

Oral History of Charles T. Duncan
Third Interview
April 23, 2003

This is the third interview of the Oral History of Charles T. Duncan, as part of the Oral History Project of The Historical Society of the District of Columbia Circuit. The interviewer is Gregory L. Poe. The interview took place in Mr. Duncan's home at 1362 Myrtle Avenue, Annapolis, Maryland.

Mr. Poe: We left off with Mr. Duncan describing his transition from New York at the Rosenman firm to the practice at Lawson, McKenzie & Robinson.

Mr. Duncan, if you could describe your experience there, we'll get started that way.

Mr. Duncan: Well, it was not a pleasant one, and I think I stayed there three months. I found myself doing due diligence and talking with various people about joining the firm, and then, with one notable exception, everyone said it would be a great thing to do. My mother being the leader of the pack because I'd obviously come back home. It turned out that that firm cut corners and just did some things that were not the way that I wanted to practice law, so I just didn't stay there very long. Didn't have any arguments or anything, just wasn't the best.

Mr. Poe: Now when you refer to the firm, I take it you're not referring to every individual in the firm.

Mr. Duncan: There were only four of us – Belford, Marjorie, Aubrey, and I. When I left, I told Aubrey, I said, "Hey, I'm outta here," and he said, "I'll go with

ya.” [laughter] He had come to the same conclusion. He had been there for a while. And there are other lawyers who are around, or used to be around, who would verify that. I mean they started out there as young associates, as I did, and they didn’t like it either. In fact, it used to be something of a joke, oh you used to be an alumnus of the Lawson firm.

Mr. Poe: I take it, as you said, Aubrey Robinson was uncomfortable being there too, and so he was happy to leave when you left.

Mr. Duncan: Yes.

Mr. Poe: Could you describe your relationship with him a little, particularly given his eventual position as chief judge.

Mr. Duncan: Aubrey. We were – I can do this briefly and succinctly – we were very, very close. I don’t have any siblings, but I felt as a brother to him. And times were tough, and he and I went through the rigors of private practice as black attorneys in the 1950s in Washington, D.C. We were very close friends. He spent many an hour down here in this very house, which was then my father’s. I got to know his wife, and am godparent to his younger daughter Cheryl. Just very close. When he went on the bench, our relationship changed 180 degrees, and he took himself rather seriously. I think you can get this confirmed a number of different ways. For example, he gave a party at his home on the occasion of his 20th year on the bench, and the first time I had ever been invited to his home. So I went, and there must have been 50 people there. I didn’t know a single one of them, except Carl Moultrie. The only other person I knew. Which

is another way of saying he had developed a whole new set of friends, and considering what we had been through in ten years of private practice, or almost ten years, I was astonished. I thought, where's so-and-so? But, he just got very impressed with himself as a judge, and it was that way to his death. I would've attended his funeral, but I couldn't do that because I had just gone back overseas, I think I was beginning to have health problems, and the thought of coming back for the funeral and then going back was more than I could do, so my son represented the family. I have reasonably good relations with Aubrey's second wife, Doris, whom I did not know before he married her. I have good relations with the two Robinson children, Cheryl and Flo. So the relationship ended on a bit of a sour note. You know, water under the bridge.

Mr. Poe: But back, so I take it that Aubrey Robinson's appointment as a judge completely changed your relationship in the sense that it put him in a completely different context. I take it, it would be fair to say that for any individual becoming a judge necessarily changes some bit, the types of interactions one has, although I take it in your case with then-Judge Robinson, if there was, it reached an extreme point.

Mr. Duncan: Well, I mean, when you move from any job to another job, as you're about to do, and it changed things. Bill Bryant, whom I know very well but not as well as Aubrey, when he went on the bench, he didn't change. He hasn't since. He's the same guy that he was before. I think you could say that about Joe Rogers.

Mr. Poe: Well let's go back to the early 1950s when you first started practicing law with Aubrey Robinson. At that point you had stated you were quite close, and you were in business together, given the environment, it was a difficult time in terms of making a living and practicing law as African-American lawyers, is that fair to say?

Mr. Duncan: Oh yes, sure.

Mr. Poe: Now, Mr. Duncan, or if I can call you Charlie on the tape, we'll do that.

Mr. Duncan: Charlie. Please do.

Mr. Poe: Charlie, you left the Lawson firm with Aubrey Robinson and started your own practice. What was it called?

Mr. Duncan: Robinson & Duncan.

Mr. Poe: Then describe, if you would, what type of law you practiced and how things went over the next year or so.

Mr. Duncan: Well, the next year? It was just swell, that's all. We didn't have retainers, we didn't have corporate crimes. Really, whoever walked into the office. Some were referrals, of course, and others just walked in. It was a very modest practice. I don't want to beat the drums too much on this, but I gave an extensive interview for *The D.C. Lawyer*, and it was published within that year. All this is talked about, and if it's not disrespectful, I said it before.

Mr. Poe: Would it be fair to say, that was something in the *D.C. Bar Report* that was published in the June/July Bar Report in 1996.

Mr. Duncan: In 1996? Oh no, that's not right.

Mr. Poe: Different interview?

Mr. Duncan: No, no, that's the "Legends in the Law" business. This was someone wrote an article on the precise question what it was like to practice law as a black attorney in Washington, D.C. in the 1950s.

Mr. Poe: And that's something you spoke about at length in that article? Could I append that article to this to make it essentially part of the interview?

Mr. Duncan: Sure. I'm not sure, they talked to a number of people, it wasn't just I speaking.

Mr. Poe: Did the article in your view accurately convey what it was like in the '50s practicing law as an African-American lawyer?

Mr. Duncan: I thought so.

Mr. Poe: In your experience.

Mr. Duncan: In my experience, yes.

Mr. Poe: What year did you open up the practice of Robinson & Duncan?

Mr. Duncan: 1953.

Mr. Poe: Eventually you invited Frank Reeves to join you?

Mr. Duncan: The next year, 1954, I believe. Frank joined the firm, and the three of us practiced together until Kennedy came along.

Mr. Poe: How was it that you came to know Frank Reeves? Did you know him before he joined the practice?

Mr. Duncan: Oh yes, oh sure. Remember, the Bar was small enough in those days so that most black lawyers all knew each other. Even white lawyers. You

knew most of the people that practiced law. So that's how I knew him.

Aubrey knew him, too.

Mr. Poe: What kind of work was Frank Reeves doing then?

Mr. Duncan: Same thing. He did two things: He had the only retainer the office every had, and it was from the J&R Pinkett Company to do their landlord and tenant work. Pinkett was the leading black realtor at the time. Known for having a wonderful office. I ought to tell you how much it was. \$190 a month, or something like that. And that was our only retainer. I don't know that he had an official position with the NAACP. The Inc. Fund, the NAACP Legal and Educational Defense Fund. That's how I got in the *Brown* case was through Frank's connection.

Mr. Poe: When you joined the *Brown* team, as it were, was that after Frank Reeves had joined the firm?

Mr. Duncan: Yes. It was really through his invitation that I got into it.

Mr. Poe: Describe that experience. How much time do we have? [laughter]

Mr. Duncan: How much time do you have?

