



# Historical Society of the District of Columbia Circuit

Newsletter #41 - October 2019

Historical Society of the D.C. Circuit - [www.dcchs.org](http://www.dcchs.org)

---



*Jim Rocap*

## A WORD FROM JIM ROCAP, THE SOCIETY'S NEW PRESIDENT

In 1975, Chief Judge William B. Jones offered me the opportunity to serve as his law clerk for the 1975-76 clerkship year. My immediate acceptance, and the year that followed, remain among the most fulfilling experiences in my nearly 45 years as an attorney.

Because of my clerkship, and the many opportunities I have had since then to practice before District of Columbia federal courts, I was honored to serve as a Society Board Member between 2011 and 2017, and then last year, to receive a call asking me to assume the role of Society President pending Board approval. The challenges of being the Society's President are humbling. But I start with an organization that is at the top of its game, thanks to the strong leadership of (now Chair) Steve Pollak, the tireless efforts of Executive Director Linda Ferren, and the outstanding support of the Judges of this Circuit.

The Society is a national leader among federal court historical societies. Our revamped website ([dcchs.org](http://dcchs.org)) is a historical treasure trove. Our oral history collection is unequalled. The Society's outreach to the local community through its Mock Court and similar programs makes us proud. And, among other things, we produce annual reenactment programs, focused on high profile cases and issues addressed by this Circuit, at the highest level.

My hope is to continue all of this at the same high level of achievement to which we have become accustomed. And then to aim even higher. I hope to encourage D.C. law firms to add their firm histories to our archives. We are planning to expand significantly the factual detail in the "Timeline" posted on our website, and to make even more historical information readily available. We expect to videotape many judges, attorneys

and others whose oral histories we have taken, and we are working closely with a team of attorneys to create a history of the U.S. Attorneys of the D.C. Circuit.

My thanks to all of our individual and law firm members for your continuing support, involvement and encouragement in the Society's work. I look forward to working with you in the years to come.



## ON THE DECEMBER CALENDAR

On December 18, 2019, the Historical Society will again sponsor a mock argument program at the U.S. Courthouse for D.C. public school students. This year's program will be a re-enactment of the oral arguments

presented in *New Jersey v. T.L.O.*, a case involving the Fourth Amendment rights of high school students to protection from unreasonable search and seizure by school officials. The mock argument will be presented to Judges David S. Tatel, Sri Srinivasan and Ketanji Brown Jackson. Also participating in the program will be Lois De Julio, the federal public defender who represented T.L.O. throughout her ordeal with the juvenile justice system all the way to the U.S. Supreme Court.

*[Pictured above, l to r, Judges Sri Srinivasan, David Tatel, and Ketanji Brown Jackson at a previous re-enactment.]*

The program will begin with a warmup exercise about the federal court system and end with an opportunity for students to ask the judges questions about the case just re-enacted and the judicial system in general. A pizza lunch will follow.

Prior to the program, all participating teachers will receive materials about the case for use in the classroom along with an offer to have a knowledgeable attorney or Society Board member come to class to introduce and discuss fourth amendment issues with the students.

## ORAL HISTORIES IN THE NEWS

### **Newly Released - The Oral History of Mark Tuohey**

For decades, Mark Tuohey has been one of Washington's "go to" defense attorneys. But as his new [oral history](#) makes clear, Tuohey's long and distinguished career also includes serving as a prosecutor (where he secured convictions of participants in the 1977 Hanafi Siege and hostage

taking), as head of the Office of Legal Counsel under Mayor Bowser, and as President of the DC Bar. Most importantly (at least for many local residents), Tuohey played a critical role in securing the return of Major League Baseball to Washington. Bill Marmon, who took Tuohey's oral history for the Historical Society, provides a "taste" of its [highlights](#).



Mark Tuohey

### **Recent Articles Highlighting Oral Histories in the Society's Collection**

Take a minute to read a few articles that recount some of the inside stories told by our interviewees in their oral histories. In addition to reading about [Mark Tuohey](#), you can review articles about: [Edmund Campbell](#), [Sam Dash](#), [Judge Stanley Harris](#), [Charles Horsky](#), [Bernard Nordlinger](#), [Earl Silbert](#), and [Judge Reggie Walton](#).

## ONE OF MANY WEBSITE FEATURES: A TIMELINE

### The History of the D.C. Circuit Courts

1800 - 1850    1851 - 1900    1901 - 1950    1951 - 2000    2001 - present

The timeline interface features a central vertical line with a grey box at the top labeled '1801'. To the left of the line is a panel titled 'The Earliest Judges' containing three portraits of men and a text block. To the right is a panel titled 'The Creation' containing an image of a gavel and scales of justice and a text block. Both panels have a 'Read More >' link at the bottom.

#### The Earliest Judges

The earliest judges to ever be appointed were William Cranch, Thomas Johnson (who refused to serve), and James Marshall, in 1801. Buckner Thruston, a former U.S. Senator, was appointed in 1809, and James Morsell joined in 1815.

[Read More >](#)

#### The Creation

One year after Congress moved to Washington, D.C., the Federalist-controlled Congress passed—and President John Adams signed—the Judiciary Act of 1801.

[Read More >](#)

Our [Courts of the District of Columbia Circuit timeline](#) begins in 1800 and continues to the present. Follow the timeline and look back in time to read about decades of history of the Courts, judges and other people of interest, events worth remembering, noteworthy cases, anecdotes, and more. Each entry opens to a full post about an event or person of interest. Learn about:

- The 1821 civil rights victory of William Costin and his challenge of the Black Codes;
- Application of the M’Naghten test in the 1882 trial of President Garfield’s assassin;
- Justice Oliver Wendell Holmes’ opinion that major league baseball was entertainment, not business;
- The Hoffa trial before the first woman appointed to a District Court judgeship, Judge Bernita Shelton Matthews;
- Violations of First Amendment rights alleged by Mayday protesters, and much more.



*Daniel Gribbon*

## DANIEL M. GRIBBON PRO BONO ADVOCACY AWARDEE – Miller & Chevalier

The Gribbon Award was presented to Miller & Chevalier by District Judge Amy Berman Jackson at the D.C. Circuit Judicial Conference in June 2019. The Court acknowledged the outstanding work of Homer Moyer, Jr. and his team for their successful representation of a veteran who sought to upgrade his discharge from the Army decades earlier. Each Gribbon awardee is invited to designate a non-profit legal services organization in the District to receive a contribution of \$1,000. Miller & Chevalier chose the National Veterans Legal Services Program.

## JUST DAYS AHEAD

A reminder that the Society and the judges of the D.C. Circuit Courts will salute current and former law clerks on October 16 at a reception featuring a conversation with Justice Neil Gorsuch who served as law clerk to Judge David Sentelle.



*Justice Neil Gorsuch*

## NOTE TO OUR WEBSITE VISITORS

Our website is best viewed with Chrome, Safari, or Edge.

We recommend using one of these browsers, rather than Internet Explorer, to optimize your site visit experience.

---

### Historical Society of the District of Columbia Circuit

E. Barrett Prettyman United States Courthouse  
333 Constitution Avenue, NW., Room 4714  
Washington, DC 20001-2866

202-216-7346

[www.dcchs.org](http://www.dcchs.org)



[Email Us](#)

mailer lite