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U.S. DISTRICT COURT
DISTRICT OF NEBRASKA

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INVESTITURE
OF
THE HONORABLE JOSEPH F. BATAILLON
as District Judge, United States District Court
for the District of Nebraska

COURTROOM NO. 2
ZORINSKY FEDERAL BUILDING
OMAHA, NEBRASKA

NOVEMBER 10, 1997
3:00 P.M.

1 UNITED STATES MARSHAL: Hear ye, hear ye, hear ye.
2 The United States District Court for the District of Nebraska
3 is in special ceremonial session. God save the United States
4 and this Honorable Court. Please remain standing.

5 CHIEF JUDGE CAMBRIDGE: I call upon the Reverend
6 Thomas O'Brien for opening prayer.

7 REVEREND O'BRIEN: Let us place ourselves in the
8 presence of the God of our understanding. We thank you, God
9 of mysterious ways, that You have a holy design for each of
10 us. We rejoice that we are, each of us, special to You; that
11 our names are written in the palm of Your hand, and our place
12 in history, our purpose for existing is known within Your
13 heart since endless ages. Oh You who are beyond all names,
14 yet Whom we call Father and Mother, be present with our
15 brother Joseph as he begins his new ministry. Help him to
16 balance power and compassion, reason and intuition, justice
17 and mercy. Open wide the doors of his heart that the wisdom
18 of ages flows into his very being. This is what God asks of
19 him, only this, to act justly, love tenderly, and to walk
20 humbly with his God. Spirit of the universe, oh eternal Light
21 of Lights, Spirit of the universe, we bow to you, most holy
22 and boundless breath of creation, forever and ever we bow to
23 You. Amen.

24 CHIEF JUDGE CAMBRIDGE: Please be seated. Welcome
25 to all of you.

1 This ceremonial session of the United States District
2 Court has been convened for the purpose of administering the
3 oath of office to our new United States District Judge, Joseph
4 F. Bataillon.

5 On behalf of the United States District Court for the
6 District of Nebraska, and on behalf of Judge Bataillon and his
7 wife Pam and their family and friends, we welcome all of you
8 to this installation ceremony.

9 So you will know who we are up here, I'm Chief Judge
10 Cambridge, and to my immediate right is Richard Kopf, United
11 States District Judge Richard Kopf, who sits in Lincoln.

12 To my immediate left, Thomas Shanahan, United States
13 District Judge Thomas Shanahan, who sits here in Omaha.

14 And to my far right, Judge Lyle Strom, Senior Judge
15 Lyle Strom.

16 We have a number of dignitaries here who are
17 dignifying this ceremony by their presence and time won't
18 permit me to introduce all of them by name.

19 But there are a few I do wish to introduce by name
20 and then others that I would recognize by asking them to stand
21 as a group.

22 Off here in the jury box we have, and if you would
23 please stand and remain standing until I finish reading the
24 names, we have Judge C. Arlen Beam of the Eighth Circuit Court
25 of Appeals. To his left, his wife Betty.

1 And we have Judge Shanahan's wife, Jane Shanahan;
2 Magistrate Judge Thomas Thalken; Chief Judge Tim Mahoney of
3 the Bankruptcy Court.

4 John Minahan, a Bankruptcy Judge who sits in Lincoln;
5 John Grant, retired Supreme Court Judge and District Judge
6 from the State of Nebraska.

7 And down here we have Chief Justice Thomas White. If
8 you would stand please, sir.

9 Judge Nick Caporale; Judge Kenneth Stephan; and Judge
10 McCormack, all of the Nebraska Supreme Court. Thank you,
11 gentlemen. (applause)

12 Then I would also like to introduce, and they will
13 speak to us later, they are the speakers for our program
14 today, in addition to the Judges.

15 Senator Robert Kerrey. If you would stand, please,
16 Senator. Senator James Nexon.

17 SENATOR KERREY: Exon.

18 CHIEF JUDGE CAMBRIDGE: Exon. I'm sorry.

19 SENATOR EXON: Nobody is perfect.

20 CHIEF JUDGE CAMBRIDGE: I got the "x" in there,
21 Senator. Please forgive me.

22 Governor Ben Nelson is here. And I am sorry, sir, I
23 don't have you on my list.

24 MR. JANSSEN: Tom Janssen from Senator Hagel's office.

25 CHIEF JUDGE CAMBRIDGE: You are from Senator Hagel's

1 office and you are representing Senator Hagel. Your full name
2 is?

3 MR. JANSSEN: Tom Janssen.

4 CHIEF JUDGE CAMBRIDGE: Welcome to you, sir. Then we
5 have Mary Lemon, who is a member of the board of the Shiloh
6 Missionary Baptist Church. We will be calling on her later
7 for the closing prayer.

