JOHN C. POLLOCK
1903-1937

GEORGE T. McDERMOTT
1927-1929
AFTER my appointment to the federal district court bench in 1962 and my assignment to serve in Topeka, I discovered that the portraits of some of the men who have presided over the court were in evidence on the walls of the federal courtroom. Several of them had little significance to me other than their names. Also, about that time, an article appeared in a legal publication on the subject of “Federal Court Judges and the History of the Federal Courts,” in which the writer noted that: “It is unfortunate that many of the judges of the District Courts who molded the Federal law are now virtually unknown.” ¹

And so I undertook to compile some information about those judges who served at an earlier time, and to put together quite a bit of information, more than my limited time will permit me to relate. It is my purpose to bring you a glimpse of these men, none of whom, I may say, were shrinking violets in their day.

After the Louisiana territory was acquired in 1803, the area which is now Kansas was attached to the territory of Indiana for judicial purposes. Thereafter, in 1805, congress established a separate government for Louisiana territory. In 1812 this territory became known as Missouri territory and in 1819 was reduced by creation of the Arkansas territory. In 1820, following statehood for Missouri, this part of the country was described as Indian country, without organized government. In 1854, when the Kansas-Nebraska bill was enacted by congress, territorial government was established

and President Franklin Pierce appointed territorial judges. Several men served in that capacity until the advent of statehood in 1861.

This paper will be devoted to those judges of the state of Kansas appointed by the President and confirmed by the senate down to the year 1945. Where these men came from and how they happened to be appointed and some episodes occurring during their judicial careers will be mentioned.

The state's first federal judge, appointed by President Lincoln, was Archibald Williams. His family, like Lincoln's, was from Kentucky. He was self-taught. Records reveal that when Lincoln was a member of the Illinois legislature in 1836 he voted for Williams for the office of United States senator. Even with this support, Williams ran third in a three-man race.

Both Lincoln and Williams were members of the Illinois legislature. Carl Sandburg tells us that they "were tall and angular, alike in homely looks and humor." Williams' clothes were always carelessly worn, so much so that once a hotel clerk, in one of the better hotels of the time, seeing him loaf in a chair, asked of him, "Are you a guest of this hotel?" Williams coolly replied, "Hell, no! I am one of its victims, paying five dollars a day!"

Williams was the leading practitioner in Quincy, Ill., but he employed Lincoln to care for his legal matters in Springfield. Lincoln did not forget the political aspects of their relationship. They were successful in helping Zachary Taylor get nominated and elected President. So it was not surprising that on March 8, 1849, Lincoln wrote to John M. Clayton, secretary of state, as follows:

Dear Sir: We recommend that Archibald Williams, of Quincy, Illinois, be appointed U. S. District Attorney for the District of Illinois, when that office shall become vacant. Your Obt. Servts.

A. Lincoln.

Williams received the appointment and served as United States attorney for the district of Illinois until 1854. In that year he ran for congress and was defeated. Both he and Lincoln were considered as Presidential timber. But it is clear that they never spoke ill of each other.

What kind of a judge was Williams? What did he do? He was concerned with Indian treaties, railroad bonds, and violations of

2. The judges appointed after that time are still in active service and any comment or discussion about them should be left for someone who might care to examine and report on their records at a later time.
4. \textit{Ibid.} This story was also told about Judge Williams' son, A. L. Williams, in the newspapers, \textit{e.g.}, the \textit{Kansas City} (Mo.) \textit{Journal}, September 1, 1907.
federal laws. Notwithstanding his position as judge, we know that he communicated frequently with Lincoln. What might have developed into a long tenure as district judge was to be cut short. Judge Williams became ill, knew it was terminal, and returned to Quincy. There he died on September 21, 1863. The passing of one so dedicated was a great loss to Kansas.

