



J. Cullen Ganey

Born: April 22, 1899, in Phillipsburg, New Jersey
Died: February 7, 1972, in Philadelphia, Pennsylvania

Federal Judicial Service:

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

Nominated by Franklin D. Roosevelt on June 11, 1940, to a new seat authorized by 54 Stat. 219.
Confirmed by the Senate on June 13, 1940, and received commission on June 19, 1940. Served
as chief judge, 1958-1961.

Service terminated on August 30, 1961, due to appointment to another judicial position.

Judge, U.S. Court of Appeals for the Third Circuit

Nominated by John F. Kennedy on August 3, 1961, to a new seat authorized by 75 Stat. 80.
Confirmed by the Senate on August 15, 1961, and received commission on August 15, 1961.
Assumed senior status on August 15, 1966.

Service terminated on February 7, 1972, due to death.

Education:

Lehigh University, LL.B., 1920

Harvard Law School, LL.B., 1923

Professional Career:

Private Practice, Bethlehem, Pennsylvania: 1923-1937

U.S. Attorney for the Eastern District of Pennsylvania: 1937-1940

Member, Judicial Conference of the United States: 1959-1961

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Judicial Biography

*President Franklin D. Roosevelt's final appointee to the Eastern District was James Cullen Ganey in 1940. He was born in 1899 in Phillipsburg, New Jersey and grew up in Bethlehem, Northampton County, Pennsylvania. After obtaining his undergraduate degree from Lehigh University and his law degree from Harvard, he practiced law in Bethlehem. During this time, he served for six years as the Democratic Party Chairman of Northampton County. A political ally of Senator Joseph F. Guffey, he was named as the United States Attorney for the Eastern District in 1937 to succeed Guy Bard. In his demeanor, he was jovial and featured a broad smile. He was a delightful raconteur. Much of his time off the bench was spent in helping youth as Chairman of the Board of the Sandlot Sports Association. His trademark was a large gold watch chain which he wore across his chest in his vest. Ganey's approach to life was "do the best you can and don't give yourself ulcers over it." He enjoyed the racetrack and from time to time joined Judge Kalodner at that venue. With Roosevelt's appointments of Judge Kalodner, who was Jewish, and Judge Ganey, who was a Roman Catholic, the District Court at last became religiously and ethnically diverse.

A court, in times of war, sometimes encounters the clash between Presidential or military authority and the claimed constitutional rights of a citizen, often one who is unpopular. Judge Ganey faced such a challenge during World War II when a naturalized United States citizen, Karl Scherzberg, was excluded by a military order from the Eastern Seaboard, including certain counties of the Eastern District of Pennsylvania, even though he had not committed any act subjecting him to prosecution. The case illustrates contrasting attitudes in America at that time between Japanese-Americans as a group and German-Americans as a group.

Scherzberg sought an injunction to prevent his exclusion. The evidence at the hearing showed that he had been born in Germany, maintained close ties to that country, had traveled there several times as late as 1939, had sent his sons there for education, had purchased a home in Bavaria in the 1930's, cheered the British defeat at Dunkirk, was a known Nazi sympathizer, and had sent contributions to German prisoners of war. While recognizing the cogency of the Government's argument, Judge Ganey granted the injunction requested by Scherzberg on the ground that the exclusion order had no rational basis. By this time, the orders removing those of Japanese ancestry from certain areas of the West coast were in effect. In Judge Ganey's view, the treatment of those American citizens resulted from "all the attendant circumstances which were then existent [sic] on the Pacific Coast by reason of the racial problem there involved." In contrast, with respect to Scherzberg, a person of German ancestry, only an "individual exclusion program" was at issue and "every normal phase of civilian life was being engaged in" on the Eastern Seaboard. According to Ganey, the Government had simply not shown "some immediacy of danger to the welfare of the country" so as to allow the military to exclude Scherzberg.

* 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.

In one case, a complaint was filed for unfair competition by one Philadelphia area bubble gum manufacturer against another. The plaintiff, which produced “Blony” bubble gum, sued a competitor that made gum with the name “Bubly,” an allegedly inferior product similar in shape and wrapping to the former. According to the complaint, “At least 6,000,000 children in the United States buy and chew Blony, and for the last few years over 100,000,000 pieces have been sold annually.” Plaintiff contended that school-age-children were now being unfairly confused when purchasing their bubble gum.

