



Presentation of Portrait

HONORABLE
C. ARLEN BEAM

United States Court of Appeals
for the Eighth Circuit

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Friday, April 20, 2001
9:37 a.m.

Proceedings

MICHAEL GANS: All rise. The Honorable, the Judges of the United States Court of Appeals for the Eighth Circuit.

Hear ye, hear ye, hear ye. The United States Court of Appeals for the Eighth Circuit is now in session. All persons having business before this Honorable Court may now draw near and they will be heard.

God save the United States and this Honorable Court. Please be seated.

CHIEF JUDGE WOLLMAN: Good morning. My colleagues and I welcome you to this ceremony in honor of our friend and colleague, the Honorable C. Arlen Beam.

Before turning the program over to the master of ceremonies, Judge O'Hara, I would like to introduce the members of the Court and several members of our staff who are here this morning.

To my immediate right is the Honorable Richard S. Arnold from Little Rock, Arkansas, who has been on the Court since 1980 and who has served—who served as Chief Judge from 1992 to 1998.

To my immediate left is the Honorable George Fagg from Des Moines, Iowa, who has been a member of the Court since 1982.

To Judge Arnold's right is the Honorable Pasco M. Bowman from Kansas City, Missouri. Judge Bowman has been on the Court since 1983 and served as Chief Judge from 1998 to 1999.

To Judge Fagg's left, immediate left, is the Honorable James B. Loken from Minneapolis, Minnesota. Judge Loken has been with the Court since 1990.

To Judge Bowman's right is the Honorable David R. Hansen from Cedar Rapids, Iowa, who has been a member of the Court since 1991.

And to the far left is the Honorable Morris S. Arnold from Little Rock, Arkansas, who has been with us on the Court since 1992.

I would also like to introduce Judge Fagg's wife Jane and my wife Diane. Would you stand and be recognized?

(Applause)

CHIEF JUDGE WOLLMAN: From the Court here this morning you have already met Mr. Gans, our Clerk of Court. Ms. Millie B. Adams is here, our Circuit Executive. Dick Gilyard from—who is the Assistant Circuit Executive for Space Planning from our St. Paul office is here. We are especially glad that he's here because he did so much work with the architects and with Judge Beam on designing this building and especially the facilities for our Court.

And then reporting the proceedings this morning is David Francis.

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Dick, Millie, and Michael and Mr. Francis, would you stand and be recognized, please?

(Applause)

CHIEF JUDGE WOLLMAN: This ceremony continues the tradition our Court has established of having a portrait presented shortly after a member of the Court takes senior status. As we all know, Judge Beam took senior status on February 1st of this year, and so it is most fitting that we gather here this morning to acknowledge his service to the federal judiciary and to our Court.

The presentation of a portrait at this point in a judge's career commemorates not only the judge's past service to the Court but also stands as a reminder that the judge will continue to render service to the Court and to the nation by carrying a substantial case load.

Indeed, Judge Beam has told us that he plans to carry a full case load during the remainder of this year. We are especially grateful for him—to him for doing that because our Court now has three vacancies.

As many of you know, Judge Arnold took senior status the first of April, and Judge Fagg's seat has been vacant since he took senior status the first of May of 1999.

The tradition of presenting a portrait also reflects the collegial nature of an Appellate Court. Although the members of our Court come from each of the seven states that compose the Eighth Circuit, we are as one when we gather to hear cases in St. Louis, St. Paul, Kansas City and here in Omaha. The presence of Judge Beam's portrait here in this courtroom and in this courthouse will serve as a reminder of the collegiality and the friendship that make service on this Court such a privilege and an honor.

It is all the more fitting that this ceremony is being held in this beautiful courtroom, for Judge Beam devoted untold days and hours in helping to plan the facilities here and in our chambers in this building for our Court. We owe him a special debt of gratitude. He will always be able to say, in the words of Sir Frederick Pollack, "The work of my hands is there."

We hope that as our Court once again regains full strength that we members of the Court will be able to hold regular sessions of our Court here in Omaha in this marvelous building and in these splendid facilities.

With that, then, I will call upon the Honorable James P. O'Hara, United States Magistrate Judge for the District of Kansas, and who served as one of Judge Beam's former law clerks, to act as master of ceremonies. Judge O'Hara.

(Applause)

MAGISTRATE JUDGE O'HARA: Thank you, Judge Wollman.

May it please the Court, ladies and gentlemen:

Today we celebrate and honor C. Arlen Beam's distinguished career in the service of the United States. Before unveiling the Court's official portrait of Arlen Beam, the judge, we'll hear from family, friends and colleagues who hopefully will help us paint a portrait of Arlen Beam, the man.

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However, before proceeding any further, at this time I would like to recognize Gary McFarland, the Clerk of the United States District Court for the District of Nebraska to deliver today's invocation.

GARY McFARLAND: Please join with me in prayer.

Great and Mighty God, we come to You today in thanks with praise in our hearts, for You have given us a country that is governed by laws and not by men. You have given us legal system which allows all persons the opportunity to resolve differences in a forum without violence. You have given us a country where we are free to worship, free to associate, free to gather and free to express our ideas.

As we gather today for this portrait unveiling, may we be reminded of all the blessings which You have bestowed upon us.

We thank You today for the service that Judge Beam has rendered to his country and to this Court. We thank You for the presence of his family, friends, distinguished guests and colleagues as we gather to recognize him and to unveil his portrait. In Your name. Amen.

MAGISTRATE JUDGE O'HARA: Thank you, Gary.

We have a number of honored guests and dignitaries in attendance with us today, and I will introduce them in just a moment. However, Judge Beam has asked that I express on his behalf his heartfelt gratitude to all of his family and friends who have joined him on this auspicious occasion. Of course, it's always a special occasion when the Eighth Circuit Court of Appeals, which is charged with the responsibility of hearing cases throughout a seven-state area, convenes here in Omaha to hear oral argument as it did just yesterday in this fine new courthouse. We obviously welcome the judges of the Eighth Circuit and hope they come back often.

In addition to the Eighth Circuit, we are pleased to have with us many other members of both the federal and the state judiciary as well as several state and local elected officials.

First I would like to introduce the Federal Judges of the District of Nebraska. As I name each of them, I would ask that they please stand and be recognized along with their family members who might be with them and that they remain standing until the entire group is acknowledged. Similarly, I would request that the audience please hold its applause until all of these judges have been introduced.

First we have Judge Richard Kopf, the Chief District Judge of the District of Nebraska, followed by Judge and Ms. Warren Urbom, Senior District Judge of Lincoln. Next we have Judge Lyle Strom who is a Senior Judge here in Omaha who is accompanied by his daughter Cassie who I'm pleased to include as one of my childhood friends from here in Omaha. Next we have Judge and Mrs. William Cambridge who is a retired District Judge and also a former Chief Justice of the Nebraska Supreme Court who resides here in Omaha.

JUDGE CAMBRIDGE: Not Chief Justice. District Judge.

MAGISTRATE JUDGE O'HARA: I'm sorry. My notes are wrong. We promoted you, Your Honor.

JUDGE CAMBRIDGE: The Justices are back there.

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MAGISTRATE JUDGE O'HARA: We do have a few of those, too. Thank you very much.

JUDGE CAMBRIDGE: Thank you.

