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"HITCH YOUR WAGON TO A STAR"

UNIVERSITY OF NORTH DAKOTA
LAW SCHOOL
COMMENCEMENT ADDRESS
PRESENTED BY THE HON. MYRON H. BRIGHT
MAY 11, 1985

"HITCH YOUR WAGON TO A STAR"

MY MESSAGE TO YOU IS TITLED "HITCH YOUR WAGON TO A STAR."

WHILE THIS IMPERATIVE SENTENCE MIGHT SOUND LIKE A HIT SONG FROM A BROADWAY MUSICAL, THE LINES COME FROM THE 19TH CENTURY AMERICAN WRITER, RALPH WALDO EMERSON. HE WROTE IN PART:

HITCH YOUR WAGON TO A STAR. LET US NOT FAG IN PALTRY WORKS WHICH SERVE OUR POT AND BAG ALONE. LET US NOT LIE AND STEAL. NO GOD WILL HELP. WORK RATHER FOR THOSE INTERESTS WHICH THE DIVINITIES HONOR AND PROMOTE,--JUSTICE, LOVE, FREEDOM, KNOWLEDGE, UTILITY.

MY DISCOURSE HERE RELATES TO THREE STARS OR PRINCIPLES WHICH HAVE SERVED ME WELL, AND TO THE PEOPLE WHO TAUGHT ME THESE LESSONS. THE PRINCIPLES MAY BE STATED AS FOLLOWS:

1. BELIEVE IN YOURSELF.
2. YOU DON'T NEED TO BE VEXATIONOUSLY OPPRESSIVE TO BE A GOOD ADVOCATE AND TRIAL LAWYER.
3. SHARE THE SPOTLIGHT.

EACH OF THESE PRINCIPLES HAS A STORY THAT IS AUTOBIOGRAPHICAL, AND A SUPERSTAR BEHIND THAT STORY. I NOW SHARE WITH YOU THESE SIGNIFICANT EVENTS IN MY LIFE.

MY PROFESSIONAL CAREER BEGAN IN FARGO, NORTH DAKOTA. I STARTED THE PRACTICE OF LAW THERE IN 1947.

SPEAKING OF FARGO, I'M REMINDED OF A TRUE COURT STORY. THE QUESTION BEFORE THE COURT--LAY, HEANEY, AND BRIGHT--IN A SUIT INVOLVING ALIENATION OF AFFECTIONS WAS WHETHER THE HUSBAND HAD LOST THE AFFECTIONS OF HIS WIFE BECAUSE OF THE ACTIONS OF SOME OTHER MAN, THE DEFENDANT, OR FOR SOME OTHER REASON. THE LAWYER FOR THE DEFENDANT IS ARGUING THAT THE LOSS OF AFFECTION WAS FOR ANOTHER REASON, EXPLAINING--

THE COUPLE LIVED IN WHEATON, MINNESOTA AND HAD A GOOD LIFE. THEN THEY MOVED TO WAHPETON. LIFE WAS STILL GOOD. THEN THEY MOVED TO FARGO, WHERE THE HUSBAND GOT A NEW JOB AND THEN EVERYTHING WENT BAD.

JUDGE LAY COMMENTED: WELL, I CAN UNDERSTAND THAT. I'VE BEEN TO FARGO AND FARGO'S A DEPRESSING PLACE.

WELL, I COULDN'T LET THAT REMARK GO BY. I SAID, "WRONG AGAIN, JUDGE LAY."

IT IS IN FARGO THAT I INTRODUCE YOU TO MY FIRST SUPERSTAR, A LAWYER, MY FIRST EMPLOYER AND LATER MY PARTNER, A MAN BY THE NAME OF PHILIP B. VOGEL. THE BLANK LOOKS ON YOUR FACES TELL ME THAT

THE NAME MAY MEAN NOTHING TO YOU. YET, THIS MAN MAY HAVE BEEN ONE OF NORTH DAKOTA'S GREATEST LAWYERS. INDEED, IN MY VIEW, HE QUALIFIES AS ONE OF THE FINEST LAWYERS THAT I HAVE EVER MET. IN APPEARANCE, TALL, 6'1", AND LEAN, HE REMINDED ONE OF A MARLBORO MAN, BUT PHILIP WAS WITHOUT A MUSTACHE. IN INTELLECT, HE WAS THE RENAISSANCE MAN WITH KNOWLEDGE IN A VARIETY OF SUBJECTS--THE LAW AND ITS LORE, MUSIC, LITERATURE AND THE ARTS. HE EVEN POSSESSED A MOST COMPLETE SET OF STATISTICS ON MAJOR LEAGUE BASEBALL PLAYERS.

