

WASHINGTON EXPERIENCE IS UNIQUE

by Peter H. Wolf

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My wife, Frances, and I lived in Washington, D.C. for 36 years, 1962 to 1998. We lived in the northwest section of the city between the National Zoo and the Washington National Cathedral. All four children were born there. We moved 50 miles east in 1998 to Queenstown, Md. but maintained significant Washington connections for 20 more years. It's a big city, like others, but it is the capital of the United States. That exposed us to many unique experiences, ones we could have had nowhere else, though we had generous shares of serendipity, too.

Early in my third year at Harvard Law School in 1961, I decided to go to Washington after graduation -- a surprisingly elementary geographic decision driven by my wanting to get to know the seat of our federal government. I applied for a clerkship to every one of the 13 federal judges of the United States District Court for the District of Columbia. At the time it was the local D.C. trial court as well as a full-fledged U.S. federal court. In those days before computers, I had to type similar application letters separately 13 times.

I traveled to Washington for the three or four interviews that resulted. One of the judges I met with hired me on the spot. I think it was because he had been a C student at Harvard Law School just as I was. I also learned he had let Harvard know he was in the market for law clerks and never heard from them; I was the first to apply from there. I floated down Pennsylvania Avenue on top of the world afterward. There was a color picture of the Capitol, with the famous avenue in the foreground, in that day's *Washington Post*. I took it back to Cambridge with me and kept it for many years. I had never seen a color picture in a newspaper before.

The clerkship wouldn't start until the following October 1962. That summer Frances and I traveled to Washington to look for a place to live. We stayed with old friends of my parents in Alexandria, Virginia, looking unsuccessfully in that area for several days. Then we finally traveled to northwest Washington to look. I remember emerging from Rock Creek Park and being smitten by the lovely, stately trees. It was much less frantic than the helter-skelter of northern Virginia. We found an apartment complex on Bradley Boulevard in nearby Bethesda just north of the city border and signed up.

When we arrived September 7 -- the moving truck scheduled to come two days later -- we looked at the apartment they had assigned us, and every room was a foot smaller in each dimension than what we had seen earlier. There wasn't enough room, especially with our first child on the way. We also had a minefield of neighbors' tricycles and kiddie toys to navigate everywhere. Instead of preparing to move in, we took a day to look further for other accommodations. We finally found a delightful, roomier apartment right on Connecticut Avenue just north of the Taft Bridge that crosses Rock Creek and a few blocks south of the National Zoo; \$150 per month.

I look back and realize what a profound decision that was, though we didn't know it at the time. We were right in the city itself instead of the Maryland suburbs. Years later that meant I was eligible to become a D.C. judge because the law required residency in D.C. for appointment. It literally changed our lives. Two and a half years later we bought a house a few blocks west toward the National Cathedral, almost paying more than we could afford, but we were still in Washington. Friends and classmates we knew started with suburban Maryland homes, but we were Washingtonians from the beginning.

Frances was due around September 15, 1962. A couple of days after we moved, we drove on my motor scooter to see a show at the downtown National Theatre on Pennsylvania Avenue. Frances rode side-saddle. I'd had the scooter for two years and it's scary to remember we never wore helmets, later required by law. The National Theatre brought many shows to Washington, often on their way to Broadway. Over the years we saw "Fiddler on the Roof" and "Hello, Dolly!" there.

Several incidents during my one-year clerkship are worth mentioning from a living-in-Washington perspective. The first was the two-week Cuban missile crisis in October. Washington was, of course, a possible nuclear target. I took Frances and our newborn Virginia (September 14) to her mother's in Alderson, West Virginia. I came back and worked. It was a scary time.

Near Christmas Judge George L. Hart, Jr., for whom I clerked, had his annual Christmas Party for all the judges in the U.S. Courthouse. That included the judges of his court (the U.S. District Court for the District of Columbia -- the trial court), and of the appellate court, the United States Court of

Appeals for the District of Columbia Circuit, often said to be the most important court below the Supreme Court of the United States. Shortly after the party, I answered a phone call from Judge Warren E. Burger of the appellate court. He wanted to know what brand of scotch Judge Hart had served. I said I didn't know, but I'd find out. It was Ushers Green Stripe. Frances and I have used it ever since. And it was my first direct contact with later Chief Justice Burger, appointed by President Nixon in 1969 to succeed Earl Warren.

I had several contacts with him before and after he became Chief Justice. The most helpful was his 1968 public endorsement, at my request, of a court rule change to allow law students to represent indigents in the then D.C. Court of General Sessions, a project I started in 1967. The sweetest contact was years later, after I had become a judge. We were both at a cocktail party on Capitol Hill. Someone began to introduce the two of us, but the Chief interrupted to say, "Oh yes, I've known Judge Wolf since before either one of us became famous." I think I had the presence of mind to say one had become a little more famous than the other.

Having mentioned law students in court, I also obtained letters of support for necessary rules changes from Justice Tom C. Clark, Senator Joseph D. Tydings (D. Md.), Solicitor General Erwin N. Griswold (writing as the former dean of Harvard Law School when I was there, and where law students have been permitted in court since 1914), and many others. There's nothing like Washington powerhouse people to help get things done. And yes, I also drummed up support from the two Washington newspapers, and several Bar committees, associations, and conferences. After two years of effort we got it passed. It's still going strong 50 years later, and students handle criminal and appellate cases as well. It just changed its name to "Rising for Justice."

The U.S. Courthouse is right on Pennsylvania Avenue and on the other side were some wonderful clay tennis courts on the Mall -- made of the real clay of my youth, not the composition stuff of today. I went out to play after work several times in the spring; one could readily get a good pick-up game. The East Building of the National Gallery of Art is there now. Those courts were a wonderful asset.

Sadly, sometime in 1979 I heard that much-respected Circuit Judge Harold Leventhal suffered a fatal heart attack playing tennis -- I thought on those very courts. While I know he played there, it turns out he was playing on different courts in Potomac Park at the time. I had gotten to know him well in 1970 when we both participated in a week-long Crime and Corrections Workshop at Shenandoah College in Winchester, Va. As part of the program we both, and others, served overnight as full-fledged inmates at Lorton Reformatory with hundreds of D.C. convicts. (I started the "Lawyers to Lorton" Project in the Young Lawyers Section of the Bar Association afterward -- to provide volunteer legal help for inmates.) One of my most tormented times as a judge was when I concluded in 1980 that a doctrine in civil cases Judge Leventhal had promulgated years before was wrong. I wrote an opinion saying so in the case before me, published it, and it was later affirmed by the D.C. Court of Appeals. *Ceco Corp. v. Coleman*, 441 A.2d 940 (D.C. App. 1982). I had never played tennis with him unfortunately. (I did later play squash regularly with the then Chief Judge of the same Circuit Court, Harry Edwards, a fellow Cornellian.)

The March on Washington occurred on August 28, 1963 during the court's two-month summer recess (such recesses no longer exist). I went (Frances was pregnant again); I marched; I ended up on the south side of the Reflecting Pool. Every time I see a picture of the March, I look for myself, but I've never found me. I heard Martin Luther King, Jr.'s "I have a dream" speech.

