

JUDGE CLARENCE SEELIGER

2012.3.401

(Audio Recording)

VOICE OF UNIDENTIFIED FEMALE: Our speaker today is Judge Clarence Seeliger. Judge Seeliger is well known for his involvement in civil rights as well as protection for victims of domestic violence. He is currently a DeKalb County Superior Court judge in the Stone Mountain Judicial Circuit. He has handled matters in [inaudible] Superior Court, including serious criminal matters, domestic relations, and other major cases. Born in Seattle Washington in 1940, Seeliger holds an undergraduate degree from the University of Washington. He served in the United States Air Force from 1963 to 1967 and was captain upon his release from service. He holds a law degree from Emory University Law School and was admitted to the bar in 1970. He is married to the former Gwen Hagler, and they have two daughters and grandchildren—[*aside*] I don't know how many grandchildren. [*Brief background laughter*] He has been honored over the years for his work in civil rights and against domestic violence. Will you please join me in welcoming Judge Clarence Seeliger to the podium? [*Applause*]

VOICE OF JUDGE SEELIGER: Well, I am going to talk today—it's more of a—there is a difference between a biography and a memoir. This is a memoir. This is not a—so don't hold me to it. I may get some of my facts wrong, and there are a lot of people in this room who probably remember the facts better than I do. So please be kind when you comment about it.

I guess it—here's my story. So I'm going to talk a little bit about me, and then I'm going to start talking about what happened in DeKalb County in the 1980s and then a little bit about the Presidential Parkway, which I presided in for a full five years. I was born in Seattle in 1940, graduated from high school in '58—Cleveland High School, University of Washington in 1963, and then entered the Air Force in 1963. I stayed in the service for four-and-a-half years.

Two things happened while I was in the Air Force: First, I met Gwen, who would be my wife. We've been married now for forty-three years. Gwen was an engineer working at a refractory plant in Pascagoula, Mississippi. I was in Biloxi, Mississippi, receiving training as a communications officer. We stayed in contact for almost five years; and finally, when she was sure I was going to graduate from law school [*audience laughter*], she decided she would marry me. I had a proposal on the table for almost three years [*audience laughter*], but finally she made up her mind.

The other thing that happened while I was in the service was Vietnam. I volunteered for duty in Vietnam and Thailand. I was not a combat veteran; I did not go out and shoot people, nor was I shot at. I worked as a communications officer at air bases in Thailand and in Vietnam. My starkest memory is that when I was stationed at Tuc Le, there was a unit that was bombing Hanoi. [Inaudible] was flying F-105s and F-4s. They had twenty-three aircraft in that particular tactical fighter wing. They were there on a reflex action. They were from Kadena, the Air Force Base in Okinawa. They had arrived for 120 days. When they left in 1963—excuse me, after 120 days, there were three pilots left. The losses that our fighter pilots suffered in bombing Hanoi are never really talked about; but my guess is, especially in those early years that I was there in 1965, the losses were anywhere from eighty to ninety percent. That had an effect on me emotionally. I originally got into the Air Force after—with the idea that I would get out and become a postulant for holy orders in the Episcopal Church; I gave that up. And then I decided that I wanted to go to law school.

How did I get to Atlanta? Well, of course, the biggest reason was, of course, Gwen. Gwen was working here. She was an engineer. She went to work on the space program, and then later she would go to work on the—in the—at Lockheed as a systems testing engineer. And so that was one of the first reasons. The second reason, I wanted to get into a good law school. And I don't know how I did it, but somehow I got admitted into Emory Law School; so that worked out well. And the third reason was that I wanted to be involved in the civil rights movement. It was the tail-end of the civil rights movement; it was about 1966, '67, and '68.

I started law school in 1967, and I ran into a young man by the name of Maynard Jackson. Maynard was teaching Poverty Law at Emory University that year and running the clinic, and we got to be pretty good friends. But after—at the end of that summer I started with the Southern Regional Council, which some of you may remember. It's now a defunct organization, but it was an organization that did research on race relations in the South. It was sponsored by the Methodist Church, the Field Foundation, and the Ford Foundation; and the project that was—which was operating in their major emphasis was registering African-Americans to vote. You may recall two years earlier in 1965 the Civil Rights Act was passed—the Voting Rights Act was passed. And thousands of African-Americans for the first time were getting the opportunity to vote. When I came—one day as I was coming in to the Southern Regional Council, who should show up but Maynard. And Maynard asked me, "Chuck, I'm going to run against Herman Talmadge for the United States Senate."

I said, "You are?"

And he said, "Would you help?"

And I said, "Well, let me think about it."

I then talked with the people at the Southern Regional Council; and they said, "Yeah, go ahead. Exactly what we want. We want to support an African-American candidate." Maynard was the first African-American to run statewide since Reconstruction; and to see what he could do about drawing African—[inaudible] voting for African-Americans, that was the whole idea of his race. And I have served as an—I did some [advance-man? advancement?] work with him, and I did a lot of statistical work on some campaign as—on a part-time basis. At the end of the campaign, of course, he lost. He only got—he got twenty-four percent of the vote, but significantly a large proportion of that vote was African-American. And so for the first time--after that the African-American community started to play a major role in politics for Georgia. In 1969 he would run for vice-mayor [of Atlanta], and I worked on that campaign part-time. He wanted to hire me, but I was in law school; and I said I'd only do it part-time, which I did. He was successful; he won. Four years later he would run for mayor, and I did a few things on that campaign but not much. I was too busy starting my own law practice in Decatur, so I couldn't really help him all that much. But Maynard and I stayed fairly close. We'd see each other about maybe once every two years or so; I'd go down there and have breakfast with him when he was vice-mayor and once or twice when he was mayor. We finally lost contact because, as I say, I was starting my practice in DeKalb County.

