other room on the eighth floor is the criminal court room. The other court rooms are mostly on the fourteenth and, fifteenth floors, and, as I understand, they are practically ready for occupancy. In fact, the judges expect to take charge there today. Their chambers are ready, and I assume that after the brief ceremony which we will have on the eighth floor the members of the Bench and Bar who care to do so, or anybody else who is with us, may go up to these

floors and inspect the quarters.

Now, we have selected a very brief program here this morning, and I am asking four of our members to speak, and over there we will have about an equal number.

The first speaker on our program this morning is our esteemed friend, neighbor and associate, Mr. Frank. B. Kellogg. (Applause)

Mr. Kellogg: Your Honors, members of the Bench and Bar of Ramsey county: I noticed the introduction of the Chairman of the Committee about the informality and especially the brevity of the speeches. That was impressed upon me Saturday when I was asked to say a few words here. The informality is enforced upon me by my limitations; the brevity I will try to live up to, although it is said that it is an evidence of old age when a man begins to indulge in garrulous reminiscences. It is also perhaps a more creditable evidence of advancing years that one clings to his old friends, his old associates, his old customs and habits. And today, as I look back over more than forty years that we have occupied this building and to the time when we occupied the old court house, I am impressed with the changes and the rush of modern times.

It is with a feeling of regret that we leave what we call this old court house filled with so many memories of great departed jurists, of the judicial history of Ramsey county, which has gone far to make up the history of the State. But the march of time, the progress of St. Paul and of the Northwest leads us on to the new—I might say adventure.

It is a fact that from our earliest territorial days Ramsey county—in fact the state of Minnesota—has had a distinguished Bench

and Bar. I shall not attempt to name the many great lawyers who filled their days here and have passed on. I could not do it, and it might seem but an ambiguous distinction, in their great public services as lawyers of our city and our state. But I can say this: I have had some acquaintance—a fair acquaintance—of the bar of many cities and many parts of the United States, and I know of no place whose Bench and Bar has ranked higher than that of the state of Minnesota and of Ramsey county. Perhaps there is a reason for it. In the early territorial days the man who left the East, the older settled parts of the country, which was still new, to go to the western land, undeveloped, required youth, vigor, courage and, ambition, and it was only the strong men who came out here to Minnesota to develop this great Northwest. In those days Minnesota was the frontier; St. Paul was the door to that undeveloped great Northwest. There was much to invite the young man of the East. There was much to stir the imagination in those days, for between us and the Pacific was an unbroken wilderness, unknown to but few of the white men and reaching to the great El Dorado—California. St. Paul was the terminus, you might say; it was the jumping off place, and the men that came here and helped to build the history of the city and the state and the great Northwest were strong and vigorous and hopeful men.

But I don't want you to think that I meditate only on the past. I don't want to belong to that class of men who think there is nothing good except the old, that the old judges and the old lawyers and the old customs and the old things were the best. I don't want to belong to that class of men whose future is behind them and whose past is always before them. My sympathies—because I feel rather young—my sympathies are with the young men, the young members of this Bar that I see around me today, vibrant with youth and hope and ambition. I believe we

have as great a Bar today as we ever had. I believe our Bench is of as high character, as able, as distinguished as they have ever been, and it is for you young men to hold up the standards of our profession which the past generation has set for us.

In bidding goodbye to this old court house I well remember when we bid goodbye to the one built, I think, in 1851, or at least in the early 50's, when Minnesota seemed far, far away in the West. Now we call this an old court house and we are leaving it for a magnificent temple of justice erected by the energy and ambition of the Bar and of the citizens of St. Paul. It does not seem as though this could be old. We cannot help but think of the memories of the great lawyers, of the forensic pathways in this court house—they are memories to be cherished. Old? No. But in our days things of today are old tomorrow. My mind goes back to the Inner Temple of London, which has existed for nearly six hundred years, which tells the history of the British Bench and Bar. So our old court house, though of but few years compared to that, will tell in future times the history of the Bench and Bar of St. Paul. (Applause)

THE CHAIRMAN: If the Court please, the next speaker on our program is Mr. William H. Lightner. (Applause)

MR. LIGHTNER: Your Honors, members of the Bar and others interested in this matter: It was with hesitation that I accepted the suggestion of Mr. Markham that I should say a few words. There are others who could much more competently speak on this occasion than I, but I was gratified with his suggestion that any remarks to be made should be brief. I said I conformed to that principle.

As I came to St. Paul in 1878, was admitted to the Bar in 1880 and was in active practice from that time on, I have been familiar with the use of this court house and I was familiar with the old buildings that preceded it. I remember very well, before this court house was built, when there stood in the center of the block a frame building, two-stories rather high. It was the court house. I don't know when it was constructed. Mr. Kellogg says in 1853, and I have no doubt it was—it looked like it. But the district court sat in that court house. The ground floor was used for county offices, and the second floor was used for a court house. I remember so well the judge's seat—they only had one judge presiding there—was up high. We had to look up and he could look down. The judge who generally presided in that court after I was admitted to the Bar was Judge Simons, and he could look down rather sternly.

That wasn't the only court house in this block. The corner of the block that is now used by the Northern States Power Company was built on. Two-story brick, as I recall it—I think it was a brick building. Doesn't make any difference. It was on the corner, right plumb with the lines of the sidewalk. In that building were two or three court rooms upstairs and the county offices downstairs. Well, it was a growing city, and, it soon became necessary to build this building, and it was built.

