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CEREMONIAL SESSION
ON THE TAKING OF THE OATH OF OFFICE BY
DONALD R. ROSS
AS UNITED STATES CIRCUIT JUDGE OF THE EIGHTH CIRCUIT

In Court Room No. 1
United States Court House
Omaha, Nebraska
January 25, 1971 - 2:00 p.m.

HONORABLE M. C. MATTHES,
Chief Circuit Judge of the Eighth Circuit

HONORABLE HARVEY M. JOHNSEN,
Senior Circuit Judge of the Eighth Circuit

HONORABLE DONALD P. LAY,
Circuit Judge of the Eighth Circuit

HONORABLE MYRON H. BRIGHT,
Circuit Judge of the Eighth Circuit

HONORABLE RICHARD E. ROBINSON,
Chief Judge, United States District Court,
District of Nebraska

THE MARSHAL: Hear Ye! Hear Ye! Hear Ye!
This ceremonial sitting of the Federal Judges of the Eighth
Circuit will now be in session. God save the United States
and its Courts.

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JUDGE MATTHES: Distinguished Guests, Ladies
and Gentlemen:

The court has convened this afternoon for the
purpose of administering the oath of office to The Honorable
Donald R. Ross, who has been appointed to the exalted
position of a judge of the United States Court of Appeals for
the Eighth Circuit. Judge Ross was unanimously confirmed
by the Senate. His Commission has been issued. At this
time I will ask the Clerk, Mr. Peck, to read the
Commission.

RICHARD C. PECK, Clerk, United States District
Court, District of Nebraska:

The Commission is as follows:

RICHARD NIXON
President of the United States of America
To all who shall see these Presents, Greeting:
KNOW YE: That reposing special trust and
confidence in the Wisdom, Uprightness, and Learning
of DONALD R. ROSS of Nebraska, I have nominated,
and, by and with the advice and consent of the Senate,
do appoint him United States Circuit Judge for the
Eighth Circuit, and do authorize and empower him to
execute and fulfil the duties of that Office according
to the Constitution and Laws of the said United States,

1 and to Have and to Hold the said Office, with all the
2 powers, privileges and emoluments to the same of
3 right appertaining, and unto Him, the said Donald R.
4 Ross during his good behavior.

5 In testimony whereof, I have caused these letters
6 to be made patent and the seal of the Department of
7 Justice to be hereunto affixed.

8 Done at the City of Washington this 12th day of
9 December, in the year of our Lord One Thousand
10 Nine-Hundred and Seventy, and of the Independence
11 of the United States of America the 195th.

12 Signed - Richard Nixon.

13 Counter-signed - ^{Mitchell} John Marshall, Attorney

14 General.

15
16 JUDGE MATTHES: Thank you, Mr. Clerk.

17 Now, Mr. Ross, if you will approach the bench.

18 Will all members of the bar please stand while
19 the oath is being administered.

20 Raise your right hand, please.

21 I, Donald R. Ross, do solemnly swear that I
22 will administer justice without respect to persons,
23 and do equal right to the poor and to the rich, and
24 that I will faithfully and impartially discharge and
25 perform all the duties incumbent upon me as

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United States Circuit Judge according to the best of my abilities and understanding, agreeably to the Constitution and the laws of the United States; that I will support and defend the Constitution of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter.

SO HELPME GOD.

JUDGE MATTHES: I congratulate you.

Be seated, Members of the Bar, please.

Mr. Andersen, if you will do the honors of robing Judge Ross.

Now, Your Honor, if you will come forward and assume the bench.

At this time I would like to recognize Mr. Bill Morrow who is chairman of the Installation Ceremony.

MR. MORROW: May it please the Court:

Perhaps the most significant of the introductions one can make in this situation is the Judge's family, his forebears and his descendants.

Janice, Jane, Sharon, Becky, Joan and Dean.

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Judge Ross's family, Your Honors.