The case was tried non-jury before Judge Ganey who found for the defendant on the ground that no likelihood existed that the public would confuse the defendant’s product with the plaintiff’s product. He ruled that the color scheme of the wrapping, the ends of the wrapping, and the printing were sufficiently different so as to deny plaintiff any relief. The Court of Appeals affirmed but on a different ground. It held that even if the products were indistinguishable in appearance, plaintiff had not proven that its Blony bubble gum was associated in the public mind with it as the manufacturer or that defendant had claimed its imitating product as being made by plaintiff. As far as is known, millions of happy children, oblivious of the lawsuit, continued to chew their bubble gum as in the past.

In the midst of the Cold War and the tirades of Senator Joseph R. McCarthy, a highly publicized trial of nine admitted Communists took place in this Court in *United States of Kuzman*. The nine were indicted for conspiracy to advocate the overthrow of the Government of the United States by force and violence in violation of the Smith Act. Recognizing the unpopularity of the defendants, the Philadelphia Bar Association, under the leadership of its Chancellor Bernard G. Segal, passed a resolution that it would support any lawyer who agreed to represent them and would strive to educate the public on the “rights and duties of a lawyer in representing any client regardless of the unpopularity of the client or the cause.” No lawyer appeared to be persuaded by the resolution by the time defendants pleaded not guilty without the presence of counsel in September 1953.

Thereafter, Thomas McBride, an eminent Philadelphia lawyer and later a justice of the Pennsylvania Supreme Court, stepped forward. With the encouragement of Bernard Segal, other lawyers were recruited to represent the defendants, including Joseph S. Lord III, who subsequently was appointed as a District Judge. Lawyers were found who acted courageously and in the best tradition of the bar.

Jury selection before Judge Ganey began on March 22, 1954. The trial lasted for seventy-one days, making it the longest criminal jury trial in the Eastern District of Pennsylvania up to that time. Although the defendants conceded they were Communists, they denied that they had committed any acts which constituted a violation of the Smith Act. Carloads of books, pamphlets, and other publications were brought into the courtroom and read to the jury. There were witnesses who testified about the doctrines espoused by Marx, Engels, Lenin, and Stalin. At the end of the trial, the jury returned a verdict of guilty against all nine defendants. On appeal, the Court of Appeals, speaking through Judge Hastie, explained:

. . . a Smith Act conspiracy is proved only if the government can show a conspiracy to teach people to take concrete action toward the violent overthrow of the existing government as soon as possible. . . . Moreover, the [Supreme] Court indicates that an individual defendant cannot be convicted of willful and knowing adherence to such a Smith Act conspiracy unless something said by him or communicated to him shows his understanding that, beyond endorsing the idea and objective of violent overthrow of the existing government, particular action to that end is projected and is to be advocated.

The Government conceded on appeal that it had not proven a crime as to two of the nine defendants under this standard, and the Court of Appeals ordered a judgment of acquittal to be entered as to them. It also ordered judgments of acquittal as to two others because of lack of evidence. With respect to the remaining five defendants, the Court denied their motion for judgment of acquittal but granted each of them a new trial. In doing so, it admonished the Government that its evidence must meet the appropriate legal requirements. When the case returned to the District Court, the Government decided not to proceed with any further prosecution. The story of this long, highly charged criminal proceeding ended in 1957 without any convictions. No further prosecutions of this kind took place in the Eastern District.

In 1958 Chief Judge Kirkpatrick stepped down as the first Chief Judge of the Eastern District of Pennsylvania when Congress passed a statute prohibiting anyone from holding that position upon attaining the age of seventy. Kirkpatrick at that time was seventy-three and had served as the Chief Judge for ten years. J. Cullen Ganey followed him as the Court's second Chief Judge.

Probably the most significant antitrust matter in the 1950's anywhere in the country, was what came to be known as the "Electrical Equipment Antitrust Cases," in the Eastern District of Pennsylvania. They surely constituted the most complex litigation the District had encountered in its history.

