

A NEWS MEMO FOR MEMBERS
of the
U.S. DISTRICT COURT HISTORICAL SOCIETY
Eastern District of Tennessee
January 2018

Politics and the Compiling of Jury Pools

Politics is far removed from the methods used today in gathering names of prospective federal court jurors, but language in a court order of 1954 dealing with the gathering of prospective jurors' names contains a reference to political parties and the intent to maintain a balance between these opposing parties. The order, standard for that time and earlier, was signed by the two judges of the Eastern District of Tennessee at that time, the late **U.S. District Judges Leslie R. Darr**, Chattanooga, and **Robert L. Taylor**, Knoxville,

Names of citizens considered good prospects to serve as jurors were placed in a wooden box from time to time by the court's jury commissioner in collaboration with the clerk or a designated deputy clerk. Periodically, those two randomly drew from that box names of people to serve as the jury pool for a term of court. The jury commissioner was generally a reputable member of the community selected by the court.

The 1954 order read:

In order that the requirements of 28 U.S.C., section 1864, may be complied with respecting opposition in political party between the jury commissioner and the clerk or the deputy clerk acting in the matter of drawing names of jurors, and it appearing that **Madge B. Hooks** and **Eva Lee**, deputy clerks, are of the principal political party in the district opposing that to which the jury commissioner belongs, it is accordingly ordered that they are designated to act with the jury commissioner in the placing of names in the jury box and in the drawing of grand and petty jurors.

The Jury Selection and Service Act of 1968 changed all of that. In compliance with the act, the judges of this district adopted the Plan for the Random Selection of Grand and Petit Jurors in October 1968, doing away with the jury commissioner procedure. Under the provisions of this plan, prospective jurors' names started being chosen by a strict formula which specifies that jury pools be compiled from names of registered voters taken from the voter registration list in each county of the district, using a random numerical selection process established by court order, a system that continues today.

Politics and Naturalization

Politics also once figured into how dates for naturalization ceremonies were selected, the purpose being to make certain that there was a span of time between these ceremonies and elections.

The Basic Naturalization Act of 1906 included the first prohibition on naturalizations before general elections. It banned the filing of petitions for naturalization and the swearing-in of new citizens within 30 days of an election. The period was changed to 60 days in 1940.

“The law was passed after a 1905 Presidential Commission investigated naturalization conditions in the United States,” according to **Zack Wilske**, historian with the U.S. Citizenship and Immigration Services.

Wilske researched the matter for us after we inquired of him about a 1946 order of this court signed by the late **U.S. District Judge George C. Taylor**.

The order read:

It appearing that September 18, 1946, is within sixty days of a general election and, therefore, prohibited as a date for the naturalization of petitioners, it is:

Ordered that all such cases now set for hearing be, and the same hereby, continued until the second Wednesday in March 1947, being the 12th day of March 1947, at 1:30 p.m.

Wilske said his research showed that one thing the 1905 Presidential Commission found was that naturalizations increased closer to elections. “Their fear was that this was due to fraud -- political machines would find immigrants willing to become citizens and vote for them and then they would bring them to the courthouse to get naturalized en masse,” Wilske said.

“This could especially be a problem in places with elected judges swearing in new citizens, so this ban was primarily to stop rushed, politically motivated naturalizations on the eve of elections,” Wilske said. “The commission also saw the fee for petitioning to become a citizen as a curb against political machines rounding up immigrants in large numbers. They wanted to make buying voters unprofitable.”

The ban on naturalizations within 60 days of an election was lifted in 1969, Wilske said. He could find no information on why the change was made, “other than it was felt that it ‘no longer served a useful purpose.’”

Naturalization 100 Years Ago

The following article about a naturalization ceremony comes from a story that appeared in the Nashville newspaper *The Tennessean* on March 12, 1918. Notice that the style of writing used by the reporter differs from that which we see in newspapers today. The ceremony was conducted in Nashville by *U.S. District Judge Edward T. Sanford*, who served as the only judge for the Eastern and Middle Districts of Tennessee at that time.--EDITOR

“Eight new citizens were made in the United States Court Monday after a full hearing of the evidence in each case. One applicant was mixed up in his understanding of the United States Constitution and was given six months to better inform himself in that regard.

