



# THE HISTORICAL SOCIETY OF THE TENTH JUDICIAL CIRCUIT

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## Chair's Note • *By Alleen VanBebber*

We are off to a good start this year. The Board's chief project is advancement of the historical exhibit in the Byron R. White Courthouse. Under Greg Kerwin's leadership, a committee of young Denver attorneys will work with a professional consultant to complete an interactive display that will engage and intrigue Courthouse visitors. We want the general public to think often about the remarkable legal events and personalities of the past that still affect the daily lives of people in the Tenth Circuit's six states.

Spring was an active season. In April, we again provided financial assistance so that the Courthouse could be opened to the public during the annual "Doors Open Denver" event. A number of visitors had guided tours hosted by volunteers from the Court's staff. The Historical Society also helped fund "Courthouse," a documentary produced by KUED, the PBS affiliate at the University of Utah. The program looks at the Frank E. Moss federal courthouse, the history of the Utah District Court, and how federal courts helped shape modern Utah. Go online to [www.kued.org](http://www.kued.org) and watch the hour-long documentary and separate interviews with judges. And, as a nice surprise, the Society received a \$1,000.00 grant for our general operating support from the Denver Foundation's Thomas and Beatrice Taplin Fund.

Presently, the Board is preparing for its second annual strategy and planning meeting, to be held during court week on Monday, September 29, in Denver at the courthouse. This meeting allows Board members a full day to meet personally and work as a group toward meeting our goals and addressing current issues. The day will end by joining the judges for "Dinner at the Court," which is open to all members of the Historical Society. The program for the evening will be a presentation by John R. Tunheim, Chief Judge of the U.S. District Court for the District of Minnesota. Judge Tunheim served as Chairman of the U.S. Assassination Records Review Board, an independent federal agency responsible for reviewing and facilitating public disclosure of previously classified government records related to the assassination of President John F. Kennedy. Judge Tunheim also has helped develop a number of international rules of law, including the Kosovo Constitution and its re-established judicial and legal systems, a criminal justice system in the Republic of Georgia, and criminal procedures in Uzbekistan. Please save the date and plan to join us for the evening. Individual invitations and more information will be forthcoming this summer.

I am honored to serve as your chair for 2014 and 2015. Do you have ideas or projects you'd like to discuss? Do you have an article you would like to write for this newsletter? Would you like to volunteer for work on a project? Please contact me at [alleenv@aol.com](mailto:alleenv@aol.com) or any of the Board members listed on the last page of the newsletter. There is lots of work to be done, and we can use your help.

## NOTABLE CIRCUIT HISTORY

### The Teapot Dome Scandal • *By Steven K. Balman*

The Teapot Dome Scandal takes its name from the Teapot Dome, a large and distinctive sandstone formation north of Casper, WY that once resembled a teapot. (The formation no longer looks like a teapot: Wind eroded the "handle" away in the 1930s, and the "spout" was destroyed by lightning in 1962.) In 1900, warships—dreadnoughts and battleships—were fueled by coal. In the first decade of the Twentieth Century, the great powers discovered that oil was a much better, much more efficient fuel for ships. Oil-fueled ships could go faster than coal-fueled ships, and were easier to refuel. The U.S. Navy converted its ships to oil, and began looking for oil—lots of oil. A single Twentieth Century battleship had a fuel capacity of over a million gallons. (The *U.S.S. Arizona*—resting in shallow water on the bottom of Pearl Harbor since December 1941—continues to leak fuel oil). The Navy stockpiled oil reserves—sources to be tapped only in a time of national emergency. The federal lands at Teapot Dome were one such naval oil reserve. The oil fields at Elk Hills, California—near Los Angeles—were another.

In 1920, Jake Hamon—the "Oil King of Oklahoma"—launched a scheme to obtain control of federal oil reserves, including the Teapot Dome and Elk Hills fields. The Teapot Dome reserves alone were worth several hundred million dollars. Hamon "bought the votes" of delegates to the Republican National Convention, with the intention of making a deal with the Republican presidential candidate: Hamon would deliver enough votes to secure the nomination in return for a cabinet appointment. Hamon wanted to be Secretary of the Interior so he could influence the award of oil leases on federal lands. Hamon helped secure the Republican nomination for Senator Warren G. Harding of Ohio. Handsome and likeable, Harding was elected President of the United States on November 2, 1920. Harding and his running mate, Calvin Coolidge, decisively defeated the Democrat ticket—Governor James M. Cox of Ohio and Franklin D. Roosevelt of New York. Hamon was poised to become Secretary of the Interior.

