In the United States Court of Appeals
for the District of Columbia Circuit

Presentation of the Portrait

of the

HONORABLE MALCOLM R. WILKEY

Served the U.S. Court of Appeals from 1970—1985

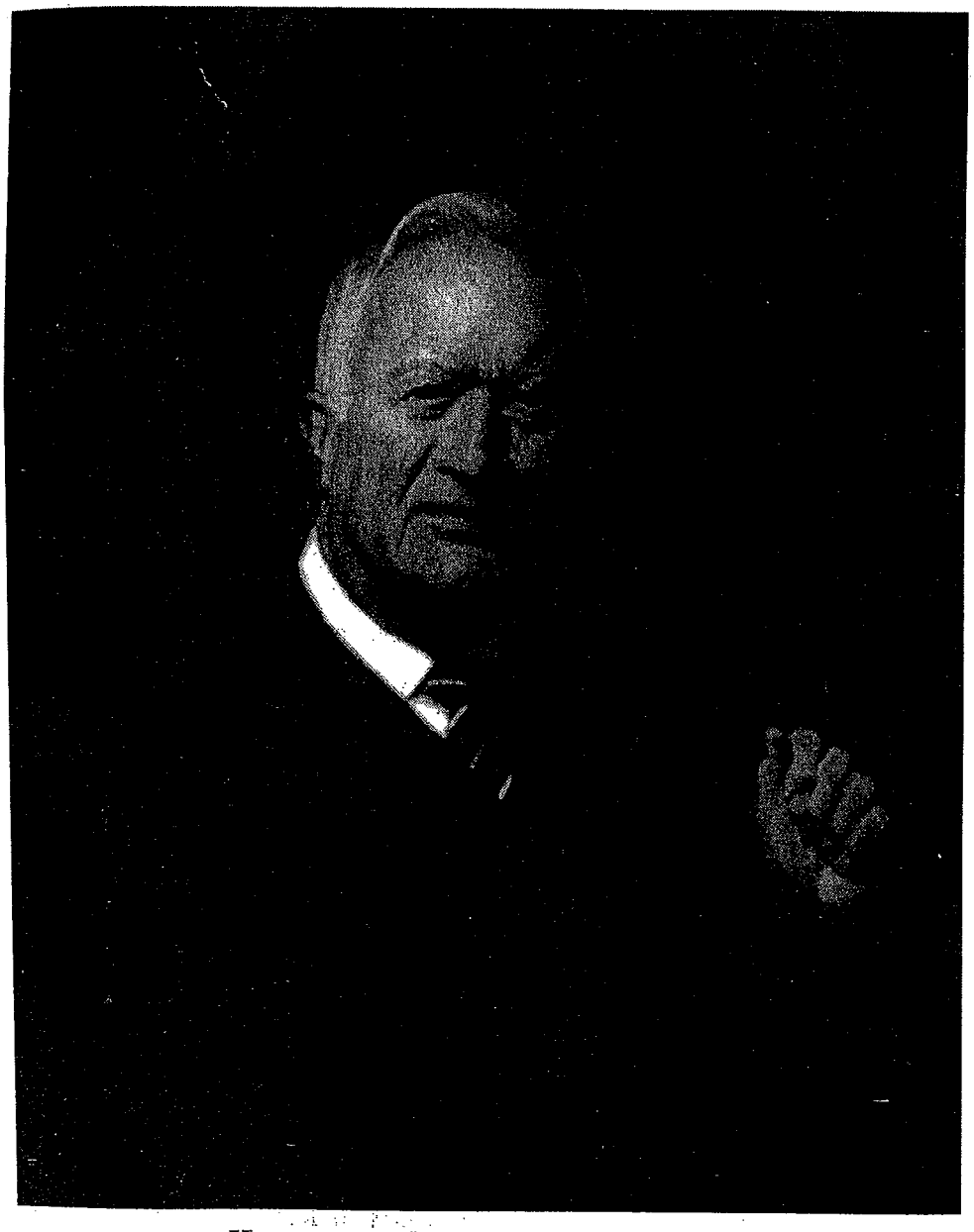
December 17, 1992
Washington, D.C.

