



HISTORICAL SOCIETY OF THE DISTRICT OF COLUMBIA CIRCUIT

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THE SOCIETY PUBLISHES THE ORAL HISTORY OF JUSTICE RUTH BADER GINSBURG

In 1990, Justice (then Judge) Ginsburg decided that the courts of the District of Columbia Circuit should form an Historical Society. Its mission would become (and still is) to record, preserve, and publicize the life and history of the courts of the District of Columbia Circuit. To that end, between 1995 and 2000, Justice Ginsburg sat down with Dr. Maeva Marcus, the Society's Historian, for seven interviews, with a final

interview in 2014. They were part of the Society's Oral History Project. "I was one of the founding members of the Historical Society," she offers at the beginning of the first session. "I am very enthusiastic about this oral history project." In donating her oral history to the Society, Justice Ginsburg stipulated that it be held for publication until five years after her death. And so, on September 18, 2025, the Society was privileged to be able to publish these extraordinary transcripts.

Although Justice Ginsburg gave much shorter oral histories later in her life to certain academic institutions (usually one hour in length), this oral history is different. It is much longer and more detailed, consisting of several hours over the course of eight interviews. In addition, with respect to her judicial career, its primary focus is on her time acting as a judge on the D.C. Circuit. That is not surprising. In her Forward to the Society's 2001 book *Calmly to Poise the Scales of Justice* (by Professor

continued...

Jeffrey Morris), she wrote: “I consider it my great good fortune to have served on the D.C. Circuit. For thirteen years I thrived in the challenges that daily trooped before the Court of Appeals, a bench uncommonly vibrant on two complementary counts: the quality of its members is matched by the complexity and significance of the cases on its docket.”

Her observations about her time on the D.C. Circuit are both insightful and memorable. Readers will not be disappointed, and we offer a few of them in this article. The entire [oral history](#), including a full summary by Society President James Rocap, is available on the Society’s website.

After discussing in the first three sessions her childhood upbringing, her education at Cornell, Harvard Law School and Columbia Law School, her professorships at Rutgers and then Columbia, and her role in the landmark women’s rights cases of the 1970s, Justice Ginsburg addresses how she came to be nominated and confirmed for her position on the U.S. Court of Appeals for the District of Columbia Circuit. “Carter was the first president in history to make an effort to look for talent where people hadn’t looked before. Until his administration, the old-boys’ network held sway.” She initially applied for a position on the Second Circuit, but then was asked by Senator Joseph Tydings to apply for the D.C. Circuit. Somewhat surprised, she did so, and offers, “[I]n retrospect, it was one of life’s great breaks for me that I served on the D.C. Circuit. It was an extraordinary court.”

In the fourth and fifth interviews, the oral history contains her thoughts on moving to D.C., her swearing in, her colleagues on the D.C. Circuit, including Judge Patricia Wald, Judge Harry Edwards, Judge Skelly Wright, Judge Bork, and others. Chief among those she admired was Chief Judge Carl McGowan. “We had a truly wonderful man in Carl McGowan. I said many times that the D.C. Circuit had no king, but it did have a prince. Carl McGowan was that prince. He was so liked and respected that people who might otherwise have been what I call ‘prime dons’ tended to behave in his presence. He was everything a good judge should be.” On her famous friendship with Justice Scalia, with whom she served on both the D.C. Circuit and the Supreme Court: “I

enjoyed Nino Scalia when he was on the D. C. Circuit. I enjoy him now [August 1996] because he is such good company. No matter how harsh his opinion criticizing your opinion may be, you can’t be mad at him very long, because he’s so charming, winning, and amusing.”

The oral history then delves into Justice Ginsburg’s thoughts on judging, why appellate judging is much like “law teaching,” and on the collegiality of the D.C. Circuit judges. Among other things, she notes that friendships did not necessarily follow “liberal”

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Historical Society of the
District of Columbia Circuit

or “conservative” lines (“Skelly Wright’s best friend by far on the D.C. Circuit was Ed Tamm, who, in his former career, had been second in command to J. Edgar Hoover”). But she also observed continuing stereotypical gender biases, even among the so-called “liberal” judges. “Learning experiences were needed for judges not accustomed to dealing with women as peers. They were accustomed to dealing with women as wives and daughters and secretaries. I regarded it as a challenge, and I think the level of understanding increased over time. The respect accorded women as judges and lawyers, it seemed to me, increased noticeably during my days on the D.C. Circuit.”

