

# The D.C. Circuit in the McCarthy Era: *United States v. Lattimore*

Date: **Thursday, May 12, 2011**

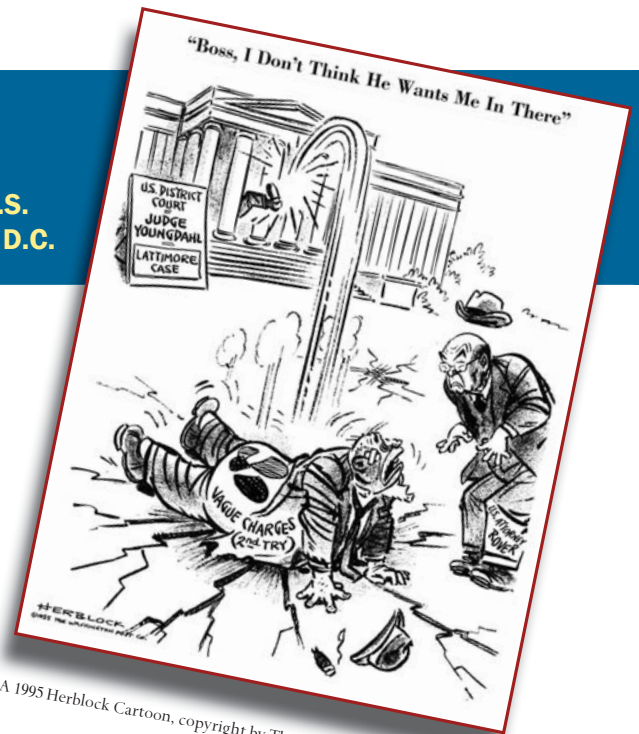
Time: **4:30 p.m. – 6:00 p.m.**

Location: **Ceremonial Courtroom, 6th Floor, E. Barrett Prettyman U.S. Courthouse, 3rd Street & Constitution Avenue, N.W., Washington, D.C.**

In 1952, during the height of McCarthyism, Owen Lattimore was indicted on seven counts of perjury before the Senate Internal Security Subcommittee, including testimony that “he had never been a sympathizer or any other kind of promoter of Communism or Communist interests.” Lattimore was represented pro bono by former D.C. Circuit Judge Thurman Arnold, Abe Fortas, and Paul Porter; the United States by U.S. Attorney Leo Rover.

Lattimore moved to dismiss. District Judge Luther Youngdahl dismissed four counts. The Court of Appeals, en banc, sustained the dismissal of two counts and reversed on two counts. The Government re-indicted Lattimore in a single count which Judge Youngdahl dismissed. The Court of Appeals sustained the dismissal by a 4-4 vote.

This program will include a reenactment of the arguments presented to Judge Youngdahl on the Motion to Dismiss. Following this reenactment, a panel of all the participants will discuss the role of the courts in national security cases at mid-century and the relevance of that history today.



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**Admission is free.**

**A reception will follow the program.**

**Reservations are not required.**

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The Historical Society of the D.C. Circuit is a 501(c)(3) organization independent of the Courts.

## *Participants*

*The McCarthy Era and the State of the Nation in the 1950s*, **Martin Sherwin**, Professor, George Mason University

*Legal History of the Lattimore case*, **Patricia M. Wald**, former Chief Judge, U.S. Court of Appeals for the D.C. Circuit

*Reenactment*, **G. Duane (Bud) Vieth**, Arnold & Porter; **Miguel Estrada**, Gibson Dunn & Crutcher; **Berl Bernhard**, DLA Piper and law clerk to Judge Youngdahl

## *Panel Discussion*

Moderator, **Daniel R. Ernst**, Professor, Georgetown University Law Center