

ALFRED ALBERT ARRAJ

A Judicial Life

September 1, 1906 - October 23, 1992

He once wrote,

“Perhaps the day will come when a computer will have the mental ability of a judge, but the computer, like the Tin Man in the Wizard of Oz, will always lack the important ingredient of a judge, a heart. There is no way to program into a computer the human understanding and compassion that are essential on the bench.”

BIOGRAPHY

Alfred Albert Arraj's father, Elias Arraj, was a Maronite Christian who immigrated to the United States from Lebanon with his brother and sister-in-law. After settling in Leadville, Colorado, Elias met Maryam (Mary) Dervis, an orphan of Syrian descent who was being raised by a Methodist minister and his family. Elias and Maryam married and had four children: Joe, Betty Ray, Alfred and Bob. When Elias' brother passed away, Elias and Maryam raised his four children, Freda, Edna, Albert, and George Michael, as well.

Alfred was born in Kansas City, Missouri on September 1, 1906. The Arraj family was living in Kansas City at the time because the father, Elias, was attending the Kansas City School of Law. Elias was a merchant and never applied for admission to the bar. The family returned to Colorado in early 1907. Alfred lived in Colorado continuously thereafter, interrupted only by overseas military service in World War II. He spent most of his boyhood in Swink, Colorado where his father operated a store. As a small boy, he dreamed of becoming a prosperous farmer and driving a Buick. As a teenager, he picked berries and worked behind a soda fountain. He lost both jobs because he ate too much of the inventory. Later he and his brother Joe, along with their cousin George Michael, started a bicycle repair shop. Having no discernible mechanical aptitude, Alfred was consigned to keeping the books and drumming up business. He skipped a grade in school and joined Joe at Swink High School. Together the Arraj boys comprised half of the graduating class.

The younger Arraj enrolled at the University of Colorado in 1923 at the age of sixteen and graduated in 1928 with a degree in law. While a student in Boulder, he met two of the most significant people in his life – his lifelong friend, Gordon Allott, and his future wife, Madge Louise Connors. He met Madge at a sorority tea dance on the CU campus when she was a freshman. Three years later, on November 12, 1929, they married.

Following his admission to the Colorado bar, Alfred took a position with a Denver law firm "earning a lavish \$15.00 per week." It wasn't enough, in his view, on which to get married so he headed back to Swink in his Model-T Ford he had named "The Blue Duke." He found a job with a lawyer in Springfield, Colorado in the extreme southeast corner of the state for the

grand sum of \$200 per month. Within six weeks the lawyer, D.G. Reynolds, made Alfred his partner. The young lawyer practiced with Reynolds and on his own for nearly twenty years. While in private practice, he also served as Baca County Attorney on a part-time basis from 1936 until he reported for military service in 1942.

On Tuesday, December 9, 1941, Arraj and two of his closest friends, Gordon Allott and Jimmy Wagner, volunteered for military service. Alfred enlisted in the U.S. Army Air Corps and served for 40 months, mostly in the China-Burma-India theater. He rose from First Lieutenant to Major when he commanded the 129th AACS Squadron, First Tactical Group. He was awarded three battle stars.

Major Arraj returned to civilian life at age 39 and resumed his position as Baca County Attorney. Major Gordon Allott returned to Lamar, Colorado and was soon elected District Attorney of the state's Fifteenth Judicial District. Baca County was in the same district and Arraj received an appointment from Allott as a Deputy District Attorney. In 1947, the Arrajs' only child, Sally, was born. Deputy District Attorney Arraj confided in Allott that he wanted to be a judge. Ever attentive to his friend, Allott advised him that the District Judge resident in Lamar was going to retire. State judges were elected in Colorado at that time. Arraj announced his candidacy for the district court judgeship before most people had heard of the upcoming vacancy.

