

The Arlin M. Adams Center
FOR LAW AND SOCIETY
Susquehanna University

ARLIN M. ADAMS CENTER FOR LAW AND SOCIETY
CELEBRATION OF CONSTITUTION DAY

SUSQUEHANNA UNIVERSITY
WEBER CHAPEL
SELINGROVE, PENNSYLVANIA
SEPTEMBER 15, 2008
7:30 P.M.

A TRIBUTE TO ARLIN AND NEYSA ADAMS
AND REDEDICATION OF THE
ARLIN M. ADAMS CENTER FOR LAW AND SOCIETY

PARTICIPANTS:

L. Jay Lemons
President, Susquehanna University
Justice Samuel Alito
United States Supreme Court
Allan Sobel
Director, Arlin M. Adams Center
Dr. Judith Adams
Daughter of Arlin and Neysa Adams
Sidney Apfelbaum, Esquire
Susquehanna University Board of Trustees
Honorable Leonard Garth
Third U.S. Circuit Court of Appeals
Arlin M. Adams
Neysa C. Adams

Before: Sarah C. Thomas, RMR
Reporter-Notary Public

PRESIDENT LEMONS: Good evening, one and all, and welcome to Weber Chapel Auditorium on this night as we recognize and celebrate Constitution Day at Susquehanna University. The signing of the United States Constitution, of course, took place in 1787, and that document established our country's foundation for bringing forward a new society, what was then called an experiment in democracy. It has certainly been called and hailed and celebrated as one of the most enduring and influential legal documents in existence and it does serve as the very fabric of our society, which was upheld strongly on the shoulders of this document and its foundational principles.

I am mindful that we have a rightful claim in the Commonwealth of Pennsylvania of pride when it comes to the United States Constitution, for there were 39 signers of that document, eight of whom were from the state of Pennsylvania, far more than any other state. Tonight we will recognize, consider, and think about two of the foundational principles, the rule of law and access to counsel.

In an era of 24-hour news coverage and more opinions sometimes, it seems, than we have channels and at other times it seems we have far more channels than opinions to me, it's a challenge for all of us to process the constant noise that comes at us, to discern what is right, to think about what is just. It's through the impartiality and the objectivity of our judges that the rule of law is sought to be evenly applied regardless of the interpretation of those rulings.

A little more than four years ago I had the privilege with a group of college presidents of an audience with Tim Russert, the late Tim Russert. Tim Russert described for us the way in which this country was the envy of the world. And the envy that he sought to draw our attention to was in the year 2000, at the end of a hotly contested election in which one candidate achieved more electoral votes and one candidate achieved more popular votes, we had a situation in which the election of the next President ultimately resided with the United States Supreme Court.

Russert said these every four-year terms are the important work and training of a democracy that is still growing and developing. He said that we were the envy of the world because on that day in January, when President Bush took the oath, there was, in fact, a peaceful transition of power and ultimately the demonstration to the rest of the world of what was remarkable about this country; while there were great feelings on both sides of those questions and great emotions, that the rule of law won out and that that is at the heart of a democracy.

I am also mindful, as many of you know, being a son of the University of Virginia, of the legacy of Jefferson and I would use this occasion to remind all of you that Jefferson said that to make the American experiment of democracy work required an educated citizen. In fact, his words still ring true today and I am grateful for all of you who are here or elsewhere who are working hard, who are studying, who are seeking to become the next generation of citizen leaders in our world. Jefferson said if a nation expects to be both free and ignorant in a civilization, it expects what never was and never will be.

We have a great inherent in the declaration and in the Constitution and in the words of the framers of our Constitution. The preamble says, "We, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility,

provide for the common defense, promote the general welfare, and secure the blessing of liberties to ourselves and our posterity, do ordain and establish this Constitution of the United States of America."

The most important words there, for me, from this document born and the spirit of enlightenment, are "We, the people of the United States, in order to form a more perfect union." In fact, our history has been all about seeking to have a more perfect union.

Tonight's program is really designed to provide all of us with a greater insight into the impact that individuals can and have had on our legal system and, indeed, on our society. We will begin with remarks by the Honorable Samuel A. Alito, Jr., Associate Justice of the United States Supreme Court. Justice Alito is the first Supreme Court Justice we have had the pleasure of hosting at Susquehanna and I thank him so very much for being here.

Following his remarks, we will hear more about the power of an individual and about the important legacy of Arlin and Neysa Adams from those closest to them.

It's my pleasure to introduce the Honorable Samuel A. Alito, Jr., like me, a son of two teachers. His father went on to become a distinguished, important staffer in the New Jersey legislature.

Samuel Alito is a graduate of Princeton University and Yale. Justice Alito's distinguished career in law and public service began when he served as a law clerk for Leonard I. Garth of the Third U.S. Circuit Court of Appeals, the same Court that our beloved Arlin Adams served on for so many years. From that position he rose to Assistant U.S. Attorney for the District of New Jersey, Assistant to the Solicitor General of the United States Department of Justice, Deputy Assistant Attorney General, and U.S. Attorney General for New Jersey.

He came full circle in 1990, when he received his appointment to the Third U.S. Circuit Court of Appeals. President George W. Bush nominated him to a seat on the Supreme Court, which he took in January of 2006.

Ladies and gentlemen, I would ask you now to join me in welcoming and thanking Justice Alito for his presence here with us.

