

United States Court of Appeals  
for the Eighth Circuit

Archives

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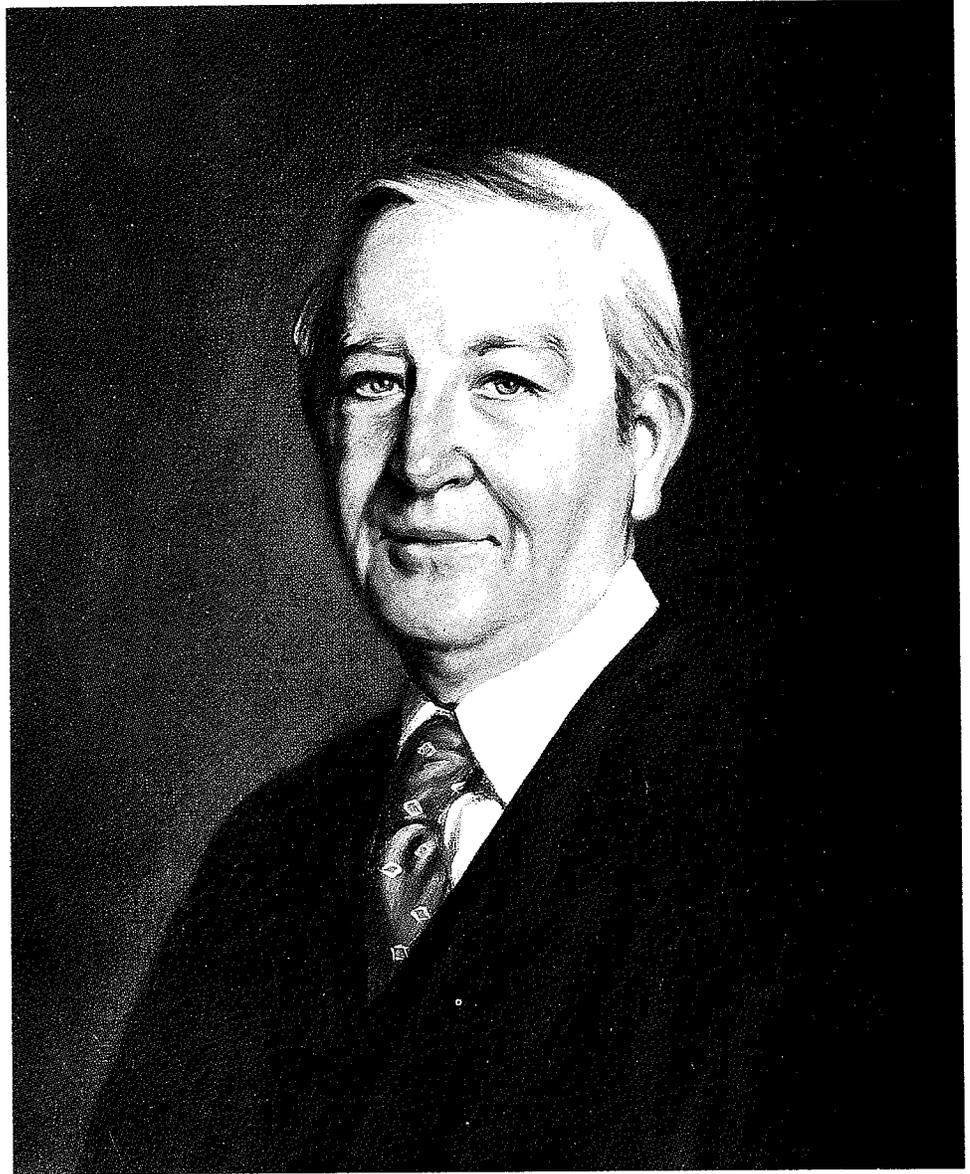
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# Anveiling of the Portrait

of

## JUDGE GERALD W. HEANEY

May 11, 1989  
St. Paul, Minnesota



HONORABLE GERALD W. HEANEY

# Proceedings

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JUDGE LAY: We're gathered today for an historic event. We come not only to honor one of our judges, but we pause to memorialize for historic purposes the judicial service of a dedicated circuit judge to his Nation.

This Court has enjoyed a rich history. Before 1929, it occupied one-third the geographic breadth of our country extending from the Rocky Mountains in the West to the Mississippi River in the East, the Canadian border in the North down to the Louisiana border in the South. After the division of the Eighth Circuit into the Tenth and Eighth Circuits, our court retained the seven states of America's heartland.

Within our past and current history, the decisions of this Court significantly affect the social, economic and political fabric of life within our Nation.

During our history, many distinguished and great judges have occupied this bench. In no way do I intend any diminution of respect for any present or past judges. However, I know I speak for the whole Court when I say Judge Gerald Heaney qualifies for being recognized as one of the truly great judges to ever serve on this Court.

Paul Freund once said that greatness in the law comes from those who call upon the "juices of life." Judge Heaney has certainly brought that quality to the bench.

Justice Frankfurter once said, in talking about Franklin D. Roosevelt, ". . . myths endure only when rooted in essential truth . . . as it was of Lincoln, so it will be of Franklin Roosevelt . . . they both had the common touch." Judge Heaney, too, has the common touch.

Before turning this proceeding over to the lawyers' committee, I now have the privilege of introducing some of our honored guests. First are members of Judge Heaney's family. First and foremost, Mrs. Eleanor Heaney; their son, Bill, and his wife, Marcia, together with Marcia's mother, Gladys Nelson; their daughter, Carol Jean Patterson; their grandchildren; Judge Heaney's brothers, Dennis and Richard; Judge Heaney's sisters, Elizabeth Gorman and Josephine Majerus, and their husbands; Eleanor's brother, Richard Schmitt and his wife. Also, several cousins are in attendance.

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We have many distinguished jurists in our company today, and I would call upon their names at this time and ask them to please stand. This week, through an appointment by the Chief Justice of the United States, we are privileged on our Court to have the services of Judge Howard Markey, who is Chief Judge of the Federal Circuit Court of Appeals in Washington.

The district judges of Minnesota: Chief Judge Donald D. Alsop; Senior Judge Edward J. Devitt; Senior Judge Earl R. Larson; Judge Harry H. MacLaughlin; Judge Paul A. Magnuson; Judge James M. Rosenbaum; Judge David S. Doty.

Bankruptcy judges: Chief Judge Robert J. Kressel; Judge Dennis D. O'Brien; Judge Gregory F. Kishel.

U.S. Magistrates: Janice M. Symchych and Bernard P. Becker.

We are pleased to have, from the Minnesota Supreme Court, Associate Justice Lawrence Yetka and Retired Justice Walter Rogosheske.

From the Minnesota Court of Appeals, Chief Judge Donald Wozniak.

From the Minnesota state court, Judge Heaney's nephew, Judge Thomas E. Gorman.

Also, very important, Judge Heaney's staff who worked over the years, his long-time former secretary from 1966 to 1987, Elda Ignatius, and her husband, Ray. Mary Bibbey is presently with Judge Heaney and has been with Judge Heaney since 1972. Shirley Dacken, who has been with Judge Heaney since 1987.

