

ORAL HISTORY OF JUDGE CHARLES RICHEY

The following interview was conducted on behalf of the Oral History Project of the District of Columbia Circuit. The interviewee is District Judge Charles R. Richey; the interviewer is Daniel Singer. This interview took place in the chambers of Judge Richey in the United States Courthouse in Washington, D.C. between the hours of 4:00 p.m. and 6:00 p.m. on Thursday, April 13, 1995. This is the second interview.

Judge Richey: As you know, Jews were chased out of Egypt, if you know anything about history.

Mr. Singer: That's a history I know something about.

Judge Richey: And they have been chased all over the world ever since. And yet our new and current President of the United States laudably said he wanted an administration that reflected diversity, which is being construed as minorities. And the only minorities he talks about are African Americans.

Mr. Singer: And women.

Judge Richey: And women. That's right. African Americans and women. I happen to have had a very unexpected casual conversation at the beginning of the administration with Joe Biden, the Chairman of the Judiciary Committee. And the opportunity presented itself, and so I mentioned one of my former law clerks as a possible nominee for being on the court. He said he wouldn't meet the qualifications. That made me very angry.

Mr. Singer: On religious grounds or racial grounds -- or just being white?

Judge Richey: Just being white! I said, Joe, you have to understand something. He is a Jew, and that qualifies him as a minority, and don't you ever forget it.

Whereupon the Chairman says, "Judge, I knew you were smart, but I never thought of that." Here is the Chairman of the United States Senate Committee on the Judiciary -- that's you know, been there, in his third term at least -- that didn't even recognize that fundamental principle. It angers me. It angers me, Dan.

Mr. Singer: I find myself being very uneasy with Mr. Biden.

Judge Richey: Well, I could tell you a lot of things about Mr. Biden, and his crime position, and so on, but here's a man that didn't even recognize that. And, I don't think the administration recognizes it. And I don't think it's fair. I don't think it is right. And the only thing you could say is it has a lot of historical precedent even though the history is wrong. I am sorry. I am sorry I'm in the minority again.

Mr. Singer: [Laughter.] In the minority, again.

Judge Richey: I apologize to you.

Mr. Singer: First of all, let me tell you I listened to the tapes of the first session.

Judge Richey: Yes.

Mr. Singer: They're excellent! I mean excellent in terms of the mechanics, the electronics. It works.

Judge Richey: All right. Okay.

Mr. Singer: And I could hear the noises, the words came though quite clearly. For that I was immensely grateful.

Judge Richey: All right.

Mr. Singer: The other thing is toward the end of the session I mentioned that Mickey

Bazelon had married.

Judge Richey: Oh, yes.

Mr. Singer: And, I bring to you the announcement that we received of her wedding. I wrote to her for my wife and me at the Watergate West address which I believe is where she still lives. Where she and David lived.

Judge Richey: Oh yes, we were there, at the, you know -- whatever you call it after somebody dies.

Mr. Singer: Yeah, you go to pay a condolence call. We were there at that point. We had known the two boys, Ricky and Jim, when they were growing up. I guess Ab Mikva was there the night we went. But, I think she now spends a lot of time in Florida.

Judge Richey: St. Petersburg or Sarasota.

Mr. Singer: They had a place down there.

Judge Richey: I think it was in Sarasota. Mickey -- somebody was teasing her that night. I forget who it was, who was there. Mickey typically was running the place and so on.

Mr. Singer: [Laughter.] That's what I said -- you'd like to keep that...

Judge Richey: I do want to and I know Mardelle will too. I hope Mr. Knox is a good guy because he is getting a great quality lady. He is. She's quite a lady.

Mr. Singer: The other thing that we talked about was you said you would offer me a copy of *Judicial Council Report on Gender and Race in the Courthouse*.

Judge Richey: Oh, I sure will. Yes, I will get it.

Mr. Singer: Now, this wonderful book you gave me on Judaism and ecology...

Judge Richey: Yes.

Mr. Singer: ...is actually one of a series in which each of the world's major religions is allowed and encouraged basically to write down how within its own tradition they were ecologically correct over the years. That's basically it, is a kind of a search for quotable material and important considerations.

Judge Richey: That's correct. It is a series, but to me it helped prove where the so-called modern day environmental movement began and had its foundation or genesis. And, it does come from the Talmud.

Mr. Singer: That the Talmud supports it for sure. And, indeed, I have been part of -- this is an interview of you not me -- but, I was one of the founders of an American support group for something called the Society for the Preservation of Nature in Israel.

Judge Richey: Bless your heart.

Mr. Singer: The Nature Protection Society. It's an organization that has done some really wonderful things and also runs wonderful tours in Israel. You're out there walking. Actually the American group actually was founded by me and Sam Lewis in 1985. Right after his term as Ambassador.

Judge Richey: I see.

Mr. Singer: Or, his second term as Ambassador. He then retired from the State Department and then started this group.

Judge Richey: Interesting, I never knew how it started.

Mr. Singer: Oh, I will have to send you some information.

Judge Richey: Wow, if there's anything I can do to help; I am an easy touch for the state

of Israel.

Mr. Singer: Good.

Judge Richey: Easy touch.

Mr. Singer: That's not easy so I won't return this to you. But thanks.

Judge Richey: All right. Well, that's one of my favorite books. And Aubrey Rose called me the other day and I was unavailable and didn't get a chance to take the call. So, I don't know what he's got on his mind. I like the man very much.

Mr. Singer: Well, I think it's important to develop as large a constituency as possible for protecting the environment. Obviously, one of the biggest and most difficult of these issues has to do with population.

Judge Richey: It sure does.

Mr. Singer: Which is right at the heart of the...

Judge Richey: Well, you know Dan, one of the troubles with Israel -- I get into trouble with some of my dear friends when I say this, but I think it is the truth, or correct, is more appropriate -- that when the state of Israel was founded in 1948 they allowed a lot of Arabs to live there too.

Mr. Singer: That's for sure.

Judge Richey: I argued in the beginning they should be excluded. Of course, now that is not a very humanitarian thing to say, I guess, but it is a practical thing.

Mr. Singer: It's becoming the policy of the state of Israel. The separation - a serious separation.

Judge Richey: It should be. For their own good. You see, people have spent their lives

seeking this out. After we get it, 50 years later, the Arabs are going to take us over.

Mr. Singer: The problem as I see it is slightly different in emphasis and that is while the Arabs are prolific, and the Jews have responded to that by at least the current government's willingness to give back territory.

Judge Richey: Oh, yes. An accommodation type of thing.

Mr. Singer: But what is much more distressing in the long run, to me -- and I have a daughter who has emigrated to Israel and another one who is about to return from a year and one-half from teaching there, my wife is on the Board of the Weizmann Institute for Israel. We are probably in Israel at least once a year -- is that as prolific as Arab families are the Orthodox Jews are every bit as prolific, and from my point of view the shift within the state of Israel with its 1946...

Judge Richey: 1948.

Mr. Singer: 1948 boundaries toward an Orthodox community as opposed to an accommodating community within the Jewish community is really bad news, both for the state of Israel and, I think, for its neighbors as well. Whereas the more liberal end of Judaism and the more liberal political policies within Judaism are toward attempts to make peace within the state, within the area, whereas the Orthodox have a different set of priorities which I think are not promoting peace in the region.

Judge Richey: That may be true, I don't know that.

Mr. Singer: Well, I have had my turn at being interviewed today.

Judge Richey: You have caused me to think a lot. I had one Orthodox young man who was a law clerk. His father was the Director of the Federal Judicial Center, Leo Levin. I will never forget. During the holidays he would take eight days off from work. I said one day, "Allen, we've got an awful lot of work to do here at the court. You should be in the temple on the holy days, but my goodness gracious we have work to do. I didn't know that you have all these days off. Are you sure you are telling me the truth?" I didn't know this.

Mr. Singer: [Laughter.]

Judge Richey: "Well, you know it now Judge." Okay.

Mr. Singer: That's pretty straight forward.

Judge Richey: Well, you know it now Judge.

Mr. Singer: Toward the end of our first session we were talking about your work with Frances Bolton.

Judge Richey: Oh, yes.

Mr. Singer: And then your work with the National Committee and your escapades in Salt Lake City at the Young Republicans Convention and how you engineered a minor revolution, particularly, in response to this episode in Salt Lake City being unable to house in public accommodations your colleagues from the Northwest. And how you basically engineered a declaration on the part of the Republican National Committee that they would not hold any more conventions in any place where...

Judge Richey: Every American wouldn't be accepted.

Mr. Singer: Right. That must have been pretty heady stuff at the age of twenty-five, twenty-six years old.

Judge Richey: Well, you know, it may have been. In retrospect it seems that way, but at that time, it was just a natural thing to do.

Mr. Singer: It seemed like the right thing to do?

Judge Richey: The right thing to do. And it was easy. I don't claim any big credit for it. It was easy to do because it was right. But, I haven't changed one whit since then.

Mr. Singer: You've gotten older, that's for sure. [Laughter.]

Judge Richey: Well, I've gotten a lot older, but, you know, I haven't changed a whit. Some youngster came in here from Williams & Connolly a few years ago and sat over there at the other end of this room at my desk and he said, "I've finally figured you out, Judge." I said, "Oh. What's that Martin?" He said, "You're going to do what's fundamentally fair. No matter what's involved -- in every decision you make." I said, "Martin, that's about right. I've never heard it put that way." But, that's the way you approach problems and life. So, I don't know.

Mr. Singer: But shortly after that set of episodes you left Congress.

Judge Richey: I did.

Mr. Singer: And it's that transition that has got to be of interest in a variety of ways. By that time you had met Mardelle?

Judge Richey: Yes. Yes, I hadn't married her yet. But, yes, I had met Mardelle. We met in the spring of 1948 before that episode in Salt Lake City, which was

in June of '48, '49. We were married in March of 1950. Dan, after Ms. Bolton let me work for the national campaign. I think I told you.

Mr. Singer: Right.