These sessions also include an extended discussion about the logistics of docket management at the D.C. Circuit in the 1980s, the increasing complexity of the cases, the impact of congressional actions expanding the jurisdiction of federal courts, particularly in the area of drug crimes, the reduction in oral arguments on “fast-tracked” cases, the procedure for the panel to reach its decision. She discusses what makes a good advocate and a good brief writer, and what she hoped for at oral argument, “trustworthiness and then willingness to engage in a conversation with the court, appreciation that the oral argument session is a conversation and not an occasion for a lecture.”

Many other topics about life and judging on the D.C. Circuit in the 1980s are covered, too numerous to capture here, such as written opinion sharing and review, the importance of precedent, judges’ use of law clerks in analyzing the record and, on limited occasions, doing first drafts of an opinion, the assignment of opinion writing, her procedure when writing a dissenting opinion, and the *en banc* process.

The sixth and seventh interviews offer a discussion of several D.C. Circuit cases and her role and thoughts about each. She selected the cases, she said, to illustrate “the range of cases, the enormous range of cases that the D.C. Circuit heard” and “to show the way judges operate, the way judges make law in small spaces, not grand policy, but incrementally, interstitially.” Then follows discussions of *Wright v. Regan* (in her first term on the D.C. Circuit

court), presenting “an important standing question,” its impact on *Bob Jones*, involving elimination of a tax exemption for a school practicing racial discrimination, to an extended discussion of *Murray v. Buchanan* (political question). From there, she reflects on the D.C. Circuit’s decisions in *Wilson v. Johns-Manville* (statute of limitations for asbestos-related injury claims), *Lombard v. United States* (service-related injury and the Feres Doctrine), *United States v. Kelly* (reviewing Judge Bryant’s setting aside of an Abscam conviction for government misconduct), *Walker v. Jones* (speech and debate clause scope), *Laffey v. Northwest Airlines* (a long-running dispute over equal pay), *Abourezk v. Reagan* (standing of U.S. citizens to challenge denial of visas to foreign participants in a planned seminar), *Baker v. Commissioner* (arbitrary application of tax regulations), *McKelvey v. Turnage* (characterization of alcoholism as a “handicap” or “willful misconduct” for purposes of GI Bill benefits), *Tavoulareas v. Piro* (clarity and procedures for jury instructions), *Leahy v. District of Columbia* (accommodation of religious belief), *Community for Creative Nonviolence v. Reid* (copyright and work-for-hire doctrine), *Dellums v. NRC* (standing in case involving importation of products from South Africa), *Michigan Citizens for an Independent Press v. Thornburgh* (antitrust, merger of two failing newspapers), *D.K.T Memorial Fund v. A.I.D.* (standing to challenge U.S. government policy banning foreign entities from receiving funds from U.S. medical groups), *Atari Games* (copyright), *United States v. North* (Iran Contra prosecution), and *Doe v. Dominion Bank of Washington* (responsibility of property owner for rape on property).

Justice Ginsburg’s contributions to the D.C. Circuit and to the Historical Society are many and deep. Her oral history, taken primarily between 1995 and 2000, is another fascinating and generous contribution by her to the Circuit and to the Society: a detailed, comprehensive and insightful self-review of the life and career of one of the most prominent jurists, and certainly the most prominent female jurist, of the last 50 years. The Society is forever in her debt for this gift. «

JOHN CRUDEN ORAL HISTORY

John Cruden was at the forefront of ground-breaking environmental law issues during his long tenure at the Department of Justice (DOJ) over five Administrations beginning in 1991 and ending in 2017. He was instrumental in enforcement cases such as Exxon Valdez and Love Canal and played a key role in cleaning up the World Trade Center. Notably, he led the negotiations on the BP Deepwater Horizon oil spill and the Volkswagen “diesel-gate” scandal, the largest settlements of their kind in DOJ history. Among other positions, he served for eighteen years as the Deputy or Assistant Attorney General for the Environment and Natural Resources Division and received the Presidential Rank Award from three presidents. The DC Bar has recognized him as a Legend of the Law.

As revealed by his oral history, now available on the [_ Cruden’s achievements and contributions](#) were expansive beyond his legal career at DOJ. Throughout, he demonstrated his love for his country and his passion for protecting the natural environment.

Born in 1946, Cruden was raised in a small town in Michigan and adopted by immigrant parents who instilled a strong work ethic. He attended West Point, and during his earliest military service directed airborne battalion exercises across Germany. He then served in Vietnam, both in a ranger battalion and in a Special Forces unit. Cruden’s legal career also began in Vietnam. He took the LSAT in Saigon and was accepted to Santa Clara Law School on full scholarship.