PHILIP VOGEL SPRANG FROM HUMBLE BEGINNINGS IN A RURAL SETTING AT PERHAM, MINNESOTA, AND GRADUATED FROM THIS VERY LAW SCHOOL 51 YEARS AGO. BUT PHILIP BELIEVED IN THE ADAGE ONCE ENUNCIATED BY JUSTICE HOLMES:

**YOUR EDUCATION BEGINS WHEN WHAT IS CALLED YOUR
EDUCATION IS OVER.**

MY MEMORY TAKES ME BACK TO MY EARLY DAYS AS A LAWYER. FRESH OUT OF LAW SCHOOL, GRADUATING IN 1947, I THOUGHT I KNEW A LOT OF LAW. AFTER ALL, I WENT TO LAW SCHOOL UNDER A FOUR-YEAR PROGRAM, NOT THREE AS YOU GRADUATES. YET CRAMMED WITH KNOWLEDGE, I KNEW

NOT WHAT TO DO WITH THIS STUFF. I MUST HAVE BEEN THE MOST UNCERTAIN OF THE UNCERTAIN LAWYERS. I SEEMED PLAGUED WITH DOUBTS AS TO HOW TO ANSWER THE LEGAL PROBLEM PRESENTED TO ME.

I WATCHED PHILIP. HE SEEMED SO ASSURED. HE WAS RIGHT ALMOST ALWAYS--HE WON ALMOST ALL CASES THAT HE TRIED. HE WON JUST ABOUT EVERY APPEAL. WHEN HE SETTLED, HE SETTLED ON FAIR TERMS FOR HIS CLIENT. WHY AND HOW, I WONDERED.

SO ONE DAY, EARLY IN MY CAREER, I ASKED, "PHILIP, HOW DO YOU DO IT?"

LET ME SHARE HIS WISDOM. WE WERE TALKING, AS WE OFTEN DID, IN HIS OFFICE. HE EXPLAINED HIS PHILOSOPHY OF ADVOCACY, "MYRON," HE SAID, (ONLY HE CALLED ME MYRON--TO OTHERS, I WAS "MIKE" OR MAYBE JUST "HEY THERE.")

WHENEVER I GET A LEGAL PROBLEM OR A CASE, I STUDY THE PROBLEM AND DO EXTENSIVE RESEARCH. THEN I MAKE UP MY MIND WHAT I SHALL DO, AND THEN DO IT. I'M USUALLY RIGHT BECAUSE I BELIEVE I'M RIGHT. I LEAVE NO STONE UNTURNED TO PROVE I'M RIGHT, AND 90% OF THE TIME, IN THE END, I WIN. "MYRON," HE SAID, "BELIEVE IN YOURSELF."

BELIEVE IN YOURSELF. NOW, I GRANT YOU, THIS PRINCIPLE SOUNDS EASY. DOES IT WORK? I SHALL NOW PROVE TO YOU THAT IT DOES.

THE YEAR IS 1955. THE PLACE IS A FARM NEAR ELLIOT, IN SOUTH-CENTRAL NORTH DAKOTA. WILLIAM DICK, A FARMER, AGE 47, MARRIED, A FAMILY MAN, DIES A VIOLENT DEATH FROM TWO BLASTS FROM HIS OWN DOUBLE-BARRELLED, TWO-TRIGGER, 12 GAUGE SHOTGUN. THE GUN HAD SEPARATELY DISCHARGED TWICE, ACCORDING TO CIRCUMSTANTIAL EVIDENCE--THE FIRST SHOT NOT FATAL, STRIKING HIM IN THE LEFT CHEST; THE SECOND BLOWING OFF THE LEFT SIDE OF HIS FACE AND HEAD. THE CORONER'S VERDICT SAID SUICIDE, SO DID THE CORONER'S JURY.

