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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

INTERVIEW OF
ANNIE RUTH JENKINS JOHNSON
widow of FRANK M. JOHNSON, JR.
Judge of the United States District Court
for the Middle District of Alabama

as a part of the
ORAL HISTORY PROJECT
of the
U.S. DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

Interviewed by David Whiteside
Montgomery, Alabama
February 6, 2000

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MR. SEGALL: We are here on February 6th, 2000, to interview Mrs. Ruth Johnson, the widow of Judge Frank M. Johnson, Jr. This interview is for the purpose of obtaining an oral history of Mrs. Johnson's life with Judge Johnson.

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 Johnson served for 24 years prior to his elevation to the United States Court of Appeals.

The interview of Mrs. Johnson is being conducted in her home by David Whiteside, an attorney practicing law in Birmingham, Alabama, who is married to Judge and Mrs. Johnson's niece, Roseanna.

1 MR. WHITESIDE: Ruth, as you know, this is an oral
2 history, and we wanted to ask you a lot of questions about your
3 life with Judge Johnson and the life, really, leading up to
4 that.

5 Everybody has heard about Winston County, but tell me
6 what happened before you met the Judge.

7 MRS. JOHNSON: I was awfully young before I met the
8 Judge, David. I think I became aware of him when I was eight or
9 nine years old. Was just a boy, you know. But I was born and
10 spent the first eight years of my life in Carbon Hill, Alabama.
11 My father was a coal miner. And in 1929 -- you see, you know
12 how old I am now -- the mines -- everything folded, you know.
13 That's when the Big Depression started.

14 And so I was taken by my mother -- and all my
15 sisters -- to Haleyville. That's where I spent the rest of my
16 life until I married and left. And I haven't moved back there.

17 MR. WHITESIDE: Were you old enough to realize you were
18 being moved from Carbon Hill to Haleyville?

19 MRS. JOHNSON: I was old enough.

20 MR. WHITESIDE: And how did that affect you?

21 MRS. JOHNSON: I felt lost. And I knew that we were
22 terribly poor, and I knew it was a matter of eating. You know,
23 you didn't think about much other than staying warm as you could
24 and eating. But almost everybody was in the same situation we
25 were. We didn't know we were that poor. But it was, you know,

1 a problem. It was an anxiety on all of us.

2 MR. WHITESIDE: Did you know the Johnson family when
3 you moved to Haleyville?

4 MRS. JOHNSON: I did not know the Johnsons before I
5 moved there, but we became friends. And Frank's mother became
6 friends with my mother and my sisters, and they were close on up
7 until my mother died.

8 MR. WHITESIDE: How far apart did you live from the
9 Johnson home?

10 MRS. JOHNSON: Oh, my goodness. They lived on one side
11 of town and I lived on the other. I lived in South Haleyville.
12 And you know what South Haleyville -- it's a real low income
13 place to live. And when you think about that in a city of about
14 2,000 people, that's -- it's pretty low. I lived about two and
15 a half miles from the school that we attended. And Frank lived
16 right in town, you know, right across the street from the
17 elementary school. And so I walked two and a half miles to and
18 from school all the time I was going to school.

19 MR. WHITESIDE: When was your first -- when was the
20 first time you remember seeing Judge Johnson?

21 MRS. JOHNSON: Oh, I've told this to so many people.
22 The Tuggles that lived in South Haleyville also had a big
23 pasture. And as you know, Winston County is hilly. There's not
24 many places level enough for a small airplane to land. And
25 these people with the, you know, single-engine planes, you know,

1 would come in and land in Tuggle's pasture and take people for a
2 ride for \$5.

3 But when they landed, everybody that was in sight of
4 the landing would rush over to the pasture. And that's where I
5 saw him for the first time that I remember. I was probably nine
6 years old. And he was riding on a horse. And I told Frank
7 Sikora that he was the most arrogant-looking boy I had ever
8 seen. Didn't care about boys then.

9 MR. WHITESIDE: Did you see him in school during that
10 period, or were you separated?

11 MRS. JOHNSON: No. I -- I guess that I didn't really
12 become aware of him in school until I was -- well, our seventh
13 grade went through the twelfth grade school. I was probably in
14 the seventh grade. He was in the eighth or ninth.

15 MR. WHITESIDE: Well, that blossomed into a lifelong
16 romance, a really storybook affair. Tell me what happened.

17 MRS. JOHNSON: Well, when we got together, we never
18 were apart for long.

19 MR. WHITESIDE: Right.

20 MRS. JOHNSON: Well, Frank said that he saw me sitting
21 on the bleachers. Is that what you call those things, you know,
22 at the ballpark? He was playing baseball. And he didn't know
23 me, you know. And -- but after that, he started walking home
24 from school with me all the way down to where I lived in South
25 Haleyville and then walking back home and tried to get there so

1 his mother wouldn't fuss at him for being late.

2 MR. WHITESIDE: Do you remember what year that was in
3 school, what year you were?

4 MRS. JOHNSON: What?

5 MR. WHITESIDE: What grade?

6 MRS. JOHNSON: Oh, I think it must have been the eighth
7 grade. I wasn't allowed to go out with boys.

8 MR. WHITESIDE: When was the first time you actually
9 went out on a date?

10 MRS. JOHNSON: On a -- well, I think that I managed to
11 go out when I was about 14. And, David, back then, you didn't
12 have to have driver's license to drive. So although Frank was
13 probably 15, close to 16, he didn't -- he was too young to have
14 a driver's license, but he drove anyway. And his father let him
15 have the car, which this was in the afternoon. It wasn't late.
16 And he picked me up to go to a movie at the Princess Theater --
17 see, now, my mind is working. But we, of course, didn't go to
18 the movie.

19 MR. WHITESIDE: I wondered. You said "I managed my
20 first date," and I wondered what you meant by that. What did
21 y'all do?

22 MRS. JOHNSON: We went to a place called the Overhead
23 Bridge that was an old bridge over a railroad track. And that's
24 where all the kids went that had wheels. And several cars would
25 be there. Just sit and talk. But we didn't get away from there

1 to go to the movie. Frank's cousin was sent by his father to
2 get the car. He had to have the car. So I was home way before
3 dark. That was my first date.

4 MR. WHITESIDE: And after that, did you travel with him
5 often in the car that he would borrow?

6 MRS. JOHNSON: You want to know about all those torn up
7 cars?

8 MR. WHITESIDE: That was going to be the next question,
9 is what did you think about his driving at that time?

10 MRS. JOHNSON: It wasn't so much the driving. It was
11 the roads we were on. The roads were terrible in Winston
12 County. And the first accident that he had, I was with him.
13 And I think his father had just bought the car. And he was
14 taking me to Double Springs. That's where -- they had moved to
15 Double Springs. Want me to back up a little bit?

16 MR. WHITESIDE: No. Tell me that story first.

17 MRS. JOHNSON: The car that he was driving, he got it
18 from his father. But he was taking me over to his mother's
19 house and father's house in Double Springs. And we -- he was
20 smoking. You know, he smoked those Home Run cigarettes. And I
21 was supposed to light it for him, and I was jiggling the match
22 real good. And he got in the loose gravel and ran off the road.
23 And we were not hurt but the car was torn up, and someone took
24 us back to my house in Haleyville. It wasn't long till his
25 father showed up.

1 And he allowed him to have the car in about a week, a
2 new car that he bought. And this time, I wasn't with him when
3 he tore it up. He had been to Haleyville to visit me, but he
4 and Pert Dodd -- do you remember Pert Dodd?

5 MR. WHITESIDE: I do. You might want to tell us,
6 though, who Pert Dodd was and what his role was during the
7 time frame.

8 MRS. JOHNSON: Well, he was close friends, real close
9 friends. They played football together. And --

10 MR. WHITESIDE: Later became a U.S. Marshal for the
11 Judge.

12 MRS. JOHNSON: Later, uh-huh. Much, much, later.

13 MR. WHITESIDE: I'm sorry. I interrupted.

14 MRS. JOHNSON: Well, you ruined my train of thought
15 now.

16 MR. WHITESIDE: I apologize.

17 MRS. JOHNSON: But anyway, they were late to go back to
18 Double Springs, and they were trying to make the -- beat their
19 last time, you know, that they went. He was a -- drove about
20 like you do, David. And they left the road and went down a
21 barbed wire fence and tore the post down and everything and
22 ended up in someone's wood pile and demolished that car.

23 And that's when Frank's father decided to send him to
24 Gulf Coast Military Academy.

25 MR. WHITESIDE: You mentioned that at the time you rode

1 with him, he had moved to Double Springs. What was the reason
2 for the move to Double Springs?

3 MRS. JOHNSON: Well, I guess this is more about Frank
4 than about me, and I should have picked up on his early
5 childhood. He was born at Belmer, Alabama, which is four miles
6 from Haleyville. And his father was in the Army at the time.
7 When he got home, I believe he taught school one year. But they
8 lived with Mrs. Johnson's mother and father, and that's where
9 Frank was born. And then they moved to Haleyville. And Frank
10 became postmaster in Calvin Coolidge's administration. Now, I
11 really came back with that one.

12 MR. WHITESIDE: The Judge's father became postmaster?

13 MRS. JOHNSON: He was postmaster. And that's why they
14 were in Haleyville. And they lived there until the Republicans
15 were run out through Coolidge and Harding and Hoover. And then
16 Mr. Johnson ran for probate judge and was elected. And Double
17 Springs was the county seat, and that's where they moved to
18 Double Springs.

19 MR. WHITESIDE: So at that point in time, did you have
20 a long-distance relationship with the Judge?

21 MRS. JOHNSON: David, we didn't have a telephone. We
22 wrote letters. Uh-huh.

23 MR. WHITESIDE: How far is Double Springs from
24 Haleyville?

25 MRS. JOHNSON: About 16 miles.

1 MR. WHITESIDE: Okay.

2 MRS. JOHNSON: Not far.

3 MR. WHITESIDE: And you were still going to high
4 school, I guess, at that time; is that correct?

5 MRS. JOHNSON: I went to high school till I got
6 married.

7 MR. WHITESIDE: Okay. And was he still -- he was in
8 high school. I guess he was close to being a senior at that
9 point.

10 MRS. JOHNSON: He was. He spent his senior year at
11 Gulf Coast Military Academy.

12 MR. WHITESIDE: How often would you see -- even though
13 that's a long distance -- I assume it took 30 or 45 minutes to
14 get from Double Springs to Haleyville back then with the roads
15 and the transportation. How often would you see him?

16 MRS. JOHNSON: Oh, he managed to get over once a week,
17 at least.

18 MR. WHITESIDE: Was there a point in time when he and
19 you discussed your future or discussed marriage or anything like
20 that?

21 MRS. JOHNSON: I don't think we ever did, David, not
22 until he finished high school and had gone to Birmingham
23 Southern. He went on a football scholarship to Birmingham
24 Southern. He was great at football, played for Haleyville and
25 Double Springs and also for Gulf Coast Military Academy.

1 And when he got there and started the fall semester,
2 they abandoned the athletic program at Birmingham Southern then.
3 And he didn't want to stay if he couldn't play football, and he
4 left. And thank goodness, he went to Massey Business College
5 and finished out that year. It was during that year that -- he
6 had a job, also, as bookkeeper to an insurance company. I had
7 done all my work for high school. I just hung on because it was
8 my class. And I left at the mid-semester in 1938, and we got
9 married.

10 He didn't ask me to marry him. He said, "Well, I think
11 it's time for us to get married, don't you, Ruth?" And that's
12 just the way it happened.

13 MR. WHITESIDE: Did --

14 MRS. JOHNSON: His --

15 MR. WHITESIDE: I'm sorry. Go ahead.

16 MRS. JOHNSON: I don't think his parents objected. And
17 my mother didn't, but my oldest sister locked me up for a while.

18 MR. WHITESIDE: I was going to ask a couple of
19 questions about -- did you see anybody else during the time you
20 were seeing the Judge?

21 MRS. JOHNSON: The only dates I ever had were with
22 Frank Johnson, the first date I ever had. And that's all. I
23 did go to things at school that I was involved in and rode with
24 other people, but no dates.

25 MR. WHITESIDE: Did he ever seem to be jealous when you

1 went to other things with people?

2 MRS. JOHNSON: Yes.

3 MR. WHITESIDE: Tell me about that.

4 MRS. JOHNSON: Pouted. That's all. It wasn't a big
5 thing, David.

6 MR. WHITESIDE: Did he end up going to places he wasn't
7 invited or going to parties just to show up to see --

8 MRS. JOHNSON: I don't -- I don't remember anything.

9 MR. WHITESIDE: So you -- you, in a sense, received a
10 proposal after you got out of high school. What happened next?

11 MRS. JOHNSON: After we got out of high school, I went
12 to Birmingham with him for a while. And he went in and told the
13 head of the insurance company that he was working for that he
14 was married and he needed more money, and they fired him.

15 MR. WHITESIDE: That's a wonderful story. Why did they
16 fire him?

17 MRS. JOHNSON: Because the job called for a single
18 person and the -- it didn't pay enough for two people to live
19 on.

20 MR. WHITESIDE: So what happened when he was fired?

21 MRS. JOHNSON: Well, we got hungry. We weren't really
22 upset about it. We got down to our last 20 cents. And we had a
23 lot of fun deciding what we were going to spend our money on.
24 And we decided on two RC Colas -- you don't remember RC Colas.

25 MR. WHITESIDE: I remember RC Colas.

1 MRS. JOHNSON: -- and two bags of peanuts and called
2 his father collect and told him our situation.

3 MR. WHITESIDE: What happened then?

4 MRS. JOHNSON: Oh, he sent one of the employees at the
5 probate office -- his name was Moody, Lee Moody, Mr. Moody --
6 with a pickup truck to get us and all of our belongings, but not
7 to bring us home, but to bring us to his mother and -- Frank's
8 grandmother and grandfather's. And I was so frightened, you
9 know, to go in like that without them knowing it or anything.
10 And they were so gracious to me. They welcomed us, and they
11 were really upset when we left.

12 MR. WHITESIDE: Well, during the time you were -- that
13 was in Haleyville, I guess?

14 MRS. JOHNSON: No. That was in -- they lived in Carbon
15 Hill.

16 MR. WHITESIDE: Okay. So what happened -- how long did
17 y'all stay in Carbon Hill?

18 MRS. JOHNSON: Oh, probably less than a month, David.
19 It wasn't long.

20 And Frank got a job keeping books with the WPA.
21 Remember what WPA stands for? Works Progress Administration.
22 It was a Roosevelt program to get people back to work during the
23 Depression. And we moved to Nauvoo, which is two or three miles
24 from Carbon Hill. You know, communities all had different
25 names. And we lived there, oh, a few months, two or three

1 months, and then to Jasper.

2 And he started building outhouses, the privies that the
3 government built for everybody. They were built without any
4 cost to the people themselves. It was a great thing to do,
5 because some of the little houses were toppling over and all of
6 them were unsanitary. And Frank took a lot of pride in his
7 building. He was so proud of them.

8 MR. WHITESIDE: Did he ever talk about that's an
9 outhouse I built or something like that when you went back?

10 MRS. JOHNSON: Oh, all the time. Up until he died he
11 talked about his outhouses.

12 MR. WHITESIDE: Did you ever see any of the outhouses
13 he built? Did he ever point them out when he went back to
14 Jasper or anything or Nauvoo?

15 MRS. JOHNSON: I don't think there are any now, because
16 people eventually got plumbing.

17 MR. WHITESIDE: After he worked with the WPA and he had
18 a job with building outhouses with the WPA, what happened next?

19 MRS. JOHNSON: We went to school.

20 MR. WHITESIDE: Okay.

21 MRS. JOHNSON: We had a conference and decided that he
22 wasn't getting anywhere and that he needed to be working towards
23 some -- some future.

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COLLEGE PLANS

MRS. JOHNSON: And he was being sent to college. His parents were doing it, except he had to help too. And, you know, the reason I know his grandmother -- my mother-in-law was very fond of me. Let's back up just a little, and I'll tell you. When I was 14 years old, she named her baby for me, Ellen Ruth. And so when we were in this discussion about going to school, Judge Johnson Sr. said, "Well, Ruth can work." And Alabama Long Johnson says, "No, indeed. If anybody goes to school, Ruth is going. She's smart."

MR. WHITESIDE: Alabama Long Johnson was the Judge's mother?

MRS. JOHNSON: The Judge's mother.

MR. WHITESIDE: And she was a schoolteacher, wasn't she?

MRS. JOHNSON: She was.

MR. WHITESIDE: And so she was -- she named one of her daughters after you, I take it. Ellen Ruth?

MRS. JOHNSON: Ellen Ruth. The youngest one. Uh-huh.

MR. WHITESIDE: You said, "We had a conference." Tell me who was in the conference and tell me what happened there.

MRS. JOHNSON: When we were talking -- discussing going to school, well, we just had to decide what money we would need and where it was coming from.

MR. WHITESIDE: Was that a conference between you and

1 the Judge or did it include --

2 MRS. JOHNSON: Well, it included his parents.

3 MR. WHITESIDE: Okay.

4 MRS. JOHNSON: And Wallace, his oldest brother, was
5 ready for college. And he was going to live with us and cut
6 down on expenses. Didn't work out too good after we got
7 underway.

8 MR. WHITESIDE: Why not?

9 MRS. JOHNSON: Well, the money just wasn't there. But
10 Frank got a job and -- working in the -- David, do you -- you
11 probably don't know as much about the New Deal of Roosevelt as I
12 do. It was called the National Youth Organization or
13 Administration. NYA I believe is what it was. And they
14 provided jobs on the campus for students that needed the work.
15 And he got a job because he was really good at carpentry work by
16 then, you know.

17 MR. WHITESIDE: The Judge was?

18 MRS. JOHNSON: Uh-huh. And after -- I went to a
19 distant relative of mine that was dean of the history department
20 there, Dr. A. B. Moore, and introduced myself to him and told
21 him who I was. And he remembered my mother so well and brought
22 up some stories and told them. And as soon as he could, he got
23 me a job with the history department.

24 MR. WHITESIDE: This is at the University of Alabama?

25 MRS. JOHNSON: University of Alabama.

1 MR. WHITESIDE: In Tuscaloosa?

2 MRS. JOHNSON: In Tuscaloosa.

3 MR. WHITESIDE: At that point, were you and Wallace and
4 the Judge living together in a place?

5 MRS. JOHNSON: Yes.

6 MR. WHITESIDE: And what was Wallace majoring in or
7 doing?

8 MRS. JOHNSON: Well, you see, we were freshmen. You
9 don't major in anything when you're a freshman.

10 MR. WHITESIDE: Okay. So the Judge and Wallace, even
11 though they were different ages, were both freshmen entering
12 school.