In 1976 I got a call from Bill Brennan from the [Atlanta] Legal Aid Society. Bill called and said he had a client by the name of Brenda White. Brenda was an African-American woman, single, [with] two children and a grandmother she was taking care of; and she was charged with welfare fraud. It was the first time anyone had been prosecuted in the state of Georgia for welfare fraud. A law had been passed just that year. I agreed to do it, and I asked Mary Whitemon [spelling?] to help me out. Mary was sharing office space over at the old Masonic Temple building across the street [from the Historic DeKalb County Courthouse]. Well, I had had to go off to Seattle to visit and to take care of some family business; but when I got back, Mary, who had done the investigation, came up and said, "Chuck they've got her. All the evidence is that she's signed several affidavits saying that she lied about her income."

It seems that she'd been working at a barbecue shack and reporting that as her income when she was getting a DFACS supplement of about a hundred dollars a

month. She decided that, when she got a new job at the Georgia Retardation Center up in Dunwoody, she did not report the increase in her salary. I understood why: she was desperate, she wasn't getting any child support from the father of her two kids, and she was taking care of her elderly grandmother and herself; and she really needed the money. But it was wrong, in violation of the law; so we decided we had to enter a plea. And so Mary and I, with Brenda, went over to the State Court in front of a fellow by the name of J. Oscar Mitchell.

I think most of you know [former judge] J. Oscar Mitchell. J. Oscar Mitchell's the man who threw Martin Luther King in jail on a traffic violation in 1960, causing the Kennedy campaign to be involved, who reluctantly granted him—granted after they put him in Reidsville—not yet, excuse me. He granted him a bond. Now, the reason why Dr. King was going to Reidsville is because he'd come over to DeKalb County; and DeKalb County was alien country for African-Americans at that time. He was arrested by the police for driving with an Alabama driver's license. He was in before Judge Mitchell, and Judge Mitchell accepted the plea and a \$25 fine and [told Dr. King], "You're on 'probation.'" Then Dr. King then left to go downtown to the Rich's [department store] because they were having—the kids from the—from Morehouse, from Spelman and the other schools in the—in that complex decided—they were doing demonstrations at Rich's to see if they could get seating at the Magnolia Room at Rich's. And Dr. King, being in town, decided he would participate. And he was arrested, along with the rest of them, charged with criminal trespass. When Judge Mitchell discovered that, he ordered Dr. King back to DeKalb County, and he revoked his probation for six months and ordered him to be sent to Reidsville Penitentiary [sic—means "State Prison"]. And that's the time when the Kennedy campaign came in and intervened. They finally got him an appeals bond.

Dr. King—J. Oscar Mitchell had a bad reputation for abusing people, especially African-Americans who didn't have lawyers at that time. So that was the judge we were going to see. We tendered our plea in front of Judge Mitchell, then Judge Mitchell started talking; and he started talking very rough. Well, "welfare fraud people here"—he used just about every epithet you can possibly think of, [inaudible] people who on--who were receiving welfare benefits and the like. He used every possible word you could think of except the word—and forgive me for using it—"nigger." That went on for almost ninety minutes—ninety seconds, rather. I turned and looked at Brenda. Brenda was in tears and shaking. And I looked back at Judge Mitchell, and he looked at me. Something passed between us—I'm not exactly sure what. But Mary took

charge, as she often did, and said, "Come on, Brenda. Let's go to Probation; we'll work this out." She'd entered a plea to Probation and paid her restitution. The total amount she got from the state of Georgia was six hundred dollars.

I sat out in the hallway outside the courtroom, wondering what had happened; and I did not really understand what Judge Mitchell had done. Then a fellow by the name of Joe Ledlie walked up. He was a reporter for *The Atlanta Journal*; he's now retired. He said—I knew him—I said, "Joe, what are you doing here?"

He said, "I was called by Judge Mitchell because he wanted to make a statement about welfare fraud, the prosecution of welfare fraud."

I said, "You were called by the judge?"

And he [said], "Yeah."

And so all of a sudden it came to me. He'd run over my client in order to make a political point, and I was mad as hell. I did not know what I was going to do that day, but I started to think very, very hard; and four years later I would announce I was running against him for judge of the State Court.

It was not going to be an easy campaign because there were several things stacked against me. Number one, of course, Judge Mitchell had been a judge for thirty years. He had--secondly, he had the support of the—of the Bar Association. The bar did a poll; and based on that poll, by a vote of about eighty-something to twenty percent, they said I would either—the lawyers did not know me, or I was not qualified. And there were a lot of people I knew in practicing in Decatur [who] went to law school with me, and they supported Oscar Mitchell, which is one of those things you run into in politics, that kind of—you don't count on loyalty when you're running against an incumbent judge. And finally, last but not least, it was in the Democratic primary; and one of the leaders of the Democratic primary—Democratic party, Manuel Maloof, was running for chair of the state—of the county commission, announced his support for Oscar. Walter Russell, who was then chair of the county commission, also supported him; and a newly elected sheriff by the name of Pat Jarvis also endorsed him.