I remember so well one little incident that occurred and I happened to be present when special term was held in this frame building,—cold,—and some argument was proceeding before Judge Simons. A very eminent member of the Bar was arguing on one side of the case, and he had the habit, which some people acquire, of putting a cigar in his mouth, not lighted, but making him speak better. And old Judge Simons was listening to the argument, and suddenly he saw that the

attorney that was interested, on one side—we all knew him, a very respected attorney,—had a cigar in his mouth, and Judge Simons seemed to lose interest in the legal proposition engaged in at that time, and finally said, “Mr. Blank, take that cigar out of your mouth.” Well, the gentleman in question was a very deliberate man, he wasn’t fazed by any such thing, but he wanted to be polite, and put it on the desk and proceeded with his argument, and, of course, in the enthusiasm of his argument he took it up again. Judge Simons glared at him and he said, “Mr. Warner, if you don’t take that cigar out of your mouth I will fine you for contempt of court!” Mr. Warner took it out, but he put it over at the other end of the table.

Now, may it please your Honors, when I was admitted to the Bar there were three district judges in this county: Judges Wescott Wilkin, Hascal R. Brill and Orlando Simons,—three very able men. They were followed with a great many men of ability. The standard of the Bench in Ramsey county has been very high. There never has been a reflection upon the judges or any of them, and under the leadership of such men as Judges Wescott Wilkin, Hascal R. Brill and Charles E. Otis we might expect that the future would be safe in the hands of the judiciary of St. Paul. There never has been any partisan-ship. An appointment by a governor of a judge of this court is practically an appointment for life because he deserved it and because of the confidence of the people. In the federal court a judge is appointed and he serves for life or during good behavior. There hasn’t been much difference— although the judges of this court are elected— between the permanence of the judiciary in the state court and the federal court.

My partner for a long time was Judge [George B.] Young. He was the reporter of the supreme court for a number of years. I assist-

ed in the work. I became interested at an early date in entering up as we reported these cases the standings of the various district judges. What I mean by that is, how many times were they reversed and, how many times were they affirmed? Not an absolutely correct guide, because you know a district judge may be much abler than the supreme court; but, however, taking it all in all, it was a fair indication of the standing and the ability of the judges as shown by that table. You may be interested to know that the man who stood, at the head of all the district judges was Wescott Wilkin, with a record of eighty-three per cent affirmances. Two men came next: Judges Hascal R. Brill and Charles E. Otis, with a percentage of eighty-one. I don't think there were any district court judges in the state during the time that I was interested, in that matter that equaled the rank of any one of those three judges.

Now, as Mr. Kellogg said, it is not wise to talk about the past, but I have nothing to say about the future, except that I have every confidence that the record made by this court will be maintained in their new building, and that when they build a new building—another one, in about fifty years from now,— the same will be able to testify as to the character of the Ramsey county judiciary the same as we are able to do today. (Applause)

THE CHAIRMAN: If the Court please, the next speaker on our program this morning is Judge Hallam. He was a member of this court at one time. Judge Hallam. (Applause)

JUDGE HALLAM: If the Court please, I have no essay, and the duration of my trespass will not be long.

It was not my privilege to be a member of the Bar at the time this court house was dedicated. I came in the fall of 1889. The

court house was then the new court house; its traditions were few and the memory of its dedication was still fresh in the legal mind. There were six judges of the district court at that time. Their names, I think, have all been mentioned. There was Judge Wescott Wilkin, whose portrait for more than forty years hung over the bench of this room; Judge Hascal R. Brill, who for more than fifty years presided as a judge and was loved by all who knew him; Judge Orlando Simons, a man of rugged personality and justice, Judge William Louis Kelly, whom most of us knew and who were fond of his qualities of mind and heart; Judge Charles E. Kerr, and Judge Charles E. Otis who had recently been appointed, having been chosen by the Bar of Ramsey county and recommended for that appointment and who adorned the Bench as they had adorned the Bar. The sheriff, the clerk of the court and most of the bailiffs and clerks have, with those six judges, passed away. Most of those who presided over the administrative departments of the court house have also passed away, and yet it is a short time in the history of a city. There are, I know, more than forty men who were active practitioners of the Bar at that time and who are still in the prime and vigor of active practice.

We are given to kaleidoscopic changes. Westminster Hall was a seat of justice for many hundreds of years, and, yet we have planned, designed, built, used and discarded a court house in the course of less than half a century. A building built along the most substantial lines of masonry and design, and yet the situation was such that at the time it was dedicated, it was not adequate.

At the time the court house was planned and, its construction commenced there were three judges of the district court, and three court rooms were designed and prepared. By the time it

was occupied there were six judges, which number has risen to eight, and never at any time has there been as many court rooms as there have been judges to occupy them. Yet who could foresee the rapid changes that came after the construction of the court house was designed and commenced in 1884? Who could see that before that building would be completed the population of the city would practically treble? The court house was designed, planned and built by men of high standing in the community, men of foresight, but our conditions changed with such rapidity that it has become now so inadequate that we discard it altogether.

We leave this building and this room with some tinges of regret, and yet with gladness. We shall miss and we shall remember the associations here, associations that will cling to memories of this building after the building itself is gone.

We will remember the chimes which have tolled for us with regularity during forty-three years, and I think we will cherish the hope that they may be somehow or other presented for future generations as well.

And, now, with mingled feelings of pleasure and regret, we are here to bid goodbye to this building and to pass on to the new. The quality of justice will be the same there as here, yet we may hope that under these improved surroundings there may be perhaps a quickening of the legal conscience of the Bar and that there will be in the new building a conduct of the Bar which will comport with the dignity and the adequacy of the new surroundings, and the Bar, I know, is a unity in wishing to the members of the Court a successful experience in the new building which will be added to by the better facilities for efficiency, better facilities for carrying on the onerous work

which the judges have to do. (Applause)

THE CHAIRMAN: If the Court please, our next, the final speaker at this place, is Mr. A. E. Boyesen. Mr. Boyesen. (Applause)

MR. BOYESSEN: It has been my privilege to be a member of the Bar of Ramsey county since May, 1887, and of the Bar of the state of Minnesota during the last fifty-two years.

