

Interview with Judge Frank Johnson, Montgomery, Alabama, July 10, 1974,  
conducted by Jack Bass and Walter De Vries, transcribed by Linda Killen.

Johnson: But it's a long jump from southern politics to social change effected through formal litigation.

Walter De Vries: We're interested in all political, social and economic changes in that 25 year period and you can't separate.

Jack Bass: What we're interested in is the forces of change as well as politics in a narrow sense.

Johnson: Well, then maybe you are at the right place.

J.B.: How do you perceive the role of the federal judiciary in the South as a force for change?

Johnson: Well, I don't think there's any question about that. The federal judiciary has, for the past 20 years--since I've been here. I've been here 19 years--been cast in a role of deciding issues, legal issues, the effect of which create vast social changes. Your voting, your school desegregation, your desegregation of all public facilities from buses to airports. But you need to emphasize this, or keep this in mind, in making your analysis, that the action of the judges, sitting on the federal bench, hasn't been for the purpose of effecting social change. That's been a result of it and there's no question about that. Some people argue that it's good and some people argue that it's bad. But a judge can't be concerned with whether it's good or whether it's bad as long as he's presented with legal issues and decides those legal issues. Many of these cases, he decides them with knowledge that it's going to effect pretty farreaching mores that have been established, other features of southern society that's existed for a long time. That's not peculiar

to the South. That's true in Boston. When Judge Murphy decides a case, a school desegregation case in Boston, it effects social change. The change has probably been more pronounced here because the rate of desegregation has been faster.

[Interruption on tape.]

--function of the court. That's been a result of decisions that the court has rendered and it has not been a function of the court to change social patterns or change society. The change in the social patterns has come about with the implementation of the orders. But when you have a voting rights case and you find that there's been a pattern in practice of discrimination against the blacks in registering to vote, you don't register the blacks to vote so that they can gain political power in Macon county or Lowndes or Sumter or Perry. You are faced with some legal issues and if they are entitled to relief you give them relief and you order that they be registered. Now the effect of their registering and voting and electing a sheriff and other county officials is something that the court's not concerned with, and has no interest in. And when I say the court, I'm talking about myself. Makes no difference to me as a federal judge in deciding cases whether you have a black sheriff or a white sheriff in Macon county. I'll use that as an example. It does make a difference to me, as a federal judge, when a case is properly presented, as to whether the blacks who are legally entitled to vote are given the right of franchise. So I approach the thing strictly from a legal standpoint. My interests are restricted to the law suit that's presented and I have no interest in the social change, as a judge. True with school desegregation. It's true as far as the right to sit on juries. I have no interest, as a federal judge, in whether you have

juries that render high verdicts to people in the low economic group or whether you have a blue ribbon jury that renders low verdicts in a civil suit for damages. But when the case is presented I do have an interest in whether there's been discrimination in the selection of jurors, in a constitutional sense. So the role that federal judges have played in the social change in the South--maybe I shouldn't say federal judges. I'll restrict it to my own role.--has been one of effecting resultantly a social change. And there's no question about it. But that wasn't the motive and it wasn't the purpose and it wasn't the intent.

W.D.V.: But the point is that some relief came, not from legislative acts or executive acts--

Johnson: In most instances that's absolutely true. It is true. And the courts have, by reason of decrees, effected a social change.

W.D.V.: Do you see this continuing?

Johnson: Probably not at the pace that it has. There are some areas that appear to be opening up for litigation on constitutional questions that haven't been vigorously pursued to this point. But not as many as there were. I would guess housing, equal employment. . . are two of the ones that I have in mind. We haven't had litigation in those two areas that I expect we will have. And that will, in all probability, effect some social change. But that won't be the reason for the decision that the judge renders. He'll be enforcing title 7 in the equal employment opportunity act. He won't be doing it so that a Boston manufacturing company desegregates their work force for social reasons. He has no interest in that--or he shouldn't have.

J.B.: You've been on the bench 19 years, which covers most of the period--

Johnson: Covers all of it.

