

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF NEBRASKA  
Lincoln, Nebraska

3 JOHN W. DELEHANT MEMORIAL SERVICE

4 December 1, 1972  
5 3:00 p.m.

6 Opening of Court: Lloyd H. Grimm, United States Marshal

7 Positions at the bench: Warren K. Urbom, Chief Judge  
United States District Court

8 Robert V. Denney, Judge  
United States District Court

9 Richard E. Robinson, Senior Judge  
10 United States District Court

11 Robert Van Pelt, Senior Judge  
United States District Court

12 Positions in jury box: Memorial Committee

13 Introduction of Judge  
14 Hale McCown, Chairman  
of Memorial Committee: Warren K. Urbom, Chief Judge

15 Introductions: Judge Hale McCown

16 Responses: Judge Robert Van Pelt

17 Mr. Maurice Hevelone

18 Mr. Richard Berkheimer

19 Judge Richard E. Robinson

20 Mr. Harry Welch, President, Nebraska  
21 Bar Association

22 Judge Hale McCown

23 Motion that memorials  
be spread on minutes of  
24 the Court: Judge Hale McCown

25 Closing of Court: Lloyd H. Grimm, United States Marshal

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JUDGE URBOM: We come to honor the memory of the Honorable John W. Delehant, whose mind for thirty years graced the controversies before this bench. The Court acknowledges the presence of the family of the late Judge Delehant, of Judges from the United States Court of Appeals, For the Eighth Circuit, the United States District Court, the Supreme Court of Nebraska and the District Court of the State of Nebraska.

There are many who cannot be here and have sent their regrets in that respect. The Honorable Richard Dier of this bench is trying a lawsuit in Little Rock, Arkansas and felt that he could not come for that reason; and we have letters from thirteen other United States District Judges and Court of Appeals Judges who have indicated they want to be here but feel they cannot be here.

The Court now recognizes the Honorable Hale McCown, Associate Justice of the Supreme Court of Nebraska, Chairman of the Committee appointed by the Court for this ceremonial purpose. Judge McCown.

JUDGE McCOWN: If the Court please, the members of the committee charged by this Court with the responsibility

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JUDGE McCOWN: for this memorial to John W. Delehant  
are Honorable Richard E. Robinson, Omaha;  
Honorable Robert Van Pelt, Lincoln; William I.  
Aitken, Lincoln; C. L. Baskins, North Platte;  
John R. Baylor, Lincoln; Richard L. Berkheimer,  
Lincoln; Edwin Cassem, Omaha; Guy C. Chambers,  
Lincoln; James E. Conway, Hastings; Fred M.  
Deutsch, Norfolk; Herman Ginsburg, Lincoln;  
William Grodinsky, Omaha; George A. Healey,  
Lincoln; M. S. Hevelone, Beatrice; Frank D.  
Williams, Lincoln and Floyd E. Wright of Scottsbluff.  
The Committee is also pleased and honored by the  
presence of Judge Delehant's family.  
The person who will make the initial memorial  
presentation is the individual who succeeded John  
W. Delehant as presiding judge in this courtroom,  
served so capably here and joined Judge Delehant  
in senior status only a few short years ago,  
Senior Judge of the United States District Court  
of Nebraska, Robert Van Pelt.

JUDGE VAN PELT: Judge McCown. John W. Delehant was  
born in a sod house near Goodland, Kansas on  
September 3rd, 1890. In his early childhood the  
Delehant family moved to Wymore, Nebraska, where, at  
age sixteen, John was graduated from Wymore Highschool.

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JUDGE VAN PELT: After graduation from Creighton University Law School in 1913 he returned to Beatrice, Nebraska, to practice law, remaining there until February 21, 1942, when, in this room, he presented his Commission dated February 13, 1942 signed by Franklin D. Roosevelt, President of the United States and appointing him as a United States District Judge for the District of Nebraska. Here he took the oath of office, to which he remained faithful until death.

He remained in Lincoln during his period of active service on the bench, moving in the fall of 1957 to Omaha, where he died on April 20th of this year. Others will review his boyhood at Wymore, his student days at Creighton, and his years in the practice of law in Beatrice. I therefore make brief comment only on his life prior to his becoming a judge.

