

INTRODUCTION OF
JUDGE WILLIAM HOLLOWAY, JR.

SOVEREIGNTY SYMPOSIUM, JUNE 7, 1995

The Honorable Robert H. Henry

When Thomas Jefferson was appointed Ambassador to France upon the retiring of Ben Franklin, it is said that the following occurred. A nobleman inquired, "Oh, you must be Dr. Franklin's replacement." "No," Jefferson responded, "I am Dr. Franklin's successor. No one can replace Benjamin Franklin."

I feel the same way about Judge Bill Holloway. Son of one of the most gifted and capable of our founders of Oklahoma, the late Governor William J. Holloway, Sr., Judge Holloway has carried his family's tradition of service to new heights. A graduate of Harvard Law School, he served with distinction in the United States Department of Justice before practicing in Oklahoma City. He was appointed by President Johnson as a United States Circuit Judge of the Tenth Circuit on September 16, 1968. He served as Chief Judge of the Tenth Circuit from September 1984 until September 1991. In 1988, Judge Holloway received the Oklahoma Bar Association's President's Award for his 20 years of judicial service. In 1991, he received a Humanitarian Award from the Oklahoma City Region of the National Conference of Christians and Jews. In August 1991, (upon my nomination, I am proud to claim) an honorary Doctor of Laws Degree was conferred on Judge Holloway by Oklahoma City University; Justice Byron White came from Washington to keynote this important event.

Judge Holloway married Helen Hoehn, the daughter of Mr. and Mrs. William F. Hoehn of Enid, Oklahoma, in 1963. They have a son, William J. Holloway III, and a daughter, Eleanor Gentry Holloway. Judge Holloway is a member of St. Luke's United Methodist Church of Oklahoma, Phi Gamma Delta fraternity, the American Law Institute, and

the American, Oklahoma, Oklahoma County, and Federal Bar Associations.

Judge Holloway has written notable opinions in many areas, but especially in criminal law, First Amendment jurisprudence, and Indian law. Though his questioning from the bench may be direct, he is more known for his omnipresent politeness and kindness, and his gentle wit.

Judge Holloway is the James Browne of the Federal Judiciary: the hardest working senior judge in America. Despite taking senior status several years ago, Judge Holloway still comes to work every Saturday, driving his 1979 Buick Century, with a century and a half of miles on it, where he prepares lunch for his clerks (and an occasional visiting baby judge). He has taken a special interest in Indian law and his opinions have protected vital interests of the tribes.

One of the Judge's opinions of special interest to this conference is *Jicarilla Apache Tribe v. Cecil D. Andrus et al.*, 687 F.2d 1324 (10th Cir. 1982). At page 1332, Judge Holloway forcefully points out how Department of Interior regulations, as well as treaties and statutes, should be interpreted:

We are convinced, however, that the plain, mandatory terms of the regulations do not leave room for deference to this interpretation, which does not serve the interest of the Indians. If there is any doubt, the interpretation should be made liberally in favor of the Indians for whose protection these provisions were promulgated. *Antoine v. Washington*, 420 U.S. 194, 199–200, 95 S. Ct. 944, 948, 43 L. Ed. 2d 129; *Bryan v. Itasca County*, 426 U.S. 373, 392, 96 S. Ct. 2102, 2112, 48 L. Ed. 2d 710. This rule of construction pertaining to statutes and treaties should also govern the interpretation of the regulations.

Carefully affirming notions of tribal sovereignty, he also states: “And *Santa Clara Pueblo*, 436 U.S. at 60, 98 S. Ct. at 1678, reminds us that a proper respect for tribal sovereignty itself and for the plenary authority of Congress in this area ‘cautions that we tread lightly in the absence of clear indications of legislative intent [to waive tribal sovereignty immunity].’”

One of the most thorough judges in America, a Holloway opinion is as carefully written as they come. The Law achieves its most noble purpose in his hands. Let me put it this way—if I or a member of my

2015] *1995 Intro for Sovereignty Symposium* **171**

family, God forbid, ever got in trouble with the law, I'd hope that our appeal went to Bill Holloway—unless we were wrong!