

A Volunteer for Justice: Working for Civil Rights in Louisiana, 1966

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A. Introduction: About the Writer

No knowledgeable Jewish youngster born and raised in the liberal/left West Side of Manhattan could grow from early adolescence to young adulthood in the 1940s and early 1950s as I did without being outraged by the sins committed against Blacks in America. Emerging new texts of the Passover *Haggadah* connected Jewish slavery in Egypt with the horrors of the Atlantic slave trade and the cruelty, degradation, and suffering of Blacks and their descendants living in the United States, not only in the ante bellum south, but thereafter at the hands of the Ku Klux Klan and its sympathizers. We knew that fear and hatred of dark-skinned Americans were manifest in discrimination against them everywhere. But we were buoyed by hope that at last the situation was changing. The courts had begun to sustain constitutional challenges to the discriminatory rules that stained our institutions, and Democratic presidents, beginning with Harry Truman, who issued orders desegregating the armed forces, had begun to recognize that these evils must not go on.

This was important to us, a constant subject of conversation in our family. My father, Irving Driesen, had been a lawyer forced out of practice by the cost of providing for our family. In those days, beginning lawyers in private practice were not paid the munificent salaries that some earn today and did even when I began my career. Partly as a result of my father's aborted legal career, arguments over

politics, law, and economics substituted for the usual topics that other families discussed around their dinner tables.

Equally important, I graduated from college in 1954, the year the Supreme Court struck down state laws mandating racial discrimination in education in *Brown v. The Board of Education*. The decision thrilled me. Imagine how much good a life in the law might accomplish! Earlier, I had become an active member and later vice president of The Interracial Fellowship Chorus, a group of White and Black New Yorkers who rehearsed weekly and regularly sang cantatas, madrigals, masses, carols, and other fine music in churches, synagogues, and, once a year, in New York City's Town Hall. The purpose: to prove that Blacks and Whites could unite to make beautiful music together.

Over time, I became an appellate court lawyer representing the National Labor Relations Board (NLRB) in federal courts, where we sought to enforce and defend its orders nationwide. The NLRB's central office was in Washington, D.C., and that was where I learned about efforts to recruit lawyers to go South to represent Black activists and others engaged in the struggle to free "Negroes" (as Blacks were then called) from the shackles of slavery that had mutated into the Jim Crow South.

In 1966, in my fifth year of law practice, I took and borrowed leave from my job at the NLRB to go to New Orleans and work in association with the celebrated Black Civil Rights and general practice law firm of Collins, Douglas, and Elie (CD&E). Like

most states, Louisiana law authorized out-of-state lawyers to work within the state on matters while under the supervision of local attorneys.

B. The State of Louisiana

Louisiana and its subdivisions generally had ignored—“defied” would be a better word--the legal revolution accelerated by the Supreme Court’s decision in 1954 forbidding segregated public school education and the 1964-65 Civil Rights Acts (CRAs) prohibiting and providing for federal action against racial discrimination in voting, education, employment, public facilities, and public accommodations. The CRAs put teeth into the post-Civil War Amendments to the U.S. Constitution. Martin Luther King was still alive, inspiring Blacks and Whites “together,” as the song goes, and Civil Rights activists of both races to support three organizations—CORE, SNCC, and the NAACP--that were organizing Louisiana Blacks to demand that Blacks be accorded the rights that the law required.

C. My Assignments

My work centered on four locations: Vidalia, the county seat of Concordia Parish; Ferriday, where Concordia parish Blacks went to register to vote; Bogalusa, where the schools were not integrated, despite court orders mandating desegregation, and the location of the Crown Zellerbach Paper Box plant, where Blacks were seeking to end discrimination in the “lines of progression”; and New Orleans, the location of the United States District Court that has and had jurisdiction over the Louisiana parishes.

My memory of the events that follow has of course faded in the intervening half-century, though I still remember a few climactic moments. To enable me to provide a coherent and I hope accurate account, I have studied documents filed in the New Orleans federal court and retrieved them, thanks to the assistance of the current clerk's office and the National Archives Division in Ft. Worth, Texas. In addition, I have relied upon an extraordinarily fine and detailed work, Adam Fairclough's *Race and Democracy: The Civil Rights Struggle in Louisiana, 1915-1972* (2d ed., U. of Ga. Press, 2008). Finally, to supplement those sources, I have listened to part of a taped recording I made in 1966 in Louisiana, which was salvaged by Color Lab, Inc. The rest of the tape was lost because some youngster back then dictated his French language practice and some music over it!

