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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
MONTGOMERY, ALABAMA

**DEDICATION CEREMONY
OF THE
FRANK M. JOHNSON, JR., COLLECTION**

Frank M. Johnson, Jr.
United States Courthouse Complex
One Church Street
Montgomery, Alabama
Friday, May 20, 2011
11:30 a.m.

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1 THE CLERK: The United States District Court for the
2 Middle District of Alabama is now open according to law. May
3 God save these United States and This Honorable Court.

4 You may be seated.

5 CHIEF JUDGE WATKINS: Good morning.

6 AUDIENCE: Good morning.

7 CHIEF JUDGE WATKINS: My name is Keith Watkins. I'm
8 the chief district judge for the Middle District of Alabama. I
9 want to welcome you to this ceremony for the dedication of the
10 Frank M. Johnson Collection here in our courthouse. And we're
11 pleased to be able to participate in the other festivities today
12 as we have a time of remembrance and reflection and even
13 reconciliation.

14 On the bench I have with me, to my right and to your
15 left, Judge Myron Thompson, District Judge, and then, to my
16 left, Senior District Judge Harold Albritton and Senior District
17 Judge Truman Hobbs. On the back of your program is a list of
18 all of our judges here in the courthouse.

19 We have so many guests here today who have been so
20 active in the movement for liberty and justice for all that I
21 cannot recognize all of you. So I'm just going to hit the high
22 spots, and then we have several distinguished speakers.

23 We have Congressman John Lewis here with us from
24 Atlanta and also formerly from Pike County in this district.

25 I think Lieutenant Governor Kay Ivey is here.

1 Chief Justice of the Alabama Supreme Court, Sue Bell
2 Cobb.

3 Former Alabama Governor and Appellate Judge John
4 Patterson and his wife. And I'll take a moment of privilege
5 here to note that Governor Patterson's strong support for
6 preserving the bus station was instrumental in keeping that from
7 being torn down for the courthouse expansion here.

8 I think Attorney General Luther Strange is or has been
9 in the audience. I haven't seen him this morning.

10 I think Montgomery Mayor Todd Strange is here.

11 And certainly we have members of the Alabama Historical
12 Commission. We're so pleased to have you here and so pleased to
13 be cooperating with you in that respect.

14 We have numerous other judges from the State Supreme
15 Court, former magistrate judges here in our district, probate
16 judges and others who are here, too numerous to mention at the
17 moment.

18 And then, finally, the Freedom Riders and your families
19 and guests. We're so thankful that you're here. And you're
20 welcomed to these proceedings, certainly.

21 Senior District Judge Harold Albritton is the chairman
22 of the Middle District Court History Project, and I'm going to
23 turn the proceedings over to him now to begin the dedication of
24 the Collection.

25 JUDGE ALBRITTON: Thank you, Chief Judge Watkins.

1 It was my pleasure and honor to be asked by the other
2 judges of this Court some years back to develop and put together
3 what we now dedicate right across the hall as the Frank M.
4 Johnson, Jr., Collection.

5 When we got started with the idea, we knew we needed
6 special help. We retained the professional services of David
7 and Frances Robb from Huntsville, who are here today.

8 And we welcome you.

9 They're the ones who designed the Collection, spent
10 hours and hours and hours and days collecting things, putting
11 this together, and having it installed. It's been a long piece
12 of work but a work of love.

13 This building was named for Judge Johnson in 1992 by an
14 act of Congress. And it's especially fitting to dedicate this
15 room, which now has in it, as you will see or have already seen,
16 many things concerning Judge Johnson: his portrait; a lot of
17 quotes from him, which may be the most fun thing to look at over
18 there; the editorial cartoons; panels with the timeline of his
19 life and profession; panels involving his major cases; all sorts
20 of memorabilia of his; his desk; his chair; and the bound
21 volumes of all of his written opinions.

22 So it's now with great pleasure that we dedicate this
23 collection so that this building named for him also now contains
24 a room that shows him not only as a great jurist, but also as a
25 man, and to preserve all of this history for future generations

1 here in the courthouse that bears his name.

2 It's also appropriate that we're doing this in this
3 courtroom where he presided so many times and where so many
4 things happened. And some of you were here through much of
5 that. Now it's Judge Thompson's courtroom. And he always told
6 Judge Johnson that this would be continued. No matter whether
7 we had a new building or not, this would be an active courtroom.
8 And he has maintained it so, and we expect it to be in the
9 future.

10 Now, we recognize that Judge Johnson was a giant of the
11 judiciary. When he started, he walked into here as a young man.
12 He was the youngest federal judge in the United States at the
13 time he took office. And when he came into this building, he
14 had one law clerk, and that law clerk is here today.

15 And it's my pleasure now to recognize Judge Johnson's
16 first law clerk, my friend Sidney Fuller, who has established a
17 reputation as a fine lawyer in his own right in his hometown --
18 and my hometown -- of Andalusia, Alabama. It's a pleasure to
19 have Judge Johnson's first law clerk with us, Sidney Fuller.

20 Mr. Fuller.

21 MR. FULLER: Thank you, Judge Albritton.

22 I appreciate very much this opportunity to be among old
23 friends and in this familiar courtroom that I love so much. I
24 just want to share with you a few recollections of my experience
25 with Judge Johnson. He was a wonderful leader. And I

1 appreciate very much Judge Walker asking me to come today to be
2 with you.

3 In 1955, I had the great fortune to be working for Dean
4 Lee Harrison at the law school at Alabama when a letter came in
5 that Judge Johnson was looking for his first law clerk. And
6 after several prayers, Dean Harrison turned to me one day and
7 said, "Sid, would you be interested in going down there and
8 working for this new Republican judge?" (Laughter) And I said,
9 "Dean, I surely would." And my prayers were answered.