An anecdote concerning his first year in college at Creighton, where his grades were near perfect, may be of interest. In freshman math he memorized the textbook and scored a 100 on his examination, which convinced the math professor that he had cheated. He was required to take another

1 JUDGE VAN PELT: examination and again scored a 100.  
2 It was probably the only time in the Judge's  
3 career that his honesty was questioned.  
4 Both before and after he went on the bench he was  
5 sought after as a public speaker. Until his  
6 judicial duties became too pressing he always  
7 memorized his public addresses. In files which  
8 I recently found and delivered to his son, was  
9 his introduction of William J. Bryan in 1914 in  
10 Beatrice.  
11 Mention should be made also that he nominated  
12 his close Creighton Law School friend, Francis  
13 P. Matthews, later Secretary of the Navy, when  
14 he was elected Supreme Knight of the Knights of  
15 Columbus, and placed Hobert L. Blackledge, who  
16 is here in the court room, in nomination when  
17 in 1957 he was elected Grand Exalted Ruler of the  
18 Elks.  
19 I make mention of only two of his many bar  
20 association assignments. He was chairman of the  
21 committee appointed by the Supreme Court of  
22 Nebraska to prepare the rules of civil procedure  
23 which was submitted to the 1941 Nebraska Legisla-  
24 ture. He had the major role in the writing of  
25 these rules. In 1955 he made an effective appearance

1 JUDGE VAN PELT: before the Nebraska Legislature at  
2 the request of the Nebraska Bar Association  
3 Committee on Judiciary, to support the present  
4 retirement plan for Nebraska judges.  
5 To review even superficially the case which came  
6 before him as a Judge would unduly prolong this  
7 statement. His first published opinion was filed  
8 March 25, 1942; his last published opinion was  
9 filed January 7, 1972. It was due to his judicial  
10 standing that Francis Biddle, the Attorney General  
11 of the United States, and Wendell Berge, his  
12 assistant, in August of 1944, filed the famous  
13 case of the United States of America against the  
14 Association of American Railroads, 47 railroad  
15 companies and 89 officers thereof, claiming  
16 violation of the Sherman Act and of the Clayton  
17 Act, in the court over which Judge Delehant  
18 presided here in Lincoln, Nebraska.  
19 He came to the bench when the rules of civil  
20 procedure were being first interpreted at the  
21 district court level. Except possibly for Judge  
22 Holtzoff, who<sup>W</sup> the lawyers present will recognize  
23 has written a treatise, in fact a series of books  
24 on this subject, few judges, if any, have been  
25 more widely quoted than Judge Delehant on the

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JUDGE VAN PELT: application of these rules.

He served from 1955 to 1969 on the United States Judicial Conference Committee on Trial Practice and Technique (originally the Committee on Pretrial Procedure).

He held court in Maine, Iowa, California, Pennsylvania, South Dakota, Tennessee, Arkansas and Puerto Rico, and sat with the Court of Appeals of this Circuit and of the Tenth Circuit on several occasions.

The Judges of the Western District of Pennsylvania, where he frequently held court, have by resolution characterized Judge Delehant as a dedicated, able, experienced and understanding jurist.

The recent conference of the United States Court of Appeals for the Eighth Circuit, in recording the details of his life, called him a cultured and scholarly gentleman, a faithful churchman, a sound and just judge and a loyal friend.

The only man now living, and he is approaching 100, who has practiced before all of the United States District Judges in Nebraska save one, and hence had a law school knowledge of him, speaks for most Nebraska lawyers and judges when he says in substance that of all of the Nebraska

*How first to find W. Delehant*

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JUDGE VAN PELT: United States District Court Judges  
he would bow first to Judge Delehant.

Judge Delehant on an occasion similar to this one  
time said:

"Humanly speaking, the loss of a friend is only  
doubtfully reparable. The President, the Governor,  
the Judge may die. Another President, another  
Governor, another Judge will take their place  
and assume the duties and adequately discharge  
them; because fortunately for the State, official  
position has a highly impersonal quality. But  
who shall replace a friend? His chair may be  
occupied, his segment of our time consumed by  
others; but his hand clasp, his smile, his counsel,  
his encouragement, all these and the other mani-  
festations of his spirit will not suffer substitu-  
tion. Save as they linger in our memory, they  
die with the friend, never to be duplicated. And  
we would not have it otherwise."

