

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

In the Matter of:

Investiture Proceedings,
Hon. Rufus A. Lewis,
United States Marshal, for the
Middle District of Alabama.

Before Hon. Frank M. Johnson, Jr., United States
District Judge, Presiding; and
Hon. John C. Godbold, United States Circuit
Judge.

At: Montgomery, Alabama, December 16, 1977.

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(The following proceedings were had in open court
at Montgomery, Alabama, on December 16, 1977, commencing at
4:00 p.m., before Hon. Frank M. Johnson, Jr., United States
District Judge, Presiding, and Hon. John C. Godbold, United
States Circuit Judge:)

JUDGE JOHNSON: We are here today to participate
in an historic transition, the retirement of a man completing

a distinguished career of federal service and investiture of his successor as the United States Marshal for the Middle District of Alabama. It's appropriate to open such a ceremony with an invocation, and for that purpose the Court recognizes Dr. Anderson Todd, Jr., Pastor of the St. John A.M.E. Church. Dr. Todd.

DR. ANDERSON TODD, JR.: May we pray. Eternal God, in whom there is no darkness and from whom we find light for life's journey; Thou art great in power, unlimited in wisdom, and infinite in all resources of thy being. We come today to witness as Rufus A. Lewis takes the oath of office as United States Marshal for the Middle District of Alabama. Bless him as he seeks to serve in a higher measure. Guide him in the performance of his duties. Give him courage, wisdom, understanding, and patience as he begins a new adventure. We pray for our city, state, and country, and all influences which help to make it a better place to live. Lead us, O God, in the days ahead to make wise and true decisions. In time of prosperity, fill our hearts with thankfulness; and in the day of trouble, protect us. Help us to face our shortcomings rather than to seek an escape from them through excessive zeal in pious excuses. Bind us together with ties of conscious unity, so that a fellowship of love and a warm understanding may readily be found in our association with each other at whatever point in life they may touch. Help us to be still and

know that You are God all by yourself. May thy love and grace abide with us until travel days are over. This we ask in the name of Him who was born at this Christmas season, Christ our Lord. Amen.

JUDGE JOHNSON: Thank you, Dr. Todd. For the past eight years, the Middle District of Alabama has been fortunate to have as its Marshal Mr. James T. Lunsford, a hard-working Marshal who's earned our respect with the manner in which he's carried out his responsibilities. Mr. Lunsford is now retiring. I would like to take this opportunity to publicly commend him for his dedicated service in the traditions established by past United States Marshals and, as Chief Judge of the Middle District of Alabama, thank him for a job well done.

The traditions of the Marshals Service are indeed ones of which to be proud. Conceived shortly after the adoption of the Constitution with the passage of the Judiciary Act of 1789, the same Act which established the Supreme Court and the Federal District Courts, the Marshals Service is almost as old as the nation, itself. In fact, President George Washington appointed the thirteen original Marshals. From the beginning, Marshals have been in the forefront of the nation's development. For example, President Washington called upon the Marshals to quell riotous farmers during the rebellion of 1794, one of the most serious challenges to federal authority in the

history of this country.

Much of the folklore surrounding the Marshals Service originated in the days of the early West, when men such as Wyatt Earp brought law and order to the frontier by carrying the fastest gun in town. In an era when outlaws often terrorized entire communities, and respect for the law was not widespread, law enforcement was a dangerous occupation. During one five-year period, sixty-five Deputy Marshals were killed in the Colorado Territory alone. Yet, Marshals succeeded in cleaning up the West and, in the process, earned a reputation for their courage, professionalism, effectiveness, and dedication to the ideals of justice.

Today the Marshals Service continues to provide an invaluable service to the nation -- rendering assistance in the preservation of the integrity of our judicial system. The trials of Patty Hearst, the Chicago Seven, the Watergate conspirators, and the killers of Viola Liuzzo are recent examples of proceedings whose dignity was maintained by the presence of Marshals in the courtrooms. Marshals risk their lives protecting judges and jurors and others whose own safety has been threatened, both in and out of the courtroom. Additionally, Marshals are responsible for the well-being of key government witnesses cooperating with the Justice Department's war on organized crime. Without protection, many of these witnesses would not testify. The Marshals Service is

justifiably proud that no witness has ever been killed, injured, or intimidated while under its protection.

