



EDMUND D. CAMPBELL, ESQUIRE

Oral History Project
The Historical Society of the District of Columbia Circuit

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The Historical Society of the
District of Columbia Circuit**

**United States Courts
District of Columbia Circuit**



Edmund D. Campbell, Esquire

**Interviews conducted by:
William F. Causey, Esquire**

October 7 and November 11, 1994

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NOTE

The following pages record interviews conducted on the dates indicated. The interviews were electronically recorded, and the transcription was subsequently reviewed and edited by the interviewee.

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PREFACE

The goal of the Oral History Project of the Historical Society of the District of Columbia Circuit is to preserve the recollections of the judges who sat on the U.S. Courts of the District of Columbia Circuit, and judges' spouses, lawyers and court staff who played important roles in the history of the Circuit. The Project began in 1991. Most interviews were conducted by volunteers who are members of the Bar of the District of Columbia.

Copies of the transcripts of these interviews, a copy of the transcript on 3.5" diskette (in WordPerfect format), and additional documents as available – some of which may have been prepared in conjunction with the oral history – are housed in the Judges' Library in the E. Barrett Prettyman United States Courthouse, 333 Constitution Avenue, N.W., Washington, D.C. Inquiries may be made of the Circuit Librarian as to whether the transcript and diskette are available at other locations.

Such original audio tapes of the interviews as exist as well as the original 3.5" diskettes of the transcripts are in the custody of the Circuit Executive of the U. S. Courts for the District of Columbia Circuit.

ED CAMPBELL ORAL HISTORY PROJECT

At The Offices of Jackson & Campbell, P.C.
Washington, D.C.
Friday, October 7, 1994

Mr. Causey: Good morning, Ed. We are glad to have you with us this morning. This is Friday, October 7, 1994. My name is Bill Causey. I'm here with Jim Schaller and Maria Perugini at the Offices of Jackson & Campbell, P.C. in Washington, D.C., and we are going to be taking the oral history of Edmund D. Campbell for the Historical Society for the District of Columbia Circuit. Ed, good morning.

Mr. Campbell: Good morning to you, sir.

Mr. Causey: What we are going to do for your oral history is have three sessions. Today, we will spend some time talking about your background, personal history, and some of the cases that you have handled and been involved in over the years. During our second session, we will talk about some personalities over the years that you have known -- judges, lawyers, and other people. And in our final session, we will focus on the history of this law firm, which proudly carries your name Ed. Let me begin by asking you if you could just give us a brief biographical sketch of your early life, when and where you were born, and where you went to school.

Mr. Campbell: I was born in the last century, March 12, 1899 in Lexington, Virginia, the home of Washington & Lee University. My father was a professor there and my grandfather was also a professor there, and the next door neighbor after the Civil War of Gen. Robert E. Lee with whom his family were closely associated. He [grandfather] was also a friend of Stonewall Jackson and was a pallbearer at Jackson's funeral. So I have quite a Confederate background. I went to college at Washington & Lee and graduated when I was 19. Then I went into World War I for just a few months at the end of 1918.

Mr. Causey: Where did you serve during the First World War?

Mr. Campbell: I was at Field Artillery Officers Training Camp outside of Louisville, Kentucky. After the war, I got a Masters Degree in Economics at Harvard and then studied law at Washington & Lee. I graduated there and took the District of Columbia Bar in 1922.

Mr. Causey: What was the District of Columbia Bar exam like in 1922? What did you have to do to pass the Bar exam?

Mr. Campbell: Well, I know I had a typewriter and that gave me an advantage over some of the others who had to write it out in long-hand. It was a pretty difficult exam. I don't remember anything about the details of it except that only approximately 50% of those who took it passed that year.

Mr. Causey: Was it a one-day exam?

Mr. Campbell: Yes.

Mr. Causey: Where did you take the exam, do you remember?

Mr. Campbell: No. It was inside a building but I don't remember where it was.

Mr. Causey: What was your first legal job?

Mr. Campbell: I really didn't start practicing law until 1925. I was not at all sure I wanted to be a lawyer and got a job with a professional economist, who was working for John Lewis, the head of the miners union.

Mr. Causey: Was that here in Washington?

Mr. Campbell: In Washington. He went broke and I had to look for a lawyer's job and in 1925 I found one.

Mr. Causey: What was your first legal job?

Mr. Campbell: Well, I was a young associate for the firm of Douglas, Obear & Douglas, which had offices in the Southern Building and was headed by Mr. Charles A. Douglas of South Carolina. He was a very distinguished trial lawyer in Washington at the time.

Mr. Causey: Was the firm basically a litigation firm?

Mr. Campbell: I would say 50 percent litigation, yes. We had only five employees including three partners and two associates which actually was about the same for law firms at that time. There were very few firms with more than six or seven members in size.

Mr. Causey: Do you remember your very first legal assignment?

Mr. Campbell: Well, I think the first legal assignment I had was to carry Mr. Douglas' bag on a trip he made to Mexico and later to Cuba. He represented a number of the oil companies; one such company was Standard Oil of New Jersey. He went to Tampico, Mexico and I went along with him literally to carry his legal bag and also to keep him company -- he did not like to travel alone. We went on the train. What I remember about that trip is that he lost his case with the court and the counsel on the other side blatantly told him that he paid the judge \$10,000. It gave me a strange feeling as to the workings of the judicial system.

Mr. Causey: That was your introduction to law practice?

Mr. Campbell: We also made a trip to Havana, Cuba. I don't remember much about it except I enjoyed Havana and Mr. Douglas was very gracious in showing me around.

Mr. Causey: When was your trip to Mexico and Cuba?

Mr. Campbell: In late 1925 or early 1926, I don't remember. I think the first actual case I had -- I remember -- because it was one that I won and was very proud of -- some lady in Georgetown (my mother had lived in the Georgetown section of Washington and this was someone who knew my mother) employed me to defend her in a suit by somebody who had did some work on her house and was claiming \$300. In talking to her, I reached a conclusion that she was very dissatisfied with him and that's the reason she had not paid him. She said actually it had cost her a good deal of money. He filed suit against her in the Municipal Court and I said well why don't we file a counterclaim. We filed a counterclaim for about \$800. I tried

the case and not only did the contractor not win on his \$300, but we got a finding by the Court, it was not a jury trial, of \$500 on her counterclaim. I was very proud of that. That was, I'm sure, it was the earliest case I had tried, and that was I think in about 1926 or 1927.

Mr. Causey: Is the house still there in Georgetown?

Mr. Campbell: I think so, but I don't know.

Mr. Causey: Do you remember who the judge was?

Mr. Campbell: No I don't. The Municipal Court heard cases of \$1,000 or less and I think there were about eight or nine judges.

Mr. Causey: Where did the Municipal Court sit in 1926?

Mr. Campbell: I know the building and can visualize the building and I think it was on the lower part of 7th Street, not far from Pennsylvania Avenue. I may be in error because it may have been 5th Street, but not far from Pennsylvania Avenue.

Mr. Causey: So you were an industrious associate at Douglas, Obear & Douglas. Did you start trying a lot of cases?

Mr. Campbell: I gradually got to trying a lot of cases. Actually, they were good enough to make me a member of the firm, I think around 1930. One of the earliest developments I remember getting involved in, and it was very educational from my point of view, was litigation and detailed work in connection with receiverships for the Mayflower Hotel and for some 8 or 10 buildings. The cheap ones on a bond issue that had been put out by a New York firm for Harry Wardman's properties. He was a great builder in Washington at the time and he had built the Wardman Park, now known as the Sheraton Park Hotel and the Carlton Hotel at 16th & K Streets, which were supposed to be the finest hotels in Washington at the time and a number of apartments and office buildings. They were all combined in the late 1920s in a big mortgage bond issue by a New York firm called Halsey Stewart. After 1929 when the whole world seemed to collapse economically, both the Wardman Park Hotel and

this other group of hotels went into receivership. We represented the receivers of the Wardman group and did some special work for the receivers in the Mayflower group. It was a real experience because you were working in detail in what turned out to be important litigation.

Mr. Causey: So you liked that kind of work?

Mr. Campbell: I did like that kind of work. We also represented the F. H. Smith Company, who had financed a great many office buildings in Washington. A number of them got into real trouble in the early 1930s in the depression. I got to trying a good many cases.

Mr. Causey: Let me ask you this, Ed. Back in the late 1920s and early 1930s, what was the District of Columbia court system like? How was it structured? Where was court held?

Mr. Campbell: I'm glad you asked that question because it was so different from what it is now. The United States District Court, I think had, as I remember, about four judges. Those four judges not only held the -- it may have been five -- not only had the jurisdiction of federal courts, but were nisi prius state courts, if you want to call the District of Columbia a state, for that purpose. They were unique in their jurisdiction except that I do believe that Puerto Rico and maybe Alaska, at the time, may have had similar jurisdictions. They tried divorce cases, they tried chancery cases, they tried all damage suits, they tried null contract cases, they tried everything.

Mr. Schaller: The Register of Wills Office was under the federal court.

Mr. Campbell: The Register of Wills Office, the Probate Office was under the jurisdiction of that court. Another thing in connection with it, this was before the Federal Rules of Civil Procedure had been adopted, and you filed a declaration or a bill in chancery, bill in equity, whichever was appropriate, you filed demurrers, plea in abatement, you filed pleas, not answers, except in chancery, of course.

Mr. Causey: And this was all under the old code pleading system?

Mr. Campbell: It was really under the old common law pleading system. It was really unique and we still get some benefit from the Court of Appeals' decisions in matters of substance that you would not ordinarily find a federal judge to decide. It was also a U.S. Court of Appeals of three judges. The courthouse was located in this fine, old building and occupying the entire square between 4th & 5th Streets, John Marshall Place and E Street. The building is still there and being used.

Mr. Causey: Now I believe you mentioned the Federal Rules of Procedure -- I think the Federal Rules of Civil Procedure were adopted initially in 1937. What was the reaction of members of the Bar and the Bench when the new Rules were being promoted and came into effect?

