



George A. Welsh

Born: August 9, 1878, in Bay View, Maryland
Died: October 22, 1970, in Media, Pennsylvania

Federal Judicial Service:

Judge, U.S. District Court for the Eastern District of Pennsylvania
Nominated by Herbert Hoover on April 14, 1932, to a seat vacated by J. Whitaker Thompson.
Confirmed by the Senate on May 19, 1932, and received commission on May 20, 1932.
Assumed senior status on August 29, 1957.
Service terminated on October 22, 1970, due to death.

Education:

Philadelphia Law School of Temple College, LL.B., 1905

Professional Career:

Private Practice, Philadelphia, Pennsylvania: 1905-1923
Secretary, Mayor John Weaver, Philadelphia, Pennsylvania: 1905-1906
Assistant City Solicitor, Philadelphia, Pennsylvania: 1906-1907
Assistant District Attorney, Philadelphia, Pennsylvania: 1907-1922
U.S. Representative from Pennsylvania: 1923-1932

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Judicial Biography

*In 1931, President Herbert Hoover named J. Whitaker Thompson to the Court of Appeals. This left a vacancy to be filled on the Eastern District. George Wharton Pepper, now the former Senator and more recently the Chancellor of the Philadelphia Bar Association, no longer was picking judges as he had done in the cases of Charles McKeehan and William Kirkpatrick. The process this time did not move as expeditiously as it had in the 1920's. Instead, a prolonged deadlock existed between Republican Senators David A. Reed and James J. Davis who supported Philadelphia Congressman George A. Welsh and Philadelphia Republican organization head William S. Vare who supported a local lawyer, I. Gordon Foster. The newspapers reported on various deals purportedly in the making. The President deferred any nomination while the impasse continued. In April 1932, Vare finally threw his support to Welsh. President Hoover nominated him shortly thereafter, and he was confirmed in May.

George Austin Welsh was an interesting and colorful figure who sat on the Court for thirty-two years. As one of his colleagues recalled, "he had the most charming appearance and manner that you'll ever want to see . . . he loved people." Born on a farm in Maryland in 1878, he arrived in Philadelphia at the age of nine. In the late 1890's, he became an amateur featherweight boxing champion who fought matches not only in Philadelphia but also in New York City's Madison Square Garden. In his sixties, Welsh was taking marathon bicycle vacations and often walked the fifteen miles from his home to the courthouse.

He earned his law degree from Temple University in 1905, later became a vice president and trustee of his alma mater, and received an honorary LL.D. in 1939. As a young man, he quickly immersed himself in Republican politics. His career included service as the Secretary to Mayor Samuel H. Ashbridge, as well as stints as an Assistant City Solicitor and an Assistant District Attorney, and for ten years he sat as a member of the Philadelphia Board of Education. He was a Congressman from West Philadelphia from 1923 until his appointment as a federal judge in 1932. Among his other activities, he was a Mason.

Shortly after his appointment, Welsh eyed a return to the political stage. While remaining on the bench, he ran for the Republican nomination for Governor in the spring primary of 1934 but lost decisively to Pennsylvania Attorney General William A. Schnader. It came as no surprise that Welsh believed that a jurist should have a political background, in order to be able to function as a "human judge on the federal courts." He would be the last Republican to be seated on the Court until 1954.

From time to time, a judge is called upon to decide a case where one of the parties belongs to a reviled political group and the court of public opinion has prejudged the matter. One such case was *Reeve v. Howe*, in front of Judge Welsh in 1940 on the eve of America's entry into World War II. A special investigator of the House Un-American Activities Committee

* 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.

headed by Congressman Martin Dies had conducted a search and seizure at the office of the Communist Party in Philadelphia. Various Communist officials brought suit to quash the warrant obtained from a local magistrate and to recover the records and other property seized. The case aroused intense comment from high public officials and widespread discussion in the press.

Judge Welsh noted he had received hundreds of letters at his chambers. Nonetheless, he made it clear he would not be swayed by the passions of the moment which he said had been stirred up “due to existing world conditions.” In his Opinion, he asserted, “It just so happens that the aggrieved parties in this case are apparently very much in the minority in our country. But their rights which they claim were invaded are rights that are sacred to all of us.” He found that the affidavit in support of the warrant was defective as without probable cause required by the Fourth Amendment to the Constitution. He emphasized that the right to be free of an unreasonable search and seizure stands upon “a parity today with freedom of religion, of speech, of the press and of assembly as guaranteed by the Bill of Rights.” He warned, “Let the seal of judicial approval be placed upon such Constitutional violations and liberty of the person, and liberty of religious and political thought and action will have vanished from our land.” In Judge Welsh’s obituary in *The New York Times* thirty years later, this decision was remembered.

Judge Welsh, who was born on a farm, had to decide a matter involving tomatoes. Campbell Soup sued a number of farmers who in this case allegedly breached their contracts to sell it tomatoes for canning at fixed prices. Campbell had the capacity to process 250,000 5/8 bushels of tomatoes a day and had a “carefully devised schedule” for receipt of “a steady flow” of “highly perishable” tomatoes during the seven to eight week canning season. To facilitate crop production, Campbell sold the farmers special varieties of tomato plants “most suitable for its canning purposes” and provided free soil analysis and technical advice to farmers who entered contracts with it. Sales of its tomato products to consumers amounted to millions of dollars each year.

Judge Welsh found that defendant farmers had exclusive contracts with Campbell but instead were selling their tomatoes to other buyers in violation of their agreements. Judge Welsh determined the contracts here were fair and beneficial to both sides. Because Campbell was suffering irreparable harm and had no adequate remedy at law, he entered a permanent injunction requiring defendants to honor their promises.

In 1957 Judge Welsh took senior status.

His service on the Court terminated on October 22, 1970, due to his death at the age of 92, in Media, Pennsylvania, where he resided.