D. Employment Discrimination at Crown Zellerbach's Bogalusa Plant

Now, the facts: The first case I worked on arose in Bogalusa, the home of Robert L. (Bob) Hicks and a town where the Ku Klux Klan violently saw to it that Blacks could not vote and were kept segregated. Bogalusa was also the site of the Bogalusa Voters' League (BVL), a Black organization founded some years before the CRAs were passed to negotiate with White business owners and officials who controlled the town. When I began my volunteer service, A.Z. Young was BVL's president; Bob Hicks was its vice president; and Gayle Jenkins, its secretary. By then, CORE was becoming active in Louisiana and Hicks was the lead plaintiff in a Civil Rights Act suit against Crown Zellerbach ("Crown") and two United Paper Workers' locals to end the blatant discrimination against Blacks baked into the bargaining agreements and working conditions in Crown's Bogalusa paper box

plant. Upon my arrival in New Orleans, LCDC and CD&E assigned me to work on that suit.

My legal experience until then had been almost entirely in federal appeals courts, so I had learned to write briefs, argue cases, and become schooled in the in-depth analysis of the law and evidentiary records that appellate work demands. Much of it had to be done in law libraries, and so I found myself early on and frequently in the top-floor library of the federal court house in New Orleans. It had an excellent collection of the relevant law books and ample work space.

Originally, Crown Zellerbach and two United Paperworkers local unions, one White and the other Black, had established two separate “lines of progression,” one for Whites and one for Blacks. A “line of progression” was a ladder of jobs of ascending difficulty and, as an employee worked up the ladder, higher pay. New hires went to the least-well-paid and presumably least-difficult job in a production line--Blacks to a Black job, and Whites to a White job. When a job opened up, an employee in the line could bid for it based on his seniority in the line of progression, and if he won, could earn the increased hourly pay the new job entailed. The converse happened when there were lay-offs. Higher-seniority employees in the line could “bump” a lower-seniority employee. But no Black employee could be initially assigned or transfer to a “White” line; and no White employee would or could “bump” a Black employee. A few years before I arrived, Crown and the unions had removed the explicit racial barriers in the system, no doubt because they recognized that segregated unions and segregated lines of seniority were illegal under the 1964 Civil Rights Acts. But the racial impact of the

practice remained in place, since no steps had been taken to put a new system in place. Hence the wage an employee was paid, the order in which he would be laid off, and the promotion he might receive if a job vacancy opened up still depended upon his status under the racially discriminatory system established before it was formally eliminated. Furthermore, while an employee no longer was prevented from moving from one line of progression to another by his race, Crown had introduced tests that transferring employees had to pass to qualify. White employees had been allowed to move freely from one line to another based solely on their seniority. Furthermore, Crown initiated a new requirement that anyone applying for employment at the plant for the first time had to pass a battery of tests.

Hicks, other employees, and the United States Justice Department thought that the pattern had to be uprooted and the tests eliminated. Accordingly, they brought suit in July of 1965 to uproot the segregation that remained. At the time, Crown was installing new equipment and establishing new working conditions that enabled Crown to cut the number of employees and lay them off. That, in turn, heightened racial tensions in the plant because White employees with less seniority in the plant were retained while longtime Black employees lost their livelihoods.

CD&E, LCDC, and I all recognized that it made sense to put me to work on that suit; my law school record, my first job as a clerk to a nationally known Federal Appeals Court judge, and my position as a supervisor in the NLRB's appellate court branch together demonstrated that I had the needed skills. I searched for

and found precedents supporting Mr. Hicks' and his co-plaintiffs' suit and prepared memoranda laying out the law, the facts that others had collected, and the remedies that a court could grant. Cases under the National Labor Relations Act provided precedents in the courts outlawing such arrangements based on union membership (or its absence), and similar suits had probably been filed elsewhere under the Civil Rights Act provision forbidding racial discrimination in employment. Of course, other lawyers, probably also volunteers, had been working on the Hicks case before I arrived and would continue for four more years thereafter. Two years after my volunteer service ended, Judge Frederick Heebe of the New Orleans federal District Court issued an order granting judgment in favor of Hicks and the other Black plaintiffs. I had anticipated the final outcome but did not imagine it would be so long in coming. Of course, I had returned home long before that judgment was issued.

E. The Black Fight for the Right to Vote in North Central Louisiana

Important as ending employment discrimination was, it paled into insignificance beside the struggle to enable Blacks to register, vote, and run for public office in Louisiana. The Ku Klux Klan and the local police, a many of whom were Klan members, were bound and determined to prevent that by fair means or foul. By 1966, President Johnson's attorney general, Nicholas Katzenbach, had begun enforcement actions against officials in several southern states, including Louisiana, and the Justice Department had sent FBI agents to aid in enforcing Black voting rights. In Ferriday, a small town almost three hours' drive north of New Orleans, where CORE agents were organizing Blacks to vote by holding meetings and planning marches to register, the police often waited until a

meeting ended, and then, as people emerged, arrested them, jailed them, and occasionally beat them. When word reached the LCDC office in New Orleans, Dick Sobol, the experienced lawyer in charge, sent me to Ferriday to accompany New Orleans' CORE Chapter Field Secretary Isaac ("Ike") Reynolds to try to get them out. Sobol had been employed by one of Washington's finest corporate law firms before he agreed to man the LCDC New Orleans office and supervise the volunteer lawyers. He was hard working, courageous, highly respected by Blacks and even by the local police, and totally dedicated to the cause of Black civil rights, so dedicated in fact that he devoted the rest of his career to it.

