

DeKALB LAWYERS ASSOCIATION
“MINORITY BAR IN THE COURTHOUSE”
Oral History Recorded March 24, 2005

PANEL PRESENTATION NO. 1
JUDGE MICHAEL HANCOCK
ATTORNEY LARRY SCHNEIDER
FORMER DISTRICT ATTORNEY ROBERT WILSON
ATTORNEY [No first name given] ROBINSON
TOM STOKES, Moderator

MODERATOR: Thank you very much. I want to appreciate everybody's patience in coming together today in doing this effort; but most especially, of course, I'd like to thank Judge Hancock and Judge Seeliger, who, when I approached them about this, enthusiastically jumped on board and began to recruit folks, blackmail folks, do whatever it takes to get a large number of participants in what I think is an important project, and that's an effort to preserve the oral history of stories that are about to fade from view. We have lost so many stars already that many of those stories are gone; and we need to preserve what we can so that we know the shoulders we're standing on or the bodies we're standing on, as more appropriately it is.

Today we're going to hear from four panels. The first two panels will be those of attorneys. The third panel will be non-attorneys but folks who are participants in the legal system, especially in race-related matters. And the fourth panel will close with yet another round of attorneys. Each of the speakers will speak for about ten minutes or less, and I'll stop them if they run over. And then we'll take questions, and then we'll switch to the next panel. But without further ado I'd like to turn it over to our first panel and thank—and introduce Judge Michael Hancock and have each of you speak, if you would; because we are preserving this for posterity. Introduce yourself with your full name and tell the audience who you are, where you are now, and then proceed into your story. [*Gesturing to JUDGE HANCOCK*] Judge Hancock.

JUDGE HANCOCK: Thank you, Tom. I was thinking about this project the other day, and it brought to mind a saying, which is, “There is nothing as compelling as an idea whose time has come.” And I think that's attributable to Victor Hugo. But it's true. And when I reflect on my twenty-five-year-old son and what his life has been about and compare it to when I was that age and was growing up even before that, I come to a full understanding that he doesn't have—really, and his generation doesn't have—a

real appreciation for what the journey has been like for generations before him. Things have changed so tremendously over time. And so when Tom approached me with—and pitched this idea, I thought it was actually way past time for something like this to be done, because, as time passes, memories fade, people pass, and that sort of thing. And so I thought it was a good idea. Some folks have made inquiry to me relative to what the participation was about and how it was composed. One person in particular asked me about Chuck Seeliger's participation, for instance; and my response to that inquiry was something to the effect, "You know, Chaney, Schwerner, and Goodman came from different backgrounds. Certainly Chaney, no question, was black; but Schwerner and Goodman weren't. Does the fact that they were not mean that they don't have some stories to tell about what the civil rights struggle was about? Was the fact that—or does the fact that Stephen Spielberg directed *The Color Purple* make Celie's life any less poignant?" The answer to that question—both questions—is no. There are stories that will be told here today, and those stories come about not only from—well from experience but also observation.

The first panel is composed of Larry Schneider, whom I have known for many, many years—and actually [I've also known] Bob Wilson [for many years], because Bob in the courthouse back in the latter '70s or early '80s, when I came to DeKalb County to practice law. But interestingly it was not when I came as a lawyer that I had my first exposure to DeKalb County. Because prior to law school back in the latter—'73 or early '74 was when I went to work with the DeKalb Juvenile Court, first as a childcare officer for about a month and was very quickly moved up to the position of Solicitor's Investigator. And it was there over the next two years that folks like Judge Dennis Jones, who was the presiding judge of Juvenile Court at that time; Joe Woodard [Wooder? spelling?], who was the Public Defender [inaudible—could be "and the solicitor" or "in the solicitor's"?], encouraged me to think seriously about going to law school. And I thought seriously about it and did, in fact, leave there after two years of Juvenile Court and went to Emory Law School to matriculate over the next few years in '75 and finished in '78.

Back during that time, while I didn't have exposure to what was happening here in downtown Decatur in terms of the practice of black attorneys, my observation and recollection from the early period was that there was not a whole lot of participation by black attorneys in the process; and those who did show up at Juvenile Court generally

were folks who had practices over in the city of Atlanta. Larry had mentioned something earlier; and, when I talked with Sampson Oliver, who we are hoping will be here at some point during this afternoon to be on the panel, I was talking with him—I was trying to remember who was the oldest attorney that I knew, who'd been around the longest. And we could not—I could not come up with his name, and Sampson couldn't remember. But Larry Schneider earlier in our discussions before we started mentioned a fellow by the name of Professor Clayton [See *DeKalb History Center website for transcription: "I Remember Hour": Charles Clayton, May 27, 1982*], and Larry will tell you, I guess, a little more about him, since he brought it up. But he's the—he was an elderly guy whom we would occasionally see representing folks around Decatur, but it is my understanding that he was actually a schoolteacher who was also a lawyer. I know that Sampson Oliver—as far as my recollection goes—was the one person who probably has had an office here in DeKalb the longest. As far back as I can remember, I remember his office over on Glenwood near—what is that?—Candler Road—I don't know whether it's still there or not. And Paul Robinson, who also actually is supposed to be here on this panel with us, has been practicing for some time.

My practice actually in DeKalb did not occur until, like I say, I believe it was what? '80 or '81, something like that. When I first came to the DeKalb Public Defender's office just from the Fulton Public Defender's office, stayed there about two years and then went—actually we tried what was probably the most infamous death-penalty case of the decade at that time. I tried it with Richard Loftis, who had hired me as the first person of color to work in the DeKalb County Public Defender's office. He and I—I was second chair on the death-penalty case in what was known as the “bathtub murders” [James Samuel Walraven, defendant]. I got burned out on that case and left and was going to take some time off and go into private practice.

Ralph Bowden had run for Solicitor and had defeated long-time Solicitor General John Thompson, and Ralph approached me about—because he had made a campaign promise that he was going to diversify the Solicitor's office. And he approached me about coming onboard with him when he started his first term as Solicitor. And the role I was to play was to help train the new lawyers who were going to be coming in. At any rate after that—well, let's talk about—[*aside to MODERATOR*] How am I doing on time?

MODERATOR: You got about four minutes.

JUDGE HANCOCK: OK. I think the '80s—I can't speak to the '50s and the '60s, given I was born in '49, and I was growing up in the foothills of northeast Georgia in Gainesville during the '50s and '60s. But there was very little participation on the part of black folks as lawyers, from my observation during the '70s. I think that the '80s was the watershed decade when we started seeing more persons of color who were actively practicing law here in DeKalb. One must also keep in mind the reputation that DeKalb had had prior to that time as well. And I suspect that a lot of folks just didn't want to come to DeKalb County to practice. You'll hear more, I think, about what that was like when Judge Seeliger presents his panel, because one of the symbols of that old era [Judge Oscar Mitchell] was defeated by Judge Seeliger when he first won a seat to the State Court bench.

But the '80s saw a different kind of face around the courthouse, I having been the first person of color to work in the courthouse, starting in the Public Defender's office and then having gone to the Solicitor's office as the first black Assistant Solicitor. In the interim during that period of time, Bob Wilson had made some hiring changes and had hired a person of color in the DA's office; and—but at any rate I spent not very long—wasn't there that long in the Solicitor's office before I wound up applying for a Magistrate position at the Recorder's Court. And as things turned out, a lot of controversy came out of that board of commissioners' meeting. As things turned out, I wound up being appointed Chief Judge of the DeKalb Recorder's Court, which was another first. Manuel Maloof was the--

MODERATOR: You have one minute, Judge.

JUDGE HANCOCK: --chair of the commission at that time. And at the meeting Manuel got up and stormed out and made the headlines and what have you; but he thought better of it and came back after he had taken a few minutes to calm down.

But we started in this county seeing lot of change—like I said, it was a watershed year, I think. The decade was around about the '80s. All right, that's about my time.

MODERATOR: All right. We're going to go to the next panel member, [*to audience*] if you could hold your questions; and then we're going—at the end come back and ask questions of all three, if that's OK. And at this time I'd like to introduce Mr. Bob Wilson and ask if he's prepared, and we'll go right ahead.

MR. WILSON: Thank you, Tom. Listening to Judge Hancock and talking before we started—he and I and Mr. Schneider--it makes me realize how old I'm getting.

JUDGE HANCOCK: How old we're all getting.

MR. WILSON, *laughing*: Yes. I am, when I look back on it, a son of the old South. I was born and raised on the southeastern shore of North Carolina in a segregated society, where whites and blacks went to different schools, where those who were black paid their money at the front of the bus and walked to the back, where restrooms and water fountains were marked "colored" and "white," where those of color sat in the balcony of the theater and even bought their ticket on the side of the ticket booth. The person who would sell me the ticket to the theater would literally swivel in her chair to the right to sell a ticket to an African-American person, but they could not buy at the window I was at.

I grew up in a very conservative environment. Fortunately for me I went away to school to the University of North Carolina, and I think the world looked a whole lot different to me. It had a lot to do with changing my impressions of the world and the way the world ought to be and the way people ought to be treated. When I came here to law school, I was fortunate enough to come into the DeKalb County courthouse the year before I became a lawyer to work as an intern for the District Attorney and actually got to try my first case before I was even a lawyer. I don't remember much about it, because I couldn't hear myself. My heart was pounding so much, I could hardly hear anything that was going on.

And so I've tried as part of this exercise to think back to what was it like. I remember books in the library with the name of a man who became a mentor and a friend to me, Emory Daniel. I didn't know Emory at the time, but his name was on the side of the law books. I don't know why he left them there—he didn't work there anymore. But as you asked questions and tried to find out who was Emory Daniel, why are these books here with his name on it in the District Attorney's office, you began to piece together a story that I'm not going to tell you; but his wife is. And you'll hear about a man of courage and an interesting story that happened before I got there in 1973. Later he did become a mentor. He helped me; without his help I probably would have never made it in public office, and I'm deeply grateful.

But when I came into that courthouse, and I try to think back to what it was like, it was pretty much all white. All the judges were white. They were all men, too. So some of the things we're talking about here in the way of African-Americans also holds true to women, be they black or white. And as I look at the bench that was there, there

are a couple of things that I take note of. The bench was not all good or all bad, but there were people on that bench who had been born and reared in the old conservative, segregated South who didn't do much to rise above it. But yet there were judges there who had been reared in that same environment who had, in fact, done a great deal to rise above it; and they are to be commended.

One of the things that had happened shortly before I got to that courthouse in 1972, which is something most folks forget, this county—on a county-wide election—went Republican. Now, that's hard to believe; but DeKalb County went Republican and elected a man named Bob Gould, who would later serve from Social Circle as a senator in the state senate, as head of our county commission. We had partisanship races for judges then. A man named Bob Walling (spelling?), a man named Ned Wheeler—both of whom have now passed, but who were just great gentlemen—had been appointed by Governor Jimmy Carter at that time to the bench in the Superior Court. Eleven months after they were put in, they were swept out in the Republican sweep of 1972; and they were replaced by people of, should I say, different philosophies. And so I came to the courthouse expecting judges to be perfect, learning that they weren't. [*Turns to fellow panel members.*] Sorry, with all due respect to my friends here, who are judges.

But I did see some wonderful people, and I want to be very careful not to paint everyone with the same brush. I particularly want to mention gentlemen who I think other folks here would agree with, Curtis Tillman, who was a Superior Court judge and has now passed away a number of years ago, and Clarence Peeler. They were men born in a different time and a different society, but I challenge anybody to come forward with anything where, when they got to the bench, they did not treat all people equally. I never heard either of those two judges make any comment whatsoever from the bench, in chambers, or in conversation in other places that was negative or derogatory toward any human being because of their race.

Unfortunately, I'm here to tell you today that's not true for everyone. Now, since some people are passed away, I'll be kind by not mentioning their names. But I wanted to tell you a couple of things that I think are worthy of note. I was young, I was green, I was idealistic, and I was liberal as hell—still am. Not green anymore. But I actually heard judges in chambers use the “N” word, a word that I did not use, still don't use, and [is] not used in my house. That was a shocking experience for me. I

really just didn't know what to make of that. So even in the '70s, something that seems more modern era to us, especially in race relations, given the Civil Rights Movement of the '60s, you would think we had gotten past that, at least at that level; but we had not. I am here to tell you that I have a recollection that's very vivid of a judge actually using that word from the bench in an open courtroom. And I'm just not that old, and this wasn't that long ago. Now, I know three judges that I personally could name that used that term in chambers in discussing cases and one that used it from the bench. You know, that's pretty disturbing. It was disturbing then; it's disturbing now. But I did have the sense at that time that those of us who were younger were surely going to outlive them, and those of us with different ideas and better ideas were going to prevail.

But I try not to be too critical, because thirty years from now things that we might accept as being OK today may be looked upon as not so good. It's sort of like getting tattoos—I don't have any; but if I'd gotten one when I was twelve, I'd have probably gotten a smiley face put on me or something like that. I don't know how would look today. So you have to be careful with changing times. But I do know that that was unacceptable behavior then, but it still went on. But yet there were others who were subjected to the same environment who rose above it.

Additionally I want to tell you that the second thing that I think is kind of important that shouldn't be forgotten. I saw a double standard, but what I'm going to tell you might surprise you. The double standard was often to the benefit of the African-American defendant, and this is how it worked: If you had a white person kill a white person, the case was pretty well dealt with straight up. But if you had an African-American kill an African-American, well, in some courtrooms it was just looked at as you-know-what. And so, therefore, it really wasn't that important. I saw that change. I can tell you today, not because judges are sitting here—I saw that change, and by the '80s it was gone. But I saw that double standard and was shocked by it, that there was a devaluation of another citizen's life or the damages—the assault, the shooting, the stabbing—because of the color of their skin; therefore, the defendant received a less [sic] punishment, a double standard that seems—you might have thought I was going tell you it was worse—well, it was, if you happened to be African-American and assaulted somebody who was white, in some courtrooms. Again, I want to point out that Judge Tillman and Judge Peeler, for example, I never saw them do anything but

give mutual respect to all citizens—never saw color become a factor. That just wasn't true in all courtrooms.

That led us to an election—and first before I get to 1980 I'm going to stop a few years before that—was an election with a judge that I didn't get along with particularly well, Keegan Federal. [*Judge Hancock laughs.*] But—and some of his fellow judges didn't get along with him too well—but be that as it may, I want to give people credit who deserve credit. Keegan Federal was a progressive in his political views [*Judge Hancock nods.*] and in his ideas about dignity of human beings. And when he came to that bench, the first notch of change took place. But in 1980, as Judge Hancock has alluded to and as I'm sure Judge Seeliger will talk about, a wholesale change happened in this county. That election brought about changes that put Judge Seeliger on the State Court bench, defeating Judge Oscar Mitchell, a race he was told he couldn't win, couldn't happen. We were younger men then. But he did it anyway, and guess what, he won.

I was certainly told not to run against the person I ran against because he was the most popular politician in the county—that's how he was described to me. Right now, a few of you in here could even remember his name today. Judge Hilton Fuller ran in that race. Manuel Maloof ran in that race. And I can remember, along with Richard Bell, who--Richard Bell, who later--he was District Attorney later, went to the Supreme Court of Georgia. Richard was from the old South, and he had a lot of interesting old ideas, but on top of that he was a straight-shooter; he was honest. And with that election came some real changes.

MODERATOR: Two minutes

MR. WILSON: And the courthouse hasn't been the same since. Now, we've certainly had demographic changes in the county that wiped away the potential of Republicans thinking that what they did in 1972 could happen again or that this could be what Cobb County is today. But in spite of those demographics the numbers in 1980 were not what the numbers are today. And the people who got elected in 1980 were not African-American; they were white. But they had different ideas about how the world should be and how people should be treated and how cases should be judged and how they should be prosecuted or defended. But I particularly wanted to note the double standard, both the pluses and the negatives of it. When I say the pluses, it just so happened that if you happened to be an African-American defendant

who assaulted somebody who was African-American, you did reap the benefit of it. Lo and behold, you got the negative of it if it was a Caucasian that you assaulted, in some courtrooms.

One of the drawbacks that existed, and it still exists today is in 1980, when I came to office, I'm sorry to tell you that I was—had the privilege of hiring the first African-American Assistant District Attorney in the county, the first African-American investigator for the District Attorney—my first chief investigator was a man named Al Frazier (spelling?), who was just a great fellow, did a great job. That's not how it should have been. Should have happened long before. But the pool of applicants also today still remains too thin, because not enough African-Americans are going to law school, or law schools aren't allowing them to go. The pool of applicants back at that time was thin. Larry Schneider and I went to law school together. [*Turns to Mr. Schneider.*] How many African-Americans were in our class, Larry?

MR. SCHNEIDER: Few

MR. WILSON: Few. Count them on one hand. How many women, Larry?

MR. SCHNEIDER: Very few. Well, actually, that was—

MR. WILSON: No, no--that was a watershed year, our year of entry to law school. I started one class, went broke, had to come back and get in Larry's class so he could help drag me through. And the year I started, there were six [women] in my class. When I came back the next year, that was the watershed year. But the law school was making those transitions, but we need more African-Americans in the system. There were a few lawyers, like Professor Clayton and others, who came around. Those of us who were young didn't think anything about it. I think there were few judges who did. Women were also treated disrespectfully in some courtrooms— "Li'l darlin'," "Honey," arms wrapped around, grabbing them at the waist—by judges! Inappropriate. But that was the world around 1973 to 1980, when the changes came. The changes are not over. They never are. We are fortunately living in a society that is at least trying to fulfill human rights, but we continue to fail. But at least we're better than we were. And you know what? Thirty years from now, when we come back, they'll be better than they are now—I hope. I do have some concerns, but I hope. Thank you.

MODERATOR: Our next speaker is going to be Larry Schneider.

MR. SCHNEIDER: Well, I'm old, too. I can remember growing up in Florida without television. I can remember going through law school and grad school and

college without a computer. And I can recall a society where you had almost no contact at all with black people because of the rigid segregation that we had back then. I was—I came along right after the big Civil Rights Movement. I remember the Chaney, Schwerner, and Goodman business; I remember the news reports as they came out. I witnessed Civil Rights demonstrations. I worked at McDonald's and was told by the management that blacks had to be served at the back door; so if someone would come up to the front window of our McDonald's, I'd say, "Sir, we have to serve you at the rear." And I'd take their food out to them; we'd always give them double burgers, double drinks. Because the generation that I was starting with was starting to get the idea that this wasn't the way to things ought to be.

