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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEBRASKA**

**INSTALLATION OF HONORABLE RICHARD A. DIER**

**as**

**UNITED STATES DISTRICT JUDGE**

**for the**

**DISTRICT OF NEBRASKA**

<b>DATE:</b>	<b>January 7, 1972</b>
<b>TIME:</b>	<b>3:00 o'clock p.m.</b>
<b>PLACE:</b>	<b>United States District Court Room Omaha, Nebraska</b>

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**THE UNITED STATES MARSHAL: Hear Ye!**  
**Hear Ye! Hear Ye! This ceremonial sitting of the**  
**Federal Judges of the United States District Court for the**  
**District of Nebraska will now be in session.**

**God Save the United States and its Courts.**

**JUDGE ROBINSON: Fellow Judges, Members of**  
**the Bar, distinguished guests, Ladies and Gentlemen;**

**The Court is convened this afternoon, as**  
**the Marshal indicated, for a ceremonial session for the**  
**purpose of administering the oath of office to the**  
**Honorable Richard A. Dier who has been appointed by the**  
**President of the United States to the high position of a**  
**Judge of the United States District Court for the District**  
**of Nebraska.**

**Judge Dier was unanimously confirmed by**  
**the United States Senate. His Commission has been**  
**issued.**

**At this time, Mr. Peck, will you read the**  
**Commission.**

**MR. PECK: If it please the Court:**

**RICHARD NIXON**

**President of the United States of America.**

**To all who shall see these Presents, Greetings:**

**KNOW YE: That reposing special trust and**

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confidence in the Wisdom, Uprightness, and Learning of RICHARD A. DIER of Nebraska, I have nominated, and, by and with the advice and consent of the Senate, do appoint him United States District Judge of the District of Nebraska, and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and the laws of the said United States, and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, and unto Him, the said Richard A. Dier during his good behavior.

IN TESTIMONY WHEREOF, I have caused these letters to be made patent and the seal of the Department of Justice to be hereunto affixed. Done at the City of Washington this 9th day of December, in the year of Our Lord One Thousand Nine-Hundred and Seventy-One, and of the independence of the United States of America, the 196th.

(Signed) Richard Nixon.  
(Countersigned) John W. Mitchell, Attorney General.

1                   **JUDGE ROBINSON:** I now inquire, Mr. Dier, if  
2 you are prepared to take the oath appropriate to your  
3 office.

4                   **MR. DIER:** I am, Your Honor.

5                   **JUDGE ROBINSON:** Will you then raise your  
6 right hand and repeat after me:

7  
8                   I, Richard A. Dier, do solemnly swear that  
9 I will administer justice without respect to  
10 persons and do equal right to the poor and to the  
11 rich, and that I will faithfully and impartially  
12 discharge and perform all of the duties  
13 incumbent upon me as United States District  
14 Judge, according to the best of my abilities  
15 and understanding, agreeable to the  
16 Constitution and laws of the United States;  
17 that I will support and defend the Constitution  
18 of the United States against all enemies,  
19 foreign and domestic; that I will bear true  
20 faith and allegiance to the same; that I take  
21 this obligation freely without any mental  
22 reservation or purpose of evasion; and that  
23 I will well and faithfully discharge the duties  
24 of the office upon which I am about to enter.  
25                   **SO HELP ME GOD.**

1 JUDGE ROBINSON: You will now don your robe,  
2 assisted by your brother, John Dier, and your former  
3 partner, Bill Ross.

4 Escorted by the Marshal, you will now  
5 take your place upon the bench.

6 Judge Dier, may I be the first to offer the  
7 congratulations of this Court and welcome you to the  
8 bench, not only on behalf of the Court, but personally  
9 as well.

10 JUDGE DIER: Thank you, Judge Robinson.

11 JUDGE ROBINSON: It has been my good  
12 privilege to have observed your work before this Court  
13 since you were appointed as United States Attorney, and  
14 I can say without hesitation that I think you are  
15 eminently qualified to occupy a place on this bench.

16 I recall some 15 years ago last August  
17 when I was appointed, and at the installation ceremony,  
18 Judge Johnsen had these words of advice to me, which I  
19 think bear repeating.

