

Interview with **Constance Baker Motley**

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New York City, New York

Production Team: A

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**Note:** These transcripts contain material that did not appear in the final program. Only text appearing in ***bold italics*** was used in the final version of *Eyes on the Prize*.

00:00:02:00

[camera roll 140]

[sound roll 1118]

[slate]

CAMERA CREW MEMBER 1: OK, ROLL SOUND.

CAMERA CREW MEMBER 2: CHIEF JUDGE MOTLEY. SOUND THIRTEEN.

[sync tone]

INTERVIEWER: FIRST WE'RE LOOKING—IT'S A GENERAL QUESTION. WE'RE LOOKING FOR A DESCRIPTION, A WORD PICTURE, OF THE SOUTH AS IT WAS IN THE EARLY 1950s AS YOU WERE TRAVELLING THROUGH IT FOR THE NAACP.

Constance Baker Motley: Well, during the '50s, when I was traveling through the South, representing various plaintiffs in school desegregation cases, one of our most difficult problems was finding a place to stay. You know, the hotels and restaurants were all closed to us and so we had to rely on individuals who were not fearful of taking us into their homes and who would accommodate us with a room and a meal now and then. And I remember distinctly I could stay on my diet during those years because I didn't get that much to eat.

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INTERVIEWER: WHAT A WONDERFUL THOUGHT. DID, DID YOU HAVE A SENSE THAT YOU WERE PUTTING PEOPLE INTO JEOPARDY? WAS, WAS IT REALLY THAT DANGEROUS?

Motley: Oh yes. I think in the teacher's salary case in Mississippi, in 1949, people were definitely fearful of having us because the plaintiff in that case had lost her job and her husband had lost his job. And the only people we could stay with were people who were independent of the white community, that is, a woman whose family who had an undertaking business and a black doctor. Those were the only two people who felt that that they could invite us to dinner or have us stay in their homes without risk. We did stay in a so-called black hotel, but it was what we call a flop house in New York.

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INTERVIEWER: WE NEED YOU TO TALK FOR US A LITTLE BIT ABOUT THE WAYS IN WHICH THE COUNTRY WAS CHANGING AT THAT TIME. THE FACTORS THAT WERE MAKING THE CLIMATE CHANGE SO THAT WE COULD HAVE THE, THE BROWN CASE.

Motley: Well, I think after World War II, as a result of the activity of black servicemen, really, the whole attitude in the country about the race relations problem changed. I think people became more aware that something had to be done about the fact that black servicemen were overseas dying for this country, and when they would be coming home, they would be coming home to a situation that said, in effect, you're a second class citizen. You can't go to school with white children or your children can't. You can't stay in a hotel or a restaurant because you're black. And, I think, that gave the momentum in, particularly, the black community for the—what became the civil rights movement of the '50s and '60s.

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INTERVIEWER: THERE WERE, IN FACT, SOME FAIRLY CELEBRATED CASES, WERE THERE NOT? OF, OF ATTACKS ON RETURNING VETERANS IN UNIFORM—

Motley: Well, during the war, at—the servicemen much to our surprise joined the NAACP in very large numbers. In fact, the highest membership they ever had, I believe, was during World War II. And they wanted the NAACP to represent them in courts [sic] martial. They felt that black servicemen were receiving more severe sentences than white servicemen for the same crime. And so they looked toward that organization to help them.

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[cut]

[wild audio]

INTERVIEWER: STOP PLEASE FOR A MOMENT.

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[cut]

[slate]

[change to camera roll 141]

[sync tone]

CAMERA CREW MEMBER: THANK YOU.

INTERVIEWER: NOW—SO A BRIEF OVERVIEW OF THIS—THE NAACP TO THAT POINT OF THE BROWN CASE.

Motley: Well, of course, the NAACP was established in 1907 as an organization which concerned itself with protecting the rights of black Americans. And in 1939, they set up a legal arm of the organization known as the NAACP Legal Defense and Educational Fund. And after World War II was when they started their strategy for attacking segregation per se through the Legal Defense Fund. It was a program which had been in the making prior to World War II, which was abandoned during the war, when all the attention was focused on black servicemen. And after the war, the program was revitalized, so to speak, and extended and eventually led to the Supreme Court's decision in the Brown case in 1954.

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INTERVIEWER: WONDERFUL. I'M GONNA ASK YOU WHY EDUCATION WAS TARGETED FOR CHANGE. I'M GONNA ASK YOU ALSO TO KEEP LOOKING AT ME IF YOU CAN. IT HELPS. I KNOW THAT YOUR EYES GO UP WHEN YOU THINK—

Motley: I see.

