

THE ABBHS NEWSLETTER

ALABAMA BENCH AND BAR HISTORICAL SOCIETY

Remembering the Alamo



"...I am determined to sustain myself as long as possible & die like a soldier who never forgets what is due to his own honor and that of his country - Victory or Death! "

Lt. Col. William Barrett Travis
(Commander of the Alamo and
member of the Clarke County
Bar.)

In the cold predawn darkness of March 6, 1836, Lt. Colonel William Barrett Travis, commanding the tiny garrison of the Republic of Texas at San Antonio De Bexar, leaped from his cot, grabbed his saber and shotgun and headed for the north wall of the former Roman Catholic mission known as the Alamo. Within minutes, Travis lay dead on the parapet with a single 3/4 inch lead ball from a Brown Bess musket embedded in his forehead. By the time the sun rose, over three hundred Texians, Tejanos and Mexicans lay on the blood soaked ground with Travis. Thus, an obscure Alabama attorney rose from laughing-stock to legend.

William Barrett Travis was born near Red Banks, South Carolina in 1809 and came to Conecuh County, Alabama with his family in 1818. He worked on his father's 200 acre farm near Sparta and attended the Sparta Academy until age 16 or 17 when his father sent him to Claiborne Academy in neighboring Monroe County. Travis was so successful at the Academy that he soon became, first, a tutor for his fellow students and eventually a teacher. In 1828, he married Rosanna Cato, one of his students, and nine months and thirteen days later, Rosanna bore their first child, Charles Edward. In 1829, Travis founded a newspaper *The Claiborne Herald* and became its sole publisher and editor.

Tradition has it that Travis, after reading law under Honorable James Dellet, the most prominent lawyer (and a noted politician), in Claiborne, was admitted to the Alabama bar in Monroe County in 1829. No records survive to attest to this fact because the Monroe County Courthouse burned in 1833. Records do survive of his practice in Clarke County, however, showing that Travis practiced law in that county where it is thought that he maintained an office in Gosport on the Alabama River. Little else is known about his law practice other than, according to historian, William C. Davis, it "was a dismal failure." In fact, he made so little money that by 1831, his mentor, James Dellet, representing Travis' creditors (of which Dellet was one) brought several suits in Conecuh County Circuit Court. Travis, acting pro se, pleaded infancy, that as the debts were incurred while he was a minor (all the debts had been incurred before Travis was nineteen) he could not be held accountable. In answer, Dellet took the five-foot-ten inch, bearded Travis by the arm to the front of the jury box and said "Gentlemen, I make proofest of this infant." Upon which the jury, convulsed in howls of laughter, found Travis liable for the debts.

That was more than enough humiliation for the proud Travis who left Alabama for Texas where he opened a law office in San Felipe in 1832. Later, he became involved in Texas' bid for independence and died fighting the Mexicans as commander of the Alamo in 1836. Unlike his fellow martyrs, Jim Bowie and Davy Crockett, Travis did not come to the Alamo surrounded by legends. Yet, according to one of his closest friends, "He was very ambitious... he hungered and thirsted for fame, not the kind of fame which staisfies (sic) the ambition of a duelist and desperado, but the exalted fame which crowns the doer of great deeds in a good cause." Truly, Travis satisfied that hunger at 5:30 a.m. on the morning of March 6, 1836 as he fired his shotgun into the milling mass of humanity before the walls of the Alamo, shouting, "Come on boys, the Mexicans are upon us and we'll give em hell!"

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Preserving the History of Alabama



EXECUTIVE DIRECTOR'S COLUMN

As our annual meeting nears on Thursday, April 8th in Montgomery at the Embassy Suites, I have been reading up on our keynote speaker, Governor Albert Brewer. In 1971, the last year he was governor, I was fifteen years old, and more concerned about movies (*Andromeda Strain* and *Summer of '42*) and music (*Maggie May* by Rod Stewart). *Crimson Tide* fans were thrilled with the new wishbone offense, but all I cared about was that Wilbur Jackson, the man who would become one of Alabama's greatest running backs, was from Ozark where I lived. Though I loved history, I was more into gruesome English history like the beheading of Ann Boleyn.