10 I came down here with my hat in my hand. My friends
11 Oakley Melton and Bill Moore told me that Judge Johnson was a
12 hat person; so I got me a hat, a brown hat, and I came on down
13 here. And that's the only decent suit I had. I came in, met
14 him. He said, "Well, Dean Harrison has recommended you, and I
15 see you've got a hat." (Laughter) And I said, "Yes, sir,
16 Judge," just like I wore a hat all my life. I never had worn a
17 hat (laughter). I had a lot of hair, just never did have a hat.
18 But I got one when I got down here. It was a wonderful
19 experience.

20 Attorney General Griffin Bell stood right here in this
21 courtroom on the occasion of Judge Johnson's promotion, I call
22 it, to the Fifth Circuit Court of Appeals, and said, "Judge
23 Johnson is our role-model judge." And the words just rolled out
24 of that great man's mouth. And he was so right. He was that.

25 One of the first things we did was reorganize the Court

1 top to bottom, the clerk's office, the probation office, the
2 bankruptcy court, and even the jury venire. We revamped the
3 whole thing. And he said many times -- and I appreciated it
4 very much -- he said, "You helped me get started." But he
5 started with a bang. One of the things about Judge Johnson, as
6 you realize, he was a great administrator, reminiscent of my
7 good friend Judge Harold Albritton, who is also a wonderful
8 administrator. But he took over this Court and made it run,
9 made it tick.

10 We traveled a lot together. We had Opelika. We had
11 Dothan. And Judge Hutcheson would appoint him to numerous
12 jurisdictions to hold court where he needed him in Georgia, in
13 Mississippi. And we had the opportunity to travel together and
14 become fast friends.

15 Now, the first job I had when I got here was the famous
16 Montgomery Bus Boycott case, *Browder against Gayle*. And my job
17 was to determine whether or not the legislation that segregated
18 people on public transportation would meet constitutional
19 muster. I worked on it several days; and Judge Johnson came in
20 my office and he said, "Well, Sid, you've worked on this now
21 some time. What do you think?" I said, "Judge, the Supreme
22 Court will never uphold these pieces of legislation separating
23 people on public transportation." And he said, "Well, Sid, we
24 have gotten up on this horse, and we're either gonna ride it or
25 we're gonna get down." (Laughter) And that's what we did.

1 That was a study in courage. And right then, I think
2 the decision was made. He and Judge Rives went on to render the
3 decision that was upheld, and segregation on public
4 transportation was over in the United States of America. I was
5 happy to be a part of that. It wasn't exactly a popular thing.
6 But we used to sit around in the morning and laugh and read our
7 hate mail and enjoyed it (laughter).

8 Judge Johnson can be described, in my opinion, in two
9 words: Courageous Patriarch. He was a brave man, and he had
10 the courage of his convictions. He loved the Constitution, and
11 he had the willpower and the stamina to stand up to it and apply
12 it to all people. He was a special person. He was brave and
13 loyal. He loved his Constitution. As I said, he had the
14 courage to apply it. He was our judge, our mentor, and our
15 friend. I admired him, I respected him, and I loved him.

16 He had a great sense of justice. We went up to Opelika
17 to try a case. This young black fellow had been really
18 wrongfully convicted of stealing some government peanuts. And
19 the real culprit was his employer, who had been exonerated by a
20 jury of all white people. Judge Johnson delayed sentencing the
21 young man. And when the defendant got up before him, Judge
22 Johnson said, "I'm going to sentence you now to the custody of
23 the U.S. Marshal for 45 minutes. Go back there in the back and
24 sit down. When your 45 minutes is up, you can leave." That's a
25 testament that the guidelines are not a great idea (laughter).

1 That was a real, sure-enough example of what acute justice was:
2 45 minutes in the custody of the marshal, and he was free to go
3 home.

4 He also had a great sense of humor. We were over in
5 Mississippi holding court. Standing in an intersection, he
6 pointed across the intersection. He said, "Sid, do you see that
7 old man over there?" This old fellow was over there pausing
8 over his cane. I said, "Yes, sir." He said, "Do you know who
9 that is?" I said, "No, sir." He said, "That's a 40-year-old
10 trial lawyer." (Laughter) If he were here today, I don't know
11 what he'd say about me. I'm an 80-year-old trial lawyer
12 (laughter), but I'm largely wound up.

13 I wrote a little piece one time called "Judging With
14 Judge and Me" when we had a get-together with all the law
15 clerks, as we did all down through time, and I said this. I
16 said, "It was only 18 months, but it meant lots and lots to me."

17 Judge Johnson was an inspiration to all of us and a
18 great man. He was my friend. And I appreciate this opportunity
19 to see all of you again today.

20 (Applause)

21 CHIEF JUDGE WATKINS: Thank you, Mr. Fuller.

22 I've just been notified that Judge Johnson's brother
23 and his wife, Jimmy and Mary Ann Johnson, are here with us
24 today. I want to welcome you-all. I see you over there. And
25 then Judge Johnson's nephew, Steve Norris. We're so proud to

1 have you-all here with us today for this remembrance.

