

1 UNITED STATES COURT OF APPEALS
2 FOR THE DISTRICT OF COLUMBIA CIRCUIT

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5 Portrait Presentation Ceremony
6 Judge David B. Sentelle
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8

9 Friday, April 5, 2013
10 Washington, D.C.

11 PRESIDING:

12 THE HONORABLE MERRICK B. GARLAND

13 REMARKS:

14 THE HONORABLE CLARENCE THOMAS

15 THE HONORABLE DAVID S. TATEL

16 THE HONORABLE THOMAS F. HOGAN

17 THE HONORABLE SCOTT L. SILLIMAN

18 CAROL ELDER BRUCE
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APPEARANCES:

Chief Justice Roberts
Chief Judge Garland
Judge Sentelle
Judge Tatel
Judge Griffith
Judge Rogers
Judge Henderson
Judge Brown
Judge Kavanaugh
Judge Randolph
Judge Silberman
Judge Edwards
Judge Williams

PRESENTATION OF PORTRAIT:

The Honorable Maureen K. Ohlhausen

UNVEILING OF PORTRAIT:

Kelly Lewis
Stephanie Lewis
Mikyla Acheson
Hailey Acheson

P R O C E E D I N G S

1
2 THE CLERK: Oye, oye, oye, all persons having
3 business before the Honorable, the United States Court of
4 Appeals for the District of Columbia Circuit are admonished to
5 draw near and give their attention for the Court is now
6 sitting. God save the United States and this Honorable Court.
7 Be seated please.

8 JUDGE GARLAND: Welcome to the unveiling of this
9 portrait of our colleague David Brian Sentelle. On behalf of
10 the Court I'm very pleased to welcome Judge Sentelle's family
11 which has turned out in force for this event. I want to
12 recognize Judge Sentelle's wife Jane, their daughter and son-
13 in-law Sharon and Jamie Lewis, and their daughters Kelly and
14 Stephanie, the Sentelle's daughter Reagan Herman (phonetic
15 sp.), and the Sentelle's daughter Rebecca Sentelle and her
16 daughters Mikyla and Hailey Acheson.

17 I would also like to welcome Judge Sentelle's
18 brother and sister-in-law, Frank and Leonore Sentelle, his
19 sister-in-law and brother-in-law, Susan and Henry Warshaw, his
20 cousins Bill and Elaine Lindsay, his niece and her husband,
21 Judy and Jim Taylor and their daughter, and his nephew Bruce,
22 his wife Dani and their three children. I told you, they are
23 here in force.

24 (Laughter.)

25 JUDGE GARLAND: I would also like to welcome Judge

1 Sentelle's and our many distinguished guests. These include
2 our colleagues on the Court of Appeals and the District Court
3 and the judges of the other courts, eminent members of the
4 bar, Judge Sentelle's friends and law clerks, and the portrait
5 artist Lindy Bruggink.

6 Finally, I would particularly like to recognize from
7 the United States Supreme Court Judge Sentelle's and our
8 former colleagues Chief Justice John Roberts, Justice Clarence
9 Thomas, Justice Ruth Bader Ginsberg, as well as our friends
10 Justice Samuel Alito and Justice Elena Kagan.

11 Today marks the first ceremonial event that I am
12 presiding over as the Chief Judge and the first in five years
13 that Judge Sentelle is not.

14 (Laughter.)

15 JUDGE GARLAND: I have some trepidations. Judge
16 Sentelle has left big shoes to fill. Well, big cowboy boots.

17 (Laughter.)

18 JUDGE GARLAND: His chiefdom, if that is the right
19 word, helped preserve this Court's reputation as a collegial
20 place that regards its judges and staff as members of a
21 family. He has kept the Court on track and running smoothly,
22 even while simultaneously accomplishing the same feat for the
23 entire federal judiciary as chair of the executive committee
24 of the Judicial Conference of the United States.

25 His leadership and dedication have left our Court

1 and the judiciary stronger than ever and, most important from
2 my narrow perspective, he has been extraordinarily generous in
3 giving me the kind of big brotherly advice that I need in
4 order to pick up the reins and carry on. I do have one
5 criticism however. Why did he have to pass me those reins
6 right before the fiscal sequester struck?

7 (Laughter.)

8 JUDGE GARLAND: Why couldn't he have stayed in the
9 saddle just a little bit longer? Well, his defense is that
10 the statute requires him to retire at age 70, and he claims
11 that his birth certificate says he is age 70. So I'm afraid
12 I'm going to have to let him get away with that.

13 But as I have told him, I intend to bother him
14 frequently with advice for how to survive this particular
15 fiscal problem as well as all the other hurdles of being a
16 chief judge. And I intend to do so even if I have to track
17 him down to the Honorable David Brian Sentelle cigar-smoking
18 annex that we have set aside for him in John Marshall park
19 right outside the courthouse. Don't tell the GSA or anybody
20 about that.

21 (Laughter.)

22 JUDGE GARLAND: To set the stage for today's
23 proceedings I will give you a brief thumbnail sketch of Judge
24 Sentelle's career which our distinguished speakers will then
25 fill out. Judge Sentelle graduated from the University of

1 North Carolina School of Law in 1968. After graduation he
2 practiced with the Asheville, North Carolina firm of Uzzell
3 and DuMont until he left in 1970 to become an assistant U.S.
4 Attorney in Charlotte. From 1974 until 1977, he served as a
5 North Carolina state district judge leaving the bench in 1977
6 to become a partner in the firm of Tucker, Hicks, Sentelle,
7 Moon and Hodge.

8 In 1985, Judge Sentelle became a judge in the United
9 States District Court for the Western District of North
10 Carolina where he served until the Senate confirmed him to a
11 position on this Court in October of 1987. Now, a note about
12 that confirmation process. As other speakers will no doubt
13 mention, while Judge Sentelle's nomination to this Court was
14 pending reliable witnesses observed him attending a gathering
15 of what can best be described as a hippie group known as the
16 Rainbow People.

17 (Laughter.)

18 JUDGE GARLAND: Indeed, his relationship with the
19 Rainbow People was so familiar that they affectionately named
20 him Judge Dave. And yet, despite this apparent indiscretion,
21 the Senate confirmed him to our Court. How different the
22 confirmation process was in those days.

23 (Laughter.)

24 JUDGE GARLAND: From 1987 until 2008, Judge Sentelle
25 was an active judge of this Court and from 2008 until he took

1 senior status this February, he was our chief judge. During
2 much of his career on this Court, Judge Sentelle wore many
3 other hats as well. Cowboy hats, of course. From '92 until
4 2006, he served as the presiding judge of the special division
5 for the purpose of appointing independent counsels. From 2005
6 until 2008, he served as the chair of the United States
7 Judicial Conference Committee on Judicial Security. From 2008
8 until 2013, he served on the executive committee of the
9 Judicial Conference and he was chair of the committee from
10 2010 until February.

11 Judge Sentelle is a founding member and longtime
12 president of the Edward Bennett Williams Inn of the American
13 Inns of Court. In 2008, he won the American Inns of Court
14 professionalism award for the D.C. Circuit. During much of
15 his judicial career he has also taught as an adjunct professor
16 at an array of law schools, including the University of North
17 Carolina, Florida State and George Mason.

18 We will now proceed to the filling out of our sketch
19 of Judge Sentelle by people who know him well. Our first
20 speaker is Justice Clarence Thomas of the United States
21 Supreme Court. Justice Thomas has served on the Supreme Court
22 since October 1991. Before joining the Supreme Court, Justice
23 Thomas was a member of this Court. Justice Thomas and his
24 wife Ginny are close friends of the entire Sentelle family.
25 It is an honor to have you with us today, Justice Thomas.

1 JUSTICE THOMAS: Thank you, Chief Judge Garland.
2 Chief Justice Roberts, Chief Judge Garland, members of the
3 Court, Jane and the entire Sentelle family, friends and
4 distinguished guests and my colleagues.

5 One of the disadvantages of appearing at events like
6 this, which are wonderful events, is the risk of being
7 repetitive. But I think that it is important to do so,
8 especially for someone we care so deeply for. I am deeply
9 honored to be here to participate in the hanging of a
10 deserving man.

11 (Laughter.)