Local politics and Alabama history did not seem interesting (little did I know). What I remember of Governor Brewer was of a man who appeared so dignified and smart. He was a man who carried himself with such style and grace. To a fifteen year old, appearance is everything. Now, that I have a chance to reevaluate my history, I am glad to know my first impressions were so on the mark. I have spoken to former students who went to Cumberland Law School who said how fortunate they were to attend classes taught by Governor Brewer. I have met former campaign workers who were proud they had participated in such a good endeavor. I have heard how knowledgeable Governor Brewer is about Alabama constitutional law.

Needless to say, after thirty-eight years, I have come to embrace Alabama history, and want to learn more. Since I have been the Executive Director of ABBHS, I have discovered within the pages of the ABBHS Newsletter as much as to pique my interest and keep me fascinated as when I read about Ann Boleyn. It is important we take these opportunities when someone like Governor Brewer can share "living history." He will share remembrances and narratives about lawyers who lived and made history in Alabama.

And, then for a perfect ending to a great meeting, Pat Boyd Rumore, will share her recently published book *From Power to Service: The Story of Alabama Lawyers*. I have already given this book as a gift to two friends who happen to be lawyers. It is beautiful coffee table book that can be savored a little at a time with wonderful photos. The arrangement of the text makes the wealth of information easy to digest and understand. I look forward to seeing our members on April 8th, and hopefully, meeting some potential new members. Please do not forget to send in your reservations!

Jane Garrett



ALABAMA

BENCH and BAR

HISTORICAL
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The Board of Directors of the
ALABAMA BENCH & BAR HISTORICAL SOCIETY

Invites You to Join Us

At Our 2nd Annual Meeting Featuring



***GOVERNOR ALBERT P.
BREWER***

On Thursday, April 8, 2010, 12:00 noon
Montgomery, Alabama
Embassy Suites Conference Center

ABBHS Members: \$20.00

Non-Members: \$25.00

Table for Ten: \$200.00

Make Checks Payable to ABBHS:

P.O. Box 722,
Montgomery, AL
36101-0722

Reservation deadline: April 2, 2010

For more information about the event, email Jane Garrett at
rjgarrett@alabamabenchandbar.org, call 334-229-0565 or visit www.alabamabenchandbar.org

Followed by a Book Signing with

PAT BOYD RUMORE, author of

From Power to Service: The Story of Alabama Lawyers

MARCH LEGAL MILESTONES



March 3, 1817: The Alabama Territory was created when Congress passed the enabling act allowing the division of the Mississippi Territory and the admission of Mississippi into the union as a state. Alabama remained a territory for over two years before becoming the 22nd state in December 1819.

March 7, 1965: Six-hundred demonstrators make the first of three attempts to march from Selma to the capitol in Montgomery to demand removal of voting restrictions on black Americans. Attacked by state and local law enforcement officers as they crossed Selma's Edmund Pettus Bridge, the marchers fled back into the city. The dramatic scene was captured on camera and broadcast across the nation later that Sunday, causing a surge of support for the protestors.



March 9, 1964: In an Alabama case, New York Times v. Sullivan, the U.S. Supreme Court handed down a landmark free speech decision. A Montgomery city commissioner, L. B. Sullivan, had sued the Times for running a factually-inaccurate ad that criticized the city's handling of civil rights demonstrators. Citing the First Amendment, the Court ruled against Sullivan, thereby strengthening the right to freely criticize government.

March 11, 1861: The Confederate Congress, meeting in Montgomery, adopts a permanent constitution for the Confederate States of America to replace the provisional constitution adopted the previous month. The seceded states then ratified the essentially conservative document, which was based largely on the United States Constitution.