It is a privilege for these moments to recall  
with you reverently and affectionately the life  
of John W. Delehant and to give personal testimony  
as to his character and judicial reputation.  
His mark on this court will remain for generations,  
and for us, his friends, he will live in our

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JUDGE VAN PELT: memory, with pleasant recollections until death comes. I am sure you join me in my use of the Latin, with which he was so familiar as a churchman and as a Latin student, in concluding this statement by saying "requiescat in pace."

JUDGE McCOWN: The person who will make the next presentation was a partner of Judge Delehant in the practice of law in Beatrice at the time Judge Delehant began his judicial service in 1942. He was an associate, partner and friend of John W. Delehant for almost half a century. Maurice S. Hevelone.

MR. HEVELONE: May it please the Court, members of Judge John W. Delehant's family, and his friends and members of the Bar:  
With reluctance, I assume the privilege of joining the other members of this committee in paying tribute to the memory of Judge John W. Delehant; reluctance from the reflection that mere memory is an inadequate exchange for the personal companionship and the professional association of a valued friend.  
I knew Judge Delehant from my early boyhood and his early manhood. I had the pleasure of being associated with him professionally from the

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MR. HEVELONE: summer of 1928 until his elevation to the federal bench in 1942, and it is the simple truth that I know of no man with whom my association could have been as pleasant as mine was with Judge Delehant.

Judge Delehant was not an ordinary man. In whatever relation he was appraised, he never encountered the judgment of mediocracy.

His formal education was exceptional. He graduated from the Wymore Highschool at the age of 16, at the head of his class. His excellence in both Latin and mathematics is a legend in that school. He subsequently entered the academic college at Creighton University, where he also graduated at the head of his class in 1910. He then entered the law school at Creighton, where he graduated at the head of his class and set a scholastic record that has only been approached or equaled by few others. Incidentally, at the time of his graduation from the academic college at Creighton University, he gave serious consideration to becoming a priest in the Catholic Church, and I have been told that his decision to enter law college was partially influenced because of his esteem for two lawyers in Beatrice, Mr. Samuel Rinaker

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MR. HEVELONE: and Mr. A. H. Kidd. He was an  
outstanding member of the debate team at Creighton.  
Following his graduation from Creighton Law  
School, he became associated with the firm of  
Rinaker and Kidd in Beatrice, Nebraska, at a  
stipend, incidentally of \$25.00 a month.  
While attending the law college at Creighton  
University, he met Loretta White, a dental student,  
and the courtship continued until their marriage  
in 1917. From this union five children were  
born; Margaret Alice Delehant, who died in 1918;  
Sister M. Dunston, a teacher in the order of St.  
Benedict at Atchinson, Kansas, who died in 1971;  
Loretta Claire Delehant, who died in 1929; John  
W. Delehant, Jr., an attorney in Omaha; and a  
son, Maurice Delehant, now of San Francisco.  
He was a devoted family man and his private life  
was beyond reproach. His mind and speech were  
clean and during my association with him I never  
heard him tell a seamy story or use an oath.  
The forepart of 1918, he entered the Officers  
Training School, and was graduated in November,  
shortly before the Armistice. He declined a  
commission and returned to his law practice in  
Beatrice, under the firm name of Rinaker, Kidd

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MR. HEVELONE: and Delehant. He continued his practice under the name of Rinaker and Delehant, and then Rinaker, Delehant and Hevelone, until February 13, 1942, when he was appointed to the Federal bench.

During this practice of law, Judge Delehant took an active interest in Democratic politics, although extreme partisanship was as foreign to Judge Delehant as all other narrow convictions. He always served with dedication first as County Chairman of the Gage County Democratic Party, and then subsequently on the Nebraska State Democratic Central Committee. He gave generously of his time in speaking on behalf of the candidates, including governor, senator and congressmen. His civic activities in Beatrice include service as President of the Beatrice Rotary Club, and serving in many capacities on the Beatrice Chamber of Commerce. He served as Exalted Ruler of the Elks and was Trustee of the Elks Lodge for many years.

