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SPOTTSWOOD W. ROBINSON III AND ROBERT R. MERHIGE, JR. FEDERAL COURTHOUSE

September 8, 2008

Mr. SCOTT of Virginia: Mr. Speaker, it is my honor and privilege to rise in support of S. 2403, a bill to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the "Spottsw-ood W. Robinson III and Robert R. Merhige, Jr. United States Courthouse."

The Commonwealth of Virginia has a rich history of contributions in the founding of this country and in the establishment and development of our legal system. Virginia practitioners such as George Wythe, Thomas Jefferson, John Marshall, James Monroe, and Henry Clay have all profoundly shaped and molded our country's legal traditions. In fact, the first law school in the country was our own College of William and Mary located in Williamsburg, Virginia.

It is therefore fitting that we would name the new Federal Courthouse in our State's capital after two distinguished jurists, Judge Spottswood W. Robinson III and Judge Robert R. Merhige, Jr., whose exemplary careers under the law displayed the best ideals and principles of our Constitution and legal traditions.

Spottswood William Robinson III was born in Richmond, Virginia, on July 26, 1916, and passed away in his home in Virginia on October 11, 1998. He attended Virginia Union University and then Howard University Law School, graduating first in his class in 1939 and serving as a member of the faculty until 1947.

In 1964 Judge Robinson became the first African American to be appointed to the United States District Court for the District of Columbia. In 1966 President Lyndon B. Johnson appointed Judge Robinson the first African American to the United States Court of Appeals for the District of Columbia Circuit. On May 7, 1981, Judge Robinson became the first African American to serve as chief judge of the District of Columbia Circuit. Judge Robinson served on the U.S. Commission on Civil Rights and as dean of the Howard University Law School.

In addition to these exemplary and groundbreaking roles, Judge Robinson is probably best known for his role as one of the lead attorneys with the NAACP Legal Defense and Education Fund from 1948 to 1960 and specifically for his representation of the Virginia plaintiffs in the 1954 landmark U.S. Supreme Court case of *Brown v. Board of Education*, which declared "separate but equal" schools unconstitutional and is one of the landmark cases in our Nation's history.

Judge Robert R. Merhige was born in New York, New York on February 5, 1919, and passed away in Richmond on February 18, 2005. He attended High Point College in North Carolina where he received his undergraduate degree in 1940. He then earned his law degree from T.C. Williams School of Law at the University of Richmond from which he graduated at the top of his class in 1942.

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*US v Ehrlichman
 Appeal --
 Merhige sitting by
 designation.
 NB: Political conflicts
 w/ RN*

From 1942 to 1945, during World War II, Judge Merhige served in the United States Army Air Force as a crewman on a B-17 bomber based in Italy. After the war he returned to Richmond where he practiced law from 1945 to 1967. During that time, Judge Merhige established himself as a formidable trial lawyer representing a wide variety of clients.

In August of 1967, Judge Merhige was appointed U.S. District Court judge for the Eastern District of Virginia, Richmond Division, by President Lyndon B. Johnson, where he served for 31 years. While on the Federal bench, Judge Merhige presided over some of the most important and complex litigation in United States history. He ordered the University of Virginia to admit women in 1970. In 1972 he ordered the desegregation of dozens of Virginia school districts. As a result of his decision, he and his family were victims of threats and violence, and he was given 24-hour protection by U.S. marshals. His judicial courage and independence in the face of strong opposition is a testament to his dedication to equal justice under the law, and I believe his example is as pertinent today as it was then.

The new Federal Courthouse in Richmond is under construction and nearing completion. I believe that naming it after these two exemplary jurists will not only serve as a tribute to their fierce adherence to the Constitution and to their legacy of equal justice under the law but also will serve as a reminder of their contributions to ensuring a fair and just legal system for all people.

Mr. Speaker, I commend Senator John Warner and Senator Jim Webb for introducing this bill in the Senate, as well as the support from the entire Virginia delegation. I would like to thank Chairman Oberstar and Chairwoman Norton, Ranking Members Mica and Graves, Representatives Carney and King, and both the Democratic and Republican leadership for the swift passage of this measure.

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THOMAS BILL SEARCH

Stories of a Judge: Remembering Robert Merhige Jr.

Whatsoever a great man does, the very same is also done by other men. Whatever the standard he sets, the world follows it.

We have lost a great one. On Feb. 18, Robert Merhige Jr., who for 31 years served as a federal district judge in Richmond, died at the age of 86. He leaves his wife, Shirley, their children and grandchildren.

In the 1970s, I spent many a day doing battle in Title VII class actions in his courtroom. A better trial judge, a better human being, I've never known. And for me, he was also like a second father.

