

# The Legacy of J.L. Chestnut, Jr. *Raising Hell in the South*

By Heather Gray  
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Dear all: Here is an exceptionally long piece about attorney J.L. Chestnut. As I wrote I realized that he had been party to virtually all of the major civil rights court decisions and legislation in U.S. history to turn around the legacy of slavery and Jim Crow (i.e. *Brown v Board of Education decision*, the 1965 Voting Rights Act, the *Pigford v Glickman* Black farmer class action civil rights lawsuit — the largest in U.S. history). His contributions are "staggering". But beyond all of that he did everything with a forcefulness and brilliant insight into the world of the human psyche and white supremacy. He knew it all and would say it all. I wanted to share this with you.

Peace, Heather

A few of us gathered at the foot of the Edmund Pettus Bridge in Selma, Alabama with a brass jazz band from New Orleans that J.L. Chestnut's law partner Faya Rose Toure wisely brought to the city that day. Marching and dancing behind the band through the streets of Selma toward the First Baptist Church, we chanted, "*Send him home, thank you Lord!*" In typical New Orleans fashion, our umbrellas bounced to the energetic rhythm. Then we marched through doors of First Baptist to the front of the crowded church singing "When the Saints Come Marching Home." The somber crowd wasn't sure what to think. J.L. Chestnut would have loved it. The day was October 9, 2008 when he was laid to rest.

## The Incomparable J.L. Chestnut

On December 16, 1930 J.L. Chestnut was born in Selma, Alabama and died on September 30, 2008. He began his remarkable 77-year life in the heart of the Jim Crow south. Ultimately, as one of the country's leading civil rights attorney's and the first black attorney in Selma, the lessons he learned in Selma as a youth served him well for his subsequent challenges to white supremacy.

He became Selma's first black attorney in 1959, just five years after the U.S. Supreme Court's landmark *Brown v Board of Education decision* school desegregation decision. Ultimately his law firm became Chestnut, Sanders, Sanders & Pettaway with Attorneys Hank Sanders, Faya Ora Rose Toure, and Collins Pettaway.

In 1955 he came home from college to witness the trial of a black man accused of raping a white woman. Peter Hall, a young black attorney from Birmingham, defended the accused. Hall was the first black attorney to try a case in Selma and he made a statement in that trial that remained Chestnut's motto throughout his legal career which was: "*I don't know whether my client is guilty or not but it's damn sure the system is. I'm going to try the system while the circuit solicitor tries my client.*"

Among the other many critical lessons that effected all Chestnut's subsequent work was what he learned as a card shark and it had to do with the use of power. He starts his book [Black in Selma: The Uncommon Life of J.L. Chestnut](#) (by J.L. Chestnut and Julia Cass, 1990, Harper & Collins) with it and it behooves me to start with that as well. He said:

I discovered as a teenage gambler that it's far easier to beat a person who expects to lose than one who comes to win because the former will give up somewhere along the line. I also learned that power is most effective when you don't have to use it, when folk just assume you've got it. Every time you have

to use it you lose a little of it, which the white south was to learn during the civil rights struggle. I learned this at a card table when I was fifteen years old. (Black in Selma, pg 8)

But Chestnut's interests and breadth of knowledge were far more complex than a focus solely on civil rights. In no way can the man's interests be hemmed in. His intellectual genius and curiosity about the world seemed endless. He read, he listened, and he learned, he taught, he observed, he wrote, he fought, he loved his wife, his family, and he loved life.

We are told by Faya Rose Toure that the last sound he heard before dying was a recording of Louis Armstrong playing the trumpet. Chestnut would have loved this as well. Love of jazz and the New Orleans' creative expressions combined were quintessential J.L. Chestnut!

Activists in the south knew about Chestnut. For years we would hear about him over there in Selma appropriately raising hell and giving the bigots a beating in court as he defended countless low-income black and white clients against some outrageous injustice.

The first time I heard him up close before a crowd was in the early 1990's as he passionately spoke about the racist south, his trip to Africa, and his recent book Black in Selma. I always thought the subtitle should have been "The Incomparable Life of J.L. Chestnut" — but there you have my bias on the subject! He was speaking to the black farmer membership of the Federation of Southern Cooperatives/Land Assistance Fund (Federation/LAF) in Epes, Alabama, not far from Selma, in what is known as the Alabama Black Belt.

I had worked at the Federation/LAF for a few years at that point as Director of Communications. Since 1967, the organization had worked, and continues to work, to save black-owned land across the South and serve black farmers and the rural poor generally.