Judge Richey: Dan, then since they lost I had to study for the bar. I went back and did that. While I was there, I told you, they called and asked me to head up the arrangements for the convention. That's how I got into that skirmish with the Mormons. And then, I came back here or at the Convention was elected -- head of the Young Republicans of the country.

Mr. Singer: You were the number one. You were the youngest of them.

Judge Richey: Right.

Mr. Singer: The number one Republican.

Judge Richey: Of the nation. Yes. Which would have never happened had I stayed a Democrat.

Mr. Singer: Sure.

Judge Richey: There was just more opportunities for young Turks which we were called at that time.

Mr. Singer: And your mentors?

Judge Richey: I'll tell you another little side thing that you might historically find interesting and of significance. Sometime shortly after I was there at the Committee, somebody, I don't know who now, brought to my attention that the employment application form for jobs at the National Committee asked the question about race and religion. And they brought it to my attention. I said, "For goodness sakes, a modern-day political party asking these

kinds of questions. What difference does that make?" So, I called up and asked then Chairman Carol Reece of Tennessee for an appointment. I was told in advance. So, I told some of my friends what I was going to do. They said, "You will be fired." I said, "That's all right." I didn't have a dime anyhow when I came here. So, what the hell difference does it make? So, I got the appointment. It lasted less than three minutes. I said, "Mr. Chairman, I have been given this application and I think these two questions are just absolutely abominable, and wrong. I can't understand why we would have them. And I'm here to ask you to take them out." He said, "You're absolutely right. We will." I was stunned because here was a man who had served in Congress for about 30 years. east Tennessee, I think it was east, there were two Republican districts: his and Howard Baker's. Howard Baker, Sr.

Mr. Singer: Right.

Judge Richey: That were solidly hill country Republican. But he agreed with me. Right off the top of the bat. I expected resistance. Didn't get a single, solitary thing. It was changed which I have never forgotten.

Mr. Singer: Oh, I would think not.

Judge Richey: But, I did that.

Mr. Singer: Who were your mentors, the people to whom you looked up within the framework line of the party?

Judge Richey: Of the party at that time?

Mr. Singer: The party and otherwise.

Judge Richey: Well, I looked up to men like Ralph Becker at the Committee, Ab Hermann who Davidson brought in as the executive director, both enormously honest, liberal, sensitive human beings. On the Hill, the liberal way in the party, there were lots of them then in influential positions. John Lindsay, a young member of the House; Margaret Chase Smith, I was a great admirer of hers. Clifford Case of New Jersey, John Lodge of Connecticut; Saltonstall of Massachusetts; his older brother; Bob Smylie of Idaho; Gordon Allott of Colorado; Pat Hillings who succeeded Nixon out in California; John Walter. Even though I opposed his election as National Chairman, I became very fond of him.

Mr. Singer: But as Chairman of the Young Republicans, you moved your base of operations off the Hill.

Judge Richey: Yes.

Mr. Singer: I mean, is that correct?

Judge Richey: Oh, that's absolutely right. That's absolutely right. And at that time, and to that work, I probably knew on a first name basis 95 percent of the Republican members of the House and Senate. It was through that that I was able in 1950 to begin the practice of law. Because when, for example, H. Alexander Smith, liberal Republican Senator from New Jersey, Ab Herman was his Executive Director. And people from an industrial state like New Jersey would write to their Senator and say we have this problem with this government contract or this immigration problem. Would you help us? And in the same way on the House side

with many others and because they knew me -- they'd refer them to me. That was a reference point. I met lots of people from all over the country. There was a leading Chinese American in New York City that sent me hundreds of Chinese American claimants to Chinese American citizenship -- derivative citizenship. Until the McCarran Act came along, whenever that was passed, near the mid-50's, we were making a fortune here in the courthouse.

Mr. Singer: But, you thought of yourself as a Maryland practitioner?

Judge Richey: In, D.C. at that time.

Mr. Singer: And you were alone in the practice?

Judge Richey: Yes, started out all alone. Totally unorthodox way of going about being a judge.

Mr. Singer: That's right.

Judge Richey: But, I always wanted to work for myself. And I like to be the beneficiary of my own rewards for my own efforts. I didn't want to be in a firm. I wanted to start my own. And I did. There was a book that had a lot of influence, entitled *Never Plead Guilty*. Have you ever read it?

Mr. Singer: No, but it certainly...

Judge Richey: It's out of print. It was written by a fellow named Jake Ehrlich.

Mr. Singer: That's a name I know.

Judge Richey: Well, Jake was a brother of Myron Ehrlich, a prominent criminal lawyer here in town who became friendly with me. Or, I became friendly with him in the practice of law. Both of those boys grew up as Jews in

Rockville, Maryland. Jake went to San Francisco and he described in the book how he knew that because of his background, lack of money, and so forth that he would never be able to represent the DuPonts and General Motors so he cast his lot with the little people. Basically, that's what I did, based on that book.

Mr. Singer: That book will have a rebirth with three strikes and you're out. Well, it already is in California. Crowding dockets, unbelievable criminal law there.

Judge Richey: Well, sure.

Mr. Singer: Predicable outcomes.

Judge Richey: Of course it's true. He became a millionaire in San Francisco.

Mr. Singer: Jake?

Judge Richey: Yes, Jake Ehrlich did, very successful.

Mr. Singer: Did Charles Richey become a millionaire in Washington with the same philosophy?

Judge Richey: Charles Richey was on his way to becoming a millionaire. I could have been in another four or five years.

Mr. Singer: Another four or five years?

Judge Richey: After 1971.

Mr. Singer: Okay, by that time. By that time you had been in practice almost 22 years and you've got the world by the tail at that point.

Judge Richey: Yes, I did. I was very lucky.

Mr. Singer: But, you made your political bed in Maryland?

Judge Richey: I did and that was a very interesting piece of luck. I don't know if you remember, but Dan, there was a parochial war that started in the Montgomery County Bar and then spread to the State Bar -- that D.C. lawyers could not probate estates or practice in Maryland unless they lived there and had a full-time office.

Mr. Singer: I should remind you that one of my partners at Fried, Frank was Dick Schifter.

Judge Richey: Oh, I love Dick.

Mr. Singer: You must remember him. Oh yes, from the political wars in Montgomery County.

Judge Richey: I do. I do. He and his wife, who is on the Public Service Commission.

Mr. Singer: Lilo, I think she is now a consultant to the Commission. She is no longer a member.

Judge Richey: Oh, this must be very recent.

Mr. Singer: Oh, it is very recent. I think she and the present Governor I gather are not as friendly as she was with his predecessor.

Judge Richey: Oh, that's too bad. That's too bad. They are appointed for terms or at least there used to be. I don't know. Six-year terms. Dick told me at their house a few years ago that he got his wife the appointment because he met Schaefer through the Sickles campaign. Carlton Sickles.

Mr. Singer: Right.

Judge Richey: And they have been on good terms since then. You know, Dick, to everybody's surprise, became Reagan's representative during the 1980

campaign.

Mr. Singer: I know; I lost a partner. I know that. I mean Dick was basically moving away from the traditional Democratic party where he would say that the traditional Democratic party had abandoned him beginning in 1972. He was certainly disillusioned with Carter; the McGovern people, notwithstanding our other partner, Shriver, was the Vice presidential candidate. [Laughter.] But they, Max Kampelman, Dick Schifter, and many others became the core of the neo-conservative and so-called neocons in the Democratic establishment. Basically, they were Henry Jackson Democrats and they liked that. We know that they were very proud of that status. And that they were domestic liberals, serious domestic liberals.

Judge Richey: But how could they support Ronald Reagan? I don't understand that.

Mr. Singer: Well, that's something you are going to have to talk to them about because I will not be an adequate interpreter of their views.

Judge Richey: I will never understand.

Mr. Singer: If I have one epigram that describes it -- in Dick's case, and also somewhat in Max's case, and that's somewhat more complicated. Dick was born in Vienna, came to the United States toward the end of the '30's, mid to end '30's. He went to City College and fought those, in the kind of you are either a Stalinist or a Trotskyite, or you are a classical Socialist in political terms. Dick was with the conservatives, but they fought like crazy at City College. That experience, I think, is very much at the heart of a really

intense anti-Communist sentiment that Dick shared with this whole group -- Jeanne Kirkpatrick, and Gene Rostow, and the guy who ran commentary for so many years, I have cheerfully blocked it out, Norman Podhoretz.

Judge Richey: I see.

Mr. Singer: And that group. Notwithstanding their very strong support certainly beginning either in 1948 or shortly thereafter, for the state of Israel. They really have defined the world as Communists and those who were not Communists and this was an equal... If you were against the Soviet Union that was sufficient. Defined epigrammatically is "the enemy of my enemy is my friend." And Jeanne Kirkpatrick actually articulated that when she was Ambassador to the United Nations. Dick very much shared that view and, I think, Max shared it partially also.

Judge Richey: They must have shared it because they sure worked like the devil for Ronald Reagan.

Mr. Singer: And that was -- put in context, they were both real admirers of George Schultz. I think they probably felt somewhat less kindly toward Jim Baker who was then in the White House. Schultz was then the Secretary. But, Schultz then became Secretary of State and he very much wanted to use Max in the negotiator's job.

Judge Richey: He couldn't have picked a better person.

Mr. Singer: Max did a wonderful job. And Dick was, I guess, by that time Assistant Secretary for Human Rights and Humanitarian Affairs at State.

Judge Richey: He used to call me and ask me if I would be interested in helping, going

over, you know. I said, "No, Dick. That's not my bag. We have too many problems in the United States and in the courts here. I am not interested in that. I am sorry. I'd do anything for you, but not that."

Mr. Singer: And Dick is...

Judge Richey: He's a committed person.

Mr. Singer: Absolutely. I think the nation is fortunate to have people like that around.

Judge Richey: So do I. I like him.

Mr. Singer: I think that once our own practice...the office began to expand physically and the Indian practice, which he loved...

Judge Richey: He did.