2 Now I want to recognize our chief magistrate judge,
3 Susan Walker, to begin our focus on the Freedom Rider cases.

4 JUDGE WALKER: Can you hear me?

5 FROM THE AUDIENCE: Yes.

6 JUDGE WALKER: Yes.

7 FROM THE AUDIENCE: Just barely.

8 JUDGE WALKER: Just barely?

9 FROM THE AUDIENCE: Yes.

10 JUDGE WALKER: I'm going to do my best.

11 FROM THE AUDIENCE: We didn't hear him well.

12 JUDGE WALKER: All right. We're working on the sound.
13 We're going to get it up higher.

14 I am here today to introduce a very special portion of
15 the program. Today we celebrate the Freedom Riders, the leaders
16 of a Twentieth Century youth movement that helped revolutionize
17 American society. They didn't have Facebook. They didn't have
18 Twitter feeds. They didn't have YouTube videos that arm
19 worldwide student movements that dominate the news today.
20 Instead, they made history by courageously sitting and riding
21 and showing up for freedom in waves that ultimately filled the
22 buses and the terminals and the jails of the Deep South.

23 I'm going to ask the Freedom Riders who have been kind
24 enough to join us here today, if you would, please stand and be
25 recognized by this group.

1 (Applause)

2 JUDGE WALKER: But it turns out that the Freedom Riders
3 were not alone. There was another setting in which this
4 historic drama played out, and we are present in it here today.
5 This is the courtroom in which Judge Frank M. Johnson, Jr.,
6 heard and decided the lawsuit called *United States versus United*
7 *States Klans* that finally put a stop to the violence by the Klan
8 against the Freedom Riders in Alabama. And this is the
9 courtroom in which he later entered the injunction in *Lewis*
10 *versus Greyhound* that desegregated the interstate buses and the
11 bus terminals in Alabama once and for all.

12 Most of you may know Judge Johnson was not an activist
13 or a crusader, and he didn't ask for these cases to come before
14 him. In fact, as many of you may recall, most particularly
15 those sitting here today, he actually demanded that both sides
16 stand down for a time and enjoined the Freedom Riders as well as
17 the Klan and others until he could decide the legal issues in
18 those cases. But when the difficult choices had to be made, in
19 the face of the harshest possible criticism and threats, he
20 answered the Freedom Riders' courage with equal courage of his
21 own. And he did what he believed the law compelled.

22 Today we are honored to have with us as speakers four
23 lawyers who actually participated in the 1961 trials. One of
24 them, Mr. Fred Gray, once remarked that the historians have
25 almost written lawyers out of the Civil Rights Movement

1 altogether. They talk about the demonstrations. They talk
2 about the marches. They talk about the speeches, and rightly
3 so. "But," he said, "what changed the landscape of this nation,
4 in part, were the orders primarily coming from the bench of this
5 Court by Judge Johnson and by other federal judges across the
6 nation." "And without those orders," he said, "the marches and
7 the speeches would have been of no avail."

8 So today is our opportunity to hear from those lawyers.
9 Mr. John Doar, who will come speak in a moment, is a name
10 everyone here should know. He is the former assistant attorney
11 general, civil rights division, of the United States Department
12 of Justice. Mr. Doar is perhaps best known for standing with
13 James Meredith when he sought to integrate the University of
14 Mississippi, for obtaining a conviction in the murder of Viola
15 Liuzzo before an all-white jury, for confronting and calming an
16 angry mob after the murder of Medgar Evers, and for successfully
17 prosecuting the *Mississippi Burning* case against whites who
18 murdered three civil rights workers in rural Mississippi.

19 Mr. Solomon Seay, a very distinguished Montgomery
20 lawyer, has been involved for many, many decades in litigation
21 that resulted in the desegregation of public parks, courtrooms,
22 courthouse facilities, and public schools and universities. And
23 I don't have time here to do justice to his distinguished
24 record.

25 Mr. Fred Gray's clients, as many of you know, have

1 included Ms. Rosa Parks and Dr. Martin Luther King, Jr., and the
2 victims of the Tuskegee syphilis study, among many, many others.

3 And finally today we'll hear from Mr. Morris Dees, the
4 founder and chief trial counsel of the Southern Poverty Law
5 Center, who, by the way, had a client whom you might not expect
6 in the Freedom Riders cases, but who has handled many civil
7 rights cases, including lawsuits against the Klan and other hate
8 groups.

9 So without any further delay, it is a very great
10 privilege to introduce to you Mr. John Doar.

11 (Applause)

12 MR. DOAR: Members of the Court, John Lewis and the
13 Freedom Riders, ladies and gentlemen.

14 1961 is many years ago, and so there are some things
15 about my memory that don't help telling about some of the things
16 that happened in that time. But I begin by telling you last
17 summer I decided to come back to Alabama and go out to Selma and
18 see if I could find a person that I worked with in February 1961
19 on the first voting rights case that was brought in the Southern
20 District of Alabama by the Kennedy Administration. And this
21 lady is named Amelia Boynton. She ran an insurance agency. I
22 had a great deal of trouble locating her because she had moved
23 away, remarried, and lived in Tuscaloosa. But when I got back
24 to my hotel room that night I had her telephone number, and I
25 called her.

1 And the conversation went like this: "Ms. Boynton,
2 this is John Doar. I knew you back in 1961." And she, as I
3 recall it, said, "Well..." and thought for a minute, said,
4 "Well..." again. And then she said, "You must be the son of the
5 John Doar I knew." (Laughter)

6 My memory, however, is very good about the events that
7 happened on May 20th, 1961, at the bus station in Montgomery. I
8 was there that day, having been in Alabama for a few days before
9 then working on the voting case in Selma, and back and forth to
10 Montgomery and on the phone with the assistant attorney general
11 of the civil rights division and with Robert Kennedy, who were
12 both trying to persuade the governor to get the bus that bore
13 the Freedom Riders into Birmingham on its way south to
14 Montgomery and then through Mississippi to New Orleans.

15 And finally, on the 20th, Governor Patterson, after
16 having been assured by Floyd Mann that he could protect the
17 Freedom Riders, told the Attorney General that he would assure
18 the safety of the Freedom Riders when they left Birmingham on
19 their way to Montgomery. And the state police in Alabama did
20 that until they got to the city limits of Montgomery and then
21 turned over the responsibility for law enforcement to the city
22 police of Montgomery.

