



Mr. John Slade delivering his lecture on Silas Strawn in Breasted Hall.

Silas H. Strawn

By JOHN C. SLADE

The lecture was the second in a series of lectures on eminent lawyers, and supplements the series on Supreme Court Justices now published by the University of Chicago Press under the title "Mr. Justice."

Silas Hardy Strawn, who was born on a farm near the city of Ottawa, Illinois, on December 15, 1866, and spent his early life in that vicinity, began his career as a Chicago lawyer in the year 1891 with his employment by the law partnership of Frederick S. Winston and James F. Meagher, practicing under the firm name of Winston & Meagher. His legal experience and training at that time comprised two years of intensive study and work in an Ottawa law office in preparation for his bar examination and two years in the general practice of law in that city after his admission to the Bar by the Supreme Court of Illinois, in May, 1889. He had graduated from the Ottawa High School in 1885 and after that had taught school for two years before commencing his legal studies. His foundation training was supplied by the life and work of his father's stock farm, on which he spent his boyhood years.

With this training, experience, and demonstrated ambition and will for self-education which characterized him through life, he began his association with the Chicago law firm, with which and its successive members and associates he spent the remaining fifty-five years of his professional life.

The Winston & Meagher firm of 1891, by which he was then employed, had an established practice and represented substantial corporate and individual interests. It was, in effect, a continuation, through Mr. Winston, of the firm in which he and his father, Frederick H. Winston, had practiced under the firm name of F. H. & F. S. Winston before his father's retirement from practice had left the representation of their clients to him. His partnership with

Mr. Meagher had followed, and the firm continued under the name of Winston & Meagher until 1901, when Mr. Meagher withdrew to organize another law firm.

In the year 1894, three years after Mr. Strawn's initial employment as an attorney, he was admitted to partnership in the firm, and, after Mr. Meagher's withdrawal, his name was included in the new firm name under which Mr. Winston and his remaining partners continued practice. Judge John Barton Payne joined the firm later, and for a number of years before January 1, 1918, the firm name was Winston, Payne, Strawn & Shaw.

At that time Judge Payne withdrew, and, as Mr. Winston had died several years earlier, Mr. Strawn became the firm's senior member; the firm name became Winston, Strawn & Shaw, and, under that name, the firm continued under Mr. Strawn's leadership to the time of his death.

Well before he became the head of his firm, Silas Strawn had become one of the recognized leaders among the lawyers of Chicago. Within a few years thereafter his reputation was national and even international in scope.

Since shortly after the turn of the century he had been in fact the managing partner of the firm and in that capacity had supervised and directed the general work of the office. His brilliant mind, his expert knowledge of law and practice, his engaging personality, and his superior executive ability combined to make him an inspiring leader and an incomparable co-ordinator of the firm's professional activities. Under his wise direction, the firm was molded into a cohesive unit in which partners and associates worked as a team.

Mr. Strawn was an accomplished lawyer in every sense of the term. He was soundly grounded both in law and equity and in the technique of handling litigation. He tried many cases, particularly in his earlier years with the firm, and demonstrated his proficiency as an advocate in both trial and appellate courts. He had, in addition, and always retained, the unique faculty of being able to discern readily the critical point, or points, of law or fact involved in any case. This made his counsel invaluable in cases that were being handled by other lawyers in the office, and it was regularly sought in every important case.

But Mr. Strawn's services came to be increasingly demanded in a larger field, for which his exceptional talents aptly fitted him, namely, that of adviser and guide of business operations. It thus developed, as the years went on, that he devoted more and more of his time and attention to the solution of the varied business problems upon which his advice and direction were increasingly sought. His skill in this field was steadily augmented through the years by his constant study of business and economic questions. And it was his conviction that the growing complexities of business made it imperative that the modern lawyer, unlike his prototype of an earlier generation, have a sound understanding of the principles governing the business operations

of his clients; that it was not enough merely to master their legal aspects or the technique of conducting litigation.

He expressed this conviction in forceful language at a reception in Paris, in August, 1924, tendered by the American Chamber of Commerce in France to visiting members of the American Bar Association. There, in his response to the address of welcome, he said:

More than forty years ago I heard Henry Ward Beecher, then our leading American preacher, say that, when a man's body was out of order, he went to his doctor; when his business was out of order, he went to his lawyer; and, when he did not know what he wanted, he went to his preacher.

