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Recommended Citation

Paul M. Pruitt Jr., *The Return of Hugo Black: The Significance of the Hugo L. Black Collection at the University of Alabama Alabama Section*, 43 Ala. L. Rev. 291 (1991).

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THE RETURN OF HUGO BLACK: THE SIGNIFICANCE OF THE HUGO L. BLACK COLLECTION AT THE UNIVERSITY OF ALABAMA

*Paul M. Pruitt, Jr.**

PART I: INTRODUCTION TO BLACK AND HIS LIBRARY

By consensus, Hugo Lafayette Black is the most distinguished graduate of the University of Alabama School of Law.¹ During his tenure as a justice on the United States Supreme Court, his decisions were instrumental in the protection of first amendment freedoms, and (perhaps ironically, given his Alabama background) in school desegregation. Naturally, scholars take an interest in Black's inner world—his patterns of thought and his continuing education.² A window into that world is Black's unique private library. Few men have been more systematic readers, and from his Senate days on, Black busily read and collected widely from the classics of our literature.³

His library survives. Thanks to the hard work of unheralded individuals and to good fortune, the core of Black's private collection is housed now in a special room at the University of Alabama School of Law Library. Furthermore, Daniel J. Meador, one of Black's former law clerks, has compiled a definitive bibliography of the collection and has provided important information about

* Assistant Law Librarian, University of Alabama School of Law Library. The author would like to thank several people who provided information and insights: Hugo L. Black, Jr., David Brennan, Thomas W. Christopher, Shelley Dowling, Tony Freyer, Igor Kavass, Daniel J. Meador, and William Murray. Special thanks and appreciation go to Cherry L. Thomas, former director of the University of Alabama School of Law Library, who unfailingly encouraged this and other projects.

1. See generally T. FREYER, *HUGO L. BLACK AND THE DILEMMA OF AMERICAN LIBERALISM* (1990); V. HAMILTON, *HUGO BLACK: THE ALABAMA YEARS* (1972). These volumes as well as every other source cited in this essay are available from either the Hugo Black Collection or the Special Collections Department of the University of Alabama School of Law Library, unless specifically noted otherwise.

2. See, e.g., D. MEADOR, *MR. JUSTICE BLACK AND HIS BOOKS* (1974).

3. See *id.*

Black's reading habits and the manner in which he acquired the books.⁴ This essay takes up where Professor Meador left off, describing the fate of the Black collection and the uses to which it has been put since the death of its creator. Part of the story concerns how Black's books were acquired by officials of the University of Alabama School of Law, and how they decided to construct a replica of the library/study as it appeared in Black's Alexandria, Virginia, home. On another level, this essay seeks to show how Black's intellectual legacy continues to influence public life in Alabama.

First, however, a discussion of Black as a collector and a description of his books in their original setting will be useful. Always a reader, Black paid serious attention to "great books" lists published in the 1920s by Will Durant and others.⁵ He was interested in acquiring books that would provide classic insights into men and events. Since Black viewed human nature as changeless, he was particularly attracted to the classics of Greece and Rome and to histories of the ancient world.⁶ He was likewise a great admirer of Thomas Jefferson and the other founding fathers of the United States, and was also a student of the British roots of American thought.⁷ He collected European and American histories, as well as many books dealing with the South and Southern history and culture.⁸ His favorite set of books was probably the Harvard Classics.⁹

Apparently Black made many expeditions to second-hand shops; he was more concerned with the contents of a book than with its binding.¹⁰ Eventually he acquired over a thousand volumes, not counting reporters and other legal works. Black was in the habit of annotating his reading through a system of underlinings, marginal notes, and personal indexes.¹¹ As a result, Black's library is a testimony to his intellectual life. His former clerks have

4. *See id.*

5. *Id.* at 2.

6. *Id.* at 13-15.

7. *Id.* at 18-21.

8. *Id.* at 26-27.

9. *Id.* at 22.

10. *Id.* at 9.

