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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
MONTGOMERY, ALABAMA

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

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

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

4           You may be seated.

5           CHIEF JUDGE WATKINS: Good morning.

6           AUDIENCE: Good morning.

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

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

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

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

25           I think Lieutenant Governor Kay Ivey is here.

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

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

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

10 I think Montgomery Mayor Todd Strange is here.

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

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

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

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

25 JUDGE ALBRITTON: Thank you, Chief Judge Watkins.

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

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

8           And we welcome you.

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

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

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

1 here in the courthouse that bears his name.

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

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

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

20           Mr. Fuller.

21           MR. FULLER: Thank you, Judge Albritton.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (Applause)

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

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

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

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

4 JUDGE WALKER: Can you hear me?

5 FROM THE AUDIENCE: Yes.

6 JUDGE WALKER: Yes.

7 FROM THE AUDIENCE: Just barely.

8 JUDGE WALKER: Just barely?

9 FROM THE AUDIENCE: Yes.

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

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

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

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

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

1 (Applause)

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

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

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

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

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

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

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

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

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

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

11           (Applause)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Montgomery on the 20th of May.

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

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

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

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

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

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

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

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

3 (Applause)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 FROM THE AUDIENCE: Amen.

4 MR. SEAY: Thank you.

5 (Applause and standing ovation)

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

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

11 CHIEF JUDGE WATKINS: Permission granted (laughter).

12 MR. GRAY: Thank you.

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

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

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

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

13 (Applause)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (Applause and standing ovation)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (Laughter and applause)

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

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

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

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

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

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

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

17           We are now adjourned. Thank you for coming.

18           (Applause)

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

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REPORTER'S CERTIFICATE

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

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

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