

1 UNITED STATES DISTRICT COURT

2 MIDDLE DISTRICT OF ALABAMA

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5 INTERVIEW OF

6 **THE HONORABLE ROBERT EDWARD VARNER**

7 Senior District Judge
8 of the
9 United States District Court
10 for the Middle District of Alabama

11 as a part of the

12 ORAL HISTORY PROJECT

13 of the

14 U.S. DISTRICT COURT

15 MIDDLE DISTRICT OF ALABAMA

16 Interviewed by George W. "Wally" Walker III

17 Attorney at Law

18 In the Chambers of Robert Edward Varner

19 at the

20 Frank M. Johnson Jr.

21 United States Courthouse Complex

22 One Church Street

23 Montgomery, Alabama

24 Monday, April 27, 2000

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MR. SEGALL: We're here on April 27, 2000, to interview Judge Robert Varner. The interview is being conducted as part of the oral history project of the United States District Court for the Middle District of Alabama, a court on which Judge Varner has served for 29 years, five of which he served as chief judge.

The interview of Judge Varner is being conducted in his federal courthouse chambers by Wally Walker, a former law clerk for Judge Varner and an attorney practicing law in Montgomery, Alabama.

JUDGE VARNER: My recollection is that I was born in June 11th in 1921. And I stayed in Montgomery for a few months till they got everybody set up, and then I moved -- I went on back to Macon County. And I lived in Macon County with my parents all that time.

MR. WALKER: What was Macon County like when you were growing up in your real early years?

JUDGE VARNER: Well, in the real early years, it was,

1 to me, like any other county. We knew -- a great deal now is
2 talked about the blacks. We didn't think much about the blacks
3 and they didn't think much about our color, as far as I knew.
4 And we were friendly with all of them that I knew and stayed
5 that way for a long, long time. I played with black children.
6 They played with me. And I played with a lot of white children
7 too. There wasn't much difference, as far as I knew or was
8 aware of, for a long time.

9 MR. WALKER: Macon County was a small -- Tuskegee and
10 Macon County were small back then, weren't they?

11 JUDGE VARNER: It was. And we didn't do a lot of
12 talking or thinking about the blacks or the whites. We were
13 there, and we served them and they served us. And we went on
14 from that stage to where there was some differences made. But
15 we didn't become aware of any problems or any differences for a
16 long time.

17 I went to several schools because there were some
18 questions about my needing an education. And those problems
19 about differences in education, insofar as I knew, didn't come
20 up for several years.

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EDUCATION

MR. WALKER: Where did you go to school?

JUDGE VARNER: Well, I started going to school in -- to the public schools in Tuskegee. And the schools at that time all over the South, as far as I knew and as far as I know now, were not different particularly between the blacks and the whites except that we went to different schools, just as people did all over the South. And I went to the white schools and they went to schools that were left to the blacks. That was the way things were run in those days. And very little was said about it, as far as I knew.

Now, that went on for a number of years, and very little was said about it. Later on a great deal is said -- has been said about it, but I'm not here to talk about those differences. I'm here to talk about the general setup.

MR. WALKER: Was there a time that you left the public schools and went to prep school?

JUDGE VARNER: Yes, sir. The -- actually, there were a good deal of differences between the schools for whites and the schools for blacks, but nobody knew much about it as far as the children.

I remember we had some excellent teachers in the white schools. They had some good teachers in the black schools. I remember Ms. Sally Danner was a real great teacher. There were a number of others. She was a teacher of English and a lot of

1 other subjects, for that matter. Nice old lady and helpful to
2 everybody she could be helpful to. And I think -- I think that
3 can be said about the black teachers in those days. They tried
4 to be helpful to each other and each -- and to the other
5 teachers that were assigned to the schools.

6 MR. WALKER: And then did you go off to Georgia
7 Military Prep School?

8 JUDGE VARNER: Well, at first I went to Starke
9 University School, which was a preparatory school here in
10 Montgomery. And looking back on it, I think my parents and
11 grandparents concluded that I needed all the education I could
12 get. They brought me down here, and I went to school at Starke
13 for two years. And then they sent me to Georgia Military
14 Academy, which was a school in Atlanta or near Atlanta. And I
15 went to school for two more years and graduated from Georgia
16 Military Academy. And after that I was sent to Auburn, and I
17 went to school to Auburn -- at Auburn for several years.