March 21 1965: Rev. Martin Luther King leads 3,200 marchers from Selma toward Montgomery in support of civil rights for black Americans, after two earlier marches had ended at the Edmund Pettus Bridge—the first in violence and the second in prayer. Four days later, outside the Alabama state capitol, King told 25,000 demonstrators that "we are on the move now . . . and no wave of racism can stop us." On August 6, 1965, President Lyndon Johnson signed the Voting Rights Act into law.

March 25, 1931: Nine black youths, soon to be known as the Scottsboro Boys, were arrested in Paint Rock and jailed in Scottsboro, the Jackson County seat. Charged with raping two white women on a freight train from Chattanooga, the sheriff had to protect them from mob violence that night. Within a month, eight of the nine were sentenced to death. Based on questionable evidence, the convictions by an all-white jury generated international outrage.



APRIL LEGAL MILESTONES



April 6, 1803: Ephraim Kirby was appointed by President Thomas Jefferson to be the first Superior Court Judge in the Alabama Section of the Mississippi Territory. Kirby arrived at Fort Stoddart in the Alabama Section on January 28, 1804, but died on October 20th of the same year, having held only one term of court. Kirby had earlier compiled and published the first volume of law reports issued in the United States, Reports of Cases Adjudged in the Superior Court, from the Year 1785 to May, 1788, also known as Kirby's Reports.

April 16 1963: Martin Luther King is arrested and jailed during anti-segregation protests in Birmingham, Ala.; he writes his seminal "Letter from Birmingham Jail," arguing that individuals have the moral duty to disobey unjust laws.



April 24, 1820: The Federal District Court was established in Alabama. Charles Tait was appointed Alabama's first federal district judge. Prior to his appointment to the federal bench in Alabama, he served as one of Georgia's U.S. senators from 1809 to 1819. A member of a powerful political faction in Georgia with close ties to the administration of President James Monroe, Tait used his considerable influence in shepherding through Congress the bill that provided for Alabama's admission into the Union in December 1819.

April 28, 1926: Harper Lee was born in Monroeville. Her famous novel, *To Kill A Mockingbird*, was published on July 11, 1960, and sold more than two-and-one-half million copies in the first year.



April 30, 2004: A special Supreme Court of seven justices appointed by Governor Bob Riley, unanimously upheld the Court of the Judiciary's decision to remove Roy Moore as Chief Justice of the Alabama Supreme Court. Moore v. Judicial Inquiry Com'n of State of Ala., 891 So. 2d 848 (Ala. 2004).

BE A PART OF ALABAMA LEGAL HISTORY! JOIN THE ABBHS!

Your Annual or Special membership contribution enables the Society to fulfill its mission of preserving Alabama's legal history, promoting better understanding of the legal system and judiciary, and recovering historical legal artifacts. Your participation provides for publications, programs, projects, and grants.

ABBHS is a 501(c)3 nonprofit organization. Contributions are tax deductible, within legal limits, and will be acknowledged by ABBHS. Operations are financed by memberships in the Society and by contributions from the public. All society board members and officers serve without compensation.

Annual Membership

<u>Levels</u>	<u>Donation</u>	<u>Description</u>
Student	\$15 per year	Student members shall be entitled to all the benefits of members except they shall not be entitled to a vote.
Individual	\$35 per year	May be held only by an individual person.
Founders	\$100+	Payments made until December 2009 will qualify members as Founders.
Corporate	\$500 per year	Firms, foundations, and corporations paying dues of \$1,000 or more per year, may name a member of the Society for each \$100 multiple, not to exceed ten members.

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Sponsor	Contribution of \$5,000 or more but less than \$10,000 shall entitle the donor to be a Sponsor of the Society.
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(As a Lifetime Member the foregoing amounts may be paid over a period not to exceed ten (10) years, provided, however, that until such minimum amounts are paid, the member shall be classified under the appropriate category for Annual Membership as listed above.)

