

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA**

In the Matter of

THE INDUCTION OF

THE HONORABLE C. ARLEN BEAM

as

UNITED STATES DISTRICT JUDGE

for the

DISTRICT OF NEBRASKA.

**OFFICIAL
TRANSCRIPT OF PROCEEDINGS**

January 8, 1982

1:30 p.m.

PEGGY CASPER, C.S.R.

OFFICIAL COURT REPORTER
U. S. DISTRICT COURT
FEDERAL BUILDING
P. O. BOX 1278, OMAHA, NE 68101

1 THE UNITED STATES MARSHAL: The Honorable Judges
2 of the United States Court, Hear Ye! Hear Ye! Hear Ye!
3 The United States District Court for the District of
4 Nebraska is now convened in ceremonial setting.

5 God save the United States and this
6 Honorable Court.

7 CHIEF JUDGE URBOM: The court is in session
8 today for the happy and solemn purpose of administering
9 the oath of office to a United States District Judge.
10 You will understand, I hope, that because of the
11 judicial nature of the proceedings we prefer that
12 you do not show any appreciation by applause or by
13 photographing any of the proceedings. If you wish
14 to have photographs, however, remain after the court
15 is closed and accommodation for that will be done.

16 We are here to administer the oath of
17 office to the successor in office of the late Robert
18 V. Denney. It has been drawn to the attention of
19 the Court that C. Arlen Beam has been nominated,
20 that the Senate of the United States has consented
21 to that nomination, and that the appointment has taken
22 place.

23 I call now upon Mr. Beam and inquire of
24 him whether it is true that he has received a
25 commission from the President of the United States.

1 and has that in his possession.

2 MR. BEAM: If it please the Court, that is
3 true and the commission is now in the possession of
4 the Clerk of the Court.

5 CHIEF JUDGE URBOM: And I shall ask the Clerk
6 of the Court to read that commission.

7 MR. BILL OLSON: RONALD REAGAN,
8 President of the United States of America.
9 To all who shall see these presents, Greeting:

10 KNOW YE: That reposing special trust and confidence
11 in the wisdom, uprightness and learning of CLARENCE A.
12 BEAM, of Nebraska, I have nominated, and by and with
13 the advice and consent of the Senate, do appoint him
14 United States District Judge for the District of
15 Nebraska, and do authorize and empower him to execute
16 and fulfil the duties of that office according to the
17 Constitution and laws of the said United States, and
18 to have and to hold the said office, with all the
19 powers, privileges and emoluments to the same of
20 right appertaining, unto him, the said CLARENCE A.
21 BEAM, during his good behavior.

22 IN TESTIMONY WHEREOF, I have caused these letters to
23 be made patent and the seal of the Department of
24 Justice to be hereunto affixed.

25 Done at the City of Washington this eighteenth day of

1 November, in the year of Our Lord One Thousand
2 Nine Hundred and Eighty-One, and of the independence
3 of the United States of America the two hundred and
4 sixth.

5 By the President: (Signed) Ronald Reagan

6 (Signed) William French Smith,

7 Attorney General.

8 CHIEF JUDGE URBOM: Several oaths of office
9 are taken by a United States District Judge, and
10 Mr. Beam has already taken some. There remains
11 one, however, the traditional oath of office taken
12 by all Federal Judges, and I inquire now of him as
13 to whether he is prepared and wishes to take that oath of
14 office.

15 MR. BEAM: I am, Your Honor, prepared and
16 I do wish to take the oath of office.

17 CHIEF JUDGE URBOM: Ladies and gentlemen, it would
18 be respectfully, of course, of you to stand while this oath
19 is being taken, that is often done, but I think I shall
20 exercise my discretion because of the probability
21 of your being able better to see what is going on
22 if you remain seated, so I shall ask you to do
23 that even though I shall stand and Mr. Beam will
24 stand while the oath is being taken.

25 Raise your right hand, please, and

1 repeat after me:

2 I, C. Arlen Beam, do solemnly swear that
3 I will administer justice without respect
4 to persons and do equal right to the poor
5 and to the rich, and that I will faith-
6 fully and independently --

7 MR. BEAM: That I will faithfully
8 and impartially --

9 CHIEF JUDGE URBOM: "Impartially"
10 is correct.

11 -- impartially discharge all of the
12 duties that are incumbent upon me as a
13 United States District Judge, according
14 to the best of my abilities and under-
15 standing, agreeably to the Constitution
16 and laws of the United States.

17 SO HELP ME GOD.

18 All right.. Judge Beam's son Randal will
19 now assist him in taking the robe, which is the
20 traditional symbol of his office.

21 Judge Beam, I invite you now to come
22 and take your place at the bench.

23 There are a number of Federal Judges
24 present.. Judge Beam has kindly offered to have each
25 of us give greetings to him on this occasion, so I

1 shall call upon them in turn and they, then, may
2 speak if they wish, or not, as they choose.

3 Donald P. Lay is the Chief Judge of
4 the United States Court of Appeals for the Eighth
5 Circuit. I call first upon him. Judge Lay -

6 CHIEF JUDGE LAY: Judge Urbom, Distinguished
7 Guests and Friends:

8 This is a happy time for the family
9 and friends of Arlen Beam. He deserves our sincerest
10 best wishes and support for the chartered road
11 ahead. It is also a happy time for the court. We
12 have not only a new judge in the District of
13 Nebraska, but we are indeed fortunate to have an
14 individual assuming this important judicial role,
15 who comes to us with outstanding credentials as a
16 lawyer and active member of the bar. It is my
17 sincere pleasure as Chief Judge of the Circuit to
18 welcome him to the judicial family of the Eighth
19 Circuit.

20 There has always been, and perhaps
21 always will be, an ongoing debate within the
22 federal judiciary as to which judgeship provides
23 the most satisfaction -- serving as a trial judge
24 on the district court or serving as an appellate
25 judge on the court of appeals. Ordinarily, a

1 new appointee does not have a choice between the
2 two positions. One of the few persons who was
3 presented this opportunity is an old friend of
4 mine, and known to many of you, Judge Charles
5 Wyzanski of Massachusetts. He was appointed to
6 the federal district court in Massachusetts in
7 1941 and has served in that capacity with great
8 distinction since that time. In January of 1959,
9 a vacancy occurred on the First Circuit Court of
10 Appeals in Boston. Then Senator Saltonstall
11 inquired of Judge Wyzanski as to whether he would
12 be interested in the appointment to the Court of
13 Appeals. If you will allow me just a couple of
14 minutes, I would like to read to you a portion
15 of Judge Wyzanski's response:

16 "The district court for the District of
17 Massachusetts seems to me to offer at least as
18 wide a field for judicial service as the Court of
19 Appeals for the First Circuit. The district court
20 gives more scope to a judge's initiative and
21 discretion. His width of choice in sentencing
22 defendants is a classic example. But there are
23 many other instances. In civil litigation a
24 district judge has a chance to help the lawyers
25 frame the issues and develop the facts so that

1 there may be a meaningful and complete record.
2 He may innovate procedures promoting fairness,
3 simplification, economy and expedition. By
4 instructions to juries and in appropriate cases,
5 by comments on the evidence, he may help the
6 jurors better to understand their high civic
7 function. He is a teacher of parties, witnesses,
8 petitioners for naturalization, and even casual
9 visitors to his court. His conduct of a trial
10 may fashion and sustain the moral principles of
11 the community. More even than the rules of con-
12 stitutional, statutory, and common law he applies,
13 his character and personal distinction, open to
14 daily inspection in his courtroom, constitute the
15 guarantee of due process.

16 "Admittedly, the court of appeals
17 stands higher than the district courts in the
18 judicial hierarchy, and Congress, by attaching a
19 larger compensation to the office of circuit judge,
20 has expressed its views of the relative importance
21 of the two courts. Yet not all informed persons
22 would concur in that evaluation. My revered
23 former chief, Judge Augustus N. Hand, always spoke
24 of his service in the district court as being more
25 interesting, as well as more revealing of his

1 qualities and more enjoyable than his service on
2 the court of appeals.