12 JUSTICE THOMAS: The formal hanging of a deserving
13 man, Judge David Sentelle. In his professional life many of
14 you know Judge Sentelle as a brilliant attorney, a tireless
15 prosecutor and a sage judge. Judge Sentelle has been all of
16 these things, but I'm proud to say that to me, he has also
17 been a true and loyal friend.

18 I met David Sentelle shortly after I was appointed
19 to this bench in March 1990. In an act of hospitality and
20 graciousness that is typical of Judge Sentelle, he came to my
21 chambers to welcome the new guy to the Court. That first
22 conversation was as they say the start of a beautiful
23 friendship. In Judge Sentelle I discovered a fellow displaced
24 southerner with whom I shared many things such as a love of
25 stock car racing, country music, real southern cooking and, of

1 course, cigars. But much more important than that, I
2 discovered a man of deep faith who loves his family and his
3 country.

4 Born outside of Asheville in the small town of
5 Canton, Judge Sentelle has never forgotten his small town
6 southern roots. Despite having spent the past 25 years here
7 in Washington, D.C., Judge Sentelle still sports his trademark
8 cowboy hat and boots, and he certainly has not lost his
9 signature North Carolina drawl.

10 When I first arrived on the Court after leaving the
11 bench one day I said to Judge Sentelle that there was an
12 internal inconsistency in the counsel's argument to which he
13 responded to me in his North Carolina drawl, "Clarence, he met
14 himself coming back."

15 (Laughter.)

16 JUSTICE THOMAS: I said quietly to myself, now
17 there's a man who knows how to speak English.

18 (Laughter.)

19 JUSTICE THOMAS: So there were times when I could
20 say to him David, I'm busier than a short-tail cow in fly
21 season. Well, he would understand that I was really busy and
22 said he'd call back. Other people would look at me, what the
23 heck does he mean about that? Or, if I said David, I'm as a
24 nervous as long-tailed cat in a room full of rocking chairs.
25 He would fully understand. Or, if you said David, who your

1 people? He wouldn't look at me as though I had dropped too
2 many verbs or something. He would understand that I'm
3 speaking proper Southern. So I loved talking to him. It was
4 always wonderful.

5 But, in any case, Judge Sentelle began his legal
6 career, as Chief Judge Garland said, at the University of
7 North Carolina. That made him a double tar heel, of course,
8 since he also earned his bachelor's degree there. After
9 graduating with honors and becoming a member of the North
10 Carolina bar, Judge Sentelle embarked on a long and
11 distinguished legal career. He worked briefly as an associate
12 with an Asheville law firm, then, was hired on as The
13 Assistant U.S. Attorney in Charlotte. Judge Sentelle has
14 often said that of all his jobs as an attorney none was more
15 satisfying or more enjoyable than his time working as an
16 Assistant United States Attorney.

17 After later spending time as a state trial judge and
18 as a private practitioner, Judge Sentelle was nominated in
19 1985 by President Reagan to the United States District Court
20 for the Western District of North Carolina. Although Judge
21 Sentelle would later hear many notable cases, it was as a
22 district judge sitting in Asheville that Judge Sentelle
23 presided over the case that Judge Garland just mentioned.
24 It's the case that, in my opinion, perhaps most poignantly
25 encapsulates his sterling character and unquestioned integrity

1 as a judge. At least, it was one of the most interesting.

2 Since the 1970's the Rainbow People, a loose
3 conglomeration of hippies, nonconformists and general
4 eccentrics who occasionally remained clothed --

5 (Laughter.)

6 JUSTICE THOMAS: -- have gathered in one of the
7 nations national forest to celebrate peace, love, nonviolence,
8 non-consumerism, environmentalism and any number of other
9 causes. I guess you just make up your cause and throw your
10 clothes away.

11 (Laughter.)

12 JUSTICE THOMAS: Which raises a question about our
13 honoree today.

14 In the summer of 1987, the Rainbow People decided to
15 meet in Nantahala National Forest outside of Asheville.
16 Because such gatherings can attract upwards of 30,000 people,
17 they present significant logistical concerns. Providing food,
18 water, sanitation and medical care for that many people in a
19 national forest is, of course, no simple task. In addition,
20 Rainbow gatherings often run afoul of state and local laws
21 that restrict the size of campsites, not to mention public
22 nudity. The Rainbow People believe that these laws violate
23 their First Amendment rights.

24 I won't spoil all the details for you. For those
25 who are interested, I highly recommend Judge Dave and the

1 Rainbow People, the book that Judge Sentelle authored about
2 his experiences. Let me simply say that Judge Sentelle
3 managed both to protect the Constitutional rights of the
4 Rainbow People and to satisfy the legitimate health and safety
5 concerns of the local government officials. In so doing,
6 Judge Dave earned the respect and gratitude of the Rainbow
7 People. No small feat considering that that group has had
8 many unpleasant and contentious experiences with the law and,
9 of course, the law with them.

10 Judge Sentelle's handling of the Rainbow People case
11 was just one example of what makes him such an outstanding
12 judge. His remarkable ability to ensure that everyone who
13 appears before him receives the fair treatment, courtesy,
14 respect and attention that they deserve. I am sure the
15 Rainbow People would have joined us here today to celebrate
16 Judge Dave, if they could find something to wear.

17 (Laughter.)

18 JUSTICE THOMAS: Judge Sentelle's talents on the
19 bench did not long go unnoticed. And even before his
20 adventures with the Rainbow People, President Reagan nominated
21 Judge Sentelle to fill Justice Antonin Scalia's seat here on
22 the D.C. Circuit.

23 In addition to being an outstanding judge and a
24 leader of the judiciary, Judge Sentelle has also been a
25 teacher, a mentor, and a role model to an entire generation of

1 lawyers. He has taught courses, as Judge Garland mentioned,
2 at the University of North Carolina, Florida State, George
3 Mason University and in the Department of Criminal Justice at
4 the University of North Carolina at Charlotte, among others.

5 In an excellent example of how fair and open-minded
6 Judge Sentelle really is, he also served on the Board of
7 Visitors of Duke University Law School.

8 (Laughter.)

9 JUSTICE THOMAS: Now, some tar heels in North
10 Carolina would consider this an act of treason. But since I
11 do not have a dog in that fight, I prefer to look at it as an
12 act of ecumenism.

13 Judge Sentelle has also been a longtime member and
14 leader of the Edward Bennett Williams, American Inn of Court.
15 According to Judge Sentelle's colleagues in the Inn, Judge
16 Sentelle is the heart and soul of that Inn and is a large part
17 of what distinguishes it as one of the best.

18 In 2008, again as Chief Judge Garland mentioned, the
19 American Inns of Court honored Judge Sentelle with a
20 professionalism award in recognition of his ongoing dedication
21 to the high standards within the legal profession.

22 Finally, more than a quarter century worth of young
23 law clerks have had the privilege of working in Judge
24 Sentelle's chambers. Judge Sentelle's former clerks include
25 many outstanding young adults including prominent law

1 professors, distinguished practitioners, an ambassador and two
2 fellow federal judges. I have had the good fortune to hire
3 more than a few of Judge Sentelle's former clerks to clerk for
4 me and I have never been disappointed. In fact, I've been
5 elated with them.

6 As I noted when I began, I first met Judge Sentelle
7 when I joined him as a judge here at the D.C. Circuit 23 years
8 ago. We quickly grew close. During my all too brief tenure
9 here I thoroughly enjoyed him as a colleague and cherished the
10 time we spent together, whether it involved work or just
11 chewing the fat, especially when the latter involved a cigar
12 or two.

13 In the more than two decades that have come to pass
14 the bond between us has quietly grown even stronger. It is
15 truly an honor to be here today to say in truth and from the
16 bottom of my heart that I deeply admire this man as a father,
17 as a husband, a friend and, of course, as a judge. There's
18 not a finer intellect, a more honest heart nor a deeper fount
19 of wisdom wearing judicial robes. In Luke, Chapter 6, verse
20 45 it is written that "a good man out of the good treasure of
21 his heart brings forth that which is good."

22 David, your life, your family, your friends and all
23 your many achievements are a testament to the abundance of
24 good that has been brought forth from the treasure of your
25 heart. Indeed, you are an outstanding jurist, but for us you

1 are so much more. You are a good man and it is my sincere and
2 profound hope that in the years to come those who look at your
3 portrait here will sense in some small way the depth of our
4 affections and the abundance of our admiration for you and all
5 you have done. Thank you.

