

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA

INTERVIEW OF  
**JUDGE JOHN L. CARROLL**  
**UNITED STATES MAGISTRATE JUDGE**

as a part of the  
ORAL HISTORY PROJECT  
of the  
UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA

Interviewed by Judge Delores R. Boyd  
United States Magistrate Judge  
Frank M. Johnson, Jr.  
United States Courthouse Complex  
One Church Street  
Montgomery, Alabama  
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JUDGE BOYD: Judge, the South has been the base for your rather distinguished legal career and your judicial career for the past 25 years, but I know that you are not a native southerner. When and where were you born?

JUDGE CARROLL: Born in Washington, D.C., October the 19th, 1943.

JUDGE BOYD: Tell me about your early childhood and the communities in which you were reared.

JUDGE CARROLL: I was born and raised in Washington and lived in downtown Washington, D.C., until I was seven. And then my parents moved to a suburb, Hyattsville, where we stayed until I was 16. Then when I was 16 we moved to Charles County, Maryland, which at that time was out in the country. My father opened a business there. My father and mother, both native Washingtonians, neither of whom worked for the government, which is a rarity.

Went to Gonzaga High School, which is a Jesuit high school in Washington, D.C. Graduated there in 1961.

JUDGE BOYD: What was your father's name?

JUDGE CARROLL: Thomas W. Carroll.

JUDGE BOYD: As you indicated, he had that rare distinction of actually having been born in Washington and --

JUDGE CARROLL: That's right.

JUDGE BOYD: -- so was your mother? So was your mother?

JUDGE CARROLL: And my mother was also.

JUDGE BOYD: Her name?

JUDGE CARROLL: Angela F. Carroll.

JUDGE BOYD: What did they do in Washington while they lived there until you were about seven?

JUDGE CARROLL: My father and mother both were in the credit bureau industry. They both worked for the credit bureau of Washington, D.C. They were office workers. My father did not have a high school education, and my mother did.

JUDGE BOYD: Are both still living?

JUDGE CARROLL: My mother died in October 1980, and six months later, in April of 1981, my -- I'm sorry. My mother died in October 1981, and then six months later, in April of 1982, my father died.

JUDGE BOYD: Did you have siblings?

JUDGE CARROLL: I'm an only child.

JUDGE BOYD: Were there any grandparents who were part of your family unit when you were growing up?

JUDGE CARROLL: When I was born my grandparents on my father's side had died, so I did have a lot of contact with my grandparents on my mother's side. In fact, my grandparents on my mother's side lived with us until I was in college when they passed away.

JUDGE BOYD: What was it like having another set of parents in your household when you were growing up?

JUDGE CARROLL: There were both good and bad points about that, as I think there would -- you know, my parents worked, so there was somebody when I came home to take care of me. At the same time we lived in a fairly small house, and so two families in a small house has its own set of inherent conflicts.

JUDGE BOYD: Were both grandparents retired from any occupation or business at that time?

JUDGE CARROLL: My grandmother had never worked outside the home, and my grandfather had actually been in the bicycle business early in his career and in the sporting goods business, and he also was retired at that point.

JUDGE BOYD: Before your family moved to Hyattsville -- I assume that's Maryland?

JUDGE CARROLL: Right.

JUDGE BOYD: -- did you have any of your early schooling in the D.C. public or private schools?

JUDGE CARROLL: I was always in Catholic schools. I started out at St. Martin's, which was right in downtown Washington, D.C. And everybody -- my parents and now my wife, particularly, loves to tell the story that I was thrown out of kindergarten because I was unruly, and that was true.

Back in those days, of course, you could go to kindergarten if you were going to turn five before January the 1st. So I actually went to kindergarten when I was four, which

turned out to be a serious error. But I do have to admit, I was thrown out of kindergarten, but I was readmitted to the first grade.

JUDGE BOYD: Oh. To your credit, readmitted.

Your parents were Catholic?

JUDGE CARROLL: They were.

JUDGE BOYD: Grandparents Catholic?

JUDGE CARROLL: Same.

JUDGE BOYD: Did you have any choice about the matter?

JUDGE CARROLL: Recalling it, I don't think I had much of a choice, but I'm happy that I didn't have a choice because I -- you know --

JUDGE BOYD: You have remained, shall we say, a staunch Catholic throughout your --

JUDGE CARROLL: Absolutely.

JUDGE BOYD: -- adulthood?

Hyattsville, Maryland. What was that like --

JUDGE CARROLL: It was a --

JUDGE BOYD: -- in contrast to Washington?

JUDGE CARROLL: We lived in what are fashionably called brownstone houses but were really row houses back in those days in Washington, D.C., you know, with the coal being in the basement.

Just an aside, about ten years ago I took my daughter and wife back to Washington, D.C., on sort of a roots tour to

show my daughter where I had grown up. And the house that I was born in is still there, but it is now in the middle of a drug war zone. And when I pulled up -- the car in front of the house, the people on the front porch immediately ran in because I was dressed in a suit and I'm sure they thought I was a narcotics agent. But, you know, Hyattsville was a typical 1950s suburb.

JUDGE BOYD: Uh-huh.

JUDGE CARROLL: All the houses the same. One of these tract-house developments right across the line from Washington, D.C., but had the sort of typical, you know, growing up in suburbia experience. Went to St. Jerome Catholic elementary school at that point in time, played Little League baseball, interested in sports. My father was a big sports fan, as was I. We went to watch the Washington Senators play, the Washington Redskins play, that sort of thing. So very typical regular old run-of-the-mill 1950s growing up period.

JUDGE BOYD: I know that you don't have much to compare with, but I'm interested in knowing how you feel your exclusive training in Catholic schools through high school influenced you.

JUDGE CARROLL: I think that the best education I got to do what I have done, which is be a lawyer, was the training I got by the Jesuits in high school.

JUDGE BOYD: And why do you say that? What's special about that training?

JUDGE CARROLL: Just the focus on logic and thought and that sort of thing. I mean, I really did get from them the sort of legal reasoning and the deductive thinking, the syllogistic thinking that you use in the law all the time, but that's what we were taught in the Jesuit high schools back in those days.

We were also taught a broad range of subjects. I mean, I had four years of Latin. We were in the early days of advanced programs, so I had calculus in high school and advanced physics in high school and that sort of thing. So I think the education I got there really prepared me well for anything, and I really think that's the cornerstone of whatever success I've had in education, was the training I got there.

JUDGE BOYD: Was it during this period that an interest in law was stimulated?

JUDGE CARROLL: I had absolutely no interest in the law. Didn't really know what I wanted to do, quite frankly. As I said, my father never graduated from high school. And my mother graduated from high school, but neither were what you would call professionals. There really wasn't a lot of push from them one way or the other. So I just knew when I got out of high school that I was going to go to college. Really did not have any design, grand plan, anything like that.

JUDGE BOYD: What was it, then, about your high school period that ended up, in hindsight, influencing you most? What was it about your experience that today you look back upon and

recall with any degree of fondness?

JUDGE CARROLL: You know, just lots of good opportunities. I mean, I was on the debate team, and we did a lot of traveling. I was an officer in the student body and then on the student council. I mean, just a lot of opportunities and, I guess, the realization that I had some skills that I could use later on in life. Sort of self-confidence too at the same time.

JUDGE BOYD: Having been born in the seat of our government there in D.C. and being reared so close by through high school, to what extent were you affected by what was happening in Washington?

JUDGE CARROLL: You know, I don't -- I don't think at all. I don't -- we were -- back in those days, Washington was this incredibly little sleepy southern town. It was still, although not de facto segregate- -- I mean not de jure segregated, there was still significant segregation. There just -- I remember growing up, again, in this white, middle-class environment, not being much affected.

I mean, the most important things to us back in those days were whether we beat our high school rival, St. John's, in football or not or how the Redskins or the Senators were doing. I don't remember having any sort --

I remember having discussions with my father about political issues, and, I mean, I think he was the one that

really stimulated those sorts of discussions. But in terms of having those broader areas affect me personally, it just didn't happen.

JUDGE BOYD: You mentioned that you would describe your environment as white, middle class. Many who are native to the South believed that the North was somewhat of a Mecca, and, of course, Washington, D.C., was lumped into that general category of the North. But there was a widespread belief that in the North and in areas like New England and the East Coast, the races were together on a frequent basis. Give us an idea of how much interaction you had across racial lines when you were growing up there in the Washington, D.C., area.

JUDGE CARROLL: The only interaction I had were the people in high school with me who were --

JUDGE BOYD: So your high school was desegregated?

JUDGE CARROLL: It was, although, as you can imagine, there weren't huge numbers of African Americans in the school, but enough that, you know, you had daily contact with African Americans both in the classroom and on the playing fields and that sort of thing.

JUDGE BOYD: In your housing environment, though, was that principally all white?

JUDGE CARROLL: It was absolutely all white.

JUDGE BOYD: How would you describe any tensions, if any, that you were aware of between the races before you

graduated high school?

JUDGE CARROLL: I didn't graduate -- I graduated in '61. And I think prior to that time, I didn't have much of a sense of those sorts of things. They weren't -- racial issues -- there may have been some discussions about racial issues. I'm satisfied that my grandfather particularly had the view that African Americans ought to be in their particular place and that mixing the races were not a good idea, but it was never a view that was forced on me.

My father, who, again, was the prominent influence in my life, was very open minded. But, again, we did not mix races socially at all. The only contact I would have had would have been in high school.

JUDGE BOYD: Were there qualities or personality traits you discern in yourself now that you can trace uniquely to your mother or to your father or to a grandparent?

JUDGE CARROLL: I think all to my father. I mean, I think he was someone who was really interested in community service. I think he was somebody that was not easily riled, that kind of had the big picture, was fairly relaxed, that sort of thing. I mean, he was -- I think a lot of the way I am came from him.

JUDGE BOYD: And as an only child, did you consider yourself getting a lot of preferential treatment, or was that somewhat of a lonely existence that had you wishing for a

brother or a sister?

JUDGE CARROLL: I felt that I wasn't -- everybody thought that as an only child, you just had this tremendous existence where anything you wanted was heaped on you. Anything. And of course, financially we weren't particularly well off, so that wasn't true from that standpoint, but it really occasionally came to be a lonely existence.

I'll give you one example. There was a Catholic camp in the summertime that you could go to, and the kids I hung out with were all much larger families than I. They all got to go, but I didn't get to go because as an only child, what my parents made, I didn't make the income-level cut so to speak.

But it really wasn't bad. I mean, I don't recall at all feeling bad about the fact I was an only child, just occasionally having to defend myself against the stereotype that you got everything you wanted whenever you wanted it.

JUDGE BOYD: Aside from athletics, did you find yourself engaging in any particular hobbies that satisfied you during your high school years?

JUDGE CARROLL: I think the only -- you know, I was on the debate team and spent a lot of time working in the debate area, but I don't think I ever had any kind of hobbies. I mean, it was always sports that were my interest.

JUDGE BOYD: Now, you say it was always a given that college would be in your future, though your parents were not

the models themselves for that. Why was that? Why did you have that interest in going to college?

JUDGE CARROLL: I think mainly through high school. There was a competitive entrance exam to get into this high school. I scored one of the highest scores on the entrance exam, so I was placed in this section -- the advanced section. And I think it was understood from the moment we got in there that you were preparing yourself to go to college.

JUDGE BOYD: Tell me how you made your choice of college.

JUDGE CARROLL: Very interesting story. I got scholarships to Georgetown and Boston College, which were traditional Jesuit schools. My father had a contact at work who suggested -- mentioned the Naval ROTC scholarship. And I applied and was accepted but could not pass the eye physical for some reason. I had a slight astigmatism.

And then in June -- I'm sorry -- in May of my senior year of high school, I took another -- I took a reexamination, and the Navy decided that I was okay at that point. So it -- they gave me a Naval ROTC scholarship, which was at that time about as good as it got. It was full tuition, full room and board, \$50 a month spending money, and all your books. I mean, it was just a really good deal.

But the way the Naval scholar- -- Naval ROTC scholarship worked is you had to find a school that at that

point had some slots open.

