



William Lewis

Born: January 22, 1752, in Edgmont, Pennsylvania.
Died: August 16, 1819, in Philadelphia, Pennsylvania.

Federal Judicial Service:

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

Received a recess appointment from George Washington on July 14, 1791, to a seat vacated by Francis Hopkinson; nominated to the same position by George Washington on October 31, 1791. Confirmed by the Senate on November 7, 1791, and received commission on November 7, 1791. Service terminated on January 4, 1792, due to resignation.

Education:

Read law, 1773

Professional Career:

Private practice, Philadelphia, Pennsylvania: 1773-1787, 1792-1817

State Representative, Pennsylvania: 1787-1789

U.S. Attorney for the District of Pennsylvania: 1789-1791

* * *

Judicial Biography

*With the death of Judge Hopkinson, President Washington named William Lewis, the United States Attorney, as the second District Judge. After his nomination and confirmation in

* 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.

July 1791, Supreme Court Justice James Wilson administered him the oath of office. As a Quaker, Lewis “solemnly affirmed.”

Lewis was born in Edgmont, Chester (now Delaware) County, Pennsylvania, on February 13, 1751, into a Welsh Quaker family, with roots in the area dating back to the time of William Penn. He studied at a local Friends School in Chester County and with the encouragement of his parents, became proficient in French, Latin, and German. Around his seventeenth birthday, he commenced study in a Friends School in Philadelphia and was entrusted to the care of his cousin, the successful Philadelphia merchant Mordecai Lewis, who further contributed to his knowledge in the fields of finance and business.

Lewis, who did not attend college, thereafter decided to make the law his profession. Though his mother did not approve, perhaps showing a Quaker aversion to that vocation, his father aided Lewis’ ambitions. In 1770, when he was just nineteen, Lewis began studying law with Nicholas Waln. Over the next six years, he became a leader of the Philadelphia Bar and kept many of Waln’s clients when his mentor decided to retire from the profession.

In contrast to Hopkinson, who was physically diminutive with, in John Adams’ picturesque description, a head “not bigger than a large apple,” Lewis stood over six feet tall though he eventually developed something of a stoop and was very thin. He had a rather prominent nose and a deep baritone voice with a penchant for cigars from which he was rarely separated either inside or outside the courtroom. With respect to his attire, he was his own man and wore knee britches long after they had gone out of fashion.

In October 1775, he was disowned by the Philadelphia Monthly Meeting of Friends for “marrying contrary to the good order used among us; bearing arms; and keeping unprofitable company.” By 1776, Lewis had cast his lot with those advocating independence. While his precise activities during the war remain somewhat shrouded, Lewis continued to practice law during the Revolution, outside the reach of the British. Despite the fact that he was no longer a member in good standing with the Friends, part of his practice during and after the war centered upon defending those charged with aiding the British, many of whom were Quakers.

By the time the war ended, Lewis, like Hopkinson, favored an energetic national, government. He worked for the ratification of the new United States Constitution as a delegate to the Pennsylvania Convention summoned to decide the issue. He was elected as a member of the unicameral Pennsylvania Assembly in 1787 and 1789. While in the State Assembly, he supported the successful effort to call a convention to amend the Commonwealth’s 1776 Constitution and was chosen as a delegate to that convention which wrote the more conservative Constitution of 1790. Among the significant changes which were achieved were a bicameral legislature, a strong independent judiciary, and a Governor with extensive powers of appointment in place of a Supreme Executive Council.

Lewis developed a friendship with George Washington and Alexander Hamilton with whom he shared similar political views. In 1789, President Washington appointed Lewis as the first United States Attorney for the District of Pennsylvania. His workload was minimal, and he continued to maintain his private practice as was then permitted. The one indictment he signed

charged two defendants with murder on the high seas. During this period, Hamilton, Washington's Secretary of the Treasury, consulted Lewis regularly and even requested him to review his 1791 opinion on the constitutionality of the First Bank of the United States.

Like other members of the Bar, Lewis took an active role in promoting Philadelphia. He was one of the founders of the Pennsylvania Academy of the Fine Arts, along with William Rawle and Joseph Hopkinson.

In 1790, he helped to forge the merger of the College of Philadelphia and the University of the State of Pennsylvania into what became the University of Pennsylvania after a long period of acrimony between the two educational institutions. The new entity had the benefit of his service as a trustee for the rest of his life. He was also one of the organizers of the Law Library Company of the City of Philadelphia, which was the forerunner of the Philadelphia Bar Association. Other of his activities included advocating the construction of the Schuylkill Falls Bridge and serving as a counselor for the Bank of North America.

Lewis, consistent with his Quaker heritage, was an early opponent of slavery. He was a longtime member and counselor of the Pennsylvania Abolition Society. One of his most praiseworthy accomplishments was as the principal draftsman of the Act for the Gradual Abolition of Slavery in the Commonwealth, enacted by the Pennsylvania Assembly on March 1, 1780. It was the first such law in any state. He further put his legal talents to work and thereafter successfully represented several slaves who sought their freedom under the Act. In August 1791, not long after Lewis was inducted as a District Judge, what is now known as Philadelphia's Old City Hall was completed and ready for occupancy. The handsome Georgian edifice, which still stands immediately east of Independence Hall at the southwest corner of Fifth and Chestnut Streets, became the home of the District Court. At that time, the City shared the building with the federal courts. Lewis' courtroom was on the second floor. The United States Supreme Court sat on the first floor from 1790 until 1800 while Philadelphia was the nation's capital.

The tenure of Judge Lewis turned out to be even shorter than that of Hopkinson. He resigned in January 1792, after only a few months on the bench, to return to his lucrative law practice.

After leaving the bench, he was involved as counsel in many important cases in both the state and federal courts, including the highly publicized John Fries trials. During the 1790's, he was one of a small group of lawyers, mainly from Philadelphia, who regularly argued before the United States Supreme Court. Indeed, he was one of the most distinguished and respected lawyers of his time.

For the last two years of his life, he lived with his second wife at his long-time country home on the banks of the Schuylkill, known to us today as Strawberry Mansion. He died on August 16, 1819, at the age of sixty-eight and is buried in the yard of St. Peter's Church in Philadelphia.

