

Dedication of Portrait

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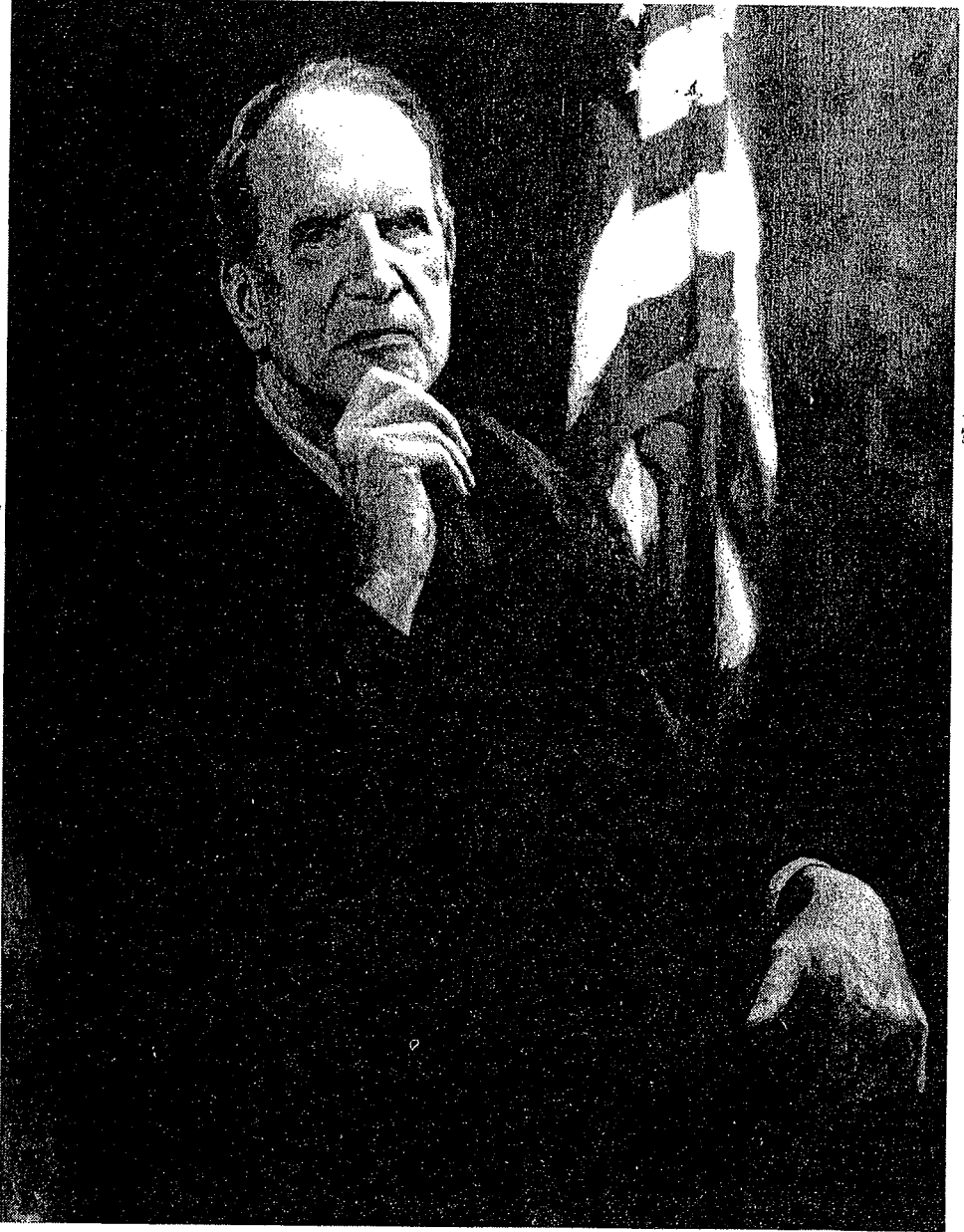
THE HONORABLE OLIVER GASCH

to

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA

BEFORE THE HONORABLE CHIEF JUDGE AUBREY E. ROBINSON, JR.,
IN THE CEREMONIAL COURTROOM COMMENCING AT APPROXI-
MATELY 4:07 P.M.

November 18, 1983



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CHIEF JUDGE ROBINSON: Most often when we gather in this courtroom it's happy occasions. So it is today when we gather for the Dedication of the Portrait of Senior Judge Oliver Gasch.