There was not a lot of people thinking I had a chance of winning, but I had some things going for me. And basically it was a group of young lawyers who worked on my campaign, and some of them are here today. There was Wayne Purdom and Susan Ellis—they helped run the campaign. They had been involved with Oscar before, and they decided they would support me in my campaign. There was Ron Jason, who was the titular chairman of the campaign; but he did most of the—the most creative thing he did was write most of the brochures, signs, and [inaudible—could be "all" or "a lot"]

of the press releases that we used in the campaign. He was brilliant. There was Rob Waller. Waller was a law student who finished law school, and he's now the juvenile court judge up in Gwinnett County. There were good friends, Byron Windham, who's now practicing up in North Georgia; and there were two--a young couple, Henry and Mereda Johnson, who were working on the campaign. Of course, Henry's now known as Hank; and he's our Congressman from the Fourth Congressional District. And there was Nesby Thomas, who is here today. He would figure in my career later on, but he was also working on the campaign. He was the father of Dwight Thomas, a good lawyer who was renting office space from me; and he helped. And finally Bob Leitch-- he was involved in the campaign on kind of a small-time basis in 1980, but in 1984 he would become my finance chairman when I ran for the Superior Court.

The second thing I had going for me were endorsements from *The Atlanta Journal* and *The Atlanta Constitution*. At that time they were two separate newspapers, but each one of them offered an endorsement for me; and that was something that helped a lot.

And finally, unknown to me, something had happened that I did not know about. A fellow by the name of Maynard Jackson, who was then mayor of the City of Atlanta, he quietly worked on the campaign. He never told me that he was supporting me in the campaign; but he had lived in DeKalb County for some years before he moved to Atlanta to run for political office, and he quietly put the word out that I was in fact a good candidate among the African-American community. That carried a lot of weight. He also put out a ticket—you know, a ticket that listed campaigns he supported—and my name was at the top of that ticket. I didn't find out about it until after the campaign was over.

With all that going with the campaign [inaudible] be kind of rough, but we had—we decided we would do—we'd emphasize three things in the campaign: Number one, we'd talk about his [Judge Mitchell's] reversal rate. Ron Jason had done the research work on that and found out that Judge Mitchell had [inaudible] reversed forty-one percent of the time. Secondly we'd talk about the fact that he'd disposed of criminal cases behind closed doors. Lawyers with defendants on DUI cases would go to the Solicitor's Office and then go see—and they would say, "Which judge do you want to see?" and they'd go see the judge in chambers. A plea was entered there. Usually the plea might be reduced from public drunk—excuse me—from DUI, which cost people's licenses, down to public drunk; and then they'd pay a fine. But importantly they would save their license. All this happened behind closed doors.

And finally, last, the abuse of people in court; Oscar was rough on people, lots of people. I still remember one story: there was a lady by the name of Sherry Sutton, which I think some of you know. I've forgotten who—she was married for some time to—I've forgotten her first—her first husband's—

VOICE FROM THE AUDIENCE: Paul Schulman

JUDGE SEELIGER: What was that? Schulman, yeah—Sherry, Sherry Schulman. I ran into her at Manuel's. Even though Manuel told me he wasn't supporting me, he still took my beer money [*audience laughter*]. And I was sitting there, and Sherry came up to me. And she was a graduate student at Emory, and Sherry said, "Look, Chuck, you don't want to run. I talked to Manuel—you just don't want to run." She says, "It's just too dangerous. You can ruin your career."

I'd heard that a dozen times. So I said, "No, Sherry, I'm running against Oscar Mitchell." And then we left. She left, and I left.

About three weeks later she called me and said, "Are you still running against Oscar Mitchell?"

I said, "Yes, I am."

"I'm going to send you some money."

"Why?"

"I was called for jury duty last week, and I saw Oscar Mitchell up close. I'll send you some money" [*audience laughter*].

So the election had a primary. There was really a nice guy by the name of Jim Goggins, who was running for the third seat. To this day I don't know why Jim was in the race in the Democratic primary. But he ran, and he's a very nice guy. He didn't really campaign all that hard; but he was a factor because, on primary night, Judge Mitchell got forty-six percent of the vote, I got forty-three percent of the vote, and the rest went to Jim Goggins. Now, this was very bad news for Judge Mitchell. The reason why it was bad news? Because in primaries usually the incumbent's going to get all the votes he's going to get; the other votes, usually the votes of the challenger who didn't make it to the primary—make it to the runoff—usually votes in favor of the challenger. And Judge Mitchell started to campaign. He took it pretty lightly when I was running before, but now he knew he was in trouble. And he spent \$75,000 very quickly, raising it from the lawyers in the area, doing television, direct mail, and the like; but it was too late. On the runoff night I won by fifty-five percent of the vote.

Now, I want to be very clear on this: When I ran against Oscar Mitchell, it wasn't because I wanted to be a judge. I was just mad as hell, and I wanted him to be gone.

So when I was driving home with my wife in the car, I said, “Honey, you know, I’m glad I beat Oscar. That’s what I wanted to do. But I don’t know if I want to be a judge” [audience laughter].

And she just gave me one of those looks that wives can give husbands [inaudible] and said, “Well, it’s a little late for that.”

“Yes, dear.” And so we went on home.

And I believe the people who supported me at that time in 1980 thought I was a nice guy, and they had no idea whether I’d be a good judge or not. They supported me because they shared my sentiment about Judge Mitchell. They supported me, and that’s how I won.