Arraj ran against a popular state senator for the Republican nomination and surprised everyone with his victory in the primary. He won in the general election in November 1948, becoming the only state district judge in the largest one-judge district in the state. His district was so large, the Arrajs decided in 1953 to move fifty miles north from Springfield to Lamar so that "the Judge," as he was ever after known, would be near the center of the district. By this time, Allott had been elected Lieutenant Governor of Colorado and in 1954 was elected to his first of three terms as United States Senator.

As with many who embark upon a judicial career, Judge Arraj was confronted with a serious backlog of over 300 pending cases. Unlike some, however, the Judge rolled up his sleeves and went to work. By the beginning of 1957, there were a mere 132 cases on the docket and he had disposed of 2,762 cases.¹

¹ *Arraj Given Inside Track for Judicial Appointment, Pueblo Chieftain* [Colorado], June 9, 1957; *Docket Crowded But Judge Has Answers Why, Lamar Daily News* [Colorado],

Arraj was just as persistent outside the courtroom. In May 1950, he was driving from Springfield to Lamar to hear a case when he came upon a washed-out bridge. He returned home, picked up his hip waders, and instructed his court reporter to meet him on the other side of the stream. The Judge drove back to the stream, “donned his hipboots, hoisted his briefcase, suitcase and shoes over his head, forded the stream, and arrived at the courthouse on time for the trial.”² Given the example he set, it is understandable that the Judge had little patience with lawyers and litigants who were late to court.

Arraj’s reputation as a diligent, hard-working judge became known throughout the state due to his involvement in Republican politics and his work with the Colorado Bar Association. In 1954, he was elected Senior Vice President of the CBA and President of the Colorado State District Judges Association. Congress that year had created a new federal district court judgeship. Not coincidentally, Arraj’s name was mentioned in the newspapers as a possible candidate. Jean S. Breitenstein, however, was eventually selected.

Not long after taking office in the same year, Senator Allott began campaigning in Washington for a third U. S. District Court Judge for Colorado. By June of 1956, the Judge was again mentioned in the newspapers as a “strong candidate for the appointment in the event the bill creating the additional judgeship should become law.”³

The bill failed to pass, but in June 1957, Judge Breitenstein was appointed to the Tenth Circuit Court of Appeals creating a vacancy on the district court bench. On June 21, 1957, *The Denver Post* ran a story naming possible candidates to fill the vacancy. Included were Donald F. Kelley, the United States Attorney for Colorado, Duke Dunbar, Colorado’s Attorney General, Harry S. Petersen, past President of the Colorado Bar Association, and the Judge. The Post opined that Judge Arraj was the front-runner, but stated there was one factor working against his

Sept. 4, 1952.

² *Flood Waters Can’t Hold Up Arraj’s Court*, Baca County Banner [Colorado], May 1950; Sue Lindsay, *30 years on bench honored*, Rocky Mountain News, Aug. 3, 1987, at 10; Robert J. Kapelke, *Six of the Greatest: A Tribute to Outstanding Lawyers in Colorado History - Alfred A. Arraj*, 31 Colorado Lawyer 9 (July 2002).

³ *New Judgeship Possibility Dims; Opens Way for 15th D.A. Race*, Lamar Daily News [Colorado], June 25, 1956; see also *Chenowith Bill Would Create New U.S. Judgeship in State*, Pueblo Chieftain [Colorado], Jan. 19, 1956.

selection. Specifically, the Post said, it was Denver’s “turn” to have a judge on the federal bench. The Post also predicted that the “[s]election of Breitenstein’s successor won’t come for months.”⁴

Unbeknownst to the press and the public, in mid-May 1957, Senator Allott had already written to the Justice Department recommending Arraj, stating, “I believe him to be the best qualified District Judge in Colorado, a lawyer of indisputable talents with the widest possible kind of experience which makes for good lawyers, and above all, I know him to be a person of unassailable integrity.”⁵ The Justice Department and the American Bar Association had already begun their background checks on the Judge.