JUDGE MATTHES: Thank you.

MR. MORROW: Mr. and Mrs. Ross, his mother and father.

Mr. and Mrs. Cook, his mother-in-law and his father-in-law.

JUDGE MATTHES: Thank you.

The other members of the Installation Committee are Dean Wallace, Dean Kratz, Dick Peck and Bob Kutak.

Judge Ross, we certainly welcome you to this court. I might say that in all of the many fine reports I have heard of you, I am confident that you will make a lasting contribution to the bench and the bar of this country.

May I remind you, Don, that you are following in the footsteps and the path of some great judges of this court who came from the state of Nebraska.

When I was privileged to ascend the bench in March of 1958, Judge Will Woodrough was a member of our court. He was a great judge, a man of great ability, with a keen sense of humor and truly independent in his judging. I might suggest to you good people here, although I suppose you are aware of this, Judge Woodrough is still living. Last August, I think it was, he was 97 years of age, and at our Judicial Conference we authorized Judge Johnson to express the good wishes of all the members of our Conference

1 to Judge Woodrough by letter. Harvey did that, and we
2 received a beautiful response from the judge. His mind is
3 still active. We have spread that letter upon the records of
4 our court.

5 Then at the same time, to my right, Judge
6 Harvey M. Johnsen, who is also a member of that court.
7 He is truly, in my judgment, a legal giant. I learned a lot --
8 I think I did -- I hope I did -- at the knees of Judge Johnsen,
9 because he and I worked together on many matters for quite
10 a few years while he was Chief Judge. He is a man of
11 tremendous capacity, with a great heart, an understanding
12 heart, and has made a tremendous contribution to the federal
13 bench.

14 Then one of our junior members, the youngest
15 member in age on our court, although Don Lay told me a
16 while ago it is almost five years now since he was appointed.
17 It seems like it was only yesterday. Judge Lay has, like
18 Judge Johnsen and Judge Woodrough, made an imprint upon
19 our court. He is deep, he is resourceful, he is a
20 prodigious worker and he is affable. He dissents more than
21 any man on our court, but he is agreeable in dissenting.
22 I have always liked the expression -- I don't know whether
23 President Johnson coined it or not -- but I like the expression
24 that he frequently used: "You can disagree without being
25 disagreeable." That is the way our friend, Don, is. We

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are certainly glad to have you.

I would also like to recognize another member of our court, Judge Myron Bright. How long have you been on the court?

JUDGE BRIGHT: Two and one-half years.

JUDGE MATTHES: Myron, too, is doing a splendid job. He comes from Fargo, North Dakota.

Then your own beloved Dick Robinson, who has been here for I don't know how long, Dick, but a good long time, and he has made a great contribution.

Where are the other district judges?

To your right are Judge Roy Stephenson, Judge Urbom and Judge Delehant. Would you all please stand for a moment?

Judge Ross, you will find that the members of our court are under a heavy and awesome responsibility, particularly in these trying times when the courts are under target and under attack from all sides. There is plenty of work to do on our court. You will have some real tough problems presented to you, and I know that you will get the job done. We certainly welcome you. I am sure you will be a splendid addition to our court.

At this time I would like to call on Judge Johnsen for some remarks.

1 JUDGE JOHNSEN: I welcome Judge Donald Ross to
2 the bench of the Court of Appeals for the Eighth Circuit.
3 I have admired his personal traits for a good many years.
4 I admired his work when he was United States Attorney.
5 He had a capable staff and he knew how to handle them
6 effectively. I have admired the traits that I have seen in
7 him, which, I think, are the makings of a real judicial
8 temperament, and I feel certain that he will be an asset
9 to the Court of Appeals and will fit in compatibly in working
10 with the other members of the Court to help carry the
11 heavy load that has come to exist in the vast mass and haze
12 of judicial problems to which the present age has given rise.

