Walter L. Fisher

By WALTER T. FISHER, ESQ., '17

(Mr. Fisher's paper, and Professor MacChesney's, which appears elsewhere in this issue, are parts of a series on distinguished Chicago lawyers, sponsored by the Law School in recent years.)

Biographical sketches—not excluding this series—sometimes give the impression that the author is writing a brief on behalf of the subject intended to conceal his faults. He must have had faults. Everybody has them. Later I shall mention a few. A son, of course, wants to see his father large. At the same time, as Freud tells us, he cannot free himself from an unconscious competitive wish to trim his father down to size. So a talk about one's father is bound to be more or less personal. With some diffidence I am going to risk erring on the side of putting in too much personal detail, in the hope that it may portray my father as a human being and give you the flavor of his personality. For example, I shall try to show why it was that Boss Lorimer gave him the unwilling compliment described in the Autobiography of Lincoln Steffens. Steffens had been questioning the powerful and unsavory political boss as to how it happened that the Municipal Voters' League of Chicago was effective against his organization as compared with the relative failure of the people in other cities who were working for good government. Lorimer finally replied: "Say, have you seen that son of a bitch, Fisher?"

My father's role was markedly different from that of the eminent lawyers who have been depicted in this series. As I proceed you will see that he was less in the regular practice of law and more in governmental matters. His position on public issues was frequently and hotly attacked and defended in the newspapers. His role in Chicago expanded to the national scene. President Taft made him a cabinet member, to the surprise of Taft's Bourbon coterie.

Young lawyers who would like to get into public affairs wonder how they are going to earn a living. My
father was paid for a lot of his public service, often in the form of compensation for particular work done for government while he was in private practice. This was not a result of supporting some successful candidate, but because the people in power, both Democrats and Republicans, felt that they needed him for the task at hand.

AS OTHERS SAW HIM

He was a forceful and dynamic person. A feature article in the Chicago Tribune described him—he was then in his forties—as follows:

[Fisher] is the embodiment of energy. He is a lean, alert man... the possessor of an unusual and striking face... There is a curious air of expectancy about his countenance. You feel that you are about to make some blunder and that he knows all about it...

At public meetings, when he is not himself addressing the audience, he sits bolt upright, with a half smile on his face which indicates his assurance that he will presently tear to ribbons every argument of his opponent... He is a strong man... Above all things else, Mr. Fisher is confident. Assurance in himself radiates from the man.2

His pungent friend William Kent wrote of him that he "would doubtless take a contract to regulate the weather if the Lord offered it to him."

One of his juniors, my partner, Kenneth McCracken, says:

"He was a dominating personality, unshakeable in battle, and I am sure well hated by many an opponent. It seemed to me that he enjoyed it all, and thrived in an atmosphere of conflict that would give most lawyers ulcers and nervous breakdowns."4

McCracken describes an occasion which he no doubt remembers particularly well because, as he says, "[Mr. Fisher] directed me, not too gently, to look up something and bring it to him in the courtroom.

"As I started down the corridor in the County Building after leaving the elevator I could hear all the way down the hall and around the corner Mr. Fisher's booming voice. I had often observed how his voice carried with no apparent effort on his part. As I approached, Mr. Fisher's deep voice grew more distinct and louder. Having arrived in the courtroom, I was considerably awed, and hesitated to complete my errand at once.

"The courtroom was certainly not crowded for the case was a dull one [involving the validity of street railway legislation]. It had been on trial for many days. But there were a number of lawyers on both sides of the counsel table. Standing at the middle of the table rather than near the judge, and with one foot on a chair, was Mr. Fisher speaking in what seemed to be a conversational tone, but which penetrated far and wide. There was absolute silence except for his speaking. The judge, with his shoulders hunched forward and his head lowered, kept his eyes fixed on the speaker. If he had not been a judge, I would describe him as cowering. The clerk was definitely cowering behind his own desk, making no movement and no sound and looking unbelievably humble and grave. The bailiff was standing nearby with his back to the wall at attention and as motionless as if he were about to be shot.

"The lawyers on the other side of the counsel table were less respectful. At one point Judge Foster, who was chief counsel for the other side, interrupted Mr. Fisher with some comment or objection. This was not to Mr. Fisher's liking. Standing there with one foot on his chair, he leaned over the table, towering over Judge Foster, and addressed sharp words to him in a suddenly harsh voice. I have no idea now what he said, but in a moment there was again complete silence and Mr. Fisher resumed his argument to the court in a calm but booming voice."