8 Then seated to her left is Reverend O'Brien, who just
9 gave the opening prayer for us, and he is Judge Bataillon's
10 former pastor at St. Pius X church. So welcome to all of you.
11 (applause)

12 We also have Representative Jon Christensen, and
13 former Governor Frank Morrison and his wife Maxine. If you
14 folks would stand and be recognized. (applause)

15 CHIEF JUDGE CAMBRIDGE: We also have a number of
16 state judges, and I would like to recognize them, but I won't
17 read all of their names, time won't permit, but if all of the
18 Nebraska state judges, district and county, would please stand
19 and be recognized, and the court of appeals, I would
20 appreciate also. (applause)

21 And we have a number of state elected officials also
22 as I understand it here just seated behind the bar, and if
23 they would stand, please, state senators and other office
24 holders, please stand and we will recognize you now.
25 (applause)

1 We have representatives also of Judge Bataillon's
2 former law firm, Sodoro, Daly & Sodoro, and I understand
3 they're seated in those first two benches to my left, your
4 right there, and if you would please stand and be recognized.
5 (applause)

6 And we have to my left, to your right, this whole
7 section here, the family of the Judge, but I won't try to
8 introduce them all by name and I'll leave that privilege to
9 the Judge here for later on.

10 I would like now to call upon Senator Robert Kerrey.
11 I recognize him for purposes of presenting and reading into
12 the record the President's commission issued to Judge
13 Bataillon.

14 SENATOR KERREY: It is a mysterious God. (laughter)

15 "William Jefferson Clinton, President of the United
16 States of America, to all who shall see these presents,
17 greeting: Know ye that reposing special trust and confidence
18 in the wisdom, uprightness and learning of Joseph F. Bataillon
19 of Nebraska, I have nominated and by and with the advice and
20 consent of the Senate do appoint him United States District
21 Judge for the District of Nebraska and do authorize and
22 empower him to execute and fulfill the duties of that office
23 according to the Constitution and laws of the said United
24 States and to have and to hold said office with all the
25 powers, privileges, and emoluments to the same of right

1 appertaining unto him, the said Joseph F. Bataillon, during
2 his good behavior."

3 CHIEF JUDGE CAMBRIDGE: Judge Bataillon, if you are
4 prepared to take the oath of office, would you please stand,
5 come over here please and raise your right hand and repeat
6 after me, sir.

7 JUDGE BATAILLON: I, Joseph F. Bataillon, do solemnly
8 swear that I will administer justice without respect to
9 persons, and do equal right to the poor and to the rich; and
10 that I will faithfully and impartially discharge and perform
11 all of the duties incumbent upon me as United States District
12 Judge, according to the best of my abilities and
13 understanding, agreeable to the Constitution and laws of the
14 United States; and that I will support and defend the
15 Constitution of the United States against all enemies, foreign
16 and domestic; that I will bear true faith and allegiance to
17 the same; that I take this obligation freely, without any
18 mental reservation or purpose of evasion; and that I will well
19 and faithfully discharge the duties of the office on which I
20 am to enter. So help me God.

21 CHIEF JUDGE CAMBRIDGE: Congratulations.

22 JUDGE BATAILLON: Thank you very much. (applause)

23 CHIEF JUDGE CAMBRIDGE: I now would like to call upon
24 Judge Bataillon's wife, Pam, and his five children. I have
25 all those children listed here, too, by name. Aimee, Jared,

1 Margie, Pat and Kathryn, to assist him with his robe.

2 I don't know, there are a number of them, how they
3 will get all their hands on that robe. (applause)

4 CHIEF JUDGE CAMBRIDGE: Now I'll invite you to come
5 up here and join us on the bench, Judge.

6 Judge Bataillon, I join with all the others here in
7 congratulating you on this new step or phase in your legal
8 career and extending to you a sincere warm welcome to the
9 United States District Court bench.

10 I also extend that welcome and those congratulations
11 to your lovely wife and your five lovely children.

12 I think you already know how delighted we are in
13 having you join us here on the bench.

14 It's no secret that we have been looking forward for
15 a long time to having another full-time Article III Judge on
16 the bench.

17 And to have that goal and desire finally come to
18 fruition and to have that position filled by someone of your
19 experience, capability, and talent is a most satisfying and
20 wonderful effort.

21 You have been very sorely missed, even before you
22 arrived here.

23 And I say that hoping that it will make you feel, as
24 we all sincerely do, how much you are wanted here and needed
25 here.

1 Your services, as I have said, have been long waited
2 and I'm sure they will be well received and appreciated by
3 both the bar and the bench.

4 I commend you for accepting a very challenging
5 position, and it's a delightful thing to see you tackle the
6 task, as you already have. He has already tried a lawsuit a
7 week ago.

8 I think that you know that you are not going to have
9 to do this all by yourself.

10 You have the support of some very hard working
11 dedicated loyal people in our court system, in the offices of
12 the clerk of the court, probation, pretrial services, U.S.
13 Marshals, law library, and you will also have the support of
14 the excellent staff which you've already assembled and they're
15 here today. I understand you will be recognizing them in due
16 course.

17 I look forward to working with you and your staff, as
18 I'm sure all the Judges here do, and I consider it a privilege
19 to get to do so.

20 I'm confident that you will continue to distinguish
21 yourself, as you already have in the past, and this court, and
22 the legal profession, and I wish you the very best toward that
23 end.

24 And I promise you, and have promised you, that my
25 staff and I will do whatever we can to help and support you in

1 that goal, although you probably won't need it.