The auditorium at the Federation/LAF's Rural Training & Research Center was filled to capacity and electrified as Chestnut spoke. This was Chestnut's turf. And while addressing audiences all over the country, he was at home with black rural folks in west Alabama. These were his people and he relished, as he always did, the opportunity to speak with them and hear from them and did he preach that day with a jibe here and an insult there!!!

Southerners are renowned storytellers and Chestnut was one of the best. He would make fun of racist whites and their insane antics that had folks rolling on the floor. No one could tell it like him. With his words alone it seemed he could pierce a hole through impenetrable metal and make you laugh at the same time. His law partner Hank Sanders said Chestnut could tell a Moms Mabley joke better than Moms herself.

Chestnut's brilliant and passionate speech brought me to the brink of tears. With his deep voice and distinctive southern accent, he had a way of bringing the South's injustice to the fore in a way I had not experienced. I was hooked. For the next 15 years I knew that if I was to understand anything about the South, Chestnut would explain it! Even though I'd been raised in the South, albeit Atlanta, and had been a "white" civil rights activist for most of my adult life, I knew I was ignorant about the degree of the staggering and tragic white arrogance and power manipulations as manifested in the rural South. Chestnut helped me realize how ignorant I was. The one thing I did know, however, was that if you are to understand the South and oppressive racial dynamics in America, the rural South is where you need to be.

Chestnut thoroughly enjoyed his trip to west Africa, which included Gambia. He relished seeing black folks in charge of everything including, of course, piloting the planes. But even in Gambia, the reach of the U.S. State Department was attempted as Chestnut told me years later. From his friend attorney Vernon Jordan, who was an advisor to the Clinton administration, he learned that the State Department was worried that while in Africa he would be too critical of the U.S. and its racial policies and wanted U.S. diplomats to communicate that to him. Chestnut laughed. He loved telling the story. "*Damn State*

*Department! Who the hell do they think they are?"* I recall he learned of this after his trip, but that demonstrates how dense the State Department was! Nothing would stop the man from speaking his mind and if the State Department was concerned, it would offer even more incentive for him to speak forcefully about injustice in America! Truth telling discourse epitomized Chestnut and he relished every minute of it.

### **Chestnut's Early Life in Selma**

To understand Chestnut's life in Selma, a brief description of the Alabama Black Belt is essential. The "black belt" actually describes the rich black soil from Maryland to Texas that had developed for millions of years. In Alabama, the Black Belt is composed of 18 counties in a strip across the lower half of the state. In the 1830's, cotton was grown in the black belt with slavery, of course, as the source of labor. After the Civil War, freed slaves stayed in the region, which gave the Alabama "black belt" a demographic definition as well in that blacks are the majority (52%) of the population. It also contains some of the poorest counties in the country. From a political standpoint, the Alabama Black Belt is sometimes called the Blue Belt. Politically, it has the most predominantly Democratic counties in Alabama and voted overwhelmingly for Kerry in 2004.

Black in Selma is a biographical narrative of growing up in the Jim Crow South as well as living as a black adult in a transformed community and what that meant. Many of the stories below are from the book and most of it is about his early youthful experiences that set the tone for his entire life. It's a particularly striking narrative because of Chestnut's honesty. He pulls no punches. He basically lays everyone out — blacks, whites, himself - for the world to see, often with stark, biting and sometimes loving criticism. He wants the reader to understand his experiences and to know about his mentors and what he learned from them. Chestnut also wants the reader to experience with him the mostly accommodating but also exhilarating and culturally profound black community in Selma.

Chestnut was born in his grandparent's home and named J.L. after a white banker in Selma who his grandmother admired. He said, *"My grandmother knew the banker only at a distance, though, at the bank where people called him only by his initials, like J.P. Morgan. She didn't realize that he undoubtedly had a full name. The name Chestnut came from my white great grandfather"* (Black in Selma, pg 19).

He got the biggest kick of the J.L. story. He said some people insisted on calling him "Jimmy" or "James" but it was J.L. — plain J.L.! Some of his friends called him "Chess."

Chestnut learned from his father that there were racial mixtures everywhere in the community where there were white and black families who were cousins. Chestnut's grandfather worked as a servant for his white cousins. He said it was simply the way things were.

And in the 1930's and 40's his parents and others never talked about segregation and "certainly" never talked "about doing anything about it." Folks just accommodated (Black in Selma, pg 22). But this was not easy for Chestnut, even as a young boy. Chestnut's father told him to be wary of white smiles and friendliness. They not might be genuine. Stay away from them if you can and try not to work for them.

