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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

FRANK M. JOHNSON JR. CENTENNIAL CELEBRATION

OUR TIME WITH JUDGE JOHNSON

A Morning Ruminaton With

David Bagwell and

Cathy Wright

Kress on Dexter Building

39 Dexter Avenue

Montgomery, Alabama

Thursday, January 24, 2019

8:20 a.m.

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PARTICIPANTS

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Ms. Debbie Long
Cochair of the Centennial Committee

The Honorable Susan Russ Walker, Magistrate Judge
*United States District Court
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Former law clerk to Judge Johnson, 1985-86*

The Honorable Todd R. Strange
Mayor, City of Montgomery

The Honorable Elton N. Dean Sr.
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1 MR. SEGALL: Good morning. Good morning, everyone.

2 AUDIENCE IN UNISON: Good morning.

3 MR. SEGALL: I want to welcome everyone -- you can't
4 hear? You really can't hear?

5 FROM THE AUDIENCE: Not as well as we would like.

6 MR. SEGALL: Maybe that's why we want to continue
7 talking.

8 FROM THE AUDIENCE: Tell him it's because he's old.

9 FROM THE AUDIENCE: What?

10 FROM THE AUDIENCE: What?

11 MR. SEGALL: Welcome, everyone, to the second day of
12 what's been, so far, a fabulous centennial celebration of Judge
13 Frank Johnson. This morning's program involves ruminations
14 about Judge Johnson by at least two of his former law clerks.

15 And to introduce the program, we have Judge Susan
16 Walker, also a former law clerk of Judge Johnson's, a Yale Law
17 School graduate, and a 23-year, so far, United States magistrate
18 judge.

19 (Applause)

20 JUDGE WALKER: Thank you, Bobby. Can you-all hear me?

21 FROM THE AUDIENCE: Yes, ma'am.

22 FROM THE AUDIENCE: Yes.

23 JUDGE WALKER: I'm young, but I still have to have
24 granny glasses and read.

25 I first want to recognize the mayor of the City of

1 Montgomery, Todd Strange, and the chair of the county
2 commission, Elton Dean. And they want to bring you some
3 greetings before we continue with the program.

4 Come on forward, if you would.

5 (Appause)

6 MAYOR STRANGE: For those that do not know, Elton and I
7 served together as the chairman and vice chairman of the county
8 commission. Then when I got to be mayor, he moved up to
9 chairman. And so as we come on most occasions, he's the parent
10 and I'm the oldest child. And it's always a debate who gets to
11 go first, whether he's scolding us or whether we're asking for
12 permission. But I said something to him a bit earlier, because
13 I wanted to tell a quick story as we welcome each and every --
14 you here, whether you're from out of state or out of the country
15 or just in Montgomery.

16 This is a wonderful opportunity to showcase Montgomery.
17 It's particularly a great opportunity to recognize Judge Johnson
18 for the heroic things that he did over so many years. He was a
19 hero in so many people's eyes and, unfortunately, not
20 necessarily in Montgomery, Alabama, at the time that it was
21 going on.

22 You're in a very historic building. I'm trying to find
23 Sarah Buller -- there she is -- Sarah Buller, who is the wife
24 and the brainchild, though, of Kress and all of the renovations
25 to lower Dexter Avenue. It's a person, a group, a family that

1 we've gotten to know from New York. And we relish her being
2 here today, because this is her vision for the redevelopment of
3 lower Dexter. And I wish I could tell you why she's here this
4 time in addition to being here for the Frank Johnson seminar,
5 because she's got a marvelous project that will be announced in
6 the April time frame that's going to continue to revolutionize
7 downtown Montgomery, put Montgomery again on the map.

8 And I'll just tease by saying this. When we finish
9 this in April -- and, Elton, you don't even know about it yet.
10 When we finish this in April, we'll have something that nobody
11 else in the entire world has. And the eyes of the world will be
12 on Montgomery, Alabama. Enough about that.

13 What I did want to say is about eight months ago now,
14 maybe ten months ago, Elton and I participated in the
15 rededication of this space. If you get a chance today, on the
16 first floor, as you go out on Monroe Street, which is a
17 wonderful historical avenue in Montgomery, you will see on the
18 wall two marble stones. It has some holes in them. And it has
19 "white" and "colored" painted on there. Those were the backdrop
20 of the fountains that were here at the Kress Building.

21 And when we bought Kress, the issue came up, what are
22 we going to do with those stones? What are we going to do with
23 where those fountains were? What are we going to do with the
24 symbolism of what was going on in that period of time? We kept
25 them. But we made it a condition that if you, in fact, bought

1 this building, that they would somehow have a role in this.

2 And so when we dedicated that, the signs were up there.
3 And Elton and I were there, and we literally were holding hands.
4 And as we saw and as we remembered what those stones represented
5 then, it's a different representation today because they're side
6 by side. They're in partnership. They're in unity and in
7 union. And that's what Montgomery, Alabama, is all about.
8 That's what Martin Luther King talked about to that beloved
9 community. We're trying to get there. I don't know when we
10 will get there, but we'll know it when we do.

11 And Elton Dean and I have been partners in the city and
12 the county. And our county commission and our city council have
13 endeavored to do everything we can to make this city, as we call
14 it, The Capital of Dreams.

15 Elton.

16 CHAIRMAN DEAN: Okay. Good morning.

17 AUDIENCE IN UNISON: Good morning.

18 CHAIRMAN DEAN: This is a very touching morning. We'll
19 be talking about where Montgomery was and where it is today.
20 And oftentimes when I get a chance to speak in front of a
21 crowd -- and I think I said it at Dexter the other morning --
22 1955 was their Montgomery; today is our Montgomery.

23 Now, he didn't tell you that in front of those two
24 signs where it said "white" and "colored," that I put him in
25 front of the colored and I got in front of the white. And

1 that's what you have to do. If you want to understand what's
2 going on and what needs to happen, you have to exchange roles.
3 Let's not play with it. And I can honestly say that when you
4 talk about what Martin Luther King -- he got tired. He was a
5 godsend. And all of you in Montgomery, sitting here now, are
6 God-sent people. The reason I know that is because you would
7 not be here thinking about what happened then and interested in
8 what's going to happen tomorrow. But with the kind of people
9 that you are, we're all family. We all bleed the same way.
10 We've got to be serious about what we're going to do.

11 I was talking to my partner, Doug Singleton, on the
12 Commission. He said, "We've really got to change." People talk
13 about change, but we haven't changed. So it's going to be left
14 up to us, the people in this forum, to initiate change. We all
15 serve the same man up above, and He expects more than we have
16 given Him thus far. So I challenge you and welcome you here
17 this morning. Let's go out holding hands and say, "Neighbor, I
18 love you." Thank you.