I personally don't think I fully appreciated the historic significance of the case. But, in any event, the way it worked was that the voluntary lawyers would go up every weekend, go up Friday night and stay through Sunday afternoon. Sit around this big table and hammer out this issue and that issue.

Mr. Poe: When you say voluntary lawyers, you're talking about people –

Mr. Duncan: The non-staff people. The people who are not on the staff. Bob Carter was employed by NAACP. Constance Baker Motley was employed, so was Jack Greenberg.

Mr. Poe: You went up to New York for three days?

Mr. Duncan: Every weekend. Just so we're talking about the same thing, this was when we argued. It was really round two, and I think you might find it referred to that way. There was an earlier brief and argument that was what we called the sociological argument where sociologists and others submitted papers, stated laws, and that idea, but it was a great learning experience for me, and I was lucky to be in on it.

Mr. Poe: You've mentioned some of the people, Constance Baker Motley, who later became a district judge in the Southern District of New York. You mentioned Jack Greenberg as another individual who was employed by the NAACP Legal and Educational Defense Fund. You mentioned Bob Carter as another person on staff. Who were the other members of the team that participated in these weekly meetings?

Mr. Duncan: There were a couple of dozen people, I just – if I could put my hands on the brief.

Mr. Poe: William Hastie?

Mr. Duncan: Oh yes. Well, he was an interesting case. He was there to sit as a federal judge, and he regarded it as borderline as a sitting federal judge to also be active as counsel in a case that was before the Supreme Court.

Mr. Poe: That's interesting. What was his relationship with the Fund?

Mr. Duncan: There wasn't any. You know, he was just like I was.

There was some point I wanted to make. Anyway, I was saying this was *Brown II*. *Brown I* was not decided, and Frankfurter and the Court came up with these five questions. Does this ring a bell?

Mr. Poe: Yes.

Mr. Duncan: Okay. And that was set for reargument. And it was that phase of the case that I worked on. Well, that's the phase of the case that turned out to be the important phase because the only – remember Kenneth Clark? A sociologist put in the white doll and the black doll, and the black kids always picked out the white dolls. And his famous footnote 17 or 23, or whatever, was really the only evidence that they relied on. I suppose it's no secret to say that the Court wanted to reach a certain result, the right result at the time, so they did it. If anything, the legal precedents were against us. As I recall, one of the questions, a lot of the questions were designed to see what the intent of the Framers of the Constitution and subsequent legislative support, or didn't support, the unconstitutionality argument. The one I always had trouble with was when Congress passed – and I can't tell you when it passed, it was some statute – on the books was then a statute that specifically provided the separate schools in the District of Columbia.

Mr. Poe: That became a companion case, *Bolling v. Sharpe*.

Mr. Duncan: No.

Mr. Poe: No?

Mr. Duncan: Yes, that was the so-called D.C. case. But the point that I was trying to make was that from a legal precedent standpoint, it was tough-going. That's all.

Mr. Poe: Did you have any contact with your adversaries in the case?

Mr. Duncan: No. It's there, it's stated, that in the Library of Congress, Law Library, they tracked what we were looking at, and we tracked what they were looking at. But I don't know whether that's true or not. Makes a nice story. I had no contact with them at all.

Mr. Poe: Do you have any recollections of conversations with others on your team about the other side of the case? About any contacts they may have had with the other side of the case?

Mr. Duncan: You mean about the case?

Mr. Poe: About the case.

Mr. Duncan: I could be wrong. To my knowledge, there were never any such contacts. To my knowledge. There may be. I don't know. Thurgood may have talked to John W. Davis all the time, but I would doubt it. I would doubt it.

Mr. Poe: Did you get to know Thurgood Marshall, of course later to be Justice Marshall, at that period of time?

Mr. Duncan: Yes.

Mr. Poe: Had you known him before you came to the case?

Mr. Duncan: No. I had known of him, you know, the name and all that.

Mr. Poe: What are your recollections of Justice Marshall?

Mr. Duncan: About the same as everyone else's. He was an enormously interesting man. He had a great sense of humor, had a big booming voice, a good listener. He was quite a character, let's put it that way.

Mr. Poe: Now some of the other people on the team, Charlie, were Bill Coleman, I believe was on the team.

Mr. Duncan: Bill. Now I knew Bill already.

Mr. Poe: You had known him?

Mr. Duncan: I had known him at law school, as a matter of fact.

Mr. Poe: Was he – now, my understanding was that he graduated from Harvard some time before you.

Mr. Duncan: A couple of years, two or three years, and he came back and did a master's and LL.M and then I guess he went directly to clerk for Frankfurter. I think that's the sequence.

Mr. Poe: Did you keep in touch with him over the years?

Mr. Duncan: Oh yes, we're good friends. Even today.

Mr. Poe: Even today, and of course we're talking April 2003. Any particular recollections over the years of Mr. Coleman that you'd like to share? Anything stand out?

Mr. Duncan: He's certainly had a very, very distinguished career. He, unlike some other folks I could name, he is a lawyer – he gives legal advice. He's very good at that. He's smart. He's very, very smart. And I like him, have always liked him. In fact, I'm godfather to one of his children.

Mr. Poe: Louis Pollak was on the team, now a district judge in the Eastern District of Pennsylvania.

Mr. Duncan: Yes, I remember him well. Very nice. Likeable person. He argued the Delaware case, and he was nice to know. Oh, and the guy's a judge in Brooklyn now.

Mr. Poe: Jack Weinstein?

Mr. Duncan: Yes. I met him for the first time. And he's very nice.

Mr. Poe: Didn't get?

Mr. Duncan: Flobitis.

Mr. Poe: Ah, yes. Well, Constance Baker Motley you mentioned as well.

Mr. Duncan: Met her, yes.

Mr. Poe: You didn't, I take it, didn't get to know her too well. Did you keep up with her over the years at all?

Mr. Duncan: Not really. No.

I mean, when I say keep up with her, they had a session at Harvard Law School a couple years ago where they decided to honor the *Brown* legal team, and, of course, we were all there, and you know, I said "Hi Connie," but we never exchanged Christmas cards or visited back and forth.

Mr. Poe: Well, it's interesting you mention that because I was going to ask you about that session. It was a Medal of Freedom you won, as well as the other members of the team. Anything about that – was that a reunion of sorts?

Mr. Duncan: Well, not a reunion, it was a celebration. Couldn't have been 50 years. It was a celebration of black alumni of Harvard Law School and they purported to get as many black alumni back for the celebration as they could. They just happened, coincidentally, as a focal point, to honor the *Brown* team. But it really was a get-together of black alumni of Harvard Law School, of whom, in my day and Bill's, there weren't very many. But now there are a lot.

Mr. Poe: We talked about that before, do you recall how many African-Americans there were in your graduating class?

Mr. Duncan: Sure. One. Oh, two. Me and another – Bill.

Mr. Poe: Now, with respect to *Brown*, I guess from a social policy perspective, or from a cultural perspective, what do you think about the case as you look back on it, and its effect on the culture?

Mr. Duncan: On the culture? Is that what you said?

Mr. Poe: Yes, sir.