3

4 "Although less spectacular legislation
5 may ordinarily be carried from the district court
6 to the court of appeals, statistics will show how
7 small a percentage of a reasonably good trial
8 judge's decrees are in fact appealed. The district
9 judge so often has the last word. Even when he
10 does not, a heed is given to his estimate of
11 credibility, his determination of the facts, his
12 discretion in framing or denying relief upon the
13 facts he found. Without making invidious selection,
14 I cite as illustrative the district judge's
15 acknowledged powers in planning group reorganization
16 cases, in approving proposed settlements in minority
17 stockholder suits, in estimating comparative fault
18 in collisions within the admiralty jurisdiction,
19 in deciding which of the experts in a particular
20 case is better grounded, and in decreeing the
21 appropriate remedy where there has been unfair
22 competition.

23 "The district judge is in more direct
24 relation than is the judge of the court of appeals
25 to the bar and its problems. It is within the

1 proper function of a district court, not merely
2 by rules and decisions, but by an informed,
3 intelligent and energetic handling of his calendar
4 to effectuate prompt as well as unbiased justice.
5 It is the vigor of the district court more than
6 the action of the court of appeals which governs
7 the number of cases which are ripe for appeal and
8 the time between the beginning of an action and
9 a final judgment in an appellate court. And,
10 paradoxically, it is not infrequently the alertness
11 of the district judge and his willingness to help
12 counsel develop uncertain points of law (even
13 though the development of such points inevitably
14 increases the risk of error by the trial judge and
15 by reversal of the appellate court) which make the
16 case significant in the progress of the law when
17 it reaches a court of last resort.

18 "While it may well be true that the
19 highest office for a judge is to sit in judgment
20 on other judges' errors, it is perhaps a more
21 challenging task to seek, from minute to minute,
22 to avoid one's own errors. And the zest of that
23 task is enhanced by the necessity of reacting
24 orally, instead of after the reflection permitted
25 under the appellate judge's uninterrupted schedule

1 of reading and writing.

2 "I realize that the trial judge lacks
3 the opportunity to benefit from the collegiate
4 discussion open to an appellate judge. His ties
5 with his brethren are less intimate. Consequently,
6 he runs the perils of excessive individualism.
7 Few there are who can gently chide him on his
8 foibles, remind him of the grace of manners, or
9 warn him against the nigh universal sin of pride.

10 "Yet perhaps the trial judge's relatively
11 loneliness brings him closer to the tragic plight
12 of man. Was not Wallace Stevens speaking of the
13 trial judge when he wrote, 'Life consists of
14 propositions about life. The human reverie is a
15 solitude in which we compose these propositions,
16 torn by dreams'?

17 "I believe that a poet or a philosopher
18 would understand, and that is the basis for my
19 confidence that you too will understand why,
20 gratified as I am by your inquiry, I prefer not
21 to be considered by the court of appeals.

22 Sincerely yours,

23 Charles Wyzanski"

24 I read this letter to provide Judge
25 Beam, as well as those gathered here, an insight

1 into the life and times of a district judge. Arlen,
2 the days ahead should be exciting ones, indeed.

3 In conclusion, let me say on behalf
4 of Judge Ross and myself, as well as all of your
5 new judicial colleagues in the Eighth Circuit,
6 I extend to you, Arlen, our best wishes and our
7 loyal support in the years ahead. Thank you.

8 JUDGE BEAM: Thank you, Judge.

9 CHIEF JUDGE URBOM: Donald R. Ross is
10 also a member of the United States Court of
11 Appeals to the Eighth Circuit. He has waived
12 his privilege to speak, but I want you to see
13 him anyway. Will you stand, Judge Ross, that
14 they may identify you? Thank you, sir.

15 The judge who will be closest, at least
16 geographically, to Judge Beam is Judge Albert
17 Schatz, whose office and courtroom at which he
18 generally presides is only a short distance from
19 here, and he will speak to us now. Judge Schatz.

20 JUDGE SCHATZ: Thank you, Judge Urbom,
21 and Judges and Distinguished Guests:

22 Judge Beam, I extend to you a warm welcome
23 to the federal judiciary and to the federal bench
24 here in Omaha. You enter upon a new and highly
25 challenging facet of your professional career

1 which I know will give you great satisfaction and
2 pleasure, and we judges receive you with great
3 respect and warm hearts.

4 As trial judge you will have a special
5 and important place in the scheme of things. Your
6 close proximity to the lawyers and to the litigants
7 gives you a special and unique burden of public
8 responsibility, much greater than many may appreciate
9 offhand.

10 As trial judges on the firing line of
11 the law, we reflect to the bar and to a large
12 segment of the public the good or the bad of the
13 American legal system, which is a large and awesome
14 responsibility.

15 I well remember Judge Lay's expression
16 in this regard at my own installation, now almost
17 nine years ago, when he said:

18 "In assessing the seven years I have
19 served on the Court of Appeals, it is my opinion
20 that the role of the trial judge provides the most
21 difficult challenge and requires the greatest
22 personal responsibility of any judicial office
23 in the United States. In saying this, I do not
24 intend to demean my brethren serving on the
25 circuit court or make light of the responsibilities

1 of the supreme court justices. However, the womb
2 of justice does lie in the trial court. It is here
3 where the fabric of the law is woven and hemmed.
4 It is here where a judicial officer must determine
5 how long a convicted individual must resign his
6 liberty. It is here where justice of the people
7 and to the people is either delayed or denied.

8 "The trial judge must be a man of
9 seasoned judgment, of impeccable integrity, of
10 dedicated industry, and, above all else, he must
11 be a man of conscience."

12 This is a great responsibility and I
13 know, Arlen, from your past performance as a fine
14 and able trial lawyer that you will bear it and
15 shoulder it, and I hope with all my heart that
16 you will enjoy the task and the contest. Your
17 good nature and sense of humor which you have
18 carried with you over the many years of your trial
19 practice will stand you in good stead.

20 You and I happen to have had many
21 matters as lawyers and many matters after I came
22 on the bench, and it is a comforting feeling to
23 know that our new judge has been such a capable
24 and well-rounded lawyer in the trial arena, and
25 I would remind you, Arlen, to continue on with

1 these same attributes on the bench. The job must
2 be taken seriously, but try not to make the fatal
3 mistake of taking yourself too seriously.

4 I know you are well aware that your lot
5 now is to serve the public interest by your judicial
6 participation in the achievement of fair results and
7 in the advancement of effective court management and
8 the prompt disposition of the cases that come before
9 you.

10 By and large, the great majority of our
11 citizens think well enough of the courts and the
12 judges to impose upon them almost unreasonably high
13 expectations. You will find that the judicial
14 branch is regularly called upon to achieve results
15 that other branches of the government have been
16 unable to accomplish. Often these expectations,
17 and, particularly and necessarily from the
18 legislative branch, almost exceed the human ability
19 of the judges to match them.

20 The notion, for example, that courts
21 can prevent crime is not grounded in fact, and the
22 most that can be accomplished by the best and the
23 most highly effective criminal justice system is
24 that accused people be tried promptly, with a fair
25 trial and with even-handed and fair sanctions

1 imposed.

2 Similarly, and speaking of civil cases,
3 we are often asked to solve social problems that
4 society has been unable to settle. In my opinion,
5 a remarkable thing is that the courts have been
6 able, and continue to do their best and give their
7 time-consuming contribution to the resolution of
8 issues that have proved to be unsolvable in the
9 ordinary political process and political arenas.

10 In any event, the public will expect
11 and is entitled to expect from us, and now from
12 you, Judge Beam, the qualities of independence,
13 neutrality, a high degree of competence, and
14 promptness and dispatch in decision-making,
15 undiluted by delay and procrastination.

16 In your long trial career and in many
17 civic and public pursuits, you showed that you
18 possess all these qualities and attributes, and
19 the bar of this district and community and the
20 public will be the beneficiaries.

