



Court Historical Society NEWSLETTER



Eastern District of Tennessee

JANUARY 2003



OUR HISTORY—Court Historical Society member **Arthur Byrne**, left, a Knoxville attorney, and **Mrs. Byrne**, right, discuss the Society's book, *Justice in the Valley*, with its author, **Patricia Brake**, and Knoxville Mayor **Victor Ashe** at the East Tennessee Historical Society's "Meet the Authors" event on November 3 at the EHTS Museum in Knoxville. The book, published in 1998, covers the 200-year history of the Eastern District of Tennessee. Copies are still available from Providence House Publishers, 238 Seaboard Lane, Franklin, Tennessee, for \$26.95, plus shipping, or may be obtained in person over the counter at all of the offices of the U.S. District Court Clerk for \$25. The publisher's telephone number is 1-800-321-5692, and its e-mail address is books@providencehouse.com.



ALEXANDER AND AUTHOR—Former Governor **Lamar Alexander**, now a U.S. Senator, attended the East Tennessee Historical Society's "Meet the Authors" event November 3 and took a moment to talk with **Patricia Brake**, author of *Justice in the Valley*. Alexander was on hand to present an award to author and outgoing state historian **Wilma Dykeman**, who was appointed to the state post by Alexander when he was governor.

Historic Times

With three of the district's Article III judges now on senior status, these are truly historic times for the Eastern District of Tennessee. Records show that, until 2001, only three of the Article III judges serving this district during its entire history had taken senior status. The others either retired outright, went on to a higher court, or died in office. But within an 11-month period, **Judge Jordan**, **Judge Jarvis**, and **Judge Hull** all took senior status—Judge Jordan on November 30, 2001; Judge Jarvis on February 28, 2002; and Judge Hull on October 1, 2002. Previously, the only judges in this district to take senior status were **Judge Leslie R. Darr**, Chattanooga, 1961; **Judge Charles G. Neese**, Greeneville, 1982; and **Judge Robert L. Taylor**, Knoxville, 1985.

This step in a judge's career is described as the "retirement from active judicial service" but where he or she continues to perform substantial service and remains in office. Because the service was so unusual in this district, Court Clerk **Patricia L. McNutt** outlined it in the May 2002 issue of this newsletter and in the Knoxville Bar Association newsletter in an article titled "Demystifying 'Senior Status.'" Today, of the 965 Article III judges in the federal judiciary, 352 are on senior status, according to the Administrative Office of the U.S. Courts.

The manner in which Judge Neese took senior status was very unusual. He moved from the Eastern District to the Middle District of Tennessee upon doing so. The changing from one district to another by a judge is rarely done within the federal judiciary, officials said. As Judge Neese approached senior status eligibility, he thought it would be good if he could move to Nashville to be nearer his children and grandchildren, recalls his longtime secretary, **Fran Smith**. Also, he had practiced law in Nashville before going on the bench and had many friends there, she said.

The transfer was worked out between the chief judges of the two districts and the chief judge of the Sixth Circuit Court of Appeals, and Judge Neese was on his way.

The move went very smoothly, Ms. Smith recalled. "Judge Neese let Jack (**Jack Hyder**, former law clerk now practicing law in Bristol) and me decide what to take, and we took care of the entire move. I remember **Mrs. Neese** saying, 'This move was very easy for Charlie (Judge Neese); all he had to do was get his hat and drive down,'" Ms. Smith said, adding, "And that's about the truth. It was fun doing things for him and trying to make life easier for him, because

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Newsmaking Trials

Because so many high-profile trials have been occurring in the federal courts in recent years, the Administrative Office of the U.S. Courts has published guidelines on how the courts should deal with them.

We thought it would be interesting to examine here how our courts handled the media in a few of the major newsmaking trials in the Eastern District of Tennessee in the past.

In 1957, the **Knoxville** trial that grew out of the violence that occurred in **Clinton** during the desegregating of Clinton High School attracted broad national, even international, attention.