11. *Id.* at 10-13.

testified how important his reading was to him, and how it spilled over into his career as a judge.¹²

Justice Black kept books in his Supreme Court chambers and in two downstairs rooms of his eighteenth-century house in Alexandria, Virginia.¹³ But the majority of his books, including those most important to him, were shelved in the house's second-floor study.¹⁴ Visitors found two walls of book cases, filled to overflowing.¹⁵ Most of the north wall was covered with plain shelving, but with space enough for the hall door near the northwest corner. On the west wall arched book cases rested upon desk-high cupboards. On the south wall was a fireplace, flanked on the right by a window and on the left by double doors. Two windows dominated the east wall, and under them were the sofa and coffee table, faced by comfortable armchairs. These arrangements served both social gatherings and opinion-drafting sessions.¹⁶ The study also contained a television, a typing desk and book-trucks. Yet the focal point was Black's desk, a library table placed near the southwest corner of the room.

Seated in an easy chair behind his desk, Black could reach the sets of "working law books" shelved behind him and could run his eyes over the titles of his main collection.¹⁷ He could likewise glance at the many framed mementos (individual and group photographs of judges and legal figures, framed licenses and diplomas) which competed for the available wall space.¹⁸ A crystal chandelier and assorted decorations completed the scene. "All in all," Daniel Meador writes, "the study was a pleasant room conducive to reading and thinking."¹⁹ In it, Hugo Black was able to escape "the distracting noises of the twentieth century."²⁰

12. *Id.* at 29-33.

13. *Id.* at 38, 40-41.

14. *Id.* at 5.

15. *Id.* at 5-8. *See also* Letter from Brenda Pope to Elizabeth Black (June 15, 1977) (including photographs of Black's study in the Alexandria house).

16. D. MEADOR, *supra* note 2, at 5-8.

17. *Id.* at 7.

18. *Id.*

19. *Id.* at 8.

20. *Id.*

PART II: FIRST STEPS IN ACQUIRING A BLACK COLLECTION

As a surviving New Deal liberal, Black represented a school of politics and judicial interpretation that had—to say the least—lost favor among Alabama voters by the 1950s.²¹ Black's response to the civil rights movement angered many Alabamians, who came to regard him as a traitor to the South.²² Black, however, never lost his love for Alabama,²³ and by the late 1960s his friends in legal and academic circles were working to honor him in his home state.²⁴ The 1966 October Term marked Black's thirtieth anniversary on the Supreme Court, and his former clerks—including Jerome "Buddy" Cooper and David Vann of Birmingham, Truman Hobbs of Montgomery, Guido Calabresi of Yale, and Marx Leva of Washington, D.C.—decided to make use of the occasion.²⁵ Working through the Alabama Law School Foundation, a recently founded support organization, they established a "Hugo L. Black Fund" to finance scholarships and lectures.²⁶ At about the same time, Black was persuaded to speak before the Alabama Bar in Tuscaloosa.²⁷ For years he had been reluctant to appear publicly in Alabama. Yet his appearance was a complete success; he received thunderous ovations.²⁸

The law school dean during these years of reconciliation was Daniel J. Meador, who, after clerking for Black, had pursued an academic career. Meador was an Alabama law school graduate, and he had been hired for the specific purpose of upgrading legal education at his alma mater.²⁹ Eager to enhance the law school's resources, and aware that Black represented a submerged tradition of liberalism in Alabama, Meador hoped that Black might be per-

21. See, e.g., *ENCYCLOPEDIA OF SOUTHERN HISTORY* 29 (D. Roller & R. Twyman ed. 1979).

22. Harmon, *Justice Hugo Black: Alabama Finally Embraces Its Most Famous Liberal*, *Montgomery Advertiser/Ala. J.*, Apr. 13, 1985, at 1A, col. 1.

23. See H. BLACK & E. BLACK, *MR. JUSTICE AND MRS. BLACK: THE MEMOIRS OF HUGO L. BLACK AND ELIZABETH BLACK* 280 (1986).

24. See *UNIVERSITY OF ALABAMA LAW SCHOOL FOUNDATION ANNUAL REPORT 1970*, at 8 (1970) (noting the creation of the Hugo L. Black Fund "at the request of a committee of [his] former law clerks").

25. See *id.*

26. *Id.*

27. H. BLACK & E. BLACK, *supra* note 23, at 178-79, 198-200, 245-46.

28. *Id.* at 245-46.

