

## Judicial Profile

JUANITA SALES LEE

# Judge Myron Thompson U.S. District Judge for the Middle District of Alabama

ON OCT. 9, 1980, MYRON THOMPSON, then 33 years old and eight years out of law school, became a federal judge on the U.S. District Court for the Middle District of Alabama — considered one of the most important courts of the civil rights movement with its seat in Montgomery,



the state capital of Alabama. Judge Thompson's appointment to the bench marked only the second time an African-American had been appointed to a federal district court in Alabama. Judge Thompson's seemingly unlikely appointment at the time followed a divisive battle over the appointment of the original nominee, Fred Gray, a longtime civil rights advocate whose client list included Dr. Martin Luther King Jr. and Rosa Parks. Judge Thompson's tenure on the federal bench has produced significant rulings in several cases and has led one of his colleagues, Chief Judge U.W. Clemon of the Northern District of Alabama, to recently remark, "I think Judge Thompson has been the star in the crown of the federal judiciary in this state."

Judge Thompson's distinguished career has its roots in Tuskegee, Ala., where he was born in 1947. Attending pub-

lic schools during segregation linked his experience with that of other African-Americans in the South who, like Judge Thompson, lived through a state-sanctioned segregation that permeated virtually every aspect of their lives. The most significant personal event that marked Judge Thompson's childhood, however, was his contracting of polio, which affected him dramatically. As one of the last polio victims during the late 1940s, Judge Thompson was left completely paralyzed for a short time. He underwent treatment for polio during most of his youth, undergoing several operations. Judge Thompson was one of the fortunate ones; the residual effects on him from this disease are virtually nonexistent.

Growing up in Tuskegee had many advantages. Tuskegee Institute (now Tuskegee University) was the center of the town and the town's essence. The college was the focus of African-American intellectual excitement, providing a cultural and intellectual forum for African-Americans still excluded, at that time, from many institutions in the South. Judge Thompson spent his early childhood and teen years in the shadow of the college campus, where his mother eventually became the college registrar. He attended an elementary school located on the college campus and later joined the college film society, which nurtured what became a lifelong interest in film, especially independent films. His continuing passion for reading embodies the intellectual life that was the landscape for his childhood.

Against this backdrop of growing up in an intellectually and culturally vibrant community were the individual efforts of Judge Thompson's parents, who were very involved in civil rights movement in the 1950s and 1960s. Judge Thompson's stepfather, a minister, was a field secretary of the NAACP for many years. As a youth, Judge Thompson attended numerous NAACP mass meetings, a number of which were held in his stepfather's church. At such meetings, the African-American community would come together and plan strategies for challenging Jim Crow segregation. Being involved in these struggles at a grassroots level strongly influenced and shaped Judge Thompson's thinking.

In 1965, Judge Thompson left Alabama to attend college at Yale University. After completing his undergraduate work at Yale, Judge Thompson proceeded directly to Yale Law School, where he earned his law degree. When asked why he wanted to be a lawyer, Judge Thompson responded, "That's interesting. When I went to law school, I knew very little about the law. I think that was true of a lot of black people

during that time. There were very few of us who had either a parent or relatives who had gone to law school. I saw an opportunity, number one, just to explore education generally.”

Judge Thompson returned to Alabama after receiving his law degree. He stated: “I thought that I might come back to Alabama to practice law, but I considered staying up East to practice law. During the summers, I had done some corporate work in New York City, but I realized that was not what I wanted to do. I also had realized that I wanted to come back home. I think it was just a strong sense of returning to the South. I felt very much like a Southerner.”

Magistrate Judge Vanzetta McPherson, who also sits on the Middle District of Alabama bench and is a longtime friend of Judge Thompson, remembers the judge’s decision to return to Alabama: “Judge Thompson is a very compassionate person. I think he really did come home to make a difference. He chose to pursue a career in a quasi-rural area, and to represent persons who probably had never known a lawyer personally, to help them to achieve benefits and realize gains that were extremely important to them, but not that important to society at large.”

Returning to Alabama, Judge Thompson took a position with the Alabama Attorney General’s Office, where he served from 1972 to 1974. Years later, Judge Thompson learned that he was the first African-American professional in that office and the first such professional within Alabama’s state government. From 1974 to 1980, when he was appointed to the federal bench, Judge Thompson practiced law in Dothan, Ala., his mother’s hometown. His diverse practice included everything from cases involving employment discrimination and the First Amendment to divorce. Very few lawyers in Dothan were interested in taking civil rights cases, but Judge Thompson made civil rights litigation a primary emphasis.

During this period, Judge Thompson was the only African-American practitioner in Houston County, Ala. Judge Thompson also became politically active. He served as a founding director and chair of the board of directors of the Legal Services Corp. of Alabama and participated in the Democratic Party. When Fred Gray, a prominent civil rights lawyer from Tuskegee, was nominated for a federal judgeship in Alabama, Judge Thompson traveled to Washington, D.C., to help work for Gray’s appointment, which had fallen under serious attack by opponents who resented Gray’s involvement in the Alabama civil rights struggle. The nomination became so divisive that Gray approached Sen. Howell Heflin, a sponsor, and agreed to withdraw from the process if Judge Thompson would replace him. Gray and others believed that Judge Thompson had the ability to get appointed. In his book, *Bus Ride to Justice*, Gray writes about this decision: “Myron Thompson, in my opinion, had all of the qualifications of a judge. He was young, articulate, Ivy-League educated, possessed the proper temperament, was an excellent scholar and a good writer and had never been tarnished by the scars of the civil rights battles though he was a beneficiary of civil rights victories. He was ideal for the position. I could think of no better person, other than myself, to occupy that judgeship.”

