



Court Historical Society NEWSLETTER



Eastern District of Tennessee

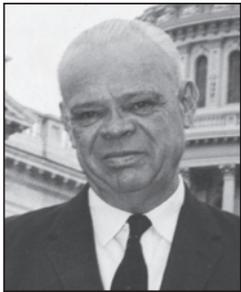
MARCH 2008

Campaign for Congress

Many know the reputation of **Frank W. Wilson** as an outstanding federal judge of the Eastern District of Tennessee, but as time passes, it is likely that fewer and fewer remember that in 1950, he was a candidate for the Second District seat in the U.S. House of Representatives.

This was 11 years before he became a judge. He opposed the late **Howard H. Baker Sr.**, father of the former senator and ambassador to Japan, in what news reports called one of the strongest Democratic bids in years for the congressional seat. The vote was just over 38,000 for Baker and just under 35,000 for Wilson. There hasn't been a closer race for the seat since. At the time, Wilson was a 32-year-old attorney practicing in Oak Ridge.

Upon his defeat, Wilson, in his typical gentlemanly style, said, "I wish to compliment my opponent upon the diligent manner in which he conducted his campaign. I am grateful



Baker



Jennings

Photos courtesy of Howard H. Baker Jr. Center for Public Policy

for the friendly relations that have continued to exist between ourselves and our respective supporters."

In a statement the day after the election, Baker said he considered Wilson "a fine, high type man."

It is believed that Wilson is the only judge of this district to have waged a campaign for Congress before being appointed to the bench. **David M. Key**, who served the Eastern District of Tennessee as a district judge from 1880 to 1895, served in the U.S. Senate before going on the bench, but he served by appointment.

Key was appointed to the Senate seat in 1875, filling the vacancy created by the death of **Andrew Johnson**, and he served until 1878, when he was appointed U.S. Postmaster General. He resigned in 1880 to accept the federal judgeship.

The 1950 race was Baker Sr.'s first run for the U.S. House of Representatives, although in 1940 he had lost a U.S. Senate bid to **Kenneth McKellar**. In the 1950 Republican primary election, Baker Sr. won the nomination over incumbent **U.S. Representative John Jennings**, who had held the seat since 1939.

Baker Sr. held the seat until his unexpected death in January

1964. He was succeeded by his widow, the stepmother of **Howard Jr.**, in a special election in March 1964. She had agreed to serve out her husband's term on a caretaker basis and was succeeded by **Knoxville Mayor John J. Duncan Sr.** 1965. He served until his death in 1988 and was succeeded by his son, **John J. Duncan Jr.**, who continues to serve today.

Jennings, a lawyer, returned to his Knoxville law firm, Jennings, O'Neil and Jarvis, and practiced until his death in 1956. The Jarvis in the firm was **Howard Jarvis**, father of the late **U.S. District Judge James H. Jarvis**. The firm today is O'Neil, Parker & Williamson.

In 1950, the Second Congressional District was composed of nine counties: Anderson, Blount, Campbell, Knox, Loudon, Morgan, Roane, Scott, and Union.

Today, it consists of only six: Blount, Knox, Loudon, Monroe, McMinn, and a portion of Sevier. ■

An Oral History Story

By Don K. Ferguson

The oral history program of the Court Historical Society has provided an invaluable collection of information about the court and the people who have been associated with it through the years.

I have interviewed 50 people since 1990, and their stories are tucked away in the Society's archives in the History Suite of the Howard H. Baker Jr. United States Courthouse.

One of the earliest was that of Johnson City attorney **Walter Lee Price**, a former law partner of **U.S. District Judge Leon Jordan**, at whose suggestion the interview was conducted in 1991.

Price, now retired and 94 years old, recalled in his interview the background on the creation of the Memorial Committee that each year, around Memorial Day, conducts a memorial service in the Greeneville federal court for all lawyers in the Northeastern Division who have died during the preceding year.

Price was the Memorial Committee's first chairman and continued in that role for about 16 years until only a few years ago. He said **Judge Charles G. Neese** created the committee by court order in the mid-1970s and named him chairman.

"We used to get a principal speaker, but eventually, we limited the program to eulogies and brief introductory and closing remarks by someone, and remarks by the presiding judge," Price said.

"Judge Neese had two things in mind. One of them, obviously, was to pay proper respect to the deceased members of the bar, and his other idea was to have a ceremony that would do something to correct the misapprehension that a lot of the public has about the bar, and to have some good public relations for the bar instead of all bad," Price said.

Today, Johnson City lawyer **Margaret B. Fugate** serves as chair of the court's Memorial Committee. ■

The History of the Sixth Circuit Judicial Conference

By James A. Higgins
Retired Circuit Executive
(Condensed because of space)

(The Sixth Circuit Judicial Conference will be held in Chattanooga May 7-10, so we thought members would find this history of the Conference of interest.--EDITOR)

The Sixth Circuit Judicial Conference first met on January 12-13, 1940.

In the 1930s, **Chief Justice Charles Evans Hughes** submitted several proposals to enhance the administration of the federal courts, including the establishment of circuit judicial conferences at which circuit and district judges would meet with members of the bar to discuss judicial administration.

The statute provided for the attendance of circuit and district judges along with participation in the conference by members of the bar under rules prescribed by the circuit court.

Participation by members of the bar was very limited in the early years. The state bar presidents were invited to attend or to send a representative to the conference, but they took no active role in the planning or discussions at the conference.

Bankruptcy judges were included as statutory members of the circuit conference in 1979, and all magistrate judges were included in the conference by court rule in 1985.

The first conference held in Tennessee was in 1964 at

Gatlinburg. It proved to be a popular spot, and the next two Tennessee conferences were held there, in 1970 and 1974.

The growth of the federal judiciary in the 1980s and 1990s was reflected in the increasing size of the circuit conference. By the mid-1990s, there were more than 170 federal judges serving in the circuit, district and bankruptcy courts of the Sixth Circuit. Many judges felt that it was difficult to get to know their colleagues from around the circuit at the big conferences and that the topics of the conferences tended to focus more on practice-related issues rather than judge-related issues.

Another concern on the part of some judges was that the delegate system, by which the only attorneys who attended were those invited to attend by a circuit or district judge, deprived many attorneys who regularly practice in federal courts of the opportunity to attend and to contribute to the circuit conferences.

After several years of study and consultation with members of the bar, the Court of Appeals adopted the current version of Rule 205 in 1998, to be effective with the conference held in 2000. Rule 205 established two types of conferences: "open" conferences and "judges only" conferences. ■

Snail Darter Case

A symposium about the legendary snail darter case tried in the Knoxville division of U.S. District Court in the 1970s will be held at the University of Tennessee College of Law on April 18, the 30th anniversary of the date the case was argued in the U.S. Supreme Court. The two items pictured here are from the Court Historical Society's History Suite in the Howard H. Baker Jr. U.S. Courthouse and will be on exhibit at the symposium.

The artist's sketch, done during the trial by **Anna Sandhu** for television, shows the late **U.S. District Judge Robert L.**

Taylor presiding. The other photograph shows the actual fish that was one of the trial exhibits. The vial it is in still contains the official court tag bearing the exhibit number. The fact that the Tellico River, the site of Tellico Dam, was the habitat of the snail darter, said then to be an endangered species, the construction of the dam was delayed for several years. ■



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