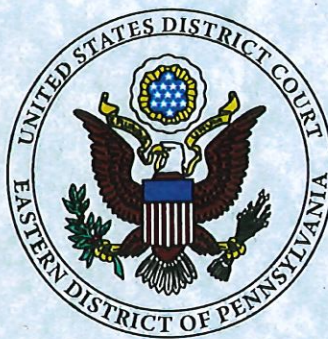
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Biographical Materials

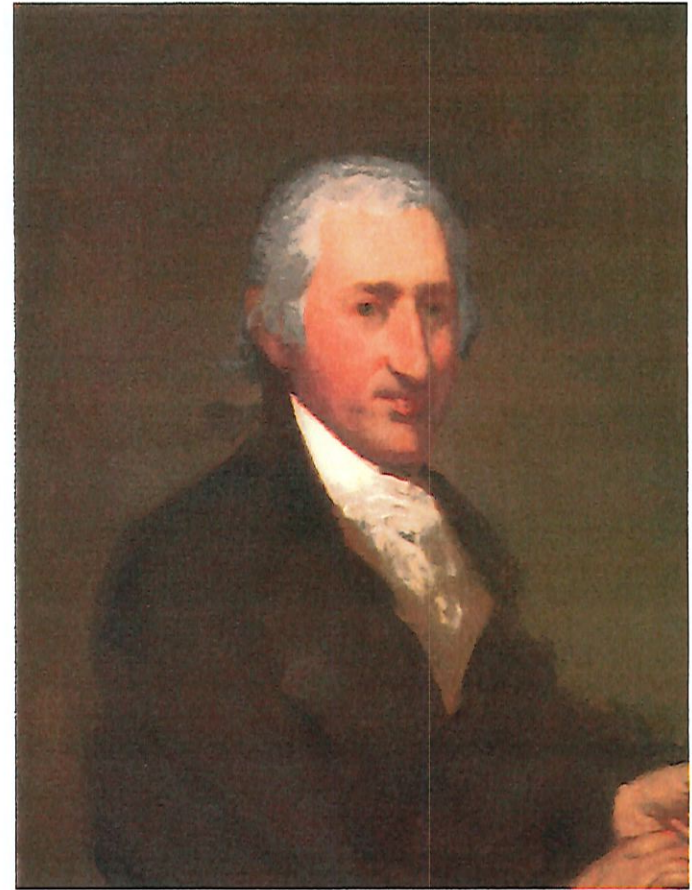
1. Program Booklet: Portrait Presentation and Symposium on the Life of the Honorable William Lewis, First United States Attorney and Second Judge of the District of Pennsylvania.
2. Transcript of Portrait Presentation and Symposium held on June 25, 2008.
3. Certificate of Admission of William Lewis, as an attorney of the United States District Court for the District of Pennsylvania dated November 16, 1789.



***Portrait Presentation
and Symposium
on the life of
The Honorable William Lewis
First United States Attorney
and
Second Judge of the District of Pennsylvania***

*Wednesday, the twenty-fifth of June, 2008
Four o'clock in the Afternoon
Ceremonial Courtroom*

*United States Courthouse
Sixth and Market Streets
Philadelphia, Pennsylvania*



THE HONORABLE WILLIAM LEWIS

Strawberry Mansion



Around 1790, Philadelphia lawyer Judge William Lewis built a simple country house on the east bank of the Schuylkill River formerly known as Summerville. The house, built in the Federal style, embraced the delicate scale and proportions of Neoclassicism and included finely carved woodwork and classical niches in the entry hall. Many of the earlier furnishings now installed in the house reflect the tastes of the Lewis family during their years of residence in the house. The house is located at Strawberry Mansion Bridge Drive in the Fairmont Park section of Philadelphia.

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Judges of the United States District Court

Honorable Harvey Bartle III, Chief Judge

Senior Judges

Honorable John P. Fullam	Honorable Edmund V. Ludwig
Honorable Donald W. Van Artsdalen	Honorable Robert F. Kelly
Honorable J. William Ditter, Jr.	Honorable Lowell A. Reed, Jr.
Honorable Louis H. Pollak	Honorable Jan E. DuBois
Honorable Norma L. Shapiro	Honorable Ronald L. Buckwalter
Honorable James T. Giles	Honorable William H. Yohn, Jr.
Honorable Thomas N. O'Neill, Jr.	Honorable John R. Padova
Honorable Marvin Katz	Honorable Bruce W. Kauffman

Judges

Honorable Stewart Dalzell	Honorable Cynthia M. Rufe
Honorable J. Curtis Joyner	Honorable Michael M. Baylson
Honorable Eduardo C. Robreno	Honorable Timothy J. Savage
Honorable Anita B. Brody	Honorable James Knoll Gardner
Honorable Mary A. McLaughlin	Honorable Gene E.K. Pratter
Honorable Petrese B. Tucker	Honorable Lawrence F. Stengel
Honorable Berle M. Schiller	Honorable Paul S. Diamond
Honorable R. Barclay Surrick	Honorable Juan R. Sánchez
Honorable Legrome D. Davis	Honorable Thomas M. Golden

Clerk of the Court

Michael E. Kunz

CEREMONY

Honorable Harvey Bartle, III

Chief Judge

U.S. District Court, Eastern District of PA

“A Reading of the Presidential Commison of
William Lewis, First United States Attorney”

Michael E. Kunz

Clerk of Court

U.S. District Court, Eastern District of PA

“The Legal Career and Public Service
of William Lewis”

C. Clark Hodgson, Esquire

Stradley, Ronon, Stevens & Young

Portrait Presentation

Mrs. George Conrad McFarland and Family

“ William Lewis, First United States Attorney”

Honorable Michael M. Baylson

Judge

U.S. District Court, Eastern District of PA

Reception

Edward R. Becker Lobby

Doing Justice to William Lewis

by Jason S. Lantzer

We honor today William Lewis, the first United States Attorney, and second judge of the United States District Court for the Eastern District of Pennsylvania.

At first glance, this might seem a gratuitous action on the part of the Historical Society, its members, and of the Court itself. After all, Lewis held the first position for less than two years, and the office of judge for less than a year. Short of achieving an honorable goal of remembering all who have served on the bench, is there truly a compelling reason to honor William Lewis?

The answer, of course, is yes. History, like the law, is made up of much more than first glances. And the more one learns of William Lewis, the more one is compelled to not only award him this portrait honor, but also to praise him as both an original "Philadelphia lawyer," and as a legal titan who helped insure, on all sides of the bench and bar, that the federal judiciary went from the dry words of the Constitution to a functioning reality that could guarantee justice for all Americans.