Mr. Campbell: I think it depended upon the lawyers. Some lawyers did not like having to learn all over again the Rules that we followed. Mr. Obear didn't think very much of them, but I liked them. I didn't realize the maze that we would get into as a result of them.

Mr. Causey: Can you tell us something about your early participation in the Bar Association?

Mr. Campbell: I became a member of the Association soon after I went with the firm of Douglas, Obear & Douglas. I have also been interested in and active in it. I was appointed a Committee Member at a fairly early date. Actually I served on the Bar Association Committee that proposed the Federal Rules of Civil Procedure. I served on a Committee which studied those Rules and made some suggestions at the time before they were adopted. I have served on many Committees since. I don't know whether you want to go into that now or not.

Mr. Causey: When you became a member of the Bar in 1925, 1926, how large was the D.C. Bar then? Do you remember?

Mr. Campbell: No, I'm hesitant to make a guess on it. I don't know -- it was comparably small -- certainly not more than a few thousand.

Mr. Causey: Was it an active Bar Association?

Mr. Campbell: Oh yes. It gave a special service to lawyers that was really badly needed. It furnished the lawyers libraries, so to speak, in the old courthouse. The judges permitted it because they got a benefit from the library being put in the courthouse. I don't recall our dues but I think they were \$10.00 or \$15.00 a year.

Mr. Causey: I suspect as lawyers today, back then they thought that was high.

Mr. Campbell: The Bar Association had always been active in certain fields, primarily the library and then social, then recommending upon judges, they were always doing that, and following prospective legislation in the Congress which affected the District of Columbia.

Mr. Causey: Did you hold any position or office in the Bar Association at any time?

Mr. Campbell: At any time? Yes, I served on a Special Committee which was a Committee of Nine which really was the agent of the Bar Association in dealing with prospective legislation and also in appointments to the federal bench. Then in 1962, I think I served as a Director before I was elected President. I believe it was in 1962 that I was elected President of the District of Columbia Bar Association and after I had served as President, I was elected several times by the Bar Association as one of its delegates to the House of Delegates to the American Bar Association.

Mr. Causey: Let me stay with the issue of your activities with Bar Association Committees and Court Committees for a moment. We'll go back a little bit to the '30s and '40s again. You said a moment ago that the Bar took a role in the appointment of judges. Was that an active, meaningful role back then, or was it just basically window dressing?

Mr. Campbell: No. The Bar always was interested in judicial appointments, naturally. The Committee of Nine would generally have a slate of two or three and would seek an appointment with the Office of the Attorney General for the purpose

of proposing the names. Sometimes the names were accepted. I knew a number of persons recommended by the Bar became judges on the federal bench or in the Municipal Court.

Mr. Causey: So members of the Bar would meet with the Attorney General of the United States to talk about judgeships?

Mr. Campbell: We would ask for an appointment with the Attorney General. We generally were relegated to one of his deputies. But not always. We were well received. I remember distinctly when I was on the Committee going to see the Attorney General and it turned out to be a Deputy Attorney General, who was none other than Lawrence Walsh, who later served as Special Prosecutor in the Iran Contra Hearings matters.

Mr. Causey: Let me move forward a little bit, but stay on the issue of Bar Committees and Court Committees. I believe in the 1950s you were asked to serve on the Civil Rights Committee. Can you tell us something about that.

Mr. Campbell: Well, I was a member of the Civil Rights Committee. This was in the period, I believe it was after World War II, when, as it was called, the "Negro Question," was very much in the public eye and the District of Columbia Bar Association was all white. The Negroes could not even use the library in the courthouse. Agitation was coming and growing as a result of the wartime service of Negroes. Negroes had gone on baseball teams and it became a matter of real concern. Agitation for opening the Bar Association membership to Negroes increased. On the other hand, Washington was really a southern city as far as its background of its inhabitants were concerned. There was substantial opposition to it. We on the Civil Rights Committee recommended that the Bar Association membership be opened to Negroes and I forget what year it was opened. I'm sorry that I can't tell you the exact year, but it was the mid-or late '50s.

Mr. Causey: Do you remember who was on that Committee with you?

Mr. Campbell: Charlie Rhyne was President of the Association.

Mr. Causey: Was that the Committee that Edward Bennett Williams chaired?

Mr. Campbell: Yes, he was during part of the time.

Mr. Causey: I believe Abe Fortas was on that Committee.

Mr. Campbell: Mr. Fortas was on that Committee before he went on the Supreme Court.

Mr. Causey: So the Committee met and considered the question of opening the Bar Association to Blacks and minorities and recommended that that take place?

Mr. Campbell: Correct.

Mr. Causey: And is that when the Bar Association became integrated?

Mr. Campbell: Yes, sir.

Mr. Causey: So when you were President of the Bar in 1962, was the Bar Association integrated in that year?

Mr. Campbell: Yes it was.

Mr. Causey: Do you remember any other committees you served on in connection with the Bar Association or any of the other Court Committees?

Mr. Campbell: Well, I served on a Committee but I cannot tell you the name of the Bar Association Committee which purported to supervise the judges.

Mr. Causey: How did you supervise judges back then?

Mr. Campbell: We would meet and if we found a judge that we did not think was acting appropriately, we would make a certain recommendation. I remember particularly Judge Alexander, of the Municipal Court, who had many, many detractors and many, many complaints filed against him. He finally had to get off the Court.

Mr. Causey: How many members were on that Committee?

Mr. Campbell: I think there were five. I'm trying to think of the other members, but my memory fails me. I do remember Robert Bennett, who has represented President Clinton in certain litigation right now. I have served on a number of other association committees and I believe you have a list of some of them.

Mr. Causey: I believe you were on the Virginia Bar Relations Committee with Oliver Gasch in the mid-1960s. You were on the U.S. Court of Appeals Committee on Admissions and Grievances.

Mr. Campbell: That is correct.

Mr. Causey: Let me ask you some questions about the development of the Unified Bar. You were involved in the movement to establish a unified bar, I believe, in the late 1960s. Is that right?

Mr. Campbell: Yes.

Mr. Causey: What are your recollections of what that debate was all about?

Mr. Campbell: From the District of Columbia Bar Association's point of view, it was viewed with, shall I say -- antagonism -- because it did not want any interference with the work that it was doing. We realized that it had to be done and really needed to be done. The question of what the Unified Bar should do was a highly controversial one. The Unified Bar is, of course, another bar association. You automatically had to become a member and the committee recognized that and accepted it as needed. The question was really the role of the unified bar and there was substantial controversy over that.

Mr. Causey: What was it that got people thinking about having a mandatory unified bar? What led to that movement?

Mr. Campbell: My recollection was that it was the court that was concerned and that the court wanted lawyer discipline and bar responsibility.

Mr. Causey: This would be the D.C. Court of Appeals?

Mr. Campbell: Yes.

Mr. Causey: There was a lot of opposition to that?

Mr. Campbell: Let's say dragging their feet. I don't think it was formal opposition to it.

Mr. Causey: I think that the first year of the formal Unified Bar was 1971, I believe, is that your recollection?

Mr. Campbell: I can't give you the date.

Mr. Causey: Ed, let me ask you some questions about some of your cases over the years and I've been fortunate enough to be able to review some of the cases that you were involved in, in fact many of the cases you were involved in, and there are quite a few over your distinguished career. Let me first name some cases and if you could give me your recollections of some of those cases, if you have some. I'll do this in chronological order so we'll come forward in time, but let me take you back to 1944. I think you were involved in a case called Parmelee v. U.S.?

Mr. Campbell: Yes.

Mr. Causey: What was that case about?

Mr. Campbell: I had been asked by the American Civil Liberties Union to represent them in this case. I think this was the only case I actually served with for the American Civil Liberties Union in, but they really wanted to test the obscenity law in its application to nudism and there are federal statutes which forbade the importation of obscene books and provided for their confiscation. It permitted the testing of the action of confiscation in the U.S. Court of Appeals. There was a book on nudism which was confiscated and I believe Parmelee ordered the book. I didn't know Mr. Parmelee. I was really acting for the American Civil Liberties Union. This book on nudism -- I looked at it and read it -- and really it was anything but sexy. Kind of boring from that point of view! But it did have some pictures. It had a frontal picture of a nude man and it had a frontal picture of a nude man and woman standing in front of each other. Anything but sexy, but there they were. The book was confiscated on the grounds that it was obscene. I represented the

American Civil Liberties Union in attacking the ruling and the Parmelee case was the result. As I recall in the Parmelee case, it was a 2 to 1 decision by the U.S. Court of Appeals, the majority holding that under the current mores the book was not obscene.

Mr. Causey: Do you remember who was the dissenting judge?

Mr. Campbell: The dissenting judge was Fred Vinson who later became Chief Justice of the United States. He became my warm, personal friend and actually he became a friend of so many members of the Bar. He had been a distinguished member of Congress and I believe he had been Chairman of the Committee called the Naval Affairs Committee, but he was an expert on the Navy in the U.S. Congress. I wondered whether he would make a good judge. Actually, he turned out to be a good judge.

Mr. Causey: Except for this one case?

Mr. Campbell: Yes!

Mr. Causey: Well, that was in 1944. You had another interesting case in 1944 and that was the Giese case. Do you remember that case?

Mr. Campbell: Yes, this was during World War II and Giese was a conscientious objector. He had raised his conscientious objection. He was not a church man, but I reached the conclusion that he honestly felt that war was morally a sin and under any circumstances that he had no right to participate.

Mr. Causey: So he did not want to serve in World War II?

