



# Court Historical Society

# NEWSLETTER

Eastern District of Tennessee



MAY 2013



**BOOK WINS AWARD**--*Court Historical Society President Charles Atchley, left, and Judge Leon Jordan hold the certificate representing the Award of Distinction won jointly by the Society and the court for the book Portraits of U.S. District Judges. The award was presented by the East Tennessee Historical Society at its annual meeting on May 7.*

Photo by Jack Williams  
East Tennessee Historical Society

## Portrait Book

The book *Portraits of U.S. District Judges of the Eastern District of Tennessee* is now completed and off the press. The 47-page book features portraits of the 17 federal judges that are displayed in three of the federal courthouses in the Eastern District of Tennessee.

In addition, the book contains official photographs of three of our judges who have not yet been subjects of portraits. Dates of appointment and service and a brief biographical profile of each judge are included in the book. Only the first four judges to serve this district--those who served before 1880--are missing. The court does not have portraits of these judges.

The book will be made available to selected libraries, historical collections, other federal historical court societies, and to others who have an interest in the portraits. The cost is \$12, including postage. They may be ordered from the Court Historical Society. The address is available in the masthead of this newsletter. Checks should be made payable to the Court Historical Society.

Until this book, there was no central record of the portraits. The idea to compile the book originated in 2012 with **Judge Curtis L. Collier** during his tenure as chief judge of the district and was carried forward to implementation this year under the guidance of **Chief Judge Thomas A. Varlan**. Both judges are members of the Society.

## Spreading the Burden

By Don K. Ferguson

A short newspaper story from 1961 that we happened to run across recently while looking through some microfilmed issues of the former Chattanooga News-Free Press underscores one way in which times have changed in our court in the last half century. The article appeared on November 17, 1961.

It reported on the attorney admission ceremony conducted by the late **U.S. District Judge Frank W. Wilson** four months after his appointment to the federal bench. His comments to the attorneys were particularly noteworthy.

At that time, attorneys who helped the court by accepting appointments to assist indigent defendants in criminal cases received no pay. There was no method for paying them, something that surely seems foreign to many lawyers today.

The newspaper article said, "Judge Wilson said he has been discussing with the local bar association possible new methods of appointing attorneys for defendants who are financially unable to pay an attorney's fee." The article continued, "The judge noted the burden placed on some attorneys willing to be appointed and said he seeks a method of spreading the burden over a larger group."

Procedures for alleviating this problem had been discussed in Congress for years, but nothing had been done to remedy it. The national federal defender system was first discussed in 1937.

The director of the U.S. Bureau of Prisons from 1937 to 1964, **James V. Bennett**, said that during his tenure "the bulk of the American bar shunned criminal practice, leaving the judges with few lawyers to choose from when they did seek to appoint lawyers for poor defendants," according to an article in the March 2013 issue of *The Federal Lawyer*.

After years of discussions, the Criminal Justice Act of 1964 was passed, establishing procedures for paying lawyers for representing indigent defendants.

Old-timers will remember that, before this time, it was commonplace to see lawyers, who happened to be in court on

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## Spreading the Burden *continued*

other cases on arraignment day, squirm in their seats and try to avoid eye contact with the judge for fear of being appointed to represent a defendant who could not afford to hire a lawyer.

*The Federal Lawyer* article said, “The passage of the Criminal Justice Act of 1964, after 30 years of struggle, was hailed as a watershed moment in the history of federal criminal justice.”

## An Added Membership Option

The Court Historical Society board of directors has voted to add a Lifetime Membership option. For a one-time payment of \$500, a member or prospective member will receive a lifetime membership in the Society, and no further dues payment will be required.

As an incentive, those wishing to use this option may count toward the \$500 the amount in dues that they paid last year. For example, a member who held a \$50 Sustaining Membership last year may this year enroll as a Lifetime Member for \$450. A member who was enrolled as an Individual Member at \$25 would this year enroll as a lifetime member for \$475.

The board took this action following a suggestion by a member who felt that there are those who would be interested in increasing their support of the Society and would not have to re-enroll every year.

We thought it would be helpful to list here some of the expenses the Society incurs through the year:

Photography, prints and digital recordings	Copying of documents
Converting videotapes to digital for preservation	Postage
Frames and framing service	Purchase of a small photocopier and filing cabinet
Materials for souvenir paperweights	Bookkeeping service
Engraving services	Graphics design work
Newsletter printing	Personnel assistance in maintaining the numerous archived files and adding new documents to the archives

The Society appreciates the support of its members--support that enables the Society to continue its ongoing work of collecting, cataloging, and preserving historical memorabilia of the court and its personnel.

THE HISTORICAL SOCIETY  
 OF THE UNITED STATES DISTRICT COURT  
 FOR THE EASTERN DISTRICT OF TENNESSEE, INC.  
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*NEW DISPLAY--Congressman John J. Duncan Jr., center, is shown with Judge Thomas A. Varlan, left, and Judge Thomas W. Phillips. They are standing in front of a new Court Historical Society display that recognizes the Congressman's role in the development of the Howard H. Baker Jr. U.S. Courthouse in Knoxville in the mid-1990s. The new display is seen just over the shoulders of Judge Varlan and Congressman Duncan.*

## The Duncan Role

A new display has been added in the History Suite of the Howard H. Baker Jr. U.S. Courthouse in Knoxville--a framed photograph combination of **Congressman John J. Duncan Jr.**, and his father, former Knoxville Mayor and later **Congressman John J. Duncan Sr.**

The display memorializes Congressman John J. Duncan Jr.'s role in the 1990s in helping obtain funding for a new federal courthouse in downtown Knoxville and for introducing the resolution enacted by Congress to name the new courthouse the Howard H. Baker Jr. United States Courthouse in honor of the former Tennessee Senator and former Ambassador to Japan.

The new display was placed beside an existing similar photo display showing former **U.S. Senators Bill Frist and Fred Thompson**, Tennessee's two Senators who guided the courthouse legislation through the U.S. Senate. Both displays are projects of the Court Historical Society.

## Note to Members

We now have email addresses for almost all members, as most of you know. If you believe that we do not have your email address, we hope that you will send it to us. (Our email address is below.) We will continue to send the newsletter by postal mail, but from time to time, we will send Society information by email. If you do not have an email address, we will send to you, by postal mail, all news items that are sent electronically. You will not be left out. Our address: [courthistory@comcast.net](mailto:courthistory@comcast.net)