MAGISTRATE JUDGE O'HARA: Thank you very much. In addition to the District Judges, we have David Piester who is the Senior Magistrate Judge who sits in Lincoln. Next is Judge Kathleen Jaudzemis, Magistrate Judge here in Omaha, followed by Tom Thalken, also a Magistrate Judge here in Omaha. In addition, I believe we have Judge and Mrs. Timothy Mahoney of Lincoln—excuse me—of Omaha. Judge Mahoney is the Chief Bankruptcy Judge here in the District of Nebraska.

Ladies and gentlemen, the judges of the Federal District Court here in Nebraska.

(Applause)

MAGISTRATE JUDGE O'HARA: Judge Beam's influence obviously extends beyond this district. We are also pleased to have with us District Judges from other districts who are close friends of Judge and Ms. Beam.

In this respect I would like to introduce Judge and Mrs. John B. Jones from the District of South Dakota. They reside in Sioux Falls. Welcome.

Next we have a good friend of mine and colleague for the last year, the Honorable Sam A. Crow, Senior District Judge from Topeka, Kansas, along with his wife Ruth. We welcome them here as well.

And finally, in terms of visiting dignitaries, we have the Honorable Andrew W. Bogue, a Senior District Judge from the District of South Dakota. Judge Bogue sits in Rapid City, and he's here with his son Steve Bogue, I believe. Don't hide back there. We acknowledge everybody. Thank you very much.

(Applause)

MAGISTRATE JUDGE O'HARA: Although Judge Cambridge did not want to lay claim to being the Chief Justice of the Nebraska Supreme Court, we do have the current Chief Justice of that august body, the Honorable John Hendry, and we also—Excuse me. Let's hold our applause for all of these state judges for just a moment.

Judge Beam has given me very distinct instructions to get this ceremony over in a timely manner.

In addition to Justice Hendry, we have Kenneth Stephan, also a Justice of the Nebraska Supreme Court. Maybe he was delayed. I think we had a late indication he might not be here. Justice Michael McCormack of the Nebraska Supreme Court. We also have Justice and Mrs. William Hastings, a former Chief Justice of the Nebraska Supreme Court. We are also joined by Norman Krivosha, former Chief Justice of the Nebraska Supreme Court. In addition, we have Mrs. Margaret Caporale filling in for her husband, the Honorable J. Nick Caporale, former Supreme Court Justice here in Nebraska who was unable to attend. And finally, we have—at least I think we were planning to have the Honorable Richard B. Sievers, Judge of the Nebraska Court of Appeals.

Ladies and gentlemen, the judges of the Nebraska State Court system.

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(Applause)

MAGISTRATE JUDGE O'HARA: In addition to the judiciary, we have several elected officials as I mentioned before. I would ask that they please stand and be acknowledged and that the audience hold its applause until we have all of these folks identified and accounted for.

First we have Don Stenberg, the Attorney General of the State of Nebraska. We have Mayor and Mrs. Donald Wesley, the Mayor of Lincoln.

I believe we were expecting a couple of other folks who may have been detained.

In addition to these elected officials, we have the two major law schools here in the state represented. Steve Willborn, the Dean of University of Nebraska College of Law and Patrick Borchers, the Dean of the Creighton University School of Law; and finally, a person who has played an instrumental role in Judge Beam's judicial responsibilities, I would like to acknowledge James Hewitt who is a former member of the American Bar Association's Judicial Qualifications Committee for the Eighth Circuit.

(Applause)

MAGISTRATE JUDGE O'HARA: Our featured speakers in a moment will relate some special insights about Arlen Beam. For context, however, please allow me to provide a brief summary of the milestones of this man's interesting life and career.

Clarence Arlen Beam was born on January 14, 1930, in Stapleton, Nebraska. His formative years were during the Great Depression and World War II. He graduated from the University of Nebraska in June of 1951 with a Bachelor of Science degree in architecture. One month following his graduation, he exercised the consummate good judgment by marrying the lovely Betty Fletcher Beam. In a few short months from now, Judge and Mrs. Beam, who are the proud parents of five fine sons, will celebrate their 50th wedding anniversary, and we extend our best wishes to them on that occasion.

(Applause)

MAGISTRATE JUDGE O'HARA: At this time I would ask that Judge and Mrs. Beam and their immediate family, as well as all of their extended family members on both sides, please stand and be recognized.

(Applause)

MAGISTRATE JUDGE O'HARA: We have a late-breaking development. I am pleased to announce that Mayor Hal Daub, the Mayor of the fine City of Omaha is with us. I'm sure this is a busy season.

(Applause)

MAGISTRATE JUDGE O'HARA: Following Arlen Beam's graduation from college, he entered the active service of the United States Army. He served on active duty from 1951 until 1953 in the Korean War, first as a platoon leader and later as an executive and commanding officer assigned to a unit that built bridges for combat troops.

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After completing his tour of active duty he continued to serve in the Army Reserves ultimately rising to the rank of Captain in 1964.

In September of 1953, soon after leaving active military service, Arlen Beam entered the University of Nebraska's College of Law. He had to leave law school, however, in June of 1954 to help support his family and to find a way to finance his legal education. After several years, working in such varied capacities as a seed corn salesman and an advertising manager, he returned to law school and ultimately graduated in June of 1965.

Soon after graduation, Judge Beam entered the private practice of law in Lincoln with the law firm of Chambers, Holland & Dudgeon where he worked for six years, first as an associate and very quickly after that as a partner in the firm.

Later from 1971 until 1982, he was a partner in the law firm of Knudsen, Berkheimer, Beam, Richardson & Endacott. His law practice emphasized litigation, primarily products liability and medical malpractice defense work.

President Ronald Reagan appointed Arlen Beam to the United States District Court for the District of Nebraska. He commenced service as a District Judge in January of 1982. Four years later he became the Chief Judge and held that position until President Reagan elevated him to the Eighth Circuit on November 9th, 1987.

After nearly six years of distinguished service as a trial judge on the district bench and 13 years of equally distinguished service as a Circuit Judge on the Court of Appeals, Judge Beam assumed senior status on February 1st of this year.

As Judge Wollman indicated a moment ago, however, true to the rule that no good deed shall go unpunished, he continues to draw a full load of cases.

In addition to his substantial judicial responsibilities, Judge Beam has remained active in state and local Bar Association activities. Further, since 1979, he has served as a Commissioner on the prestigious National Conference of Commissioners on Uniform State Laws. Most recently he chaired that conference's project designed to amend the Uniform Rules of Evidence.

Judge Beam has also served as a member and chair person of various important committees of the United States Judicial Conference and several Eighth Circuit Committees including those dealing with information technology, federal public defender services and death penalty habeas corpus matters. Throughout Judge Beam's tenure as a Federal Judge, he has treated all persons, litigants, attorneys, judges and staff alike, respectfully and courteously.

He has complemented his consistently high level of preparation with the facts of each case that comes before him with sound legal analysis and good old-fashioned common sense. Without fail in his nearly 700 written opinions on the Eighth Circuit, Judge Beam has expressed himself clearly, concisely and forcefully. In short, ladies and gentlemen, Arlen Beam is a good, wise and decisive judge.

Now, as frequently is the case, good people tend to draw other good, effective people to work for them. This certainly has been true of Judge Beam. During his 19 years as a Federal Judge, he has had a total of 45 attorneys serve as his law clerks. In the interest of time I will decline to formally introduce each of those folks. I would, however, direct your attention to your programs which notes each of their names, time of service and current place of residence. I would, however, ask that all

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of those clerks who are in attendance, and many have come from a considerable distance, please stand for a moment, and if they remain standing as I would like to offer a few brief remarks on our collective behalf. If all the clerks would please stand at this time.