The assignment ejected me from New Orleans, and my comfort zone. It plunged me into the thick of the desperate and dangerous struggle that Blacks were engaged in, but I naively thought that as a lawyer, I was a non-combatant, armed only with paper, a typewriter, legal knowledge, and the ability to speak clearly and persuasively. Besides, FBI agents were assigned to Louisiana. "What, me worry?" The police, after all, were sworn to uphold the law, and they would certainly respect my position as, in a sense, a "law-man." As matters turned out, I was more lucky than wise.

The trip from New Orleans to Ferriday then took about two and a half hours, and it afforded me time to become acquainted with Ike Reynolds. "Ike" was about my age and height and build, and had been in the thick of the battle for Black civil rights in Louisiana. I learned in preparing this memoir that like some other CORE members, he was armed when he traveled along the back roads of northern Louisiana. He carried two pistols, a .38 and a .357. Ike was happy to tell me the

story of Louisiana Blacks' struggle to convert the stirring language of the new Civil Rights Acts (and not incidentally the post-Civil War constitutional amendments) from legalese to reality. Ike told me the story of Bogalusa, a mid-size industrial town with a long history of lynching and a virulent Ku Klux Klan Chapter. Not only did I know nothing of that history; I had never even heard the name "Bogalusa" before I arrived in New Orleans. But Blacks had organized the Bogalusa Voters' League (BVL) in the 1960s to negotiate with the city's White political rulers. In 1965, Ike told me, BVL had started to become much more active. The response of the White community was quick and violent. Through the police in the town--many of whom were Klansmen--civil rights workers and members of the Voter's League were frequently arrested, taken to jail, and beaten. In response, the LCDC and the Justice Department had gone into court and gotten an injunction against the police, ordering them to stop intimidating civil rights workers.

The police disregarded the court's decree. After the injunction was issued, they had twice been hauled into court and charged with contempt. Judge Herbert Christenberry, one of the New Orleans Federal District Court judges, presided over the first contempt proceeding. He angrily told the police that they were to protect Blacks seeking to exercise their right to vote, not beat them. He found the police in contempt the first time, when the facts were proved by newsreels taken by United Press International cameramen who had been subpoenaed by the FBI. But the police repeated their outrageous behavior, and the plaintiffs filed another contempt motion. The judge sat on the second contempt case for 11 months, and when I arrived in New Orleans, he was still sitting on it, Ike told me.

Continuing our conversation, he described another safeguard he took against the police and Klansmen whenever he left Bogalusa at night: He never let a car pass him, but left town at 70 miles an hour. He showed me an intersection with a stop sign where he anticipated ambushes and therefore never slowed down, let alone stopped, despite the sign. Every time I left Bogalusa after our conversation, I followed Ike's rules, despite Ike's comment that "things" had quieted down "somewhat" in late 1965.

In retrospect, Ike's reference to "things" having quieted down in Bogalusa seems ironic. During my September 1966 volunteer service in Louisiana, one of the Bogalusa civil rights workers was taken to jail and beaten. And two others were run off the streets one night while I was there. I think they were taking a traffic count to be used in a lawsuit that Dick Sobol was planning to invalidate a Bogalusa ordinance forbidding marches. After the arrests, Dick and I sat in the car and took the traffic count ourselves. "I can tell you we were scared half out of our minds when a police car pulled up behind us, an officer in it put his helmet on and came over to talk to us. But he apparently recognized Dick and spoke without anger about the whole thing" (quote from my 1966 taped recording).

Sobol told me before I left New Orleans that the Blacks jailed there had gone to Vidalia to help Blacks organize an NAACP chapter and a voter registration drive and to encourage them to assert their rights under the Constitution and the new federal voting rights act. While they were there, Rudy Shields, the NAACP Ferriday field director, went outside the church where the meeting was going on and found out that the police had arrested the son of one of the speakers because he

had walked past them and muttered under his breath “Black power.” When Shields asked what the trouble was and why they had arrested the young man, the police arrested Shields. One of the police officers called out “there’s the nigger that’s causing all this trouble; let’s get him.” Another added “we’ll put an end to this mess. We’ll fine them all a hundred dollars to get out of jail.” Some of the Blacks in the meeting went back to Ferriday (a 10-minute drive from Vidalia) to raise bond money and get some more people to stage a march. Along about midnight that night, 50 to 60 Blacks marched, singing, five blocks in a double column down a side street, assembled in front of the jail, and demanded that the sheriff accept bonds for Shields and the president of the newly formed NAACP chapter and release them. He ordered them to disperse, which they refused to do. “Alright, if you want to march, march right into that jail,” he ordered, which they proceeded to do. Twenty-three men were crammed into one cell, 19 women in another, and 18 juveniles (who were subsequently released) into a third. Word of these events had poured into LCDC New Orleans headquarters, when a CORE representative called Ike to get him out of jail.