As a JAG prosecutor and then Chief of Civil Litigation in Germany, he received the Legion of Merit. After returning to the United States, he held various military positions including General Counsel of the Defense Nuclear Agency, Director of Administrative and Civil Law at the Judge Advocate General’s School, and Chief Legislative Counsel of the Army. His military awards include the Vietnamese Cross of Gallantry with Silver Star, the Bronze Star, the Legion of Merit, and the Defense Meritorious Service Medal.



After retiring from the Army after twenty-three years in the military, Cruden was selected to become the Chief of Environmental Enforcement, US Department of Justice, then the largest litigation section in DOJ. In addition to his distinguished service at DOJ, he became the first person to lead the three premier legal environmental organizations as President of the Environmental Law Institute, President of the American College of Environmental Lawyers, and Chair of the ABA Section on Environment, Energy and Natural Resources.

While still serving at DOJ, he was also the first government lawyer to be elected and serve as President of the DC Bar. After ultimately leaving DOJ after twenty-two years, he is now a Principal at Beverage & Diamond, an adjunct professor at George Washington University, and a Special Olympic swim coach.

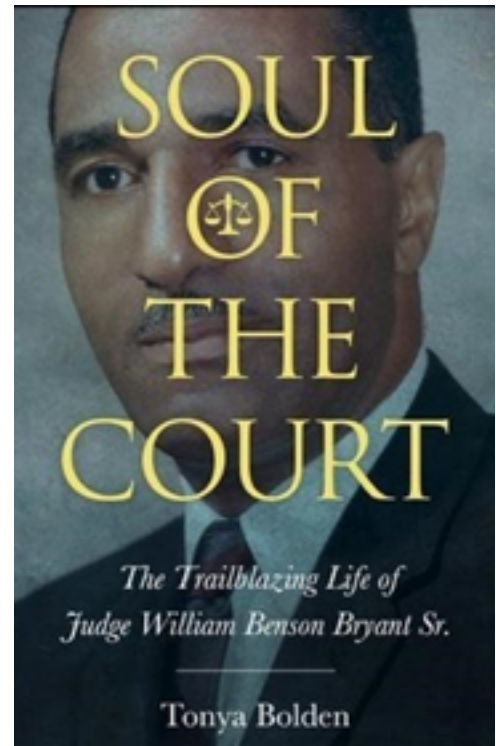
The [complete oral history](#), and a fuller summary of that history by interviewer Tracy Scarrow, are available on the Historical Society’s website. «

JUDGE BRYANT BIOGRAPHY AVAILABLE FOR PURCHASE

Initiated and sponsored by the Historical Society, the first full-length biography of trailblazing D.C. attorney and judge, William Benson Bryant, *Soul of the Court: The Trailblazing Life of Judge William Benson Bryant Sr.* is now available for purchase. Orders can be made by going to [Bookshop.org](https://www.bookshop.org). The book can also be ordered at [Amazon.com](https://www.amazon.com) and [Barnesandnoble.com](https://www.barnesandnoble.com).

Written by award-winning author Tonya Bolden, this biography narrates the story of a life of compassion, unparalleled integrity, and unwavering belief in the dignity of every human being.

More information about *Soul of the Court: The Trailblazing Life of Judge William Benson Bryant Sr.*, can be found at www.upress.state.ms.us/Books/S/Soul-of-the-Court. «



CHRONICLING THE DISTRICT OF COLUMBIA U.S. ATTORNEYS

The book by former Society Board member K. Chris Todd and his colleague Jim Thunder, chronicling the lives of the forty-nine U.S. Attorneys for the District of Columbia, is nearing completion.

The Society looks forward to its publication in the Fall 2025, and it will be available for ordering on our website and elsewhere at that time. Click for a past article on just one of the book's fascinating chapters focused on [Francis Scott Key](#). «

HISTORY AND SIGNIFICANCE OF THE D.C. CIRCUIT NOW ON SOCIETY'S WEBSITE

In a recent article for the Fordham Law Review, 93 Fordham L. Rev. 1937 et seq. (2025), D.C. Circuit Judge J. Michelle Childs extensively reviewed the history and unique nature of the United States Court of Appeals for the D.C. Circuit. Given the Historical Society's mission, it is particularly grateful to have the benefit of Judge Child's extensive research and the Judge's permission to share the article on the Society's website.