23 At that time, I was outside the courthouse on the south
24 side, I believe, waiting for the bus to come in. There were
25 groups of white men around the outskirts of the bus station

1 waiting also. And frankly, I was so inexperienced that I had
2 really no expectation that anything that put anybody at risk
3 would occur. But then the bus came down the street and the bus
4 came into the bus station, and there were no law enforcement
5 officers around. And as I remember, the first two persons who
6 got off the bus were John Lewis and Jim Zwerg, and they were
7 just immediately surrounded by newspaper people and these white
8 men that had been lounging around the outskirts of the bus
9 station waiting, really, from the former night for the bus to
10 come in.

11 And there was a photographer who was standing maybe 20
12 feet from me ready to take pictures as the Freedom Riders got
13 off the bus, and there was a white man there. And as the
14 cameraman put his camera up to start taking pictures of John
15 Lewis and Jim Zwerg, the white man attacked the photographer,
16 knocked his camera off the stand, and crushed it in the street.
17 And at the same time, a melee started to occur right at the
18 entrance to the bus. And people there were hit and pounded, and
19 people started to split and jump over the railing down into the
20 parking lot of the courthouse. And suitcases were thrown out
21 into the street; and it just became, really, a bedlam.

22 I went around to the front of the courthouse and went
23 upstairs to a window and then called the Department of Justice
24 to give a report on what I had seen. And as I stood up there,
25 there was one man, one of the Freedom Riders, who was down in

1 the street north of the courthouse; and he was surrounded by
2 eight or ten white men and was being kicked and brutally hit
3 while he lay prone in the streets of Montgomery. And
4 fortunately, down the street maybe eight blocks away was Floyd
5 Mann in a state police car. And I didn't know who that was, but
6 he came down the street in the car, got out of his car, and went
7 over to this group of men that were beating one of the Freedom
8 Riders and stopped it. And fortunately, I think he saved that
9 man's life. And gradually, city police finally got enough
10 people around there to keep the disorder from growing any worse
11 than it was then. Freedom Riders were injured. They were
12 hospitalized. And it was really a very, very bad day for law
13 enforcement, to say the least.

14 I was directed by the Department of Justice to
15 immediately bring an action against the persons who committed
16 those acts of violence. That required me to work at the
17 identity of the various Klan groups that we were able to
18 identify and also to get the names of the people who were in
19 charge of both the Birmingham and Montgomery Police Departments.
20 Working with the lawyers in Washington, we had a complaint
21 prepared and an application for a temporary restraining order
22 finished probably by sundown that afternoon.

23 And the next thing was where were we going to go to get
24 an order from a federal district judge to enter the order, if he
25 saw fit to do so. And I was referred that the judge I should

1 try to call was Judge Johnson. I don't remember exactly how I
2 reached him or reached one of his staff, but I learned that he
3 was out at his place on Lake Martin. And fortunately, Mr. Dodd,
4 one of his marshals, agreed to drive me out to Judge Johnson's
5 cottage so I could present the papers to him. We did that.

6 We arrived out at Lake Martin at about 11:15 that
7 night. We got into a small boat and went over to the island
8 where Judge Johnson's house was, and I came in. He welcomed me
9 in, said, "Come in and state your business," very formal, very
10 businesslike. And he sat me down at the kitchen table, and he
11 sat across from me and asked me where the papers were. And I
12 presented the papers to him; and he took time to read them
13 carefully, asked me no questions, engaged in no small talk. But
14 at the end of the time that he considered the matter and knew
15 what the application was, he entered the order, the temporary
16 restraining order, against these various entities that had been
17 sued. And he handed the papers back to me and dismissed me, and
18 I went back to Montgomery and began the process of getting
19 service on the various defendants.

20 Now, four or five or six days later, I'm back here now
21 in this courtroom hearing the application for a preliminary
22 injunction before Judge Johnson. And for the next three or four
23 days, the government, the federal government, presented
24 witnesses, affidavits, and other evidence to demonstrate just
25 what a terrible breakdown of law and order had occurred in

1 Montgomery on the 20th of May.

2 And I want to tell you that what I experienced in that
3 courtroom before Judge Johnson was like no experience I had had
4 before then or since. I never appeared before another federal
5 judge like Judge Johnson. He was really one of a kind. He had
6 the presence and the stature that just communicated, without any
7 kind of statements at all, the tremendous respect he had for
8 this courtroom, the tremendous respect he had for our system of
9 government, the tremendous respect he had for the Constitution.
10 And he just reflected integrity right down to the very bones of
11 his body. He was just unusual. And he had the usual job, the
12 difficult job, of managing these lawyers who represented these
13 various defendants and managing the witnesses so that they would
14 be responsive to the attorneys' questions. And he did it with
15 courtesy, dignity, but with firmness and no equivocation
16 whatsoever.

17 As I said, that experience before Judge Johnson was
18 probably the most remarkable experience that I've had in my
19 legal career. I treasure the memory, because everything he did
20 that day stood for justice, stood for fairness, stood for
21 honesty, stood for truthfulness. And those standards are the
22 ingredients that make the federal court system what it wants to
23 be in this country. Somebody once said that the federal courts
24 are the glue that holds this country together in times of great
25 crisis. And the man in the federal court who stands out and is

1 most clearly identified as that glue is Judge Frank Johnson.

2 In the years after that, I appeared before Judge
3 Johnson in the Montgomery voting case in this courtroom, which
4 took probably most of a month, in January 1962. And again, he
5 just cleaned up the problems in the registrar's office in
6 Montgomery as he had done earlier in 1961 in Macon County.