2 As I heard Judge Strom once say, "If you are foolish
3 enough to ask for it," not you, he said that to somebody else.
4 (laughter)

5 But I want you to know we will do whatever we can to
6 help and support you in that goal, which we all hold in common
7 up here on the bench, and that is, as you well know, the goal
8 of administering justice in accordance with the oath of office
9 which you just took.

10 That's justice not in accordance with personal
11 dictates of the judge involved, but justice in accordance and
12 agreeable to the Constitution of the United States and the
13 laws of the United States, just as the oath said.

14 So I congratulate you and your family and all of your
15 friends who are here today on your appointment.

16 We are sincerely delighted to have you with us and we
17 look forward to working with you.

18 JUDGE BATAILLON: Thank you very much, Judge.

19 CHIEF JUDGE CAMBRIDGE: I would like to recognize the
20 master of ceremonies for our program today, the Honorable
21 Lieutenant Governor Kim Robak, who is with us.

22 And before I turn it over to you, I would like to
23 recognize your husband also who is here with us today, seated
24 there with you, Mr. Bill Mueller. If you would stand, sir,
25 and be recognized. (applause)

1 LT. GOVERNOR ROBAK: I don't know if there is room in
2 the back, if the people in the back want to move in behind, is
3 there space for you? We can't do it. All right.

4 Joe, first of all, congratulations. I've known Joe
5 Bataillon for some time and it's my honor and pleasure to be a
6 part of your ceremonial investiture today.

7 I knew Joe from the practice of law, having served
8 with him on the House of Delegates and also was on the
9 nominating commission when he was selected or his name went
10 forward as Chairman of the House of Delegates.

11 And, Joe, I don't know if you know this, it was four
12 hours after having delivered our second daughter that the
13 conference call took place in which you were chosen to be one
14 of the candidates, or the candidate for the chairmanship of
15 the House of Delegates, so I'll never forget that particular
16 conference call. (laughter)

17 I also worked with Joe in the Democratic party, both
18 before his chairmanship of the party and afterwards.

19 Andrew Carnegie said, "As I grow older I pay less
20 attention to what men say; I watch what they do."

21 And I have watched what Joe Bataillon has done. He
22 has character. He is honest, and he has a core set of values.
23 If you know Joe Bataillon at all, they don't waver.

24 He is dedicated. He puts in hour after hour on all
25 kinds of causes.

1 He always completes what he says he will and follows
2 through.

3 He is compassionate. He gives of himself, and I know
4 his family, Pam and the kids, can tell you how many hours he
5 spends on projects.

6 He is smart. He is not just book-smart; he is
7 people-smart, and lawyers respect him for the skills that he
8 has and the judgment that he has, and that's one of the
9 highest compliments a lawyer can receive, and I think the fact
10 that this room is packed and overflowing into the hallway says
11 something about that, Joe.

12 In all my dealings with Joe Bataillon I have watched
13 his action, and based on what he does I know that he will be a
14 great federal district judge.

15 Joe Bataillon is also very optimistic. He gave me a
16 list of names of five individuals and said they had three
17 minutes each for a total of fifteen minutes. That's optimism.
18 (laughter)

19 I know that you have been away from the Democratic
20 party for all of fourteen months Joe, but you haven't been
21 gone that long. (laughter)

22 One of the very first people to understand that Joe
23 Bataillon should be on the bench was one of the people who did
24 not get to vote to confirm him because the process took that
25 long. It took fourteen months.

1 But nevertheless Senator Jim Exon was instrumental in
2 forwarding Joe's name and in working to get him confirmed.
3 Senator Exon, would you please come forward and give us your
4 remarks? (applause)

5 SENATOR EXON: Thank you very much. As the lead off
6 man on the three minutes speeches, I'm going to try and set a
7 precedent for the professions most prominently in attendance
8 here, that's lawyers and politicians, neither profession noted
9 for having brevity as part of their foremost attributes in
10 public service, but at least I am going to try.

11 Judge, thank you for that fine introduction. I
12 really appreciate that. (laughter).

13 Lawyers have been misleading me all my life, starting
14 with Frank Morrison, (laughter), and they misled me here
15 today.

16 I am so confused standing here in front of you. I
17 had thought that I was coming here today to honor Pam
18 Bataillon, but once again I was misled. (laughter)

19 Seriously, thank you very much. I'm honored to be
20 with you here for these brief remarks.

21 Joe, you are the last of a whole series of
22 outstanding individuals that I have been associated with in my
23 twenty-five years of public service.

24 I'm highly honored to be here today to recognize you
25 for your past accomplishments and what I know you will do as

1 far as the future for justice is concerned in our great state
2 of Nebraska and in our nation.

3 And as we move forward, I think we can thank God that
4 we have the right type of men and women who offer themselves
5 to serve in these very, very important posts.

6 To all of you judges sitting there, to all of you
7 judges and other officials out here, as a retired politician,
8 I look back and say thank God for bringing out the best of the
9 best to serve in the important matter of justice in the state
10 of Nebraska and the United States of America. God speed, Joe.

11 JUDGE BATAILLON: Thank you. (applause)

12 LT. GOVERNOR ROBAK: Thank you, Senator Exon. Our
13 now Senior United States Senator also knew the frustration of
14 trying to move Congress to put Joe Bataillon's name up for a
15 vote.

