



Court Historical Society NEWSLETTER



Eastern District of Tennessee

AUGUST 2005



Photo courtesy of Knoxville News Sentinel

JARVIS MEETS BURGER--This photo, made on April 13, 1993, shows retired U.S. Chief Justice **Warren Burger**, right, shaking hands with U.S. District Judge **James H. Jarvis** as former U.S. Senator **Howard H. Baker Jr.**, center, looks on. Burger was in Knoxville to make a speech, during which he said, "If this country let the retired chief justice pick the president of the United States, he (Baker) wouldn't be practicing law." The comment drew thunderous applause from the audience of several hundred.

Burger For A Woman

The retirement of one of the two women associate justices of the U.S. Supreme Court brings to mind the words of retired U.S. Chief Justice **Warren Burger** on his visit in Knoxville on April 13, 1993. He said he had in mind two women he would like to recommend for the then-upcoming vacancy on the U.S. Supreme Court. He declined, however, to name them. At that time, Justice Sandra Day O'Connor was the only female member of the court.

Within four months of Burger's comments, the court received its second female--**Ruth Bader Ginsburg**. She took the oath of office on August 10, 1993. It is unlikely that Ginsburg was one of the women Burger had in mind. He was a Republican appointee, she a Democratic appointee.

Commenting on the confirmation process for Supreme Court justices, Burger called it "outrageous." He said it was a national embarrassment that might well cause some qualified candidates to decline nomination to the court.

Burger was in Knoxville as the key speaker at the first Robert Taylor Memorial Lecture, named in memory of U.S. District Judge **Robert L. Taylor**. Burger said that as chief justice, he gave Judge Taylor two "special assignments" that involved trying the governor or former governor of a state on criminal charges. "Each of these cases was sensitive and difficult and in each he performed in the highest traditions of the judiciary. He was equally as effective in performing his judicial duties in his home district."

Taylor died in 1987. Burger retired in 1986 and died in 1995. ■

Chattanooga Lynching

"God bless you all. I am an innocent man."

These are the final words of a young black man who was lynched on the Walnut Street Bridge in Chattanooga in 1906, and they are chiseled on his tombstone, according to Chattanooga lawyer **Leroy Phillips Jr.**, co-author of the highly acclaimed book *Contempt of Court*. The lynching case became "a passion with me," Phillips said, and he spent years researching it, turning up records that had long been forgotten. The book was a result of his research.

Phillips's co-author, **Mark Curriden**, a Dallas lawyer and former newspaper writer, speaking at the June meeting of the Tennessee Bar Association in Knoxville, told the story of the lynching case that ultimately involved the U.S. Supreme Court.

Phillips met Curriden a few years ago, and the two eventually teamed up to write the book. Phillips said they have signed a contract with a film company that wants to make a movie of the story.

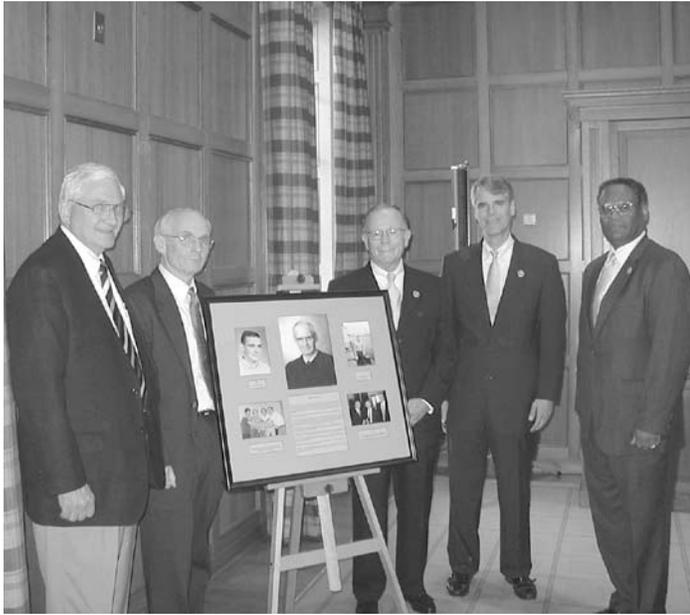
The lynching victim was **Ed Johnson**, who was tried by an all-white, all-male jury on charges of raping a young woman as she walked home from work at night. The rape victim testified that she believed Johnson was her attacker, but she wouldn't swear to it because she wasn't positive. Nonetheless, Johnson was convicted and sentenced to death.