Mr. Singer: Became a lesser part of our operation, in part because of the shifting emphasis from within our firm and in part because we had trained oh, maybe a half dozen really first-class young Indian lawyers -- they began to steal our clients. So, that our actual engagement in the contemporary practice -- that is not to say about the claims practice, which we did some, but not very much.

Judge Richey: Oh, he was an expert in Indian law.

Mr. Singer: Absolutely. These were the heirs - he and his partner Art Lazarus -- to the mantle of Felix Cohen. The people who really knew American Indian law.

Judge Richey: Dick Schifter and I ended up in Baltimore before the court of which Sandy Harvey, or later Chief Judge, now retired, was a member of the panel arguing a reapportionment case. Dick for the Democratic party and me

for the Republican party. Both on the same side.

Mr. Singer: Give us a date.

Judge Richey: Early '60's.

Mr. Singer: Okay.

Judge Richey: I'll never forget the argument because Dick said, "As you know, I am an expert in Indian law and that is something I know something about." And I said to myself, what in the world is he confessing error about knowing so much about Indian law and nothing about reapportionment? But, we still won. [garbled.] One man, one vote.

Mr. Singer: It was after Baker against Carr?

Judge Richey: Yes, yes, yes. We're good friends.

Mr. Singer: What was the nature of your kind of day-to-day practice? Touching some of the highlights.

Judge Richey: Started doing immigration work. The first case I tried was in this court in the old building in 1950. Famous case, it's in all the books on immigrant and nationality law called *Acheson v. Maenza*. An Italian person. An old Democratic politician from Ohio sent it to me and I didn't know beans from donuts. But, anyhow, I was able to prevail before Holtzoff.

Mr. Singer: I told you the Holtzoff story the last time.

Judge Richey: And that was in the days of the old general assignment system so you didn't know what judge you were going to get. He had written an opinion in a case called *Tomasicchio v. Acheson*. I had learned it was wise to file a brief.

Mr. Singer: With Judge Holtzoff? Or, just generally?

Judge Richey: Well, generally. Trow vom Baur told me how they always used to do that in New York. So, I had it done in this case. I handed it up to him in the beginning. And of course, he praised Holtzoff as much as anybody could possibly....But he was smart. Oh, my God, brilliant. He said, "Have you given this to the other side?" I said, "No, I understand in New York you don't necessarily have to." He said, "Well, you do here." So, I handed it to the other side. A fellow named William Glendon, later with Rogers & Wells in New York, who ended up arguing the Pentagon Papers case in the Supreme Court. But in any event, I won. He just copied it right out of my brief. To make a long story short there was an appeal. Glendon handled the appeal. One of the three members of the panel was Bennett Champ Clark, a former United States Senator from Missouri. His law clerk at the time was my colleague and dear friend Harold Greene.

Mr. Singer: Judge Harold Greene?

Judge Richey: Judge Harold Greene. He, I know, wrote the opinion. Copied it right out of my brief. When you are going to take away an American citizenship, the most important right in all the world today.

Mr. Singer: Surely he had to feel very strongly about it.

Judge Richey: He did. He did. It became a seminal case. It is in every book on immigration and nationality in the lexicon. You go to an undergraduate college library and you will find books on it -- on that case. My very first one I ever tried. That led to all kinds of cases. It got lots of publicity all

over the country. Particularly, in the ethnic community, the ethnic newspapers. It led to a whale of a lot of business until I then got to know Jack Wasserman. We formed the Association of Immigration and Nationality Lawyers.

Mr. Singer: Of which one of my partners is now the president. Or, was recently, Bob Juceam.

Judge Richey: Bob who?

Mr. Singer: Juceam. He was in my New York office and the moved down here. Active for the Haitian immigrants almost from the beginning, a mini-career for him.

Judge Richey: Well, they put us out of business with the McCarran Act, essentially. That was a bad, a terrible thing.

Mr. Singer: We used to do immigration work at Fried, Frank.

Judge Richey: Did you?

Mr. Singer: Because...

Judge Richey: None of the big firms did it in the beginning, in those days. It was like criminal law, you didn't touch that stuff. It was beneath your dignity. Now, come on, Dan.

Mr. Singer: It was not beneath our dignity. I'll tell you why. It's very easy. The core of the firm's practice in New York was commercial but the human being clients who ran these commercial enterprises were many of the refugees from Eastern and Central Europe. Including Hans Frank who is the Fried Frank. Hans Frank and several of the other partners had come

out and retained their relationships with many people, some of whom came out in 1956 or came out after the Second World War and who continued being very wealthy people. I remember we used to have to count for clients how many days they spent in and out of the United States - clients who were naturalized citizens because, as you know, back then you could lose your citizenship. That was declared unconstitutional in the '60s sometime. I mean it is only a question until the right case came up that that would be found out. But you still had to go through... you still had to go through the motions with your clients who... the consequences to them were staggering and we did a lot of that work. It was one of the first things I ever did was acting on behalf of some pretty heavy hitters. And through that, we managed to get some people who were not heavy hitters at all, but who were being dogged in the '60's, in the late '50's and '60's by the fact that when they were young, these were among the people who had come up from Hungary after the Revolution in '56 who were tainted, because in order to go to college, they had to belong to a Communist party.

Judge Richey: Oh, and I don't doubt that.

Mr. Singer: That looked like it was going to be an absolute [garbled] and we developed a whole kind of litany that we would go through in order to fight that first at the Board of Immigration Appeals, then the hearing officer who was a waste of time but at the Board, sometimes you could achieve a better result and if we didn't, we went to court and it was just a constant battle.

Judge Richey: Well, that BIA was something else right there in the Department of Justice.

Mr. Singer: But your practice must have expanded well beyond the immigration.

Judge Richey: It did. I began to get criminal cases. I began to get personal injury cases, domestic relations, the whole panorama. I think in my career I tried every kind of a case that any lawyer tries except a patent case. I even tried some copyright cases. What today is called intellectual property.

Mr. Singer: The whole thing is called intellectual property.

Judge Richey: Right, so I had a broad range of experience and to some extent I did it deliberately only because I liked people as such. And it wasn't until the last eight or ten years of my practice that I began to represent corporations and banks and things like that and that came about as a result of my political service in the county government and the public service commission because I met people there that law firms in Baltimore at that time had no connection with Montgomery County or the District of Columbia.

Mr. Singer: It was awfully far away from Baltimore.

Judge Richey: It was.

Mr. Singer: It was even quite distant from Annapolis.

Judge Richey: But, they needed lawyers over here and they knew me through that political office I held. Paid \$5500 a year.

Mr. Singer: Which political office?

Judge Richey: General Counsel of the Public Service Commission.

Mr. Singer: Yeah. But that comes after you've....

Judge Richey: In 1967.

Mr. Singer: Right.

Judge Richey: And then before that, for three years before that, I was a member and Chairman for two years of the Montgomery County Board of Appeals - powerful job in zoning and land use - and there was a time when I was the only one in the county because of my former colleagues; there was no ethical prohibition against it getting special exceptions for my friend Jack Coopersmith to locate a filling station on some corner.

Mr. Singer: Now, in this case, you're now acting as counsel to Coopersmith.

Judge Richey: Right. Right. Facts of law. Represent all kinds of banks, New York, Baltimore all over heck and back. Did a lot of real estate work, too, in the end.

Mr. Singer: So that although your practice started as basically a courtroom practice, it then changed its focus or added a focus?

Judge Richey: Added a focus, I had at the end five or six major insurance carriers, I didn't much of the work myself except supervise it. But I had beaten them so badly they finally decided to hire me.

Mr. Singer: And, when you said you didn't do the work, it sounds as if you then had a firm of some significant size.

Judge Richey: Right. I did. I supervised it. I also had a substantial real estate practice, settlements, closings, things like that.

Mr. Singer: How big was your office; how many...

Judge Richey: I had eight lawyers at the time I ended.

Mr. Singer: And with how many of them did you share the profits since...

Judge Richey: I owned the firm. They all...

Mr. Singer: (Telephone interruption)

Judge Richey: ... basically what I did. It was the best advice I ever received from anybody.

Mr. Singer: Will you be good enough to repeat it because I confess that after the phone call I forgot to turn the tape on.

Judge Richey: Oh, I said in 1950 Senator Taft of Ohio called me and I went up to see him and he asked me what I was going to do after he was reelected in that terrible race he had in 1950. Organized labor and everybody was out to beat him and I said I wanted to be a politician and a lawyer and he said you can't be either because you don't have any money and you don't know anything about the law yet. And it takes 12 to 15 years to learn enough to be a lawyer. I think in retrospect he was probably right. And certainly right about money. Because you can't be in his view a successful politician without having some financial independence. It was the best advice I ever had.

Mr. Singer: Maybe we'll come back to that later because nowadays while it is still true that you need a lot of money to be a successful politician very little of it is your own money.

Judge Richey: If I had my way, I'd adopt a Common Cause Wertheimer's view abolish PACs and everything else. But, I'm a voice in the wilderness. It's too late for me to do anything about that now.

Mr. Singer: You remained involved though, throughout...

Judge Richey: Not very much. I did because Clarence Brown of Ohio, ranking member of the Rules Committee, called and asked if I would help Taft at the 1952 Convention against Eisenhower. I went out there and spent 10 days at the convention in Chicago at the Stockyards and worked night and day. I lived with Clarence and his wife in a suite, I think it was the Hilton Hotel on the lake, the big hotel in Chicago, at least then the biggest.

Eisenhower was around the corner at a smaller hotel called the Blackstone.

I'll never forget it. And in that convention there was the famous Brown Amendment, I can tell you a lot of stories about that convention.

Mr. Singer: What was that? The Brown Amendment? I don't recall. I remember that convention.