To add a bit of miscellany. Judge Williams’ son served as attorney general of Kansas from 1871 to 1875. Then he joined in partnership with the firm of Williams & Dillon. Later, from 1890 to 1893, Williams and Dave Mulvane shared an office. About 1895 the son became general counsel for the Union Pacific Railroad Company. Judge Williams’ great-grandson, Archibald L. Williams, presently practices law in Wichita. A further note of interest is that Judge Williams’ brother, John Asbury Williams, was a great-grandfather of Barry Goldwater.

The next federal judge for the District of Kansas was Mark W. Delahay. He was a native of Maryland. His father was a slaveholder but his maternal ancestors were members of the Society of Friends, and he personally did not favor the buying and selling of slaves. He first located in Illinois and engaged in various enterprises. He wrote for several journals, studied law, and was admitted to the bar. Although a Democrat, and a supporter of the policy of squatter sovereignty, his sympathies were soon with the Free-State cause. He served as one of the secretaries of the Topeka convention of September 19, 1855, and as a member of the Topeka constitutional convention the following month. In December, while attending the Free-State convention at Lawrence, his office in Leavenworth was destroyed by a Proslavery mob. He was chief clerk of the territorial house of representatives in 1860; he was appointed surveyor-general of Kansas in 1861, and held that position until October 7, 1863, when President Lincoln appointed him to succeed Judge Williams.6

Delahay was a man of some means. He owned a fairly large spread in Leavenworth county. He also owned a profitable steamship, the S.S. Minnie Bell. His was a political relationship with Lincoln. While in Illinois, his newspaper was used by Lincoln to support the latter’s views on current issues. Lincoln’s own papers show that he would write Delahay and advise him of certain points to make in his newspaper editorials. Later, Lincoln would speak in the area of the newspaper’s circulation on the same subjects.

Delahay had ambitions earlier to become senator from Kansas and undertook to enlist Lincoln’s support to influence the Kansas legislature to elect him. Lincoln wrote explaining that he would help him politically as long as it would not weaken Delahay’s chances, but, at the same time, discreetly stated that he did not wish to offend Jim Lane.

Delahay’s wife was a Hanks. Her father, Joshua Hanks, it is claimed by some, was Lincoln’s first cousin. Careful research discloses there actually was no relationship.

Delahay appointed his son-in-law, Thomas A. Osborn, as United States marshal. Osborn became the sixth governor of the state of Kansas. Later, he was ambassador to Chile, and still later to Brazil.

Delahay was not thought of as a lawyer’s judge. A critical newspaper editor, referring to the judge’s limited legal learning, made the salty comment that the only bench Delahay was qualified to sit on was one with a hole in it. Delahay was a delegate to the Republican convention in 1864, although he was then serving as a federal judge. That was not considered unusual at the time.

Delahay served honorably for over a decade. He was not an educated man in a scholastic sense and was not a well-read lawyer, but he possessed a great deal of common sense and his natural force of character helped him to take a prominent part in politics and business. It is apparent, however, that Delahay was prone to take strong drink. He was accused in 1872 of corruption and intoxication on the bench. A house committee of congress, appointed to investigate, found that he was indeed guilty of intoxication while sentencing offenders, but was not guilty of corruption. The house recommended impeachment before the U. S. senate, and in the face of these proceedings, Delahay resigned.

The resignation of Delahay presented the first real scramble for the federal judgeship in Kansas. Lincoln was gone, Johnson was gone, and Ulysses S. Grant was President. A former Kansas lawyer at Fort Scott, David Lowe, who had been serving as a Utah territorial judge, returned to Fort Scott in the hope of becoming United States district judge for Kansas. President Grant, however, looked with favor upon the well-educated, handsome, tall bachelor, Cassius Gaius Foster, an Atchison lawyer, whom he appointed March 10, 1874.

