



# Newsletter of the Historical Society of the District of Columbia Circuit

#50 ~ January 2022 ~ [www.dcchs.org](http://www.dcchs.org)

## Untold Watergate Stories From The Society's Files

"The District Court was at center stage" of Watergate, wrote Jeffrey Brandon Morris, author of the definitive *Calmly to Poise the Scales of Justice, A History of the Courts of the D.C. Circuit*. Between 1972 and 1975, he counted 47 criminal and 36 civil cases, plus 19 miscellaneous proceedings, related to Watergate - and that's in the District Court alone. There are many stories to tell.

In this fiftieth anniversary year of the Watergate break-in, the Historical Society will highlight a few of the many nuggets in its archives regarding that remarkable period in our nation's history. We urge you to browse those archives. In this first Newsletter of 2022, compliments of distinguished journalist Carl Stern, we start with reflections of the Judge who handled the arraignment of the burglars the day after the break-in. And no - it was not John Sirica. Enjoy.



## Recollections of the First Watergate Judge

"Breaking into a political party headquarters during a campaign - that obviously was a big matter."

D.C. Superior Court Judge James A. Belson knew immediately the five men arrested early that Saturday morning inside the Watergate office building were of "greater interest" than the usual criminal suspects making their initial courtroom appearance. Judge Belson, handling weekend duties, became the first judicial officer to face the Watergate burglars.

Judge Belson, now 90 years old and living in Annapolis, recalls when Assistant U.S. Attorney Charles Work arrived to get his signature on a search warrant for the men's hotel rooms and to ask that their cases be called at the end of that day's calendar. The Judge admits to having an unusual thought. "I was anxious to see what these gentlemen looked like."

What they looked like was ordinary, "dressed in casual clothing," the Judge remembers. He doesn't think they were handcuffed. He recalls that federal marshals brought the five of them together into the courtroom -- number 17 in Building "A" - where the charges would be presented, the last of about 35 cases he

*BELSON - continued on page 3*



The Society is pleased to announce that Leith Alvaro has joined the staff of the Society as its new Executive Director. Leith, a graduate of George Washington University Law School, is finishing 20+ years of service with the D.C. Bar. Among other things, Leith oversaw the digitization of the Bar's historical records. She brings to the position extensive experience working with volunteer bar committees, similar to those of the Society, and has worked with many prominent members of the D.C. Bar

legal community, including many of the Bar's past presidents. "I am very excited to begin a new chapter in my service to the Washington D.C. legal community", says Leith, "this time focused exclusively on the history of our remarkable federal courts. I look forward to working with the officers, Board members, and other volunteers who have made the Society the success it is today." "We are very fortunate to have someone with Leith's considerable experience in our legal community coupled with her recognized organizational skills," says Jim Rocap, Society president. Welcome Leith!

**"I am very excited to begin a new chapter in my service to the Washington D.C. legal community..."**

## In This Issue

### Page 1 -

Untold Watergate Stories

Belson: 1st Watergate Judge

Leith Alvaro: New DCCHS Executive Director

### Page 2 -

Recently Published Oral History of Judge Stanley Sporkin

Upcoming Book on the History of U.S. Attorneys for the District of Columbia

### Page 3 -

Timeline Facts: America's Pastime and the D.C. Federal Courts

### Page 4 -

Call for Volunteers - 17th Annual Mock Court Program for Local Area High School Students

Thank You to Our 2021 Donors



"Where were the accountants and attorneys?" asked Judge Stanley Sporkin, famously, during litigation in the wake of the savings and loan scandals of the late 1980s. The question exemplified his career-long pursuit of fairness, accountability, and justice, whether as the pathbreaking head of the Enforcement Division of the SEC (where his efforts led to enactment of the Foreign Corrupt Practices Act); as General Counsel of the CIA during the Reagan administration; and on the District Court bench for nearly 15 years ("There is only one mold for a judge, and that is someone who does justice."). Judge Sporkin's newly-posted oral history recounts his extraordinary years of public service. Alexander E. Bennett, who interviewed Judge Sporkin for the oral history, has provided a summary on the [Society's website](#). Here are a few short excerpts of that summary.

- ▶ Judge Stanley Sporkin's life and career included more than 40 years of public service. During that time, his energy, his creativity, and his sense of fairness and justice made a significant imprint on public affairs.
- ▶ Mr. Sporkin's interest in the law began when he was a boy. That is when he started going to court to see his father, Maurice Sporkin, trying cases as a prosecutor in the Philadelphia courts. Later, Mr. Sporkin's father became a judge on the Court of Common Pleas in Philadelphia and served for many years. From the early days, Mr. Sporkin wanted to be a lawyer. He also thought that "there's nothing better than being a judge."

*SPORKIN - continued on page 3*

## Please Support Our 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.dcchs.org/donate](http://www.dcchs.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.*

## The Politics of Presidential Appointments - An Upcoming Book Compiled by Chris Todd

In 1801, President John Adams appointed Thomas Swann, Sr., as the first United States Attorney for the District of Columbia. Sadly for Mr. Swann, his place at the head of the line was not to be. President Adams had just lost the election to Thomas Jefferson, Congress did not act on the Swann nomination before the third president's inauguration, and Jefferson then withdrew the nomination in favor of his own nominee, John Thomas Mason. Not to be denied, Mr. Swann persisted and was later appointed by President Madison and confirmed by the Senate, serving as U.S. Attorney from 1821 to 1833.

This and other fascinating stories about the history of the U.S. Attorneys for the District of Columbia will be found in an upcoming book spearheaded by former Board member Chris Todd. Publication is planned for 2022.



Find us on social !



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

would process that day. A local attorney, Joseph Rafferty, Jr., stepped forward to say he would represent all five. It was far from clear how he knew to be there.