So at that point I started looking around, and Tufts University in Medford, Massachusetts, had a slot. And a friend of my father's had -- son had gone there and highly recommended it. So that's how I ended up at Tufts.

JUDGE BOYD: And you spent your entire college career at Tufts?

JUDGE CARROLL: Yes.

JUDGE BOYD: Was your father a veteran?

JUDGE CARROLL: Yes. He was in World War II in the Army.

JUDGE BOYD: Either of your grandfathers?

JUDGE CARROLL: No.

JUDGE BOYD: Had you any trepidation at all getting involved with the ROTC and getting your foot in the military door so to speak?

JUDGE CARROLL: Well, you understand, back in those days if you didn't go into some sort of program like ROTC, you were drafted. That's when we had the universal draft. So as a male growing up, either you could figure out some kind of deferment, or you were going in the military. And early on, since my father had been an enlisted man in the Army, he said, if you're going to go in, go in as an officer. It's a much better life.

JUDGE BOYD: Was he a Navy man as well?

JUDGE CARROLL: No. He was the -- in the Army.

JUDGE BOYD: Army enlisted. Right. You told me that --

JUDGE CARROLL: But as far as trepidation goes, I mean, back in those days, as contrasted to today, going in the military was accepted. Going in the military was thought to be a good thing and an honorable thing to do with your life. It's only as the Vietnam War progressed and things like that began to happen that the military really came under lots of criticism.

So when I went in the Naval ROTC, everybody thought that was a really good thing to do. It was an honorable thing to do, and in addition, it was a great way to get college paid for.

JUDGE BOYD: How did you enjoy your ROTC experience and what was it like?

JUDGE CARROLL: I really liked it. I mean, I -- I look back on my days in the military as some of the best things that I've ever done. So I enjoyed the ROTC life, and I enjoyed all the things that the military taught me.

JUDGE BOYD: Well, before we get into your military career, let's focus a bit on your college years.

You were at Tufts in Medford, Massachusetts.

JUDGE CARROLL: Right.

JUDGE BOYD: Were there many other colleges in the surrounding community?

JUDGE CARROLL: Medford is right next to Cambridge. I mean, Boston is the best place, I think -- or certainly was the best place back in those days -- to go to college because it was a college town. I mean, there were colleges everywhere.

JUDGE BOYD: Over a dozen colleges --

JUDGE CARROLL: At least.

JUDGE BOYD: -- just within the 50-mile radius.

JUDGE CARROLL: Right. Yes.

JUDGE BOYD: What was Tufts like in '61?

JUDGE CARROLL: Tufts was a -- the brochure describes it as a small New England college of high quality, and that's exactly what it was. Most of the students were from the New England area. It had about -- I think back in those days about 3,000 students. Nice campus. Again, what you would -- if you could picture what a small college was like in the late fifties, early sixties, that was Tufts.

JUDGE BOYD: Now, you were in college between '61 and '65; is that correct?

JUDGE CARROLL: Right.

JUDGE BOYD: At a time in our country when much was happening -- politically, culturally, and socially -- and many revolutionary events occurred during the early sixties, so much so that some view the opportunity to be in college then as a blessing, and others look back on that time and say that it was their misfortune to be on a college campus in America in the

early sixties.

What was your perspective? How did you view the chance to be in college, particularly in the New England area as you were, between 1961 and 1965?

JUDGE CARROLL: I would like to say that being in college was this great, wonderful, eye-opening experience for me back in those days, but that is not true. I mean, again, I was a pretty typical college student at the time. I was worried about trying to get through, I was worried about what was going to happen on the weekend, I was worried about what were we going to do socially during the week, that sort of thing.

The only thing that began to creep in -- and as far as the civil rights movement goes, that was never something that was really in the forefront of what I was thinking about. I mean, there were lots of kids on the Tufts campus back in those days that were heading south in the summer times to work in voting rights drives and that sort of thing, but I really didn't have lots of contacts with those kids. I mean, I had some in classes, but in terms of the people that I hung out with, I mean, I -- to be perfectly frank with you, we were far more interested in partying than we were in the more important things socially -- social things in life.

JUDGE BOYD: You were aware that they were going on --

JUDGE CARROLL: Right.

JUDGE BOYD: -- particularly --

JUDGE CARROLL: For instance, I remember I was home in the summer of 1963. One of the obligations you had in Naval ROTC is that you went on active duty during the summertime. So I remember August of 1963, I had just come back off of active duty, waiting to go back to school, and saw Martin Luther King's "I Have a Dream" speech on television. It was broadcast live in the Washington area. I don't know whether it was broadcast live other places. But I remember seeing that, and I remember that being the sort of first awareness that I had about this.

That was really -- for instance, I really don't have a great independent recollection about the Montgomery bus boycott or the attack on the civil rights riders here in Montgomery. I really don't remember -- if I heard about it, it didn't make any sort of indelible impression on me. The first really sort of indelible impression was Martin Luther King and the "I Have a Dream" speech because I saw that.

JUDGE BOYD: What was the impression, though, that you were left with after seeing that 1963 speech?

JUDGE CARROLL: I thought it was the greatest speech I had ever heard. I thought that, obviously, this was now an issue that was going to probably impact on my life. But, again, '63, I'm just out of my junior year in college -- is that right? Junior year, '63? Yes. Just out of my junior year in college, I guess, or sophomore year. I can't remember which. And just remember that having a tremendous impact on me.

JUDGE BOYD: Do you remember where you were when the news of President Kennedy's assassination reached you?

JUDGE CARROLL: Absolutely. At a 1:30 philosophy class at Tufts and was walking from the building where the philosophy class was held back to the fraternity house where I was living. Walked by one of my friends who just mentioned that. I remember running back to the fraternity house. Walking in the door. Everybody's huddled around the TV and watching Edward R. Murrow say President Kennedy had died.

JUDGE BOYD: How were you moved by that, the experience?

JUDGE CARROLL: Well, to -- growing up as a Roman Catholic, Kennedy was our absolute idol. I mean, we had always felt like this notion -- that we had been the victims of serious discrimination because any time a Catholic was even mentioned for president, the crazies came out of the woodwork and talked about the Pope running the country. So when Kennedy got elected, for us it was as if these tremendous bonds had been lifted from us and finally, we were -- we could be on the national political scene.

So when Kennedy was killed, I mean, it was just awful. I just remember it being -- and particularly being in Boston at that time, which is where Kennedy was from, I mean, this huge pall came over the city, and I felt that pall.

JUDGE BOYD: You had related to him as a Catholic. Had

you any bond with him based on his politics while you were at Tufts or before you got to Tufts?

JUDGE CARROLL: Other -- my father was what in Alabama would be called a Yellow Dog Democrat. And people have asked me why I've always been a Democrat, and the reason is -- one of the reasons -- is when I was growing up, my daddy always told me that the Democrats were for the poor folks and the Republicans were for the rich folks. And certainly growing up as an Irish Catholic, that was true, you know. So I had that additional sort of Democratic kinship with the president.

JUDGE BOYD: To what extent were you able to cement your Catholic upbringing and your Democratic leaning while you were at the Tufts community? You've described it as a small college, but you're right in the middle of so many other college communities which could be described, many of them, as radical during the early sixties. To what extent were you comfortable with your climate there at Tufts?

JUDGE CARROLL: The radicalism really didn't happen until after '65, the serious radicalism. I mean, quite frankly, from '61 to '65, Tufts was one of these idyllic -- like I -- as I said, we were interested in where the party was that weekend, whether we were going to be able to get papers done by the end of the semester, that sort of thing. I don't -- certainly the people I ran around with, we weren't deep into any of those issues, and I think they came later.

Back to the Kennedy business. Let me follow up on that. Some friends of mine and I decided that we wanted to go to Washington just to be there during the Kennedy thing. And it was during the time when Kennedy's body was laying in state in the capitol rotunda. Somebody had told us that if we wore our uniforms that we'd get right in, that we did not --

JUDGE BOYD: Your ROTC uniforms?

JUDGE CARROLL: Right.

We did not have to go through the line.

So we drove all night to Washington, D.C., got there early in the morning, put on our ROTC uniforms, and got admitted right in. And I'll always remember passing President Kennedy's coffin and giving it a salute. I mean, that's one of those moments I will always remember.

But knowing I was going in the military, we then began -- those of us that were draft age and committed to the military began watching the developments in Vietnam. And I particularly remember when I was a senior knowing that come June of that year, I was going in the military.

I remember when the president ordered the first air strike against North Vietnam because that was for the first time something that you were saying to yourself, we're possibly getting ready to get into a war, you're getting ready to get into the military, so these kinds of things may begin impacting on you. So really commencing from the time that we bombed --

started bombing North Vietnam, I really began focusing on that.

That was also about the time -- the last semester -- I mean, the summer before my senior year, I went through Marine boot camp because by that time I had decided I wanted to go in the Marine Corps. That was an option that you had. You could either go into the Navy or go in the Marine Corps. I chose the Marine Corps and had just finished going through boot camp when Vietnam really began to heat up.

And some of our instructors in boot camp had actually been to Vietnam and had been in combat because the Vietnam war and our involvement actually began in the early sixties. And although it wasn't a huge presence until after 1964, they were there. They were telling us what was going on. And so that's when I -- you began to realize that unless something radically changed, sooner or later you were going to be involved in a war.

JUDGE BOYD: The boot camp was in 1964?

JUDGE CARROLL: Summer of 1964.

JUDGE BOYD: And where was that?

JUDGE CARROLL: Quantico, Virginia.

JUDGE BOYD: Why the Marine Corps?

JUDGE CARROLL: I guess something -- this fatal flaw that has sort of plagued me throughout life is always wanting to do the toughest kind of thing, and it just appeared to me that that was a really good challenge. And of course, my mother almost died when I told her I was going into the Marine Corps,

but be that as it may.

JUDGE BOYD: The boot camp experience increased your resolve to stay with the Marine Corps?

JUDGE CARROLL: Absolutely. I mean, the Marine Corps boot camp is designed to do two things: It absolutely tears you down physically and mentally and then builds you up to the point where you know or think you can run through walls. And it was just a great confidence builder, great experience personally about self-discipline and your ability to handle pain and that sort of thing and your ability to make your mind persevere over what your body is telling you. I mean, it was just a really good experience for me. It teaches self-discipline, lots of things.

JUDGE BOYD: I assume that you had no fear about personally getting involved in the war even before you graduated college?

JUDGE CARROLL: We've all forgot what it was like to be 20, 21 years old. You don't have any fear. You just -- you know, and I didn't. It never -- never occurred to me.

But, again, we had come from -- I had come from a history of our country's involvement in war and that military service being one of the most honorable things that you could do. And that still, when I went in the Marine Corps, was, I think, the tradition of the country, which is military service was a good and honorable thing to do, even if it meant the

possibility that you might not come back.

JUDGE BOYD: Your father certainly had molded, as you acknowledged, some of your -- many of your personality traits. How did his actual service in World War II influence your own zeal for joining the Marine Corps and fighting for your country in Vietnam?

JUDGE CARROLL: I think it played a part. I don't think he ever pushed me one way or the other but certainly expressed no negative sentiments about what I was planning on doing.

JUDGE BOYD: Was there a large contingent of college students at Tufts who were involved in ROTC?

JUDGE CARROLL: Back in those days, there were. Again, the sort of driving factor back in those days was the draft; that if you didn't find a slot as an officer somewhere, you went in for two years as an enlisted man. Of course, things radically changed at Tufts after I left, and they burned both the Air Force and Navy ROTC buildings to the ground. And I'm not sure they still have RO- -- I think Tufts got it back.

But, again, this was the period just before the real antimilitary, antiwar sentiment began. There was some sentiment that was beginning to build, but, again, by the -- I mean, I never got any sort of challenges from my classmates about being in the military, that kind of thing.

JUDGE BOYD: Did the burning of that ROTC building at

Tufts happen while you were in Vietnam?

JUDGE CARROLL: You know, I don't recall whether it was while I was there or just after I had come back, but it was during that period of time.

JUDGE BOYD: Can you recall how you felt upon hearing the news that that building had been burned?