13 MRS. JOHNSON: They were both bound for law school.
14 That's -- they took prelaw. And I majored in history. It was a
15 good subject with me. And I had to -- I had to make all As in
16 history to keep my job with the history department. But I took
17 20 or 24 semester hours a semester also to get through in three
18 years. I finished my four-year course in three years.

19 MR. WHITESIDE: So the three of you were going to
20 school together.

21 MRS. JOHNSON: At the same time. Uh-huh.

22 MR. WHITESIDE: You said that things didn't work out.
23 What --

24 MRS. JOHNSON: I mean we were always short of money.

25 MR. WHITESIDE: Oh, okay.

1 MRS. JOHNSON: Purely financial. It worked out great
2 with us.

3 MR. WHITESIDE: You also mentioned that at the
4 beginning, the Judge had decided to go to law school or to
5 become a lawyer, I guess.

6 MRS. JOHNSON: He decided that before he even thought
7 about going to college.

8 MR. WHITESIDE: When was the first time you remember
9 him talking about that?

10 MRS. JOHNSON: Oh, back when he was a youngster. You
11 see, Judge Curtis -- I don't even know what kind of a judge he
12 was, but he was called "Judge." Jim Jack Curtis from Jasper had
13 told him to get on through school and go to law school, and he
14 could come and practice with him. He had a law practice in
15 Jasper, Alabama. That's how we got to Jasper. And Frank
16 admired him. He liked him so much. And that's what started him
17 working towards a law degree.

18 MR. WHITESIDE: Do you know how he first met Judge
19 Curtis?

20 MRS. JOHNSON: I do not.

21 MR. WHITESIDE: But he had that ambition, as far as you
22 can remember, to become a lawyer.

23 MRS. JOHNSON: Yes. Yes.

24 MR. WHITESIDE: When you were in Birmingham and he was
25 going to both Massey Business School and working as a

1 bookkeeper, was law school always in the back of his mind then?

2 MRS. JOHNSON: I think so. Yes. Long before that,
3 even.

4 MR. WHITESIDE: But the War interrupted.

5 MRS. JOHNSON: Well, I had just finished my three
6 years, gotten my degree, and started teaching school at
7 Tuscaloosa County High School. I was fortunate to get a
8 teaching job there. And Frank was in law school. Wallace
9 dropped out of school and joined the Army. And, you know, it
10 was inevitable. If you're healthy and in that age group, you
11 had to go.

12 MR. WHITESIDE: Sure.

13 MRS. JOHNSON: And Frank, of course, had the military
14 training that he had at Gulf Coast and also ROTC. And instead
15 of going on in -- he lacked six months in law school. He got a
16 deferment to get his law degree before he left, which was a very
17 good thing to do, and then went to Fort Benning.

18 I, in the meantime, joined the Navy. And after one
19 semester of teaching, I was called up. I had to go. And I went
20 in before he did, a few months before he did.

21 MR. WHITESIDE: Well, we know he -- he was in Normandy
22 and received Bronze Stars and had been wounded, but I never
23 heard the stories about what you did. Tell me about that.

24 MRS. JOHNSON: Well, I went to Smith College in North
25 Hampton, Massachusetts, for our training. I got my -- I was

1 already -- I got my rating. I was an ensign to start with, but
2 I had to go a short three months training. And the same thing
3 they gave the men, almost the same thing. Why, I don't know,
4 David. We had to march. We had to drill. We had to go through
5 the -- climb over the gymnasium on a rope, you know, and all the
6 things that we never had to do after we got in, because we were
7 not allowed to go aboard a ship or to go overseas. And when I
8 left there, I went straight to Miami, Florida, and stayed there
9 a little over two years.

10 When Frank got out of law school, he came down and
11 stayed about three months and worked. He worked as a law clerk
12 in a law firm. And then he -- until he was called up. You see,
13 he had to wait until he was -- there was a place for him at Fort
14 Benning.

15 MR. WHITESIDE: So this was -- this was before he
16 actually went overseas, in a sense.

17 MRS. JOHNSON: Of course.

18 MR. WHITESIDE: He actually clerked with a Miami law
19 firm before --

20 MRS. JOHNSON: I know Judge Dyer, one of the -- do you
21 remember that name?

22 MR. WHITESIDE: I do remember Judge Dyer for sure.

23 MRS. JOHNSON: Okay. He was on the Eleventh Circuit,
24 wasn't he?

25 MR. WHITESIDE: Uh-huh. He was.

1 MRS. JOHNSON: He -- it was his law firm, but they
2 didn't know each other then, of course.

3 MR. WHITESIDE: So he actually clerked in Florida.

4 MRS. JOHNSON: That's correct.

5 MR. WHITESIDE: At that time, I don't think you had to
6 take the Bar; is that right? You just -- once you got your
7 degree --

8 MRS. JOHNSON: I don't think he ever took a Bar.

9 MR. WHITESIDE: That was my question, is did he ever
10 have to do anything to become a lawyer in Florida. But you
11 don't believe he did.

12 MRS. JOHNSON: Well, you didn't here either at that
13 time. Am I right about that?

14 MR. WHITESIDE: I think you're right. I think they had
15 a diploma privilege if you graduated from the University of
16 Alabama.

17 MRS. JOHNSON: I think that's right.

18 MR. WHITESIDE: Did he ever talk about the cases he did
19 or did that form in any way --

20 MRS. JOHNSON: Oh, David, he drove me crazy talking
21 about the cases.

22 MR. WHITESIDE: What did he seem to like, even at that
23 period before World War II?

24 MRS. JOHNSON: Well, let's go to -- jump to Jasper
25 after World War II.

1 MR. WHITESIDE: Okay.

2 MRS. JOHNSON: That's the first time he really
3 practiced.

4 MR. WHITESIDE: Right. But did he talk -- I will. I
5 do want to go into that. But what about Miami? Did he talk
6 about cases then?

7 MRS. JOHNSON: No. No, not when he was clerking. I
8 doubt if he had any dealings with any of the cases. They
9 probably just used him as a runner.

10 MR. WHITESIDE: Okay.

11 MRS. JOHNSON: But he -- he did need the employment.

12 Now, I lived with nine girls down there. We rented a
13 house. And Frank moved in with us.

14 MR. WHITESIDE: For the three months --

15 MRS. JOHNSON: Oh, he had a great time. And they did
16 too.

17 MR. WHITESIDE: What -- tell me about that.

18 MRS. JOHNSON: Well, I mean, you know, we had a guest
19 room in the house that -- it was a tremendous house that we
20 rented. And the woman that we rented it from just wanted to
21 help us more than anything else.

22 MR. WHITESIDE: Was he a commissioned officer at that
23 time, or did he have to go to Fort Benning to get his
24 commission?

25 MRS. JOHNSON: He had to go to Fort Benning to get his

1 commission.

2 MR. WHITESIDE: But he was in the Army, I guess.

3 MRS. JOHNSON: No, he wasn't.

4 MR. WHITESIDE: Okay. He hadn't actually --

5 MRS. JOHNSON: He actually wasn't sworn in the Army
6 until he went to Fort Benning, when he left there.

7 MR. WHITESIDE: Were you a commissioned officer at that
8 time?

9 MRS. JOHNSON: Yes.

10 MR. WHITESIDE: So you didn't have a problem with
11 fraternizing with --

12 MRS. JOHNSON: Oh, that was never a problem with
13 anybody.

14 MR. WHITESIDE: (Laughter)

15 MRS. JOHNSON: But, David, when he went to Fort
16 Benning, you can imagine --

17 MR. WHITESIDE: Yeah.

18 MRS. JOHNSON: -- he went straight to the top of the
19 class.

20 MR. WHITESIDE: Sure.

21 MRS. JOHNSON: When he graduated, he was number one.

22 MR. WHITESIDE: Uh-huh.

23 MRS. JOHNSON: And he got his -- he got the solid gold
24 bars, you know, that they give to the number one graduate.

25 MR. WHITESIDE: How often would y'all correspond? You

1 were a long way apart during the war years.

2 MRS. JOHNSON: Oh, we -- you know, of course, we wrote
3 letters. And whenever he could call me, he did. I couldn't
4 call him, of course, when he was in training.

5 But then he was sent to Corvallis, Oregon. And
6 after -- I guess I had been in Miami about a year for, you know,
7 further training. And I managed to get a leave and went from
8 Miami, Florida, to Corvallis, Oregon, on a train to see him and
9 spent a week with him. When I got there, he met me at the
10 train, but then he had to go on bivouac for three days of our
11 week.

12 MR. WHITESIDE: Of your week. Did you ever, after
13 that, arrange any other times to meet during the war years?

14 MRS. JOHNSON: We could not. Because when he left
15 there, he had time to come by and see me and then head on up to
16 New York to get on the transport to England.

17 MR. WHITESIDE: Did you know he was going to -- going
18 to be on the Normandy beaches? Did you have any inkling of
19 that?

20 MRS. JOHNSON: I was able to keep up with him.

21 MR. WHITESIDE: Okay.

22 MRS. JOHNSON: I shouldn't have been, but I did.

23 MR. WHITESIDE: You did? Yeah. I guess once you knew
24 he was -- I assume you got letters, and he could at least tell
25 you he was in England.

1 MRS. JOHNSON: The letters is all I could get.

2 MR. WHITESIDE: Yeah. Now, he was wounded. Did you
3 learn that before he came back?

4 MRS. JOHNSON: Oh, yes. I got --

5 MR. WHITESIDE: Tell me about that.

6 MRS. JOHNSON: -- one of those horrible telegrams from
7 the War Department saying that he had been wounded.

8 MR. WHITESIDE: What -- what went through your mind,
9 and what happened?

10 MRS. JOHNSON: Well, David, I have to go back a little
11 about the way I felt about him. I didn't think anything would
12 ever happen to him. You know, I -- like I've said, he's the
13 strongest person I've ever known, even -- and was until he died.
14 And I just thought, well, nothing would happen to him. I didn't
15 worry. And, of course, when I got that telegram, well, that
16 changed everything. I was worried all the time then.

17 MR. WHITESIDE: Now, he was -- he was wounded, but he
18 recovered, I guess.

19 MRS. JOHNSON: He did. And they sent him back to
20 Paris. I believe he -- the best I can remember, he was -- he
21 was with Patton's Infantry Division in the Third Army, Patton's
22 Third Army. And I believe he was going towards Metz. I believe
23 that was the direction they were moving in. He went back to
24 Paris to the hospital for a couple of weeks, and then they sent
25 him back to the front. But he wasn't there long before he was

1 wounded seriously.

2 MR. WHITESIDE: Yeah.

3 MRS. JOHNSON: And I -- I am not sure about this, but I
4 think it was our bombers that dropped bombs. And, you know,
5 when the bombs would drop, well, you know, all the smoke and
6 debris would rise. And they couldn't judge exactly where to
7 drop the bombs the next time around.

8 MR. WHITESIDE: Sure. Sure.

9 MRS. JOHNSON: And they got into our area, because the
10 fighting was, you know, hand-to-hand combat.

11 MR. WHITESIDE: Right.

12 MRS. JOHNSON: That's the type fighting that he was in.

13 MR. WHITESIDE: Uh-huh.

14 MRS. JOHNSON: He said that it wasn't uncommon to be
15 out prowling around at night on patrol and hear German spoken
16 close to him.

17 But after he was wounded there, they sent him back to a
18 general hospital in England, and he was there for a long time.

19 MR. WHITESIDE: Did he ever complain about his war
20 wounds? Did they affect him? Did he heal completely?

21 MRS. JOHNSON: The only thing that bothered him was the
22 mental part of it. It was hard for him to accept the killing.

23 MR. WHITESIDE: Did he talk to you about that once he
24 got back?

25 MRS. JOHNSON: Yes. And I'm the only one, I'm sure,

1 that he talked to about that.

2 MR. WHITESIDE: Well, as you said, he did fight in a
3 lot of hand-to-hand combat.

4 MRS. JOHNSON: That's right.

5 MR. WHITESIDE: And he received the Bronze Star --
6 Silver Star, I think. And I think --

7 MRS. JOHNSON: I believe it was the Bronze Star, David.

8 MR. WHITESIDE: Okay. But in any event, so he was in a
9 lot of hand-to-hand combat. What sort of things did he tell
10 you? What did he talk about when he came back?

11 MRS. JOHNSON: Well, he told me some horror stories.
12 And I -- David, I guess it's all right for me to discuss it.
13 It's getting in an area now that I'd rather not deal with. But
14 I will tell you that -- because it did have a bearing on what --
15 you know, his thinking. He -- the storms frightened him. And
16 he would, you know, just cower under the covers in the bed and
17 put his head under the pillow. It was that bad. But he'd get
18 up early the next morning and go to his office. And it was
19 something that bothered him for years. I don't know that he
20 ever completely got over it.

21 MR. WHITESIDE: Yeah. After the War, he ended up
22 defending some of the Germans, I believe -- is that correct? --
23 in the Nuremburg trials?

24 MRS. JOHNSON: No, he did not.

25 MR. WHITESIDE: Was it the Americans?

1 MRS. JOHNSON: I don't know where that story got out,
2 David. You're not the first person that's mentioned that to me.
3 He never did that. What he -- he did when he was in the General
4 Hospital recuperating in England, when -- after he had left
5 France, the fighting, he represented some noncom officers that
6 were being, what he said, railroaded and whitewashing the
7 generals and up -- the officers in beating of our own soldiers.

8 MR. WHITESIDE: So he didn't have any role in the
9 Nuremburg trials or anything like that?

10 MRS. JOHNSON: Oh, no, he did not. When he got back, I
11 got out of the Navy.

12 MR. WHITESIDE: Okay.

13 MRS. JOHNSON: And we went to St. Petersburg, some --
14 around that area for a week or two and went on back to
15 Haleyville. And his -- he went immediately to Jasper, and we
16 moved.

17 MR. WHITESIDE: Did you get out of the Navy about the
18 same time he was discharged from the Army or did --

19 MRS. JOHNSON: Yes. I was eligible to get out --

20 MR. WHITESIDE: I see.

21 MRS. JOHNSON: -- at any time.

22 MR. WHITESIDE: So you could just pick up and resign
23 your commission, and he could resign --

24 MRS. JOHNSON: At pretty much any time.

25 MR. WHITESIDE: Okay. So you spent a week in

1 St. Petersburg and then went back to Haleyville?

2 MRS. JOHNSON: Borrowed a car and went to Haleyville.

3 MR. WHITESIDE: And after that --

4 MRS. JOHNSON: You know, automobiles were hard to get
5 then.

6 MR. WHITESIDE: Gas was hard to get too, I guess.

7 MRS. JOHNSON: Well, I don't think there was as much
8 problem with the gasoline.

9 MR. WHITESIDE: Was the rationing in --

10 MRS. JOHNSON: I had a whole book full of ration
11 stamps.

12 MR. WHITESIDE: Okay.

13 MRS. JOHNSON: But the automobiles themselves were
14 scarce. And so we finally were able to buy one, but it didn't
15 have any fenders on it.

16 MR. WHITESIDE: (Laughter) That may have come in handy
17 with his driving at that point.

18 MRS. JOHNSON: And no backseat.

19 MR. WHITESIDE: What kind of car was it? Was it a -- I
20 guess it was pre-War, then.

21 MRS. JOHNSON: Oh, David it was an unusual car,
22 something that he would never have bought, a Studebaker, I
23 believe. Do they make those anymore now?

24 MR. WHITESIDE: They don't make those anymore. So you
25 drove that from St. Pete -- did you buy it in St. Petersburg or

1 Washington?

2 MRS. JOHNSON: Oh, no. After we got back.

3 MR. WHITESIDE: Oh, I see. So --

4 MRS. JOHNSON: We had his father's car.

5 MR. WHITESIDE: Okay. And then you arrived in
6 Haleyville. And did he -- did you talk about him practicing law
7 in Jasper, or how did that --

8 MRS. JOHNSON: It was a -- it had been settled for
9 years.

10 MR. WHITESIDE: Okay.

11 MRS. JOHNSON: That was the only -- only thing he had
12 in mind. And Judge Curtis, you know, was there. And he had
13 a -- already had a partner, Herman Maddox.

14 MR. WHITESIDE: Right.

15 MRS. JOHNSON: And Judge Curtis allowed Frank to come
16 in and move in without even telling Herman that he was coming.

17 MR. WHITESIDE: Did that create any --

18 MRS. JOHNSON: I thought it was very unfair.

19 MR. WHITESIDE: Did it create any dissension with
20 Herman Maddox, or did you ever --

21 MRS. JOHNSON: Herman Maddox was -- I think he was very
22 pleased to see Frank. He didn't like courtroom work and, you
23 know, Frank loved it. So Herman did the -- oh, what kind of
24 practice do you call it when it's not courtroom practice? The
25 money making type.

1 MR. WHITESIDE: (Laughter)

2 MRS. JOHNSON: And so they got along very well
3 together.

4 MR. WHITESIDE: And you had had a degree and a teaching
5 certificate. So did you ever consider doing any teaching or
6 anything like that?

7 MRS. JOHNSON: I did teach school at Jasper. I had to,
8 David. There was no definite arrangement about a salary for
9 Frank or a part of the intake, which wasn't much at that time.
10 The law firm wasn't making money. So I had to go to work right
11 away.

12 MR. WHITESIDE: And so you taught in the Jasper school
13 system.

14 MRS. JOHNSON: I taught an unusual class.

15 MR. WHITESIDE: Tell me about it.

16 MRS. JOHNSON: It was made up of veterans that had not
17 finished high school. And I had them all in a little building.
18 Taught them every subject that they offered in high school. And
19 you can imagine what that was like, because there's no way in
20 the world I could know, you know, all of the -- enough basics,
21 even, to teach every subject. But that's what I was put there
22 doing. And I just did supervisory work. I just put them to
23 working on their own and didn't have time to but just, you know,
24 go over with them and help them out when I could. I was amazed,
25 though, that some of the first students that I insisted on

1 graduating out made the dean's list when they got in college.

2 MR. WHITESIDE: Okay.

3 MRS. JOHNSON: So they had learned a lot without the
4 schooling, formal schooling.

5 MR. WHITESIDE: Now, how long did you teach at Jasper?

6 MRS. JOHNSON: Oh, I only taught about a year, I think,
7 maybe two. Maybe two.

8 MR. WHITESIDE: By that time, had the law practice
9 gotten successful enough to where --

10 MRS. JOHNSON: It had gotten successful enough for me
11 to not teach anymore. The school folded because they were --
12 you know, they were all boys and men. Had gotten all they
13 wanted out of it and either graduated or dropped out. And there
14 were not enough. They put them on in the regular school
15 classes.

