

1 MR. VON CREEL: This is an interview with Senior  
2 United States Circuit Judge William J. Holloway, Jr., of the  
3 United States Court of Appeals for the Tenth Circuit. The  
4 interview is being conducted June 13, 2012 in Judge Holloway's  
5 chambers, and is part of the project for a history of the  
6 United States District Court for the Western District of  
7 Oklahoma.

8 Judge Holloway, thank you very much, very much for  
9 sharing this time with us.

10 HONORABLE WILLIAM J. HOLLOWAY: I'm happy to do it.

11 MR. VON CREEL: I wonder if you might tell us a  
12 little bit about your family background, your mother and  
13 father.

14 HONORABLE WILLIAM J. HOLLOWAY: I will be happy to.  
15 As you may know, I am 88 years old, so I have to reach back a  
16 long way to remember things.

17 MR. VON CREEL: Yes, sir.

18 HONORABLE WILLIAM J. HOLLOWAY: My father was born in  
19 Arkadelphia, Arkansas, and lived there until he moved to Hugo,  
20 Oklahoma. My mother was born in Paducah, Kentucky, and moved  
21 when she was about three years old to Texarkana, Arkansas.

22 They didn't meet, my father and mother, in the early  
23 years. The superintendent of schools in Hugo was a very dear  
24 friend of my father, and that is Henry Garland Bennett, the  
25 esteemed president of the Oklahoma A&M College, now Oklahoma

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[*Editor's note:* Above and following is an interview with Judge William J. Holloway, Jr., on June 30, 2012, for the project documenting the history of the United States District Court for the Western District of Oklahoma. Professor Emeritus Von Russell Creel conducted the interview.]

1 State University.

2           A humorous little story that you may be interested  
3 in, when the people at Hugo were having some recruiting done  
4 for new teachers, Superintendent Bennett, and my father was  
5 principal of the high school, conferred together, and they were  
6 leafing through the pictures, and my father saw a woman that he  
7 was very interested in, and said, "Let's employ her," and that  
8 was my mother, who came from Texarkana, where she lived, to  
9 Hugo, and taught school.

10           MR. VON CREEL: I believe your father, while he was  
11 superintendent, read law?

12           HONORABLE WILLIAM J. HOLLOWAY: Yes.

13           MR. VON CREEL: And studied for a time at the  
14 University of Chicago?

15           HONORABLE WILLIAM J. HOLLOWAY: Well, he got his law  
16 degree from Cumberland University, in Tennessee.

17           MR. VON CREEL: He was then State Senator from --

18           HONORABLE WILLIAM J. HOLLOWAY: He was.

19           MR. VON CREEL: -- Choctaw, Pushmataha, and McCurtain  
20 counties; is that correct?

21           HONORABLE WILLIAM J. HOLLOWAY: That's correct.

22           MR. VON CREEL: And then was elected Lieutenant  
23 Governor in 1926?

24           HONORABLE WILLIAM J. HOLLOWAY: That's correct.

25           MR. VON CREEL: When he took office as Lieutenant

1 Governor in 1927, did you continue to live in Hugo at that  
2 time, or did you move to Oklahoma City?

3 HONORABLE WILLIAM J. HOLLOWAY: He felt that, well,  
4 when he was elected to be Lieutenant Governor, that he ought to  
5 live in Oklahoma City to do the job more properly, so we all  
6 moved in January of 1927, as you said, and we moved to  
7 Northeast 17th Street, 905, I believe, was the address.

8 MR. VON CREEL: So you were about eight or so --

9 HONORABLE WILLIAM J. HOLLOWAY: I was about three-  
10 and-a-half. I was born in Hugo in 1923.

11 MR. VON CREEL: Do you have any recollections of  
12 Hugo, coming to Oklahoma City at such a young age?

13 HONORABLE WILLIAM J. HOLLOWAY: No, I really don't.  
14 I was so young that I don't. I remember living in Lincoln  
15 Terrace, the residential area where we moved, but I don't have  
16 a recollection of Hugo.

17 MR. VON CREEL: Then in 1929, you moved to the  
18 Governor's mansion when your father succeeded to the  
19 governorship?

20 HONORABLE WILLIAM J. HOLLOWAY: We did, that's right.

21 MR. VON CREEL: You were the second family; is that  
22 correct? Did Governor Johnston's family live in the mansion?

23 HONORABLE WILLIAM J. HOLLOWAY: They did. They only  
24 lived there for about six months, and then they moved, after  
25 the impeachment of Governor Johnston, and we moved in.

