

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA

PORTRAIT PRESENTATION CEREMONY

ROBERT HERON BORK

April 19, 1996
4:00 o'clock p.m.
Ceremonial Courtroom
United States Courthouse
Washington, D.C.

PRESENT:

The Honorable Harry T. Edwards, Presiding
Chief Judge, U.S. Court of Appeals for the
District of Columbia Circuit

Circuit Judges Wald, Silberman, Buckley, Williams,
Sentelle, Henderson, Randolph and Rogers

ALSO PRESENT:

The Honorable Clarence Thomas,
Justice, United States Supreme Court

The Honorable Ruth Bader Ginsburg,
Justice, United States Supreme Court

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P R O C E E D I N G S

CHIEF JUDGE EDWARDS: Today the Court has convened to pay tribute to one of our esteemed former colleagues, the Honorable Robert H. Bork.

After gaining national acclaim for his distinguished professional accomplishments as a partner in a major law firm, a Professor at the Yale Law School, and the Solicitor General and Acting Attorney General of the United States, Judge Bork served as a member of the United States Court of Appeals for the D.C. Circuit for almost six years, from 1982 to 1988.

During his term as a jurist, Judge Bork was a brilliant legal scholar, a major contributor to the work of the Court, and a friend to all with whom he toiled to serve justice.

It is my privilege to welcome Judge Bork, and also his family, friends, and many admirers, on this occasion to celebrate his work with the unveiling of his portrait. And, on behalf of my colleagues, I will be pleased to accept the portrait of Judge Bork and have it hung with those of other former members of the Court.

In attendance today are members of the District Court, members of other courts from around the country, present and former Members of Congress, present and former members of the Executive Branch, members of the bar, members

of the legal academic community, and a number of persons who claim no title save that of friend or admirer of Judge Bork.

I apologize for not acknowledging anyone by name, but Judge Bork and I agreed that it would be a perilous venture for either of us to attempt to single out individuals in so distinguished an audience.

I will make only two exceptions: First I would like to recognize the members of Judge Bork's family who are in attendance today: Mrs. Mary Ellen Bork, his wife; Mrs. Elizabeth Kunkle Bork, his mother; Ms. Ellen Elizabeth Bork, his daughter; Mr. Robert Heron Bork, Jr., his son; Mrs. Diana Culp Bork, his daughter-in-law; and Miss Claire Ellen Bork, his granddaughter.

I would also like to acknowledge the presence of two former colleagues who have joined with us on the Bench today: Justice Ruth Bader Ginsburg, who served as a member of the Court from 1980 until 1993; and Justice Clarence Thomas, who succeeded Judge Bork, and served with this Court from 1990 until 1991.

Before the unveiling of the portrait, there will be several tributes to Judge Bork, starting with a statement from the Honorable Clarence Thomas, Justice of the United States Supreme Court, and a personal friend of Judge Bork.

JUSTICE THOMAS: Thank you, Chief Judge Edwards.

It is an honor to be among so many friends to

honor our friend, Judge Robert H. Bork. Judge Bork's accomplishments speak for themselves. He has been a brilliant writer, thinker, and excellent lawyer, a renowned law professor, Solicitor General, and a Judge on this Court.

Although he has been these among many things, I think it is only fitting that we are gathered here today to honor his service to this Court and to this Nation as a Federal Judge, for it was in those years that Robert Bork fulfilled the very ideal of a judge: brilliance, tempered by wisdom; power leavened with restraint; judgment bolstered with courage. The D.C. Circuit was fortunate to have a member of Judge Bork's intellect, learning and character.

It should come as little surprise that Judge Bork's views often won the agreement not only of his colleagues here but of the Supreme Court, which is less predictable.

[Laughter.]

Of the more than one hundred majority opinions authored by Judge Bork, not one was reversed by the U.S. Supreme Court. Of the literally hundreds of cases in which he participated in his years on this Bench, he wrote only nine dissenting opinions and only seven partially dissenting opinions. Several of these dissents contained a reasoning that was adopted by the Supreme Court in later cases.

Unfortunately, I do not think that I will ever be

able to match Judge Bork's record on this score, both with respect to this judicious restraint in dissenting and his ability to convince the members of the Supreme Court.

[Laughter.]

