



# CHRONICLE

The Newsletter of the Tennessee Supreme Court Historical Society - February 2016

## **SOCIETY TO HOLD ANNUAL RECEPTION AT THE NASHVILLE SUPREME COURT BUILDING FOR THE FIRST TIME**

**By: Rachel Thomas**

**F**or the first time since its inception, the Society, under the leadership of 2016 President Hal Hardin, will hold its annual reception at the Nashville Supreme Court building. The reception, which will take place on February 9, 2016 at 5:30 P.M., will honor the Tennessee Judiciary, the Society's Past Presidents and Appellate Court Clerks, as well as celebrate the opening of two new Tennessee Judiciary Museum alcoves dedicated to the roles of women and African-Americans in Tennessee's legal history.

Our four Supreme Court Justices, as well as the Governor's recent nominee for the Court's vacancy, are expected to be in attendance. Many appellate and trial court judges, former Tennessee Supreme Court Justices, former Appellate Court Clerks and family members representing deceased Clerks, Society Past Presidents, members of Governor Haslam's senior staff, and attorneys from across the state will be in attendance. Nashville Mayor Megan Barry also plans to attend.

Guests will enjoy the opportunity to socialize in the Nashville Supreme Court Building's beautiful lobby and historic Library, as well as to tour the Museum. Tennessee Court of Appeals Judge Andy Bennett, the visionary and driving force behind the two new alcoves, will conduct tours. The evening will also include a brief program in the Courtroom itself, during which the evening's honorees will be recognized, Judge Bennett will speak about the new alcoves, and Chief Justice Sharon Lee will address the group.

The Society is grateful to the many law firms, foundations and educational institutions that are generously serving as Event and Museum Sponsors.

## **OUR NEW EXHIBITS**

**By: Judge Andy D. Bennett**

**W**e began the Tennessee Judiciary Museum to tell the story of the judiciary. It is a story as deep and wide as the history of our state and its people. We started with the institution itself and the constitutions that have governed it. We focused on the Nashville Supreme Court Building which houses it. We've added exhibits about specific cases that are noteworthy, illustrative or just plain interesting. We also have a web site with lesson plans for teachers.

This year, our biggest additions are two new exhibits which focus on people rather than the institution. African Americans and Women are a significant portion of our bar. But it wasn't always this way. Their histories in the profession help round out our exhibits.

One hundred and fifty years ago, there were no African American or women lawyers. Once the Civil War ended, some African Americans in Tennessee pursued to ability to practice law. The first documented Tennessee African American lawyer was Horatio Nelson Rankin of Memphis in 1868, followed by Alfred Menefee in Nashville. Tennessee Central College in Nashville soon opened a law department which graduated many African Americans. One of the most notable was Lutie Lytle, who in 1897 became the first woman to graduate from a Tennessee law school. She did not practice, however, instead becoming a law professor at her alma mater.

The first woman to practice law in Tennessee was Marion Scudder Griffin. She, too, struggled to gain this privilege. She read law and passed the bar, but was denied admission to the bar by the Tennessee Supreme Court in 1900 and 1901. She went to law school and then lobbied to have a law passed allowing women to practice law. The Tennessee General Assembly enacted the law in 1907 (see the bill on the following page). Griffin and others quickly thereafter were admitted to the practice of law.

Gaining the ability to practice law did not stop Tennessee African American and women lawyers from trying to expand rights and freedoms. Women lawyers in Tennessee played prominent roles in the suffrage movement (see article below). Tennessee African American lawyers represented protesters arrested during civil rights protests.

We have also added new exhibits about the law library and a fascinating post-Civil War case about the death of an East Tennessee Union soldier.

We hope this article encourages you to visit the Tennessee Judiciary Museum in the Nashville Supreme Court Building. Come and learn about our history and some of the legal profession's pioneers.



*Tennessee Judiciary Museum's Two New Alcoves – The Roles of Women and Minorities in Tennessee Legal History – Courtesy of Susan Knowles, Judiciary Museum Consultant*

House Bill No 192.  
An Act to authorize the  
admission of women to  
the practice of law.

Section 1.

Be it Enacted by the  
General Assembly of the State  
of Tennessee, that any woman  
of the age of twenty one  
years and otherwise pos-  
sessing the necessary qual-  
ifications, who shall hereafter  
apply for the same, may  
be granted a licence to  
practice law in the courts  
of this State.

Section 2

Be it further Enacted,  
that this Act take effect  
from and after its passage,  
the public welfare re-  
quiring it.

The Bill that Became the Statute Allowing Women to be Licensed to Practice Law – Courtesy of Judge Andy D. Bennett

*Tennessee Supreme Court  
Historical Society*  
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**TSCHS MEMBERS ON ACCESS TO JUSTICE  
COMMISSION**

**By: Linda W. Knight**

Several TSCHS members serve on the Access to Justice Commission, created by the Supreme Court under Rule 50. Its mission is “to develop a strategic plan for improving access to justice in Tennessee that shall include education of the public, identification of priorities to meet the need of improved access to justice, and recommendations to the Supreme Court of projects and programs the Commission determines to be necessary and appropriate for enhancing access to justice in Tennessee.”

