

Transcript - Sen. Henry L. Marsh, III (2003-03-20)

CARRINGTON: Your name, sir, and your position, title?

MARSH: Henry L. Marsh, III. I am Senator from the 16th Senatorial District, the Commonwealth of Virginia.

CARRINGTON: Senator Marsh, can you give me your personal definition of segregation?

MARSH: Yes. I assume you mean racial segregation, and to me segregation in that sense means that persons are separated from others by reason of their race, either through state action or private action. One group is separated or one person is separated from others for the sole reason of racial classification.

CARRINGTON: And how did that, in Virginia, that separation due to race, how does that manifest itself in your everyday life as a child in Virginia, in Richmond? No, you weren't in Richmond.

MARSH: Well, I was in Richmond part of the time. The first part of my childhood that I can remember, I was living in Smithfield, Virginia, near Smithfield, Virginia, the rural area, and racial segregation was played out in my public education experience. I went to a school that was set aside for African Americans, and that school was five miles from my home, and there was no

bus transportation, so I walked to school every day, leaving at 6:00 o'clock in the morning and I got home around dark every evening from the first grade to the fifth grade or -- yeah -- when I left the county. And of course the white children were transported on a bus to Smithfield to a training school, those who lived around me and beyond, and that school was set aside for whites.

And of course I went to a one-room school, one teacher and seven grades of 76 pupils. And the white children went to a training school with multiple rooms for each grade and multiple teachers for each grade. And they rode on the bus and I walked. And that was particularly impressed on me during the winter months when it was cold, and I started that at age five and a half, going to school in that way, so that was one way.

And at the time I didn't really think much of it. I thought that was the way things were supposed to be. I mean, I didn't think of the fact that I'm being mistreated because I'm walking. That's the way things was.

CARRINGTON: And then when you went to Richmond?

MARSH: Well, I learned before I left the county that it was an unfair situation, it was a situation that the law as interpreted required me to do this because I was of one race, and it permitted the white children to have a different experience because they were of another race. I learned that as I got older. And when I came to Richmond it was a similar experience in that the school that I was assigned was for all black children, with black teachers and --

CARRINGTON: Which school?

MARSH: George Mason. In fact, I lived right across the street from George Mason, and white children in my neighborhood or beyond my neighborhood went to white schools in the area.

CARRINGTON: Now, you went to Maggie Walker?

MARSH: When I left elementary school I went straight to high school. They didn't have middle schools back in the day, so I went from George Mason to Maggie Walker, and I had a choice between Armstrong and Walker. The closest high school to me was Thomas Jefferson -- it was John Marshall, but I went past John Marshall to get to Maggie Walker. And of course, if I had gone to Armstrong, I would have had to go past John Marshall to get to Armstrong, and that was because of race.

CARRINGTON: Now, when you were in Maggie Walker you became President of the NAACP Youth Council. What were some of the things you did in that youth council and why did you decide to join that organization?

MARSH: I really can't recall the reason why I joined. In those days in black schools, NAACP was a club or hobby that you could belong to. This was before Brown. And it was something I guess that black teachers or black administrators thought would be helpful. And you would

choose which activities you wanted to participate in and I chose the NAACP. At this point, I can't recall why.

CARRINGTON: And what were some of the things that you were involved in as the president of the youth council?

MARSH: Well, I was interested in civil rights, and I don't know exactly why, even at that time, because I chose NAACP, and I became the president. I guess I was more interested than some of the others, or seemed to be, and we had an advisor, and the advisor directed us in terms of some of the issues that were going on in the area of civil rights. And some of the background of the NAACP, we really learned about the organization, about the history of the organization, and about some of the heroes in the organization, rather than getting involved in day to day militant activities. It was sort of like a class about the NAACP.

CARRINGTON: And who were some of the people you learned about and how did that impact on who you were and where you were going at that time?

MARSH: Well, we learned about some of the heroes of the anti-slavery movement, Nat Turner, Sojourner Truth, Frederick Douglass. We learned about the founding of NAACP in 1906, the Niagara Movement and how that resulted in the NAACP. Walter White, who was the Executive Secretary of the NAACP, and some of the heroes who -- we learned something about Charles

Hamilton Houston and some of the heroes of the movement. As a local NAACP chapter, we learned about voting and the things that NAACP stood for.

CARRINGTON: And as you learned about those people, and then you moved on to college; you went to Virginia Union?

MARSH: Right.

CARRINGTON: What did you major in how did those things in high school affect what you majored in in college?

MARSH: Well, in high school, I guess I was a part of the leadership, student leadership. I was editor of the school paper. I was vice president of my class. The president was always a football hero, so I didn't play football, but I was really acting as president. And I was a part of the Student Council, so I was pretty active in high school. And when I went to Virginia Union at that point I thought I wanted to be a lawyer, and I majored in sociology because I was told that that was a good background for becoming a lawyer.

