



THE COURT *Legacy*

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She Didn't Accept the Evil System: From Selma to Ann Arbor, 1965 to 1983

The Civil Rights Movement has had many phases and employed various methods to raise public consciousness of the issue. Through the years the march has been frequently used to protest injustice. Marches often served their purpose well but they also provided an opportunity for “misguided and demented men” to express their opposition through violent acts. This is what happened in Selma, Alabama, in 1965 to Viola Liuzzo. Because 37 years have elapsed, it is important to put the events of 1965 in context.

The Context

The first march to protest injustice was proposed in 1941 by A. Philip Randolph, the president of the Brotherhood of Sleeping Car Porters, to highlight the failure of the Roosevelt administration to address the continuing racial discrimination associated with New Deal programs and the limited availability of defense jobs for African-Americans. The 50,000 person march was called off after Roosevelt bowed to the pressure and issued an Executive Order forbidding discrimination by defense contractors and establishing the Fair Employment Practices Committee to investigate the racial discrimination charges.

In 1963 a new march was organized by Randolph, the National Association for the Advancement of Colored People (NAACP) and the Southern Christian Leadership Conference (SCLC) to advocate passage of the proposed civil rights legislation. More than 200,000 black and white Americans joined in a day of prayers, speeches and songs. The event is remembered now mainly for Reverend Dr. Martin Luther King's famous “I Have a Dream” speech.

Throughout the early sixties other historic events such as sit-ins, freedom rides, the admission of James Meredith at the University of Mississippi were taking place along with bombings of churches, beatings and murders of civil rights workers and innocent bystanders. In this unsettled atmosphere, President Johnson on July 2, 1964 signed the Civil Rights Act of 1964.

Selma 1965

As these events unfolded, the civil rights movement was shifting direction towards voter registration because of the potential for greater long-term political gains. Selma, Alabama, where less than 2% of the eligible African-Americans were registered to vote, was chosen as the starting point. At a rally in January 1965 at Brown Chapel in Selma, Dr. King and the SCLC began their voter registration campaign. President Johnson had just been elected and in his State of the Union address he made voting rights for all citizens a priority of his administration.

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THE COURT LEGACY

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Early in February Dr. King was arrested as he pressed for voting rights, and hundreds marched in nearby Marion. From the county jail Dr. King wrote, "There are more Negroes in jail with me than there are on the voting rolls."

A few days later President Johnson

called Dr. King. He told him, "Find the worst condition you can run into . . . Get it on the radio, get it on television, get it in the pulpits, get it in the meetings."^[1] On February 18 another march in Marion ended in a brutal attack. Jimmy Lee Jackson, a 26-year-old, was shot by a state trooper. He died eight days later. The SCLC immediately announced a march from Selma to Montgomery, the state capitol, to memorialize him and purpose to which he was committed. As the group left Selma on March 7 the police responded. The clash on the Edmund Pettus Bridge immediately outside Selma was captured dramatically on network television and focused the eyes of the nation for the first time on the brutality that blacks still faced from their own local governments in the south. The day became known as "Bloody Sunday."

"In the book, 'Selma 1965,' Charles E. Fager described the event. After Dr. King announced the planned march down Route 80 from Selma to Montgomery, the capital of Alabama, then-Governor George Wallace banned the march and called out state troopers to block their path, despite assurances from march leaders that the demonstration would be peaceful. As the 600 marchers moved out from Brown Chapel and started across the Pettus bridge, they could see the line of troopers spread shoulder to shoulder across the highway."



Brown Chapel, A.M.E. Church, organized after the Civil War, is noted for its Byzantine design

“At the command ‘troopers, advance’ they charged into the crowd, swinging their billy clubs. The younger marchers escaped, the elderly were knocked to the pavement, wooden clubs thudding into their flesh. When other marchers came to their aid they were sprayed with clouds of tear gas. A sheriff’s posse on horseback joined the fray using bullwhips, ropes and lengths of rubber tubing covered with barbed wire while pursuing the marchers through downtown.”