6 (Applause.)

7 JUDGE GARLAND: Thank you, Justice Thomas. I would
8 now like to introduce our colleague Judge David Tatel who has
9 served on this Court since October 1994. Judge Tatel is a
10 former director of the Office for Civil Rights at the U.S.
11 Department of Health, Education and Welfare. Immediately
12 before joining the Court he was a partner at Hogan and Hartson
13 where he headed the firm's education practice group. Judge
14 Tatel.

15 JUDGE TATEL: Chief Justice Roberts, Justices of the
16 Supreme Court, Chief Judge Garland, my Court of Appeals and
17 District Court colleagues, Judge Sentelle, Jane, family and
18 friends.

19 The first time I met Dave Sentelle was in this very
20 room, in the fall of 1994. It was Judge Friedman's
21 investiture, and I had just had my confirmation before the
22 Senate Judiciary Committee that very morning. Dave approached
23 with a smile and extended his hand. Explaining that I would
24 be joining the Court at an especially busy time and that we
25 would be sitting together, Dave offered to share his bench

1 memos with me. With this gracious gesture began a
2 relationship that I have valued throughout my almost two
3 decades on this Court. It is indeed an honor to speak here
4 today.

5 Of course, those who believe that judges' decisions
6 are driven by ideology may wonder why Dave asked me to speak.
7 After all, you would be hard pressed to find two judges with
8 more different backgrounds, different worldviews, different
9 beliefs, and, indeed, different shoes than the two Davids.

10 (Laughter.)

11 JUDGE TATEL: But those who focus on these
12 differences do not understand what it means to be a federal
13 judge, do not understand this Court's long tradition of
14 collegiality, surely do not understand David Sentelle. Yes,
15 we've had our disagreements - more on that in a few minutes.
16 But the fact of the matter is that when Judge Sentelle and I
17 sit together we very rarely disagree. In truth, the numbers
18 surprised even me. As it turns out, in the 19 years we've
19 served together, we have disagreed less than three percent of
20 the time.

21 Skeptics might dismiss this remarkable confluence.
22 This is the D.C. Circuit, they might say, and the
23 administrative-law cases on our docket rarely implicate
24 serious ideological issues. What kind of hot-button issue
25 could possibly arise, for example, in a case from the NLRB?

1 (Laughter.)

2 JUDGE TATEL: The fact is, though, that many of the
3 cases on which Judge Sentelle and I have agreed are precisely
4 the kind you would expect to divide us - and that would divide
5 us if we were, heaven forbid, members of Congress: cases about
6 greenhouse gases and global warming, military detention in
7 Guantanamo and Afghanistan, constitutional claims to life-
8 saving drugs, the environmental consequences of nuclear waste,
9 net neutrality, criminal law, tobacco and civil rights - to
10 name just a few. We often end up on the same side even when
11 one of our perceived allies goes the other way. In the few
12 cases where we do come out on opposite sides, the panel splits
13 along so-called partisan lines less than a quarter of the
14 time. And even then, there's always more to the story.

15 So why is this? Why do two judges who are otherwise
16 so very different so often reach the same outcomes? The
17 answer, I think, is clear. Judge Sentelle's decisions are
18 driven not by personal preferences, but by a conscientious
19 application of the principles and texts that bind us.
20 Uncommonly peppered with the hallmarks of restrained decision-
21 making, his opinions are full of phrases like, "If the intent
22 of Congress is clear, that is the end of the matter"; "Courts
23 must accord substantial deference to Congress's findings"; "We
24 are bound by the decisions of the Supreme Court"; "One three
25 judge panel has no authority to overrule another"; "We owe

1 agency fact-finding great deference"; "Issues not raised on
2 appeal are deemed waived"; and "Absent jurisdiction we are
3 powerless to act." Such principles are easy to recite and all
4 too often they ring hollow - duly recited, duly ignored. Not
5 by Judge Sentelle. For him the tenets of judicial restraint
6 are not mere slogans to be invoked when convenient; they are
7 the building blocks of all that we do here.

8 If you'll excuse a bit of vagueness to protect the
9 confidentiality of our deliberative process, I'd like to tell
10 a few short stories that exemplify the kind of judge Dave
11 Sentelle has time and time again proven himself to be. These
12 stories I should emphasize are the ones I know personally. I
13 have no doubt that every one of my colleagues has had similar
14 experiences sitting with Judge Sentelle.

15 The first story involves a controversial civil case
16 with wide-ranging implications. As soon as we sat down in
17 conference Dave made his position clear: he was wholly
18 convinced that one side had the better of the statutory
19 argument as well as the underlying policy dispute. He was
20 troubled, however, by the potential relevance of a contrary
21 precedent. In the end, Judge Sentelle concluded that this
22 precedent, though factually removed and decades old, was
23 legally right on point. From there, he didn't hesitate. With
24 a clear personal conviction on the one hand and conflicting
25 authority on the other - the kind of choice that reveals what

1 a judge is really made of - Judge Sentelle went with
2 precedent. No hemming and hawing, no reluctance.

3 A few years later, a parallel scene played out in
4 the context of an agency case. The validity of the challenged
5 regulation turned on the interpretation of a body of
6 scientific data, and one thing was instantly apparent: we did
7 not agree on what the science meant. But again, Judge
8 Sentelle did not hesitate. Demonstrating his
9 characteristically disciplined thinking, Judge Sentelle
10 acknowledged that the agency's determination merited
11 deference, and that was the end of that.

12 Our disagreements have not always been resolved
13 quite so quickly. In yet another case, we left conference at
14 odds. We exchanged memo after memo - as members of this Court
15 often do - in an effort to find the right answer. We
16 eventually got there. But the answer we arrived at was one
17 neither of us would have reached alone - once again proving
18 the proposition that a panel of three judges can amount to
19 more than the sum of its parts, especially when Dave Sentelle
20 is one of the three.

21 That brings me to my final, slightly different
22 story. Several years ago Dave and I decided a few cases
23 involving lying to a grand jury. Chatting about the issue at
24 lunch one day, we realized we shared a concern that there were
25 people in the media and on the Hill who seem not to grasp the

1 seriousness of this crime. It occurred to us that an op-ed
2 piece by the two of us might be a useful - or at least
3 intriguing - addition to the public discourse. We quickly
4 agreed on the basics. But unconstrained by the rules that
5 bring us together as judges, we were unable to agree on how to
6 portray certain historical aspects of the issue, and so
7 abandoned the project. I mention this not to explain why Dave
8 and I are still judges, and not journalists, but rather to
9 illustrate just how important principles of judicial restraint
10 really are in enabling us to reach agreement when we function
11 as judges.

12 Now I don't mean to paint too rosy a picture. If
13 you've paid any attention to F.3d over the last few decades or
14 noticed that I did not begin by announcing that Judge Sentelle
15 and I have agreed a hundred percent of the time, you
16 understand that we *have* had our disagreements. Judge Sentelle
17 has written opinions with which I profoundly disagree, and I
18 have no doubt that the converse is equally true. Of course,
19 reasonable judges can disagree about how to interpret the
20 Constitution, whether a statute is clear, or what a precedent
21 means. And the truth is that sometimes neither principles of
22 judicial restraint nor sincere attempts to reach consensus can
23 overcome our deeply held convictions about the way the world
24 works. We judges are human beings. We arrive at the bench
25 through a distinctly political process. We carry our beliefs

1 and experiences with us. And despite our best efforts at
2 neutrality, we cannot but see the world - and the law -
3 through the lens of who we are and what we've been through.

4 This leads us with a difficult task. Sitting in
5 randomly assigned panels, we strive each day to bridge what
6 sometimes can seem truly unbridgeable gaps - a challenge Judge
7 Sentelle approaches as sincerely and as successfully as
8 anyone.

9 And so at the end of the day here I think is the
10 important message. The two of us, and more importantly any
11 pair of judges that includes Dave Sentelle, reach impasse far
12 less often than one would expect from a court comprised of
13 judges with views as sharply varied as ours.