In hiring and training these people, I would submit to you that Judge Beam has been an outstanding role model and mentor. Leading by example and without ever commanding or lecturing, Judge Beam has instilled in all of these people a deep and profound respect for the critical role that the judiciary plays in maintaining our freedoms in this democratic society.

Each of these clerks, I'm certain, learned something unique and truly special during their time in service. Later in the program, we'll hear from two of them who will relate their special insights about Judge Beam. However, I'm certain that all of these clerks join me in today's public expression of our gratitude for everything Judge Beam has taught us and done for us, and most importantly, for his friendship.

Judge Beam, on this auspicious and happy occasion, we, your former law clerks, salute you, sir, and extend to you and Mrs. Beam our best wishes.

(Applause)

MAGISTRATE JUDGE O'HARA: Over his years on the bench, Judge Beam has also enjoyed the assistance of a very capable administrative staff.

At this time I would like to acknowledge those folks who have been so instrumental in assisting Judge Beam. Their names and titles as well as dates of service are also noted in your program. I would ask that all of these folks please stand at this time and be recognized. Mr. McFarland, Gini, we have the other people noted in the program. I would like to say, and she will probably shoot me for this later on. That's right. Don't be shy back there. I would like to say a special word about Gini here at this time. You know, as law clerks come and go, and as staffers come and go, the judge was left with Gini Russell. And for that, he ought to consider himself very fortunate indeed. Gini was borrowed from the Knudsen Berkheimer firm by the judge, and I don't think he's bothered to return her yet, but with her unique combination of strong organizational skills and good cheer, she's the one who has made sure that things run smoothly all the time in Judge Beam's chambers, and we are very gratified that she's with us today.

Now, at this time, lest our guest of honor get too comfortable, I would like to introduce to you some of our featured speakers. As Paul Harvey was so fond of saying during the years, they are here to tell you "the rest of the story."

Our first guest, after establishing a successful law practice in Lincoln, first entered public service in 1982 when he was elected to the Board of Commissioners of Lancaster County. He was elected to the Lincoln City Council in 1989. Two short years later the good citizens of Lincoln saw it appropriate to elect him to the position of mayor for a four-year term, and he was reelected in 1995. On January 7, 1999, he was sworn into office as the 38th Governor of the great State of Nebraska. Ladies and gentlemen, it is my pleasure to introduce to you Governor Michael O. Johanns.

GOVERNOR JOHANNS: Well, thank you very much for that introduction, and let me say good morning to everyone, and I appreciate that very warm welcome.

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It's indeed an honor and a privilege for me to be here today to have this opportunity to salute someone who I have known for many years, respected each and every one of those years, someone who is a great Nebraskan, really a great American, and a great keeper of the law, Judge Beam.

The portrait presentation is a longstanding tradition, as you know, and I'm proud to be here to not only experience it firsthand but to participate in some small way.

I also want to acknowledge and thank all of the judges and other officials that are here today. I would be remiss if I didn't just take a moment and say thank you to each and every one of you for your service to our state and to our country.

Of course, the main reason I'm here today is to offer my words of congratulations on behalf of the entire State of Nebraska to Judge Beam for your outstanding career and dedicated service to the Eighth Circuit, to our state and to the law. As you enter senior status, you will be missed greatly by peers in the entire legal community, but it sounds like you're not going to be missed much with that schedule you have.

Judge Beam, you have brought a sense of dignity and integrity to everything that you have done. You brought a common sense viewpoint to the bench. You blended just basic Nebraska values in your years of counsel and litigation experience into a highly effective personal and judicial style.

Over the years, you've lent yourself and your time and your wisdom to many worthwhile commitments that have already been mentioned.

As Governor of the great State of Nebraska, one of my responsibilities and duties under the law is the appointment of judges. I take that duty very, very seriously. The very foundation of our system of government are the laws by which we live. We need talented and dedicated people in judicial positions to help preserve that system and to make it the most fair and effective system that it can be.

Judges impact the lives of citizens each and every day. I want to make sure that judges I appoint understand that rule. Judge Beam is very definitely one of those judges.

When President Reagan first appointed Judge Beam to the U.S. District Court for Nebraska in 1982, in my judgment, the President exercised great judgment and found someone who epitomizes everything that a judge should be.

One final thought before I step aside. You can tell a great deal about a person if you look at his family, and Judge Beam is surrounded with a wonderful family. I know one of Judge Beam's sons very well, Greg. He was my western office director for several months before we asked him to come back to Lincoln in the very important role in our department of economic development. I want you to know, Judge, that Greg has meant a great deal to me, and his character and work ethic are a direct reflection on the father that we salute today.

Probably, Judge, and you know this, your greatest achievement is family and all of those individuals who stood here today and all of those people you touched in your life. You have left behind a great legacy.

Thank you.

(Applause)

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MAGISTRATE JUDGE O'HARA: Thank you, Governor. Our next featured speaker has enjoyed a truly distinguished career, literally for decades, not only in the legal profession but in the public service of the citizens of the State of Nebraska. He was a four-term Representative to the United States Congress from Nebraska's first district during the 1970s. Upon leaving Congress he was elected and served as Governor of the State of Nebraska from 1979 until 1983. Since leaving the governor's mansion he has been a senior partner in the prestigious Erickson Sederstrom law firm in Lincoln and Omaha. In addition he's a good friend of our guest of honor, Arlen Beam.

With pleasure, I now turn the podium over to the Honorable Charles Thone.

(Applause)

GOVERNOR THONE: Thank you, Judge.

May it please the Court, I'm pleased to follow you, Governor Johanns. You know, there is a rapidly concluding consensus that you're probably the second-best governor Nebraska ever had.

(Laughter)

GOVERNOR THONE: Hal Daub asked me to throw that in.

Most of you here will probably recall the firing of General Douglas MacArthur by President Harry Truman some 50 years ago. You know, "Dugout Doug," he was quite a guy, but he was making his own foreign policy out there for the Foreign Rim countries, and Truman decided that he, after all, was commander-in-chief, and so he recalled MacArthur and, in effect, summarily fired him. At the time, President Truman was way down in the polls, I think 22%, the lowest that any current President has ever been, and General MacArthur was the national, international world hero.

Well MacArthur came back with a flourish to the U.S. and he got a big tickertape parade in San Francisco on Market Street, and went to Chicago and Michigan Avenue and State Street, and then he had the granddaddy of all tickertape parades, the Big Apple in New York on Wall Street.

Senator Ken Wherry from Nebraska here, some of you knew him, he had General MacArthur come to the joint session of the Congress to give a farewell speech to the country, and it was a powerful, powerful speech, indeed, and he ended that talk, some of you remember, "Old soldiers never die. They just fade away." "Old soldiers never die. They just fade away."

Well, here I am again, and I'm living proof that old governors don't fade away until they die.

Judge Beam kind of suggested that I tell you how he joined the federal judiciary.

Now, it was Bismarck from Germany years ago who said, "There are a couple of things you never ever want to really see made. One is sausage and the other is our nation's laws," and that reminded me, Judge Arnold, Judge Richard Arnold, of your explanation of a UNL law class several years ago of how you got to be a Federal Circuit Court Judge.

