

*Civil Rights History Project*  
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Interviewee: John and Jean Rosenberg  
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Location: The Rosenberg's home in Prestonsburg, KY  
Interviewer: David Cline  
Videographer: John Bishop  
Length: 02:36:57

John Bishop: Okay, we are rolling.

David Cline: Okay. Good afternoon, today is August fifteenth 2013. Speaking is David Cline from the History department at Virginia Tech, also working with the Southern Oral History Program at the University of North Carolina at Chapel Hill. We are conducting an interview today for the Civil Rights History Project of the Library of Congress and the Smithsonian's National Museum of African American History and Culture. Behind the camera is John Bishop of Media-Generation. And we have the honor today of interviewing John and Jean Rosenberg. Jean is on channel one, and John is on channel two. And I just want to thank you both very much for being part of this project.

Jean Rosenberg: Okay.

John Rosenberg: Glad to be here, hope we can help.

DC: And we will start today, if we can start with Jean – I just wanted to – I usually start with people's family backgrounds in the belief, and maybe you will prove me wrong, but that often the way that people are raised and the ideals and the influence, you can see later in what a person ends up doing. So I am always curious about the family life of people as they are raised. So if you can tell us a little bit about your background.

JeR: Okay

DC: And whether you see any of those kinds of influences.

JeR: Oh absolutely, I mean I think that is absolutely true, my observation of life, too. So, I was born in Philadelphia, Pennsylvania and adopted by a transplanted New York couple. And my father, having been uprooted from his Presbyterian community, was looking for a place for spiritual growth and connected with the Quakers and subsequently [laughs] we – he joined and I joined and then later my brother and my mother joined the Quaker meeting in Abington, Pennsylvania. And that led to an intense exposure to social action and commitment to the idea that there is that of God in every person and also to the fact that people can arrive at decision making by consensus. And I think that that is a very important element in my later years. That was a very good background for me to be living here in Appalachia. So, I went from there, I went to –

DC: Were there particular projects or focus, social justice focus, of that meeting or –

JeR: Of that meeting, obviously, that meeting and the Philadelphia yearly meeting were always involved in racial issues and definitely in war – concern about peace, the peace process and how to accomplish that. So I was always involved in those, that young Friends movement, as growing up and it guided me to apply to Earlham College in Richmond, Indiana, which is a Quaker school, and then I graduated there in June of 1965.

DC: Okay, and you were born in what year?

JeR: I was born in '43.

JoR: Well you worked in, you went to summer work camp in Mexico or –

JeR: Right, sure, but –

JoR: That sort of thing, and your Mom was on the picket line for peace right?

JeR: Right

JoR: That is what –

JeR: Witness for peace. That good old women, [laughs]

DC: Let's hear a little bit –

JeR: I mean it was just a part and parcel of my growing up years. And I – in my High School, at Abington High School, which is a suburban Philadelphia High School – refused to take part in air raid drills, as I felt that it was a psychology of fear and terror and that in fact and in truth hiding under your desk was not going to help you in a Cold War situation. Therefore I refused, and so I was taken to the principal's office and called a Communist dupe. And I was directed – when we had the drill I had to sit in front of the plate glass window so that I was the first to be killed.

DC: My goodness –

JeR: So, when people do that, when they take those kinds of positions, then, you know, you're even more committed to thinking about what it is you are doing and why. So I was able to arrange for a film called *Operation Correction* to go along with – it was a – this is going on and on –

DC: No, no, go ahead.

JeR: I arranged for that to be shown in my high school, just so that people could see that there was another side to [00:05:00] the story, and I felt that was very important.

DC: This is the second day in a row that *Operation Correction* has been mentioned so it's interesting –

JeR: Really?

DC: Yeah, a – where was he – he was a Minister that showed it in his community and got run out of town for showing it.

JeR: Well, luckily I was an honors student, so, you know, I think I got more leeway because I was able to do well on tests.

DC: So, you started college in 1960 –

JeR: One.

JoR: [whispers] Wilmington.

JeR: At Wilmington College, I did not go to Earlham initially. I waited too long to apply, and so I had the offer of waiting out a year and coming with the next class, or I went to Wilmington College, which is in Wilmington, Ohio, which is another Quaker school. And then I transferred in my junior year.

DC: And having been raised in a family and community that you have been telling us about, with a lot of awareness of social issues and justice issues, how aware were you of other things that were happening in the country –

JeR: Was I, I was participating –

DC: The civil rights movement? But were you aware of earlier traditions, or what was going on, you know, were there particular moments for you?

JeR: Well, I mean I was very aware of the Vietnam War and the lead up to that and I was one of the protestors at Earlham that would go regularly and stand witness against the war. However, my friend Dorothy, we have referred to her as Landsberg, she was Dorothy Shelton then – I met her at Earlham College and she was involved with – her father was an internal revenue lawyer in Washington D.C., and he helped get her a summer internship with John Doar in the summer of '64, where she worked very hard on developing an index from the FBI reports on Klan members, which was then subsequently helpful when jury selection took place in a number of the cases.

DC: And was that how you –

JeR: I mean we were all – she was part of the student political activities committee, and so was I.

JoR: But you met John, right?

JeR: And that is when I met John Doar. She invited him to speak at a convocation at Earlham. She didn't want to introduce him because she was afraid he would tease her in front of everyone, so she got her buddy Jean to introduce him. And while we were eating together he said, "Well have you ever thought about joining the establishment?" And I said, "No." And he said, "Why don't you do that, and why don't you give it a try?" And so since I wasn't focused on where I would be after I graduated, we had thought about going to law school but that wasn't really a passion, so I did in fact apply and was accepted as a research analyst for the Civil Rights Division at the Department of Justice in June of '65. And I then went on to qualify my loyalty oath and I still had the job.

DC: What did you say?

JeR: I inserted in the loyalty oath that I would, insofar as my conscience would allow, I would support and defend the United States. So they kept me anyway, and that was when I started working as a research analyst. And went from – we worked on all kinds of cases, we worked on school desegregation cases, police brutality cases, employment cases, during the time that I was there. I left in the spring of 1970.

DC: Okay, great. So let's switch over to John and I will bring him up to that same moment. So, John, if you could introduce yourself and a little bit about your background as well would be wonderful.

JoR: Well, I am John Rosenberg, I am Jean's husband of forty-six years. She has put up with me over that period. Hopefully for another maybe not forty-six, [00:10:00] but a few more. I was born in Germany, October 7, 1931 – long time ago. My father was a teacher in the Jewish school system. I say the Jewish school system he actually – when Adolf Hitler required the schools to be segregated so that Jewish kids were separated out, he and another man set up the school for Jewish kids. The city was named Magdeburg, Germany, a city then of about 300,000 people, a large industrial center, which was bombed pretty heavily during the war. And I grew up there and as a young child the first day of school is a big deal. And if I remember right, school started around Easter, and they give you a big conical bag with all kinds of gifts in it. And I say that because there is a family picture of me holding this conical bag with our gifts on the first day of school. I was actually, by that point, in my father's class. He was a teacher and then also worked for the Jewish welfare agency. He was teaching courses to people who were interested in going to Israel. He wanted go to Israel but my mother said, "No, if we leave the country we are going to go to the United States," because her mother and father and two sisters had emigrated to

the country and she wasn't really interested in going to Israel. Although he had had one sister and a brother go to Israel at an early time, into a small cooperative community.

In any event, we lived in a building next to a synagogue. We had an apartment there, because Dad worked for the welfare agency and he also assisted the Rabbi in the local congregation. So we were there during *Kristallnacht*, and they bombed the synagogue, they didn't – they were somewhat careful about the synagogue, because there was a hospital next door. Otherwise, as you probably know, all the other synagogues primarily were burned down, or the ones – most synagogues in Germany were burned. Anyway, my Dad was in a concentration camp for 11 days, and we were fortunate enough to get out of the country. And so we came – we spent a year in Holland, and my father started a school in this detention camp, and we had no materials, but he taught by the Socratic method, teaching us verbally. And so we came to this country on February 22<sup>nd</sup> 1940 – on pretty much the last ship. His brother and mother were on board, I am not sure about his mother but I think both, of another ship several weeks later, and the ship was turned around because war had started, so they didn't get out. So his brother was killed. He lost – there was another family [car horn], one of his sisters had married a fellow who worked on the stock exchange. They were fairly well off. They had five kids in Rotterdam, and that family was gone. And family in Germany [car horn], most of his – so he lost a substantial – and his mother was also killed during that period. She lived very close till the end of the war. In fact his brother married while he was in the concentration camp, and we met his widow in Israel several years later.

So we came and then we – my father when he came to this country, it was very difficult to find a job, there were so many immigrants in New York. And so he learned of a community in Spartanburg, South Carolina and Gastonia, North Carolina – they had substantial Jewish

communities but no Rabbi. That is what drew him there. I am not sure which comes first, but during the week he swept floors in a textile mill and on weekends he alternated going to these two communities. And I always thought was pretty amazing because he was writing sermons when he was still learning to speak English. But after three years, we then moved. He learned of a better position at a textile mill in Gastonia, or in Lowell, North Carolina. A fellow who came from our hometown, in Magdeburg, who had a mill there brought a bunch of equipment over and started a textile mill. Daddy learned – went to work as an office manager, if I remember right – but he basically learned the textile business and stayed as a white-collar worker and was very active in the local synagogue. And I grew up in the town of Gastonia for practical purposes [00:15:00]. We had been in Spartanburg for three years. So I grew up in Gastonia and worked after school, and scouting was a big part of my life. I was an Eagle Scout and spent summers as a counselor and went off to Duke University as a freshman.

DC: May I ask what the racial dynamics were in Gastonia at that time.

JeR: First tell about the fact that being a German immigrant, they took away the binoculars, I just think that is an interesting caveat.

JoR: After the war started – we were aliens, my parents weren't citizens. The FBI or Treasury agents came to our apartment one day, knocked on the door, and they took the binoculars that my parents had and the radio that had the capability of getting short-wave. But I guess they were quite embarrassed to see that we had Franklin Delano Roosevelt's picture on the wall. You have this fairly patriotic, thankful family to be in this country, and they came and took this equipment away from us. And it was, I think, mutually embarrassing. They eventually brought it back, I think, after the war, we got the stuff back.

Gastonia was a segregated society. It was a segregated – we had black schools – you were living in a segregated society. You always think back on those days, and the Jewish community, most of the members of that community, as was true in many southern communities, were pretty well off. Their parents and their grandparents had come to these communities or had come to the area as peddlers and started selling merchandise and then eventually had a retail store, and so the community was well off.

I am not sure that anybody had seen a relatively poor Jewish working family till we got there. It was a nice community – the people I think respected my father a lot because he had such a huge knowledge of Jewish culture and could read Hebrew. He could quote the next verse in the Torah for five books of Moses if you started him anywhere in there, which was not that unusual for someone who had all that biblical background or who had studied in the – He had been to the seminary. He actually came from a family with nine children in northwest Germany, and one of his early teaching assignments was in my mother's hometown. She was a young 16 year-old, and they got to know each other, and when she was 18 they got married.

So he was working in the mill, and I had summer jobs in the mill, and as you know, the Jewish community was thankful to be there, economically. And even though they couldn't get into the country clubs for many – despite their wealth – most of them were not at that point, the country clubs were segregated. But they certainly took no major initiatives in trying to help integrate the community or call attention to the fact that this was wrong. I think you basically grew up with it. And when you move into that system, looking back, I am sure my parents were so grateful to be there that that was the last thing they had in mind. Although my parents, my mother especially – My summer job, when you're in the mill, you interact with lots of black folks, but everybody kind of knows where the lines are. And I don't know if there was any –

Gastonia's history is sort of interesting. There is a book called *Preachers and Mill Hands*. They had riots in the '20s and '30s around the textile worker issue and working conditions, but it wasn't racial. It was not a racial issue. So the schools were totally segregated, and that's just the way that life was.