Judge Richey: Well, it had to do with the Southern delegates and they called all of us crooks and so on and so forth for trying to steal the nomination for president of the United States because at the hearings prior to the convention the national committee hears delegate contests and they had 150 seats all reserved in the halls. They wouldn't allow TV cameras in the meeting room. It was the largest facility that was available in the city of Chicago at the time for that and there just wasn't room. And I never will forget Eric Sevareid and then Governor James H. Duff of Pennsylvania. Right outside the hearing room it had a big sign "Republican National Committee In Session," and they were hearing the delegate contests. And I stood there and watched Sevareid do an

interview of Duff and the question went something like this: "What's going on in there, Governor? 'Oh, those Taft people are in there stealing the nomination for president of the United States. They won't allow anybody in there. Everybody is excluded.'" Well, that was just a bold face lie. A bold face lie! And Dan, as God is my witness, it shook me to the bones that two men of that caliber - Duff and Sevareid - would stoop to tell bold face lies to the American people like that. I didn't think that at that point in my career that people would do such terrible things.

Mr. Singer: You've learned a great deal over the years that suggest that...

Judge Richey: That was the beginning of it. That convention convinced me that the advice two years previous by the Senator was absolutely right I didn't want to have anything to do with it at all.

Mr. Singer: My recollection of that convention is quite limited but the one thing that I remember seeing on television, if I got it right, is Taft kind of storming up to the rostrum saying "but a deal is a deal" it had to do with something with the Pennsylvania Delegation, if I remember correctly. Is this a non-memory on my part?

Judge Richey: I think it is a non-memory. You probably remember Dirksen's famous speech "at the last minute I campaigned hard for you in 1948, Governor Dewey, and you lead us down the road to defeat." This was in the Stockyards and I was on the platform standing next to Hugh Scott and I thought Scott was going to have a heart attack he was so angry. I thought there was going to be a riot. If Dirksen had spoken one more minute

there would have been. It was that tense. I've never been in a place like that - there was no escape - people would have been killed but for the fact he finally stopped. And I was there when somebody asked him to be the next speaker and he said I don't a darn thing about this stuff. And they made old Tom Jenkins who was then Chairman of the Ways and Means Committee give up his seat on the aisle to the platform. Dirksen listened to the previous speaker, made a couple of notes on a piece of paper, we were all asked to stand back and then he went out there and made that famous speech. Attacked Dewey by looking right down at him ahead of the New York delegation, Governor, so on. Will never forget it as long as I live. But that was the end of it. And then out of the blue they appointed Nixon to run for Vice President. After that evening, I'll never forget standing out there waiting for a car to take us back down town. This mob there was Nixon with his arm around Pat Nixon, his wife, I said, "What did you think of the speech?" It was after MacArthur had made the keynote address. Just a blunt comment, "Good, but not great." And that was probably exactly correct. I was in the car that went out to the airport to meet MacArthur that night. Never forget. What an incisive mind that guy had. He asked, not me, but a couple others in the car -- a couple of very particularized, specific questions, I don't remember what they were. After he got the answers he said, "Well, it is all over then." He was for Taft.

Mr. Singer:

This was essentially a Taft delegation who wanted to pick him up.

Judge Richey: Right. They controlled the convention machine there, except the vote. Thought they did.

Mr. Singer: Except the important vote.

Judge Richey: Yeah. They did. That's exactly right. But it was in a whisker. I liked the Senator very, very much. I thought he was a great American. Reading the other day how he had supported federal aid to education, federal aid to housing.

Mr. Singer: He is really the Father of the National Science Foundation.

Judge Richey: That is correct, which Dave Bazelon used to love.

Mr. Singer: Yeah. Dave played a very important role in our family. My wife went to graduate school.

Judge Richey: Oh, is that so?

Mr. Singer: At first, she was graduated in 1952 from college and the first pre-doctrine in fellowships really ever given on a national scale were given out by the National Science Foundation in that program and she was one the first 625 or so people. I'm delighted to say that my youngest daughter is...

Judge Richey: Isn't that neat. That's great.

Mr. Singer: I know. They both went to graduate school on the National Science Foundation.

Judge Richey: That's marvelous.

Mr. Singer: Really.

Judge Richey: Well, good for the women in your life.

Mr. Singer: The women in my family have done very very well. That's for sure.

Judge Richey: Oh, so has their husband and father.

Mr. Singer: So tell me. Can we talk a little bit about your family - how they looked at the practice, how you looked at them from the vantage point of being obviously a very busy, very successful lawyer, probably rarely had an uninterrupted dinner, and things of that sort.

Judge Richey: Well, that's about right.

Mr. Singer: In... I mean, I can empathize with that.

Judge Richey: I'm sure you can. Well, you can see, I probably have more books than any other judge in the building. But that's not new that's been that way all my life. I love books and I can't exist without them. I have a full library at home in our apartment consisting of...

Mr. Singer: You said in your apartment.

Judge Richey: Yes. 8101 Connecticut Avenue in Chevy Chase. I have USCA, Wright & Miller, all of the Court of Appeals, U.S. Appeals D.C. back to 1970, all the Supreme Court decisions back to 1970. I don't know, they keep coming out of the air like water out of a fire hydrant. Fed. Supp. I give those away from time to time, when I run out of space, to one of the law schools. I have a complete library at home plus being a computer nut I have access to the library here at the courthouse.

Mr. Singer: From home. So you're on online.

Judge Richey: From home. There's a little program. You can get it called *PC Anywhere*.

Mr. Singer: Yeah. We have it in the office.

Judge Richey: Oh, yeah. But you can get it for your computer at home.

Mr. Singer: I have it on my computer. The office gave it to me.

Judge Richey: To use at home.

Mr. Singer: To use at home.

Judge Richey: Right. So you can have access to the library.

Mr. Singer: Right.

Judge Richey: And, we have that. I use that to do a lot of work at home and as a fax capability so I can fax things to my staff here in the middle of the night whatever.

Mr. Singer: Whenever you feel like it.

Judge Richey: Yeah. My children. Do you want to know about them?

Mr. Singer: Well, I kind of want to get a sense of what the family life was like.

Judge Richey: We had a marvelous... I never missed a football game, a baseball game, or a basketball game. The kids in those days didn't play soccer.

Mr. Singer: How many were there?

Judge Richey: Just two boys - one is I think 42 now born in '53. Does that make 42?

Mr. Singer: Yep, pretty close.

Judge Richey: And the other one two years later. We ended up sending them to Sidwell Friends School.

Mr. Singer: Where you met the Democratic cream...

Judge Richey: I don't know. I guess. We loved the people. I became President of the Parents' Association there and was very active in school affairs and all the lives of both of my kids. The eldest is a lawyer in Massachusetts now and

a very successful one. He was a law clerk to a federal judge of what is now the Court of Appeals for the Federal Circuit. The judge is now deceased.

Mr. Singer: Which judge was that?

Judge Richey: Bob Kunzig, managed Arlen Specter's campaign for DA in Philadelphia. Then he went to the U.S. Attorney's office and then he went to a firm downtown and he married a woman along the way who has a lot of money in Massachusetts. Well, she was from Massachusetts and she wanted to go back home. She had been married to one of Charlie's high school teachers, believe it or not, and was divorced and they met while he was in the DA's office and by God, she had two children, and he has essentially reared those children and adopted them. He is a jokester like his mother, got a great sense of humor said he "I like my history professor so much in high school that I married his wife." Goodness, he'd say all kinds of crazy things like that. But anyhow, the younger boy was in the construction business and is now separated from his wife, has a little boy, sells time shares. He's the sadness in our lives, although those things happen to all families. Seems to be doing quite well - I think he is going to come out of it.

Mr. Singer: At the period when you were building a practice and building a family, obviously working as hard as you could ever work, there were still political alliances that you were a part of and political engagements?

Judge Richey: There were but none really. Between 1952...

Mr. Singer: Which was the front of the presidential campaign.

Judge Richey: And really, during that interval between 1950 and 1952, I didn't do anything either.

Mr. Singer: Anything political.

Judge Richey: That's right. But then between 1952 and 1966 I didn't do anything either politically. I did a lot of civic work.

Mr. Singer: What kind?

Judge Richey: I was on the Board here in the City for, oh, what in the world. I'd have to look in the bios. The Redevelopment Land Agency was one of them. I was active in civic association work; I went to the District Building once every month to debate the issues of the city and so on. Advocated Home Rule and all kinds of crazy liberal causes.

Mr. Singer: Did your Republican...

Judge Richey: I just lost interest. Your friend Eisenhower...

Mr. Singer: My friend (Laughter).

Judge Richey: Yeah. He beat my candidate Stevenson. I didn't like Eisenhower.

Mr. Singer: I know you didn't.

Judge Richey: I didn't like him a bit.

Mr. Singer: You told us in the first session the story about being late to that Armed Services Committee outside the...

Judge Richey: Yeah. That was the first day in Washington. Collided face to face. I also told you after the nomination it was suggested that we, the National Committee, meet the candidate and I wasn't going to do it but I went to the

room and sat in the back of the room and by golly the line formed and I was the last person to go through the line and I looked down at his shoes and he had military brass buckled shoes. Of course, I didn't want to like him and that was just another reason not to.

Mr. Singer: Right. You were looking for reasons not to like him.

Judge Richey: And boy that sure cinched it. But, one of my best friends who had a great deal to do with my appointment to the court went on to become his counsel - an Irishman.

Mr. Singer: Who was that?

Judge Richey: Ed McCabe. Edward A. McCabe. And he served on the board that created the public defender service here in the District of Columbia in the first instance at the request of Dave Bazelon. Very conservative fellow but a man of decency, a lot of decency. An abundance of decency. A good friend, a good friend.

Mr. Singer: At what point does Mr. Agnew begin to play a role in your development?

Judge Richey: In 1966 I had achieved reams of publicity as a member and chairman of the County Board of Appeals.

Mr. Singer: This is now a Zoning Appeals Board.

Judge Richey: Yes. Because when I went there they wouldn't allow cross-examination of witnesses and it was a five-person Board and the chairman would by rule exclude any request for cross examination and I would dissent. And the press in Montgomery County were pretty liberal and they like that. And finally Rita Davidson, a Democrat, who later became a judge, her

husband was on the Labor Board, counsel on the Labor Board or something high in the Labor Board, David, took one of those cases to the Maryland Court of Appeals, the highest Court and by God my position was sustained. And so I kind of was kinda made overnight in the State of Maryland, person of legal acumen and so on.

