

Interview with Chuck Morgan

Sunday Interview, June 27, 1993 Tape 1

Our captain you see is the winner but I happened to catch the large fish he aimed me at. And we happened to get that in. So this is the king mackarel tournament but they also have cobbia tournaments, and this tournament and that tournament. It's major gambling a lot of places all the way around Florida. I mean not here it's not, well it is here tournament where someone puts up \$10,000 and you have 15 votes there at \$10,000. You have a lot of money and that means that there are all sorts maybe 8 or ten prizes and they go up and down and things and that's just the way the people in this country learn to gamble before lotteries.

What Daniels' death meant on the level of federal legislation.

The date of Daniels' death was in 1965.

That's right April 20, 1965. Five days later you brought suit.

When did Liouzzo get it?

March 22 or 28 and Reed was killed on the 8th or 9th.

8th is Reed and then comes Liouzzo later in March.

We're talking about white people now. And Daniels the 20th. If you could deal with the question of what Daniels' death meant to the civil rights movement.

Start Take 1

Jonathan Daniels' death was one of several deaths of white people who were killed in the deep south and in a short period of time in Alabama. There were others: Schweiner and Goodman from New York. There were others across the board not nearly so many of them of course as blacks, but white people throughout the country seeing white people, young people, killed in the south that affected them in their livingrooms far more than seeing blacks killed in the country or in the south.

Did the federal jury selection act, you mentioned once on the phone a couple of years ago, Daniels' death could be related to this. In your opinion would that hold?

Well, I think certainly. You see, as a lawyer who'd practiced in Alabama for the first eight years of practice, I understood full well the meaning of juries. Juries redistribute more wealth each year than Karl Marx knew existed. Juries are the one institution in the society of the United States that could take away your life, your liberty, your property. They are due process of law. Now that means that if you have a fair jury, a jury selected with black and whites on it, that if a black man is in an automobile accident, his arm is going to be worth more if it's injured than it is now. And the system of justice in the deep south went like this: if a black person were accused of the crime of killing a white person, the black person went to the electric chair. If a white person were accused of killing a white person, the white person would ordinarily get life. If a white person were accused of killing a black person, he would get a much lesser sentence and if the black person killed a black person it probably went unnoticed because there were no policemen around any place. So the different standards of justice made for a different mode of behavior. If a black person could kill with impunity, where in the black community there were no black policemen for instance in Birmingham and major cities in several such places in the south, then the white police turned it over to the bootlegger or the bawdyhouse operator and he ran the law, ran the works in the community unless of course, it was a murder. If it was a murder they ordinarily did call in the police and the police came and they did whatever prefuntory investigation they were capable of doing, a white man in a black neighborhood.

Now in this case?

Now in this particular case, in the Jonathan Daniels case, Daniels was first in Lowndes County, Alabama, which I knew well enough to know that the population

was 81% black and that in that county there had never been a black person's name on the jury role since there had been a county. There had never been a black person's name on the voter role since there'd been a county. Well whenever whites let blacks let whites go free for killing blacks of course that was the grant of a license. And in the minds of the others who might want to do that, the license held and it went on and on through killing after killing. Well—when Jonathan Daniels went south for the Episcopal Society, he was not a person that I knew personally. But when he was killed following the Reeb killing and also at the same time roughly as the Liuzzo killing, it was a peculiar set of circumstances that struck home as far as the jury system was concerned. Now my work in the south was, I mean I had some fairly glamorous cases whether I was representing Muhammed Ali in a draft case or Howard Levy in a court marshal or others in those kinds of things, but most of what I did in the south was structural change, the case of Reynolds vs. Simms, I'm the thirteenth named plaintiff and I'm the lawyer who argued the case and prosecuted it through the state of Alabama to the Supreme Court. That gave us one person, one vote so far as legislative apportionment, a shift of power.

I see

Lowndes County where Jonathan was killed figured in that case. Lowndes County had a total population of 14,500 people. As I say 81% of the population was completely disfranchised, yet they had 2 members of the House of Representatives in Alabama of 106 members in the state house, and they had one member of the state senate of 35 members in the state senate. Jefferson County, Birmingham, where I lived, had about 642,000 people in the county they had one state senator and seven representatives. Lowndes was the perfect example which we used in that case.

Is that why you chose this case do you think? Is that why White v.

Crook came about because of what happened in Lowndes?

No. But I think it had something to do with it and I was very familiar with Lowndes. The second thing is it simply didn't have to do with reason or rationality anyway. I mean people keep thinking in terms of reason and rationality and great plans, civil rights people are always talking how they planned this and it came off on such and such a date. Most of that is hogwash. Most of the things happened because some person, one person, against the world had the courage to do what they did. When something happened after that, then people did what they felt called to do. And then in later years, people reinterpret that in such a way that it would appear to be rational. That's the way rationalization takes place in history. *end take 1*

I've got some good stuff here.

Take 2

Therefore we decided very early with respect to the jury system particularly and the apportionment cases they opened up things for voting rights and the use of federal courts which had always been there in class actions to alter the basic structure of representative government in the south and across the country, of course, too. Well with respect to the jury system, because it was so important and some lawyers understood it, most didn't try jury cases. Most lawyers don't know how to try jury cases and they fear juries desperately. Almost all law professors do. I described while in Washington those years, I described Washington lawyers generally if Moses had practiced law and had gone to Harvard and had a graduated and practiced law in Washington, D.C. for several years, he would have written the Ten Commandments with three exceptions and a savings clause. The capacity to rationalize is everything you see and if you look at white juries many people would say, "Gee, what good did that do." Or if you integrated them they'd just hang up, they'd just do this and that. I mean I just rationalized that it would be a great deterrent for white crime. If you put white folks in jail for crimes of this nature, a big deterrent. Put Blacks on juries is a deterrent itself. Why expect somebody to send

a child to school if the juries, if somebody can kill him, or if he has no redress in, why do you expect someone to act courageous before the entire system of justice. The justice system in the south is exactly what went after the slaves in the north when they escaped the south. You see, anything that had to do with courthouse was an anathema to black folks. It lasts until today. If they talk about police brutality in Watts or New York or wherever, there's a whole system. My grandmother who I knew until I was 21 years old when she died, was born in 1860 and people think about blacks not being married like we are, some of us, and all that sort of stuff. I mean hear is a man whose grandmother was born when slavery existed and it existed through the next 4 years of her life, she had one brother who went off somewhere, she remembered riding away and he was a "missing in action" as they say about Vietnam excepting that they never heard from him at all. That's short time two lives and we expect suddenly black folks to be a part of our culture in that short span of two lives. When we consciously deprive them of their right to read we took away by statute the right to be taught to read, we didn't allow marriage, they were after all called chattels. Chattel slavery, that's personal property. So if you approach the jury system as a place for blacks to begin the quest of freedom and to make the courthouse a reasonable place with the vote and the juries you have two of the three legs of the stool upon which reconstruction was to sit. The third leg of course was forty acres and a mule or ten acres and we managed never to get that ten acre land distribution out there to them. When Jonathan Daniels is killed, a white man and when Miss Liouzzo was killed and these take their place, Reed was in Dallas County. Dallas County is in a different judicial district. That was in the southern district. The middle district of Alabama had Lowndes County and in the middle district there sat a judge named Frank M. Johnson Jr. And people never know it's in Atticus in *To Kill a Mockingbird* there's a line in there someplace that says, "Grandma, why does he always have to take these cases and do these things?" and her answer was, "Somebody

has to." And everyone in the community knows it. And while they revile him they all respect him.