21 One judge summed it up well and most
22 appropriately, which I like to quote, when he
23 said: "When we go to the Great Beyond or whatever
24 special place might be reserved for judges, we may
25 hope that we will leave behind us a reputation among

1 the members of the bar that, while maybe we weren't
2 the greatest judge in the world, and certainly not
3 the smartest, still we were unfailingly courteous
4 and always patient. That alone might afford us some
5 claim to immortality."

6 Judge Beam, you have been a credit to
7 the legal profession and I know you will be a credit
8 to the bench. I personally extend to you my very
9 best wishes and warm welcome and I look forward to
10 working with you in this community and in the
11 District of Nebraska. Welcome.

12 JUDGE BEAM: Thank you, Judge.

13 CHIEF JUDGE URBOM: Richard E. Robinson
14 has been a member of this bench for twenty-five years,
15 and ten years ago he took the status of Senior Judge
16 for whom some would say his retirement. But not
17 for Richard Robinson. He continues to work as though
18 he were an active judge. Judge Robinson, what do
19 you have to say?

20 JUDGE ROBINSON: Well, after that
21 introduction I'm not sure. (Laughter) Chief Judge
22 Urbom, fellow District Judges, Governor Thone,
23 Chief Judge Krivosha, Senators Zorinski and Hruska,
24 members of the Beam family who are the important
25 people here today, fellow lawyers, and friends:

1 In order that you not think that the
2 district judge is always treated with such dignity
3 and respect, there may be exceptions to the rule.
4 I recall Judge Estes from Dallas telling me when
5 he had gone out into the hinterlands to conduct court
6 and the facilities weren't as nice as these are,
7 and unfortunately the court crier or the marshal
8 or bailiff was not available to open court with
9 the usual cry, "Hear ye! Hear ye! Hear ye!" --
10 you know how it goes -- "The United States District
11 Court for the District of Texas, Western Division,
12 is now open. God save the United States and this
13 Honorable Court." So he got a clerk from a
14 grocery store to come in and, whereupon, the boy
15 got confused, even though he had read over his lines
16 all evening, and when the judge came in, he got nervous
17 and he looked and he rapped the gavel and he said,
18 "Here comes the judge. God save the United States."

19 (Laughter)

20 Well, I have a number of limitations
21 and in the last few years nature or an incompetent
22 surgeon have imposed other limitations, which is
23 a voice limitation.

24 (Laughter)

25 So, Judge Beam, it is with a great deal

1 of pleasure and anticipation that I welcome you to
2 the federal bench. I am pleased to be one of the
3 first to address you as "Judge Beam" and to extend
4 my sincere congratulations as you join the federal
5 judiciary.

6 Judge Beam brings to his new task the
7 invaluable insight of a seasoned and effective
8 counselor and trial lawyer. In addition to his
9 legal expertise, Judge Beam has enjoyed a successful
10 career in business and has served his country in
11 a military capacity during a time of war. Now,
12 this diverse background of experience will un-
13 doubtedly serve as a valuable resource in your new
14 endeavor.

15 I think the federal courts have
16 experienced dramatic changes over the past quarter
17 of a century, and I am sure my brother, Judge Van
18 Pelt, who has been around about as long as I
19 have, will agree with me. Some of these changes
20 have undoubtedly been very positive. Others,
21 including the enormous proliferation of cases
22 and the variety of technical and often esoteric
23 issues which now routinely come in front of the
24 court, make the work of the federal judge perhaps
25 more challenging now than it has been at any other

1 time in our history.

2 As you set forth, Judge Beam, to meet
3 that challenge, I wish you very well.

4 Now, I would not presume to offer
5 Judge Beam any advice. I have found that regardless
6 of what Chief Judge Lay may have just said, that
7 the appellate court seemed to take an inordinate
8 amount of time counseling district judges.

9 (Laughter)

10 I just simply want to say, "Congratulations
11 and welcome!" Along with the other members of the
12 court, although perhaps on a more limited basis,
13 I look forward to serving with you. And as one
14 footnote, if I may be permitted, I always thought,
15 contrary to Judge Wyzanski's statement quoted by
16 Judge Lay, that the trial judges spend their time
17 searching for the truth, while the appellate judges
18 spend their time searching for error.

19 (Laughter)

20 In any event, for such comfort as it
21 may offer, you should keep in mind the late Justice
22 Jackson's remarks when he spoke about the Supreme
23 Court of the United States. He said, "We're not
24 last because we're right. We're right because
25 we're last."

1 (Laughter.)

2 JUDGE BEAM: Thank you, Judge.

3 CHIEF JUDGE URBOM: Judge Van Pelt is
4 another who has acquired that special status of
5 senior judge. I am proud to say that he was my
6 immediate predecessor with an official station in
7 Lincoln. I now ask him to respond.

8 JUDGE VAN PELT: Judge Beam and friends:
9 in view of the many things that have just been said,
10 I perhaps should not say to you because it may not
11 be judicious to give unrequested advice, but it is
12 difficult to speak without giving advice. If I do
13 so, or if other judges have done so, bear in mind
14 that you have the right to say that it is dicta
15 and to disregard it entirely. (Laughter)

16 I think you have the qualities of a
17 sound judge. The ingredients for a sound judge are
18 an honest and industrious lawyer who has the ability
19 to read intelligently, to think coherently, to
20 write clearly, a capacity for thorough research,
21 for critical thought, and a faculty for dis-
22 passionate judgment. I repeat, I think you have the
23 qualities to be a sound judge.

24 As I review my twenty-five years on
25 the bench, I do not see a great change in the

1 basic problems that confront our judges in that we
2 still are attempting to do justice between litigants.
3 The nature of the cases has changed greatly. While
4 historically many more things have been deemed
5 improper if done by a judge than if done by other
6 public officeholders, I think in the last twenty-
7 five years we have seen added emphasis placed on
8 judges, considering not only the matter of impropriety,
9 but also the appearance of impropriety, as he
10 determines his actions.

11 We are told, as you are aware, that a
12 judge must expect to be the subject of constant
13 public scrutiny. A judge must, therefore, accept
14 restrictions on his or her conduct that might be
15 viewed as burdensome by the ordinary citizen, and
16 yet must do so freely and willingly.

17 A former United States district judge,
18 and now head of one of the major New York law firms,
19 Simon Rifkind, has told us that in a democratic society
20 it is especially important that the decisions of
21 a judge should not only be obeyed, but that they
22 must be generally respected. A judge's decisions
23 will command respect only if the judge so orders
24 his or her life as to earn an attitude of respect.

25 And then Rifkind goes on to say: "The

1 interests of the judiciary will be best served
2 when a judge is conspicuous only for his judicial
3 activities."

4 In a lighter vein, he says: "To be
5 a model judge it is not necessary for a judge to
6 go to bed at night in his robe (laughter) or that
7 he substitute a halo for a nightcap (laughter)."
8 And he then summarizes, in part, with this
9 sentence: "A judge ought to be a gentleman."

10 Many of us have known you for a long
11 time as a gentleman. Your many friends that are
12 gathered here attest to that fact. I suggest that,
13 although from this day on you will be known as a
14 judge in the federal court system, that you remain
15 the person that we have known as Arlen Beam. Thus,
16 you will continue to do justly, to love mercy,
17 and to walk humbly.

18 Having seen so many come and go in
19 these twenty-five years, and being one of those
20 privileged to continue on, it is my personal wish
21 that you have good health and longevity. I
22 appreciate your invitation to come here and to
23 take part in these proceedings.

24 JUDGE BEAM: Thank you, Judge.

25 CHIEF JUDGE URBOM: Judge Beam, I have had

1 my word. Twenty-four centuries ago Socrates said,
2 "Four things belong to a judge: to hear courteously,
3 to answer wisely, to consider soberly, and decide
4 impartially."