My mom was known to be a very friendly person. She didn't start work – she decided after the kids were all gone she wanted to be a sales woman, to do work in the local department store, which she did. But she'd have people come and buy, whether they were black or white, and she would interact with them [00:20:00] and offer them a bite to eat or whatever. And I think the family in that sense – I didn't have, I don't recall, I don't think I had any friends in the black community. A few years ago, not too many years ago, ten years ago I think, Gastonia – the class president of the year before me, or two years, promoted a joint anniversary of the classes from 1948, so that the black and white graduates would now, being adults, would be together. I think it was a one-time thing. But I remember that. Gastonia, Gaston County is actually one of the voting rights cases that eventually went to the Supreme Court. I think they challenged the mechanism under which Gaston County was selected.

Then I was at Duke University – I went to undergraduate school at Duke. It was sort of between Duke and the University of North Carolina, and there was a trustee at the time, named Separk who was from Gastonia, and he encouraged me to go to Duke because he thought he could secure, and he did secure, a tuition scholarship for me for the first – for what we hoped would be four years. Unfortunately he died after the first year, and I was then interviewed and [they] said, "You are making too much money working in the dining room," where you got chits for food, or whatever, and they said, "You are going to have to pay your own tuition," which I did and stayed in. But it was always sort of, "Gosh." I was pretty poor and my Dad was sending

me 25 bucks a month or something, and they took away the tuition scholarship. But I did get – I was a Chem major at Duke and in ROTC, and so I went into the United States Air Force. I spent three years in England as a navigator, London. [I was] very close to a lot of my colleagues, had a very interesting year flying. At that time it was a period of the Cold War, so many of our exercises were close to the Russian border. We dropped the Special Forces and [it was] a very military period [laughter] totally contrary to what I was –

JeR: I was picketing the Pentagon –

JoR: Right, while she was picketing the Pentagon. So after I came out of the service I worked for a year for a Chemical firm, Rohm and Haas, in Philadelphia.

DC: Let me just ask about the – the Air Force was integrated at that point. What was your experience there in terms of –

JoR: Well, I think that it was integrated and it was sort of – one of the things I relate. It was a sort of life changing experience for me, because we were very close to each other, blacks and whites, and on one of those occasions, we brought a plane back to this country. The radar operator was a fellow from Charleston, South Carolina named Abe Jenkins, and when we brought the plane back to Long Island, we went by way of Iceland and then Greenland. It was an SA16 called a Grumman Albatross, which flies at about 160 miles an hour, so if you've got a very heavy headwind, you might be moving along at 20 or 30 miles an hour over the ground, which on at least one occasion we did [laughter] because we were just about to run out of fuel. Anyway, we got back and when we got to Long Island, Abe and I had a week to go home and we got on the train together in New York. We got to Washington, we were in uniform, and when we got to Washington, Abe said he would see me later. And I said, "Where are you going?" He said he was going to the back of the train where the blacks are. And he did. And I thought, "This is

bad, this is really wrong.” Maybe, I am sure, in the back of my mind, “Maybe somewhere along the way I will have a chance to help do something about that.” So you are right, it was a – in the sense that I ended up going to – that particular incident had a lot to do with the way – I mean it sort of hit me in the head. I don’t know whether it was the first trip back when we were together. I went through navigation school with many black members, it never seemed to be –

JeR: I want to cut for just a minute.

DC: I saw that, too.

JeR: That mosquito is coming for me [laughter].

DC: We will take a little break.

[Recording stops and then resumes]

JB: Okay, we’re back.

JoR: It was interesting because in navigation school [00:25:00] four of us lived together off base, four students, and two of them were from Texas, and one was from New Orleans. And it was at a time when people were – I think – I didn’t have a car, but I know that one of them did, and we had this Confederate Air Force sticker on there. The institution was integrated as an institution, but there was still a fair amount of racism and joking and that sort of thing going on, and it was all part of the way you lived. But you also, I think they saw that the members of the black officers who were in navigation training at that time, it was their first, everybody’s first experience in a major way of living together, working together, and eventually having to depend on each other. So that was just leading up to the time when I went to England. And then you have crew members and you are in some fairly dangerous situations and you just know for sure that the color of his skin doesn’t make any difference at all if you are involved in a very difficult

exercise in which they are depending on you or you are depending on them as much as you are anybody else.

DC: And for you personally, I don't know if there were any other African Americans in your classes at Duke, or was this really for you the first time you were in close proximity to African Americans.

JoR: It was. I mean Duke was still a white school. Duke was still segregated.

JeR: They had a Jewish quota.

JoR: Yeah, they had a quota for Jew – I don't think I was aware of in the sense that, you know, you thought, "Well, this is the number." But when I went to Duke, the two roommates I had were both Jewish. We weren't put there by accident. But there was a Jewish fraternity –

DC: Did you talk to each other on that? Did you comment to each other about that?

JoR: I don't know, you know it turned out that one of them and I were lifelong friends. The other one of them became a doctor – Norman Rosenbaum went to the University of Virginia and ended up in New England. And he was always, Norman was always much more of a loner. He was from Norfolk and played basketball but he always went off to study on his own. And then Marty and I ultimately joined a Jewish fraternity, which was a big, new experience for me. I had never been with a lot of Jews. I was president of my senior class in high school and just "one of the boys," as it were. You felt you were a member of – I don't know that the Jewishness – I never felt any real religious discrimination. We were always, as Jean said, she was a very good student. I had a younger brother who was also doing well in school. I was involved in a lot activities and was always working after school, and so people, I think, did respect the family. And as I say, I was president of my sophomore class, and then again my senior class, so – I lost my train of thought.

JeR: Okay, one of the things I wanted to say about my history is interestingly enough, when I went to Wilmington College, which is a Quaker school, they intentionally assigned me a black roommate, because they didn't know how the other gals on my hall would respond to being integrated in '61. So I got the black roommate from the Bronx, and we've been lifelong friends.

DC: Um-hmm. Interesting.

JoR: Right.

JeR: But it is interesting, you know –

JoR: Sure.

DC: How did they know you would be amenable?

JeR: Because I was a Quaker.

DC: Okay, yeah.

JeR: Just because you go to a Quaker school, there are few and far between usually.

DC: Very interesting.

JoR: Yeah. And she has been. And so the three of us, the two roommates, Marty Sack and I – he recently passed away. He was a lawyer in Jacksonville, and we became very, very close. As I say, we both joined the fraternity and the third roommate didn't. He stayed independent pretty much on his own, and so Marty and I – But you had this Jewish fraternity on campus at Duke, which at that time was only Jewish. After my second year, I was a delegate to a national convention in which the charter was changed to allow non-Jewish members, although it is still primarily a Jewish fraternity, I think. But it did expose me [00:30:00] to a whole new system. It was very helpful to – And there were very few Jewish women on the East Campus, but they were also integrated. So there was a conscious effort by the administration at that time to

keep the number of [Jewish] students down. Of course today it is multi-national, multi-cultural, multi-religious, a very, very fine institution.

But I then went to – after I worked for the chemical company for a year, I was thinking I wanted to do something that might be a little more useful and maybe use my brain a little bit and decided to go to law school. And whether I really figured out already that I was going to be in the Civil Rights Division, I am not sure. Julius Chambers, who became number one in our class, had a fairly small circle of white friends, socially, or to the extent that he was going to spend any time not studying. So we did become friendly during those years at Chapel Hill and kind of kept up with each other over the years. I kept up with his great career, and we would exchange letters, and once in a while we would see each other at conferences. He would send a little money to AppalReD when I was over here.

After I finished law school, I was pretty determined to be in the Civil Rights Division, and I actually spent the first month and a half in the anti-trust division waiting to get an interview with John Doar, who at that time was going down to the University of Mississippi every week. Because it was the time of getting James Meredith into Ole Miss, into the University of Mississippi. And so after I interviewed with John, there were only eight or nine lawyers at that time in the division. Then I was delighted to start.

DC: So why civil rights? I mean, you said early on in your law career you saw an interest there. What was it?

JoR: Well, I mean, I think it was a combination of having been born in Germany and seeing and thinking about this Holocaust history of ours and the terrible genocide that the Jewish people throughout Europe were subjected to. And then seeing, really, in having been in the service with people who were black and thinking that this caste system is wrong in this country,

being very proud of this country. I still think it is the greatest place, finest country in the world, and there's just some things that we just need to keep working on to make it better. I feel, I felt that this is a place I could make a contribution. I thought that maybe as a Southerner, to some extent, communication-wise, it is a little easier. I don't know how many people I would change, whose mind I would change, but it just seemed that the division, which was representing the United States in these cases and that we would – that you have the force of the country behind you. And that it was going to be difficult work and challenging work that was just getting underway.

The division was created just in 1957 and really didn't have very much authority to do very much itself. The lawyers who had been working as Civil Rights Division lawyers had been sitting at their desks in Washington and were reviewing papers and didn't do very much until John Doar came in 1960 with six months to go in the Eisenhower administration and realized what you've got to do is go to the South and talk to the people who are having the problems and try to do something. Being a trial lawyer, he said you had to go and find out what the facts are. He was working on those. He was quite heroic I think for him to take this job with six months to go. He got a call from the Eisenhower – nobody else was willing to do it.

And so he was actually working on one of these cases in Louisiana where a cotton farmer had registered to vote, and the cotton ginners then conspired to refuse to gin his cotton because his name was Charles Atlas, the same name as the bodybuilder. And so the story goes that Bobby Kennedy [00:35:00], who had become Attorney General, was reviewing the pleadings and the affidavits in those cases and had talked with John and realized that this was really a very special person who could get some things done. I think there is a little more to it. They had a conversation about where things were, and John explained to him, by that time – he was sort of

in charge during the transition from one administration to the next – and so Bobby Kennedy asked John to stay on and then he did, and he eventually became also his Assistant Attorney General. He was in charge of the trial work and he taught us basically his system of trying cases. So anyway, we can talk – if you want to go back to Jean, or how do you want to do it?

DC: We can go back and forth. I just want to follow up on that. How closely did the Attorney General and the division work in those days?

JoR: Oh, very much so. I think the Attorney General, Bobby Kennedy at that point, was the boss. But he clearly wanted us to – the mission of the division at that time in 1962 was really, from a legal standpoint, to challenge the system of voting discrimination against blacks throughout the South. Now other things happened, like James Meredith, [we] couldn't anticipate the timing of when he was going to go to Ole Miss in 1962, and so protecting him became an issue that took considerable division time. Lawyers were spending the – I don't know – I gave you his name, Gerald Stern, who was another lawyer who's in Washington who actually tried one of the big coal mining cases here a few years ago and wrote a book called *The Buffalo Creek Disaster*. While I was waiting to see John, John initially spent all his time with Meredith – I have a really nice picture – in a minute I can get – of Marshal [J.P.] McShane and John with James Meredith being confronted by Lieutenant Governor Johnson when they weren't going to admit him. We might want to put in here.

DC: Um-hmm, yeah.

JB: Is that in the stack next to you or is that somewhere else?

JoR: No, it's not one here, it's up on my wall in the other room.

JB: Okay, we'll get it later then.

JoR: I will have to bring it down. After Reconstruction, blacks were basically prohibited from voting. They wiped the rolls clean in most of these counties, in these rural counties in Mississippi and Alabama, and I was assigned – initially I spent a short amount of time in Georgia. There had been a series of church burnings, and efforts to protest the failure to let people register to vote were going on all over in these various states. We were assigned geographically, and the first few months I was in Georgia working with a lawyer named Jerry [Halbrun? 38:38] who had practiced in Fort Smith, Arkansas for many years, was one of the few private attorneys who had actually – few lawyers who were private attorneys – when the racial issues started coming up was viewed as a liberal and basically lost all his business. Burke Marshall heard about it, and they connected and he came up and spent some time, eventually went to the Community Relations Service. Jerry was sort of a glad hander but very liberal in his thinking and wanted to do something about racial discrimination.

So, I worked with Jerry for a little while, and then one of our very first cases with not a very good outcome: a deputy sheriff in Sasser, Georgia, which is near Americus and that very difficult area. You know the area –

DC: Oh yeah, I know it well, yeah, yeah –

JoR: There were three or four black students who had gone from door-to-door to register people to vote, and he chased them out of town with a pistol. So we filed a criminal information, and we had a trial in federal court and – Do we need to stop? Anyway the jury wasn't out very long. It was my first case, to put on some witnesses –

DC: How difficult was it to get witnesses?