I spent some time during my clerkship working to get my law school third-year paper published. After all, it had been designated an honor paper by distinguished Professor Henry M. Hart, Jr. I succeeded with a local law school's monthly law review! It was my first publication. "A Survey of the Expanded Exclusionary Rule," 32 *George Washington Law Review* 193 (Dec. 1963). It was 49 pages long with 209 footnotes. Whew!

After my clerkship I joined the District of Columbia's Corporation Counsel's Office (now the Attorney General's Office). I was in the job a mere two months when President Kennedy was assassinated in November 1963, followed by his funeral in Washington. It was one of those events where you recall exactly where you were when you first heard about it. I had been assigned to the Traffic Division of the office and served at the very pinnacle of the law -- a prosecutor in Traffic Court. (One sure learned to think quickly on one's

feet!) By chance I ended up as prosecutor in the first legal challenge by a defendant of police traffic radar to catch speeders. We had a four-day trial that ended inconclusively. But during a break in the trial I had gone to the Metropolitan Police Department's radio facility to learn about traffic radar calibration. I heard about the assassination, and listened to its aftermath, on a little radio playing on the workbench in front of me.

I went to the funeral activities on November 25 and witnessed the procession of world leaders as they crossed Memorial Bridge to Arlington. The most memorable to me was Charles de Gaulle of France, but I also saw Golda Meir of Israel, and Prince Philip and Harold Wilson of the United Kingdom. Frances was still pregnant and did not go with me. Government offices had been closed, so I was able to attend on a somber, crowded, but sunny day.

The house we bought in late 1964 was next door to the Embassy and Ambassadorial Residence of Thailand on Cathedral Avenue, N.W. We had an alley between us that ran almost 250 feet along the back yard of our 50-foot-wide lot, so we had a surprising quarter acre lot in the middle of the city. The Ambassador's wife had a small child that used to play with ours from time to time in that back yard. She was a lovely woman and always immaculately dressed. Frances had a horrible experience one day when Mrs. Ambassador and her child came over to join ours playing in a sand box. At one point, Frances, wearing shorts, sat down in the grass to tend one of our kids. Mrs. Ambassador immediately -- in her beautiful long-sleeved green silk dress and jewelry -- plopped down on the ground as well. It seems that in Thailand, you must never be higher than your host or hostess.

The Embassy celebrated the King's Birthday annually with a magnificent party for a multitude of Washington ambassadors and government officials -- much as U.S. embassies everywhere host big parties on our Fourth of July. The Thai Ambassador kindly invited his neighbors, including us. They served wonderful Thai dishes, and plentiful drinks. There was a veranda on top of their garage off our shared alley that the partyers would flow to. One King's Birthday we looked over only a few feet from their house to ours and saw our kids' noses pressed against a window or two watching their parents and everyone else; they

even waved. They had no idea how obvious they were. We had to pretend we didn't know them.

But it gets worse. On another King's Birthday we entered and approached the receiving line. A new ambassador had aides next to him announcing the guests. I casually whispered to the first aide that it was just Mr. and Mrs. Wolf from next door. The next aide shortly bellowed out for all to hear, "Mr. and Mrs. Wolf, FROM NEXT DOOR!"

Speaking of the neighborhood, it was amazing who lived in ours at various times: James Reston of *The New York Times*; Liz Drew, *The New Yorker* Washington correspondent; Daniel Schorr of CBS News; Charlie Rose, another broadcaster; Tom Brokaw of NBC News; Astronaut Michael Collins; and Tim Russert of NBC -- kind of heavy on the journalists. We also knew Joan Mondale from the nearby John Eaton Public Elementary School our families' kids attended. Her husband, Walter, was then Senator from Minnesota and later became Vice President under Jimmy Carter. He was the losing presidential candidate in 1984.

I went trick-or-treating with Tom Brokaw and our respective kids one Halloween. Another time his youngest daughter, Sarah, was playing with ours in a kiddie pool in our back yard. She kept jumping in no matter who was already there and Frances grabbed her by the shoulders and said to stop! -- just as Tom walked up the alley and said in that amazing deep voice of his, "Is there anything wrong here?" When he left as White House correspondent in 1976 to co-host the Today Show in New York City, he invited our two youngest daughters, Catherine and Carrie, to spend a weekend with his two youngest, Andrea and Sarah. It was quite an apartment on Park Avenue -- high up and extending over two floors -- and he and his wife, Meredith, proudly showed us their views of the city. In 1988 I had the privilege of his mentioning me on his nightly NBC newscast. I had made national news by locking up a pregnant cocaine addict until her child was born.

Tim Russert was a trip. He was pompous. More than once we saw him show up at events or neighborhood meetings striding in late and conspicuously, always sitting in front. He might say a few words, then he'd leave early, just as conspicuously. Once after a particularly deep snowfall, Frances told me he had knocked on our alley door after I had walked to work. He demanded that she chip in \$75 to hire a snowplow to plow out our

entire 250-foot alley so he could get to work and his wife could make a dental appointment. He made the same demand of the Thai Embassy. The Russerts had a very short way out the other end! Giving him the benefit of the doubt, perhaps the neighboring street at his end wasn't plowed. Frances reluctantly paid him, and so did the Embassy.

Then there was Charlie Rose. He had a hot tub on his roof, and many female visitors. He hired our daughter, Catherine, to drive one of his cars to California when he moved there. Then he didn't pay her, as contracted, for several months.

Our neighborhood always seemed pretty safe, since Executive Protective Service vehicles regularly patrolled our alley next to the Thai Embassy. It is now the Secret Service Uniformed Division. One time an officer knocked on our alley door because a package had been left on the steps, and he was worried about a bomb. Frances looked at the package, made some phone calls, and determined it was a legitimate parcel that had been misdelivered.

Washington offered exposure to a multitude of well-known people. Both the Bar Association of the District of Columbia and its Young Lawyers Section (about 1500 lawyers age 35 or under) had monthly meetings and luncheons with many varied speakers. So did the Harvard Law School Association. One could hear from judges, justices, lawyers, attorneys general, many other government officials, journalists, professors, national figures. When I was the Chairman of the Young Lawyers Section (1970-71) the speaker was always assigned to sit next to me at our monthly restaurant luncheon (for \$1.75 per person!). I sat with and had conversations with Coretta Scott King (Martin Luther King, Jr.'s widow), CBS's Dan Rather, Columnist Jack Anderson, Justice Abe Fortas, *Washington Post* humorist Art Buchwald, Senator Robert Packwood (R. Ore.), and others. (I had a great luncheon committee chairman!)

I heard William Rehnquist speak, for example, just after he was appointed to the U.S. Supreme Court in 1972 (and before he was appointed Chief Justice in 1986). He told how he wanted to be so prepared for his work that he read the briefs a week or two ahead of time. But by the time of oral argument, there was so much additional reading that he'd forget what he'd read and had to do it all over again. (So true, as I also found out.) He further said there was good news and bad news about being on

the Supreme Court: (1) You don't have to take every case, but (2) when you do, it's always *en banc* (meaning it's heard by all nine justices with all the give-and-take that involves).

People in Washington tend to be very informed about, involved, and invested in Washington -- and therefore, often, national and international news and affairs. One reads *The Washington Post* religiously. Indeed, when I later sat as a judge in presentment court or other parts of the Criminal Division of Superior Court, I was better off when I remembered reading about the crime a defendant before me had been arrested for. This kind of intensity about Washington and national news was often put in perspective when we'd visit Frances' hometown of Alderson, W.Va. We'd be pontificating about some national news or other and someone would say, "Hmmm. That's interesting. But did you hear that Jimmy down the street fell out of an apple tree and broke his leg?"