5 That observation is as apt now as it
6 was when he said it. There are moments in every
7 judge's life which are at once awful and magical.
8 They repeat themselves, but when they will come,
9 no one ever quite knows. But suppose, for example,
10 it might happen to you this way -- you are trying
11 a jury case and a snarly legal issue stymies the
12 progress of the trial, so you ask the jury to
13 step into the jury room and you call upon the
14 lawyers to argue the issue to you, and they do
15 so, one after the other, carefully, studiously,
16 earnestly, and convincingly. And then comes the
17 moment when the talking stops and they just look
18 at you, and the whole thing shifts to you, and
19 you then know what it means to be a judge.

20 There are within those experiences,
21 I suggest to you, a great opportunity for you.
22 In those moments you will wonder, I predict,
23 whether you have actually heard courteously,
24 whether you have actually or are able actually
25 to answer wisely, whether you can, or have,

1 considered soberly, and whether you will decide
2 impartially. But I urge you to become comfortable
3 with that wondering because it will happen to you
4 over and over and over again, and probably you will
5 never know the answer. But let me reassure you
6 that those experiences have magic within them, too.

7 Every time - every time - that you
8 hear and answer and consider and decide as well
9 as you can, there will be within you a glow
10 which will warm your entire being and then again
11 you will feel what it means to be a judge.

12 I welcome you, sir, to the bench.

13 JUDGE BEAM: Thank you, sir.

14 CHIEF JUDGE URBOM: There has been a
15 Committee of Arrangements, which I understand is
16 responsible for much of the structuring of today.
17 I want you to know who they are. So, as I call
18 their names, will they stand, please, and be
19 recognized?

20 Mr. Robert Skochdopole.

21 Mr. Larry Ruth.

22 Mr. Richard Williams.

23 Mr. Thomas Pansing, Jr.

24 Mr. Harry Dixon, Jr.

25 Mr. Vincent Dowding.

1 Mr. Clark Nichols.

2 Mr. William Sherwood.

3 Mr. Larry Carstenson.

4 Mrs. Betsy Berger.

5 Thank you all, on behalf of Judge Beam and
6 the rest of us.

7 The master of ceremonies for what now will
8 occur is Mr. Robert Skochdopole.

9 MR. SKOCHDOPOLE: Thank you, Judge Urbom.
10 Prior to proceeding, I would also like to recognize
11 Mr. Lyle Strom, if I may, as a member of the committee.

12 Members of the Judiciary and Fellow
13 Members of the Bar, Distinguished Guests, Ladies
14 and Gentlemen:

15 I think it only proper that we first
16 recognize those who have stood by and shared with
17 Judge Beam the ups and downs of his attaining and
18 practicing law. They, along with Arlen, will also
19 share and feel the change in career after today.
20 So may I present to you Arlen's lifelong partner,
21 his wife, Betty, and their sons, Randal, and Brad, Jim,
22 and Tom, his wife Debbie, and Greg? They are all
23 seated in the front row.

24 Judge Urbom has presented to you one
25 side of the picture, that is, Arlen Beam embarking

1 on his new career as a federal judge.

2 It is now my pleasure to present to
3 you some of those who have made this transition
4 possible and some of those who are representative
5 from the career Arlen is leaving, that is, his life
6 as a private practitioner.

7 I would like to first call on The
8 Honorable Charles Thone, Governor of the State
9 of Nebraska. In our unique political situation,
10 Governor Thone was particularly active in his
11 support for Arlen. And well he should be, since
12 he is personally aware of the qualifications of
13 his lifelong friend. This will be Governor
14 Thone's only introduction, for he will not be
15 asked to comment on the budget or on the banking
16 bill. (Laughter)

17 Governor Thone, I invite you to make
18 a few remarks. You may come to the lectern or --

19 GOVERNOR THONE: May it please the Court --
20 I still like the ring of that salutation --

21 This is for me a moment of particular
22 pleasure, both personal and professional, personal
23 because I have had the opportunity to observe at
24 first hand over the past several years the extra-
25 ordinary legal competence of Clarence Arlen Beam

1 and to have enjoyed his quiet friendship, and
2 professionally, because I have had the privilege
3 of appearing before this court many times, both
4 as an Assistant U. S. Attorney with Don Ross,
5 and as a private practitioner.

6 A long and illustrious list of jurists
7 have honored, without tarnish, the Federal Judicial
8 District of Nebraska by their service on this bench.
9 They have rightly earned the respect and admiration
10 of both the bar and the public.

11 A story is told that there was a
12 certain judge sitting with two other lawyers,
13 and one of the lawyers got a little upset, as
14 occasionally happens in the heat of battle, at
15 the other, over an argument, and, suddenly
16 turning on the other, he said this; "Of all
17 the unmitigated, consummate asses that ever
18 lived, you are the absolute limit." Well, the
19 judge, of course, rapped heavily upon his
20 gavel and cried, "Gentlemen, you forget that
21 I'm here."

22 (Laughter)

23 No such self indictment intended,
24 or perhaps implied, has ever been in order here.
25 To the contrary, this court has had a proud

1 tradition of outstanding judges who served with
2 great honor and high distinction.

3 I know, with absolute certainty, that
4 Judge Beam will not only carry on that tradition,
5 but he will add to its considerable luster in the
6 years ahead.

7 I am also very grateful for the oppor-
8 tunity to participate in these ceremonies and to
9 join with all the others here to express to Arlen
10 our congratulations and sincere best wishes and,
11 of course, to his gracious wife, Betty, and fine
12 family.

13 Arlen, you are honored. We are
14 extremely proud of you. This is the beginning
15 of an illustrious judicial career.

16 I feel personally that I have lost
17 my counsel and that the U. S. District Court has
18 added courage, character and conviction, plus
19 wide experience, superlative scholarship, and
20 judicial temperament par excellence. Congratulations,
21 Judge Beam!

22 JUDGE BEAM: Thank you.

23 MR. SKOCHDOPOLE: It is my pleasure to
24 next introduce to you Senator Ed Zorinsky.

25 As you know, Judge Beam's appointment

1 must be confirmed by the U. S. Senate. We extend
2 our thanks to Senator Zorinsky for his cooperation.

3 Senator, I want you to notice that we
4 have refrained from putting doors on the jury box
5 in deference to your "open door" policy.

6 (Laughter)

7 May I introduce Senator Zorinsky.

8 SENATOR ZORINSKY: Judge Urbom, Judges,
9 Honored Guests, Friends:

10 Arlen I have not really known that long,
11 but it gives me a great deal of pleasure to participate
12 in this ceremony, having been one of those who
13 introduced Arlen to the Judiciary Committee of the
14 United States Senate. I am not one with a back-
15 ground of the judicial process or proceedings.
16 Basically, most of my court time has been spent
17 maybe for a couple of overtime parking tickets.
18 (Laughter). However, I have always felt that
19 umpires in some instances are similar or parallel
20 to judges. However, I have found that the judicial
21 branch is what separates our way of civilization
22 from all other nations in this world. As a matter
23 of fact, I have since found out that umpires may
24 not have any parallel to judges, having recently
25 visited the Orange Bowl game. (Laughter)

1 As a matter of fact, there is the story
2 of the three umpires. One of them said. "I call
3 them as I see them." The second one said. "I call
4 them as they happen." The third one said, "They
5 ain't nothing until I call them."

6 (Laughter)

7 Having come from one of the more
8 deliberative bodies in the world, the United States
9 Senate, obviously a Senator is expected to have
10 a lengthy dissertation. However, I will spare you
11 that this afternoon. As a matter of fact, when I
12 have given those lengthy dissertations, people have
13 come up to me afterwards and told me that I was a
14 very warm speaker, and I thought that was a compli-
15 ment, until I looked the word "warm" up in Webster's
16 Dictionary, and it states that warm means "not too
17 hot."

