

Frank M. Johnson Papers

A Finding Aid to the Collection in the
Library of Congress

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assistance of Allyson H. Jackson and Patrick
Kerwin

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with the assistance of Allyson H. Jackson and
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Manuscript Division, Library of
Congress

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Collection Summary

Title: Frank M. Johnson Papers

Span Dates: 1945-1989

Bulk Dates: (bulk 1955-1986)

ID No.: MSS80675

Creator: Johnson, Frank M. (Frank Minis), 1918-1999

Extent: 116,000 items; 332 containers; 133.6 linear feet

Language: Collection material in English

Repository: Manuscript Division, Library of Congress, Washington, D.C.

Abstract: Lawyer and judge; died 1999. Correspondence, memoranda, agenda and minutes of meetings, reports, opinions, orders, briefs, writs, motions, petitions, depositions, transcripts, notes, clippings, and printed materials documenting Johnson's career as a federal judge and his involvement in professional activities.

Selected Search Terms

The following terms have been used to index the description of this collection in the Library's online catalog. They are grouped by name of person or organization, by subject or location, and by occupation and listed alphabetically therein.

People

Bell, Griffin B., 1918-2009--Correspondence.

Blackmun, Harry A. (Harry Andrew), 1908-1999--Correspondence.

Browder, Aurelia S.--Trials, litigation, etc.

Brown, John Robert, 1909- --Correspondence.

Bryant, Paul W.--Correspondence.

Burger, Warren E., 1907-1995--Correspondence.

Celler, Emanuel, 1888-1981--Correspondence.

Dees, Morris--Correspondence.

DeMent, Ira, 1931- --Correspondence.

Doar, John, 1921- --Correspondence.

Gayle, W. A.--Trials, litigation, etc.

Godbold, John C. (John Cooper), 1920- --Correspondence.

Harvey, William Burnett, 1922- --Correspondence.

Hastings, Alcee L.

James, Fob, 1934- --Correspondence.

James, Worley--Trials, litigation, etc.

Johnson, Frank M. (Frank Minis), 1918-1999

Jordan, Vernon E. (Vernon Eulion), 1935- --Correspondence.

Keady, William C., 1913- --Correspondence.

Kelley, Clarence M.--Correspondence.

Kennedy, Robert F., 1925-1968--Correspondence.

Lee, Anthony T.--Trials, litigation, etc.

Locke, Judson C.--Trials, litigation, etc.

Lynne, Seabourn H. (Seabourn Harris), 1907- --Correspondence.

Marshall, Burke, 1922- --Correspondence.

Mondale, Walter F., 1928- --Correspondence.

Newton, Huey P.--Correspondence.

Pugh, Jerry Lee--Trials, litigation, etc.

Rives, Richard T. (Richard Taylor), 1895-1992--Correspondence.

Scott, Hugh, 1900-1994--Correspondence.

Stickney, Stonewall B.--Trials, litigation, etc.

Tamm, Edward A. (Edward Allen), 1906- --Correspondence.

Tuttle, Elbert P. (Elbert Parr), 1897- --Correspondence.
Varner, Robert E. (Robert Edward), 1921- --Correspondence.
Wallace, George C. (George Corley), 1919-1998--Trials, litigation, etc.
Warren, Earl, 1891-1974--Correspondence.
Williams, Hosea, 1926- --Trials, litigation, etc.
Wyatt, Ricky--Trials, litigation, etc.

Organizations

Judicial Conference of the United States. Advisory Committee on Criminal Rules.
Macon County (Ala.) Board of Education--Trials, litigation, etc.
Selma to Montgomery Rights March (1965 : Selma, Ala.)
United States. Court of Appeals (11th Circuit)
United States. Court of Appeals (11th Circuit). Judicial Council.
United States. Court of Appeals (5th Circuit)
United States. District Court (Alabama : Middle District)
United States. Laws, statutes, etc. Emergency petroleum allocation act of 1973.
United States. Temporary Emergency Court of Appeals.

Subjects

African Americans--Civil rights.
Antitrust law.
Appellate courts.
Bankruptcy.
Civil rights demonstrations--Alabama.
Civil rights.
Constitutional law.
District courts--Alabama.
Energy policy--United States.
Federal-state controversies.
Mentally ill--Civil rights--Alabama.
Petroleum law and legislation--United States.
Prisoners--Civil rights.
Searches and seizures.
Taxation.
Trials.

