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# In Memoriam

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## HONORABLE THOMAS P. WHITE

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**Judge of the Police Court of the City of Los Angeles, 1913-1919; Judge of the Superior Court of Los Angeles County, 1931-1937; Associate Justice of the District Court of Appeal, Second District, Division One, 1937-1949; Presiding Justice of the District Court of Appeal, Second District, Division One, 1949-1959; Associate Justice of the Supreme Court of the State of California, 1959-1962.**

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The Supreme Court of California met in bank in its courtroom, State Building, Los Angeles, California, June 11, 1968. Present: Chief Justice Traynor, presiding; Associate Justices McComb, Peters, Tobriner, Mosk, Burke and Sullivan. Sullivan, Clerk; Joanne Jacobs, Acting Reporter; Wambeke, Bailiff.

CHIEF JUSTICE TRAYNOR: We meet this afternoon in memory of Thomas P. White who served with distinction as an Associate Justice of this Court from August 18, 1959, to October 31, 1962. The memorial to Justice White will be presented by his longtime friend and admirer, the Honorable Otto J. Emme, retired Judge of the Superior Court of Los Angeles County. Judge Emme.

JUDGE EMME: Chief Justice Traynor, Associate Justices, may it please the Court:

This has to be a happy occasion and not a sad one, for the man whose memory we honor today would have it no other way. He himself, no stranger to personal sorrows and tragedy, always remained a cheerful and contented person. He was most happy in these surroundings, among these loved ones and friends, and so we will approach this commemorative ceremony with the lightness of heart and spirit which so typified our association with him.

For 37 years Mr. Justice White served in the courts of his native state at every level from Police Court Judge to an Associate Justice of this Supreme Court. He was my friend. We lived in the same neighborhood during our teenage. We were of the same age. We remained close friends during his entire life. It is indeed a privilege and honor to be called upon to address the Court in his memory, a very fond memory

for all of us, I am sure. Seldom has a man displayed such fidelity, wisdom, courage, compassion and good humor in his every living hour, in his professional and personal life, in his association with his fellow men.

Thomas Patrick White was born on September 28, 1888, in the old Lincoln Heights district of Los Angeles within easy walking distance of this courthouse. His parents were Peter and Katherine White. His sister, Nellie, and his two brothers, William and Francis, predeceased him.

He was truly a product of the horse and buggy days but destined to leadership in an area which became synonymous with the horseless carriage. When he was born the population of Los Angeles was less than 100,000. Telephones, electric lights and automobiles were unknown. The work day was a minimum of 10 hours and the work week a full six days. Gold was the coin of the realm. Silver was in little use and paper money almost unknown.

Los Angeles was really a pueblo town at the time of his birth and during his boyhood. He saw it develop and progress as no other city has, and he made his full contribution to that development and progress.

He graduated from Sacred Heart Academy, attended old St. Vincent's College, took a business course and then went to work for the Santa Fe Railroad Company, first in Los Angeles and later as assistant trainmaster at Needles, California.

His heart was set on becoming a lawyer, and in this ambition he was greatly encouraged by his saintly little Irish mother. He sought out the advice of the most prominent lawyers of that day. They were not encouraging. They told him that only 20% of the lawyers in Los Angeles were making a fair living.

At this critical point he turned to the late Joe Scott for guidance, an act he was to repeat many times during his life. Mr. Scott was even then a recognized leader of the Bar and he found in young White all the attributes of a promising law student. He encouraged White to pursue the law as a career and assured him that there was always room for a good man at the top and that hard work would make it possible for him to be among the successful 20% of Los Angeles lawyers.

Justice White went to law school at the University of Southern California. He became student body president and the leader of the debating team. He was graduated in 1911.

Within two years he was appointed judge of the Los Angeles Police Court. At that time he was but 25 years old and the youngest judge in the United States.

For six years he presided over that Police Court. From the outset he pioneered improvements in court procedures, in the treatment of women prisoners, in establishing a probation office, in employing a public defender, and in better methods of handling the swelling tide of alcoholics. As part of the Police Court operation he inaugurated and successfully conducted the Women's Court. Two social institutions established by him in relation to his Women's Court activity, the Big Sister League and the Industrial Home for Women, are still functioning in Los Angeles.

After six years he retired from the bench to become an active and very successful trial lawyer. His defense of the poor, the indigent, and the discriminated against of that day brought him wide public recognition.

When the ranking Negro policemen on the Los Angeles force were victims of a frame-up, he was called upon to undertake their defense and it was a successful defense, marked by his extremely brilliant cross-examination of those who had framed the officers.