18 (Laughter)

19 But having served on the Nebraska
20 Judicial Qualifications Committee, and as a former
21 businessman, I felt one of my greatest assets was
22 to be able to judge a fellow human being as to his
23 or her qualities. And, Arlen, I have not known
24 yourself or Betty for that long, having first met
25 you in Washington, D. C., in the introduction to

1 the Senate Judiciary Committee. However, you are
2 an unassuming tree in a towering forest, and I
3 feel that you have those qualities, from our
4 brief meeting, of compassion, equality, humility,
5 and equity, to contribute a great deal, not only
6 to the judicial branch of our government, but also
7 to the people of this country, and ultimately to
8 the future of our nation, and certainly with the
9 backing of your wife, Betty, and certainly it has
10 been a team effort throughout your life thus far.

11 On behalf of my wife, myself, and the
12 United States Senate, I wish to commend you on your
13 past accomplishments and congratulate you, Your
14 Honor, on today's proceedings. May God watch over
15 you, this court, and our country, and God bless you.

16 JUDGE BEAM: Thank you, Senator.

17 MR. SKOCHDOPOLE: Thank you,
18 Senator Zorinsky.

19 Senator Exon could not be present today,
20 but he, like Senator Zorinsky, also participated in
21 the confirmation of Judge Beam by the U. S. Senate.
22 He is ably represented by Mrs. Katherine Dahlquist,
23 who has asked me to express on behalf of Senator
24 Exon his congratulations to Judge Beam for his
25 appointment and taking the bench. Mrs. Dahlquist,

1 would you stand and be recognized?

2 Next, and with particular pleasure, I
3 introduce Senator Roman Hruska. I realize that he
4 is no longer a Senator in the technical sense, but,
5 if I may, I shall continue to refer to him as such.

6 Senator Hruska started as a practicing
7 lawyer in Nebraska, held many elective offices,
8 went to the United States Senate in 1954, where he
9 stayed until 1977. When he retired, he returned
10 to the practice of law in Nebraska.

11 I expect that Senator Hruska has been
12 involved in the appointment of more federal judges
13 in the State of Nebraska than any other Senator,
14 and he still maintains a keen interest in the judicial
15 process.

16 May I present to you Senator Hruska.

17 MR. HRUSKA: May it please the Court,
18 Ladies and Gentlemen:

19 In the past five years Mrs. Hruska
20 and I have been often asked, "Do you miss Washington?"
21 Our standard answer is, "Yes, we miss Washington,
22 but not enough to want to go back." (Laughter)
23 Nebraska is a good place to live a good life, and
24 for ones who have been absent from that good State
25 for almost a quarter of a century it is especially so.

1 For my part, there might be one
2 exception to the idea that I do not miss Washington,
3 and that is the opportunity to participate in the
4 selection of those who will serve on the judiciary.
5 That was an assignment that I had for many, many
6 years, and literally hundreds of confirmations
7 passed under my review as a member of the Subcommittee
8 and later of the parent Committee and on the floor of
9 the Senate, and that was not only for this State,
10 but, likewise, for all States in the Republic and
11 for all levels of the judiciary.

12 Any regret about not having that
13 assignment, however, is short-lived because of the
14 realization that those who have succeeded me in
15 those capacities and who now have those assignments
16 have done remarkably well in the appointment, the
17 selective appointment from a very notable bunch,
18 of the man who was sworn into office this afternoon.
19 Of course, that means he is joining a very notable
20 company of some very fine jurists who have served
21 or who are still serving.

22 For those of us who are of older
23 vintage, and I see some of them sitting on the
24 bench in front of me, (Laughter) there are the
25 memories of Judge Woodrough and of Judge Munger

1 and of Judge Donahoe and of Judge Thompson and of
2 Judge Delehant and of Judge Dier and of Judge
3 Denney. And there are memories and there are
4 remembrances on the part of all of us of the
5 current judges who are serving: Robinson, Van
6 Pelt, Lay, and Ross, and, of course, Urbom and
7 Schatz, embellished by a new addition who sits
8 to my far right on the bench. All of them have
9 contributed markedly to a rich tradition of
10 excellence in the judiciary in this State, and
11 there has been that scholarship and that experience
12 in the law. There has been that diligence and
13 that dedication in the pursuit of the law, and
14 also the required temperament and the required
15 compassion, all of which are essential elements
16 to be the kind of judge of whom we can be proud.

17 And this afternoon marks the beginning
18 of a new career, a new judicial career, but we can
19 be comforted by the fact that he is chosen from the
20 ranks of a notable calling, and we can be assured
21 that he will fit well into the pattern and into
22 the enhancement of the traditions that his pre-
23 decessors and some of his colleagues now have
24 borne through the decades.

25 May I say that when I recited the names

1 of the judges that I did, their tenure in office,
2 starting with Judge Woodrough and Judge Munger, to
3 the present day, to the day of Judge Beam, covers
4 more than one-half of the period of time that
5 Nebraska has existed as a State. So, that is a
6 tradition that reaches far back, in terms of
7 decades, which has been formed, and we want to
8 congratulate you, Judge Beam, for joining that
9 company. We congratulate you and the court for
10 having you among them now, and we wish for all of
11 you continued progress in the idea that there should
12 be the proper respect, the proper deference, and the
13 proper cooperation on the part of all of our
14 citizenry who are interested in the continuance of
15 our form of government and the very vital part that
16 the court system plays in it. We extend our best
17 wishes.

18 JUDGE BEAM: Thank you, Senator.

19 MR. SKOCHDOPOLE: Thank you, Senator.

20 Congressman Hal Daub cannot be present. He was
21 also helpful and supportive of the appointment of
22 Judge Beam. Here to express his congratulations
23 to Judge Beam is his able representative and
24 brother, Russell Daub. Mr. Daub.

25 MR. DAUB: Your Honor, may I read a letter

1 from Hal to you, dated January 8th.

2 "Dear Arlen, I regret that Cindy and
3 I are unable to join you and Betty for the taking
4 of your oath as a United States District Court
5 Judge.

6 "Your nomination acknowledges your past
7 personal and professional accomplishments, and I
8 anticipate that your future service on the bench
9 will contribute greatly to the prestige of our
10 profession.

11 "In this century we have witnessed
12 enormous growth in the influence of the judiciary
13 in the national framework. Today the federal courts
14 are forums for debate and resolution of matters
15 which were once considered, if considered at all,
16 with the Congress or the Executive Branch. The
17 resolution of the law is, as Justice Marshall said,
18 the very essence of judicial duty.

19 "In placing in the judiciary this
20 power, we have acknowledged it as the most careful
21 custodian of our freedoms. The men and women
22 chosen for these roles are entrusted with the
23 responsibility that our people yield with the
24 utmost care. For to impose in an individual
25 the power to interpret our laws and administer

1 our justice is among the highest honors a community
2 can pay to a fellow citizen.

3 "In your nomination our people have
4 been well served by the selection of a man most able,
5 gifted and enlightened.

6 "We are here today not only to honor
7 you, but to also thank you for accepting that
8 responsibility. In the coming years you will be
9 called upon to make many difficult decisions as
10 well as simple decisions with difficult consequences.
11 A lifetime of learning and experience will be your
12 most important asset, but it will be your character
13 and judgment by which you will apply those assets.

14 "As long as we have men and women such
15 as you who are willing to undertake these challenges,
16 I am confident that our Republic is secure.

17 "I wish you the best in this undertaking,
18 fully aware that you will demand nothing but the best
19 from yourself.

20 Sincerely, Hal Daub,

21 Member of Congress"

22 JUDGE BEAM: Thank you.

23 MR. SKOCHDOPOLE: Thank you, Russ.

24 Next, it is my privilege to introduce
25 Mr. Ron Lahners, U. S. District Attorney. Ron is

1 an old friend of Arlen's, who assumed the role of
2 U. S. District Attorney in November of last year.

3 The Justice Department and the FBI
4 conduct a very thorough check of each prospective
5 judge's background, and they did so on Judge Beam.
6 It is, therefore, particularly gratifying that Ron
7 Lahners, as their representative, bring greetings
8 in the context of this appointment.