HIS METHOD

My father was highly articulate and fluent in the courtroom or on the speaking platform. Court reporters have told me that he was so fast they hoped he would choke. But he never did and they would have to call for time out.

Soon after I came in the office I was set to looking up law on a point he was arguing before a jury. I ran across a new point that neither my father nor anybody else had thought of. I hoofed it over to court. Luckily, my father was still arguing. I wrote the point on a scrap of paper in a line or two as intelligibly as I could and pushed up behind him at the counsel table. I handed him the paper. He glanced at it, seeming to resent the interruption. I was crestfallen. In a few minutes my father finished the point he had been discussing, then said "and fourthly." Then followed ten or fifteen minutes of cogent presentation and amplification of my new point.

Similar stories are told by his other juniors. One of them was faced with having to tell my father that instead of receiving the advance notice that he had expected before a certain argument, he was due in court within the next hour. My father smiled and went to the courthouse. He was fortunately already well grounded in the facts and law of the particular case, and, like other skilled advocates, knew that he would have no difficulty in organizing his argument on his feet. But the junior never forgot the finished argument that was made.5

My father's method, whether in the courtroom, on the platform, in the press, the conference room or with individuals, was the same: forceful and reasoned presentation. He did not insinuate himself by a soft approach. He was neither light nor brief. A newspaperman said that in his speeches he was "fond of keeping on talking after he has said all he intended to say." He was thorough and clear. He succeeded in persuading people and in reconciling conflicting interests by the strength of his reasoning and his forceful personality. He would put a point so convincingly and with such easy, poised confidence that it commanded agreement. Dissent seemed
not arguable. Kent said that “Fisher’s intellectual mastery of a subject was such that he could convince a paint mixer that pink was green.”

In this way, for example, he obtained agreement among the dozen lawyers representing the different classes of security holders of the street railways and elevated lines. There were only a few dissenters among the score of aldermen constituting the local transportation committee of his client, the City of Chicago. Colonel Arvey, who was a member of the committee, tells me that my father’s main ability was that of a coordinator—bringing people to agreement. In these negotiations some of the participating lawyers regarded him with resentment and others with fear. Resentment because he was so sure his analysis was right. He was like Jessel, Master of the Rolls, who said: “I may be wrong, but I never have any doubts.” He lectured these lawyers like a schoolmaster with his factual discussion. He pushed the negotiations so actively that they had to be on their toes every moment and work harder than they otherwise would. Henry Tenney, who was there, tells me they feared my father’s lucid dissection would make mincemeat of their arguments. Among themselves they derisively referred to him as “God”—the same kind of a grudging compliment as Boss Lorimer’s.

But they respected him. He knew his subject with a knowledge based on the hardest kind of hard work. A New York newspaper commentator said: “The synonym for Fisher is work.” By the nature of his practice he did not have knowledge that many lawyers possess of the details of a wide diversity of businesses, but he had great aptitude in ascertaining the essential facts of anything with which he was called upon to deal, always seeking the most competent engineering, accounting or other expert assistance. He was respected for his unquestioned integrity, not only in the narrow sense but in the sense of having everything out on the table and meeting it head on. His method was direct. He scorned concealment or evasion of any kind. He avoided doubtful reasons. He relied on the rational development of a clear and solid position. Another basis for the respect in which he was held was his lifetime emphasis on the long-range public interest as compared with immediate private financial interests.

It was hard for non-Chicagoans—for example, a certain United States Senate Committee—to understand his prestige; why it was that the federal court employed him as a special adviser in local transportation matters; why the City of Chicago needed him in that arena in addition to its own Corporation Counsel. But in Chicago, where the average newspaper reader thought of him as Fisher the tractant expert, it seemed the natural way to deal with those tough and tangled problems. To the aldermen and those traction lawyers it seemed natural and appropriate that the conference meetings should be held not in the city hall but in my father’s office.

In these meetings, and always, he jumped right into the business at hand. There was no preliminary small talk. It was the same with his law office associates. He did not stop to pass the time of day. He was abrupt. But at the same time he was completely considerate of the independent position of the other lawyers in the office. He would discuss a law point with the youngest of them on a basis of complete intellectual equality.

**His Character**

With him competence, integrity and courage were everything. They crowded from his mind consideration for the feelings of others. That was his principal deficiency. He lacked compassion for the weak and the ineffective. He demolished stupid arguments without deference to their makers. He could not wholly conceal his contempt for a rich young neighbor who had no occupation. He was scornful of people who took the easier way. Once my father had decided on the best way to deal with a situation, he never failed to attempt it, however laborious or unpleasant. In seeking agreement he withstood his inclination to use his sharp tongue, thus showing “a virtue rare in men of his intellectual type, amazing patience with those who differed from him.”