During his 12 years of practice he was associated with a number of lawyers who made their own significant contributions to the record of our profession. He was first associated with Alfred Bartlett and Louis Randall. Subsequently, Bartlett was very active in State Bar work and thereafter served illustriously as a member of the Superior Court for Los Angeles County. Others who were associated with Randall, Bartlett and White included the late Walter Little, the late William Gilroy, the late Leo M. Rosecrans, the late James L. Irwin, Adam Steffes, Vincent Hickson, Frank Hennessey and Martin Burke.

When Justice White opened his own office, one of the first to work for him was Louis H. Burke, then a young law student, now an honored member of this Court.

In 1931, Governor James Rolph returned Tom White to the bench by appointing him as one of Los Angeles County's 38 Superior Court Judges. By that time his beloved county had grown to a population of more than 2,200,000. The horse and buggy had disappeared. The dirt and mud roads of his boyhood had changed to pavement. Radio was making itself felt as a means of mass communication.

Rapid change and an accelerated pace of living became the order of the day. Justice White accepted change in everything but his professional relationships. His friendship with countless persons of every class, color and creed were important to

him. He maintained these friendships without compromising the dignity of his role as a judge and it was a distinctive mark of the man that he was able to do this throughout his distinguished judicial career.

After six years on the Superior Court, in 1937 Governor Frank Merriam promoted Justice White to the District Court of Appeal. In 1949 Governor Earl Warren appointed him Presiding Justice of the District Court of Appeal. Ten years later Governor Edmund Brown named him an Associate Justice of this Court, the highest in our State.

I believe he was the first to touch every judicial base from Police Court to Supreme Court, and at each step he left his mark of achievement. He truly loved the law and had great respect for it. He was a happy judge, happy in his work, happy in his relationships with his associates among the judiciary, and always willing to bear his full share of the burden with dignity and good spirit.

In 1962 he retired as a full-time member of this Court. But it was not a retirement in the accepted sense. Each year thereafter he accepted assignment from the Chief Justice, Chairman of the Judicial Council, to serve as an Associate Justice of this Court. Despite failing eyesight, he participated with vigor and enthusiasm in deciding some of the most serious issues presented to this Court.

It was during this period that the attention of all became focused on an extraordinary attribute of this stalwart man. Never once was he heard to complain. Throughout all his life he had accepted adversity, personal sorrow, and the loss of loved ones, without complaint or despair. He did so to the very end. Was it his strong faith? His attachment to principle? Or was it just the Irish in him? Whatever the reason—he was a man for all seasons, no less than England's great Chancellor, Sir Thomas More.

Yet Tom White was more than a splendid judge and an outstanding lawyer. His concern for the underprivileged, the poor, the helpless, and his charity—these all knew no bounds. He simply was not capable of rejecting a request for help. The crepe on the neighbor's door, the misfortune of a fellow man, these sparked an immediate response in him, personal, direct, sensitive and unpublicized. With warm sympathy and understanding he extended a helping hand whenever and wherever it might provide assistance. It is no wonder that he had so many friends.

It is all the more significant that he was able to couple his

love of mankind with competence and scholarship in his work on the bench. His ready wit, his profound memory, and his solid legal convictions were all well reflected in his decisions.

Despite his busy professional career he found time for civic, fraternal and religious activities to an amazing degree. Towards charitable efforts in particular, he was unsparing in his energy and inspiring in his leadership. He served 14 consecutive terms as president of the St. Vincent de Paul Society. He was a member of the board of directors of the Los Angeles area Community Chest and acted as a vice president of the executive board of the Boy Scouts of America.

At various times he held the positions of State Deputy and of Supreme Director of the Knights of Columbus, of Grand President of the Young Men's Institute, and of President of both the Southern California Holy Name Union and the Friendly Sons of St. Patrick. He was active with the Phi Delta Phi Legal Fraternity and with the Delta Chi Fraternity. He taught law at Loyola University and in turn was honored with a Doctor of Laws degree from that institution.

He was the recipient of the Asa V. Call Award given annually to the alumnus who brought the greatest honor to the University of Southern California.

The Native Sons of the Golden West, the B.P.O. Elks, the Eagles, the Moose, the Catholic Order of Foresters, the Catholic Big Brothers, the Perpetual Adoration Society and, of course, the Ancient Order of Hibernians, all numbered him as an active member.

He was equally active in the American Bar Association, the State Bar of California, and local Bar Association.

A friend truly said of Tom White that he lived each day as if he were going to die tomorrow, and planned as though he would live forever.

He is survived by his beloved widow, Grace. The understanding, comfort and love with which she surrounded our friend in his later years was a source of great strength to him.

Tom White's efforts touched the lives of many men, and all benefited therefrom. In conclusion, let me say that the world is just a little better off by reason of the fact that he lived in it.