In the Introduction to the article, Judge Childs emphasizes "[The D.C. Circuit's] decisions ultimately, will face the court of history. And because our cases involve weighty national issues, their impact may extend well into the future." The article first discusses the distinct origins, structure, and docket of the D.C. Circuit, and its particular function among circuit courts in considering issues relating to the federal government. The article then addresses history and change. Judge Childs observes that often "[c]ases before the D.C. Circuit may require that we engage with history, either because the record under review includes a historical archive, or because we turn to history to shed light on a question of law..."

Recognizing the inherent nature of such issues as fraught with debate, Judge Childs gives special acknowledgment to former Chief Judge Harry T. Edwards. As once described by Justice Ruth Bader Ginsburg, Judge Edwards steered the court on a "course of caring collegiality". That course, Judge Child emphasizes, "helps encourage earnest and frank deliberation in the challenging cases we consider."

The article can be read in its entirety [here](#). «



JUDGE DAVID BAZELON BIOGRAPHY OUTREACH

Professors Jeffrey Morris (author of the Historical Society's book *Calmly to Poise the Scales of Justice*) and Rodger Citron are writing a biography of Judge David Bazelon.

They welcome the opportunity to speak with people who knew Judge Bazelon, had cases before him, or otherwise worked with Judge Bazelon while he was on the bench.

Rodger Citron can be reached at rcitron@tourolaw.edu or 202-905-6384 (cell). Thank you in advance for your time and help «



FROM THE ARCHIVES HON. GEORGE E. MACKINNON ORAL HISTORY – TALES OF RICHARD NIXON, ALGER HISS & MIDWESTERN COMMONSENSE

Judge George E. MacKinnon served actively on the D.C. Circuit for twenty-six years, from May 1969 until his death at the age of 89 in May 1995. He was President Nixon's first judicial appointment. As related by Judge MacKinnon in his oral history, the two men met when they were both freshman U.S. Congressmen in 1946 – Nixon from California and MacKinnon as the first Republican elected in Minnesota's third district.

[Judge MacKinnon's oral history](#) is among the earliest interviews conducted as part of the Historical Society's oral history program. It was taken in just one session in February 1994, and just sixteen months before Judge MacKinnon died. Among many other stories, capturing that oral history allowed Judge MacKinnon to share the details of how he gave Nixon, who served on the House Un-American Activities Committee, an evidence gathering lead on how to prove that notes passed to Whittaker Chambers were typed on Alger Hiss's typewriter, and that Hiss had access to the typewriter. MacKinnon knew that insurance companies would often keep routine correspondence from their customers, as likely would the Harvard Law Alumni Association, of which Hiss was a member. That tip from MacKinnon was instrumental in the indictment and conviction of Hiss.

In the oral history, Judge MacKinnon also shares his recollection of coming to Washington in 1959 to investigate Jimmy Hoffa at the request of the Attorney General during the Eisenhower administration. MacKinnon secured two indictments in 1960. When President Kennedy's administration took over in 1961, Attorney General Robert Kennedy asked MacKinnon to stay on and try the Hoffa case. MacKinnon declined and returned to Minnesota. Nevertheless, as noted by Historical Society Board member William Marmon in his fuller summary of the oral history, "[t]hat this rock-ribbed conservative Republican had liberal Bobby Kennedy entreating him for assistance says much about the man."

In 1969, MacKinnon got a call from newly appointed Attorney General John Mitchell: "Your friend the President wants me to find out if you would be willing to serve on the United States Court of Appeals for the District of Columbia Circuit." Despite the pay cut – from \$95,000 as then General Counsel for Investors Mutual Fund against \$47,500 – MacKinnon took the job and returned to D.C. MacKinnon says, "I considered the appellate court needed somebody with my views of criminal law." The oral history shares his candid views on the importance, as a staunch conservative, of pushing back on the perceived excesses of the liberals on the D.C. Circuit, principally Judges David Bazelon and Skelly Wright.

Throughout the oral history, Judge MacKinnon invokes his mantra of the virtues of common sense – and in particular "Midwestern Commonsense" -- and the dangers of its absence. In a discussion about construing statutes, he quotes Judge Learned Hand appreciatively: "There is no surer way to misread any document than to read it literally."

As concluded by Bill Marmon, "[a]lthough taken more than generation ago, this oral history holds up well in 2025 as the portrait of a man of character, admired and respected by many on all sides of the political spectrum."

Go to the Society's website to read [Bill Marmon's fuller summary](#), and for access to the [complete oral history](#) conducted by interviewer Michael Socarras. «