Gift Membership: Present the perfect gift to a history enthusiast or a fellow attorney—a gift membership to the Alabama Bench and Bar Historical Society. Please select the membership category that would be most appropriate, and email rjgarrett@alabamabenchandbar.org that you would like to bestow a gift membership.

Please mail membership form with payment to:

**Alabama Bench and Bar Historical Society
P.O. Box 722
Montgomery, Alabama 36104**

	Your Annual or Special membership contribution enables the Society to fulfill its mission of preserving Alabama's legal history, promoting better understanding of the legal system and judiciary, and recovering historical legal artifacts. Your participation provides for publications, programs, projects, and grants.			PLEASE SELECT MEMBERSHIP	
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Women's History Month

Women Judges Alabama 1923-1989

Alabama's first woman judge, Virginia Henry Mayfield, was appointed to the bench in 1923, only three years after the adoption of the 19th Amendment giving women the right to vote (Alabama did not adopt the 19th Amendment until 1953 having rejected it in 1919). In 1927, Judge Mayfield became the first woman judge in Alabama to run for election, when she ran for circuit judge in Jefferson County. She was defeated. In the 51 years following Judge Mayfield's appointment, only one woman, Annie Lola Price, sat as a state court judge in Alabama. Janie Shores' election in 1974 to the Supreme Court of Alabama led the way for a steady stream, but not a flood, of women on the bench over the next 15 years. It would be another 18 years, however, before a woman, Sue Bell Cobb, was elected as Chief Justice of the Supreme Court, the highest judgeship in the State.

<u>Name</u>	<u>Date</u>	<u>Court</u>
Virginia Henry Mayfield	1923	Jefferson County Domestic Relations Court
Annie Lola Price	1951	Court of Appeals
Janie Ledlow Shores	1974	Supreme Court
Phyllis Nesbit	1977	Baldwin County District Court
Inge Johnson	1978	31st Judicial Circuit (Colbert County)
Anne Farrell McKelvey	1979	Wilcox County District Court
Sandra Ross	1980	Jefferson County District Court
Patti Smith	1980	Shelby County District Court
Marise Mims	1981	Chilton County District Court
Sue Bell (Cobb)	1981	Conecuh County District Court
Debra B. Paseur	1981	Lauderdale County District Court
Jeri W. Blankenship	1981	Madison County District Court
Sarah M. Greenhaw	1982	Montgomery County District Court
Lynn Clardy Bright	1983	Montgomery County District Court
Jo Celeste Pettway	1984	Wilcox County District Court
Sandra H. Ross	1989	10th Judicial Circuit (Jefferson County)
Elise D. Barclay	1989	Jefferson County District Court

FEMALE JUDGES IN THE ALABAMA JUDICIARY

All Judges

58 women / 304 total (19%)

State Final Appellate Jurisdiction Courts

Supreme Court:

3 women / 9 total (33%)

State Intermediate Appellate Courts

Court of Criminal Appeals & Alabama Court of Civil Appeals:

3 women / 9 total (33%)

State General Jurisdiction Courts

Circuit Court:

20 women / 138 total (14%)

State Limited and Special Jurisdiction Courts

District Court:

22 women / 103 total (21%)

ALABAMA'S FIRST WOMAN JUDGE

Virginia Henry Mayfield grew up in her native city of Birmingham, attending public schools there. She began teaching at Decatur, Alabama, and after that in Birmingham. She taught five years in the Barker School at Birmingham and one year in Martin's School. In the intervals of teaching she also spent several summers in study at the University of Chicago. She completed her law course at Birmingham-Southern, received her degree in 1920 and was admitted to the bar of Alabama in 1921. She was selected by Governor William "Plain Bill" Brandon in September, 1923, for a term of six years as judge of the Court of Domestic Relations in Division No. 2 of the Circuit Court at Birmingham. She served until 1927 when she ran for the circuit bench and was defeated by the incumbent Roger Snyder. Judge Mayfield later moved to Washington D.C. where she worked for the Veterans' Administration. She died in Washington on February 4, 1944.