Before:

THE HONORABLE ABNER J. MIKVA, CHIEF JUDGE
THE HONORABLE PATRICIA M. WALD
THE HONORABLE HARRY T. EDWARDS
THE HONORABLE RUTH BADER GINSBURG
THE HONORABLE LAURENCE H. SILBERMAN
THE HONORABLE STEPHEN F. WILLIAMS
THE HONORABLE DOUGLAS H. GINSBURG
THE HONORABLE DAVID B. SENTELLE
THE HONORABLE A. RAYMOND RANDOLPH
THE HONORABLE GEORGE E. MACKINNON, SENIOR JUDGE
Circuit Court Judges

Also Appearing:

THE HONORABLE WILLIAM P. BARR,
Attorney General of the United States
THE HONORABLE KENNETH W. STARR,
Solicitor General of the United States
RAMSAY D. POTTS, ESQUIRE,
Attorney at Law, Washington, D.C.
HAROLD H. KOH, ESQUIRE,
Professor of Law, Yale Law School
DAVID D. HILLER, ESQUIRE,
Attorney at Law, Chicago, Illinois
THE HONORABLE MALCOLM RICHARD WILKEY,
Honoree



HONORABLE MALCOLM R. WILKEY

Proceedings

JUDGE MIKVA: First let me welcome all of our colleagues from other courts, and distinguished members of the bar, and distinguished guests, and other friends of our honoree. This is a very special hanging that is going on in this court today: the hangee is alive and well, and we hope that he may even feel better after we have delivered judgment on him today.

When I came to this court, shortly after the Civil War, Judge Wilkey was already a seasoned jurist here. And his judging career was only the latest entry on a long list of prior engagements that he had already fulfilled, both private sector and public sector, everywhere from the W.P.A. to Kennecott Copper. Public and private, he had been a man of many, many causes, as you will hear from our speakers today.

A great essayist once proclaimed that "There is no man so good, who, were he to submit all his thoughts and actions to the laws, would not deserve hanging ten times over." And so while we could be hanging Ambassador Wilkey, or Prosecutor Wilkey, or Professor Wilkey, today we only hang Judge Wilkey. And it is a great pleasure for all of us on this court to participate in this ceremony and to welcome back our distinguished colleague.

Our first speaker today was supposed to be former Chief Justice Burger, who was our circuit justice during Judge Wilkey's tenure on this court. Unfortunately he is ill and he has asked me to read the following letter about Judge Wilkey.

> "Dear Abner: I profoundly regret that a severe bout with the 'Minnesota flu' prevents me from being present in person today for the unveiling of Malcolm Wilkey's portrait. I assured you last week that I would be present, but I underrated the vigor of the viral infection which I came down with on a recent visit to Minnesota.
>
> "I have had the privilege of knowing Malcolm for over 40 years. We first became acquainted when I was Assistant Attorney General and he was a United States Attorney in Texas. From there, as you know, he came to Washington, occupying the position of Assistant Attorney General in two different divisions. After his tenure at the Department of Justice, he became general counsel of Kennecott Copper Corporation, one of America's great corporations.

"Some twenty-three years ago, Malcolm pushed me off of the Court of Appeals and took my place, making it necessary for me to accept employment in another court in town. On a serious note, Malcolm's experience at the upper levels in both the private sector and the United States Government surely gave him a unique set of qualifications for a position in the Federal judiciary.

"After leaving the Court of Appeals, President Reagan appointed him to be the United States Ambassador to Uruguay. Most recently he occupied a position as a special prosecutor in the Department of Justice. Malcolm's conduct in that office reminds me of one of the attributes I admire most about him: he always conducts himself in strict accordance with the highest traditions and standards of the legal profession. He is not seen on television or in press conferences on courthouse steps, but rather influences the legal process through more distinguished and profound ways. His career has been an example to all of us.

"Please convey my regrets to Malcolm and my warm congratulations on his splendid career. Sincerely, Warren E. Burger."

Our first speaker then, today, will be the Attorney General of the United States, and former law clerk of Judge Wilkey, the Honorable William P. Barr. General Barr.

MR. BARR: May it please the court, judges, and distinguished guests, it is a real privilege for me to be able to join with all of you this afternoon to honor Judge Wilkey. I think it is fitting that as we sit here this afternoon, seven years after Judge Wilkey retired from the bench, we still find him actively engaged in service to the country.

As you know he has just completed his work on a very difficult and sensitive matter, the House Bank investigation, and he completed it with characteristic diligence and discretion and most characteristically, right on schedule.