13 The Eighth Circuit, Judge Ross, has had a
14 number of outstanding judges upon its bench. I think, for
15 example, of Walter Sanborn, John Sanborn, his cousin,
16 Kimbrough Stone and Archibald Gardner -- to mention a
17 few. I recall Mr. Justice Frankfurter indicating at one
18 time the high regard he had always had for the Eighth
19 Circuit, and I am sure that this standing of the Court still
20 exists. I took the liberty one time of remarking to Mr.
21 Justice Brennan that I thought a Court of Appeals was rather
22 treated as a whistle stop between the District Court and the
23 Supreme Court. "Wait a minute," he said, "We have
24 taken only a relatively small number of cases on certiorari
25 out of the Eighth Circuit." I have not checked to see

1 whether this still holds true, but I would guess that, as
2 related to most of the other circuits, it probably does.

3 As I have sat through a number of these occasions
4 of judges being sworn in to take the bench, I invariably think
5 of what the late Judge John B. Sanborn once said, "No man is
6 good enough to be a judge." That is the spirit of humility
7 which every judge should have. Of course, every one of us
8 is good enough in some sense to be a judge, and we must all
9 believe that we are. It is something of the spirit. I am
10 sure that Judge Ross has that spirit. I predict for him a
11 long, a useful and eminent judicial career.

12 Again I express to you, Judge Ross, my personal
13 and my judicial hearty welcome and congratulations, as
14 well as my congratulations to the members of your family.

15 I may add, in closing, Judge Ross, the large
16 gathering in this courtroom of your personal and professional
17 friends adds attestation to the high regard which I have
18 expressed and which I feel for you.

19 JUDGE MATTHES: Thank you.

20 Judge Robinson.

21 JUDGE ROBINSON: Chief Judge Matthes, Fellow
22 Judges, Fellow Lawyers, Senator Hruska, other distinguished
23 Guests, Ladies and Gentlemen:

24 Lest there be any mistake about it, I am
25 occupying this bench today with these luminaries because I

1 am the one who presides over this court most of the time,
2 and of course, if it were not for the district judges, my
3 brethren on the left would have nothing to do because we
4 furnish the grist for the mill.

5 One Circuit judge once said, "Well, on the trial
6 of a case, the trial court is always searching for the truth
7 and the Appellate Court is always searching for error."

8 For me today, ladies and gentlemen, this is a
9 prized opportunity to do more than pay tribute to Don Ross.
10 After all, he knows of the deep affection I have for him which
11 began when he came to this court as United States Attorney
12 almost twenty years ago. That feeling has held steadfast
13 throughout the intervening years as he earned distinction for
14 himself and to his firm, being a counselor at law. I know he
15 senses the thrill we all share today in seeing him take his
16 seat on a great court of this land.

17 Clearly, under such circumstances, a traditional
18 greeting in this proceeding would be inadequate. More than
19 paying honor, I am moved to render some service to him.
20 Don will find, as have each of us who preceded him on the
21 bench, that the widely quoted observation of the late
22 Thurmond Arnold doesn't hold true. As a matter of fact,
23 it is a lot more fun listening to the damn fools than arguing
24 before them. But there is one advantage we who sit on the
25 district bench have over appellate court judges which makes

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a world of difference. I refer to those marvelous tools, model forms.

A trial judge has at his fingertips or at arms' reach, model orders to dismiss complaints for failure to state a claim, model orders for change of venue, model orders of reference to a master and, all else failing, model instructions to the jury, model judgments notwithstanding a verdict and even model orders correcting a transcript and requiring security for costs.

A judge of the Court of Appeals, on the other hand, lacks these wonderful aids. It behooves me, on this occasion, to suggest a few forms in the interest of lessening the heavy burden you, Don, are about to assume as a circuit judge.

The first form applies in the situation where a civil case has been tried before a jury and the appellant claims that the district judge erred in admitting various items of evidence and on instructing the jury. The form reads:

"The question of the admissability of the evidence comes within the 'no harm' rule and clearly does not require reversal. The instructions issued by the district judge are the most succinct and intelligent statements of the applicable law that this court has ever seen.