JUDGE CARROLL: You know, by then I sort of had reconciled myself to the fact that there was another side to this story that maybe could be told, that the Vietnam War was not a particularly good idea. I think by the time I got back, although I was proud of my service in Vietnam, I think I understood, just from having been there and watched the way the war was prosecuted, that maybe this was not a good idea. Although burning a building is never a good response to anything. But I think I -- when I got back, I understood sort of the antiwar movement.

And actually, when I was in Vietnam, I actually missed out on a lot of the -- the antiwar movement really was beginning. I got to Vietnam in October of '67, and so it had just begun, was in its full flower while I was gone. I mean, the Democratic convention of 1968 happened, and I don't remember any of that stuff being broadcast to us when we were in Vietnam because there was censorship of the news.

JUDGE BOYD: Notwithstanding your description of yourself as a fraternity man enjoying the party life, shall we

say, I suspect that you did spend some time in class. Tell us about the academic studies at Tufts. What was your discipline?

JUDGE CARROLL: Well, I've got to tell you, I was a great student as a freshman, and then went downhill rapidly after that. I, you know, just got caught up in having fun in college and did not do very well.

JUDGE BOYD: What major did you choose?

JUDGE CARROLL: I was an economics major.

JUDGE BOYD: Did you have a minor?

JUDGE CARROLL: No.

JUDGE BOYD: You went to --

JUDGE CARROLL: Actually, partying was my minor.

JUDGE BOYD: You went to Tufts certainly not motivated to be a lawyer and not clear on what your career path would be. Was there any time during your Tufts career that you got an awakening about what you'd like to do for the rest of your life?

JUDGE CARROLL: Nope. I mean, I knew that when I graduated from Tufts, I was going in the Marine Corps. That was the sort of next step, and I was not thinking a whole lot beyond that.

JUDGE BOYD: Were you a single man during your college years?

JUDGE CARROLL: I was.

JUDGE BOYD: And before you went to the military, you were as well?

JUDGE CARROLL: Yeah. I didn't get married until after I had gotten out of the military.

JUDGE BOYD: All right. Well, let's take you to the military.

Your boot camp experience got you in the right patriotic frame of mind. Vietnam was in full-blown fashion by the time you graduated Tufts. And that was 1965, was it?

JUDGE CARROLL: Right.

JUDGE BOYD: You signed up for the Marine Corps immediately? No hesitations?

JUDGE CARROLL: Yeah. I mean, I was commissioned in the Marine Corps on the same day that I graduated and had to report to the Marine -- back to the Marine base at Quantico at the end of June.

JUDGE BOYD: How long were you at Quantico before you were sent somewhere else?

JUDGE CARROLL: Six months. Every Marine officer, regardless of what they do, goes through what they call TBS, The Basic School, for six months to learn how to be a Marine infantry officer, the belief being that no matter what you do in the Marine Corps, your job is to support the infantry. And so for six months I was in training there and made friends there that I still have today.

JUDGE BOYD: Are any of those friends in the legal field?

JUDGE CARROLL: Only one is a lawyer in San Francisco.

JUDGE BOYD: After your training for six months, what was your next stop?

JUDGE CARROLL: The next step was Pensacola, Florida. I had been assigned to become a Naval flight officer. I was on track to be a pilot, but my eyes got in the way again, so instead of pilot training they sent me to the Naval flight officer training, which is -- could be a variety of things, all of which involve flying airplanes but not as in the role of a pilot.

JUDGE BOYD: Did you go into the Marine Corps already with an interest in flying --

JUDGE CARROLL: No.

JUDGE BOYD: -- or any exposure --

JUDGE CARROLL: No.

JUDGE BOYD: -- to flying?

JUDGE CARROLL: The development in the six months was at the end of the six-month period, what do you want to do in the Marine Corps? Being an infantry officer was interesting but didn't really excite me, nor being an artillery officer, those kinds of things. As I was in Basic School, I got interested in flying. So by the time I was ready to get out of Basic School, I knew I wanted to get into aviation.

JUDGE BOYD: How long were you stationed there in Pensacola with your Naval flight officer training?

JUDGE CARROLL: From January of 1966 to June of '66.

JUDGE BOYD: What was your next step?

JUDGE CARROLL: To the Naval air station at Glynco, Georgia. I had been assigned at that point to be a Naval flight officer in an F-4, which was a radar intercept ground attack airplane.

While I was at Glynco -- I was at Glynco, Georgia, from July of '66 into September of '66, and then they changed my orders. The Marine Corps got a brand new airplane, the A-6 Intruder, which is the airplane pictured over there, and they needed aircrews. So at that point the Marine Corps sent me to the Naval air station at Sanford, Florida, which is near Orlando, to learn how to be a bombardier/navigator, which was the Naval flight officer position in the A-6.

JUDGE BOYD: How long were you there?

JUDGE CARROLL: I was there until January of 1967. In January of 1967 I went to the Marine Corps air station at Cherry Point, North Carolina, to an A-6 squadron, Marine All-Weather Attack Squadron 225.

JUDGE BOYD: Were you in training there for Vietnam?

JUDGE CARROLL: Yes. At that point, the A-6s were going to be deployed into Vietnam, and so we knew at that point that we were being trained to go to Vietnam.

JUDGE BOYD: Was that a challenge for you, or did you view it as something scary? What type of perspective did you

have between January and October, knowing that you were going to be headed toward this place that you only knew as Vietnam?

JUDGE CARROLL: I think it was -- it was exciting. Because if you were in the Marine Corps, you knew that combat was why you were in the Marine Corps. That's what you were being trained to do, that's what you were supposed to want to do, and everybody I was with, including me, wanted to do it and was ready to go and couldn't wait to get there.

JUDGE BOYD: How easily, Judge Carroll, did you make the transition from college student to Marine Corps? And I'm speaking in particular about your associations, because you've described your college life as one that you enjoyed principally because of your friendships; your activities. Tell me how you made that transition to a different kind of community there in the Marine Corps

JUDGE CARROLL: It was not a difficult transition, I think, because of the nature of Marine Corps training. I mean, the belief that you really were a member of a band of brothers and this brotherhood, this comradeship in arms, it was all true. I mean, I believe that and still believe that to this day, and that -- that's what eased the transition.

I mean, the people that I was with in the Marine Corps, this bond is something that you never, ever lose and never forget. There's an expression that's true: "Once a Marine, always a Marine." And I think that's absolutely true.

And so once I got in the Marine Corps, they became my family. They became most of my friends. I lost contact with most of the people that I had been in college with except for one guy, and that's a story that's real interesting that will weave into my life much later on. It was not a difficult transition. And I -- quite frankly, the notion of going to war and combat was a good way to kind of focus you on what was serious and important.

JUDGE BOYD: Between '65 when you joined and October '67 when you were getting ready to go to Vietnam, was there any experience that you had which was not so pleasant or left you with a negative feeling?

JUDGE CARROLL: I wouldn't say negative. I'll tell you the first unpleasant experience.

The Basic School class that I went through graduated from Quantico in December of 1966. Some of the people from my class that were infantry officers went to Vietnam within the next three months. And *The Navy Times* was something you read, and *The Navy Times* published casualty lists. And I remember in April of 1966, people from our Basic School class began appearing on the casualty lists. One of the guys that I was good friends with, a son of Italian-American immigrants named Tony Battista, lasted about two weeks in Vietnam before he was killed. He was the first casualty from our Basic School class. So we graduated in December of '66. In April of '67, he was

dead. So that was sort of a reality check.

JUDGE BOYD: Uh-huh. What did you know about Vietnam before you actually went there in October '67?

JUDGE CARROLL: That the Vietnamese had attacked American destroyers in the Tonkin Gulf; that that precipitated bombings of North Vietnam; that the North Vietnamese and Viet Cong were an insurgent force trying to take over the South Vietnamese government. That was about it.

JUDGE BOYD: Did you head there, though, with a clear perspective on America as a friend or -- and the North Vietnamese as the enemy?

JUDGE CARROLL: Yes.

JUDGE BOYD: Did you have a mission that you can now acknowledge? Did you personally go to Vietnam with an individual mission or an aim?

JUDGE CARROLL: I think the -- the mission was to go to Vietnam, do what was asked of you, and do it as well as you possibly could do it.

JUDGE BOYD: Would it be fair to say that when you shipped out in October, you believed that the war in Vietnam was a noble effort?

JUDGE CARROLL: Yes.

JUDGE BOYD: And that America was right for being involved?

JUDGE CARROLL: Right.

JUDGE BOYD: Was there any point during your time in Vietnam that that perspective changed?

JUDGE CARROLL: I think that it began to change around the Tet Offensive of 1968, and it was mainly because I did not believe that the war was really being supported by the South Vietnamese people and the South Vietnamese military. I don't think it changed my view significantly. I mean, there were lots of problems about the way we prosecuted the war and that sort of thing, but I think -- you know, the Tet Offensive of 1968 was a -- sort of a milestone in the war.

JUDGE BOYD: Uh-huh (positive response).

JUDGE CARROLL: I don't know whether you remember much about it or not --

JUDGE BOYD: Uh-huh (positive response).

JUDGE CARROLL: -- but that was when the North Vietnamese decided to launch major attacks against the American bases in the hopes that that, combined with the ill will that was being generated in the United States, would bring an end to the war. I mean, I really think that they thought if they captured a major American base or a major Vietnamese city that the pressure to end the war in the United States would be so severe that it would end.

And so we were under attack. And I can tell you some Tet Offensive stories in just a minute, but the night of the Tet Offensive, when it really began, the North Vietnamese -- I mean

the South Vietnamese Air Force left the air base at Da Nang and went somewhere. And we don't know where they went, but that night we came under heavy attack. And I think that's when we all began to think that, you know, maybe we were in this, the Americans, without really the interest and support of the South Vietnamese government.

Plus we had South Vietnamese women that cleaned our officers' quarters and that kind of thing, and we talked to them about what was going on in the community, and there was a huge amount of corruption in the South Vietnamese government; huge amounts of problems. And so at least that began to give you a feel for what we were doing there.

JUDGE BOYD: Let me be sure I have the facts right on your service there. You started in October of '67?

JUDGE CARROLL: Right.

JUDGE BOYD: Did you stay for a 13-month tour?

JUDGE CARROLL: Thirteen months. Came back in late October 1968.

JUDGE BOYD: Did you re-enlist for another -- for a second tour --

JUDGE CARROLL: No, I was --

JUDGE BOYD: -- or that was your only tour in Vietnam?

JUDGE CARROLL: No, I was -- that was my only tour.

JUDGE BOYD: Give us an idea, though, of exactly what you did during your combat tour of duty. What was your role?

JUDGE CARROLL: Well, let me begin by saying that as an aviator, our lives were much better than infantry officers and infantry troops. I mean, they had the worst part of the Vietnam war. Absolutely.

Ours was a much different environment. We flew night missions primarily into North Vietnam. So a typical day would begin in the early evening with a briefing where they talked about the target you were going to hit that night, what the antiaircraft concentrations were, what had gone on generally that day in the country, what you could expect, that sort of thing.

You'd finish that and go eat dinner. The launches began at dark, so, you know, you could get a flight anywhere from -- be scheduled anywhere from like 10:00 at night to 4:00 in the morning. So depending on when you were flying, you would either go back and go to bed or you'd do something else.

When you were scheduled to fly, you'd go down to the flight line, look at your airplane, make sure it was all right, look at the ordnance you were carrying that night, and launch. And the plane -- the sorties were always an hour and a half, two hours long. Go up into North Vietnam. You'd go out over the water off Da Nang. Go up the coast into North Vietnam, back out again, and back down to Da Nang. I mean, it really almost became routine. It was just --

JUDGE BOYD: Because you were an aviator during the

entire --

JUDGE CARROLL: Right.

JUDGE BOYD: -- 13 months?

JUDGE CARROLL: Right.

JUDGE BOYD: How many missions did you fly?

JUDGE CARROLL: About 240. 150, I think, over North Vietnam.

JUDGE BOYD: What was the hardest thing to handle about being an aviator during that combat period?