He served on the church board of St. Joseph Parish and was Grand Knight of Council 1723 of the Knights of Columbus. He served as State Deputy of the Nebraska Council of the Knights of Columbus,

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MR. HEVELONE: and he was honored by his Church by being knighted the Knight of St. Gregory in 1938. At that time he was one of two members so honored in the State of Nebraska, the other being the late Honorable Francis P. Matthews, who was among the lifetime friends he made while attending Creighton Law School. His professional activities include being Vice President of the Nebraska Bar Association in 1935, and Chairman of the Advisory Committee to the Supreme Court of Nebraska, formerly being the Nebraska Rules of Civil Procedure. In 1936 he was tendered an appointment by Governor Roy Cochran as a Justice of the Nebraska Supreme Court. He declined, urging the appointment of the late Honorable Fred W. Messmore. Judge Delehant was President of the Gage County Bar, and initiated the first Title Examination Standards of Nebraska Real Estate Law. He gave generously of his time in counseling the younger members of the Gage County Bar, and was always tolerant, considerate, and helpful. Also while practicing law, he served as a member of the Nebraska State Library Commission and a member of the State Board of Education for Normal

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MR. HEVELONE: Schools.

Judge Delehant was the commencement speaker at Creighton University in 1931 and subsequently received an Honorary Doctor of Laws Degree from Creighton and also the University of Nebraska. Judge Delehant was a cummunicant of the St. Joseph Catholic Church in Beatrice. During my many years of association with him, he would, with regularity, attend morning mass prior to coming to the office. His devotion and adherence to the Christian precepts of his Church carried him through many of the crisis of his lifetime. Those of us who have worked with him, admired him for his loyalty and loved him for his kindness, his modesty, and his integrity. He was all that but he was far more than that. He was a warm and friendly personality and beneath his exterior there was a sensitive understanding of human nature, coupled with the priceless ability to invoke the deepest kind of loyalty from his associates. While he was a man of great intellect and great force of character, he was never ostentatious. We shall miss Judge John W. Delehant personally, and we shall mis him professionally. We loved him, we admired him, and we will treasure his memory.

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JUDGE McCOWN: Over the years Judge Delehant had many law clerks who served, as is customary, for a year or two, and then made way for their successors. Service as a law clerk is generally regarded by law students as a post-graduate course in the law. As a representative of Judge Delehant's former law clerks Richard L. Berkheimer will present the next memorial.

MR. BERKHEIMER: May it please the Court. I have been asked today to speak as a representative of the Judge's law clerks. I believe there is no greater privilege for a young law school graduate than to serve as a law clerk to a judge. We who served as law clerks for Judge Delehant have been, are, and will always be grateful for that privilege in a measure which I, at least, find it impossible to express adequately. All of you are aware of the Judge's keen mind, his gift of expression, and great wisdom; you will realize that daily association with him was a richly rewarding experience, but I want to say today that it was also a most pleasant one. While the Judge was sometimes quick to correct counsel in explicit terms, his judicial family

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MR. BERKHEIMER: seldom, and I believe never, heard a reprimand sternly or even expressly spoken. That is not to say that we were not sometimes painfully aware of our errors and omissions or that they were not abidingly impressed upon us. In an atmosphere of excellence, such as that created by the Judge, even minor shortcomings have a way of becoming embarrassingly apparent. Once I failed to correct a typographical error in an order resulting in a hearing being set for 9:30 at night. A corrective order was mailed and the hearing was held at 9:30 in the morning on the day designated without incident. My error seemed to be of only fleeting significance until the Judge informed me in his most kindly way the Court would convene at 9:30 that night but that I need not be present. Needless to say, my memory of that incident has not noticeably faded.

