

P R O C E E D I N G S

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2 JUDGE WINNER: Ladies and Gentlemen, this special
3 session of the United States District Court for the District
4 of Colorado has been convened to honor our good friend Alfred
5 A. Arraj. The esteem in which he is held is certainly
6 evidenced in small part by the number of persons here present
7 today.

8 As trial judges, we perceive the pressing need to
9 instruct those persons seated in the jury box as to the law.
10 But we realize that those purported jurors and especially
11 those who are judges of the Tenth Circuit would ignore our
12 learned words within the hour. For that reason I say only
13 that, we are honored by the presence of Judge Breitenstein,
14 Judge Seth, Judge Holloway, and Judge Barrett of the United
15 States Court of Appeals for the Tenth Circuit.

16 We are very pleased that Judge Christensen from
17 the District of Utah can be here today. And surely it is a
18 tribute to Judge Arraj that all members of the Colorado
19 Supreme Court, Chief Justice Pringle, Justice Kelley, Justice
20 Hodges, Justice Lee, Justice Erickson are here. I have left
21 for last Justice Day's name, because he and Judge Arraj are
22 friends of many years standing, having explored some of the
23 wilds of southern Colorado together on occasions.

24 By coincidence, Justice Day is to be honored this
25 evening by the -- at the Denver Law Center on the occasion of

1 his retirement after many years service on the Colorado
2 Supreme Court.

3 From the Court of Appeals, we have Chief Judge
4 Silverstein, Judge Enoch, Judge Berman, Judge Van Cise,
5 Judge Sternberg and Judge Ruland. Most important of all
6 Madge and Sally Arraj are here.

7 Many, many other persons I should recognize by
8 name, but it would unduly prolong these proceedings, and
9 besides I see that Mrs. Virginia Wentz, alias Ginger, Judge
10 Arraj's secretary, has nodded her head to indicate that I
11 should get the show on the road. And I learned as a lawyer,
12 and I learned as a judge, when Ginger says, "Go," you'd better
13 go.

14 Accordingly, the time has come for me to introduce
15 Judge McWilliams. You all know that he is a former Colorado
16 trial judge, a former Chief Justice of the Colorado Supreme
17 Court, and now a judge of the United States Court of Appeals
18 for the Tenth Circuit. I call on Judge McWilliams to get
19 the show on the road.

20 JUDGE McWILLIAMS: Chief Judge Winner, and members
21 of this honorable court sitting en banc, at the risk of losing
22 my case before I start, but with a firm belief that I should
23 be candid with this Court, I would declare at the outset that
24 this is a class action. I realize that class actions are an
25 anathema to some federal judges. I am certain, however, if

1 you will just hear me out, that this is one class action which
2 you will approve of wholeheartedly.

3 As indicated, then, I appear here as representative,
4 spokesman, if you will, for a class. The class being a great
5 number of Colorado lawyers who seek to give evidence of their
6 deep respect and admiration for the Honorable Alfred A. Arraj,
7 who, as we all know, took senior status on September 1, 1976,
8 after serving 19 years as a United States District Judge for
9 the District of Colorado, the last 17 years of which he served
10 as Chief Judge of this court.

11 I am really at a bit of a loss to know just why I
12 have been accorded this honor of being the spokesman for this
13 large and distinguished group of Colorado lawyers, perhaps it
14 was a feeling that they wanted to afford me a bit of courtroom
15 experience. More probably, they thought it highly desirable
16 to get a Circuit Court Judge out of his cloistered corridors
17 on the fourth floor and get him down here on the second floor
18 where the action really is.

19 In any event, it is a most sobering experience to
20 stand here today before this august body, and I only trust that
21 I can adequately carry out my assignment.

22 After Judge Arraj announced some months ago that
23 he would take senior status on September 1, 1976, a group of
24 his truly old friends determined that Judge Arraj's stepping
25 down as Chief Judge should not go unnoticed and that it should

1 be appropriately recognized.

2 Accordingly, an informal committee of five,
3 including Senator Gordon Allott, Charlie Baer, Chuck Beise,
4 Harold Taft King and Don Stubbs, assisted by your Clerk of the
5 Court, Jim Manspeaker, decided that it would be most appropriate
6 to have a portrait made of Judge Arraj, and to then present
7 the portrait to this Honorable Court. Berkeley-Lainson was
8 commissioned to do the portrait.

