



Hon. Edward Huggins Johnstone

U.S. District Judge, Western District of Kentucky

by Deborah Samuel Sills



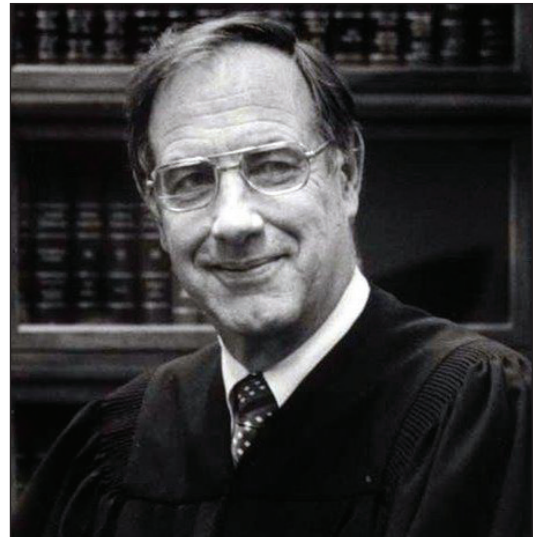
Deborah Samuel Sills is a non-resident fellow at Georgetown's Center on National Security and the Law. From 2015 through 2017, Sills served as an intelligence community fellow at the Georgetown University Law Center where she wrote this article. Sills is also an attorney with the FBI.

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.¹

The Preamble of the U.S. Constitution embodies liberty and justice as fundamental principles of our democracy. The late Edward Huggins Johnstone, U.S. District judge for the Western District of Kentucky, believed that his responsibility as a citizen and a judge was defined by the unqualified application of these principles. Judge Johnstone was of a generation that at an early age was compelled to confront the horrors caused by nations depriving their own citizens of liberty and justice. To Judge Johnstone, a society ultimately would be judged on how individuals and leaders upheld these indispensable rights. Everyday, he applied these beliefs—treating people with dignity, equality, fairness, and justice—inside and outside of the courtroom, as a citizen and a judge. In this time of divisiveness in our country, we can learn from the actions of those who lived before us. Judge Johnstone's respect for every individual and deep sense of fairness and justice serve as a benchmark for all.

Early Life

Judge Johnstone devoted his life to public service and improving the welfare of others.² In 1942, at the age of 20, Judge Johnstone left the University of Kentucky to serve in the U.S. Army during World War II. Judge Johnstone, then Sgt. Johnstone, was assigned to the 9th Infantry Division, 47th Infantry Regiment.³ While Judge Johnstone rarely discussed his service during World War II, history shows that his assignment with the 9th was grueling. In the summer of 1944, the 9th saw action in three major campaigns.⁴ The 9th also fought in the Battle of the Bulge, which lasted from Dec. 16, 1944, through Jan. 25, 1945, and was the last major German offensive campaign of World War



II.⁵ Following the Battle of the Bulge, the 9th crossed into Germany during the campaign that eventually led to Germany's surrender in May 1945.⁶ In Germany, Judge Johnstone witnessed the Nazi brutalities at the Dachau concentration camp, where more than 32,000 people perished.⁷ By age 23, for his combat service with the 9th Infantry Division, Judge Johnstone earned the Silver Star Medal and Bronze Star Medal for conspicuous gallantry and intrepidity in action against the enemy.⁸

Following his service during World War II, Judge Johnstone returned to Kentucky, where he pursued degrees from the University of Kentucky and the University of Kentucky College of Law.⁹ After graduating from law school, Judge Johnstone and his wife, Katherine "Kay" Guion Johnstone, moved to Princeton, Kentucky, a small town in Western Kentucky, where he joined a law practice.¹⁰ Judge Johnstone soon earned the reputation as a skilled and formidable litigator.¹¹

At 6 feet 4 inches tall, and often compared to Abraham Lincoln, Judge Johnstone was described as "folksy, a bit shy, a bit awkward, disarmingly friendly, eager to please, and totally intent upon liking every person he meets."¹² Due to his height, he was affectionately referred to as "Big Ed" and earned

the nickname “Big Foot” for wearing size 14 shoes.¹³ In addition to his folksy charm Judge Johnstone exhibited a keen intellect and commanding trial presence. He was exceptionally effective in the courtroom as a trial attorney.¹⁴ He soon became a prominent attorney known for his “brilliant mind” and innate understanding of human nature, earning the reputation as one of the greatest trial attorneys in Kentucky.¹⁵ Judge Johnstone also became known for his *pro bono* work as a court-appointed public defender.¹⁶ He represented numerous prisoners at the maximum-security Kentucky State Penitentiary in Eddyville, Ken., an old stone prison dubbed “The Castle.”¹⁷