The Montgomery County Posse swinging batons

“In Atlanta, an infuriated Dr. King sent out telegrams to every prominent clergyman sympathetic to the SCLC, reading in part, ‘In the vicious maltreatment of defenseless citizens of Selma, where old women and young children were gassed and clubbed at random, we have witnessed an eruption of the disease of racism which seeks to destroy all America. No American is without responsibility. The people of Selma will struggle on for the soul of the nation but it is fitting that all Americans help to bear the burden. I call therefore, on clergy of all faiths, to join me in Selma.’”^[2]

Religious groups from around the country sent representatives. James Reeb, a Unitarian Universalist minister from Boston, was one of the hundreds of people who responded the evening of March 8. The next day, in Selma, 450 religious leaders and 2000 others came together for a second march over Pettus bridge to pray at the

site of the attack. That night Reeb and two other ministers were attacked outside a restaurant. Reeb died three days later. Dr. King said, “This was not so much the attempt to murder a man as an attempt to murder the hopes and dreams of a people.”^[3]

On March 15, the same day as Reeb’s memorial service at Brown Chapel, President Johnson spoke to a joint session of Congress to introduce the Voting Rights Bill. He said, “Their cause must be our cause, too. Because it is not just Negroes, but really it is all of us, who must overcome the crippling legacy of bigotry and injustice. And we shall overcome.” At Brown Chapel Dr. King, who had refused President Johnson’s invitation to be present at the Capitol, gave the eulogy. After paying tribute to the contributions of James Reeb to the cause of justice and commenting on the “misguided and demented men who . . . express dissent through murder,” he asked the question, “What killed James Reeb?” He answered, “James Reeb was murdered by the indifference of every minister of the gospel who has remained silent behind the safe security of stained glass windows. He was murdered by the irrelevancy of a church that will stand amid social evil and serve as a taillight rather than a headlight, as an echo rather than a voice. He was murdered by the irresponsibility of every politician who has moved down the path of demagoguery, who has fed his constituents the stale bread of hatred and the spoiled meat of racism. . . . Yes, he was even murdered by the cowardice of every Negro who tacitly accepts the evil system of segregation, who stands on the sidelines in the midst of a mighty struggle for justice.”^[4]

By now Dr. King and the SCLC had won a federal court order allowing a march from Selma to Montgomery to present a petition for full voting rights and directing the state to protect the marchers. “However, the order limited the march to 300 people on a section of Highway 80 that was only two lanes wide.

Gov. Wallace told the White House the state couldn't afford to pay the cost of mobilizing the National Guard for the march, giving President Johnson the opportunity he was looking for. He federalized 1,900 of Alabama's National Guard, authorized use of 2,000 regular army troops, as well as 200 FBI agents and U.S. marshals to protect the march."

"The Selma-Montgomery march started on March 21, the marchers camping at night wherever they could. Finally they arrived in Montgomery on March 24. Fager describes the dramatic scene: 'As they neared Montgomery, the road widened, ending the 300 limitation and all through the afternoon cars and buses stopped along the line and discharged new marchers. There were thousands of them, exuberant and noisy, carrying banners and placards . . . When they arrived at the final campsite, the march was like a tide coming in, inevitable and relentless, inundating everything.'"^[5]



The tide coming in as Dr. King and thousands arrive at the capitol

Viola Gregg Liuzzo

On March 16 Viola Liuzzo decided to go to Selma after participating in a sympathy march in Detroit. Ms. Liuzzo was born in 1925 in Pennsylvania and had lived in Tennessee and Georgia. She was married to her second husband, Anthony "Jim" Liuzzo, a Teamster business agent, and had five children. Three years earlier

she had finished her education at Wayne State University as a medical lab technician. During her studies at Wayne she became active in First Unitarian Universalist Church on Cass Avenue.

