

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Presentation of Portrait

of

THE HONORABLE WILLIAM B. BRYANT

Chief Judge

The above-entitled matter came on before THE HONORABLE
JOHN LEWIS SMITH, JR., Acting Chief Judge.

Washington, D. C.

Friday, April 18, 1980

Proceedings

JUDGE SMITH: Good afternoon, ladies and gentlemen.

On this pleasant occasion we are honored by the presence of Acting Chief Judge Spottswood Robinson of our Circuit Court of Appeals and his colleagues, Chief Judge Newman of the District of Columbia Court of Appeals and members of his court, Chief Judge Moultrie and many of the judges of the Superior Court of the District of Columbia, former Chief Judge Reilly of the D.C. Court of Appeals, and also the Honorable Wade McCree, Solicitor General of the United States.

Also present are officials of the District Government, members of the bar, Judge Bryant's former law clerks, and many friends.

Seated directly in front of us is Judge Bryant's lovely wife, Astaire, and with her is their daughter, Penny, a teacher and diagnostician with the Montgomery County Schools, and their son, Chip, a Development Officer with the Neighborhood Reinvestment Corporation in San Francisco, California.

I might say that Chip arrived just a few minutes ago. I am sure it is a great surprise and a pleasant one for his father.

Also present are Mr. and Mrs. Edward H. Jones, II, a nephew and niece of the Judge's, and his aunts, Mrs. Josephine Edwards and Mrs. Nettie E. Woods.

At this time I have the privilege of recognizing the former Chief Judge and now Senior Judge of the United States Court of Appeals for this circuit, the Honorable David Bazelon.

JUDGE BAZELON: Judges and friends: The great hope of our system of government is that it can inspire hope. However slowly, it can reach each generation with its progress toward goals that are worth pursuing. And, from time to time, it can attract the very best minds and hearts to apply their fresh vision and energy to push us ever closer to the goal. In their own personal stories, these exceptional leaders encourage us all to keep on believing, working, and persevering. Judge William Bryant is such a man.

Even before I knew him personally, I wanted to know Bill Bryant. In the courtroom, I was struck not only by his sharp

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intellect, sincerity, and candor, but I noticed a very distinctive dignity—a quality that combines humility, wisdom, and purpose. His every move invited confidence. Once I told him I thought he ought to be a judge. He laughed, modestly. Now, we enjoy reminiscing about it together.

But I wasn't the only one to spot Bill's talent early on. As Bill worked his way through school as a construction worker, Ralph Bunche also tapped his abilities as a research assistant.

Charles Hamilton Houston, a name known to all who cherish freedom, drew Bill into private law practice after Bill's service in the army and in the United States Attorney's Office. Charles Houston was a Dean of Bill's alma mater, the Howard Law School, before becoming lead counsel for the NAACP. He had a vision of the professional standards that could produce successful litigation against racism countenanced by law. Judge Spottswood Robinson once said, "When you played on Charlie's team, the experience inevitably became a postgraduate course in how to do it right." Bill Bryant was a stellar participant in that course. Bill has always been superior. He has defied any limits on the pursuit for equal justice. He has done so at the bar and on the bench. Like Ralph Bunche and Charles Houston, Bill's role models and dear friends, Bill Bryant exudes dignity in his commitment to respect and dignity of all other human beings.

In private practice, for example, Bill never declined to handle assigned cases—and you remember, in those days court-appointed counsel were not compensated. He was in truth a dedicated advocate. At great personal sacrifice, Bill devoted hundreds of hours to assigned cases. One such case was *Mallory v. United States* [354 U.S. 449, 77 S.Ct. 1356, 1 L.Ed.2d 1479]. The police did not bring Mallory before a committing magistrate for over seven and one-half hours after he was arrested. Bill argued to our court that the police should not arrest anyone on mere suspicion, hoping only that once they have him at headquarters, they can obtain something to justify the arrest. He convinced only one of us on the panel, so he took the case to the Supreme Court. There Bill persuaded all nine Justices. And Justice Frankfurter wrote one of the landmark decisions in the criminal law revolution of the fifties and sixties.

As a District Court Judge and as a member of the Court of Appeals by designation, Bill has sought to achieve justice and to preserve the dignity of the individual in cases covering the

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whole spectrum of private and criminal law. To each opinion he has brought his unusual intellectual powers, as well as his commitment to thorough treatment of the issues and his unfaltering compassion.

His District Court decision in *Campbell v. McGruder* [416 F. Supp. 100, 106, 111] is just one example. A group of prisoners incarcerated in the District of Columbia Jail brought a class action seeking relief against overcrowded, inhumane conditions at the facility. Bill, typically, wanted to visit the jail to get all the facts. Officials and everyone warned him that his life would be in danger. But he went anyway. As it turned out, the prisoners, who knew his reputation for fairness, welcomed him. He saw the sickening facts. He entered an order against overcrowding.

