



Court Historical Society NEWSLETTER



Eastern District of Tennessee

SEPTEMBER 2006

Spy Case

While "terrorist" is one of the most alarming words you can hear today in terms of national security, "spy" and "espionage" were the words that denoted a security threat during World War II and several years thereafter. In those days, "terrorist" wasn't even part of the American vernacular.

So it was big news in East Tennessee 56 years ago this month when a former Kingsport chemist, **Alfred Dean Slack**, 44, was charged with being a spy. He had connections to this country's most infamous espionage operation of the 20th century, the one involving **Ethel** and **Julius Rosenberg**, the married couple who were convicted as spies in 1950 and executed in 1953.

Slack was accused of giving materials and information about the powerful, secret explosive named RDX, a component of nuclear weapons, to Russian agents associated with the Rosenbergs.

The indictment was returned by a federal grand jury in Greeneville in September 1950, charging Slack with violating the Espionage Act for things he did in 1942 and 1943 while employed at the Holston Ordnance Works in Kingsport during the height of World War II. After he left the Kingsport job and before he was indicted, Slack worked for a time on the Manhattan atomic project at Oak Ridge. At the time of his indictment, Slack was working as a chemist in New York.

The FBI said Slack passed the secret information and materials to **Harry Gold**, a chemist who had been a courier for the Rosenbergs. In 1951, Gold admitted to being a spy and was sentenced in a New York court to 30 years in prison. He was released in 1966 and died in 1974.

U.S. District Judge Robert L. Taylor, who had been on the bench less than a year at the time of Slack's 1950 indictment, appointed prominent attorneys **Kyle King** of Greeneville and **Ray H. Jenkins** of Knoxville to represent Slack.

This was before the day of public defenders and the Criminal Justice Act, so there was no payment for legal representation of indigent defendants.

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HELPED ENEMY--This photograph of Alfred Dean Slack was made at his preliminary hearing before a U.S. commissioner in Syracuse, New York, on espionage charges. It was one of three pictures of Slack that ran atop Page One of the Syracuse Herald-Journal on June 16, 1950, accompanying the main news story that day. Slack was transferred to Knoxville, where he was held until his trial at Greeneville.

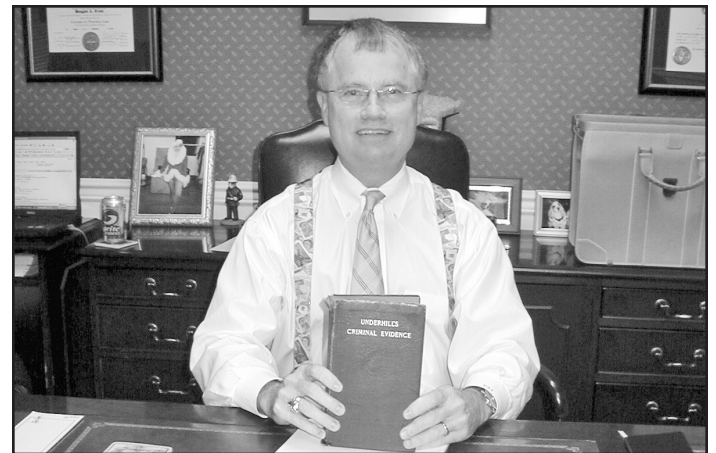
Chicago Connection

The sentencing of former Illinois **Governor George Ryan** to prison earlier this month on fraud and racketeering charges brought to mind the 1973 case in which another former governor was tried and sentenced by one of our Eastern District of Tennessee judges.

U.S. District Judge Robert L. Taylor of our district was assigned to try former Illinois **Governor Otto Kerner** on charges similar to the Ryan charges. The offenses occurred while Kerner was governor, but at the time of his trial, he was a judge on the U.S. Seventh Circuit Court of Appeals.

It was the first time that a sitting appeals court judge was tried. **Chief Justice Warren E. Burger** designated Judge Taylor to conduct the trial. In writing about the designation for the Tennessee Bar Journal, the Sixth Circuit chief judge at the time, **Harry Phillips**, described Judge Taylor as "the dean of the federal judges of the Sixth Circuit." Judge Taylor was chosen because of his known skill for presiding over difficult and important trials. It had been estimated that the case would take a year to try, but Judge Taylor completed the trial in six weeks.

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OLD LAW--Knoxville lawyer and Court Historical Society member Douglas Trant holds a lawbook from the late 1800s that he has donated to the Society for its archives. The book is inscribed inside by the late Xen Hicks, a U.S. District Judge for this district from 1923 to 1928 and a member of the U.S. Sixth Circuit Court of Appeals from 1928 until 1952. Mr. Trant said he had not noticed the inscription until well after the book had been given to him, and upon seeing it, decided to give the book to the Society. The book, titled Underhill's Criminal Evidence, is a 1910 edition. It was first published in 1898 by the Brown-Merrill Co. Mr. Trant said, "In looking through it, I was surprised to find how little the law has changed."