The day after the Post article was published, Senator Allott announced the selection of Judge Arraj.⁶ Allott told the newspapers that President Eisenhower had said months before that he “desired to appoint men who are young but have legal capability and who are experienced on the bench.”⁷ Arraj fit the bill perfectly.

Support for the Judge was bipartisan and statewide. Prominent Democrats, including Colorado’s junior U.S. Senator, John A. Carroll, U.S. Representative Byron Rogers and State Democratic Chairman Fred Betz all praised Arraj’s nomination. Without dissent, he was recognized for his hard work on the state bench, his fairness, and his commitment to justice.

President Eisenhower nominated Judge Arraj on July 2, 1957. The nomination was confirmed by the Senate on August 5. His oath of office was administered on August 30, two days before his fiftieth birthday, by Chief Judge Orie Phillips of the Tenth Circuit Court of Appeals.

The swearing in ceremony was held in Courtroom A of what is now the Byron R. White Federal Courthouse. Morrison Shafroth presented the report of the American Bar Association,

⁴ Hile Goodrich, *Four in Running for Federal Judge if Breitenstein Wins Promotion*, Denver Post, June 21, 1957.

⁵ Letter from U.S. Senator Gordon Allott to Deputy Attorney General William P. Rogers (May 15, 1957), Alfred A. Arraj Papers, Tenth Circuit Court Library, Denver, Colorado.

⁶ Barnet Nover, *Arraj Federal Court Choice*, Denver Post, June 22, 1957, at 1.

⁷ *Allot Names Arraj for U.S. Judge Post*, Rocky Mountain News, June 23, 1957, at 10.

stating, “There was unanimity of opinion that he, Judge Arraj, possesses all of the prerequisites of an outstanding judge. In addition to being well versed in the law, he is known for his complete fairness, honesty, candor, and judicial temperament.”⁸

In a brief acknowledgment, Arraj defined his mission throughout his life on the bench:

“I embark on this new career with a sense of humility, but with a firm and steadfast resolution to administer justice punctually and impartially without regard to the race, the creed or the station in life of the litigants who may appear in the court over which I may preside. I hope that I can keep my sense of balance and I know that I must keep my sense of humor, that I shall try to do, gentlemen, and will always bear true faith and allegiance to the best of my ability to the Constitution of the United States and to this great Republic.”⁹

The Judge started work in a temporary courtroom in the same building until a new, permanent courtroom was finished on the fourth floor later that year. According to the recollections of U.S. District Court Judge Fred M. Winner,

“It was beyond the comprehension in 1916 [when the Old Post Office Building was constructed] that Colorado would ever have two United States District Judges, and when a second judgeship was authorized in 1954, and Jean S. Breitenstein was appointed, there was no second courtroom. A few offices on the second floor of the Champa Street side of the building were thrown together to create a makeshift courtroom. Spectators’ and lawyers’ chairs were the gray metal chairs on which the government must own the patent, and gray metal tables served as counsel tables. The ‘bench’ was another gray metal table behind which Judge Breitenstein and, later Judge Arraj, sat.”¹⁰

The Judge was quickly forced into a leadership position. He became Chief Judge on December 12, 1959 when Judge Knous unexpectedly passed away. Arraj served as Chief Judge of

⁸ *Swearing in of the Honorable Alfred A. Arraj*, Reporter’s Transcript of Proceedings, August 30, 1957, at 8, Alfred A. Arraj Papers, Tenth Circuit Court Library, Denver, Colorado.

⁹ Id.

¹⁰ U.S. District Court Judge Fred Winner, Preliminary draft article regarding the history of the U.S. District Court for the District of Colorado, Tenth Circuit Court Library, Denver, Colorado.

the District of Colorado for more than sixteen years, until he took senior status on August 31, 1976, the day before his 70th birthday.