And I was again very active at Virginia Union. I was -- I ended up being president of the student government during my senior year. I was on the school paper. And I was active in my fraternity and other activities as a student. I did all that while I was working. I was working eight or ten

hours a day all the way through high school, and all the way through college by the time of my senior year.

CARRINGTON: And during that time, this is before the '54 Civil Rights Act came down, getting ready to go to Howard Law School --

MARSH: Actually, in '54 it was Brown v. Board --

CARRINGTON: Yeah, that's right.

MARSH: -- the decision, and that decision came down when I was in college. It was a profound decision. And I was a part of some religious youth organizations sponsored by the National Council of Christians and Jews. They had interracial gatherings of young people, high school, college, and we met to discuss race relations and issues confronting whites and blacks. And before Brown those organizations were very active. We used to socialize some together and discuss issues, have forums. Once the Brown decision was handed down, those groups were disbanded that we didn't meet anymore. And I guess it was part of the movement where the Urban League was put out of the Community Chest just because of the civil rights issue was divisive.

But prior to Brown there was a lot of dialogue and interaction between black and white youth, but after Brown for a while it cut off. It was during college that I really got involved in an activist way in the Civil Rights movement.

CARRINGTON: And what were some of the activist things you did in college?

MARSH: Well, as president of the student government I read in the newspaper that the General Assembly was having a joint session to change its law so that public funds could be, for the first time, diverted to private schools, sectarian, non-sectarian private schools, and I knew that was part of the plan to use public funds to support segregation, so I went down to the General Assembly and testified against the plan. I was the only student to go down of about 36 speakers.

And so the next day the picture was in the newspaper and had me, was the first time I had any public notoriety for anything. I had my picture in the paper as one of the people who spoke against Brown. It was there I met Oliver Hill in person for the first time.

CARRINGTON: And what was the consequence to you being in the paper being this outspoken student leader?

MARSH: Well, the first, most memorable thing was being in the room where the joint session of the General Assembly was gathered. I'd never knew much about how it functioned. There were 140 people, men, white men, mostly elderly white men, in one room. In fact, I go to a lot of joint

sessions now and I think about that. And I saw basically all the political might of the State of Virginia in one room, and there were 30 some people speaking urging them not to change the laws.

And of course Oliver Hill was the star. He was representing the NAACP legal staff, and he was the anchor speaker, and he blasted the General Assembly for even considering these laws, and challenged them not to pass these laws, and it was a powerful voice. He was in his prime at that time. And it made a great impression on me.

And when I finished speaking he came over to me and said, boy, that was a pretty good speech. I said, well, yours wasn't too bad, either, sir.

He said, what are you going to do when you grow up? I said, I'm going to be a lawyer like you.

He said, well, why don't you come on work with me. I am going to need some help. And I was a college student now, hadn't been to law school, and he offered me a job, and we shook hands and I knew I had a job. That was the most memorable experience and it was extremely impressive, the man who had made that great speech who would come up to strange young man and offer him a job in his law firm, and that was one of the great moments of my life.

And Oliver's speech also was awesome. He actually shook his fist at those people. And I couldn't believe that a black man would stand up in front of the joint session of the General Assembly and

shake his fist at them. I mean, I was looking around for the door. And when he said, if you do this, we will beat you, and he slammed his fist down, I ducked down. I said I'd better get out of here quick. And you know, he lectured to them and shook his finger at them. So I was really impressed.

The next day I read the paper and saw my picture and said -- I was surprised. And when I went to school, Dr. Henderson, who was the President of Virginia Union, Dr. Thomas Henderson, called me into his office and said, I see you went down to speak at the General Assembly . He was a close friend -- I didn't know it at the time, he was a close friend of Oliver Hill's. Apparently, Oliver had said something to him because he said, I see you went down to speak yesterday at the General Assembly .

I said, yes, sir.

He said, you should have talked to me. You can't -- if you are going to represent the University.

And I was surprised. I said, oh, no, sir, I wasn't the representing the university. I was representing the student body. You know, I'm president of the student government.

He smiled. He said, well, I got a lot of calls from trustees. He said, you know, we raise a lot of money from our supporters from the trustees.

I said, yes, sir.

He said, I got a lot of calls today, fortunately they were all favorable. They were impressed that one of our students would go down, he said, but you know, you should have checked with me before you went down. And he said, so next time you when do something like that, you check with me.

So I looked at him, I said, well, Dr. Henderson, if I had asked you for permission to go down yesterday, what would you have told me?

And he looked at me and he smiled. He said, well, just ask me next time before you do it. He never answered but, you know, something in our stare that told me that he knew that if I went down again I wasn't going to ask him, and he didn't didn't really want me to, but he was doing his job in case somebody had said something to him, and I had no intention of asking him for permission to go down to speak, you know, something that meant a lot to me.

CARRINGTON: I'm going to fast forward.

