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**UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA**

**HONORABLE RICHARD A. DIER
UNITED STATES DISTRICT JUDGE**

MEMORIAL SERVICE

DATE:	October 12, 1973
TIME	3:00 o'clock p. m.
PLACE	United States District Court Room Omaha, Nebraska

1 DEPUTY UNITED STATES MARSHAL JEROME

2 A. LANGAN:

3 Hear Ye! Hear Ye! Hear Ye! This sitting
4 of the Honorable Judges of the United States District Court
5 for the District of Nebraska will now be in session.

6 God Save the United States and its Courts.

7 CHIEF JUDGE URBOM: I want to inform each of
8 you that at an occasion such as this our rule of the court
9 forbids the taking of any photographs or the making of any
10 recordings during the period of time when the court is open.
11 After the ceremony is over and the court is closed, then
12 photographs may be taken, if you wish to do so.

13 We are here today in remembrance of the
14 late Richard Dier.

15 The District Court for the District of
16 Nebraska wants to make an appropriate declaration of
17 our appreciation and esteem for his life.

18 I introduce to you the members of the court
19 in its present status:

20 To my left and to your right, The Honorable
21 Robert Van Pelt, Senior Judge of the United States District
22 Court.

23 To my immediate left, The Honorable Albert
24 G. Schatz, who succeeded Judge Dier.

25 To my immediate right, The Honorable

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Robert V. Denney, United States District Judge.

To his immediate right, The Honorable
Richard E. Robinson, Senior United States District Judge.

To speak for us, the members of the court,
Judge Robinson will be recognized. Judge Robinson.

SENIOR JUDGE ROBINSON: Mrs. Dier, members
of the Dier family, Chief Judge Urbom, my fellow Judges,
Members of the Bar and Friends:

The Court is convened today in Special
Session not to mourn the loss of our late Brother, Judge
Dier - he would not approve of any such goings on - rather
we are here to formally recognize and pay our respect
to the memory of a friend and colleague who has left us
for awhile.

It was all too short a time ago when we
gathered in this court room for the installation ceremony
of Richard A. Dier as United States District Judge for the
District of Nebraska. Judge Dier was in the prime of his
life, looking back on a fine career and reputation at the
Bar of the State and in the service of this country as United
States District Attorney, and greatly looking forward to a
promising career as a member of this Court. All of us
who participated in or were present at that ceremony can
recall that while Dick Dier changed office and crossed the
invisible but significant line from lawyer to Judge, we

1 were certain that he would not change character, and how
2 we loved and trusted him for that.

3 The brief period of his service on this Court
4 confirmed that judgment. He approached his task each day
5 unpretentiously, enthusiastically, open-mindedly and with
6 a determination to do his very best. How very much that
7 goes to the core of what the business of being a judge is
8 all about. I wished I had known Dick Dier much better
9 when he was a lawyer in Kearney, Nebraska. I think if I
10 had, I could have spoken more reassuringly when we
11 worked together on this court and had occasion, from time
12 to time, to discuss common problems and mutual
13 concerns. But I did know Dick Dier as the Government's
14 Chief Attorney in this court, and I could see, in the
15 performance of those duties, the sound intuitions and
16 unerring sense of proportion he had about his cases. I
17 knew those marvelous attributes would hold him in good
18 stead however difficult were the issues and decisions that
19 he faced on this court. So my advice on those occasions
20 when we discussed common problems and concerns was
21 invariably to suggest that he not worry, knowing full well
22 that he would. The Department of Justice had a most able
23 lawyer in Richard Dier in the three years he held the
24 office of United States Attorney in this District. The
25 Federal Judiciary had an invaluable colleague in the nearly

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one year he held the office of United States District Judge and, with his sudden and untimely passing, we all suffered an incalculable loss.

Dick Dier won his cases as a practicing lawyer and United States Attorney. He won our hearts and our respect as an United States District Judge.

I rather suspect that one of Judge Dier's dally prayers as he approached each day might have been:

God grant me the serenity to accept the things I cannot change, the courage to change the things that I can, and the wisdom to know the difference.

At least, that is the rule that he lived by.

I speak for all of us on this bench in conveying to you, Mrs. Dier, and to the members of your family, feelings of warm affection and deep admiration for our deceased colleague and dear friend, The Honorable Richard A. Dier.