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Morristown lawyer **Charles R. Terry**, a member of the Court Historical Society, remembers that Mr. King, his friend, told him a few years before he died in 1999 that his participation in the Slack case "hurt him in his law practice," because people, in those days, didn't understand appointments--that defendants had a right to a lawyer, no matter what the charge was.

Mr. King's daughter, lawyer **Imogene King**, who practices in Greeneville and Knoxville, said that her father never talked much about the Slack case. "While he was working on the case, his office was broken into. Nothing was taken, but his files had been gone through, and it was clear that it was the Slack case they were interested in. I think that kind of spooked him and bothered him on a lot of levels, and people said, as a result, Daddy never talked about the case."

Slack pleaded guilty, but had there been a jury trial and a verdict of guilty, with the jury's recommendation of "extreme penalty," Slack could have been sentenced to death. Because of the guilty plea, the maximum sentence that could be imposed was 30 years, but the government recommended a 10-year sentence.

Judge Taylor, sitting in Greeneville, called the crime shocking and imposed a sentence of 15 years, saying, "Fifteen years in prison is a long time in any life and in any period of history. For this defendant, it not too much, but I believe in consideration of all the circumstances, it is enough."

Slack was sent to the Atlanta federal penitentiary, but he was eventually transferred to the federal prison at Danbury, Connecticut, closer to his home, the Syracuse, New York, area. He served all but the last six months of his sentence, and was released on March 25, 1965, at the age of 59.

He died on September 22, 1977, at the age of 72, exactly 27 years to the day after he had been sentenced. It is not known what kind of work, if any, he did between the time of his release and his death. A story in the Syracuse Herald-Journal about his death said Slack was a retired chemist and that he lived in Sandridge Trailer Park. ■

[Editor's Note--We are grateful to Supervising U.S. Probation Officer Jim Kelly, Knoxville, for helping us locate the old records and archived information on Alfred Dean Slack.]

Sympathy

The Court Historical Society extends its sympathy to the family of Kingsport lawyer **Lacy West**, who died on September 4 at the age of 79. He had served for a number of years as the chairman of the Northeastern Division of the Court Historical Society. ■

THE HISTORICAL SOCIETY
OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE, INC.

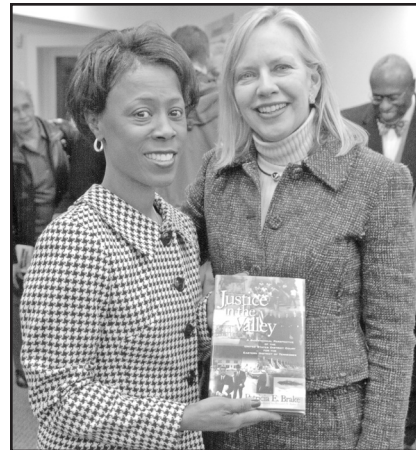
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Judge Kerner was convicted and sentenced to three years in prison and fined \$50,000. Ironically, the prosecuting U.S. Attorney in the Kerner case, **James R. Thompson**, was the chief defense attorney in the Gov. Ryan case. Further, Thompson himself served as governor of Illinois from 1977 to 1991.

Judge Taylor told associates over the years that the Kerner trial was a difficult one for him emotionally, because it involved a fellow federal judge. **Mrs. Jean Barr**, Judge Taylor's longtime secretary, who accompanied him to Chicago for the trial, said in an oral history the Court Historical Society conducted in 1993 that Judge Taylor "had tears in his eyes when he came back to chambers from the courtroom. The judge was very emotional, and he hated to sentence people, to take away their freedom." Judge Taylor also told associates that he could identify with the pressures put on governors, because he had lived in the governor's mansion in Nashville when his father, **Alf Taylor**, was Tennessee governor in the early 1920s, and he saw firsthand how all kinds of people wanted favors.

In 1977, Judge Taylor was called on a second time by Chief Justice Burger to try a governor--**Governor Marvin Mandel** of Maryland--and again it involved fraud and racketeering charges. Gov. Mandel was convicted and sentenced. He served 19 months in prison and was later pardoned by **President Reagan**. Mandel's conviction was officially overturned in 1987. ■



*PASSING ALONG HISTORY--On behalf of the Court Historical Society, under whose auspices the book **Justice in the Valley** was published, **Dr. Patricia Brake**, the author, earlier this year presented a copy of the book to the **Beck Cultural Exchange--Museum of Black History and Culture in Knoxville.** **Cynthia Finch**, left, Knox County's Director of Community Relations, is shown accepting the book on behalf of the Beck*

organization. About 140 copies of the book remain available. They may be purchased at any office of the U.S. District Court Clerk for \$25, or copies may be ordered from the Court Historical Society at the address shown in the masthead of this newsletter. Please add \$4 for postage for each copy ordered by mail.

Essential Reading

Knoxville lawyer **Ron Newcomb**, in reviewing *Justice in the Valley* for *dicta*, the Knoxville Bar Association publication, said the book "is enjoyable, pleasant, and essential reading for any attorney practicing in any and all the courts of East Tennessee. I recommend it for any reader ... as a superb work of local legal history." It covers the court's history from its inception through 1997. ■