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Dedication to Judge Edward F. Carter

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Dedication to Judge Edward F. Carter

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DEDICATION TO JUDGE EDWARD F. CARTER

Few people can recall when the Nebraska Supreme Court was not influenced and guided by the able and distinguished jurist for whom we dedicate this November issue of the Nebraska Law Review. The judicial biography of this learned judge is indelibly codified in the case law of over 1,100 opinions penned by him during the thirty-six years of his esteemed career. The editors of the Nebraska Law Review proudly dedicate this issue to The Honorable Edward F. Carter, judge of the Nebraska Supreme Court.

Judge Carter exhibited his excellence as early as his college days when he completed his undergraduate education and his legal education at the University of Nebraska within four years, graduating Order of the Coif in 1919 at the age of twenty-two. As a novice attorney Edward Carter began his practice in Bayard, Nebraska. However, within eight years and at the age of only thirty, he was appointed by Governor Adam McMullen to the District Court for the 17th District. In 1934, just seven years later, Edward Carter was elected to the Nebraska Supreme Court, and in January of 1935 he began his unprecedented tenure on the court. Thirty-six years later on March 3, 1971, Judge Carter retired from the supreme court bench having served upon that august court for a greater period of time than any other judge.

Judge Carter has not confined his skillful service merely to the supreme court. He has participated in the Nebraska Judicial Council since its inception, occupying the office of chairman for the past twenty years; he has been a member and chairman of the Bar Committee on Judicial Qualification; he has unselfishly donated his service to the demands of Cornhusker Boys State; he has contributed his efforts to the entire nation by acting as referee for the National Railroad Adjustment Board, serving on several presidential boards to settle railroad labor-management disputes, and competently representing the United States as a judge at the Nuremberg Trials in 1946 and 1947. This outstanding record exemplifies the varied accomplishments of a capable jurist and devoted citizen. In retirement Edward Carter is still donating his time and efforts for the betterment of the law and the state, for even now he is diligently revising the Nebraska criminal code.

In recognition of your generous past contributions and your valued continuing endeavors, Judge Edward F. Carter, we thank you, and we salute you with this dedication.

The Editors

**DEDICATION TO JUDGE
EDWARD F. CARTER**

As a classmate and former colleague of Judge Carter, the Honorable Harvey M. Johnson, Senior Judge of the United States Court of Appeals for the 8th Circuit, reminisced about their Nebraska law school days and the time spent together on the Nebraska Supreme Court. The outstanding trait which he attributes to Judge Carter is ruggedness of character. The Honorable Hale McCown who has served with Judge Carter in recent years describes this trait as rugged individualism. All of Judge Carter's colleagues agree that he has also shown a devotion to the study of the law and to the extension of the frontiers of our judicial system.

Judge Carter is the youngest man ever to serve on the Nebraska Supreme Court, and he has served there longer than any other judge. Fortunately, his retirement does not mean the end of this long period of service. He has undertaken to revise the Nebraska criminal code, a monumental task.

As a personal note, I can testify to Judge Carter's warmth and humor. I was a member of a Lincoln civic club at a time when both Judge Carter and the late Chief Justice Robert G. Simmons were members. This was a rowdy group as compared to other luncheon clubs, and its members were no respecters of persons or of judicial dignity. When the two judges were not needling each other they were adequately defending themselves from the jests of others.

It was my privilege to attend the last meeting of the Western Nebraska Bar Association where Judge Carter was honored, and I felt the affection and esteem which he commands in his own community.

As President of the Nebraska State Bar Association, it is an honor on behalf of myself and all members of the association in citing Judge Carter for his outstanding contribution to the administration of justice and for advancing the objectives and high ethical standards of the legal profession.

Thank you, Mr. Justice, for your devotion to your state and to your nation.

THOMAS M. DAVIES
President,
Nebraska State Bar Association

DEDICATION TO JUDGE EDWARD F. CARTER

The advancement of civilization in our free world, from the beginning of the Christian era, is largely, if not entirely, attributable to the contributions of those self-sacrificing individuals endowed with the desire to improve the lot of mankind and to advance the existence of justice and freedom for individuals and nations. Judge Edward F. Carter is one of those individuals. Judge Carter's years of professional service to the judiciary, his individual efforts over the years in public affairs and the lasting results of the contributions he has made will cause his reputation to live on down through the years as one of Nebraska's great judges and great citizens.

