Cale James Holder

by

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Born in Lawrenceville, Illinois on April 5, 1912, Cale James Holder lived most of his life in Indianapolis. His father, John Wesley Holder, was a native Hoosier of English and French descent with roots near Boonville, where he worked as an electrical engineer for the Western Union Telegraph Company. His mother, Martha Frances Glaser Holder, came from German stock and her family had settled in from Bloomington, Illinois. One of three brothers, Judge Holder graduated from Shortridge High School. In 1934, he earned a Bachelor of Laws degree from the Benjamin Harrison Law School, after attending night school while working during the days in a grocery store and earning a meager $15.50 weekly wage. That same year, he was admitted to the practice of law in Indiana and began his practice, initially with his brother Charles W. Holder, who died tragically in an airplane crash in 1948. In 1938, Judge Holder completed one year of post-graduate work and earned a Juris Doctor degree from the same institution. He continued his education in 1939 by studying administrative law at Indiana University in Indianapolis. From 1940 to 1942, he served as a deputy prosecutor in the Marion County Criminal Court.

Judge Holder's father was a diehard southern Indiana Democrat, prompting Judge Holder later to explain how it was that he himself became a Republican. Not believing that "things could be that one-sided," in 1932 he "turned to the Republican Party to find out" for himself about the other side, a decision he said he never regretted. His political philosophy, as later

events would confirm, guided him to the federal bench: "There is only one way to play politics—never quit your team, win, lose or draw."[1]

April 16, 1942—the same day his active service commenced with the United States Navy—also marked the date of Judge Holder's marriage to Martha Mae Stanton of Southport, Indiana. Their courtship began when a law school classmate introduced them. Their lack of money delayed any serious dating activities, but for a few years before their wedding, they maintained a joint bank account allowing them to save sufficient funds to get married. There was time for only a one day honeymoon in Chicago before Judge Holder had to report to duty in San Francisco. The third "Martha" in his life, their daughter and only child Martha Sue, was born in San Francisco in 1944, just ten days before he was shipped overseas. Beginning as an ensign, Judge Holder's rank in the Navy rose to lieutenant by the time of his honorable discharge in 1946. During his Navy career, he served in the Pacific Theater as a legal officer to the Judge Advocate General Court Martial Board in the New Hebrides Islands and then as commanding officer of the Naval Advance Base and as island commander of the Wallis Islands. After returning home, Judge Holder renewed his conservative Republican ties which he had formed before entering the service, eventually becoming a GOP ward chairman in Indianapolis. In 1946, he joined with other local young Republicans in Indianapolis to found and become the first president of the Marion County Republican Veterans of World War II, a group which served as a springboard for his subsequent wider involvement in Indiana Republican politics.

In February of 1946, Judge Holder was named assistant Republican county chairman in charge of veterans affairs, an outgrowth of his leadership in the veterans associations. Over the next few years, his political base expanded to include a variety of local GOP leadership

[1] *Indianapolis Times*, August 8, 1954.

positions. In June 1949, he became the youngest GOP state chairman in Indiana in more than half a century. While Judge Holder was not well-known beyond Marion County, the local Republican Veterans organization energetically engineered his election to the state chairmanship, making him only the third resident of Marion County to secure that position in the state's history. The *Indianapolis Star* credited him with bringing a "new look" to the Republican party, due primarily to his youthfulness and his success in "pumping new blood" into the party while "capitalizing on weaknesses in the Democratic defense." He demonstrated his political astuteness when he set the date for the 1950 Republican state convention at a time which foreclosed the selection of a later date by the Democrats for their convention. The *Star* described Judge Holder as a person who did not resemble the stereotypical politician, by eschewing cigars, loud oratory and smoke-filled rooms, and preferring "party teamwork to 'bossism.'" His clean-cut appearance and reputation for delivering on his promises helped to solidify Judge Holder's political support.[2] As a result, he was re-elected as GOP state chairman in both 1950 and 1952.

Over the next three years, Judge Holder was known as one of the "big three" of Hoosier Republicanism, joining U.S. Senators William Ezra Jenner and Homer E. Capehart in a powerful trifecta. In 1951, he was credited with bringing into line certain rebel Republicans in the state senate and securing their votes on a welfare bill by threatening political reprisals against them if they failed to adhere to the party line. As columnist Irving Leibowitz wrote in the *Indianapolis Times*, "Mr. Holder boldly, dramatically and successfully directed the Republican lawmakers to their 'welfare victory.'"[3] Yet, a year later at the end of 1952 when Judge Holder resigned as Republican state chairman, he did so under a cloud of controversy.

[2] *Indianapolis Star*, October 23, 1949.
[3] *Indianapolis Times*, October 28, 1951.

The year 1952 was a turbulent one in Republican politics, both in Indiana and on the national level. The upcoming presidential election caused a serious rift between supporters of General Dwight D. Eisenhower and those supporting Ohio Senator Robert A. Taft. Judge Holder and both of Indiana's two U.S. senators lined up behind Taft, who was the more conservative of the two potential candidates. Local opposition to their candidate was spearheaded by the then publisher of the *Indianapolis Star*, Eugene C. Pulliam, along with Congressman Charles Halleck. As a protégé of Jenner, Judge Holder received the brunt of Gene Pulliam's opposition, with Pulliam choosing not to alienate Jenner. While Senator Jenner preferred that Indiana's delegation to the Republican National Convention be entirely committed to Taft, he relented by agreeing to allow Pulliam to serve as a delegate. The Taft forces lost control of the state convention, however, when Eisenhower supporter George N. Craig won the Republican nomination for governor. The next day the *Star* ran a page-one story repudiating the Republican party bosses: "Craig's victory on the third ballot was a revolt against the bossism tactics of state chairman Cale J. Holder and United States Senator Homer E. Capehart."[4]

The battle between the Taft and Eisenhower factions continued at the 1952 Republican National Convention. When General Eisenhower won the nomination on the first ballot, Judge Holder, as chair of the Indiana delegation, and Senator Jenner stood their ground, refusing to allow the Indiana delegates to join the convention bandwagon. In his book about his grandfather, Russell Pulliam described a "pushing-and-shoving match" between Pulliam and Judge Holder after Pulliam attempted to carry the Indiana standard in the march for Eisenhower; somehow Holder was able to take it away from him.[5] Clearly tensions between the two ran deep

[4] *Indianapolis Star*, June 8, 1952. It is ironic to note that less than three years earlier, the *Star* had seen Judge Holder as one opposed to bossism. See footnote 2 above.
[5] Russell Pulliam, *Publisher: Gene Pulliam, Last of the Newspaper Titans* (Ottawa, IL: Jameson Books, 1984), 163.

and within a few years, tempers would erupt anew. After the Republican convention, despite his initial opposition, Judge Holder supported his party's choice and personally headed up Eisenhower's campaign in Indiana. The result was an overwhelming Indiana victory for Ike.