20 He said:

21  
22 "Judge Robinson is assuming here today not  
23 just an individual position. It is true he has been  
24 designated as a Judge of the United States  
25 District Court for the District of Nebraska,

1 "but he has taken on something that is broader  
2 and larger, and that is the Federal Judicial  
3 System. We don't function as an individual  
4 Judge. We don't function as an individual Court.  
5 Permeating the entire Federal System is a  
6 sense of devotion, a sense of dedication, a  
7 sense of integration that runs in the common  
8 channel of the administration of justice clear  
9 down the line. It is something that I can't  
10 explain to you who are laymen. You who are  
11 lawyers will understand. You will understand  
12 it in relation to the integration of the bar, the  
13 common spirit that exists for the sake of  
14 moving forward in a common cause. I shan't  
15 explain those to you. This is not the occasion  
16 for it, but as time goes on, you will become  
17 conscious of the dedication, the devotion of  
18 each one of us, not to our individual position,  
19 but to that great common cause of administering  
20 justice. You will comprehend more of that as  
21 time goes on. You will feel that every Federal  
22 Judge in the country, District Court, Appellate  
23 Court and Supreme Court, is united in a bond  
24 for the general administration of justice so that  
25 freedom and democracy may endure."

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I can say to you some 15 years later that those words indeed were prophetic, Brother Dier. I have found that those words uttered on that occasion are certainly true, and I can, as can my Brothers on the bench, bear witness to that fact.

Again, I want to congratulate you and welcome you to the bench.

Concurrently, Ladies and Gentlemen, with the qualification of my successor, Judge Dier, I now assume senior status, and it is my great privilege at this time, Judge Urbom, to be perhaps the first one to address you in your new status as Mr. Chief Judge, and I would like to ask you for a few remarks at this time.

**JUDGE URBOM:** Chief Judge Robinson, Brothers of the Bench, Members of the Bar, Friends, and particularly you, Judge Dier:

The sound of the words, "Judge Dier," gives to me the audible impression of solidness. I think from the sound alone of the words, "Judge Dier," I would assume that anyone called that would be resolute, deliberate and balanced, but more than that, I have the impression from my experience with you, Judge Dier, when you were a practicing lawyer and United States Attorney, and more recently a Judge designate, that the sound of that title, "Judge Dier," accurately reproduces

1 the nature of the man. It is for that reason that I am  
2 pleased to address you with the appellation of  
3 "Judge Dier."

4 This is your day, Judge Dier, and  
5 accordingly I will not even try to express the appreciation  
6 which all of us feel for Judge Robinson's active  
7 leadership over these many years. But I suspect at the  
8 same time it would not be inappropriate for me to remind  
9 you, Judge Dier, that you now become a member of a  
10 bench which, measured by the length of judicial service  
11 of the active members of that bench is green as a gourd.  
12 You and Judge Denney and I will feel, I predict, almost  
13 instantly the need for the seasoned advice of our senior  
14 judges, Judge Delchant, Judge Van Pelt and Judge  
15 Robinson, so that in our judicial youth we will neither  
16 timidly creep nor irrationally lunge in our judicial  
17 duties.

18 I am too new, Judge Dier, to give you  
19 advice, but I am not too new to welcome you warmly into  
20 what indeed is the most demanding and the most  
21 rewarding brotherhood of all, the Federal Judiciary.

22 I am pleased to have you among us.

23 JUDGE ROBINSON: Thank you, Judge Urborn.

24 I should now like to call upon Judge Denney  
25 for some observations.



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**JUDGE DENNEY:** Former Chief Judge Robinson, Chief Judge Urbom, Senior Judges Delehant, Van Pelt, and newly appointed Judge Dier:

I personally welcome you to a close friendship and cordiality with our Federal Judicial family.

Judge Urbom talked about being green as a gourd. Well, I have been on the bench nine and one-half months, so I have arrived.

Being called, Judge Dier, "Your Honor," day in and day out is a constant reminder, not alone of the prestige of the office, but more importantly of the tremendous power and heavy responsibility and absolute independence of the Federal District Judges. You know, we are practically immune from discipline, from censure or discharge by superiors, but it is our conscience which is the disciplinarian, the censor and the supervisor.

The appellation "Your Honor" is the trigger which commands our conscience to proper personal conduct and to the faithful performance of our duties.

It is "Your Honor" which encourages judicial patience, inspires industry, nurtures prudence and counsels you with the great virtue of good common sense.