So is that why you chose Jonathan?

No, I didn't choose Jonathan.

It must have been fortuitous.

It was. I knew nothing about Jonathan. I knew that only people were south. I knew John Morris who was down the hallway and I knew the Episcopal side of cultural racial unity and I didn't know Jonathan Daniels.

But you chose this case to test a system which had been a problem for 75-80 years.

What better case?

Why this one?

In the first place, I had plaintiffs. Plaintiffs are an essential thing for a lawyer to have. You remember the name of the case "Gardenia White vs. Bruce Crook." Now, Gardenia White was one of the black people in that county who was a part of the movement in that county and Jonathan Daniels walked into the community of those people and he was shot by Tom Coleman. Coleman, a law enforcement officer, adds to the drama of the case, but none of that added anything to the *film ends* fury I would felt whomever they might have been.

We're out of film.

Monday, June 28 Tape II

I spent the Sunday before we left going over what we felt would be interesting questions. What was the jury system like in Alabama prior to the Daniels' case? Just a brief appraisal of that. We kind of covered that yesterday and I asked you why did you choose the Daniels case to challenge the jury system and we're getting into a very interesting discussion when we had to go. Next what was the impact of Coleman's

trial and future trials held in the south and I'm thinking particularly that Hubert Strange case wasn't he the first white man to be found guilty of killing a black and he was over in Georgia, I think?

You're talking about the killing of Lemual Penn.

Yes.

I don't think that would be accurate. I don't know.

Okay.

I don't know the answer to that.

And Viola Liuzzo, we were wondering and we can't find out why that trial wasn't challenged. In Collie Leroy Wilkins killed her and the trial the second time that never went to... He was never tried on federal statutes of depriving her of her civil rights. We were curious about that.

Yes he was.

Liuzzo?

Wilkins? Yes.

Cause the second trial was also held in Lowndes County. Maybe I got that wrong.

He went to jail.

Leroy Wilkins?

Yes. In the back seat of the car was a federal informer named Gary Thomas Rowe. Whether he shot them or not himself has never even been asked. He's sitting on the right hand side, as I recall it, in the back seat perhaps the left hand side. He was armed and by the next day the government couldn't stop and Lyndon Johnson could make a statement and J. Edgar Hoover could arrest him. He was also an FBI informer in 1961 at which time he appeared in front of the Meridian Bus Station and beating blacks who came on the Freedom Rides. Wilkins was a strange fellow. The first trial

in Lowndes County as I recall it was Matt Murphy who talked about white folks and freedom and all that kind of stuff on the basis of whites. Matt Murphy was later killed in an automobile accident. I'm not at all certain whether they were ever tried, retried in the state. I imagine that they were, but there was a federal civil rights prosecution I believe. It's easily checked. In the first case, Matt Murphy represented them and I suppose he would have represented them in the second. I'm not sure who represented them. Do you have anything in this book on that?

Let's see.

But they served time.

Accused killer 115-117. Rowe had been in the car with the klansmen when they killed Liouzzo. The klansmen trial took place in the County Courthouse in Hayneville because Liouzzo was killed in Lowndes. The first defendant called Leroy Wilkins was brought to trial for first degree manslaughter early in May. Circuit Judge Taggart presided. The prosecution consisted of then there's Matt Murphy. Local whites seem to resent outside agitators including klansmen from Birmingham as well as the from Detroit and the trial brought so much attention to the community and upset their peaceful lives. Most local whites do not expect an all white jury to convict Wilkins even though the defendant was from outside the county. Although contradicting his neighbors, the local officials there can't be a real trial. There's been too much conflict, too much hate, etc. Wilkins' prosecutors urged their neighbors on the jury to convict the klansman from Birmingham. He asked them, "How much stronger can the evidence be. He told them to meet this issue and make a decision. Thou shalt not kill an outsider from within. Arthur Gamble took the solicitor while admitting that he did not view those activities argued more strongly for

conviction. "But gentlemen," he told the twelve male jurors, "she was here and she had a right to be here on our highway without being shot down in the middle of the night." Gamble said, "Don't put the stamp of approval on chaos, etc. Matt Murphy, the klan lawyer defending Wilkins presented only 21 minutes of testimony yet talked more than one hour in exposing harangue to the jury. Liouzzo claimed she had sexual relations with Leroy Molton. Murphy denounced niggers and the black race. The jurors deliberated for more than ten hours but over a two day period. The jury finally reported back that it was deadlocked as most local whites had apparently expected and most observers had predicted an all white jury had refused to convict Wilkins for killing a white civil rights worker. Now the second trial, it's hard to say where the reference is. On May 3rd the opening day of the trial of Leroy Wilkins for killing Viola Liouzzo. That's the same trial. 150 blacks went to the old jail to register during the boards regular session. Organized by Smith, I'm afraid that's at all.

I thought the federal government prosecutor

I know there was talk about we have newspaper clippings

I think they were prosecuted by the government. I can't imagine that they weren't.

Another question I had was when we studied the FBI file, the same source that Eagles uses, Coleman was didn't have a gun permit because he had a special deputy's card yet if he had been a deputy sheriff the civil rights statutes could have nailed under the color of law statute. However, when the sheriff realized that this was possible he quickly informed the FBI that dozens of people in the community of these special cards and that they weren't considered to be acting as deputy sheriff, so Coleman was not acting as an officer of the law. Coleman was

acting on his own. And what puzzled us was that the FBI bought that and the FBI report which seems complete on that part. They just said Oh, okay you're now a policeman. I mean the FBI, almost seemed to roll over on this one a little, not a whole lot.

