

Civil Rights History Project
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Interviewee: Richard B. Sobol
Interview Date: May 26, 2011
Location: The Sobols' home, New Orleans, Louisiana
Interviewer: Joseph Mosnier, Ph.D.
Videographer: John Bishop
Also Present: Mrs. Anne Buxton Sobol; Ms. Elaine Nichols, Project Coordinator
Length: 2:01:07

Joe Mosnier: Let me just say before we get fully on – do you want me to stop for a minute?

John Bishop: We're on.

JM: Uh, this is Thursday, the 26th of May, 2011. [Clears throat] My name is Joe Mosnier of the Southern Oral History Program at the University of North Carolina at Chapel Hill. Uh, I am in New Orleans, Louisiana, uh, to film an interview for the, uh, Civil Rights History Project, which is a joint undertaking of the Library of Congress and the Smithsonian's National Museum of African American History and Culture. Our videographer is John Bishop, uh, and Ms. Elaine Nichols, the project curator for the museum, is here today with us in New Orleans. We are in the home of Mr. Richard and Mrs. Anne Sobol, and, um, are here for an

interview to touch on, um, Mr. Sobol's, uh, career as an attorney and some connection, too, to Bogalusa.

Um, and I think that's the quick setup, so Mr. Sobol and Mrs. Sobol, thank you so much for welcoming us today. It's very nice to be with you.

Richard Sobol: You're welcome. We're glad to have you here.

JM: Yeah, thank you. Mr. Sobol, let me start, if I could, just to have you give a basic sketch of your childhood, um, family and upbringing in New York City.

RS: Um, I grew up in New York City. I lived on the West Side of Manhattan. My father was a lawyer. My mother was a mathematics teacher in one of the high schools in New York. Um, I, uh, went through schools in New York. I went to the Bronx High School of Science and I went to college at Union College in Schenectady, New York, and came back to New York to go to Columbia Law School.

JM: Yeah. Um, always had sort of anticipated you'd be a lawyer?

RS: My father was a lawyer, and I was – it was explained to me early on that I was going to be a lawyer, and I accepted that. [Laughter]

JM: Did you, um – did civil rights come into your kind of active attention as you were busy with the Law Review while at Columbia, or –?

RS: Um, I wrote something about the gerrymander decision of the Supreme Court in Alabama while I was in law school, um, um, which was published, and, um – but really, the truth is that for the most part I was focusing on the work and so forth until I got out of law school.

JM: Yeah. Um, if you would, could you just sketch the early career path, um, that will bring you to New Orleans?

RS: I went from law school to being a law clerk, uh, for Judge Paul Hays on the United States Court of Appeals for the Second Circuit, which was a one-year position. And then, I came to Washington and for a few months I worked for a commissioner as a special assistant to a commissioner on the Federal Trade Commission. And in the spring of 1963, I went to work for what was then Arnold, Fortas & Porter as an associate, what was then a very small, comparatively small law firm in Washington.

JM: And anticipating at the time that that would be a position you'd stay with for some time, I would imagine, or perhaps not.

RS: Yes, I guess that's true. Um, I had certain illusions about what that firm was all about. Abe Fortas had just handled, um, a very famous case in the Supreme Court, um, involving the right to counsel in state court criminal proceedings. Um, and I kind of got the mistaken, naïve idea there was going to be a lot of that kind of thing at the law firm. Thurman Arnold had been a – had been prominent in representing individuals who had been called before the McCarthy Committee and other committees along the lines of the McCarthy Committee. So, uh, I had stars in my eyes about what it was, and it turned out to be quite different.

JM: Yeah, yeah. Tell me how you first, um, got connected to the Lawyers Constitutional Defense Committee.

RS: Um, in 1964, the spring of 1964, two friends of mine, colleagues at Arnold, Fortas & Porter, young men like myself, uh, became aware of and told me about the Lawyers Constitutional Defense Committee, which was sending lawyers, um, in the summer to the South to help with the arrests that essentially were resulting from all the civil rights activity that was taking place. Um, I volunteered to go in 1964, but a lot of other people did as well, and I wasn't accepted for the reason that they were looking for lawyers who were admitted in the states in

which these problems were most manifest, and, um, I wasn't. My two friends were admitted in Florida, and they were sent [05:00] down there.

And I was kind of unhappy that I wasn't allowed to do this. And during the course of the, uh, the following winter, I met the director of the program, Henry Schwartzchild, at the home of one of these two men, and I complained to him about this. And he promised me that I'd be selected next summer, [laughing] and I was. In the summer of 1965, I was, um – they would send lawyers for three weeks on their – on the lawyers' vacations. And, um, I was told I was going to be included, but I didn't know where. And a letter came that said, "You're assigned to New Orleans, Louisiana," which was a big disappointment to me, because I wanted to go to Selma, Alabama, or [laughs] Jackson, Mississippi, or someplace that I had heard of where things were happening. Of course, things were happening here; I just didn't know it.

And, uh – but that letter changed my life, because I got here the first of August, 1965, and, uh, I spent my three weeks. I outlined a little bit in those documents I gave you what I did during those times. But it was very, uh, uh, enlightening, awakening for me, because, um – a couple of factors. One is where I was working in Washington, when there was a case they put four lawyers on it, and, uh, sometimes lawyers, fulltime, would work on one case, and the case would take years, and that was kind of the way of life.

Um, here things were happening with breakneck speed. Um, when I showed up for work the first day, I asked them what I could do. They said, "Drive up to Baton Rouge and meet Murphy [Wilbert] Bell. He has a school case he wants to bring." And I did, and I went to Baton Rouge and met this gentleman, who was the key black lawyer in that area for civil rights things, and he said that the people in St. Francisville, West Feliciana Parish, want to bring a school desegregation case.

So, I said, "Fine," and I went up there and I met them and I got their names and addresses and consents and so forth, and went back to New Orleans. And, um, a desegregation case by that – a school desegregation case by that time was a pretty stock thing. You get someone else's complaint and you put the new names in and, um, file it. And I did and I filed it in Baton Rouge, where – which was the district for that location.

And, um, the judge there was a well known racist judge named E. Gordon West, and he would just throw all these cases out the minute they got there, even though it was established law of the land that these cases were proper cases. And the day after I filed it, the case was dismissed. And I filed a motion in the Fifth Circuit Court of Appeals for a summary reversal of, uh, of Judge West's decision. And a week later, the Fifth Circuit reversed the decision and sent it back, uh, for the entry of an order. In fact, they told him exactly what order to enter.

So, I had been there for eight days [laughter], and I had gotten relief in a school desegregation case in the face of the worst judge in the South, or practically, or one of them anyway. And that was just one of several things I did during three weeks, and, uh, I could just see the impact, uh, I could have, uh, in this situation. A lot of lawyers who were being sent down by LCDC, um, were also enjoying the life in New Orleans and, um, bringing their wives and different things that seemed to me a little bit of a messy situation in that, um – I came away with the firm idea that what they need is permanent lawyers down there and not people passing through.

And, uh, I was working with a law firm, Collins, Douglas & Elie, which is a very important, *the* most important firm in civil rights law in Louisiana, three young black lawyers who became the attorneys for the Congress of Racial Equality, which was the dominant civil rights organization in Louisiana. And, uh, I became friends with them, we liked each other, and,

uh, we began to talk about my coming down on a more permanent basis, and one thing led to another. At the time, there was permanent staff member in Jackson, Mississippi, which was the main office. And over that winter, uh, Mr. Schwartzchild raised the money to have a permanent lawyer in New Orleans, and I was going to be it. And, uh, the following summer, I came down as an employee and stayed.

JM: Um-hmm. So, that's – that's, then, summer of '66?

RS: Six.

JM: Yeah. Um, let me take you back. Um, it's so interesting to hear you talk about your arrival down here and those first three weeks. Um, can you say a little bit about – had you traveled in the South previously?

RS: No.

JM: No?

RS: I'd gotten as far as Charleston, South Carolina [laughs] –

JM: Yeah, okay.

RS: Sightseeing.

JM: You've mentioned this [10:00] the impression that's made upon a young lawyer by the experience you just described of getting this quick reversal. I'm interested also to hear about, as you might recall them, other impressions that you formed early of the civil rights context in the South as you saw it when you came in that summer in '65.

RS: Um, well, the office of Collins, Douglas & Elie was on the second floor, uh, in the 2200 block of Dryades Street. And on the ground floor, in the storefront, was the Congress of Racial Equality office. So, I was meeting all these civil rights workers. You know, I don't, wouldn't, didn't consider myself a civil rights worker. I was a lawyer doing this law work. But

they were all coming through and, uh, people I had heard of and read about, and, um, action was taking place everywhere, uh, including Bogalusa. Bogalusa was always the most active place, partly because it's so close, uh, and it was easy to get in and out. It didn't take two days roundtrip to do something.

Uh, but I met the people, all the people in Bogalusa. I met Bob Hicks, Gayle Jenkins, A.Z. Young, R.T. Young, many people. I, uh – there was an affinity growing up [laughs] in me, and, um, I just wanted to be part of it on a more permanent basis than this little snapshot that I got. Um, and any impression I had that there wasn't civil rights activity in southern Louisiana was just completely dispelled, as I was mentioning in terms of my letter that I got. Um, [someone coughs] and, um, that's – that was my impression.

JM: Tell me a little bit more about these three black lawyers you met.

RS: Okay. Um, they are among the first African American lawyers in Louisiana, but not *the* first. There are older, uh, men who have streets named after them in New Orleans, A.P. Tureaud and, uh – the best example. They were about ten years younger than he was. It was Robert Collins, who later became a federal judge, um, the first black federal judge in the South; uh, Nils Douglas, um, who died just a few years ago and who, um, was I think probably the most active of the three, in terms of the representation to CORE; and Lolis Elie, who is, um, still my dear friend and lives right down the block [laughs] from here.

And, uh, they were – it was a completely different scene than Arnold, Fortas & Porter – they were scraping to make a living. They weren't getting paid much by CORE. They were very glad to have the help with the civil rights work, which freed them to do something that made a little money. They would do the kind of work you do in a poor black neighborhood: automobile accidents, uh, bankruptcies, um, landlord-tenant issues, um, and, uh – but they were

having a good time about it. Every day at the end of the day – of the three, the one who had the largest office room was Bob Collins – everybody would gather in there. He had a bottle of Scotch in his bottom drawer. People would have a drink and talk about what they did, and it was a very attractive, [laughs] friendly situation.

JM: Um-hmm.

RS: Uh, things were very stern up at Arnold & Porter, and, uh, it – this was a nice contrast.

JM: Sure, sure. Um, tell me a little bit about, if you would, um, some of your first impressions of, um, of, uh, Bogalusa, the community.

