

# JUDGE DONALD R. ROSS

Donald Roe Ross was born on June 8, 1922, on a farm in Orleans, Nebraska, to Roe and Leila Ross. When he was about four, his family moved to Stamford, Nebraska. His father purchased a grocery store where Ross sacked potatoes and carried out groceries for customers. When he was 10, his family moved to Curtis, Nebraska, where his father bought a grocery store and meat market, having sold the store in Stamford.

In 1939, Ross graduated from the Nebraska School of Agriculture in Curtis at the age of 16. From 1939 to 1941, he attended the University of Nebraska in Lincoln. In order to afford college, he worked as a bus boy at the Cornhusker Hotel in exchange for meals. During the summers, he worked on the Burlington Railroad section gang out of Elsie, Nebraska, at his family's store in Curtis, and at a sale barn.

Instead of returning to school in the fall of 1941, he went to work for the United Fruit Company in Bananera, Guatemala. He kept time records for the workers who sprayed, cultivated, and harvested bananas. Pearl Harbor was bombed while he was in the hospital with malaria in December of 1941. He returned home on a banana freighter in March 1942, to enlist in the service.



Left: High school graduation.  
Below: L-R: Don, Roe, Leila, and Bill Ross.



Ross, age 8, on his pony.



In high school, Ross played baseball, football, and the first coronet in the marching band.

## U.S. Air Force

Ross enlisted in the Air Force Cadets in April 1942. He trained as a bombardier and flew 46 combat missions over France and Germany, including two on D-Day. He became the lead bombardier of the 368th Squadron of the 306th Bomb Group in England in spring 1944, after his fifteenth mission. The position of lead bombardier was crucial to the success of every mission, as only the lead bombardier used the bombsight and the 12 to 18 planes in formation behind dropped their bombs on its cue.

After D-Day, Ross volunteered for a second tour because the ground war in Europe was just beginning, and he felt he should continue as he had just become proficient as a bombardier. In October of 1944 he was promoted to Group Bombardier with responsibility for training and assigning lead bombardiers for the four squadrons of the 306th Group. He achieved the rank of major by the age of 22, in April 1945, and was discharged in January 1946. Ross was twice awarded the Distinguished Flying Cross, one of the highest awards given by the Air Force, and the Air Medal seven times.

Ross in the Air Force.



368th Squadron Reunion. Ross in 3rd row, 2nd from left.



# LAWYER AND PUBLIC SERVANT

Back in Nebraska as a civilian, Ross enrolled in the University of Nebraska College of Law and graduated with his J.D. in 1948. He worked in private practice as an associate of E. A. Cook, Jr., his father-in-law, from 1948 to 1953 in Lexington, Nebraska.

During these years, Ross also became active in Republican Party organizations and public service. In 1950, he was elected chair of the Dawson County Young Republicans. He was elected to Lexington's city council also in 1950 and as mayor in 1953. He became the Young Republican member of the Republican State Executive Committee, serving 1952-1953.

In 1953, Donald Ross was appointed U.S. Attorney for the District of Nebraska by President Eisenhower. He served in this position until 1956, when he joined the Omaha firm of Swarr, May, Royce, Smith & Story (later Swarr, May, Royce, Smith, Andersen, and Ross), where he practiced corporate law until 1970. In 1969, he chose to become vice-president and general counsel of ConAgra rather than accept nomination as a U.S. district judge.



Ross' friends from Republican Party organizations and his law firm. L-R: Bob Berkshire, Don Ross, Sam Jensen, Charley Thone, Bob Hasebrook, Dean Kratz, John McCollister.

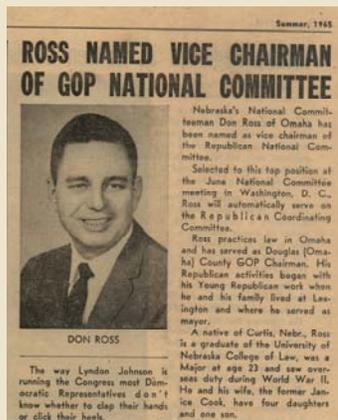
## National Role in Republican Party

While a corporate lawyer, Ross became highly influential in the Republican Party on a national level. He served as General Counsel for the Republican Party of Nebraska, 1956-1958, and was elected as Nebraska Republican National Committeeman, 1958-1970. During these years, he became well acquainted with Dwight Eisenhower, Richard Nixon, Gerald Ford, Nelson Rockefeller, and Senator Roman Hruska, who became a longtime friend.

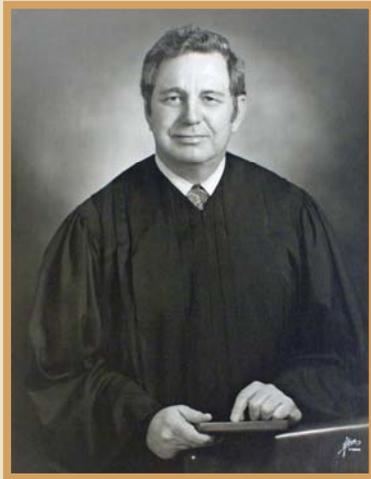
In 1965, Ross made national news for masterminding the reorganization of the Republican Party. He foresaw Republican Barry Goldwater's loss in the presidential election of 1964 and devised a plan to unify and salvage the party. Goldwater had come to represent extreme conservatism, splitting the party from the more liberal wing, including Rockefeller, Eisenhower, and George Romney. With Goldwater's defeat, Ross worked behind the scenes to garner support among the nation's most powerful Republicans to replace Goldwater's National Chairman of the GOP, Dean Burch, with Ross' choice, Ray Bliss. Ross' plan worked, bringing an end to the Goldwater era. In January 1965, *Newsweek* observed that the negotiated transfer of power "started with an obscure Nebraska National committeeman named Donald R. Ross, 42, a tall, ruddy, Omaha lawyer."

