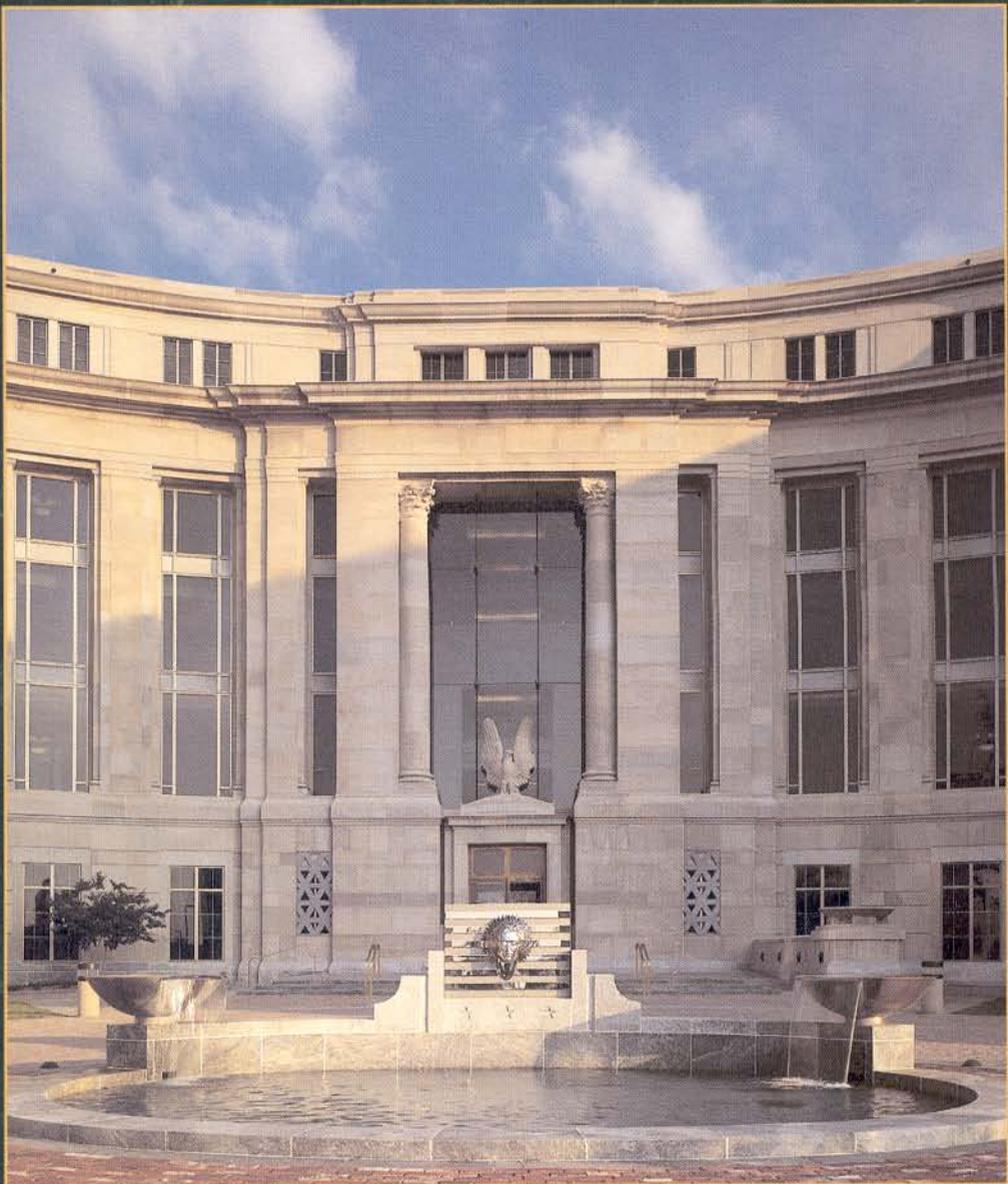


# PROLOGUE AND PROMISE

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A Brief History and Profile  
of the United States District Court  
for the Middle District of Alabama



# PREFACE

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## A MESSAGE FROM THE CHIEF JUDGE

This book, a history of the United States District Court for the Middle District of Alabama, was prepared for publication to coincide with the dedication of our new courthouse in 2002. This magnificent annex to the Frank M. Johnson, Jr. Federal Building and United States Courthouse is a landmark structure in the classic tradition and completes a judicial complex which will serve the citizens of our district for many years to come.