RS: Uh, the first word that comes to mind is hot. Hot! It was hot and smelly, uh, because of the paper mill. Um, at that time, uh, they were having a meeting every single night. Uh, it was the Bogalusa Voters League, and the, uh, the people who were at the forefront were the people I mentioned, A.Z. Young, Robert Hicks, Gayle Jenkins. And there was a union hall right near Robert Hicks's house, um, and there was a meeting and a rally every single night. And, um, activities were planned. There was a long period of time in Bogalusa that there was a protest march on Main Street – I'm not sure that Main Street is the name of the street, but *the* main street – in protest of discrimination by the store owners. That would go on every day after school.

Um, so it was – and the Civil Rights Acts had just passed. Um, well, put it this way: the Title VII of the Civil Rights Act had just come into effect, [15:00] uh, four weeks earlier, and there was a lot of focus on conditions at Crown Zellerbach [Corporation], uh, which was the major employer in town, had four plants, uh, making various kinds of paper products – boxes, wrapping paper, different things. And, um, one of the things I did during my three weeks that

first summer was to work on the EOC charge that was filed, which was a prerequisite to filing a Title VII action in court, and meeting a lot of the employees at the firm, at the plants, and hearing what they were doing and what their problems were.

So, it was a very – oh, and there were things going on in the criminal court. I, uh – there were arrests coming out of these, um, marches and arrests for other reasons, harassment arrests. And there was a city court, and, um, I appeared at least twice in, um, city court in Bogalusa, uh, which was completely segregated, uh, and had this kind of very angry judge sitting on the bench.

And the first time I, um, uh, appeared, let me divert to say, Abe Fortas had just been appointed to the Supreme Court, like the week I left. And Nils Douglas was with me, and he stood up. He said, “Would it please the court, I want to introduce to the court Richard Sobol, who comes from the law firm in Washington, D.C. that, uh – from which the most recent Supreme Court nominee has come.”

And this judge used a crutch, one crutch, to walk, and he took his crutch and he slammed it on the table and he said, “Don’t talk to me about the Supreme Court of the United States!” [Laughs] And, uh, that was my introduction to city court. But he let me, he let me say what I wanted, and, uh, uh, I was before him at least two or three times in those three weeks.

JM: Um, I’m interested to hear a little bit, too, about, um, some of your first impressions about, um, [pause] some of your first impressions about how it felt for *you* to be stepping into this landscape personally. I mean you mentioned the excitement on the legal side. Did you – was it a more complex set of concerns, for example, about safety, about –?

RS: Well, another thing that happened just before I got here was that a bomb had been set off – had been tossed in the hallway to the Collins, Douglas & Elie office, so that was a conversation piece. Somehow I don’t recall that bothering me. Um, I came down here with my

wife, my then-wife, and two children. Uh, we found a nice apartment uptown that we could rent and, uh, just a block away from where Lolis Elie lived at the time, and, um, um, it all seemed fine to me. I didn't have any, any – I was so excited to be involved in it, uh, and grateful [laughs], in a way, to be involved in it. And everybody was approving of what I was doing, you know, my wife then was, and everybody. So, I didn't have, uh, concerns. I just got right into it.

And when I arrived, there was, um, a volunteer, a regular volunteer who had been down several times, named Jerry Gutman, Jeremiah Gutman, from New York City, who, uh, filled out a file card for each pending case in the office. And when I got there, he wanted me to – I sat down with him, and he wanted to go over each file card. Well, the file cards were about four inches thick, and every one had a case, and I was the lawyer in every single one of those cases [laughs], as of that day.

So, it was, um – there wasn't a lot of time to be, you know, be worried about it. I just was – got into it and tried to organize it in some – and I worked alone, but I honestly did, basically, the civil rights work with, uh – I was in association with the lawyers upstairs. I was downstairs. Um, but, um, uh, basically, I was supposed to take the lead and make sure these things happened and, uh, um, I did that alone for about four or five months.

You see, I was so much – I was so – I felt they shouldn't have this volunteer lawyer program. And I convinced Henry Schwartzchild that – see, what they did is they flew the lawyers in and they paid the airfare and they paid the hotel bills. Well, you could hire a lawyer for less than that. Um, and, uh – but the problem was there weren't many lawyers in Louisiana who wanted to do that.

But I found one, a fellow named Don Juneau, um, who, uh, had recently [20:00] graduated from Tulane and he was – he's a very unusual person. And, uh, he's white, but he's a

very unusual person and he wanted to do this. So, by December – I came down fulltime in late July – by December he had joined the office. And so, we had two lawyers, which was great, and I stopped having, pretty much stopped having the volunteers, which was kind of a distraction. And I think by that following summer, I had three – I had two lawyers, in addition to myself. It got to be three. At one point I reached four. So, we really had a law office going and a lot of help and so on.

JM: Yeah. Let me ask about the [clears throat] the complaint filed in '65 and some that moved forward from there. Did, uh, Collins, Douglas & Elie [the New Orleans-based firm of black attorneys Robert Collins, Nils Douglas, and Lolis Elie] have an active LDF connection, Legal Defense Fund connection?

RS: Uh, no.

JM: They didn't?

RS: They didn't. They knew all the people and all, but, um, uh, they were CORE lawyers.

JM: Yeah.

RS: And there was a CORE organization – you know, the LDF started as the nonprofit part of the NAACP. Now, of course, it's completely different. But there was a CORE thing that was called the Scholarship Education Defense Fund for Racial Equality. CORE was the Congress of Racial Equality, and, um, that was their client. And that was where the input from New York City would come in. Uh, there was a man named Carl Rachlin who was the head of it, um, and he would come in and out of town.

JM: Yeah. You mentioned filing that complaint. The date was July 15 in '65, just after, not two weeks after the Act has taken place –

RS: Yeah.

JM: Title VII has taken effect. Um, I'm just remembering, um, that in those early days, you mentioned that you could borrow boilerplate filing on the school side.

RS: Um-hmm.

JM: Well, how did you come up with the complaint?

RS: Well, that complaint – you say July 15th, 1965? I wasn't – I'm not here yet. But I thought the complaint, the charge wasn't complete enough, and I redid it, um, to list the practices more specifically that I thought were a problem. Uh, how they did the one in, um, in July, I don't know. I would guess it was a rush job, just from the circumstances. Uh, the one I filed, uh, I had listed a lot of issues that later became prominent issues: testing and seniority and, uh, um, segregated local unions and different things that were not, I don't think, mentioned in the first charge.

JM: Gotcha.

RS: But it was – that – you had to start over on a blank sheet of paper for that one, unlike the school segregation litigation, which was going on, you know, for quite some time – there was this famous New Orleans school desegregation case many years before – and, uh, much more established.

JM: Did you – after your arrival in early summer '66, did you have an active pattern of communication with the part of LDF that was engaged in early Title VII work, or not really?

RS: No, I didn't. I don't think LDF – if they had a Title VII case in Louisiana, I don't know what it was.

JM: No, I don't think that they did.

RS: I don't think they did.

JM: But you wouldn't have called up to folks working on these issues in New York City to say, "Hey, what are you guys doing on these LDF – on the Title VII front?"

RS: No.

JM: Okay, yeah, yeah. Um, I'd love to know some of your, to draw you out a little bit further about Bogalusa, um, some of your impressions about these key three individuals you mentioned and how and why it was that Bogalusa had become such an active place for struggle.

RS: Uh, let me answer the last question first. It became active because of the three individuals. And I think if they had been somewhere else, it would have been active somewhere else. Uh, they had an unbelievable commitment and drive and perseverance to what they were trying to achieve.

Um, and there were two other factors. There was the Crown Zellerbach mill, which employed thousands, maybe a thousand people, and it wasn't one of these southern towns where nobody really has a job, uh, you know, they're making out in various ways. But these are union workers, and they're under union contract, and they were used to organization. Um, and the – as far as employment was concerned, the complaints were quite clear. Um, and, um, because Crown Zellerbach was from San Francisco, a group in San Francisco took a very active interest in supporting what they were doing, including sending money, [laughs] primarily sending money.

JM: Supporting what the black workers were attempting to do.

RS: What the Bogalusa Voters League was trying to do. [25:00]

JM: Yes.

RS: Uh, and they were pressuring Crown through the San Francisco community to make changes. Crown never would make changes until they were forced to, but they were getting that

pressure. So, the fact that there was that input from San Francisco, uh, was important, in terms of – not that the movement was financed in any significant way, but if they wanted to buy placards for signs, there was a little kitty to do that. And, uh, and each of these people got a trip to San Francisco, which they had never been out of Louisiana, and it kind of gave them a broader scope about what was going on and some recognition and a national location. Uh, so, I think those things were unusual about Bogalusa.

It's a – it's a – I can't really compare it to a lot of other towns. As far as my observation was, it was kind of the hardest line segregationist small city. There wasn't much leeway, uh, and that continues to today, as far as I'm concerned, uh, up there. Uh, many, many years later, in the '90s, 1990s, after I was living in Washington and lost touch, sort of, came back, moved back, reconnected with my friends in Bogalusa, uh, Gayle Jenkins encouraged me to represent some police officers, black police officers, with their complaints about lesser treatment, discriminatory treatment they were getting. And they would have been easy things to correct, but the mayor would not give one inch, uh, on it. It was just remarkable that forty-five years had gone by, and asking for things like posting the opportunities for training so it's not just word of mouth among the white officers – didn't want to do that. Uh, things like that – there were bigger things, too, but they wouldn't do anything.

So, Bogalusa has kind of a particular, uh, hard line about everything that I think kind of provoked more activity. I assume in some other places in Louisiana when the storekeepers kind of got the kind of pressure they were getting in Bogalusa they would, um – you know, they were things like being able to try on clothes or not. I mean, little things – it seems like little things, but there was never any give up there, so I think that had to do with it.

Alright, now, about the people. Um, when I came back to Louisiana in the '90s, I spent a lot of time talking with Gayle Jenkins. In fact, I recorded conversations with her. And, um, not that she was bragging or anything, but I got the firm impression that she was the spark that created an organization that, uh, uh, could take on the role the Bogalusa Voters League took on.

She – the only thing I particularly mention is that she wanted a man to lead it. And, uh, she didn't feel – she felt it would be more effective if a man led it. And, uh, I think she even mentioned a *large* man. I'm not sure of that. I may be adding that part, but I know the other part is true. And there was this man, A.Z. Young, who was an outspoken, kind of well-known guy in the community, and she approached him and asked him to do this, according to her. I never discussed this with A.Z. And he wanted to think about it and ultimately he said he would do it. And when he did it, he jumped in with both feet and he did everything. He ran around –

And her cousin was Bob Hicks, and, uh, she encouraged him to get in, and he did, he and his wife both, and, uh, played a – they all played tremendously significant roles. Uh, Hicks was a more, um, not so flamboyant as A.Z. Young and could get more into the details of lawsuits. And he became the plaintiff in a lot of the things we did. Uh, he could testify very well and, you know, not, uh – and many other attributes.