Ross became Bliss' top advisor in 1965, and helped establish the Republican platform for the 1968 election. He also served as the Arrangements Chair for the 1968 Republican National Convention in Miami.

In 1966, President Johnson appointed Ross to the bipartisan National Election Financing Committee, and in 1969, President Nixon appointed him to the bipartisan Ad Hoc Advisory Group for the Presidential Vote for Puerto Rico. Ross turned down an offer by President Nixon to move to Washington to advise the President.



# FEDERAL JUDGE



In 1970, Ross was nominated by President Nixon to serve on the U.S. Court of Appeals for the Eighth Circuit. Senator Roman L. Hruska wrote that he was gratified to give Ross' name to the President because he "saw in Don Ross the rare qualities of absolute integrity, an uncommon soundness of judgment and a strong set of personal values." *66 Neb. L. Rev. 627 (1987)*

Judge Ross received his commission on December 12, 1970, resigned from his law firm and ConAgra in January 1971, and was sworn in on January 25, 1971, his father's 75th birthday. He took senior status on June 13, 1987, after more than 16 years on the court, and continued to carry a reduced caseload.

He served on the U.S. Judicial Conference Committee on the Administration of the Magistrates System, 1971-1978 and the Judicial Resources Committee, 1987-1990, and chaired the Subcommittee on Statistics, 1988-1990.

He was awarded the American Judicature Society's Herbert Harley Award in 1987 and an Honorary Doctor of Laws from the University of Nebraska in 1990.

At his investiture he was given a robe by his law partners. Embroidered inside was the advice he'd been known to say often to colleagues and family: "Do whatever is right." Judge Ross commented at his senior portrait ceremony that he had "spent the last sixteen and a half years attempting to live up to that admonition."



As a jurist, he described himself as "moderate in civil rights cases" but "very conservative" in criminal cases. He was known to support equal rights for minorities and women and to show an enormous capacity for fairness.

Nebraska's U.S. District Judge Richard G. Kopf, former law clerk to Judge Ross, described him as a "consensus builder" who brought to the court "his ability to forge agreement when chaos seemed inevitable." This skill, honed during his years building consensus among power brokers in the Republican Party, helped the court "speak with one voice...a virtue that gives the jurisprudence of the court coherence and stability." *66 Neb. L.Rev 629 (1987)*

Judge Ross with father Roe at his portrait ceremony, October 30, 1987. Image courtesy of *Omaha World Herald*; Rudy Smith, staff photographer.

Law partner and best friend Bob Andersen helping Judge Ross at his investiture with robe bearing "Do whatever is right."



Right: U.S. Court of Appeals, 1983. Back row, L-R: John Gibson, Richard Arnold, Donald Ross, Theodore McMillian, George Fagg. Front row, L-R: Gerald Heaney, Chief Judge Donald Lay, Myron Bright.

# A PORTRAIT OF THE MAN



Donald Ross married Janice Cook on August 29, 1943, while Ross was serving in the military and just before going overseas. They had first met in the spring of 1941 at the University of Nebraska. Together, they raised five children: Jane, Sharon, Rebecca, Joan, and Dean. Their family grew over the years to include 14 grandchildren and 17 great-grandchildren.

He was active in Air Force veterans' groups and enjoyed golfing, building model air planes, and perhaps his avocation, building houses. He built several homes for his family over the years, and in his later years, divided his time between his homes in Scottsdale, Arizona; Alexandria, Minnesota; and Omaha.

Daughter Joannie Wilson described her father to the *Omaha World Herald* as "larger than life." "He had a big smile and a big laugh and a gigantic heart." His family meant the world to him, and his children and grandchildren called him "Peaches."

He also had dear friends on the Court of Appeals. Judge Myron Bright said of him, "We call Ross the big bear—a big man with a big heart, who is a friend to us all."

Left: Judge Ross with Judge Myron Bright.



Right: Judge Ross with Judge William Webster, 2001.



Judge Ross died on December 18, 2013, at 91 years of age. He was a highly respected man who rose to distinction in all he did. He was known for his honesty, integrity, and ability to take his emotion out of the situation and "do whatever is right." He had the ability not only to lead, be it as major, mayor, chair, or U.S. Attorney, but also the special ability to build consensus through reasoned diplomacy. These skills brought him national prominence in the Republican Party and served him well as a federal circuit judge.



Right, top: Don and Janice Ross on their wedding day.  
Right, middle: Ross family, 1992. Back row, L-R: Sharon Stephan, Jane Moody, Dean Ross, Becky Ross, Joannie Wilson. Front row: Don and Janice Ross. Right, bottom: Four generations of the Ross family.



Ross, in beard grown for Plum Creek Days in Lexington, with model airplane club.



Bottom, left and top, right: Ross family homes built by Judge Ross. Bottom, left in Alexandria, MN; top, right in Scottsdale, AZ. Bottom, right: Judge Ross (on left), golfing at Pinnacle Peak in Scottsdale, AZ.