

MODERATOR: We'd like to welcome you once again. Mr. Davis, Tom Davis. Tom is our speaker today, has been practicing law in Decatur for just about as long as I've been alive. He also is an FBI agent, he's a native Georgian, and played a primary role in drafting a good deal of significant legislation, including, I understand, changing the form of government in DeKalb County from a sole commissioner to the board of commissioners that we have now. So, I think without any further introduction, Mr. Davis, if you care to recount some of your experiences.

TOM O. DAVIS, *on-camera, seating himself to face the audience*: OK, well, this is somewhat new to me, and I'm really new to Decatur. You know, I'm not a native of Decatur or DeKalb County; and I don't know how much to talk about what I remember or really how much I remember that is all that important.

I really go back to 1931 in Decatur, when I was in law school, then in Atlanta, and my brother Joe, who I see is present this afternoon, and Pauline, had moved to the Mount Vernon Apartments. And I stayed with them when I was in law school, so I was in Decatur 1931 and 1932. I had entered Atlanta Law School in the fall of 1930. That's a night law school. I walked the streets, as did many others in that time, seeking employment. And I encountered so many of my friends and acquaintances from the University of Georgia, who had graduated and who had jobs and had lost their jobs recently; and they also were looking for employment in 1930 and 1931. And so, after a period of time, I discontinued that search; and that gave you quite a difficult view about the city of Atlanta at that time. It wasn't a pleasant experience to see so many people seeking employment and unable to get employment.

When I came to Decatur, I spent my time in the courtroom when court was in session in Decatur and in Atlanta in the daytime. At that time the circuit was a four-county circuit with Clayton and Rockdale and Newton and DeKalb. Judge Hutchison from Jonesboro was the judge, and Major Claude Smith was the Solicitor General, now called the District Attorney. So, I did get some information about Decatur. I remember Decatur, how it looked at that time; and most of you probably know it better than I did.

I could describe the situation that existed in Decatur; but as soon as I got my diploma from the law school and was admitted to the bar, I left Decatur that day, and I went to Lawrenceville to practice law. And the reason was I didn't think I could make it in Decatur to start a law practice. I was twenty-two years old, and didn't look quite that old, I don't think. And in Lawrenceville two senior attorneys had died within the past year, and a third had gone to Atlanta as an Assistant District Attorney. So, I thought the opening in Lawrenceville would be better than in Decatur, and so did about five other lawyers at that time [*audience laughter*]. So, I was there about three months before anyone walked in my office.

Finally, a man walked in my office and said, "I want to see Mr. Davis."

And I said, "That's me."

He didn't say another word. He turned around and walked out [*audience laughter*].

I stayed on in Lawrenceville and got enough business to survive, got married in the meantime, and my wife taught school. She was a schoolteacher when we were married, and things picked up, and then we had Pearl Harbor. The day after Pearl Harbor I went down to Atlanta and got an application blank for the FBI. So, I kept it on my desk for a few days before I signed it and sent it in. And then when I sent it in, it wasn't long until I got a telegram to report to Washington [*rest inaudible*]. Had to close my office in five days and report to Washington.

And then five and a half years—well, four and a half in Illinois, Missouri, and California and Washington, and then transferred back to Atlanta. And I looked for a home in Decatur. I had to live with my brother again, because there's not very many facilities in Decatur for a man and his wife and a small child to stay; so, my brother and Pauline took me in again till we could find a house. One thing about Decatur, it's my impression at that time, there weren't any places to buy. I found three: two of them were new, one was on Candler Drive, and the other was on Coventry Road, and the third was an old house in the southside. So, we bought the house on Coventry Road and lived there for ten years.

Decatur at that time didn't have that good transportation. When I lived in Decatur and went to law school, I rode the streetcar into Atlanta, five cents each way. But then, when we came back in September of 1946, I could ride the streetcar into Atlanta in the morning, but I'd have to catch a shuttle bus at the corner of Coventry Road and Scott Boulevard. And if you catch a shuttle bus and come into Decatur and catch a streetcar here in town, or you could ride to the end of the line at East Lake and go into Atlanta that way. Well, it so happened that I had to work most of the time till after ten o'clock at night. The shuttle buses quit running at ten o'clock. So, I had to walk, most of the time, from the end of the line in East Lake to Coventry Road in the night. And Decatur didn't have very many lights in; it was pretty dark. Unless a car would come along, you wouldn't have any light to see how to walk on the sidewalk. Decatur was pretty dark.