CHIEF JUDGE URBOM: Thank you, Judge Robinson.

The committee that arranged the program this afternoon has been led by Mr. Raymond McGrath. I now recognize him for presentation of the remaining part of the program.

1 Mr. McGrath.

2 MR. McGRATH: May it please the Court:

3 It is my pleasure to present a few of the
4 honored guests who are here present.

5 Seated in the well of the court are Mrs. Dier
6 and the Dier family.

7 Seated in the jury box is Senior Judge
8 Harvey M. Johnsen, Eighth Circuit Court of Appeals.

9 We have a letter of regret from Judge
10 Donald P. Lay. He was called to a three-judge hearing
11 in Sioux Falls, South Dakota, and cannot be here.

12 We have Judge Donald R. Ross, Circuit Court of
13 appeals of the Eighth Circuit.

14 We have Judge Theodore L. Richling, the
15 presiding judge of the Douglas County District Court.

16 We have Judge A. Q. Wolf, the presiding
17 judge of the Municipal Court.

18 I wish to call special attention to the fact
19 that we have Mr. Lloyd Grimm, the United States
20 Marshal, with us today.

21 I am not going to introduce the Omaha
22 members of the committee, but those members of the
23 Committee who worked with me from outstate and who
24 have come to Omaha for the ceremony.

25 I present first Mr. Thomas M. Davies of

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Lincoln, Nebraska, who is in the jury box; Mr. Richard Person of Holdrege, Nebraska, and Mr. William J. Ross of Kearney, Nebraska, the former law office associate of Dick Dier.

Unfortunately, Senator Hruska, who was to be the first speaker was unable to be here. He called me this morning and told me that there was to be a caucus of the Republican leadership in connection with the affairs in Washington and asked me to read his remarks into the record:

May it please the Court, to the family and friends of Judge Richard A. Dier.

My earnest desire to personally express tribute to the memory of Judge Dier has been regretably prevented by urgent official matters of high priority.

My admiration and respect for him were on the firm foundation of many splended attributes, - - his wide seasoned experience and knowledge in the law; the considerable greatness he acquired in his practice and administration; the well balanced humane consideration he observed in the discharge of his duties; and finally, his integrity and fairness.

1 Summarizing all these, he was a patriot with
2 great loyalty, and confidence in the mission and
3 destiny of his country.

4 He served well.

5
6 MR. McGRATH: At this time we are honored to
7 have the Chief Justice of the Nebraska Supreme Court
8 present with us. I will call on Chief Justice Paul M. White.

9 CHIEF JUSTICE WHITE: May it please the Court:

10 The Creator has ordained as a part of the
11 scheme of things that each shall live to a certain day and
12 no longer, and by reason of that custom immutable to
13 our existence since creation, it is the common custom of
14 mankind to witness and to mark the passing of our
15 brethren. God, in His great love and wisdom, however,
16 has endowed us with the power to lessen our sorrow by
17 recalling our deceased friends with fond recollection, by
18 dwelling upon those things which most arouse our
19 admiration and respect, and by contemplating with warm
20 and pleasant memory the things that have endeared them
21 to us.

22 So on this occasion, as the Bar and the Bench
23 has done through its history, we pause in tribute to the
24 memory of Judge Richard Dier. I am one of the fortunate
25 people who knew Dick Dier for many years. Time forbids

1 reminiscence, but it is with great warmth that I recall the
2 charming personality, the distinguished appearance, and
3 the basic qualities of integrity, ability and balanced
4 character and temperament that Dick Dier possessed to
5 a high degree. It is not an exaggeration to say that for
6 many years he was marked for elevation and recognition
7 in the Bar and finally to the Federal bench. He had all
8 of the qualities of a great judge, and the dedication and
9 ability he demonstrated in the short period of time that
10 he was on the bench fulfilled the promise of his earlier
11 career with the Bar and as United States District Attorney.

12 The Bar and the Bench are in a testing period
13 in this country, and it is with sadness that we view the
14 passing of a man who characterizes the best of the
15 traditions of an American lawyer and a dedicated and
16 conscientious judge. Each of us who knew Dick Dier
17 received something of inspiration, something of cheer and
18 something of faith. There are other men who will follow
19 him and have followed him, in the distinguished tradition
20 of the Nebraska Federal bench. For us on the State
21 judiciary, and for his successors on the bench, we can all
22 take, in his memory, renewed faith in our profession's
23 place and importance in our American system.