Probably the biggest surprise to me—and I never talked to Wayne [Purdum] or Ron [Jason] about this, but—was we did not know what the Republicans were going to do, because this was a Democratic primary, and there was a Republican primary; but as I recall, there was nobody really running in the Republican primary in a contested race. So we just didn’t know what they were going to do. We did campaign a lot in north DeKalb County and east DeKalb County, largely Republican strongholds; but we weren’t really sure. But when I finally looked at the figures, I came to the conclusion that large numbers of Republicans did vote in the Democratic primary and gave me a lot of the votes that caused me to win. So I’ve always been grateful to the Republicans—for the most part, not recently, but in the past [audience laughter]—because at that time they were interested in judicial reform as well.

OK, now, I’m about to become a judge of the State Court. Well, of course, the first thing I would do was hire [inaudible—sounds like “Avery Alex”?], who had been my secretary for me. The next was really who should be my bailiff. Now, let—in DeKalb County at that time, in 1980, there were no African-Americans in the DA’s office, no African-Americans in the Superior Court clerk’s office. There was one African-American in the public defender’s office, a small office that just starting; that was Mike Hancock. There were no African-Americans working in the marshal’s office in the State Court. But Judge Mitchell had hired one black person in the State Court, but that’s all; and he always concealed her in the back so that she wouldn’t be noticed by everyone else. Aside from that this was an all-white county; the judges were all male and all white. That was DeKalb County in 1980.

So, when I looked around for a bailiff, Nesby Thomas approached me. You know, he had worked on my campaign. And he said, “Chuck, how about—I’d like to be your bailiff. Can you—how about that?” And I thought—and he’s here today--and I

thought, “Boy, [inaudible] wouldn’t that be great?” Nesby is a tall, dignified-looking African-American, and he became—and I appointed him—and he became the first African-American in the State Court in a public position—that is, as a bailiff, and the first—I believe the first [African-American] full-time bailiff hired in the entire state in the court—in the Superior Court. At that time I also talked to the other judges about it after Oscar was gone, and they all agreed that it was time that African-Americans were made a part of the judicial fabric of our county. And to Judge Smith’s credit and to Judge Carlisle’s credit by 1984 twenty percent of the employees were African-American in the State Court. Why is that important? Well, these were people who were well qualified but didn’t have a chance for a job because Oscar did not allow them to be hired. With Oscar gone these judges made sure that well-qualified African-Americans got the job, and they did wonderful work. Most of them are now retired. I think about that—I’m still working; they’re all retired [*audience laughter*]. All retired and doing very well. They were wonderful and continue to be, I think, a great force in our county.

Now, one day after I’d been elected and been sworn in, I wandered into the courtroom; and I noticed over in the corner—I was still in a daze. Me a judge—I couldn’t believe it. But anyway, I walked into the courtroom and looked over to the left; and there was two flags over there. One of them—I thought, “What am I doing with two state flags?” Now, this was when the state flag had the “stars and bars” on it as well as the Georgia seal. I thought, “Now, what am I doing with two flags?” So I wandered over and looked at it, and I realized one of them was a Confederate flag; and it belonged—I found out later it belonged to Judge Mitchell. The judge used to drape it over the entrance to his courtroom on Confederate Memorial Day and on Robert E. Lee’s birthday. Now, I’m not sure which courtroom it was, whether it was a small courtroom he used that’s in the other end of this courthouse, or down at the one that was destroyed in order to build the Callaway Building—I don’t know where he had it, but that’s where it was. But somehow he left it in my courtroom. I didn’t quite know what to do about that, so I went home that night, and I thought about it. “Well, I think I’m going to remove that thing.”

So as I was coming into the courthouse, I ran into another [*Atlanta Journal-Constitution*] reporter named Bud—Bo Spalding. I told Bo about the flag, and I said I was going to remove it. He said, “Well, that’s not much of a story.”

And I said, “Yeah, I don’t think it is, either, but do you want to do something on it?”

And he said, “Well, I’ll talk to my editor.” So he called the editor and said, “OK, we’ll do a story. It won’t be but maybe a couple of paragraphs, though.”

I said, “That’s fine. I just want to send a record out there that DeKalb County is changing.” So that morning I [inaudible—could be “ran” or “read”?] calendar, I came out on the bench and I just simply said, “The Confederate flag used to be a flag of honor. Now it’s come to represent an attitude toward race that shouldn’t—ought not to be in any courtroom. I am asking my bailiff, Nesby Thomas, African-American, to remove the flag,” which he did. And then we continued on with the arraignment.

Bo came back later, and he said, “Is that what you said?”

I said, “That’s all I said.”

He said, “Well, I do a short piece with it. I’m going off to Canada.” So he did.

That afternoon about 1:00, as I was coming out of my courtroom, I ran into this young black man; and he had three cameras on him, so I—being a sharp legal mind that I am—[thought], “He must be a photographer” [*audience laughter*].

So I asked him about it, and he came up to me and said, “Are you Judge Seeliger?”

And I said, “Yes, I am.”

“I took some pictures of your bailiff with the flag. Do you mind?”

I said, “No, that’s all right.” I couldn’t figure out, for a three-inch story, why you’d do a thing like that.

Then he turned and looked at me, and I swear to God I saw a tear in his eye. And he said, “Thank you.” That’s when I realized that this case was going to be—this issue might be something. It might be more than I thought.

