

2012.3.24

WYMAN C. LOWE

JAMES MACKAY, *standing in DeKalb County Courthouse conference room or law library with WYMAN C. LOWE, who is seated at a table in front of him*: It is an honor this morning to have WYMAN C. LOWE to give his recollections and any of his experiences for the benefit of posterity. A more adequate introduction will be made later. Today is April 14, 1985. Howard Worley, the chairman of our Audio-Visual Project, is at the camera. *To Mr. Lowe*: Mr. Lowe, we are delighted and honored to have you here; and you have a carte blanche to tell us anything that you would like to say.

WYMAN C. LOWE, *addressing DeKalb Historical Society president JAMES MACKAY*: Mr. Chairman and former Congressman Mackay, I am deeply honored and extremely grateful at this kind consideration shown to me by the DeKalb Historical Society and by you. I am a historian also, so I am doubly interested in the work that your organization is doing. Without any more to-do, I'll begin my statements.

I'm Wyman C. Lowe, who has practiced law in Georgia for thirty-seven years. For about twenty years of that I had an office in the Carnegie Building in Atlanta, Fulton County; and about the last seven years I've had an office out in Decatur in DeKalb County, of course. And I have lived for the last about seven months in Atlanta, DeKalb County. Prior to that time I lived for about thirty-five or forty years in Fulton County, usually on the north side of Fulton County.

My law practice has been both civil and criminal in general fields. For about five years I did college teaching, including about two years in the summer at Georgia State College and a year at Georgia Tech. I taught also in college in Kentucky, in Georgetown College in Kentucky. My main fields in teaching were in government and in history. With respect to my educational background, at the age of sixteen I was a freshman at Mercer University. I went there on a scholarship of United States Senator Tom Watson; and by the time I was seventeen, I had credits as a junior in college. I worked and paid all my expenses through college. Later, after two years at Mercer, I transferred to Emory. I have B.Ph. and A.M. degrees from Emory and a Master of Laws degree from Woodrow Wilson College of Law. As I said, my main fields in teaching

have been in government and history. I also have some military background, which I will cover later.

When the time I was a freshman at Mercer University, hazing was common among college freshmen. I went down the Sophomore Belt Line and ran the gauntlet at midnight during my freshman year. It's very pleasing the great growth that both Mercer and Emory have been manifesting to me. I was a part-time attorney in my first two years and getting gradually into the practice as I taught my last year at Georgia State and then one year at Georgia Tech while beginning my law practice.

Since the age of nine years I've been a church member. I walked down the aisle with my dad, and we both gave our lives to Christ when I was nine years old. For about twelve years I was a member of the First Baptist Church in Decatur; and for about the last more than fifteen years I've been a member of the First Baptist Church of Decatur [sic; Atlanta?], of which, as you know, Dr. Charles Stanley is pastor and that we members are greatly honored to have him as the president of the Southern Baptist Convention.

Dr. George Sparks, the greatly respected and deeply beloved founder of Georgia State College, was, when I was a freshman a long time ago at Mercer University, a part-time lecturer in a journalism class that I was in at Mercer. He was a reporter on *The Macon Telegraph* and *Macon News*. He is responsible to a great extent to Georgia State University being what it is now. When I taught there, it was called Georgia State College.

My record as a candidate for the United States Congressman [sic] for the Fifth Congressional District of Georgia in primaries, primary runoffs, and general elections and in two state-wide races will be given next in chronological order. I was a candidate for United States Congressman for the Fifth District of Georgia subject to the Democratic primary held on July 16, 1946. The candidates who qualified for that Democratic primary were Mrs. Helen Douglas Mankin, Judge James Davis, and myself. At that time the County Unit System was in effect in Georgia. It enabled the rural districts and the small-town districts to control the state politics and to dominate in politics generally. Fulton County had six County-Unit votes, DeKalb six County-Unit votes, Rockdale two. Those three counties then comprised [sic] the whole Fifth District. In that particular race Mrs. Mankin got a majority in Fulton County, Judge Davis in DeKalb County and in Rockdale, winning eight County-Unit votes and her [sic]

six County-Unit votes. Two years later in 1948 there were the same three candidates. Mrs. Mankin didn't win in the County-Unit or the popular vote, and Judge Davis went back to Congress.