Bill Bryant is a district judge *par excellence*. I cannot imagine anybody better qualified to be a Chief Judge, a leader of bench and bar. He is learned; he is also streetwise. He comes from the roots of this city. Discrimination has not embittered him. He has seen through it and beyond it. He knows the people. He knows the problems of the law and problems of society. And he pursues justice in the finest tradition of our legal craft. He elevates the institutions, the organizations, and the people that he touches. He is a magnificent colleague, a very dear friend, and an inspiring leader.

By dedicating this portrait, we honor here today not only Bill, but also his wife, Astaire, and his entire family and friends who have supported him. This courthouse has long been enlivened by Bill's presence, and now he brings a special warm dignity to its walls. In short, humankind is blessed by Bill's pursuit of equal justice for all. We ask God to give him many more happy and productive years.

JUDGE SMITH: Thank you, Judge Bazelon.

It is now my pleasure to recognize Dean Wiley Branton of Howard University Law School.

DEAN BRANTON: Thank you, Judge Smith.

May it please the Court, distinguished members of the bench and bar, ladies and gentlemen: The distance from Wetumpka, Alabama, where William Benson Bryant was born in the early days of this century, is a lot longer than the thousand or so miles from here to there, particularly for a young black boy born in this country at that time.

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His family moved him to Washington, D.C., where he was reared and graduated from Dunbar High School. He went on to Howard University, where he matriculated as an undergraduate and won outstanding honors. Then he entered the Howard University School of Law, where he graduated in 1936 as the highest ranking student in his class.

I had the privilege the other day, Bill, of pulling, your student file and taking a look through it. Other than to say that times must have been mighty hard in those days, I was pleased to note that you were getting letters of commendation even in your second year of law school from such distinguished people as William E. Taylor and the late Dean Leon Ransom. Later you received letters of commendation from Dean George M. Johnson, who became dean, I believe, after you graduated.

Judge Bryant joined the Howard law faculty immediately upon graduation and served as a law faculty member until 1943 when he was called to active duty in the United States Army.

Entering the army as a First Lieutenant, he was honorably discharged as a Lieutenant Colonel.

Prior to joining the service, he was engaged in extensive research work with the late Dr. Ralph Bunche, who was one of the collaborators with Gunnar Myrdal in the writing of one of the most authoritative works on social problems in the United States, "American Dilemma".

He had a distinguished career as a private practitioner of the law and in serving as an Assistant United States Attorney.

Following his investiture as a United States District Judge for the District of Columbia in August of 1965, he accepted an appointment just two weeks later as an adjunct professor of law at Howard, teaching Trial Advocacy, and he has served in that role continuously ever since.

He works with perhaps one of the most distinguished trial-advocacy teams that any law school could put together, for serving with him he has such persons as Judge Luke Moore of the Superior Court, Julian Dugas, George Windsor, and Judge Shellie Bowers. When they permit me, I try to join them under the guise of teaching myself, but I'll tell you very frankly, I'm really there as a student, because I learn more under Bill Bryant than I'm ever able to teach.

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I know personally that the students who study Trial Advocacy under Judge Bryant dearly love and respect him.

I don't know how he does it with his other duties, particularly with his duties at the court, but during the fall semester, he's generally there from 9:00 in the morning until 12:00 or 1:00 o'clock every Saturday. And in the spring semester when we have moot court trials, he's frequently there from 9:00 in the morning until 5:00 or 6:00 in the afternoon. And sometimes I try to urge him to take a break and have a little lunch or relax or something.

Those of us who know him pretty well know that he is a very, very witty person. And he can draw analogies that you would never read about in books, but he certainly gets the message across. He's very good at that.

I can recall about the time he was being nominated to serve on the United States District Court. President Lyndon Johnson decided to get a number of people together. This was a time when many African countries were winning their independence. So they called out the presidential yacht and invited a number of ambassadors and foreign dignitaries from Africa and a few Americans, including one William Benson Bryant. I don't think President Johnson knew him personally at that time, but President Johnson was going around introducing himself and asking the various people where they were from. They would say, "Well, I'm from Nigeria, I'm from Liberia, and I'm from Zambia," and different places of Africa. And he walked over to Bill Bryant and said, "I'm Lyndon Johnson. Where are you from?" Bill said (whispering), "Wetumpka, Alabama."

He also has some witty sayings that he gets across to the students in class. I recall one day when he was talking about students preparing themselves to be true advocates of the law, he made the expression, "If you don't prepare yourself any better than that, you will be a walking travesty of the Sixth Amendment."

On another occasion when he was telling students to try and keep control of their case and everything about it, he said, "If you don't, it's like going bear hunting and giving the bear your gun."

