

The Historical Society of the Tenth Judicial Circuit

www.10thcircuithistory.org

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CHAIRMAN'S STATE OF THE SOCIETY BY ANDY LESTER



SPECIAL POINTS OF INTEREST:

- Chairman's Update
- State Project updates
- Courthouses of the 10th Circuit
- Recent Biographies



In this, my final report as board chairman, I would like to reflect on where we've been and where we're headed. Founded only a few years ago, the Society has grown from an idea to a reality that preserves and promotes the history of the Tenth Circuit and its judges, officials and attorneys.

Much of our work appears on our website, found at www.10thcircuithistory.org. On the Byron White Memorial page, you can: read Judge David Ebel's moving remarks on what he calls, "the rest of the story;" hear the dedication ceremony of the Byron White Memorial; and read the fascinating article by our former President, Bob Harry, who matriculated to Yale Law School in 1939 with the future Supreme Court Justice.

Click the link called "Court History," and see the 1992 volume, *The Federal Courts of the Tenth Circuit: A History*, edited by our former board chairman, Judge James K. Logan. Go to the page called, "Updated Court History," for more recent judicial biographies. Then review the page entitled, "Lawyers & Profession," or the one on "Courthouses," for additional interesting information.

We have kept our promise to those who helped start the Society, by creating, as a permanent feature of our website, a page honoring our Lifetime Members. These individuals and law firms ensured the Historical Society got off to a great start.

The Society sponsors programs in the Circuit's six states, from the recent one on the landmark decision in *Brown v. Board of Education of Topeka* to the upcoming dinner and fireside chat with renowned attorney, Gerry Spence. We continue to collect material for the Circuit's archives. This newsletter is becoming a regular feature. And, at the last two Bench and Bar Conferences, we hosted fireside chats with Justices Sandra Day O'Connor and Stephen Breyer.

The best part about my Society service has been working and becoming friends with some wonderful people. Let me mention two such individuals, without whom there would be no Society: Bob Harry and Judge James K. Logan. Both work tirelessly on behalf of the Society, and have devoted untold time to its work. Their friendship and guidance have been inspirational.

Although we've accomplished a lot, the job has just begun. I am persuaded that, under our incoming leadership, and with the support of our members and friends, great things are in store for the Tenth Circuit Historical Society.

Lifetime Members of the Society can be found on the website at:
http://www.10thcircuithistory.org/lifetime_members.htm

C O U R T H O U S E S O F T H E 1 0 T H C I R C U I T

Santiago E. Campos U.S. Courthouse

By Paul Hickey



The Santiago E. Campos Courthouse in Santa Fe is one of the grand courthouses of our Circuit. Construction began in 1853 but was not completed until 36 years later in 1889 because of shortages of money, skilled labor, and the Civil War. It was originally intended to serve as the location for the territorial capitol, the Supreme Court and for the district courts in New Mexico. Because of the delays in finishing the building, however, it was never used as the capitol or territorial building. Rather, it has served as the home for the land claims court, the Collector of Internal Revenue, the US Attorney and federal courts since its completion.

The Greek Revival style of the original design with prominent pediment and porticos is characteristic of the work of Ammi B. Young, Supervising Architect. Other elements of the design including the roof and second-story window treatments, have a character more reminiscent of the Renaissance Revival architectural style of the late 1880s. The courthouse walls are of rough stone quarried in the Hyde Park area of the Sangre de Cristo Mountains.

Six murals of landscapes are placed on the walls near the north and south entrances of the original building. Commissioned as a WPA project, they were completed in 1938 by noted Santa Fe painter and designer William Penhallow Henderson.

A major restoration project undertaken by the U.S. General Services Administration (GSA) was completed in 2002.

The courthouse is named for Judge Santiago Campos who was appointed to the federal court in 1978. He is credited with establishing the courthouse as a second location for the U.S. District Court for the District of New Mexico in Santa Fe.

Please add the Santiago E. Campos Courthouse to your must see list of places on your next trip to Santa Fe.

For more history of this courthouse, see a wonderful article, *If These Stones Could Speak* by Saul Cohen, provided by Stu Shanor, which is posted on our website at the address shown at the bottom of page 3.

*U.S. General Services Administration.

**Photo compliments of US Courts Library.

Summary of Utah Program—Olympic Bribery Trial

By Brooke C. Wells

On April 28, 2009, the Utah Chapter of the Society co-sponsored with the US District Court and the Utah Chapter of the FBA its second in a series of programs called “*Cases and Consequences. The Olympic Bribery Trial: History as Told by the Winners*”. The program began with a presentation by Max Wheeler, winning defense counsel. The defendants were indicted in 2000 by the US Department of Justice for bribing International Olympics Committee members to award the 2002 winter Olympics to Salt Lake City. From the winner’s perspective, Wheeler described the process and history of Olympic site selection, the chronology of the Utah “scandal”, the winding legal path to trial which included a 2001 dismissal by the trial court of some charges followed by a reinstatement by the Tenth Circuit Court of Appeals. The resulting view was of a colorful intersection of Utah’s legal history, interests and personalities with those of the international community.

The second part of the program was a candid interview by former Utah FBA President Diana Hagen of the Honorable David Sam, US District Judge for the District of Utah who presided over the Olympic Bribery case and trial and dismissed all charges against the two defendants at the end of the government’s case by granting the defendants motion to dismiss. Judge Sam shared some of his impressions of the government’s prosecution tactics, his decision to dismiss all charges against the defendants and the difficulty of managing a high profile trial of international interest.