INTERVIEWER: BUT WHY WAS EDUCATION THE FIRST AREA TARGETED RATHER THAN PUBLIC FACILITIES?

Motley: Well, of course, the organization had limited funds and resources and they had to elect one area which they felt was vital to the black community. And education seemed to be that area because most blacks believed, as most whites in the nation, that the solution to the black problem was to educating blacks so that they could compete in the larger society. And so, education was the chief target of this attack on segregation itself. Before that, of course,

the organization had represented blacks in criminal cases, had brought cases to open housing to blacks in Louisville and other places. But education seemed to be the one thing around which you could gather a lot of people and a lot of interest and, and money, particularly.

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INTERVIEWER: WAS IT BECAUSE IT WAS AN EMOTIONAL ISSUE THAT IT TOUCHED PEOPLE? THAT IT WAS CHILDREN? AND, AND WASN'T IT DANGEROUS, TOO?

Motley: Well, of course, we started the attack on segregated education at the graduate and professional school level because that was an easier thing to do, legally speaking, because most of the southern states had not provided so-called separate but equal graduate and professional schools for blacks. So the first case involved the graduate and professional school level in Maryland. And then there was the Gaines case at the law school level in Missouri. And then there was the Sweatt case at the law school level. The Sipuel case at the law school level and then that McLaurin case at the graduate school level. And once we got blacks into that level the, the attack then moved down to the grammar school and high school level. And that was the level involved in the Brown case.

INTERVIEWER: CUT. WONDERFUL. STOP.

[cut]

00:07:53:00

CAMERA CREW MEMBER: MARK. FIFTEEN.

[sync tone]

INTERVIEWER: WE'RE LOOKING FOR THE CHANGOVER POINT.

Motley: Well, of course, the Supreme Court's decision in the Brown case has its own legal history. The Supreme Court did not decide that case in a vacuum or by itself, but against the background of other cases which had preceded it. And the cases which preceded Brown did not challenge segregation per se. They were brought within the context of the separate, but equal doctrine. We had a clear cases where the state had failed to provide any facility for blacks. So it was easy to go in the court and say, the state has failed to provide blacks with a separate law school. Therefore the plaintiff is entitled to admission to the one law school that the state has provided for its citizens. Now the Brown case itself, however, after years of preparation, embodied this frontal attack upon the very concept of segregation per se, as applied to education. And so, when the Supreme Court got that case, it had before it for the first time in our history, a direct assault on the concept of separate but equal as applied to education.

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INTERVIEWER: WHAT MADE THE BROWN CASE THE RIGHT CASE TO DO THAT? WHAT WAS IT ABOUT THE FACTS OF THE CASE?

Motley: Well, again, the Brown case involved five school districts. They're referred to as the Brown Case, but actually it was a consolidation of five school cases from various parts of the country. The Brown case itself was from Topeka, Kansas, which was an urban setting. Whereas the case from South Carolina was from a rural county. Prince Edward County, Virginia, which was another case, was rural. It involved the District of Columbia, which was another urban setting and the state of Delaware. Now that combination of facts, of course, played its part because the Court was concerned about the impact of its decision from the beginning what impact it might have in various area [sic]. But as you recall, the Court first dealt with the constitutionality of segregation itself. And then in a separate opinion the following year dealt with the kind of relief that plaintiffs in school cases would be entitled to because of this variance and difference in the context in which the particular case arose.

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INTERVIEWER: I FEEL LIKE I'M GETTING A WHOLE LEGAL HISTORY. I'M, I'M— WE'RE TALKING ABOUT A, A STRATEGIZING, IN A SENSE, THE NAACP. I, I WONDER IF YOU COULD TALK ABOUT THE PEOPLE INVOLVED IN THAT STRATEGIZING. SOME OF WHOM ARE NOT VERY WELL KNOWN, LIKE, LIKE CHARLES HOUSTON, AND SOME OF WHOM ARE WELL KNOWN, LIKE THURGOOD MARSHALL. WHO—AS, AS, AS TIGHT A DESCRIPTION AS YOU'D LIKE OR—