Mr. Singer: For fifteen years you were...

Judge Richey: Then I got involved in the reapportionment efforts on a state-wide basis and then locally for the County Council. And then the Charter came along, a proposal for the Charter, it was authorized, written in my law office, in my library by a committee on style of which I was vice chairman because the Democrats then controlled the council.

Mr. Singer: And the chairman was a Democrat.

Judge Richey: Chairman Jim Worsley, a lawyer in town. And...

Mr. Singer: Was he a Klagsburn, Hanes partner? Worsley?

Judge Richey: He may have been. I'm trying to think of the name... it was in the Ring Building.

Mr. Singer: Yeah. That's where they were. That's the firm.

Judge Richey: Yeah. It's now a Baltimore firm. I don't know what the name of it is. Jim's a nice guy but a doctrinaire Democrat. He wouldn't vote for a Republican if his life depended on it. Wonderful person though. But we did. We created the county executive in Montgomery County and then there was a three-way race for Governor: Mahoney, Carlton Sickles and a fellow named Finan, who was the Attorney General. They had unit

voting.

Mr. Singer: What year was this?

Judge Richey: 1966. And so the person who got the plurality of the County votes, who won the most counties of the 23 counties, was the nominee and Mahoney slipped through. He campaigned on the platform "Your home is your castle". Well, nobody thought that (a) he would win. It would either be Sickles, who was the favorite, or Tom Finan and that Agnew would just be an also ran.

Mr. Singer: Agnew was on the Republican ticket...

Judge Richey: Agnew was on the Republican ticket as nominee for Governor. Nobody else would take it. I remember Newton Steers called me to say he had been up to Hagerstown to some meeting and that the long and short of it was that nobody else wanted to run and Agnew was willing to run, that he was county executive of Baltimore County and so he was going to get it by default. It was kind of a joke. About 25 of us young lawyers who were Republican leaning.

Mr. Singer: But active within the party and a certain status and credibility...

Judge Richey: Well, yes. But I wasn't really. By that time I had some status because of my position on the Board of Appeals. And so, as it turned out Mahoney won. The liberal Democrats like Dick Schifter and Bill Greenhalgh --they had formed in the Democratic primary a group called the Democratic Action Group (DAG) and they immediately threw their

support to Agnew because he had pushed through the first public accommodations ordinance in Baltimore County.

Mr. Singer: As County Executive.

Judge Richey: As County Executive. He was a liberal. Would you believe he ran with the endorsement of the ADA and the NAACP for Governor the first time?

Mr. Singer: That's hard to remember. Yes.

Judge Richey: That's how I met Joe Rauh. I'd never known Joe Rauh until we started to raise... after Mahoney came into the picture - we had to defeat him no matter what and Agnew had no money and so I decided I was going to work like the devil for him. It was the principle thing to do. And we did. He won by about 90,000 votes, carried Baltimore City; Baltimore County; and Montgomery and Prince George's County, kind of like this fellow that is now Governor did, except by a bigger margin. And then they had a heck of time finding people to take state jobs because there weren't enough Republicans in the state of Maryland to fill them. I got calls from his staff, party officials will you take this, will you take that, no, no, no....

Mr. Singer: This is in '66 when Agnew was elected.

Judge Richey: And I wouldn't take any full time job because by that time I knew I wanted to be a judge period nothing else! And I did offer to take a part time job as long as I could keep my practice. And so finally at the behest of a fellow named Sachs on his staff I gave him a list of three because there is a book of all the state patronage in Maryland. And I went through that

book as well as the Code and I figured well People's Counsel to the Public Service Commission, General Counsel or Judge of the State Tax Court. Well, they'd already committed to the other two jobs so I got the General Counselship - paid \$5,500 a year.

Mr. Singer: But that was an add-on to you.

Judge Richey: Yeah. Cost money to do it but it brought me into contact with the power structure of the whole state of Maryland.

Mr. Singer: You were involved in Baltimore Gas and Electric.

Judge Richey: You're absolutely right. PG&E, the telephone company, the banks - even though we didn't regulate the banks they were heavily involved in the utility work. Just was like night and day. My goodness gracious. When I went out there to be a member of the County Board of Appeals you got a parking space at the courthouse. Doors opened like they had never been opened before. Same way in Baltimore when I went over and had an office in the state office building and started going around the state handling appeals. My goodness gracious, it was amazing when you represent the state, the people so to speak. The difference in attitude that you would find if you were there for a private litigant. So I shot up like a rising star.

Mr. Singer: You liked that?

Judge Richey: Yeah, it was fun!

Mr. Singer: You said that beginning in 1966 you kind of decided that you wanted to be a judge.

Judge Richey: Oh, I knew that long before then in the early-1950s.

Mr. Singer: But then you must have known or assumed that this goal of becoming a millionaire, you would have to do it very quickly or never.

Judge Richey: I didn't have a goal of becoming a millionaire. I told you I would have become a millionaire in a few more years in private practice. That was never a goal. Money was not my objective. If it had been I would have stayed doing what I was doing. No. Money was not their objective. Just enough to eat, sleep there is only so much you can do with money. It's nice to have but...

Mr. Singer: During this period, your kids are now on their way to being teenagers in the time you are talking about. What was dinner table conversation? What was vacationing like? And so on... Those kinds of things.

Judge Richey: We didn't do too much in the way of vacations. We participated in all their activities in the way of school work, PTA. I was President of our younger son's PTA in Potomac, Maryland. Was active in community work out there. Wherever I lived I've always been active in civic work. The only thing I was never active in really was bar association work.

Mr. Singer: You've probably become much more active since you became a judge.

Judge Richey: Oh, 100%. I was the first trial judge to ever become a member of the ABA House of Delegates and I learned then it was the biggest mistake I'd ever made professionally.

Mr. Singer: Why? Because it's an interesting perception.

Judge Richey: It's not a perception, it's a fact. I saw there was one of the most

conservative Attila the Hun people from Oklahoma had been there for years.

Mr. Singer: This is in the House of Delegates?

Judge Richey: Right. Joe Sample or something like that was his name. Here was Sidney Sachs a member of the ACLU in Washington and he sidled up to me, I'm a teetotaler, at a bar in Las Vegas. "Judge, you know my friend Sidney Sachs?" "Yes, Joe I know him very well." Well you know, he came from some little town Enid, Oklahoma, something that didn't have more than 300 people in it, you know Wexler's in Washington, and I said, "Sure that's an auction house." Well, you know, I had an old widow that died in my town and she had lots of money and I had to have some kind of ancillary proceeding in Washington so I called up my old friend Sidney Sachs and he handled it for me." And I thought to myself, my God, I've never seen two people more politically opposite who hated each other more so than they did, and yet when it came time to share economics, that's the way it worked. Those guys fed off each other. All you had to do was be there and see it. It may not be that way today in 1995 but that was it was when I was there in the early 80's and late 70's and 80's. And I could have done that if I'd wanted to but never thought it was worthwhile. I always thought that fooling around with lawyers, your competitors, was a waste of time. But that is wrong. That is wrong. I didn't know it, nobody told me.

Mr. Singer: Were there family vacations? How did you...you must have created

some.....

Judge Richey: Oh, we did some. We'd go to see our parents in Illinois and Ohio. We did take a trip once to the Islands for the Thanksgiving holidays. My wife arranged that without my knowledge. I thought I was going to have to go to the hospital after we got back I was trapped and couldn't do anything which is what she wanted but it didn't work.

Mr. Singer: Is this when you were a judge or still in practice?

Judge Richey: Still in practice. Then I acquired a condominium at Rehoboth Beach when the boys were in high school and we used to go down there the first week after school before the public schools let out. They had a good time. I did that and I could work down there. But we didn't take long vacations, go out West, or to Europe. Hell, I never was out of the U.S. as far as Europe was concerned until June of 1994.

Mr. Singer: Wow!

Judge Richey: And, I don't really want to go back. This man Rose is the only one I met over I really cared about.

Mr. Singer: That was when you went to England.

Judge Richey: First time I had ever been to the continent. I used to go in my immigration practice to Montreal, Canada all the time you had to go out of the country to bring people back. Been to Mexico a couple times, but no, I had to stay right here and work.

Mr. Singer: And as a judge you didn't find opportunities to vacation. You still own the condominium by the way?

Judge Richey: Oh, no. We had to sell it about within three years after I came down here because I couldn't afford it. It was as expensive as a big house in Potomac.

Mr. Singer: Which you've divested also.

Judge Richey: Right. Right. We've made money on all of it. People have teased me over the years that I have moved a lot but always at great profit. That is what enables me to be a judge.

Mr. Singer: I think that's an important observation, one that would be of interest to those who try to figure out what...

Judge Richey: What makes me tick?

Mr. Singer: Well, not you alone, but certainly that's part of it. The notion that there are significant financial sacrifices.

Judge Richey: Boy there are. I'll tell you one story about that. My wife didn't pay much attention to the law. She still doesn't really care about it although it has been pretty good to her. When I came down here you know you sign a billion and one forms the first day, and one was to have your checks sent direct deposit to the bank. She got the first notice that the check had come from the bank and she called up my secretary at the time and said "Mary, is this for a week or two weeks", she said "no, my dear, it is for a month." She was stunned. I think the pay was \$40,000 a year then. Fortunately, I had some investments that I couldn't continue, but arrangements were made to pay me off over a period of time.

Mr. Singer: Do you think that's typical, or do you think it's unique to Washington

which is a very high cost place to be? That being a judge, recognizing that one, frequently, almost always will take a pay cut. Because that universe from which judges are selected, are basically successful practitioners or university/law school professors who are paid quite well. But, is the bar missing, is the bench missing something important in the people who opt not to say, "I want to be a judge."

Judge Richey: Probably, they are - nationwide. Not only because of economics, but because of the scrutiny people have to go through -- political and otherwise -- in the confirmation process. I had no problem whatsoever.