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You know, it's kind of unique. Down at the end of the table is his brother who also serves on the Circuit Court. Judge Richard Arnold is a Democrat; Judge Arnold down over here is a good solid Republican.

Judge Arnold told the class that his brother's appointment was obviously political but that he was honored by merit; merit and the fact that he once served as the Administrative Assistant to the state's Senior U.S. Senator. Let me say right here with all sincerity, and I think I speak for a lot of people around here, that the high standing, the high regard of the U.S. Federal Judiciary bespeaks that the system obviously works, whether in the eye of the beholder it's politics or merit.

Sure, there are lots of philosophical differences, but when it comes down to the bottom line, you have uniformly good ethics, good scholarship, just everything that you really want in a judiciary.

Judge Beam and his super wife Betty and your speaker have been close friends for a long time. When Bob Denney—many of you knew Judge Denney—when he quit the bench, the vacancy was created which was to be filled. When his Congressional seat was vacated, the vacancy was to be filled by the Republican State Central Committee.

Judge Beam over here cleverly masterminded my landslide victory. The final vote, as Bill Palmer has kept telling me over the years, was Charlie Thone, 18; Bob Barnett, 17. Rather close. You had it figured rather close, Judge, but it was enough for a cigar, and it got me to Congress and then to the governorship.

I had been the first governor to endorse Ronald Reagan in 1979. I got in especially good with the White House and Attorney General Ed Meese. When a judgeship opened in 1981, the Justice Department did their thing, you know, with their bureaucratic thing, and Kay Orr at that time, who later was governor, was my chief-of-staff, and she came in one day and said, "Charlie, there is an official from the Department of Justice on the phone, and he wants three names suitable for appointment." I said, "Well, maybe I better talk to him, Kay," and the guy sounded like he was at least 25 years old, and I told him at that time—and this is a true story—I said, "Yeah, I'll give you three times. The first is C. Arlen Beam; second, C. A. Beam; third, Arlen Beam." I thought he was going to drop the phone right there and then. He said he had been doing this job for six months, and it never had happened before like that. I said, "Well, now it has."

When I suggested to him that he check with his superiors in the Justice Department, and then maybe with the Attorney General, well, a couple of weeks later, the name of C. Arlen Beam was sent to the Senate for confirmation.

Obviously, merit prevailed again, Judge Arnold.

Well, my allotted time has expired, and let me close with this: In recent years I have spent a lot of time working for the Nebraska State Bar Foundation and the National Conference of Bar Foundations. I have chaired both. We have worked conscientiously on improving the public image of lawyers, our wonderful and great profession. It's obvious—it's obvious to many of us that since the O. J. Simpson trial, the law image has been in somewhat of a freefall, much of it most unfair.

As I mentioned earlier, the federal judiciary has consistently been a professional bright spot for us, free of any justifiable criticism at all, and this is because of Federal Judges of the caliber of Arlen Beam.

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Judge Beam has honored the law because the law has honored him. He is always sharp, well organized, he is fair, he is undoubtedly the best hybrid seed hall of fame salesman who made it big in the law.

Seriously, Judge Beam is special, very, very special indeed.

(Applause)

MAGISTRATE JUDGE O'HARA: Thank you, Governor. Judge Wollman, with the Court's permission at this time, I would like to read into the record three very, very short letters from members of Congress on this happy occasion. All of these are addressed to Judge Beam.

The first is from the Senior Senator Chuck Hagel. It says as follows: "although I cannot be with you today to celebrate your portrait unveiling, I wanted to add my congratulations to those who are in attendance.

"Your many years of commitment and service to our judicial system during your distinguished service on the bench is an inspiration to all of us. Today's recognition is most appropriate.

"Thank you for your service to your country. Your friend, Chuck Hagel."

Next is from the Junior Senator from Nebraska, E. Benjamin Nelson. His letter states as follows: "congratulations on the unveiling and placement of your portrait at the Roman L. Hruska Federal Courthouse in Omaha. It is a great honor and well deserved. You have been a good and faithful servant of the law for many years, and now at this new juncture in your career, a fitting honor is bestowed upon you today in a place that you participated in developing, the new appeals courtroom.

"You have enjoyed a long and distinguished career and have left your mark on the judicial system here in Nebraska and in the United States. I commend you for the diligence and caring with which you executed your duties. You have left a legacy that will be hard to match.

"Best wishes for your continued success in everything that you do. Sincerely, E. Benjamin Nelson."

And finally, from Lee Terry, Congressman, he states as follows: "unfortunately, I cannot be with you today as you celebrate the presentation of your portrait. Congratulations.

"What a joyous occasion this is as your years of service on the United States Court of Appeals for the Eighth Circuit are honored. You have exemplified justice throughout your years on the bench and have served the public and the profession well with your pensive and intelligent interpretation of the law. You have been an example of the highest and best of a fair and impartial judiciary.

"Again, congratulations on this momentous event. As you take senior status, there is not a better time to recognize your diligent service.

"Thank you, Judge Beam. Sincerely, Lee Terry, Member of Congress."

Our next guest also has a very wide background in both law and politics. He served on the staff of United States Senator Roman Hruska for whom this courthouse is named and on the staff of Congressman Robert Denney whom Judge Beam succeeded as a District Judge here in Omaha and for whom it was my privilege to clerk as well.

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In addition to his successful Lincoln law practice, representing clients in the Unicameral and before various administrative agencies, he was selected to serve recently along with Judge Beam on the National Conference of Commissioners on Uniform State Laws.

Ladies and gentleman, allow me to introduce to you a former law partner and a close personal friend of Arlen Beam, Mr. Larry Ruth.

(Applause)

LARRY RUTH: May it please the Court, Judge Beam, Betty and family, Governors Thone and Johanns and guests:

When we were asked to speak, I think it was Bob Rossiter who made the telephone call after Judge Beam started out, and Bob said, "Hold it down to three to five minutes if you can," and when I got here this morning, I said, "Well, I think I have six minutes." Well, we thought that might be okay, and then about halfway through Judge—rather—Governor Thone's presentation, he said, he leaned to me and he said, "I don't think you have to worry, Larry."

Randy Beam saw me a little earlier this morning, and he acknowledged that I would be speaking, and he asked if I was being well compensated. I said I was, but that was in the past; that I had been compensated as I was being taught by Judge Beam. And, of course, that's why I'm here today to talk a little bit about those of us who served with Arlen. I say served with Arlen. That almost sounds like the military, doesn't it, Arlen?

As noted, Judge Beam began the private practice of law in 1965 in Lincoln with Chambers, Holland & Dudgeon. He became a partner and then worked through the merger of that firm to form Knudsen, Berkheimer, Endacott & Beam in 1971. It is from that firm that he left the private practice in 1982 to become the Federal District Court Judge, and he took my secretary, Gini Potts. But in all fairness, she was his secretary also.

Judge Beam, here are some of my thoughts on having you as a colleague while we practiced law together from 1974 through 1982.

The passage of time has a way of fuzzying our memories until only the, really, the indelible remains. And your indelible imprint consists of a few lessons you taught me as a young associate and partner, and I think you also taught your contemporaries this also.

The first lesson is, it's really important how you treat others. It's really important how you treat others. I sat in my office by your office for six years and overheard innumerable conversations, not by intention but by happenstance. I cannot recall a lost temper or demeaning word. For someone just getting started in the practice of law, it was a wonderful lesson to learn that a lawyer can be effective and successful without being overbearing and nasty.