Well there were some excellent FBI agents and on one occasion I had the virtue to having the results of their investigation. And they did a fine job and they obeyed what their orders were and they did what they were supposed to do. But the FBI ordinarily in the South in the early days of the civil rights movement and later into the '60s did not see themselves as the forerunners of civil rights or as the representatives of equality in the exercise of rights. And while they had prosecuted some cases in the past, not the FBI, the FBI's is said to be a investigative agency and they always saw their role as that. Black folks used to talk about them talking notes while white cops and others were beating them on their heads in demonstration times. And there was a pervasive mistrust of the FBI throughout the period and in light of the Martin King wiretaps, certain other things, there should have been a pervasive mistrust of the FBI throughout that period. There was a and the whole COINTEL probe investigations and the things that went on under Mr. Hoover while the whole operation came along and the mistrusted FBI often gave reasons for blacks to mistrust them. They were an all white agency. There was a black chauffeur at the FBI when they got a black agent. The civil rights division of the Department of justice is concerned through the Liouzzo trial and the others it was manned by to be begin with by Burt Marshall and John Doar and after Burt Marshall then John Doar. There was a, there view of federal law and what the law allowed was less than the view you would have had of Reconstructionists which is the view many of us adopted. They thought it was more rational. But they were excellent lawyers and they were above reproach with respect to any question of their integrity and their views somewhat were not to expand federal power to greatly. For example, I doubt that they

would have, had they been in the Justice Department, following the acquittal in Los Angeles the people following the Los Angeles Watts riot, I doubt that they would have said that double jeopardy did not apply with respect to the civil rights violations. I doubt that I would have said that. I'm not used to thinking that people can be tried twice for crimes and I don't think the federal government ought to come back again after an acquittal.

But Doar down in Mississippi the year before had been so proactive standing there in the street keeping the whites from the blacks and all that.

Doar was that way throughout the entire civil rights movement. He was a very. Don Doar a Republican. I know him very well. He was a person who was there when Robert Kennedy became Attorney General. When Robert Kennedy became Attorney General, John Doar, I suppose, oh, I know, he was leaving. Robert Kennedy stuck his head in the door and said, "Stay Mr. Doar, you're staying." While Doar came along and he was from New Richmond, Wisconsin, I understand it, and he was an excellent, courageous, bright fellow but his job wasn't my job. His job wasn't the job of other lawyers. His job was to represent the interests of the United States and the policy of the United States. I'll give you an example that makes it understandable. The President recently selected a person Lani Guiniere. He appoints Lani Guiniere and he withdraws the appointment when he does so he said that he disagreed. He had read her writings and he disagreed with her views. She'd come under heavy attack and the appropriate answer for him would have been, I went to Moscow with Lani Guinier as did my wife, she was a dear friend of ours and she's a friend of ours now, I have great respect for her abilities and now her to be extraordinarily competent. The criticism of her and her views, I've read those views, and I differ with her on those views, however, the Constitution said that the President shall take care that the law will be faithfully executed. It doesn't say that the Assistant Attorney General of

the Civil Rights Division do that. That's my job. And it's her job to carry out my policies. I'm not appointing her to be an independent judge. The criticisms have nothing to do with anything. And so consequently having but said that, I'm responsible, I've discussed this with her, she'll enforce my policies not hers. She's my lawyer. And through the me the lawyer for the United States which is a Constitutional duty, all the criticism you're giving Lani Guiniere has nothing to do with the reality of American government. But it is kind of the miasmic bureaucratic way that people think. Much of it academic also.

So in that respect Doar was really quite active. He was out there. He according to our was the only member of the Justice Department that the Civil Rights movement trusted. In fact he's the one that found Andrew's body.

Oh, I don't think that's true. I think there are many other lawyers the civil rights trusted in the civil rights division and I'm talking about anybody in the civil rights movement. There were some people in the "Civil Rights Movement" who wouldn't trust any lawyer even their own let alone government lawyers. Let alone Justice Department lawyers. Let alone those who worked for the President of the United States and there are even today some people who are black who won't represent a white lawyer; who won't trust one. And I can understand that. I understand that but I think it's damn foolishness. I can understand it.

And I want to tell you later about our interview three with J.L. Chestnut.

We had a very interesting interview with him. I'll just read quickly what I was thinking about. John Doar's role, we started to discuss that.

There was to Escru.

Remember one thing, there is such a thing as dual federalism. I happen to think the thirteenth, fourteenth, and fifteenth amendments strike through that. And that meant that the federal government had the affirmative duty way back yonder and

now to enforce for blacks, not for every corporation, female, white, liberals, conservatives, whoever, for black folks and for other groups southwest Hispanics because you had slavery in peonies and previous conditions of servitude and the duty of the 13, 14, and 15 amendment is imposed upon the federal government to override and to reconstruct the society that they were written for. Today it represents everybody in the whole wide world. Every corporation, every college professor, every lawyer, everybody in the world. Well that's absurd. It wasn't written. They weren't written for that purpose. Now it's absurd to me but it's not absurd to a great number of scholars in the fine law schools of the East and elsewhere in America. And amongst those people who teach in fine law schools now, Burt Marshall is a professor at Yale. Burt Marshall would have a very, valid view and a strong commitment to equal rights to say that the federal government in its perspectives should enforce a dual federalism system and it must be complementary and Doar would have have the same view. Their jobs were different from mine and their jobs were perfectly done. There wasn't anything particularly that John Doar when his hands were up and the demonstration in Mississippi or the Burt Marshall were doing. That was not the policy of the United States under the democratic administration of Jack Kennedy and Lyndon Johnson. Now, on the Republicans, there wasn't a civil rights division. There was a civil rights section. And they have a view as did the democrats, they all knew what the politics of the circumstance were. The view of the democrats and of that particular administration was we will step in where others have not been been treading but we will not do it in such a way as to do away with our view of the Constitution. Our view is that dual federalism applies and that's a very valid view. It's one supported by most of the folks east and north of the Mason Dixon line who are lawyers or liberals. The ones who didn't think that way have not had their viewpoint enforced generally. Some areas they have.

I've noticed that John Doar in 1964 and early 1965 Doar's name appeared in many newspaper articles as being directly involved especially the Liouzzo case and the Reed case, but summer 1965 something happened, we can't quite figure out what, Doar's name practically disappears from all newspaper accounts and his involvement in the Daniels case is very light. We really can't quite figure that out.

John Doar became the head of the civil rights division. At some point around there. Yes he did, in fact that happened in December 1964 but why did that mean there was less hands on administrative.

Yes. He's in Washington. He's not in the south. I mean I would see him some places but he was in Washington. Burt Marshall moved on and left the assistant attorney general's job as head of the civil rights division. Robert Kennedy remained Attorney General but he left in ran for the U.S. Senate in New York.

So you see this is shifting in administration.

No I just see that John Doar had a different job. That's all. He just had a different job. His job was to run the Justice Department section on civil rights, the division on civil rights. It was not his job to be, for instance, sending Charles Nesson from Harvard into Lowdnes county in White versus Crook in which they intervened on the side of Gardenia White etc. With the FBI agents pursuant to their orders, and remember we're talking about the FBI as an entity unto itself. And there's no question in anybody's mind that the FBI under Mr. Hoover was listed as Jack Kennedy let alone some black person in the south. And all of these folks who want and I know many of them, I've been through a thousand discussions with them, but to expect a person to violate his oath as he sees it and his duty it is to expect him to be corrupt. And John Doar and Burt Marshall did their duty.

I'm talking about a shift between 1964-65 that's all.

