

A NEWS MEMO FOR MEMBERS OF THE U.S. DISTRICT COURT HISTORICAL SOCIETY

Moonshine -- A Different Story Today

With the making of moonshine whiskey now legal in some areas, and the drink growing in popularity in recent years, it is worth noting how this contrasts with the impact that moonshining activities had on the criminal dockets of the courts of the Eastern District of Tennessee in years past.

Moonshining cases made up the bulk of the criminal cases of this district for years.

In an oral history done in 1990, two officials whose involvement with the court dated back to the 1940s described a typical court scene in their day. The joint oral history was the first one conducted as the court began documenting its history.

“We had about 75 or 80 cases involving moonshine whiskey in each division at every term of court” [every six months] during the 1940s and 1950s and on into the 1960s, recalled **U.S. Deputy Marshal Floyd (Biggie) Marshall**. The judges of this court regularly sentenced men to prison for violating the whiskey tax laws. Sentences ranged from a few months up to four or so years.

The late **U.S. Bankruptcy Judge Clive W. Bare**, who started his federal career as a deputy marshal, agreed. Bare said Cocke and Washington counties and areas in Monroe County were the hotbeds of moonshining activity but that there were stills throughout much of the district.

Bare and Marshall were asked to do the interview because their beginning dates with the Eastern District of Tennessee reached back further than anyone else’s associated with the court at that time. It was a wide-ranging interview in which they shared many of their recollections of the court and its people. Bare was appointed a Deputy U.S. Marshal in 1939. Later, in 1957, he was appointed a Referee in Bankruptcy. Marshall was appointed a Deputy U.S. Marshal in 1941. Bare died in 1994, Marshall in 1998.

Their joint oral history is one of more than 50 histories compiled by the Court Historical Society. All of them are on file in the Society’s archives in the Howard H. Baker Jr. U.S. Courthouse in Knoxville.

[The making of untaxed moonshine is still illegal, but there have been very few prosecutions in recent decades. These violations do not have a high priority today with federal enforcement authorities. The Bureau of Alcohol, Tobacco, Firearms and Explosives says its “Frontline” strategy today is to reduce violent crime and to provide a safe environment for the public. An ATF spokesman said that while the ATF mission has largely shifted from the investigation of moonshine whiskey, agents do work these cases when they arise in the course of other investigations, plus state and local authorities still investigate these violations.--EDITOR]

Grateful for His Sentence

By Don K. Ferguson

In 1983, a spectator at a major criminal trial in the Knoxville federal court told me that the judge trying the case had done him a favor years earlier by sending him to prison after he was convicted on moonshining charges.

The man, probably in his 50s, said that as a boy in his late teens, with nothing else better to do, he was hanging around a Cocke County grocery store and the grocer asked him to deliver some bags of sugar on his bicycle. The destination happened to be a moonshine still site deep in a wooded area. Shortly after he arrived at the site, federal agents swarmed in on a raid, and he was arrested along with others.

The man said he had nothing to do with the still operation, that he was merely dropping off the sugar. But he was convicted, and the judge gave him a one-year sentence, which he served at a Kentucky juvenile prison.

It was during a court recess in that 1983 trial that the man engaged me in conversation in the hall outside the courtroom. I was the court's chief deputy clerk at the time. He referred to the trial judge, **U.S. District Judge Robert L. Taylor**, and said, "The ol' judge did me a favor years ago," and then he related the sugar delivery story. "I learned how to drive a truck while I was in prison, and when I got back home, I bought a truck and went into the trucking business and have made a good living."

The 1983 trial involved a Cocke County law enforcement officer on cocaine charges. A good number of people from Cocke County had come to Knoxville to see the trial, and it gave the former bicycling delivery boy caught up in a moonshining case a chance to once again observe the judge who had sentenced him.

A REPORT TO MEMBERS OF THE U.S. DISTRICT COURT HISTORICAL SOCIETY

Activities in 2014

This report is made annually to you, our members, to let you know of a few things that the Court Historical Society did during the year. Thank you for your support and your interest.

Conducted an oral history with retiring **U.S. Bankruptcy Judge Richard Stair**, a longtime member and supporter of the Court Historical Society. A transcript and DVD of the history were added to the Society's 50-plus oral histories on file in the Society's archives.

Provided historic, court-related photographs to the Knoxville Bar Association for possible inclusion in its pictorial directory.

Provided the U.S. Marshals Service with historical information about that office from the Society's archives for inclusion in the Marshals Service publication marking its 225th anniversary.

Assisted the U.S. Attorney's Office by searching and obtaining from the Society's archives various historical points of information about that office.

Lent the Knoxville Bar Association for use on its website a DVD of **Senior U.S. District Judge Leon Jordan's** oral history conducted by the Society in 2005.

Assisted in the compiling of information for the Federal Judicial Center on the historical events held by our court.

Assisted newspapers and other organizations that made inquiries during the year about various points involving the history of the Eastern District court.

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