I first came up to DeKalb County in '63 for a summer school high school deal in chemistry at Emory. Emory was all segregated back then. Atlanta was segregated then. I remember the segregated buses. And I remember that we would walk to the back of the bus and sit with the black folks. It made us feel really good, that we were doing the right thing about it, very virtuous. I can recall my parents and other parents having a discussion as to whether, when you were taking the maid home, which was about the only contact you had with black folks, whether you should sit in the front with the maid or sit in the back—whether the maid should sit in the front or the back. If you sat in the front, it implied equality. But if you sat them in the back, it implied that you were chauffeuring them. The absurdity of the whole segregation system slowly became evident to everyone, I think, during the '60s.

In '63, when I came, the Klan was burning crosses on Stone Mountain—I remember that. I remember the Klan had a convention in Atlanta, and I still have leaflets advertising cross-burnings out here. And when I started practicing law—well, I went to Emory—went to Emory after moving up here fulltime in '64—Emory was just integrating. I put on my dorm application as a college freshman that "Please do not assign me a redneck roommate." [*Mr. Wilson laughs.*] Well, I failed, because they did; but they also put me across the hall from the two first black kids at Emory, Charlie Youmans [spelling?] and Charlie Dudley. Went to--after college—while I was in college, an old friend of mine and I worked on the integration of the fraternity system at Emory and got the first black student into an Emory fraternity. Things started to change and very much for the better.

After college the army got me, and after the army I went to law school; and, as Bob said, it was almost entirely white and male, but not quite entirely white and male. It was changing, and it was changing rapidly. I got out and practiced law three years downtown with Al Horn, who was a delightful human being. He was one of the founding people of the ACLU in Atlanta and represented Hosea Williams and a lot of the civil rights folks. I learned a lot from him and wound up in the Public Defender's office, because I was no good on the business side of the law. I didn't like charging people money and didn't like collecting it. [*Bob Wilson laughs.*] I'm still not good at that.

I got to DeKalb County, and I concur in what Bob said about the paternalism of the time. The folks who grow up now—I was taught in high school that the Ku Klux Klan was basically a police auxiliary organization that saved the South during Reconstruction. That was taught to me as fact in high school. So folks who are older than me had an even rougher time making the transition. They got up here—all you had to do to get a really good deal with a black-on-black aggravated assault case was to wink at the judge and mention that it happened on Saturday night. That spoke volumes. That meant that it wasn't of any importance and that the case could be disposed of, or you could get a light sentence, whatever, because black folks were not expected to adhere to the same standards of conduct that white folks were, until and unless there was a white victim, especially in a rape case or sex case. And the attention that you would get back then if you had a black man charged with assaulting a white woman was something to behold. And that was probably the last really true solid bit of racism to disappear, and I hope it has disappeared.

Sometimes I wonder if it has disappeared. It'll probably take another generation till we get to the point, which I think would be the ideal point, where I will run into somebody in the elevator or the courthouse or on the street and have a conversation with them and take no notice as to what color they are any more than I would take notice as to whether they have blue eyes or brown eyes. It's just not something you notice; it's not something that matters. And hopefully in another generation we'll get there.

[*Picks up a paper.*] I brought numbers. I've got a computer system we've had in our office since '88 where I can run the dispositions of black males, white males, Latino males, and Asians and see if they're being treated fairly by our court system.

And I'll distribute those numbers, and what you get from them is—the answer is, by the numbers, pretty much yes. In fact, your chances of getting your case dismissed are a little bit better if you're a black guy than a white guy. Your chances of going to prison are a little bit bigger—better if you're a white guy than a black guy. And then today, just for fun, I dug up small figures from 1969 to 1977, which are the oldest things that I could find, got them in the computer, and there's not much difference. I got those figures, too. If you were a black man in DeKalb County in those years, your chances of being—having your case dismissed, getting off—was 29 percent. If you were white, it was 26 percent. Nowadays these figures for blacks are 21 percent and for whites 18 percent; so fewer people are getting off than got off back then. Our criminal justice system has gotten harsher; but even the older judges, even the ones who grew up in the segregation days, and even some of the racist judges—and I can recall some—a number of conversations when the “N” word came about—they wouldn't send a man to jail because of his color. You didn't see much of that.

MODERATOR: One minute

MR. SCHNEIDER: I can recall very few cases where people received harsher treatment because of their race. Usually it was the sex cases or—I remember one case with a black transvestite, poor man, who aroused all the passions of one of our older judges. It was a totally different time. It's a time that we should all be pleased has gone away. When I practiced law, when I first got here, when I first became Public Defender, we had an old gentleman named Jimmy Venable, who practiced law in DeKalb County. He had an office in downtown Decatur, charged 1950s fees—so he was cheap—

MODERATOR: Thirty seconds

Mr. Robinson takes his place on the panel.

MR. SCHNEIDER: OK. And he was a former Imperial Wizard of the Ku Klux Klan and still was a sort of an emeritus Klan member during the days he practiced law—an absolute racist, absolutely racist. But I remember he took over one case from me, and I remember Jimmy saying to me, “Well, I just don't think I'm going to be able to do much for that ‘N’ word.” Even the Klansmen, they had some sense that there was a justice system and that justice [inaudible] to everybody and that old Jimmy was going to try to do what he can for this fellow.

So the folks who went ahead of us were not personally monsters or evil people; they just grew up in a different time with different standards. And I think what we need to do is watch ourselves and try to imagine how the next generation is going to see us and some of the attitudes that we have.

MODERATOR: Thanks [inaudible]. That's great. Mr. Robinson, welcome.

MR. ROBINSON: It's good to be here. I'm sorry I'm late.

MODERATOR: No, no problem—we appreciate your being here. We've had the pleasure of listening to each of the three gentlemen here talk for about ten minutes about their recollections about what it was like trying to practice law in and around DeKalb County as they came into the profession. And we've got about another ten minutes here where we'd love to hear your thoughts and reminisces [sic] on those. And to tell you the truth the day has passed to hold back punches. The point tonight is to put it out there so that history is not through rose-tinted glasses, and we appreciate your being here. If you wouldn't mind, we'll give you the floor. If you'll talk into that microphone, it'll make everybody feel a lot more able to hear you.

MR. ROBINSON: You know, I've been trying to think back on those days and trying to remember some instances, and I don't know—maybe I'm older than the rest of these guys—and my memories are kind of dim. But I do recall the context within which I came to DeKalb County and started a practice. [*Points to an audience member.*] Sampson Oliver and I—and there was another guy, another black lawyer who, as I recall, were the first three who started a practice in DeKalb County. And in that context, again, the black community was anywhere between 7 and 11 percent of DeKalb County. Most of the black community was in the Atlanta-DeKalb area or inside of [Interstate] 285. And it was—just being in Atlanta was amazing to me.

I recall going in a subdivision, for example, and looking at these nice subdivisions and saying, "Wow, this is really nice." I'm out of New York City, my home, so this really looked good to me when I first got here. And then maybe two weeks later going in the same subdivision and for-sale signs are just all over the place. Communities were changing [*Snaps his fingers*] just like that. The white flight was in full bloom, and I think what was going on—and looking back on it, it got a little bit clearer—was that we were seeing the emergence of the black middle class in DeKalb County. And that was a kind of new phenomenon that hadn't been experienced in too many places in this country. When I was a kid, there was no such thing as a black

middle class; there was a black bourgeoisie, and that implies a more elite group. And as I recall, there were so few of them that they had to have national organizations for blacks to get together of like kind and have a good time. So there wasn't—and the thought of the black middle class was just something new. And some of the things that I recall experiencing in DeKalb County that might not be related so much to the legal profession but just to kind of everyday living in DeKalb County was that the neighborhoods were changing very quickly, and as a result of the kind of changes that were taking place, business was moving out. The old 1960s kind of shopping center that used to be thriving in certain neighborhoods—I lived in the Gresham Park area; and as the black community moved in, the businesses started drying up. And trying to get a handle on that and understand exactly what was taking place, I was involved with a couple of community groups; and we had a study done by some Georgia Tech students. And much to our surprise we found that the blacks moving in had almost twice as much expendable income as the whites moving out. So there couldn't really be an economic basis for the decisions that were being made by the K-Marts and the corporations. As a matter of fact, even back then in the early '70s, the South DeKalb Mall was in trouble. And one of the things that we looked at—Rich's was talking about leaving, and Sears was talking about leaving—and when we looked at that, we saw that even in the South DeKalb Mall a number of the chain operations—the chain stores that were in the South DeKalb Mall—were leaders in the metropolitan area for their chains. And yet the mall was dying.

So there was racism, I think, that was more associated with the concept of what it meant to do business or live in a black community than it was associated with the reality of what was taking place in DeKalb County. DeKalb County didn't deteriorate—some of those neighborhoods didn't deteriorate. They are nice neighborhoods even today. And we did see the continuation of the development of the African-American middle class in DeKalb County, which—today DeKalb County I think has the fastest-growing, second-most affluent African-American community in the country. We didn't quite have the advantage of looking back—looking back on it then, and I really didn't quite understand it back then; but I see it a little clearly now.

From the standpoint of being a lawyer and being black and—you know, it was different for me. But I personally didn't experience a lot of negative things. I see Judge Seeliger here; and, you know, he's very much a part of the history of what happened in

the courthouse. But my first experience in a DeKalb County courthouse was in the courtroom of Judge Oscar Mitchell. And the only thing I knew about Judge Oscar Mitchell was that he had been the lawyer [judge?] that had put Martin Luther King in jail. So the first time I—and, you know—and [*to fellow panel members*] all you guys remember him—the first time I walked in his courtroom, it was like, “Oh, shit!” [*Audience and panel members laugh.*] “This is the guy that put Martin Luther King in jail.” But—I don’t know where I got it from, but somebody had advised me that what you do when you’re a new lawyer is you get to know people; you introduce yourself. [*Turns to Mr. Wilson.*] What was his Solicitor’s name?

MR. WILSON, *to Mr. Robinson*: John Thompson—no, Ed Mumford [spelling?]. [*Brief off-camera discussion ensues.*]

MR. WILSON: He [Thompson] was assistant [inaudible]

MR. ROBINSON: Assistant, right, right. So I introduced myself to Ed Mumford [spelling?] and indicated to him that this was not only my first time in Judge Mitchell’s courtroom but my first time in a courtroom in the state of Georgia. And Ed proceeded—me--to take me to the back room [*laughs*]. That’s an inside joke. He proceeded to take me back to the judge’s chambers and introduce me to Judge Oscar Mitchell. And from that point on—I mean, I just had no problems. I was treated very respectfully and very fairly, and I personally really can’t point to very many instances in DeKalb County that—where I thought I experienced any kind of racism. I—from a political standpoint I think DeKalb County handled the transition that was taking place very well over the years, probably better than a lot of communities. And, you know, I think that attributes to where we are today in DeKalb County. Things are going fairly well for the county. We’ve had a fairly smooth transition. People like Mike Hancock and Winston Bethel have worked their way up the system and are doing well and well-respected.

VOICE OFF-CAMERA (either panel member or moderator): For the most part.

MR. ROBINSON: That’s my story, and I’m sticking to it. Yeah.

MODERATOR: Thank you. Let me check with the videographer. [*To videographer*] Do we have time on the video for about five minutes of— [*To audience*] Any questions? First from the audience. The panel’s got a chance to chat. We’ve got a microphone, so it’ll be on the record when you give your question; or I can repeat it.

You can do what you want. You can line up here and give it yourself; or you can tell it to me, and I'll repeat it into the mike.

AUDIENCE MEMBER, *off-camera*: You can repeat this question for us, but some of us are not familiar with Mr. Robinson—some of us in the back. Could you introduce him to us?

MODERATOR: I'll let him do it himself. Can you tell us where'd you come from and your practice, when you started practicing?

MR. ROBINSON: I'm originally from New York City, as I indicated; and I came to Atlanta to go to school. I went to Clark College between '61 and '65, and then I went to law school in New York. And once I finished up law school, I came back here in October of '73 and was admitted to the bar in—I think it was January—either January or December ['73?] of '74. I was in that—I think the group that I was admitted with in '74—there were about twenty-one, twenty-two blacks in that group. And that had been the largest group, as I understand it, of blacks admitted prior to that point. I think the year before or two years before—when was that, Sampson?—and Marvin [Arrington] had filed a lawsuit. [*Sampson Oliver answers from audience, off-camera; comments inaudible.*] Again, a lawsuit had been filed against the Bar Association, and the black lawyers taking—applicants taking the test [bar exam?] had been red-lined. And once that lawsuit—it kind of opened up; and, again, my group in '74—[*points to Sampson Oliver, who is seated in the audience, off-camera*] Sampson was in that group also—was one of the largest groups to have been admitted at that point. It was my understanding that, up to that point, there were fewer than a hundred black attorneys in the state of Georgia. [*Brief, inaudible, exchange between Mr. Robinson and Sampson Oliver.*]

So we all knew each other; and we were--if we didn't know each other, we were all familiar with each other. And it's not that way now [inaudible], obviously it's not that way. But my practice over the—oh, I guess, the last twenty years, to a great extent, I have been managing a law firm over that period of time; so I stayed in quite a bit. In the last three or four years I've gotten back out, and that's why many of you haven't seen me around in a long time.

MODERATOR: I have a question. You came in, Mr. Robinson, around '73?

MR. ROBINSON: '74

MODERATOR: '74. How long before you met Mr. Wilson and Mr. Schneider?

MR. ROBINSON: They were, you know, kind of fixtures at the—Bob [Wilson] was the—*[To Mr. Wilson]* You were the Public Defender then—

MR. WILSON *[off-microphone]*: I was Assistant D.A. [inaudible]. I think that Pat and I were Assistant D.A. I remember [inaudible] your abilities [inaudible] good job. [Inaudible]

MR. ROBINSON: Yeah, it was early in the game. It was early in the game. Neither one of us had gray hair at that time.

MR. WILSON, *laughing*: No [Rest of comments inaudible]

MR. SCHNEIDER: Yeah, I came in '78 as an Assistant P.D. [public defender].

MODERATOR: Any other questions? All right, I want to thank the panel, and I want to take just a five-minute break to set up for the next panel, if that's OK. Excuse me. Thank you very much.

Audience applause

END OF RECORDING

DECATUR BAR ASSOCIATION
“MINORITY BAR IN THE COURTHOUSE”
Oral History Recorded March 24, 2005

PANEL PRESENTATION NO. 2
ATTORNEY SAMPSON OLIVER
ATTORNEY DONALD COLEMAN
ATTORNEY WAYMON SIMS
TOM STOKES, Moderator

MODERATOR: Our next panel is comprised of [sic] Sampson Oliver, Don Coleman, and Waymon Sims, all of whom have long-time experience here in DeKalb County practicing before this bench as well as around metro Atlanta and are friends, I know, to many of you. I hope you enjoy their talks, [*to the panelists*] and please go right ahead.

SAMPSON OLIVER: I'm Sampson Oliver. I've been here in Georgia since November of 1963. That's when I got out of the Air Force and came here to study law-- at least, that was my intent. The problem is is when I got here, I discovered that it wasn't so simple. First of all I discovered that you [black people] couldn't go to law school here, though you could take the bar exam. But you had to go somewhere else to get your [law] degree and then come into Georgia and take the bar [exam]. And that was a little strange to me, because I had not experienced a whole lot of discrimination where I was from.

Miami, Florida, is where I came from; and I have to give you my perspective so you can see, you know, where it is I'm coming from and what it is I witnessed in relationship to who I am. I was born in a closed community, a sort of "Liberty City" community. And it was bordered—it was bordered by the Jews on this side and the whites over here. There were no Cubans like it is now. But the only—and I went to—schools were all black, I went to all-black—the teachers were all black. I just had a complete black experience. The only time I had a different experience was when I came out of the community and went to a grocery store, and then I would see the "white" and "black" signs at the fountains and things like that. But I had no real experience except some experience in the military and some on the way [to] and back from the military on the bus. And so I wasn't really that familiar with the so-called "hard" discrimination. I really had not really had that.

But I came here, and I worked for SCLC [Southern Christian Leadership Conference]. I wanted to be a lawyer. I worked for Johnson & Jordan. I worked for Senator LeRoy Johnson as his clerk for three years and worked for—with his partner, J. L. Jordan. So I was in the legal community—I was in the legal community, say, from 1966 until now. I worked as a clerk. I could see a lot of things that a lot of people could not see. Black lawyers— [*Holds up hands*] I used to count all the black lawyers in the state of Georgia on these two hands and one more. I used to remember all their names, because that's what I did. I mean, you know, I wanted to be a lawyer; I wanted to be a part of everything. But Senator Johnson, we—he knew all the lawyers. He knew all the lawyers. We—Friday he would go to these meetings at the Y—the Butler Street Y[MCA]—on Friday, and they would discuss a lot of things. And there would be black lawyers. Wouldn't be that many, but they would be there.

We had a lawyer, a Colonel Walden—they called him Colonel Walden. He was the oldest black lawyer I know. He practiced before everybody, and he was around when I first started trying to be a lawyer. He used to—they would call him in the courthouse. They would not allow him in the courthouse, except for when his case was called. And they would call him up to the courthouse steps into the court. And then he would try his case, and then he would have to get out of the courthouse. He could not drink the water that was there. And I need to say this, and I don't mean to make anybody feel bad, but I just need to get this out so people understand this. I wish Colonel Walden was here, you know. He could probably tell you how it was. But I just want you to know about him. He could not drink the water that was placed there [on the counsel's table in the courtroom]. And he did something Senator Johnson and the others talked about in Hungry [Club] meeting, that Colonel Walden one day said, "Judge"—when the jury was setting in a case that he had, he said, "Judge, do you think I could have a drink of that cold water that's on that table right there?" And the judge could not refuse him that. But that was a—his way of trying to erase some of the discrimination that was occurring in the legal profession with, you know, with black lawyers.

We did not have that many black lawyers. Most of the black lawyers were concentrated on Auburn Avenue and Hunter Street. And as I said, you couldn't go to law school. But there was a law school that probably most people have no idea existed. You could not go to John Marshall, you could not go to any of the state-approved law schools, nor could you go to any of the American Bar-approved schools

like Emory and Mercer. Those schools were here, but you couldn't go to those schools if you were black. But there was one school, and it was called Matthews School of Law. It was on Auburn Avenue, and it was upstairs. [*To audience*] How many of you have heard of that? Any--? Yeah. Well, let me tell you, only two people out of that school passed the bar exam—who *went* to that school passed the bar exam. Louise Hornsby, y'all know who she is? She went there, and I went there. I went there for one year, and then a year lapsed, and then I went to John Marshall for two years. I took the bar [exam] and qualified for the bar—there was something else existing in Georgia that did not exist—well, does not exist now. You could study for the bar, you could work with a lawyer for two years, and that lawyer could certify you to take the bar exam. That is how I got certified to take the bar exam.