9 The committee of five was also of the firm view
10 that their testimonial should be open to all who wanted to
11 participate and, as a result, more than a hundred lawyers have
12 contributed toward the expense involved in this undertaking.

13 Actually, the contributions received are in excess
14 of the cost of the portrait and, simply by way of an aside, I
15 am advised that the additional monies received by the committee
16 will be used to assist in the furnishing of a new lawyer's
17 lounge on the first floor in this building.

18 The portrait has now been completed and we gather
19 here this morning to formally unveil it and present it to
20 this Court to be placed in an appropriate place in this court-
21 room, alongside the portraits of the five District Court Judges
22 who have preceded Judge Arraj on this Court.

23 This year being the 100th birthday of our state,
24 it would, perhaps, be appropriate to mention the five judges,
25 and there are only five, who have preceded Judge Arraj to this

1 Court.

2 On the end up here, Judge Moses Hallett served on
3 this Court from 1877 to 1906. Following through, Judge Robert
4 E. Lewis, later a judge of the Court of Appeals for the Eighth
5 Circuit and later for the Tenth Circuit, served on this
6 District Court from 1906 to 1921. Judge J. Foster Symes from
7 1922 to 1950.

8 Judge William Lee Knous from 1950 to 1959, and
9 Judge Jean S. Breitenstein from 1954 to 1957, when he was
10 appointed to the Tenth Circuit Court of Appeals.

11 It was on Judge Breitenstein's appointment to the
12 Tenth Circuit that Judge Arraj was appointed by President
13 Dwight D. Eisenhower, on recommendation of United States
14 Senator Gordon G. Allott, to the United States District Court
15 for the District of Colorado, and Judge Arraj entered on duty
16 as a district judge on August 30, 1957.

17 It was on August 30, 1976, some 19 years later to
18 the exact date, that Judge Arraj stepped down as Chief Judge
19 and assumed senior status, where he now holds court on the
20 fifth floor and, in a real sense, now looks down on all of us.

21 During those 19 years, Judge Arraj rendered judicial
22 services to the lawyers of this state and, more importantly, to
23 the people of this state, for the courts are not made for just
24 the lawyers or the judges, but the people who seek to have
25 their grievances settled in a court of law.

1 United States District Court for the District of
2 Colorado, under the leadership of Judge Arraj, has long been
3 recognized, not just locally but throughout the country, for
4 its industry and its continuing interest in the improvement
5 of the judicial process. Certainly we on the Tenth Circuit
6 are fully aware of the excellence of this court.

7 Our Chief Judge, David T. Lewis, has asked that I
8 express his regret at being unable to be here this morning,
9 but he is at Washington, D.C. attending the Judicial Conference.
10 Just last Tuesday before departing for Washington, in
11 reference to Judge Arraj and these proceedings, Judge Lewis
12 commented that, "Al has been one heck of a good judge, for
13 one heck of a long time."

14 Those are not Judge Lewis' precise words, but I do
15 think they convey the thought, and we of the Tenth Circuit
16 concur in Judge Lewis' sentiment. Judge Arraj has indeed
17 been a truly great judge and, fortunately for all of us, he
18 has been a great judge for a long time.

19 As I indicated earlier, Judge Arraj's well-deserved
20 fame extends far beyond the boundaries of this state. He is
21 widely known and respected throughout the entire federal
22 judiciary. He has served on many important committees of the
23 Judicial Conference, and most recently served on the Governing
24 Board of the Federal Judicial Center in Washington, D.C.

25 His honors are many and well deserved, and so

1 for all of these reasons, and many more, we gather here this
2 morning to express our deep appreciation for the high quality
3 of judicial services rendered by Judge Arraj over the last 19
4 years. We know that as a senior judge, he will continue to
5 serve for many years to come, sitting up there on the fifth
6 floor looking down at us, but though he will continue to serve,
7 a milestone such as this should not go unnoticed.

8 At this time may I, then, on behalf of the Colorado
9 lawyers and his many, many friends who are here in the court-
10 room, present to this Court this portrait for the unveiling.
11 I would ask that the Judge's wife, Madge, and her daughter,
12 Sally, if you would come forward, please, and do the honors.

13 JUDGE WINNER: Judge McWilliams, on behalf of the
14 Court, and with deep appreciation, I accept this portrait; and
15 I would ask that Judge Arraj make just a remark or two because
16 we would like to hear from him.