J.B.: Certainly covers most of the period. . . we're sort of talking about. . . . We're covering the last 25. Covers all the period of major social change and almost all the period that we're--

Johnson: Sure. Nothing happened after Brown for several years.

J.B.: How much of the major impact, in your opinion, in so far as the effect of judicial decisions, was based on Supreme Court rulings that in effect broke new ground, such as Brown, and how much came from actually implementation of Congressional acts, such as the Civil Rights Act, the Voting Rights Act and other legislation?

Johnson: A lot of it came from Brown. For instance. . . the Montgomery bus case. Supreme Court in Brown didn't discuss ~~Pl~~<sup>P</sup>lissy v Ferguson. ~~Pl~~<sup>P</sup>lissy v Ferguson was still on the books and was a viable decision, on the face of it, in the area of public transportation until we decided in the Montgomery case that Brown had evidenced a doctrinal trend as far as the Supreme Court's feeling was concerned in segregation in any public facilities. That's an example of a portion of the litigation that came from Brown. But a lot of it came from statutes such as the Civil Rights Act of 1965. A lot of it came from the revival of old statutes that had been on the books since the 1860s. 1983 [?] for example, one of the courts used the expression that Lazarus has been revived after sleeping 100 years.

J.B.: That statute does what?

Johnson: It allows civil action for damages for deprivation of civil rights. It's a broad statute. It hasn't been used until the last five or six years. A large part of the basis for the decisions that's been rendered in areas in which you are interested--those that had the effect of promoting social change--were based strictly upon the 14th

Amendment. Denial of equal protection and denial of due process, without any regard to Brown or without any regard to statutes. So it's been a mixture some of all of it. Some of it statutory. Some of it comes through the implementation of Brown. And some of it comes through an interpretation of the 14th Amendment. For instance, the injunction I issued against the state of Alabama Personnel Board. The Frazier case. The injunction I issued against the state troopers. Those came neither from Brown nor statutes. Came on denial of equal protection by the state and discrimination in their hiring practices.

J.B.: The reapportionment decisions, and particularly the one that came out of Alabama, the one man one vote case, has certainly had far reaching impact nationally and certainly in the southern states.

Johnson: Well, now in some of these cases--I don't mean to interrupt you for the purpose of breaking your train, but in a lot of those cases, like the reapportion cases, those were three judge cases. I didn't handle those cases alone. Judge <sup>Rives</sup> ~~Reeves~~ sat with me, or I sat with him, on nearly all these [plans?]. This is one of them. Your reapportionment case is your denial of the right of franchise. It's based on constitutional principles without regard to statutes or without regard to Brown. And I guess it has had far reaching effect. But, getting back to your original question, we didn't decide the reapportionment case and order the state of Alabama to reapportion to put blacks in the legislature. That wasn't the purpose of it at all. We had no interest in whether blacks got elected. We did have an interest in equalizing the legislative districts. . . because the constitution mandates it.

W.D.V.: Yeah, but other courts have said that's a legislative function and they're not going to touch it.

Supreme Court itself said that before Reynolds v Sims. In your Cargrove case, for instance, . . . which. . . Gomillion which came from this district. . . had to do with the Tuskegee boundaries, the gerrymandering. I sustained a motion to dismiss that case on the basis of Cargrove which was identical in point as far as facts and legal principles and everything else. I said this is not a matter that the courts have any interest in and no jurisdiction over. Frankfurter had written in Cargroves. . . a political thicket that we're not going to get involved in. I sustained a motion to dismiss it. It went to the Supreme Court. 5th circuit affirmed me on it. Cargrove is the law in this area. It went on to the Supreme Court and the Supreme Court says no, in the Gomillion case, that if the motive is to discriminate on the basis of race then the plaintiffs have standing. So they remanded it to this court for that determination. Of course there wasn't any question but that the motive was to disenfranchise blacks in so far as the municipality of Tuskegee was concerned. I so found and held. But that was the forerunner of your reapportionment case. It had the effect of saying there's no political thicket in which the federal courts shouldn't get involved in. If race or. . . and it was extended by the Supreme Court, without saying so specifically in your Reynolds-Sims case. So it put district courts in areas in which they'd never been before. But I don't know of any courts that have said, since Reynolds v Sims, that reapportionment's an area that we're not going to get involved in. There may have been some, but they wouldn't last long on an appellate review.