It is now my privilege to turn this proceeding over to the lawyers' committee. The committee has been chaired by co-chairmen Bill Watters, former partner of Judge Heaney, and Joe Dixon, a former law clerk. On the committee we have some 12 to 14 lawyers who have worked hard for several months to have this event today.

So at this time, I would like to turn the proceedings over to Bill Watters, Judge Heaney's former partner. Bill.

MR. WATTERS: Thank you, Judge Lay, members of the Court. It has been my privilege to serve as chair of a committee of attorneys to plan today's events to recognize the service of Judge Heaney as a member of this Court. We're gathered for one of these events this afternoon, the unveiling of a portrait that will be placed in this courtroom along with those that have preceded it.

We are going to have a number of people speaking this afternoon, and they may unveil some other views of Judge Heaney in the course of these proceedings. The first one that is going to speak is an attorney that joined the law firm in Duluth shortly after Judge

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Heaney arrived in 1946, a former president of the Minnesota State Bar Association, and who continued to practice with Judge Heaney until he assumed his position on this court on December 1 of 1966, Gene W. Halverson.

MR. HALVERSON: Honorable judges and distinguished guests here, Mr. Watters. I was asked if I had a written speech, and I said I had several because it would be impossible to say what I want to say in the three minutes allotted me.

I did come to Duluth and join the law firm in late September 1947. The dean of the law school in those years had sort of a merry-go-round graduation schedule. Every quarter people were graduating to accelerate law education careers that had been interrupted by the preceding unpleasantness.

So I came up there and joined the firm of Lewis, Hammer & Heaney, two Republicans and one DFL'er, which meant that Judge Heaney, with those odds, was the dominant political force in the firm.

Since everyone called him Gerry, I may slip into that affectionate diminutive without concern for offending the dignity of this Court. Undoubtedly, Judge Heaney's colleagues have long since learned that Judge Heaney was and is a Jeffersonian Democrat, who firmly believes that all men and women are created equal.

The Jeffersonian Democrats had about as much regard for titles as did my Farmer Labor father in late 1932, November, after the election, when he was elected to the Minnesota House of Representatives as the first non-Republican from that county since the days of Abraham Lincoln. I had occasion to go down to the mailbox about a quarter of a mile from the farm and bring back envelopes, and I noticed the word "honorable" in front of his name, Honorable C.A. Halverson. My father was amused at that. He said he didn't feel any more honorable than he had before the election, but apparently others did.

So, I'm sure, it was with Judge Heaney after his appointment to the bench of this great Court.

In 1947, we were all more or less heroes, though some of us were more so than others. I spent a week sleeping in the den of the newly constructed Heaney residence on Vermilion Road in Duluth in late September of 1947 at the time of the annual "bear invasion."

Eleanor, who was demonstratively honored here this afternoon, doubled as Judge Heaney's gardener. She was cleaning up the woods surrounding the home, and the Heaneys almost had to get a new gardener after she encountered one of the bear invaders up there.

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I slept in their den, and I noticed near my head on the shelf were some medals that I knew nothing about until I happened to wake up early one morning. But in due course, I learned that these medals betokened heroic deeds which were committed or performed by Judge Heaney while he was with the U.S. Rangers in the assault on Festung Europe in June of 1944. I learned that Gerry and his fellow Rangers hit the beaches sometime before H-hour on that fateful day. By the time peace returned to Europe several months later, Gerry was one of three of the original 600 who were still with the 600-man unit which had made its way all the way from the beaches to Czechoslovakia.

Years later I read a book entitled *The Point of Battle*. This book detailed some of the great battles of history going back to the Middle Ages. It made the point that, in any battle, only a relatively few are at the point of battle and, thus, in the most dangerous position, but also in the best position to influence the outcome.

To me, the amazing thing about Judge Heaney is that his involvement at the point of battle didn't end with the U.S. Rangers. From the day I first met him in 1947 until he went on the bench, he was in the forefront of battle as the people in northeastern Minnesota and the entire state addressed the serious issues of the day. He fought many a legal and many a political battle on a wide variety of fronts. Always he distinguished himself with his intellect, his vigor and the great good humor with which he carried on intellectual combat.

Few of us have the courage to take stands on controversial issues. Gerry was always ready to declare himself and to expose himself to whatever criticism comes from championing important, but unpopular, causes.

When I was growing up in southwestern Minnesota, I read the English translation of a book written by Ole Rolvaag, father of Governor Karl Rolvaag, the epic novel *Giants of the Earth*, which was to preserve for posterity the heroism of the Norwegian immigrant farmers who lived in southwestern Minnesota and eastern Iowa in the early days. The title comes from the Old Testament passage, which reads, "There were giants in the earth in those days." While Ole Rolvaag portrayed no Irishmen as heroes in that book, I am sure he had people like Judge Heaney in mind when he chose that title.

MR. WATTERS: We're going to now have an opportunity to meet a number of people that are not going to be speaking here today, but that have also had a very close relationship with Judge Heaney. I think that in introducing them, the most appropriate thing would be to read some remarks that Judge Heaney wrote a

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couple of years ago when he completed 20 years as a member of this Court and was honored by law clerks that had worked with him.

At that time, Judge Heaney wrote that, "One of the great joys of being a judge has been the opportunity to work with bright and dedicated young lawyers who have kept me on track and have provided a captive audience for my monologues on every subject from the war in Vietnam, aid to the Contras, abortion, school busing, quotas, World War II, growing up in Goodhue during the Depression and UMD hockey.

"May our years together encourage each of you to give generously of your talents in public service in the causes of world peace and equality of opportunity."

I would like to introduce the clerks that are here today. I'll call their name and then ask them to stand. Beth M. Andrus. Jean M. Boler. Teresa Bonner. Patrick C. Diamond. Joseph T. Dixon. Christie B. Eller. John J. Erhart. Gregory A. Fontaine. Michael O. Freeman. David M. Fried. Susan E. Gaertner. Dan W. Goldfine. Cheryl W. Heilman. Robert J. Hennessy. Allen W. Hinderaker. Ann L. Iijima. Gary R. Irwin. John K. Lampe. Andrew J. Mitchell. James D. O'Connor. Myron W. Orfield. Colleen V. Short. Judge John J. Sommerville. Robin J. Weinberger; and Rebecca A. Knittle.

For some remarks on behalf of the law clerks, Rebecca A. Knittle, the first woman law clerk that Judge Heaney had.

MS. KNITTLE: Thanks very much, Bill. Judge Heaney, Judge Lay, members of the Court, members of other Courts, Mrs. Heaney, fellow law clerks and honored guests. Let me say, first of all, that it's a singular honor for me to be asked to speak at this occasion on behalf of the other law clerks.