I think I took the bar exam in the late '60s. I took the bar exam with Maynard Jackson, Marvin Arrington—What was the girl who defended Wayne Williams?

OFF-CAMERA VOICE [possibly Paul Robinson?]: Mary Welcome

MR. OLIVER: Mary Welcome. [*To Paul Robinson in audience, off-camera*] Help me out, Paul. Jesse—there was a guy from Savannah, Jesse Hill, who had the death—electric chair—death penalty overturned.

OFF-CAMERA VOICE [possibly Paul Robinson?]: Bobby Hill

MR. OLIVER: Bobby Hill. DeKalb County—Fulton County Commissioner Emma Darnell. We all took the bar exam. And then we had a couple of people who went—one who went to Harvard and one who went to Columbia--one of the great schools, I can't remember—that took the bar, and nobody passed. [*Audience laughter*] Nobody passed. And that's when they start thinking about filing a lawsuit. Well, you know, my education wasn't that great. I mean, I studied in a law office for all this time, and had this one year of law school at Matthews School of Law; but I did not have the kind of education Paul Robinson had. He went to a formal law school at that school I'm sure was approved by the American Bar Association. So I didn't really participate in that [lawsuit]. But they filed that lawsuit, and then after that I think we had four people to pass, didn't we, Paul?

PAUL ROBINSON, *off-camera*: There were four blacks in DeKalb County.

MR. OLIVER: Four blacks in DeKalb County that passed. [*Mr. Robinson responds inaudibly off-camera.*] So that is how things start to evolve. My experience with judges out here were good—pretty good. I had no problem—never had a problem with

judges. Oscar Mitchell—I heard you talk about Oscar Mitchell. I never had a problem with him. In fact, Judge Mitchell used to tell us, “Do y’all smoke cigarettes? You smoke cigarettes, come on up here.” And everybody’d light up a cigarette in the courthouse—before they’d hang you now if you did something like that [*laughter*]. But only the lawyers could smoke, you know. And we’d smoke. I never had any problem with him. I think his problem—I think people who had a problem with him would go into his court and try to be smarter than him. And they’d try to outsmart him, and he didn’t like that. You know, he would—I’ve seen him undress [sic; dress down?] lawyers and run them out of the courthouse. I’ve seen—I’ve actually seen him make lawyers cry. But for me, I never had a problem with him. He used to refer teachers to me. And Ed Mumford—Ed Mumford was a Solicitor, and you could talk to Ed. He’d take you back, and you’d talk to him, and he’d try to help you as best he could help you, and he’d give you information, and give you-- So there were a lot of people around here in DeKalb County who would help you.

I’ve never had any problem with any judge. I’ve just had a problem with a few lawyers, you know. I had one bad experience, and I tell people this from time to time. [*Glances at his watch.*] I used to go out every now and then out in these little counties. And I went out to Thomaston—I just remember Thomaston, Georgia; and there was some other county—and when I went into the courtroom, I sat on the front row with the lawyers. I sat right there. And the lawyer next to me got up and disappeared. I didn’t think anything about that. I wasn’t thinking about, you know, nothing like that. So I just leaned over to close the gap—I didn’t want to leave this big gap between us—and so I just leaned over. Well, the next lawyer got up, and he disappeared. And then my mind started to click, and I said, “What is happening?” I slid over, and every one of those lawyers got up. It must have been about seven lawyers on that bench, [*Raises hand*] I swear to you. Every one of them got up; and when I got to the end, the judge looked at me, and he said, “How are you doing, Mr. Oliver?” The judge knew me. I don’t know who that judge was, but he was a circuit judge. He had apparently three counties he presided in. But he knew me. And he said, “How are you doing, Mr. Oliver?” I said, “Fine, Judge.” And I looked back, and the lawyers had taken seats back there. Well, I always thought lawyers were smart. Even coming up in the profession I thought lawyers were smart people and intelligent people. But that day [*audience laughter*], man, they were the—really a bunch of ignorant lawyers.

But most of the time I've practiced in the county I've had no bad experience. I haven't had any bad experience. Judge Seeliger, I consider him my friend. All the judges [*points*]. Bob, sitting in the back, is my friend. They're not just people I know. I mean, these people have helped me in my profession, and they have been good to me. And they have shown their respect for me, and I've shown my respect for them. So I've not had any problem with that. [*Glances at watch.*] I don't know— [*Looks toward moderator, off-camera.*] How long [inaudible]?

MODERATOR, *off-camera*: You've got about two more minutes.

MR. OLIVER: OK. Back in the day [*audience laughter*] there were no computers. Didn't have any computers, and I—a lot of you young people, probably hard to imagine how that could be. I had a partner—I had two partners, Mr. Bethel, and we had another guy whose name was Bob Rothstein, and we undertook to do VA [Veterans' Administration] closings with a typewriter. And back then [*Holds up thumb and forefinger spaced apart to show thickness of paperwork involved in closings.*] the papers were as volume—a volume as it is now, a whole lot of papers. And trying to do the closing—you're typing, and if you make a mistake, you could white it out. But, you know, a lot of times you didn't want that White-Out on your papers, so you retyped stuff over. And so that was pretty much a trauma. Everybody had that experience. But that's one of the things that we experienced back then that don't have to experience now; we can call up stuff on the computer. We can plagiarize all kinds of stuff [*audience laughter*]. I mean—and our kids, they do that. But I get to where I just can't do anything else but that—don't have time [inaudible] and stuff like that, but back then you couldn't. Couldn't do that. You couldn't do that—you just had to have that typewriter and a good typist.

[*Looks around at other panelists.*] I can talk all day, you know. I really can talk all day.

MODERATOR, *off-camera, to Mr. Oliver*: Will you tell us where your office was or has been?

MR. OLIVER: Yeah, I had an office—since I had worked with these lawyers, I knew what it was and how to practice law. I had a good idea about that, so I bought a house on Hooper Street at Glenwood and converted it. I also had some carpenter experience, and so I converted it to an office and made me a sign and painted it, you know. And I had a pretty good practice, made a pretty good living. I raised four kids,

two of which are in here today. [*Points to children in audience, off-camera.*] And out of those I raised two lawyers and a computer expert, and I have my daughter, who is in the medical field. But I made a pretty good living—I lived good, you know, I lived real good. This profession has been wonderful. A guy asked me one day, he said, “How is it you made money, and all them other lawyers, don’t look like they make money?” This was a guy who went to law school, couldn’t pass the bar exam for some reason. But he just looked at me, and he compared me to other lawyers. And he said—you know, and I just told him, “You know, I’m trying to make money. The other lawyers are trying to get famous, you know, trying to get famous” [*audience laughter*]. “They want to be on TV, you know.”

But I—and another thing, the policemen out here, I represented the policemen out here—don’t know if you knew that or not. Back then there could be no black deputy in the courthouse. You could not have a black deputy in the courtroom—it was not allowed. The policemen—the black policemen used to tell me that they couldn’t get backup in a lot of cases because they had all kinds of problems. They couldn’t be nothing but patrolmen. They couldn’t be in the Fugitive Squad, they couldn’t be an investigator, they couldn’t be none of that. Well, I filed that lawsuit on their behalf. They sold old clothes and all sorts of things to raise the money, and I made a contribution, too. And they filed that lawsuit and broke all of that up.

The ultimate result of that was that Ed Moody became the police chief. Ed Moody used to just be a patrolman, but all of those guys—I used to know all their names; I can’t remember all their names now, but all those guys used to be investigators—all those guys used to be patrolmen. Now they’re investigators, and they run the police department. They have a fair shot in the police department. That’s all good.

Look, I’m going to stop here. Let somebody else talk, because I could really talk.

MODERATOR, *off-camera*: Thank you. And if we’ll go on to Mr. Sims.

MR. SIMS: My name is Wayman Sims, and please excuse me, my voice. I’ve had a cold this week. But one thing I’d like for some of y’all to know is that I’m Sims, and this [*Points to Mr. Sampson.*] is Sampson. Many times I would go into the court, [*audience laughter*] and some of the judges and some of the District Attorneys were not accustomed to seeing many black attorneys. I was always “Sampson Oliver”

[*audience laughter*]. So I guess I reaped some of the benefits that Sampson—that you paid the rent for me, so I appreciate that, Sampson.

But I remember as a little boy as I grew up in Athens, Georgia, home of the famous University of Georgia—there may be some of you Dogs in here who have enjoyed the fight and struggle of civil rights ages. I want to tell you that, growing up in Athens, I was not allowed on the campus. I was not allowed to attend a Georgia football game inside the stadium. I had a special seat that was reserved for all of the black youth in Athens. And those of you who may be familiar with the campus, there's a railroad trestle that goes right beside Sanford Stadium. Well, that was our fifty-yard-line seat, the trestle. And, as the train would come by, you would see all these young black boys running off of the trestle. And we would go back as it would pass. I also remember as I played football there at the high school that Coach Wally Butts [then head football coach at the University of Georgia] would call my football coach and would say—of course, we had no budget; we had no money in the budget for athletic equipment at the Athens High and Industrial School—he would call my coach, and he would say, “We're going to throw away two piles of old equipment today. And we were going through here, and there's some good and there's some bad. The good equipment is going to be over here by the fence, and we're going to go for lunch at twelve o'clock. And if you happen to show up here between twelve and one, and when we get back, that equipment is gone, we won't report it having been stolen.” So that's how we made it with our shoulder pads and towels and such things and played sports at Athens High and Industrial School.

During that time I had the pleasure of competing with Hamilton Holmes, which y'all already know of, the first black to integrate the University of Georgia. I competed with Marvin Arrington, successful politician and attorney in the city of Atlanta. And during the time that Hamilton was attempting to integrate the University of Georgia, in that we knew each other, he stayed, I believe, that second night in Athens at my grandmother's home. And, of course, you know he wasn't allowed to have residency there on campus. We were not allowed to sell Coca-Colas at the University of Georgia. And since the advent of Herschel Walker, I'd understand that things have really changed [*audience laughter*]. As a matter of fact--and I'm going to tease David because I don't skate. Well, I never had a paved road in my neighborhood until Herschel Walker came to Athens, so we always played football, baseball, and the guys

on the west side of town had cement; so they were able to skate. To date, I cannot skate.

You know, my father was in the rackets, and he was a bootlegger. And he worked on the garbage—he was on the garbage detail. And we were always asking, you know, “Why if you’re making money as a bootlegger, why would you be working on the garbage—garbage detail?” And he looked at me, and he said, “Can you think of any other mode of transportation that goes to every house in the city of Athens?” [*Mr. Sims and audience laugh.*] So he would actually load up his garbage truck with his alcohol, and he would drop it off in people’s garbage cans. But he told me—he sat down with me, and he told me two things, [inaudible] to do what he had to do in order to raise his family and take care of his parents. He had a [inaudible—could be “second-grade education” or “seventh-grade education”]. So I knew from that point in time that I had to do something else other than follow in his footsteps.

And fortunately, in my senior year, I was on the basketball team; and there was a scout from Morris Brown College here in Atlanta. I hope y’all have heard of it. He was there, and he saw me on the basketball court. And he called the coach at Morris Brown College and said, “There’s a kid here that you probably need to recruit. He’s playing basketball.” And the coach said, “Well, I don’t want no basketball players, because I don’t want any problems with the basketball coach here.” And the recruiter said to him, “Well, coach, I have to tell you, he can’t play a lick of basketball. But he sure is running over [inaudible] people” [*audience laughter*]. I was a hatchet man. If there was a guy who would score a lot of points, the coach would put me on. My assignment was to beat him up. But I got the scholarship and came to Atlanta, and the coach told me that once I saw the bright lights--[*Aside to panel members*] and some of y’all might have heard this before--and the big city that I would never return to the country again. And true to his word, I remained in Atlanta, except for all the times I’ve spent in the military.

And the military was a significant change in my life, a very significant change in my life. That’s when I first had the opportunity to really relate with a white person. And I am telling you that I made one of the best friends—and he’s a Caucasian, and he was really from Mississippi—you’re talking about a redneck—he was a redneck. But we became very good friends. And I came out of the service in 1968, and he and I still communicate today.

But I attended law school on the GI Bill of Rights. I don't know how many of y'all remember that. But at the time that you went into the service, you were given credit for so many months, and you were paid x amount of dollars per month; and that's how I paid my way through law school. While I was successful in passing in the bar, I had a very strange experience. The day that I was sworn in, I had a couple of classmates who had friends who had been arrested on a rape charge. And I had never been to a lawyer's office other than Sampson's. [*Turns to Sampson Oliver, on his right. To Mr. Oliver:*] Remember, I used to visit you quite a bit? I had been in his office, but he wouldn't show me anything [*audience laughter*]. [*Laughs*] I didn't know nothing.

But I had—there were six kids involved in a gang rape, and five of those guys knew me. And they called me and wanted me to be their attorney. And I indicated to them that I knew nothing about the practice of law at that time. I really didn't want to take the case, but they insisted. Their thing was that, "Well, we're going to go to prison here. We would like to have somebody we know to help send us" [*audience laughter*]. And there was one gentleman there who was of age—he was probably forty-five years old. He went to Clayton County, and he hired an attorney by the name of Phil Rupert. [*To off-camera audience member*] Judge, I think you would know Phil. He hired Phil Rupert, and Phil took this gentleman on. And as we went to the courts that night for the preliminary hearing, I pulled Phil over to the corner, and I said, "Look, Attorney Rupert, I just passed the bar—as a matter of fact, I was just sworn in yesterday. Would you please assist me with my five defendants over here?"

And he looked at them, and he said, "What are you willing--how are you willing to compensate me?"

And I said, "I'll take whatever my fee is, and I'll just put it in a pot. We'll just split in two ways."

So he asked me, "What are you charging these guys?"

And I told him, "Forty-five hundred dollars."

And he said, "My God, how long have you been practicing?" I told him. And he said, "Well, you're charging two thousand dollars more than I am [inaudible]" [*audience laughter*]. As you know, we never collected the fee, but we put what I had in there.

And this case worked out so well because I had a classmate that worked in the Probation Office at Fulton County, and he sort of helped us along with it. We got a

very good decision out of it, a real good plea out of it, where these kids' reputations were not destroyed.

MODERATOR, *off-camera*: Two minutes

MR. SIMS looks up *questioningly toward the Moderator*.

MODERATOR, *off-camera*: Two minutes

MR. SIMS: Anyway, Phil carried me down to Clayton County. If you think DeKalb was bad [*audience laughter*]*—I was in Clayton County, and Phil would send me to the jail, and I had to actually remove my coat, remove my shoes, and basically do everything other than strip-search me when I went into the jail there to visit one of the clients. Now, after about six months I finally told the jailer that, “Look, you know, I know I’m black, but I’ve got a Bar card, and that’s not going to go away.” And from that point they began to accept me there in Clayton County to the point where I was invited to join the Bar Association there; I joined the Bar Association. My wife and I attended the Christmas dance. And my wife and I started to dance, and no one came to the dance floor. And we had the floor to ourselves. After about three or four dances, Phil and his wife came up. Phil took my wife, and he gave me his wife. We danced, but we had the floor—just the four of us—we had the floor.*

I couldn't get any of my clients to come to Clayton County because my connections—the people I knew here in Atlanta and the DeKalb area—so I moved after a year and a half of practice with Phil. And the first case that I had in DeKalb County—I won't call the judge's name—but you all have heard mention of a gentleman by the name of Jimmy Venable. Mr. Venable was an attorney in the courtroom that day, and I had a DUI [client]. And as you know, you never believe your client. He [Mr. Sims's client] told me that he had never had a DUI before as I went up to get a nolo [contendere] plea. And this judge looked at his record [*Mr. Sims holds out his arm.*]*—it was about this long [audience laughter]. And he said to me, “Do you ever look at your client's criminal history? Did you interview your client?”*

I said, “Well, yes, I did all that. That's what he told me.”

The judge said, “Well, I can't give him a nolo plea.”

And so I turned around and said, “Well, you know, with that, Judge, I'd like to have a jury trial.”

And the judge stood up, and he said to me, “You're going to get your jury trial, son, but you're going to live to regret it.”

And Mr. Venable, he stood up and he went up to the judge's bench, and he whispered something to him, and he came back, and he told me that, "When this session is over, I want you to come back to the judge's chambers with me."

And when it was over, the three of us went back there. And he [Mr. Venable] literally told this judge that I was an attorney who was due the respect of an attorney and that he owed me an apology. And I was sitting there just shaking, because I didn't know what to do—I didn't know Mr. Venable at the time. Several months passed—and, by the way, the judge did apologize, and he gave me my jury trial, and it worked out very well. About six months later I was sitting on the sofa, and I saw this cross being burned at Stone Mountain [*audience laughter*]. And there was this gentleman there with a hat [KKK hood] and had the robe and everything on. And I looked at that, and I told my wife, "Come here, baby, come here." She came in, and I said, "That's the gentleman that got on the judge for me when I first started practicing [inaudible], Mr. Venable." And I saw him later on, and he would always come over to me; and so one day I took up the nerve and said, "Well, Mr. Venable, why do you treat me differently than you do most blacks? I know you're a member of the Klan." And he actually said to me [that] I didn't smell like the other Ns [*Mr. Sims and audience laugh*]. But he was really a gentleman. And you know, it was his philosophy; but he was a gentleman. [*Looks back toward Moderator*]. And I don't know what time—

MODERATOR: You've got about thirty seconds.

MR. SIMS: I'll say something really quick. The first DUI case, this same gentleman, he came over, and he gave me a nice speech about how I handled it, and he came back two days later, and he asked me, "Do you know Mitch?"

And I sat down and thought about it. "No, I don't think I do."

He said, "Well, give me my money back [*laughs*]. If you don't know Osgood [sic—means Oscar?] Mitchell, you're not walking into the court with me." And that was my introduction to Judge Osgood [sic] Mitchell." But I came out to DeKalb, and I met him initially and found out that he was really in love with Marvin Arrington. And I went back into his chambers, and I told him that Marvin and I were adversaries on the football fields and that we were good friends and that he and I had a good relationship from then on. There's one other thing that I'm going to say [inaudible].