Mr. Duncan: Oh. Tremendous. That's where it had its effect because, in effect, *Brown* said, the Supreme Court said, no more state-supported segregation period. They said in schools. But that immediately applied to everything else. That's why I think it's a significant decision. It was followed by, if you remember, the women's movement, so-called, grew out of *Brown*. A whole bunch of movements grew out of *Brown*. Not all of which everyone appreciated, but they did.

Mr. Poe: So you see it as a real watershed event in American history?

Mr. Duncan: Oh absolutely. Absolutely. Nor does that say anything about education. I mean, chances are that I can make an argument that black kids received a better education before *Brown* than they did after.

Mr. Poe: Well, you're touching on some very interesting issues because, of course, I think it was in the late 1960s, Justice Brennan made a comment about, I think it was the *County School Board of New Kent County* case, *Green* I believe it's called, about the failure of *Brown* to have been implemented and what "all deliberate speed" meant. Do you have any thoughts about those 15 years of time and what it did to educational systems around the country?

Mr. Duncan: The people who have studied the files and written about it, I haven't, so I don't purport to be an expert on it. I'm a citizen observer. The problem of *Brown* was that it conflicted with residential patterns. Residential patterns remain segregated today, which is the reason that the whole thing started in the first place. You just kind of come along and say there's no segregation in the schools, when you go to a white school, I go to a black school, you know, the whole business, so looking at just the standpoint of education, *Brown* and a lot of other developments, just the progress of the civil rights movement, illustrate what I'm talking about, had a peculiar effect on education. I don't look at it as an education case; I look at it as a case that said to the federal government no more racial discrimination. It wasn't that broad, I understand that. But relatively speaking, it was.

Mr. Poe: So, would it be fair to characterize your view as that *Brown* really opened up the door, not so much for necessarily bettering the education of African-American kids in this country, or minorities in this country, but opened up the door for how law could be used to change social relations?

Mr. Duncan: It did more than that. If you remember, *Brown* is 1954, the Civil Rights Act wasn't until ten years later. But, as I said, the women's movement, the gay movement, the prisoners' rights movement, every movement you can think of, was inspired by *Brown*.

Mr. Poe: How much of your time when you were at Reeves, Robinson & Duncan do you think you spent on the *Brown* case?

Mr. Duncan: Basically weekends.

Mr. Poe: And that was over what period of time?

Mr. Duncan: It was the year preceding May 17, 1954. It may only have been six months because if we looked up when the five questions came down we would know precisely. It was the year before May 17, 1954.

Mr. Poe: So it was shortly after the Frankfurter-inspired questions that you became involved.

Mr. Duncan: That's when I got onboard, when they were working on the answers to that.

Mr. Poe: How long did the firm of Reeves, Robinson & Duncan exist in the 1950s?

Mr. Duncan: Until Kennedy came along. Frank had been active in politics, Frank Reeves. And he left the firm to take the position in the administration and I did too.

Mr. Poe: You went to the U.S. Attorney's Office.

Mr. Duncan: Yes.

Mr. Poe: Well let's back up a second and talk about the 1950s. Were you involved in political activity at the firm through the 1950s?

Mr. Duncan: Yes, I'm not talking about civil rights, I'm talking political. I was a member of the Democratic Central Committee here in Washington. Politics then were very different from politics now. You know, there was no mayor, no city council. There were two points of action: one was the school board. There was a black – no, no, what am I talking about? There were two school boards, a black school board and a white school board. And the members of the black school board were appointed by the district court judges, and that was one area of activity; the other was the Recorder of Deeds office, John D. Duncan. For historical reasons, the Recorder of Deeds had been black going back to Frederick Douglass.

Mr. Poe: Any relation?

Mr. Duncan: To whom?

Mr. Poe: You said that the –

Mr. Duncan: Recorder of Deeds? John Duncan?

Mr. Poe: Yes.

Mr. Duncan: No. No relation. We became good friends. When I became corporation counsel, he was going to be commissioner, and it drove everybody nuts because they thought we were either father and son, uncle, nephew, brothers, and our mail used to get all mixed up.

Mr. Poe: Now back in the 1950s, the Democratic Central Committee, was that a local Democratic organization?

Mr. Duncan: Oh yes. Same one we have now. But you couldn't vote then, remember. You couldn't even vote for president and vice-president. So there was a lot to agitate about.

Mr. Poe: What were some of the things you remember doing in the 1950s, from a political/civil rights perspective?

Mr. Duncan: Political – I'm going to try to remember what I did do. [Wife speaking.] I guess that was a cause that a lot of us worked on. Civil rights. That's something else. Frank had the reputation for being a civil rights lawyer, and because of him and through my own resources, I tried and argued the *Glen Echo Park* case. I don't know whether you've heard of that. And we also – this is interesting – this is the time of McCarthyism, and Frank and Aubrey and I used to hope we never had to face the moral problem of whether to represent a Communist or not. Well, as it turned out the opportunity presented itself as a big-paying case. So we talked about it and we decided to take it.

Mr. Poe: Was that *U.S. v. Jackson*?

Mr. Duncan: Yes, exactly. And, uh, I did most of the trial work on that, and Frank would come up and bail me out whenever I got myself in trouble.

Mr. Poe: Where was that case tried?

Mr. Duncan: Southern District of New York. Foley Square. That big courthouse.

Mr. Poe: That was a Smith Act case. What are your recollections of that, and do you remember the prosecutors in the case?

Mr. Duncan: You know, I don't. I couldn't even tell you who the U.S. Attorney was.

Mr. Poe: How did the judge handle the case?

Mr. Duncan: Alexander Bicks was the judge, and I've always regarded him as a friend and as a patron because we had a cordial personal relations. After Kennedy came in and I wanted to go in the U.S. Attorney's Office, he said no, no, no.

Mr. Poe: Now, who was saying this? People who didn't support your –

Mr. Duncan: No, it wasn't opposed as such. There were people responsible for voting, the perspective, and among other things, I hadn't talked to Judge Bicks, and Judge Bicks, so I'm told, said oh no, he's _____.

Mr. Poe: And you developed a professional relationship with Judge Bicks because of the *Jackson* case.

Mr. Duncan: Yes, but that wasn't the only relationship.

Mr. Poe: That's what I mean.

Mr. Duncan: But the *Jackson* case was before the jury for ninety days, over a six-month period.

Mr. Poe: The case was tried over a 90-day period?

Mr. Duncan: We were in court 90 days. The whole thing, motions, you know, time off, this and that, was six months.

Mr. Poe: How long did the jury deliberate? Do you remember?

Mr. Duncan: Not long. I remember I was heartbroken. I couldn't believe they were going to find my man guilty. I used to be a little naïve. I really did. And there are some interesting stories there. My client, of the seven defendants, I think there were seven, was far and away the most involved in Communist activity. He was secretary of something of the party, the U.S. Communist Party. He disappeared for a couple of years. Flight, you know that thing. And to make a long story short, when it came to sentencing, he got the shortest period of time, and there was another defendant who had never said a word, his name was never mentioned, and he got the longest period of time. Judge Bicks had said to me, in fact I'm going to go off the record.

Mr. Poe: So your client, so you clearly advocated hard during the trial and succeeded at the sentencing phase.