And their home on Ninth Street, which they've since named Robert Hicks Avenue, I think, uh, was the center place for anyone coming to Bogalusa in connection with civil rights. Uh, and it wasn't just lawyers. It was civil rights workers. There was a CORE worker in town. Um, James Farmer came to Bogalusa. Um, other – a man named Lincoln Lynch, I don't know whether that name means anything to you, but he was the second in command in CORE, and he came to Bogalusa. And everything would always happen at the Hicks house, uh, with food.

[30:00]

Um, and it was, um – and there were these stories that a little bit precede my time, but about the men on the roof on the Hicks house, uh, in response to threats that he had received because of what he was doing. And so, there was a show of readiness to fight back. There were men on the roof with rifles, uh, and nobody came [laughs], that kind of thing. And, uh – but Hicks was up for that, and he certainly never backed down for a second.

And, uh, uh, so they all played somewhat different roles. When it was time to give a speech at a big rally, A.Z. Young would give it. And he was the front man on the marching line, and a lot of people – he had tremendous amount of respect in the community. And Hicks was right next to him, but a little bit more subdued about things, a little bit more into the schedule, into what date something was going to happen, that kind of thing, if I'm making myself clear.

JM: Absolutely.

RS: And you couldn't have one without the other. And it was a wonderful combination. They all liked each other. They didn't fight. No competition. A.Z. was the president, and Bob was the vice-president, and Gayle was the secretary, [laughs] and never changed. And, um, it was very nice. Someone else who came to Bogalusa, uh, were the Freedom Singers and the, uh, Freedom Theater. Is that what it's called?

JM: Free Southern Theater?

RS: The Free Southern Theater came to Bogalusa, to the union hall where they had their meetings. They had a performance. The Freedom Singers came. They had a performance. So, it was attracting that kind of attention.

JB: Can we pause for a second? This has been running for quite a while.

RS: Sure.

JM: Yeah.

[Recording stops and then resumes]

JB: We're back.

JM: Mr. Sobol, I want to ask about, um, after arrival in '66, um, you pursued the Crown Zellerbach case, obviously, and pushed it forward, and it would come to trial in summer of '67, I think.

RS: Right.

JM: I think that's when George Cooper will be in town to, uh –

RS: Right.

JM: Work that trial with you in some sense. Can you talk about that process of pushing a Title VII case forward, moving it towards trial? [JB coughs] In that moment, there's not a lot of, uh – there aren't cases. The field is so new; the law is so new.

RS: Yeah. Um, by that summer of '67, we had filed additional cases involving other clients in Bogalusa, and they came to trial. It was consolidated with a government case, *United States v. Local 189*. Well, when I was practicing law in Washington, I was doing a lot of antitrust cases and I became familiar, very familiar with discovery, depositions, um, production of documents, which, um, the lawyers who hadn't had that experience didn't really have any familiarity with and weren't doing. And I got into a more methodical mode of filing the interrogatories, filing the requests for the production of documents, filing motions to compel discovery when the responses were not forthcoming, um, scheduling depositions before the hearing and taking them. It would be more of a, um – one reason is I had the money to do that because LCDC was paying for deposition transcripts and all that kind of thing. Uh, but I had the distinct impression that, uh, earlier there would be more of a rush into try to get into court a week afterwards and not have all the homework done.

Uh, that was one thing that I organized the material. And, of course, George was a tremendous help. We kind of split the issues, and he did a tremendous amount of research about testing and the impact of testing on fair employment. And that was a new issue at that time. People really hadn't been talking about that. And he got a lot of experts, uh, to help him, people in – not lawyers, but people in the testing field. So, that was one major advantage.

Another was, um, there was a new judge just appointed named Frederick Heebe, uh, who had nothing in his background that would suggest he'd be sympathetic to these kinds of cases, but he was sympathetic to these kinds of cases. And, um, a lot of the cases, a lot of the litigation in Bogalusa went before Judge Heebe, uh, not because of any special tricks. It just fell that way. He had the school case. He had both – he had all three [35:00] employment discrimination cases, um, other cases.

There was a school – the school cases in Bogalusa, see, they went further than any other school cases, because they wanted to litigate about who'd be the prom queen and, uh, uh, how the football players are being treated and every last thing. The people in Bogalusa would not accept what they call in the law “one vestige of discrimination.” I think they wanted to get everything out on the table. And Judge Heebe would call a hearing – I remember we had a two-day hearing on a Friday and Saturday about the selection of the prom queen. And he treated it as serious as any other case he could have had, and it was very wonderful really. Because, you know, another judge could just throw you out or not schedule it. I mean it's – you don't get to trial because you want to get to trial; you get to trial because the judge says, “Okay, here's the trial date.”

And, um, so we got a lot of cooperation from this man. See, the courts were so different then. Not only from Heebe, and he's not the only district judge that helped us out a lot, but the

Court of Appeals was just perfect, [laughs] in terms of what we wanted to do. They were these men who really cared about these things and would give you, like I mentioned before about the school case in St. Francisville, they'd give you what you were entitled to overnight, um, and so all those things coalesced. I didn't have to do that when – in the Heebe cases, but, uh, in other cases I certainly did. So, um, I attribute it more to those factors than anything else.

The, uh – some of the issues in the Crown Zellerbach case were perfectly obvious. The seniority issues and the testing issues were not, and I mentioned George developed one, and I worked on the other. And I got help from – there was a case in Virginia called *Quarles v. Philip Morris* that was a precedent, and I think the first case, really.

JM: '68, yeah.

RS: '68? Was that later?

JM: '68, yeah, it was that late. Well, it would have been tried before then.

RS: Then it wasn't a precedent. I thought there was a precedent in that case. Maybe it came later as a precedent in some of our –

JM: Yeah.

RS: Alright, so –

JM: Judge Butzner.

RS: Yeah. And a woman named Gabriel [Kirk] MacDonald, who later became a federal judge in Texas, uh, was a lawyer, uh, for the plaintiffs. Um, in addition, I began – you mentioned whether I was consulting with the Lawyers Defense, Legal Defense Fund, which I wasn't, but I did become, uh, in contact with the lawyers from the Civil Rights Division of the Department of Justice. And they were doing a lot of thinking about these seniority issues and

really showed me some things I hadn't realized myself about them, one guy particularly, named Robert Moore, and David Rose.

And we tried the *Local 189* case together, uh, but even before that – the Hicks case [*Hicks v. Crown Zellerbach*] was tried first – I was getting kind of different vantage points on how the seniority system can adversely affect black employees who had never been allowed in white jobs. Need I say, before the Civil Rights Act was passed, there were black jobs and white jobs – there was no two ways about it; there was no fooling – and two unions, and each union had its own jobs in their contract. And the question is how you put that together, and it's complicated. And, uh, um, anyway, by the time we went to trial, I had it straight. And Judge Heebe bought it and issued a preliminary – he didn't issue his written opinion until three years later, but he issued an injunction at the end of the trial. And, uh, so I guess that's the answer to your question.

JM: Um-hmm. Let me take you back up to Bogalusa and have you talk a little bit – you're grappling up there with, and the Voters League is grappling with the most basic things, education, jobs. Um, can you talk a little bit more about the – some illustrative detail about the nature, kind of for our record here, what you saw in the schools, what you saw at Crown Zellerbach, a little bit more of the fabric of that experience for those folks at the time?

RS: Okay. Um, when, we used to say, a desegregation order had been issued in the Southern school desegregation cases, it was the most token – the result was as token as it could possibly be. It was what was called then “freedom of choice.” And every white student chose a white school, and two or three or four black kids, pushed by their parents, basically, would go to the white school, and all the other black children [40:00] would go to the same school they were going to.

So, I had occasion to visit, even after there was a desegregation order in Bogalusa, the schools, and they were blatantly rundown. I mean they didn't look anything like the white schools looked. And, uh, I interviewed teachers and I heard about how they were paid less and, uh, didn't get the supplies they needed. And, uh, uh, and you could just walk by the school and see what was, you know, see what the building looked like. They were dilapidated.

And, um – and that motivated our office to, to really press that particular issue, which is one of the things I spent a lot of time working on, which was eliminating freedom of choice and reestablishing the school districts in some kind of nonracial way that everybody goes to the school near their house. And, uh, the first place that was ordered, I think, in the South was in Washington Parish by Judge Heebe. Um, I've got the citation of the case in that material I gave you.

Um, and then later on we achieved similar relief in the Supreme Court of the United States on a south-wide, on a whole regional basis, that it had to happen right away, it couldn't be – there was no more deliberate speed. Those are very important issues, because the status of school desegregation, as I found it when I got to the South – I'm not saying about the big cities; I never was in a big city case, like New Orleans – but in these small towns, it amounted just little next to nothing.

Uh, and, of course, the children who had to do this, uh – I'm just reading Charlene Hunter's book about her going to the University of Georgia [laughs] – and the children that had to do this had to put up with quite a bit. It wasn't just going to school anymore. It was these eight and nine-year-olds being these heroes, and that's not fair. And, um – anyway, so that was the school situation. By the time I left my job at LCDC, there still was no significant integration of the schools in Bogalusa. It happened the following year.

Um, with respect to the paper mill, uh, of course, I got familiar with the men. I became the lawyer for the black union. Uh, I was able to tour the plant and, um, see the jobs. And, of course, a lot of the defense about these seniority issues was that the, uh, the black employees weren't competent to do, hadn't been trained. They wanted everybody to go up step-by-step and take – get at the back of the line, essentially, and learn. But some of these men were fifty and fifty-five years old, and they didn't have any time to get at the back of the line.

Uh, and I began to observe the jobs, and they were, uh, with very few exceptions, quite simple jobs. The, uh – and I could see by just watching them what the men were doing – I was in there by court order to view the plant – that anything complicated, like fixing a broken machine, they'd call in a craftsman who was specializing in that machine. But in terms of a working machine, the production of corrugated board is a very simple process. It's a repetitive process. And, uh, it might take – you know, I've always been cynical about the amount of training you need for things. I would say in two or three days, maximum, any reasonably intelligent person could have done any of those jobs. They wanted them to wait twenty-five years. Uh, so, I saw what it was on the ground, and that, of course, encouraged me, because I didn't know anything about making paper. [Laughs] That encouraged me to, uh – in my legal pursuits by seeing what was actually involved in these jobs.