I'm not talking about any shift except for the absence of Doar who moves off to do another job. He is promoted. He becomes not just John Doar and he started off in the civil rights section of the Department of Justice in the early '60s; and Burt Marshall had become the assistant Attorney General for Civil Rights. Well, Doar wasn't in that job. Doar moved up. As Doar moved up in those jobs, Marshall ultimately left the job as Assistant Attorney General for Civil Rights and Doar took it. That's the same job Lani Guinier was nominated for.

We're not, was Doar's place on the streets as it were taken over by anybody when he was moved up.

Doar didn't have a place on the street. Doar had a picture on the streets. He happened to be in Mississippi. What he did had nothing to do with except his view of the law and the view of life and when you see the great picture of John Doar with hands in the air walking on people telling them not to throw rocks and bricks you see a lawyer with courage. He could have been a bus driver. He happened to be a federal official that people looked at and knew that he was on their side because he was on the side of the federal law as were they. That's the...I mean John Doar was a very circumspect lawyer. I mean we go out some night and I'll tell you he'd I think he gave up drinking for three years or less. Well I understand that sort of stuff. You don't drive a car, you don't do this, you don't do that, you just live a different kind of life and work when everybody out there is against you. And he was walking into the court house he was sending the FBI, he was in Montgomery and was other places and they were walking into the Lowndes County Courthouse and picking up volumes of old line records and voting cases and jury cases. He was taking young lawyers like Charles Nessen at Harvard and bringing them along and doing those kinds of things. But as far as the criticism of Doar and Burt Marshall their job was different from our job. That's all. And they did their job in a way that it had not been done before. And you can go back and see the debates on the Civil Rights Act in the '60s you find folks

in Greentown saying I would rather be a, I've forgotten what it was, I would rather be unarmed and alone in Comanche country rather than to command a group of troops in Lowndes County Alabama or something of that nature. I mean these folks exhibited great courage but you see all lawyers are supposed to do that. All lawyers are supposed to take the risk of death, all lawyers are supposed to be willing to walk into the courthouse, all lawyers are supposed to make enemies, all lawyers are supposed to have somebody on the other side of the lawsuit. All lawyers are supposed to do things that other people despise.

Well let's see then how that worked itself out in White vs. Crook. You left off last night, Chuck, I asked you why this case to challenge the jury system of the south. Could we back up?

It wasn't just this case. There were a lot of these cases.

This was the big one. The one on 2/7/66 a three judge federal panel decided in your favor. Unfortunately, Coleman had already been found innocent but this was the one that changed federal law.

This was only one of a number of cases that changed federal law and it was not one that established one great new principle of law and it established or at least began one and the second thing it did was it was a widely publicized remedy in an area and it enabled me, for instance, through the ACLU foundation to raise substantial funds to put people on payrolls throughout the south who were lawyers to take care of the expenses of their case to systematically state by state desegregate the system of justice. Now those of the kinds of things that came out of the case. The one substantial major change in the law was that it is the first application of the Equal Protection Clause to strike down a state statute that excluded women from jury duty. **That's right. Because women were specifically referenced in.**

Women could not serve on juries in the state of Alabama. None had. And that was by statute. Blacks were not denied the right to serve on juries by statute.

Just by preference.

And up to the time South Carolina and Mississippi also excluded women outright. Florida and other states have done it the way the Whites excluded Blacks which was more or less on the "reasonable" basis. Like they would say a woman had household duties or she had this or that or children or she had something else and couldn't do it. That was the year before NOW was organized. A year or two before NOW. Before there was even a National Organization for Women. Now out of White vs. Crook there grew a number of other cases and arguments. I was reading a book the other day by an author who happens to be a friend of mine and she is a woman. I'm not going into detail about it but it's a basic history of women as she says after her victory in White vs. Crook and then it goes on to name a woman and then it names a second woman working with her built a case on the theme of White vs. Crook. Well you see if White vs. Crook had gone to the Supreme Court of the United States which it didn't, because of the Attorney General of Alabama Richmond Flowers wouldn't appeal it. Now I as a lawyer can't I would have been happy for him to appeal the case because we would have established the principle with respect to women's rights on the equal protection clause nationwide. And it would have applied veiled on that first basis to other areas of women's rights.

As I look at this, White vs. Crook, I see before me a lengthy, lengthy eighty page document that was filed five days after the death of Daniels.

Was this waiting some place in your office waiting for the principle or did you actually do this

No.

Or did you actually do this in five days like God created the world. It's amazing.

Yes, we did it. We worked very hard.

You see, I thought maybe looking at this that Chuck Morgan had a case waiting to go and it was waiting for the proper. I hope I'm not saying something wrong here. Am I? Or just incorrect.

This wasn't filed in five days, was it?

Can I see it right now? I think so.

In the back it's the tenth day of December 1965.

Where I've read that many, many times.

What day was Jonathan.

August 20th.

See this is not filed until the 10th of December and you go back to the certificate of service that tells you when it was filed. Last page. No. No. Now I'll show you something that will show you more about it.

Here is. Five days after Coleman killed Daniels, Charles Morgan, representing Five Long Flags filed suit against the county jury.

But I just filed a piece of paper that thick.

Oh.

This is a table of contents. This is of August 25, 1965. This is what was filed in five days. Now

That must be part of this document

This is the first complaint file. Thereafter the government came and filed a motion to dismiss, the state government and it was filed on September 14th. Now, you'll notice that the amended complaint was filed on the 23rd day of September. Now when did we start, when the first filing here? August 25th. 27th day of September they filed this affidavit of some Carl Monckton.

So this document is quite different from this.

Look every one of these documents are different from every other document here. Scott Tabor used to work for me when I was practicing law in Birmingham and he winds up representing Cleveland Moore and all the rest of these birds, county jail and **So what is your relationship between this and what was filed on August 25, 1965? Do you file an abbreviated version of what you intend to file in total later?**

No. You file a complain. You file yourself a bill of complaint and you file yourself a motion which I'm now looking for. "Motion for Temporary Restraining Order" **And that date is 27th.**

The 23rd etc. I'll find the motion if it's in here. I am seeking to restrain. Now what's the date on yours, what's it say? I mean what's the title on that document?

This is service the tenth day of September, 1965.

Now here is an amended complaint. Now I have already gone you see when I first filed over here.

Well that's all right. I think I understand.

You see I filed a motion for preliminary injunction at the same time I filed the document you've got there and the motion for preliminary injunction I amend the complaint and then the state comes in they are opposing me first of all. George Reeves it's up to him will he give me a temporary restraining order to enjoin the trial. What's the trial date?

It lasted two days 27th or 28th of September.

I now have Judge Reeves in the case when I filed the case Judge Johnson's in the case. It's his district. Judge Reeves is the level of courts about Johnson's. Because there was a challenge to the system of the inclusion of women by statute you then get a three judge federal court. And your appeal is directed to the Supreme Court.

Three judge federal court is of a district in Alabama.