Decision affirmed."

1 The second form is useable for diversity cases
2 which require the district judge to set out for the first time
3 the law of the state that controls the outcome of the litigation.
4 The form reads:

5 "Since this is a case of first impression
6 involving the law in the state wherein the district
7 judge sits, and where before he came to the bench he
8 was a recognized leader of the bar for over a quarter
9 of a century, his decision as to what the applicable
10 law is will not be questioned. The decision is
11 affirmed."

12
13 The third form would serve for some complex
14 litigation involving entwined questions of law and fact. For
15 example, a full evidentiary antitrust suit, a case that has
16 involved two weeks of testimony, to say nothing of the 513
17 documents which were introduced. The district court's
18 decision runs some 20 pages and includes at least 50 findings
19 of fact and law. The form reads:

20
21 "The excellent decision by the district judge
22 at 123 F. Supp. 456, setting out the complex
23 statements of law and fact in this case cannot be
24 improved upon and, accordingly, it is adopted as
25 the opinion of the Court of Appeals. Affirmed."

1 My fourth and final form, a corollary of the
2 second, would apply when the case involves the first
3 litigation in a new area of Federal law. The district judge
4 has written an exhaustive opinion covering 32 pages of a
5 volume of West's Federal Supplement setting out the
6 background, the legislative history of the statute and both
7 the sociological and economic implications of the particular
8 issue. The form would read:

9
10 "The district judge's opinion is a masterful
11 outline of the new law and its application to this
12 specific area. The persuasiveness of his
13 reasoning and the confinement of decision to its
14 proper scope prompt us to affirm."

15 It is time to leave these modest ventures in
16 federal forms and conclude by conveying on behalf of myself
17 and all of the other district judges of the Eighth Circuit my
18 warm regards and good wishes to our newest colleague, Don
19 Ross.

20 JUDGE MATTHES: Thank you, Judge Robinson.

21 I take it that Judge Robinson would like to see the
22 Court of Appeals abolished. I might say that we can indulge
23 in the presumption that he has been reversed.

24 Mr. Morrow.

25 MR. MORROW: May it please the Court, several

1 people are present to address the Court on this occasion. I
2 would like to call on the first one, Senator Roman Hruska,
3 our dearly beloved Senator from Nebraska.

4 SENATOR HRUSKA: It was with some interest that I
5 listened to the remarks of the previous speaker. There
6 have never been any differences between him and myself,
7 notwithstanding thirty years of association in one capacity or
8 another. However, I take this occasion to differ with him
9 respectfully in regard to one position which he took today.
10 That is, were it not for the District Courts, the Circuit
11 Courts would have nothing to do.

12 I suggest that the Congress of the United States
13 generates a lot of problems which the Circuit Court must
14 finally resolve. In fact, we might even be the source of
15 more work than anyone else.

16 We are witnessing today an experiment in the
17 continuance of this government of ours. It is a form of
18 government in which the power is vested in the people, and
19 it is a great power, but the people at large cannot execute
20 the laws. The people at large cannot legislate. Nor in that
21 fashion can they judge. It is necessary that they designate
22 representatives to exercise these functions. One of the most
23 difficult and hazardous aspects of self-government is the
24 selection of representatives capable of resisting those things
25 which may be popular and easy but which are wrong. That

1 difficulty is grave enough in the executive and legislative
2 branches, but it is even more grave in the instance of the
3 judiciary because of the tenure of judges as well as the very
4 great importance of their tasks. Yet, throughout the
5 decades of the federal government, procedures have
6 developed which have assured the accomplishment of this
7 goal. It would seem to me that assembled here in this room
8 are some of the finest results of this procedure, and these
9 members of the judiciary are but representative of several
10 hundred throughout the United States.

