

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA

INTERVIEW OF

**JOHN MICHAEL DOAR**

as part of the

ORAL HISTORY PROJECT

of the

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA

Interviewed by Mr. Richard H. Gill

Frank M. Johnson, Jr.

United States Courthouse Complex

One Church Street

Montgomery, Alabama

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MR. GILL: Well, officially, good morning, John.

MR. DOAR: Good morning.

MR. GILL: For the camera, I'm Richard Gill and this is John Doar who we're going to talk to this morning for the historical records of the Eleventh Circuit and the Middle District of Alabama and -- the -- John is here for kind of a double occasion, as it turns out, in Montgomery, and one is the dedication of the Judge Frank M. Johnson, Jr., collection at the federal court building, and the second happens to be that it's the 50th anniversary of the Freedom Rides that occurred in immediate proximity to the federal building and in which both Judge Johnson and Mr. Doar were participants as to the legal matters associated with them.

And although that is part of a larger tapestry, I want to talk to you this morning about your relation with Judge Johnson and those events as they interacted with those things. And I appreciate you visiting with us because this is -- the Court is very interested in preserving your memories and thoughts about that.

John, you are now living in New York and working in New York; is that right?

MR. DOAR: That's correct.

MR. GILL: And you began your career with the Justice Department?

MR. DOAR: I did.

MR. GILL: And tell us how you came to know Judge Frank Johnson.

MR. DOAR: I was practicing law in a little town in Northern Wisconsin. A town of 2,700 people. My father was a lawyer, and my brother was a lawyer. My cousin was a lawyer, and my father was a good trial lawyer. And so we had a practice across the northern part of Northwestern Wisconsin, and I had been practicing there for ten years when I got a call from a fellow that was a class ahead of me at Princeton named Tyler. And he offered me the job of being his first assistant in the Civil Rights Division. This call came in the spring of 1960, and I thought about it for -- overnight and said I would do it. And my family and I moved to Washington, D.C., from New Richmond, Wisconsin, arriving the day after the Fourth of July, 1960, and I worked in the division -- Civil Rights Division until the end of December 1967.

MR. GILL: Well, those years marked a major series of events in the development of the civil rights in this --

MR. DOAR: That's true.

MR. GILL: -- in this country and -- how did it come to bring you to Montgomery from your assignment in Washington?

MR. DOAR: Well, when I got to the Justice Department, the Civil Rights Division was the newest division in the Department of Justice. It was very small. I suspect that there were not over 25 lawyers in the division, and it had

jurisdiction over other statutes besides the Civil Rights Act in 196- -- -57. And actually, there was only five or six lawyers in the division that were working on voting rights, which was the essence of the '57 act in which the Civil Rights Division was created to enforce.

When I found -- when I got there, I found that none of the lawyers ever left their desks in Washington, and they processed cases through request to the FBI and responses from the FBI with respect to factual matters and then worked with U.S. attorneys with respect to the actual formal papers in the federal courts. And I think there was maybe two or three cases pending involving the 1957 Civil Rights Act.

It so happened that on a Saturday in August, I think, I went down to the office in Washington, the Justice Department, and there were two young lawyers there working on a batch of FBI reports about claims of discrimination and intimidation in Haywood County, Tennessee, and I offered to help those lawyers review those FBI reports. And after reviewing them, there were questions that you couldn't get -- weren't answered in the papers, and so I said to Tyler, "Next week I think I'll go down there to Tennessee," and he said, "That's okay."

In 1960, the summer of 1960, was a period of American history when most of the political people in Washington were concerned about the election, and therefore, you had quite a

lot of freedom of doing what you thought was the right thing to do as a lawyer charged with enforcing particular statutes. So out of that experience in Haywood County, we brought a major intimidation suit against farmers and bankers and merchants in Haywood County for exercising economic pressure to remove tenant farmers -- Black tenant farmers from the land because they'd tried to register to vote.

And skipping ahead very quickly, there was another case in East Carroll Parish, Louisiana, and Lake Providence involving a cotton farmer who'd testified with respect to his experiences in trying to register to vote, and that didn't -- that testimony was reported in the Louisiana papers. And the next day, the sheriff came to his farm -- he was a 100-acre, independent farmer, fine man -- and said, "Don't bring any more cotton to the gins to be ginned."

And, "Why?"

"Well, because of civil rights," and so he was shut out of his farming business. And we went down -- I went down from Haywood County after we had had a hearing before Judge Boyd in December, and we prepared a case against the ginners in Louisiana and filed the case on the 19th of January, 2000- -- no -- 1961.

So the -- that -- that was the background of the first call I got from Judge Johnson. It was maybe a week to ten days after the Kennedys came into office, the latter part of

January.

MR. GILL: How old were you when you -- in 1960 or '61, when this began?

MR. DOAR: Well, let's see. I was just 39.

MR. GILL: You spoke of there being young lawyers in the office. You were a relatively young lawyer yourself still at that time.

MR. DOAR: Well, I -- these young lawyers were just out of law school.

MR. GILL: All right.