“Judge Sanford stated in opening the term that he would hear only urgent cases during this term of court at Nashville, owing to the crowded state of the docket, and asked the attorneys to present only such cases as came under that head.

“The applicants for citizenship showed evidence of having endeavored to prepare themselves for it, and some answered questions concerning the form of government better than the average voter might have answered them. The examination in this regard was intended to develop the applicant’s general knowledge of the government under which he wished to live.”

Judge Sanford set aside an order of naturalization of a German man because it was filed after the United States declared war against Germany in 1914. “Paul Richard Ulrich was born in Germany, but Judge Sanford stated that he entered this order with regret, as he believed that Mr. Ulrich would make a good, loyal American citizen,” the newspaper story said. [The ceremony took place eight months prior to the end of World War I.--EDITOR]

In his remarks to the new citizens, Judge Sanford told them “they must study public questions and vote intelligently. The first duty of the citizen is to be honest and intelligent. In times like this, all responsibilities are increased. This war we are waging is a war for democracy, a death struggle against autocracy.”

Sanford told the citizens they “must aid the government in every possible way. Not only must they give up their surplus, but in sacrifice must give up many things they want. Be ready to do, be faithful, be loyal, be steadfast.”

EDITOR’S NOTE--We are grateful to Knoxville attorney *Stephanie Slater* for providing us with this newspaper article. She ran across it in her research for her book on *Justice Sanford*, which is being published by UT Press and is due out in the spring of this year. Sanford served at the District Court level before being appointed to the U.S. Supreme Court in 1923.

Society Action in 2017

Th following report is made annually to you, our members, to let you know of the Court Historical Society’s accomplishments during the year. Thank you for your support and interest. It is your dues that make the work of the Society possible.

Provided assistance and information from the Society’s archives to Judge Neil Thomas

in his effort to gather information about the late U.S. District Judge Frank W. Wilson for compiling a biography of the judge.

Assisted the University of Tennessee Special Collections Library regarding its interest in establishing a lecture series about the jurists whose papers it has on file at the Howard H. Baker Jr. Center for Public Policy.

Provided photographs from the Court Historical Society's archives for use in the book "Full Court Press," about legendary University of Tennessee women's basketball Coach Pat Summit, by authors William H. Haltom and Amanda Swanson, due to be published by UT Press in the fall of this year.

Arranged for a large number of transcripts of interviews with the late U.S. District Judge Robert L. Taylor to be donated to the Society. The interviews were done in 1981 by former University of Tennessee College of Law Professor Fred LeClercq. Transcripts of interviews that the professor did with Judge Taylor's longtime secretary and with the late U.S. District Court Clerk Karl D. Saulpaw Jr. during that same period were included in the donated papers.

Provided Society member T. Harold Pinkley with a copy of the oral history the Society did in 2002 on the late H. Ted Milburn, former U.S. District Judge and U.S. Circuit Judge. Pinkley used the history to help prepare a memorial to Judge Milburn for presentation at the Chattanooga Bar Association's annual memorial service.

Gave the family of the late Baxter Lee a detailed article about him from the Society's archives. Lee, a Knoxville lawyer, died in 1939, a few days before he was to be sworn in as a U.S. District Judge in Chattanooga. The lengthy article was written for the Society's newsletter in February 2000 by the late Knoxville attorney Arthur G. Seymour, a friend and neighbor of Lee's.

Assisted the Crime Museum in Pigeon Forge, Tennessee, in contacting for an interview the woman featured in the Society's newsletter as having attended the James Hoffa trial in 1964 to do a report while she was a high school student.

Assisted the Ed Johnson Project with information for Mindflow Media, the company doing a video on the Johnson case, which deals with the lynching of a black man in 1907.

We continued our work in adding historical memorabilia to the History Center in the Howard H. Baker Jr. U.S. Courthouse in Knoxville and to the display cabinets in the Greeneville and Chattanooga federal courthouses. And we conducted numerous tours of the History Center, which continues to be a highlight for courthouse visitors and student groups.

###

Don K. Ferguson, Executive Director
January 2018