I thought to have been away a while, and I thought, well, people here are pretty friendly, especially when you get on a bus in the morning, a streetcar, and see the same people and not know their names; but they'd say, "Good mawnin'." They didn't say, "Good morning," as I was accustomed to where I'd been. One thing that impressed me was the resentment that seemed to exist against President Truman. I didn't quite understand why there was so much resentment here at that time against some of the things that President Truman sponsored. So, I picked

Decatur as a place to live when I came back from San Francisco, and we have selected Decatur as the place to live ever since.

Well, I suppose most of my memories and most of my information about the city of Decatur relates to the court system and to the governmental structure that existed. There was just one Superior Court judge and one City Court judge. That was the City Court of Decatur, and it had county-wide jurisdiction. Before long there were two judges of the Superior Court, and then there were changes in the court system. I suppose—well, I resigned from the FBI in August of 1947. I had worked on July 4th, and so I had a day off, and I looked for an office in Decatur. And offices were hard to come by in Decatur at that time. I found an office in the Rutland Building. I think that was probably the only vacant office there was, so I leased the office in the Rutland Building and was down there for almost a year. Then Jim Mackay and Oscar Mitchell and I, when an office became available in the Masonic Temple Building, rented the offices and shared a space together for some several months.

Well, I thought I could make it in Decatur this time. In 1932 I didn't make it in Decatur, but I started on in 1947, and I thought I could make it and was able to do so. Well, we hadn't been here long until a good many or several real competent young attorneys were admitted to the bar and opened their offices in Decatur. And several of them have done real well, made a lot of progress. Richard Bell was one of them; he's on the Supreme Court of Georgia now, after he'd been District Attorney here for many years and a Superior Court judge. Robin Harris was one of them. I guess Robin is about as well known as most anyone in the city of Decatur. Curtis Tillman was one of them, and [inaudible—Keane? Keene?] Williams was one of them, and E. T. Finman [spelling?], Jr., was one of the young lawyers. And the bar in DeKalb County was an excellent bar. I suppose, with some of the attitudes that some of us developed, there might have been some thinking that, well, some of us were a bunch of young Turks, we want to change some things.

Things have changed somewhat. One incident about this courthouse, we have an elevator now. And when I first came, you could enter from the East Court Square, and they had some bond funds to improve the courthouse, and the county commissioner said that we were going to use those bond funds to improve the DeKalb Building and call the DeKalb Building the Courthouse Annex. Well, some of us didn't think that was the idea that—at least we had some disagreement with that. And so, we talked about it and said we thought we ought to do it and spend the money and spend the money on this courthouse and threatened to bring action to require it and actually did draft but didn't file any action. And we have the elevator here. If it hadn't been for that, we wouldn't have an elevator in this building. And I suppose the entrance

over here would still be open. And this room used to be the grand jury room. And when there were two judges in this circuit, Judge Clarence Vaughn appointed as a judge, then this was converted into a courtroom.

Well, a rather interesting thing happened. They had a court, they called it the Civil Court of—well, it was Municipal Court of Atlanta that served that part of DeKalb County, that part of Atlanta in DeKalb. And the judge died, and Governor Herman Talmadge was governor, and he appointed Oscar Mitchell to be judge of that court. But Oscar had to live in Atlanta to be qualified to be judge. So, when the governor called him and said he would appoint him to that if he'd change his residence to Atlanta, Oscar got his suitcase and his hat and moved into a room in Atlanta, and he was appointed judge. Well, a lawyer in Atlanta didn't [inaudible] that too well, so he brought a quo warranto action against Oscar to test his right to the job, and Judge Dave Phillips heard it at that time. This courthouse was being renovated, and the hearing was over in the King Building upstairs on the other side of the Square. And, of course, there wasn't much problem with getting Oscar sustained in the court here; but it was taken to the Court of Appeals. I'd said, well, we've got a question of fact we're going to have to try as whether Oscar really is a resident of the city of Atlanta. We had some demurrers to some of the legal questions. Harvey Armistead and I were representing Oscar, but Judge Phillips sustained our general demurrers. So, when it got to the Supreme Court, the Supreme Court held that our special demurrers on the Constitution questions were valid, but there still was a question of residence, a question of fact, for the court to determine. Well, one thing I didn't understand, there are other ways of dealing with things. The legislature was in session at that time, and the jurisdiction of the court was extended county-wide; so that removed the question of fact. So that's the origin of the Civil Court of DeKalb County, now called the State Court of DeKalb County.