While possessing a brilliant understanding of the courtroom and the law, Judge Johnstone was also “notorious for his absent-mindedness.”¹⁸ On May 25, 1961, Judge Johnstone introduced President Harry S. Truman at the Kentucky Hotel in Louisville during the Kentucky State Bar Association’s annual convention.¹⁹ Judge Johnstone, true to his personality, introduced the 33rd president while wearing one black shoe and one brown shoe.²⁰ President Truman took this slipup with good humor, reportedly remarking that “I’m glad you people from Western Kentucky can afford two pairs of shoes.”²¹

State Circuit Judge

In May 1976, Gov. Julian Carroll appointed Judge Johnstone as a state circuit judge to the newly created 56th Circuit Court, which encompassed four counties in Western Kentucky.²² One of the counties, Lyon County, included the maximum-security Kentucky State Penitentiary in Eddyville. This was the same prison where Judge Johnstone had represented inmates on a *pro bono* basis while in private practice.²³ Kentucky State Penitentiary inmates presented Judge Johnstone’s court with a “steady stream” of cases.²⁴ To provide better access to the judicial system, Judge Johnstone decided to hear the inmates’ cases at the prison itself.²⁵ He used a “small but beautiful courtroom” in the basement of the prison to hold proceedings.²⁶ Judge Johnstone believed that holding court inside of the prison provided the inmates with “quick justice and access to the court with a minimum of added security.”²⁷

In his new position, Judge Johnstone quickly earned a reputation as a hard-working judge, one who respected the rights of anyone who entered his courtroom. He “tackled the job calmly but with a back-breaking schedule.”²⁸ Once, Judge Johnstone was having difficulty empaneling a jury for an upcoming trial.²⁹ One prospective juror, a tobacco farmer, reportedly told Judge Johnstone that he could not serve as a juror because he needed to work on his tobacco farm.³⁰ Judge Johnstone offered the tobacco farmer a solution.³¹ If the farmer served as a juror, Judge Johnstone would help him cut tobacco during the weekend.³² Judge Johnstone kept his end of the bargain; he and Bill Cunningham—then a commonwealth’s attorney who later became a Kentucky Supreme Court justice—helped the farmer cut tobacco that weekend.³³

After serving as a circuit judge for a year, Judge Johnstone was “reputed to be a judge with a deep consideration for the rights of the people—the public, the accused, the convicted, the jurors, the lawyers and court officials.”³⁴ He “never used a gavel” in the courtroom because he believed that it was “better to command respect for the law and courtroom order by firmness, fairness, dignity, and humility.”³⁵ To restore decorum in the courtroom, he would “stop[] talking, lower[], his head, and peep[] over his glasses.”³⁶ Judge Johnstone explained that he never “needed a gavel. I suppose that habit of mine is more effective than smashing a desk with one.... Anyway, it is

obvious to me that a judge should never display arrogance. Humility is essential but, still, a good judge must be firm.”³⁷ Judge Johnstone also believed that patience was an essential trait for a judge. To him, there was “no room on the bench for a callous person. Surely a patient person will be better than an ill-tempered genius.”³⁸

United States District Judge

Due to his outstanding reputation as a state circuit judge, on Aug. 25, 1977, President Jimmy Carter nominated Judge Johnstone to fill a seat vacated by Judge James F. Gordon, a U.S. District judge for the Western District of Kentucky.³⁹ When being considered for the federal position, Judge Johnstone remarked that “to serve in the federal judgeship probably is the secret or private wish of every young lawyer. But it is something you cannot plan on. Until February of this year, the reality of such a thing did not enter my mind.”⁴⁰ On Oct. 7, 1977, the Senate confirmed his nomination.⁴¹

