A GREAT DAY IN LOUISIANA

by Miriam Childs

Chief Justice Bernette Joshua Johnson takes the ceremonial oath of office, given by the Hon. Carl Stewart, Chief Judge of the U.S. Fifth Circuit Court of Appeals, while Joshua Johnson, her grandson, holds the Bible.

The investiture ceremony for Chief Justice Bernette Joshua Johnson, Louisiana's first African-American Chief Justice, took place on Thursday, February 28, 2013. Chief Justice Johnson took the official oath of office on February 1 in a courtroom ceremony. Administering the oath of office was her daughter, Rachel D. Johnson. The investiture ceremony was a public ceremony to commemorate and honor Chief Justice Johnson's crowning achievement.

The sounds of Southern University’s Marching Band echoing in the French Quarter began the day, setting the tone for the historic occasion. Despite the chilly weather, hundreds of people turned out to attend the investiture ceremony. James McClendon Williams, a former law clerk of Chief Justice Johnson's and Master of Ceremonies, opened the ceremony with the words, “Welcome to history!” The Reverend Fred J. Luter, Jr., pastor of Franklin Avenue Bap-
A GREAT DAY IN LOUISIANA

continued from front page

Chief Justice Johnson delivers remarks at the investiture ceremony.

A soaring performance of a medley of patriotic songs sung by Dr. Valerie Francis, assistant professor of music at Nicholls State University followed the greetings from the esteemed guests. Next Chief Justice Johnson was presented with the Bible by Attorney Shantell Payton, President of the Greater New Orleans Louis A. Martinet Society; the Robe by Chief Justice Johnson’s children, David and Rachel; and the Gavel by Chief Justice Johnson’s brothers, Sigmund Joshua and Frank Joshua. (Chief Justice Johnson’s mother, Olivia Joshua, was in attendance but proudly witnessed most of the proceedings from inside due to the cold.)

The Hon. Ivan Lemelle, Eastern District of Louisiana, introduced the Hon. Carl Stewart, Chief Judge of the U. S. Fifth Circuit Court of Appeals, who administered the ceremonial oath of office. Chief Justice Johnson took the oath of office surrounded by her children, grandchildren, other family, and close friends.

After the oath of office, the 1-141st Field Artillery Battalion of the Washington Artillery presented Chief Justice Johnson with a 17-gun salute, which could be heard in the distance by the attendees. Chief Justice Johnson then gave brief remarks, kept short because of her concern about the crowd out in the cold. She attributed part of her success to her supporters over the years: “In a state like Louisiana, when you’re elected to public office, you either have a lot of money or have a lot of people with you. I’ve always had a lot of people.”

Attorney James Williams delivered the closing remarks, and Bishop Paul S. Morton of the Greater St. Stephen Full Gospel Baptist Church (Chief Justice Johnson’s pastor) closed the ceremony with the benediction. Southern University’s Marching Band serenaded the crowd inside the courthouse, where refreshments awaited the guests. The upbeat music provided an appropriate ending to a ceremony that was not only historical, but deeply personal and moving. It was a great day in Louisiana indeed! ⎬

There were several special guests in attendance. Greetings to Chief Justice Johnson were given on behalf of Senator Mary Landrieu by her Chief of Staff, Donald Cravins, and on behalf of the office of Congressman Cedric Richmond; by Hon. Buddy Caldwell, Louisiana Attorney General; Hon. Edwin Murray, Louisiana state senator; Hon. Katrina Jackson and Hon. Walter Leger, III, Louisiana House of Representatives; John Page, President of the National Bar Association; Cheryl Landrieu on behalf of Hon. Mitch Landrieu, Mayor of the City of New Orleans; Hon. Edwin Lombard, judge of the Louisiana 4th Circuit Court of Appeal; Hon. Joan Churchill, National Association of Women Judges; John Musser, IV, current Louisiana State Bar Association President; and Patrick Vance, president of the New Orleans Bar Association. Cravins made the observation that Chief Justice Johnson’s becoming Louisiana’s first African-American Chief Justice is the “culmination of what Rosa Parks was trying to achieve.” Mr. Musser’s com-

ments included high praise for Chief Justice Johnson: “You’re God’s child and you have merit. You’re good at what you do.”

