

# HISTORICAL SOCIETY NEWSLETTER



June 1998

## *The Book: Justice In The Valley*

### HOW DID WE DO IT?

The book covering the court's 200-year history, *Justice in the Valley*, will be coming off the presses in August. Please see the enclosed announcement. We feel strongly that you will find the book to be one that you will want to add to your collection. Much work has gone into the compiling of the information for the manuscript and the gathering of the photographs that will be included.

**Dr. Patricia Brake**, the historian retained by the Society in 1994 to compile and write the history, traveled to the Federal Archives in Maryland and Atlanta, to the court offices in Chattanooga and Greeneville, and to the state archives in Nashville to do research and gather information. And she spent long hours doing legal research at the UT Law Library. In addition, she pored over records that the court had on hand, including the 24 oral histories that the Society has compiled since its inception in 1993.

Dr. Brake spent a considerable amount of time organizing the material and writing the 350 typewritten pages. Then the search for photographs began. We checked with archivists at the public libraries in Chattanooga, Greeneville, Knoxville, and Winchester and at the UT Special Collections Library. We consulted with those who maintain the archives at newspapers in the four cities. All those we consulted were extremely cooperative in providing old photographs. We even found a few prized photographs in the possession of some who have had close connections with the court over the years. Reprints had to be obtained, as did permission to use the photographs, a sometimes lengthy process. In addition, a few new photographs were made for inclusion in the book.

We plan to have a pre-publication sale in which members may order copies of the book at a reduced price, with the requirement that payment be submitted with the order. More will be announced on this prior to the August publication date. Upon publication, *Justice in the Valley* will be available at bookstores throughout the district, or it can be ordered directly from the publisher.

All in all, we are very excited about the book, and we believe that you will be equally excited.

## *Historical Notes About:*

- \*Naturalization ceremonies
- \*Law Clerks
- \*Magistrate Judges

### **NATURALIZATION CEREMONIES –**

These ceremonies are held in U.S. District Court, usually twice a year in Chattanooga and Knoxville and once a year in Greeneville. But when did the federal courts start conducting such ceremonies? The Immigration and Naturalization Service says naturalization ceremonies first took place in 1906, when a law was passed that said all final hearings (the occasion when applicants for citizenship take the Oath of Allegiance) would "be had only on stated days to be fixed by the rule of the court." In this way, groups of people came to be routinely naturalized on the same day, and the public became more aware of the naturalization process, according to the INS.

Retired UT Historian **Milton Klein**, husband of Historical Society board member **Margaret Klein**, a Knoxville attorney, searched out much of the naturalization history for us.

The Oath of Allegiance administered to every applicant approved for citizenship by the INS follows:

**I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which I have heretofore been a subject or citizen; that I will support and defend the**

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**constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by law; or that I will perform noncombatant service in the Armed Forces of the United States when required by the law; or that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely without any mental reservation or purpose of evasion; so help me God.**

**LAW CLERKS**--Law clerks provide invaluable assistance to federal judges, but district judges haven't always had the service of law clerks. In 1942, the Judicial Conference of the United States authorized one law clerk position for each district judge. Many judges had criers at that time, but over the years, judges chose more and more to have a second law clerk instead, and the number of criers in chambers diminished. The position of law clerk was authorized for magistrate judges in 1979 and for bankruptcy judges in 1984, each magistrate judge and bankruptcy judge being allowed one law clerk.

**MAGISTRATE JUDGES**--The federal magistrates system was established by Congress with the adoption of the Federal Magistrates Act of 1968, which built upon and superseded the 175-year-old commissioner system. Prior to the passing of this act, those serving in this capacity were known as United States commissioners. In the early years, commissioners handled largely bail matters and tried petty offense cases arising on federal properties. The role of the U.S. commissioner was expanded somewhat through the years, but it was the 1968 act that changed the

position considerably. After testing the new act in a pilot program in five districts, the Judicial Conference of the United States authorized 61 full-time magistrate positions and 449 part-time positions. By 1971, the magistrate system had replaced the commissioner system in all districts. The authority of magistrates was clarified and expanded in 1976 and again in 1979. In 1990, the name of the position was changed to United States Magistrate Judge. This district's first full-time magistrate was Knoxville attorney **Thomas Dillard**, who served from mid-1976 to early 1978 and then returned to the U.S. Attorney's office. Dillard, who is in private practice today, was succeeded by **Magistrate Judge Robert P. Murrian**, who still serves today. Next in terms of seniority among the magistrate judges in this district are **Magistrate Judge John Y. Powers**, Chattanooga; **Magistrate Judge Thomas W. Phillips**, Knoxville; and **Magistrate Judge Dennis H. Inman**, Greeneville. (Chattanooga attorney **Roger W. Dickson** and Morristown attorney **Joe A. Tilson** have held full-time magistrate judge positions in this district in the past; Dixon resigned to return to the practice of law and Tilson retired.)

### **Judge Morton Dies**

One of the oral histories in the Society's collection is that of **U.S. District Judge L. Clure Morton**, who died April 11 at the age of 82. He and his brother, Knoxville attorney **George W. Morton**, were interviewed only one year ago, providing valuable information about their early years and their careers. Judge Morton was a practicing attorney in Knoxville in 1970 when then newly elected U.S. Senator Howard H. Baker, Jr., nominated him for a judgeship at

Nashville in the Middle District of Tennessee. Upon appointment by President Richard M. Nixon, Judge Morton moved to Nashville. In 1977 he and his wife moved to the Middle District's divisional office at Cookeville. The U.S. Post Office and Courthouse at Cookeville is named in his honor. His wife died in 1993, and in 1996, Judge Morton retired and returned to Knoxville. His death was noted in *The New York Times*, which published a story and his photograph on April 19.

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