

HISTORICAL SOCIETY NEWSLETTER



September 2002

Courthouse Vaults

A vault used to be a basic component of federal court operations, but times have changed. Few clerks' offices in the federal courthouses that are built today have a vault—a small, concrete-encased room with a steel door and combination lock.

The clerk's office in the brand-new courthouse at Greeneville doesn't have a vault, nor does the one in the new Knoxville federal courthouse. There are vaults, however, in the U.S. Marshals Service space in each of the courthouses; they are used for the safekeeping of weapons and ammunition.

But the courts today have other ways of safeguarding money and evidence, according to officials in the Administrative Office of the U.S. Courts. Today, a small, secured room with restricted access serves the purpose, and this method is much cheaper than building vaults of the type that were standard years ago. Often, heavy-duty flooring is installed in a special area so that it will hold the weight of a steel safe.

Only where there are large and fairly active courts would a new courthouse contain a vault in the clerk's office, a spokesman said. "Where there are a great number of judges, say a dozen or so, and there are a great number of case filings, you are likely to have a great amount of evidence that needs to be secured," the spokesman said.

In addition, security in general is an integral part of the overall plan when a courthouse is designed today, and having a vault in the clerk's office is not as important as it once was. Visitors to the buildings go through tight security, and in addition, the public counter in the clerks' offices are often behind bullet-resistant glass.

The older federal court structures in the district were combination post offices and courthouses, and having vaults in them was vital—for the courts to use in storing money and sensitive evidence, and for the post offices to use in securing stamps, money, and money orders. The vaults range in size from approximately 4 feet by 4 feet up to about 12 by 12.

In Chattanooga, the Historic U.S. Courthouse, built in 1892, has seven vaults. The U.S. Post Office and Courthouse, completed in 1933 and still used as the federal courthouse and as a post office station, has four vaults.

In Knoxville, the building now known as the East Tennessee Historical Center—built in 1874 for use by the federal court, the post office and other agencies—has three vaults. The old U.S. Post Office and courthouse on Main Street, completed in 1934, has eight vaults.

In Greeneville, the old federal courthouse, completed in 1904 and vacated last year, has two vaults.

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Our Only Multidistrict Cases

Many cases in the Eastern District of Tennessee have been sent to other jurisdictions for processing under the rules of the Judicial Panel on Multidistrict Litigation, but has our district ever been assigned cases under this 1968 Act?

The answer: Only once, in 1975. These were the cases that resulted from an airliner accident in November 1973 at Lovell Field in Chattanooga. A Delta Airlines DC-9 with 77 people aboard was hit by a microburst, a downdraft of air, during landing and hit lights at the end of the runway, ran into a levy and caught fire. There were no fatalities, but 10 people were injured. Two cases were transferred to Chattanooga from other districts and consolidated for pretrial proceedings with six cases that were already pending before **Judge Frank W. Wilson** as a result of the accident.

The Southern Division lawyers involved in those cases were, for the defense, **Donald E. Warner**, Chattanooga, counsel for Delta, and **Hugh J. Moore Jr.**, counsel for the FAA and the Weather

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*THEY ALL BECAME JUDGES—These four men are all judges today. Do you recognize them? They are pictured while standing on the steps of the UT College of Law in 1959 while running for office in UT's Student Bar Association. That's **Knox County Juvenile Judge Carey Garrett** in front center. At the left is **Hamilton County Judge Clarence E. Shattuck Jr.** On the right is **U.S. District Judge Leon Jordan**. And behind Judge Garrett is **Greene County Circuit Judge Ben K. Wexler**. Judge Garrett said he was sorting through some old photographs recently and found this one.*

These are some of the vaults in the federal courthouses in East Tennessee



In clerk's office, Chattanooga



In former Knoxville office of the clerk



In old Greeneville courthouse

**THE HISTORICAL SOCIETY OF
THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF
TENNESSEE, INC.**

*Howard H. Baker Jr. U.S. Courthouse
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Vaults

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In Winchester, the federal courthouse, built in the mid-1960s as a combination courthouse, post office and federal office building and still used for these purposes, has three vaults.

Most of the vaults in these courthouses are still operable. In a few places, the doors are left open or have been removed and the space is used for storage or for supplies. In two instances, the doors have been sealed and the space put to other use.

Paperweights Available

Glass paperweights bearing photographs of the buildings in East Tennessee that now and in the past have housed federal courts are available from the Court Historical Society at a cost of \$15, which includes postage. Purchasers may specify which courthouse they want displayed in their paperweight. The name of the building and the city are on the photograph. Orders may be sent to the Society's office, the address of which appears in the masthead of this newsletter. Checks should be made payable to: Court Historical Society. *(Please see the enclosed flyer.)*

Book Purchase

Have you purchased your copy of *Justice in the Valley*, the book published by the Court Historical Society covering the 200-year history of U.S. District Court's Eastern District of Tennessee? The book is available from the publisher, Providence House Publishers, P.O. Box 158, Franklin, Tennessee 37067 (telephone 1-800-321-5692) at a cost of \$26.95, plus shipping. Copies are also available over the counter at the clerk's offices in all four divisions of the court at a cost of \$25.