Judge Johnstone chose to remain in Western Kentucky and conduct court proceedings in Paducah, Owensboro, and Bowling Green.⁴² This decision was well received. As noted by former U.S. Rep. Ed Whitfield, the western region of Kentucky had “long been woefully underserved by the federal judiciary.”⁴³ Judge Johnstone’s choice to hold court locally “brought a welcome change to the Western District of Kentucky by ending the long-accepted tradition of cases being heard in Louisville.”⁴⁴ Likewise, the *Courier-Journal* recognized the wisdom of this choice, writing in an editorial that, “Even though the federal courts for the Western District of Kentucky are based in Louisville, Judge Johnstone lived in Western Kentucky throughout his judicial career, enduring a heavy travel burden but making the federal courts more accessible to Western Kentucky residents.”⁴⁵ Traveling between Paducah, Owensboro, Bowling Green, and Louisville to hear federal cases, Judge Johnstone promptly earned the reputation “as a tireless workhorse who burns the midnight oil and pushes himself.”⁴⁶ He was a modern-day “circuit rider,” traveling between the federal courthouses in Western Kentucky in his old, rusty Mercedes dubbed “Old Blue,” with his wife, Kay, driving.

As a federal judge, Judge Johnstone remained dedicated to the principles of liberty, equality, and justice. He was known as a “stickler” for protecting the constitutional rights of defendants.⁴⁷ He applied these deep-seeded principles by treating everyone in his courtroom with the same fairness, respect, justice, and human decency. One attorney believed that Judge Johnstone’s “courtroom demeanor is so even-handed and his courtesy to the defendant is so pronounced that when they leave they feel like they’ve gotten a fair shake.”⁴⁸ Another attorney recognized Judge Johnstone as having “great feeling for unfortunate people.”⁴⁹

Phillip Shepherd, a former law clerk to Judge Johnstone and now the chief circuit judge of Franklin County Kentucky, may have best described Judge Johnstone’s compassion for all who appeared in his courtroom:

[Judge Johnstone] taught us that you can’t be a great lawyer or a great judge unless you try to understand life from the vantage point of the prisoners, the outcasts, the disenfranchised, and the disinherited. He didn’t call it empathy. It was just the way he lived. His form of legal realism was big enough to include everyone, rich and poor, black and white, male and female, straight and gay, bank presidents and bank robbers.⁵⁰

In Judge Johnstone's own words, "I'm concerned about justice for the little guy and the big guy.... I think we can get it for everybody. And I think the system is working."⁵¹ He lived by the belief that "even in the worst of people there is a good side. If we treat them with dignity and respect it brings out the good and suppresses the bad."

While Judge Johnstone handled a tremendous number of cases during his tenure on the bench, one particular matter stands out: his reformation of Kentucky's prison system. Judge Johnstone's dedication to individual rights and the welfare of others was reflected in his handling of a series of historic prisoners' rights lawsuits that reformed the prison system in Kentucky over the course of a decade. The first suit was filed by male inmates at two state penitentiaries, the maximum-security Kentucky State Penitentiary in Eddyville that opened in 1887 and the medium-security Kentucky State Reformatory near La Grange that opened in the 1930s.⁵³ The inmates alleged, among other issues, deplorable and crowded living conditions in both of the prisons.⁵⁴ During the course of the litigation, Judge Johnstone made "unannounced visits" to the prison in Eddyville where he had just a few years before held court as a state circuit judge and represented its inmates in *pro bono* work while in private practice. On these unannounced visits, he ate the prison food, talked with the inmates, and inspected the prison.⁵⁵ An attorney described Judge Johnstone's actions during this prison case as showing "a concern that some judges might not have shown."⁵⁶

In May 1980, in a historic consent decree, the state and inmates at the two prisons settled the lawsuit.⁵⁷ The consent decree became the groundbreaking roadmap for improving the appalling prison conditions at Kentucky State Penitentiary and Kentucky State Reformatory. As part of the settlement, Kentucky was required to spend \$42 million over four years to improve the conditions at both prisons.⁵⁸ Moreover, the state was obligated to reduce the number of inmates at the two prisons within a year of the settlement.⁵⁹ The settlement also required additional programs at both prisons, including college-level courses, broader access to the library, additional prison jobs, and a self-help program.⁶⁰ Judge Johnstone won "high marks for his handling of the case, both from prison reform advocates and from corrections officials."⁶¹

