

APRIL - JUNE 2026

ALABAMA BENCH AND BAR HISTORICAL SOCIETY

NEWSLETTER

"Bound in History...Open to the Future"

The Gavel

The most overused prop in Hollywood is the judge's gavel, the wooden mallet with a long handle which a judge strikes against a piece of wood (known as a sounding block or board) which enhances the sounding quality (and also saves the bench from any nasty dents or scratches.) The gavel has become a symbol for not only justice, law, the Courts, etc., but a symbol for the authority of a deliberative body in the capacity of the presiding officer of that body. (It's also used by the auctioneer, close relative of the lawyer and the used-car salesman). The question that comes to mind is "why? When did judges begin using gavels and what does the word 'gavel' mean?

Many theories have been proposed as to the origin of the gavel. One, particularly unique theory is that because 'gavel' is an ancient English legal term meaning a rent payment in something other than cash, that "gavel-kind" agreements were set in English land-court to the sound of a gavel striking. However, it has been documented that gavels have never been used in British courts. Therefore, this theory is false. Another theory is that the gavel represents the Norse God Thor's hammer, Mjollnir.

The most reasonable theory regarding the gavel's origin involves Freemasonry, not Thor's hammer. Freemasons trace their origins to the guilds of stonemasons in medieval times. Stonemasons used many different tools, one of which was a hammer for the rough dressing of stone, having one square face and one pyramidal face. This hammer was known as a "kevel." Because of their origins, the Masons adopted the tools of their trade as symbols. Thus, a Master Mason holding the "kevel" or "gavel" at a meeting carried the symbol of his authority as presiding officer of the Lodge. Freemasonry developed in Great Britain in the late 17th and early 18th centuries and was wildly popular in the American colonies. Masonic membership was common especially among the Founding Fathers of the United States. The kevel or gavel was adopted as a symbol of the authority of presiding officers in general, including judges.

Although television productions are full of exasperated judges pounding gavels and shouting, "Order! Order!" many trial judges say that they have never had to resort to "gavel-banging." According to these judges, there are better ways to handle emotional situations rather than "hammering away!" As a matter of fact, the authors of *Robert's Rules of Order* prohibit the chair from hammering the gavel to silence disorderly members. Rather, the chair is to give one vigorous tap of the gavel at intervals until order is restored. The gavel is also not to be used by the chair to challenge, threaten, or emphasize remarks. One or two taps is considered sufficient to call a meeting to order or to attract the attention of the body.

Finally, not all gavels are shaped like mallets nor are they all made of wood. The United States Senate uses an ivory gavel shaped like an hourglass which was presented to the Senate by the Republic of India. The previous gavel, also made of ivory in the shape of an hourglass, had been in use since 1789, but was broken in 1954 by Vice-President Nixon during a heated debate on nuclear energy.

Tim

Inside This Issue:

Executive Director Corner	p. 2
Witnesses to Dramatic History	p. 3-4
Welcome New Executive Director	p. 5
Alabama Judicial Learning Center	p.6-7
Welcome New Members	p. 8
Membership renewals	p. 8
The Requiem of Chief Justice McClellan	p. 9-10
Membership Application	p.11

Preserving the History of Alabama

*Executive
Director's Corner*

*Thank
you*

I greatly appreciate the opportunity you have provided me to serve this wonderful organization. A highlight of this position has been reconnecting with so many friends and colleagues over the past months.

When I started this position, I set three goals to work toward. First, a twenty percent increase in membership. To date, we have experienced a 150% increase moving from 133 members in November to 200 in April. Second, I hoped to educate our state about the benefits of ABBHS increasing our visibility through local Bar Association meetings and programs. While I was unable to get around to local programs, I believe we have increased our visibility through our increased membership and renewed interest of new members writing for our newsletter and encouraging others to join. Finally, I hoped to increase awareness of historical events and figures through more articles in our newsletter. I believe we have started a trend in increasing our knowledge as well as new authors this quarter. I see it only increasing over time.