Foster, the third federal judge for the District of Kansas, came from Monroe county, N. Y. He set up practice in New York for a short time before coming to Kansas. In Kansas he was elected to
the state senate and later he was mayor of Atchison. He was on the federal bench for nearly 25 years. He suffered ill health around 1890, and in 1895 was in such poor condition that he traveled abroad with his family in an effort to recuperate. Not succeeding, he retired from the bench by special act of congress on January 6, 1899.7

When Foster took his judicial office, prohibition was gaining force in Kansas, and Judge Foster developed as a leader of the opposition. He began making statements about the "prohibition craze," and was criticized severely for his part in the resubmissionist movement by the editors of the Topeka Daily Capital as early as 1882. The Capital said this of him:

And yet the judge of the United States court for Kansas, who owes his prominence to a lucky accident, and who probably could not be elected to the office he holds if he lived a thousand years, says this man [meaning the dry candidate] is not "worthy of support," and that it is better to go for a Democrat.8

For a Republican, this was rank heresy.

Foster left much of his judicial work to engage in the advocacy of the saloon and utilized the bench to carry on his cause. He carefully selected a grand jury, mentioned to them the fact that the Daily Capital was charging more for legal notices than the law allowed, and the grand jury promptly indicted the owner of the Capital. This indictment was eventually dismissed by Circuit Judge Henry C. Caldwell. But Foster was not through. He filed in the Shawnee county district court an information charging the Capital's editor, Joseph K. Hudson, with criminal libel. Foster believed the Capital to be heavily in debt and for all practical purposes owned by the Dave Mulvane interests. He hoped to expose the complicated financing of the Capital, and further, his purpose, in part, was to prevent Hudson's appointment to the United States senate seat vacated by Preston B. Plumb.

Eventually Balie P. Waggener, an Atchison attorney, succeeded in bringing this stormy 14-year-old controversy to a close.9

Foster died shortly after his retirement in 1899. He was a man of competence and ability, and, indeed, an activist, whose position on certain issues were not in step with his time. Happily, for those who wanted to practice law in the federal court, President Arthur had appointed David J. Brewer of Leavenworth, to the circuit

8. Topeka Daily Capital, October 25, 1882.
court for the Eighth circuit. Judge Brewer took care of most of the court’s business while Foster was making his vigorous fight against prohibition and the Topeka Daily Capital.

The fourth judge for the District of Kansas was William Cather Hook. He was a Pennsylvanian. He served four years as district judge and thereafter 18 years upon the federal circuit court for the Eighth circuit. He had settled with his family in Leavenworth after wandering for a considerable time over the raw Western country. He graduated from the law department of Washington University of St. Louis before he was 21 years of age. Upon reaching his majority, he was admitted to practice and went into the law office of Lucien Baker of Leavenworth. Baker was prominent in the legal history of the state and became United States senator. The business in his law office was flourishing and Hook, because of his influential association, was appointed by Pres. William McKinley on February 13, 1899, to succeed Judge Foster on the federal district bench. Hook had a reputation as an “anti-truster.” He attracted the attention of Pres. Theodore Roosevelt who named him a circuit appellate judge in 1903.

David J. Brewer, by that time an associate justice on the United States supreme court, died on March 28, 1910, and Chief Justice Fuller died on July 4, 1910. Pres. William Howard Taft wanted to appoint Hook to one of these positions and even announced that he would do so. But politics produce some sudden changes and the two Wyoming senators at the time had the muscle, so to speak, to obtain the appointment for their man, Willis H. Van Devanter, and Hook lost out.

In October, 1911, another supreme court justice died and once more it appeared that Hook would be appointed to fill the vacancy but Taft wavered again and Mahlon Pitney of New Jersey, received the appointment.