I have to confess that I'm a little disappointed. I understand that Senator McCarthy might be coming later. I'm a little disappointed not to see him here because I don't know if Judge Heaney remembers this, but my job interview consisted of sitting in the Hotel Leamington in the coffee shop there about 7:00 one morning. I had met the Judge for a job interview, and lo and behold, Gene McCarthy showed up, and the two of them sat and had a very nice breakfast, and I sat there wide-eyed, and at the end of it I got a letter a few days later saying, "The job is yours if you want it."

To this day, I don't know what Gene said. All I know is that I couldn't get a word in edgewise, and I was hoping that he would be here today because today I would get to talk and he's out of a job!

I find it interesting that Gene Halverson used the word "hero" with respect to Judge Heaney. That was a word that came to my

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mind when I began putting my remarks together, and it's not a word I use lightly to refer to anyone, but it does capture some of the feeling I have for the man whose work on the Court we celebrate today.

As I thought about what I could say on behalf of Judge Heaney's law clerks, I realized that Judge Heaney's public work and public persona are already well known and honored, and that many people are in a position to speak about the Judge's contributions and qualities as a jurist. But law clerks have a particularly private view of their judge, and I suspect that it is Judge Heaney, the person, the man and the example that has most deeply touched his clerks, and his influence on us is also a significant part of Judge Heaney's work and legacy, for I believe that most of us, in our own way, have worked hard to follow Judge Heaney's example and to carry our shared values forward in our own work and lives.

And what we learned from the man should be part of the public record, as well. So here are a few of the principles I think that a Heaney law clerk would have learned from observing Judge Heaney, and these are not all serious.

Principle number one, you can do important work and make a vital contribution to your society, but you don't need to drive a big car to prove it!

Two, whatever you do, don't let achievement go to your head. Give credit to others around you, and Judge Heaney has always been very generous in his giving credit to others.

Three, be a steadfast advocate for what you think is right regardless of changes in the political climate or the popularity of your ideas.

Principle four, 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. Be generous with time and energy in helping this person, and respond when needed, no matter how busy you are. It is best if the person's name is Richard, but Judge, I have to tell you mine is called Elizabeth!

Principle number five, look for ways to advance the welfare of your community, especially taking the time to benefit low income or other disadvantaged people. If it's a really important undertaking, find a group of women to work on it. Be sure to include Beverly Goldfine and Katherine Watters in the group, for that will assure success!

Principle number six, 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.

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Number seven, fear nothing.

Number eight—there's only three more after this. Number eight, be a friend to your law clerks. Help them when they need help.

I remember very well the day that the Judge and Joe Dixon showed up at my house to help me put up a fence around my yard so I could let my dogs run outside. I'm sure each clerk has a similar memory.

And none of us will ever forget the warmth and hospitality of Eleanor Heaney, who has welcomed us in the Heaney home and who has been a gracious and constant friend to all of us.

Number nine, be a risk-taker. Judge Heaney hired the first woman law clerk on the Circuit when he hired me back in 1970, a ground-breaking act at the time, and to the best of my knowledge, he also hired the Circuit's first black law clerk, Henry Jones, now a U.S. Magistrate in Little Rock, Arkansas.

And speaking of risk-taking, some of the older law clerks and some of the more senior judges on this Court may remember the beautiful primrose yellow shirt the Judge wore for his first formal portrait with the Court. It stuck out like a spring tulip next to the black!

Number ten, never forget the importance of family. Love your family members and accept them always.

Eleven, finally and most importantly, make working for minority rights one of the highest priorities of your life.

When the clerks recently established a scholarship fund to honor the Judge and Mrs. Heaney, the Heaneys decided that it should be a scholarship for minority students at the University of Minnesota Law School. I'm sure all the clerks were pleased, but none could have been surprised because Judge Heaney is more attuned to the plight of minority people and more committed to their advancement in this society than anyone else I know of in public office.

We are unveiling a portrait of the Judge today. The physical object will include just Gerald Heaney, but if you look closely, you will see tucked into the shadows, as the clerks know and the Judge is always quick to say, that Eleanor Heaney is an inseparable part of that picture, as is Elda Ignatius, who served him for many years, Mary Bibbey and the host of other staff, friends and supporters who have been part of his judicial life. I pay tribute to them all today.

Judge Heaney, on behalf of your law clerks, may I say that working with you was fun. It was a singular time to learn, a

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privilege and an honor and an experience your clerks will long remember. Thank you for all of it.

MR. WATTERS: The next speaker is Robert Tucker, a former clerk of the United States Court of Appeals, and a person that I know best, perhaps, because of his expert fishing lies!

MR. TUCKER: Thank you, Bill. Chief Judge Lay, Judge Heaney, Mrs. Heaney, members of the Court, friends of Judge Heaney. It's a pleasure to be here today. I just can't tell you how happy and glad I am to be here in St. Paul at an occasion like this, and I want to say that this is an occasion that I never thought that I would see. Many, many, many times I've heard Judge Heaney say that there isn't going to be anything like this. Well, it appears that Judge Heaney has been reversed—again!

When Judge Heaney took the oath on December the 1st, 1966, I was serving as clerk of the court, and I retired at the end of 1979, so the Judge and I worked together for a little more than 13 years. In addition to that employer/employee relationship, there developed a friendship between Judge Heaney and me that lasted through those years and has continued to last down until now, and I hope will last for some more years. I'm proud to be his friend, and I'm honored that he is my friend.

It's startling to think of the changes that have occurred since 1966. I know one thing, in 1966 I had brown hair! Some of the changes on the Court are good, and some I don't know if they are for the better, and there are some that I'm glad that I don't have to live with anymore.

When the Judge came on the Court, there were seven judges. Now, if memory serves, it was Chief Judge Vogel and Judges VanOosterhout, Matthes, Blackmun, Mehaffy, Gibson and Lay, and Judge Heaney came on as an eighth judge. He did not replace anyone, and the Congress, in its wisdom, had decided that the growing case load required another judge, and Judge Heaney was that judge. I'm sure that the growing case load at that time was nothing compared to the numbers today, but that was the situation then, and Judge Heaney was appointed to be a new judge on the Court, so he didn't have anyone to follow.

In the time that Judge Heaney has been on the Court, I don't think there is anyone who can say—although there may be disagreements from time to time—no one can say that Judge Heaney hasn't filled that eighth seat on the Court honorably, consciously and compassionately. I think everyone would concede that the Judge arrives at his opinions in an attempt to square the facts with his understanding of the law.

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Judge Heaney joined what I think of as "the new Court," and I think the new Court started with Chief Judge Vogel and has continued through its succession of judges since then, and the Court has had to grapple with an expanding case load, has had to grapple with cases that what I think of as the "old court" just didn't have to consider.

Additionally, the clerk's office has expanded, the support staff has expanded, court sessions have just increased beyond belief. I don't remember how many times the Court sat when Judge Heaney came on at that time, but it was nothing like it is now. The most onerous thing and most time-consuming thing of all is—I don't think people who are not associated with the Court realize the tremendous amount of administrative work that is required, and we're lucky to have had Judge Heaney during this explosion of cases.