In 1959, Tennessee Senator Estes Kefauver, after a series of Senate Committee hearings, requested the Justice Department to look into the pricing of heavy electrical equipment purchased by the Tennessee Valley Authority. Out of this request arose a prolonged and intensive investigation by federal grand juries in Philadelphia. When word leaked out that a significant grand jury witness had disclosed critical information about the conspiracy, the dam of resistance broke and others came forward. The conspiracy, it turned out, operated at the pinnacle of corporate power. By October 1960, indictments had been handed down in this Court against twenty-nine manufacturers of heavy electrical equipment, including General Electric and Westinghouse, and forty-five of their executives. The indictments charged the defendants with a massive conspiracy to fix prices and allocate markets in twenty separate product lines in violation of the Sherman Act.

All except one executive whose case was dismissed promptly pleaded guilty or nolo contendere, and in February 1961, Chief Judge Ganey imposed sentence. He ordered heavy fines to be paid by all the corporations and forty-four executives. What was even more shocking and unprecedented, he sentenced seven executives to thirty days in jail, and twenty-one others to

suspended prison sentences with five years' probation at a time when the law deemed the crime to be only a misdemeanor with a maximum jail term of a year. It was reported that when the executives were serving their prison sentences at the Montgomery County Prison Farm, the President of the International Brotherhood of Electrical Workers sent each of them the game of Monopoly as a gift.

Judge Ganey was elevated to the Third Circuit Court of Appeals in August of 1961. He assumed senior status there on August 15, 1966. His service on the Court of Appeals was terminated on February 7, 1972, when he died in Philadelphia.

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Biographical Materials

1. Memorial remarks concerning Judge J. Cullen Ganey by Lewis R. Long, Esq., at a session of the Court of Common Pleas of Northampton County held on October 23, 1972.
2. Memorial remarks concerning Judge J. Cullen Ganey by Michael C. Schrader, Esq., at a session of the Court of Common Pleas of Northampton County held on October 23, 1972.
3. Transcript of Memorial Service for Honorable J. Cullen Ganey on June 21, 1972 held by the Judges of the United States Court of Appeals for the Third Circuit.

Memorial Service

for

HONORABLE J. CULLEN GANEY

Judge, United States Court of Appeals, Third Circuit

June 21, 1972

2:30 p. m.

List of Circuit Judges present at the memorial proceedings for the late Judge J. Cullen Ganey on June 21, 1972 as follows:

HON. COLLINS J. SEITZ, Chief Judge of the Third Circuit;

HON. JOHN BIGGS, JR.,

HON. ALBERT B. MARIS,

HON. HARRY E. KALODNER,

HON. WILLIAM H. HASTIE,

HON. FRANCIS L. VAN DUSEN,

HON. RUGGERO J. ALDISERT,

HON. ARLIN M. ADAMS,

HON. JOHN J. GIBBONS,

HON. MAX ROSENN,

HON. JAMES ROSEN,

HON. JAMES HUNTER, III,

United States Circuit Judges.

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HONORABLE J. CULLEN GANEY

In Memoriam

CHIEF JUDGE SEITZ: The court is now convened in memorial session for the late Judge J. Cullen Ganey. The court recognizes first the Honorable Clinton Budd Palmer, President Judge of the Court of Common Pleas of Northampton County, member of the Judicial Conference of Pennsylvania and an old friend of Judge Ganey's.

JUDGE PALMER: May it please the court: Judge J. Cullen Ganey, in respect for whose memory the court is holding this memorial service today, was essentially a product of the City of Bethlehem in Northampton County.

While born in Phillipsburg, New Jersey, on April 22, 1899, he moved as a child to Bethlehem where he lived in the family homestead on Polk Street in what was then the Borough of South Bethlehem. His father, Thomas Ganey, was Clerk of the Borough and later of the consolidated city; his mother and aunt were both school teachers.

The judge was the third of four sons. All four graduated from Lehigh University, one from the School of Dentistry of the University of Pennsylvania, and the Judge from Harvard Law School.

Originally this could not have been done on the small salary Judge Ganey's father received as City Clerk. All the members of the family, aunts, mother, father and boys pitched in and helped each other and, typically, remained close and devoted as long as they lived.

The Judge was active in the alumni affairs of Lehigh University from which he received an honorary degree of Doctor of Laws in 1960. In that year he was also awarded the Lehigh University Alumni Association's annual award "presented each year to men who, by personal achievement and service to the University, brought lasting credit to themselves and their Alma Mater."