There's some misconceptions, I think, about the minority bar in DeKalb County. But thanks to two people in here today, we have a tremendous minority bar here. And

that would be Judge Hancock. He came over to myself and James West and talked—I think [inaudible] about it. The two of us started to meet, and we couldn't get anyone else to come to the meetings. And one day, we were about to give up, and John Evans, who's sitting here today, he came over to us, and he said, "If you're going to wait for the masses to attend your meetings, you'll never get a bar association." And he told us to go ahead, the two of us, and to start having meetings and to let everybody know that we were meeting and where we were meeting. [*To John Evans, in audience, off-camera*] And John, it was thanks to you and your foresight, you see where the minority bar has grown today. And I have [inaudible], and I have a most enjoyable practice here. And I've met one of the better—I would say a couple of them. I see Mr. [Bob] Wilson back there. He sort of took me under his wings a little bit, see. And Judge Seeliger there is a really good friend of mine, and I really appreciate your friendship, Judge Seeliger. *Turns to Moderator to signal finish.* Thank you.

MODERATOR, *off-camera*: Thank you. OK, no kissing the butts of judges allowed any further [*audience laughter*]. [*To Mr. Coleman*] Want to go ahead?

MR. COLEMAN: OK, I'm Don Coleman. I'm [*brief skip in recording*] of the work of pioneers that preceded me—Sampson Oliver and LeRoy Johnson, Marvin Arrington, Paul Robinson. It was a little easier, in a sense—the sort of prejudice that I might have received was subtle as opposed to being overt. You had to—when you went to file pleadings—you had to repeatedly identify yourself as a lawyer. Or when you went to the judge's chamber, you had to make it clear that you were a lawyer. As the years went by, and more black attorneys came to DeKalb, it became easier. Also it was—as the bench changed, it was tremendously improved. I can remember the year that Chuck Seeliger was elected, and he vowed to remove the symbol of the Confederacy out of the courtroom. And I think that was a symbolic and pivotal move. And I—we had judges that [inaudible] Robert Castellani, Mike Hancock, Keegan Federal—they changed bench, and that trickled down to the court system as a whole. Most of my practice—more than twenty-six years of practice—have been a good experience. And I owe a lot to what my colleagues did and what Chuck and his colleagues did.

When I came [to DeKalb County], it was one of the most oddest things to see James Venable in the courthouse, and the majority of his clients were black. That to me was just totally unnatural, but at that time DeKalb was going through a change for

the better. And as Mr. Wilson says, there's more change to come. That's about it. I appreciate having my fifteen minutes of fame here. [*He and audience laugh.*]

MODERATOR: [*Inaudible*] Any questions from the audience? Again, if you want to come up to the microphone, we can have it so that the folks can hear. Or I'll be happy to repeat it from anybody. [*Acknowledging question from audience, off-camera*] Yes sir, Mr. Thomas?

Mr. Thomas makes his way to the microphone. MR. THOMAS: I would like to ask—

MODERATOR: If you would identify yourself. [*To audience*] This is Nesby Thomas.

MR. THOMAS: I'm Nesby Thomas. [*Mr. Thomas was bailiff to Judge Clarence Seeliger when Seeliger banned the Confederate flag from his courtroom.*]

MODERATOR, *whispering*: Thank you

MR. THOMAS: I would like to ask Attorney Oliver: Do you recall the year that you and the black policemen had to file the lawsuit against DeKalb County?

MR. OLIVER: Yes, I represented the black policemen and the sheriff's department.

MR. THOMAS: And what year was that?

MR. OLIVER: You know, that's a very good question, because my mind is hazy about that. I just—

MR. THOMAS: Well, just take a guess within a couple of years, maybe. It was somewhere around sixty—

MR. OLIVER: No, it wasn't sixty—it was in the—

VOICE FROM AUDIENCE, *off-camera*: Seventies

MR. OLIVER: Seventies [*To audience member, off-camera*] [*Name inaudible; sounds like "Kieran"?*], you think? [*Responding to inaudible voice from audience*] That doesn't sound right. About seventy—about seventy-nine, I believe.

UNKNOWN VOICE [*either Mr. Thomas or Moderator*]: Was it that late?

MR. OLIVER: I think it might have been.

VOICE FROM AUDIENCE, *off-camera*: It was around about that time, I believe.

MR. OLIVER: Yeah, I think that's right.

MODERATOR: I have a question. Those of you who set up practice, did you ever think about trying to set up practice on the north side of the county?

MR. OLIVER: Well, for me, I had been in Fulton County. I had worked with these lawyers all these years, and so I pretty much—I bought a home out here in DeKalb County. And so there was nowhere else for me to be. But I never considered going anywhere. I just opened an office and just started to practice law. And so I never considered it.

MODERATOR: Other questions?

[Inaudible question from audience]

MODERATOR: If you'll let me repeat the question—did the audio pick that up? That was Tammy Long, and her question was when you came out to practice, did you ever think about joining forces with each other and forming a minority firm of some sort, given the few in number of folks that you saw?

MR. OLIVER: I'm going to try to answer that. Certainly we thought about that. But we were not—we were not strong—we didn't think we were strong enough in our individual right. We didn't have—we didn't have what we thought we needed to form a law firm such as the kind of law firms that were downtown, where a firm would have two or three hundred lawyers in them. And then the question of who's going to employ you? I mean, how are you going to get the kind of clients who'll pay the kind of money that those lawyers make downtown? I mean, all those things came into play. I know exactly what you're saying, and that used to be a big question: Now, why can't we just get together and have a law firm? You know, we used to ask the questions all the time, but we just never had anybody who would really believe—lead—take leadership in that.

I think there was a couple of law firms that were formed and that exist today. But never, ever did we have any big law firms. And it was hard to get a partnership in those law firms. In fact, they would give you a job, as I understand. A few people got jobs in those big law firms, but they could never get to be a partner. And all that started to change about the time everything else started to change for black lawyers. So there's always—when we came to DeKalb County, there was a lawyer out here, Paul-- we were talking about this the other day. I can't remember his name. He was on the corner of Glenwood and Candler Road. He was—I could walk to his office. I know he had gone to Harvard or some big law school, and also I knew that he worked—had worked for a big law firm downtown. And I don't know whether he quit or just moved out and was on his own. But he never started anything, I mean, you know, he never

started anything, but he was never made a partner at that big law firm. [*Responding to comment from audience, off-camera*] Go ahead.

AUDIENCE MEMBER, *off-camera*: Sampson might not recall this, but Sampson and myself and a third party, we did have a number of discussions about kind of related to trying to put together a law firm. But somehow we were never able to put that quite together. My ambition as an attorney had always been to try to put a law firm together, and I did have some success with that for a number of years. But in the end it was very different, though, and I began to understand the power of a law firm. A law firm—a real, functioning law firm—is a very powerful entity. And certainly we as black attorneys and as black people in Atlanta we at that time [inaudible] economic power [inaudible] deals that were put together around the tables of law firms. But I also began to understand and I think that that many of the law firms today exist because they were either politically hooked up and got political business that sustained them for a period of time until they could get on their feet economically, or they were able to develop relationships with large businesses. If you—looking at the history of most of the large firms, you will see that kind of juxtaposition [*Camera moves into audience to show speaker.*] between a business relationship and a law firm, and the business grows—the law firm grows then as the business grows; or a political relationship and a law firm, and as the political movement [inaudible], the law firm grows. It's really hard to put a law firm together and to hold a law firm together without those kind of anchors. And I think that's what many of us have experienced. Certainly you can make a living as a lawyer and make a decent living, as Sampson has indicated, but we haven't quite been able to develop those kind of long-standing relationships with businesses and the political entities to sustain law firms [inaudible]. That's one of my frustrations that we have—that I have personally [inaudible] black lawyers have not done nearly as well as perhaps I think we should have. Hopefully that will begin to change in DeKalb County, and we will be able to get some of the growing number of business [inaudible] able to provide so that we can develop [inaudible].

MODERATOR: All right. I've got a question I want to follow up on. [*Camera moves back to podium.*] One of the folks that we've spoken with about being here when we were early on thinking of doing this can't be here anymore. That's Mr. [Donald] Hollowell. Do you have any recollections of his work? I know other speakers are going to touch on that. I'll tell you one of the things I wonder about—how he

made money. I mean, I read all the stuff he's doing and thinking, "I don't get any money for that kind of work." And how he survived. If you know or if you just have crossed—

Both Mr. Oliver and Mr. Coleman start to speak at the same time and defer to each other.

MR. OLIVER, *to Mr. Coleman*: Did you know him?

MR. COLEMAN: Well, he was a legend to me.

MR. OLIVER: He probably was a legend to most people here. Hollowell--and incidentally, he is on my certificate, my United States Supreme Court certificate—he was our civil rights lawyer. He was paramount. He brought a lot of famous lawsuits on behalf of black people, and he was supported— [*To audience member John Evans, off-camera*] John, was he supported by the NAACP, was financing him? [*Inaudible response from Mr. Evans, off-camera*] Right, NAACP. But he was very powerful—he was a very powerful lawyer. And there was another one—and I want to talk about him. I believe he left and went to California. [*To Mr. Evans, off-camera*] You know who I'm talking about?

MR. EVANS, *off-camera, from audience*: Yeah—Howard [*Pauses to remember last name.*]

MR. OLIVER: Moore.

MR. EVANS, *off-camera, from audience*: Yeah

MR. OLIVER: But Hollowell was prominent. And he moved in with Marvin Arrington, or Marvin Arrington moved in with him. But that was way down the road—I mean-- [*To Mr. Evans, off-camera*] John, you started to open your mouth. Go ahead and open it. You started to say something?

MR. EVANS, *off-camera, from audience*: No

MR. OLIVER: OK. John Evans—everybody knows who he is. He's a NAACP past president, and John has been involved in a lot of things. [*Inaudible*] go way back—he's way back there. He's almost as far back as Colonel Walden I was talking about, who's had to stand on the courthouse steps. I don't know where he went to school, but his education was very fine, very good.

MR. EVANS, *off-camera, from audience*: I think he went to college [*inaudible*],

but he went to undergraduate at Lane. At Lane he was All-American football player [inaudible], and then he went to law school, I want to say, in Ohio someplace [inaudible].

MR. OLIVER: Well, Howard Moore or Judge Ward—

MR. SIMS, *to Mr. Oliver*: Horace Ward?

MR. OLIVER: Yeah, Horace Ward and who else? I know those three and about—we were talking about law firms—there was about five or six of them in a law firm out there on Auburn Avenue. Leroy Johnson was down about a block from there, but they were in a law firm right there on Auburn Avenue—I'm trying to—

MR. EVANS, *off-camera, from audience*: [Inaudible] Bill Alexander [inaudible]

MR. OLIVER: Yeah, Alexander was there. He was there, too. And there was another guy—Ben—who was it, Ben's last name? Went to Congress. [*Inaudible response from Mr. Evans, off-camera*] But Ben never passed the bar exam, but he was there in that firm. He was in that firm. I don't know if he was in there as a clerk or what, but—must have been five, six, or seven of them—I can't remember.

MODERATOR: Didn't you have Vernon Jordan in there for a brief period?

MR. OLIVER: Vernon Jordan?

MODERATOR: He was there from about '61?

MR. OLIVER: Well, yeah, Vernon goes way back. Maynard and—somebody told me, and I don't know whether this is true, that Vernon couldn't pass the bar exam in Georgia—

MODERATOR: So he went to Arkansas—I think Arkansas is where—didn't he end up taking it in Arkansas?

MR. OLIVER: Arkansas or Mississippi, one or the other. I can't remember. But he was a very smart person, too. But he was all in that group. That network was—the lawyers were very tight—everybody knew everybody down on Auburn Avenue. There was an Elizabeth—somebody told me she taught at Emory University. She was right on the corner of Ashby Street and Hunter Street up in that building up in there.

There was also--[*to Moderator*] and I don't mean to run off [inaudible], but we need to know about some of these people. There was a Mr. Hawkins. He was an Attorney Hawkins. He was a mailman. He told me an interesting story, and I've got to say this. At the time you couldn't go to law school in Georgia, Mr. Hawkins went to John Marshall Law School. And he told us this story. He was a very light-skinned

person. You know, he was very fair-skinned, and he— And they told him, he said, “You can come in the back door, and you sit in the classroom, but don’t you say nothing. And when the class is over, you get up and leave. You know, don’t question or challenge anybody.” He could pass for white, and that’s how he got his education—I mean, his law degree. He took the bar exam, and he passed. And he was right there on Auburn Avenue. He wasn’t in there with Horace Ward and [Howard] Moore and those others, but he was—he had an office right there. And I was trying to think of that lady’s—Elizabeth something—she taught at Emory.

[*To Moderator*] Let me mention—I wanted to mention these two. On Auburn Avenue they were all piled up around Butler Street YMCA. There was a Judge Herndon. Anybody—

VOICE FROM THE AUDIENCE, *off-camera*: Who?

MR. OLIVER: Herndon. Judge Herndon, she read law. Finally got to be a municipal judge over in the city of Atlanta. And she stayed—held that position until the day she died. William Matthews—anybody ever heard of him? He was a Matthews School of Law guy. He also later got a magistrate position. There was an attorney, Dee Anthony, and then there was an Attorney Smith, and they did real estate, most of them. [*To John Evans in audience, off-camera*] John, you remember any of them? You know any of them? I used to know them all, and I could just say who they were. And these people, a lot of them read the law and became lawyers that way. Our Chief Supreme Court Justice--Duckworth, I believe his name was—he read the law; and he went all the way up to the Supreme Court of Georgia, Chief Justice. There were a lot of people who read law back in those days and a lot of black lawyers who did it because they couldn’t do anything else but that. So let me back off a minute.

MODERATOR: One more minute, and we’re about ready to—

VOICE FROM THE AUDIENCE, *off-camera*: I have a quick question.

MODERATOR: Quick question right here. Just come on up to the microphone.

MARCUS OLIVER: I’ll try to make it quick at least. I’m Attorney Marcus Oliver— [*pointing to Samson Oliver on panel*] he’s my father, obviously—and many of these stories I’ve heard over my lifetime. I’m glad that you’re all here today to have him share those with you. I kind of wanted to tie together some themes that have been going on throughout this discussion and in the earlier panel, and some of the speakers were talking about the hierarchy of power between white attorneys and black attorneys

that existed back in the '60s. And from what I know that same mentality has trickled down to the public and the average customer for an attorney, should I say, or client for an attorney. And my father has often told me that there have been transitions throughout the law and in his practice where black attorneys [sic—clients?] have been reluctant to patronize black attorneys. And I'm wondering, are we still in that phase now? Has the transition taken place where they have gained greater confidence in black attorneys? Is that still an ongoing transition, or are we on a different side now, now that the demographics in DeKalb County have changed a bit? [*Laughs*] Is that a loaded question? [*Off-camera, panel members laugh.*]

SAMPSON OLIVER: Let me--you're creating—here [inaudible]—this story.

MARCUS OLIVER, *off-camera, yielding the floor to his father*: OK.

SAMPSON OLIVER: I had—at my office I had some people to come in my office right at the beginning of my practice. A black guy came in the door; his wife sat out in the car. He came in, and he said to my secretary, “Is the lawyer here white or black?” That's the question he asked. And she said, “He's black.” And he turned around, went out the door and got in his car and turned the corner, headed downtown. That's pretty much what he's talking about. A lot of black people didn't trust black lawyers. They didn't think black lawyers were quite as good as white lawyers until Johnny Cochran came along, so to speak. But I think black people are changing now—have changed—in fact, because they have sons and daughters who are lawyers now, and they know people who have sons and daughters who are lawyers now. And they know that black lawyers can be very powerful in terms of representing them—representing their cause. They know that, but back then that class of black folk back—way back then, they just felt like that. And there are still some people who feel like that now. [*Acknowledging question from audience*] Go ahead.

VOICE FROM THE AUDIENCE, *off-camera*: I just wanted to add that I've had somebody express to me that not everything was a matter of confidence in a black lawyer, but they felt that black lawyers did not have access to the judges and to the people who were in a position of power that would give them an advantage they thought they needed for court cases. The person said, “Well, you know, it's not that I wouldn't choose a black lawyer.” And this was a black person. “It's just that I think a white lawyer would know the judge, they would know the clerk, they would know people who would get it done.”

MR. OLIVER: Yeah, I agree—but now we see a lot of—I’m sorry; go ahead.

MR. COLEMAN: I think DeKalb has outgrown that mode substantially. I came in about the time of the Good Old Boys Club, and the problem, you looked around, and there wasn’t any blacks in it. There is no—I don’t think there’s, from my experience now, I don’t think there’s any Good Old Boys Club. I think—your case—you win on the merits of your cases. And also I think that, as far as—I work for Atlanta Legal Aid, so my clients aren’t paying clients, but a lot of times I go up against opposing attorneys where they—their clients are paying. And I think there’s been a transition. There’s more black attorneys on the other side, so that, I guess, stereotype is changing.

MODERATOR: This is a conversation that’s so overdue, it’s incredible. I could listen all day. I don’t have time, though. And I’m going to ask a favor of you, that if you’ll keep your seat, because we’ve run over, and so that we can get some people out who promised to be here if I could get them out in time. I’d appreciate it if you’d give a hand to the panelists, and— [*Audience applause*] and we will hear from those non-attorneys, including Mr. [John Evans], if you would come on up, Sally Daniel and Elizabeth Wilson, please. And we’ll be—

END OF RECORDING

DECATUR BAR ASSOCIATION
“MINORITY BAR IN THE COURTHOUSE”
Oral History Recorded March 24, 2005

PANEL PRESENTATION NO. 3
JOHN EVANS
ELIZABETH WILSON
SALLY DANIEL
TOM STOKES, Moderator

MODERATOR: The courtroom experience often seems to revolve around the judge and the attorneys. The fact of the matter is it's not for any of us. It's for the litigant. It's for the parties. And in regards to what we're talking about today we have brought three people who have incredible insights and interesting stories on those issues in their days as participants in the courts. And we are very, very fortunate to count today among our panelists John Evans, immediate past president of the NAACP for DeKalb County, and God knows what he has not had his finger in in this county; Elizabeth Wilson, one of the finest leaders to come out of Decatur, who is spending way too many of her hours trying to teach me how to figure things out in the city of Decatur, and she is just a phenomenal former mayor as well as a presence in the city; and Sally Daniel, who had the great misfortune to have lived in my neighborhood and had to see me growing up a good bit, as I was raised with her children, but whose husband has a unique role in my presence in Decatur, because it was his voice that got me to come to Decatur. And she has many stories to tell about her—from her husband's work also and I believe she was also--worked with the League of Women Voters. And without further ado we're going to start, if it's all right, with Ms. Daniel, who has a long trip to take after this and who postponed that trip just to be here with us. So without further ado, I'd like you, Sally Daniel, to please go ahead.

SALLY DANIEL: I am deaf as a post and blind as a bat. So I have to take off my hearing aids; because if I leave them on, I will whisper. Now, can you hear me? Can you hear? [*Receives affirmative response.*] OK.