It really is instructive to hear a mentor in the unguarded moments of his life. That's really when you get to know someone. There were scheduling conflicts, overreaching opposing counsel, recalcitrant clients, a lost motion or case occasionally, judges that scheduled trials too quickly in your opinion—that was then—and a family of five boys to follow in their activities. Yet you treated those around you with uncommon courtesy and gentlemanliness. Thanks for that example.

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Now, I do remember a few telephone conversations and other conversations, fairly penetrating and maybe bordering on cross-examination with sons Tom, Greg and Brad, but that was as a father, and that doesn't count as a partner.

The second lesson that I learned is that it's important what you think of yourself. Let me explain. A good partner is, to put it bluntly, not so full of himself or herself that he or she does not respect different opinions and appreciate others' contributions to the health of the whole. Dick Knudsen, I believe your most senior former partner, recalls the ease with which the merger of your two firms worked in large part because of your efforts. Bringing a lot of legal work into an office with a number of fine lawyers presents its challenges. You were able to work your very individual style and approach into a large organization with success.

Judge Beam, you were a rainmaker, one of those relatively rare individuals who naturally attracts legal business, usually complex, and often one-of-a-kind, but a prima donna you were not. Competent in your abilities and tenacious in your drive, you were not so smitten with yourself that you would not consider another point of view.

The third lesson is that it's really important how you treat the law. Some lawyers treat the law as a means to an end with no thought to its condition after they are through with it. Some lawyers treat the law as if it's a master, never questioning, probing or offering improvement.

Judge Beam, you were neither. You treated the law like a piece of valuable fabric, flexible and yet protective of important and long-held values. Somehow you intuited the law, a characteristic both endearing and a bit frustrating. On more than one occasion we would discuss a challenging question, and you would say something like, "I know there is a case out there somewhere." I'm getting a special response from the law clerks. And more often than not, after a lot of research, that case would be found.

Former partner, and now Supreme Court Justice Kenneth Stephan, recalls that desire to thoroughly understand your case. The admonition he recalls was, "We need to thoroughly research this issue," and how it gave him a new appreciation of the word thorough. It's a lesson that he holds very dearly today, and he'll be here shortly, I think, Arlen.

My own recollection is of the phrase, "Out of an abundance of caution, we need to thoroughly research this issue." I don't know why it is, Judge, but it's the law clerks that seem to be laughing mostly.

For those of us who learned thoroughness and out of an abundance of caution from you, we thank you. You set a standard for thoroughness that stood for the whole office.

Judge, you also really understand where much of statutory law comes from. It's a compilation of natural self-interest in our society sprinkled with some lofty goals and aspirations and mixed with a portion of politics.

The first legislative bill we worked in opposition on challenged the unified nature of the Nebraska State Bar Association. It attached the proper role of our state Supreme Court in administering the practice of law.

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The second bill we worked on promoted the self-interest of builders in enacting a statute of limitations for real estate improvements. I watched you carefully in both cases move from policy argument to policy argument, and I was very impressed. Although you soon transitioned your lobbying clients to me, it was you who convinced me of the appropriate role of the lawyer in petitioning the government for what the law should be, and in a way, you're still suggesting to legislatures what that law should be with your work on the National Conference of Commissioners on Uniform State Laws. As a life member of that organization, you're recognized as a leader in the area of evidence, much as you were recognized in our old law firm as our local authority on the subject.

Finally, Judge Beam—I think my six minutes are getting close, Bob. Your treatment of the law in private practice was based on integrity. Several judges before whom you appeared used that word along with preparation. In recalling your appearances before them, Judge, you have no way of knowing what that meant to your law colleagues, both as a representative of us and our firm and as a model.

And so, Judge Beam, on behalf of your former law partners, I thank you for the way you have treated others, for the way you have treated yourself, and for the way you have treated the law. You have made a lasting impression on each of us during our too brief journey together as partners.

Thank you.

(Applause)

MAGISTRATE JUDGE O'HARA: Thank you, Larry. You know, as a former chair of the associates committee in a large law firm, as I was listening to Larry's comments, I wish I could have a group of law school graduates or first-year attorneys listen to that. The importance of the role of attorneys in the court system is—has taken some big hits in the last year, and I think Mr. Ruth has spoken to that very, very well, and I appreciate that.

Our next guest is a former law clerk of Judge Beam, Robert F. Rossiter, Jr. Bob is one of the judge's first law clerks when he first came to the district bench.

Before I go any further, I do want to acknowledge all of Bob's hard work. A ceremony the size of this, with the reception and related activities, involves a great deal of work, and Bob, along with the assistance of Gary McFarland and his staff, and Gini, and a host of Omaha area and Lincoln area law clerks of Judge Beam, most notably Steve Davidson, Jill Ackerman, and Julia Gold, are the ones who made this all come together. We are very appreciative.

(Applause)

MAGISTRATE JUDGE O'HARA: Bob, in addition to being a trial attorney with the Fraser Stryker law firm here in Omaha, has found in his spare time, I'm not sure where he does, the time to be a legal writing instructor at the Creighton University School of Law, and most recently has joined its faculty as an adjunct professor teaching employment law. He's the Chair Elect of the Nebraska State Bar Association's House of Delegates for the year 2002.

Please welcome a good friend of not only the judge but also mine, Bob Rossiter.

(Applause)

ROBERT ROSSITER, JR.: Larry, no reflection on you.

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May it please the Court, Judge Beam, Betty, members of the Beam family, Governor Johanns, Judges, Members of the Bar and Distinguished Guests:

I'm honored to have the opportunity to speak on behalf of the District Court law clerks who have worked with you, Judge Beam.

Judge Beam began serving the Federal Judiciary, as you know, in 1982 as a trial judge in this great district. Jim O'Hara and I well remember the circumstances which brought Judge Beam to the bench or at least brought him to us.

In my circumstances, as Governor Thone had explained, I was interviewed and hired by the late Robert V. Denney in late 1980 and looked forward to working with Judge Denney beginning in August of that year. My now good friend Jim called me in June of 1981 and told me at that time that Judge Denney had passed away, and that, by the way, I had no job.

Things were not looking up at that time, but in fact, things did get much brighter. The Court allowed, and we continued to thank the Court for that, allowed Jim, who was then the senior clerk for Judge Denney, or about to be the senior clerk for Judge Denney, to continue on an emergency basis as a temporary clerk to Judge Urbom.

I began in August of 1981 as a temporary clerk to the late Honorable Albert Schatz.

Jim and I then had the good fortune of being interviewed by President Reagan's nominee to Judge Denney's seat, C. Arlen Beam. Judge Beam was a member of the Lincoln Bar who neither I, as a new graduate of law school, nor Jim knew. We would come to know, though, the traits which all of his clerks have come to know, traits which make you, Judge Beam, the well-respected judge and the good person that you are.

We obviously came to know Judge Beam as an intellectually gifted and practical jurist, traits which have gained him the respect of the practicing Bar and his colleagues on the bench. He has always been able to dissect even the most complicated of issues and reach decisions which interpret the law but which do not create the law. For this the members of the practicing Bar in this District and members of this great Circuit thank you.

We as clerks came to know other traits that the practicing Bar does not always see. We came to know Judge Beam as a compassionate man. This is probably best evidenced, at least in Jim's and my case, by the pity he took on both of us, making us his first law clerks. We were inherited law clerks. We were not hired. We were much like those two ugly lamps you find in the attic of the home that you bought that had been previously occupied. You want to throw them away, but there may be some good in them, so just keep them around.