Alderson was home to the Federal Reformatory for Women. The warden was the wife of Alderson High School's football coach. It had no fence because if a woman escaped, there was no place for her to go in her prison garb in the mountains of West Virginia. Tokyo Rose, Machine Gun Kelly's wife (he was a Prohibition gangster), Squeaky Fromme (who tried to assassinate President Ford in 1975), and Martha Stewart spent time there. Interestingly, when I became a D.C. judge, if I had occasion to sentence a female for a felony, Alderson is where she went. Small world. One such sentence stands out in my memory: A defendant saw lipstick on her husband's collar and shot-gunned him in the crotch while he was asleep on the bed. She said to police, "I made him a rooster who won't crow no mo'." (The husband's cousin had gotten the lipstick there by kissing him on the cheek.)

When I was in the Corporation Counsel's Office I had occasion to visit the U.S. Government Printing Office. It's a huge facility that awesomely prints the daily *Congressional Record*, among other things. (In late 1966 I spent an all-nighter there with the rest of the staff proof-reading the 1800-page *Report of the President's Commission on Crime in the District of Columbia*.) I saw several versions of the U.S. Constitution available for purchase, including one with completely accurate punctuation and capitalization, notations about obsolete parts, and the dates of submission and ratification of all our constitutional amendments. I bought it.

It was fascinating reading, and I particularly noticed how constitutional amendments could be proposed and ratified (Article V) because of the national debate then raging: Senator Everett Dirksen (R. Ill.) was advocating a constitutional amendment to overturn "one man, one vote" in the wake of Supreme Court decisions *Baker v. Carr* (1962) and *Reynolds v. Simms* (1964). These cases had corrected horrible imbalances in state legislatures where a rural citizen's vote could have many times the power of a city voter. He wanted to allow at least one house of a bicameral state legislature to be apportioned on a basis other than population, just as the U.S. Senate is. I asked myself (and hadn't heard anyone else ask it) how could a malapportioned state legislature lawfully ratify a proposed constitutional amendment justifying its own malapportionment? I began writing a lawyerly article on my own time (library research and all), with the *American Bar Association Journal* in mind, and concluded, by a mere axiom of constitutional government, that it couldn't. The *ABA Journal* accepted my article for publication and printed it in April 1966 just as the final debate was occurring in Congress.

By that time, I had changed jobs and was working at the President's Commission on Crime in the District of Columbia. One day in late April I received a telephone call from someone -- I can't remember who -- saying he had a question about my article he'd read in the *Congressional Record*...

My article in the *Congressional Record*??!! I dashed around that afternoon to find out about it and sure enough, there it was! Not only had my article been reprinted in full in the *Record*, but it had been carried to the floor of the Senate, waived in the air, and quoted by Senator Frank Church (D. Idaho) to help pass an amendment to Senator Dirksen's proposed resolution. Church's amendment required that Dirksen's proposed constitutional amendment could only be ratified by a properly apportioned (one man, one vote) state legislature. As a result of that amendment, Dirksen's entire proposed constitutional amendment was defeated. See 52 A.B.A.J. 326, 112 Congr. Rec. 8383-87 (April 19, 1966). I think we're all the better for it.

Some weeks later I received an unsolicited letter from Senator Paul Douglas (D. Ill.) thanking me for my article and saying he felt it was instrumental in the defeat of Senator Dirksen's proposal. I also received a letter from a state judge somewhere thanking me for saving him days of legal research.

(For those seeking further punishment, you can see my article on my website, *peterhwolf.blog*, Item No. 10.)

I guess this original thinking and questioning on my part, and the ensuing events, did not require a Washington connection, but somehow it is indelibly connected with Washington in my mind. It taught me not to hesitate to ask fundamental questions, not to be reluctant to try to answer them, and not to be timid about it. At the same time, you're not remembered for what you help defeat; it's much more impressive to pass or start something. My later Law Students in Court project, mentioned above, was a startup I'd be pleased to have noted on my tombstone.

In that same year I submitted a letter to the editor of *The Washington Post* about Congress' repeated inability to pass the federal budget in a timely manner. The federal fiscal year then began on July 1. So, my brilliant idea, expressed in my letter accepted for publication, was to alter the fiscal year to begin a few months later, allowing Congress to pass the federal budget before it began. The *Post* printed another letter from me one year later that repeated my first letter with a couple of additions pointing out that Congress was even more behind in passing the federal budget. I'm doubtful it was my letters' doing by any means, but in 1974 that's exactly what Congress did; it changed the fiscal year to begin October 1. The last change had been in 1843. It didn't make any difference, though. Congress still can't pass the federal budget on time.

On April 4, 1968 Martin Luther King, Jr. was assassinated. Once again, I remember exactly where I was when I heard about it. I had moved on to employment at the Institute of Criminal Law and Procedure at Georgetown University Law Center headed by former Philadelphia District Attorney Samuel Dash. (He was later Chief Counsel for Senator Sam Ervin's Senate Watergate Committee.) I was Program Director of the Offender Rehabilitation Project Evaluation. I was in my Institute office on Fifth Street, N.W. when we heard of the shooting, followed by "the April Riots" beginning a few blocks north. I thought I'd leave work a little early to go check them out. Not a good idea. I rode my motor scooter up Sixth Street, N.W. and soon encountered the fires, looting, and general disorder. Calls of "Hey, Whitey. Get out of here!" got me to do just that -- fast.

That evening, Jenny (by that time she had insisted on that name instead of Virginia), age 5, came to me in the second-floor study and asked, "Why is Mommy crying?" Later that year she thoughtfully (especially for that age) gave me a picture of Martin Luther King, Jr. with "We shall overcome" printed at the bottom. I hung it in my office for years. This is the same Jenny who became the first female acolyte at the Washington National Cathedral when she was in high school.

That and the next few evenings our church, the Presbyterian Church of the Pilgrims, started a blanket supply project for people burned out of their homes that Frances and I participated in. It took us out late one night, leaving our children behind with a caretaker sleeping in a basement room, but she turned out to be a sound sleeper! Our four-year-old son, Ken, developed an earache in the middle of the night. Jenny tried to help him by putting on boots and a raincoat over her pajamas, despite the clear weather, and going to a neighbor for help. Our caretaker and infant daughter, Catherine, never woke up. We were quite embarrassed.

Martin Luther King's Poor People's Campaign planning continued after his death, and the Campaign itself took place May 12 to June 24, 1968. Once again, our church was involved and we had several campaigners staying in our house off and on when the rainy, muddy, messy spring wouldn't allow them to sleep on the Mall, or when they needed a respite. Yes, they were poor. Needless to say, they were grateful just to get clean and dry. We did wonder, however, what the neighbors might think when they hung their washing in the windows of our enclosed front porch. We quickly offered the use of our dryer. We just smiled when we saw one of our blankets walk out with someone.

The Vietnam War hung over Washington for several years. I remember Martin Luther King, Jr. speaking against it, and I'm ashamed to say Frances and I were slow to come around to its horror. Protests in Washington and elsewhere grew and culminated on May 3, 1971. Protesters made a concerted effort to shut down Washington during the morning commute by blocking many streets and thoroughfares. Thousands were arrested, but in a flawed manner.