In 1950 I was a candidate again also with Judge Davis for that same office. He received 58,252 votes, and I received 26,701 votes in the Democratic primary. Winning in the Democratic primary then was tantamount to election, because the Republican Party had not emerged as a party of sufficient strength to field a candidate. In the Democratic primary in the Fifth District in 1952 there were, in the beginning stages of the race, three candidates: Judge Davis; Baxter Jones, Jr.; and myself. I had been on a trip to Washington, D.C., seeking to enlist some aid and financial support, and returned the day that entries closed on a Saturday morning to walk into a room in the State Capitol and find that Baxter Jones had qualified. It did not seem advisable to divide the opposition to Judge Davis in that race, so I withdrew several weeks before the primary election was held; and my name was removed from the ballot. I repeat: that was in 1952.

Something similar occurred in 1952 [sic; 1954?]. There were two of us candidates in the Democratic primary—well, there were three of us initially: Judge Davis, Morris Abram, and myself. Again, that situation of dividing the vote against the strong candidate, Judge Davis, existed; and I withdrew from that race before the election was held. So I withdrew and was not voted upon in the 1952 and '54 Democratic primaries in the Fifth Congressional District of Georgia that still had those three counties in it. Incidentally, those three counties so remained; and the County Unit System was in effect until 1964, at which time the reapportionment of the ten Congressional districts of Georgia occurred.

In 1956 I was a candidate with Judge Davis, and Forrest Williams was the third candidate in that race; and Judge Davis became Congressman for the ensuing term. In the Democratic primaries in 1958 and in 1960 I did not qualify; I did not enter the race and was not a candidate. Judge Davis ran unopposed; and naturally, [there] being no Republican or any other party opposition, he was elected. So I repeat: There were four years after I first ran for Congress—there were a total of four terms—eight years—that I was not a candidate to election for the office or for any office.

In the Democratic primary on September 12, 1962—and the Democratic primary back in those years were occurring earlier than they did—than they do now. Some of

them in some years were occurring as early as May, June, or July. I do not clearly know the reasons for that. But in that primary in September 1962 a new candidate comes in: Charles Longstreet Weltner. Judge Davis remained a candidate. John Respess, Jr., and I made up the other four candidates for office. There were still the three counties in the County-Unit System. Weltner received a majority of the popular votes in Fulton County and Judge Davis in each of the other two counties; so that gave Judge Davis eight County-Unit votes, six to Weltner, and he [Davis] went back to Washington again.

The year '64 was a landmark in the political history of Georgia—a turning point, a crossroads, you might say, because the County Unit System, from which many certain type of politicians had been depending for existence, was abolished. And in addition a drastic reapportionment, in which more attention was given to color conditions of voters, a drastic revision and drawing of the Congressional lines throughout Georgia occurred as a result of the passage of the law by Congress requiring it be done. Let me say that in '64 that revision had occurred by the time of the Democratic primary. Judge Davis was not in that race. Charles Weltner and Wyman Lowe were the two candidates, and the number of votes officially recorded for them were as follows: Charles Weltner, 36,786 and Wyman C. Lowe, 23,483, about two-thirds as many votes as Weltner.

Two years later on September 14—the primaries were beginning to come a little later in the year then—Charles Weltner; a young lawyer, Kelly Brown; and I were candidates for the office. Weltner won the—by that time, of course, the popular vote is what prevailed; the County Unit System was out. Weltner won the nomination and was unopposed; there was no Republican opposition in the November 1966 general election. In the Democratic primary held on September 11, 1968, Charles Weltner and myself were candidates for the office; Weltner was elected.