19 (Applause)

20 JUDGE WALKER: Thank you both.

21 On behalf of the Court too, I want to thank Sarah
22 Beatty Buller and her husband, Mark Buller, for so graciously
23 letting us use this facility today. We very much appreciate the
24 opportunity to do that.

25 Thinking about the breakfast that we've been enjoying

1 today, including Nathalie Dupree's amazing biscuits -- the
2 recipe at least, interpreted by Jennie Weller -- I'm reminded of
3 having breakfast with Judge Johnson -- as Bobby said, I was a
4 law clerk in 1985 -- and also with his marshal, Wendell Elliott,
5 in Atlanta before a sitting back when I clerked for the Judge.

6 And I could tell you-all that Judge Johnson was as fond
7 of a good pork product as anyone. He was tucked into his link
8 sausage and his bacon that morning, as I can recall, with
9 considerable gusto. And I couldn't muster the same enthusiasm.
10 The reason for that is that I had been up since 5:30 that
11 morning. You had to beat the Judge downstairs. That was the
12 rule. And at the Ritz Carlton, you had to have his newspaper
13 and you just had to be there by the elevator when he turned up.

14 And my co-clerk, Rob, who's here, will not be surprised
15 that I had learned the hard way the morning before that that is
16 the rule, because I was not there. So the following morning, I
17 was there bright and early. I had been up since 5:30. I was
18 there at 6:30 when the Judge came down, but I just wasn't
19 myself. I hadn't gotten any sleep at all.

20 Well, before that breakfast, a while back, I had told
21 the Judge that when I was growing up in East Tennessee, we had a
22 big vegetable garden and behind that, there was a neighbor's
23 farm. And on the farm, as children, we used to climb the
24 barbed-wire fences, and we played in the creek, and we ran from
25 the cows, and we played in the big barns and in the corn crib.

1 And somehow, I don't think he was that impressed by my
2 credentials as a farmer. So that morning, he took it upon
3 himself to tell me what a real farm, such as the one he grew up
4 around in Winston County, was like.

5 Now, y'all already know I was in a weakened state. So
6 when he started on a really detailed and graphic description of
7 butchering hogs as I ate my sausage with all the eviscerating
8 and the boiling and the -- I don't even want to think about
9 it -- while he enthusiastically consumed yet another link
10 sausage, the most I could muster was this very weak response. I
11 said, "Judge, you used to cook and kill the hogs?" And this is
12 what he said to me in his most serious tone. And I'll never
13 forget it. He said, "Miss Susan, it's cruel to cook them before
14 you kill them." So he never missed an opportunity for
15 instruction. I duly noted the point.

16 I want to introduce to you some others who have had I
17 think similar experiences or better ones. They clerked before I
18 did, when Judge Johnson was on the district court. And I need
19 to look at these notes to make sure I do it right.

20 Let's begin with Cathy Wright. She clerked for Judge
21 Johnson when, again, he was still on the district court, from
22 1975 to '76. And thereafter, she was a founding partner of
23 Maynard, Cooper & Gale and then a founding partner of Clarus
24 Consulting Group, where she was a consultant for a very wide
25 range of businesses, governments, and nonprofits. She was also

1 a founder of the women's section of the Alabama Bar Association
2 and the creator of a diversion program for girls in the juvenile
3 justice system. Cathy was one of those clerks that you heard
4 about. You'd hear about the good things that she had done, and
5 all of us clerks who followed would hear that name.

6 I don't remember anyone ever saying anything good about
7 our next guest, David Bagwell. I'm kidding. David graduated
8 from -- he actually grew up here. He graduated from Vanderbilt
9 in 1968, and he traveled around the world for a year on a
10 Corning Traveling Fellowship studying international business.
11 After that, he went immediately into Army boot camp. And he
12 says the Army taught him how to type and how to bayonet people
13 and that those two skills he found important to modern law
14 practice.

15 He graduated second in his law class. He clerked for
16 Judge Johnson shortly before Cathy did, in 1973-74, when Judge
17 Johnson was chief judge of the Middle District. David was a
18 lawyer and a judge for 43 years in Mobile and Fairhope, in two
19 big firms and one medium firm. And he says he was finally alone
20 at the end, which was the only time he liked all of his
21 partners.

22 The last thing to tell you about David is he, like I --
23 he was also a United States magistrate judge, we're now called,
24 for the Southern District of Alabama. He says later he ran for
25 federal judge three times. And each time he lost by only three

1 votes, the president and both senators from Alabama.

2 So please welcome Cathy Wright and David Bagwell to
3 talk about their experiences with Judge Johnson.

4 (Applause)

5 MS. WRIGHT: Thank you, Susan.

6 So David and I are going to, as Bobby said, ruminate.
7 I'm not sure exactly how that goes.

8 MR. BAGWELL: That's what cows do with multiple
9 stomachs.

10 MS. WRIGHT: And so --

11 JUDGE WALKER: Cathy, can everybody hear you? Make
12 sure.

13 MS. WRIGHT: Is everybody hearing all right?

14 MR. BAGWELL: Can you hear us?

15 MS. WRIGHT: Good. Okay. Thank you.

16 MR. BAGWELL: Can you hear me?

17 MS. WRIGHT: Thank you.

18 So David -- when we were talking about doing this
19 program, David asked me if I wanted to go first. And I said I
20 did because I know better than to follow David because, as you
21 can see already, he's very funny. So I'm going to talk for
22 about ten minutes and then David will, and then we'll just talk
23 a little bit and hope to have those of you who have stories and
24 comments join us as well. Because it's really an honor to be up
25 here -- to even be here, but to be up here. And I certainly

1 know that most of you in this room could sit in these chairs and
2 tell stories about Judge Johnson as well. So we'll do what we
3 can.

4 As Susan said, I clerked for Judge Johnson '75-76,
5 along with my co-clerk, George LeMaistre --

6 Happy birthday, George.

7 MR. LEMAISTRE: Thank you.

8 MS. WRIGHT: And we arrived there -- it was kind of in
9 the midst of the administration of the *Wyatt* cases, the mental
10 health cases. And the prison case, the prison conditions case,
11 came in shortly after we did. So that case was filed, tried,
12 and put into implementation during that year, that year that
13 George and I were there.

14 And it's not lost on us that, you know, as we sit here
15 today, Judge Myron Thompson, who I guess carries Judge Johnson's
16 legacy as well as anybody I've ever known, is hearing cases
17 again. I can see Anil back there. You know, and my sister also
18 is one of the plaintiffs' lawyers in that case. So that's 40
19 years ago. And it's different, but it's the same. So it's just
20 an interesting irony.

21 When Debbie asked me if I would participate in this
22 panel, she said we were to think about Judge Johnson as a
23 person, not so much his legal theories or his rulings, although,
24 obviously, those are very much intertwined, but what he was like
25 as a person. And I thought about it quite a bit. And to me,

1 there were three characteristics that really defined Frank
2 Johnson as a person. And I'm going to talk a little bit about
3 those sort of as a frame for the stories.