Mr. Campbell: He did not want to serve in it. The Selective Service Committee, I'm not sure if I've got the exact name right, in the District of Columbia, had called him up for service. He raised the objection as a conscientious objector. They ordered him to serve pending the ruling. I raised the question of the constitutionality of such action. I am not sure I am stating the case legally or completely accurately because my recollection of 50 years ago is not as accurate as it should be but in any event he was indicted and tried before Judge David Pine in the District Court and found guilty of criminally violating

the Selective Service Act laws. We appealed the case to the U.S. Court of Appeals in the District of Columbia, which was still then a three-judge court as I recall, and the Court, by a 2 to 1 decision, affirmed the conviction of the District Court. I asked for certiorari to the Supreme Court and certiorari was granted. I remember arguing the case, in fact this was one of my especially interesting experiences as a lawyer. I was arguing the case before the nine members of the Supreme Court and after I had been talking for about 10 minutes, Justice William O. Douglas, who had been sitting there, just suddenly and without saying a word, got up, turned around, turned his back on me, and walked out of the Court, leaving only eight judges. I finished arguing and the Court took it under advisement. Several months later, I got a one-sentence memorandum saying the Court was divided 4 to 4, so the lower court was therefore affirmed. That's all the Supreme Court said.

Mr. Causey: Did you ever learn why Justice Douglas left the argument?

Mr. Campbell: Yes, I was determined to learn. Finally, I got word from his Clerk that Justice Douglas had helped President Roosevelt's Administration in the preparation of regulations for the Selective Service and had decided that he should not sit. So that's how that case ended. Poor Mr. Giese went to jail as I recall.

Mr. Causey: Do you remember the Howard v. Capital Transit Co. case?

Mr. Campbell: Yes.

Mr. Causey: What was that case about?

Mr. Campbell: Virtually the only thing I remember in that case is I lost it and the special reason that I lost it, which came to be perfectly clear. I had represented a lady who claimed she was hit by a streetcar. The streetcars then came to a stop adjacent to a platform. There was a platform there and you got on the platform and then got onto the car. Well, this lady, what was her name?

Mr. Causey: Howard. Ms. Howard.

Mr. Campbell: Howard? Against Capital Transit?

Mr. Causey: Against Capital Transit.

Mr. Campbell: Ms. Howard, this lady, about 40-ish, turned out to be 45 years old, claimed that the streetcar came over the edge of the platform; that the platform improperly came too close to the streetcar and that she was on the platform and hit by the streetcar. The defense was she just got right in the way of the streetcar. This was a jury trial and I remember Ms. Howard going on the stand and answered the questions very well and she was being cross-examined by the Capital Transit Co.'s counsel. In the course of his examination he said, "By the way, Ms. Howard, how old are you?" She said, "I'm 39." He said, "Are you sure you are 39?" She said, "Oh yes, I'm 39. On my birthday, I'll be 40 next January." Well, Capital Transit counsel then pulled out a slip of paper and said, "Will you look at this, Ms. Howard." Then she turned completely white! She said, "That's my birth certificate." He said, "According to your birth certificate, you are 45! Are you 45?" She said, "Yes, I'm 45." He said, "No further questions." It was a very dramatic and shocking experience for all of us.

Mr. Causey: I take it you lost the case. Did you know she was 45?

Mr. Campbell: No, I knew she had told me she was 39. I did not know she was 45, I thought she was 39.

Mr. Causey: So it was a surprise to you too?

Mr. Campbell: Yes, I was shocked.

Mr. Causey: Those things happen.

Mr. Campbell: Not only did it happen and she never forgave me incidentally and I was a bit unhappy about that because she seemed perfectly responsible financially, we had advanced for her account, the costs of the case and the costs of her deposition. She never paid a dime of those costs!

Mr. Causey: I was asking you about some cases that you handled in the 1940s. Let me ask you about one other matter that may have taken place at

that time. Do you remember being involved in any of the hearings that investigated the incident at Pearl Harbor in 1941?

Mr. Campbell: Yes, I do remember. My partner, Hugh Obear, was directly involved there. After the war, there was a Congressional investigation of the situation in the American Navy, Air Force and the Army, which indicated that they were negligent in not knowing that the Japanese were going to bomb Pearl Harbor, and in not saying anything about it or doing anything about it. I think it was Admiral Kimmel who really lost his status in the Navy in connection with the matter. Among those investigated, however, was Admiral Stark. Obear represented Admiral Stark in certain Congressional hearings on the subject. I forget exactly what position Admiral Stark had, but I believe it was more or less staff positions, rather than directly in the active Navy.

Mr. Causey: What role did you play in those hearings?

Mr. Campbell: I really played no direct role other than to consult with my partner from time-to-time, or rather he consulted with me, as lawyers do, to bat the thing around to see what position you should take.

Mr. Causey: Did you attend the hearings?

Mr. Campbell: No. I think I attended one of them. I played no active role in them.

Mr. Causey: What was the result of the investigation?

Mr. Campbell: I do not think any censorship resulted against Admiral Stark. That is my recollection.

Mr. Causey: Let me ask you about a few more cases.

Mr. Campbell: I used the word censorship. That is not the word -- I don't think they found anything against him.

Mr. Causey: Let me ask you, Ed, about a few more cases and then we will come back and talk about the court system in more detail. I know you were involved in a number of cases that were concerned with the racial situation that existed in the country in the 1950s and

1960s. Can you tell us what you recall about the case of James v. Duckworth?

Mr. Campbell: James v. Duckworth was the second case; the first one was James v. Almond, they came one right after the other.

Mr. Causey: These were in 1959 I believe, right?

Mr. Campbell: It was in 1958 they came. I remember vividly being in my office in the Southern Building in Washington when a group of businessmen came to see me from Norfolk and said that they had to do something about the Norfolk schools. The Norfolk schools had been closed as a result of the "massive resistance" laws of Virginia. The "massive resistance" laws of Virginia, which had been promulgated and furthered by Senator Byrd, provided that if a court decree became effective which directed the desegregation of any Virginia school system, that those schools affected would be immediately, absolutely closed. The title of the schools would be transferred from the School Board to the Governor of the State and the school could not be reopened unless and until every parent of every child in the school accepted the fact that it should be reopened on a desegregated, integrated basis. As a result of the application of that law, Judge Hoffman in Virginia had ordered that all of the schools in Norfolk admit 15 Negro applicants who had applied. The schools were thereupon closed and had been closed for a couple of months and there were some 15,000 children in Norfolk out on the streets, so to speak. These men, including a couple of bankers, came to see me and said we can't have this in Norfolk, but the situation in Norfolk is such that we cannot get what we consider a high-class, reputable lawyer to represent us. We're much more interested in having the schools opened than we are in whether they are segregated or desegregated. "Would you be good enough to represent us?" and they offered me a substantial retainer. I talked with my wife about it and decided that I could not live with myself if I did not say I would do it. So, I did accept it and we argued the case before a three-judge court in Norfolk on a motion for preliminary injunction. There was a huge crowd in the courtroom; it was overflowing. It was a very emotional period.

The court took the case and decided that Virginia didn't have to have any public school system if they didn't want to, but that it could not close certain schools on the grounds of race or direct integration and keep other schools open at the same time and so entered a mandatory injunction requiring the Governor to reopen the schools. They appealed it to the Supreme Court, but the Supreme Court did not hear oral argument but reaffirmed the lower court's decision and schools were reopened on January 19, 1959. I remember the date so vividly because it was the birthday of my Confederate hero, General Robert E. Lee, and I wondered how he would feel if the schools had been directed to be reopened on an integrated basis on that date. The Virginia Legislature was in session in the early part of 1959. Senator Harry Byrd, Jr. (I think he was the one) offered a resolution providing stopping all appropriations for the public schools in Virginia. In other words, the resolution was to abolish the public school system in Virginia rather than to integrate the schools. That motion lost by a single vote. That's how close Virginia came to abolishing the public school system in the State of Virginia, rather than to integrate the schools.

Mr. Causey: Was that after this case or before the case?

Mr. Campbell: It was after the decision in the case. When the court had ordered that the schools reopen on January 19 and the resolution in effect would have abolished any appropriations for the purpose of reopening all of the schools in the State. That failed by a single vote and the schools were reopened and reopened without incident, it was almost as though there was a neurosis which was suddenly dispelled when the world didn't come to an end and all the little children didn't inter-marry when the schools were desegregated.

Mr. Causey: Now you were involved in a number of other important cases concerning race relations in the country.

Mr. Campbell: I had been involved in cases involving the segregated seating city laws and one or two others but they were not District of Columbia cases.

Mr. Causey: One famous case you were involved in that I would like to have you tell us about a little bit is the Mann v. Davis case. That was one of the first one-man, one-vote cases, I believe.

Mr. Campbell: That's right.

Mr. Causey: Its companion cases, I believe, were Sims v. Reynolds and Hughes v. WMCA. I think there may be one or two more companion cases. Is that correct?

Mr. Campbell: I think there were three or four of them that we argued before the Supreme Court. The cases involved the question of allotment of delegates or state senators in the state legislatures. Most states had provisions that, at least the lower house, that the delegates would be apportioned in accordance with the population. But that provision in the Constitution had been honored in the breach rather than in the letter because the legislators simply did not want to vote themselves out of office and the provision was being substantially ignored in legislatures throughout the country. I had been asked by the members of the House of Delegates and in the State Senate in Northern Virginia to represent them in the matter because we had only one-third of the representation that we were entitled to receive under the State Constitution. The situation in New York, Connecticut, Alabama, and Georgia was even worse. We filed a lawsuit before a three-judge court in Alexandria raising the issue, and the court held that the Virginia legislature had not complied with the Constitution in the matter. The case was appealed, rather cert was asked for and granted by the Governor of Virginia and came before the Supreme Court for joint argument with three similar cases which I have referred to. I had the privilege or the responsibility, you might say, of coordinating the argument for all of the jurisdictions and the representatives came here to Washington and we talked about it and decided to make argument. The Supreme Court spent more time, I think, in hearing the argument on that case than it had spent in any other cases before or since, three and one-half days, I think it was.

Mr. Causey: That was in 1964 or 1965?

Mr. Campbell: It was one of those years.

Mr. Causey: Did you argue the case in the Supreme Court?

Mr. Campbell: Oh yes, yes.

Mr. Causey: What do you remember about the argument?

Mr. Campbell: Well, the primary thing I remember was the position that the United States Department of Justice took. They were represented by Archibald Cox, who got involved in other matters later.

