

DALE E. SAFFELS, U. S. District Judge, District of Kansas<sup>1</sup>

By Jim Garner

He was born in the rocky land of black jack oaks in Moline, Kansas, on August 13, 1921. He would go on to be a distinguished public servant for the people of Kansas. But for Dale E. Saffels, the top priorities of life were most reflected in the love he had for his family and the deep faith he held in God.

His love for his wife Elaine (Margaret Elaine Cowger Deiter) was clear to anyone who spent time with them -- they were devoted to each other and supported each other. They were married on April 2, 1976. Dale had three children from a previous marriage – daughters Suzanne Gravitt and Deborah Godowns and a son Jim Saffels. Elaine had two children, Christopher Cowger and Lynda Harris. Dale was always eager to share the latest update of the accomplishments of his children and his grandchildren.

Faith also played a major role in Dale’s life. He was a devout Lutheran – an active member of the Lutheran Church, Missouri Synod. He started each day reading from the Bible and the *Portals of Prayer* publication. He often said that his success in life benefited greatly from the women in Moline who prayed for him as he grew up.

Dale was an avid letter writer. If you shared an event with him, it would not be surprising to receive a thoughtful and nice letter from him – whether you were the President, a member of his family or the guy who picked up his trash.

Dale’s first act of public service was in the military. He volunteered for the Army in 1942, being sworn into service on his 21<sup>st</sup> birthday. On February 19, 1943, he was commissioned a second lieutenant in the U.S. Army’s Signal Corps. He served in Europe during World War II commanding the 1373<sup>rd</sup> Signal Company and obtained the rank of Major by the end of his military service in 1946.

After returning from the service, he completed his education. He was a good student. He graduated from Emporia State Teachers College in 1947 with a degree in history and business. He graduated *cum laude* in August of 1949 from Washburn University School of Law. He valued the Kansas universities and had a deliberate bias of hiring law clerks who were graduates of Kansas schools.

He began and for many years maintained his law practice in Garden City, Kansas. He said he chose Garden City “because I could get an inexpensive office and it was a beautiful city.” He later practiced law in Wichita (1975-79) with the firm of Gott, Hope, Gott and Young. He was also associated with Robert Tilton’s law firm in Topeka during the early 1970s. However, his

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<sup>1</sup> For more thorough and complete information on the life of Judge Saffels, the reader is encouraged to consult the 1996 court biography – [Biography of the Honorable Dale Emerson Saffels, Senior United States District Judge](#), by Robert W. Richmond, United States District Court, District of Kansas, 1996. The publication was used as a great reference for this abbreviated biography.

true calling was using his talents for public service.

Dale E. Saffels was as devout in his politics as he was in this faith, and he was as deeply a Democrat as the state he lived in was Republican. He was elected Finney County Attorney in 1950 and reelected in 1952. In 1954, he defeated an incumbent Republican to win a seat in the Kansas House of Representatives. He represented the Garden City area in the Kansas House for four terms (1955-63). He was chosen by his peers in the legislature to serve as Democratic Leader.

During his time in the legislature he supported a state retirement plan for public employees, he worked to make Wichita University a state institution, and he was an early advocate for public education television in Kansas. He was also known as a proponent of good government – supporting legislative reapportionment even though it was not popular in most of western Kansas, pushing election law and conflict of interest reforms, and arguing for a fairer tax structure.

Dale Saffels ran a strong race for Governor in 1962 against incumbent Governor John Anderson, Jr. The campaign is credited for strengthening the Kansas Democratic Party and helped lay the groundwork for the election of Robert Docking as Governor in 1966. In 1967, Governor Docking appointed Dale to the Kansas Corporation Commission, which is the regulatory agency overseeing the utilities in the state. He served eight years (1967-75) on the Commission, serving as chairman of the Commission from 1968. Thereafter, he was appointed chairman of the Federal Home Loan Bank of Topeka.

Dale's political career was marked by his caring for the people he represented and for his commitment to fairness – traits that would be evident during his service on the bench.

On May 18, 1979, President Jimmy Carter nominated Dale Saffels to fill a new judgeship for the District of Kansas – the position was created as a result of the Omnibus Judicial Act enacted in 1978. Dale received the strong support for the position from Kansas U.S. Senators Robert J. Dole and Nancy Landon Kassebaum. He was confirmed by the U.S. Senate on November 2, 1979 and was sworn in on November 16, 1979. He was assigned to the court in Kansas City, Kansas, and later in 1989 relocated his chambers to Topeka.

U.S. District Judge Dale E. Saffels was a workhorse on the court. He moved cases expeditiously. The late Chief Judge Earl E. O'Connor commented that Judge Saffels "has consistently, year after year, disposed of more cases than any other judge."<sup>2</sup>

Most notably, Judge Saffels loved the courtroom. He was happiest as a judge when he was presiding over a trial. His desire was to have trials being held as much as possible. He would set many cases for trial at the same time to ensure that even if most of the cases settled, the court's time would not be wasted by not having a trial.

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<sup>2</sup> Presentation of the Portrait of Dale E. Saffels, 756 F. Supp. LXVII, LXXIV (Nov. 16, 1990).

Judge Saffels genuinely cared about jurors. He wanted a juror's experience to be a positive one. He often would tell them that there are three great duties of citizenship – voting, serving in the military at times of war, and service as jurors. He looked forward to personally visiting with the jurors after the end of their service in a trial. He would invite them back to his chambers and visit with them about their experience. This helped him, as well, in handling future cases.

U.S. Magistrate Judge Gary Sebelius noted Judge Saffels as an example at his Installation Ceremony. Judge Sebelius said: “Although he [Saffels] was most modest in terms of public speaking engagements, by his actions he demonstrated that in a courtroom, lawyers should be allowed to try their cases; jurors should always be respected; and, above all, equal justice under the law was the rule.”