And sure enough, in the next afternoon paper, *The Atlanta Journal*, headline, front page, top block: “New DeKalb Judge Banishes Confederate Flag,” complete with a picture of Nesby Thomas, my bailiff, holding the flag. Well, I didn’t know quite what to make of it. I got a few phone calls--a couple of friends of mine, who kind of read *The Journal* from time to time, called and said, “Hey, it’s a good move, Chuck. Don’t worry about it.” And I said, “I won’t.”

But then the next morning all hell broke loose. The calls started, and I started to receive mail. And it wasn’t pleasant mail; one was a death threat. But the reason the death threat came—it was from [inaudible—sounds like “Spokane”]—because the day after that article was published in *The Atlanta Journal-Constitution*, B. J. Stoner [sic—name is actually J. B. (for Jesse Benjamin) Stoner], who you may recall—is it J. B. or B. J.? I’ve forgotten which one. But he was head of the—he was publisher of *The*

Lightning, which is a Ku Klux—a racist newspaper published in Marietta. And he put my picture—no, excuse me. He put Nesby’s picture with the flag, and underneath it my name, my home telephone number, and my home address and sent it out to every racist organization in the country. And so the racist statements kept coming and coming and coming. I’ve got a file about this big of them [*chuckles*]. They started coming in the middle of the night. My wife got a little tired of it. She said--when they called at 2:00 in the morning and said they wanted to talk to me, she would tell me, “Here, one of your friends” [*audience laughter*]. And it would be somebody making some sort of racist epithet; I finally just hung up on them. Because most of the time they would never me their names; and, frankly, I don’t have any respect for anyone who won’t identify themselves. This was, of course, before Caller I.D.

Finally it trailed off, and then something else happened with that. I will tell a story that’s quite old because this was when I was in the Superior Court. Eighteen years later I get a call from my wife from home. And she says, “Chuck, the Secret Service are here.”

“What?!”

“They’re at our door. They want to search our house.”

I said, “Well, do they have a warrant?”

I [sic—means “she”?] said, “I don’t think so.”

“Well, put them on the line.” So I told—get on the line and said, “This is Judge Seeliger.”

And [the person] said, “You’re a judge?”

I said, “Yes, I’m a judge.”

And he [said], “Well, how do I know you’re a judge?”

“Well, here’s my telephone number. Call my office and let my secretary answer it.” And he did that.

Then he said, “Well, I guess you are a judge.”

I said, “Yes, I am a judge. Why are you here?”

He said, “Well, we received a communication from somebody that said that you had dynamite in your basement, and you were going to blow up President Clinton” [*audience laughter*].

And I had the laugh, because I said, “From where I live, I may be the only person who voted for President Clinton within a quarter-mile” [*audience laughter*]. So I just let it go [inaudible]. And I said, “Why are you doing this?”

He said, "Well, we just got this information." And I he said, "Well, have you gotten involved with anything?"

And I said, "Oh, yeah. Some years ago I removed a Confederate battle flag, and I got a lot of hate mail."

"Well, do you have some of that mail?"

I said, "Well, I--it's here at the office. I got a lot of hate mail most recently about six months ago."

This little old lady—I'm sure she was; I don't know if she was or not—had a Royal Corona typewriter, and she typed up these notes, putting pictures from *Playboy* or *Penthouse* and kind of a jargon, really racist stuff, saying that I had an African-American child and "Why don't you recognize me?" and all of that. Gwen kind of asked me about that, and I said, "No, Gwen, it's not true" [*audience laughter*]. But she—but they kept sending them; I kept getting them about every three or four months. Every three months or so we'd just throw it away, till the last one; and then Gwen said, "Well, I do have one."

And I said, "You do? Well, give it to him."

And so we gave it to him; and he said, "OK, we'll take this, and we'll look into it."

About two months later I get a call from this gentleman, and he said, "Well, Judge, we found out who was sending that stuff; and it is the same person that warned us about you bombing President Clinton."

And I said, "Well, yeah—well, why are you calling me?"

And he says, "Well, what do you want to do about it? I—we don't necessarily want to put this person in jail."

And I said, "Well, I don't care, as long as she doesn't send me that damned mail anymore."

And he said, "We'll take care of it." And that's the last I heard of it.

It was—then that's probably most of the excitement we had while I was in the State Court. But 1980 to 1984 were big—were big, big times of change. Hilton Fuller was elected in 1980, at the same time—to the Superior Court at the same time I was elected to State Court. He would go on to be chair of our delegation but also president of the Council of Superior Court Judges, and he's responsible for the major improvements for our courts. He helped found and put together the language and get the information on the Dispute Resolution Center, which is across the street. It allows people who are involved in civil litigation to sit down with a mediator and see if it can

be settled at no cost for these two or three hours. It's been a great boon for the Superior Court. The State Court hasn't used it as much, and the Magistrate Court does use it sometimes; but it's been a great boon for—and I could not have done—it could not have happened without Hilton.

Also elected at the same time is a young man by the name of Bob Wilson. The District Attorney's office was in real trouble. Randall Peek was the predecessor but was disorganized, and their cases were being dismissed right and left because cases were not being prosecuted. And Bob won, and he did changes and reforms and made the District Attorney's office in DeKalb County, as it is still today, one of the finest in the state.

And then there was Whit Smith. His only defect was that he was a Republican, and he won Clerk of the State Court—excuse me, Clerk of the Superior Court; and he instituted a lot of major changes and reforms [inaudible] over the years.

In 1982 Dan Coursey was elected; and he, too, also served as president of the State Court—the Superior Court Council of Superior Court Judges [sic] and still continues to be on the bench, as I do.

