



Court Historical Society NEWSLETTER *Eastern District of Tennessee*

MAY 2015

The End of Invocations



Margaret Klein

At our request some years ago, retired Knoxville lawyer **Margaret G. Klein**, a longtime member of the Court Historical Society, gave the Society for its archives her recollections of the 1982 ceremony in which she became an American citizen.

She remembers the occasion not only because she was taking the huge step of renouncing her citizenship in her native Scotland and “all allegiance to the Queen

and my Scottish ancestors,” but because of something else that took place that no longer is a part of the naturalization ceremonies--an invocation and benediction by a minister.

“I recall that on the day, when I was sworn in, a Southern Baptist preacher rambled on for 10 or 15 minutes with a spirited plea to Jesus Christ to bless everyone in the audience,” Klein said. “This did not seem to me to be particularly appropriate, when probably half of those being naturalized were Hindus, Moslems, Buddhists, agnostics, or atheists.”

“However, the tradition continued, and I did not believe that it was my place to suggest that the invocation be scrapped,” she said.

“Then, in 1983 or 1984, a representative of the local chapter of the American Civil Liberties Union lodged a formal protest based upon the First Amendment’s prohibition against the establishment of religion.”

“Since that time, the citizenship ceremony, which is an impressive and often heartwarming scene, has proceeded without religious overtones and is purely a secular event,” Klein said.

The ceremony took place in the U.S. Post Office and Courthouse on Main Street, the former home of the U.S. District Court. That building today houses the Tennessee Supreme Court and the other state appellate courts.

Klein later became a frequent and popular speaker at naturalization ceremonies in the Knoxville federal court, speaking on at least eight occasions in the 1980s and 1990s. She retired from the practice of law in 2008 and moved to Chapel Hill, NC, in 2011.

EDITOR’S NOTE--For as long as old-timers associated with the court can remember, it had been the practice in the Knoxville federal court for a minister to give an invocation and benediction at naturalization ceremonies until, as Klein says, the practice ceased in the mid-1980s. The Greeneville and Chattanooga divisions of the court have never had a minister participate in naturalization ceremonies, to the best of anyone’s memory.

Politically Incorrect

Another thing that happened at **Margaret Klein**’s naturalization ceremony in 1982 also stands out in her memory and reflects another changing of the times. It involved the presiding judge, the venerable **U.S. District Judge Robert L. Taylor**, 83, who was nearing the end of his long career on the bench.

It was his practice at these ceremonies to ask each applicant for citizenship why he or she wanted to become an American citizen. It was an interesting part of the ceremony, and often, the applicants gave moving answers.

Klein noted the judge’s lack of political correctness. “When my turn came [for the judge’s question], he apparently had been told about me in advance,” Klein said, “He typically asked the male applicants where they worked and so forth, and he asked the women what their husbands did.”

“He peered down at me and exclaimed, ‘Aha, so you’re the lawyer! And what does your husband do?’”

“He’s a professor of history at UT,” Klein said.

“Has he taught you any history?” the judge asked.

“A little bit,” she said, “and I’m trying to teach him some law, Your Honor.”

“The judge said, ‘Very well,’ and I stumbled back to my seat,” Klein said.

EDITOR’S NOTE--Klein’s husband was Dr. Milton M. Klein, University of Tennessee Historian and a friend of the Court Historical Society. He died in 2004.

Sanford To Be Subject of Book



Stephanie Slater

Law clerk **Stephanie Slater** has written a manuscript about former **U.S. Supreme Court Justice Edward T. Sanford** of Knoxville, and it is currently under review by UT Press for possible publication.

She says the manuscript has been a labor of love, one that had its beginnings when she served as a law clerk for then **U.S. Magistrate Judge Thomas W. Phillips** in the U.S. Post Office and Courthouse in

Knoxville in the early 1990s. The working title of the manuscript is *Emerging from Obscurity: Edward Terry Sanford, Tennessean on the Nation's Highest Court*.

“During hearings in the courtroom, I would glance up at the huge portrait that hung on the wall behind the bench, Slater said. “Intrigued, I investigated and learned that the person depicted was Edward Terry Sanford, a Knoxville native who had once sat on the United States Supreme Court,” she said. “I wondered, why are you overlooked? I was dumbfounded that I had never heard of him being discussed during my time at the University of Tennessee, and, to my knowledge, no local memorials to him existed.” She said her book project seeks to answer that question and to enlighten readers regarding Sanford’s background and life.

The completion of her manuscript coincides with an editorial in the Knoxville News Sentinel just last December proposing that Sanford be publicly honored, saying “some type of public recognition is appropriate and long overdue.” The editorial said Sanford and another native Knoxvillean, publisher **Adolph Ochs**, both rose to national prominence in their fields but largely have been overlooked. Ochs, who worked at the Knoxville Chronicle and later the Tribune, bought controlling interest in the Chattanooga Times at age 19 and later bought a struggling newspaper called the New York Times.

The Court Historical Society, at the encouragement of **Chief U.S. District Judge Thomas Varlan**, the Honorary Chairperson of the Society, Knoxville, and **Senior U.S. District Judge Curtis Collier**, Chattanooga, has, for some time, been in the preliminary stages of planning an event, in association with the East Tennessee Historical Society, to honor Justice Sanford. He served as the U.S. district judge in the Eastern District of Tennessee from 1908 to 1923 and on the high court from 1923 until his death in 1930.

EDITOR’S NOTE: The Sanford portrait that inspired Slater now hangs in the History Suite of the Howard H. Baker Jr. U.S. Courthouse in Knoxville. (See picture below.) Slater has served as senior law clerk for Tennessee Court of Appeals Judge John W. McClarty since 2009. She has previously served as a law clerk for other Tennessee appellate court judges and earlier served as senior law clerk for Judge Phillips during his latter years as a Magistrate Judge and after he was appointed a U.S. District Judge. Her federal tenure ended in 2006.

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Sanford Portrait in Courthouse History Suite