MR. DOAR: That were -- but they -- what I -- I want to say to you that two or three of them -- particularly two of them, both of whom are now dead -- were absolutely fantastic lawyers, and they'd come to the Justice Department through the Honors Program and had found themselves assigned to the Civil Rights Division. And it was a great thing for the country that that happened because they made a -- each of them made an enormous contribution in bringing about changes in the '60s.

At any rate, Tyler, of course, being a Republican, when the administration changed, he left, and so for a few days, I was in charge. And it was during that time, before the new assistant attorney had even -- had come to the office, let alone being confirmed, that I got a call from Judge Johnson, and he said to me that he was setting one of those two cases that I mentioned in Macon County for trial at Opelika on the

23rd of February. And three -- it was really three weeks away, and this was really the first time that I had -- I hadn't really got up to speed as to just what the status of the case was. It was being handled by a senior trial lawyer in the division named Ben Brooks and -- but I did what I'm sure you would have done if you got a call from a federal district judge and saying he was setting a case, you said you'd be there and you'd be ready.

And so I called Brooks into the office and said, "I just talked to Judge Johnson, and I told him that we'd be ready to try the Macon County voting case in three weeks," and he said he couldn't do it; he couldn't be ready until the fall. And I told him that that just couldn't be. We couldn't respond to a federal district judge like that. And he said, well, he couldn't do it. Well, then I said, "I'm going to have to replace you." And one of those young lawyers I referred to was a fellow named Bob Owen, and he's very, very good. And besides that, I'll help you.

And so the other young lawyer that I spoke about, Dave Norman, and I took off for Macon County, and we came down here over Valentine's Day, 1961, and went out to Tuskegee and started to investigate, you know, what really hadn't been carefully investigated there before. And we found that we just had a tremendous factual case of discrimination.

And at that time, the other case in Tennessee was up

in the -- up and down in the Sixth Circuit, and so I was back and forth to Memphis and Cincinnati on that case. And I think the case was tried February 20th through February 23rd --

MR. GILL: This is the Macon County case?

MR. DOAR: Macon case in Opelika. And I think I got there to observe the -- how things were going and to see what I could do to help if it was needed. It was really not needed because Bob Owen and Dave Norman were doing a good job of putting in the facts, and of course, we had good witnesses, both good Black witnesses and good white witnesses, and we had the records, and so we began. That was how we began to master how to present voting cases to federal courts. And Judge --

MR. GILL: Did you know anything about Judge Johnson before that call?

MR. DOAR: No, I didn't. I didn't have any history about him, and I don't recall looking to get any background about him. But he -- as I observed the trial, I could see that this was a real judge, this was a man that had command of his courtroom, and that he ran a court like a court should be run --

MR. GILL: He did that.

MR. DOAR: -- and from -- and that he was on top of everything. And the atmosphere in his courtroom was one of respect. Respect for the oath, respect for the law, respect for the federal courts, respect for the Constitution. And he

made it clear to everybody that if he was going to direct something to be done, people were going to be accountable to him for doing it.

So as I say, that case was presented for three, four days in February, and I think he decided the case on the 17th of March, if I remember, within a month, and he gave the Justice Department a great victory. He ordered a number of Black citizens to be immediately registered. He laid down -- the most significant thing that he did was that he established that in a situation where most of the white people in the county were registered and few of the Blacks were registered, that the standard in the future for determining whether or not a citizen was eligible and qualified to vote would be measured by the least qualified standard applied to farmer whites. And we had established in that case, which was really the tip of the iceberg, was that if you were white -- first of all, if you were Black and if you had a college education and you were -- had all kinds of experience as an adult, the chances were pretty, pretty slim that you'd get registered in Macon County. On the other hand, if you were white and you lived there and you breathed, you voted. And so then it was -- what we -- scratched the tip of the iceberg is that this -- was that this whole voting system, this whole rule -- laws and regulations in Mississippi and Alabama and Louisiana designed purportedly to achieve an intelligent electorate was nothing more than just

the worst kind of fraud and corruption. But we only saw it in one county at that time.

So then, for the remainder of 1961, registrars in Macon County were resigning, and Judge Johnson was putting pressure on Governor Patterson to appoint new registrars. And he'd appoint one and then he'd duly resign, and then he'd get another and back and forth. And Judge Johnson was making it clear that if you didn't get registrars in there, he was going to do it himself. And so the back and forth during the rest of '61, there was any number of times -- and I don't -- can't recall without going back in my papers just exactly when those proceedings went on, but -- and I don't believe I was directly involved with those matters except through Bob Owen and Dave Norman who were before Judge Johnson.

After the Macon County case was tried, the strategy that we had at that time was developed ideas, I'd say, this group of about four or five lawyers, was that we were going to bring a voting case, discrimination case if we could have the -- establish the facts in each of the federal districts in Louisiana and Mississippi and Alabama. And in that way, we would keep the federal judges in the traditional Black Belt of the South busy and we would run it at those judges as hard and as fast as we could. And so the -- there was no voting cases pending in the Southern District of Alabama, and so as soon as I left Opelika, I went over to Selma and investigated around

there. And out of that investigation, the Justice Department and the Attorney General filed the first voting case in the Kennedy Administration against the registrars in Dallas County. That was the first voting case that ever came up after the administration changed.