1 MR. VON CREEL: Do you remember living in the  
2 mansion?  
3 HONORABLE WILLIAM J. HOLLOWAY: I do. I remember it  
4 vividly.  
5 MR. VON CREEL: What was 23rd Street like at that  
6 time?  
7 HONORABLE WILLIAM J. HOLLOWAY: Well, not too  
8 terribly different. It wasn't nearly as developed as it is  
9 now, but about the same.  
10 MR. VON CREEL: What schools did you attend?  
11 HONORABLE WILLIAM J. HOLLOWAY: I went first to  
12 Culbertson Grade School, and then I went to Lincoln Grade  
13 School, then Webster Junior High School. Then we moved to  
14 Crown Heights in Oklahoma City, and I transferred to Harding  
15 Junior High School.  
16 MR. VON CREEL: After your father left the Governor's  
17 office, I know he was very involved in politics through the  
18 years, as well as his law practice, did he consider running for  
19 office anymore?  
20 HONORABLE WILLIAM J. HOLLOWAY: No, he really didn't.  
21 There were some good friends who urged him to run for the  
22 United States Senate, but he said he had to put me through  
23 school, so he practiced, and he didn't seek office again.  
24 MR. VON CREEL: You attended Classen High School, I  
25 believe?

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1 HONORABLE WILLIAM J. HOLLOWAY: Correct.

2 MR. VON CREEL: You were a debator, I think?

3 HONORABLE WILLIAM J. HOLLOWAY: Yes.

4 MR. VON CREEL: A very successful debator, and you  
5 went to Nationals?

6 HONORABLE WILLIAM J. HOLLOWAY: \*\* (Judge Holloway,  
7 please correct my errors here!): \*\*well, we had Marjorie Rosen  
8 and I and others. And our team included Admiral William J.  
9 Crowe, the subsequent Chairman of the Joint Chiefs of Staff for  
10 the military. Yes, we did.

11 MR. VON CREEL: With your father's involvement in the  
12 civic life of the state, and very active in that regard, any  
13 particular Oklahomans that you met of prominence that you would  
14 care to mention?

15 HONORABLE WILLIAM J. HOLLOWAY: Surely. Of course,  
16 Mike Monroney was one of the very important ones, because he  
17 was very much important in my appointment, as was Carl Albert.  
18 I met Mr. Albert when he was Majority Leader for the House, and  
19 then, of course, he became Speaker, the highest office, I  
20 believe, that has been held by an Oklahoman, Speaker of the  
21 House.

22 MR. VON CREEL: Your debate coach at Classen, I  
23 believe, was a very well-known and highly regarded man, "Pop"  
24 Grady?

25 HONORABLE WILLIAM J. HOLLOWAY: That's correct,

1 Mr. Charles "Pop" Grady.

2 MR. VON CREEL: Then college, did you have OU in mind  
3 at all times?

4 HONORABLE WILLIAM J. HOLLOWAY: I did. I thought  
5 that I would go to the University of Oklahoma. I was, however,  
6 very interested in Harvard University, because of its fine  
7 reputation. Therefore, after my service in World War II, I  
8 applied for, and went with Burton Wood and James Gibbons, the  
9 three of us went to Harvard Law School in 1948.

10 MR. VON CREEL: Now, you started at OU in the fall of  
11 '41, would that be correct?

12 HONORABLE WILLIAM J. HOLLOWAY: Yes, that would be  
13 right.

14 MR. VON CREEL: Dr. Bizzell was still president of OU  
15 at that time?

16 HONORABLE WILLIAM J. HOLLOWAY: Yes, he surely was.

17 MR. VON CREEL: Do you recall any particular  
18 professors that you would care to mention from OU during those  
19 years?

20 HONORABLE WILLIAM J. HOLLOWAY: Of course, I do. I  
21 remember Dr. \*(spelling) Leek, the government professor; and  
22 Professor \*(spelling) Dan Cortez Ewing, who was a very fine  
23 government professor; and \*(spelling) Blithinstouffer was an  
24 English professor that I really thought very highly of.

25 MR. VON CREEL: Did you have Dr. \*\*(spelling)

1 wortzbaugh, by any chance?