In manner he was informal. He was so sure of his superior strength that he had no tendency to be pompous.

Still most people found him so serious as to be forbidding. Not so the newspaper reporters; his easy assurance enabled him to talk to them with the utmost freedom. “No interviewer,” said one of them, “ever approached Mr. Fisher without confidence in his geniality and reliance on his courteous fluency of speech.” Then there were his cronies at his regular luncheon table and at bridge and golf, which he greatly enjoyed and played fairly well. No seriousness here. These companions found him relaxed and joking, relishing the chaff he received as well as what he gave. He has been described as a master of banter.

His written repartee was heavier. A sample has been preserved. In the summer of 1912 my parents had parked

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*"Throughout the long summer and fall of 1906-07 he had spent frequently from twelve to eighteen hours a day in work on the ordinances..."*(Ida M. Tarbell, "How Chicago is Finding Herself," *American Magazine*, Vol. 67, Nov., Dec., 1908, p. 138.)

**Traction** was the common American word for street railway. In the pre-automotive age the terms upon which the companies maintained their tracks in city streets were of deep concern to the citizenry, also a source of civic corruption.
some of us children in New Hampshire. They had rented the cottage of Edward Cummings, a popular Massachusetts clergyman. After the summer was over and the rent paid, Mr. Cummings sent my father an additional bill for an amount equivalent to half the rent, for damages that we children were alleged to have done to the property. He couched his long list of items in facetious vein, referring to our "paneful" activities in breaking windows, and so on. Probably his congregation enjoyed that sort of thing. My father enjoyed the opening presented. He replied: "As an exhibition of combined literary and commercial ingenuity [your letter] is a wonder. However, as I had heard from the neighbors of your attainments in both of these directions, it would not be true to say that I was entirely surprised. . . . You may recall telling the boys to use the rockets freely; but of course this was only generosity of language . . . and I shall return the gift by paying for it." And so on for four pages, enclosing a check for most of the amount claimed, with a final shot "I congratulate you on doing so well."18

My father's golf and bridge were exclusively masculine. He had no small talk with women. He did not seek their society. Dinner parties at our house were rare except during the two years in Washington. He read much history and biography.

My mother naturally was busy with our family of eight children. Luckily she had some independent income. She was another strong-minded person. She counteracted any tendency to be a domestic autocrat that my father might have inherited from his father. My father devoted a lot of time to us children, especially considering how busy he was. He took us on occasional fishing and camping trips. We were allowed great independence. He did not dominate the details of our lives, but when I became engaged to be married while attending the University of Chicago Law School, he thought the threat to my education was so serious that he peremptorily forbade the wedding. But I had been taught too much independence for me to pay attention to that.

My partner, Darrell Boyd, who was with him twenty years, suspects that my father was fundamentally a shy man, fully at ease only in the arenas where he excelled.19

**HIS FATHER**

The key to my father's character, I am convinced, was his father. I hardly knew my grandfather Fisher. He was a Presbyterian minister. He became the president of Hanover College in Indiana on the Ohio River just at the time that my father was ready for college. So my father attended Hanover.

My grandfather's people were Pennsylvania "Dutch" farmers. My grandmother Fisher's people were likewise farmers of German extraction. My grandfather was encouraged to seek an education. He kept industriously at it all his life. For example, he ultimately taught himself to read French, Italian, Spanish and German, in addition to the Latin, Greek and Hebrew he had acquired in college and theological school. He was educated in a wide variety of other subjects. He wrote a few articles and books, including his autobiography.20

That autobiography is not an intimate one. The author confesses few mistakes, but admits he once uttered a swear word.21 "[T]here are people," a newspaperman once wrote, "who ascribe [W. L. Fisher's] didactic manners to hereditary influences."22 When my mother first went to Hanover her newly-acquired father-in-law made some observation at the dinner table, to which she replied: "I don't agree with you at all." My mother said that consternation was in every face, and amazement too, not least at the suavity with which Dr. Fisher proceeded to pass it over. He lived in the big new president's house just completed before he came.23 Every Sunday afternoon he preached what was called a "college sermon" in the village Presbyterian Church.24 He must have been the most important man in town.