NEW YORK LIFE INSURANCE COMPANY CARRIED LIFE POLICIES WITH DOUBLE INDEMNITY PROVISIONS ON MR. DICK. IT REFUSED TO PAY DOUBLE INDEMNITY BENEFITS AMOUNTING TO \$7,500 TO THE WIDOW, BLANCHE DICK. MRS. DICK ASSERTED THAT, "MY HUSBAND LOVED LIFE AND WOULD NOT HAVE TAKEN HIS OWN." PHILIP VOGEL, BY REFERRAL GOT THE CASE. HE CAREFULLY INVESTIGATED THE FACTS AND LAW. PHILIP

AGREED WITH MRS. DICK. HE SUED NEW YORK LIFE ON BEHALF OF MRS. DICK SEEKING DOUBLE INDEMNITY BENEFITS. PHILIP WAS RIGHT, AT LEAST AT FIRST. A NORTH DAKOTA JURY IN FEDERAL DISTRICT COURT RULED FOR HIS CLIENT, MRS. DICK.

NOT SO FAST, PHILIP. NEW YORK LIFE APPEALED THAT ADVERSE JUDGMENT. WHERE? TO THE EIGHTH CIRCUIT IN ST. LOUIS, MY COURT (BUT I WAS NOT THERE THEN).

CAN YOU GUESS WHAT HAPPENED? THREE WISE, BUT AGED, JUDGES HEARD THAT APPEAL. JUDGE SANBORN, BORN IN 1883 AND THEN (IN FEBRUARY 1958) 75 YEARS OF AGE; JUDGE WOODROUGH, THEN 85 YEARS OLD; AND JUDGE HARVEY JOHNSON, THEN A YOUNGSTER OF 63, AS THE PANEL--REVERSED.

IN THEIR SAGE WISDOM, THE PANEL, THROUGH JUDGE SANBORN, SAID:

MR. DICK'S DEATH CANNOT BE RECONCILED WITH ANY REASONABLE THEORY OF ACCIDENT, AND UNDER THE EVIDENCE THE QUESTION WHETHER DEATH WAS ACCIDENTAL WAS NOT A QUESTION OF FACT FOR THE JURY. JUDGMENT FOR NEW YORK LIFE.

PHILIP ACTED LIKE LIGHTNING HAD HIT. LIKE A BOXER, HE WAS BLOODIED AND DAZED, BUT STILL UNBOWED.

HIS PARTNERS, INCLUDING THIS SPEAKER AND HIS OWN BROTHER, MART VOGEL, AGREED THAT THE EIGHTH CIRCUIT MUST BE WRONG, BUT NOTHING MORE COULD BE DONE. SURE, ONE MIGHT SEEK RELIEF IN THE UNITED STATES SUPREME COURT, BUT THIS CASE RESTED ON THE FACTS, AND THE SUPREME COURT HAD NEVER, WELL ALMOST NEVER AND FOR SURE IN THE LAST 50 YEARS, TAKEN A SIMILAR CASE. INDEED, NO NORTH DAKOTA CASE HAD REACHED THE SUPREMES IN THE PAST 25 YEARS. NEW YORK LIFE'S ATTORNEY SMILED IN VICTORY. BUT THEY DID NOT RECKON WITH PHILIP'S BELIEF IN HIMSELF AND HIS CAUSE.

PHILIP DRAFTED A SHORT, STRONG AND APPEALING PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT. IT WAS 8 PAGES IN LENGTH, BUT EVERY WORD BESPOKE THE SINCERITY OF BELIEF BY THE WRITER IN THE JUSTICE OF HIS CAUSE AND THE INJUSTICE OF THE RESULT OF THE EIGHTH CIRCUIT. IN ESSENCE, PHILIP ASSERTED THAT UNDER NORTH DAKOTA LAW THERE EXISTED A PRESUMPTION AGAINST SUICIDE AND FOR ACCIDENTAL DEATH, THAT PRESUMPTION HAVING AFFIRMA-

TIVE WEIGHT AS EVIDENCE. THUS, THE EIGHTH CIRCUIT HAD COMMITTED ERROR IN DEPRIVING MRS. DICK OF HER CONSTITUTIONAL RIGHT TO TRIAL BY A JURY. THAT PETITION MOVED THE WARREN COURT. WONDER OF ALL WONDERS, THE COURT GRANTED THE WRIT AND CALLED THE CASE UP FOR REVIEW. AND PHILIP WENT TO WASHINGTON TO ARGUE THAT CASE.