14 Reflecting back on Dave's career, I want to return
15 to that first day we met. At the time his offer to share
16 bench memos seemed an extraordinary act of generosity. But as
17 I quickly came to understand, this was just typical Dave
18 Sentelle. Southern gentleman that he is, Dave crafts opinions
19 that treat everyone of his colleagues as well as every citizen
20 who appears before us with respect and a true generosity of
21 spirit. Flipping through his opinions, including his dissents,
22 you'll find no sarcasm, no belittling remarks, no callous
23 dismissals. This is after all a United States Court and Judge
24 Sentelle's opinions are a credit to the dignity of this
25 institution.

1 In his five years as our Chief Judge, Dave has
2 protected, as Chief Judge Garland said, our proudly nurtured
3 tradition of collegiality. Navigating sometimes sensitive
4 waters with a firm but gentle oar. I know I speak for my
5 colleagues and for the entire court family in expressing our
6 deepest gratitude. Running this show must sometimes seem like
7 herding cats. But Dave, you're unflagging commitment to this
8 treasured institution has not gone unappreciated.

9 It has been my great pleasure and distinct honor to
10 have shared this bench with you. You were among the first to
11 extend a helping hand when I was new to the Court and we are
12 all thrilled that you will continue to sit with us as a senior
13 judge. We are grateful for your quarter century of exemplary
14 service and I can only hope that all those who look upon your
15 portrait in the years to come see the man we do. A man who
16 has the greatest respect for the office he holds and an
17 abiding dedication to a life of service and the rule of law.
18 Thank you.

19 (Appause.)

20 JUDGE GARLAND: Thank you, Judge Tatel. Our next
21 speaker is Judge Thomas Hogan. Judge Hogan is our colleague
22 on the United States District Court. He was appointed to the
23 District Court in August of 1982. He became Chief Judge on
24 June 19, 2001 and he assumed senior status in 2008. In his
25 spare time Judge Hogan also serves both as the Director of the

1 Administrative Office of United States Courts and as a member
2 of the Foreign Intelligence Surveillance Court. Judge Hogan.

3 JUDGE HOGAN: Thank you. Mr. Chief Justice,
4 Justices of the Supreme Court, Chief Judge Garland, Judge
5 Sentelle and his family. I'm very honored to be able to speak
6 today on behalf of Judge Sentelle and his portrait.

7 I want to take you back today to 150 years when a
8 man from the Appalachian mountains of western North Carolina
9 believed in the need to preserve the Union left his family
10 home and fought through the civil war as a union soldier. As
11 the war drew to a close he started back and entered his home
12 country, the area western in the mountains of North Carolina
13 of Haywood and McCumbe counties. Then he and his two
14 companion soldiers were ambushed by rebels who believed they
15 were traitors to the southern cause and he passed on not
16 knowing what would become of his family back in the hills,
17 giving his life and service of our country. Now the rest of
18 the story as Paul Harvey used to say.

19 Today we honor that union soldier's great, great
20 grandson from the same North Carolina Appalachian mountains
21 who had also dedicated the greater part of his life to service
22 of his country, Judge David Brian Sentelle. Now his
23 accomplishments and his character have been referred to or
24 will be by our distinguished speakers, but I think of him in a
25 little bit different light. I call him the federal

1 judiciary's man in the white cowboy hat. He rides in like a
2 Zane Grey character to the rescue with his casual facade,
3 hiding his razor sharp mind, his wonderful wit and his deep
4 intellectual curiosity.

5 When Judge Sentelle first came here we district
6 judges were delighted because we now had in the Court of
7 Appeals what we call a real judge.

8 (Laughter.)

9 JUDGE HOGAN: I don't sit here very often now so I
10 can say that.

11 (Laughter.)

12 JUDGE HOGAN: But we had both a state and a federal
13 judge. We had a man who had been a criminal defense lawyer
14 and a federal prosecutor. The late Judge McGowan of our
15 Circuit used to refer to the district bench as the loyal
16 opposition. But with Judge Sentelle the district judges felt
17 we had one of our own now on what we call the fifth floor.
18 Unfortunately, we discovered he'd call it like he saw it and
19 we received no dispensations from Judge Sentelle.

20 Now before I go too far in praising Judge Sentelle,
21 I'm going to recite two quick stories about him. One is his
22 nomination to our court. Good authority has it that his great
23 intellect and success on the bench are not the only reason for
24 his elevation to the second highest court in the nation. When
25 a vacancy occurred in our circuit a certain southern senator

1 was approached to recommend a candidate for nomination by the
2 president and he was overheard saying he wanted someone with
3 an ethnic background. Then he said to his friends, well you
4 know I heard about this Italian fellow named Sentelli down
5 there in Charlotte and Asheville.

6 (Laughter.)

7 JUDGE HOGAN: And he said he would do. He's
8 Italian. Judge Sentelle never corrected that misunderstanding
9 with the senator and he came to be with us.

10 He has other claims of fame as you have heard. He's
11 a published author. Justice Thomas referred to the Rainbow
12 People as did Chief Judge Garland. That book, Judge Dave and
13 the Rainbow People is now out of print and actually it's an
14 expensive collector's item on Amazon if you go to look at it.
15 But it is filled with the wit and wisdom of Judge Sentelle in
16 handling the most remarkable case that does typify, I think,
17 his approach to the law. You may have heard about that book
18 but you may not also know that he's a published author of
19 mystery stories. But he published them under a pseudonym that
20 I am told I cannot reveal that name.

21 Now others here reflect more on his legacy on the
22 bench and I have served in the same courthouse with Judge
23 Sentelle for more than 25 years. I want to talk about a
24 little different approach to Judge Sentelle. One that
25 involves his role with the Judicial Conference of the United

1 States and how he has untiringly served the federal judiciary.
2 The non judges here may not be aware that judges who are
3 involved with the Judicial Conference and its committees do so
4 out of a sense of commitment to the welfare of the judicial
5 branch. They deal with complex and often rather arcane
6 matters of judicial administration.

7 The work is tireless and it can be thankless. And
8 it's performed on top of judicial work. Many times the work
9 is actually not appreciated by other members of the judiciary
10 or even Congress. But it's essential to our operations and
11 there's no better role model of doing this work than Judge
12 Sentelle.

13 In 2005 after the terrible murders of a mother and
14 husband of Judge Joan Lefkow in Chicago, Chief Justice
15 Rehnquist created a judicial conference committee on judicial
16 security. He turned to Judge Sentelle to be the first chair
17 of that committee. His steady hand, his calming influence
18 were just what federal judges needed in that very trying time.

19 Then again in 2010, Chief Justice Roberts
20 appointed Judge Sentelle Chairman of the Executive Committee,
21 which seems to be at the point of the spear on every important
22 issue affecting our judiciary. In making the appointment the
23 Chief said and I quote, "I had the privilege of being Dave
24 Sentelle's colleague when I served on the D.C. Circuit. I
25 have seen up close his deep commitment to justice and broad

1 knowledge of judicial administration, his outstanding
2 leadership skills have served both the executive committee and
3 the judicial conference well."

4 The Chief Judge's words proved to be prophetic.
5 Within a year Dave and the committee he chaired were faced
6 with unprecedented funding reductions. They had to balance
7 the deep cuts brought by sequestration with our obligation and
8 responsibility of judges to administer fair and equal justice
9 in a timely fashion. The work as chair was and is demanding,
10 pressured and seeming unending in the difficult times.

11 Our Judge Dave handled it with his extraordinary
12 wisdom and wit. He is collaborative, open-minded and yet
13 persuasive. His colleagues on the executive committee, and I
14 speak from personal experience, and judges throughout the
15 country hold him in the highest regard. This enabled him to
16 take the lead in making very difficult and painful court
17 funding decisions that are necessary. His emails are a flood
18 of reports with questions, criticisms, demands and yet he
19 remained unflappable as always.

20 The Judicial Conference honored Judge Sentelle at a
21 lunch at the Supreme Court less than a month ago. In a room
22 filled with judges from throughout the country the Chief
23 Justice said "Judge Sentelle performs his duties with a sense
24 of humility and good humor that's earned him the deep respect
25 of his colleagues. We are proud to have served with him and

1 to call him our colleague and friend."

2 So if anyone should need a reminder in the years to
3 come that Judge Sentelle has often ridden to the judiciary's
4 rescue, they just need to look at this excellent portrait.
5 Dave is, indeed, the judiciary's man in the white cowboy hat.

6 And lastly, a personal note. Two words come to
7 mind. They're somewhat incongruous, prayer and poker. Now, I
8 do pray when I play poker with Judge Sentelle.

