



Guy K. Bard

Born: October 24, 1895, in Lincoln, Pennsylvania
Died: November 23, 1953, in Lancaster, Pennsylvania

Federal Judicial Service:

Judge, U.S. District Court for the Eastern District of Pennsylvania

Received a recess appointment from Franklin D. Roosevelt on December 20, 1939, to a seat vacated by Oliver B. Dickinson; nominated to the same position by Franklin D. Roosevelt on April 4, 1940.

Confirmed by the Senate on April 24, 1940, and received commission on April 29, 1940.

Service terminated on July 16, 1952, due to resignation.

Education:

Franklin and Marshall College, A.B., 1916

University of Pennsylvania Law School (now Carey Law School), LL.B., 1922

Professional Career:

Teacher, Lancaster County, Pennsylvania: 1911-1912

Principal, Warwick Township High School, Lititz, Pennsylvania: 1913-1915

Supervising Principal, Ephrata, Pennsylvania Schools: 1916-1918

U.S. Army: 1918-1919

Democratic Committee of Lancaster County, Pennsylvania; Secretary: 1920-1924; Chairman: 1925-1934

Private Practice, Lancaster, Pennsylvania: 1922-1939

Special Assistant to the Attorney General of United States: 1934-1937

U.S. Attorney for the Eastern District of Pennsylvania: 1937

Member, Pennsylvania Public Utility Commission: 1937-1938

Attorney General, Commonwealth of Pennsylvania: 1938-1939

Private Practice, Pennsylvania: 1952-1953

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Judicial Biography

*Following the death in 1939 of Judge Dickinson, a Woodrow Wilson appointee, President Franklin D. Roosevelt replaced him with Guy Kurtz Bard of Lancaster County, on the recommendation of Senator Joseph F. Guffey. Bard held an undergraduate degree from Franklin & Marshall College and was a teacher and principal before earning his law degree at the University of Pennsylvania. Like Judges Maris and Kalodner, he was a veteran of World War I and was quite active in Democratic politics. He was the unsuccessful Democratic candidate for Lieutenant Governor in 1930, but two years later was a delegate to the Democratic Convention in Chicago which nominated Franklin Roosevelt. As a member of the Convention's Platform Committee, he drafted the party plank urging the repeal of Prohibition. Upon Roosevelt's election, he became an Assistant United States Attorney and later the United States Attorney for the Eastern District of Pennsylvania. He resigned to become a member of the state Public Utility Commission and thereafter was appointed by Governor Earle as the Commonwealth's Attorney General.

Bard received a recess appointment to the federal bench in 1939 and was confirmed in 1940. In 1952, he opted to run for political office, as had Judge Welsh back in 1934. He won the contested Democratic nomination for the United States Senate but did not resign from the bench until July 16, 1952, several months after the primary. Running for office while remaining a federal judge would not be countenanced today under the current Code of Conduct for United States Judges. Bard was defeated in the November general election by the incumbent Senator Edward Martin and died a year later.

The 1930's and 1940's were the era of the radio, which provided information and entertainment for countless listeners. It is not surprising that the use of this medium became the subject of lawsuits. In a case in front of Judge Bard, the National Association of Performing Artists sued the William Penn Broadcasting Co. and its program advertisers for broadcasting phonograph records of Fred Waring and others without the consent of the performers. While Judge Bard agreed that the station may be restrained if a notice of restriction was placed on the record, he concluded that the advertisers were improper defendants since they had no role in determining what records were to be played.

Judge Bard presided over the case of *Stork Restaurant, Inc. v. Marcus*, in which owners of the Stork Club, the famed New York night club patronized by a variety of celebrities, sued the defendant who ran a "Stork Club" in Philadelphia. Plaintiff claimed trademark infringement and unfair competition. After a trial, Judge Bard entered an injunction restraining the operator of the Philadelphia establishment from using that or any similar name. Those in the city who enjoyed frequenting this restaurant because of its fancy appellation now had to find another place to dine.

* The following material is excerpted from JUDGE HARVEY BARTLE, III, *MORTALS WITH TREMENDOUS RESPONSIBILITIES, A HISTORY OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA*, 3-12 (Saint Joseph's University Press, 2011). Reproduced with the permission of the author, Judge Harvey Bartle, III, and the publisher, Saint Joseph's University Press.

The Campbell Soup Company, a leading producer of canned soups located in Camden, New Jersey, sued two farmers who grew various crops, including carrots, on their farm in Upper Dublin Township, Montgomery County. Campbell alleged that the farmers had agreed to sell it all “the Chantenay red cored type” carrots that grew on fifteen acres of their land. Instead, according to Campbell, defendants had sold sixty-two tons of these carrots to a third defendant and held the remainder of their crop in storage. Campbell sought a preliminary injunction from Judge Bard to enjoin defendants from delivering such carrots to anyone but it and to order defendants to turn over all such carrots in their possession. The record established that this variety of carrot was an ingredient in fifteen of the twenty-one soups then manufactured by Campbell and had a special blunt shape making it easier to process than other varieties. After hearing much about carrots and the production of soups, Judge Bard, who was from rural Lancaster County, conditionally denied the preliminary injunction. The Court of Appeals affirmed. It recited the harsh contractual terms Campbell had imposed on the farmers and concluded “that a party who has offered and succeeded in getting an agreement as tough as this one is, should not come to a chancellor and ask court help in the enforcement of its terms.”

Following his resignation from the court, and his subsequent unsuccessful campaign for the U.S. Senate, he returned to the private practice of law from 1952 to 1953. He died at the age of 58 on November 23, 1953 in Lancaster, Pennsylvania.