In 1964, Arraj was elected by the judges of the circuit as the District Judge representative for the Tenth Circuit to the Judicial Conference of the United States. He served on several committees of the Conference and as an instructor at seminars for newly appointed judges. From 1974 through 1976 he served on the board of directors of the Federal Judicial Center. He was appointed by Chief Justice Warren Burger as one of only ten judges in the nation to oversee the off-bench activities of all federal judges.

When the Judge took his oath of office, he promised to administer justice “punctually.” He had demonstrated success as a state trial judge in reducing the backlog of cases he had inherited and immediately set out to do the same in federal court. He worked efficiently, consistently and “punctually” from the onset. In 1966, he devised an ambitious plan to dispose of the backlog. He used all five district courtrooms in the new Byron Rogers courthouse during a six-week “intensive trial calendar.” At the time there were only three district judges; Hatfield Chilson and William E. Doyle were the others. Arraj arranged for six out-of-state judges to hear cases for one or two weeks each during the six-week session. This special session was an innovation in federal district courts. The “logjam” of cases was cleared and the Arraj plan was thereafter used in other districts.

By 1971, the press was hailing the U.S. District Court for the District of Colorado as a “model” for other courts to emulate.¹¹ The average wait for a criminal trial was thirty days from the time of arrest to the trial.¹² Arraj acknowledged that this short time period was due to the judges “pushing”, which did not enhance his popularity with the bar. The Judge, however, did not care if

¹¹ *U.S. Court in Denver a Model*, Denver Post, May 18, 1971, at 6.

¹² Id.

he was popular with the bar because, as he said, he was not “in a popularity contest.”¹³ “Justice delayed was justice denied,” he opined. Later that year, when Chief Justice Warren Burger came to Denver for a judicial conference, he praised Arraj as a “strong chief judge” and the federal district court in Colorado as a “strong bench.”¹⁴ By the time he took senior status in 1976, the district court was recognized as one of the most efficient in the nation. Among more than 90 federal courts, it was routinely near the top of the list in efficient use of jury time and in providing prompt trials in both civil and criminal cases.

The price for these achievements was unrelenting hard work. The Judge was so committed to the speedy and efficient administration of justice during his 35 year tenure, he took very little time off from work and, aside from devoted attendance at CU football games, he participated in very few leisure activities. He was named one of the nation’s most hard-working judges in The Benchwarmers, a 1974 book about federal judges.¹⁵

Once Arraj took senior status, he tried as many cases as before. He worked every day until two weeks before his death on October 23, 1992 at the age of 86. When state district court judge Zita Weinshienk was appointed to the federal bench in 1979, she asked the Judge how much vacation time federal judges were allowed. He replied, “As much as you want, I guess. I’ve taken seven days in the last fourteen years.”¹⁶

¹³ Id.

¹⁴ Peter Blake, *State Court are Highly Praised by U.S. Chief Justice*, Rocky Mountain News, Aug. 24, 1971, at 1; *Burger Praises Plan to Speed Trials*, Denver Post, Aug. 24, 1971, at 24.

¹⁵ Joseph C. Goulden, The Benchwarmers: The Private World of the Powerful Federal Judges 316 (Wybright and Talley, 1974).

¹⁶ Sue Lindsay, *Fellow Jurists Roast, Applaud Judge Arraj*, Rocky Mountain News, Aug. 7, 1987, at 50.

Everyone who worked for and with the Judge enjoyed the experience like none other. In keeping with the promise he made at his swearing-in, he retained his keen sense of humor and the characteristic “twinkle in his eye.” When presiding in a high profile case with highly paid out of town defense lawyers, he noticed from the window of his chambers that limousines would line up outside the courthouse to pick up the attorneys and their client at the noon recesses. One day he instructed his law clerk, Jim Scarboro, to retrieve his old Chevy Corvair from the parking garage in the basement, park it in front of the limousines and wait. Scarboro impersonated the chauffeurs by holding the door open in a grand manner for the Judge. For the duration of the trial, the limos were nowhere to be seen.¹⁷