The 3 a.m. Call

By Don K. Ferguson

A document about **James Earl Ray's** escape from prison in 1977 was found recently among some old miscellaneous files being purged by clerk's office personnel. It reminded me of the time that six federal judges from Baltimore held court in Knoxville over a period of about three months while **Judge Robert L. Taylor** was on assignment in Baltimore to try Maryland **Gov. Marvin Mandel** on fraud and racketeering charges. What's the connection between the document and the visiting judges? Please read on.

Ray escaped from Brushy Mountain Prison, along with five others, at 7:20 on a Friday evening, June 10, 1977. The only federal judge in town was Baltimore **Judge Frank A. Kaufman**, who had been here only five days and was in the midst of a major bank robbery trial that involved the murder of four people. The trial was scheduled to resume the following day, a Saturday.

At 3 a.m. Saturday, the assistant U.S. attorney prosecuting the case, **Edward E. Wilson**, now a prosecutor in Sullivan County, called me (then deputy clerk of the court) at home, told me the situation and asked me to call Judge Kaufman at his hotel room and tell him that he and an FBI agent needed to see the judge to have him issue a warrant for unlawful flight for the escapees.

When I got my senses after being awakened from a dead sleep, I said, "Now, wait a minute, Ed. You want me to wake up a federal judge that I hardly know? Why don't you call him?" Ed replied, "Well, since you're with the clerk's office, we thought it would be more appropriate if you called."

I wasn't fully convinced that I was the one to do it, but I told Ed to let me get more awake and to run his request by me again and to make it very clear, so that I would be able to tell Judge Kaufman the facts. He did, and I hung up, braced myself and placed the call.

I relayed Ed's story, and the first thing the judge said was, "What's Ed Wilson doing up at this hour? He's got a hard day in court tomorrow." (Of course, "tomorrow" had already arrived.)

I didn't have an answer, but the judge agreed to see Ed and the FBI agent. They went to his hotel room and the judge signed the unlawful flight warrant. This is the document that was found recently by clerk's office personnel. Judge Kaufman's signature was at the bottom, with the date, June 11, 1977, and the judge had added the words "at 4 AM."

Multidistrict

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Bureau; and for the plaintiffs, **Hugh Garner**, Chattanooga; **Paul Kelly**, Chattanooga and Jasper; **Charles G. Guinn**, Athens; **Stephen Greer**, Dunlap; and **Andrew A. Wassick** and **Harry Berke**, both of Chattanooga, now deceased.

What is this panel, known as the MDL Panel? What does it do? How does it operate? We thought it might be a good time to write about the panel, since it is now receiving a crush of business—with more to come—from the huge business failures of Enron, WorldCom, Global Crossing and others.

In short, the MDL Panel deals with cases that have been filed in several districts—cases that contain common questions of fact. For instance, cases for the panel might grow out of a single event that occurs at one location and involves people from many areas, such as an airliner crash. Or they might evolve from a major pharmaceutical recall affecting people throughout the country, or from instances of securities fraud, such as in the recent news-making business failures, or from a variety of other kinds of actions.

The MDL Panel becomes involved after an attorney or attorneys in cases that qualify for MDL Panel action file a motion to have the cases transferred to the panel. Occasionally, judges of the panel or of one of the district courts involved will initiate MDL Panel action.

The panel, composed of seven federal judges, decides which

district court to transfer the cases to for the handling of pretrial matters, to hear arguments and rule on motions, and in general, to streamline the cases for trial. Often, a court where one or more of the cases originate is chosen, but not always.

After all pretrial matters are decided, each case is sent back to its court of origin for trial, but the cases often settle, according to **Catherine Maida**, chief deputy clerk of the MDL Panel.

The purpose of the centralization process, or the transferring of cases to the MDL, is "to avoid duplication of discovery, to prevent inconsistent pretrial rulings, and to conserve the resources of the parties, their counsel and the judiciary," according to a brochure published by the MDL Panel.

In the panel's early years, the court that received the cases for preliminary processing often kept them for trial, but this practice was ruled unconstitutional.

The panel judges meet for one day every other month at a location they agree on and review the newly filed cases that are candidates for MDL Panel handling. U.S. Circuit Judge **Julia Gibbons** of Memphis, who has just recently left the district bench for the appeals court post, has served for some time a member of the MDL Panel. The clerk's office of the MDL Panel has 22 employees, and the office is in the Federal Judiciary Building in Washington.