My first case of any importance before this court was tried before his Honor, Judge Brill, in the court house which preceded the present one. The litigants involved in that case were persons whose names are well known in this community and to the Bar of Ramsey county. My client was Maria B. Nell, formerly Maria B. Dayton, wife of Lyman C. Dayton, and the defendants were Lyman A. Dayton, Jr., and his wife, May I. Dayton.

The case involved the validity of a deed to 160 acres of land at Pig's Eye in this county which was conveyed to May I. Dayton by Richard. W. Johnson by virtue of a power of attorney given to him by my client and her husband. The case was decided by his Honor, Judge Brill, in favor of my client, but was reversed by the supreme court, but before the actual decision was handed down by the supreme court, Lyman C. Dayton, Jr., went up to his mother's home near Anoka and compelled her by force to give his wife a new deed to the property.

It has been a pleasure for me to be a member of the Ramsey county Bar for over forty years and to practice before the judges who have occupied the Bench during this period, and I desire to express my sincere appreciation of the uniform courtesy that I have always met with in my attempts to present my clients' interests before them.

My active work has been principally before Judges Brill, Otis and Kelly, and I shall always hold their memories in affectionate regard.

The practice of law has undergone many changes during the last fifty years. I commenced the practice of the law during the period when we had to sit up half the night and laboriously write out all our pleadings and proceedings in longhand and have copies made on tissue paper, and continued during the period of typewriters and charming stenographers. I struggled through the period when we were compelled to enforce our clients' demands through the issuance of garnishments, attachments and other extra-ordinary remedies, and continued through the period of assignments, insolvency laws and finally receiverships and bankruptcy proceedings.

It is not only in these respects that there has been great progress during the last fifty years. There has developed during this period of greater recognition on the part of the community of its duty to the unfortunate and suffering, as evidenced by the passage by the federal and state governments of Workmens Compensation Acts and laws of similar character, and the organization by the community of such organizations as the Community Chest. Such an institution as the Community Chest had never been heard of fifty years ago.

I can state with pleasure that during this entire period of my practice at the Bar of Ramsey county I have never heard one reflection by anyone on the integrity of any one of the judges who have occupied the Bench during that period.

I thank you for this opportunity to express my admiration and

respect for the men who have and. now occupy the District Bench of Ramsey county. (Applause}

THE CHAIRMAN: That, if your Honors please, is all we have this morning.

JUDGE MICHAEL: This concludes the exercises here and we will adjourn immediately to Room 829 of the new court house building for the purpose there of continuing the dedication ceremony.

* * *

THE CHAIRMAN: If your Honors please, our first speaker in the new court house will be Mr. Charles W. Bunn, a member of the Building Commission. Mr. Bunn. (Applause)

MR. BUNN: The court house we vacate today was opened on the 6th of May, 1885. The block on which it stands was a gift of Vital Guerin in 1850. The first court house on this site was built in that year; Dr. David Day was the architect, and his fee was ten dollars; bonds were issued for \$5000 to cover the cost of the building. This court house was razed in 1883 to make room for the present old building.

When I first knew this court in 1885 its sessions were held in a former engine house of the St. Paul Fire Department built in 1865 which stood at the corner of Fifth and Wabasha.

The house we are leaving was lauded extravagantly at its dedication and called a "temple of justice" by J. J. Egan, county attorney; by Judge Wilkin a "splendid edifice" of "grand proportions," of "architectural beauty," a "massive building" with "artistic interior decoration." Judge Wilkin said:

“The ceremonies of this day are intended to exhibit the gratification and, pleasure felt by bench and bar alike at being relieved of the embarrassments and hindrances which have for years interfered with the prompt and proper discharge of the public business which, owing to the sudden increase in wealth and population and the wonderful development of the material interests of the country, has reached proportions far beyond the means heretofore provided for its management. With cramped and dingy apartments, illy ventilated and necessarily inconvenient and unsuitable for the transaction of business; with the judges separated, the office of the clerk crowded beyond its capacity, and without suitable provision for the proper discharge of the duties of the bar, it was of course that the duties of the judge and the lawyer were made unusually onerous, that the claims or suitors were not fully met, and that the course of public justice was impeded.”

Henry J. Horn, for the bar, spoke in similar praise of the building. Judge Flandrau called it “the magnificent temple of justice which we are here to dedicate today.” Dr. David Day, Horace R. Bigelow, W. G. Hendrickson, C. D. Gilfillan, William Dawson and the mayor ex officio were the commission.

The new building in which we are sitting is half city and half county, and its creation, as well as the purchase of the land on which it stands, has been the work of a Commission of nine appointed by this Court under an act of the legislature of April 26, 1929.

If this Commission has succeeded in providing quarters which will improve the quality of the justice administered by your Honors it will be more than satisfied, and I have no doubt we have done so.

I ought to say (being of the Commission) a few words about the new building that you are seeing for the first time. Some members of the Commission, of which I am one, have regarded the building first as a court house, and, secondly, as a building of county and city offices. I and others of the Commission have been dominated by the wish and have made the effort, above all other efforts, to provide the courts with suitable quarters where justice will be administered well, rather than inconvenient quarters.

I think the rooms we have provided for the district courts are ideal in size and construction. Nothing that transpires in those rooms can be missed, under ordinary conditions, by judge, counsel, witness or juryman. I have experimented with those rooms. I have gone to one end of them and some friend in the other, and talked in a low tone of voice, down almost to a whisper, and we hear each other perfectly; there isn't the slightest reverberation of sound.

The district court rooms are provided in sufficient number to accommodate the present judges and last for a number of years. Space has been reserved for increased court room, and I have no question in my own mind that we have provided for fifty years, to say the least. We have three large court rooms —of which this can be used, as one—which will accommodate all the large trials that are necessary. We have provided very convenient and nearby offices for the judges and their secretaries.