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## The Teapot Dome Scandal • *Continued ...*

Then, on November 21, 1920, Hamon was shot by his secretary-mistress, Clara Smith Hamon, at the Randal Hotel in Ardmore, Oklahoma. Clara had figured out (a) that Hamon's wife, Georgia, was a second cousin of Harding's wife, Florence, and (b) that Hamon planned to take Georgia—not Clara—with him when he took up his new cabinet post in Washington, D.C. Clara's aim that day was good and true. Hamon died six days later.<sup>1</sup>

Albert Fall (*pictured*) became Secretary of the Interior in place of the late Jake Hamon. Fall was a popular choice, but it is not clear why. The American public should have had questions about his honesty. Fall looked like a villain in a bad Western movie: "Fall ... sported a handle-bar mustache and wore a flowing black cape and broad-brimmed Stetson." Paul Johnson, *Modern Times: The World from the Twenties to the Nineties*, 215 (Rev. ed. 1991). A lawyer, Fall made a name for himself in New Mexico Territory by successfully defending a man accused of killing a famous gunfighter—former Sheriff Pat Garrett. Pat Garrett was famous because he had killed Billy the Kid in 1881.<sup>2</sup> When New Mexico became a state in 1912, Albert Fall became one of the first United States Senators from the new state.

In April 1922, the *Wall Street Journal* reported that Secretary Fall had granted oil leases on naval petroleum reserves to two of his friends without open, competitive bidding. Edward L. Doheny of the Pan-American Petroleum and Transport Company received a lease for the Elk Hills reserves in California. Harry Sinclair of Sinclair Consolidated (and Mammoth Oil) received a lease for the Teapot Dome reserves.

Harry Sinclair was talented and lucky. He presided over the largest oil company in the Midwest. A gambler and the owner of a Kentucky Derby winner, Sinclair was also one of the leading figures in Tulsa, Oklahoma when Tulsa was the "Oil Capital of the World." He was one of the founders of the National Bank of Tulsa, the financial institution now known as BOK—the Bank of Oklahoma. Albert Fall resigned from Harding's cabinet in March 1923. Fall was eventually convicted of granting leases in exchange for bribes of approximately \$400,000. He became the first former cabinet officer to be sentenced to prison for misconduct in office. He served one year in prison. Even though Fall was convicted of taking a bribe, the men who bribed him—Sinclair and Doheny—were not convicted of bribery. Doheny was acquitted. Sinclair was convicted of another offense—contempt of court—and served six months in prison.

The Teapot Dome Scandal spawned Congressional hearings and litigation that lasted almost ten years. During one Congressional hearing, Fall said: "Sir, if you have a milkshake and I have a milkshake and my straw reaches across the room, I'll end up drinking your milkshake." Fall's statement became famous. It was later paraphrased in the 2007 feature film *There Will Be Blood*.

Fall died on November 30, 1944, in El Paso, Texas. He died in poverty and disgrace. Ironically, when Fall resigned as Secretary of the Interior in March 1923, President Harding supposedly offered Fall a seat on the United States Supreme Court.

The Harding Administration is widely considered to be one of the most corrupt administrations in American history. Interestingly, President Harding himself may not have known about the Teapot Dome Scandal until he read about it in the newspaper. In any event, Harding did not live to complete his term as President. He died on a tour of the Western United States and Alaska in 1923. In particular, Harding died in San Francisco, while talking to his wife Florence. The probable cause of death was congestive heart failure, though there has long been speculation that Harding was killed by his wife. Florence Harding did not permit an autopsy of the President's body. The theory that Florence killed her husband was popularized in a book written by Gaston Means. Means was a private detective that Florence hired to investigate President Harding and his mistress, Nan Britton.