Such was my father's example. The son went on to lead his class in scholarship and student activities.25 He represented Hanover in its only intercollegiate contest in those days, the statewide competition in what was called "oratory."26

**LEARNING TO BE A LAWYER**

My father did not go to law school. After graduating from Hanover he spent a year studying law at home, teaching Latin and Greek in the college and making a small profit out of publishing the magazine of his fraternity, Sigma Chi.27 College fraternities had become an outlet for his energies. At the end of the year the national convention of Sigma Chi adopted his plan for a complete reorganization of the fraternity government. He was put in charge of its headquarters in Chicago at a compensation to pay modest living expenses. Sigma Chi friends helped him make a special arrangement with the law office of Dexter, Herrick & Allen—one of the precursors of the present firm of MacLeish, Spray, Price & Underwood—which then had the largest private law library in the city. My father wanted to use that library to study law. He was to receive no pay but could be called upon for any office work except that the other law clerks were normally to be called on first.28

"My method [of studying]," he wrote, "was to read one of the standard text books and take down from the shelves the decisions cited by the author and examine them to see to what extent I thought they supported the text. I filled my memorandum books with notes. I have no doubt that the case system of a first class law school is a better method of studying law and that my method required more time and more intense application. . . . I did my fraternity work chiefly at night. At the end of a year I was asked to take charge of the office docket and was paid a small weekly wage. I also did
from this law school as a clerk, drawn by a speech he had heard my father make advocating the street railway ordinance of 1907. In 1918, thirty years after the firm was founded, the number of lawyers in the office, including the clerks, was eight. Albert M. Kales joined then. By the time of my father’s death there were 25, including D. S. Boyd, Thomas L. Marshall and Glen A. Lloyd.

**HIS LAW OFFICE**

When as a small boy around the year 1900 I first used to visit my father’s office, my principal recollection is the big stair-well of the building containing the one elevator. The operator pulled up and down on a rope. The cage was of open grillwork. It shook. To a child the ascent seemed a bit perilous. Rising toward the fifth floor, which must have been near the top of the building, one saw a crinkly-glass interior wall carrying the words “Matz, Fisher & Boyden” in enormous black letters. The partners’ rooms and the library had coal-burning fireplaces.

In 1914 they moved to the rather new Corn Exchange Bank Building at the northwest corner of LaSalle and Adams Streets, the building that is there now. In the firm’s eyes the new quarters seemed, I am sure, an even greater step toward magnificence than our subsequent moves to and in the Field Building. But there were still features that we think of as old-fashioned. Though the fireplaces had vanished, each room still had its spittoon. My father had brought his roll-top desk with him. Elmer, the office boy, who was also the bookkeeper, sat on a high stool and worked at a high desk in the reception room, sharing it with the switchboard operator. There was no file clerk; you did your own filing. My father had difficulty in getting adjusted to flat filing; he was accustomed to refolding the letters he had received, restoring them to their envelopes and placing them either in the file or, just as likely, in one of the numerous pigeon-holes in his old desk. Letterpress copies of all outgoing letters were made, usually by Elmer but by Mr. Bell or anybody. The procedure was to make a single carbon copy. Additionally, after the letter had been signed it was copied by being moistened and clamped into a book of innumerable rice-paper pages by means of what was called a letterpress. That was then the common practice of lawyers. It curbed subsequent alteration. It was thought to be the only safe method of knowing what had been written and mailed. A lot of persuading was required to substitute our present method of chronological green carbons.

The youngest clerk had a small desk in the corner of the library. He was docket clerk in his spare time. That was what I did on my arrival in the office in June, 1917. The pay was $10 a week.

**PUBLIC AND OTHER ACTIVITIES**

In 1888, in the growing Chicago, much street and
public construction was being made by special assessment. The office of Special Assessment Attorney for the city had importance and prestige though the salary was small. Matz had been suggested for it. Needing to spend his time cultivating his many friends for the benefit of the firm, Matz succeeded in getting my father appointed instead of himself. The job only lasted a year but the salary was most helpful and my father had gained experience and reputation as a trial lawyer.32

That was the only public employment he ever sought,33 but it was the first of a long series of public activities, some for pay and some not, that continued throughout his life.