18 And I didn't really know what form of education I was
19 interested in. I was interested to some extent in preparing for
20 a life, and I thought about the dental profession. And I had a
21 great-uncle who had a background where he could put me into a
22 dental arrangement. And he wanted to do that, and I didn't know
23 whether I would like to be a dentist or not. And for a year or
24 two, I went to pre-dental school.

25 MR. WALKER: When you went to Auburn, your father was

1 the probate judge in Macon County; is that right?

2 JUDGE VARNER: Well, you tie me down. He held several
3 jobs over there. He was -- at one time he was the mayor of
4 Tuskegee for a while, and for a while he was a legislator from
5 Macon County. And he was, of course, a practicing lawyer over
6 there. And all of that went behind him at some stage. I
7 don't -- he set up a situation whereby he was planning to go
8 into a professional position beyond his legal training, and he
9 ran for office. Ran for probate judge over there. And at some
10 stage he won that position, and he remained probate judge until
11 well after I had become interested in politics myself.

12 And by that time, some of my friends talked me into
13 running for a job. And I ran for the Legislature and got
14 whipped terribly. A little later I -- I came to Montgomery and
15 practiced law here for several years, and I was still vaguely
16 interested in politics. Somebody talked me into running for the
17 Senate from Montgomery County. And I didn't know much about it,
18 but I decided I would run for the Senate. And, of course, they
19 helped -- tried to help guide me, and I spent some time running
20 for the Senate from Montgomery County. And I ran against Joe
21 Goodwyn, who was a friend of mine and I respected him, and he
22 beat me badly again. I lost most of my interest in running for
23 office. And he taught me that I was not going to be the sort of
24 politician that had to run for office.

25 Later on I was -- I like to say I was talked into

1 seeking another political -- I was asked to seek the job of
2 federal judge. And I sought it and I had a little more
3 fortunate circumstances (laughter) --

4 MR. WALKER: Right.

5 JUDGE VARNER: -- and I won that job.

6 MR. WALKER: Now, your grandfather was on the Alabama
7 Supreme Court.

8 JUDGE VARNER: He was. And I really didn't know too
9 much about politics except that it looked like my forebears were
10 all in office, and I finally got in office myself.

11 MR. WALKER: At some point in time at Auburn, you
12 obviously decided you didn't want to become a dentist.

13 JUDGE VARNER: That's right.

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MILITARY SERVICE

MR. WALKER: Well, let me switch gears with you a little bit and talk about World War II and your military service.

JUDGE VARNER: Well, we did have a few years in the service. I went into the Naval Air Corps, and I served for four years as a naval flier. Well, that lasted about four years, a lot of that time in Honolulu and Guam and Majuro and a lot of small places in the far -- well, we now call it the Far East. (Laughter) Far -- Far West at that time.

MR. WALKER: One of the -- one of the persons that you were stationed with that flew with you and you became a friend of was Ted Williams.

JUDGE VARNER: That's true.

MR. WALKER: Was he already playing baseball for the Red Sox --

JUDGE VARNER: Oh, yes. He had --

MR. WALKER: -- at the time y'all were together?

JUDGE VARNER: He had played for -- he started making money long before I did (laughter), before I thought of it -- thought much of it. But, of course, Ted was very successful as a -- he was about to get married before he got into the Air Corps. And he married a little girl from -- I've forgotten where. Pretty little girl. And I got to know both of them on a friendly basis.

1 And after the war, I continued to be a friend of Ted
2 Williams. He terminated being a friend to that young lady
3 (laughter) and married another one sooner or later. I didn't
4 get to know his other wife, but she was an attractive, nice lady
5 too. And I -- I didn't see a lot of him. A country lawyer like
6 myself who practiced first in Tuskegee and later in Montgomery,
7 I just didn't socialize with people that had a lot of money.
8 And I didn't see much of Ted.