JUSTICE ALITO: Thank you for the kind introduction and thanks to all of you for a very warm welcome. I wish that all the lawyers and the individuals in the audience when we take the bench to decide cases would get up and applaud like that. It never has happened. I want to thank you all for coming out this evening.

Until not too long ago, I think I would be somewhat intimidated by speaking before such a huge live audience. This is really quite incredible. Thanks again to everybody for coming out.

But, actually, something happened to me during a speech this summer that, I think, will insulate me from that concern at any time probably for the rest of my legal career. I was giving a talk in someone's backyard in Wyoming and I was in the middle of the talk, talking to maybe 25, 30 people, and the individual who had invited me stood up and he said, "I think it would be a good idea if you would sit down for a while." I thought this was strange in the middle of my speech. I didn't think what I was saying was that bad.

Anyway, I followed orders. I sat down. He said, "Now, I think maybe you want to just look over your shoulder." So I looked carefully over my shoulder, and I saw that a moose

had come down out of the woods into the backyard and was drinking from a fountain that they had in the yard.

So nothing that happens during any speech that I give at any time in the future will ever equal that. I mentioned that to someone this evening and she said, "You know, we don't have any -- it's unlikely a moose will come in tonight, but we do have a lot of bears in this area," so I said, "Please be sure to shut the doors before this speech begins."

But I am really happy to be here for a number of reasons. I have had a very nice visit here at Susquehanna University and I have been very impressed with what I saw. I had the opportunity this afternoon to participate on a panel discussion with a group of students; nine students, as it turned out, a nice number. I like that number.

We were talking about a really difficult constitutional issue. The students had studied the issue and they had formed their opinions about the issue, and I was informed that they broke down five to four. That's a division I'm also familiar with. But I was really impressed with what they had to say.

I've enjoyed my whole visit. I have had a little bit of a tour of the campus. As I said, I'm very impressed with the University. I am very happy that I had the opportunity to see all of that today.

Another reason why I am so happy to be here today is because you are honoring Arlin and Neysa Adams. Judge Adams was a judge on the Third Circuit, the Court that I served on for 15 years before I joined the Supreme Court. He was a judge there when I was a law clerk there in 1976 to 1977, and that year was probably the most formative experience in my legal education. By the end of that year I said to myself, If there is one job you could possibly dream of having, it would be to be a judge on that Court.

Now, of course, with the arrogance of a young person, I thought I was ready to be a judge right then. I thought I knew it all, but I have only learned in the years since then how much more I had to learn.

An awful lot is written these days about how judges should behave, theories of interpreting the Constitution, theories of interpreting statutes. One thing that I have learned from a lot of experience is that there really is no way to learn how to be a good judge other than by seeing and observing and learning from and, if you are lucky, following the example of good judges who have gone before you.

To my mind, the Third Circuit from 1976 to 1977, when I was a law clerk and when Judge Adams was a leading judge on that Court, is the exemplar of what judges should do. And that's the main reason why I am so happy to be here today, to honor Judge Adams and Neysa Adams and their outstanding contributions as public servants.

And in anticipation of Constitution Day on Wednesday, we also celebrate our Constitution and one of its most fundamental, valued commitments and that is the commitment to the rule of law. In furtherance of these celebrations and the short time I have with you this evening, I would like to share some thoughts on how Arlin and Neysa Adams and individuals like them contribute to the continuing vitality of our rule of law tradition.

One of the most famous articulations of this tradition was written by John Adams when he authored the Constitution of the Commonwealth of Massachusetts. He was

talking about the principle of the separation of powers, a very important structural component of that Constitution and of the Constitution of the United States, which came later.

What Adams wrote, John Adams -- what John Adams wrote was that the purpose of the structure that he had devised for the Constitution of his state was "to the end that it may be a government of laws and not of men." "To the end that it may be a government of laws and not of men."

Now, this is a frequently quoted phrase and I think it captures the core meaning of the rule of law. It is the notion, of course, that no person is above the law, that government authority is legitimately exercised only in accordance with established law.

In our system that means the government authority can be exercised only in ways that are consistent with the Constitution. This was a principle that was established by the Supreme Court in one of its most important cases, *Marbury vs. Madison*. This principle gives rise to legal certainty and to a legitimate expectation of equality to all before the law.

In celebrating and safeguarding the rule of law in our country and in seeking to assist countries that aspire to develop modern legal systems, it is useful to reflect on how we sustain that tradition. Experience around the world has taught us that if the tradition is to become entrenched, the rule of law must permeate the society, the practices of the society and the attitudes of the society. No single institution, formal or informal, provides the sole key to success.

But beyond the broad insight that the rule of law involves all aspects of the society and all institutions within the society, what do we know about our country's success with the rule of law? What is it about our legal system and our society that has sustained the strength of this important tradition?

Much of the answer, I think, can be found in the Constitution itself, in the document that created our country's fundamental framework, the document that we will celebrate and commemorate on Constitution Day.

Two features of the Constitution are particularly instructive and I want to make reference to them tonight. Those features are the permanence of our Constitution and what I will call the insistence of our constitution. Those are the features on one side. Then there are complementary features and the complementary feature is the ability of our Constitution to accommodate change.

The permanence of our Constitution ensures that our legal system's foundation, its structure, and the protection of fundamental rights will stand strong throughout the years. Its adaptability to change, meanwhile, ensures that each generation of Americans will respect and trust the document's ability to guide our country's future.