To accommodate the media, the court directed that several spectator benches be removed from the courtroom in the U.S. Post Office and Courthouse on Main Street and that tables be moved in so that reporters could sit at them and more easily take notes. The former bankruptcy courtroom down the hall from the main courtroom "was converted into a pressroom, with tables, typewriters, phones and telegraphing machines," a Knoxville News-Sentinel story said.

John Kasper, a rabble-rousing segregationist from New Jersey who came to Clinton during the desegregating of the high school, was charged, along with 15 residents of Clinton, with violating an injunction that barred interference with the desegregating. Kasper and seven of

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he was such an appreciative man and was so kind to us."

Judge Neese had an interest in history, and during his years in Nashville, he gathered information on all of the judges who had served the Middle District and wrote brief histories of each of them. And he gathered in photographs of each of them and had them

framed. Those photographs today line the wall of one of the courtrooms in the U.S. Courthouse at Nashville.

Ms. Smith's history with the court is itself a bit unusual. She and Jack Hyder moved to Nashville with Judge Neese. In 1988, Judge Neese, thinking about Ms. Smith's future, recommended her to then newly appointed **U.S. District Judge Leon Jordan**, Knoxville.

She had served with Judge Neese since June 1974. Judge Jordan appointed her as his secretary, and Judge Neese died one year later, in 1989. Ms. Smith served Judge Jordan until this past November, when she was appointed secretary by newly appointed **U.S. District Judge Thomas W. Phillips**, giving her what might be an unprecedented distinction within the federal judiciary—serving as a secretary to three district judges.

Trials *continued from page 1*

the other defendants were convicted.

More than two dozen news reporters from several major national magazines, the national television networks, the wire services, the leading Tennessee newspapers, and local news-reporting organizations covered the trial, the first in the country involving the school desegregation issue after the U.S. Supreme Court's landmark ruling in the *Brown et al. vs. the Board of Education* case.

Because **U.S. District Judge Robert L. Taylor** had authorized such convenient accommodations for the media, the reporters drafted a joint letter of appreciation and gave it to him at the end of the trial. The letter was signed by 23 of the reporters, several of whom were the top national reporters for their organizations. One was **John N. Popham** of the *New York Times*, who later became later editor of the *Chattanooga Times*. Other news organizations represented at the trial included CBS News, *Time*, *Newsweek*, *Life Magazine*, *Associated Press*, *United Press International*, and the *Washington Star*.

Court Historical Society member **Ann Taylor**, daughter of Judge Taylor and herself a news reporter today with National Public Radio in Washington, D.C., has the framed letter. She recently had the fading letter restored. Then she had a copy made and framed, and donated it to the Historical Society. (Please see letter.) →

Large numbers of spectators attended the trial. An article in the *Knoxville News-Sentinel* on July 24, 1957, said, "Standees had packed the aisles and were six to eight deep against the

dark-paneled walls when Judge Taylor sent the jury" out to deliberate.

(See "Video Gift," Page 3.)

The jury-tampering trial of Teamsters president **James Hoffa** before **U.S. District Judge Frank W. Wilson** in **Chattanooga** in 1964 attracted major media attention. Hoffa was convicted and sentenced to prison.

Harry Mansfield, Chattanooga, who was U.S. Marshal at that time, said recently that several spectator benches were reserved for

newsmen, which included a number from "the national media." A room elsewhere in the courthouse was set aside by the General Services Administration as a pressroom.