The Judge made a point of knowing everyone in the courthouse. He was personable and friendly to all. Whether dealing with other judges or employees of the court, he exuded an expectation of excellence to which everyone willingly aspired. As Judge Matsch later noted, Arraj was “a leader of the ‘follow me’ school. He did not proclaim, plea or placate. He relished the leadership role, and he used it to inspire by illustration, prod through precept, caution with humor and sometimes silently shame by comparison.”¹⁸ An undated horoscope discovered among his papers after he died succinctly summed up his attributes:

September 1 --Born today, you have a tremendous amount of originality, inventiveness and ability. You have excellent executive ability and know how to get the full faith and cooperation of all those with whom you work. Your determination is undaunted and once you set your mind on something, you see that it gets done with dispatch.

Arraj could become annoyed with attorneys who were unprepared or made fatuous

¹⁷ Kapelke, supra note 2, at 10.

¹⁸ Proceedings in Memoriam, Honorable Alfred A. Arraj - Judge, United States District Court, 855 F. Supp. at LXXXI-LXXXII (May 11, 1993).

arguments. Sometimes, he handled the situation with humor; other times with thunder. Once, when a bumbling barrister ducked into the hallway during a recess, the Judge told his courtroom deputy to lock the door and keep him out. The press reported that “Johnny Carson would have envied the laugh.”¹⁹ Lawyers knew they were in for it when the Arraj’s face began to turn red. If the redness reached the top of his bald dome, a verbal lashing was the order of the day. For the most part, however, the Judge was known as a kind-hearted man who loved the law, the people he worked with and his family.

Of the thousands of cases over which he presided in his 35 years on the federal bench, Judge Arraj pointed to two as highlights. The first was a highly publicized criminal case during the Vietnam War. In January 1969, Cameron David Bishop and three co-conspirators bombed a tower in Golden that provided power to the Coors Porcelain plant which manufactured nose cones for military missiles. Bishop fled the country and was not apprehended until March 1975. Michael Tigar, who later defended Terry Lynn Nichols in the Oklahoma City bombing case, represented Bishop.

Following a trial in September 1975, Bishop was convicted of three counts of sabotage. The Judge had ruled that a national state of emergency declared in 1950 was still in effect at the time of the bombings. Congress had conducted extensive hearings in 1973 to determine whether the state of emergency declared by President Truman continued to be justified. Congress chose not to terminate the state of emergency and the Judge held that decision to be binding on the court. Therefore, Bishop’s motions to dismiss and for a new trial were denied. Arraj sentenced Bishop to seven years. On appeal, the convictions were reversed in an opinion by Judge Breitenstein who ruled

¹⁹ Mike Monroe, *Justice White Praises Arraj, Judicial Tenure*, Denver Post, June 15, 1987, at 2B.

that Bishop could not have foreseen that a national state of emergency still existed and therefore his conduct could not have violated the Federal Sabotage Act.²⁰

In 1978, the Judge received a rare opportunity of which he was particularly proud. He was appointed by the U.S. Supreme Court as a Special Master in a dispute between the United States and the State of California that had been brewing since 1945. Both the federal government and the state claimed control over oil royalties from off-shore drilling along the California coast. After conducting hearings, Arraj submitted his findings and recommendation to the Supreme Court on August 20, 1979. The recommendations were adopted in their entirety by the Court.²¹

In 1969, the press said the Judge might be nominated for the Supreme Court. Senator Allott claimed he was “one of the finest judges in the United States,” but acknowledged that at age 62, he might be too old to be appointed. In 1970, the Judge was mentioned as a candidate for the Court of Appeals when Judge Breitenstein assumed senior status. Arraj declined to be considered, however, saying that his rightful place was on the trial bench. He was gracious in being acknowledged, but he found his true satisfaction in making life better for others.

On July 26, 2000, Congress named the new federal courthouse in Denver the Alfred A. Arraj United States Courthouse. It is a lasting tribute to this gentle servant of the law who was prized locally and praised everywhere.

