

Judge Henchey Prelude

Ladies and Gentlemen:

Like many people, when I come into a courtroom and see the portraits on the walls, I sometime wonder who these judges were, when they presided here, and what they were like as judges.

Most District Courts, like Woburn District Court, do not have official written histories. Until the 1970's the District courts were not courts of record, meaning, the daily court sessions were not ordinarily recorded by stenographer or electronic means. The history of these courts is therefore, for the most part, an oral history, reposing in the memories of those who labored here, a history which thus lives, retires, and dies with those members of the courthouse family.

It is wise, I think, to recall from time to time, and from generation to generation, the great contributions made by judges such as these, and to preserve the wonderful legacies they have left.

I am proud and honored to say that I did know one of the judges in one of the older portraits in this courtroom. He was a wonderful man, and with your kind attention, I will now recall, and place in the new permanent record of this court, his history.

His name was William Henry Henchey.

COMMEMORATION
OF JUDGE WILLIAM HENCHEY

Woburn District Courthouse, May 5, 2006

The record of the Woburn District Court shall reflect as follows:

It is with great pride in our judicial system, and in the history of Woburn District Court, that I take this opportunity to honor a past presiding justice of this Court, the late Judge William Henchey. I am grateful, as are Judge Henchey's family and friends, to First Justice Phyllis Broker for so graciously and generously facilitating this event. We also thank Chief Probation Officer Charlie Winchester, an honored and senior member of this courthouse family, for his wonderful assistance to us. Thanks also to the Woburn Times, which has provided a collection of their beautifully written articles about Judge Henchey, in which are recorded many of the facts that follow.

Judge William Henchey, whose portrait hangs here in Courtroom One, presided at the Woburn District Court from 1937 to 1964. He was appointed by Governor Charles F. Hurley at the age of 53, and served until he retired at age 79. He was the presiding judge here for the entire time, and also sat on the Appellate Division of the District Court.

His extraordinary experience in government, reaching over 50 years, included service in all three branches of government. Born and raised in Woburn, he was elected Alderman and served as the President of the City Council. He also served as City Treasurer and City Solicitor. He was elected mayor of Woburn at age 28, then the youngest mayor in the State, and was known as "the boy mayor" of Woburn.

William Henchey practiced law with his partner, Congressman John Mitchell; he served as the United States Internal Revenue Attorney for the Boston District; he taught law at Suffolk Law School, his alma mater, and was awarded an honorary Doctor of Laws degree there. He served for twenty-five years on the Woburn-Lexington draft board. He was Trustee of the Woburn Library, the Woburn Charitable Association, and Suffolk University. He was a member of the Democratic State Committee. He was a member of many local organizations, among them the Charitable Irish Society of Boston, -- he was so proud of his Irish heritage -- the Knights of Columbus, and Our Lady of Ransom Guild, which purpose was to provide rehabilitative help to prisoners; and many, many more.

William Henchey was a great campaigner in his time, having won his own elections for City Council and for Mayor, and also having been the campaign manager for Governor Hurley. He was called "Mr. Woburn." He labored long and hard in a campaign to establish the Woburn Boys' Club. As a judge, he was devoted to the cause of justice for juveniles, and strove on the state and national levels for the protective and reformatory treatment of delinquent, neglected, and dependent juveniles.

His last, and perhaps greatest campaign, was the great uphill battle he waged for the new courthouse to be built here in Woburn. Judge Henchey was by then retired, and in his early eighties, but tirelessly worked the system to persuade the County Commissioners and the Legislature not only to build a new courthouse, but to keep the court in Woburn. Those of us who have been around the court system know how tough the political battles over new courthouses can be. Against the odds, Judge Henchey prevailed, and was able to bring home to Woburn his best gift of all: the court stayed in his beloved city of Woburn, and was to be relocated to a brand-new, state-of-the-art courthouse.

Judge Henchey's final illness prevented him from ever visiting the new courthouse. It speaks volumes about the character and generosity of his successor, the great Judge Francis Cullen, that Judge Cullen regularly visited Judge Henchey and kept him advised on the progress of the courthouse construction.

