



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
Joel W. Solomon United States Courthouse
900 Georgia Avenue
Chattanooga, Tennessee 37402

**THE U.S. COURT OF APPEALS FOR THE FIFTH CIRCUIT:
WITHSTANDING PUBLIC OPINION WHILE UPHOLDING THE CONSTITUTION**

February 2026

February is Black History Month. In the past, in tribute to Black History Month, we have written on significant historical figures in the federal judiciary or important court cases that contributed to our understanding of Black History. This year, we will take a different tack. We will highlight the United States Court of Appeals for the Fifth Circuit and its role in the civil rights struggle of the 1950s and 1960s.

THE JUDGES OF THE OLD FIFTH CIRCUIT.

At that time, the Fifth Circuit heard appeals from federal trial courts in the states of Texas, Louisiana, Mississippi, Alabama, Georgia, and Florida—the very heart of resistance to racial equality, desegregation, and voting rights. (In 1981, the Fifth Circuit was split into two circuits and now includes only Texas, Louisiana, and Mississippi.) Following the Supreme Court’s landmark decision in *Brown v. Board of Education*, the promise of equal protection under the law faced massive defiance in the southern states, both from the populace and their officials. Governors stood in schoolhouse doors. Legislatures enacted defiant and evasive statutes. Local officials delayed, obstructed, and resisted desegregation.

In the face of unequal treatment and state-sanctioned violence, there were protests, boycotts, and marches. People turned to the courts with lawsuits and, therefore, the federal judiciary became involved. Brave plaintiffs—students, parents, ministers, veterans—brought cases at great personal cost. Lawyers advanced arguments rooted in the Fourteenth and Fifteenth Amendments. And federal courts, most prominently the Fifth Circuit, ensured that those constitutional promises were made real.

In that climate, the rule of law required more than words on parchment. It required judges willing to enforce constitutional guarantees in the face of hostility, social ostracism and scorn, and, at times, threats to their personal safety.

Judges John Minor Wisdom, Elbert Tuttle, John Brown, and Richard Rives—often referred to as the “Fifth Circuit Four”—were among the judges whose names became

synonymous with judicial integrity. They insisted that constitutional rights were not optional and that federal court orders were not mere suggestions. Through carefully written opinions grounded in precedent and principle, they translated the Supreme Court's broad declarations into enforceable mandates, ordered the desegregation of schools and universities, struck down discriminatory voting practices, and upheld the rights of peaceful demonstrators.

One case decided by the Fifth Circuit during those years involved the admission of James Meredith to the University of Mississippi, thus ending racial discrimination at that school. The Court did so despite defiance even by the lower-court judge who was overseeing the case. State officials had been bragging about the obvious racial discrimination at the university, and the Court of Appeals had already recognized that discrimination in a prior ruling. *Meredith v. Fair*, 298 F.2d 696 (5th Cir. 1962). But the trial judge ignored all of that, and wrote:

The proof shows on this trial, and I find as a fact, that there is no custom or policy now, nor was there any at the time [Meredith's] application was rejected, which excluded qualified Negroes from entering the University. The proof shows, and I find as a fact, that the University is not a racially segregated institution.

Meredith v. Fair, 202 F. Supp. 224 (S.D. Miss. 1962). The Fifth Circuit Court of Appeals again overturned this ruling and, when the governor and other state officials defied its order to admit Meredith, held those officials in contempt of court.

There are many other examples, both by the Court of Appeals for the Fifth Circuit and by some brave trial judges within the Fifth Circuit. The Fifth Circuit ordered the admission of Black students at the University of Alabama when Governor George Wallace attempted to prevent them from enrolling. District Judge Frank M. Johnson required Alabama officials to protect marchers after Bloody Sunday in Selma, Alabama. District Judge Skelly Wright ordered the integration of New Orleans schools. In all, judges within the Fifth Circuit oversaw numerous cases requiring the desegregation of public colleges and elementary and secondary schools, the removal of racial barriers to voting, and the exercise of political and civil rights in the states within its jurisdiction.

JUDGES MUST REMAIN FAITHFUL TO THE CONSTITUTION AND RULE OF LAW

The brave judges of the Fifth Circuit were parts of the very communities which opposed the decisions they were making. These judges knew how unpopular their decisions were and the opposition those decisions would face. They also knew that, as judges, they owed a duty of fidelity to the rule of law such that their decisions must be grounded in the Constitution and could not be mere acts of political will. They were not creating new rights or imposing their personal preferences. They were following Supreme Court precedents and enforcing the Reconstruction Amendments, the solemn commitments our country adopted after the Civil War promising equal protection and due process to all citizens, including those who were newly freed from enslavement. The Fifth Circuit applied the Constitution as written and as interpreted by the Supreme Court. In doing so, the Court demonstrated that the judiciary's independence is not an abstraction, but a necessity.

At a time when popular majorities in several states opposed integration, courts fulfilled a vital constitutional role: ensuring that individual rights did not rise or fall with the tide of public opinion. The federal judiciary is designed precisely for such moments. Life tenure and salary protection are not privileges for judges to enjoy; they are protections for the people, enabling courts to uphold constitutional guarantees without fear of retaliation and regardless of public opinion.

BLACK HISTORY IS AMERICAN HISTORY

The Fifth Circuit's work also underscores an important truth about Black History: it is inseparable from American constitutional history. The struggle for civil rights was not simply a social movement; it was a constitutional reckoning. By protecting the rights of Black citizens, they were protecting the rights of all.

Black History Month should remind us that progress often requires the steady application of principle amid controversy and opposition. The Fifth Circuit's legacy is not one of triumphalism, but of duty. The judges did not claim perfection; they claimed duty, obligation, and jurisdiction. They heard the cases before them and applied the law as they understood it, mindful that the Constitution binds courts and citizens alike.

CONCLUSION

As we observe Black History Month, we honor not only the marchers and ministers, the students and strategists, but also the judges who ensured that the Constitution's guarantees were not hollow words. In the crucible of conflict, the Fifth Circuit was a bright and steady beacon—proving that law, faithfully applied, can move us toward the high aspirations declared in the Declaration of Independence and the Constitution.

Curtis L. Collier
United States District Judge
Chair, Eastern District of Tennessee Civics and Outreach Committee

Carrie Brown Stefaniak
Law Clerk to the Honorable Curtis L. Collier

Meghna Melkote
Law Clerk to the Honorable Curtis L. Collier

Alex Tritell
Law Clerk to the Honorable Curtis L. Collier