MARSH: Okay.

CARRINGTON: You were working at the Department of Labor, you are an attorney at the Department of Labor.

MARSH: Uh-huh.

CARRINGTON: What were your -- tell me about your job description, but tell me about what you actually did.

MARSH: Okay. I was working in the Bureau of Labor Standards in a section called Pensions and -- Pension and Plans, labor plans. What happens, all of the labor unions and organizations that had employee pensions had to file annual reports about those pensions. It was a way of keeping the unions from stealing the money, I guess, that belonged to the employees. And we took those plans down and filed them and classified them, and that was my job. It wasn't a legal position at all.

And I really was doing what college students were doing. Some of the students doing what I was doing were college students or law students. They were in school. And they were classified as GS sevens and nines and elevens. I was GS 5 , non-professional category. Of course, they got paid more, and they were professionals. I was a non-professional. They were students. I was a lawyer. And of course they made more money, and they did something with the plans but not much more than what I did. And so it was a situation where race again determined where I was classified.

Now, I must confess, I really wasn't interested in getting a professional position. One of Mr. Hill's friends -- Mr. Hill sent me to see one of his friends because he wasn't ready for me to come back to Richmond, and his friend told me that you will have a wonderful experience, you have a chance to go back to work with Peanut, said, he is one of the great leaders in the history of our country. And he said he called me and told me to help you. And he said, now, if you want a professional position, I have some contacts I can get you a professional position, but he said, I would urge you not to take a professional position.

I said, why?

He said because you are single, you're young, you got an apartment, you got a car, and this is Washington, D.C. He said, if you had a professional business position, your standard of living is going to adjust to that salary, and all these young ladies up here, you are going to get involved, and you are not going to go back to Richmond, and you should go back to work for Mr. Hill. He said this is a wonderful experience that you have in store. He said, if you want to be a professional, let me know and I can -- I said, no, I want to go back to work for Mr. Hill, so he told me what to do, and I got a non-professional position, and he was probably right. It was the best thing to happen to me, because when Oliver was ready for me, I was ready to go back.

But I saw people who started making the big money and living the good life, and it would have been hard for the standard of living to adjust back down to what you have to do to start law practice. He told me, he said, Peanut is not going to be able to pay you any money, so you better

not get used to the high life, you know. And he was a friend of Oliver's, and he gave me good advice.

And it impressed me, here is someone who didn't know me but really gave me good advice to help me carry out my life's ambition and he could have just told me go ahead on, you know, do what you want to do.

CARRINGTON: Now, Mr. Hill gave you that call. What did he have in store for you then?

MARSH: He was ready to -- he had gotten -- and I had stayed in touch with him over the years. I would stop by his office whenever I was in town, and he would tell me that I will be ready for you in a little while. And he was heavily involved in the Kennedy campaign, and John Kennedy was successful, so shortly after Kennedy was elected he called me back down, and he said, I want you to take over my law practice, and you and Sam Tucker, who I'd been working with all along, because I need some help.

And then a few days later he said, I just learned that I won't be able to practice law in the new position I'm taking with Bob Weaver. He said, you all are going to have to take the practice over for me until I come back, so that's how I got involved in practicing law right out of law school, well, some time in the Labor Department being basically a partner in a law firm and had no experience, and Oliver worked with us a little bit to close out his cases, but Oliver, Tuck and I started the law firm, and this was at the very moment that we were fighting Massive Resistance

in the General Assembly and starting the effort to desegregate the schools, because even though the Brown decision had been handed down in '55 and '54, it was because of Mass Resistance very little had been done to integrate the schools until I got back. So I filed a case in '61.

CARRINGTON: You used the word Massive Resistance . Give me a definition of Massive Resistance and what were some of the cases or some of the situations that you fought to resolve Massive Resistance or to kill Massive Resistance ?

MARSH: Actually, Massive Resistance was Virginia's response to Brown. It was a way Virginia resisted Brown, and Virginia led the other states. They came up with a doctrine called interposition, where the states would interpose their state's sovereignty between them and the Federal Constitution, and they would oppose Brown versus Board in every way possible. That's why it was called Massive Resistance .

And Virginia had laws to require people who were sympathetic to civil rights to appear before the General Assembly and testify. They had laws requiring the NAACP to turn over their membership lists, the contribution lists. They tried to disbar lawyers. My partner S. W. Tucker, was, they tried to disbar him twice.

So this was a -- the schools were closed rather than to admit African Americans. There was a Massive Resistance that the state put up. The legal team had already started attacking that when I got back. The laws had been declared unconstitutional, and new laws had been passed, but I

came back at a time when I was defending persons who were subpoenaed to testify before the committee.

CARRINGTON: Was that the Boatwright Committee?

MARSH: Well, there were several committees, but the main one was a Committee on the Offenses Against the Administration of Justice, the best -- the worst misnomer you could think of because they named the committee on the Offenses Against the Administration of Justice and they were prosecuting persons who were trying to promote justice.