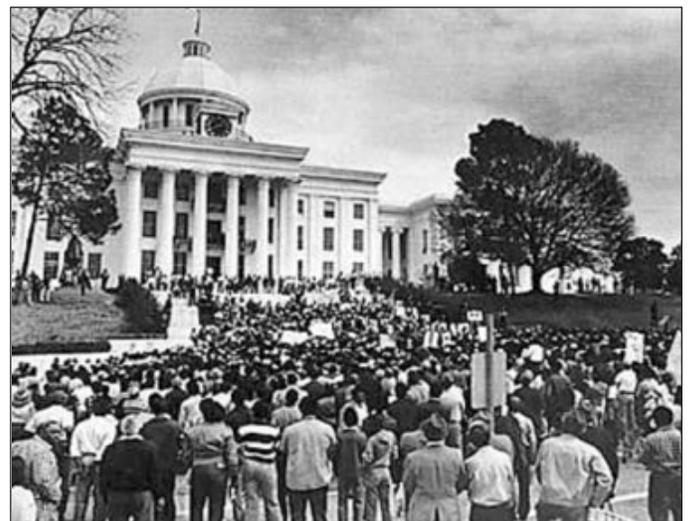


"Jim" and Viola Liuzzo in an early photograph

She and her husband had watched the Pettus bridge incident on T.V. "That really bothered her," said Viola's son Tony. "She felt she had to do something to help. She used to bring down-and-out people home from Cass Corridor because she felt for them, and we'd feed them and they'd rip us off and Dad would get mad. But she cared about everybody."^[6]

"Mrs. Liuzzo watched the march move on to the Capitol at Montgomery on Thursday, March 25. She had spent the past week in Selma, working at the hospitality desk in Brown Chapel, using her car to ferry people back and forth to Montgomery's airport. She had driven to Montgomery the night before to join the last leg of the march."^[7]

Dr. King delivered his speech, "How long will it take? . . . Not long, because mine eyes have seen the glory of the coming of the Lord. . . ."



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Listening to Dr. King at the steps of the Alabama capitol

Afterward he attempted to deliver a petition for full voting rights to Governor Wallace, but troopers kept him out of the Capitol building. The governor's secretary finally emerged and accepted the petition.

The Shooting

After the march ended, thousands had to get out of the city before nightfall. Viola Liuzzo got her car and headed back to Selma with a load of passengers. She had not been following the civil rights workers' rules of the road very carefully over the past several days. She drove fast along the highway, stopping for gas and to call her family at a white-owned station in Lowndes County. She talked to her son Tony. "I'm coming home, Nino. I'm leaving tomorrow. I love you," she told him. That was about 7:30 p.m., and he and his older brother were looking forward to seeing her. They marched around the house singing, "We Shall Overcome," until their tired and worried father, a veteran of labor union wars, said to stop, adding, "Don't you know it's still dangerous down there?"^[8]

"Her Michigan plates made her green Oldsmobile conspicuous and the army troops who served as protection were gone. A carload of whites pulled up behind her, bumping the rear of her car several times before passing and racing off. She commented to Leroy Moton, a black teenager who had been helping her drive, that she thought these local white folks were crazy."

"As soon as their passengers were dropped off at Brown Chapel in Selma, they headed back toward Montgomery for a second load. On the way out of town they stopped at a traffic light, and another car pulled alongside. In it were four Ku Klux Klansmen from Bessemer, a steel town near Birmingham, including FBI informer Gary Rowe, who was sitting in the back seat.

Collie Leroy Wilkins looked out the window and saw Mrs. Liuzzo and her black companion stopped beside them. 'Look there, baby brother,' Wilkins said to Rowe, 'I'll be damned. Look there.'"

"Eugene Thomas, who was driving the Klan car, said, 'Let's get them.' When the light changed they began chasing the Oldsmobile, careening through the darkened swamps of Lowndes County at almost 100 mph. Rowe later said he tried repeatedly to persuade the others to give up the pursuit, but Thomas insisted, 'We're not going to give up, we're going to take that car.'"