W.D.V.: How do you find the average person in Alabama's perception of the courts through the last 20 years? Have they changed?

Johnson: Perception?

W.D.V.: Yeah. Because 20 years ago to get that kind of relief

would have been unthinkable. . . to go to a court. But now it seems to be commonplace that if you want redress--

Johnson: I think that whites and blacks have become sensitive to the role that the federal courts have played and will continue to play in so far as individual rights and human rights are concerned. In the main, it's my impression that they appreciate it and they rest with some feeling of confident security that there is a forum that will protect our rights without regard to politics and without regard to who's involved in it. Of course there are others that have said that the federal courts have become involved in matters that should be left strictly to the states. That reapportionment, for instance, is a state matter and the federal courts don't have any business messing with it. And the debate that goes on between those that advocate intervention by federal courts and those that advocate abstention. The answer to that has been that well the courts have given the states a reasonable opportunity to correct these constitutional wrongs and they've failed to do so. So I think that by and large there's a feeling of confidence and appreciation in this branch of their government, whether it be blacks or whether it be whites.

W.D.V.: Are you finding an increasing number of cases that deal with these problems in the last 20 years? In other words, if I wanted to get redress on apportionment I would not go to the state legislature because they have this history of since 1911 not reapportioning. I would go to the courts. Do you find more of these kinds of cases coming out--

Johnson: All of these cases, these are not individual cases. These are not law suits that are brought by individuals. These are law suits that are brought by and they have state wide application. So

when you litigate a case like the Alabama reapportionment case, you litigate it state wide. And you don't get individual law suits. We are getting some individual law suits that have come about by reason of our reapportionment decision. We have one set for next Monday. It has to do with whether a candidate that was disqualified as not living in the proper district in fact did live in it. Well, it's kind of [appendant?] jurisdiction matter. We've taken jurisdiction in the law suit because it involves an interpretation of our decree. And the court that issued the decree should do the interpreting of the decree. So that's how we get these appendant type cases. But you don't get individual type law suits. You get class actions, prosecuted by named plaintiffs. For instance, a law suit back in the . . . state statutes set up the Alabama justice and peace system that provided that the justice of the peace gets paid if he convicts and didn't get paid if he acquitted. That law suit had state wide application even though it was just brought by a fellow that got arrested for not having a tail light against a justice of the peace in Lowndes county, Alabama. And then you have, another example, named plaintiffs, maybe a half a dozen of them, that challenged the Alabama civil commitment to mental institutions statutes. That case is pending now. On the ground that there's no procedural and substantive due process rights. They don't get any notice that they're about to be committed. They don't have an opportunity for a hearing. They don't have an opportunity to hire a lawyer. No right to be represented by council. Some member of the family will go down and file a doctor's certificate and file an application with the probate judge. And the next thing you know the sheriff's knocking on the door says "I'm going to take you to [Price?] Mental Institution." But those cases are prosecuted for

the purpose of challenging the constitutionality of the statutes. And they are class actions and have state wide application. So you don't get individual cases.

W.D.V.: What I meant is there an increase in that sort of class action suit dealing with human rights?

Johnson: There's been an increase in class action suits for the last 15 years. Oh yes, absolutely. Absolutely. Yeah.

W.D.V.: Typically, the answer was "You have to go to the legislature to get that relief." If you want to change the statute. Or if you want to change the constitution you go the constitutional amendment route.

Johnson: Well, my predecessor stayed here 23 years and I doubt if he ever had a half a dozen human rights or civil rights cases. Well, I know he didn't.

W.D.V.: That's what I was asking.