Women Attorneys Alabama 1907– 1960

Much has been written about Alabama's most famous woman attorney, Maud McClure Kelly, and rightly so. She was the first woman in Alabama to maintain a law practice at a time when women not only did not practice law, but did not hold jobs outside of the home, except in factories and on farms. Thanks to the Alabama Women's Hall of Fame, Kelly and other women attorneys have been acknowledged for their work, including Annie Lola Price, Edwina Donnelly Mitchell, and Rosa Gerhardt.

This is the first attempt to list, by year admitted, all of the women who were licensed to practice law in Alabama before 1960. Many of the names are familiar: Nina Miglionico, Ellene Winn, Alice Lee, Eleanor Oakley Gordy, Mahala Ashley Dickerson and Janie Shores to name a few. But many are not familiar: they have disappeared from the pages of history and may only be remembered by family and friends. As with any list patched together from different sources, there may be omissions and discrepancies. If so, please let us know and we will make corrections.

<u>Name</u>	<u>Year Admitted</u>	<u>Place Admitted</u>
Luelle Lamar Allen	1907	Goodwater
Mamie Riddle	1908	Birmingham
Maud McClure Kelly	1908	Birmingham
Mollie M. Parker	1910	Mobile
Miriam Brewer Brown	1913	Hayneville
Mamie Stewart	1913	
Alyxis Gresham	1914	Birmingham
Clare Collins	1916	Geneva
Alice Dorothy Richard	1916	Mobile
Joslina Busbee	1917	Sipsey
Catherine Shea	1918	Birmingham
Alice B. Baldrige	1919	Huntsville
Lois Lipson Friedman	1919	Montgomery
Elaine Ward	1919	Canton, Miss.
Mable Yerby Lawson	1920	Greensboro
Allison Van Nette	1920	Daphne
Bernice Summers	1920	Montgomery
Ida V. Smith	1921	Birmingham
Sallie H. Thompson	1921	Birmingham
Virginia Henry Mayfield	1922	Birmingham
Edwina Falkner	1922	Ensley
Ida D. Rosenthal	1922	Birmingham
Nora Thomas	1923	Birmingham
Cora Rutherford Thompson	1923	Birmingham
Clara J. Cain	1924	Birmingham
Velma Brown Smiley	1925	Birmingham
Mary Julia Kemp	1925	Birmingham
Lenora H. Langford	1926	Bessemer
Rossie Rogers	1928	Birmingham
Annie Lola Price	1928	Cullman
Doris Brown Van Aller	1928	Mobile
Inez Harwell Duke	1929	Opelika
Viola Virginia McCarty	1929	Tuscumbia
Lila Virginia Spragins Moore	1929	Huntsville
Mary Louise Chennault	1930	Decatur
Rose K. Franklin	1930	Birmingham
Rosa Gerhardt	1930	Mobile
Berenice Hansen Turner	1930	Birmingham
Mary Elder Stark	1931	Birmingham