The true measure of Judge Bork, however, is not confined to his performance on the Court, but it has to include the influence of his ideas. His classic work, "The Antitrust Paradox", is a reliable resource for those of us on the Court as well as for the students who still read it as a standard text.

To have so profoundly affected an entire field of law would have been a satisfying career, in and of itself, for any scholar, but this was just the beginning of Judge Bork's many achievements as a public servant and as a thinker. As an influential writer and thinker, Judge Bork's book, "The Tempting of America", is one of those rare works that has shaped contemporary legal scholarship and thought. Whether one agrees or disagrees with Judge Bork's conclusions, no one can escape or avoid the power of his reasoning, logic and intellect.

"The Tempting of America" is required reading for anyone who wishes to understand the challenges of the judicial enterprise and is concerned about the functioning of our modern representative democracy. It is in works like these that Judge Bork's ideas have reached and convinced not

just lawyers but thinking men and women throughout America.

It is one of my great sorrows and great regrets that I never had the opportunity to have Judge Bork as my colleague, either on the D.C. Circuit, where I enjoyed some of my happiest years as a judge, or on the Supreme Court, where I now sit. But it has been my good fortune to be counted among his friends. For that, and all that goes with it, I am eternally grateful. I am honored to have been given the chance to express my appreciation for the friendship, service and example of Judge Robert H. Bork.

CHIEF JUDGE EDWARDS: Thank you, Justice Thomas.

Our next speaker will be the Honorable Ralph K. Winter, Jr., a member of the United States Court of Appeals for the Second Circuit, who was a member of the Yale Law School faculty with Judge Bork and remains a close personal friend.

JUDGE WINTER: Justice Thomas, Justice Ginsburg, may it please the Court:

I learned of the nature of this ceremony when I was talking with Judge Randolph earlier in the week. He said there was going to be an en banc hearing on hanging Judge Bork.

[Laughter.]

I thought, "My god, it will be a close vote."

[Laughter.]

I have known Bob and his family for, I guess, 33 years now. I remember when he came from Chicago to the Yale Law School with Claire and Bob and Charlie and Ellen, and as I recall, they owned a convertible with a slash in the roof and no back window, which often made me wonder why a person as logical as Bob Bork would even bother to put the top up.

[Laughter.]

The first class he taught at Yale was mortgages. In that, I should reveal he taught the course using the notes of his predecessor in that course, the Honorable Guido Calabresi. I am somewhat skeptical of Bob's claim that there was a sea change in the law of mortgages as a result of his taking up that subject.

His presence on the faculty was notable, to say the least, because he was the only supporter of Senator Goldwater, and the Yale Law School prided itself as an institution that was iconoclastic and skeptical of conventional wisdom. Bob tested how willing the Yale Law School was to re-examine its own conventional wisdom.

When he arrived, law and economics was a relatively new academic movement. He quickly became and remained a major figure in it. His work in antitrust really, in retrospect, can be said to have shifted the entire debate over it and to have affected how lawyers argue cases and the outcome of cases, as well.

He exposed the major distinction between protecting competitors and protecting competition. He forced scholars and lawyers to examine precisely what the goals of the antitrust were or ought to be and to learn and apply price theory in dealing with antitrust problems.

His work inspired others--many students and colleagues such as myself--to apply economics in other areas of the law, and in part because of his efforts, I think law and economics has prospered beyond any expectations that we had a generation ago. Today, law and economics is routinely taught at the Yale Law School.

Bob's interest in constitutional law arose out of an attempt to develop a general theory as to when a state may use coercion and when it must permit freedom. This quest took the form of a seminar that he taught with his dear friend and late colleague, Alex Bickel. Bickel was a mystic, a democratic mystic, who believed that we only dimly understood how government operated and that any fundamental change in governmental structure should be very incremental and slow, with a due respect for the past. In the middle of one class, when Alex was waxing on about tradition, Bob remarked that "Professor Bickel's jurisprudence is part Edmund Burke and part 'Fiddler on the Roof'".

[Laughter.]

Bob quickly abandoned the quest for a general

theory as unworkable and turned to a lawyerly approach to constitutional law. That approach caused him to become the principal proponent of a method of analysis that has come to be known as "originalism". Again, he shifted the debate with great consequences.