Despite our status, Judge Beam, nonetheless, treated us as his own. For that, Jim and I thank you very much.

Judge Beam also had the good sense to hire Peggy Casper as his court reporter. Peggy had served previously as Judge Denney's court reporter; and also inherited a young courtroom deputy with a great deal of drive and energy, Gary McFarland who is now our own Clerk of Court.

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Judge Beam, as you heard from Larry, also brought with him a young, talented secretary by the name of Gini Potts, now Gini Russell, who I consider to be a very good friend. I tell Gini that we probably wouldn't be as close friends. Jim and I had the good fortune of knowing Gini when she came from the law firm life when she worked for an attorney. At that point she didn't know, as the judges on this Court know, that the only thing outranking them on this Court is their secretaries. She didn't quite know the amount of power that she had at that time, but Gini remains a good friend.

In January of 1982, Judge Beam and this new crew began the process of establishing an office here. Even though Jim and I were inherited clerks, we felt as if Judge Beam valued our opinions on how to establish and how to start to run that office. And at last we had Gary and Peggy to show us the way to the courtroom.

Jim left us in August of 1982 to move on to the Shughart Thompson law firm and is now, as many of us are very, very proud of him who have known him, a United States Magistrate Judge in the District of Kansas. I'm very proud of him, and I count Jim as a very good friend of mine.

I then had the pleasure to work with Julia Gold, and I'm going to take the opportunity to name those who were district court clerks because there aren't that many of us, but I had the pleasure to work with Julia who was an experienced law clerk who had clerked for other judges in the past and who was very helpful to me and very helpful to us in establishing this new office, and Julia continues to serve this Court on the staff of Judge Shanahan.

I left this Court in August of 1983. Then we came to know Judge—I knew Judge Beam at the time, but we came to know Judge Beam as an excellent judge of character and talent, and the reason I put that at the end there is because again, those were decisions, Jim and I, he hired us, but he was kind of stuck with us. These were decisions that he made and decisions that were wonderful decisions as the decisions about law clerks that he's made on the level of the Court of Appeals.

But after I left, Judge Beam hired Bob Ginn, Lisa DeBuse, Jill Ackerman, David Yellen, Karla Rupiper, Melinda Hess, Wendy Hahn and Steve Davidson who I believe was the first law clerk to cross over into the Court of Appeals work, all very talented individuals who have gone on to distinguished careers, each of them in their own right, and some of them who still serve this Court as law clerks.

Perhaps the best gauge of Judge Beam's eye for character and talent is in the courtroom today sitting here with Judge Beam's family, Betty. We had the good fortune of meeting and knowing Betty, and it would be difficult, in my estimation, to find a sweeter person on the face of this earth. As with Judge Beam, she was always interested and remains interested in how things were going with the clerks and how things were going with the clerks' family. She makes us feel and continues to make us feel like we are part of their family, and for this we thank you very much.

Another trait that we recognize is that Judge Beam placed a great deal of trust in us as clerks. As clerks he valued our opinions and input, or more likely, he politely listened to our opinions and valued them on those occasions which they had any value which were probably few and far between, but he did listen.

Judge Beam was a teacher, certainly through daily conferences and conversations, talking to us about the law and about the cases that were before us in which

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our opinions and conclusions were constructively and politely challenged by Judge Beam. That's the way we learn. But there were more subtle learning experiences. I submit that learning the law, that is, learning how the law really works in practice is perhaps the key benefit to a judicial clerkship especially at the district court level. We as district court clerks learn the law through observation of both the good and the not so good practitioner, and more importantly, the judicial treatment of that practitioner, treatment which, in your case, Judge Beam, was always respectful, but which also included expectations and appropriately, very high expectations of counsel, of the parties, and of your law clerks.

Judge Beam taught by example, and that's what I remember most about the legal work: Judge Beam's careful and thoughtful approach to legal issues, his courtesy to litigants and counsel, often when such courtesy was no longer warranted. One of the—my first memories of the bench, and it was an unfortunate circumstance, but it says a lot about Judge Beam.

When this new judge took the bench early in his career, there was a criminal matter that was handled, and the defendant was standing before the bench. Judge Beam, during that process, was spat upon, and this was soon after he took the bench. Although not obviously not happy about the situation, Judge Beam calmly dealt with that situation without further incident. Even though that defendant showed no respect for the judge, Judge Beam showed great restraint and his respect for the system which he has served so well.

Judge Beam is an advisor and a friend. During and after our clerkships, Judge Beam and Betty, as I pointed out, have remained interested in the law clerks and their families. He is genuinely interested, and he was always available and has remained available as a sounding board on, and where appropriate, a giver of sound advice in career and personal matters.

To all of us, Judge Beam, you were a teacher, a mentor, and selfishly, a wonderful springboard to other aspects of the legal profession, but that's not what's important. What's important is what you taught us and the legacy that I think you have left with a number of excellent clerks that have worked with you.

To be able to say that "I was a law clerk to Judge C. Arlen Beam" is a highlight of each of your clerk's legal careers and of our lives.

Thank you very much.

(Applause)

MAGISTRATE JUDGE O'HARA: Thank you, Bob. Our next speaker today will represent the law clerks who were honored to work for Judge Beam on the Court of Appeals.

She graduated with honors from the Creighton University School of Law in 1983, was an attorney in private practice here in Omaha during the mid 1980s. Following that, she clerked for five years for district judge Lyle Strom here in Omaha, and in 1991, she joined Judge Beam's staff.

Ladies and gentlemen, it's my pleasure and honor to introduce to you Moira White Kennedy.

(Applause)

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MS. WHITE KENNEDY: May it please the Court, Judge Beam and family, and distinguished guests:

Having been Judge Beam's law clerk for almost 10 years, his present and former law clerks have suggested that I deliver a tell-all expose, "Inside the Eighth Circuit Chambers of C. Arlen Beam," in the style of Edward Lazarus, a former Supreme Court law clerk who wrote a best seller detailing the secrets of the Supreme Court justices.

As part of the investigation involved with my guest to spill all the juicy details and reveal all the embarrassing stories about what it's really like to work for our judge, I solicited the former law clerks for information. This is what we came up with. Nothing. There is simply nothing remotely of color, snide, nasty, disparaging, derogatory, critical or even humorously sarcastic to say about this man.

Judge Beam is an excellent judge and an even better human being. I consider it an honor and a privilege to serve as Judge Beam's law clerk, and I'm sure his present and former law clerks and staff share my sentiments today.

At this ceremony we have heard much about Judge Beam's jurisprudential accomplishments which are innumerable.

I would like to focus, however, on the judge on a more personal level. He has touched our lives in ways too numerous to mention. He has instructed us in the law and has shaped our legal careers, but most importantly, by his quiet example, he has shown us how to live life. When we leave his chambers, whether it's just for the day or to continue on in some facet of our profession, we carry with us a part of his wisdom, wit, and insight, hoping to emulate his intellectual honesty.

Judge Beam's former law clerks describe him with terms such as integrity, kindness, humility, compassion and generosity. In performing our small part of the judge's decision-making process, we have watched him struggle with hard decisions and have been constantly impressed by his commitment to do what is fair and right.

Through his devotion to his own family, his friends and his obligations, he has shown us how to balance our sometimes demanding profession with what is important in life. Although at times we must have shown our inadequacy as new lawyers, Judge Beam always treated us with respect and understanding.

