

1-1-1974

Remarks of United States District Judge William T. Sweigert at the Earl Warren Memorial Services, Grace Cathedral, San Francisco, July 12, 1974, Contemporaneously with Funeral Services Being Held in Washington, D.C. Remarks

Santa Clara Law Review

Follow this and additional works at: <http://digitalcommons.law.scu.edu/lawreview>



Part of the [Law Commons](#)

Recommended Citation

Santa Clara Law Review, *Remarks of United States District Judge William T. Sweigert at the Earl Warren Memorial Services, Grace Cathedral, San Francisco, July 12, 1974, Contemporaneously with Funeral Services Being Held in Washington, D.C. Remarks*, 14 SANTA CLARA LAWYER 737 (1974).

Available at: <http://digitalcommons.law.scu.edu/lawreview/vol14/iss4/1>

This Article is brought to you for free and open access by the Journals at Santa Clara Law Digital Commons. It has been accepted for inclusion in Santa Clara Law Review by an authorized administrator of Santa Clara Law Digital Commons. For more information, please contact sculawlibrarian@gmail.com.

REMARKS OF UNITED STATES DISTRICT JUDGE WILLIAM T. SWEIGERT* AT THE EARL WARREN MEMORIAL SERVICES, GRACE CATHEDRAL, SAN FRANCISCO, JULY 12, 1974, CONTEMPORANEOUSLY WITH FUNERAL SERVICES BEING HELD IN WASHINGTON, D.C.

It was my privilege to have had a unique opportunity for gaining an insight into the ideals, the motives, and the standards that made Earl Warren a great American.

As a young man he dedicated himself to what he conceived to be—and called—a career of public service, with all its political risks, exhausting demands and relatively limited financial rewards. I say dedicated because his choice stemmed from a realization that democracy—government by the people—is for practical purposes an impossibility unless coupled with the device of representational government, that is, law-making and public administration by elected officials who become, for better or worse but necessarily, “politicians”.

Earl Warren gladly accepted that appellation and strove to make it a title of honor, instead of a term of derision. Every day of his long career as an *elected* public official before he was appointed Chief Justice—four terms as District Attorney for Alameda County, a term as Attorney General of California and an unprecedented three-term Governorship of the State—he practiced his deeply held belief that public office is indeed a public trust. As he was later to remark about his early days as District Attorney of Alameda County:

I decided to stay in public service the minute the pressures were applied against me: pressures applied by bail bondsmen, gamblers, petty thieves, swindlers and politicians. I then realized for the first time what public service could mean. That is when I decided to stay with it.¹

* Judge Swiegert, a graduate of the University of San Francisco and former instructor at the University of San Francisco Law School, served as Chief Assistant (1940-1943) to then California Attorney General Earl Warren and subsequently as Chief (Executive) Secretary (1943-1947) to then California Governor Earl Warren. He was present with then Governor Warren when the latter received his Honorary Doctor of Laws Degree from the University of Santa Clara. Judge Swiegert is presently United States District Judge for the Northern District of California.

1. I. STONE, EARL WARREN 56 (1948).

During his tenure as a county prosecutor and as Attorney General, Earl Warren fought tirelessly not only to protect the public from crime but also to eradicate corruption from public office. Surrounding himself with carefully selected young deputies, Earl Warren kept his offices non-partisan and incorruptible.

He had the will and the strength to steer clear of anything that might conflict in any way or in any degree with what he conceived to be the human needs, the political expectations and the constitutional rights of the people he was elected to serve. Foreign to his nature was the belief, cynically held by many, that something less is inherent, inevitable and permissible in public affairs.

This simple code, meticulously followed in matters great and small, sometimes lost him friends and support, but it proved in the long run to be the secret of the phenomenal record of which he was so proud: 30 years of elective office unblemished by any charge of self-seeking, insincerity, partisanship, favoritism or impropriety—even from those who disagreed with him and opposed him—or by any scandal among those he painstakingly selected to serve in his administrations or help in his campaigns.

For this reason I suggest that Earl Warren be remembered, not merely for the landmark decisions rendered during his eventual Chief Justiceship, but more importantly, for the even greater contribution made to this country by his lifelong example of what a "politician" *can be* in measures of faithful, conscientious, impeccable public service.

In this respect Earl Warren's career shines most brightly, and most encouragingly in a disheartening time of shoddy behavior and moral aberration in electoral and governmental affairs. Let us hope that his splendid example will inspire a national resolve to so refine and elevate the ethics of the democratic process at every level that confidence in the government will be restored.

If I were seeking to best describe the stature and quality of Earl Warren as I will remember him, I would choose, as strikingly appropriate, lines written to memorialize another great American:

The color of the ground was in him, the red earth;
The smack and tang of elemental things—
The rectitude and patience of the cliff;
The justice of the rain that loves all leaves;
The friendly welcome of the wayside well;
The gladness of the wind that shakes the corn;
The courage of the bird that dares the sea;
The pity of the snow that hides all scars;
The tolerance and equity of light

That gives as freely to the shrinking weed
As to the great oak

And when he fell, he went down
As when a lordly cedar, green with boughs,
Goes down with a great crash upon the hills,
And leaves a lonesome place against the sky.²

We offer our sympathy to his family and our special prayer that his beloved and loving wife, Nina, will have the strength to bear so great a personal loss.

2. From Edwin Markham's "Man of the People" (Abraham Lincoln).