There had been sweep arrests of rioters, arsonists, and looters during the April 1968 riots. Many cases were unprosecutable or unwarranted because the police did not record

accurate information about each arrest as to identity, time, place, reason, and arresting officer. Guilty people went free and innocent people were unlawfully detained, often for several days. The Department of Justice had studied these mass arrest problems, but procedures that had been adopted were abandoned in 1971, either by design or after negligible effort at their use.

By then I had started my own private law practice and had been elected Chairman of the Young Lawyers Section of the Bar Association. In my last "Chairman's Column" in our *Young Lawyer* newsletter I let fly with some scathing criticism of these unreliable arrests. My words were apparently brought to the attention of Senator Edward Kennedy (D. Mass.) and impressed him enough to have my column reprinted in the *Congressional Record*. 117 Congr. Rec. 19359 (June 10, 1971). Here are my last two paragraphs:

I do not know the complicity of the national administration with that decision [to make sweep arrests]. I do know the decision has been praised by high officials in that administration and by the President [Nixon] himself. I do not know what would have happened to rush hour traffic if field arrest procedures had been followed that Monday. I do know that I find it difficult to believe that arrest procedures satisfactory to the April 1968 disorders, with their widespread arson and looting, could not have worked for disrupters bent on creating a traffic jam. I also know that I object when the guilty are not subjected to the processes of law and I object even more strongly when the innocent are wantonly detained.

Eric Sevareid [a CBS commentator] recently paraphrased Carl Sandburg and spoke of repression that creeps upon a people "on little cat feet." Official repression of Monday, May 3, 1971 was, if anything, by blunderbuss. But lawyers who remain silent in the face of it, or condone it, or say it was justified are, knowingly or unwittingly, uniquely culpable for permitting that feline fog to sweep farther over us all.

The newly elected Chairman of the Young Lawyers Section, to replace me, was Thomas Penfield Jackson. He was quite conservative, and eventually appointed to the U.S. District Court for the District of Columbia by President Reagan in 1982. (His extra-judicial remarks in the Microsoft antitrust case before him, and the Marion Barry {Mayor of the District of Columbia} cocaine criminal case over which he presided, later caused severe problems for Jackson and those cases.) Anyway, at the next meeting of the Young Lawyers Executive Council after my column (I remained on the Council as Ex-Chairman), Pen insisted

I reiterate that they were my personal views expressed above, and not those of the Section (even though I had clearly stated they were my "purely personal views" at the beginning of the column). The Council agreed and required that it be printed in the next issue of the *Young Lawyer* newsletter.

That was not my last long-distance conflict with President Richard Nixon. In March 1972 I represented a client charged criminally with D.C. income tax evasion. Those problems were resolved. The Watergate burglary occurred in June 1972. Late that summer my tax client called me on the telephone and asked if he might be in danger of violating any law *if he had hidden in his possession approximately eight cardboard cartons containing, among other things, the contents of E. Howard Hunt's (one of the burglars) desk in the White House before the F.B.I. got there, including plans to "bug" the Watergate.*

Wow! He was employed by the Committee for Re-Election of the President (CREEP, as it was called) more-or-less on the level of someone who helped set up chairs at political rallies. In response to my urging that he turn over these documents to people conducting investigations of Watergate, he indicated possible willingness to do so. He authorized me to ascertain whether maybe I could obtain compensation to offset any potential harm to him. But meanwhile he didn't want his name revealed to anyone.

I made some delicate telephone calls, including to then Principal Assistant U.S. Attorney Earl J. Silbert, whom I knew, did some research, and could discern no outstanding court orders or equivalent that might require my client to reveal what he said he had. I told him so. I was sitting on the lawyer-client privilege. 1972 was an election year. Frances and I were staunch Democrats. We thought Nixon was bad news. I tried mightily to get my client to reveal what he knew and what he said he had or allow me to do so. I called and met with columnist Jack Anderson to see if we could work out some way to do it without revealing my client's identity. Same with Ben Bradlee, Executive Editor of *The Washington Post*, who included reporters Bob Woodward and Carl Bernstein in our discussions in Bradlee's office. I couldn't work anything out satisfactory to my client. I gave up. I had to sit through the November election unable to do a damn thing. It was excruciating.

I learned later from my client -- at least it's what he said -- that he had been asked to pick up the cartons at the Executive Office Building next door to the White House on the Sunday after the Watergate break-in, that a pass would be waiting for him at the guard entrance, that no questions would be asked when the cartons were removed from the building, and none were. Shortly after the election he informed me that the materials were no longer in his possession, had been turned over to CREEP shortly before the election, and that some of the materials in his possession had apparently included the contributors' lists turned over to Common Cause in its Watergate litigation.

In the course of all this I had related to several people the facts my client had made known to me, as he authorized. As the Watergate investigation heated up in 1973, particularly after the conviction of the burglars that January, the U.S. Attorney's Office began to pressure me to reveal my client's name to them or the grand jury with the threat of contempt of court if I refused. I hired my own lawyer, as so many Washingtonians caught up in scandal investigations have to do.

I hired Monroe H. Freedman, a law professor I got to know well when the District of Columbia Bar started up in 1972 (we had both been elected to the first Board of Governors of the so-called compulsory "D.C. Bar" that lawyers had to join to enforce better legal discipline). He was a firebrand ACLU-type lawyer and a legal ethics expert. He later became dean of Hofstra Law School. It was very instructive to me, having started my own law practice three years earlier, to be a client, and realize how much I depended on my lawyer.

We filed on Thursday, April 19, 1973 a Motion for a Protective Order in the U.S. District Court for D.C. It was assigned to then Chief Judge John J. Sirica who had presided over the Watergate burglary trial. I knew "Maximum John," as he was called, well. In 1971 I had tried a case before him where I succeeded in getting my client acquitted of rape, but Sirica still sentenced him to 10 to 30 years for the one count of burglary the jury convicted him of.

My motion made front-page news all over the country, even with pictures of yours truly. That led to a funny incident. Frances and I had a sightseeing trip planned that weekend to Philadelphia. The next day after my motion was filed, we

traveled there with two of our kids and got into a hotel in time to watch the CBS Evening News. Roger Mudd concluded his broadcast with the following (I paraphrase):

With all that's going on in Watergate, it's well to ask if anyone is benefitting from it all. The answer is, it's the lawyers! John Dean, the President's lawyer, has had to hire a lawyer. The President's chief of staff, H. R. Haldeman, has hired a lawyer. White House advisor John Ehrlichman has hired a lawyer. The chief lawyer for the United States, Attorney General John Mitchell, has hired a lawyer. And there's one lawyer who won't even tell anyone who his client is!

Frances and I laughed so hard that I fell off the bed; that last lawyer was ME. Interestingly, I had to advise my client to get another lawyer since he and I were now in a position of potential conflict.

Sirica denied my motion on April 20 as premature until I was first taken before the grand jury. I was subpoenaed to appear on April 24, refused to answer who my client was, was then taken before Sirica, and we had the hearing my original motion had sought. Without going into all the legal details, he ordered me to reveal the name of my client to the grand jury, which I gladly did later that same day. (I had to reign in Monroe a bit during the hearing, because he didn't like Principal Assistant U.S. Attorney Earl Silbert -- also instructive.) More national front-page news. It later turned out Earl and his assistants already knew about my client, Roy Sheppard. They had investigated him, reached a dead-end, and they weren't interested in anything more to do with him. Quite an anticlimax.