That court has changed a good bit since that time, and the City Court of Decatur and Richard Bell was Solicitor of that court, as I remember. And Judge Phillips was judge of that court. Judge Frank Guess had been judge of that court before he went on to Superior Court bench. And the Civil Court of DeKalb had very limited jurisdiction. It could try only civil cases not involving more than \$1,000 in value. So, some thought it would be a good idea to abolish the City Court of Decatur and make the Civil Court the Civil and Criminal Court of DeKalb County, which was done for a period of time. And then the name was changed to the State Court, and its jurisdiction was expanded to try criminal misdemeanor cases. And I think really the outgrowth and the changes that were applicable to the State Court of DeKalb County have been patterned by other county courts. And most of the courts of that [tape skips] are now called state courts.

And so, we have the Superior Court and the State Court are the two courts of trial and jurisdiction that exist.

Well, you might be interested in the population of Decatur in 1930: there was 13,276. In 1960 it had grown to 21,600. In 1970 it had grown to 21,900, and now it's 18,400—or at least in the 1980 Census, 18,400. All of you understand the reasons for the change in population. You can look and see how many places of residence have been demolished and replaced with business and governmental functions. And it's been quite a change in Decatur's population. But the impression I got in the early days in Decatur is a place of churches and residences. It's a desirable place to live. And it was desired that there be more business in Decatur; it was desired that there be more business in DeKalb County. You know, DeKalb County had only 86,000 population in 1947; and now it has over 500,000. When I started practicing law here, I suppose lawyers would be about twenty in number; and there are over 400 members of the Decatur-DeKalb Bar Association now. There are many young lawyers. I'm probably not acquainted with one out of five; things have really changed in that standpoint.

Well, the City of Decatur has changed in a good many respects, too. Some of the things I remember is the bond election that we sold it in the recreation facility that resulted in the library expansion and in park improvements. The urban development that occurred in Decatur has had much significance, I think. Remember the small stores that were on the West Court Square side and the small stores that were on Atlanta Avenue area, the little markets and the bus station and the parking lots? Now you see the West Court Square Building, and you see—the only two high-rise buildings in Decatur then were the Candler Hotel and the Masonic Temple building—you could call it as high-rise at that time. So urban development had a lot to do with the demolition and the rebuilding of Decatur. Then, of course, the MARTA transportation had a substantial effect, and it got us a lot of unrest and a lot of difficulty and a lot of disagreement. But now lawyers can have an office in Decatur and catch the MARTA train and be downtown in twelve minutes and walk two blocks to the Fulton County Courthouse and get to the Fulton County Courthouse easier from an office in Atlanta [sic; means Decatur?] than some of the office buildings in downtown Atlanta.

And there have been some changes in the school, too—the addition of the vocational wing to the high school—of course, the high school building is different from it was in 1946. Also, the middle school, that was a block of twenty-six homes taken and replaced by the middle school. And the homeowners were so far [inaudible phrase] that only one condemnation [inaudible] resulted from the acquisition of the twenty-six homes that comprised the middle school area. The church buildings have changed, too—the First Baptist Church, the Christian

Church was formerly down on Adams Street, I believe, and the First Methodist Church. And churches are things to be proud of. Then we have Clairmont Oaks and Philips Towers, and Decatur is still the city of homes.

And it's still a thriving place. The daytime population, I heard recently, is 10,000 more than the ordinary population of the city. You walk the streets, and there are strangers in town. I know we've got a former mayor in here, mayor back about the time I came. He'll know a lot more about Decatur than I know. But Decatur is still a desirable place to live. It's a place that I chose to live and a place that I expect to live so long as I am able to have a home. It's a place where homes are sometimes so without any advertisement at all without necessity of having real estate brokers to try to find a buyer. It is wholesome, satisfying, encouraging place. It's a good place to live. I don't know that the remembrances I have are different from the remembrances that you have, but those are the things that came to my mind when I was asked to speak somewhat about my recollections about the city of Decatur. I'm proud to claim to be a resident of the city of Decatur. So maybe I've not mentioned a thing that you didn't already know [*mild audience laughter*]. But it is an interesting place to live, and it's a pleasure to have been here and try to remember some of those things.

MODERATOR: We usually take a few minutes of questions. We'll follow up with refreshments in the old Superior Court.