I am sad to announce that I will be moving back to Washington State and leaving this position. I am happy about going as I will rejoin my children and grandchildren in the Pacific Northwest. I leave knowing that ABBHS will only continue the outstanding service and leadership it has provided. We now have more heads and hearts for this work in our increased membership. Our new Executive Director is dedicated and will accomplish so much for the visibility of our organization. I know you will give her and the board your complete support. Thank you for this wonderful opportunity. I wish you all the best!

Callie



ALABAMA

BENCH *and* **BAR**

HISTORICAL
SOCIETY

BOARD OF DIRECTORS

Tim Lewis
President

Jennifer Macek
Executive Director

Hon. Terry Lovell

Hon. Beth Kellum

Samuel A. Rumore

Hon. John Browning

Sandra Lewis

Suntrease W. Maynard

Hunter Phares

William E. Smith Jr.

WITNESSES TO DRAMATIC HISTORY

By Trippy McGuire
Covington County District Judge, Retired

Back in the day, many Circuit Judges became legendary due to their longevity on the bench, their standing in the community, the big cases they presided over, and their common sense rulings. These judges were considered to be local institutions and pillars in their communities. People were as comfortable with them being judges as they were comfortable with their favorite pair of old slippers. Stories abounded regarding their legal acumen, their fearlessness and their actions on the bench, usually spoken with admiration and respect.

Two such judges were on the bench in Covington County when I began practicing law here back in 1979. They were Circuit Judges William H. Baldwin and F. Murland Smith. In addition to the attributes mentioned in the preceding paragraph, these judges were unique in that they were both witnesses to history on the world stage during World War II, in very dramatic ways.

On December 7, 1941, the “date which will live in infamy,” Navy seaman William H. Baldwin was stationed at the Naval airbase on Kaneohe Bay, Hawaii, and was assigned to duty at the fire station there.

Shortly after 7:55 a.m. on that fateful Sunday morning, he and a friend were walking back from the mess hall when some planes approached from the direction normally used by outbound traffic. Baldwin’s friend remarked that the planes must have had green pilots flying them, as they were coming in from the wrong direction. As the planes drew closer, however, the two saw red markings on the planes and instantly realized these planes were Japanese Zeroes. The Zeroes immediately opened fire on the American planes on the airfield.

Baldwin and his friend sprinted to the fire station and along with others, manned the fire engine and raced down the runway to the burning planes at the far end of the airfield. To their dismay, a Zero suddenly approached them head on, flying very low as the pilot targeted them in his gunsight, letting loose a barrage of gunfire. One of the men on the truck was killed and the fire truck was put out of commission. As the Zero sped by, Baldwin could see its pilot smiling malevolently.

As Baldwin and the others abandoned the fire truck and ran back to the fire station, they observed their officer of the day firing at the Zeroes with a Browning Automatic Rifle, while a mechanic was firing up from the guns of a plane that was on a rack, being serviced.

When the attack was over, 33 of the 36 planes at Kaneohe Airbase had been destroyed and 15 of the men stationed there had been killed.¹

Judge Baldwin continued in the Navy throughout the war. Afterwards, he graduated from college, he earned his law degree in 1951 and went into practice with his father, E.O. Baldwin, a renowned courtroom gladiator in our area. Judge Baldwin continued in a successful solo practice after his father died. He also served as Mayor of Andalusia from 1959 to 1964. He became Covington County District Judge in 1978 and in 1979, was appointed Circuit Judge, a position he held with distinction until his retirement in 1990.

¹“Bill Baldwin,” Veterans Magazine, a special publication of The Andalusia Star News, p.65;
Author’s conversations with Judge William H. Baldwin.

