

VOLGA GERMAN ATTORNEYS IN AND FROM ELLIS COUNTY

By James L. Forsythe and Judge Thomas L. Toepfer

The early Volga Germans relied upon local attorneys and German-speaking friends for assistance with legal issues and continued to do so for many years. Legal assistance was needed for land transactions, for difficulties with law enforcement, and for civil issues. Local newspapers noted the tendency for lawsuits among the Volga Germans. An example would be the civil action brought by the Legleiter brothers a year or so after they arrived. The Legleiter brothers homesteaded south of the Smoky Hill River in Ellis County. They pursued civil redress against the Scot colonist George Grant because his cattle had roamed free and far from Grant's Victoria Colony. Grant's cattle without benefit of fence to restrain them had roamed southwestward many miles and had trampled the Legleiter's crops. The Legleiters lost their case.

Sometimes the Volga Germans used individuals knowledgeable of legal issues though perhaps not trained in law. For instance, John Schlyer assisted many, thus the name Russa-vater that was used by the Volga Germans to praise him. Slowly, men began to attend law schools, and St. Louis University Law School with its Jesuit legal scholars was one destination for Volga German students. The numbers increased after World War II, and the Volga German students attended law schools at the University of Kansas, Northwestern University, Harvard University, the University of Oregon, the University of Colorado, Columbia University, Denver University, the University of Missouri at Kansas City, the University of Tulsa, the University of Notre Dame, Western New England College, Regis University in Denver, the University of Maryland, and Washburn

University in Topeka, Kansas. In 2003, many of the attorneys of Volga German ancestry in Ellis County received law degrees from Washburn University.

Jacob Bissing led the way in seeking an office related to the legal field. He was elected Probate Judge in 1910 and in 1926. After his election in 1926, Volga Germans held the office until 1964. Peter Holzmeister followed Bissing's second term and was succeeded by Alexander Meier, Robert F. Glassman, and Simon Roth, Jr. Though qualifications changed over the years, these men made their marks in the office. Peter Holzmeister attended the Diocesan Seminary, Saratov, Russia, and later St. Benedict's College, Atchison, Kansas, for four years, graduating in 1893. Alexander Meier attended the Capuchin Seminary in Pennsylvania and later attended Fort Hays State and received a Life Certificate to teach. He was County Superintendent from 1899 to 1905, and was elected Probate Judge in 1939. Robert F. Glassman, who was elected in 1950, attended Fort Hays Kansas State College and the Washburn University School of Law. Simon Roth, Jr., who was elected in 1958, received an A.B. degree from Fort Hays Kansas State College and a law degree from Washburn University School of Law.

Two early attorneys, though not Volga Germans but who assisted the Volga Germans and who were elected County Attorney of Ellis County with the help of the voters in the Volga German villages, were Jacob H. Simminger and Jacob M. Wiesner. Simminger's family moved to Wisconsin to Hays City in about 1884. On June 14, 1903, he married Mary Ann Bird, brother of John S. Bird, editor of the *Ellis County News* and grandfather of Hays attorney John T. Bird. He taught school in Rawlins County, then moved to St. Louis and attended St. Louis University School of Law, receiving his law

degree in 1909. In 1910, he was elected County Attorney and held the office for four years. He died during the flu epidemic in 1918.

Wiesner served as County Attorney from 1919 to 1923. He attended school in Ellis and later attended the Normal School in Hays, graduating in 1910. He then moved to St. Louis and attended the Law School at St. Louis University. The Jesuit priests assisted him in his room and board at the school. Upon completing his work in 1914, he moved to Topeka, served in World War I, and then became Ellis County Attorney.

Both of these attorneys were Roman Catholic and belonged to the Knights of Columbus. Their religion and their party affiliation placed them in good stead with the Volga Germans in Ellis and Rush counties.

Fredolin F. Wasinger, son of Frank S. Wasinger of Victoria and Mary Veronica Kisner Wasinger of Pfeifer, was the first Volga German elected as County Attorney. He attended St. Joseph College for his high school training and then received a bachelor's and a law degree from Washburn University. He was elected County Attorney in 1946 and served four years.