Judge Saffels was involved in many significant cases important to the history of the federal court in Kansas. Here are a few noted examples.

In Lisa Dunn v. Raymond Roberts, et al., No. 90-3138, 768 F. Supp. 1442 (D. Kan. 1991), *aff'd* 963 F.2d 308 (10<sup>th</sup> Cir. 1992), he granted a new trial to a prisoner because she had not been provided psychiatric expert advice in the presentation of her defense. The case was retried and she was acquitted. The case played a significant role in the development of the “battered woman syndrome” as a defense in U.S. jurisprudence.

In Lewis “Toby” Tyler v. City of Manhattan, No. 93-4030, 857 F. Supp. 800 (D. Kan 1994), Judge Saffels was one of first to interpret and apply the new Americans with Disabilities Act (ADA). He held that city owned facilities must be accessible to persons with disabilities and that city sponsored events must be held in places accessible to persons with disabilities. The City of Manhattan, Kansas, had failed to comply with the law. This ruling resulted in many municipalities changing the design to their public facilities and prompted the installation of curb cuts to make sidewalks accessible.

Helen Woodson v. Owen Sully, No. 85-3049, involved a class action suit filed by prisoners in the Wyandotte County jail and resulted in the construction of a new jail facility in Kansas City, Kansas. The suit showed overcrowding and other deficiencies in the old facilities in the county. In 1987, the parties negotiated a stipulated consent decree and the court retained jurisdiction to ensure compliance with the agreed judgment. A new modern jail facility was constructed as a result. See 801 F. Supp. 466.

Judge Saffels handled a good number of higher profile cases which received news media coverage. Among such cases were the following.

Securities Exchange Commission v. George Platt, et al. (including Barry Switzer), No. 83-0225. This was a case alleging insider trading in violation of SEC regulations out of the Western District of Oklahoma. It involved the legendary football coach Barry Switzer as a defendant. Switzer was coach at the University of Oklahoma at the time and later coached the NFL's Dallas Cowboys. The Oklahoma judges disqualified themselves. Judge Saffels took over the case and after a week's trial, he ruled from the bench in favor of the defendants, including Switzer. See

565 F. Supp. 1244 (W.D. Okla. 1983).

The case of Franklin Savings Association et al. v. Office of Thrift Supervision, et al., No. 90-4054, 742 F. Supp. 1089 (D. Kan 1990) *rev'd*. 934 F.2d 1127 (10<sup>th</sup> Cir 1991), *cert. denied* 503 U.S. 937 (1992), was a complex case that received news coverage by the *New York Times* and the *Wall Street Journal*. The case arose during the time of the Savings and Loans scandals. The Office of Thrift Supervision took over the largest savings and loan operation in Kansas and placed it in conservatorship. After a bench trial lasting 18 days, Judge Saffels ruled that the regulatory agency wrongly over stepped its authority and ordered the return of the institution to its owners. The decision was overturned by the Tenth Circuit Court of Appeals. Judge Saffels' decision received much attention in various law review articles.

The CBS news magazine *60 Minutes* did a story about the case Cunningham v. Subaru of America, No. 85-2621, 684 F. Supp. 1567 (D. Kan. 1988). This products liability case resulted in a jury verdict of \$1.8 million against the car manufacturer. The plaintiff was injured while riding in the back of a Subaru Brat, a truck vehicle with rearward facing seats located in the vehicle's bed. The judge set aside the verdict and granted a new trial.

The case of Marcia Tomson v. Robert Stephan, No. 85-4485, 705 F. Supp. 530 (D. Kan. 1989) involved a breach of confidentiality claim based on a previous settlement agreement in a sexual harassment case involving the Attorney General of Kansas. The plaintiff obtained a \$200,000 verdict against the Attorney General.

Judge Saffels also handled the voluminous habeas corpus litigation for the District Courts in Kansas. These cases concern petitions from prisoners in state and federal institutions challenging their convictions or treatment. The judge handled all these cases in Kansas from 1980 to 1995 – as of January 1, 1995, he had handled 3,754 of these cases.

At the requests of the Chief Justice of the U.S. Supreme Court, Judge Saffels was appointed to the Committee on Financial Disclosure of the U.S. Courts in 1992. The committee monitored compliance with the mandatory reporting requirements of judicial employees to prevent conflicts of interest. The judge also was designated to sit on panels of the Tenth Circuit Court of Appeals in Denver on several occasions.

Judge Saffels took senior status on November 16, 1990, and his official court portrait was hung in the U.S. District Courthouse in Topeka on that day. At that event, the late Senior U.S. District Judge Frank G. Theis shared that Judge Saffels demonstrated the “qualities of fairness, firm but pleasant demeanor to lawyers, litigants, and jurors and the public alike, courage and confidence of decision, and a sense of justice which are the attributes of a good judge.”<sup>3</sup>

Even after taking senior status, Judge Saffels continued to carry a heavy caseload. He loved to work and desired to continue do his part to help the court move cases along the process – only taking a short break each year to deep sea fish off Padre Island. He worked hard up until the last

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<sup>3</sup> Presentation of the Portrait of Dale E. Saffels, 756 F. Supp. LXVII, LXXXI (Nov. 16, 1990).

year of his life, when his health deteriorated.

Judge Dale E. Saffels died on Thursday, November 14, 2002, at age 81. He is buried in the cemetery in Moline, Kansas.

Dale Saffels was a straightforward, hard-working man who was raised during the depression in small town Kansas. He loved his family, kept true to his deep faith in God, and genuinely cared about people. He made the most of his many talents and opportunities to serve his fellow Kansans with honor and distinction. He left a positive impact on the federal court – setting an example for future judges to follow.