Then I recall him on another occasion telling students they ought to be careful about who they associate with and who they really take into confidence. He said this: "Don't let the camel

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stick his nose in your tent. If you do, the rest of him is not too far to follow."

And, then, finally, he would tell students, "After you look at the facts, and after you look at the law, you have to ask yourselves, 'Is it right? Is it right?'"

Bill Bryant, Howard Law School is proud of you because you've always asked that question. "Is it right?" And if the answer was in the negative, you've always dared to provide the right answer.

Thank you.

JUDGE SMITH: Thank you, Dean Branton.

Next, I have the pleasure of introducing William C. Gardner, Esq. of Houston and Gardner. He was Judge Bryant's former law partner of many years. Mr. Gardner.

MR. GARDNER: Honorable Judges, distinguished guests and friends of Judge Bryant: I am especially privileged to be able to join in this tribute of affection and honor to Judge Bryant. To me he has been as a brother. So what remarks I have to say may be made out of an overfull heart.

I am not going to undertake to make any assessment or evaluation of what his contribution has been to the law. I will only say that Judge Bryant, both as a lawyer and a judge, has always been mindful that laws have practical human consequences, that laws affect real people, and that laws have to be enforced by real people.

I don't think that any resolution of a legal controversy would ever commend itself to him unless it appealed to his common sense, as well as to his intellect.

I think some remarks can be made about him in another vein. One of those remarks, I'm confident can be made, is that however great he may be deemed to be as a judge over time, he will have been greater as a man.

It's unfortunate that the means of measuring a man as a man are possessed only by those who know him, and that they are mortal. They can't pass on to posterity those private measurements that they make. And it may well be that that might have been a factor in prompting somebody a long time ago to say that he would give more for a single picture of a man than for all of the words that had ever been written about him.

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And I think that you'll find some justification for that opinion in the painting that we have here today. If that suggests that I've peeped at it, that happens to be a fact. But I think that you fairly will find that the painter has not concealed and has not obscured the man. I think you will find the whole man there. His personality emerges from the canvas. I think you will see the straightforwardness, the modesty, the civility and the humor. To me, they're all there. But it's a pity that the canvas can't talk. Even the most gifted artist presents his subject only to the imaginative eyes of the viewers, but those who know him know that Judge Bryant is a fabulous talker. Not that he overwhelms you with words or that he monopolizes the conversation, but he does dominate, and he dominates by pleasing and by delighting. His humor, his style, and his range make him the center of the group, both as a listener and as a talker.

I suppose, if I were to live forever, I would always recall the years we spent together in the practice of law. His passion for work, his great sense of humor and his neverfailing charm made him a good companion over many, many long hours of collaboration. I never in all of those years glimpsed an element of anything in him that was mean or petty.

I suppose that of all of the roles that he has played—and he has played many—of all of the roles, my favorite of him was that of the gifted advocate. And I tell you, there was none better. How he could seduce and beguile a jury with an electrifying argument or dazzling phrase. There was none better. But yet he had the understanding to know that there was a greater aim of the advocate, greater than just seducing a jury. He knew that at the end of the road there was the doing of justice. And he knew that the well-turned phrase often said less than the truth. As a matter of fact, it often obscured the truth. So he recognized a higher aim of truthfinding, and he served that aim well as an advocate.

I suppose that no appreciation of Judge Bryant, however brief or fragmentary, can omit a reference to his family life with Mrs. Bryant and their two children. I became convinced, early on, that Mrs. Bryant and his companionship with her were the chief sources of his good spirits and his sparkle. And I'm even more convinced of that today.

A law professor, yes, but a man as well. A judge, yes, but a man as well. And it is that man that many from all walks of

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life have come to love so well. I wish for him many years in which to continue his public service.

Thank you.

JUDGE SMITH: Thank you, Mr. Gardner.

It is now my pleasure to recognize Robert P. Watkins, Esq., a partner in the law firm of Williams and Connolly, and a former law clerk to Judge Bryant.

MR. WATKINS: Solicitor General McCree, judges, distinguished guests, friends, relatives and law clerks: I was very pleased to have been asked to speak at this occasion. I was one of Judge Bryant's law clerks in 1968.

And I would like to tell you a story about him that I am sure other law clerks will recognize.

Very early in my clerkship, after a hearing on a motion to suppress evidence in a criminal case, Judge Bryant came into my office, took off his robe, sat down, put his feet up on my desk and said, "What do you think of X", one of the propositions that a lawyer in the hearing was propounding. I answered. Then he said, "What do you think of Y", another fact in the case that I had not thought about. I answered again. He said, "What do you think of Z?" I answered again. And this conversation went back and forth for about an hour with no resolution. Judge Bryant got up and left my office. At that point I realized that I had some legal research to do.