Continued from Page 3

F. Murland Smith graduated from the University of Alabama in 1942 and entered the U.S. Army that same year. He was commissioned as a Second Lieutenant in General George S. Patton's "Hell on Wheels" 2nd Armored Division and became one of the youngest tank commanders in that division.²

As a tank commander under General Patton, Smith fought against German forces under the command of Field Marshall Erwin Rommel, known as "the Desert Fox," in the North Africa Campaign. He also saw heavy combat action while storming relentlessly across Algiers, Sicily, Italy, Normandy and Western Europe.³

Smith was awarded the Silver Star for gallantry in action occurring on August 20, 1944, in France. The citation read that "1st Lt. Smith, with complete disregard for his own safety, personally led an attack against seven nebelwerfers and completely destroyed the entire enemy column without loss to our forces. He then led an attack against St. Pierre des Fleurs destroying several antitank vehicles and capturing numerous prisoners. While in the vicinity of St. Pierre, 1st Lt. Smith was wounded during one of the many heavy enemy artillery barrages. His untiring efforts, his superior judgment under combat conditions, and his leadership caused the destruction of numerous enemy vehicles, the capture of several hundred prisoners, and the complete routing of five enemy columns. This force also made two bridgeheads and seized five towns."

The injury mentioned in the citation occurred on August 25, 1944, when he lay down for the night. According to him, "something didn't feel right" and he then swapped ends, laying his feet where his head had been. Almost immediately, a blast from a German mortar sent shrapnel into his foot, exiting at the knee and shattering both legs.

² Griffin Sikes, "Finis Murland Smith," obituary, The Alabama Lawyer, Sept., 1989, p. 281.

³ Id.

STEP INTO THE STORY OF ALABAMA JUSTICE

Do you have a passion for history and a gift for storytelling? The Heflin-Torbert Judicial Building is looking for volunteer docents to bring our state's legal heritage to life.

As a docent, you will:

- Lead tours through the breathtaking rotunda and courtrooms
- Share the legacy of Alabama's judicial pioneers
- Engage with students, tourists, and legal professionals

Training is provided.

Help us preserve the dignity and history of our courts.

If interested, please contact Arnisha Johnson @ (334) 229-05787 or arnisha.johnson@alappeals.gov.





Welcome

My name is Jennifer Macek, and I am fortunate to have been selected as the next Executive Director of the Alabama Bench and Bar Historical Society. I am filled with gratitude as I begin a new job and a new phase in life. I come to the ABBHS after 26 years as a public school English teacher. Last May, I decided it was time for a life change and retired. Most of my professional career centered around teaching students in a secondary setting. Whether testing struggling readers for dyslexia, teaching ESL, or working with high school students at risk of dropping out, my days were focused on improving the literacy skills of my students. The last ten years of my career were at RISE Academy outside of Houston. Our faculty worked tirelessly to keep our students on the path to graduation and out of juvenile detention. We offered education, mentorship, and college and career readiness. Working at RISE Academy was by far the high point of my career and also the most challenging. I often think of my former students and colleagues, but I feel refreshed and ready for a change of pace.

In 1993, I received a Bachelor of Arts in English with a minor in Social Work from The University of Texas at Austin. In 1996, I received a Master of Arts in Human Services/Counseling from St. Edward's University. My social service experience includes hospice volunteer/bereavement services, For the Love of Christi grief support, and Job Corps student admissions. Serving others has always been a professional priority. I am eager to serve the ABBHS as we seek new members and strive to make a Judicial Learning Center a reality for youth and adults.

Callie Dietz has worked faithfully to increase our membership and to fulfill the mission of the Alabama Bench and Bar Association. Tim Lewis, the ABBHS President, credits former Executive Director, Janice Schultz, with saving ABBHS. He described the organization as a sinking ship before Janice took the helm. It is clear to me that, through the leadership of Tim Lewis and the dedication of Janice and Callie, the ABBHS is strongly rooted and poised to preserve and share the history of Alabama's judicial and legal system. It is a privilege to continue their hard work and to be mentored by Callie as I step out of the classroom and into the legal world.