Marc H. Morial, President and Chief Executive Officer of the National Urban League, delivered opening remarks about the occasion, stating that “This is a great day in Louisiana that has been long in coming.” Morial went on to note that the Chief Justice Johnson’s investiture was taking place on the eve of the Louisiana Supreme Court’s bicentennial, another important historical date (to be featured in the next issue of De Novo).

tist Church and President of the Southern Baptist Convention, gave the invocation. After the presentation of the colors, Chief Justice Johnson’s grandchildren, Neyah and Noah Johnson, recited the Pledge of Allegiance, followed by the Southern University Marching Band’s rendition of the national anthem.

Chief Justice Johnson delivers remarks at the investiture ceremony.
CONVERSATIONS WITH CHIEF JUSTICE FOURNET

by Dr. Raphael Cassimere, Jr.*

Editor’s Note: This article was written by Dr. Raphael Cassimere as a contribution to the celebration of the Louisiana Supreme Court’s bicentennial. Dr. Cassimere was a featured speaker at the bicentennial ceremony, held on March 1, 2013 in the courtroom. Dr. Cassimere graciously granted us permission to publish this article in De Novo. What follows is Dr. Cassimere’s recollection of events that happened more than thirty years ago.

In 1977, at the request of Justice Albert Tate and my colleague, Warren Billings, I agreed to interview John B. Fournet, former chief justice of the Louisiana Supreme Court. I knew a little about him. He appeared to be stern and cold-looking. I was alarmed when Tate removed references of my NAACP involvements from my résumé, explaining that Fournet was decent and fair-minded, but from a different generation.2

When we first met, he was taller than I thought and walked with a cane, but was athletic-looking for an octogenarian. His firm handshake surprised me. When Tate introduced us, the Chief pronounced my name “Cachemire” and asked if I spoke French. I replied “un peu,” and he informed me that he spoke French fluently. He asked about the nature of my interviews. I said that as a Louisiana history professor, I had a special interest in Huey Long and wanted to learn more about him. I explained that I would tape our interviews, but provide him with a list of questions in advance. He agreed, but warned me at times he’d ask me to turn off the recorder to protect some of the persons who were still living. He told me that once T. Harry Williams, the famed Long biographer, brought his wife to an interview, and the recorder which she hid in her purse turned on unexpectedly.

Our sessions usually ran about two and one-half hours. I especially enjoyed lunch in the judges’ lunch room. Often we were joined by his “boys,” the four liberals: Pascal Calogero, James Dennis, John Dixon, and Albert Tate. Albert Tate and James Dennis both went on to serve on the U.S. Fifth Circuit. Dixon and then Calogero each followed Fournet as Chief Justice.3 Looking back more than thirty years, I am flattered to have had the opportunity to learn from three different chief justices, a never-to-be-forgotten experience.

We met more than twenty times, and I believe that he enjoyed our discourse almost as much as I did. Although he lived through twenty different governors, Huey was the “best” because he “always had the interest of the people.” Most conversations involved Huey, but sometimes he expressed his views on contemporary issues such as public welfare, crime, different governors, our inheritance law, forced heirship, and sports.5 His continued affection for Huey was obvious even though Long had been dead for more than forty years.

I learned about his family background, which dated to the late 17th century. He grew up in a middle class white family which was often land-rich, but cash poor. His mother was a “saint,” his father a hard working farmer who loved politics, a passion he passed on to his son. Indeed it was his father, an early supporter of Huey’s first bid for the governor’s office in 1923, who convinced “John B.” to support Huey and to run for a House seat on Long’s ticket in 1927. Fournet, who had just established a law practice two years earlier, won a seat on Huey’s coattails. Soon after the election, Huey summoned Fournet to Shreveport. Upon arrival, Huey loudly announced, “This is the next Speaker!” Flabbergasted, Fournet asked how a novice could beat the incumbent. When Huey noticed his Masonic belt buckle, he bellowed, “I thought you were Catholic! These Ku Kluxers will love you.” Of course, Huey was right. Fournet won overwhelmingly and played a major role in passing Huey’s programs.6