In November 1952, Judge Holder submitted his resignation as Republican state chairman, an action viewed as a victory for the newly-elected governor, George N. Craig (whose candidacy Holder had opposed), whose supporters had fought to assume control of the state party leadership. Judge Holder had been accused of trying to retain the chairmanship by engineering the reelection of State Representative W.O. Hughes of Fort Wayne as speaker of the Indiana House, a charge Holder flatly denied. In response, he abruptly announced his resignation, sending a four-page telegram to all newspapers and party leaders in the state, touting the party's record during his chairmanship and noting in particular that the GOP had handily won all elections during his tenure.[6] Evidencing some bitterness, Judge Holder's statement accused certain factions of the Hoosier Republican Party of trying to make of him a "whipping boy."[7] Shortly after Judge Holder's resignation, Representative James D. Allen of Salem, who was the choice of Governor-elect George Craig, was elected speaker of the Indiana House. His selection was labeled "a complete victory for the Craig forces over the defeated Holder regime."[8] Yet, within a few months, the rancor associated with this disagreement had dissipated sufficiently that Judge Holder, with Governor's Craig's approval, was appointed to serve as one of twenty-five deputy state attorneys general. He held this post during most of 1953.

The enmity between Judge Holder and Gene Pulliam surfaced again in 1954 when both Indiana senators, William E. Jenner and Homer E. Capehart, recommended Holder for

[6] *Indianapolis Star*, November 13, 1952.
[7] *Indianapolis Times*, November 12, 1952.
[8] *Indianapolis Star*, November 14, 1952.

appointment to one of two new federal judgeships authorized by Congress for Indiana. At the time, the Southern District of Indiana was served by a single federal judge, William E. Steckler, and was desperately in need of additional judicial resources to manage the busy court docket. Even before Holder was officially nominated, the two Indianapolis newspapers owned by the Pulliam family, the *Star* and the *News*, launched a campaign against him.

In July, 1954, the *News* reported that Governor George Craig had contacted the White House in an effort to block Holder's nomination to the court and was assured "that Holder's appointment will not be considered."[9] Craig, however, denied this report.[10] Even so, the *Star* did not relent, publishing a story alleging that prominent attorneys and judges who had written letters of recommendation for Holder had done so only after "a flagrant misrepresentation of the facts" by Holder to them relating to the status of his nomination. The *Star* reported that a majority of Indiana's congressional representatives were angry over what they viewed as "the stubborn insistence of Senators Jenner and Capehart to get Holder named," believing that his nomination would generate a split in the state Republican Party.[11]

The more liberal newspaper, the *Indianapolis Times*, entered the fray over Holder's nomination by publishing an editorial describing Holder as "a lawyer of unquestioned integrity and character who has given long, distinguished and unselfish service to the Republican Party," and whose appointment was supported in writing by the top business, labor, banking and political leaders of the state. The *Times* also pointed to Gene Pulliam as the cause for the people of Indiana being deprived of the much-needed services of a new judge, writing, "Actually the clamor against Cale Holder stems almost wholly from one man, who holds no party or public

[9] *Indianapolis News*, May 26, 1954.
[10] *Indianapolis Times*, May 29, 1954.
[11] *Indianapolis Star*, July 12, 1954.

office and never has. It comes, we are convinced, from a personal grudge, which has no bearing whatever on the fitness of this man for this job." The editorial decried "the foolish personal vendetta of a single arrogant individual."[12] Within a few days of this editorial, Gene Pulliam and prominent local attorney Kurt Pantzer traveled to Washington, D.C., in what turned out to be an unsuccessful attempt to convince the two Indiana senators to drop their support for Holder.

On August 2, 1954, President Dwight D. Eisenhower formally nominated Holder to the newly created second judgeship for the United States District Court for the Southern District of Indiana. At the age of forty-two, Holder was expected to bring a youthful vigor to the bench. While some were surprised that Eisenhower had nominated Holder, who had been an outspoken Taft supporter, his selection was a tribute to the power wielded by the two Indiana senators, Jenner and Capehart, in connection with the appointment process.[13] The *Star* reported that the nomination came only after U.S. House Majority Leader Charles A. Halleck, a powerful representative from Indiana, agreed to accept Holder's nomination in exchange for the two senators' support of Halleck's friend, W. Lynn Parkinson, for the second newly authorized federal judgeship in the northern district of Indiana.[14] Two days after Holder's nomination, the *Star* published a front page editorial under the banner headline, "Why The *Star* Opposed Holder," in which the paper claimed that Holder was unqualified for the position and that his appointment would "split the Republican Party in Indiana wide open." The *Star*'s opposition to Holder was based primarily on the view that "because he was the symbol in Indiana of the bitter

[12] *Indianapolis Times*, July 14, 1954.
[13] The practice of Senatorial courtesy in the U.S. Senate is that senators will confirm only those presidential appointees to office approved by both senators from the state of the appointee or by the senior senator of the president's party.
[14] *Indianapolis Star*, August 3, 1954.

opposition to Eisenhower and his program," Holder's nomination would result in young Eisenhower supporters "feel(ing) betrayed and frustrated."[15]

Nearly one thousand people attended Judge Holder's swearing-in ceremony held at the Federal Courthouse in Indianapolis on August 21, 1954. Indiana's two U.S. Senators, Capehart and Jenner, were present, along with Hoosier-born Supreme Court Justice Sherman Minton and many other dignitaries. Governor Craig chose not to attend, and the *Star* continued its editorial assault on Judge Holder, describing the ceremony as a "coronation" and noting that, at the cocktail reception following the ceremony, "a large number of Indiana's leading attorneys" were conspicuously absent.[16] Pulliam's unrelenting attacks on Judge Holder were not without consequences, when later that year Pulliam was unsuccessful in his attempt to purchase the local Indianapolis Channel 13 television station license. During hearings before the Federal Communications Commission conducted in late 1954 and early 1955, both the front page editorial about Judge Holder's nomination and the article about his swearing-in were openly criticized as being so unfair and biased as to violate the canons of fair newspaper reporting and editing.[17]

Within three weeks of his appointment, during an interview with a reporter from the *Indianapolis Times*, Judge Holder succinctly summarized his judicial philosophy in these words: "I do not believe any human being is really bad, without some reason to be. I believe the purpose of a court is to salvage those who can be salvaged. That is the basis of our court system." He stressed that criminal defendants were individuals, the circumstances of whose lives merited examination by the court. Taking pains to explain to defendants their rights under

[15] *Indianapolis Star*, August 4, 1954.
[16] *Indianapolis Star*, August 22, 1954.
[17] *Indianapolis Times*, January 6, 1955.

the U.S. Constitution, Judge Holder said, "It would be better that one guilty person went free than one innocent person go to prison."[18] He demonstrated a concern for fairness and equality before the law throughout his career, as evidenced by the rulings he made in various notable cases discussed below.