My father's overflowing energies were not exhausted by his growing trial and appellate practice.34 In the single year of 1897, the year that he was thirty-five, he was arranging the Chicago Literary Club's weekly program of speakers, he was Chairman of the House Committee of the University Club, and was active in the formation of the Skokie Country Club from negotiating the contract under which it acquired its grounds to personally staking out the sand traps on the golf course.35

During this period he began his activity in the improvement of municipal government. He was active in organizations for civil service reform. He participated in the formation of the Municipal Voters' League. Three years later, in 1899, he took over active management of the League with the understanding that Charles R. Crane of the plumbing fixture company would be president and would give liberal financial support. The two agreed between themselves to serve several years, in my father's words, "if necessary to secure a good working majority of honest and competent aldermen in the City Council. We accomplished what we set out to do."36 This is true. With excellent newspaper support they actually did have that extraordinary success in non-partisan reform politics. My father worked nights and Sundays. Steffens describes the practical ward-to-ward way in which it was done.37 It laid the foundation of my father's national reputation.

It and his success with the street railway ordinance of 1907.38 His connection with that subject had started in 1905, when the Democratic Mayor Dunne, whose election my father had opposed on this very issue, made him Special Traction Counsel for the City, to work out a solution on the principles that my father had urged. He continued to represent the City in local transportation matters off and on until his death.

He also represented the City in a number of other public utility matters, especially those connected with railroad terminals, such as those involving the Union Station, the lake front and the straightening of the Chicago River.39

While my father never represented any street railway companies—or for that matter any public utilities except steam railroads—he did do special assignments for the railroad companies and the investors, as well as for public bodies. For example, in 1910 or thereabouts he represented the Chicago and Western Indiana and the Illinois Central in civil and criminal proceedings where officials of the roads had been stealing from their own companies through fraudulent land purchases and car repairs. I remember my boyish excitement when William J. Burns, the detective, came to our home to discuss the evidence that he participated in gathering.40

In 1910 my father represented the Chicago Association of Commerce in hearings before the Interstate Commerce Commission.41 In the same year President Taft appointed him a member of the Railway Securities Commission, of which President Hadley of Yale was chairman.42

In 1920 he served as counsel for the National Association of Railroad Security Owners.43 Having for many years had clients in the livestock business, in 1923 he was employed as special counsel for the Department of Agriculture in connection with the proposed absorption of Morris & Company by Armour and Company.44 The controversial atmosphere is disclosed by a Swift & Company memorandum that turned up in the hearings—to the Company's embarrassment and to my father's relish—urging the companies to get their friends in the cattle organizations "to discredit and undermine Walter Fisher."45

In 1926 he represented the Interstate Commerce Commission in its investigation of the causes of the Chicago, Milwaukee & St. Paul receivership, and we find him relentlessly examining Percy Rockefeller and the New York bankers.46 In 1929 he argued on behalf of the Interstate Commerce Commission the great O'Fallon case on the theory of railroad rates, which takes up 93 pages of the Supreme Court reports.47 Two of his fellow cabinet members48 under Taft represented other parties to the proceedings, Taft sitting as Chief Justice.

PRIVATE CLIENTS

Over his lifetime his work for the public must have taken something of the order of half his time. Undoubtedly he deemed it the more important half. But, of course, his private clients enlisted his energies with the same devotion and enthusiasm. I have spoken of his railroad clients. He was counsel for the Chicago Daily News under Victor Lawson and the Chicago Record-Herald under Frank B. Noyes. But he was not primarily a business adviser or "client caretaker." Though he attracted business to the office, he did not cultivate it. In my time the vital matter of cultivation was largely done

* With regard to the personal interest of Lawson, publisher of the Chicago Daily News: "[Edwin Burritt Smith and Walter Fisher] related, with shouts of laughter in which Lawson joined, the story of what took place when the council gang (whom Fisher had named the "gray wolves") discovered its leaders had lost their chairmanships and had been marooned in minor committees . . . " (Charles H. Dennis, Victor Lawson, Chicago, 1935, p. 390.)
by Mr. Boyden, an effective business-getter in his own right. I have heard Mr. Boyden say that every hour he spent in the office was wasted. My father, on the contrary, did not trouble himself to cultivate possible clients.

He was the surgeon called in for the big operation—to advise the Associated Press, for instance, or to represent the International Harvester Company in governmental hearings. I heard him argue a Chicago real estate case in the United States Supreme Court against Charles Evans Hughes, later Chief Justice. Mostly it was to try tough cases for clients whose names are now forgotten. He was brought in, for example, after a false heir had been established by the Circuit Court; he succeeded in getting the fraud reversed in the Supreme Court of Illinois. He took a principal part in representing the Kingdom of Norway against the United States on behalf of certain Norwegian shipowners whose cargo ships had been seized in World War I. That case was an argument before the Permanent Court of Arbitration at the Hague. Senator Sutherland, later on the Supreme Court, represented the United States. One of the assistants on my father's side was a recently graduated law student named Dean Acheson.