29. See McKenzie, *Farrar's Future: The First One Hundred Years of the University of Alabama Law School, 1872-1972*, 25 *ALA. L. REV.* 121, 155-60 (1972).

suaded to leave his books to the school.³⁰ But when Meador consulted with the law school's librarian, Igor Kavass, about possible housing for a Hugo Black collection, one problem surfaced immediately: Farrah Hall, the beloved old law school building, was hopelessly overcrowded.³¹ Black, meanwhile, evidently thought of sending his library to the Ivy League, prompting a librarian at Alabama to note: "[W]e're praying that lightening [sic] strikes Yale . . . so he'll leave us his books."³²

At the time of Black's death in September 1971, no decision had yet been made regarding the books. Elizabeth Black, Hugo Black's second wife, and Hugo Black, Jr., were named "joint managers" of the estate.³³ At this time, Meador was allowed access to Black's study, in order to describe and catalog the books and their annotations.³⁴ In his discussions with Mrs. Black, he urged that the collection be kept intact.³⁵ Chief Justice Warren Burger, for his part, wanted the books for the Supreme Court Library and arranged for them to occupy a special room.³⁶ Mrs. Black took time to make a final disposition of the books, and by the spring of 1973 she and the family promised the bulk of the "personal collection" to the Court.³⁷

In the meantime, Mrs. Black did not forget the University. She probably knew that law school officials had been planning for expanded facilities since Daniel Meador's term as dean.³⁸ It would only be appropriate, she may have thought, for the expansion to include a Hugo Black room. And what could be more fitting, she may also have thought, than that the room should be a replica of

30. See Letter from Daniel J. Meador to Paul M. Pruitt, Jr. (Dec. 12, 1990) (in author's possession).

31. I. KAVASS, UNIVERSITY OF ALABAMA SCHOOL OF LAW LIBRARY ANNUAL REPORT FOR THE YEAR 1968-1969 AND ANNUAL REPORT FOR THE YEAR 1969-1970, at 12, 55-58 (1970); Telephone interview with Igor Kavass, Professor of Law at Vanderbilt University (Dec. 6, 1990).

32. Letter from Kathie Price to Frances Farmer (July 18, 1969).

33. Letter from Hugo L. Black, Jr., to Paul Pruitt, Jr. (Jan. 10, 1991) (in author's possession).

34. See Letter from Thomas W. Christopher to Peter Capone (Oct. 16, 1972).

35. Letter from Daniel J. Meador to Paul M. Pruitt, Jr. (Dec. 12, 1990) (in author's possession).

36. Pressman, *Black's Books Give Personal Glimpses of Justice's Life*, Los Angeles Daily J., Nov. 25, 1981.

37. See *id.*

38. See TEN YEARS: A REPORT ON A DECADE IN THE LIFE OF THE UNIVERSITY OF ALABAMA SCHOOL OF LAW, 1970-71—1980-81, at 19-20 (1981) [hereinafter TEN YEARS].

Black's beloved study—the room above all others where he had done so much of his productive work? As early as December 1971, Mrs. Black foresaw that she would need to move out of the house in Alexandria.³⁹ Re-creating that study would give solace after the loss of her home.⁴⁰

The dean of the law school at the time of Justice Black's death was Thomas W. Christopher. An Alabama graduate like Meador, Christopher was determined to create an institution of national stature.⁴¹ By the fall of 1971 the decision had been made to work for construction of a new "law center," and soon Christopher was working with the prominent architect Edward Durell Stone, wrestling with problems of funding and design.⁴² From the first, Christopher was enthusiastic about the prospect of recreating Black's study. After all, Black was an illustrious jurist, and recognition of his achievements would improve the image of the University—an image which needed refurbishing in the years following Governor George Wallace's 1963 stand against racial integration.⁴³ In fact, Christopher was not content to wait for construction of a physical memorial to Black. He began the process of image-building in the spring of 1974 by inviting former Supreme Court Justice Arthur Goldberg to deliver the first annual "Hugo Black Lecture" at the law school, given March 5, 1974.⁴⁴

In the meantime, Christopher reached a tentative agreement with Mrs. Black and began planning the recreation of the study.⁴⁵ In October 1972, he directed Peter Capone, Stone's associate, to have measurements and photographs made at the Alexandria house.⁴⁶ By the following March the Stone firm apparently had all the necessary specifications, and Elizabeth Black began to arrange for the loan of specific furnishings, including the framed pictures