Mr. Duncan: Yes, absolutely. And of course the whole thing was wiped out on appeal because the Smith Act was held to be unconstitutional.

Mr. Poe: Did you handle the appeal for Mr. Jackson?

Mr. Duncan: No.

If I may say, the party had its own stable of lawyers, a couple of whom I got to know very well because one of them participated at the trial, so he was there all the time.

Mr. Poe: Was Leonard Boudin involved at all in that case, or in the appeal?

Mr. Duncan: No. I don't know about the appeal. The reason I know he wasn't involved is at some point or other, I remember going down to a meeting in

his office on something – the great Leonard Boudin – but I don't know if he did or not. He could've been on the appeal, I don't know.

Mr. Poe: That was what year? Was that 1958 maybe? 1957?

Mr. Duncan: Very close. I'd say 1958.

Mr. Poe: You were discussing home rule earlier, Charlie, and what was it – did you have an awakening at some point that you were being denied the vote, that the citizens of the District of Columbia are being denied the vote, any particular recollections?

Mr. Duncan: I don't know about an awakening. It is something that, you now, people my age, lawyers, folks who are now called civic activists, the home rule was just one of their interests. When I first came back here, we couldn't even vote in the presidential primary, you couldn't do anything. And I think in 1956 some concession was made in that direction because I remember voting for Hubert Humphrey. My mother was big in home rule, but I belonged to the Home Rule Committee, and my mother would join us.

Mr. Poe: So you were involved, you lended some efforts, but it wasn't a central part of your life at the time.

Mr. Duncan: No.

Mr. Poe: You mentioned the *Glen Echo* case. What was your role in that case?

Mr. Duncan: I tried it in district court, I tried it in circuit court, I guess that's what it was. I argued it in the Maryland Court of Appeals. I would have argued it

in the Supreme Court, but I joined the U.S. Attorney's Office at the time, and they wouldn't let me.

Mr. Poe: So this was about 1960, 1961?

Mr. Duncan: This was 1958, '59, '60, '61. Yes. I got into the case through a law school friend of mine, Bill Charlotte, who knew some of the people. In fact, Pam could tell you something about this because she lived out in Bannockburn, and Bannockburn is central to a lot of this civic activity, and somehow my friend Bill Charlotte was asked to try a case, and he didn't know anything about trying cases, so I did. So he and I were the two lawyers on the case.

Mr. Poe: What do you remember the local reaction being to the suit?

Mr. Duncan: When you say "local," what do you mean?

Mr. Poe: Well I should say metro area. It became quite a matter of contention, I would imagine.

Mr. Duncan: I have halfway forgotten the actual demonstrations that led up to the event, that got a lot of publicity.

Mr. Poe: Mr. Duncan's wife, Pamela Duncan, has joined us who's going to share some of her recollections of the period of time surrounding the *Glen Echo* case which Charlie and I have been discussing.

Mr. Duncan: You were asking me what kind of impression the case made in the community, and I was about to say, "I don't know," then I remembered that Pam lived out that way and may have demonstrated. Did you?

Mrs. Duncan: Yes, right.

Mr. Duncan: So she can address the question what kind of impact it made on the community.

Mrs. Duncan: Well, I grew up in Bannockburn, which was a community of folks that bought an old golf course and built cooperative housing, and liberal people from the Roosevelt administration essentially. They strung a picket line up at Glen Echo park. Our parents wouldn't let us go there, and when I was in my early teens, a picket line went up, and the American Nazi Party, George Lincoln Rockwell, anti-picketed. It was very rough the first summer. The second summer less so, and I think people in the community worked on the case, it was a very important effort. Now the neighborhoods near Glen Echo, which were within walking distance of the park, were very stratified racially in the sense that there were some areas where kids could go and families didn't mind and they patronized the park. Clearly in our community when it was a segregated park, we didn't go there.

Mr. Duncan: Even before this got started.

Mrs. Duncan: Absolutely.

Mrs. Duncan: Who was it you worked with from Bannockburn on the case?

Mr. Duncan: John Silard? No, he didn't. Who was it? He died recently. Ed? He was mentioned in an article that Colby King did.

Mr. Poe: You mentioned – we're back on the tape and Pam Duncan has graciously agreed to share some of her recollections of that period of time. Charlie, you mentioned the name Ed Rovner. What was his relationship?

Mr. Duncan: I don't really remember. I just remember he was active in civil rights, and he was very active in the organization.

Mr. Poe: What was the outcome of the case?

Mr. Duncan: A smashing 100 percent victory! A deputy Montgomery County sheriff, in his capacity as park superintendent, tried to throw the kids off the carousel. In his capacity as sheriff, deputy sheriff, he arrested them. I remember in the argument in the Supreme Court, which I couldn't make, somebody argued that there was no state action here. I remember Justice Goldberg said, "How can you say that?" He referenced the transcript, and he said, "Mr. Duncan made it perfectly clear that there was state action."

Mr. Poe: You attended the argument?

Mr. Duncan: Oh yes. I would've argued it but for the fact that I was going to the U.S. Attorney's Office. They wouldn't let me.

Mr. Poe: They wouldn't let you.

We're jumping ahead a little bit. Occasionally that is done. Was there any particular reason why they wouldn't let you argue this case?

Mr. Duncan: I don't know. I think I just should've persisted and persevered a little bit and argued about it.

Mr. Poe: Was it one of those things where you were just new, you didn't want to rock the boat too much?

Mr. Duncan: Well, I'm sure it played into it. The decision that I couldn't argue the case I think came from the Justice Department. I don't know why. Ask Norb Schlei, Harold Greene.

Mr. Poe: That was a case, then, you completely won at the trial level?

Mr. Duncan: No. I lost at the trial level.

Mr. Poe: Oh, you won on appeal.

Mr. Duncan: Not the Maryland Court of Appeals. The Supreme Court. Joe argued the Supreme Court appeal.

Mr. Poe: Joe?

Mr. Duncan: Rauh. And that's what I was talking about when I said – [phone rings]

Mr. Poe: Charlie, when you said the case was a 100 percent success, it's because Joe Rauh argued it in the Supreme Court, and the Supreme Court reversed the Maryland court. And it was, of course, your record that Joe Rauh relied on to win the case.

Now the *Jackson* case, the Smith Act case from New York, do you have any other recollections that we didn't discuss about publicity of that case, any pressure that you may or may not have felt. Anything like that?

Mr. Duncan: I remember how we got into that case. Oliver Hill, the same Hill –

Mr. Poe: Who was involved in the LDF, the *Brown* case?

Mr. Duncan: Knew about the case – he knew Jackson because he was from down that way, and he called James Nabrit to represent Jackson, and then he took it to Frank Reeves, and that's how we got into it. You got to remember this was a so-called second string Communist case, these were lesser individuals than in an earlier case that had been tried before Judge – he held everybody, including lawyers, in contempt of court. That got a lot of publicity. Our case didn't have a lot.

Mr. Poe: Now while you were in private practice in the 1950s, any other cases come to mind that you'd like to discuss? The *Jackson* case, of course. The *Glen Echo* case.