Mr. Singer: You were in and out of that process...

Judge Richey: Within ten days of the nomination.

Mr. Singer: That's not true now.

Judge Richey: Not true now. I might not have been had John McClellan lived. He was a Senator from Arkansas, a prominent Senator. At that time the Justice Department had a man named John Duffner who was the career guy over there that shepherded through for every administration judges in the confirmation process. I got a call one day in my law office from someone saying, "This is John Duffner from the Justice Department." I said, "Yes." Well, he called me judge. He said, "I just want to tell you who your subcommittee is so you can make your courtesy calls. And I also wanted to tell you what their lines of inquiry would be." I thought it was a joke. So, I asked for his number and called him back and sure enough he was from Justice. My Subcommittee was Eastland, Hruska of

Nebraska and McClellan. When he got to McClellan he told me, "Now, he will not vote for any judge even a district court judge who is not in favor of the death penalty." I didn't say anything to Duffner, but I had a lot of struggle with myself. I wanted to be a judge very badly. But, I didn't want to be badly enough to lie. And I wasn't gonna lie. I made up my mind about it. So, I called on Hruska, the Republican, first. He said to me, I will never forget it --office full of about 30 or 40 people, and when I told them who I was and what I wanted, they shuttled me right into him with a friend of mine from the Hill who was taking me around.

Mr. Singer: Who was that?

Judge Richey: A fellow named Dick Moat. A long-time friend who was the liaison for the Vice President up on the Hill, the Senate.

Mr. Singer: Was this someone you had met back in the early '60's?

Judge Richey: Years and years, yes, before that -- the '40's.

Mr. Singer: Was he an Ohio person?

Judge Richey: No, he was from Nebraska. He knew Hruska. So, he just carried me around by the hand. He just picked up the phone and asked me when my hearing was. He called the counsel, was a Democrat. He got my hearing almost immediately. That was it. Then, at the time of the hearing, I went over to see Eastland. That went quite well, to my surprise. McClellan was sick out in Arkansas. I never had to see him. If I had, I wouldn't be here.

Mr. Singer: Maybe yes, maybe no.

Judge Richey: Well, I would have told him the truth and he wouldn't have voted for me. The people, Duffner told me he would never vote for anybody.

Mr. Singer: But would his refusal to vote for you have carried sufficient weight?

Judge Richey: Well, he could have put in a blue slip and...

Mr. Singer: You would have to go off the consent calendar.

Judge Richey: And all that stuff and God knows what would have happened. You never know about those kinds of things. This was the end of the first term, Nixon's first term -- getting towards the end of the term. 1971, the election was in 1972 and this was in April of '71.

Mr. Singer: Correct.

Judge Richey: So, it was touch-in-go.

Mr. Singer: Those were very difficult times in the United States.

Judge Richey: Not easy, with the Vietnam War and all that sort of thing. Yes.

Mr. Singer: Very tense. Were you in Chicago at the '68 Convention?

Judge Richey: No.

Mr. Singer: You were not in?

Judge Richey: The '68 Convention was in Miami. Wasn't it?

Mr. Singer: Well, maybe the Democrats were in Chicago.

Judge Richey: Well, the Republicans were in Miami. I know that.

Mr. Singer: The Republicans were in Miami, that's right.

Judge Richey: Right '68 was an awful thing.

Mr. Singer: Really troublesome.

Judge Richey: I can see poor Abe Ribicoff, my dear friend.

Mr. Singer: It was. I mean Martin Luther King was killed.

Judge Richey: Robert Kennedy.

Mr. Singer: And Robert Kennedy. All that in the run-up to the elections.

Judge Richey: Terrible.

Mr. Singer: It was very difficult times. It all, in my mind at least, come alive again with the publication of McNamara's book.

Judge Richey: You couldn't be more right. It's one heck it took him so long to admit it.

Mr. Singer: Mr. Halberstam was very perceptive.

Judge Richey: Wasn't he though.

Mr. Singer: Talking about the best and the brightest.

Judge Richey: One of my college classmates, John Sagan, was one of those whiz kids for the Ford Motor Company, an economist. I don't know where he got his Ph.D. in economics. But, he went to from Ohio Wesleyan to some place and then he became Treasurer of the Ford Motor Company. McNamara was President. John never came to Washington. I guess he didn't have any political aspirations. He liked business. Well, he's retired now, but he just thought the world of McNamara and how bright he was and so on and so forth. Hell! I have no use for the guy. Unless, now because it took him so long, as smart as he was; he knew it was wrong.

Mr. Singer: Well, he said, at least according the reviews, he seems to deny that at the time he knew he was going down the wrong road.

Judge Richey: Well, that isn't the way I read the reviews.

Mr. Singer: Okay.

Judge Richey: Now, maybe I made a mistake. He said he knew it was wrong, but out of loyalty to his patron and the President, he didn't feel it appropriate for him to voice his concern and his views.

Mr. Singer: But that comes toward sort of the end of it. The important years were '65, '66, '67.

Judge Richey: Sure.

Mr. Singer: I think he was, at that point, fully committed and not suffering angst and self-doubt. But, you were just chugging along at that point. You were practicing away.

Judge Richey: I really didn't pay much attention to the War.

Mr. Singer: Your kids were not old enough?

Judge Richey: No.

Mr. Singer: To have been immediately involved.

Judge Richey: No, they were too young. We had a, I think our kids are very happy, they seem to love their father, admire his accomplishments.

Mr. Singer: Really.

Judge Richey: I've had a lovely, a wonderful marriage. I don't have any complaints.

Mr. Singer: I remember reading with a kind of great feeling of human connection and warmth the reminiscence of your clerks about the relationship between them and Mardelle.

Judge Richey: Oh, they love her. Everybody loves Mardelle. She should be a politician. She has no interest in it. But, that woman doesn't have an enemy in the world. She loves people. And she works at it.

Mr. Singer: Well, do you think you have enemies anywhere?

Judge Richey: Oh, God yes. I've got all kinds of enemies.

Mr. Singer: We'll back-up, not really the question I was gunning for. Getting back to, oh, say 1970, the early days on the court or in that period '65-'75 bracket. Aside from what I will call for the moment, principled enemies, that is to say people with whom you openly disagreed.

Judge Richey: I didn't have too much of that until I became a judge. But once I got here and became a totally free person. Oh my goodness gracious. And when I started to do things that I objected to, as a lawyer, in this court -- it created an awful stir and was isolated in a lot of respects.

Mr. Singer: You are now talking about you immediate colleagues?

Judge Richey: Right. Oh, there still is to this day a lot of jealousy, the statistics just came out two or three days ago, since I've seen you. I have 43 cases on my civil docket. Most of the judges are in the 150's or on up to 250.

Mr. Singer: These are data involving cases that are pending, undecided?

Judge Richey: Or, terminated. Yes, yes.

Mr. Singer: That's saying you work with a very modest backlog.

Judge Richey: I had, hell, at least a hundred less than any other judge -- is closest to the fact.

Mr. Singer: That doesn't mean you're working less; it means you're working more.

Judge Richey: Probably, yes.

Mr. Singer: If I understand it the way...

Judge Richey: And hopefully more efficiently.

Mr. Singer: Right. There's a story actually, is it in today's or yesterday's, *New York Times* about.

Judge Richey: Well, maybe. I don't see the *Times*.

Mr. Singer: About a judge in New York who sits in the Eastern District of New York who has, apparently keeps his criminal docket quite current, but his civil docket is a legendary outrage. I forget his name. But, cases will sit ready for decision for periods of time measured in years.

Judge Richey: We've got two or three here who do that too. As many as eight years. Subjudice, tried. The *Washington Post* a few months ago, six months ago, called for an investigation.

Mr. Singer: Who did?

Judge Richey: The *Washington Post*, a lead editorial. There will be some more stories.

Mr. Singer: With these data that are now coming out.

Judge Richey: Yes. We just, I have to file it tomorrow. One has zeros after it.

Mr. Singer: [Laughter.] It's the first time you've been happy with all those zeros.

Judge Richey: Yes, that's right.

Mr. Singer: Nobody else likes having zeros after his name.

Judge Richey: Well, but this is good because there are no motions pending for more than 60 days, no bench trials more than three years old.

Mr. Singer: Can we go back to the death penalty issue for just a moment?

Judge Richey: Oh, sure.

Mr. Singer: Because it's obviously an issue that's come alive again. It's never really gone very far away. It's always been with us, but periodically the noise

level involving the death penalty seems to rise. There must have been a point at which you said, you know, I really am dead set against it.

Judge Richey: That occurred in high school.

Mr. Singer: In high school?

Judge Richey: You see, I was a debater in high school and in college. I taught debates, speech and debate at American University in the early-'50's.

One of the questions was the death penalty when I was in high school.

Mr. Singer: Is it a national debate group?

Judge Richey: Yes, national debate questions. I became utterly convinced it was just dead wrong. I still adhere to that view today. But, my view, I think today, is more informed than it was, Dan, as a youngster. Both of my parents I remember were against it. But, you see experience all throughout the United States where they do not have it. One with the death penalty and one without. It was still the same. Now, though with 54 new death penalties in the last Congress imposed on the federal courts; it's just egregiously wrong. There are not enough strong words in the English lexicon to describe it. The public doesn't understand it. I bet even you as a brilliant lawyer don't understand it. You see, you have to go through a process called voir dire. And in the confines of what is it, a ten mile radius of the District of Columbia? How are you going to find a jury to impanel that can render a fair and impartial verdict without regard to their prejudices or strong feelings for or against the death penalty? Does anybody ever think of the cost of that? Obviously, no. We can't

change venue from Washington, D.C. to someplace in western Maryland or North Carolina or Philadelphia. Gerry Gessell tried a case against a local official named Joe Yeldell in some parking manager. In Philadelphia, since I've been here. But, that was done by consent. Unless you've got the consent you're not going to be able to lead. And they're talking about in this "Contract with America" or whatever it is -- making more death penalty cases. If you just want to put in practical, pragmatic terms, it's not going to work. I'm telling you it's not going to work.