9 I did see him, perhaps to my benefit -- I went to
10 Washington to see about getting the president to nominate me or
11 try to get me involved in being the representative of this part
12 of the country. And I was interested in the judiciary, so
13 naturally we went in that direction. And I was -- it was
14 suggested that maybe the Senate or somebody in Washington would
15 be interested in a job for me. Well, I didn't want to move to
16 Washington even if I had the opportunity. So I wound up seeking
17 a job in -- related to the judiciary, and I wound up being a
18 federal judge.

19 Ted Williams was very helpful to me. And I went -- I
20 didn't know that Ted would remember me, really, except that we
21 were friends in the service, and I knew he made a lot of
22 friends. I didn't think about going to see him in Washington,
23 but I did want to see him. I wanted to -- so I talked my wife
24 into -- and my daughter into going to see the Boston Red Sox
25 play. Ted was playing for the Boston Red Sox. And I went down

1 there, and I just wanted to see what he looked like and that
2 sort of thing. And I really didn't expect to make his -- remake
3 his acquaintance. But I knew he had all sorts of friends in
4 Washington, and I didn't want to get involved in that crowd. I
5 didn't think they wanted to get involved with me.

6 But I went down, and my wife said, "Well, why don't
7 you sit down there close where you can see him and get -- see
8 what he looks like and that sort of thing."

9 So I asked one of the people there arranging the seating, I
10 said, "Wonder if you could put me -- us somewhere down near the
11 front of this thing so that I can see some of the players that I
12 used to know."

13 And he said, "Well, what players did you know?"

14 Well, I named several that I knew were not with the Boston
15 Red Sox, but I -- I named several that were -- just came to
16 mind. And I didn't want to look like I was putting on airs, but
17 I finally named Ted Williams. He said, "Well, Ted Williams is
18 manager of the Washington" --

19 MR. WALKER: The Senators.

20 JUDGE VARNER: -- "Senators." Thank you. And he said,
21 "We'll put you down there close to them."

22 I said, "Well, fine."

23 In a few minutes, here he comes. "Where is he?"
24 "Where is he?" (Laughter) So I was delighted to see him and
25 went out and had -- he had the whole family that was up there at

1 the time -- I think Ed was -- my son, who is now a doctor in
2 Birmingham, was out of the way. I couldn't get -- take him to
3 Washington. Did take my daughter. And my daughter and my son
4 and my wife all went -- went down and spoke to him.

5 And he said, "Now, I want you to come out to my house
6 tomorrow and have dinner with me. I'm free tomorrow night."
7 And so we did. Went out and he entertained us and was very nice
8 to us. And said, "Well, is there anything I could do for you?"
9 (Laughter)

10 I said, "Well, I'm trying to scour up some letters to
11 the president of the United States to get him to nominate me for
12 the Senate."

13 And he said, "Well, I'll be glad to write him a
14 letter." And he did. And I got a -- I was one of the few
15 judges that got letters from (laughter) managers of the Boston
16 Red Sox.

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LAW SCHOOL

MR. WALKER: Let's -- let's switch gears and go back to after you got out of the service and graduated from Auburn and then went to law school.

JUDGE VARNER: All right. Well, Auburn at that time had no -- no legal training, was not giving legal training. I did go to pre-law school for a little while at Auburn, but that was as far as they would take me.

Then I selected University of Alabama because my father had gone to the University of Alabama and had graduated up there and had pursued legal training. And I went up there, and I completed my legal training at the University of Alabama with a great many more friends that I had in the Naval Air Corps. But we finished there, well, about three years, two or three years. And not knowing where else to go, I went back to Tuskegee to practice law. And I practiced law over there for five years. And I finally concluded that probably I would get along better if I moved to Montgomery and practiced law over here, so I wound up as a Montgomery lawyer as well as a Tuskegee lawyer.

MR. WALKER: Do you remember what types of cases you first -- or clients that you had when you first went back to Tuskegee?