9 Mr. Lahners.

10 MR. LAHNERS: Thank you, Bob.

11 May it please the Court, and particularly
12 Judge Beam:

13 It does give me a very distinct pleasure
14 to be here at this time to welcome Judge Beam to the
15 bench. I want you to know that as an example of his
16 judicial nature he told me in the beginning, his
17 first judicial order, to be brief. (Laughter)
18 I shall be very brief.

19 On behalf of myself, the United States
20 Attorney's Office, and the Justice Department, we
21 welcome you to the bench. We know of your professional
22 background and we are looking forward to seeing you
23 operate in that way, knowing the high, high tradition
24 that you have established within that background for
25 competence and fairness, and I am sure that it will

1 go over into your judicial career.

2 Thank you.

3 JUDGE BEAM: Thank you.

4 MR. SKOCHDOPOLE: It is now my pleasure to
5 introduce to you as the next speaker the Chief
6 Justice of the Nebraska Supreme Court, Norman
7 Krivosha.

8 It was with some difficulty that we
9 were able to coax Chief Justice Krivosha out of
10 the confines of the court to speak to the public.
11 (Laughter) However, he has consented to so do,
12 and he will speak to you not only on his behalf
13 but as a representative of all members of the
14 Nebraska judiciary.

15 Judge Krivosha.

16 CHIEF JUSTICE KRIVOSHA: Thank you,
17 Robert.

18 Judge Beam, Ladies and Gentlemen:

19 I regret to advise you that though
20 I have been selected to speak on behalf of the
21 state judiciary and had prepared an address on
22 behalf of the state judiciary, the court met this
23 morning and I was unable to secure the necessary
24 four votes. (Laughter) I am, therefore, going
25 to have to just do it on my own.

1 I am particularly pleased and delighted
2 on behalf of the Supreme Court of Nebraska, on behalf
3 of the state judiciary, and on behalf of myself
4 personally to extend to you our congratulations.

5 Judge Beam's path and my path have
6 crossed many times over the years, oftentimes from
7 opposite directions. Those encounters, those
8 experiences, have always been most pleasant ones,
9 and over the years I have come to recognize and to
10 appreciate the diligence and the competence and,
11 most of all, the integrity of Judge Beam.

12 As has been indicated by Governor
13 Thone, Judge Beam continues that long line of out-
14 standing and dedicated and distinguished jurists
15 for which the United States District Court for
16 the District of Nebraska is known.

17 I was rather moved when Judge Urbom
18 described for you the magic of being a judge. It
19 provided me with some relief this afternoon. I
20 had thought perhaps it was only my difficulty,
21 and it is comforting to know that, indeed, that
22 is being what a judge is all about.

23 One who has been actively engaged in
24 the practice as an advocate, as Judge Beam has,
25 and as I had before coming to the bench, one is

1 inclined to wonder whether or not you can set
2 aside that training as the advocate and become
3 the impartial jurist that Socrates requires of us.
4 It is a strange and exciting feeling, indeed,
5 when you realize that you are able to decide not
6 what you wish the law were, but what the law as
7 you perceive it is. It is the excitement --
8 the excitement -- of being a judge.

9 This is a wonderful, wonderful occasion.
10 Having experienced a similar occasion not so many
11 years ago, I know the excitement and thrill of.
12 Judge Beam and family, and it is a moment that will
13 last for a long time.

14 You have received a great deal of
15 advice this afternoon, Your Honor, probably more
16 than you can use. (Laughter) But let me share
17 with you perhaps one last bit of advice that was
18 provided for me as I left the practice and came to
19 the court. I was given the admonition of Federal
20 Judge Harold Medina, who said: "After all is
21 said and done, we cannot deny the fact that a judge
22 is almost of necessity surrounded by people who
23 keep telling him what a wonderful fellow he is,
24 and if he once begins to believe it, he is a lost
25 soul."

1 I have no doubt, Judge Beam, that
2 you will be able to withstand all of that, and,
3 on behalf of the state judiciary, we welcome you
4 and we are delighted that you are now a part of
5 the judicial tradition of Nebraska.

6 JUDGE BEAM: Thank you.

7 MR. SKOCHDOPOLE: Thank you, Judge Krivosha.

8 Next is Mr. James Hewitt, who appears
9 as a representative of the American Bar Association.

10 The American Bar Association has long
11 been interested in the appointment of qualified
12 judges. In the past few years the President of the
13 United States solicited its recommendations as to
14 various candidates that appeared.

15 The American Bar made its recommend-
16 ations, but only after a thorough study into the
17 background of the prospective appointees. Such
18 was the case with Judge Beam.

19 It is therefore appropriate to hear
20 from another participant in the appointive process
21 of Judge Beam. I introduce to you a most solemn
22 James Hewitt.

23 MR. HEWITT: Solemn? Thank you, Skoch.

24 Your Honors, Judge Beam, Ladies
25 and Gentlemen:

1 I am very pleased to be here this
2 afternoon to play a role in the Induction Ceremony
3 of Judge Beam.

4 I have known Judge Beam for a long
5 time, back from the days when seed corn genetics
6 were of quite a bit more importance to him than
7 the rule in Shelley's case or the Dyer Act or
8 anything of that sort.

9 We were at one time co-conspirators
10 in a kitchen table cabal to seize the apparatus
11 of the Republican Party in Lancaster County.
12 (Laughter) That abortive effort died aborning,
13 but since he quit listening to my advice on
14 political affairs, Judge Beam's political star
15 has certainly been in the ascendancy. (Laughter)
16 And once he got that figured out, he has been
17 much more successful. (Laughter)

18 I am also proud to be here today
19 representing the Officers and Board of Governors
20 of the American Bar Association because, as
21 Mr. Skochdopole has said to you, the ABA does
22 play an important role in the federal judicial
23 process.

24 Those of you who read the Omaha and
25 Lincoln papers, and I suspect that includes the

1 great majority of you, certainly in recent weeks
2 have been aware of Judge Lay's correspondence with
3 certain members of the Senate concerning delays
4 in judicial appointments, and there has been some
5 reference in the press to the role which the
6 American Bar Association plays in judicial
7 appointments.

8 The ABA works in the federal judicial
9 milieu through the aegis of its Committee on
10 Federal Judiciary, which I think is universally
11 acknowledged by the American Bar to be its most
12 prestigious committee. It is the only committee
13 for which the Board of Governors authorizes first-
14 class air travel, (laughter) which will give you
15 some indication of how important it really is in
16 the scheme of things.

17 The Committee on Federal Judiciary
18 is made up of fourteen members: one at large and
19 one from each Circuit except the Ninth, which,
20 because of its size, has two members. These
21 committee members evaluate the names submitted to
22 them by the Attorney General as prospective
23 nominees for federal judicial vacancies. The
24 members of the particular Circuit -- in our case,
25 the Eighth Circuit -- conduct a number of interviews,

1 often twenty-five to fifty interviews, of lawyers,
2 judges, citizens, professors, within the parameters
3 of that particular Circuit in an effort to determine
4 the competence of the individual who has been
5 nominated, his professional qualifications. They
6 look at his integrity, his judicial temperament,
7 his scholarship. Once those interviews have been
8 conducted, if the individual passes muster, the
9 Attorney General is so notified and the name is
10 forwarded for consideration by the Senate. At
11 the time of the formal hearing, the Committee on
12 Federal Judiciary makes an appearance and its
13 evaluation of the judicial candidate is placed
14 on the record.

15 It seems to me quite appropriate
16 that the American Bar do this. It is the largest
17 professional association of lawyers - some
18 280,000 lawyers across the country. Because
19 of the size of its membership and the diversity of
20 its membership, it is uniquely qualified to pass
21 muster on candidates for federal judicial office.
22 All the judges we have in Nebraska, the federal
23 judges, have passed that muster, just as Judge Beam
24 has done. It is a rigorous scrutiny. Anyone who
25 emerges from it unscathed is a person certainly

1 worthy of our trust and one in whom we can have
2 a great deal of confidence.

