



Court Historical Society NEWSLETTER

Eastern District of Tennessee



MAY 2014

Newspaper Collection Donated

Issues of major newspapers that chronicle a notable Baltimore trial conducted by an Eastern District of Tennessee judge in 1977 have been donated to the Court Historical Society and are now in the Society's archives at the Howard H. Baker Jr. U.S. Court-house in Knoxville.

The newspapers have been stored at former law clerk **James Brennan's** home for more than 35 years. Brennan, who lives in Chicago, is a longtime member of the Court Historical Society. He saved the newspapers all these years. Sometime ago he discussed with us his plan to someday donate the newspapers and recently followed through on that plan.

Brennan, a graduate of Indiana University Indianapolis Law School, was a law clerk for the late U.S. District Judge **Robert L. Taylor** at the time the judge tried Maryland Governor **Marvin Mandel** on mail fraud charges. Brennan said the newspapers provide an amazing daily history of the trial. It was, of course, a major case and resulted in a Page One story daily during the three-month trial.

There are two boxes filled with numerous issues of *The (Baltimore) Evening Sun*, *The Washington Post*, and *The New York Times*.

The Chief Justice of the United States at that time, **Warren Burger**, handpicked Judge Taylor, then age 77, to try the case after one judge had been involuntarily recused from the case by way of a mandamus resulting from a conflict of interest and another had asked to be relieved from it following an earlier mistrial in the case.

Brennan served as a law clerk for Judge Taylor from 1975 through 1977 and spent a considerable amount of time with the judge in Baltimore during the trial. After his clerkship ended, Brennan returned to his hometown of Chicago and practiced mainly in banking law and regulation. In 2000, he went to work for a bank client, helped take them public in 2005, and today serves as executive vice president and general counsel for that firm.

To preserve the newspapers, the Society has purchased special acid-free containers designed for storing newspapers. The Society is grateful to Brennan for donating the newspapers, which will be useful to future historians.

Judge Taylor's other law clerk during that period was **Charles T. Huddleston**, a UT College of Law graduate, who also spent



BIG NEWS--It was big news when Maryland Governor Marvin Mandel was sentenced on criminal charges, as shown by this Page One story and headline of the October 7, 1977, issue of The Baltimore Evening Sun, one of several old newspapers in the collection recently received by the Court Historical Society.

considerable time at the Mandel trial. He has practiced law in Atlanta for many years. He, too, is a longtime member and supporter of the Court Historical Society and was helpful in the preparation of this article.

Bernstein Recalls Judge's Assignment

During the early stages of the Chief Justice assigning the case to **Judge Taylor**, he had two or three telephone conversations with the judge. Knoxville lawyer and longtime Court Historical Society member **Bernard Bernstein** recalls being in Judge Taylor's chambers during one of them.

"The judge kept saying 'chief this' and 'chief that,'" Bernstein said recently, and when the judge hung up, he said, "That was Chief Justice Burger." Bernstein said he told the judge that he apparently had done such a good job with the Judge Kerner case that they wanted him to do the same thing with the **Mandel** case. (Four years earlier, Judge Taylor had been specially assigned by the Chief Justice to try U.S. Circuit Judge and former Illinois Governor **Otto Kerner** on bribery charges growing from his days as governor.)

Bernstein said both assignments came during the winter, and he jokingly asked Judge Taylor, "Why don't they send you to the Virgin Islands or Puerto Rico in the winter?"

Reflecting recently on that meeting with Judge Taylor, Bernstein said he had remembered it through the years, and that it was all very pleasant.

“TVA Goes On Trial For Its Life At Chattanooga”

Life magazine, November 29, 1937

In a frescoed courtroom at Chattanooga, Tenn., on Nov. 15, three Federal judges, one a woman, mounted the bench to hear one of the most far-reaching cases in U. S. constitutional history. Massed on one side were 18 Southern utility firms with assets totaling a billion dollars. Opposed were directors of the Tennessee Valley Authority whose gigantic hydraulic program will absorb over half that sum. On the legal scales were the prestige of the U. S. Government and the question of its right to sell power in competition with private enterprise.

More than billions hang on the slow unwinding of testimony that continues day by day in Chattanooga. In doubt also is the fate of a vast economic experiment of which TVA may be only a beginning. Seven similar regional-conservation authorities are under Congressional consideration. If TVA wins, America may enter a new economic order, based on Governmental exploitation of national resources.

The specific issue which the Chattanooga court must decide is: Did the Government conceive TVA primarily as a power-producing project, or were its electrical plants incidental to programs for flood control and waterway improvement? Whatever their verdict, it will be submitted to the Supreme Court for final decision, probably before next summer.

The *Life* magazine containing the above headline, article, and five photographs has been donated to the Court Historical Society by C. Kenneth Still and his brother, Jim Still, Chattanooga. Kenneth is the longtime Chapter 13 Bankruptcy Trustee in Chattanooga and a friend of the Society. [We did a profile of Kenneth in the

Historic Events

Two historic events took place in the Howard H. Baker Jr. U.S. Courthouse within a five-week period. The first female Article III judge for the Eastern District of Tennessee, the **Honorable Pamela L. Reeves**, took the oath of office on March 10, and on April 14, U.S. Supreme Court Justice **Antonin Scalia** visited the courthouse, becoming the first member of the high court to visit the Howard H. Baker Jr. U.S. Courthouse. He was in Knoxville for an event at the University of Tennessee College of Law, and **Chief Judge Thomas A. Varlan** invited him to the courthouse for a small reception.

March 2007 issue of this newsletter as the longest serving Chapter 13 Trustee in the Eastern District of Tennessee and the fourth longest-serving in the country.--EDITOR]

A large number of the magazines were among things left by Jim's mother-in-law following her death. When Kenneth saw the page about the TVA case, he thought of us and sent the magazine to us.

Two of the photographs accompanying the article show the third-floor courtroom in the Chattanooga federal courthouse, presumably while court was in session. The judges are on the bench, and a battery of lawyers are busy at work at the two tables. One of the captions reads: "Hearing TVA's fate is a three-judge tribunal created under the revised Judicial Reform Bill."

The other three photos show a Tennessee River scene, a TVA power plant, and a crude, rural, shack-like home. The caption under the power plant photo reads: "Power from U.S.-owned plants is what the private utilities oppose. They contend TVA's low rates are confiscatory." The caption for the crude home scene reads: "Social significance of TVA lies in elevating the economic level of homes like this."

EDITOR: Note that in the Life article, the writer said that one of the three federal judges hearing the case was a woman. She was U.S. Circuit Judge Florence Allen, appointed by President Franklin Roosevelt, the first woman to be appointed to a federal appellate court. It is coincidental that this article came to our attention at the same time that this district's first female Article III judge was taking office, 77 years later, U.S. District Judge Pamela L. Reeves. (See article elsewhere in this newsletter.)

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