I PAUSE FOR A VIGNETTE. PHIL'S ASSOCIATE, DONALD HOLAND OF FARGO, THEN OF LISBON, NORTH DAKOTA, TELLS THE STORY. TWO YOUNG PRIESTS HEARD THE ARGUMENT, APPROACHED PHILIP AND ASKED IF HE WAS THE LAWYER WHO ARGUED THE DICK CASE. PHILIP ASSURED THEM THAT HE WAS. ONE SLAPPED HIM ON THE BACK SAYING, "GOD BLESS YOU. WE'LL SAY PRAYERS FOR YOU TONIGHT."

THE PRAYERS MUST HAVE WORKED. ON MAY 18, 1959, MR. CHIEF JUSTICE WARREN, DELIVERED THE OPINION OF THE COURT. "WE BELIEVE," SAID THE OPINION, "THAT REASONABLE MEN COULD CONCLUDE THAT RESPONDENT (NEW YORK LIFE) FAILED TO SATISFY ITS BURDEN THAT DEATH RESULTED FROM SUICIDE." EIGHTH CIRCUIT, REVERSED. IT HAS BEEN SAID THAT CHIEF JUSTICE WARREN CARRIED A SOFT SPOT IN HIS HEART FOR WIDOWS, ORPHANS AND RAILROAD WORKERS. IT MAY BE NOTED THAT WARREN'S FATHER WORKED FOR THE SOUTHERN PACIFIC RAILROAD.

SO FROM MY FIRST SUPERSTAR, PHILIP VOGEL, I LEARNED AN IMPORTANT LESSON. I SHARE THAT PRINCIPAL WITH YOU. PREPARE WELL. BELIEVE IN YOURSELF AND YOU'LL BE PROVED RIGHT MOST OF THE TIME. I LEARNED BY EXAMPLE. I HAVE NOT BEEN AN UNCERTAIN LAWYER FOR A VERY LONG TIME, NOR HAVE I BEEN, IN MY VIEW, AN UNCERTAIN JUDGE.

FOR THE SECOND STAR TO WHICH YOU MIGHT HITCH YOUR WAGON, I TURN TO ANOTHER GREAT NORTH DAKOTA LAWYER. HE CARRIED THE UNLIKELY NAME OF POWLESS. POWLESS W. LANIER, JR. BUT EVERYBODY CALLED HIM JUST PLAIN BILL. BORN IN TENNESSEE, HE CAME TO NORTH DAKOTA AT THE AGE OF TEN, ATTENDED PUBLIC SCHOOL AT JAMESTOWN AND RECEIVED HIS UNDERGRADUATE EDUCATION AT THIS GREAT UNIVERSITY OF NORTH DAKOTA. BILL RECEIVED HIS LAW DEGREE AT GEORGE WASHINGTON LAW SCHOOL IN WASHINGTON, D.C. AND SERVED AS A MARINE OFFICER IN WORLD WAR II. HE PRACTICED LAW IN THIS STATE FOR MORE THAN 40 YEARS UNTIL HIS DEATH LATE LAST YEAR. BILL WAS MR. EVERYTHING--A PROFESSIONAL BASEBALL PITCHER, A GREAT SINGER, A CONSUMMATE POLITICIAN, AN AVID FAN OF THE NORTH DAKOTA SIOUX HOCKEY TEAM, BUT MOST OF ALL, A GREAT TRIAL LAWYER AND A WONDERFUL HUMAN BEING.

IT WAS MY PRIVILEGE AND SOMETIMES MY REGRET TO TANGLE WITH BILL MANY TIMES IN MY CAREER AS A LAWYER. WE WERE OPPONENTS IN THE LAW, BUT ALWAYS FRIENDS.