It was very comforting to me over the summer when I was faced with this matter to have him come right from Montevideo, come into my office with a checklist of things that had to be done, and a schedule for doing it. I was comforted to know that at 0900 on 15 May, 1992, certain bench marks would be met, and sure enough they were all met, and last night I accepted his report.

All of those who were initially cynical or skeptical about this investigation to begin with have been won over by Judge Wilkey, and at least in private are extremely laudatory about the professionalism and the fairness with which he has handled this delicate inquiry.

Just a couple of days ago the F.B.I. agents who worked with the Judge on this project came by my office for me to thank them for their efforts, and during our meeting it was really those agents who ended up thanking me for the opportunity to work with Judge Wilkey. They were very frank to say that as F.B.I. agents they don't usually like this kind of special assignment, but they said that for all of them it really turned out to be one of the high points of their careers.

They said that they really learned a lot from the Judge, not just about how to conduct an investigation, but about judgment, about character, and fairness. It was obvious that in a very short time they had come to have great affection for Judge Wilkey. And this incident, as all his law clerks know, is typical.

It has been my privilege to know the Judge for over 16 years, and I still remember my first meeting with him, my interview for my clerkship. It is fair to say that I approached it with great trepidation. I was a night law student at G.W. I was working in the legislative shop at C.I.A., and I was sure that he was going to be grilling me about the latest legal developments and constitutional legal doctrines, and I'd actually done some brushing up so I appeared to be semi-literate in the law.

As I walked towards his desk, I saw this picture of George Patton and his commission, Judge Wilkey's commission in the Third Army, and I sort of tried a little diversion that I think General Patton may have appreciated. I said, oh, you served in the Third Army under General Patton. And he said, yes, what do you know about the Third Army?

And I proceeded to discuss it, and he proceeded to discuss for most of the interview the Third Army's campaigns and General Patton's campaigns in North Africa, and so forth. For some of you this may clear up a mystery how I ever got to be a clerk of Judge Wilkey's.

But this was my first indication that I was dealing with someone whose interests went far beyond the law. And while like all of you I am consistently impressed by Judge Wilkey's legal brilliance, I think that I have been even more impressed by the breadth of his knowledge, and his wisdom, and his interests. He is truly a renaissance man. And one of the finest memories I will always have is my year with my co-clerk, Al Lauber, our weekly Chinese lunches with Judge Wilkey.

I remember Al and I started going out every week to a Chinese restaurant. We said, well, gee, maybe the Judge would want to come along. We had the temerity to go into his office and ask him, and he said, sure. So from then on, every week we had our Chinese lunch and we sat and talked about everything under the sun

whether it be music, or history, or public affairs. It really was one of the most enjoyable times that I have ever had.

Serving as Judge Wilkey's law clerk was certainly a turning point for me, as I know it was for all of his other law clerks who are here today to honor him. Working with him helped to teach me not only how to think about the law, but also I observed first-hand the attributes that have made him such an exceptional public servant, and one that presidents have turned to time and time again for positions of trust and responsibility.

By his daily example he has taught us much about character, and judgment, and integrity. He has been a model for all of us, and it is only fitting that we gather here this afternoon to thank him in some small measure for that.

Goethe said that one is never satisfied with a portrait of a person that one knows. But those of us that have been privileged to know Judge Wilkey are nonetheless very satisfied on this occasion, because this portrait will remind generations of lawyers of the legacy which Judge Wilkey crafted in this building, and in this city.

So, Judge Wilkey, you have been a teacher, and a friend, and a mentor, and thank you for all that you have given us. God bless you and Emma as you continue your remarkable life together.

JUDGE MIKVA: Thank you, General Barr. Our next speaker is a former colleague of Judge Wilkey and of most of the people on this court, the distinguished Solicitor General of the United States, Kenneth Starr. General Starr.

MR. STARR: Judge Mikva, judges of the court, and other judges, guests, and friends of the Judge and Emma Wilkey. Samuel Johnson once observed to Boswell, and apropos of Chief Judge Mikva's remarks about the hanging, that a hanging wonderfully concentrates the mind. And he shared another Johnsonian gem with Boswell, which is that "we frequently stand more in need of being reminded than we do of education."

This afternoon as we are wonderfully concentrating our minds on the happy occasion of Malcolm's hanging, we are also reminding ourselves, and posterity, of the contributions and service of our esteemed friend. For me this is a very happy reminder, indeed, for Judge Wilkey, along with the then Acting Chief Judge of this great court, a beloved former colleague, J. Skelly Wright, were my first judicial contacts on this great court.