In March 1999, I asked attorneys John B. Scott, Jr., Oakey W. Melton, Jr., Robert D. Segall, Delores R. Boyd, and David R. Boyd to serve, along with Magistrate Judge Susan Russ Walker, on a committee to help gather and preserve the history of the Middle District. Since that time, the Court Historical Committee, chaired by John Scott, has been working diligently and has undertaken a number of projects, including this handbook. Under the direction of committee members, Robert Segall and Delores Boyd (now one of the Court's Magistrate Judges), an oral history of the court with extensive video-taped interviews has become a reality. Working with the committee, Edward Pattillo has been retained as our consultant to assist with research, to design and have built historical displays for the courthouse and, with assistance from Clerk of Court Debra Hackett, to assemble a full collection of judge's portraits. I would also like to thank Dr. William W. Rogers and Dr. Paul M. Pruitt, Jr. who, with support from the committee, have undertaken a comprehensive history of the court. Finally, I want to give special thanks to Dr. Edwin C. Bridges, the Director of the Alabama Department of Archives and History, for meeting with, and serving as advisor to, the Committee and for reviewing its work.

With this book the Court shares its history, and with this building the Court rededicates itself to service to the citizens of our District, our State, and our Nation.



Photo by Paul Robertson

Chief Judge Harold Albritton

A handwritten signature in black ink, which reads "W. Harold Albritton". The signature is written in a cursive, flowing style.

W. Harold Albritton  
Chief United States District Judge for the  
Middle District of Alabama

A BRIEF HISTORY OF THE  
UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
AS DEPICTED BY THE PANELS  
IN THE LOBBY  
OF THE NEW COURTHOUSE ANNEX

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*The great "Jury Oak" in Baldwin County where Federal Judge Harry Toulmin held court in the early 1800s.*

## JUSTICE IN THE WILDERNESS



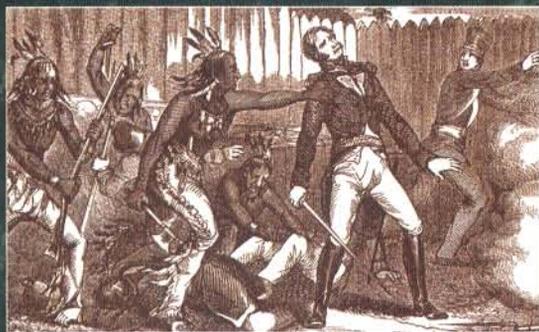
*Ephraim Kirby*

In 1804 President Thomas Jefferson appointed Ephraim Kirby of Connecticut as the first Superior Court Judge for the Mississippi Territory. His district covered the vast Washington County, which extended from the Pearl River in Mississippi to the Chattahoochee, covering the southern half of Alabama. The seat of government was at Fort Stoddert, 50 miles above Mobile at the junction of the Alabama and Tombigbee Rivers. Kirby only survived six months in that harsh outpost, dying of fever in October.

President Jefferson appointed the remarkable Harry Toulmin as his successor. Toulmin served as judge, postmaster, minister and physician in a sparsely-settled wilderness. For much of his tenure the court was the least of his concerns. He was forced to be the able U.S. diplomat in the tense period of the occupation of Spanish Mobile by the Americans in 1813, followed



*Harry Toulmin*



*Massacre at Fort Mims*

by the retaliatory raids of the Creek Indians, bearing Spanish arms, at Burnt Corn and Fort Mims. Toulmin served for fifteen years, and his duties ceased with the formation of the State of Alabama in 1819.

In 1820 President Monroe appointed the gifted Charles Tait as first Federal District Judge in Alabama. Tait was a former judge and U. S. Senator from Georgia. His court met four times a year, at Mobile and at the state capital of Cahawba. On Kirby's and Toulmin's foundation, he erected the federal court system in the new state.



*The first federal court in Alabama met beneath the great Jury Oak.*

# THE DIVISIVE ANTEBELLUM YEARS



*Charles Tait*

In 1824 Alabama was divided into the Northern and Southern Districts. The Northern District sat in Huntsville. Each district had a District Attorney, but both courts were presided over by Judge Tait. He resigned in 1826, the year that Cahawba ceased to be the state capital. Afterwards the Southern District court sat in Mobile alone. William H. Crawford was appointed by President John Quincy Adams to succeed Judge Tait, serving until 1849. Both Tait and Crawford were Jeffersonian Democrats, as Toulmin had been. Crawford was succeeded by John Gayle, a Whig former governor and supreme court justice of Alabama, who served until his death in 1859.