3 Judge Beam, I would not presume to
4 give you any advice. I have, over the span of
5 twenty-five years, offered advice to a number of
6 courts, both trial and appellate, and it has
7 pretty uniformly been ignored. (Laughter) So
8 I think there is very little that I want to say to
9 you except, on a personal level, my very best
10 wishes, and on behalf of the Board of Governors
11 and the Officers of the American Bar Association,
12 I would like to extend our congratulations and
13 very best wishes for a long and distinguished
14 tenure on the bench.

15 JUDGE BEAM: Thank you.

16 MR. SKOCHDOPOLE: Thank you, Jim.

17 Judge Beam is a member of the Lincoln
18 Bar Association, the Nebraska Bar Association,
19 and his legal practice has taken him statewide
20 where he is widely known and has many friends.
21 To attempt to call upon all the Associations of
22 the Nebraska lawyers who know Judge Beam would
23 see us through the evening, I'm afraid, so I
24 therefore ask Mr. Robert Spire, President of
25 the Nebraska State Bar Association, to respond

1 on behalf of the lawyers of the Nebraska State
2 Bar.

3 Mr. Spire, please.

4 MR. SPIRE: May it please the Court,
5 Judge Beam, Judge Urbom, Cherished Members of
6 Judge Beam's Family:

7 You know, this is a tough act to
8 follow. We are working our way all the way back
9 down now (Laughter) and we have heard from a
10 very distinguished array of federal judges. We
11 have heard from the Governor of the State, two
12 United States Senators, a representative of our
13 Congressmen, the Chief Justice of our State
14 Supreme Court, our Federal Attorney, a member of
15 the Board of Delegates of the ABA, and now we're
16 down to just a plain lawyer (Laughter).

17 I am reminded of that great con-
18 temporary philosopher, Yogi Berra's statement
19 the first time Yogi was in a Yankee uniform
20 at Yankee Stadium. He walked out into the in-
21 field during batting practice and he looked
22 around and he looked over and Joe DiMaggio was
23 standing on one side of him and Red Ruffing was
24 up on the mound getting ready to pitch, and Yogi
25 looked up into the third deck of the Stadium,

1 and he said, "You know, I just don't belong in
2 this League. I wish they'd send me back to the
3 Toledo Mud Hens." (Laughter)

4 I do want to say that, speaking on
5 behalf of the lawyers throughout the State, the
6 City, County, District and State Bar Associations
7 of Nebraska, it is indeed a privilege to be here.
8 Although, Judge Beam, you have been hearing from
9 the Governor, from Senators, from other judges,
10 I know and you know that it will not be the
11 Governor, it will not be United States Senators,
12 it will not be other judges that will be getting
13 in your way in the years ahead. We lawyers will
14 be the ones who will be testing your very sanity
15 in your years on the bench. (Laughter) So I
16 feel quite welcome here (Laughter) as one of
17 those who will do the testing.

18 You know, in thinking about this
19 happy and eventful occasion though, one does ask
20 the question: Just what is being a judge all
21 about? Why is it that this occasion, the swearing-
22 in of a United States judge, why is it significant?
23 Why are all of us here?

24 I look around and I see people such
25 as Judge Brodkey, Mr. Tom Davies, former Dean-now

1 Professor Henry Grether in the room, and all of
2 you. Obviously, this is a significant occasion
3 to bring these people out. Well, I think the
4 answer is really quite direct for us as lawyers.

5 I recall a maxim that a man who has
6 one watch does know what time it is; the man
7 with two or more watches is never sure. I think
8 also of the late great Judge Learned Hand's pro-
9 found statement that "Liberty is a spirit which
10 is never quite sure it is right."

11 In this country we have free choice.
12 We are blessed in the United States to do our
13 thinking for ourselves, to act for ourselves,
14 indeed to come to reasonable disagreements as to
15 how we ought to act, what we ought to do. And
16 so, to resolve this, we have this magnificent
17 judicial system made up of men and women who
18 serve as the judges who must have the sensibility
19 and, indeed, the sensitivity to resolve the laws
20 which govern all of our activities.

21 It is therefore essential that we
22 recognize and understand that in a ceremony to
23 swear in a new judge we, in effect, are recognizing
24 a person who will be serving with other judges as
25 one of the final arbiters of the free choices which

1 we enjoy as American citizens, and, in so doing,
2 will be rendering a very real service.

3 Judge Beam, I am reminded of Albert
4 Schweitzer's remark -- Albert Schweitzer was a
5 great medical missionary, theologian, organist,
6 a great interpreter, if you please, of the most
7 involved of the Bach organ fugues. Albert
8 Schweitzer told a group of students one time:
9 "I do not know what your individual destinies
10 will be, but I know this: those among you who
11 will be really happy will be those who have sought
12 and found how to serve."

13 I suggest, Judge Beam, by being a
14 respected lawyer for many years, by now becoming
15 a United States district judge, you, indeed, have
16 found an opportunity to serve, to serve the law
17 as a social science, to serve lawyers who are the
18 architects of the law, and, indeed, most important
19 of all, to serve the public for whose benefit all
20 of us hold this treasure of the law in trust.

21 I pledge to you, Judge Beam, on
22 behalf of the practicing lawyers of Nebraska,
23 our greatest support as we labor in your judicial
24 vineyard, to assist you in what we know will
25 be the real service you will perform because of

1 your absolutely eminent qualifications for this
2 important position.

3 Speaking on behalf of the practicing
4 lawyers, I thank you for allowing them, through
5 me, to participate in this happy and eventful
6 proceeding.

7 JUDGE BEAM: Thank you.

8 MR. SKOCHDOPOLE: Thank you, Rob.

9 Congresswoman Virginia Smith and
10 Congressman Douglas Bereuter were also not able
11 to be present. However, they have sent congrat-
12 ulations. Those congratulations will be
13 expressed to you by Mr. Larry Ruth.

14 Mr. Ruth is a long-time friend and
15 associate of Judge Beam and he succeeded him as
16 a representative on the Nebraska State Bar
17 Association before the State Legislature.

18 Larry, will you stand?

19 MR. RUTH: May it please the Court --
20 Reading in part from the message of Douglas
21 Bereuter:

22 "We know that you will assume your
23 new position with the same vigor and dedication
24 that has characterized your past career. You
25 will bring a wealth of knowledge and experience

1 to the judiciary that will enable you to serve
2 with honor and distinction."

3 Reading in part from the message
4 of Congresswoman Smith:

5 "I am indeed sorry that I cannot be
6 present at your Installation Ceremony as United
7 States district judge, but I want you to know
8 that I am certainly there in spirit.

9 "I will always remember the time
10 when I needed your splendid counsel and that you
11 demonstrated your special talent for getting to
12 the heart of the issue, not only at the time but
13 throughout your already distinguished career.
14 Congratulations and best wishes as you begin
15 your new career!"

16 And now we're down to just a former
17 partner. On my personal level, may I add
18 congratulations and best wishes from each member
19 of our law firm. We will miss you. Thank you
20 for your leadership, your advice and counsel.

21 JUDGE BEAM: Thank you.

22 MR. SKOCHDOPOLE: Thank you, Larry.

23 It occurs to me that in introducing
24 the members of the Committee we did omit Mr. Don
25 Witt, so may I ask Mr. Witt to stand and be

1 recognized, please. Thank you, Don.

2 When I was asked to participate in
3 this ceremony, I was happy to accept, for two
4 reasons: one was having the privilege of
5 participating in bestowing such an honor on an
6 old friend, and, secondly, of being able to stand
7 in a courtroom with so many judges present, and
8 on the bench, and without being ruled irrelevant,
9 immaterial, without foundation, not the best
10 evidence, or, finally, espousing hearsay.

11 (Laughter)

12 I asked one of the judges if it
13 would be proper for me to make such a statement
14 as that, and he said, "Skoch, don't worry, have
15 no fear, you will always be irrelevant,
16 immaterial --" (Laughter)

17 Seriously, I wish to express some of my
18 thoughts to Arlen. I wish to approach it from a
19 different side than his role as a federal judge. I
20 wish to present something to you of Arlen as a person.