Both Skelly and Malcolm showed an extra measure of grace and warmth in welcoming this newcomer to the court in October of 1983. Judge Wilkey, in particular, went the extra mile not only in showing a baby judge the judicial ropes, but in granting me leave to steal away from his chambers, the invaluable Beverly Varley, who is also here today, to establish a new chambers organized on the

Wilkey model. And within short order not only did this new kid on the block have the privilege of sitting regularly with Judge Wilkey but also to be introduced to the remarkable and lovely Emma.

All this would surely be debt enough, but there is much more. Malcolm has remained ever the dear and trusted friend. Even early on in professional disagreements that we had on this court, such as in *Laker Airways*, and *Ramirez de Arellano*, Malcolm was the gentleman and the scholarly judge, energetic, forceful, passionate in his convictions, and persuasive in advancing those beliefs. Beyond his intellectual powers and his scholarship, the breadth and range of his learning and his interests were striking.

History was highly integral to Judge Wilkey's thinking. He saw and understood the great movements of history, yet he was mindful of the role of the individual and of the rule of law—the rule of law in the shaping of society.

But not everything was so dreadfully serious. One also recalls the chef salads in the judges' dining room, at 12 noon sharp, with Judge Tamm, may he rest in peace, presiding at the table and Mary Adams looking after us. The companionship, warmth, and camaraderie of that room were vitally important to an outgoing Kentuckian who had made Houston, and then Washington, New York, and then Washington, and now Santiago his home.

Folks that are fortunate enough to be raised in Kentucky, smart enough to be educated at Harvard, and then brilliant enough to move to the great state of Texas plainly have the soul of an explorer within them. The land of Daniel Boone and Henry Clay, and the adopted land of Davy Crockett and Sam Houston, saw Judge Wilkey grow and prosper professionally, but evidencing all the while what turned out to be an unfailing commitment to public service.

In the fullness of time, after his remarkable service here, it surprised none of us from that judges' dining room that the energetic Malcolm Wilkey would give up those wonderful walks in Cambridge at Wolfson's College with Emma and his dear friend, David Williams, chancellor at Cambridge, to take on ambassadorial duties and to promote the rule of law in the new democracies in Emma's home continent. And I was privileged to discover firsthand that promoting democracy in places like Punta del Este can be highly pleasant, as well as very fulfilling.

So, Malcolm and Emma, we salute you for your signal contributions to this court, to the country, and to the broader family of mankind. Malcolm has been a particularly integral part to what will be seen as a new era in the human history, and a happier era, one of freedom, democracy, and the rule of law spreading across the globe. That has been in no small measure due to Malcolm's devotion to what T.S. Eliot simply called "the permanent things."

So today's concentration of the minds at the hanging, done in admiration and friendship, serves not as education but as a reminder of the abiding values to Malcolm Wilkey of love of country, patriotic service to his country, and devotion to the rule of law. Thank you.

JUDGE MIKVA: Thank you, General Starr. Our next speaker will be Ramsay D. Potts, attorney at law, Washington, D.C.. Mr. Potts.

MR. POTTS: Judge Mikva, this illustrious honorable court, and friends, and judges in the audience, and Malcolm and Emma, it is such a privilege for me to be here today. I first met Malcolm when we entered the Harvard Law School together in 1946. Malcolm had already had an outstanding career as a soldier before he came to the law school.

He entered the Army in 1940, and rose from a second lieutenant to lieutenant colonel through six years of World War II. He had notable experiences in the Normandy Campaign and in the campaign across France, finally ending in sort of a climatic event, at the battle of the Ardennes, known colloquially as the Battle of the Bulge.

Malcolm was an artillery officer, and he had to see that these very large 150 millimeter guns, and others of a larger size, were lugged into place, properly sighted, and made to bear on the enemy. He participated in the siege of the citadel at Brest, which lasted 45 days. During that particular siege he was wounded and awarded the Purple Heart.

Although he was an artillery officer, his analytical abilities were called to the attention of his commanders and they gave him extra duty as an intelligence officer. At the Battle of the Bulge, he happened to be in Bastogne, which was the focal point for the enemy attack. He was ordered to lead his unit out of Bastogne and take up a position somewhere else so that they could still fight on.