In the 1970 Democratic primary there were four candidates in the Fifth Congressional District. I forgot to state roughly the boundaries of the newly drawn reapportioned Fifth District. I'm a little more familiar with them than I am the boundaries of the Fourth District, because I was running as a candidate in the Fifth District then. But the Fifth District, as drawn in 1964, consisted of mainly Fulton County—about all of Fulton County—and some small portions of DeKalb County. And the major portion of DeKalb County was not in the Fifth District, and Rockdale County was out also. In that race [1970] four candidates for Congress--Andrew Young and

Lonnie King were the two black candidates; Ray Gurley and Wyman Lowe, the two white candidates. I got into a runoff with Young. A national press conference was called at the State Capitol, said to be one of the largest to be held over there. There were representatives from the national media, including New York--Loretta [sic; Coretta] King was present--because I had stated that I would give my support to Andrew Young, that I would faithfully keep my promise as a Democrat when I signed the qualification pledge qualifying, I had agreed to support—if there was a runoff—to support the runoff candidate. As best I remember, that was the first elective office that Andrew Young won, and I helped him towards the winning of it. [NOTE: Young did not win the Congressional seat; he was opposed and defeated by Republican candidate Fletcher Thompson in the general election held in November 1970.]

Two years later I was in the field of—heterogeneous field of—fifteen candidates for United States Senator, which [Sam] Nunn won. I'm speaking, of course, of the Democratic primary. So not being in the Fifth Congressional District race-- there was an analogous and similar situation back in the Fifth District exactly--two blacks, two white candidates. Two of the white candidates [sic] were Andrew Young and Charles Weltner [A misstatement, since Andrew Young is black and Weltner white]. In that race Andrew Young marked up a little more than sixty-one percent of the total vote, a majority of all of the votes. In exactly the same conditions he could not get Weltner into a—Weltner could not get him into a runoff, as I had two years earlier, two blacks and two whites; and he [Young] won without their having to be a runoff. So, in effect, in 1972 [sic], I ran the stronger race as a candidate for Congress [sic] than Andrew Young did as a candidate for Congress in 1970 [sic].

In 1974 was the Watergate year. Long—the scandal had been erupting in the middle of the prior term in the Nixon administration. I wanted a broader field of voters after my experience in being delimited to the Democratic Party in the Democratic primary and the runoff, so I ran as—that was not the only reason, but one of the reasons I ran as a Republican unopposed in the Republican primary, winning the Republican nomination. Andrew Young won the Democratic nomination, and we faced one another in the general election in '74, which he won. I was unopposed as a candidate, as I said, for that office in the Republican primary. President Ford was in office at that time. I was invited to the White House to have pictures taken with other Republican candidates from over the country and had three views taken shaking hands

with him [President Ford], which I put into telecasts and used in my campaign that year for Congress as the Republican nominee. But actually it was not a good year for Republicans. The unpopularity for the party that had been created by Nixon, which they have come out of very strongly by this time now.

Incidentally, as a former professor of government and a lawyer for thirty-seven years, I am deeply interested in the welfare of this state. I love it, regardless of what happens to me. I think it's healthy for the state to have two parties—I want them [sic] to have two parties. I vote at the national level for the Republican candidates, at the lower level for the Democratic candidates. I, in effect, am a Democrat-Republican; in my stand on issues generally I would probably be classed as a moderate. But for the good and the welfare of this state we need two parties. For too long things have been taken for granted by the Democratic Party, to the development of the adverse conditions in certain ways of the state. Two parties tend to keep one party to keep the other party on its toes, less wrongdoing in office.

So in 1978 I qualified with the Secretary of State [of Georgia] because candidates for statewide offices qualify with the Secretary of State, as I had qualified for the United States Senate in the field of fifteen candidates in 1972, and paid the qualifying fee, which was almost two thousand dollars. David Poythress had been appointed to that office by the governor following the sudden death of Ben Fortson, who held the office, I believe, for more than thirty years. Poythress was partly instrumental in influencing the Legislature to pass a law during his short tenure in office to permit the Secretary of State to determine the qualifications of a Congressional candidate. That kind of situation had existed in Florida, too. I know a Congressman in Florida that was partly because of the result of that, that after he'd taken his seat in Congress and was seated and had served until April or May was recalled, was recalled from the office. But in any event Poythress saw fit to attempt to disqualify me as a candidate. It is true that I had some difficulty at first in making up my mind. I wrote a letter to Mr. Al Holloway soon after qualifying, giving a check in payment of the qualifying fee, and filling out the form—I wrote a letter to him. I didn't know that he was going to be gone from his office in the State Capitol. He was chairman of the State Democratic Executive Committee, the one that accepted the qualifying or changes as to qualifying from candidates. So I wrote a letter to him, stating that I was withdrawing my candidacy. Overnight—he had left that afternoon. When I delivered the letter to his office, I was