JUDGE CARROLL: I think fatigue. For example, when the Tet Offensive -- the citadel at Hue was under attack, and the Marines were under attack by huge North Vietnamese forces at that time. So we were flying, like, three missions a day in support of Hue, and that's physically tiring. When Khe Sanh was under siege, the same thing. So the physical aspects of it were difficult.

JUDGE BOYD: How did you confront that? What type of coping mechanisms did you have?

JUDGE CARROLL: We drank a lot, and we played basketball and read. Got out of country a lot. I mean, that was one of the values of being an aviator is you could leave Vietnam. There were always airplanes that had to be taken from Vietnam somewhere, and that was kind of scheduled so that periodically you'd get some rest and you'd get out and you'd get back in the real world for a little while and then come back.

JUDGE BOYD: Overall, how did you find the 13-month experience in this strange country?

JUDGE CARROLL: Because of the people I was associated with, a great experience.

JUDGE BOYD: What was most difficult to adjust to, other than the fatigue, of course --

JUDGE CARROLL: The possibility I might get killed, I guess. I mean, the first week I was -- the first month I was with that squadron, we lost two airplanes and two aircrews. All four killed. And, you know, that was a real sobering experience. Fortunately, we did not lose another airplane or aircrew to combat for the rest of the time.

JUDGE BOYD: Are there any unforgettable persons in Vietnam that ended up influencing the Judge Carroll that we know today?

JUDGE CARROLL: I don't think there were any that influenced me. I mean, I think the unforgettable experience was the Tet Offensive from 1966. We had just come back from a mission in North Vietnam. It was early in the morning. We had just parked our airplane in what they call revetments, which is an area where the airplanes parked. We were debriefing the mission that we had been on, and the sirens went off. When the sirens went off, that meant that you were about to come under some kind of artillery or rocket attack.

And sirens went off, and you could hear the rockets --

these were 122 millimeter rockets -- begin to -- we called it walking down. You could hear them hit. They have a real interesting sound. They go "crump." Real loud noise. But you could hear them, and they got louder and louder.

And three or four of them hit where our airplanes were parked, and airplanes started burning. People rushed out of the hangars, started pulling these airplanes out of the fire, enlisted men, officers, everybody, just kind of forgetting what was going on. You knew that if you didn't get the airplanes out of the fire, you were going to have serious trouble.

And then I remember going back down the next morning and looking at the damage and the fact that I think three of our airplanes were just charred hulls at that point in time. So that was the --

Flying combat in the air, you don't hear noises, you don't see flames, that kind of thing. It's almost surreal. You see the antiaircraft in colors, you see SAM missiles, but you don't hear them. And this was the -- or feel them. And this was the first sort of visual experience with war.

JUDGE BOYD: When you completed that first tour of duty in Vietnam, did you ever consider reenlisting just for another tour?

JUDGE CARROLL: No, I really didn't. I think -- I had sort of had that experience. It was a great experience, but I didn't think that that's what I wanted to do for the rest of my

life.

JUDGE BOYD: Had you cemented by then what you wanted to do for the rest of your life?

JUDGE CARROLL: Nope.

JUDGE BOYD: So you went back to --

JUDGE CARROLL: And I still haven't, by the way.

JUDGE BOYD: So you went back to complete your tour --

JUDGE CARROLL: Right.

JUDGE BOYD: -- in the Marine Corps?

JUDGE CARROLL: Came back to the Marine Corps Air Station at Cherry Point. Was assigned to a squadron, training air crews that were going to go to Vietnam, since I had just got back.

JUDGE BOYD: That's Cherry Point, North Carolina?

JUDGE CARROLL: Right.

JUDGE BOYD: You were there, then, from '69 to '71?

JUDGE CARROLL: Got back to Cherry Point -- reported back December of '68 and was discharged from the Marine Corps December the 31st, 1969, so about a year.

JUDGE BOYD: You were discharged as a captain?

JUDGE CARROLL: Right.

JUDGE BOYD: Was Captain John Carroll the same John Carroll who had entered the military in 1965?

JUDGE CARROLL: Absolutely not.

JUDGE BOYD: In what ways were you most changed?

JUDGE CARROLL: Lot more self-confidence; lot more self-discipline. And there's nothing like getting shot at to kind of give you a better perspective on life. Things that might have been really important before didn't quite seem so important.

JUDGE BOYD: How had the America you left changed by the time you got back?

JUDGE CARROLL: When I got back, it was a radically changed America, not necessarily for the better. When we were -- we landed at San Francisco coming from Okinawa back into the United States, and, you know, walking through the San Francisco terminal in our Marine uniforms with ribbons on and that kind of thing, and people jeering at us, openly hostile, that sort of thing. Got back --

JUDGE BOYD: How did that affect you?

JUDGE CARROLL: Well, at that point, we were really seriously thinking about starting a major fight, but we decided not to do that. And then the three guys that I came back with all went our separate ways.

Got back home, and the reception of the people was far different than I expected. I expected to be sort of welcomed as a returning war hero, and the people, even close family friends, were not -- they were not openly hostile, but it was like, you know, you're one of those people. You've been over there, and you've done all these terrible things.

The reception was so bad, quite frankly, that I cut my leave short. I had a month, actually about six weeks before I was supposed to go back. I cut my leave short and said, I'm going back, and went back to the people that I knew and cared about back in the Marine Corps. Just was not worth my time being out in the civilian world. They were just -- folks didn't like you, they were hostile, thought you had done something awful, so I was happy to go back with the people I had been in combat with.

JUDGE BOYD: How was the reception from your immediate family, your mother, your father, your grandparents?

JUDGE CARROLL: Well, my grandparents were dead by then, but my parents greeted me at the airport in Washington, D.C., when I landed. And you could tell it was just a tremendous sense of relief. You could also tell that the year I had spent there was a tremendous, tremendous stress on them. They had really, really aged in the year that I had been gone.

JUDGE BOYD: Did you find it easy to put that year behind you and move on to another phase in your military career? That is, the year in Vietnam?

JUDGE CARROLL: Yeah. I mean, I think -- the next phase of your life comes, you put that behind you. So the next year I spent training new air crews, but also at that point deciding that the Marine Corps wasn't for me; that I needed to think about doing something else.

JUDGE BOYD: And what did you think about doing?

JUDGE CARROLL: No idea. There were job fairs that popped up for military officers that were getting out, and I interviewed at a couple -- one of these job fairs and got two job offers.

And you talk about sort of things -- paths that your life takes. The two offers I got, one was Alderman Studios in High Point, North Carolina, which was a furniture advertising business which was looking for somebody to, you know, go on the road as their representative, which really would be a traveling salesman, and do that kind of thing.

The other one is fascinating. The other one was an offer from Electronic Data Systems in Dallas, Texas, which was run by Ross Perot, to be a corporate recruiter for them. In other words, go around the country recruiting people to go to work for Ross Perot. And I went down to Dallas; interviewed with them. They offered me a great job, but that place scared me.

JUDGE BOYD: What scared you about being in Dallas, Texas, with the corporate headquarters of Ross Perot?

JUDGE CARROLL: You know, just a little too conservative for my taste. And I don't -- I don't mean that -- I mean, I don't mean that in a negative way. But that firm at that point in time was -- you wore wing tips, white shirts. And maybe I wanted to do that, maybe I didn't, but I guess I didn't

want people telling me that I had to do that. And it was just the sort of party line that that company had, the feel that it had, that scared me.

So rejected them. Went to High Point, North Carolina. And of course, by this time I had met my wife.

JUDGE BOYD: When did you meet her and how did you meet her?

JUDGE CARROLL: Met her in the spring of 1969 on a blind date.

JUDGE BOYD: This is Susan?

JUDGE CARROLL: Right.

JUDGE BOYD: Where were you?

JUDGE CARROLL: The Marine Corps Air Station at Cherry Point.

JUDGE BOYD: So your relationship actually started while you were in the Marine Corps?

JUDGE CARROLL: Right, but after I had come back from Vietnam.

JUDGE BOYD: When did the two of you marry?

JUDGE CARROLL: In March of 1970.

JUDGE BOYD: And you have a child?

JUDGE CARROLL: Right.

JUDGE BOYD: When was that child born and what is her name?

JUDGE CARROLL: July of 1978, and her name is

Catherine.

JUDGE BOYD: Tell us a little about Catherine.

JUDGE CARROLL: Catherine graduated from Eckerd College in St. Petersburg. Has been working for VoiceStream Communications for a year, and beginning in August, she's going to be in the Ph.D. sociology program at Tulane.

JUDGE BOYD: Getting back to your discharge from the military and your integration back into life in America, let me ask you a little about your political character or your philosophical views after Vietnam.

You described your affinity for Democratic politics, most of which had been nurtured by your father, and your bonding with President Kennedy. Had your views or inclinations been altered at all by your military experience?

JUDGE CARROLL: I think the Vietnam experience caused some reexamination of government and whether government was always right and whether it did the right things. I think that began more political involvement, my at least beginning to think about politics, whereas before, other than being excited John F. Kennedy was president, it didn't really matter much to me.

And quite frankly, when I got back to the United States, I found out about the riots at the Democratic Convention in 1968. Found out the tremendous upheaval that the country had gone through. So I think that caused me to begin to think about whether the institutions of government were right and whether

that was something that we needed to think about.

JUDGE BOYD: Did it cause you to get involved with any particular political party or movement --

JUDGE CARROLL: No.

JUDGE BOYD: -- many of which were going on in the late sixties and early seventies?

JUDGE CARROLL: You know, there again, out of the Marine Corps, first thing I got is a job that I've got to get a handle on. Get married. Those were the things that were important to me back in those days.

JUDGE BOYD: How was Judge Carroll, the business executive at Alderman Studios? What did you do for them?

JUDGE CARROLL: Business executive is a little bit higher title than I had. I used to leave Greensboro, North Carolina, on Monday mornings and travel to Chicago. I had a series of accounts that I called on that I worked. And obviously, in sales -- it was a sales job -- you know, the secret was to get more business.

JUDGE BOYD: Did you?

JUDGE CARROLL: I did, and actually was pretty successful at it.

And I will tell everybody and tell you that being a salesman is the best training for anything in life. I mean, it really is. It's just -- you know, the notion you've got to ask for money if you want it, getting rejected, figuring out what

works, what doesn't work. So it was great training.

JUDGE BOYD: How was that decision to enter law school finally made?

JUDGE CARROLL: Starting in January of '71, I started thinking about doing something other than being a salesman. And I realized then that in order to -- at least I thought that the best thing to do was get some sort of professional degree. I thought about going and doing an MBA program, and I thought about law school.

And it's probably -- there's probably some osmosis going on; that this is when I began to think that there was something that you could do to impact the country; that there were some things you could do to make social change. I don't remember when I finally had that conscious decision, but that's really, I think, the decision that drove me to law school.

And I really do have some flashback, which is in my role as a salesman, riding with a client in Chicago along the expressway, looking at the projects in Chicago and the poverty and that sort of thing and saying to myself, you know, maybe there's a better thing to do with your life than what you're doing. And that's when I started moving towards law school.

And really, when all is said and done, I think the motivation to go to law school was that there's a notion that as a lawyer, as opposed to somebody with an MBA, you could have some sort of impact on the country and life; that really, that

was the only profession that offered that opportunity.

JUDGE BOYD: Were there any persons who were role models or mentors for you at that point?

JUDGE CARROLL: Nope.

JUDGE BOYD: Then how did you choose Cumberland Law School in Birmingham?

JUDGE CARROLL: As I mentioned to you, my minor in college was partying. So I took the LSATs, got a good score on the LSATs, but I had awful undergraduate grades. And so when I started casting about for law schools, not everybody was just excited as they could be to let me enter their doors, so my law school choices were limited. I just decided Birmingham as opposed to Macon or San Antonio. I wish there was some grander scheme, but that's just it.

JUDGE BOYD: Was it your first experience living in the deep south apart from, of course, the military communities you had visited?

JUDGE CARROLL: It was. And I'll always remember, Susan and I came to Birmingham to get an apartment a couple of months before we actually moved to Birmingham, because we were going to visit some friends that were here at Maxwell Air Force Base; sort of a southern swing. Other than being in North Carolina in the military, that was my first trip ever to the south and absolutely my first trip ever to Alabama.