39. See Orlando Evening Star, Dec. 1, 1971, at 4-C, col. 1 (indicating that the house was for sale).

40. Letter from Elizabeth Black to Thomas W. Christopher (July 29, 1973).

41. Holt, *A Short History of Our Deanship*, 25 ALA. L. REV. 165, 172-73 (1972); McKenzie, *supra* note 29, at 160-61.

42. TEN YEARS, *supra* note 38, at 19-20; Roberson, *Architect Shows Ideas for UA Law Center*, Birmingham News, May 14, 1972, at 2B; A "Law Center," Birmingham News, Aug. 22, 1971, at 16A, col. 1.

43. See ENCYCLOPEDIA OF SOUTHERN HISTORY 1303-04 (D. Roller & R. Twyman ed. 1979) (outlining the career of George Corley Wallace).

44. Letter from Thomas W. Christopher to Elizabeth Black (Mar. 8, 1974).

45. See Letter from Thomas W. Christopher to Peter Capone (Oct. 16, 1972).

46. *Id.*

and documents on the walls.⁴⁷ Some of the room's furniture belonged to the Supreme Court, but Chief Justice Burger offered through Mrs. Black to let the law school purchase them "very reasonably."⁴⁸ Aware that a library without books would be at best a hollow monument, Mrs. Black offered Christopher the twenty shelves of law books which had sat behind Black's desk—including such standard works as the *United States Supreme Court Reports*, the *United States Code Annotated*, and *American Jurisprudence*.⁴⁹ By the end of July 1973, the furniture, personal items, and law books were en route to Alabama.⁵⁰

Once the materials arrived in Tuscaloosa, the work of analyzing and caring for them began. Under Christopher's direction, photographs were made of each object.⁵¹ At Mrs. Black's request, photographic duplicates of framed wall decorations were made for family members.⁵² A local reappraisal of the collection was considered necessary,⁵³ yet presented difficulties. Some of the items sent to Tuscaloosa, including furniture and a few dozen books, were intended for a Hugo Black memorial in Ashland, the seat of Clay County. These items were mixed with law school materials in what was evidently a badly managed shipment.⁵⁴ As a result, the local appraiser included some of the Ashland furniture, as well as items bought from the Supreme Court, in preparing lists of the items in the collection.⁵⁵ The appraiser also wrote that the items were "donations."⁵⁶ Mrs. Black pointed out these errors and reminded Christopher that the contents of the study were still technically on loan.⁵⁷ A revised appraisal dated March 8, 1974, listed approxi-

47. Letter from Elizabeth Black to Thomas W. Christopher (Mar. 10, 1973).

48. *Id.*; see Inventory of items sent to the University of Alabama School of Law (July 26, 1973).

49. Letter from Elizabeth Black to Thomas W. Christopher (Mar. 10, 1973); Inventory of items sent to the University of Alabama School of Law (July 26, 1973).

50. Letter from Elizabeth Black to Thomas W. Christopher (July 29, 1973).

51. Letter from Thomas W. Christopher to Elizabeth Black (Feb. 27, 1974).

52. See Letter from Elizabeth Black to Thomas W. Christopher (Mar. 10, 1973); Memorandum of Sept. 20, 1973 (indicating that the duplicates were in fact made).

53. See Letter from Thomas W. Christopher to Elizabeth Black (Feb. 27, 1974).

54. See Letter from Elizabeth Black to Thomas W. Christopher (Mar. 4, 1974).

55. *Id.*

56. Appraisal (Feb. 22, 1974).

57. Letter from Elizabeth Black to Thomas W. Christopher (Mar. 4, 1974).

mately fifty items, excluding books, valued at a total of more than \$25,000.⁵⁸

The twenty shelves of books offered by Mrs. Black arrived in Alabama with the other goods on loan, but had not been appraised prior to shipment. Law librarian and associate professor William Murray and Alabama Supreme Court librarian William Younger appraised these books early in 1974 at more than \$8,000.⁵⁹ Nevertheless, these volumes would not nearly have filled the shelves in the recreated study. However, by March of 1974, Mrs. Black made it possible to increase the law school's holdings. She offered Murray the authority to examine the books that were originally intended for Ashland and to keep any that might be useful.⁶⁰ The Ashland books consisted of some sixty volumes, most of which had not been part of Black's study collection.⁶¹ Still, many of the works were law related or historical, and Christopher accepted her offer.⁶²