Certainly one of the most sensational cases assigned to Judge Holder arose during his first year on the bench. It concerned an interstate narcotics ring involving three men charged with the purchase, sale and distribution of heroin, who comprised the Indiana branch of a Chicago vice operation. The trial began in March 1955 and received considerable media attention. The reputed narcotics wholesaler, Paul Lasley, provided vivid details of the activities of the conspirators, but only after agreeing to change his plea from not guilty to guilty. His testimony and cooperation were met by threats of "gangland" reprisals.[19] Defendant Walter C. Johnson was described as the biggest distributor of heroin in the area, while a third man, Herbert S. Miles of Phoenix, was the reputed source of supply of heroin to the Midwest. Both Johnson and Miles were found guilty by the jury of the offenses of unlawful sale and purchase of narcotics. After reading the verdict, Judge Holder informed the pair that the court "has no probation in mind."[20] At the sentencing hearing, after castigating the defendants for their involvement in the illegal narcotics operation, he meted out stiff punishments to all three, including Lasley, imposing the longest prison term on Miles, who had brought the heroin to Indiana. The judge prodded the defendants to tell "all you know" about narcotics traffic in Indianapolis, but when Johnson began to speak, he was stopped by Miles who whispered something to him, after which Johnson denied knowing anything, as had Miles. Judge Holder

[18] *Indianapolis Times*, September 12, 1954.
[19] *Indianapolis Star*, March 30, 1955.
[20] *Indianapolis Star*, April 2, 1955.

expressed his regret over their reticence to speak, commenting that "(s)ince neither of you saw fit to help, we must place both of you out of reach of this trafficking."[21]

Later in 1955, Judge Holder presided over another controversial case involving two men accused of white slavery. Michael Risk and Morris Kramer were charged with running an interstate "call girl" enterprise and were both found guilty by a jury and sentenced to prison by Judge Holder. Sensitivity to the families of the accused was apparent when, after hearing a plea for leniency from Risk's father, the judge commented on the fine reputation of the elder Risk and his family but nonetheless imposed the announced penalty.[22]

In mid-1959, Judge Holder was assigned the largest excise tax evasion case tried up to that time in a federal court. The trial of eight men accused of being involved in a gambling syndicate was held in the federal court house in Terre Haute before Judge Holder. The defendants, all of whom were charged with conspiracy and the evasion of $326,000 in federal excise taxes, came from Chicago, Las Vegas, Miami, Indianapolis, and Terre Haute; defense counsel included some of the most expensive legal talent in the country. U.S. Attorney Don A. Tabbert led the prosecution. Reports in the *Indianapolis Star* indicated that Tabbert and the lead defense counsel "skirmished like two scorpions in a bottle." The defense claimed prejudicial pretrial publicity and asked Judge Holder for a continuance, which he denied. Tempers flared in the sweltering courtroom where temperatures approached "that of a steam bath," and newsmen and photographers outnumbered spectators.[23] Jury selection proved challenging and Judge Holder spent five hours questioning the jurors about their qualifications to try the case. In the end, twelve "married men" were selected for the jury. Judge Holder then sequestered the jury, a

[21] *Indianapolis Star*, May 27, 1955.
[22] *Indianapolis Star*, September 16, 1955 and October 28, 1955.
[23] *Indianapolis Star*, June 23, 1959.

move unprecedented in recent federal court history. He took pains to explain that the sequestration was his own idea "to safeguard the rights to a fair trial" and not based on suggestions from counsel on either side. The jurors were housed on one entire floor of the Terre Haute House Hotel with no access to outside reporting during the trial.[24]

Nearly one hundred witnesses took the stand over the next six weeks, mostly bettors who had placed wagers with the syndicate, including film comedian Zeppo Marx, who told the court that he had heard in Las Vegas that he could call a bookie in Terre Haute to wager on football games. The *Indianapolis Star* described the scene, saying "the courtroom and corridors were clogged with curious housewives hovering around for a look at Marx," while "silk-shirted bookies" and other prospective witnesses "were wilting fast at the end of the humid day." Judge Holder showed his irritation at the parade of witnesses and prodded the attorneys to keep their questions rolling, saying, "There's a lot of people here who want to go home."[25] Closing arguments in the case turned into a nine-hour marathon by the attorneys for both sides. Jury instructions by Judge Holder took four hours. Ultimately, all eight defendants were found guilty by the jury after less than four hours of deliberation. Afterward, the *Indianapolis Star* reported on some of the shenanigans and legal tricks attempted by defense counsel, all to no avail, along with tales about threatened witnesses. In the end, all of the defendants received prison terms and fines. Judge Holder suspended the prison terms of two of the men, declaring that leniency was deserved "only because of your ages," and he urged them to "get out of the fraternity."[26]

In 1967, Judge Holder handed down the first of several significant civil rights rulings. In a suit filed by the NAACP on behalf of seven school students, the court was asked to determine

[24] *Indianapolis Star*, June 25, 1959.
[25] *Indianapolis Star*, July 10, 1959.
[26] *Indianapolis Star*, September 11, 1959.

if the Kokomo schools had practiced segregation and imposed limitations on certain black children by assigning them to schools where they would receive unequal educational opportunities. After personally touring the two referenced school buildings, both over fifty years old with predominantly black enrollments, Judge Holder ordered them closed, holding that, "The physical facilities of the Willard-Douglass Schools [in Kokomo] are too small, outmoded, and insufficient in many details to fulfill the educational needs of the pupils or provide a workshop for the teachers to have incentive to practice their profession." He also ordered the school board to invite two black teachers to submit applications for teaching positions in the school system. The judge refused, however, to halt construction of two other schools being built in predominantly white neighborhoods in Kokomo, ruling that the facts did "not support the claim of racial discrimination or segregation."[27]