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From his admission to the Northampton County Bar on September 10, 1923, until his appointment as Assistant United States Attorney for the Eastern District of Pennsylvania in 1934, he was an active, and one of the ablest, trial lawyers in Northampton County. He was appointed Assistant District Attorney in 1923, and in 1927 was appointed Solicitor to the Northampton County Controller. In 1932 he was appointed by Governor Pinchot as counsel to investigate the Public Utilities' Commission of the Commonwealth, a position in which he received statewide attention. His practice was wide and varied; his clients included the Bethlehem Steel Company, Pennsylvania Power & Light Company, and other large industries in the area.

Typical of young lawyers—particularly those as outgoing, friendly, and able as the Judge—he actively participated in the political arena. He was Democratic City Chairman of the City of Bethlehem and in the early 30's, Democratic County Chairman of Northampton County. As County Chairman he conducted the campaign in 1931 which led to the election of Francis E. Walter to the U. S. Congress. The intimate and close friendship between Mr. Walter and the Judge survived until the untimely death of the Congressman several years before that of Judge Ganey. While County Chairman, he helped a promising Northampton County lawyer, William G. Barthold, to obtain a seat on the Bench of that county, a seat which he graced for thirty years.

The Judge retained his political interests and beliefs. In that connection, an editorial in the Bethlehem Globe Times of February 12, 1972, stated that "The life of Judge Ganey is a South Side success story. It is also a story of distinguished judicial service. But most of all, it is affirmation that politics is not something to be shunned. Judge Ganey found a fulfilling life and helped define directions for his country because he did not fear getting involved."

Before moving to Philadelphia in 1945, to be closer to his official duties on the Bench, the Judge was a Trustee of St. Luke's Hospital in the City of Bethlehem, a member of the Board of Di-

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rectors of the Y.M.C.A., and a member of the Board of Governors of the Saucon Valley Country Club.

It was apparent that even after he moved to Philadelphia, his heart remained in Northampton County. He attended occasional meetings of our Bar Association, which held a testimonial dinner in his honor in 1966. He spoke in Memorial Services, such as this, for departed members of the Northampton County Bench and Bar and frequently attended political banquets and other county affairs.

He was particularly warm and helpful to attorneys from his home county who appeared before him in court. They would frequently return from Philadelphia and would tell me how considerate he had been of them and how he always inquired of his friends of the Bench and Bar in his home county.

It would perhaps be inappropriate in a proceeding such as this to express my personal feelings of loss at his passing except to say that I have always considered him a model of what a judge should be and that I adored him as a man.

The Bench and Bar of Northampton County join in expressing our loss in the passing of the Honorable J. Cullen Ganey and join in the motion that when this Court adjourns this day, it do so in honor of and out of respect for our departed brother.

CHIEF JUDGE SEITZ: Thank you very much Judge Palmer.

The Court now recognizes Francis W. Sullivan, a member of the firm of Morgan, Lewis and Bockius and an old and good friend of Judge Ganey.

MR. SULLIVAN: If the Court please: When I speak of Judge Ganey, I speak of a friend of 40 years. I had the pleasure of serving as Assistant United States Attorney while Judge Ganey was the United States Attorney. There I came to know him as a man, a teacher, a confidant, and above all, a friend. He was always courteous and considerate. He had a charm and friendliness about him that made men pay to him their highest respect, and want to do that which he desired of them. He was kind and understanding. He enjoyed people and, through life, when he

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met new friends, new places, he never lost track of or forgot his old friends.

He returned regularly to the reunions of his high school class at Bethlehem and to the reunions of the colleges from which he graduated at Lehigh and Harvard University.

Judge Ganey was a distinguished Judge who had courage and integrity which was respected by all. And he was respected by many throughout the world, and there was conferred upon him the degree of Doctor of Laws by St. Joseph's College in Philadelphia and by his Alma Mater at Lehigh.

Judge Ganey was a devoted family man and he had a wonderful family life: a lovely wife, a charming daughter and two grandsons of whom he was justly proud.

He had an inquiring mind and was interested in world events. He read widely and traveled far. He was well informed and alert to all that went on from international conflicts to local sporting events. He was a kindly man and always had a kind word for those with whom he came in contact, and they all felt better for having seen him.