Mr. Causey: He was the Solicitor General?

Mr. Campbell: He was the Solicitor General. The United States took the position that it was desirable and that we were constitutionally entitled to have proportionate representation in the lower houses of the state legislatures. But because of the practice in the United States Senate, in having representation by states, the Governor was not going to argue or take the position that there should be equal representation in the upper houses of the state legislatures. I remember suddenly pulling out of a hat the argument that Virginia would step in -- where I would be possibly a fool, but fools step in where angels fear to tread -- and that I thought that states voters were going to have equal representation. There was no reason why proportionate representation should not be granted in the upper house, as well as the lower house. It was a dramatic argument but actually I think, if I want to brag for a minute, I think it may have been one of the most important cases in the century here in the United States because if the state legislatures had been permitted to go indefinitely in the course that they were pursuing, the rural areas would completely control the veto on any modern legislation. I do not think the Republic could have continued to indefinitely exist under the circumstances. I do recall getting some word, a little bird told me, that he understood that the Court was going to hand down its decision on a certain day and if I wanted to, I better be in the courtroom. I recall going to the Supreme

Court, and I wondered whether that was right in that guess or not, but I saw sitting on the side of the court the wives of most of the Justices. I said, well that must be it, and the Justices came in and did render the opinion and it was as I recall, a 6 to 3 vote.

Mr. Causey: How did you know they were going to give their opinion that day?

Mr. Campbell: Some lawyer told me. I forget who it was. I don't recall where or how he got the information and I didn't inquire.

Mr. Causey: If I remember correctly, Chief Justice Warren wrote the opinion, is that right?

Mr. Campbell: Yes, the opinion came from Chief Justice Warren. I have been told, and again, I do not know the source, but I was told that the primary writer of the opinion was Justice White, but it came back under Chief Justice Warren's name.

Mr. Causey: Let me ask you about some other cases equally as interesting, perhaps not with the far ranging political magnitude that Mann v. Davis and some of your other cases had, but again, still focusing on the early '60s, I believe you were involved in the case involving the moving of the Washington Senators to Minneapolis. Is that correct?

Mr. Campbell: Yes.

Mr. Causey: Was that the Murphy v. Washington American League Baseball?

Mr. Campbell: Mr. Murphy held a minority interest in the Washington Senators. He was vigorously opposed to having the ball club moved to Minneapolis and thought he had some right to be heard to stop it. Clark Griffith, however, controlled the majority of the stock. Murphy wanted me to file a suit to make them rescind their movement to Minneapolis. Frankly, I knew we didn't have much of a case because the majority generally had a right to determine what would be done with the ball club. We took the position that it was an abuse of discretion and that it was against the interest of the ball club. I don't know what other grounds we took, we argued it. But, I

remember going out to Minneapolis and enjoying very much taking the depositions of Griffith and some of the ball players, which was an interesting experience. But, the lower court decided against this and the appellate court affirmed it. Roger Robb, my close friend, represented Clark Griffith and the majority interest in the Washington Ball Club. He later became a member of the United States Court of Appeals.

Mr. Causey: I imagine you had a lot of supporters behind that case.

Mr. Campbell: That's right! That's right! We had more supporters than we had law!

Mr. Causey: Were you a baseball fan?

Mr. Campbell: Oh yes.

Mr. Causey: You went to Griffith Stadium a lot and watched the Senators?

Mr. Campbell: Yes, I went to Griffith Stadium over and over.

Mr. Causey: Now another case that you were involved in, I believe in the mid-'60s, which was a case of some notoriety, was the case involving the United Mine Workers. Do you remember that case? I think the case was Howard v. Brown.

Mr. Campbell: Oh, no, that did not involve the United Mine Workers, it involved Judge Goldsborough, whose chief claim to fame was that he had been a judge in World War II in the 1940s and he showed real courage in fining John L. Lewis, who ran the United Mine Workers, of which Lewis was president of, fining them \$2 million for contempt of court because they had not obeyed an order to resume mining during the war. It was Judge Goldsborough who was presiding in this case, it had some interest, I think personal interest, it certainly did to me. Before a jury I was representing a man named Howard from Wilmington who was a lawyer there and who had represented this firm, headed by Brown, in connection with one of his corporations in Wilmington. The State of Delaware had jurisdiction over some matters related to their corporate structure and had sent him a bill for \$10,000 which had not been paid and he asked me if I would represent him

in the case. The case came on before Judge Goldsborough and a jury. I remember the case very well because of what happened during the case. We argued the case, both sides put on witnesses, but I remember one of our witnesses, in fact it was Mr. Howard himself, when giving his testimony before the jury, was telling his story, and right in the middle of his testimony, the judge made a snorting sound, we looked at the judge and the judge was sound asleep. I mean sound asleep! What would we do? When I went to law school I was not taught what to do if a judge goes to sleep in the middle of the trial. Obviously, we stopped and waited for about two minutes. The jury was just as interested in the drama as we were. What would we finally do? I remember asking the marshal who sits by the judge closely. I said, "Would you tap the judge and get him awake so we can proceed. He looked at me and said, "Mr. Campbell, if you want the judge awake, I think you better do the waking."

Mr. Causey: Well, how did you wake up the judge?

Mr. Campbell: What are going to do? What actually happened and what we finally did was, Mr. Howard, the witness, as you know in the courts of the District of Columbia, sits up there on the pedestal by the court. Howard finally touched the judge and the judge jumped and said, "Ask your next question, Mr. Campbell." Actually, we won the case.

Mr. Causey: Was it a jury trial?

Mr. Campbell: Yes it was.

Mr. Causey: Now. Moving forward a little bit into the later part of the 1960s, you were involved in an important case involving the desegregation of the D.C. school system, I believe. That was the Hobson v. Hansen case?

Mr. Campbell: Yes. In that case, Mr. Thomas Jackson, whose name is in this firm and one of the founders of this firm, 10 years before we became partners, asked me if I would join him in attacking the detailed directions given by the District Court with respect to the administration of the District schools under the desegregation laws. In a case in the

District Court, Judge Skelly Wright of the United States Court of Appeals, had come and accepted an assignment in the district court to try the case. Judge Skelly Wright had come out with a detailed direction for management of the District of Columbia schools that I thought was outrageous in the sense that he was trying to be superintendent of schools and going to elaborate details as to just what was to be done under every detailed circumstance that might arise. We appealed it to the Court of Appeals from his decision. Judge Bazelon, who was also a highly-liberal and I call an extremist on the Court of Appeals, was sitting, I believe Judge Burger was sitting, too, on the Court of Appeals. We argued that case, but we didn't get very far. I think we got a divided court, as I recall in that case, but we lost it when the case was affirmed.

Mr. Causey: Did you handle any other cases with Tom Jackson before the two of you became partners, is that the only case?

Mr. Campbell: No, I don't recall any other case. I don't think I handled any other actual trials with Jackson before then. We had been associating on opposite sides in many matters which had not come to trial.

Mr. Causey: I believe you also had a case in which you were representing -- was it a Russian spy? What was that case all about?

Mr. Campbell: That's in the Eastern District of Virginia. Judge Oren Lewis of the United States District Court of the Eastern District wanted to appoint somebody to represent a man being accused of being a Russian spy who had been employed in the Defense Department, an American citizen. He appointed Ed Pritchard of Fairfax and me to represent him. We found out after conversations with him that it was no doubt that he was a Russian spy. He used to take detailed material concerning the weapons that the United States had and details and information concerning them were taken and delivered to a Russian representative in the parking lot at Seven Corners, a shopping center in Fairfax County, Virginia. He

finally admitted it. The case was interesting because of the subject matter, but we finally persuaded him to plead guilty and he was sentenced and served a term.

Mr. Causey: Do you remember what year that was?

Mr. Campbell: I think it was in the late '60s, but I'm not sure.

Mr. Causey: I believe you also had a case involving the Hatch Act, did you not?

Mr. Campbell: Yes, that involved the Hatch Act. That was also a Northern Virginia case in which we attacked the constitutionality of the Hatch Act, but did not get very far, it was sustained in the Court of Appeals.

Mr. Causey: What do you think over your long career, what do you consider your most important case that you worked on? Important as having the most far-reaching effect on the law and on our society?

Mr. Campbell: Well in no uncertain question, it was the one man, one vote cases. That, together with the massive resistance case in Virginia was, I think, the most exciting cases I had. The Supreme Court had already in Brown v. Board of Education decided the fundamental principle in the desegregation cases in 1954. So, in a real sense, the massive resistance decision case that we had in 1959 was simply carrying out the decision which had already been made. The one man, one vote cases really established very important new law I think for the United States.

Mr. Causey: What was the most interesting case that you think you worked on in your career? Do you have one or two that stand out as being the most interesting, most challenging to you as a lawyer?

Mr. Campbell: I'm going to ask my partner, Ben Dulany, to comment briefly here on a case that he and I had with James Benn.

Mr. Dulany: Garfield v. Sankin. Joe Garfield arrived at the office and told Ed a story that was a real cock and bull story and it strained credulity. So Ed got a court reporter, put him under oath

and took his deposition sitting in Ed's office. In a sense he had let him ramble, it wasn't strictly a question and answer, but he would give him a broad question and let him go through his whole story. We kept that in the office safe in case somebody raised a question later that we were taking a case that we shouldn't have taken. Ed for once did not make the best fee arrangement. We tried that case for three weeks one year, had a mistrial. Took it up again the following September, adopted the three weeks testimony and we tried the case before Judge Bill Jones and we lasted until about Christmastime and he finally decided on liability and we went back for another two or three weeks in January on damages before a Special Master. Bill Jones wrote a 99-page opinion. He said he always said he would never write a 100-page opinion so he stopped on the 99th page and we were able to renegotiate and came out pretty well on it. The subject was over the ownership of the Garfield Apartments out on Connecticut Avenue. There was the world's great con man by the name of James T. Benn and he had hornswoggled Garfield and he had gone to bed with Garfield's wife. There was money buried out in a tin can in the back yard. He had in the office of Hammill, Park & Sanders, hidden in their air conditioning, he had a briefcase full of money. We had diamond brokers who were both bona fide purchasers -- It looked like Damon Runyon really, the cast of characters and it went on and on and on.