So how do the framers combine these seemingly contradictory features? They did so, I think, by between distinguishing between matters that are essential and matters that are just important, and by setting forth those that they deem to be essential, specifically the basic structure of our government and the protection of fundamental rights in the Constitution.

Furthermore, what they set out they made exceedingly difficult to change through amendment. So difficult, in fact, that despite the fact that over the years more than 10,000 amendments to the Constitution have been proposed in Congress, the Constitution has, in fact, only been amended 27 times in the last 220 years.

The resulting permanence and insistence of our Constitution is critical to our country's respect for the rule of law. The fundamental precept of a legal system founded on the rule of law, after all, is that the exercise of official power and authority is in all cases limited by law, that law will not be arbitrarily and capriciously changed, that it will not be changed simply because we think that it is expedient at the present time to do so. When law has those features it inspires confidence and trust, and people rely on the law. The law is fundamentally reliable.

Moreover, many of our Constitution's provisions set forth the framers' understanding of society based on rule of law. The separation of powers to which I've already referred, the checks and balances between the various branches of government, and many other provisions of the Constitution were fundamental to this project; the independent judiciary to ensure impartial adjudication, a prohibition of ex post facto laws to ensure fundamental fairness, the writ of habeas corpus to protect individual rights. These are just some of the features that are built into the Constitution to ensure that it would endure through the ages even in difficult times.

Allowing these and other provisions to be easily altered would have jeopardized the rule of law. Fortifying that against ill-considered change, in contrast, safeguards the tradition.

These foundational provisions and the confidence that we have in their permanence present only half of the picture. The rule of law has flourished and survived because of another feature of our Constitution and that is the ability of the Constitution to accommodate change. The Americans throughout their history have been a people of change, a people of great change.

When DeTocqueville, one of the probably most perceptive foreign observers of American ways, wrote *Democracy in America*, he marveled at the changes that he saw in this country. It was like nothing that he had ever seen in Europe. He saw towns in the Midwest that had sprung up within a matter of years and he said, "People will found these towns and then within a short period of time they will move onto other places."

So Americans throughout their history have been a people of change. If our Constitution had attempted to freeze everything in place, to thwart change, if our Constitution had attempted to decide every issue that the framers could have anticipated might come up because they did not trust the American people in the future to deal wisely with new developments, then our Constitution surely would not have survived for all these years.

But they understood that trying insightful change in that way was not wise and was not consistent with the temper of the people for whom they were writing this Constitution, so they protected and made it very difficult to change the things that were fundamental, the structure of the government and protection of basic rights, and they trusted the American people. They had a deep and fundamental trust in the American electorate to deal with everything else.

It was these two principles, I think, permanence and insistence on the one hand, with adaptability to change on the other, that has allowed our Constitution to endure longer than any other Constitution in the world. It is this latter feature, this adaptability to change, that I want to focus on tonight in our remaining time as we honor Arlin and Neysa Adams, for it is through this feature that they and other outstanding Americans

over the course of the past 220 years have ensured the continuing vitality of our rule of law tradition.

In a 1955 address celebrating the 200th anniversary of John Marshall's birth, Felix Frankfurter said some things that are very important on this subject. He said, "If this society is not to remain stagnant, there is need of action beyond uniformity found in recurrent instances which sustain the generalization and demand its application. The law is not a code of fettering restraints, a litany of prohibitions, and permissions. It is a enveloping and permeating habituation of behavior, reflecting the counsels of reason on the part of those entrusted with power in reconciling the pressures of conflicting interests. Once we can see the rule of law as embracing the whole range of presuppositions on which government is conducted, the relevant question is not has it been achieved, but is it conscientiously and systematically being pursued."

Justice Frankfurter's insight is that, at its base, the rule of law is as much, if not more, about our approach and our attitude toward government than it is about any particular institution or any particular set of rules or laws. Accordingly, identifying and ensuring the permanence of the necessary rules, laws, and institutions is necessary, but it is not sufficient. The framers recognized this.

And so, as I said, after insisting on the fundamentals, they made the Constitution adaptable to change. It is in this way that the framers created a Constitution that not only accommodates, but actually embraces change.

In *McCulloch vs. Maryland* Chief Justice Marshall famously proclaimed that, "Our Constitution was intended to endure for ages to come and, consequently, to be adapted to various crises of human affairs. The Constitution did not," he said, "attempt to provide by immutable rules for exigencies which, if foreseen at all, must have been foreseen dimly and which can be best provided for as they occur."

The framers trusted in the future and they trusted in the American people. And Americans have taken up this challenge and they have met it by building our legal institutions and by nurturing our institutions and by adapting them to the problems that have confronted us as the years have gone by.

Judge Adams is certainly one of the Americans who has done this. Judge Adams is unique and we celebrate him today because he has served as a trustee of the rule of law in so many capacities; as a lawyer, a judge, a teacher, a scholar, a public servant, and not least of all, a stellar human being.

He served as a judge on the Court of Appeals for the Third Circuit for 17 years, from 1969 to 1986. As I said, I joined the Third Circuit a few years after Judge Adams stepped down and I've always been disappointed that I didn't have the opportunity to serve with him, but I know his work from my perspective as a law clerk and after that from my perspective as an attorney arguing cases before the Third Circuit.