And, of course, the pay scales were dramatically different. Uh, the highest paying black job under the pre-Title VII union contract was picking the final product off the assembly line and putting it on pallets. And that was the highest paying job. There were sweeping the floor jobs. There were lesser jobs. And the white jobs started a notch above that job and would go up six or seven steps to what was really good blue-collar pay at that time.

So, um, um, and that got into, kind of slid into a sex discrimination issue, because they wouldn't – there was a box plant, two bag plants, making two different types of paper bags, and a paper mill, which takes wood and turns it into paper. The bag plants, uh, were all white and no [45:00] – I'm trying to – I forget – there were no women in the box plant? There was an aspect of sex discrimination about the bag plants that slips my mind right now. But, uh, they had a – oh, I know what it was! I know what it was. They didn't employ women at all, regardless of race, in the box plant and the paper mill, but they employed them in the bag plant. And in the bag plant, there were no black employees at all – the bag plants, plural. And so, it kind of became a combination of sex and race. And, uh, I noticed that, touring the plant, that there were no black employees. And, see, they had a separate black union for the box plant and a separate one for the paper mill, but no black union, of course, for the other ones, because there were no black employees.

So, a lot of being able to get in there and be on the scene – and, as I said before about Bogalusa, I had clients in upstate New York and in Tallulah, Louisiana, which is as high as you can go and still be in Louisiana. I had clients in Monroe and, um [speaking to Anne Sobol] what's that pretty town where Stanley lives to the west of here?

Anne Sobol: Lafayette.

RS: Lafayette. Um, but I didn't get over there. There had to be an event for me to go that far. [Laughter] But Bogalusa, I was there all the time. So, uh, it was very – you get a deeper understanding of what's going on.

JM: Did you typically go up and back in a day or – dependent on what you had to do?

RS: Oh, sure.

JM: Yeah.

RS: I never slept in Bogalusa.

JM: Yeah.

RS: [Laughs] I made a – I made a rule of thumb not to sleep in those places, because, I guess, that was my fear of violence, uh, that I just didn't want to be asleep in one of the motels in these towns. I would go to Faraday, Louisiana, which was another civil rights hotspot, and I'd cross the bridge into Mississippi and stay in Natchez. And when I went to Tallulah, I would cross the bridge and stay in Vicksburg, uh, because I just always had a feeling it wouldn't be a good idea to be sleeping alone in one of these motels.

Um, so I never stayed in Bogalusa. There was no reason to, actually. It was about ninety minutes. But they would, um, at least in the early stages, [laughs] they would drive me to the border of Washington Parish [laughs], uh, to see me out. And I never knew whether that was – I never really – I don't know if that was necessary or not necessary. The fact is I never had any problem, uh, and it may be because they were driving me. But, uh, I always came home.

JM: Yeah. Let me ask you, on that theme of risk and violence and all, Bogalusa obviously has a pretty active chapter of the Deacons for Defense, and I'm wondering what you –

RS: Are you saying now they do?

JM: No. Then they did.

RS: Then.

JM: And I'm wondering your perspective on the implications of the Deacons in the community and, um, say, in relation to the civil rights activities of the Voters League and –

RS: Well, okay. I have a rather unorthodox view about the Deacons of Defense. In the time I was living here and working on problems in Bogalusa, uh, I never heard about the Deacons of Defense. I, uh – “never” maybe overstates it. Maybe I heard about it, but there were

certainly no members to meet – “This is the guy from the Deacons” – everything was under the Bogalusa Voters League. I *did* know about how, when there were some threats of violence against the Hicks household, friends of theirs came and climbed on the roof and spent the night with rifles. *Now*, that gets to be a Deacons of Defense story. At the time, I think it was friends of the Hicks, coming over there with their rifles. So, I just don’t – I think there’s something about the Deacons story that’s very attractive to historians, if you don’t mind my saying that, [laughter] because I hear so much about it now and I heard nothing about it then. And I’ve spoken with Lolis Elie about this extensively, and he agrees with me.

JM: Interesting.

RS: Um, uh, so, I don’t know. I am not – that’s really what I have to say about it. Uh, uh, I did, like I say, when I left town, not for long, but in the early days, in ’65 and maybe the first few months of ’65, somebody would want to follow me down in a car, down to the border. But the word “deacon” was never mentioned, and I don’t even think I saw any guns. I didn’t see any guns. Um, I never saw any guns, actually, when you get right down to it. Uh, so I read these stories about people had their trunk full of rifles. I just don’t know – I don’t know what this is all about. Maybe I was just naïve. [50:00] But that’s my honest thing I can tell you. [Laughter] That’s my impression.

JM: Did you have much of a sense –?

RS: Uh.

JM: I’m sorry.

RS: Okay.

JM: Did you have any sense, much of a sense of the Klan?

RS: Yes. Um, I think there were some Klan – some Klan violence against some of the marchers. I'm a little indistinct about it in my mind, but, um, I think there was. Um, and I don't know who could tell you now exactly who was there, because the main people aren't around right now. But I don't think it was massive in any way. I mean, it was bad. I think there were one or two occasions where a shot was fired during a march, and somebody was hurt. But I'm just not that clear. It didn't happen when I was around.

JM: Yeah.

RS: Um, see, because the Bogalusa movement was way underway long before I got here.

JM: Exactly.

RS: And some of the most important things that were going to happen had already happened. Uh, *Hicks v. Knight* – are you familiar with that case? Uh, I had nothing to do with whatsoever. It was concluded the day before I arrived as a volunteer. But it had been Robert Hicks and several others taking on the chief of police because of lack of protection of marchers, which certainly means to me there must have been some harassing of marchers. So, I'm just not a good source for this. Because, as I say, Judge [Herbert] Christenberry, a very powerful man, [laughs] put an injunction in against every police officer in town, and, um, I didn't see that kind of activity. I – I just didn't see it. So, I don't really want to talk too much about it, because I don't know much about it, really, but that's just my impressions of it. But I do think there was violence.

And when we marched to, uh, Baton Rouge, which was entering new territory, the word was out that the headquarters of the Ku Klux Klan is in Livingston Parish, and there was a lot of discussion, and I was engaged in negotiations with state officers about were they going to let them march through Livingston Parish, although it's right on the way to Baton Rouge – but I

suppose some other route could have been found – but because they felt there was going to be really violence, serious violence, in Livingston Parish.

And I don't know if you've ever seen the picture of the march going through Livingston Parish, but there were troopers lined up on each side of the marchers, forming a, uh, a barrier between the marchers and the observers. And, uh, um, when it came, push came to shove, with – and the guardsmen who were there, I guess that's what they were, National Guardsmen, way outnumbered the marchers. So, they were really being protected. And the only thing I actually saw was some soda bottles being, some glass soda bottles being thrown above the police to land in the area where the marchers were. But they had cleared the area of anybody that was going to – had a gun or anything like that.

So, that was kind of a scary thing, um, but it didn't come to fruition in any serious way. But we were thinking that the Klan was in Livingston Parish, um, although undoubtedly there were people – you know, organizations like the Klan and the Deacons, they're kind of murky. It's not like belonging to the ACLU. It's an attitude more than anything else, and they certainly had the attitude in Bogalusa, but I just didn't see much of it.

JM: Let's take a little pause and –

[Recording stops and then resumes]

JB: We're cooking again.

JM: Stop for just a sec, John.

[Recording stops and then resumes]

RS: [Clears throat] Am I plugged back in?

JM: You are.

RS: Yeah, okay.

JB: Okay.

JM: We're back after just a brief break. Mr. Sobol, I'd like to take you back, turn again to the *Hicks v. Crown Zellbacher* trial before Judge Heebe in summer of '67.

RS: Okay.

JM: Any – you've said some things about the judge, very interesting perspective. Uh, he emerged in the end as someone who you were happy to be in front of.

RS: Yes, definitely.

JM: Thoughts about the trial, special recollections or impressions, memories that persist?

RS: Um, it was, um – there were two issues that were really being litigated, the seniority issue and the testing issue. And George showed – and each side had witnesses. And George showed up, George Cooper showed up at the trial with a trunk, and I'm talking about the kind of trunk a kid would take to camp, a big trunk, full of books that he had found that either the witnesses for Crown Zellerbach had said the opposite things than what they were saying now, or other experts [laughs] demolishing what they were saying. And he walked in the court, he opened the trunk, and he piled all these books on the counsel tables sort of like a library. It was all a row of books, [55:00] all over.

And each witness for Crown – I'm telling you the highlights in my mind – [laughter] George would start in with the first book, and he'd go through every book with them. And, um, he just made them look like complete idiots. Uh, and what seemed like a tough road to hoe, because the test had nothing about race in it – you know how these tests are – uh, by this process, uh, he really made it clear to the judge, who was open to having it made clear to him, what the impact of these tests were and how useless they were for the purpose they were intended, which is to find good employees.

Um, we had our witnesses, too, on that issue, which George had found and brought to New Orleans and testified, and Crown had theirs, but it was the cross examination that sticks out in my mind. And, um, on the testing issue, or on the seniority issue, it was a little less dramatic, uh, but we did have charts, and we had made charts to display in a way the judge could see it from the bench what would be the impact of the existing seniority system versus one that did not incorporate the past. And, um, um, went on for quite a while, the trial did. I would guess it was something like eight days of trial, and with a lot of attendance from the people in Bogalusa, particularly the Crown Zellerbach workers.

Bob Hicks was sitting next to me the entire eight days. Uh, that's what I meant by – that's the kind of thing he could do. He'd keep the record straight. [Laughs] He'd help me with doing it. And, um, um, and the judge, I think, was impressed by that. I think he was – this man was changed. The judge was changed by his exposure to these civil rights cases. Um, and I think one of them was the, um – you know, there's a lot of feeling sometimes by a judge that the lawyers are ginning up the cases or making up the theories, and there really is no client, it's just a name. But by virtue of having thirty people from Crown Zellerbach in the courtroom, uh, completely, you know, got rid of any of that flavor, and it really became what it was, which was a community that was committed to this.

Um, and that was not just in that case, but in a lot of other cases before Judge Heebe. And, like I said, he had the school case, and a lot of kids came down to be there for it. And, uh, that was another thing about the movement in Bogalusa. They responded to that kind of situation. They would do that. That's really all my thoughts are about the case.

JM: Yeah. Um, obviously, it's so known to you and into the record that sometimes we pass right over it, but for our purpose today, could you just recap in brief terms the introduction

of things like the Wonderlic [Personnel] Test and how they were employed and why it became something that had to be fought against?

RS: The Wonderlic Test is a short short-answer test, maybe twenty questions, thirty questions at most, which tested, um, very simple forms of knowledge, um, including definitions of words, um, knowledge of maybe geography, um, uh, spatial relation things. And it had been used – it was a device that had been used for years, uh, around the country as some kind of minimal intelligence to get a job thing when there was no issue about race involved. Crown Zellerbach didn't adopt that test until the Civil Rights Act passed, so none of these white workers in these supposedly difficult jobs had ever passed the test. Uh, and they made it a requirement for employment; white or black, you had to pass the test.