Harding was succeeded by his Vice President, Calvin Coolidge. Concerned about rumors of bribery and corruption, Coolidge appointed two special prosecutors to investigate the Teapot Dome Scandal. Atlee Pomerene—a Democrat—was a former United States Senator from Ohio. Owen Roberts—a Republican—was an unknown lawyer from Pennsylvania.

*Part II of The Teapot Dome Scandal will appear in the Fall/Winter issue of the Historical Society Newsletter.*

<sup>1</sup> Clara and Jake Hamon had the same last name because Jake paid his nephew Frank Hamon \$10,000 to marry her and then disappear. Having the same last name made it easier for Jake and Clara to travel together and to stay in the same hotel room, as they did on the day Clara shot Jake. Clara was tried for Jake's murder and acquitted on grounds of self-defense. She went on to play herself in a silent movie about the shooting—*Fate*—released in 1920. John Ince played Jake.

<sup>2</sup> When in New Mexico, Fall was a friend and associate of the legendary Elfege Baca. Baca was a gunfighter, lawman, lawyer and politician in the closing days of the American Old West. In October 1884, Baca arrested a drunken cowboy named Charlie McCarty in the village of Middle San Francisco Plaza. McCarty's fellow cowboys came to rescue him and the siege known as the "Frisco Shootout" ensued. Over the course of 33 hours, Baca shot and killed four of his attackers and wounded eight others. There are two other famous stories about Elfege Baca. *First*, Baca supposedly stole a pistol from Pancho Villa. Villa was not amused; he put a price of \$30,000 on Baca's head. The bounty was never collected. *Second*, when Baca was a lawyer in Albuquerque, he supposedly received a telegram from a client in El Paso, Texas: "Need you at once. Have just been charged with murder." Baca responded with a telegram of his own: "Leaving at once with three eye witnesses." Walt Disney Studios produced a television series called *The Nine Lives of Elfege Baca* in 1958. Baca was portrayed by Robert Loggia.

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## IN MEMORIAM



### Judge William J. Holloway, Jr. • *By Judge Robert E. Bacharach*

The Honorable William J. Holloway, Jr. appeared to make virtue effortless. For him, it was. All of us lost a truly virtuous man when he passed away on April 25, 2014, at the age of 90.

Judge Holloway was a great judge. He was the longest serving judge in Tenth Circuit history, serving that court with distinction for over 45 years. His longevity was matched by his tireless devotion to his task: to decide appeals based on the law. His work ethic was legendary. Six days a week for 45+ years, he was at his desk, researching and writing, always mindful that his opinions would affect the lives of the individuals before him.

With this in mind, Judge Holloway treated every litigant with respect and courtesy, both in oral argument and in his written work. Though Judge Holloway was very funny, he never made a joke in any of the thousands of opinions he authored. His reason was simple: he knew the parties took their legal disputes seriously, and he did not want anyone to think that their plights were being taken lightly. Ego was simply not in his nature.

But kindness was. Judge Holloway treated every human being with humility, courtesy, and warmth. He enjoyed an extraordinary memory for the names and doings of virtually everyone that he came into contact with. That was due, in part, to his phenomenal memory. But, it was also the product of how he viewed people: he remembered people because they were important to him.

Eighty law clerks had the privilege of working under Judge Holloway's mentorship since 1968. Without exception, these law clerks viewed Judge Holloway as a second father, someone to advise, consult, and – most importantly – to provide an example. There was no better example of humanity than Judge Holloway. His gentle demeanor, however, did not inhibit his courage. He courageously took unpopular positions when he thought they were dictated by the law. Judge William Holloway was one of the most decent men to have occupied this earth. He will be missed by his family, his colleagues, his friends, his former and current law clerks – and everyone who had the blessing of knowing him.

## NOTABLE LAWYERS

### John D. Robb • *By Andy Schultz*

In 1941, John D. Robb had just begun his college education at Yale University when his father left a successful Wall Street law practice to pursue his passion as the new Director of Music at the University of New Mexico. To John, who grew up in Pelham, NY, Albuquerque might well have been a world away, but his father wanted him to join the family and get to know their new home. So in 1942, John traded Yale's collegiate gothic for the adobe and vigas of the University of New Mexico. He soon felt at home in Albuquerque when he met his future wife Peggy Height at the first social function he attended at UNM. Their courtship and John's education were put on hold during World War II as John served in the Navy in the Pacific Theater. After the War, the couple married and John decided to pursue a legal career. Despite having completed only three years of college, John was accepted at the University of Minnesota Law School, where he received his J.D. in 1949.