"As the Klansmen closed in on their prey Thomas pulled out a pistol and handed it to Wilkins and told the others to draw their own weapons. Rowe tried once more to get them to abandon the game; but Thomas said 'I done told you, baby brother, you're in the big time now.' A moment later they pulled alongside the Oldsmobile. Wilkins put his arm out the window, Mrs. Liuzzo turned and looked straight at him and he fired twice through the glass. The fourth Klansman, William Eaton, emptied his pistol at the car. Rowe said he only pretended to fire his weapon. Then their car sped on away."

"Mrs. Liuzzo fell against the wheel, dead instantly from two bullets in the head, spattering blood over Moton, who grabbed the steering wheel and hit the brakes. The car swerved to the right, crashing through a ditch and coming to rest against an embankment."



Mrs. Liuzzo's green Oldsmobile after the shooting

“Moton turned off the lights and ignition and tried to rouse Mrs. Liuzzo. As he realized she was dead, he saw the other car come back and pull up beside the Oldsmobile. He played dead as the Klansmen shined a light into the car, and then drove away. Moton left the car and began running down the highway toward Montgomery until he spotted a truck he recognized. He climbed in, told what happened and passed out.”^[9]

Johnson, Hoover and Katzenbach

Within 24 hours all four Klansmen were arrested. Each was allowed to post a \$50,000 bond and was released. President Johnson addressed the nation with J. Edgar Hoover by his side to announce the arrests and condemn the Klan. He said, “They struck by night, as they generally do, for their purpose cannot stand the light of day.”^[10] He urged Congress to start an investigation which was pursued by the House Un-American Activities Committee.



Klansmen, from the left, Wilkins, Thomas and Eaton after being charged

President Johnson took an active interest from the beginning. At 11:30 p.m., March 25 he first talked to Attorney General Nicholas Katzenbach who provided some general information about the incident. Neither knew at this time about Rowe, the informant.^[11] Early the next morning, Director Hoover called the President to provide some more details. He told him that they “had a man in the car” who did not shoot, and had identified the other occupants who did the shooting, and that there were “about 10 to 12 shots fired into the car.”

The President responded, “Six-shooter or shotgun?” Hoover explained that revolvers were used, that they have the “scared-to-death” informant in the office, that the suspects are going to throw the weapons in the blast furnace the next morning at work and that the FBI will be there to pick-up the suspects as they arrive for work and “shake them down.” The President ended the conversation by saying in a calm, slow somewhat sarcastic voice, “Thank you so much Edgar. As usual, you’re right on top of it.”^[12]

After talking to Hoover the President called the Attorney General to ask him about returning a call to “a fellow, the husband of this woman” who “called at 5:45 this morning and wants me to call him.” They decided that Lee White, the White House civil rights counsel, should return the call to “get some measure of what kind of fellow he is.” The President said, from what he had heard on television “that he’s not too restrained and was rather ugly.” The President also mentioned that the White House operator had confirmed his feelings. They discussed the status of the investigation, “really moving on that Klan more effectively” as “they’ve done a lot of this stuff through the South” and possible legislation outlawing the Klan.^[13]

The President next called Lee White to talk about returning Mr. Liuzzo’s phone call. He was concerned that Mr. Liuzzo “was not very restrained, and went to the newspapers and television, and they claim I’m going to call him back.” The President told White to call “this fellow” back immediately and “keep a record of what you say, tell him the President was up to two o’clock, and the FBI is working around the clock on it, . . . that we’ll let him know just as soon as we know something. Convey to him my deep, deep sympathy, and my deep regrets and so forth.” The President then asks White to fine out “what kind of person he is.”

White replied that, “he’ll try to get a line on him.”^[14] White was not told that there was an informant and that arrests would soon be made.