It's of Alabama judges and they, the way it works is, worked, if I want to take a case to the Supreme Court of the U.S. fast, then I don't want to fiddle with three levels of court if I can fiddle with two. If I file a lawsuit in the district court I don't get to the Supreme Court next, I get to the U.S. Court of Appeals whatever circuit, which is an area of states exists, and after I win or lose there I then get to the Supreme Court of the United States. So, when I have a three judge panel, and the three judge court comes into being, only when, there was a time when you couldn't challenge a statute this way, in the federal courts, but they set up a procedure and this is new deal because in the New Deal everybody wanted to enjoin agencies of the federal government from taking their land away or setting prices right or whatever the hell they wanted to do. So they established a three judge court procedure which said that when anybody challenges the constitutionality of a state statute or of a federal statute along the way, then the challenge must be made in a federal district court but a special court is created called the three judge district court and the court of appeals wants the cases filed, a three judge district court upon the request of the district judge thereafter you get two more judges. In this instance I imagined it was Dick Reeves or Thomas. Thomas was just one of the world's worst sons of bitches. He was a judge who was lazy and he was not a judge who ruled in favor of equal rights consistently and regularly. In fact ruled against them consistently and regularly and had done so in civil rights cases dating back to '57 and other times. He was in Selma and in Selma his district was the southern district. I filed in the middle district. That was Frank Johnson's district. He was a pro union man who was impartial and would do things. Thomas was a member of the community and he was a south Alabama fellow, he wasn't going to rule anything much unconstitutional. But he was one of the three judges and the judge who presided over the court is a court of appeals judge as he had to and that was Richard T. Reeves and he also was from Montgomery. Reeves was a Truman appointee and one of the truly great men. I get

the three judge court and then I can go to the Supreme Court of the United States if they rule on the constitutionality of the statute and rule against me. But the state also could go. But they didn't rule on that date you see and at a later time they ruled and as far as the question of me getting the temporary restraining order, Judge Reeves and the three judge court denied me the temporary restraining order. Now is that an appealable order? No. There was no appeal. The denial of that restraining order to the Supreme Court of the United States.

Does that mean that the trial of Thomas Coleman had to go ahead even though the three judge panels still hadn't ruled?

Oh yes.

So there's nothing that could have been done about Coleman at that point because

It was done. Everything was done, was done seeking to enjoin the trial and restrain the trial and of course and that was denied by the Judge Reeves and the three judge district court and when that was denied that meant that the case would just go to the Supremes.

Didn't Richmond Flowers intend to do what you were doing but along different lines to have them postpone the trial until in that case Morrisroe could come back from Chicago to testify? It was a different reason. Richmond Flowers, his name didn't appear any place. He wasn't involved in what you were doing?

He defended the case.

Well, but he was taken off the case.

No. I've done my case.

Oh your case, that's right. I thought you were talking about the Coleman case. No, you and he had the same interests.

You see the Justice Department came into that case and was allowed in on October 27, 1965. They intervened. Filed a complain in intervention they called it. And then they went out, you see I'd lost the motion for a temporary restraining order and they're going to go forward with the trial and they did. And once they went forward with the trial that was a foregone conclusion whatever else happened the United States would come in and and here is a little history of it by Charles Nessen, Attorney of the United States Department of Justice making affidavits United States application for shorten time for serving his notice of motion for relief to intervene. Now they are moving rapidly and they want to come into this case and this is dated October 23. The trial of White vs. Crook set for November 26th.

Meanwhile Coleman had walked October 1st.

That's right. The Coleman trial was over.

Did you have an inkling that was going to happen?

That that the Coleman trial was going to be over?

Did you have any hopes when you filed White vs. Crook that maybe this would forestall the Coleman trial?

Well I sought to forestall the Coleman trial.

As did Richmond Flowers.

It was totally different though. I was seeking from a federal court an order to get them to do it. Richmond was saying I can't forward, I don't want to go forward with this bunch, and Joe Reckantrsan.

The three of you didn't prevail but for three different reasons.

Yah. He didn't have the reasons, he had the same end in mind that I had in mind.

Now I wanted to enjoin the trial and I wanted to stop the prosecution until such time as a jury was duly constituted. He wanted to convict and he wanted to get a fair jury as he sought to do it. And he had been in the county and he took great courageous action as an elected official for the state of Alabama. And he was, I recall it, removed

and they took over the prosecution and they proceeded and right straight forward with it and in our case we were still in court.

Did you know Judge Steigert?

Years ago and I know his son too.

He had a daughter that went to Harvard. I think she wrote a long thesis of some kind on her father's career and was really quite appalled at the direction that it took.

Well you see everybody. Incidentally, I want to stress one more thing all of these cases, this was one of the jury cases. I was in a number of them. I mean I filed jury suits, I bet you that if we went back and figured out that I filed or had lawyers file there in the south we come close to about a couple of hundred jury systems across the deep south states and on top of that we did that but we desegregated the prisons. I had the first prison segregation case and a lot of white folks would say to me that it would be a great deterrent to white crime. But the first of those cases was named Washington vs. Lee and that went to the Supreme Court and the Supreme Court ruled that they couldn't have racial segregation and that arose out of the Alabama prison system. Now and the guy in the case was Caleb Washington. He was on Death Row, filed on Caleb Washington that went to the Supreme Court, that resulted in desegregation there. We filed desegregation cases elsewhere. A lot of liberals never wanted the prisons desegregated. I mean they just were ringing their hands, oh heavens, won't it do something to the black prisoners, won't it lead to strife, what's the purpose of this? And they also didn't want the jury remedy, because there were a great number of folks who lacked faith in the American way and the Constitutional system. And consequently if you do not have blacks on juries, blacks are convicted then you can appeal your decision to the Supreme Court on the grounds of systematic exclusion of Negroes from jury duty and when they get the death penalty, reverse the decision. But you see if you don't have blacks on juries, you don't get justice.

Therefore, you could keep your black folk from death row alive but wasn't my purpose. I mean I don't happen to be against capital punishment but I didn't set out to keep every person on Death Row alive. I would do so if it were in my option, but it wasn't. I was trying to get the jury system changed as an instrument of power.

There were only three of them at the time: the vote in this system we lived in; the vote, the jury system, and last one is ten acres and a mule or forty acres and a mule. Education and everything else is geared to equality what you want to about those are the structures of power.

Side B

Just to finish your thought, Chuck you ultimately got what? I think you were just building up to a good point that you wanted to make.

And Jonathan you see, had come from ESCRU, an Episcopal society, which and their folks said Henry, John Morris, and Patsy and others and you see we were all in one or two buildings in Atlanta, Georgia. I mean all these organizations were there. You see that thing on the wall right up there? Margaret Myer gave me that when we left. See that painting there on the left hand side?

Yes.

That's 5 Forsythe Street and Margaret Myer they put that together for me while we were in Atlanta and leaving Atlanta and going to Washington. And when I and got some clips you know inside of it of the summer . Well we knew each other. People keep talking about conspiracies and all this. Well the greatest conspiracy and the worst of them are the conspiracies of all the people. I mean these little piddling conspiracies are nothing. The worst of the them are conspiracies of a whole people and what we had was that and that's what I wanted to break.