And in the preparation of the case, it was just like the preparation of any case: You were getting your witnesses, reviewing your records, getting to know the lay of the land. It was -- I think, looking back on it, I was fortunate to have had the experiences of a small-town lawyer and in relatively rural courthouses in northwestern Wisconsin because I -- you -- I know you appreciate one of the things you've got to know is you've got to really understand the Court family, you've got to understand the courthouse, and you've got to understand the clerks' offices. And I was comfortable with that kind of personnel, and it wasn't that -- all that different. And there were -- for all courthouses in Alabama or Mississippi or Louisiana.

So anyway, I was over in Selma working to prepare for a hearing before Judge Thomas in, I think, about the 16th of May. I had been there before, but we were still getting ready for a hearing. And at that time, the Freedom Rides started in Washington, D.C., on -- of May 4. Now, by that time, Burke Marshall had been appointed by the attorney -- by the president to be the head of the Civil Rights Division, and he

had been confirmed by the Senate, and he was then in charge. Fortunately for me, I never worked for a more brilliant attorney than Burke Marshall, and he was not political in the sense that he wanted to get a first assistant that was a member of the democratic machine, and so his attitude was that you do good work and we'd get along. As long as it's all right with the attorney general, you can stay. And my kids were in school, and I was not -- I liked what I was doing, and so I was working hard and was -- nobody had said anything to me about leaving, and I hadn't said anything to them about leaving.

And looking back on it, I can tell you that the Justice Department and the Federal Government was not prepared for what eventually took place in Anniston and Birmingham and Montgomery and the Freedom Rides.

MR. GILL: Because this might be viewed by another generation down the road, do you mind giving us a little background as to what the Freedom Rides were to give us the context?

MR. DOAR: Well, the -- there was one of the civil rights organizations called CORE, and that was managed by a fellow named Jim Farmer. And they had had a rider in 1947, I think, in which they had gone -- tried to go through the South on buses -- on interstate buses with integrated passengers. I don't recall how successful or what happened with that, but they had -- the CORE had that tradition of having had one

earlier so-called Freedom Ride, but it wasn't called a Freedom Ride. They had that. And they -- Farmer had come in and taken over the responsibility of managing CORE. He'd come out of the NAACP, and he had been frustrated with the slowness of the bureaucracy in the NAACP. And when he got into managing CORE in February of '61, he and some of his colleague staff workers said, "Let's have another Freedom Ride," and they surveyed it. And they had -- he had one or two fellows working for him, I think. And they outlined a plan of going from Washington, D.C., to New Orleans by bus. No special bus, but just a regular interstate commerce bus. And some of the -- there would be two buses: One on the Greyhound line and one on the Trailway line. And they would test the Supreme Court rulings with respect to the fact that buses and bus stations across the country had to be desegregated. There couldn't be any white lunch counters, there couldn't be any white bathrooms and Black bathrooms in the bus stations, and there couldn't be segregated seatings on the buses. And they were going to -- the CORE was going to test that, and they pretty carefully screened the people that were going to go on the -- who volunteered to go on the buses. And these people were -- some of them were pretty experienced with testing of segregation statutes, and their -- they had a couple of principles: One is that they would -- if there was any violence, they wouldn't -- they would not react with violence. It was going to be

nonviolent, but they were going to be prepared to accept violence if -- and accept injury if that -- it should occur, and second of all, that if they were put in jail, they wouldn't put up bond. They'd stay right in the jail until they served whatever sentence they were given. But there were 15 or so people that were finally selected to go on that ride who were pretty knowledgeable with respect to what the laws were with respect to what the federal law -- what the Constitution was and then what the state laws were with respect to segregation.

Now, at that time, this was not something that was on the radar of the Civil Rights Division. First of all, we were -- as I told you, we were very modest with respect to people and we were working on voting, and second of all, the Bureau just generally had a system of sending out what was called Letterhead Memos advising them about racial problems were pretty incomplete or slow with respect to -- at learning the Justice Department of what was going on. And finally, at the same time, during that period, Mr. Marshall, I think, became sick for a few days, and so -- I can tell you that the Civil Rights Division, we weren't thinking about the Freedom Rides from the 4th to 14th of May, 1961. And certainly the people that worked with me, we were in Dallas County or we were getting ready to go and survey Mississippi, and we were probably in cases in Louisiana.

So that was -- so the Freedom Rides took off on the

4th of -- in May, and they made their way through Virginia and North Carolina and South Carolina. And they had some little difficulty as they got into South Carolina, the bottom side of North Carolina, but they arrived pretty safely in Atlanta.

At that time, Jim Farmer had to leave the Freedom Rides because of a sickness in his family, and the responsibility of the management was left to a fellow named Peck -- James Peck, I think -- and I think in about the 14th of Feb- -- of May, they left -- they set out from Atlanta to go to Birmingham.

And the first bus stopped in Anniston, and a group of whites there blocked their exit to the -- from the bus station and let out the air in some of -- in one or more of the tires on the bus. So the bus finally pulled out of there, but it didn't get more than a mile out of town before it had to stop on the side of the road, and there the -- somebody -- after the bus stopped, some white guy took a -- some kind of wedging hammer and broke a window and then threw in a -- either a smoke bomb or some kind of incendiary, and the bus caught on fire.