Socializing with a U.S. Supreme Court Justice

An article in a recent issue of this newsletter that told of the close friendship of former Knoxville law clerk **Harvey Broome** with **U.S. Supreme Court Justice William O. Douglas** prompted Society member **Franklin J. McVeigh**, who practices in Sevierville, to write to us about one of the visits to this area by Justice Douglas.

In the late 1950s, while Broome was practicing law as a partner in the Kramer law firm in Knoxville, of which McVeigh formerly was a member, Justice Douglas visited Broome for a hike in the Great Smoky Mountains. Both were wilderness enthusiasts and hiked together often at many locations throughout the country. On the occasion of Justice Douglas's visit to the Smokies, the late R.R. Kramer, founder of the Kramer firm, held a reception for him at the Kramer home in Maryville.

McVeigh and the senior member of the Kramer firm today, Society member **E.H. Rayson**, attended that reception, so we asked them for some of their recollections of that event.

The Kramers invited members of the Knoxville and Maryville bars, and the reception "was well attended," Rayson said. "My recollection is that Justice Douglas stood in the Kramer living room shaking hands for two or three hours. He was a cordial and pleasant person." The reception was also attended by **Mrs. Sara Kramer**, a Society member and widow of attorney **Arnold Kramer**, son of R.R.

McVeigh said, "The dinner was not formal and it was in the principal dining room of the Kramer home. The conversations were spirited and lively, involved a number of topics, mainly in the conservation field. All of us felt very free to visit with the justice, and he was very friendly. I do not recall that there were any discussions of the law or specific cases." He added, "It was a very relaxing and memorable evening and enjoyed by all."

Broome's huge collection of papers at the McClung Historical Collection of the Knox County Public Library—described by officials as one of the largest held by the library—provides some insight to the friendship between Broome and Justice Douglas and their wives.

While the collection contains mostly papers dealing with their wilderness interests, there are dozens of file folders filled with letters and notes of a personal nature touching on family visits and the exchange of Christmas and birthday gifts. All the correspondence between the two—and there is much of it covering many years—is always signed "Bill" and "Harvey."

Broome served the late **U.S. Circuit Judge Xen Hicks** from 1931 to 1949, and later served the late **U.S. District Judge Robert L. Taylor**, from 1958 until 1968. He was with the Kramer firm in between these two clerkships. Broome, a founder of the National Wilderness Society and its longtime president, died in 1968 at the age of 65. Justice Douglas retired in 1975 and died in 1980 at the age of 82.

The Unveiling Ceremony

"**Leon Jordan** is integrity personified," **Judge Edgar** said of his colleague at the unveiling of the portrait of **Judge Jordan** in Knoxville June 21. "Leon Jordan is my friend. We've labored together here for many years, and in those years, I've never heard any person speak ill of him."

"In his service as a state judge and as a federal judge, he has not only demonstrated great ability to resolve disputes in accordance with the law, but he has also exhibited that one quality which is essential to any judicial officer, integrity. And, to me, Leon Jordan is integrity personified," Judge Edgar said.

Other speakers included **State Circuit Judge Thomas J. Seeley Jr.** of Johnson City, who said Judge Jordan "has many friends and admirers in the Tri-Cities area," where Judge Jordan served as a chancellor before being appointed to the federal bench in 1988. "He was a highly respected jurist, he was active in the community, and he was active in his church."

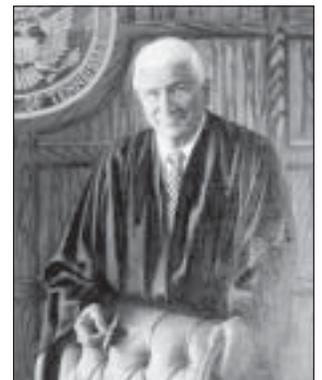
Chief Magistrate Judge Phillips said, "Judge Jordan on the bench is a model of judicial decorum. He is always polite to the attorneys and the parties and is consistently calm and collected."

Out-of-district federal judges who attended the ceremony were **Circuit Judge Eugene E. Siler Jr.** of London, Kentucky; **District Judge Joseph M. Hood**, Frankfort, Kentucky; and **District Judge William J. Haynes Jr.**, Nashville.

It was the second event held in recent months, cosponsored by the Historical Society and the Knoxville Bar Association, to mark the taking of senior status by Judge Jordan and by **Judge Jarvis**. The previous event was a reception held at the Baker Courthouse on February 28 for Judge Jarvis.



THE BANKRUPTCY COURT CAME—Judge Jordan, third from right, and Mrs. Jordan, center, pose with all the bankruptcy judges in the Eastern District, from the left, Judges Marcia Parsons, Greeneville; Ralph Kelley, John Cook, Tom Stinnett, Chattanooga; and Richard Stair, Knoxville, in the courtyard of the Howard H. Baker Jr. U.S. Courthouse in Knoxville, where the unveiling of Judge Jordan's portrait took place on June 21.



The Jordan Portrait