JUDGE BOYD: Was it a rude awakening?

JUDGE CARROLL: Not at that point. I mean, Birmingham was a fairly nice-looking city and, you know, didn't really have -- we weren't there long enough to get any feel one way or the other.

JUDGE BOYD: How did you make the adjustment to law school from the military life?

JUDGE CARROLL: As I tell everybody, it was so much better than getting shot at that -- but seriously, by the time I got to law school, a lots of things had happened in my life. I had matured; I had gotten self-discipline. So law school was not bad for me. I mean, I really -- I was ready for the challenge of law school, ready to buckle down, ready to commit myself to that, and I did.

JUDGE BOYD: And how soon after getting to Cumberland did you say to yourself, this is my calling, this is what I've been aiming to do?

JUDGE CARROLL: I think as soon as I got there. I mean, had some really interesting experiences. Ran into some people at the law school that were sort of kindred spirits right away.

I remember the first thing we did -- we hadn't been at the law school -- first thing happened was the Attica riot, and I remember that generating a huge amount of discussion. And then there was a trial in Birmingham involving the Alabama Black Liberation Front, and we went down and watched that. A bunch of

us started volunteering at a place called Freedom House in Birmingham, which was for homeless and street people at the time.

So one thing I was able to do at Cumberland was to connect with some sort of kindred spirits. And at that time, there were lots of folks that were in law school for the same reason. There were social problems, and social problems needed change at that point.

JUDGE BOYD: You, then, were rather active outside your law school classes. What type of law school student were you?

JUDGE CARROLL: Well, I was a good student. I mean, finally having settled down, I ended up second in my class or third in my class. And so second semester freshman year, I got straight A's. So I turned out to be a pretty good law student once I settled down.

JUDGE BOYD: How do you assess the value of your experience at Cumberland on your career as a lawyer and as a judge and even as a professor?

JUDGE CARROLL: I think it was a great experience. I mean, the people I met, the contacts I made -- I mean, I was able to go to the Southern Poverty Law Center because I went to Cumberland because my senior year, I was president of the student body, and Morris Dees came up to speak to the student body. And he and I got to chatting about, you know, what I was going to do next, and he said, Why don't you send us an

application? I did, and that's how I ended up at Southern Poverty Law Center.

Had I not gone to Cumberland, met Morris Dees, I would never have ended up there. So it's one of those --

As I tell my daughter, things just kind of work out. You know, this kind of worked out.

Maybe traditionally going to Harvard Law School would have been better; but in my life, the way things worked out, the fact that I ended up at Cumberland, best thing that ever happened to me.

JUDGE BOYD: Did you have any summer law clerkship experiences before you graduated Cumberland?

JUDGE CARROLL: I worked full time when I was in law school. After the end of my freshman year, I worked a full-time clerkship with Equal Employment Opportunity Commission and then worked with them all through my sophomore year while I was going to school and then the summer of the sophomore year. So the only clerkship I had was with Equal Employment Opportunity Commission.

JUDGE BOYD: You told us that you met Morris Dees, and that was your connection to your ultimate work with the Southern Poverty Law Center. Describe for us what the Center was like, first while you were in law school. What did you know about the Southern Poverty Law Center, and particularly what had influenced you to get Morris Dees to come to the campus?

JUDGE CARROLL: Southern Poverty Law Center was in its relative infancy back in those days but had already garnered a lot of publicity by the work that it was doing in the civil rights area. And by then I had decided that's something I really wanted to do, was that -- that was what I wanted to do, get into civil rights or some kind of indigent criminal defense.

JUDGE BOYD: Now, before you actually did that, I believe that you left Cumberland and went on to Harvard Law School?

JUDGE CARROLL: Right. Got a master's degree from Harvard.

JUDGE BOYD: And it was Professor Gamble who had that influence to --

JUDGE CARROLL: Right.

JUDGE BOYD: -- direct you there?

JUDGE CARROLL: Yep.

JUDGE BOYD: What was Harvard like in '74, '75?

JUDGE CARROLL: Harvard was really interesting. It was -- obviously, some radicals, some liberals, some conservatives, but just the educational experience of being there and being back in Boston was just tremendous and the opportunity to study under the Harvard professors.

JUDGE BOYD: Were there any in particular who stand out as mentors?

JUDGE CARROLL: Paul Freund, who was a constitutional

law expert. I took a seminar in constitutional litigation from him where he talked about experiences -- his experience as Solicitor General. I mean, you know, those kinds of things.

And John Hart Ely, who later became dean of Stanford. He taught federal practice and procedure.

A great course that they made you take that I just said, this is the worst course I'll ever have, American Legal History From 1632 to 1695 or something like that, which was a spectacular course by a legal historian named Morton Horwitz.

But, I mean, the whole experience up there was just great.

JUDGE BOYD: Before you went to Harvard, had you already isolated a practice area of particular interest to you?

JUDGE CARROLL: Well, I had already gotten the job with Morris before I went, so --

JUDGE BOYD: So it was during your time at Cumberland, then, that you acquired, would you say, a passionate interest in public interest law?

JUDGE CARROLL: Yes. Yes.

JUDGE BOYD: What do you think sparked that?

JUDGE CARROLL: It's just really hard to tell. Just sort of a processing of all these experience that I had had. It was just -- they all sort of coalesced in this -- there was no epiphany; there was no falling off the horse. It was just -- sort of a gradual coalescence of all my experiences led me in

that direction.

JUDGE BOYD: So you left Harvard, came back to Alabama. Did you take the bar exam then, or did you take it --

JUDGE CARROLL: I took it before I went back.

JUDGE BOYD: You began your career at the Southern Poverty Law Center in '75?

JUDGE CARROLL: Right.

JUDGE BOYD: And spent almost ten years there, didn't you?

JUDGE CARROLL: Almost ten years.

JUDGE BOYD: You began as an attorney. You became legal director.

Would you describe the Center you came to in '75? Tell us a little bit about the work that you did, and if it -- if your work changed during that nine- or ten-year period, comment on that for me, please.

JUDGE CARROLL: The Center was an incredible place to work back in those days. From looks, it was your sort of stereotypical street law place. I mean, we were over on South Hull Street in what would be described as a fifties bungalow. You know, we wore jeans to work, that sort of thing, but there was this real creative energy at the place at that time.

I was -- when I got there, Morris and Joe Levin were there, Pam Horowitz was there, and then I was the fourth lawyer. And it was just a marvelous time. I mean, the legal issues were

great. The people were great. The freedom was great.

The first case I worked on, for example, was -- the first case -- I landed in Montgomery in July of 1975. Morris says, you've got to come to North Carolina. He was in the middle of the Joan Little case at that time. And that was my first experience with Morris, this major, nationwide case with publicity all over the place, with people accusing Morris of being unethical right and left and the other lawyers on the defense side. So that was a great experience.

JUDGE BOYD: Because this interview is being preserved for posterity, remind us about the Joan Little case and its place in the legal annals.

JUDGE CARROLL: Joan Little was an African-American woman who killed a jailer and escaped from a jail in rural North Carolina. And it presented huge amounts of social issues because race was involved; gender was involved. There were serious allegations that this jailer had tried to assault Joan Little, and that's why she killed him. That was certainly her defense. The jury ultimately believed that defense and acquitted her. But being in rural North Carolina as part of Joan Little's defense team was really, really interesting.

And I also got to see firsthand -- watch Morris work and watch people of his skill work, which was invaluable training. I mean, they took a case that for all intents and purposes was a dead loser and were successful with it because of

the way they worked it.

JUDGE BOYD: You were fortunate, then, to leave law school and jump right into an activist practice.

JUDGE CARROLL: Yep. Absolutely.

JUDGE BOYD: When you agreed to work with the Southern Poverty Law Center, did you know that you would be involved with death penalty litigation?

JUDGE CARROLL: You know, I'm not sure. I just don't remember.

JUDGE BOYD: How long after working there did you have your first exposure to death penalty litigation?

JUDGE CARROLL: I came back from the Joan Little case. Was back in Montgomery maybe three days. Morris said, We've taken a case in south Georgia. You're an ex-Marine. This involves a Marine. You've got to come work the case with me.

Well, the person we were representing was an individual named Roy Patterson. He was a Marine sergeant stationed at the Marine base in Albany, Georgia.

He and his brother were driving back from Albany to the interstate at Cordele, Georgia -- Roy Patterson, his family, and his brother's family in one car -- when they were stopped by a state trooper for a taillight violation. The trooper, we believe -- and I think the evidence established that he was abusive; that Roy spoke back to him; that the trooper then arrested Roy's brother for the taillight violation. Took him to

the police station in Cordele, Georgia.

In the police station in Cordele, Georgia, a struggle ensued, and our client ended up killing the state trooper and a police officer. So we ended up in Cordele, Georgia, in July of 1975, defending Roy Patterson.

JUDGE BOYD: Within months after graduating Harvard Law School in '75, you found yourself embroiled in a controversial death penalty case. What was your role and what memories do you have of that first death penalty case?

JUDGE CARROLL: Because it was my first, and because there was a fellow Marine involved, it really I think -- the memories are very fresh in my mind.

The role that we had decided is Morris would really take the lead in the guilt phase of the case. That I would assist him, you know, and do some of the work involved in the legal issues, but in terms of the presentation of the testimony and that sort of thing, that that would be pretty much his role. And then that if it went to a penalty phase, that is, if there was a conviction for murder, that I would take -- along with a local lawyer, who was C.B. King, would take the penalty phase. And that's the way it worked out.

JUDGE BOYD: What was the outcome of that Roy Patterson case?

JUDGE CARROLL: The jury concluded that he was guilty of murder, and so that left the penalty phase to decide whether

he would live or die.

Morris, as I said, had decided at that point to get out of the case. I mean, not actually, but that he thought the jury, having rejected the guilt phase, that it would probably be from a credibility standpoint better if I were there rather than he. And I think that's a technique that we later used and passed along to other lawyers. I think it's true.

At any rate, you know, the closing argument to the jury, quite frankly, C.B. King -- there were African Americans on the jury -- really talked to the African Americans about issues involving traditional treatment of African Americans by the police. I really was talking to the white jurors about Roy Patterson's role in the military, his role in the Marine Corps, his honorable service.

The jury began deliberating the penalty phase and deliberated for an extremely long period of time. Over a weekend. Could not reach a verdict. And under Georgia law, if the jury could not reach a verdict, a life sentence had to be imposed.

So I went home to Montgomery; got my wife to go back with me that Monday. Said, you know, it's interesting. Come on back.

So we arrived in the courthouse in Cordele on that Monday early in the morning. Jury still could not reach a verdict. Deliberated all day.

Late in the evening, we're in the courthouse in Cordele, and it's one of those -- it's almost like a scene from a movie. All the African Americans are on one side of the courtroom, and Susan and I and C.B. King are over on that side. All the family members of the victims, a lot of the white people in the Cordele community, on the right side of the courtroom.

The back doors open, and you're looking at the judge, and there are two doors on either side of them. Those doors opened, and armed law enforcement officers then ring the courtroom from beside the judge all the way in the back. I mean, it was obvious to all of us that they were about to bring in the jury; that this was a final and last attempt to intimidate the jury into returning a unanimous verdict of death.

Of course, I jumped to my feet. Told the judge they couldn't do this. Told the bailiff not to bring that jury anywhere near this place. We argued for a while. The judge obviously realized that we had made a sufficient record that if he continued to allow that, that we'd have a serious problem on appeal, so he rescinded. Law enforcement officers left the courtroom.

My poor wife, Susan, who I had dragged over there, said she was convinced we were going to get shot at that point, but I was not so convinced.

Late that evening, the judge finally declared that the jury could not reach a verdict, so he imposed a life sentence.

We're driving back to the motel and got run off the road by some irate Cordelians, whereupon Susan and I decided we're heading home. So we drove back to Montgomery that night.

The Roy Patterson story has a sort of happy ending in the sense that we fought his case through the Georgia Court of Appeals. We fought his case through the federal system. And finally, ten years after the conviction, the Eleventh Circuit reversed his conviction.