Each floor of the district court rooms contains four courts, four judges' rooms, four secretaries' rooms. The court rooms —of which this is one—are wonderfully finished. They are all sealed in wood up to the roof. The wood is wonderful in quality and workmanship. It was done by a St. Paul firm, and cut and selected and everything about it consummated right here where you are sitting. It has been a gratification to me that we have in our city a concern capable of doing the sort of work we are looking at and you will look at in the other court rooms.

I hear people sometimes criticize architecture as modern, referring to that which is called "skyscraper". I believe myself, and I think most architects believe that modern architects, under stress of high prices of real estate, have worked out a type of building which is fine architecture, wonderfully beautiful, permanent in character, and of immensely greater utility than any old architecture.

You should know that we have here in this building somewhere about eighty per cent—I won't state accurately—of usable space inside the outer walls—a record which has not been made before, so far as we know, in any public building; and a building of an old type of architecture (the state capitol, for example,) couldn't hope to contain over fifty per cent of usable space within its walls.

So that we present to you a building here of great utility, in the first place, and I think of distinguished beauty, a grand building on a grand site, overlooking our big river and its magnificent valley. (Applause)

Mr. CHAIRMAN. If your Honors please, our next speaker is one of the oldest members of the Bar, but he doesn't know it. He has

rather insisted that he speak of modern advances and the modern lawyer, the conditions we have, and we have finally compromised by permitting him to speak covering somewhat both periods or bridging both periods. Mr. James E. Markham. (Applause)

MR. JAMES MARKHAM: Gentlemen of the Court, fellow members of the Bar, it is indeed a high honor to be afforded the opportunity of making an address at the opening of this magnificent temple. This is the result of a dream—a building of this character. It could not have been anticipated that we would have an organization under the name of a commission, charged with the construction of a joint court house and city hall, the membership of which was composed entirely of men who were willing unselfishly to give their best in order that we might have a building that would be a credit not only to the existing generation, but would be an example for the generations to follow, the most magnificent court building in which it has been my pleasure to appear at any time.

The Chairman of your Committee in introducing me to speak before you this morning has deferred to my wish to speak particularly of the younger generation of the members of the Bar. I think my address might well be called "Yesterday, Today and Tomorrow."

What I have to say to you, I am pleased to tell you, concerning older conditions and earlier times, you must assume has come to me by way of tradition, for I am a young man to appear before you as I am. Speaking now of the matter that has come to me, as I am pleased to fancy, from tradition,— the matters of yesterday, if you will: When I made my first appearance upon the scene the supreme court of this state was presided over by

the illustrious Gilfillan, the great chief justice, the luster of whose name will be remembered so long as Minnesota is a state of the union. Associated with him was the scholarly and erudite Mitchell, Berry and other members of that court who had been on at an earlier age, come to mind in connection with the two great men whose names I have mentioned. Cornell, scholar, writer on the subject of law, the name has commended itself not only to that generation but to those succeeding. Such was the personnel of the supreme court of the state.

This court had three judges, Judge Wilkin, whose name will be remembered so long as Minnesota is a state, the most conspicuously able of any trial court of this age in my judgment; Judge Brill, whose name will linger also with us, both because of his great capacity and because of the humane feeling which he entertained and the characteristically rugged manner in which he conducted the great office of a judge of the district court; Simons, a man of personality and very high integrity, a man who pondered much before he delivered his decision, but he was usually right in the result that he declared. Later on as the court was enlarged came the addition of William Louis Kelly, revered by all of us as a man of high ideals, as a man who looked behind and beyond superfluities to the administration of correct judgment and above all a judgment based upon the right of the case. Later on and by way of addition to the court, as you will all remember, was Judge Kerr, conspicuously able, conspicuously capable of performing the duties of that high office. A man whom many of you may not have known at all, Judge Silas, who came here from Wisconsin, was placed upon the district court by appointment, and served with conspicuous ability. A lawyer of marked capacity, an able jurist, a companion, whom it was a delight to meet and know. Then there was Cornish, a high-grade man in your midst, a capable judge and, to those who knew him

better, a man of companionable nature and agreeable to meet and chat with.

I shall do no more in the short time which your judgment allotted me than to mention the other judges substantially in the order of their appointment: Judge George L. Bunn, one of the big lawyers of Minnesota, who came here from Wisconsin. It is sufficient to say of him that he was one of the Bunns, and the Bunns were all lawyers of conspicuous ability. Judge Michael, presiding over the deliberations of the court today; Judge Dickson; Judge Sanborn, now on the United States Circuit Court of Appeals; Judge Olin B. Lewis, who gave long and faithful service before he was obliged, to retire on account of physical infirmities; Judge Hallam, who served efficiently and well until he retired upon his election as an associate justice of the supreme court; Judge Catlin served by appointment for a short time upon the court and has now passed to the beyond; the present Judge Hanft, whose advancement upon the Bench a good many years ago has given a certain force and stability to the court that is worthy of note and, worthy of mention. A man of indefatigable industry and of perseverance in the right of so much dynamic force in the conduct of the duties of his high office that he has in some quarters created a slight feeling of hostility, but a man whose judgments have been unerring— or substantially so, a man whose intention and purpose is to administer justice, with the ultimate regard for the rights of the parties, and without respect to who they are. Boerner, O'Brien, Loevinger, Walsh. We have another member of the court, a junior, a worthy successor of his father. The district court of Ramsey county is to be congratulated upon the accession as a member of this Bench of the second member of the Brill family.

We have always had capable men on the probate court. My first

experience was with E. Stone Gorman, a man of high integrity, of unassailable character, who administered the duties of that office conspicuously well, followed by Judge Samuel Morrison, a man of capacity and ability and who conscientiously discharged the duties of the office of the probate court for many years. He was succeeded by the late Judge Bazille, who performed his duties well and faithfully and who has, as we may hope, passed to his reward. The story would not be complete without referring to our present judge. I think he is looked upon as one of the most capable of those who have presided over that court. It is worth while for a young man going upon the bench of that important court that he has so conducted himself as to win the plaudits of those who have occasion to appear before him.