State Project Updates

Colorado: Considering program about the McVeigh criminal prosecution and trial for the April 1995 bombing of the Murrah Federal Building in Oklahoma City.

Kansas: Just completed program in Topeka memorializing the *Brown v. Board of Education* of Topeka landmark desegregation case.

Oklahoma: Considering program on Machine Gun Kelly, or the Karen Silkwood case.

Utah: The Olympics bribery prosecution was held in April 2009 in Salt Lake City and is summarized above by Judge Wells.

Wyoming: On September 25th, Gerry Spence will share his stories and experiences as a renowned trial lawyer in Laramie with law students and members of the Historical Society. For more information, contact Judge O’Brien or Paul Hickey.



DISTINGUISHED JUDGES' BIOGRAPHIES



Judge J.J. "Joe" Hickey

By Paul Hickey

My Father's life was devoted to public service. He was, I believe, the only member of the 10th Circuit to have served as a Governor and United States Senator before being appointed to the U.S. Court of Appeals, 10th Circuit.

From the humble background of living in a boarding house run by his widowed mother in Rawlins, Wyoming, Joe Hickey learned hard work at an early age. He sold newspapers when he was five years old and worked to supplement his mother's income throughout his years as a student in Rawlins.

In 1934 he graduated from the College of Law at the University of Wyoming. He was one of six graduates who left Laramie hoping to find employment during the great depression, a time when unemployment rates exceeded 25 percent of the workforce. He took a job as Treasurer for the City of Rawlins that paid

\$20.00 a month which covered office rent and other overhead associated with his practice. As one who lived through the depression, he had great compassion for those in need and gave much of his time to their cases and their causes.

My Father enlisted in the United States Army in 1942 as a 31 year old lawyer because of his love of Country. He served in battle at the beaches of Normandy and battlefields of France and Germany.

Following the War, he returned to Rawlins and served as County Attorney. In 1949 he was appointed U.S. Attorney by President Truman. He was elected Governor of Wyoming in 1958 and was later appointed to serve as a United States Senator from 1961-1962.

Dad had a true love of the law. He appreciated his education because it served as the platform for his success as a trial lawyer and public servant.

While his tenure on the Court was limited because of his untimely death in 1970, he grew to enjoy the role of an appellate judge. Most of all, he treasured the friendship of his colleagues on the Court. The depth of those friendships is reflected in the following words of Judge Alfred Murrah:

"We shall always remember his witticisms and our informal counsels, nor shall we ever forget the forthrightness of his wisdom when we came to deliberate on our legal problems at the conference table. His mastery of the facts and his incisive logic were always an inspiration to me. He never quibbled about little things. His eyes were always lifted to the hills of the law. His true worth to the work of our court is known only to those who were privileged to sit in intimate counsel with him. There was a quality about his whole life that permeated the society in which he moved. He will take his place as one of the greats who have graced this circuit with honor, dignity and learning."

For more of my Father's biography, please see our website at the address set forth below.

*Photo Courtesy of Paul Hickey — President Kennedy and then Senator Hickey at White House on August 29, 1961

Judge Wesley Brown

By James Logan



Kansas District Court Judge Wesley E. Brown, who still carries a substantial load of court work, is no doubt the oldest person to sit as a judge, perhaps in any court. He recently turned 102 years old. Born in Hutchinson, Kansas on June 22, 1907 he attended what has now become the University of Missouri at Kansas City law school, graduating and being admitted to the Kansas and Missouri bars in 1933.

Judge Brown commenced law practice in the firm Williams, Martindell and Carey in Hutchinson where he served until 1958, with two breaks—to serve as Reno County Attorney (1935-39), and in the Navy during World War II (1944-46). He became Kansas' second full time referee in bankruptcy in 1958, serving in that capacity until President Kennedy appointed him U.S. District Judge in 1962. He was Kansas' Chief District Judge from 1971-78, took senior status in 1979, and is now completing his 47th year as an Article III judge.

Known as demanding of the lawyers who appear before him in court, this patriarch of the Kansas bench has mellowed just a bit in his older age. Outside the courtroom he is admired and loved by the judges and lawyers in the state for his character and humor, shown sometimes in his acts in bar shows. He has commented that he was appointed to serve "for life, or for good behavior, whichever I lose first." He has outlived two beloved wives, and once told me that his being able to continue to work were the largest factor in helping him survive those losses.

Perhaps he is best summarized by Chief Judge John Lungstrum's comments that:

"It is a great honor to serve as his colleague. He has tremendous energy and enthusiasm and store of good judgment. He is also a very kind and generous individual with quite a sense of humor, who is well loved by all his colleagues and coworkers. We are very fortunate to have him as the patriarch of our court family."

The Kansas members of the Historical Society of the Tenth Judicial Circuit will honor and entertain with a Fireside Chat with Judge Brown on October 9, 2009, at 3 p.m. in the Wichita Courthouse. All Society members are welcome to attend.

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"Notes" of Interest:

The Historical Society of the Tenth Judicial Circuit is looking for volunteers for our committees. If you would like to serve with our Directors, on membership, website, or biography and publications committees, please send an email to phickey@hickeyevans.com. You will enjoy being a part of this important Historical Society.

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