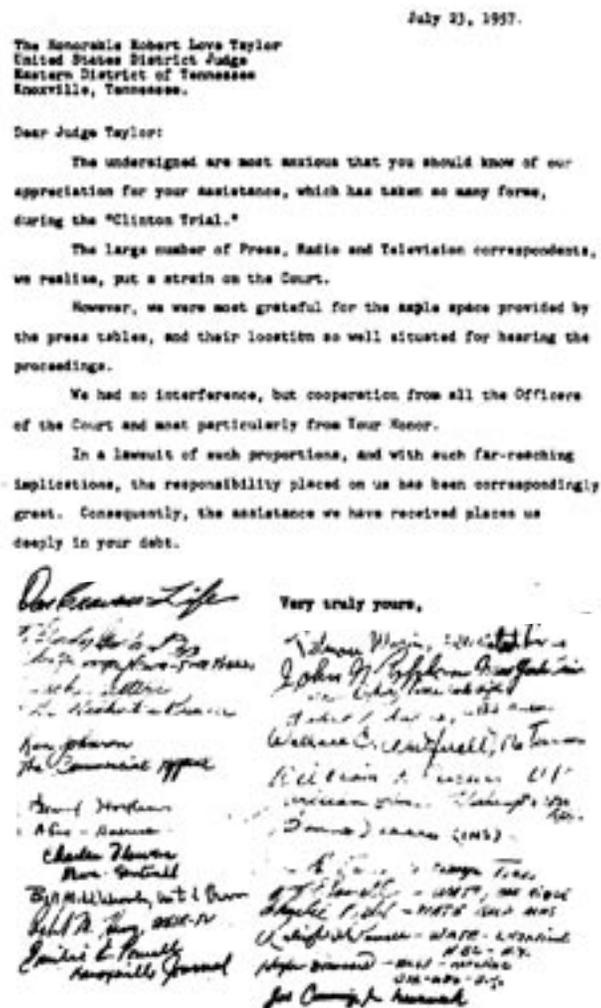
Unlike at the 1957 trial in **Knoxville**, spectators at the Hoffa trial were not allowed to stand in the aisles and around the courtroom walls. Mansfield said he imposed this rule as a security measure. If someone left, another person standing in line outside the courtroom was allowed to come in and take that seat, Mansfield said.

In the mid-1980s, elaborate plans were made by a number of news organizations for covering some of the **Butcher** bank-failure trials in the district, but when the principal figures pleaded guilty, those coverage plans, for the most part, did not materialize.

The court always cooperates with the press as much as possible, providing reporters with extra copies of court orders and allowing them limited use of an office telephone.

Court Historical Society Chairman **Jack Wheeler**, and his partner, **Robert Campbell**, also a member of the Court Historical Society, represented the National Broadcasting Corporation in a libel case tried in the **Winchester** federal courtroom before **U.S. District Judge Charles G. Neese** in 1977. Wheeler said there was a lot of media coverage of that trial, but he did not recall that any special accommodations were made for reporters.

And the religion-in-public-schools trial in the **Greenville** federal courtroom in 1983, conducted by **U.S. District Judge Thomas Gray Hull**, received a lot of exposure in the media but only a few news reporters covered the trial, and no special arrangements were made for them, court personnel said.



It Doesn't Happen Often

When newly appointed **U.S. District Judge Thomas W. Phillips** was sworn in on December 20, he became the first Article III judge to take the oath of office in **Knoxville** in 18 years, according to **Don K. Ferguson**, executive director of the Court Historical Society.

Ferguson, who was asked by Judge Phillips to participate in the investiture and recognize guests, told the audience that "this is truly a historical event," because "it isn't something that is done very often in a lifetime." He noted that Judge Phillips also became the first Article III judge to take the oath of office in the Howard H. Baker Jr. United States Courthouse and the first magistrate judge in the district to be appointed a district judge. The man for whom the courthouse is named, former **U.S. Senator Howard H. Baker Jr.**, now U.S. ambassador to Japan, administered the oath of office to Judge Phillips.

U.S. District Judge James H. Jarvis was the last Article III judge to take the oath in **Knoxville**, a ceremony that took place on October 30, 1984, at the U.S. Post Office and Courthouse on Main Street.

Among those Ferguson introduced at the Phillips investiture was Court Historical Society chairman **Jack Wheeler**, who was chairman of the Merit Selection Panel that, in 1990, recommended Judge Phillips, then an attorney, and four others for consideration by the district judges for appointment to the then newly created magistrate judge position. And today, Wheeler is chairman of the Merit Selection Panel that will recommend five candidates for consideration by the district judges for appointment to the magistrate judge position that Judge Phillips vacated.