told by his secretary in the State Capitol that he had a few hours before he left for Albany but was expected back the next day. Before noon the next day, I came back with another letter, withdrawing my withdrawal as a candidacy [sic]; and he got that letter before he got that letter before he got the first letter. With that, Poythress proceeded with the effort to disqualify me. He called a meeting that was partly a secret, and it lasted about four hours on a Saturday night until nine o'clock in the office in the State Capitol; and he ended up passing an interim order disqualifying me as a candidate and then a final order a few days later. At that time I was— This was in 1982—if I said '78, I wish to make that change. This was in 1982. The other candidate who'd qualified was Michael Bowers. I had run for Attorney General in 1978, and there had been no question of my qualifying then. Arthur Bolton [former Georgia state Attorney General], who had been in office about fifteen years, and as a captain on duty during the World War [II] had a serious wound injury that was giving him trouble, announced that because of the trouble from the wound he was resigning. And so I ran against Bolton, who was a very strong, entrenched candidate in 1978. But when I attempted to run against Michael Bowers, who never held any elective office, in 1982, there were violent efforts made to disqualify me as a candidate. And so I had a right to appeal the decision, but I had qualified near the close of interest, and there wasn't much time left in the campaign, and I did not contest the result of his [Poythress's] ruling. Ironically, Poythress was defeated as a candidate for Secretary of State a few weeks later, after he disqualified me as a candidate; so it seemed that retribution had occurred. Some employees of his office were present at that hearing and other purpose.

Subject to the— I want to say that in each of these races that I have run, my total campaign expenditures have been only a relatively small fraction of that of the winning candidate[s], ranging from about one-third to about one-twentieth as much. The races have been run under very unequal and uneven conditions. It is only fair and just to judge them in the light of that situation. I have known that there was fraud in some of the elections also, particularly as to me. And I brought some contests in the manner provided by law. A few are some I brought in the Superior Court of Fulton County under Georgia law under the section in the *Georgia Election Code* providing for such contests. But one of the races I brought in the United States District Court for the Northern District of Georgia in Atlanta in Federal Court, alleging a violation of the Civil

Rights Act. I brought a class action in behalf of all voters in the Fifth District similarly treated with me who felt that their votes had not been fairly counted, and the main element of fraud that I alleged was computer fraud, which is very easy to accomplish and to get by with and that I, in my own mind, was certain had occurred. So I brought the contest there in the United States District Court.

I employed two young men, and we spent a high percent of our time for six months looking over election records, comparing ballot stubs with ballot cards, ballot stubs with the number of voters who signed the Registered Voters' List, finding discrepancies irrefutable to proof that there had been fraud in the election. We discovered over ten thousand actual vote frauds in that election, which again I contested under the civil rights law in the U.S. District Court. Soon after the completion-- I might state in these election contests, I read the statistics, both in the federal law books where the cases are brought on civil rights—violation of civil rights grounds, voting rights, and other grounds and fraud in voting, whether by computer or computer fraud or otherwise, and a very small percent, probably two or three percent of them in federal court or state court, are ever won. So the odds were against me in those election-contest suits, regardless of the merit or demerit of my case.

While I was contesting—or right after I had contested—one of those cases in U.S. District Court, in March of 1979— I might state incidentally, I'm well-off financially, probably more so by far than any candidate that I've ever run against. But after I had—in securities, bonds, and real estate. But right after I had run—right after I had brought the suit in the U.S. District Court, I had, one cold March afternoon, to go out. Most of the property that I have is white property, but I had one house that was a black tenant, who was having difficulty getting gas connected for a new tenant family with young children that they'd been in the cold for three or four days, and meet the gas man out there about four o'clock. My telephone line was tapped, and it was known that I would meet him at four o'clock. He came out, and he had to inspect it before they would certify the house was safe for occupancy. After he came out at four o'clock and drove off, a black man who knew that this was going to occur, hiding behind a hedge, attacked me, dragged me in a room, pulled the shades down, picked up a heavy object off the floor, then beating me in the face. I get ten facial bone fractures and three rib fractures from that and stayed in the hospital for ten days. He made a statement, "I have been advanced or I will be advanced ten thousand dollars to kill you. I'm a hit

