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Judge Cahill remembered as exceptional jurist

Community saddened by loss of civil rights leader

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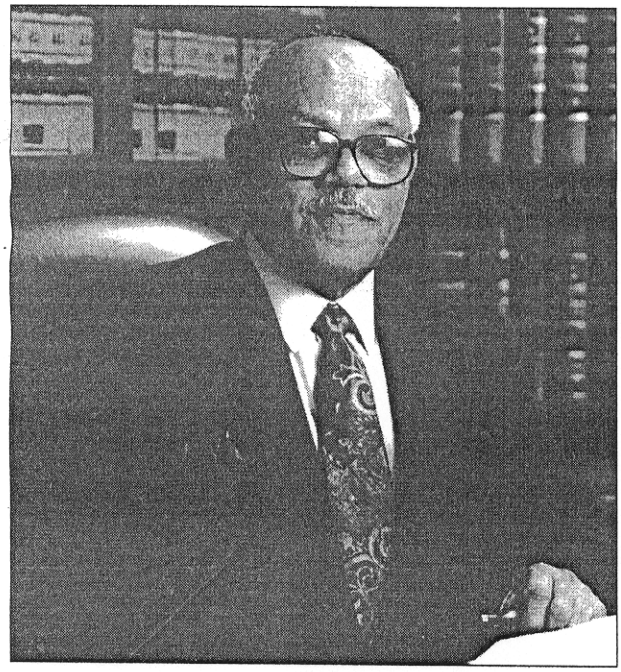
Staff Writer

A member of the legal community who played a monumental role in the civil rights cause passed away this week, leaving his friends, family and colleagues to remember his good works. Senior Judge Clyde S. Cahill of the U.S. District Court for the Eastern District of Missouri died on Wednesday morning in his home at the age of 81.



Judge Clyde S. Cahill

"We were all very saddened about his death," said Chief Judge Carol Jackson of Missouri Eastern District federal court. "I came to know Judge Cahill when I came to the court in 1986 and worked with him. He was just a wonderful man. He was kind and courteous, very soft-spoken, but he always made sure his voice was heard."

A St. Louis native, born April 9, 1923, he attended St. Louis elementary schools and Vashon High School. World War II put his education temporarily on hold, as he offered his service to the U.S. Air Force from 1942 until 1946.

Upon his return home, Cahill resumed his education, becoming one of the first African-American students to enroll at Saint Louis University. In the book "Lift Every Voice and Sing," by Doris A. Wesley, he attributed his interest in the law to his history teacher's reaction to the lynching of a Sikeston, Mo., African-American in 1941.

After Cahill earned his bachelor's of science degree from SLU in 1949, he immediately entered his alma mater's law school, graduating with his law degree in 1951. He went on to start his own practice, which he gave up in 1954 to accept a position with the St. Louis City Circuit Attorney's Office as an assistant circuit attorney. His job with the city required him to focus on the prosecution of murder cases.

While with the city, Cahill became acquainted with another groundbreaking African-American Missourian, Judge Theodore McMillian, who served as an assistant circuit attorney from 1953 until 1956, when he became a circuit court judge.

"I think that we've lost one of our better legal leaders. Clyde, as far as I know, was one of the few judges that had a lot of heart and a lot of feeling for people and some of the complicated issues that they face and was before him during his lifetime," commented McMillian of the 8th U.S. Circuit Court of Appeals. "Working with him was a wonderful thing."

Cahill's activity in the African-American community increased when he took the position of chief legal adviser at the Missouri chapter of the National Association for the Advancement of Colored People in 1958. He stayed in this position within the organization until 1965. During his time with the NAACP, Cahill filed the first lawsuit requesting that Missouri comply with the U.S. Supreme Court's decision in *Brown vs. Board of Education*.

In 1961, Cahill decided to juggle two legal careers by reopening his private practice while simultaneously maintaining his position as a special assistant circuit attorney. Cahill, not one to remain static, soon received an appointment as the regional attorney for the U.S. Office of Economic Opportunity in Kansas City, Mo., in 1966. Here he worked to develop and initiate governmental policies regarding the "War on Poverty."

Cahill returned to St. Louis after a few years, however, accepting a job with the

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Human Development Corp. of Metropolitan St. Louis in 1968 as the general manager. The nonprofit organization provides leadership and opportunities that will help disadvantaged individuals and families, meshing perfectly with Cahill's ideals.

This experience served as a springboard into his next position as executive director and general counsel for the Legal Aid Society of the City and County of St. Louis, which he began in 1972. In 1975, Cahill again took on a double professional life by accepting an appointment as a circuit judge with the 22nd Judicial Circuit in St. Louis while at the same time expanding legal aid services to all of eastern Missouri. For this expansion he received many accolades from bar associations and recognition for his garnering of various governmental funding resources.

"I think the most impressive thing about Judge Cahill is that, having overcoming numerous racial barriers, he went on to become a bridge between attorneys and the St. Louis community," Lori Jones, president of the Bar Association of Metropolitan St. Louis, said. "He was an activist who was effective in changing the system, primarily because he was respected by the attorneys in this area. He will be missed."

Like a shooting star Cahill's career continued to rise with his appointment in 1980 to the U.S. District Court for the Eastern District of Missouri. The appointment was a monumental step for equality, as he became the first African-American to be appointed to the federal district court in eastern Missouri. Nominated by President Jimmy Carter, his Senate confirmation came on May 21 and his commission on May 23.

In his role on the Eastern District, Cahill made his mark by his criticisms of the federal sentencing guidelines requiring mandatory lengths of prison time; he voiced such displeasure in his 1994 ruling that held mandatory sentencing unconstitutional in cases involving crack cocaine, calling the system biased against African-Americans.

"He was a giant in the judiciary," noted Jackson. "He was never afraid to challenge something when he believed it was wrong or unfair, as he did with the sentencing guidelines that applied to crack cocaine. I guess he was ahead of his time.

"He came to the federal court having had all that experience [in state court] in seeing so much humanity being wasted because of the draconian sentencing guidelines that we had," she added, "and I think he was sensitive to the impact that the laws have on just everyday people. I think he probably felt that the people making the laws ought to think more about who those laws are going to affect most."

Although the 8th U.S. Circuit Court of Appeals later overturned this ruling, Cahill's critical views of the sentencing procedures has again been taken up, this time being called into question by the U.S. Supreme Court.

"He was all heart, and I see what he did, insofar as the opinion he had written deciding that the guidelines were unconstitutional — even though our court set it aside and didn't go along with it — I'm quite sure he felt proud of the fact that the *Blakely [vs. Washington]* case has now come down, and it seems to reassure, although on different grounds, what he had held in his case," said McMillian.

In the early '90s Cahill also took up the cause of St. Louis City inmates complaining of overcrowding, eventually causing the city to build new facilities to house the growing prison population.

"He was just a splendid guy. I thought he was exceptionally helpful to lawyers. He did not run roughshod over anybody, he was courteous, and he was pleasant to get along with," said Judge Stephen Limbaugh Sr. of the Eastern District federal court. "It was obvious that he tried to be fair and, I think, was fair to all of the parties in cases before him.

"I thought he was just a very fine model for what a good trial judge should be," he continued. "He didn't get rattled, he kept his cool all of the time and was just a fine, fine person."

He is survived by his wife, Thelma, his six children — V. Clyde Cahill, Lalinda Diggs, Marina Gould, Randall Cahill, Kevin Cahill and Myron Cahill — and his seven grandchildren. Arrangements had not yet been made as of press time.