DEDICATION

HONORABLE JOHN W. DELEHANT

Back in 1914, when Nebraska was still something of a frontier state, two young men fresh out of Creighton Law School made a bold decision to enter the race for County Attorney of Gage County. One of the young men was the candidate, and the other managed the campaign. The candidate won the election, and went on to become a Justice of the Nebraska Supreme Court. His name was Fred W. Messmore.

The campaign manager was John W. Delehant.

Judge Delehant, retired Senior United States District Judge, died on April 20th, 1972. He was 81 years old.

In the half century since that first campaign in Gage County, Judge Delehant saw Nebraska grow up, and saw the world change in ways that even the boldest Creighton Law School graduate, class of '14, would not have dared to predict. Judge Delehant did more than witness those changes: many of them he made himself, through his legal opinions and political and civic activities.

Those of us who knew Judge Delehant are deeply touched by a sense of personal loss at the death of a great man. Yet more important, a good man has also lived, and lent his immense talents and energy to causes which are cherished in our society.

From the vigorous campaigner of 1914, Judge Delehant developed into a remarkable jurist and stern courtroom disciplinarian. Every attorney who tried a case before him knew that the case had been tried before a judge to whom panoply and histrionics meant nothing, and to whom justice was everything.

Judge Delehant was able to pierce to the heart of a legal question without ever over-simplifying it. His very presence could frighten a young lawyer half to death, but he could also instill in that same young lawyer the love of justice to which Judge Delehant dedicated his life.

His life inspired us; his death touches us, and to hope for this country is to do little more than to hope for more of his kind.

HARRY L. WELCH
President Elect
Nebraska State Bar Association
HONORABLE JOHN W. DELEHANT

As I look over the substantial list of those who have been Federal District Judges of the Eighth Circuit in the last thirty-some years, there are three of them that to me have been particularly outstanding. One of these is Judge John W. Delehant.

Judge Delehant was outstanding in the full sense of that term. This was not a matter of local regard merely; it was one of wide eminence in the federal judicial system.

That standing came to him inexorably and not on an artificial basis. It was the natural product of a personal character, a religious faith, a pervading sense of justice, a legal ability, a thorough scholarship, an analytical capacity, a power and elegance of expression, an untiring industry, and a total dedication, such as one would idealistically like to see all judges possess. In his cultivation and use of these qualities, he was a perfectionist — as conscientiously so in his drawing of a jury instruction as in his analyzing and applying the principles of his religious faith.

But he was also endowed with complementary attributes which made these personal and professional qualities the more forcefully and impressively felt. He had a physical stature, a poise, a dignity, and a courtesy that attracted attention to his presence wherever he chanced to be. On the bench, wearing the judicial robe, he constituted a classic portrayal of that mental concept, which all of us abstractly have, of what a judge should look like and how he should act.

I daresay further that I believe no litigant, witness or spectator ever passed through the door from the corridor into his courtroom, while a trial was in session, without almost immediately experiencing that quiet feeling which comes on one when he enters and breathes the air of a cathedral or temple. And I have been told by lawyers that it did not take them long to find out that they were expected to regard the courtroom as a chancery of justice and not as a playground or a sports arena. Yet with all this, the courtroom was characterized by an atmosphere of calm and ease that made everyone — lawyers, jurors and witnesses — feel at home and without any strain or tension.

The dedication and service which Judge Delehant thus gave to the federal judicial system covered a span of 30 years — from his appointment in 1942 at the age of 51, to his death in 1972 at the age of 81. It had extent not merely in the District of Nebraska but in a substantial number of other Districts, both in the Eighth Circuit and in
other Circuits of the country. He was called in to sit with us a number of times on the Court of Appeals. His work bore the same hallmark wherever he went.

It is fitting that this issue of the Creighton Law Review should be dedicated to Judge Delehant, in a recognition of him as an outstanding jurist, and in an honoring of him as an illustrious alumnus of Creighton University, a graduate both of its College of Arts and Science and of its College of Law.

Harvey M. Johnsen
Senior Judge
United States Court of Appeals
for the Eighth Circuit
DEDICATION

HONORABLE JOHN W. DELEHANT

Death cannot blur the sharp reality of John W. Delehant. He had, as all who encountered him knew, a vast learning in the law. Indeed, it might be said that with his passing an entire chapter in the jurisprudence of Nebraska has been closed. For this punctilious gentleman of austere and disciplined mind, had the admiration and affection of a whole generation of lawyers, judges, and legal scholars.

When appointed to the federal bench in 1942, the Sunday Journal and Star (February 15, 1942) noted: “John Wayne Delehant, the incoming federal judge in Lincoln, is liberal in his legal thinking. He appreciates that social problems have been recognized at last in this country, that they must be met and not ignored.” His, then, was a liberal creed in the sense of belief in the ultimate value of individual capacity and in progress.

As a law clerk of Judge Delehant, I know that he was incorruptible, able and wise. I benefited from the fullness of his knowledge and experience — the prevailing sense of craftsmanship which one always felt in working for and with the Judge.

He retained his mental activity, personal charm and wide interest to the very end of his life. That life was one characterized by culture and refinement. His vast learning in the law has already been mentioned. He had, perhaps, an even vaster grasp of the classics and history. His exceptional understanding of the philosophy of the law — its niceties and distinctions will, hopefully, follow me all the days of my life.

The federal courts in the Nebraska District have sustained a great loss; a legal age has ended; the man who came to Court so many times will come no more.

Melvin R. Katskee