The Boatwright Committee was another one. And Mr. Tucker and I actually represented white and black citizens who were subpoenaed to testify before the committee and inquired of their involvement, if they were communist, and all this kind of stuff, and we actually defended those people before the committee. We tried to -- successfully kept NAACP from turning over its membership list or the contributor list to persons who supported their cause.

CARRINGTON: And what would they do -- if they got the list from the NAACP, if this committee got it, what were they going to do with it?

MARSH: Oh, people would lose their jobs. People would be ostracized in the community. It wasn't popular for white people to support desegregation or to support the NAACP. In fact, some white people suffered more than black people during the civil rights revolution because they

were ostracized by their community and rejected by their own community. We, meaning black people, were actually freer than whites during that time because we weren't ostracized if we took a position on civil rights. We still had our respect in the community, and we had association with blacks and whites, whereas on the other hand they would be accepted by blacks but they wouldn't be accepted by their own race.

CARRINGTON: Now, I understand that at one point you all challenged Philip Morris on their --

MARSH: That was '64. I started off in '61 and '62, '63 handling school cases all over the state. And in 1963 congress passed the Civil Rights Act of '64, and it was finally passed in '64, but I was one of the people who went up and testified to persuade congress to pass that law. That law was passed, and there were no cases dealing with what constituted violation, because the lawyers for the companies filed a lot of procedural rules so the first generation of cases were cases involving procedures made to go to court, and how you filed. And I think I handled the first case in the country on the merits of race discrimination in employment. It was called Quarles versus Philip Morris.

The case had two aspects. One, it outlawed departmental seniority systems. Prior to that case, if you were an African American working in a low-paying, undesirable department where you handled the tobacco directly, and you wanted to get into one of the departments where you had cigarette machines or repairing the machines, where you paid -- got a whole lot more money and were working in an air conditioned environment, you had to give up all your seniority, which

meant that if you had been there 25 years and you wanted to get out of the low-paying departments, the stemmery or whatever, to get over in the clean area you had to start in on the bottom behind everyone else there. We had the court strike that down as illegal. In fact, a lot of companies were organized along the same line other than cigarette companies, but that was the first decision that declared that unconstitutional.

The other thing is Title VII requires you to pay equal pay for comparable work, and we had a case where there were some blacks working on a machine, and it was called one thing, and the whites were working on a machine that did a similar function, it was called something else, and the whites got a whole lot more money, so the courts said that was illegal. We had job evaluator come in and say these jobs had the same responsibility, so they should pay the same. So they got back pay for unequal pay for equal work.

So those were two major decisions which I handled that case, I was chief counsel in the case, and you know, we sued everyone, Reynolds Metals, Allied Chemical, DuPont, Defense General Supply Center, Fort Lee, Allied, Eastern Airlines. We sued everybody. And I was suing everything I could get my hands on.

CARRINGTON: You mentioned teachers and teachers' salaries. What were the conditions during segregation and Massive Resistance, what were the conditions that the teachers were working under especially when it comes to pay opportunities?

MARSH: Well, actually, that's a good question, Oliver had corrected that, Oliver and some of his colleagues, back in the forties. He had filed suit a to equalize teachers salaries. The law in Virginia at that time was that the lowest-paid white teacher had to make more than the highest-paid black teacher, I don't care how inexperienced the white teacher was, or how experienced the black teacher was, the salary scale was there was no overlap. If you were black, you couldn't make any more than the lowest-paid, brand new white teacher even though you had been teaching for years. And Oliver challenged that and got a decision that that was unconstitutional, they had too equalize teachers' pay, and they did it over a three-year period. Everything was done gradually. So that was done during the forties and fifties.

So by the time we came along, white and black teachers made the same amount of money. However, the schools were segregated, and just like I attended a black school, all the way through high school, et cetera, the schools were segregated, and the conditions were inferior.

For example, I had to take physics in the back of a chemistry class. There were two of us who wanted to take physics, and there weren't enough teachers or students, so we were put in a class with chemistry students, and the teacher taught chemistry students most of the time, but when he had some time left over he would teach me and my buddy physics, both of us in the same class, and this was at Maggie Walker.

On the other hand, in white schools like Thomas Jefferson, they had courses in government, economics, Russian language, all kinds of exotic courses because they had enough teachers to do

that. In the black schools we didn't have enough teachers to give us a separate physics teachers, so these were the conditions that black teacher taught under. However, those teachers took an interest in the young people, and coming from a rural background, one teacher and seven grades, I was able to catch up because of the commitment of the African American teachers, both in my elementary school years and my high school years, and that's one of the advantages of segregation that black students had, we had teachers who were interested, really interested and seemed committed.

CARRINGTON: When did you start to develop in interest in politics?

