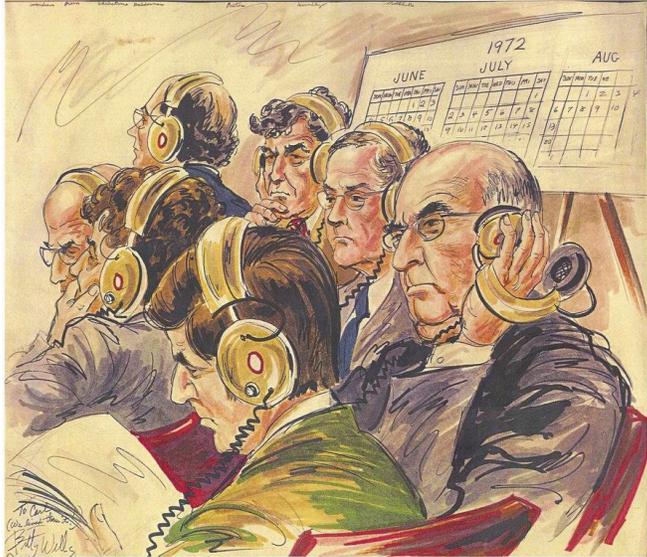




Newsletter of the Historical Society of the District of Columbia Circuit

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Watergate at Fifty: Perspectives from Our Archives



Next June marks the fiftieth anniversary of the Watergate burglary, an initially mysterious event that ultimately led to a major constitutional crisis and the resignation of a president who had been reelected in a landslide. In so many ways, Watergate was a Washington story, featuring not only late-night arrests at a local hotel, but also the dogged efforts of hometown journalists to follow the investigative leads, riveting hearings on Capitol Hill, and, perhaps most significantly, judicial proceedings at all levels of the Washington courts – arraignments, grand jury sessions, criminal jury trials, and formidable legal battles over presidential tapes and assertions of executive privilege.

The [website of the Historical Society](http://www.dcchs.org) contains a wealth of personal recollections and pertinent information about the Watergate saga, ranging from our rich and extensive collection of oral histories to a special program that we sponsored involving notable Watergate participants.

To mark this symbolic fiftieth anniversary, we asked veteran journalist Carl Stern – himself a major Watergate reporter – to prepare a series of short features, based on nuggets he has mined from the treasure trove of Watergate-related resources available on our website. Carl's stories will be featured in our quarterly newsletter over the course of next year and then permanently archived on our website.

In the next issue of our newsletter, Carl answers this question: Who was the very first Watergate judge, and what are his current recollections of those historic events?

So – please read on, and please stay tuned!

Former Clerk of the U.S. District Court James Davey: Recollections from His Oral History

Pearl Harbor Day

December 7 marks the 80th anniversary of the 1941 Japanese attack on Pearl Harbor.

Living with his family in U.S. Naval officers' housing on Ford Island, Pearl Harbor, six-year-old Jim Davey and his older brother ran outside at the sound of noise - what Davey says turned out to be Japanese planes "coming in low to drop their torpedoes just going over the top of the house looking at us through their open cockpits." The battleship Arizona was just two battleship-lengths away. It blew up with a loss of over 1,100 lives.

In a 2008 Historical Society oral history, Davey recalls the "tremendous explosion." His father rushed him and his brother inside, placing them under mattresses. "I remember being scared, being under the mattresses," says Davey.

During a lull in the waves of attacks, his father drove the family to the Admiral's house, which had a shelter and a first-aid station that Davey says was filled with men that had swum through burning oil, "a tough thing for kids to see."

Over the years, the family retained a souvenir - described by Davey as "a big, heavy iron waffle iron." Inside, "a perfectly preserved waffle, that my mother was cooking that morning on December 7th, 1941."

Davey retired in 1991 after 20 years as Clerk.