After law school, John and Peggy decided Albuquerque would be their home and John started a solo practice there. John had few clients that first year and fondly remembers having to supplement his income by stocking vending machines and managing an apartment complex. But that year also afforded him the opportunity to try seven felony jury cases as a court-appointed public defender. This exposed him to trial work, where he excelled throughout his career. John joined The Rodey Law Firm in 1951. Initially, his practice consisted of insurance defense litigation and real estate law. This focus began to shift with the discovery of uranium in New Mexico. By 1965, he had developed a robust practice in energy law and environmental litigation, representing large entities like Southern California Edison, Kerr-McGee, and Tucson Gas and Electric Company. During this time he served as chief counsel on two of the largest and most complex cases in New Mexico history. John also served as National Chairman of the American Bar Association Committee on Atomic Energy. After the uranium boom died off, John continued to practice in mining and environmental law, land use, utilities, and real estate. He became Of Counsel to The Rodey Law Firm in 1993, but still practices today at the age of 90 – insisting he feels more like 60.

While he has loved his legal career, John's real passion was the national legal aid movement. Like so many of his generation, John emerged from the refining fire of World War II with a deep commitment to public service. This led him early in his career to accept an invitation to serve on the board of the new Albuquerque Legal Aid Society. This experience opened his eyes to the fact that the poor were not getting adequate representation and access to the justice system. In 1960, John was invited to serve on the National Legal Aid and Defender Association Board. He marveled to see lawyers of tremendous national stature express such great interest in the plight of the less fortunate. John recalls in his typically self-effacing way, "Here I am a rube lawyer from Albuquerque sitting among these giants . . . I learned something about public service from them that I have never forgotten." This experience was a springboard for John to serve as one of the main leaders and advocates for Legal Aid during its formative years. He was appointed to the ABA's Standing Committee on Legal Aid and Indigent Defendants and served six years as chairman. He also served on the United States Office of Economic Opportunity's National Advisory Committee while Legal Aid was housed under that agency. John was very active lobbying Congress and state governments on behalf of Legal Aid. He also testified numerous times before committees of the United States House and Senate (*pictured to the right*).

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*John D. Robb (continued) ...*

John became a proponent of the controversial law reform movement, in which Legal Aid sought to change unfair or discriminatory laws through class action suits, lobbying, and other calculated legal efforts. Legal Aid's espousal of law reform created many critics and opponents. During this period, John was instrumental in defending Legal Aid and helped lay the ground work for the independent Legal Services Corporation. In the 1990s, Legal Aid faced its most difficult test when the Republican-controlled 104<sup>th</sup> Congress threatened to phase out federal funding for Legal Aid. John was called back into the fray and worked with his friend Senator Pete Domenici of New Mexico to take the lead in a bi-partisan effort to preserve Legal Aid. In 1997, Senator Domenici asked John to testify before a Senate Budget Subcommittee chaired by Senator Phil Gramm, a staunch opponent to Legal Aid. After his testimony, John was surprised by Democratic Senator Frank Lautenberg who told him, "Mr. Robb, if all Republicans were like you, I think I would be a Republican." In large part due to John's efforts, Legal Services Corporation continues to provide services to millions of individuals around the country. John's commitment to the poor also led to his efforts to merge Christian principles with the legal aid concepts he had championed for so long. John began a pilot program in Albuquerque whereby Christian lawyers volunteered time to counsel clients and mediate disputes. John was stunned by the success of the program. Years later, as a member of the National Board of the Christian Legal Society, John was able to organize efforts to set up Christian Legal Aid efforts throughout the country. As a result of John's efforts, there are currently many Christian Legal Aid programs throughout the country, most of which follow the national guidelines John and the Christian Legal Society established. In 2006, John received the ABA's Advocates Award during ABA Day on Capitol Hill in Washington D.C. in recognition of his lifetime of service to the ABA and Legal Aid. In his words, "law has always satisfied me intellectually, but legal aid for the poor is an affair of the heart."

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