I'll give you—I'm going to give two little stories, one about the clerk's office and one about a case. I hope you'll bear with me. I don't remember the date of the first time Judge Heaney came down to sit in St. Louis. As Casey Stengel said, "You can look it up."

Anyway, I took Judge Heaney around my office to meet all my deputies. I think I had a grand total of six deputies at that time. Now, I want to make one thing perfectly clear. The Judge was joking. Everybody knows that Judge Heaney has a good sense of humor. So I introduced him to two of my lady deputies, and they had German surnames, and the Judge, in his joking way, said something to the effect, how come I have all these Germans working for me? Why didn't I hire any Irish?

Well, the two ladies he was talking about were about as Irish as St. Patrick, but they had married men with German names. Neither one of them took kindly to the Judge's remark! One of those ladies isn't with us anymore, but one still is, and I'm certain she will never forget her introduction to the Judge.

Again, I don't know the exact session of the Court, but it was early in the game. Judge Heaney was the most junior judge on the Court, and he sat with a panel of the Court and considered a criminal case from the Eastern District of Missouri. The district judge before whom the case was tried was one of those "distinguished district judges." They usually say "distinguished district judge" just before they reverse them!

This distinguished district judge had been on the bench in St. Louis for more than 20 years at that time, and he had then, and he still has today, the reputation of being able to sort out the good guys from the bad guys.

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Well, the defendant in this case had been found guilty of interstate traffic in aid of racketeering, and the district judge sentenced him to a term of imprisonment and imposed a fine. Judge Heaney wrote a panel opinion that reversed the judgment of the district court with one judge concurring and one dissenting.

The question was the search of an apartment which the defendant was not actually occupying. The whole panel found that the defendant had standing to question the search, and additionally, Judge Heaney, for the majority, found that the search was unconstitutional.

Well, the St. Louis papers jumped on that, and it appeared very prominently in the press for a period of time, four or five or six days. Generally speaking, people out on the street felt that the bad guys had gotten away with one.

The government petitioned for a rehearing en banc, which was granted. The en banc court of the Court of Appeals held that probable cause had existed for the issuance of the search warrant and it was properly executed, was specific. In any event, the en banc court affirmed the decision of the district court. Judge Heaney dissented. The judge who had agreed with him on the panel joined him in this dissent, and they set out their opinion that there was no probable cause.

Well, the Supreme Court granted certiorari in this case. One Justice didn't participate, so there were eight. In due course, an opinion came down, and it held—and it just barely held—that there was not probable cause for the issuance of the warrant. Three judges dissented and one judge concurred, and he knew that if he didn't concur, the Court would have been evenly divided.

So the Supreme Court agreed with Judge Heaney, but as I say, just barely. The point that I'm trying to make is that from his very earliest days on the Court, Judge Heaney hasn't hesitated to take the unpopular side and write in accordance with his understanding of the law.

I'm finished except I have one admonition. I don't get up here to St. Paul much anymore. Now, it's my understanding about this portrait that Judge Heaney has gone off some place and has had this portrait painted in a very secretive manner. Who knows what sort of pact has been entered into by the judge and with whom. I just think it would be wise for you people to get into this courthouse from time to time and keep an eye on that portrait. I wouldn't be surprised to learn, as time goes by, that the portrait has aged, withered and become ugly, while Judge Heaney continues to sit on the bench in good health and feeling fine and looking just as handsome as he does today.

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MR. WATTERS: Thank you, Bob.

The next speaker is someone that Rebecca was referring to in her remarks. Judge Heaney, as those of you who have worked with him know, not only can identify problems that he thinks are of concern in the community or the State, but he has always believed that there is something that can be done about those problems, and in 1974, one of the groups that he was the sponsor of in Duluth won the National Volunteer of the Year Award presented by Gerald Ford for their work in housing.

Today you are hearing a lot about the needs of our country in housing. This is not public housing, it's housing for moderate and low income, but not public housing. This group was organized and sponsored by Judge Heaney, and in 1974, there was an article written in one of the national publications describing its formation. I found that the other day. It says, "The day a few friends changed their lives—and began changing the lives of other people in Duluth, Minnesota—was in the summer of 1967. They were in the office of a federal judge who was describing social blight that the city, the state and the federal government seemed helpless to control. He told them, 'But you women can do something about it if you want to. You have the intelligence, the talent and the time.'"

He then found Beverly Goldfine to organize and serve as president of this group, and Beverly is going to give you another view of Judge Heaney.

MS. GOLDFINE: Chief Judge Lay, members of the Court, relatives of the Heaneys and friends, and dear good friends, Gerald and Eleanor. I am honored and thrilled to be participating in this milestone in Gerry's life.

In order to tell you who I am, I have to tell you a typical Gerry story. Back in the '70s, when Town View Improvement Corporation, which was a nonprofit housing corporation, was in full swing, the Judge decided that Katherine Watters and I should testify before the Banking, Housing and Urban Affairs Committee of the United States Senate. With a snap of the finger, it was arranged, and the Judge wrote each and every word of my testimony. It began like this: "My name is Beverly Goldfine. I live at 60 East Kent Road, Duluth, Minnesota, and I'm here at my own expense!"

The late Senator Sparkman was overwhelmed. I suppose most people don't come at their own expense. Well, my name is still Beverly Goldfine, I still live in Duluth, Minnesota, and today I am here at my own expense!

To dream the impossible dream. I'm sure everyone but the judge and "the girls," as he referred to us, thought Town View was

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an impossible dream. Who else but Gerry could have conceived the idea that a group of women with his guidance could change the hillside of Duluth, but we did it. Gerald, our mentor, knew all there was to know about the government housing programs. With his knowledge, drive, inspiration and dedication, he and the Town View ladies did change the hillside.

We rehabbed single and multiple dwellings, we built stick houses, we built prefabs, we built multiple dwellings, we tore down, cleaned up, rebuilt blocks, rehabbed the historic Munger Terrace. When we had to, we cleaned, painted, scrubbed, washed windows. We were PR people. We were a force in the community. The mayors worked with us, the Housing and Redevelopment Authority worked with us, the business community and private sector aided us. We were good.

We were so good that in 1974 in Washington, D.C., Town View was chosen the national volunteer organization of the year. Some dream the Judge had. He and "the girls" made it come true.

As all good things must come to an end, so did Town View. We sold off our properties, and miracle of miracles, we had money. Town View voted to establish the Heaney Fellowship at the Hubert Humphrey Institute of Public Affairs at the University of Minnesota. This fellowship enables men and women from northeastern Minnesota to attend the Humphrey Institute with hopes that they will enter into public life. Well, impossible dreams do come true.