man.” Now, that was in some way connected with the election. In the election in 1984 I qualified as a candidate for judge of the Court of Appeals. There were three of us. There was one black candidate, Robert Benham, and three white candidates. Benham won the vote. I just recite these facts and leave it to you to conclude. I make no charges; I just present the facts to you and ask you to decide and to reach your own conclusion about this set of facts. The results of that election were certified nine days after the election was held. There was only one other race for United States Senator statewide at that time; I believe it was a runoff election. In any event it took nine days to get returns in to the Secretary of State and certified as required by law, the consolidated returns.

The *Georgia Election Code* has a chapter, “Contested Elections,” which provides that [if] any candidate or any other voter wants to contest an election, he can do it by filing a contest [inaudible] in a certain county, county of his residence—in my instance it would have been Fulton County then, with the Clerk of the Fulton Superior Court—within five days after the certification of the results. The certification of the results occurred on the twenty-third of August, was sent to the Secretary of State. The following events occurred between the twenty-third and the twenty-fifth: On the night of the twenty-fourth, as I walked in the back door of my apartment in a heavy, black downpour of rain, I was attacked by a black man [and] robbed of twenty-three dollars, the key to two cars—my Pontiac and a Datsun that I was renting for use in my campaign—and some checks and various kind of—and a ring of keys. Fortunately the thief wasn’t able to steal either one of the cars. Two nights later the same man came back at eleven o’clock at night and nearly knocked down the front door of my apartment and the back door and was about to crash in the window. The back door barely held to prevent him from crashing in. He was about crash in the window when I caused him to leave. I decided it was unsafe to stay there even one night longer. I had been living there for seven and half years, and no such kind of difficulty and no such kind of occurrence—just occurred in the five days that I could contest the election, as if it was done to discourage me from contesting. I hadn’t announced that I was going to contest; I hadn’t really decided whether I was. But apparently that’s what it was, and so I moved within a few days. I didn’t stay another night there. It was unsafe, and I moved about two miles away. [*Pause in recording; resumes after a few seconds.*]

MR. LOWE: The County Unit System was abolished by a decision in Federal Court in the famous *Wesberry v. Sanders*, Governor of Georgia, case, when it was decided that the popular-vote method would apply in elections in the future in Georgia. That [the plaintiff, Wesberry] was the son of the beloved Dr. James Wesberry, longtime pastor of the Morningside Baptist Church, now retired. In my opinion I know of nothing that has been so constructive and so beneficial to the welfare of the state of Georgia as that decision; and anything that helps the government and makes a better, stronger government, I'm all for. I feel that I could have been useful in government because of my background, the general background that I stated to you, and particularly in times of hard economy, because I have demonstrated, by what I have been fortunate enough to accumulate, that I know how to manage money and how to economize. And if I got into office, I would help save your tax dollars; I would apply the same principles to that.

Judge Davis, Mrs. Mankin, and Baxter Jones, all deceased. I think Judge Davis died of natural causes; Mrs. Mankin was killed in an automobile accident; Baxter Jones met a tragic death in an airplane-takeoff crash in Orly Field in Paris, France, some years ago.

As to my military experience--because I have thirty-seven years as a lawyer, more than five years in college teaching, and a long military background, of which I am very proud. In 1941 after volunteering to service duty, I went on duty at Fort McPherson as a lieutenant in the army. I served for five years and seven months. I've had short tours of duty since then that make it nearly eight years of active duty in the army, so I'm really part of the military forces of the army. And I have the welfare and proper defense of this country deeply, deeply at heart. I think that President Regan is trying hard to properly defend the country. I think he deserves our support, that you owe it to your children and the unborn generations to join with him in the strong support of our defense system.