Marshals also perform with equal skill many of the chores essential to daily operation of the courts, such as transporting prisoners, serving process, and arresting fugitives, felons, and parole violators. A recent crisis illustrates the versatility and professionalism of the Marshals Service. In 1969, alarmed by a rash of airplane hijackings, the Attorney General ordered the Marshals to take action. Overnight two hundred and fifty Deputies were stationed in forty-one key airports around the nation. During the following four years, they had aborted twenty-nine hijackings, made more than four thousand arrests, confiscated over fourteen hundred weapons, and seized large quantities of illegal narcotics and counterfeit money. Most importantly, no flight screened by Deputy Marshals was ever hijacked.

The person selected to be the new United States Marshal for the Middle District of Alabama, Mr. Rufus A. Lewis, is a man capable of continuing in the fine traditions of the United States Marshals Service. A Montgomery native, Mr. Lewis is a graduate of Fisk University in Nashville, Tennessee, and has attended Columbia University in New York City. He's been a football coach, club owner, school teacher, and, more recently, has served as a member of the Alabama Legislature. Our two United States Senators from Alabama recommended him to

the President, the Attorney General of the United States concurred in those recommendations, and President Carter demonstrated his confidence in Mr. Lewis by nominating him to be the United States Marshal for this District. The Senate concurred with the President's judgment, confirming the nomination of Mr. Lewis by unanimous consent.

President Carter's appointment of Mr. Lewis is, as I stated initially, an historic one -- not only for us here in the Middle District of Alabama, but also for all the people of the South and, indeed, the entire nation. When he takes the oath of office, Mr. Lewis will become the first black man to hold a federal position by virtue of presidential appointment in the Deep South since Reconstruction. It is particularly fitting and proper that this honor be bestowed upon Mr. Lewis, who has championed the cause of equal rights and justice since the days of his participation in the Montgomery bus boycott of the 1950's. It's also fitting that this occur in this District, and it's more than appropriate that this investiture service be conducted in this courtroom.

As Chief Judge of this Court, it's my pleasure to welcome you, Mr. Lewis --

MR. RUFUS A. LEWIS: Thank you.

JUDGE JOHNSON: -- as the new United States Marshal for the Middle District of Alabama. At this time, I would like to say to you, as I have said to several of your

predecessors at previous investiture proceedings, that service in the judicial process taxes the skill of the finest minds and the most stalwart hearts. You, Mr. Lewis, as the new United States Marshal for this District, with your specifically assigned duties, and as one of the official representatives of the United States in this Court, will have a never-ending obligation to assist this Court in its continuing search for justice and for fairness. You should never forget that as a United States Marshal, you are a trustee of the power and authority of the United States. That power and authority cannot, and it must not, be abused. You must never disregard the legal or the moral rights of citizens by any arbitrary or capricious action. You are no longer Rufus Lewis, private citizen; you are an official representative of the United States Government and this Court. The heritage of your office, the office of United States Marshal, was earned by generations of idealistic Marshals. You should, and I feel confident that you will, approach your new position with reverence for the responsibilities you now bear as a guardian of that heritage.

The judicial family you are joining is dedicated to a spirit of cooperation and work for the purpose of serving the public interest. Most or all of the members of this judicial family, the various officers and employees of this Court, and the investigative and prosecutive agencies of the

United States located in this District, are represented here today in order to be with you and share this occasion with you. I am certain that they will be more than willing to assist you in familiarizing yourself with your new responsibilities and in helping you carry them out to the best of your ability. I am also certain that the outgoing Marshal, Mr. Lunsford, and the various employees in the United States Marshal's office here in this District, will be most cooperative and most courteous to you in rendering whatever assistance you may request of them.

Mr. Lewis is joined here today by many of his friends. It's appropriate to recognize some of them and afford them an opportunity of making such remarks as they may see fit. For that purpose, the Court recognizes a local business man and longtime political friend and associate of Mr. Lewis, Mr. Nimrod T. Frazer.