The greatest deterrent to taking yourself

1 too seriously, Judge Dier, in any respect is a wise and  
2 observing wife who periodically will remark, "Don't get  
3 so judgy."

4 My lovely wife has an alternate injunction  
5 which she issues when she thinks I am getting too  
6 dignified for my own good.

7 She says, and I quote:

8 "Climb down off of that bench."

9 So long as a Judge knows the public's  
10 regard for the judicial office, a conscientious Judge will  
11 conduct himself fittingly.

12 The best piece of advice that I have  
13 received and that I can pass on to you is to act like the  
14 ordinary prudent Judge would act under the same or  
15 similar circumstances.

16 Our success as Judges will be measured  
17 primarily by members of the bar. I have learned this,  
18 and I think I have learned it as a practicing advocate, we  
19 all owe a duty to the lawyers to treat them courteously,  
20 to hear them patiently, to study their arguments  
21 conscientiously and to decide their cases promptly. It  
22 seems to me, particularly, that patience is the virtue  
23 most admired in the judicial personality.

24 The 82-year-old Judge Gunnar H. Nordbye  
25 I think made a statement like this:

1 "There are three fundamental requisites for a  
2 good Judge:

3 "The first, he should have patience.

4 "The second, he should have patience.

5 "And the third, he should have patience."

6  
7 When we go to the great beyond, or  
8 whatever special place is reserved for Judges, we may  
9 hope that we will leave behind us a reputation among the  
10 members of the bar that, while maybe we weren't the  
11 greatest Judges in the world, and certainly not the  
12 smartest, still we were unfailingly courteous and always  
13 patient. That alone should afford us some claim to  
14 immortality.

15 I am reminded of the words of the late  
16 Judge Udall of the Arizona State Supreme Court, when he  
17 said, in applying the test about a Judge never going far  
18 wrong, he asked himself the question:

19 "Does my proposed action square with  
20 good common sense?"

21 Again, Judge Dier, I welcome you to our  
22 Federal Judicial Fraternity. We are an exclusive group  
23 of men and women. There are approximately 401 of us  
24 in the United States. It isn't every one of our profession  
25 who is privileged as we are to be recommended by

1                   Senators, nominated by the President, confirmed by the  
2                   Senate, appointed by the Chief Executive to the office of  
3                   United States District Judge. It is a great honor, Judge  
4                   Dier, and with it goes the equally great responsibility by  
5                   our personal, professional conduct to make justice work  
6                   fairly and efficiently in the trial courts of the United  
7                   States.

8                   I welcome you to the fraternity.

9                   Judge Robinson, I would be remiss if I did  
10                  not thank you for all the help that you have given me in my  
11                  embryonic stage as a Federal Judge these past nine and  
12                  one-half months. I appreciate it. Chief Judge Urbom,  
13                  I pledge to you, and I am sure Judge Dier does, our  
14                  utmost cooperation to try and carry on the great tradition  
15                  of the Federal Judiciary in the State of Nebraska as has so  
16                  eminently been displayed by our Senior Judges.

17                  Thank you.

18                  JUDGE ROBINSON: Thank you, Judge Denney.

19                  The Court now recognizes the Chairman of  
20                  the Installation Committee who has worked out this  
21                  program today, and requests the Chairman, Mr. Tom  
22                  Burke, to present the various speakers.

23                  MR. BURKE: May it please the Court, Members  
24                  of the Bench, Members of the Bar, distinguished friends  
25                  and Ladies and Gentlemen.

1 I was a little shocked when I learned of  
2 Judge's Robinson's impending retirement because I come  
3 from a law firm where my senior partner is 96. When  
4 you get to be Judge Robinson's age, you are just eligible  
5 to become a partner. So, Judge Robinson, I have great  
6 hope that you are going to be around working hard for  
7 some years to come. We are going to save the celebration  
8 of your retirement for a later date.

9 It is my privilege to present first Judge  
10 Dier's family. We are going to stop when we get to a  
11 certain point to save some time. I will ask each person  
12 as I call your name to stand momentarily so that you may  
13 be seen.