In any event, in those five and a half years some of my duty was in the Pentagon. I was on Ring 5-E the Pentagon. Many days I watched out of the window. I had a good view of Arlington Cemetery and couldn't hear the [rifles'] reports but could see the spurt of smokes of the veterans being buried. While on duty in the Pentagon I received a telegram or a Telex from [inaudible—sounds like "CONOT"], the highest headquarters, in Norfolk, offering me an assignment there. Along about this same

time I had an opportunity to go to the Commanding General Staff College, selected to go to that college in Kansas. I chose the latter, regretfully not accepting it, because if I had gone to the latter--it later became in effect the national headquarters of the army here in Fort McPherson-- I might have ended up being down here at Fort McPherson at that national command headquarters. They had the Continental Army and the reserve forces and the National Guard. And so after becoming a civilian again, in August of 1946 and receiving several offers in college teaching, I accepted one at Georgia State in order to finish my work as a lawyer. Since becoming a civilian I've been a member, much of the time, of the American Legion posts. I was a member for several years of Legion Post No. 1 on Piedmont Avenue. For more than ten years now I have been a member of what I think is the greatest Legion post in the state, American Legion Post 140 on Powers Ferry Road. I have been a member of the Executive Committee of that post and Judge Advocate General. I might state that the last six months of my tour of duty in World War II was at Fort McPherson, which I almost consider home. While there, for several months, although I had not completed my law studies, I was Law Member of the General Court Martial at Fort McPherson. *[Pause in recording; resumes after a few seconds. When video resumes, JAMES MACKAY has joined MR. LOWE on-camera.]*

MR. MACKAY: I want to thank you for giving this most interesting account of your experiences in law and politics and the military. We've had an interesting array of people: Judge Hubert, who has passed on, gave us a seventy-minute tape. We had Judge Bond Almand. And I have usually concluded these encounters by asking our guests to give us their own feelings about the future—do they feel good about the future of this country, what trends they see that they think are gratifying and what trends are disturbing. Now, I'm not calling on you to be a clairvoyant, but you've lived a rich and interesting life; and a lot of young people will be coming into this DeKalb County Courthouse to watch this videotape, and I wondered if you had any message for them of hope or gloom or whatever. Would you address yourself to that?

MR. LOWE: Yes, sir, I have a message of hope. As a Georgian who is devoted to the welfare and interests of my state I see Georgia growing, coming into its own now. It's becoming rapidly one of the most prominent states in the country, and it deserves to be. It's rich in history. I have a first cousin, a retired schoolteacher in Washington, who's dug into some of the other colonial history of Georgia. One of my relatives was

a captain who helped defend Augusta in the Revolutionary War against the British then. I see a great future here for Georgia and the Southland. It's coming into their own. It's had the climate, it's had the resources—it should have been there before now. So I have a note of optimism to pass on to the younger generation, and they have a terrific responsibility, particularly in this possibility of a holocaust of a nuclear war, to act with moderation, never rashness in any way on this nuclear question, to try to conciliate with the Russians. But one of the best ways to conciliate is a strong defense. We don't want to overly burden ourselves with the defense [inaudible—may be saying “costs” or “cause”?], but a strong defense is the best deterrent. Like Teddy Roosevelt said, “Carry a big stick, but tread softly” [sic]. So they have a torch to carry forward, and I believe they're going to do it.

MR. MACKAY: Well, I think that's a good note to end on. And again, many thanks to you for taking the time to come up here, because I think we have an excellent tape now. And we're grateful to you, and we're going to furnish you a copy of it.

MR. LOWE: And I'm so grateful, let me say, to the Historical Society of DeKalb County. I think you deserve a great deal of credit. Just one further remark I want to throw in: I lived for three years in Virginia, three years in Florida, and a year or more in several other states, such as I'm called a cosmopolite. There's one thing that I noted about the state of Virginia that I have a deep admiration for: They've got a great many more historical markers than what we have. But in six months that I spent on duty at Fort Screven in Savannah, I learned what a rich heritage we have down around Savannah; and if we get Savannah and Atlanta connected with fast train service, I hope that we will develop that history and put more historical markers. I want to see them particularly around Savannah and come out all over the state and let the other people of the nation know what a rich history we've got.

MR. MACKAY: Well, thank you very much. [*To HOWARD WORLEY, videographer*] Thank you, Howard. [*Audio only, to MR. LOWE*] Well, that just went fine. I'm real happy that you felt well enough to come—[*ends abruptly*].

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