There's some days that you always remember, and one of those was the day that our third and last child turned one year old on November 7, 1961. That was the day my husband was fired from his job as Assistant Solicitor of DeKalb County for my interracial work. It was a Friday afternoon. Now, today, the word *solicitor* has been

replaced by the phrase *district attorney*. There was one Solicitor General—now District Attorney—and two Assistant Solicitors, of whom my husband, Emory Daniel, was one. The Solicitor General was Richard Bell, who was later elected to the Georgia Supreme Court.

The DeKalb New Era, the official county newspaper, had come out the day before with a story listing the names of the members of the DeKalb Council on Human Relations, which was part of the Georgia Council on Human Relations, which I'm happy to say no longer exists. I had been asked to be the chair. I never—I don't remember who asked me or why; but anyway, I was the chair. Now, the purpose of the Georgia Council on Human Relations was to work to improve race relations in DeKalb County—or actually in our state. And the DeKalb chapter was to do the same, except in DeKalb County. I still believe that the number-one problem in the United States today is racism. Now, things are somewhat better now; but in the '60s and before the situation was deplorable: substandard schools, inadequate police protection, poor housing, very limited job opportunities, no seating in so-called "white" restaurants, no public facilities [restrooms] available, and so on and so on. And, of course, everything was segregated, even the drinking fountains.

I had come as a sophomore to go to Agnes Scott College. I had entered college as a freshman at Smith College in Northampton, Massachusetts. And all those years I told people that my daddy had wanted me to come south to school [*Microphone failure for 10 seconds*] for six years. And a couple of years later he [her fiancé] dumped me, not quite at the wedding, but almost. Now—so when I came to Georgia, it was a culture shock. And in some ways it still is.

Our DeKalb committee had met just one time, and we had settled—oh, [*consulting her notes*] I forgot to say that I've made a—no, I'm right. I [*Microphone failure for 15 seconds*] and the second was to get roads paved in Lynwood Park, which was—and I'm going to use the word *black* at this point, rather than *African-American*—was a black neighborhood behind Oglethorpe University. Now, when the article appeared in the paper, the feathers hit the fan. The participants were named and listed by race. I confess I was responsible for that. When the reporter called me about our goals, he asked for the racial makeup. I didn't realize that identifying those people by race was a serious mistake, but it was. The telephone began to ring on Thursday evening and continued to ring for several days. When anyone started to speak, I would

ask for his or her name and explain that I would be glad to speak with anyone who would identify her or himself; otherwise, I was just going to hang up. Two or three people actually did this, and we had reasonably civil conversations; one of them went on for forty-five minutes. I didn't convert anybody, but at least the callers calmed down and spoke rationally. Most of the time they just yelled, "Nigger lover!" and hung up. Well, the calls continued through the night. We just simply took the telephone off the hook. For a few days single cars would come by the house and just park in front. No one ever identified themselves, so I don't know who they were. Whether it was the KKK or not, I don't know. I do know that I didn't go out. With three children aged six and under, I admit I was scared.

Now, my husband came home that Friday night to say that he had been fired. I couldn't believe it. I was the one who was on the DeKalb Council on Human Relations, not he. I never knew for certain who did the firing, but I have always assumed that it was Mr. Bell. After all, he had hired Emory in the first place. Now, there may have been strong pressure from the judges; I don't know. And I don't know that my husband knew. If he did, he kept it quiet.

When things quieted down, it was time to go to the DeKalb library. Elizabeth Wilson, seated next to me, and who later was the most distinguished mayor of Decatur, was the brave one. Not I. I drove Mrs. Wilson over to the library—this Decatur library—and sat outside in my car while she went in. The idea was that if she had to flee, I'd be the one to pick her up and get her safely away. About fifteen minutes later—and by this time my hands were wet, and I was frightened. "What is going to happen?" Well, about fifteen minutes later she came out with a couple of books in her hand. She had asked for a library card and had signed for one, and I'm happy to say that that was it. From then on African-American citizens could go to the library in any of its branches. They no longer had to wait for the bookmobile to go to their neighborhoods. And shortly after that the bookmobile service was discontinued. Other members of the committee went to the county road department. I don't know what they said, but I do know that not too much later the Lynwood Park roads were paved.

On November 16 a small group of people got together to get a job for my husband. In that group were Eleanor Richardson, whom you know, of course, as the distinguished [state legislature] representative from DeKalb—she's very much retired

now, and Morgan Stanford, a partner in the Atlanta law firm of Adair, Goldthwaite & Stanford. Before the evening was over, Mr. Stanford had offered him a job, which was a great relief to us. On Monday morning Emory went to work and shortly thereafter was made a partner. Goldthwaite—let's see—it was Adair, Goldthwaite & Stanford later made him a partner; so it was Adair, Goldthwaite, Stanford & Daniel. That firm did only labor law firms [sic], so Emory did everything else.

And that's the story I want to tell you. And as I say, Elizabeth was the brave one, not I. [*Puts an arm around Ms. Wilson's shoulder and kisses her cheek.*] [*Audience applause.*] I'm sorry to leave you. Everybody assumes that if you're old and crippled, you must have osteoporosis. I don't. As a young middle-aged woman I came down with scoliosis, and I was operated on a few years ago; and I'm put together with nuts and bolts and screws. The brilliant surgeon who didn't believe in anesthesia following surgery—pain control. So on the third day I was put on Tylenol, and I never healed. And there are a few people who've said I never—I've always had a few screws loose. Well, that's true. My screws are coming loose; and every time the screws come loose, I get a little more crippled, and it hurts a little more [*laughs*]. So I--normally I don't try to do as much as—I try to do one thing a day and get out so that I'll still be walking. But tonight I have to drive down to Griffin, and then this evening I will be listening to the *Requiem* at Griffin First United Methodist Church by John Rutter. [*Turns to Ms. Wilson*] So I won't even get to hear Elizabeth, one of my she-roes.

MODERATOR: We have just one minute. I'll help her down.

MS. DANIEL: I just have to— [*Replaces hearing aids.*] And put this back in.

MODERATOR: [Name inaudible], if I could impose on you to help her? She's quite comfortable giving directions, so just listen to her. [*Audience member assists as Ms. Daniel exits the stage.*]

MS. DANIEL, *to audience, referring to the gentleman who assisted her*: This man is one of my heroes. He saved the parks in DeKalb County. [*Continues with her story, intermittently audible, explaining that she was nearly arrested during a protest in defense of green space. Audience and panel members laugh.*]

MODERATOR, *in response to a humorous, inaudible comment by Ms. Daniel*: I've heard that before.

[*Ms. Daniel exits, still talking off-camera.*]

MODERATOR: Thank you, Ms. Daniel [*General applause*]. Our next speaker—

And I apologize—I've addressed her as "Ms. Daniel." She's actually the Reverend Daniel, something for which she's worked hard and earned.

Our next speaker will be Elizabeth Wilson, the former mayor of Decatur and a woman whose history of involvement you've heard a taste of, and only a small taste of. She leads the way for many of us in this community. Elizabeth Wilson.

ELIZABETH WILSON: Thank you very much, Tom. Let me just say that this is a pleasure to be here in this very distinguished group of a lawyers. Do I feel out of place? Maybe. *[Laughs]* And I wasn't sure what I was going to talk about. Certainly I was not going to talk about me, but I want to just share a couple of the experiences that I had that have to do with some of the early lawyers. And I am just more than pleased to see all the young faces [in the audience], because the--at the time, especially—that Sally talk about, with the—integrating the library system. I don't believe there were any African-American lawyers in the practice in DeKalb County. Mr. Charles Clayton, I believe, was living here. Maybe he was still in law school, because he later became a lawyer and practiced law; but from about 19—from about 19— He graduated from Morehouse College; and for about twenty-one years he was the principal of Herring Street [School], which later became Trinity High School in Decatur. And then he went to law school and began to practice law.

It was—I'm just briefly going to tell you, since Sally mentioned that—Decatur library was the first public facility integrated in DeKalb County. And it was two of us, Dorothy Scott and myself, who both were a member of the Georgia Council on Human Relations and the Atlanta-DeKalb Council on Human Relations. And so it was the first sort of test of the water that we decided to take. Now, I always refer to it as maybe my not being as smart as I should have been--I certainly didn't think about it when I was doing it. I didn't think about going to jail or having a lawyer or any of that. I just thought it was the right thing to do at that time and that my children should not have to go across town or somewhere else to have access to public facilities. So I just walked in and, not being in the facility before, tried to figure out what section I wanted to go to and that I wanted to check out children books and finally done that. I believe there was a police officer in the facility, but we also had someone in to make sure that if something happened to us that they would have firsthand account of it. It didn't. I applied for the card; and, like Sally said, the rest of that story is history. We were able to receive a card, and we were able then to begin checking books out of this facility.

So those of you who have lived in DeKalb since the early '60s, that's one of the changes that was made.

I wanted to briefly talk a little bit about the housing problem in DeKalb way back—way back in the '60s and the person who really was responsible for helping to make a big difference in some of the discrimination of housing and property. That's—during those early years in the '60s I met Donald Hollowell. He was—he was very friendly, down-to-earth, a well-trained person who had no problems coming to meetings in the neighborhood to listen to what the concerns were at that time. A group of us—a small group of us got together to ask him if he would come to listen to the story that a resident had who lived on LaVista Road. She owned a lot of property. DeKalb was beginning to change, but it was not beginning to change racially. It was beginning to change with the big developers coming in, threatening property owners, especially the African-Americans, about their property. Mrs. Gain [spelling? Could be "Gaines"?] owned lots of property, and she refused to sell. So, therefore, the developer decided that he or they or whoever owned the property in front of Mrs. Gain [spelling?], that they would go ahead and build the houses and that they would block her out of having access into her property. Mr. Hollowell agreed that he would represent her in that case, and so as a results of that he won the case. Mrs. Gain [spelling?] won, and she was able to keep her property. And part of the settlement of it was that he built a house in front of her on LaVista; and for her to have access into her property, she went straight through their driveway carport and then into her property, where it was beautiful, with lots of shrubbery and trees and all. So we felt that we had a real victory by having Mr. Hollowell to represent her in that suit.

The next case that he handled having to do with property was on Butler Lane. I'm not sure if any of you were familiar with Butler Lane, but it's just a little small dead-end street just west of the VA Hospital on Clairmont Road. The same thing happened with some of the families who lived there; and it was such a devastating blow to them because some of the homeowners there had moved from Decatur, had given up their businesses and some of the property that they owned in downtown Decatur, for Urban Renewal. So here they are again, having to take on another battle with a developer who decided that since they didn't want to sell the property that he would build. So he built this new subdivision off of Mason Mill Road, which was back to Butler Lane, and he had a swimming pool put in. Well, the fight was in that—is that the residents of

Butler Lane now had access to a swimming pool, because the swimming pool was put in on some of their property. So again we felt that Mr. Hollowell and the residents of the area had won a big victory for being able to win that case.

Mr. Hollowell was a kind—a very gentleman. He was young; he was full of energy. He was not shaken by the racism that existed in DeKalb County Courthouse or any of the other public facilities, for that matter. He presented his self well. You know, in those days—back in the day—there were separate water fountains, there were separate—you know, I’m not sure about the restrooms, but if they were—if there were restrooms for African-Americans, they certainly was labeled that way, “colored” and “white.” And then he had to go before these white judges, and it was a great experience; and it absolutely made a difference in the lives of the resident that he was representing. And it made a difference in the lives of those of us who lived here at that time and who continue to live here at that time.

Neighborhoods began to racially change. I’ve always lived in Decatur. I’ve lived in Decatur since 1949, which has been a long time. And I remember that the housing in Decatur were mostly public housing for African-Americans. And so when the neighborhood began to change and African-Americans began to buy houses and property in south Decatur—I was listening to one of the attorneys talk about what that was like—well, what it was like for a young parent like myself—was we moved in in 1964; and a few days later we woke up the next morning, and our white neighbors had moved. And that was—it wasn’t that we heard about what white flight was; we actually lived through it. And I remember the house that we bought about six months later—we moved during the summer—and about six months later the owners of the house came back and said, “Oh, by the way—we left some of our belonging here.” And I’m like, “Sorry, but we own this property now. So whatever you left, we don’t know where it is, because I’m sure we threw it away.” So housing has been a problem in DeKalb in the city of Decatur, and hopefully people like Mr. Hollowell help to break some of the barriers in helping us to become homeowners and landowners, as we are.

When I—just briefly I’d like to say when I was elected, I actually was elected on city council of in the city of Decatur before I became mayor in 1984. And everybody asked me, “What are you going to do? What do you think going to happen?” I didn’t know. I mean, wasn’t a lawyer, I wasn’t—hadn’t been in law or anything that would give me what I thought was the experience of being an elected official. What I did know is

that there are rights, and there are wrongs in the world; and I wanted to make a difference by trying to do the things that was right, not just because I was African-American or female, because it was the right thing to do. I served for ten years as commissioner, and there were changes in downtown Decatur. And I served five and a half years as mayor, and there was changes that continue to—all residents of Decatur continue to benefit from. I learned a lot after I met John Evans. I always thought that he was the most expressive person. [*Mr. Evans and some audience members laugh.*]

MODERATOR, *off-camera*, to Ms. Wilson: You told me he was just loud.

MS. WILSON, *laughing*: And he certainly could make his point on almost any issue that he took on. I was a little bit different. I believe in trying to get things done in a—in my own private way. But if there was the occasion where I had to be more aggressive, then I had no problem doing that.

Again, thank you for letting me come and be part of this symposium this afternoon. [*To Moderator*] Thank you, Tom.

MODERATOR, *off-camera*: Thank you. [*Audience and Mr. Evans applaud.*] Mr. Evans, if you'll introduce yourself? You know, we all know you here.

JOHN EVANS: Well--

MODERATOR, *off-camera*: You know, today's record is made for years to come when none of us are here. And so please do introduce yourself [*Mr. Evans adjusts his microphone.*] after you break the microphone [*audience laughter*].

MR. EVANS: My name is John Evans; and, of course, I've—in recent years I've been the president of the DeKalb NAACP. And, of course, I'm no longer the president but still working and trying to do what's best for the community. You know, when you come into a symposium where you are talking about lawyers and legal battles and, more specific, black lawyers—African-American lawyers, and you think about all of the experiences that they've had individually—and I think Sampson [Oliver] probably touched on it more than anybody—we're getting older, and we can't remember as much. And that's a fact. We're getting older, and we can't remember as much.

I was in this room about thirty days ago—a little more than thirty days ago—at a event that was sponsored by Mike Glenn that featured some of us who had played in Negro baseball in years past. And one of the flaws that we always find is that we just don't document all of what we need to document for ourselves, and it's a real problem. It is a real, real problem. And we're going to leave here, and most of what we know

will leave with us for the most part. And every generation will have to, what, kind of pick up whatever few pieces that it can find out on its own and try to put it together with what they're going to do while they're living and while they're performing and practicing law. And so, you know, I want to say very clearly that we need to do more in this area. We need to capitalize on things that people have done and the experiences that they've had. And just think--a civil rights legend has died, Donald Hollowell. And I'm always thinking, how much of what he has done has been choreographed [sic] or documented and preserved. The last place that I went to was Carter G. Woodson Elementary School, where they have set up part of his collection out there for history purposes. And I think we've got to challenge ourselves. This has been a great occasion in terms of what the DeKalb Historical Society is going to do for us and put together some of the pieces that we probably have not been able to put together for ourselves. But I believe we've got to get on task.

As I look at Michael Hancock and others and think about what they've done in the DeKalb Lawyers Association, we've just got to continue to do more and to extract more information from our own folk so that we can put it together and put it in some kind of form so our history will talk eventually over the years, when kids go to the library, and in other situations where they will understand what has happened in the past. One of the things that I have so thought about over the years is—and I think—and I have to refer to Sampson [Oliver]—when we were looking for an NAACP home—we'd gotten put out of our other home—and I went to Sampson, and I said, "Look, man, you got to help us. We don't have anywhere to hold meetings. We don't have anywhere to do anything we need to do. Would you house us until we are able to come up with something?" [*To Mr. Oliver, off-camera*] And I guess, Sampson, that must have been in the late '70s, as I recall. And he was gracious enough to do that, allowed us to have our meetings there, do whatever, conduct whatever business we had to conduct. And I thought that was marvelous. And we've just got to do more of that. We've got to capture more of our history. We've just got to do that. That means sacrifice. That means doing things to do it.

But let me talk about the legal profession a little bit, and I'm talking about DeKalb. DeKalb probably was no different from any other metro county where changes began to take place. And lawyers began to come into DeKalb. I remember Mr. [Charles?] Clayton over in Kirkwood, when he was living over there, and one or two

others, I'm sure. I'm not going to name anybody, because I'm going to miss somebody. The point is—and we've discussed some of this in the question-and-answer session—the issues about black attorneys is inherent, Number One, in how we think and what's on our minds as blacks in terms of utilizing their services. We know things have always—things are always changing. But, you know, the point comes, how much change has taken place? Even in spite of what we see today outwardly, I suspect that we still—our clientele is still ninety-nine percent black; and I'm not prepared to deal with exceptions. We've always got people who want to deal with all the exceptions that we have. The exception is not the rule. The rule is that primarily blacks [sic] attorneys have black clients. Primarily white attorneys get more black businesses—black business—than we ought to be giving them. And, of course, all this is a mental problem. It's a mental problem with blacks in terms of the fact that they did not have a great deal of confidence in black attorneys, so they turned to white attorneys to do their work. There's a lot more to that than just what I'm saying. But the point is it's still real, it's not imaginary, and most of our attorneys are solo practitioners. Most of them, maybe one or two in the firm together; and we do what we have to do to survive. We don't have what many black law firms—and I may be venturing out of some things that I don't have a hundred percent information on, but I don't think we do—and I'm open for folks to prove that we do—but I think it's something that we need to begin to develop. Because I think so many of us see the issues that we need to change and develop. And, like Sampson said, we just have not had enough courage or enough resources or enough confidence that we could survive under those conditions. And so consequently it's been slow coming. It's been slow coming.

I think the future, it certainly can be bright—brighter—than it is now. But it just hasn't developed. I suspect that—and like I said, I can be corrected on some of this because I don't know it to be a bona fide fact—but I suspect that most of our law firms, we probably do not have over three or four lawyers, if that many, with our firms. And it's very difficult to venture out into the more technical things. I was talking to somebody about two or three weeks ago, and they were telling me about “technical attorneys.” I had never heard the term. I'd *never* heard the term. But they mentioned “technical attorneys.” I'd heard about corporate law and some other specialized—patent lawyers and, you know, other people who specialize. But I'd never heard that term, technical attorney. That's strange to me. I'm sure some of you all know about

it. Whether or not we have any practitioners or not, I don't know. But I believe that those of us who are involved out here in this county, and especially the attorneys, and looking at the transition that's taken place in this county and the evolution of attorneys and their practices in the respective counties and metro areas tie right along with influx of black people into those communities. There's no question about that.