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JUDGE NEESE AND HIS BAILIFF



These pages from 1982 issues of *The Greenville Sun* profiling two longtime federal court figures were framed by the Court Historical Society and placed on display a few weeks ago on the wall outside the U.S. District Court Clerk's Office in the U.S. Courthouse in Greenville. The Sun wrote a feature about U.S. District Judge **Charles G. Neese**, left, when he took senior status and moved to Nashville, and a few weeks later, featured **William Crum**, the judge's bailiff and crier, when he retired. Both men are now deceased.



MURRIAN HONORED--Retired U.S. Magistrate Judge **Robert P. Murrian** was honored at an unveiling August 12 of a framed montage containing a written history of his court career and several photographs depicting various stages of his life. The ceremony was held at the federal courthouse in Knoxville. Shown here, from the left, are Senior U.S. District Judge **Leon Jordan**, **Murrian**, and U.S. District Judges **Thomas W. Phillips**, **Tom Varlan** and **Curtis Collier**. The montage was placed on permanent display in the History Suite on the first floor of the courthouse. The Murrian montage was a joint project by the judges and the Society. Society President **Arthur G. Seymour Jr.** was among the speakers at the ceremony.

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Two black lawyers stepped forward to handle Johnson's appeal and filed a petition for a writ of habeas corpus in federal court. The Eastern District of Tennessee judge at that time was **Charles D. Clark**, who served the district from 1895 until his death in 1908. Judge Clark denied the petition but gave Johnson 10 days to appeal. The U.S. Supreme Court issued a stay of execution and ordered Hamilton County Sheriff **Joseph Shipp** to protect Johnson until the appeal was ruled on.

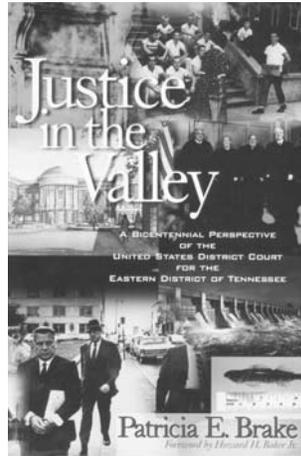
The next evening, a mob, assisted by the sheriff and his deputies, dragged Johnson from his cell and lynched him. Later, the justices, outraged that their mandate and authority had been impugned by the mob's action, brought unprecedented contempt of court charges against the sheriff, his deputies, and the members of the mob. The justices chose to hear the criminal trial themselves, and sitting as jurors, found the defendants guilty.

"The case of the State of Tennessee vs. Ed Johnson and its subsequent companion case, U.S. vs. Shipp, are not well known among students of American history or even practicing lawyers," Curriden said. "But at a time when lynch law and mob rule was quickly becoming the reality of the day, the Supreme Court showed great courage in intervening."

"The Johnson case marks the beginning of federalism in criminal prosecutions and the first glimpse of the federal court system exercising its power to protect individual's rights from wayward state authorities," Curriden said. ■

She Has Our Book

When retiring U.S. Supreme Court Associate Justice **Sandra Day O'Connor** packs up and leaves her chambers, a copy of *Justice in the Valley*, autographed by several of our judges, very likely will go with her. The justice was presented a copy of the Court Historical Society's book by the author, **Dr. Patricia Brake**, an educator, when she visited in the justice's chambers with a school group in June 2000. Dr. Brake alertly had our judges autograph the book beforehand.



Justice in the Valley will one day become a collector's item. Do you have your copy? The book is priced at \$26.95 but may be purchased over the counter at any of the offices of the clerk for \$25. Or you may obtain a copy by mail, also for \$25, from the Court Historical Society at the address in the masthead of this newsletter. Mail orders should include \$4 for postage. Checks should be made payable to the Court Historical Society. ■

Former Clerk Dies

Retired Tennessee Court of Appeals Judge **James W. Parrott** died August 1. Many of today's generation did not realize until reading his death notice that Parrott once served as clerk of the U.S. District Court for the Eastern District of Tennessee. Parrott served as clerk from 1959 to 1964, when he resigned to accept an appointment to the state appellate bench. He retired from that post in 1987. U.S. Bankruptcy Judge **R. Thomas Stinnett**, Chattanooga, is a son-in-law of the late judge. ■

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