Mr. Campbell: I remember at the end of that case James Benn's lawyer came in the office and suggested some compromise of some action which was obviously tainted and no one honorable could get involved in it. And I remember, this was the only time that I had actually did this, ordering him out of the office.

Mr. Dulany: He then went ahead and dropped his lawyer and tried the case pro se. He just made a monkey's circus out of his game.

Mr. Campbell: You remember you said that Judge Jones enjoyed that!

Mr. Dulany: Well, he got Holtzoff was in it at one point on some motions and he used the first time we had comparable negligence. He was arguing

that back and forth. Really he didn't put it in those words but that is what it came down to. Benn had been in Tax Court before Judge Kern and the Tax Court opinion had some of the most scathing language referring to James T. Benn and what kind of a crook he was and how he sold bearer stock and all the myriad of things that were crazy and I kept trying to get it into evidence. I knew it was inadmissible but I wanted to get it in anyway and every night I would come back from trial and Ed would say "You didn't get that damn fool opinion in evidence did you?" I said, "No, but I tried" and he would moan and groan. Finally, one day Judge Jones' law clerk came up to me, it was on a Friday, and said "Could I borrow that opinion, I would like to read it." I said, "Certainly." So, I lent him the opinion and I never tried to get it admitted again -- I knew it had been admitted de facto. Bill Jones would never admit that he had read it but I am sure he had.

Mr. Campbell: There were a lot of other dramatic cases that I have been involved in but I believe that they were more dramatic to me than I think that they might to other people and I don't believe there would be any advantage in talking about them here.

Mr. Dulany: How about your criminal case, Ed?

Mr. Campbell: Which one?

Mr. Dulany: Alan Kay.

Mr. Campbell: Well, we represented Alan Kay and it was an Eastern District of Virginia case but it was tried in Norfolk because they were afraid they could not get a fair jury in Alexandria. Alan Kay was charged with having bribed the members of the Board of Supervisors of Fairfax County in order to get the zoning that he wanted. I recall we tried that case and I think Ben Dulany did most of the trial work there but I recall arguing the case and I understand that I transgressed the duties of my office there by saying that I was getting to be an old man and that Alan Kay was young enough to be my son and he could not have committed this offense. Ben Dulany has reported to me that the court leaned forward as though he were of the opinion that that was not a good legal

argument but it seemed to work in this case. We got Kay off.

Mr. Causey: There is another case that someone mentioned to me that really was not a judicial case, but it was a case in the Ecclesiastical Courts. Do you remember handling that case?

Mr. Campbell: Yes, that involved the right of a woman priest who had not been recognized formally by the Episcopal Church to administer communion. In the early days before women were recognized as legitimate priests in the Episcopal Church, a group of retired bishops had purported to ordain certain women as priests. Their action was not recognized by the presiding Bishop of the Episcopal Church because the general convention of the church had not authorized women priests. Of course, whether or not women should be priests was a highly controversial issue at the moment. Father Wendt, who was a rector of a church in the District of Columbia, got one of these purported women priests to administer communion in his church whereupon the bishop of the diocese of the District of Columbia brought charges against Father Wendt and assigned the matter to a three-judge panel to hear on the question of whether Father Wendt should be censured, demoted, de-frocked, or what should be done with him. Well, this panel asked if I would serve as an "assessor," which means legal advisor to the panel, in which I did. I remember the panel and we were trying to get formal in the matter and when we heard the case we all wore academic costumes to try to increase the formality of the hearing. The chief thing I remember in the hearing, incidentally, the panel decided 2 to 1 that they would censure Father Wendt, but not de-frock him. I was opposed to anything being done, but I did not have a vote. The lay member of the panel also dissented. But, during the hearing, we decided that it would be a good plan and might help us or help the court a little if we got the presiding Bishop of the Episcopal Church, you know there is a presiding Bishop of the Episcopal Church, to be a witness. We didn't think he would want to come, but we concocted an idea that we would act as though we were a formal legal body acting under the law and so we proceeded to subpoena the presiding Bishop and we mailed

him a copy of the subpoena, directing him to come on such-and-such a date. I said mailed him a copy, I believe we telegraphed it. The presiding Bishop sort of thumbed his nose at us and said he was going up to Canada that day. Whereupon again presumptuously, but very interestingly, I got the Ecclesiastical Tribunal to issue a formal decree holding that the presiding Bishop of the Episcopal Church was in contempt for ignoring the subpoena that had been issued against him. Well, the chief draw in that case is that it made the front page of the New York Times.

Mr. Causey: Did the court hold the Bishop in contempt?

Mr. Campbell: The Ecclesiastical Court held him in contempt, but we couldn't put the presiding Bishop in jail, so he was just out in contempt and that was it.

Mr. Causey: How did that case end up?

Mr. Campbell: By 2 to 1 vote, the Ecclesiastical members of the court voted over the objection of the lay member of the court to reprimand Father Wendt.

Mr. Causey: In these cases that we have been talking about, who do you remember as being your most worthy adversary?

Mr. Campbell: I can't answer that though I had a great many worthy adversaries.

Mr. Causey: Which ones stand out in your mind thinking about these cases?

Mr. Campbell: Let me think about that and report back. I can't answer that right now. I wouldn't know how to answer it right now.

Mr. Causey: Ed, to conclude this segment of your oral history, we have been talking about all of these cases that you handled over the years, can you tell us a little bit about how the court itself functioned, how it scheduled matters, what the day-to-day practice of law was like before these courts, particularly the trial courts.

Mr. Campbell: Let me say first, that in all of my years of experience in the District of Columbia, I have never appeared before a judge that I thought

was corrupt. Some of the judges are much better than the others, but all of them, from my point of view, tried to do a good job and that's quite a tribute, I think, to the judicial system in the District of Columbia. In the early days, the district courts did not have cases assigned directly to them. They took potluck and a judge might hear part of a case and another judge hear another part of it. On Friday mornings, running from 10:00 a.m. to whatever time a judge would sit, say from 4:00 p.m. to 5:00 p.m., the judge would hear all motions, every Friday. When we finally came to the trial of a case as I say, the assignment of a case, that part of the case was by lot so to speak or just to the judge that happened to be open at the time. You want to know what his practice was?

Mr. Causey: You say motions were heard on Fridays?

Mr. Campbell: Well the motions were heard on Fridays. The trials were held on the other days.

Mr. Causey: How long would judges sit during an average day of a jury trial?

Mr. Campbell: Until 3:30 p.m. or 4:00 p.m. If you got Oliver Gasch or some of the other judges they would sit until 5:00 p.m.

Mr. Causey: We will have another segment where we will talk about your recollections of judges, in particular, but are there any judges that stand out in your mind as being outstanding jurists that you appeared before?

Mr. Campbell: Yes, but I would like to answer that the next time.

Mr. Causey: We will save that for the next session. Well, Ed, we've been spending the last almost two hours, a little over two hours, talking about some of your cases that you've handled in your career and it's evident from our discussion that you have had a remarkable career at the Bar, involving a number of fascinating cases and interesting personalities and very significant issues.

Mr. Campbell: It's a long time!

Mr. Causey: It's a rich history of involvement at the Bar and I want to thank you for spending some time with us this morning to talk about these cases. During our next session we will talk about some of the judges and lawyers and some of the personalities that you remember over the years when you were at the Bar. Anything you want to add as we finish this segment on your cases and your personal background?

Mr. Campbell: No, I'm glad to give whatever information I have on my experiences.

Mr. Causey: Well this is very helpful and very entertaining.

Mr. Dulany: May I add one thing -- During the entire time that I have practiced law with Ed I have never known him when he was not enthusiastic and happy with what he was doing. I have never known him to be fed up with the law or even a particular case in the law. Maybe he has been but he never showed it.

Mr. Causey: Well, that is quite a compliment. Ed, thank you again for joining us this morning. This ends this segment of the oral history with Edmund Campbell and this is October 7, 1994.

ED CAMPBELL ORAL HISTORY PROJECT

At The offices of Jackson & Campbell, P.C.
Washington, D.C.
Friday, November 11, 1994
Second Session

Mr. Causey: My name is Bill Causey and with me is Ed Campbell and Maria Perugini and this is the second session of our oral history interview with Ed Campbell for the Historical Society for the District of Columbia Circuit. Today is Friday, November 11, 1994. Ed, good morning.

Mr. Campbell: Good morning.

Mr. Causey: Ed, what I would like to do today is to ask you to share with us some recollections about different judges and lawyers and individuals that you have worked with over your long and illustrious career. You've been a practicing lawyer in this city since 1925, so you have had a chance to meet and work with and argue before and get to know a lot of people in the legal community in Washington, including a lot of judges.

Mr. Campbell: That is right, sir.

Mr. Causey: When you were in your first few years of practice as a young lawyer arguing cases, do you remember any particular lessons that you learned from judges in those early cases that have stayed with you for your entire career?

Mr. Campbell: Well, I think the first lesson is to keep on the subject. The second lesson is to talk to and communicate with the judges. In fact, I think that is the most essential thing in the trial of a case, to communicate and talk to people and not at them. Some young lawyers have briefed their cases and can read extracts from the cases and unless you are actually on a one-to-one basis with the jury or the judge, you are really wasting your time. I think that is the principal lesson.

Mr. Causey: Do you remember some of the judges that you appeared before in your first few years of practice?

Mr. Campbell: I am sure I do. One of them was, in fact, the most startling one from my point of view, was Judge Bailey. Judge Bailey was a federal judge in the United States District Court. I think he was there in the late 1920s or certainly in the 1930s. Have you got a list?

Mr. Causey: Yes. Thomas Jennings Bailey.

Mr. Campbell: When did he go on the bench?

Mr. Causey: I have him serving in the District Court from 1918 to 1963.

Mr. Campbell: Right. A long session.