Judge Hook had a powerful intellect, a wise and imperious will, a cautious, sound judgment, and an impartial, considerate temper. He was reputed to be an outstanding judge.10

The fifth judge of the Kansas federal district court was John C. Pollock. He was no less colorful than any of his predecessors and had some rather firm and fixed opinions which brought upon him a good bit of criticism. He was born in Ohio; his ancestors came from Scotland. He was a college graduate, he read law, and was

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10. A well-written account of Judge Hook is in The Kansas Historical Quarterly, v. 3 (1934), pp. 69-83. It was the presidential address of my old law teacher, Thomas Amory Lee, before the Historical Society.
admitted to the bar at Newton, Ia., in 1884. He moved to Hartville, Mo., which was a small town in the Ozark mountains. When he married Louise Lafferty, at the age of 30, Cong. Robert W. Fyan, his friend, obtained as a wedding present for him the appointment as local attorney for the Frisco Railway Company at Winfield, in Cowley county, Kansas, where he settled about Christmas time in 1887.

Pollock practiced in Winfield 14 years, until 1901 when he was appointed by Gov. W. E. Stanley to the Kansas supreme court where he served almost exactly three years.

The story of Judge Pollock's appointment to the federal bench is an interesting one. When Judge Hook of the district court was promoted to the court of appeals in 1903, there was a most extraordinary scramble for the vacancy. At that time, the two United States senators were Chester I. Long and J. Ralph Burton. Charles Curtis, then congressman, was expecting to run for the senate in 1906 against Burton. Dave Mulvane had recently defeated Cy Leland for national committeeeman and former Lt. Gov. James A. Troutman of Topeka had just the year before lost the nomination for governor to Willis J. Bailey at the Wichita convention. Each of these notable political figures had a different candidate for the vacancy, except Senator Burton. Senator Long wished to appoint Justice William A. Johnston of the Kansas supreme court. Dave Mulvane was for his close friend, Charles Blood Smith. Curtis was for J. G. Slonecker, and Cy Leland, Mort Albaugh, and the federal court crowd in general, along with Governor Bailey, were for Pollock. Jim Troutman of Topeka was strongly opposed to Pollock, perhaps due to Pollock's interest in Troutman's defeat for governor, but more likely because of Pollock's bitter dissenting opinion in the famous Troutman-DeBoissiere cases before the Kansas supreme court. The various congressmen, who at that time thought, at least, that they too had something to do with the federal judicial appointments, were divided in support amongst several of the candidates. Although none of the congressmen supported Pollock, Phil Campbell and Victor Murdock were registered as being friendly to him.

Unknown to many, Senator Long had the friendship and the ear of President Roosevelt who had promised the preceding summer at Oyster Bay that no appointment would be made without Long's approval. If Burton had been for Justice Johnston, Johnston would have been immediately named for the position, but Burton and Johnston were old Fifth district neighbors, though not friendly
neighbors, and had had district convention differences for years. While Burton had no particular candidate in mind, he told Long that he would not be for Johnston and would oppose him on the floor if he were nominated. Long came to the reluctant conclusion that while Johnston could be nominated, senatorial courtesy might prevent his confirmation.

A new factor then entered the field in the person of N. H. Loomis, an attorney for the Union Pacific railroad and later its general counsel at Omaha. Loomis, who had never taken any part in politics for himself prior to that time, now became a candidate. In spite of his railroad connections, he did not have the support of any of the railroad men. The so-called Eastern influence, meaning powerful figures in the railroad world, were divided between Charles Blood Smith and Pollock. Loomis became active and quickly got the backing of prohibition leaders such as Charles and Willis Gleed, and Jim Troutman, and also of Eugene Ware, who at that time was a member of the Gleed firm. Ware was a prominent member of Roosevelt’s kitchen cabinet during his service as commissioner of pensions. It was proposed at one time to divide the state into two districts so that Long could name one judge and Burton the other, but this did not work out.

