

COLLINS JACQUES SEITZ

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Few judges ascend the bench of an important court at the youthful age of thirty-one. Collins J. Seitz, fresh from an outstanding scholastic record at the University of Virginia Law School, including editorship of its *Law Review*, and a short stint of practice in Wilmington, did so when in 1946, at the age of 31, he was appointed Vice Chancellor of the Delaware Chancery Court. That court is widely known and respected for the way it functions as an equity court with original jurisdiction over a vast range of legal problems affecting the multi-million-dollar lifelines of vast corporations organized under Delaware law. Vice Chancellor for over five years, and elevated to Chancellor in 1951, Judge Seitz crowded brilliant achievements in corporate law one upon another. He authored a large number of opinions covering the broad spectrum of corporate issues that erupted in a constant flow during his tenure. Those opinions, lucid and learned but eschewing legalese, earned him national recognition as "preeminent among the state judges of the nation as the consummate arbiter of corporate law."¹

But it may be that most will regard his discharge of another vital Chancery Court responsibility—the protection of the civil rights of Negroes—as his still greater achievement. For he was the first state judge by court order to desegregate a state-financed university at the undergraduate level. His consideration of the case—*Parker v. University of Delaware*²—was perforce within the "separate but equal" restraints of *Plessy v. Ferguson*;³ however, with courage rarely displayed by judges in those anxious times, after personally visiting the state's white and colored colleges, and finding the colored one "grossly inferior," he ordered the black plaintiffs admitted to the white university. His courage was noteworthy in that his nomination for promotion to Chancellor was shortly to be acted upon by the State Senate, and there were many of that Chamber who disapproved not only of the *Parker* decision but also of his many public statements which made known with clarity and directness his insistent support of desegregation movements. The State Senate, after some uncertainty, finally approved his nomination as Chancellor.

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¹ R. KLUGER, *SIMPLE JUSTICE* 431 (1976).

² 31 Del. Ch. 381, 75 A.2d 225 (1950).

³ 163 U.S. 537 (1896).

Four months later he was to preside in two separate Delaware cases brought by the NAACP to test the legality of segregated schools, one a combination grade school and high school, the other a primary school.⁴ Originally filed in the United States District Court and transferred to the State Chancery Court, he justified his orders in the two cases on the ground that "when a plaintiff shows to the satisfaction of a court that there is an existing and continuing violation of the 'separate but equal' doctrine, he is entitled to have made available to him the State facilities which have been shown to be superior."⁵ This was a breakthrough of significant proportions, leaving no doubt as to the constitutional unacceptability of segregation. The Delaware Supreme Court affirmed⁶ and the United States Supreme Court included the two cases among the group that were argued with *Brown v. Board of Education*.⁷ Both cases were affirmed, the only judgments of the entire group. We cannot know how influential Judge Seitz's views were in bringing the Court to its unanimous result in *Brown*; we can only feel assured that they played a persuasive role.

After more than twenty years on the Delaware bench, Judge Seitz came to the Federal Court of Appeals in 1966. He has been Chief Judge since 1971. His eighteen-year tenure on the Court of Appeals has been marked by his continued brilliant judicial performance. His colleagues and the bar are one in their respect and affection for him. Punctiliously fair and extremely kind, sensitive to the larger function of law in our turbulent and rapidly changing society, this friendly, modest man is more embarrassed than happy with praise. I happily declare, however, that I fully share the sentiment of his legion of admirers that Collins J. Seitz's thirty-eight years of outstanding judicial service have richly earned him his assured place in the pantheon of the eminent judges of our time.

⁴ *Belton v. Gebhart*, 32 Del. Ch. 343, 87 A.2d 862, *aff'd*, 33 Del. Ch. 144, 91 A.2d 137 (1952), *aff'd sub. nom. Brown v. Board of Educ.*, 347 U.S. 483 (1954).

⁵ *Id.* at 359, 87 A.2d at 869.

⁶ *Gebhart v. Belton*, 33 Del. Ch. 144, 91 A.2d 137 (1952), *aff'd sub. nom. Brown v. Board of Educ.*, 347 U.S. 483 (1954).

⁷ 347 U.S. 483, 487 n.1, 494 n.10 (1954).