In Judge Carter's years of service on the Nebraska Supreme Court, he has produced a written record of judicial opinion that has already been recognized by the bench and the bar as the handiwork of a scholarly student of the law and a fair and impartial judge. Moreover, he has built a reputation of fairness and impartiality that will linger throughout the years, increasing his professional reputation and providing an example to be followed by the entire legal profession.

In a letter of farewell to the members of the bar of his judicial district concerning his retirement from the Nebraska Supreme Court, he wrote:

I have sought to perform the work with the utmost integrity, but, our legal system being based on an adversary system, there can be some scars that are difficult to erase. However, if my work has been such that I leave it with the respect of the Bar, its compensating effect will be a lasting one.

In taking the liberty of quoting Judge Carter, the response may be made with confidence that his service as a judge more than fulfilled his stated aspirations. He retires not only with the respect, but also with the lasting friendship and affection of early every lawyer who had the opportunity of appearing before him.

After World War II, Judge Carter, as a dedicated patriot, took leave from the Nebraska Supreme Court and accepted appointment as a judge at the Nuremberg War Crimes Trials. He served as a member of the court which conducted the trials of the German generals charged with war crimes and crimes against humanity. These trials were controversial from their inception and probably will continue so down through the decades.

These trials centered the world's attention upon the necessity for civilized man to create a forum, under international law, to aid

in the establishment of harmony and peace in the community of nations. The written opinions of these trials, including the one in which Judge Carter participated, are masterful contributions to the logic and soundness of international law in establishing rule of law governing civilized nations in the continuing search for a war-free civilization. Judge Carter's participation may well have been the greatest judicial contribution of his distinguished career.

Any resumé of Judge Carter's activities must take note of the unusual efforts that he has contributed to the advancement of the legal profession in this state. He authored the unanimous opinion of the Supreme court authorizing the Nebraska Unified Bar. For many years, he has served as a member and chairman of the Judicial Council of Nebraska. When called upon, he has always been available to render yeoman service in legal professional activities. His contributions to the legal profession have been so many and so varied that it would be impractical to enumerate them in detail here.

It was my good fortune to appear before him professionally at the inception of his career as a district judge and during all of his service as a supreme court judge, to personally observe his participation in the Nuremberg Trials and, lastly, to be associated with him in many bar activities. It gives me unending pride and gratification to be afforded the opportunity of participating in this dedication, for I believe that history will record the name of Edward F. Carter as one of Nebraska's outstanding jurists and dedicated citizens.

MURL M. MAUPIN

Past President,

Nebraska State Bar Association

North Platte, Nebraska

**DEDICATION TO JUDGE
EDWARD F. CARTER**

As is often true concerning matters such as this, it is with mixed emotions that I write this dedication to the Honorable Edward Carter. While I am extremely pleased and honored to have the privilege of penning this dedication, both for myself personally and as governor of the state of Nebraska, on behalf of the thousands of citizens of Nebraska who will forever be indebted to Judge Carter for his distinguished service, I am nevertheless saddened by the fact that his dedication must of necessity give proof to the fact that Judge Carter has indeed retired from the bench and will no longer provide the state of Nebraska with his able opinions.

His service on the bench these many years and his clear and lucid opinions rendered over those years, as well as his occupancy of the senior chair next to the chief justice, have become as much a part of the court as the mottos chiseled into the stone above the bench.

For lawyer and layman alike, the opinions of Judge Carter have been clear and concise, rendered on the basis of legal logic and insight and without fear of criticism. While steeped in the traditions of law and recognizing the importance of *stare decisis*, Judge Carter has never been afraid or reluctant to take the new step forward when the law and the times have required it. Young lawyers in years to come will find their way aided by the light cast upon the law in Judge Carter's opinions.

The great state of Nebraska has benefited immeasurably by the long and dedicated service of Judge Edward F. Carter. We all shall miss his place upon the bench. We wish him good health and length of days to enjoy whatever ventures he may now desire as he embarks on yet another phase of his life.

Sincerely,
J. JAMES EXON
Governor of Nebraska

DEDICATION TO JUDGE EDWARD F. CARTER

A close friend of Judge Carter described him as "a man who could change his mind without changing his principles." This statement is not only true but also a very fitting and worthwhile tribute. We live in a time of great change. Yet through it all, there are certain principles that abide; there are some things that stand the test of time. Judge Edward Carter has recognized and blended the teachings of the past with the demands of the future.