16 MR. WHITESIDE: I see. What did you do after you
17 retired from teaching in Jasper?

18 MRS. JOHNSON: You called it "retire." You kind of
19 threw me there. I -- we built a house. You know, our house
20 burned that we were in. No insurance.

21 MR. WHITESIDE: No, I didn't know that.

22 MRS. JOHNSON: You didn't know that?

23 MR. WHITESIDE: I did not. Tell me about it.

24 MRS. JOHNSON: Well, our apartment house burned. And
25 we didn't have any insurance or anything, so -- we didn't have

1 much to burn either. But we started right away building a house
2 that we had planned to build. And you've seen it, I guess.
3 You've probably passed -- have you passed by and seen it?

4 MR. WHITESIDE: Yeah. But you might describe it for
5 me.

6 MRS. JOHNSON: And -- it was a nice -- nice house, and
7 we were so proud of it.

8 And it was about this time that we adopted Johnny. And
9 so I -- I had gotten a job. I was teaching at -- in a high
10 school that -- just outside of Jasper. But I had -- I couldn't
11 do it. I couldn't -- could not leave him. And so I dropped out
12 of that job.

13 MR. WHITESIDE: Right. So you began to raise Johnny.

14 MRS. JOHNSON: To raise Johnny.

15 MR. WHITESIDE: I didn't know about the fire. Did it
16 destroy everything you had?

17 MRS. JOHNSON: Yes.

18 MR. WHITESIDE: And I guess y'all were gone when the
19 fire occurred?

20 MRS. JOHNSON: We -- we -- it was on a Saturday.

21 MR. WHITESIDE: Uh-huh.

22 MRS. JOHNSON: And we had gone out to eat and for me to
23 buy groceries. And we stopped at the hotel, a good restaurant
24 attached to it, to eat. And, you know, everybody became aware
25 that the fire siren was going off and talking about it. And

1 Frank said, "Well, I guess that's my house. And if it is, I'm
2 going to stay here and eat my steak." And it really -- he had
3 no idea, of course.

4 MR. WHITESIDE: Did he finish his steak?

5 MRS. JOHNSON: And he -- we finished eating and talking
6 to some people. When we got to our street, it was blocked off.
7 It was about a week before Christmas. Cold.

8 MR. WHITESIDE: Oh, man. So what did you do during the
9 time you didn't have a place to live? Did you have to move --

10 MRS. JOHNSON: Well, that night, we went out to Frank's
11 aunt's and uncle's and just walked in and said, "We've come to
12 stay a while." But the lady that owned the apartment building
13 had a house next door. And she graciously invited us to come
14 stay until she got it rebuilt to where we could move back in.

15 **POST WAR AT HOME IN JASPER**

16 MR. WHITESIDE: I've heard the Judge say that the times
17 in Jasper were some of the happiest in his life.

18 MRS. JOHNSON: I think -- I think that our years in
19 college were happy also. And yes, we enjoyed living in Jasper.
20 He enjoyed his law practice.

21 His first case, David, was a double murder case, the
22 very first case he tried.

23 MR. WHITESIDE: How did it come out?

24 MRS. JOHNSON: He lost. Well, not completely.

25 MR. WHITESIDE: Uh-huh.

1 MRS. JOHNSON: The -- it -- one of the men that did the
2 shooting had to spend some in time in prison, but the other one
3 didn't. The Dodd brothers. I remember them.

4 MR. WHITESIDE: Were they any relationship to Pert
5 Dodd?

6 MRS. JOHNSON: No, they were not.

7 MR. WHITESIDE: You had mentioned that the other happy
8 time was the time in -- in college. Y'all had a lot of friends.
9 And --

10 MRS. JOHNSON: Yes, we did.

11 MR. WHITESIDE: -- in fact a lot of the friends went on
12 to become very successful.

13 MRS. JOHNSON: I know what you're getting to.

14 MR. WHITESIDE: I am. I'm going -- one of your
15 friends -- you had a lot of friends that became very successful,
16 though --

17 MRS. JOHNSON: That's right.

18 MR. WHITESIDE: -- the generation that Tom Brokaw now
19 refers to as a remarkable generation. But one of your friends
20 was George Wallace. Tell me a little bit about the first time
21 you remember meeting George Wallace.

22 MRS. JOHNSON: Well, we were freshmen. And when we got
23 to the campus and found our way around, the first person I
24 noticed was a young man standing on a box in front of the Union
25 Building giving a speech all by himself. He didn't have anybody

1 around him. And -- but I listened to him. That was George
2 Wallace.

3 He ran for every office at the University. Never was
4 elected to anything, but he enjoyed running for office. And I
5 don't think that we saw too much of George. And his close
6 friend, Glen Curlee, was dating my cousin. And so I think
7 that's the reason we got together.

8 MR. WHITESIDE: Uh-huh.

9 MRS. JOHNSON: And you wouldn't know Glen Curlee, but
10 I'm sure that people in this area all knew him.

11 MR. WHITESIDE: Sure. I've met him before.

12 MRS. JOHNSON: Okay.

13 MR. WHITESIDE: But that did turn into a fairly close
14 friendship, I believe.

15 MRS. JOHNSON: Yes, it did.

16 MR. WHITESIDE: Tell me how that evolved, I guess you'd
17 say.

18 MRS. JOHNSON: Well, I think that we were all so poor
19 that that was the reason that this group got together. But, you
20 know, George was running against antiestablishment. And, you
21 know, that was right down my line of thought.

22 MR. WHITESIDE: (Laughter)

23 MRS. JOHNSON: And I approved of his position on most
24 everything. He was very liberal minded. Of course, the racial
25 issue had not surfaced at that time.

1 MR. WHITESIDE: Right.

2 MRS. JOHNSON: But George was kind to old people, very
3 considerate, and poor people. And I don't think he ever lost
4 that. I never thought that he believed what he was saying when
5 he got up and yelled, "Segregation now, segregation forever." I
6 don't think he meant it. And that was worse, to me, that he
7 would do that to get elected to an office, not believing it,
8 than if he actually believed it. He did anything and everything
9 necessary to get elected. Of course, at that -- he hit on that,
10 you see --

11 MR. WHITESIDE: Sure.

12 MRS. JOHNSON: -- because people liked to hear it.

13 MR. WHITESIDE: This was later on in later years. Back
14 in college, he was a Democrat -- is that right? -- a New Deal
15 Democrat?

16 MRS. JOHNSON: Uh --

17 MR. WHITESIDE: Back in college, was he a New Deal
18 Democrat?

19 MRS. JOHNSON: Oh, and so was I.

20 MR. WHITESIDE: Okay. What about --

21 MRS. JOHNSON: Don't mistake me for a Republican,
22 David. My husband was a Republican.

23 MR. WHITESIDE: Well, that was what I was going to ask.
24 What about the Judge? What was he?

25 MRS. JOHNSON: He was a Republican because he was born

1 into a Republican family. So was I. But I was smarter.

2 MR. WHITESIDE: (Laughter)

3 MRS. JOHNSON: I -- you know, I just felt Franklin
4 Roosevelt was the most wonderful person in the world and even
5 Eleanor, you know. I thought she was pretty great too. But I
6 was in the minority.

7 MR. WHITESIDE: Did you and the Judge have debates on
8 politics often?

9 MRS. JOHNSON: No. I think that he was a Republican
10 because his father was a Republican. Actually, then, the
11 Republican Party at that time was not what it is today. It was
12 the party of --

13 MR. WHITESIDE: It was the party of Lincoln.

14 MRS. JOHNSON: Of Abe Lincoln.

15 MR. WHITESIDE: Uh-huh.

16 MRS. JOHNSON: And the -- most of the Johnsons and the
17 Jenkinses, my family, fought for the Union in the Civil War.
18 Frank's grandmother's side of the family fought for the
19 Confederacy. My mother's family fought for the Confederacy.
20 But it was -- you know, you hear tales about brothers meeting
21 and cousins meeting on the battlefield. I think a lot of it was
22 true.

23 MR. WHITESIDE: Particularly in Winton County.

24 MRS. JOHNSON: Uh-huh.

25 MR. WHITESIDE: We didn't talk about the fact that that

1 was a state within a state.

2 MRS. JOHNSON: The Free State of Winston.

3 MR. WHITESIDE: Right.

4 MRS. JOHNSON: Do you want me to tell just a little bit
5 about that?

6 MR. WHITESIDE: If you would. I'd love to hear the
7 story.

8 MRS. JOHNSON: Winston County was made up of
9 moonshiners and small farmers. They were -- everybody was
10 rather poor. And no slaveholders. And they resented the State
11 seceding from the Union, resented it enough to do something
12 about it. They -- C. C. Sheets was a representative from
13 Winston County to the Alabama Legislature then -- Chris Sheets.
14 And he proposed that if Alabama could secede from the Union,
15 then Winston County could secede from Alabama and did so. And,
16 of course, he was jailed and spent the rest of the time, the
17 War, imprisoned in Montgomery.

18 But the people -- several -- I have two or three books
19 on it. There were several units that formed and fought for the
20 Union and none for the Confederacy. But a lot of people hid
21 out. When the Confederate Army marched in to get recruits, they
22 couldn't find any. They went into the bluffs and the hills.
23 And there were some stories, you know, about hangings and
24 killings. And -- but I don't think you'll find many people from
25 Winston County, if any, that fought for the Confederacy.

1 So that's how the Republican Army was -- Republican
2 Party was established. And Winston County was firm. You know,
3 Frank's father was the only Republican elected to the State
4 Legislature as a Republican.

5 MR. WHITESIDE: Back in the thirties, I guess, twenties
6 and thirties; is that right? Or was it earlier than that?

7 MRS. JOHNSON: No. It would have to be in the twenties
8 or thirties.

9 MR. WHITESIDE: Now, he -- the Judge was a Republican,
10 and you were a Democrat. But he did have some strong Republican
11 tendencies, particularly in fiscal matters. Do you want to --
12 were y'all different in that way?

13 MRS. JOHNSON: In the what?

14 MR. WHITESIDE: Fiscal. He was very conservative with
15 the dollar.

16 MRS. JOHNSON: Oh, always was. Always was.

17 MR. WHITESIDE: Was that something that y'all differed
18 on?

19 MRS. JOHNSON: No. I've always been conservative, too,
20 with a dollar.

21 MR. WHITESIDE: But that went even to his beliefs of
22 what the federal government should be doing. He was notorious
23 for returning phone calls collect and things like that.

24 MRS. JOHNSON: I know. And he didn't pay you-all, the
25 lawyers, what you asked for when --

1 MR. WHITESIDE: Right.

2 MRS. JOHNSON: -- when he set fees either.

3 MR. WHITESIDE: So you're in Jasper. Your house has
4 burned, but you've built a new house. And you've got Johnny at
5 this point.

6 Something changed your life, I guess, in a sense. Tell
7 me about the time -- the Eisenhower campaigns, I guess.

8 MRS. JOHNSON: Oh, it was wonderful. It was something
9 to -- I voted for Eisenhower, David, the only Republican I ever
10 voted for. But Frank got very involved in the Republican Party
11 in Jasper and became an officer in the organization. I don't
12 know what his position was.

13 But there were so few Republicans in the area, even, in
14 Alabama, that the Republican organization -- he had a real shot
15 at getting an appointment, but he was so young. And when the
16 judgeship came open in Birmingham, he was considered too young
17 for it. And -- but he was -- he got the appointment as district
18 attorney and took it on the basis of -- with Herman -- he made
19 an arrangement with Herman to leave the law firm for two years.
20 And he thought that was long enough, you know, that he might get
21 a judgeship somewhere.

22 And Judge -- here -- I've lost my names now. Here in
23 Montgomery.

24 MR. WHITESIDE: Judge Jones? Was it Judge Jones?
25 Kennamer?

1 MRS. JOHNSON: Kennamer. Of course. Judge Kennamer
2 was judge then. And during the -- at the end of about two
3 years -- see, Frank was commuting. We lived in Jasper. He
4 didn't want to move to Birmingham, and he was driving over those
5 roads and back and forth. It was a really dangerous thing to
6 do. And he applied, you know, for the -- got his following
7 together and applied for the judgeship along with several other
8 people.

9 Now, a group had formed -- not the old Republican
10 group, but there was a new one called the Eisenhower Democrats.
11 Have you heard of that?

12 MR. WHITESIDE: No, I haven't.

13 MRS. JOHNSON: Well, that was made up of a lot of
14 people that had been in the Democratic party that were
15 supporting Eisenhower. And a lot of them here supported T. B.
16 Hill, a nice lawyer here in Montgomery. And he was the -- I
17 guess the strongest opposition. And somebody, one of them, came
18 to Frank and said, "General Eisenhower -- President Eisenhower
19 will never appoint you to a federal judgeship. You're too
20 young." And Frank says, "Oh, yes he will." Said, "He'll say if
21 that boy is old enough to go fight in the War, he's old enough
22 to be a judge." And it turned out that way.

23 MR. WHITESIDE: Let me -- let me ask you about the two
24 years that he was supposed to be working in Birmingham. First
25 of all, was there any opposition to his appointment for the U.S.

1 Attorney in Birmingham?

2 MRS. JOHNSON: Not that I know of.

3 MR. WHITESIDE: That you recall? Did you have any
4 problems with him going to Birmingham to be U.S. Attorney?

5 MRS. JOHNSON: No.

6 MR. WHITESIDE: Were you -- you thought that was a good
7 move?

8 MRS. JOHNSON: It didn't -- you know, I would have gone
9 anywhere.

10 MR. WHITESIDE: Yeah.

11 MRS. JOHNSON: I liked Jasper.

12 MR. WHITESIDE: And he did commute. So that was -- I
13 guess he had to leave early-early.

14 MRS. JOHNSON: We didn't see much of him those two
15 years.

16 MR. WHITESIDE: Yeah. Some -- there are some great
17 stories about his tenure as the U.S. Attorney. One of the
18 things he did was he was the last -- it was the last successful
19 peonage or slavery case in Alabama was prosecuted during -- by
20 Judge Johnson.

21 MRS. JOHNSON: Yes. He actually --

22 MR. WHITESIDE: Did he talk to you about that?

23 MRS. JOHNSON: He seemed to get those things that,
24 well, made a lot of noise, a lot of publicity about. I remember
25 the peonage case.

1 MR. WHITESIDE: Tell me what you remember about it.

2 MRS. JOHNSON: Well, this family, the White family
3 in -- was it in Livingston or York or --

4 MR. WHITESIDE: It was in the Sumter County area.

5 MRS. JOHNSON: Sumter County. Big landowners. They
6 kept -- they were not black people. They were white people that
7 worked for them, but they kept them on the farms working. And
8 they kept them, actually, in slavery and wouldn't allow them to
9 have any -- any rights or anything, withheld their pay and all.
10 I don't know all the details, David, of the case. But it was
11 pretty difficult to think that somebody would, you know, do
12 that.

13 MR. WHITESIDE: Uh-huh.

14 MRS. JOHNSON: And some bright lawyer got ahold of it.
15 I don't know who it was. Do you know?

16 MR. WHITESIDE: No.

17 MRS. JOHNSON: And represented the people that brought
18 the suit. And it ended up in the Northern District.

19 MR. WHITESIDE: Well, he was the prosecuting attorney
20 in that case.

21 MRS. JOHNSON: He was prosecuting attorney.

22 MR. WHITESIDE: Did he talk about his working in
23 Birmingham as a district attorney?

24 MRS. JOHNSON: All the time he had, he did. He talked
25 about his cases in Jasper. Talked about his work in Birmingham.

1 MR. WHITESIDE: Did he seem to enjoy the work as U.S.
2 Attorney?

3 MRS. JOHNSON: He always enjoyed his work with
4 everything he did.

5 MR. WHITESIDE: And you had said that he had planned
6 just to be there two years.

7 MRS. JOHNSON: That's -- that's what he thought,
8 that -- as long as he would stay. He was going to leave after
9 that.

10 MR. WHITESIDE: Uh-huh. And is that what happened?
11 Was the judgeship not --

12 MRS. JOHNSON: Judge Kennamer died.

13 MR. WHITESIDE: He died within the two years?

14 MRS. JOHNSON: While he was still over there. Uh-huh.

15 MR. WHITESIDE: There's a marvelous relationship that
16 was -- that existed between the Judge and the law firm. Tell me
17 about that and --

18 MRS. JOHNSON: The law firm in Jasper?

19 MR. WHITESIDE: Yes.

20 MRS. JOHNSON: Well, I've already told you about Judge
21 Curtis.

22 MR. WHITESIDE: You told me about Judge Curtis.

23 MRS. JOHNSON: And I -- when he went there, you know, I
24 told you Herman didn't know he was coming. And he walked in one
25 morning --

1 MR. WHITESIDE: Right.

2 MRS. JOHNSON: -- and there was a new attorney on
3 board. But they became friends quickly. Got along so well
4 together.

5 MR. WHITESIDE: Didn't -- after he left for U.S.
6 Attorney, didn't they keep his office open or --

7 MRS. JOHNSON: I think they kept it open for years.

8 MR. WHITESIDE: A long time. Even after he became a
9 judge.

10 MRS. JOHNSON: Even after he became judge. And they
11 still had his picture and his name up there.

12 MR. WHITESIDE: So he received an appointment to -- as
13 U.S. District Judge in Montgomery. Did you know anything about
14 Montgomery at that time?

15 MRS. JOHNSON: All I knew -- his mother and father
16 lived here. You know, his father had started working for the
17 Veterans Administration.

18 MR. WHITESIDE: Right.

19 MRS. JOHNSON: And he was on a rating board that had
20 three members in Montgomery. And they had lived here a few
21 years. So I didn't -- you know, we would just come for visits.
22 I didn't know anything about Montgomery other than it was the
23 capital. And no, I knew nothing.

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FEDERAL APPOINTMENTS

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MR. WHITESIDE: Ruth, at some point in the nomination process, you and the Judge learned that he had been appointed as the U.S. District Judge for the Middle District of Alabama. Tell me how you learned that and what happened then.

MRS. JOHNSON: Uh --

MR. WHITESIDE: I mean, did you get a phone call? Did he get a phone call at work? Or how did he find out he became -- he was going to be appointed as a federal judge?

MRS. JOHNSON: You know, David, I've been bragging on myself for remembering so much.

MR. WHITESIDE: (Laughter)

MRS. JOHNSON: I don't remember.

MR. WHITESIDE: Okay. Y'all probably were shell-shocked in some respects.

MRS. JOHNSON: Probably.

MR. WHITESIDE: Because you were from --

MRS. JOHNSON: Isn't that amazing that I don't remember? I remember how happy we were, you know, at the news, but I just do not remember the details.

MR. WHITESIDE: Now, that required you to move to Montgomery.

MRS. JOHNSON: Oh, yes.