24 MR. McGRATH: One of Judge Dier's very close
25 associates was appointed by him as Assistant District

1 Attorney. He subsequently succeeded Judge Dier as the
2 United States District Attorney. He is also appearing
3 here as the present President of the Federal Bar
4 Association, Mr. William K. Schaphorst.

5 MR. SCHAPHORST: May it please the Court,
6 family of the late Judge Dier, Friends:

7 It was my privilege to know the late Judge
8 Dier from our first meeting in February of 1969, and
9 after, when I became his first assistant. There was,
10 therefore, a happy period of years when I knew him as
11 United States Attorney, and then another altogether too
12 brief period as an officer of this court. When he first
13 came to Omaha, Bill Tighe, Ed Fogarty and myself were
14 the only Assistant United States Attorneys. We knew then
15 that he was a very special kind of man. He had left his
16 home of many years in Kearney, Nebraska, and a
17 remunerative law practice to move to a large and strange
18 city to undertake a new career at an age when most are
19 content to remain where they are with what they are doing.
20 Dier said many times that he had made the change because
21 he felt that it was time to undertake something new and
22 challenging.

23 It was a very special man he was and a very
24 special lawyer. I wish I could portray him in these few
25 minutes in which I will speak to you exactly as he was.

1 I am sure I can't really do that, but perhaps through a
2 few words you will be reminded of some of the quality
3 and flavor of the man. Bill Billotti of the World Herald
4 described him as a picture-book judge after he ascended
5 to the bench, and a picture-book judge he was, as well as
6 a picture-book United States Attorney. You all remember
7 his snow-white hair and his tall and upright frame. He
8 liked to call himself a "country lawyer," but those of us
9 who knew him well weren't fooled one bit by that malarky
10 and it described him only so far as his unpretentiousness
11 and his unassumingness were concerned. He was as
12 shrewd a lawyer, administrator, and finally judge as
13 ever any of us hoped to meet in the United States Attorney's
14 Office. His abilities were much enhanced by his
15 extraordinary understanding of human nature. This
16 ability he constantly exercised as an administrator, in
17 dealing with other attorneys, in appealing to jurors and
18 judges while in practice, and after he had become a judge
19 in handling the litigants who appeared before him.

20 He had a zest for lawyerly combat that
21 propelled him into his cases, investigations, and later into
22 his docket. I think you could say about him, as you can
23 for so many really good trial lawyers, that if there were
24 a dispute going on anywhere he wanted to be in it. This
25 perhaps explained his attraction to politics, although of

1 course while he was United States Attorney his activity
2 was necessarily much subdued. In that regard, he was
3 always thought of as a conservative. I suppose in most
4 things he certainly was. Nevertheless, we thought we
5 were continually finding him on the side of issues where
6 only good liberals ought to be comfortable. It was for this
7 reason that we began to accuse him of being a classical
8 liberal, because in view of his attitude toward individual
9 rights and his belief as to the proper place of government
10 with respect to the individual he and most good liberals
11 were in agreement.

12 His zest for legal combat resulted in his
13 stirring things up in the United States Attorney's Office.
14 Many of you will remember the gambling investigations
15 where at times most of the bookies in town were waiting
16 to be heard before the Grand Jury. He tackled a local
17 sheriff when even the investigative agencies were a little
18 reluctant. He moved to investigate the so-called Black
19 Panthers, and he would like to have raided the Black
20 Panther headquarters. He loved to complain, however,
21 that the first defendants that he had to prosecute included
22 a black doctor, a Catholic priest, and a paraplegic.

23 He was never one to spare himself in either
24 time or effort as United States Attorney or later as a
25 judge. Nevertheless, we in the office knew him to be one

1 who always had time to listen and to help anyone who
2 wished for help. At the same time he had complete
3 confidence in his younger attorneys and granted them great
4 freedom to handle their cases, to err and to succeed. In
5 the errors, he was completely forgiving, and in the
6 successes he took great and unselfish pride. We all wish
7 that he had been with us a great deal longer than he was
8 as judge, and had he remained on the bench for many
9 more years, his court would have become legendary.
10 We also wish that his tenure on the bench had been so long
11 that he could really have shown us what he could do.