At Chestnut's funeral, activist Amelia Boynton, who knew him as a child, said he was into everything and probably these days would be placed on ridilin because of his energy. (Forbid that should have happened!) He loved girls, she said, and thought that he probably wanted to be in the Sunday School Class she taught at First Baptist because of the girls in the class, though he tried to convince her otherwise.

So here he was, a young bright energetic black child trying to understand everything about power and who pulls the strings. I admit it sometimes surprises me that he didn't get killed or thrown into jail

indefinitely because he did often make himself vulnerable. And he became vulnerable largely because he tried to help other blacks against the prevailing godforsaken white supremacy.

He understandably held nothing but disdain for white police officers, who exploited virtually everyone in the black community and they were always vulnerable to white male desires. He told me at one point how he and some of his friends were furious about an officer who insisted on making as his mistress the wife of one of their black neighbors. They decided to take action as they ultimately realized the black husband couldn't do much about this arrangement. Chestnut and his friends somehow managed to throw the cop's "naked white ass" out of the house. He also realized that other adult black males thought they couldn't do much either and were simply glad their wives were not selected to be the cop's mistress. Chestnut was also relieved the policeman wasn't after his own mother.

Chestnut said that if a black woman was a mistress of a white male and there wasn't anything anyone could do about it, it was thought at least maybe the woman could get some money out of deal to help raise her children. If black women had affairs with other black married men, however, they were considered "sluts." The double standard by both blacks and whites was clear. But if black men went after white women they could and did get themselves lynched or executed.

Later on when Chestnut began his law firm he was warned by the white probate judge, Bernard Reynolds, that Chestnut be respectful of the white women in the probate court. They, of course, had never worked with a black attorney. The judge even lined up these women, about 10 of them, stood in front of them and gave the warning. Chestnut was furious at this inference. He said to the judge, "*I have never been disrespectful of a lady in my life, and unlike you, I also respect black women*" (Black in Selma, pg 89).

These racial dynamics and double standards were everywhere, but one thing was clear. The police control was paramount. Chestnut said:

*I was too young to understand the more subtle economic, social and psychological ways white Selma maintained control over black Selma. But the police were blatant. They were in black Selma doing things to send messages of fear across the community. They weren't a neutral force enforcing the law. They were the law. They acted like despots, slapped black men who didn't say "sir" fast enough, extorted pay-offs and information from the bootleggers, lent money at outrageous rates of interest, and pretty much took what they wanted from whoever had it. I heard stories of black men taken to jail and never seen again*  
(Black in Selma, pg 31).

He and his friends would "nose around" and try to find out what adults were up to. They watched the chain gangs — black prisoners of course — and Chestnut worried whether they had the chains on at night as well. They would watch them dig holes in the streets. (An interesting note about the Selma policy was that white prisoners worked only in white cemeteries and certainly not in the streets with black folks.) They would also sit and listen to the stories from black World War II veterans. Chestnut noticed a difference in them — they seemed restless. Said they weren't going to put up with this damn mess in Selma.

Chestnut describes an incident involving a young largely uneducated black fellow named Shorty who had been in and out of jail. Shorty had a confrontation with a policeman who everyone called "Mr. Craw" like "stuck in your craw." Chestnut said that Craw walked around like Benito Mussolini and he expected, like the parting of the Red Sea, black men to step aside when he walked by.

That day Chestnut realized Shorty'd had enough of shuffling around white men. When Craw walked by he mumbled something and Craw said, "*What did you say, nigger?*" Shorty said, "*Go fuck yourself*" and the fight started. Everyone scattered as Shorty knocked Craw out. While his friends ran, Chestnut watched it all and whispered to Shorty to follow him to his father's jeep. Chestnut drove him to the Good

Samaritan hospital, which was a black Catholic hospital a few blocks away. He put Shorty in a broom closet and said he'd be back in the morning.

He then went back to the "drag" and cops were everywhere. Chestnut was suddenly scared because he was sure some folks would have seen him help Shorty and for a little money they would easily inform the cops about it. Thankfully, this never happened.

The next morning Chestnut and "Red", a taxi driver friend of Chestnut's who was black but looked white, went to the hospital for Shorty and drove him out of Selma to safety.