The Kokomo school district returned to court the following year when Judge Holder rejected its redistricting plan, which called for the two older schools to be phased out two years later in 1970. In his opinion, he ordered the Willard-Douglass Schools closed in the fall of 1968, citing the stigma attached to students required to attend them, and directing that the children be brought into regular classrooms at other schools, not into separate classes. Judge Holder was emphatic in his order: "The court cannot perform the mission of the school board. It is up to the board to devise a new plan for districting the city schools. It is time to get on with educating, and that time is growing short."[28] He finally closed the case in October 1971, after approving the Kokomo schools' boundary changes, ruling: "It is now appearing to the court that the purposes sought to be achieved by the original orders of this court have now been accomplished." Judge Holder's role in this case was discussed in an article in the *History of Education Quarterly*, in

[27] *Indianapolis Star*, October 11, 1967; *Collier v. Kokomo* IP 67-C-205, RG 21, NARA, Great Lakes Region.
[28] *Indianapolis Star*, July 25, 1968.

which the author concluded that "Judge Holder balanced pressure with gradual desegregation. While acknowledging that Kokomo school officials had not been responsible for school segregation, he still forced them to close school buildings at the heart of the desegregation controversy." The author believed that had Judge Holder, along with the NAACP, not guided the litigation with his characteristic firmness and fairness, school officials may not have acted as quickly to enable desegregation, to the detriment of the entire community of Kokomo.[29]

In 1975, Judge Holder presided over another key civil rights case filed by Bruce Bailey of Gary and the Indiana NAACP, charging the Indiana State Police with racially discriminatory hiring practices. At that time, the State Police had only fourteen black employees out of a total force of 1,340. All applicants were required to achieve a minimum I.Q. test score, but few black applicants had been successful in attaining that goal. Judge Holder determined that the testing procedures were racially discriminatory because the test did not cover job-related matters, warranting a restraining order to halt the continuation of the recruit class then in progress. The State Police was ordered to take affirmative steps to increase the number of black troopers in the force, who were to be assigned throughout the state. Traditionally, black officers had been assigned only to Lake or Marion counties. Judge Holder viewed this practice as another form of discrimination, given that the lack of assignments to duties in rural and other areas outside their home cities deprived them of the broad experiences and expertise required for promotion.[30]

Ultimately, Judge Holder approved a consent decree that ended the use of the I.Q. tests or other written examinations, unless first approved by the Equal Employment Opportunity

[29] Dionne Danns, "Northern Desegregation: A Tale of Two Cities," *History of Education Quarterly* 51, no. 1 (2011).
[30] *Indianapolis Star*, August 2, 1975; *Bruce Bailey v. Robert L. DeBard*, 1975 WL 227 (S.D.Ind.1975).

Commission; the State Police was also enjoined from rejecting any applicant who had a record of arrest without conviction or a less than honorable military discharge, or a poor credit rating. The consent decree required the State Police to allocate forty percent of the spots in each recruiting class for black applicants until a total of at least seven percent of the department's employees were black. The decree further mandated that the State Police contact applicants who had recently been rejected due to low scores on the I.Q. test and inform them of their right to reapply. Finally, the State Police was required to submit statistical reports to the court to ensure compliance. Judge Holder continued to monitor this case until his death almost eight years later.[31]

In the late 1970s, Judge Holder presided over another class action lawsuit, this one against Jeffboat, a large manufacturer of barges, towboats and other marine-related equipment based in Jeffersonville, Indiana. The complaint charged Jeffboat with racial discrimination against its black employees in promotion, compensation, discipline, seniority, training, and other practices in violation of Title VII of the Civil Rights Act of 1964 and Section 1981. After a trial in New Albany lasting almost four months, Judge Holder denied the plaintiffs' claims, ruling that the plaintiffs had failed to establish by a preponderance of the evidence that they were discriminated against. More than a year after Judge Holder's death, the Seventh Circuit Court of Appeals saw things otherwise and reversed his decision and remanded the case for retrial. The appellate court wrote that, "while we recognize that the district court cannot be expected to explain the significance of every bit of evidence in the record, the court's failure in this case to address the sort of evidence we have noted, and other evidence discussed infra, violates the

[31] *Indianapolis Star*, March 3, 1976 and April 20, 1976.

command of Rule 52(a) to 'find the facts specially' and precludes effective appellate review."[32] Nearly ten years later, the case settled.

In the final major civil rights trial of his career, Judge Holder presided in a bench trial of three Muncie men charged with firebombing the home of a black family in a largely white neighborhood. The incident occurred in 1980, but arrests were not made until two years later. In addition to the firebombing of the victim's home, the men were charged with conspiring to violate the Fair Housing Act by the use of threats, vandalism, and intimidation against the family, and with violating federal firearms laws. Noting that the firebombing culminated a five-week long campaign of harassment and intimidation of the family, Judge Holder observed that the victim had been forced to sleep in the living room with a gun nearby in order to protect his family. The defendants, said Holder, engaged in a conspiracy to "intimidate the . . . family and their children from their rights guaranteed by the law to own and occupy a dwelling without fear of harassment because of their race." He urged defendants to admit their guilt after their convictions and before sentencing, but to no avail.[33] He sentenced the three each to a six-year term, and repeated his suggestion that they admit their actions as a first step toward rehabilitation.[34] The Seventh Circuit Court of Appeals upheld Judge Holder's convictions of the three men the following year.

While Judge Holder's reputation regarding his judicial philosophy was as a conservative, prominent civil rights attorney Ronald E. Elberger of Indianapolis praised Judge Holder's judicial fairness and demeanor. Mr. Elberger represented plaintiffs in twelve civil rights cases, including the Jeffboat case, all before Judge Holder, and noted that Judge Holder had ruled

[32] *Mozee v. Jeffboat, Inc.*, 746 F.2d 365 (7th Cir. 1984).
[33] *Indianapolis Star*, October 27, 1982.
[34] *Indianapolis Star*, December 11, 1982.

against Elberger's clients eleven times. Despite reversals in most of those cases by the Seventh Circuit Court of Appeals, Mr. Elberger did not view Judge Holder as being opposed to civil rights: "He uniformly had a fairly strict conservative belief that civil rights cases did not belong in the federal courts. That was just his belief and he was very open about it." Mr. Elberger's praise for the judge included his practice of allowing attorneys to make a thorough record for appeal, always careful to ask plaintiffs' attorneys if there was anything else they wanted in the record. Judge Holder attached great importance to creating a complete record in all cases, especially where settlement was unlikely and a constitutionality issue was being litigated.[35]