11 Today that number is being added to. I should
12 pause to say that we are honored by the presence of so many
13 members of the judiciary, and we are happy to have them
14 here at this ceremony. Another will join their ranks today,
15 one who is of wide and deep experience, one who possesses
16 traits of honesty and steadfastness and integrity and
17 diligence, one who is rich with experience not only in the
18 legal field, but in other areas of human activity.

19 I am moved to recall the observation made by
20 Judge Donohoe on the occasion of Don Ross's retirement from
21 the office of the United States District Attorney. Judge
22 Donohoe observed a number of the characteristics possessed
23 by Don Ross, and he described him thus: "All he has asked
24 for was the privilege of serving." Judge Donohoe made a
25 very prophetic statement at that time. He said, "He is of the

1 "type and class and caliber of man who will serve this
2 government and carry on and keep it what it has been and
3 give it the future to which it is entitled."

4 Judge Donohoe forecasted the event which we bear
5 witness to today; the re-entry of Don Ross into the service
6 of the government. Now that he has embarked on this
7 service, I am sure that I speak for all when I state that it will
8 be the best chapter yet, immeasurably strengthened by the
9 traits he has developed throughout the years of his life.

10 Today, from every side, our form of government
11 is being assailed as incapable of functioning, inadequate to
12 the test and out of touch with the times. The judicial branch
13 is not immune from these attacks. It is men like Don Ross
14 to whom we entrust the charge to demonstrate that the
15 federal government can work, that it is working, and that it
16 will work in the future, not by standards which are easy and
17 convenient, but rather by the rules of law and by legal
18 precedents reflected and tempered by the wisdom of those
19 who have preceded the men who are on the bench today.

20 I convey to you, Judge Ross, the congratulations
21 and the best greetings from myself and my colleague,
22 Senator Curtis.

23 Present in the room is a member of the "other
24 body," as we refer to the House, John McCollister. He and
25 his two colleagues have asked me to transmit to you the
same greetings and the same congratulations.

1 JUDGE MATTHES: Thank you, Senator.

2 MR. MORROW: Representing the judiciary of the state
3 of Nebraska, the Chief Justice of the Nebraska Supreme
4 Court, The Honorable Paul White.

5 JUDGE WHITE: May it please the Court, Ladies and
6 Gentlemen:

7 It is indeed an honor and a privilege for me to be
8 able to come here this afternoon before this distinguished
9 group and to participate in honoring Honorable Donald Ross
10 becoming a member of the circuit bench. He is a long-time
11 friend of mine who, as a man and as a lawyer, I have highly
12 respected. I join not only in the greetings from the state
13 judiciary and the Supreme Court of the state of Nebraska,
14 but my own, in honoring him and welcoming him to the great
15 company of judges.

16 Sometimes it is said that an investiture ceremony
17 is no time for an anticipatory eulogy. You have just got
18 through hearing Judge Robinson. I will tell you a story
19 about Judge Robinson's investiture. He was sitting at the
20 head table, of course, and listening raptly while a very
21 distinguished rhetorical federal judge was eulogizing him
22 by naming all the qualities he had, and of course weaving in
23 the appropriate biblical quotations, and so forth and so on,
24 and finally Dan Gross, who most of you knew as a brilliant
25 lawyer and something of a wit, leaned over to judge

1 Robinson and said, "Say, can you tell me who he is talking
2 about?"

3 The judiciary is a lonely life, and this is the time to
4 honor these men -- at the beginning. It will be a long time
5 until the end.

6 Don has a record even in his forties of dedication to
7 his job. He is a competent, able lawyer and a fine trial
8 advocate. The people of the state of Nebraska again are indeed
9 fortunate to find a man who will live up to the unsurpassed
10 standard that we have in Nebraska in the members of the
11 federal judiciary. We have always had them. I think it can
12 be said that standard in Nebraska for our federal judges,
13 Honorable Don Ross, is falling into the line of the judicial
14 march at a time when we surely need men who will reach the
15 heights of courage, wisdom and judicial balance that really
16 symbolize our ideal government under the law. Your
17 investiture this afternoon, I am certain, will give all of us
18 present a renewed faith in all that we judges stand for.