Seated in place of prominence in the well of the court is Judge Gasch's wife, Sylvia; their son Michael; Judge Gasch's brother Manning, his wife Hilda, and their son Manning, Jr. There also seated with the family is his faithful secretary Pat Wilcox, and other close family members and friends.

We appreciate the presence of judges from every court that sits in the District of Columbia. You are too numerous to name but we welcome you again to this courthouse. We have the United States Attorney Stanley Harris representing the United States Attorney's Office. We recognize the Chief Deputy Marshal for the District of Columbia who represents the Marshal who is unable to be present because of an emergency.

It's a great pleasure to have with us on this occasion Judge Gasch's friend, our friend, Associate Justice of the United States Supreme Court, William H. Rehnquist. Justice Rehnquist.

JUSTICE REHNQUIST: Thank you, Chief Judge Robinson.

It's a great pleasure to be here and participate in these ceremonies today in honor of the unveiling of Oliver Gasch's portrait.

Oliver Gasch is probably best known for his outstanding legal career first as a lawyer and then as a judge on the District Bench here. I'll leave it to others more familiar than I am with the details of this career to speak about those aspects of Oliver's life. I knew him and know him primarily as not only a friend but a theologian. Oliver's theological propensities first came through to me when in the early 1970's I joined what was called the Judges' Prayer Breakfast Group which met once a month in the dining rooms of the Capitol Building at 7:30 in the morning for breakfast. This group was probably a rough microcosm of the World Council of Churches. It had the benefit of not only Oliver's views on the ultimate meaning of life but also the view of such other eminent theologians and philosophers as Harry Blackmun, George MacKinnon, John Pratt, Jim Belson, Ted Newman, George Revercomb and a host of other luminaries and recognized authorities in the field.

My efforts to convert Oliver to the cause of Lutheranism ran aground on his sturdy Episcopalian faith. In spite of proselytizing

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by me for the Lutheran faith and by John Pratt for Roman Catholicism Oliver refused to worship The shrine of either Martin Luther or of John Henry Newman.

I had not wholly given up with him when I found myself obliged to withdraw from the prayer group because of peculiarities of my own temperament. It turned out that my temperament was less suited to a prayer breakfast group which convened at 7:30 o'clock in the morning than to a prayer luncheon group or even a prayer dinner group. So, I lost whatever chance I had to reshape Oliver's religious heritage.

But, of course, Oliver Gasch has much more than a theological dimension to him, and this occasion is one on which we recognize the judge, the lawyer and the man as all are finely so embodied in his career.

I join with all of you here to mark the presentation of what I'm sure will be a splendid portrait of him, to celebrate another milestone in a legal career which has been so splendidly devoted to public service both on and off the Bench.

CHIEF JUDGE ROBINSON: A close friend of Judge Gasch, Senior Judge of the United States Circuit Court, District of Columbia Circuit, George E. MacKinnon.

JUDGE MacKINNON: May it please the court, Justice Rehnquist, Chief Judge Robinson, Sylvia and Mike Gasch, distinguished guests, ladies and gentlemen.

This pleasing opportunity in this moment of history has been afforded me to join in making a few remarks on the occasion of the presentation of the portrait of my friend and judicial colleague The Honorable Oliver Gasch who has served with such high distinction as a United States District Judge in the District of Columbia and in numerous other public positions of honor and trust.

I'm sure that his lifelong friend from high school days, Circuit Judge Roger Robb, could better fill my assignment if his temporary incapacitation did not require him to be out of this area. He could testify personally to Judge Gasch's entire career since he was admitted to practice in the District of Columbia in 1931, to his experience as a private practitioner, as a lawyer in the Office of the Corporation Counsel, as Deputy and later United States Attorney, and to his entire service since August 11, 1965, as one of the best trial judges the District of Columbia ever enjoyed. Judge Gasch also served four years in the army during World War II seeing duty in the Southwest Pacific.

In the fifty-two years since his admission to the Bar he has worked his way up the rungs of the ladder to the peak of his profes-

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sion. He has the rare distinction as a Republican of having been appointed by a Democratic President Lyndon B. Johnson.

At one time he was chancellor of the Episcopal Diocese of Washington and he carries the qualities of a christian gentleman to the bench and daily continues to carry his faith into the daily lives of all of us in a wide variety of activities.

In our system of justice no right stands greater than that of a citizen to a fair trial. The realization of that right, however, and in fact all of our other rights, depends principally upon a fair trial judge, and the public recognizes the controlling position that a trial judge occupies in our judicial system.