We don't have to go to Harvard to study on that kind of stuff; it's just practical. We see it. We've seen it ever since we've been in this county. I came here in 1965, and I've seen it all through the whole process in terms of how we function. We function better politically. And the reason we do is that we got more people. We can't continue to go around thinking that we can have political jurisdictions that are not made up of a majority of African-Americans and expect to be elected to public office. You can forget that nonsense. And if you go down to the state capitol today and understand the issue that we were dealing with today, you would know what I'm talking about. They are trying to disenfranchise so many folk in Georgia by what? Coming up with some crude IDs and things for people to use in order to vote. And I know just as well as I'm sitting here that there are people—and not black folk but white folk and every other kind of folks—who don't even have those kind of identifications in order to go vote. It's serious business.

And I look at attorneys, and I say, "Let me tell you what I say to myself. Do we have anybody down to the state legislature who is a full-time lobbyist for legal concerns in this county?" And I would almost venture to guess that the answer is "No." I would venture that guess. Now, that's something somebody might want to do for you. You have to do for yourself. You talk about tort reform and a lot of other things that fit into the legal realm of what we're talking about, and we may not be keeping up. We have to keep up with the transition that's coming, and I think now's a great time to test out getting law firms—black law firms—you know, we've got to quit being afraid to identify ourselves with our firms and with our folks. It doesn't mean that we're mad with anybody else. It just means what? We are going to take care of our own stuff. And we've just got to—I think we've just got to think more about that and to be more concerted in our efforts to develop that.

You know, we could talk a long time on it. But I think we've got to recognize that even though—and somebody said it earlier—that law firms are powerful groups, and I know that much just from being around and hearing people talk and reading

things in the newspaper—law firms are powerful groups. And I don't think we need to in any way be inhibited by the fact that we want some of the power. We've got to begin to start thinking that way, and we've got to begin to develop things that enhance that proposition. We can see it in the political arena, we can see it strictly from a political point of view, but the point that I think is bothering us—and we haven't yet put it in place—is the economics of this whole thing. Even though we have political heads and DAs and solicitors and others who are in the political arena, we still do not have any semblance of economic power anywhere. And I think that's what we've got to develop. We've got to develop that.

I will say one thing, and I'm closing out. How many of you remember Avondale Estates and Wal-Mart? How many of you remember that? They had the meeting over at the bingo hall. How many of you know where that is in Avondale? And so I was running a little late that night. I was supposed to be there. I guess I got there about ten minutes after seven; the meeting started at seven. When I walked in, there must have been five or six hundred residents of Avondale Estates; and you know 99.9 percent of them were white. So when you walked in, you see a sea of white folk. And there may have been twelve of us altogether who were there for Wal-Mart. And so when I got up and made my little spiel, I said to them—the folk on the planning commission and all the rest of the folk who were there—I said, "We need help. We know Wal-Mart doesn't have a union, and we know Wal-Mart sells most of their merchandise they get from overseas, and outsourcing. We know they have problems with health benefits and all of that." I said, "But we're not going to change that today, because it's just not going to happen. But we need an economic engine in this community to try to save Avondale Mall, where it used to be. And where it used to be a very vibrant mall, we now have what? Possibilities of blight coming up and taking place unless somebody comes in there and does something. We haven't proven anywhere in America that we can put a retail store of that magnitude on Memorial Drive. And we have to face that. That's the thing that we are not facing. We haven't proven it. That we have people who keep saying, 'Well, we can do anything we set out to do.' 'We've got plenty of money.' 'We can do this, we can do that.' Maybe we have. All those pieces are separate. We haven't proven that we can do it. We haven't proven it." [Unclear where his quote actually ends.] So we've got to do more. And I think the legal community can begin to take some leadership in this developing power in this

county and economic power in this county; because I believe once we do that, we can then change the minds of a lot of blacks who would be leery about soliciting blacks for their cases. And I just believe that we can really turn this county around. But those of you who are here all those who are out in the community now have to really recognize it and get involved in it. [*To Moderator*] I'm going to quit [inaudible].

MODERATOR: Thank you.

MR. EVANS: Thank you so much. [*Audience applause*]

MODERATOR: We've got time for about two minutes of questions, if anybody has questions of Mr. Evans or Ms. Wilson. [*Waits for questions; there are none.*] [*To Ms. Wilson*] Ms. Wilson, how did you get Mr. Hollowell's name? [*Ms. Wilson asks inaudible question of Moderator.*] You just heard of him, and so that's how you called him? Did you contact Mr. Hollowell?

MS. WILSON: No, I didn't call him. But someone in the group called him—we—or them. We knew of the lawyers, and we knew all of the activists that was in Atlanta. You know, we had limited residents in the city of Decatur, but we knew where they were and how to contact them. And he was great. I, of course—if I could just add—one of the first people [*Pointing to off-camera audience member*] that I supported to run for public office was Chuck [Clarence Seeliger]. Long time ago.

MODERATOR, *joking*: Everybody makes a mistake. Don't worry about it. [*General laughter from audience and panel members.*]

AUDIENCE MEMBER, *off-camera*: Ms. Wilson, you talked about [Rest of question inaudible].

MS. WILSON: It was—you know, I think I'm going to forget—you see my nice gray hair that I'm wearing now. When I integrated the library, you know, I was 120 pounds and long hair—lots of hair—and the years have brought about this change in me. I think it was about 1962 or 3, somewhere in there, I'm afraid.

AUDIENCE MEMBER, *off-camera*: Do you still live in East Lake?

MS. WILSON: Do I still live in East Lake? Actually, I still live in the city of Decatur, right downtown on Greenwood Avenue.

AUDIENCE MEMBER, *off-camera*: Really? OK. I [Rest of comment inaudible].

MS. WILSON, *laughing*: No I [Rest of comment inaudible].

AUDIENCE MEMBER, *off-camera*: [Comment inaudible]

MS. WILSON: Ask me about south Decatur, and I can tell you.

DeKalb History Center

MODERATOR: Any other questions? [*Pauses for questions; there are none.*]

Thank you so much. *Audience applause*

END OF RECORDING

DeKALB LAWYERS ASSOCIATION
“MINORITY BAR IN THE COURTHOUSE”
Oral History Recorded March 24, 2005

PANEL PRESENTATION NO. 4
MEREDA JOHNSON
HENRY “HANK” JOHNSON
DWIGHT THOMAS
NESBY THOMAS
CLARENCE SEELIGER
TOM STOKES, Moderator

MODERATOR: We’re about to start our last panel. And while every panel has been phenomenal for me--as I said, I could listen forever—I have two things. First, I want to thank Mark Ferris. This program is being videotaped [sic]. It’s being sponsored by the DeKalb [Decatur?] Bar Association and the—with the cooperation of the DeKalb Historical Society [sic; means DeKalb History Center]. Mark Ferris has his own company and—including the Barbecue Channel--and he is donating his videotaping of this, so that videotape will then be given to the DeKalb Historical Society. We will, of course, have it also with the DeKalb Bar Association for others to see and use. But I want to thank Mark for coming in earlier this week to review and do all the setup, providing so much of our equipment here today, and doing a marvelous job of videotaping it. On behalf of everyone, we appreciate your help for that.

MR. FERRIS, *off-camera*: It’ll all be on one DVD.

MODERATOR: That’d be great. We’ve heard it all day long. A lot of things happened in this county, but 1980 was a sea change. The instigation to have this very seminar came as a result of the 19--a comment about the 1980 election. When I commented to someone, “Did you hear? Oscar Mitchell died”; and the person said, “Who’s Oscar Mitchell?” I said, “We’ve got to get some things down. We’ve got to get it so the folks know where we are standing today.” And again, with the great cooperation of Judge Hancock and Judge Seeliger, we’ve been able do that; and I appreciate it.

We’re going to start off today, though, with a wonderful panel here at the end. And I’m going to ask Mereda Thomas [sic; means Johnson] to start off--I’m sorry. I’ve got Dwight Thomas [another panelist] here on the end, and--Mereda Johnson to start off, and—now, we’ve actually got four folks here. So I’m going to have to prompt you

a little bit on the time. But if you'll go forward for about—I'll give you a warning at five minutes, OK?

MEREDA JOHNSON, *to Moderator*: Five minutes?

MODERATOR: Yes, ma'am. All right. Mereda Thomas [sic; means Johnson].

And again, please introduce yourself for the record.

MS. JOHNSON: OK. My name is Mereda Johnson.

MODERATOR: God, I said "Thomas" again, didn't I?

MS. JOHNSON, *laughing*: You did. My name is Mereda Davis Johnson. I'm from Nashville, Tennessee. I graduated from law school at the Thurgood Marshall School of Law at Texas Southern University in 1981. I'm married to Henry "Hank" Johnson, and we met in law school, and he graduated in 1979. And graduated, came down, we got married. He took the bar [exam] and passed the bar in 1979, and he started practicing in Wayne and Susan Purdom's law office in downtown Decatur, and that was in 1979. And so I'm briefly going to give the little history that I have from the time that I graduated in 1981 and my experiences in the--with—in DeKalb County.

I would like to say—I would like to thank Tom [moderator] and the DeKalb Bar Association as well as the Decatur Historical Society [DeKalb History Center] and Judge Seeliger and Judge Hancock for making this possible, for their vision in this effort in preserving history, because it's an important—this history is an important history of DeKalb County and will be preserved for generations to come. So we do appreciate your efforts.

In the early 1980s when I came here, the county was becoming more diverse in population and in growth in the southeast DeKalb area. There was many black professionals, including attorneys, moving into the county. So in the 1980s there was a need for more and more black attorneys. There was a need for black attorneys to come together because we were not only moving into DeKalb County at that point, we were also living in DeKalb County. Michael Hancock, of course, was, I would say, the founder of getting the organization together, of seeing the vision of the need for black attorneys to come together. So the Gate City Bar Association had been the nucleus association for black attorneys in Georgia. However, because of the growth of black attorneys in DeKalb County, there was a need for a local organization to address the needs and concern of black attorneys and/or law students practicing or living in DeKalb County.

The DeKalb Lawyers Association was formed in 1985. The first meeting was held at the home of Judge Hancock, Michael Hancock, in Decatur. The initial officers of that organization was the Honorable Michael Hancock—he served as our first president; Robert Burroughs was the vice-president; Genet Hopewell—Genet McIntosh Hopewell—was the secretary; and myself, Mereda Davis Johnson, was the treasurer. We were incorporated—the DeKalb Lawyers Association—was incorporated—on May 6 of 1985. The an initial board of directors were Robert Burroughs, myself, Henry Johnson, Michael Hancock, Dorothy Webb [last name inaudible—sounds like “Corthorage”?], and Genet McIntosh Hopewell. Robert Burroughs was named the incorporator, and Henry Johnson was the initial registered agent. Our first president, Michael Hancock, became the first black judge of DeKalb County, sitting as a judge in the Recorder’s Court. He later became the chief judge of that court, and he currently sits as a Superior Court judge in DeKalb County. I was the third president of DeKalb Lawyers Association. I was the first black female judge in DeKalb County, and I was appointed to sit in the Magistrate’s Court of DeKalb County. William Jenkins, as president of the organization, started the annual scholarship breakfast in 1988 at the Greater Travelers Rest Missionary Baptist Church on Tilson Road in Decatur. And to give you a brief mention of some of the—some of our past presidents, it includes the Honorable Greg Adams, who was the first black president of the DeKalb Bar Association, the past chief judge of the DeKalb Juvenile Court, and the first person to win a vacant judge seat in DeKalb County without opposition. The Honorable Denise Majette was a past president, who was a former U. S. Representative and Democratic nominee to U. S. Senate. The Honorable Gwendolyn Keys, a past president, is the first black Solicitor General of DeKalb County and the newly elected first black District Attorney of DeKalb County. Thurbert Baker, a member of DeKalb Lawyers Association, is the Georgia State Attorney for Georgia. Richard Dean, a member of the DeKalb Lawyers [Association], was the former U. S. Attorney for the Northern District [of Georgia]. Genet Hopewell McIntosh [sic] was the first assistant county attorney in DeKalb County. And so that’s just naming a few. The DeKalb Lawyers Association is presently, under our present president, Deborah Jackson, the organization has established its first website. And we also have a “Legally Speaking” column in the local newspaper. So we’re getting ready to celebrate our twenty years I think of excellence and service in the community, and we will be having that celebration at our annual

scholarship breakfast, which was in 2002 we established the Donald Hollowell Legacy Award. And, of course, Mr. Hollowell was present in 2002. He was also present in 2003. And so the DeKalb Lawyers [Association] addressed the needs of many, many attorneys. And so I'm just happy to have been a part of that, to have come up during that era, and I just think it's great to preserve our history. Thank you.

MODERATOR: Thank you, Mereda. I want to bounce over, actually and ask, at the other end of the table—I should call him Dwight Johnson, I guess, to get even [referring to mistakenly referring to Ms. Johnson as Ms. Thomas]. [*Audience and panel members laugh.*] If Dwight Thomas—and we appreciate your coming in on a busy day—if you might give us your thoughts as you've come through this.

DWIGHT THOMAS: Thank you. Yeah, I was up in Federal Court today up in Gainesville, and I had to come back down for this matter, and I was very pleased to be here. My name is Dwight Thomas. I'm a graduate of the University of Miami Law School in 1976. I left there and came back to Atlanta, worked for the Fulton County Solicitor's Office for a short period of time, and from there I went to the Department of—at that time was known as the Department of Health, Education and Welfare; it was later broken up into the Department of Education. I worked for the Department of Education as an attorney for several years before coming out to DeKalb County. I'm a native of DeKalb County, probably one of the few natives of DeKalb County and natives of the state of Georgia practicing in this county. My father [panel member Nesby Thomas] is to my right. I grew up here in DeKalb County. I was the first black student to go to school at Avondale High School in this county. We called them "icebreakers" back then, meaning someone who was brave enough to go into a school like that at that time. I know Mike knows about it, because he experienced the same kind of thing up in Hall County.

But I came back—I wanted to come back and practice law in DeKalb County. That was always my idea when I went to law school. And so when I left the federal government in 1979, I began to look for space out in DeKalb County. And, of course, you know—and I tell people all the time, diversity is the greatest strength that we have in this country. At that time we didn't see nor have or experience the type of diversity that we see today, even in just some parts of the profession and some parts of society. When I came back to DeKalb County—as I indicated, I grew up in DeKalb County, went to high school in DeKalb County, and I wanted to practice in DeKalb County. And my

attempts to get on with the DA's office, that was rebuffed. My attempts to get on with the county attorney's office, that was rebuffed. And even my attempts to rent space in Decatur—now, from what I was told, I was probably the first black lawyer to ever practice in the city limits of Decatur, although there were black lawyers in the outlying parts of the county. And [inaudible] kind of dovetail onto what Mereda Johnson was talking about, I brought Hank Johnson in because I kind of felt a little lonely. I saw him one day in 1979, downtown Atlanta. We talked, and I convinced him to come out to DeKalb County to practice; and I even was able to get his furniture made for his office, because I had a client who made my furniture. And I hooked him up with Wayne and Susan Purdom, who I knew.

But what had happened is that I was looking for space around here. No one would rent me space in Decatur, and I knew the reasons. I mean, you don't—I mean, I've been black all my life. So you don't have to tell me what the reason--I knew what the reasons were. But one day I was talking to Julian Bond, and Julian Bond told me he had a friend out in Decatur who was different. And he was right. And that person was different. And when I walked up to Chuck Seeliger, when Judge Clarence Seeliger one day about renting space with him on Maple Street in Decatur, he opened—just open arms. And he became both a friend, mentor, fellow professional that helped guide me through the whole process. And it was a kind of traumatic process of existing in DeKalb County at that time, because there were certain judges that treated me in a condescending manner, and things of that nature that you would just have to run into.

I remember the days when a lot of lawyers from Atlanta didn't even want to come to DeKalb County because they saw DeKalb County the way lawyers see south Georgia today. This was a place that people did not want to come. They did not feel welcome; they did not feel as they were a fellow professional. But Judge Seeliger welcomed me in his office. He allowed me to rent space from me [sic; means "him"]. He taught me a lot about the practice of law and kind of nurtured me. From there, when he decided to run for office, and I was kind of like on my own at that point in time and getting established in DeKalb County, and I think from my understanding, as far as I know, was able to--the first black-and-white law firm in Decatur, which was myself and Teddy Ray Price. We formed the first—we used to call it "salt and pepper law firm." And we were on Church Street, and I practiced in DeKalb County for a number of years. A lot of times people see me sometimes on television, and they say, you know, I'm one

of those media lawyers. Well, the media attention started a long time ago.

When I saw John Evans, I thought about that. Years ago I represented the DeKalb County NAACP. And involved—represented with the NAACP, that was because of John Evans came to me one day, and we talked, and John was president of the DeKalb County NAACP at that time. Used to have meetings over on Second Avenue in Reverend [inaudible—sounds like “Vale’s”?] church. And I began to represent the DeKalb NAACP, and there was some ideas formed between myself and Dr. [inaudible—sounds like “Coppage” or “Carthage”?], [another inaudible name—sounds like “Ed Bailey”?] some of the lawyers around about the condition--the political structure of DeKalb County first. And I think—I brought a suit, a voting rights suit, in DeKalb County for stopping registration at the libraries; that was successful. I brought a lawsuit against what we used to call the Old 56th District—I know John [Evans] probably remembers that. That was a multi-member district where you had to be elected at large, and that was eventually broken up. In fact Frank Redden became the first representative from that area. And I also brought the lawsuit against the city of Decatur for the way the city of Decatur elected its people—county-wide—or rather at large.

A lot of those lawsuits were successful. Some of them had the impetus to change things about the way we elected people; and as a result of that I think John got me involved in what--there was an old apartment complex over here off of I-20 and Candler Road called Applewood that had a major rent strike. And at that time when people had a lot of issues about rent conditions and places—and I represented all of the tenants on the Applewood rent strike. And I was able to successfully do that case, and I got a lot of media attention out of it. And I thought back today when I was riding here that there was another judge that was in my life, and I will always cherish him. And that was Judge Jack Smith. Jack Smith was a friend to me from the very beginning when I came to this county. And, you know, he was sitting on the bench. In fact he was the judge that presided over that Applewood strike.