Mr. Duncan: No, nothing of the magnitude of either one of those cases. By magnitude I mean, you know, because of potential local or national interest. I'm sure there were others, but –

Mr. Poe: Now, you represented lots of clients in all kinds of matters. Share, if you would, your feelings about being a lawyer for an individual or being a lawyer for someone whose livelihood might be at stake. What was that like?

Mr. Duncan: Well, to me that's what being a lawyer was. I had always thought that lawyers were people who helped people in trouble. And that's what I wanted to do. I was very happy with private practice, except that it didn't pay very well.

Mr. Poe: Do you think that was generally true for small firm practitioners, or do you think there was a racial element to that?

Mr. Duncan: Oh, all racial. 100% racial.

Mr. Poe: All racial. You didn't see the same problems with white lawyers in civil practice, or –

Mr. Duncan: Oh no. I'm talking race. You know, that's all it was. You gotta remember we were excluded from, at the time, we couldn't join the Bar Association of D.C. Well, there were a whole bunch of things you

couldn't do. This business about making contacts at the country club is not without some merit.

Mr. Poe: Are you referring to the recent dispute over Augusta?

Mr. Duncan: I was referring to the idea that business is transacted on the golf course, which it is. And not in a sense of "Shall we merge?," but in the sense of "I get to know you, and you get to know me," and it just facilitates getting along.

Mr. Poe: And that's something that you were excluded from.

Mr. Duncan: Absolutely.

Mr. Poe: And so you pretty much frequently scraped along, I take it, in the 1950s.

Mr. Duncan: That's right.

Mr. Poe: And on top of the cases that you managed to get to pay the bills, you were doing work as early as, of course, the *Brown* case, doing political work through the 1950s, civil rights work, how was it that you became affiliated with the U.S. Attorney's Office?

Mr. Duncan: I got a call one night from – if I recalled the name, you'd recognize it – he said, "Charlie, what would you like to be in the new Administration?" So that's when I learned about the plum book. Do you know about the plum book?

Mr. Poe: The plum book?

Mr. Duncan: Plum. P-l-u-m.

Mr. Poe: No, I don't.

Mr. Duncan: You don't know that? Every time there was an administration change, the government comes up with a book about that thick that lists every –

Mr. Poe: And when you're saying "that thick," you're holding your fingers about an inch apart.

Mr. Duncan: Yes, which lists every non-civil service job in the government. In other words, these are the plums which are available and which the administration makes. So I'm narrowed between Principal Assistant U.S. Attorney and Assistant Secretary of State in charge of African Affairs, take your pick. I thought that the U.S. Attorney's Office would be less of a departure than going to the State Department, so I picked it.

Mr. Poe: You enjoyed being a lawyer, and I take it you were a little concerned about going into diplomatic affairs?

Mr. Duncan: Well, I wouldn't have put it that way then. I then said, and now say, that the U.S. Attorney's Office is more in line with what I did and had been doing than was the State Department.

Mr. Poe: You saw it as a good career transition?

Mr. Duncan: Oh, absolutely.

Mr. Poe: What was the U.S. Attorney's Office like then? It's interesting that, from my perspective, as a lawyer practicing now, it's interesting that that would be something in the plum book, as you referred to it, from a new Democratic administration, since it is a local office.

Mr. Duncan: It's federal, not a local office.

Mr. Poe: The U.S. Attorney's Office was seen as –

Mr. Duncan: It was then, and it is now.

Mr. Poe: Well when I say “local” versus “federal,” I guess I’m saying that a U.S. Attorney’s Office in Chicago wouldn’t seem to be something that would appear on a roster of political jobs.

Mr. Duncan: It sure would. I don’t mean to suggest that any assistant’s position was listed. I think the only listing for the U.S. Attorney was Principal Assistant U.S. Attorney.

Mr. Poe: I see. I guess what I would have assumed is that the U.S. Attorney position itself on a nationwide basis would be listed. But I was surprised to know that other positions would be.

Mr. Duncan: I think it was only the U.S. Attorney, if it was listed at all. It may have been assumed, but certainly the Principal Assistant U.S. Attorney.

Mr. Poe: And that’s what you chose to do at the time.
How big was the U.S. Attorney’s Office at the time?

Mr. Duncan: Fifty lawyers at the time.

Mr. Poe: You joined as the Principal Assistant?

Mr. Duncan: Yes. I did a short stint as Chief of the Appellate Division.

Mr. Poe: When you first started?

Mr. Duncan: Yes.

Mr. Poe: Did you argue any cases as Chief of the Appellate Division?

Mr. Duncan: Oh yes.

Mr. Poe: How many do you recall?

Mr. Duncan: I had two or three of them.

Mr. Poe: Any recollections of the judges or the arguments?

Mr. Duncan: Sure. Bazelon, George T. Washington, all of them I remember. I think he was there for a while before he became Chief Justice. Sullivan was there.

Mr. Poe: Warren Burger?

Mr. Duncan: Burger. He came out of that court.

Mr. Poe: You argued in front of all those judges?

Mr. Duncan: Yes.

Mr. Poe: Any particular – I think you shared earlier, last time we were doing this, recollections of an argument in which I think Bazelon was asking you questions. Would you mind repeating that?

Mr. Duncan: What happened was that – you don't probably remember this, but when I got appointed Principal Assistant U.S. Attorney, it was a BIG deal, a big deal as we say, and just because I was black, just a big deal. Early on, Dave Acheson [then the U.S. Attorney] asked me if I wanted to, or said that I should, argue this case that's called *Lurk v. U.S.* The issue was whether or not a judge from the Court of Customs and Patent Appeals was a federal Article III judge, the focus is of sitting as a U.S. district judge. And the answer turned out to be yes. But it was my first argument, my first that the _____ bank argued, and my friends liked to tease me, saying that everybody from the U.S. Attorney's Office came up to see how the new Principal Assistant was going to do. Early on, Bazelon smiled down at me, shook his head, and said, "You're going kid, you're going." He and I became good friends.

Mr. Poe: Born out of that professional relationship, and then you become personal friends later. Anything in particular that you would like to share about Judge Bazelon?

Mr. Duncan: I don't think there is anything very much. We never got to the point of having dinner. He would occasionally invite me – he used to have lunch with Milton Kronheim – does that name ring a bell?

Mr. Poe: It does not.

Mr. Duncan: He was a liquor distributor, a bit of a character. And then there was a Justice from the Supreme Court, Andrew Jarison (?). Anyhow, the three of them would have lunch, and he would occasionally ask me to come over. And I might go over. But that was all. It was mostly professional.

Mr. Poe: What were some of your recollections? Were there any other black lawyers in the office when you joined?

Mr. Duncan: Yes. Bob Campbell and Joel Blackwell. I think that was probably it.

Mr. Poe: They were line assistants?

Mr. Duncan: Oh, and Hubert Pair. He was there. Hubert Pair at that time was chief of the appellate division. Actually, the Corporation Counsel's office – it was under a lot of criticism, then, as it is now – had a racial record that you could at least not be too ashamed of.

Mr. Poe: Now Hubert Pair was in the U.S. Attorney's Office, or the Corporation Counsel's?

Mr. Duncan: The Corporation Counsel.