His respect for language and attention to detail extended into areas perhaps not readily apparent to those who appeared in court. I am not familiar with the trial notes of other judges but I am convinced that Judge Delehant's trial notes were in a class by themselves. They were not really

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MR. BERKHEIMER: notes at all; they were full sentences setting out each witness' testimony completely in narrative form. And if a witness significantly departed from standard usage in grammar or diction, such departure was duly noted as being that of the witness and not of the writer. The notes were written in very small but easily readable long-hand script covering each line of closely ruled paper. And being in a narrative form they were more easily usable than a reporter's transcript. Occasionally the reporter's version of the testimony would differ from that of the Judge. To my recollection, in every such instance further analysis revealed that the reporter was wrong and the Judge was right. It is sometimes said that a man's character is measured by what he does when he is alone. I mention the Judge's private trial notes as merely one example of the fact that even in the most secluded corners of his work he simply was not able to fall short of perfection. When I commence reminiscences about the Judge I find it difficult to stop. However, I am mindful of the law article in which the author said: "A judge may and should courteously and with

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MR. BERKHEIMER: reasonable punctuality, intercept any unjustifiably discursive digression or any threatened lapse into prolixity or garrulity." Who, but Judge Delehant could have written that sentence? To avoid any such interception I will only say what all of Judge Delehant's law clerks would like to say to him if he were present and that is "Thank you, your Honor; thank you very much."

JUDGE McCOWN: The person who will make the next presentation served with Judge Delehant on the United States District Court in Omaha. During the 15 years that Judge Delehant lived and worked in Omaha as Senior Judge, Judge Robinson was the Chief Judge of the United States District Court of Nebraska stationed in Omaha. I present Richard E. Robinson, Senior Judge, United States District Court.

JUDGE ROBINSON: Chief Judge Urbom, Judge McCown, members of the Delehant family, fellow judges, fellow lawyers and ladies and gentlemen. Judge John W. Delehant was a member of this Court for 31 years. His courtroom was principally in Lincoln for a little more than half of that time. For one of those years he was my Chief Judge. For the last 15 years he was my colleague and

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JUDGE ROBINSON: companion in Omaha. We shared Judge Delehant from time to time with other Federal district courts and with our own Court of Appeals, but however far away he sat or for whatever length of time it was, we knew his thoughts were with us and that he eagerly looked forward to his return, as did we. Others this afternoon have spoken eloquently about John Delehant's mastery of and dedication to the law and his outstanding service as a lawyer and as a judge in this Court. I share those sentiments and am frank to say that as a lawyer who practiced before him, as well as a judge who sat beside him, John Delehant was a source of inspiration to me. It was not only the professional abilities of John Delehant that generated this inspiration. He was, of course, a scholar in the truest sense. His mastery of language extended into the classic. His ability to structure language to aptly describe a given event is nearly legend. His legal opinions were flawless. These are qualities that were recognized by all who knew him. I remember the late Judge Sanborn once saying, in reviewing a close question on appeal, that it was very difficult to reverse

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JUDGE ROBINSON: John. Perhaps that said it all.  
His fine qualities, however, transcended his scholarship and professional distinction. He was a gentleman in the highest sense of the word. His manner was always courteous even during those infrequent tense moments when he was required to remind lawyers or litigants of the decorum befitting and expected in his courtroom. There is also a side of John Delehant which was not generally known except within the circles of his fellow judges. He was a source of wise counsel and was always available to assist us upon request. His wealth of experience and unfailing availability made John a truly enviable asset to any judge. He was that - and more - to me. It should then be no surprise to anyone that I possess strong feelings of appreciation for the fortuitous events that enabled me to become closely associated with John W. Delehant during his tenure on the bench. It was a personal privilege to have had the opportunity to serve with him. We miss him very much indeed. Judge John W. Delehant's passing has left a deep void in all of our hearts which these pleasant memories and appropriate tributes only partially fill.

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JUDGE McCOWN: There would be an endless parade of speakers today if we permitted even a small fraction of the lawyers who wish to do so to speak in honor of Judge Delehant. As the representative of all the lawyers of Nebraska I present Mr. Harry L. Welch, President of the Nebraska State Bar Association.

MR. WELCH: If the Court please; members of the John Delehant family, members of the Court and friends of John W. Delehant. The Nebraska State Bar Association mourns the loss of one of its most distinguished members. John W. Delehant's death in April of 1972 was a great personal loss to all of us. He was an extraordinarily fine and gifted man, an excellent lawyer and a great judge. John Delehant attended Creighton University for both his undergraduate and Law School years. After graduation he was admitted to the Bar in 1914. As a young man fresh out of Law School, John Delehant served as campaign manager and helped Fred Messmore win the election for County Attorney of Gage County. Later in life Fred Messmore became a Justice of the Nebraska Supreme Court, and John Delehant became a United States District Judge.

