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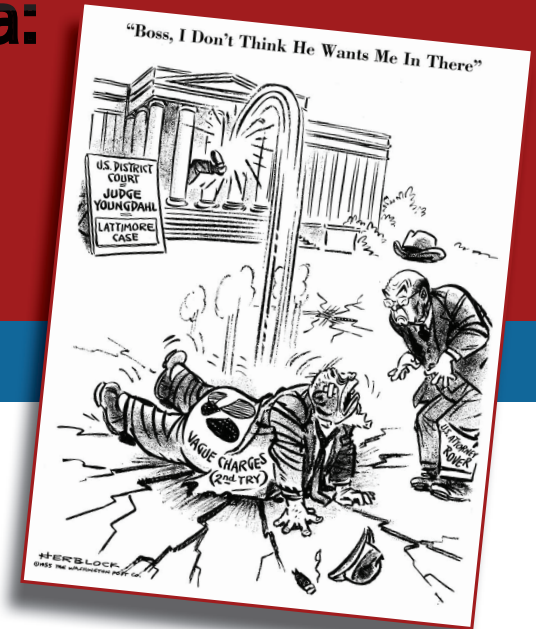
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With special appreciation to the U.S. District Court for the District of Columbia, the U.S. Court of Appeals for the District of Columbia Circuit, and our individual members for their continuing support of the Society.

The Historical Society of the D.C. Circuit is a 501(c)(3)
non-profit organization independent of the Courts.

The Historical Society of the District of Columbia
Circuit and the Litigation Section of the District
of Columbia Bar present:

The D.C. Circuit in the McCarthy Era: *United States v. Lattimore*



HERBLOCK
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May 12, 2011
4:30 p.m.

Ceremonial Courtroom, 6th Floor
E. Barrett Prettyman U.S. Courthouse
3rd & Constitution Avenue, N.W.
Washington, D.C.

The Historical Society of the District of Columbia Circuit

What lies ahead

- Panel discussions by and among judges, academics, practitioners, and scholars on historic cases litigated in the Courts of the D.C. Circuit and legal issues of historic interest.
- Taking and publishing oral histories of judges, lawyers, and others who played key roles in the administration of justice in the D.C. Circuit Courts.
- 2012 Mock Court Argument Program where area high school students, mentored by attorneys, will argue historic cases before federal judges.
- Assisting Judges of the Courts of the D.C. Circuit in preserving their non-official papers.
- Watch for the Society's appearance on Facebook and Twitter.

Activities to date

- Publication of *Calmly to Poise the Scales of Justice: A History of the Courts of the District of Columbia Circuit*.
- Programs on historic cases, including "Who Solved Watergate?"; "FCC Indecency Cases in the D.C. Circuit: An Historical Perspective"; "Technology in the Courtroom: Could It Change the Course of History?"; "The Steel Seizure Case in Historical Perspective: Presidential Power in Wartime"; "The Pentagon Papers Cases: Did the Courts Get it Right?"; "The Landmark AT&T Divestiture Case and Its Economic and Regulatory Repercussions"; and "Iran-Contra in the Courts: A Historical Perspective."
- Creation of the exhibition on historic cases presented in the Courts of the D.C. Circuit now on display in the main corridor of the Courthouse.
- Programs for summer associates and law students, including "Timeless Elements of a Great Closing Argument: Lessons from the Teapot Dome Trials"; and "High-Profile Cases: A View from the Bench."
- Presentation of videos of Society programs on our website www.dcchs.org.
- Taking and publishing 65 oral histories of Judges and lawyers of the Courts of the D.C. Circuit.

THE D.C. CIRCUIT IN THE McCARTHY ERA: **UNITED STATES v. LATTIMORE**

In 1952, during the height of McCarthyism, Owen Lattimore was indicted on seven counts of perjury before the Senate Internal Security Subcommittee, including testimony that "he had never been a sympathizer or any other kind of promoter of Communism or Communist interests." Lattimore was represented pro bono by former D.C. Circuit Judge Thurman Arnold, Abe Fortas, and Paul Porter, as well as former U.S. Senator Joseph C. O'Mahoney; the United States by U.S. Attorney Leo Rover.

Lattimore moved to dismiss. District Judge Luther Youngdahl dismissed four counts. The Court of Appeals, en banc, sustained the dismissal of two counts and reversed on two counts. The Government re-indicted Lattimore in a single count which Judge Youngdahl dismissed. The Court of Appeals sustained the dismissal by a 4-4 vote.

This program will include a reenactment of the arguments presented to Judge Youngdahl on the Motion to Dismiss. Following this reenactment, a panel of all the participants will discuss the role of the courts in national security cases at mid-century and the relevance of that history today.

Participants

The McCarthy Era and the State of the Nation in the 1950s, **Martin J. Sherwin**, University Professor of History, George Mason University

Legal History of the Lattimore case, **Patricia M. Wald**, former Chief Judge, U.S. Court of Appeals for the D.C. Circuit

Reenactment, **G. Duane (Bud) Vieth**, Arnold & Porter; **Miguel Estrada**, Gibson Dunn & Crutcher; **Berl Bernhard**, DLA Piper and law clerk to Judge Youngdahl

Panel Discussion

Moderator, **Daniel R. Ernst**, Professor, Georgetown University Law Center

HISTORY IS IMPORTANT

Programs like this depend on the generosity of Society members, law firms, and others. Non-members are invited to become dues-paying members by submitting the enclosed membership application or calling 202-216-7346.