Motley: Well, there are many people involved in developing the legal strategy for attacking segregation per se. Among the leaders in that group were, of course, Thurgood Marshall, who was, at that time, the Director-Counsel of the NAACP Legal Defense Fund. And his mentors were Charles Houston, former Dean at Howard Law School, and Charles Houston's cousin, William Hasty, who was the first black federal judge. Now, Houston and Hasty, in my view, were the chief officers of the legal structure, particularly Houston, who was the first Director of the NAACP Legal Defense Fund. Now, both of those men, Houston and Hasty were Harvard-educated lawyers. They were men of truly outstanding ability in the legal field. Unfortunately, Houston's life was cut short. He died, I think, when he was in his fifties. But he laid the initial ground work for the whole assault on segregation. And then his cousin, William Hasty, picked up the task and together with Thurgood Marshall became the leaders in developing the strategy. Now when it came to the Brown case itself, the number of lawyers greatly expanded. I think we had at least thirty lawyers who actually worked on it. Some of them have become have become prominent, like William Coleman, who became Secretary of Transportation. He was also Harvard-educated lawyer who was a clerk to Mr. Justice Frankfurter. And then we had other lawyers like Lewis Pollop, who's now a federal judge in, in, in Philadelphia. Robert Carter was Mr. Marshall's first assistant. He's now a federal judge in the same court in which I sit. And there were many others that were—who were professors at Howard University, like James Neighbor and others who actually worked with us over a period of, at least, a year in developing the main brief in the Brown case. And

then, of course, the brief on the relief in the second year. In addition, to the lawyers, we had to gather historians and sociologists. Kenneth Clark, as you know, played a prominent role in the Kansas case. He actually testified as a witness as to the effect of segregation on black children. And the historians did the historical research for us on the intent of the framers of the Fourteenth Amendment with respect to school segregation.

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INTERVIEWER: IT'S, IT'S LIKE AN ARMY AND, AND, AT THE HEAD OF THIS ARMY IS THURGOOD MARSHALL. AND WE'RE—

Motley: Yes.

INTERVIEWER: —WE'RE REALLY GETTING TO THE COURT. AND HOW WAS HE AS THE GENERAL OF THE ARMY, AS A PERSON?

Motley: Well, of course, his personality carried him a long way. He was a man of great intellect also. But I think it was his personality more than anything else which held this group of diverse people together.

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[cut]

[wild audio]

Motley: And lawyers are not an easy group to, to hold together. They're all, you know, prima donnas, so to speak. But he did a masterful job on trying to get all of these—

INTERVIEWER: SORRY—JUST HAD A CAMERA ROLL OUT—I'M SORRY. I'M GONNA ASK YOU—

Motley: Camera what?

INTERVIEWER: THE CAMERA NEEDS—I NEED TO CHANGE THE FILM.

00:15:13:00

[cut]

[slate]

[change to camera roll 142]

CAMERA CREW MEMBER: SOUND FIFTEEN. MARKER. THANK YOU.

INTERVIEWER: YOU WERE GIVING ME A DESCRIPTION OF THURGOOD MARSHALL AS CHIEF OF THE ARMY HERE.

Motley: Well, Thurgood Marshall, as you know, who's now on the Supreme Court, was the Director Counsel of the Legal Defense Fund, at this time, and he had the difficult job of keeping this army of lawyers and sociologists and historians and psychologists together during the period when we developing the main brief to be filed in the Supreme Court in the Brown case. And, of course, everybody knows how lawyers are. They're all prima donnas and, I think, the thing that enabled Thurgood Marshall to keep this group together was his personality. He was the kind of person that would make anybody feel good no matter what his problem or what kind of day it was. He was always very gregarious, always telling jokes and he praised everybody, no matter how bad their work was. He had this kind of way of dealing with people to make them all feel that whatever it was they were doing was helping the cause. Because the people who came to us were people who were interested in civil rights. The people who did want to do something to remedy this problem. And he knew they were volunteering their services. They weren't paid. And so, he made them feel that whatever it was they were doing he needed them and people respond to people who make them feel needed and appreciated. And, I think, that's what kept this group together, because it was important to keep this group of experts and lawyers together so that this brief could finally come together.

00:17:13:00

INTERVIEWER: NOW AT WHAT POINT DID YOU THINK THAT, THAT, THAT THIS MIGHT BE IT? THAT YOU MIGHT ACTUALLY WIN THIS ONE? AFTER THE FIRST ARGUMENT? AFTER THE NEW CHIEF JUSTICE CAME? EVER?

Motley: Well, it was difficult for us to tell after the argument in late 1953, when we finally filed that main brief and had the argument in the Supreme Court which way the Court would go. After all, this was the first time that the Court in this century was dealing with this issue. And it was very difficult to figure out exactly how each justice would rule. Now when a case was argued in the Supreme Court, sometimes the lawyers involved can tell you after the argument exactly how the decision is gonna come out based on the questions asked by the judges. But it was not possible to do that in this case, because riding with this case was this tremendous impact that it was going to have on the social history of this country.