2 HONORABLE WILLIAM J. HOLLOWAY: No, I didn't have  
3 Dr. \*wortzbaugh.

4 MR. VON CREEL: Well, Dr. \*leak, as you say, he was a  
5 true gentleman.

6 HONORABLE WILLIAM J. HOLLOWAY: He was.

7 MR. VON CREEL: And a fine scholar.

8 HONORABLE WILLIAM J. HOLLOWAY: He was a wonderful,  
9 fine professor.

10 MR. VON CREEL: Of course you were then at OU when  
11 Pearl Harbor occurred?

12 HONORABLE WILLIAM J. HOLLOWAY: Yes, that's correct.

13 MR. VON CREEL: What were you doing when you learned  
14 of the attack on Pearl Harbor?

15 HONORABLE WILLIAM J. HOLLOWAY: I was coming down the  
16 stairs to go to get lunch on that Sunday afternoon, with Burton  
17 Wood, a dear friend of mine. As we got to the lower floor in  
18 our fraternity house, they said that Pearl Harbor has been  
19 bombed. That was the first we knew of it, of course. So it  
20 was an electrifying day.

21 MR. VON CREEL: What fraternity were you in?

22 HONORABLE WILLIAM J. HOLLOWAY: Phi Gamma Delta.

23 MR. VON CREEL: Now, what occurred during this time?  
24 Did you stay in college for a while, doing officer training?

25 HONORABLE WILLIAM J. HOLLOWAY: I did. I was called

1 up in May of 1943 for service, and went to the University of  
2 Wisconsin, where I was in an Army specialized training program.  
3 Then, from there, I went through Infantry Officer Candidate  
4 School at Fort Benning, Georgia. Later, I was an instructor at  
5 the Infantry School at Ft. Benning for about a year, almost a  
6 year. Then I was shipped to Germany, West Germany, a beautiful  
7 little community called \*(spelling) Bogdavilla, which I  
8 remember vividly. I enjoyed so much the work that I had in the  
9 headquarters of the Third Infantry Division, and was there for  
10 about a year. I ended up as an Aide-de-Camp to the commanding  
11 general, General Schmidt, of the Third Infantry Division. Then  
12 the Army was closing down, and I was released in August of  
13 1946.

14 MR. VON CREEL: Then you returned to OU to complete  
15 your baccalaureate degree?

16 HONORABLE WILLIAM J. HOLLOWAY: Well, I had gotten my  
17 degree. Between the time that I was called up, I had gotten my  
18 undergraduate degree from the University.

19 MR. VON CREEL: And then Harvard Law School?

20 HONORABLE WILLIAM J. HOLLOWAY: Harvard Law School in  
21 '48 until '50.

22 MR. VON CREEL: Mr. Gibbons was a member of your  
23 class again?

24 HONORABLE WILLIAM J. HOLLOWAY: He surely was. Jim  
25 was one of my close friends; Burton Wood, as well, and the



1 three of us were at Harvard Law School together.

2 MR. VON CREEL: Senator Ted Stevens was a member of  
3 that class; is that correct?

4 HONORABLE WILLIAM J. HOLLOWAY: He was. He was,  
5 indeed.

6 MR. VON CREEL: Judge John Gibbons, from the Third  
7 Circuit?

8 HONORABLE WILLIAM J. HOLLOWAY: John Gibbons, from  
9 the Third Circuit, correct.

10 MR. VON CREEL: Would you like to share any  
11 recollections of Harvard Law School?

12 HONORABLE WILLIAM J. HOLLOWAY: I enjoyed very much  
13 participating in the Ames Competition, it is called. It is  
14 moot court arguments. I participated in that. We were  
15 successful to get to the finals, which we didn't prevail in,  
16 but, anyway, I remember that. Justice Black came from the  
17 Supreme Court to preside, with two other judges, in our finals  
18 appearance.

19 MR. VON CREEL: Was Mr. Gibbons your partner?

20 HONORABLE WILLIAM J. HOLLOWAY: He was. He was,  
21 indeed. Jim and I argued the final case, which we didn't win,  
22 but Justice Black announced from the bench that it was a  
23 divided court. He never told who was the dissenter, but in any  
24 event, there was a supposed disagreement among the panel about  
25 who should win.