Mrs. Black was apparently instrumental also in obtaining books for the law school through the good offices of Robert Higbie, a Supreme Court librarian, and Ashland businessman Robert Riley. Riley frequently carried eggs up the east coast; on one of his return trips, he hauled nineteen cartons of books.⁶³ The provenance of the Riley shipment is obscure; the cartons may have contained books from Black's chambers which were placed in storage after his death. By the spring of 1974, at all events, it was clear that Black's recreated library would not be authentic in terms of its bibliography, but neither would the shelves be barren.

PART III: RE-CREATING THE HOME STUDY

Once the preliminary processing of the furniture and books was finished, Dean Christopher could turn his thoughts toward making the re-created study a reality. Upon studying photographs

58. Revised inventory of items on loan (Mar. 8, 1974).

59. Letter from William R. Murray to William C. Younger (Feb. 7, 1974); Revised inventory of items on loan (Mar. 8, 1974).

60. Letter from Elizabeth Black to Thomas W. Christopher (Mar. 4, 1974).

61. *Id.*

62. See Letter from Thomas W. Christopher to Elizabeth Black (Mar. 8, 1974); Letter from Cherry L. Thomas to Daniel J. Meador (May 8, 1986).

63. Letter from William R. Murray to Robert E. Higbie (Mar. 8 1974); Letter from Elizabeth Black to Thomas W. Christopher (Mar. 4, 1974); Letter from Thomas W. Christopher to Paul M. Pruitt, Jr. (Jan. 28, 1991) (in author's possession).

sent by Mrs. Black, he was concerned that the space set aside in the Stone firm's plans was not sufficient.⁶⁴ Murray looked into the matter and found that the room would be too small by about two feet along one wall.⁶⁵ Stone associate Peter Capone was willing to alter his plans, but felt that while the original study was seventeen by twenty feet, the planned space of fifteen by twenty feet would easily accommodate the furniture on loan.⁶⁶ In the end it proved simpler to leave the new room smaller than the original.⁶⁷ The hall door was lost, as was the room's claim to complete authenticity, yet visually there is little difference.

In choosing a specific location for the reconstructed study, Christopher and the architects aimed both for accessibility and security. The study is within the law school library itself, at the end of a row of reference department offices. Just a few feet away from the circulation desk, it is readily discoverable by guests and is easily monitored by the staff. Further security is achieved by limiting entry to the room. Casual visitors are allowed to see it only over a half-door where the northeast window would have been, though scholars and honored guests may step inside. Limited access is combined with dim lighting to preserve Black's artifacts and, one suspects, to conceal the fact that neither the room nor the books are exactly as they were.⁶⁸

Financing for the room was a small matter compared to the \$2.25 million fund-raising challenge associated with building the "Law Center" as a whole.⁶⁹ Christopher, who directed the larger project, treated the Black study as a separate problem—indeed, as an opportunity. In 1976 he turned to Jerome "Buddy" Cooper, Black's first clerk, who agreed to help raise money among the other former law clerks. Eventually, Cooper raised nearly \$5,000.⁷⁰ In the fall of 1977, Christopher involved Barney Whatley, Black's child-

64. Memorandum from Thomas W. Christopher to William R. Murray (Feb. 18, 1974).

65. See Letter from Thomas W. Christopher to Peter Capone (Feb. 18, 1974).

66. Letter from Peter Capone to Thomas W. Christopher (Feb. 21, 1974).

67. See Letter from Thomas W. Christopher to Elizabeth Black (May 7, 1976).

68. See Memorandum from Thomas W. Christopher to Roy Killingsworth (Aug. 16, 1976).

69. TEN YEARS, *supra* note 38, at 6.

70. Memorandum from Thomas W. Christopher to Reba Essary (Sept. 5, 1978); see Letter from Thomas W. Christopher to Jerome A. Cooper (Oct. 15, 1976); Letter from Jerome A. Cooper to Thomas W. Christopher (Oct. 1, 1976).