Magistrate Judge McPherson recalls how Judge Thompson “agonized over that decision” to accept the nomination to the federal bench. “Initially, he was reluctant to accept the nomination because he thought he was too young. He had gotten married (to Ann Oldham of New York), and the judgeship would require him to move from Dothan to Montgomery. He later realized that his nomination had historic significance, and that such an opportunity might not

come again.”

Judge Thompson’s 22 years on the federal bench have been marked by some very significant decisions. As Judge Clemon has remarked, “The Middle District of Alabama has historically been one of the most important civil rights District Courts in the nation. Headquartered in Montgomery, it is the mandated forum for legal challenges to various state law, procedures, policies, and regulations. In the nature of things, when Judge Thompson became a member of that court, he inherited some of the most significant and intractable cases, including without limitation, the prison conditions case, the state troopers’ case, and the at-large voting cases.” Judge Clemon believes that Judge Thompson follows in the footsteps of his predecessor, Judge Frank M. Johnson, who was the premier civil rights judge in the nation. In his view, Judge Thompson is “one of the most scholarly judges anywhere. He easily grasps the issues and the most recent case law as determined by our circuit and the Supreme Court. And he is ever sensitive to the concerns of the poor and the powerless.” Assessing Judge Thompson’s legacy, Judge Clemon feels that the judge will be long remembered not only for his noteworthy and scholarly decisions but also for formulating the plans for the civil rights motif of the new federal courthouse in Montgomery.

Noteworthy cases involving civil rights decided by Judge Thompson include *Paradise v. Prescott*,<sup>1</sup> in which Judge Thompson ruled that, in light of Alabama state troopers’ history of racial discrimination and continuing severe racial imbalances in its upper ranks, 50 percent of all Alabama state troopers promoted to the rank of corporal or above must be African-American. Many believe that, were it not for Judge Thompson’s meticulous and careful fact-finding in this case, the U.S. Supreme Court would not have affirmed the ruling. African-American citizens living in Alabama hail this decision because of their own personal experiences with some Alabama state troopers that included harassment, racial profiling, and even beatings.

In the landmark case that reshaped the political landscape of Alabama, *Dillard v. Baldwin County Commission*,<sup>2</sup> Judge Thompson held that at-large election schemes used by 183 cities, counties, and county school boards across the state of Alabama violated § 2 of the Voting Rights Act. As John Carroll, dean of Cumberland Law School in Birmingham, Ala., notes, “The *Dillard* case essentially desegregated municipal and county governments throughout the state and for the first time ensured that African-Americans in all areas of the state had a fair opportunity to elect a candidate of their choice. As a result of *Dillard*, there were African-American city council members, county commission members, and school board members elected in places where previously there had never been an African-American elected to public office. *Dillard* changed the face of local government in Alabama.”

Other decisions by Judge Thompson of note include *Austin v. Hopper*,<sup>3</sup> in which the judge ruled that the use of the “hitching post” in the Alabama prison system constituted cruel and unusual punishment in violation of the Eighth Amendment; and *Gay Lesbian Bisexual Alliance v. Sessions*,<sup>4</sup> in which the judge ruled that the state of Alabama could not prohibit gays from using state university property. In the class action suit *Wyatt v. King*,<sup>5</sup> Judge Thompson held that mentally ill patients involuntarily committed to state institutions for indefinite periods must receive “periodic” and “judicial” post-commitment review and, further, that the state must establish procedures for such reviews and release those persons who no longer met the

---

**PROFILE** *continued from page 19*

---

criteria for commitment. In 2002, Judge Thompson decided the Ten Commandments case<sup>6</sup> involving the chief justice of the Alabama Supreme Court that was the subject of national media attention.

Even though Judge Thompson's judicial career has, to a certain extent, thrust him into the social and political controversies of the day, he spends his private life largely with his family and a small circle of friends. He and his wife, Ann, have three children, ages 9 to 19. Judge Thompson is an avid reader and a movie buff. Described as "scholarly" and "erudite" by his colleagues, it is not surprising that, in 1997, Judge Thompson moved his family to New York for a year so that he could teach and participate in events at New York University Law School — even while he maintained a full docket.

It is this love of learning, combined with knowledge of the law and a great compassion and sensitivity for those in society who are or would be marginalized, that has shaped Judge Thompson's tenure on the federal bench. This young and relatively inexperienced judicial nominee has proven himself to be a judge of courage, insight, and sound judgment.

Robert J. Varley, one of the lawyers in the Ten Commandments case who has appeared before Judge Thompson on many other occasions, had this to say: "Judge Thompson always treats the lawyers and litigants who appear before him with the utmost respect. He is courteous but firm in the courtroom and always well-prepared. He is extremely intelligent and asks cogent and incisive questions, and his opinions are well-reasoned and well-written. Judge Thompson is everything you would want, hope for, and expect in a judge." **TFL**

---

*Juanita Sales Lee is a member of the editorial board and is deputy secretary of the F.B.A. She works as an attorney for the U.S. Army Space and Missile Defense Command in Huntsville, Ala.*

**Endnotes**

<sup>1</sup>585 F. Supp. 72 (M.D. Ala. 1984).

<sup>2</sup>694 F. Supp. 836 (M.D. Ala. 1988).

<sup>3</sup>15 F. Supp. 2d 1210 (M.D. Ala. 1998).

<sup>4</sup>917 F. Supp. 1548 (M.D. Ala. 1996).

<sup>5</sup>773 F. Supp. 1508 (M.D. Ala. 1991).

<sup>6</sup>229 F. Supp. 2d 1290 (M.D. Ala. 2002).