



# Historical Society of the District of Columbia Circuit

Newsletter # 8 July 2011



## United States v. Lattimore - A re-enactment

A ruling in the mid 1950's by a federal judge in the D.C. Circuit almost single-handedly started turning the judicial tide against the "red scare" generated by Senator Joseph McCarthy and others, according to a panel presented by the Historical Society of the D.C. Circuit. District Judge Luther Youngdahl rejected government efforts to try Asia scholar Owen Lattimore for perjury in denying he had been a "promoter of Communist interests," saying the charge violated both the First and Sixth Amendments because "it restricts the freedom of belief and expression" and fails "to \* \* \* inform [the accused] of the nature and cause of the accusation against him." The Court of Appeals ultimately sustained the dismissal in a 4-4 vote.

In a reenactment of the argument on a motion to dismiss the indictment, Arnold & Porter attorney G. Duane (Bud) Vieth represented Lattimore. Miguel Estrada of Gibson, Dunn & Crutcher argued for the government. DLA Piper attorney Berl Bernhard, who clerked for Judge Youngdahl, portrayed the judge. George Mason University professor Martin J. Sherwin and former Chief Judge Patricia Wald described the McCarthy era and history of the case to set the stage for the argument. The moderator, Georgetown University law professor Daniel Ernst, said the case underscored concerns about Congressional investigations, free speech and judicial independence at a time of intense anxiety about national security.

Lattimore was raised in China where his parents taught English. He was editor of the journal Pacific Affairs and an advisor to Chinese leader Chiang Kai-Shek. After China fell to the Communists, Lattimore was among those accused of aiding the Communists. Lattimore endured 13 acrimonious days of testifying before the Senate Internal Security Subcommittee and was subsequently indicted on seven counts of perjury. Lattimore was represented pro bono by former D.C. Circuit Judge Thurman Arnold, Abe Fortas, and Paul Porter, among others.

The program can be viewed through the Historical Society's web site ([www.dcchs.org](http://www.dcchs.org)) and is available from the Society in DVD format.



### **Meet the Society's Webmaster**

Meet Ruth Gordon, the Society's Webmaster since 2004. After her college graduation, Ruth served as administrative assistant in the Circuit Executive's Office helping to develop the courts' alternative dispute resolution programs. She began her career in web design and architecture in 1995 while working for a company that designed the web sites for Penguin Books and National Public Radio. She went on to serve as Internet Director for two children's non-profit organizations and then moved to IBM to manage the web site of the IBM Center for the Business of Government, a think tank aiming to improve governmental effectiveness. Currently, Ruth is Managing Consultant for IBM's Global Business Services.

Ruth lives in Arlington, Virginia, with her attorney husband and two children, ages eight and five. Whenever she manages to find any spare time, she swims, runs, and bikes and participates in an occasional triathlon.



### **Welcome to the new members of the Historical Society Board:**

Lisa L. Barclay - Zuckerman Spaeder  
Hon. John Bates - U.S. District Court  
James W. Cooper - Arnold & Porter  
Noel J. Francisco - Jones Day  
Geoffrey M. Klineberg - Kellogg, Huber, Hansen, Todd, Evans & Figel  
Holly E. Loiseau - Weil, Gotshal & Manges  
James E. Rocab III - Steptoe & Johnson  
Dr. Daun Van Ee - Library of Congress  
Alexandra Walsh - Baker Botts  
Lisa B. Wright - Federal Public Defenders Office



### **Oral History Update**

Fifty-eight of the completed oral histories taken to date by the Society are on the Society's website at [www.dcchs.org](http://www.dcchs.org), including the most recent addition, the history of former U.S. Attorney for the District of Columbia, David C. Acheson, whose picture appears here. There are 18 oral histories of judges who have sat on the D.C. Circuit courts, 37 histories of attorneys who practiced before the courts, one oral history of a spouse of a former Circuit Court judge and one history of a spouse of a former Washington attorney, and one oral history of a former Clerk of the U.S. District Court for the District of Columbia.

Five new oral histories were initiated by the Society in June 2011.



**Did you Know that.....**

...portraits of 39 judges who have sat on the U.S. District Court for the District of Columbia are hanging in the Ceremonial Courtroom of the E. Barrett Prettyman U.S. Courthouse?

...portraits of 20 judges who have sat on the U.S. Court of Appeals for the District of Columbia Circuit hang in the Court of Appeals courtroom?