16 In fact, Senator Kerrey made a personal appeal to
17 Senate Majority Leader Trent Lott, arguing that Joe Bataillon
18 would have bipartisan support.

19 When the vote was finally taken, Senator Kerrey was
20 vindicated because the vote was one hundred to nothing. It
21 was unanimous. Senator Kerrey. (applause)

22 SENATOR KERREY: They quit smiling after they get to
23 be a judge, I guess. (laughter).

24 Well, when the Declaration of Independence was
25 written, the writers said that we hold these truths to be

1 self-evident, that all men are created equal, and I must point
2 out that sometimes truths aren't so self-evident.

3 It requires men of good judgment, and men with
4 courage, and women as well, who are willing to sit robed and
5 pass judgment.

6 Today in America it is seen by many citizens that in
7 order to acquire access to a member of Congress, or the
8 President himself, one has to make a contribution of some kind
9 in order to get there.

10 Well, God help this Republic when a man or woman
11 walks before this court and feels they are not going to get
12 good judgment unless they have made some kind of contribution
13 other than merely being before this body.

14 God help each of you to make the kinds of judgments
15 that will make all of our citizens understand that rich or
16 poor, black or white, man or woman, all of us are equal before
17 the law. (applause)

18 LT. GOVERNOR ROBAK: Thank you, Senator Kerrey. Joe
19 Bataillon was able to win backing from Senator Hagel shortly
20 after he was elected to the Senate.

21 In fact, Senator Hagel joined Senator Kerrey at the
22 witness table with Joe to endorse him.

23 Senator Hagel praised Joe's intelligence and legal
24 standing, stating that we need the best minds and people with
25 character.

1 Senator Hagel said that Joe's only flaw was in his
2 association with the Democratic party. We disagree on that.
3 (laughter)

4 Senator Hagel cannot be with us here today, but his
5 staff, Tom Janssen, is here with a few words from the Senator.

6 MR. JANSSEN: I had always hoped that for my first
7 appearance in front of a courtroom I would be more prepared.

8 But instead today in front of numerous judges, former
9 U.S. Senator, the Governor, and the Senior Senator from the
10 state of Nebraska, I have to admit that Senator Hagel's letter
11 is back in my office on my desk. (laughter)

12 So today, Your Honor, I throw myself on the mercy of
13 the court. (applause)

14 I do, however, from Senator Hagel honestly send his
15 congratulations, and his heartfelt good luck.

16 JUDGE BATAILLON: Thank you very much. (applause)

17 LT. GOVERNOR ROBAK: That's honesty. It also means
18 we picked up about two minutes.

19 When you are the governor of a state you need to rely
20 upon on people for advice and people that are going to tell
21 you the truth, no matter what, which is not always easy.

22 You also need to find people who are unquestionably
23 loyal.

24 I know that Governor Nelson has relied on Joe
25 Bataillon in this capacity and he will miss that relationship

1 now that Joe is in a separate branch of government. Governor
2 Nelson. (applause)

3 GOVERNOR NELSON: Thank you, Governor Robak.
4 Distinguished elected officials, distinguished members of the
5 judiciary, public officials, and friends and family of Judge
6 Bataillon.

7 It's really a pleasure for me to be here today
8 following a former staffer, to be here today to have this
9 occasion to congratulate Joe and those who have had the good
10 wisdom to make sure that he was robed and behind the bench
11 where he belongs.

12 There is no question but what there is a conflict of
13 interest when you rely on somebody's judgment and then you
14 have to make a decision to see them go to another position
15 where you may not ever have the occasion to call on them in
16 the future.

17 But it is truly an honor to be able to say that my
18 friend Joe Bataillon is now Judge Joe Bataillon.

19 My friend who has been of wise counsel on so many
20 occasions.

21 But because of that wise counsel I today know, as you
22 do, that he will be an excellent judge.

23 That he will be able to do for a greater good, for a
24 greater population, than he was able to as just one person
25 advising from time to time.

1 This robing is not only symbolic; it's real. It
2 symbolizes the transfer of the responsibility, and the
3 authority, but it also is in fact a transfer of that
4 responsibility and authority and this is one occasion where
5 wisdom and balance join together, and one of the qualities of
6 the judiciary must be patience.

7 Joe has learned patience over fourteen months. If it
8 wasn't apparent before, it's obvious now.

9 But we have all been patient, because we have had
10 great hope and expectation that great things would come from
11 this judicial appointment.

12 So today, on behalf of all the people of Nebraska, I
13 say to you, Joe, and to your family, God bless you and best of
14 luck in the future. Thank you very much. (applause)

15 LT. GOVERNOR ROBAK: Congress adjourned late last
16 night and knowing the importance of a federal judgeship, and
17 desiring to be here to share with the Bataillon family today,
18 is Senator Jon Christensen. Senator Christensen.

19 I gave you a promotion. Congressman. I saw the look
20 on Senator Kerrey's face. (laughter)

21 CONGRESSMAN CHRISTENSEN: About fourteen months ago I
22 had the opportunity to sit down with Joe and we talked about
23 politics, and we talked about a lot of stuff, and we had the
24 opportunity to bury the hatchet and talk about how we could
25 help him become a federal judge.