Mr. Causey: What do you remember about Judge Bailey?

Mr. Campbell: Well, Judge Bailey scared every young lawyer that ever appeared before him, he scared us to death! He came, I think, from Kentucky or perhaps it was Tennessee. He came on the bench without ever really having practiced law. He was an able man in the sense that he knew the rules of law pretty well. He had studied it and he had been a clerk in one of the courts. He had no warmth or relationship with the lawyers that appeared before him except to talk at them. He stated his conclusion of the law in words that left no tact that that was it. He was absolutely without mercy, shall I say, or without give in setting a time for the trials of his cases or for the hearing the motions and you were either there or you would regret it for some time.

Mr. Causey: Do you remember any particular cases that you tried before Judge Bailey?

Mr. Campbell: I don't believe I can pick out any one. I know I lost several of them.

Mr. Causey: What do you think are the qualities that make for a good judge?

Mr. Campbell: A good judge must have an intuitive knowledge of right and wrong in the cases that come before him. He must always be able to see the forest and not simply get lost among the trees. He must be able to cut through, shall I say the crap in a case, and get to the heart

of it. In his dealings with lawyers, he should be courteous at all times, firm in his rulings, and hear the case even though he knows what he is going to decide in advance, or at least thinks he knows. He should never pre-judge a case and he should not let the lawyers think he has pre-judged it. He should not talk to the lawyers in such a way as to let them think he is not hearing them out.

Mr. Causey: Do you think that over your career, judges were better in the earlier days than they have been in the past 20 years, or do you think that judges have become better at judging in the past 10 or 15 years?

Mr. Campbell: I don't know if I can make any decision of feeling that way. I think the cases have become much worse in a sense.

Mr. Causey: More difficult, complex?

Mr. Campbell: Yes. They have become more difficult and complex, but also they have become overly burdened and I think cursed really, by a terrific abuse of the discovery process. I think the handling of the trial of cases where every witness is really testifying twice and the way it becomes a trial, not of so much of testimony as a trial of paper, that it has been a great loss of the essence of right and wrong in a case as the result and I wish we could seriously consider restricting the discovery process. Judges are busy. They don't want to take the time to get into arguments with the lawyers over whether or not they are abusing the deposition process. I think that is the greatest curse in modern trials.

Mr. Causey: Did you ever want to be a judge?

Mr. Campbell: I thought at one time I would like to be an appellate judge. I didn't think I had the physical stamina to take the day-to-day grind of trial judges. In fact, the Bar Association on two occasions recommended me for judge of the U.S. Court of Appeals, but I was Virginian and our Virginia leading Senator was Harry Byrd. I was not a follower of Harry Byrd. He considered me a wild-eyed radical or liberal and I didn't get very far.

Mr. Causey: So there was some political opposition to you going on the bench?

Mr. Campbell: Well, political or let's put it as lack of any affirmative support from the Virginia Senators.

Mr. Causey: Well, you were such a vigorous and successful trial lawyer and I am interested to hear you say you didn't want to be a trial judge, but an appellate judge. Did you enjoy in your practice appellate work more than trial work?

Mr. Campbell: Oh, yes. I enjoyed appellate work I think more than trial work.

Mr. Causey: Why is that?

Mr. Campbell: I loved appearing before a bench having three judges and having really analyzed the case very well, and being able to engage in a colloquy with the court. I was quite successful in that field. I think in one sense I was better at that than I was at jury trial. I enjoyed jury trial, but I enjoyed batting the law around, if I might say, with the appellate judges more than I did arguing the facts before a jury.

Mr. Causey: Well, let me ask you about some appellate judges that you have appeared before in your career and if you could share with us some of your recollections about these people. Tell us what kinds of people they were and what it was like to be before them as a lawyer. Charles H. Robb served on the United States Court of Appeals from 1906 to 1937. Do you remember Judge Robb?

Mr. Campbell: I remember Judge Robb. I don't remember too much about him. I have appeared before him. He was a rather small man.

Mr. Causey: Small in size?

Mr. Campbell: Yes, small in size. My impression of Judge Robb was that he was not outstanding, but a responsible and predictable judge and a good one. He was very courteous on the bench and listened to those who argued before him. I don't think I was before him more than a couple of times.

Mr. Causey: Was Roger Robb his son?

Mr. Campbell: I thought about that coming in this morning and I think he was. Roger was my very good and very close friend and he, Roger, enjoyed being on the bench very much.

Mr. Causey: It may in fact be the only criminal case that I was appointed to represent the defendant before the Court of Appeals. It was a case in which Judge Roger Robb was the presiding judge and I remember going into the argument thinking that there was no way I was going to convince him to reverse the conviction given the record that we had, but my distinct recollection of that argument was how courteous he was to me and how attentive he was during the argument and I really enjoyed appearing before him. He was a good friend of yours, Roger Robb?

Mr. Campbell: Yes, Roger and I were good friends for many years. He was a practicing lawyer for a long time before he was appointed judge. I remember we were on opposite sides of a case involving the Washington Baseball Club. I was representing a substantial minority stockholder in that case and he was, I thought, being abused by Mr. Griffith, the majority stockholder who had moved the team from Washington out to Minneapolis. I was taking a deposition over there in Minneapolis one day in the winter and Roger had gone out to Minneapolis the day before to confer with his own clients out there. I remember that night before I was going to Minneapolis he called me up. We were on opposite sides but not very bitter enemies because he said, "Ed, if you are coming out here to Minneapolis, you get your long underclothes and bring them out because this is the coldest weather I have ever seen." Well, I didn't get very far with Mr. Griffith in the depositions. Roger was also involved in the atomic energy claims against Lindenthal I think his name was, who was accused as one of the brilliant people in the development of the atomic bomb and Roger had been appointed to investigate him because he was accused of collaboration with the Russians. The Russians, of course, were our partners in the War but we did not want to disclose any atomic materials to them. I know that Roger reached the conclusion that there

was something to that. Just as Alger Hiss was alleged to have been involved, Roger Robb reached the conclusion that Lindenthal was guilty of loose handling of the relationship with Russia, but he was a good judge. Very courteous man.

Mr. Causey: Another judge that served on the U.S. Court of Appeals in the '20s and '30s when you were in your first few years of practice was a Josiah Van Orsdel.

Mr. Campbell: I can't tell you anything about him and I appeared before him once and was well received. He had a handlebar moustache. I remember that!

Mr. Causey: How about Judge Justin Miller, do you remember Judge Miller?

Mr. Campbell: Only in a general way. Judge Miller had no particular personality. He was, I thought, a little more conservative in his application of the law than I would like, but he was a fine man as far as I know.

Mr. Causey: Now, I believe you knew Judge Fred Vinson well.

Mr. Campbell: Yes, I did.

Mr. Causey: What are your recollections about Judge Vinson before he went to the Supreme Court?

Mr. Campbell: Well, I was active in the Bar Association even at that time and I remember Judge Vinson at the annual outings of the Bar, playing poker with me, and he was a very outgoing man.

Mr. Causey: Was he a good poker player?

Mr. Campbell: Yes, he was a poker player, not very high-stake poker at some of these outings. Judge Vinson had been in Congress and I think he was chairman of the Naval Affairs Committee but he was a naval expert in Congress. We were good friends and his son, Fred, Jr., went to college with my son, Ed, Jr. and we saw each other on Bar occasions. I didn't have any

other social relationship with him, but I admired his integrity. I never thought he was a brilliant jurist but he was alright. I believe he was Secretary of the Treasury, too, at one time.

Mr. Causey: I'm not sure about that, he may have been. Judge Henry Edgerton served on the Court of Appeals for a long time; from 1938 to 1970. Do you remember him?

Mr. Campbell: Oh, yes. I remember him well. I think he had been a professor, I'm not sure. He was a scholar. He was in the period when the U.S. Court of Appeals was pretty well divided ideologically between the ultra liberals in the civil rights movements and the conservatives. He was definitely in the liberal block. Once I recall I had been on the Committee of the Bar proposing some suggestions with respect to Rules of Civil Procedure and the Appellate Rules in the U.S. Court of Appeals, too. I remember, with respect to the latter, having appeared before the Court of Appeals and made suggestions with respect to them, and they were, I thought, rather quietly and not too favorably received by the Court, but Judge Edgerton came to me afterwards and said we are going to have to get some resolution passed by the Court of appreciation for the work of this Committee and I always thought that was a nice gesture at least on his part. I got along very well with him. He was a good judge.

Mr. Causey: Judge Barrett Prettyman was the Chief Judge of the Court of Appeals.

Mr. Campbell: Judge Prettyman was an outstanding man and an outstanding judge. He had been Corporation Counsel in the District of Columbia and I would call Judge Prettyman, well almost ideally he met my concept of what a judge should be in his relationship with the Bar and his ability to separate the forest from the trees.

Mr. Causey: Do you remember Judge Fahy?

Mr. Campbell: Yes. Judge Fahy had been the United States District Attorney in the District of Columbia. He was well thought of as a judge. I don't have a feeling that he was a masterful judge, but he was alright.

Mr. Causey: Wasn't he the Solicitor General of the United States before he went on the Court of Appeals?

Mr. Campbell: I don't know the answer to that question.

Mr. Causey: I believe he was. Thurman Arnold -- do you remember being in front of Judge Arnold?

Mr. Campbell: Yes, he was during my very early days. Big man. When he spoke, his voice reverberated through the courtroom. He had a sort of dominating position in the court, that is, when he spoke you listened. I have no basis from personal experience to pass on his legal ability, only his manner.

Mr. Causey: Let me ask you about another Judge. Judge James Proctor. Do you remember being before Judge Proctor?

Mr. Campbell: Judge Proctor I knew well and I think I only had one case before him. He had been on the United States District Court in the District of Columbia and was a thoughtful, not brilliant, but a thoughtful, thoroughly adequate judge. He was promoted to the U.S. Court of Appeals. I don't think I ever appeared before him when he was on that bench.