The above are just a few of examples of Chestnut's experience. On the whole he tried to understand why black adults chose not to stand up to the white abuse. Once, he confronted a group of them in his father's grocery store. This was after a neighbor had been harshly beaten by the cops for defiance and then taken away. He said:

*Inside the store, I tried, but failed to get a conversation going about the awful thing that had happened. Everyone was scared to even comment about it. Later, I talked to my father and he said, "What do you want us to do? Commit suicide?" I knew he was right, but goddamn!*

(Black in Selma, pg 35)

Chestnut also soon discovered that the place where black adults could politicize, complain and make demands, had to do with the black church. This is where control was leveraged and manipulated. And discussions got heated. Chestnut was raised in the First Baptist Church in Selman, which was created in 1866 when, after the civil war, blacks broke off from the white First Baptist in downtown Selma. It is located at the corner of Martin Luther King, Jr. Street and Jeff Davis Avenue. Jeff Davis, of course, being the President of the Confederacy and King being central and destroying the last vestiges of slavery and the Confederacy, which is an interesting juxtaposition. Chestnut remained a member of the church all his life. He was also chair of the deacon board and many was the time over the years when I would call him about something related to black farmer legal issues, and Chestnut would be "holding court" in his office with other deacon members.

For those of you who have not had the pleasure of hearing the old hauntingly beautiful slavery songs and chants sung by elders prior to a service in a black church, you have missed one of the most profound American experiences. In the 1970's I went numerous times to Ebenezer Baptist in Atlanta — Martin Luther King's family church. I told Chestnut that for four weeks in a row I would start crying when I heard the elders singing these songs. "*What was happening to me?*" I asked. Without skipping a beat he said "*Guilt!*" He was truth telling yet again! He also told me that before the service at First Baptist in Selma every Sunday he would sing these old slave songs along with the elders.

It didn't take Chestnut long to see through the vacuous and false superiority of whites. Being a card shark at fifteen he began winning poker all the time. He had an ingenious way of marking the cards that no one could figure out, not even the house man who was the black professional gambler. But then after a while Chestnut won regardless of marked cards. Those who kept losing finally called the police. It never ceased to amaze Chestnut that blacks thought that if the house man couldn't figure out what Chestnut was doing, that the police could. It amazed him that they thought the white police were smarter. The police, of course, didn't have a clue. "*Standing in some policeman's little cubbyhole of an office, watching him study the cards, I thought, 'these people are not all that smart. All that presumed superior white brain power is a sham'*" (Black in Selma, pg 14).

Chestnut played the saxophone for hours on end as a youth and with friends started a band. He told me that jazz was good for your health. The tenor saxophone was considered the instrument of choice in the late 1930's and 1940's and that was, of course, what Chestnut chose as his own.

He could also play the piano to a degree and diligently studied the chords. He wanted to be a musician. But he soon learned he was not able to spontaneously play like some who had the talent to play whatever they wanted. But this didn't stop him. He loved the music and the culture.

Chestnut was an only child and his mother's preoccupation. She wanted the best for her son and was the best overseer she could be with this child, who was obviously hard to rein in.

Black Selma had “jook joints” with musicians, drinks and fun. Chestnut began to frequent these joints and relatively early started drinking and smoking. It was what you did, he said. His mother was not thrilled but he figured out a way to do it anyway. But Chestnut ultimately had a problem with alcohol and finally in the early 1970's gave it up.

The first time I went into his office in the early 2000's I admit I had a stereotypic concept of what he would feature, what would be on his office walls. I thought that as a renowned civil rights attorney he would probably have photos of civil rights leaders or, like many in the movement, African art or something depicting the motherland. But I was wrong. Front and center in his office was the beautiful 1958 Art Kane black and white photo taken in Harlem of the jazz greats. Before me were the likes of the young Dizzy Gillespie, Count Basie, Thelonius Monk, Gerry Mulligan, Charlie Mingus and many others. And Chestnut knew a lot of them.

Later on when Chestnut worked for the NAACP Defense Fund, Thurgood Marshall told him that he thought playing the saxophone and being an attorney didn't mix, but that he wasn't worried because Chestnut wasn't a good saxophone player anyway. He characteristically laughed about this.

Chestnut first went to college at Talladega in north Alabama. It was known as the Harvard of the south and all kinds of children of wealthy blacks from the north were enrolled. He hated being around these black folks who attempted to be white and knew nothing about the real south. He felt alienated and stayed in his room much of the time playing the saxophone.

Then someone mentioned that Dillard University in New Orleans might be more to his liking and he jumped at the chance. Off he went to New Orleans where there were jazz clubs of all sorts and students at the university with whom he felt more comfortable. It was the beginning of his love affair with New Orleans that lasted the rest of his life. I'm sure he knew every relevant jazz club and musician in the city.

For years, every chance he got he would take his wife Vivian to New Orleans for weekends on the town. He would religiously attend the annual jazz festival in Louisiana and play his saxophone on the stage when possible.

He also ultimately knew the jazz scene in New York and would hang out in the renowned Blue Note in the Village.