1 Joe, I have to tell you from the bottom of my heart,
2 I'm so glad you are sitting where you are now and not as state
3 chairman of the Democratic party. (laughter) You were good.

4 I got to know Joe in 1993 and 1994, and I tell you, I
5 do respect the man, and respect him a lot, and it has been a
6 honor to see these last fourteen months and how you have
7 conducted yourself in the process and you are going to be a
8 tremendous judge for this state, for this country.

9 And I would just pray that the Lord give you the
10 wisdom and interpretation to make the decisions that the laws
11 of this land have laid forth and we thank you for your
12 service. We look forward to working with you and watching you
13 and God bless you.

14 JUDGE BATAILLON: Thank you very much. (applause)

15 CHIEF JUDGE CAMBRIDGE: Thank you all very much. I
16 would like to now recognize and introduce the Honorable C.
17 Arlen Beam, Judge of the United States Court of Appeals for
18 the Eighth Circuit.

19 Before I allow you to speak, though, Arlen, I would
20 like to tell you I have mixed emotions about you being seated
21 over there instead of up here, because oftentimes we have had
22 a representative of the Eighth Circuit sitting up here, but
23 our district bench is growing now and we don't have any room
24 for you.

25 And I suggested to Judge Strom perhaps I should kick

1 one of these judges here off and put you up here.

2 He said, "No, no, you have to deal with us on a daily
3 basis. You just have to deal with Beam now and then on an
4 appeal." (laughter)

5 JUDGE BEAM: Strom is just mad at my last opinion.
6 (laughter)

7 Chief Judge Cambridge, I expected that the General
8 Services Administration would probably turn off the heat
9 tomorrow, but I didn't realize they were going to do it the
10 day before as well.

11 Judge Bataillon, on behalf of Chief Judge Richard
12 Arnold and the seventeen active and Senior Judges of the
13 United States Court of Appeals for the Eighth Circuit
14 throughout the seven states of the circuit, I welcome you to
15 the heavy lifting and the hard load of the trial bench of this
16 circuit.

17 Our dear departed District Judge Richard Robinson,
18 that we all knew and loved, always delighted in making the
19 point that the trial bench, the district court, searches for
20 truth; whereas those guys up at the circuit were always
21 searching for error.

22 Well, I'm sure that with your work product there will
23 be no error to find.

24 So, on behalf of the Eighth Circuit Court, again I
25 wish you and your family great good luck.

1 It has been a long wait. The wait is over. It's
2 time to go to work.

3 So welcome to the Eighth Circuit and the United
4 States District Court for the District of Nebraska.

5 JUDGE BATAILLON: Thank you. (applause)

6 CHIEF JUDGE CAMBRIDGE: I would now like to recognize
7 the Honorable Richard G. Kopf.

8 JUDGE KOPF: Thank you. Joe, I'm going to talk to
9 Aimee. Bill Cambridge sold me his old red car and my daughter
10 Lisa and Aimee and others would drive about in it. It was a
11 huge, great big car and they referred to it as the "party
12 barge."

13 JUDGE BATAILLON: I didn't know about this.
14 (laughter)

15 JUDGE KOPF: Joe, when you were nominated Lisa came
16 to me and said, "Dad, that's just so great. He is the
17 greatest, nicest, guy in the world."

18 I said, "Lisa, I thought I was."

19 She said, "Dad, be serious." (laughter) "He really,
20 really is a nice guy."

21 And, Joe, Lisa has done a lot of things with the
22 party barge, but she has pretty good judgment, and if her
23 judgment is accurate, and I know it to be so, we are very
24 fortunate to have you, and let me be the first in the Kopf
25 family to welcome you.

1 JUDGE BATAILLON: Thank you. (applause)

2 CHIEF JUDGE CAMBRIDGE: I have been trying to locate
3 and rent that party barge for weeks and I never get the job
4 done. (laughter)

5 JUDGE SHANAHAN: Well, it's my turn, and I have
6 written down a few spontaneous remarks that I would read
7 otherwise, but Le Judge Bataillon, mon ami, if you think your
8 heritage is going to warrant the ceremonial kiss on each
9 cheek, you're mistaken. (laughter).

10 Judge, you are about to embark, or you have embarked,
11 on a profession that at times causes you to pull the hair out
12 of your head, and in looking at you that could really be
13 hazardous. (laughter).

14 I don't know how to describe this job, other than to
15 say that it is a privilege to serve the people of the United
16 States and their system.

17 I don't know of any right that any of us judges have
18 in this profession, other than the hope that in our decisions
19 we do right.

20 And with that, Joe, welcome aboard and good luck to
21 you.

22 JUDGE BATAILLON: Thank you. (Applause)

23 CHIEF JUDGE CAMBRIDGE: I would now like to recognize
24 the Honorable Lyle E. Strom, and before I do so, though, I
25 would like to publicly recognize him for what he has done here

1 this past two years as a senior status judge.

2 Lyle was eligible for senior status on November 2nd
3 of 1995, that's two years ago, and when you take senior
4 status, and he did at the time also for the good of the court,
5 because we have, and I won't get into all the ramifications of
6 it, but at that time we had what is called a temporary
7 judgeship, we still have one, and if a vacancy occurs at a
8 particular time, or after a particular time, it doesn't get
9 filled.