His name was still not released to the public, so I was also subpoenaed to testify on May 3 in closed session before the Senate Select Committee on Presidential Campaign Activities (the Watergate Committee) and was questioned by my former boss, Sam Dash. I have in my possession an original signature (on my subpoena) of the chairman, Senator Sam J. Ervin, Jr. (D. N.C.). I also had some telephone conversations with *Post* reporters Woodward and Bernstein. Nothing more ever came of it, and I'm barely a footnote to the Watergate investigations. I endured months of anguish, concern, and attempts to reveal what was a mere flash in the pan. As Frances said, I made the news because they were otherwise slow-news days. My mother-in-law in West Virginia, however, was horrified that my name and Watergate could even be mentioned in the same sentence.

Hey, though, Nixon eventually got what he deserved.



I found this picture on the web some years ago. It shows me surrounded by news media before entering court on April 24, 1973 to testify before the Watergate grand jury and a possible hearing before Judge Sirica.

I did pick on one more President. Many years later I gradually composed a poem during leaf-raking chores in Queenstown. I asked for some help from nephew Tim Sultan, who had worked as an intern for Speaker Nancy Pelosi (D. Cal.), and she arranged for a fellow Democrat to read it on the floor of the House of Representatives. I had to remain anonymous because I was still sitting as a senior judge; public political views are off-limits. 153 Congr. Rec. H4528 (May 7, 2007).

Humpty Dummy

Bush, Cheney and others had a great call --
Remake Iraq -- it'll be such a ball!
Now all Bush's troops and all Daddy's men
Can't put Iraq back together again.
Our soldiers keep dying, day after day.
So why put up with more endless delay?
Let's just acknowledge what everyone knows:
Bush didn't and doesn't have any clothes.
He broke it, can't fix it, doesn't know how:
Mission impossible: OUT OF IRAQ NOW!

Living in Washington, presidential inauguration parades and celebrations are something you can see, and sometimes attend. Frances and I went to Carter's in 1977, Clinton's in 1993, and Obama's in 2009. We took all four of our kids to see Carter's inaugural parade, and thus began

quite a saga for us -- three overlapping sagas, really: my eventual appointment as a judge, our delightful association with members of the Carter administration, and our many experiences with Amy Carter (the Carters' nine-year-old daughter when they entered the White House).

We watched Carter's post-swearing-in inaugural parade at Third Street and Constitution Avenue, N.W. as it proceeded from the Capitol west on Pennsylvania Avenue to the White House. It was such a surging mob of pushing people that we were afraid the two youngest, Catherine and Carrie, would be mashed or lost in the crowd. As parents it was one of the most frightening things we've experienced. Wouldn't you know, Carter and his family got out of their limousine to walk one block after they passed us.

All three sagas start with Frank Moore, Carter's White House Chief of Legislative Affairs. In January 1977 he and his family moved into our neighborhood, Tom Brokaw's former house. He and Nancy had four children about the same age as our four. They were Georgians like Carter, had worked hard for him as governor and presidential candidate, and had delightful drop-in-to-visit, or borrow-a-cup-of-sugar, southern charm. Some neighbors gave Frank and Nancy a welcome party to which we were invited just after the inauguration.

Surprise, surprise: I managed to let him know that I was up for a presidential appointment as a D.C. trial judge. Recounting that adventure is worth a few words to describe how Washington works.

The District of Columbia is governmentally unusual in many respects. It is not a state, though Congress has treated it as one in many U.S. statutes. The U.S. Constitution gives to Congress the power to "exercise exclusive Legislation in all Cases whatsoever, over...the Seat of the Government of the United States." Art. I, sec. 8, cl. 17. D.C. was governed by three commissioners appointed by the President from 1878 to 1973 when Congress gave it a measure of home rule with an elected mayor and city council. There was also a court system reorganization in 1970. It came about largely because of recommendations by the President's Commission on Crime in the District of Columbia with whom I was employed 1965-66. But D.C. judges remained nominated by the President of the United States and subject to confirmation by the U.S. Senate, unlike a state where the governor usually appoints a state judge. In 1975 that

was circumscribed by the establishment of a District of Columbia Judicial Nomination Commission composed of seven members variously appointed by the President, Mayor, City Council, U.S. District Court, Bar Association, and so forth. That Commission submits three names for each court vacancy (trial or appellate), and the President must choose from that list.

While Gerald Ford was still President, my name was submitted, along with several others, to fill multiple vacancies on the Superior Court of the District of Columbia. When Carter beat Ford and a new Congress was elected, those submissions died, and new or repeated ones had to be made by the Commission. I was again included, so when Carter came to town in 1976, and took office January 20, 1977, I was an active candidate.

As Frank and our families became friends, he was eventually an amazing help letting me know what was going on with the vacancies on the court and communicating my status to me.

Typical of Washington, it was not a simple process to be selected by the President and confirmed by the Senate. When my name was first put forward in the Ford administration, I sat back and naively waited for lightning to strike favorably for me. Big mistake. Others were chosen for the vacancies. The Nomination Commission, however, could, and frequently does, resubmit names of people several more times, like me, who had not been selected previously. For the first retry I sought some advice from a Harvard classmate, John Ferren, who had been appointed by Carter to our appellate court: he said I had to overcome my aversion to asking people for a favor. I mounted quite a campaign. I prepared a nine-page résumé and I mailed it to almost a hundred friends and lawyers asking them to write the assistant counsel to the President recommending me. Many sent copies of their letters to me. I still have them and they're some of the nicest words ever said about me.

They didn't do the trick, though. Carlisle Pratt, a respected black lawyer, "had to be selected," said Frank Moore. The next try or tries I prepared an addendum to my résumé, sent it to still more friends and colleagues, was interviewed by the assistant counsel in the Executive Office Building next door to the White House, and heard the FBI was checking on me. But this time a lawyer from the Public Defender Service (never had a judge been appointed from there), Fred Weisberg, "had to be nominated."

I was eventually nominated by Carter, however, in the fall of 1978. I prepared ghastly forms for the U.S. Senate Committee that had to consider me. They were much worse than the previous norm because Carter had experienced "the Bert Lance affair" (Google it). I even had to hire an accountant for the first time in my life and make all kinds of disclaimers about my two-person law firm. Things rolled along until I heard that Senator Charles Percy (R. Ill.) had put a hold on my name (to this day I have no idea why), and my nomination died with the election of a new Congress in November 1978. Frances cried.

Not unexpectedly, however, Carter resubmitted my nomination in January 1979, I had my committee hearing in March, the committee reported me out favorably, and the Senate confirmed me in April. I was sworn in on May 16, 1979, one year before Frances graduated from three years in seminary and became an ordained Presbyterian minister. It had been more than two and a half years since my name, among others, had been submitted, and resubmitted, and resubmitted, and resubmitted to the President. Yes, Washington can be slow.

Our wonderful neighborhood, described below, provisioned my swearing-in reception, the first in the new D.C. Courthouse. I invited many former clients and Frances was fascinated to meet people she had heard me talk about over the years, even accused murderers.