JB: Can we pause a second I am going to see if I can turn the –

[Recording stops and then resumes]

JB: Okay, we're going again.

JoR: Ben Huffman, from the *Post* –

JeR: Oh God, yes, I remember [laughs] that was funny [00:40:00]. I was always dodging him –

DC: Okay [laughs] we'll –

JeR: No, I am not going to tell you that.

DC: Okay, so, where are we?

JoR: You were asking about – we were talking about the – this was my first experience in a federal criminal prosecution with the deputy sheriff. The jury wasn't out terribly long.

DC: That is right. I was just about to ask how difficult it was to find people willing to testify.

JoR: Well in this case, the major witnesses were these black students who had been affected. And, interesting sidelight although I always thought a lot of Jerry [Halbrun? 40:46] – he was late getting there. I think a plane was late, so the judge wanted to start the case. So I actually examined the witnesses, and the early witnesses before we got to the cross examination of the deputy that Jerry was going to do. But I had called, was calling these witnesses, these black students by their last name, Mr., Mrs., Mr., Mrs., and so I could see from looking around, people thought that was pretty unusual, and I am not sure that even Jerry agreed with it. A little later, I don't recall later, whether he, in his summation, referred to them by their first names. He was still of the view, I think, that we could persuade Southerners to comply. Because even coming from his community in Fort Smith, I think he felt bad about leaving it. He was still trying to, sort of, “Well, if we are going to be a little more southern about the way, they'll understand us, maybe we can make things happen in a consensual way,” as the Quakers would say. I think the

Klan wasn't about to do that [laughter], and many others weren't about to do it. But then, from then I was transferred over to Mississippi in 19 – towards the end of '62 and the beginning of 1963. But the answer to your question is, I think, it was, in that case these three black students were willing to testify. I think it always took a lot of courage.

DC: Were they local or were they coming in from somewhere else?

JoR: They were local. These three students that had been chased away I think were from another community because he chased them out of town. I can't remember the details of it, but I think all three of them were black, and I think they had been recruited by SNCC or one of the groups from Albany. They may have been part of the Albany [Movement]. There was a large movement in Albany, and I went to Albany several times – I am just vague on that memory because I spent so little time there. But C.B. King was a minister who I had gone to and met with several times. What we were trying to do was be prepared and to get information back to the Attorney General's office or the Civil Rights Division about what was happening in these communities. We didn't have any success really in the Georgia church burnings. I think that those were among the first events, and they were at night and those witnesses, you would have had to have some way into the white community or into the Klan or whoever did those shootings and burnings. We got better at it, I think, as time went on. The FBI got better with it as time went on after the three civil rights workers were murdered, especially. But then I was moved over to the Mississippi section and –

DC: How did monitoring work because blacks should have been allowed to register to vote but often had problems. How were those kinds of things monitored?

JoR: Well the way, initially, the first efforts to register in most of these counties, the only people who were registered was the black funeral director, maybe one or two teachers, people

who were a little higher or who were well-off. But then SNCC, the Student Nonviolent Coordinating Committee, and the Southern Christian Leadership Conference, primarily SNCC I think, decided that they wanted to [00:45:00] start a major effort and they started in about 1961, before I came to the division. And Bob Moses was the person who was given charge of Mississippi. And, even before I came he had been beaten in Amite County at one point, and the Civil Rights Division had brought one of their first cases to stop – They were going to prosecute Bob for resisting arrest or interfering with a police officer, and normally a federal court does not get involved in state criminal cases, wouldn't stop something like that because the old law was that you can appeal a criminal case, you don't interfere with the state. But that was one of the first cases the division brought to stop these police officers, to stop the prosecution going forward.

So Bob Moses then came to Greenwood and started a major initiative in Leflore County to get people to register. He and seven or eight other SNCC members, who were encouraging people to go up and register, were arrested and put in jail. And the division filed a lawsuit against Leflore County officials for their interference with these efforts to register people to vote under federal law. And so one of my first trips to Greenwood was – there was a negotiated settlement, which John and some officials carried out, and I remember going to the police station and getting Bob and a group of people out of jail.

It was a very courageous thing for any individual to go register who was black. I mean they were likely to lose their job, people knew who they were, especially in the more rural counties. I think there is a picture here of a group going up to the Greenwood steps if you want to see it. I don't know whether it tells you anything more, but these local officials were going to do everything they could to. I don't know if the camera is still rolling. I showed it to you awhile

ago. Here. Yeah, I think this is a picture of blacks after they let the SNCC kids out of jail. They came up. They were not going to interfere. Do you want to hold it?

JB: Yeah, hold it like that. Hold on a sec, I'll focus it. Okay.

DC: And that's again what –

JoR: So basically what we would do would be to try to find – we would go to these counties, locate the leaders in the community, and try to identify those blacks who had gone to register or tried to go register. Often they would go up there and would say, “You have got to see the registrar himself, or herself. She is gone.” “When will she be back?” Well they would leave work, and they'd try maybe one or two more times and that was it. The truth was they would register people over the phone if they were white. Or as John used to say, “If [you] lived and breathed you could vote, but if you were black you were out.”

DC: Um-hmm. Would they apply literacy tests or things like that?

JoR: Well, that was the ones who got there, who were able to get in, were then given a section of the constitution that they had to be able to read and write and interpret. And so the whole, all this litigation in all these states before federal judges basically involved the administration of the literacy test. And we produced records – we would produce, we would have the FBI go out – we would find the people, if we could, who had attempted to register who were black. We would get the FBI to go with us into a registrar's office and we would photograph, or the FBI would photograph under our supervision, all the voting records in that office. And we would take them back to [00:50:00] Washington, and you could see on these records some of these people couldn't write at all. We would try to identify those that were clearly illiterate or people – you would see that numbers of people gave the same interpretation. There is a provision in almost every constitution that says you there shall be no imprisonment for debt. Well they

would say you can't put someone in for dying, death. There would be all sorts of totally incomprehensible interpretations by white people. There would be blanks. There would be a requirement under the citizenship test that you sign your name in a certain place, or something, which they would not require white people to do. It was just totally off.

So the first major case in which this was stopped was in front of Judge Johnson in Montgomery, Alabama, in Macon County, Alabama. And Judge Johnson ruled that they had to apply the same standards to blacks that they did for whites. So if you didn't require a white person to interpret the constitution correctly, you no longer are going to have to do that. It was called, "the freezing principle," that the standard is frozen where it is applied to whites. Now, not all the other judges – Judge Johnson was really a beacon. He was probably the only federal judge for many years – At the trial level they had to protect him for these very fair [laughs] very strong orders that he issued in all of these cases.

But in Mississippi, we had Judge Cox, in Jackson, on most of the cases in the Southern District. Judge Cox had been Senator Eastland's roommate, I think. He was an avowed segregationist. And he would just put all sorts of roadblocks in your way, and we would try to get a motion heard to photograph records. It took two or three years to litigate that motion. He would say the statute didn't mean what it said. So those cases proceeded very slowly, and we would have to appeal every order and contrary to Judge Johnson, he might say, "Oh, this is discrimination against this person. I am going to order you to register these five people." Then we also filed, the government and Civil Rights Division with John – and there were three other sectional leaders. David Norman who had gone to California for law school, who was probably 80 percent blind?

JeR: I don't know the percentages but –

JoR: He had a monocular, he was a remarkable person, a remarkable lawyer that we could talk about for a long time. And Bob Owen who ran the Mississippi section who came from Texas and fellow named Frank Dunbar who was in charge of Louisiana. Anyway, David came up with the theory that we should sue the state of Louisiana across the board. And we sued, we brought –

DC: Can I interrupt just for a second? So within the division you had regional focuses.

JoR: Right. We were all assigned, we were all geographical –

JeR: Initially.

JoR: Yeah, initially. Bob Owen had Mississippi, and what other places – me, initially I just had Mississippi, and David had Louisiana, and I was trying to think who was Alabama?

JeR: See Frank had Alabama when I was in that –

JoR: Well I guess Frank had Alabama and Dave Norman had Louisiana. Those were the three.

DC: And you had –

JoR: And then there was Georgia. And initially I worked for Bob Owen in Mississippi. Then he assigned us by counties, so I was responsible for Leflore County and Greenwood and ended up also with Jackson and several other counties in Mississippi. We couldn't possibly do everything, but like in Greenwood we had a voting case. After the Civil Rights Act of '64, several public accommodation cases –

JeR: And police brutality cases –

JoR: That was the – Yeah, we can talk about the cases. That's where the fellow who shot Medgar Evers is from.

DC: So how many attorneys and researchers were in the division [00:55:00]? How large was the division?

JoR: When I came I think there were ten lawyers or twelve.

DC: Responsible for every part of –

JoR: For everything.

JeR: For the country!

DC: For the country, yeah.

JoR: But it got larger as we grew. When we had our second – when we had our recent Civil Rights Division reunion last year there were 400. And they have many more areas of responsibility. But we did grow. I think in Mississippi, I mean it probably doubled or tripled while we were there. The joke was when you asked me about Bobby Kennedy, initially, and he asked John Doar and Burke what the plan was, early on after he was in office. He said the plan was, “We want to file one action in a significant county in every state,” for example. He said, “Well we have to do more than that,” or one in each judicial district, I forgot exactly what they wrote. John has it in a note that he has written. And he said, “We’ve got to have more lawyers,” and Bobby Kennedy said, “Well, how many do you need?” And Burke Marshall said, “Four.” [laughter] He thought that would be great if we could get four more lawyers. The problem was that the Chairman of the Judiciary Committee was Eastland. I mean it was – these congressional committees were run by Southerners and to think that you were going to get 30 lawyers or anything was crazy. I mean –

DC: And Jean, how many researchers were there when you got there in '65?

JeR: See I think there were, preceding me there were maybe three. And then one left right away. And then all together we probably – see it is hard, because –

JoR: Well '65 –

JeR: We didn't meet like that, we were assigned different areas and we – but I think there were probably 15. Don't you think?

JoR: Well, the big expansion came after the Civil Rights Act of 1964.

DC: Okay.

JoR: Because the division then was responsible – up to 1964 the only authority we had was to do voting cases and police brutality cases or conspiracy cases like the civil rights workers case, the Liuzzo case, but after –

DC: So I was going to ask about that, let's do that now. We will talk about some specific cases, but I was just going to ask that question. How did the Civil Rights Act and the Voting Rights Act change the work that you did in the division and –

JoR: Until 1964, when I came in '62 and '63, virtually everything we did revolved around the SNCC effort, and the other efforts to get people to register to vote. And so in almost every county we went to, we would have these incidents. We had the incident with Fannie Lou Hamer, if you remember she and four or five other workers – of course she was from Ruleville herself, they were Mississippians – I had been to a workshop on voter registration, and the bus stopped in Winona, Mississippi in Montgomery County, and they got off the bus and went to a lunch counter to get something to eat and they were then arrested, even though the interstate commerce commission had desegregated all of those. They were arrested, taken to jail, and beaten, and for no reason at all.

And so we filed – that was I think in March of '63 – and so we filed a case, a criminal information, against the police officers. It was filed I believe in September, the trial was in December. We had to – it was a good example – the FBI didn't really like investigating these

cases, because most of those agents grew up in that area. They were friends with local law enforcement, and it was a segregated society, and that's where they grew up. They wanted to solve bank robberies. So in this particular case, we learned from the report that there was a trustee in the jail, turned out he was sort of a local drunk, I have forgotten his name, whom they say they could not find, the FBI couldn't find him. We had put this investigative file together, and you were thinking about how [01:00:00] you were going to prove this case. And so it happened that the day after President Kennedy – the day that Ruby shot Oswald – I was coming down, I was in Mississippi investigating that case, looking for this trustee. And I only had to talk to three or four members of the black community before I found out where he was. I drove to his house and happily he hadn't been drinking, but I asked him and I came out and I showed him the photograph of these officers and these people.

