

MINUTES

The Historical Society of the United States Courts in the Eighth Circuit

Board Meeting Chicago, Illinois August 14, 2008

Directors and officers present:

Thomas H. Boyd
Hon. Jimm L. Hendren
Hon. Linda R. Reade
Leonard T. Strand
F. Richard Lyford
Hon. John R. Tunheim
Cheryl Heilman
Hon. E. Richard Webber
Ann E. Buckley
Hon. Fernando J. Gaitan, Jr.
Paul E. Donnelly
Hon. Richard G. Kopf, Chair
Jeanette Stull
Hon. Karen K. Klein
Donald P. Knudsen
Ann Fessenden, Secretary
Sheila Greenbaum, Treasurer

Branch

Court of Appeals
Western District of Arkansas
Northern District of Iowa
Northern District of Iowa
Southern District of Iowa
District of Minnesota
District of Minnesota
Eastern District of Missouri
Eastern District of Missouri
Western District of Missouri
Western District of Missouri
District of Nebraska
District of Nebraska
District of North Dakota
District of South Dakota

Guests:

Jeffrey B. Morris
Joseph A. Peiffer

Directors and officers absent were Hon. Morris S. Arnold (Court of Appeals), Hon. H. David Young (Eastern Arkansas), Frances Ross (President, Eastern Arkansas), Katherine C. Gay (Western Arkansas), Hon. Robert W. Pratt (Southern Iowa), M. Daniel Vogel (North Dakota), and Hon. Karen E. Schreier (South Dakota). Also absent was Hon. Richard W. Peterson, ex officio board member.

Roll Call/Call to Order

Historical Society Chair Judge Kopf called the continental breakfast meeting to order at 7 a.m. He announced that President Ross would not be able to attend and asked permission to preside in her absence. With permission to proceed, he had the attendees introduce themselves.

Following introductions, Judge Kopf encouraged all to read Jeffrey Morris' outstanding account of the history of the Eighth Circuit, *Establishing Justice in Middle America*, recently published by the University of Minnesota Press in December of 2007. He then asked Prof. Morris to speak.

Prof. Morris thanked Appeals branch President Tom Boyd, Judge Heaney, Judge Bright, and other judges of the Eighth Circuit for their support in his endeavor, noting their palpable interest in the history of the circuit. He expressed admiration for the region, the courts, and the role the courts have played in history.

Following Prof. Morris' comments, the minutes of the last meeting of the board on Oct. 3, 2007 were approved without change.

Secretary's Report

Ms. Fessenden passed around a list of the officers and directors' contact information, asking attendees to check their names off to record attendance and to note any corrections needed.

Ms. Fessenden encouraged everyone to take a look at the display area where there were three displays prepared by the U.S. Courts Library Eighth Circuit: Empire in the Grasslands: The Eighth Circuit Before 1891, which was based on the introduction and first chapter of Prof. Morris' history, and the other two were on the Dred Scott case and Little Rock desegregation case.

Treasurer's Report

Treasurer Sheila Greenbaum said the balance of the parent Society's account was approximately \$13,000 and the Appeals account was less than \$4,000. It was noted that both accounts would be reduced to cover the breakfast and the cost of supplying 360 copies of *Establishing Justice in Middle America* to the Article I judges and attorneys attending the conference.

A report was then given on the IRS' new requirement as of 2008 that non-profit organizations file an e-postcard when their gross receipts are less than \$25,000, as Ms. Greenbaum and Ms. Dunham, a member of Ms. Greenbaum's firm, had been researching this new requirement, and in particular, whether the parent organization should file a group return including all branches or whether the branches should file individually.

They concluded that separate filings are required, and Ms. Greenbaum reported that they had already filed an e-postcard with the IRS for the parent organization, but not yet for the subordinate branches by individual tax ID numbers. They will wait until the branch financial reports are all received to actually file the 990 e-postcards for the subordinate branches.

Branch Reports

Judge Kopf then invited the branch representatives to report on their activities if they wished to do so.