Was he merely one of Huey’s puppets, or did Huey respect his views? Fournet affirmed that Huey did indeed respect his views. He supported Long because he believed in his programs. Moreover, he had been elected to help, not obstruct, Huey. Was Huey corrupt? “No, he was no more corrupt than his opponents, but used their own tactics against them.”7 Fournet sneered at those who portrayed Huey as a crude charlatan who attacked his “gentleman” adversaries.8 I suggested that the Win or Lose scheme was probably unethical, if not illegal.9 “It might be illegal today because there are laws against it, but not at that time.” Fournet was not a member of Win or Lose, but owned large reserves of natural gas.10

Considering his loyal support, why did Huey bypass him and instead choose O.K. Allen to run for governor in 1932? Did Huey fear or distrust him? Again, he insisted that Huey never doubted his loyalty.11 He was not only Huey’s loyal supporter, but he remained a valued and trusted advisor until Huey died.

We discussed Huey’s assassination and the possibility that the alleged assassin, Carl Weiss, was a victim of the crossfire of gunshots by Huey’s bodyguards, who were thought to have killed both Long and Weiss. Fournet vehemently denied those allegations because he was an eyewitness. He spoke with emotion as he recounted that tragedy, although it occurred more than forty years earlier:

“Huey emerged from the governor’s office, walking ahead as usual, followed by his bodyguard, Murphy Rhoden, and me. Suddenly Weiss shot Huey with his first shot. Murphy and I wrestled with Weiss, whose second shot ripped my wristwatch band. Then Rhoden shot Weiss dead. Then the speed cops, who had run in the opposite direction emerged and emptied their guns into the dead body of Weiss.”

He didn’t know where Huey kept, or how much money was in, the “deduct box.” Like many others, he believed that Seymour Weiss may have found it. He said he asked Weiss about it, but never re-
Under Fournet’s leadership, the Court streamlined its caseload and limited its role to reviewing only major cases. Fournet insisted that he ran a more democratic and modern court once he assumed the top seat. His proudest accomplishment was the establishment of the Judicial Council and construction of a new building for the Court. In each instance he had to battle Earl Long for funding, who insisted it “cost too much.” However, once the new building neared completion, Earl called to “recommend” a friend to supply the building’s furnishings. He told Earl that he had already purchased them, so he had to quickly place an order. He indicated that he believed judges should not serve too long, or they risk becoming callous. “If you sit too long, you’ve heard every excuse a defendant made, and might ignore obvious evidence of abuse.” Often his court reversed the conviction of a guilty person because his rights had been violated.

We discussed race relations, but only tangentially. Fournet had held many views held by Southern whites, but I detected growth over time. He was not a civil rights crusader, but once the Civil Rights Act of 1964 ended public segregation, he ordered removal of all race-related signs from the court building. He, by his assertion, viewed most African-Americans as victims of economic exploitation. While he had no close “colored” friends, he always treated blacks fairly. He knew only a few black lawyers, but he spoke favorably about A.P. Tureaud, the leading black attorney in the state. He mentioned that many poor blacks and whites remained dependent on welfare because “it was designed to keep people poor.” To the contrary, he would allow recipients to work and earn additional income. “I would help with cash assistance, but also allow them to earn extra money. I would tell them, we’re going to help you for a limited period. Help yourself as much as you can, but eventually we’re going to cut you off.”

Looking back more than thirty years, I treasure those interviews with Fournet as a valuable learning experience, not just about Longism, but the possibility of change. I now view Fournet as a transitional figure in the Court’s history. He was born near the end of its first centenary, but lived, practiced law, and served on the Court for more than a third of its second centenary. As we begin the Court’s third centenary, we can only speculate about “The Chief’s” views of the present Court as it prepares for the leadership of its first African-American Chief Justice, who ironically will follow its first female chief. I don’t think that this would bother him, nor greatly surprise him, because he had capacity for growth. When I last saw him, I was a little sad that our meetings had come to an end. He told me he was moving to Jackson, Mississippi to live with his son. I received one note from him thereafter, but learned of his death five years later. I am indebted to him for those interviews, which widened my knowledge of our state’s rich history.