1 MR. VON CREEL: From the time you thought about being  
2 a lawyer, Harvard Law School was perhaps your goal?

3 HONORABLE WILLIAM J. HOLLOWAY: It was. It was,  
4 indeed. Right.

5 MR. VON CREEL: Finishing Harvard, the Justice  
6 Department, was that your first employment?

7 HONORABLE WILLIAM J. HOLLOWAY: No, I went back to  
8 Oklahoma City, and practiced with my father and my uncle,  
9 \*Stephen Holloway.

10 Then, I went from there to the Department of Justice,  
11 in January, I believe it was, of 1951, where I was in the  
12 General Litigation Section of the Claims Division in the  
13 Department. I enjoyed that work immensely. It was very  
14 interesting.

15 MR. VON CREEL: Who was the Attorney General when you  
16 went to the Justice Department? Was McGrath still there?

17 HONORABLE WILLIAM J. HOLLOWAY: McGrath, yes, that's  
18 correct.

19 MR. VON CREEL: There was at least another young  
20 lawyer, "William" lawyer, in the Justice Department?

21 HONORABLE WILLIAM J. HOLLOWAY: Yes, that's right,  
22 Rehnquist.

23 MR. VON CREEL: Justice Rehnquist.

24 HONORABLE WILLIAM J. HOLLOWAY: He became Justice of  
25 the Court, and then Chief Justice.

1 MR. VON CREEL: Did you have any work on the \*Steel  
2 Seizure case?

3 HONORABLE WILLIAM J. HOLLOWAY: I did. I helped to  
4 draft sections of the brief for the government.

5 MR. VON CREEL: So you were at the Justice Department  
6 for two years?

7 HONORABLE WILLIAM J. HOLLOWAY: I was there for two  
8 years. Then I was successful in seeking a position to  
9 practice, and did practice, then, with the firm of \*Embry Crowe  
10 Tolbert Boxley & Johnson.

11 MR. VON CREEL: How large was the Crowe firm when you  
12 joined it?

13 HONORABLE WILLIAM J. HOLLOWAY: Fourteen. I think I  
14 was the 14th lawyer appointed. Of course, not all were  
15 partners, there were about eight of us that were not partners;  
16 the others, about six, were.

17 MR. VON CREEL: Mr. Embry was still alive at the  
18 time?

19 HONORABLE WILLIAM J. HOLLOWAY: He was, John Embry  
20 still was. He was one of the early United States Attorneys for  
21 Oklahoma, you may know.

22 MR. VON CREEL: And Mr. Tolbert?

23 HONORABLE WILLIAM J. HOLLOWAY: Raymond Tolbert was  
24 there, and V.P. Crowe, Calvin Boxley, John Swinford, and Fred  
25 Dunlevy were all in the firm.

1 MR. VON CREEL: So Mr. Thweatt had not come at that  
2 time?  
3 HONORABLE WILLIAM J. HOLLOWAY: He had. He was there  
4 when I was there. Harold came, yeah.  
5 MR. VON CREEL: Now, I guess Mr. Crowe was, in  
6 today's terminology, a "litigator"?  
7 HONORABLE WILLIAM J. HOLLOWAY: He surely was.  
8 MR. VON CREEL: You worked on some cases with him?  
9 HONORABLE WILLIAM J. HOLLOWAY: Very much so, I did.  
10 MR. VON CREEL: You worked on the trial of Justice  
11 Welch, in the Eastern District?  
12 HONORABLE WILLIAM J. HOLLOWAY: I wasn't very  
13 prominent in that at all. Mr. Crowe had some other attorneys  
14 lined up, specializing in the criminal work on that case, and  
15 so I did some work, but not very much.  
16 MR. VON CREEL: I believe you were involved in some  
17 litigation involving blue laws, and Sunday closings, for the  
18 firm?  
19 HONORABLE WILLIAM J. HOLLOWAY: Yes, that's true.  
20 MR. VON CREEL: It is amazing how the Crowe firm has  
21 grown from 14 to its size today.  
22 HONORABLE WILLIAM J. HOLLOWAY: It is. Well, of  
23 course they have offices in Norman, and Tulsa, and, of course,  
24 here, a large office, but other firms have also exploded. My  
25 goodness, McAfee & Taft is a huge firm now, a very fine,

1 prominent firm.