MR. NIMROD T. FRAZER: Judge Johnson, Judge Godbold, fellow citizens: It's my deep pleasure to be in this room, this edifice that is a monument to justice and evenhandedness, to pay my respects to Mr. Rufus Lewis, who has been my friend and my associate for some years. I am proud of this community; I love it. And I have learned to serve it from those who were abler than me, and Mr. Lewis is one of those men who has taught me to love and to serve this community. His service to it perhaps came in a more difficult

time than my service did, but he's been a generous and an able mentor. People who come in the courts, I guess, are troubled people; and it's been my experience to see Mr. Rufus Lewis work his gifts of patience, God's gift to him of the ability to lead other people. I have seen Mr. Lewis exercise these gifts with troubled people before. He's an incredibly patient man; he operates well under stress. He thinks on his feet, and he thinks under pressure. He has a mind to do these things, and he has a heart to follow them through with. It's a great privilege for me to be here and honor this man. I know that he will enjoy his service and that he will render a high and useful service to our community. I know that I'm proud of him. I'm proud of his achievements. I have told his grandsons, who live in Colorado, that it would give me a lot of pleasure to see them come back to Montgomery and to follow through with the traditions of service and generosity and fairness and strength that this man has established. Thank you, Judge Johnson.

JUDGE JOHNSON: Thank you, Mr. Frazer. The Court recognizes the Honorable David Hood, Municipal Judge for several cities here in Alabama and Special Assistant Attorney General for the State of Alabama. Judge Hood.

JUDGE DAVID HOOD: Judge Johnson, Judge Godbold: May I respectfully thank you for the courtesy. In behalf of people everywhere, I would like to feel as if this is an occasion

that we can all remember, in that we who have worked with Mr. Lewis for so long recognize him as a monument, as a strength upon which we have sought to build. I know in two Democratic National Conventions he has been the right arm of Mr. Joe Reed and myself. I have known him, because he has brought out the best that there is in the American concept. He has tried to evidence a monument that our young people could grow up with and be proud to call this their home. I think the American dream is stronger because of him. We have confidence that the American dream will be a reality to all of us because of him. And I respectfully submit to you that he represents the best there is in us. Thank you.

JUDGE JOHNSON: Thank you, Judge Hood. The Honorable Robert S. Vance, former Chairman of the Alabama State Democratic Executive Committee, and at present in a state of limbo as far as being a federal judge is concerned.

MR. ROBERT S. VANCE: Your Honors: Occasions like this make me sort of overflow with the idea that this is a wonderful time and place to be alive. I haven't worked with Coach as long as some of you have, but I've worked with him long enough so that when we first started, a simple shake of the hand between Coach Lewis and me was enough to bring the scandal-sheet photographers all around us, flashbulbs would go off in every direction, and what a distance we've come. Coach Lewis is tough. He's a great leader. He has determination.

But the thing that has impressed me most about him was his never-failing and is his never-failing good humor. The spirit of brotherhood seems to exude from him. People in other regions of the country sometime appear to be mystified why we in the Deep South, who had so much difficulty, have such a reservoir of good will among all people. If they knew how we were blessed with leaders such as Coach Rufus Lewis, they would understand it better. I feel like I am taking a small piece of history home with me, Your Honor; it's very precious to me. And I know all of you share in this view with me. Thank you.

JUDGE JOHNSON: Thank you, Mr. Vance. The Court now recognizes Mr. Joe L. Reed, Chairman of the Alabama Democratic Conference and member of the Montgomery City Council.

MR. JOE L. REED: Judge Johnson, Judge Godbold: Coach, it's a pleasure for me, in behalf of the Democratic Conference, to congratulate you on assuming the position of United States Marshal for the Middle District of Alabama. Little did I realize that some twenty years ago when you were carrying me down in Barb--- down in Baldwin County to try to register one woman, a hundred and twenty something miles one way, one person registered, and I don't know whether she got registered or not -- but we went down there, and little did I realize that you would be a United States Marshal. It's a pleasure. I also take this opportunity to congratulate and thank Senators Sparkman and Allen for nominating you for this