Well, the statistics showed – well, they showed two things. One is that, uh, the – historically and in Bogalusa, the white pass-rate was much higher than the black pass-rate. Three things it showed. Secondly, that there was – the concept of job relatedness came into being at that time, that it would be legal if it was job related. So, if you tested an electrician on how do you set up a 220-volt socket, that would be a job related test, but that all [1:00:00] evidence that could be obtained found that, um, there was no job relatedness to this test, um, that you could not predict from the test how anybody would perform on the job in a paper mill.

And, um, that's become common wisdom now, and the EEOC [Equal Employment Opportunities Commission] ultimately issued guidelines on the issue, and the Office of Contract Compliance at the Department of Labor issued guidelines, and now employers are very sensitive about, are very careful about using tests. But the result of them was that, um, eight out of ten black employees were disqualified in the first half-hour they were in the employment office, and not so for whites. And the culture – and then, the science leads into cultural factors. One of the

classic questions on the test, which I'll just use as an example because it's such a good one, is, "What does RSVP mean?" Um, well, it turned out these black kids didn't know about RSVP. And that's a kind of symbolic question, but not isolated in its context and its meaning. And, um, that was something that was just bound to fall. And, uh, I did a lot of litigation in other cases in Washington, D.C., and elsewhere about these test things because there were different quirks that would come up, but the Wonderlic Test was like a sitting duck because it had nothing to do with the work involved.

JM: Let me also ask you on the seniority side, you alluded briefly a few minutes ago to a very complicated question that you worked very, very hard to argue your way through, and that's the question of, "How does the law grapple with the legacy effects of pre-Act segregation, insofar as it reaches the seniority question?"

RS: Do you want me to explain it, the problem?

JM: Yeah.

RS: Okay. I'll give you two examples. The, uh – when Crown Zellerbach merged the progression lines, which they did voluntarily, you might say. They were under pressure from the EEOC, but they did it early on. They couldn't maintain jobs with racial labels on them after the Civil Rights Act. They merged them by pay, so that the white line may have been \$3 dollars an hour, \$3.50, \$4.00, \$4.50, \$5 dollars. And the black line would be \$1.75, \$2, \$2.50, \$2.75. I'm making up those numbers. And they put them together, so as a result of putting them together based on their wage discrimination, they had all the black jobs at the bottom, and all the white jobs at the top.

And they had a system of job seniority – didn't matter how long you had worked in the plant. The only thing that mattered was how long you had worked in the next line down in the

line of progression when there was a vacancy. So, if there was a vacancy in the very top job, they would look into the second top job and they would see who was in that second top job the longest. Well, you can see the ramifications of that. Um, the only job any black man could enter was the lowest rating white job, and then he'd be the junior guy in that job. And there may be fifteen people in that job, and it would take fifteen different promotions before he would be able to move into the next job.

So, um, the most basic thing we wanted and presented was that the seniority positions should be filled based on plant seniority, um, how long you worked for Crown Zellerbach. So that when a job opened, uh, and there were more than one – people would sign a bid sheet to bid on the job, that the senior employee on a plant-wide basis would be given first consideration, and if he was qualified to do the job, he would get it. So, that was very simple. Of course, the defense had to do with qualifications and how many years it would take to learn how to mix the glue, you know, um, so all these orders had reservations in them about qualifications, but they were carefully restricted – the qualifications thing.

And then came the, um, notion of having to go through every job on the way to the top, which had always been the system. And they argued it's a nonracial system, we've always done this, you move from job 5 to 4 to 3. So, that although a black employee based on plant seniority could go into the lowest ranking white job, uh, he couldn't go into any other job without first serving in the lowest ranking job. And this is [1:05:00] where the lawyers from the Department of Justice were really inspiring to me, I must say, that they should be allowed to go into any job that becomes open as long as they can do the job. And, um, so it wasn't just moving from job seniority to plant seniority, it was essentially eliminating the line of progression.

Uh, that's a thumbnail of the basic points. And, uh, it would have different tricks and turns, because the lines would sometimes go in two different directions halfway up, and you'd have to account for that some way or other. But those were the two things: getting rid of plant seniority and getting rid of the lines of progression. And they fought like hell about it. And the unions, uh, did as well initially. They turned around. But initially they did as well, because there was something, you know, sacred in the contract. In fact, defenses were raised fairly early in Title VII that if it's in the collective bargaining agreement, it can't be illegal. And so, that was another hurdle you had to overcome – the contract was illegal itself. And, um, so those were the kinds of issues that were involved.

JM: Yeah. You and George [Sobol] wrote what would become an absolutely critical piece in the *Harvard Law Review*, published in '69, on these questions and would have so much influence on how courts grapple with these things, including through [Griggs] and etcetera. And I'm very interested in your perspective on both kind of how you labored to construct that piece, and, um, the challenges you found in front of you in crafting the arguments – they had been the ones you had been working on, obviously, in the active litigation – and your sense of the impact of that piece.

RS: Uh, I want to go back and give you my second example on the preceding question.

JM: Sure, please.

RS: That's going to feed into what you're saying.

JM: Please.

RS: Another situation was where no blacks were hired at all, and that was true in the New Orleans transit system. Every bus driver, every trolley driver in town was white. And when the Civil Rights Act passed, uh, they began to hire black employees and they had a system

of company-wide seniority. The one we were fighting for in Bogalusa, they already had it. But the black employees didn't have it, and as a result, uh, they would get all the, um, Saturday night shifts and overtime and late at night and not the good jobs.

Uh, and we had a case against New Orleans Public Service, *Fagan v. NOPSI* [New Orleans Public Service, Inc.], in which – also before Judge Heebe, in which, um, he required the assignment – as a remedy, he required the assignment of job assignments by random, by lottery. That's a completely different remedy, uh, because they all could drive the bus. It's just a question of which bus, what time of day you're driving the bus. So, it had to do with a situation where the vestige of past discrimination is not a segregated system, like in Bogalusa, but no black employees at all, and what happens when you get in.

Um, okay, um, the article. This theory – I don't want to get too technical on you, but there's a provision in Title VII that protects nondiscriminatory seniority systems. And the people defending the status quo would always say, "It has to be nondiscriminatory. It was created before there was any black competition for these jobs." Our position was it was discriminatory because of the impact it had on the black employees, and the position that we argued soon became, uh, widely accepted in the intermediate federal courts. And the article that we wrote, I think, contributed to that, um, uh, although I must say it was well underway by 1969, but I think it contributed to that. Um, the way we wrote it, uh, was a little more scholarly than the brief, so the arguments in court, but essentially was along the same lines.

And George and I were old friends. It wasn't like we were strangers came together for this. We – we had tried *Hicks* together, but before that we were friends in Washington when I was working. He was at Covington & Burling, and I was at Arnold & Porter, and we lived in the same neighborhood and we were friends. And, um, he came down here because I asked him to,

and that kind of thing. So, uh, it was a very – more than collegial. We were old friends, writing this thing. And I wrote half, he wrote half. He edited my half, I edited his half. And [1:10:00] we sent it to the *Harvard Law Review*. They edited the whole thing. They rearranged it completely, they put the end at the beginning, uh, [laughter] and that's how it got published. But it came out at a key time, and it was in the *Harvard Law Review*, and a lot of people read it. George once told me that he had gotten a notification from some group that it was the most cited law review article in many years.

But the Supreme Court had yet to be heard from. And, to make a long story short, when it got to the Supreme Court, they ruled with what the employers' position on this, that the system was not discriminatory if it wasn't adopted with the purpose of injuring or hampering black or minority employment, in a case involving. I think, *United States v. Teamsters* in 1976, maybe, '75. So, we had a good run because for, um – from 1967 until 1965 or '66 –

JM: No, '75.

RS: Oh, sorry. 1967 until 1975 or '76, everybody was doing what we were advocating, including the Department of Labor in the contract compliance field. Are you familiar with that? Uh, so it was almost – the job was almost done. The Supreme Court comes along and says, "No. It was – it should never have happened." Uh, so that was a big kind of intellectual disappointment. But I really do feel the job had been done, uh, in that instance, and, uh, and I did feel that we contributed to that.

One thing I want to say about it is when I went to Washington – see, I worked in – uh, I was at Michigan for one semester. I didn't want to stay as a professor, came to Washington and got back into civil rights through the civil rights – Washington Research Project. But then I went into private practice. And, uh, what I was getting into, finding ways to make money, was

representing unions in – one thing we developed was the right of a union to bring a Title VII case, and, uh, I was working for unions in doing that. I'm skipping way ahead now. But the people who were the power – the power-that-be people in the Washington union establishment still held it against me because of that article, [laughs] and they were very resentful at first. And I had a lot of headwind about that, in terms of becoming a lawyer for unions, because I had done this kind of traitorous thing. Uh, that was the major personal manifestation that came out of it, and some people still feel that way about it.

The point they were making is: If you're being a lawyer, you should be a lawyer. If you're going to be a scholar, you should be a scholar. But you shouldn't mix them, [phone or doorbell rings] because it, um, pollutes the objectivity of the scholarly endeavor. And, the truth is, I wrote that article the same way I handle civil rights cases. I wrote that article to advance civil rights. I wasn't really trying to be a scholar, uh, although it reads that way. And so, there was some, I guess, some merit in what they were saying. But that was an outgrowth for me. The guy who was the chief guy at the AFL-CIO, for example, didn't want to hear about me.

[Laughter] Uh, so, um.

JM: Can we pause again here just for a sec?

[Recording stops and then resumes]

Elaine Nichols: [1:13:29] your thought – you continue to mention the importance of these judges in influencing these cases. And it seems to be that that was the case throughout the South, as well.

RS: Throughout the country.

EN: Yeah.

RS: Listen, this week five justices of the Supreme Court think it's cruel and unusual punishment to keep these prisoners in California cooped up in these little booths, and four think it's not. Well, that just tells you the whole story. It's *all* what – it's *all* how the judge feels. It's *all* – law falls away when you get down to those kinds of decisions. It's just how – well, who's the person? And it happens every day, all over the country, constantly, uh, and it happened here. And it's happening now. You can't do a thing in civil rights in the courts in New Orleans, in the federal courts, right now. Every judge on the District Court and the Court of Appeals, they're all bad.

AS: [1:14:33]

RS: You're thinking of –?