There was a real issue about whether or not we should try the case again. After long discussions with the client, he decided that at that point, he would simply plead to time served and was released. So that was my first experience.

JUDGE BOYD: It was a rare happy ending.

JUDGE CARROLL: A rare happy ending, although it did involve ten years of prison for Roy.

But he was a remarkable human being, and I kept track of him all through prison. Visited him frequently. He became a Muslim in prison, a very devout Muslim, you know, and so he was able to make a positive out of that negative.

JUDGE BOYD: I am amazed at your report of your role during that time, because it seems unheard of that one fresh from law school would have the experience necessary to go into a southern courtroom in the mid 1970s and defend someone charged with a capital offense under the circumstances of the legal system then. What prepared you?

JUDGE CARROLL: Just life experiences. I mean, at that point in time, I am 32 years old or almost 32; had been in the Marine Corps; had been a traveling salesman; learned lots about life. And, quite frankly, those capital cases back in those days were your ability to relate to people. And, you know, we knew the -- I knew the basic legal issues from having studied them and gotten up to speed on those, but this was more a human dynamic, I mean, representing a fellow Marine and that sort of thing. So it was just -- I was mature at the time. I was 32 and had had lots of experiences that prepared me to do that.

Plus, you know, the local lawyer, C.B. King, who is a very famous civil rights lawyer in Georgia, was, you know, there with me, and worked together. So --

JUDGE BOYD: Did that first experience serve as a foundation for your voluntary entry into death penalty litigation, or did you simply accept those cases because that's what the Center did?

JUDGE CARROLL: It's a combination of both, I think. I mean, the death penalty presented huge numbers of issues relating to poverty. Regardless of how you felt about the goodness or badness of the death penalty, I mean, the notions of racial issues, the notions of poverty, I mean, those were issues that ran then and still do run through the death penalty.

So even -- regardless of how you came on -- which side you came down on in the debate about whether we ought to have

capital punishment or not, those issues were there, and those issues were the same kind of issues that we were interested in at the Center.

JUDGE BOYD: There have been few issues so frequently and vigorously debated in our country's history as the death penalty. Probably abortion is a close second, or it may be tied for first. And it's those who are involved as lawyers representing persons charged with the death penalty are frequently outcast, not only by the legal society but by the overall community. When in your experience as a death penalty lawyer did you begin to experience the negatives of representing the outcast in cases that were so unique because they involved life and death situations?

JUDGE CARROLL: I don't know that I really ever experienced any sort of severe negativity that I wouldn't really expect.

I was trying a capital murder case in Birmingham in -- I can't remember -- the late seventies when the family of the victim came up to me and told me that they wished I'd rot in hell for what I was doing.

But for some reason, the approach that we took to cases -- and a lot of this is because of Morris -- I think we were sensitive enough to everything that was going around that people ended up, when they first -- while they might first have thought they didn't like us, they ended up understanding what we

were trying to do and respecting us for it. It was a very interesting phenomenon.

And I'll relate one story. Morris and I tried a capital murder case in Arkansas in the late seventies, early eighties. A young African-American man charged with killing a jail guard who was -- trying -- during an escape who was loved by everybody in the community. And it was a fascinating issue, fascinating watching that community transform from they'd just soon kill us when we walked in the front door, to they understood who we were, what we were doing, and why we were doing it. In fact, the district attorney that tried that case against us ended up going into private practice later and representing defendants charged with capital crimes.

I mean, I think it was really the approach and the sensitivity. The real skill that Morris had and the skill that he imparted to me was southerners are not bad, evil people. They just -- you have to understand where they're coming from and work that. I mean, working with him was really -- his ability to motivate and persuade was remarkable, and I think --

Montgomery was probably the place we got the most heat because nobody in Montgomery really liked Morris, and if you were associated with Morris, they really didn't like you much. But never anything -- you know, other than getting run off the road in Cordele and the offices getting fire bombed by the Klan, that was really the only manifestations. So --

JUDGE BOYD: How much of your time at the Center was dedicated to death penalty work?

JUDGE CARROLL: Probably about 50 percent. You know, we were at the same time doing class action litigations in employment, prison conditions, and mental health stuff at that point in time.

JUDGE BOYD: You actually became legal director for the Center at what point?

JUDGE CARROLL: You know, I think it was 1978, '77, '78, something like that.

JUDGE BOYD: Within three or four years after your arrival?

JUDGE CARROLL: Right.

JUDGE BOYD: And when you arrived, Morris himself was litigating frequently; Joe Levin was on board; you referenced I think Pam Horowitz.

JUDGE CARROLL: Pam Horowitz. Right.

JUDGE BOYD: How did the Center change in the number of lawyers or its focus on law -- poverty law issues during the nine years that you were there?

JUDGE CARROLL: Joe left to go with the Carter Administration. When Joe left, we hired -- and I can't -- I don't have the exact hiring sequence -- Dennis Balske, Ira Berman, and Steve Ellmann.

Dennis was an experienced trial lawyer from Ohio.

Steve and Ira were both Harvard undergraduate and Harvard law graduates. They all came about the time Joe left. And so at that point, we were traditionally focusing on death penalty and civil rights issues.

Towards the mid eighties, Morris got involved in a case involving the Ku Klux Klan in north Alabama. The issue revolved around the treatment of a mentally retarded man and then a shooting at a Klan rally that was spawned by this -- the debate over how this African American was treated.

There were -- Decatur was in sort of full-blown war. The Klan, African Americans were at one another. There were daily marches and demonstrations. And during one of these demonstrations, a Ku Klux Klansman was shot. We represented the individual charged with shooting the Ku Klux Klansman. And that was the Center -- beginning of the Center's involvement in the hate group activity. And that was in '83, '84, something -- probably '83.

JUDGE BOYD: Let me see if I can have you isolate for us some of the highlights of the time you were at the Center by focusing first on the death penalty litigation. Roy Patterson's case clearly is memorable because it was your first and because of your bonding with him as a Marine Corps. Looking back on the other cases that you handled in the death penalty area, which are memorable and for what reasons?

JUDGE CARROLL: There was Johnny Ross. He was a

15-year-old on death row in Louisiana at the time we represented him. He was charged with rape. We ended up in the postconviction process being able to uncover some evidence that should have been presented earlier but was not. And, again, he pled to time served and was released.

We did a lot of appellate work involving the death penalty. I argued two cases in the United States Supreme Court involving death penalty issues.

JUDGE BOYD: What years were those?

JUDGE CARROLL: You know, I'm just not good at them.

JUDGE BOYD: I'm interested in knowing the makeup of the Court --

JUDGE CARROLL: I want to say '82 and '84 --

JUDGE BOYD: -- when you made that argument.

JUDGE CARROLL: -- '83 and '85, maybe.

I lost both of them, by the way.

JUDGE BOYD: But who were the -- what about the makeup of the Court?

JUDGE CARROLL: Burger was the Chief Justice.

JUDGE BOYD: Okay.

JUDGE CARROLL: That was the beginning of -- you know, that was post-Warren, so -- and I think --

JUDGE BOYD: Every lawyer's -- every litigator's dream, of course, is to stand before the nine members of that U.S. Supreme Court and make an argument. Share with us your memories

of that first case before the U.S. Supreme Court.

JUDGE CARROLL: I was actually at the Supreme Court four times at counsel table.

The first time was with Pam Horowitz when she argued a case called Dothard versus Rawlinson. We had sued the Department of Public Safety because they had a height and weight requirement for state troopers. If you were under 5 foot 2 or under 140 pounds, you could not be a state trooper.

Well, fortunately, we were able to convince the Court that there were people that met that height and weight requirement that could not run ten feet and couldn't do any of the physical requirements of the job, and so the Court struck down that as a gender issues. So I was there watching Pam argue.

A case called Beck versus Alabama that I wrote a lot of the brief on but was argued by lawyers from New York, I was there for that argument.

So by the time I actually got to argue, it was my third time. So by then it certainly had gotten less intimidating, and by the fourth time, it was not intimidating at all. But always an incredible experience. I mean, just to be there in the courtroom, in that court, and be part of the process.

Although I will tell you that my last oral argument, the Chief Justice fell asleep during it. But I don't take that as the caliber of the argument. He was just tired at that time.

JUDGE BOYD: I was about to ask which of the justices left you with favorable or negative impressions, but you partially answered that.

JUDGE CARROLL: You know, Justice Burger fell asleep during my second oral argument.

Both oral arguments, Justice Marshall always played the devil's advocate. He was just very gruff and would always attack the petitioner's side, even though in a death penalty case, he was going to rule for you. He was always interesting. And Rehnquist, I recall him asking me a couple of questions. Brennan was fairly quiet. And I remember Justice White being very, very talkative during the second oral argument.

JUDGE BOYD: Johnny Ross, the 15-year-old in Louisiana, that surely is someone you'll recall among your death penalty clients. Are there others for various reasons?

JUDGE CARROLL: Well, John Evans and Wayne Ritter are the two clients that I remember. They were ultimately executed. They asked for the death penalty, and we fought long and hard battles for them.

An inmate in Florida named Bennie Demps that I represented for many years, and he was executed last year after 25 years in the legal process.

JUDGE BOYD: Did you ever actually witness an execution?

JUDGE CARROLL: No. Did not.

JUDGE BOYD: Were you ever asked --

JUDGE CARROLL: I was never asked.

JUDGE BOYD: -- by any of your clients to do so?

Is that something that you ever wanted to do?

JUDGE CARROLL: You know, if a client asked me, I'd do it, I think, but I have no desire to do it.

JUDGE BOYD: When you went to the Center, would it be fair to describe you as someone who was fiercely opposed to the death penalty?

JUDGE CARROLL: You know, I'm not satisfied that I ever framed an opinion one way or the other. It was just that there were issues relating to the death penalty that were important; that there was injustices, I thought, arising out of the use of the death penalty. I mean, I think there's a good-faith debate on both sides of the death penalty issue.

JUDGE BOYD: So even your representations of persons charged with the death penalty didn't necessarily move you to a point of view that cast you in the category of pro or --

JUDGE CARROLL: I think --

JUDGE BOYD: -- anti?

JUDGE CARROLL: You know, while I was at the Center, I think I was perceived as being antideath penalty, and I think I probably was. I think -- like -- as you develop anything in life, as my hair has gotten grayer, so have all other issues.

And I think particularly in this job -- I mean, when I

swore the oath to uphold and defend the Constitution, I also -- part of that oath was that if I had the opportunity to impose a death sentence or affirm a death sentence, that I would do that. And so I was able to resolve that. I could do either of those things. I mean, I could rule fairly and impartially on any death penalty case, and I think I have.

But having said that, I'm not confident the death penalty is a really good idea for a variety of reasons.

JUDGE BOYD: Did death penalty litigation provide you with any skills that you found unique later on in your law practice or even as a judge?

JUDGE CARROLL: There's really a two-part answer to that. Certainly the legal issues around the death penalty were incredibly challenging and, I think, gave me the opportunity to really think and work on very, very important constitutional issues.

I think more importantly, though, on the trial side, the way that death penalty cases ended up being tried, the skills that were important are skills that you transferred over into the regular civil or criminal practice very easy. The notion of how important it was to relate and how important the emotional issues in a trial were, those sorts of things. So I think the death penalty litigation was a real benefit to me doing all other kinds of litigation.

JUDGE BOYD: And, of course, the Center was as active

in civil rights litigation intended to benefit large numbers of classes. You've referenced some of them, in particular the ones involving the height and weight requirements for state troopers. Were there other broad-based class action lawsuits during the time that you were at the Center that you're particularly proud of?

JUDGE CARROLL: Our work in the Alabama prison case. I mean, I think we, along with the ACLU and Ralph Knowles in particular, represented the inmates in the Alabama prison system conditions case for many, many years. And I think because of that litigation, conditions in the system were finally brought to a humane level.

Same is true of the Alabama mental health system. We represented the persons committed to the Alabama Department of Mental Health for many years, and I think, again, because of that involvement, the level of treatment afforded those people was significantly increased.

JUDGE BOYD: On the prison case, you're referring to the Newman --

JUDGE CARROLL: Right.