With the sociability of the Moores, our alley became quite a center of neighborhood activity. Their close friends included Jody Powell, White House Press Secretary, and his wife, Nan, who frequently joined us even though they lived farther away. Another alley neighbor was *Washington Post* sportswriter, Bill Furlong. His wife, Isabel, was a gourmet cook. We had many delightful and bounteous get-togethers at the Furlongs and our house, with wonderful dishes contributed by all. We had alley picnics and barbecues. One time the Georgians planned a wild game dinner for everyone. It included possum, racoon, squirrel, rabbit, quail eggs, quail, and some I can't remember. Fortunately, we had some "regular food" as well.

Nancy Moore was a volunteer in the White House social office (or whatever it was called). Once, due to a sudden snowstorm, there was a deficit of attendees for a White House reception for the King of Thailand, so she invited some of us

neighbors to fill in. President Carter was not there, but Rosalynn was. Another time some of us filled in at the presidential box at the Kennedy Center when there were no White House staff takers for an opera with some of the most unharmonious music I've ever heard.

The Moores eventually moved across the street from us. We helped them move some of their stuff down the alley alongside our house. One time they invited the Carters for dinner. We contributed some napkin rings for Nancy to use, and Jimmy commented on them, we were told. The black vehicles pulled up and we all watched -- too closely, as it turned out. The Secret Service walked across the street and told us to put down the binoculars and get away from our windows. Sadly, Nancy fell down the stairs inside her house while the Carters were there. The White House doctor was called and rushed in to check on her. She had no serious injuries fortunately.

We also remember observing their house on election night in 1980. There was a lot going on, though we didn't know exactly what. We put it together later, however, that they clearly knew before the rest of us that Reagan had won.

Notwithstanding a one-term presidency, it had been a fabulous time -- because of Frank's help to me, of course, but mostly because of the Moores' southern graciousness and friendliness. Add to it our adventures with Amy Carter.

Amy was born in 1967 a month before our third child and second daughter, Catherine. Carter had pledged to, and did, enroll Amy in the public schools of the District of Columbia. All our kids went to public school through the sixth grade at least; our youngest, Carrie, went all the way through. So, at the time, Catherine was still in D.C. public school along with the Moores' children. Their second child, Courtney, already knew Amy from Georgia. Catherine and Courtney became close friends; Catherine met Amy when she came to play at Courtney's and they became friends; they all eventually went to the same middle school and became even closer companions.

One way my parents taught me manners was to say, "What if you were invited to the White House?!" Frances and I used the same phrase. And that's where Catherine ended up! -- over and over again. With her manners still a work-in-progress, she had

to be helped a bit, at least in the beginning, by gracious White House servers as she ate with the Carters. She went to church with them. She accompanied them on a vacation to Sapelo Island, Georgia. She went to Camp David ("They had Life Savers just sitting around for the taking!"). She roller skated with Amy in the ballrooms and throughout the White House. They carved their initials in a remote, elevated White House windowsill.

I had to pick up Catherine at the White House one evening in late 1979. She and Amy were working on a school project together. I had broken my arm skiing, had a cast, and was wearing a ratty old raincoat over it. My name was at the gate, they let me in easily, I drove to the back, and the girls met me. Amy said I had to come up to see their project! She practically dragged me inside and we got on the elevator to the second floor living quarters. Just as the door opened, there was Mrs. Carter in jogging clothes waiting for the elevator. We had a few words, but I don't know which of us was more surprised and embarrassed! Amy took me into her spacious bedroom and the girls proudly showed me their project.

Amy was three years old when Carter became governor of Georgia. She had state police guarding her from then on. At the White House it became the Secret Service. They were not babysitters, so Amy had a lot of freedom when only Secret Service agents would be around in place of other adults. Her friends, including Catherine, would put her up to seeking adult permission from us to do a lot of unreasonable things -- bowling or pizza or roller skating too late at night for preteens, for example. Frances as a normal mother often said no, and Amy had to get used to it. One time Amy's cortege pulled up to our house because she wanted to shave her legs! Was it not permitted at home (the White House), or were the Wolfs just more convenient? It did happen in our bathroom; we found out about it later.

Having the Secret Service around was something we had to get used to. Amy spent the night in our house several times. There were always two agents with her, six a day on eight-hour shifts. They'd never do more than use the bathroom, have a drink of water, or watch television at night. They were nice guys, but always alert. They often had to deal with gawkers. When Amy and Catherine played outside, we'd often have all kinds of people who just happened to be walking down the alley past our yard.

One time she and Catherine were discovered by Frances in our back yard washing their hair in the snow. Frances threw open our back door to tell them to stop, but she knocked over a snow shovel parked on the back porch and it made a huge noise. Those agents, already outside, turned around in a flash with hands on hips toward their guns!

I tend to be a night owl, and once when Amy was sleeping in our house, I came down the stairs to read. An agent was in an easy chair in our living room. He asked, "Hey Judge. You like guns?" As a judge who saw their carnage every day I didn't, but I made no particular reply. He beckoned me toward him, picked up the brief case by his side, snapped it open, and showed me three pieces of metal ensconced in compartmented foam. He picked them out quickly and click, snap, click -- there assembled in a flash was a fully loaded Israeli Uzi submachine gun.

Our son, Ken, was born in late 1962 so he was a few years older than Amy and Catherine. He and Bill Furlong, Jr. spent a lot of time one Halloween constructing a haunted house in Bill's basement. When the time came for the show Bill and Ken wanted to start Amy and the other girls through the entry door. The Secret Service guys said, "We're looking first." Ken and Bill protested. Ken describes it: they just shoved us aside like we were a couple of toy poodles and went in first.

Amy came on a vacation with us. We drove her to our summer cottage at Roaring Gap, N.C. in 1980. The Secret Service followed in their vehicle after giving me a walkie-talkie to communicate with them. They scoped out our property ahead of time from the Raleigh Field Office and set up a trailer in our driveway with a separate telephone line. Man, did we have gawkers, including newspaper reporters! Folks were very nice (with one exception). The Secret Service pulled a couple of peoples' chains, however. They invited Amy for a boat ride on the lake. The agents whispered in reply, "Sorry, but you know we'd have to drain the lake first."

The exception was as follows: We encouraged the off-duty agents to play golf at the Club. One of the agents from Raleigh was black. They wouldn't let him play. Not only that, but someone had him sent back to Raleigh. Things have improved since then -- slowly, but we have a long way to go in the whole country.

We also hiked up (and down and around) nearby Stone Mountain. One of the younger agents who accompanied Amy and everyone else to a square dance met DeWitt Hanes (yes, of Hanes Underwear), and they later got married.



At Roaring Gap: Daughter Catherine, Amy Carter holding just-cooked brownies, friend Hope Hutchins, and daughter Carrie

It's interesting that in all my time as a judicial candidate, and our quasi-parenting of Amy, neither I nor Frances ever met President Carter and had only perfunctory contact with Mrs. Carter. D.C. judgeships are a pretty low-level concern for a White House, but putting your daughter in someone's care, it seems to me, isn't. I have no idea how much we were checked out, so to speak, and of course I was thoroughly vetted as a presidential appointee. But it's interesting to wonder.

Also interesting: Catherine had ZERO contact with Amy after the Carters left Washington and Reagan took office in 1981.

