



Historical Society of the District of Columbia Circuit

Newsletter #27

April 2016



Judge Emmet Sullivan presenting a certificate of performance

HIGH SCHOOL STUDENTS IMPRESS THE JUDGES IN THE SOCIETY'S 11TH MOCK COURT PROGRAM

Special guest D.C. Schools Chancellor Kaya Henderson attended the Historical Society's Mock Court Program on March 11 and listened as some of the 128 participating D.C. high school students argued cases before 11 of our appellate and trial court judges. The students addressed two key issues this year: whether a school official violated the Fourth Amendment by affixing GPS tracking devices to bicycles of three students to track their movements, and is a harsh Yelp review of a cooking class defamation or an opinion protected from the reach of state defamation law by the First Amendment?

The students were welcomed by USCA Chief Judge Merrick Garland, praised for their advocacy skills by District Court Judge Tanya Chutkan, applauded as they were given certificates of performance by the judges who heard their arguments, and treated to a pizza lunch by the Historical Society.

Twenty-five volunteer lawyers from area law firms and government agencies helped H.D. Woodson, School Without Walls, McKinley Tech and Maret students prepare for their day in

court. [See photos.](#)



Judge Skelly Wright and wife, Helen Wright

BUILDING OUR HISTORY ARCHIVES

Our website now features an article about Judge J. Skelly Wright written by Judge Patricia M. Wald for the *Yale Biographical Dictionary of American Law*. Appointed by President Harry S. Truman to the federal bench in New Orleans in 1949, Judge Wright's ruling against segregation led Senator James Eastland of Mississippi to block his elevation to the Fifth Circuit Court of Appeals. Instead, President John F. Kennedy appointed him to the D.C. Circuit where his opinions helped the Court gain the reputation of being the second most important Court in the United States. Judge Wald writes that history will remember Judge Wright as a judge who sought "the fairest outcomes for the neediest people." [Read the article.](#)



Robert P. Trout

A MODEL ORAL HISTORY OF A MODEL CRIMINAL DEFENSE LAWYER

Robert Trout is the subject of the [Society's newest oral history](#), a history filled with priceless anecdotes including the panic of trying to perform addition on the fly in a summation to a jury, a line-up of feet to identify a postman with odd feet, and the punch-in-the-gut feeling of losing a big case. Trout covers all the bases of D.C. practice including the choice of large firm versus boutique practice and the non-monetary rewards of criminal practice. Questioned by interviewer Stuart Pierson, Trout provides behind-the-scene looks into notable criminal cases and the strategic and tactical decisions he made in them. In sum, the history is a page-turner about a man who sees the lawyer as the only thing standing between the might of the government and the lone individual.



Paul C. Warnke

FOUND INSIDE AN ORAL HISTORY TAKEN BY THE SOCIETY

The Vietnam War split hawks and doves among the Cold War warriors and produced a growing disillusionment within government. Senior government positions became disputed and the bureaucracy was difficult to navigate. Writer and Society intern Genevieve Beske relies on the oral history of lawyer [Paul Warnke](#), General Counsel and Assistant Secretary in the Defense Department during this period, and [tells about his recounting](#) of the bureaucratic casualties from "friendly-fire" in one of America's most controversial periods.

NEW FACES IN THE ORAL HISTORY PROGRAM



A new group of lawyers will be coached in the art of taking a full-life oral history for the Society in a training program in late April. Judy Feigin and Steve Steinbach, two experienced interviewers and Society Board members, will provide practical guidance on such topics as taking a comprehensive oral history, encouraging candor, and the difference between taking a deposition and an oral history. Society President Steve Pollak and Executive Director Linda Ferren will be part of the faculty, describing the Society's Oral History program and identifying interviewing techniques that have proved effective.

Following the session, each new interviewer will be matched up with an interviewee, and ten new oral histories will begin.

ON DISPLAY: PORTRAIT OF JUDGE CHARLES HENRY ROBB



Portrait of Judge Charles Henry Robb

Born in 1867, [Charles Henry Robb](#) spent 31 years on the D.C. Circuit, after reading law in a Vermont law firm, obtaining his license, serving as Assistant Attorney General, and playing a critical role prosecuting deeply-rooted corruption in the U.S. Post Office. A staunch proponent of Lochnerian substantive due process, Judge Robb was on sick leave when the D.C. Circuit heard a challenge to the D.C. Minimum Wage Act of 1921. The court upheld the act over a substantive due process challenge and denied a petition for rehearing *en banc*. When he regained his health, Judge Robb insisted upon a revote. Over a sharply-worded dissent focusing on procedural irregularities, the D.C. Circuit ultimately reversed its original decision, ruling that the act unconstitutionally trespassed on liberty of contract, and the Supreme Court affirmed in *Adkins v. Children's Hospital*. Dissatisfaction with this and other *Lochner*-inspired decisions gave rise to President Franklin Roosevelt's court-packing plan. The *Lochner* era ended in 1937 when the Supreme Court reversed *Adkins*. Judge Robb took senior status the same year, passing away in 1939.