JUDGE VARNER: Well, the people who needed lawyers over there were mostly black people, and I represented mostly black

1 people. I did represent some white people too. I represented
2 anybody who wanted me to represent them, frankly. And that's
3 the way it was while I was in Tuskegee. And I -- that was one
4 thing that caused me to finally move to Montgomery. I was
5 representing nearly all black people. And they were nice
6 people, but they didn't have much money to pay me with. And I
7 was a strange lawyer who liked the idea of making a little
8 money.

9 MR. WALKER: What did you do when you first came to
10 Montgomery?

11 JUDGE VARNER: I ultimately went to work with Jones,
12 Murray & Stewart, my legal firm, ultimately, and practiced law
13 for about 13 years with them. And one of the things that I
14 pursued, I ran for the state Senate. That didn't do me any
15 good. I couldn't win (laughter).

16 MR. WALKER: Did you run as a Republican?

17 JUDGE VARNER: I did run as a Republican because by
18 that time, I had realized that my political interests were not
19 quite commensurate with the way the Democrats seemed to be
20 going. And so I ran on the Republican side. And just about
21 everybody who was running for office then was running on the
22 Democrat side. And I knew that I might not win, but I could run
23 anyway and establish myself as a Republican. And I did.

24 MR. WALKER: Now, before you went into private practice
25 in Montgomery, you were -- you worked at the U.S. Attorney's

1 Office as an assistant United States attorney. Was the U.S.
2 Attorney Hartwell Davis?

3 JUDGE VARNER: That's right. And he was an old friend,
4 old friend of mine and of the family's. And he said, "Well,
5 come on down. I need a first assistant United States attorney."
6 And he took me on. And he taught me what I knew about being the
7 first assistant United States attorney (laughter). And I didn't
8 get into much trouble, so I stayed there for about three or four
9 years.

10 MR. WALKER: What types of cases did you prosecute back
11 then?

12 JUDGE VARNER: At that time, he put me on as a criminal
13 prosecutor, and I practiced nearly -- well, actually, I
14 practiced both civil and criminal, but most of my work was
15 criminal. Of course, that was the job of the first assistant
16 United States attorney. But both of us -- we had only two
17 assistants in those days, and both of us had the benefit of
18 practicing on both sides of the thing. Ralph Daugherty, who was
19 the other assistant, was on the civil side, but he and I both
20 practiced both sides.

21 MR. WALKER: What type of -- what type of crimes were
22 being committed back in the mid-fifties?

23 JUDGE VARNER: Well, the most noticeable was the crime
24 of making and drinking moonshine whiskey (laughter). We did
25 quite a bit of that. We didn't know anything about bootleg wine

1 or that sort of thing. All we knew about was whiskey.
2 Actually, I was prosecuting cases arising from as far south as
3 Dothan and that part of the county -- the state and as far north
4 as I'd say -- well, two or three counties above here.

5 MR. WALKER: Who were -- who were the district judges
6 that you practiced in front of when you were Assistant U.S.
7 Attorney?

8 JUDGE VARNER: One that later became so well known was
9 Frank Johnson, but he never -- he was not known of in this part
10 of the state to talk about at that time.

11 Judge Kennamer was the sole prosecutor -- not
12 prosecutor. The sole --

13 MR. WALKER: Judge.

14 JUDGE VARNER: -- judge, and he was in charge of every
15 criminal case we had.

16 I was injured. I've forgotten what injured me, but I
17 was not able to get up and make a big show because I had been
18 hurt in one of my frolics. And I spent some -- a bit of my time
19 while I was prosecuting cases not being before the Court, but
20 being in the court and without physical ability to get out and
21 make contact. So I -- I wore a back brace, and I got out of the
22 attention of the Court except when I said something. When I
23 said something, they looked around for that fellow who was
24 making that noise (laughter), and I was that fellow.

25 MR. WALKER: Because you were laying down behind the

1 bench.

2 JUDGE VARNER: I was laying down where I could lie down
3 without causing any problem (laughter). And I spent my time --
4 a good deal of my time. And that lasted for several months, but
5 it got me more attention than anything else I think I ever did
6 as a prosecuting attorney except among the bootleggers and some
7 other people of that sort.