*William H. Crawford*



The Alabama Legislature in Tuscaloosa declared that Indian Removal was the responsibility of the state, that it had no confidence in the Federal government's performing it satisfactorily. The courts of the 1830's were filled with property claims between Indians and U.S. citizens, but Alabama laws prohibited the word of an Indian from being heard in court against a white man. The Federal courts deferred to the state laws.

It was an omen of the sectionalism and struggle over states' rights which were to divide the nation within another generation. The voiceless Indians were forcibly removed by 1838.

In 1839 the Federal courts were organized into the Northern, Middle, and Southern Districts. The Middle District was seated in the Capital city of Tuscaloosa until it moved to the new seat of government in Montgomery in 1848.

The U. S. courts ceased with Alabama's secession from the Union in 1861. William Giles Jones, a strong defender of state sovereignty, became Confederate Judge, presiding over all three districts until 1865. The Lincoln administration appointed two Federal judges during the Civil War, but their courts were moribund until the declaration of peace in 1865.



*Cahaba courthouse*

# THE GROWTH OF THE FEDERAL JUDICIARY

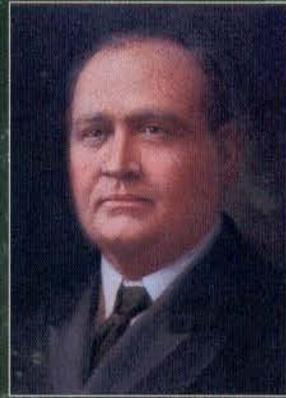
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*Thomas Goode Jones*

**W**ith Reconstruction, the constitutional subordination of state to federal power was established by Congress, in order to defend the principle of equality before the law. Alabama lost population and economic growth, but the federal courts and the number of judges increased. In 1874 circuit courts were provided for the Northern and Middle districts. As in antebellum times, the same district judge continued to preside over all three districts.

**T**he Southern district was given its own judgeship in 1886, with the appointment of Confederate veteran Harry Toulmin, grandson of the pioneer territorial judge. The Northern and Middle districts still had a single judge. The Circuit Court of Appeals was created in 1891, and Alabama became a prominent part of the new Fifth Circuit. Appointments were of a partisan nature, and in 1907 President Theodore Roosevelt appointed a conservative former Alabama governor, Thomas Goode Jones, to the Middle District. In that same year Congress appointed a judge for the expanding Northern District. In 1908 the Middle District sat at Montgomery and Dothan. Jones was succeeded by Congressman Henry DeLamar Clayton, appointed by President Wilson in 1914. Clayton, the son of a Confederate general, later became president of the University of Alabama.



*Henry DeLamar Clayton*



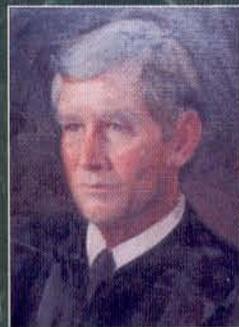
*Federal Building, Montgomery, circa 1890*

**I**n the new century, federal law often proved to supersede state law, and the independence of the federal judiciary grew. Federal judges in Alabama became responsible for the enforcement of national legislation in matters of criminal justice and economic regulation. The courts were tested repeatedly on New Deal programs in the 1930's, most dramatically in the Northern National Recovery Administration (NRA), the TVA, and the Social Security Act. The interests of the New Deal were upheld, even as the changing courts existed within a conservative legal culture.

## CIVIL RIGHTS AND A NEW ERA

**T**he Civil War had nearly destroyed the nation over the issue of slavery. A century later the descendants of the slaves rose to demand their rights as citizens. Their movement became a new revolution. The conflict over individual rights was fought in the streets and in the courts. Federal judges had the power to decide the limits of government power and were often called upon to resolve conflicts between individual rights and governmental authority. Because federal judges were appointed, the authority which they exercised appeared to some to be in conflict with democratic principles.