And there was some kind of -- at first, they wouldn't -- the door wouldn't open, but then I think that the group of men -- it wasn't -- I wouldn't call it exactly a mob, but it was 30, 40 men -- around the bus, they pulled away from the bus, and then somebody was able to open the door and all the people got out of the bus safely except that they

were -- smoked in their eyes, and it was -- and the bus burned. This bus burned.

And then the other bus got to Birmingham, and -- at the bus station, and it was apparent that the police department and a fellow named Connor must have told the Ku Klux Klan people that they could have 15 minutes to rough up the passengers before the police would step in and stop it. And some of the Freedom Riders got banged around pretty good, and that was where we was on the 14th of May.

And a fellow named John Seigenthaler, who was Robert Kennedy's assistant newspaperman, was down in -- he was from Nashville -- he was down there. I can't remember how or why he got to -- himself into Alabama, but he and I were really the eyes of the Justice Department in Alabama from the 14th on. And I don't remember what was going on. I can tell you that I had absolutely no experience in what might happen in a situation where there was a confrontation between federal law and state custom with respect to race, and I had no experience in the fact that local police departments would just lay down and not meet their responsibilities with respect to maintaining law and order. And -- but the effort was made to -- by Robert Kennedy to try to persuade the Freedom Riders in Birmingham and the ones that had come from Anniston that, you know, "You've made your point, but it's just reckless to keep going," and that first group of Freedom Riders decided that

they would fly from Birmingham to New Orleans and maybe things would cool off.

Well, the problem was that there was a group of young college students up in Nashville led by a woman named Diane Nash and also by John Lewis -- and actually, John Lewis was a student at Nashville, Fisk, I think, and he was one of the original Freedom Riders. But when they heard that the Freedom Riders were going to give in and not go on through Mississippi and Louisiana, they said, "No way," and they organized among themselves a group of 15 or 20 that would go and pick up the Freedom Riders in Birmingham.

So they went from Nashville to Birmingham to replace the original Freedom Riders, and when they got there -- I can't remember the details -- but Bull Connor arrested all of them, put them in jail for some period of time -- a short period of time, and then packed them all into police vehicles and drove them up to the Nash- -- Tennessee/Alabama line and just dropped them off and said, "You can get back to Nashville from that railroad down the road." Well, they -- instead of getting back to Nash- -- back to Nashville, they just got -- arranged to get picked up and taken back to Birmingham.

So they're all in the bus station and being secured now by a police around when waiting to get a bus driver, and they finally -- and the -- at one point, the -- as I remember it, the marshal said they were thinking about having me go up

and talk to the Governor, but then they decided -- Robert Kennedy must have decided that with me having the label of being in the Civil Rights Division, that that would not be -- look like it was being an effort to mediate and cool things off. And so he said Seigenthaler would go up to Birmingham from Montgomery, and I stayed in Montgomery -- or I think I went out -- back out to Dallas, probably, by the 19th of May and was working on -- working there for the day and came back at night.

And that night, I drove by the bus station, and I did -- I observed groups of men hanging around the bus station and -- but I didn't -- it was -- was unsophisticated and didn't realize that these guys were members of one or more of the Klans and that they were there just waiting to beat up the Freedom Riders.

And then the next morning, finally, through efforts of Robert Kennedy working with Governor Patterson, Patterson finally, after Floyd Mann, the head of the state patrol, said that he could protect the Freedom Riders if he was told to do so, the Governor said he would protect them.

And so they finally got a bus driver, and they started out on the morning of May 20. And they got to the city limits of Montgomery safely and -- four or five police cars ahead of the bus and four or five police cars behind the bus and a helicopter above the bus and -- but when they got to the city

limits, the State police turned over the responsibility of maintaining order to the city police, and when the city police -- when the bus came to the bus station, there were no city police. And as the Freedom Riders got off the bus, there was a crowd of people -- newspaper people and these hang-arounders, roughnecks -- right at the entrance of the bus. There was just a crowd of people right there, and in the middle of it was John Lewis and then a fellow named Zwerg, a white guy. So you had a Black and a white there in the midst of the group of men, you know, nose to nose. And then there was a newspaper reporter off of the south side of the bus station next to the courthouse, and that was where I was when the bus came in.

And I saw this guy attack the photographer and knock him down and knock his camera down and then kick the camera, and I went up -- turned and went upstairs in the courthouse to call and give the -- give this information to Washington. And at that time, the men -- the roughnecks had grabbed suitcases and everything and were throwing them over the -- into the parking lot of the courthouse, which is at the back side of the bus station. And the Freedom Riders -- some of them were jumping over into the courtyard trying to get away, and as they got out in the street on the north side of the federal building, one or two of them were grabbed and surrounded by a group of whites and they were being beaten -- one of them or

two of them were being beaten. And I was in the courthouse window upstairs and observed all that.

And I could look up the street to the north, and I thank God of -- I didn't know who it was -- but Floyd Mann was up there eight or ten blocks away, and when he saw what was happening, he came down and stepped into that and really saved that fellow's life that was being beaten up on the street in Montgomery. And Seigenthaler left before this all started. Seigenthaler said to me, "I'm going over to get my stuff because I'm going to" -- "at the motel."