8 MR. WALKER: After you left the U.S. Attorney's Office,
9 you went into private practice with a firm in Montgomery.

10 JUDGE VARNER: Yes.

11 MR. WALKER: What -- just generally, what type of work
12 were you doing?

13 JUDGE VARNER: Well, we did almost what -- what I said
14 I did as a practitioner. I did what I was asked to do. I had
15 what is known as a general practice of law. I had -- I had one
16 partner who was generally a banking lawyer. I had another one
17 who was generally a real estate lawyer. The rest of us were
18 wandering around and doing what we could find to do. We had --
19 two of my partners were -- were very fine students. And Bob
20 Stewart wound up doing work for people like -- oh, what's the
21 name of the --

22 MR. WALKER: Hank Williams.

23 JUDGE VARNER: Hank Williams. Hank Williams.

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ON THE BENCH

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MR. WALKER: Let's turn to when you came on the bench in about 1971.

JUDGE VARNER: I did what they told me to do.

MR. WALKER: Did you develop an interest or a desire to become a judge, or did someone approach you?

JUDGE VARNER: No, I didn't -- I didn't think about being a judge. My grandfather was a judge. He was on the Supreme Court for years, 30 years -- I know he was at least 30 years. My father had been a probate judge for 30 years or nearly that. And I -- I had no desire to be a judge. I was interested, but I wasn't looking for the job.

MR. WALKER: How did it come about? Did someone approach you or -- well, President Nixon nominated you for the judgeship.

JUDGE VARNER: That's right. That's right.

MR. WALKER: Do you remember how you got the nomination?

JUDGE VARNER: Well, I got it with a letter from Ted Williams and many other letters. People heard that I was seeking the job and they were friends. And they thought I'd make a good judge, apparently, and they wrote letters recommending me. That's the way you get to be a federal judge. You get enough letters, you get interest in the situation. I had no interest in being a judge much; but when I started

1 getting the letters, I became interested. And finally there
2 were enough letters so that -- for the other five or six people
3 who were seeking the job, I seemed to have more -- more letters.

4 MR. WALKER: Do you remember your confirmation process?

5 JUDGE VARNER: Yeah. Yeah. I went up to Washington,
6 and I ran into Ted Williams, as I told you about. But that
7 wasn't the only thing. I ran into two senators, one from each
8 part of the state of Alabama, and I ran into other people. Now,
9 I knew that one of the senators might be for me, even though he
10 was a Democrat. He knew I was a Republican, but he was a good
11 friend of mine and the family's. The other senator probably had
12 never heard of me. He had heard of my daddy because my daddy
13 was a good Democrat who probably voted for him as probate judge
14 while he was over there. But anyway, the thing developed.
15 There was a general interest.

16 And after -- I won't go through all of the problems
17 that we had, but it took me about two years after I began to get
18 interested in the job before I got enough interest or that I
19 felt like I thought I'd have a chance. And after that time, I
20 did have a chance. There were a lot of people that were
21 interested. There were a lot of people who were good people,
22 and they wanted the job. And it went up and down for a long
23 period of time; but ultimately, I got the job. But the job was
24 open for about two years before I got it.

25 MR. WALKER: And then you came on the bench in 1971.

1 JUDGE VARNER: That's right, I believe.

2 MR. WALKER: Was Judge Johnson the only other judge
3 when you came on the bench?

4 JUDGE VARNER: Judge Johnson had been nominated and had
5 been selected here, and Judge --

6 MR. WALKER: Kennamer?

7 JUDGE VARNER: No. Judge Kennamer had passed away.
8 But there was another judge --

9 MR. WALKER: Judge Pittman?

10 JUDGE VARNER: What?

11 MR. WALKER: Virgil Pittman?

12 JUDGE VARNER: Yeah. Judge Pittman had been judge in
13 another part of Alabama and had been involved in other parts of
14 Alabama. And he said, well, he would help out in another part
15 of Alabama if he could get the -- look like he would have a good
16 chance of being appointed from that part. And they said, fine;
17 you're a good man. We'll probably appoint you, but we -- all we
18 can do is guess at this point. But if you'll take the job for
19 both districts, you -- you might be appointed for the one you
20 really want, which is the Mobile district.