²⁰ U.S. v. Bishop, 555 F. 2d 771 (10th Cir. 1977).

²¹ See U.S. v. California, 447 U.S. 1, 6 L. Ed.2d 681, 100 S.Ct. 1994 (1979).

ENCOMIA

“One of the great trial judges that the West has ever seen. His legacy will continue to set a high standard for those judges and lawyers wise enough to follow his example of dedication and decency.”

Byron R. White
Associate Justice, United States Supreme Court

“The business of a judge is a lonely type thing. Yet he has a great capacity for personal friendship. He fully appreciates people and can recognize at once the flavor of a character or situation. That’s why he gets so much joy out of presiding over a trial.”

William E. Doyle
United States Judge, Court of Appeals

“The thing which distinguished him above all others was his capacity for judgment, and judgment can’t be taught. It’s assembled, it’s practiced, it’s tried. It’s thought about.”

Monroe McKay
United States Judge, Court of Appeals

“Judge Arraj has indeed been a truly great judge, and, fortunately for all of us, he has been a great judge for a long time.”

Robert H. McWilliams
United States Judge, Court of Appeals

“I remember one time Al was trying a drug case and he had the flu, a really bad case of it and he thought he was going to die. Well, the lawyers were droning on, and Arraj finally told them, ‘If you don’t hurry up, I’m going to eat the evidence.’”

Fred M. Winner
United States District Judge

“A brilliant judge who brought a human touch and common sense to the courtroom. You saw the humanity he carried with him at all times.”

Sherman G. Finesilver
United States District Judge

“He knew who he was, what he wanted to do, and why he wanted to do it. He loved the land, his family, his community, and his country. He loved the law; not as a set of rules and regulations or a statement of principles, but as a process enabling human beings to contain their conflicts and live within a system of ordered liberty.”

Richard P. Matsch
United States District Judge

“He is the embodiment of everything a judge should be. He is kind, compassionate, very disciplined. He is our teacher, our role model, our inspiration. He is totally fair.”

John L. Kane
United States District Judge

“I wish to say that this trial was a landmark demonstrating the high quality which man’s institutions can achieve. Throughout the trial our legal mechanism was continually steered by Judge Arraj to the seeking of truth. It was one of the most informative and heartening experiences I have ever witnessed....If all our institutions could be honest, have as much integrity, there would be no generation gap because there would be no gap between our professed moral code and our acts.”

A citizen observing a trial.

AWARDS

In 1968, Arraj received the Norlin Award, the highest honor bestowed by the Alumni Association of the University of Colorado. In 1970, the CU School of Law presented him with the William Lee Knous Award honoring him as one of the outstanding trial judges in the United States. In 1977, the University conferred an honorary Doctor of Laws degree upon him and in 1986 he received the law school's Judge Jean S. Breitenstein Annual Jurisprudence Award. In 1990, he was presented with the American Judicature Society's highest honor, the Herbert Harley Award, for his significant contributions to strengthening the cause of justice.

Following his death, even more honors were bestowed on the Judge. The American College of Trial Lawyers instituted the Alfred A. Arraj Advocacy Award, presented annually to "an outstanding trial lawyer who has been in practice for less than fifteen years, and who exhibits those qualities of trial advocacy most admired by Judge Arraj, including skillful courtroom presentation, legal competence, preparedness, personal integrity, and professional ethics and decorum." In 1993, the Alfred A. Arraj Inn of Court was formed in Denver as part of the American Inns of Court program dedicated to improving professional conduct and legal skills mentoring. Also in 1993, the University of Colorado dedicated a permanent display honoring the Judge and his career. The Alfred A. Arraj Scholarship Fund started by the Judge's former law clerks was instituted at the CU School of Law.

This profile was prepared and written by Kathleen Nalty, John L. Kane and Shannon Brink.
The brochure was designed and produced by: The Document Source, Inc., 720-747-8338
Published by the U. S. Courts Library