Conditions have so changed since those days that I think I may safely say that, now when a man does not know what he wants, he goes to his lawyer. So rapid has been the march of civilization and so complicated all over the world have become our problems, political, economic, and social, as well as legal, that now the line of demarcation between the duties of the businessman and of the lawyer is almost indistinct.

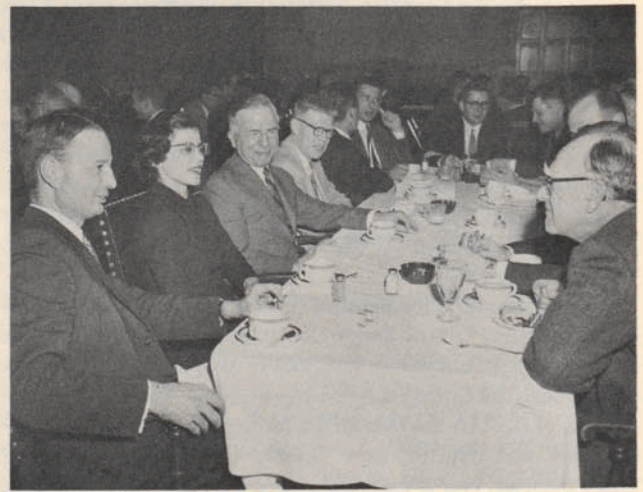
The lawyer of today who attains any degree of success in his profession must be a businessman or, at least, must be more familiar with the general principles appertaining to his client's business than is the client himself.

But Mr. Strawn's concept of a lawyer's function went beyond the service of the private interests of clients. In an article published in the *New York Herald-Tribune* and other papers in 1928, while he was president of the American Bar Association, he wrote:

Ever since the framing of our Federal Constitution the lawyer has been regarded as the leader of constructive thought in this country. Lawyers always have been, and probably always will be, the most potential factor in all governmental affairs. It is now customary to call upon the lawyer not only to diagnose the difficulties arising in all the vast fields of social, business and economic problems of our time, but to require him to prescribe the remedy for their solution. Why is this so? Is it not because the lawyer is presumed to have a trained and disciplined mind? He is assumed to be able to reason accurately from premises to conclusions. It is he who looks at conditions objectively, and who resolves difficulties on general principles, uninfluenced by his selfish interests, his prejudices or his emotions.

He must not only have these attributes but he must possess also the *will* to distinguish between right and wrong, the faculty of expressing his thoughts convincingly, and, above all else, a love of justice and the courage to hold to his conscientious convictions, no matter what the temptation may be to depart from the path of principle.

His own notable services outside the immediate field of professional practice were many and varied. They had commenced well before he became the head of his firm and continued throughout his life. Enumeration of the following, among others, will serve to indicate his versatility and the wide range of his services, both in private industry and in matters of public interest:



Mr. and Mrs. Richard Faletti; Glen A. Lloyd, JD '23, Chairman of the Board of Trustees of the University of Chicago; and, on the right, Professor Karl Llewellyn dine with members of the student body prior to the Slade Lecture.

Director and chairman of the Board of Directors of Montgomery Ward & Co. for more than ten years; president of the company during a five-month period; and, after his resignation as Board chairman, chairman of the Executive Committee for fifteen years;

Director and member of the Executive Committee of the First National Bank of Chicago for many years;

Director and chairman of the Board of Electric Household Utilities Company; director of The Wahl Company and American Creosoting Company;

President of the Commercial Club of Chicago; president of the Industrial Club of Chicago; president of the Chamber of Commerce of the United States and thereafter member of its Senior Council; president of the United States Golf Association; president of the Chicago Council on Foreign Relations; and president of a number of other organizations;

Trustee of Northwestern University; trustee of the Field Museum, now the Chicago Natural History Museum; and trustee of the Carnegie Endowment for International Peace;

Chairman in 1928 of the Finance Committee of the Republican National Committee;

Chairman, in 1929-30, of the Citizens' Committee for Tax Reform and the Financial Relief of Chicago;

Chairman of the American Committee and vice-president of the International Chamber of Commerce, in 1930-33;

Delegate to each of the six meetings of the International Chamber of Commerce that were held during the period from 1923 to 1957—five of them in Europe.