He led that unit in the dead of night through a terrible, terrible icy, snowy night where you could hardly see in front of you, and successfully evacuated it to a site 12 miles away where they went into action again. Malcolm—through his analysis of the different reports that he was receiving, advised his division commander and his corps commander in such a way as to prevent the wrong deployment of a division.

I think, probably, in many ways that was a critical event in the American Army winning the Battle of the Bulge. For that he was commended by his division commander and by his corps commander.

When Malcolm and I were at the law school, we had a large number of talented professors, many of whom were quite egotisti-

cal and arrogant. One particular professor comes to mind, Professor Thomas Reed Powell. Powell was embittered because he had not been appointed to the Supreme Court and Felix Frankfurter had been. He was certain that he was a greater constitutional scholar than Frankfurter.

One day in his class, he called on a Mr. Harrison to report on a case. Mr. Harrison reported, and Professor Powell asked, who handed down that opinion? Who wrote that opinion? And Harrison said, well, Mr. Justice Douglas. Well, Mr. Harrison, did you know that Mr. Justice Douglas took a course in constitutional law from me? No, Professor, I didn't know that. Well, he did, and I was charitable, I gave him a "C."

Another professor who was highly talented and full of enormous nervous energy was a fellow named Barton Leach. Leach became a good friend, and one night at his house, after dinner, he asked me to come into his study which I did. As we got into his study he started weeping, sobbing, and I said, what is the matter? He said, I just had to tell somebody this. I've had to come to the conclusion that I am not a genius like Cardozo, and Holmes, and Brandeis, I'm merely brilliant.

Well, after law school Malcolm and I lost contact with each other, but then he came back to Washington. I was practicing here, and we resumed our friendship and had many, many wonderful evenings and discussions together. As you know, Malcolm is a great student of history and so our talks would range from subjects such as, was Gaius Marius a better general than Sulla? Did Texas come into the Union only because Andrew Jackson was a close friend of Sam Houston? And other arcane subjects like that. We talked with gusto and zest. I sometimes felt that the muse of history was whispering in Malcolm's ear and humming in his head.

Malcolm's style as a jurist is, I think, about as elegant as that of any judge that I have ever known. The *Laker* opinion is a case in point, full of very complicated issues. I have read that opinion several times just for pleasure and enlightenment. I would describe Malcolm's style as trenchant analysis of complex issues expressed in limpid prose.

So let us all here together celebrate Malcolm as a scholar, as a warrior, as a lawyer, as a jurist, as a statesman. Most of all, let us cherish his friendship and continue to enjoy the pleasure and delight of his company.

JUDGE MIKVA: Thank you, Mr. Potts. The next speaker will be Harold Koh, Professor of Law at Yale Law School, and a former law clerk of Judge Wilkey.

MR. KOH: Judge Wilkey, Emma, honored judges, guests. In my life, I have been blessed with many wonderful teachers, but only a few fathers: my late father, my father-in-law, and my

father-in-the-law, Judge Wilkey. I consider him so special, as all of his clerks do, not only because of what he taught us, or the kindness he showed us, but because of what he taught us about kindness: a father's kind of lesson.

I learned my first lesson from Judge Wilkey 14 years ago, when I met him during my clerkship interview. I had heard that Judge Wilkey was a conservative; indeed, some suggested that he might be more conservative than I. I wondered whether I might be subjected to a political litmus test. But in the first moment, Judge Wilkey said to me, "Harold, you know there are two things that I never ask any of my law clerks: their religion or their politics." And he never asked again, throughout that entire year. Thus, Judge Wilkey taught me my first lesson: that he is a man who cares not about ideology, but about character, how hard you work, how honest you are, how carefully you think.

My second lesson came only a few months later, after I had accepted the clerkship and was working as a summer associate at a Washington law firm. The first major guest that summer at the weekly firm luncheon was The Honorable Malcolm Wilkey, and I was the least important person in the room. Judge Wilkey was immediately surrounded by many of the powerful partners in the firm, who engaged him in conversation. But somehow, he spotted me over in the corner, cleared a path to me, and announced, "I just want all of you people to know how lucky you are to have this fine young fellow working for you!"

And then he announced that it was time for him to go back to the chambers, because he had work to do. But as he started to walk away, he gestured for me to follow. When we got outside he said, "Harold, I actually don't have any work to do; so why don't I take you out for a cup of coffee?" That taught me something else about this man; that for him, family comes first. Malcolm Wilkey is not the kind of person who shoves his subordinates aside when more important people are in the room.