And there were others. In 1980—let's see, in 1982, although I chastised him a lot--Manuel Maloof--Manuel did a good thing. He appointed the first African-American fulltime judge in the county, and that was Mike Hancock as Recorder's Court judge. He would serve there for about six years, and then later he'd be elevated to the Superior Court.

In 1994 Bob Castellani was elected. He was appointed, I think, by Zell Miller and then elected--reelected. He instituted all kinds of reforms, but the greatest reform was when he put together [inaudible] his last year, serving on the Superior Court bench, Drug Court. DeKalb County had the first really effective Drug Court in the state, largely due to his leadership. And even now, though he's retired and teaching over at Emory, he still does his work with the Drug Court because he believes in this important court that deals with offenders, not in—nonviolent offenders and people who are not drug traffickers but are addicts, can turn their lives around; and the Drug Court does that.

And finally there was Wayne Purdom. Wayne Purdom--in 1984 the [inaudible]—there was a constitutional amendment in 1984—it passed in 1983, and in 1984 we had a new position called Magistrate. It was replacing other magistrates' position [sic], as well as the JPs [Justices of the Peace], which had lots of scandals surrounding over the years. And he took it over and created a brand-new office and made it a Magistrate's

Court, as it continues today to be one of the best. And now—he now serves as Chief Judge of the State Court.

And then women. When I left the State Court to run for Superior Court, Ann Workman ran for my position as a judge of the State Court. At the same time I was running for Superior Court, Carol Hunstein was running for an open seat against five other men. Both of them won; they were the first women to be elected to a judicial position in DeKalb County in history. And, of course, Carol is now a chief justice for the Georgia Supreme Court. Ann sadly retired about two years ago and then passed away from cancer. It was a great loss to all of us.

And finally Greg Adams. Greg Adams was appointed by the Superior Court to be the first African-American Juvenile Court judge. The Juvenile Court had been a scandal. It was not well organized, and it was not doing well. We sent [Greg Adams] in—because we knew he could be a tough guy—he was a former District Attorney—to try to straighten everything out. He did, and he did it well. So well, in fact, that the Juvenile Court is now named after him; that new courthouse is called the Greg Adams Courthouse because of the contributions he made. He's now serving on the Superior Court as well.

And then in 1984 I ran. I was going to run against Clyde Henley. The reason I was going to run against Clyde Henley is fairly straightforward. I finally decided I liked being a judge, and I'd like to be a Superior Court judge. Clyde Henley, when I ran for the State Court, put the word out that once I'd lost to Oscar [Mitchell], I wouldn't be practicing in DeKalb County anymore; and he meant it. So when I was thinking about running for Superior Court judge, I looked at the various people who were up for reelection in 1984, and there was Clyde Henley; so I announced that I would run against him. Well, Clyde Henley decided to retire, and now there was an open seat; and a bright young man by the name of Bryan Cavan would run, and so the two of us would run together again for that open seat. Bryan is very bright. He's a former—he was president of the Decatur-DeKalb Bar Association and helped—worked with me. We worked together in the DeKalb Volunteer Lawyers' Foundation back in the early 1980s. But he really didn't have much of a chance, I'm afraid. I won the election by sixty-six percent of the vote.

But Bryan is a real quality guy. After the—the morning after the election I walked into my office, and Beverly handed me a note; and it was a note written by Bryan. Bryan said, "Congratulations, Chuck, on winning the election. You'll be happy to know I'm not going to ask for a recount" [*audience laughter*]. And he said, "But I'm off

to Panama City with my family. Congratulations again.” Classy man. And, of course, Bryan then went to Buckhead and started making money as a lawyer and doing very, very well. He still lives in DeKalb and is involved in the Decatur-DeKalb Bar. And he was recently—two years ago--served as president of the State Court of DeKalb County—not State Court, the state bar, excuse me—he was president of the state bar for the state of Georgia; and he did a wonderful job there.

Well, that’s about the end of the story as far as the 1980s are concerned. Lots of changes took place. But a lot of people are probably here because they’re interested in—about the Presidential Parkway. And that’s kind of a story--*[aside to moderator]* How much time do I have? About ten minutes is all—I hope that’ll cover it.

I think most of you know the story of the Presidential Parkway before 1985. The state of—the Department of Transportation [then the Georgia Highway Department] wanted to build I-485. And 485 was a major freeway running from downtown Atlanta through Inman Park, through the parks in that area, Candler Park, through Decatur, and to link up with the Stone Mountain Expressway. And they got started with it, and they whacked out a huge swatch [sic; means “swath”?] of land on the Atlanta side of Moreland Avenue. But then at that point the issue became so—seemed so political that President Carter—not president, but Governor Carter, under the insistence of Burt Lance, who was then head of the DoT, Department of Transportation, stopped building the parkway. So they had this long, fallow piece of land running from downtown Atlanta up to Moreland Avenue and a few pieces on the other side of Moreland in DeKalb County.

Of course, Jimmy Carter would then run for president, serve for four years, and then be defeated. And would come back; and he made an agreement, the details of which I’ve never really known, between himself, Emory University, and the Department of Transportation, to use that swatch [sic] of land that was dedicated for I-485 to build his library, the Presidential Library, and the Presidential Parkway. And the parkway was designed to go from downtown Atlanta up through that area where I-485 was located to cross Moreland Avenue and swing onto Ponce de Leon. Of course, the neighbors all got really angry in Candler Park and Druid Hills and the like; and they would form an organization called CAUTION [Citizens against Unnecessary Thoroughfares in Older Neighborhoods] to challenge that. [See also http://vahi.org/wp-content/uploads/interstate_that_almost_was.pdf for additional information on related Highway Department proposals, in which credit is given to Morningside, Virginia-

Highland, and other neighborhoods for their parts in stopping the proposed construction.]