All the candidates were soon in Washington. Smith, by coincidence, had a case to argue before the supreme court and was the first candidate to arrive. His backer, Dave Mulvane, had been in New York, and quickly followed him. Charlie Gleed immediately followed Mulvane. Then came Cy Leland, M. A. Low, United States Marshal Mackey, Col. John S. Dean, the United States attorney, and Justice Pollock, himself, on November 9. Justice Johnston came on the 10th or 11th, and a few days later Kansans in Washington included Frank P. Lindsey, J. J. Wood, Willis Gleed, Hiram Price Dillon, and others. On November 11, 1903, Troutman caused a great sensation by his charges against Pollock. The charges were affidavits by bellhops at the Copeland Hotel, in Topeka, that Pollock drank and gambled. Pollock lived at the Copeland Hotel with Mrs. Pollock and his daughter, Lucille, during his service on the Kansas supreme court. The Copeland Hotel was owned by Troutman’s father-in-law, Cope Gordon.

Two good stories, both of which are probably true, came out of the scramble. It is related that when Cy Leland was visiting with Attorney General Knox, urging the selection of Justice Pollock for the vacancy, Knox said, “Captain Leland, I hear that your candi-
date plays poker.” Leland is reported to have replied, “Mr. Attorney General, your own skill at the poker table is proverbial among those whom I know in Washington.” And, it is said that when Dave Mulvane was pressing the candidacy of Charles Blood Smith upon the President, that Roosevelt said, “Mr. Mulvane, I am told that your candidate not only plays poker but drinks whiskey.” And to this Dave is reported to have replied, “Mr. President, my friend, Mr. Smith, has all the vices of a gentleman.”

On November 24, while the congressional delegation was in session trying to agree upon a choice, word came that the President had sent to the senate the name of John C. Pollock, and on December 2, 1903, Pollock was sworn in by Justice Brewer.

Pollock served on the court for over 33 years. He was most of the time the center of stormy controversies. Twice there were attempts to impeach him, although nothing ever came of them. He was frequently the subject of open criticism which many judges would have considered in contempt of court. But Pollock, unlike Judge Foster, declined to discuss such charges and criticisms except to say that he would not object to any competent inquiry.

He opposed national prohibition and caustically announced that it made a “National Police Court” out of the federal district courts. Likewise, he was critical of the Mann act and stated that he did not believe congress ever intended to interfere with the personal escapades of any man. 11

In 1927 Pollock notified the attorney general he had reached the age of 70 years, after 24 years of service, and wished to take senior status under a law which permitted this so that another judge could be appointed to help with the heavy workload.

This brought about the nomination by President Coolidge of George T. McDermott, the next federal district judge. A misunderstanding occurred when McDermott’s nomination was first sent to the senate. He was nominated as Pollock’s replacement. Pollock straightened out this error and McDermott was again nominated as an additional judge, leaving Pollock remaining in active status.

McDermott was born and reared in Cowley county, Kan., from whence had come Judge Pollock. The relationship of these two men had been cordial and remained so until after McDermott was elevated to the court of appeals in 1929.

Judge McDermott was held in high regard by the bar, by his

colleagues, and by those who came before him. His death occurred in Winfield, at the comparatively early age of 50 years. He crowded into a relatively short life an amazing number of experiences and achievements. He was a man of unlimited energy, described as a human dynamo, possessed of an unresting, driving force. Few men achieve so much in such a short space of years.12

Of some special interest may be the fact that within two years after his appointment to the district court bench, the Tenth circuit court of appeals was established and McDermott was nominated by President Coolidge to a place on that court.

In an effort to quickly name a successor to the position to be left open by McDermott’s appointment to the court of appeals, a number of prominent Kansas lawyers went about the state enlisting active and immediate support for the nomination of W. F. Lilleston of Wichita, a most capable and outstanding attorney. This was described by some of the press, at the time, as “rush order,” and the “boys,” it is said, responded. At the time there seemed little doubt among the members of the bar that Lilleston would indeed be named to succeed McDermott.

But the senate was not to be rushed and Sen. George W. Norris, chairman of the senate judiciary committee, simply filed the McDermott nomination and others lately received from President Coolidge and waited until Hoover took office. So there was, as yet, no vacancy to which Lilleston could be named. Hoover promptly nominated McDermott for the place on the court of appeals. His appointment was quickly confirmed and McDermott had the distinction of being named to that post by two different Presidents.

