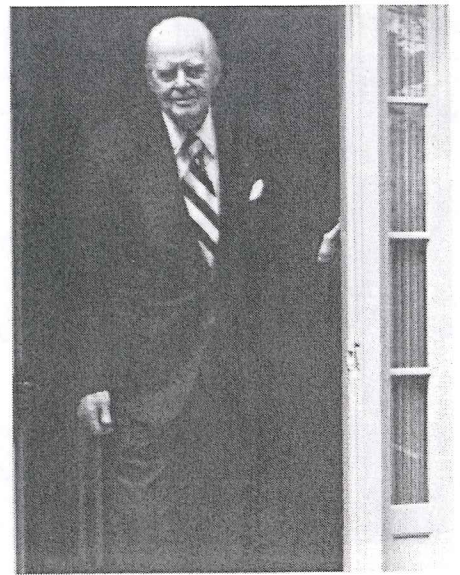


# Marked for High Honors...

## Judge Thomas F. McAllister

by Gerald Elliott



**T**HE UNIVERSITY OF Michigan Law School finally got around to awarding Judge Thomas F. McAllister his law degree last year — 53 years after he had earned it.

Most of that 53 years in the law had been spent in public service. Judge McAllister went into private practice the summer of 1921, when he completed his law studies at the university. He joined the firm of which his father, James T. McAllister, was the senior partner. A junior member, Fred Raymond, was destined to become Federal District Judge for Western Michigan.

Young Tom McAllister was marked for even higher honors. He practiced law here until 1937, when he was named a special assistant to the United States Attorney General in Washington. The following year he ran for and was elected to the Michigan Supreme Court.

Justice McAllister remained on the state bench until May 24, 1941, when he was appointed to the United States District Court of Appeals for the Sixth District, which sits at Cincinnati. And although he went on retirement status in 1960, Judge McAllister still sits on the court and carries a heavy load there.

His 50-year negotiations with the U-M Law School exemplify the man. Never querulous, always patient and considerate, but tenacious, Judge McAllister displayed all of these qualities in what for years appeared to be a vain attempt to get what was rightfully his.

Born and reared in Grand Rapids, he attended St. Andrews School, Central Grammar School and Central High School. After completing his secondary education, he enrolled at the University of Michigan. Three years later, World War I broke out.

### WORLD WAR I BREAKS OUT

He put his studies behind him to join the American Field Services under the

French Army and for four months in 1917 drove an ambulance. Then he transferred to the French Foreign Legion, which sent him to the officers' artillery school — despite McAllister's protests that he was one of the world's less distinguished mathematics scholars.

The French made him an artillery officer anyway. He was assigned to the 60th Artillery Regiment and soon found himself where the heaviest fighting was going on. Some idea of where he was at and what he was doing may be gleaned from his decorations: The Medaille de Verdun, Medaille de la Marne, Medaille de la Somme. These were capped by the Croix de Guerre, which he received on Sept. 13, 1918. Fifty-eight years later France's President Coty was to decorate him with the Ordre National de la Legion D'Honneur — but not exclusively for his war services. I'll get around to that part of the story later.

### LAW SCHOOL CONFLICT

Back in Ann Arbor, McAllister asked for and was granted permission by the secretary of the Law School to complete the regular 3-year course in two years. Young Tom needed to get to work.

But at the end of the two years, with all of his work completed, McAllister ran up against the immovable object in the person of the dean of the Law School.

McAllister would not receive his degree, the dean insisted, unless he spent a third year on campus. That was the rule — even though the secretary confessed that he had made other arrangements with McAllister. Tom couldn't afford to stay the third year. In any case, he had done all of the work required of him. Would he stay for just one more semester? the dean asked. No. Well, then, the 10-week summer term? Again no.

So Tom McAllister departed Law

School without his degree or diploma. Over the years he corresponded sporadically with the University, but nothing happened. Then one day, after he had risen high in the ranks of American jurisprudence, someone at the University asked why McAllister was not carried on the books as an alumnus of the Law School. The desultory exchange of letters resumed.

Then, in March 1940, Justice McAllister — member of the Supreme Court of the great State of Michigan — received in the mail a diploma. It attested that he had been awarded an honorary bachelor of laws degree.

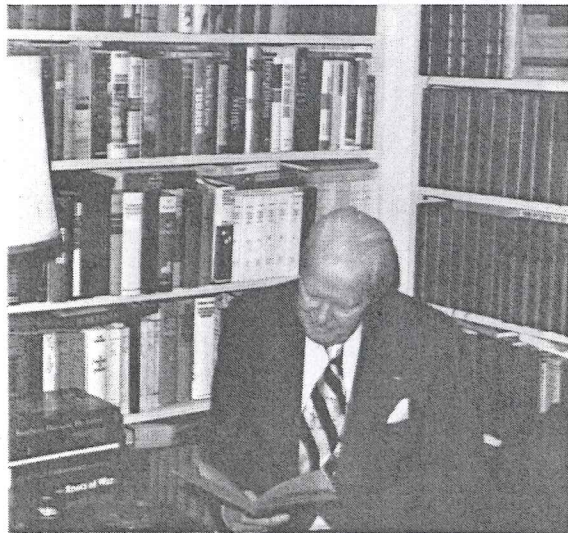
It wasn't exactly what McAllister was expecting, and much less than he wanted. Today he says, "I may be the only person in the country ever to receive an honorary bachelor of laws degree."

But back when it all happened, there were other things to engage Thomas McAllister's attention. There was his appointment to the federal appellate court, the court that in the judicial hierarchy occupies the level immediately below the United States Supreme Court.