CIVIC ACTIVITY

In addition to the Municipal Voters' League and similar work which I have mentioned, my father's civic activities were numerous throughout his life. For instance, he initiated the formation of the City Club, which soon became influential for the improvement of municipal government in Chicago. He was frequently active, both in Springfield and Chicago, in advocating legislation which he regarded as desirable from the public's standpoint. The Tribune ran an editorial called "The King Fisher," saying that since he had never been elected to anything, he should stay away from Springfield and stick to helping elect good aldermen and legislators. They then printed his reply inquiring whether a citizen had to own a printing press before offering advice to the legislature.

The Tribune, like many people, supported my father in some matters and opposed him in others.

The first time I ever heard him in public was when he presided and made one of the principal speeches at an immense mass-meeting to protest the extradition to Russia of a revolutionist against the Czar's government. I was astounded at my father's forceful vehemence.

CONSERVATION AND NATIONAL POLITICS

He would not have become Secretary of the Interior if it had not been for one of his civic activities which I have not yet mentioned. That was his work on the conservation of natural resources, meaning the sound development of coal, oil, forests and water power, primarily on the public lands of the United States. By 1910 conservation had become "the foremost political and social question in the United States." My father's connection with national politics was quite separate from his work for good government in Chicago. His political effort at the ward or grass roots level was, as we have seen, entirely non-partisan. On the other hand his party activity was always at the highest level of the Republican party, where he could carry no precincts.

It started when he was twenty-six years old, when he became the active secretary of a national effort to nominate federal Judge Walter Q. Gresham as the Republican candidate for the presidency. In 1898, before Theodore Roosevelt had been nominated for governor of New York, my father met with a number of young men who declared for Roosevelt for president in 1904. My father thought that was the first group to make the proposal. It received wide publicity.

When Roosevelt appointed to federal office in Chicago one of Boss Lorimer's principal lieutenants my father complained to the President about the aid and comfort this was giving to the enemies of good government in Illinois. This led to a meeting with the President at his request at the White House.

It was Gifford Pinchot who enlisted President Roosevelt in the conservation movement. My father became active in its support in the Conservation Association of America, presiding over a stormy meeting at which Pinchot and his friends, James R. Garfield and Henry L. Stimson, succeeded in retaining control. In 1909 my father with Pinchot visited Roosevelt at Oyster Bay and they were urged to found the Conservation League of America on lines similar to those of the Municipal Voters' League. This was done. My father was president. Roosevelt was honorary president and William Howard Taft and William Jennings Bryan honorary vice presidents. My father writes that the field was too vast to cover effectively, so the organization lasted only a year or two. He had given this voluntary task his customary energetic effort, for his letterpress copy book as president of the Conservation League has 681 pages of his own letters.

This contact with Taft made it natural for the President to think of my father as an appropriate successor to Secretary of the Interior Ballinger when Ballinger's resignation became necessary because of Pinchot's attack on his conservation policies. The foundation had been laid by previous recommendations by John P. Wilson, John Barton Payne and other Chicago lawyers that Taft appoint Fisher to the Supreme Court. The President had told Frank B. Noyes, the influential publisher of the Washington Star, that he had thought seriously of appointing Fisher Secretary of the Treasury in his original cabinet—a post for which my father's experience did not qualify him. He had not known in advance of these moves.

My father served as Secretary of the Interior during
the last two years of the Taft administration. This is not the place to discuss his activities and policies in that office. The central problems were those of conservation. He favored “a liberal leasing system, with effective regulation and recapture provisions to protect the public.” The system was analogous to his attitude toward the street railways of Chicago. It is characteristic of his lifelong middle position between government ownership on the one hand and unregulated private exploitation on the other.

During my father’s term of office some of the foundations of the National Park Service were laid. He visited Alaska. I was one of the party. He determined the route and recommended the construction of the Alaska Railroad.

All this time the reactionary political elements around Taft were trying to undermine my father’s position, but without success. They pointed out that he had said good things about the initiative, referendum and recall and, worst of all, about Senator LaFollette. Taft’s aide, Archie Butt, wrote: “[Fisher] is of the reformer type and therefore to be suspected,” and, later, that it was said he was trying to get the Republican nomination for himself.

Taft did suspect that my father would end up supporting LaFollette for the Republican nomination. But Taft left that for the future. Throughout his life he never deviated from his cordial friendliness. After his term as President was over I find a letter to my father in which Taft expresses his pleasure at having succeeded in reducing his weight from 336 pounds, maybe 340 pounds, to 310.