And to give you an idea of -- we weren't thinking we were just going to see a big mob scene in the next five minutes because he was -- he had left to get his car to go back to the motel. And when he got his car and came around by the bus station, there was a woman running across the street, and he tried to get her in the car, and he got hit in the back of the head with a pipe and was laid out on the street in Montgomery on the other side of the bus station. So that was the situation.

Well, all things began to happen then. All of the Civil Rights leaders and movement said, "We're not going to let this stop," and "We're all going to go to Montgomery and have a" -- "join the Freedom Riders." Dr. King came from Atlanta, and they came from -- and the attorney -- attorney general decided he had to get some protection in there, so he

organized, under Byron White, a group of marshals to go to Montgomery, and they poured into Montgomery. And I was instructed to get a case prepared and go find Judge Johnson and get a temporary restraining order, ex parte, to put a stop on all of this. And that afternoon, between Washington and the courthouse in Montgomery, we got a case filed -- started. And I learned that Judge Johnson was out at his cottage and reached him, and he said he'd see me if I got out to the cottage.

MR. GILL: He was at Lake Martin?

MR. DOAR: At Lake Martin. And he had a marshal or a clerk that offered to drive me out there, and so then we went out to Lake Martin and got there about 11:00 at night and got in a boat and went across to his place on an island, and that's where I really had my first one-on-one contact with Judge Johnson in the -- in connection with the case because I wasn't presenting the case in Montgomery -- in Macon County. And he invited me into his kitchen, and we sat across the kitchen table, and I gave him the papers. He studied them and read them, didn't ask me any questions at all, and signed the temporary restraining order -- ex parte restraining order and excused me, and I left.

Again, I couldn't have been more impressed with the way that Judge handled himself. It was all business. It was -- there was no small talk. Now, maybe there would have been small talk if I had been a regular practitioner in his

courtroom, but there was no small talk with me. It was all the papers, did the papers state something that he thought warranted an ex parte restraining order. He didn't question me about them. He studied the papers. He decided. He signed them, gave me back the papers, and excused me, and that was it.

And so I went back to Montgomery, and we got the papers served. And then the next Monday, we had this trial or a hearing on whether or not we would enter them on preliminary injunction. And I think the trial went for four days. And again, there was a one-in-a-lifetime scene in the court -- in a courtroom, the way it -- you know, it was a packed courtroom with lots of lawyers and -- but again, he had command of the place. He had absolute -- and his stature and his conduct was just exemplary.

And so out of that, I concluded that I would -- had the experience of really appearing before a one-of-a-kind judge, so to speak, and that experience has stuck with me since then.

MR. GILL: Of course, historically, he did issue the --

MR. DOAR: He did. At the end of the four days, he issued the temporary -- the preliminary injunction. And he also -- without getting any request for it, he also enjoined the Freedom Riders and the Black organizers, Dr. King and Reverend Abernathy, from engaging in any more of the so-called

Freedom Rides to test the -- for legality of the Supreme Court decisions on the grounds that he wasn't denying the right of Black citizens to demonstrate and protest the unenforcement or nonenforcement of federal law, but he wasn't -- if they had a situation where they had once established that there was a -- no enforcement, that they couldn't continue doing it because of the risk and danger to other people that were traveling on the buses. And so he put a cooling-off period on everybody: The Klan, the police departments in Montgomery and Birmingham, and the leaders of the Freedom Rides.

MR. GILL: Was there a final adjudication in the case that followed the preliminary injunction?

MR. DOAR: I don't remember whether there was any final adjudicate -- there probably was, I mean, but it just would -- it just followed the -- I think he probably lifted the -- whatever was -- order was directed against the Black organizations, but I really don't -- I just don't remember exactly, and I haven't had a chance to look at my files to tell you.

MR. GILL: Okay. I'm going to suggest we take just a minute break because I'm going to turn to some additional involvement between you and Judge Johnson, but since we're kind of going to shift the scene a minute, why don't we...

(At which time, a break was taken.)

MR. GILL: John, following the Freedom Ride events in

the spring of '61, tell me how your involvement here in the Middle District -- your next involvement here -- came about and what it consisted of in regard to Montgomery.

MR. DOAR: Well, the -- after the Freedom Rides -- you may recall that the ICC Commission issued an order in September declaring that there be desegregation in all parts and functions of interstate commerce -- with bus transportation, and so the waiting rooms and the bathrooms and the buses were desegregated. And we went back to, again, concentrating on enforcement of the voting laws, and we had brought in, I suspect, probably September of 1961, a case in Montgomery County, Alabama.

Now, by that time, Judge Johnson was way ahead of every other district judge in the three states with respect to enforcing the 1957 and 1960 voting rights acts, and as I said earlier, he wrestled around with the registrars and the Governor with respect to Macon County. And by the end of the year, the problems were corrected in Macon County, and all citizens could freely register in that county.