Notes:

*Fournet was invariably called, “John B.,” “Chief,” or “Fournet.” Earl Long, at one time a foe and detractor, called him “Pumpkin Head,” a name which Fournet hated.

Most of these interviews occurred between 1977-78 in Tate’s chambers in the Supreme Court on Loyola Avenue. Fournet lived in the Warwick Hotel, less than a block away. My views of him changed quickly, as I found him to be bright, energetic, and fun-loving. We both shared a passion for sports, including the New Orleans Saints, who were lovable losers at that time.

*Before his retirement at the end of 2008, Pascal Calogero had passed Fournet’s record as having the longest tenure on the Court, and upon retirement had served just a about a week shy of 36 years. (Chief Justice O’Neill holds the record for longest service as chief justice.)

*He favored a change in this law to allow greater flexibility in disposing of one’s estate.

*He mentioned a particular friend, whose daughter had ceased speaking to him, yet he was required to leave her a portion of his estate. I believe that Fournet moved to Jackson, Mississippi so that he could provide a larger share
for his son, who lived there. 5He played college football and remained a staunch LSU fan. 6 I never fully understood Fournet’s relationship with the Catholic Church. He related an incident which occurred when he was 12 years old. He said, one of the “Belgian” priests who perennially staffed their French-speaking parish warned his parishioners, “you’re committing a mortal sin if you don’t send your children to Catholic schools.” He viewed this as an aspersion against his saintly mother. Accordingly, he added, “I was wearing wooden shoes and I stumped out of the church.” 7Several times he warned me against being so “objective” that I would distort reality. He told me, “Professor Williams on the one hand presented Huey as a ‘genius,’ then invariably characterized him as a buffoon.” 8In a fit of pique, he exclaimed, “Gentleman? I assumed that every man who puts on his pants one leg at a time is a gentleman. Because you are a black man, does that mean you are not a gentleman? You should be willing to fight for your honor if someone assaults it.” 9Huey created the Win or Lose Corporation, which transferred ownership of much of the state’s mineral rights to a company he controlled. His heirs reaped millions from that deal. 10When I asked him if he was rich, he replied, “if I’m not rich, I’m well-fixed.” 11He valued loyalty. He never completely forgave Earl, who turned against Huey and supported Huey’s opponents. He also castigated “Chep” Morrison, whose mother had been given a job by Huey. Morrison became a leading anti-Longite. 12Huey often “borrowed” Governor Allen’s office when he was in Baton Rouge. 13“Speed cops” was the derisive term he used for the highway patrolmen, whose basic responsibility was traffic control. Few, if any, had any professional training as security guards. 14Fournet had known Sam Jones when the latter practiced law in nearby Lake Charles. 15I later learned that Tureaud and Dutch Morial helped him in his last election in 1962. While he was officially domiciled in his district, he spent most of his time in New Orleans. When he came up for reelection, he had already served more than 25 years, and many younger voters did not know him. Tureaud and Morial helped to get out the black vote, which assured his reelection. 16He said that he had to release one of his housekeepers because she did not want him to report her income or pay payroll taxes.
REALIZING THE DREAM: 2013 LAW DAY

by Miriam Childs

“We hold these truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness...” Declaration of Independence, 1776.

The United States was founded upon the ideals of freedom and equality. Benjamin Franklin and the other founding fathers sought a separation from Great Britain to “have the full power to levy war, conclude peace, contract alliances, establish commerce and to do all other acts and things with independent states may of right do.” (Declaration of Independence.) The philosophy of equality and freedom attracted immigrants from the world over, who came to America to make a better living for themselves and their families. The desire for freedom and equality wasn’t contained to immigrant populations, but included women, African-Americans, and the LGBT community, who also wanted the words of the Declaration to live up to their promise.