7 And then I presented the evidence to Judge Johnson and
8 a jury in the *Liuzzo* case. Again, there was no federal judge in
9 a criminal case that better conveyed to the members of the jury
10 the fact that he was meeting his responsibilities as a judge
11 and, without lecturing anybody, it was clear that he expected
12 the jurors to do their duty with respect to the case. And they
13 did so.

14 You might remember that he was a member of the
15 three-judge panel that authorized and allowed the march from
16 Selma to Montgomery in 1965 which resulted in the great event
17 that occurred in the streets of Montgomery before the Capitol
18 then.

19 So as I say, Montgomery, Alabama, and the country can
20 be proud of Judge Johnson's career. He is identified way, way
21 beyond Montgomery and far beyond Alabama as the personification
22 of the kind of federal judge that is emblematic of what the
23 federal court expects from its officers. And it is really an
24 honor for me to be back here once again to salute him for his
25 courage and his devotion, his affection for the federal court,

1 and, as I say, his devotion to the Constitution of the United
2 States. Thank you.

3 (Applause)

4 CHIEF JUDGE WATKINS: The Court recognizes Mr. Solomon
5 Seay.

6 MR. SEAY: May it please the Court, ladies and
7 gentlemen. There are some things you just never forget
8 (laughter). There was something that Mr. Doar said that made me
9 decide that I wanted to take at least one minute of my time and
10 tell a story that I hadn't planned to tell.

11 Several years ago, there was a young lawyer who was
12 working for me who had been assigned a case here in the federal
13 courts before Judge Johnson. I decided out of an abundance of
14 caution, even though it was not a case of real significance,
15 that I might ought to come to court with Mr. Watkins to make
16 sure that everything went along all right.

17 When Judge Johnson came in, he asked, "Plaintiffs
18 ready?" And Mr. Watkins sort of relaxed back in his chair and
19 said, "Plaintiffs ready, Your Honor."

20 Judge called on announcements from defendants. Defense
21 counsel got up and announced, "Defendants ready, Your Honor."

22 In the preliminary statements from plaintiffs, again
23 Mr. Watkins -- meanwhile, I'm trying to sort of nudge
24 Mr. Watkins to let him know what's supposed to happen, that he's
25 supposed to get up. And he didn't get the message (laughter).

1 Judge again asked if plaintiffs had any preliminary
2 statements. And Mr. Watkins again relaxed back in his chair and
3 said, "If Your Honor please" -- and that's as far as he got.
4 Judge Johnson said, "Young Mr. Watkins, stand up!" And then
5 with a calm, teacher-like voice, Judge Johnson said,
6 "Mr. Watkins, you stand when you address the municipal court of
7 the City of Montgomery. And the only difference is here, you
8 stand a whole lot quicker and a whole lot taller." (Laughter)
9 And I don't think Donald ever sat down in a courtroom after that
10 (laughter).

11 On September 9, 1959, I filed in this Court the case of
12 *Gilmore versus the City of Montgomery*. That was my very first
13 major federal court case. And at the time, I knew very, very
14 little about the actual practice of law. And there are those
15 who would say that I don't know much more now about the practice
16 of law than I did at that time (laughter). That case was before
17 Judge Frank M. Johnson, Jr.; and it stood me in good stead in
18 all of the more than a hundred cases that I tried before Judge
19 Johnson during my career.

20 The thing that I learned in that case was: Know
21 everything there is to know about your case before you file your
22 complaint. And the reason for that was that it is more probable
23 than not that at the first appearance before the Court in the
24 case, Judge Johnson will know more about what your case is about
25 than what you know. And so from that day forward, from *Gilmore*

1 forward, I always tried to make it a practice, when I knew that
2 I got Judge Johnson, to know more about my case, hopefully, than
3 what Judge Johnson knew.

4 It was in 1979, I believe, that I was invited to the
5 initial meeting of the Eleventh Circuit Court of Appeals in
6 Atlanta. I was the guest of the Honorable Frank M. Johnson, Jr.
7 I shared a banquet table with Judge Johnson and his wife; with
8 Judge Robert Varner; with Rod Nachman and his wife, Martha
9 Nachman; and with the gentleman who was an officer of the
10 Alabama State Bar Association. And I'm having a senior moment.
11 I just met him here a few minutes ago; can't remember his name.

12 But in any event, we all shared the banquet table. And
13 after the banquet, there was a lot of music and dancing. We all
14 sat around our table chitchatting, much about nothing. And
15 finally, Mrs. Nachman came over to where I was sitting, extended
16 her hand, and said, "Mr. Seay, let's dance." Well, I responded
17 very, very politely, "Mrs. Nachman, I -- I really don't dance."
18 (Laughter)

19 And she said, "Oh, come -- oh, Mr. Seay, come on, now.
20 I know you can dance. Come on and let's dance." And I replied
21 even more politely, "Mrs. Nachman, really, I mean, for real, I
22 really don't dance," and then she repeated it. Finally, I said,
23 "Now, Mrs. Nachman, you know, all of us -- all of us do play
24 basketball (laughter); but sure enough, all of us can't dance."
25 (Laughter)

1 Now, that statement was later verified by President
2 Obama (laughter), who has a pretty good jump shot on the
3 basketball court but who proved beyond a reasonable doubt at the
4 inaugural ball that, for real, we all can't dance (laughter).

5 When I realized that I was about to lose this minor
6 confrontation, I gave up. I got up and I danced (laughter).

7 When I got back to Montgomery after the meeting, I sent
8 Judge Johnson a letter thanking him for the opportunity that he
9 had provided that enabled me to attend that historical occasion.
10 And I received a letter from Judge Johnson in response to the
11 letter I had written.

