

George Thomas Van Bebber died May 26, 2005. His favorite editor, Charles C. Colman, editor of the Kansas Chief, had written obituaries in Troy, Kansas for many years using the phrase, "Peace to his ashes for he was the salt of the earth." Tom, in writing the obituary of Charles C. Colman in 1967, awarded such words to his mentor whom he greatly admired. The same words were awarded to George Thomas Van Bebber by the author of his biography, and they were well-deserved.

Tom was the descendant of a Dutch Quaker family that moved from Utrecht, Holland to Philadelphia, Pennsylvania at the urging of the Quaker, William Penn. Tom was named after George Thomas Van Bebber, who was a soldier in General Price's Confederate Army, which was unsuccessful in trying to take Fort Leavenworth in 1864 and was badly defeated at Mine Creek in Kansas later that year. This brought the Civil War in the West to an end in 1865.

In 1890 Roy Vest Van Bebber, the father of George Thomas Van Bebber, was born in DeKalb County, Missouri. He and his brother both attended the University of Kansas and both earned degrees in pharmacy. The brothers, with their father, William, as a partner, opened a drugstore at Troy, Kansas in 1915. Judge Van Bebber's mother, Anne Wenner, had a scholarship to Western Maryland College, a Methodist institution, where she graduated in 1915. She then taught high school in Frankfort, Kansas where she met Tom's father.

Tom's father, Roy Van Bebber, went to France as a captain and served 19 months in World War I.

Roy and Anne Van Bebber had four children -- Virginia, John, William and George Thomas (Tom). Tom never knew his father, who died on Flag Day in 1933 at the age of 42. He died of peritonitis and was then serving as Mayor of Troy, Kansas, as well as running his drugstore. He also was Commander of the Troy post of the American Legion and a delegate to the Democratic National Convention in Chicago where Franklin D. Roosevelt was nominated. Roy was slated to become postmaster of Troy. His widow, Anne, age 42, was appointed in his place.

Tom Van Bebber was not yet six years of age when he was struck with polio. To make matters worse, in 1939 the Van Bebber home burned down. Tom was ill in 1938 and 1939 and attended school only infrequently. A brilliant student, he caught up in later years.

Charles Colman, the editor, became a great friend and mentor to Tom. Judge Arthur J. Stanley, Jr., the long-time federal judge at Leavenworth and Kansas City, also became a good friend to Tom, and he interested Tom in the Civil War Round Table. Tom became an expert on the Civil War.

In 1949 Tom began his college career at the University of Kansas in Lawrence. Tom graduated from law school in June 1955. Shortly after that he opened his law office in Troy. Later, Tom ran for county attorney but was defeated by Jack Euler, who became a prominent attorney and legislator.

Tom practiced law in Troy until 1959 when he was hired as Assistant U.S. Attorney in Topeka, Kansas by Wilbur Leonard, the

U.S. Attorney for Kansas. Tom tried a great number of federal cases with good success. He appeared before Judge Arthur Stanley of Kansas City, Kansas and Judge Delmas C. Hill of Wichita, both outstanding federal judges.

In 1961 the changing political scene returned Tom to Doniphan County. In 1962 Tom again ran for county attorney. He was elected and served three two-year terms in that capacity. In 1967 he joined a special committee of the state to help write a State Criminal Code. This Code was adopted by the Legislature in 1971. In January 1973 Van Bebber was elected to the Kansas House of Representatives where he served almost three sessions.

In 1975 Kansas Governor Robert F. Bennett asked Tom to become Chairman of the Kansas Corporation Commission, the state agency that regulated utilities. Taking the new job, Tom resigned from the Kansas Legislature. When he was appointed Chairman, Balfour Jeffrey was still running the Kansas Power & Light Company. When Jeffrey retired, they hired Bill Wall. Under those two men, Tom felt that KP&L was the best run utility, by far. Service was good and they endeavored to keep their rates reasonable. It was just very well managed. Tom remarked that, "It made me sick to see that company decline financially. I didn't blame the new management (in place in 2005) for that, either. I just regretted seeing it decline. It didn't happen on my watch!"

The biggest case handled by the KCC during Van Bebber's tenure as chairman was when the Jeffrey Energy Center — built by Kansas

Power and Light Co. of Topeka, the forerunner of Westar Energy, and located near St. Marys in northeast Kansas — began generating power commercially in 1978. The commission heard the case that summer and approved KP&L's new rate structure reflecting the addition of the Jeffrey Center to its rate base.

Other major rate cases were those brought by Kansas Gas and Electric Co. of Wichita and Kansas City Power and Light Co. when their new shared power plant at LaCygne in southeast Kansas came on line. In addition, Sunflower Electric Cooperative, the major supplier of electricity in western Kansas, built a new power plant at Holcomb, Kansas, and built a power distribution system in western Kansas during Tom's chairmanship. Other substantial rate cases were brought by Southwestern Bell Telephone Co. and Kansas Gas Service Co., the major telephone and natural gas distribution companies operating in the state.

The KCC also regulated trucking companies, called motor carriers, at the time Van Bebber headed the commission, ruling on tariffs filed by the companies and settling territorial disputes among carriers. It also handled railroad cases, mainly station closings as the railroads closed rural stations and curtailed their service.