By special appointment of President Coolidge, he served as a delegate of the government of the United States to the Chinese Customs Tariff Conference held in Peking, China, in 1925 and 1926, and as the United States member of the International Commission (of which he was made chairman) to inquire into the then existing practice of extraterritoriality in China. The Tariff Conference was provided for in the Nine Power Treaty of February, 1922; the Interna-

tional Commission derived its authority from resolutions adopted by the Washington Conference on the Limitation of Armament in December, 1921. He spent many months in China on these difficult missions and received the thanks of the President for his able performance.

Mr. Strawn served successively as president of the Chicago Bar Association, president of the Illinois State Bar Association, and president of the American Bar Association.

During his presidency of the American Bar Association, aside from the usual duties of the office, he spoke in various cities throughout the country urging the adoption of the Association's proposed educational requirements of candidates for admission to the bar; he also wrote articles to the same effect for newspaper publication. In one of these articles, after stating that the Association urged, as a

proper standard, a preliminary education equivalent to two years of collegiate study and at least three years of study in a properly equipped and conducted law school, he said:

A reasonable educational standard, such as that proposed by the American Bar Association, will bar from the ranks of the legal profession no young man or woman with courage and ambition. There are thousands of that kind already earning their way through schools and colleges. Such a standard will serve to insure that those who become members of the bar have not only adequate general and professional education, but the spirit to accomplish what is not so easy. It will eliminate most of those who desire to enter the profession that they regard as a "get rich quick" enterprise rather than an opportunity for a lifetime of honest and useful service to their fellow men.

The time has long passed when the lawyer can practice by ear, intuition, impulse or the mere possession of a glib tongue. This is

true, no matter how great a natural genius he may be. The science of the law is too exacting and the range of human activities too great.

The practice of the law is a high privilege, because it affords the greatest of opportunities for service of the noblest and most unselfish character to society. The lawyers of America are conscious of their privilege—and conscious of their duty to the people.

In that same period—1927–28—he made numerous addresses on other important subjects of public interest and concern on which his views as leader of the American Bar were sought—in particular, on the prohibition question and on the causes and possible suppression of the criminal activities attendant upon it.

One of the litigated cases in which Mr. Strawn took the leading part in his later years was that which he brought for the firm against the Western Union Telegraph Company and its Washington superintendent. That case had unusual features, but the reason for referring to it here is the fact that it was brought by Mr. Strawn and evidences his concept of the duty owed by him as a lawyer to clients of his firm.

In February, 1936, a special committee of the Senate of the United States caused to be served on the Washington superintendent of the Western Union Telegraph Company a *subpoena duces tecum*, which commanded him to appear before the committee and there produce all telegrams sent or received by the partners or associates in the firm of Winston, Strawn & Shaw and charged to the firm's account during a ten-month period in the preceding year.

An officer of Western Union informed the firm of the service of the subpoena and advised that Western Union intended to comply with it. The consequence of such compliance would have been the public disclosure of the contents of approximately a thousand telegrams—many of them between attorneys in the firm and their clients, and some of a purely private nature—and all without regard to their relevancy or lack of relevancy to the subject matter of the committee's investigation.

Although a review of the telegrams demanded by the subpoena satisfied Mr. Strawn that none of them related to any legitimate subject of investigation and that their contents were in fact of no possible public interest, he nevertheless concluded that the subpoena violated the constitutional rights of the persons by whom and to whom the telegrams were sent and that his firm, which had notice of the threatened disclosure, therefore owed the duty to its clients to prevent that disclosure if it could do so by legal means. Since the subpoena had been issued by a legislative body, and not under the authority of a court where a motion to quash the subpoena could have been made, it was recognized that a suit to enjoin the production of the telegrams afforded the only appropriate remedy and that it should properly be brought in the District of Columbia, where Western Union's Washington superintendent was amenable to process.

A bill of complaint for a temporary restraining order and for an injunction, signed by Mr. Strawn on his own behalf, and on behalf of all copartners and associates in the firm, was accordingly filed in the Supreme Court of the District of Columbia. Western Union and its Washington superintendent on whom the subpoena had been served were made parties defendant.