In the tape recording I referred to earlier, I noted my surprise that the story of all these people being illegally arrested and jailed never really hit the newspapers, either in the North or the South. “It’s such a common occurrence that nobody even takes notice of it except the CORE and NAACP people who would have to raise bail to get their people out of jail,” I recorded. That was a tough problem, and it felt so urgent that Dick Sobol tried to raise some money from lawyers and others in Washington, and even I tried, thinking especially of Danny Singer, a friend and partner in a major corporate law firm. But Sobol told me not to do that

because if we did, we'd be raising money all the time. "We would need bail money frequently in the course of our stay," he warned. The NAACP members tried, but they could only raise \$450, not nearly enough, given the numbers and the \$100 bail demand. Dick and I decided to interview and take notes about the circumstances of the arrests and identify the local statute the police were relying upon to justify the arrests and imprisonment in the teeth of the federal laws that clearly outlawed the police conduct. We were planning another proceeding against the police for yet another injunction and for damages.

Shortly thereafter, I got my chance to go to court on the prisoners' behalf. Some of the prisoners, it turned out, had been released because they paid the \$30 fine the sheriff demanded. A few others managed to post bond. But despite the illegality of their arrests, most of them remained in jail, so Dick Sobol sent me back to Vidalia to appear in the Mayor's Court to argue for their release. (In Louisiana and many other states, small towns had jails, and their mayors were and are authorized to sit as judges in petty criminal cases. A "petty crime" is one that is punishable by a fine or up to one year in jail.) Armed with a letter evidencing my association with CD&E, I blithely assumed that I faced no personal danger when I returned to Vidalia, and I was confident that I could persuade the Municipal Court mayor/judge to let these illegally arrested men and women go.

F: A Brave Beginning and an Ignominious End

Arrangements had been made for me to have dinner and sleep over at the home of an elderly Black Vidalia woman so I could appear in the Mayor's Court the next morning. Her house was a small sharecropper's cabin. I remember that upon my

arrival, my Vidalia hostess fed me, told me to open her fold-away living room couch, and invited me to sleep. Just as I was getting into bed, two young, very tall, muscular Black men entered the cabin. Both carried assault rifles, which they noisily laid down on the kitchen/dining room table, and then sat down. Neither they nor my hostess introduced me, so I was left to speculate about their reason for coming. Naïvely, I assumed they were paying a social call, as they and my hostess conversed amiably in hushed tones, while I drifted off to sleep. Not until I returned home in early October, when a Washington, D.C. TV sportscaster, Shirley Povich, interviewed me on TV about my Louisiana trip, did I discover how hopelessly naïve I had been. Povich's producer had called me and asked if I would agree to an on-air interview. "About what?" I asked disingenuously. "Didn't you just recently return from a stint as a volunteer civil rights lawyer in Louisiana?" "Yes," I said. "Well, we'd like you to come on our show so Shirley Povich can ask you about it." "O.K.," I replied.

When the show aired a few days later, Povich introduced me to his listeners and asked, "Were you frightened?" "Why? Should I have been?" I responded. He asked whether I'd been in Vidalia and stayed overnight in a sharecropper's cabin. I was amazed that he knew about the cabin and my hostess, but, unflappable, of course, I answered "Yes." "You know, don't you," he continued, "that several weeks before you arrived a group of Ku Klux Klan members drove by in a pick-up truck and fired rifles into that cabin because another civil rights lawyer was there?" "No," I said, rather sheepishly. Musing aloud, I said, "so who were the armed Black men that sat up during the night talking to my hostess?" He responded: "They were probably members of the Deacons for Defense and

Justice, sent to guard you.” “Oh,” said I, and lapsed into silence, as the danger I had faced sank in. I think Povich explained who the Deacons were. While in Louisiana, I had not heard a word about them. Only when I read *Race and Democracy* to get context for this Memoir did I learn about the courageous group of Black men (some of them veterans of World War II and the Korean War) who guarded Blacks from the KKK and from the police who terrorized Louisiana Blacks in the hope that they would abandon their struggle to break the chains that had bound them and their ancestors for generations, long after the Civil War had supposedly freed them.