2 MR. VON CREEL: Yes, and McAfee is so much younger  
3 than the Crowe firm. It is amazing how large it has become.

4 HONORABLE WILLIAM J. HOLLOWAY: Yes, it is.  
5 Absolutely, yes.

6 MR. VON CREEL: Mr. Crowe had Robert Crowe, a  
7 brother, and --

8 HONORABLE WILLIAM J. HOLLOWAY: He did, and W.E. I  
9 think there were four brothers, and then one sister, and she  
10 lived in Enid, I believe. Vincil lived in Enid before he came  
11 to Oklahoma City. He ran for Congress there; he didn't  
12 prevail.

13 MR. VON CREEL: In 1955, Justice Ben Arnold of the  
14 State Supreme Court, passed away, and the Governor appointed  
15 District Judge Alfred Hunt, from Oklahoma and Canadian  
16 Counties, to succeed Judge Arnold, obviously making a vacancy  
17 in the district court here. Your name was mentioned  
18 prominently with regard to that judgeship. Was that because  
19 you were interested, or some reporter just mentioned your name  
20 as being interested in it?

21 HONORABLE WILLIAM J. HOLLOWAY: I made it known that  
22 I was very interested in the appointment, but it didn't work  
23 out. Judge Daugherty was appointed, a very splendid judge. He  
24 was appointed, I guess it was in about '55.

25 MR. VON CREEL: Justice Arnold died in late September

1 of '55, and the appointment was in mid-October of '55.  
2 HONORABLE WILLIAM J. HOLLOWAY: Right.  
3 MR. VON CREEL: Governor Raymond Gary was Governor at  
4 the time?  
5 HONORABLE WILLIAM J. HOLLOWAY: Yes.  
6 MR. VON CREEL: If I may ask, had you and your dad  
7 supported Governor Gary against Bill \*Crowe?  
8 HONORABLE WILLIAM J. HOLLOWAY: Yes, we did.  
9 MR. VON CREEL: So it wasn't surprising that your  
10 name might be thought as a possible appointment to the  
11 position?  
12 HONORABLE WILLIAM J. HOLLOWAY: To the district  
13 court, yeah, right.  
14 MR. VON CREEL: Then there is a federal district  
15 court vacancy.  
16 HONORABLE WILLIAM J. HOLLOWAY: Yes.  
17 MR. VON CREEL: And your name is mentioned again.  
18 Judge Daughtery's name is mentioned again.  
19 HONORABLE WILLIAM J. HOLLOWAY: He was appointed,  
20 yes, a very fine, wonderful judge.  
21 MR. VON CREEL: The Tenth Circuit appointment, now,  
22 that was a new judgeship; is that correct?  
23 HONORABLE WILLIAM J. HOLLOWAY: That's correct.  
24 There were six judges on the court, and then the caseload was  
25 felt to justify another one. So, in the Summer of 1968, there

1 was a seventh Court of Appeals' position created, right.

2 MR. VON CREEL: Oklahoma was fortunate enough to

3 secure that appointment.

4 As you say, in 1968, we are in the midst of a

5 presidential election nationwide?

6 HONORABLE WILLIAM J. HOLLOWAY: Right.

7 MR. VON CREEL: And a United States Senate election

8 in Oklahoma?

9 HONORABLE WILLIAM J. HOLLOWAY: Right.

10 MR. VON CREEL: And I guess the agreement, basically,

11 between Senator Monroney and Senator Harris was that this would

12 be Senator Monroney's appointment?

13 HONORABLE WILLIAM J. HOLLOWAY: I believe that's the

14 way it worked out.

15 MR. VON CREEL: At the time that your name is

16 mentioned, former Governor Bellmon is running for the Senate

17 against Senator Monroney, and there is one newspaper story

18 where he raises questions about your appointment, because you

19 are Chairman of the Volunteers for Monroney, I believe?

20 HONORABLE WILLIAM J. HOLLOWAY: Yes.

21 MR. VON CREEL: I'm sure you recall that.

22 HONORABLE WILLIAM J. HOLLOWAY: I do.

23 MR. VON CREEL: You mentioned earlier Senator

24 Monroney. Does the connection go to your father? Did he

25 support Senator Monroney when he first ran for Congress?

1 HONORABLE WILLIAM J. HOLLOWAY: He supported him when  
2 he was running for Congress, yes.

3 MR. VON CREEL: I guess you all supported Senator  
4 Monroney against Senator Thomas?

5 HONORABLE WILLIAM J. HOLLOWAY: No, no, my father had  
6 a long-time commitment to Senator Elmer Thomas, and honored  
7 that. I was not very active in that campaign, but later, of  
8 course, Monroney prevailed, and became a very prominent  
9 Senator, particularly on aviation matters. We have the center  
10 here named for him, you know.