He made other, important contributions to the community as well.

He was the father of seven children, two of whom entered Catholic religious life, and two of whom are here today, Father Joseph Henchey and Mrs. Alice Henchey Tierney. Judge Henchey's late son, the well-regarded Woburn attorney James Henchey, served as an assistant clerk-magistrate to this court, and was chairman of the One Hundredth Anniversary Celebration of the Woburn District Court in 1982.

Of all the accomplishments in Judge Henchey's personal life, the best may be his children, including his beloved youngest son, Joseph, who was ordained a Stigmatine priest fifty years ago this summer. In his son, Joe, Judge Henchey gave the world a widely respected and admired Vatican professor, former Provincial and Secretary General of his order, who was well acquainted with Pope John Paul II, and acted as spiritual advisor to Mother Teresa, and, forty-five years ago, was the curate in my family's parish. (Father was also a great shortstop in his day, with a rifle arm, but I digress.)

It was then that my four brothers and I met Judge Henchey, when he and Father Henchey came to our parents' home for dinner. My brother Mark, then six years old, once asked Judge Henchey: "Is being a judge a good job?" Judge Henchey blew out a puff of cigar smoke, and said with a smile yes, it *was* a pretty good job. When the Irish music came on the record player, I remember he danced an Irish jig around the house. He was nearly

eighty years old at the time – and still sitting as a judge. He was charming, witty, and kind. He was truly unforgettable.

I learned my first lesson in judge-shopping during those years. Not from Judge Henchey, but from his son, Father Joseph Henchey. We kids all knew that Father Henchey, who was our curate, gave out lighter penances in confession than the pastor did, so on Saturdays we all lined up for confession on Father Henchey's side of the aisle (else the Scales kids would have been saying the beads 'til midnight).

Judge Henchey, just as his son Joseph after him, loved children; he was kind to the core; and he deeply believed in the inherent goodness in his fellow human beings, and that people could redeem themselves. In the best tradition of the District Court, he dealt with criminality as though it were a wrong turn in life that could be set right. He tried to help people.

When Judge Henchey presided here, many of the great Constitutional cases that now govern our daily proceedings had not yet been decided, and so the fundamental individual protections pronounced in *Miranda v. Arizona*, *Gideon v. Wainwright*, and other great cases, written by justices who today would be called “activist” judges, did not yet exist.

In those days, whether a person were treated fairly or not in the judicial system, particularly the criminal justice system, depended *almost entirely* upon the character and the wisdom of the individual judge before whom that person appeared. Those who came to Woburn District Court in Judge Henchey's time appeared before a jurist devoted to the law, devoted to this community, and most of all, devoted to his duty to assure justice and fairness to each individual before him, even to the least among us. He was a good judge, and was reversed on appeal only once, in a case where

it is plain from the record that he was trying to be as fair as possible to a person who had suffered a loss.

No words of mine could better express Judge Henchey's fine character than those words he himself spoke on January 6, 1913, in his inaugural address as Mayor of Woburn:

“Under our form of government, all power comes from the people, and the responsibility resting upon him, who, for the time being, occupies public office, is such that he should give to the people the best that is in him, for the welfare of the individual, is the welfare of all, and the opportunity to perform some measure of public service should be welcomed by each citizen with a feeling of zeal that shall mean to his city a fairer name, and a prouder position among the municipalities of the glorious state of Massachusetts, --first among the sisterhood of states in advocating measures for the rights of the individual, and ever watchful in the guardianship of the homes of her people and the education of her children.”

Upon his death, the Woburn Times wrote of Judge Henchey's “unselfish devotion to humanity” and said: “His city came first above all else, except his family and his church.”

This is a judge who deserves to be remembered; this is a judge who deserves to be emulated.

We who work in the justice system would do well, from time to time, to draw strength from our own history, and to celebrate the best of it. Let us therefore never lose the memory, or the legacy, of one of Woburn District Court's finest judges, and one of Woburn's greatest sons, William Henry Henchey.

The record of this court will further reflect that those present are now called upon to rise and observe a moment of silence in honor of the memory of Judge William Henchey.

Thank you.

[The court stands in recess.]