So that's why you chose Jonathan's case as one event to?

I chose that for a number of reasons. That would be one of them, the second would be I probably was mad as hell and a third reason it would be I had proximity, I had a plaintiff.

Right down the hall from you was a good friend of yours, John Morris.

Same building. Jonathan came to visit Morris frequently. You say that you probably never met him.

I might have met him, if he drank he might have come to a party one afternoon because usually at 5:00pm or 6:00pm whenever the world was, we would break out a bottle. Sometimes Ralph McGill would call from across the street and tell me he saw the bottle in the window and to send his reporters back. I mean that's just the way life was.

How did you hear about Jonathan's death? And how did that mechanism work you towards

I do not remember. The only memory I'd have of that is to go back to *A Time to Speak* and see if I have something in there or rather *One Man, One Voice*. He, I was familiar with Lowndes County to start with and as I say I had already treated of Lowndes County in Reynolds vs. Simms. It was a great example for me of malapportionment in legislatures. It was one of the prime examples. I mean when 14,000 people have 1/35th of the, I mean 14,000 people I'm not talking about not voters, 2,000 white voters--this is all rough-- have the same power in the state senate of 35 they have 1 senator and you have another county with 642,000 people in it that has one state senator. That's pretty dramatic example to the Supreme Court. So I was not unfamiliar Lowndes County nor in Lowndes County were some of the folks familiar with me or in Montgomery. I mean I've been around a bit and done a few things along the way in politics. So, as infuriating as it was, and with certain knowledge of Lowndes County I've got walking around sense, I know what power the jury's got. Do I think the jury's going to condemn a fellow, a deputy sheriff or not, who has shot

down "outside agitator." Well it might be a way to prosecute that case and get them to do it. But whatever the way was it would have taken a perspective on things that's different from other folks and a lawyer would have to work at that. A good lawyer might have had a way to do that. But Richmond couldn't do it and Joe Breck couldn't do it and the state of Alabama couldn't do it. It was unlikely that the government of the United States could do it and nobody on God's green earth could do it in a jury system which consisted only of white folks in a county where 81% of the age eligible population was black.

So you're. So this was really the only feasible mechanism for change.

The justice system was to desegregate the juries and on the other hand of the desegregation effort to the get the juries straight if you moved over to that you got to get the voters straight because how do you elect the judges. And if you're going to have elected officials how do you make sure that people have to hire folks to be deputies. Remember the courthouse today to this minute to a lot of white folks is forbidding. But to black folks in far greater numbers traditionally even though black folks might deny it, the courthouse is where they sent their great great granddaddies whose names they never, never know off some place. That's where you went to become a member of the contract convict labor system. The courthouse represented that. The lawman, the sheriff, and when people sit around today and talk about disorderliness and crime in the streets and crime everyplace in the black community, that tradition comes down to now. Just as does legitimacy rates and other kinds of things. Now that ought to make it understandable. People ought to move on that and I'm not trying to deprive people of welfare dollars and take away all these other damn things that they do, but people don't understand history.

I agree with you exactly.

One of the reasons people do not understand history is because of the way it's presented. It's always presented in a modern context and it is always presented in

view back. It's always presented in a way that's not as stark as it was in the beginning and as it continues to be.

Let me ask you something then Chuck, Tammy and I think you have been real generous with your time. This has been one of the most interesting discussions that we've had, but we don't want to take up your whole day and we should be thinking about what you want to do after. But if you were in my place the script of our film traces Jonathan's history pretty much chronologically. At the end the National Endowment for the Humanities' officer said to me "You kind of end with Jonathan's death and the aftermath. The effect of Jonathan's death upon people he knew in Lowndes County and so forth and Dallas County. Isn't there a way you can bring Jonathan's death and subsequent trial to a more significant public/political arena. Now after she said that I did a lot of homework and found many articles on right after Thomas Coleman was found innocent. President Johnson day after day was excoriating the corrupt jury system in the south and saying we need something on the federal level to change it, so forth. In fact it was that when I found that's what prompted me to call you and to see if you could be an instrument of helping to do this stuff. I'm not trying to put words in your mouth but is there any way you would feel comfortable examining that question of the effect of Daniels' death on national jury policy without compromising yourself or making claims that are too great?

Well we can just start with women.

Okay.

Black or white. It was optional up until then. And to the federal law. There were different rules that applied as to whether women would serve on juries or wouldn't. All over the country. And out of that came a challenge on the systematic exclusion of

women from juries that struck down two state statutes and arising later was, you see what we did. Let me just stop a second.

Okay.

Whenever you represented a black defendant in a case you would have to prove systematic exclusion of Negroes from juries. The Supreme Court of the United States began operating to use statistics and the use of statistics would be as follows: if the inexorable zero appeared (I think that was Hugo Black's phrase) then it was easy to reverse a conviction in the Supreme Court for systematic exclusion of blacks from juries. There was a statute written that existed way before *Straighter vs. West Virginia* was a Supreme Court decision in about 1880 or so. All those cases had held that blacks had a right to be on juries and those kinds of things way in ancient times and you had these civil rights statutes; well, they never did. And so it all interacted. If you weren't a voter someplaces you couldn't be on the roll. If you weren't a landowner you couldn't be on the roll. I took another case to the Supreme Court on that. Now when you got away from the zero, then you had to prove a case statistically. Lowndes County and those counties were pretty easy. There's no blacks. When you move away from that then you have to prove statistically, when you get in big cities for instance where you've got 500,000 or 100,000 people on jury rolls. How do you show anything on the jury roll there. Well you've got to use statistics. And so you get then statisticians to come in and a lot of what I did in the south and elsewhere along the way was the use of statistics to prove jury discrimination in the urban areas. In one case out of Mobile, I used surveys. We had folks go by and knock on doors in neighborhoods. You had people where you would take them and probability sample out of a jury roll, 200,000 or 150,000 people in Charlotte or some place and you would show then what the odds were against that happening. I mean, in one case I've forgotten what it was the Supreme Court less than 1 in the juries. Here you've got a grand jury that consists everytime of a drawing of eighteen names. If

you have eighteen names and you draw 56, these numbers are roughly inaccurate but they're close to the right number, and if 56 or 57 jury drawings over a period of years for grand juries, which are selected out of the same jury box, you wind up with never any more than 3 men in that instance black men, in that instance on grand juries out of 18 what is the probability of it occurring. Well I argued that in the Supreme Court and I think its first reference to probabilities as a way from actuarial things was in that case White vs. Georgia, I think it is, the chances were less--no-- Billings vs. Creighton in the first circuit, and the chances for somewhat less than 1 in a billion of that occurring at random. Well, I mean that's just the way you work on these things.

I see.

I'll get back to Jonathan in a minute. Here [break] Jonathan Daniels' case was one that dramatized.