While in high school in Selma and at Dillard University, Chestnut wrote papers that created controversy by challenging the accommodation policies of black leaders, black universities and their professors. He basically said their teaching was inappropriate and far from teaching real leadership. It was the classic W.E.B. Dubois vs Booker T. Washington debate of blacks demanding their rights as espoused by Dubois versus the Washington accommodation approach.

His high school and college papers remind me of the disdain Chestnut felt for Supreme Court Justice Clarence Thomas, who he knew and who he also roundly criticized for trying to be white and accommodating to white desires. Chestnut told me of a reception in DC he and his wife attended a few years ago. Thomas was also there and came up to Chestnut and his wife. Chestnut told me he made some critical remark to Thomas — unfortunately I can't recall what — but Chestnut said Thomas, of course, did not appreciate it.

I've wondered since how vastly improved the country would be had Chestnut been appointed to the Supreme Court to replace Justice Thurgood Marshall, rather than Thomas. Just imagine the sparks flying in Congress around a Chestnut appointment. It would have been interesting to say the least. Chestnut's stark and brilliant honesty would probably have been overwhelming for the Senate Judiciary Committee, much less the Supreme Court itself! They wouldn't know what hit them.

After university and once he'd been convinced that law, rather than music, should be his career (he said he mother sighed relief at the choice), he went to Howard Law School at Howard University in Washington DC.

By the time he was in law school he and Vivian, his high school sweetheart, were married and he needed money to take care of his family. He got a job as a disc jockey at WOOK radio station that had just switched to black programming.

Because Chestnut was short, his WOOK audience called him the "Little One." He told me how he would often start his music show with something like Lawrence Welk, then shout over the air "*What the hell is this?*" He'd yank the record off the turntable, break it over the mic and put on some real music, like Count Basie.

He'd sometimes stage special events where the radio station would promote that the "Little One" would be appearing somewhere at a club in DC. Characteristically, Chestnut would put on a class act. Once, with friends, he hired a hearse they took to a club. They took the coffin into the club and out jumped the "Little One" smoking a cigar. Chestnut was in fits of laughter as he told me this story.

He also told me that one of the Deans at Howard was not thrilled about him going to school and working as a disc jockey. He felt it was inappropriate. Chestnut talked him out of the crazy notion however, as he was making more money than the Dean.

At Howard in 1953, Chestnut joined other law students in discussions with Thurgood Marshall, and an abundance of other well-known attorneys, about the 1896 *Plessey v Ferguson* separate but equal decision that was to be challenged before the Supreme Court. Chestnut at first joined others in thinking that the court would not overturn all of Plessey in one case and that perhaps the process should be piecemeal. Chestnut, understandably, did not trust the white males on the court. Rather like his father had stated, they might be committing suicide by demanding too much. But in typical Chestnut fashion, this attitude did not last long. Chestnut said that Marshall was so "damned confident" the court would overturn Plessey that he sided with him.

In 1954 the U.S. Supreme Court ruled, in the *Brown v Board of Education* decision, that Plessey was unconstitutional. It was a startling and historic victory, but the work was just beginning.

### **Beginning his Law Practice in Selma and *Brown v Board***

Once he finished law school, Chestnut wasn't sure that he wanted to go back to Selma, but Martin Luther King, Jr. was around then and opportunities were arising for change in the South. He wanted to be a part of it all. Back he went to Selma and opened his law firm in 1959. There were only nine Black attorneys throughout the state of Alabama at that time.

He traveled across the Alabama Black belt defending black clients and made quite a reputation for himself. Invariably in these southern small town squares there were and are memorials to the Confederate dead. Once in the Wilcox County courtroom the Sheriff, holding an ax, threatened to chop off his head. Being a black attorney certainly had its challenges.

When Chestnut first began trying cases in Alabama, white attorneys referred to him as J.L., whereas white attorneys called each other "Mr." He also stood behind the bar that separated the courtroom from

the judge and attorneys. Segregated attorney deliberations as well? But that didn't last for long, as Chestnut took the initiative to move up with the other guys.

He soon began his long relationship with Alabama's renowned racist George Wallace who, at that point, was a circuit court judge. When Chestnut appeared in Wallace's court, he told me that Wallace was furious when the white attorneys did not address him as "Mr. Chestnut" and he told them that in his court they were to call Chestnut "Mr." So Wallace was the first Judge to insist that Chestnut be addressed respectfully.

Chestnut and Wallace had this rather unique relationship. Chestnut was often in Wallace's office, when Wallace became governor, for various legal issues and meetings. He shared with me that Wallace had a populist streak but that his desire for power got the best of him. When he lost the gubernatorial race in 1958 to arch-racist John Patterson who had the support of the Ku Klux Klan, Wallace was known to say he was "out-niggered" and that would never happen to him again.