Next morning, after my hostess gave me breakfast, I met his Honor, the Vidalia Mayor, outside the local municipal building. Sidney A. Murray was then the mayor. He is gone now, of course, but when I recently inquired about him, I was told that Murray is remembered as a fine man, “a visionary” who “did a lot for the community.” That may be, but his role in this matter was neither “fine” nor “visionary.” Murray asked me what I was doing in town. I proceeded to explain my mission and, when he asked whether I was a member of the Louisiana bar, I answered “no,” but that I was appearing in association with CD&E. “Here’s a letter certifying to my status,” I said, handing him the letter and a copy of the Louisiana statute authorizing out-of-state lawyers to appear in court if they were working in association with Louisiana lawyers. He read the letter and the law, looked up, and said, “That letter means nothing to me. You are not a member of the Louisiana bar, I am the judge here, and if you try to appear in my court, I will have you arrested and thrown in jail.”

Despite the mayor's words, his tone was civil and, not remembering Shakespeare's warning that "a man my smile and smile and yet be a villain," I proceeded to try to convince him. As I remember the conversation, which continued for over an hour, I explained that the federal Constitution forbade courts from convicting a defendant who had no counsel, and that White Louisiana lawyers refused to represent Black defendants. Accordingly, the Louisiana bar had agreed to allow out-of-state lawyers associated with Louisiana attorneys to appear in Civil Rights cases, lest the federal courts automatically free the unrepresented defendants. That agreement, I showed him, was authorized by Louisiana law. "That letter means nothing to me," repeated the mayor, "and I'm the judge here. If you try to appear in my court," he repeated, "I'll have you arrested and thrown in jail."

Our discussion did not end there, but ranged widely. I told him that the arrested Blacks were entitled under statutes, court decisions, and the Constitution to assemble, march, and demand to be registered. At one point, I asked him why he was so determined to keep Blacks from voting. "The Bible tells me," he asserted. I replied that I knew enough about Jesus and the New Testament to be confident that there was no basis in the gospels for such a claim. The Hebrew Bible, on the other hand, which provided rules protecting slaves from beating and injury, to that extent recognized slavery. By then, I had become quite observant and went to synagogue regularly. No scriptural passage that I had encountered then or since could possibly be twisted to support his assertion, but I thought it best not to argue the biblical issue. But our conversation ended when, as I have remembered for all these years, he told me that another lawyer had arrived to

represent the jailed Blacks and that this one was a member of the Louisiana Bar, so I could “go home now.”

Until recently, I thought I had come to Vidalia to argue the undoubtedly correct point that the arrests were illegal and that the mayor therefore had to release the prisoners. My memory of my mission now appears to have been wrong or incomplete. The tape recording establishes that the sheriff who’d made the arrests had insisted upon a “cash bond,” that is, money that he could hold pending the trial and, if the defendants showed up, refund; if they didn’t, the cash bond would be forfeited. Neither the jailed defendants nor the NAACP representative in the area had enough cash to get everyone out of jail, so they had to remain overnight. But my tape recording shows that I had researched the issue and found that under Louisiana law a defendant could put up a “bond” issued by a reputable commercial surety company and gain his or her release. In addition, my tape records, I brought a copy of the bail statute along and showed it to the mayor. Although we had an extended discussion, including about whether I was authorized to appear in court, and I imagine I also argued the point that the arrests were illegal, I’m uncertain about the denouement. The mayor did tell me that a bail bondsman had come, armed with a proper surety bond document. Undoubtedly, the adult defendants were eventually released. Either way, I did not get a chance to appear and argue the case. I loved to argue in court, and I’d never before (or since) had an opportunity to appear in a case where the outcome would be so immediate and, from my standpoint, consequential, or the judge so prejudiced, so my recollection that I was crestfallen is probably correct.

G. Desegregating the Bogalusa Junior and Senior High Schools

My next assignment took me to Bogalusa and to the home of Bob Hicks, the now rightly acclaimed Civil Rights activist who was a lead plaintiff in the suit against Crown Zellerbach and the Paperworkers' unions I had worked on when I began my volunteer work in New Orleans. When I arrived at the Hicks home after my meeting with the Vidalia mayor, Hicks was on the telephone talking to Black parents whose children were being bussed to the previously Whites-only Bogalusa public schools. Hicks, other Black parents, and the United States were parties to a suit against the Bogalusa School Board to end segregation in the schools, as I note above. The suit had been filed in the United States District Court in New Orleans in 1965, eleven years after the Supreme Court had decided *Brown v. Board of Education*, which the school board had ignored. I was sent to prepare sworn statements (affidavits) for use in several then-pending cases in which Hicks and other Blacks and their children were named as plaintiffs. When I arrived at the Hicks home, Bob Hicks was on the telephone speaking to other parents and other Blacks who were observing what was happening and reporting back to Mr. Hicks. His children and those of other Blacks were being bussed to previously all-White schools under the aegis of a desegregation order issued by Judge Frank B. Ellis, of the United States District Court in New Orleans in August 1965. That order directed the Bogalusa School Board to submit a leisurely plan of desegregation requiring one high school and one elementary school grade to be desegregated each year. The plan authorized eligible Black students or their parents to apply for transfer to a different school than the one they had been attending or were already assigned, and, if there was space, the transfer must be granted. The process was hardly "desegregation"; only a few Black students were

“desegregated.” The Fifth Circuit Court of Appeals, which had Jurisdiction over the Louisiana District, had rejected such plans—of which there were several in southern states--by the time the 1965-66 school ended. This was hardly surprising, given how many years had elapsed since the Supreme Court had found segregated schools unconstitutional.