In 1969, during the height of the Vietnam War controversy, a group of eight people calling itself "Beaver 55" protested the war by ransacking the Marion County Selective Service office and destroying Selective Service files. After claiming public credit for their actions and attempting to justify their vandalism as a legitimate form of dissent, the group was prosecuted and tried before Judge Holder; the jury ultimately convicted each of them. During his instructions to the jury, the judge admonished them, reminding the jury that "the motives of the defendants are not controlling" and that the Constitution does not protect "as a form of symbolic speech the destruction of public property and the hindering of the executive branches administering the Selective Service law and violation of valid law designed to protect society." Following the verdicts, Judge Holder allowed the defendants to remain free on bond pending their appeal, but ordered them to remain in their home towns, cautioning them that he would not hesitate to have them taken into custody if he learned of "any blink of the eye by the defendants [that they were] . . . participating in any illegal activity."[36]

[35] Ronald E. Elberger, interview by Suzanne S. Bellamy, February 20, 2012, Indianapolis, IN.
[36] *Indianapolis Star*, November 17, 1969 and May 26, 1970.

In another case arising out of the Vietnam War-era protests, Arthur Banks, a well-known African-American actor and playwright, who had resisted the draft in the early 1970s, received a five-year federal prison sentence (the maximum allowed by law) to be served in the federal penitentiary in Terre Haute, Indiana. While incarcerated, Mr. Banks led a group of African-American prisoners in protesting the discriminatory treatment by the prison officials of another inmate. While being transferred to solitary confinement as punishment for his actions, Mr. Banks attacked two prison guards, which gave rise to an indictment against him for assault of a federal corrections officer. No doubt due in large part to his prominence and the highly-charged political climate at the time, Mr. Banks's case became a cause célèbre, made more so when noted civil rights attorney, William M. Kunstler, entered his appearance to represent Mr. Banks at trial. After granting several continuances of the trial date, due to Mr. Kunstler's repeated difficulties in scheduling his appearances in court, Judge Holder conducted a hearing on April 1, 1973, at which Mr. Kunstler finally was present. That the hearing occurred on April Fool's Day was no doubt Judge Holder's doing, given his practice, who was well known throughout the bar, of indulging in such clever gestures. At the conclusion of the hearing, the judge barred Mr. Kunstler from his continued representation of represent Mr. Banks on the grounds that Mr. Kunstler had engaged "in a pattern of pretrial publicity" that had diminished the prospects of Mr. Banks's receiving a fair trial before an impartial jury. Judge Holder held Mr. Kunstler in violation of ethical standards based on his political motivations. Incensed by that decision, Mr. Kunstler characterized it as "one of the grossest violations of constitutional rights I have ever seen and certainly a grotesque distortion of the law."[37] Judge Holder responded to Mr. Kunstler's attacks by notifying the Seventh Circuit that he (Judge Holder) had "fully and properly performed [his] judicial responsibility in making the ruling in question. The ultimate

[37] John Antonides, "The *Anendotos Agonas* of Arthur Burghardt-Banks," *Indiana Daily Student*, [October 1973].

purpose of a criminal action is the search for the truth and the determination of whether the prosecution has established the guilt of Mr. Mr. Banks of the charged crime of assault and battery. The court cannot allow the pretrial and trial proceedings to be used for any other purpose."[38] The Seventh Circuit Court of Appeals disagreed with Judge Holder's ruling and permitted Mr. Kunstler to continue to represent Mr. Banks. The Supreme Court denied certiorari and the government ultimately dismissed the assault charge against Mr. Banks.[39] Judge Holder's decision was referenced in a subsequently published book relating to major cases of activist lawyers, including Mr. Kunstler.[40]

Judge Holder also presided over the trial of Dr. John D. Lind, an Anderson physician, who was indicted along with three others in April 1976 on charges relating to the bombing of a plumbing supply company and conspiracy to obstruct justice. His attorney, Ralph Howard, was also indicted and charged along with two others with conspiracy in connection with the bombing. The headless torso of Gary W. Lake, who had participated in the bombing and served as a government informant, was found in November 1975 floating in a farm pond a few days after Lake had provided a detailed statement to law enforcement detailing his involvement in the bombing and disclosing the names of the persons who paid to have the bombing committed allegedly due to bad feelings over a charge for plumbing supplies. Dr. Lind retained renowned attorney, F. Lee Bailey, as his counsel. Mr. Bailey's presence generated a certain excitement in Indianapolis since a few weeks earlier he had concluded his defense of Patty Hearst in her bank robbery trial in California. Judge Holder denied Dr. Lind's motion for reduction of the $750,000 bond set by the grand jury, citing as his reasons that evidence available to him suggested that Dr.

[38] *Indianapolis Star*, June 3, 1973. See also, *Indianapolis Star*, February 8, 1973 and September 1, 1974.
[39] *Holder v. Banks*, 417 U.S. 187 (1974), cert. dismissed as improvidently granted.
[40] Diana Klebanow and Franklin L. Jonas, *People's Lawyers: Crusaders for Justice in American History* (Armonk: New York: M.E. Sharpe, 2003), 338.

Lind was a "suspect in the murder of Gary W. Lake and that he was investigated in connection with drug-related offenses" as well as being linked to the attempted murders of two physicians. Dr. Lind's local attorney, Mark W. Shaw, protested Judge Holder's order denying the bond reduction, but, according to Judge Holder, Shaw offered no evidence to refute the testimony of the government agents.[41]

At Dr. Lind's trial the following year, the jury returned verdicts of guilty on five charges of federal firearms violations. Judge Holder directed a verdict of acquittal in favor of attorney Ralph Howard, while the other two defendants pled guilty to lesser charges in exchange for their testimony against Dr. Lind. Mr. Bailey's role during the trial turned out to be fairly minor as he questioned only a few of the government's witnesses and called no witnesses on the defendant's behalf.[42] According to Assistant United States Attorney Charles Goodloe, Jr., Judge Holder and Mr. Bailey had a respectful relationship but the Judge maintained control of the courtroom throughout the trial, thus depriving Bailey of any opportunity to grandstand or engage in theatrics. Mr. Goodloe recalled that Mr. Bailey expressed compliments to the Judge at the conclusion of the trial regarding the fair manner in which it had been conducted. At the sentencing hearing in September 1976, Mr. Shaw sought a belated continuance to allow Dr. Lind to undergo a psychiatric evaluation, but Judge Holder denied that request on the grounds of untimeliness. Dr. Lind continued to assert his innocence and provided no assistance in the investigation of Lake's murder. He requested that, in lieu of prison, he be released to practice medicine among poor people, but Judge Holder declined that offer, saying that the federal prison would find a use for his talents. Dr. Lind was sentenced to nine years in prison and received a $10,000 fine. No one was ever charged in the death of Gary Lake.