“Was he was there?”

“Yes.”

“What happened? And what did you do after the beatings were over?”

“I mopped the blood off the floor of the jail.”

“And will you – could you – would you testify?”

“I'll testify.”

And he did in December. And it was a Friday afternoon, it was a two-day trial. The second assistant of the Civil Rights Division, St. John Barrett, no longer living, put on the proof, and I helped him. And they acquitted, you probably know, they acquitted the officers in about two hours. And I ended up, I always remember this, because I ended up then driving over to Sunflower County to see Mrs. Hamer and tell her that we lost. But it was one of the first beginnings, it was an all-white jury. It was one of the few, I think, last all-white juries that came

out of the box before the jury system was really well challenged in many of these counties. Of course at that time there were very few blacks on the trial, but then we had Mrs. Hamer's case and we –

DC: How did Mrs. Hamer take the news?

JoR: You know, I think she was, I guess you would have to say she was disappointed. I think we had – but I think they knew that we tried. That the lawyers tried. And, we had become, as I was going to say, they saw that there was a difference between the FBI and the lawyers for the Civil Rights Division of the Justice Department.

And we were pretty much welcomed into the homes of black leaders all over – in all these counties. I mean after I got Bob Moses out of jail, SNCC had a place in – they had an office in Greenwood. So I pretty well got to know those folks. Not that they loved me. What they wanted was protection. They kept saying, “Why can't we have marshals?” Or, “This is dangerous work, can't we get a federal police force in?” If you read these books, that's what they wanted was protection. And we said, “We are sorry, this is not the way the system worked, we have to make local officials do what they are supposed to do. That's what has to happen in this country.” And so I think always there was a reluctance. John describes this case after one of the other cases where the papers were drawn, and they decided not to do anything against particular officials because we didn't want it to appear that any time – we wanted to make them responsible for day-to-day maintenance of law and order in these communities. And that was very risky.

I mean you got the problem at Ole Miss, you have all this violence, all these riots, but eventually the system has to work. So that was 1963, in all these communities you had these various terrible things, you had the civil rights workers murdered in 1964, but in '63, there were

a number of these communities where you had these other – Hartman Turnbow, voting rights leader in Holmes County –

DC: If you could tell us about that case. I think it'd be important to get that –

JoR: I am sure it is – it gets a little bit dreary, I don't know, I just –

DC: [To JB] Do you want to wait?

JB: No, we can go on.

DC: We can go on if you want to talk about Turnbow –

JoR: Well, I think Hartman Turnbow, had also in Holmes County, taken people up to register to vote. There was a fairly large community of blacks that owned their own homes. They had gotten land grants from, I think Teddy Roosevelt, or something. It was historically, this community called Tchula outside of Lexington, I think, was the county seat of Holmes County. It was also where Hazel Brannon Smith had a newspaper. I have a little clipping in there from her. She won a Pulitzer, I think, or a Nobel Prize for her reporting [01:05:00] locally about these racial incidents. Anyway, Hartman Turnbow had led a group of people up to register to vote, and they had a major voting rights thing under way. And, the Klan, I don't have all the facts in my head anymore, someone threw a firebomb and shot into his house and torched his house. And he was shooting back at these people as they went around, the Klan folks, and they then turned out to arrest him for having set a fire to his own house. So, we filed a case to get him out of jail. I mean, when I say we filed a case it probably took a week or two to get the case filed. And once again the courts said, "Let the state court proceedings take care of this." He was just a very dynamic, local person, who was willing to take on the power structure and willing to put himself out front to get these people registered. And I think I was mentioning to you Studs Turkel writes about him in this book called *Working*, has a chapter about him.

I didn't spend that much time in Holmes County. I happened to be next door when this happened, so I helped interview a number of the witnesses and get the case going, but that was sort of the end of that. But it was just another example, there were all these in 1963, you could just see things heating up and of course the President was assassinated. Medgar Evers was killed, and if you remember after the Medgar Evers funeral, this groups of blacks and the local police officers were about to go against each other, and it was John Doar who walked out into the street in Jackson, Mississippi. And there are photographs, and I have clippings of him holding his hand out saying, "My name is John Doar, D-O-A-R. I am from the Justice Department, and everybody knows I stand for what is right and let's go back home. We won't have a riot this afternoon," or whatever else. But that calmed the crowd down and it was quite a gesture, it was quite an event, it was quite a heroic thing for John to do.

But just to finish the voting rights thing, what happens is that you'd take all these records back to Washington and you would spend hours on a microfilm machine. And we would categorize these by constitutional sections and by alphabet and we would try to arrange them in every possible way so that when we went to court we could show they let illiterate whites register, or if they gave them a constitutional section it would be an easy section like that. If you were black they would ask you to define a long constitutional section setting forth the taxation of rolling stock of a railroad or some other really, very difficult – Even with some of those long sections, some of the teachers at the university, at I think it was Alcorn [State University] or whatever is outside of Hattiesburg, Mississippi. In that case the registrar, Forrest Lynd, we had held him in contempt of court for failing to register blacks. And one of our colleagues, Gordon Martin, wrote a book about that Lynd case. I've forgotten the name of it [*Count Them One by One: Black Mississippians Fighting for the Right to Vote*]. But I participated in the final trial,

which isn't mentioned in the book very much because Gordon had left, but I always remember that we had an entire morning of these brilliant black teachers and educators who had tried to register, who had filled out numerous forms, had written these very articulate interpretations, and they were all turned down.

I think it was in fact in one of those Lynd cases [1:10:00], the appellate court, three judges came to Forrest City and had a hearing and listened to this testimony for three days and were just so appalled by what had had happened that they held him in contempt and said, "You've got to register these people, you can't do this." And then he sort of half listened, and so he registered a few more people, but it was always a few more. It was a very slow process.

You could see that finally when you had this Selma-to-Montgomery March. I mean things just kept going and in 1964 after the murder of the civil rights [workers]. What happened, your question was what difference it made, in '64, the Civil Rights Act, which Lyndon Johnson promoted after President Kennedy had been killed. The division became responsible for enforcing the rights to employment, school desegregation cases, employment cases, public accommodations were to be opened.

So in Greenwood with public accommodations, we had two theatres. One of them belonged to a national chain out of New Orleans, I've forgotten the name of the chain, had a very nice fellow named [Marshand? 01:11:33], who was a local person from Greenwood who said, "Okay." The national chain said, "We are going to comply, we are going to let blacks come into the theatre like everybody else. They can sit with whites." So a group of blacks came to the Leflore theatre and [Marshand? 01:11:48] let them in and sold them tickets and they went. Next thing you know they were beaten. Came back, were beaten again. The police were standing outside doing nothing, so we filed a lawsuit against the police officers. Again. And, the

Paramount Theatre down the street was owned locally, and they said, “We are not going to comply even though the law says we have to. We are not going to do it until someone really makes us.” So we filed a suit against that theatre to require them to desegregate. Eventually both cases were resolved in our favor. There was an order against the police officers. Unfortunately, I presented that case, I forget where the trial was, but one of the judges either got sick and something happened, or died and they had to appoint a new judge, so it took a while to resolve them but they did. I think, after we filed, things got a lot better. That is just an example in Leflore County. That kind of thing went on all over, and so the same thing with employment cases, and Jean worked on some fairly major employment cases.

DC: Let’s bring Jean back in.

[Recording stops and then resumes]

JB: Could you talk just a little bit about the background to help people who do not know anything about the Civil Rights Movement. What were the issues of jurisdiction? What was the relationship between the FBI and the Justice Department? What were the vectors at play, in a more abstract sense that brought these issues to the front?

JoR: Well, the FBI, as it is today, was the investigative agency in the Department of Justice. If I understand it right, the Attorney General is the chief law enforcement officer for the United States, and so in a sense the FBI is working *for* the Department of Justice. The Department of Justice also has within it divisions, legal divisions, to enforce the laws of the United States – the criminal laws, the anti-trust laws, civil cases, everything from bank robberies, all those other things that go on. In order to evaluate those cases, the FBI is asked to investigate them. I mean the FBI also has its own breakdown for violent crimes, but until the civil rights statutes came along, most of what they were involved with were the things that you and I

normally think about: bank robberies, kidnappings, the things that involved going across state lines, fraud of various kinds, all kind of violent crimes directed against the government agencies, Oklahoma City or whatever. So civil rights [01:15:00] and the enforcement of civil rights, where you're talking about societal change, was something that was very difficult for a local, white, southern FBI agent to deal with, because they grew up in that society. And many of them believed segregation was the way of life that they were taught, and so that's why it was so difficult. But you may remember in the investigation of the murder of the three civil rights workers, it became fairly apparent that what we needed to really get into this. That this was the culture of the FBI, that you needed to get FBI agents from other parts of the country to help do that investigation and really to enforce civil rights laws, too, so that it wouldn't be the Civil Rights Division lawyers that investigate their own cases.

DC: Because that is what was happening?

JoR: That is what happened in the voting cases. At least the black community would trust us. One of my responsibilities in the civil rights worker prosecution was to do a jury analysis. That was before they had jury experts of various kinds, so I spent several weeks – we did have a copy, we knew who would be in the larger jury pool. It might have been 80 people, of which in the end 11 were selected. So we wanted to develop as much information as we could. By that time, we knew many of the black leaders in the area of those counties. The number of really friendly whites was very few.

People like Hazel Brannon Smith who ran that paper. And there were others in the community, there were always some, maybe a minister, maybe a white family that was well respected, who at least would make some statements periodically. Or if they weren't always out front – Or newspaper editors. The newspaper editor Hodding Carter in Greenville was, you

know, fairly well known as a newspaper [editor] that was willing to say it like it was. Those people were – Hazel Brannon Smith’s paper was bombed one day. These people, it was like a mountain eagle down here. All those folks showed terrific amount of courage and whether they could stay or not was another question. You have somebody like Jerry [Halbrun? 1:17:42], and they basically chased him out of town. So, anyway, is that an answer you were looking for?

JB: Yeah, because it’s always kind of confusing why the FBI didn’t do its job. I think you explained very well.

JoR: But I think it’s pretty unique to the Civil Rights division, civil rights cases more so than any others. I mean I just read, we both read about the case in Boston where they just convicted this guy, [Whitey] Bulger, and the whole question was, “Maybe you should pay off an agent.” The FBI would pay off, there was this link between the FBI and the bad guys, and I suppose that happens now and again. Generally I think they are a very effective law enforcement agency and they do their job, but this was very hard for them in the South.

DC: And as you describe, you said there was a change, an institutional change at some point to have non-southern agents working on those cases.

JoR: Right, and I am sure as that evolved that a new generation of whites grew up in many of those communities where you probably do see some southern agents. And there was an agent in a civil rights case in Meridian who was very key to the investigation and who was in with the informants and who was really, I think, on the right side of things. It was not quite the way *Mississippi Burning* put it. This agent was straight, he did what he thought he could do, but the fellow who led the investigation, this guy Joe Sullivan, had come down from the New York office. He had been in charge of the New York office, I think, and was the primary person in charge. Ultimately we had to get a confession there, too. It was a long process to get that case

through. First, we had a grand jury and before there was a confession, the grand jury heard evidence that these local officials in Neshoba County had already engaged in quite a variety of police brutality cases that hadn't come forward. There were a number of other things that came out, but we had no confession, so there was no indictment [01:20:00] the first time around. They kept after it and finally got one, and then two confessions that ultimately led to the conviction of seven of these folks.

DC: Did these confessions come – was that federal or local law enforcement?

JoR: Oh no, this was all federal. It was federal.

DC: [unintelligible] if local law enforcement was involved [laughs] –

JoR: Well they wouldn't do anything. It was pretty apparent they weren't going to do anything, although eventually they did. Last year, or about three or four years ago – The jury hung on a preacher. One of the masterminds of this case, ironically, was a minister named [Edgar Ray] Killen, who was in the Klan. But the jury hung on him. There were seven convictions and eight, if I remember right, either not guilty or hung jury verdicts. And they hung on this guy Killen, and the state went after him several years ago and convicted him of the murder.

DC: Oh, okay.