Returning to the adult world and continuing with inaugurations, Clinton invited all the D.C. judges to his parade and to the inaugural ball for D.C., among several balls, in 1993. We had grandstand seats at 14th Street. The Ball was held at the D.C. Armory and we got there by Metro (the D.C. subway) on a cold night, long dress and tuxedo included. It was frantic. All we had to pay for were the

insipid drinks. We waited long and late for the new President to appear, inching toward the band end of the arena where he would show if he came. The band was so loud that my ears hurt. I tried stuffing them with Kleenex; it did no good. Clinton did appear and played the saxophone. It was an experience we vowed not to repeat, and we didn't after his reelection in 1996.

Obama's inauguration in 2009 was in a class by itself. By then I was a senior judge, having taken that status in 1994 at the end of my 15-year term. We had moved to Queenstown in 1998, on the Eastern Shore of Maryland, 50 miles away. But I still went to work in Washington for a few weeks each year and had chambers in the courthouse which was quite near the Pennsylvania Avenue parade route.

That proximity was not lost on my family, who all supported (and some had volunteered for) Barack Obama. After his momentous victory in November, someone said, "Dad, we're coming no matter what! What if we slept in your chambers to get an early jump on the Inauguration Day festivities?"

That idea took on more and more actuality as the very enormity of the impending event grew. The final guests were two daughters and their families from New Jersey (husband and two kids each); my brother, Roger, and his wife and one son from Tucson, Arizona; and a guest who flew in from London "just to be there."

Frances and I coordinated the logistics. That included seeing to it everyone entered the "security ring" in time on January 19. All but a driver had to be dropped off at the courthouse, and the driver then motored to the house of friends Carolyn and Rufus Hill in far northwest D.C. to park and take a Metro ride back to the courthouse. We had supper nearby, snacks, and a light breakfast the next morning on January 20. I had to stay at the courthouse and make countless trips from chambers to the Indiana Avenue entrance to give the judicial OK for the entering and re-entering kin, cameras (usually not allowed), and equipment for what became known to the most amiable guards as "the sleep-in."

With the permission of my senior judge suitemates (Judges Eilperin and Shuker), and with a heads-up to other relevant folks, what resulted was 14 people sleeping on the rugs in sleeping bags overnight on January 19. They all left at 7 a.m.

on January 20 seeking prime spots on Pennsylvania Avenue. Frances and I "slept in" at the courthouse. It was either the Avenue or the Mall, and my grandkids (ages 10 to 13) opted for the parade -- "Why just watch a Jumbotron? We can see TV anytime."

They were early enough to be in the very front "on the rail" at 7th and Pennsylvania but had to wait about eight hours. It was biting cold, and they couldn't leave or their spots would be taken. They finally saw President Obama's limo go by, only to see him and Michelle exit the limo and start to walk a block past them, just as had been the case at Carter's inauguration parade 32 years before. By then the chill was too deep; they came back to the courthouse to thaw and watch the parade on one of the two tiny 4½-inch black and white TVs in the chambers suite.

Then the whole process of getting into the courthouse the day before had to be reversed. It took over an hour for me to drive eight others and all their stuff (in a seven-seat van in the dark of night) back to their parked autos through myriad street closures for all the inaugural balls. The two families had to drive home to New Jersey for school and work the next day. Then it was the same maze (and time) to get back to the courthouse. Frances and I, and the Tucson contingent, finally returned home to Queenstown by about 11 p.m. I worked the next day too!

There were no regrets -- we were there. Frances and I, however, had watched the swearing-in, speech, and parade on the tiny TVs, warm and comfortable. All day out the windows on Indiana Avenue, we saw so many people, people, people walking, walking, walking endlessly -- an amazingly inspiring sight. When it was all over, there were three big bags of trash stacked neatly outside the chambers door, and every stick of furniture had been placed back in its exact spot.

It was an adventure never to be forgotten. Our biracial granddaughter, Olivia -- then age 11 -- later described the epochal meaning of it all in a way that sends tingles down my spine. Though she eventually edited the following out, she wrote for a college admission essay:

Barack Obama's inauguration in 2009 began with our waking up in my grandfather's Washington, D.C. office, having spent the night in

sleeping bags. This day was like no other, and we could feel the wonder erupting from the crowded streets. My ten-year-old cousin, Heather, and I proudly pranced around on the grass of the National Mall the night before, waving our American flags. A man stopped us and said, "Excuse me, girls, may I take your photo? It will be in a Canadian newspaper!" My cousin's pale face and brown eyes stared at me intently as her blond hair blew in the January wind. I had never felt so aware of my dark, black African hair and natural tan skin, yet had never felt so proud of it. We turned to the camera grinning, our flags held high, with the lights of the Capitol glowing in the distance. It was in this moment I first realized that my blood relation to such extreme ends of the spectrum of race is astounding.



Cousins Olivia and Heather on the Mall;
Evening of January 19, 2009

Here's a bit more about my "people contacts" in Washington. Soon after I went on the bench in 1979, I was invited to the monthly "Judicial Prayer Breakfast." We met at the Capitol in the Senate Dining Room. It included judges from any and all the many courts housed in Washington including the U.S. Supreme Court, other appellate courts, trial courts, specialized courts (the Federal Circuit, Tax Court, Court of Claims), and of course, my court, the Superior Court of the District of Columbia (to which there is nothing inferior!).

We were invariably served juice, coffee, scrambled eggs, toast, and grits. After we finished eating there would be a speaker, usually one of us judges, but occasionally an outside speaker. I addressed the group on two occasions. It took a lot

of work because of the religious context plus it was a distinguished audience and you certainly did not want to do anything but your best, including preparing for questions and leading any discussion thereafter. Over the years the regular participants included Harry Blackmun from the Supreme Court (author of the 1973 *Roe v. Wade* decision). He was the nicest, gentlest, most gracious man one could meet. Tony Scalia and Clarence Thomas were regulars while they were on the bench of the U.S. Court of Appeals for the D.C. Circuit and before they each were elevated to the Supreme Court in 1986 and 1991, respectively. Neither attended the Breakfast after they went on the Supreme Court. Justice Sandra Day O'Connor (appointed in 1981) was a regular attendee. I often sat beside her and had more to talk to her about than most because I was somewhat familiar with Arizona, where she came from; I've visited my brother Roger living in Tucson for decades.

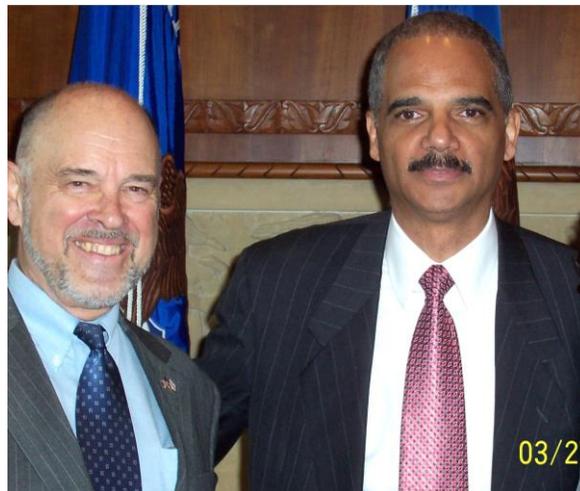
I pretty much stopped attending the Breakfast after we moved to Queenstown in 1998. They started meeting at U.S. Courthouse instead of the Capitol, there was a greater reliance on outside speakers, and the group became increasingly Roman Catholic. We knew Tony Scalia, however, in an additional context. A friend got to know him because they had neighboring winter vacation rental houses in Florida. She invited him and his wife, Maureen, to a group dinner we attended. It was not long after the horrible *Bush v. Gore* decision in 2000. Frances said to him privately at one point, "What were you thinking?!" He replied, "About what?" It went on from there. He also exhorted Frances not to overcook the asparagus. I will always remember him, however, for repeatedly expressing at a Prayer Breakfast discussion his profound bafflement about why God would allow good people to suffer. Not that I have a precise answer, of course, but it is an age-old theological question and he gave me, and I think others at that Breakfast, the impression he had never thought about it before.