11 MR. VON CREEL: Yes, sir.

12 You did a little bit of work for Senator Monroney on  
13 a labor law matter for a few months after he had obviously gone  
14 to the Senate at some point in time?

15 HONORABLE WILLIAM J. HOLLOWAY: I had forgotten that  
16 particular part of my work.

17 MR. VON CREEL: Well, Senator Monroney selects you,  
18 and your name goes to the Senate. First, I would like to ask:  
19 Did you have any relationship with Senator Bellmon after going  
20 on the bench?

21 HONORABLE WILLIAM J. HOLLOWAY: Yes, very cordial,  
22 but I wasn't an intimate friend of his. I just had not known  
23 Senator Bellmon, who, of course, became Governor, too.

24 MR. VON CREEL: Your hearing before the Senate  
25 Judiciary Committee, a little bit different, perhaps, than



1 hearings before the Judiciary Committee today. Senator  
2 McClellan, was that the ---  
3 HONORABLE WILLIAM J. HOLLOWAY: It was very  
4 fortunate, my father is from Arkansas, Senator McClellan's home  
5 state, and they were very intimate friends, good friends, and  
6 he was very courteous and kind to me during the hearing.  
7 Senator Fred Harris presented me to the Senate  
8 Judiciary Committee for my hearing, because Senator Monroney  
9 was down here campaigning, and could not be there for the  
10 hearing.  
11 MR. VON CREEL: The hearing was, what, less than an  
12 hour, maybe?  
13 HONORABLE WILLIAM J. HOLLOWAY: Less than ten  
14 minutes.  
15 MR. VON CREEL: Senator McClellan, I believe, asked  
16 about your dad, how the Governor was?  
17 HONORABLE WILLIAM J. HOLLOWAY: Yes, he did. Then he  
18 said, "This is one nomination I surely can recommend for  
19 appointment to the President."  
20 At that time, there was turmoil about the naming of  
21 Justice Fortas to maybe be Chief Justice. And, as I recall,  
22 that was quite a contentious period in the Senate's history.  
23 MR. VON CREEL: You made it through the confirmation  
24 hearing.  
25 HONORABLE WILLIAM J. HOLLOWAY: I did.

1 MR. VON CREEL: And were commissioned in September?

2 HONORABLE WILLIAM J. HOLLOWAY: In September. I was  
3 sworn in on September 26th, I believe, it is on my commission.

4 MR. VON CREEL: Sworn in here in Oklahoma City?

5 HONORABLE WILLIAM J. HOLLOWAY: I was sworn in here  
6 by Judge Murrah, in a ceremony in this building.

7 MR. VON CREEL: And sent to court about the next day  
8 in Wichita, I believe?

9 HONORABLE WILLIAM J. HOLLOWAY: I was sworn in on  
10 Thursday afternoon about three o'clock, and flew up to Wichita  
11 that night with Judge Murrah, and sat the next day, on Friday.  
12 It was the first day that I had sat.

13 MR. VON CREEL: Your colleagues at that time, Judge  
14 Murrah --

15 HONORABLE WILLIAM J. HOLLOWAY: -- Judge Pickett,  
16 Judge Breitenstein, Judge Lewis, and Judge Hickey, from  
17 Wyoming.

18 MR. VON CREEL: And Judge Hill?

19 HONORABLE WILLIAM J. HOLLOWAY: Pardon me, yes,  
20 indeed, Judge Delmas Hill, from Kansas, and Judge Seth, from  
21 New Mexico.

22 MR. VON CREEL: A seven-judge court at the time.

23 HONORABLE WILLIAM J. HOLLOWAY: When I was sworn in,  
24 it became a seven-judge court, active judges.

25 MR. VON CREEL: I guess Judge Phillips was still

1 alive at the time?

2 HONORABLE WILLIAM J. HOLLOWAY: He was. I sat  
3 several times with Judge Phillips. Orie Phillips was a  
4 distinguished, wonderful judge. He came from New Mexico, but  
5 he moved to Denver when he became Chief Judge.