hood friend and early law partner, in funding for the study.⁷¹ Earlier, Whatley had set up a trust fund in the hope that part of the projected law complex could be named for Black.⁷² Though Christopher was open to this idea, Whatley's plan did not come off.⁷³ Subsequently, Whatley agreed that the income from his fund could be used to construct the Black study.⁷⁴

Finishing work on the study was carried out by university maintenance workers after the contractors had built a concrete substructure. Construction estimates for a room with a false fireplace and windows and requisite shelving, paneling, and other woodwork came to more than \$6,000;⁷⁵ the eventual cost was more than \$7,000.⁷⁶ Ideally the maintenance department would have utilized the drawings and photographs made by the Stone firm, but quite early on Christopher discovered that the photographs "did not work out."⁷⁷ Mrs. Black, however, came nobly to the rescue in May 1976, providing her own drawings and detailed descriptions of the study as it had been, as well as advice on paint and other essentials.⁷⁸ Her information, together with that provided by photographs available from the Historic American Buildings Survey, enabled the construction and decoration to proceed. In the spring of 1978, when the study was about to be dedicated, the Black family decided to present the law school with a deed of gift for the furniture, books, and personal items.⁷⁹

In its finished form, the "home study" is not an exact copy of the original.⁸⁰ There is slightly less space, so that the pieces of furniture are closer together. No natural light enters the room, and the chandelier, picked out by Mrs. Black, is only similar to that which hung in the Alexandria house.⁸¹ The floor, finally, is not mahogany-colored wood covered with an area rug, as in the Blacks'

71. See Letter from Thomas W. Christopher to Barney Whatley (Sept. 30, 1977).

72. *Id.*

73. See Letter from Thomas W. Christopher to Barney Whatley (June 13, 1978).

74. *Id.*

75. Maintenance department estimate (Mar. 1, 1977).

76. Letter from Thomas W. Christopher to Reba Essary (Sept. 5, 1978).

77. Letter from Thomas W. Christopher to Peter Capone (Feb. 27, 1974).

78. Letter from Elizabeth Black to Thomas W. Christopher (May 1, 1976); Letter from Elizabeth Black to Thomas W. Christopher (May 20, 1977).

79. Letter from Elizabeth Black to Thomas W. Christopher (May 20, 1978).

80. See Letter from Thomas W. Christopher to Elizabeth Black (May 7, 1976).

81. Interview with Thomas W. Christopher (Mar. 1, 1991).

house.⁸² Since the recreated study was smaller, Christopher simply put down the same red carpet used throughout the Law Center. Still, the room is so much like the Justice's favorite workplace that David Vann, one of his law clerks, said that it was "kind of a shock really," for him to see it again.⁸³ However, at the time it was completed, the Supreme Court held the best of Black's books, and so the study was of limited interest to scholars. For years its most effective use was as a symbol, a rallying point for historical-legal gatherings—and Christopher put it to this use immediately.

PART IV: CEREMONIES AND SUBSTANCE

Groundbreaking for the Law Center took place on August 9, 1975.⁸⁴ Dedication ceremonies were held on May 26-27, 1978.⁸⁵ The new building, planned by the Stone firm after consultation with Christopher and many law school employees and friends, is an impressive achievement.⁸⁶ The building boasts 198,000 square feet, including forty-eight faculty offices and a host of facilities for student activities, mock trials, and conferences.⁸⁷ The library is designed to contain stack space for 400,000 volumes—apart from the shelving in the Black study.⁸⁸ Though it is a modern structure, the Law Center contains elements of regional architecture, such as a front porch and "dog-trot" breezeways.

The dedication ceremonies were carried out with a full array of collegiate pomp and circumstance.⁸⁹ Of course, Christopher and the University administration intended to advertise the splendor of the Law Center. Just as clearly their intent was to present the University as a sensitive institution, eager to heal old wounds and to help bind the people of the state together. In addition they wanted to show that the law school had produced first-rate lawyers and judges, and that with new facilities it would have an even more positive impact upon state and nation. The list of "Program Participants" included the presidents of the American Bar Associ-

82. See Letter from Elizabeth Black to Thomas W. Christopher (May 1, 1976).

83. Transcript of dedication ceremony for the Black study (May 27, 1978).

84. Groundbreaking packet (Aug. 9, 1975).

85. Dedication packet (May 26-27, 1978).

86. See *TEN YEARS*, *supra* note 38, at 20.

87. *Id.* at 21.