AS: [1:14:38]

RS: Oh, I don't know. Anyway, maybe I'm wrong about every judge. But certainly you can't do the kinds of things we were doing then. They had open arms for us. They were – I went to judges' houses on weekends. They'd welcome you in. I spent July Fourth, uh, 1967, in Judge Christenberry's home in the French Quarter. And he was on the phone, telling the people [1:15:00] in Bogalusa if he didn't let those people out of jail in twenty minutes, he was going to have the U.S. Marshall force up there and arrest them! Yeah, it was all – it was all that. And for a lot of times, I felt I was just kind of setting the table so these guys could do what they, what they felt they should do.

And, uh, and if you got the wrong thing, like the guy in Baton Rouge, there was nothing you could tell them. You could cite cases all day long, and they wouldn't care. I mean it's, uh – it's, uh – I feel that very strongly. That's one of the reasons why I don't – I'm not that interested

in law anymore. Because it's so obvious to me that [laughs] what we're doing is just – it's kind of political, you might say.

Anne Sobol: Some of the Title VII cases that Richard handled, um, lasted for years. Nils Douglas started the case about Kaiser Aluminum plant, and by the time that case was finished and had gone up through the Appellate Courts and to the Supreme Court and back, the relief was handed down, was given out, seventeen years after they began. So.

RS: That's another problem.

JM: Yeah.

RS: One of those cases lasted so long the plant closed down, uh, but they still had to pay out millions of dollars for what they had done. And, um, okay.

JM: Yeah.

[Recording stops and then resumes]

JB: We're rolling.

JM: Okay, let me – let me turn your memory back to a very unusual episode in '67 when you end up in jail, and it involves Leander Perez. And I'm sure that, um – I'm sure that that's enough to cue you for a very interesting story.

RS: Well, in the, um, early 1967, January or February, Gary Duncan, a man named Gary Duncan and his mother – Gary was nineteen years old at the time – and his mother came to my office. They had been sent there by, uh, the Civil Rights Division of the Department of Justice, which had an office in New Orleans. They had gone there for help, and they couldn't handle criminal cases, defend criminal cases, and they sent them to me. And, uh, what happened was this young man had, uh – well, I'll give you a little bit of background. Leander Perez fought like no one ever before had fought against desegregating the public schools in the parish that he –

JM: Tell us who he was, I'm sorry.

RS: Leander Perez was a well-known racist figure, uh, who espoused theories of interposition and, uh, secession and, uh, um, barring the schoolhouse door. And he appeared before Congress and he said these things. And he said at one point, "If any civil rights activist ever comes to Plaquemines Parish, we have a special place for him on Prince Philip Island with the alligators." But no one had ever come down and no one had ever done that. In fact, the reason the government – the government brought the school desegregation case, and the reason is that it was the only place in Louisiana that *nobody* would be the plaintiff, would stand up and be the plaintiff, because of the intimidation that this man had created about civil rights.

Uh, his son was the district attorney. He appointed the judges. He was the head of the Parish Council, which is the governing body down there, uh, the older man was – he appointed the judges. Um, so, um, Judge Christenberry, uh, heard the case, put an injunction in effect requiring certain desegregation. And by that time, it was so – things had passed to the point that he actually entered an order that *achieved* some desegregation on a more-than-token basis in Plaquemines Parish, and there was a lot of furor down there about this.

And Duncan was driving his truck down the only highway there is on the west side of the Mississippi River in Plaquemines Parish, and he came to the school. And he saw that two of his nephews were being encountered by four white boys on the side of the road and he could see a fight was developing. He got out of the truck, he asked what was going on, and one of his cousins said, "They're giving us a problem." And he said, "Well, get in the truck." And he, at this point – he's a very sweet guy, Duncan – he touched one of the boys on the elbow and he said, "Now, go ahead on." Well, the father of one of the boys was within eyesight of this, and he

reported that Duncan had slapped his son. And, uh, that night Duncan was arrested and charged with, uh, with battery, a criminal charge punishable by two years in jail.

And, God bless him, he [1:20:00] wasn't going to accept that. [Laughs] And he – like I say, he and his mother went to the Department of Justice. They sent him to me. I agreed to represent him with Collins, Douglas & Elie. We all agreed to represent him and, um, we began to represent him. And, um, we represented him – we didn't just raise civil rights issues in cases. When we're representing somebody, we represent – like any lawyer, we raised every issue you possibly could to help your client.

One of them was the, uh, Louisiana jury system at the time, which did not allow for juries in any case unless the punishment was more than two years. So, he was going to be tried before this judge that Perez had appointed. So, um, I filed a motion to challenge that system, whatever the motion was exactly called, but to question the constitutionality of the lack of jury trial. It was denied. Um, we tried the case. I had my witnesses; they had their witnesses. Um, the judge ruled for the state and sentenced Duncan to prison, actually sixty days in prison, um, and a fine.

And, um, I was intent on appealing, particularly on the jury issue, because the law in the Supreme Court was developing that more and more of the provisions of the Bill of Rights were going to be applicable in state criminal proceedings. In fact, I mentioned before Abe Fortas had just won that for counsel, a right to counsel. So, I went to the Supreme Court of Louisiana. So, I needed to go to the Supreme Court of Louisiana to exhaust my remedies and then apply writs to the Supreme Court. And, uh, I went down after the – so, I did that. I got – I kept him out of jail until the Supreme Court of Louisiana acted on it. Uh, they issued a one-sentence order saying, “No violation,” and they recited what the statute said.

And I went down again to get a stay of execution of the sentence until I filed the petition to the Supreme Court. And I went to the judge's office. I called ahead and made an appointment. He knew I was coming. I went down there. He signed the stay to keep Duncan out of jail until – and as I walked out, Leander Perez and the sheriff were standing there in the hall and arrested me. Uh, and the charge was practicing law without a license, um, which in fact I didn't have a Louisiana license. I was a lawyer temporarily in the state, [laughs] acting with local counsel. That's my legal position.

So, they put me in jail and, uh, I got one phone call and I made it to my colleagues in New Orleans. And Don Juneau came down and bailed me out before the afternoon was out. Um, and I was in the jail with the white prisoners. [Laughs] They were holding me with the white prisoners. And some guy started telling me the story about another LCDC lawyer I knew was an LCDC lawyer in Alabama who had been arrested for the same reason, [laughing] and he's saying, "Can you imagine? He's representing these niggers, and they got his ass!" So, and I'm saying, "Oh, really? Really? Is that right?" [Laughter] Uh, but, uh, Juneau got me out.

And, uh, we consulted with my – other people involved with my situation down there, and we filed a case to, uh, enjoin my prosecution and to declare the, uh, any prohibition on the activities of outside civil rights lawyers unconstitutional, is violating not only the lawyer's rights but the individual's rights to counsel. And, uh, that became a, uh – that got blown up. So, the case was assigned to Judge Cassibry. Because of the constitutionality of a state law involved, uh, a three-judge court was assembled, which included Judge Heebe, my friend, and Judge Ainsworth, a member of the Court of Appeals.

And, uh, there was discovery and then there was a trial. And the trial lasted for three weeks, and every day there was a story in the [New Orleans] *Times-Picayune* about what was

going on in the courtroom. And essentially, it took just a few minutes of an hour or so, to describe what I just said to you, what the facts were. It all turned out to be like a congressional committee hearing on the state of law practice in Louisiana. And lawyers were coming in from all over the state, both brought in – oh, the government intervened on our side. It was me and Duncan, were the plaintiffs, and the head of CORE, Isaac Reynolds at that time, were the plaintiffs. And then, the government became a plaintiff intervener. And the defendant was Perez, and the state of Louisiana intervened on the side of Perez. [1:25:00] And the state bar association intervened on the side of Perez. So, there were five parties.

And, uh, a small part of the testimony had to do with, uh, me and Duncan and what happened in Louisiana. Ninety percent had to do with how does a black person get a lawyer in this state if he wants to assert rights under federal law? And it was very interesting, uh, to watch. Uh, and, uh, in due course, the federal court avoided the constitutional question, which is what courts are supposed to do, and they – see, there were two defenses. One is the Constitution was defect – protecting what I was doing. Another is that Louisiana statute says an out-of-state lawyer can practice in cooperation, in association with local counsel if he's temporarily in the state.

So, I was in my second year of residence here, but the fact is I was on leave from Arnold & Porter. I had an arrangement with them I could go back, and that was official that I was on leave. And I was supposed to go – stay here for one year. That was my first leave of absence was for one year. At the end of the first year, I'd already been arrested, and the trial was coming up. It just didn't seem right to be leaving, and plus I was in the middle of a million things that I didn't want to leave. And, um, they gave me another year's leave of absence, so that was very helpful.

Uh, and, uh, we tried it, and they were trying to prove that I was a resident by the fact I had utility bills, and I'm trying to prove I'm not because I still have a D.C. driver's license. That was going on. That was one part. And the other part was about the state of law in Louisiana, and they issued an opinion, ruling on the part that I was temporarily in the state. Uh, and they said that I am temporarily in the state and I was leaving in August, [laughs] like he testified, and that I was operating with local counsel, which I certainly was. Their names went on everything, and Bob Collins was there the first day. I went down alone after the first day, but Bob Collins was there that first day.

And, uh, there was a problem about federal courts issuing injunctions against state criminal proceedings, which is embodied in the federal statute, but that is an exception when the federal government is asking for the injunction. So, the government intervening in my behalf proved to be very helpful, [laughs] as well, because in the opinion they explained how they could issue this injunction by pointing out that the government had asked for it.

And, um, so then I – all during this period, I filed the application to the Supreme Court for writs. It was granted. Uh, the argument was scheduled. Gary Duncan and I and several others went up to Washington, and I argued the case. And, um, the decision came down, a ruling that it's illegal, violates the Fourteenth Amendment not to allow juries in state trials except for the most minor crimes, and not including what he was charged with. And, um, so when it got back, uh, they decided to – they tried Duncan again and they didn't have a jury.

And we brought a case, saying the only reason they could possibly try the man at this point after all this was just, uh, intimidation and vengeance, and we filed a case called *Duncan v. Perez*. And it went before Judge Cassibry, and he ruled in our favor. And he issued a nice opinion, saying that it was – it couldn't – it was unbelievable that any other reason could underlie

the reason, this was a malicious prosecution, and they enjoined them from prosecuting, retrying Duncan. So, it was kind of a trifecta, I guess, [laughter] in that sense, um, and that's the story of that case.

JM: Yeah. Let me ask about, um –

RS: And he grew and turned out to be an important leader in the parish on all kinds of other issues. Uh, he became the head of a – he became a shrimper and he was the head of the shrimpers' association and represented – he became an important figure, uh, after that. And he's still my friend. He lives in – he moved out of the parish after the hurricane, but he still lives around here.

JM: Yeah, yeah. Um, I want to ask about some of the other work that you did in Louisiana. Um, I think there's some very interesting, um, uh, voting rights litigation that you pursued up in Madison Parish.