"It was very controversial," Tom said of the railroad station closings. "We sent examiners out to hold hearings. We almost always granted the applications (to close stations)."

Reflecting on his term as KCC chairman, Van Bebber said he had

one regret. He was persuaded, he said, to make a decision he thinks was a factor in Bennett's defeat for reelection in 1978.

"I let Bill Wall persuade me to issue a rate increase order in KP&L's 1978 rate case," he recalled. "I wanted to wait until after the November general election to release it. I asked Bennett and he said he didn't care, so we released it in October. It gave KP&L a big increase."

"I think that was a factor in Bennett's defeat (by Democrat John Carlin). Carlin's people seized on it. If I had it to do over, I'd probably wait until after election day. But the company (KP&L) was desperate for the increased revenue. Bill Wall said if the company wasn't allowed to raise its rates right away, it would be in dire financial straits."

Van Bebber left the KCC when his four-year term expired, in April 1979, and went back home to Troy to resume the practice of law.

On June 14, 1982 Tom Van Bebber took office as U.S. Magistrate in Topeka, Kansas. Carol Barnthson, who was with Tom as administrative secretary for 36 years in all, moved to Topeka to assist him in his new job.

In 1985 Magistrate Van Bebber and U.S. District Judge Richard D. Rogers went to London for sessions of the American Bar Association. This was an outstanding trip featuring sessions with Margaret Thatcher and Queen Elizabeth. The British Army Games at Earl's Court were spectacular.

During his time as Magistrate Judge, Tom met Alleen Castellani, an Assistant U.S. Attorney, and they were married on December 27, 1986. This marriage brought new happiness to Tom's life.

In 1988 U.S. District Judge Richard D. Rogers announced that he would take senior status. Senators Robert Dole and Nancy Kassebaum supported Magistrate Van Bebber for the post. On December 8, 1989 Tom Van Bebber was sworn in as United States District Judge in Kansas City, Kansas.

Tom was a great friend of Governor Robert Bennett and Alf Landon, a former Kansas Governor and Republican Presidential nominee in 1936. He kept a close relationship with these two ex-governors until their deaths.

Judge Van Bebber became Chief Judge of the Kansas Federal Court in 1995 when Judge Patrick Kelly retired. He remained Chief Judge until Judge John Lungstrum took office in 2001, when Van Bebber took senior position.

Tom Van Bebber served with great skill in every important position that he held in local, state and federal government. He was highly intelligent. Because of his illness, he led a difficult life, but he never complained. He was one of nature's noblemen.

Tom had many important and interesting cases during his judicial career. His highest profile case was the 1998 sentencing of Michael Fortier, an accomplice in the 1995 Oklahoma City bombing. Fortier knew of the conspiracy but failed to warn anyone

of the bombing. Fortier entered into a plea agreement in which he agreed to testify against his coconspirators, Timothy McVeigh and Terry Nichols. Judge Van Bebber departed upward from the Sentencing Guideline range and sentenced Fortier to 12 years.

Probably Tom's favorite case to discuss was the 1995 "Case case." It was a First Amendment lawsuit brought by a group of parents and the ACLU against the Olathe Public School District. The School District had removed the book "Annie on My Mind" from its shelves because of content referencing a lesbian relationship. Tom held that the District's action violated the First Amendment and ordered the book returned to the library shelves.

Tom also took great interest in another First Amendment lawsuit, one brought by a Washburn University faculty member and a student against the University in 2004. The plaintiffs argued that the University violated the Establishment Clause by displaying a bronze statue of a scowling priest in a miter cap. The statue was entitled "Holier Than Thou" and the plaintiffs claimed that the miter cap looked phallic. They claimed that the statue was offensive to Catholics. Tom held that the University's motive was secular, not religious, and that it had not violated the Establishment Clause.

Tom also was involved in the case concerning completion of the South Lawrence Trafficway in 1997, which was a bypass being constructed in four segments. The fourth segment, which was planned to run adjacent to Haskell Indian Nations University, met

with resistance from Haskell and some environmentalists. Tom enjoined the Federal Highway Administration and the Kansas Department of Transportation from completing the bypass until they completed an environmental impact statement. The bypass has still not been completed.

There were several other cases involving Indian issues. In 2004 he presided over a case in which the Shawnee Tribe claimed that the General Services Administration should have transferred the Sunflower Army Ammunition Plant to the Department of the Interior to be held in trust for the Tribe's benefit. Tom held that an 1854 Treaty had terminated the Shawnee Reservation upon which the ammunition plant sat. Because the Shawnee Reservation had been terminated in 1854, the Tribe was not entitled to transfer of the land.

A case that had potential to have a large impact was the 1999 case Adidas v. NCAA. In that case, Adidas claimed that the NCAA illegally restricted sales of promotional rights obtained through sponsorship agreements with NCAA institutions by limiting the amount of advertising that could appear on uniforms and equipment during college games. The case went away quietly, though, as Tom granted judgment on the pleadings on Adidas's antitrust claims.

In 2003 Directv brought a number of cases against individual defendants, claiming that the defendants were surreptitiously intercepting and decrypting Directv's satellite signals to view the television programming for free. Tom agreed to take all of the



cases filed in the District of Kansas, and eventually handled over 50 Directv cases with over 150 defendants.