HE TAUGHT ME A MOST VALUABLE LESSON IN ADVOCACY AND THAT IS THAT ONE DOES NOT NEED TO BE A VEXATIONOUSLY OPPRESSIVE LAWYER TO SERVE A CLIENT.

BECAUSE THIS IS A COMMENCEMENT SPEECH, I USE SOMEWHAT RESTRAINED LANGUAGE LIKE VEXATIONOUSLY OPPRESSIVE. WHAT I REALLY MEAN IS THAT A LAWYER DOESN'T NEED TO BE A "HORSE'S A__" TO BE A GOOD TRIAL LAWYER OR ADVOCATE.

I RECALL AN INCIDENT EARLY IN MY CAREER THAT MAY PROVE THE POINT. BILL AND I HAD BEEN HAGGLING OVER A PENDING LAWSUIT SCHEDULED FOR TRIAL IN THE FEDERAL COURT. BILL REPRESENTED THE PLAINTIFF AND I THE DEFENDANT. WE COULD NOT AGREE ON MUCH OF ANYTHING, PARTICULARLY, THE SETTLEMENT NATURE OF THAT CASE. ONE DAY BILL CAME TO MY OFFICE FOR ANOTHER MEETING ON THE CASE. HE OFFERED AN UNUSUAL PROPOSAL. HIS CONVERSATION WENT SOMETHING LIKE THIS:

MYRON, I HAVE AN IDEA ON HOW WE MIGHT REACH A SETTLEMENT. I MAKE THIS PROPOSAL TO YOU BECAUSE OUR PAST DEALINGS HAVE ALWAYS BEEN FAIR. I WOULD NOT DO IT OTHERWISE.

I WILL PUT ON A PIECE OF PAPER BEFORE ME THE LOWEST FIGURE I WILL RECOMMEND TO MY CLIENTS (3 OF THEM) IN SETTLEMENT OF THESE CLAIMS FOR BODILY INJURIES. AT THE SAME TIME, YOU PUT ON YOUR PAPER THE HIGHEST FIGURE YOU WILL RECOMMEND TO YOUR CLIENT, THE INSURANCE COMPANY, WILL PAY. THEN, WE'LL EXCHANGE PAPERS.

AFTER A PAUSE, I AGREED. BILL WROTE HIS FIGURES. I WROTE MINE WE EXCHANGED.

LO AND BEHOLD, BILL WROTE \$13,000. I REMIND YOU THAT WAS 30 YEARS AGO WHEN \$13,000 MIGHT BE LIKE \$75,000 TODAY. I HAD WRITTEN \$14,000.

"WELL," SAYS, BILL, "THAT'S EASY. WE'LL SPLIT THE DIFFERENCE AND SETTLE FOR \$13,500."

AND WE DID.

A FEW DAYS BEFORE MY FRIEND BILL DIED LAST OCTOBER, WE VISITED. WE RECALLED THAT INCIDENT OF 30 YEARS AGO. I RELATED THAT I HAD JUST LECTURED TO A CLASS IN PROFESSIONAL RESPONSIBILITY AT THE UNIVERSITY OF MINNESOTA SCHOOL OF LAW AND TALKED ABOUT

THE GOOD RELATIONSHIP THAT SHOULD EXIST BETWEEN ATTORNEYS
OPPOSING EACH OTHER.

ONCE AGAIN, HIS VOICE BOOMED OUT. "MYRON, I REMEMBER THAT
INCIDENT WELL. YOU ARE SO RIGHT. YOU DON'T HAVE TO BE A HORSE'S
REAR END TO BE A GOOD LAWYER."

LET THAT LESSON SINK IN.

FOR THE THIRD STAR TO HITCH YOUR WAGON, THE PRINCIPLE WHICH
I LEARNED FROM A POLITICIAN, IF FOLLOWED, I BELIEVE WILL MAKE FOR
A VERY SUCCESSFUL INTERPERSONAL AND PROFESSIONAL RELATIONSHIPS.
THAT PRINCIPLE IS "SHARE THE SPOTLIGHT."