JoR: And they did the same thing with the Medgar Evers case, they had to try that fellow twice. Those things, I think, showed some progress, but when we brought those cases, the federal cases, initially, local law enforcement might as well have not been there. In fact it was right after that, I think, we – Before the murder of the three civil rights workers, we had generally been gone into these counties ourselves, driven by ourselves, as Civil Rights Division lawyers. I didn't have a second thought about driving around in Greenwood or anywhere else. After those murders, the Civil Rights Division lawyers started driving in two's. We were no longer alone.

People were, I think, worried about their safety, although I think we generally didn't have to worry because people knew we were federal –

DC: Did you ever run into any trouble?

JoR: Not really, I always tell this, there is this incident. There was a case once in Yazoo County, Mississippi, which was not a case I normally was involved with, but I had the FBI photographing records. We were going to look at the voting system in – we may have already filed the case in – Yazoo City. But I had the FBI in one room, they were photographing records, and the registrar was a guy named Foot Campbell, that was what he was called, Foot Campbell. And he wanted me to come in and talk to him, he wanted to come in and chat with me. And Foot started telling me about all these lynchings that he had witnessed in his lifetime. He decided he wanted me to know that he had been to several lynchings. He was a segregationist. “There was some good blacks around but generally why are we making trouble with all of these cases?” And he said, “Let me show you something,” and he pulled a .38 out of his drawer, and he shot it into the floor in front of my foot [laughter] –

JeR: With the FBI in the next room!

JoR: But, you know, he didn't shoot *me*. It was just some sort of statement, and the FBI came running. This room we were in was about the size of a corner of our room so it made – if you have ever shot a .38, they are very noisy. [laughs] So that was probably the only time that anything like that ever happened to me. It was the only one that I can ever identify, and I wasn't really worried after that. I said, “What are you doing?”

JeR: [laughs]

JoR: He said, “I just wanted to show you what this gun could do.” Some silly thing like that, you know.

DC: Right, a little message. Yeah, yeah.

JoR: But Yazoo City eventually was, I think we filed the case with Frank Schwelb, who became chief of the housing section, who is a judge. That's another name for you, he is a retired judge in, now in Washington, DC. He has actually written a pretty good book that was never published that I had downloaded about his experiences in the Civil Rights Division.

DC: What was the last name again?

JoR: Schwelb. S-C-H-W-E-L-B. And he is in DC. He has had some health issues, but I read the book within the last year. So that was the civil rights workers case. Of course John prosecuted that case as he prosecuted the Liuzzo case. When you asked [01:25:00], the Voting Rights Act – I know you can get to Jean, you want to talk to Jean? She will tell you about the Voting Rights Act.

JeR: No, no, no, no –

JB: We're on a roll.

DC: Jean will very much be part of this interview. But finish where you are.

JoR: Well, the Voting Rights Act really turned the whole voting episode upside – back where it ought to be. The Voting Rights Act abolished literacy tests. The Voting Rights Act set up a process in these southern counties based on a formula that allowed federal examiners to come in and register voters. If the state officials were going to comply, they could register voters if they signed their name, with hardly any other technical requirements, no more literacy tests. So, we went to see many of these officials, local officials, see that there was going to be compliance across the board. The first major election was in one of the other counties I have been talking about, Greenwood. But in Alabama, Dallas County – Selma – this was no accident

that they had this march from Selma to Montgomery, because Selma in Dallas County, the sheriff was –

JeR: Jim Clark.

JoR: Jim Clark, had been a poster child for segregationists. And there had been serious attempts to get major registration drives along the way, and he had just been a bulwark against it. In fact he and the local officials had for over a year just gotten in the way of every registration effort. There were a group of students that came in to help register them, and he got a cattle prod out and buzzed them and then arrested them for resisting arrest. And all these incidents were chronicled in a court decision after John presented it to a federal court, I think in December of '65. There was this case.

But Clark never really – there was eventually an injunction against him. But he was going to run for sheriff again in 1966, and the first primary election was scheduled for May of '66. So there was real concern about how things were going to go. It was the first election in Alabama under the Voting Rights Act and in the first day that they opened the offices like a 1,000 people registered in the various counties. The total number of people who had normally voted in Dallas County was around 7,000. After the blacks registered, after the Voting Rights Act, there was 15 [15,000], and most of those, almost all the additional were the black registrants.

This has all been written down in some respects, but what happened in that case – John was in Selma, I wasn't there that day, but I got there two days later. The primary ballot had – they were still using paper ballots in Selma. And there were like 73 different things to mark. So this was also the first election in which there were black voting officials. They never had black voting officials. So they were trying to be in the black precincts, very careful. So at four o'clock in the morning all the other boxes had come in to the central place where they count the votes,

except in these four, these five black precincts. And, so the election officials, the primary election officials who were white came out and they helped finish the count themselves and impounded the ballot boxes. And the next day they met and they decided – and the federal observers were there at that point. The next day they met and looked, and they looked at the boxes and they decided the best thing to do was just not include these. “There must be some fraud here, because these black officials took until four in the morning, they didn’t do this right, and so we just won’t include [01:30:00] these boxes.” And the result of that was basically that the election had been very close between Jim Clark and his chief opponent –

JeR: Wilson Baker.

JoR: Wilson Baker, who had been the safety director. So, actually, in that counting, two or three of the commissioners – they were CPAs that reviewed these counts – two or three of them had said, “You ought to count a couple of these boxes, because we don’t see anything wrong.” They said, “No,” so we filed this case – the government, the Civil Rights Division filed a lawsuit – to require them to count the ballots that had been legitimately filed by this group.

Well, there was 17,000 votes and we counted every one of them, and Jean and Dorothy [laughter] were part of that so we stayed there for a week. We filed this federal case. First we went to Judge Johnson, whom I mentioned, and they got him to issue an order that they had to keep the ballots safe in boxes, they couldn’t do anything with them. They had to keep the ballots and protect them. And then we file. The case was then assigned to Judge Thomas, who was the Chief Judge in the Southern District. He had kept the Mobile school system pretty well segregated. They’d appealed him every year, and every year he’d add one more grade when they wanted to desegregate the schools, and they’d appeal him to the Fifth Circuit, and they’d say, “You’ve got to do more,” and they would do one or two more grades. We were very worried

about this judge before we were going to try this case. So we got to the trial and Jean and Dorothy had been watching these ballot boxes in the sheriff's office –

JeR: What do you mean? We were examining ballot.

JoR: And you were looking at ballots. Yeah, I am sorry. You were counting ballots.

JeR: Yeah, we were doing it all.

JoR: So –

DC: Day after day, I mean thousands, yeah –

JoR: The, yeah, did you maybe, all 17 –

JeR: Observed by Jim Clark's deputies who were trying to –

JoR: Right –

JeR: Romance us. "Wouldn't we like to go to a Klan rally?" And all this. You are scared, you don't know what is going to happen, or what they are going to –

JoR: And one of them gave Dorothy – she still has the "Never" button. I was there and this guy's name was Buck.

JeR: [Laughs]

JoR: This big deputy sheriff who kept trying to put the make on Jean, and when we went in to this little, tiny room where all these ballots were, well we put –

DC: What was the button?

JoR: The button says "Never."

JeR: "Never." You know, the segregation button that says "Never." It is used all over –

DC: He thought that would win you over?

JeR: No, of course! You know, who knows what's going on –

JoR: Dorothy had it, I think they – I think he just thought, “We’ll give you a token of our affection,” because they like these two women who –

JeR: There is a bumper sticker.

JB: Let me focus in on that.

JoR: That was in Bogalusa. But it was all over the South – “Never” – I think it might have been Wallace’s –

JB: Oh yeah. Okay, thanks.

JoR: So the night when we were getting all this proof together, the night before John [Doar comes in and says, “Well, John, you should put this case on,” talking to this John [Rosenberg]. So I did. So we had this trial for several days in front of Judge Thomas, and we had federal observers. At one point I wondered whether – we thought we might have to put Jean on the stand, but we didn’t, and to make a long story short, we had federal observers who had watched these various countings and had been at the polls. There were several *hundred* observers in Dallas County that day, at every polling place. I mean they were really worried – we were going to make sure, as much as we could that this election would go right.

DC: Because, again, this was the first one.

JoR: This was the first one, it was the primary in Dallas County. So, we filed our briefs, and Judge Thomas said there was nothing. He saw no irregularities, only minor irregularities if there were any, and, “You shouldn’t deprive the voter of the right to have his vote or her vote counted, even because of maybe some minor irregularity by an election official.” And he ordered the votes to be counted and said – there was actually an exception if the election officials found one or two ballots, if there was something wrong they could discard the ballots. But they didn’t. So he ordered them – this was too much for him. The right to vote was very important, even for

this judge who [01:35:00] had held on, kept the school system segregated for a long, long time. So that was a big win, that was the first win on the voting rights case.

And you remember, probably back to '64 there was – not '64, but the march from Selma to Montgomery – you had this Viola Liuzzo situation. She had come down from –

JeR: Detroit, I think.

JoR: Or Ohio or somewhere near Detroit, as a person of conscience who wanted to help. And she and this young black man were driving – she was going to give a ride back to somebody to Montgomery, and the Klan of course, shot and killed her that day. And there was several other incidents of violence around the march that happened. I mean, the whole injunction – again the government went to Judge Johnson for an injunction to protect the marchers. The message is, I think, the system, the judges, the work the division did was pretty substantial. I mean this was a significant case, the Dallas County case, and the whole effort to get the Voting Rights Act of '65, the principles of that act came out of those earlier cases I was describing to you. The “freezing principle,” the notion that you can't use a literacy test to deprive someone the right to vote. The Supreme Court recently turned some of that upside down, saying that the data, that everything is okay today. Even though there was all this testimony during the congressional hearings that said there was plenty of reason to keep the act going.

DC: So what was your response to that? To that recent ruling given your experience, both of you, given your experience then.

JoR: Well, I mean I think the minority is right. I think Justice Ginsburg is right. I think they shouldn't have decided the case that way. And we heard Hillary Clinton at the American Bar Association spend a substantial amount of her time saying we have got to do something to turn that case around. Now whether it is congressional work or lawsuits that are going to be filed

in some of the cases, you saw in a number of these states that they immediately started coming out with voter ID laws or other kinds of statutes, other laws that are obviously intended to turn the clock back and make it more difficult for people, minorities, to register to vote and that kind of thing. So I think it was quite – I am sorry that the – I think the decision is wrong, but you got to – I don't agree with *Bush v Gore* either, but that's our system and we don't go into the streets, we start working on trying to change it.

JB: I am going to close the file.

[Recording stops and then resumes]

JB: We did the interviews in Bogalusa with the Hicks family and all. They were doing testings of the Civil Rights Act. Were you involved in any of that, or was that –

JoR: Well I would have to go – they were doing testing at restaurants and public accommodations and that sort of thing? Well this paper, these pictures – you did the “Never” one – one of these pictures is these folks were picketing, and he is getting doused by the local barber. And this is James Farmer leading the march. I hadn't remembered the Hicks family, but I guess they were leading the march of local blacks who were trying to support the testers and get these stores to comply and employers to comply. This is a similar view except it has two lawyers, one of them is Lou Kauder, the other is John Rosenberg when we were at that march.

JeR: Often the Civil Rights Division lawyers were the buffer between the police and the demonstrators and it was –

DC: And why was that? You marched purposely for that reason?

JoR: No, why were we here? We weren't really, I guess. We were there to – we were observing [01:40:00] –

DC: Observing –

JoR: Which we did a lot of. We were there observing or interviewing, so that we could gather information. I was saying I spent about a month in Bogalusa helping to put this case together. A lot of it was FBI work, but there were a just a series of incidents directed against local blacks who were, as you say, either testing or trying to get stores and restaurants to comply. And it seemed to me, one of the incidents involved a very liberal senator from Arkansas, Brooks Hays, was supposed to come and give a talk. He eventually didn't. And the Klan came out with a bunch of threats and leaflets, and he decided he wouldn't come. He was afraid. But – so CORE organized a protest march that was fairly large, and we were observing these marches. Lou was there for a while, I don't know how long he was there, but I spent almost a month together. And at the end, we put the case together and went to Judge Wisdom.