A few months ago Gerald called and, in his modest way, said that his portrait would be unveiled on this day and would I say a few words. With words I would like to paint my portrait of the Judge. I would have him seated full-figure in his robe with his leg crossed either over or under in his unusual way and I could see the sole of his shoe, and it would have a hole in it. I often see him with a hole in the sole of his shoe, and somehow that hole in his shoe speaks to me of Gerald's soul, a very loving grandfather and father, a devoted husband, a true and loyal friend, sometimes a stubborn fellow, a genius, a politician, a man who loves his God, shy, a concerned, vigilant citizen, avid fisherman, a man of wisdom and judgment, a man who loves his roots and his family, a courageous soldier, a brilliant judge, a hockey fan, a baseball fan, a teacher respected and honored by his clerks, a Regent Emeritus of the University of Minnesota who manages to keep one foot in the door, a man with a little boy's sense of humor. If only he didn't have a hole in the sole of his shoe, he would be almost perfect.

Gerald, of all the things you have done for me, this is the nicest. I thank you very much for asking me. God bless, good health, and may you continue to make this earth a better place to live in.

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MR. WATTERS: I would like to present now Philip Anderson, a representative of the federal bar. He served with Judge Heaney as co-chair of the Federal Advisory Committee and is presently chairman of the Attorney Admission Committee. Philip Anderson from Little Rock, Arkansas.

MR. ANDERSON: May it please the Court, distinguished guests, ladies and gentlemen. As a member of the bar of this Court, I come to celebrate Judge Heaney's reputation for being ever compassionate, scholarly, sensitive and fair. As a member of the bar of Arkansas, the southernmost state in this Circuit, I come to celebrate Judge Heaney's association with our state and to express our gratitude to him for helping us out in a time of acute distress for the lawyers and judges.

About ten years ago the trial docket of the Eastern District of Arkansas was so overcrowded that it was impossible for the district judges at that time to keep up with the new filings. In order to help the situation, two of the judges of the Court of Appeals, Judge Heaney and Judge Myron Bright, who were on a court with a demanding case load of its own, volunteered to come to the Eastern District.

They accepted the assignment of cases for trial and came to Arkansas to sit as trial judges, and I will tell you that Judge Heaney demonstrated, as a trial judge, as he has as an appellate judge, that effervescent quality of mind and demeanor that we call judicial temperament. He conducted cases, he helped clean up the docket, and he earned the respect of plaintiffs' lawyers and defense lawyers alike in doing that job.

Judge Heaney has another connection with Arkansas. He became interested in the life and career of a United States District Judge for the Eastern District of Arkansas of another time, Judge Jacob Trieber, who served from 1900 to 1927. Judge Trieber's life was the triumph of intellect and character over circumstances, and with characteristic scholarship and care, Judge Heaney researched and wrote about the life and career of Judge Jacob Trieber. The article was published and has preserved for posterity the remarkable achievements of that fine judge and good man.

My closest association with Judge Heaney was as a member of the Federal Advisory Committee for this circuit. During our last year on the committee, Judge Heaney was chairman and I served as his co-chairman. The matters that we considered were court rules, the technicalities of an appeal and the like.

The work was interesting, but I can't say that it was overwhelming. Nevertheless, Judge Heaney directed the efforts of our committee with typical care and skill, and he demonstrated to us that in

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the committee, as on the Court, he can show that he was ever compassionate, scholarly, sensitive and fair.

Judge Heaney, on behalf of the lawyers of Arkansas and the members of the Federal Advisory Committee for all of the states of this circuit, I bring you greetings and wish you well.

MR. WATTERS: The next speaker I'm pleased to introduce is the Dean of the University of Minnesota Law School, Robert Stein.

DEAN STEIN: Chief Judge Lay, Judge Heaney, members of the Court, distinguished guests and ladies and gentlemen. I'm very proud to be Dean of the law school from which the Honorable Gerald W. Heaney received his law degree.

Others today have spoken and will speak of their association with Judge Heaney in the practice of law and on the bench and in public service. I would like to direct my remarks to Judge Heaney's deep interest in and commitment to excellence in higher education.

I first became aware of Judge Heaney in 1964, which, as I was reflecting on these remarks in preparation for today, is 25 years ago this year and the year in which I joined the University of Minnesota Law School faculty. At that time, Judge Heaney served as a member of the Board of Regents of the University of Minnesota, and ever since that time, I have known Judge Heaney to have a deep and abiding, almost unending, love for the University of Minnesota. I've heard him say, and I agree with this comment, that the University of Minnesota is the most important institution in the State of Minnesota affecting the welfare and the lives of the citizens of this state.

Judge Heaney continues to this day to have a keen interest in and knowledge of the University. From time to time, I receive telephone calls from him about some issue which is affecting the University of Minnesota. Particularly in the past couple of years, as the University has faced some difficult times, Judge Heaney has been deeply concerned and committed to the University and has expressed that interest to me and others associated with the University in a very personal way.

In particular, Judge Heaney has been supportive of his law school at the University of Minnesota. He served as a director of our National Alumni Association. He has published articles in the *Minnesota Law Review*. He is an invaluable advisor to me on issues affecting the quality of legal education, not only at our law school, but nationally; and I must say Judge Heaney is extraordinarily well informed about the faculty of the law school and draws upon that expertise and resource from time to time in reflecting on difficult issues that may come before the Court. Most recently, his

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decision to direct the establishment of a scholarship for minority students at the University of Minnesota Law School on behalf of his clerks reflects that interest.

Now, this afternoon, Gerry, I did something a little bit unusual. I felt, as Dean of the law school, I was privileged to go back and look at your file. I never really have done that before today, and I came upon a couple of surprises, actually. First of all, in those days, in 1937, for some reason or another, the application for admission asked the applicant to name two subjects which you liked best in high school and then name two subjects which you liked least in high school.

I'm not sure if you remember how you responded some 50 years ago, but at that time, you felt mathematics and social science were the subjects that excited you the most in your studies up to that time, but you really didn't care much for biology or chemistry at all. I did note that even at that time you indicated a strong interest in athletics and participation in athletics, which has continued to be an interest of yours to this day.

The other fact that I found quite interesting and really quite appealing to me is that the subject in which you received your highest grade at the University of Minnesota Law School was the course in wills! To think that this honorable judge might have been a great estate planner.

Of course the law school is very proud of you, Gerry, that you're a graduate of the school. Your record reflects great credit and honor on the University of Minnesota Law School. I would just like to say today that I am even prouder of the important values that have guided you throughout your career. Concern for learning, commitment to quality and higher education and dedication to justice for all citizens, these are the hallmarks of a great man, and you, Gerry, are a great man. Thank you.

MR. WATTERS: The next speaker this afternoon is the president of the Minnesota State Bar Association, A. Patrick Leighton.

MR. LEIGHTON: May it please the Court, Judge Heaney, family, guests. The invitation to participate in these ceremonies here today exemplifies the cordial relationship that has existed for many years between the lawyers of this state and the judiciary, both state and federal. On behalf of the lawyers, thank you for the invitation.

Throughout my practice, which now numbers over 31 years, I've been amazed by one thing, but more importantly, impressed by one thing in the dispute resolving process, and that's the manner in which litigants accept the final outcome of trials, whether the final outcome results from a court trial or jury trial or an appeal.

