



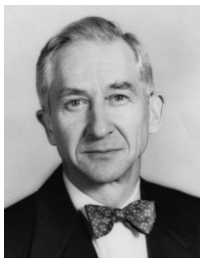
Court Historical Society NEWSLETTER *Eastern District of Tennessee*



March 2022

The Knoxville Law Clerk and the Supreme Court Justice

By Don K. Ferguson, Editor



Harvey Broome

Harvey Broome was likely the most notable law clerk ever to serve in this court. But his notoriety was not related to his court duties. It came as a result of his passion for the wilderness.

Oddly, it was this passion that brought him into contact with another court figure—a high-ranking one—**U.S. Supreme Court**

Justice William O. Douglas--who was also a wilderness lover. The two men developed a close personal relationship.



Justice Douglas

This friendship resulted in Justice Douglas visiting in East Tennessee on several occasions in the 1950s and 1960s.

The two hiked together in the Great Smoky Mountains National Park a number of times. In 1958, when Broome was 55 and Justice Douglas was 60, they joined several others on a three-day hike

in a remote area along the Pacific Coast to protest the building of a highway along the rugged ocean shore.

Broome's love of nature was so strong that Justice Douglas once compared him to **Henry David Thoreau**, the famous American naturalist. Broome was a founding member of The Wilderness Society, for which he served as president from 1957 until his death in 1968, and he played a key role in the establishment of the Great Smoky Mountains National Park.

Upon Broome's death, **U.S. Senator Howard H. Baker Jr.** memorialized him on the floor of the Senate and entered into the Congressional Record a Washington Post editorial that said Broome's death was "a severe blow to the cause of saving the American wilderness."

Broome wrote numerous articles about the wilderness and three books that were published after his death. Next month he will be inducted posthumously into the East Tennessee Writers Hall of Fame.

Broome, who grew up in Knoxville, was a 1926 graduate of Harvard Law School. He began his law clerkship at the Sixth

Circuit Court level in 1930, serving with Knoxville-based **U.S. Circuit Judge Xenophon Hicks**.

He served with Judge Hicks for 19 years, until 1949, when he resigned and joined the Knoxville law firm of Kramer, Dye, McNabb and Greenwood, known today as Kramer-Rayson. He stayed with the firm for nine years. He resigned in 1958 at the age of 56 to become law clerk for **U.S. District Judge Robert L. Taylor**, Knoxville.

Arnold Kramer of the law firm said in his oral history, conducted in 1991 by the Court Historical Society, that he "always thought it was interesting that here's a man [Broome] who graduated from Harvard Law School, excellent, a brilliant man, very good lawyer, but he never wanted to practice law."

Here's the way Broome explained his decision to return to court work, as reported in an article about him in a local community newspaper several years ago:

I have been disturbed this past year at the relentless demands upon my time from the law practice, with the consequent inability to do the things I should be doing for The Wilderness Society. When the opportunity was offered to return to my old interest—the judiciary—with the hope of more free time and much more control of my time, I decided to make the break.

Serving nature to the end, Broome died of a heart attack at his home just after sawing a hollow log with which he planned to make a wren house, the article said. He was still employed by the court at the time of his death.

Broome donated his vast collection of papers and photographs to the Calvin M. McClung Historical Collection of the Knox County Public Library, and they provide some insight to the friendship between him and Justice Douglas and their wives.

There are dozens of file folders filled with letters and notes of a personal nature touching on family visits and the exchanging of Christmas and birthday gifts. The correspondence between the two men—and there is much of it covering many years—is always signed "Bill" and "Harvey."

The bulk of the collection consists of papers dealing with their wilderness interests. An official of the library described the collection as one of the largest held by the library. It consists of 112 boxes of documents, 8 boxes of photographs and negatives, and 7 boxes of slides.

The Saving of Papers

Pulitzer prize-winning newspaperman **Alex Jones** of the Greeneville, Tennessee, newspaper family, in a speech several years ago, stressed the importance of preserving our past through oral histories and the saving of documents.

“I think one of the most unfortunate developments of our time is the way people have stopped writing letters,” Jones said. “In your town, wherever you are, one of the best things you can do is be a voice for some sort of mechanism for rescuing letters—letters that may be headed for the garbage can.” He added that these kinds of papers are a rich repository of history and culture but are too often lost.

On this point, the Federal Judicial Center, the education and research arm of the federal judiciary, has published a book to assist federal judges in preserving certain documents they accumulate over the years. The title: “A Guide to the Preservation of Federal Judges’ Papers.”

“The personal papers of a judge offer a perspective and a level of detail not available in the official records of the courts,” the FJC says. The official case records of the courts are, of course, sent to the various National Archives and Records Centers. The chambers papers of a judge remain the personal property of that judge, and it is the prerogative of the judge and the judge’s heirs to determine the disposition of those papers, the FJC says.

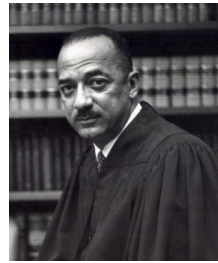
Judges are urged to contact local repositories in their area, such as public libraries and university libraries, which usually have departments and special space for donated papers. The FJC offers examples of the types of documents that a judge’s collection might contain: correspondence related to court administration, service on committees, news articles on the judge, and miscellaneous records of the judge’s activities, such as speeches, awards, and photographs.

The chambers “papers” of federal judges are becoming increasingly full of “documents” that are “born digital,” and the FJC gives directions on the methods for preserving these kinds of files.

Law firms and veteran lawyers likewise can make a contribution to history by preserving many of the documents about their firms and their members and consulting with local repositories about donating these papers.

One of the missions of the Court Historical Society, since its formation in 1993, has been to conduct oral histories of judges and other court personnel and to gather and preserve court-related papers. These are indexed and stored in the archives of the Don K. Ferguson History Center in the Howard H. Baker

Jr. U.S. Courthouse in Knoxville.



Judge Hastie

[EDITOR’S NOTE: The first edition of the FJC publication, dated 1996, contains four example inventories of donated judicial papers. One of them is the collection of Knoxville native **William Henry Hastie**, who was the first African American to serve as a federal judge (District of the Virgin Islands) and as a federal appellate judge (U.S. Court of Appeals for the Third Circuit). He died in 1976 at the age of 71. His daughter and son donated his collection to Harvard Law School Library between 1979 and 1981. Judge Hastie was a graduate of Harvard Law School. The collection takes up 74 linear feet of shelf space. By comparison, the Harvey Broome papers at the McClung Historical Collection (mentioned elsewhere in this newsletter) takes up approximately 81 feet of linear shelf space.]

Early Magistrate Dies



Judge Murrian

Retired **U.S. Magistrate Judge Robert P. Murrian**, who was instrumental in the formation of the Eastern District of Tennessee’s mediation program in 1994, died on January 24 following a long illness. He retired in 2002 and practiced law for several years afterward. He was appointed to the bench in 1978, becoming the second person to hold the magistrate position in the EDTN following the establishment of the position in 1976.

Judge Murrian was a faithful member of the Court Historical Society, and we have his oral history, conducted at the time of his retirement, in the Society’s archives.

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