And over the years I developed friendships with Judge Tillman. Judge Tillman was a very good friend to me, a good mentor. I look at Judge Tillman almost like a father in this business. And so you know over the years things would kind of break down. And, you know-- but it took a long time. DeKalb County is a lot different today than it was then. And it's because of the strength of diversity. It's because people have been able to see the contributions that others can make, both to the profession, to the

community, and to the state, and it's for the better of all of us, for the better for the state of Georgia and for the citizens of the state of Georgia.

So I kind of look back on my life in DeKalb County as one that's been a good learning process. It's one that I've enjoyed. I've always been somewhat rebellious. I've always been one to speak my mind—that will never change. And this is part of me. And that's how I built my practice, because I started my practice as a general practitioner. I did everything that came through that door. I later developed what you would call a specialty in criminal defense work. That's because I love trying cases, I love an audience, and I guess I got good at it. And over the years, you know, my practice has basically, you know, always been a 95-percent criminal defense practice; and I have a law firm. And [at] that law firm we do substantially criminal defense work with the lawyers and the associates that are there. I heard John mention an idea about law firms having the ability to influence, and he's correct. I believe at the point in time that my law firm was developed several years ago that we have grown into what we call a law firm that has influence, especially when it comes to matters within the city limits of Atlanta, both political and nonpolitical. And we try to use it wisely, and we try to use it with some temperance, with the amount of influence that we try to exercise. Other than that, I guess, at this point in time, I guess I'll kind of turn it over back to the moderator.

MODERATOR: Well, thank you. Well, you indicated [that you were] something of a rebel. And we could hear from somebody who could attest personally to how much of a pain in the ass you were [*Panel and audience laughter obscures last few words of comment.*] Nesby Thomas, if you would please take the microphone.

NESBY THOMAS: Thank you, Tom. First of all, let me thank Judge Seeliger and my wife, Lois, who couldn't be with me today, and Dwight, my son. And I'll get back in a minute and tell you why I want to thank them.

But as I say, I'm Nesby Thomas. I was born here in DeKalb County, right down Ponce de Leon in Scottdale. I went to school at Avondale Colored High School—I want y'all to hear that, because that become really embarrassing to me when I went into the military and had to present my high school certificate. OK. My wife—well, I spent two years in the military during the Korean conflict. And when I come out, I had to learn a whole lot about the world, because I spent about eighteen months in Germany and spent time in South Carolina, and I spent time in New Jersey; and I met all kinds of

people. When I come back and we started—my wife and I started a family, we decided the best way to help to make changes in this country was to try to educate our children and let them be part of the system. And so far we have been blessed to do a great deal of that. Now, I thank Judge Seeliger, and I thank my wife, and I thank Dwight because I met Judge Seeliger through Dwight. And I'm just going to retrack a little of Dwight's comments.

Judge Seeliger had a building here in the city of Decatur just across from Decatur High School. So one day Dwight said he was going to go into private practice and he met a lawyer who would rent him space in downtown Decatur. To my knowledge I had [not] known of a black lawyer with a office in downtown Decatur. We had them on the edge of the perimeters out. So he went in, and Judge [Seeliger] rented him a space. And they got together, and he asked his mother to come up and help him set up the office, and I went along with them. And that's when I met Attorney Clarence Seeliger, a young man just as [inaudible] and brash as he could be [*general laughter*]. And after meeting him a time or two and he said he was running for State Court Judge, and I said, "Who against?"

And he said, "Oscar Mitchell." Everybody ever—and, like I said, I was born in DeKalb County—everybody know Oscar Mitchell. You didn't mess with Oscar.

And I said, "You are?"

And he said, "Yes." And the man was serious from the go.

So then after talking with him a few times, one day I said, "Clarence Seeliger, how does a man get to be a bailiff in DeKalb County?" And that's why I'm here today.

And he said, "Well, usually the judge hires his own bailiff. So would you be interested in that type of work?"

I said, "Yeah, I believe so." But now, I didn't take him real serious at that time, because what white man [is] going to carry a black man into a DeKalb County court room to work for him, and he not [inaudible] even if he win? So in the first place--at first it was just, you know, doubtful, because I heard later on people made jokes about the judge going to run. But the judge, like I say, was real serious, and he's a serious man and a good man, too. And I think when people began to meet him and found out that he were a good man, the campaign went really good.

OK, he wins the election; and a few days later he called me and said, "Nesby, do you still want the job as bailiff?"

I said, "I think so, but let me talk it over with my wife." Because I just, you know, I don't know if he really meant it at that time, but he stuck to his word. He gave me the job, and we went in in 1981; and I'll tell you right now, as I believe Bob Wilson stated, he had hired a investigator and one attorney for the DA's office. And I was working in the State Court, so all eyes that first week got—I could tell they was right on me and I assume on Judge Seeliger, too. [*Turns to Judge Seeliger.*] And what were we on, the wheel system then? [Rest of exchange inaudible.] Anyway, Judge Ike [Mike? Jack?] Smith was the-- [*Turns to Judge Seeliger.*]

JUDGE SEELIGER, *to Mr. Thomas*: [Inaudible—possibly "opinion"?] judge

MR. THOMAS: --[Inaudible—possibly "opinion"?] judge, and he distributed out all the cases to the judges, so all the bailiffs would go into his courtroom and pick up our cases in the morning. And as Dwight say, he was one of the nicest men, too, that you could meet. He never showed any reflection or anything that I was black, you know. I got my cases just like everybody else, and he treated me with the utmost respect. But you could just walk through the courtrooms and courthouse, and I could just see the eyes looking, you know. And people was peeping in the courtroom to see how the judge and I was doing. And basically, you know, I—the bailiff—clerk's job was to set the courtroom up, swear in witnesses, and pick the jury. [NOTE: Trial attorneys associated with each case, not the bailiff, select jury members. The bailiff works with and assists jurors and prospective jurors but does not actually choose them.] And I don't think any black man except a probation officer had ever worked a state courtroom. And it was a relief for black people later on to come into our courtroom to see me working.

And I'm going to close with these few remarks. Of course, I want to thank Judge [Seeliger] again. But I always felt—and I still do—that the judge and I brought in the first few black attorneys that come through the Solicitor's Office. We had Michael Hancock and Linda Hunter and Adams—[inaudible—could be "Greg" or "Craig"?] Adams, all the young black attorneys coming through the Solicitor's Office. And I don't know how it fell on us, but we got all three of them [*general laughter*]. And I feel like I had a part in breaking them in, because I think I took the nerve and shakes off of them. Once they got in the courtroom with both Judge Seeliger and they saw me working, too, they become much more relaxed. And since our time is going to be short, thank you very much.

MODERATOR: Thank you, Mr. Thomas. I wish you'd worked a little harder on a couple of them [*general laughter*]. I won't say which ones. We're going to break off the story just a little bit, because we're lucky enough to be joined by Henry Johnson, whose wife, Mereda, gave us a little five-minute talk about her experiences. But before we get to Judge Seeliger, I'd like, if you don't mind, to put the microphone--slide over to Henry Johnson. And if you'll just introduce yourself and take your five minutes, I'd appreciate it.

HANK JOHNSON: Thank you, Tom Stokes—the illustrious Tom Stokes. My name is Hank Johnson, previously known as Henry. But I'll go by the name of Henry for those who just can't get to Hank yet. And I started practicing law in Decatur back in January of 1980. And it was the summer of '79 that I had graduated from law school. I came back to Atlanta. And being from DeKalb County, I still had the mentality that for a black man to go into private practice, which is what I always intended to do, I would need to go to the city of Atlanta. And so I came back after law school, I passed the bar in February of '79; so around May, June of '79 I came back to Atlanta and made the rounds with probably about thirty—I called about thirty black lawyers in Atlanta. And many were so busy that I was not able to get many calls. But I did get a couple of calls back, and I was able to interview with a couple of lawyers down in Atlanta about jobs. And after talking with them about the job situation, I wasn't real enthusiastic about doing that.

Still not thinking about DeKalb County at all; but I did get the opportunity to speak with Paul Robinson, who was a black lawyer. Paul Robinson had an office out on Brannen Road off of Gresham. Went out and talked with him. And I also was able to find out about Sampson Oliver, and I went by his office on Glenwood near Candler; and I spoke with him about private practice. And then I was able to run into Dwight Thomas, and Dwight had an office inside of the city of Decatur proper. And Dwight encouraged me to come down to the city of Decatur. He wasn't offering me a job. Sampson Oliver talked to me about some employment; Paul Robinson talked to me about an employment opportunity. Dwight talked with me about going into your own practice, and so he invited me down to his office. When I went to his office, I met Chuck Seeliger down there. Chuck owned that office building. This was the summer of '79. Chuck owned the office building, and Chuck told me that he did not have any office space to rent. Because Dwight had encouraged me, said, "Just get you a desk,

get you some business cards, and go out to Cisco's," which was a well-known black club out on Campbellton Road. He gave me that formula: Get you an office, get you some business cards, and go out to Cisco's. He also told me, "Get you a nice-looking car, too" [*general laughter*]. And he said, "Go out to Cisco's and meet the ladies out there, because your women will be your most loyal business referrals." So Dwight gave me some concrete advice.

Chuck told me that he did not have any office space available, but he referred me next door to some friends of his named Susan Ellis and Wayne Purdom. And so I ended up going over to talk to them, and as a result of that I went back to Houston for about six months, kind of accumulated some dollars by driving a cab. And then when I came back to Atlanta, I'll say, in 1980, January of 1980, right after I married my wife, Mereda Johnson in December of '79, I went ahead and rented some office space from Wayne Purdom and Susan Ellis. And at that time Dwight Thomas was the only lawyer I knew that was inside of the city of Decatur, and I believe I was the second lawyer to locate right next door to him. Right there on East Maple Street in Decatur was a hotbed of—I'll say it—liberal activism.

MODERATOR: I thought you were going to say people going to Cisco's [*general laughter*].

MR. JOHNSON: Well, I was going to Cisco's at night. I did pretty well, too, as far as following the formula. But anyway it was a liberal hotbed, I'll say. That's not a good word to talk about right now, but these were people who were socially conscious. There was a lawyer across the street named Scott McLarty, and then there was another lawyer who practiced with Scott named Harold Miller. And I'll tell you about those two, because—

MODERATOR: Two minutes.

MR. JOHNSON: --OK, thank you. When I came here in January of 1980, after about two weeks Dwight asked me, said, "Man, why don't you take one of these death penalty cases that's being referred by the ACLU? I've got one that I represent." His client was Mr. Finney.

MR. DWIGHT THOMAS: Yeah, William Finney

MR. JOHNSON: Yeah, and he said, "Why don't you go ahead and get you one of those cases over there?" So I said, "Fine, I'll take one of those." Called up Patsy Morris from the ACLU. She referred me a death penalty case that had been decided in DeKalb

County back in 1977. And this gentleman was due to be executed on February 25th of 1980 [*general laughter, given the urgency of the case*]. So after I took that case, I wondered, “Why did I do that?” It was those two gentlemen, Harold Miller and Scott McLarty, who went with me down to Butts County, where we filed the habeas. They helped me frame the issues and helped me through that first level of habeas review down there. It was denied. We went—and I took it on from there and ended up getting the case reversed in Federal District Court about four years later.

But also during that initial six months of my law practice I also assisted Dwight [Thomas] as he handled the case against the city of Decatur, challenging their at-large voting system. And we prevailed on that case. I handled a rent strike of some tenants down on [inaudible—sounds like “Walika”?] Drive and also some tenants down on Line Street in some apartment complexes. Those were times when I would stay up all night literally getting ready for court the next day.

When I would go to court, sometimes I would have—I remember one occasion I had a judge to call me “Colonel.” Judges used to refer to lawyers sometimes as “Colonel” back then. I found that kind of strange. Matter of fact, when I was sworn in to practice law in DeKalb County, I went to the courthouse, because I missed the large ceremony where all of the lawyers get sworn in. But I went to the courthouse, me and my mother and my aunt, and the judge who swore me in—the Superior Court judge who swore me in at the courthouse back in July of ’79—didn’t even shake my hand and say, “Congratulations.” He just kind of swore me in and sent me on my way. And things were a lot different then. He was one of a few that were not as hospitable as I would want them to be.

But for the most part judges, people in the courthouse—which was all lily-white at that time—were by and large pretty decent people, and they did not fight the change that came when folks like Chuck Seeliger ran for State Court judge and won. And that began the period of immense change in the DeKalb County courthouse. After that Judge [Carol] Hunstein became the first female Superior Court judge in DeKalb County. Judge Seeliger was elevated up to the Superior Court, each time running for office as opposed to being appointed.

MODERATOR: Ten seconds.

MR. JOHNSON: Those were great times. And now, twenty-five years later, Judge Seeliger has served, what, about twenty years on the bench? Twenty-four years. I’m in

my fifth year on the DeKalb County Commission. Judge Purdom, whose office I rented space at, has been on the State Court bench for about four years after serving as a Magistrate Court—chief Magistrate Court judge—for about twelve years. As he was—when he first went in, Judge Purdom, he did something historical by appointing my wife, Mereda Johnson, to be the first African-American judge in DeKalb County sitting on the Magistrate Court. And after she came down from the bench, he appointed me to serve in that position, where I served for about twelve years or so.

So I would have to say that DeKalb County has been good to Hank Johnson, and I've enjoyed my service here and all of the people who I've met along the way. And I want to give special kudos to my legal father and my big brother, Dwight Thomas.

MODERATOR: Thank you. Well, we've beat around the bush long enough. I guess we can't avoid hearing him now. It's with great pleasure that we now turn our attention to Clarence Seeliger.

JUDGE SEELIGER: This is really like Old Home Week to me, sitting on this table. *[Reaches out to his left and lays a hand on Dwight Thomas's arm, then to his right and lays a hand on Nesby Thomas's arm.]* Associate and his father, my bailiff for six years. Henry Johnson and Mereda Johnson, both of whom worked on my campaign in 1980. And it was not an easy time for young lawyers to work on a campaign, to back a candidate who'd never run for political office before, was running against a judge who was considered at that time the most powerful political judge in the state, really. He'd been in office for twenty-eight years at that time. It was Oscar Mitchell.

I'd like to say a few words of background. First of all I agree with just about everything everyone has said about the history of DeKalb County. There are some things that were left unsaid. DeKalb County, in the first half of the century, was one of the most conservative, and I may say so, racist counties in the state. This was all on the Ku Klux Klan. You may recall back in 1912 that Leo Frank was lynched, and the beginning [resurgence?] of the Ku Klux Klan was the result of that horrible trial and travesty of justice. Every year until very recently the Ku Klux Klan would burn a cross on top of Stone Mountain. First of all, it was the Venable [inaudible]—Venable family that did it; Stone Mountain used to be owned by the Venable family till they turned it over to the state [1958]. Even so, every year until, I think, I Mr. Venable passed away, they burned a cross on top of it, with all the panoply that you would expect from the Ku Klux Klan. [NOTE: Mr. Venable died in 1993; some sources suggest that Klan

cross-burning on Stone Mountain ceased before then.] So it was also said—it also was said that the judges in DeKalb County as late as the late 1950s, nearly every one was a member of the Ku Klux Klan. And those judges were available to me when I first opened my practice. But this county has a long history, a bad history, in race relations.

In 1967 I came to Georgia. I very recently came—I just finished a tour of duty in the Air Force. I was first--it included a tour of Viet Nam. And because there was a woman by the name of Gwen Hagler, who was here. I met her earlier. She was working as an engineer at Lockheed. Also there was the fact that Emory Law School was here, and I'd been accepted at Emory. And finally, I wanted to be involved with the civil rights movement, and I did. And I'll talk about that at some point. I did that in the off-hours when I wasn't running—when I wasn't going to law school. I graduated from law school in 1970. I practiced for a year down at Decatur with another single—down at—over in Buckhead with a single practitioner. And then in January of 1971 I opened my office here in Decatur. I practiced for ten years, specializing primarily in domestic relations and criminal law.

During that time I got active in politics, but I was always leery of DeKalb County; whenever I practiced law, most of my cases were in Fulton County or were in United States District Court. DeKalb County was a closed legal society. The—most of the leadership of the bar was white, it was male, and it was closed. Anybody who came in from the outside was--no matter who they were, whether they were like me—I was white—would have a very difficult time getting into the practice of law. The judiciary in 1971 up to 1972 [sic] was very conservative. There were some good judges I want to mention here--people like Curtis Tilghman, who was appointed in 1972; Clarence Peeler. Bill Dean was also pretty good. He was kind of conservative and crotchety, but he was a pretty good man. But the bench itself was very conservative. Would I say they were racist? Well, no, I reserve that for one other judge. He was the judge in the State Court [inaudible] would run against; his name was Oscar Mitchell.

I've heard all these nice things that were said about Oscar Mitchell and how he treated lawyers when they first came aboard. I've heard Mr. Robinson talk about it; I've heard Sampson Oliver talk about it. And I'm certain that they did very well, because they are good lawyers. One of the things a good lawyer does is try to ingratiate themselves with the bench. They have charm and intelligence, and they did that. And

so they were able to work with the system that was created by J. Oscar Mitchell and the judges that existed at that time. But what was that system?

Well, the first thing is that you should not be black and without an attorney if you step into the State Court. If you do, you face trouble. More than once, when I was practicing, I would come into court on arraignment day [inaudible] and watch these performances by Oscar Mitchell. He would not use the word—the “N” word—but he would abuse categorically—especially people who were very nervous appearing before the court. He would do that all the time. He did things that were amazing to us all besides Martin Luther King, a case which I will talk about. He used to abuse poor, scared men and women who were appearing in court without a lawyer surrounded by whites. He had a lot of fun with them. I’m sure he never thought he was hurting them or embarrassing them, but he did when he [inaudible]. If you were represented by a lawyer, however, it was a little bit different; you were treated with respect. But not if you were *pro se*.

In 1976 I got a call from somebody from the Legal Aid Society--it had to be either Gary Leshaw or Don—that name escapes me, Bill. They’re still there; they’re good people. They had a client by the name of Brenda White. Now, Brenda White was charged with welfare fraud. At that time there were no public defender systems available in DeKalb County, and they asked if I’d be willing to take the case as pro bono. I said I would, and I didn’t know how kind of good kind of a case it would be, where I would be high-profile. It turned out to be high-profile because she was the first woman to be prosecuted for welfare fraud in the state of Georgia. A new law had been passed about six months before.