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MR. WELCH: It was a valued privilege to observe both sides of Judge Delehant's long and distinguished career, first as a trial lawyer. During this period he was an active Bar Association member. He served on numerous committees and participated in the programs and activities which make up our Bar Association. In 1935 he became Vice President of the Nebraska Bar. In later years I knew him as a judge. The entire Bar Association held the Judge in great esteem and attests to his tremendous abilities as a judge. John Delehant was a remarkable jurist and a stern courtroom disciplinarian. He was able to readily comprehend the most complex litigation and could pierce to the heart of a legal question without oversimplifying it. His was a career of service to State and Nation equalled by few. Judge Delehant was a law maker, an administrator, and a judge. Through his relentless pursuit of justice he won the respect of us all. I am going to take the liberty of telling one story on the Judge. We were trying a lawsuit in Omaha, and I was defending. The lawyers for the plaintiff were from over in Iowa; and I didn't

1 MR. WELCH: feel they were quite up to the class  
2 that perhaps some of the lawyers that I would  
3 get if I insisted on local counsel in Omaha.  
4 In any event, the case proceeds. They call as  
5 a witness a man from the eastern side of Iowa.  
6 He takes his place in the witness stand, gives  
7 his name and address, and I ask leave to cross  
8 examine for the purpose of laying a foundation  
9 for an objection. The Court permits it. I ask  
10 the witness: "You were served by a subpoena,  
11 were you, to get here?" "Yes, I was." "By whom?"  
12 "By the Marshal at Des Moines, Iowa." I said  
13 "Where were you served?" And he said "In so and  
14 so, Iowa." And I said "How far is that from  
15 Omaha, the place of trial?" He said "175 miles."  
16 I then make my objection on the grounds that he  
17 had been subpoenaed more than a hundred miles  
18 from place of trial, and it wouldn't be proper.  
19 Judge Delehant thinks a few minutes and says  
20 "Will counsel approach the bench?" We do.  
21 He says "I am going to permit this witness in  
22 the interests of justice to testify, notwith-  
23 standing that you kittle your counsel in getting  
24 him here and I will deal with that at the con-  
25 clusion of this trial. That night, of course,

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MR. WELCH: we had some talks of settlement; that night these lawyers say "Is this offer of settlement you made still open?" I said "Yes." Well I said "Yes." He said "We'll take it." But he says "Only on one condition; you get this Judge off our neck."

JUDGE McCOWN: If the Court please. On January 19, 1942 Judge Delehant's appointment to the Federal Bench was confirmed. Shortly thereafter I returned to Beatrice, Nebraska, my boyhood home, to work for a brief time with John Delehant in a transitional work period before his departure for the bench. I then succeeded him as a partner in his old law firm. From my childhood on I have known Judge Delehant and his family. I speak now as a representative of the Nebraska State Judiciary but also as a friend. On occasions such as this, memorials tend to reflect the outstanding professional and intellectual accomplishments of the individual. We sometimes concentrate upon his achievements to the extent that the individual seems somehow more than human, and we almost lose sight of the man. I have, therefore, taken the opportunity to refer to one or two incidents in the life of John Delehant

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JUDGE McCOWN: which may help to focus the picture of a man and a friend. As you have long since gathered, John Delehant was a prodigious worker and scholar, whose principal concerns were his church, his family and the law. In the early years of his association with Maurice Hevelone, Maurice became concerned that John did not seem to have any time or opportunity for exercise and recreation. After much effort and difficulty, he finally persuaded John that golf offered exceptional opportunities for exercise as well as relaxation. Reluctantly persuaded, John took action as he always did, after thorough and complete preparation. He joined the Country Club, purchased clothing, golf clubs and equipment, and arranged for a series of golf lessons. John was not a natural-born golfer. He was not really convinced of the benefits of golf, but he was determined to do his best to learn the game. He practiced hard, concentrated well, but his golf did not improve very rapidly. After less than one month, Maurice discovered that John was no longer playing golf. When he asked what had happened, the answer was: "It is just work and there are other

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JUDGE McCOWN: kinds I enjoy more."