<u>Name</u>	<u>Year Admitted</u>	<u>Place Admitted</u>
Eleanor O. Oakley Gordy	1931	Dothan
Sadie D. Frank	1932	Montgomery
Mrs. Clare C. Shank	1932	Montgomery
Caroline W. Pickens	1932	Tuscaloosa
Florella Y. Bonner	1933	Birmingham
Lillian N. Hadnot	1933	Birmingham
Rubye A. Moore	1933	Birmingham
Nell Dowdell Denson	1934	Birmingham
Margaret Bell James	1934	Birmingham
Rochelle Ramsey Moseley	1934	Union Springs
Martha Bell Orchard	1934	Evergreen
Janella Jackson Wood	1935	Livingston
Alice Nelson Doyles	1935	Montgomery
Ezelle Leftwich Tavel	1935	Montgomery
Ruby Hill Thompkins	1935	Montgomery
Julia Tippins	1935	Montgomery
Laura Katherine Pickett	1936	Montgomery
Irene Feagin Scott	1936	Montgomery
Kathryn McDuff Rossback	1936	Tuscaloosa
Sara Mae Hammond Knight	1936	Tuscaloosa
Elizabeth Johnson Wilbanks	1936	Clanton
Rhea Pearce Lapsley	1936	Birmingham
Nina Miglionico	1936	Birmingham
Flora Feagin	1937	Birmingham
Margarette Kennedy Persons	1937	Birmingham
Jenny Lou Palmer	1937	Jasper
Lola Maye Hayes	1938	Birmingham
Margaret McFall	1938	Montgomery
Sarah Francis Waites	1938	Birmingham
Margaret Arden Crabtree	1939	Ensley
Amanda Elizabeth Conerly	1939	Birmingham
Aline Spurgeon Fulford	1939	Centre
Edith Mae Jordan	1939	Jordan
Grace Almedia Russell	1939	Tuscaloosa
Amanda D. Sims	1939	Montgomery
Jean Kitchell Bynum	1940	Birmingham
Christine Reynolds Connell	1940	Tuscaloosa
Mary Austin Crow	1941	Montgomery
Sara Esther Dominick Clark	1941	Birmingham
Julia Huey Griswold	1941	Enterprise
Helen Elizabeth Hasty	1941	Tuscaloosa
Bertha Moore Merrill	1941	Eufaula
Mildred Eloise Miller	1941	Guntersville
Mary Crawford Mitchell	1941	Hurtsboro
Grace Elizabeth Sims	1941	Tuscaloosa
Alma Ruth Wadsworth	1941	Prattville
Ellene Winn	1941	Atlanta, GA
Alice F. Lee	1943	Monroeville
Dovie Elizabeth McPherson	1943	Reform
Mary Lee Rarig Gill	1945	Selma
Marian Elizabeth Espy	1945	Dothan
Edith Virginia Lloyd Dunlap	1947	Tuscaloosa

<u>Name</u>	<u>Year Admitted</u>	<u>Place Admitted</u>
Jane Limbrough Dishuck	1947	Tuscaloosa
Jane E. Terry	1947	Pennsylvania
Camille W. Cook	1948	Tuscaloosa
Ellen Graves Irby	1948	Waverly
Esther J. Helms	1948	Tuscaloosa
Mahala Ashley Dickerson	1948	Montgomery
Emily Adell Brawner	1949	Birmingham
Alice L. Anderson	1949	Chancellor
Anna E. Gates	1949	Phenix City
Margaret MacGregor	1949	Montgomery
Martha Sue Stokes	1949	Montgomery
Serena Boykin Calvin	1950	Jasper
Caroline Ball Matthews	1950	Montgomery
Shirley Seale Miller	1951	Robertsdale
Mary Alexander Lee Stapp	1951	Tuscaloosa
Alice Louise Manry	1951	Spring Hill
Alice Meadows	1951	Mobile
Mary Texas Hurt Garner	1952	Scottsboro
Norma Holcombe	1953	Tuscaloosa
Alberta Brown Murphy	1953	Tuscaloosa
Louise Ingram Orr Turner	1953	Albertville
Ruth Simpson Sullivan	1955	Dadeville
Janie Ledlow Shores	1959	Birmingham

ALABAMA'S FIRST WOMAN ATTORNEY?

It is generally accepted that the very distinguished **Maud McClure Kelly** was the first women licensed to practice law in Alabama. Kelly, indeed, was one of the first women graduates of the University of Alabama Law School and is certainly the first women to have an active and enduring legal practice in the State. The distinction of the first woman to be *licensed* to practice in Alabama, however, goes to one **Luelle Lamar Allen** of Goodwater, who, after graduating from the University of Alabama Law School, was admitted to practice before the Supreme Court of Alabama on June 6, 1907. Allen practiced law for a very, very short period of time, being listed as one of the attorneys of record in *Williams v. Finch*, 155 Ala. 399, 46 So. 645 (Ala. 1908). Miss Allen married Doctor William Staples the same year that she entered the Bar and there is no record of her practicing law after 1908. She passed away in 1938.



