Gerald Heaney fought the good fight throughout his life, from his heroic service in World War II to his battles as a skilled labor lawyer, to his campaigns as a prominent community leader and political advisor, to his rulings as an influential judge: liberty and justice for all. He has an uncommon legacy, truly helping shape our nation and our society as we know it today.

"My feeling and my strong belief has been that the Constitution of the United States gives everybody equal opportunity for a job, education, and a home. That's where in my political work and work on the court that I really tried to have the greatest influence."

— Gerald W. Heaney

All photos are courtesy of the Heaney family and Joseph T. Dixon, Jr., former law clerk to Judge Heaney, and from the Court Archives, U.S. Courts Library 8th Circuit, unless otherwise noted.
Gerald Heaney was born on January 29, 1918, in Goodhue, Minnesota. He grew up in this rural area during the Depression, the son of frugal, hardworking parents, William and Johanna, as one of five children. His father ran a butcher shop and was a part-time farmer. His mother died when his youngest sister was born.

After graduating from a high school class of five, he attended St. Thomas College from 1935 to 1937 and obtained his bachelor’s degree from the University of Minnesota in 1939. He earned his law degree from the University of Minnesota Law School in 1941 and worked as a lawyer for the Minnesota State Securities Commission before enlisting in the Army in 1942.
That night, Lieutenant Heaney and the Rangers kept guard in foxholes against counterattacks. Short on ammunition, Heaney led some men back down to the beach, where they collected weapons and ammunition from the dead. The next morning, they started for Point du Hoc, buffeting counterattacks along the way. When they reached the rest of the battalion three days later in Point du Hoc, they found sixty percent of the battalion had been lost.

**General Patton’s Third Army**

Following D-Day, Heaney fought with General George S. Patton's Third Army across France. In December of 1944, the Rangers seized the ground between the town of Bergstein and the Ruhr River and then held the town during a three-day, bloody battle. This successful defense of Hill 400 in the Huertgen Forest became legendary.

Lieutenant Heaney fought in many battles before the Germans surrendered in May 1945. At that time, he was in Pilsen, Czechoslovakia, where the Americans decided to have a victory parade. They didn’t have a flag, so Heaney had one made. It was his most prized possession.

In June, with the war over in Europe, Heaney was appointed as Labor Relations Officer for the Military Government of Bavaria. He helped rewrite Bavaria’s labor laws and organize a free trade movement.

In August, after the war ended in Japan, Heaney heard that the Ranger Battalion was heading back to the States. Eager to be home, he asked permission to go with them. His request was rejected twice, so he appealed directly to General Patton. He went to Patton’s office, and Patton asked him if he had been with the Rangers on D-Day and in Huertgen Forest. When Heaney told him he had, Patton told the adjutant, “Give him anything he wants.”

By the time the war was over, Gerald Heaney achieved the rank of captain and earned a Silver Star, Bronze Star, Presidential Unit Citation, and five battle stars.

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**D-Day**

On D-Day, June 6, 1944, Lieutenant Heaney led his unit as the first wave of soldiers to invade Normandy at Omaha Beach.

_“I’m in the boat and the front end goes down, and Joe Rafferty, he’s the captain of Company A (emotionally), he’s the first man off the boat and he’s shot, and he goes off in front of the boat. So I told the men, “Over the side!” So we all went over the sides. And we’re in the water and we have these heavy packs on. And these packs became water soaked. I’m not sure what the others did, but I ditched my pack because I couldn’t move. Some of the others did and some of them . . . (trails off) so we made our way in the water. That was a short distance—maybe fifty, sixty feet from the edge of the water up to a seawall. We all hit the ground at the seawall. Most of them hit the ground and the Germans had us zeroed in with mortars. Boom! Boom! Boom! We knew we couldn’t stay there. So we leapt over the seawall across the road and started to make our way up the hill, where the German installations were.”_  

_Thomas Sayler, Oral History Project of the World War Two Years: Interview with Gerald Heaney, 2002._
On December 1, 1945, after returning from the war, Gerald Heaney married Eleanor Rose Schmitt, whom he had met and fallen in love with while in college. In January, they moved to Duluth. They had two children, William and Carol.

Heaney got a job in a law firm and made partner. He worked at Lewis, Hammer, Heaney, Weyl & Halverson until 1966 and became a recognized leader in the area of labor law. His representation of many Minnesota labor unions led to the creation of their first self-insured hospital and medical plans. One of the cases that he took resulted in the first contract equalizing pay for male and female teachers in Minnesota.

During this time, Heaney also became a leading citizen of Duluth and an influential political figure. He worked to improve education and housing in Duluth and helped bring the Democratic-Farmer-Labor (DFL) Party to prominence with famous Minnesota politicians like Hubert Humphrey, Eugene McCarthy, Orville Freeman, and Walter Mondale. He was both their close friend and political advisor.