[41] *Indianapolis Star*, April 22, 1976, April 24, 1976, and September 11, 1976.
[42] *Indianapolis Star*, August 1, 1976.

William Chaney, former Indiana Grand Dragon of the Ku Klux Klan, was indicted in 1976 for the firebombing of an Indianapolis advertising firm. Two successive trials both resulted in jury convictions, but each was subsequently set aside by the Seventh Circuit Court of Appeals. The first trial was conducted by Judge William E. Steckler and the second by Judge James E. Noland. Chaney's third trial was assigned to Judge Holder. The trial venue was moved from Indianapolis to Evansville after several prospective jurors admitted during jury selection that they had been discussing the case with one another in advance of *voir dire*. Judge Holder stated: "Today it appears the powers that be want us to try cases in a near vacuum and that's doggone near impossible." The third trial ended in a mistrial when the jury could not reach a unanimous verdict A fourth trial commenced in Terre Haute in 1979, at the conclusion of which the jury found Chaney guilty of throwing Molotov cocktails at the offices of the Naegele Outdoor Advertising Company during a strike by Naegele employees. The evidence disclosed that Chaney's employment had ended when he was fired by Naegele's predecessor, and his violence was in retaliation towards the company and in support of the striking employees. Judge Holder also concluded that the firebombing occurred in connection with a labor dispute and not as a result of Chaney's Klan affiliation, despite Chaney's efforts to assert government harassment based on his Klan ties. Chaney received a five year sentence of imprisonment.[43]

Judge Holder enjoyed a near legendary reputation for presiding over pretrial conferences in civil cases. He was of the view that very few cases were worth going to trial over, that "when a case comes to trial, that means someone, one of the lawyers or one of the clients, is being

[43] *Indianapolis Star*, June 23, 1978, February 1, 1979, March 2, 1979, March 3, 1979, and March 24, 1979; *Indianapolis News*, December 26, 1978 and December 27, 1978.

unreasonable."[44] In 1972, he managed over a three-year period to engineer settlements of 143 separate claims resulting from the 1969 crash of an Allegheny Airlines plane in Shelby County, Indiana, in which eighty-three people had died. That accomplishment was no small feat!

Judge Holder's reputation as a settlement judge was further enhanced in August 1978 following a lengthy, complex, highly contentious case involving broken windows and the resultant leaks at the recently constructed high-rise Pyramid Office Buildings located on the northwest side of Indianapolis. After the parties' resistance to Judge Holder's initial settlement efforts necessitated a five-month jury trial, the jury returned a verdict in favor of College Life Insurance Company, the owner of the buildings, and awarded the company approximately $20 million in damages, including punitive damages. A second trial before Judge Holder involving cross-claims between and among the various defendants was scheduled, prompting the Judge to encourage the attorneys to assert their "professional leadership" in assisting their clients by attempting to fashion an out-of-court settlement. Ultimately, his exhortations were successful and the jury's award was reduced by nearly half and all appeals and cross-claims were dismissed.[45]

Suits involving federal, state, and local governmental actions and federal employees dotted Judge Holder's calendar throughout his judicial tenure. Almost forty years before Indiana's General Assembly enacted daylight savings time in 2006, Judge Holder presided over a lawsuit relating to this issue. In 1966, Congress enacted the Uniform Time Act, which imposed daylight savings time in all areas not specifically exempt. When the 1967 General Assembly failed to exempt Indiana from the daylight savings provisions in the federal law, the U.S.

[44] *Indianapolis Star*, August 24, 1983. Lawyers who appeared regularly before Judge Holder remember his saying that cases go to trial for one of four reasons, or a combination thereof: bad facts, bad law, bad clients, bad lawyers.
[45] *Indianapolis Star*, April 23, 1978, May 5, 1978, and August 1, 1978.

Department of Transportation allowed Indiana to delay implementation of the law while that department considered moving the official time zone boundary from the center of Indiana to the Indiana-Illinois border, allowing exceptions for the areas in the northwest and southwest corners of the state. Six Indiana television stations filed suit against the Department of Transportation to force State compliance with the federal law. In July 1968, Judge Holder ordered Indiana to shift to daylight savings time within ten days. In his ruling, he opined that the Uniform Time Act "is the law of the land and cannot be ignored" and that the defendants' failure to enforce it "promotes confusion among the citizens of Indiana" and was outside its authority to decide.[46]

The day before Judge Holder's order was to go into effect on August 2, 1968, a three-judge panel of the Seventh Circuit Court of Appeals granted a government motion for an emergency stay of the order pending an appeal to the full Court of Appeals. That appellate stay mooted the issue for the time being. In 1972, the Indiana General Assembly enacted legislation placing the northwest and southwest corners of the state in the central time zone and on daylight savings time, and the remainder of the state was placed on Eastern Standard Time. With a few minor changes relating to the specific counties placed in the central time zone, Indiana remained in this time zone configuration until 2006, when the entire state adopted daylight savings time.

Federal revenue-sharing funds provided the basis of a 1973 lawsuit filed against the Mayor of Indianapolis, Richard G. Lugar, the City-County Council, and members of the Indianapolis Board of Public Works by Marion County Democratic Chairman William M. Schreiber and others. The action sought to bar use of such funds to pay $4.4 million in cost-overruns incurred in the construction of Market Square Arena, because, as plaintiffs alleged, the city had failed to follow the applicable bidding procedures when it hired a construction manager

[46] *Indianapolis Star*, July 18, 1968; *Time Life Broadcast Co. v. Boyd*, 289 F.Supp. 219 (S.D.Ind.1968).

without first putting the work up for bids. Judge Holder dismissed the suit finding that plaintiffs had failed to state a claim upon which relief could be based in that the federal revenue-sharing statutes allowed expenditures for "recreation." On plaintiff's appeal of that dismissal, the Seventh Circuit Court of Appeals determined no federal jurisdiction existed for their failure to satisfy the statutory jurisdictional amount in controversy requirement, since plaintiffs' individual claims could not be aggregated. The Court of Appeals vacated Judge Holder's order and remanded the case with directions to dismiss it for lack of diversity of citizenship jurisdiction.[47]