12 Now, any of you who have read *Judge Frank Johnson:*
13 *Antics and Anecdotes* will be familiar with that letter. But for
14 those of you who have not, I would like to read it.

15 "Honorable Solomon S. Seay, Jr.: Dearest Seay, this
16 acknowledges your letter on May 10, 1979. I intended writing
17 you anyway to apologize for not having the opportunity to spend
18 as much time with you in Atlanta as I had planned. Much of my
19 recess time was preempted by transitional meetings with members
20 of the Fifth Circuit. This left very little time for myself.
21 Mrs. Johnson and I thoroughly enjoyed having dinner with you and
22 Mrs. Seay. And the highlight of the entire conference was
23 watching you and Mrs. Nachman dance to 'Dixie.'" (Laughter)

24 So Judge Johnson was not always the scholarly, strict,
25 no-nonsense jurist that we witnessed in all of the cases from

1 the bench; but in my humble opinion, of equal, if not more,
2 importance, Judge Johnson had a wonderful sense of humor.

3 FROM THE AUDIENCE: Amen.

4 MR. SEAY: Thank you.

5 (Applause and standing ovation)

6 CHIEF JUDGE WATKINS: The Court recognizes Mr. Fred
7 Gray.

8 MR. GRAY: May it please the Court. I'm unaccustomed,
9 Your Honor, to addressing out here and not addressing the Court
10 this way (laughter).

11 CHIEF JUDGE WATKINS: Permission granted (laughter).

12 MR. GRAY: Thank you.

13 First let me thank this Court for inviting me to
14 participate in this dedication here today. And let me thank my
15 law partner of over 30 years, Solomon Seay, because I know I
16 can't surpass what he has already done. And we practiced law
17 together long enough to know that our styles are so different
18 that we don't even try to compete with each other.

19 But in any event, let me say to these Freedom Riders --
20 and I say that on behalf of Sol and myself -- we are delighted
21 that we were able to serve as your lawyers. I did that not only
22 for the Freedom Riders, but Congressman Lewis and have I been
23 together for a long time. We are thankful so much to you to
24 have had the opportunity of representing you.

25 Now, my participation in this program today, I bring a

1 different perspective. I've looked over the program, and I
2 don't think any other participants were born in Montgomery,
3 Alabama. I was. I grew up on the west side of town. My
4 participation in the proceedings here is the result of
5 experiences which I had, particularly while a student at Alabama
6 State, going from where I lived on Day Street and Jeff Davis and
7 Washington Park and Greyhound Street to Alabama State. And I
8 saw people of color who were being mistreated. I made a
9 personal, private commitment that I was going to finish Alabama
10 State, enroll and finish somebody's law school somewhere, come
11 back to Alabama, pass the bar exam, become a lawyer, and destroy
12 everything segregated I could find.

13 (Applause)

14 MR. GRAY: So my first case, *Browder versus Gayle* that
15 Mr. Fuller was a law clerk in -- and he has confirmed what I had
16 always believed. I know it was my first civil rights case in
17 this Court, some 55 years ago; but he has also confirmed the
18 fact that it was Judge Johnson's first civil rights case. In
19 this courtroom, we had Judge Johnson beginning his terrific
20 judicial career and a person of color from this city also
21 beginning a similar career.

22 But what's important is Mrs. Parks' refusal to give up
23 her seat on a Montgomery bus created an ever-widening ripple
24 effect; inspired change throughout the world; exemplified
25 courage, dignity, and determination; mobilized people like

1 Martin Luther King, Jr., to advance his philosophy of
2 nonviolence, which set the stage for the Freedom Riders in 1961.
3 A pebble cast in the segregated waters of Montgomery, Alabama,
4 created a human rights tidal wave that has changed America and
5 eventually changed the world. It started with *Browder versus*
6 *Gayle* and Judge Johnson's participation in that case.

7 The decades of the fifties ended with the Civil Rights
8 Movement in full bloom. Sol has indicated that he had filed the
9 lawsuit that integrated the parks here. So as far as civil
10 rights were concerned, the sixties opened with a bang. The
11 students at A&T College in North Carolina started the sit-ins on
12 February 1st, 1960. Students at Alabama State joined the
13 movement by sitting in at the lunch counters at the Montgomery
14 County Courthouse, which gave rise to *Dixon versus Alabama State*
15 *Board of Education*, another case decided by this Court, that
16 decided that students at a state institution had a
17 constitutional right to an education. And before that right
18 could be taken away from them, they must be afforded procedural
19 due process.

20 These events and activities generated by the Student
21 Nonviolent Coordinating Committee and CORE resulted in the
22 Freedom Riders arriving in Montgomery in May 50 years ago. The
23 Freedom Rider case, as decided by this Court, was not the end of
24 its continuous quest of equal justice in all aspects of American
25 life. I know of no federal district court in this nation that

1 probably has had as many different varieties of cases in which
2 constitutional rights have been decided, whether it was *NAACP*
3 *versus Alabama*, which gave an organization the right to protect
4 its members, or whether it was *Gomillion versus Lightfoot*, which
5 ended gerrymandering, or whether it was *Williams versus Wallace*,
6 which made the State of Alabama protect the marchers as they
7 marched from Selma to Montgomery, or even *Mitchell versus The*
8 *Macon County Jury Commission*, which gave African Americans the
9 right to participate in civil juries, or, in the field of
10 education, *Franklin versus Auburn* that desegregated that
11 institution or *Lee versus Macon*, which took care of everything
12 that was not then under a court order.

13 It is the decisions of this Court -- and it was Judge
14 Johnson who was making those decisions -- that have changed the
15 landscape of this nation. Today this Court continues to protect
16 the rights of individuals and corporations. I am happy to still
17 continue to represent people in this Court at this time, just as
18 I did 55 years ago.