**CHIEF JUSTICE:** Justice Louis H. Burke will respond on behalf of the Court. Justice Burke.

**JUSTICE BURKE:** Mr. Chief Justice, Judge Otto J. Emme, Mrs. White, colleagues of the bench and bar, and friends of Justice White:

It is a privilege to be asked to make a brief response to the beautiful tribute, so richly deserved, that has been paid to the

memory of our beloved colleague, Justice Thomas P. White.

The associates of Justice White, both on this court, and former associates on the Court of Appeal and on the trial bench, will always treasure his memory, his hearty and contagious laugh, his enjoyment of the company of his friends, and his love of a good story. We treasure our memory of him as a warm, friendly human being possessed of a brilliant mind and prodigious memory. We treasure the rich experience of his past life which he brought to focus upon his daily work; the cheerful willingness, yes, even eagerness, with which he shouldered his full share of the heavy burdens of the court. We cherish him for the love he had for his wife, his colleagues and the members of his staff; a love that extended to all his friends, the janitors, the elevator operator, the newsboys on the corner—for, in fact, everyone was his friend, even those who from time to time disagreed with him; and not the least, certainly we cherish his love for the law to which he devoted such a great part of his life.

We are grateful for his comfort and his understanding; for his wonderful patience, his ability to listen, to reflect and to share the troubles and trials of others; for his generosity and the gift of himself without stint to friends in need. Truly, he was a noble character.

We honor him for his fierce love of freedom, liberty and independence and, if it could be said of him that he hated anything, it was oppression, tyranny, injustice, bigotry or intolerance of any sort.

Justice White's warm personal friend, Monsignor John V. Sheridan, a priest, scholar and author, in a beautiful tribute to Justice White, related a recent conversation in which Justice White said as to his philosophy of life:

"I worked hard while I worked. But when I left the office my work stopped. I never took my work home with me. I enjoyed sitting down with my friends and helping a little those in need. I never tried to impose my views or my feelings on anyone else. I did try to live my Faith; that gave me a sense of God's Presence in all the things I did."

"You've always seemed so happy," Msgr. Sheridan remarked. "Yes, like everyone else, I had my moments of sadness. But I always had a feeling, Father John, that God meant us to be happy, that He meant us to enjoy ourselves; and you know we can be happy, if we only try to react with gratitude to everything good that comes our way. I tried to do this and, thank God, it worked for me, and it may have helped others."

In closing this tribute, I can think of no more appropriate words than these, from the magnificent eulogy delivered by Right Reverend Monsignor Patrick Roche at the Requiem Mass for Justice White:

"[Justice White] loved his profession, which was the law, and his faith in its ideals was rooted in his religious faith. For his view of the law was not simply an attitude of cool and detached and professional respect. His was a reverence for law, warmer and deeper than mere respect, a burning zeal which would allow no touch of self-interest or influence or subterfuge. And this was because he recognized in human law, whatever its defects, some dim shadowing of a law which antedates our legislatures and our courts, some faint echo of a code once chiseled on tablets of enduring stone.

"And yet his interpretation of the law had none of the stone's cold and abrasive rigor. It was warmed and made humane by the accents of a compassionate voice which he could hear speaking gently from the distant Galilean hills. On one occasion, he described his early experience as a police court judge, and we quote him now: 'I became concerned—shocked, in fact—over the number of young men and women arraigned before me for offenses that stemmed from their own misfortunes, from hunger and poverty, rather than from criminal intent. I began to realize that it is the duty of a judge to look beyond the form of the law to find the fact and substance of justice.'

"The fact and substance of justice. Where shall modern man find it? Thomas P. White sought it in two major sources. First, in the heritage of his Christian faith, where justice is tempered with divine charity, where man's native weaknesses are not ignored or palliated, but are viewed in the context of God's redeeming love. Second, he sought the fact and substance of justice in the great documents upon which our nation was founded in pain and strain and tears.

"Running through his opinions and discourses like the steady beat of a tide we find constant references to the Declaration, the Constitution, the Bill of Rights. And we find these references set in balanced harmony, measuring the correlation of rights and responsibilities, freedom and authority, individual liberties and the common good. Justice White was not a poet, but he was a philosopher, and his philosophy revolved about the law. The great documents which form the substance of our national faith contained no shallow semantics, no lofty hyperbole; for him, they contained literal truth.

“Thomas White walked through this valley which we call earthly life with simplicity of soul, with dignity of purpose, with integrity of thought and speech and action. These qualities, lived out in the fullness of his years, constitute his heritage to us who remain behind.”

CHIEF JUSTICE: Thank you, Judge Emme and Justice Burke. It is ordered that this memorial be spread in full upon the minutes of the Court and published in the official reports.

Court recessed.