10 And so he took it when he was eligible for it in
11 order to assure us that we would keep this very seat open that
12 Judge Bataillon has been appointed to fill.

13 But when you become a senior judge it's supposed to
14 be what is sometimes referred to as a decrease in workload,
15 and it is, all you have to do in order to remain eligible for
16 benefits, et cetera, is to take about a fourth of a normal
17 active judge's load.

18 Most judges, not most judges, but the judges in this
19 district have done more than that.

20 Judge Urbom in Lincoln has done more, and Judge Strom
21 in fact is doing more now.

22 But the point he is, he didn't do that. He could
23 have done it and swung that case load over for this two year
24 period to Judge Shanahan and I and Judge Kopf.

25 But he has taken a full case load for that full two

1 years, just as if he was an active judge, and I want thank you
2 for that, Lyle. It helped us all immeasurably, as you well
3 know.

4 You didn't take the easy way out. You hung right in
5 there for us for this two year period and we are all deeply
6 grateful to you for it. (applause)

7 SENIOR JUDGE STROM: The first thing I have to say
8 is, Arlen, I plead not guilty to that charge. (laughter).

9 Everybody else has said congratulations to you, Joe,
10 and I only have one word: Hallelujah.

11 I don't think anyone, probably other than yourself,
12 has had a greater interest in our nomination, your
13 confirmation, and finally your assumption of judicial duties,
14 than myself.

15 I'm glad to welcome you to this judicial family and I
16 offer you my sincerest congratulations.

17 Ed Devitt was the Chief Judge of the District Court
18 of Minnesota for many years, and a very revered jurist in this
19 country.

20 In fact, the Devitt award was named after him, and
21 it's an award that is made every year to an outstanding jurist
22 in the United States.

23 On the occasion of his 80th birthday I think he said
24 it better than any of us when he said, "Being a trial judge in
25 the federal system is about the best job there is."

1 And I don't think there is anything that you've done
2 before this, or that you will do hereafter, that will bring
3 you as much satisfaction as fulfilling your duties as a United
4 States District Judge.

5 As I look back on my twelve years of experience, I
6 can reiterate today what I said shortly after I was sworn in.

7 There are two great attributes to this job that you
8 now have.

9 Number one, you set the schedule. They don't set the
10 schedule for you. You set the schedule.

11 And they don't do anything unless you are there and
12 you know when it starts and you know where it is. (laughter)

13 The meetings are all on your turf; not in somebody
14 else's office. It's a wonderful feeling, I'll tell you.

15 So it's no wonder that Ed Devitt said what he did on
16 that occasion.

17 I remember, when I had my ceremony, Judge Van Pelt
18 was still living and was present, and I'm going to kind of
19 paraphrase, substituting your name for mine, what he said
20 then.

21 Joe, be yourself when you become a judge. It was Joe
22 Bataillon that was appointed and confirmed, based on who you
23 were, your experience, and your reputation, and remember the
24 Old Testament advice that was given to Hebrew judges: "Do
25 justly, love mercy and walk humbly."

1 Again, welcome to the bench and, of course, if there
2 is anything I can do to help you, you know I'll be glad to do
3 so. It's wonderful to have you aboard.

4 JUDGE BATAILLON: Thank you. (Applause)

5 CHIEF JUDGE CAMBRIDGE: I would like to recognize
6 Chief Bankruptcy Judge Timothy Mahoney:

7 JUDGE MAHONEY: Judge Bataillon, Judge Minahan and I
8 as the Bankruptcy Court for the District of Nebraska welcome
9 you and we look forward to working with you over the next
10 several years.

11 Judge Minahan did mention, however, that he thought
12 working with you would be a lot easier if you are real careful
13 when you are reviewing us as far as when our appeals come to
14 you. (laughter) Thank you. (applause)

15 CHIEF JUDGE CAMBRIDGE: Do you have any rebuttal to
16 that, Judge Minahan?

17 Joe, it looks like we have come full circle now back
18 to you and the ball is in your court.

19 JUDGE BATAILLON: The first thing I would like to do
20 is to ask Judge Thalken if he has any advice for me.

21 MAGISTRATE THALKEN: I just want to say
22 congratulations, but also with your sense of humor, you're
23 going to need it as a counterweight to Judge Shanahan.
24 (laughter)

25 JUDGE BATAILLON: I know it's not in the text, but

1 I've always looked up to the Supreme Court. Judge White,
2 would you like to give me some advice?

3 CHIEF JUSTICE WHITE: Joe, we're delighted. We
4 expect to work with you closely, as we have in the past, and I
5 would encourage the District Judges and County Judges and
6 Court of Appeal Judges, leave as soon as possible. This is
7 not where we live. (laughter)

8 JUDGE BATAILLON: Judge Caporale?

9 JUDGE CAPORATE: Congratulations. It has been a long
10 time. I think we both read the same Constitution, hopefully.
11 (laughter)

12 JUDGE BATAILLON: I hope so, too. Judge Stephan?

13 JUDGE STEPHAN: Judge, from the many years we
14 practiced together as lawyers before this court and others, I
15 know you well, I know your skills and character, and I know
16 you will be a credit to the federal bench.