MR. WHITESIDE: At that point, I guess you didn't even -- you hadn't even been house looking or anything like

1 that. What did you do? Did you pack up everything and move
2 down immediately or --

3 MRS. JOHNSON: Well, no. You know, he -- he heard --
4 he was appointed in October, I believe it was, and he wasn't
5 sworn in until the following January, probably.

6 MR. WHITESIDE: Okay.

7 MRS. JOHNSON: And so we did have some time there. But
8 he came down and lived with his parents for a few months because
9 Johnny was in the second grade, and we wanted him to finish his
10 second year at the school he was going to in Jasper. So when --
11 Frank came home every weekend. Drove to Jasper from Montgomery.

12 And I would come to Montgomery and look for a place to
13 live. We bought a house from Aaron Aronov -- do you know where
14 they live? -- over on Myrtlewood Drive. And we thought, you
15 know, that that's where we were going to move. The next week
16 Aaron called Frank and said, "Judge," said, "you're going to
17 have to let me out of the deal." Said, "My wife is crying her
18 eyes out. She's so upset. She's decided she doesn't want to
19 sell the house."

20 So we had to start all over again looking. And I was
21 looking for a house close to a school, not knowing what was
22 coming, you know, and a neighborhood with lots of children. And
23 that's what I found on Haardt Drive, North Haardt Drive. There
24 were 26 children on that one block.

25 MR. WHITESIDE: So you bought your house on Haardt

1 Drive?

2 MRS. JOHNSON: Bought the house. Uh-huh.

3 MR. WHITESIDE: And that was also pretty close to --

4 MRS. JOHNSON: Bellingrath School.

5 MR. WHITESIDE: -- Bellingrath School. And I guess the
6 Judge's mother and father lived not too far away.

7 MRS. JOHNSON: Frank said it was too close to his
8 mother and father.

9 MR. WHITESIDE: (Laughter)

10 MRS. JOHNSON: But it was. And it was nice to live
11 that close.

12 MR. WHITESIDE: Uh-huh. And was that school within
13 walking distance -- I mean, was the house within walking
14 distance of the school and all?

15 MRS. JOHNSON: Oh, yes.

16 MR. WHITESIDE: Did you ever do any more teaching or
17 substitute teaching?

18 MRS. JOHNSON: Well, that first year that Johnny was
19 there, I don't know how they managed it, but they pulled me in
20 to the PTA. And I became the vice president right off the bat
21 in charge of the Halloween Carnival. And you know what a big
22 deal that is. This was an elementary school and junior high
23 school. And I worked the solid month of October at that school
24 arranging, you know, the different things that were to go on,
25 pony rides and games and spook rooms and all that sort of thing.

1 But I enjoyed it. We had no problem.

2 MR. WHITESIDE: Now, that was -- because Judge Kennamer
3 had died, there was a heavy caseload, I take it.

4 MRS. JOHNSON: There was no caseload at all.

5 MR. WHITESIDE: Oh, really?

6 MRS. JOHNSON: There were no cases going under federal
7 court in the Middle District here. I think I'm right about
8 that.

9 MR. WHITESIDE: I didn't know that.

10 MRS. JOHNSON: If there was, it was not -- not many
11 cases. There wasn't much, you know, litigation going on in
12 federal court. And what there was, people would take it to
13 another court because Judge Kennamer was pretty old and it took
14 him a long time to get the cases out. So it started out slow.
15 Well, caseloadwise, it started out slow.

16 MR. WHITESIDE: But things changed pretty quickly
17 because --

18 MRS. JOHNSON: It changed fast.

19 MR. WHITESIDE: -- at that time, there was a bus
20 boycott going on; is that right?

21 MRS. JOHNSON: That's right.

22 MR. WHITESIDE: Tell me what you remember, your
23 first -- you came from outside of Montgomery. What do you
24 remember about the bus boycott?

25 MRS. JOHNSON: I came from outside Montgomery, but I --

1 you know, when we moved here and came into the situation, I was
2 much a part of it, involved in it. But --

3 MR. WHITESIDE: How were you a part of it?

4 MRS. JOHNSON: Well, I was fortunate enough to have a
5 maid, and I had to see that she got to work. The people that
6 lived around me were very much concerned about that. The people
7 in my neighborhood on North Haardt Drive drove the maids to the
8 buses. Did you see the movie *The Long Walk Home*?

9 MR. WHITESIDE: I did.

10 MRS. JOHNSON: All right. Do you remember the lady --
11 one of the main characters was the mother of the children and
12 the wife of this big segregationist.

13 MR. WHITESIDE: Right.

14 MRS. JOHNSON: This was taken from the family that
15 lived across the street from me, Emory Folmar's brother, Jimmy
16 Folmar, and Mary. And it was their grandson that wrote the play
17 *The Long Walk Home*.

18 MR. WHITESIDE: Uh-huh.

19 MRS. JOHNSON: And he based it on this situation that I
20 lived in there.

21 MR. WHITESIDE: Tell me what would -- the bus boycott
22 was going on, and the blacks were boycotting riding the buses;
23 is that right?

24 MRS. JOHNSON: That's right.

25 MR. WHITESIDE: What would you do? And why were people

1 taking the maids to the buses?

2 MRS. JOHNSON: Because -- it wasn't that my neighbors
3 or friends had very much thought given to the reason for the bus
4 boycott except for their own private discomfort. They were put
5 out by not having the transportation. And this was how we got
6 involved in it.

7 MR. WHITESIDE: What did you do?

8 MRS. JOHNSON: I drove.

9 MR. WHITESIDE: Did you drive other maids?

10 MRS. JOHNSON: Yes. So did everybody else.

11 MR. WHITESIDE: That was going to be -- wasn't that
12 something that at least the leaders at the time of the white
13 establishment didn't want you to do?

14 MRS. JOHNSON: Of course they didn't.

15 MR. WHITESIDE: Okay. Why was that?

16 MRS. JOHNSON: I hate to tell you that that's a stupid
17 question.

18 MR. WHITESIDE: Well, it probably is. But you've got
19 to remember I'm not from Montgomery either. I mean --

20 MRS. JOHNSON: But -- no. It would prolong and help
21 out the bus boycott, you know, by assisting them in driving.
22 Now, Mary Folmar, she would drive a load of them, you know. And
23 I would only pick up others if I saw them walking, and not for
24 any reason -- not to, you know, help out the bus boycott. Just
25 because I didn't want to see those poor people trudging to and

1 from their homes.

2 MR. WHITESIDE: That was the first time that I guess
3 there was a real organized reaction to the segregation laws in
4 Montgomery.

5 MRS. JOHNSON: I think it was.

6 MR. WHITESIDE: What -- but you had a much bigger --
7 you and the Judge had a much bigger role.

8 MRS. JOHNSON: But we didn't know it then.

9 MR. WHITESIDE: You didn't know it then. But do you --
10 why don't you tell me the story as it --

11 MRS. JOHNSON: Rosa Parks' story. Rosa Parks was a
12 seamstress, and she worked for Montgomery Fair. That was the
13 biggest department store in Montgomery. And she rode a bus to
14 and from work. And at this time, she refused to move to the
15 back. She sat down in the front, refused to move to the back.
16 And the bus driver tried to make her move back, and she would
17 not. So he stopped the bus and, I understand, you know, called
18 the police. She was arrested. She was fingerprinted and
19 booked, and the case came to court. I think it was designed to
20 come to court. I think it was, you know -- they were ready at
21 that time to make a stand.

22 MR. WHITESIDE: It came to the state courts, not the --

23 MRS. JOHNSON: The federal court.

24 MR. WHITESIDE: Federal court. Okay.

25 MRS. JOHNSON: Yes.

1 MR. WHITESIDE: All right.

2 MRS. JOHNSON: And I guess the -- how -- you know more
3 than I do about why cases are decided -- a three-judge court
4 than just the one judge. Tell me.

5 MR. WHITESIDE: Well, that was the constitutional
6 challenge to the busing ordinance.

7 MRS. JOHNSON: All right.

8 MR. WHITESIDE: I think that she had been convicted --
9 it was a local ordinance. But if I recall the story correctly,
10 it was filed because it was a challenge to state law, and that
11 required a -- at that time, a three-judge panel.

12 MRS. JOHNSON: All right. I did not know the reason
13 they had three judges.

14 MR. WHITESIDE: But the three judges -- there weren't
15 three judges in Montgomery, were there?

16 MRS. JOHNSON: There was only one judge. But they
17 called Judge Lynne from Birmingham and Judge Rives --

18 MR. WHITESIDE: Right.

19 MRS. JOHNSON: -- a Fifth Circuit judge, sat on the
20 case.

21 MR. WHITESIDE: Judge Seyborn Lynne was from
22 Birmingham, and he was also a U.S. district judge; right?

23 MRS. JOHNSON: He was a district judge in Birmingham.
24 I'm sorry. I should have pointed that out.

25 MR. WHITESIDE: No. And Judge Rives was a U.S. circuit

1 judge, Richard Rives from Montgomery. Is that --

2 MRS. JOHNSON: Yes.

3 MR. WHITESIDE: Okay. And then you've heard the story,
4 I guess, through both Judge Rives, perhaps, and certainly from
5 the Judge. Tell me what happened.

6 MRS. JOHNSON: Well, Frank said, "Well, Ruth," he said,
7 "I'm going to go against my fellow judges." He had no idea that
8 he would have any support for either one of them. He said, "But
9 this is the way I see it. And we decided before we came down
10 here that I was going to do what I thought was constitutionally
11 right, no matter what was involved." We didn't expect this.

12 But when he left that morning to go down when they had
13 their meeting to -- on the decision, they said -- Judge Rives
14 said, "Well, since you're the youngest judge, you go first,
15 Frank." So Frank presented his decision. And Judge Rives said,
16 "I agree."

17 MR. WHITESIDE: Now --

18 MRS. JOHNSON: That was a shocker for Frank.

19 MR. WHITESIDE: It is a shocker for Frank. And it was
20 a shocker for the nation, quite frankly, because what those
21 three judges, Judge Rives and Judge Lynne and Judge Johnson,
22 were called upon to do is overrule a Supreme Court case called
23 *Plessy versus Ferguson* --

24 MRS. JOHNSON: That's right.

25 MR. WHITESIDE: -- which was that segregation, as long

1 as it was equal, in public transportation was constitutional.

2 Did the Judge ever mention to you the fact that he
3 overruled, in effect, the Supreme Court of the United States?

4 MRS. JOHNSON: Yes. And he gave me his reasons.

5 MR. WHITESIDE: Uh-huh.

6 MRS. JOHNSON: But I'm not knowledgeable enough to set
7 them out to you in legal terms. But he said it was wrong.

8 MR. WHITESIDE: Yeah.

9 MRS. JOHNSON: And, of course, Judge Lynne disagreed.

10 MR. WHITESIDE: Judge Lynne dissented. And he
11 dissented on that ground.

12 MRS. JOHNSON: He dissented on that ground. He
13 certainly did.

14 MR. WHITESIDE: Were you aware -- I know that it caused
15 a firestorm, even as far north as Birmingham. *The Birmingham*
16 *News* went to the extent of publishing Judge Lynne's full dissent
17 and just commenting on Judge Rives and Judge Johnson's decision.
18 What happened here?

19 MRS. JOHNSON: Oh, you can't imagine what happened
20 here. There was just a turmoil, you know. It -- it wasn't
21 quiet.

22 MR. WHITESIDE: Well, tell me. Give me some examples
23 of what happened.

24 MRS. JOHNSON: Well, we started getting threatening
25 telephone calls and mail. And I don't think it was as bad as

1 Judge Rives. Judge Rives took the brunt of the whole thing
2 because he was -- he was a native here. He was one of them, and
3 they could not believe it. So he -- he got more of the calls
4 and more of the threats than we did.

5 It didn't bother me, David. It didn't, not at all, if
6 it had not reached to Johnny. He was in the third grade and
7 just -- he was just too young to cope with something like that.
8 But in all fairness to the neighborhood, they were great. I'm
9 sure that they didn't believe that Frank did the right thing,
10 but they didn't -- didn't say anything. They were still --
11 still neighbors, still friends. I never had any doubt about
12 that except for one family.

13 MR. WHITESIDE: That -- that decision and the result of
14 the success of the Montgomery Boycott launched the career of
15 Dr. Martin Luther King. Did you ever meet Dr. King?

16 MRS. JOHNSON: Never.

17 MR. WHITESIDE: It also caused Montgomery to become the
18 center of the Civil Rights Movement. Most of the civil rights
19 cases in Alabama were filed here in Montgomery.

20 **CIVIL RIGHTS CASES**

21 MR. WHITESIDE: Ruth, it seems like all the major civil
22 rights cases in Alabama come out of Montgomery and came out of
23 Montgomery. Was there a reason for that?

24 MRS. JOHNSON: Yes. There definitely is a reason for
25 that. There were two very bright young black men that probably

1 did more than Dr. King -- and I guess I'd be run out of the
2 country for saying that -- for the Civil Rights Movement. But
3 after the Rosa Parks case -- and that's what I've come to know
4 it as -- they decided they had to get their cases to Montgomery
5 because they couldn't get a hearing anywhere else. People
6 would -- it wasn't just the state judges that were reluctant to
7 rule on the cases. Some of the -- most of the federal judges
8 were too at this particular time.

9 And so John Lewis and -- what's the other young --

10 MR. WHITESIDE: Probably Mr. Gray? Fred Gray?

11 MRS. JOHNSON: No. Fred Gray, of course, was local.

12 MR. WHITESIDE: Right. He was local counsel.

13 MRS. JOHNSON: From Atlanta. Governor.

14 MR. WHITESIDE: Andrew Young.

15 MRS. JOHNSON: What?

16 MR. WHITESIDE: Andrew Young?

17 MRS. JOHNSON: Andrew Young.

18 MR. WHITESIDE: Okay.

19 MRS. JOHNSON: They were very bright. And after the
20 Rosa Parks case, they decided that they would try to move all the
21 cases to Montgomery where they'd get a fair hearing. And they
22 did. And so Fred Gray, of course, brought a lot of the cases to
23 court, and they just came one right after the other --

24 MR. WHITESIDE: Yeah.

25 MRS. JOHNSON: -- on up to the Selma March. And I

1 thought it was moving awfully fast, but probably not fast enough
2 for the people that were trying to get relief.

3 MR. WHITESIDE: Well, at that time, Judge Johnson was
4 the only U.S. district judge in Montgomery. So every case that
5 was filed there or transferred there I guess was heard by him.

6 MRS. JOHNSON: That's right.

7 MR. WHITESIDE: But he also had to have support from
8 other judges, the appellate judges. Tell me about what kind of
9 rapport he had and support he had with other federal judges.

10 MRS. JOHNSON: Well, you know, it was the Fifth Circuit
11 at that time. And you know that he had Judge Rives here --

12 MR. WHITESIDE: Right.

13 MRS. JOHNSON: -- who was on the Fifth Circuit. He had
14 Judge Tuttle, Elbert Tuttle, and John Wisdom and John Brown.

15 MR. WHITESIDE: Uh-huh.

16 MRS. JOHNSON: They were all of the same mind-set as
17 Frank was. And so he had no problem when a case -- one of his
18 cases -- and they were always appealed, all except the Selma
19 March. But when they were appealed, they went to the Fifth
20 Circuit. And they weren't delayed there at all because of
21 Judge -- the judges, the few judges I named and probably Griffin
22 Bell. He was, I guess, you know --

23 MR. WHITESIDE: He was new on the bench at that time, I
24 think.

25 MRS. JOHNSON: What?

1 MR. WHITESIDE: I believe he was new on the bench.

2 MRS. JOHNSON: He was new.

3 MR. WHITESIDE: Right.

4 MRS. JOHNSON: And -- but anyway, the cases were not
5 delayed. They were put right on out. And they all agreed with
6 Frank.

7 MR. WHITESIDE: Right.

8 MRS. JOHNSON: Do you know of an instance when he was
9 reversed?

10 MR. WHITESIDE: No, I don't.

11 MRS. JOHNSON: I know of one, but there's no point in
12 going into that now.

13 MR. WHITESIDE: (Laughter) That's for historians, I
14 guess, to find.

15 Besides the legal support and the backing that he got,
16 did any of the judges provide moral support? Or how did that
17 happen?

18 MRS. JOHNSON: Very little of it happened, David. I --
19 you know, people were concerned about their own families, and
20 especially people with children, about their children. And they
21 didn't want to stick their head above the parapet.

22 MR. WHITESIDE: You had mentioned that virtually
23 everybody in the neighborhood in Haardt -- on Haardt Drive was
24 supportive or at least not interfering with Johnny's education,
25 but that -- you said "but one." Tell me about that. You don't

1 have to name names. But what happened that would cause you to
2 say that?

3 MRS. JOHNSON: Well, we knew that there was one family
4 that lived -- that were, you know, watching every move and
5 reporting it to the Ku Klux Klan, is what it was then. We know
6 that. You know the -- our house -- we had a cross burned on our
7 lawn over there.

8 MR. WHITESIDE: Right.

9 MRS. JOHNSON: And it wasn't a big deal. We were
10 across the street. It was before Christmas. And we were at a
11 dinner party at the house across the street, and Mother was
12 sitting with Johnny. And she called over and said that there's
13 something burning in the yard and you better come on.

14 David Dunn lived next door to us. He was a doctor.
15 And you may not know this, but David came out barefooted. It
16 was snowing a little, of all things. And he put the -- the fire
17 out, put the cross out. It was definitely a cross.

18 MR. WHITESIDE: There was also an unfortunate incident.
19 You mentioned Mother. Alabama Long had a problem as a result of
20 extremists, I guess. Tell me about that.

21 MRS. JOHNSON: Well, that was later.

22 MR. WHITESIDE: Right.

23 MRS. JOHNSON: A good bit later. That's after Frank's
24 father died and she was living alone on Southmont and, you know,
25 it was a big house. And she slept upstairs. And she had just

1 left the kitchen and gone up to her bedroom upstairs. And this
2 person bombed the -- put dynamite under the kitchen floor, stuck
3 it through the slats, I guess, in the brick under the sink and
4 blew a hole in the wall and shattered everything around it. She
5 was on the other side of the house upstairs and didn't get hurt.
6 Just angry as everything.

7 MR. WHITESIDE: That's what I understand. She didn't
8 want to leave the house.

9 MRS. JOHNSON: She didn't leave her house either.

10 MR. WHITESIDE: Yeah. Yeah. And, in fact, the only --
11 only person that was almost hurt was somebody next door, I
12 believe, a baby or something like that. Is that -- do you
13 recall that?

14 MRS. JOHNSON: I don't recall anyone being hurt.

15 MR. WHITESIDE: I think it blew glass over their crib
16 or --

17 MRS. JOHNSON: It probably did or -- the vibration
18 probably broke something in the house next door. I believe
19 that's right.