**W**hen Frank M. Johnson, Jr. , was appointed district Judge for the Middle District of Alabama by President Eisenhower in 1955, he was the youngest federal judge in the nation. He began a historic career, marked by landmark decisions in a wide range of civil rights cases. In 1956 he struck down segregated seating on the Montgomery's buses, justifying the bus boycott and launching the career of Martin Luther King, Jr. Later he placed Alabama's prison system, highway patrol, property tax assessment program, mental health agency and public education system all under the supervision of the federal court. Because of this wide-ranging exercise of federal jurisdiction, Judge Johnson was often called "the real governor of Alabama".



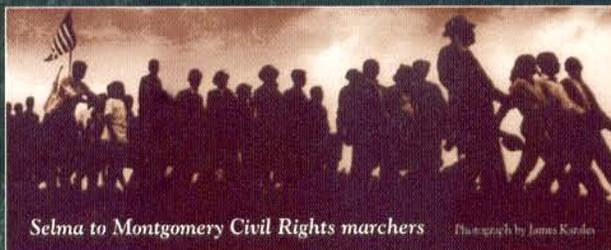
*Frank M. Johnson, Jr.*



*Richard Rives*

**I**t was a dangerous period of history, with personal hazards for such public figures as Judge Johnson and his colleague, Judge Richard Rives of the Fifth Circuit Court of Appeals, who was stationed in Montgomery. Together they proved how independent the judiciary could be. In recognition of his distinguished career on the bench, the United States Congress in 1992 voted to rename the federal judicial building in Montgomery the Frank M. Johnson, Jr. Federal Building and United States Courthouse.

**I**n 1981 the federal courts in Alabama became a part of the newly created Eleventh Circuit. The Middle District presently includes 23 counties encompassing the entire southeast quadrant of the state. Covering such a large area, court is held in Opelika and Dothan as well as in Montgomery.



*Selma to Montgomery Civil Rights marchers* Photo by James Kardos

# THE FEDERAL COURT FACILITIES FOR THE MIDDLE DISTRICT OF ALABAMA

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Photo copyright 2001 by Gary Knight and Associates, Inc.

*A night view from the second floor of the new federal Courthouse Annex.*

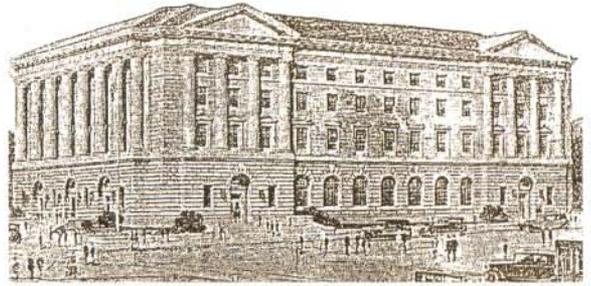
# THE MIDDLE DISTRICT OF ALABAMA FEDERAL COURT FACILITY MONTGOMERY, ALABAMA

Back when Alabama was still a territory, Federal Judge Harry Toulmin held court under the great Jury Oak at Blakely, north of Mobile. Subsequent federal judges did get to preside indoors but it was a long time before any of them had the sort of courtrooms and offices that we take for granted today.

In the Middle District, the first really “modern” U.S. court facility was in the new federal building for Montgomery, completed in 1884. This impressive structure at the southwest corner of Dexter Avenue and Lawrence Street housed the post office, the United States District Court and a number of other federal agencies for the next 49 years. In 1933, all of these offices were moved to the new federal building on Lee and Court Streets, but the handsome old structure on Dexter remained a Montgomery Landmark until it was demolished in 1962—to make way for the present Compass Bank building.



*The 1884 Federal Building stood at the corner of Dexter Avenue and Lawrence Street.*



*The 1933 Federal Building and U.S. Courthouse*

When the new federal building for Montgomery was authorized in 1931, the U.S. government departed from the tradition of using its own staff architects and engaged a highly respected local architect, Frank Lockwood, to prepare the plans. By the time he received this commission, Lockwood had been in practice for thirty years and had an impressive list of projects to his credit, including the wings to the Alabama State Capitol, the Smith, Morgan and Comer Halls at the University of

Alabama in Tuscaloosa, Bellingrath Hall and the Houghton Memorial Library at Huntingdon College and a number of the finest residences in the city.

Lockwood’s plans for the new federal building met all expectations and were quickly approved.