14 First, Dick's wife, Ruth.

15 His daughter, Jane Dier Panugis and her  
16 husband from Chevy Chase, Maryland.

17 Dick's brother Cliff from Lincoln, and his  
18 wife.

19 Dick's sister, Ruth Meyer, from Lincoln.

20 Dick's brother Mike from York, and his  
21 wife.

22 Dick's brother John from Holdrege, and  
23 his wife.

24 Ruth's sister, Jeanette Nickel from  
25 Kearney, and her husband.



1 strangers in the courtroom, for the most part members  
2 of the United States Air Force, here because of their  
3 close friendship with Dick Dier in his capacity as United  
4 States Attorney.

5 We are very pleased and proud to have  
6 Commander-in-Chief of the Strategic Air Command,  
7 Bruce K. Holloway and Mrs. Holloway. Thank you,  
8 General, for coming.

9 Also the Staff Judge Advocate for the  
10 Strategic Air Command, Joseph Krysakowski and Mrs.  
11 Krysakowski. We are pleased you could join us.

12 Also General Larry Steinkraus and Mrs.  
13 Steinkraus. Thank you for being here.

14 We are pleased to have General  
15 Krysakowski here because he was the Air Force host at  
16 the Omaha Bar Association field day last year, and we  
17 are conditioning him for a repeat performance.

18 Other friends of Dick's and friends of  
19 many of us as lawyers are acting United States Attorney  
20 Bill Schaphorst; United States Magistrate and also  
21 present Clerk of the Court, Dick Peck; the Referee in  
22 Bankruptcy Jerrold Strasheim; the United States  
23 Probation Officer John Keriakedes; the United States  
24 Marshal Lloyd Grimm.

25 I don't know if I see her here, but one who

1 has been of great service to Judge Robinson and who  
2 seldom gets recognized in this courtroom, Genevieve  
3 Cronk.

4 We have regrets from many, and I will  
5 hand the letters to Judge Dier at the conclusion of these  
6 proceedings.

7 Judge Lay and Judge Matthes of the Circuit  
8 Court of Appeals could not be here today. Senator Carl  
9 Curtis could not be here today.

10 There is one letter I think I should read,  
11 and I think before I am through, you will realize from  
12 whom it came:

13  
14 "Dear Mr. Burke:

15 "Answering your kind letter of the 20th  
16 instant, which has been slightly delayed in coming to  
17 hand, I very much regret to be absent on the occasion.  
18 With all my heart, my best wishes go to Judge Dier on  
19 the happy occasion.

20 "Sincerely, Joseph W. Woodrough, Senior  
21 Circuit Judge."

22 He must be about 96, isn't he?

23 JUDGE ROBINSON: He admits to a little more  
24 than that.

25 MR. BURKE: We have with us several



1 gentlemen who will extend remarks concerning Judge  
2 Dier, his nomination and now appointment,  
3 confirmation and installation as our new Federal Judge.

4 First, a man who has had a great part in  
5 the court that sits before you. Senator Roman L. Hruska  
6 sat on the Judiciary Committee of the United States  
7 Senate, and I think could frankly address this court as  
8 the "Hruska Court." There are many other Judges on  
9 the Court of Appeals, thanks to the work of this great  
10 Senator from the State of Nebraska. This is not an easy  
11 job. He does it so well. I think the recent appointments  
12 to the United States Supreme Court are a real tribute to  
13 him, which I am sure in large part came about because  
14 of the work of our United States Senator, Senator Hruska.

15 SENATOR HRUSKA: May it please the Court,  
16 Chairman Burke, Ladies and Gentlemen:

17 First, I bring you greetings from the  
18 Nebraska Congressional Delegation.

19 But for previous commitments which made  
20 it impossible for him to be here, Senator Curtis was  
21 particularly anxious to be here. I give you his greetings.

22 Ceremonials of this kind are always very  
23 historical and meaningful. This one is doubly so because  
24 only five short hours ago in the nation's capitol, 1250  
25 miles to the east and a little bit to the south, another

1 ceremony was observed. Present were nine begowned  
2 and robed dignitaries, members of the Federal  
3 Judiciary. Counting one absent brother from the Circuit  
4 Court, there would be nine in this room. That makes it  
5 sort of a co-equal situation. When the hour of ten o'clock  
6 sounded, there started the ceremony for the installation,  
7 for the investiture, for the inauguration of Judges Powell  
8 and Rehnquist. Although my office received an invitation  
9 for me to attend that ceremony, I preferred rather to be  
10 here with my old friends, my neighbors, fellow  
11 members of the bar, and of course, the respected  
12 members of the bench who are present here today. So  
13 we hope and we are virtually assured that the success  
14 and fruitfulness of this ceremonial occasion will be  
15 equally as successful to that which was celebrated in  
16 the Supreme Courtroom this morning.