"I believe the long-term solution to the politicization of the judiciary process is education. Children, voters, policymakers and lawyers all should be informed about the importance of a fair, impartial judiciary."

Sandra Day O'Connor



SIX FT. UNDER HUNTSVILLE: THE MURDER OF JUDGE W. THOMAS LAWLER, 1916

BY David J. Krajicek

Reprinted from the New York Daily News, March 16, 2010

The nameplate on his desk identified W. Thomas Lawler as a mere probate judge for Madison County, Ala. But around Huntsville, the county seat, he was regarded as the king of Democrats.

During 12 years as judge, his work in court had become incidental as he accrued a bulging patronage portfolio. He oversaw disposition of estates and wills, of course. But he also handled deeds and mortgages. His position gave him the chairmanship of the local board of commissioners, and he had authority over county road maintenance, including the awarding of contracts.



Probate Judge W.T. Lawler

Each month, a fortune in fees and payments passed through Judge Lawler's mitts. It was assumed that a percentage stuck there. The judge was occasionally accused of losing track of a thousand or two, but in those instances the missing cash magically reappeared. His judgeship came to be regarded in Huntsville as a job to die for. In 1916, Lawler, 52, faced formidable opposition in the Democratic primary, the only vote that mattered in a state then dominated by that party. His opponents were Zack Drake, a prosecutor with a square reputation, and David Overton, a former court clerk and police chief regarded as the second-most powerful Democrat in town, after Lawler. It was a curious grouping. Lawler and Overton were old foes who vied over patronage plums, and Drake had once unsuccessfully prosecuted Overton for buying votes and trying to bribe him.

Huntsville, tamed by the arrival of the rocket industry there in the 1950s, was a scrappy cotton town in those days. Alabama had gone dry in 1915, before the rest of the country, so the state got a head start on the financial windfall Prohibition brought to corrupt officials.

Huntsville police, for example, were the chief importers of illegal liquor, using taxicabs to ferry hooch into town, with cops riding shotgun. The city was well-positioned for interstate rum-running - 20 miles from Tennessee and less than 100 miles from both Georgia and Mississippi.

Wags whispered that Overton was a booze importer. It became an election issue when wholesale-sized stashes of alcohol were found first in Overton's barn and then in Judge Lawler's. Each claimed he'd been framed by the other.

On May 9, after a dirty campaign with extravagant Get Morning Home Delivery of the Daily spending, the incumbent prevailed over Overton by 300 votes, with Drake a distant third. Overton claimed election fraud, and a grand jury soon was ogling both Overton and Lawler for possible criminal charges. Even at that, the proceedings were destined for the thick political scrapbook of hostile local elections - until a sinister turn.

On June 14, five weeks after the election, Judge Lawler was summoned to an evening rendezvous with unknown parties. His car was found abandoned near the county courthouse, and his spectacles lay in the street nearby. Curiously, David Overton vanished that same night.

A few days later, Sheriff Robert Philips announced that an informant had suggested that he grapple the Tennessee River outside of Huntsville. The search turned up Lawler's body - shot dead, then weighted down with iron. A week after the body was found, Shelby Pleasants, a prominent Huntsville attorney and friend of Overton, committed suicide, leaving a vague note in which he said he feared that he would be implicated in Lawler's murder. Two days later, Sheriff Philips shot himself. His note, similarly vague, implied that Overton had "fooled him."