RS: Madison Parish.

JM: Where you won a couple of rather exceptional judicial rulings.

RS: Uh, after the Voting Rights Act was passed, in these largely black parishes in upstate Louisiana, there was a lot of voter registration. Uh, you probably know this, but the Act bypassed all [1:30:00] the unpleasantness and hurdles of going down to the white registrar who hated you and, uh, they would appoint federal registrars and made it nice and simple to get this done, get the registration done. So, um, the voting population became very substantially African American.

And the first instance in which, um, we brought a case was that there was a man named, uh, Zelma Wyche, who was the head of the Madison Parish Voters League who was running for police chief against the white police chief in town. And he lost the election when it first was,

came by, by about ten or fifteen votes. And we investigated and later found out that the Clerk of Court had gone to the white old-age homes in the parish, of which there were numerous, and got all these white people to vote for the – brought them ballots to their bedsides and got them to – and it goes without saying he didn't go to any black old-age homes. And he had collected something like two hundred ballots that way.

And, uh, we filed suit under the Voting Rights Act. It was heard by a judge named Dawkins in, uh, Monroe. Um, I believe the government intervened on our side in that case, the federal government, but maybe it was the next case. I don't really remember. Wait a second now. Brown – no, that was the second one. [Someone coughs] I'm trying to get this straight. One of them they did; one of them they didn't, I think. Anyway, the judge didn't want to cast any aspersions on the public officials, so he adopted a novel doctrine called “discrimination in fact.” He said, “They didn't mean anything bad, but in fact it was discriminatory,” and he set aside the election. And, um, a new election was held. Wyche won the election and was police chief for many years.

JM: Did you advance that doctrine in your claim?

RS: The “in fact”? No, he made that up. No, I didn't advance that doctrine. [Laughter] The guy went to the homes, white homes, with these ballots. I don't see how you could possibly say that, but in any event, I didn't care. [Laughter] I didn't care.

Uh, and then he – the only one I ever knew who did that same doctrine again was the same judge in the next case. The next case was a, uh – it was a vacancy in the, uh, uh – let me get this straight, which position it was. I think it was a school board position. There was a vacancy, and they had to fill an unexpired term. In Louisiana, um, there's a lever you can pull – at least there was then – to vote for everybody on the party line. And the symbol of the

Democrats at that point was the rooster. And you could pull this tab in the voting booth and you'd be voting for everybody who's running as a rooster.

And, um, so there was a black candidate, a man named Harrison Brown, who was running for the school board. He was a teacher in the school system. And, um, they disconnected the – that position from the line. So, if you pulled that lever, you voted for everybody except Harrison Brown who's on the line. And, as a result, most people – most of – his supporters didn't know that. I think there – didn't, didn't – I don't know how that worked for the white candidate, but it didn't adversely effect the white candidate for some reason or other, having to do with the way the ballot was set up. So, all his supporters went down, all of the Voters League members went down to vote for him, and they think they're voting for him, and they walked out and they hadn't voted for him. The other guy wins by a tremendous amount.

Well, same story. We filed a case. That's the one I think the government intervened on. Um, and the judge found, after a lengthy trial and all that stuff, and the judge found that it's another instance of "discrimination in fact." They didn't mean it. And he called – he required that election be held again, and it was held again, and Harrison Brown won and was a member of the school board. Um, and that stopped happening up there. That was the end of that. The elections were right after that. And, uh, and I think democracy played its will there, as a result of the demographics. [1:35:00]

JM: Um-hmm. You also represented Robert Hicks in a – when he came to you concerning the pending construction of some public housing in Bogalusa, and he had some concerns, and you were able to find a legal strategy.

RS: Yes. Uh, Hicks was following the plans for the construction of government public housing in Bogalusa and realized that, by the placement of housing, they were placing the

housing deep into black neighborhoods and deep into white neighborhoods and none along the areas that might be considered, uh, mixed. And he wanted to know whether he could stop it. And we researched it and, uh, decided that it was a violation, it could be said to be a violation of the nondiscrimination provisions of, uh, a recently enacted – a new civil rights act that had been enacted by then. I think this was 1967. There was another one. I'm a little vague on – I think this Fair Housing Law was a separate law from the Civil Rights Law and the Voting Rights Law, if my memory serves me. Is that right?

And, um, we brought the suit under that. It had never been established that any private person could sue under that or that the relief we were seeking was plausible or was available. And we litigated that case against the federal government, who had helped us in all these other cases.

JM: [Laughs] Now you're suing HUD [Department of Housing and Urban Development], I guess.

RS: I'm suing HUD. They're being represented by the Department of Justice, probably by the Civil Rights Division. And, um, Judge Cassibry found that we did have a right of action and that we – it was discriminatory to do that – and he enjoined the construction of the housing at the last minute. They had the, uh, the bulldozers in ready to clear the land, and the word came up from New York to Bogalusa: The judge had issued an order to turn off those bulldozers. And, uh, they couldn't build them that way, and they built them the other way, as far as I remember. I think they did. Or maybe they abandoned it. I'm not really sure about that point, but they weren't allowed to do that.

And I mention that to you as an example of the creativity that Hicks would have in, in spotting every aspect of what he was trying to prevent. And I think we talked earlier about some of the treatment of the football players and the cheerleaders and the, uh –

JM: You mentioned the prom.

RS: The prom. The same kind of thing with the football players – they wouldn't allow – first they wouldn't let them on the football team. Then they wouldn't play them. Then they would only play them at positions they didn't want to play in. We got Judge Heebe into every little detail, [laughs] like he was the coach of the football team. [Laughter] And all that was from Robert Hicks, and he wasn't going to take half a loaf. And that's one of the fantastic things about the man, really, is that he wasn't going to settle for part of it. Um. So.

JM: Um, let me ask –

RS: The name of the case is *Hicks v. Weaver*.

JM: *Hicks v. Weaver*, exactly. '69 was the District Court ruling. I want to ask about welfare cases and also a case involving sweet potatoes down in –

RS: Okay. Uh, the welfare cases. Annie and I – my wife, Annie, and I – and Lolis Elie, uh, became involved in representing a group of women who were being criminally prosecuted in federal court in New Orleans on charges of welfare fraud, receiving more welfare than they were entitled, welfare payments than they were entitled to. And we tried two of those cases on the facts before juries. I'm going to tell you the result first and then what happened along the way. And, um, of the twenty-something women involved, one who had some prior criminal record, uh, served three months in prison in West Virginia, and all the others didn't have any, any [1:39:18]. So, it was rather successful. I think it was kind of – there was some plea bargaining there at the end about – after a lot of other litigation I'm about to describe – where they would,

um, drop the other cases, this one woman who had this record would serve three months, and that would be the end of it.

Uh, but in the meantime, we dug into it. And firstly, we challenged the composition of the grand jury, the racial and economic composition of the jury that had issued these indictments, uh, because these were very petty offences that they were being charged with, uh, and did some computer work that enabled us to, um [1:40:00] – the race of the jurors was shown in the court records, but the relative poverty/nonpoverty was not. And we were able to get ahold of the food stamp computer tapes – these were the days of computer tapes – and the voting roll tapes and have a computer determine what percentage of the people on the food stamp list were registered voters. Registered voters was the source of the jurors. And it turned out that thirty percent of the food stamp recipients were registered to vote, and seventy-eight percent of all other people were registered to vote, and that meant that there was not a fair cross section of the community in the jury pool. Uh, the authorities that be wiggled around that by, uh, reducing the figures down to a particular grand jury of seventeen and deciding it would only make the difference of 1.4 persons per jury. In other words, instead of representation of 1 statistically, it would be 2.4. They held that difference did not seem – was not substantial.

JM: Hmm.

RS: Uh, that's the decision in *United States v. [Lorchid] Goff* – I cited that – uh, which is pretty tricky in my mind, actually. Uh, there had never – it had never been established at that time that there was an economic component to a fair cross section, but since it has been. But they didn't rule that there wasn't; they just ruled that there wasn't enough, which let me just say I disagree with.

Then, when they went to the first trial, the prosecutor used his peremptory challenges to eliminate every black person on the panel, so that the only people who could be on the jury were white. And the jury was all white. And we challenged the legality of the use of peremptory challenges in that way. And there was no law on that, because peremptory challenges have always been defined as the lawyer can get rid of anybody he wants and he doesn't have to have a reason. And, uh, we convinced Judge Rubin, the trial judge, it could be any reason they want except race, and that this – the fact that they had eliminated every black juror was proof that it was race. And he held that. And that's the reported decision called the *United States v. McDaniels*.

And, um, I believe that hadn't happened before. I'm not sure of that. But I know this, that twenty years later, the Supreme Court adopted that as a rule of national applicability in a case called *Batson [v. Kentucky]*, uh, where now when a prosecutor in federal courts all over the country – if a prosecutor disproportionately removes black jurors, he has to submit in writing to the judge reasonable, nonracial reasons for that. And, as a result, prosecutors don't do it. Um, so it was a – advanced the ball in that way.

JM: Yeah.

RS: Um, and I think we did okay by our clients, because what I said – when they first were charged, they were all fearful of spending years in jail, and they – they, uh, didn't have to.

JM: Um.

RS: This was after LCDC. See, I came back to Louisiana later on and, uh –

JM: Can you just –?

RS: Yeah?

JM: Carefully do the chronology, the basic chronology –?

RS: Okay.

JM: Mid, say, '67 forward, from Leander Perez case forward.

RS: Okay. I stayed in Louisiana, employed by LCDC, until – uh, I stayed in Louisiana until August 1968. I was employed by LCDC until December 1968. I went to Washington, where I'd come from. I did not want to go back to Arnold & Porter. I was – you can imagine – was a changed person at this point. Uh, and, um, I worked at the – I had an office at the Institute for Policy Studies, and I wrote my part of the article with George. And, in the meantime, I had been offered a position teaching at the University of Michigan, and I – at the first of the year, I moved out to Michigan.

JM: January '69?

RS: January '69. Uh, did not enjoy teaching. And, in addition to that, I was running to Louisiana all the time, uh, because these cases I was handling, I never stopped in them until they were over. Whatever incarnation I was in, I was still doing these cases. So, I had a schedule of teaching Thursday and Friday, which is pretty sweet, really. But I would leave Saturday morning and come back [1:45:00] Wednesday night, and I was in Louisiana at the LCDC office the whole time. So, I didn't really give it a fair chance. And the woman I was married to at that time didn't like living in Ann Arbor.

And so, after one semester, I left and I went to work for Marian Edelman, Marian Wright Edelman, at the – what was then called the Washington Research Project. It wasn't then focused the way it is now. Now it's called the Children's Defense Fund, and now it's all about children. But at that time, that hadn't been clarified in her mind, and we were going to bring cases that would push the government in the right direction on civil rights. And I did that for two years,

with a lot of help. I mean, there was staff there. There were people. There was – much different. Um, and I mentioned a few of the cases in the memo I gave you.