MARSH: I really wasn't interested in politics. I was practicing law really on a full-time basis. Mr. Tucker and I really were carrying the ball for civil rights in the whole state, and I wasn't interested in politics. What happened was the courts kept changing the rules and --

[Discussion held off tape.]

CARRINGTON: You were saying the courts kept changing the rules.

MARSH: Yeah. The Brown decision itself was a compromise. Before Brown we all learned in law school that constitutional rights are personal and they are immediate, so when you are denied a constitutional right your remedy is to have immediate vindication. Brown came up with a concept called all deliberate speed, which is a misnomer. It meant delayed implementaion of

your constitutional rights. This was something the courts devised to give white people the time to get used to the Brown decision, try to get them to accept it, and it had the opposite effect. By building in delay it gave an opportunity for private schools to be set up and other devices to be set up so that whites who wanted to disobey the Brown decision would have an alternative.

And there were other examples. The desegregation case went back to the Supreme Court several times where the court had an opportunity to strike down this delay. And each time the court refused to do it. It was a case called *Shuttleworth* where the plaintiffs' lawyer made a preemptive strike, and the court refused to grant summary judgment.

There was a case where we filed, took to the court in '63 and in '65, the court struck down a case I had, the Supreme Court struck down faculty segregation but it didn't strike down freedom of choice. Freedom of choice gave the parents the right to decide where their kids would go.

There was nothing in *Brown* about that. And the court said you can't make a good choice as long as the faculty are segregated, so you have to desegregate your faculty first, and that was a way of buying time.

So it was clear that if we had to have meaningful change we had to change things politically.

And in Richmond there was a case, segregation, courtroom segregation, it was approved by the Circuit Court in Richmond, and it was approved by the Supreme Court of Virginia, and we had to go all the way through the Supreme Court to get the courtroom segregation declared unconstitutional. So you can tell that the courts were slow, but in politics, by Kennedy's election

there was progress made, and other places, so I tried to get other people to get involved in politics because I didn't have time. I mean, I was suing in Newport News, and Norfolk, and Tidewater and everywhere. I started in Norfolk in 1963 and litigated for 20 years and they didn't desegregate the schools until '82, so I didn't have time to do it, but everybody I would go to and approach would say, Henry, I don't have time, you do it.

So the deadline was approaching, I didn't have anybody else to go, so I said, well, I will do it for two years, that will give me time to find somebody. Somebody needs to run who is not beholden to the political machine. And I ran, and I was elected, and when I got in on the first day I saw the possibilities.

CARRINGTON: And this is City Council [of Richmond]?

MARSH: Yeah.

CARRINGTON: Okay.

MARSH: And I said after the first meeting, I'm going to lead a group to run the city. And two years later, we were running every two years, I was heading up a team, now, I had only been in there two years, to become mayor, if I had won, of blacks and whites, to provide leadership for the city, and it was 25 and a half years later before I got out.

CARRINGTON: What was the general attitude of people in Richmond when you became a City Council person --

MARSH: They didn't believe --

CARRINGTON: Attitude towards you?

MARSH: Well, I think a lot of white people felt that it was good that black people had a voice. We were growing in the population. And a lot of black people felt proud that they had someone who was a civil rights leader on City Council. And I was a different generation. The other two blacks that had got elected with me were older gentlemen who weren't aggressive in their civil rights attitudes, but when I thought about becoming a leader, whites didn't think it was any possibility, they didn't even worry about it. Blacks didn't think we were ready, and they had a lot of skepticism.

So I said the only way I'm going to get rid of the skepticism is do it. So I found out because I had plaintiffs suing all these companies, I said, look, go back and talk to your colleagues and don't tell them too much, but see how they would think about blacks running the city.

And they went in and they came back to me said, Mr. Marsh, no, they said you'll are not ready.

I said, why?

They said you are not used to leadership and not used to handling money. They need white folks to do that. This was the feedback. And you know -- and this was at a time when Carl Stokes, I believe, was the only mayor of a major city in the county, an African American man, so you know, but as things changed around the country, then the quest for leadership in Richmond became more acceptable, and as we proved things in Richmond it became more acceptable.

CARRINGTON: What were some of the things that you did that changed the perception as mayor of Richmond?

MARSH: Well, this is before I got to be mayor. These changes occurred when I was on council as a councilman, or when I became vice mayor. See, I was on council 11 years before I became mayor. And when Dr. King was assassinated I think that was the turning point. He was assassinated in '68, and we were approaching an election that June, and the schools had closed when Kennedy was assassinated so the kids could watch the funeral. They had the TVs, could watch the funeral on TV. So as a leader on council I requested that the same be done for Martin Luther King's assassination, and we were told by the City Council that they couldn't approve of that because it would violate the separation of church and state.

I said, well, what are you talking about? I said Kennedy was a Catholic and the students could watch his funeral. I said Martin Luther King was a Baptist. What's wrong? I mean -- No, you can't -- that's different.