Jennifer

The Alabama Judicial Learning Center—Help Make it a Reality

By: Callie T. Dietz

A Judicial Learning Center in the Heflin-Torbert Judicial Building in Montgomery, Alabama can become a reality. Plans have been developed. Committees of volunteers are waiting to develop the content and design the space. **The key component missing currently is *funding* to make the center possible.** Alabama needs a judicial learning center for visitors to learn about the different types of law and how courts function in our state. Many other state judicial buildings have developed learning centers and have found them educational and valuable in teaching particularly students about the legal system.

The mission of the Judicial Learning Center is to create a centralized location for visitors to observe, hear, read, and touch their way through the history and application of law in our state and country. We envision a space primarily targeting adults and another space designed for students (grades 4-8). In these spaces both adults and young people who visit the Heflin-Torbert Judicial Building can learn about the roles of government and obtain an understanding of the roles officials and employees serving in these branches. Through the use of interactive exhibits, displays, tours, our portrait and historical document collections, visitors can learn a great deal about the rule of law, the importance of order, and their own role in a democratic government. They can come to appreciate the various types of law and learn about famous and historic cases in Alabama. Students, using a mock courtroom, can even participate in a trial and experience the work of judges, attorneys, and others in a courtroom deciding a case based on the facts presented.

We need your help!!! As members of the Alabama Bench and Bar Historical Society, you already know and appreciate why this work is vital. Preserving the history of our state while supporting the judicial and legal systems is our highest priority. To do this, we must participate in and lead the way for efforts that enhance our goals, such as the judicial learning center. For the center to become a reality, we need to raise funds to renovate two spaces in the Heflin-Torbert Judicial Building as well as to purchase new equipment, displays and display cases, graphics, and exhibits.



Will you help us raise funds to start this project? We would like to raise \$50,000 in 2026 to begin this project. All contributions to ABBHS for support of the Alabama Judicial Learning Center are tax deductible and you will receive acknowledgement of your contribution to use in filing your taxes.

Additionally, recognition will be given publicly in the following manner:

Scales of Justice Level	\$5,000 +	Name on a plaque in the learning center Free membership in ABBHS for 4 years A brass Christmas ornament of the H-T-J-B
Gavel Level	\$2,500-\$4,999	Name on a plaque in the learning center Free membership in ABBHS for 3 years ABBHS coffee mug
Sword Level	\$1,500-\$2,499	Name on a plaque in the learning center Free membership in ABBHS for 2 years A copy of <u>Power to Service</u>
Robe Level	\$500-\$1,499	Name on a plaque in the learning center Free membership in ABBHS for 1 year
Quill & Inkwell Level	\$50-\$499	Name on a plaque in the learning center

ALABAMA JUDICIAL LEARNING CENTER FUNDING PROJECT

NAME: _____

or
FIRM: _____

ADDRESS: _____

TELEPHONE: _____

EMAIL: _____

Name as you would like it to appear on the plaque: _____

Mail to: ABBHS
P.O. Box 722,
Montgomery, AL 36101

Checks should be made payable to: ABBHS and designated to the Alabama Judicial Learning Center.



Thank you for your generous donations!



Dr. James Vickery
Keith Norman

WELCOME NEW MEMBERS

Aubrey Ford
John H. Bentley
J. Lang Floyd
Phil Seay

James E. Hill, Jr.
Deborah Bell Paseur
Benjamin M. Bowden
Mary H. Harris
Thomas D. Woodall
Neal Buchman
J. Derek Peterson
Sherrie W. Paler
Matthew Huggins
Charles R. Malone

Henry P. Allred
Faye McCall
C. Winston Sheehan, Jr.
G. Warren Laird
Rosa H. Davis
Willis H. Clay
Jennifer Macek
Jerry L. Batts
Randall L. Cole
Charles Fleming, Jr.
Ralph H. Grider
William G. Hightower
Sean Blum
Jim Vollmer

John D. Coggin
Jo Celeste Pettway
Michael Bolin
Sameul H. Monk
Matthew Fridy
J. Lee McPhearson



Mid-March–Mid-June 2026 RENEWALS

Your renewal in Alabama Bench and Bar Historical Society is much appreciated.
Renewal letters are normally mailed the beginning of the month.
Please let us know if you have a change of address.