Johnson: Sure. And class actions. But this is true all over the country. You're getting class actions. It's not only true in the human rights and civil rights areas, it's true in security act violations. Litigations and class actions in stock frauds and other anti-trust act cases and security act cases. It's flourishing all over the country. It's class action. That type of litigation still has some areas that needs definition. The Supreme Court has just handed down one the other day on class actions. That may be designed to restrict the use of class actions. Has to do with who's going to pay the cost of notifying. But it's hard to put some cases in a category of being a case to vindicate civil rights or human rights and a case to vindicate property rights. Some of them are hard to classify.

J.B.: How has the changing role of the federal judiciary effected

the state court system in this state?

Johnson: Very few if any of these cases that we've been talking about--your civil rights or your human rights cases--have been litigated in the state courts. Going back to your Montgomery bus case in 1956, I guess, there was a law suit filed in the circuit court of Montgomery county that challenged the state statutes subsequent to the time the case had been filed in this court. And there's nothing wrong with these things being litigated in both courts. But the day we had our hearing on the constitutionality of segregation in public transportation system, Judge Jones--who was the circuit court judge here--ruled that the ordinances were constitutional. Of course that wasn't binding on us. We had to view them. . . we had jurisdiction and we did rule that they were not . . . I mention that as being a possible explanation as to why there haven't been more of these cases filed in the state courts. A lot of these cases have political repercussions. There's no question about that. We would be naive to the point of being imbecilic if we didn't realize that the decision in a lot of these areas have social political repercussions. State judges have to run. They have to get elected every four years. I appreciate the sensitive and the insecure position that they find themselves in. But I suppose that was one of the reasons, if not the main reason, federal judges were given tenure. So they could decide cases according to the facts and the applicable law without regard to whether it was a popular or unpopular thing to do.

J.B.: Many of your decisions, of course, have been unpopular with many of the people of Alabama. You as well as a number of other federal judges throughout the South, in implementing orders that result in extensive social change, have come under a considerable amount of community

pressures and even physical threats of violence and so forth. How does this make you feel when you're facing a tough decision?

Johnson: It doesn't bother me as far as the decision's concerned. You can't let it bother you as far as the decision's concerned. When you get to the point where you can't decide a case like it should be decided, it's time you started doing something else. You have to live with your conscience. You have your professional pride. And those things are important to me.

J.B.: What shaped your attitudes toward race and race relations as well as--

Johnson: The law.

J.B.: How about when you were growing up?

Johnson: Never occurred to me. I grew up up in northwest Alabama in the hills and the country. We didn't have many black people. Therefore I didn't come out of there with any basic prejudices that you might have if you grew up in the black belt. People in that section of the country didn't have blacks as servants. We didn't have any blacks to till the soil. The man that owned his farm farmed it. So I didn't have any ingrained racial prejudices that I had to cope with. Now some judges did have. And I would suspect that that made it harder for them, personally, to apply legal principles in the case. But that was one of the problems I did not have.

J.B.: By Alabama standards, the peculiar nature of the county in which you grew up. . . did that have any effect in effect creating a feeling, an opposite feeling from the prevailing view? A feeling of antipathy toward racial prejudices?

Johnson: No, I've always been. . . . I got on the bench, you see. . . . This race thing wasn't the red hot issue. I went to the

University of Alabama. I went to the University of Alabama Law School. I never lived anywhere else. I've always been proud to be an Alabamian. Still am. I haven't reached the point yet that I've gotten nostalgic about it, like Justice Black. And I don't want to talk about it all the time. I may, some day. I don't know.

J.B.: But given Alabama's political history, in which you had people like Hugo Black come out of Alabama, Lister Hill, a lot of members of Congress who came out of Alabama who became national leaders in developing--

Johnson: Became statesmen.

J.B.: And became leaders in developing social programs.

Johnson: Right.

J.B.: What sort of future do you see?

Johnson: For myself?

J.B.: No, not for yourself, but for the state of Alabama, politically?

W.D.V.: Let's ask him both questions.