Several months after the settlement, in October 1980, Judge Johnstone visited the Kentucky State Reformatory to see whether the agreed-upon improvements were being implemented. During the visit, to the applause of the inmates, Judge Johnstone "took off his jacket, rolled up his sleeves, climbed through a hole in a Kentucky State Reformatory cell house wall, and slogged around in raw sewage, ankle-deep, to get a firsthand look" at the prison.⁶² Judge Johnstone "got his hands dirty, ruined a pair of shoes and nearly choked on the smell. But he learned something about plumbing and about prisons; and he also made an impression on the convicts, who admire a shirt-and-tie man who's not afraid to get a little dirty."⁶³ During his visit, Judge Johnstone discovered that the facility was still in horrible disrepair and described the conditions as "an emergency situation."⁶⁴ The prison had cockroaches, broken showers, holes in the roofs, and severe overcrowding.⁶⁵ Judge Johnstone's vigilant oversight of the consent decree brought significant improvement to the Eddyville and La Grange prisons.⁶⁶ In 1992, Judge Johnstone commended Kentucky corrections officials for taking "giant strides in improving prison conditions in the last 12 years."⁶⁷

While lawsuits concerning the prisons in Eddyville and La Grange involved deplorable conditions at facilities housing male inmates,

female inmates housed in the Kentucky Correctional Institution for Women in Pewee Valley brought a class action lawsuit alleging unsuitable conditions in their prison as well.⁶⁸ In October 1980, the women prisoners filed a class action lawsuit alleging poor conditions, overcrowding, and insufficient medical care.⁶⁹ The suit further alleged that Kentucky's female prisoners were not afforded the same opportunities for education and rehabilitation as those that were offered to male prisoners.⁷⁰ At the time that the suit was filed, only two vocational courses were offered at the women's prison—a clerical skills course and an upholstery course.⁷¹ This was in contrast to the dozens of courses offered in the men's prisons.⁷²

The class action lawsuit proceeded to trial in April 1982. Following a four-week trial, Judge Johnstone issued a lengthy opinion ordering substantial improvements to the women's prison.⁷³ One attorney noted that Judge Johnstone's opinion would "change the whole face of the institution. It's very major."⁷⁴ The Kentucky Department of Corrections appealed Judge Johnstone's decision in the female inmates' lawsuit to the U.S. Court of Appeals for the Sixth Circuit. In the meantime, however, the corrections department undertook considerable progress with the women's facility.⁷⁵ For example, in 1985, a \$5.3 million construction program, including a vocational training center, was approved for inmates at the women's prison.⁷⁶ In March 1989, the Sixth Circuit Court of Appeals reversed Judge Johnstone's 1982 decision.⁷⁷ By the time the Sixth Circuit issued its decision, however, many improvements to the women's prison had already been implemented.

Judge Johnstone's dedication to prison reform in Kentucky spanned over a decade. Through his tireless efforts of visiting the prisons, organizing others to view the deplorable conditions, monitoring the consent decree, and creating equal opportunities for women prisoners, Judge Johnstone was the driving force behind Kentucky prison reform. Kentucky ultimately spent \$120 million to improve its prison system, eradicating inhumane conditions and increasing vocational opportunities.⁷⁸ Through Judge Johnstone's unwavering commitment to reform, he employed the principles in which he believed, treating all people with dignity, equality, and justice, no matter their place in society. By improving the living conditions of prisoners and providing educational opportunities for them, upon their release from prison, he hoped that they would become better and more productive citizens. Treating prisoners with dignity and respect epitomized Judge Johnstone's principle of "bringing out the good and suppressing the bad" of Kentucky's most vulnerable population.

Dedication to Liberty, Justice, and Equality

U.S. District Judge Thomas Russell, who succeeded Judge Johnstone, described Judge Johnstone's greatest achievements as "his true devotion to public service, the respect earned from the lawyers and litigants, and his zealous pursuit of justice."⁷⁹ He explained that "Judge Johnstone's decisions have set a standard of excellence which demonstrates that law can be a force in society to bring out the best in our communities and make society a better place for all of our citizens," whether it had "been prison reform, access to education, racial justice, sex discrimination, civil liberties, the rights of the disabled, the environment, or criminal justice."⁸⁰ Judge Russell believed that Judge Johnstone was "a great judge and a great person."⁸¹