9 (Laughter.)

10 JUDGE HOGAN: When you play poker with a fella in a
11 cowboy hat and cowboy boots, you worry about having enough
12 left over to pay for cab fare home.

13 But, really our friendship deepened as we have met
14 every month at our judicial prayer breakfast, which he chairs.
15 Although from different faith backgrounds we have forged a
16 common bond and close friendship through the breakfast which
17 is really a world conference of churches. All faiths are
18 welcome and represented. And in the 25 years we have been
19 meeting together he has not yet made me into a Methodist nor
20 have I succeeded in converting him to be a Catholic. But we
21 never leave breakfast without feeling the better for having
22 been there.

23 And finally, our families have another common tie.
24 My wife Martha has had the great pleasure of being his lovely
25 granddaughters, Mikyla and Hailey's pediatrician. They are

1 among her most favorite patients. And Becca, their mother, is
2 one of her finest parents. I count myself fortunate to be
3 called a friend of this truly remarkable Judge of great
4 intellect and great integrity from the Appalachian mountains
5 of western North Carolina.

6 Now, in closing, we do have our man in the white
7 cowboy hat that protects the judiciary and I think you'll see
8 that from the lovely portrait. But I just want to say Judge
9 Sentelle, your great, great grandfather would have been so
10 proud. Thank you.

11 (Applause.)

12 JUDGE GARLAND: Thank you, Judge Hogan. The next
13 speaker is Judge Scott Silliman who has been a close friend of
14 Judge and Mrs. Sentelle's since Judge Silliman and Judge
15 Sentelle were classmates at both college and law school.
16 Judge Silliman retired as a full colonel in the United States
17 Army Judge Advocate General Corps and he went on to teach
18 national security law at Duke Law. He currently serves as an
19 Associate Appellate Judge of the U.S. Court of Military
20 Commission Review. Judge Sentelle administered Judge
21 Silliman's oath of office when he as sworn in as a judge last
22 fall. Judge Silliman.

23 JUDGE SILLIMAN: Mr. Chief Justice, Justices of the
24 Supreme Court, Chief Judge Garland, Judges on the Court of
25 Appeals, Judges of the District Courts of the United States

1 here present, former law clerks, friends, family. I think
2 that's everyone.

3 I'm in the unusual situation of having those who
4 have spoken to you before me paint a very full portrait of
5 Judge Dave Sentelle and there's little that I can add to flesh
6 that in. But I think as it were I would want to give you a
7 prequel. It's already been mentioned that Judge Sentelle
8 comes from the town of Canton which is about 13 miles west of
9 Asheville.

10 JUDGE SENTELLE: It's a little more than that.

11 JUDGE SILLIMAN: A little more than that. The roads
12 are still good, right. In the fall of 1961, Judge Sentelle
13 came east to Chapel Hill, North Carolina to start his
14 undergraduate studies at the University of North Carolina,
15 which at that time was but 12,000 students, much smaller than
16 it is now. At that same time I was coming down from Newton,
17 Massachusetts to the same locale to start my undergraduate
18 studies. And you would have thought that the two of us had
19 little in common perhaps aside from basketball, but through
20 meeting and associating with mutual acquaintances we became
21 friends, a friendship that has lasted now some 52 years.

22 We got together in college often. It was an austere
23 time in those days as Jane will remember when it was an
24 exciting night when you would go for a pizza. The budgets
25 were tight. But although we knew each other as

1 undergraduates, I think we became closer when we started law
2 school studies at the University of North Carolina in 1965.
3 The dean of the law school at that time was J. Dixon Phillips,
4 the same Dixon Phillips who, as many of you know, went on to
5 be a judge on the Fourth Circuit Court of Appeals. But when
6 Dean Phillips welcomed us as the class of '68 and Boyden Gray
7 who is here as well will remember this, he said look to your
8 left and look to your right, and one of you will not be here
9 in three years time.

10 Law schools have changed a bit since those days.
11 And the courses that we shared may seem unfamiliar to the law
12 school students of today -- pleadings and parties, negotiable
13 instruments, taxation, wills and administration, credit
14 transactions, equity, corporations, you remember those. But
15 in those days, and perhaps as it is in law schools today,
16 students are grouped alphabetically. So a Sentelle and a
17 Silliman tended to have much more contact in those days, both
18 in our classes that we shared and also in the basement of the
19 law school where after a long day of taking classes we would
20 go down and transcribe somewhat cryptic notes into more formal
21 pages for notebooks that we could use to study for exams and
22 ultimately for the bar exam.

23 Judge Sentelle, as all of you know, excelled in law
24 school and he's excelled ever since. He was named to the
25 Board of Editors of the North Carolina Law Review that was

1 headed up by Boyden Gray our classmate. And Dave served as
2 the research editor of that law review and he graduated with
3 honors from the University of North Carolina Law School.

4 We studied together for the bar association and we
5 both passed, obviously.

6 (Laughter.)

7 JUDGE SILLIMAN: As you've already heard from the
8 prior speakers he went on to practice law in Asheville and I
9 started a 25-year career as an Air Force Judge Advocate and
10 was there until I joined the faculty of Duke Law School in
11 1993. And Justice Thomas you mentioned you didn't have a dog
12 in the fight between Carolina and Duke. I certainly do being
13 on the faculty of Duke and yet being an alumnus of North
14 Carolina.

15 What delights me about my long term relationship
16 with Judge Sentelle are the things we have shared in common.
17 It's already been mentioned that he has been an adjunct
18 professor at George Mason, at the University of North Carolina
19 and other schools. And to my delight he has been teaching
20 national security law, which is my field of expertise in
21 teaching at Duke University Law School. And in a similar vein
22 it was just last September 12th when in this very building he
23 swore me in as an appellate judge on the United States Court
24 of Military Commission Review, a distinct honor for me.

25 What is the measure of the man we honor today? I

1 think that's a pertinent question. It's more than the cowboy
2 boots. It's more than the hat and I'd submit it's even more
3 than the cigars, whether they be here or at the Washington
4 Duke Hotel where he and Chief Judge Roy Lamberth stay when
5 they have come down to Duke for the last eight years to join
6 me in teaching federal judges in a program we put on with the
7 federal judicial center. The measure of this man I submit
8 runs a great deal deeper. And there are two qualities that
9 have already been mentioned, and they certainly encompass the
10 character of Dave Sentelle.

11 The first is integrity and it exudes from every
12 single thing he does whether it's in crafting a legal opinion
13 or dealing with some other administrative matter on the court,
14 or everything he does in his life exudes that fundamental
15 integrity. But the other thing that's been mentioned I would
16 submit is even more important. It is the faith that sustains
17 him in times good and bad. And it's been mentioned that he
18 has shared in a prayer group and my family has been the
19 beneficiary of prayers from that group, and I very much
20 appreciate that.

21 I have, as I said, had the pleasure of knowing this
22 distinguished man and jurist for 52 years. And it is a
23 privilege and an honor for me to be here to share just a bit
24 of the earlier years that we shared and also to recognize that
25 I could ask for nothing better than to have David B. Sentelle

1 as a friend. Thank you.

2 (Applause.)

3 JUDGE GARLAND: Thank you, Judge Silliman. Our next
4 speaker is Carol Elder Bruce, a partner at the law firm of K &
5 L Gates. Ms. Bruce has had a number of important public
6 service appointments in her career. She has served both as
7 an independent counsel and a deputy independent counsel. And
8 she is a charter member and master of the Edward Bennett
9 Williams Inn of Court. Ms. Bruce.

10 MS. BRUCE: Chief Judge Garland, Chief Justice
11 Roberts, other distinguished justices of the Supreme Court and
12 other judges of this Court, and all our other guests.

13 It truly is an honor to be invited to speak before
14 you on this special day for Judge Sentelle, a special day for
15 Judge Sentelle and for his family. I know that I'm the last
16 one standing between you and the presentation and unveiling of
17 the portrait by Maureen and by the Judge's granddaughters. So
18 I'll be mindful of the time.

19 But I approach the Judge's service from a very
20 different perspective, a very different vantage point than his
21 brethren on the bench. And you need to hear a little bit more
22 about the mark he has made outside the walls of this
23 courthouse in this capital city since coming here in 1987.
24 You can't, or at least you shouldn't, be a trial lawyer in
25 this town without crossing paths outside of your office with

1 judges and other trial lawyers, including appellate judges.
2 And Judge Sentelle's and my paths have crossed on at least
3 three different, in at least three different significant ways
4 that I'd like to share with you.

