



Newsletter of the Historical Society of the District of Columbia Circuit

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A Star Spangled United States Attorney: Francis Scott Key



Famous for writing the words to "The Star-Spangled Banner," Francis Scott Key was one of the most prominent lawyers of his time in Washington, D.C. and served as the United States Attorney for the District of Columbia from 1833 to 1841. Key argued before the United States Supreme Court in 168, possibly 170, cases. Some observers placed Key at the same

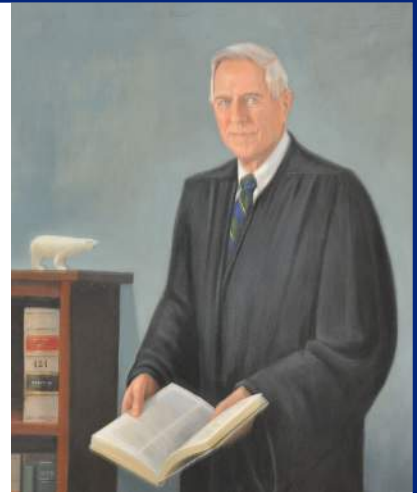
level of ability and eloquence as Daniel Webster. The following is excerpted from a chapter on Key, in the upcoming book "The United States Attorneys for the District of Columbia, 1801 - 2023, A Compendium of Short Biographies" (footnotes omitted). The book is the product of superb work by former Board member Chris Todd and Jim Thunder, both recently retired from Kellogg Hansen. Publication is expected in 2024.

Key read law under the tutelage of Judge Jeremiah Townley Chase and his paternal uncle, Philip Barton Key. Future Chief Justice of the United States, Roger Taney, read law at the same time under Judge Chase, and Key and Taney became lifelong friends. After both were admitted to the Montgomery County bar in 1801, Key and Taney continued

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Remembering Judge James L. Buckley

Former D.C. Judge James L. Buckley died on August 18, 2023, at the age of 100. He was nominated to the Court by Ronald Reagan on October 16, 1985, to a seat vacated by Edward Allen Tamm, confirmed by the Senate on December 17, 1985, and received his commission on December 17, 1985. He assumed senior status on August 31, 1996. Judge Buckley completed his rich oral



history in 1998. The following short synopsis is taken from the summary prepared by former Society Board Member Stuart Taylor.

Judge Buckley recalled his youth, his wartime service in the Navy (Pacific), and his early legal career after Yale Law School. "I wanted to be a country lawyer," Buckley said, maybe doing wills and estate planning, "but I didn't become one." In 1969 - 1970, Buckley decided to run for the Senate seat of liberal New York Republican Charles Goodell. He won the November 1970 election with just under 40 percent of the vote. He lost his bid for reelection in 1976 to Democrat Daniel Patrick Moynihan. In 1981 he was appointed Under Secretary of State for Security

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Upcoming Event Law Clerk and Judges Reception

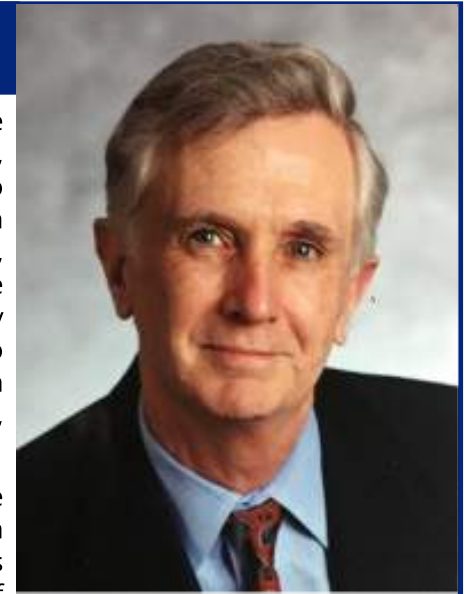
On October 12, 2023, the Historical Society will host its Annual Law Clerk and Judges Reception. The event will begin at 5:00pm in the Courthouse Atrium. Light refreshments will be served. Current and former law clerks, their judges, and Historical Society members are invited to attend. For additional information, please contact Leith Alvaro at info@dcchs.org.

Oral History of James Hamilton

Perhaps it's inevitable, when two of your ancestors were signatories to the Declaration of Independence and one fought side-by-side with George Washington, that you are destined to become thoroughly enmeshed in matters central to Washington, D.C. But when you begin life in a small town in north central South Carolina, it might not seem so obvious. So started the life of James (Jim) Hamilton, who made his way from Chester, South Carolina, to Yale Law School (where classmates included Eleanor Holmes Norton and [Barbara Babcock](#)), to military service in Germany, to one year at the London School of Economics, and finally to Washington, D.C. in 1966. Throughout his 55-plus-year career in Washington, D.C., Jim Hamilton has worked for and with stellar lawyers such as [Gerhard Gesell](#), Hugh Cox, [Dan Gribbon](#), and [Charley Horsky](#).