20 MR. WHITESIDE: When the Rosa Parks case came out, when
21 Judge made his decision, there were a number of editorials and a
22 number of criticisms of both Judge Johnson and Judge Rives. But
23 the biggest criticism was one you alluded to earlier. One of
24 the papers said that "We expected this of a scallywag from
25 Winston County" -- I'm paraphrasing, but -- "We expected it of a

1 scallywag from Winston County, but we never expected it from one
2 of our own."

3 MRS. JOHNSON: "Foreigner from Winston County."

4 MR. WHITESIDE: "Foreigner." Okay. As a result,
5 though, the editorial went on to say that they thought that
6 Judge Rives had forfeited his right to be buried on southern
7 soil. Did you see any changes in Judge Rives as a result of the
8 Rosa Parks decision?

9 MRS. JOHNSON: Just a sadness. Just a sadness. Where
10 he suffered most was from his church, First Presbyterian Church.
11 And they would get up and move off the pew where he was, other
12 members, and say, you know, ugly things to him. But he told me,
13 he said, "They're not going to run me out of my church." But
14 they did.

15 MR. WHITESIDE: When you moved to Montgomery, what
16 church did you belong to? When you moved to Montgomery, what
17 church did --

18 MRS. JOHNSON: The first Sunday we were here we marched
19 down to the front row of the First Baptist Church and joined the
20 church. And that's where we went to church until we left it.

21 MR. WHITESIDE: And tell about the story behind leaving
22 the church.

23 MRS. JOHNSON: Well, you know, Frank started teaching a
24 men's Sunday School class. And he liked it, and the men liked
25 it too. And it grew, and we were -- we were there every Sunday.

1 We never missed a Sunday going to church.

2 Frankly, I didn't notice too much about people's
3 attitude other than staring. But Johnny noticed it among the
4 people he knew. And Frank, of course, got some remarks, but
5 probably not enough to cause him to just quit going.

6 We went to church one Sunday morning. And this was
7 when the Freedom Riders -- remember the Freedom Riders?

8 MR. WHITESIDE: Sure.

9 MRS. JOHNSON: This was when the transportation was
10 desegregated. And the Greyhound Bus Station was close to the
11 Baptist church. Well, it was all churches in Montgomery, I
12 think -- not quite all of them. Most of them. I don't think
13 the Jewish synagogues and the Catholic church were involved in
14 it. But they were not going to let the troublemakers come into
15 their church.

16 Well, this particular Sunday morning, we went to
17 church, pulled up in front of the First Baptist Church down
18 there on Perry Street, and the deacons were lined up in front of
19 the doors. And Frank stopped the car. And he said, "Ruth," he
20 said, "I can't go through that line, go into that church." He
21 turned around, and we went back home.

22 MR. WHITESIDE: Is that the last time --

23 MRS. JOHNSON: Of course, it was his order, you know,
24 that caused the whole thing, his court order. We never went
25 back.

1 MR. WHITESIDE: The Judge was famous for saying, "You
2 can't ostracize somebody who ostracizes themselves," or
3 something --

4 MRS. JOHNSON: Don't you think that was rather arrogant
5 of him to say?

6 MR. WHITESIDE: (Laughter)

7 MRS. JOHNSON: I do.

8 MR. WHITESIDE: But it did affect things, I assume. It
9 did affect some friendships and changed friendships. You may
10 have made some new ones. Tell me how -- how your lives changed
11 after you came to Montgomery as the new federal judge between --
12 after the time of the bus boycott cases.

13 MRS. JOHNSON: David, we had lots of friends then, and
14 I don't think that we lost any friends. We might have lost them
15 without me knowing it. But we had close friends, and they
16 stayed close friends. We had a group that we met with and --
17 for meals and visiting. I can name some of them for you. Ray
18 Jenkins. He was editor of the *Alabama Journal*. We don't have
19 that paper now. It's combined with the *Advertiser*. And he was
20 a close friend. Earl Pippin was one of Frank's very, very close
21 friends. And the McDonalds that -- Bob McDonald, and, of
22 course, the Durrs. We had lots of friends.

23 MR. WHITESIDE: Did the school -- eventually, in
24 effect, the Judge desegregated the entire school system of
25 Alabama.

1 MRS. JOHNSON: Everything was desegregated right here
2 in the Middle District of Alabama. The drinking fountains. You
3 know, they were segregated. And the schools. The
4 transportation. The buses. Just name it.

5 MR. WHITESIDE: Right.

6 MRS. JOHNSON: You know, everything.

7 MR. WHITESIDE: Well, one of the proponents of
8 segregation, of course, was your old college friend George
9 Wallace. But that didn't start just with the -- his election as
10 governor. He had run-ins with the federal judiciary long before
11 he became governor. And the first time I recall was when he was
12 a probate judge down in Barbour County. There is a story that
13 he was about to be held in contempt of court by the Judge. Can
14 you tell me more about that story?

15 MRS. JOHNSON: Yes. David, I think everybody in
16 Alabama knows that story by now. He --

17 MR. WHITESIDE: (Laughter) There have been a lot of
18 different stories told, and you probably know more about that
19 than anyone.

20 MRS. JOHNSON: I know the truth.

21 MR. WHITESIDE: Right.

22 MRS. JOHNSON: But George, I think his only purpose was
23 to get publicity. You know, he -- he had it made. He was on
24 the side of the people. And he would not turn over those
25 records to the feds. And he -- it bothered him some about what

1 would happen to him. And he asked Glen Curlee, another old
2 college friend, to see if he could come to our house late one
3 night and talk it over. And he did. And it was so funny that
4 when he got out of the car, he didn't want anybody to see him.
5 He put his coat over his head and came in the front door.

6 (Laughter) I won't forget it.

7 He -- Frank opened the door and let him in. And he had
8 already started calling him "Judge." He said, "Judge, my tail
9 is in a crack." He said, "I want to talk something over with
10 you." What he wanted to discuss, he knew he would have to turn
11 the records over in some manner. But what he wanted was to defy
12 and for Frank to put him in jail, but just for a little while.
13 I even asked him what Lurleen was going to say about that. He
14 said, "Oh, she wouldn't care if he put me in forever, but,"
15 said, "it would upset my mother." But this -- he felt so sure
16 that Frank would do that because of their friendship so he could
17 have his picture taken behind bars.

18 Well, when -- you know, you know what happened. He
19 went to court. Didn't last long. I'm sure just a few minutes.
20 And Frank told him, you know, he was free to go. And he had
21 turned over the records. He had slipped them around, you know.
22 And he didn't get his publicity. But he got it, you know. He
23 made --

24 MR. WHITESIDE: Absolutely.

25 MRS. JOHNSON: Made a lot of mileage off that.

1 MR. WHITESIDE: Now, he had come to the house to plead
2 for --

3 MRS. JOHNSON: To be put in jail for a little while.

4 MR. WHITESIDE: A little while. When you -- when you
5 saw him, did you greet him? How -- how was your relationship
6 with George Wallace at that time?

7 MRS. JOHNSON: Well, it was never anything except
8 cordial. I never had any -- never had any relations at all with
9 him after he was, you know, getting so seriously into his
10 politics and certainly when he started yelling those names about
11 Frank.

12 MR. WHITESIDE: Well, that's -- he was just a probate
13 judge then. He hadn't become the -- the large political figure
14 that he --

15 MRS. JOHNSON: But that's what got him there.

16 MR. WHITESIDE: I understand that. And unfortunately,
17 once he became governor, the language got much more strident and
18 much more untasteful, I guess you'd say.

19 You never talked to him, I take it, after that?

20 MRS. JOHNSON: Yes, I did.

21 MR. WHITESIDE: Tell me about that.

22 MRS. JOHNSON: He -- after he was wounded, after he was
23 afraid he was going to die, he called me. He -- his brother
24 called Jimmy Johnson.

25 MR. WHITESIDE: Jimmy Johnson is Judge Johnson's

1 brother.

2 MRS. JOHNSON: That's right.

3 MR. WHITESIDE: Okay.

4 MRS. JOHNSON: -- and asked him if I would talk to
5 George. And Frank was out of town. I said all the things that
6 happen that I needed his help, he was out of town. Now he's
7 gone and left me.

8 But anyway, I talked to George. And he asked -- he
9 told me that he just wanted to tell me how sorry he was for all
10 the sorrow that he had caused me and he didn't want to die
11 before -- without telling me this. And I told him I appreciated
12 him calling.

13 MR. WHITESIDE: Do you know whether he ever talked to
14 the Judge?

15 MRS. JOHNSON: Never.

16 MR. WHITESIDE: Never?

17 MRS. JOHNSON: Some of the people that surrounded
18 George -- you know, they still did after he had been wounded and
19 was in such bad shape -- came to Frank and asked him if he would
20 go and visit George -- he was still living in the Governor's
21 Mansion -- and that George wanted to talk to him and ask his
22 forgiveness. And Frank told them -- they said they would slip
23 him in after dark, you know. And he said, "If I go visit George
24 Wallace, I'll go in the daytime. I won't slip in." But he
25 didn't go.

1 MR. WHITESIDE: I think you had told me once before
2 that not too long ago you met George Wallace's son and talked to
3 him about that. Do you -- do you recall that incident where
4 you --

5 MRS. JOHNSON: Yes.

6 MR. WHITESIDE: Yeah. Do you want to tell me about
7 that?

8 MRS. JOHNSON: I wasn't -- I've always been sorry for
9 George Wallace's son and his other children too, because they
10 grew up with all this publicity around them. But George Jr.
11 wanted to tell me that, you know, he admired Frank and how much
12 he thought of him. He was almost emotional, you know, about
13 seeing me. And I -- I appreciated it.

14 MR. WHITESIDE: Yeah. The Civil Rights Era was a time
15 when the Judge had to stand alone in Montgomery. But as things
16 progressed, he -- I guess he started getting more -- you had a
17 new district judge. Did that seem to take some of the relief --
18 the burden off of him? Because he was carrying, I know, a
19 heavy, heavy caseload at one time.

20 MRS. JOHNSON: Are you talking about the number of
21 cases, the type cases?

22 MR. WHITESIDE: The number of cases. The type cases.
23 The fact he was the only judge down here. Did he ever talk to
24 you about needing another judge and eventually getting another
25 judge?

1 MRS. JOHNSON: I don't think that he really looked
2 forward to having another judge. But he did -- he was
3 burdened -- overburdened with cases.

4 MR. WHITESIDE: Right. And that judgeship was created
5 in the -- I guess the late 1960s; is that right? Do you recall?
6 The second judgeship.

7 MRS. JOHNSON: I do not recall the time.

8 MR. WHITESIDE: Okay. Back to the Civil Rights Era,
9 you mentioned John Lewis as being one of the primary movers and
10 shakers, so to speak. If I recall correctly, he was pretty
11 severely beaten.

12 MRS. JOHNSON: He was. You can tell by looking at him
13 what -- his head has been beaten up. He has scars.

14 MR. WHITESIDE: Tell me what the reaction was here in
15 Montgomery, both with the Judge and with other people, when that
16 occurred.

17 MRS. JOHNSON: Frank didn't -- I don't think that he
18 talked about it or mentioned it. Of course, he thought it was a
19 terrible thing to do. But this is one of the things that -- I
20 think that led him to come to that conclusion that he did about
21 the Selma March.

22 MR. WHITESIDE: Uh-huh. He -- you mentioned he had
23 desegregated the schools, the public fountains, the YMCA. One
24 of the interesting facts about some of those cases, say the
25 YMCA, was the attorney on the other side was I think a fairly

1 close friend of the Judge's, and that was Ron Nachman. And I
2 know that Ron loved the Judge.

3 MRS. JOHNSON: Rod.

4 MR. WHITESIDE: Rod. I'm sorry. And tell me about the
5 relationship he had with lawyers at that time, both on the civil
6 rights side and the --

7 MRS. JOHNSON: Well, the ones that didn't like him kept
8 their mouth shut, but Rod was outspoken. And I guess a lot of
9 people wonder why Frank was so close to Rod Nachman. Right
10 after we first came here, things began to be getting, you know,
11 pretty critical about the courts. Rod wrote a letter to the
12 editor of the newspaper condemning this attitude and -- well,
13 taking up for his judge. This was something no one else had
14 done. And Frank appreciated it. They've been close friends all
15 the time.

16 MR. WHITESIDE: They have. And --

17 MRS. JOHNSON: Miles apart in so many ways.

18 MR. WHITESIDE: I was going to say. And yet they were
19 on opposite sides of the cases that the Judge decided.

20 Were there other lawyers like that that he had a
21 relationship with but he also had ruled against?

22 MRS. JOHNSON: He very seldom socialized with any
23 lawyers. Rod was just an exception. I can't think of any.
24 There were some that he was closer to than others, but -- Joe
25 Phelps was one of them. You know, he later became a judge and

1 is dead now.

2 MR. WHITESIDE: Right. What other -- were there
3 lawyers -- I know that the Judge rode circuit, in a sense. He
4 had court down in Dothan, and I think there were a couple other
5 places where he, at times, held court.

6 MRS. JOHNSON: Opelika.

7 MR. WHITESIDE: Opelika? Okay.

8 MRS. JOHNSON: And Dothan.

9 MR. WHITESIDE: Yeah.

10 MRS. JOHNSON: He loved to hold court in Dothan. He
11 liked the legal setup. And the lawyers in Dothan were all
12 friendly. He had Bill Baxley down there --

13 MR. WHITESIDE: Right.

14 MRS. JOHNSON: -- and Dwight McInish and Alto Lee. And
15 so many of them were friends. And he thoroughly enjoyed going
16 to Dothan to hold court.

17 MR. WHITESIDE: I guess one of the other advantages of
18 going to Dothan was he was a little closer to his fishing.

19 MRS. JOHNSON: I don't think he fished any when he went
20 for court. He went for court and no other reason.

21 MR. WHITESIDE: Well, I can't -- can't leave the
22 subject of fishing without talking about you. All stories are
23 that you were a better fisherman than he was, but he would never
24 admit it.

25 MRS. JOHNSON: I was not a better fisherman. I was

1 just lucky.

2 MR. WHITESIDE: That's part of being a good fisherman.
3 Tell me some of the fishing stories you had with him.

4 MRS. JOHNSON: Well, the one that -- that's written in
5 this -- this little book that I was looking at. I wrote the
6 story, and it's true.

7 He decided to take me fishing. This was when we were
8 living in Jasper. I think it's because he didn't have anybody
9 else to go fishing with. And we left Jasper and went on to
10 Haleyville and took Johnny with us and left him with my mother
11 in Haleyville. And we spent the night and then got up real
12 early the next morning and went up to the Tennessee River.

13 He instructed me on how to fish. He said, "Now, if
14 you're lucky enough to catch one," he said, "hold the tip of
15 your rod up. Hold the tip of your rod up." He said, "Don't
16 horse around with it." And when we got there, he was so careful
17 to tell me everything about fishing.

18 And that's when I started pulling the fish in. I
19 caught two or three, and he was real pleased about it, you know.
20 He hadn't caught one. And then he got quiet. (Laughter) And
21 I --

22 MR. WHITESIDE: As you were bringing in fish; right?

23 MRS. JOHNSON: As I was bringing in fish. And I pulled
24 another one in, and he just sat there. I had to take it off
25 myself. And I said, "Since you're not doing anything, will you

1 bait my hook?" "Bait your own damn hook." (Laughter)

2 MR. WHITESIDE: (Laughter)

3 MRS. JOHNSON: So that ended my fishing. I didn't --
4 if I had had, you know, sense enough to have done it, I wouldn't
5 have pulled those fishes in that fast.

6 MR. WHITESIDE: I take it you weren't invited back
7 fishing after that, then?

8 MRS. JOHNSON: Well, not only that, David, the last
9 fish I caught, he took hold of my line and shook it off
10 (demonstrating).

11 MR. WHITESIDE: (Laughter)

12 MRS. JOHNSON: No. I wasn't invited back anymore, not
13 for a long time. Then years later we went fishing a lot down at
14 Everglades.

15 MR. WHITESIDE: There were a lot of stories I think
16 told by his clerks about if one clerk started catching fish, the
17 clerk was assigned to the other end of the boat and the Judge
18 would happen to be at that end putting the hook back where it
19 was.

20 As time progressed in Montgomery, the schools -- the
21 Judge desegregated the schools. Did that impact -- did that
22 impact the city schools where Johnny went?

23 MRS. JOHNSON: Johnny was going to a school that was
24 overcrowded. And before this happened, I had joined a group to
25 discuss forming a private school. And at that particular time,

1 it was strictly because our children were going to school half a
2 day at a time. You know, they'd take half the third grade in
3 the morning, half in the afternoon. They didn't have enough
4 space or teachers.

5 And so the Flinns that lived on our street and the
6 Folmars and other people in my neighborhood and then in other
7 areas formed a group to investigate the private school business.
8 And we managed to buy a house. I -- I kind of think it was on
9 Court Street. It was the old Governor's Mansion. It's on Perry
10 Street now, but I believe the old one was on Court, closer to
11 town. And other people that -- took more time and more money
12 than I had to develop it and set up the school. And when he
13 started the sixth grade, that's where he went.

14 MR. WHITESIDE: What was the name of the school?

15 MRS. JOHNSON: Montgomery Academy.

16 MR. WHITESIDE: Okay. So that's --

17 MRS. JOHNSON: It's still here. It's a big school now.

18 MR. WHITESIDE: Right. And I guess they've moved
19 out -- out almost to the perimeter.

20 MRS. JOHNSON: They have. They've branched out in
21 different directions. They have a middle school --

22 MR. WHITESIDE: Right.

23 MRS. JOHNSON: -- and high school.

24 MR. WHITESIDE: Is that where Johnny finished up?

25 MRS. JOHNSON: Yes. From -- he went through from the

1 sixth through the twelfth.

2 MR. WHITESIDE: One of the things the Judge was very
3 proud of is when he did desegregate the public schools, he never
4 used busing. He always maintained the local school character.
5 Did he ever talk to you about that, particularly since you're a
6 schoolteacher, the need for --

7 MRS. JOHNSON: I think you're wrong about that.

8 MR. WHITESIDE: Okay.

9 MRS. JOHNSON: I think he did order busing in certain
10 instances. You'll have to straighten that out later.

11 MR. WHITESIDE: Okay. Well, I may stand corrected.
12 But the question is, did he --

13 MRS. JOHNSON: He was against busing on the principle
14 of it.

15 MR. WHITESIDE: Right. Did he -- did he consult with
16 you? Did he talk to you about schools and how they should be
17 run?