Mr. Causey: Let me ask you, Ed, your recollections of some more recent judges that are on the U.S. Court of Appeals and let me begin with Judge Skelly Wright. What recollections do you have of Judge Wright who was quite a legal judge?

Mr. Campbell: Judge Skelly Wright had come up to the U.S. Court of Appeals from the U.S. District Court in New Orleans where he had been a mainstay in support of the Department of Justice's efforts to enforce the bound against the Board of Education ruling of the Supreme Court in desegregating the schools and had won for himself great unpopularity because of his

rigid determination that the ruling of the Supreme Court would be enforced despite the vigorous opposition of the New Orleans populace. Judge Wright, I appeared before him a number times, was, along with Chief Judge Bazelon, of the U.S. Court of Appeals, an extremely liberal judge. Now I use the word liberal in relating to criminal cases and the right of the defendant in criminal cases. I thought, and I think the Bar generally thought, that Skelly Wright and Chief Judge Bazelon, went way overboard in reversing convictions on almost any grounds. In fact, lawyers used to think that those two judges just had a feeling that people ought only be convicted. You will find over a period of almost a generation there that they, in many cases, dominated the court in regard to extreme application of civil rights on behalf of the defendant.

Mr. Causey: So their opinions were unpopular with many members of the Bar?

Mr. Campbell: Oh, yes. Another relationship I had with Judge Wright was in a case which I had tried before him where he accepted an assignment to act as Special District Judge. Tom Jackson, my partner from Jackson & Campbell, got me to join him in a case on appeal from a decision in which Judge Wright had acted as trial judge involving the desegregation of schools in the District of Columbia. Schools had been desegregated, but a claim was made that there was not adequate allocation of whites and blacks in each school district and that the blacks were discriminated against in handling of individual classes. Judge Wright had heard that case and had written a 50-page opinion, in which we thought in effect he had assumed the position of school superintendent and had put the court in a position of really managing the details of almost every aspect of the operation of schools, far beyond what was intended in Brown v. Board of Education. We, Jackson and I, appealed that decision to the U.S. Court of Appeals. As I recall, we did not get too far in the Court of Appeals because Bazelon was on the Court, but we did get, I think, some modification of the rules.

Mr. Causey: So the Supreme Court did hear that case?

Mr. Campbell: No. This was the Court of Appeals. I remember Burger dissented in that opinion.

Mr. Causey: Did you know Warren Burger?

Mr. Campbell: Oh, I knew him very well.

Mr. Causey: What are your recollections about Chief Justice Burger?

Mr. Campbell: Justice Burger is, of course, still living. We were good friends. Justice Burger, when he was on the Court of Appeals, was helpful with some of the work that we were trying to do in the Bar Association. He is an able man. He is possibly a little more conservative than I would be. He does not have the ability to get along at all times with fellow judges or the administration, but he was a good judge.

Mr. Causey: There is a lot of talk and concern now about the personal relationships among the judges on the Court of Appeals and a lot of people say that the Court today is very fractured and judges view things very personally. Did you think that was the case back in the '50s and '60s when you have Judge Burger and Judge MacKinnon on the conservative side and Judge Bazelon and Judge Wright on the liberal side?

Mr. Campbell: There was a definite fracturing there in the U.S. Court of Appeals and I think rather unusually so because frankly, Judge Bazelon and Judge Wright were ideologized and they were not in the mainstream. I think it is true that everywhere in modern civilization in America we find fracturing and intolerance, much less collegiality than there had been.

Mr. Causey: Why do you think that there is more disagreement and contention between judges and people in general in society today than there were 20, 30, 40 years ago?

Mr. Campbell: I think it is simply typical of the relationships in all areas of society. I think the nation as a whole is becoming completely fractured and the sense of community today is being destroyed by various factors which have made people more and more unhappy and individualistic. I can go into it but it goes

far beyond what I've said and I would say that from what I hear, and only from what I hear, that the Supreme Court under Judge Rehnquist, with whom I disagree with on many, many legal matters, has become much more collegial than it had been in the past, with the exception of one or two judges who don't work very well with the others.

Mr. Causey: We have talked about a number of judges on the Court of Appeals who served from the '20s and '30s up through the '70s and you argued before the Court of Appeals during all of those years. Was there a difference in arguing in front of the U.S. Court of Appeals earlier in your career than later in your career? Were the judges different? Were the procedures in which they handled cases different? Did you notice a change?

Mr. Campbell: Well, I think they got a little more meticulous in the timing and in the application of rules with respect to briefs and that sort of thing. Other than that, I don't think there is any real difference.

Mr. Causey: Did you have a particular judge that you enjoyed being in front of on the appeals court more than other judges?

Mr. Campbell: Well, if I picked one out, I'd pick Judge Prettyman. But, I was always well-treated in that court.

Mr. Causey: Let me ask you some questions about some of the judges who served on the District Court during your career. We have talked about Judge Bailey already. How about Judge Adolph Hoehling, who served on the District Court in the time during your early career in the '20s? Do you remember being before him?

Mr. Campbell: Yes, I remember him quite well. He was universally considered by the Bar as the best judge in my early days on the District Court. He was a thoughtful judge who embodied the attributes of courtesy, listening, cutting through trash and getting to the heart of things. He was good.

Mr. Causey: Some other judges that served in your early years during your career would be Judge

Frederick Siddons. Do you remember Judge Siddons?

Mr. Campbell: Judge Siddons was a sissy. I don't know how to express it.

Mr. Causey: Well, you did just now.

Mr. Campbell: Alright. He was a sissy. He was a male effeminate. If there ever was a judge who saw the trees and lost the forest, it was Judge Siddons, in my opinion. I think I've said enough.

Mr. Causey: We might redact that portion from the tape. Judge Dickinson Letts served on the District Court for over 30 years. Do you remember Judge Letts?

Mr. Campbell: Oh, I remember him very well.

Mr. Causey: What do you recall about him?

Mr. Campbell: Judge Letts and I were good friends. Judge Letts was liked by the Bar. I think he had been a congressman from Iowa, I'm not sure, but from some state in the middle west. Judge Letts listened well in trial cases; didn't interrupt and didn't comment too much; cases principally took a little longer to try before Judge Letts because he was quite patient in handling it. As I remember, he chewed, I thought it was string, but it may have been gum or something else, but Judge Letts was well-known for so-called aphorisms. He was given credit for the statement, though I doubt if he deserves it, "I may be in error, but I'm never in doubt." Anyhow, he was a good judge.

Mr. Causey: How about Judge Goldsborough? What recollections do you have of Judge Alan Goldsborough?

Mr. Campbell: Judge Goldsborough, as I stated in my last interview, went to sleep in the trial of a case that I had once, in the middle of questioning of a witness before a jury. Do you want me to refer to that again?

Mr. Causey: No, I think we have it.

Mr. Campbell: He also, however, was a courageous judge. During the Second World War when Lewis, the head of the Mine Workers Union, refused to comply with an Order that he had entered to go back to work, the miners had been on strike during the war and he ordered them back to work, he didn't hesitate to impose a two million dollar fine against the mine workers. He had guts.

Mr. Causey: Now, going back to what you said about Judge Letts' statement, "I may be in error, but I'm never in doubt." I heard a luncheon addressed by Judge Mikva yesterday and he was recalling his days when he was a clerk in the Supreme Court and he said there was a saying that went around the Court at that time which was, "We're not last because we are right, but we are right because we are last." I thought that was a good statement with the Supreme Court. Well, some of the other district court judges that sat for a number of years that you were before would have been Judge Laws. What do you recall about Judge Laws?

Mr. Campbell: Before his appointment to the bench, he had been an active practicing lawyer here in Washington and had been president of the Bar Association.

Mr. Causey: How could he not be with a name like that?

Mr. Campbell: This is a story that is apparently true. While he was president of the Bar Association, he went before the Attorney General to recommend that certain people that the Bar had recommended be considered for appointment of the U.S. District bench. The Attorney General was so taken with him that he recommended to the President the appointment of Laws to the bench and he was appointed to the bench when he was president of the D.C. Bar Association. He was a good judge, well-thought of and well liked by the Bar.

Mr. Causey: He served for about 20 years, I think.

Mr. Campbell: Yes, that is true.

Mr. Causey: Another judge that served for about 20 years was Judge James Morris. Remember Judge Morris?

Mr. Campbell: Yes, I think he came up from the Department of Justice. Judge Morris was a quiet judge, not imposing in manner, fairly small physically. I did not think him brilliant, but he was a good judge.

Mr. Causey: And Judge David Pine was on the District Court for 30 years. Do you remember Judge Pine?

Mr. Campbell: Judge Pine had been an active practitioner in the District of Columbia and a very good friend. Judge Pine was appointed to the bench and became most famous when he enjoined the President of the U.S. from taking possession of the steel mills in Pittsburgh. He was well-thought of at the Bar and I maintained a close relationship with him when I was president of the Association in the '60s. In the '60s after he had died the Bar arranged to have a portrait made of him and it hung in the courthouse. My friend, Francis _____, a colleague at the Bar, who was also a good friend of Judge Pine, said I've got somebody I think would do a good portrait. Well, the portrait was made and I had the responsibility of unveiling it at a public session in the U.S. courthouse. I had seen it before and I won't comment on it for the moment. But, when the portrait was unveiled for the people, it was hardly recognizable. Nobody knew that it was Judge Pine. This was something the Bar had arranged to have done and hung in the courthouse and his family was there and it was one of the truly embarrassing moments of my life.

Mr. Causey: Nobody looked at it before the ceremony?

Mr. Campbell: No, I looked at it, I had seen it, but I had to go through with it, that's the trouble. Some of us finally said this won't do and we had another one made off the record.

Mr. Causey: What happened to the first portrait?

Mr. Campbell: The first portrait went into the basement and from my understanding it may have gone out into the trash. That was quite an experience. Judge Pine was an able, good judge.

Mr. Causey: Judge Matthew McGuire served on the District Court for almost 50 years.

Mr. Campbell: Judge McGuire came from the Department of Justice. He had ability, but he was one of the chief exponents of the sin that I referred to earlier. Judge McGuire would interrupt and tell you his opinion just about three minutes after you started to argue a case before him and in that sense I think he was a very poor judge.