From the Emancipation Proclamation in 1863, to women obtaining the right to vote in 1920, to the March on Washington in 1963, to the Lily Ledbetter Fair Pay Act in 2009, the United States has been a place where its citizens strive to achieve the dream so eloquently described in Martin Luther King, Jr.’s famous speech. This year’s Law Day seeks to explore the progress the nation has made towards equality under the law and the work that yet needs to be accomplished. Law Day, celebrated each year on May 1, is a national day set aside to celebrate the rule of law, to recognize the importance of law and the legal process in maintaining the freedoms shared by all Americans. Law Day provides an opportunity to highlight the role of courts in our democracy and how our legal system strives to achieve justice.

The Law Library’s Law Day exhibit features four cases focusing on selected aspects of equality and fairness in the United States: voting and civil rights, tolerance, diversity, gender equality, and human rights. The strong foundations set long ago by a coalition of activists, ministers, and politicians support the ongoing efforts of those involved in the struggle for equality. As Martin Luther King, Jr. once said, “injustice anywhere is a threat to injustice everywhere,” which means there is still a lot of work to be done in order to realize the dream in full.

THE LIBRARY’S E-RESOURCES

- BNA Labor & Employment Law
- EBSCO’s Index to Legal Periodicals
- Gale LegalForms
- HeinOnline
- LegalTrac
- Lexis Shepard’s
- Loislaw
- NFPA Standards
- Nineteenth Century U.S. Newspapers
- PACER
- ProQuest Congressional
- Westlaw/Patron Access
- WestlawNext

NEW MUSEUM EXHIBITS

by Georgia Chadwick

In concert with Chief Justice Johnson’s investiture and the Louisiana Supreme Court bicentennial ceremonies, the Law Library completed three new exhibits, now on display in the Louisiana Supreme Court Museum.

One exhibit is a retrospective of her life and work, from her days at Spelman College and LSU Law School to the present. The second exhibit focuses on the investiture ceremony itself, which took place on February 28, 2013.

The bicentennial exhibit was completed in time for the Louisiana Supreme Court’s bicentennial celebration on March 1, 2013.

The exhibit’s four cases take a look at aspects of the Court’s first two hundred years: beginnings of the Court, early bar requirements, the history of riding circuit, and early codes used by judges on the Court. Please stop by the Louisiana Supreme Court Museum to view these informative exhibits, all done by Law Library staff. The exhibits are free and open to the public.

March on Washington in 1963, to the Lily Ledbetter Fair Pay Act in 2009, the United States has been a place where its citizens strive to achieve the dream so eloquently described in Martin Luther King, Jr.’s famous speech. This year’s Law Day seeks to explore the progress the nation has made towards equality under the law and the work that yet needs to be accomplished. Law Day, celebrated each year on May 1, is a national day set aside to celebrate the rule of law, to recognize the importance of law and the legal process in maintaining the freedoms shared by all Americans. Law Day provides an opportunity to highlight the role of courts in our democracy and how our legal system strives to achieve justice.
How did you spend your Valentine’s Day this year? Perhaps you sent or received lovely flowers or delicious chocolates, or maybe you prepared or were served a candlelit gourmet dinner. The Public Services staff members at the Law Library of Louisiana spent their working hours on Valentine’s Day and the day after showing our love for the registrants at the sixth annual Louisiana State Bar Association’s Solo & Small Firm Conference. This year’s meeting was held on Thursday and Friday, February 14 & 15, at the New Orleans Marriott Hotel on Canal Street. The Law Library of Louisiana was one of fourteen vendors who registered for a table in the exhibits area, which is also where food and drinks were served, guaranteeing a lot of foot traffic. Most of the other exhibitors are commercial companies with products to sell to the attorneys, while our library staff is there to offer information about our collection and our services. We are especially useful to solo and small firm practitioners because we purchase and subscribe to many resources that may be beyond their budgets, and we also provide research and training services.