5 First, you've heard about the American Inns of Court
6 program. Well I am one of the masters as Chief Judge Garland
7 said in that Inn. Judge Sentelle was the founding president
8 of that Inn. The Inns program as many of you know started
9 after discussions between British and U.S. lawyers about the
10 Inns of Court program in the United Kingdom. If you've ever
11 been to London you should go to the Inns of Court. You should
12 go to Baily, old Bailey and see the courts there. But the
13 Inns of Court program comes to us from England in the late
14 1970s.

15 And the Edward Bennett Williams Inn of Court is one
16 of, and I think it still is, the most significant white collar
17 Inn, white collar criminal law Inn in the country. And it was
18 one of the very first Inns that was developed here in
19 Washington, D.C. According to the American Inns of Court
20 website, in fact, it is considered "one of the very best in
21 the entire national capital region." Judge Sentelle gets the
22 credit for that and we will honor him at his retirement as
23 president of the Inn after 25 years at the helm in May.

24 Second, our paths crossed because of his work as the
25 presiding judge of the special division for appointing

1 independent counsel from 1992 to 2006. His panel appointed me
2 as an independent counsel, as Judge Garland said, in 1998 in
3 the investigation of matters concerning Interior Secretary
4 Bruce Babbitt.

5 Third, he has been a longstanding associate member,
6 and this is probably little known because no one else
7 mentioned it. Associate member and president of a 112-year
8 old local invitation only civil and criminal trial lawyers,
9 professional and social society where membership is restricted
10 to 100 trial lawyers at a time. No more, no less. And with
11 Associate Judicial members and where we meet for a good lunch,
12 good company, good conversation once a month downtown. It's
13 called the Lawyers Club of Washington. War stories are always
14 welcome. No speechifying and no legal arguments allowed, and
15 the best part is when we get the spouses together to meet with
16 all the other lawyers and their spouses or significant others.

17 I first met Judge Sentelle in 1989, two years after
18 he joined the Circuit bench here when he became the first and
19 our only president of the Edward Bennett Williams American Inn
20 of Court. I had been practicing law at that point for about
21 15 years. That was a cue. You were supposed to say, oh no,
22 you don't look that old.

23 (Laughter.)

24 MS. BRUCE: For those of you who do not know the
25 history of the Inn I've explained some of it to you, but this

1 particular Inn was one in which I was really honored as a
2 young lawyer at the time to be in the company of some of
3 Washington's best and brightest lawyers, all selected I assume
4 by Judge Sentelle and others who were in the organizing
5 committee. Many are very familiar names to you from the class
6 of 1989. Brenden Sullivan, Jacob Stein, Earl Silbert, Plato
7 Cacheris, John Dowd, Richard Beckler, Joey De Geneva, Vicky
8 Tonsing, Billy Martin and many others, and many of them are
9 still with us today as masters of the Inn.

10 And there are also many, many other Department of
11 Justice attorneys, division chiefs, often an Assistant
12 Attorney General for the Criminal Division is a member of the
13 Inn. And Assistant U.S. Attorneys, we have two U.S.
14 Attorneys, two current U.S. Attorneys who are members of the
15 Inn, the United States Attorney for the District of Columbia
16 and the United States Attorney for the District of Maryland
17 and they come to our meetings.

18 From the very start Judge Sentelle emphasized the
19 importance of the judges and the masters sharing their
20 experience and wisdom with the barristers and associate
21 members of the Inn, and of keeping the emphasis on civility
22 and ethics. The mission of the Inns of Court after all is to
23 foster excellence in professionalism, ethics, civility and
24 legal skills. Our Inn under Judge Sentelle's leadership has
25 done nothing but timely and enlightening programs every single

1 month of the academic year for 25 straight years. Programs
2 that have been carefully crafted and well received by pupilage
3 groups of the Inn. Each group has masters and judges in
4 leadership positions and each group is tasked with
5 responsibility for one program a year. They are tasked with
6 inviting prominent guest speakers often from the Justice
7 Department or other federal agencies or from Congress.

8 For example, two of our guest speakers for the
9 upcoming April Inn meeting are Senate staffers. The subject
10 is parallel proceedings between criminal proceedings in U.S.
11 District Court and Congressional investigations. The minority
12 staff director and chief counsel for Senator McCain will be
13 there. The chief investigator for Senator Grassley will be
14 there along with other guest speakers. Only in Washington,
15 right?

16 We use Judge Friedman's courtroom, thank you Judge,
17 for these presentations. We've covered every conceivable
18 white collar criminal subject in our off the record meetings.
19 And Judge Sentelle leads this band of warriors in breaking
20 bread together in the courthouse dining room for a solid hour
21 before each program. It's part of the whole concept of the
22 Inns of Court program. That lawyers who are usually locked in
23 combat in adversarial relationships will sit down and meet in
24 a social dining setting and get to know each other better and
25 develop a professional respect for one another. It actually

1 works.

2 We start talking about our kids. I feel as if I
3 know Judge Sentelle's daughters and his granddaughters well.
4 And he knows my three kids well too just through our
5 conversations. He loves you all so much and he is so proud of
6 each one of you. Picture this though, if you will, and I'm
7 sure the grand kids can picture this. Judge Sentelle standing
8 up after our one hour of candle lit dinner, a tall man in
9 boots, and I wore my boots today in your honor Judge, a tall
10 man in boots and he will circling his hand and says, "Round'em
11 up and move'em out!"

12 (Laughter.)

13 MS. BRUCE: And we all retire to Judge Friedman's
14 courtroom for the program. Judge Sentelle usually sits in the
15 well of the court or in the first row of the courtroom during
16 each program and he will often interject as a president should
17 if things start wandering off course. But what I always look
18 for on every night of our programs is his wonderful facial
19 expressions, his disarming skeptical smile, those raised
20 eyebrows, his gentle almost rhythmic shaking of his head --
21 "No!"

22 (Laughter.)

23 MS. BRUCE: His very deliberate glancing down at his
24 watch as we approach the witching hour, 8:45. Time to go
25 home. Time to blow this joint.

1 He gets us out of court at 8:45 on the dot like an
2 oral argument before the court, red light on, even if you are
3 mid-sentence in a presentation. It makes us all better
4 lawyers. We in the Inn are deeply grateful for his leadership
5 for all these years and extremely proud that he was awarded
6 the Inns award for professionalism in 2008.

7 In 1992, Judge Sentelle became the presiding judge
8 of the special division for appointing independent counsels as
9 you know. Six years later in 1998 is when he and the panel
10 appointed me in the Babbitt investigation. I was deeply
11 honored to receive that appointment. But as most of us in the
12 room except for maybe the younger law clerks remember, the
13 1990s was a stranger than fiction time in the law with the
14 special division being asked by Attorney General Reno to
15 appoint a number of independent counsels during the Clinton
16 presidency.

17 Many moments of high drama, high stakes, hot
18 tempers, hot off the press scandal and stories. Frankly, I
19 was delighted, Judge, that I was the sixth or the seventh
20 independent counsel to be appointed during that year. After
21 Joey DeGeneva, after Donald Smaltz, after David Barrett,
22 Curtis Emory and Ken Starr. Ken was appointed in 1994. What
23 a time.

24 Judge Sentelle knew I had served as an Assistant
25 U.S. Attorney and as a deputy independent counsel in an

1 earlier investigation. And so he invited me to the division
2 to meet with the other judges when word came from the
3 Department of Justice that a referral regarding Secretary
4 Babbitt was likely to come over to the division. After that
5 meeting I went on spring break with my then three young
6 children and my husband. We went to Disney World. I had just
7 come out of Space Mountain when I got the message that Judge
8 Sentelle wanted to talk with me.

9 So back in those days we had to go find pay phones.
10 Remember those things? So I found a pay phone and I called
11 back to his chambers and it was our last day there and he
12 could hear me over all the shrieking voices of children
13 enjoying themselves at Disney World in the background. And he
14 laughed in utter delight at the fact that he was catching me
15 at Disney World.