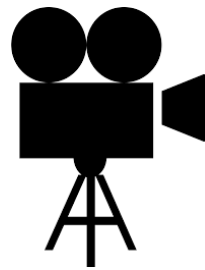
In 1973, Hamilton was hired by [Sam Dash](#) to be Assistant Chief Counsel for the Senate Watergate Committee. His primary area of responsibility was the investigation of the Watergate break-in and subsequent cover-up. When Hamilton finished his work for the committee, he began preparations for the impeachment trial of President Nixon, cut short by Nixon's resignation on August 9, 1974 and subsequent pardon by Gerald Ford.

Hamilton's list of high-profile congressional investigations is long and includes "Debategate", an investigation into the leak of the Carter debate briefing papers to the Reagan campaign in 1980, possible election fraud in Palau, Micronesia, and representing Marina Oswald in 1976 before the Senate Select Committee on Assassinations.



Robert Bennett

The Society was saddened to hear of the passing of [Robert S. Bennett](#), a true legend of the law in Washington and across the country. While he was best known for representing President Clinton, his career helping high-profile officials facing accusations spanned decades. In his oral history, taken for the D.C. Circuit Historical Society, Bennett traces his path from a boyhood in Brooklyn - to college and law school at Georgetown (where he worked, on the side, for legendary attorney and FDR advisor Tommy "The Cork" Corcoran) - to the U.S. Attorney's Office in Washington ("some of the greatest years of my life") - to private practice. What explains Bennett's extraordinary career? His answer was simple: "I work hard. I have had a lot of great lawyers helping me, and I have been very lucky. . . If I can make it, lots of people can make it." You can read more about Bennett's extraordinary life and career in [his complete oral history](#) on our website.



The full video of the Society's June 7, 2023 program on the 2001 Microsoft decision can now be found on the Society's website [here](#). The program featured a reenactment of a portion of the argument before the Court of Appeals in this historic case, followed by a panel discussion among Judge Ginsburg, Judge Tatel, and several experts on the impact of the Microsoft decision on antitrust law and the technology industry.



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their legal careers as Taney & Key Law Office in Frederick, Maryland. They later became family in 1806 when Taney married Key's sister.

During the War of 1812, Key served as a lieutenant with the Georgetown Light Field Artillery during the August 1814 defeat of American forces at the Battle of Bladensburg, Maryland. The next month, working as a civilian to obtain the release of an elderly doctor, on the night of September 13-14, 1814, he observed the British bombardment of Fort M'Henry in Baltimore Harbor. Key started writing, and a couple days later completed, the poem "The Defence of Fort M'Henry." The poem was printed in many of the nation's papers and became hugely popular. Shortly thereafter, the poem was set to the music of a popular 1773 English and American drinking song and referred to as "The Star-Spangled Banner." In 1931, it became the national anthem.

Key appeared before the United States Supreme Court for the first time in 1807. Over his legal career he argued 168, perhaps 170, cases before the Court. On his initial appearance before the Court, he argued for an hour on behalf of two men accused of conspiring with Aaron Burr in Burr's infamous plot to conquer Mexico with his private army and from there to invade the United States. The Burr scandal enthralled the American public, and this case helped establish Key's reputation as a gifted orator and legal mind.

Key was fifty-three-years old when President Andrew Jackson nominated him to be the District Attorney for Washington, D.C., on January 23, 1833. While he was an aggressive prosecutor, he was also an early advocate for prosecutors to live by a code of fairness. He once wrote,

It is the duty of an attorney representing the government in a criminal prosecution to see that the prisoner has justice done him, and not to aim only at conviction. He as well as the Court represents the law, whose offices they are.

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

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Online contributions to the Historical Society can be made at:

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The Historical Society of the District of Columbia Circuit
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Key initiated an aggressive campaign against gambling and houses of prostitution, of which there were many. Indeed, he filed so many indictments that, instead of handwriting them, as was the practice at the time, Key had a form indictment printed with blanks.

The year 1835 was one of significant prosecutions by Key, beginning with the indictment of Richard Lawrence, who attempted to assassinate President Andrew Jackson. After a one-day trial, the jury acquitted Lawrence by reason of insanity. In July 1835, the American Anti-Slavery Society mailed 175,000 pieces of literature demanding immediate abolition of slavery to politicians and community leaders. In the middle of the serious tension caused by the anti-slavery publications and the rumors of a slave rebellion, Key indicted Dr. Reuben Crandall for sedition, a capital offense. Dr. Crandall's alleged crime was circulating literature distributed by the American Anti-Slavery Society. In his case-in-chief, Key read long passages from the anti-slavery literature Dr. Crandall possessed. In response, Dr. Crandall's defense counsel read from Key's remarks on the cruelties of the slave trade that Key had given in 1827 in an address to the American Colonization Society. The jury acquitted.

