



Court Historical Society NEWSLETTER



Eastern District of Tennessee

NOVEMBER 2007



JARVIS PAPERS PRESERVED--Mary Lou Heath, shown here, Judge Jarvis's secretary through his entire service on the federal bench, has been closing out his chambers during the months following his June 6 death. Part of her work has been boxing up his files and other items in preparation for donating them to the Howard H. Baker Jr. Center for Public Policy at the University of Tennessee. Thirty-six boxes of his files were transferred to the Baker Center on November 19. Items donated relate to his service on the Judicial Conference Ethics Committee, his tenure as chief judge, documents pertaining to the government's acquisition of the Whittle Communications building for use as the federal courthouse, plus many other items and memorabilia the judge accumulated over the years. The Court Historical Society, of which Judge Jarvis was a strong supporter, helped to coordinate the transfer of the papers. One of the goals of the Society is to encourage and facilitate the donation of judicial papers to special collections libraries.

A Twist of Fate

The following story is from an oral history gathered by Court Historical Society executive director Don K. Ferguson, one of 50 compiled since 1993. The histories are on file in the Society's archives. The interviews have been with lawyers, judges, and court personnel, plus others who have had a close working relationship with the court.--EDITOR

The Knoxville lawyer who was likely to become the law clerk for a prospective federal judge in 1939 tells in his oral history about the man's death in a judge's chambers on the eve of taking the oath of office.

The late **Charles E. Rader** was a young lawyer in the Knoxville firm headed by **W. Baxter Lee** in 1939 when Lee was tapped to fill a newly created federal judgeship for the Eastern District of Tennessee. The judgeship was the second one created for the district, with the new appointee to sit in Chattanooga. Until then, the district had had only one district judgeship.

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Papers Languish in Drawers

The drawers in courtroom benches often contain forgotten papers.

This was brought to mind recently when **Circuit Judge Tom Wright** of Greeneville found dockets from the July 1973 term of court in one of the bench drawers in the Hawkins Circuit Courtroom. They were from the days that **Judge Thomas Gray Hull** held the judgeship that Judge Wright now holds. The name of the late Court Clerk **Frank E. Barker** was at the top of the page, along with Judge Hull's name.

Judge Hull was appointed to the federal bench in 1983, and during his early tenure, a young Tom Wright served as his law clerk (1985-86). Judge Wright forwarded the papers to the Court Historical Society to eventually be included in the Hull papers that have been donated to the Howard H. Baker Center for Public Policy at the University of Tennessee.

The Court Historical Society also has other papers, these dated 1965, that had laid forgotten in a bench drawer of the U.S. District Courtroom in the U.S. Post Office and Courthouse in Knoxville. The papers are handwritten notes scribbled on pages of a legal pad by the late **Judge Robert L. Taylor** while he heard several cases, two of them moonshine cases, one from Monroe County, and a personal injury case stemming from a car-truck accident.

Various notes that Judge Taylor had made read: "Mash has a distinctive odor." "Got within 25 yards of his house when he smelled whiskey." "120 gallons of mash; 18 gallons of whiskey," plus comments by a witness in the traffic accident case and the doctor who treated the injured plaintiff.

In another similar incident, **Judge James H. Jarvis** was amused, shortly after he took the federal bench in 1984, to find in another drawer of the federal courtroom bench in Knoxville a 1956 news clipping about the late **Chester S. Rainwater Jr.** at a social event. Rainwater, of Dandridge, served as chancellor of the Fourth Judicial District from 1978 until his retirement in 1997. Judge Jarvis, who previously served on the state bench himself, said he got a kick out of sending the clipping to the chancellor with a note telling him where it came from.

Apparently judges fumbling through bench drawers is a fairly common practice. **U.S. Supreme Court Justice Harry A. Blackmun**, speaking at the Sixth Circuit Judicial Conference in Gatlinburg in 1974, told of some of the miscellaneous items he found in the Supreme Court bench drawer at his seat on the high court at his first session after being appointed in 1970. Your editor was present at the meeting and heard the speech but doesn't recall the items Justice Blackmun said he found, but his musings about his findings drew laughs from the audience. ■

Do You Have a Story?