Even a great judge occasionally makes a decision which does not work out entirely as planned. As I am sure you have already sensed, his family was a great source of pride to John Delehant and he had a very personal and intense interest in the instruction of his children in all aspects of life. In the early 1930's, when his son was in highschool, John had endeavored to instruct his children as to the evils and risks of gambling, and, in particular, about the bad odds which machines and commercial gambling offered.

At that time, many private clubs in Nebraska maintained slot machines. One noon John invited his son to join him for lunch at the club and furnished him one dollar's worth of nickels in the expectation that the slot machine would quickly gobble them up and demonstrate the wisdom of his pronouncements. His son finally reached the last three or four nickels. There was only 5 minutes to go until time to leave for school. At that rather inopportune moment, he hit the jackpot! For some years thereafter John's friends used to inquire whether or not he had redesigned his course on the dangers and risks of gambling!

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JUDGE McCOWN: These small stories add little to the biography of a great judge and legal statesman. Hopefully they may help to fill out the human portrait of a man. He was truly a man for all seasons. His impact was such that he was a legend in his own lifetime.

The endless thrust of time puts final limits on these recollections. We have joined today in tribute to John W. Delehant. His family and his church were his loves. The law was his life. Scholar, philosopher, intellectual giant, he was all of these. Yet, great as they may be, scholars, judges and great men, all may be and are inevitably replaced, but we can never replace a friend. To many lawyers this courtroom still brings visions and memories of a great and noble judge. His spirit remains almost a physical presence here. And so we say farewell. May he rest in peace, and may the God he served so well bring comfort and solace to his family and friends.

If the Court please, your committee presents these memorials to John W. Delehant on behalf of the Bench and Bar of Nebraska.

Additional memorials have been received which have not been orally presented. I therefore move

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JUDGE McCOWN: that these memorials, together with those orally delivered in this Court today, be spread on the minutes of the Court and made available for publication for delivery to members of the Delehant family.

JUDGE URBOM: The motion is granted.

Judge McCown and all the members of the committee the Court expresses its appreciation to each of you for the work you have done in preparing this occasion.

The United States Marshal will now declare the closing of this session of court.

MARSHAL GRIMM: This ceremonial session of court is now adjourned.

--Written memorials as follows:--

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All of us in the practice of law who had the opportunity to appear in the Court of the Honorable John W. Delehant realize what a rare privilege was accorded us. To say that John W. Delehant merely had a brilliant legal mind is an understatement. His exceptional intellectual qualifications were surrounded by a fierce sense of the honor of the legal system, its tremendous importance in civilized society, and his duty as a Judge to make it work according to the rules. Even more important was the individual warm personal heart that encompassed his brilliance and his great effectuation of the law. The Federal Bench was honored when he graced it. The Bar of Nebraska was aided greatly by his presence. All of us who knew him personally are marked for the better because of him. The world is a better place because of John W. Delehant.

Very truly yours,  
  
/S/ Richard A. Dier  
  
RICHARD A. DIER  
District Judge

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On account of physical difficulties, it will be impossible for me to attend the Memorial Services for Judge Delehant. Will you kindly submit this with the other memorials.

To the Memory of  
The Honorable John W. Delehant  
The Ideal Judge  
The Ideal Man  
The Ideal Friend.

Respectfully yours,  
  
/S/ C. L. Baskins  
  
C. L. Baskins

1 I had not become acquainted with John W. Delehant  
2 prior to his becoming Federal Judge in Lincoln,  
3 Nebraska. I quickly learned he was a man of superior  
4 intellect, unique power and beauty of expression, a  
5 close observer and given to devoting whatever efforts  
6 were necessary to a perfect understanding of the  
7 matter before him. He strove for and demanded precise  
8 expressions of facts and of ideas. If he did not find  
9 them in the briefs, he developed them in his own  
10 diligent fashion. Whenever Judge Delehant showed  
11 impatience in the course of a hearing, it was because  
12 someone insisted on spending time on frivolous matters  
13 that tended to confuse rather than to clarify.  
14 Judge Delehant's opinions were not always brief, but  
15 when they were read, the reader had a clear grasp  
16 of what was at stake, what legal problems were involved  
17 and a clear statement of the Court's decision. It  
18 was a pleasure to practice before him. One constantly  
19 finished a case satisfied that he had won a well  
20 deserved victory, or that there were valid reasons  
21 why he had lost.  
22 Judge Delehant will always be remembered as one of the  
23 great judges who have presided over the United States  
24 District Court in Lincoln, Nebraska.