4 And the first one that was obvious to everybody was an
5 absolutely piercing intelligence. And those of us who clerked
6 in the district court -- and we'll be over there this
7 afternoon -- his office was as palatial as any CEO or government
8 official I've ever known. And so when you would walk up to his
9 office, first you'd have to get past Ms. Perry, who had X-ray
10 vision and would stop you in a heartbeat if you didn't have a
11 good reason for bothering the Judge.

12 And then the ceilings are about as high as they are in
13 this room, and there were these wood panels that were in front
14 of the Judge's office. And the doors were so heavy that I
15 always felt like Edith Ann, you know, Lily Tomlin's character,
16 trying to open the door. And the office itself is about three
17 football lengths away from his desk. So if you walked in and he
18 was seated at his desk, you had to walk that whole three
19 football fields under the stare. And, oh, my Lord, it was
20 terrifying.

21 But if you ever appeared before Judge Johnson in any
22 capacity -- as a law clerk, as an attorney, whatever -- you know
23 the stare. And it was -- I don't know whether it was that -- he
24 had sort of steel gray eyes. And so that expression "steely
25 gaze," he had it. Or I don't know if it was that or -- he had

1 full caterpillar eyebrows. And so, you know, he would look at
2 you over his glasses. And what I came to understand is when you
3 got that look, it meant there was something that was painfully
4 and immediately obvious to Judge Johnson that you had completely
5 missed and he was waiting for you to catch up and he was pretty
6 sure you wouldn't and he was going to have to explain it.

7 And when I talk about intelligence, I'm not talking
8 about, you know, the valedictorian or 1600 on the SAT, although
9 those are good things. But it's a kind of quickness of mind
10 that escapes us ordinary mortals many times. An example
11 unrelated -- well, sort of unrelated to Judge Johnson, my
12 husband, Mike, who's here, is a history buff. And we were in
13 Charleston, South Carolina, earlier this year. And Mike was
14 saying that George Washington, as president, visited Charleston;
15 and when he did, he looked out into the bay off Charleston and
16 he said to the city fathers, "You need to build a fort right
17 there." And they said, "But, President Washington, there's no
18 land there." And he said, "I know, but that's where the fort
19 needs to go." And so that's how they built Fort Sumter. They
20 had to build an island. It was strategically located.

21 And Judge Johnson was like that. I mean, his mind was
22 so quick to go to the crux of the matter that wouldn't occur to
23 you, necessarily, in a million years. And when I think about
24 him, I think, you know, growing up, probably by the time he was
25 in junior high school, he had already figured out that he was

1 way out ahead of the rest of us. And, you know, lest you think
2 maybe that was because he grew up in Haleyville, Alabama, I must
3 tell you I've known a lot of really smart people from
4 Haleyville. And I think it would have been the same thing if it
5 had been Cambridge or Palo Alto. He was just a brilliant man.

6 And one of his favorite stories that he loved to tell
7 was when he first got on the bench, one of his first jury
8 trials, there was an old farmer who was sitting on the jury.
9 And after the trial was over, the farmer waited and wanted to
10 speak to the Judge, so the Judge came out to say hello to him.
11 And he says -- the farmer said to him, "You know, Judge, you're
12 a right smart fella. You ought to come down to our town and put
13 you in a little grocery store, and I think you'd do real well."
14 And the Judge would go, har-har-har.

15 So, you know, he was so quick. And I think that
16 really, really defined him in a lot of ways. And that quickness
17 of mind leads, I think, to two things. One of them is that it
18 makes you keep your own counsel. And he certainly did.

19 And I remember my first walk down that office to his
20 desk -- and fortunately, this time he was somewhere else. Well,
21 first of all, you go around the back of the desk. And Ms. Perry
22 had warned us sternly that we were to never, ever touch the
23 brass spittoon that was behind his desk. And he had taken up
24 chewing tobacco, and so you would kind of go around and hope you
25 didn't kick it over. And, you know, the only thing I ever saw

1 in there was a sort of viscous brown liquid, but it was like
2 something out of Hogwarts.

3 But anyway, so I went around the desk, and there on his
4 desk, he had a paperweight. It's about -- like a little glass
5 paperweight about that big (demonstrating), and he had taped to
6 it, underneath it, this quotation -- and I'm going to read it --
7 from Abraham Lincoln that says, "I do the very best I can. I
8 mean to keep going. If the end brings me out all right, then
9 what is said against me won't matter. If I'm wrong, ten angels
10 swearing I was right won't make a difference."

11 And that seemed to me to be his credo, his -- the
12 principle that he followed, you know, that conviction to do the
13 right thing as required by the Constitution, not what he thought
14 was the right thing but what he saw in the Constitution, was his
15 commitment. And you-all know without me telling you that at
16 great personal cost, he did that over and over and over again.

17 And the second thing I'll say about where his
18 intelligence led him was he was just incapable of groupthink. I
19 don't think it ever crossed his mind, you know, that he should
20 think the same way everybody else did. Part of that, of course,
21 was his Winston County heritage. And I want to say that
22 upbringing there really prepared him in a lot of ways for what
23 he was to face. And, you know, many of you know that it was the
24 Free State of Winston and he grew up as a Republican in what at
25 that time was very much a Democratic state.

1 But there was something else about it that I think was
2 really important. And that is -- my parents both were from
3 North Alabama, actually, the other side of Alabama; but that
4 part of Alabama is, you know, the foothills of the Appalachians.
5 And, for example, when my parents grew up, it was a very white
6 place. And so I'm not saying by any means that those parts of
7 Alabama weren't racist. Of course they were. But it was almost
8 more theoretical in a lot of ways because it was almost
9 exclusively white, those counties that are part -- across that
10 part of Alabama in those days. And so I think when he came to
11 Montgomery, the experience that the rest of Alabama had lived
12 was more of a shock to see because it wasn't the experience he
13 had lived in growing up in Winston County.

14 And so I've heard many people say over the years that
15 you know, they felt like one of the prices that Judge Johnson
16 paid for his commitment to the Constitution was the social
17 isolation, but the truth is while there were many people around
18 everywhere who reviled Judge Johnson for a time, the Johnsons
19 actually were not socially isolated. They had many friends.

20 Trey Granger told me about the oral histories that are
21 on the website for the Middle District of Alabama, and they are
22 wonderful. I didn't know they were there, but I watched the
23 almost three-hour interview that David Whiteside did with
24 Judge -- with Ruth Johnson, and she talks about moving to North
25 Haardt Drive in Montgomery and all of the friends that they made

1 and people who stayed their friends throughout this whole
2 ordeal. And they had a wonderful social life.

3 And I know, David, you have much to say about that.

4 MR. BAGWELL: Yeah. Thank you.

5 (Applause)

6 MR. BAGWELL: I wish Cathy would keep talking because
7 she's doing so well and it would spare my having to say
8 anything.