88. *Id.*

89. See Dedication packet (May 26-27, 1978).

ation and the Association of American Law Schools, the chief justice of the Alabama Supreme Court, and local officials.⁹⁰ Several persons received honorary degrees, including lawyers distinguished in state practice, law school graduates who had enjoyed successful national careers, and Luther Hill Foster, president of Tuskegee Institute.⁹¹ Chief Justice Warren Burger and Judge Frank M. Johnson, Jr., spoke at the Presidential Dinner on the evening of May 26.⁹²

Various speakers and honorees symbolized achievements to be emulated (or perhaps, old wrongs set right). But the opening of the Black room was perhaps the perfect embodiment of the union of past and present, of segregationists and liberals joining hands to look to the future. The ceremony took place at three o'clock on May 26, with Mrs. Black and Hugo Black, Jr., present.⁹³ American Bar Association president William B. Spann and Supreme Court Justice Byron R. White made their remarks, and then Dean Christopher asked United States Senators James Allen and John Sparkman to speak.⁹⁴ It would have been difficult to find two more different figures. Allen (making one of his last public appearances before his sudden death by heart attack) was ultra-conservative, a staunch ally of George Wallace.⁹⁵ Sparkman was a famous New Deal liberal, a foe of Dixiecrats, and an internationalist.⁹⁶ Yet both men sought in brief remarks to find a unifying perspective from which to view Black. Remarkably, Allen called Black's insistence on making the Bill of Rights applicable to the states "a great landmark that Mr. Justice Black made to the jurisprudence of our country."⁹⁷ Still, Allen thought that Black's later decisions showed a "return to his state-rights concepts."⁹⁸ Allen declared, too, that Black had never forgotten his Alabama roots, and quoted from a

90. *Id.*

91. *Id.*

92. *Id.* At the time, Judge Johnson was Chief Judge of the United States District Court for the Middle District of Alabama. He is now on senior status with the United States Circuit Court of Appeals for the Eleventh Circuit.

93. See Letter from Elizabeth Black to Thomas W. Christopher (June 11, 1978).

94. Transcript of dedication ceremony for the Black Study (May 27, 1978).

95. See *Senator Jim Allen Dies of Heart Attack*, Tuscaloosa News, June 1, 1978, at 1, col. 1.

96. See *ENCYCLOPEDIA OF SOUTHERN HISTORY* 1156-57 (D. Roller and R. Twyman ed. 1979).

97. Transcript of dedication ceremony for the Black study (May 27, 1978).

98. *Id.*

comment made at the death bed of Abraham Lincoln: “[N]ow he belongs to the ages.”⁹⁹ Sparkman told a story from Black’s early political days, and related an anecdote which showed how Alabamians in federal service had exchanged pleasantries over President Franklin D. Roosevelt’s famous “Court-Packing” plan.¹⁰⁰ When the senators finished, Christopher spoke, and his message was plain. Hugo Black, Alabamian, had done great things. Past controversies notwithstanding, future generations of Alabama law students could now benefit from both the decisions he left behind and his spiritual presence.¹⁰¹

It would be natural to end the story of Hugo Black’s homecoming with the opening of his study. Yet his books, at least, were due for more adventures. Mrs. Black and the family had given Black’s favorite books to the Supreme Court—but with the stipulation that they be made available to scholars. By late 1980, however, the Supreme Court Library was short of space.¹⁰² Many of the titles in its Hugo Black Reading Room were duplicated elsewhere in the collections, and it was not feasible to maintain bibliographic memorials for individual justices. After a period of hesitation, officers of the Supreme Court Library—with the approval of Mrs. Black—arranged early in 1983 for the transfer of these long-coveted volumes to the University of Alabama.¹⁰³

The completion of their Hugo Black collection posed a dilemma for law school librarians. Thanks to Mrs. Black, they now possessed the Alexandria study books, as well as many other interesting works once owned by Black. Yet authenticity was out of the question, for even had they tried to follow the shelf-order scheme provided by Meador’s research,¹⁰⁴ the new room’s smaller size would have frustrated them. Access to the works presented another difficulty. The Supreme Court Library provided cataloging for Black’s study volumes,¹⁰⁵ but putting the books in call number or-

99. *Id.*

100. *Id.*

101. *Id.* The University of Alabama began presenting an award named for Black at commencement in 1978. *UA to Present Awards*, Tuscaloosa News, May 7, 1978.