And I note that he was a model jurist, confronting each case with an open mind, fully and fairly analyzing the legal arguments that were presented, and coming to a conclusion based on the record before him. His opinions are a model of careful attention to the facts and the law, and faithful adherence to his duty as a judge.

As a lawyer at the Schnader firm in Philadelphia both before and after his service on the Third Circuit he safeguarded the rule of law from an entirely different perspective. Surely one of the best lawyers of his generation, he has skillfully advocated on behalf of

enumerable litigants and given to all who have interacted with him faith in the legal system and in the legal profession.

As a teacher and a scholar at the University of Pennsylvania Law School, he has passed his wisdom and understanding of the Constitution and, in particular, of the Establishment Clause onto future generations, to those with whom the rule of law tradition will be entrusted in the future.

He is unique in having served on the bench, in the bar, and in the academy. I would suggest that his service has done more to strengthen ties between the three, these three institutions, which, at times, recently have tended to grow apart. He has done more to forge links between them than any commission or task force could hope to do.

He has reached out beyond the legal community with an appreciation that law and respect for our legal tradition should permeate all aspects of our society. The ways in which he has served his country and his community over the years are countless; in the Navy, in World War II, as Secretary of Public Welfare, the Commonwealth of Pennsylvania, through service on various commissions and investigatory appointments, as the President of the American Philosophical Society and the American Judicature Society.

In these and many other ways, Arlin Adams has reached out beyond the legal profession to bring the framers' vision of a vibrant and strong American society rooted in the American true tradition of the rule of law to fruition. His contributions have been recognized and honored by many educational institutions. The University of Pennsylvania has the Arlin Adams Professorship in Constitutional Law, Temple University has the Neysa and Arlin Adams Prize for Excellence in Prelaw Studies, Drexel Law School has the Arlin Adams Professorship of Legal Writing. In 2002, Susquehanna created the Center we celebrate today, the Arlin M. Adams Center for Law and Society.

All of these tributes have recognized that Arlin Adams has led a remarkable life in the law, a life that demonstrates continuous support for the principles that maintain the rule of law.

He once declared that the law is a majestic profession. I concur wholeheartedly and I would add that the majesty of the profession rests on the judges and the lawyers and the other participants in the system who work so hard to maintain it and to improve it.

Neysa Adams is equally deserving of praise. Today we dedicate the Center for Law and Society in Arlin's name as it opens up new Pro Se Assistance and Mediation Clinic in Neysa Adams' name.

In addition to being impressive in her encouragement and support of Arlin's endeavors, Neysa is, of course, impressive in her own right. An educator and financial advisor, like Arlin, she is a model of a public servant. Through her involvement in non-profit and educational organizations and as the secretary of the Board of Emergency Aid of Pennsylvania Foundation, she has devoted her career to her community.

The Neysa Adams Pro Se Assistance and Mediation Clinic created in the spirit of public service exemplified by Arlin and Neysa will serve the surrounding rural communities with the mission of increasing access to the legal system by all segments of society.

As probably most of you know, there is an inscription on the front of the Supreme Court Building and every time I walk up those front steps or every time I drive by, every time

literally thousands and thousands of people every year pass by the building or enter the building, they see that inscription and the inscription says, "Equal justice under law." It recognizes the fundamental and simple truth that our rule of law, our statement that we are devoted to the rule of law would not mean anything if the rule of law were not equal for all people. Obviously, the rule of law cannot be equal for everybody unless everybody has access to the legal assistance and advice that is necessary when they find themselves involved in legal matters.

The Pro Se Assistance and Mediation Clinic is dedicated to serving this important matter.

Well, with these thoughts in mind, I will conclude. I want to thank you all for coming out here to express what I understand to be your devotion to the Constitution. Our Constitution will survive and will flourish as long as the American people, ordinary Americans believe that, believe in our Constitution. And from my experience, that remains as true today as it was in 1787, when our Constitution was originally adopted.

So thank you all for coming to celebrate Constitution Day and also to commemorate the tremendous work done by two outstanding Americans who have devoted so much of their lives to the rule of law, which we hold so dear. Thank you very much.

MR. SOBEL: Good evening. I am genuinely proud to stand before you as the director of the Arlin M. Adams Center for Law and Society at Susquehanna University. I am Allan Sobel. I join in our President's welcome of Justice Alito and join in his expression of appreciation for Justice Alito coming to our campus and being with us tonight on this important occasion.

I also want to thank those relations and friends and professional colleagues of Judge and Neysa Adams who have traveled a long distance to be with us tonight, as well, as we honor Arlin and Neysa Adams. I thank each and every one of you in the audience for joining us, as well.

Before I came to Susquehanna University in 2006, I was the president of the American Judicature Society, which is generally known as AJS. My role as president was different than the role that Judge Adams played when he served as president. I was the chief of staff. Judge Adams was the chair of the executive committee of the board of AJS.

AJS is a non-profit organization. It works to build trust and confidence in the judiciary. It looks at ways of improving the administration of justice.

Frankly, it's not an organization that a lot of people donate money to. Those who are involved in the justice system, have some role in the justice system generally give any justice system-related donations to organizations that promote their partisan positions; trial lawyers to the American Trial Lawyers Association, the defense lawyers to the counterpart of the American Trial Lawyers Association.