19 I had planned, Judge Walker, to end my little talk; but
20 you have already told them what I was going to tell them.

21 JUDGE WALKER: You'll say it better (laughter).

22 MR. GRAY: And just a little bit, and I'm through.

23 In the final analysis, it was the lawsuits that really
24 changed conditions in the South and in the nation. The
25 demonstrations were important in getting mass participation and

1 public attention; however, it was the Court's decision that
2 interpreted the law that protected the rights which made it
3 possible for all Americans to enjoy the rights and privileges
4 under our Constitution. Merely filing these lawsuits, in and of
5 themselves, would not have gotten the desired result. The
6 presence of Frank M. Johnson, Jr., as Judge of this Court, made
7 the difference.

8 He was courageous. He possessed the tenacity to review
9 each case that came before him as if it were the only case on
10 his docket. He interpreted the Constitution as a living
11 document to be used to correct the ills of the day. The Court's
12 decisions ultimately changed the landscape. I'm happy to have
13 been one of those lawyers, along with Solomon Seay and others,
14 who helped to make that possible.

15 I want to thank this Court. And may this Court
16 continue to administer justice in the same manner and the same
17 form that Judge Johnson did when he so judiciously presided in
18 this Court many years ago. Thank you.

19 (Applause and standing ovation)

20 CHIEF JUDGE WATKINS: The Court recognizes Mr. Morris
21 Dees.

22 MR. DEES: Judge Watkins, may it please the Court and
23 the audience. It's hard to follow a group of speakers like
24 these three gentlemen, especially when you're only allowed three
25 minutes (laughter). I think they were allowed the same three

1 minutes, but the red light has been turned off up here
2 (laughter).

3 It's with a lot of emotion that I come in this
4 courtroom. I've been here so many times before Judge Johnson
5 and other judges.

6 The first time I came in here was in 1961 representing
7 one of the people that was down at the Freedom Rider March.
8 Well, before I tell you who he was, let me say that this person
9 fished in my pond and he was a friend of my cousin. And my
10 cousin called me and said, "Would you represent Claude Henley?"
11 I said, "Yeah, I know Claude." I said, "What's the problem?" I
12 was out of town when the Freedom March took place. He said,
13 "Well, Claude was down there, and he's been arrested." I said,
14 "Well, send him to my office."

15 So Claude comes in my office. He was a big, heavysset
16 guy, and he always wore a tie and a coat. And he was a salesman
17 for Courtesy Ford. And I said, "Claude, what's your problem,
18 buddy?" He had a bunch of papers in his hand that Mr. Doar had
19 written up (laughter), and he had a warrant from the City of
20 Montgomery district attorney, prosecutor. And we sat down and I
21 said, "Claude, what's the deal?"

22 He said, "Well, they say that I was down at the Freedom
23 Ride March when they came in, and they said I kicked a
24 reporter," and, he said, "I wasn't down there." And he said, "I
25 can get witnesses to say I wasn't down there, and no jury is

1 ever going to convict me." I let him talk on and on. He said,
2 "You know, all I've got to have is some witnesses and I'll be
3 free."

4 I said, "Claude, sit down a minute." I pulled out *Life*
5 magazine that happened to be on my coffee table in the office at
6 the time, and I opened it up. And I said -- now, you may not
7 can see this -- but I said, "Do you see this big fellow there
8 with the cigar?" (Laughter) I said, "Now, that looks like you,
9 Claude." (Laughter) "And that man on the ground, he's got a
10 camera that's beside him." And I said, "But I'll do what I can
11 for you," you know (laughter).

12 Anyway, so I read the papers. I had never been in this
13 federal court in my life. I came in many times afterwards -- to
14 integrate the Montgomery YMCA in 1967 and, you name it, the
15 Alabama State Troopers, along with Mr. Gray, and case after case
16 after that -- but had never been in here. And I find my way up
17 here, and I walked into this hearing. Mr. Doar was sitting on
18 this side. And I always want the table by the jury, so I jumped
19 on that side. There wasn't a jury, though. It was only Judge
20 Johnson. And so we sat down.

21 And the next person that came in was a lawyer named
22 Venable from over in Georgia, and he had a Klan sticker on a
23 briefcase. And then a Robert Shelton came in, who was the
24 Imperial Wizard of the Alabama Klans and all that stuff. And
25 Calvin White is the Montgomery lawyer who is with the city

1 police. And I'm sitting over there with Claude, and I was
2 feeling uncomfortable (laughter).

3 They put a few witnesses on the stand and a couple of
4 Freedom Riders. I think I might have asked a question or two.
5 And then I got up and walked over there to see Mr. Doar; and I
6 said, "What do y'all want from Claude?" "Well, we want to
7 enjoin him." I said, "You've got him." (Laughter) So we
8 walked up before Judge Johnson in the middle of the whole trial
9 and said, "We submit to an injunction. Thank you." So I walked
10 with Claude. I said, "Get out of here, Claude. We're ready to
11 go." We walked on back, and I didn't even stay the first full
12 day.

13 We got out in the hall, and this black man was out
14 there. He was with the Freedom Riders people. He walked up to
15 me, and he says -- he didn't know me. He said, "How can you
16 represent a man like that? Don't you think black people have
17 rights?" And I said, "Yes, sir, I do."

18 And I walked back to my office down in the Washington
19 Building. I thought about it. And, you know, that's the first
20 time anybody had ever challenged me about my beliefs about
21 anything like that. I was just representing a friend of mine.
22 And I wanted to tell that guy -- and I didn't think fast
23 enough -- that I wrote a letter to the editor in 1955 condemning
24 the lynching of Emmett Till when I was in the University of
25 Alabama and I publicly went before my whole church at Alabama in

1 1955 or '56 in support of Autherine Lucy, but I didn't think
2 fast enough. And I sure didn't feel comfortable in that
3 courtroom with those Ku Klux Klan people.