Norbert R. Dreiling succeeded Wasinger as County Attorney in 1950 and served four years. Dreiling was an outstanding student at St. Joseph's Military Academic and at Fort Hays Kansas State College and then attended law school at Washburn University. Dreiling became probably the best known of the Volga German attorneys in Ellis County due to his outstanding work in politics from the local to national level.

Simon Roth, Jr., was elected County Attorney in 1954. Like Dreiling, Roth attended St. Joseph's and Fort Hays State before receiving a law degree from Washburn University. He was elected Probate Judge in 1958. Robert F. Glassman, who was Probate

Judge, was elected County Attorney in 1958. The much decorated and seriously wounded World War II veteran was a Captain in the Infantry and served in the Pacific Theater.

The succession of Volga Germans serving as County Attorney was broken in 1960, but two years later, they held the office once again. Gregory J. Herrman, whose father Henry F. Herrman as a well-known and respected attorney in Hays, was elected in 1962. He also attended St. Joseph's. Later he attended St. Louis University, like some of the early attorneys in Ellis County, and received his law degree. Don C. Staab, who received a law degree from Washburn University, followed Herrman in 1964, but again the succession was broken when Steven P. Flood was selected in 1966. Roth was again elected in 1970 and was followed by Kenneth L. Weltz who was elected in 1976. Weltz received a Bachelor of Arts degree from St. Mary of the Plains College in Dodge City, Kansas, and a J.D. from Western New England College School of Law. He was elected only for one term.

In the past quarter of a century, John C. Herman was elected in 1980, Robert E. Diehl in 1982, Glenn R. Braun in 1988, and Tom Dress in 1996. For over fifty years, with the exception of an occasional Republican success or an appointment, Volga Germans had held the office of County Attorney.

Volga German attorneys also held other positions, such as prosecutor. Richard J. Rome, served as Hutchinson City Prosecutor. Some served as city attorney in Hays or Victoria, such as Fredolin Wasinger, Ben Brungardt, Simon Roth, Jr., Don Staab, Robert F. Glassman, and Dennis L. Beiker. Thomas L. Toepfer served as Hays City Prosecutor from 1975 to 2000. Toepfer is the grandson of Anthony Kuhn who served as Superintendent of Public Schools from 1909 to 1913.

Several Volga Germans have held positions as Judges, such as Lawrence H. Rohleder, District Judge, 20th Judicial District, and Thomas L. Toepfer, who was elected District Judge, 23rd Judicial District, in 2000. Richard J. Rome became Magistrate Judge, Reno County, in 1973.

Other attorneys of Volga German heritage served in other capacities and in other areas. Dan Dreiling received his law degree from the University of Kansas, and was then employed by the Federal government. Michael Dreiling received a law degree from Washburn University and became an attorney for the Insurance Department of the State of Kansas. He was appointed by Republican Governor Robert Bennett to be a member of the Kansas Highway Advisory Commission. Robert F. Glassman, in addition to being Probate Judge and County Attorney, served as City Attorney for Hays. Dennis L. Beiker served as Hays City Prosecutor as well.

Henry F. Herman, a Republican, was born in 1890. After terms as State Representative, 89th District, and County Attorney, Rush County, he served as Assistant City Attorney and then City Attorney. Richard Rome was an Assistant U. S. Attorney for a year. Doug Roth, son of Simon Roth, Jr., began as Assistant District Attorney, Sedgewick County, in 1978, soon after graduating from the Washburn University School of Law. He was elected a Sedgewick County District Judge in 2000. His sister Denise Roth graduated from Washburn University School of Law in December 1976, and a news story reported that she began practice as an Associate Attorney in the law office of Vern Miller in Wichita. Robert Roth, son of Joseph P. Roth and Victoria Kippes Roth, served as Assistant Attorney General, State of Kansas, 1956-1958, and United States Attorney for

the District of Kansas 1969-1975. Simon Roth, Jr., in addition to his various elected offices, was Commissioner on the Kansas Civil Rights Commission, 1974-1975.