That's because people who go into court on a regular basis aren't really looking for a level playing field. They would much rather have a tilted playing field, one that tilts in their favor. So AJS over the years -- it has been in existence since 1913 -- has frequently suffered financially. When I took the helm in 2000, it was in serious financial trouble.

I went to Judge Adams then shortly after I started at AJS. I had never met him. I was introduced to him in his offices in Philadelphia. And I explained to him in some detail why I had come to see him. I came to see him because this organization that he had been so long a part of was failing.

Then I said to him -- as he was listening very carefully to every word, I said, "AJS is at risk of closure." And when I said that, he looked at me and said quite simply, "We won't let that happen." "We won't let that happen." Those were the only words that he said, but he went on to help me in many ways put that organization back in a stable financial condition.

He is a man of many mitzvah, which in Hebrew is good deeds. I could stand here and spend many hours talking about just those good deeds that I know about that he's responsible for. And in the finest Jewish tradition, he does his mitzvah quietly, anonymously, without a lot of fanfare, which is the highest form of giving that the Jewish faith recognizes.

I have tremendous respect for Judge Adams and I am very honored to be associated with his name as the director of the Adams Center.

I did not meet Neysa Adams until 2006, when I joined Susquehanna University. I discovered soon, however, that both Arlin and Neysa Adams are very much alike; extremely intelligent, possessing great curiosity about what other people are up to, what the world around them has to offer, genuinely interested in other people, caring, giving, vivacious.

And I have to tell you at this point that if I was talking to my wife Elaine and flattering her in these ways, she would say, "You have until I count to three to stop that; 100, 99, 98." But the truth is, I could go on until I reach three starting at any number you want to pick.

Neysa and Arlin Adams, you are truly my heroes. I want to thank you for all you do to make this a better world for all of us.

Now let me describe for you three people that are here to help us -- well, two of them are here in person; one is here by way of a video -- to help us understand from their perspectives the contributions of Neysa and Arlin Adams. Dr. Judith Adams, who sits in the middle chair to my left, the daughter of Neysa and Arlin Adams, received her undergraduate degree from Wellesley College and her medical degree from the Medical College of Pennsylvania in Philadelphia. She practices internal medicine and she is currently the chief medical officer of the Philadelphia Youth Study Center.

Now, wouldn't you just imagine that the daughter of Neysa and Arlin Adams would, like her parents, devote herself to public service. That's exactly what she's done.

Sidney Apfelbaum, the gentleman closest to me on the left, is a graduate of Bucknell University and Penn Law School, where he was a classmate of Judge Adams. He practiced law in Sunbury for 60 years. He served on the Susquehanna University Board of Trustees since 1985, as a co-chair of the Degenstein Foundation, a charitable foundation well known throughout central Pennsylvania for its support of local institutions.

Now let me tell you a little bit about Judge Garth. After graduating from Columbia University and Harvard Law School, Judge Leonard Garth practiced law in Patterson, New Jersey until he was nominated by President Nixon to serve on the Federal District Court of New Jersey and was confirmed to that position in December 1969. He served

on the District Court for less than four years when he was nominated by President Nixon to serve on the United States Court of Appeals for the Third Circuit. He was confirmed by the Senate in less than two weeks. Less than two weeks, something that is totally unimaginable and unheard of in today's world. He continues to serve on the Third Circuit.

He has almost a 39-year career as a federal judge. Over that time he's had many, many law clerks and one of those has made a fairly decent success in the law. His name is Sam Alito and he has become, as we all know, an Associate Justice of the United States Supreme Court. The tenures of Judge Garth and Judge Adams on the Third Circuit overlap and, as a consequence, they became lifelong friends and have developed a very, very close relationship.

It's now my pleasure to call upon Dr. Judith Adams.

JUDITH ADAMS: Good evening. I am Judy Adams and I'm one of Judge Adams' three daughters. I've been asked to share a few thoughts about what it was like to live with him.

When I think of my childhood, one of the things that stands out the most is remembering all the wonderful people I met. My mother, Neysa Adams, was generous and gracious, and throughout our lives and my father's career she invited into our home countless people who would stop in to say hello, have a drink or have one of her delicious meals.

When I was very young, many of those people were my father's clients. When I was older and he was Secretary of Public Welfare, I met Senators, Governors, and community leaders. In high school I met dad's law clerks and when I was in college, I met his law students.

And one of the things that made our lives so unique was that from earliest childhood my sisters and I knew exactly what our father did and knew exactly who all these important people were because we were treated as adults. So to us, seeing these friends, colleagues, neighbors, and coworkers come and go, all treated with the same warmth and graciousness, was nothing unusual. It was simply normal. It was so much so, in fact, that I thought this was the way that everyone lived, although I did eventually realize that not everyone had the kind of special celebrations we had for the couples my father married at our home, for Judge Adams' lessons went beyond diversity of people he knew and we came to know, as well.

As a result of living with my father, I came to associate hard work with his contented life. He worked every day and almost all evenings. Never complained. It was what he did and he was very happy. So I could only conclude that if people were fortunate they had jobs that they relished and did all the time.

My father made it clear that studying, either formally at an academic institution or informally by reading everything, including newspapers, encyclopedias, and history books, was how one filled one's free time. I remember going to him with questions about everything; current events, geography, important people. It was rare when he could not answer my questions, but when he couldn't, he immediately sought the answer in a book. The importance of education, of a lifelong commitment to learning regardless of how old one might be was an integral part of our lives. It still is even today. That commitment to

learning has already been passed to the next generation, to my son and my daughter, and to my niece and nephew, and it too will pass to their children, as well.