In 1980, Judge Holder dismissed a suit brought by a former FBI agent claiming he had been fired from the Bureau for alleging corruption in the Indianapolis office. Charles E. Egger filed the lawsuit against both the FBI and Harlan C. Phillips, the Special Agent-in-Charge of the office, who testified that he had fired Egger for refusing a transfer to Chicago. In granting Phillips's motion for summary judgment, Judge Holder issued a forty-nine-page report detailing operations in the Indianapolis FBI office and the rights of agents. Egger was named as a suspect as the source of leaks to the *Indianapolis Star* in a series of articles critical of the local FBI office. Without discrediting Egger's claim that Phillips seemed more interested in finding the source of news leaks within the office than in uncovering corruption, Judge Holder ruled that Egger was in any event not deprived of any First Amendment rights since "there is no constitutional protection for unreasonable or reckless, false statements," and that he "had no reasonable basis for making many of his assertions."[48] The Judge also noted that "Egger's activities substantially contributed to creating havoc in the Indianapolis Field Office of his

[47] *Schreiber v. Lugar*, 518 F.2d 1099 (7th Cir. 1975); *Indianapolis Star*, December 11, 1973, August 1, 1974, and September 5, 1974.
[48] *Indianapolis Star*, September 23, 1980.

employer." Despite an initial reversal of Judge Holder's grant of the motion for summary judgment on appeal,[49] his final decision was ultimately affirmed.[50]

In the first nationwide strike in history involving federal workers, the air traffic controllers walked off their jobs in August 1981, thereby crippling commercial flights across the country. President Ronald Reagan ordered that any striking controller who refused to return to work within forty-eight hours would be fired. When litigation was filed in Indianapolis, Judge Holder, at the request of then U.S. Attorney Sarah Evans Barker, ordered striking air controllers back to work at Indianapolis International Airport and banned further picketing.[51] To secure compliance with his injunction, Judge Holder ordered each striking PATCO (Professional Air Traffic Controllers Organization) employee to surrender one motor vehicle to the U.S. Marshall, who would impound it until the air traffic controller returned to work. It was a highly effective order prompting the families of the workers to add their own pressure on the individual controllers to return to work so the families could have their cars back. After the Seventh Circuit Court of Appeals upheld his ruling, Judge Holder issued a permanent injunction prohibiting members of PATCO from interfering with air traffic or with controllers who remained on the job within the Southern District of Indiana. When the union argued against entry of an injunction on the grounds that PATCO members did not plan to picket at airports, the Judge addressed the need to eliminate any harassment and intimidation of working controllers, saying, "The need for a permanent injunction is evident because of indications the defendants intend to proceed in the future as they have in the past."[52]

[49] *Egger v. Phillips*, 669 F.2d 497 (7th Cir. 1982).
[50] *Egger v. Phillips*, 710 F.2d 292 (7th Cir. 1983).
[51] *Indianapolis Star*, August 4, 1981.
[52] *Indianapolis News*, November 16, 1981.

In 1982, the Indiana General Assembly enacted an abortion notification law requiring parental notification by physicians whenever a pregnant minor contacted them to obtain an abortion. Planned Parenthood of Indiana along with several physicians and young women filed suit to secure a permanent injunction against enforcement of the law based on the minor's right to privacy and good health care. After initially refusing to grant a temporary restraining order, Judge Holder heard testimony from witnesses on both sides of the issue. Evidentiary disputes slowed the trial and contributed to the emotionally-charged atmosphere. Judge Holder ruled that the abortion notification law was constitutional on the grounds that it served important state interests by preserving family integrity and protecting adolescents. Further, he wrote, "A significant state interest is served through the provision of an opportunity for parents to supply essential medical and other information to the physician, which is pertinent in light of the serious and lasting medical, emotional and psychological consequences of an abortion." Acknowledging that the constitutional right of privacy extends to minors, the Judge did not equate the constitutional rights of minors with those of adults: "the state may validly limit the freedom of children to choose for themselves in the making of important affirmative decisions with potentially dangerous consequences."[53] A subsequent attempt by Planned Parenthood to enjoin enforcement of the law pending appeal was denied by the Judge.[54] The following year, the Seventh Circuit reversed Judge Holder's decision, holding that the Indiana statute was unconstitutional for failing to provide a satisfactory process for waiving the notification requirement in certain circumstances.[55]

[53] *Indianapolis Star*, October 12, 1982.
[54] *Indianapolis Star*, December 22, 1982.
[55] *Indiana Planned Parenthood Affiliates Association v. Pearson*, 716 F.2d 1127 (7th Cir. 1983).

Following Judge Holder's ascent to the bench in 1954, he adopted a policy of declining to deliver any public speeches. Only occasionally would he grant an interview. Twenty years later, in 1974, in an interview with the *Indianapolis Star*, he described the priority he placed on creating an accurate trial record and holding attorneys accountable for their courtroom performances. One attorney observed, "He's really gentle with neophyte attorneys, but when he thinks you should know better, the timbers begin to shake." The Judge attributed his meticulousness regarding the trial record and his occasional "trimming down" of attorneys to his own experiences and observations when he became a lawyer in the 1930s, having always held himself to similarly high standards. Since the time when he began practicing law, the number of cases filed in federal court had significantly increased, he observed, along with a corresponding increase in the number of federal judgeships from one to four.[56]

When he reached his twenty-fifth year on the bench, Judge Holder was featured in a lengthy article in the *Indianapolis Star* recounting his long and distinguished judicial tenure. He was described by lawyers in that article as a "hard worker," "hard-nosed," "very conservative," and "efficient." His nickname, the "Golden Eagle," reflected his astute, attentive command of the courtroom.[57] The single Republican-appointed judge of the four judges then serving the Southern District and the second in terms of seniority, Judge Holder's reputation reflected his dedication both to fairness and justice, always maintaining a firm hand on the tiller. Young lawyers who failed to heed his advice when they appeared before him came to rue their mistake, because he brooked no failures of preparation and only a few of performance. The *Star* article reiterated Judge Holder's view that, with rare exceptions, the case which required a trial,

[56] *Indianapolis Star*, July 21, 1974.