The first fights took place in federal court. I know very little about it, and I think it was something about an environmental-impact statement. The next battle took place in Fulton County Superior Court, because a vote was taken to transfer the parks—that's Candler Park and Ormewood Park, and I think another park or portion of the park--to the Department of Transportation to build the freeway. And the vote was taken, and the vote was—one vote, I think, it was thirteen to twelve, and the deciding vote was cast by the [Atlanta] vice-mayor, Marvin Arrington. That was appealed. And it was appealed on two grounds—it was decided then—the suit was filed before Judge Osgood Williams. Judge Williams concluded that there was a conflict of interest for Marvin Arrington to serve on it, because it turns out that he owns a subcontractor to Shepherd Construction that was building the parkway.

And so he [Judge Williams] thought that was enough to stop the building of the parkway because he [Marvin Arrington] had a conflict of interest and couldn't cast a fair and nonconflicted vote before the commission—before the city council. He also—they also made a finding that Shepherd Construction had been convicted of a crime in negotiating a certain contract, the only tie a corporation's ever been hit for that; and so, therefore, they could not be contracted with the state. It went to the Supreme Court. The Supreme Court reversed. It said Marvin Arrington didn't have a conflict of interest, so he could go ahead and vote and reversed Shepherd, saying Shepherd could be the contractor. And it was sent back to the city council in 1984, and they voted on it. And again they voted in favor of transferring those parks to the DoT so the freeway could be built.

In 1985 January I was elected. By May of that year there were lots of things that were going on. There were demonstrations that were going on against the DoT. You may recall lots of people being arrested, people chaining themselves to trees—all kinds of different demonstrations—to try to stop the building of the parkway. Then a lawsuit was filed after that vote was taken. The Department of Transportation decided they wanted to condemn the property, so they applied for a condemnation notice in DeKalb County Superior Court. They went to Judge Castellani. Judge Castellani had to recuse himself because his son Mark was going to Paideia [School] and had been demonstrating against the parkway, like all the other students at Paideia. So he followed that it would be a conflict of interest that he keep the case. So it went back to the wheel; it was assigned to me. That's how I got the parkway.

I still remember when the file was brought to me. [Inaudible] Judge Castellani, and I looked at it, and I said, “Oh, my Lord, it *is* the Presidential Parkway.” I didn’t think too much about it. And about two weeks later Bill Joy [spelling?] from the attorney general’s office came in—he was another classmate of mine from Emory—and said, “We want to condemn this property. And we have—we want to do it quickly—take the statute and take this property. We’ll put the money into the registry of the court.” It was authorized [inaudible] judge to sign it. I told him I would not sign it. “It has to be heard from by—it has to be heard from all sides.” So I said, “We’ll set down a hearing, and I want everybody to be notified. I’ll let my law clerk notify the City of Atlanta, CAUTION, all the other interested parties, DeKalb County legal department, and any of the developers who want—any of the people who are building to come to court at 4:00 on a Friday afternoon.”

I still remember walking out in that courtroom. The place was jammed, full of people, people standing all along the walls, sitting in their chairs and all along the walls, and nobody smiled. Man. So I walked in, and I asked to be hard. I asked the parties to give me a preliminary argument. They did, and I said, “All right. I want briefs on each side. Give me the briefs on why you think I—CAUTION, I know you’re going to want to file a brief as to why I should not grant the condemnation, and I know the Department of Transportation has filed a brief as to why I should grant it; so file it and send it to me, and then we’ll set it down for a hearing.” They did, the work was really good legally, I set it down for a hearing, and we had a three-day hearing about what was to be done.

I took it under advisement, which meant I had to read—I read the briefs again and talked to my law firm about it; and we started devising an order. While doing the research I came across something—and this is something [inaudible] debated, because some of the lawyers say they brought this up to me. I don’t remember this, but this particular instrument I thought I discovered myself by reading the statute. The first issue was could they transfer the property; could the City of Atlanta transfer the property? And second, even if they [City of Atlanta] couldn’t [transfer the property], could the Department of Transportation condemn it? When the first vote was taken—when the first issue was brought before me and I reviewed the briefs, it became clear to me that the city could not transfer the property while these parks were being actively used; and the only way you could transfer a park that’s been donated to the city for the purposes of being a park is to have it abandoned, and these parks were not abandoned as a factual basis. They were being used every day, so the city really had

no authority to transfer the property. If they wanted to transfer it, they had to transfer it back to the original donators of the property, which was back in the 1920s. So I said, "There's no way that could be transferred." But then the DoT said, "We can take [inaudible—sounds like "convict" or "evict" or "condemn"?] We can take this higher. We can condemn it."

And I looked at it, and it looked like they were right. But then I noticed one [inaudible] part of the statute. The statute kept saying, "condemning *private* property"; it didn't say anything about condemning *public* property, which these parks were. And so I said—so at that point I ruled that I would deny their right to condemn because they simply could not take the property because they didn't have a legal statute to back them up; there was no statute that they could do it. And I made—presented that order, and all hell broke loose. I was called everything under the sun by people. Andy Young had a press conference, told me what he thought of me. The developers did the same thing. Every politician [inaudible] that was in favor of building the parkway had something to say about it. And CAUTION was really happy, so they had a party [audience laughter]. They didn't invite me. It was a party down—somewhere down on—well, where the parks are now located, the so-called—you know, the developer—I've forgotten his name—the guy who designed those parks down there.