His relationships with his students and with the faculty were quite good, notwithstanding ideological differences. He was recognized as a man who would argue hard and long but who listened and who, at the end of the day, was humorous and graceful, warm and friendly.

I would read to you a list of his more famous students, but there are a lot of Republicans in the room and I don't want to see the portrait defaced.

[Laughter.]

It is proper and fitting that a portrait hang here, as indeed, a portrait of him now hangs in a classroom in the Yale Law School. This semester I am teaching in that very room. Once in a while I glance up and think, "This is the only time I have looked at Bob Bork and had to wonder what's on his mind."

Thank you.

[Applause.]

CHIEF JUDGE EDWARDS: Thank you, Judge Winter.

We will next hear from the Honorable A. Raymond Randolph, a member of this Court, who served as a deputy

while Judge Bork was Solicitor General of the United States, and is a personal friend.

JUDGE RANDOLPH: Thank you.

Like all of you, I'm an ardent admirer of Judge Bork and have been very fortunate to have been his friend for more than 20 years.

I can still recall, in the greatest detail, our first meeting. It was 1974. Bob was Solicitor General and was interviewing me for one of his deputy slots. It's ironic that Bob brought up the subject of portraits. He said the Justice Department had just gone through some pretty heavy weather, that Attorneys General had come and gone in rapid succession--first John Mitchell, then Dick Kleindienst, then Elliot Richardson, and William Saxbe. So Bob told me, rather than having each Attorney General's portrait painted, they had to start using a Polaroid camera.

[Laughter.]

Attorney General Levy, Bob's former law professor, put things back on an even keel, and he assembled what I think must have been one of the most intellectually powerful Departments of Justice in this country's history. I soon found out that Bob was the intellectual leader of the group.

In those days, the Supreme Court was hearing many more cases, the SG's office was smaller, and there were plenty of oral arguments to go around. Bob, of course, took

the most difficult and demanding assignments, such as the death penalty cases, Matthews versus Eldridge, the National League of Cities, Greer versus Spock. Little did we know that, under Bob's tutelage, the SG's office would become somewhat of a training ground for judges. By my count, even in that small office, seven members of the office became Federal Judges: Frank Easterbrook, Ed Korman, Danny Boggs, Paul Friedman, Dan Friedman, myself, and, of course, Bob.

President Reagan appointed Bob to our Court, the first Reagan appointment to our Court, in 1982, after Bob had finished another stint at Yale and had just unpacked at Kirkland and Ellis.

1982 turned out to be a very good year for another reason. On a sparkling fall day, now Judge Bork and Mary Ellen were married at St. Matthews Cathedral. Bob, of course, is without equal when it comes to public speaking. Mary Ellen first encountered him earlier in the year when he was giving a speech, and as my wife is fond of saying, "it was love at first listen."

[Laughter.]

Back then, when people asked Bob why he decided to become a judge, he would explain that the Supreme Court had ruled against him in the last case he argued and he figured that, since he had lost his fast ball, he might as well become an umpire.

[Laughter.]

When you get past the humor in that remark, it is a very revealing image of Bob's judicial philosophy. Federal judges must be neutral, they must not be activists, they must restrain their desire to become participants, to "hit the home run" or to "strike out the side."

In his influential and powerful book, "The Tempting of America", Bob wrote "A judge works with whatever intellectual capital he has accumulated before coming to the bench. He is most unlikely to add appreciably to his store while there."

Well, Judge Bork came with an enormous store. His writings, on the Court and off, are deeply rooted in the huge and comprehensive range of his knowledge, but there is nothing pat and nothing dogmatic in any of his work.

Federal judges are given life tenure, so they will be independent, free of political pressure. Robert Bork was one Federal judge who never needed any such insulation. He was an independent thinker long before he donned the robe, a man of principle if there ever was one.

Bob wrote to President Reagan that "the work of an appellate judge may be the aspect of the legal profession for which I am best suited." Indeed, he was. Still, there's no doubt, I think, that today's proceedings are making Bob a little bit more than uncomfortable. Some

people deflect criticism. One of Bob's most endearing habits is deflecting praise. When it comes to flattery, Robert Bork does not inhale.

[Laughter.]