RENEWALS

Dr. Jim Vickrey
Patrick Smith
Karen Laneaux
Hunter Phares
William E. Smith, Jr.
Bill Lewis
Matt S. Green
Vaughn Drinkard
Andrew Rutens



THE REQUIEM OF CHIEF JUSTICE MCCLELLAN

*By: Matthew R. Huggins, Circuit Judge
39th Judicial Circuit*

It was a Monday in Montgomery, February 12, during the mild winter of 1906. By order of Governor William D. Jelks, the Stars and Stripes above the capitol dome flew at half-mast. Two days earlier, Thomas Nicholas McClellan, the seventeenth Chief Justice of the Supreme Court of Alabama, had succumbed to heart failure aboard an overnight train approaching the shadowed bayous of New Orleans. The locomotive, bound for San Antonio and its warm, curative climate, carried a man already beyond remedy. He died before dawn. In New Orleans, an undertaker prepared the body for its long return; by rail it would pass eastward along the Louisville and Nashville Railroad—first to the Alabama capital, then north for burial in the Chief Justice’s native city of Athens. At Montgomery Union Station, associate justices, public officials, and men of consequence assembled in solemn company. They gathered not merely to show respect for McClellan’s high office, but to pay homage to the man they had known and to accompany their colleague and friend on his final journey home.

Descended from sturdy Scotch-Irish stock, Thomas McClellan was born on the banks of Limestone Creek in late February 1853, the youngest of seven children. His father—an old Henry Clay Whig, steadfastly opposed to secession—had represented Limestone County in the Alabama Secession Convention of 1861 and later in the General Assembly during the war. From such beginnings, the son came of age, shaped by conviction and public duty. Educated in common schools and at Oak Hill College, McClellan took his law degree at the age of nineteen from Cumberland University in Lebanon, Tennessee. Returning to Athens, he entered a law partnership with his brother. He served as register in the local chancery court and soon stepped into the arena of public life. Election to the state senate marked the beginning of a career that would rise steadily, and in 1884, he secured statewide office as Alabama’s attorney general. There he distinguished himself—arguing with notable success before the Supreme Court of the United States and prosecuting a former state treasurer accused of plundering the public coffers. Advancement followed. In 1889, when the Alabama Supreme Court expanded from three to four justices, Governor Thomas Seay appointed McClellan to the newly created seat. Less than a decade later, in 1898, the people of Alabama elevated him to chief justice—the summit of the state judiciary. Re-elected without opposition in 1903, he seemed firmly established in that office. Yet his tenure would end not in ceremony, but in the silent darkness of a railcar, days shy of his fifty-third birthday.

If McClellan’s life had been marked by discipline, the journey that followed his death told a less dignified story. When a statesman died in Washington during that era, his body would often be borne home by train, escorted by colleagues whose grief was assuaged by the ample stores of liquor on board. The trip northward from Montgomery mirrored this hushed tradition. As the train bearing McClellan’s remains steamed across Alabama’s heartland, at least three of the dignitaries gave themselves over to drink. Associate Justice John C. Anderson, then only two years upon the high court, was said to have been “so drunk that he staggered like a blind animal when helped from the train, and had to be carried to the hotel and put to bed, and did not sufficiently sober up to attend the funeral.” Nor was he alone. State Treasurer Craig Smith and Supreme Court Marshal and Librarian Junius “Uncle Junie” Riggs likewise arrived in Athens in a condition that betrayed the solemnity of the occasion.