Occupations

Jurists.
Lawyers.

Administrative Information

Provenance

The papers of Frank M. Johnson, lawyer and judge, were given to the Library of Congress by Johnson in 1990-1992.

Processing History

The Johnson Papers were processed in 1991 and revised and expanded with a large addition in 1993. The finding aid was revised in 2010.

Additional Guides

A description of the initial gift of the Johnson Papers appeared in *Library of Congress Acquisitions: Manuscript Division, 1990: 25-30*.

Copyright Status

Copyright in the unpublished writings of Frank M. Johnson in these papers and in other collections of papers in the custody of the Library of Congress has been dedicated to the public.

Access and Restrictions

Restrictions apply governing the use, photoduplication, or publication of items in this collection. Consult reference staff in the Manuscript Division for information concerning these restrictions. In addition, many collections are stored off-site and advance notice is needed to retrieve these items for research use.

Preferred Citation

Researchers wishing to cite this collection should include the following information: Container number, Frank M. Johnson Papers, Manuscript Division, Library of Congress, Washington, D.C.

Biographical Note

<i>Date</i>	<i>Event</i>
1918, Oct. 30	Born, Winston County, Ala.
1935	Graduated, Gulf Coast Military Academy, Gulfport, Miss.
1937	Graduated, Massey Business College, Birmingham, Ala.
1938	Married Ruth Jenkins
1943	LL.B., University of Alabama, Tuscaloosa, Ala. Admitted to Alabama state bar
1943-1946	Served in the infantry, United States Army
1946-1953	Partner, Curtis, Maddox & Johnson, Jasper, Ala.
1953-1955	United States attorney, Northern District, Alabama
1955-1979	Judge, United States District Court for the Middle District of Alabama
1972-1982	Member, Temporary Emergency Court of Appeals of the United States
1979-1981	Judge, United States Court of Appeals for the Fifth Circuit
1981-	Judge, United States Court of Appeals for the Eleventh Circuit; assumed senior judge status in 1991
1999, July 23	Died, Montgomery, Ala.

Scope and Content Note

The papers of Frank Minis Johnson, Jr. (1911-1999) span the years 1945-1989, with the bulk of the material dating from 1955 to 1986. The collection consists of an original portion organized after

the first gift of the papers in 1990, and an additional portion arranged and described as a 1993 Addition .

Initial Portion

The initial portion of the Frank Johnson Papers spans the years 1955-1982, with the bulk of the items ranging from 1962 to 1979. The majority of the papers document Johnson's career as a judge on the United States District Court for the Middle District of Alabama, 1955-1979, and the Temporary Emergency Court of Appeals of the United States, 1972-1982. This portion of the papers consists of two series: the [United States District Court File](#) and the [Temporary Emergency Court of Appeals File](#).

The [United States District Court File](#) (1955-1980) documents Johnson's twenty-four years of service as a district court judge. Papers in this series are divided into four subseries: [General Correspondence](#), [Case File](#), [Orders and Opinions](#), and [Office File](#). The [General Correspondence](#) subseries (1956-1980) includes incoming and outgoing letters between Johnson and judges, lawyers, court staff, federal and state officials, and the general public. The letters pertain primarily to district court matters.

The [Case File](#) subseries (1955-1979) includes correspondence, memoranda, opinions, orders, briefs, writs, motions, petitions, depositions, transcripts, notes, background information, clippings, and printed matter. Cases are arranged chronologically by date of first court action. The majority of the case files pertain to Johnson's precedent-setting decisions in the areas of civil rights for blacks, prison inmates, and mental patients. During the late 1950s and mid-1960s, many of the significant racial conflicts in the South, including the Montgomery bus boycott (*Browder v. Gayle*) and the Selma-Montgomery march (*Williams v. Wallace*), were settled in his court. Although known primarily for his decisions on civil rights, Johnson's decisions to improve the living conditions in Alabama's prisons (*Pugh v. Locke* and *James v. Wallace*) and mental hospitals (*Wyatt v. Stickney*) were some of his most controversial. Johnson maintained that federal courts must provide relief when constitutional rights are violated because state institutions fail to furnish proper living conditions and medical care for those confined in prisons and mental hospitals. Also included in this series are cases documenting Johnson's occasional sittings for other courts. These cases are filed at the end of the [Case File](#) subseries. Notes on cases also appear in the [Office File](#).