Because of the emergency, a temporary restraining order was entered as prayed, and the case was set for hearing on the motion for a preliminary injunction. Upon the hearing of that motion, the Chief Justice of the Court, after hearing argument, entered an order for a preliminary injunction, by which the production of the telegrams and the disclosure of their contents were enjoined until final hearing of the cause or the further order of the court; and on final hearing a decree was entered by which the injunction was made permanent. As no appeal was taken, this disposed of the case.

The basic grounds on which injunctive relief was granted were (1) that the subpoena called for privileged communications between attorney and client and (2) that enforcement of the subpoena would constitute an unreasonable search and seizure within the Fourth Amendment to the Constitution of the United States.

Silas Strawn was a man of the highest integrity in whom all who knew him, either personally or by reputation, had complete confidence. He approached the solution of all problems directly; he never favored or even considered any devious course. He was eminently fair in his judgments. As long as he lived, partners and associates alike accepted without question his decisions on all matters relating to the conduct of the firm's affairs.

He had tremendous energy and power of application to whatever task required his attention, a magnetic personality and a genius for making and holding friends. He was a kindly man and extremely generous, of both his time and his money. He gave liberally to charitable and educational organizations, and he also gave much in the aggregate to



Sampling the canapés at the reception preceding the Slade Lecture

individuals. By his financial assistance he made it possible for many a young man to obtain a college or law-school education.

One of his cardinal precepts was never to be idle, and it is one that he followed to the end of his life. He long preserved an expression of it in these words:

Time is the one thing that can never be retrieved. One may lose and regain a friend; one may lose and regain money; opportunity once spurned may come again; but the hours that are lost in idleness can never be brought back to be used in gainful pursuits.

But this did not mean that there should be no recreation; he considered recreation necessary, provided it did not interfere unreasonably with the performance of duty.

For nearly forty years his principal recreation was the game of golf. Although he took up the game in middle life, he became an excellent golfer, playing consistently in the eighties and occasionally getting below that range. In learning and playing that game, he exhibited the same ability to

grasp the essentials and the same quality of precision and accuracy that were characteristic of him as a lawyer and executive. And he was as determined as when in his office to waste no time in his week-end play. He was also interested in and had knowledge of other games and sports and, in fact, of practically the entire range of human activities.

He was the ideal head of a law firm. While routine matters of administration were delegated to the office manager, whom he supervised, he personally employed the young lawyers, instructed them in their duties, and aided them in performing the work assigned to them. He also kept in constant touch with the matters that were being handled by the junior partners and the older associates in the firm. In fact, he was aware of everything of importance that was being done by anyone in the office at any particular time.

He believed in promptness and was always solicitous that every case or matter intrusted to the firm be handled

with the utmost possible expedition and at the same time with accuracy and efficiency.

He often said, particularly to the newly employed associates, something to this effect: "This office opens at nine o'clock in the morning and closes at five o'clock in the afternoon. But those are only the official office hours. Your actual office hours will end only when your work is completed." This was as it should be. He himself was a tireless worker, as his successful performance of every duty undertaken by him clearly attests. He asked no one to do more than he was doing himself.

He was a master of direct, concise English and sought by instruction and example to teach the junior partners and associates to meet that standard in all their written work.

Although he properly set exacting standards, he was generous in his commendation of a creditable performance, and he was regarded with affection as well as esteem by every lawyer and every employee in the firm.

By his character, his professional practice, and his services to his community and to his country, Silas Strawn

exemplified in a high degree his idea of what a lawyer should be.

The tribute of Lowell Thomas in a radio broadcast following Mr. Strawn's death on February 4, 1946, was most fitting. In that he said, in part:

When a man in the public eye, or holding high public office, passes from the scene, his going makes top headlines, while the passing of a far greater man may go almost unnoted. I am thinking of Silas Strawn, of Chicago—and of the world.

Although Silas Strawn was once head of the United States Chamber of Commerce, head of the American Bar Association, top figure in Montgomery Ward, trustee of the Carnegie Endowment for International Peace, trustee of various universities and of the great Field Museum, and a special representative of our government in various foreign countries—oh, yes, and even president of the American Golf Association—I think of him as the ideal lawyer.

To me he was one of the great men of our time. A farmer boy who fought his way to the top and became a world figure—devoting his life to unraveling difficult problems, local, national, and international. He was my favorite American.