May I film this?

take

(3 BEEPS)

The death of Jonathan Daniels and other whites in the civil rights movement of course struck across the northern white folks far more than it did the blacks who were unknown or anonymous effected their lives. When ^{the} killing of Jonathan occurred in Lowndes County Alabama, it was so stark it was open and as a result of that the jury system immediately became central to American thinking and across the board Lowndes County and all of the Lowndes Counties of the deep south became known to them at home. And when we then began to move on the jury system out of Jonathan's death came the first application of the equal protection clause, to strike down a state statute in the country ^{for} were women, an ancillary effect. The whole jury system after Jonathan's death came under attack in affirmative law suits literally scores of them all across the south, to result in to order the jury officials to put blacks names in the jury box so they could be selected at random with whites for juries.

That resulted in a great shift of power that's gone generally unnoticed. All across the south and all across the country, the jury system has gigantic power. It is the ultimate arbiter. It can take your life, your liberty, your property. It can transfer ownership, American juries redistribute more wealth each year than Karl Marx even knew existed. The Jonathan Daniels end right there in the streets looked sort of like the dust in a small town in Mississippi in a Faulkner novel. And it contained every ingredient down the line of a *To Kill a Mockingbird*. The court happened to be there. Frank M. Johnson Jr. sat in as often was the case in the civil rights movement came to Montgomery because when it came there it had Frank M. Johnson, Jr. and Richard T. Reeves, U.S. Court of Appeals Judge, and they were the voice of the Constitution in the south. That's where *White vs. Crook* went and its effects were salutary and multiplier of them across the land like we're seeing even today. *End of take 258*

I don't think I have too many more questions actually. That was very eloquent.

It sounded more eloquent that it's going to come out I'm afraid. I don't parst my sentences like a number of people. Like honest Elliot Richardson, the hairsplitter. **Some people think he took a bum rap right? I'm not among them.**

Well I'm not among them either.

Then maybe our question is naive. Well if Daniels' death, well you just said the national jury policy. That's exactly it.

Let me tell you what I would say about Daniels. Let me tell you what happened in the United States during those years. When John Kennedy was elected President of the United States, he said ask not what, let the word go forth. All of those phrases had a whole generation of people like me. I was thirty years old. I didn't think any differently about John Kennedy than I did about Adlai Stevenson in 1952 when I was a democrat in the state of Alabama supporting a nominee for president. My view I didn't wake up one morning in a sudden revelation that the state of Alabama was

discriminating against Negroes. I grew up in a house where I couldn't use the word "nigger." It was "colored." My wife grew up in Alabama and she was in Birmingham. We never had the slightest dispute the way things ought to be. Even the University of Alabama in those years, there were people who agreed with us. It was post World War II. There were folks coming home back from the war. It was an idealistic war. Remember, I think,...I read an Eastern Airlines ad when there was an Eastern Airlines years ago and it said one out of every two Americans has not been more than 200 miles from their home. Well you see that was some years ago. I thought about that and 1939 or when World War II began and in 1940-41, one out of two hadn't been 200 miles from their home. Most folks hadn't been any place. They hadn't lived any place in the world. They hadn't been 100 miles from their house in any way and so all of a sudden this great change occurred in the United States. People were moving to cities any way but here are young people suddenly they're shipped overseas. So coming out of all of those years, young people white and black both looked at the world and things suddenly with the election of John Kennedy opened up. He was a new person, a new generation and in the vision of the people of the United States they said gee, we can make changes here. He got elected in '60 and '61 I filed Reynolds vs. Simms. People in Birmingham, young people, started talking about doing things and the real reason for that was that John Kennedy spoke in a language which gave people hope.; If you're very rich and you believe in order then the biggest enemy you've got in a body politic certainly in the dictatorship and also in a democracy is hope. Because when people have hope and they move for change, they may cause disorder, they may charge you tax dollars, they may do anything else that they. It's just a simple thing of people feeling like they can accomplish something in their own lives and make the world a better place. When Martin King stood up in Montgomery, Alabama, in 1955 the were cases pending in the federal courts that were just as striking down the Supreme Court of the schoolhouse

doors or rather of the segregated school that just the striking down in '55 of the symbol and comes Martin King, a young eloquent preacher who is married to a woman from blackbelt county in Alabama. The same county that produced Ralph Abernathy's wife, Andy Young's wife and these fellows come along and they line up in Montgomery, a couple of them and Andy hopefully gets around there and he begins a long march to where, to death. I mean he started out doing things. He was a person who followed his own beliefs. And what he did was followed something that the Christian religion to translate to. And he was after all a Christian minister and he did after all go after the great things in life for a whole people. Yesterday, I mentioned to you the nature of the movement was the church. It was church related and church oriented. All these things that put King down today are so absurd. I used to John Kraft did a survey in the '60's others soon before Martin King's death. As far as the Muslims and the others are concerned, their recognition even was such a minor percentage. Martin King was the undisputed absolute total leader of the majority of black people in the United States overwhelmingly. When you have a fellow who is talking about nonviolence and who is taking on government and the government where he lives particularly and he does things and you have all these things developing around the country. Somebody wakes up one morning and they have freedom rides. In Birmingham, Alabama we ran a fellow named Tom King for mayor. He lost. He lost as a result of the freedom ride riots and the rest of it. He got the black vote. There wasn't much of the black vote, there wasn't a real, there weren't many blacks registered to vote, but every way any democratic liberal in the United States. By liberal I don't mean the classic sense, I'm talking about somebody who wants life to be better for this country, could look at it and say gee, the poor folks ought to vote. Well how do you keep poor folks from voting. You eliminate hope. How do you keep people from registering? It wouldn't matter anyway they say. What difference does it make? You eliminate hope. Every place that you look

across the American society and the democracy, what you do is kill hope, if you're on the other side of these things. When you think in terms of the Vietnam War and the assassination of John Kennedy and then the assassination of Robert Kennedy, each of those people, people identify with government through human beings. And they look, we think in structures and politics and we think in terms of constitutions. Most people identify with human beings. So when Jack Kennedy is killed. Pow there goes a generation. Next you come along with Martin King, pow there goes a whole group of Americans. When you come up with Robert Kennedy, bam, there goes our choice in '68. When you go through that and you suddenly the president of the United States, Nixon said it very well in a book up there in his inaugural address: I think it's "we must lower our voices. Just lower our expectations." Warren Burger comes on the Supreme Court and he proposes civility. It becomes a new icon. Now all of these things are designed, maybe unconsciously, probably unconsciously, but they represent a certain ordered being who doesn't want the change to occur. And so as you come to the assassinations, and then you come with Richard Nixon, a whole other group of Americans, driven from office, you get through with Nixon and you move and you've gotten rid of two Kennedy's by assassination and you've assassinated Martin King, Nixon just destroys the hopes of a goodly number of others, you move all the way through the damn thing and you come down to today and when you look around Camille described it as a assassination generation one time. He said you know it shifted from political home to a home and like a generation of foster children and no longer able to give love for have hope. Now that's what happened in this country. Now Jonathan Daniels had hope. John Morris did. Their religious belief, the fact that Jonathan Daniels got killed based on the Christian faith, is by his own precepts nothing. He went to do something, to make sacrifice and to change the world. He had hope and did that. He got killed. It's tragic, it offends me, and it offended me everytime that it happened. Personally, I felt all those things. I mean I spoke up