Johnson: I don't know. That question involves George Wallace at the present time and his political future and I wouldn't hazard a guess. All I know is what I read in the papers. I don't mean to be facetious about that or to quote Jim <sup>Folsom</sup> ~~Folsome~~. . . . But I read an article this morning in the morning paper on George Wallace. I don't know. . . . political futures are. I'm not going to talk about governor Wallace. I never have. I had a motion one time that he filed asking me to recuse myself in a law suit because of what he had said about me, but there's never been any basis for a motion about what I've said about him. I've decided a lot of cases in favor of Gov Wallace over the last 19 years, when he's right.

W.D.V.: Thinking back 19 years, could you have foreseen the social

changes that have occurred in this state?

Johnson: No.

W.D.V.: Why not?

Johnson: You'd have to be a prophet or a son of a prophet to have foreseen reapportionment, voting rights, right to serve of jury, equal employment opportunity, school desegregation. I don't know of anyone that foresaw it.

J.B.: Do you think there's been a genuine transformation of society in Alabama?

Johnson: A what?

J.B.: A genuine transformation.

W.D.V.: Say in terms of people's attitudes on race.

Johnson: Don't think there's any question about it.

W.D.V.: Think it's impossible to go back to what it was 20 years ago?

Johnson: Absolutely.

W.D.V.: Ten years ago?

Johnson: Yeah. Sure do. I sure do.

W.D.V.: You think it's a basic attitude change.

Johnson: Yes. I think that's an area in which we've made more progress than they've made in the northern states. People in the South and people in this state are basically law abiding people. They love their country, love their flag. They're patriotic. They answer the call when it's necessary and always have. And I think they'll continue to do it. And they have accepted decisions that a lot of people thought they would never accept. They've tolerated social changes and accepted them that some people thought that they would never accept. They've done

it, in the main, with good grace and without rancor. There are exceptions to that and the newspapers always play those up. Which is news. I'm not critical of it, but they do. But by and large there's been an acceptance of the social change that these decisions have brought about that I would have never thought possible.

J.B.: One of the arguments made, roughly a decade ago during the Congressional debates about the civil rights acts and so forth, was that laws cannot change the hearts and minds of men.

Johnson: Yeah.

J.B.: Based on the experience of the last ten years, how do you react now to that contention?

Johnson: Well, I don't mean to quibble, but I doubt if the laws have done it. The laws have prompted it being done. But when you change the hearts and minds of someone, they have to do that.

J.B.: The question is, did they do that because the law changed, forcing changed circumstances?

Johnson: They did that because they were confronted with a situation that required them either to comply or not to comply. That's right. But you have whites and blacks eating in restaurants together. I ate in a restaurant yesterday. . . . Throughout. They're not doing that now because of the law. Because the law don't require that they sit at the same table. The law don't require that they carry on an animated conversation during their lunch.

J.B.: You're saying then that they complied because the law required them to comply, but after complying they did actually change in attitude.

Johnson: I think that's a fair statement.

W.D.V.: But when you look back at just about every one of those

controversial decisions you've made, all the political leaders, the leaders in Alabama said the people would never accept that.

Johnson: Oh, they called for my impeachment. They says he's guilty of judicial tantrum. Everything, everything.

W.D.V.: How do you feel about that?

Johnson: People have accepted it. Oh, I think they underestimated the character and integrity of the people.

J.B.: What sort of change have you found, say compared with ten years ago to now, in so far as the way people react to you? Not personal friends so much, just general public.

Johnson: Well, you have to keep this in mind, when I came to Montgomery I came from a place. . . from Birmingham. I hadn't lived here. My mother and father lived here. I had a brother and sister that lived here. We had a lot of friends here. But I wasn't involved in the social mainstream. . . but I wasn't involved in it up there, either. Because I don't like social mainstreams. I just don't like formal affairs. I didn't when I practiced law. It's just something that I'm not interested in. But when I came here, I made a lot of friends. We all made a lot of friends. I guess that there was a reluctance on the part of some, evidenced in different picynish ways, to demonstrate of exhibit friendship. All of that's gone now. Practically all of it. People stop me on the street and I get mail, get telephone calls. We're invited to places as if I had grown up on a plantation in Macon county, Alabama. So practically all of it's gone.