18 MRS. JOHNSON: No.

19 MR. WHITESIDE: No?

20 MRS. JOHNSON: No.

21 MR. WHITESIDE: No. I know you were very active in --
22 in your -- you talked about that earlier -- the PTA. And did
23 you remain active in PTAs through the Montgomery Academy years
24 and things like that?

25 MRS. JOHNSON: Well, it was a very small group. And

1 yes, I wasn't very active. I spent most of my time, I guess, in
2 the library and -- helping set up a library. I was active in
3 the Bellingrath PTA too until they threw me out. (Laughter)

4 MR. WHITESIDE: Tell me about that.

5 MRS. JOHNSON: Well, it wasn't exactly a throwing out.
6 But they took a vote on changing the name from the PTA to the
7 PTO for no other reason than they were put out with the PTA
8 because they encouraged desegregation. And I couldn't vote for
9 that.

10 MR. WHITESIDE: Right.

11 MRS. JOHNSON: Two people in the whole entire school,
12 PTA, voted to remain.

13 MR. WHITESIDE: Remain as a PTA, which was at least
14 supporting school desegregation.

15 MRS. JOHNSON: Yes.

16 MR. WHITESIDE: Who was the other person? Do you
17 remember?

18 MRS. JOHNSON: Yes. But I don't think I need to talk.

19 MR. WHITESIDE: Okay.

20 **MARCHING ISSUES**

21 MR. WHITESIDE: At some point during the time that the
22 Selma rights march occurred, the Judge was not very convinced
23 that the marchers should be able to, in effect, take over a
24 public highway and march.

25 MRS. JOHNSON: That's right.

1 MR. WHITESIDE: Do you remember what was going on at
2 that time, both in the household and in the public at large?

3 MRS. JOHNSON: And also what was going on in
4 Washington.

5 MR. WHITESIDE: And what was going on in Washington.
6 Sure.

7 MRS. JOHNSON: Frank was very disturbed about the
8 march. It was contrary to what he believed in except for the
9 fact that they were protesting. And they had such a strong
10 reason for protesting that he -- it was hard for him. That was
11 the hardest case he ever decided what to do about it. It could
12 go either way.

13 And when I mentioned Washington, I -- this -- nobody
14 knows about this. They'll learn now, though, won't they? Hugo
15 Black, Justice Black on the Supreme Court, was taking the cases
16 from Alabama. You know how -- when they send them.

17 MR. WHITESIDE: Right.

18 MRS. JOHNSON: And this came -- when Frank made his
19 decision, made his ruling, Hugo was furious about it. He was so
20 angry. And I'll bet a lot of people don't know this. And he
21 would pace the floor. And he said, "Send it on up to me. Send
22 it on up to me." He wanted them to get that appeal on up
23 to him. And you know they didn't appeal it?

24 MR. WHITESIDE: Right. Justice Black was furious
25 because of what had happened in Selma.

1 MRS. JOHNSON: He didn't like the ruling.

2 MR. WHITESIDE: He didn't like the ruling?

3 MRS. JOHNSON: That's right.

4 MR. WHITESIDE: Oh, okay. And how did you learn about
5 that?

6 MRS. JOHNSON: I'd rather not talk about that either.

7 MR. WHITESIDE: Okay. As a result of the Selma rights
8 march and the Edmund Pettus Bridge incident, the federal
9 government passed legislation which permitted all citizens to
10 vote, in effect. That turned into a -- there were a number of
11 voting rights challenges, which the Judge, again, sat on. Do
12 you remember any of the times that those cases were coming --
13 coming through the court system and what happened with you and
14 the Judge?

15 MRS. JOHNSON: No, I don't, David.

16 **MENTAL HEALTH CASES**

17 MR. WHITESIDE: What about the mental health cases?
18 That was always something --

19 MRS. JOHNSON: Well, that's the case that Frank was the
20 proudest of and one of the hard cases too. He was so pleased
21 because he was so upset by the conditions in the mental
22 hospital.

23 You know, you go along for years and live in a state,
24 and you don't know these things are going on because you have no
25 contact with it.

1 MR. WHITESIDE: Sure.

2 MRS. JOHNSON: And we knew Bryce's was there when we
3 went to school there. You know, Bryce's Hospital was there.
4 But we didn't know what was going on, the operation of it.

5 MR. WHITESIDE: Once he learned what the conditions
6 were like there, did he discuss --

7 MRS. JOHNSON: Oh, he was very upset by it.

8 MR. WHITESIDE: Tell me what he'd say to you.

9 MRS. JOHNSON: Well, he brought stacks of pictures home
10 and showed me the condition of -- I want to say prisoners -- the
11 inmates, so to speak -- the patients, supposed to be -- were in.
12 And he was unhappy about it, but he didn't let it stop him from
13 finding out all he could about -- he didn't know how to run a
14 mental hospital. He just knew that it had to be changed.

15 So he called in experts, people that were supposed to
16 be knowledgeable about it. Karl Menninger came down -- and he
17 was pretty old then -- and lots of other people. Ralph Knowles
18 would be better to talk to you about this than I would.

19 MR. WHITESIDE: You saw the photographs, though.

20 MRS. JOHNSON: Yes.

21 MR. WHITESIDE: Tell me what effect they had on you.

22 MRS. JOHNSON: Well, I just didn't want to look at
23 them. They -- I didn't realize that human beings could be in
24 that condition and have people supervising them, supposedly.

25 MR. WHITESIDE: Most people haven't seen those

1 photographs. And I have seen some of them.

2 MRS. JOHNSON: You've seen one little girl with flies
3 going in and out her mouth.

4 MR. WHITESIDE: That's what I was going to ask you to
5 describe. Some of the photographs are really startling that it
6 could happen in America. Tell me about some of the ones that
7 moved you the most.

8 MRS. JOHNSON: Well, they were all -- they were -- all
9 the ones I saw were just -- David, you know if you saw them.
10 You want me to say it. And it's upsetting to even think it --
11 about it.

12 And I don't know how they're treated now, but I know
13 they're treated much better. I know there's a limit to what you
14 can do with somebody who has no mind. And probably some
15 violence or some restriction has to be taken on some people.
16 They could have had clothes on them. Most of them were stark
17 naked, you know, and just squatting around like animals in a
18 filthy atmosphere. It just shouldn't have been allowed to
19 happen. And it just -- it took bringing it out to the public to
20 see. I think everybody approved of that ruling, don't you?

21 MR. WHITESIDE: I think that they certainly recognized
22 that something needed to be done and that somebody had to do it.

23 One of the -- and that runs to another area. Somebody
24 had to do it.

25 Ruth, one of the things that came out of the mental

1 health case was the fact that Karl Menninger came down to
2 testify on behalf of the State. And later, the Judge invited
3 Dr. Menninger to dinner with you and Dr. Menninger's wife and
4 Johnny. What happened then?

5 MRS. JOHNSON: Well, in the first place,
6 Dr. Menninger's wife did not come.

7 MR. WHITESIDE: Okay.

8 MRS. JOHNSON: It was -- but several other people came
9 at the same time, and I do not recall their names.

10 MR. WHITESIDE: I think Mr. -- Dr. Stickney.

11 MRS. JOHNSON: But Ralph Knowles was there.

12 MR. WHITESIDE: Right.

13 MRS. JOHNSON: I remember Ralph and Marjorie and some
14 other people he had called in that were supposed to be experts.
15 I don't know what went on in the conference. But we had dinner
16 together, and I did talk to all of them.

17 MR. WHITESIDE: Right.

18 MRS. JOHNSON: Dr. Menninger was too -- really too old
19 to be taking part in something like this. He had a lot of
20 ideas, but he -- you know, he was just great.

21 MR. WHITESIDE: That's what I --

22 MRS. JOHNSON: And his presence was important to have
23 there. And I do not know what -- any conclusion was made. But
24 they did appoint an overseeing committee to take over the
25 running of the hospital.

1 MR. WHITESIDE: What was your impression at the dinner
2 of Dr. Menninger?

3 MRS. JOHNSON: Oh, I was impressed with all these
4 people that knew so much, just goggle-eyed, and sat there and
5 listened to them. And, you know, they had different opinions.

6 MR. WHITESIDE: Sure.

7 MRS. JOHNSON: They argued, even at the dinner table.
8 So I'm sure that they came to some kind of an agreement, but
9 they were not all of the same opinion.

10 MR. WHITESIDE: One of the things that happened when
11 the visits were made to the hospitals, particularly Bryce, was
12 that people started realizing how bad the conditions were there.

13 MRS. JOHNSON: You see, David, no one really knew.

14 MR. WHITESIDE: Right.

15 MRS. JOHNSON: We didn't think about it. No one went
16 there unless they had to go.

17 MR. WHITESIDE: In fact, one of the people who went was
18 the U.S. Attorney at that time, Ira -- Ira DeMent. And I think
19 you've had conversations with him. What happened -- he made a
20 surprise visit there and I think was pretty shocked.

21 MRS. JOHNSON: Yes, he did.

22 MR. WHITESIDE: Tell me about that.

23 MRS. JOHNSON: He told me about it. And he said the
24 condition was so bad inside, it made him so sick, he had to go
25 outside and throw up. And that's when he had the photographs

1 taken that were just horrible. You know, you just didn't want
2 to look at them. A little girl -- well, I'm sure she must have
3 been in her early teens -- with flies going in and out of her
4 mouth. Adult young people naked, chained -- some of them were
5 chained to chairs with no clothes on. I -- that's what I saw,
6 the pictures. And I'm sure if you were there, that, you know,
7 the stink would have been so much that it would have overcome
8 you too. It must have been a terrible condition. Now, this was
9 in Bryce's, the white section of the mental hospital.

10 MR. WHITESIDE: They were -- were the hospitals still
11 segregated at that time?

12 MRS. JOHNSON: "Segregation" is really not the word for
13 it. They were separated. There were no blacks in Bryce
14 Hospital. They were -- I don't want to say housed.
15 "Warehoused" would be a better expression, from what I've been
16 told. And I got this information from Judge DeMent also. They
17 were all sent -- all the black people were sent to Searcy
18 Hospital. I don't know exactly where. It's south of here. And
19 they slept on concrete floors on straw. And I don't -- I can
20 just imagine the conditions.

21 MR. WHITESIDE: I think Searcy was a predominantly
22 black hospital even -- or at least before the *Brown* decision,
23 and I guess it remained that way.

24 Did Judge DeMent ever say anything else about the
25 conditions at Searcy or what he had to do at that point?

1 MRS. JOHNSON: He did not.

2 MR. WHITESIDE: He -- as a result of the conditions at
3 the state hospitals, Judge Johnson issued an order which became
4 the Patient's Bill of Rights and in fact was later adopted by
5 the accreditation hospital -- mental accreditation system. I've
6 heard it said that that was the decision he was probably the --
7 was the most difficult but that he was the most proud of. Can
8 you share about that?

9 MRS. JOHNSON: He has made that statement several
10 times, that this is the one case that he was more proud of than
11 any of the others. He thought that more was accomplished from
12 this than from any of the other decisions.

13 MR. WHITESIDE: Did he ever tell you why he thought
14 that was the most important case?

15 MRS. JOHNSON: He thought it was more far-reaching and
16 had more impact on justice. I have to come back with that word
17 "justice" or the rights of the people, of the patients.

18 MR. WHITESIDE: By the time of the civil rights
19 decisions and certainly by the time of *Wyatt versus Stickney*,
20 which was the hospital decision, the Judge had received a lot of
21 acclaim. One of the first things he received, though, was a
22 cover -- he was on the cover of *TIME* magazine. And I think it
23 was the first time a U.S. district judge had been on the cover
24 of *TIME* magazine. You had some influence in the portrait that
25 was painted that became the cover. Tell me about that.

1 MRS. JOHNSON: I'll never live that down. I even
2 remember the artist's name, Boris Chaliapin, a Russian portrait
3 painter. And he came down. And you know Lee Dodd was the
4 marshal.

5 MR. WHITESIDE: Right.

6 MRS. JOHNSON: And he was Frank's bailiff, I guess is
7 what it was called, in the courtroom. And he took Boris
8 Chaliapin under his wing, and they went out together at night.

9 And when I met the -- supposed to be really able. They
10 sent the best they had, they said, artist to do the painting.
11 Lee had his influence on him too. And I said, "Well, the only
12 thing I can say, make him look mean." And he did. And Frank
13 never liked it. He thought it was not like him at all.

14 MR. WHITESIDE: In fact, you even made some suggestions
15 about the eyes, I think. Tell me about that.

16 MRS. JOHNSON: I don't remember, David.

17 MR. WHITESIDE: Just to have a stern look or something
18 like that. Is that what you told the artist?

19 MRS. JOHNSON: I -- it was probably a little stronger
20 than that, but I really don't remember.

21 MR. WHITESIDE: The Montgomery schools were
22 desegregated by the Judge's orders. And in large respect, he
23 used the neighborhood concept to desegregate the Montgomery
24 public schools. During that time, though, George Wallace made
25 the only, I think, attack on people outside -- people in the --

1 in the Judge's family. And one of the criticisms he made was
2 that Johnny was going to a private school at that time.

3 MRS. JOHNSON: Our son, Johnny.

4 MR. WHITESIDE: Right.

5 MRS. JOHNSON: I would have liked -- for once in all
6 this time, I would have liked to have answered him. We put
7 Johnny in a private school to get him away from the taunts of
8 the Wallace people, the children in the public schools. It was
9 just inevitable that he was going to run into a lot of that.

10 And the school had formed -- I had helped with it
11 without thinking about segregation or desegregation because the
12 public schools were just not really all that good. Most of the
13 elementary schools had half-day classes for the grades. And
14 Johnny didn't fall into that category. When we came, he went
15 into the third grade the next year at Bellingrath. He had a
16 real great teacher and everything was fine. He went on through
17 the fourth grade and then to the fifth before we started the
18 Montgomery Academy. It was started when he was beginning the
19 sixth grade, and he went from the sixth through the twelfth,
20 graduated. But I think that he escaped most of the harassment
21 that he would have had later on.

22 MR. WHITESIDE: But it was something that George
23 Wallace raised. And I think that's the only time he actually
24 attacked somebody other than the Judge himself. I don't ever
25 recall an unkind word made about you or anybody else. Is

1 that -- that right?

2 MRS. JOHNSON: Well, about Judge.

3 MR. WHITESIDE: Of course he attacked the Judge. But
4 I'm saying about the -- I think that was the only time that
5 George Wallace or anybody on his staff actually attacked another
6 family member to try to get at the Judge.

7 MRS. JOHNSON: I'm trying to think while you're
8 talking.

9 MR. WHITESIDE: Okay.

10 MRS. JOHNSON: I do think that some of his people said
11 that none of Judge's family should have the right to be buried
12 in the sacred soil of Dixie.

13 **A FORCE ON HER OWN**

14 MR. WHITESIDE: Not only did the Judge desegregate
15 schools, but you did too. You --

16 MRS. JOHNSON: That would be interesting. Most people
17 don't know about that.

18 MR. WHITESIDE: All right. Tell me about your
19 desegregating college here in Montgomery.

20 MRS. JOHNSON: Well, not only college, but the junior
21 high school. The first black teacher that went into a white
22 school in Montgomery was a lady that I know very well. She's
23 still a friend of mine. Ernestine White. And she was just a
24 lovely girl, and she didn't have any trouble at all
25 in Cloverdale. Cloverdale Junior High School I believe is where

1 she taught.

2 I was one of the first white teachers to go into an
3 all-black school. And I guess that's the only reason they gave
4 me a job, is because I was willing to go to a black school. But
5 it was really a wonderful experience. I taught there ten years.

6 And I did not have a teacher certificate, so I had to
7 get an emergency certificate. And I went to Alabama State,
8 enrolled in Alabama State to take the courses I needed to get my
9 certificate.

10 I was -- the president -- Levi Watkins was president of
11 Alabama State at the time. He said I was the first white person
12 to ask for admission to Alabama State. I don't really believe
13 that's true, but that's all that they have on the record. And I
14 just went ahead and got my master's degree there.

15 MR. WHITESIDE: You also, in one sense, got special
16 treatment in parking. Tell me about that story.

17 MRS. JOHNSON: Oh, David, I don't think anyone's
18 interested in that. The parking is just like it is now.
19 There's not room to park. And sometimes I would go from school
20 to take a class at four or five o'clock in the afternoon, but
21 most of my classes were in the evening. And I just had a real
22 hard time. And Dr. Watkins met me as I was going in one day and
23 asked me if I had any complaints or anything that I needed. And
24 I said, "Yes, I need to find a place to park." I said, "You
25 know, I have to walk so far when I park." He said, "Well,

1 MR. WHITESIDE: He did.

2 MRS. JOHNSON: But it didn't happen.

3 MR. WHITESIDE: The Judge had told a story about
4 Congressman Dickinson coming to him after -- a few years later
5 and said one of the biggest mistakes he ever made was to oppose
6 the appointment. Did you ever talk to anybody about the
7 opposition to the appointment or anything like that?

8 MRS. JOHNSON: Not really. It was -- you know, it's a
9 political thing.

10 MR. WHITESIDE: Sure.

11 MRS. JOHNSON: And President Nixon I think was ready to
12 appoint him. And Dickinson and who -- I don't know who the
13 congressman was that went with him to the President and told him
14 that it would ruin the Republican Party in Alabama if they
15 appointed Frank Johnson. And so naturally, he didn't do it.

16 MR. WHITESIDE: Howard Mandell was one of the Judge's
17 clerks and I think one of the favorite clerks of both of you.
18 Howard made an observation that the real compassion for people
19 came from you and you influenced the Judge, that if it had not
20 been from you -- for you, his decisions would have been much
21 more austere, constitutionally correct, but they didn't have
22 that compassion in it. Do you want to comment on that?

23 MRS. JOHNSON: Yes, I do. Frank Johnson wouldn't have
24 listened to me or his mother or anyone else. He made his own
25 decisions. Probably what Howard was talking about, that I've

1 always -- y'all have heard me talking here -- been for the
2 underdog or the person in need. And I have had a lot of
3 compassion for the poor and for the mistreated. But if that --
4 it had to have been in an indirect way. I did not influence any
5 of his decisions directly.

6 MR. WHITESIDE: How about indirectly? How --

7 MRS. JOHNSON: That -- I think -- it could possibly
8 have been that I did.

9 MR. WHITESIDE: Did you -- can you think of any
10 examples where you might have had an indirect effect on his --

11 MRS. JOHNSON: Well, I can think of a case that he
12 didn't tell me about because he knew I wouldn't like it.

13 MR. WHITESIDE: What -- tell me about that.

14 MRS. JOHNSON: I don't even remember the title of the
15 case. It involved Alabama State. And Ira Burnim was the law
16 clerk at the time. It wasn't the decision that Frank made. It
17 was the bitterness that showed through the decision. And he
18 knew I wouldn't like it. I read it in the paper.

