

## WALTON HALE HAMILTON

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*Remarks delivered at memorial services, October 30, 1958, Washington, D.C.*

WE meet here together to bid a last goodbye to Walton Hamilton. In doing so we have a peculiar bond between us. That bond is the respect and honor in which we hold him.

I have been requested to express here what we all must feel, not because I am adequate to the task but because I was one of his oldest friends. For twenty-eight years I have worked for him and with him, first as his colleague at Yale, then at the Department of Justice, and finally as his partner in the practice of law. To have known Walton Hamilton this intimately is one of the cherished experiences of my life.

He was in every respect a most unusual man. To me he represented the free spirit of inquiry into human affairs. He touched no subject, philosophical or even procedural, without discovering new and unexpected facets which he illuminated alike by his original analysis and his flashing humor. It was as impossible for Walton Hamilton to be dull as it was for him to be pedantic. His mind ranged over every field of economics and law. But the market place—the means by which civilized man, by voluntary and competitive division of labor, makes and distributes goods and thus improves his lot—had a special fascination for him. His restless energy produced a series of books on the mysteries of trade, neither conservative nor radical, but penetrating the very heart of the American market place, observing the interactions of legal symbols and economic dogma with the pressures of the industrial revolution of the twentieth century, which few men understood as well as he did.

These books are more than analysis and observation. They are imbued with a poetic spirit and reverent ideal of the value of the freedom of man, which begins, though it does not end, in the market place. In his last book, written after the age of seventy-five, he expressed his faith in American traditions as follows:

In some form or other the rivalry of men will continue to be employed as an instrument of the general welfare. It is not important that the arrangements which currently are set down as the competitive system will endure. It is important that the spirit of competition shall be enhanced and not impaired. There must be an outlet for the creative urge, free

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play for the dynamic drive. In a society, as in the physical world, motion is inseparable from life.<sup>1</sup>

That was Walton's social philosophy. It was also his personal religion.

Walton Hamilton will be best known for his teaching and writing and his public service. But the young men in our office knew him best as a fighting lawyer. He entered the private practice of the law when he was sixty-five. There he proved to be a born advocate. He loved litigation. He had the resourcefulness and imagination of a born advocate. It was during this period that he learned his sight was going and that he could never read again. His response to this challenge was inspiring. It was the response of a man, young in spirit, who would not even entertain the notion that he was growing old. He provided himself with readers. His remarkable memory came to his aid.

He was soon able to take the lead in a case in California, involving months of trial, long cross-examination of expert witnesses, and the keeping in order and introduction of thousands of documents, all this when he could not read a line on a printed page. To me this refusal to admit defeat was the culminating achievement of his life.

He loved music so much that he actually lived it. By that I mean that in all his writings, in all his speeches, indeed in his arguments before the court he wove together the contrasting themes of his ideas like music, illuminating them with sparkling analogies, giving them the balanced rhythm and the movement which were at the heart of his inner being. He was a happy man because he had that balance between ideals and harsh reality which spells spiritual harmony.

Today on his seventy-seventh birthday we bid him goodby.

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1. HAMILTON, *THE POLITICS OF INDUSTRY* 168-69 (1957). This book is reviewed at p. 614 *infra*. [Ed.]