21 So they -- they -- he said, well, I believe I'll take
22 that. So he was appointed as district judge for the Middle and
23 the Southern District of Alabama. And he held that job until,
24 ultimately, we got another permanent position for the Middle
25 District. That's this district. And at that point, I was given

1 the one for the Middle District, and Judge Pittman was given the
2 position for the Southern District.

3 MR. WALKER: What was it like when you first started as
4 a judge?

5 JUDGE VARNER: Actually, we go back to my bootleg days.
6 We didn't try many drug cases, if any, in those days. We'd have
7 one once in a while, and usually they were picked up from
8 somewhere else or were terminated by agreeable terminations.
9 And we didn't really do much -- much of the work with drugs.
10 And, of course, today a great part of our business is drug work.

11 MR. WALKER: A little bit and generally about when you
12 came on the bench in early seventies. And that was a period of
13 time of a lot of civil rights litigation. And if you can,
14 without talking about any specific case unless you remember it,
15 just talk about that generally, what it was like in that
16 environment to be a judge in this district.

17 JUDGE VARNER: Well, of course, we try a great number
18 of civil rights cases now, and we did try a little bit of civil
19 rights practice in those days. But the general flow of the
20 business has changed tremendously. I would say that the bigger
21 part of the criminal practice and a great part of the civil
22 practice is derived from civil rights litigation. And primarily
23 it's civil rights of blacks and sometimes of whites today.

24 MR. WALKER: What was the political and social
25 environment in the early -- early and mid-seventies when you

1 first were a young -- young judge?

2 JUDGE VARNER: Well, Judge Johnson was appointed as the
3 sole judge, and he was the sole judge here for a number of
4 years. And he was a Democrat when he was appointed. Judge --

5 MR. WALKER: Pittman?

6 JUDGE VARNER: -- Pittman was also a Democrat when he
7 was appointed, and he was appointed by a democratic judge. Both
8 of our senators were judge -- were Republican -- were Democrats.

9 MR. WALKER: Who were the senators at that time?

10 JUDGE VARNER: Jim Allen was one and --

11 MR. WALKER: Sparkman.

12 JUDGE VARNER: What?

13 MR. WALKER: Sparkman?

14 JUDGE VARNER: Yes. John Sparkman was another one.
15 And they -- they, of course, were the only two senators from
16 Alabama for many years. Well, Senator Lister Hill was a
17 prominent senator. All of them were Democrats.

18 MR. WALKER: And you were saying that Judge Johnson was
19 the only judge in this district for a while related to the
20 social and political environment when you came on the bench.

21 JUDGE VARNER: That's right. And that would go for --
22 I think he had been on the bench for 18 years when I -- when I
23 got appointed.

24 MR. WALKER: Were you involved in -- or served on
25 three-judge panels early in your career?

1 JUDGE VARNER: I was for a while, but then I -- when I
2 got hurt, I -- I divorced myself from a lot of three-judge work
3 because of the fact I just couldn't move about like I would like
4 to. And I never did get appointed on many three-judge courts
5 after that. And, of course, I've been a well man as far as my
6 injury is concerned ever since.

7 MR. WALKER: One case I did want to ask you about was
8 the prison case that -- as I understand it, you inherited that
9 case. It had already been litigated to some extent when you
10 took over.

11 JUDGE VARNER: I did.

12 MR. WALKER: Tell us a little bit about how -- how
13 that --

14 JUDGE VARNER: Well, there was a lot of talk about it.
15 I tried to divorce myself from the talk about it, and I prefer
16 to divorce myself from it now. I -- I've served. I served just
17 as part of my regular routine work, and I still would if I were
18 appointed -- well, up until the time I took complete retirement,
19 which was two or three weeks ago.