Wallace became governor in 1962 and was sworn in on January 14, 1963 when he made his now famous "Schoolhouse Door" speech written by his new speechwriter Asa Carter who was a Klan member and an anti-semitic. He said "*In the name of the greatest people that have ever trod this earth, I draw the line in the dust and toss the gauntlet before the feet of tyranny, and I say segregation now, segregation tomorrow, segregation forever.*" Wallace later apologized for his racism and segregationist policies.

In "Schoolhouse Door", Wallace was echoing the White Citizens Council demands that there be no integration in Alabama. The council, essentially an upper-class white version of the Ku Klux Klan, was created in Mississippi to prevent *Brown v Board* from being implemented. Its chapters spread across the South including in Alabama, of course.

Chestnut was asked by the NAACP to implement *Brown* in Alabama. When he and other attorneys began to implement *Brown* they were faced with lawsuits in virtually every school district across the state. Chestnut said he wondered how on earth they could afford all these lawsuits, plus the fact that it would take so much time and effort they might never succeed. He told me that Wallace, however, made a speech that essentially clumped all of the school districts together. In a sense this helped the attorneys to sue the entire state on behalf of *Brown* rather than the individual school districts. Chestnut thought some research should be done to see if Wallace knew what he was doing in this instance. In fact, Chestnut wondered whether Wallace made the speech with the actual intent of helping Chestnut and others in their desegregation efforts.

Other cases he pursued include serving as the attorney for Martin Luther King, Jr. and countless other civil rights leaders, such as Ralph Abernathy, Dick Gregory, Joseph Lowery, James Foreman and Bernard Lafayette as they worked out of Selma in the 1960's; in 1968 he filed a case that led to the right of blacks to serve on juries in Dallas County for the first time in 100 years; he filed suits that led to jobs for blacks in the city halls and courthouses of Alabama and he took under his wing an abundance of criminal law and capital cases.

He also defended Jamil Abdullah Al Amin (the former H. "Rap" Brown) during the movement years in the 1960s and more recently when Al Amin was apprehended in Alabama in 2000 for allegedly killing a white police officer in Atlanta. Chestnut, however, was not Al Amin's attorney in the trial in Atlanta in which Al Amin was found guilty.

Chestnut took on more capital cases than any attorney in Alabama and never lost a client to the electric chair.

Also, no discussion about J.L. Chestnut's practice in Selma could in any way be complete without mentioning Barnette Hayes who was his paralegal, executive and loyal assistant for 37 years.



## **The 1965 Voting Rights Act**

One of the most important acts that basically ended the Jim Crow period in the South was the 1965 Voting Rights Act. Selma was the heart of it all. Chestnut said he never dreamed that the voting and educational efforts of the small group they started in Selma would result in one of the most important legislative acts in U.S. history.

In 1962, there were approximately 150 black voters in Selma. Half of them had been vouched for by a white person. The law required, however, that to get registered meant you needed to pass a test on the U.S. Constitution and Alabama law, but being vouched for by someone white was the most reliable way to get your name on the role. By 1962, and given the more visible activism around voting issues in the South, white Selma had made the test more difficult and those attempting to register were watched more closely. Many black folks stopped even trying.

In the early 1960's SNCC organizers, particularly Bernard Lafayette, also laid the ground for much of what happened subsequently on organizing work in Selma on voting rights. Chestnut was enamored with the bravery of this young man who challenged the authorities in Selma. But Lafayette finally gave up on attempting to organize adults in Selma. They were not going to rock the boat. In the end he organized youth by stating that 'if the youth are involved the adults would follow' and that's precisely what happened. Lafayette has told me, however, that he never expected much from the adults in the first place. "*Why would adults get involved and lose their jobs, their house, and perhaps even their lives?*" he said.

But then civil rights leaders also knew that Selma's Sheriff Jim Clark had a temper that, because of his abuse, would draw the nation's attention to Selma and they were right. During this period Chestnut also began to understand how the white aristocracy in Selma were the ones controlling Clark. They made the decisions and Clark fulfilled them — a hierarchical relationship that repeats itself across the South.

As civil rights marchers began the trek from Selma-to-Montgomery on March 7, 1965 to demand their voting rights and began to cross over the Edmund Pettus Bridge, Governor George Wallace's Alabama State Patrol and the Selma police accosted them. Chestnut was there that day. He recalled hearing the bones of marchers being crushed by the horses ridden by the state patrol. He was appalled at this outrage against those who demanded their democratic rights. The event became known in the annals as "Bloody Sunday." In the midst of all this, he was on the phone reporting to the NAACP Legal Defense Fund in New York about what was happening, then quickly hung up the phone to help take the injured to safety.