The construction



*Photo courtesy of Taylor Dawson, Jr.*

contract was awarded to Algernon Blair, a local contractor, and so the new federal building turned out to be a hometown Montgomery project. With its classic lines and handsome exterior of Indiana limestone, the new facility was a source of much civic pride, and it served well over the years.



*Algernon Blair*

*Photo courtesy of Mrs. James N. Walter, Jr.*



*The new Federal Courthouse Annex*

*Photo by Anderson Scott*

In 1974, the post office was moved to new quarters and the entire building was devoted to court rooms and offices for the federal judiciary. By act of Congress in 1992, the building was named “The Frank M. Johnson, Jr. Federal Building and United States Courthouse”. In 1998 it was placed on the National Register of Historic Places.

By the 1990’s the “Johnson” courthouse that had once seemed so spacious was bursting at the seams. Along with the burgeoning population and economy of the Middle District, the caseload in the federal court had risen exponentially. To handle this increased volume of court business, three active dis-

trict judges, two senior district judges and four magistrate judges were now required. The Bankruptcy Court, once a small unit of the District Court, was now handling more than 6,000 cases a year and was operating in leased space outside the main courthouse.

To relieve this congestion, in 1996 Congress authorized

the construction of a major annex to the existing courthouse. Once again, the government broke with tradition and engaged a local Montgomery architectural firm to design the new annex. The plans prepared by Lee Sims of the firm of Barganier Davis Sims called for a crescent structure that blended with the design of the existing courthouse by incorporating a number of the same design motifs and again using Indiana limestone for the exterior.

Upon approval of the plans, the U.S. General Services Administration let the construction contract to Clark Construction Company of Bethesda, Maryland, a firm that had previously built a number of federal facilities. With the completion of the new annex, the district court and related units are now provided with adequate space for years to come and the city has gained an imposing new landmark.



*Photo by John Scott*

*Artist David Braly at work on a mural in the new annex.*



*Photo by Paul Robertson*

*(Left to right): Stephan P. Andruzak, project manager for GSA; Reginald T. Hamner, Court Project Coordinator; and Lee Sims, design architect.*

# THE DIVISIONS OF THE MIDDLE DISTRICT

The twenty-three Alabama counties that comprise the middle district cover a total of 16,556 square miles—a geographic area larger than the states of Connecticut, Massachusetts and Rhode Island combined. The distances from the outlying counties in to Montgomery are, in many instances, over a hundred miles. For parties, lawyers, witnesses, jurors, and others having business with the federal court, travel over such distances was a great burden—particularly in the early days. In an effort to alleviate this burden, Congress provided for the middle district to be broken into the present three administrative divisions. The northern division, comprised of Autauga, Barbour, Bullock, Butler, Chilton, Coosa, Covington, Crenshaw, Elmore, Lowndes,

Montgomery and Pike counties, is served by the principal federal district courthouse in Montgomery. The southern division, comprised of Coffee, Dale, Geneva, Henry and Houston counties, is served by a satellite courthouse in Dothan.

The eastern division, comprised of Chambers, Lee, Macon, Randolph, Russell and Tallapoosa counties, is served by a satellite courthouse in Opelika. The permanent court files and case records for all of the district are maintained at the principal federal courthouse in Montgomery. However, district magistrate and bankruptcy judges regularly hold hearings and trials in Dothan on cases arising in the counties of the southern division and in Opelika on cases arising in the counties of the eastern division.



*Satellite Federal courthouse in Opelika*

Photo courtesy of General Service Administration



*Satellite Federal courthouse in Dothan*

Photo courtesy of General Service Administration

# ALABAMA FEDERAL COURT DISTRICTS





## THE ROLE OF THE BANKRUPTCY COURT

**W**ith the Bankruptcy Reform Act of 1978, Congress made a sweeping overhaul of the federal bankruptcy system. The 1978 Act, with subsequent revisions, forms the statutory framework of the present bankruptcy law.

In each federal judicial district, the Bankruptcy Court constitutes an arm of the District Court but operates with a separate staff and facilities. The District Court has primary jurisdiction of cases arising under the Bankruptcy Code but routinely refers such cases to the Bankruptcy Court. In the Middle District of Alabama, the referral is automatic under a blanket order.

Most cases arising under the Bankruptcy Code fall into one of three categories: chapter 7 liquidation, chapter 11 reorganizations, or chapter 13 individual debt adjustment. Chapter 7 and 11 are available to individuals and business entities, while chapter 13 is available only to individuals with regular income. The system is designed to afford options for the relief to debtors and flexible rights and remedies to their creditors according to the type of case involved.