VOICES FROM AUDIENCE: Olmstead

JUDGE SEELIGER: Yeah, that's right. And so they had a party, and [inaudible—sounds like "there wasn't an audience"?], so that was fine with me. The case was appealed to the Supreme Court, and the Supreme Court looked at it. And, much to the shock of everyone, my decision was upheld by four to three; and the case came back. Now the DoT was stuck with a piece of land they could not condemn. They couldn't build anything on it, because I had put a restraining order on them to do anything with the property. And so for two years nothing happened.

And then the DoT started to work on the Legislature to create a new statute, a so-called Public Parks--Public Property Commission for the purpose of condemning other public property. The commission had no rules. It had—members consisted of the Secretary of State, the vice-governor—let's see, the lieutenant governor, and two or three other elected public officials. They didn't have any rules about due process or anything about anyone challenging whether such a condemnation should be done. And they put this thing together, and it came before me. And I looked at it, and I really started having problems with it; but before I could do that, I wanted to try to get the people to settle the case. So I ordered the parties into mediation. Nobody wanted to

go to mediation—certainly not the AG at that particular point, the attorney general. And then secondly I made a comment—probably an improper comment I should never have said. I said—because I really wanted to talk about trying to resolve the case—and then I looked at them, and I said—at the end of a hearing—and I said, “Look it, the Somalians and”—I don’t know who the other ones were—[*suddenly remembering*] “the Eritreans are negotiating a war that they’ve fought for fifteen years, and they’re trying—they’re doing mediation, trying to work it out. And I can’t get you people here around Druid Hills to mediate the case. I wonder who’s civilized?” [*Audience laughter*] Well, the DoT took umbrage at that; so, when they went up to challenge my order of mediation, they also challenged me as being—I should recuse myself for being biased against the Presidential Parkway. Well, it went up to the Supreme Court and kind of laughed off the recusal; but they did make a decision about the mediation. They said I couldn’t order them to settle the case, but I could order them to mediate; and so the case was sent back. And this time they sat down and talked for a few minutes, and that was it. And then I took the case under advisement as to whether or not that law should be upheld—the one involving the new Public Service [sic; means “Property”?] Commission.

I looked at it, and I thought it defective all over the place as far as due process is concerned. You can’t take real property without due process of law. It’s in the Fifth Amendment of the United States Constitution. I said, “You couldn’t do it with this device. There’s no opportunity for a hearing.” So it went up to the Supreme Court, and this time the Supreme Court reversed me. And so now the case was ready to go to trial. But surprisingly when the case got back, and I looked at them, and I told them, “OK, we’re going to go to trial on this thing. You have to tell me if you want a jury trial on it or what,” then they said, “Wait a minute, Judge. I think we’d like to talk” [*audience laughter*].

I said, “You do?”

“Yeah. And we need a mediator.”

And so I said, “Let me see what I can do.” I talked to the Neighborhood Justice Center, and they recommended somebody. I wanted somebody from out of state because I didn’t want anybody who could even be impugned for having anything to do with one side or the other of this case. And I found a fellow by the name of Michael Keating. He was a mediator out of Rhode Island. And he came down, and he started to mediate the case. And then this went on for about a couple of months, and they were making progress; and then one day Mr. Keating called me up and said he’d like to

see me in chambers. And so he came over; they'd adjourned for the day, the mediation. And he said to me, "Judge, the parties are very close to settling this case; but they can't get over that last hump. And they're going to come in here and ask you to continue the case so they won't have to go to trial if they don't mediate the case a week from Monday—a week from Tuesday."

I said, "Well, why shouldn't I grant the continuance?"

He says, "Because you've got to keep the pressure on them. They are on the verge of settling the case. So please don't continue the case."

I said, "All right."

The parties came in, and they made their motion in open court. I denied the motion. "You guys are going to—need to—you're settling this case, or you're going to trial a week from Tuesday, a day after Labor Day."

There was a public ruling, and again I got chastised by the papers. In fact, I think *The Atlanta Journal* editorial page said, as they had said many other times, "Maybe it's time to replace the judge." So what could I say? And so anyway they went back, and then three days later they came into my office—all the parties—and said, "Your Honor, we have settled the case." And it was over. They built the Presidential Parkway as we know it today, making that huge park. And, of course, the Carter Presidential Library is one of the best in the country. It's amazing.

Well, all I can say is that I've been lucky to serve as a judge on the Superior Court and the State Court for now thirty-two years, and I just got reelected. So you're going to have to put up with me for at least four more years, if I don't decide to retire. I hope I—I don't want to retire exactly, but I am getting a little tired--I am seventy-one years old. But I still like the job, and I still love this county. I love the people in the county. The county's gone through monumental changes over the years, but the quality of the people here has not changed. You're all wonderful people, and I've been honored to serve them and to serve the bar. [Inaudible phrase] made amends with the Bar Association after thirty-something years. We get along very, very well.

So I'm hoping I will have the opportunity to serve longer. I want to thank you, because I hope some of you voted for me [*audience laughter*]; but if you didn't, thank you for being here today. Thank you. [*Audience applause*]

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