William Lewis was born in Edgmont, Chester (now Delaware) County, Pennsylvania, on 13 February 1751, to Josiah and Martha Lewis. His family, like many of their neighbors, was Welsh Quakers, with roots in the area dating back to the time of William Penn. His parents were firm believers in education, and so Lewis went to school. For a time, he studied at the Quaker Seminary at Willistown, but was soon so far ahead of his classmates that his father had to employ a private tutor. He became proficient in French, Latin, and German, the latter proved to be very useful in his future legal career. Around his seventeenth birthday, the family decided that he should go to Philadelphia to continue his education. Lewis was entrusted to the care of his cousin, the successful merchant Mordecai Lewis,

who further contributed to his bank of knowledge by introducing him to such as areas a finance and business.

At some point during his childhood, Lewis struck upon the idea of making the law his profession. Though his mother did not approve, perhaps showing a Quaker aversion to the legal vocation, Josiah aided Lewis's ambitions. Indeed, sending him to Philadelphia may have been the father's stamp of approval upon his son's ambition. In 1770, when he was just nineteen, Lewis began studying law with Nicholas Waln. When Waln later decided to retire from the law, Lewis kept a good number of his clients. In 1773, he was admitted to the Philadelphia Bar. A mere three years later, in 1776, despite being a mere twenty-five, Lewis was a leader of the bar.

A young man with his future ahead of him, Lewis stood over six feet tall (though he eventually developed something of a stoop), had a rather prominent nose (which he was quite proud of), and a deep baritone voice, now had a choice to make. Like all Americans, by 1776, Lewis had to decide if his loyalty remained with the Crown, or if he was to cast his lot with those advocating independence. From the available record, the decision was an easy one for Lewis. In October 1775, he was disowned by the Philadelphia Monthly Meeting of Friends for "marrying contrary to the good order used among us; bearing arms; and keeping unprofitable company." While his precise activities during the war remain somewhat shrouded, Lewis continued to practice law during the Revolution, outside the reach of the British.

Despite the fact that he was no longer a member in good standing with the Friends, part of his practice during and after the war, centered upon defending those charged (many of whom were Quakers) with aiding the British. These treason cases helped inspire Lewis to study the intricacies of the law in great detail, which consumed more of his time in the years to come. Despite

the unpopularity of some of his clients, Lewis usually won such cases.

By the time the war ended, Lewis was a Federalist, even before such party, or faction, had even been born. He served in the Pennsylvania Assembly in 1787 and 1789. In the legislature, Lewis worked for the ratification of the Constitution. While a legislator, he also served as a delegate to the state's Constitutional convention as well. His political leanings soon brought him into contact with George Washington and Alexander Hamilton, both of whom Lewis counted as friends, and both of who used Lewis as a sounding board for ideas and arguments during Washington's time as president.

His political friendships and associations soon propelled him into new avenues of service. In 1789, President George Washington appointed him the first United States Attorney for the District of Pennsylvania. Two years later, Washington appointed him judge of the district court. In those positions, Lewis not only helped define what the posts came to mean, but also, and this was perhaps even more important, gave them credibility, merely by his participation. For Lewis was recognized by his peers as a top notch lawyer, advocate, and legal mind. It was by vesting the positions with his prestige, at a time when the notion of a federal judiciary was both new, and to some, something to be feared, as well as his willingness to provide his services as a force of continuity and stability, that it is more than fitting and proper that Lewis be remembered and honored.

His case load, both as United States Attorney and federal judge, was by modern standards, quite small, numbering perhaps no more than a few dozen. Hence, as U.S. Attorney from October 6, 1789 to July 14, 1791, Lewis had very little to do. The first criminal proceedings in the court were not heard until 1791, and then there were only four cases: two assaults, one murder, and one larceny on the high seas. The only case Lewis initiated was

U.S. v. Nobel & Stevenson, the murder case. He was, however, admitted as a counsellor of the United States Supreme Court on February 7, 1791.

Francis Hopkinson, the first judge of the court, died in May 1791 of a stroke. The death, which came upon him quickly and apparently with little warning, shocked his family and the community. It also created an opening in the federal judiciary. Lewis was an obvious, if somewhat reluctant, candidate for the post, which was eventually offered to him. He, no doubt, debated the pros and cons of accepting the post. He yearned to go back to private practice, and may have only taken on the judicial office with the understanding that it be temporary, and even then only because Washington asked him to do it. Regardless, he was sworn into office by Justice James Wilson in July 1791 and held the post until Richard Peters was appointed judge the following April. Lewis vowed that as judge he would do all he could to "merit the confidence which he [George Washington] has been pleased to repose in me." And despite the brevity of his time as judge, Lewis was honored to serve in the position.

However, there is more to Lewis's story than his service as an official of the federal judiciary that makes it the correct thing to recall his memory. For while his time in office may have been short, his career before the court was long and storied. It was Lewis as lawyer, taking part in cases ranging from the small to the great, which further insured that justice occurred before the court and flowed from its opinions.

If anything, his time in the federal offices seemed to have sharpened his legal mind. He became even better at arguing cases, and more often than not, could anticipate and counter arguments from both sides of an issue. Despite his intensity about the law, Lewis never lost his sense of fairness, both for his client, as well as for his adversaries. One of his hallmarks became studying his cases while they unfolded, much to the dismay at

times of fellow lawyers and especially his clients! Of course, in addition to his mind, those present with Lewis also had to contend with the voluminous smoke from his near omnipresent cigar. As legendary as his mind became, so too are the stories of Lewis smoking where few others dared to light up!

Perhaps the most important case Lewis was a part of after leaving the bench was his role in defending those involved in the "Hot Water War." In 1798, residents in Bucks and Northampton counties "revolted" against paying federal taxes, imposed on property as a means to raise funds for a possible war with France. Coming as it did in Pennsylvania, where just a few years before the Whiskey Rebellion in the western part of the state had tested the federal government's will, including that of the judiciary, the refusal to pay taxes in the eyes of many Federalists was little more than another example of the allure of French Revolutionary radicalism and possible Jeffersonian political treachery. That the "leader" of the revolt, John Fries was a Federalist himself, and had served in the army that had crushed the Whiskey Rebellion mattered little. Nor did it matter to Federalists, including Alexander Hamilton, that federal revenue agents had only been greeted with hot water, not hot lead; nor that the federal marshal who was dispatched to deal with the situation was induced by intimidating numbers, not threatened (indeed, Fries offered to post bail for those the marshal had in his custody and whom he freed) with bodily harm. No, the Federalists believed an example needed to be made. Fries's offenses set the perfect stage for a treason trial and then a public execution.