And, in 1971, uh, I decided I wanted to be back in Louisiana and I moved back. And, uh, that's – and soon thereafter – well, there was a divorce involved here, and Anne and I – Anne came to live with me here. And that's when we got into this welfare litigation and other cases, other cases. The case against NOPSI about the bus drivers was in that period and so forth.

And then, several years later, in 1974, uh, the idea of my children being in Washington and me being here kind of caught up with me, and we moved back to Washington, um, lived there for seventeen years. Um, I worked for Marian again for a while. And then one of the other people in that office, Mike Trister, and I opened a law firm, um, on our own, and, um, practiced together, Sobol and Trister.

JM: Yeah. Sure. Um, thank you for that. Um, two last things, and then we'll take a break and finish up with any last thing that you might have. You had mentioned earlier, and I want to make sure we talk about, there was a very interesting case involving a cooperative that sells sweet potatoes.

RS: Okay. Um, the case arose out of the area of Opelousas, Louisiana. And, um – [speaking to Anne] the name of that town again where Stanley lives?

AS: Lafayette.

RS: Lafayette, Louisiana, where there is a lot of sweet potato growing. Many of the farmers are black farmers, and for years they had been selling the potatoes to a white wholesaler, and much of the profit along the line of the potato reaching the table went to the wholesaler and not to the farmer. And a group of people, uh, one of whom was a CORE representative in that area, John Zippert, and a Catholic priest, who had been assigned to a parish in that district, name

of Alfred McKnight – Albert McKnight, and many of the local farmers formed this cooperative to process, package and sell the sweet potatoes.

And it became a, um – quite resented by the powers, the white power structure, because there wasn't just one white wholesaler. There were several, and they were all been adversely hurt by this. And so, the D.A. began to, um, uh, hassle them about them about their organization and, um, call people before grand juries and all kinds of inappropriate things. And one night, he had his people – had the police break into their office and take away their files, potentially trying to put them out of business.

And, um, the case came to us. And, um, we sued in federal court in Lafayette to, uh – I guess you'd say, uh, prohibit – to enjoin the conduct and to return the documents. And the district attorney had to come into federal court and try to explain what he was doing, and he was unable to do that. And, um, the judge issued an injunction prohibiting him from having any contact with this organization. Um, and the organization is still there. It's the – it's called the, uh, Southern Consumers – I forgot the name. It's got the words, "Southern Consumers Cooperative," but there's one more word in it, but it's, uh [1:50:00] – and the word's not "potato." [Laughter]

JM: Produce maybe? Produce? [Laughter]

RS: But anyway. It's something there. And they're still doing it. They're still handling their own wholesaling. So, that was just a thing. It got me over to Lafayette. I had never been there before. We didn't have activity in Lafayette, and, um – got to see what was going on there. And, as a result, got to be friends with John Zippert, who was the CORE worker there, um, a white man who was wanting to marry one of the young ladies he had met out there, named Carol Prejean. And, um, the Clerk of Court wouldn't give them a marriage license, because it was

mixed race. And the Supreme Court had just decided *Loving v. Virginia*, and I waltzed in there with my suit to enjoin the, to require the Clerk of Court to give them a marriage license. And, of course, he did, and I got to go to the wedding. [Laughter] And it was a happy occasion all around.

JM: Last thing. You mentioned, um – oh, I'm sorry. Shall we stop, okay?

JB: [unitelligible brief comment] media.

[Recording stops and then resumes]

JM: Okay.

JB: You know?

JM: I feel out of respect for all that you accomplished that it's really nice to have some of this more extensive record set down. So, even if we're touching on it in modest ways, the scope of it is another way to make the point, Ms. Sobol, that you're making [nb: off tape, Ms. Sobol has emphasized the scope of her husband's work and legal accomplishment, noting that he is excessively modest in describing his work], and another angle of perspective maybe.

JB: We're rolling again.

JM: My final question is this, Mr. Sobol. You mentioned – and thank you for all your patience through a very long interview.

RS: Um-hmm.

JM: You mentioned at one point that on return to – you know, when you moved away from Louisiana in the late '60s, um, that you kind of left a changed person. And maybe just some reflections on yourself, others you saw, um, move through these very, um, tumultuous and involving years on this issue, and your perspective on how that did change you and the things that – how you add up the world differently.

RS: Okay. Um, let me say first something which I kind of passed over at the beginning. I mentioned that I didn't think these volunteer lawyers were earning their keep, in terms of the cost to send them. But one thing which is undeniable is after being here for two or three or four weeks, they'd go back home, and it would change their lives. And I – to this day, I'm hearing stories about, uh, lawyers who spent a short period of time, either here or in Jackson or in Alabama, and they are the head of the Human Rights Commission in Pittsburgh or Cincinnati or something of that sort. And it really is like a contagion. Uh, I got a very big dose. [Laughs] But even for those smaller doses, it was like a contagion, and it's remarkable. And this is true of the law students, as well, who had come down. There was a group called Law Students Committee for Civil Rights.

JM: "Liscrick." [LSCRRC, Law Students Civil Rights Research Council]

RS: "Liscrick." And the law students were also changed and went into public service work or pro bono work. So, I just wanted to mention that, because of what you said. I had been through all these experiences and, um, not just legal, but social. Uh, and we haven't mentioned the Vietnam War, but that was coming, that was going on, and I was meeting and spending time with antiwar activists and felt strongly about that, too.

And, uh, uh, I got to the point that I could just see that this was what I was interested in, and I couldn't see going back to a firm and being slotted into some antitrust case, uh, representing one big corporation against another. Uh, uh, I, uh – it just – by the time the two years was over, I just knew I was going to do work in this area and not some other area, you know, not a commercial area.

And, uh, I was very lucky to be able to do that, actually – not only do it, but do it on my own terms in my own law firm. And the reason were these two union lawyers I mentioned to

you before, who made it possible because they really got me into having a billing client. All this stuff I've ever done in Louisiana, no one's ever paid anything for it, except if you win a Title VII case, the court makes the defendant pay you, which is nice, but, um, in terms of sustaining a law practice, that's not a very good way to go about it. Uh, so I felt I wanted to do that and I feel I was very lucky to be able to do that.

And, um, and I don't know [1:55:00] what else to say about it. It's just your mind is different. When I left Arnold & Porter, I wanted that leave of absence. I wanted that security that I could come back and I wasn't going to be floating out there without a job. Uh, and then, by the first year was up, I was kind of not-so-concerned about it, although they extended it. At the end of the second year, it was just completely out of the question. I mean I had argued in the Supreme Court. These young lawyers at these big firms, they can go their whole lives and never argue in the Supreme Court [laughs] – and to win! Uh, so it, uh – it just was – I was just expanded by it and was able to pursue it.

JM: I really want to thank you. You've been extremely generous. Thank you for joining us.

EN: Joe? Joe?

JM: Yeah?

EN: I do want to get Mrs. Sobol.

JM: Sure. Okay, well, let's put her –

[Recording stops and then resumes]

JM: Just do separate files, and that will be important.

EN: And if there's any other context that she wants to put in.

JM: Sure.

JB: So, we're rolling.

JM: Okay. This is Thursday, the 26th of May 2011. My name is Joe Mosnier of the Southern Oral History Program at the University of North Carolina at Chapel Hill. Um, we are here in New Orleans, Louisiana, uh, for the Civil Rights History Project, an undertaking of the Library of Congress and the Smithsonian's National Museum of African American History and Culture. Our videographer is Mr. John Bishop. The project curator, Ms. Elaine Nichols, of the museum, is with us. And we are, um, going to spend some time with Mrs. Anne Buxton Sobol, uh, wife of Richard Sobol, also a series interviewee. And Mrs. Sobol has graciously agreed to add a little bit more thought and perspective, um, in relation to the question of a lot of the litigation and work of her husband in the '60s and '70s in Louisiana. Nice to be with you; sorry for that long tedious setup.

AS: Oh, thank you for coming. Well, I've sat here while you've interviewed Richard, and, um, I think what I have to add is that, uh, he tells the story in a quiet voice and, uh, modestly and methodically. And I think it perhaps doesn't come through the drama of the times and, uh, the relentless way in which Richard pursued these cases.

I'm a lawyer also. Um, I am a little bit younger than Richard, and I graduated from law school sometime after him, but I practiced with him early in my career and have off and on throughout my career. And, uh, he, uh, is very creative in, um, the, uh, grounds he asserts in his cases. Um, he's incredibly well educated in the law and, um, just would throw the book at people that were the other side of these discrimination cases.

And he was – the most dramatic points were his cross examination of, say, for instance, supervisors, um, in an employment discrimination case, or somebody made a hiring decision, um, and, uh, it was high drama. And it was, uh – I think he's said what, uh, an unusual time it

was to be a young person, um, with his gifts. Um, it was really exciting to have the chance to make a big difference in a way that sometimes doesn't seem like it's any longer possible to do.

JM: Yeah. Let me just, um – thank you for that. And let me ask you, um, can you think of a – can you think of an anecdote or a story or a moment, an episode that comes to your mind to illustrate that essential point about Mr. Sobol that you're making?

AS: Well, uh, I don't remember what preceded it, but in the, uh, case about the segregated longshore locals in New Orleans – they had a white union and a black union. And in that case, the Williams case, uh, uh, the opposing counsel really didn't like Richard and didn't like Richard pushing his clients around in cross examination, not literally pushing them around. And, uh, I think also, uh, Richard was not afraid to say when the lawyer on the other side was lying, [2:00:00] not telling the truth, uh. And I think Richard had basically just called this guy a lawyer – a liar – and, um, the guy got up and he ran at Richard. And George Strickler, who came after Richard at LCDC and who is a professor at Tulane Law School and was the original lawyer in the Williams case, got up and threw a block! [Laughs] This lawyer was coming at Richard that Richard had called –

JM: In the courtroom?

RS: In the courtroom in front of Judge Heebe. And that was pretty dramatic, I guess you'd have to say.

JM: I should say that's not a very typical daily – I mean that's not a typical thing in a federal courtroom.

AS: Right.

JM: Yeah. Well, thank you so much for this contribution.

AS: Well, thanks for putting it on the record for Richard.

JB: Is there something else you wanted to add?

AS: No, really. Thanks.

JM: Thank you so much.

EN: Thank you.

JB: We still have two hours of recording time. [Laughter]

JM: These folks are going to push us out the door.

AS: [Laughing] You've got to get out and have your New Orleans experience.

[Recording ends at 2:01:07]

END OF INTERVIEW