



Court Historical Society NEWSLETTER *Eastern District of Tennessee*

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LATE-NIGHT COURT IN 1954--That's Warren E. Burger, the future chief justice of the United States, standing next to the man in an open-collar white shirt. Burger, then an Assistant U.S. Attorney General, is looking down at U.S. District Judge Robert L. Taylor, who is signing a temporary injunction to head off a strike at the Oak Ridge and Paducah, Kentucky, atomic plants. Behind Burger is the late Eastern District of Tennessee U.S. Attorney John Crawford of Maryville. The man without a coat is Elwood Hain, a union official, and the other two men to the right are Department of Justice Attorney E.H. Hickey, second from the right, and Atomic Energy Commission assistant general counsel Robert Lowenstein on the far right. This is a reproduction of a News Sentinel Page One photograph.

The Man Who Became Chief Justice

U.S. District Judge Robert L. Taylor used to like to tell about the time Warren Burger appeared before him, long before Burger became chief justice of the United States.

It was an unusual, late-night session on August 11, 1954, when Taylor had been on the bench just under five years. He was 54, and Burger, an Assistant U.S. Attorney General at the time, was 46.

Burger was dispatched to Knoxville by President Eisenhower to obtain an injunction under the Taft-Hartley Act to head off a strike by members of the United Gas, Coke and Chemical Workers Union at the Oak Ridge and Paducah, Kentucky, atomic plants.

Burger and one other Justice Department official were flown in on a special Air Force plane for the eleventh-hour hearing on orders of the president, who issued a statement reading, in part, "In my opinion, these unresolved labor disputes have resulted in a strike and threatened strike which, if permitted, will imperil national security."

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The Archives

The Court Historical Society's archives contain more than 1,500 historical documents and other memorabilia, some quite old, others not quite so old, but all of historical significance. All of the collection is indexed to make it easy for future historians and academics to use the material for research.

One of the files we ran across recently while working in the archives is labeled "Purchase of the Court's First Fax Machines." Other than electric typewriters already in use, the facsimile machines that were purchased in 1985 became the court's first step into the electronic world.

What makes this file perhaps even more important historically are two carbon paper forms it contains. Chances are, anyone would be hard pressed today to find carbon paper in an office.

One of the forms with carbon paper inserted between the pages was used by the court to apply for authorization from the Administrative Office of the U.S. Courts in Washington to make a purchase of office equipment and furniture. Back then, every single purchase of items of this type had to be approved by the Washington office. Today, each court has a budget and makes its own decision about purchases. The other form with carbon paper between pages was used by the company from which the machines were purchased.

But back to the fax machines. The file contains a memo from the Administrative Office for each court's use in determining whether it needed one of the new, costly fax machines. The memo reads, in part:

Facsimile utilization costs money. Consequently, the court must weigh the cost against the advantages of facsimile. The cost involves more than the expense of just purchasing the equipment. The cost of the telephone line and its utilization may add up to more than the price of the equipment. Furthermore, if the equipment is difficult to operate, the court must also consider operator time as a cost.

The primary use of the machines was for business between the courts and the Administrative Office, not for use by lawyers or the public wanting to correspond with the court. The courts, however, eventually did allow lawyers to correspond with the court by fax, but each court issued strict guidelines relating to

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The Man Who Became Chief Justice *continued*

The hearing in Judge Taylor’s chambers started at 10:02 p.m. and concluded at 11:03 p.m., according to newspaper reports.

One of the news reports said the president’s directive was typed on “plain white paper, pointing up the chief executive’s obvious concern over the situation. Burger told Judge Taylor the president didn’t wait for the directive to be typed on the formal White House stationery, but instead signed to ‘first draft’ on the plain white paper.”

Burger was appointed Chief Justice of the United States in 1969 by President Nixon. He retired 1986. In April 1993, he spoke at the University of Tennessee at a banquet commemorating the inaugural address of the Robert L. Taylor Lecture Series.

In that speech, the retired chief justice spoke of the 1954 session in Judge Taylor’s chambers, which he said was the occasion on which he first became acquainted with Judge Taylor. ■

The Archives *continued*

facsimile copies. An original copy of any faxed document had to be substituted for the faxed copy before the pleading could be placed in the file and considered part of the record.

There is an intriguing note in the file on the facsimile machine purchase. It is dated March 1985 and is from then-Clerk **Karl D. Saulpaw Jr.** to then-Chief Deputy Clerk **Don K. Ferguson.**

Ferguson had typed a note to Saulpaw proposing that the court purchase a fax machine. Saulpaw’s handwritten response on the note read: “We had an opportunity to get one [a fax] while **Judge Wilson** was alive, but we turned it down.” Judge Wilson died in 1982.

Things had changed by 1985, because in his response, Saulpaw gave the go-ahead to make the purchase, adding, “Would like to have three or four now [for each office in the district].” The ordering process was immediately begun. ■

*THE HISTORICAL SOCIETY
OF THE UNITED STATES DISTRICT COURT
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Judge Wright Chosen

Members of the board of directors of the Court Historical Society have selected Greene County Circuit Court **Judge Tom Wright** as the Society’s vice president for the Northeastern Division. He succeeds the late **Lacy West** of Kingsport.



Judge Tom Wright

Judge Wright has been a strong supporter of the Society, and through the years, has donated to the Society’s archives several historical items he has run across. These include old dockets from the judge’s bench in Hawkins County from the period in which **Judge Thomas Gray Hull** served; a National Prohibition Act form from the 1920s and 1930s that he found when the court was moving from the old federal courthouse to the new one; and a book once owned by **Judge Robert L. Taylor** when Taylor was a student at Vanderbilt University Law School in the 1920s.

This kind of alertness to historical documents is important to the Court Historical Society’s work, and we are grateful to Judge Wright for his support and his willingness to serve the Society. Judge Wright has a background with U.S. District Court. He served as a law clerk for Judge Hull in 1985-86. ■

Books and Paperweights—Gift Ideas

Have you thought about a book or paperweight from the Court Historical Society as a gift?

We still have copies of *Justice in the Valley* available. This is the 244-page hardback book by **Dr. Patricia Brake** that covers the 200-year history (1797-1997) of the U.S. District Court for the Eastern District of Tennessee. It was published by the Society in 1998 and has been very popular, both as entertaining reading and as a reference.

Copies may be obtained at the intake counter of the Clerk’s Office in each division for \$25. Or copies may be ordered by mail, with an additional \$4 for postage, by contacting the Society. Please see the postal and e-mail addresses and telephone number in the masthead of this newsletter.

We also have available a few handsome, glass paperweights at \$30 each, which includes postage. They depict the district’s various federal courthouses, both new and historic. You may specify which building you want shown. Those interested should contact the Society as noted in the preceding paragraph.

Checks should be made payable to the Court Historical Society.