### LOVE AFFAIR

And there was his lifelong interest in the arts and all things French. McAllister's love affair with art probably goes back to that day when he first entered the halls of old Central High School. "It was like a Gothic cathedral," Judge McAllister now says, with some wonderment and pleasure in his voice that must have been there his first day in the school.

There were paintings and sculpture of Greek gods and heroes in the halls. They became McAllister's lifetime friends. Books on art occupy a prominent place on the crowded shelves of his and his wife Dorothy's extraordinary library.



The McAllisters are avid collectors of books, paintings and etchings.

One of Judge McAllister's classmates in law school recalls that as an undergraduate, young McAllister was a hardworking member of the *Michigan Daily's* editorial staff. That same classmate suspects that McAllister's career as a writer became sidetracked by the war and law.

The Judge's reverence for the language is to be noted not only in his carefully wrought opinions and letters but in his library and his numerous literary associations.

#### LIVELY McALLISTER LIBRARY

The McAllister home on Robinson Road looks more like a library than do most libraries. Books line the hallways, the living room, the library — naturally — the sitting rooms and bedrooms. From basement to second floor, books greet the eye and warm the heart everywhere.

Judge McAllister's reading interests are extremely varied. There is a section of 2,000 volumes on France and the French — fully 1,500 of which are in French. Then there is another large section on American history, one on European history, and another on politics and political science.

In the library one will find a complete set of the *Noted British Trials* and similar books. Then there is one of the most cherished of the Judge's corners — that devoted to Irish literature.

A real authority on the Irish and their writings, Judge McAllister has known some of the greatest Irish writers of our time. He and Mrs. McAllister have entertained in their home such fascinating sons of Erin as Denis W. Brogran (Whose "The American Character" may be the most perceptive book ever written about 20th-century Americans), Walter Starkie, Conor Cruise O'Brien, Lord Kilbracken of Killegar, Sir Shane

Leslie, James Stephens and that remarkable mystical Irish poet (what Irish poet isn't mystical?) George Russell, who signed his poems, not with his name, but with the diphthong AE.

The conversation always has been good — and lively — when the likes of them have been in the McAllister house. And not only because of the visitors. All of the McAllisters are wonderful conversationalists. Both of the Judge's daughters, Mary McAllister and Claire McAllister White, obviously have been sparked by the talk around the family dinner table and in the living room. Claire, in fact, has become recognized as one of our finest poets and once was referred to by an American critic as one of the "best of our Catholic poets," although I always have felt that the word "Catholic" in this instance was both misleading and unnecessarily restrictive.

Many of the celebrities who have dined and stayed with the McAllisters came here to appear before the French Society of Michigan, which Judge McAllister founded in 1956. Although affiliated with the Alliance Francais, it goes its own way, encouraging an interest in French culture, language and literature. Judge McAllister is especially proud that as many as 70 members speak French well. Largely because of his efforts to increase Anglo-French understanding through the French Society, Judge McAllister was awarded the French Legion of Honor.

#### STILL ACTIVE

Judge McAllister reached retirement age on the U. S. Court of Appeals in 1960. But judges are appointed to the appellate courts, as to other federal courts and the Supreme Court, for life. And Judge McAllister has taken that literally.

He might have retired completely from the court 15 years ago to indulge his passion for reading and writing. But instead he has remained an active member of the court as a senior judge.

He still hears an average of 35 cases each time the court sits and a total of around 110 cases a year. What is even more startling is the fact that, at the age of 79, he is writing 35-40 opinions for the court this year. He is one of three senior judges on the 6th Circuit Court of Appeals, and their work on the court lessens, of course, the burden on the junior judges.

#### AT LAST A DIPLOMA

A couple of years ago, someone at the U-M Law School asked Judge

McAllister if he would stop in sometime to discuss with the dean his status as an alumnus. The invitation was accepted more than happily. It still bothered the Judge that he had been done out of his earned degree more than 50 years ago.

The next time Judge McAllister was in Ann Arbor he visited the Law School's offices. As the result of that visit he received last year a diploma that testifies to his having earned the degree of Juris Doctor (a degree that didn't exist at the time) as of June 30, 1921. And the diploma is beautifully signed by President Marion L. Burton — who died in 1925!

One can only speculate that the University must have had a stack of blank diplomas around, duly signed by President Burton, to be used in just such circumstances.

Judge McAllister is pleased to have received the diploma under any circumstances. The receipt of it, in a sense, clears the books and closes a chapter, so that he can get on to other important matters.

#### LOOKING AT HISTORY

It is characteristic of him that when showing a visitor some of the momentos and art objects collected over many years, the one he displays most proudly does not involve him at all!

It is a letter from President Franklin D. Roosevelt to Mrs. Dorothy McAllister praising her for an address she made before the 1940 Democratic National Committee. Mrs. McAllister, who was director of the Women's Division of the Democratic Party from 1938 to 1941, gave the first major speech ever to be delivered by a woman at a national convention of either of the two leading political parties.

Mrs. McAllister, daughter of a prominent Grand Rapids physician and a mother (whose maiden name was Wonderly) who was the daughter of the man who built Grand Rapids' first skyscraper (It stood seven stories high and was located at the site now occupied by the southwest corner of McKay Tower.), never boasts of her distinctions or accomplishments. Both she and Judge McAllister have been much too busy to take time out for such idle activities. An afternoon or evening spent in their company is like standing by a window looking out on history. But their own interest in the world and what is going on about them is as lively as it was when I first met them years ago, and as enthusiastic as the interests of any of the many much younger persons who have thronged their home. ■