My father did not desert Taft. He made a political speech in Nebraska supporting him as a sincere believer in the fundamental principles of such a constructive progressive policy as my father described as his own. But such a position was unsatisfactory to the reactionaryists in control of Taft’s campaign, who were hopeless of victory anyway. My father’s further speeches were cancelled. There was a movement that received some editorial support around the country to get President Wilson to retain him in office. Instead Wilson appointed another conservationist and reform politician, my father’s friend, Franklin K. Lane.

With his customary balance my father still valued Theodore Roosevelt. In 1916 during the Wilson administration he wired Stimson and others in New York urging that Roosevelt be the Republican nominee for Senator.

My father agreed with those who thought the Bull Moose party a terrible blunder. In later life he wrote:

It took out of the republican party, and especially out of the party organization, most of the progressive elements that were already on the very point of gaining control of the party and of the organization, and it left the control again to the reactionary elements which remained in control when Roosevelt was defeated, as was inevitable. It was an ephemeral, emotional, political hysteria, foredoomed to failure, and it set back the progressive republican movement so that it has not yet recovered, and which would otherwise eventually have come into control. In Illinois it is the real secret of the party demoralization which still exists.

At the end of his term he went back to his law firm. He was then 50 years old. But he had no more interest in high office. Though in the Municipal Voters League he had had extraordinary success as a practical politician, he never ran for public office. He probably realized that a man of his impersonal exterior would find it hard to win the electorate. “Mr. Fisher is the embodiment of government, and the average man does not like to be governed.”

After his return to Chicago he was enormously active in public affairs, both as special counsel for the City on various public utility matters and as a citizen. During World War I he wrote and spoke many times on military policy, beginning with the convocation address in Mandel Hall in December, 1915. He followed Taft in urging a League to Enforce Peace. He opposed universal military service. The Tribune, differing, said: “Walter L. Fisher is distinctly the most formidable opponent of military preparedness. His intellectual powers do not permit him to substitute a heart throb for a mental process . . . and his ability in controversy is confusion to his opponents.”

When war came, his service was as a mediator of labor disputes in shipbuilding.

After age sixty, though he continued to be fully active—never seemed an old man—there were fewer occasions on which he rendered aid pro bono publico. One of these was in the year in which he died, 1935, at the age of seventy-three, when he had joined with others in taking a leading part in blocking Mayor Kelly’s plan for commercialized recreation on the lake front. He was still a trustee of a civic agency that he had helped form twenty-five years earlier, whose name and function were characteristic of him, the Chicago Bureau of Public Efficiency.

HIS PHILOSOPHY

Like Theodore Roosevelt, and like my father’s friends Steffens and Brandeis, my father was “an amalgam of strenuous reform and innate conservatism.”

Throughout his life he preserved his middle position of being a Republican who believed in some increase of government regulation. His political and economic views were naturally unsatisfactory to most businessmen on the one hand, and on the other to the believers in government ownership. The opponents of the Municipal Voters’ League called it socialistic, and said that Fisher clamored and worked for socialistic legislation. He wrote to Theodore Roosevelt that a machine like Lori­mer’s has “its most dangerous members among men of social prominence and financial influence, sleek and successful hypocrites. . . .” But in the political campaigns over the traction ordinances he was charged with being
too favorable to the private companies and their security holders.

"[W]hen I drafted and put through our present street railway ordinances," he wrote, "the Chicago Federation of Labor attacked me and these ordinances as viciously as possible, although the holders of railway securities were almost equally displeased with my position"; on certain other matters the attitude of the Federation of Labor was quite the other way.86

At the same time that the Osage Indians were supporting him as the protector of their oil lands from private oil interests, he was being denounced as "a tool of the Standard Oil Co."88

My father believed that there was nothing more worth doing than to labor for the improvement of our American system of government. He was always talking about "the public interest." He had proved over the years that with him it was no empty phrase. He meant the claim of long-run social considerations for priority over immediate interests. To him this claim was not only a guidepost in solving public problems, but it was a compelling beacon in his personal life. In my opinion it was his religion, the substitute for the religion of the church in which he had been raised and from which he had broken away. True, the fighting was congenial to him, but he deeply believed that he had a duty to fight and labor for good government. That this was a matter of faith with him is supported by his lack of interest in a political career.