Mr. Poe: My initial question was –

Mr. Duncan: I'm sorry. Old people. In the U.S. Attorney's Office, there was Joel Blackwell, that's where he came from. Bill Bryant had been in that office. Those are the only two I can think of.

Mr. Poe: But Judge Bryant was not –

Mr. Duncan: He had left the office by then.

Mr. Poe: By the time you got there?

Mr. Duncan: Yes.

Mr. Poe: Was he appointed by Johnson in the 1960s? Or was he appointed by Kennedy? Do you remember?

Mr. Duncan: Probably Johnson in the 1960s.

Mr. Poe: Going into the U.S. Attorney's Office in that kind of a position, I imagine it must have been a pretty pressure-filled time?

Mr. Duncan: No it wasn't. As Principal Assistant, I could pretty well do what I wanted to, as long as it fit into the Dave's activities.

Mr. Poe: And you mentioned David Acheson was the U.S. Attorney?

Mr. Duncan: Yes.

Mr. Poe: Any relation to the Secretary of State?

Mr. Duncan: Son. Yes. He gave me a pretty clear hand. We were interested in different things. I was interested in the administration, and in doing some trial work, which I was able to do. He was of the more scholarly bent of mind, so I could pretty much do whatever I wanted to. I tried 20 felony cases while I was there, and doing all these other things, including the corporate counsel's division.

Mr. Poe: Now, at the time, of course, there was a Court of General Sessions that tried misdemeanor cases, and all the felony cases, I take it, were tried in U.S. District Court?

Mr. Duncan: Except juvenile felony, family juvenile court, which was under the Corporation Counsel.

Mr. Poe: So juvenile cases were Corp. Counsel, certain misdemeanors were Corp. Counsel in the Court of General Sessions, and the rest of the cases were in U.S. District Court?

Mr. Duncan: All felony and most misdemeanors, yes.

Mr. Poe: And that is regardless of whether the statute at issue was a U.S. Code provision or a D.C. Code provision?

Mr. Duncan: I used to know what determined which was which. It had to do with amount of the fine and the length of the sentence.

Mr. Poe: But lots of D.C. Code offenses were tried in the United States District Court?

Mr. Duncan: Oh absolutely. Even divorce cases were tried in district court. Did you know that?

Mr. Poe: I didn't know that.

Mr. Duncan: My first divorce case was in the U.S. District Court.

Mr. Poe: When you were in private practice?

Mr. Duncan: Yes.

Mr. Poe: So, the bar, everyone got to know each other pretty well, I take it?

Mr. Duncan: Pretty well.

Mr. Poe: Did you have any experience with the Court of General Sessions? I take it probably.

Mr. Duncan: As a private practitioner?

Mr. Poe: As a private practitioner.

Mr. Duncan: Oh sure. I was there a lot. We did this team work there. I was over there on civil cases. I forget what the jurisdiction was, they were over there.

Mr. Poe: How many federal district judges were there when you joined the U.S. Attorney's Office?

Mr. Duncan: I think the same number as now. Eight, nine. What is the number now?

Mr. Poe: It's a few more than that.

Mr. Duncan: Fifteen. As far as I can recall, there were then and are now 15 U.S. district judges.

Mr. Poe: You were able to try a number of cases though, which I take it you balanced with your administrative responsibilities. Any particular trials stand out in your memory?

Mr. Duncan: The only one – I tried all these myself except, of course that was another case – Luke Moore had a case involving Daniel Jackson Oliver Wendell Holmes Morgan was his name, and he was the oldest lawyer who assumed the identity of a real lawyer, in the sense that he went down and just kept, you know, a certificate of admission, and he somehow got it and something else. Archie Harris is the name of that lawyer who was the real lawyer. He was a lawyer in Chicago. Anyway, Morgan practiced for a year or more and he was finally indicted. Luke Moore tried that case.

Mr. Poe: Luke Moore, who later became a Superior Court judge, is that right?

Mr. Duncan: Yes. And I sat in with Luke, and we just had a lot of fun on that case. It was because they brought in an out-of-state judge, a lot of other judges recused themselves, because Harris had appeared before them. It was an interesting case.

Mr. Poe: Was Harris the person whose identity was taken by the defendant?

Mr. Duncan: Yes.

Mr. Poe: What was the tenor of the times? I mean the Kennedy administration had come into power when you joined the U.S. Attorney's Office. What was the tenor of the times in the sense of civil rights issues?

Mr. Duncan: It still amazes me the *Brown* decision was 1954, and the Civil Rights Act, the big one, was not until 1964. There was a ten-year period in there where things were unsettled, old things kept going where the new things weren't happening, voluntary things were happening. It was a time of change, let's put it that way.

Mr. Poe: One other thing about that *Morgan* case, there was a conviction – and I take it you sort of second-chaired the case with Luke Moore? You sat with him even though you were his supervisor?

Mr. Duncan: Yes. I think I have the decision here on the table too.

Mr. Poe: And I believe you did. I have the case here, 309 F.2d 234.

Mr. Duncan: What year was that?

Mr. Poe: 1962. October 1 decided, argued June 18th. That was before Wilbur Miller and Judges Bazelon and Washington. That was the panel. I can tell you that was affirmed. The conviction was affirmed.

Mr. Duncan: Oh sure. If it hadn't been, there would've been hell to pay because Morgan had sat on a number of family cases in district court and they had all been set aside.

Mr. Poe: Monroe Freedman argued the case for the appellant, a name that I'm familiar with. Any recollections of his argument?

Mr. Duncan: Not of his argument, but he was teaching over at G.W. at the time, he was teaching at a local law school, and he made this case his teaching model for that year for that course and what he did do was file a brief for 120-some cases cited in support of a certain proposition. The proposition being that to impose the penalty on Morgan was cruel and unusual punishment, I think. Was that mentioned in there?

Mr. Poe: Let's look at it.
Charlie, you've been reviewing the appellate decision in the *Morgan* case, and the point you were –

Mr. Duncan: I was looking for some reference to cruel and unusual punishment. Freedman argued, among other things, that this was cruel and unusual, given the nature of the offense. His students cited 120 cases where the defendant, where the fact pattern was that the defendant lost his license in Virginia but continued to practice in Maryland, and most were unauthorized practice cases, and the penalties were very light. So

Freedman argued that for this pattern, the sentence was cruel and unusual punishment. Well, it's not a very strong argument, but he had these 120 cases. I read a couple of them, and so I said, "Hell, I'm not going to read the rest of these cases." The argument was on a Monday morning, and Sunday, at home, my conscience was really bothering me, so I went down to the courthouse and read every goddamn one of those 120 cases. We might lose. So, there was one case that was arguably relevant, one case out of all that. So wouldn't you know, as I was arguing the point, that Bazelon said, "Mr. Duncan, what about the case of *Smith v. Jones*." So I said, "Your Honor, I looked at that case, and so-and-so and so-and-so, which is clearly distinguishably different from the facts here," and he smiled at me. I do remember that. That was a neat little thing out of the argument.

Mr. Poe: Judge Bazelon smiled because it was evident that he admired your preparation?

Mr. Duncan: Yes, oh yes.