Among the members of the Bar whom it has been my pleasure to know during my term, referred to as a long service at the Bar, were such conspicuous names as Greenleaf Clark, Horace Bigelow, Homer Eller, Cushman K. Davis, who so long honored this state as a member of the senate of the United States when that body was made up of great men, conspicuously great man. He was accorded a high place—in my judgment the highest place to give on that great organization as it existed at that time. John H. Gillman, Stanford Newell, Gordon E. Cole, Horn, the Sanborns, the O'Briens, Lawler, Grover, Butler, Mitchell, Lusk, Class — the two Clapps—Macartney, Hiram Stevens, Henry L. Williams, Morton Barrows, Morphy, now associated with John Bradford, the Cummins and Lipschultz. My fellow members of the Bar, these are names worth while. It is a matter for congratulation, and I congratulate the Bar of Ramsey county that these great men have been among its members. Zollman, Richardson, Boyesen, the Fitzpatricks, Ewing, Lightner, and the Horns. The Ramsey county Bar has been conspicuous for its content of great men, big men, capable men, men of standing in

the community.

Now, some of our great men have found a place in higher activities as activities are classified. Kellogg, worldwide in his activities, carried the name of Minnesota into every country of the world; a member of the highest international court, senator, secretary of state. I have known Frank Kellogg as long as I have known anybody in Minnesota. It was my good fortune and my pleasure to have and be in his confidence at a very early time in my career at the Bar—service at the Bar; with Davis, Kellogg and Severance. What a list! The great, kindly, big-hearted Severance, who always thought of the desires and the plans and the needs of others and was always with his hands and his heart willing to assist. My friends, these are great people; these are great men of the yesterday.

I am inclined to put those of them who are still with us in the Today, because men of that class think in the present and not in the past.

Speaking of the courts and reminiscing a little, if you will allow me—and I am nearly finished with what I have to say —

When I was admitted to the supreme court at Washington the personnel of that court was Chief Justice Fuller, Justice Field, of California, Judge Harlan, Judge Crow, Judge McKenna, Judge Peckham, Judge Cyrus. What a calibre of big men, tremendously big men, whose activities stimulate and encourage our ambition to greatness and to perseverance at the far. Later on—and I must pass by some intermediate objectives—later on there was added to that court a man whom we all knew here in Minnesota, who had been a member of our Circuit Court of Appeals for a number of years, Judge VanDeventer, who is still

on the court. Then came the time when, to the credit of Minnesota, the present Justice Pierce Butler was appointed to that high place which he so well and so splendidly fills to the satisfaction of the court and to the satisfaction of the Bar of the nation. Why, I knew Pierce Butler when he was a law student in the office of Finch & Twohy and wore a flannel shirt, with one homemade suspender. Just a great big strapping foot-ball player. I had been admitted to the practice of the law in another state, I was new here, and I came from a state in which a lawyer—at least on gala occasions or on special occasions—wore a high hat and all that sort of thing, and I wondered if men of that type might grow into big lawyers. Why, here is a man, a farmer boy grown up here in Minnesota, who has attained the highest distinction that is open to any lawyer except appointment as chief justice of that high court, and he has done it through the exercise of rare judgment and ability, coming from the strength of the stock, the soil of the state. A man of conspicuous ability, adorning the high court to which he has been appointed.

And we have men in this younger generation: Stewart, Ralph Stone, Daggett, Chapin, Briggs, Christofferson, Dorsey, who practices chiefly, I think, in Minneapolis but belongs to one of our old and distinguished families and at all times has been one of us; Yardley, Hess, the O'Malleys, Kyle, Stearns, the Briggs, Kinkead, the Hunts, Currie, McMeekin, Morgan, the present Kerr, Nelson, McDonald, Churchill, Matthews, O'Brien, the Petersons, Pat Ryan, Sudheimer, Allen, Straight, Anderson, Axelrod, Bremer, the younger Bunn, the younger Mitchell, the younger Butlers, Chase, Diehl, Dohs, Pat Scannell, Kay Todd, the Edgertons (both youngsters), the Kennedys, the Drills, Greenman, Hollihan, Jackson, Junkin, Gehan, the Kueffners, Loftsgaarden, Mueller, the Quinns, Siegel, McDougal, Fosness,

Green, Stryker, and Essie Williams. These are the new generation. To them we pass the torch and expect much from them. I know that you will remember that you are living in a great age, that high ideals in the performance of the work of the profession will result in the bringing upon the bench of this court of other distinguished lawyers. The present lies with you. Advancement and purposes and aims are before you. The worthiness of purpose, the maintenance of the dignity and honor of the profession is left with you to carry on. Preserve your ideals. Act honestly in your profession. Do the best you can. Be always yourself. Be faithful and true, and as time goes on you will be listed among those who have brought credit to the Bar of the state of Minnesota.

My friends, I am delighted with this opportunity to appear before you. I feel that the address which I have presented is rather rambling in character, but it comes from a heart that is filled with gratitude that my fellow members of the Bar are willing to listen to me and that they look upon me with favor.

We are all young after all so long as the heart is young, so long as the impulse is to carry on.

“Has there any old fallow got mixed with the boys?
If he has, take him out, without making a noise.
Hang the almanac’s cheat and the catalogue’s spite!
Old Time is a liar! we’re twenty to-night !

““We’re twenty! We’re twenty! Who says we are more?
He’s tipsy—young jackanapes ! show him the door !
'Gray temples at twenty? !—Yes ! white if we please;
Where the snow flakes fall thickest there’s nothing can
freeze!”