J.B.: What do you think that means for the future of Alabama and the South?

Johnson: Is that significant? I don't know. That's just been our

personal experience. I don't see any significance to it other than general attitude. I think the future of Alabama and the future of the South is unlimited as far as the country is concerned. I firmly believe that the South is the backbone of the country and that the people in the South, with the integrity that they have and with the love of their country that they have, is the mainstay of the government.

W.D.V.: Do you detect any regional differences, say, between the federal judges in the South compared with judges in other--

Johnson: I think judges in other regions are unaware of the changes that have taken place in the South. I think they're unaware of the acceptance of the cases that necessarily upset existing social standards and conditions. I don't think they have any conception of what's happened down here in the last 20 years. [They] have no conception of it, they don't have any appreciation. There're some exceptions to that, but I was in New York City last week, sitting on the temporary emergency court of appeals with Judge Hasty, chief judge of the 3rd circuit, who's black. Judge Anderson, from Connecticut, court of appeals from the second circuit. Both of them are great judges, but they don't have any idea of the type of litigation that the federal judges in the South have been confronted with in the last 15, 16, 17 years.

W.D.V.: Are there any other differences?

Johnson: No, I think if either of those--just to use those as an example--I think, had they been here, had they been faced with the same type law suits, would have decided them exactly like I decided them. Frank Johnson was just in a place at a time that these cases were filed. And I think most of your judges would have decided them the same way. There are some exceptions to that. You all are aware of those as well as

I am.

W.D.V.: No regrets?

Johnson: Do I? None, whatsoever. I'm proud of my record. Extremely proud of it. None whatsoever. I would have probably thought more about coming if I'd known how hard I was going to have to work. I didn't have a proper conception. . . and couldn't foresee and didn't foresee the vast amount of litigation that has been brought in the federal court in the last 15 or 16 years. I've worked harder than I wanted to work and longer, without any recesses, vacations, things like that. But that would have been the only. . . . I wouldn't have had any second thoughts about it.

W.D.V.: You won't talk about Wallace?

Johnson: No.

W.D.V.: Did you agree with that piece in the paper this morning?

Johnson: Not all of it. The one that [<sup>Shannon</sup>~~Chanlin?~~] wrote? No. I don't know. I would study a long time before I called someone an irresponsible demagogue. And I don't know whether George Wallace has changed or not.

W.D.V.: That's the question, today.

Johnson: Maybe he has. I don't know that anyone except George Wallace would know that. Maybe. . . some people have thought that he's just reverting to and demonstrating what he's always felt and what he's always thought. And the other was for political expediency. But I don't know that. I wouldn't think Shannon knew it either. My initial reaction that it was a very unfair article, unless he had a lot more facts than he wrote.

J.B.: Do you have any comment on the development of the Republican party in Alabama and the South in the last 20 years?

Johnson: Well, all of my family were Republicans. They were the Jacksonian type of Republicans. You've heard of Jacksonian Democrats. But Andrew Jackson came down in northwest Alabama. Lot of his folks settled up there in northwest Alabama. And we had a political philosophy--or they did--that I grew up with and adopted that is different from the political philosophy of the Republican party now. Since Goldwater and maybe some time prior to that. It's my idea that as long as we have a reactionary type political philosophy that permeates and controls the Republican organization, its future is not too bright.

J.B.: Do you think the Republican party missed the boat in not becoming an effective progressive party in the South?

Johnson: I don't know. Up until now, and maybe not now, whether the time was right for an effective progressive political party in the South. I just don't know how well it would. . . . You're getting into an area that I don't know a thing about. I divorced myself completely from politics. The only politics I hear now are in the courtroom.

[End of side of tape.]

J.B.: When we asked that question before and you said you were talking about you and your own. . . as it effected your own possible political future. Are you committed to spending the rest of your career as a judge?