A brief encounter a decade or so ago rises in my mind. Someone published a study of Harvard undergraduate and graduate professors. The professors listed their choices for history's greatest books, the books that most affected their thinking. Bob's remarkable book, "The Antitrust Paradox", made the list, not once but several times, which was hardly surprising.

Shortly after the survey appeared, we were at a party and a fellow came up to Bob and asked, "How does it feel to be included as one of history's greatest authors, along with Thucydides, Plato, Homer and Socrates?" You could almost hear Bob wince. His reply was classic Bork: "I'm not sure how it feels. Socrates never wrote anything."

[Laughter.]

All of us can attest to Bob's wisdom and to his wit, his dignity, and his deep and tenacious belief in maintaining constitutional principles and the line some want so desperately to rub out, the line, that is, between right and wrong.

But the clue to Robert Bork I think is elsewhere. "Courage," Samuel Johnson wrote, "is the defining virtue of

the soldier." And courage has always been the defining virtue of Robert Bork.

Having Judge Bork's portrait in our courtroom will be a source of inspiration and of pride, a reminder to us and all who follow that, for a time, a great and good man was here, judging cases as James Madison and Thomas Jefferson and Alexander Hamilton and Joseph Story believed cases should be judged.

CHIEF JUDGE EDWARDS: Thank you, Judge Randolph.

Our next speaker is Theodore B. Olson, a member of the practicing bar, who worked with Judge Bork during the Reagan Administration and is a personal friend.

MR. OLSON: Thank you, Chief Judge Edwards, and may it please the Court:

I have known and been a friend and admirer of Robert Bork for many years, and I regard him as a very dear friend. But there is one thing that I do occasionally that appears to irritate him. I think there are probably others, but this one is relevant here.

I forget myself from time to time and call him "Judge". He inevitably screws up his face with disgust and says, "Judge?" I know he is reminding me that we're good enough friends, and I'm old enough, that I don't need to call him by that title. But I still slip up once in a while. I really can't help it.

The reason is that, to me, as with so many of you in this room, Robert Bork will always be "Judge Bork". He personifies for me and for so many of us what a judge should be: formidably brilliant, scholarly, erudite, somewhat impatient with fools, but fundamentally tolerant and forgiving, unshakably honest, deeply principled, and possessing great wit and a wonderful sense of humor. In short, someone whose intelligence, instincts and judgments we respect, and whose decisions are intuitively acceptable.

That is my mental ideal of what a judge should be, and that is Bob Bork. That is why I slip sometimes and call him "Judge", because that is what he will always be to me.

I will briefly mention three of the many things that Robert Bork and this portrait signify to me. First, integrity. On Saturday, October 20, 1973, at the height of one of our most chilling national crises, Robert Bork was willing to carry out a President's instruction with which he strongly disagreed, and which he quite easily could have avoided by resigning, in order to preserve the Department of Justice and to help hold together the Watergate Special Prosecutor's office. He thus prevented a political upheaval of dimensions far greater than we actually did experience.

It was not understood by everyone at the time, and probably will never be fully appreciated, that he stayed on and carried out the President's order because the resigning

Attorney General had begged him to do so. He did what was right, despite the impact on his own career, for the good of his country.

I have no doubt that today, despite the consequences, and despite what it might mean to him later, and with full hindsight, he would do the very same thing again.

Second, courage. It is difficult to describe, and for most of us impossible to fully envision, what it must have been like to experience the vicious and dishonorable abuse that was heaped upon him by small but powerful people when he was going through the confirmation process for appointment to the Supreme Court. We can only speculate what he was going through in private, but we know that he never flinched in public. Despite a relentless, unending and brutal torrent of false and shameful charges, he never once betrayed by his conduct or his words the wounds that he was surely experiencing.

Third, principles. I have heard people tell me that Bob Bork would be on the Supreme Court today if he had only said this or done that, or shaved his beard, or spoke differently of his views and so forth. But the answer that most people who do not know him simply do not understand is that Bob Bork is not capable of holding himself out to be something that he is not, or saying something that does not

come from his heart, or putting a facile, slick wrapping on a complex legal point.

Ronald Reagan once said about himself that he was not a good enough actor to admit that he was wrong about a policy that he still believed was right. Well, neither is Robert Bork. That may be why he is not on the Supreme Court, but that is also why we love and respect him so much.