As a Democratic National Committeeman from 1955 to 1960, he worked on the presidential campaigns of Adlai Stevenson and Hubert Humphrey. His work as a DFL strategist was crucial in the 1960 election of John F. Kennedy, who wrote to Heaney shortly before his inauguration, "[i]let me assure you of my personal gratitude for your fine work."

Gerald Heaney's contributions to his Minnesota community were as remarkable as his contributions to politics. He was a principal organizer of the Northeastern Minnesota Development Organization and Natural Resources Research Institute, bringing industrial development to the area. Heaney also served on the University of Minnesota's Board of Regents from 1964 to 1965, receiving their Outstanding Achievement Award in 1967, and assisted in establishing a branch of the University of Minnesota in Duluth.

Heaney's commitment to Duluth extended beyond education. He served on committees to create the Seaway Port Authority of Duluth and a public broadcasting station, WDSE. He also served as chairman on the Interracial Council of Duluth and participated in fair housing and home rehabilitation efforts. Most notably, the latter included an effort in the late 1960s and early 1970s with the Town View Improvement Corporation to build and renovate housing for 250 families in inner-city Duluth. President Gerald Ford presented the group with the National Volunteer of the Year Award.
In 1966, Gerald Heaney was appointed to a new seat on the U.S. Court of Appeals for the Eighth Circuit by President Lyndon B. Johnson, with the support of Senators McCarthy and Mondale, as well as best friend and Vice President Hubert Humphrey. He served on the federal bench for 40 years, taking senior status in 1988 and retiring in 2006. His tenure on the court earned him a reputation as a hardworking, well-prepared, and fair-minded judge.

Heaney’s monumental achievements as a jurist are well known. Wielding the power of the pen, he became a champion for the cause of justice and equality for all, regardless of race, religion, gender, or disability. He was a stalwart defender of the rights guaranteed by the U.S. Constitution and a watchdog for the fair administration of criminal law. He protected the rights of suspects and defendants and harshly criticized the death penalty and the federal sentencing guidelines. He clearly viewed himself as “his brother’s keeper.” A compilation of his important opinions is aptly titled *For the Least of These*.

His more than 2,500 opinions and writings on legal issues made his views become leading opinions in many areas of the law. Mentioned below are only a few of his notable cases.

**Desegregation & Civil Rights**

Legal scholars point to the landmark St. Louis desegregation case as the most significant case of Judge Heaney’s career. In *Liddell v. Board of Education of the City of St. Louis*, he provided for the desegregation of St. Louis public schools by allowing black children to attend mostly white suburban schools at the cost of the state. He felt it wasn’t enough to say they had a right to be integrated; they needed the means to do so. By the end of the litigation’s 18-year history from 1981 to 1999, Judge Heaney had written 27 panel opinions on St. Louis desegregation. In 2004 he and Susan Uchtelle co-authored the book *Unending Struggle: The Long Road to an Equal Education in St. Louis*.

Providing a better and more equal educational opportunity for minority students was a theme throughout Judge Heaney’s career. He had a profound effect circuit-wide, writing opinions desegregating Kansas City, Missouri; Omaha, Nebraska; Little Rock, Arkansas; and other communities.

In *U.S. v. City of Black Jack, Mo.*, 508 F.2d 1179 (8th Cir. 1974), Judge Heaney found that the City of Black Jack violated African Americans’ right to fair housing when it issued a zoning ordinance prohibiting the construction of multi-family dwellings. The ordinance had been quickly issued by residents when they learned that St. Louis County planned to build a housing development for low and moderate income families.

Judge Heaney dissented from the majority ruling in *U.S. Jaycees v. McClure*, 709 F.2d 1560 (8th Cir. 1983) which held that the Jaycees had a First Amendment right to bar women from their organization. On appeal, the Supreme Court unanimously adopted Heaney’s position in *Roberts v. U.S. Jaycees*, 468 U.S. 609 (1984).

**Criminal Law**

Heaney dissented from the court’s *en banc* ruling in *Spinelli v. United States*, 382 F.2d 871 (8th Cir. 1967), which held that a confidential informant’s tip was a sufficient basis for issuing a search warrant. He argued that allowing warrants to be issued under these circumstances would not provide evidence of the confidential informant’s reliability. The Supreme Court used Heaney’s reasoning in overturning the Eighth Circuit’s opinion.

In *Singleton v. Norris*, 319 F.3d 1018 (8th Cir. 2003) (*en banc*), Judge Heaney dissented from the court’s holding that it was permissible to forcibly medicate a prisoner so that he would be competent during his execution. Heaney wrote that, “to execute a man who is severely deranged without treatment, and arguably incompetent when treated, is the pinnacle of what Justice Marshall called ‘the barbarity of exacting mindless vengeance’.”