9 All right. I grew up in Montgomery. I graduated from
10 Sidney Lanier High School in 1964, ten years after *Brown versus*
11 *Board of Education*. In those ten years, the Montgomery County
12 Board of Education did not place one single white child in a
13 Black school or one single Black child in a white school, so it
14 was a completely segregated world I grew up in. And I was well
15 aware -- I live near Mobile now. But I was well aware of what a
16 lot of people thought about Judge Johnson, a lot of white
17 people.

18 And I'm going to tell you one quick story. Todd
19 Strange has alluded to the fact that he was not universally
20 popular. And when I was a clerk, I used to go down to have
21 lunch whenever I could at The Elite Cafe -- y'all remember The
22 Elite -- owned by Peter and Ed Xides. It was a wonderful place.
23 And I would sit at the counter where there was a kind of a
24 50-ish-year-old white woman named Ruby who was the waitress
25 there. And I came in always in my navy blue or gray suit and

1 white shirt and very conservative -- I was in the National Guard
2 at the time -- a very conservative haircut, every father's dream
3 in 1973 of what a son should look like.

4 And I ate there, and I got to know Ruby a little bit.
5 And finally, she looked at me and said, "Do you mind if I ask
6 what you do for a living?" And I said, "Sure. I work for Judge
7 Frank Johnson." And her eyes got that big, and she stepped back
8 about three steps and said, "Lord God." So if I didn't know
9 Judge Johnson was not universally popular, I certainly knew it
10 when I was eating at The Elite Cafe.

11 I'm going to mention a -- I'm going to tell a couple of
12 stories, but I want -- it's worth saying some surprising things
13 about Judge Johnson if you didn't know. One was I clerked, I
14 think, the year he more or less stopped smoking and took up
15 chewing; but when I clerked for him, most of the time, he was
16 smoking Home Run brand cigarettes. He said he did not smoke
17 Picayunes because they were too harsh. And his sister, who had
18 a drugstore in York, Alabama, or somewhere like that, would send
19 him a shoebox full of Home Run cigarettes every week; and he
20 would go down and pick it up at the post office and come back
21 and smoke them.

22 And it's worth saying too -- here's how -- he was a
23 fundamentally conservative human being. We're all accustomed to
24 thinking that Judge Frank Johnson was the ultimate liberal. And
25 in some ways, he was, but in many ways, he wasn't.

1 He told me one time, he said, "David, when I was a
2 lawyer trying cases in Jasper, Alabama, I never changed my suit
3 during a trial, no matter how long the trial went."

4 FROM THE AUDIENCE: Wow.

5 MR. BAGWELL: And he said, "Because most of the jurors
6 didn't have any suits and if they had a suit, they didn't have
7 but one suit." And he said, "I didn't want them to think that I
8 thought I was better than they were," which was just a
9 remarkable -- to somebody like me, that was just an amazing
10 story. And I think it explains something about him.

11 Now, there was never anybody more serious. I'm going
12 to touch on two explanations. Judge Johnson was a terrific
13 natural comedian. He had a fantastic sense of timing about how
14 to tell a story and how to get the punch line just right. He
15 also -- he was a mix between a gregarious guy with friends and a
16 real loner. He also had a loner side to him. When he got
17 shunned by the First Baptist Church and by the country club, he
18 said, "You can't shun a fisherman." He loved to be alone.

19 And I learned quickly from Ms. Perry, if nothing else,
20 not to just -- I knew not ever to go in and sit down and start
21 telling stories and jokes with him. I quickly figured out he
22 didn't want me in his office. But if he wanted to be friendly
23 and tell some stories, he would come sit with me out where I
24 sat. So he was -- but he was the best joke teller ever.

25 Some of his jokes were a little off color. Mostly,

1 when that was the case, he was quoting somebody else, ordinarily
2 Governor Jim Folsom. Nobody told Jim Folsom stories better than
3 Judge Frank Johnson. And the Judge and his brother Jimmy were
4 apparently big buddies with Jim Folsom, had some wonderful
5 stories. And if we had an hour, I'd tell you a couple of them,
6 but the trouble with telling those stories is nobody can tell
7 them like Frank Johnson, and I certainly can't.

8 I'll tell you one quick joke that he told me that I
9 don't think I can mess up, and it shows the -- everything about
10 him was country, kind of country. He liked to emphasize
11 country. And he said did I know about -- he said in Jasper,
12 Alabama, where he practiced law, there used to be a house of ill
13 repute. And he said the University of Alabama School of Social
14 Work sent a master's degree candidate down to interview the
15 women in the house of ill repute and said one of them came in
16 and found the first woman there and said, "Ho lady" -- Judge
17 Johnson called her "ho lady" -- "Ho lady, how did you get to be
18 in this place?" And she smiled and said, "Just lucky, I guess."

19 That's the kind of joke he would tell. Okay? It might
20 be a touch off color.

21 And he almost never used humor in the courtroom.
22 However, when I was a clerk, there were two cases where he used
23 humor without ever smiling at all, and not everybody in the
24 courtroom was clear that it was humor at the time.

25 Phil Butler is here somewhere, who was also in my high

1 school -- there he is right there. Phil and Bobby Segall and I
2 were in the 1964 graduating class of Sidney Lanier High. But
3 when I was clerking, Phil was a young lawyer. He had what he
4 thought was a pretty good personal injury case, and he was
5 trying it with the presence of David Byrne, who really wasn't
6 helping much. Phil was trying the case. It was being defended
7 by Charlie Porter --

8 Is that right? Charlie Stakely, maybe.

9 MR. PHIL BUTLER: Porter.

10 MR. BAGWELL: Porter. Charlie Porter and also Robert
11 Huffaker. They were defending it. The Neptune Meter Company, I
12 think, was the defendant, which is in Tallassee, I think, and so
13 they were up there.

14 And the plaintiff, Phil's client, was on the witness
15 stand. And Phil's client had testified in a completely
16 different way at the trial -- under-oath testified -- from the
17 way he had testified in his deposition, and Huffaker was up
18 there asking him about it and doing a good job of
19 cross-examining.

20 He said, "Now, Mr. So-and-So, you testified at your
21 deposition under oath that X and here you are in the trial
22 testifying under oath that Y, and those are two completely
23 different things." He said, "Yes, sir." And he said, "Why did
24 you change your story?" or words to that effect. And so the guy
25 just kind of mumbled, and he said something like, "The Lord come

1 to me in the evening."

2 And the senior defense lawyer, who, like me and like
3 some of us here, was a little hard of hearing, didn't catch what
4 he said and said, "What did he say?" And so the -- meaning
5 please, Huffaker, tell me what the guy said because I didn't
6 hear it. However, the witness thought that Charlie was asking
7 what did the Lord tell him when he come to him in the night.
8 And said, "He come to me and told me that unless I changed my
9 story, I wouldn't win this case."