21 Arlen was born in Stapleton, Nebraska,
22 in 1930, and he obtained a Bachelor of Science in
23 Agriculture from the University of Nebraska in 1951.
24 He then served in the Army, in Korea, for two years.
25 He returned to the Nebraska Law School in 1953.

1 In the meantime, he and Betty had
2 married and started a family. Finances forced
3 Arlen to leave Law School in 1954. From then on
4 he worked for the Steckley Seed Corn Company,
5 until 1963, when he went back to Law School.

6 At that time he and Betty had
7 increased their family to five children. It was
8 necessary not only for Arlen to go to Law School
9 and work, but, in order to support his family, he
10 ran his own public relations firm.

11 He graduated in 1965, and joined
12 the law firm of Chambers, Holland and Dudgeon.
13 In 1971, that firm merged with the firm of Mason,
14 Knudsen, Berkheimer and Endacott, where Arlen
15 practiced as a partner until today.

16 I wanted to make this brief history
17 available to you because I think it is illustrative
18 of his persistence and of his ambition, traits
19 which make him a good lawyer and a good person.

20 I first became acquainted with Arlen
21 when we represented different railroads together.
22 I worked with him as a representative of the
23 Nebraska State Bar Association and on other matters
24 where we were in an adversary position. A
25 substantial portion of Arlen's law practice was

1 in the field of litigation and representation of
2 clients before various administrative bodies. He,
3 therefore, comes to the bench with skills in
4 litigation, adversary proceedings, and a knowledge
5 of the legislative and political process.

6 I have never known anyone who has dealt
7 with Arlen, whether they prevailed or not, who had
8 anything but highest praise for his integrity, his
9 legal skills, and for Arlen as a person.

10 I offer him my heartiest congratulations
11 and feel secure with the knowledge that Judge Beam
12 will enhance and bring credit to the federal bench
13 that he now joins.

14 Prior to returning the proceedings to
15 Judge Urbom, I would like to introduce some of the
16 other distinguished guests who are present in the
17 audience, and who, because of time constraints, we
18 have not had a chance to ask for remarks.

19 Please stand, if you will --

20 Judge of the Bankruptcy Court and
21 Mrs. Crawford.

22 Magistrate Peister.

23 The Clerk of the Federal Court,
24 William and Mrs. Olson, and I want to make a
25 grateful acknowledgement to Bill for his help in

1 setting up this whole matter.

2 We have with us some State Supreme
3 Court Judges:

4 Judge White.

5 Judge Boslaugh.

6 Judge Brodkey.

7 Judge Hastings.

8 And I have wanted to use this word
9 since I knew what it meant -- "Putative" State
10 Supreme Court Judge Nick Caporale. (Laughter)

11 I think it is also appropriate
12 that I acknowledge some of the law partners, the
13 senior law partners, of Arlen who have made the
14 sacrifice of a law partner to the federal
15 judiciary. In the audience we have

16 Mr. Dick Knudsen.

17 Mr. Dick Berkheimer.

18 Mr. Wally Richardson.

19 Mr. Richard Endacott, in the back,
20 who didn't get a seat.

21 I especially want to recognize the
22 wives of the judges and the speakers and those
23 who have attended since I know this is probably not
24 the most illuminating experience in a non-lawyer's
25 life. Our thanks to them for being here.

1 We also have, as members of the state
2 government:

3 Lieutenant Governor Roland Luedtke
4 and his wife.

5 Secretary of State Allen Beermann.

6 State Treasurer Kay Orr.

7 The Attorney General of the State
8 of Nebraska, Paul Douglas.

9 My thanks to any of you whom I have
10 omitted in introductions. We appreciate the rest
11 of your attendance, and, with that, I will return
12 the proceedings to Chief Judge Warren Urbom.

13 CHIEF JUDGE URBOM: Thank you,
14 Mr. Skochdopole.

15 Judge Beam - Arlen - after all of
16 that, you must feel a speech coming on.

17 (Laughter)

18 JUDGE BEAM: A very short one.

19 Judge Urbom, Ladies and Gentlemen:

20 I want to join with my friend
21 Bob Skochdopole in thanking you all for coming
22 today. I especially thank those persons at the
23 bench and in the box for their gracious remarks.
24 I sincerely hope that at least in some measure
25 I may live up to their expressions of confidence.

1 A special thanks also to the Arrange-
2 ments Committee who have been so generous in their
3 time in arranging the activities of today.

4 I think I would be remiss if I didn't
5 specifically express my gratitude to Chief Judge
6 Urbom for presiding and administering the oath of
7 office; to Governor Thone and to Representatives
8 Smith, Bereuter, and Daub for recommending my
9 nomination to the President of the United States;
10 to Senators Zorinsky and Exon for their courtesies,
11 and they were many, at the time of my hearing.
12 before the United States Senate.

13 This is an exciting time for the
14 Beam family, but it is, to some extent, a bitter-
15 sweet occasion. The pleasing elements of today
16 I think are obvious and very much relished by the
17 Beams. However, it saddens me that my assumption
18 of this office comes as the result of the passing
19 of a long-time friend, Judge Robert V. Denney.
20 Betty and I are especially pleased that Mrs. Denney
21 is here with us today. We greatly appreciate her
22 kind words and deeds of these past weeks, and they
23 have been many.

24 We are also extremely happy that my
25 mother, who had her seventy-ninth birthday on

1 Wednesday of this week, could make the trip from
2 her home in North Platte. She is here with us
3 today.

4 As I approach my new duties, I
5 consider my good fortune in having as role models
6 five great federal trial judges: Judges Robinson,
7 Van Pelt, Urbom, Denney, and Schatz. To borrow
8 some words from the oath of office, I intend,
9 according to the best of my abilities and under-
10 standing, to emulate these men as best I can.

11 Last month at Commencement Exercises
12 in Lincoln, the University of Nebraska Lincoln
13 Chancellor Morton Massingale, quoting philosopher
14 Eric Hoffer, said:

15 "It is the capacity for maintenance
16 which is the best test of the vigor and stamina
17 of a society. People can be galvanized for a
18 while to build something, but the will and skill
19 to keep things in good repair, day in and day out,
20 are more rare."

21 If what Mr. Hoffer says is true, it
22 seems to me that the courts of our country,
23 federal and state, as epitomized by the people who
24 have spoken to you here today, are rare indeed.
25 As much as any institution in our society, public

1 or private, the court system, as a civilized
2 and certain forum for cases and controversies,
3 provides a force that binds society together as
4 a whole fabric, albeit a many-hued cloth.

5 Therefore, to be a part of this,
6 first as a lawyer, as indicated by Mr. Spire,
7 and now as a judge, is both provocative and
8 gratifying. From a personal standpoint, the
9 Hoffer observation expresses to me a philosophy
10 that I believe to be compatible, at least in part,
11 with my approach to this great office. In this
12 regard, I make no promise to galvanize my-
13 self to create things new or novel. If such
14 matters do occur, they will hopefully take place
15 in the ordinary course of my doing my job. I do
16 specifically pledge to you, however, a full
17 measure of vigor and stamina to keep those things
18 that you entrust to me in good repair, if possible.
19 To this end I will attempt, as my resources will
20 allow, to well and faithfully discharge the duties
21 of this office, on which I have now entered.

22 Thank you. Thank you again for
23 coming. You have honored myself and my wife by
24 being here today.

25 CHIEF JUDGE URBOM: Judge Beam wants you

1 to know that you are welcome to have coffee
2 with him in the jury lounge immediately after --
3 well, not immediately after we close the court.
4 There will be some who will want photographs
5 and we will do that, but as soon as that is over,
6 he will be with you.

7 To get to the jury lounge, you go
8 out this door, turn to your left and walk as
9 far as you can go, and then turn to your right
10 and go down the hall a little way and you will
11 see a sign on your right, "Jury Lounge." That's
12 the place.

13 All right. Now the Marshal will
14 announce the closing of court.

15 THE MARSHAL: Court will now be in
16 recess.