My third lesson came during the clerkship year itself, when my co-clerk and I were both called for interviews by the same Supreme Court justice. My co-clerk was the more qualified applicant (and indeed, he got the clerkship) but what I will never forget is that when the Justice called Judge Wilkey and asked the question, "which of these two do you favor?" Judge Wilkey answered, "I don't choose among my clerks. I took them both and so should you." And that taught me that when it comes to family, Judge Wilkey does not play favorites.

I learned more from Judge Wilkey than just lessons about life. I learned lessons about law, and particularly about international law. In that regard I could not have had a better mentor, for Judge Wilkey was and is the most prominent international lawyer

to sit on the Federal bench in this century. He has actually had five careers, all of which have touched international law: as an ambassador, as a judge, as an arbitrator in private and business practice, and in government service, (where he attended in 1959 the International Conference on Judicial Remedies, where he met his dear wife, Emma). Judge Wilkey practiced international law on the ground as General Counsel of Kennecott Copper Corporation, as an editor of *The International Lawyer* journal, and in his most recent career as Ambassador to Uruguay. More than anyone, with the possible exception of my late father, Judge Wilkey has guided me in my own career in international law. (I know that is not a career that has given everybody in the room unvarnished pleasure, but all I can say is that that is another thing for which we can be grateful to Judge Wilkey.)

To measure Judge Wilkey's contributions one must remember how rare it is that someone who has left the bench more than seven years ago is still making important contributions to international law. A number of his cases have had lasting impact. A computer search conducted today reveals that four of his opinions are regularly cited. One, his opinion in *Pain v. United Technologies Corporation*, on *forum non conveniens* dismissal, has been cited nearly 150 times, and led to the Supreme Court's decision in *Piper Aircraft v. Reyno*. His decision in the case of *FTC v. Compagnie de Saint-Gobain-Pont-a-Mousson* on extraterritoriality, was the first case to apply the international law of jurisdiction in the manner proposed by the new Third Restatement on Foreign Relations Law. The question raised there is now prominently at issue before the Supreme Court in the *Hartford Fire Insurance* case. His famous and wonderful decision in the *Laker Airways v. Sabena* is still the classic opinion on conflicts of antitrust jurisdiction, and on the role of courts in dealing with antisuit injunctions.

My favorite Wilkey decision, *Ramirez de Arellano v. Weinberger*, is a case in which, I think, Judge Wilkey showed what being a judge is all about. That case, as you may recall, provoked a large conflict within this *en banc* court. It involved U.S. military action on a U.S. citizen's land in Honduras, Judge Wilkey wrote the dissent that provoked the *en banc* opinion, and later wrote the *en banc* opinion that declared the U.S. action illegal.

One of the dissenters said, "the judiciary, according to the majority (namely Judge Wilkey) believes it has some special charter to keep the Executive Branch in line." To which Judge Wilkey responded, "the judiciary does operate under some 'special charter' to help preserve the fundamental rights of this nation's citizens. That charter is commonly known as the U.S. Constitution."

I once saw a play called "I Never Sang For My Father." As a lawyer, I never had an opportunity to argue in front of Judge

Wilkey in this courtroom. Maybe someday all of us will have a chance to argue before Judge Wilkey at the International Court of Justice. But until then, we must settle for this wonderful portrait, which will be unveiled shortly. May it please the Court. Thank you.

JUDGE MIKVA: Thank you, Professor Koh. Our next speaker is another former law clerk to Judge Wilkey, and someone who did a great deal of the arranging for today's events, David Hiller, Esquire, attorney at law, Chicago, Illinois.

MR. HILLER: Thank you, Chief Judge Mikva, judges, Judge Wilkey, Mrs. Wilkey, friends, and guests. This is a joyous day for all of us who have been blessed with knowing the Judge and Mrs. Wilkey, whether as colleague, friend, family, or law clerk. As all of you who know them know, they don't readily make such distinctions. We've all been enriched by and enjoyed their enormous generosity, their friendship, their wisdom, their bountiful goodwill. It has been an extraordinary thing for all of us to know them.

I will relate one story about the Judge's unflappable graciousness. That was one day he had the—it turned out to be ill-judgement to ask me to take him to an important meeting across town. I was driving a Ford Pinto which was old even in 1978, and it had a problem with it's sun roof which was that it used to take in water. It was cold and the Judge, as always, was impeccably dressed, he had his trenchcoat on and, thankfully, also had his hat on.