Most of the Volga German attorneys were very active in community type activities. As examples of such activity, Thomas L. Toepfer was Director, Topeka Neighborhood Youth Corps, 1973-1974, Assistant Director of Federal Projects, Topeka Public Schools, and Director, E.S.E.A. Title I Project, Topeka Public Schools, while pursuing his law degree at Washburn University. He also served on the Hays Public School Board and as a Director of St. Anthony Hospital and Hays Medical Center. Michael P. Dreiling was a Board Member, Housing Authority of the City of Liberal. Roger J. Staab served on the Workmen's Compensation Committee, Missouri Bar Association. Ben Brungardt served on the Hays School Board. Over the years, a number of the Volga German attorneys exercised public service by serving on school boards.

In recent years, Volga German women have joined the legal profession as the gender barrier falls. Earlier, Josephine Wolf Rupp served as Democratic Vice-Chairman for the Sixth Congressional District as Volga German women began breaking down the gender barrier in politics, and now Volga German women study law. Two women will serve as examples. Denise Roth, graduate of Marian High School in Hays, completed her law degree at Washburn University and immediately began practicing law in Wichita in 1982. Erma C. Schmidt was reported as a Law Clerk for district judges in Denver after completing the J.D. at Denver University.

Many served in veterans organizations and held leadership posts, and some are still active. For example, Robert F. Glassman was Commander, Veterans of Foreign Wars, Post #9076, Hays, and is a member of the American Legion. Hubert R. Kuhn, who received a

Juris Doctor's degree from Northwestern University in 1950 and who began practice in Wichita, was a member of the Veterans of Foreign Wars. Likewise, Lawrence H. Rohleder was a member of the American Legion and the Veterans of Foreign Wars as was Simon Roth, Jr.

The Volga German attorneys have been active in politics, primarily in the Democratic Party, but since World War II, there has been an increase in Republicans among the ranks of the Volga German attorneys. However, one of the early Republican attorneys was Henry F. Herman, who was born in Liebenthal in Rush County and who began law practice in 1915. He practiced in both Rush and Ellis counties. One of his sons was Henry E. Herman who practiced law in Ellis County as well as in Liberal, Wichita and in Tulsa, Oklahoma. He was described in a written eulogy as "an ardent Republican." He served as precinct committeeman as well as other positions within the Republican Party.

Robert J. Roth served as an Administrative Assistant to United States Senator James B. Pearson, Republican of Kansas. Tom Wasinger, son of Francis A. "Whitey" Wasinger, held a number of positions in the Young Republican National Federation in 1976. After he returned from various positions in Washington, D.C., he took over the operation of his father's abstract company and served as Second District Commissioner from 1989 to 1993. In an interview in the *Ellis County Star* of February 14, 1985, Wasinger noted that he was no longer in the political scene in Washington, D.C., but "Right now the only thing I plan to do is help Senator Bob Dole in his reelection efforts in two years. I still enjoy politics."

Many of the Volga German attorneys have engaged actively in politics locally, statewide, and nationally. For instance, the *Hays Daily News* of September 20, 1960,

carried the story that Herb Rohleder, son of Clara Rohleder of Hays, had been named Barton County Campaign Manager for Governor George Docking. Gregory J. Herrman, a dedicated Democrat was the son of Henry R. Herrman and brother of Henry E. Herman, both Republicans. Gregory Herrman served as chairman of the Ellis County Democratic Party and helped campaign statewide for Robert Docking for governor. He was elected Ellis County Attorney on the Democratic ticket. Richard J. Rome was President of the Reno County Democratic Club and was also a Democratic Precinct Committeeman. Ken Weltz was State Secretary of the Kansas Young Democrats 1968-1969. Fredolion F. "Fritz" Wasinger, Ellis County Attorney from 1946 to 1951, was nominated as the Democratic candidate for the Sixth Congressional District in 1951 and nominated as the Democratic candidate for the Kansas Supreme Court in 1956. A Volga German attorney who helped direct Wasinger's 1951 campaign was Norbert Dreiling, probably the most powerful Volga German Democrat of his time in politics.

Norbert Dreiling's father Richard A. Dreiling was Ellis County Clerk in the early 1940s, so Norbert grew up in politics. He joined the Young Democrats while attending Washburn University Law School. He became Ellis County Democratic Chairman in 1950 and later was District Chairman for Northwest Kansas. He was instrumental in getting John F. Kennedy to visit Hays when the young Massachusetts Democrat was seeking the presidential nomination on the Democratic ticket. Dreiling campaigned tirelessly for Kennedy in 1960 and for Lyndon Johnson in 1964.