He had the lofty ideals of a true lawyer and he lived up to them in his daily life. It was my good fortune to have known Judge Ganey, a great and good man, who rose from humble circumstances to high office, and who left this world a better place for his having been a part of it.

CHIEF JUDGE SEITZ: Thank you, sir.

The Court now recognizes David Maxwell, senior partner of the firm of Obermayer, Rebmann, Maxwell & Hippel, a former President of the American Bar Association and still another old friend of Judge Ganey's.

MR. MAXWELL: May it please the Court: Mr. Trescher has asked me to express to the Court his great regret that the unfortunate death of one of his partners prevented him from being present on this occasion, and asked me to extend to Mrs. Ganey and to Mrs. Kelly his deepest sympathy.

HONORABLE J. CULLEN GANEY

It is a special privilege for me to join this Court today in paying honor to the memory of Judge J. Cullen Ganey, and I do so not only as a representative of the American Bar Association, but as a personal friend.

It is a strange coincidence that I appear here today as a representative of the American Bar Association because my first appearance before Judge Ganey, when he was sitting in the District Court, was during my term of office as President of the American Bar Association. My opponent had refused to grant me a continuance in a civil action which had been listed before Judge Ganey on a day when I was committed to deliver an address in the Midwest. Accordingly, I was obliged to apply for the continuance in open court. To his everlasting credit, Judge Ganey not only granted the continuance over the objections of my illustrious adversary, who was then a leader of the Philadelphia Bar, but in doing so, in his own inimitable way, he expressed surprise that such a courtesy should not have been extended to me voluntarily. This rather unimportant incident, I think, reveals the human qualities which so endeared Judge Ganey to the Bar of the Delaware Valley and certainly earned my personal respect and gratitude.

Fortunately, thereafter, my wife and I were privileged to spend many happy hours with Judge Ganey and his lovely wife Evelyn, out of which grew a friendship which we both cherished these many years.

It is, therefore, with deep feeling that I extend to Evelyn and their family the sympathy of the lawyers of the American Bar Association.

Now, those of us who knew Judge Ganey best know that he was a modest man and as such would not have welcomed a flowery eulogy on this occasion. Yet this moment must not be permitted to pass without some mention of the outstanding contribution Judge Ganey made to the notable record of this distinguished Court.

It should first be observed that Judge Ganey had a fine sense of public service. When he was nominated for the Bench, he was

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enjoying a very lucrative practice in Bethlehem, as Judge Palmer has pointed out, where among many clients he represented the Bethlehem Steel Company. Yet with considerable personal and financial sacrifice, he chose to accept the call to public duty when the post of District Court Judge paid only \$15,000 per year. This giant step charted the course for his life from that time on, always with service to the public as his highest goal, and that characteristic typified his life as a jurist. His courage, his fidelity to duty, his scholarly approach to the solution of knotty problems and above all, his consideration for the litigants and their lawyers, were the hallmarks of his career.

I have mentioned courage as one of our friend's greatest qualities. May I, with the permission of the court, illustrate? You all recall the difficult and extended anti-trust litigation involving the giants of the electrical industry when, after protracted pre-trial proceedings, the corporate and individual defendants pleaded guilty, Judge Ganey had the fortitude to do what no other Judge in the country had done up until that time,—mete out jail sentences to the guilty top executives of the companies involved, thereby earning the admiration and respect of the public throughout the nation. To him, it was simply a question of keeping the faith of the people whom he served and thus being true to himself.

Certainly he had heeded the words of the bard "To thine ownself be true, and it must follow as night the day thou canst not then be false to any man."

His decision in that case caused shock waves which have undoubtedly had a salutary influence in deterring violations of anti-trust laws.

But that had not been the first time that Judge Ganey presided over a tough case. It was he who conducted the trial of the eleven Communists, shortly after World War II, in which Wilson White, the United States Attorney, was prosecutor, and the defense was led by the late Tom McBride, assisted by the now Chief Judge, Joseph Lord. It was a real test of a Judge's competence, demanding consummate skill and infinite patience—a test which Judge Ganey faced early in his career and he more than

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measured up. His reputation for fairness, fearlessness and competence had, as a result, already become secure.