So I was incensed, and we demonstrated, we did a lot of stuff. And that election the two whites were voted out of office, and the people who were running with me were voted in. And I think that also as a result of the assassination, because I think that with Kennedy and Kings, blacks were angry, we had a meeting after King's assassination and demanded the council to give us some little, token things, a human rights commission, things that didn't really mean much but it was symbolic things. And the whites and the blacks on council voted against it. I mean they didn't -- the blacks on council, the two blacks voted with the whites, and of course, when the election came, I was swept into office, they were swept out of office in [inaudible] they got good white support but they voted white -- they didn't get a single -- they were running at large, they didn't get a single -- almost a single black vote, and they were kicked out of office.

That gave me credibility among the white council people because they knew that I was a leader of the blacks. That gave me credibility and was a stepping stone to my rising because when they offered Jim Carpenter, a white minister, the vice mayorship, he said this is racist. He said, Henry is a leader of the black people, he's a lawyer, and the only reason you are offering it to me, because you are racist. I'm not going to accept it. So he sort of forced them to make me the vice mayor.

And when he did that, Tom Bliley [later a Congressman representing the Richmond area], who was the mayor, wasn't aware of the rules. He had more responsibility in the family business so he announced in the paper he was resigning to take care of the family business, and somebody

discovered that if the mayor resigned, the vice mayor would automatically become mayor. And he didn't resign, and we were frozen in office for seven years, so he was locked in the office six and a half years in a job he didn't want. And I was the vice mayor, and I wanted that job, so I acted like the mayor for six years.

CARRINGTON: And that got you ready to be mayor?

MARSH: Yeah. I went to all the national organizations and represented the city, and I was on the board of the National League of Cities with mayors as a vice mayor. Tom came to one meeting, and everybody he saw knew me by my first name and spoke to me. Nobody knew who he was. He didn't go to a single meeting after that. So I became president of all of the black elected officials all over the country, mayors, everybody, while I was a vice mayor. And that was in '73, '74. I didn't become mayor until '77, so I traveled around the world studying local government with city managers learning about how to lead, so when I became mayor, I was totally prepared.

CARRINGTON: And what were some of the things that happened that you put in place as mayor?

MARSH: Well, I was named mayor in March of '77 but I really didn't become mayor until 15 months later when the council decided to fire the city manager, and that's when I really became mayor, in fact. And what happened was I persuaded my colleagues when I became mayor to keep the former city -- the city manager at the time on in his job, because the white people had so

many fears if we fired the city manager, they would really get along, let's keep the city manager, all he is doing is implementing our policies, so we kept him.

Instead of implementing our policies, he set about to make us fail, make us look bad. And we put up with that for about 15 months and then we fired him. And that's when all hell broke loose. I mean, you know, that's when I really became mayor, and you know, it was tough. It was interesting.

CARRINGTON: Tell me about a couple of the things that really stick out in your mind.

MARSH: Well, I was booed. I was a hero among black people and a villain among white people. The [Richmond] Times-Dispatch fed the names. And so I would go on parades and I'd get -- go through the white community and they would be booing. The parents would be booing. The kids would be waving. They didn't know any difference. And I'd go in the black community, I'd be cheered. And the Richmond Times Dispatch thought they could cause division by dubbing me King Henry with a big crown on my head and his puppets. Well, that became a term of endearment in the black community. People still call me King Henry. Hey, King Henry. And they thought that would hurt him. He was helping me. Even among thoughtful whites, they knew the paper was ridiculing so, you know, it was an interesting time.

CARRINGTON: Now we talk about Massive Resistance and sometime when adversity happens across the Commonwealth people of like minds get together. How did Massive Resistance bring together people of like minds for the positive and negative side?

MARSH: Well, I think a lot more has to be focused on Mass Resistance. Out of that struggle grew a generation of blacks, of black leaders who weren't known generally but who really made a difference. They were strong men and women who stood up for principles of America, and they -- and although were led by Oliver Hill, Sam Tucker and some of us, these were the people who really made the difference. And it's that group of strong leaders that were formed in the different communities that was a backdrop for Governor Wilder's rise to the governorship of Virginia. There are 80 some NAACP branches, some of them were strong. At one point in Virginia we had African American mayors in Richmond, Petersburg, Newport News, Danville, Fredericksburg, Charlottesville, you know, all over the city, and -- all over the state, so those positions were filled by people who were part of the civil rights movement or because of the civil rights movement.

And on the other hand there were whites who supported the movement who had been in, who were progressive people because of what they saw and expressed in their own communities. So it's that backdrop of struggle that created an environment where Governor Wilder could come along with his genius and harness that into becoming governor.