Now, we had another -- they had the same problem that existed in Montgomery, but this was a big county and lots of records. And I remember we photographed the records, and a young lawyer who had come to the division named Sather took on the job of analyzing those records. And what he -- what that meant was go sticking his head in one of those rolling

machines -- I can't remember what they're called -- and looking at these voting records. And if you can -- it's hard to believe, but he noticed that on some of the application forms, there was dots at -- opposite of where the forms should be signed. And he made a list of the names of the persons that had the dots on their applications, and, of course, he couldn't determine what their race was -- but he, after six weeks of work, had a list of about 1,100 people that had dots on their forms, and they were -- they had been all registered. And he sent the -- by this time, we had some techniques of how to work with the bureau, and they didn't like it particularly because it was so child work -- but we sent them the list of the 1,100 people and said, "Determine their race." And, of course, you go out and -- it just kind of insults the intelligence of an FBI officer to have to go out and find out what somebody's race was, but it turned out that every one of the 1,100 people were white. And then the -- where there were no dots on any of the things and the applicant had forgotten or overlooked one or more signature lines and they were rejected, these were all Blacks.

So we had really a big hearing here in Montgomery. Again, the case is being presented by Dave Norman and Bud Sather, but I was here and observed the way Judge Johnson handled that case. It took practically the month of January, but out of that case, he issued the second big directive to the

registrars to immediately register those Blacks that had not been registered before for having failed to say one -- sign one or more of the places on the application form. And again, he took the lead. He set the standard for the judges -- other federal judges across the South -- district judges in trying these case.

Now, I must say that he didn't have any followers that would have been in some instances as good as he was, and there was other judges that were as bad -- they were just upside down. But we found -- it just so happened that sometimes you could do as well with a bad judge as you could do with a good judge with respect to moving the law forward. My father used to tell me that there were only two kinds of judges: Good judges and bad judges, and if you were going to be a good lawyer, sooner or later you were going to have to reverse both of them.

MR. GILL: (Laughing.)

MR. DOAR: And you just had to learn how to do that, and we learned.

Well, at any rate, I can't remember my contacts with Judge Johnson, but it was more in '62, '63, and '64, there -- I think he was involved in some school cases with other judges. And then I would see him and report from time to time just what the status of things were in Montgomery and in Macon County, and we also had brought a case in Bullock County, which was his

district.

And then in '65, after the State prosecutors were not able to get a conviction of the man -- the Klan that murdered Ms. Liuzzo, we brought a federal conspiracy case against the conspirators. And I presented that case to Judge Johnson in the Liuzzo murder. That occurred -- she was killed driving back from Selma to Montgomery after the march in '60- -- '65. And again, we had a very strong case with respect to the evidence, but the way I -- I felt that the way Judge Johnson handled the case was -- his sternness and fairness and determination that he was going to enforce the law without fear or favor to anybody was the -- really was pretty hard for a jury -- jury that was in his courtroom not to do their duty.

MR. GILL: Again, just for the context, the man accused of shooting Ms. Liuzzo was tried in Lowndes County and acquitted; is that correct?

MR. DOAR: That's correct.

MR. GILL: In a state court proceeding?

MR. DOAR: In a state court.

MR. GILL: And the federal conspiracy case, then, followed --

MR. DOAR: It struck.

MR. GILL: -- after that?

MR. DOAR: That's right.

MR. GILL: And in the federal case, tell us about the

outcome.

MR. DOAR: Well, the federal case, the people that were -- killed Ms. Liuzzo -- not the -- there was the informant in the car that provided the information about who were driving the car and who was -- pulled the gun -- they were convicted of conspiracy, but that -- the maximum penalty there was ten years because there's no federal crime in murder at that time. So that was the first -- or one of the first cases that a local federal jury had returned a verdict of guilty against white persons that committed crimes against Blacks.

And I should've also mentioned to you that he was also a member of a three-judge court that sat over in Dallas County with respect to the incidences that happened in March of '65 and when the order was entered that allowed the civil rights organizations to demonstrate by marching or walking from Selma to Montgomery. And I was present during that entire walk, and I tell you, you can only get a chance to see maybe two or three good -- great parades in a lifetime, but the -- when you saw those people coming into Montgomery and walking up to the -- by that time, there must have been 20,000, 25,000 people -- at the foot of the courthouse in down -- at whatever that street is down in the center of Montgomery.

MR. GILL: Dexter Avenue.

MR. DOAR: And it was really thrilling. And he had allowed that march to occur and to interfere with normal

traffic on the highway between Selma and Montgomery on the basis that the magnitude of the injury to the Blacks through lack of informants -- lack of enforcement of the civil rights laws was of such magnitude that the interference on interstate travel was justified. And -- oh. He limited the number of marchers when the highway narrowed down to two lanes in part of the highway between Selma and Montgomery, but that was, again, a great historic event in the period of time where the change occurred in the United States and led to the Voting Rights Act in 1965.

I tend to think of the -- that period of time as a situation where I've -- I heard a fellow up in -- in the School of Journalism up in Columbia once say that -- remarked about that period that in 1960, the country was confronted with what appeared to be an unsolvable problem, but by 1965, it was -- with the passage of the Voting Rights Act, it was solved and the solution appeared to have been inevitable. And so that you had a switch in historical fact, that one time, in the 1960s, a situation -- a cultural situation in this country is not solvable. In 1965, it's -- the solution is inevitable. And, you know, a lot of people were responsible for bringing that about, and it's -- it -- of course, the ultimate -- the credit belongs to the Blacks that really helped the country change, but one person that stands out is Judge Johnson.