His role was that of the independent lawyer, a power-house of ability available for public or private use, alternating between the representation of private businesses on the one hand and governmental bodies on the other. The emphasis was on independence. He was not under the thumb of any client. Of course no lawyer ought to be; the methods and ethics of what we lawyers do are our own business. But my father went beyond the canons of ethics in that respect. He was loyal to his clients, all right, but he would often stipulate in advance that he was to be free to express publicly his personal views on public aspects of the subjects involved.87 Those were his terms and the client could take him on those terms or not at all.

There was an implication of superiority in this. It is the egotism of setting higher standards for yourself than others set for themselves. No doubt his father's position in Hanover, Indiana, helped make the son believe that such standards were appropriate. As a young man he had written to the secretary of the Chicago Literary Club: "I am unwilling to read a paper before the club that has not been carefully prepared on a subject upon which I have something more to contribute than the average member of the organization."88 Still, I cannot help feeling that if more people had his approach it would be, to use my father's favorite phrase, "in the public interest."

NOTES
2 Edward F. Roberts in Chicago Tribune, Aug. 30, 1908.
3 Letter (1903) to Lincoln Steffens in "William Kent—Independent," MS by Elizabeth T. Kent in Chicago Historical Society, p. 150. Kent not only backed the Municipal Voters' League financially, but got himself elected alderman. Later he was a member of Congress from California.
4 Kenneth McCracken, MS Notes Concerning Mr. Walter L. Fisher, Aug. 10, 1939.
5 Conversation with David A. Watts, Aug. 1959. F. C. E. Lundgren describes a similar incident.
6 Roberts, loc. cit. n. 2 supra.
7 Arthur M. Evans in Chicago Record-Herald, Jan. 6, 1912.
8 This paragraph and the next three are largely based on conversations, July–Sept. 1959, with Jacob M. Arvey, Allan T. Gilbert, Judge Ulysses S. Schwartz and Henry F. Tenney, lawyers, and Everett Noland, newspaperman, all of whom attended many of the traction conferences.
12 McCracken, op. cit. n. 4 supra.
13 Tarbell, loc. cit. at n. 10 supra.
14 Roswell Field in Chicago Examiner, Mch. 16, 1911. Also E. Nor­lander, n. 8 supra.
15 Conversation with George M. McConnell, one of his card-playing companions, July 1959.
17 ibid. "[N]o man's sense of humor is keener than his." (Vernon, loc. cit. n. 10 supra.)
18 MS copy of letter of WLF, Library of Congress.
21 ibid., p. 17.
22 Chicago Tribune, Dec. 18, 1910.
24 ibid., p. 205.
26 ibid.
27 ibid., p. 5.
28 ibid., p. 6.
29 ibid.
30 ibid., p. 7.
31 ibid., p. 8.
33 ibid., p. 28.
34 WLF's bound briefs (21 vols.) are in the library of the Chicago Bar Assn.
35 Autobiog. sketch, p. 15; MS letterpress copy book (containing year 1897 of WLF, Library of Congress, pp. 75, 86, 88 and passim.
36 Autobiog. sketch, pp. 11–12.
38 See Tarbell, loc. cit. at n. 10 supra.
40 ibid., pp. 32–33.
41 ibid., p. 28.
42 ibid., p. 20.
43 ibid., p. 33.
Kenneth W. Dam is a member of the School's Class of 1957. His undergraduate work was done at the University of Kansas. Following his graduation he became law clerk to Mr. Justice Whittaker, of the U.S. Supreme Court. Since that time he has practiced with the New York City firm of Cravath, Swaine and Moore. Mr. Dam, appointed as Associate Professor of Law, will work principally in the fields of International Investment Problems, International Law, International Taxation, and Regulation of Competition.

Kenneth Culp Davis has been appointed John P. Wilson Professor of Law. After graduation from Harvard Law School, Professor Davis practiced in Cleveland, and then taught at West Virginia, Texas, as Visiting Professor at Harvard, and for the eleven years prior to his coming to Chicago at the University of Minnesota. His official biography suggests that he has taught sixteen different subjects; he is nationally known for his work in Administrative Law.

James C. Hormel comes to the Law School as Assistant Dean and Dean of Students, a position relinquished by Professor John Desha Lucas, who will now devote full time to teaching and research. Mr. Hormel, a member of the Class of 1958, served as law clerk to Justice James Bryant, of the Illinois Appellate Court, and subsequently practiced with the Chicago firm of Peterson, Lowry, Rall, Barber and Ross.

Professor Phil C. Neal practiced in San Francisco following his graduation from Harvard Law School in 1943. In 1948 he became a member of the law faculty at Stanford University, from which he comes to the Law

Professor Oaks, with Mr. Chief Justice Warren, with whom he served as law clerk.