We know today that one of the five, Bernard Barker, had asked his wife to contact Douglas Caddy, Howard Hunt's lawyer, if he hadn't called home by 3 a.m. ("that might mean we're in trouble"). Caddy, who was not experienced at criminal law, called Rafferty.

Four of the burglars -- the "Miami men" -- awaiting their presentment sat to one side, as did James McCord, the security chief of the Nixon reelection campaign who had led them into the Watergate building. Judge Belson recalls that Barker, who appeared to be the leader of the Miami men, said something to them. Afterward, the Judge says, he learned that Barker had said in Spanish, "There is a window behind us. We can probably jump out." Judge Belson says "a very sharp" marshal, who spoke Spanish, said to them, "You better not do that. It's sixty feet down to concrete."

The Judge's job was to set bail and a date for a preliminary hearing. Principal Assistant U.S. Attorney, Earl Silbert, who spoke for the government, urged that the five be held without bail because of their use of false names, the amount of cash in sequential \$100 bills found in their rooms, and the potential that they would flee.

Judge Belson recalls that Barker spoke up. "I want you to know we are not criminals," said Barker. "We are patriots." Thinking back to that moment, Judge Belson believes he probably replied, "Well, let's go ahead with the presentment." And he adds, "I wasn't going to take that up. It wasn't before the court at that point."

Determining how much bail would deter the suspects from fleeing, Judge Belson turned to one of them, James McCord. The Judge remembers asking him "where do you work?" "I'm retired," said McCord. "From the U.S. government, I asked him?" "Yes, sir." "And I said from where in the U.S. government?" "He said "CIA."

Judge Belson still pictures what happened at the mention of the CIA. "A Washington Post reporter who had been sitting in the front row of the spectator section, jumped up and ran out of the room."

The Judge set McCord's bond at \$25,000. He doesn't recall the amount for the Miami men, except that it was very high. Says Judge Belson, "They had no connection with the area here, no jobs here. They had every reason to not want to be here." What sticks in his memory is how quickly McCord's bond was posted. "He was released right away."

The proceeding lasted no more than twelve or fourteen minutes, recalls the Judge. "It was an astounding thing," he says. "I knew that it would be big."

The following Monday, Superior Court Chief Judge Harold Greene assigned the Watergate case to Judge Belson for "all purposes." Subsequently, the charges were brought in the U.S. District Court where its Chief Judge, John Sirica, decided to try the case himself.

Fifty years later, Judge Belson shows no disappointment at being left out of most of the history books. Good-naturedly, he recalls being approached by a reporter at a bar meeting who referred to him as the forgotten judge of Watergate.

He is not famous. But he was first.

---

*Judge Belson, a former partner at Hogan & Hartson (now Hogan Lovells), was appointed in 1968 to the District of Columbia Court of General Sessions, which became the Superior Court of the District of Columbia in 1971. He was elevated to the District of Columbia Court of Appeals in 1981. He took senior status in 1991 and continued to hear cases until retiring from the court in 2017.*

*Historical Society member Carl Stern interviewed Judge Belson on August 11, 2021 and prepared this article for our newsletter.*

- ▶ It was during this time [as General Counsel of the CIA] that the opportunity came up for Mr. Sporkin to become a federal judge. A mutual friend told Director Casey, without Mr. Sporkin's knowledge, of Mr. Sporkin's long-time interest in becoming a judge. Director Casey then wrote to the President. As a result, Mr. Sporkin received a call from the Justice Department informing him that the President had decided to nominate him as a federal judge. Mr. Sporkin was unanimously confirmed in December 1985 for the United States District Court for the District of Columbia. He was sworn in soon thereafter and continued to serve until January 15, 2000.
- ▶ Judge Sporkin said that it made him cringe to hear someone say that a judge is an activist judge or a conservative judge or a liberal judge. As Judge Sporkin said, "There is only one mold for a judge, and that is someone who does justice." [Judge Sporkin's oral history](#) illustrates how well he pursued that objective throughout his years on the bench.

## Timeline Facts

### American's Pastime & the D.C. Federal Courts

Major League Baseball is on strike (say it ain't so!). Well, the federal courts in the District of Columbia have had an historic impact on that sport. In 1921, the Federal Court of Appeals of the District of Columbia ruled in a suit brought by the Baltimore owner of a Federal League franchise that the American and National Leagues had not violated the Sherman Act by using their monopoly power to destroy the new league. It said baseball was merely an exhibition and not part of trade or commerce. On appeal, that became the basis for Justice Oliver Wendell Holmes' much noted U.S. Supreme Court opinion a year later that major league baseball was entertainment, not a business — a precedent that remains intact.

---

*This and other facts about the unique role of the federal courts in the District of Columbia can be found on [the Society's website "Timeline."](#)*

## The 17th Annual Mock Court Program Scheduled for March 4, 2022

On March 4, 2022, students from several area high schools will have the opportunity to present 5 to 6 minute oral arguments on First Amendment and Fourth Amendment case patterns before up to 15 federal judges of the District Court and Court of Appeals. The Society's Annual Mock Court Program is in its 17th year. It is a popular event enjoyed by all – Judges, students, teachers and mentors. We are looking for attorneys to mentor the students in preparation for their arguments. Contact Historical Society president and Mock Court Program Chair Jim Rocap ([jrocap@steptoe.com](mailto:jrocap@steptoe.com)) if you are interested and able to help.



WISHING YOU A HAPPY NEW YEAR

**THANK YOU!**

To our many supporters – the U.S. Court of Appeals, the U.S. District Court, and our many law firm and individual supporters – a special thanks for your generous contributions over the past year. Your support enables the Society to continue its mission to “record, preserve, and publicize the life and history of the courts of the District of Columbia Circuit.”