Court of Appeals

Tom Boyd noted that the main project, now completed, had been the written history, which had previously been discussed.

Arkansas Western

Judge Hendren said the branch was interested in working with the new U.S. Marshals Museum in Fort Smith, Arkansas. He said that while he thought it a natural location for the museum, due to the district's legendary outlaws and "Hanging" Judge Parker, he learned that the museum was almost set up in Virginia. He said that the gallows were still there and that the museum would house a replica of Judge Parker's courtroom.

Iowa Northern

Judge Reade reported that she, Mr. Lyford, and Mr. Strand were working to revive the branch. A kickoff event, held April 18 in Cedar Rapids, drew 20 to 30 attendees. A meeting scheduled for June 20 was cancelled as it fell on the day the flood crested in Cedar Rapids.

It was noted later that it would be important to document the historic flood and the district's immediate reestablishment of working operations in temporary spaces.

Iowa Southern

Mr. Lyford reported that the branch had completed the oral history of Judge Fagg, who was interviewed by Judge Hansen, and a display of Supreme Court cases originating from the district. Mr. Lyford said he was working on oral histories of former Iowa Supreme Court justices.

Minnesota

Judge Tunheim and Cheryl Heilman reported that the branch has been engaged in several projects in honor of Minnesota's sesquicentennial. The branch continues its display on Judge Rensselaer R. Nelson, the first federal judge in Minnesota, located in the lobby of the Minneapolis courthouse. The branch arranged for reenactors to portray Judge Nelson and Judge John B. Sanborn, who joined with other figures from Minnesota's legal history to interact with members of the public at a sesquicentennial event at the State Capitol. The branch is trying to collect photos of courthouses no longer in existence and has plans to obtain archival quality negatives of these and other photos from the court's archives. The district has in the past arranged for videotaped interviews of judges on the court; this project continues and will be expanded to include a second videotaped interview of reflections by senior judges.

Missouri Eastern

Judge Webber reported that the branch secured an author, Burton Boxerman, to write the district's history. Mr. Boxerman has since drafted five chapters. The branch has worked with Southeast Missouri State University's video department to complete three of its planned six oral histories: Judges Hungate, Nangle, and Filippine. He said the department sent a van loaded with several thousand dollars' worth of equipment to record Judge Nangle's interview in Savannah,

Georgia. He also said the branch had produced a list of 17 important cases and were working on production of four of them for the Judicial Learning Center in the Eagleton Courthouse. The four cases are *Hazelwood School District v. Kuhlmeier*, *Jones v. Alfred H. Mayer Co.*, *Spinelli v. U.S.*, and *Bruton v. U.S.*

Missouri Western

The branch has been restructured and energized under the leadership of Chief Judge Gaitan and Paul Donnelly. The branch now has nearly 100 members and is sponsoring a very successful series of speakers. At the invitation of Judge Wright, Judge William Wilson of Little Rock spoke on a variety of subjects to a large audience. As the district's U.S. Attorney's Office is working on its history, the branch will be hosting a lecture on U.S. Attorney Maurice Milligan who went after Kansas City boss Tom Pendergast. The branch is working on funding a permanent display for the Kansas City courthouse. There is no arm of the Federal Bar Association in the district, so funds will be sought elsewhere.

Nebraska

Judge Kopf and Ms. Stull reported that due to the poor health of the author originally hired to write the history of the district, another author had been brought on board to take up the project. They reported the new author was making progress on the draft.

North Dakota

Judge Klein reported that the branch is making or upgrading displays to honor Judge Bruce Van Sickle, for whom the Minot courthouse was named, and Judge Ronald Davies, for whom the Grand Forks courthouse was named. They are also archiving materials of family members and working on the oral histories of Judges Patrick Conmy and Rodney Webb.

It was then moved, seconded and approved that the meeting be adjourned. The meeting adjourned at approximately 8:00 a.m.

Approved:

Ann T. Fessenden,
Secretary

Hon. Richard G. Kopf,
Chairman of the Board

Frances Ross,
President