AUDIENCE MEMBER, *off-camera*: Go back a minute to the opposition to President Truman. Now, as I understand--what was he proposing at the time that was stirring up so much [*inaudible*]?

TOD: Well, he had a rather liberal attitude about race relations. He had a rather liberal attitude about progress by governmental expenditures. That was the impression that I had. Now he's looked on as having been a great president. He was a strong-willed man. The first I knew of—President Truman, he was on the Senate Committee that investigated war frauds that existed during World War II and shortly after World War II; and fraud against the government is not something that people have just recently found out how to commit [*audience laughter*]. That's existed a long, long time. Now, we have another former FBI agent in the room that I served with for a short time. And he was with the FBI much longer than I have, and maybe he has already talked to you. He lived in Decatur when I came here, and he's been here for a long, long time, served for many years as treasurer of Decatur Federal Savings & Loan Association. And if you don't know who I'm talking about, it's Don [*last name inaudible—sounds like "Pflieg" or "Clegg"?*]. So, ask Don to talk to you some time.

AUDIENCE MEMBER, *off-camera*: OK

AUDIENCE MEMBER, *off-camera*: You were the city attorney for the city of Decatur for a number of years, are you still?

TOD: I am. I have been. Mr. Hugh Burgess was city attorney for sometime I came here and so long as he lived. I've been city attorney for the past twenty-one years. [Inaudible] I've been reappointed.

AUDIENCE MEMBER, *off-camera*: Tom, tell them how much you earn a year out of that job [*audience laughter*].

TOD: How much did I earn?

AUDIENCE MEMBER, *off-camera*: A year

TOD: Well, I earn maybe a fifth enough to pay [inaudible] [*audience laughter*]. [Inaudible exchange]

AUDIENCE MEMBER, *off-camera*: I know that you've given a lot to Decatur.

AUDIENCE MEMBER, *off-camera*: Let me say something. Since I was in office in this building for about fifteen years, beginning in the late '40s, early '50s, and Tom was on the other side of many, many cases that we had. Whenever anybody went to look for a lawyer, there weren't but three or four older ones, and then there was that bunch that he said came in that were bright; we didn't know what we were doing, but we were on the other side. And when there was a terrible case—like we had a policeman killed back in about 1950, and Tom and Hoolie Hubert were appointed to represent him in the death case, and it ended up in a death case, but Tom told me one time because he was a good lawyer, he got appointed to the horrible cases. And they're hard to win [*audience laughter*]. It's easy when you get on the right side, like I was in many of the criminal cases, because I represented the state. But I want to say for him that, when they went to look for a good lawyer in Decatur, he got a lot of business [*audience laughter*].

MODERATOR: Would you care to comment a little bit on the change in the county government?

TOD: Change in the county government? Yeah, I sort of touched on that a little. I got involved in that a little. I helped—well, Len Greer and I drafted the act that changed the county government from the sole commissioner form to multiple-commission [sic] form of government. We met with the legislative delegation at breakfast a good many times about seven o'clock in the morning and had most of our discussions about that time of day. And the legislative delegation at that time consisted of three men. It was Senator McWhorter, Hugh McWhorter, and Jim Mackay and Guy Rutland, Jr. There were only two representatives in DeKalb County, and the senator—DeKalb didn't have a senator every year, but that was on a rotating basis.

Another thing I didn't mention, our court system. There are four counties, Clayton, DeKalb, Newton, and Rockdale, in the circuit. A right interesting thing happened, another change that's right significant to me, the way the salaries of the constitutional officers of the county were fixed. There are four constitutional officers: the sheriff, the probate judge—then the ordinary—the tax commissioner, and the clerk of the Superior Court. Well, DeKalb has some special laws that said that those four officers, the salary will be fixed by the grand jury upon the recommendation of the county commissioner; and the employees in the office would be fixed in the same manner. But the law said that with respect to the four constitutional officers, not less than sixty days before the grand jury convenes, after the—well, I don't remember just which grand jury it was, and with respect to the employees in the office, at least sixty days. So, the only way to comply with both rules of law would be to do it on the sixtieth day, because you'd be over on one and—or short of one or over on the other if you didn't do it on the sixtieth day if you didn't make two recommend-dations. Well, when the recommendation had a change in the office holder, and the recommendations that had been made for the constitutional officers by the outgoing commissioner were not acceptable to the incoming commissioner. And so, I brought a mandamus action to require the salary to be paid, and the outcome was if it wasn't on the sixtieth day, the employees got the raise, but the constitutional officers didn't get the raise. And so, I drafted the legislation that changed the way that the salaries were fixed. And they're now fixed by the general assembly. And that was the result of some litigation. I don't know, it probably would've been somewhere along the line of that way otherwise.