Brutal attacks such as "Bloody Sunday" were obviously meant to intimidate those who demanded change, but nothing would stop the movement for justice in the 1960's. After Bloody Sunday, people flooded into Selma from across the country, both whites and blacks alike, to make the trek to Montgomery. Chestnut was amazed at the number of whites who came. It was reassessment time for him again and again. On March 21, 1965, they began the five-day pilgrimage to Montgomery on Highway 80 and arrived at the capitol on March 25. At that point 25,000 marchers had joined the throng.

It's also important to note the importance of black-owned land as it was largely on land owned by black farmers along Highway 80 where marchers could rest for the night.

Five months later, on August 6, 1965, President Lyndon Johnson signed the Voting Rights Act.

## **The Black Farmer Class Action Lawsuit**

One of his more recent and historic legal challenges was that, in the late 1990s, Chestnut thankfully chose to litigate as one of the class counsels for black farmers who filed suit against the U.S. Department of Agriculture. The case was originally known as the *Pigford v Glickman Class Action Lawsuit* (Tim

Pigford being a black farmer from North Carolina and Dan Glickman the Secretary of Agriculture in the Clinton Administration) and then became known as *Pigford v Schafer*.

Chestnut and I would talk for hours about this case and other related issues as I was also assisting farmer members of the Federation/LAF who were class members in Pigford.

In hearings in the U.S. District Court in Washington D.C. in the 1990's, Chestnut railed against the government for its outrageous discrimination against black farmers. He so impressed the court and the government attorneys that many were convinced that the government settled because the government's attorneys were nervous about having to defend the case with Chestnut as the opposing attorney in a courtroom setting.

The civil rights class action lawsuit that black farmers filed against the U.S. government is the largest in U.S. history, which also demonstrates the tragedy and depth of the government's discriminatory behavior. This victory would never have become a reality without the insightful and astute leadership of J.L. Chestnut.

At virtually every juncture, prior to and since the Pigford case settled in 1998, Chestnut addressed black farmer members of the Federation/LAF. In February 1998, for example, he spoke before farmers at the Federation/LAF's Farmers Conference in Albany, Georgia. He expressed concern that mediation behind closed doors does not provide the opportunity for black farmers to tell their case to the American public. "*Americans need to hear from you,*" he said. "*America needs to know what your own government has done to you over the years.*"

Another concern of Chestnut's was the concept by some in the government that discrimination is aimed at the individual and not at the group. "*That's the biggest lie that's ever been told,*" Chestnut said. "*I'm almost 70 years old and I cannot think of a single instance where discrimination was aimed at me but not at everybody else who looks like me. What the Department of Agriculture has been doing over the years has not been done to some selective black farmers, it's been done to every black farmer.*"

In February 2005, speaking again in Albany to black farmers about the lawsuit, Chestnut said:

*I will stand here and tell you that if I had understood in 1997 the magnitude, the real magnitude of mistrust that hurting black farmers felt against their government, I would have searched for some kind of formula specifically to address that problem. I don't know what we would have come up with. I don't know if we could have come up with anything, but more attention would have been given to the problem. When people have been ruined by their government it is hard from them to believe that this government now wants to help them. And I don't care how much you advertise or where you advertise, you can't get really to that problem in depth...*

*The real problem comes from hurt and deceit practiced by the government since the Civil War...*

*I am never surprised that arrogant government lawyers despise me, because the feeling couldn't be more mutual. But for some arrogant overly educated government lawyer to wallow in racism against poor innocent black farmers is mind-boggling. And I saw it day in and day out and had to deal with it day in and day out. My wife will tell you that, in 1997, sometimes I would leave home on Monday and be gone for a week or longer in Washington fighting and struggling, and trying understand how could anybody be so shallow as some of these folk turned out to be.*

*We had one of the fairest judges on the bench in this case, but even he could not understand the reach, the stench of racism. He had no idea sometimes of what I was talking about because, unlike me, he was not born into a citadel of racism and ... fighting it all of his life.*

More recently, the U.S. Congress included in the 2008 Farm Bill a provision to assist 65,000 black farmers who petitioned late in the Pigford lawsuit but have not yet been able to file a claim.

Characteristically, J.L. Chestnut once again chose to assist these farmers as lead counsel in this latest phase of the lawsuit.