12 I am reminded, however, of these remarks
13 of Judge Albert Engle at his induction as Judge of the
14 United States District Court for the Western District of
15 Michigan in 1971:

16 "I pray that when my judicial days are over,
17 whether tomorrow morning or thirty years
18 from now, it can be said of my service that
19 it was sound and true, that it was a credit
20 to the judicial system of the United States,
21 and that in some small but measurable
22 way I was able to contribute to the
23 continuing betterment of human life and
24 justice."
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That prayer was truly answered.

MR. McGRATH: One of the trial lawyers who appeared before Judge Dier was Harry L. Welch. At the present time he is President of the Nebraska State Bar Association.

MR. WELCH: If the Court please, members of the Judiciary, Mrs. Dier and members of the Dier family, and friends of Judge Dier:

The Nebraska State Bar Association mourns the loss of one of its most distinguished members. Richard A. Dier's death in December, 1972, was a great loss to us all. The dominant theme of his life was the dedication of one man to the service and betterment of all men.

Judge Dier found his first purpose in the education of the young. He taught social studies to Junior High School students in Kearney, Nebraska, from 1935 to 1941. Not content that he should educate others, Judge Dier went back to school himself, earning his Master's Degree from the University of Nebraska in 1941. Since that time, Judge Dier was an active member of the Kearney State College Association, and later President of that fine organization.

In 1941, Richard Dier answered his country's call to duty, and found, not a new purpose, but

1 merely another one. He served in the military service
2 from 1931 to 1954, retiring as a Lt. Colonel from the
3 Army Reserves. He served as President of the Nebraska
4 Reserve Officers' Association.

5 Yet, Richard Dier's greatest contribution to
6 men was in the legal profession. Having earned his Juris
7 Doctor degree at Washington University, he was
8 admitted to the Bar in 1948, and practiced law in
9 Kearney, Nebraska, from 1948 to 1969. He was an
10 active and respected member of the American Bar
11 Association, the Nebraska State Bar Association, the
12 Omaha Bar Association, the Nebraska Association of
13 Trial Lawyers, and an officer of the Kearney Bar
14 Association. In 1969 he became a United States District
15 Attorney, where he served with distinction until 1972.

16 Then, Richard Dier was accorded that
17 opportunity which is given to so few - yet cherished by
18 so many - to make the law and interpret its application to
19 men. Sworn in as a United States District Judge on
20 January 7, 1972, Judge Dier's full impact as a man and
21 as an attorney had just begun to be felt by those who knew
22 him.

23 His was a career of service and dedication
24 to mankind and country, equalled by few. His life was
25 a dedication to the proposition that we are a nation of

1 laws, and not of men - but that men are the ultimate
2 strength of any great system of justice. Truly, we have
3 lost a proud and noble man - whose compassion for life
4 inspired us all.

5 As President of the Nebraska State Bar
6 Association, and on behalf of all of its members, I
7 present this memorial.

8 MR. McGRATH: Mr. Harold Rock, an attorney
9 in Omaha, is now President of the Omaha Bar Association.
10 Mr. Harold Rock.

11 MR. ROCK: May it please the Court, Mrs. Dier
12 and Friends:

13 On behalf of the Omaha Bar Association
14 membership and myself, I want to say that we practiced
15 with Judge Dier. He was our adversary at times. He
16 was always respected and will remain a respected member
17 in the hearts of the Omaha Bar Association.

18 I do express our regret at his loss on behalf
19 of the membership.

20 MR. McGRATH: I wish to acknowledge the
21 assistance of the members of the Omaha Barristers Club.
22 They worked diligently on this program and have served
23 as the ushers for today.

24 I would like to add a personal note. I wish
25 to thank you, Judge Urbom, for giving me an active part

1 in the presentation of this program. I was honored and
2 pleased because Judge Dier was my friend.

3 At this time, I wish to make a motion that
4 this Memorial be spread on the minutes of the court and
5 be made available for publication and for delivery to the
6 members of the Dier family.

7 At this time, Your Honor, May it please the
8 Court, I respectfully turn the program over to you,
9 Judge Urbom, for the closing of the court.

10 CHIEF JUDGE URBOM: Thank you, Mr. McGrath.

11 The motion will be granted. I will ask the
12 Marshal to now announce the closing of the court.

13 DEPUTY MARSHAL LANGAN: Court will be in
14 recess.
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