Despite his own political leanings, Lewis did not rush to the aid of the government. True, he detested, even hated the French Revolution, on intellectual, political, cultural, and even fashion grounds (Lewis stuck to wearing knee breeches and powdering his hair in protest of the trends coming out of Paris). But his desire to see justice done Fries, a man whose life was in the balance, overrode personal politics. Lewis may have become convinced

that poor communication between English and German speakers about the tax law, and Fries was a German-American, and even confusion about the general state of national affairs may have played a role in the revolt. Justice demanded that he represent Fries in the most important treason case of his career.

Over the course of the next two years, the Fries trial consumed a major part of Lewis's calendar. There were two trials before the United States Circuit Court. The first, before, Justice James Iredell and Judge Peters, ended in a conviction of Fries, however the verdict was voided because Lewis and his co-counsel, Alexander James Dallas, argued successfully that there had been jury bias. The core of the defense case was that there could not be treason if the revolt was based on a single law. The retrial, this time before Justice Samuel Chase and Judge Peters, had wider implications for those involved beyond the fate of Fries. Justice Chase sought a conviction, and attempted to rule in advance of the defense's argument by offering a definition of treason. Having already clashed with the lawyers, this was the final straw for the defense team. Though such a preliminary ruling was quite common in Chase's Maryland, it was virtually unheard of in Pennsylvania, and was something Peters had attempted to persuade Chase not to do. With a dash of showmanship, Lewis and Dallas resigned from the case in the midst of courtroom proceedings. Chase was embarrassed (his conduct during the trial became fodder for Jeffersonian Republicans to seek his impeachment and removal following the Election of 1800), but it also had the desired affect. President Adams, much to the dismay of many Federalists, pardoned Fries following his second conviction.

Of course, the Fries trial was not the only important case Lewis was involved in before a court. In 1793, for example, he was part of the defense team in *U.S. v. Ravara*, where Lewis was tasked with defending the Consul from Genoa from charges that he had sent "anonymous and threatening letters" to the British

Minister and other people living in Philadelphia. As with the later Fries case, Lewis's client was convicted, but the verdict was set aside, upon the condition that he give up his ministerial credentials and leave the country. In 1794, Lewis was part of the legal team which won the Supreme Court case *Georgia v. Brailsford*, involving Revolutionary War debts, for the defendants. That year also saw him appear before the United States Senate as counsel for those objecting to the election of Albert Gallatin. It was the first time the Senate opened its doors to either the public or professional counsel. But the Fries trial was a landmark in many ways. For Lewis it was the culmination of his years of involvement with the concept of treason. It also cemented his place in both the Philadelphia and national legal establishments.

And that establishment knew and respected Lewis. He and other lawyers from Philadelphia were sought after legal talent. So respected were they that Justice Bushrod Washington referred to them as "my bar" whenever a group of them tried cases before the United States Supreme Court. Of course, this shared reputation did not mean that they always got along. Lewis, for example did not like Alexander James Dallas, and it took the personal intervention of William Rawle, the United States Attorney, to keep the two men from fighting a duel during the Fries trial.

Like other members of the bar, Lewis took an active role in promoting and advancing Philadelphia. He was among those; including Rawle and future judge of the District Court, Joseph Hopkinson, in founding the Pennsylvania Academy of the Fine Arts in 1805. He helped merge the College of Philadelphia and the University of Pennsylvania, serving both institutions of higher education as a trustee. Other public improvements Lewis was a part of included establishing a law library for the city of Philadelphia, as well as being an advocate for constructing the Schuylkill Falls Bridge. He was also a counsellor for the Bank of North America. And, along with Benjamin Franklin, Lewis was a longtime member of the Pennsylvania Abolition Society.

Even as his professional life soared, so too did his personal life. In 1771, Lewis married Rosanna Lort, a Swedish Lutheran, (and one of the reasons he was expelled from the ranks of the Friends). Together, they had three children, two girls and a boy, all of whom Lewis doted upon and took care of, as he eventually did his grandchildren as well. After Rosanna's death in 1800, he remarried a widow, Frances Durdin in 1801. The Lewis home in Philadelphia was at the corner of Third and Walnut, and was "Fort Wilson," the former residence of Justice Wilson. His neighbors in the city were Alexander Hamilton, Benjamin Rush, Richard Peters, and Bishop White. Lewis built a country residence, Summerville (today known as Strawberry Mansion), on the banks of the Schuylkill River. He started buying the property for the home in 1783, with more land purchased in 1792. Both homes gave him a great deal of satisfaction over the years, and were places where both his professional and personal worlds could interact together.

Justice was something that Lewis was deeply concerned with, whether that was the justice he saw in the patriot's cause of 1776, compelling him to endanger his life, reputation, and even friendships and associations. Or the justice of insuring that the young United States had a government worthy of its potential to insure that the liberty fought for in 1776 could be enshrined and passed on to future generations of Americans. Or else, and this is of particular significance to the court, commonwealth, and nation, that justice be expanded to include all Americans. For Lewis the lawyer, judge, and advocate, was also Lewis the author, who crafted possibly the first abolition law in the world in 1780. Lewis, as a member of the Pennsylvania Abolition Society, drafted the act for the gradual emancipation and abolition of slavery in the Commonwealth. The law was the first legal blow to the institution of slavery in the United States. So sure were his anti-slavery convictions, as well as his belief in the law that he crafted, that he authoritatively told a member of Philadelphia's Chew family, who had married into the Carroll family of Maryland,

that one of her slaves was free under the law. His authorship of the abolition law was what he was most remembered for upon his death on 16 August 1819.

For all these reasons, it is fitting and proper to honor, his honor, William Lewis. But even more so, to remember what he did and what he stood for, so that we too can do our part in insuring that the gift of justice he helped bequeath to us can be passed on to future generations of Americans.

Jason S. Lantzer

HISTORIAN

Jason S. Lantzer is an associate faculty member in the history department at Indiana University - Purdue University at Indianapolis. He is currently researching and writing a book on the History of the United States District Court for the Eastern District of Pennsylvania.

The author wishes to acknowledge the help and insight of Mrs. Ester McFarland in preparation for this biography.

Garth C. Herrick
FINE ART PORTRAITS

Garth Herrick is a nationally regarded portrait painter, sculptor, and figurative fine artist. He is a 1985 graduate of the Pennsylvania Academy of the Fine Arts with honors and has several awards to his credit. Herrick's studio is located in Philadelphia's historic Germantown section.



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

TRANSCRIPT OF PORTRAIT PRESENTATION
OF
THE HONORABLE
UNITED STATES DISTRICT JUDGE
WILLIAM LEWIS

WEDNESDAY, JUNE 25, 2008
4:00 P.M.