position, and President Carter for appointing you. This appointment testifies to the fact that the system does work; although slower than we would like, oftentimes with hardships, but the system carries on. It further shows that notwithstanding the historic shortcomings of the system, I stand before this body today at this important gathering and say that blacks and whites working together made this possible. For those of us who oftentimes and sometimes get concerned about the system and about our white brothers, I realize that it was a white Congress that passed the 1965 Voting Rights Act. It was a white Supreme Court that passed on Brown and subsequent decisions. It's a white judge who stands -- serves as Chief Judge of this Court. So the system works. I trust that you realize the position you are about to enter is not a little position, and your duties are not to be taken lightly. I am confident that you will succeed. I am sure you will make all of us proud, and I was especially pleased over the fact that you will be serving one of the most honorable courts in the history of this country. The Chief Judge, the Honorable Frank M. Johnson, Jr., is one of the most respected judges in the history of the Federal Judiciary, and I am just so glad that you will be serving under him. In assuming your duties, I would urge you to adopt the words of Abraham Lincoln when he said, "Without divine assistance, I cannot succeed; and with it, I cannot fail." Congratulations, Coach.

MR. LEWIS: Thank you.

JUDGE JOHNSON: Thank you, Mr. Reed. The appointment of Rufus Lewis is evidenced by a formal commission signed by the President of the United States. The Court recognizes at this time the Honorable John C. Godbold, United States Circuit Judge of the United States Court of Appeals for the Fifth Circuit, for whatever remarks he may consider appropriate and for the reading and presentation of the commission. Judge Godbold.

JUDGE GODBOLD: Judge Johnson and friends: Next month, it will have been thirty years since I began the practice of law in Montgomery. The first case I tried as a young learning lawyer was as attorney for the business in which Mr. Lewis and his wife, Jule Clayton Lewis -- Jule Ross Lewis, I believe, had interests. Mrs. Lewis became my friend and my client, and her husband, Rufus Lewis, became my friend. And he remained my friend as long as I was in the practice of law. In the very early days, he and I shared confidences and many thoughts and questions about the state of the world. Before I came on the bench and had to get out of politics, we shared a few political adventures for the Democratic Party. I think probably my appointment some twelve years ago and his appointment both indicate that they never did find out everything about either one of us. So this long friendship I have enjoyed since I first came to Montgomery as a young lawyer

gives a special meaning to me to participate in this occasion today, and I shall read the commission that Mr. Lewis receives this day:

Jimmy Carter

President of the United States of America,
to all who shall see these presents greeting:

KNOW YE, That reposing special trust and confidence in the integrity, Ability and Diligence of Rufus A. Lewis, of Alabama, I have nominated, and by and with the advice and consent of the Senate, do appoint him Marshal of the United States, in and for the Middle District of Alabama

and do authorize and empower him to execute and fulfil the duties of that Office according to Law, and to have and to hold the said Office, with all the powers, privileges, and emoluments to the same of right appertaining, unto him, the said

Rufus A. Lewis for the term of four years commencing with the date hereof, subject to the conditions prescribed by law.

IN TESTIMONY WHEREOF, I have caused these Letters to be made Patent and the Seal of the Department of Justice to be hereunto affixed

Done at the City of Washington this sixteenth day of November in the year of our Lord one thousand nine hundred and seventy-seven, and of the Independence of the United States of America the two hundred and second.

/signed/ Griffin B. Bell,
Attorney General

/signed/ Jimmy Carter,
President of the
United States

Mr. Lewis, I am honored to present to you your commission from the President of the United States. I congratulate you highly.

MR. LEWIS: Thank you so much.

JUDGE JOHNSON: Mr. Lewis, although you will have many fine people upon whom you can rely, the ultimate responsibility for your performance is yours alone. Some of your duties, most of them, I hope, will be pleasant, and the performance of those duties will, of course, be easy. Other duties the law will require you to perform may be found unpleasant and, therefore, difficult. Yet, always remember that your oath of office as United States Marshal allows no leeway in the manner in which all of these duties, both pleasant and unpleasant, are to be performed.

If you will step forward, I will administer to you that oath of office. Raise your right hand and repeat after me. I, Rufus A. Lewis, do solemnly swear.

MR. LEWIS: I, Rufus A. Lewis, do solemnly swear.

JUDGE JOHNSON: That I will faithfully execute.

MR. LEWIS: That I will faithfully execute.

JUDGE JOHNSON: All lawful precepts directed to the United States Marshal.

MR. LEWIS: All lawful precepts directed to the United States Marshal.

JUDGE JOHNSON: Under the authority of the United States.

MR. LEWIS: Under the authority of the United States.

JUDGE JOHNSON: Make true returns, take only lawful fees.