19 JUDGE MATTHES: Thank you, Judge White.

20 MR. MORROW: Representing the American Bar
21 Association and a member of the Standing Committee of
22 Judicial Selection, Mr. Richard Kyle.

23 MR. KYLE: Chief Judge Matthes, Distinguished Judges,
24 state and federal, Senator Hruska, Members of the Bar and
25 Ladies and Gentlemen:

1 It gives me great pleasure to appear on this
2 happy occasion as the official representative of the American
3 Bar Association and of its Standing Committee on the Federal
4 Judiciary to participate in the induction of Donald R. Ross as
5 a member of the Court of Appeals with the Eighth Circuit,
6 succeeding my long-time friend and fellow Minnesotan, Harry
7 Blackman.

8 For the benefit of those present who may not be
9 familiar with the work of the Standing Committee on the
10 Federal Judiciary, I should like to say a few words about the
11 committee. Its purpose is to assist the President of the
12 United States and the Senate in the selection of qualified
13 persons for the federal judiciary. The committee consists
14 of 12 members, one from each of the eleven circuits, and a
15 chairman who is a member at large. The present chairman
16 is Lawrence Walsh of New York, a distinguished lawyer who
17 has served as a judge of the United States District Court in
18 New York and as Deputy Attorney General of the United
19 States. This committee does not suggest nor propose the
20 names of lawyers for appointment to the judicial bench. It
21 does not sponsor nor campaign for the appointment of
22 individuals who are proposed by others. When requested by
23 the Attorney General, and such request is now made in
24 connection with all appointments to the federal bench, our
25 committee investigates and reports to the Attorney General

1 regarding the qualifications of the persons being considered
2 for appointment. The practice of the committee is to obtain,
3 as far as possible, a cross-section of the views of the judges
4 and lawyers acquainted with the person under consideration
5 regarding his professional qualifications. We operate upon the
6 theory that litigants and other members of the public are
7 entitled to have capable federal judges. We believe capable
8 judges must first have been capable and experienced lawyers.
9 We believe that no other segment of the population is better
10 qualified to recognize and evaluate good judge material than
11 the lawyers and judges living in the area where the candidate
12 has practiced his profession. The committee is the conduit
13 through which the informed opinion of the judges and lawyers
14 in a given area are carefully weighed by the committee and
15 conveyed to the President through the Attorney General. We
16 believe that the committee, through its collective experience,
17 has the ability on a national scale to determine whether the
18 lawyer who is being considered for appointment possesses the
19 necessary professional qualifications.

20 After the name of the candidate is sent to the
21 Senate by the President, the chairman of the Judiciary
22 Committee of the Senate normally asks for a report on the
23 qualifications of the candidate from our committee.

24 One of the satisfactions of working on this
25 committee is to have a small share of the responsibility for

1 putting qualified men in our federal courts. Donald Ross is
2 such a man. Most of you here know him better than I do.
3 He is a man of ability, experience, integrity, and possessed
4 in a high degree of the essential qualifications of a good judge,
5 including common sense and judicial temperament.

6 In conclusion, I would like to extend my personal
7 congratulations to Judge Ross and the members of his family
8 and to wish him many years of happy and successful service
9 as a judge of this court.

10 JUDGE MATTHES: Thank you, Mr. Kyle.

11 MR. MORROW: The President-elect of the Nebraska
12 State Bar Association, Mr. James Lane.

13 MR. LANE: Judge Matthes, Your Honors,
14 Senator Hruska, Ladies and Gentlemen:

15 Mr. Tom Davies, President of the Nebraska Bar
16 Association, asked me to extend his personal regards. He
17 is not able to be here today. In a way, I am happy because
18 it gives me an opportunity to be here and to tell Judge Ross
19 how much we westerners appreciate another westerner being
20 accorded this great honor. I have known him almost
21 throughout his entire legal career. I know the distinguished
22 record that he has made, and I know I have every confidence
23 that he will have an equally distinguished record on the
24 circuit court.