THE CEREMONIAL COURTROOM
JAMES A. BYRNE FEDERAL COURTHOUSE
601 MARKET STREET
PHILADELPHIA, PENNSYLVANIA

APPEARANCES:

Honorable Harvey Bartle, III,
Chief Judge, United States District Court
for the Eastern District of Pennsylvania

Honorable Michael M. Baylson,
Judge, United States District Court
for the Eastern District of Pennsylvania

Honorable Theodore A. McKee,
Circuit Judge, 3rd Circuit Court of Appeals
for the Eastern District of Pennsylvania

C. Clark Hodgson, Esquire
Stradley, Ronon, Stevens & Young

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1 COURTROOM DEPUTY: All rise, please. Oh yez, oh yez,
2 oh yez, all persons having any matter to present before the
3 Honorable Judges of the United States District Court in and for
4 the Eastern District of Pennsylvania, may at present appear and
5 they shall be heard. God save the United States of America and
6 this Honorable Court. Court is now in session. Please be
7 seated.

8 CHIEF JUDGE BARTLE: Our Court is meeting in special
9 session this afternoon for the presentation of a portrait of
10 Judge William Lewis, who was appointed in 1789 by President
11 Washington as the first United States Attorney in the District
12 of Pennsylvania, and thereafter, as the second Judge of our
13 Court upon the death of Francis Hopkinson.

14 The Court is most grateful to Mrs. Esther Anne
15 (phonetic) McFarland and her son, George McFarland, a member of
16 the bar of this Court, for making this happy occasion possible.
17 They are descendants of Judge Lewis and have generously
18 provided the funds to have painted for our Court a superb copy
19 of a Gilbert Stuart portrait of Judge Lewis. While we have
20 portraits of our other early Judges, we had lacked one of him.

21 We are deeply grateful to Mrs. McFarland and to
22 George McFarland for this wonderful gift. We will hang it
23 proudly in the Ceremonial Courtroom next to the portrait of
24 Francis Hopkinson. At this time, I would like to recognize
25 Mrs. McFarland. Would you please rise so everyone can give you

1 a round of applause?

2 (Applause)

3 CHIEF JUDGE BARTLE: I see that George has not
4 arrived, Mrs. McFarland, but I'm sure he'll be here shortly.

5 MRS. MCFARLAND: He better not be late.

6 CHIEF JUDGE BARTLE: Well, we won't hold him in
7 contempt. We also have with us today other descendants of
8 Judge Lewis, including Mr. and Mrs. Stephen Dano (phonetic).
9 Would they rise if they're here? There's Mr. Dano. Thank you
10 very much. And your son.

11 (Applause)

12 MR. DANO: And my son.

13 (Applause)

14 CHIEF JUDGE BARTLE: Very good. Thank you very much
15 for coming. Also in attendance we're delighted to have with us
16 the Committee of 1926 of Strawberry Mansion and also the park
17 house guides of the Philadelphia Museum of Art. As many of you
18 know, Judge Lewis lived -- or at least had a summer home in
19 what is now Fairmount Park, a home called Summerville, which is
20 better known today as Strawberry Mansion.

21 At this time, we are pleased to have with us C. Clark
22 Hodgson, Esquire, a distinguished member of the bar of our
23 Court who is going to speak to us about the legal career and
24 public service of William Lewis. Mr. Hodgson?

25 MR. HODGSON: Thank you, Your Honor. Chief Judge

1 Bartle, Judges of the District Court, Mrs. McFarland and your
2 family members and other honored guests, fellow members of the
3 bar, good afternoon and welcome.

4 Since the founding of the Court's Historical Society
5 in 1984, one of the goals of the Society has been to display in
6 our courthouse a portrait of each Judge who has served on the
7 Court. To date, the Historical Society has coordinated the
8 presentations of portraits of 18 Judges. Today, we honor
9 William Lewis, the first US Attorney and the second Judge of
10 the United States District Court for the Eastern District of
11 Pennsylvania.

12 The Historical Society expresses its profound
13 gratitude to Mrs. McFarland for creating this occasion for the
14 Court and the Society by commissioning the portrait of Judge
15 Lewis. You should know that Mrs. McFarland is the great-great-
16 great-granddaughter of our honoree.

17 The Society is also grateful to her assistance to Dr.
18 Jason Lantzer, the Court's Historian, to whom she provided
19 invaluable biographical detail about the Judge for the Court's
20 history, which has been incorporated in the "Doing Justice"
21 piece which is published in your program.

22 I am personally grateful to Dr. Lantzer, on whose
23 research, writing and insights into Judge Lewis these remarks
24 very substantially rely. At first glance, this portraiture
25 might seem a gratuitous action on the part of the Historical

1 Society. After all, Lewis held the office of Judge of this
2 Court for less than a year. Short of achieving the honorable
3 goal of remembering all who have served on this bench, is there
4 truly a compelling reason to honor William Lewis? The answer,
5 of course, is yes.

6 History is made up of much more than first glances
7 and the more one learns about William Lewis, the more one sees
8 that he has earned not only this portrait honor, but praise for
9 both being an original Philadelphia lawyer and a legal titan
10 who helped insure that the Federal Judiciary went from the
11 words of the Constitution to a vibrant entity that would
12 guarantee justice for all Americans.

13 William Lewis was born in Edgmont, Delaware County in
14 February, 1751 to Josiah and Martha Lewis. His family, like
15 many of their neighbors, were Welsh Quakers, with roots dating
16 back to William Penn. At some point in his childhood, Lewis
17 decided that he would become a lawyer and in 1773 he was
18 admitted to the bar.

19 A short three years later in 1776, despite his being
20 a mere 25 years of age, Lewis was a recognized leader of the
21 bar. A young man with a future ahead of him, Lewis stood over
22 six feet tall and had a rather prominent nose, of which he was
23 quite proud, a feature which I rather suspect will be
24 faithfully captured in Garth Herrick's portrait.

25 Like all Americans, by 1776, Lewis had to decide if

1 his loyalty would remain with the crown or if he would cast his
2 lot with those advocating independence. The decision was an
3 easy one for Lewis. While his precise activities during the
4 Revolution remain somewhat shrouded, Lewis continued to
5 practice law during the war.

6 An appreciable portion of his practice during this
7 time centered upon defending those, many of whom were Quakers,
8 with aiding the British. The treason cases helped inspire
9 Lewis to study the intricacies of the law, which enhanced his
10 already prodigious skills. Despite the unpopularity of some of
11 his clients or their causes, Lewis usually prevailed.