16 But he was an efficient judge. He had received the
17 Attorney General's request and he wanted to seal the
18 appointment promptly. Fortunately, we were leaving the next
19 day. So my husband and my oldest daughter remember as I do
20 well how I cobbled together a presentable outfit for each one
21 of us, how we drove to the courthouse from the airport in
22 various stages of dress, how we tumbled into his chambers, my
23 three young children, my husband and I as a group, and he
24 welcomed them and me with a broad, his usual broad and warm
25 smile. My family watched as Judge Sentelle swore me in. It's

1 like it was yesterday.

2 There has been much debate and argument since the
3 expiration of the independent counsel portion of the Ethics in
4 Government Act in 1999, much debate about the virtues and the
5 flaws of that statute. Judge Sentelle could not have been
6 more professional and appropriate in every one of his very few
7 and necessary communications with me during that time period.
8 And from what I heard from the other independent counsels with
9 whom I met regularly, the same was true with them as well.
10 Consistent with his leadership of the Inn of Court he took his
11 very important division responsibilities seriously. He made
12 decisions and issued necessary opinions with respect to fee
13 submissions and other issues affecting the independent
14 counsels expeditiously. And he stepped back and wished us
15 well as we went about our investigative assignments.

16 I was able to fly under the radar here in
17 Washington, D.C. since the White Water Investigation was
18 sucking all the oxygen out of the news in Washington at the
19 time. That was a very nice place to be for me and for my
20 office in order to get our work done. So thank you all for
21 sticking with me on this walk down memory lane of my crossing
22 paths with this wonderful man.

23 Judge Sentelle, your public service has been
24 amazing. You know how much I admire you and how much I would
25 love myself to once again serve in some public capacity. I

1 actually was even thinking about a recess appointment of one
2 kind or another last November.

3 (Laughter.)

4 MS. BRUCE: I guess that's not going to happen
5 anytime soon.

6 Seriously, congratulations Judge Sentelle. It has
7 been a real pleasure for all of us in the Inn of Court program
8 and for all of us independent counsel and associated attorneys
9 to get to know you and to work with you. I look forward to
10 many more opportunities to dine together at the Lawyers Club,
11 at the Inn and wherever with you and Jane to share war stories
12 and I especially look forward to swapping stories about your
13 amazing children and your grandchildren. And did I tell you,
14 my only grandchild so far, Michael, turns nine months old next
15 Tuesday. Thank you.

16 (Applause.)

17 JUDGE GARLAND: Thank you, Ms. Bruce. I would now
18 like to introduce the Honorable Maureen Ohlhausen who will
19 present the Court with the portrait of Judge Sentelle on
20 behalf of his law clerks. She served as one Judge Sentelle's
21 law clerks during the 1994-95 term and as his special
22 assistant for independent counsel matters from 1995 until
23 1997. She currently serves as a commissioner on the Federal
24 Trade Commission. Judge Sentelle administered the oath of
25 office to Commissioner Ohlhausen when she became a

1 commissioner last year. The floor is yours.

2 MS. OHLHAUSEN: Chief Justice Roberts, Justices of
3 the Supreme Court, Chief Judge Garland, Judges of the D.C.
4 Circuit and the District Court, and Judge Sentelle's family.

5 I'm pleased to be here today with so many honored
6 guests and friends to present to the Court on behalf of his
7 law clerks Judge Sentelle's portrait. The Judge has given so
8 much to all of us over the years and it is wonderful to have
9 the opportunity to acknowledge his contributions and thank him
10 publicly.

11 Washington, D.C., in general, and the legal
12 profession in particular, tend to evaluate people based on a
13 mixture of their speaking ability and intelligence. And
14 Judge, you certainly rate highly in both categories as an
15 insightful and entertaining speaker and a brilliant lawyer.
16 What is much less frequently mentioned in these evaluations
17 however is how those bright and articulate people actually
18 treat those around them, which brings me to my topic this
19 afternoon.

20 First Corinthians, Chapter 13, Verse 1 says, though
21 I speak with the tongues of men and angels and have not
22 charity, I am become as sounding brass, or a tinkling cymbal.
23 According to the commentary on this passage, the word charity
24 here comes from the Greek word agape, which means love,
25 affection, regard, good will and benevolence. Judge, as

1 everyone who has worked with you can attest, you have not only
2 shared your knowledge but also exhibited charity to all of us
3 in so many ways. I will be forever grateful to you for
4 allowing me to have the fantastic experience of clerking for
5 you while still being able to manage the demands of four small
6 children.

7 Others recall your kindness when they or their
8 family members were ill or had other personal challenges, as
9 well as your excitement about weddings, births, and other
10 happy events.

11 As Tracy Scarrow recently said to me, he's concerned
12 about the whole person, not just the part that does work for
13 him. So Judge, it is clear that though you can speak well to
14 men or angels, you are not as sounding brass or tinkling
15 cymbal, which are heard briefly and have little impact.
16 Rather, your example of knowledge combined with charity will
17 continue to resonate in your clerks' professional and personal
18 lives as, I hope, we follow your lead by striving to be both
19 good lawyers and good people.

20 For these and so many other reasons, Judge Sentelle,
21 I'm deeply honored to present on behalf of your clerks the
22 gift of your portrait to the U.S. Court of Appeals for the
23 D.C. Circuit.

24 (Applause.)

25 JUDGE GARLAND: Thank you, Commissioner Ohlhausen.

1 And now for the fun part. I would like to invite up Judge
2 Sentelle's granddaughters Stephanie and Kelly Lewis, and
3 Mikyla and Hailey Acheson for the unveiling of the portrait.

4 (Applause.)

5 JUDGE GARLAND: On behalf of the United States Court
6 of Appeals for the District of Columbia Circuit, I would like
7 to thank all of Judge Sentelle's clerks for the gift of this
8 magnificent portrait. We gratefully accept it and it will
9 hold a place of prominence in our courtroom. I would also
10 like to thank and acknowledge the Historical Society of the
11 District of Columbia Circuit which under the leadership of
12 Stephen Pollak provides administrative assistance to the
13 clerks in handling the financial aspects of portrait projects.

14 And now, Judge Dave, we welcome you to share some
15 reflections and/or rebuttals.

16 (Laughter.)

17 JUDGE SENTELLE: Mr. Chief Justice, Justices, Mr.
18 Chief Judge, which is still taking a little time getting used
19 to that.

20 JUDGE GARLAND: Me too. Me too.

21 JUDGE SENTELLE: Judges, other judges, classmates.
22 And Scott's over here and I take it Boyden is here somewhere
23 by the fact that people have been referring to him. There's
24 Boyden over there. Classmates, most especially family and
25 friends and everybody else, if I've missed anybody.

1 Thank you. This is a bit like being able to attend
2 your own funeral without lying down.

3 (Laughter.)

4 JUDGE SENTELLE: I've heard people extoll the
5 virtues of the deceased at funerals when I know that the
6 family were saying, "Would you look and see if that's really
7 daddy up there." I am not sure my family recognizes the
8 person being prematurely eulogized today, but I certainly want
9 to thank everyone that spoke.

10 I don't want to go through you one by one because
11 that would take too long trying to say what each of you has
12 meant to me because all of you have and all of you represent
13 many others who have meant a great deal to me too. So I start
14 by thanking you and then I'm going to offer some more thanks.

15 First, I'm going to thank some people who are not
16 here, some of them are no longer in this world at all. I'll
17 begin with my parents. My brother and I had a running start
18 on life from my father who started his working career as a
19 production worker in a factory and by the time he had to take
20 enforced disability retirement, he had made his way up to a
21 day shift supervisor and that taught us by example that a man
22 can work hard and can accomplish and get ahead. We had a
23 mother who had a bible verse for every occasion, usually to
24 tell us why we hadn't lived up to it. But always to teach us
25 about God and family and the important things in life. So

1 they're gone now but I want to thank them.

2 There's a man that you met in Charlotte, Clarence,
3 named Keith Snyder who is still among us but he's in Asheville
4 and not up here. Keith was the United States Attorney in 1970
5 who took leave of his senses and hired a kid a year and a half
6 out of law school to be in charge of the Charlotte office of
7 the United States Attorney in the Western District of North
8 Carolina and took, I'm sure, some criticism for doing that.
9 But he sure gave me a great start on what has been a most
10 rewarding career.