After two months on the lam, Overton was arrested in Tennessee and hauled back to Huntsville. He gave a far-fetched story of the slaying, explaining that he met Lawler at the river to negotiate a truce and fend off indictments

(Continued on page 12)



ALABAMA BENCH AND BAR HISTORICAL SOCIETY

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We're on the Web!
www.alabamabenchandbar.org

Preserving the History of Alabama

The Alabama Bench and Bar Historical Society is devoted to preserving the history of the state's judicial and legal system and making the citizens of the state more knowledgeable about the state's courts and their place in Alabama and United States history. The Bench and Bar is interested in preserving documents, artifacts, and memorabilia of the courts, as well as of judges and members of the state bar, and wishes to encourage the publication of scholarly research on bench and bar topics. The Society especially wishes to preserve the biographical information and stories of attorneys and judges who played prominent roles in the history of the state's legal system. To pursue its goals, the Alabama Bench and Bar Historical Society may sponsor publications, exhibitions, displays, lectures, and public programs.

(Continued from page 11)

over election fraud. The judge attacked him, Overton said, and he shot him in self-defense. At trial, a jury rejected Overton's version and condemned him to hang. He was jailed in Birmingham while his attorneys appealed. But one last twist made their work moot.

On March 20, 1917, four months after trial, Overton and six other convicts escaped the Birmingham jail and fled in a car conveniently waiting outside. A few hours later, a posse pinned them down in a bramble outside the city. Someone inside the thicket is said to have plinked a shot at the posse, and at least six deputies emptied their revolvers in that direction. A newspaperman who witnessed the assault called it "general firing." Two of the escapees were killed. One of them was David Overton.

Nearly a century later, students of southern politics still pick over the carcass of the mysterious case, which seems draped in conspiracy. Was Overton allowed to escape so he could be silenced? Did Pleasants and Philips, the attorney and police chief, really commit suicide, or were they, too, silenced? Some view the case as a southern Gothic tale of powerful men spoiled by corruption. Others see it as an example of Prohibition's unintended consequences. One writer said the Lawler murder was the result of "a faithful judge's effort to enforce the law in a lawless community."

The whole truth is buried six feet under Huntsville, in the graves of four men who died over a mere probate judgeship.

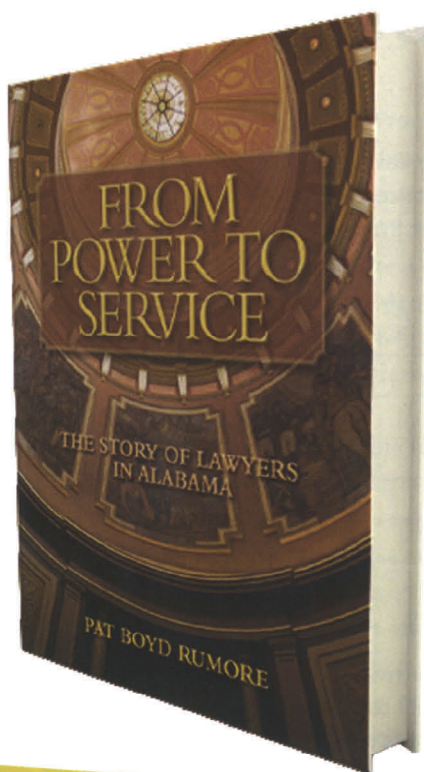
About our Contributor



David Krajicek

David Krajicek (pronounced CRY-check) is a writer, newspaper columnist, author and former journalism professor from Omaha, Nebraska who now lives in the Catskill Mountain hamlet of Red Falls, New York. He is a special correspondent for the New York Daily News, for which he writes *The Justice Story*, a long-running Sunday crime feature. He is a correspondent with Court TV's Crime Library, to which he contributes feature stories about noteworthy crimes. He is the author of a nonfiction book, *Scooped! Media Miss Real Story on Crime While Chasing Sex, Sleaze, and Celebrities*, published by Columbia University Press. He is a busy writer, but he is also an inveterate pursuer of hobbies. His band (in which he plays trombone), the Blues Maneuver, plays about 50 gigs a year. He also enjoys golfing, bird-hunting, downhill skiing and fly-fishing. Dave also spends time in Fairhope, Alabama where he has a home.

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