And so, my friends, my parting admonition: remain young, remain loyal to the traditions of your chosen profession, go on with a smiling heart. Carry on. (Applause)

THE CHAIRMAN: If your honors please, your Committee has thought it appropriate at this time in this new court house where we are starting anew, to call upon at least one of the younger members of the Bar, who will speak to you somewhat upon the present activities of the Bar Association and those associated. Mr. James C. Otis. (Applause)

MR. OTIS: Honorable Judges, fellow members of the Bar: We have just left the old court house with all its cherished memories and in which so much of the history of this city has been made, and are now taking possession of this new building, as perfect as man can make it, not only architecturally, but also from the standpoint of stately beauty and practical utility, a building which stands as a monument to the industry, self-sacrifice and far-sightedness of the Commission of citizens which has had the responsibility of supervising its erection, of the innumerable persons who have given it their best thought and effort, of the press which has so loyally supported the project, and of the many citizens of Ramsey county who have made its erection possible.

In the work of this Commission, as well as in the preliminary and all-important work of so molding public opinion that a dream of a modern court house and city hall might be realized, the Bar of this county has played no small parts certain members of this Bar were drafted to serve on the Commission, others acted on committees charged with the duty and responsibility of investigating and recommending various matters of detail and of substance in connection with the erection and equipment of

this building. It was during a part of this period an important period that I was honored with the presidency of the Ramsey County Association, and it was through my activities in connection with that association that I realized most keenly the very important part which the Bar Association plays in this community.

In the early days of the association it was primarily a social organization, but as the years passed it assumed greater and greater responsibility, not only in matters relating to the administration of justice, but also in various legislative and civic matters which involve the public welfare.

Just as the members of this association gave unstintingly of their time and energy to make this building possible, so they give of their time and energy to every project which has for its purpose the public good, which tends to make this city and this community a better place in which to live and whether or not that project be directly connected with the legal profession.

Mr. Markham has asked me to briefly review some of the more recent activities of the Ramsey County Bar Association. Some I have already mentioned, but I desire to call attention to a few others. Last winter this association took steps to install in this building a law library. Many details of operation and of maintenance remain to be worked out, but the start has been made, and this, we are confident, will ultimately result in a library not only adequate from a legal standpoint, but a place where books and documents of purely historic interest may be kept.

The Association has co-operated, with the Bar Association of the state of Minnesota in advising newly admitted members of the

high ideals of the profession and of the duty owed by them to the community, to their clients, to the courts and to their fellow lawyers.

This association, through various committees and in conjunction with the State Bar Association, has been from time to time most active in promoting and securing the passage of legislation beneficial to this city and to the state. It has set a high standard of professional conduct and has zealously seen to it that that standard was maintained and the requirements thereunder observed for this purpose a standing committee of the association, known as the Ethics Committee, carefully investigates every charge of improper conduct on the part of members of the Bar which are brought to its attention, and may I add, to the credit of this Bar, that there have been comparatively few such charges and, a large number of these have been found without foundation.

There are other activities of the association, social and educational, but time will not permit their enumeration at this time.

I cannot let this occasion pass without mentioning the friendly and cordial spiritual co-operation which here exists between the Bench and the Bar. In some communities the Bench exists quite apart from the Bar, but in this county at least, your Honors, as well as the judges of other courts located in this district, have always signified not only a willingness but a desire to receive, consider and act on suggestions from time to time made by the Bar, and the Bar, in the same spirit, has welcomed suggestions from the Bench which in any manner or to any degree and in the administration of justice. I know that splendid spirit of frank, sincere and earnest co-operation between the Bench and the

Bar which was fostered and grew in the building we have just left will continue throughout the years to come in this splendid edifice we now occupy and which we are using for the first time today.

In closing I shall only add that I am confident that the Ramsey County Bar Association, through the increased facilities which this building affords, will continue its activities in the future with even greater vigor and, with renewed enthusiasm. (Applause)

THE CHAIRMAN: If your honors please, I think that it is all we have to offer on the program this morning.

JUDGE MICHAEL: Gentlemen of the Bar, the courts are happy to accept the portion of this building that is devoted to court usage. We are happy in the belief that it will not only be of greater comfort to everyone concerned, both the courts, counsel, jurors, litigants and witnesses and everyone who has any business to transact in the courts, but the main consideration, that we believe it will result in the speedier and better administration of justice. I need cite but one instance to bring that point home: In the court house which we have just left, as you all know, the din and clatter of street traffic was something that was very annoying and confusing. Many witnesses, through timidity or otherwise, cannot be induced to speak in a loud, or distinct tone of voice, others use the English language but imperfectly and are difficult to understand at best, with the resultant outside noises on top of these conditions it was difficult indeed for jurors to hear what evidence the witnesses gave, and in many instances only a portion of the jury would hear the testimony of the witness, and perhaps none of them. I have on many occasions had jurors after they were retired get into a controversy over whether certain evidence had

been given by certain witnesses, and they would appeal to the Court to find out. Now, if important evidence was overlooked and not heard, a miscarriage of justice might well result, and I have no doubt occasionally did. This situation, I am sure, has been overcome in this new and modern building, and I have no doubt that it well justifies the expenditure.

I want to pay a tribute of the Court to the Bar Association of this county. It has been a live organization for a number of years; it has tended to bring the practice of the law upon a higher plane than otherwise perhaps would have existed. It is entitled to much credit also for furthering the project of this new building.

I want specially to speak of the Commission appointed by the court shortly after the law was passed authorizing this building, to have charge of its construction. I have never known of a body of men who worked together so harmoniously, so intelligently and so effectively to accomplish the end in view as this Commission has. The public doesn't realize the thanks and credit due to this Commission. They have spent months and months of their own time, wholly uncompensated, except the knowledge and consciousness of duty well performed.

The courts accept the portion of this building dedicated for court purposes and express the hope that no one will be disappointed in our anticipations.