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I think all lawyers and judges have encountered a variety of litigants. Many of these people are deeply and emotionally involved in their lawsuit. Some of them have devoted years of their time and thousands of dollars of their resources in behalf of their cause, and they have lost. In the vast majority of cases, these people who have lost accept the results with nothing more than minor complaining and grumbling and then turn their attention to other things, and you wonder how can they do that? Why did they do it?

I think they accept the loss of what they sought for two reasons. First, because in this country, we're brought up to believe in the concept of our system of justice and the rule of law; and second, and related to it in a very important way, is that those people who come in contact with our judicial system believe that the people who make the decisions are fair and honest and impartial, and when you believe that, you can accept an adverse result.

I did not have the privilege of knowing Judge Heaney personally other than to say hello to him if I encountered him in the courthouse or the athletic club, but I do know him by reputation, and on this occasion when he takes senior status, it is appropriate to say that during his career as a judge, he has served in a manner which demonstrates to our citizens that he was at all times honest, fair and impartial, and by so serving, he has reinforced in the public's mind an appreciation and a respect for our judicial system and a resulting willingness to place their matters in the hands of our judges for decisions and, most importantly, to accept the results of those decisions whether favorable or unfavorable.

Thank you, Judge, for serving in this manner.

MR. WATTERS: I am pleased to present to you next to make some remarks someone that has known Judge Heaney, I think, longer than anyone you've heard from here today. They have been friends since the days that they were students at the University of Minnesota together, and since then have been associated in many activities over the years. During the days of the building of the Democratic Farmer Labor Party in Minnesota, during the years that our speaker served as governor of this state, they have continued this association in many ways, not the least of which is maintaining a retreat on an island on a lake in Canada, but it's a retreat where all of the problems of the world can be solved any afternoon if the fish aren't biting.

The person that I am proud to introduce is [former] Governor Orville Freeman.

GOVERNOR FREEMAN: Well, thank you very much, Bill, for a very generous and a very timely introduction. Judge Lay and distinguished justices of this outstanding Court, jurists from

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around the state of Minnesota, public servants, outstanding citizens, friends of Gerald Heaney.

I wouldn't have missed being here for the world. Gerry, you have earned these tributes, but they have been very real, very deep, and it was, for me, a great source of satisfaction to be here and to hear them and the response of everyone here, all of whom are your dear friends.

As Bill has said, Judge Heaney and myself have been very close friends for pretty nearly 50 years now. I think all of us, in addition to our own intimate family, have someone—and if we're fortunate, maybe more than one—a person who has meant very much to him or her throughout their entire lifetime, who has shared trials, contests, victories and defeats and whose support and loyalty, however the wind may blow, you always knew was there.

Gerry and I grew up in the same county in southern Minnesota, although I did go through the Minneapolis school system, and we didn't know each other then, although we were only a few miles apart, he in Goodhue and myself in Zumbrota. We met at the University of Minnesota Law School, and we joined the same legal fraternity.

The fraternity had some problems, and that's the first time I started jumping to the Heaney tune, and I was in the parlor of that fraternity when the Germans marched through the lowlands and the peace of the world was threatened, and we resolved together that it was time to make our contribution. We sat there, as well, when Franklin Roosevelt declared the infamy of our times, the bombing of Pearl Harbor, and shortly after, we were in the Service.

You heard of Gerry's prowess in the Rangers up the cliffs of Omaha Beach. He saw as much sustained action, bitter and difficult and bloody action, as anyone in our Services during those hectic years. He came home not with a feeling of bitterness, but of a joy that it was over and that he had been blessed and expected to do many, many more things.

We kind of lost track during the war, and I had to go back to law school. I always thought it was one of the most unfair things that those of us who went into the Service, before we could take the bar exam when we came back, we had to finish—had to take the bar exam, while those that stayed were waived in!

Anyway, I was plowing away at notes that were five years old trying to get ready for a bar exam down the road, when all of a sudden someone came up to me and said, "Have you still got your nose in the books?" and I looked up and it was Gerald Heaney, and from then on we involved ourselves very deeply in many things, and particularly in the politics of the State of Minnesota and in the

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efforts to build the DFL party. And again I found myself dancing to the Heaney tune!

I thought when I finally got elected Governor of Minnesota that it might subside just a little bit. It didn't, and I'll swear to you that for the six years that I was Governor of the State of Minnesota, that Heaney woke me at 6:00 in the morning at least three times a week! We worked together in the legislature, where he gave steadily of his time, and I see many former legislators here, and I know that Judge Yetka remembers some of those things and many others here.

Just one incident, because the Dean of the law school is here, not all of you may know that it was a real contest and a very difficult struggle to finalize the decision to move part of the University of Minnesota over to the West Bank, and we got hung up and it just wasn't going anywhere. This was in the '60, or it might have been in the '58, session, and Judge Heaney was working very hard on that. I had just about given up, and he hurried into my office one day before noon, and the vote was coming up, and he said, "I think I've got it." I said, "You've got what?"

He said, "I think I've got the key." "Okay, what's the key?" Well, there's two legislators, whose names I won't mention, in the northwest part of the State who are unhappy about this whole prospect, but they want something very badly. The "trade" was the West Bank for a cattle barn in Crookston! Heaney negotiated it with his usual skill, and I found myself again taking orders.

That's kind of like laying the foundation. These many years and these many things—oh, one other thing, I want to make one point. Gerald Heaney is indeed a vigorous, determined fisherman, and I'm the biggest fish he ever caught, and I don't mean that figuratively, I mean that literally, but that's another story.

I've kind of tried to lay a foundation here. From that foundation, I will draw this—and others have said the same in many, many ways—it's been my privilege to know, and to know quite well, a number of very great men in this land of ours, men of integrity, ability and commitment, but I've never known one with higher ideals, with a deeper sense of commitment and purpose who never has deviated one inch from those principles, and Gerry, we're all here to salute you.

MR. WATTERS: Judge Lay, I think that a portrait of Judge Heaney has been already unveiled today in words, and I will turn the program back to you for the unveiling of the painting.

JUDGE LAY: Thank you very much, Mr. Watters. We come now to the event that we've all been waiting for. Before having the unveiling of the portrait, I think the audience should know and

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we should insert upon the record that the Court is deeply indebted to the law firm of Halverson, Watters, Bye, Downs & Maki, Judge Heaney's former law firm, for the donation of this portrait to the Court.

Now, at this time, it's my privilege to call upon Eleanor Heaney and four grandchildren, Erin Heaney, Meghan Heaney, Matthew Patterson and Kelly Patterson, to come forward to unveil the portrait.

(unveiling)

JUDGE LAY: Eleanor, would you like to say something?

MRS. HEANEY: Just a few words, very few. I want you to know how much we appreciate your being here with us today. Thank you for coming. In particular, I want to thank the law firm that Gerald was associated with for 20 years and for making this portrait possible. The artist is Peter Layne Arguimbau, and we're very pleased with the work that he has done.

So again, thank you Gene Halverson, Bill Watters, John Bye and all of the members of the law firm. You're all very special people to us. Thank you.