White called back 50 minutes later to report that Liuzzo sounded “very relaxed, sounded like a pretty fine fellow.” He reported further that he expressed the sympathy of the President and First Lady and that Liuzzo was “in a reflective mood. Wanted to know where we’re going from here. He had a few unkind things to say about Wallace. . . . Of course, he was appreciative of the call. I asked if he had any information or requests to be sure get in touch with me. My judgment is, sir, is that if you did call he’s going to be reasonable and not in any sense uncontrollable or wild.” They talked some more about a more in-depth background check, and then the President stated, “I’ve got a ten o’clock meeting. Call me before hand and I’m going to be in the bathroom shaving because I’ve been working in this thing since seven, but I was up to two.” He then ended by saying, “write out as much baloney” as you can and give it to the press secretary, George Reedy, because the press is “hounding him to death.”^[15]

Immediately after hanging-up with White, the President was still concerned about calling “the husband of this woman who was killed,” because “it’s been all over T.V. and everything,” so he called Director Hoover. Before he called the husband he wanted Hoover to check him out because the FBI file says “he’s a Teamster man.” Hoover responded, “Yes, . . . he’s one of their agents. And he’s got, I wouldn’t say a bad character, but he’s known out there as being one of the Teamster’s strong-arm men. And this woman, his wife, we found on her body numerous needle points indicating that she may have been taking dope. I can’t say definitely.” He suggested that only White talk to Liuzzo. Hoover then explained that the suspects did not go to work, that the FBI was in the process of getting warrants, and that the suspects and the red Impala that was used were under surveillance.

He also told the President that the suspects had been at dinner just before the shooting and had been approached by the man who shot Reverend Reeb who said to Wilkins and Eaton, “I’ve done my job, now you do yours.”

The President suggested that after the arrests were made it would “make it a little dramatic if [the Director and the Attorney General] . . . ride over and let the television cover you as you come in.” President Johnson thought it would give him a chance “to show what good work the FBI has done and how the Attorney General has done it, and we are all together, and we worked at this thing and in 24 hours you’ve produced results.”^[16]

The Criminal Trials

In May 1965, Collie Wilkins, the alleged trigger-man, in segregated courtroom in Hayneville, Alabama, was the first to be tried. He was defended by the general counsel of the United Klans of American. His defense rested on the argument that a paid informer had betrayed his brothers. Defense counsel asked the jury, “What kind of man is this who comes into a fraternal order by hook and crook,



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Wilkins speaks to fellow Klansmen after the jury deadlocked in his first trial

takes the sacred oath, and sells his sole for 30 pieces of silver?" The jury deadlocked. Wilkins was retried in October 1965. Again, the jury was all white. Rowe once again testified that Wilkins had fired the fatal shots, but admitted that he had held a gun out the car window and pretended to shoot. Defense counsel referred to Rowe as a "Judas Goat" and Wilkins as a "Scape Goat." He called the trial the "Parable of Two Goats." Wilkins was acquitted, avoiding conviction for a second time.

In December 1965 Wilkins, Thomas and Eaton were tried in federal court for violation of § 241 of Title 18, Conspiracy to Violate Constitutional Rights. Once again, an all-white jury was empaneled. However, the jurors were mostly from small Alabama towns this time. Defense arguments were essentially the same, but all three were found guilty. The judge imposed the maximum sentence of 10 years. Eaton died of a heart attack in 1966. The other two served full terms in federal prison.^[17] Thomas was also tried for murder in September 1966 in the same Hayneville Courthouse where Wilkins was tried. This time the jury was made up of eight blacks and four whites, but he was still acquitted.^[18]

Gary Thomas Rowe, Jr.