MR. LEWIS: Make true returns, take only lawful fees.

JUDGE JOHNSON: And in all things, well and truly.

MR. LEWIS: And in all things, well and truly.

JUDGE JOHNSON: And without malice or partiality.

MR. LEWIS: And without malice or partiality.

JUDGE JOHNSON: Perform the duties of the office of United States Marshal.

MR. LEWIS: Perform the duties of the office of United States Marshal.

JUDGE JOHNSON: During my continuance in office.

MR. LEWIS: During my continuance in office.

JUDGE JOHNSON: I do further solemnly swear.

MR. LEWIS: I do further solemnly swear.

JUDGE JOHNSON: That I will support and defend.

MR. LEWIS: That I will support and defend.

JUDGE JOHNSON: The Constitution of the United States.

MR. LEWIS: The Constitution of the United States.

JUDGE JOHNSON: Against all enemies, foreign and domestic.

MR. LEWIS: Against all enemies, foreign and

domestic.

JUDGE JOHNSON: That I will bear true faith and allegiance to the same.

MR. LEWIS: That I will bear true faith and allegiance to the same.

JUDGE JOHNSON: That I take this obligation freely.

MR. LEWIS: That I take this obligation freely.

JUDGE JOHNSON: Without any mental reservation or purpose of evasion.

MR. LEWIS: Without any mental reservation or purpose of evasion.

JUDGE JOHNSON: And that I will well and faithfully.

MR. LEWIS: That I will well and faithfully.

JUDGE JOHNSON: Discharge the duties of the office.

MR. LEWIS: Discharge the duties of the office.

JUDGE JOHNSON: On which I am about to enter.

MR. LEWIS: On which I am about to enter.

JUDGE JOHNSON: So help me, God.

MR. LEWIS: So help me, God.

JUDGE JOHNSON: Have a seat.

MR. LEWIS: Thank you.

JUDGE JOHNSON: There are certain guests here,

guests of honor for Mr. Lewis. The Court wishes to recognize them. Mrs. Eleanor Lewis Dawkins, his daughter. Mrs. Joseph Dickerson, niece, and Mr. Dickerson. Mrs. James Hall, Jr., niece, and Mr. Hall. And some special friends: Mr. and Mrs. D. C. Ross, Sr. Mr. and Mrs. D. C. Ross, Jr. Mrs. S. L. Griffin, Mr. Griffin. Mr. and Mrs. Luke Childrey. Mr. and Mrs. George Green. Mr. Tom Wright. Mrs. Fannie Neal. It is always dangerous to do this, but I'll attempt to even in the face of danger, because you fail to recognize some, and I know that I will. The Court is pleased to recognize the Mayor of the City of Montgomery, Mr. Emory Folmar. The Sheriff of Montgomery County, Mac Sim Butler. The Chairman of the Montgomery County Commission, Mr. H. B. McKinney. Member of the Alabama Legislature, Mr. Tom Reed. And another member of the Alabama Legislature, Mr. Alvin Holmes. The United States Attorney, Mr. Barry Teague. We have another member of the Montgomery City Council, Mrs. Caswell. Judge Varner advised that he was unable to participate, he had a death in his family; but I see he made a special effort and just walked in -- Honorable Robert E. Varner.

MR. LEWIS: Senator Powell, from Elmore and Montgomery.

JUDGE JOHNSON: Yes. The Court recognizes without calling your name and welcomes all of you for this, as I stated, historic ceremony. If there is no other business at

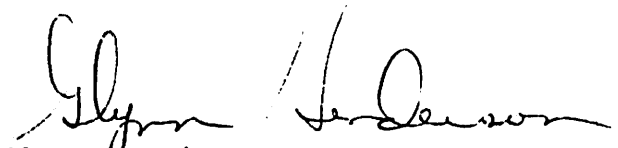
this time, the Court will stand adjourned.

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

I, Glynn Henderson, Official Court Reporter of the United States District Court for the Middle District of Alabama, do hereby certify that the foregoing nineteen pages contain a true and correct transcript of proceedings had before the said Court held in the City of Montgomery, Alabama, in the matter therein stated.

In testimony whereof I hereunto set my hand on this the 20th day of December, 1977.


Glynn Henderson,
Official Court Reporter.