Likewise, Chief Circuit Judge Shepherd believed that Judge Johnstone was "the greatest trial judge of the 20th century in Kentucky,"

based upon his “innate understanding of the drama of the courtroom, the art of cross-examination, the credibility of witnesses, and the motivations of jurors.”⁸² In addition to Judge Johnstone’s tremendous insight into courtroom dynamics, Judge Shepherd eloquently described Judge Johnstone’s dedication to the tenets of the Constitution as follows:

[To Judge Johnstone,] the Constitution was not an abstract set of ideas. It was the very practical foundation of liberty and justice, deeply rooted in the concept that the only equality that counts is equality of human dignity, not material wealth or political power.⁸³

The fundamental principles of liberty, justice, and equality, grounded in our Constitution and the basis of our democracy, were Judge Johnstone’s essence. He breathed life into these constitutional principles through reforming the Kentucky prison system, showing fairness and empathy for all who appeared in his courtroom, treating all people with dignity and respect, and helping people find the goodness in themselves. Judge Johnstone had a profound love for his family, a genuine respect for all individuals, a deep sense of fairness and justice, a recognition of the importance of public service, and a powerful belief in adhering to our Constitution. Judge Johnstone’s strong moral compass and belief in justice serve as a model for all. ☉

Endnotes

¹Preamble to the U.S. Constitution.

²The Johnstone family was in Sao Paulo, Brazil, when Edward Huggins Johnstone was born on April 26, 1922. Bill Powell, *District Judge Nominee Uses Quiet Manner; Not Gavel*, LOUISVILLE COURIER-JOURNAL (Sep. 4, 1977). His parents, William and Katherine Johnstone, instilled in their four children the value of public service, a strong work ethic, and the importance of higher education. Robert T. Garrett, *All Sides Find Something to Like in this Judge*, LOUISVILLE COURIER-JOURNAL (June 8, 1980).

³Thomas B. Russell, U.S. District Judge, Western District of Kentucky, *U.S. District Court, Western District of Kentucky, Judge Edward H. Johnstone “A Great Judge from the Greatest Generation,”* DUKE LAW, THE STORIED THIRD BRANCH, Dec. 2012, <https://law.duke.edu/sites/default/files/centers/judicialstudies/storiedthirdbranch/russell.pdf>; Silver Star Recipients, 9th Infantry Division, Silver Star Medal Recipients, <https://9thininfantrydivision.net/silver-star-recipients/>; *Judge Edward Johnstone, Kentucky Prison Reformer, Dead at 91*, LOUISVILLE COURIER-JOURNAL (June 26, 2013).

⁴9thininfantrydivision, *The Battle of the Rhineland*, <https://9thininfantrydivision.net/battle-history/rhineland/>; 9thininfantrydivision, *Ardenne-Alsace*, <https://9thininfantrydivision.net/battle-history/ardenne-alsace/>; 9thininfantrydivision, *Central Europe*, <https://9thininfantrydivision.net/battle-history/central-europe/>.

⁵9thininfantrydivision, *Ardenne-Alsace*, <https://9thininfantrydivision.net/battle-history/ardenne-alsace/>.

⁶9thininfantrydivision, *Central Europe*, <https://9thininfantrydivision.net/battle-history/central-europe/>.

⁷Philip Shepherd, *Eulogy for Judge Edward H. Johnstone* (July 13, 2013).

⁸Russell, *Judge Edward H. Johnstone*, *supra* note 3; Silver Star Recipients, 9th Infantry Division, Silver Star Medal Recipients, <https://9thininfantrydivision.net/silver-star-recipients/>; MILITARY

TIMES, Hall of Valor, <http://valor.militarytimes.com/recipient.php?recipientid=71244>; *Judge Edward Johnstone, Kentucky Prison Reformer, Dead at 91*, *supra* note 3.

⁹Powell, *supra* note 2.

¹⁰Powell, *supra* note 2; Garrett, *All Sides Find Something to Like in this Judge*, *supra* note 2.

¹¹Russell, *Judge Edward H. Johnstone*, *supra* note 3.

¹²Garrett, *All Sides Find Something to Like in this Judge*, *supra* note 2.

¹³Russell, *Judge Edward H. Johnstone*, *supra* note 3.

