

FOREWORD

The history of southern Ohio mirrors the history of our nation over the past two hundred years and more. At first, we newly free Americans considered ourselves more as citizens of individual states of residence than as citizens of a federal union, the United States of America. Likewise, the courts of this new political entity began their existence in 1789 as poor stepchildren of the court systems already established in each of the thirteen original states. As the power of the federal government began to grow in importance, in perception and in the acceptance of those who increasingly began to consider themselves Americans, so too did the federal court system grow from what had been basically local tribunals dealing with trifling matters to courts that have literally shaped and reshaped American society. These courts have made our nation one that is blind to color and gender under law, have guaranteed our citizens more individual freedoms and liberties vis-à-vis a strong central government than any nation in the history of the world, and have produced and maintained that delicate balance between the rights of the individual and those of society in areas as disparate as the environment, labor-management relations, consumer protection, freedom of speech, and the free exercise of religion. As such, our federal court system, nationally as well as in southern Ohio, has protected citizens against the potential tyranny of the majority.

That story is here for all to read. Certainly, the judges are present, from the very first of us, Charles Willing Byrd, who gaveled to order the very first session of the then District of Ohio, at Chillicothe, more than two centuries ago; through Humphrey Howe Leavitt, the first judge of the Southern District of Ohio, who presided in Cincinnati after the state was split into a northern and a southern district in 1855; through Joseph P. Kinneary, a legend in his own time, who carried a full civil and a virtually full criminal case load, until retiring a few months short of his ninety-sixth birthday; and through to Gregory Frost, our newest colleague.

Present also are the attorneys who appeared before those judges, attorneys whose imagination, creativity, and vigor brought before the court a myriad of cases, historically and legally significant for their times, cases dealing with slavery, the Industrial Revolution, patent protection, draft resistance, desegregation, civil rights, and the development of intellectual property law in the

computer age, cases that would allow our federal court to discharge a significant role in the development of southern Ohio's distinctive legal, social, and economic culture.

The history of any court consists of more than the judges and the attorneys who appear before them. Indeed, without the significant efforts of all those who have supported our court since its inception, bailiffs, courtroom deputies, court reporters, members of the clerk's office, U.S. marshals, probation officers, pretrial services officers, and countless others, the record of this court would be far less exemplary than what is recounted in this volume. We are pleased to take the opportunity to thank each and every one of those members of our court family for their invaluable service to the people of southern Ohio in the cause of justice over the years.

Two others deserve special mention. Dr. Roberta Alexander, the author of this magnum opus, reacted with great enthusiasm when the idea of compiling the history of our court was first broached some years ago and has labored tirelessly and well to bring this project to fruition. She deserves the thanks of each and every member of our court for preserving and telling its story for present generations and all that will follow. Charles Hogan, an attorney and a historian, provided the initial impetus, enthusiasm, and model for this work. If anyone deserves recognition as the "spiritual father of this history," it is he.

WALTER H. RICE, CHIEF JUDGE

U.S. District Court for the Southern District of Ohio

1996–2003