102. Letter from Shelley L. Dowling to Paul M. Pruitt, Jr. (Jan. 3, 1991) (in author’s possession).

103. Letter from Charles W. Gamble and Roger E. Sayers to Elizabeth Black (Dec. 6, 1982); Letter from Roger F. Jacobs to Carolyn F. Cooper (Feb. 18, 1983).

104. See D. MEADOR, *supra* note 2.

105. Letter from Roger F. Jacobs to Carolyn F. Cooper (Feb. 18, 1983).

der was useless without the usual labels and markings, which would damage the collection aesthetically and commercially.

Under these circumstances, librarians and law school officials were forced to make a number of choices. Most of Black's legal reference tools were eventually removed to storage, thus allowing room for the maximum number of monographs and works of special interest. The latter, as Library Director Cherry Thomas wrote to Daniel Meador in 1986, were placed upon the shelves alphabetically by author.¹⁰⁶ Likewise in the 1980s, librarians developed guidelines for use of the Black Study collection and began to keep a register of users.¹⁰⁷ Since then the room has been visited by a number of scholars—yet it would be fair to say that it has been more admired than used.

PART V: EPILOGUE

Hugo Black's homecoming did not end with the restoration of his study. At about the time that the last of his books were being sent to Tuscaloosa, Law School Dean Charles Gamble and legal historian Tony Freyer, a faculty member, were beginning to plan a celebration to mark the centennial of Black's birth.¹⁰⁸ Working with Buddy Cooper and the Black clerks, Freyer and Gamble raised enough money to carry out an array of activities from 1984 to 1986.¹⁰⁹ These activities included a law school display of Black artifacts loaned by Mildred Faucett, Black's niece, and two conferences attended by a diverse group of professors, lawyers, and journalists, as well as Black's friends, contemporaries, and family.¹¹⁰ As planned, these meetings have had scholarly consequences. Freyer, who coordinated the events, published *Hugo L. Black and Modern America*, a collection of essays based on conference papers.¹¹¹ Freyer recalls, however, that the social and political aspects of the centennial observances were also of tremendous value to the

106. Letter from Cherry L. Thomas to Daniel J. Meador (May 8, 1986).

107. See Rules for Use of Hugo Black Collection.

108. Interview with University Research Professor of History and Law Tony Freyer (Mar. 12, 1991).

109. *Id.*

110. *Id.*

111. HUGO L. BLACK AND MODERN AMERICA (T. Freyer ed. 1990). Freyer also published a volume of his own work in 1990. T. FREYER, HUGO L. BLACK AND THE DILEMMA OF AMERICAN LIBERALISM (1990).

University.¹¹² Perhaps the *Montgomery Advertiser/Alabama Journal* best captured the spirit which prevailed with an article titled: "Justice Hugo Black: Alabama Finally Embraces Its Most Famous Liberal."¹¹³

Over a period of nearly twenty years, Hugo Black was welcomed back to his alma mater. In this process the acquisition of his books and library furnishings played no small part. Yet to an extent, the re-creation of the Alexandria study was dependent upon a remarkable chain of fortuitous events and coincidence. If Meador and Christopher had not been so well acquainted with the Black family, or if they had not been in the process of planning a spacious Law Center; if Mrs. Black had not been so enthusiastic and cooperative; if the Supreme Court Library had not run out of space, or the Supreme Court librarians had not been so helpful; if Black's clerks and friends had not been generous and determined—then the Black study might not have been rebuilt. All played a part, together with many law school librarians and staff members, in bringing off an act of preservation, and in making it an act of conciliation.

112. Interview with University Research Professor of History and Law Tony Freyer (Mar. 12, 1991).

113. *Montgomery Advertiser/Ala. J.*, April 13, 1985, at 1A, col. 1.