The U.S.S. Arizona Memorial Wall

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Covid Was Not the First Pandemic to Cause a Courthouse Closure

On October 7, 1918, confronted by the mounting toll of the "Spanish flu," the Supreme Court of the District of Columbia, the predecessor of today's U.S. District Court, suspended most proceedings for a week - a move apparently extended until late November. Only motions and ex parte matters, requiring limited attendance, were to be heard. The announcement noted that offices would remain open for filing cases, registering wills, and issuing marriage licenses.

By December, the Court returned to a full schedule - even fuller. In mid-month it gave notice that it would confine its Christmas recess to three days because of "the weeks lost during the epidemic."

We are indebted to Jake Kobrick of the Federal Judicial Center who found the clipping.

The Evening Star.

WASHINGTON, D. C., MONDAY, OCTOBER 7, 1918—EIGHTEEN PAGES.

COURT SUSPENDS HEARINGS.

Jury trials and equity hearings were suspended today in the District Supreme Court until next Monday, as an additional safeguard against the spread of Spanish influenza.

After a conference of the bench, Chief Justice McCoy announced this adjournment. The courts will dispose of ex parte matters and motions which require only the attendance of court officials and lawyers.

The cramped quarters of the courts in their rather poorly ventilated temporary home and the enforced gathering of jurors and witnesses as well as spectators in the small courtrooms led the bench to the decision that "flu" germs might be transferred and the contagion increased if trials were conducted this week.

The offices of the clerk of the court and of the register of wills will remain open for the filing of cases and for the issuance of marriage licenses. Questionnaires will also be made out as usual at the Emery building.

Newly Released Society Oral History



Julia Penny Clark

Julia Penny Clark (Penny) graduated first in a class of 500 from the University of Texas School of Law, Austin in 1973. She was Texas Law Review Note and Comment Editor and, no surprise, was selected Senior Student Most Likely to Achieve in the Practice of Law. After law school, she clerked for then U.S. Fourth Circuit Court of Appeals Judge Braxton Craven, and next for then Supreme Court Justice Lewis Powell. Penny was

Justice Powell's first female law clerk and, after her clerkship, she became the first female attorney hired at Bredhoff & Kaiser, where she worked until 2019.

At Bredhoff, with a practice focused on employee benefits, Penny's clients included large multi-employer pension and health-benefits plans and a public employer pension plan. She was one of the few attorneys who both counseled funds and litigated on their behalf. She believed that her experience counseling her clients helped her assess litigation risks.

Penny was a tireless advocate and litigator for her clients. She appeared in countless state and federal courts across the country, notably arguing two cases in the U.S. Supreme Court. She even managed to recover a significant amount of money for several funds from Bernie Madoff.

Named because her father had only pennies in his pocket when she was born, Penny must have inherited her father's sense of humor. She recounts numerous amusing stories from her career, but her favorite courtroom moment occurred in the Idaho Supreme Court with her colleague, George Cohen. The judges were seated at a long bench with the U.S. flag at one end and the Idaho state flag at the other. As George said, "In this area, federal law sweeps away all state law," the Idaho flag fell over, prompting the entire courtroom to erupt in laughter.

Moxila Upadhyaya, a partner at the Venable Law Firm, was the interviewer for [Penny's oral history](#).

Please Support the Society

Programs of the Society depend on the financial support of the Courts of the District of Columbia Circuit, individuals, and law firms.

Contributions can be made online at www.dccchs.org/donate or mailed to:

The Historical Society of the District of Columbia Circuit
E. Barrett Prettyman United States Courthouse
333 Constitution Avenue, NW, Room 4714
Washington, DC 20001-2866

The Historical Society of the District of Columbia Circuit is registered as a 501(c)(3) nonprofit organization independent of the Courts. Contributions to the Society are tax deductible.

Find us on social media!