**First Amendment & Civil Liberties**

In *Chess v. Widmar*, 635 F.2d 1310 (8th Cir. 1980), aff’d, *Widmar v. Vincent*, 454 U.S. 263 (1981), Judge Heaney held that the University of Missouri-Kansas City could not prohibit religious student groups from meeting on campus while secular student groups were allowed to do so.


**Social Security**

In one of the leading opinions relating to social security disability claims, *Polaski v. Heckler*, 739 F.2d 1320 (8th Cir. 1984), Judge Heaney ruled that the Social Security Administration must factor in its decision the pain and suffering demonstrated by a claimant. The methodology for determining whether to credit subjective complaints, as agreed to by parties in the case, is commonly known as consideration of the *Polaski* factors.
The Man

Judge Heaney was a quiet, modest, and able man whose life as a judge and a person was guided by unswerving core principles: compassion, fairness, and a sense of justice. He continually acted on those principles, and his achievements are many.

Great achievements often reap great rewards. In 1989 his former law clerks, colleagues, and friends established the Gerald and Eleanor Heaney Scholarship for Minority Students, University of Minnesota, and in 1998 the University of Minnesota Duluth named a residence hall for him, Heaney Hall. In 2004 he received the Hubert H. Humphrey Public Leadership Award, and in 2007 the new federal courthouse in Duluth was dedicated as the Gerald W. Heaney Federal Building, U.S. Courthouse & Customhouse.

The Honorable Gerald W. Heaney died on June 22, 2010, in Duluth, Minnesota, at the age of 92. He was a beloved family member and a dear friend, colleague, and mentor to many. He left an uncommon legacy not only for all he accomplished as a soldier, citizen, and judge, but also for the many lives he touched as a person.

He was known for hosting fishing expeditions with many of them. For many years, Judge Heaney, Judge Van Oosterhout, Judge Lay, Judge Stephenson, and Clerk of Circuit Court Bob Tucker went fishing in Canada at Judge Heaney’s cabin after the June court term in St. Paul. He also went fishing with his family and his extended family, his law clerks. They all treasure the memories and wisdom Judge Heaney shared on those fishing trips and in everyday life.
One of Judge Heaney’s early law clerks, Rebecca Knittle, the first woman law clerk on the Circuit in 1970, shared a few principles that she learned from Judge Heaney. In a tribute to Judge Heaney, “Judge Gerald W. Heaney: A True Son of the Soil,” which appeared in the *Minnesota Law Review*, Judge Myron H. Bright repeated the list, slightly edited:

1. You can do important work and make a vital contribution to your society, but you don’t have to drive a big car to prove it!
2. Whatever you do, don’t let achievement go to your head. Give credit to others around you.
3. Be a steadfast advocate for what you think is right, regardless of changes in the political climate or the popularity of your ideas.
4. Be an advisor, friend and advocate to at least one person who is having a tough time in life and who can benefit from your caring.
5. Look for ways to advance the welfare of your community, especially taking the time to benefit low income or other disadvantaged people.
6. Love little children. Delight in them. Remember that the future belongs to children and that nobody, however grand in the eyes of the world, is too important to spend time with a child.
7. Fear nothing.
8. Be a friend to your law clerks. Help them when they need help.
10. Never forget the importance of family. Love your family members and accept them always.
11. Finally, and most importantly, make working for minority rights one of the highest priorities of your life.
My Special Flag

The war in Europe was over. The Russians decided that they should have a victory parade in Prague. Not to be outdone, the Americans decided to have a victory parade in Pilsen. The American High Command decided that the 2nd Ranger Battalion should lead the parade. The problem was we didn’t have a flag. Our Commanding Officer, Colonel Arnold, ordered me to find a flag—not an easy assignment. No American unit wanted to give us a flag, so my only alternative was to have one made. I searched the city for someone who would sew a flag, but no one had the cloth.

Sergeant Yates and I went into Prague to find someone. We drove up and down those streets with no success. Years of war and rationing had taken their toll. Finally, we found a seamstress shop operated by two ladies who were supporters of the Americans. They had cloth and were honored to sew the flag. Working all that day and night, they completed the flag by the time we returned the next day. They refused to take money for their work.

It was a glorious flag. We carried it proudly in the victory parade and were the envy of all other units.

When the parade was over and we returned to the bivouac area, I retrieved the flag from the men who carried it, folded it properly, placed it in my foot locker, and brought it home.

I have flown the flag on many occasions and have told its history to many groups. That flag is my most precious possession. It is a constant reminder to me of the ultimate sacrifice made by so many of my friends and fellow soldiers in the 2nd Ranger Battalion.

— Gerald Heaney