Papers in the [Orders and Opinions](#) subseries (1955-1979) consist of principal orders and opinions issued by Johnson during his tenure as a district judge. This series includes orders and opinions of several cases that do not appear in the [Case File](#) subseries.

The [Office File](#) subseries (1955-1979) relates to Johnson's administrative duties, his work as a member of the Advisory Committee on Criminal Rules for the Judicial Conference of the United States, and his involvement in other professional activities. The majority of the series, however, consists of files relating to briefs and notes on cases. The brief files contain memoranda and briefs, usually from Johnson's law clerks, opinions, articles, and printed matter that Johnson maintained for reference about various subjects such as bankruptcy, civil rights, and social security. An index to the briefs precedes the brief files. The notes on cases are handwritten notes taken by Johnson during trials. The Library received no case files for the cases appearing in these case notes. Notes for cases in the [Case File](#) subseries are filed in that series with the relevant case.

Papers in the [Temporary Emergency Court of Appeals File \(1971-1982\)](#) include correspondence, memoranda, case files, and background information documenting Johnson's service on that court from 1972 to 1982. This court was originally created during President Richard M. Nixon's administration to deal with litigation involving wage-price controls. The papers reflect the court's shift in focus to complex energy regulations brought about by the Emergency Petroleum Act of 1973.

Prominent correspondents in the initial portion of the papers include John Robert Brown, Warren E. Burger, Emanuel Celler, Ira DeMent, John Doar, John C. Godbold, Fob James, William C. Keady,

Robert F. Kennedy, Seybourn H. Lynne, Burke Marshall, Richard T. Rives, Hugh Scott, Edward A. Tamm, Elbert P. Tuttle, Robert E. Varner, and Earl Warren.

1993 Addition

The 1993 Addition to the papers of Frank Johnson spans the years 1945-1989, with the majority concentrated in the period 1955-1986. The bulk of these papers documents Johnson's career as a judge on the United States District Court for the Middle District of Alabama and as an appellate judge on the United States Court of Appeals for the fifth and eleventh circuits. The 1993 Addition consists of four series: [United States District Court File](#), [United States Court of Appeals for the Fifth Circuit File](#), [United States Court of Appeals for the Eleventh Circuit File](#), and [Miscellany](#).

The [United States District Court File](#) (1945-1983) is divided into five subseries: [General Correspondence](#), [Case File](#), [Dockets](#), [Orders and Opinions](#), and [Office File](#). The [General Correspondence](#) subseries (1956-1979) is further divided into alphabetical and chronological files. The bulk of the General Correspondence contains letters, primarily from the public, pertaining to Johnson's civil rights decisions. Many of these letters are negative in tone, revealing the anger and hatred that many whites felt about racial desegregation, especially in Alabama.

The [Case File](#) subseries (1963-1977) contains a few district court cases that were not received in the original installment of the Johnson Papers. Also included is additional material relating to the 1963 school desegregation case, *Lee v. Macon County Board of Education*. Cases are arranged chronologically by date of first court decision.

Papers in the [Docket](#) subseries (1955-1979) provide a record of the name and docket number of individual cases and often include Johnson's handwritten notes in the margin. The [Orders and Opinions](#) subseries (1958-1979) complements similar papers received in the initial gift of the collection and consists of orders and opinions issued by Johnson.

The final subseries, [Office File](#) (1945-1983), relates to Johnson's administrative duties and professional activities during his tenure as a district judge. The papers reflect Johnson's work with judicial conferences and councils and his service on various committees.

The [United States Court of Appeals for the Fifth Circuit File](#) (1975-1981) consists of three subseries: [General Correspondence](#), [Case File](#), and [Office File](#). Johnson sat on the fifth circuit court, which heard cases originating in Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas, from 1979 until the fifth circuit split in 1981. The [Case File](#) subseries (1979-1981) includes correspondence and memoranda, chiefly between the judges, court clerks, and lawyers, as well as opinions (primarily in draft form), orders, petitions, notes, voting sheets, and printed matter. Cases are arranged chronologically by court term beginning in July of each year and therein by case number. Cases are filed by date of last court action. The files reflect the range of cases heard by the fifth circuit court, such as civil rights, constitutional law, antitrust issues, and prisoners' rights.

The [Office File](#) subseries (1975-1981) relates to Johnson's administrative and professional duties during his two years on the fifth circuit court. The majority of the papers chronicle his activities with judicial conferences and councils.