On many occasions during my clerkship, conversations like this occurred. They would always begin with Judge Bryant coming into my office, taking off his robe, sitting down, putting his feet up on my desk and saying, "What do you think of this?"

When I look back at these conversations, I realize that Judge Bryant knew the answers to the questions that he was asking. And I'm sure his other law clerks have had the same experience. He was guiding me and teaching me how to approach legal problems.

These conversations have had a profound effect on my legal career. And it calls to mind something that I read, when I was in college, by Henry Adams. He said, "A teacher affects eternity. He can never tell where his influence stops."

Indeed, Judge Bryant has affected me and I am sure all of his other law clerks. I know that for having spent a year or so being

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his law clerk, I am a better lawyer. But, more importantly, I think and hope that I am a better person.

On behalf of myself and your other law clerks, I thank you.

JUDGE SMITH: Thank you, Mr. Watkins.

Next, it is a pleasure to recognize Henry F. Greene, Esq., Director of Superior Court Operations in the United States Attorney's Office, and also a former law clerk to Judge Bryant.

MR. GREENE: Thank you, Judge Smith.

Judge Bryant, Mrs. Bryant, Chip, Penny, Judge Bryant's many friends and colleagues, and members of the court: Nearly twelve years ago in a generally pessimistic forecast for the remainder of our century, a national magazine devoted a single article to what it declared to be "twenty-seven people worth saving" in an otherwise gloomy world. The editors wrote of these men and women:

"It is odd that people still speak of man's 'inhumanity' to man as if there were something unusual in it, as if love and generosity were to be found everywhere and cruelty some sort of freakish behavior foreign to the species. It's really the other way around, isn't it? If the human race is salvageable and in fact worth saving, it is not because of any lovable traits that we exhibit en masse, but because there are some, a few, individuals who give evidence that selfless behavior is not a genetic impossibility. Nobody knows exactly how many there are of them; we offer twenty-seven examples here in the hope that if the great originator of all this is thinking of wiping it out and starting over, he may, for a while at least, stay his hand."

One judge of one court in the United States was selected for this unusual recognition, and indeed, was at the top of the list of 27, as he is at the top of the list of all who have been greatly privileged to know him and be his friend: Judge William Bryant.

I do not know if we owe the great originator's forbearance with us all in staying his hand these last twelve years to the service which Judge Bryant has rendered to this court and his nation. With all that is amiss amongst us in these times, I sometimes do wonder if he is telling us, "Watch out. Judge Bryant will retire one of these days." And then I begin to hope that senior judges possess the same authority to administer salvation as their active brethren.

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Putting such speculations aside, of one thing I am quite confident: That knowing Judge Bryant, working with him, even appearing before him and losing—as so many of my colleagues in the United States Attorney's Office so often complain about—invariably leaves one richer and more confident in the fundamental values that transcend the law and the courtroom, and matter most: Decency and respect for the rights of our fellow human beings.

It is with the deepest feelings of pride and affection that I have the honor to present to this court today, on behalf of Judge Bryant's law clerks and many friends, a portrait of him painted by Don Stivers of Wilton, Connecticut. Mr. Stivers, unfortunately, is not with us in Washington today, but he has expressed to me his personal pleasure with his work, and those of Judge Bryant's law clerks and former law partners, who have already sneaked a look at the painting, believe that it helps to capture the essence of the most human being any of us have known.

Judge Smith, I would ask that Mrs. Bryant and Judge Bryant's daughter, Penny, please step forward and unveil the portrait.

(Mrs. Bryant and Penny unveiling the portrait.)

JUDGE SMITH: On behalf of the court and my colleagues, it is a pleasure to accept this handsome portrait of our distinguished and esteemed Chief Judge. I have never met a person who didn't like and respect Bill Bryant. The remarks here today and the crowd are testimonials to the high regard in which Judge Bryant is held by the bench, the bar, and the entire community.

Bill, would you say a few words?

CHIEF JUDGE BRYANT: Judge Smith: Ever since I found out that this ceremony was to take place, I have been apprehensive about the fact that if anybody came to attend, I would probably choke up and not be able to say anything. Well, that's exactly what has happened to me.

When I look around and see all of you, my immediate family, my extended family of law clerks, my wonderful colleagues and my many, many, many wonderful friends, I can say only, "Thank you. Thank you. Thank you very much. I am really choked up. Thank you very much."

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JUDGE SMITH: Ladies and gentlemen, there will be a reception in the Jurors Lounge on the Fourth Floor of the courthouse immediately following this ceremony. Everyone is invited.

The marshal will adjourn court.

(Whereupon, at 4:45 P.M. the above-entitled matter was adjourned.)

CERTIFICATE OF REPORTER

This record is certified by the undersigned reporter for the United States District Court for the District of Columbia to be the official transcript of the proceedings indicated.

/s/ Phyllis Merana