We are proud of Marcy Eason of Miller & Martin in Chattanooga, currently Vice Chair, who will become the Chair on April 1, and Buck Lewis of Baker Donelson’s Memphis office, who are both TSCHS Board members. Justice Connie Clark, a Founding Member of the TSCHS, is the Supreme Court Liaison for the Commission. We thank all of them for their service to this cause.

Learn more about the Commission at <https://www.tncourts.gov/programs/access-justice/access-justice-commission-0>

**ABOUT MEMBERSHIP IN THE TENNESSEE  
SUPREME COURT HISTORICAL SOCIETY**

**By: Linda W. Knight**

This edition of the Society’s Newsletter is published in conjunction with our February 9, 2016 reception and program at the Supreme Court Building in Nashville.

In case some are not familiar with the Society and its good works, we would like to acquaint our readers with the Society.

Our mission is to preserve and protect the records of the Tennessee Supreme Court and its predecessor courts, to honor the Tennessee Judiciary, and to educate Tennesseans about the history and importance of our judicial system.

While the majority of members are lawyers, the Society welcomes all who share an interest in its mission and its program of work.

The Society is a 501(c)(3) charitable foundation and dues are tax deductible.

The Society enjoys a strong working relationship with the Tennessee Supreme Court, but it receives no funds from the Court or any other governmental entity. Members' dues are indispensable for the Society's programs and its very existence.

The Society's website, [www.tschs.online.org](http://www.tschs.online.org), provides information to its members and the public, as an aid for teachers instructing about the judiciary in their classes, and as a research tool for legal scholars. It includes all issues of the Society's newsletter, the *Chronicle*.

### ***Ongoing Projects***

In 2002, the Society published a 459-page book, *A History of the Tennessee Supreme Court*, edited by Professor James Ely, Jr. of the Vanderbilt University School of Law, featuring sections written by Professor Ely and six other distinguished Tennessee historians. The book received national acclaim and was named the Best Tennessee History Book of 2002. The Society plans to update this publication in the near future.

In 2005, the Society installed black granite tablets, listing all appellate judges in Tennessee history, in the Supreme Court Buildings in Nashville, Jackson and Knoxville. The tablets will continue to be updated. At the event on February 9, plaques to honor the Clerks of the appellate courts in the three Grand Divisions and the past Presidents of the Society they will be unveiled.

The Society has embarked on an ambitious project: The cataloging and indexing of Supreme Court case records dating back to 1796. They were stored in the attic of the State Capitol and have been removed to the Tennessee State Library and Archives. The records are not in good condition and the latest technology in record preservation is being utilized in saving these priceless documents. This will be a lengthy project and an important one, for if these documents are not saved, a major portion of our state's history will be lost.

The Tennessee Judiciary Museum was established in December 2012 and is intended to educate the general public about Tennessee's court system. The theme is "Tales of the Tennessee Judiciary: Stories of the Judges, Lawyers and Litigants in Tennessee's Courts." Exhibits include copies of the three original Tennessee Constitutions of 1796, 1835 and 1870, a reproduction of a judge's chambers, and artifacts from memorable cases such as the Scopes Monkey Trial. There is a multi-media display to explain how these cases affect people today. Phase 2 opened at the Society's reception on December 4, 2013. It focuses on the four levels of the Tennessee judiciary, with alcoves displaying documents, photographs and artifacts from those courts. Phase 3, which has recently opened and will be the focus of the February 9 event, consists of two alcoves recognizing the contributions of women and minorities to the judicial system.

Lesson plans for students are available at the Museum website, <http://www.tennesseejudiciarymuseum.org/>, to enhance the educational experience of the Museum. We have welcomed groups and individuals of all ages, from many states and several foreign countries.

The Museum is located in a portion of the Library of the Tennessee Supreme Court Building at the corner of Charlotte Avenue and 7th Avenue North, Nashville. It is open from 9:00 a.m. to Noon, Monday through Friday. Admission is free. Tours may be arranged through the Clerk of the Court, at [jim.hivner@tncourts.gov](mailto:jim.hivner@tncourts.gov).

Please take a few minutes to join or renew your membership in the Society for 2016. Fill out the form below and send your check today.