I always tell people when you go to law school, one of your early courses is called *Equity* or *Remedy*. And the history of equity is that it was a change in the law from just being able to get damages to equity courts [that] had a chancellor who could stop bad behavior. If you needed a writ, you supposedly could go – this goes historically – you could go see the chancellor even in his nightshirt so that you could get relief. And so in my Klan case, I always remember I went – at that time the Fifth Circuit had its main offices in New Orleans in the old fish and wildlife building. And at the time I don't think there was even a good air conditioning system. So I went looking for Judge Wisdom, Minor Wisdom, on a Saturday, it was hotter than blazes. I finally found Judge Wisdom in the back in his office, and he was sitting there in his undershirt. And so I went to Judge Wisdom and said, “Your Honor, we have this petition. We have to get a preliminary injunction against the Klan to stop these activities.” I mean we would need a trial, but in order to get things underway, you have to get him to sign this order. And so he did. So I always think that I went to see – some people saw the chancellor in his nightshirt –

DC: In his nightshirt –

JoR: I got an injunction from Judge Wisdom in his undershirt. He was hotter than [laughter] – he was perspiring. I later got an award in his name, but I never – he escaped before I could get him to sign the program.

JeR: Keep looking, I know it's in there.

JoR: What are we looking for?

JeR: I thought the hose picture from Bogalusa.

JoR: Oh yeah, I am sure it's here. There were a couple of these pictures. I think this is a different picture of the march.

JeR: That is the Edmund Pettus Bridge, honey.

DC: John, you said you weren't worried about your safety too often, but Jean did you worry about him or about yourself?

JeR: We weren't – we were not a – you know at that time I wasn't married to him.

DC: Um-hmm. But you liked him? [Laughter]

JeR: I did like him. Yeah, I did like him. There were times – there it is – there were times when I was really frightened, and we have had some pretty unpleasant incidents. Because of course I was in, primarily in Alabama in those early years, and we never knew if we needed to go into a restaurant what would happen. Our water would get spit in and that stuff. We would get that kind of treatment. And you never knew whether that was going to escalate. Now, when you look back and think, "Oh, how safe we were," but we didn't feel that safe. And, I remember once, we worked very hard, and on the Meredith march I was the travelling connector between the attorneys who were in the field with the march, walking with the marchers, and the Attorney General. They would report to me, and I would report to him.

DC: Oh, wow.

JeR: And we worked up until, like ten and eleven o'clock at night [01:45:00], and I remember one of the attorneys and I decided we'd just take a walk. I was in Yazoo City, Mississippi. We'd just take a walk around the block, and we got about a quarter of the way [laughs] around the block and all of a sudden this car pulls up behind us, screeching, and the people jump out and they start following us. And George, who was from Mississippi, said, "Now Jean, just keep looking straight ahead and keep on walking." I remember, when you are frightened like that, your feet feel like you are walking through mud [laughs], but we made it back to the hotel and nothing happened. But we didn't *know*, and so we felt very vulnerable sometimes.

DC: Um-hmm.

JoR: I thought you were going to remember after the Lois Reece –

JeR: Oh gosh!

JoR: One of the Selma – In Selma we hired the first black secretary in our office. We opened an office – the Civil Rights Division in its later years had a few offices outside of Washington and the first one was in Selma, Alabama. Later there was one in New Orleans, and the lawyer who was in charge of the office who lived there in Selma was Chad Quaintance –

DC: Quaintance?

JoR: Quaintance. He is in Minneapolis and after he left the division, he went to a large law firm in Minneapolis and then he semi-retired and went to divinity school and never became a minister but he has been teaching religion. He taught religion at Hanover College and he's had some eyesight problem but he is there. But he is one of those folks who spoke on that particular

event and talked about one of his Alabama cases but he also mentioned Lois Reece, who is this secretary –

JeR: In Selma.

JoR: In Selma. Now many years later, of course. And she is still living. We had worked together very, very hard –

JeR: Preparing a big, massive school desegregation case, Lee against Macon in Alabama.

JoR: Was it –

JeR: No, it was Lee against Macon and that's when they – we were up for three days and nights straight around the clock. She was a small town – she came from Selma, we were in Montgomery and she was my roommate. And after the third day, when it was finished, we went and had a big meal and then we went back to the motel room and she had run out of her epileptic, [laughs] her epileptic medicine.

DC: Oh no.

JeR: But she didn't know how – I now know, living here in a rural setting that you don't necessarily think first about calling back to the pharmacy. Or, I mean, I can understand why she didn't try to get a refill. But, she had a grand mal seizure.

JoR: I thought she was going to die.

JeR: And [laughs] I called, you know, I called for help. I called the desk and asked for an ambulance, because I didn't know what I was seeing at that time.

DC: Um-hmm. Right.

JoR: When the first ambulance came they saw she was black and they wouldn't take her. So I was really upset then, because [laughs] I didn't know what –her seizure lasted a long time! And so I called John [laughs] who was in another room and I said, "I can't get an ambulance and

you have to help me to get somebody to take her to the hospital.” And so finally we got an ambulance and we went to the hospital. And they treated her, once they got her conscious and she said that she had epilepsy. I don’t know what they did because I wasn’t in the Emergency Room, but they said, “Okay, now you go home.” And we went home. And then of course she had another seizure.

JoR: She had another seizure.

JeR: So it was a hard [laughs] lesson in how unequal – I mean I am sure if she had been white they would have kept her.

JoR: It was a terrible experience. Have you ever seen a grand mal seizure? It is unbelievable. You think someone is dying right in front of you. I figured after that we might as well get married! [Laughter] I thought, actually after I left on that trip –

JeR: Actually, that is a personal story. A sidebar, a personal story, but we – so then we went home [01:50:00], right? But, so, John didn’t get to go home. I had some vacation coming.

DC: And home is DC?

JeR: Home at that time was Philadelphia, where my folks were.

DC: Okay.

JeR: And so I hopped the plane in Montgomery to go to Philly, and John got ordered to –

JoR: Well, I think I wanted to help out.

JeR: To North Carolina to Julius Chambers to the Klan.

JoR: They had bombed Julius Chamber’s house in Charlotte. But I think John also knew I was from Gastonia, next door. But, my family was in Gastonia. So he sent me to Charlotte to look, to investigate. We didn’t know. We actually ended up going for a grand jury, because there was some Klan activity in Charlotte. I mean, they were after Julius, and fortunately he wasn’t

hurt. But the same fellow I was telling you about – the Carroll County case, Nick Flannery – I don't know how it happened but he was in Charlotte to help me do this investigation where we ended up in front of a grand jury. But Nick and I, we were at lunch two days later, and I said – we were standing in line to go to lunch, there was a long line – I said, “Nick, I am going to, I am going to be back in a minute. I am going to call Jean. I think I am going to ask Jean to marry me.” [Laughter] That was the Charlotte trip. She had gone back to Philly, and I was in Charlotte, and my family was in Gastonia, which is just twenty miles away from Charlotte. It was kind of like going to Pikeville. So anyway, I called up and spoke to her and spoke to her Mom and Dad and next day they were on the road to Gastonia.

JeR: My family may not know everything, but they figured out really quick that marrying somebody with a German name, they better present themselves before John's parents immediately so that they could establish rapport before –

JoR: Well, that's just a little sidebar, but it is actually what happened. I proposed to her over the phone. We had worked hard. I thought if she has put up with me through this –

JeR: When you work with someone you really get to know them. So, it wasn't a big surprise.

DC: And in the middle of all this. It was like being in a battle.

JoR: Yeah, probably.

JeR: Probably true.

JoR: Or in the military you are in some – there was a lot of hard people working really hard together, you know, for principles they believed in.

DC: How did you keep yourselves going? Was it exhausting work? And how did you keep your spirit going?

JoR: I think it was –

JeR: In the Civil Rights Division everybody worked. Everybody, from the top, from John Doar to the secretaries. I mean, everybody did what needed to come next. And we did the very best we could all the time. Because we knew it was important to do the very best you could all the time. This was history. You knew you were living history.

JoR: And there were some divorces along the way.

DC: There were hardships.

JeR: It was very hard on the wives at home in Washington.

JoR: But it was – figured just going uphill a lot against these judges, and you just knew, like with Judge Cox, you knew that you were going to have to appeal and go to the next. And so it was called “making a record.” You wanted to put this case together, because you knew you probably were going to lose, so when the next court looked at it they would say, “This is wrong,” and you were going to reverse that judge.

DC: And so you had a sense of the long haul, of the, yeah –

JeR: Oh you wanted it to come around to what you were thinking [laughs].

DC: But you knew it was going to be a long haul.

JoR: You knew it would be a long haul. If you look at the history of the Voting Rights Act and the case, the testimony from, I guess, [Katz Macken 01:54:09], and these other people who testified. They basically said that this is not going to work just one case at a time. We are doing the best we can through the courts, but blacks are entitled to vote, and we need to have it happen. And so Martin Luther King, the march, all that together. I think the cases had a real place, it was like the first attack, it was the first line, it was a launch. And then I think the division and the department, the Attorney General, they deserve great credit for that. It is not a

story everybody knows. I mean the relationship might have been better, but Bob Moses knew that he could call John any hour. He might say, “No,” or he might [01:55:00] say, “We can’t, I only have eight lawyers, we can’t send them all to Leflore County or next door.” But they developed a relationship, and I think actually a lifelong relationship even afterwards. Bob became well known for this Algebra Project; he has become an educator. I have seen him a couple of times since then. Lawrence Guyot, you know some of these names. Many of them we knew and saw very often, but I think you could see, that was enough. If you knew Fannie Lou Hamer, or Mr. Eskridge, and she is out there chopping cotton and thinks she might lose her job. Or Eskridge is all out there by himself. All he wants is to get his kid into school, which is certainly not the most popular thing to do. They are putting their lives on the line.

I never felt we were putting our life on the line. I mean you’ve got that little yellow – that black thing in your pocket. This is one, I just happened to see it, it has me up front. But you have – that little black thing in your pocket is the Justice Department ID, which people I think knew –

DC: Oh, okay.

JB: Oh yeah.

JoR: Most of these rural counties, they figured you were either an insurance salesman or you were a Justice Department lawyer.

JeR: [Laughs] Because you were in a suit and tie.

DC: Yeah, because you were dressed up.

JoR: I mean –

DC: The civil rights workers were dressed well, too, at least at certain points.

JoR: Yeah, I don’t think they were too conscious, but they certainly didn’t look – I mean, they were, they were students from all over.

I was thinking when you just mentioned that, we had this case in Itta Bena, Mississippi. The black section in Itta Bena, which is outside of Greenwood in Leflore County, the black section is known as, “Balance Due.” Had you read that? You were shaking your head.

DC: I read that when I was doing some research, yeah.

JoR: I mean, they were in the church night after night, this group, and someone threw a smoke bomb into the church. So they go to the deputy sheriff – they take all of the church – the whole group goes up to the deputy sheriff’s house. It’s night time. And they arrest them! From 15 to 80. The oldest person was 80, the youngest was 15. They took them into jail and the next morning, I think it was the next morning, maybe two days later, they tried them in groups of ten.

DC: What was the charge? What were they charged with?

JoR: They were “disturbing the peace.”

DC: By going to the [laughs] deputy’s house?

JoR: Yeah. And, don’t have any pictures of it. We had to file a lawsuit to get them out. They sent them all – they fined them all, I think, \$500 and they sent them to 30 days in jail at the county farm. A few days later they let some of the really older people out. The guy’s name was [Art Berg 01:58:03]. We filed this case, and John put me on the stand to talk about – I sat there and watched them convict all these people, this Justice of the Peace. And so we filed that case and actually eventually, that was for Judge Clayton and we lost.

What happened in the meantime was the National Council of Churches got some bond money and got these people out. But I went up there every day to that penal farm to interview these people for about two weeks. But they were sitting there in terrible shape. For no reason at all! It is kind of like these things you see in other countries – nobody was killed in that situation, but it was, it would never happen. Would it happen if you were white, if that was a white group?