10 And immediately a woman juror who was a retired teacher
11 from Fort Deposit started just laughing uncontrollably. And
12 Judge Johnson excuses the jury and told them to come back in the
13 morning. But before the lawyers left, he said, "Ordinarily,
14 when a witness changes his story" -- and completely no smile, no
15 nothing, 100 percent serious -- "ordinarily, when a witness
16 changes his story, I give the other side a chance to look at the
17 piece of paper or whatever it is that caused him to change his
18 story, but here the Lord is not within the jurisdiction of this
19 Court and I'm not able to do that. And the second thing is this
20 is hearsay evidence coming from an unimpeachable source."

21 And he said, "We're going to reconvene with the jury at
22 eight o'clock in the morning. But at a quarter to eight, I want
23 the lawyers to be here with briefs because we're going to argue
24 about those two legal questions." And they went out and Butler
25 told Huffaker something like, "I ain't going to do that," or

1 words to that effect.

2 So I went to the Judge and I said, "Judge, you
3 shouldn't have done that. There's going to be some poor lawyer
4 at the Rushton Stakely firm staying up all night working on this
5 stuff." And so he just laughed, laughed, laughed, smoking his
6 Home Run cigarettes. And the next morning, Huffaker came in
7 with a brief and a xeroxed stack of cases that big, and the
8 Judge never mentioned it, never mentioned it, just went on. And
9 I'm very sad for Phil that there was a defense verdict in that
10 case. And Phil had worked on that case very hard, and it was
11 not his fault.

12 But that's -- you know, occasionally, there would be a
13 flash of fun with a guy like Judge Johnson in the court. And
14 I'll give you one more short example -- shorter.

15 Somebody filed -- a bunch of Washington antitrust
16 lawyers -- and antitrust was a lot of what I did as a lawyer --
17 filed an antitrust case in Montgomery, which is very unusual.
18 The Kershaw Manufacturing Company, which make railroad
19 equipment, had bought an axle company and become the
20 fifth-biggest axle company in the country. And these Washington
21 lawyers came in and filed an antitrust suit. Among the other
22 defense lawyers was Tommy Thagard, a really good lawyer in
23 Montgomery. And so the Washington lawyers came in, and they
24 were arguing for divestiture, which was not at all clear could
25 be done at all, and they wanted it done on what they called a

1 temporary restraining order. In other words, this is such an
2 emergency you have to do it without even listening to both
3 sides.

4 And so the Judge listened a little while, and he got
5 bored and he said -- it was under the Clayton Act. He said, "By
6 the way, you may not know that the author of the Clayton Act,
7 Henry De Lamar Clayton, was a district judge in this district."
8 And the lawyers -- you know, they didn't -- they knew the Judge
9 was getting bored, and so, "No, sir, we didn't know that."

10 And then they started talking about what would happen
11 in the case. Their view of it was it would go on for a decade.
12 There would be waves of discovery. And in Judge Johnson's
13 court, the only waves of discovery were light waves. And
14 finally, Judge Johnson said, "Well, I'm very conservative on
15 temporary restraining orders and I deny yours, but you have
16 convinced me this is a real emergency, and we're going to go to
17 trial in 31 days." And so the pale lawyers from Washington,
18 D.C., turned even paler. Tommy Thagard laughed and said, "Ah,
19 you guys got more relief than you even asked for."

20 And so once again, I went in to the Judge, who was
21 laughing, laughing, laughing, and smoking his Home Run
22 cigarettes back in his office. I said, "Judge, you know they're
23 going to dismiss this case in the next 30 minutes." He said,
24 "Yeah, but before they do that, Thagard will come in with an
25 answer and go throw a monkey wrench, and they can't do it

1 without my permission," which all happened. But that's the kind
2 of thing. He could have fun with cases and yet be completely
3 serious in lots of ways.

4 He just was a wonderful guy to be around. He was so
5 smart, so fun. And it's worth mentioning how much fun it was
6 when he was on the trial court and he would travel to Dothan to
7 hold court or somewhere. The law clerks would go. The U.S.
8 Marshal would go. The court reporter would go. And everybody
9 would get in before dinner and have a couple drinks of bourbon.
10 And more of these stories would be told, more stories about Big
11 Jim Folsom, more jokes, and some whiskey drunk. And there never
12 was anybody more fun than Judge Johnson on the road.

13 I have not been timing myself. I'm going to tell one
14 more quick story.

15 In the time when I was a law clerk and just about --
16 well, from 1910 to 1976, let's put it this way, there was such a
17 thing as a three-judge district court. And it actually is kind
18 of interesting in the Trump times. You know, now you have
19 conservatives running up to the Eleventh Circuit to file a
20 lawsuit hoping they'll get a conservative judge and liberals
21 going to the Ninth Circuit hoping they'll get a liberal judge.
22 And the same thing happened in 1910 when all the Progressives
23 were passing -- Ed Bridges, you ought to tell the story, not
24 me -- the Progressives were passing, including in Alabama,
25 various statutes regulating prisons and railroads and all kind

1 of stuff and conservative individual federal judges were
2 striking them down as unconstitutional. So Congress, in 1910,
3 passed a law saying if you're -- if somebody is trying to enjoin
4 a statewide state statute or a federal statute, you have to
5 convene a three-judge district court, which will be two district
6 judges and one court of appeals judge.

7 And a lot of what we did, keeping in mind that all of
8 these things Judge Johnson gets a lot of credit for -- most of
9 them were three-judge-court cases with Judge Johnson and one
10 other district judge and one court of appeals judge. Sometimes
11 Johnson dissented and sometimes he wrote the opinion.

12 But when we -- the court of appeals judges seemed to
13 hate it for various reasons. They didn't like the process. And
14 one -- one time -- and the process was the district judge to
15 whom the case was assigned would write a letter to the chief
16 judge of the circuit and say this is clearly a three-judge-court
17 case, please convene a three-judge court.

18 Well, Judge Johnson would sometimes ask the clerks to
19 write these letters. And I wrote up one which he changed a
20 little bit and sent to John R. Brown, the chief judge, and said
21 for all these reasons, we ask that you convene a three-judge
22 court. And Judge Brown wrote a letter back and said for all of
23 the reasons outlined in your letter, I agree that this is not a
24 three-judge-court case. And actually, Judge Brown and Judge
25 Johnson were kind of water and oil. They didn't mix so well

1 anyway.

2 And so Judge Johnson and I looked at it and said this
3 is just crazy, just crazy. So Judge Johnson went in, closed the
4 door in his office. And I could hear a bunch of real loud
5 talking, but I stayed as far away as I could. And after about
6 an hour, he came out and his face was red. And he said,
7 "Sometimes you have to talk tough to the chief judge of the
8 circuit." And a three-judge court was convened in the case.