As I was writing these words about integrity, courage and principles, I realized that I was describing in different ways the same fundamental quality. Bob Bork possesses a depth of character that fundamentally influences but nonetheless transcends his actions and his words. Each of us who have had the privilege of knowing him have experienced the same thing. It will make me very pleased to see Judge Bork's portrait hanging on the walls of this distinguished court, and immensely proud that I have known him.

I share a belief with many Americans that it is a tragedy for this Nation that there will not be a portrait for a Justice Bork, but I am thankful that Robert Bork was a judge of this Court and that his portrait will always be here to add his elegance and distinction to this great Court, and the Nation's judiciary, and the legal profession. I am glad it will always be here for lawyers, judges and visitors to see when they come to this court, and I am glad

it will be here for my children and my grandchildren to see. When they see this portrait, they will be seeing what a judge should be and what the very finest of judges looked like.

[Applause.]

CHIEF JUDGE EDWARDS: Thank you, Mr. Olson.

We will now hear from John Manning, who served as a law clerk for Judge Bork during the 1985-86 term.

MR. MANNING: Thank you, Chief Judge Edwards.

I cannot imagine what my life would be like if I had not met Judge Bork. The usual law clerk for the usual judge takes away from the experience some valuable learning about the realities of the judicial system, some meaningful insights about legal writing, and a view from behind the bench of what makes for good or bad oral advocacy.

From you, Judge Bork, we got so much more. By your example, you showed your law clerks the great value of intellectual honesty and humility. Pride never won out over reason. From the clerk's perspective, this was a fantastic trait to have in a judge.

One could not imagine what a quick study Judge Bork was. He would take home at night a stack of briefs that the clerks could not have penetrated in days. He would come back the next morning, knowing every nuance. And yet, despite the quickness and the power of his mind, Judge Bork

showed an open-mindedness that has set a standard for all of us to seek. The Judge was genuinely capable of hearing arguments and truly able to be persuaded by clerk or counsel or colleague.

Let me illustrate this point with a personal experience that I think is rare for a law clerk. At the end of my clerkship, I was helping Judge Bork with a case called NRDC versus EPA, a large and important administrative law decision, all about the Reagan administration's efforts to deregulate environmental law. The case was closely fought, and Judge Wright was dissenting, but the panel majority consisted of Judges Bork and Edwards. So when I left the U.S. Courthouse that summer, I felt pretty confident that this case was not going en banc.

You can imagine my surprise and, quite frankly, my great concern, when I learned the next fall that, in fact, the case was going en banc. But I thought, the Judge has pulled this sort of thing out of the fire before and, in the end, everything will be all right. And it was, in a sense. Judge Bork did write the opinion for the en banc court in NRDC versus EPA. But he wrote the opinion reversing his own panel decision.

What a marvelous lesson for a young lawyer. This great man, Judge Bork, knew the complexity of the law and the fuzziness of its boundaries; he acknowledged--indeed,

revelled in--his capacity to learn; and he did not hesitate to admit when he made a mistake. Time and time again, as judge, as scholar, as Solicitor General, Judge Bork displayed these same qualities. For his law clerks, this was an invaluable lesson early in our careers.

But this was not Judge Bork's greatest gift to his law clerks. Judge Bork, you gave your law clerks something that I personally never thought that I would have. You gave us a deep passion for the law as such. For law graduates of my vintage, it was altogether too common to regard the law largely, if not entirely, in instrumental terms. The law was a tool to be manipulated to achieve worthy social ends. If some judge, for the greater good, stretched the legal text, or dodged a bothersome precedent, that was cause for celebration and not for concern.

It is difficult to love what you do not respect, and to love the law, it must be more than a means to an end. Judge Bork, you instilled in your law clerks an abiding respect for the law and its integrity. In every case, you made us think of the legal problem in terms of the goals of a properly functioning Madisonian democracy. No case was just about immediate results. Each was about appropriate institutional roles in a society whose Constitution deliberately allocates power in order to preserve our liberties.

No one clerking for Judge Bork, liberal or conservative, left the clerkship insensitive to institutional legitimacy. What is the source of the principle that the court is applying in this case? What warrant does the court have to disturb the judgment of the political branch? Every case for Judge Bork transcended the facts and issues before him. Each case was about the distribution of power in a democracy.