We congratulate Judge Beam on his well-deserved elevation to senior status, and we celebrate the unveiling of his portrait.

Some may think taking senior status will herald Judge Beam's slowing down. Rest assured, any such hopes by his current law clerks are shattered daily by the knowledge that as we drag our carefully prepped—propped eyelids to work every morning, the judge is already there, having first run six or seven miles at the break of dawn.

We would also like to thank Betty Beam for her graciousness over all these years. She has welcomed many new law clerks and has made them feel at home in Lincoln. She should be commended for her unerring ability to remember the names of and details about our respective spouses, significant others, children, parents and pets. We have all felt her genuine interest in our lives and her sincere concern for us.

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Years ago when we accepted our positions in Judge Beam's chambers, we were excited at the prospect of working for the Eighth Circuit and for Judge Beam, but we had no idea what an honor we were in for, not only because of the nature of the job but because of the nature of the judge.

It has truly been an honor. Judge and Betty Beam mean the world to us, and we wish them all life's best.

Thank you.

(Applause)

MAGISTRATE JUDGE O'HARA: Thank you, Moira. Our next featured speaker, I suspect, knows Judge Beam better than anybody else who has spoken thus far.

He's a graduate of Baylor University. Like many of our other speakers he has an extensive career in government service, including four years during the first Bush administration, subsequently on the staff of the United States Senator Charles Grassley from Iowa, and then for Congressman Bill Barrett here in the State of Nebraska. He's now a senior official with the Nebraska Department of Economic Development in Lincoln.

It's my pleasure to introduce to you now the judge's youngest son by, I think, five minutes, Greg Beam.

(Applause)

GREG BEAM: On behalf of our family, I would like to thank each of you for being here this morning. I would also like to offer our family's appreciation to Governor Johanns for his participation. We recognize the demands on your schedule are significant especially when the Unicameral is in session.

In addition, I would like to thank the Chief Judge and the other members of the Eighth Circuit for holding court in Omaha today.

Lastly, I would like to thank Bob Rossiter and the other members of the planning committee. This was a very elaborate operation that required a significant amount of time and effort from a number of individuals. My family appreciates your efforts, and you have made this tribute to my parents a very special day for them as well as for us.

Most of this morning's comments have been directed toward my father. However, I want to emphasize that my comments are also meant for my mother because I don't believe my father's accomplishments would have been possible without the partnership he formed with my mother.

As I scan the participants in the audience and on the bench, I recognize many wonderful and talented individuals. For the most part I see individuals who are dedicated to making this world a better place. I see individuals who demonstrate discipline in their daily lives and who are compassionate, loyal, caring and loving. I believe the audience is a reflection of both my mother and my father. If they hadn't demonstrated these qualities throughout their lives, I'm not sure these quantities would abound as they do here in this courthouse this morning. I question whether the number attending this program would have been as large or the number of out-of-town guests as great, and I believe the make up of the audience could have been quite different. I don't mean to imply to the participants here today that you obtained these characteristics because of my parents' participation in your lives. I

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simply believe that people with similar characteristics tend to gravitate toward one another, and I believe the people in the court here today are reflections of my parents' dedication, discipline, compassion, loyalty and love.

So Mom and Dad, on behalf of your family, let me reiterate that we love you, and we are very proud of your accomplishments.

Again, to the Chief Judge and the members of the Eighth Circuit, to the Governor and to the members in the audience, on behalf of my family, thank you for attending.

(Applause)

MAGISTRATE JUDGE O'HARA: Thank you very much, Greg.

We now move to the ultimate task at hand. On behalf of the Eighth Circuit and Judge Beam, I would like to acknowledge the work of the portrait artist Gilbert Early of St. Louis who, unfortunately, was not able to be with us today. Mr. Early, as I think you'll see in just a moment, has done a masterful job on a difficult subject, as he has done for every other judge. At this time I would ask that Megan and Lauren Beam please come forward and unveil the official portrait of their grandfather.

(Portrait unveiled)

(Applause)

MAGISTRATE JUDGE O'HARA: Thank you, ladies. Chief Judge Wollman, that concludes our portion of the program, and respectfully, I turn the program back to you.

CHIEF JUDGE WOLLMAN: Thank you, Judge O'Hara. I now ask that Judge Richard Arnold accept the portrait on behalf of the Court.

JUDGE ARNOLD: Chief Judge Wollman, Judge Beam, Mrs. Beam, your excellencies, your honors, ladies and gentlemen. I'm indebted to Governor Thone for recalling some of the particulars of how each of us got where we are. In my own case in 1980 when I was first nominated for this Court, the *Omaha World-Herald* took it upon itself to editorialize that my choice was due to the fact that I was a crony of a U.S. Senator, and I have waited a long time for the opportunity to address a distinguished group of Nebraskans and give my answer. My answer is that the *World-Herald* was right.

Let me explain to you why I'm making these remarks at this particular time. The remarks actually should be made by our good friend and colleague, Judge Donald Ross, who is enshrined on this wall. Judge Ross was not able to be here. I hold him in particular esteem because he was the first member of this Court to call and congratulate me on my nomination. We all love Judge Ross, and we are sorry that he could not be here. But his name is relevant because with this ceremony today, Judge Beam joins what I like to think of as the pantheon of Nebraska judges, people like Judge Woodruff, Chief Judge Johnson, Chief Judge Lay whose portrait is also in this room, and Judge Ross.

Judge Beam has served with unusual distinction. Now, all of us Circuit Judges like to think that we are all distinguished or we wouldn't be here. Judge Beam has served with unusual distinction going beyond the usual performance of judicial duties. He has been and remains a Commissioner on Uniform State Laws, he has

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been Chairman of a Committee of the Judicial Conference of the United States by special appointment of the Chief Justice, he has been Chief Judge of the United States District Court which I will tell you is a much more difficult job than being on the Court of Appeals.

Through the years the judges of the multi-judge Court form associations with each other and with each other's families. We like to think of ourselves as a judicial family. It is a little like being married except that there are more than two of us, and I guess there are some other differences, but the long-term, personal association is what makes the experience especially valuable for the judges, and Judge Beam has been a wonderful friend and colleague throughout the entire time.

I cannot let the occasion pass without mentioning, without elaboration, a time of particular importance in my own life when he wrote me a letter that I will always treasure, and whenever I get discouraged, I take out that letter and read it again, because if Arlen Beam thought that much of me, I can't be all bad.

Those of you in the audience who are taxpayers, I suspect that includes everyone; if not, we want to see you afterwards. You'll take comfort in the knowledge that Judge Beam, although he could quit, won't. He doesn't get paid any more for coming to work than if he stayed home, but thankfully, for the lawyers and the judges and the people of the Eighth Circuit, he chooses to work, and that is the benefit of all of us.

So it is with great pleasure that on behalf of Chief Judge Wollman and the judges of the United States Court of Appeals for the Eighth Circuit, that I accept this portrait.

I also have one additional duty, and that is to present to Judge and Mrs. Beam a sketch of the portrait which I have behind me and which I will now have the honor of handing to them.

(Portrait sketch presented to Judge and Mrs. Beam)

CHIEF JUDGE WOLLMAN: Thank you, Judge Arnold, for your well-chosen remarks. My colleagues and I join fully in them. We especially appreciate your comments regarding our esteemed colleague, Judge Ross. We had so much hoped he could be here with us this morning. He's with us in his spirit, I know.