Let me end by sharing with you what the other, and perhaps most important, lesson from Judge Adams has been to me, that the right choice of one's partner is the key to a happy life. I watched my mother make my father's goals and aspirations a reality. It was she who really did help make his dreams come true. Steadfast, loving, and gracious, she has been a true partner and exemplary role model to me.

And so to answer what was it like to live with Arlin Adams, it is to grow up and believe that a worthwhile life is filled with wonderful people, hard work, learning, and love.

MR. SOBEL: Sidney Apfelbaum.

MR. APFELBAUM: Judge Alito, Your Honor, President Jay, Arlin, Neysa, and the people who have stayed, to use at this moment the words of another, who shall be nameless, before I speak I have something I want to say.

Somewhere in this audience is my good friend John Zeller. I won't ask him to stand, but if he is still here and didn't walk out with his students, John -- there he is down there -- and I call the audience's attention to John because John was a roommate of mine in law school at or about the same time that Arlin and John and I were in school together.

Now, we went through law school at a funny time and in order to characterize that time when we attended law school, I went to the rare book room at Susquehanna University -- which I hope the students visit sometime or other, and I would ask Mr. Justice Alito to visit there, too, hopefully, one day when he returns to this campus -- and in that room I found a volume of Charles Dickens. And to characterize that particular moment in time, which is back in May of 1942, I shall quote the words of Charles Dickens in *A Tale of Two Cities*, set at a much earlier time in history. "It was the best of times. It was the worst of times."

Our world was at war and no clue as to what the future held at Penn Law for the two of us, Arlin and I -- and I will include John Zeller in this -- as well as our young and eager classmates. 1942, a bad year. We were seeking, however, an accelerated study program because of the constant threat of military service by either enlistment or draft.

My supposed three-year course of study began in May of 1942, within days after graduation from Bucknell, and I assume the same applied to a younger Arlin Adams from Temple University. In February 1943, my few months of law studies suddenly ended and I was accorded the opportunity to spend the next three and a half years with 155 howitzers, foxholes, and enemy fire in the U.S. Army, while my friend Arlin served in the United States Navy for a similar length of time, I do believe.

I seem to recall Arlin attending some of his first-year classes -- and that would be back in '42 -- in Naval uniform. Maybe I recollect that properly and he is nodding his head to indicate that. I like to get a nod like that from a judge anytime.

In any event, I recall that in those first-year classes he would attend sometimes in Naval uniform and so would the professors who were teaching us torts, I think, with Lawrence Eldridge, for example, in torts, who also wore a Naval uniform more proudly, I think, than Arlin did.

Anyway, after a few months, however, we parted. We left the classroom, along with many of our fellow classmates, going our separate ways. Some were not fortunate enough to return. But three and a half years later, after making this world of ours safe for democracy, we returned once again to the classroom with zeal to complete our studies and hopefully follow our several paths in the practice of law in a now peaceful world.

I might say that my friend John Zeller had the same course, although he started before we did and we finished before he did, so he always complained that we were smarter than he.

The classroom then became our battleground of competition among friends, of course, and with most competent teachers leading the way. Just for Arlin's ears I will mention a few names of students who sat with us and then went on to demonstrate their own legal talent. Ray Bradley, Bob Landers, Hank Sawyer -- and I know you remember Hank -- Mike Vonosinski, John Zeller. That kind of competition was good training for our chosen profession.

My observation then -- and the future years have proved me correct -- Arlin Adams was always a standout performer as a student, as a lawyer, as a judge, and then as a lawyer again. Many persons -- and, as you've heard tonight, some in high places -- have sought his advice and guidance on challenging legal problems confronting us, first me in my solo practice in Sunbury, Pennsylvania and later our office when my two sons were sharing the salt with the kind assistance of Arlin Adams. He is and was a lawyer's lawyer.

To this day, 61 years after our student days, I have one watchword guiding us when problems arise in our own practice which call for astute, learned, and judgemental advice, and my sons hear it over and over again. "Call Arlin."

To close, I will turn Arlin's own words around and give them back to him when on one occasion he shared some of his writings with me as he delivered a Sheetz Lecture at the University of Pennsylvania, I believe. Arlin, you are my esteemed friend and admired colleague, and I give that to you with warmest wishes. Arlin and Neysa, friendship goes both ways.

Thank you very much.

MR. SOBEL: Now we have a videotaped statement of Judge Garth. It lasts about three to five minutes.

JUDGE GARTH: Justice Alito, Neysa, the Honorable Arlin Adams, and distinguished guests, my name is Leonard Garth. I am a member of the Third Circuit Court of Appeals and a former colleague of Arlin Adams.

I had hoped to join all of you in person to celebrate the opening of Neysa's Pro Se Assistance and Mediation Clinic. Unfortunately, my recent spinal injuries, two of them, made extensive travel difficult and so, with Allan Sobel's gracious assistance and at his suggestion, I have opted for the next best thing, addressing and paying tribute to Neysa and Arlin through this video appearance.

