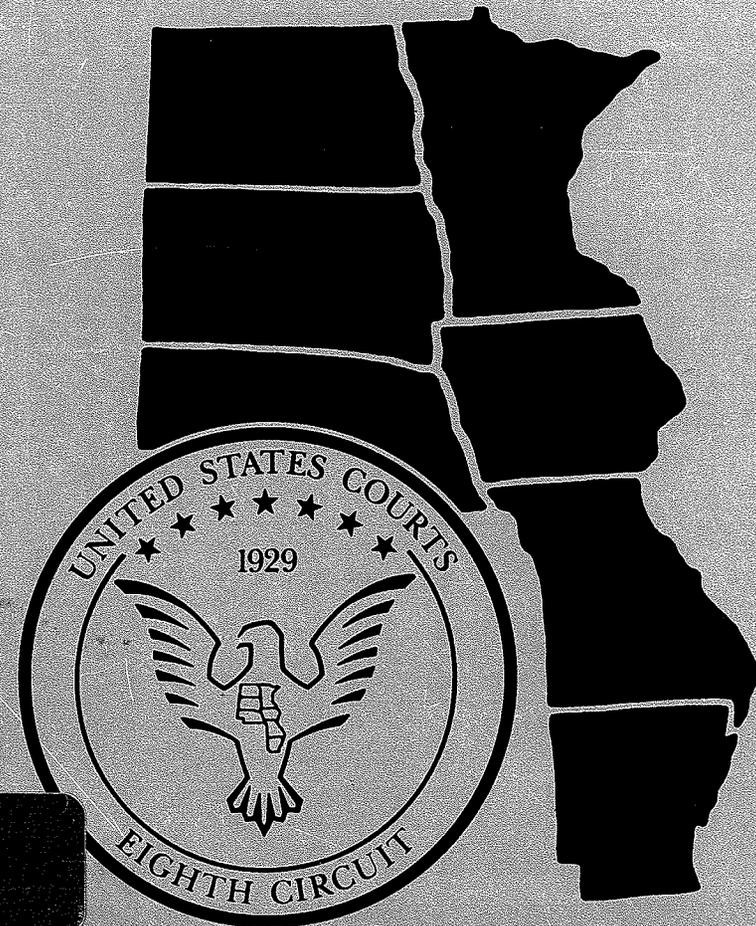


**UNITED STATES COURTS
for the
EIGHTH CIRCUIT**

2007



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RESOLUTION

RETIREMENT

of

THE HONORABLE GERALD W. HEANEY

United States Circuit Judge

United States Court of Appeals for the Eighth Circuit



Presented by:

The Honorable Myron H. Bright

United States Senior Circuit Judge

United States Court of Appeals for the Eighth Circuit

The judges of the Eighth Circuit, meeting in Vail, Colorado, July 11-14, 2007, honor our friend and colleague, the Honorable Gerald W. Heaney, upon his retirement from the bench on August 31, 2006. On November 3, 1966, our court welcomed a decorated veteran of the Second World War who, with the same leadership, wisdom, and clarity of thought that distinguished his military career, would commit himself to four decades of judicial service. Judge Heaney fought to preserve his country, and then worked to improve her legal system and better the life of every member of society. His retirement is an occasion to celebrate a storied life.

Our friend Gerald Heaney grew up in the rural environs of Goodhue, Minnesota, where he attended public schools and learned his work ethic on the family farm. He thereafter studied at St. Thomas College in 1935 and 1936 before enrolling at the University of Minnesota Law School. Judge Heaney received his Bachelor of Science in Law in 1939 and his Bachelor of Laws in 1941, but he suspended a burgeoning legal career when he enlisted as a Private in the United States Army. He later received his commission, serving in the European theater as Operations Officer for the 2nd Ranger Battalion and, on June 6, 1944, helping to secure Omaha Beach during the allied invasion of occupied France. Judge Heaney reached the

rank of Captain before leaving the service, a recipient of a Silver Star, Bronze Star, and five battle stars.

The years after the War saw Judge Heaney return to private practice and become a leading citizen of Duluth, Minnesota, and a tireless advocate for education. He worked to organize the Northeastern Minnesota Development Association, which brought industrial development to the area, and served as a member of the Board of Regents of the University of Minnesota and Democratic National Committeeman for Minnesota.

In 1966 he first donned the black robe that he wore with distinction for nearly forty years, more than twenty-two as an active judge and almost eighteen more as a senior judge. In that time he became a prolific author of countless leading opinions, and his commitment to education, civil rights, and equal opportunity became the hallmark of his considerable body of work. Looking back on his tenure as the 2001 commencement speaker for the University of Minnesota Duluth, Judge Heaney remarked, "The acknowledgment of the dignity and promise of all humans is the most important change that has occurred in my lifetime." Judge Heaney has been and remains a strong advocate of that change, shaping society from his place on the federal bench.

When Judge Heaney assumed senior status in 1988 then Chief Judge of our circuit Donald P. Lay honored him as "one of the truly great judges to ever serve on this Court." Senior status did not temper Judge Heaney's commitment. In his almost eighteen years as a senior judge he continued his life's work with the same passion he had shown as an active judge. He became a prescient commentator on the federal sentencing guidelines, authoring numerous articles echoing the concerns that the United States Supreme Court would later recognize. Judge Heaney also continued to write on the struggle for equal education in articles and a co-authored book. At the same time, he continued to author opinions that reinforced the rights of plaintiffs challenging discrimination, drew attention to the plight of mentally ill death row inmates, and preserved civil rights.

In his years on the court Judge Heaney has made prodigious contributions to the law, writing over 1700 opinions and over 600 dissents or separate concurrences. With his opinions in every area of the law, he leaves this court and this country as an exemplar of always striving for justice under law.

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Throughout his remarkable career as a soldier, lawyer, and jurist, Judge Heaney has unfailingly championed the cause of freedom. He often carries with him to lectures and speeches a time-worn American flag, which he and his men carried with them into Pilsen, Czechoslovakia, as they celebrated the end of the War in Europe. For Judge Heaney, that flag "symbolizes the sacrifices that many have made to preserve our democracy," which needs, as he has reminded us all, "our constant and unwavering support." Judge Heaney has truly spent his life in the service of his flag, and the country it represents. We happily pay tribute to that life at the end of his judicial service.

On his retirement from the federal bench we wish Gerald and his wonderful wife Eleanor good health, happiness, and a continuance of good works, which we know Gerald will still pursue.

Mr. Chairman, I respectfully move the adoption of this resolution and ask that it be spread upon the records of the court.