9 All right. That's enough stories. Do you want to get
10 some questions?

11 (Applause)

12 MR. BAGWELL: We can keep telling stories for as long
13 as we have, but somebody -- y'all want to ask questions or make
14 comments? Anybody?

15 Yes, sir.

16 MR. JOHN FEAGIN: What was his relationship with
17 Governor Wallace?

18 MR. BAGWELL: Oh, I'm glad you asked. We talked about
19 that some last night at a dinner with the clerks. Governor
20 Wallace and Frank Johnson --

21 FROM THE AUDIENCE: Repeat the question.

22 MR. BAGWELL: Here's -- thank you for saying that.

23 The question is what was the relationship between
24 George Wallace and Frank Johnson. Mostly bad.

25 The longer answer than that, they were in law school

1 together and they were friends. They were good friends. You
2 know, remember that George Wallace at the time was viewed as a
3 liberal and one of only two Alabama delegates to the 1948
4 Democratic Convention who did not walk out with the Dixiecrats,
5 the other one being Jimmy Faulkner from Bay Minette.

6 But Wallace and Johnson were in law school together.
7 They were friends. On Judge Johnson's wall in his home when I
8 clerked was a photograph of Judge Johnson and Ruth -- they were
9 already married then -- and George Wallace and Lurleen and Glenn
10 Curley, who later was the DA in somewhere like Autauga County --
11 and I never knew his wife -- the three of them in what I recall
12 to be formal clothes, like tuxedos, at some dance the law
13 school had. And he said they really were very close until the
14 problem came up with the voting records of Barbour County.

15 And the story that I remember he told there was that a
16 call came in. Last night, George LeMaistre said Mrs. Johnson
17 answered the call. But it was George Wallace. The Judge told
18 me that when he -- they agreed George Wallace could come and
19 they could talk. The Judge said Wallace came to the door and
20 said, "Judge, my ass is in a crack." And Judge Johnson told
21 me that he said, "I said, 'Come on in, George, and we'll see if
22 we can get it out.'" And they worked on it and worked out
23 something. And George Wallace said -- that's when George
24 Wallace, of course, said that Frank Johnson had lied about it
25 and was a carpetbagging, scallywagging, integrating liar. Or

1 the words actually were worse than that. And that's the
2 barbed-wire enema comment Wallace said about Frank Johnson too.
3 But, you know, toward the end, they didn't have a relationship,
4 I guess.

5 MS. WRIGHT: Yeah. And if you watch the interview with
6 Mrs. Johnson that's on the court website, she tells the story as
7 David relates it. And she says that toward the end of his life,
8 George Wallace called her and apologized for everything he had
9 said about Judge Johnson. They had been very good friends in
10 law school before George Wallace decided it was more important
11 to be governor than to be decent. And so he did, at the end of
12 his life, let Mrs. Johnson know he regretted what he had done.

13 MR. JOHN FEAGIN: Was he more conservative than Wallace
14 at the time?

15 MS. WRIGHT: Judge Johnson?

16 MR. JOHN FEAGIN: Yes.

17 MS. WRIGHT: You know, I'm so -- the question is was he
18 more conservative than George Wallace at the time.

19 You know, I'm so glad you asked that. Judge Johnson
20 kind of defied labels. And, you know, in this world we live in
21 today, that's a good thing for all of us to remember. But he
22 was really -- Judge Johnson was personally quite conservative,
23 the way he lived his life. And he just lived according to very
24 traditional values, I guess you'd say, or as what they were at
25 the time.

1 But he believed so strongly in the Constitution. And
2 he felt like if the Constitution said that there should be
3 equality or there shouldn't be cruel and unusual punishment,
4 that was what it meant. And so he was so strongly committed to
5 doing what he felt like was constitutionally required. And it
6 was that kind of integrity, I think, more so than what you could
7 call liberal or conservative. You know, he believed that the
8 Constitution meant that people were to be equal and treated
9 well.

10 And, you know, I was saying how his background growing
11 up really stood him in good stead. Winston County -- and
12 Mrs. Johnson also says this in her interview, that Winston
13 County was originally settled by revenueurs, by moonshiners, and
14 they did not love the government. And there was very much sort
15 of an antigovernment sentiment, you know, in that part of the
16 state.

17 But because of the way Judge Johnson was -- you know,
18 he was so bright and had so much integrity, he felt like that if
19 you were in a position of authority, you know, if you were a
20 government official or a lawyer or a judge, a law clerk, if you
21 had been given authority by the government, you better treat
22 people right. That's the way he felt. And I think that shows
23 up in so much of his opinions, that if someone was, you know, a
24 state official, for example, and they weren't following the
25 injunction of the Constitution to treat people well, that so

1 deeply offended his sense of fairness and justice and order
2 that he was just -- you know, he wasn't going to have it.

3 And so I don't -- so in that way, I don't think you
4 could say he was conservative or not conservative. But I think
5 more so the difference between Judge Johnson and George Wallace,
6 at the bottom, was that George Wallace didn't live his values
7 and Judge Johnson always did.

8 MS. WANDA BATTLE: I wanted to ask -- if I'm not
9 mistaken, 1958, the three-judge panel and Judge Johnson, they
10 ordered all of the parks to be integrated here in Montgomery.
11 Oak Park was allowed to remain segregated -- or they did -- for
12 13 years. How did that happen?

13 MR. BAGWELL: I don't know. I used to swim at Oak
14 Park. At some point, it was closed. I think they ordered it to
15 be integrated, but the pool certainly was closed. I don't know
16 about the zoo.

17 Yes, ma'am.

18 DR. DOROTHY AUTREY: Yes. That was the Mark Gilmore
19 case (inaudible) where Blacks were not even allowed to walk
20 through Oak Park. It had a swimming pool. They were made to go
21 around (inaudible). So Mark Gilmore walked through -- he was a
22 teenager -- through that park. He was beaten and arrested,
23 placed in jail. His mother didn't know where he was for several
24 days. And so out of that came that court case that all parks
25 opened up in Montgomery. But Montgomery City defied that and

1 kept the parks closed like a decade or several years. It took
2 some time for parks to comply with the court ruling.

3 I have a question too.

4 MR. BAGWELL: Yes, ma'am.

5 Do you want more people for questions?

6 DR. DOROTHY AUTREY: Go ahead. I'm sorry.

7 MR. SEGALL: No, that's exactly what I do want. I'm
8 going to bring you the mike so we'll be able to hear you.

9 DR. DOROTHY AUTREY: You sort of alluded to the
10 question -- the answer I'm seeking now when you spoke about the
11 incident at The Elite Cafe with the --

12 MR. BAGWELL: Yes, ma'am.

13 DR. DOROTHY AUTREY: -- waitress responding to your
14 being Judge Johnson's law clerk. How was Judge Johnson received
15 in the white community in the city based on his civil rights
16 rulings?