We had a case—I picked up the case. I asked my wife, who I was associated with at that time, if she would kind of do the investigation because I had to go out of town; and when I came back, she told me the story. Brenda White had been working as a server in a barbecue shack. She was a young woman, twenty-one years old, African-American, two children, and supporting either a great-aunt or a grandmother--I do not know which—who was living with her; she was taking care of her. And she was receiving aid for her dependent children that was a supplement to the income that she was receiving. She got a job at the Georgia Retardation Center, which was a huge increase in money—at least fixed money—but she didn’t report her increase in income. And she signed affidavits each month when she was receiving her AFDC payments that

she was making a certain amount of money. So for six months she was collecting money she shouldn't have received. She was desperate, of course. She had to—she was getting no set child support for the kids she had, so she felt she had to do that to feed her family. Well, they caught her. Mary [inaudible] went over and talked to John Thompson, who was the Solicitor, and they arranged—they made an agreement to have a plea in the case. Along with extended [inaudible] probation, they asked her to appear in court before the Honorable J. Oscar Mitchell. This was in 1976.

[First name inaudible—could be Ken or Kenny?] Emory [spelling? could be Emery?] reported. Judge Mitchell came onto the bench, John Thompson made a statement of the facts [inaudible], Mary and I said something on behalf of Brenda—but not much, because the plea bargain had already been arrived at. She then formally entered her plea. Judge Mitchell then started to talk. He started talking about welfare recipients. He started talking about people who had Cadillacs at the end of the block but who went to pick up their welfare. He talked about welfare queens. He used just about every epithet that you could possibly think of describing a poor black woman who was on welfare except the “N” word. He went on for about ninety seconds—it seemed like ninety minutes. When he got through, I turned and looked at Brenda, who was a frail, wonderful woman who was trying to do her best in life, in tears and shaking. Mary was in control of the circumstances, and said, “Come on, Ms. White, let's go to the Probation Office and get this thing over with.” I walked out of the courtroom and sat down in the hallway outside. And I hope you'll forgive me for what I'm about to say. I sat there for about five or ten minutes, and a newspaper reporter came up and asked me some questions about it. And I said some things. But within me developed a rage, a rage that said, “Someday I'm going to get that son of a bitch. No one pushes my client around like that. I'm not going to put up with that.”

In 1978 my father died. It was a sudden thing—it was a heart attack. Twelve months later my mother died. She'd been extremely ill. They'd both been hardworking people; they came up through the Depression. They had saved a little bit of money, and so there was somewhat of an estate. So my brother and I divided the estate over the years. And I did a lot of things—I put some money away for some retirement, I put some money away for my kids' college education, but then I came to another decision. What was I going to do with some of the rest of this money? And I knew what I wanted to do. I was going to run against Oscar Mitchell.

So in June of 1980 I announced that I was going to run against Oscar Mitchell. I did have some offices. I had been chair of the Elections Board for DeKalb County and then after the Democratic Party. So I thought I had some things going for me, but I knew I was really up against it. First of all Oscar Mitchell was a thirty-year incumbent. Incumbents of thirty years don't get beaten when they're challenged by a political newcomer. Second, the DeKalb Bar Association was lined up strongly behind him. It was very much of an interior kind of thing; they backed their people. The bar poll came back, and it was five-to-one that said that said I was not qualified to be a judge. It said that Oscar was wonderful. Paradoxically, about the same time, the Atlanta Legal Aid Society did a bar poll for all of the judges throughout the entire area and said that seventy-four percent said I was well-qualified; and several in another segment said that I was well-qualified and that Oscar Mitchell wasn't. It gives you an idea of how insular the DeKalb Bar Association was in protecting the judges—their own judges at that time.

The other thing that I had going against me was the fact that when I ran in the Democratic primary, I was running against the old-time leadership of the party. Among other people who endorsed Oscar Mitchell included Manuel Maloof, who was running for the first time as [sic—for?] chair of the County Commission; Walt Russell, who was chair of the County Commission, whom Manuel was running against; Pat Jarvis, who recently had been elected chair two years earlier and endorsed Oscar Mitchell. So it seemed to me I didn't have much in the way of support from the mainline Democratic Party.

But I had some things going for me. The first thing I had going for me was I had a bunch of young lawyers, like [*pointing to Dwight Thomas*] Dwight Thomas, Henry Johnson, Wayne and Susan Purdom, [*laying a hand on Nesby Thomas's arm*], Nesby Thomas, and other people who worked [*inaudible*] on the campaign; and they were hard-working volunteers. And they took risks. They knew how serious it could be to run against an incumbent judge who might very well be vengeful, and Oscar Mitchell did not take prisoners. So to me—I've always admired their courage. When I was running for judge, I knew what I was doing. I hope that they knew that it was a courageous thing to do for me in those circumstances. I also had another thing going for me: Oscar's reputation. I received endorsements from *The Atlanta Journal* and

The Atlanta Constitution, both their editorial boards, both the conservative and the liberal side.

But the other thing I had going for me, as some of you—was -did not--a lot of you were not aware of, and that man was Maynard Jackson. You see, in 1968, when he ran for United States Senate--the first black man to run state-wide—for state-wide office since Reconstruction—I signed on to his campaign. I did a lot of the statistical work on it, I was advance man for him, and it was a dangerous time. This was the year that Dr. King got killed, Robert Kennedy was murdered, and the Ku Klux Klan was active; and we had more than one altercation. I got run off the road one time. People didn't like white men supporting black men. And after that a bond of support kind of developed between Maynard and I. Maynard would eventually—he would not win that election, but he would do well. And based on his performance there he would then run for vice-mayor in 1969 for the city of Atlanta. I served as a volunteer, and that campaign [inaudible] was full-time in law school. He won. Three years, four years later Maynard ran for mayor. I did a little help with that, but he really didn't need that much help. He had a lot of people supporting him at that time, and I was about to develop my own practice. And Maynard and I were good friends until the day he died. I'd usually see him about once a year; we'd have breakfast or something like that, and we'd talk. He was a great man.

Maynard was then [1980] mayor of the city [of Atlanta]. And Maynard put the word out to the leadership of the African-American community that this guy Seeliger has something, so therefore I'm going to support him. I want you to support him. And he put out a ticket, some of the information that I—Tom Stokes [moderator] has that—that he put out with Julian Bond, supporting me. And that had to be a great help. Because supporting a challenger—a white challenger—from [a member of] the black community who did not know who I was was an enormous advantage.

Now, the election came down to a primary, and there was a third candidate, Mr. Coggins, Jim Coggins, who did not campaign very hard. When the campaign—at the end the results of that campaign—Oscar Mitchell got 44 percent of the vote, I got 41 percent of the vote. But there was a runoff, and he was in trouble; and he knew it. So things went crazy at that point. He started raising money hand over fist. One of the things he used to do was send people to some lawyers' offices and say, "We're here to get Judge Mitchell's campaign contribution, and we're not leaving until we get it."

They got it. I'm glad he did that, in a sense; because a lot of people would turn around and write me a check after that. So he spent a lot of money, he spent three times as much as I did on television, he had contributions coming in. We got to the runoff—runoff night, and that night I won. I won with 58 percent of the vote, and it was considered at that time to be the greatest single upset in a judicial race the state had ever seen. I'm not sure if it still is, but in 1980 it was.

I'd met Nesby [Thomas] through Dwight [Thomas][inaudible], and I decided I did want him to be my bailiff. And so he agreed. And so on January 1, 1981, I became a judge in the State Court of DeKalb County and Nesby Thomas, my bailiff. I believe Nesby Thomas was the first African-American employee—certainly the first bailiff, and there may have been only one other employee in the State Court. Of all of the employees who ran the—who were employed in the State Court—marshals, clerks, and the like—it was all white. And he was wonderful. I mean, he was able to communicate with people and do things that needed to be done.

The second week I was there as—and—[*To Moderator*] How much time do I have?

MODERATOR: About two minutes

JUDGE SEELIGER: OK. [Inaudible] fast. About two weeks afterwards I was walking around the courtroom after sessions, and I noticed I had a Confederate battle flag in my courtroom. I later found out that that battle flag belonged to Oscar Mitchell. He apparently used to drape that flag up over the entrance to his courthouse [courtroom?] on Confederate Memorial Day and on Robert E. Lee's birthday. Well, I never really had been that much of a fan of the Confederacy or Robert E. Lee. But, be that as it may, I was not going to be using that flag; so I decided it had to go. And I went home that night thinking, "What am I going to do? How am I going to get rid of that flag?"

So the next morning I walked into the courthouse and ran into a reporter by the name of Bo Spalding; and I said, "Bo, I'm going to write—I'm going to remove the Confederate battle flag from my courtroom, and I need—I wanted to know if you want to cover it. You just need to be in the courtroom, and I'll make a few words. Do you think it's worth a story?" And he said, "I don't know. I'll come up, and we'll see what happens." So he came up and sat in the courtroom. I came out of this criminal arraignment, and ninety percent of the people in that courtroom who were facing court

were African-American. Then I asked Mr.—Nesby, “Please, Mr. Thomas, would you remove the Confederate battle flag from my courtroom? It does not belong in the courtroom. It’s a symbol of a cause that was once just and perhaps admirable, but today it represents an attitude about race that is not acceptable in a courtroom. Would you please remove it?” And Nesby took the court flag and removed it. Very proudly my court reporter removed the stand, and that was it. [Inaudible] the reporter came back and made sure he got my quote right; and then he went on, and we continued on with the calendar.

The next morning—this was *The Atlanta Journal*, so we knew it would be in an afternoon newspaper, if there would be anything in the paper at all—he said he wrote a short story and he left; he went to Canada for some reason [*laughter*]. You know, I hadn’t thought about that [inaudible]. Thereafter, the next morning, not much happened. There was no new news. I was getting a little nervous. Oh, there was one incident. That afternoon I came in from lunch—on Monday afternoon, right after I’d removed the flag. I ran into this photographer, an African-American man who was wearing a camera—so naturally I thought he was a photographer. And he asked me, “Are you Judge Seeliger?”

And I said, “Yes, I am.”

And he said, “Are you the one who ordered that Confederate flag out of the courtroom?”

I said, “Yes, I did.”

“Well, I just took a picture of your bailiff, Nesby Thomas, with the flag. Do you mind?”

I said, “No, that’s fine.”

Then he said to me, “Thank you very much.” And I swear to God, the man had a tear in his eye. I couldn’t figure out why he was so emotional; but I let it go.

Next morning, as I say, nothing happened. But at twelve o’clock the paper came out. It was a front-page story—the headline: “New DeKalb Judge Banishes Confederate Flag.” And it had a picture of Nesby on the front page with that flag. All hell broke loose. We started getting calls and hate mail and it went on for almost a week. A threat came in from, of all places, Idaho [*laughter*]. There was one from the Aryan Nation, and I notified the FBI about that; and they actually prosecuted them on that one. The stir went on for quite a while thereafter. Finally it cooled down. But it was

very important, I think. I didn't know how important it was until after the fact. The reason why, it began to symbolize the change that had taken place in DeKalb County. I think it was important that the judge who removed the Confederate battle flag happened to be a white judge, because I think that sent the message that this was not just an opinion of an African-American who naturally dislikes the Confederate battle flag because of its history and what the Klan had done to the flag, but because I represented a legal position, an elected public official who believed that times should change. And they did change.

The only other thing I want to add to the story is that one of the things I did was, when I became judge, I talked to Jack Smith, who was a judge we've already talked about, and I talked to Judge Carlisle [Carlyle?], and I told them we really needed to do something about the employment situation in this courthouse. Well, after that we started to see a lot more African-Americans on staff--[inaudible], Kenneth Cheek, Clerk of the Court—he's Clerk of the Court today. He's doing a wonderful job. I cannot remember the name of the Marshal. [*Turning to Mr. Nesby Thomas*] Was it Lily [rest of exchange inaudible]? Well, I can't remember. But he was very proud of the fact that he hired an African-American bailiff—he brought her in and introduced her to me. And by the time I left office in the State Court in 1984, we—the State Court—the employees in the State Court that represented African-Americans were about twenty percent. These people got these jobs because they were well-qualified for them, but they had never been given the opportunity to apply before. I'm really proud of that.

Not much else I can say, except I'm really proud of DeKalb County. It is, as I've said at one of the speeches I made recently, I believe DeKalb County has become what Dr. King has said it should become, that is, a place where people are judged by the content of their character and not the color of their skin. And I believe that's true in DeKalb County. Thank you. [*Applause*]

MODERATOR: Any questions for any member of the panel? [*To audience member, off-camera*] Ms. Johnson, we're trying to get this down, so you're going to need to be shouting, or be sure you make yourself heard.

MS. JOHNSON, *rising from her seat*: [First sentence inaudible] In fact, Judge Seeliger tells me that when I'm in his courtroom. [*Judge Seeliger laughs.*] But I—Judge, how did you dispose of the Confederate flag?

JUDGE SEELIGER: Well, I took it out of the courtroom, and it was sitting in my office for a while. And [inaudible] I didn't know who wanted it. Until finally Kenneth Cheek came back—came by; he was clerk. He said, "Do you mind if I take the flag?" And I said, "No, go ahead." And I suspect he took the flag and gave it to Judge Mitchell—they were still good friends. I think that's what happened to it.

MODERATOR: Any other questions?

AUDIENCE MEMBER, *off-camera*: Judge, do you want to say something about the situation when you were involved [inaudible]?

JUDGE SEELIGER: Oh, Martin Luther King—I'm sorry. No, I wasn't involved at all. Of course, I was twenty years old and still at the University of Washington. But what happened with—in that case—Donald Hollowell was the moving factor. I'm sure you know Don [inaudible]. Dr. King came to Georgia, and he was in DeKalb County. And he was arrested for driving with an Alabama driver's license. He came before Judge Mitchell--at that time it was the City Court of DeKalb [sic], which later became the State Court. And he fined him twenty-five dollars and said, "You're on probation," whatever that means. Then Dr. King came back down to the city of Atlanta and began to participate in demonstrations that took place at—[*Pauses to remember*]

MODERATOR, *off-camera*: Rich's

JUDGE SEELIGER: Rich's, that's right. And the Magnolia Room, I think, was the target. They were trying—a lot of students from Clark College, Morris Brown, Spelman were there. They were doing most of the demonstrations. Dr. King joined with them and was arrested with them all during the demonstrations. Judge Mitchell got wind of this and immediately ordered that Dr. King be transported out to DeKalb County. It was very quick, within a period of two or three days. And then he brought him before him, and he said, "I'm revoking your probation for six months, and I'm sending you to Reidsville Penitentiary." Now, Don Hollowell was representing him at that time and said, "There's no sentence, there's no probation, this is illegal, and it's wrong." Judge Mitchell didn't care. Dr. King was taken down to Reidsville.

In the intervening time a notice of appeal was filed, and the [John F.] Kennedy campaign somehow got interested in the campaign [sic; means "case"?]; and they contacted Judge Mitchell. Judge Mitchell agreed to allow--to set a bond—to allow to set an appeals bond, if you will. And Judge—and Dr. King was released. But Dr. King was in prison for, I think, seven days before he was finally released. Thereafter, the

election took place. Judge Mitchell was very fond of saying—and I'm sure that anyone who's practiced law with Judge Mitchell or who's been around Judge Mitchell, he used to brag about the fact that he was responsible for John Kennedy being elected, because John Kennedy became known—the Kennedy campaign intervened on behalf of Dr. King. Therefore, many of the African-American communities outside the South turned around and voted Democratic as opposed to Republican, whereas before, by 1960, it was pretty much of an even split in the African-American community between Democratic and Republican. So he claimed credit for that.

MODERATOR: Other questions?

MR. NESBY THOMAS: Can I make—

MODERATOR: Right here

MR. NESBY THOMAS: --one or two comments right quick?

MODERATOR: Please

MR. NESBY THOMAS: As I said, I was born here, you know, in DeKalb County; and I know segregation, and I know integration. But when Judge [Seeliger] hired me, it was only a minor job as a bailiff clerk, but that was the key to DeKalb County Courthouse and throughout the county hiring minority people. And anyone who has been with the county for the past twenty years can actually thank—any minorities that has been with DeKalb County for the past twenty years can actually thank Judge Seeliger, because he really opened the door. When he hired me, Kenneth Cheek couldn't stop hiring minorities in about the next six or eight months. He just brought clerks in right and left. Now, I'd like to know—you know, everything was real nice until Judge had me take out the Confederate flag. [*To Judge Seeliger*] Can I tell about the call I got? [*Judge Seeliger indicates in the affirmative. Mr. Thomas laughs.*] I'm going to tell you about a call I received. One morning I was in the office first, and the Judge and the secretary hadn't gotten there. And I know he'd got some other calls, but he never would discuss his calls with me.

MODERATOR, *joking with Mr. Thomas and Judge Seeliger*: So this happened before 10 a.m.?

MR. NESBY THOMAS: This was about, ah—

MODERATOR: Sorry [*laughter*]

MR. NESBY THOMAS: This was about 8:30 in the morning.

MODERATOR: Sorry—I was teasing.

MR. NESBY THOMAS: The phone rang, and I was the only one in there, so I picked it up and said, “Hello?”

And this other lady said, “Let me speak to that Judge Seeliger.”

I said, “Judge Seeliger is not in right now. May I take a message?”

She said, “Yes, you can. You tell that judge of all the audacity he had, he had a nigger to take out that Confederate flag.”

I said, “Yes, ma’am. I will tell him. And would you like for him to return your call?” [*Laughter*] She hung up on me. [*Mr. Nesby laughs.*]

MODERATOR: Any other questions? One more question, and then we’re going to have to close.

AUDIENCE MEMBER, *off-camera*: I’ve been thinking about what you guys have done, and truly DeKalb has come a long way. Do you think there’s still room for DeKalb to change and as we go forth in diversity? [Rest of question inaudible]

MR. DWIGHT THOMAS: Let me answer [inaudible] the Judge here. I always learn in life that if you don’t die, you change; and if you don’t change, you’ll die. So change is inevitable for DeKalb County. It’s going to grow, and I’ll tell you where the change is coming now. I have Hispanic workers at my office now—paralegals, I’m getting ready to hire a Hispanic lawyer. I think now is time to turn around and embrace another community, because you’ve got to be ahead of the curve. The Hispanics are coming in in large numbers, and they need to be welcomed and acclimated to the climate both politically, socially, and otherwise. So yes, it’s going to change; and they’re going to make the next change.

JUDGE SEELIGER: I agree with Dwight. There are—you can’t change people, change people’s hearts if they’re evil, and they’re angry, and they have problems with prejudice and dislike people of different ethnic backgrounds or their color and the like, there’s not a lot you can do to change those people. [RECORDING STOPS SUDDENLY]

End of recording