We all know—or should know—the stories of Bob's valor in opposing the massive resistance against desegregation of Virginia's public schools. By ordering integration, Bob literally put the lives of himself and his family on the line. The stories of the Ku Klux Klan's efforts to intimidate him are legion, and although he was the sitting federal district judge in Richmond, the Main Street establishment largely shunned him—even at his club. Despite it all, he enforced the law with common sense and compassion for the underdog.

For these acts alone, Bob Merhige gets a free pass through the Pearly Gates. But there is more, much more that can be said about him. I'm Irish, so forgive me, we are storytellers. Here's a few personal Bob Merhige stories.

When I was a very young lawyer (back in the 70s), I had a virtual easement on I-95 from Baltimore to Richmond as the plaintiff's attorney in employment discrimination cases. One morning, I woke up and counted the class actions on my docket—17 of them. Most were in Bob's court. One day, I was arguing a motion before him on an issue that I can no longer recollect, and he ruled against me. Being a brash young man with a titanic temper, I yelled at the judge in open court, shouting that what he had just done was "the most unjust thing I had ever seen."

He was, of course, angered by my conduct. He stomped off the bench into his chambers where he could be heard taking my name in vain, repeatedly. At which point, it occurred to me that I had gone too far . . . way too far.

After about a half-hour, one of the judge's clerks came out into the corridor and intoned, "The judge wants to see you in chambers, now." With great trepidation, I entered his chambers, fully expecting to be held in contempt.

Instead, I encountered a kindly man who talked to me as though he were my dad, trying to teach me a lesson based upon our ugly

encounter that would help me in the future. That was vintage Bob Merhige, sitting at his desk with a fire crackling in the fireplace, helping young lawyers learn how to be good advocates.

There came a time when Richard Nixon was president, and he appointed a second judge to sit in Richmond—D. Dortch Warriner. Judge Warriner had defended the school district in a famous Virginia school busing case. He was the polar opposite of Judge Merhige. Needless to say, there was little affinity between the two of them.

One afternoon, sitting in Bob's chambers chatting, I asked how the random case assignment system worked. Bob responded, with that twinkle in his eyes, that he had the random assignment system in his desk. Whereupon he pulled open a drawer, took out an old coffee can, and passed it to me. Inside, there were black and white marbles.

Bob looked at me and said, "And, Fitz, you know who is the white marble." Vintage Merhige.

In the late 80s, when he was handling the Dalkon Shield case, Bob appointed me as a trustee for one of the victim compensation trusts. One day, he requested that the two other trustees and I visit him in chambers to discuss our compensation. When we emerged from that meeting, he had our enthusiastic agreement to a 40 percent reduction in pay. Trust me, only Bob Merhige could dramatically reduce your pay and still send you away with a smile on your face. Vintage Merhige.

I last saw Bob in Richmond for lunch at his club. He was fighting cancer and had just been through chemo. Even though he shouldn't have gone to the office that day and shouldn't have felt obligated to take me out to eat, he was there, the consummate gentleman. We had a wonderful lunch where I enjoyed needling him about his hourly rate at Hunton & Williams—as for years, he had remarked on fee applications that the Potomac River was "wide and deep," that is, rates in Virginia were much lower than in D.C. Vintage Merhige.

Bob, we'll miss you dearly. I salute you for all you did for Virginia and your country.

And, Bob, if you are reading this—as undoubtedly you are—yes, that verse at the start is from the Bhagavad Gita.

—Robert B. Fitzpatrick
Washington, D.C.

David Dortch Warriner

From Wikipedia, the free encyclopedia

David Dortch Warriner (February 25, 1929 – March 17, 1986) was a United States federal judge.

Born in Brunswick County, Virginia, Warriner received a B.A. from the University of North Carolina in 1951 and an LL.B. from the University of Virginia School of Law in 1957. He was in the United States Navy Lieutenant (JG) from 1951 to 1954. He was in private practice in Emporia, Virginia from 1957 to 1974. He was a City attorney of Emporia, Virginia from 1969 to 1974.

Warriner was a federal judge on the United States District Court for the Eastern District of Virginia.

Warriner was nominated by President Richard Nixon on May 6, 1974, to a seat vacated by Oren R.

Lewis. He was confirmed by the United States Senate on May 16, 1974, and received his commission on May 21, 1974. Warriner served in that capacity until March 17, 1986, due to his death.

He died in Brunswick County, Virginia.

Sources

- David Dortch Warriner (<http://www.fjc.gov/servlet/nGetInfo?jid=2508&cid=999&ctype=na&instate=na>) at the *Biographical Directory of Federal Judges*, a public domain publication of the Federal Judicial Center.

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