Allan Sobel had asked me to speak about Arlin and the Third Circuit Court of Appeals, a Court on which Arlin had served with such distinction for some 17 years. I am sure that Neysa will forgive me if in these remarks I focus only on her husband and not on the Pro Se Assistance and Mediation Clinic. You cannot imagine how grateful I am to be called

upon to acquaint you with Arlin's contributions to our Court.

First let me tell you about the members of the Court which Arlin joined. They are all, in the opinion of those who are acquainted with the legal and judicial society, truly judicial giants. The active judges then were Bill Hastie, Abe Friedman, Collins Seitz, Frank VanDusen, Ruggy Aldisert, David Stahl, and Arlin Adams. John Gibbons, Max Rosenn, Jim Hunter, Joe Weis, and I joined the Court shortly thereafter. The senior judges when Arlin joined were luminaries, as well; John Biggs, Jr., Albert B. Maris, Gerry McLaughlin, Harry Kalodner, Austin Staley, Phillip Forman, and James Cullen Ganey.

It was a Court of which Justice William J. Brennan was the circuit justice and a Court whose members were recognized as being in the forefront of the judiciary.

Before Arlin joined the Court, as Justice Alito has told you, he had contributed greatly to the legal, academic, national, state, and religious communities. I will not cite all of Arlin's achievements and awards. It would take me far too long. Most of them are known to you already.

I do want to mention, however, that Arlin had been a chancellor of the Philadelphia Bar Association and past president of the American Judicature Society. After he left our Court to return to the Schnader Harrison firm in Philadelphia, where he presently practices law, he received the 1977 Philadelphia Award and in 1999, the Philadelphia Bar Association Gold Medal Award.

I think that was the 1997 Philadelphia Award. I'm sorry. I should correct myself.

But I am digressing from the subject of Judge Adams of the Third Circuit. With but two exceptions, I am not about to tell you of many of Arlin's significant opinions for our Court. They are published, and they are available for study and review in the Federal Reporters. Each of them reflect his consummate craftsmanship and acute legal analysis.

I do want to mention, however, two early opinions of his which impressed me greatly. They are prime examples of the incisiveness, lucidity, and careful analysis that was Arlin's hallmark as a craftsman.

The first was written in the days of the three-judge District Court, two District Court judges and one Court of Appeals judge. That was Arlin. Arlin's opinion held that the constitutionality of the Vietnam War could not be ruled on as it was a political question and thus it was beyond the Court's province to consider.

The second case may be more familiar to some of you as it concerned the Grand Jury proceedings in which Sister Jogues Egan testified. Judge Adams' holding for our a bank Court has overtones of present-day controversies. He held in a tightly written and comprehensive opinion that Sister Egan could not be examined before the Grand Jury by way of questions based on information obtained through allegedly illegal, unconstitutional wiretapping. Does that sound familiar?

I can cite many more examples of his writings, particularly in the area of the Establishment Clause of the First Amendment, but I will forebear from doing so as they, too, are published and are available for study. Rather, I would like to dwell on the values and the inspiration that Arlin provided to our Court and to his colleagues.

Arlin's professional excellence, his judgment, his integrity, and, above all, his courtliness were the standards which each of us measured ourselves against. Arlin always sought a way to achieve justice even though the facts were tangled and complex and legal authorities were conflicting, and he was always patient and forgiving.

Here I must tell you of an incident which involved us both in which he dealt with just as I have described. It was in the early 1980s. We were both members of the panel which had scheduled a number of oral arguments in exceedingly important appeals and we were to hear them starting at 9:00 a.m.

I hadn't felt well that morning and I was persuaded to visit the nurse in the federal building. I left my chambers and I raced, literally raced to her office, but not until I had called Arlin, who was presiding over the panel, and asked him if he would delay the start of Court until 9:30 a.m. I won't go through the details of the examination, ambulance, and emergency room, angiogram, and the like. Suffice it to say I called Arlin at every stage and told him I would join him in the Albert Maris courtroom if he would only postpone the first argument until I could return from the Thomas Jefferson Hospital with some curative pills.

Arlin was the soul of understanding and patience. Then I made my last call to him. "Arlin," I said, "you had better go ahead without me. The surgeon is about to perform open heart surgery and I won't be available for the next few months." It came as no surprise to me that, as I later learned, Arlin presided over that session of our Court as smoothly, skillfully, and competently as though there had been no distraction or ailing colleague.

I must add that Arlin's unfailing friendship bore fruit for me during my hospital stay. I know that his hand and heart were behind the gold standard care that I received.

That friendship extended to our other colleagues, as well; in particular, to our beloved former Chief Judge Ed Decker and to our cherished Max Rosenn, both of whom are no longer with us.

I should have started these remarks by saying that I vividly recall the very first time that I sat with Judge Adams. It was then that I appreciated qualities that go into making not just a good judge, but a great one. He never tired of discussing the intricacies of the issues presented. He had an unfailing ability to listen rather than to talk. That's a rather rare judicial trait. He paid meticulous attention to the arguments and he knew of the record of the case as though he had been trial counsel. These distinctive qualities, when combined with those I have previously mentioned, resulted in his uncanny talent to plot a course which was consummate with the law and with justice.

As appellate judges, I'm sure you know, we are obliged to review the courts, the work of District Court judges, just as the Supreme Court sometimes reviews our work. And there is obviously a basis of resentment, no matter how gently phrased, when a reversal or remand is ordered. Yet in reaching his decisions and exacting his opinions, Arlin at no time harshly judged a colleague who disagreed with him. One may look long and hard through the many opinions Judge Adams authored without finding a strident term, nor could one find an opinion of Arlin's which would make a District Court judge or a dissenting colleague bridle.