Succeeding McDermott was Richard J. Hopkins, who came to the federal district court bench from the supreme court of Kansas, where he had served as a justice of that court for six years.

Judge Hopkins was a Missourian. His family came to Kansas and settled in what is now Finney county, utilizing a sod house as living quarters for a time. His father was a lawyer and practiced in Garden City. Judge Hopkins received his law degree from Northwestern University in 1901. He practiced for a time in Chicago, but returned to Kansas in 1906, became active in politics, and except for one defeat when he ran for congress in 1912, was remarkably successful as a candidate for public office, serving as a member of the state legislature and lieutenant governor, as attorney general, and then as justice of the Kansas supreme court.13

Judge Hopkins was an ardent prohibitionist, personally and politically. He frequently lectured over the state on temperance and had the vigorous and active support of the dry forces who were then particularly potent politically. It was this support that stood him in good stead when the vacancy on the federal district court bench of Kansas occurred following the elevation of McDermott to the circuit court of appeals.

Though the President had been urged by Sen. Arthur Capper to appoint Hopkins to succeed McDermott, nothing happened. On March 29, 1929, it was reported that Gov. Clyde Reed visited the White House and conferred with President Hoover and Atty. Gen. William D. Mitchell. He was there to put Mitchell right on the qualifications of Hopkins, which, he said, were excellent, contrary to opinions expressed by the supporters of Lilleston.

About the same time, other prominent Kansans visited in Washington. Dave Mulvane was there in April but publicly stated he was taking no position. William Allen White found time to visit and lunch with the President. He extolled the virtues and the judicial ability of Justice Hopkins. Alf Landon, then Republican state chairman, likewise put in some licks for Hopkins. Vice-President Curtis announced that he was staying out of the judgeship picture believing the recommendation to lie with the senators, though it is reported that friends of Curtis were not supporting Hopkins.

In the meantime, suspicion grew that Mitchell had promised those opposed to Hopkins that the matter would be held up until the political leaders of Kansas produced another and more acceptable man for the place. Mitchell expressed the hope that a “non-political” appointment would be possible. As a matter of fact, it was reported widely in Kansas, among members of the bar, that former Sen. Chester I. Long had Mitchell’s assurance that Hopkins would never be appointed.

Time dragged on, and on October 17, 1929, the White House issued a list of those who were said to have endorsed Hopkins. Conspicuous were a number of leaders of the Prohibition forces in Kansas. Also included were many of the Kansas state court judges, six of the eight members of the congressional delegation, plus Senator Capper, and Sen. Henry J. Allen, who in the meantime had been appointed by Governor Reed to the vacancy created when Curtis was elected Vice-President. Allen was quite widely known as the senator from the White House, it being reported
that he was appointed by Governor Reed at the urging of the President.

In spite of Mitchell's demand that a non-political appointment be made, the forces supporting Hopkins stood pat and Mitchell had to give up. In October, 1929, President Hoover sent Hopkins' name to the senate for confirmation. But the fight against Hopkins was not yet over, although Capper and Allen and most of the Kansas congressional delegation were in his corner. Effective opposition weakened, however, with the endorsement of Hopkins by Sen. George Norris of Nebraska. Finally, with the announcement by Senator Borah, who had lived in Kansas and attended Baker University, that he had visited with reliable people in Kansas whom he knew and that all of them, without exception, reported that Judge Hopkins was indeed an upright, reliable, and competent judge, the confirmation of Hopkins was voted.14

Governor Reed, apparently much pleased at the appointment and confirmation, issued a statement describing the federal judiciary, at that time, as a "growing stench in the nostrils of decent people." When inquiry was made of Judge McDermott about this statement, his response was, "I have just sent Judge Hopkins my congratulations."

Hopkins was sworn in as judge of the federal court by William A. Johnston on December 27, 1929.