I'm reminded of an incident one summer day in Minnesota not long ago when Judge Devitt introduced me at a naturalization ceremony and at his request I addressed the new citizens on some of the duties of citizenship. Later following the reception Judge Devitt and I left and walked down the corridor together. When we were about twenty feet away the acoustics of the hallway allowed me to hear from our backs one fourteen-year old boy ask his newly naturalized father, "Dad, which one is the real judge?"

Certainly, a fair trial judge is the noblest work of God and it is a fair judge that this portrait will call to memory in distant times.

Being a fair judge connotes more than impartiality. In the person of Judge Gasch it includes legal intelligence of the highest order, high ethical principles, humanitarian compassion for his fellow man, a deep sense of the majesty of the law, and the courage and wisdom to stand against temporary pressures and expedience. It also embodies temperament to hear patiently, to weigh deliberately and dispassionately and to decide impartially.

One of the greatest federal judges of this nation, the Honorable Gunnar Nordbye of Minnesota who served as a judge for over fifty years, once told a reporter that the three requirements of a judge were "first, patience; second, patience; and third, patience." I believe that.

The District of Columbia in the person of Judge Gasch has been favored through his judicial career with the most patient of judges. Review of his judicial decisions—and in my tenure I've had the opportunity to review a great many—demonstrates that while any judgment since it is a human product is at best fallible, within such limitation Judge Gasch consistently renders the highest obtainable quality of justice between his fellow man. His industry is prodigious. He does more than his share. He tries every lawsuit with utter disdain for the complexity of the case, the length of the trial, the magnitude of the problem or the persons involved.

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He leads a well-rounded life. He is not a recluse on the Bench but is always eager for the companionship of his colleagues and friends, for the out-of-doors and for the pleasures of the stream where he is an avid fisherman—so he says—but he turns them back and fails to bring us any.

He goes about his judicial tasks diligently and quietly without any fanfare. He does not seek the limelight. He is not a headline hunter. His literary style produces legal clarity and contains the tone of assured firmness that is enhanced by his sound knowledge of the law derived from his exceptionally-wide background of experience.

I recall a conference following appellate argument on one of his decisions when one of my colleagues—who by the media is given a different label than Judge Gasch—remarked on a critical evidentiary point in the case, “that Gasch is a careful judge.” So, he sided with Judge Gasch’s evaluation of the facts and his decision was affirmed. I cite this instance because it illustrates the wide respect that judges and lawyers of all persuasions have for the care with which Judge Gasch applies the law.

The continuing interest he takes in criminal defendants whom he is required to sentence is so great that he was once cautioned against intruding into the work assigned to the parole board.

George Washington once said “the administration of justice is the firmest pillar of our government.” That pillar is stronger in the District of Columbia because of the service that Judge Gasch has rendered.

And his wife, the former Sylvia Meyer, a harpist of national renown, has made her contribution at his side.

I join with the myriad of friends of Judge Gasch in thanking his former law clerks and others who participated for the pleasure of this portrait which will adorn the halls of this court and serve as a continuing reminder of a truly outstanding judge and public servant. A real judge—a judge’s judge. Thank you.

CHIEF JUDGE ROBINSON: Another who has known Judge Gasch for a long time as a close personal friend and he has served with him as a colleague on this Bench is Judge John H. Pratt.

JUDGE PRATT: Chief Judge Robinson, Mike and Sylvia, fellow judges, friends of Judge Gasch.

This is a particularly happy occasion for me and I’m flattered by being invited to take part in this tribute.

Judge MacKinnon has spoken in some length about the qualities of Judge Gasch as a lawyer and judge. Others that follow me will

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undoubtedly talk about the same theme. But I'm going to talk about something else.

I have known Judge Gasch for almost fifty years. And not only did we share his mother's house for a year but we were married about the same time. And I recall that my function at that wedding was acting as chauffeur for Judge Letts who performed the ceremony and once we got to Sylvia's house keeping Manning away from disrupting the wedding. Manning probably will remember that. And after being married at about the same time we had boys at about the same time, and we entered the service at about the same time. In fact, of all my friends he was the last one to see me when I was a two-hander. It so happened that he was stationed in Hollandia in Dutch New Guinea and I was passing through bound to the Philippines.

Our wives had been in touch and my exact whereabouts were obtained by my wife who in this way managed to breach military security. So, when we landed at Hollandia and were there for half an hour I called up what I thought would be an office as to where Judge Gasch was located and he came down and we spent thirty minutes together and we were on our way.