there at Oxford Ohio at Miami when the kids went south in '64 summer. There's Goodman ought there in the front row. My job was to tell them somebody was going to get killed. They brought me out there to say that I'm from the south and I know some people are going to get killed in this. And you've got to be careful and talked about and all of them were there and came back the next week. By the time I'm back the next week Schwarter and Goodman and Chaney are missing. When you put it in that perspective, then each of those people are setting loose the sorts of things that Robert Kennedy spoke of in South Africa, the ripples move and the world goes on. And Jonathan Daniels death has to be viewed in that context. Because he was white and because he was an Episcopal clergyman it cut into people in the United States in a way that it might have cut into them had he been a Black Muslim for instance. Because they identified with that young man as they did in New York City and elsewhere with Schwerner and Goodman as black folks always could with a Chaney. And when you look at that whole panapoly of things Daniels becomes one of the very few killed that are known killed in the civil rights movement who had an impact upon the world in which he lived because automatically when that happened all of the instruments of government bow and go to Lowndes County. The whole national press corps go to Lowndes County whether it's Arly Sharp went down to cover the trial for Time magazine, they told him not to go. He disobeyed his orders. He went to cover the trial. He filed and when he got through filing they ordered him to stay. All these reporters everyone of them look at, you see, all those great writers from the south and all of those people who the New York Times was a southern newspaper, but go to Claud Sitin, go to a person who was the greatest reporter of that year. Take Harrison Salisbury, Birmingham, the articles he wrote about what great change that made. They led ultimately as did these other things to the Times and CBS did. They led to Tom B. Sullivan, great cases changes in law. When you look Turner Cavendish who was the editor, the managing editor, the guy in charge of the New York Times,

Turner Cavendish is Philadelphia, Mississippi. I knew Turner Cavendish he was a wonderful gentleman, but you see he could see things that other people couldn't see because he'd been brought up in a different way and he'd split himself from it. The great reporters Claud Siten or John Popham or Harry Ashmore, Jack Nelson all of these folks who were southerners. The great novelists, almost all of the great novelists you see in the whole southern school. They faced the community in which it was starkly black and white. Most of the white people in Lowndes County, the "decent" lives, they didn't see themselves as evil at all. They were in a system and they went along with that system. These people split away from that system. They looked at something and something told them that there was something wrong with it. Once they grew up in that structure and change then they could see things others didn't see. They had to see them in the first place and if they saw them in the first place and they looked at things differently having grown up in that structure, then it was very easy for them comparatively to write great novels, to see things politically others didn't see because you cut through that kind of a society and see it once something's dawned on you and you've seen that then you're a different kind of citizen or different kind of thinker. Now when Jonathan Daniels came south he's one of those fellows. He's just one of those people who came through this community in the deep south and who came there for the United States and he was an emissary of what the Constitution's all about and what hope is all about. And he would not have gone there had he not had hope and had he not wanted to be a part of it. Now what you've seen lately in American politics, here's a candidate that ran for office from Hope, Arkansas. Here's a fellow that gets elected and his whole convention address to these people, have I talked to these people? No. In years talked to some of them that sort of stuff. But the fact of the matter is they sensed that it was hope. The central issue in a democratic society is hope. If you have hope you'll get change. If you don't have hope you won't get change.

Reagan did a

Only for one group of people.

Hope for one group of people.

Reagan for one group of people. He gave another group great hope in his own way.

You see the difference between Reagan and Carter. See when Carter was president.

He wasn't so bad.

But you see the press corps was terribly bored with itself. They knew that they were unimportant. Carter walked down the street, he didn't wear dress-up, he brought people in wearing bluejeans and overalls and the whole White House press corps knows it would take seven people to cover the White House at the outside. There are no stories there except talk to this source. I mean there's just nothing going on.

There never is and they set there in the press room and fuss at the press secretary.

Well when you have a President and you look at yourselves and you say to yourself good God what am I doing over here? And then all of a sudden that changes with Reagan, the consummate actor and the lowest Lamour character running. I watched Lamour on Mike Wallace in '77 or '78 back there and I have lot of friends in the Carter administration. I watched a fellow he sold 40 million, 60 million books. I stopped to watch him because he'd sold all those books. I mean I just heard Mike Wallace talking about it and I stopped to listen. I've written books and I haven't sold that many books and I sat down and I did that and thought What in the world? Well this was a very attractive character and I went out and I bought I think the first time I went through an airport I picked up about ten of them and I read 30 or 35 of those novels and I decided very early, because Reagan had been running for President for many years, Reagan was the strongest Republican candidate. I told folks over there that. There are different ways to pull people in the United States. If you want to find values, everybody talks about values, there are all sorts of ways to pull values. Look at book sales. What movies? And so I looked at the Lamour things and here came

Ronald Reagan. Reagan ran for office. He is a Lamour character. He came, he spoke, he came into town like all Lamour characters. He was a man, he'd used violence because he'd had too. He was always self educated. He moved up in the community. He was always right in the community. The community always misunderstood him. He always had to carry forward in the bravest and boldest way. He always wound up with the woman but they never kissed and he rode off into the next place. Well, that was Reagan. Six weeks before the election you look in the New York Times and there on the front page is Roy Rogers endorsing Reagan. And I looked at that and I thought he'd been dead and in a museum with Trigger. And then you get through with him and then the night before the general election the first time, remember what he said? He said, "I talked with Duke Wayne just before he died and he said," and I looked at him and thought, you see everybody thinks that Reagan is dumb. But Reagan wasn't dumb, Reagan sensed things that other people didn't sense. Now Clinton, he's not dumb. But he senses things that other people didn't sense and that was hope. Who does sense that? Well all those republicans who are talking now in terms of keeping down tax rates and cutting off welfare funds. Reagan did a brilliant job he just made the national debt grow so much and the deficit grow so much that many people in the country think you have to cut out all social programs. Wasn't that what he set out to do in the first place? How can I consider that dumb? We are debating today the results of his eight years. The theme of Jonathan though was that he was a young man who was a Christian who had hope and he went like missionaries all over the world have gone to a place which was as opposed to hope for the majority of the population as anyplace in the world and he was shot and killed there. And you know I'm sure he understood he might be killed there. He didn't understand he'd be killed over going into a store to get a Coca Cola or after that he didn't understand that he'd get killed that way but there were very few young people who came south who didn't have the courage of their hopes and they overcame fear and that's what

Jonathan Daniels did and he set things in motion including the first application of the Equal Protection Clause of the Rights of Women to strike down a state statute which discriminated against women including the all of the great things that occurred to educate the American people about what was happening in the south and educate a lot of people about the jury system and what juries would do if they were not integrated. It was one of a great series of cases which resulted in a transfer of structural power. I think that's pretty important.