**INDIVIDUAL MEMBERSHIP APPLICATION/RENEWAL**

Mail this form with a \$50.00 check payable to TSCHS to:  
Ms. Linda W. Knight \* Suite 1700 \* 150 Third Ave., South \* Nashville, TN 37201

Name: \_\_\_\_\_

Address (including name of firm or employer if applicable):

\_\_\_\_\_  
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**A MONUMENT TO ONE OF THE MOST IMPORTANT EVENTS  
IN TENNESSEE’S LEGAL HISTORY IS IN THE WORKS  
By: Linda W. Knight**

**E**veryone interested in Tennessee legal history will be delighted to know that a monument will soon be erected to commemorate the one hundredth anniversary of Tennessee’s ratification of the Nineteenth Amendment to the United State Constitution. The Amendment reads:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

The magnificent Monument is being created by prominent Nashville sculptor Alan LeQuire. As Congressman Marsha Blackburn has said, “When this sculpture finds her home [in] the place where our rights were made certain, it will be a testament to the war for suffrage won in Tennessee and in every ballot box across the country. . . Alan LeQuire’s stunning work is more than a way to honor the women who fought for suffrage. This monument is a stone lighthouse for women yet to come who will lead,

fight, and continue pointing the way.”

The Monument will consist of large statues of four suffragists from across Tennessee, Anne Dallas Dudley, Frankie Pierce, Sue Shelton White, and Abby Crawford Milton, and, of course, national suffrage leader Carrie Chapman Catt, who spent weeks in Tennessee during the summer of 1920. The statues will stand on a large granite base, and will be accompanied by tablets and plaques listing supporters and explanatory materials.



The United States had 48 states during the process of ratifying the proposed Amendment. Under Article V, three-fourths of the states must ratify an amendment in order for it to become part of the Constitution. Thus, 36 states had to ratify the Amendment. A milestone in both American and Tennessee history was reached in August 1919, when Tennessee became that thirty-sixth state.

Advocates for woman suffrage urged that it be included in the Reconstruction Amendments, but it was not. Indeed, the Fourteenth Amendment specified only that *male* citizens could not be deprived of the right to vote. Three United States Supreme Court decisions from 1873 to 1875 rejected the argument that the Fourteenth (granting universal citizenship) and Fifteenth Amendments combined served to guarantee women’s right to vote. Thus, advocates turned to a Constitutional amendment.

*The Tennessee Woman Suffrage Monument Under Construction at the Studio of Alan LeQuire, Nashville, October 2015 – 2 Statutes Cast in Bronze, Remaining Statues Still in Clay – Courtesy of Linda Knight*

The Amendment was originally introduced by Senator Aaron A. Sargent (R-CA) in 1878, and was rejected. In the following years, suffragists pursued legislation in the states and territories, and were successful in several. A map and table in the Wikipedia article about the Nineteenth Amendment, cited below, show that Tennessee had Presidential and municipal suffrage by the time the Amendment was adopted.

In 1914, the Senate again rejected the Amendment. Suffragist Carrie Chapman Catt and her organization, the National American Woman Suffrage Association, supported the war effort during World War I, and President Wilson spoke in favor of suffrage in his 1918 State of the Union address. However, Congress in 1918 and 1919 continued to reject the Amendment. Finally, President Wilson called a special session of Congress, and by June 4, 1919, it had passed both houses and went to the states.

[https://en.wikipedia.org/wiki/Nineteenth\\_Amendment\\_to\\_the\\_United\\_States\\_Constitution](https://en.wikipedia.org/wiki/Nineteenth_Amendment_to_the_United_States_Constitution)

The story of Tennessee's vote to ratify is well known. The pivotal vote was cast by Representative Harry Burn (1895-1977), the youngest member of the House, who later served in the Senate, on the State Planning Commission, and as a delegate to three Constitutional Conventions, and was admitted to the bar in 1923. A special session of the General Assembly took place in August 1920. Representative Burn had stated that he intended to vote "nay." However, his mother wrote a letter to him, which he held in his hand during the voting session on August 18, saying:

Dear Son:

Hurrah and vote for suffrage! Don't keep them in doubt! I notice some of the speeches against. They were bitter. I have been watching to see how you stood, but have not noticed anything yet. Don't forget to be a good boy and help Mrs. Catt put the "rat" in ratification.

Your mother

When it was time for Burn to cast his vote, the count stood at 48 to 48. He broke the tie and the Amendment was ratified. He told the House that he changed his vote because his mother asked him to and that she had always taught him that "a good boy always does what his mother asks him to do."

[https://en.wikipedia.org/wiki/Harry\\_T.\\_Burn](https://en.wikipedia.org/wiki/Harry_T._Burn)

The historic Hermitage Hotel, opposite the Capitol, was the headquarters for both the pro-suffrage and anti-suffrage factions. Obviously, representatives of both forces traveled frequently between the hotel and the Capitol, which then contained the Supreme Court Chamber. They trod across what is now War Memorial Plaza. They also marched in, and in the area around, Centennial Park.

There is a donor society whereunder individuals who contribute \$500.00 or more will have their names engraved on the tablets beside the Monument and receive other benefits. The names of nonprofit organizations that contribute \$2,500.00 will also be engraved on the tablets. There are additional benefits for larger contributions.

The Monument's website is: <http://tnsuffragemonument.org/memorialize-future-generations/>.