25 I extend on behalf of Mr. Davies, the State Bar

1 Association, and myself personally, best wishes to you. My
2 congratulations to you on this great day, and I wish to extend
3 most particularly to your family that same feeling of
4 congratulations.

5 JUDGE MATTHES: Thank you, sir.

6 MR. MORROW: The President of the Omaha Bar
7 Association, Mr. Jack Marer.

8 MR. MARER: May it please the Court, Senator
9 Hruska, Distinguished Guests, Members of the Bar, Ladies
10 and Gentlemen:

11 In the book entitled "Felix Frankfurter
12 Reminiscences," in his intimate talks with Dr. Harlan B.
13 Phillips, Justice Frankfurter said this:

14
15 "A colleague of mine at the Harvard Law School
16 with whom I got into a tangle about some question of
17 law once chided me, indeed, closed a contentious
18 argument between us by saying, 'You take law awfully
19 seriously.' I said, 'That's one accusation against
20 which I plead guilty without reservation.' I am bound
21 to say hardly another member of the Harvard Law
22 faculty would have thought of making such an accusation.
23 I do take law very seriously, deeply seriously, because
24 fragile as reason is and limited as law is as the
25 expression of the institutionalized medium of reason,

1 "that's all we have standing between us and the tyranny
2 of mere will and the cruelty of unbridled, undisciplined
3 feeling."

4 Justice Frankfurter's words, even though of some
5 vintage, are equally appropriate today, for the law is a very
6 serious business -- its prompt and efficient administration
7 essential. In this respect, the judges of all courts have a
8 heavy responsibility, for here the impartial administration
9 of justice must be the prime motivation.

10 As President of the Omaha Bar Association,
11 consisting of approximately 675 active practicing lawyers in
12 Douglas, Burt and Washington Counties, we welcome Judge
13 Donald R. Ross to the Bench of the Eighth Circuit Court of
14 Appeals.

15 An appointment to this court by the President of
16 the United States, with the confirmation of the United States
17 Senate, is in itself a high honor and a recognition of
18 outstanding legal ability. This is a reminder of the Code
19 of Professional Responsibility, which states:
20

21 "Judges and administrative officials having adjudicatory
22 powers ought to be persons of integrity, competence,
23 and suitable temperament. Generally, lawyers are
24 qualified, by personal observation or investigation, to
25 evaluate the qualifications of persons seeking or being

1 "considered for such public offices, and for this reason
2 they have a special responsibility to aid in the selection
3 of only those who are qualified."

4 We believe that you, Judge Ross, meet these high
5 standards. Since we have had the opportunity for many years
6 to know you, have worked with you in your responsibilities as
7 a public official and as a private lawyer, and having observed
8 your work in public life and as a friend and neighbor, we are
9 in position, as the Code says, to evaluate your qualifications.

10 We know, too, as Justice Frankfurter said, you
11 will take the law very seriously because you believe in the
12 rights of men, in equality before the law, and you will
13 exercise your powers with wisdom and judgment.

14 May I add my personal congratulations and wish
15 for you, Judge Ross, a long and distinguished career as a
16 member of the Circuit Court.