12 As an advocate, Lewis shaped the image of the
13 Philadelphia Lawyer, paving the way for those distinguished
14 members of the bar of this Court who represented the Smith Act
15 defendants of the 1950s, the Vietnam era selective service
16 cases in the 60s and 70s, and today proudly represent the
17 Guantanamo Bay detainees.

18 By the time the war ended, William Lewis had become a
19 Federalist. He served in the Pennsylvania Assembly in 1787 and
20 89 where he worked for the ratification of Pennsylvania's
21 Constitution. His political leaning soon brought him into
22 contact with George Washington and Alexander Hamilton, both of
23 whom Lewis counted as friends and both of whom used Lewis as a
24 sounding board for their ideas.

25 His political friendships soon propelled him into new

1 avenues of service and in 1789, President George Washington
2 appointed him the first United States Attorney. Two years
3 later, Washington appointed him a Judge of the District Court.
4 In those positions, Lewis not only helped define what the post
5 came to mean but also and even more importantly, gave him
6 credibility merely by his service, for Lewis was recognized by
7 his peers as a top-notch lawyer, advocate, and legal mind.

8 It was by vesting the positions with his prestige at
9 a time when the notion of a Federal Judiciary was both new, and
10 to some, something to be feared, that it is fitting and proper
11 that Lewis be remembered and honored.

12 Francis Hopkinson, the first Judge of this Court,
13 died suddenly in May of 1791. The death created a vacancy.
14 Lewis was an obvious if somewhat reluctant candidate. He
15 wanted to remain in private practice and may have only taken
16 the judicial office with the understanding that it be
17 temporary, and even then, only because Washington asked him to
18 do it. Regardless, he was sworn into office by Justice James
19 Wilson in July, 1791 and held that post until Richard Peters
20 was appointed Judge the following April.

21 However, there's more to the Lewis story than his
22 service as a member of the Federal Judiciary that makes it
23 fitting to revere his memory. For while his time on the Court
24 may have been short, his career before the Court was long and
25 storied. It was Lewis as lawyer, taking part in cases ranging

1 in small to the great, which further insured that justice was
2 served. If anything, his time as a Federal official seemed to
3 have sharpened his skills. Despite his intensity about the
4 law, Lewis never lost his sense of fairness, both for his
5 client, as well as for his adversaries.

6 After the Revolutionary War, William Lewis became
7 especially known for his skill in defending those accused of
8 treason. Perhaps the most important such case was Lewis'
9 representation of those involved in the "Hot Water War." In
10 1798, residents of Bucks and Southampton Counties revolted
11 against the paying of Federal taxes imposed on property as a
12 means to raise funds for a possible war with France.

13 The leader of the revolt, John Fries, was a
14 Federalist himself. Nevertheless, the Federalists believed
15 that an example needed to be made of Fries, which set the stage
16 for the treason trial. Despite his own political leanings, his
17 desire to see justice done to Fries, a man whose life was in
18 the balance, overrode the personal politics and this
19 representation would become among the most important of his
20 treason cases in his career.

21 Fries was tried twice. The first trial ended in a
22 conviction which the Lewis team succeeded in having set aside
23 on jury bias grounds. The retrial occurred before Justice
24 Samuel Chase, whose conduct before and during the trial became
25 the basis for seeking Chase's impeachment and removal from the

1 bench and resulted in Lewis and his co-counsel resigning in the
2 middle of the proceedings. Needless to say, Fries was
3 convicted again, but it had the desired effect. Ultimately,
4 President Adams, much to the dismay of the Federalists,
5 pardoned Fries.

6 In 1793, he was part of the defense team in US versus
7 Ravara, where he defended a Consul from Genoa against charges
8 that he had sent threatening letters to the British Minister.
9 In 1794, Lewis was part of a legal team which won a Supreme
10 Court case called Georgia versus Brailsford, which denied to
11 Georgia the right to confiscate debts owed to British enemies.
12 This was the case in which Chief Justice Jay made his famous,
13 now discarded statement that juries were free to judge the law,
14 as well as the facts.

15 A leading Quaker lawyer and one of the best American
16 defense lawyers of his day, Lewis leaves a number of legacies.
17 He took an active role in promoting Philadelphia. He was among
18 those who founded the Pennsylvania Academy of Fine Arts in
19 1805. He helped merge the College of Philadelphia and the
20 University of Pennsylvania, serving both institutions of higher
21 education as a trustee.

22 Lewis' home in Philadelphia was at the corner of
23 Third and Walnut. His neighbors in the city were Alexander
24 Hamilton, Benjamin Rush and Richard Peters, who would succeed
25 him on this bench. Justice was something that Lewis was deeply

1 concerned with, whether it was the justice he saw in the
2 patriot's cause of 1776 requiring him to endanger his
3 reputation, and even his friendships and association, or the
4 justice of insuring that a young United States had a government
5 worthy of its potential to insure that the liberty fought for
6 in 1776 could be enshrined and passed on to future generations
7 of Americans.

8 Or else, his role as a long-time member of the
9 Pennsylvania Abolition Society in enacting the 1780 act for the
10 gradual abolition of slavery in Pennsylvania. Even as the
11 United States was in the midst of declaring its independence in
12 1775, a society was born in Philadelphia dedicated to
13 emancipating America's black slaves.

14 The Pennsylvania Abolition Society originated with
15 the early anti-slavery activities of Philadelphia Quakers and
16 whose numbers included George Washington, Benjamin Franklin,
17 and Thomas Paine.

18 Lewis, the lawyer, Judge and advocate was also Lewis
19 the legislator, who crafted possibly the first abolition law in
20 the world in 1780. Lewis' legislation was passed by the
21 Pennsylvania General Assembly on March 1, 1780. Of particular
22 importance here was the infamous six-month rule, which
23 established that any slave retained in Pennsylvania for a
24 period of time longer than six months must be granted their
25 freedom. The law was the first legal blow to the institution

1 of slavery in the United States.

2 For all of these reasons, it's fitting and proper to
3 honor his honor, William Lewis, but even more so to remember
4 what he did and what he stood for so that we, too, can do our
5 part in insuring that the gift of justice he helped bequeath to
6 us can be passed on to future generations of Americans.

7 Thank you very much.

8 (Applause)

9 CHIEF JUSTICE BARTLE: Our next speaker this
10 afternoon is one of our colleagues, Judge Michael Baylson, who
11 like Judge Lewis, first served as a United State Attorney
12 before becoming a Federal Judge so it's fitting that we have
13 Judge Baylson speaking about Judge Lewis. Judge Baylson?