JUDGE LAY: At this time, I would like to call upon Judge Heaney's colleague, our former colleague on the Court when Judge Heaney and I were first there in the '60s, Judge Myron Bright, who we have asked to accept the portrait on behalf of the Court.

JUDGE BRIGHT: Thank you. Chief Judge Lay, Judge Heaney, my colleagues, my fellow judges from the federal bench and from Minnesota, Governor Orville Freeman, other distinguished guests and family and friends of Gerald and Eleanor Heaney, including the cousins.

I'm well aware that we will have two former United States Senators with us later in the day, Senator Gene McCarthy and Senator and former Vice President Mondale, so perhaps I could share a word of wisdom that I received from the late President Lyndon Johnson about the relationship between a federal judge and the senator responsible for that judicial appointment.

In 1968, I visited with President Johnson with my senator from North Dakota, Quentin Burdick, and at that time, Lyndon embraced me with that big bear hug of his and said, "Judge, you remember this. Your senator is responsible for your being a judge. When it comes to the election, you get your kinfolk, your kinfolk's kinfolk and all their cousins and you vote for him." Now, maybe that meant something because my Senator, Burdick, is still in the United States Senate at the young age of 80.

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Now to the portrait presentation. First of all, on behalf of the Court, I'm delighted to accept this excellent portrait of Gerald W. Heaney, which, as Eleanor said, has been painted by Peter Layne Arguimbau of Greenwich, Connecticut. Of course, we extend our appreciation and thanks to Gerald's former law firm in Duluth.

It's appropriate that we gather here in St. Paul, Minnesota, in this courtroom to pay our honor and respect to Gerald Heaney. His native state has provided men and women who have been outstanding leaders and role models in law and politics, and Judge Heaney has played a prominent role in both endeavors, as you've heard today, in politics as a citizen and in law as a lawyer and a judge.

In the few moments allotted to me on this program, I cannot do justice to this Court's great appreciation of the work of Judge Heaney, who has served as an active judge from December 1, 1966, until he took senior status at the end of last year, a period of more than 22 years, and in that time he has written something in the neighborhood of 1,800 judicial opinions for the Court.

His opinions are leading opinions in every difficult and complex area of the law. You name it, Judge Heaney has written on it with acumen, with scholarship and with practical wisdom. His opinions include scores of cases on the cutting edge of the law—school desegregation, civil rights, employment discrimination, labor relation, Social Security disability cases, freedom of religion, freedom of press, freedom of speech, tort and commercial litigation.

What is the measure of this man and his contribution to the law? Perhaps my recollection of a brief incident can capsule Judge Heaney's judicial philosophy and his contribution. My memory goes back to a Sunday in September of 1968, the day before my first appearance as a judge on this U.S. Court of Appeals for the Eighth Circuit.

Gerald and I are in a St. Louis restaurant, and we're talking. We're talking about the law, and Gerald said to me, "Myron, I do not believe that this country can exist in domestic peace as a segregated society, as we now are. All men and women, regardless of race, color or creed, must and should be entitled to equal protection under the law."

That philosophy of equal justice under law has been the cornerstone of Judge Heaney's eloquent opinions in hundreds of civil rights cases of all kinds, and as you've heard, he has devoted his life's judicial work promoting that ideal.

But Judge Heaney's blend of idealism and practicality carries over beyond the law, in his relations with his family, his friends, and as you know, in the community.

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But it's not all work and no play for Gerald. For those of you who do not know, I will tell you he is a great walleye fisherman, one of the best. He even fished Orville out of the lake, I understand.

We welcome you to senior status, Gerry. The active judges here are delighted that you will continue to sit and hear cases on this Circuit. We say, "well done." We congratulate you, Gerald.

JUDGE LAY: Thank you, Judge Bright.

Well, this is Gerald Heaney's day, and it would not be appropriate if we didn't hear a few words from this great judge, and at this time I call on you, Gerry, to respond.

JUDGE HEANEY: Chief Judge Lay, my colleagues on the court of appeals and on the district court, my colleagues from the state court who are here today, Bill Watters, Governor Freeman, Patrick Leighton, president of the state bar, members of the bar, law clerks, my immediate family and cousins and friends.

At the start of this program, Judge Ross told me that his ceremony lasted for 45 minutes and he got quite a few complaints because it was too long, and here we've been going at least that length of time now, I think, Judge Ross, but you have to hear me out.

I want to join Eleanor in thanking all of you for sharing this day with us and our family. We deeply appreciate your presence, and a special thanks to those of you who spoke today and who worked on the program committee.

Eleanor, now I think you may believe all of the things that I've been telling you.

MRS. HEANEY: Never. I know you better than they do.

JUDGE HEANEY: I was very interested in the program. Rebecca was my first woman clerk and my second clerk, but what Rebecca didn't tell you was that in those days, I had three offices, but we didn't have any communications between the offices, so when I wanted Rebecca, I would holler at the top of my voice and Rebecca would come running down the hall.

One morning—she never said anything about it, but one morning I got to work, and on my desk was a can with a string tied to it running all the way back to her office, and I didn't holler at her anymore.

Bob Tucker, what you forgot to tell the people was what that headline in the St. Louis paper said after we reversed the *Spinelli* conviction, and for the lawyers here, they will know that *Spinelli* has been hated in the Supreme Court ever since that decision. The headline was "Heaney Frees Mobster."

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I got back to Duluth, and the director of the FBI in Duluth was a good friend of mine by the name of Mel Ide—you remember him, Judge Devitt. He came in and said, "I got a call from headquarters this morning, and they wanted to know what kind of a nut that was that put Spinelli back on the street."

Beverly, all you and the other "girls" were a thousand points of light!

Phil, I do appreciate your coming here today. One of the real pleasures that I've had on the Court is to get to know the lawyers from Arkansas, and I promised Judge Eisele that when my successor is named and when I catch up with my work, that I'm going to come down and try some additional cases in Arkansas. I really enjoyed that a good deal.

I also have to finish Orville's fishing story. I didn't fish him out of the lake. What happened is this. We got up about 6:00 one morning, and we went out and we were casting towards shore. As usual, Orville was talking too much, and I made a cast, and the daredevil plug hit a branch above Orville's head and come plunking down—

GOVERNOR FREEMAN: Bologna.

JUDGE HEANEY: —and got stuck in Orville's head, and here we were out in the cabin, the plane wasn't due back for two days, and Orville was running around with this plug in his head and we didn't have a wire cutter to get it out.

So poor Orville ran around for that two days with that plug in his head, but that wasn't what was bothering Governor Freeman. What was bothering him was that this was the spring of 1955 and he had just been in office a short time, and all the press was wondering where the Governor was going to go fishing and how many fish he was going to catch, and we were sure they were going to be at the dock when we came back. So he didn't want to go back with this plug coming out of his head.

So what we did is—there was an old straw hat up there, so we put that straw hat on Orville when he got off the plane, and sure enough, the press was there, and he held up his walleyes and immediately took off to the doctor's office.