17 MR. BAGWELL: I'll give you my answer as somebody who
18 grew up here and who also clerked for him. When we were growing
19 up, I would think most of the white people in Montgomery really
20 resented what Judge Johnson was doing. He was not popular at
21 all. There always were people like Clifford Durr and Virginia
22 Foster Durr and some people like that who were what you might
23 call the left-wing coterie of Montgomery. There were not very
24 many in it. But I would say on a whole, early on, most of the
25 white people really hated what he was doing.

1 But I noticed by the time I clerked, a bunch of
2 kind-of-establishment white people, you know, typically the
3 fathers of people our age, would come up to me and say, you
4 know, said, I wasn't too sure about Judge Johnson at first, but
5 I have come to believe that he is doing and certainly thinks
6 he's doing what is best for Montgomery and Alabama and doing his
7 duty, and I am revising my thoughts about him. And I haven't
8 lived here in almost 50 years or more than 50 years, but my
9 guess is by the people who are here, you know, I just can't
10 imagine there's all that much anti-Johnson feeling anymore. But
11 I don't speak for Montgomery. That would be my guess. You
12 know, nobody ever said anything bad about Judge Johnson to me.

13 MS. WRIGHT: You know, even at the time when -- and I
14 was here -- I started in 1975, so, you know, it was about a
15 decade after most of the decisions, the early decisions, he had
16 made about civil rights directly. And, you know, I had some of
17 the same experiences David did where if I said I worked for
18 Judge Johnson, there were some people who -- you know, nobody
19 was ever aggressive, but they would let me know they didn't like
20 it. But at the same time, there were so many people, white
21 people, who admired him. And as I said earlier, Mrs. Johnson
22 said the people they knew, their neighbors, were their friends
23 throughout the whole thing.

24 And one thing that was so true about the whole Civil
25 Rights Movement in the South was -- yesterday morning we had the

1 wonderful opportunity to hear Bryan Stevenson talk about what
2 he's doing and all his wonderful work. And he was talking about
3 silence and how much that kept things the way they were. And
4 that was true certainly in the white community everywhere, that
5 a lot of people just didn't know. And, you know, how they
6 couldn't have, you know, from our perspective today, it seems
7 impossible, but the newspapers really -- the local papers really
8 didn't tell the story. The media didn't tell the story. And
9 there's a way in which culture becomes blind, you know. And so
10 there were just a lot of people who just were clueless about
11 what was going on. They probably had never heard of Judge
12 Johnson.

13 So I think it was a really mixed bag, you know, even in
14 1975. But I'll agree, you know, today I only hear people say
15 what a giant of a man he was. And, you know, he -- I want to
16 say the courage of all of the people who led the Civil Rights
17 Movement is -- you know, it's hard to even think how much
18 courage it took. And, you know, that Judge Johnson was able to
19 be a support for those people was, you know, his part in it.
20 And that was to be admired as well, but -- so thank you.

21 MR. SEGALL: We do have a question.

22 DR. HOWARD ROBINSON: Yes. I think Judge Johnson was
23 involved in the -- I think Judge Johnson was involved in the
24 desegregation cases here in Montgomery of the public schools.
25 But I think it was interesting that his wife, Mrs. Johnson,

1 earned a graduate degree at Alabama State.

2 MS. WRIGHT: Alabama State. Right.

3 DR. HOWARD ROBINSON: In '71. Do you know the back
4 story to that?

5 MS. WRIGHT: I do. And the reason why -- and I'll go
6 back again -- is that wonderful oral history that's on the court
7 website. And what happened was, you know, they had lived
8 through that ordeal that they experienced. And, you know, they
9 had, as you-all know, death threats and cross burnings and all
10 those kind of things that went on. And I will say the year that
11 George and I were clerks was a very somber year because it was
12 the year that the Johnsons' son, Johnny, died. And that was
13 also, you know, a terrible personal toll on them.

14 And so it was -- I think Mrs. Johnson had gotten a
15 history degree at the University of Alabama, and, as she says,
16 all As in her history degree. And she had been a teacher. And
17 so she wanted to go back to work some, and so she did apply.
18 She said she thinks she was the first white person to apply to
19 get a degree at Alabama State, but she's not sure. But she was
20 certainly one of the first.

21 She got her degree there and then she went back to
22 teaching. And she says that she was the first white teacher to
23 teach in a predominantly African-American school and that a
24 friend of hers, an African-American teacher, was the first
25 teacher to teach in a white school in Montgomery. And what she

1 said was that it had gone pretty well when they both went back
2 to do that.

3 And so, you know, I want to say thank you.
4 Mrs. Johnson was -- they were a team. They were absolutely a
5 team. And she was such a strong person and such a supporter.
6 And in her own right, you know, she did so many things. And
7 Judge Johnson adored Ruth and treated her with the utmost
8 respect. And so that's how that happened that she did that.

9 DR. HOWARD ROBINSON: Thank you.

10 MR. BAGWELL: We've ceded to Bobby Segall the right to
11 call on people.

12 PROFESSOR MARTHA MORGAN: I just wanted to comment on
13 the question about the white community response, not in
14 Montgomery, but nearby. My father was on the school board. And
15 in 1966, they -- I remember as a child getting served and having
16 to come to his courtroom. Actually, Crenshaw County was not in
17 the *Dillard versus Lee*. They had, in '65, accepted five -- no,
18 ten children under so-called Freedom of Choice when HEW
19 threatened to pull all the money. But then the next year, when
20 more children wanted to come, they refused. And so I remember
21 him coming and coming back and saying, you know, he was -- you
22 know, they lost, but he said he was a fair judge and he was
23 doing his duty. He was just following the law. So I think even
24 those who were on the opposite side of some of his rulings --
25 now, they may not have -- my dad, like you say, the silence, he

1 may not have gone downtown and said that, but I think people
2 knew that.

3 MS. WRIGHT: Thank you.

4 And this is Martha Morgan, who is a law professor at
5 the University of Alabama and has done so much wonderful work
6 about human rights in her career. So thank you.

7 UNIDENTIFIED MALE: I don't have a question, but I just
8 wanted -- in the interview of Mrs. Johnson --

9 FROM THE AUDIENCE: Can't hear.

10 UNIDENTIFIED MALE: -- if you go to the archives,
11 there's an interview with John Doyle about the Freedom Rides and
12 the Selma March with Judge Johnson. And it's well worth
13 listening to what John Doyle had to say about Judge Johnson and
14 those events.

15 UNIDENTIFIED FEMALE: You referenced the *Wyatt* case.
16 Could you give some insight on how Judge Johnson felt, his
17 feelings about that case?

18 MS. WRIGHT: Oh, that's -- yes. Thank you. *Wyatt*, the
19 mental health cases, that case had been decided several years
20 before I clerked.

