



Historical Society of the District of Columbia Circuit

Newsletter #28

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ADDITIONS TO THE SOCIETY'S HISTORICAL ARCHIVES

DRAWING BACK THE CURTAIN ON PRESIDENT ROOSEVELT'S CLASH WITH THE COURTS



Warner W. Gardner, Esq.

In 1933, when President Franklin D. Roosevelt launched a dramatic legislative program to help the country recover from the Great Depression and to reform business practices, he ran headlong into old legal doctrines of "liberty of contract." The Supreme Court had relied on these in repeatedly striking down key elements of Roosevelt's program. Read how Society intern Genevieve Beske relied on the [oral history](#) of lawyer Warner Gardner [to go behind the scenes](#) to expose this clash with the courts, including Roosevelt's so-called "court packing" plan to name additional justices to the Supreme Court.

THE LAYING OF THE CORNERSTONE FOR THE COURTHOUSE: THE UNTOLD STORY



Picture courtesy of Wikipedia

Having the President, particularly a freemason like Harry Truman, lay the cornerstone for the new courthouse in Washington seemed simple enough. But the date chosen proved to be a problem. Truman had something far more serious on his mind that morning, but he still showed up in the afternoon and smiled and did the job. Find out what occupied Truman that morning and what was left in the cornerstone in David McCarthy's [fascinating article](#).

HONORING A FORMER CHIEF JUDGE

Patricia M. Wald received the American Law Institute's Henry J. Friendly Medal for contributions to the law in the tradition of Judge Friendly on May 18, 2016. The prestigious Friendly Medal, "reserved for recipients who are considered especially worthy of receiving it," has been given to only 13 other judges and lawyers in 29 years.



Judge Patricia M. Wald

Addressing members of the ALI, [Judge Wald](#) looked back on her sixty-year career as law clerk, advocate, and judge. She compared her experience clerking for Jerome Frank on the Second Circuit to "grabbing the tail of a comet" because of the Judge's wide range of interests, from psychiatry to the Hopi language. She urged diversity on the bench - diversity not only in race, gender, and ethnicity, but also in experience, outlook and temperament. In her view, judges should "provide a kind of microcosm of the outside world in which their decisions will operate."

In introducing Judge Wald, [Judge Harry T. Edwards](#) reminded everyone of her stellar career: active service for 20 years, Chief Judge for five, author of some 800 opinions. He remembers that Judge Wald typically summarized a case better than the lawyers arguing it. He noted that Judge Wald was the first woman on the D.C. Circuit bench and a role model for the women who followed.

THE SOCIETY'S ORAL HISTORY COLLECTION EXPANDS

NANCY MAYER-WHITTINGTON

Reading the [oral history of Nancy Mayer-Whittington](#), former District Court Clerk, is like opening



Nancy Mayer-Whittington with Jim Davey



Roger M. Adelman, Esq.

the hood of a sleek new car only to be surprised at the complexities in the engine compartment. Court administration has changed dramatically from the old days of cronyism to today's professional, team-based management. Ms. Mayer-Whittington's stories about the District Court, its judges and administrative staff provide fascinating insights into the Court's history, as do her descriptions of the impact of changes in judicial technology.

ROGER ADELMAN

Why does Roger Adelman consider the Washington trial lawyer to be a vanishing breed? Trial lawyers, distinguished by Adelman from modern "litigators," operated by the seat of their pants without extensive discovery and legions of support staff. He saw it all, having been involved in 300 trials in over 40 years. [He describes in fascinating detail](#) the most unusual Courtroom occurrences. Read about them as well as about his experiences as lead prosecutor in the trial of John Hinckley.

BOARD NEWS

THE SOCIETY WELCOMES NEW BOARD MEMBERS

At its annual meeting in April, the Historical Society elected and welcomed new Board members: Hon. Thomas B. Griffith, Viet D. Dinh, John P. Elwood, Eva Petko Esber, Andrea Ferster, Marc A. Hearron, Cornish Hitchcock, Esther H. Lim, Karen L. Stevens, and Betsy K. Wanger. The Board also designated Professor Daniel R. Ernst to serve, along with Maeva Marcus, as Society Historian.

THANKS TO JIM JOHNSTON, RECOGNITION FOR YARROW MAMOUT

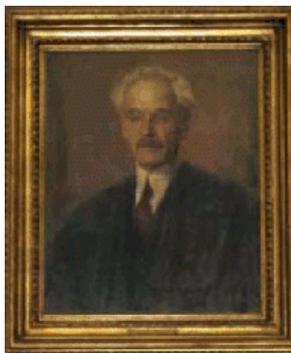
Board member Jim Johnston's efforts to achieve for Yarrow Mamout the recognition he deserved long ago has paid off as Yarrow's portrait, painted in 1822 by James Alexander Simpson, moves from the Peabody Room of the Georgetown Public Library to the National Portrait Gallery this summer on a three-year loan following a farewell party the Peabody Room held for the painting on June 25.

Yarrow was a Fulani Muslim from West Africa brought to Maryland on a slave ship in 1752. By the time he was freed 44 years later, Yarrow, the subject of Jim Johnston's book, [From Slave Ship to Harvard](#), had become the most prominent African American in Georgetown, owning a home and bank stock and wealthy enough to loan money to white merchants. Jim Johnston wrote an article for the Society about Yarrow's niece, the first African American to win a monetary judgment in the Circuit despite the hurdles of the Black Code.



Yarrow Mamout

(Picture courtesy of Jerry McCoy, Archivist/Librarian, Georgetown Branch Library)



Portrait of Judge Wendell Phillips Stafford

ON DISPLAY: PORTRAIT OF JUDGE WENDELL PHILLIPS STAFFORD

[Judge Wendell Phillips Stafford](#), published poet, orator, and 1904 Theodore Roosevelt appointee to the District Court, was the son of Vermont abolitionists and one of the few white members of the D.C. NAACP. Born at the start of the Civil War in 1861 and named for a prominent Boston abolitionist, Stafford died in 1953, the year before *Brown v. Board of Education*. "[P]robably the most liberal white man in Washington on the race question,"* Judge Stafford's verses and speeches reflect themes of freedom and pride in the end to slavery ("Voices," a tribute to the Grand Army of the Republic) as well as devastation at its lingering manifestations ("On the Photograph of a Lynching"). On the bench, he voted to uphold social welfare legislation and presided over a trial that, on appeal, gave rise to baseball's antitrust exemption. Throughout his tenure on the court, Judge Stafford fought against "the receding tide of sentiment in favor of equal civil rights." Judge Stafford retired from the bench in 1931 but taught law and continued to work actively with the NAACP before his death in 1953.

* James McPherson, *The Abolitionist Legacy: From Reconstruction to the NAACP* 390 (1995).