Let me repeat a statement I have made on many occasions to the number of law school students I have taught. Judge Arlin Adams was my ideal of what a Court of Appeals judge should be. Why, do you ask? Because he never sought praise nor approval from others. His life was a life conditioned by prudence and restraint, and as a judge, he was a disciple of justice and of impeccable taste. And, above all, he not only served our court in superlative fashion, but in doing so he served the constitutional and the human principles which we hold so dear.

Judge Learned Hand could have had Arlin in mind when he wrote, "Without such servant, no society can prosper. Without such servant, no society can, in the end, even endure."

Thank you.

MR. SOBEL: It is now my great honor to invite Judge Arlin and Neysa Adams to join us on stage.

NEYSA ADAMS: I promise you this is about a minute long. Thank you for coming and sharing this day – this night, rather, with Arlin and me. You are joining us for the opening of the Assistance and Mediation Clinic. It really touches our hearts.

Susquehanna University has been a wonderful part of our lives. When I accompanied Arlin on his first visit as a Woodrow Wilson Fellow I came along selfishly, regarding the trip as a way to see a new college, always a special interest of mine, and to observe the students during their classes and other campus activities. That visit was a first of many, each evolving into a series of friendships with remarkable people who have guided this University to its present position of excellence.

Those who have helped this special place grow to represent all the positives that one hopes for in an academic setting have also been responsible for making Arlin and me feel that we, too, are a part of all the great things that are happening here year after year. Our thanks go to them and to the generous benefactors, the Apfelbaums, the Degenstein Foundation, the Weises, all of whom have supported the creation of this Center. Our appreciation is boundless.

To President Jay Lemons and Marsha Lemons, Sara Kirkland, Michelle Arcuri, Allan Sobel, each of you must know our thanks are greater than we can express. You have enabled us to share the excitement that comes from watching this place develop, fulfilling your hopes and dreams. Thank you very, very much.

ARLIN ADAMS: Justice Alito, Mr. President Lemons, distinguished ladies and gentlemen, and friends all, tonight we have celebrated the presence of a great jurist who has honored us, as well as this fine institution, by his participation in these significant events and his insightful remarks. Tonight we have celebrated an outstanding academic institution which has shown repeatedly its concerns for the legal rights of citizens, especially citizens who reside in the nearby village, and tonight we have celebrated the Center for Law and Society, whose mission is to teach the students and faculty the important interrelationships between law and good citizenship, and how to foster the same regard and respect throughout the entire community.

And as Justice Alito has so skillfully pointed out, underlying all of these purposes is a recognition that one of the major pillars of a democratic society is the rule of law.

I couldn't possibly have proved what is coming and I shall make no effort to do it. Instead, let me just say that Neysa and I are so especially pleased and proud this evening to be here with such a distinguished visitor and jurist, to have had the continual support of President Lemons, his wife, his superb faculty, and to have been repeatedly reassured by his friendship and affection. Each in his own way has recognized the rule of law and its guarantee for a nation dedicated to that rule of law and for all of us citizens.

I can't thank you enough for the comments and for your support and for letting me be here with you tonight. It's a greater honor to us. Thank you.

MR. SOBEL: The Adams Center for Law and Society is about to change locations on campus. As you may have noticed if you haven't been on campus recently, we are building a beautiful new science building on University Avenue and there is some reshuffling around the campus as to where offices are located.

We are moving into new offices and we need some things to put on the wall, so we want to unveil a couple of portraits here tonight that will hang at the new location of the Adams Center.

PRESIDENT LEMONS: Some brief closing words. There is a reception that will immediately follow this program and it is a just award for all of those, has Sidney said, who have stayed.

It reminds me of my very favorite Gus Weber story when he was leading a group of trustees around the campus and came upon a heaving, stinking pile of barley carbonated beverages. Without missing a beat, President Weber said, "Those darn Bucknell students are causing trouble down here all the time." To John Zeller and our dear colleagues at Bucknell, I think it might have been the Bucknell students who had to get home early.

Justice Alito, thank you for honoring us with your presence and for engaging in our celebration of Constitution Day.

Sidney, Judy, and Al, thank you for your words and for celebrating these people, and as well to Judge Garth for his role in this.

The two very special people here -- Neysa is behind me, unfortunately -- thank you for your example. Thank you for who you are and for what you do.

Judy, the formula that you unfolded tonight, he played for me at dinner when I asked your niece about what it was like to grow up and to be around and to be in this home. And I loved the way you put it. Not exactly right, but hard work, learning, love, and devotion to service, an incredibly powerful message whether you are five or 95.

"We, the people, in order to form a more perfect union." Judge and Neysa, we, the people, thank you. You have done an extraordinary service to this institution, to our nation, and, indeed, to our world in the ways in which you have served it.

We do make a more perfect union, one act at a time and one person at a time. As Judge Adams said at dinner, that fundamental belief and understanding that you can make a difference, I know it's a part of the gift and the wish that he would have for each and every person here. It is how we sustain and strengthen the American experiment in democracy.

And let those words be our conclusion to this program as we celebrate Constitution Day here at Susquehanna.

(Whereupon, the program concluded at 8:50 p.m.)