Francis Scott Key died on January 11, 1843, in Baltimore.

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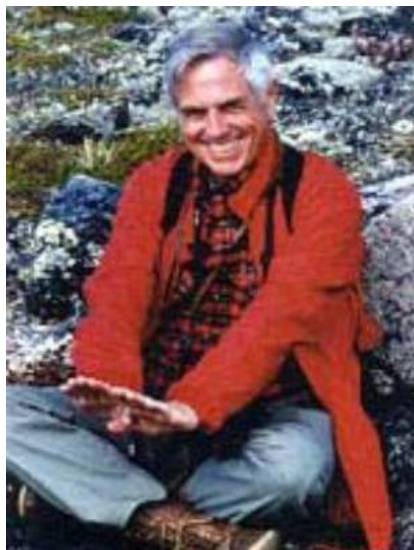
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Judge Buckley indulging in his Arctic/Polar Bear passion at age 68

Assistance, which handled military aid to strategically located countries. That meant lots of travel. Then, in 1982, he became president of Radio Free Europe/Radio Liberty and spent three “very interesting” years at its Munich headquarters.

Judge Buckley’s move to the judicial branch began with a phone call from his brother Bill, who “was asked to ask if I would be interested in being a circuit judge.” His first

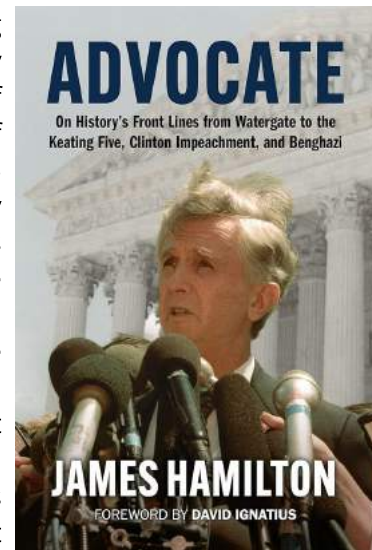
reaction was “that’s the most outrageous idea I had ever heard.” He had done no legal research in 30 years and had never done serious trial work. But conversations with experienced judges convinced him that he was qualified for the job. And Supreme Court Justice Potter Stewart advised: “Grab it.”

While expressing strongly conservative views on political and some judicial matters, Buckley said he did not think many of his votes or those of his colleagues were skewed by political ideology. “I think a lot of the law I am required to apply is awful, but I view my oath as requiring me to . . . come out with the result that the lawmaker intended,” he said. “I take my orders from the Supreme Court.” As for his colleagues, Buckley recalled little raw political bias but rather a “different perception of reality that explains why, in a very small percentage of cases, politically conservative and liberal judges of equal intelligence and probity will come to different conclusions as to what the law requires.” Finally, Buckley very much enjoyed the intellectual strengths and personal traits of his law clerks. “I try to get clerks who are significantly brighter than I am,” he said, adding that he also looked for “people who are agreeable as well as competent,” with what I call the ‘chuckle factor.’ ” You can find Judge Buckley’s full oral history [here](#).

One of the most riveting portions of the oral history is Hamilton’s recounting of his brief representation of Vince Foster in 1993 before his death by suicide, followed by his representation of the family, which resulted in two landmark Supreme Court decisions on survival of the attorney client privilege after death, and balancing privacy rights and first amendment access with respect to crime scene photos.

Hamilton also recounts representations of Robert Novak in connection with the leak of Valerie Plame’s name in the 2003 “Mission to Niger” column written by Novak, and Admiral Mike Mullen during the 2015 hearings before the House Select Committee on Events Surrounding the 2012 Terrorist Attack in Benghazi.

In his oral history, conducted by Society Board member [Bill Jeffress](#), Jim Hamilton speaks candidly about all his experiences, and about what marks a successful career. “I think there are at least four important aspects of a successful career,” he says. Money is one, but he valued the following three more: “work with people we like” “do things you’re interested in” and “do things that are worthwhile.” Measured against those standards, Jim Hamilton has had a remarkably successful career. Enjoy the full version of Hamilton’s interesting and extraordinary oral history [here](#).



“Advocate: On History’s Front Lines from Watergate to the Keating Five, Clinton Impeachment, and Benghazi” by James Hamilton August 2022 (book cover)

Although the D.C. Circuit was created in 1801, it had no permanent home until the 1820s. The judges held court in taverns, hotels, homes, and, when they could, in the Supreme Court chamber in the Capitol. In the 1820s, the

courts moved to City Hall, which housed both the courts and city officials.

The courts remained there until 1952, when what is now the E. Barrett Prettyman United States Courthouse was opened. President Truman boasted that this courthouse would be one of the “biggest and finest” in the Nation.

[View the entire exhibit to learn how the D.C. Circuit Courts were formed and the challenges overcome in their creation.](#)