Never in your life. At that time, this was '63, again. I mean there are just all these incidents leading up to – I mean at some point Congress had to do something. And they did. I mean Lyndon Johnson to his credit, and the law, the people that drafted that.

And so, here is the – this was the Bogalusa barber spraying water on one of the protestors who was there during that case. Were you there, Jean?

JB: I went to that barber shop.

JeR: No.

DC: That barber shop?

JB: Yeah, yeah.

JoR: In Bogalusa?

JB: Yeah.

JoR: Yeah, you may very well have.

JB: It is still run as barber shop.

JoR: He wouldn't cut hair for blacks.

JeR: That poster "Courage," have you seen that one? That was, I think, maybe that was Bogalusa. I never knew. I have it in the other room, that is why I know it. [02:00:00]

DC: I know that we are about on the anniversary. So I wanted to ask about the March on Washington. Were you, where were you? Were you in the field when that –

JoR: I was in Washington during that little period. I was thinking about all that '63 stuff. I was there, and I was in the Department of Justice watching the March. Our office was on the first floor, and so I think I went outside and watched some of it. I didn't get up to the speakers. It was actually a workday. I was working on Ms. Hamer's case. What was the date? It's now. What was the date of the March on Washington? It would have been now, right?

DC: Yeah, August – Yeah, it's in a couple of weeks.

JoR: I think it was just during a little interim period that I was in Washington, and I saw the March. But it was really a workday unless you took it off to be part of that. But I do remember, I do remember the March.

JeR: You had a role to play later on when they had the city –

JoR: During the Washington riots.

JeR: Right, before then. When they had the –

JoR: Resurrection City.

DC: Oh, yeah. What was your role –

JoR: Well, I mean, we were again – It was one of those observer, working in between things. Marian Wright Edelman, who is head of the Children's Defense Fund was negotiating with John. "How long can we stay?" And, "We're going to stay there," and try to get some of their demands met on voting and on – What was that the aftermath to? Do you remember? The Resurrection City. Did that follow?

DC: Was it the Poor People's Campaign? I get these mixed up so I am not sure.

JoR: I am trying to remember. It seemed like it came right after something. But we were – the riots were right before, or right after Nixon came into office. Because John Mitchell – No, Jean was thinking about the riots. I was thinking about the inauguration. I was on the street. We had quite a number of people out with Mitchell at that point. We weren't going to stay much, really, trying to ensure that was going to be a safe process. During the riots –

DC: The riots after King's assassination?

JoR: It was after Martin Luther King was killed. Right, 1968. Now there – Nick Flannery, the same fellow I mentioned earlier, he and I went to Memphis, and we prepared the extradition

papers to get James Earl Ray back to this country from England. So I remember getting these affidavits. You all just came from Memphis.

DC: We were just there. We just went to the museum.

JoR: The new civil rights museum?

DC: Yeah, yeah.

JoR: Yeah, it's quite impressive isn't it? They added a section since we – [To Jean] You and I went to the first one, right? They added a whole new section, I think, which I haven't seen yet.

DC: They are building a huge new wing right now. \$27,000,000 expansion.

JoR: Really?

DC: But they've got all the state's evidence on display.

JoR: Oh really?

DC: Which is very interesting. I don't know how they got ahold of that.

JoR: This is towards the very beginning, so we were getting affidavits from police officers and finger print people and looking at the gun and what we needed was enough information together to get him extradited back to this country. I think the extradition papers were really prepared in Washington by somebody, but he and I went down and got all this information together.

DC: And that fell to you and the Civil Rights Division? Interesting.

JoR: Yeah, I think probably the Attorney General's office may have put the case, pieces together, but yeah they wanted us to do that. They wanted me and Nick. I don't know where we were at the time, may have been the Carroll County – no it was '68.

And then after that I remember when these riots in Washington – Cyrus Vance was my boss. I mean he wasn't at the Civil Rights Division, but he was Secretary of something. [laughs] I spent a lot of time with him for a couple of days trying to – they were arresting a lot of people and they were sending them to the place in –

JeR: Quantico.

JoR: Maryland. Quantico [Virginia]. It's a little vague for me, some of the division was very much involved in that again. I think again partly [02:05:00] because the protestors and the black activists knew that they were going to get a fair shake. People were going to be respectful and appreciate what they did, but that we had a job to do.

Jean mentioned the poll tax case a while ago. I don't know how much you want to say about that. The poll tax was another of those Reconstruction Act things that required people to pay each year as a condition of voting. And then it was cumulative over time, and it was only throughout the South. It was another device to prevent people from registering to vote. So the legislation that implemented the Voting Rights Act – there had been a case that had been challenged – I think the lawyers' committee might have filed the case. But anyway, the Voting Rights Act of 1965 required the Attorney General to forthwith file an action to contest the poll tax in the southern states. And we had those cases ready to go and on the Monday after the Act was signed I went down to Jackson and filed the poll tax case in Mississippi. Turned out I ended up working and preparing the Alabama poll tax case. And Steve Pollak, who was by then the Assistant Attorney General – maybe he was First Assistant still, before he became Assistant Attorney General – he argued the case, so we put all these cases together and we basically had this history of segregation. All the segregation statutes.

The interesting thing in that Alabama case was that, in the opinion that the court issued, just before, even after we filed this case, there was an election coming up, locally. A state-wide election. And Governor Wallace had a brochure printed with his picture on it that the highway patrol went all over Alabama distributing it to all the white schools to take home to their parents. Only to the white schools! This was done after we filed this case! So we put it in the record, and if you open the opinion, you see this brochure with Wallace's picture on it, describing this thing, you know. Even down to the night before the trial they were going to do everything they could to prevent blacks, or at least to maximize the white election and electorate.

So there was all this history, we had this legislative history of all these terrible remarks made by the legislators way back in 1900, "The only reason we need to stop these blacks from voting..." I mean it is so – there is no hidden language, it is very emphatic. And then all the way forward describing the statistics. But then the court, the court invalidated the poll tax in all of these states, in two or three different cases. It was another – it was again a result of all this litigation that had come along. Where we had all this information that had come, but it was another big – it was a nice case that I spent a good bit of time on.

Another case before Judge Johnson – Fred Grey, who is a prominent black attorney in Montgomery still. If you happen, he really is a terrific person. He filed a case contesting one of the elections right after – I think it was really a local election and I represented the government. What Judge Johnson started to do was in most of these civil rights cases, whether the government brought it or not, he would order the government – the United States – to be made a party because he wanted the Civil Rights Division lawyers in his court. John, or one of his representatives. So this was not a case that had a particularly good outcome, but I sat there with Fred Grey, probably for, I think this case took two or three weeks, putting on testimony about the

election and the getting all the statistics in. We were advising the court, as best we could, about what to do. In the end, I think all that came out of it was maybe some [02:10:00] reforms in the way they needed to carry out their election process. But the election itself of the officials was not overturned. It was Fred's, in that case that he had brought. I got to know him pretty well.

But Judge Johnson was really, you talk about a hero. So were all of these judges, Judge Wisdom and Judge Brown and Judge Bell, who was from Atlanta, eventually went to the Eleventh Circuit, he was the Attorney General. I was trying to think who the other circuit judges were that were on that Fifth Circuit. I can't remember all their names, but it sure was a blessing to have them on the court at the time, because some of these district judges were Southerners who were, you know, who made it very difficult to litigate in front of them. It took so much longer. The same thing in Louisiana, except for Judge Johnson. Same thing in northern Alabama, in the Birmingham district. Because you had these northern or southern or eastern or western district federal court in each one of these states, as we have today. So putting these initial trial records together was invariably for the next court, and it was a slow process. But it really, in the end, it really made the record for the Voting Rights Act. It is quite a story in that sense. And Brian tells that history in his book really well, I think.

DC: Did you have a permanent residence during these days or were you – it sounds like you were in the field most of the time.

JoR: We lived in Washington. When we went to Houston, we moved to Houston for six months because that was going to be a fairly large case. In the '60s, even before Jean came, we were probably gone – John described, it is interesting in this *Florida Law Review* note that he wrote some years ago. He said, "If you go outside on a Friday, you can see the briefcases lined up outside the Civil Rights Division offices," and back then, people were going to get on a plane,

they were either going to Memphis or Birmingham or wherever they were going. And the airplanes were the DC3s, remember, they were C46s in the Air Force, or C47s, I guess. They would take off on a Friday afternoon for two weeks, and we would go down and usually photograph several counties. We would have made the arrangements to get the FBI in, and you would try and photograph four or five counties. I also did the Hinds County, that's Jackson. And we photographed all those records, and I remember they had a court house in Rankin, I think is the name of the town, not only in Jackson. You are looking at thousands and thousands of records. In some of the larger cities, like Jackson, some blacks had gotten registered to vote. But again it was not *carte blanche*. It was, either they knew you, or they knew they would have to register some, get a little more sophisticated than they would in the rural counties. But we would all have responsibilities for several, you know, of these voting cases at once, and some of them, as they came to trial. At first John tried many of these cases himself, and Bob Owen would try the case. Eventually those of us, the line lawyers grew up a little bit under this system.

DC: And would try the cases –

JoR: It is a very disciplined system in the government.

DC: Yeah, yeah.

JoR: You write a complaint you send it up to the next person who red lines it and sends it back to you – and gradually. So, we learned to be pretty good lawyers under that system. I mean I always tell people. So I think it stood me really in good stead when we came here. Because I wanted to teach another group of lawyers how to be good lawyers.

DC: Let's get onto that, and we will probably take just another ten minutes or so.

JB: I'm going to go ahead and close the file.

[Recording stops and then resumes]

JeR: Oh no, I was just thinking about when he said. They really over-prepared every case, and visualized the Houston school system. We took, and color coded on maps of Houston every single residence in the – enrolled student – to show how the busing, how the lines were. It was, you just cannot imagine how labor intensive [laughs] that was before computers. I mean it was just amazing.

JoR: We called them dot maps.

JeR: Dot maps. [02:15:00]

JoR: Blacks were red, and whites were green, and we showed where the schools were. They were busing black students past white schools and white schools [students] past black schools. And that case had gone on for many years, and Judge Connelly – we had four or five lawyers working with me, plus how many research analysts? It was kind of like an anti-trust case. Footlockers of records in the Houston school case going way back, and what we wanted was busing to try to remedy the effects of this past discrimination and try to get some reasonable integration into the Houston school system. Because the inner city black schools were pretty bad. They spent all of their money out in suburbia. One of the problems was you had this black core and then you had the beginnings of a donut around it of Spanish speakers. And you had white suburbia, and so how do you really fix that? Judge Connelly in the end paired up a lot of schools, many of them were black and mixed Spanish speakers, Chicano. But then they appealed that. I think that in the end the Court of Appeals, we were gone by then, required some busing. But, I think the best thing that happened was that the voters threw the school board out, and they threw out this lawyer, the lawyer on the other side. And that happened in many places. This lawyer became a millionaire off this school case! I mean he was a corporate lawyer, but they had been resisting desegregating the school system for years, and this lawyer had made a living off that.

Really. For many years. And the same thing in Little Rock. I had a couple of cases in Arkansas. This big firm in downtown Little Rock representing these school districts, these were all school districts that were still totally segregated.

DC: Right.

JoR: And they did other work, but they were well paid to keep the system segregated. And so in Houston they finally ditched him and had a whole new school board and I that think over time, Houston, I mean it is an enormous system. Now it would be twice as big as when we were there. I think they have really reformed their schools.

But those are different – same thing with employment cases, we haven't mentioned them. When I became chief of the western section, we sued the electrical workers in Las Vegas because the union was – blacks couldn't get a job, couldn't get into the apprenticeship, couldn't get into the union because you were black, which you hardly ever realize. And it is still pretty much a segregated town. I mean the housing patterns. We sued the steamfitters in Los Angeles, we sued the –

JeR: Roadway.

JoR: Roadway express. That was Jean's case. Roadway Trucking Company? They were in Birmingham, right?

JeR: Yeah, they were in Birmingham.