There are a few people here today that I want to specially recognize, one of whom is my ex-legislator, Roger Noreen. Now, I never voted for Roger, but I wished I had. He was a very good legislator and has been a long-time friend of mine, but, Judge Ross, there was one Republican that I did vote for in my life, and he's here today, and that's Leonard Lindquist. He is our former Railroad and Rail House Commissioner.

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And I do want to note that I have some very special friends here that I've known for a long time, and that's Miriam Lay, Fritzie Bright, Janice Ross, Dorothy Henley and Betty Beam, the wives of the men of our court. We've had a wonderful relationship over these years and have made them a treasured part of our court. And Smith and Don and Mike, I'm particularly pleased that you could be here with us today, and the same is true, Ed, with you and Earl. You have been an inspiration to all of us and to the lawyers of this state, and I am so pleased that you could be with us today.

I also see that we have two state court justices here in addition to my nephew, Tom. One is Larry Yetka, and Larry and I have known each other for many, many years. Larry, I'm very happy that you're here, and I saw Andy Keith come in, who is on the court also. There he is there (indicating). Thank you very much for coming.

And it wouldn't be right if I didn't say it, but I know that every member of this Court feels that the Minnesota Supreme Court is one of the finest courts in the Nation, and it's one that we can all be very proud of.

Now, ever since I announced that I was taking senior status, I've been asked two questions. The first one is, why did I take senior status when my health was good and I enjoyed the work, and second, what am I going to do with myself now that I've taken senior status.

Well, as to the first question, I've known for a long time that Ed Devitt has had a burning desire to be on the Court of Appeals! When it was made clear in October that George Bush was going to win, I said to myself now is the time to take senior status and give Ed that last chance to reach his goal!

Now, as to what I intend to do, I guess that I intend to continue to work on the Court as long as the good Lord gives me the health to do so, but the other answer is that I really don't have any choice because if my oldest brother, Dennis, found out that I was continuing to draw my full salary and was not doing the full job, he would personally call the President and tell him that this was something that he should do something about because that's the work ethic that we were raised with in our family.

I indeed am a fortunate person, fortunate to have been born and raised in a family that valued hard work, independence and thought, a family that made it possible for me to attend St. Thomas College and the University of Minnesota Law School. I am very pleased that my family is here today; fortunate to have been able to attend the University of Minnesota Law School, and even more fortunate to attend it at a time when the faculty was graced with

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great scholars and teachers, Dean Fraser, Horace Read, Bill Prosser, Henry Rottchafer and Maynard Persig. And Dean Stein, let me congratulate you for restoring the luster of those days to the University of Minnesota Law School.

I was fortunate to have married Eleanor. She has been the love of my life and my friend, my companion. She has brought stability to me, to our children, and to our grandchildren.

I am fortunate to have been blessed with my children and my grandchildren.

Fortunate to have joined the law firm of Lewis, Hammer & Heaney and to have had the opportunity to work with lawyers of great ability and integrity, and perhaps most fortunate that Gene and Bill and my other partners were understanding and supportive of my extensive political and community activities. It was good for me that the art of billing had not reached the point that it has today because I'm afraid that there were some years in which my hours simply wouldn't have added up to today's standards. I want to add my thanks to those of Eleanor to my former partners for presenting the portrait today.

I am fortunate to have had the opportunity to participate in politics with the men who have provided leadership in our state and Nation, men of ideas, men of integrity and men of compassion. Vice President Humphrey, Senators McCarthy and Mondale, and Governor Freeman, Orville, thank you very much for sharing this day with my family and me.

I was fortunate to have the opportunity to serve on the United States Court of Appeals for the Eighth Circuit. On the day I was sworn in, Justice Harry Blackmun told those assembled in Duluth that I would find congeniality, friendship and integrity in the Eighth Circuit, and he was right. Notwithstanding the differences we have had on our Court from time to time, I have always felt and appreciated the continuing friendship of my fellow judges, even to the point on occasion where I secretly longed for a little less friendship and a little more agreement.

I am fortunate to have had the support of a dedicated staff. Elda Ignatius organized our office, and she presided over it for more than 20 years. Mary has been with me for nearly 18 years, and Shirley came with us when Elda retired. Without them, it wouldn't have been possible.

Now there's another secretary here who holds a very special place with me, and that's Betty Shinall, who was a secretary for Pat Mehaffy and is now a secretary for Judge Henley, and she is one of those special people who has always been very willing to help all of

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us on the Court, and she and Elda worked very closely together on many projects.

I have been fortunate to be able to work with more than 45 law clerks. Without their research and writing, I couldn't have done my job. As Rebecca said, without their presence, there would have been no one to listen to my stories, to talk baseball and hockey and all those other things that interest me.

I am fortunate, indeed, to have so many close friends who are here today who have provided counsel, support and friendship for so many years. Eleanor and I look forward to visiting with each of you after the ceremony and this evening and look forward to the challenging years ahead.

I want to call your attention at this time to the flag at the podium. This flag is one that was made in Prague, Czechoslovakia, in 1945 immediately after World War II, when I was with the Second Rangers Battalion. The war was over, and the Russians decided that they were going to have a parade in Prague. So General Patton decided that we were going to have a parade in Pilsen, and he asked the Second Ranger Battalion to lead the parade, and Colonel Rudder came and told me, he said, "Heaney, you have to find a flag."

So I went into Pilsen, and I went to all of the headquarters of all of the other army units. No flag. Nobody would give up the only flag they had because they had come all across Europe—this was the end of the war and they wouldn't have a flag. So I took a jeep and went up into Prague, and I drove around the streets until I found this seamstress shop on a back street, and two ladies ran that shop.

I told them what I wanted, and I told them I had 24 hours to have this flag made, and those ladies sewed that flag overnight for me, and we carried that flag in the parade in Pilsen, and I thought that it would be appropriate to fly that flag today.

This flag symbolizes the sacrifices that many have made to preserve our democracy, a democracy that is now more than 200 years old, a democracy that has survived a civil war, two world wars, the Vietnam War, the Great Depression and the assassinations of Abraham Lincoln and John Kennedy. A democracy that has been preserved through the strength and courage of our citizens. A democracy in which the judiciary has played an important role in preserving our constitution.

It has not been a simple task to preserve freedom, and it will not be simple in the future. Every democracy is fragile. It needs our constant and unwaivering support. This is the task to which we must all rededicate ourselves. Thank you.

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JUDGE LAY: I'm pleased to say that Judge Heaney would like to greet as many of you as possible, and after we recess the Court, he will come, I think, down near the portrait, and some of you that have not had a chance to see him yet, you may greet him at that time.

With that understanding, we think this has been—I certainly think it has been a great day and a great ceremony, and I had to kind of cajole and argue with our honoree as to whether this day would ever come about. I felt it was very important to the history of this Court to have these events recorded, and now I am doubly satisfied that that was one of the best decisions I've ever made.

Ladies and gentlemen, we adjourn.

(proceedings adjourned.)

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