### **Challenging the System**

The above are but a small sampling of Chestnut's extensive work. His performance in the courtroom is renowned and he so enjoyed talking about the courtroom drama. Virtually nothing would get past him. His turn of phrase, his spirited penetrating arguments, and his humor are the stuff of legend. What he learned as a teenage gambler he applied in the courtroom. He'd walk in the courtroom airing the confidence that he'd already won. You could never accuse him of silence. He said what had to be said bluntly, passionately and to the point. He was relentless. Yet while law was his area, he learned early in the movement that social change required more than that.

At first Chestnut did not agree with King that unjust laws should be challenged in the court of public opinion by boycotts and nonviolent tactics. Chestnut thought the courts were the place to challenge unjust laws. He changed his view in this, however, as he witnessed the profound effect the non-violent movement was having in creating positive changes.

Also, up until 1968 he carried a gun for protection. But this changed as well. Shortly before Bloody Sunday, Chestnut witnessed SNCC activist and now Congressman John Lewis stare down Selma's infamous Sheriff Clark. Lewis had no gun. It was pure bravery on his part and this impressed Chestnut. He said further that:

*Whenever I would go to Lowndes or Wilcox Counties, I continued to wear a gun. I knew the Klan was active out there because I got letters from them, some with a bullet enclosed. I wasn't comfortable with the gun, but I wasn't comfortable without it either. Not until the night Martin Luther King was killed did I get rid of it. I went down to the Alabama River, under the Edmund Pettus Bridge, and sat there for a half hour crying and remembering all the things King had said about the senselessness of violence and war. I reflected that my weapon hadn't saved me from or helped me achieve anything. I threw it in the river. I felt relieved seeing it disappear in the dark swiftly moving water.*

(Black in Selma, pg 245)

### **Chestnut's Legacy**

There was probably no one who understood the "citadel of racism" like J.L. Chestnut, which he used as fodder for his arguments and rationale. He called a spade a spade, a racist a racist. He was never willing to compromise when it had to do with injustice, and everyone knew it. And he was loyal to those who he knew were genuine in the struggle for justice.

I often told Chestnut that Selma was the laboratory from which he extrapolated to the rest of the world. For years he wrote the article "The Hard Cold Truth" and he would often call me to get my take on it. In the articles he would sometimes cite instances in Selma that would serve as examples of what was happening elsewhere. He knew the racial and political dynamics so well in Selma. It was fascinating to hear him talk about it.

We also talked about how addressing injustice in America is central to ending injustice elsewhere. We, in fact, would often have lengthy discussions about U.S. domestic and international policies and how the injustice in the U.S. domestically was extended to international policies. Basically, if the powers that be in America could get away with white supremacy domestically they would apply it elsewhere. And racism, of course, always prevails in some way in U.S. wars of aggression as we saw in Iraq. So, we agreed, the more he did in Selma to end injustices the harder it was for the country to continue these practices.

Thinking of Chestnut I am reminded of Richard Wright who was born in Mississippi in 1908. In his 1945 book [Black Boy](#) he describes in grueling detail the horrors of white supremacy in the South. But he, like Chestnut, tried to understand what needed to be done to end this injustice. Wright, however, was born when Jim Crow was still altogether too entrenched in the South. The opportunities for maneuvering and organizing were not there or limited at best. He tried communism in Chicago and New York but within the communist groups, whites could also not be trusted. Finally, disgusted, he left the U.S. for Paris.

Chestnut was born 22 years later in 1930 on the cusp of history. By the time he was beginning to play a leading role in the 1950's to turn around the Jim Crow laws, much had preceded him in preparing the black community and white America generally for important changes and finally some justice in education, voting and the other critical issues. He thankfully stayed in the South. While sometimes difficult, Chestnut took the challenge forward with hard work, fortitude, stubbornness and eloquence. It's said that leaders come our way when we need them, when we're ready for them, and that certainly describes J.L. Chestnut. He was the leader we needed then as well as now. Chestnut, of all people, recognized that the "struggle continues".

When it's all said and done, however, J.L. Chestnut was party to the most significant civil rights court decisions and legislation in the history of the United States: from "Brown v Board of Education" that ended separate but equal laws and that he helped implement; to the "1965 Voting Rights Act" in which he played a central role that finally allowed blacks to vote since emancipation and reconstruction after the Civil War 100 years earlier; to the "Pigford v Schafer" black farmer class action lawsuit filed against the U.S. government in which he served as class counsel and that is the largest civil rights class action against the U.S. government in history. What staggering achievements!

### **References:**

[Black in Selma: The Uncommon Life of J.L. Chestnut](#), J.L. Chestnut and Julia Cass, 1990, Harper & Collins

Federation of Southern Cooperatives/Land Assistance Fund — [www.federation.coop](http://www.federation.coop)