Johnson transferred to the United States Court of Appeals for the Eleventh Circuit (Alabama, Florida, and Georgia) in 1981 upon its creation from the old fifth circuit. Papers in the [eleventh circuit court of appeals series](#) (1974-1989) document Johnson's lengthy service on that court. The series consists of four subseries: [General Correspondence](#), [Case File](#), [Three-Judge District Court Cases](#), and [Office File](#). The [General Correspondence](#) (1979-1981) contains a few letters, incoming and outgoing, from friends and the public.

The [Case File](#) subseries (1981-1988) comprises the bulk of the eleventh circuit series. It includes correspondence and memoranda, chiefly between judges, court clerks, and lawyers, as well as an extensive amount of legal material, such as opinions, orders, and petitions. Cases are arranged chronologically by court term beginning in July of each year and therein by case number. Cases are

filed by date of last court action. Because the split of the old fifth circuit occurred during the 1981 term, readers should look in the case files of both appellate courts to find cases decided during that court term. The eleventh circuit court caseload includes a wide range of cases, from ones involving mundane tax and bankruptcy issues to others focusing on constitutional questions such as search and seizure rules for drug cases.

Additional case files in the eleventh circuit series are located in the [Three-Judge District Court Cases](#) subseries (1979-1986), documenting Johnson's occasional sittings on special three-judge district court cases. These cases usually involved constitutional challenges to state statutes. Arranged by Johnson's staff, this series also contains three-judge court cases which Johnson heard as a fifth circuit judge.

The [Office File](#) subseries (1974-1989) of the eleventh circuit court pertains to Johnson's committee work for judicial conferences and councils, although there is some overlap with the fifth circuit office files. Also reflected in the file is Johnson's work on the Investigating Committee of the Judicial Council of the Eleventh Circuit, which led to the impeachment of Miami district court judge Alcee L. Hastings in 1989.

The final series, [Miscellany](#) (1962-1981), consists chiefly of papers relating to Johnson's nomination as director of the Federal Bureau of Investigation (FBI). Nominated by President Jimmy Carter, Johnson was forced to withdraw from consideration because of health problems. Also included in this series are speeches and writings by Johnson.

Prominent correspondents in the 1993 Addition include Griffin B. Bell, Harry Blackmun, Paul W. Bryant, Warren E. Burger, Morris Dees, Ira DeMent, John Doar, William Burnett Harvey, Vernon E. Jordan, William C. Keady, Clarence M. Kelley, Burke Marshall, Walter F. Mondale, and Huey P. Newton.

Arrangement of the Papers

The collection is arranged in six series:

- [United States District Court File, 1955-1980](#)
- [Temporary Emergency Court of Appeals File, 1971-1982](#)
- [1993 Addition: United States District Court File, 1945-1983](#)
- [1993 Addition: United States Court of Appeals for the Fifth Circuit File, 1975-1981](#)
- [1993 Addition: United States Court of Appeals for the Eleventh Circuit, 1974-1989](#)
- [1993 Addition: Miscellany, 1962-1981](#)

Description of Series

<i>Container</i>	<i>Series</i>
BOX 1-146	<u>United States District Court File, 1955-1980</u>
BOX 1	<u>General Correspondence, 1956-1980</u> Correspondence and memoranda, including attachments and enclosures between Johnson and judges, lawyers, court staff, federal and state officials, and the general public, relating to Johnson's duties as a district court judge. Arrangement is alphabetical.
BOX 1-119	<u>Case File, 1955-1979</u> Correspondence, memoranda, opinions, orders, briefs, writs, motions, petitions, depositions, transcripts, notes, clippings, and printed matter. Arrangement is chronological by year and alphabetical within.
BOX 120-128	<u>Orders and Opinions, 1955-1979</u> Principal orders and opinions issued by Johnson while serving as a district court judge. Arrangement is chronological. <u>Office File, 1955-1979</u> Correspondence, memoranda, agendas and minutes of meetings, reports, briefs, opinions, notes, and printed matter. Arrangement is alphabetical by topic or type of material.
BOX 147-158	<u>Temporary Emergency Court of Appeals File, 1971-1982</u> Correspondence, memoranda, case files, and background material. Arrangement is alphabetical by type of material.
BOX 159-210	<u>1993 Addition: United States District Court File, 1945-1983</u>
BOX 159-162	<u>General Correspondence, 1956-1979</u> Correspondence and memoranda, including attachments and enclosures, between Johnson and attorneys, judges, and the public. Divided into alphabetical and chronological files. The alphabetical files are further arranged chronologically.
BOX 162-163	<u>Case File, 1963-1977</u> Correspondence, opinions, briefs, notes, and printed matter. Arrangement is chronological by year and therein alphabetical by case name.
BOX 163-168	<u>Dockets, 1955-1979</u> Docket sheets. Arranged alphabetically by jurisdiction and therein separated into civil and criminal dockets arranged chronologically.