JUDGE BOYD: -- lawsuits?

JUDGE CARROLL: Newman v. Alabama, Newman v. Graddick.

JUDGE BOYD: And Wyatt --

JUDGE CARROLL: Wyatt v. Sawyer.

JUDGE BOYD: -- Wyatt v. Sawyer for your mental health?

Okay.

JUDGE CARROLL: Actually, one of the -- a small case that I'll always remember, first case I ever filed -- civil case -- at the Center was on behalf of an African-American woman who was at John Patterson Technical School in cosmetology school, and they would not let her work on the hair of Caucasians. Filed that lawsuit, Judge Johnson got the case, agreed with us.

JUDGE BOYD: Did you, yourself, participate in some of the Klan -- anti-Klan, antihate group litigation that the Center ventured into in the early eighties?

JUDGE CARROLL: I represented the individual in Decatur charged with shooting the Klansman. Morris and I tried that case. That was -- that was right as I was getting ready to leave the Center, so I never really --

After I left the Center, I did some legal work, wrote some briefs, gave some advice to the Center lawyers on a case they filed in Houston, Texas, to get an injunction to keep the Klan from harassing Vietnamese fisherman. So I had some part in that case. And I also had some part in developing the legal theories that Morris ultimately ended up using in Mobile against the United Klans of America for hanging the young African-American person down there.

So I -- until I took this job, I really had sort of consistent contact with them over these issues but did not

represent the Center or any of its clients after the Decatur incident.

JUDGE BOYD: Those familiar with the work of the Center, particularly during the time that you were there, also are aware that Morris Dees and the lawyers who worked with him were constantly facing threats of personal injury or death. Did you, yourself, or your family experience any close calls during the time that you were with the Center?

JUDGE CARROLL: We got run off the road over there in Cordele, Georgia. And then the only other time was on my daughter's third birthday, our offices got firebombed.

I had just come back from Florida, working on a death penalty case. Got in late. Three o'clock in the morning, I get a phone call from Morris saying our offices are burning. So I jump in the car, head down to the Center, and sure enough, the offices were on fire. By then the fire department was there and pretty much had it under control. It was sort of surreal. I left that, and at noon went to my daughter's birthday party at Chuck E. Cheese.

But other than that, I never got any death threats or anything like that.

JUDGE BOYD: So overall, how would you describe your nine or ten years at the Center?

JUDGE CARROLL: An incredible experience. One that I will always treasure and one that's been beneficial to me

whatever I've done since then.

JUDGE BOYD: Why did you leave?

JUDGE CARROLL: Time for some new challenges.

JUDGE BOYD: What challenges did you find?

JUDGE CARROLL: Went to full-time law -- to full-time law teaching after a brief period of time in private practice.

JUDGE BOYD: What attracted you to teaching?

JUDGE CARROLL: The ability to study the law; the ability to discuss the law; the ability to interact with bright people about the law; and the ability to perhaps make some contribution or influence some lawyers.

JUDGE BOYD: Had teaching been something that was in the back of your mind even when you were at Harvard or Cumberland?

JUDGE CARROLL: I think I began thinking about law teaching because the LLM at Harvard was really designed for that -- for that approach; that if you took an LLM from Harvard, eventually you would go into teaching.

I guess I got into it because as we started doing death penalty cases, people then began asking us to speak about our experiences and lessons learned and that kind of stuff. And I actually had done some instruction when I was in the Marine Corps, and I think just -- that kind of all came together. When the opportunity to return to -- to go to law teaching arose, I took it.

JUDGE BOYD: What was your first opportunity in law teaching?

JUDGE CARROLL: I was a professor at Mercer University in Macon, Georgia, at their law school in 1985 and '86.

JUDGE BOYD: What did you teach there?

JUDGE CARROLL: Constitutional law, criminal procedure, and evidence.

JUDGE BOYD: How would you describe that experience?

JUDGE CARROLL: Again, another incredibly good experience. The colleagues at Mercer were great people, the courses I had to teach were incredibly interesting, and the interaction with students was great.

JUDGE BOYD: During that time, did you become more cemented in your aspiration to be a law professor, or did you find yourself in search of even other challenges within your career?

JUDGE CARROLL: I really liked law teaching. At that point, I had really begun to think about whether I wanted to begin practicing a little bit on the side or do some consulting work just for more challenges.

JUDGE BOYD: You became a federal Magistrate Judge in 1986 --

JUDGE CARROLL: Right.

JUDGE BOYD: -- here in the Middle District of Alabama.

JUDGE CARROLL: Right.

JUDGE BOYD: What month was that?

JUDGE CARROLL: November.

JUDGE BOYD: Why did you apply for that position?

JUDGE CARROLL: You know, I think the aspiration of all of us who practiced in federal court was to some day be a federal judge; to be on the other side of that bar and that bench. And I think that's what motivated me.

When the opportunity to come back to this district -- and I really do say this district. I don't believe that I would have applied anywhere else in the country.

JUDGE BOYD: Is that because most of your practice while at the Center was focused right here in the federal court?

JUDGE CARROLL: Right. And I had a real love for this district. I mean, I practiced in front of Judge Johnson, I practiced in front of Judge Varner, and I, you know, had great experiences here. There's just something special about the judiciary in this district. There certainly was to me then and there certainly is to me now.

JUDGE BOYD: The opportunity arose, then, for you to come back to federal court here. You assumed that in 1986, and you have been a Magistrate Judge continuously for over 14 years now; is that correct?

JUDGE CARROLL: Right.

JUDGE BOYD: The Magistrate Judge bench here in the Middle District has certainly evolved during that time. Would

you agree, Judge Carroll?

JUDGE CARROLL: Absolutely.

JUDGE BOYD: Give us some perspective on that evolution. And if you would, start with your predecessors and bring us up to when you assumed the role.

JUDGE CARROLL: The modus operandi of the Magistrate Judges when I got here -- and when I got here, Judge Gwaltney was a Magistrate Judge. Judge Dubina had been one but had then been elevated to the District Court bench. So I took Judge Dubina's slot. So, really, the modern era of Magistrate Judges began with Judge Gwaltney and Judge Dubina.

Judge Gwaltney was utilized mainly to do preliminary work in criminal cases and preliminary work in prisoner cases. That was the role that the District Court assigned to him.

The interesting thing about the Magistrate Judge position is that it is flexible and is designed to be of assistance to the District Court. So depending where you are in the United States, Magistrate Judges are utilized in different ways.

So when I got here, the traditional utilization of Magistrate Judges had been preliminary criminal proceedings and prison cases. Judge Dubina really began what I will call the transition, which is he was very well qualified, former clerk to Judge Varner, well respected practitioner. So when he took the Magistrate Judge position, I think it elevated it in the eyes of

the bar and of the judges of the district court. So he began the move for more responsibility to the Magistrate Judges.

I took his place. Then in May of 199 -- I'm sorry -- May of 1987, Judge Coody came on board to replace Judge Gwaltney, who had retired, and we both then began to seek more responsibility in the position.

JUDGE BOYD: During the period between 1986 and '92 before Judge McPherson came on board, describe for us, if you will, how you and Judge Coody transformed the post of Magistrate Judge for the Middle District.

JUDGE CARROLL: I think the real key was when Judge Thompson became chief judge, he was receptive to new ideas about how the caseload of the Court could be managed more efficiently. And so we at that point suggested that we be given expanded duties, particularly in the civil area; that we begin handling civil discovery; we be given expanded duties in the criminal area; that we start handling arraignments and perform more pretrial functions. And he was very receptive to that.

JUDGE BOYD: So much so that presently the Magistrate Judge position here in the Middle District is how comprehensive?

JUDGE CARROLL: It is as comprehensive -- we do everything that the statute authorizes us to do. And quite frankly, in circles throughout the country in the federal judiciary, we are looked upon as a model for the use of Magistrate Judges, both by the way we're utilized, the

relationships we have with the District Judges, and that sort of thing.

JUDGE BOYD: Specifically with reference to criminal litigation, what is the role of a Magistrate Judge here in the Middle District, 2001?

JUDGE CARROLL: The Magistrate Judges handle all the preliminary proceedings in criminal cases, and they manage the criminal cases; that is, they set schedules, take guilty pleas, set trial dates. And in addition, they handle all of the dispositive criminal motion and nondispositive criminal motion practice. So a District Judge does not see a case until it is either ready -- until it's tried or sentencing. We would handle everything up to that point.

JUDGE BOYD: Similarly, how has the civil caseload evolved for the Magistrate Judges here in the Middle District?

JUDGE CARROLL: We handle all of the discovery in civil cases and then have a substantial consent caseload. A consent caseload affects 28 United States Code Section 636(c), which says that the parties in a civil case can agree to have a Magistrate Judge exercise case-dispositive jurisdiction.

We're on -- to use a technical term, on the wheel. That is 40 percent of all civil cases are randomly assigned to the Magistrate Judges, and the parties are given the opportunity to consent, which means that in those cases they act like a District Judge; that they exercise all the powers and authority

that a District Judge has. And that's been a very successful program. The Bar has accepted all of the Magistrate Judges as competent trial judges and routinely consent to have us dispose of their cases.

JUDGE BOYD: It sounds like Middle District Magistrate Judges have very little time to do anything more than manage their caseloads.

JUDGE CARROLL: Well, we're busy, but it's a busyness that's productive and rewarding.

JUDGE BOYD: Over the 14 years plus that you have served, what have been your greatest challenges as a judge managing your caseload?

JUDGE CARROLL: Simply keeping up with the everyday flow of paperwork and managing the cases; to make sure that no cases languish; to make sure that everybody gets a fair hearing within a reasonable period of time. Those are the real challenges.

JUDGE BOYD: Now, you have been and are now Chief Magistrate Judge.

JUDGE CARROLL: Right.

JUDGE BOYD: Is that correct?

For how long have you had that --

JUDGE CARROLL: Since 1995.

JUDGE BOYD: What additional responsibilities have you had as Chief Magistrate Judge?

JUDGE CARROLL: The chief judge really acts as the liaison between the Court, the District Judges and the Magistrate Judges, on policy issues. He develops or she would develop policy for a variety of issues and just generally works procedural matters among the Magistrate Judges.

JUDGE BOYD: How easy was it for you to make the transition from almost a decade as a prime litigator, controversial cases, to teaching and then to being a judge?

JUDGE CARROLL: I think the transition I had was the transition that everybody goes through, which is, the transition from advocate to neutral decider is not easy for anybody. The understanding that you did not have a side, that you had to rule fairly and impartially on whatever you had in front of you, it takes a while. I don't know that it was difficult, but it certainly isn't something that immediately happens. I mean, you have to constantly work at, I am a judge. I am not on one side or the other of this. I've got to call it straight down the middle.

JUDGE BOYD: For you was that particularly challenging, since you had been an advocate for most of your private practice?

JUDGE CARROLL: Well, you know, it's interesting. I came into this position with all sorts of stereotypes. I had represented the Alabama prisoners. I had done death penalty litigation. I had always been a criminal defense lawyer. And I

think everybody thought I was going to bend over backwards to help prisoners and defense litigants. Well, I think I am now viewed as exactly the opposite; that I am probably tougher on those people than my colleagues are.

And I don't think it was any more difficult for me than it would be for somebody who had come from the other side. I think it's difficult for everybody. But, I mean, I think I can say without fear of contradiction that the judges of this court who have come from incredibly varied practice backgrounds are perceived by the lawyers as being all down the middle and fair.

JUDGE BOYD: What are some of the changes you have seen in the lawyers who practice before you? And I'm referencing in particular the fact that you were part of the Montgomery legal community for a number of years with an active practice here in the federal court. Tell us about the -- your observations of the lawyers who have appeared before you and what concerns you've had about that.

JUDGE CARROLL: One major change is there really is not much of a Montgomery federal court bar anymore. When I was here in the seventies, there was a close knit group of federal lawyers who were in federal court all the time. That's not really true anymore. We see lots of lawyers from Atlanta, lots of lawyers from Birmingham, lots of lawyers from Mobile, but not so many, particularly on the plaintiff side, lawyers from Montgomery.