Nothing happened regarding the case again until the middle 1970's when the name of Gary Rowe turned up in several Congressional investigations. The hearings investigated the roles of the FBI and the CIA, and the claims that they abused their power investigating political activists in the 1960's. Records from the hearings revealed that Rowe was a bartender and night club bouncer in 1960 when he was first recruited by the FBI and urged to join the Klan. He received \$20 to \$300 a month as an informer from 1960 to 1965. Rowe was implicated in or admitted to taking part in a number of crimes while working for the FBI, including a violent assault on Freedom Riders at the Birmingham, Alabama bus station in 1961;



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Rowe (second from right) participating in an assault on Freedom Riders

the bombing that killed four black girls in a Birmingham church in 1963; and the killing of an unidentified black man in a riot in Birmingham in 1963. The FBI had helped cover up Rowe's involvement in these incidents. Later testimony from Wilkins and Thomas also revealed that the man who shot Viola Liuzzo was Rowe. In video taped depositions two Birmingham policeman testified that "Rowe told them the next morning that he had killed Viola Liuzzo himself."^[19] After the hearings, in 1976, Bantam Books published Rowe's autobiography, *My Undercover Years with the KKK*, "a rambling fantasy that cast him as a tough, courageous, hard-living, hard-drinking sex machine."^[20]



The hard-living Rowe after testifying

The release of this information resulted in two new court cases. In November 1978, in Alabama, a Grand Jury indicted Rowe for first-degree murder in the killing of Viola Liuzzo. The state initiated extradition proceedings against Rowe who was living in Georgia under the witness-protection program, but a federal judge blocked extradition, ruling that a federal agent has rights that protect him when "placed in a compromising position because of his undercover work."^[21]

Ann Arbor 1983

The second case followed when the Liuzzo family learned of the information concerning Rowe. In 1979 they filed a lawsuit against the United States of America under the Federal Tort Claims statute asking for damages for their mother's death. Until this information was released the Liuzzo family had thought that Gary Rowe "was a hero."^[22] The family was represented principally by Dean Robb, a well-known and much-respected civil rights attorney. The case was assigned to Judge Charles W. Joiner. It was significant because it was at the initial stages of a growing body of law dealing with the obligation of the FBI to protect citizens known to be in danger.

In May 1983, a couple of months after an eight-day trial at the federal courthouse in Ann Arbor, Judge Joiner ruled in favor of the defendants, dismissing the Plaintiffs' claims on the merits. In the trial, both Wilkins and Thomas testified that Rowe was the shooter, but the judge did not believe their testimony. Judge Joiner found Wilkins not believable based on observing him at his deposition and in trial. Thomas admitted he had frequently lied as a Klansman, but said he had become a born-again Christian in prison and no longer lied. However, Thomas' testimony was impeached by his former wife who testified that a few weeks after the shooting Thomas "told her that Wilkins shot Ms. Liuzzo at his direction." Judge Joiner found that this impeaching testimony was "particularly compelling because she came forward only after she had seen a report on television featuring Thomas and the testimony he had given in this case." The video taped testimony of the Birmingham officers was also shown in court, but the government attorney argued that the officers were part of a Klan effort seeking revenge against Rowe. Judge Joiner did not comment on this evidence in his opinion.

The judge ruled that in order for the Plaintiffs to recover they must prove four elements, one of which was that Rowe "shot Ms. Liuzzo or that his presence was a proximate cause of someone else shooting Ms. Liuzzo." He said the issue was whether the FBI agents were negligent in directing that Rowe accompany the other Klansmen, applying § 319 of the Restatement (Second) of Torts. The section provides, "One who takes charge of a third person whom he knows or should know to be likely to cause bodily harm to others if not controlled is under a duty to exercise reasonable care to control the third person to prevent him from doing such harm." Judge Joiner held while there was a "serious question as to whether the reasonableness of putting Rowe in a place in with people where his action might be a cause of this harm," he did not kill, or do or say anything that caused others to kill. "He was there to provide information and his failure to take steps to stop the planned violence by uncovering himself and aborting his mission cannot place liability on the government."^[23]

Costs were awarded to the government in the amount of \$79,800. However, the award was appealed and reduced to a negligible amount.