¹⁴Russell, *Judge Edward H. Johnstone*, *supra* note 3.

¹⁵Russell, *Judge Edward H. Johnstone*, *supra* note 3 (“Johnstone earned the well-deserved reputation of having a brilliant mind and being the best trial lawyer in the state.”).

¹⁶Powell, *supra* note 2.

¹⁷Garrett, *All Sides Find Something to Like in this Judge*, *supra* note 2.

¹⁸Andrew Wolfson, *Judge Edward H. Johnstone Dies at 91*, LOUISVILLE COURIER-JOURNAL (June 27, 2013).

¹⁹Wolfson, *Judge Edward H. Johnstone Dies at 91*, *supra* note 18; *Don’t Change the U.S. Constitution to Legislate Paper*, Truman Says, LOUISVILLE COURIER-JOURNAL (May 26, 1961). During his speech, President Truman urged the approximately 1,200 members of the Kentucky State Bar Association in attendance to reread the U.S. Constitution. *Id.*; *Truman to Talk Here on Thursday*, LOUISVILLE COURIER-JOURNAL (May 21, 1961) (“Truman will address the bar association’s banquet at 7 p.m. Thursday at the Kentucky Hotel.”).

²⁰Wolfson, *Judge Edward H. Johnstone Dies at 91*, *supra* note 18.

²¹*Id.* (quoting President Truman).

²²These counties included Caldwell, Livingston, Lyon and Trigg.

²³*Johnstone Unopposed in New Judicial District*, LOUISVILLE COURIER-JOURNAL (May 6, 1976).

²⁴Powell, *supra* note 2.

²⁵*Id.*

²⁶*Id.*

²⁷*Id.* (quoting Judge Johnstone).

²⁸Powell, *supra* note 2.

²⁹Wolfson, *Judge Edward H. Johnstone Dies at 91*, *supra* note 18.

³⁰*Id.*

³¹*Id.*

³²*Id.*

³³*Id.*

³⁴Powell, *supra* note 2.

³⁵*Id.*

³⁶*Id.*

³⁷*Id.* (quoting Judge Johnstone).

³⁸Editorial, *An Outstanding Judge*, LOUISVILLE COURIER-JOURNAL (Oct. 15, 1993) (quoting Judge Johnstone).

³⁹Ed Ryan, *Senate Panel Backs Judge’s Nomination*, LOUISVILLE COURIER-JOURNAL (Oct. 6, 1977); Federal Judicial Center, Biographical Directory of Federal Judges, *History of the Federal Judiciary*, Edward Huggins Johnstone, <http://www.fjc.gov/servlet/nGetInfo?jid=1189&cid=999&ctype=na&inststate=na>.

⁴⁰Powell, *supra* note 2 (quoting Judge Johnstone).

⁴¹Staff and AP Dispatches, *Johnstone Confirmed as Judge by Senate*, LOUISVILLE COURIER-JOURNAL (Oct. 8, 1977); Federal Judicial Center, Biographical Directory of Federal Judges, *supra* note 39.

⁴²Wolfson, *Judge Edward H. Johnstone Dies at 91*, *supra* note 18.