Continued on Page 10

The funeral itself unfolded more fittingly. It was held in a Victorian home, once belonging to McClellan’s late brother, nestled within a broad grove of oaks just north of the town square. Prominent men—the sober ones at least—led the funeral cortege, a somber, one-mile procession to the quiet confines of the city cemetery where the Chief Justice was laid to rest. Across Alabama, voices rose in tribute. Samuel D. Weakley, who succeeded McClellan as chief justice, spoke of him as “an ideal Chief Justice ... Possessing none of the arts and indulging none of the practices of the politician, he early won and always held the confidence, not only of the bar, but of the people.” Journalists echoed the praise. Press accounts referred to McClellan as a “quiet, sedate man . . . recognized as one of the most far-seeing and competent jurists in the south or the nation.” Yet alongside these honors came reproach. Amid the rising temperance movement, reports of drunkenness among those entrusted with public office drew sharp condemnation. Dr. J.D. Ellis of the Alabama Christian Advocate sounded the clarion call: “In the name of all the moral people of Alabama, we call upon Justice Anderson and his associates in shame to tender their resignations and no longer let Alabama have to bear the disgrace of such officers.”

His appeal went unanswered. Time, as it does, rendered its own judgments. Smith completed his term and departed public life; Riggs remained for nearly three decades, transforming the Supreme Court library into one of the nation’s finest; and Anderson, chastened but unbroken, offered a public apology in the *New York Times* and succeeded McClellan as chief justice in 1914, serving with distinction until his death in 1940. His lone, courageous dissent in the Scottsboro Boys case, *Powell v. Alabama*—a landmark case involving the right to counsel amid racial injustice—would in time be vindicated by the Supreme Court of the United States. Reflecting upon McClellan’s example, Anderson later observed that “[h]e not only possessed great ability, but qualifications equally essential to a good judge—courage and integrity.” These were qualities, perhaps, Anderson had come to understand more fully in the years that followed.

Today, beneath a towering red cedar in the Athens City Cemetery, a modest granite stone, mottled with golden and gray lichen, marks the grave of Thomas Nicholas McClellan. It stands as a testament to a life of public service and judicial distinction. Yet it recalls not only the dignity of the man, but the frailty of those who bore him to his rest. The subheadline of Anderson’s public confession in the *New York Times* endures as a fitting epilogue:

“Admits He Was Intoxicated and Promises Not to Do It Again.”



Do you have any items from past judicial campaigns that you would like to donate to the Alabama Judicial Learning Center in the Heflin-Torbert Judicial Building? We are collecting these for displays that visitors to the building will view. Posters, yard signs, buttons, pamphlets, etc. are welcome. Just let us know if you would like to be part of this historic display.





ALABAMA
BENCH and BAR
HISTORICAL
SOCIETY



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

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

Membership Application

Name: _____ Phone _____
Affiliate: _____ Fax _____
Address: _____
City: _____ State: _____ ZIP: _____
Email: _____

Make check payable to ABBHS or include your credit card information below.

Check One - American Express _____ Visa _____ Master Card _____

Credit Card# _____ Expiration Date: _____ Security Code: _____

Please include your credit card address below, if different from your membership address.

Name: _____
Address: _____
City: _____ State: _____ ZIP: _____

Membership Fees:

- _____ **Individual:** **\$75.00/2-year**
- _____ Individual: \$40.00/year
- _____ Student: \$10.00/year
- _____ **Founders** **\$100/year**
- _____ Law Firm: \$1,000/year - *(Includes all attorneys of the firm in any one location)*
- _____ **Contributions:** **\$100 - \$5000**

You can also join on our web site—www.alabamabenchandbar.org

Mailing Address: P. O. Box 722, Montgomery, AL 36101-0722



ALABAMA BENCH AND
BAR HISTORICAL
SOCIETY

P.O. Box 722
Montgomery, AL 36101-0722
Phone: 334.229.0572
E-mail: cdietz.albenchandbar@gmail.com

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

Preserving the History of Alabama

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

Alabama Bench and Bar Historical Society
P. O. Box 722
Montgomery, AL 36101-0722