17 JUDGE BATAILLON: Thank you very much.
18 The host of many parties at the House of Delegates, Judge
19 McCormack.

20 JUDGE McCORMACK: Joe, we have known each other a
21 long a time. I think this is a great appointment.

22 I think you will do a great job as judge and my
23 prayers and best wishes are with you.

24 JUDGE BATAILLON: Thank you very much.

25 "In Flanders Fields the poppies blow, between the crosses row

1 on row that mark our place. And in the sky the larks still
2 bravely singing fly, scarce heard amid the guns below. We are
3 dead. Short days ago we lived, felt dawn, saw sunset glow,
4 loved, and were loved. And now we lie in Flanders Fields."

5 During my studies with the Jesuits over a lot of
6 years, and at Creighton University, I learned that
7 civilization does not always evolve for the better.

8 It takes huge leaps forward, it takes huge
9 digressions, and it sometimes falls backwards as civilizations
10 decay and die.

11 Right now we are in a world of relative calm,
12 awaiting the storm of change, and the question will be, will
13 it be a peaceful revolution, or will it be calamitous?

14 Will our country's role be as thoughtful leader or as
15 conspirators in the calamity?

16 Today, you and I, all of us, are participating in
17 part of the American solution, investing power in government.

18 Our elected executive, the most powerful person in
19 the world, once every four years, in conjunction with our
20 elected representatives, decide who will serve as judges.

21 These judges are given the power to interpret the
22 law. The law that the court has made. The law that the
23 elected representatives have made, and the law that our
24 ancestors have passed down in writing to us in the form of the
25 Constitution.

1 These same judges are given the power to mediate
2 disputes that arise between citizens; to mediate disputes
3 between governments; and to mediate disputes between the
4 citizens themselves and their government.

5 I promise to each of you, and to each person that
6 comes to my court, that I will give full measure to provide
7 justice.

8 I promise to you that my staff and I will give full
9 measure to uphold the government that the dead in Flanders
10 Field and so many others have given their lives to sustain.

11 We will give full measure to fulfill our part, to
12 make sure that this country is the leader in the peaceful
13 advance of human kind.

14 But before we do anything else, it's time to
15 celebrate.

16 It's time to celebrate our family; it's time to
17 celebrate our friends; and it's time to celebrate the gift of
18 life that we all share today.

19 There are a few people that I want to thank. John
20 Grant, you were one of the very first judges I ever tried a
21 case in front of.

22 I want to thank you very much for showing me what
23 it's like to be a district court judge, a judge of general
24 jurisdiction.

25 At this time I will ask you if you have any words of

1 wisdom for me.

2 JUDGE GRANT: I'm not going to fall for that.

3 (laughter) You have a hard and wonderful job.

4 JUDGE BATAILLON: Frank Morrison, you are the first
5 man that gave me a job, and I really appreciate it.

6 You and I drove all over the state when you were
7 running for attorney general and you imparted a wisdom and a
8 philosophy to me that I'll never forget.

9 And I hope that I live up to the standards that
10 you've laid for me.

11 Tom Kenney, I don't know if Tom is here today, but
12 Tom let me graciously stay on after Frank retired from the
13 public defender's office and he provided an environment where
14 I and the lawyers that were around him could practice law free
15 and unfettered and to represent our clients in the best way
16 that we knew how.

17 Emil Sodoro, thank you for giving me the opportunity
18 to practice in the private practice of the law.

19 You provided a wonderful place to grow. You provided
20 me with cases that I just loved trying, and you taught me an
21 awful lot about the practice of law that I wouldn't have known
22 otherwise.

23 I want to thank members of the committee that were
24 put together by Senator Exon and Senator Kerrey and Governor
25 Nelson, for the faith that you showed in me, and how I fooled

1 you I'll never know. (laughter)

2 Senator Exon, you're the best. I appreciate it very
3 much, the faith that you have shown in me while I was the
4 state chair and when I was coming up through the ranks.

5 You helped put Nebraska on the face of the map, just
6 like Governor Morrison before you, Governor Kerrey after you,
7 Governor Nelson now, and I really appreciate the help you gave
8 me in trying to get me through the Senate that first time
9 around, and your staff, too.

10 And, Bob Kerrey, what can I say? I saw you come up,
11 when you first ran for governor, and I knew then you were
12 going to be a leader in this country.

13 And I don't think your career is over, and I look
14 forward to seeing you some day right there at the top, because
15 you are the greatest, too.

16 Governor Nelson, you are the leader of this state and
17 you are doing one heck of a job and I appreciate the faith
18 that you showed in me when I was state chair, and the
19 leadership that you have shown here in the state of Nebraska.

20 And I don't think your career is over either by any
21 stretch of the imagination. So thank you very much for the
22 support you have shown me.

23 Jon Christensen, really, thank you for that night.
24 We had a chance to talk and I appreciate the help you gave me.

25 Senator Hagel, even though your letter didn't show

1 up, you can put it into the record later.

2 But Senator Hagel showed bipartisanship that was
3 really above and beyond the call and I really want to thank
4 him and his staff for the work that they did in getting me
5 through the Senate judiciary process.