Mr. Singer: I don't have to be persuaded on that.

Judge Richey: Excuse me, I just feel very strongly about it.

Mr. Singer: Right, and I understand it. What I really would like to hear you describe is whether there were events, or particular matters in the public domain, the public press, involving the death penalty, that you may have read about or had an impact on you that led you to the conclusion, outside of almost independently, that the fact that there was a debate question pending on the national high school debates -- that, gee, this is just wrong.

Judge Richey: Well, I always thought it was wrong morally and wrong as a matter of public policy. I made a deep, deep personal conviction about it. I still have that view. I don't know how else to describe it to you.

Mr. Singer: All right, I find that pretty persuasive.

Judge Richey: You know Bill Bryant, when I first came here.

Mr. Singer: [Unclear]

Judge Richey: Oh yes. Yes, he was appointed by Lyndon Johnson. He was a dear, dear friend of mine. And we have an awful lot in common. Because we kind of came up the same way.

Mr. Singer: He argued the *Mallory* case.

Judge Richey: That's right.

Mr. Singer: One of the great.....

Judge Richey: Great victory. And really, a correct decision, too, Frankfurter notwithstanding.

Mr. Singer: We certainly all thought so. "We" being the people who are what I'll call my side of the U.S. Court of Appeals in those days.

Judge Richey: I was on your side. I could tell you a lot of stories about the *Mallory* case too. What were you asking me? I'm sorry.

Mr. Singer: We were talking about the death penalty.

Judge Richey: The *Mallory* case. I was head of the Citizens Association in Burleith and there was a big hue and push to get that decision repealed in the Congress. It involved Rule 5(a) of the old Federal Criminal Rules. And I decided that I was going to have New England style public debate. I was the president of the Association and we lived on 35th Street across from the Western High School. Now the Duke Ellington School of Art.

Mr. Singer: Now, at this point you're living in the District.

Judge Richey: Yeah, I spent most of my life in the District of Columbia. In any event, I decided that this was so right and that what was happening was the police chief and his deputies were going all over the city to these Citizens

Association Groups and getting them to pass resolutions asking the Congress to repeal the Supreme Court decision. And the people were just doing it because they were asked to do it and they weren't informed. So I took the case. There were four arguments for it and there were four arguments against it. I typed it out and had it stenciled and put it on yellow paper. And then I called a town meeting at Gordon Junior High School, where I had Myron Ehrlich and this principal police officer, a lieutenant that was doing all the dirty work going around the city advocating a repeal of the decision.

Mr. Singer: What was the date of this?

Judge Richey: In the '50's.

Mr. Singer: In the 50's.

Judge Richey: And of course, I presided. And there is a lot of power in the chair, as you probably know.

Mr. Singer: Always.

Judge Richey: And they gave us a large classroom for those meetings in those days. I took that around and delivered it myself door-to-door. Crazy nut, but, I did in my station wagon. It snowed like the devil that night, but so many people turned out that they had to go in the auditorium. And when the meeting was over, the old Washington Star always sent a reporter for every one of those Citizens Association meetings. Guess what happened? It was a unanimous vote without dissent in favor of the decision of the Court. And that stopped the effort to repeal that thing in Congress. I had asked

Billy Bryant to come and speak for it. I wanted to talk about ethics. Bill Bryant said he didn't think it would be appropriate for him having argued the case.

Mr. Singer: At that point was he on the Court?

Judge Richey: No, he was just a private practitioner like myself.

Mr. Singer: Right.

Judge Richey: But, nevertheless.

Mr. Singer: Actually, when I was a law clerk he was had not yet been appointed.

Judge Richey: No, he wasn't here for years. Sixties, Seventies, something like that. Anyway, I got that started.

Mr. Singer: That's a better win than a lot of them I bet.

Judge Richey: I got a big kick out of that. Then we went down town to the District Building where the present City Council meets and guess who spoke for the repeal of the legislation? Oliver Gasch right down the hall. Guess who I got to speak against it? Against the legislation.

Mr. Singer: Right.

Judge Richey: Jiggs Donohue.

Mr. Singer: I didn't know that.

Judge Richey: And guess what? We won there too.

Mr. Singer: There was no City Council then.

Judge Richey: We had a lot of...

Mr. Singer: Three commissioners still.

Judge Richey: Well, they didn't have anything to do with it, but any how they gave us the

decision. I went there once a month for years. So I lived in the District of Columbia from 1948 when I got here until 1964. And then we lived in Maryland from 1964 until 1978. We moved back into the City until 1983 when we moved back to Maryland.

Mr. Singer: Where did you live the second time you came here?

Judge Richey: On 25th Street, the Plaza, a condo. It was right across the street from the Watergate.

Mr. Singer: Oh sure.

Judge Richey: Lovely, lovely building.

Mr. Singer: Absolutely. We had our offices in the Watergate. You're talking about the Potomac Plaza Terraces? Is that the building?

Judge Richey: No, it's called, there are three plazas: there's Potomac Plaza, which is right across the street; there's the Plaza -- where we lived, and, then there's that building called the Plaza something, where the EEOC used to be. Right down the street. Big, big complex.

Mr. Singer: It was Columbia Plaza.

Judge Richey: Columbia Plaza. That's it. That's the big one. That is the one I was trying to think of. EEOC was in there.

Mr. Singer: That's right. It's a mixed use.

Judge Richey: Right, right. But, that's kind of a diversion, but Oliver's forgiven me.

Mr. Singer: Well that's very good of him.

Judge Richey: He's a pretty big man. He's forgiven me for that. He felt very strongly about it and he thought I was terrible to lead the fight in favor of that.

That's what brought me the attention of Bazelon.

Mr. Singer: That goes back to where we started today -- the enemy of my enemy is my friend.

Judge Richey: He knew I could be trusted and he liked me; and, he knew that I was a...

Mr. Singer: This is David?

Judge Richey: Yeah, David used to say my friend Chuck is issue-oriented and he's also a man of principle. He said, "I don't give a damn if he is a Republican; he's issue-oriented and we think alike." And we did.

Mr. Singer: You did.

Judge Richey: That's right. Screw them, I don't care.

Mr. Singer: One of the things you said today, which is I think is of tremendous interest, and I think it's something that suggests that the Founding Fathers had insights that we never just appreciated fully. That you said and it is almost in the context of the economic discussion that we had briefly -- that you felt free after your confirmation.

Judge Richey: I did.

Mr. Singer: And that's...

Judge Richey: That is exactly right. I felt free at last. Kind of like Martin Luther King, you know that speech.

Mr. Singer: But that free at last is a whole different thing.

Judge Richey: I know, but I did feel free to be able to do something for my country and the system of justice, which means so much to me that I can't really describe adequately. There are so many things wrong with the buddy

system that I found in this Courthouse when I came here. Particularly, at the trial court levels.

Mr. Singer: How did that...

Judge Richey: Well if you were a WASP. Didn't come from a big firm. You didn't qualify. You were like an African-American.

Mr. Singer: Well, you certainly qualified as a WASP.

Judge Richey: Yes, but that was a minority you understand Dan.

Mr. Singer: Oh really?

Judge Richey: This Courthouse was controlled lock stock and barrel by the Irish Mafia. Starting with James A. Farley. Who stacked this court? I can show you the one's right over there on that picture.

Mr. Singer: I would be interested to know who they are.

Judge Richey: You didn't know that?

Mr. Singer: Well, I knew that there were...

Judge Richey: Come on.

Mr. Singer: Luther Youngdahl didn't fit that description. Luther Youngdahl was like you. He didn't fit that description.

Judge Richey: The hell he didn't.

Mr. Singer: I know he wasn't but he used to go to their goddam retreats. He fell in with them lock stock and barrel.

Judge Richey: Now, George Hart.

Mr. Singer: One hundred percent. John Lewis Smith, Pratt. He's as conservative as Pat Buchanan. Don't tell me he's not.

Judge Richey: No, I certainly will not tell you he wasn't.

Mr. Singer: Big Ben and Oliver Gasch.

Judge Richey: Right.

Judge Richey: At least a decent conservative.

Mr. Singer: Right.

Judge Richey: But a very right-wing person. Stanley Harris, I'm talking about the present day.

Mr. Singer: Yeah.

Judge Richey: Is a very right-wing conservative. Who else is on this floor? We got Rick Urbina, thank God. He's going to be a marvelous judge. But you see here you had McGuire, Curran, McLaughlin. And they had their people in the clerk's office. You remember Marsha Hummer?

Mr. Singer: No, because I didn't clerk in your court.

Judge Richey: Well, you didn't file any motions in the trial court. You had to go to her before you were allowed to file it. And she would read it. Made me take a pleading back, a motion back to my office because it had a semicolon instead of a period. And I said Miss Hummer, can't I just put it in there with my pen like that. Nobody will pay any attention to it. Nope, you have to do it over again. Well 15-20 years later, or however long it was, I came here as a judge and the first week they made me motions judge and register rules judge. And every day I have to see her with a pile of orders like this and they had blanks in there to appoint lawyers. So, I started appointing my Jewish friends, and my minority

friends, and some women. That had never happened before. And after a few weeks, she couldn't stand it any longer. So, she said "Judge I have something to say to you." "What's that, Miss Hummer?" "You're not appointing the same people we've always appointed?" And these are quite lucrative appointments. And I said, "Yes."

Mr. Singer: She had it right the first time.

Judge Richey: And she said "What do you mean?" And she pulled out of her purse a list and handed it to me and it was so old Dan it was yellow the paper. And I should have kept it but I got mad and threw it back like that. And said "There is a new day in this courthouse Miss Hummer. As long as I am alive those people are never going to be appointed because it has been their way too long." And six weeks later she resigned.

Mr. Singer: That's right.

Judge Richey: Six weeks later she resigned.

Mr. Singer: How did the other judges allow you to do this?

Judge Richey: I just did it.

Mr. Singer: But this is...