Mr. Poe: Who tried the case for the defendant?

Mr. Duncan: King David. I'll never forget.

Mr. Poe: Who was King David?

Mr. Duncan: King David was a "Fifth Street" lawyer. He was also a minister, which I'm very suspicious of. You might recall King David as smart, he just made a lot of noise. He must have died because I haven't heard about him recently. He had a personalized license tag "KDLLP."

Mr. Poe: Any idea where the name came from?

Mr. Duncan: King David? You know, I don't know.

Mr. Poe: Do you care to elaborate at all on the comment you made concerning his status as both an attorney and as a minister?

Mr. Duncan: Oh. It didn't play in this case at all. Just as a personal bias, I have a problem with being a minister and a lawyer at the same time. I think that they're two different professions based on two very different sets of premises, and I personally don't like to see them mixed. I've known at least two people who were lawyers and ministers, King David being one, and then a woman lawyer, very well known, but disbarred. I can't think of her name. I think it's an unhealthy combination. That's not to say lawyers have to lie, but they're just different premises.

Mr. Poe: Speaking of court cases, one of the things that I forgot to mention earlier was that Judge Bicks in the *Jackson* case, which I guess was known as the – the lead defendant was Sidney Stein, if that rings a bell?

Mr. Duncan: I had forgotten.

Mr. Poe: Judge Bicks actually wrote an opinion in that case, and I was – let me give you a second to read that Charlie.

Mr. Duncan: Paul Williams was the U.S. Attorney, I remember that now. Tom Gilchrist, I remember that name.

Mr. Poe: Tom Gilchrist represented whom?

Mr. Duncan: He was the Chief Assistant, his name was on the brief.

Mr. Poe: And now we're talking about your representation of Jackson in the Smith Act case. What's the citation to that case? I believe that was a pre-trial ruling.

Mr. Duncan: This was a motion, yes. And what was your question?

Mr. Poe: The citation?

Mr. Duncan: 146 F. Supp. 761.

Mr. Poe: From 1956?

Mr. Duncan: Mary Kaufman. She's the one who was the Communist lawyer. She's been through this before, and she knew her way around. She was very good.

Mr. Poe: When you say "Communist lawyer," she commonly represented people in the Party?

Mr. Duncan: That, and I think she was a member herself.

Mr. Poe: A member herself?

Mr. Duncan: I think so.

Mr. Poe: The other thing I wanted to mention about the *Morgan* case is that I came across in the *Poindexter* case, 951 F.2d 369, many, many years later of course, a statement that the judicial function exception traces to a dictum in the *Morgan* case, the holding of which is that Section 1001, the false statement provision, does apply to one who practiced law by "falsely holding himself out to be" another person, a member of the Bar. Do you recall that issue coming up in the *Morgan* case?

Mr. Duncan: Say it again.

Mr. Poe: Let me show it to you. It's in the second full paragraph there.

Mr. Duncan: I remember, I don't remember that specific issue, no.

Mr. Poe: I should note that, I believe this is correct, that the Supreme Court in a case called *Hubbard v. United States* later changed the whole area of law that I referred to, but that's nothing related to the *Morgan* case, obviously because it occurred much later, but you don't recall that particular issue being a high point at all in *Morgan*?

Mr. Duncan: No. It sounds familiar, let me put it that way.

Mr. Poe: Charlie, describe what it was like being an administrator at the U.S. Attorney's Office. I don't think you had held an administrative position like that before, had you?

Mr. Duncan: No, I hadn't. Of course there was an administrative officer, that was his job. When I say administration, that sounds a little misleading, because I did not get into budget work, stuff like that. I think by administrative work, I'm talking about employee relations, hiring and firing assistants, as well as others in the office, not budget stuff. That's what I meant by it. I used to interview applicants for assistant U.S. attorney positions.

Mr. Poe: So when I say administrative, I guess I should have been more precise.

Mr. Duncan: No, I'm the one who said administrative.

Mr. Poe: Well, supervisory.

Mr. Duncan: Yes, now that's for sure.

Mr. Poe: And you had not really been in a supervisory position of that nature before I take it?

Mr. Duncan: No.

Mr. Poe: Is that something you felt you had to grow into, or did you feel pretty comfortable right away?

Mr. Duncan: I would think I felt pretty comfortable right away. After all, I had been out for over ten years. I had this *Jackson* case behind me which was, of course, very, very extensive, I had the *Glen Echo* case. I felt –

Mr. Poe: You felt mature as a lawyer at that point.

Mr. Duncan: Yes.

Mr. Poe: One of the things I think that people talk about with lawyers is the old notion of judgment, and what are your thoughts about that?

Mr. Duncan: Well I've been watching "Law & Order" so much here lately – do you ever watch that program?

Mr. Poe: The television show?

Mr. Duncan: Yes.

Mr. Poe: There are so many different versions of it, I can't keep it straight.

Mr. Duncan: I think I would need to be a little more specific. As I recall, the death penalty was available or in effect certainly for certain federal crimes. I remember Dave [David Acheson] and I decided – Dave decided, really – that we were not going to ask for the death penalty, and we didn't.

Mr. Poe: As a matter of principle?

Mr. Duncan: Yes.

Mr. Poe: Or as a matter of blanket exercise of discretion.

Mr. Duncan: Yes. Judgment. Oh, I would often get called up into one of the courtrooms by one of the judges who had a complaint against the conduct of the assistant before him. All I think I can say is that obviously judgment was called for in a lot of cases, and I felt personally comfortable doing what I was doing.

Mr. Poe: There was a – I take it that the judges would communicate with your office, and that was sort of a special relationship at the supervisory level that you would have with judges or line assistants?

Mr. Duncan: Yes. It's not uncommon to send the U.S. Attorney up, and I would normally go unless they specifically moved the day.

Mr. Poe: Did you ever have any experiences like that with the court of appeals, or did that tend to be with the district judges?

Mr. Duncan: I don't know whether I mentioned this, but for a couple of months I was Chief of the Appellate Division.

Mr. Poe: You did mention that, yes. I think we went into discussion of cases you argued.

Mr. Duncan: I knew those judges. I don't think I ever had any occasion to complain about the time I was assistant. If so, I don't remember.

Mr. Poe: What are your recollections about the differences in practicing in the district court versus the D.C. Circuit? In terms of the kind of practice?

Mr. Duncan: This ties into something I hope we talk about later. The district judges were by no means all the same style of judging, by no means. I don't

think any of them was as outrageous as some of the Superior Court judges, specifically Korman, Harman, Scally.

Mr. Poe: Now you're talking about the later created Superior Court in 1970?

Mr. Duncan: Yes. My answer is that the appellate judges were somewhat better than district court.

Mr. Poe: I guess what I was getting at with the question was, the kind of practice in the court of appeals with a circumscribed record, the nature of the argument, the time of preparation versus practice in the district court, doing trial work, dealing with issues, more time-pressure, that sort of thing. Do you have any specific recollections about that difference in practice?

Mr. Duncan: No, I had never argued an appeal except for the Maryland one until I worked on the *Benning* work case. I'm not sure I really understand the thrust of your question, because as far as I was concerned, whether the case was in the district court or Superior Court, divorce, you'd go to the district court in those days.