See, ironically, the Massive Resistance and the Byrd Machine created the first black and the only black governor because their resistance, you know, strangely created a counter resistance, and that created a movement of strong leaders, so when the opportunity came along to move someone into the governorship you had people who had been fighting, who were used to fighting and who knew the importance of issues geared to go, and they were enlisted in the fight to create the only time in history where we had an elected black governor. And none of that would have ever happened without Wilder's genius and ability, don't get me wrong, I'm not belittling his feat, but he was aided by Oliver Hill and the struggles of the civil rights movement because it created a cadre of people who could fight for his rise.

CARRINGTON: Name some names, these unsung heroes.

MARSH: Well, people like Bob Cooley, a lawyer in Petersburg, Rubin Lawson, a lawyer in Roanoke, W. Lester Banks, the Executive Secretary of NAACP for many, many years, L. Francis Griffin, Pastor of [a] Baptist church, and leader of blacks in Prince Edward County, Daniel Hawthorne, leader in Lunenburg County, Curtis Harris who later became the Mayor of Hopewell and who ran against me for my senate seat when I first ran, Hermanse Fountleroy who became the Mayor of Petersburg, an historic move. David Gutter a cafeteria worker at Petersburg, Frances Jeter, a white minister from Lynchburg, Sarah Patton Boyle, a white civic leader from Charlottesville. Scores of people who were part of the struggle in Virginia. And they are heroes, and many of them are unknown. Elizabeth Carrington -- Virginia Carrington in Charlottesville.

Eugene Williams in Charlottesville. There are people all over the state who are part of the civil rights struggle.

CARRINGTON: How did what Virginia did in terms of Civil Rights in terms of fighting, attacking Massive Resistance, [of] what happened in Prince Edward County, Danville, Norfolk... What impact did that have on the national civil rights movement?

MARSH: I think Virginia had the strongest because we had to be because that's where the resistance took place, but we had the strongest group of civil rights, NAACP fighters of any state in the union because that's where they choose to make a stand. The rest of the southern states were sort of watching Virginia to see what would happen, and we had to rise to the occasion. I'm just very fortunate because I came along at the end of that and got paired with Oliver Hill and Sam Tucker and got a chance to make a contribution, but it was just an accident that I happened to have been in the right place at the right time.

CARRINGTON: Now, as you think about all the stuff you've been through over the years, how even now in 2003 you are still fighting the fight, and having litigation that is just now providing equal opportunity for everybody, what would you tell those kids out there who are watching you, who are going to see the rest of these interviews? What is your charge to them as they move into the future and one day we won't be here and they'll be taking over?

MARSH: Well, everything that I was able to do I did because of the sacrifices of my parents and their parents who made sacrifices in their day, and the people in the generation of Oliver Hill and Sam Tucker and the people I just named made tremendous sacrifices so that I would have a chance to do what I am trying to do, and what they need to do is learn that history and appreciate that they -- the torch has been handed to them and if they continue to fight then we'll continue to make progress, but if they fail, the movement will fail. In other words, every generation has to win the fight for freedom all over again, and if they don't pick up because of us and start running with it then we will lose. It is an awesome responsibility. And you know, they learn to enjoy some other things, which there is nothing wrong with that but they need to keep their eye on the prize because the clock can be turned back very quickly. History comes in cycles, and, you know, after the slaves were freed there was Reconstruction, and there was Plessy versus Ferguson, and the Virginia Constitution was rewritten to suppress us in the early 20th Century, and we are now facing challenges even today in the courts and the political forum, so if they aren't vigilant then we'll lose whatever we have gained, so it is an awesome responsibility for the kids of today.

CARRINGTON: And in the 40's, 50's, 60's we had techniques like sit-ins, boycotts, pray-ins, knell-ins, marching, what are the techniques for the 21st century?

MARSH: Well, I don't think I could sit here and tell you what will work. The important thing is that each person has a responsibility to do what he or she can. All of the great movements were inspired by one person, by individual action. Rosa Parks sparked a movement. Dr. Martin Luther

King led a movement. Medgar Evers was one person who gave his life so we would have a right to vote. Julian Bond made a great contribution. John Lewis put his life on the line.

But if you notice, there's an individual who did all of those things, and what the young people have to do today is not to wait for some leader or some signal, but to realize that as an individual they have a responsibility to make a contribution to this on-going struggle.

No one told me to go down and testify. It was something that I felt that I had to do, and based on my experiences, and there are things that young people today should have to do and they need to do it. How that will manifest itself, I can't tell you. But we all have to have a burning desire for equal dignity and equal respect, and it has to start with the individual, and that's what I would tell the young people today, that if you don't have the thirst for freedom, then you are not going to be free, and if you have it, you do whatever it takes to satisfy it.

CARRINGTON: Is there anything else that you want to tell or anything that you think that we should put in?