And, after the war our professional and social ties were even closer. We were active in the Bar Association and other similar matters. And lo and behold after I was appointed to the courthouse my chambers were right next to Judge Gasch's.

All of this is by way of a background to permit me partially to round out the portrait of this person as a human being. First of all his thoughtfulness and generosity. He has come to the assistance of more persons, groups and causes needing assistance than anyone I know. Some of this has been upon request but more often he saw the need and he came forward.

I wonder how many of you realize that the Prettyman Program located in Georgetown Law School is because of Judge Gasch rather than anyone else. George Washington could have gotten the program but they turned it down. Judge Gasch persuaded Georgetown to take the Prettyman Program.

He modestly and without fanfare has tried to follow what we call the golden rule. Justice Rehnquist has mentioned his being a sparkplug and quarterback of our prayer group. As I mentioned a couple of mornings ago at our prayer breakfast it's very easy for judges to succumb to the trappings of power.

I've always admired Richmond Keech for his ability to retain the same attitude towards his fellow human beings, the same personal style as when he was laboring in the vineyards of the Corporation Counsel's Office. Oliver Gasch is another such person. He's the

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same person I first knew when our lives were simple and carefree, and I hasten to add that that life at that time was not all that bad either.

I could extend these remarks but I'm sure it would only add to his embarrassment.

Thank you Chief Judge Robinson for this opportunity to express my thoughts about an old and close friend.

CHIEF JUDGE ROBINSON: Representing Judge Gasch's extended family of law clerks we have Professor Janet Spragens of Washington College of Law of the American University.

PROFESSOR SPRAGENS: May it please the Court, Mr. Justice Rehnquist, distinguished judges from other courts, members of Judge Gasch's family, and Judge Gasch.

It is a distinct pleasure and honor for me to participate in the ceremony today honoring Judge Gasch and to offer some comments of what it was like to clerk for him.

Over the past seventeen years there have been some thirty-six of us, twenty-seven men and nine women, who by whatever good fortune led us to his door have had the opportunity of serving as his law clerks. Every one of us has contributed to the portrait being presented today. I think most of us are here in this courtroom.

Each one of us has had our own individual memories of that very special clerkship experience but I would like, if I may, to talk for just a few moments about the elements of clerking for Judge Gasch that were in some sense common to all of us.

It is clear to me that Judge Gasch felt and continues to feel a very strong responsibility each year in starting two new young lawyers down the road to professional maturity and competence. Judge Gasch met this challenge by providing an extraordinary learning environment for his clerks by encouraging and requiring a high standard of intellectual product and by demonstrating through his own wonderful example of what a lawyer and a judge should be.

As law clerks we were involved by the judge in everything going on in his court. We spent a great deal of time in the courtroom and when we were not in Court the judge made sure to keep us up to date on all matters and events that had occurred in court that day. We were included in bench conferences, status conferences and all kinds of hearings in the trials. We read all the pleadings and all the briefs. We researched issues likely to rise during the trial which the judge had usually alerted us to. We talked to the lawyers and we wrote drafts of opinions and orders.

Behind the scenes of the courtroom I remember we did a lot of talking with the judge talking out the issues before the court.

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These discussions took place randomly before court in the morning, during the 5:00 to 7:00 o'clock period in the afternoon in his chambers, on Saturday mornings which we generally used to catch up on advance sheets and other work followed often by a late lunch at Barney's and a thousand other times.

Our discussions with the judge were always free-flowing and informal. We did not make appointments to see him. My memory of him is that Judge Gasch always brought to them enormous insight aided by his own experience, wisdom, wit and good judgment; and that he held us to the high standard of performance in articulating rational positions and documenting them thoroughly. The same keen standard of critical analysis was required in our written work and I recall how Judge Gasch also tried that year to teach us how to write as he did so ably with clarity, grace and substance.

There were many humorous occasions. I can recall one Friday—Friday was motions day at that time—when a young attorney quite well-prepared but very, very nervous was arguing a motion before the judge when he simply forgot how to address the Court. He said “your—your—” a few times searching for the word “your honor” but he couldn't remember them. Finally he called the judge “your highness”.

Jeff Moran reminded me of another occasion when the judge was hearing a motion on a case and in reference to a factually close precedent entitled *Luck v. The Baltimore & Ohio Railroad* and asked the attorney before him what role the attorney thought Luck played in the disposition of the case at Bar.