Mr. Poe: I was talking more about appellate practice versus trial practice.

Mr. Duncan: Oh. I didn't have any particular trial practice, appellate practice, other than the Maryland Court of Appeals case, I think that's the only time I argued an appeal. So, I don't have any background to answer your question. I will tell you, I thought I was as good as the next guy, whether I had experience or not. Once you do it, you had experience.

Mr. Poe: That's what it takes, right?

Did you make friends when you were at the U.S. Attorney's Office?

Within the office? Or being in a supervisory position, did that make it difficult?

Mr. Duncan: Luke Moore and I became very close friends. Dave Acheson was a good friend. I had cordial relations with most of the assistants. I can't tell you that any one of them do I now see on a regular basis.

Mr. Poe: You were saying that you don't see former assistants when you were the Principal Assistant on a regular basis.

Mr. Duncan: I mean now. You asked me if I had any friendships, and I said none except Luke Moore and possibly Dave carried over to, you know, to 30 years later, 40 years later.

Mr. Poe: You mentioned one name before the tape ran out, Hamptman?

Mr. Duncan: Al Hamptman, yes. He was in the criminal division. He was a felony prosecutor. He was the one that basically taught me how to try a criminal case. I would go to him and say, "What about this and what about that?" and he would always be helpful and friendly.

Mr. Poe: That raises an interesting question. What was the structure of the U.S. Attorney's Office at the time?

Mr. Duncan: It didn't have a criminal division, a civil division, a grand jury division, which were all located in the federal courthouse. Then you had – I don't know what the name of it was, but it was the division that was in the Superior Court division, and that's basically what it was. And then the appellate division, of course.

Mr. Poe: And was the appellate division located in the –

Mr. Duncan: That was also in the courthouse.

Mr. Poe: What is now known as the E. Barrett Prettyman Courthouse at 3rd at Constitution?

Mr. Duncan: Right.

Mr. Poe: What was it like being housed in the same building with the judges? Of course, the office is now moved. Any particular recollection? It probably seemed quite normal at the time.

Mr. Duncan: It did, yes. The judges had their own private elevator, meaning it was an elevator that – well, I got to use it, but it wasn't available to the public. And they could go from any floor, the fifth floor, straight down to the garage.

Mr. Poe: Is that the elevator that is down the hallway to your left as you walk in from the park entrance? There's a John Marshall Park between the courthouse and what is now the Canadian Embassy. As you walk in that entrance, and take a left on the first floor --

Mr. Duncan: No. This elevator was on the other side of the building. It was on the Third Street side, right at the corner of the two corridors.

Mr. Poe: But as the Principal Assistant, or the U.S. Attorney himself, you would use the elevator?

Mr. Duncan: Yes.

Mr. Poe: Was there a Probation Office in the building that you had any experience with?

Mr. Duncan: The answer to that is no. There were some post-trial offices in there, but I'll be darned if I remember what they were now. There was a lot of stuff in that building. You could get marriage licenses, copies of marriage licenses. They didn't have magistrates and such in those days.

Mr. Poe: Bail determination, probable cause, preliminary hearings?

Mr. Duncan: Preliminary hearings, yes. They were all located there. There was a lot of stuff. A library was in there. The Bar Association library. Do you know that story?

Mr. Poe: No.

Mr. Duncan: It used to be, when I first started out, that you couldn't use the library, which was located in the U.S. Courthouse, unless you were a member of the Bar Association of the District of Columbia. And since black folk couldn't belong to the Association, you couldn't use the library. Isn't that something! Here it is, a library in the U.S. Courthouse, that black attorneys could not use. So Aubrey Robinson, to his credit, brought suit against the Bar Association of the District of Columbia and won.

Mr. Poe: This is shortly after you –

Mr. Duncan: This would have been in early to mid-1950s.

Mr. Poe: Was this when you were with him and Frank Reeves?

Mr. Duncan: Yes.

Mr. Poe: So there you were simply seven, eight years later, Principal Assistant U.S. Attorney using a library you couldn't have used seven or eight years earlier?

Mr. Duncan: Yes. But by the time I was in the U.S. Attorney's Office, that issue had gone away, and you could use the library. But yes, if you put it that way.

Mr. Poe: You mentioned marriage licenses and such. That building had much more of a local flavor at that time, I take it, than it does now?

Mr. Duncan: The Marshal's Office was in there. Is the Marshal still there?

Mr. Poe: The Marshal's Office is there, as well as the Superior Court branch of the Marshal's Office. But the Marshal himself is still housed in –

Mr. Duncan: And the deputies?

Mr. Poe: Well, some deputies are in the District Court building, some are in the Superior Court building. A division, as you put it, I think, there's the same structure to some extent.

Did you have any experience in the Ceremonial Courtroom while you were at the U.S. Attorney's Office?

Mr. Duncan: Yes, when new judges were sworn in, that courtroom was used. I don't think we ever had a case that was of such interest it was argued there.

Mr. Poe: Where was the *en banc* case that you mentioned? Was it in that courtroom?

Mr. Duncan: It was in the court of appeals courtroom.

Mr. Poe: On the fifth floor?

Mr. Duncan: Yes.

Mr. Poe: Charlie, any other recollections about your time at the U.S. Attorney's Office that you would like to share?

Mr. Duncan: Well, at the risk of immodesty, black assistants had a history, a slight history, for black lawyers in the office. Bill Bryant was in the office. His distinction at that time was that he tried felony cases. [Brief statement on tape indecipherable.] I think by the time I got there and had been there a little while, the novelty of some of us began to wear off. I think I was liked and respected. I think.

Mr. Poe: Well I should think so. You're saying before William Bryant came along, black assistants – I take it there probably weren't many of them over the years – were specifically excluded because of race, from trying felony cases?

Mr. Duncan: Let's say weren't utilized very quickly.

Mr. Poe: De facto, if nothing else?

Mr. Duncan: There's no secret about that.

Mr. Poe: Do you have any recollections of what it was like to come in to the position you held as an African-American, and do you think that you won over any people? Did you see any changes occur in terms of attitudes while you were there, or is that asking too much?

Mr. Duncan: You're getting into perhaps another issue we could save for later. You have to remember -- I might have given this speech, I don't know -- you have to remember that I lived in all-black environment until I went away to preparatory school, and then I went to an all-white environment until I went away to preparatory school. And then I went in the next 15 years to an all-white environment. Prep school, I was the only one there. College,

I was the only one, law school, same thing. Maybe, since I went to midshipmen's school, only one, same thing. So by the time I got to the U.S. Attorney's Office, I had been thoroughly, thoroughly at ease in an all-white environment. I'd spent half my life. So, I knew certain people had attitudes, and that sort of thing, but it didn't bother me because, as I've said, I was very self-confident and I was pretty _____, and so it wasn't a problem for me. And now that there are some assistants in the office, and this is probably more true in the Corporation Counsel's Office, people who, you know, grumbled, said this and that, but I think if that's an answer to your question. [Part of tape is undecipherable.]

Mr. Poe: Well, I'm sure that's a fairly fundamental issue, and we'll probably be touching on it more as we continue. But why don't we stop for the day.