6 MR. VON CREEL: So, counting senior status, some 45  
7 years on the circuit?

8 HONORABLE WILLIAM J. HOLLOWAY: I'm sure he did; I  
9 have not calculated that.

10 MR. VON CREEL: A long tenure.

11 HONORABLE WILLIAM J. HOLLOWAY: Yes, indeed.

12 MR. VON CREEL: I noticed a number of news articles  
13 when you were first on the circuit, sitting on three-judge  
14 courts, at a time when the three-judge statute required more  
15 cases to be heard by three-judge courts than today.

16 HONORABLE WILLIAM J. HOLLOWAY: It did.

17 MR. VON CREEL: Any thoughts on the three-judge court  
18 statute? Do you think it was better as it was not originally  
19 written, but at the time you first went on the court, or more  
20 limited for three-judge cases now?

21 HONORABLE WILLIAM J. HOLLOWAY: I sort of favored the  
22 way it was earlier, because it seems to me that you have a  
23 contribution to the decision process by a circuit judge, which  
24 is helpful. There are two district judges on the panel, and  
25 then there is a circuit judge. I think the combination of the

1 study of the issue by the three of them is favorable, I do.  
2 But now it is limited to civil rights cases, I believe, and one  
3 other, legislative apportionment.

4 We just had one decided this week, or last week, in  
5 Kansas, where Chief Judge Briscoe was on the panel.

6 MR. VON CREEL: Five opinions, perhaps, that you  
7 would consider the most important in your career, whether  
8 concurring or dissenting, or for the court?

9 HONORABLE WILLIAM J. HOLLOWAY: Well, I think the  
10 most important one, and the most pleasant one for me, was  
11 *Moritz v. The Commissioner*, reported at 469 F.2d 466. That is  
12 a 1972 opinion, holding that discrimination against men in tax  
13 deductions was invalid, and under the sex discrimination  
14 principles, which were announced in our opinion there, were  
15 invalidated, the discrimination. So, that is one of the ones.

16 Particularly, I remember it very pleasantly, because  
17 the attorney arguing the case for the taxpayer was Ruth Bader  
18 Ginsburg, Justice of the Supreme Court today. She and her  
19 husband both argued; I remember it vividly. They both argued.

20 MR. VON CREEL: Justice Walter Shaefer, of the  
21 Illinois Supreme Court, many, many years ago, said one time  
22 that a judge, when deciding a case, is impartial, unbiased, not  
23 prejudiced, objective. When the judge writes the opinion, the  
24 judge becomes an advocate. Do you consider opinions to be  
25 instruments of advocacy, instruction, explanation, some

1 combination?

2 HONORABLE WILLIAM J. HOLLOWAY: I think sort of a mix  
3 of all of the things you mentioned, right. But you do become  
4 an advocate, and perhaps you should. Once you have decided the  
5 principal ruling in the case, then it is entirely proper at  
6 that point, I think, for you to speak out and argue the case,  
7 so to speak, for that viewpoint.

8 MR. VON CREEL: Not only do you tell your reader what  
9 you are deciding, but you hope to convince the reader that it  
10 is correct.

11 HONORABLE WILLIAM J. HOLLOWAY: It is right, that's  
12 correct.

13 MR. VON CREEL: You were interested in trial  
14 judgeships at certain points in your career. Your career path  
15 takes you a different way, to an appellate judgeship.

16 HONORABLE WILLIAM J. HOLLOWAY: Right.

17 MR. VON CREEL: Is one, do you think, a more  
18 challenging judgeship than the other? And if so, why?

19 HONORABLE WILLIAM J. HOLLOWAY: Well, each of them  
20 has an important function. For example, a Court of Appeals  
21 appellate judge has more authority; when our opinions are  
22 announced, they are precedent for the whole circuit. There are  
23 precedential arguments for them across the country for the  
24 federal law point being decided. But, on the other hand, the  
25 facts are terribly important, and a trial judge really -- I

1 think I have heard it said by Judge Aldisert of the Third  
2 Circuit, I have heard him tell the story that he told the Chief  
3 Justice: You don't have any more power than a single federal  
4 trial judge, because he decides the facts, and there is rules  
5 of deference to the fact-finding that are very significant.

6 MR. VON CREEL: You mentioned precedence. I guess  
7 every circuit now has a rule that some opinions are basically  
8 of non-precedential weight or value, just for rule of the case,  
9 preclusion issues. Do you think that is a sound rule?