6 I want to thank the Justice Department, the Policy
7 Development Section, that coached me and taught me that the
8 most important thing that you have to learn in your entire
9 life, especially when you are before the committee, is that a
10 senator is never wrong. (laughter) I don't think that rule
11 will ever change.

12 I also like to thank the President of the United
13 States, Bill Clinton, for giving me this opportunity.

14 I would like to thank all the judges in Nebraska and
15 Iowa where I practiced, and the lawyers that I practiced with,
16 both with me and against me.

17 You taught me what it was to be a lawyer. You taught
18 me what it was to have integrity.

19 You taught me what it was to advocate for your
20 client's rights and your client's best interests and to do it
21 fairly, and honestly.

22 And I have to honestly say that the members of the
23 Iowa bar and the members of the Nebraska bar have no equal
24 anywhere in the country, and I sincerely believe that.

25 This is a great place to practice law and anyone that

1 wants to practice law should settle here to do it.

2 I want to introduce my staff and thank them for the
3 work they have already done.

4 Somebody said, "How can you be a judge? What the
5 heck do you know about all the areas of the law?"

6 And I said, "Well, I surround myself with the
7 smartest people I can find," and I have done that.

8 Therese Bollerup. Therese, would you please stand
9 and be recognized? Jeanne Burke; my courtroom deputy, Nancy
10 Vadnais. My court reporter, Al Kuhlman, can't stand up
11 because he is taking this whole proceeding. And, finally, the
12 secretary I brought from Sodoro, Daly & Sodoro who stood by me
13 while we waited, Sue Spitznagel. Thank you very much.

14 This staff is going to work their darndest to make
15 sure we do justice.

16 Now I'm coming down to the end of people to thank. I
17 would like to thank the teachers of Nebraska City Lourdes who
18 inspired me; the teachers at Creighton University, who kind of
19 tempered that judgment just a little bit; my grandparents,
20 none of whom are living now, for shaping me; my uncles, who
21 provided me a great deal of big brotherness; my parents, Frank
22 and Jean, for making all of this possible; and my kids, Aimee,
23 Jared, Margie, Patrick, and Kathryn for making sure that I
24 know what life is all about and they don't let my head get too
25 swelled, that's for sure, although I didn't know about the

1 partymobile, and my friends and colleagues.

2 And I couldn't have done any of this without a woman
3 who was never afraid to say, "What in the world are you
4 doing?"

5 A woman who is a success in her own right, vice
6 president of the Visiting Nurse Association, a woman who I
7 look up to every day, and I appreciate all the help that you
8 have done, especially in this interminable wait. Pamela,
9 thank you very much.

10 MRS. BATAILLON: It was my pleasure. (applause)

11 JUDGE BATAILLON: There is one other person I would
12 like to thank and that's my brother Pete. Pete, stand up.
13 (applause).

14 I don't think people understand what a team we have
15 been over the years.

16 He helped me get the job at Emil Sodoro's place, for
17 goodness sakes, and he helped me get this job, and I don't
18 know if I could have done it without you, Pete. Thank you
19 very much.

20 Honest to goodness, we have a big party planned at
21 the Thompson Alumni House, and I want to make sure each and
22 every one of you are there.

23 And thank you, Emil Sodoro, for making that possible,
24 and I hope I see each and every one of you there and we even
25 have an Irish band there to celebrate this event. Thank you

1 very much for coming today. (Standing ovation)

2 CHIEF JUDGE CAMBRIDGE: Please be seated. Judge
3 Bataillon said he didn't want this ceremony to run over an
4 hour.

5 And I want the record to reflect that it wouldn't
6 have if Joe hadn't talked so long. (laughter).

7 I'll ask you to stand again. I'm going to call now
8 upon Mary Lemon, who is a member of the Shiloh Missionary
9 Baptist Church, for our closing prayer.

10 MS. LEMON: It's such an honor for me and I thank you
11 very much.

12 I and the members of Shiloh Missionary Baptist Church
13 are very proud of you and we love you.

14 JUDGE BATAILLON: Thank you.

15 MS. LEMON: Would you bow your heads, please? Thank
16 you, dear God, for another day to see this world evolve.
17 Bless this new Judge, his family, and all of his friends.
18 Make him very successful and always be on his shoulders to
19 make sure he is safe. Amen.

20 CHIEF JUDGE CAMBRIDGE: There are two people I want
21 to introduce that I should have introduced earlier.

22 Mr. Norbert Ebel, who is the Clerk of the United
23 States District Court, the distinguished gray haired gentleman
24 down here to my right, and also John Cleveland, our United
25 States Marshal. Marshal, I'll ask you now to adjourn the

1 court.

2 UNITED STATES MARSHAL: Court is adjourned.

3 (4:10 p.m. - End of Proceedings)

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C E R T I F I C A T E

I, Allan G. Kuhlman, a duly-appointed Official Court Reporter in the United States District Court for the District of Nebraska, do hereby certify that the foregoing transcript is a true and accurate transcript of the proceedings held in this matter on November 10, 1997.

IN WITNESS WHEREOF, I hereunto affix my signature this 10th day of November, 1997.



Official Court Reporter