17 JUDGE ARRAJ: Chief Judge Winner, Judge McWilliams,
18 my brothers of the bench and my brethren of the bar, distin-
19 guished guests and all my good friends, thanks to each of you
20 for being here today.

21 I would be less than human if I did not tell you how
22 much and how sincerely I appreciate the kind words spoken of
23 me today, and I do want to express to the lawyers of Colorado
24 my deep sense of gratitude for their having commissioned and
25 having presented to this Court, through Judge McWilliams, this

1 portrait. You have been most kind and generous.

2 As you may know, I am completing my 28th year as
3 a trial judge; as Judge McWilliams noted, the last 19 of which
4 were spent on this bench. That service has been most engaging
5 and most pleasant, and especially pleasant through the associ-
6 ation with my colleagues and close friends, Judge Chilson,
7 Judge Doyle, Judge Winner, Judge Finesilver and Judge Matsch.

8 Many of you, and particularly the members -- many
9 members of the federal judiciary, will recall our late brother,
10 Judge Waldo Rogers of the district court bench of the District
11 of New Mexico. He was an alumnus of the University of Colorado
12 Law School, and while attending a law alumni breakfast at
13 Colorado Springs in connection with the Colorado Bar Association
14 Convention in the late '50s, Judge Rogers was asked, after he
15 had been elevated from the state district bench in New Mexico
16 to the federal district court bench there, "How do you like
17 your new position?" And Judge Roger's answer was, "Well, the
18 tenure is gratifying and the compensation is satisfying."

19 Now most federal judges readily agree with the first
20 portion of that response, but they now consider the last
21 portion as debatable and rebuttable. I think a few additional
22 words relating to the tenure may be relevant.

23 As all judges and lawyers know, Article III of the
24 Constitution of the United States provided, among other things,
25 the judicial power of the United States should be vested in

1 one supreme court and such inferior courts as Congress may,
2 from time to time, ordain and establish.

3 The judges of both the supreme and inferior courts
4 should hold their offices during good behavior. Well, when
5 a judge reaches my age and becomes eligible to be a senior
6 judge, as I have, and when his fun money allotment has not
7 been increased for over eight years, there is no way that his
8 behavior can be anything but good.

9 To further prove that my tenure as a judge is
10 secure, recent news reports coming out of Washington have
11 established that I have become so endeared to the United
12 States Senate that they will not even consider whether to
13 approve a successor to my seat on this bench.

14 But after that demonstration of affection, I suspect
15 that when the news gets around in Denver that they hung Judge
16 Arraj down at the courthouse, there likely will be a "hot
17 time in the old town tonight."

18 And, finally, in a more serious vein, please believe
19 I am honored that this portrait, so generously provided by the
20 lawyers of Colorado, will eventually join those of my
21 illustrious predecessors on this bench. And I am told that
22 the portrait will be hung next to that of my good friend, Jean
23 Breitenstein; and, that, as a judge -- a trial judge, that is --
24 I can tell you that it is mighty comforting to have Judge
25 Breitenstein at your side.

1 Thank you so much for permitting Madge, Sally and
2 me to share these few minutes with you.

3 JUDGE WINNER: I suppose that on some courts there
4 is some problem about having to, or deciding whether, one
5 should or should not continue to call a judge "Chief." But
6 that doesn't bother me at all because I never called Al
7 "Chief, " anyway, I just called him "Boss." And the Congress
8 of the United States hasn't said that he has to surrender the
9 title of "Boss."

10 Judge McWilliams has said that Judge Arraj is now
11 going to be looking down on him. Really, my heart doesn't
12 bleed for you very much, because think of me. I've got
13 Judge Breitenstein and Judge Arraj glaring at me all the time
14 just like they used to do when I tried cases in front of them.
15 I am just going to turn my back on the jury from here on out.

16 Now, "Boss," may I declare a recess?

17 JUDGE ARRAJ: Very well, you may declare a recess.

18 (And at 10:29 this date, court was in recess.)
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REPORTER'S CERTIFICATE

I, ROBBIE GRIGGS, Certified Shorthand Reporter and Official Reporter to this Court, do hereby certify that I was present at and reported in shorthand the proceedings in the foregoing matter; that thereafter my shorthand notes were reduced to typewritten form under my supervision, comprising the foregoing official transcript; further, that the foregoing official transcript is a full and accurate record of the proceedings in this matter on the date set forth.

DATED at Denver, Colorado, this 17th day of

December, 1976.

Robbie Griggs

Robbie Griggs
Official Reporter