I pulled up to a stop light, and, by my measurement, approximately a gallon and a half of ice cold water poured out of the roof and down the back of the Judge's collar. And with one of those inscrutable smiles, he just sort of looked over at me, said nothing, and I obviously had nothing to say, and on we drove.

I said all of us have benefitted, and perhaps none of us have benefitted more from knowing Emma and the Judge than the law clerks. There are 37 of us, and happily many are here today, and every one of the law clerks, given the indulgence of the court, which we won't ask, could have come and stood and told you personal stories. The Attorney General did, and Professor Koh, because each of us in a special way were touched by both the Judge and Emma, and we will never forget them for that.

And to show our appreciation to the Judge, and commemorate his service on the court, and his service to our country, the clerks asked Mr. Abrams, who is one of the country's foremost portrait artists to paint the Judge's portrait. I am hoping he is with us today although I have not seen him. There, as a self-effacing artist, far in the back, Mr. and Mrs. Abrams, welcome.

And as all of you know, capturing the essence of Judge Wilkey in a medium that doesn't move is not an easy matter. I believe you

will agree that Mr. Abrams has done a masterful job attempting to do that. So, Chief Judge Mikva, on behalf of all the judge's clerks, we would like to present this portrait of Judge Wilkey to the Court of Appeals. (Pause to unveil portrait.) (applause)

JUDGE MIKVA: Thank you, Mr. Hiller. The court receives the portrait with great enthusiasm, and it will hang in a prominent place in this courthouse. Judge Wilkey, the condemned man, is always entitled to the last word. We would love to hear from you.

JUDGE WILKEY: Chief Judge, may it please the court, I am not officially on the program here today, but as the subject of the portrait, and the portrait will speak for itself, I must rise to say a few words, not to add to these overly generous, warm, and witty words of my friends who have already spoken. I couldn't do that, and certainly I wouldn't try to refute it. I'll just let the record stand as made.

But I want to say words of thanks to those of you, all of you here who have made this wonderful event possible. First of all to those who originated the idea, my law clerk and secretary, and to those 37 law clerks who carried it out, by that I mean David Hiller, and Al Lauber, and the others who sponsored the portrait to present to the court today. We are eternally grateful to them. We are grateful to Chief Judge Mikva and the court for this very moving—for us, Emma and me—very moving ceremony.

I am grateful, Mr. Chief Judge, to Chief Justice Burger for that warm letter. Warren Burger, as he said in his letter, has been my friend for almost 40 years since we served in the Eisenhower administration as appointees of President Eisenhower. And then I had the great honor and privilege of taking his seat on the bench, which is occupied today by one of you. You can figure out later which.

And my thanks to the Attorney General, Bill Barr, whose outstanding talents brought him to the attention, and to several offices by appointment, of two presidents—after I picked him as my law clerk. And to Ken Starr, my colleague in my happy closing years on the bench here, I am grateful for your participation. We had some epochal cases in that limited time that we were together.

And to Ramsay Potts, my colleague, who together we went through the rigors of those three years at the Harvard Law School. We had in those days also shared the experiences, he in the air and I on the ground, of the great experience we had been through in Europe. I would like to tell you about Ramsay Potts' exploits in The War. Mine were feeble compared to what he did.

And to Harold Koh, who has achieved such preeminence in a very short time in the academic world. And Harold was one of the 15 of my law clerks who served in the administration of three of

our recent presidents and now is stirring up business in the Justice Department.

And to retiring Herbert Abrams, over in the corner there, thanks to him for this wonderful portrait. You did such a marvelous job considering the poor material you had to work with.

And to all of you who came to be with Emma and me today. Some of you came from a long distance away, and we are very grateful. And some of you here today, like my friend Ed Butler, and like Judge MacKinnon on the bench, were here when I took the oath of office for this service for 15 years on this court. I thank you all. (applause)

JUDGE MIKVA: Thank you, Judge Wilkey, for inspiring the kind of enthusiasm that was demonstrated here today. The court, and I'm sure, Judge Wilkey, invites everybody to take a closer look at the portrait. There will be a reception in the judges' dining room after you have had a chance to look at the portrait. The marshal will now adjourn the court.

THE MARSHAL: Please stand. This honorable court has adjourned until Friday morning, 9:30 a.m.

(Whereupon, at 4:45 p.m., the ceremony was concluded.)