Members are invited to submit a story they might have about a court incident involving themselves, a judge, or a fellow lawyer or an anecdote about a case that they think will be of interest to other members of the U.S. District Court Historical Society. Those interested in contributing a story should contact the editor by any of the means shown in the editor's box in this newsletter. This is your Society and your newsletter, and we want to hear from you. Submitting a story can be your way of contributing to the preservation of the history of the court.--EDITOR ■

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After Lee died, the judgeship went to **Leslie R. Darr** of Jasper, Tennessee, who had served as a state circuit judge since 1926.

Rader, who joined Lee's firm in 1936 shortly after graduating from law school, said Lee "had been talking with me about going down to Chattanooga with him to be his law clerk." Rader said while the confirmation process was making its way through the U.S. Senate, Lee's firm, Lee, Cox, Meek and Hier, was retained to represent two New York stock brokers who were underwriting, promoting and selling in East Tennessee and other places a new issue of stock for a company that was going to manufacture television sets.

"Now, in 1939, there were television sets in New York, but nobody in East Tennessee had ever heard of one unless they'd read the science fiction magazines," Rader said.

Apparently, back then, brokers were permitted to have salesmen out selling stock like a Fuller Brush man, which you can't do today, Rader said. "Some of their customers claimed they had been told very untrue stories about the stock and felt they had been defrauded."

Rader said the two brokers and several salesmen were indicted and the case was brought to trial in Knoxville. Lee and his partner **Williston Cox** represented the brokers.

"On a Friday, all the proof was in, and **Judge [George] Taylor** told the lawyers he would instruct the jury on Monday. He asked the lawyers to come to his chambers Saturday morning to discuss any special requests they had. When it came Lee's turn to get up and present his position on whatever question was being argued, as soon as he stood up, he fell forward across the judge's desk.

"He'd had a massive heart attack," Rader said.

Lee was 59 years old. He was placed on the leather chaise lounge in the judge's chambers, and a doctor was summoned from the Medical Arts Building across the street from the courthouse, "but all the doctor could do was pronounce him dead," Rader said. (That lounge remained in the judicial chambers through the years and is on display today in the History Suite of the Howard H. Baker Jr. U.S. Courthouse.--EDITOR)

On the Friday afternoon before his Saturday morning attack, Lee had received a telegram from **U.S. Senator Kenneth McKellar** that read, "The full Senate has confirmed your nomination for United States District Judge," Rader said. ■

FOOTNOTE: Rader said the jury returned guilty verdicts in the case, but he could not recall how many of the defendants were convicted. The convictions were ultimately reversed by the Sixth Circuit Court of Appeals, he said.



PORTRAIT UNVEILED--Family members of **Judge James H. Jarvis** are shown with his portrait, which was unveiled November 16 in a ceremony in the special proceedings courtroom of the Howard H. Baker Jr. U.S. Courthouse. The portrait was painted in 2002 by artist **John W. Kelley** of New York, formerly of Knoxville. From left to right are the judge's daughters, **Leslie Prior**, **Kathryn Jarvis**, **Ann Pruitt**, and **Louise Flynn**, and his wife, **Gail**. Judge Jarvis specified that the portrait not be unveiled or displayed until after his death. He died on June 6.

GIFTS

Have you thought about a book or paperweight from the Court Historical Society as a gift?

We still have copies of *Justice in the Valley* available. This is the 244-page hardback book that covers the 200-year history (1797-1997) of the U.S. District Court for the Eastern District of Tennessee. It was published in 1998 and has been very popular, both as entertaining reading and as a reference.

Copies may be obtained at the intake counter of the Clerk's Office in each division for \$25. Or copies may be ordered by mail, with an additional \$4 for postage, by contacting the Society at the addresses shown in the editor's box below.

We also have available a few paperweights at \$20 each, which includes postage. They depict the various federal courthouses in the district. You may specify which building you want shown. Those interested should contact the Society.

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

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	Don K. Ferguson Executive Director and Newsletter Editor Howard H. Baker Jr. U.S. Courthouse • 800 Market Street, Suite 130 Knoxville, Tennessee 37902 865/545-4234, Ext. 2222 • Don_Ferguson@tned.uscourts.gov	