Judge Carter is a man of principle and conviction. He believes in our country and its institutions; our economic system and our system of law. He has never hesitated to expound those principles of government, and, in so doing, he has gained and kept the respect of all.

Judge Carter's belief in our institutions and in our system has not been just a passive matter. Over the years I have had an opportunity to follow the work of Cornhusker Boys' State. It has been my privilege to meet the fine young men selected to come to Washington to take part in Boys' Nation. Judge Carter's years of service to the Boys' State endeavor constitute a contribution for which every thoughtful citizen should be most grateful. Judge Carter's "stick-to-it-tiveness" and his long tenure in these worthwhile activities are indications of his faith and his character.

We honor Judge Carter because of his many years of outstanding public service. He served longer on the Supreme Court of Nebraska than any other judge. However, we also honor him for the quality of his service. Judge Carter is an able, fair and distinguished judge who is devoted to the law.

One Nebraska lawyer described Judge Carter by saying: "[H]e wrote clear and well-documented opinions on which lawyers could rely for the future. These opinions consistently set out the state of the law, so that men could govern their affairs accordingly."

As someone who has been privileged to serve the State of Nebraska for a number of years and who has traveled in all parts of the state, I can testify concerning the respect and high regard that the people of Nebraska have for Judge Carter. He is a good judge in every sense of the word, and we are delighted to honor him.

CARL T. CURTIS
United States Senator

**DEDICATION TO JUDGE
EDWARD F. CARTER**

Justice Edward Carter's retirement from the Nebraska Supreme Court has ended a career of dedicated legal service to Nebraska. It has also deprived the state's judicial system of one of its most distinguished members.

Throughout his long and rewarding career, Judge Carter exhibited the rare and priceless combination of an exceptional legal mind and a wholehearted commitment to humanity. His knack for legal precision and his ability to penetrate into the heart of a dispute served him well, not only on the state's highest court, but in his years as District Court Judge in the Seventeenth Judicial District and earlier, in the practice of law in Bayard.

It was to be seen early in his career that he was destined for distinction, as when he was named to the Order of the Coif upon graduating from the University of Nebraska Law School.

Judge Carter's own experiences as an able leader have made him sensitive to the need for cultivating and training leaders for tomorrow. Despite his professional diligence and the long hours he devoted to his profession, he still found time to provide guidance to young Nebraskans through volunteer work in the Boy Scout program and in Cornhusker Boys' State.

His intimates know him as a great lover of history with an infallible memory for names and places. His warm, outgoing nature has built for him a large circle of friends and admirers who will miss his presence on the court.

Those friends may take consolation in the knowledge that his advice and guidance still may be sought and his friendship still enjoyed in his well-deserved retirement.

It is with great personal pleasure that I add to the dedication of this issue of the *Nebraska Law Review* my tribute to Judge Carter, thanking him for his many years of service to the Nebraska legal system.

ROMAN HRUSKA
United States Senator

**DEDICATION TO JUDGE
EDWARD F. CARTER**

My first impressions of Judge Carter, formed over forty-five years ago when we were both "struggling young lawyers," have not changed. When recently I read lines referring to "the worth of character" and "the obligation of duty," I thought of him and concluded that these words call attention to points which should be emphasized in this statement.

First and foremost a lawyer and judge, he has recognized by his actions that "a judicial career and a scandalous life simply do not mix;" that a judge's decisions must not only be obeyed but should be generally respected and that for his decisions and opinions to be respected he must so order his life as to earn an attitude of respect for himself as a person.

That he succeeded is evidenced by this issue of the *Nebraska Law Review*. On issues on which he needed to take a stand he has taken it without equivocation. When his voice was needed to give support to what was right and decent and proper or to oppose that which was wrong, he was neither silent nor on the sidelines.

In a time when the winds of change have swirled about all of us, Judge Carter has stood as a stabilizing influence for the principles of law and order and for the America he loves. Nowhere has the latter been more evident than in his leadership in Cornhusker Boys' State since its inception.

Not only the bench and bar, with whom he has been in almost daily contact for a longer period than any other person ever serving on the Nebraska Supreme Court, but more importantly our state and nation are indebted to Edward F. Carter for devoting his adult life to its service.

ROBERT VAN PELT

Judge, United States
District Court for the
District of Nebraska