JoR: The division, the same thing with schools afterwards. There were a lot of schools in Indianapolis, schools in Oklahoma City. After the Civil Rights Act of '64, the division really expanded its work into other parts of the country as well. It needed to happen because all segregation didn't just happen in the South. It might have been more *de facto* in some areas in the largest – much more difficult to do, the Chicago school case. Or Indianapolis.

DC: Let's use this as a segue into your move out of the division and to here and the work that you took on here and this idea of taking on other social justice issues and how these may be related, one to the other.

JoR: Well, I mean I think they are related. I mean we hoped we could – I guess I was hoping that I could continue doing public interest work. I did talk to some private firms, but we went on this big camping trip and wasn't quite sure –

JeR: But we left the division, because the administration changed and the cases that got filed were – what congressional district they were in seemed to become more important than what was in the case.

JoR: And they retreated on school desegregation. I think it was not an easy decision and there was some Civil Rights Division lawyer revolts, I don't know if you remember. There was some of that history when they felt that the division [02:20:00] wasn't doing, enforcing the law the way they should. And actually most of that happened while we were in Houston. The long and short of it, if you are going to leave, especially if you were in a position of some responsibility, whether they were going to fill your shoes with somebody who was *not* going to do the kind of work at the level you were doing it, people who were really committed – should you stay and fight it out and try to push them to do that? Or can you? But we decided – also because I think if you stay in government service, you start pricing yourself out of the market. You are making fairly good money, you are doing fairly good economically, too. If you are going to switch, of course we took a big dive.

DC: [Laughs]

JeR: Half, it was only half.

JoR: When we came here. But we made do. We decided money wasn't all that important to us.

DC: Were you tired too? Did you need a break from that pace or not?

JoR: Well, we went on this camping trip for three months with a tent and a little baby. Went to Canada, and went to all the national parks. We sort of left in the beginning of the summer and decided then – we formally didn't leave I think till September when we came back. We put up a tent, or learned how to put a tent [laughter] in New Jersey, which we bought at a [Morrison 02:21:39] store. And we went up the state, up the coast, up to New England up to Canada –

JeR: Nova Scotia.

JoR: We took a probably, a couple of months, and Michael was what, six months old. Jean was breastfeeding, and we just got away from it.

Right after we left, one of the firms wanted me to come back for an interview and I said, "No, we didn't want to do that." But along the way, one of our colleagues, Terry Lenzner – whose book is going to come out – who also was at that point Director of Legal Services for the Office of Economic Opportunity, or OEO. And they had started some legal services programs with OEO money. It was not a lot of that going on, most of those programs were in the northeast. At that time under the Office of Economic Opportunity Act, you could only get a project if the governor agreed. You had to have, the state had to say, "Okay" for whatever happened. And so, there were very few legal services programs outside of the northeast, California. Terry had been approached by some lawyers in Charleston who wanted to start a public interest law, a public interest law firm focused on the coal issues – symptomatic issues of poverty and the coalfields. So he got in touch with us and said, "Why don't you go down and take a look at this. I am

willing to put a little money in, supporting this kind of work in Appalachia.” And so we came down, we stopped and visited with folks in Charleston then we came down here and camped out here at Jenny Wiley State Park, put the tent up and Jean said, “You better see if there are any bears around, any foxes.” There weren’t anybody out there but us. It was September –

JeR: It was September and it was the end of the season. And I figured if there were animals, they were eating off the campers [laughter] and there were no more campers then.

JoR: So we did – we were actually on our way to Florida. It was high holidays. We were going to go –

JeR: To your folks.

JoR: To my parents who had retired to Florida. So we came down here and we interviewed, saw Harry Caudill in Whitesburg, who wrote *Night Comes to the Cumberlands*, and was on the AppalReD board in West Virginia. They had already started a little corporation up there.

DC: And just for the record, AppalReD stands for –

JoR: Appalachian Research and Defense Fund. That was the original name. And several years later when we had to split the programs because of political problems. I mean we weren’t welcome down here – anyway so we came here –

DC: Here being?

JoR: Prestonsburg. We came to Prestonsburg. We came to Charleston, talked to the folks who were there that Terry had talked with. And there were some lawyers who were unlicensed who were already here. And a fellow named Howard Thorkelson. And Howard was going to leave and they asked us to – he was going to be the deputy for Kentucky. Anyway, so he was leaving so we came to Prestonsburg and then drove down to Whitesburg to talk to Caudill. Said

we would think about it and drove [02:25:00] on down to see my parents and thought, “Well, there are some real environmental issues, there are poverty issues, there was certainly a lot of poverty and there were very few lawyers who appear to be available to challenge this.” Most of these private attorneys were tied up by coal companies, and the issues that were described to us by Harry: this broad-form deed and the environmental issues around strip-mining, coal mining, health and safety, black lung. And the poverty issues, consumer law, at that time there were a lot of basic issues around food stamps, and Medicaid, and the early parts of that program.

Applicants had a difficult time, local welfare officers were very niggardly and were not –

JeR: What a word to use [laughs]!

JoR: N-I-G-G-A-R-D-L-Y. Anyway, they were, they were just – your Dad’s spelling.

JeR: Oh no.

JoR: They were just terrible. You would think, they were treating these applicants so badly, and people were having a difficult time getting food stamps.

DC: Similar to registering to vote?

JoR: Yeah, very much the same –

JeR: What family you were –

JoR: Jobs were all very political as there were only two, the largest employer invariably in the counties was the coal companies and the second largest were the school districts. And they were very politicized.

DC: Very interesting.

JoR: They were as much of a fiefdom as we saw in the white power structure in the South. But, I think –

DC: What was your area that you covered?

JoR: Well we started – I mean technically the organization was for the Appalachian counties in Kentucky, of which there were 42. We eventually moved six counties into another legal services program, the ones around Ashland, but the program covered these 37 counties. And so when I first came, we had an office on the campus of University of Kentucky, one in Barbourville and here. We eventually, when the Legal Services Corporation Act was passed and finally there was federal funding – There was a lot of controversy about the legislation to create a structure for free legal services programs. A lot of opposition. We came to here, there was a lot of opposition from the local bar, because they thought we were taking money away from them.

JeR: And the community because they thought we were communists!

JoR: Well that, too. Because our predecessors – they had had a group of activist, outside agitators. They were Appalachian Volunteers, who had come here to volunteer in various poverty programs, and they too lived with local families and encouraged them to apply for benefits and healthcare. I mean, hospitals at that time were turning away people that didn't have any money. They told them, "We don't do – " I mean, pregnant moms couldn't get a delivery. A lot of terrible stories. The system, the situation was really pretty grim.

DC: Did it take a little while to work your way into the community?

JoR: Well, there was a case that went to the Supreme Court following the Appalachian Volunteers where one of the volunteers had threatened a local official or might even have slugged him, I can't remember.

JeR: No, he slugged them.

JoR: Well I don't know. Clark, did he hit him?

JeR: I can't remember. That was just before we came. We weren't here.

JoR: It was just a lot of controversy, and there was outside agitators in spades. And they were trying to encourage people to apply for benefits and that sort of thing. And healthcare was very poor. I mean, one of our friends eventually started a free clinic out here on Mud Creek. But there were all those issues that if you are trying to promote social justice or environmental justice and make the system operate a little more fairly so that poor people have a fair chance so it isn't just who you are – So often, at that level, a lawyer makes a big difference. Many of these people have legal issues. Family problems, disability problems. I mean, disability benefits, consumer law [02:30:00] – how can you deal with a foreclosure if you don't have a lawyer?

DC: So your plate, I am sure, in the 43 years, has been full the whole time, especially covering such a wide area.

JeR: Absolutely.

JoR: What?

DC: You have a full plate.

JeR: You have been busy.

JoR: Well we, we expanded to eleven offices, and this was our main administrative office. And then we started, back when I retired in 2002, we fortunately started a separate nonprofit to primarily focus on the coal issues, called the Appalachian Citizens Law Center. But over that time when we expanded, each of these offices would cover several counties. We were hoping we would have four lawyers, at least, in every office so that we could do the day-to-day work and do a larger case. We sued the state, we sued the state park system because they were discriminating against blacks. Still couldn't get a job in the state parks system. If you were black, primarily, you would end up at the bottom. That was familiar. That takes a fair amount of resources, locally, in a little office. We did a lot of those fairly major cases and day-to-day

divorces for people or custody matters that all of them take time and no private attorneys are going to do them if they're not going to pay you. What I hoped to do was to have a first-class law firm for poor people, the way that John Doar wanted to put a good bunch of lawyers together to represent the government. So I think we did some of that – I think we had a wonderful, a terrific group of lawyers in fairly remote locations, in small towns in eastern Kentucky.

DC: So you saw that as something that you could do, to train that next generation, the next cadre?

JoR: I hoped that was a good goal. I think that is what I wanted to do. And you know, and hopefully these folks, when you are in the community – One of the big differences I do think, that I learned to appreciate, was that we were in the South, and spent a lot of time preparing cases, but we went home to Washington. And when you're here and folks are in their communities, they also become part of the local community. So if our kids are in these schools, we care about these schools. And so Jean is on a state-wide advocacy. We have been working on education for many years. Not just us, but what you want, you are trying to create a better community for everybody, whether it is schools or the environment. The environment is hard because coalminer's want – that's their jobs and when people start complaining that regulations are preventing them from mining coal, it makes it hard to try to justify, to demonstrate that you need regulations to protect the environment. And that that be done, you can mine coal responsibly and comply with regulations at the same time. I mean, you have to if you are going to care about these mountains. A lot of these companies are out of state companies and don't care. For many years all of the coal underground was owned primarily by out-of-state interests, and they weren't paying any taxes on it. So it we were able to get that changed.

JB: That's the strange thing about extraction industries isn't it?

JoR: Hmm?

JB: It is a strange thing about extraction industries.

JoR: Oh yeah.

JB: Like oil depletion allowance, for example: “We will let you take as much as you can out, and we will pay you a bonus for all that you have lost by having taken it out.”

JoR: You get a little extra.

DC: A little extra.

JoR: Well, and fortunately Kentucky and Alaska and some of the other states at least set up some trust funds and put away some money for later on when the severance taxes – we have a severance tax here, but a lot of that money was spent on roads and economic development that didn’t really pan out. So, this is a very difficult period here. It’s not quite what we were talking about. Coalminers are losing their jobs and no one has over time been able to demonstrate how to come up with other industries or other replacements. I mean it is a global competition. We have done things like get our little Science Museum started. Right here we have a nice planetarium.

JB: I saw the signs for that as we were coming in.

JoR: Oh yeah, you saw the signs coming in. It took about ten years. [02:35:00] The history of it is really my growing up in Gastonia, where we now have a wonderful Natural History Museum, the father of which was a Scout executive I was with – but so we started talking about trying to do outreach in Math and Science in this region and our county, because our scores were so low. Students were doing badly, so badly. I was hoping that if we get some brainpower going early in Math and Science we might be able to affect the future, maybe some smart kid will figure out how to do a Silicon Holler instead of Silicon Valley. We built a very nice – because the governor was from the next county and the speaker was from this county, we

politically, over a couple of legislatures we got enough money together to build this nice facility with a planetarium and a multi-purpose classroom, some exhibit space and that sort of thing. A really nice resource for a community this size. But there are other things going on here. There's a regrowth –

JeR: And John was on the advisory board, and I was on the advisory board for the local job corps center, and we just want you to know they also had a rocky start here. But they were very helped by citizens' involvement and stuff like that.

DC: Let me, I think, let's bring this – I am going to ask Jean, if you would sing us down, sing us out maybe with a concluding –

JeR: We are done. No.

DC: A concluding statement of any kind. Sing us out.

JoR: What do you think?

JeR: Well we've had a very – when you reflect on your life, you feel very fortunate when your values are congruent with what you are doing day to day. And we have been able to do that.

DC: And we thank you.

JeR: Ta da! Cha, cha, cha [laughs].

DC: And for the interview. Beautiful. Great. Thanks.

[Recording ends at 02:36:57]

END OF INTERVIEW

Transcribed by Elizabeth A. Lundeen