17 It is said so often that repetition makes it  
18 trite, that this nation is beset by many problems, some  
19 of them vexatious, some frustrating and apparently  
20 insoluble. It would be idle, of course, to say that there  
21 is any one of those problems of chief priority, but  
22 certainly we can say that somewhere along the line there  
23 is an over-riding principle to which we could repair to  
24 sort of orient ourselves to formulate the ways and  
25 means which are necessary to lead us on. One of those

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guiding principles which emerges and to which we can repair is that our society rests on institutions based on consent of the governed.

There are those who believe that the fundamental issue of the day is the erosion of authority of our American institutions.

The fact of erosion and the numerous attempts, incursions and assaults on the judiciary are too well-known to all thoughtful citizens to necessitate recitation of page and verse, but in this process of erosion, the menaces are of such import as to make it perhaps Enemy No. 1.

This general idea was voiced not too long ago in a recent interview by Daniel Patrick Moynihan, who is as American as his name.

He said:

"Perhaps the fundamental issue of our time is the erosion of the authority of our American institutions.

"Authority relations are consensual, power relations are based on force. If we had a power society and somebody challenged the President, he could say:

"Off with your head."

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"But a society resting on the authority of institutions by consent does not permit this to be done.

"The danger is, however, that if the authority of institutions is eroded enough, it may be succeeded by a power society in which democratic rights and freedoms will soon disappear."

This thought is relevant this afternoon, because certainly in the judiciary of our nation, there is an institution which forms such an integral and vital part of our American institutions that it cannot suffer that growth of erosion of authority without disastrous effect.

Daniel Patrick Moynihan is a personality of note and distinction, teacher in one of the world's leading universities, educator, author and scholar, a close personal advisor and counselor of three Presidents, including the present President. So that when he says as an analyst and as an authority in his field:

"The danger is, however, that if the authority of institutions is eroded enough,

1 "It may be succeeded by a power society in  
2 which democratic rights and freedoms will  
3 ultimately disappear."

4  
5 When he speaks this way, it is well that  
6 we pay heed.

7 You witness today a ceremony dedicated  
8 to the proposition that we should like to further  
9 strengthen the judiciary for its thrust into the future  
10 along the same wholesome, sound and sturdy lines  
11 which we have witnessed in its growth for the past 196  
12 years. We witness today a ceremony in the presence  
13 of those who have already served long periods of  
14 service on the bench, dedicated to the furtherance of  
15 the administration of justice. Time has shown the  
16 wisdom of the choices in each of the veterans of the  
17 bench who are here today. Every effort has been made  
18 to select those who are possessed of those attributes  
19 and those talents which are fitting for the office which  
20 they assume.

21 Nebraska has made a very fine and  
22 meaningful contribution to the Federal Bench these last  
23 75 years. It seems that there is something of that  
24 sturdiness to which the present Chief Judge referred in  
25 the common sense of the prairie, given those things

1 such as diligence and experience and years of active  
2 general practice and principle and demonstrated  
3 capacity.

4 And so today there is a new addition to  
5 the tradition. His newly made colleagues will be of  
6 help, sustenance and encouragement to him, but we can  
7 further have confidence that in due time, with seasoning  
8 and application, he will be of help to them, and all of  
9 them in turn of help to the continuance of one of the  
10 finest judicial systems the world has ever seen evolved.

11 It is in that spirit that we welcome you,  
12 Judge Dier, to the Federal Bench.

13 JUDGE ROBINSON: Thank you, Senator Hruska.

14 MR. BURKE: The Chief Justice of the  
15 Nebraska Supreme Court, Paul White.

16 JUDGE WHITE: May it please the Court,  
17 Chairman Burke, Ladies and Gentlemen:

18 It is a distinct pleasure for me to be here  
19 this afternoon.

20 I have had the pleasure of knowing Dick  
21 Dier for many years. As we all know, he is an able  
22 lawyer; he is a fine man, and he is a courtly, congenial  
23 and considerate gentleman. I have no hesitation in  
24 predicting that he will be a fine Judge with all the  
25 attributes that the traditional notions of a Judge are,

1 with due regard to Socrates, the Bible, Coke and our  
2 Modern Judges' Handbook.