MR. GILL: I want to ask you about him and -- as a

tonality in a minute, but I want to touch on one more matter in which --

MR. DOAR: Okay.

MR. GILL: -- you worked with him -- and I'm not sure I know the dates -- but there was an investigation within the Eleventh Circuit, after Judge Johnson became an appellate court judge --

MR. DOAR: Right.

MR. GILL: -- involving a district judge charged with corruption, and tell me about that.

MR. DOAR: Well, this was a -- there was a federal judge, district judge, in Miami named Judge Alcee Hastings, and he had a -- some mid -- mid-level mafia defendant in his courtroom. And he was up for, I think, sentencing, and there was an effort made to bribe Judge Hastings to give a lesser sentence of this fellow. And the FBI got wind of it, and they had an undercover agent contact the -- one of the lawyers in the case. And ultimately, the lawyer in Washington was convicted of conspiring to bribe a federal judge, but the federal judge was acquitted, Judge Hastings was.

And Judge Johnson really had a deep love and affection for the federal court, and the idea that a member of the judiciary in the federal system would engage in bribery, it just offended him. And he was put on a committee of circuit judges -- circuit or district judges -- that was -- there were

statutes that provided for giving that committee authority to investigate whether or not a crime had been committed. And as I see it and remember it, Judge Johnson was determined that there was going to be a complete investigation. It was the -- the investigation was conducted by Judge Godbold, but Judge Johnson, as one member of the five-member committee, was determined that it was going to be thorough. And he suggested that Judge Godbold let the committee hire me to conduct the investigation, and so in the latter part of the '80s, I worked with the commit- -- this committee for probably two years investigating that whole transaction and presenting the evidence to the committee and ultimately to the Eleventh Circuit, in which it ultimately went to the Judicial Conference in Washington, and then Judge Hastings was impeached and removed from office.

MR. GILL: How rare an occasion is it for a federal judge in the United States to have been impeached?

MR. DOAR: Oh, very rare. Probably three times.

MR. GILL: And you and Judge Johnson remained friends throughout the balance of his life after --

MR. DOAR: We did. We did.

MR. GILL: And if you don't mind telling me a little bit about him as a person. I know you've mentioned words like his sternness and fairness. I know he paid a social price for his courage in handling the civil rights cases and other

difficult cases, and I'd be interested in your memories and views about that. Because I know there was another side to him besides sternness.

MR. DOAR: Well, he -- after a year or two, since I was down here so much and in touch with the Court with respect to events in the Middle District, and he, of course, was on a number of three-judge courts, I would say that we developed a friendship -- a personal friendship. We liked each other, and I had a chance to visit with him about his life and his experiences. And he loved to fish; he loved to hunt. He was a great companion to spend time with. And I think that he was lonely because -- a great part of that time because he -- what he was doing was not popular in Alabama in the early '60s, and his struggles with Governor Patterson and then with Governor Wallace was just -- he was not going to not use the federal court -- not allow the federal court to be used to correct injustices. And, of course, he was not on the popular side of things in Alabama at that time. So he was relatively isolated and lonely, and I think that I had an opportunity to see the side of him that was -- made him an ideal friend over that period.

MR. GILL: Part of what's happening today is a dedication of some of his papers and memorabilia and artifacts and -- as a collection in the federal court and some of the furniture that he made. I think it would surprise a lot of

people to know that he was a very expert woodworker --

MR. DOAR: He was.

MR. GILL: -- and made, I mean, seriously good furniture as a hobby and that he actually had a side where he liked to tell stories. And lots of people who saw him in the public face imagined he had no sense of humor or no levity or, you know, warmth about him, but --

MR. DOAR: Well, that wasn't correct. He was a good storyteller. He had lots of interesting things to say about life. He wasn't critical of other people. He didn't discuss what -- there was not a lot of "I's" in his conversation. It was never "I did this" or "I ruled last week on this," and "I did this," and "I did that" -- none of that. It was always -- if he made a reference, it was "the Court did it," it was "the Court," "It was the law," and -- but if he was telling you about some of his fishing experiences or his experiences with one or more of the other federal judges, it was very human.

MR. GILL: I think that we want to probably include on this context, you left the Justice Department, you said, in 1967 -- or the Civil Rights Division?

MR. DOAR: Right.

MR. GILL: And you were in the private practice of law for a period after that?

MR. DOAR: Right.

MR. GILL: And then in 1974, you became head of the

special committee of the Congress for investigating the impeachment of President Nixon; is that --

MR. DOAR: That's correct.

MR. GILL: And served until that process was completed?

MR. DOAR: That's right.

MR. GILL: And you then returned to private practice?

MR. DOAR: Right.

MR. GILL: And are still in practice?

MR. DOAR: Well, (laugh) at a very low level at this time.

MR. GILL: Well, it seems to me you've earned it.

But if you were going to sum up -- because we are dedicating the Judge Johnson collection this morning -- if you were to sum him up from your long personal experience with him, what would you say for future generations to look at?