In June of 1966, C.D. & E. and the United States filed motions for supplemental relief that included a plan of desegregation far more comprehensive and more rapid than the one Judge Ellis had approved. Their motions were heard by Judge Frederick R. Heebe, who had been appointed by President L.B. Johnson in March of 1966. Judge Heebe granted the relief, and under the new order, far more Black students were slated to enter previously all-White schools than had been allowed before. Most were bussed from their homes, and at Bogalusa High School, White students shouting racial epithets attacked them as they alighted. Those attacks persisted despite the presence of the principal and teachers (two of whom doubled as athletic coaches), who were stationed along the entrance paths to prevent attacks. That’s what was happening when I arrived at Mr. Hicks’ house. It served as a command post, where he and Gayle Jenkins were taking calls reporting on the children’s progress and the White boys’ continued defiance of the court’s orders. Hicks repeated the messages to me, and I transcribed them for use in a planned return to court to obtain a court order against the identified student attackers and “all others acting in concert with them.”

The desegregation effort had already encountered violent resistance. On September 12, 1966, a large crowd, some of its members armed, gathered

outside Bogalusa High School and engaged in disorders intended to prevent the Black children from entering. Two members of the crowd were arrested. The plaintiffs and the United States asked for further relief against all persons having actual notice of the desegregation orders, and directed them not to gather at any Bogalusa public school between 7:30 a.m. and 4:30 p.m. and not to brandish, aim, or discharge any firearm for the purpose of interfering with the peaceful implementation of the court's desegregation orders. Not surprisingly, in view of the adults' attacks, students at the schools had set upon the Black children, cursing and beating them up. I had previously met with the Black children and written to the school board demanding that it put an end to the unlawful conduct that I had recorded in detail.

Among other events, the letter listed:

1. Teachers and administrators had failed to admonish, let alone discipline, White students who verbally and physically assaulted Black students. Sometimes teachers and school officials scolded both victims and assailants with equal vigor!
2. One principal had referred in a meeting of White parents and students to the Black students as "niggers," and to the bus carrying them as "the nigger bus." (Epithets aside, the school board had ignored the court's order that assignment to buses must not be made on the basis of race.) Another principal had repeatedly used the epithet, "nigger," and his words were apparently recorded, for they were later broadcast on a local radio station.
3. At a soda machine that a Black female student was using, a White student came up and, in the presence of a teacher, called her "a black son of a

bitch.” The teacher called another teacher over, described the incident, pointing at the boy. Neither teacher took any action. Similarly, at the Bogalusa High School, when a White student seated at his desk in front of the teacher’s desk turned around and called the female student seated behind him “a black son of a bitch,” the teacher merely looked at him.

4. Echoing the apparent sentiment of the teachers’ and administrators’ attitudes, a White principal, after receiving a report of another assault, took the Black students aside and told them they “had to expect this sort of thing.”

In one of the incidents that I documented, a White male student during class dropped a snake on the shoe of a Black girl, terrifying her.

The letter I wrote to the school board was four single-spaced pages long, named names, and provided dates. It is appended as Appendix A to this Memoir. The school board ignored it. Reading it a half-century later, it still infuriates me. Imagine what the reports Bob Hicks and Gayle Jenkins were getting must have meant to them! Then, as now, I am struck by the extraordinary courage of these children who kept boarding the busses, and walking the path to the school door in the teeth of the threats, and insults hurled against them and the dangers they faced once inside. I am sure they felt secure that history was on their side.

At the same time, we filed another motion in the New Orleans federal court asking it to join as defendants the six White students who had beaten up “Negro” children as they walked from the buses to the school entrance and to grant

further relief, including the novel provision making the orders applicable to all who had “actual notice” of the desegregation orders that I had proposed to the other lawyers on our side. The court set these and the other pending motions down for a hearing on October 1, 1966.