- BOX 168-171 Orders and Opinions, 1958-1979
Orders and opinions issued by Johnson while serving as a district judge. Arrangement is chronological, with the orders and opinions preceded by an index.
- BOX 171-210 Office File, 1945-1983
Correspondence, memoranda, reports, notes, charges to juries, agendas and minutes of meetings, schedules, and printed matter. Arrangement is alphabetical by name of person or organization, topic, or type of material.
- BOX 211-241 1993 Addition: United States Court of Appeals for the Fifth Circuit File, 1975-1981
- BOX 211 General Correspondence, 1979-1981
Correspondence, including attachments and enclosures, between Johnson and friends and the public. Arrangement is chronological.
- BOX 211-233 Case File, 1979-1981
Correspondence, memoranda, opinions, orders, petitions, notes, voting sheets, printed matter, and other legal papers. Arrangement is chronological by court term and therein by case number.
- BOX 233-241 Office File, 1975-1981
Correspondence, memoranda, reports, notes, opinions, agendas and minutes of meetings, surveys, scheduling files, invitations, and printed matter. Arrangement is alphabetical by name of person or organization, topic, or type of material.
- BOX 241-323 1993 Addition: United States Court of Appeals for the Eleventh Circuit, 1974-1989
- BOX 241 General Correspondence, 1983-1989
Correspondence, including attachments, between Johnson and friends and the public. Arrangement is chronological.
- BOX 241-279 Case File, 1981-1988
Correspondence, memoranda, opinions, orders, petitions, notes, voting sheets, printed matter, and other legal papers. Arrangement is chronological by court term and therein by case number.
- BOX 279-285 Three-Judge District Court Cases, 1979-1986
Correspondence, memoranda, opinions, orders, briefs, motions, depositions, notes, reports, printed matter, and other legal papers. Arrangement is chronological by year and therein alphabetical by case name.

BOX 285-323

Office File, 1974-1989, undated

Correspondence, memoranda, reports, notes, petitions, transcripts of committee proceedings, exhibits, agendas and minutes of meetings, questionnaires, surveys, scheduling files, invitations, background information, and printed matter.

Arrangement is alphabetical by name of person or organization, topic, or type of material.

BOX 324-332

1993 Addition: Miscellany, 1962-1981

Correspondence, memoranda, briefing books, background information, financial papers, speeches, writings, a photograph, and printed matter.

Arrangement is alphabetical by topic or type of material.

Container List

<i>Container</i>	<i>Contents</i>
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BOX 1	General Correspondence, 1956-1980 Correspondence and memoranda, including attachments and enclosures between Johnson and judges, lawyers, court staff, federal and state officials, and the general public, relating to Johnson's duties as a district court judge. Arrangement is alphabetical.
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BOX 1-119	Case File, 1955-1979 Correspondence, memoranda, opinions, orders, briefs, writs, motions, petitions, depositions, transcripts, notes, clippings, and printed matter. Arrangement is chronological by year and alphabetical within.
BOX 1	1955 Bentley v. Westinghouse Elec. Corp.
BOX 2	<i>In re</i> Finley 1956 Browder v. Gayle (4 folders) Columbia Casualty Co. v. First Farmers and Merchant Bank Lebus v. International Woodworkers, Local S-426

United States District Court File, 1955-1980

Container

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Wilson v. Colonial Life and Accident Ins. Co.
1957
Foster Trading Corp. v. Dawkins
1958
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LaSalle Nat. Bank v. Southeast Ala. Gas Dist.
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United States v. United States Klans
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United States District Court File, 1955-1980

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	Institutes and workshops
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	Opp City
	Ozark City
	Phenix City
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	Russell County
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	Saint Clair County
	Selma City

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United States District Court File, 1955-1980

Container

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