Guy C. Chambers

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In Re: Memorial Services

For

JOHN W. DELEHANT

MAY IT PLEASE THE COURT:

To the many tributes paid, and being paid, to John W. Delehant, one can only add--well deserved.

John W. Delehant was recognized for his ability, his industry and his pursuit of excellence as a practicing lawyer for nearly thirty years.

He climaxed his legal career by serving as a Judge in the United States Courts for thirty years.

As a judge he was firm, impartial and considerate.

In making his decisions he coupled his intellectual prowess with a high degree of common sense.

He will be remembered as a judge possessing all the fine qualities we expect a judge to possess.

Respectfully submitted,

/S/ Frank D. Williams

JUDGE JOHN W. DELEHANT

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Proud memories are the heritage of all of us who knew Judge Delehant. Among his many great qualities, he had the facility of inspiring lawyers who came into his court to be gentlemen. His kindly and meticulous courtesty seemed to lift lawyers up toward his level. Somehow it seemed impossible to think of him as prejudiced or arbitrary, and the common failings of federal judges never seemed to have infected him. Even the unpleasant lawyers seemed involuntarily elevated to a higher plane of conduct in Judge Delehant's court. This great personal quality rested upon the rock-hard foundation of a formidable legal scholarship. He was a legendary note taker and never seemed to forget or overlook the smallest detail of a complicated case. I once tried an equity case in his court for three solid weeks. Some time later he wrote a ninety page opinion in which I was astonished to find reference to innumerable details of my own evidence which I myself had forgotten. He should have been elevated to the United States Supreme Court, where his talents would have made him one of the great Supreme Court Justices. It would have been a severe loss however for the United States District Court of Nebraska, where his memory will be

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cherished throughout the lives of the lawyers who  
appeared before him.

EDWIN CASSEM

1 IN MEMORIAM

2 JOHN W. DELEHANT

3 May it please the Court, Honorable members of the  
4 Federal and State Judiciary, members of the bar and  
5 family of the late Honorable John W. Delehant:

6 The life story of John W. Delehant is of a truly great  
7 American. He was a man of highest ideals, carried  
8 into practice in his personal life, and his life's  
9 work as an attorney in Beatrice, Nebraska from 1913,  
10 and as Judge of the United States District Court for  
11 the District of Nebraska from 1942. His death in 1972  
12 marks the end of the career of an illustrious citizen,  
13 distinguished lawyer and a judge of eminence.

14 I had the pleasure of his acquaintance during the  
15 Beatrice years and appeared before him during his service  
16 on the federal bench. I also claimed him as a friend  
17 and both of us were members of "Round Table," a discussion  
18 club organized by the late Charles G. Dawes, William  
19 J. Bryan, and General John J. Pershing, when they  
20 resided in Lincoln.

21 He was a man of warmth, had the capacity for true  
22 friendship, and was a deeply reverent person. As a  
23 Judge, he maintained faithfully the judicial obligation  
24 of intellectual integrity and moral courage, qualities  
25 which he extolled in his memorial to the late Judge

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E. E. Good of the Nebraska Supreme Court.  
An address at Harvard Law School on October 5,  
1972 memorializing the birth Centennial of the late  
Judge Learned Hand of the United States Second Circuit  
Court of Appeals, fittingly characterizes the years  
of service of John W. Delehant, in the following  
remarks:

" . . . his influence [extended] not only on  
adjudicatory processes, but also the influence  
he exerted through active participation in  
professional bodies dedicated to improvement  
of American Law . . . he exercised a pervasive  
influence on the American legal system."

I move this Memorial be made a part of the perman-  
ent records of the Court.

December 1, 1972.

/S/ William I. Aitken  
WILLIAM I. AITKEN