3 This being my 20th year on the bench,  
4 although I don't approach the seniority of some of the  
5 other distinguished gentlemen here, to indulge, whether  
6 from the privilege or not, in a little advice. I got my  
7 courage to do this from Judge Devitt who recently gave  
8 a famous speech on the investiture of newly appointed  
9 Federal Judges of the Eighth Circuit.

10 One of these pieces of advice is to be  
11 careful that you don't jump to conclusions too quickly.

12 When I was on my honeymoon as a Judge  
13 of the Municipal Bench in Lincoln, a courageous young  
14 lawyer went on for about five minutes in what to me was  
15 a startling statement of the law, and I simply said,  
16 "Counselor, what you have been stating is not the law."

17 He looked at me, and he said, "Well, it  
18 was until you spoke."

19 This injunction that I am giving, of  
20 course, I am sure isn't going to take Dick very long to  
21 learn as it did myself.

22 The word "patient," of course we are all  
23 patient. We think we are. But sometimes we are put to  
24 the test on the Supreme Court of the State of Nebraska.  
25 It has been so many years ago now that nobody can check

1 on me. Even though we have one Judge who is here, he  
2 won't dispute it. We had a young lawyer who was going  
3 on indefinitely about the fundamental law of demurrer, the  
4 petition must state facts sufficient to state a cause of  
5 action. He quoted a lot of cases, cited a lot of cases,  
6 and finally, with due regard for patience, I leaned over  
7 the bench and said to the young gentleman, "Don't you  
8 think, Counselor, that you are entitled to assume that  
9 this Court knows some of these fundamental principles  
10 of law?"

11 "Your Honor, that's a mistake I made in  
12 the lower court."

13 And finally, the last lesson I learned on  
14 the Court is, of course, the ingenuity of counsel and  
15 their imagination when they are hit with the face of a  
16 statute and turn to public policy, to remedial statutes,  
17 to semantic dissection of the words. Finally, we have  
18 an ambiguity created and we have to go to the  
19 legislative history and read what the Senators say, and  
20 what the Committee representations were, and of course,  
21 therein, Ladies and Gentlemen, naturally lies the  
22 solution of the case, but I have come to learn recently  
23 that in spite of all this, once in awhile you ought to just  
24 read the statute. It is a very good thing to do.

25 Seriously speaking, I suppose that I



1 shouldn't have the temerity to mention something that is  
2 of common concern to America. Perhaps not here in  
3 Nebraska. But we in the profession, and especially we  
4 Judges, know that we are on the firing line of public  
5 inspection, of public skepticism and criticism as never  
6 before. Of course, we expect to have the courage to  
7 withstand the transient criticism of particular decisions,  
8 but we are told from among the people of this country,  
9 fortunately as far as I can detect not much in Nebraska,  
10 that we are taking from the press a concerted criticism  
11 that some of the Judges lack a sense of restraint and  
12 balance, and there has been an invasion of areas that are  
13 not properly ours, and that there has been an utopian  
14 over-refinement of logic and policy that has produced  
15 a congestion of appeals, confusion, uncertainty and  
16 delay.

17 Not new. A Nebraskan first noted and  
18 predicted this situation, no one less than Roscoe Pound  
19 in his monumentally prophetic speech before the  
20 American Bar Association in 1906, in which a number of  
21 great Judges said should be standard reading for every  
22 Judge at least twice a year, and for every lawyer at  
23 least once a year.

24 Well, I have no doubt in Dick Dier that he  
25 will meet in his own individual way and as much as he can

1 the challenges presented by these tests and these  
2 criticisms. We are fortunate in Nebraska, as I have  
3 said before, and I am sincerely happy to welcome Dick  
4 Dier in joining perhaps the most distinguished Federal  
5 State Trial Bench in the United States against whom none  
6 of these criticisms or suggestions could be lodged. As  
7 Dick falls into the line of march, we know that he has  
8 those qualities which, with industry and courage, he will  
9 develop to the full stature of his predecessors.

10 Again repeating what has been said  
11 before, it comes to my mind, particularly with Dick  
12 Dier, that he is possessed of the plain common sense  
13 that is necessary and sometimes, perhaps, needed in  
14 our judicial function.