Three Oral Histories Added to the Society's Archive by Agreement with the Women Trailblazers Project of the American Bar Association

Nancy Duff Campbell



Nancy Duff Campbell (Duffy), a founder and co-president Emerita of the National Women's Law Center, graduated from Barnard College and New York University Law School at a time of great social unrest in the United States. After growing up in a family engaged in socially progressive activities, she was involved in

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Janet Reno



As the first woman appointed to serve as U.S. Attorney General and the second-longest serving Attorney General in U.S. History, Janet Reno needs no introduction. A self-described tomboy, she grew up on a farm close to the Florida Everglades, living in a house that her mother built with her own hands. Her

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Judith Winston



Judith Winston, a former Society Board Member, has a resume that is impressive, to say the least. After graduating from Howard University and Georgetown Law School, she first worked in the Office for Civil Rights in the Department of Health, Education and Welfare, as Special Assistant to the Director, David Tatel (now

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Calmly to Poise the Scales of Justice:

A History of the Courts of the District of Columbia Circuit

by Jeffrey Brandon Morris, with the assistance of Chris Rohmann, for the Historical Society of the D. C. Circuit

This history of two of the nation's most important courts - the U.S. Court of Appeals for the District of Columbia Circuit and the U.S. District Court for the District of Columbia - was published in 2001, on the two hundredth anniversary of the Courts' beginning. Morris sketches the development of each court, describes the most influential judges, and looks at the most important decisions and cases of each court from 1801 until the 1980s. If you are interested in history, especially the history of the courts in D.C., this book will be an enjoyable read.

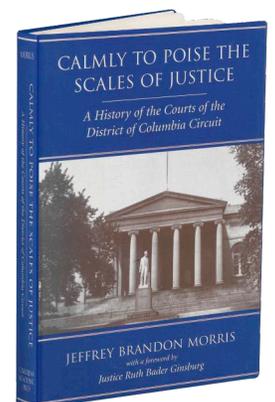
The book's title is taken from a phrase attributed to D.C. Circuit Judge (and John Adams' nephew) William Cranch. He served on the Court from 1801 to 1855. Judge Cranch wrote, "The constitution was made for times of commotion. ...Dangerous precedents occur in dangerous times. It then becomes the duty of the judiciary calmly to poise the scales of justice, unmoved by the arm of power, undisturbed by the clamor of the multitude." (*United States v. Bollmann and Swartwout*).

Chapters in the book are arranged chronologically allowing a reader to follow the Courts as their jurisdiction and stature grew. Professor Morris provides discussion and analysis of numerous memorable cases and events: the Star Route and Teapot Dome scandals and President Truman's takeover of the steel mills. The book also includes detailed treatments of the Pentagon Papers, the Watergate cases, and the AT&T breakup.

Morris also includes some unusual facts. For example, because American Samoa does not have a federal court like the Northern Mariana Islands, Guam, or the Virgin Islands, matters of federal law arising there have generally been adjudicated in the U.S. District Court for the District of Hawaii or the District Court for the District of Columbia.

The cover photograph is of the Old City Hall, which served as the federal courthouse for a hundred years, from 1850-1950. There are many other illustrations and photos, including one titled "Women of the D.C. Courts" from 1997.

In addition to the index, the book contains a table of cases, a list of judges and a list of sources. If you are interested in purchasing this book, click [here](#).



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the civil rights movement in college and, by law school, had decided to focus on women and poverty.

As a recognized expert on women's law, Duffy has focused on women's law and public policy issues for over 40 years. Prior to her work with the National Women's Law Center, she was a law professor and an attorney with the Center on Social Welfare Policy and Law. Throughout her career, she has written numerous articles on women's legal issues and has participated in groundbreaking lawsuits and life-changing legislative initiatives to guarantee women's rights, emphasizing issues affecting low-income women and their families.

Among her achievements, Duffy participated in successful Supreme Court litigation in *Califano v. Westcott*, a case that held that two-parent families with unemployed mothers are entitled to Aid to Families with Dependent Children benefits. She was counsel in *Parents Without Partners v. Massinga*, a case establishing the uniform right to child support enforcement services for all custodial parents without regard to income. Duffy also was involved in the organization and leadership of the Coalition on Women and Taxes, whose advocacy and analysis led to expanded tax assistance for single heads of household and the removal of six million low-income families from the tax rolls through passage of the Tax Reform Act of 1986.