Johnson: Absolutely. Yes sir. I wouldn't touch politics with a stick.

J.B.: When you go out of the state, particularly out of the South, on either judicial conferences or occasional cases and so forth, <sup>do</sup>/you get many questions. . . I mean is there much interest in what goes on down here and the effect of your decisions and that sort of thing?

Johnson: On other federal judges?

W.D.V.: Sure.

Johnson: Yes. But, as I said a while again, there isn't. . . and this is understandable. . . there isn't an awareness and appreciation of the scope of these things. Not only by the federal judges, but by say the administrative office that keeps statistics and computes work loads of judges. They'll give a regular, run of the mill, civil action for damages the same weight that they'll give a reapportionment case. You may spend six months on a reapportionment case and you may spend a maximum of six or eight hours on a civil action for damages. So there isn't an appreciation and awareness of the scope of the work or the extent of the work load in this area of civil rights and human rights. You never get rid of one of these cases. You have to monitor it. You have to check it. You have to make certain that it's implemented. You may close it for record keeping purposes, but it's still open. I have a Montgomery recreation case that is still alive and it was filed 12 years ago. But there are still facets of it that need implementation.

J.B.: How do you evaluate the quality of reporting, newspaper and television reporting, of federal court decisions in this area?

Johnson: In this area? Very good. You have some good reporters that understand court procedures. They understand the legal issues involved. They're able to read what the court writes and pick out that part of it that's germane to their article and present it fairly and intelligently. Ray Jenkins is outstanding in that area.

W.D.V.: How have you been treated editorially? Over the last 20 years.

Johnson: Off and on. Just like everything else. If your editor

likes it than he thinks you're a great judge and he'll write a beautiful

editorial. If he doesn't like it, he'll write one the effect of which i you don't know one end of a law book from the other. In the main, editorially, I've been treated very, very well. Very, very well. Some exceptions to that.

W.D.V.: In this city or state wide?

Johnson: State wide. Regionally wide. Had half a dozen editorials in the last month, I guess, in papers ranging from Atlanta, Ozark, Alabama, Montgomery, Alabama. All of them very complimentary. For one reason or another. But I've had some bad ones, too.

W.D.V.: But overall you think the quality is high?

Johnson: Yes, I sure do. They have to move in a hurry. They can't move like we can. We can take a case under submission and bring it back here and study it and fool around with it. They have a deadline. They go to press at eleven o'clock. I think they do a magnificent job, considering the pressure that they work under. I wouldn't have any criticism of the press and reporting on court decisions. That doesn't mean they haven't gotten some of them garbled and made some mistakes, but in the main--

J.B.: Anything that you could suggest to improve it?

Johnson: To improve it? Well, instead of sending some kid just out of the University that's never been in a court room before to report on federal court decisions, maybe they ought to let them serve some apprenticeship and let them come to court for a while and read some decisions. Or something like that. But that has to do with available resources and manpower, I guess. The only bad reporting we've had has come from inexperienced young men and young women that have just been hired. Graduate with a degree in journalism. And they say "Go over to the federal

court. That's your beat now." Well, that's pretty hard. That would be the only suggestion I have. And I've found this, too, along that same line. That there is very little, now--there used to be a good bit--I'm talking about the main papers. I'm not talking about some weeklies that have axes to grind. There's very little editorializing on their news pages. Very little. It's an exception if you find it. We have two good papers here. Or one good paper. The Birmingham News and the Post-Herald have always been fair as far as this court's concerned. Editorial in one of them, about six weeks ago, very complimentary. News, I guess. Most of your weekly papers. . . . I don't have any gripe as far as the papers are concerned.

W.D.V.: Is there something we should have asked you that we did not?

Johnson: No, not that I know of. I've enjoyed talking with you. There are some areas, like Gov Wallace's personality and how he feels and what I think about him personally and all that that's just not appropriate to discuss at all. I just wouldn't do it. Never have. Don't intend to.

[End of Interview.]