As the record will reflect, among Judge Bork's clerks, I am not alone in these sentiments. To see his inspiration, one need only consider what Judge Bork's 21 law clerks have done since clerking. Of these 21 clerks, eight have followed in his footsteps by serving as full-time law professors. Eleven have at one time or another pursued public service through extended tours of duty in the U.S. Department of Justice, and a total of 13 have spent time in public service in national or state government.

Judge Bork, whatever we are doing, and whatever we may do, the lessons that you taught your law clerks make us better lawyers, better scholars, better public servants. We can never discharge the debt that we owe you.

[Applause.]

CHIEF JUDGE EDWARDS: Thank you, Mr. Manning.

The last tribute will be given by Steven Calabresi, who clerked for Judge Bork during the 1984-85

term, and later worked with him at the American Enterprise Institute in 1989. Mr. Calabresi will introduce the artist and assist in the unveiling of the portrait, after which we will hear from Judge Bork.

MR. CALABRESI: Thank you, Chief Judge Edwards, and may it please the Court:

In the ancient world, the highest praise that could be spoken of any person was to say that he was both a man of ideas and a man of action. More than anyone else I have ever known, Judge Bork deserves to be described as such a person. Like James Madison and the other great men who wrote our Constitution, Judge Bork has made lasting contributions to our understanding of the world, while at the same time engaging in battle on the stage of history.

In the realm of ideas, he has transformed our understanding of two important fields of law: antitrust and constitutional theory. In the realm of action, he has held an exceptional number of important posts and has exercised them all with exemplary character, energy and forcefulness.

In both worlds, Judge Bork has fought passionately and fiercely for the primary importance of the ideal of the rule of law, that ours should be a government of laws and not of men. Whether as a practicing lawyer, as a law professor, as Solicitor General, as Acting Attorney General during Watergate, as a Judge on this Court, or finally, as

President Reagan's nominee to the U.S. Supreme Court, Judge Bork has never forgotten that his first loyalty was always to the law.

This is best summed up for me, and always will be, in one of the Judge's favorite quotations, the one with which he chose to end his book, "The Tempting of America." The quotation is from Robert Bolt's play about Thomas More, "A Man For All Seasons".

When More was Lord Chancellor, his daughter, Margaret, and his son-in-law, Roper, urged him to arrest a man they regarded as evil. Margaret said, "Father, that man's bad." More replied, "There's no law against that." Roper said, "There is. God's law." More replied, "Then God can arrest him. The law, Roper, the law. I know what's legal, not what's right, and I'll stick to what's legal. I'm not God. The currents and eddies of right and wrong, which you find such plain sailing, I can't navigate."

Roper would not be appeased and he leveled the charge that More would give the devil the benefit of law. More said, "Yes. What would you do? Cut a great road through the law to get after the devil?" Roper: "I'd cut down every law in England to do that." More: "Oh? And when the last law was down and the devil turned around on you, where would you hide, Roper, the laws all being flat? This country is planted thick with laws, from coast to

coast, man's laws and not God's. If you cut them down, do you really think you could stand upright in the winds that would blow then? Yes, I would give the devil benefit of law for my own safety's sake."

Because of his integrity, and because of his dedication to the rule of law, Judge Bork is and always will be a towering figure to those of us who were lucky enough to be his law clerks. On behalf of Judge Bork's law clerks, and his devoted and longstanding friends, I am delighted to present this portrait to the Court.

The portrait was painted by Mr. Peter Egeli, who is widely considered to be among the best artists in this difficult genre. Mr. Egeli was born into a family of artists and has painted since he was five years old. He has an intense love for the craft of art and of painting.

I am pleased now to introduce Mr. Egeli, who is present here with us today, and who is celebrating his birthday today. He will now unveil the portrait, together with Mary Ellen Bork, the Judge's wife.

Thank you.

[Portrait unveiled.]

[Applause.]

CHIEF JUDGE EDWARDS: Bob, a few days ago, I received a note from Justice Stephen Breyer, expressing regrets that he would be unable to attend today's

celebration. Steve also said "that it will have to be a very fine portrait to live up to the original."

[Laughter.]

Well, there is no doubt that the portrait is absolutely stunning, and does you just tribute. But there is also no doubt that nothing can live up to the original, so we will not use that as our standard as we enjoy this moment.

