



Historical Society of the District of Columbia Circuit

Newsletter #26

January 2016

RECENT HIGHLIGHTS

SEPARATION OF POWERS AND THE INDEPENDENT COUNSEL: *MORRISON V. OLSON* REVISITED

If you missed the Society's October 28, 2015, program, including the re-enactment of the separation of powers arguments in *Morrison v. Olson* by Theodore B. Olson and Catherine Stetson before Senior Judge Laurence H. Silberman, you can [view it now in its entirety on the Society's website](#).



SOLICITOR GENERAL VERRILLI ADDRESSES LAW CLERKS

The Historical Society's Law Clerk Initiative hosted a reception – its second – for over 200 current and former law clerks and their judges on November 16, 2015. Solicitor General Donald B. Verrilli, Jr. entertained the group by describing how he managed to land a clerkship with Judge J. Skelly Wright in 1983.



JUST AHEAD

THE SOCIETY'S MOCK COURT PROGRAM

The 11th Mock Court Program for high school students, one of the Society's signature events, will be held on March 11, 2016. We expect well over 100 students, 10 judges, and at least 25 volunteer attorney mentors to participate. Each student will present a short argument to one of the judges of the Court of Appeals or District Court after meeting in advance with a mentor who will help with the preparation. Mentors and judges who participated in prior years attest to getting as much personal satisfaction from mentoring the students and hearing their arguments as the students receive from this unique and rewarding educational experience.

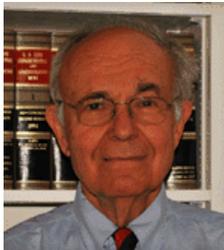
To volunteer as a mentor, contact Jim Rocap at jrocap@steptoe.com.



INTRODUCING.....

D.C. ATTORNEY BRUCE TERRIS.....IN HIS OWN WORDS

Can an advocate shape the law more than a Supreme Court justice can? If his name is [Bruce Terris](#), "Almost yes." Early in his career, as an aide to Solicitor General Archibald Cox, Terris convinced Cox to argue for one-man, one-vote in the Tennessee reapportionment case *Baker v. Carr* in the Supreme Court even though Cox, after his argument prevailed, said the Court was wrong. Later, still years ago, when with the National Crime Commission, Terris presciently identified the police/community problems that plague us today. In private practice, he won pioneering victories in employment discrimination and environmental protection cases and helped create the idea of public interest law.



Terris' gifted, clear recounting in his [oral history](#) of issues he addressed in litigation over the years shows why he came out on top. Credit also goes to interviewer Steve Steinbach, who did a superb job of structuring the topics and asking the right questions. Both demonstrate how valuable oral histories can be to recounting the history of an era.



GENEVIEVE BESKE: THE SOCIETY'S FIRST INTERN

Genevieve Beske, a junior at Walt Whitman High School with a 3.98 unweighted GPA, is pursuing her interest in U.S. history by reading oral histories taken by the Society and writing for our website short articles highlighting significant events in which the interviewees played a part.

A young woman of many talents, Genevieve lived with a host family in Salamanca, Spain for a month this past summer where she studied Spanish – a language she is learning along with Russian. After years on the soccer field, Genevieve's current passion is whitewater kayaking; she recently perfected her hand roll and can be found on the Potomac several days a week. When indoors, she can spend hours working with her grandfather identifying new species of tilefish in an ichthyology lab.

MORE FROM THE SOCIETY'S ORAL HISTORIES

Judge Gerhard Gesell was no stranger to the spotlight by the time he presided over the Pentagon Papers case in 1971. Decades earlier, as a young lawyer in Washington D.C., he participated in the controversial post-war congressional inquiry into who was at fault for allowing the sneak attack at Pearl Harbor. He talked about this in the oral history he gave to the Historical Society, providing fascinating insight into the inner workings of the American political system. [Read more.](#)



While U.S. Attorneys offices are today generally button down operations, John Aldock had the great fortune to work in the U.S. Attorney's Office for the District of Columbia in the "Flannery Era." The office then, as now, provided a wonderful opportunity for trial practice, but it also had a wild side unlikely to be found in a U.S. Attorney's office today. Indeed, in Aldock's recounting it is reminiscent of the Wild West in its glory day. Justice generally prevailed though some of the creative actions taken then are inconceivable now, e.g., AUSAs on weekend duty dispensing "common law" divorces, issuing restraining orders, and awarding child custody, all in the name of fostering community peace. [Read more.](#)



IN SEARCH OF WRITERS

You can help the Society preserve and publicize the history of the D.C. Circuit Courts and their judges by writing an article. We are building an archives on our website featuring writings that highlight significant, poignant, and amusing moments in the Circuit's history. We invite you to contribute.

History doesn't have to be old. Write about an experience you had in the courts or interactions you had with a judge or advocate you knew. Or, write about a case you researched. Or about any part of the courts' history that interests you. You, and your subject, can become part of history.

Aim for about 1,500 words or less. Visit our [website](#) to see articles already posted.

A SLIGHT MAKE-OVER

We have been adding historical content to the Society's website with increasing frequency. In line with these efforts, we have made some incremental changes to the design of the website, which we hope will make it easier to navigate and understand. Visit our home page and our [History of the D.C. Circuit Courts pages.](#)

A MYSTERY

Why did Judge Joseph Raymond Jackson, who was never appointed to the U.S. District Court for the District of Columbia appear in two official photographs of the Court? [Read this article.](#)



ON DISPLAY: THE PORTRAIT OF JUDGE LUTHER YOUNGDAHL

[LUTHER YOUNGDAHL](#), popular three-term governor of Minnesota, was a U.S. District Judge who served as a voice of reason and restraint during the McCarthy Era. Born in 1896, Youngdahl was one of ten children of a Minneapolis grocer. After serving in World War I, he



obtained his law degree in Minnesota in 1921. Youngdahl worked for the city attorney's office before serving as a municipal judge, a district judge, and finally an associate justice on the Minnesota Supreme Court. In 1946, he left the bench to run for governor, a position he held from 1947-1951. As governor, Youngdahl rid Minnesota of slot machines and helped create a humane mental health law that served as a model for the nation. Despite soaring popularity, Youngdahl resigned for medical reasons in 1951, at which point President Truman nominated him for the U.S. District Court for the District of Columbia. Back on the bench after Senate confirmation, Youngdahl twice dismissed the government's charges against Owen Lattimore, a Johns Hopkins professor targeted by Senator Joseph McCarthy as "the top Soviet espionage agent" in the United States. Youngdahl said later that he was prouder of his defense of civil liberties in the Lattimore case than of any other accomplishment in his career. Youngdahl remained active on the bench until 1966 and passed away in 1978.