Another time, after we drafted this bill to change the sole commissioner form of government to a multiple-commissioner form of government with a chairman, an issue arose as to the division of authority in some respect, and the commissioners agreed that Judge Guess could employ a panel of lawyers to study the matter and make a determination, and the commissioners agreed to abide by what the lawyers came up with. And Judge Guess appointed Ken Weinberg [spelling?] and Cook Barwick and Charlie Hyde and Harvey Armstead and myself, and we met several times, trying to figure out what the law meant. And we did make a determination that we thought was brokered in, and it was abided by. And there'd been some changes in the form of governmental structure since that time until we have a CEO, a chief executive officer now, rather than a chairman of the county commission. There've been a lot of changes in the government. And every time you have change, you get upset. You know, I've gotten to the point now, if anybody wants to change things, I get upset [*audience laughter*].

You know, I think sometimes they're trying to make some of the older folks obsolete and change [rest inaudible] [*audience laughter*]. So, we can't keep up with what's going on. I think

life is more complex in Decatur and everywhere else now. We've got over four hundred lawyers, and we had twenty-some-odd, and the population hasn't increased but about five times, and the number of lawyers increased about fifty times or close to it; so, life is more complex. And I suppose, as time goes on, they're going to change things around here again, and some of us will like it, and some of us won't. That's the way it's been down through the years.

AUDIENCE MEMBER, *off-camera*: You may not care to answer, but there's been so much criticism of J. Edgar Hoover for the past few years, do you feel like that's warranted or [rest inaudible]?

TOD: I would totally disagree with the criticism that has been voiced now. Things do change, and all that criticism developed after the war years, and I was in there in the war years. All we knew was work. I decided one time in Peoria, Illinois, one night I'd go to the picture show. I got in my seat, and I had let the police department know where I would be. I hadn't been in the show three minutes before I was tapped on the shoulder, and I was wanted. I never tried to go to a picture show again [*audience laughter*] during those war years. We worked Christmas Day, we worked Sundays, and we worked Saturdays. The workday [sic; means work week?] was forty-five hours, and those were the days we were expected normally to put in forty hours overtime without pay. Of course, there was a lawsuit later on that said you couldn't do that, make us work forty hours' overtime without pay. But Don would know that an eighty-five-hour week was normal. And there wasn't much room for criticism. Of course, we were in war at that time, and everybody was on the same side, and nobody was wanting to fuss at each other too much. We were wanting to come out as a strong nation, and I'm not knowledgeable about what went on in later years. But discipline was something, as I remember. In the training school we were—we had to go to gym, and we had ten minutes from gym to get back to the classroom. And they told us to always have everything in order. And in our class one day a fellow left a sweatshirt on his bed, and inspection was made afterward, after that gym session. At the end of our class, it was forbidden to leave the premises for an entire week because of that sweatshirt being left on a bed. So, you'll learn that discipline was—you're part of the cog [sic], and you're not an independent operator.

AUDIENCE MEMBER, *off-camera*: I've always had a high regard for J. Edgar Hoover. I thought he was the epitome of law and order.

TOD: Well, I have some publications in my files that would respond to those criticisms that were voiced in most parts of the country. One criticism was voiced that there was explanation to say that the facts were not the way they were presented.

AUDIENCE MEMBER, *off-camera*: I felt the same about that as when somebody said, "Tom Mix was a dirty dog" [*audience laughter*]. And I always thought a lot of Tom Mix.

TOD: Of course, that's a long time [*rest inaudible*].

AUDIENCE MEMBER, *off-camera*: Tom, what'd you pay rent for your first office, by the month?

TOD: Ten dollars [*audience laughter*]

AUDIENCE MEMBER, *off-camera*: How much was the telephone bill?

TOD: It was, best I can remember, about four dollars.

AUDIENCE MEMBER, *off-camera*: Did you have a secretary?

TOD: No. I learned to type [*audience laughter*]. You don't do it that way now.

MODERATOR: Well, thank you very much. Are there any other questions? I think our guest will lead us in the Superior Court.

Audience applause

[Recording briefly continues as people chat among themselves and make their way to the courtroom for refreshments.]

END OF RECORDING

Transcribed by Claudia Stucke