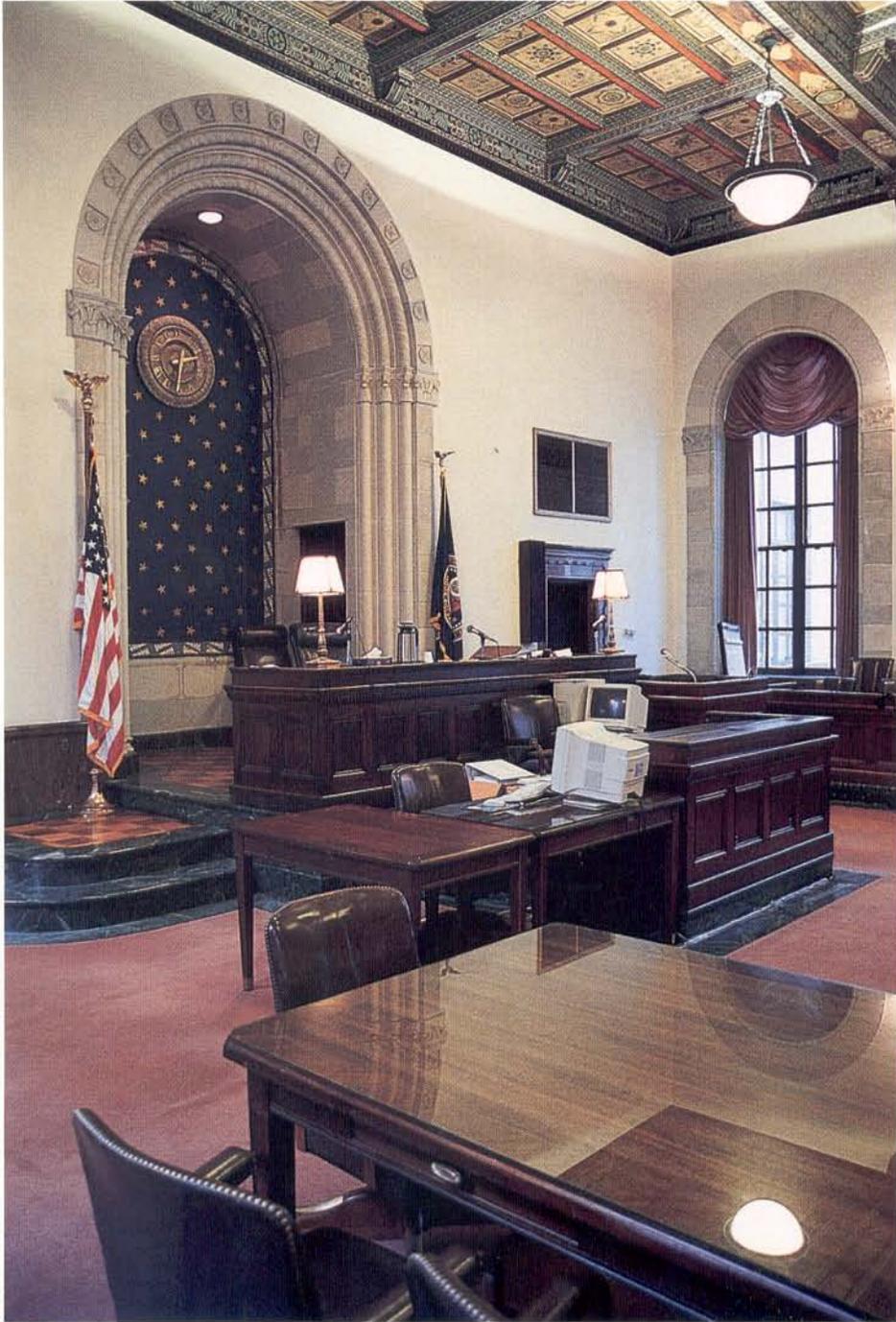


Photo by Robin McDonald

*The main courtroom of the Frank M. Johnson, Jr. Federal Courthouse, which was built in 1932. With its lofty ceiling and rich oak paneling, this courtroom was the scene of landmark civil rights cases that shaped the future of our state and nation. This courtroom has always instilled a feeling of respect for the judicial process and of the commitment of the nation to the rule of law.*