Back in the old days, remember, there was a huge Montgomery civil rights plaintiffs' bar. Not huge, but fairly distinguished. And that's kind of gone. There aren't a lot of lawyers in Montgomery on the plaintiff civil side.

The other thing is just the difference in the law practice in general. Incredibly more expensive. Incredibly more antagonistic. Much more conflicted than even ten years ago. Lawyers don't seem to get along as well as they used to. Lawyers don't seem to be as prepared as they used to.

And I see it most in the young lawyers that I don't think -- I don't know how you and I got trained, but somehow we did. And I think I know how you and I got trained, which is we had people with us that sort of mentored us and talked with us and helped us. Plus, we were absorbing all during that period of time. And the young lawyers don't seem to be doing that.

There's also another phenomenon in the operation. And that is in the legal culture of the new millennia, whether it's in state or federal court, almost nothing ever goes to trial, so lawyers don't get trial skills. I mean, you and I, when we were younger, tried lots of cases.

JUDGE BOYD: Uh-huh.

JUDGE CARROLL: Lawyers don't try cases anymore, so there's a real dearth of really good trial skills. I mean, there are statistics floating around. Two percent of the cases in federal court and about one and a half percent of the cases

in state court ever get to trial.

JUDGE BOYD: Why are there so few cases tried these days in federal court?

JUDGE CARROLL: It's interesting. Judge Albritton is on a subcommittee that is studying that issue, but I think the answer is twofold. Number one is that summary judgment after the so-called trilogy of the late eighties is now a very potent weapon in the hands of the defendants; that summary judgment is granted far more frequently than it was before the trilogy.

I mean, again, when you and I were litigating, the case law, the Fifth and Eleventh Circuit, was rife with summary judgment is rare, you know, particularly in cases involving intent or state of mind or civil rights cases.

JUDGE BOYD: Sure.

JUDGE CARROLL: And that day is over. The day is now, you've got to present evidence on the essential elements of your claim, and if you fail to do that, you're out of court. And I think that's what -- so the development of the summary judgment motion, I think, is a major factor.

And the other is I think lawyers don't try cases anymore, so they're scared to try cases, so they'll settle.

And I think there's also another problem, and that is businesses don't want to try cases. They're concerned about big verdicts. And there's just a real culture against trial.

JUDGE BOYD: Magistrate Judges particularly in this

district have a specific role to play to facilitate settlement --

JUDGE CARROLL: Right. We do a lot of mediation.

JUDGE BOYD: -- and that's called mediation. Mediation is something that did not exist, or did it, when you became a federal Magistrate Judge?

JUDGE CARROLL: It did not exist. It was --

JUDGE BOYD: Tell us how that evolved and what your role has been.

JUDGE CARROLL: It really was an outgrowth -- it was an outgrowth of the self-study that federal courts did because of the passage of the Civil Justice Reform Act. Congress decided -- and I don't have the exact date, probably close to ten years ago -- that federal courts ought to look at ways of reducing the cost of litigation and the delay in litigation. So as a result, many, many courts began looking at mediation and arbitration. And now there's a more formal act that's come out that sort of requires all that. So that is a major now part of federal litigation, that -- and also in state court. Mediation, arbitration, these alternative dispute resolution mechanisms have been overlaid on the trial process.

Now, this district still has -- the program is totally voluntary. I mean, if the lawyers don't want to get into it, they don't. Other districts, it's mandatory, although we've heard some lawyers complain that perhaps it's more mandatory in

this district than it's supposed to be.

JUDGE BOYD: In this district, what is the Magistrate Judge's role in mediation?

JUDGE CARROLL: We actually conduct the mediations. We're referred the case for mediation by either one of the District Judges or one of our own colleagues.

JUDGE BOYD: Has that experience proved to be helpful in managing the cases here in the Middle District, mediation?

JUDGE CARROLL: It has. I think mediation is generally considered to be a very successful program here. And the advantage, of course, here is that there's no cost to the litigants. We're free.

JUDGE BOYD: What other significant changes have you witnessed during your tenure as a Magistrate Judge? And I'm speaking in particular about either the category of cases being litigated; changes in rules, for example, discovery rules; any that you feel good having been a part of, or you will look back on and say, the practice of law, particularly in federal court, changed for the better or for the worse because of this occurrence?

JUDGE CARROLL: Start out with the case mix. I think the case mix in federal court is much changed. The days of the major and far-reaching civil rights actions I think are gone forever. Whether or not there are any of those kind of issues around or the Court's just not receptive to them, it's hard to

tell; but the major issues -- issues of race and gender have really been decided.

Probably the most significant thing that happened is the Civil Rights Act of 1991, which put juries and punitive and compensatory damages in employment cases. Prior to that, it was a judge-only case, and equitable relief was all that was available.

What that has caused is an incredible increase in the number of employment cases filed in this district. And so this is a district where the employment caseload is very, very heavy.

JUDGE BOYD: Give us an idea.

JUDGE CARROLL: You know, I think it's probably 50 percent of all the civil cases that are filed.

JUDGE BOYD: And this Middle District handles approximately how many civil cases annually?

JUDGE CARROLL: About 1800 a year.

JUDGE BOYD: 1800?

JUDGE CARROLL: Right. So I think that's one thing.

And I think, in all candor, that what we see are lots of marginal cases, cases that would not have been brought by the lawyers with only a judge involved, which has a dual effect. I think it has caused a tightening down in the appellate courts of the law involving these cases. Because weak cases percolate to the courts of appeals, it forces them to tighten down the legal requirements, and I think as a result civil rights plaintiffs

and employment cases are worse off than they were before the Civil Rights Act of 1991. So that's one major change.

The other is some major changes in the Federal Rules of Civil Procedure. I've been a member of the advisory committee on the Federal Rules of Civil Procedure for six years, and we have constantly tinkered with the discovery process mainly. And I think we're finished with that, but there have been some major changes. The advent of mandatory disclosure -- that is, where lawyers are required to exchange information without any sort of discovery request -- is a major change. Limits on depositions. Changes in the standard of relevance. So those have been major changes, although I'm not satisfied those changes have had a major impact.

But I think the most significant factor is the change in the way the role of a federal judge is viewed and the skills that a federal judge possesses that are now praised. And that is that we have now become managerial judges; that is, we are really case managers rather than I think deciders.

That came about, I think, again, as a process of evolution; that we're not rated on how we decide cases, quite frankly, we are rated on whether we've got any motions pending for more than six months or whether we've got any cases pending for more than three years.

The message of all that is, do something with the cases. Get them off your CJRA report. Get them moving. Get

them decided. We're case managers.

Now, I think there's a great philosophical debate about whether that's a good or a bad idea, given the present case mix in federal court. And I think those are issues to be decided by a much more lengthy debate later.

But clearly now the skills, I think, that are praised are, how well are you managing your caseload? How well are you clearing your docket? That kind of thing.

JUDGE BOYD: During the time that you found yourself as a Magistrate Judge being more of a decider rather than a case manager, can you share with us any of the opinions that you are proud to include as part of your legacy?

JUDGE CARROLL: I really can't. I mean, I think I've written lots of interesting stuff, particularly in areas that had nothing to do with my previous life. I mean, I've written some ERISA opinions, for example, that are getting cited, and I've written some discovery opinions that are getting cited, but there's nothing, really, that stands out. I mean, you know, I've tried to do as good a job as I can with everything I've gotten, but there's not anything really that jumps out at me.

JUDGE BOYD: What have you enjoyed most about this 14-year period being a federal Magistrate Judge?

JUDGE CARROLL: The relationships with the other judges and the relationships with lawyers. I mean, I have had the opportunity to travel all over the country, and there really is

not a more collegial district in the United States than this one. I mean, we're very different people, all of us, but we really do get along and really do get along and respect others as judges.

Many districts, there's a real hierarchy between the Magistrate Judges and the District Judges. And I can list lots of horror stories for you. But in this district, there has never been that hierarchy. I mean, we are treated as equals, and we all get along. I mean, we have our disagreements, we have our differences, but by and large it's a joy to come to work every day because of the people you're associating with.

JUDGE BOYD: You alluded to this earlier, that is, the difference in how Magistrate Judges work and are perceived and are used in the Middle District in contrast to their perception and use in other districts. Even within the state of Alabama, is it a fact that Magistrate Judges in the Middle District possess more opportunities or have more opportunities to do more work?

JUDGE CARROLL: Birmingham and Mobile are similarly structured, but in this district the lawyers give us that opportunity. I mean, the lawyers are far more receptive to us handling case-dispositive matters than they are in the other two districts. So I think the experience here as a Magistrate Judge is better than it would be anywhere else in the country.

But I also have to praise our District Judges. They

have been willing to pick -- and this will sound like blowing my own horn, but I apologize. I think they've been willing to pick the most qualified candidate for the job, regardless of that candidate's background and regardless of that candidate's political views, and I think that's made this district a success. That they've gone out and got the best person for the job and not cared what the sort of fallout from that decision might be.

JUDGE BOYD: Has being a judge changed John Carroll's basic persona?

JUDGE CARROLL: I would hope not. And I don't think it has.

JUDGE BOYD: Your political philosophies, inclinations?

JUDGE CARROLL: Probably made me a little more conservative. As I mentioned earlier, things are just not as black and white as they used to be. I think things are a lot grayer. So I think I am probably more conservative than I was 15 years ago.

JUDGE BOYD: Well, you certainly were a different person after leaving the Marine Corps, and you've shared with us those perspectives. Do you think the difference on record when you, Captain Carroll, emerged from the Marine Corps are substantially different than those now as Judge Carroll following a 14-year stint on the federal magistrate bench?

JUDGE CARROLL: I don't think so. I mean, I really do

hope and think I'm the same person I was back then. I just have lots more experience in lots of different things.

JUDGE BOYD: You've been fortunate as a judge to still have the opportunity to experience your love of teaching law; is that right?

JUDGE CARROLL: Right.

JUDGE BOYD: Tell us a little bit about that.

JUDGE CARROLL: Since I've been a judge, I've been on the adjunct faculty at the University of Alabama and have taught criminal procedure down there as well as most recently a course in complex litigation. That's been great because it's forced me to keep up in those areas of the law and also continued my interaction with faculty and students.

JUDGE BOYD: When did you start your association with the University's law school?

JUDGE CARROLL: It's been about 10 years ago.

JUDGE BOYD: We will note that you have just been appointed the new dean at your alma mater, Cumberland Law School, and you're about to begin that position when?

JUDGE CARROLL: Two weeks from today.

JUDGE BOYD: What attracted you to that post?

JUDGE CARROLL: The fact that it was my alma mater and the opportunity that rarely is afforded to lead your law school; to make a change in that law school; to make a change in the students that come through that law school. It's just not an

opportunity that presents itself every day.

JUDGE BOYD: You're looking forward to that challenge.

JUDGE CARROLL: I am. I mean, I'm excited about it.

At the same time, obviously, apprehensive about going into an entirely new field, but, I mean, as you can kind of tell from my life, I have consistently sought challenge, and this is another one.

JUDGE BOYD: What do you expect to find there different about the law school, the student body, the faculty?

JUDGE CARROLL: Well, I mean, I've already discovered it in the sort of process that led to my appointment. The faculty is significantly better. The approach to the law is much different because the skills that you and I were taught in law school are no longer the skills that are necessarily important. I mean, now we have negotiation and mediation.

JUDGE BOYD: As you look back on your time thus far as a lawyer, a teacher, a judge, are there any regrets?

JUDGE CARROLL: I really don't have any. I have just been incredibly blessed with phenomenal career opportunities and working with great people.

JUDGE BOYD: And I want to thank you for allowing me to let others have a little peek at the life of Judge John Carroll. Thank you very much.

JUDGE CARROLL: And thank you.

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## REPORTER'S CERTIFICATE

I, Patricia G. Starkie, 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 91 pages contain a true and correct transcript of the interview of Judge John Carroll in the City of Montgomery, Alabama, in May 2001.

In testimony whereof, I hereunto set my hand this 18th day of March, 2025.

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PATRICIA G. STARKIE, RDR, CRR  
Official Court Reporter