I LEARNED THIS PRINCIPLE FROM A GENUINE SUPERSTAR--A NAME
THAT ALL HERE WILL INSTANTLY RECOGNIZE. JOHN F. KENNEDY, 35TH
PRESIDENT OF THE UNITED STATES.

BUT THIS PRINCIPLE STEMS FROM A TRUE INCIDENT, ALSO HAPPEN-
ING IN NORTH DAKOTA, FOUR MONTHS BEFORE THE 1960 PRESIDENTIAL
ELECTION. LET ME SET THE SCENE.

THE FIRST TIME I MET SENATOR KENNEDY WAS IN 1958 IN
BISMARCK, NORTH DAKOTA. WE PASSED ON A STAIRWAY, HE WAS ABOUT TO
SPEAK AT A POLITICAL MEETING. I HAD LEFT THE MEETING SOMEWHAT

ANGRY BECAUSE THE DEMOCRATIC PARTY IN NORTH DAKOTA HAD REFUSED TO ENDORSE MY FRIEND QUENTIN N. BURDICK FOR UNITED STATES CONGRESS. HE NEVERTHELESS RECEIVED THE NOMINATION IN THE PRIMARY ELECTION.

MY WIFE AND I WERE ABOUT TO PASS BY JOHN KENNEDY. THE STATE DEMOCRATIC CHAIRMAN INTRODUCED US. WE EXCHANGED "HOW DO YOU DO'S" OR SOMETHING SIMILAR. AFTER WE PASSED BY, MY WIFE MUTTERED, "HUMPH, HE NEEDS A HAIRCUT!"

WHAT A BEGINNING.

SCENE II, FEBRUARY 1960. SENATOR KENNEDY AND I MET AGAIN AT JAMESTOWN, NORTH DAKOTA. AT THAT TIME, JOHN KENNEDY HAD ANNOUNCED HIS INTENTION TO SEEK THE DEMOCRATIC NOMINATION FOR PRESIDENT. AFTER HEARING HIS SPEECH, I ENTHUSIASTICALLY JUMPED ON HIS CAMPAIGN BANDWAGON.

SCENE III, JUNE 19-20, 1960--THE GREATEST DAYS IN FARGO POLITICAL HISTORY, FOR DURING THOSE TWO DAYS, BOTH JOHN F. KENNEDY AND RICHARD M. NIXON CAME TO FARGO TO SPEAK DURING A HEATED CAMPAIGN FOR AN UPCOMING SPECIAL U.S. SENATE ELECTION TO

BE HELD JUNE 28 TO FILL THE VACANCY CAUSED BY THE DEATH OF THE LATE SENATOR WILLIAM LANGER. KENNEDY ARRIVED FIRST, SUNDAY, JUNE 19, TO HELP CELEBRATE A BIRTHDAY PARTY FOR THE DEMOCRATIC CANDIDATE, MY FRIEND QUENTIN N. BURDICK, WHOM I MENTIONED EARLIER. BURDICK AND JOHN DAVIS, THE GOVERNOR OF NORTH DAKOTA, A REPUBLICAN, CONTESTED FOR THE VACANT SENATE SEAT. BURDICK HAD BEEN ELECTED AS A CONGRESSMAN TWO YEARS EARLIER, THE FIRST DEMOCRAT FROM NORTH DAKOTA EVER ELECTED TO THAT OFFICE.

BECAUSE THE NORTH DAKOTA SENATE ELECTION COULD BE THE BELL-WEATHER FOR THE PENDING NATIONAL PRESIDENTIAL CAMPAIGN, NATIONAL INTEREST FOCUSED ON OUR RACE AND ON NORTH DAKOTA. SENATOR STUART SYMINGTON OF MISSOURI, THEN A PRESIDENTIAL HOPEFUL, ALSO CAME TO FARGO FOR BURDICK'S BIRTHDAY PARTY. LYNDON JOHNSON, THEN SENATOR JOHNSON, AND SENATOR HUBERT H. HUMPHREY SENT REPRESENTATIVES. BUT JOHN F. KENNEDY (JACK) HAD BEEN CHOSEN TO SPEAK AT BURDICK'S BIRTHDAY PARTY.