The Aftermath

For the most part, the family has gone on with their lives. However, Tony and his wife still maintain files and court transcripts at their home. Tony still believes, "the official story doesn't add up. I dream about my mom. I still feel that I have to know how she died."^[24]

Memorials have been erected to Viola Liuzzo. There is a small park named for her, near Eight Mile Road and Greenfield in Detroit. The family is hoping for a statute some day. In the Spring of 2001, a monument was installed in Eliot Chapel at the Unitarian Universalist Association headquarters in Boston commemorating Viola Liuzzo, Reeb and Jackson. At the spot where Ms. Liuzzo was killed, just off highway 80, there is a stone marker, which is part of The Black Heritage Trail, commemorating the event.



Memorial marker for Viola Liuzzo,
along highway 80, near Selma

Two books have been written. The first, *Murder on the Highway: The Viola Liuzzo Story*, was written by Beatrice Siegel. It was published by Simon & Schuster in January 1994. The second, *From Selma to Sorrow: The Life and Death of Viola Liuzzo*, was written by Mary Stanton, a freelance writer and director of human resources for the Riverside Church in New York City. There was also a play, *Viola*, written by Jim McGinn. He had attended the trial in Ann Arbor and bought the rights to the story from the children. There was a staged reading at the Attic Theatre in Detroit on the 20th anniversary of Viola Liuzzo's death, and it was presented by the Flint Youth Theatre for several nights at the Bower Theater in Flint in March 1999. The entire FBI file, with redactions, is available on the internet.^[25] ■

WANTED

The Society is endeavoring to acquire artifacts, memorabilia, photographs, literature or any other materials related to the history of the Court and its members. If any of our members, or others, have anything they would care to share with us, please contact the Acquisitions Committee at (313) 234-5049.

Sources:

- [1] Christopher L. Walton, "So Nobly Started," *UU World*, XV:2, May/June, 2001, pp. 18-19.
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- [5] Houston, *supra*.
- [6] Jack Lessenberry, "Who Really Killed Viola Liuzzo," *Hour*, June 1998, pp. 64-67.
- [7] Houston, *supra*.
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- [9] Houston, *supra*.
- [10] Lyndon B. Johnson, 36th U.S. President, March 26, 1965.
- [11] *Johnson Tapes*, Thursday, March 25, 1965, 11:30 p.m., duration 9:14 minutes.
- [12] *Id.*, Friday, March 26, 1965, 8:10 a.m., duration 3:27 minutes.
- [13] *Id.*, Friday, March 26, 1965, 8:20 a.m., duration 4:42 minutes.
- [14] *Id.*, Friday, March 26, 1965, 8:40 a.m., duration 1:37 minutes.
- [15] *Id.*, Friday, March 26, 1965, 9:30 a.m., duration 8:01 minutes.
- [16] *Id.*, Friday, March 26, 1965, 9:36 a.m., duration 6:11 minutes.
- [17] Jared Taylor, "The many deaths of Viola Liuzzo," *National Review*, Vol. 47, July 10, 1995, pp. 38-39.
- [18] *Id.*, p.38.
- [19] Lessenberry, *supra*, p. 66.
- [20] Mary Stanton, *From Selma to Sorrow: The Life and Death of Viola Liuzzo* (University of Georgia Press, 1998), p. 211.
- [21] Taylor, *supra*, p. 39.
- [22] Lessenberry, *supra*, p. 66.
- [23] *Liuzzo v. U.S.*, 565 F. Supp. 640 (ED Mich 1983). See also 457 F. Supp. 1274 (1980) and 508 F. Supp. 923 (1981).
- [24] Lessenberry, *supra*, p. 66
- [25] URL: <http://foia.fbi.gov/liuzzo.htm>, 14 Parts, 1520 pp.