15 In closing, I want to read what I think is  
16 particularly significant the words of Chief Judge Edward  
17 J. Devitt in our sister state of Minnesota. He says:

18 "The transition from bar to bench is a  
19 big one, and making the change with  
20 equilibrium is not always the easiest  
21 task. We must keep our heads about us.  
22 Senior Circuit Judge Harold R. Medina  
23 observed:  
24

25 "'After all is said and done, we

1                    "**cannot deny the fact that a Judge is**  
2                    **almost of necessity surrounded by**  
3                    **people who keep telling him what a**  
4                    **wonderful fellow he is. And if he once**  
5                    **begins to believe it, he is a lost soul. "**

6  
7                    **Continuing the quote from Judge Devitt:**

8                    **"A Mississippi Judge once said, in**  
9                    **suggesting to his fellow judges to be**  
10                   **cautious so they did not usurp authority**  
11                   **which was not lodged in the judiciary,**  
12                   **that:**

13                   **"Judges at least are but men**  
14                   **encompassed by error, seasoned with**  
15                   **sin and fettered by fallibility. "**

16  
17                   **Continuing the quote:**

18                   **"Perhaps we judges would not be**  
19                   **too ready to admit that we are**  
20                   **seasoned with sin, but that most**  
21                   **Judges are encompassed by error and**  
22                   **fettered by fallibility seems only too**  
23                   **evident when we read the divergent**  
24                   **opinions of our Judges on the trial and**  
25                   **appellate courts. "**



1 devote and give more of their time, efforts and  
2 abilities to public affairs than any other profession.  
3 Thinking of your practice for a number of years  
4 mid-state, I am reminded that you gave a great deal of  
5 your time and abilities to public affairs, civic and the  
6 like, without any recompense; that you served many  
7 clients without pay, and I think, added to this quality of  
8 patience that Judge Denney has mentioned, that you  
9 acquired in that practice a humanity and goodness of heart  
10 that to me is the greatest attribute of a Judge, and I know  
11 that you richly have this virtue.

12 I pledge to you the support of the Members  
13 of the Nebraska State Bar Association, and you may know  
14 that you will have their respect always.

15 I offer my congratulations to you again and  
16 to your family.

17 JUDGE ROBINSON: Thank you, Mr. Lane.

18 MR. BURKE: Because Judge Dier practiced in  
19 the Federal Branch as United States Attorney, we have  
20 invited Art Raznick, the President of the Federal Bar  
21 Association to address you at this time.

22 MR. RAZNICK: May it please the Court,  
23 Chairman Burke, distinguished guests, Ladies and  
24 Gentlemen:

25 On behalf of the Federal Bar Association,

1 and personally, I also, wish to congratulate Judge Dier  
2 on becoming a Federal District Judge. On occasion I  
3 have had the opportunity to work with Judge Dier, and I  
4 know that he is eminently qualified to serve on the  
5 Federal Bench. Judge Dier has been, and we hope he will  
6 continue to be, an active member of the Federal Bar  
7 Association. He now becomes an honorary member. We  
8 in Nebraska have been fortunate to have men like Judge  
9 Dier, as well as the other illustrious members of the  
10 bench.

11 I am sorry to see Judge Robinson leave the  
12 bench at this time because he is leaving us after so many  
13 years of faithful and excellent service. We wish Judge  
14 Robinson well.

15 We extend deserved congratulations to  
16 Judge Dier.

17 Thank you.

18 JUDGE ROBINSON: Thank you, Mr. Raznick.

19 MR. BURKE: Because Judge Dier had the  
20 courage to attend the Barristers' Christmas party this  
21 year, we have invited the President of the Barristers'  
22 Club to extend greetings at this time.

23 Louis M. Leahy.

24 MR. LEAHY: If it please the Court, after the  
25 aforementioned party, I am reluctant to appear here today.



1 Tweed when he ascended to the presidency of the bar of  
2 the City of New York, and I think he spoke eloquently for  
3 the lawyers present today. He said:

4  
5 "I have a high opinion of lawyers. With  
6 all their faults, they stack up well against  
7 those in every occupation or profession.  
8 They are better to work with, or play  
9 with, or fight with, or drink with than  
10 most other varieties of mankind."

11 I would like to announce once again, if you  
12 are not aware of it, that there will be a reception at the  
13 Midlands Suite at the Hilton Hotel just across the street.  
14 It is on the second level, one level above the lobby, and  
15 it commences at four p. m.