21 Was it in the court --

22 MR. BAGWELL: It started when I was a clerk.

23 MS. WRIGHT: Yes.

24 MR. BAGWELL: Bobby Segall got appointed to part of the
25 *Wyatt* case. Judge Johnson came to me and said, "Who should I

1 appoint in the Wyatt case?" I said, "Bobby Segall."

2 MS. WRIGHT: And sure enough, yeah.

3 MR. BAGWELL: The only important decision I ever made.

4 MS. WRIGHT: So I will tell you -- I want to tell you
5 that one of the things that happened when I was there -- so it
6 was several years and all the publicity had been out there. And
7 Judge Johnson would get rafts of letters from people who had
8 mental health issues, just dozens and dozens of letters. People
9 would write him, and sometimes people with mental health
10 conditions would come to the courthouse.

11 And in those days, there was zero security in the
12 federal courts. The only way we ever had any security was if
13 you happened to get on the elevator with an FBI agent, between
14 the first floor and the second floor, they would question you
15 about where you were going. But otherwise, people just came and
16 went, you know.

17 And so periodically, people would just walk in. And
18 when they did, Ms. Perry, Judge's long-time secretary, knew that
19 he wanted to talk to the members of the Wyatt class. And I
20 remember him coming out of his -- you know, that long walk out
21 his office, and he would -- I can still see him putting his arm
22 around the people, you know, who came in to talk to him.

23 And sometimes they had grievances. Sometimes they had
24 really serious suggestions. And sometimes what they said was
25 incomprehensible in a lot of ways. And he would stand there and

1 nod and, you know, put his arm around their shoulder and talk to
2 them. And then they would leave. And they always seemed to
3 leave feeling somewhat lighter, you know, than they came in. So
4 he felt really great compassion for the people who were impacted
5 by the conditions there.

6 The same thing was true in the prison cases. You know,
7 there were photographs, there were -- you know, there was
8 testimony about the conditions. And he really felt the impact
9 of what our government had done to these people.

10 MR. DAVID VOGEL: I just wanted to add a coda to what
11 you said, David, about your experience at The Elite. So I
12 clerked for him in 1985-86, so about 12 years after you, 13
13 years after you. And I went with him to lunch at The Elite, and
14 the same waitress came up to us and couldn't have been more
15 fawning over Judge Johnson, practically patting him on the head.
16 And --

17 MR. BAGWELL: See what a great job I did with her?

18 MR. DAVID VOGEL: Yes, you did. And when she walked
19 away, Judge said to me, "Did you see that?" I said, "Yes. Yes,
20 Judge, I did." He goes, "Well, she wouldn't talk to me for 20
21 years."

22 MR. DAVID MARLIN: I was a trial lawyer in the Civil
23 Rights Division at the Department of Justice from 1961 to '65,
24 which brought me to Alabama lots of times.

25 I just wondered if you would comment about the voting

1 rights cases. I believe Judge Johnson held evidentiary hearings
2 in Macon County and Bullock County and Elmore County, maybe
3 before your time, but I'm sure you're familiar with the way he
4 handled the courtroom presentations, very strictly. The
5 government lawyers were held to a high standard, and we knew
6 that. And we were so extremely well prepared, you wouldn't
7 believe it. So I would just appreciate it if you would talk a
8 little bit about his rulings in the voting rights cases.

9 MR. BAGWELL: I don't really know anything about the
10 voting rights cases. In my year, nothing happened like that.

11 MR. SEGALL: Why don't you -- why don't you tell us.
12 You were there. Why don't you stand up and tell us.

13 MR. DAVID MARLIN: I was not -- I appeared before Judge
14 Johnson I think in 1964 in a couple of hearings in which he
15 held. The issues were whether the registrars I think in Bullock
16 County and Elmore were following his decree, but those cases
17 were full of tension. The Department of Justice, which was led
18 then -- John Doar, who was a good friend of the Durrs,
19 supervised all those cases.

20 And the Department of Justice's approach was to look at
21 the voting records. We had the FBI photograph them. And the
22 trial lawyers back in Washington -- I was one of them -- would
23 spend hours and hours looking at those -- at the photographs of
24 the records. And what we were primarily looking at were
25 the Black efforts, the people who were attempting to register to

1 vote, looking at their -- how they filled out the forms, looking
2 at their educational attainments, and contrasting it with a lot
3 of the white persons who were given the privilege of voting
4 while the Black applicants were not. And it was on that basis
5 that we brought most of those cases.

6 MR. SEGALL: Thank you very much.

7 I always hate to correct David Bagwell. He says he got
8 me appointed to the *Wyatt/Stickney* case. In fact, he got me
9 appointed to the *Lynch versus Baxley* case --

10 MR. BAGWELL: That's right. You're right. You're
11 right. That's right. You're right.

12 MR. SEGALL: -- which dealt with the procedures for
13 involuntary treatment.

14 The *Wyatt* case, which deals with the right of treatment
15 if you are involuntarily committed -- we do have Ira Burnim, who
16 is here somewhere -- back there -- who later, after the original
17 *Wyatt* case, spent years on the *Wyatt* case, tried the case
18 because of enforcement things, and then went to the Bazelon
19 Center, where he's the legal director, which specializes in
20 mental health type issues.

21 Does anybody -- we have about two more minutes. Does
22 anybody have a comment or any quick --

23 MR. BAGWELL: I have one comment on voting. I'm 73
24 years old. When I was old enough to vote, I went down to
25 register at the Montgomery County Courthouse to register to

1 vote. And they said something like, I'm sorry, honey, we're
2 only open on the third full moon on Tuesday or something like
3 that. And I said, "I'm in college in Tennessee. I just can't
4 do that." And she said, "Honey, don't tell anybody I told you
5 this, but go over to the federal courthouse. They have federal
6 voting registrars. And tell them you want to register." So I
7 registered with the federal voting registrars. You had already
8 fought the battles by then.

9 MR. SEGALL: Y'all, we are going to resume our program
10 at the Dexter Avenue King Memorial Church. We have buses,
11 shuttles, downstairs to take anyone who would like to attend.
12 Thank you very much for coming.

13 Thank you, Cathy, David.

14 (Applause)

15 (Session concluded at 9:28 a.m.)

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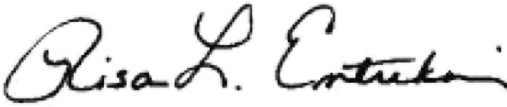
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REPORTER'S CERTIFICATE

I, Risa L. Entrekin, Registered Diplomate Reporter and Official Court Reporter for the United States District Court for the Northern District of Alabama, do hereby certify that the foregoing 44 pages contain a true and correct transcript of "Our Time with Judge Johnson: A Morning Ruminatiion with David Bagwell and Cathy Wright" presented as part of the FMJ 100 Celebration held in the City of Montgomery, Alabama, on January 24, 2019.

In testimony whereof, I hereunto set my hand this 5th day of March, 2024.



RISA L. ENTREKIN, RDR, CRR
Official Court Reporter