I remember meeting with Steny Hoyer, now the U.S. House of Representatives Majority Leader right behind Nancy Pelosi. He was elected to the U.S. House of Representatives in 1981, is now in his 20th term, and has been the second ranking Democrat since 2003. At the time I met him, though, it was early in my own law practice in the '70s and we met in his law office in Prince George's County, Md. We had a mutual client from somewhere in Africa who had stiffed both of us on our fees, claimed to be

working for the CIA, and had disappeared. Neither of us ever collected our fees.

I had legal conversations with Ken Starr when he was a member of the U.S. Court of Appeals for the District of Columbia Circuit. I was working on a complicated judicial opinion and sought his counsel on a relevant precedent he had written a couple of years earlier. He is now best known for his independent counsel investigation of President Bill Clinton leading to his impeachment.

Eric Holder was appointed to the Superior Court bench in 1988 and became a colleague of mine. We played outfield together on the Superior Court's softball team, "The Benchwarmers." When he left our court in 1993 to become the United States Attorney for the District of Columbia, I was assigned to take over his felony calendar. He later had positions in President Clinton's Justice Department and was in private law practice from 2001 until he became Barack Obama's Attorney General from 2009 to 2015. He invited us all to his formal swearing-in. President Obama attended and another colleague, Bob Richter, administered the oath. And we were welcomed at his reception at the U.S. Department of Justice.



Eric Holder and me in his Justice Department Office
after his swearing-in on March 27, 2009

Top it all off with a restaurant visit somewhere, some time in Washington, looking around, and there sat elegant Leslie Stahl of *60 Minutes* eating lunch with someone just like the rest of us. She probably got better service.

It can be topsy-turvy in Washington. Those "old friends of my parents" we stayed with looking for a place to live in Washington (p. 1 above) were Fred and Mary Elizabeth Ballard. He had been president of the Bar Association of the District of Columbia years before I even thought of law school. He later was my sponsor for admission to the Supreme Court Bar. He was appointed by President Johnson as a member of the President's Commission on Crime in the District of Columbia. I applied to work there in 1965; I don't know for sure, but he probably helped me get the job. Later he offered me a position in his law firm, but I turned him down. When I was elected a member of the first Board of Governors of the District of Columbia Bar in 1971, I suggested his name to the Board for appointment as the first chair of the new Disciplinary Board, and the Board of Governors selected him. He gave a wonderful dinner party for me and my family when I was sworn in as a judge. Some years later he appeared before me in court as counsel in a civil case. It seemed strange for my mentor to be addressing me as "Your Honor." I remember how concerned I felt because age had caused him to "lose a step" in his legal abilities, so much so that it gave me worries his client was not being adequately represented -- always a problem for a judge.

Similarly, my immediate boss toward the end of my employment with the Institute of Criminal Law and Procedure had had to seek employment elsewhere when the Institute closed in 1970. He put his money where his mouth was after years of studying the criminal process and procedure by deciding actually to represent indigent criminal defendants in Superior Court. He appeared before me several times after I became a judge, and he was a terrible courtroom lawyer. That, too, was disconcerting.

Speaking of discomfort, let me relate one of my own greatest Washington faux pas. After getting itchy to move on from the Corporation Counsel's Office in 1965, I very much wanted to become a part of President Johnson's "War on Poverty." In fact, I went to Congress and watched the bill pass. I prepared a résumé to apply for a job at the newly created agency. I was interviewed by Steve Pollak who had just been appointed General Counsel. I knew of him, and later had frequent contact with him. I had included on my résumé as a sample of my own writing two published opinions I had composed when I was law clerk for Judge Hart. I mean I wrote them; Judge Hart hadn't changed a word! (Judge Hart had been so pleased that he called me on the telephone a year later when the Court

of Appeals, through Chief Judge David Bazelon, a liberal he hated, affirmed one of them in very complimentary terms.) But Steve was horrified. Lots of people write or edit stuff for other folks in Washington (and elsewhere, too), but you must never say so! I never made the mistake again. Indeed, I was on the receiving end in 2001 when I wrote an article for the Bar's magazine entitled "Humor in the Court." The magazine's editor so heavily edited it that I told him his name should be on the byline as well as mine. He said, no no, he does that all the time and adamantly refused my suggestion. (The article is No. 16 on my website.)

I 'll wrap this up with some personal aphorisms that have come to guide me. Some of them arose directly from my Washington experience, some, perhaps just from living life in general, which happened to be in Washington; some original maybe, some not; some directly addressed above, some implied. (See No. 14 on my website for an expansion of some of these.)

To knock on the right door at the right time, you've got to do a lot of knocking.

Government is a great place to work.

Volunteer! You meet wonderful people, accomplish amazing things, and, whether you realize it or not, are continually putting "money in the bank."

Some of the best breaks I've had in life have been the jobs I didn't get.

Don't be afraid of the big guys.

Ask fundamental questions.

Variety is the spice of life.

When asked if I had a specialty as a practicing lawyer, I always answered yes, variety. And it was a wonderful aspect of the court to which I was appointed.

Law is the last outpost of generality. You don't have to become a specialist. You become an expert-for-a-day in the field you're litigating or studying, and that is also variety.

Your most important asset as a lawyer (or anything else) is your integrity.

The more you practice law, the more it's the same. That is, the techniques, even in very different fields, of investigation, preparation, questioning, reasoning, and advocacy, both written and oral, are quite similar and transferable.

Why be reluctant about a new job just because it's a judgeship (or any other job)? If you don't like it, you can always quit.

Judges are supposed to be apolitical, but that doesn't mean amoral.

Change is good!

Never wait or stand in a line without first knowing what's at the front, or what it's for.

It's self-destruction to surround yourself with yes-men or yes-women.

Revere common sense.

You don't "prepare" for life or the next facet of it; you're constantly living life -- your life -- now. Make the most of it, enjoy it.

*That's it. It's been a great run. Washington had so much to do with it. We lived, worked, played, and volunteered in the city from 1962 to 1998. When we moved to the Eastern Shore of Maryland and lived there for 20 years, we still had substantial Washington connections. We had a swimming pool and a boat on the Wye River flowing into Chesapeake Bay. It was all wonderful for our four grown children and six grandkids, and we had a house with room for them all at the same time. When that abode became more than we needed, we moved to Winston-Salem, N.C., close to our 1871 farmhouse at Roaring Gap (one hour's drive instead of nine). It leads to one more aphorism: What a privilege it is at my age (84) and stage of life to be able to say: *If I died tomorrow, I'd have no regrets.**

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