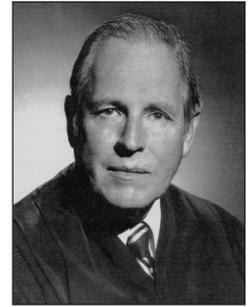
Court Dedicates Portrait of Judge Horace Gilmore

On October 7, 2002, the court held a ceremony for the presentation of the portrait of Judge Horace W. Gilmore. As pointed out by Chief Judge Zatkoff, who presided at the ceremony, it was “a very privileged occasion.”

Joseph A. Sullivan, former Chief Judge of the Wayne County Circuit Court, and long-time friend of Judge Gilmore, reminisced about the times the two had spent together working for Thomas M. Cavanaugh, the Michigan Attorney General, and as judges on the Wayne Circuit bench. Judge Sullivan told how thorough Judge Gilmore was in his work. Judge Gilmore used to require applicants for assistant attorney general positions to list all family members and the cause of death if the person was deceased. “He had this young man fill out the application form which required him to give the name his father, if his father was not living, the cause of death. The same with his grandfather, which is kind of strange but that’s the way he was. And the young man got along fine, no problem filling out his father died of pneumonia. Got to his grandfather and realized and remembered that the grandfather had been hung for stealing sheep. He thought of abandoning the whole project and then he thought, well, wait a minute, maybe we can put this through some other way. He handed in the application. Grandfather died, 1917. He died when a platform on which he was standing at a public ceremony gave way. Well, of course, the young man got the job because it sounded plausible at the time.”

Judge Feikens commented about the wisdom of the new procedure of dedicating the portraits while a judge was still alive. “For years portraits of our colleagues were not commissioned for placement in our courtrooms until they were no longer with us. Happily this has changed. Because we can now say to a colleague while he or she is still with us, how strong that bond of service together is and how wonderful it has been to be together through our years as United States District Judges.” Judge Feikens concluded, even though they “grew up together politically in opposite parties,” by praising Judge Gilmore as “a fine judge [who] lent grace and wisdom to our Bench. I know you all join with me in expressing our gratitude to him for his work as an Article III Judge and we wish him well in the years that are still allotted to him.”

Patrick Corbett, a former law clerk to Judge Gilmore, spoke about “a great man, a man that we all dearly love and learned a lot from.” He remembered Judge Gilmore as “fair-minded,” but “very firm” and always giving a lawyer an opportunity to argue. He said, “Judge Gilmore always gave the litigants in his courtroom a window of opportunity to convince him of their position. . . . Some of you out there may be thinking, it must have been a pretty small window. Sometimes it was a small window, but I can tell you as a law clerk, and I’m sure all of the other law clerks would say the same thing. He gave you a chance to argue and win your case.”



The Honorable
Horace W. Gilmore

Judge Duggan accepted the portrait on behalf of the Court noting that it will be hanging in his courtroom where Judge Gilmore presided for almost 20 years. He first met Judge Gilmore when he was appointed to the Wayne Circuit Bench. “Because I came on in ‘77 and he was on in ‘57 I was Junior. Every place I went I was called a Junior. We’d be down in the cafeteria and he’d say, Junior, can you get we another cup of coffee. And then when we got on this Bench, he came on in 1980 and I came in ‘87, I was still a junior judge. He called down to my chambers and asked my secretary, is Junior ready to go to lunch today?”

“Well, about five years after I was on the Bench we were sitting in the Sentencing Council, that is, myself, Judge Gilmore and Judge Ralph Freeman who came on the Bench in 1954. . . . And so when it became Judge Freeman’s turn, he had a yellow sheet of paper for his first one and he started reading all of the facts of the case. And Judge Gilmore had a jury waiting, and as some of you know, he’s not the most patient person in the world, he said, Ralph, Pat and I have read all that stuff. We don’t need for you to go through all those facts. He looked at him and said, I took the time to prepare this and I expect you will take the time to listen. So Horace said, okay. And I whispered, I guess he told you. Junior”

At the end of the presentation Judge Gilmore said to everyone, “I simply want to say thanks to each of you for the role you played in my life. Thank you for being here and thank you for a very, very interesting and nice, fine event.”

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