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Excerpts from an Interview with Judge Burnita Shelton Matthews of the U.S. District Court for the District of Columbia

The following selection is an edited excerpt from an interview with Judge Burnita Shelton Matthews that was conducted by Alice O'Donnell on January 10, 1985. Judge Matthews was appointed to the U.S. District Court for the District of Columbia by President Harry Truman in 1949, becoming the first woman to sit on the federal district court and the second woman Article III judge. Judge Matthews took senior status in 1968, but in 1969 and 1970 served by designation on the U.S. Court of Customs and Patent Appeals and from 1970 to 1977, on the U.S. Court of Appeals for the District of Columbia Circuit. She died in 1988.

I came to Washington about when World War I started. I wanted to study law, and there just didn't seem to be a place in my home state, Mississippi, where I could get work. So I took an examination for a position in Washington, passed it, and got the notice to report. I went to work at the Veterans Administration and enrolled at the National University Law School at night. I stayed at the VA until President Wilson left office; by that time, I had passed the bar. When I graduated from law school, I was the only woman in the graduating class, the only woman to graduate.

When I was in law school, a woman came over and asked me if I could come and picket the White House for woman's suffrage. I told her that I had no time because I was going to school at night and I was working during the day. She asked me what I did on Sundays! She finally persuaded me to go over there to the White House and picket.

Later, the National Woman's Party, who was organizing the picketing, began to ask me to advise them on legal matters. Miss [Alice] Paul was head of the Woman's Party at that time; she would ask women if they knew what laws discriminated against them in their state. Once a lady from Louisiana said that she didn't know, but she would ask her husband. She came back and reported that he said there weren't any discriminatory laws in Louisiana. So Miss Paul asked me to check the laws in Louisiana, and I found a number of discriminatory provisions. But that was true in all states.

In the District of Columbia, women weren't admitted to the Bar Association. I made an application with three other women for admission, and my check was returned to me. They said that our sponsors had withdrawn their sponsorship, but that wasn't true. They hadn't, and the men who sponsored us all said so. But, nevertheless, they said we couldn't be admitted, and we weren't for a long, long time. Women also weren't allowed to serve on juries here. I drew up a bill for the Woman's Party to allow women to serve on juries, and the bill passed, but with an addition. They'd added "but no woman should be compelled to serve against her will."

After I left the Veterans Administration, I was engaged in private practice and, eventually, the Woman's Party put me on retainer. They were interested in getting laws passed in different states, and I would draft these measures and send them to whoever was in charge of that in a particular state. At one time the party had as many as twelve lawyers working on discrimination in the law. They used to get out booklets identifying the particular laws in each state that discriminated against women. For instance, one state had a law that said that a mother couldn't inherit from her child. And that just seemed terrible—that they would put the father in and leave the mother out.

I also taught evidence at what was called the Washington College of Law and is now the Washington College of Law of American University. Two women founded the Washington College of Law. One of them was Emma M. Gillett. Miss Gillett went to Howard University and got her di-

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The Diary of General Henry Sewall

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General Henry Sewall (1752–1845), the first clerk of the U.S. District Court of Maine, kept a diary that provides a rare account of the work of an eighteenth century federal clerk of court. Appointed by District Judge David Sewall (his cousin), Henry Sewall served as clerk from 1789 to 1818. Two excerpts follow (in preliminary transcription): The first describes the court's inauguration, and the second describes the trial of Thomas Bird and Hans Hanson for "piratical murder," a famous case involving murder at sea. Spelling and punctuation are as they appear in the original diary, which is held by the Massachusetts Historical Society. The Federal Judicial History Office plans to produce an edited version of those sections of the diary that relate to Sewall's service as clerk of the court.

December 1789

Tuesday 1. Rode from New Cases into Portland—arrived about 9 o'clock. Dined with Judge Sewall, and a considerable number of respectable characters together with the Marshall and Attorney of the District Court—and received the appointment of Clerk to the said Court. After dinner, the Judge, preceded by the Marshal and Clerk, moved in procession to the Courthouse of Cumberland county, where the Marshall by direction of the Judge, opened the said District Court in due form—the Clerk read certain parts of the judicial act, and the commissions of the Judge, the Marshall, & the Attorney—after which, there being no business before the Court, it was adjourned without day.

Wm. Thatcher & Genl Lithgow appearing as my sureties, executed the Bond required for the faithful discharge of the duties of Clerk.

Lodged with Capt. Hobby.

June 1790

Wed'day 2. The Grand Jury brought in a Bill of Indictment against Thomas Bird & Hans Hanson, for piratical murder. A copy of the Indictment and the names of the Jurors summoned for their trial, being delivered them, they were remanded till Friday.

Friday 4. The trial of the criminals Thomas Bird and Hans Hanson came on and the Court, to accommodate the spectators adjourned to Mr. Deane's Meetinghouse. The Case went to the Jury about 2 o'clock—and the Court adjourned till five o'clock, at the same place, when the Jury found a verdict against Thomas Bird, and acquitted Hans Hanson. The latter was accordingly discharged by order of Court, and the former remanded to prison.

Saturday 5. The Court opened at the Courthouse at eight in the morning—and sentence of death was pronounced by the Judge against Thomas Bird agreeable to the verdict—to be put in execution the 25. inst.—The prisoner, who had appeared undaunted during the trial, on this solemn occasion, discovered some marks of concern & agitation. The sentence was delivered with great solemnity, pungency, and close application to the conscience of the prisoner, and was attended with such moving circumstances, as could not fail to draw tears from most of the audience.

After this melancholy scene, the Court adjourned without day.

Publications of the Courts

First Circuit

- Dargo, George. *A History of the United States Court of Appeals for the First Circuit, Volume I, 1891-1960.* 1993. Available from Andrew Teitz, Office of the Circuit Executive, Judicial Council of the First Circuit, J.W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109; telephone: (617) 223-9049.

Federal Judicial History Office

- Van Tassel, Emily Field. *Why Judges Resign: Influences on Federal Judicial Service, 1789 to 1992.* 1993. The Federal Judicial History Office prepared this study for the Judicial Conference's National Commission on Judicial Discipline and Removal. *Why Judges Resign* provides a historical perspective on the reasons federal judges have left the bench. The study is available from Information Services, Federal Judicial Center, One Columbus Circle, N.E., Washington, DC 20002-8003; telephone: (202) 273-4153.

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