19 MR. WHITESIDE: Tell me about the facts of that, what
20 you --

21 MRS. JOHNSON: I don't -- I don't remember all the
22 details now. It's been so long ago, David.

23 MR. WHITESIDE: What do you mean by the bitterness?

24 MRS. JOHNSON: The harsh words.

25 MR. WHITESIDE: Coming from the opinion itself?

1 MRS. JOHNSON: Coming from the opinion itself. You'll
2 just have to get it and read it.

3 MR. WHITESIDE: Usually the Judge was very serious
4 about his craft. But every once in a while, a case would come
5 through where his humor would show up and the clerks' humor
6 would show up. One of those cases was Blackie the Cat. Do you
7 remember that case?

8 MRS. JOHNSON: Wasn't that an Atlanta case?

9 MR. WHITESIDE: It came out of Georgia. It did.

10 MRS. JOHNSON: I remember it. But he made a humorous
11 decision on that. And I think that that was what it was
12 intended to be. It was so ridiculous to start with.

13 MR. WHITESIDE: I think the case actually was a pretty
14 ridiculous case in the first place.

15 MRS. JOHNSON: That's right. That's what I meant to
16 say.

17 MR. WHITESIDE: If I recall correctly, somebody was
18 suing a city in Georgia, maybe Macon, Georgia, because they were
19 licensing the person's cat, who they claimed could talk and they
20 considered a street vendor.

21 But are there any other examples that you can recall of
22 the Judge's humor?

23 MRS. JOHNSON: Oh, yes. I think of it as the ha-ha
24 case. I can't think of -- there's an attorney here. Do you
25 remember Jimmy Carter?

1 MR. WHITESIDE: I think so.

2 MRS. JOHNSON: I believe that was a Jimmy Carter
3 case. When he had his witnesses on the --

4 MR. WHITESIDE: Jimmy Garrett.

5 MRS. JOHNSON: What?

6 MR. WHITESIDE: Jimmy Garrett?

7 MRS. JOHNSON: Garrett. That's right. James Garrett.
8 He would laugh. And the court reporter wrote down the ha-has.
9 And when it was finished and they read the transcript, it was
10 the funniest thing you've ever seen. It was just full of
11 ha-has. And I think Frank mentioned that in his decision. He
12 was a friend, by the way.

13 MR. WHITESIDE: You developed a lot of friends through
14 the legal profession. One of them was, we've just mentioned,
15 Ira DeMent. Judge DeMent was the U.S. Attorney in the Middle
16 District for a long time. Tell me about the friendship that
17 developed between Judge DeMent and Judge Johnson.

18 MRS. JOHNSON: Well, I don't want to go into this in
19 great detail, because I'll start crying. But, you know, my son
20 had a lot of emotional trouble. And I think a lot of it stemmed
21 from the political atmosphere in Montgomery. Judge DeMent was a
22 friend of Johnny's, and he tried to help him. And through the
23 years, he did help him. And Judge DeMent was the one that
24 rented a U-Haul and hauled him to the University when he went
25 down as a freshman and helped him set up in his apartment. He

1 didn't talk down to Johnny. He -- they were buddies. And I
2 think that he just was as devastated as we were at the outcome.

3 MR. WHITESIDE: Judge DeMent has continued to be a
4 friend through the years.

5 MRS. JOHNSON: I didn't hear that.

6 MR. WHITESIDE: I'm sorry. Judge DeMent has continued
7 to be a friend through the years.

8 MRS. JOHNSON: Yes, he has.

9 MR. WHITESIDE: Even after he went on the bench I think
10 he -- he had a long-term relationship with both you and the
11 Judge.

12 MRS. JOHNSON: That's right.

13 MR. WHITESIDE: Is there any -- any time that, being a
14 judge, a U.S. district judge, and Judge Johnson being a U.S.
15 appellate judge, was there ever a strain because of that?

16 MRS. JOHNSON: Well, I think that we didn't see each
17 other all that much. It was just something that -- this friend
18 that's there and you know they're there. I doubt if anything,
19 ever, was strained.

20 MR. WHITESIDE: One of the other long-term
21 relationships between a district judge and an appellate judge
22 was the relationship between Judge Johnson when he was on the
23 district court and Judge Rives when he was the appellate judge
24 in Montgomery. And, in fact, one of the things that happened is
25 during the Selma March, Judge Rives invited Judge Johnson up to

1 his fourth floor to watch the marchers come into Montgomery.
2 Did the Judge ever mention his reaction to seeing the mass
3 humanity come into Montgomery? Did y'all talk about that at
4 all?

5 MRS. JOHNSON: I doubt if he watched much of it. We
6 knew it was there.

7 But when the marchers started coming into Montgomery,
8 one of our neighbors came down and started -- he wasn't, you
9 know, really violent. He was angry. And told Frank, he said,
10 "I'm depending on you to keep them out of my business." H. O.
11 Peavy. He had a lumber company on -- was it Day Street or --
12 wherever they marched in.

13 MR. WHITESIDE: Somewhere downtown. Uh-huh.

14 MRS. JOHNSON: And he said, "I'm expecting you to
15 protect my property." That's the only incident that we had,
16 direct, with the marchers.

17 But I know -- I think that he didn't really pay all
18 that much attention to watching them come in. You see, he
19 wasn't emotionally involved in this, David. That's what I would
20 like to make clear. This was a decision he made. And it was
21 hard for him to make. That was a hard one. But that day --
22 this is an aside now. Bill Baxley's father, Judge Baxley that
23 lives in Mobile -- or Dothan. Dothan. He drove up that morning
24 and just came in and sat in Frank's office all day just to be
25 there.

1 MR. WHITESIDE: Really?

2 MRS. JOHNSON: Uh-huh.

3 MR. WHITESIDE: The Judge had a lot of support, both
4 from his clerks and, at that time, from some major, to be,
5 lawyers in the Justice Department. One of them was John Doar.
6 Tell me your first recollections of John Doar.

7 MRS. JOHNSON: I can certainly tell you that. It was a
8 vivid recollection the first time I saw John Doar. Frank and
9 Johnny and I had gone to -- we had a cottage down on Lake
10 Martin, and it was kind of hard to get to. Not many people
11 could follow the roads, you know, that rambled around to get to
12 it over a causeway. And that's where we were when the -- are we
13 talking about the Greyhound Bus Station incident?

14 MR. WHITESIDE: I think John Doar was involved in that.

15 MRS. JOHNSON: All right. Now, some people have
16 written that Frank stood up and watched it from his window. He
17 wasn't even in town. We were at Lake Martin. And we were going
18 out to get some minnows at about dark so we could fish the next
19 day. Lee Dodd brought John Doar in a boat across the lake
20 and -- to see -- to get an injunction, I suppose, against this
21 group that -- or some kind of an injunction. I'm not a lawyer.
22 And he was upset. It's the only -- he's the unflappable John
23 Doar. But he was nervous and really upset when he came in, and
24 Frank had to calm him down. And I made him some coffee. But
25 that's my first experience with -- he couldn't believe it had

1 happened.

2 What was the other FBI officer? Katzenbach? Was that
3 his --

4 MR. WHITESIDE: Nicholas Katzenbach was the --

5 MRS. JOHNSON: He had been beaten up.

6 MR. WHITESIDE: Yeah. Early on.

7 MRS. JOHNSON: And -- but that's the first time that I
8 saw John Doar, and he's been a friend since.

9 MR. WHITESIDE: That's what I was going to ask. Tell
10 me about your friendship, how it developed, with John Doar.

11 MRS. JOHNSON: Well, it's a distant friendship, you
12 know, but we do keep in touch. And he would come down
13 occasionally to visit.

14 MR. WHITESIDE: I know the Judge relied on him and his
15 integrity for support in articulating the government's position.
16 Did the Judge ever mention what he thought about John Doar, his
17 preparation or anything like that, in court?

18 MRS. JOHNSON: Uh --

19 MR. WHITESIDE: Tell me what the Judge --

20 MRS. JOHNSON: His astuteness in what he was doing?

21 MR. WHITESIDE: Uh-huh. Tell me --

22 MRS. JOHNSON: No, he did not. But John Doar, you
23 know, was a Republican in a democratic administration. And
24 he -- he was there and stayed on with the Kennedys when they
25 came into power. You may not have known that.

1 MR. WHITESIDE: Right.

2 MRS. JOHNSON: But anyway, he has taken so much flack
3 from people about being a Republican in the last years, he said,
4 "Well, I'm a Winston County Republican. That's different." I
5 haven't seen him in a while.

6 MR. WHITESIDE: The Judge, at some point during the
7 democratic administration of Jimmy Carter, was asked to head the
8 FBI. Tell me when you first learned of that and how you learned
9 of it.

10 MRS. JOHNSON: All right. Jimmy Carter called the
11 house when we lived on Haardt Drive and asked to speak to Frank.
12 And he was mowing the backyard. And I told him, I said,
13 "Plains, Georgia, calling." He said, "Go on back and let me
14 finish my -- my mowing. I said, "It's the truth." I said,
15 "President Carter is on the phone." And he came in and talked
16 to him. He didn't believe me.

17 But, you know, Jimmy Carter was an unusual president.
18 He would pick up the phone and call people himself instead of
19 having somebody call -- do his calling for him.

20 MR. WHITESIDE: Had that been the first time you had
21 received a call from Jimmy Carter?

22 MRS. JOHNSON: Yes.

23 MR. WHITESIDE: Did it surprised you too, I guess?

24 MRS. JOHNSON: It surprised me that a president would
25 just be on the line, you know.

1 MR. WHITESIDE: Yeah. So after the Judge talked to
2 Jimmy Carter, what happened?

3 MRS. JOHNSON: Well, Griffin Bell started telling him
4 all the advantages and all the reasons -- his civic reasons that
5 he should go. And he was reluctant. But I think that he felt
6 that we would be better off to get out of Montgomery, that we
7 had been here long enough. But we had not. And he decided that
8 he would go ahead. I didn't have anything to say. I said, "It
9 doesn't matter with me."

10 But our big problem was we had two Great Danes. And we
11 thought, how in the world would we manage to find a place in
12 Washington to live with two Great Danes?

13 And Frank -- I guess he went ahead and accepted the
14 appointment. I'm not sure which came first. And then he called
15 his friend, Jack Kirschenfeld, who was his doctor, and said,
16 "Jack," he said, "I want a physical examination that will last
17 ten years," because the appointment was for ten years. And
18 that's when Jack found the aneurysm in the aorta.

19 MR. WHITESIDE: Tell me a little bit about that, how
20 you learned about it and --

21 MRS. JOHNSON: Well, it saved his life --

22 MR. WHITESIDE: Right.

23 MRS. JOHNSON: -- because it was a fast-growing
24 aneurysm. I don't know medicine. But it increased in size
25 daily. And by the time we got to Dr. DeBakey in Houston, it had

1 grown from a lemon size to a grapefruit size. So it was -- it
2 saved his life.

3 MR. WHITESIDE: I remember the Judge making the comment
4 that he picked Dr. DeBakey because he looked up the success
5 rates of every doctor in the country, and Dr. DeBakey had the
6 best one. Was that typical of the Judge?

7 MRS. JOHNSON: Yes.

8 MR. WHITESIDE: At -- did you go to Houston with him?

9 MRS. JOHNSON: I did.

10 MR. WHITESIDE: Tell me what happened there.

11 MRS. JOHNSON: Well, there was a lot of publicity about
12 it because of the appointment. And I tried to stay clear from
13 the reporters, and I did. And I let the hospital make any
14 announcement. It was a --

15 MR. WHITESIDE: Was he a good patient?

16 MRS. JOHNSON: What?

17 MR. WHITESIDE: Was he a good patient?

18 MRS. JOHNSON: Well, he --

19 MR. WHITESIDE: Was the Judge a good patient?

20 MRS. JOHNSON: You know he was never a good patient,
21 but he was too sick then to protest. But, David, after -- they
22 operated on him almost immediately because of the condition.
23 And in the recovery room, he was unconscious. And they had let
24 me and Jimmy in. And he -- when he came to, I walked around
25 behind the bed. I started crying. He didn't -- I didn't cry

1 loud. But he said, "Ruth, stop that crying. I can handle
2 this."

3 MR. WHITESIDE: So y'all got back to Montgomery, and
4 the operation was a success, I guess. But then he didn't -- he
5 ended up not taking the FBI job. Tell me what your
6 observation was.

7 MRS. JOHNSON: He had been misled as to the recovery
8 time. He was told that he would -- in six weeks, he would be
9 perfectly capable of making a move to Washington and doing this.
10 He was not. When he went to Washington to talk to some people
11 and to meet with the confirmation committee, judicial committee,
12 I guess, he -- he was not able to do it. And he was using
13 Griffin Bell's office. Griffin Bell was Attorney General. And
14 he called me from there and told me, he said, "Ruth" -- and I've
15 heard him say this to me every time I do something wrong, in my
16 mind -- he said, "In my opinion, I've made a bad mistake." He
17 said, "I'm not going to be able to do this. He said, "Will you
18 ask Jack Kirschenfeld to call me." And he talked to Jack, and
19 Jack ordered him to come home after he talked to him. And
20 that -- that ended it. And, you know, it took a year for him to
21 recover.

22 MR. WHITESIDE: Well, you had to do some recovery too,
23 because I think by then you had sold your house, hadn't you?

24 MRS. JOHNSON: We had already sold the house. We had
25 to get out. We -- Frank's mother was in a nursing home, and we

1 just moved into her house.

2 MR. WHITESIDE: And then I guess you eventually found
3 the house that you live in now.

4 MRS. JOHNSON: Yes. And I like it very much. Frank
5 wasn't able to go with me and look at houses or to find a place.
6 He said, "Whatever is fine with you suits me." But I found a
7 place -- because I had been told that he might lose his legs. I
8 wanted a place that was low that didn't have -- that I could get
9 a wheelchair in and out and the wide doors and all. So
10 that's -- and it had a workshop. I wanted the workshop.

11 MR. WHITESIDE: Did you ever -- you picked out the
12 house without him seeing it. What was his first reaction to the
13 house?

14 MRS. JOHNSON: Well, he liked it. He said, "That's
15 fine."

16 MR. WHITESIDE: Did he ever complain about anything on
17 the house?

18 MRS. JOHNSON: Never. No.

19 MR. WHITESIDE: Even though he didn't take the position
20 with the FBI, the recognitions continued. And he got a number
21 of awards, the Alabama Academy of Honor. But the first degree,
22 honorary degree he received, was from a small college, I think.
23 Tell me about the first --

24 MRS. JOHNSON: It was St. Michael's College.

25 MR. WHITESIDE: Right.

1 MRS. JOHNSON: Is it Vermont?

2 MR. WHITESIDE: It's in Vermont.

3 MRS. JOHNSON: And he went up to receive it. That was
4 the most beautifully written one of all of them, I think. And I
5 thought I knew it verbatim, but I can't do that now. It was not
6 written by an attorney, David. It was written --

7 MR. WHITESIDE: That's probably why it was beautifully
8 written.

9 MRS. JOHNSON: -- written by a priest.

10 MR. WHITESIDE: What -- did you attend the awards
11 ceremony at St. Michael's College?

12 MRS. JOHNSON: I did not attend that one.

13 MR. WHITESIDE: When was the first time you went to
14 receive an honorary degree?

15 MRS. JOHNSON: I believe it was Notre Dame.

16 MR. WHITESIDE: Tell me about that experience.

17 MRS. JOHNSON: Well, I always tried to coach Frank
18 before we got anywhere about what he could say and what he
19 couldn't say. I said, "Now, you can't make any Irish jokes and
20 you can't make any Catholic jokes." I said, "You'll have to --
21 please don't do that." And Father Hesburgh met us. He was just
22 great. And I've heard from him recently. He's still there.
23 You know, he's not president anymore.

24 But before we even got to the -- well, I guess it was a
25 cottage too, that they had on the campus for guests, a guest

1 house. We went by the football field. And they had a big
2 statue of Jesus leaning over the football field. He said, "See
3 that, Mrs. Johnson?" "We call it 'Touch Down Jesus'." From
4 then on, that's all I heard was jokes about Catholics and Irish.

5 MR. WHITESIDE: They both told the jokes, I take it?

6 MRS. JOHNSON: They told them. Uh-huh.

7 MR. WHITESIDE: What was your most memorable honorary
8 degree, as far as you were concerned?

9 MRS. JOHNSON: I guess the one at Yale.

10 MR. WHITESIDE: Tell me about that one.

11 MRS. JOHNSON: Well, it lasted the longest. That's the
12 reason I remember it. But, you know, the comic movie star Danny
13 Kaye?

14 MR. WHITESIDE: Uh-huh.

15 MRS. JOHNSON: Danny Kaye was there, and he received an
16 honorary degree. Well, he became attached to Frank Johnson.
17 Frank couldn't move without Danny Kaye with him. And he tried
18 to shake him. No way. And Danny Kaye flew his own plane, and
19 he was determined to bring us home. And he said, "I'll teach
20 you to fly." And Frank said, "We've got to slip out and get
21 away from this, Ruth." But that was entertaining to me. The
22 people were nice. And I -- I think it was a friendlier
23 atmosphere. It wasn't -- less formal. Very informal, all of
24 it.

25 MR. WHITESIDE: One of the things that you reminded me

1 of is the fact that the Judge did not like to fly and preferred
2 to take trains. Tell me a little bit about the most unusual
3 train story y'all have had.

4 MRS. JOHNSON: The trains? We used them and drove
5 everywhere we could. But after Johnny's death, he started
6 flying. I think it was more that he didn't want anything to
7 happen to him because Johnny needed him than his fear of flying.
8 But I guess that we took some very long train trips. We went
9 from Montgomery -- maybe we got the train in Birmingham -- to
10 Chicago, on across the West Coast to Jackson Hole, Wyoming. I
11 guess that's the longest trip we took. And one of the law
12 clerks, Howard Mandell and Laurie, surprised us. They flew to
13 Billings, Wyoming -- I believe it was Billings -- and got on the
14 train. And they were there when -- walked in, "Surprise," you
15 know. But I guess that was the longest train trip.

16 MR. WHITESIDE: That trip ended up with the Judge being
17 caught out of costume, so to speak. I remember seeing a
18 photograph of him in a cowboy hat and --

19 MRS. JOHNSON: Hamming it up as cowboys.

20 MR. WHITESIDE: Hamming it up. His normal dress,
21 though, tell me about that when he went to the court.

22 MRS. JOHNSON: Well, he always wore a dark suit, a
23 white shirt, and a tie. And not just at court. Everywhere he
24 went.

25 MR. WHITESIDE: Did you ever try to add a little color

1 to his wardrobe?