Now I call upon the guest of the morning, the honoree, the Honorable Arlen Beam, for his remarks. Judge Beam.

(Applause)

JUDGE BEAM: Thank you very much. Pardon me if I'm a little nervous. You would be too if you were just about to be hanged.

One of the difficult things in a situation like this is that the speakers who get to come on before you take a bunch of your remarks, so if there is some repetition here, please forgive me, but perhaps it will shorten it up as well.

May it please the Court—

CHIEF JUDGE WOLLMAN: Counsel!

(Laughter)

JUDGE BEAM:—Governor Johanns, Governor Thone, Gary, Larry, Bob, Moira, and son Greg: Your remarks and those of the members of the Court are a bit

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overwhelming. As I settle into this job as a Senior Judge, I will try my best to merit as many of them as I can. I did get a little antsy when Moira was going to disclose the real story, but fortunately—What was it I had to pay you to get that out?

Judge Wollman, thank you for presiding and for your genuine helpfulness in organizing this program, and, of course, for your gracious words, and Judge Arnold, for your special participation as well.

And to all the members of the Court—I have done this before—welcome to Omaha. Thank you for holding court here yesterday. I hope that we can do it with some frequency as time goes by. Senior Judge Fagg lives in Des Moines, and I live in Lincoln, and one of these days we'll get a new active judge here in Omaha, and the three of us will get together and put fear in the heart of all these lawyers.

Jim O'Hara, you are a great master of ceremonies, and Bob Rossiter, I salute you as the chief executioner of this hanging.

For efficiency and dedication, I have to say and agree with the people before me, no one tops Gini Russell, my administrative assistant of more than 20 years. Gini, Betty and I thank you for all you do for us and for the Court.

(Applause)

JUDGE BEAM: At his retirement in 1939, baseball great Lou Gehrig stood in Yankee Stadium New York and said, "Today I consider myself the luckiest man on the face of the earth." Gehrig referred at that time to his warm relationship with his family, his manager, his teammates, and, of course, Yankee fans.

Without any intent to otherwise put myself on the same level with this great American sports legend, I say today that I believe that I have been one of the luckiest people alive.

First, it's a once-in-a-lifetime honor to be the first judge of this circuit to have a portrait presented in this beautiful new room. The honor extends by having it placed alongside those of my fellow Nebraskans, judicial icons Donald P. Lay and Donald R. Ross.

Judge Ross had back surgery a few weeks ago and some subsequent surgery that made it impossible for him to be here today. He has called me and expressed his regrets, and I honor that very much.

The honor yet increases by having each of you here to be a part of this great event in my life. I'm pleased almost beyond words that one of my law clerks has now become a United States Magistrate Judge and has returned to be the master of this ceremony—thank you, Jim. A ceremony attended, as you have heard, by my loyal staff, present and past, and a high percentage of my law clerks from all over the country, now, as noted by someone earlier, each with outstanding careers of their own and improving every day. I think one of them is a newly selected Dean of a major law school in the United States. They are Betty's and my extended family, and I am immensely proud of each of them. A ceremony at which so many good friends have both attended and participated. A ceremony at which Betty and I have the opportunity to greet and welcome Sam and Ruth Crow from Topeka, Kansas; and John and Rose Mary Jones from Sioux Falls, South Dakota. They are fellow members of the Ronald Reagan Federal District Court Class of 1981 and have been our special friends since that time. Indeed, John and I appeared before a committee

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of the United States Senate the same afternoon. They said that we wouldn't have to worry about anything. There was a Circuit Judge being interviewed the same day who had more than a passing group of questions, and I walked back to John and I said, "If this is an easy Friday afternoon, I'm sure glad that we are not going to be here on Monday."

There are two other friends here that I wish to introduce. That is Russell and Louise Brehm of Lincoln. They provided the beautiful bust of Senator Hruska that greets you in the downstairs atrium as you enter the building. Russ and Louise were business partners of Senator Hruska whose name, of course, this courthouse bears. Russ and Louise, would you please stand up and accept our thanks for your wonderful gift?

(Applause)

JUDGE BEAM: In that regard, I noticed in the *Omaha World-Herald*, Richard, a couple of days ago, and I think this you will not have a problem with either, Jane Hruska, Roman Hruska's daughter and a friend of many of us here, passed away from Lou Gehrig's Disease, incidentally, and because of that disease, she could not present at the dedication. It was noted in the newspaper story that although she had never been able to visit this building, how proud she and her family are of the fact that this beautiful building is dedicated to their father.

Now, speaking of family, no man has ever had a more supportive family than I have had, both immediate and extended. My five sons and their families and friends are here from Bloomington, Indiana; Seattle, Washington; Rockford, Illinois; Littleton, Colorado; Austin, Texas; and Lincoln.

I especially mention my only grandchildren, at least to date, these two beautiful young women who unveiled the portrait. They are not just beautiful, but beautiful in spirit and in character, and I love them more than words can express, and I thank them so much for coming today to unveil the portrait. They got out of school a couple of days this week.

And last and most important is Betty, my love, my partner, and who as you have heard, in two months will have been my wife for 50 years. I can't envision a life without her. Maybe that 50-year thing, maybe there is a cruel and unusual punishment cause of action in there for Betty.

For five years it was my privilege to hold what I think was the best job in the world. That is United States District Judge, and as an associate of these folks who have been earlier introduced to you, I acknowledge and I cherish that relationship.

In 1987 I appeared at the door of this court, the United States Court of Appeals for the Eighth Circuit, commission in hand, and this group of people on the bench and some others who cannot be here today, quickly and cordially greeted me with their friendship, their respect and their collegiality. For this, I, and Betty as well, am and ever will be grateful.

Betty and I thank the Court for this wonderful portrait and the honor of having it hung in the Roman L. Hruska U.S. Courthouse, Omaha, Nebraska. So, as I said in the beginning, I obviously have been one of the luckiest people on earth, and it is because each of you gathered here today have been a part of my life.

God bless you and thank you so very much for coming.

PRESENTATION OF PORTRAIT

(Applause)

JUDGE BEAM: Thank you. Thank you.

CHIEF JUDGE WOLLMAN: Before bringing this special session of the Court to a close, I would like to take just a moment to express the Court's deep appreciation to you, Arlen, for the dedicated, untiring service that you have rendered to the court during what has been nearly 14 years now.

Your enormous capacity for work, your unparalleled attention to detail, and your commitment to the rule of law, and to the high calling of the judiciary have earned our deep respect and admiration. We wish you and Betty the best as you enter upon your well earned period of senior status. Our respect and admiration for your contributions to the Court are heightened all the more by the knowledge you'll continue to render significant service to us as a Senior Judge. We look forward to the privilege of having you with us on the Court as an esteemed colleague and trusted friend for many, many more years to come.

This concludes the ceremony. We thank you for your presence here this morning and in helping us to share this most significant day and Judge Beam's long distinguished judicial career.

You are invited to the reception that will be held immediately following the ceremony in the courtroom, court conference room on this same floor.

Before we adjourn the Court, I will ask you to remain in place for a moment while Judge and Mrs. Beam and his family members leave the courtroom to proceed to the conference room. If you would like to do that now.

Mr. Gans, would you please adjourn this special session of the Court?

MICHAEL GANS: The Court will stand in recess until further call.

(End of proceedings at 11:08 a.m.)

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