Video Gift

The Court Historical Society's archives contain a videotape of the prize-winning **Edward R. Murrow** show "See It Now" that profiled the mid-1950s desegregating of Clinton High School and the violence that occurred—violence that, in the words of Murrow, "made news all over America and much of the rest of the world." It is titled: "Clinton and the Law, A Study in Desegregation."

The hour-long tape shows **Judge Robert L. Taylor** sitting in his chambers reciting for the television camera two key orders he put down in that case over the four years that it was in court. And there are scenes showing deputy U.S. marshals leading into the courthouse the 16 defendants charged with violating the court's injunction against interfering with the desegregating.

The videotape was provided by Court Historical Society member **Charles T. Huddleston**, an Atlanta lawyer who was a law clerk for Judge Taylor from mid-1976 to mid-1978. He received the videotape as a Christmas present about 15 years ago. Huddleston said, "My brother-in-law is a sixth-grade teacher in the **Clinton** school system (my sister teaches at Oak Ridge High School). One day, he was in the public library looking for materials on teaching civics and government, saw the video, took a look at it, and to his surprise—and my great joy—it was about Judge Taylor, and they gave me a copy for Christmas." Huddleston later had a copy made for the Historical Society.

Discussion of the videotape brought to light another memento of the Clinton High School story. Judge Taylor's son, **Dr. Robert L. Taylor, Jr.**, a member of the Court Historical Society and a retired Middle Tennessee State University history professor, said he has a 78 RPM record of another Murrow show titled "Winston Churchill," which Murrow sent to his father, "presumably in gratitude for his cooperation" on the Clinton television show. Taylor said the sleeve of the record "carries the faded, handwritten inscription: 'To Judge Taylor/With Respect/Ed Murrow.'"



THE OATH—Former U.S. Senator Howard H. Baker Jr. administers the oath of office to U.S. District Judge Thomas W. Phillips while several members of the judge's family look on. Mrs. Phillips is standing next to her husband, and his parents, Mr. and Mrs. Bill Phillips, are behind them, partly hidden from view. At the left are his daughter, Lori Phillips Jones, her husband, Phillip Jones, and their son, Alex. Judge and Mrs. Phillips' son, Wade, is out of view behind Baker. The ceremony took place in the Special Proceedings Courtroom at Knoxville.



EDITOR SPEAKS—Your editor and executive director, Don K. Ferguson, right, spoke December 12 to members of the Federal Bar Association of Northeast Tennessee at Greeneville and told them about the Court Historical Society's work and some of the colorful events that have taken place in the Northeastern Division over the years. Pictured with Ferguson are, from the left, Myers Massengill and Jack Hyder, Bristol; Charles T. (Chip) Herndon IV, Johnson City; and U.S. Magistrate Judge Dennis H. Inman. Massengill, Herndon and Judge Inman are members of the Court Historical Society.

THE HISTORICAL SOCIETY OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE, INC.
Howard H. Baker Jr. U.S. Courthouse • 800 Market Street, Suite 130
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Popular Paperweights

The glass paperweights being sold by the Court Historical Society have proven to be very popular. Approximately 200 have been purchased so far. They contain color photographs of the various buildings that today or in the past have housed federal court operations in the Eastern District of Tennessee. Those receiving the paperweights are very complimentary of them.

The company making them for the society was unable to obtain anymore glass pieces from its provider and had to seek another glass vendor, whose glass, unfortunately, cost more. This causes us to have to increase the price of the paperweights by \$5—from the original \$15 to \$20. The \$20 includes postage. We cannot honor the \$15 price after January 31. All of the building

photographs available for the paperweights are shown below. If you wish to place an order, circle the picture or pictures that you want, specify the number of paperweights you want, and send a check for \$20, made out to the Court Historical Society, for each paperweight ordered to: Court Historical Society, U.S. Courthouse, 800 Market Street, Suite 130, Knoxville, TN 37902.

These are photographs of the paperweights. The buildings pictured in the paperweights are in color. The actual paperweights measure 4 1/4 inches by 2 3/4 inches and are larger than the photographs shown here.