4 I would later come face to face with Robert Shelton
5 again. Richard Cohen, my law partner, is in the back. And we
6 were suing the United Klans of America for the lynching of a
7 black man. And I got on the elevator with Robert Shelton; and
8 he looked at me and said, "I thought you was our friend."
9 (Laughter) I said, "Friend, this is where the friendship ends."
10 Anyway, we were successful in taking away his national
11 headquarters. And the deed went to the mother of the young man
12 who was lynched by the Klan, and she ended up owning that
13 headquarters. But that case certainly made me think and
14 certainly changed a lot of the thoughts that I had and my
15 opinions and directions at the time.

16 But also, I think it changed Judge Frank M. Johnson
17 also, because as has been earlier mentioned -- and most people
18 don't know -- he entered an injunction not just against the
19 Montgomery Police Department and the Ku Klux Klan. He entered
20 an injunction against Mr. Seay's father, against Reverend
21 Abernathy, against Martin Luther King, against the Southern
22 Christian Leadership Conference, the Congress of Racial
23 Equality, because he said that their actions in organizing these
24 Freedom Rides were an undue burden on interstate commerce. And
25 it was later hailed in the *Montgomery Advertiser* as Judge

1 Johnson figuring a way to appease everybody. But Judge Johnson,
2 though, must have thought hard and long about that; because
3 clearly it was interference with interstate commerce. And his
4 injunction against these people who weren't even parties
5 probably wasn't a legal injunction. It probably could have been
6 appealed; nobody did.

7 But Judge Johnson must have thought long and hard about
8 that, too, because there was another occasion that he had to do
9 a major interference with interstate commerce when he allowed
10 the marchers in *Williams v. Wallace*, Mr. Gray's case, and
11 others, to march five days down a federal highway because, he
12 said, in that case, the enormity of the remedy he was issuing
13 was equal to the enormity of the wrong that had been committed
14 by not allowing African Americans to vote.

15 So thank you, Freedom Riders, for coming to Montgomery
16 and for waking me up.

17 And the last thing I did in that case was I met
18 Mr. Levy, the man who had been kicked up and down the street. I
19 decided not to have a trial where Mr. Henley would bring in his
20 witness, lying witnesses, I'm sure. So I pled him guilty, made
21 friends with Mr. Maurice Levy, shook his hand, took his name and
22 his card, and Mr. Henley went about his way.

23 I never collected a fee in the case. I charged a
24 substantial amount of money, I thought, at the time to take this
25 controversial case, but I never got a fee. And many, many years

1 later -- Mr. Henley is dead -- his wife passed away. Mildred
2 passed away. And I got a call from Vaughan Hill Robison, who
3 was handling the estate, because the property needed selling.
4 And there was my mortgage I had placed on that property, because
5 Mr. Henley didn't have any money, so I'd get my fee. And it had
6 accumulated to a substantial amount of money equal to the value
7 of the property, I'm sure, at this point, with all the interest
8 accumulating 30 years. And I was glad to say to Mr. Robison,
9 "Write it off. I don't want any money from this." Thank you.

10 (Laughter and applause)

11 CHIEF JUDGE WATKINS: Thank you, gentlemen, for a fine
12 program.

13 The prophet said, "Woe to those who decree unjustly,
14 who rob the needy of justice." Today we've been reminded of one
15 of many days when justice stumbled in the streets. But it was
16 also, we are reminded today, vindicated in the walls of this
17 room. And that's the important lesson to take from today.

18 I'll close with the words on a plaque in the Collection
19 from the 1975 Honorary Doctor of Juris Prudence degree given to
20 Judge Johnson by St. Michael's College. It's on the wall in the
21 Collection.

22 "Frank M. Johnson, born hero in war and peace,
23 implacable enemy of sham and duplicity, living symbol of courage
24 and fairness, jurist par excellence. Though tides of emotion
25 surged menacingly about you, you have read the law as it was,

1 not as others might have wished it to be. In you equity found a
 2 haven when others barred the door. The disenfranchised saw
 3 Hope's beckoning ray when others covered the lamp. The
 4 oppressed were granted relief when others turned silently away.
 5 Forgotten segments of society -- blacks, prisoners, women, and
 6 the mentally ill -- rediscovered their human dignity when you
 7 pointed to the law, where it lay hidden all too long."

8 Those words embody the courage of Judge Frank M.
 9 Johnson. And we are pleased today to dedicate this collection
 10 across the hall, out and to your right, if you'd like to go
 11 visit there. It's a three-dimensional display of a
 12 multi-dimensional man. I hope you enjoy it. Thank you for
 13 joining us today.

14 Freedom Riders, thank you for being here. You've
 15 graced us with your presence. Thank you, brave, courageous
 16 folks, who participated in a tough time.

17 We are now adjourned. Thank you for coming.

18 (Applause)

19 (Proceedings concluded at 12:44 p.m.)

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REPORTER'S CERTIFICATE

I, Risa L. Entrekin, Registered Diplomate Reporter and Official Court Reporter for the United States District Court for the Middle District of Alabama, do hereby certify that the foregoing 36 pages contain a true and correct transcript of proceedings had before the said Court held in the City of Montgomery, Alabama, in the matter therein stated.

In testimony whereof, I hereunto set my hand this 26th day of April, 2016.

/s/ Risa L. Entrekin
Registered Diplomate Reporter
Certified Realtime Reporter
Official Court Reporter