Passing from the superb manner in which he handled his judicial duties, I should like to touch for a moment on his administrative abilities. As Chief Judge he supervised the disposition of the District Court lists with efficiency and dispatch, never pressing lawyers unfairly, but always striving for the elimination of the onerous backlog of cases.

He lost no opportunity to crusade for improvement in the judicial system and is entitled to much credit for reforms that resulted in speedier disposition of cases. But his consuming passion was to insure the appointment of men of the highest qualifications to his court in an effort to maintain the high tradition of that Bench. So it was wherever possible he kept in close touch with the Pennsylvania Senators, giving them the benefit of his appraisal of the merits of the candidates under consideration. Where confirmation of qualified appointees proved difficult, he never failed to use his good offices to overcome political objections. In this respect he was most cooperative with the Judiciary Committee of the American Bar Association in helping them to determine the fitness of judicial candidates.

So by his devotion to duty and his performance as a District Court Judge, Judge Ganey richly deserved the mantle of the Circuit Court and the transition proved an easy one for him. Daniel Webster had this to say in his eulogy to Justice Storey. "Justice is the great interest of man on earth. It is the ligament which holds civilized beings and civilized nations together. Wherever her temple stands, and so long as it is duly honored, there is a foundation for social security, general happiness and the improvement and progress of our race. And whoever labors on this edifice with usefulness and distinction, whoever clears its foundations, strengthens its pillars, adorns its entablatures, or contributes to its august dome still higher in the skies, connects himself in name, in fame, and character with that which is and must be as durable as a frame of human society." Judge

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Ganey did those things and in the doing, added great strength to the structure of justice.

The American Bar Association is profoundly grateful for the privilege of joining with other spokesmen today in recording in the proceedings of this great Court—the Court which Judge Ganey loved and served so well,—our abiding affection, respect, admiration and gratitude for Judge J. Cullen Ganey. He was a good and faithful servant to all people, and a wise and able Judge. He was a faithful friend. He had an acute understanding of, and sympathy for, his fellow man, and he had a personal warmth that gave him a special insight into human affairs. He was resolute and completely dedicated to the cause of human dignity and equal justice under law. He lived a purposeful life in the highest tradition of the legal profession. His loss is mitigated by the assurance that his memory will be an enduring inspiration to us all.

As Samuel Johnson put it:

"His virtues walk'd their narrow round,
Nor made a pause, nor left a void,
And sure the Eternal Master found
The signal talent well employed."

Thank you.

CHIEF JUDGE SEITZ: Thank you, Mr. Maxwell.

The Court now recognizes our distinguished brother, Francis Van Dusen, who served with Judge Ganey both in the District Court and this court.

Judge Van Dusen.

JUDGE VAN DUSEN: I have had the privilege of serving with Judge Ganey both on the District Court for the Eastern District of Pennsylvania from 1955 to 1961, and also on the Court of Appeals from June, 1967, until his death last February. He was always ready to assist his colleagues, including recently appointed judges, from his wealth of experience, which exceeded 15 years in 1955; and to reassure their feelings of insecurity with

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his cheerful sense of humor, his infectious smile, and his warm personality. Under Judge Ganey's leadership, many new and useful procedures were adopted by the District Court, including pre-trial procedures and the impartial medical testimony plan. For over three years he served as Chief Judge of the District Court. I remember him, as Chief Judge, emphasizing to his colleagues studying the record and applicable cases in order to reach the result required by the law; the many hours over weekends he spent in the Court House on cases such as the Sun Oil antitrust case and the Disston Company sale, which required emergency action on a stockholders' suit to permit closing prior to a December 31 of a year.

His judicial courage was exemplified by the jail sentences which he regretfully found it was necessary to impose in the electrical equipment cases, as explained by Mr. Maxwell. This was a course not popular with either the business community or with many lawyers having close contacts with that community.

His devotion to achieving the just result required by the record and his pleasant good humor with his colleagues were also exemplified in his work on the Court of Appeals. For example, he was of great assistance to Judge Smith in reviewing the mammoth transcript in the Viking Theatre antitrust case in which the judgment of this court was affirmed by the Supreme Court of the United States.