The attorney who either had not read the *Luck* case or had forgotten it but not one to be caught flatfooted replied “your honor, I have been practicing law now for forty years and it is my experience that luck always plays a role in court decisions.”

There was also the time when the emergency alarm was accidentally tripped and a dozen or so U.S. Marshals guns drawn burst into a very surprised courtroom.

Judge Gasch was and is a generous and warm friend outside the courtroom and it would be hard to know how many times clerks have come back to discuss with him and receive his counsel on matters of personal success or crises, career decisions and other professional, court, personal concerns. He is an interested listener and his advice is always helpful.

I cannot really thank Judge Gasch adequately for my rich experience as his law clerk and I know that the rest of his clerks feel the same.

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You leave the experience knowing how much you have learned and grown professionally and wondering what you really gave back in exchange that can be worth what you gained.

Judge, on behalf of all your clerks I just want to say we are delighted to be part of this ceremony honoring you. Thank you very much.

CHIEF JUDGE ROBINSON: I now ask that Mrs. Gasch and Michael unveil the protrait.

I accept this portrait on behalf of the court. When hung it will be a constant reminder of the years of dedicated service that Oliver Gasch has given and is still giving to this community, to the nation as a member of United States District Court of the District of Columbia. It will join distinguished company and deservedly so as you look about this room.

We are most appreciative of the efforts of Judge Gasch's law clerks past and present and his friends who have made this gift and this occasion possible.

Now, we're going to hear from our honoree, Senior Judge Oliver Gasch.

JUDGE GASCH: Thank you, Chief Judge Robinson.

Also, I want to thank particularly my colleagues for being here today, my colleagues from other courts.

Bill, I thank you for being here and George and John and, of course, Jan who speaks on behalf of all the law clerks and Pat who have contributed to this; particularly, Roger Warin, Jeff Moran, who worked like the very dickens to line up the law clerks and other sources of funding.

Having worked with artists off and on most of my life—my father was an artist—I worked my way through college selling pictures—so, I know something about them. And I think this gentleman, Don Stivers of Connecticut, who did the portrait of George Hart right up there with exit under him—that's Judge Hart, not exit—he also did the portrait of Leo Rover and Austin Fickling over in the D.C. Court of Appeals has produced very fine works of art of all of us.

I recognize so many of my old friends, both colleagues on other courts, former law clerks, and lawyers who practiced before me many times. I am moved by your coming here today. I greatly appreciate your presence.

And then, of course, in the middle of the front row my high school teacher, Irene Rice. She also taught Sylvia and she taught Manning, my brother, and she taught General Lewis seated in the front row. She taught Roger Robb. And this past year when Rog-

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er has been under the gun of many complaints nobody has helped him more than Miss Rice. She's been to see him recently. She went up to Cape Cod where he was recuperating from a hip fracture and she just said to him among other things, "Roger, they're going to have a Bar dinner. They've invited you to attend and be honored. You better get down there." Roger called me last night and he said he was going to be present. So, that's the kind of influence Irene Rice has had over us for many years.

We first met her when she was our teacher at good old Western. I'm not going to give the English, Latin, German and Greek cheer; but nevertheless she will remember it. She's been a great inspiration to us all these years. She was a great teacher and she's a great friend.

It's a heartwarming experience to be in a gathering like this and to appreciate the significance of the clerks who wanted to go out and have somebody to capture what he thought I looked like and I am appreciative. It's a little flattering but I think it could be recognized. And I'm glad that the artist painted it in such a way that the flag was over my shoulder. I'm not an eagle screamer but I am proud to serve in this free country. I don't think I would have the same opportunities as a judge in any other country that I know of, even dear old England.

But in any event, this has been a happy occasion and I'm glad to say that we're going to have a little reception down in the jurors lounge. I believe that's the biggest room available. I hope you'll all come down. Hungry or not, have a bite with us. We'll see you all down there. And thank you so much for coming. I want to thank the clerks for doing what they did and the clerks for making this ceremony possible.

CHIEF JUDGE ROBINSON: A very cordial welcome is extended to each one of you to attend the reception in honor of Judge Gasch in the jurors lounge on the fourth floor of the courthouse.

Will the Marshal please adjourn the court.

(Thereupon, the proceedings were concluded at 4:40 p.m. approximately.)

CERTIFICATE OF REPORTER

This record is certified by the undersigned reporter to be the official record of the above-entitled matter.

/s/ MR. TERRY HENRY, CM
Official Court Reporter