- ⁴³Ed Whitfield, U.S. House of Representatives, *Tribute to Judge Edward Huggins Johnstone* (Aug. 2, 2013), <https://www.congress.gov/congressional-record/2013/8/2/extensions-of-remarks-section/article/e1230-2?q=%7B%22search%22%3A%5B%22edward+johnstone+judge%22%5D%7D&r=1>.
- ⁴⁴*Id.*
- ⁴⁵Editorial, *Name Game*, LOUISVILLE COURIER-JOURNAL, June 30, 1998.
- ⁴⁶Garrett, *All Sides Find Something to Like in this Judge*, *supra* note 2.
- ⁴⁷*Id.*
- ⁴⁸*Id.* (quoting Bill Cunningham, then commonwealth's attorney for Caldwell, Livingston, Lyon and Trigg counties).
- ⁴⁹Garrett, *All Sides Find Something to Like in this Judge*, *supra* note 2 (quoting John Luke Quertermous, a Princeton, Ky. attorney who had known Judge Johnstone for over 20 years).
- ⁵⁰Shepherd, *Eulogy for Judge Edward H. Johnstone*, *supra* note 7.
- ⁵¹Garrett, *All Sides Find Something to Like in this Judge*, *supra* note 2 (quoting Judge Johnstone).
- ⁵²Whitfield, *Tribute to Judge Edward Huggins Johnstone*, *supra* note 43 (relying upon Lloyd Anderson, *Voices from a Southern Prison* (quoting Judge Johnstone)).
- ⁵³Sheldon Shafer, *Negotiations Start in Prisoners' Lawsuit*, LOUISVILLE COURIER-JOURNAL (March 8, 1980).
- ⁵⁴*Id.*
- ⁵⁵Garrett, *All Sides Find Something to Like in this Judge*, *supra* note 2.
- ⁵⁶*Id.* (quoting Edward F. Prichard Jr.).
- ⁵⁷Garrett, *All Sides Find Something to Like in this Judge*, *supra* note 2.
- ⁵⁸*Id.*
- ⁵⁹Sheldon Shafer, *Settlement of Inmates' Suit Means Changes at Prisons*, LOUISVILLE COURIER-JOURNAL (April 4, 1980).
- ⁶⁰*Id.*
- ⁶¹Garrett, *All Sides Find Something to Like in this Judge*, *supra* note 2.
- ⁶²John Filiatreau, *Judge Leads "Shirt-and-Tie" Tour of Prison*, LOUISVILLE COURIER-JOURNAL (Oct. 25, 1980).
- ⁶³*Id.*
- ⁶⁴*Id.*
- ⁶⁵*Id.*
- ⁶⁶Ken Shapero, *Trial to Test Progress of Prisons on Reforms*, LOUISVILLE COURIER-JOURNAL (July 7, 1986).
- ⁶⁷Deborah Yetter, *Judge Praises State's Prison Work, Criticizes Rules on Fixed Sentences*, LOUISVILLE COURIER-JOURNAL (April 28, 1992) (quoting Judge Johnstone).
- ⁶⁸Carolyn Colwell and Mike King, *U.S. Joins in Lawsuit by Women Prisoners*, LOUISVILLE COURIER-JOURNAL (March 11, 1982).
- ⁶⁹Mary Dieter, *Judge Hears Few Complaints During Visit to Women's Prison*, LOUISVILLE COURIER-JOURNAL (Dec. 24, 1980).
- ⁷⁰Colwell and King, *U.S. Joins in Lawsuit by Women Prisoners*, *supra* note 68.
- ⁷¹*Id.*
- ⁷²*Id.*
- ⁷³Carolyn Colwell, *Female Inmates Win Court Battle for Equal Rights*, LOUISVILLE COURIER-JOURNAL (July 27, 1982); see *Canterino v. Wilson*, 546 F. Supp. 174, 179 (W.D. Ky. 1982) *supplemented*, 562 F. Supp. 106 (W.D. Ky. 1983) *and vacated and remanded*, 869 F.2d 948 (6th Cir. 1989).
- ⁷⁴*Id.* (quoting Walker Smith, one of the attorneys for the women inmates).
- ⁷⁵Betty Winston Baye, *\$5.3 Million Construction Program at Women's Prison Could End Suit*, LOUISVILLE COURIER-JOURNAL (March 6, 1985).
- ⁷⁶*Id.*
- ⁷⁷On March 10, 1989, the Sixth Circuit vacated Judge Johnstone's decision, finding that "no constitutional violation was proven in this case." *Canterino v. Wilson*, 869 F.2d 948, 955 (6th Cir. 1989).
- ⁷⁸Wolfson, *Judge Edward H. Johnstone Dies at 91*, *supra* note 18.
- ⁷⁹Russell, *Judge Edward H. Johnstone*, *supra* note 3.
- ⁸⁰*Id.*
- ⁸¹*Id.*
- ⁸²Shepherd, *Eulogy for Judge Edward H. Johnstone*, *supra* note 7.
- ⁸³*Id.*
- ⁸⁴Deborah Samuel Sills, *Certified Question Jurisdiction: A Significant New Authority for the FISA Court and FISA Court of Review*, 5 NAT'L SEC. L. J. 1 (2016).
- ⁸⁵Deborah Samuel Sills, *Strengthen Section 702: A Critical Intelligence Tool Vital to the Protection of Our Country*, 7 NAT'L SEC. L. BRIEF 1 (2016).