Judge Ganey enjoyed most being with his charming wife Evelyn, and his lovely daughter Jean, Mrs. Kelly, who, we are delighted, are both here today. He was also interested in all that went on in the world around him, from governmental affairs and politics to baseball. He thoroughly enjoyed exchanging thoughts and views. With his friendly, outgoing manner, he made time for a word with the elevator operator, and every person whom he met, and all respected and admired him. Evidence of the high esteem in which Judge Ganey was held in his home community appears from the following excerpts from an

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editorial appearing in the Bethlehem Globe-Time of February 12, 1972, entitled "The Ganey Success Story":

"Judge J. Cullen Ganey left Bethlehem more than 30 years ago to take the seat on the U. S. District Court in Philadelphia. But he never really broke his ties and it is unlikely that his city will soon forget the climb to success of this distinguished son who died this week and was returned to Bethlehem for burial.

"Young Ganey graduated from Lehigh University, as did three brothers who won distinction in their own fields. He graduated from Harvard Law and married Evelyn Gorman * * * With personal bridges spanning both counties, Ganey embarked on a career that combined brains and politics.

"He was appointed to such positions as assistant district attorney in Northampton County, Solicitor to County offices, Assistant U. S. Attorney and then U. S. Attorney. Along the way he was active in civic affairs and served as city and Northampton County Democratic Party chairman, a post from which he helped a promising lawyer, the late Judge William Barthold, to a distinguished career on the county bench * * *

"Judge Ganey served (as an active judge) on the U. S. Courts for 26 years, the last six on the U. S. Court of Appeals. He achieved national prominence in 1961 in the trial of some of the country's best known manufacturers of electrical equipment. They were found guilty of price fixing and he levied fines of \$2 million on 29 companies and 44 individuals."

Both this court and the United States District Court for the Eastern District of Pennsylvania join in expressing their affectionate admiration, respect, and appreciation for the helpful judicial work of Judge Ganey in this Circuit, as well as their deep sense of loss of a delightful, considerate and warm friend and thorough gentleman.

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I believe that one of the greatest qualities of Judge Ganey, which all of us remember so well, was his ability no matter how hard he was working, when you went into his chambers and you were surrounded by books and papers, to turn away from his work and be the delightful person that he was.

I do want to note for the record, first, the thanks of this Court to Judge Palmer, Mr. Sullivan and Mr. Maxwell for their tributes here today, and also to note the presence of Chief Judge Lord, the Chief Judge of the District Court on which Judge Ganey served, Judge Luongo, Judge Masterson, Judge Ditter, Judge Body, Judge Bechtel, and also to note the presence of the present acting U. S. Attorney, Mr. Melone.

Both this Court and the United States District Court for the Eastern District of Pennsylvania join in expressing their affection and admiration, respect and appreciation for the helpful judicial work of Judge Ganey in this Circuit as well as their deep sense of loss of a delightful, considerate and warm friend.

Chief Judge Seitz and Chief Judge Lord, I deeply appreciate the privilege our colleagues have accorded me to present this statement on behalf of our Court in memory of our distinguished colleague and friend, Judge J. Cullen Ganey.

CHIEF JUDGE SEITZ: Thank you, Judge Van Dusen.

For many years the members of this Court and the District Court shared the warmth and camaraderie of Judge Cullen Ganey. Of this we are thankful. He brought to these courts a strongly held viewpoint developed out of a rich practical background and an abiding interest in the law. His opinions reflect an instinct for the right result. But long after his opinions are forgotten, he will be remembered for his personality and his compassion. We of the Federal judicial family join his own family in memorializing our beloved brother, Judge Cullen Ganey.

I direct that the record of these proceedings shall be spread on the minutes of the Court and appropriately published.

The Court now stands adjourned.

TUESDAY, DECEMBER 12, 1989
12:00 NOON
CEREMONIAL COURTROOM

1. Presentation of the portrait of the Honorable J. Cullen Ganey to the United States District Court for the Eastern District of Pennsylvania by Barbara Hollenbach, Esquire, member of the Northampton County Bar Association.
2. Remarks by Collins J. Seitz, Senior Judge, United States Court of Appeals for the Third Judicial Circuit.
3. Remarks by Edward W. Mullinix, Esquire, member of the Board of Directors of the Historical Society of the Eastern District of Pennsylvania.
4. Remarks by Patrick T. Ryan, Esquire, on behalf of Mrs. Evelyn Ganey, widow of Judge Ganey and the Ganey family.
5. Remarks and acceptance of the portrait on behalf of the Court by the Honorable John P. Fullam, Chief Judge, United States District Court for the Eastern District of Pennsylvania.