[57] While Judge Holder is referred to as the "Golden Eagle" in the Indianapolis Chapter of the Federal Bar Association's *Memorial Resolution* in his honor, other contemporaries recall the nickname as the "American Eagle," a nod to the Judge's patriotic values as well as his physical appearance on the bench: white-haired, keen-eyed, and sharply observant.

generally "had something terribly wrong with it." He was a master at cajoling and pressuring the parties and attorneys toward settlement, sometimes, for example, extending trial recesses long past the announced time to reconvene in order to attempt one more time to carve out a negotiated, compromise resolution.[58]

A survey of attorneys conducted by the *Indianapolis Star* in 1981 revealed that, while the ratings for all four of the federal judges in the Southern District were comparable, Judge Holder received lower marks for judicial temperament, courtesy, and political independence, but very high marks for preparedness, diligence, and knowledge of legal issues. He was well known for keeping his docket current, sometimes at the risk perhaps of moving too fast. He also received low marks for impartiality. Sometimes criticized for getting his "philosophical views mixed up with [his] judgments," Judge Holder was never viewed as unfair, only conservative. A local criminal lawyer observed that "the things that appear racist in his judgment are [instead] political philosophy, which appears to coincide with racist views." Overall, the survey revealed that the federal judges, considered as a group, were all more highly regarded than the local state court judges.[59]

Former Assistant United States Attorney Charles Goodloe, Jr., who practiced in Judge Holder's courtroom for nearly a dozen years, remembered the Judge as "very respectful of lawyers and generally very professional," recalling that he would remind lawyers repeatedly in court "to keep it professional." Mr. Goodloe praised Judge Holder's demeanor and temperament; in criminal matters, he noted, the Judge had little tolerance for "the non-principled stuff." He recalled the Judge's incredible memory and his high level of respect for those who

[58] *Indianapolis Star*, September 10, 1978.
[59] *Indianapolis Star*, May 19, 1981.

had served honorably in the military. Often, upon learning of a defendant's prior military service, the Judge would reduce the sentence below what he might otherwise have imposed.[60] William Edward Jenner, son of Judge Holder's friend of old, Senator William Ezra Jenner, and a former law clerk, fondly recalled Judge Holder as a "boy scout," a person who always "believed in doing the right thing." To illustrate, Jenner recounted that, if he and the Judge went fishing and the Judge caught a fish that was a half-inch below the legal limit allowed for keeping the fish, Judge Holder would not hesitate to throw the fish back.[61]

On August 24, 1983, Judge Holder died, three days after suffering a stroke at his home in Indianapolis. He had been on vacation from work and had spent the earlier part of the day engaged in his favorite pastime, squirrel hunting. Upon learning of his death, Indiana Governor Robert Orr and Indianapolis Mayor William Hudnut ordered flags on public buildings lowered to half-staff. Judge Holder was eulogized by many, and condolences arrived from both President Ronald Reagan and Chief Justice Warren E. Burger. The *Indianapolis Star* editorialized:

> In his 29 years on the bench, U.S. District Judge Cale J. Holder was scrupulous, efficient, dedicated to fairness and attentive to detail, a terror to lawyers who came into his court ill-prepared, a master educator to those who observed him in action.[62]

The newspaper also observed that one of Judge Holder's most important attributes was his deep respect for the rule of law; he believed that a judge did not need to like a law to enforce it fully and fairly. Many recalled Judge Holder's reputation as a hard worker, his practice of running court sessions late into the night and on weekends, exhausting attorneys and jurors alike, in his determination to bring a case to conclusion.

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[60] Charles Goodloe, Jr., interview by Suzanne S. Bellamy, February 9, 2012, Indianapolis, IN.
[61] William Edward Jenner, telephone interview by Suzanne S. Bellamy, February 28, 2012.
[62] *Indianapolis Star*, August 25, 1983.

In remembering Judge Holder, Professor William F. Harvey, former dean of the Indiana University School of Law in Indianapolis, noted: "He was strict on the law; he was not a philosopher. He did not see it as his responsibility to reorganize the city of Indianapolis. As a result, he was a highly regarded judge. He applied the straight law. Judge Holder's method of trying a case was the same. If the evidence was admissible, fine. If not, then it was not allowed." In describing Judge Holder's methods for settling cases, Professor Harvey described how the Judge would ask each side to summarize the facts of its case. Because Judge Holder believed strongly that the facts ought to control the outcome of a case, he would tell each side that if there was agreement on the provable facts, then no reason existed for the case not to settle short of a trial.[63] William Edward Jenner recalled Judge Holder's political astuteness, saying, "He could always see what was behind the litigation, what was really motivating the litigants."[64] Calling the judge an "excellent jurist," Ronald Elberger praised his focus on hard work and preparation, noting that "he really made counsel work hard…But it was more of a challenge…It was a case of 'I know you can do better so I am going to demand that of you.'" By his own actions and by the way he conducted his courtroom, Judge Holder taught "the essential nature of preparation," in Elberger's view.[65] In a telephone conversation with the author, Mary Polis, Judge Holder's trusted and beloved secretary, who served him from 1957 until his death, remembered him fondly as very hard working and dedicated. One of the judge's former clerk/bailiffs, William B. Keaton, recalled Judge Holder as being "like a second father to me" and "a great teacher," stating: "I will never forget his personal love for his family, for many who worked with him, and for me; his humor; his compassion; his tenderness where circumstances

[63] William F. Harvey, interview by Suzanne S. Bellamy, January 26, 2012, Indianapolis, IN.
[64] Jenner, interview.
[65] Elberger, interview.

called for that; his stern instruction when that was required; and the wonderful private times we had together."[66]

In the final analysis, Judge Holder's family was always his highest priority and the greatest source of his pleasure. His daughter and son-in-law, Martha and Steven McGee, were accomplished teachers and school administrators, and they gave him and Mrs. Holder the inestimable gift of three "perfect" grandsons, with whom he maintained a very close relationship until his death intervened. He regularly escorted them to weekend movie outings and on camping and fishing trips. His attentiveness extended to include all the neighborhood children, about which one neighbor noted, "He could stoop to the level of a child just as he could tower in the courtroom."[67] To this day, Judge Holder's family maintains its close personal friendship with the family of Senator Jenner, who was largely responsible for his appointment to the federal bench.

In its memorial resolution honoring Judge Holder, the Indianapolis chapter of the Federal Bar Association recalled his nickname, the "Golden Eagle," declaring it "the embodiment of the man himself…[s]talwart, gentlemanly, dynamic, patriotic, efficient, diligent, and intelligent." Beloved by his family, respected by his peers and colleagues, and remembered by all who had the privilege of knowing him, Cale James Holder was a remarkable judge who contributed in significant ways to the enhancement of his community, state, and country and the cause of justice.

[66] William B. Keaton, e-mail message to Doria Lynch, Deputy Clerk and Outreach Coordinator, U.S. District Court, Southern District of Indiana, March 29, 2012.
[67] *Indianapolis Star*, August 27, 1983.