I may announce at this time, before adjourning, that the courts will open in this building at 10 o'clock tomorrow morning in regular session. The district court rooms occupy the fifteenth and fourteenth floors, so that counsel will know to come to one or the other of those floors, dependent upon the judge they appear before.

Court will now adjourn.



The text of Attorney General Mitchell's address on the night of Monday, December 19, 1932, was reprinted in full in The Saint Paul Pioneer Press the next day:

TEXT OF MITCHELL ADDRESS AT COURTHOUSE DEDICATION

This building which we are dedicating tonight marks an epoch in our civic development. It represents the culmination of a wisely conceived and splendidly executed plan of public improvements aimed at the beautification of our city and at supplying adequate facilities for the transaction of the public business. It is fitting, therefore, that public officials and citizens should gather here tonight to honor those who have done this great work, congratulate ourselves on the result and draw from the occasion inspiration for future progress. Need I say that I am truly grateful in you all for the privilege of standing here tonight among old friends in the city of my home, in which I owe so much of opportunity and friendly encouragement in years gone by, and bear a part in this ceremony?

For more than thirty years we have had within the limits of our city the new capitol building of our state, a beautiful and useful structure, also erected under the direction of a commission headed by an honored citizen of St. Paul and which has stood

there as a constant reminder of the efficiency and absolute integrity of those who built it, and now we have this splendid new capitol building of our county and city, which also brings to us the satisfaction on knowing it has been wisely planned and that every cent of the taxpayers' money expended, has been honestly and economically spent. Every citizen of this community joins tonight in acclaiming the several mayors and councilmen of St. Paul, the members of the board of county commissioners, the members of the commission representing the best of our citizenry, as well as the genius of the architects, who have labored together to this end.

Pride in the beauty and usefulness of this towering edifice and in the service of those responsible for it is natural and proper and deserves expression, but we shall overlook the true significance of this occasion if we fail to draw from it something more fundamental. Fine physical equipment is useful; good workmanship requires good tools; but the traditions we carry into this building, the quality and spirit of the men and measure it will house, and especially the part of our people hereafter take in their choice and direction, will determine whether in the years to come we shall look upon this building with pride or disappointment.

GUIDED BY PAST

In it justice will be administered and the government we have set up to conduct our local affairs will function, and will either succeed or fail to satisfy the aspirations of our people. The traditions of the past are the foundation stones for the standards for the standards of the future. In that aspect this building constitutes a monument to those who have labored in the public service in the years gone by. As we look back over the

long line of judges of our courts, many of great ability, all worthy, who have administered justice in this community, we realize that we have the splendid tradition of a nonpartisan judiciary with an untarnished record commanding universal respect and confidence, against the integrity of which no whisper of suspicion has been heard. We remember a long line of sincere and able executive officials who have served us faithfully well.

No one can serve long in any post of importance at the seat of the National government without being conscious that grave problems confront our large centers of population and some aspects of the situation come home with special force to anyone dealing with administration of the law. The end-less battle with lawlessness is taking new forms in our cosmopolitan areas. New types of criminal activities have been developed. Malefactors who operate alone and on a small scale still exist, but they are back numbers in the progress of crime. Organized crime is the thing. No longer are the jackals of society content with the returns of small depredation. The frenzy to get rich quickly with which the public has been generally inoculated in recent times has affected the criminal element.

Thus has been born what has become known as the racket. These rackets operate in an infinite variety of ways. Let me illustrate by specific instance. In one instance organized gangs levied tribute on those engaged in the business of buying and distributing perishable fruits and vegetables in one of our large cities. No commission house was allowed to unload and transport by trucks a carload of perishable foodstuffs without paying a tribute of \$25 per car to the racketeers. Payment of the tribute was enforced by threats of violence directed against the truck drivers, and lacking adequate protection from police and

local law, business houses chose to pay the tribute rather than go out of business.

IN MANY FIELDS

In another case, the poultry trade in a great city fell into the hands of such racketeers, who levied a regular tribute on those engaged in the business, who passed the coat on to the consumer. In another, cosmopolitan area organized criminal racketeers mastered the building trade, forced the formation of a ring of local contractors to monopolize the business, used their gunmen to drive others out of the field, operated through local labor unions, and levied a tribute on the business, reflected in higher bids for construction work.

These operations extend into distribution of milk, of food, and other suppliers in our cosmopolitan areas. If obedience to their demands for tribute is not exacted by threats against employers engaged in transportation, the racketeers endeavor to get control of the local unions and by threats and intimidation of other means to control union official, and thus force the employers to pay tribute to keep their employes at work.

In one of our largest eastern cities 47 different kinds of rackets have been developed, operating along these lines. Within a week a group of business men from one large city called at the department of justice and showed me a chart as large as a table top, setting forth the racketeering activities of a well known organized group of gangsters, levying tribute in the manner described on 23 different kinds of business, largely on the distribution end.

It has been said that this type of organized criminal activity is

wholly attributable to conditions produced by our national system of prohibition and to a considerable extent we have been sitting quiescent with our hands folded, claiming helplessness to deal with the criminal conditions in our large cities until national prohibition can be done away with. Changes in our methods of liquor control which seem to be impending will not remove the crime problem. Whatever may have been the extent of the influence of the prohibition situation on this development of lawlessness, it is altogether evident that under present conditions the organized criminal rackets and organized criminal activities in our large centers of population have spread out to a point where the abolition of illicit traffic in liquor will make only a dent in the activities and revenues of organized crime.

All the available information in the hands of federal officials at Washington indicates that at present a very large part of the revenues of these criminal organizations is derived from rackets of the kind described, supplemented by illicit gambling operations, traffic in narcotics, and law violations other than those related to the liquor traffic. Such research as we have made into the previous records of persons convicted of commercial traffic in liquor indicates that at least one-third of these persons are habitual criminals with prior records in other classes of criminal offenses, who will continue criminal activities in other fields if liquor traffic becomes no longer profitable.