The portrait was painted by Don Johnson of Bath, Pennsylvania. Unfortunately, due to a prior commitment, Mr. Johnson could not be in attendance today.

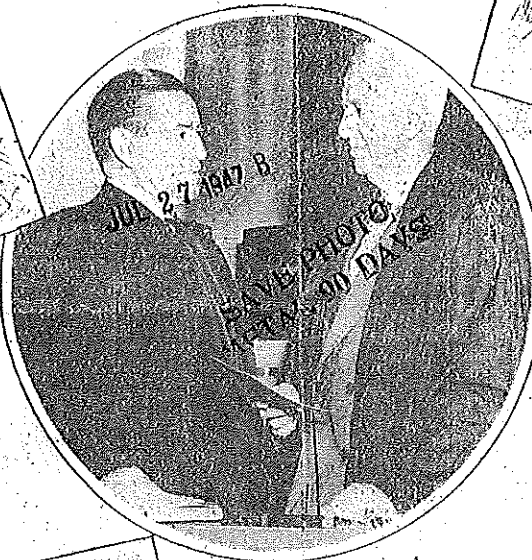
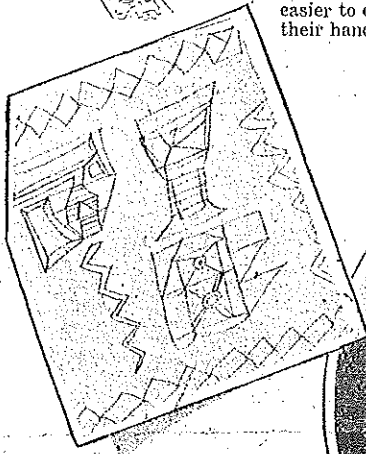
The court notes, with appreciation, the attendance of Mrs. Nancy Logan, long time judicial secretary to the Honorable J. Cullen Ganey.

Your Honor, May We Ask What's That You're Writing?



The dictionary in most cases define a "doodler" as one who is a "simple and idle fellow."

In the cases of the U. S. District Court Judges this can hardly be the case. They are far from idle fellows. The "men of the bench," are always busy when an attorney waxed eloquent with their hands, appearing to be making notes of the remarks being said. The marks are far from that, since they all are different writings, designs and markings. Each of the judges, however, agree that it is easier to concentrate on the happenings in the court when their hands are busy with a pencil.



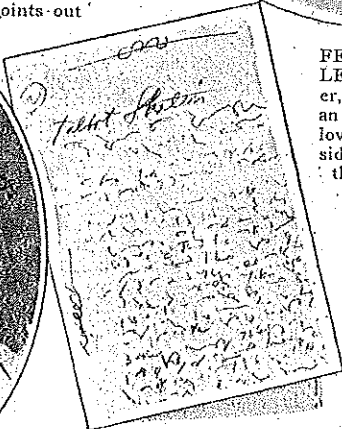
DISTRICT JUDGE JAMES P. McGRANERY, the junior member of the local bench and a family man spending whatever time he has free with his children, has a weakness for blocks and straight lines. "I start with a square and usually wind up with something that appears ready for a modernistic collection," the Judge points out.

U. S. District Judge William H. Kirkpatrick, senior member of the local federal bench is shown here with paper in hand, talking to Judge McGranery. He could hardly be called a "doodler" as his better than amateurish sketches are usually of the countryside near his home in Maryland or in some instances just faces. Countryside scenes predominate. (Above is one of his latest doodles)

Chestnut Street at Twelfth



FEDERAL JUDGE J. CULLEN GANEY, an ardent golfer, sometimes wonders if being an architect wasn't his first love. "I seem to use the six-sided figure more than anything," the Judge explains.



FEDERAL JUDGE GEORGE A. WELSH has used shorthand scribbles since he placed fifth in a national speedwriting competition back in 1912. He finds his notes useful many times.



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