We will now be honored to hear from you if you would like to share some words with the audience. I give you Robert Bork.

[Standing ovation.]

JUDGE BORK: Thank you, Chief Judge. May it please the Court--may it please everyone here, as far as that goes.

[Laughter.]

You have listened patiently to a recitation of my virtues, which may be said to have ranged from exaggerations to outright lies. And only a few of you rolled up your eyes to Heaven.

[Laughter.]

I am grateful for the exaggerations and for the lies, although, on the whole, I like the lies better.

[Laughter.]

Exaggerations and lies are allowable on an

occasion like this. Remember, a eulogy is not an affidavit.

[Laughter.]

But I want to thank those who spoke for their very kind sentiments, and I want to thank all of you for being present here today. In particular, I want to thank my former clerks, whose idea this was, and those friends whose contributions meant so much, not merely as assisting in this project but as gestures of friendship.

My clerks, along with my colleagues in the Office of Solicitor General, were a body of men and women lawyers as good, I think, as this Nation has to offer. I have never had happier relationships, both professional and personal. They will, each and every one of them, build great careers in practice, teaching, and some of them on the bench.

As matters stand today, judging is a collaborative venture. Within the chambers, the most intense deliberative process takes place not between the judges but between the judge and his clerks. There were times in my chambers, at least, when it was unclear, at least to the clerks, who was the judge and who were the clerks.

[Laughter.]

Now, there were three clerks. I really didn't mind those who thought they were one-fourth of a Federal judge, but I did mind those who thought they were one-third of a Federal judge.

[Laughter.]

Anyone who understands the dynamics of judging, or of any kind of work in the law, knows that the real power in the chamber lies with the secretaries. When I first went to the office, to the chambers, I was astounded at how lonely the life was. The phone rang, but not for me. It was always for the secretaries.

[Laughter.]

And when the mailman came in the door, my secretary and I used to race for him.

[Laughter.]

But each of my secretaries is here today. Heather Higdon, who came all the way from Alabama, and Judy Karper, who was my secretary and is now secretary to Judge Randolph. Is Carol Hogue here today? Anyway, and my post-judicial secretary, Laura Hardy. They have, each and every one of them, been uniformly assiduous and intelligent.

There is also my cultural adviser on the book I'm trying to write about American culture, Jennifer Catarinni, and there's a chapter in there, unfortunately, about popular culture--not my strong point.

[Laughter.]

I can tell an anecdote to illustrate that. After I announced I was leaving the Court, Judy Karper came in to say that Oprah Winfrey wanted me on her program. I said

tell her no, I'm not into country music.

[Laughter.]

Well, one of the great benefits of leaving the Court was meeting Peter and Stu Egeli. Now, some point has been made repeatedly about the fact that Peter started painting when he was five. I assure you, he's much better now.

[Laughter.]

He's a magnificent portrait painter, and he would come to our house for sittings. He would haul in a big, wooden platform. I was in a robe, and it was kind of like a lady in a tight dress trying to get into a Cherokee wagon. I would try to clamber up on this platform, and there was just enough room there so that the chair would fit, but if you moved six inches, the leg would go off the platform and you would plunge to your death.

Mary Ellen kept bringing in tea and that pacified me. Nevertheless, the peril I was in accounts for any uneasiness you detect in the portrait.

[Laughter.]

Fortunately, Peter is an interesting conversationalist so that I was able to remain calm through most of this.

The work took place just before spring, and Peter was anxious to be done before the trees outside began to

leaf and affected the light. The light would become green. Had that happened, you would see a judge who looked afflicted with gangrene.

[Laughter.]

In any event, the years on the Court were very happy ones for me. I worked with colleagues I respected and I found the work itself fascinating. I am delighted to have my portrait join the portraits of the other judges who have been here.

Thank you all for making this a happy and memorable occasion. It has been a pleasure to be with you.

[Standing ovation.]

CHIEF JUDGE EDWARDS: Thank you, Bob.

The Court will be in recess, and the members sitting on the Bench will first come down to greet the family, to look at the portrait, and then we ask all of you to follow afterwards to greet the family and to look at the portrait as well. We thank you all for being here.

We stand adjourned.

[Whereupon, at 4:45 p.m., the Court adjourned.]