No doubt I returned to the library to prepare the affidavits and pleadings for the proceeding, because on the hearing date I went to court along with other attorneys representing the Justice Department, Mr. Hicks, and the other Black parents. Attorneys for the defendants, that is, for the Bogalusa School Board, and the attacking students (whom the court had made defendants on our unopposed motion) also appeared. The court had previously issued the other temporary restraining orders we had requested. There must have been a newspaper reporter or two in court because the next day, the *New Orleans Times-Picayune* printed a front-page article describing the court hearing and the Bogalusa school situation generally. My memory and the *Times-Picayune* article agree. The principal of Bogalusa High school, two teachers (who were also coaches), two Black students, and one of the six White students who were now defendants testified; and Judge Heebe participated actively in the hearing. Clearly, he had listened intently, for he interrogated the witnesses and asked numerous questions of the attorneys. The teachers and the Black students made it perfectly clear that White students had attacked Blacks as they got off the buses.

I gave the final argument for the plaintiffs at the end of the day’s proceedings. In it I alluded to the testimony and other recent events outside and inside the Bogalusa schools detailed in the affidavits and other documents in the record. I

urged the court to make the temporary injunctions he had already issued against the attacking Whites permanent. Following the argument laid out in our memoranda, I urged upon the court that anyone aware of its desegregation orders was legally bound not to interfere with the peaceful exercise of the right to a desegregated education that the decrees implemented. By the end of my argument, I became quite impassioned: "These students must learn that when a United States District Court issues an order, no one is permitted to defy it." Apparently Judge Heebe agreed, for at the end of the hearing (which lasted six hours), he announced that he was extending the already issued temporary restraining orders and his decree joining the six attackers as defendants, until he issued orders making the orders and decrees permanent. The attorneys for the United States, and Richard Sobol, Nils Douglas and his partners, and I, who represented the plaintiffs, were well satisfied with the result.

A few days later I left New Orleans to return to my family in Maryland and my "day job" as a government labor lawyer. My satisfaction with having been privileged to work on these Civil Rights cases equaled, if it did not exceed, the satisfaction I derived from any of the other important cases I worked on for police officers, unions, the NLRB, individual workers, and activists over my thirty-three years in the practice of law.

H. And Now?

Fifty-five years ago, when I left Louisiana to return to my family and professional life, I hoped and expected that "this nation, indivisible" would move along the path of liberty and justice that the Founders of the Republic, the draftsmen of the Constitution, Abraham Lincoln, Dr. Martin Luther King, and all the others who

grasped the “patriots’ dream” had laid out. The wrongs that courageous Blacks were fighting to redress were clear and unmistakably evil. Surely, Blacks and Whites would join hands to tear down the barriers between us. In some respects, that has happened. The ubiquity of Black and mixed-race people and families on our TV screens, on stage, in elective and appointed offices in many states and in the federal government, in all but a few professions, and in business testifies to real progress. But no White “ally” (which people like me are called in “Woke Speech”) can miss the enormity of the work that still remains to be done, even though the issues are not as simple as the ones presented in the cases I worked on in 1966. Moreover, resistance to eliminating racial barriers has erupted in recent years. That saddens me greatly. But age has clipped my wings. So I turn to you who took the time to read this Memoir: If you are not active in the struggle for racial amity and justice, enlist now. If you have a “...hammer, hammer in the morning; hammer in the evening; hammer out danger, hammer out a warning, hammer out a song of love between my brothers and my sisters, all over this land.” God knows, we need it.

September 19, 1966

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Re: Willie Elliot Jenkins v.
City of Bogalusa School Board,
Civil Action No. 15798

Dear Sirs:

Several incidents which have occurred in the Bogalusa schools recently indicate that some of the teachers and administrators in the school system are either failing to discipline or admonish white students who verbally or physically assault Negroes or are punishing the Negro victims as well as the white assailants in these incidents. Furthermore, we are informed that one principal has referred to Negro students as "niggers" at a widely publicized meeting. Both kinds of conduct violate the letter and the purpose of the decree of the District Court in the above captioned case by encouraging white students to harass Negroes. We are informing you of these incidents in the hope that you can convince the School Board to make clear to its employees that students who harass Negroes are to be disciplined promptly and that school employees are not to use the word "nigger" while engaged in activities related to their employment. In that way, further court proceedings can be avoided.

As we have pointed out, a school principal has referred to Negro students as "niggers" in an incident which received wide publicity in Bogalusa. On the evening of September 12, 1966 a mass meeting of white parents was held to discuss school conditions with school officials. The meeting was chaired by Mr. Alcous Stewart, president of the School Board. During the meeting, Mr. Fleming, principal of the Bogalusa Junior High School, in answering parents' questions concerning school conditions, repeatedly referred to Negroes as "niggers." For example, Mr. Fleming was asked whether it was true that he made the "white bus move for the nigger bus." He answered, "no." The nigger bus pulls up when the white bus is gone." Mr. Fleming was also asked whether he had sent a certain white child home after he apparently struck a Negro. Mr. Fleming said that he had called the white child's mother to come and get him and explained that the white boy was paid "three dollars to beat the nigger boy." Mr. Fleming was also asked whether "they" had knives on them. He answered, "No--I searched them and found only one nigger boy with a razor blade on him."