Following the appointment of Hopkins, Judge Pollock continued to serve in his capacity of senior judge until his death on January 24, 1937, after which Hopkins continued as the sole presiding district court judge in Kansas. His death occurred on August 28, 1943, in Kansas City, during the trial of a case.

Hopkins was succeeded by Guy T. Helvering who had long been an outstanding business and political leader in Kansas. Helvering was a native of Ohio but had moved with his family to Kansas in 1886. He attended the public schools, served in the Spanish-American War, attended the University of Kansas and the University of Michigan Law School. He served as county attorney of Marshall county for two terms and served three terms as a member of congress. He and his brother Robert opened law offices in Marysville and in Washington, D.C., where Guy specialized in tax work.

Acquiring banking and milling interests in and around Salina, he moved to that place in 1922, where he was soon elected mayor.

Shortly thereafter, he announced that he was “quitting big politics,” but was soon persuaded by Harry Woodring to become Woodring’s campaign manager in what proved to be a successful race for governor. Helvering then became chairman of the Democratic state committee. Thereafter, he was appointed state highway director, in which post he made an outstanding record as a business executive and administrator. In 1932, Helvering and his political associates early concluded that Franklin D. Roosevelt could be nominated and elected president. He worked vigorously and successfully to that end, and after the election of Roosevelt, served for 11 years as commissioner of internal revenue. President Roosevelt has been quoted as saying that “after Guy was appointed, I never had another headache about that department.”

Following the death of Judge Hopkins, Helvering suggested to the President that he had had a lifelong ambition to serve as federal judge of Kansas. The President quickly nominated him and his ambition was fulfilled. Helvering served as judge at a particularly difficult time. The docket was crowded with hundreds of cases. A single judge could not possibly hear and decide so many. In addition, wartime regulations greatly increased the work of the court and after two and one-half years of the strenuous and overwhelming responsibility, Guy Helvering died on July 4, 1946. He was a man of outstanding accomplishments in many fields of activity, legal, business, and political.15

In the meantime, congress had been persuaded that the crushing workload on the Kansas district court was more than one judge could bear, and in 1945 a second Kansas judgeship was created, but only on a temporary basis. The law specifically provided that when a vacancy should thereafter occur in the office of district judge, it should not be filled, and thereafter Kansas would have but one judge. To this position was appointed Arthur J. Mellott of Kansas City.

Mellott was born in Leavenworth county and began his public career as a school teacher after his graduation from high school in Kansas City, Kan. He taught in several different rural schools and was elected and reelected as county superintendent. He went to night law school and was admitted to the bar. He became assistant United States district attorney in 1917. He also taught in the Kansas City law school and had as a pupil one Harry S Truman. His adventures in politics were for the most part eminently success-

ful. He was elected county attorney of Wyandotte county and he thereafter practiced law and took an active part in politics. In 1933 Guy Helvering, at that time commissioner of internal revenue, persuaded Mellott to come to Washington and take charge of the alcoholic tax unit. Mellott was a teetotaler which caused some to believe he lacked qualification for the position. Nevertheless, he was an excellent administrator and in 1935, when an opening came on the tax court of the United States, he was appointed to fill it by the President.

Mellott remained on the tax court for 10 years but when the second judgeship was created in Kansas in 1945, he sought it. There were a good many Kansans willing to accept the place. It is reported that some 25 names of candidates were in the hands of the attorney general out of which a recommendation would be made to the President.

Though there was some suspense before the appointment was announced, Arthur J. Mellott—"my old school teacher," as Harry Truman referred to him—was the choice, and confirmation was without incident.16

Judge Mellott became the sole judge of the Kansas district court following the death of Judge Helvering. The heavy workload of the court again took its toll, and though he struggled mightily to keep abreast of it, his health broke and the end of a brilliant judicial career came on December 29, 1957.17

With my allotted time already exceeded, I only ask to place in the record some recognition of those federal district judges who have served this state and who are entitled to be better known by this and succeeding generations.