2 MRS. JOHNSON: Well, with ties. I didn't have much
3 success with that.

4 MR. WHITESIDE: The other habit the Judge had was, at
5 first, smoking cigarettes and then chewing tobacco.

6 MRS. JOHNSON: Oh, good night. I try to put that out
7 of my mind, David. He started smoking cigarettes when I guess
8 he was ten or 12 years old. He would go -- there was a store in
9 Haleyville called DeBond's (phonetic) Merchandise Store, and it
10 didn't have any underpinning. And he and some of his friends
11 would crawl up under DeBond's store and smoke cigarettes and hide
12 them on the rafters under the -- under the floor. I heard about
13 that. But I'm sure he's been smoking ever since.

14 MR. WHITESIDE: He also had peculiar tastes in
15 cigarettes. Tell me what types of cigarettes he liked.

16 MRS. JOHNSON: I don't know whether it was a taste or
17 whether he just bought the cheapest brand. He smoked Home Run
18 cigarettes.

19 MR. WHITESIDE: And I think he had -- wasn't -- wasn't
20 his taste before that Picayunes, but they stopped making those?

21 MRS. JOHNSON: I don't think he -- he -- the only time
22 he would smoke Picayunes was when he couldn't get Home Runs.

23 MR. WHITESIDE: Home Runs? Okay. When did he start
24 chewing tobacco?

25 MRS. JOHNSON: When he stopped smoking.

1 MR. WHITESIDE: When was that?

2 MRS. JOHNSON: He threw the cigarettes away. I believe
3 Bobby Segall was with him when he threw them out the window --
4 I'm not sure about that -- of the car. And he wasn't going
5 to -- he could quit. He wasn't going to smoke anymore. The
6 next thing I knew, there was a package of Red Man, and then he
7 went to Levi Garrett.

8 MR. WHITESIDE: And he chewed tobacco, I guess. Was he
9 permitted to chew it in the house?

10 MRS. JOHNSON: Yes. I couldn't do anything about that.

11 MR. WHITESIDE: There was also a reemergence in the
12 courtroom of spittoons. Did he ever tell you any stories about
13 making some of the lawyers chew tobacco?

14 MRS. JOHNSON: Bobby Kennedy told me he made him chew
15 tobacco. And Frank didn't tell me, but I heard that he would
16 hand his tobacco over to -- I don't think he made anybody chew
17 tobacco. I think they just wanted to do it because he offered
18 it to them. They didn't want to be thought of as -- they just
19 wanted to do it to show him, I think.

20 MR. WHITESIDE: There were stories that circulated in
21 the courthouse that he would leave tobacco on the bench or on
22 his desk and some lawyers would ask for some -- and as you say,
23 just to be friendly with him -- but he wouldn't give them a
24 spittoon. Have you ever heard of that story?

25 MRS. JOHNSON: Told them they had to swallow it.

1 MR. WHITESIDE: They had to swallow it.

2 MRS. JOHNSON: Yep. I'm afraid that's true.

3 MR. WHITESIDE: Did he tell you -- did he ever talk
4 about that?

5 MRS. JOHNSON: No.

6 MR. WHITESIDE: Laugh about it or anything?

7 MRS. JOHNSON: No. Other people told me about that.

8 **THE APPELLATE BENCH**

9 MR. WHITESIDE: At some point the Judge was appointed
10 to the appellate bench. Did he talk about the decision to move
11 from the district court to the appellate --

12 MRS. JOHNSON: Yes.

13 MR. WHITESIDE: What was his decision --

14 MRS. JOHNSON: He said that he was tired of those
15 judges on the Fifth Circuit Court of Appeals deciding whether he
16 should -- whether to allow his case to stand or not. He wanted
17 to be up there and to be able to have a word in the -- in it.
18 He decided that he would -- could do more good at this time on
19 the appellate court. And I think he made his presence felt
20 wherever he went. But I don't think -- I don't know whether he
21 was reversed or not that made him come to that decision. You
22 know, he was rarely ever reversed. And -- but I think he was
23 just -- he had been district judge so long that he just wanted a
24 change.

25 MR. WHITESIDE: One of the cases where you had an

1 inside view on him, the possibility of him being reversed, was
2 the Selma case. Tell me what you know about the fact that if
3 that had gone to the Supreme Court, it might have been reversed.

4 MRS. JOHNSON: I didn't hear that.

5 MR. WHITESIDE: I'm sorry, Ruth. One of the cases that
6 he might have been reversed on, at least from your inside
7 knowledge, was the Selma March case.

8 MRS. JOHNSON: Well, I've already told that.

9 MR. WHITESIDE: Okay. Well --

10 MRS. JOHNSON: We've already been -- but I did not tell
11 you who had called, and I think I better do that right now
12 because -- and just clear it up. It's not anything that -- I
13 think most of the people in the judiciary knew how Hugo Black
14 felt about this. But it was Elizabeth Black that called me,
15 Hugo's wife. And she said, "Ruth, I'm calling you because the
16 Selma case is going to be reversed." She said, "As soon as they
17 get the appeal to Hugo, he's going to deny it." And he -- she
18 said he was pacing up and down the floor saying, "Send it on up
19 to me. Send it on up to me." He was irate at Frank Johnson
20 about making that decision. But, you know, the Fifth Circuit
21 got through it in a hurry.

22 MR. WHITESIDE: That's right.

23 MRS. JOHNSON: And they did not appeal it.

24 MR. WHITESIDE: Yeah. The Judge made -- made a
25 decision. And as soon as he made the decision, the State

1 indicated they were going to appeal. And as a result, the Fifth
2 Circuit heard that appeal the same day, that night, and
3 didn't -- and affirmed the decision so the march could go on.
4 You're right. It was never appealed to the Supreme Court. So
5 Justice Black never had --

6 MRS. JOHNSON: But it just came that close to not
7 happening.

8 MR. WHITESIDE: Right. The -- you've also had a chance
9 to meet a lot of other people. Tell me what you remember about
10 a George Dean. Do you remember him?

11 MRS. JOHNSON: Anybody that ever met George Dean
12 couldn't forget him. Yes.

13 MR. WHITESIDE: Tell me what your recollection is.

14 MRS. JOHNSON: Well, I -- I don't know how I would --
15 there's no way you can describe George Dean. He was the most
16 individualistic person I'd ever seen. And I -- I think he was
17 probably a very good attorney. I -- I just can't go beyond
18 that.

19 MR. WHITESIDE: One of the -- one of the problems -- or
20 I guess one of the distasteful parts of the Judge's job was he
21 sat on a commission that reviewed other judges. And the Judge
22 had to spearhead the Hastings investigation, Judge Hastings'
23 investigation. Do you ever recall that being a particularly
24 tough time for the Judge?

25 MRS. JOHNSON: Oh, it was. It was a tough time for all

1 the judges. They hired John Doar to administer the committee, I
2 guess, that they were in to make that decision.

3 MR. WHITESIDE: Did Judge -- I know that was a tough
4 thing for him to do. Did he ever talk to you about how tough
5 that decision was or anything like that?

6 MRS. JOHNSON: Well, they spent a long time getting the
7 facts and getting all the information. The decision itself
8 against Judge Hastings -- that's what we're talking about, isn't
9 it?

10 MR. WHITESIDE: Sure.

11 MRS. JOHNSON: -- was not difficult. Because I think
12 they were unanimous after they had gotten all the evidence,
13 that -- that their decision was clear. I doubt if any of the
14 judges on that panel were in any doubt at all that they might be
15 wrong.

16 MR. WHITESIDE: What -- in your -- you observed the
17 Judge daily for years and years and years. What were the
18 toughest types of decisions or decisions he had to make? What
19 were the toughest types of decisions he had to make? Do you
20 recall him agonizing more over a particular decision than any
21 other?

22 MRS. JOHNSON: Well, he agonized over the Selma March.
23 It was very distressful for him, because, you know, he -- on the
24 surface, to allow such a march, he would have ruled against it.
25 But having -- having to weigh all the evidence behind it, he had

1 to make that decision. You know that it wasn't a clear-cut
2 decision. You could go one way or the other. I think that was
3 the hardest. Most of them were easy for him.

4 MR. WHITESIDE: Judge -- excuse me. Judge had a number
5 of biographies written about him. Did that ever seem to bother
6 him, that people were writing about him?

7 MRS. JOHNSON: He didn't pay any attention to it.

8 MR. WHITESIDE: Did he -- did he ever seem offended or
9 concerned that people wanted interviews from him for biographies
10 and things like that?

11 MRS. JOHNSON: I don't think so. The only thing that
12 disturbed him, when Jack Bass wrote the lengthy biography about
13 him, *The Gathering Storm* -- is that the title of it?

14 MR. WHITESIDE: *Taming the Storm*.

15 MRS. JOHNSON: *Taming the Storm*. All right. I like my
16 title better. But he told everybody to tell him -- tell him
17 what he wanted to know and to tell him the truth. Told me that
18 also. The only thing that disturbed him, when it came out, he
19 had put such an emphasis on Johnny's life and death that Frank
20 felt that it could have very well been left out. I did too.
21 That's the only thing that I think that he objected to.

22 MR. WHITESIDE: One of the final orders -- one of the
23 final honors -- I'm sorry -- was the naming of the courthouse
24 where so many of his decisions came down The Frank M. Johnson
25 Jr. Courthouse.

1 MRS. JOHNSON: That was the greatest one.

2 MR. WHITESIDE: That's what I was going to ask you.

3 Tell me what -- when you learned about that and what the Judge's
4 reaction was and what your reaction was.

5 MRS. JOHNSON: Well, you know, we didn't know anything
6 about it until it was done. John Lewis in the House of
7 Representatives and Howell Heflin in the Senate, they decided it
8 was better to keep quiet about what they were doing until they
9 had accomplished it. And I thought it was just a wonderful
10 thing to do because, you know, at that time -- and I guess even
11 now -- it's rare that they would name a building after a living
12 person. And so that was why it was so surprising to us that
13 this was done. I think that's the most lasting tribute they
14 could have made to Frank.

15 MR. WHITESIDE: And did he consider it the most lasting
16 tribute too?

17 MRS. JOHNSON: Did he consider that?

18 MR. WHITESIDE: Yes, ma'am.

19 MRS. JOHNSON: He certainly did.

20 MR. WHITESIDE: The Judge also received the highest
21 honor the country can give to a civilian, the Medal of Freedom.
22 Tell me how you learned of that honor and what happened.

23 MRS. JOHNSON: One of the law clerks, John Sandage,
24 spearheaded this. I think that anyone could have just mentioned
25 it to the President and it would have come about at this time.

1 But he had an impressive number of letters from important
2 people, people in politics and in the -- law school professors
3 and graduates, so forth, to write letters. I have the
4 letters -- and they're important to me too -- to write to the
5 President.

6 And we received a beautiful, you know, invitation to --
7 from the White House announcing it and inviting us to come to a
8 presentation. Let's just -- we have to discuss this now.

9 MR. WHITESIDE: Sure.

10 MRS. JOHNSON: Frank was already showing -- and here's
11 where I start to cry. Frank was already showing signs of memory
12 loss. The Alzheimer's was, you know, pretty pronounced by this
13 time. But from pressure from some of the law clerks, I agreed
14 to go with him to accept it until I found out that they had a
15 special conference set for the media for questions and that it
16 wouldn't be a quiet thing. We couldn't just go in and receive
17 it and get out.

18 And I asked Frank if he didn't think we could just skip
19 it, and he agreed. I don't think he wanted to go. We already
20 had tickets, airline tickets, to go.

21 And so I -- I talked to Senator Heflin, and he agreed
22 with me that John Sandage would be the perfect person, you know,
23 to accept it for him. And he did, and he did a beautiful job.
24 I have a tran- -- a video of that.

25 MR. WHITESIDE: What was your favorite letter that was

1 sent in on behalf -- what was your favorite letter that was sent
2 in to submit Judge for the Medal of Honor? You said you kept
3 them all.

4 MRS. JOHNSON: Oh. Ruth Bader Ginsburg's letter.

5 MR. WHITESIDE: Tell me about that.

6 MRS. JOHNSON: Oh, she was such a fan of Frank's, you
7 know. And when -- well, I think it's because she was a woman on
8 the Supreme Court. And it was a great letter. You can read it.

9 MR. WHITESIDE: The Judge was renown as a great story
10 teller. What's your favorite story that he told you?

11 MRS. JOHNSON: Oh, David, I can't pick out one of his
12 stories. I heard them all so many times.

13 MR. WHITESIDE: Tell me some of your favorites, then.
14 There had to be some that were better than others.

15 MRS. JOHNSON: I cannot tell one of his good stories
16 here.

17 MR. WHITESIDE: Did he ever get into trouble with some
18 of the stories he told?

19 MRS. JOHNSON: What do you mean by trouble?

20 MR. WHITESIDE: Well, did the story turn around and get
21 him in trouble because he had told something that somebody got
22 offended with or -- I know one story, for example, that Judge --
23 I think it was Judge Gray and Judge Johnson told, but they both
24 were the object of the joke. They both told the same story but
25 claimed the other one did it.

1 MRS. JOHNSON: On the other.

2 MR. WHITESIDE: Yeah. Were there --

3 MRS. JOHNSON: He -- he just liked to tell stories.

4 And I think he -- you know, he made up names and put to people.
5 And he would add a little to it as time went on. And everybody
6 loved his -- you know, if I mention this, all the judges will
7 know what I'm talking about. His Uncle Willie stories. I guess
8 there must have been 15 or 20 versions of that Uncle Willie
9 story. The chief judge now, Lanier Anderson, thought that was a
10 great story. I remember him writing something about it.

11 MR. WHITESIDE: I've also heard Judge Anderson say that
12 the stories had to change when Judge Kravitch came on the bench.

13 MRS. JOHNSON: That was an Uncle Willie story.

14 MR. WHITESIDE: Your extended family was your clerks.
15 And you are said to have made every one of them a son or
16 daughter. At least that's the way they felt. Tell me some of
17 the stories that you have about your clerks, your family.

18 MRS. JOHNSON: Well, David, I can't just, like this,
19 come up with stories. Each one has individual stories, things
20 that happened when they're here. They all have Judge Johnson
21 stories.

22 MR. WHITESIDE: Sure.

23 MRS. JOHNSON: But some of them stayed with us more
24 than the others. And Peter Canfield, I thought he was just
25 going to move in with us. But as far as stories, I can't pick

1 one out.

2 I know one -- let's -- I'll tell you one story
3 involving David Vogel. He had -- I think he was from New York,
4 New York City, and he went to school at Amherst and Cornell. He
5 came, and we drove to Palm Beach for a conference, he and his
6 wife and Frank and I. And this first time he had seen oranges
7 growing, and he said, "Gee, Judge," said, "they've already
8 painted their oranges." He thought that they had put color on
9 them on the trees. He was sincere. And Frank kidded him from
10 then on about squirting spray paint on the oranges. But they
11 all had little special individual things they remembered.

12 MR. WHITESIDE: You had one lasting memorial, in a
13 sense. You played matchmaker, you and the Judge. Tell me about
14 that.

15 MRS. JOHNSON: The -- our matchmaking that didn't take?

16 MR. WHITESIDE: Well, I think you had one that did
17 take, didn't it?

18 MRS. JOHNSON: Peter and Laurel Lucey, yes.
19 Unfortunately, Howard Mandell and Laurie Weil didn't -- it
20 lasted a long time, but --

21 MR. WHITESIDE: But Laurel Lucey, in fact --

22 MRS. JOHNSON: Was a law clerk.

23 MR. WHITESIDE: Right.

24 MRS. JOHNSON: And so was Peter. Peter was law clerk
25 two or three years before Laurel. And every time he would say

1 anything about a girl that he had dated or a friend, Frank would
2 say, "You just wait. I've got one coming that I want you to
3 meet." And when Laurel showed up, Peter came in and told me, he
4 said, "Mrs. Johnson," said, "she wears such outlandish jewelry."
5 Said, "She has things hanging off." I said, "Well, just don't
6 pay any attention to that." But anyway, they're happily married
7 and have three lovely children.

8 MR. WHITESIDE: And what are the children's names?

9 MRS. JOHNSON: Now you are really making me pull -- use
10 my memory. Kate Johnson is the oldest.

11 MR. WHITESIDE: That's what I was asking.

12 MRS. JOHNSON: Named for Frank.

13 MR. WHITESIDE: Right.

14 MRS. JOHNSON: And, of course, the middle one was for
15 Laurel's father, Patrick.

16 MR. WHITESIDE: But they named one -- their first child
17 after -- after y'all.

18 MRS. JOHNSON: There are several Johnsons in the whole
19 group.

20 MR. WHITESIDE: If you were to summarize your lifelong
21 romance with the Judge, what story would you want to tell that
22 best explains the Judge and you and your relationship?

23 MRS. JOHNSON: David, I'd need some time to think about
24 that one. I -- I can't pick out a single thing. I guess some
25 of the bad times when we were the closest together that -- other

1 things -- after Johnny's death, nothing else seemed to, you
2 know, matter. The job was of no importance, you know.

3 But some of the happy times was when we were all -- all
4 together and mainly, I guess, in Jasper before we moved here. I
5 don't know. You know, we've had some hard times and some bad
6 things. But I wouldn't have changed, for the world, any of it.

7 And if we are about to wind up, I'd like to say
8 something.

9 MR. WHITESIDE: Fine.

10 MRS. JOHNSON: All these years that I've been involved
11 with the judiciary, the district courts and the appellate
12 courts, I've never met a judge that I wouldn't trust.

13 MR. WHITESIDE: That's a great ending.

14 MRS. JOHNSON: I have all the respect in the world for
15 the -- a lot of them, I don't think I would agree with,
16 practically on anything. But I think that they are sincere.
17 And I wanted to get that in.

18 **THIS SPLENDID INTERVIEW WAS CONDUCTED BY**

19 **DAVID WHITESIDE, A NEPHEW.**

20 **DAVID WAS KILLED SOME MONTHS LATER**

21 **IN A FREAK AUTOMOBILE ACCIDENT**

22 **IN BIRMINGHAM, ALABAMA**

23 * * * - oOo- * * *

24
25 **REPORTERS' CERTIFICATE**

1 We, Risa L. Entrekin and Patricia G. Starkie,
2 Registered Diplomat Reporters and Official Court Reporters for
3 the United States District Court for the Middle District of
4 Alabama, do hereby certify that the foregoing 121 pages contain
5 a true and correct transcript to the best of our ability of the
6 Interview of Annie Ruth Jenkins Johnson in the City of
7 Montgomery, Alabama, on February 6, 2000.

8 In testimony whereof, we hereunto set our hand this
9 7th day of November, 2016.

10

11

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

12

13

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

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