Mr. Causey: Now, the judge I am going to ask you about now I know you have some very definite opinions about, recollections about this person. So, I'm going to ask you to share with us as much as you can about this judge. Judge Holtzhoff was quite a personality in the District of Columbia and a very well-known judge. What do you remember about Judge Holtzhoff?

Mr. Campbell: Judge Holtzhoff was a very able, knowledgeable judge. He was also a judge with more quirks and side opinions than any man I ever knew. Judge Holtzhoff's possibly most embarrassing moment for him in his career was when he tried a damage suit and the jury came back with, I forget the amount of the verdict, which Judge Holtzhoff quite promptly proceeded to set aside as being excessive and ordered a new trial. Judge Holtzhoff then tried the case over again and the jury came back with a verdict twice as high as the original one. Judge Holtzhoff felt he had to swallow his pride and upheld the second verdict which was twice the one that he had previously set aside. Judge Holtzhoff had favorites, no doubt about that.

Mr. Causey: Favorites among members of the Bar?

Mr. Campbell: Members of the Bar. I felt that unconsciously, and I'm sure it was unconsciously on his part, he favored them. Primarily because they

argued the cases before him in the way he liked to hear them. That was completely unconscious on his part, I'm sure. I personally somehow was one of his favorites and I got along very well with him. I remember one day in court when I was waiting for a case that I had to come on, I was sitting within the Bar with my legs crossed, in a very dignified manner and I tried to be dignified within the Bar and certainly before Judge Holtzhoff, who was meticulous in feelings of what the bar should do and how they should treat the court. I was sitting there and all at once Judge Holtzhoff turned over and spoke to his marshal who was sitting beside him, he didn't look at me, but the marshal came up to me and said quietly, "Mr. Campbell, Judge Holtzhoff does not want anyone sitting in the Bar with his legs crossed." So, I immediately, with some embarrassment, straightened out my legs and put my knees together in proper fashion and sat that way the rest of the day. But, that was typical of the way Judge Holtzhoff would run his court. Judge Holtzhoff could be very harsh and intolerant in his manner in dealing with people that didn't know how to stroke him, shall I say. But, I got along very well with him and on the whole, he was a very able judge.

Mr. Causey: Judge Curran. Did you have a lot of opportunity to appear before Judge Curran?

Mr. Campbell: I don't think I ever appeared before him in a trial of a case. Judge Curran had been a District Attorney. I don't think he was known to have a reputation of being an outstanding judge, but I think he was competent.

Mr. Causey: Now, if I'm not mistaken, I think the first woman to sit on the U.S. District Court for the District of Columbia was Burnita Shelton Matthews? Do you remember Judge Matthews?

Mr. Campbell: Oh yes, I remember her very well and I tried and won one of my most difficult cases before her. I think she was really a very able judge and had quite a judicial manner and was always courteous with counsel. I think she was one of our best judges during the period she served.

Mr. Causey: Can you describe her judicial manner?

Mr. Campbell: Her manner was always quiet. She always listened well. When she spoke her ruling she would say "the court is of the opinion that this is the fact," or "the court finds this fact." Her manner on the bench was highly competent. You got an impression of the fact that she knew what she was about and incidently, I don't think that I mentioned before, but one of the important attributes of a judge I think is not only courtesy but firmness. When a judge renders an opinion, it should be in a form that "this is it." In courts, cases are rarely black and white; they are nearly always gray. Yet when a judge decides it, the judge has to often call it either black or white. It is important from the point of view of the judicial system that when the judge does make such a ruling, that it sounds like it is the law and it is the right ruling. The people who hear it must feel that the judge finds that as a definite opinion on his or her part. Judge Matthews had that ability.

Mr. Causey: What recollections do you have of Judge Howard Corcoran?

Mr. Campbell: I never appeared before Judge Corcoran. He was, of course, a political appointment because of his relationship with the President; President Roosevelt I think it was. But, I think he had the reputation of doing a pretty good job.

Mr. Causey: Apart from judges, who were some of the lawyers that you tried cases with during your career that stand out as being memorable to you over the years?

Mr. Campbell: Well, I would certainly name Roger Robb in that group. I would name my partner, Tom Jackson, in that group.

Mr. Causey: We will talk about Tom Jackson in the next session and we've talked a little bit about Roger Robb.

Mr. Campbell: There are several lawyers in the firm of Hogan & Hartson that I have found quite able.

Mr. Causey: Let me ask you about a couple of the lawyers from Hogan & Hartson. Did you know Frank Hogan?

Mr. Campbell: Yes.

Mr. Causey: What do you remember about Frank Hogan?

Mr. Campbell: I met Frank Hogan when Mr. Douglas and he were both trying cases in connection with the Teapot Dome scandal during the Harding administration. The cases were tried in the late '20s. Frank Hogan had pince-nez glasses. He was a little less than normal height, but he had a very vivid personality. When he was trying the case, he spoke with quiet conviction if I can express it that way, before both the judge and the jury, and he has that very superior ability to make you think when you're hearing, "Oh, yes, there is no question that this is the law or these are the facts." Those are the attributes which take the legal genius into another class from that of the average lawyer. A very able person. He and Mr. Douglas were rivals in trial work and both of them had very substantial egos. I recall one situation I mentioned to Maria here, with respect to a brief in which Mr. Hogan and Mr. Douglas represented the same client, an oil company, in a brief before the Supreme Court of the U.S. Both offices had worked on that brief. I had just been in the office with Mr. Douglas for a couple years at that time and there were about six names to go on the brief, the ones that had worked on it in our firm and the ones that had worked on it in Mr. Hogan's firm. You may not realize it, but it became a very important matter to determine the order of the signatures on the outside of that brief. Should Mr. Douglas go on it first or Mr. Hogan go first? I was charged with arguing with some of the underlings in the office on the subject.

Mr. Causey: How was it decided?

Mr. Campbell: Well, it was decided and I thought Mr. Hogan won the argument hands down. Mr. Douglas' name went on the brief first, but after all the others, Frank Hogan was at the bottom. He said, "That's where I'll go." So, Frank Hogan

was the boss of the whole thing and nobody could think that Frank Hogan was a young clerk in the office so Frank Hogan said, "I'll just put my name after all the rest of them." That's how it was decided. I thought Mr. Hogan won that argument and I think Mr. Douglas felt embarrassed.

Mr. Causey: Did you know the Hartson of Hogan & Hartson?

Mr. Campbell: Oh, yes.

Mr. Causey: What was his first name, do you remember?

Mr. Campbell: Sure I do, but you caught me though. He was a fairly tall man. He was not a trial lawyer, but he was the office manager and a very able man. All of those firms were quite small; I don't think you had more than a half a dozen at the time.

Mr. Causey: In recent years, one of the more well-known lawyers to come out of Hogan & Hartson was Edward Bennett Williams. What recollections do you have of working with him?

Mr. Campbell: Well, Edward Bennett Williams was not supposed to be anything special when he left Hogan & Hartson, but he apparently was beginning to get some business at the time and decided he would just go out. Of course, I knew him and watched him try some cases. He is undoubtedly a very brilliant lawyer. He had a very rare photographic memory and that was one of his great attributes. There has been a book written about him and I don't think I can add much to this.

Mr. Causey: Did you try cases with him?

Mr. Campbell: No.

Mr. Causey: Ed, let me go back for a minute and ask you about one of the other judges that served on the Court of Appeals. Judge Tamm served from 1948 to 1969 and he had a major impact on the Court of Appeals during those years. What recollections do you have of Judge Tamm?

Mr. Campbell: Judge Tamm was appointed to the U.S. District Court over the strenuous opposition of the Bar Association of the District of Columbia. My partner at that time, Hugh Obear, was asked

by the Bar Association to testify in opposition to his confirmation by the Senate. Hugh did so testify and the grounds of his opposition was that Judge Tamm had absolutely no experience in the practice of law. Judge Tamm was a law school graduate, he was a member of the Bar, he had a job in the Department of Justice, but he had never practiced law. That was the ground of the opposition. Judge Tamm was confirmed, went on the bench, learned at the expense of the Bar. A change from being what I considered to be quite an incompetent judge without any real knowledge of procedures in trial of a case, to being quite a good judge and before the end of his term and time in the U.S. District Court, he had become a thoroughly accepted and acceptable judge on the District Court. So, he was also I think on the U.S. Court of Appeals. He was a little on the conservative wing of the Court, but well thought of. I think he learned at the expense of the Bar, but he became a good judge.

Mr. Causey: Another judge I want to ask you about on the District Court who served for about 40 years was Judge Keech. Do you remember Judge Keech?

Mr. Campbell: I would say Judge Keech comes in the category of being definitely a high-class, upper group judge. He had been a practicing attorney here and was one who listened, was alert, and had the qualities of a good judge and exhibited it through his career.

Mr. Causey: During the course of your long career, were there any judges that lawyers just absolutely did not like to be before?

Mr. Campbell: I would put Judge Bailey that way. I would put Judge Siddons that way in the early days. I would say that at least half the members of the Bar felt that way about Judge Holtzhoff, though I told you I had a different opinion with respect to that.

Mr. Causey: Could members of the Bar, 30 and 40 years ago, do things and pull strings to get away from judges they didn't want to be in front of?

Mr. Campbell: Well, I'm sure they did, but not very effectively. When I was first a member of the Bar, it was hit and miss who tried your case. You understand what I mean, there was no special assignment of a case to a single judge at the beginning. You might have motions heard by one judge and the case tried by another.

Mr. Causey: A general assignment.

Mr. Campbell: Yes. A judge takes his next case on the calendar which he may afford some opportunity for that.

Mr. Causey: We have covered a lot of judges and some lawyers that you worked with during your career. I want to thank you again for giving us the time. This has been very informative and I know will be an excellent addition to the collection that the Historical Society is putting together. So, thank you very much Ed. Good seeing you again.

Mr. Campbell: My pleasure.