14 JUDGE BAYLSON: Chief Judge Bartle and my colleagues
15 and all of the other distinguished guests, I'm very privileged
16 to be asked to participate today, and as Judge Bartle
17 suggested, it may be a coincidence that I also have had the
18 privilege of serving as both United States Attorney and as a
19 Judge of this Court. I'm often asked the difference between
20 the two jobs.

21 Just like the old adage about the three most
22 important factors in real estate, the three most important
23 aspects in being US Attorney and Judge are decisions, decisions
24 and decisions. Some of these decisions are easy, some are hard
25 and some have great consequences. While Judges struggle with

1 the decision of who should go to jail, the US Attorney
2 similarly struggles with the decision of who to indict, and
3 both require sound judgment about hiring assistants,
4 establishing priorities and allocating how much working time
5 and effort should be spent on a particular case.

6 I'm indebted to one of our other colleagues who
7 couldn't be here today, Magistrate Judge Reuter, who did a very
8 comprehensive biography of Judge Lewis in 2000 which was
9 published in the Shingle, which is the magazine of the
10 Philadelphia Bar Association in connection with the 200th
11 anniversary -- it was published in 1989 -- excuse me, in
12 connection with the 200th anniversary of this Court and he drew
13 on many of the same historical references that Mr. Hodgson did.

14 I'm also just interested in relating to you the
15 number of individuals in the history of our country who have
16 served as both United States Attorney and as Judge. There are
17 ten of us, and just for the record, in addition to William
18 Lewis, their names are James B. Holland, J. Whitaker Thompson,
19 Guy Bard, J. Cullen Ganey, Harold Wood, Joseph S. Lord, III,
20 Louis Bechtle (phonetic), and Joseph McGlynn, Jr. (phonetic),
21 and yours truly.

22 Judge Lord held the record for the shortest period of
23 time as United States Attorney, 77 days, so he didn't get much
24 traction in the job but he certainly served a long time as a
25 Judge. And then of course we also have the distinction of

1 having another member of our Court go in the other direction
2 when Mr. McGranery, who was a Judge of this Court appointed by
3 President Truman, was then asked to become Attorney General a
4 few years later and of course that was a great distinction, and
5 that is also true of our current Attorney General, Michael
6 Mukasey, who was also a District Court Judge for many years.

7 As most of you know, the nature of Federal
8 jurisdiction has changed greatly over the past 200-plus years
9 of our country, both for US Attorneys and for Judges. Except
10 for common law murder, Federal Courts are now the situs of most
11 of the major criminal prosecutions in the United States.

12 Most cases against organized crime, large narcotic
13 gangs and public corruption, just to name three topics, are
14 brought by United States Attorneys who have awesome
15 investigatory powers through Federal law enforcement agencies
16 and the use of Federal Grand Juries.

17 On the other hand, Judges are confined to the cases
18 that are assigned to them on the proverbial wheel, but even in
19 a large Court as ours, most Judges get several noteworthy cases
20 each year. It makes some difference that the United State
21 Attorney is part of the Executive Branch of government and only
22 serves for a term of years, while Federal Judges enjoy that
23 most unique aspect of American government, life tenure.

24 Although US Attorneys have virtually total discretion
25 in deciding what cases to bring in their own district, they are

1 part of a national administration, whether Democrat or
2 Republican, that often sets priorities and establishes budgets
3 and hiring levels. If a US Attorney were to bring a plethora
4 of minor gambling charges in a district filled with organized
5 crime and public corruption, he or she would find themselves on
6 the carpet in Washington very quickly.

7 Mr. Hodgson related many facts about Mr. Lewis and it
8 would be fair to say that although he held these important
9 positions as United States Attorney and Judge, in some ways
10 they paled in significance to his career as an attorney. He
11 was US Attorney for less than two years and he was a Judge for
12 a little longer than Judge Lord, not much longer, just about
13 nine months.

14 And in those days, a US Attorney really had very
15 little to do. Mr. Lewis, as US Attorney, as far as the records
16 show, only participated in four cases; two assaults, a murder
17 case, and a case charging larceny on the high seas. And the
18 records only show one indictment that he personally signed
19 entitled US versus Nobel and Stevenson, which was the murder
20 case.

21 However, and as a Judge, bearing in mind the short
22 time that he served, there isn't really very -- and the very
23 limited Federal jurisdiction that Federal Courts had at that
24 time, there isn't very much record to go on. Perhaps his
25 leaving the bench for private practice related from the pangs

1 of poverty that still in some ways inflict the judiciary in
2 this country compared to private practitioners.

3 Most United States Attorneys and Judges have had
4 significant experience in politics, whether actively or by
5 association. But in taking office, both must shred their
6 political wardrobe and put on the cloak of law, almost like the
7 transformation from a frog to a prince, not that politicians
8 are frogs.

9 As Mr. Hodgson related, William Lewis lived a full
10 life in many different capacities, and as I tell young lawyers,
11 one of the great things about being a lawyer is that it gives
12 you the opportunity for forage, if you will, often temporarily
13 in different pastures and to munch on many different varieties
14 of practice.

15 Sampling private practice and public service as did
16 William Lewis satisfies the famous comment by Justice Holmes,
17 "I think that as life is action and passion it is required of a
18 man that he should share the passion and action of his time, at
19 peril of being judged not to have lived."

20 Thank you very much.

21 (Applause)

22 CHIEF JUSTICE BARTLE: Since Judge Lewis served first
23 as the United States Attorney, and in fact, the first United
24 States Attorney for the District of Pennsylvania, it seems
25 fitting to ask the Clerk of our Court, Michael Kunz, to read

1 the Presidential Commission, which I believe was signed by
2 President Washington. Mr. Kunz?

3 MR. KUNZ: May it please the Court.

4 "George Washington, President of the United States of
5 American, to all who shall see these Presents __ Greetings.
6 Know ye, that reposing special trust and confidence in the
7 integrity, ability, and learning of William Lewis of
8 Pennsylvania, I have nominated and by and with the advise and
9 consent of the Senate, do appoint him Attorney of the United
10 States, in and for the Pennsylvania District and do authorize
11 and empower him to execute and fulfill the duties of that
12 office according to the Constitution and laws of the said
13 United States, and to have and to hold the said office with all
14 the powers, privileges, and emoluments to the same of right
15 appertaining unto him, the said William Lewis, commencing with
16 the date hereof, subject to the conditions prescribed by law."

17 "In testimony whereof I have caused these letters to
18 be made patent and the Seal of the United States to be hereunto
19 affixed. Given under my hand, the twenty-sixth day of
20 September in the year of our Lord one thousand seven hundred
21 and eighty nine, signed by the President, George Washington."