Judge Richey: Oh, they were trying to kill me in the beginning.

Mr. Singer: Kill you by overworking you?

Judge Richey: Yes. Hell, they gave me two judges' calendars. The new judges come on here they get 140 cases. Christ, I had 550 civil cases, about 400 criminal cases, plus all this other work right in the beginning. I wasn't supposed to be here. I didn't come from the big firms. I didn't come

from the establishment. No.

Mr. Singer: Well you came from the establishment. Good grief.

Judge Richey: No I really wasn't the kind of establishment that you normally think of.
Like George Hart who had been.

Mr. Singer: Whiteford, Hart, Carmody and Wilson is a firm we all knew.

Judge Richey: But that wasn't George Hart. George Hart was state chairman in the days
when it meant something to be state chairman. Like Joe McGarraghy was
at Wilkes & Artis firm. Youngdahl had been governor of Minnesota.
Christ almighty. McLaughlin, Congressman. McGuire, Jackson's
assistant. Number one assistant in...

Mr. Singer: The Justice Department.

Judge Richey: Yeah, hell I wasn't a part of that.

Mr. Singer: But, you came out of certainly what many people, maybe incorrectly,
thought was at least part of the local Washington establishment.

Judge Richey: Well in a sense.

Mr. Singer: The Washington, Montgomery County, Maryland Statehouse type of
establishment.

Judge Richey: Right. Well sure, sure. But not their kind of people. Not their kind of
people.

Mr. Singer: How did the President make such a mistake?

Judge Richey: Well, I have had that question asked and he has alleged to have said that
Charles Richey represents his worst appointment during his presidency and
that I am the Earl Warren and Bill Brennan of his administration. That's

what Richard Nixon says about me. Sorry, but that was too bad. But that's the way it is. Most people say that's a compliment.

Mr. Singer: You know, I don't know if you remember back when Tom Clark was appointed to the Supreme Court.

Judge Richey: I do remember.

Mr. Singer: The *Washington Post*, I guess it was the *Times Herald* at that point editorialized saying this is the worst appointment Truman has ever made. When Dave Bazelon was appointed, that same newspaper.

Judge Richey: Probably said the same thing.

Mr. Singer: Said no that they were wrong about Clark. It's Bazelon that was the worst appointment that Truman ever made because he had come out of Chicago ward politics.

Judge Richey: Oh yeah. And what was the famous national committee man from Chicago?

Mr. Singer: Jake.

Judge Richey: Jake Arvey.

Mr. Singer: Jake Arvey, right.

Judge Richey: He was Mickey's friend you know that?

Mr. Singer: Yeah I know.

Judge Richey: It wasn't David.

Mr. Singer: It wasn't David. He always was very smart about who his friends were.

Judge Richey: Yeah.

Mr. Singer: And The *Washington Post* and *Times Herald* later on, must have been in

the '60's, apologized essentially editorially to David.

Judge Richey:

Great!

Mr. Singer:

It was kind of a great day.

Judge Richey:

That's marvelous.

Mr. Singer:

That happened.

Judge Richey:

Well I want to tell you something, David Bazelon took me in. I don't know why. As I say I first came to his attention in that *Mallory* fight which again was a matter of principle with me.

Mr. Singer:

You want to know something about how far Dave Bazelon came. His own developments. It's worth going back and looking at the case called Coplon against the United States.

Judge Richey:

Oh Coplon. It's called Coplon.

Mr. Singer:

Judy Coplon. David was really on the wrong side.

Judge Richey:

Was he?

Mr. Singer:

Oh yeah, because there they had intercepted conversations between Judy Coplon and her lawyer.

Judge Richey:

Jesus Christ!

Mr. Singer:

My recollection is that David would have upheld it. He was in a minority that dissented from Wilbur Miller who threw it out. I mean this role reversal. In any event, we now have come almost to two hours that we have been chatting and for me it has been an exciting and most enjoyable two hours.

Judge Richey:

Well, you're sweet.

Mr. Singer: But one thing we haven't done and perhaps you rather I did it with your clerk. I don't want to stop this now, I think we are warming up to the process.

Judge Richey: Whatever you want.

Mr. Singer: I would like at least to schedule a few more such sessions if you are willing to do this.

Judge Richey: Oh, absolutely, I am at your hands.

Mr. Singer: And it probably would be best in terms of not taking your time to look through your calendar that I call up Jeff and try and set it up with him.

Judge Richey: I think we have another one, just let me look here. This is April.

Mr. Singer: We don't have any more scheduled now. We had one scheduled last Thursday.

Judge Richey: Right.

Mr. Singer: That had to be canceled. Well that's show biz. That's what happens.

Judge Richey: Wait just a minute. Today is the, we had one for the 13th.

Mr. Singer: Right, and that's the one that got canceled. We are now at the 17th.

Judge Richey: Well, if you want to do it tomorrow.

Mr. Singer: No, what I would like to do if I may, is get these two sessions transcribed.

Judge Richey: All right.

Mr. Singer: Be able to reflect a little to make some notes about areas that we have already been over that might be interesting to pursue or clues that might be interesting to pursue during discussions of what happens to Judge Richey over the course of 20+ years.

Judge Richey: Starting 25 next month.

Mr. Singer: That's right and be able to...

Judge Richey: It's incredible for me to realize. It is.

Mr. Singer: But it's an incredible career.

Judge Richey: I have just been so blessed.

Mr. Singer: I want to talk some more about this sense of freedom. This internal freeing that happens when someone is appointed -- gets tenure of a very special kind. In a very special kind of university if you will.

Judge Richey: Well, I know exactly what you're talking about. I don't know whether I can describe it but it is, except for the pay, it's one of the most wholesome things that can ever happen to a human being. And I am delighted to say that the Article III Judiciary, I think, is probably the greatest group of human beings that have ever been assembled. The Founding Fathers really knew what they were doing when they talked about creating an independent judiciary.

Mr. Singer: Well it has

Judge Richey: Well Dan let me tell you something. I heard George Mitchell say in a TV interview before he retired as majority leader, just at the end of his term in the Senate, that there will be term limits for members of Congress. And he added as a former federal judge, there will be term limits for federal judges. Let me tell you something. If there is any kind of a term limit for federal judges, you can kiss this Republic good-bye. If you know anything about history, as I know you do, but I'm not sure that the

American people do, Adolph Hitler when he came to power, what was the very first act that he did. It was to fire and remove all the judges of the nisi prius courts throughout Germany. That's what's going to happen to America if George Mitchell's prediction is correct.

Mr. Singer: I think federal judges...

Judge Richey: I'm serious.

Mr. Singer: ...have a special kind of coming together.

Judge Richey: Well, that may be true and I hope so, but I'm telling you that is what's gonna happen to this Republic if it comes about. Mitchell is no fool, he's a pretty wise man.

Mr. Singer: He is a former federal judge also.

Judge Richey: Yes. For a year, year and a half, something like that.

Mr. Singer: He never fully got his feet wet.

Judge Richey: Let me tell you something about judging. It takes probably four or five years to really learn how to be a judge. One of the unfortunate things about our system of justice is we got a three-tiered system as you know. The trouble with the intermediate circuit courts is unlike the old days in the beginning of the Republic when even the Supreme Court rode circuit. These people come generally from academia. Why, because they write law review articles and the appointing authority, whether a Democrat or Republican, feels secure in his or her views and therefore their long range imprint on history will be more secure. They don't generally appoint people who have had experience in the arena of life, the trial courts, that's

just the exception rather than the rule.

Mr. Singer: Don't trial courts?

Judge Richey: Absolutely. All you have to do is look at the bios to prove it. It's not hard to prove.

Mr. Singer: No, no.

Judge Richey: You don't see a Jack Weinstein on the Second Circuit.

Mr. Singer: Correct.

Judge Richey: You don't see a Marvin Frankel on the Second Circuit. You didn't see Eddie Weinfeld on the Second Circuit. Now, those three I think are among the greatest of your time or my time. You don't see a Charles Richey on the D.C. Circuit. Well there are some of us that just can't pass that litmus test. You understand.

Mr. Singer: Pat Wald.

Judge Richey: She is one of the greatest women I have ever known. But let me tell you something. Dear Pat wasn't a trial lawyer.

Mr. Singer: No, she was certainly not that.

Judge Richey: She worked for the Legal Aids Society, she worked for NRDC, she did all kinds of...

Mr. Singer: She was also Assistant Attorney General.

Judge Richey: Well, Office Legal Policy or whatever it was. She is a person of great principle. I just admire and love that woman beyond description. But, she doesn't know what goes on in the dynamics of putting a trial together like I just went through with *Duran*. No idea. The same is true. Who

up there now does have that? My goodness gracious.

Mr. Singer: What's the downside of having people like that up there?

Judge Richey: The downside is that they review our work and they don't know what the heck they are doing.

Mr. Singer: But are they...

Judge Richey: You see, there is something about knowing human being and the effect that their decision may have on the quality of life. If you haven't been down in the pits working with others and managing the process how can you review it and say this is wrong and that is wrong. Harold Greene and Lou Oberdorfer are another two people that should have been on the appellate courts. I'm dead right. Don't kid me I know I am.

Mr. Singer: Harold has certainly been down in the pits. Oberdorfer was a lawyer in practice here and has also been Assistant Attorney General of Tax.

Judge Richey: Exactly. And I know both wanted to be.

Mr. Singer: That's a big list. Those who wanted to be. That's a big list. Very good sir.

Judge Richey: Well I've got to go to NYU to a conference that I promised Sam Strader that I would go to this Friday and Saturday and then I've got to come back here for a dinner Saturday night. Then next week I go to Florida to do a speech.

Mr. Singer: When you go like that do you take Mardelle with you? Does she come with you?

Judge Richey: Sometimes, but she's gotten so in recent years she won't go unless, if she's

been there before she won't go.

Mr. Singer: She only wants to go to new places with you.

Judge Richey: I don't like that, but if you can figure out a way to change her mind I would pay you for it.

Mr. Singer: I'm going to turn this off