MR. DOAR: Well, what I would say is that the history of our country will be that, in the 1960s, that changes occurred that resulted in the elimination of what was a dishonest system of self-government in this country, from 1860 to 1965, and that through the efforts of a great many people and through the efforts of Black organizations in the '60s, that with the passage of the Voting Rights Act, the world changed and we no longer have a dishonest system of self-government in this country. And this was established

without contradiction in the election of 19-- 2008. And I don't speak in this particular time of the actual election of President Obama, but I'm speaking about what happened within the first two hours of voting that day is all over the country, in the early parts of election day that day, it was reported that everybody who wanted to vote was voting, and that was a major event that resulted. And as I say, the world turned.

And to illustrate that is that in 1966, there was an election in Dallas County, Alabama, between -- for sheriff, between Jim Clark, the segregationist sheriff, and Wilson Baker, the decent police chief of Selma. And prior to 1965, about 7,000 people voted at a primary election in Dallas County, and 95 percent of those people were white. And in that election in 1966, 17,000 people voted, and Baker beat Clark. And that -- those numbers were -- existed all across the south and -- so that -- there was a major cultural change in attitudes throughout the South in compliance with the law after 1965.

And when you say, "Well, who" -- "Did the federal courts have anything to do with that?" And history has taught us that the federal courts are the glue that hold this country together in times of crisis. And the federal courts during the '60s, from '60 to '67, did hold the Country together while we were going through that period, and Judge Johnson was right at the forefront of the federal judiciary with respect to

correction of this unjust -- unjust, dishonest, corrupt system of self-government, and it's -- and he belongs to history.

MR. GILL: You know, I had the privilege to practice before him, and I -- you've described something that I'd like you to touch briefly on about how he conducted a trial. My observations were that there was no nonsense but -- and the law governed. He was very efficient and very prompt and -- but I'd like your observations.

MR. DOAR: Well, my observation is the same. One of the things that I remember about him is that if he got -- it got a little restless in the courtroom or a little slow, he very often would stand up and he would hear the testimony of a witness, standing up there at the -- on the bench. And that -- there was a formidable man up there when he was standing over the witness and listening intently and ruling promptly and absolutely -- putting up with absolutely no nonsense, no grandstanding whatsoever. And he just put a stop to that before anything got started.

And you mentioned the fact that he was prompt, and that's -- you know, that's one of the things you admire about judges is that they're prompt with respect to if the hearings are going to be from 9:00 to 12:00, they're from 9:00 to 12:00. They're not -- they don't start a half hour late, and they don't end a half hour early. And you talk about rulings, you don't wait a year and a half or two years for a judge to rule.

Judge Johnson ruled promptly. And he -- and if you just think about his ruling, that the standard for voters is going to be the least qualified registered person, and the '65 act limited -- eliminated in many, many counties where this problem existed, any standard except just residence and age. And when that was eliminated, the numbers of people that could vote and participate just expanded enormously, and it was that pressure of the numbers that I don't think many people, before it happened, appreciated what elimination of corruption in voting could do to change the culture in this country. And Judge Johnson was the first. He established the standard, and it -- you know, it didn't get established exactly. Judge Rives had -- it took Judge Rives a couple years to believe that that standard was justifiable under the Constitution, but by '64, the Fifth Circuit in the cases known as U.S. versus Mississippi and U.S. versus Louisiana had put flesh on what Judge Johnson had ruled in Macon County with respect to the laws and the regulations of the states of Mississippi and Louisiana. And those rulings by federal officers, courts of appeal judges had great influence on the Congress of the United States in deliberating on the 1965 act. So the content of the Civil Rights Act, the guts of it, the heart of it came right from Judge Frank Johnson.

MR. GILL: You mentioned his tussles with Governor Patterson and Governor Wallace.

MR. DOAR: Right.

MR. GILL: I will tell you, as a matter of background, that Governor Patterson expects to be present at the bus station ceremony today, which, of course, Governor Wallace is deceased. But historically, it's my understanding that Judge Johnson and Governor Wallace were classmates and knew each other, and it made it very -- particularly difficult interaction. And I don't know whether you have any insight about that that you can share.

MR. DOAR: I really don't. I -- my memory just doesn't have something that I can recall about that. I knew that there was this wrestling between the two men, the two officials, and that Governor Wallace was a politician, and he had a time in his career, he was -- saw the political advantage in hammering Judge Johnson. And Judge Johnson, on the other hand, was not going to let the fact that he was being hammered dissuade him from being -- going ahead and issuing the rulings that he saw were required by the Constitution.

MR. GILL: Well, I think that what you've had to say is going to be an important part of the archives of this district. The Middle District has been a focal point of a lot of these events and, for better or for worse, in the sense of perhaps we wished someone else had behaved badly and it led to these rather than us, but we really appreciate you --

MR. DOAR: Thank you.

MR. GILL: -- adding this to the Court's history.

MR. DOAR: Thank you.

## COURT REPORTER'S CERTIFICATE

I, Katie A. Silas, Registered Professional Reporter and Official Court Reporter for the United States District Court for the Middle District of Alabama, do hereby certify that the foregoing 39 pages contain a true and correct transcript of the interview of Mr. John Michael Doar in the City of Montgomery, Alabama, on May 20, 2011.

This 22nd day of September, 2021.

/s/ Katie A. Silas

Registered Professional Reporter

Official Court Reporter