A list of her honors and awards seems endless. To name a few, she was the only North American representative to the 2009 United Nations Conference on the implications for Women of the Global Financial Crisis and was appointed by the Secretary of Defense to the Defense Advisory Committee on Women in the Services. In recognition of her exemplary legal career dedicated to service in the public interest, she was awarded the District of Columbia Bar's William J. Brennan Award. She was selected for inclusion in *Who's Who in America*, *Who's Who of American Women* and *Who's Who in American Law*.

[Duffy's oral history](#) was taken by Janet Studley, a Holland & Knight Retired Senior Partner.

The Society on Social Media

According to a 2021 survey by the Pew Research Center, 69% of American adults use Facebook, 28% use LinkedIn, and 23% use Twitter. Prominent historians also use social media to bring attention to their work. Doris Kerns Goodwin has over 141,000 Twitter followers, and Michael Beschloss has over 714,000.

We aim to have the Society's incredible archive of oral histories read far and wide. To that end, two members of the Society's Board (Sara Kropf and Michelle Bradford) have formed our first-ever Social Media Subcommittee. The SMS shares information about the Society's oral histories, events planned by the Society, and other relevant news on our Twitter, LinkedIn, and Facebook accounts. The goal is to let people outside of the Society know about the archive of oral histories.

Please connect with the Society on [Twitter](#), at [LinkedIn](#), or on [Facebook](#). You can help by following us, and commenting and sharing our posts on your own social media accounts. You will also find videos of Society events on our [YouTube](#) channel.

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parents, both reporters, encouraged her to read and appreciate history and taught her "how important it was that people speak out and that their rights not be impaired without due process of law."

She left Florida to attend Cornell University and Harvard Law School, and then returned to Florida where, after several years in private practice, she was elected Dade County, Florida prosecutor. During her 15 years as a prosecutor, she gained a reputation for being tough, outspoken, unpretentious, and liberal.

In 1993, former President Bill Clinton appointed her U.S. Attorney General. Janet Reno served until 2001. Early in her tenure, she was charged with resolving a 51-day stand-off between the Branch Davidians and FBI and ATF agents. Her involvement with other high-profile events and cases continued throughout her tenure, including the Microsoft antitrust suit, the Oklahoma City bombing, the Unabomber conviction, and the Elian Gonzalez dispute.

After leaving office, she returned to the Florida house her mother built, ran (unsuccessfully) for governor, and worked with the Innocence Project. But first, on her last day as attorney general, she had a "wonderful experience" appearing as herself on Saturday Night Live.

[Janet Reno's oral history](#) was taken by Hilarie Bass, Founder and President of the Bass Institute for Diversity and Inclusion.

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Judge David Tatel of the U.S. Court of Appeals for the D.C. Circuit). Although Judith had decided that her earlier work on civil rights issues had been too emotionally draining, she accepted the HEW position because it was consistent with her lifetime interest in civil rights and education. Those interests never waned as she became, among many other things, a law professor, Under Secretary and General Counsel of the U.S. Department of Education, and a lead member of then President-elect Barack Obama's Agency Review teams for the Departments of Education and Labor.

Judith's accomplishments have been recognized with numerous awards. She received the prestigious Thurgood Marshall Award from the District of Columbia Bar Association, the Margaret Brent Women Lawyers of Achievement Award from the American Bar Association's Commission on Women in the Profession, and the Lawyer of the Year Award from the Women's Bar Association. She serves on the Boards of NPR, Partners for Democratic Change International, the Southern Education Foundation, and the National Law Center on Poverty and Homelessness. She is the author of many articles on education, civil rights, employment discrimination, and women of color in the workplace.

[Judith's oral history](#) was taken by Marna Tucker, Senior Partner at Feldesman Tucker Leifer Fidell.

Do you have an idea for an article you'd like to share?
Let us know: info@dcchs.org