When I took office as attorney general there were 24,000 persons under restraint for violations of federal laws. Today the number is 54,000. We have today more prisoners held for offenses not related to liquor traffic than in 1929 we held for all causes, including violation of liquor laws. If national prohibition is abolished we may awaken to the fact that we no longer have

that alibi for crime conditions.

The rackets have repeatedly come to the attention of the justice department at Washington because of failure of municipal authorities to deal with such lawlessness and in the form of appeals from groups of business men and civic associations to have the federal government intervene to clean up local conditions. Ours is a federal union. We developed the unique system of dual sovereignty. The federal government is one of limited powers having only those conferred upon it by the federal constitution. All other governmental powers are reserved to the states. A vital necessity of the times is that the average citizen should better understand this separation of powers and the respective responsibilities of the national government and of the local governments for suppressing lawlessness and protecting inhabitants of our great cities from oppression by criminal elements. Constant appeals are being made to the federal government to intervene in these thickly populated areas to aid in the suppression of crime.

Those appeals are made because the local authorities through inefficiency or corruption are failing to perform their duties. Pressure on the federal government to engage in this work is increasing, but it is altogether apparent that as long as our dual system is continued the main task of maintaining law and order in any community rests on the local authorities, and if we are not to abandon the whole framework of our governmental system with all the blessings of local self-government, the people of our cities must arouse themselves to their local responsibilities.

It is true that federal authorities have yielded occasionally to local demands for assistance. In one recent instance after a persistent endeavor it landed a group of notorious gangsters

from one of our great cities in federal prisons. That effort may have given some encouragement to local civic associations in their battle against crime, but no lasting effect can be claimed for it. Organized racketeering still continues in that community and other leaders have sprung up to take the places of the dear departed, and if the incident served any good purpose it was merely to demonstrate that the federal government is in no position to clean up lawlessness and corruption in large cities.

The reason for that lies in the division of power between state and federal governments. Murder, extortion, blackmail, and these various rackets are not in themselves federal crimes and cannot constitutionally be made so. The federal government may only inject itself into such a local situation through the power of taxation or the power to regulate interstate or foreign commerce. It is only where these depredations incidentally involve commerce across state lines that federal laws apply.

How futile it is to expect the national government to eliminate criminal organizations by punishing them for failure to pay income taxes on their illicit gains, or by prosecuting them under the anti-trust laws for interfering with the orderly distribution of merchandise coming into a city through interstate commerce. All that the federal government may do is to aid local authority in those instances where the activities of criminals enter the field of interstate commerce or directly interfere with functions of the federal government.

Now I would not have you draw any implications from what I have said that our good city of St. Paul is now dominated or that good government here is seriously threatened by lawless elements. If that had been the case, rather than bring a discordant note into this happy occasion I would have chosen

some other subject. Indeed, to be cautious about the matter, before leaving Washington, I called upon the various agencies of the federal government having to do with these matters the bureau of investigation of the department of justice, which is the general criminal detective agency of the government, the secret service in the treasury, the narcotics unit, the prohibition bureau and others for confidential information about our local situation.

NO FOOTHOLD HERE

My inquiries related only to conditions during the present calendar year, and I am glad to say that reports were encouraging, that generally conditions in St. Paul during the present year have been as good as or better than in other cities of its class; that organized racketeering has not yet gained a substantial foothold in this community, and that progress has been made during the present year in the suppression of crime in all varieties. Of thirteen cities of about the same size as St. Paul, other statistical information, not confidential, indicates that St. Paul is near the top in its battle against lawlessness.

It is a fact, however, that this system of organized crime and racketeering which has worked so successfully in our larger cities has shown a tendency to spread out into smaller places, and we have no reason to think that our community is immune to this danger. In this field an ounce of prevention is worth a pound of cure. Once organized crime gains a strangle hold on any community, it is hard to break. If there should happen to be operating in this city an organized liquor racket, and a change in the prohibition law makes its operations unprofitable, you may find it has turned to other forms of racketeering less palatable to the average citizen.

Now what conclusion is to be drawn from all this? It is that whether we have clean decent cities throughout the land, where a man can have a home and family and live and go about his own affairs in peace and safety, depends on the people of the several communities, and not on some agency or bureau a thousand miles away in the city of Washington. The man who really knows what is going on in a community is the policeman on the beat. In all the police forces of our cities the honest overwhelmingly outnumber the corrupt. They will do their duty if given a chance, but they take their cue from the higher-ups.

The people of any community enjoying universal suffrage have just the sort of public officials they choose to have, and the majority of the people in every community want good government so why do they so often fail to get it. It is the old story of the organized minority against the indifferent or unorganized majority. Organized and militant minorities proceed to our legislative bodies and often obtain what they seek. In municipal affairs the forces of lawlessness and corruption are organized and active, the decent majority often apathetic or cynically indifferent. The exposure of graft and corruption in municipal affairs often meets with cynical indifference. A fearless and independent press is an invaluable asset to any city. The cause of law and order and decent municipal government rests on the shoulders of each citizen.

In dedicating this building as a memorial to the solid traditions of the past and as the future home of good government, must we not dedicate ourselves to the duties of good citizenship and here resolve to cast aside indifference to actively interest ourselves in community affairs and to respond to every call for the public good.

There is something thrilling about great heights. Of all the beautiful structures in the city of Washington, the Washington monument, with its pure straight lines reaching up towards the clouds, grips the imagination beyond any other of our national monuments. So in the years to come may this building, with its lofty pinnacles visible to each citizen, be a constant reminder and inspiration to the end that nothing may be left undone to insure that within its walls impartial justice maybe found alike by rich and poor, and that we shall march on to make this city ever more that abode of happiness and contentment. □



For a related article, see “Memorial on William DeWitt Mitchell” (MLHP, 2012), which is the New York City Bar Association’s memorial delivered on October 7, 1955. ■

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