DURING SUNDAY MORNING, JUNE 19, 1960 (FATHER'S DAY), SYMINGTON AND BURDICK APPEARED AT A "JOINT" AIRPORT PRESS CON-

ERENCE. BUT THE PRESS ADDRESSED ITS QUESTIONS ONLY TO SYMINGTON. POOR CONGRESSMAN BURDICK. THERE HE SAT LIKE A SILENT BUMP ON A LOG. NO ONE ASKED HIM A QUESTION. ONLY SYMINGTON GOT THE PRESS AND TV COVERAGE.

THE SCENE SHIFTS TO THE AFTERNOON, FOLLOWING A GIGANTIC PUBLIC BIRTHDAY PARTY FOR QUENTIN BURDICK. SENATOR KENNEDY AND SENATE CANDIDATE BURDICK STOP AT A FARGO HOME FOR REFRESHMENTS BEFORE GOING ON TO ANOTHER JOINT PRESS CONFERENCE.

MY FRIEND JOHN MURPHY AND I ARE REVIEWING THE FORTHCOMING PRESS CONFERENCE WITH OUR FRIEND QUENTIN BURDICK. THE CONVERSATION GOES SOMETHING LIKE THIS:

BURDICK: TO HELL WITH IT. I'M NOT GOING. I'LL LOOK LIKE A REAL CHARLIE MCCARTHY DUMMY. NO ONE WILL ASK ME ANYTHING.

BRIGHT: QUENTIN, YOU MUST GO. IT'S YOUR CHANCE TO MAKE AN IMPACT.

MURPHY INTERRUPTS: HOLD IT. JACK, SENATOR KENNEDY, WE NEED TO TALK TO YOU.

SENATOR KENNEDY WALKED OVER TO OUR AREA. JOHN MURPHY EXPLAINS QUENTIN'S DILEMMA. JOHN F. KENNEDY'S WORDS, I NOW REPEAT. THEY HAVE BEEN ETCHED IN MY MEMORY:

KENNEDY: QUENTIN, DON'T WORRY ABOUT IT. YOU COME WITH ME AND APPEAR ON THAT PRESS CONFERENCE. WE SHALL WORK IT OUT TOGETHER.

AND QUENTIN DID ATTEND THE PRESS EVENT. I REMEMBER IT WELL. BURDICK AND KENNEDY FACED THE MEDIA. BUT THE MEDIA PEOPLE AGAIN QUESTIONED ONLY KENNEDY. WAS ANOTHER PRESS FIASCO IN THE MAKING? THE THOUGHT CROSSED MY MIND.

AFTER INITIAL QUESTIONS, THE FARM ISSUE SURFACED. A REPORTER ASKED SENATOR KENNEDY, "WHAT CAN BE DONE TO RAISE FARM PRICES?" THE FARMERS THEN, AS NOW, WERE IN DEEP TROUBLE, THEN UNDER FARM POLICIES OF THE EISENHOWER ADMINISTRATION, WITH WHAT WERE CALLED AGRI-BUSINESS POLICIES OF THE THEN SECRETARY OF AGRICULTURE EZRA TAFT BENSON. AGRI-BUSINESS, WHAT DOES THAT MEAN? PRESIDENT TRUMAN ONCE DESCRIBED THOSE POLICIES IN A SPEECH AT MINOT BY SAYING: "AGRI-BUSINESS, THAT MEANS THEY ARE GIVING THE FARMERS THE BUSINESS."

KENNEDY GAVE A SHORT RESPONSE TO THE QUESTION, THEN THIS: CONGRESSMAN BURDICK KNOWS A LOT MORE ABOUT FARMERS' PROBLEMS THAN I DO." HE TURNED TO BURDICK, "CONGRESSMAN BURDICK," HE SAID, "WHAT DO YOU THINK CAN BE DONE TO RAISE FARM PRICES?"