MARSH: Well, I think there's a myth, there's a misunderstanding that you become an adult when you reach a certain number of years on this earth. And that's something that we need to tell our young people that there's no magic number when you have responsibility to serve. Whenever you are aware that you should serve, that's when you should serve, and it doesn't come on -- the switch doesn't come on when you hit a certain age. If you are old enough to understand what you

need to do, then that's when you should do it. And unfortunately so many of our people -- the worst voting participation we have is from people who are 18 until they get kids in school, and that's when we need their voting most when they first are eligible to vote.

So I would tell young people to get involved early. Give up some of your pleasures. Postpone some of your gratification and make a contribution and serve people and get involved in the struggle.

CARRINGTON: Thank you. [Sen. Marsh was asked to discuss what happened to the African American teachers and principals in Virginia after *Brown v. Board* was decided in 1954.]

MARSH: Mr. Tucker and I had litigation to try to protect the African American teachers, *Giles versus Franklin County* was one case where all of the black teachers were dismissed when they closed the schools, desegregated the schools, and we got a legal principle saying that was illegal, but there were casualties that couldn't be proven in the law. There were people who lost -- and there were some situations where the teachers really were not equipped to teach the children and, you know, they were good enough to teach black children as long as they were in charge of black children, but once they were entrusted with the responsibility of teaching white children they didn't meet the standards, so in some cases we were able to get those teachers, those leaders retained in some capacity so as they could make a contribution, even though they might have lost their leadership position, but that's what happens in any type of revolution, any type of

movement, there will be, casualties and some of the African American teachers became those casualties.

[Sen. Marsh was asked about the running and capping laws of Virginia]

MARSH: The running and capping laws were part of the Mass Resistance plan to try to discourage people from handling NAACP cases or filing them, and those were laws that were used to try to disbar S. W. Tucker, and when his disbarment failed then those laws were struck down.

[Sen. Marsh was asked, What was behind those? [What] did they say, the laws?]

MARSH: The law said that you couldn't encourage litigation, and if you encouraged litigation, you stirred up litigation, they call it champerty and maintenance where lawyers couldn't encourage people to file suits. That might apply in personal injury situations, but where you are talking about civil rights, there were only one or two lawyers who would handle those cases, and you needed someone to encourage people to file suits.

So Tucker was a good target because he was in southside Virginia where the committees were stacked with people who were conservative, and they came after him, and he was exonerated in his trial, and after that the laws were, you know, struck down. But that was one of the many devices that they used.

CARRINGTON: Let me ask you one question. The term running and capping, where did that come from?

MARSH: It was an old English concept where it was a legitimate principle that you don't go around and stir up litigation. Lawyers being officers of the court shouldn't run around and stir up litigation. So for example, if you camp out at the hospital and any time somebody comes in an accident, you come up, say, hey, let me represent you, that's not constitutional, that's not good. So without civil rights, lawyers are not supposed to encourage people to file suits.

[Sen. Marsh was asked who defended S.W. Tucker?]

MARSH: A team of lawyers, including Oliver Hill, and the chief council was a lawyer named Robert Minge, Bob Minge, Chicago, but Herb Reid, Thurgood Marshall, Bob Carter, Frank Reeves, there were a bunch of other lawyers defended Tucker, and it was a tremendous defense. Okay?

[Sen. Marsh was asked about defending Curtis Harris.]

MARSH: Many times. Curtis Harris was one of the most militant civil rights activists in the history of Virginia. I mean, he never saw a demonstration he didn't like, and he went to Danville and participated in the Danville demonstrations. He marched with Martin from Selma to

Montgomery, and he was a real fighter. He has been to the General Assembly and created a commotion up in the gallery, and they had to send me up to talk him into coming down. He is a fighter.

And when he became mayor of Hopewell, I was so happy, I was just as happy as when I became Mayor of Richmond, because Curtis came from way left to become mayor of Hopewell. And I was sort of main stream.

[Sen. Marsh was asked if he defended Curtis Harris before the Boatwright Commission.]

MARSH: We defended Curtis before everybody.

[Sen. Marsh was asked if he could give an example.]

MARSH: Well, there were so many. Curtis, I guess he got it from his days when he marched with Martin, but Curtis was looking for ways of demonstrating that, you know, that he didn't like racial segregation and racial oppression, and he led people into pickets. Even in later years he would go to Fort Lee or DGSC to confront the General, and bring the cases to me after he started it. He was one of the most active persons in dismantling segregation in Virginia that we've ever had. Tremendous guy. And so when he became mayor, that was the ultimate irony and the ultimate justice.

He started off trying to get a district in Hopewell, and he couldn't get anywhere with it, and he ran for office and couldn't get elected, and he just stayed and persisted and fought and clawed until he became the Mayor of Hopewell. That was a great story in the city.

CARRINGTON: You were his lawyer?

MARSH: I was his lawyer for many of those cases. I represented him. But I was just so happy. And he was a good mayor. That was the irony. He was a warrior up to that point, but when he became mayor, he became a good mayor. It's a wonderful story. Okay?

CARRINGTON: Thank you, sir.

MARSH: Thank you.