16 With that, Your Honors, we rest.

17 JUDGE ROBINSON: Thank you, Mr. Burke, and  
18 through you, the Committee for the fine job you have  
19 done in connection with these services today.

20 Judge Dier, while this may not be the  
21 easiest task that you have thus far had to perform, I now  
22 call upon you for such response as you may care to make  
23 at this time.

24 JUDGE DIER: Judge Robinson, my fellow  
25 members of the bench, guests, officials and friends who



1 honor me by their attendance here:

2 I realize that if the reception is to be at  
3 four o'clock I would be well advised to make this  
4 extremely short, and I shall.

5 I consider myself very fortunate to be in  
6 this position today. I am fortunate to have the  
7 confidence of my family and my parents. I am fortunate  
8 to have had the opportunity to have practiced at the bar  
9 of the State of Nebraska, both out-state and in Omaha and  
10 Lincoln. I am fortunate to have had a secretary of more  
11 than 20 years, Dorothea Wimberley, and my partner,  
12 Bill Ross, who honor me by their presence today.

13 I am honored by the presence of others of  
14 my friends who have seen fit to come to this investiture.

15 I consider myself fortunate historically  
16 for having had the opportunity to be before judges on the  
17 Federal Bench, such as Judge Delehant, Judge Van Pelt  
18 and the late Judge Donohoe. I consider myself extremely  
19 fortunate to have been in the close proximity of the Chief  
20 Judge of this District for these years, whose active  
21 position I am about to take.

22 I consider myself also fortunate to have  
23 had the support of the staff and clerical help in the United  
24 States Attorney's office during the past three years.  
25 They have been wonderful associates.

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I am particularly fortunate to have had the keen understanding of the two United States Senators of the problems of the Government and their willingness to provide us with our needs in pursuit of the Government's interests during that period of time.

I am particularly pleased to have my friend Roman Hruska here when he certainly could have been at a much, much higher judicial appointment level.

When I consider the time-honored history of the Federal Bench in Nebraska and the traditions that have come from those who held this position, I enter this office with a sense of responsibility and with full knowledge of that record. I am aware from them of the principle that duties and rights are corollary. I am aware that power and responsibility are equally inseparable.

I promise to you, my brothers of the bench, and to you who saw fit to come today, a life of dedication to the discharge of those responsibilities so that it may bring honor to this bench, and perhaps some day to measure up to the quality of the man whose active status I have been assigned to fulfill.

**JUDGE ROBINSON:** Thank you, Judge Dier.

On this occasion, Ladies and Gentlemen, I am sure I would be pardoned in leaving active status to

1 take a brief moment to acknowledge warmly and  
2 sincerely my thanks and appreciation to those who have  
3 been so helpful to me throughout my tenure of office.

4 I mention Judge Delehant, who was a tower  
5 of strength; Judge Van Pelt, who was always willing to  
6 listen and counsel with me during the years; to Judge  
7 Harvey Johnsen, one of the outstanding Chief Circuit  
8 Judges in the country; and more recently, Judge Lay and  
9 Judge Ross, and of course my colleagues, Judge Urborn  
10 and Judge Denney. But I could not pass this opportunity  
11 to say and acknowledge that any service I may have been  
12 able to render has been unquestionably due to the loyal  
13 support and service and help that I have received from  
14 my staff, including all of my law clerks down through the  
15 years; one of the most able administrators in the  
16 Federal System, Mr. Richard Peck, the United States  
17 Magistrate and Clerk of this Court; Mr. Strasheim, who  
18 has for a number of years been the Referee in Bankruptcy;  
19 to the Marshal and his staff; and the loyal members of the  
20 Bar of Nebraska.

21 Without their loyal cooperation, without  
22 their patience in putting up with me at times when I am  
23 sure I approached the real image of what a Judge is  
24 supposed to look like, an old crank, I never would have  
25 made it, I am sure.

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I am deeply grateful and publicly  
acknowledge it at this time.

This concludes the ceremony, Ladies and  
Gentlemen.

The Marshal will now recess court.

**THE MARSHAL:** Court will be in recess.

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(Reported and prepared by Wilda Woodbury,  
Official Court Reporter, United States District Court,  
District of Nebraska.)

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