20 MR. WALKER: At the time that you inherited the prison
21 case, the sum of the state prisons were overcrowded.

22 JUDGE VARNER: Yes, sir. They certainly were.

23 MR. WALKER: Okay. And --

24 JUDGE VARNER: And they still are.

25 MR. WALKER: And you had entered an order that that

1 problem needed to be fixed.

2 JUDGE VARNER: Yes, sir.

3 MR. WALKER: And it didn't get fixed, as I have studied
4 and --

5 JUDGE VARNER: It is not normally fixed by the judge,
6 and it is preferred that it not be fixed by the judge. It's
7 somebody else's business. It's a legislative issue. And in
8 this situation it would normally have been left up to the state
9 legislative services. It was a very distasteful position to be
10 put into if you were running for office. And -- but it was a
11 position that a federal judge should not have been in. And I
12 think maybe the federal judge that finally did something about
13 it did it from necessity because it wasn't done by the people
14 that should have done it.

15 MR. WALKER: Talk about one other case somewhat related
16 to the prison case that you just had that I think cert was
17 denied by the United States Supreme Court, and that was some
18 litigation brought by prisoners that were HIV positive.

19 JUDGE VARNER: Yes, sir.

20 MR. WALKER: Talk a little bit about that case.

21 JUDGE VARNER: Like I say, it was a matter that was
22 handled through the State Legislature. And I suppose the
23 first -- first case that was ever handled through the federal
24 system might have been this case. I'm not sure.

25 MR. WALKER: And by way of background, the state,

1 through the Department of Corrections, was segregating
2 HIV-positive inmates from the general population of inmates.

3 JUDGE VARNER: Yes, sir.

4 MR. WALKER: And a lawsuit was brought challenging the
5 constitutionality on behalf of the HIV-positive patients in
6 terms of them being segregated and not, allegedly, having the
7 same rights as other prisoners in the general population.

8 JUDGE VARNER: You, of course, helped me express that
9 very well. I hadn't thought much about it in a good while.

10 MR. WALKER: And you were ultimately affirmed by the
11 Eleventh Circuit --

12 JUDGE VARNER: I was.

13 MR. WALKER: -- in ruling that you couldn't segregate.

14 JUDGE VARNER: And I think the Supreme Court finally
15 affirmed it, did they not?

16 MR. WALKER: They denied cert, so it was final.

17 JUDGE VARNER: Now, that's the Supreme Court of the
18 United States.

19 MR. WALKER: Yes, sir.

20 Judge, talk a little bit, just in general terms, about
21 what your judicial philosophy has been through the years in
22 terms of what your role as a judge is and how you think cases
23 ought to be efficiently handled and managed.

24 JUDGE VARNER: My position is that a judge ought not to
25 set that up, that legislators set it up and judges ought to keep

1 their conversation to themselves about how they think it ought
2 to be done. And that's been my position generally, and I try to
3 keep it a private matter as to me.

4 MR. WALKER: What qualities do you think people should
5 look for in judges today and, obviously, in the future? What do
6 you think some of the important qualities are to make a good
7 judge?

8 JUDGE VARNER: Well, I think that I have expressed
9 myself pretty well on the whole subject. A judge ought to be
10 reasonably quiet about what he does, what he ought to do, until
11 he has to do it. And I've tried to stick to that.

12 MR. WALKER: Well, we appreciate you taking the time to
13 tell us about your life.

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REPORTERS' CERTIFICATE

We, Patricia G. Starkie and Risa L. Entrekin,
Registered Diplomate Reporters and Official Court Reporters for
the United States District Court for the Middle District of
Alabama, do hereby certify that the foregoing 25 pages contain a
true and correct transcript of the interview of the Honorable
Robert Edward Varner in the City of Montgomery, Alabama, on
April 27, 2000.

In testimony whereof, we hereunto set our hand this
26th day of April, 2018.

/s/ Patricia G. Starkie
PATRICIA G. STARKIE, RDR, CRR
Official Court Reporter

/s/ Risa L. Entrekin
RISA L. ENTREKIN, RDR, CRR
Official Court Reporter