17 JUDGE MATTHES: Thank you.

18 MR. MORROW: The Dean of the University of Nebraska
19 College of Law, Henry M. Grether.

20 MR. GREETHER: May it please the Court, Judge
21 Matthes, Judge Ross, Members of the Judge Ross Family,
22 Senator Hruska, Distinguished Members of the Bench and
23 Bar, Ladies and Gentlemen:

24 The University of Nebraska Law College, by me
25 personally, the faculty, students and alumni, all feel that

1 this is a splendid judicial appointment. I should just like to
2 quote from the late Arthur T. Vanderbilt, Chief Justice of
3 the Supreme Court of New Jersey, in which he stated the
4 five functions of a great lawyer:

- 5 1) a wise counselor to all manner of men;
- 6 2) a skilled advocate;
- 7 3) to individually do his part to improve his
8 profession;
- 9 4) to act as an unselfish leader of public opinion; and
- 10 5) and finally, every great lawyer must be prepared,
11 not necessarily to seek public office, but to answer
12 the call for public service when it comes.

13
14 The attorney whose professional thoughts begin
15 and end with his own private clients is a pitiable mockery
16 of what a great lawyer really is. Training for public
17 service is a lifelong career.

18 Judge Ross is a great lawyer. He has a lifelong
19 record of dedicated public service. He was chosen to be a
20 judge of the United States Court of Appeals for the Eighth
21 Circuit not because he was available, but because he is
22 qualified. This choice is one of merit. He meets all of
23 Judge Vanderbilt's criteria for a great lawyer. We are
24 sure he is going to be a great judge.
25

1 The University of Nebraska College of Law is
2 honored by the achievements of its alumni. The College is
3 proud of its alumni, many of whom have attained national
4 eminence. Judge Ross is one of these. He brings great
5 honor to himself, his family, his colleagues and to his Law
6 College. The College is honored to count Judge Ross as one
7 of its alumni.

8 We warmly and sincerely extend our congratulations,
9 Judge Ross.

10 JUDGE MATTHES: Thank you.

11 MR. MORROW: Following the ceremony, Judge Ross
12 will be pleased to meet his friends at a reception in the
13 Midland Suite on the Mezzanine Floor of the Hilton Hotel.

14 That concludes the Committee's presentation.

15 JUDGE MATTHES: Thank you very much.

16 Judge Ross, you are invited to talk.

17 JUDGE ROSS: Thank you, Chief Judge Matthes.

18 My Fellow Judges, Senator Hruska, Distinguished
19 Guests:

20 Words are inadequate for me to express my
21 gratitude for your attendance and for the expressions of
22 confidence of my fellow judges and lawyers here today.
23 This day has been made even more meaningful to me and
24 my family by your kind words and your presence here on
25 this occasion. Many have traveled long distances to be with

1 us. I thank you all on behalf of myself and on behalf of my
2 family.

3 I cannot let this ceremony end without paying
4 special tribute to some of you for all you have done directly
5 and indirectly to make it possible for me to be in this
6 position today. I refer first to my parents, to my wife,
7 Janice, and our five fine children who have given me the
8 affection and their loyalty and the incentive to advance
9 myself for the benefit of my family. And to my wife's
10 father, Ad Cook, with whom I practiced law for five years,
11 and to Mrs. Cook, who have been my friends and my
12 boosters in all my work. To Senator Hruska who has been
13 my great friend and my associate for the past seventeen
14 years. And finally, to my partners in the practice of law
15 who have unselfishly allowed me the freedom of a varied
16 and interesting professional and political career. And
17 among my partners, especially David Swarr, who has on
18 many occasions been my confidant and advisor when I needed
19 one most.

20 I realize that the position I have assumed today is
21 a challenging one which will require my complete dedication
22 and attention. It is made even more challenging by the high
23 caliber of men who will be my associates and who have
24 preceded me on the bench.

25 I can only say that I will do everything within my

1 power to meet this new responsibility with integrity,
2 dedication and humility in order to bring credit to this high
3 office.

4 Thank you all for making this a day I shall never
5 forget.

6 JUDGE MATTHES: Thank you, Judge Ross.

7 The ceremony is now terminated.

8 Mr. Marshal, will you adjourn court.

9 THE MARSHAL: This ceremonial session will now
10 stand in adjournment.

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