The meeting was apparently taped, for it was broadcast in its entirety the next day. Mr. Fleming's remarks--and his use of the epithet "nigger"--were thus spread throughout the community. Furthermore, white school children were present at the meeting at which Mr. Fleming spoke. We are sure you recognize the inflammatory impact of such conduct.

On several occasions, verbal and physical assaults on Negro students have either been ignored or have resulted in unjustified punishment of the Negro. On September 14, 1966 a white student of Bogalusa High School, Charles Rester, walked up to Winford Johnson, a Negro, and, without any provocation, struck him in the mouth. The principal, Mr. Brickham, was present at the time. He grabbed Rester and held his arms, while Steve Ward, a Negro student, grabbed Johnson to prevent him from returning the blow. The principal suspended both students for ten days.

Other incidents involve the failure of teachers to reprimand or punish white students for obscenely insulting Negro females. On Friday, September 2, 1966, Dixie Brister, a seventeen year old Negro student at Bogalusa High School, was standing near a soda machine. A teacher was standing at her left when a boy came up to her and called her "a black son of a bitch." The teacher, hearing the remark, went and got another teacher and conversed with her, pointing at the boy. Neither teacher said anything to the boy about his abusive language. Instead one of the teachers walked away and the other remained standing near the machine. A similar incident involving another Negro student, Velma Poole, age fourteen (14), occurred on September 6, 1966 at Bogalusa High. A boy seated next to the teacher's desk turned around and called this student a black son of a bitch. The teacher clearly overheard the remark. She looked at the boy and said nothing.

In another incident, a white student spilled Coca-Cola on a Negro girl, soiling her clothers and splasing four other Negro children. This occurred on September 6, 1966 at Bogalusa Junior High School. Seeing the incident, a teacher came over and was told what had occurred. He took all the Negro children, the white boy who spilled the Coca-Cola, and a white girl to the principal's office. There the principal questioned all of them. When the white boy claimed that the spilling was accidental and when a girl who had accompanied him confirmed his account, the principal told them to leave. The principal did not admonish the student in any fashion. But, after the young boy left, the principal told the Negro students that they had to expect this sort of thing. The principal's statement clearly indicated that he did not believe the claim that the spilling of the Coca-Cola was accidental, yet he took no disciplinary action against the white boy involved.

Another incident involved the failure of school employees to discipline a white boy who physically assaulted a Negro girl. On September 6, 1966 a white boy in Bogalusa Junion High pushed a desk into Negro student Rhoda Williams' back, hurting her. Rhoda is thirteen years old. When the teacher, Miss Wordsworth, returned to the room Rhoda Williams told her what had happened. The teacher, pointing a finger at the boy, merely said, "I can't leave the room without something happening." She then said to Rhoda Williams, "Why don't you move?"

On September 6, 1966 at recess time in Bogalusa High School, an unidentified white student threw a snake at fifteen year old Karen Thomas, a Negro student. The principal of the school, Mr. Bickham, was present when this occurred. Mr. Bickham did not express disapproval of such conduct. He simply asked one of the boys in the crowd to pick up the snake.

As you are aware, paragraph I(n) of the decree forbids "any official, teacher or employee of the school system" from "penaliz[ing] any person because of a choice made." Failure to protect transferring students from verbal and physical assaults by disciplining those responsible and expressing disapproval of their conduct is a form of penalty and is thus literally a violation of the decree. More important, the failure of school authorities promptly and vigorously to deal with such harassment--which we are sure would not be tolerated in other circumstances--frustrates the intent of the decree. By allowing an atmosphere of hostility and intimidation to exist, the school officials are making it impossible for the transferred students to receive the educational opportunities for which they transferred. If students are harassed on account of their race, they and their parents will hesitate to take advantage of the educational opportunities which the Court's decree is designed to make available to them. Moreover, the harassment to which Negro students transferring to white schools are being subjected is a direct outgrowth of the segregated educational

system which the School Board has unlawfully maintained in the past. Had Negro students not been previously excluded from white schools, their presence would by now be accepted as a matter of course. Accordingly, we believe it is appropriate that the school authorities take every step possible to discipline those who physically and verbally harass the transferred students. It goes without saying that school principals (and teachers) should be instructed not to use the word "nigger" when performing functions relating to their jobs.

We would appreciate your bringing these incidents to the School Board's attention and insuring that appropriate directions to employees are issued.

Very truly yours,

COLLINS, DOUGLAS and ELIE

By: George B. Driesen

GBD:cfw

cc: The Honorable Frederick J. R. Heebe
Civil Rights Division
United States Department of Justice