While campaigning for "Fritz" Wasinger for the Sixth Congressional District, Dreiling determined that the Northwest District as well as the state Democratic Party needed better organization. From the disorganized party of the early 1950s, Dreiling

brought order and organization, and from the early 1960s for over twenty years helped direct the fortunes of the party. He organized the successful campaign of Robert Docking for Governor of the State of Kansas, a position that Docking held for eight years. Dreiling served as the Democratic State Party Chairman for eight years. Dreiling was appointed in January 1986 as chairman of Lt. Governor Tom Docking's gubernatorial campaign committee.

What made Norbert Dreiling successful and what made so many of the other Volga German attorneys, both Democrat and Republican, successful was their concern for people and paying attention to local issues. As one reviews the records of many of the Volga German attorneys in Ellis County as well as those who practice law in Kansas and elsewhere, one notes the community involvement in charitable and civic organizations such as the American Cancer Society and the Jaycees, in clubs such as the Elks, Eagles, and Lions, in veterans clubs such as the American Legion and the Veterans of Foreign Wars, religious activities such as members of the Knights of Columbus and serving on church committees, in helping education through service to school boards, and in helping youth by working in the Boy Scouts of America and by being Cub Masters.

Norbert Dreiling also was instrumental in organizing the 1976 centennial celebration of the arrival of the Volga-Germans in Ellis County. He authored *Unsere Leute 100, the Official Centennial History of the Volga German Settlements in Ellis and Rush Counties in Kansas, 1876-1976*. He also wrote, produced, and directed, with assistance from attorneys Thomas L. Toepfer and John T. Bird, the pageant presentation of "Unser Leute—Exodus to Freedom" in Gross Coliseum on the campus of Fort Hays State

University. The three performances of the pageant on July 29, 30, 31, 1976, were given before packed houses each night in the 8,000-seat Gross Coliseum.

Father Matthew Pekari, O.F.M. Cap., stated in an article in the *Hays Daily News* of October 8, 1951, that, while the German-Russian colonists on the Volga had some self-government, the Volga Germans faced a language problem in America and Kansas, so they focused on local issues. Norbert Dreiling was quoted in an article in the *Hays Daily News* of January 15, 1986, that Democrats have been successful in politics in Kansas because they kept their finger on the pulse of the local people. That is one factor that has made the Volga German attorneys so successful in Ellis County and elsewhere—they know local issues and understand the local problems of their clients.

Today, the descendants of the Volga Germans who made the dangerous trip from Russia to Kansas are well represented in the legal profession in Ellis County. Nearly one-half of the attorneys in Ellis County are of Volga German ancestry. In 2003, they are especially represented in two of the largest law offices in Hays. The law firm of Dreiling, Beiker, and Hoffman has five attorneys: Norbert R. Dreiling, senior partner, Dennis L. Beiker, Donald F. Hoffman, Melvin J. Sauer, Jr., and Robert E. Diehl. The second law firm with majority Volga German ancestry representation is Glassman, Bird & Braun LLP. Attorneys in the firm are Robert F. Glassman, senior partner, John Bird, Glenn R. Braun and Greg Schwartz. Other law firms are as large, such as Jeter Law Firm LLP, with attorneys Norman W. Jeter, senior partner, Joseph W. Jeter, William W. Jeter, and Kimberly Wolf Renyer. Although the Jeter Law Firm does not have a Volga German heritage, Norman Jeter, elected Ellis County Attorney in 1938, has a long association with

the Democratic Party and close association with Volga German attorneys, and has a long record of statewide political activity.

The Volga German attorneys continue to be political as well as legal forces within Ellis County, whether Democrat or Republican. And they still hew to the early views within the Volga German communities that everything is local, and they flourish within the county and nearby area.

SOURCES: Ellis County Bar Association records in the District Court Offices, Ellis County Court House, Records, Ellis County Clerk, ECCH, Archives, Fort Hays State University, Volga German materials in the Ethnic Studies Collection, FHSU, and newspapers such as the *Ellis County Star*, *Hays Daily News*, and *Ellis County News*.