We kept a tally of visitors to our table, and over the two-day period we spoke to 128 attorneys and legal assistants. Some were regular users of our library who already knew about the many print and electronic resources available for them to use in their legal research, but we were able to remind them about some recent additions to our library. For instance, our free Patron Access Westlaw now includes WestlawNext as well as Westlaw Classic, and Hein Online, an electronic database, now provides access to PDFs of Louisiana acts back to 1804. Also, many of the attorneys who use our library regularly did not know that long-time Reference Librarian Marie Erickson had retired in January, and they all wished her well and said that they would miss her. When a visitor to our table said that they had not even been to our library, we gave them a quick rundown of all that we have to offer. We described our excellent practice collection of print and electronic resources, including federal and state statutes and cases, form books, Louisiana Practice Series treatises, and Louisiana House and Senate Calendars and Journals that can be used to compile legislative histories on Louisiana acts. We also mentioned that we keep all the superseded volumes of the Louisiana statutes and codes from the first volumes in 1950, and all the superseded pocket parts from the 1970s forward, bound and easy to use. These volumes are invaluable in determining how a statute or code article read at an earlier date. We had many promises from these attorneys to come visit us very soon and see for themselves what a help we can be to them.

We brought a number of handouts and items for those who stopped by our table, including the library’s basic informational brochure and our research guides on Louisiana legislative history and on electronic resources available for our users. These are also available on our website. Just scroll down to those sections on this page: http://www.lasc.org/law_library/library_information.asp. We gave out pens with our library’s name and phone number on them, copies of the latest issue of this newsletter, and in honor of Valentine’s Day, we put our price list for items for which we do charge on heart-shaped pink paper. Another giveaway that was very popular was our library bookmark, which lists five of the free electronic resources available to library patrons on one side, and on the other side, the top ten reasons to visit the Law Library of Louisiana. With apologies to Dave Letterman, they are: 10. We are located in the French Quarter, near many fantastic restaurants; 9. You get to do research in a beautiful historic building; 8. We have an excellent practice collection, including the latest editions of many practice treatises and looseleafs, both Louisiana-specific and general; 7. We have all fifty state statutes in print and electronic format; 6. We have all the superseded volumes and pocket parts dating to the 1970s of the Louisiana Revised Statutes, so we can help you find the text of a law as of a certain date; 5. We provide access to law reviews and legal periodicals in print and electronic format; 4. We have a lovely Reading seating area where you can sit in comfortable chairs and peruse recent issues of magazines or browse through books on interesting topics; 3. We offer a range of services like printing, copying, e-mailing, and faxing legal information for reasonable fees; 2. We have highly skilled and incredibly helpful reference librarians; 1. FREE ELECTRONIC RESOURCES!!!

Another item we handed out at the table was a flyer inviting people to join us on March 1 for a celebration of the 200th anniversary of the Louisiana Supreme Court, an event you can read about in the next issue of De Novo. We also brought a sample of a Bicentennial of the Louisiana Supreme Court mouse pad. We collected business cards from interested conference attendees, and after we returned to the library, we pulled a card and declared attorney Ann Steinhardt the winner. I hope she thinks of us every time she clicks her mouse. The main reason we participate in this conference is to make solo and small firm attorneys and legal assistants from all around the state aware of what a useful resource our library can be for them. As usual, we received very positive feedback from our regular users, and a high level of interest from the uninitiated. We are already planning for our participation in next year’s conference.
LAW LIBRARY CHANGING HOURS

by Miriam Childs

Bob Dylan said it best: "The times, they are a-changin'."

Effective June 1, 2013, the Law Library’s hours of operation will be:

9:00 a.m.-5:00 p.m. Monday, Tuesday, Thursday, and Friday

9:00 a.m.-6:00 p.m. Wednesday

We will continue to provide our top-notch legal research assistance via phone and fax.

Please call us at 504-310-2400 if you need research assistance. You may also call us toll free at 1-800-820-3038 or email us at library@lasc.org.

Until May 31, 2013, the Law Library’s hours of operation will remain 9:00-6:00 Monday through Thursday and 9:00-5:00 Friday.

Please note that the Law Library will be closed on Monday, May 27 in observance of Memorial Day.