11 I want to thank no longer among us, Jessie Helms for
12 calling my name to the president for the appointment to the
13 district court in North Carolina. And I want to thank
14 President Ronald Reagan who is no longer with us for
15 appointing me to that court and to this one and giving me the
16 opportunity to engage in service beyond what I could have
17 dreamed of earlier in my life.

18 If I've ever looked good, and you all make it sound
19 like I have, but if I have I want to thank those who've made
20 me look good. I want to thank the law clerks who - many of
21 whom are here today - and who include among them two federal
22 judges, a state supreme court justice, a Federal Trade
23 commissioner, former ambassador, academics, an assistant law
24 dean and several professors of distinguished institutions and
25 successful lawyers, public servants. They've been a great

1 thing, a great part of the job, a great part of life.

2 I want to thank my chambers staff. Annette, with
3 whom I have an agreement that when one of us retires we're
4 both going. I want to thank Peggy, who not only served in my
5 chambers but brought Annette. I want to thank George who is a
6 law clerk officially but has been with us now for a number of
7 years for all he's done for the wisdom and institutional
8 memory of the chambers, who brings me back sometimes when I
9 get too far gone.

10 I want to thank the staff not only of my chambers
11 but of this Court, the years that I was Chief Judge
12 especially, but all the years that I've been here. The
13 circuit executive and the clerk of court have run this place
14 so well that it can make the Chief Judge look awfully good.

15 Before I came in I asked Betsy and Mark, the circuit
16 executive and the clerk to give me their promise that they
17 would not depart during my time as chief. They didn't, so
18 thank you and thanks to Scott and Aaron and I started to say
19 Sergeant Shriver, Marilyn Sargent, the counselor of Troy of
20 the court, and that's an inside joke. You don't have to laugh
21 at that. For what you've done to keep this court running and
22 to make the judges, especially the Chief Judge look good.

23 I want to thank the staff of the AO, Laura and Jeff
24 and everybody else over there who during my time chairing the
25 executive committee and serving on the committees have made it

1 possible for that to keep running. The judges who comprised
2 the committees, as you well know, couldn't do it without you.
3 So thank you for being there and thank you for making it
4 possible for us to do it.

5 I want to thank my colleagues, best represented by
6 David Tatel whom I thank for his remarks today for being the
7 collegial bunch of colleagues that you've been, and that isn't
8 redundant. Because many courts have colleagues who are not
9 collegial. We won't name those circuits but a lot of you know
10 who they are.

11 (Laughter.)

12 JUDGE SENTELLE: This one, I've got a collegial
13 bunch of colleagues, David, you and I and other members of the
14 colleagues have overseen the first great antitrust decision of
15 the tech era. We've reviewed the regulation of all the
16 greenhouse gases in the country.

17 Doug Ginsberg who got here late and is sitting at
18 the back of the room instead of on the bench, and Steve and I
19 when we were the three newest judges were assigned the review
20 of the entire reorganization of the pipeline industry by FERC.
21 I do not know what the odds are that the three newest judges
22 were drawn by random.

23 (Laughter.)

24 JUDGE SENTELLE: But the then chief is gone so
25 nobody can defend the proposition that perhaps it wasn't all

1 by chance. But we did it. We did it and we did so many other
2 things and we couldn't have done it without the collective
3 effort of a great bunch of judges, a great bunch of
4 colleagues.

5 And most especially, I want to thank my family, all
6 of my family for being so supportive over the years and today.
7 I want to thank especially the girl who thought she was
8 marrying a young man who aspired to be a country lawyer in
9 western North Carolina. Jane, I know that it hasn't been the
10 ride you signed on for, but I hope it hasn't been too bad a
11 ride. It's been a funny thing happened on the way to being a
12 country lawyer in western North Carolina. We went back to
13 Asheville, or we meant to for a year and a half the first
14 time.

15 And I kept getting offered jobs in Charlotte until
16 Keith Snyder finally offered me one I couldn't turn down. So
17 we went to Charlotte and spent 17 pretty good years in a very
18 livable place. And then I went on the district bench which
19 was back in Asheville to stay the rest of our lives and two
20 years later I was up here. So if you want to make God laugh,
21 you tell him your plans. I guess we did make him laugh but
22 it's been a great ride.

23 It's been a great ride for the years on the court,
24 my time as Chief, the chair of the executive committee, the
25 Inn of Court which has meant an awful lot. They came to me,

1 Milton and Marlene and two or three others from the white
2 collar committee who vaguely knew me from white collar defense
3 and said we've been wondering if it would be possible to start
4 an Inn that specialized in white collar crime. I said we
5 should and we did. We did not know whether it would work or
6 not and 25 years later we still have a waiting list for
7 members. So it worked. It's been a great experience.

8 And Tom, the prayer breakfast that as you know
9 Oliver Gasch told me I had to take over. There's still some
10 of you here who remember Oliver. It didn't matter that he was
11 in a lower court than mine. When Oliver spoke you stood at
12 attention if you were on the telephone. And Oliver came in
13 and said I'm closing my chambers. You won't have a secretary
14 anymore. You'll have to take over the prayer breakfast. We
15 did and that was 19 years ago, Annette, approximately and it's
16 still going on.

17 And by the way the special division, Chief Justice
18 Rehnquist asked me to take that for two to four years.
19 Fourteen years later George and I finally closed it down. If
20 they find a willing horse they'll work it till the fields are
21 gone.

22 (Laughter.)

23 JUDGE SENTELLE: I want to give thanks, express
24 thanks to Lindy, Lindy Bruggink. Quite a job. You've done a
25 lot with what little you had to work with here.

1 (Laughter.)

2 JUDGE SENTELLE: I've seen her work before we saw
3 this one and we knew that she would do quite a job. And so I
4 thank you and thank you for being here today. Your husband,
5 of course, is part of that prayer group that we've had all
6 those years. So, Eric Bruggink thank you for loaning us the
7 talents of your wife for this purpose.

8 When I came into this building to be honored in this
9 room, to be honored the first time when I was invested on the
10 court, I closed with prayer. I was told later that a lot of
11 people were surprised by that but I wouldn't have felt right
12 not to. And I'm going to do something really unfair now but
13 I'm doing it to a preacher so I don't mind being unfair. Tim
14 Gerde, my pastor, is here and before we turn this back over to
15 Chief Judge Garland I would like to ask my pastor to come
16 forward if you would and say a short prayer. And I did not
17 give him any warning.

18 MR. GERDE: Let us in the comfort of our variety of
19 traditions bow our heads and join our hearts and be in the
20 spirit of prayer. Gracious and loving God, we are so thankful
21 for Judge Sentelle and for his vision of justice, the mercy
22 which bear witness to the love and mercy of your reign and
23 your realm for all who have gathered here, for all of what
24 they have given to the building of community, to the
25 strengthening of our country through laws and through justice,

1 we give you thanks and pray your blessings upon all who
2 gathered here and all who have gone before us who we remember.
3 We pray this in your loving name and remember the word agape
4 and charity, and what that might mean lived out each day in
5 the life and soul of the one who stands here next to me.
6 Amen.

7 JUDGE SENTELLE: Thank you, Pastor. Chief Judge.

8 JUDGE GARLAND: In a few moments the Court will be
9 in recess.

10 (Applause.)

11 JUDGE GARLAND: There's one thing about being Chief
12 Judge I have to learn: not to step on applause. In a few
13 moments the Court will be in recess. We traditionally ask
14 that all of our guests proceed to the reception at that point.
15 It's downstairs in the atrium of the Bryant annex. Please
16 don't enter the well of the Court so that the Judges who are
17 on the bench can come down and greet the family and view the
18 portrait. Staff members will assist you with directions to
19 the reception and Judge Sentelle and his family will soon see
20 you there.

21 Thank you again for being with us on this extremely
22 happy occasion. We look forward to seeing you shortly at the
23 reception.

24 The Court will now stand adjourned. Or as Judge
25 Sentelle likes to say, please give us recess.

1 THE CLERK: Stand please. This Honorable Court is
2 now adjourned until 9:30 a.m. on Monday morning.

3 (Whereupon, at 5:36 p.m., the proceedings were
4 concluded.)

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DIGITALLY SIGNED CERTIFICATE

I certify that the foregoing is a correct transcription of the electronic sound recording of the proceedings in the above-entitled matter.

Donna J. Escobar

Donna J. Escobar

DEPOSITION SERVICES, INC.

_____ April 14, 2013

Date