MY FRIEND SENATOR BURDICK ROSE TO THE OCCASION, WITH A FINE STATEMENT. FROM THEN ON THE QUESTIONS CAME RAPID FIRE TO BOTH KENNEDY AND BURDICK. BOTH PERFORMED MAGNIFICENTLY. THE PRESS CONFERENCE HIT NATIONAL TELEVISION. PICTURES OF THE BURDICK BIRTHDAY PARTY WITH BURDICK, KENNEDY AND SYMINGTON RIDING TOGETHER APPEARED IN EVERY DAILY NEWSPAPER IN THE COUNTRY, EVEN THE NEW YORK TIMES. THE AFFAIR LATER IN THE WEEK DREW A DOUBLE-PAGE PICTURE SPREAD IN LIFE MAGAZINE.

KENNEDY LEFT ON MONDAY MORNING, JUST AS NIXON ARRIVED. WE HAD THE FIRST TRAFFIC JAM IN FARGO HISTORY NEAR THE AIRPORT.

ABOUT TEN DAYS LATER, THE PEOPLE OF NORTH DAKOTA VOTED FOR A NEW SENATOR. BY ABOUT ONE-HALF VOTE PER PRECINCT, ABOUT 1100 VOTES, BURDICK DEFEATED HIS OPPONENT AND ENTERED THE UNITED STATES SENATE. HE IS STILL THERE 25 YEARS LATER.

THERE HE WAS, JOHN F. KENNEDY, A NATIONAL FIGURE, FRESH FROM HIS TRIUMPH IN THE DEMOCRATIC PARTY PRIMARIES, THE LAST ONE THE DIFFICULT WEST VIRGINIA PRIMARY, SHARING HIS SPOTLIGHT WITH A LITTLE KNOWN CONGRESSMAN FROM NORTH DAKOTA. THAT INCIDENT EMPHASIZED AN IMPORTANT PRINCIPLE IN HUMAN RELATIONS.

THAT SMALL INCIDENT IN POLITICAL HISTORY WAS CAPTURED BY LIFE MAGAZINE IN A PHOTOGRAPH TAKEN AT THAT PRESS CONFERENCE. THE PHOTOGRAPHER SNAPPED HIS LENS FROM THE SIDE, AND THE PICTURE SHOWS THE BACK OF BURDICK'S HEAD WITH THE ELBOW OUTSTRETCHED, BUT HIS HAND ON HIS FOREHEAD. ETCHED WITHIN THE TRIANGLE MADE BY THE CROOK OF HIS ARM IS THE HANDSOME FACE OF JOHN R. KENNEDY. A PRINT OF THAT PICTURE HANGS PROMINENTLY IN MY CHAMBERS IN FARGO, AS I OFTEN LOOK AT THAT PICTURE AND RECALL THE KENNEDY PRINCIPLE. "SHARE THE SPOTLIGHT WITH OTHERS."

I HAVE OFTEN REFLECTED ON THAT PHILOSOPHY AND HAVE TRIED TO FOLLOW IT. IT HAS SERVED ME WELL. I COMMEND IT TO YOU.

THERE YOU HAVE IT. THREE PIECES OF WISDOM WHICH HAVE PLAYED AN IMPORTANT PART IN MY LIFE FROM PHILIP VOGEL, BILL LANIER, AND JOHN F. KENNEDY. ALL ARE NOW DEAD. YET FOR ME, THOSE SUPERSTARS STILL SHINE. I STILL TRY TO APPLY THEIR WISDOM AND PRINCIPLES HERE STATED.

IN A FEW FLEETING MOMENTS, THE CLASS OF 1985, OF THE UNIVERSITY OF NORTH DAKOTA LAW SCHOOL, DIPLOMAS IN HAND, WILL

MARCH OUT OF HERE. AS YOU GRADUATES MARCH UP THESE AISLES, YOU REPRESENT A WAVE OF LAWYERS OF THE FUTURE. FOR YOU I REVIEW THESE WORTHWHILE PRINCIPLES.

1. BELIEVE IN YOURSELF. PHILIP B. VOGEL
2. ONE NEED NOT BE VEXATIOUSLY OPPRESSIVE-- THAT IS A HORSE'S REAR END--TO BE A GOOD ADVOCATE AND TRIAL LAWYER. BILL LANIER
3. SHARE THE SPOTLIGHT . JOHN F. KENNEDY.

LADIES AND GENTLEMEN, I SUGGEST, "HITCH YOUR WAGON TO A STAR."