22 CHIEF JUSTICE BARTLE: Thank you very much, Mr. Kunz.

23 Now we come to one of the highlights of this
24 afternoon's program, the unveiling of the portrait of Judge
25 Lewis, and we're going to ask Mrs. McFarland and her son,

1 George, to do the honors, if you would be willing to do that
2 for us. And also, while they're walking over to the portrait,
3 I want to make mention of the author, Garth Herrick, who is
4 here -- oh no, the painter, the portrait painter, not the
5 author. There he is. Thank you.

6 (Portrait unveiled)

7 MRS. MCFARLAND, Oh, I like it.

8 (Applause)

9 MR. MCFARLAND: It's a beautiful painting.

10 CHIEF JUSTICE BARTLE: It's delightful.

11 MRS. MCFARLAND: (Inaudible) time. My goodness, all
12 of us that have worked so much at Strawberry all of these
13 years, and we are thrilled that this is going to be hanging in
14 his courtroom and I think it's such a wonderful thing to do and
15 we're very appreciative of (inaudible) was one of our big
16 pushers and we thank you.

17 It's a deserving spot for this fine man and let me
18 say that he was a man for his time, he was (inaudible) able to
19 visualize all of the problems and one of our wonderful best
20 lawyers (inaudible), in his biography listed in great number
21 of the major items that William Lewis participated in in
22 establishing our Federal Government.

23 Very impressive and this is such a wonderful
24 (inaudible) and all these (inaudible) what a happy time for us
25 to see this and you've all worked so hard. Thank you so very

1 much.

2 CHIEF JUSTICE BARTLE: Well thank you very much, Mrs.
3 McFarland.

4 (Applause)

5 CHIEF JUSTICE BARTLE: Now, Mrs. McFarland, we have a
6 surprise which is not listed in the program and we're going to
7 turn the microphone over to Francis Newell (phonetic), who is a
8 member of our bar for the next item on our agenda.

9 MR. NEWELL: Thank you. Chief Judge Bartle, members
10 of the Court, ladies and gentlemen, we are proud to have with
11 us today a direct link to Judge William Lewis. Without the
12 efforts of Esther Anne McFarland, his great-great-great-
13 granddaughter, none of us would be present here today.

14 Esther Anne McFarland has managed to keep her
15 legendary ancestor in the public eye, and in particular, his
16 opposition to slavery and all of the evils associated with it.
17 These noble efforts undertaken by Judge Lewis and saved for
18 posterity by Mrs. McFarland are set forth comprehensively in
19 today's program and are too numerous for me to mention here.

20 Mrs. McFarland has been a generous benefactor to many
21 charities and hospitals. She plays an active and leading role
22 in the Swedish Colonial Society and has served as the Director
23 of the Friends of Strawberry Mansion. It is with great
24 appreciation that this Historical Society today announces Mrs.
25 McFarland's honorary membership on the occasion of today's

1 announcement and on behalf of the Board of Directors, the
2 officers and the members of the Historical Society of the
3 United States District Court for the Eastern District of
4 Pennsylvania, we present to you today the Philadelphia Bowl.

5 We are proud and honored to have you be a member of
6 the Historical Society and we extend to you the Society's
7 collegiality and good cheer and best wishes. Would you please
8 come forward?

9 MRS. MCFARLAND: So nice. I thank you --

10 MR. NEWELL: Thank you.

11 MRS. MCFARLAND: -- and I thank the Court. What a
12 lovely remembrance.

13 MR. NEWELL: Well thank you and welcome to membership
14 in the Society.

15 MRS. MCFARLAND: Absolutely and thank you again. I'm
16 so happy and very appreciative.

17 MR. NEWELL: Well thank you. Thank you.

18 (Applause)

19 CHIEF JUSTICE BARTLE: Mr. Kunz, I understand you
20 have an announcement to make.

21 MR. KUNZ: Chief Judge Bartle, ladies and gentlemen,
22 Ester Anne and George McFarland cordially invite all in
23 attendance to a reception which will be held in the Edward R.
24 Becker Lobby, which is to your immediate right as you leave the
25 Ceremonial Courtroom.

1 CHIEF JUSTICE BARTLE: Thank you. All rise, please.
2 Court is adjourned.

3 (Proceeding concluded, 4:29 p.m.)

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10 C E R T I F I C A T I O N

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12
13 I, Diane Gallagher, certify that the foregoing is a
14 correct transcript from the record of proceedings in the above-
15 entitled matter.

16
17
18 _____
19 DATE

DIANE GALLAGHER

**Edits to Transcript of Portrait Presentation of the Honorable United States District Judge
William Lewis
June 25, 2008**

PAGE 3, LINE 1	Change "Oh yez, oh yez" to "Oyez, Oyez"
PAGE 3, LINE 2	Change "oh yez" to "oyez"
PAGE 12, LINE 9	Change "CHIEF JUSTICE BARTLE" to "CHIEF JUDGE BARTLE"
PAGE 13, LINE 20	Remove "{phonetic}" after Louis Bechtle and Joseph McGlynn, Jr.
PAGE 16, LINE 22	Change "CHIEF JUSTICE BARTLE" to "CHIEF JUDGE BARTLE"
PAGE 17, LINE 22	Change "CHIEF JUSTICE BARTLE" to "CHIEF JUDGE BARTLE"
PAGE 18, LINE 10	Change "CHIEF JUSTICE BARTLE" to "CHIEF JUDGE BARTLE"
PAGE 19, LINE 2	Change "CHIEF JUSTICE BARTLE" to "CHIEF JUDGE BARTLE"
PAGE 19, LINE 5	Change "CHIEF JUSTICE BARTLE" to "CHIEF JUDGE BARTLE"
PAGE 19, LINE 7	Remove "{phonetic}" after Francis Newell
PAGE 20, LINE 19	Change "CHIEF JUSTICE BARTLE" to "CHIEF JUDGE BARTLE"
PAGE 21, LINE 1	Change "CHIEF JUSTICE BARTLE" to "CHIEF JUDGE BARTLE"

At a District-Court of the United States,
held in Philadelphia, in and for the District
of Pennsylvania,

November Session 1789.

William Lewis Esquire, was admitted
an Attorney of the said District-Court, and
took the Affirmation of Office.

In testimony whereof I have
hereunto subscribed my Name and
affixed the Seal of the said Court, this
sixteenth Day of November, one
thousand seven hundred and eighty-
nine.

Sam Caldwell Clk Dist Ct.