10 HONORABLE WILLIAM J. HOLLOWAY: I do not. I think  
11 not. And I have long opposed the rule that you not publish or  
12 cite an unpublished opinion. I remember Chief Judge Lewis  
13 saying, "After all, there is facts, there is law to be decided,  
14 and it is there, so why shouldn't it be respected and treated  
15 like a precedent," and I think it should. I just think it  
16 should. You can't ignore the fact.

17 In fact, I remember now that one time one of our  
18 judges from New Mexico told a clerk of our Court, "If I had  
19 known about this so-called non-precedential decision, it would  
20 have changed my ruling completely." It seems to me it is  
21 unfair that people have a rule that can't be invoked in their  
22 behalf. If it is there, and it applies to their case and on  
23 the facts, it should be permitted to be cited.

24 MR. VON CREEL: Franklin Roosevelt said that your  
25 generation had a "rendezvous with destiny." Tom Brokaw

1 described it as the "greatest generation." Thoughts about  
2 being a member of the greatest generation, the generation that  
3 had a rendezvous with destiny?

4 HONORABLE WILLIAM J. HOLLOWAY: Of course, there were  
5 dramatic things about World War II and about the Great  
6 Depression, but every era has an important function to play in  
7 American history. So I don't think we should overly  
8 concentrate on one generation, or one part of American history.  
9 I am reading a book right now by Justice Breyer, "Making Our  
10 Democracy Work," and it points out how very many eras in time  
11 have been important in American history, from the Dred Scott  
12 decision, from Marbury and Madison on, and he reviews quite a  
13 number of cases, ends up with Bush v. Gore, which, of course,  
14 was a momentous decision, deciding who would be President..

15 MR. VON CREEL: With regard to the World War II  
16 generation, and the Great Depression generation, I remember  
17 seeing an article, and there was a ceremony for newly  
18 naturalized citizens when Judge Vaught was district judge. The  
19 story mentions that remarks were made by a debator from Classen  
20 named William J. Holloway, Jr., and that this young student  
21 said that the young people of the nation were ready to meet any  
22 challenges of the time and that if, for example, war came, then  
23 that generation would respond. This was after the war had  
24 begun in Europe, but before American entry.

25 HONORABLE WILLIAM J. HOLLOWAY: Right.

1 MR. VON CREEL: Do you recall that?  
2 HONORABLE WILLIAM J. HOLLOWAY: I really don't. I am  
3 sorry, but I don't.  
4 MR. VON CREEL: I thought that was a very wonderful  
5 story.  
6 HONORABLE WILLIAM J. HOLLOWAY: Oh, goodness, yeah.  
7 MR. VON CREEL: Any remembrances of Judge Vaught?  
8 HONORABLE WILLIAM J. HOLLOWAY: I remember him  
9 vividly. We were members of the same church. And he was very  
10 prominent. He and my mother and father were very good friends,  
11 and the Vaught class was one of the very nice Sunday School  
12 classes at our church.  
13 MR. VON CREEL: Is that St. Luke's?  
14 HONORABLE WILLIAM J. HOLLOWAY: St. Luke's United  
15 Methodist Church, that's correct.  
16 MR. VON CREEL: Judge Risley, I guess, was on the  
17 bench while you were practicing?  
18 HONORABLE WILLIAM J. HOLLOWAY: He sure was. He was  
19 a very close friend of my father's. Then I was a very good  
20 friend of his younger generation, and his son, Bob Risley, I  
21 knew him very well.  
22 MR. VON CREEL: I guess, actually, you practiced some  
23 maybe before Judge Daugherty.  
24 HONORABLE WILLIAM J. HOLLOWAY: I did.  
25 MR. VON CREEL: Perhaps state court and federal



1 court.

2 HONORABLE WILLIAM J. HOLLOWAY: Both, correct.

3 MR. VON CREEL: Judge Eubanks?

4 HONORABLE WILLIAM J. HOLLOWAY: Luther Eubanks, a  
5 wonderful friend and splendid judge.

6 MR. VON CREEL: Judge, again, I want to thank you  
7 very, very much for taking this time from your schedule to  
8 participate in this project, and I appreciate it very, very  
9 much.

10 HONORABLE WILLIAM J. HOLLOWAY: I'm glad to have the  
11 opportunity and am grateful to you and the organization that  
12 sponsors this. I hope it contributes to an understanding of  
13 the era.

14 MR. VON CREEL: It definitely will.

15 HONORABLE WILLIAM J. HOLLOWAY: Thank you, Von.

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