INTERVIEWER: I'M GONNA HAVE YOU STOP FOR A MOMENT. PLEASE STOP.

[cut]

00:18:30:00

CAMERA CREW MEMBER 1: SPEED.

[sync tone]

CAMERA CREW MEMBER 2: THIS IS SOUND ROLL ONE-ONE-ONE-NINE.

INTERVIEWER: OK, DID YOU SEE A CHANGE IN THE COURT WHEN EARL WARREN CAME ON?

Motley: Well, certainly, his opinion in the Brown case was a surprise to everyone because of its simplicity and its clarity and its forthrightness. And, I think, that from then on we could see a chief justice who was going to go down in history, so to speak, because of his courage in protecting the rights of black Americans which was not the most popular subject in the country. Little was known about what he might do when he got on the Court, of course, because he had been Governor of California and had been in positions other than that of a judge, where he had made his mark. And it's always difficult to tell what's going to happen to someone who's been appointed to the Supreme Court. We've been wrong about many people. I know the NAACP opposed Justice Black and he turned out to be one of the foremost protectors of black rights on the Court. So no one can really tell when a man is appointed to the Supreme Court what his judicial tendencies or leanings might be. But in the case of Earl Warren, as I've said, we in the black community certainly were pleasantly surprised to find a man who seemed to understand our plight as American citizens.

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INTERVIEWER: IT WAS A SURPRISE, THE BROWN DECISION, OR WAS IT A SURPRISE THAT IT WAS UNANIMOUS?

Motley: Oh, yes, I think we were clearly surprised that it was a unanimous decision in the Brown case. We thought that if we won, at best, it would be five to four and the unanimity of that decision, I think, was most important to its implementation. If it had not been unanimous, I have no doubt, that that decision would not have been enforced as well as it has been enforced, in my view, despite all of the notions to the contrary. I think that the Brown decision changed this country and its effect was far beyond education as we all know.

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INTERVIEWER: I'M GONNA JUMP AHEAD NOW TO OLE MISS. WELL, NO, BEFORE I DO IT, MAYBE—I'M WONDERING, YOU WERE SAYING THE BROWN DECISION HAD AN ENORMOUS IMPACT AND I'M WONDERING IF YOU COULD THINK ABOUT IT IN TERMS OF SOME OF THE EARLIER SCHOOL SEGREGATION CASES: LITTLE ROCK NINE, PRINCE EDWARD. DO YOU HAVE ANY THOUGHTS ABOUT THE, THE, THE BROWN DECISION AND THE RESISTANCE TO IT?

Motley: Well, of course, after the Supreme Court's decision in the Brown case, the Legal Defense Fund set about the task of trying to implement that decision. And we made a conscious determination to start with the Border States like Kentucky and Tennessee and Maryland and then eventually moved south to the hard core states, as we called them: Mississippi, Alabama, Georgia. And that was the, the game plan and we followed that as best



we could. Although there were demands from people all over the South to have us represent them in, in cases. But we knew that as we moved further south there would be tremendous resistance. The first major resistance, of course, came in the Little Rock case in 1958, I guess it was, when Governor Faubus decided to defy the Supreme Court and which required President Eisenhower to send troops to enforce the Supreme Court's decision. And then, you know, later when we went to Mississippi, finally, that was a state which offered the greatest resistance to the, to the Brown decision. The Governor called upon every official in the state to resist. And those who, who believed that that was wrong, I think, were even fearful of saying so, because the overwhelming majority of the officials did seem to agree with the Governor, state officials I'm talking about, that the Supreme Courts' decision in the Brown case should not be implemented in Mississippi.

00:23:33:00

INTERVIEWER: WE ARE IN MISSISSIPPI. JAMES MEREDITH. WHAT WAS THE LEGAL ISSUE AROUND JAMES MEREDITH'S ADMISSION TO THE U—TO THE UNIVERSITY OF MISSISSIPPI? AND AGAIN YOU WANT TO BE LOOKING AT ME AS MUCH AS POSSIBLE.

Motley: Yeah. Now, after having open the University in each state, we finally got an applicant in the state of Mississippi who requested our assistance. Contrary to what many southerners believed, particularly southern officials, we did not solicit James Meredith. Going to the University of Mississippi was James Meredith's idea. He was a native Mississippian. He left his home state when he graduated from high school. Went to Florida and went to high school there and then, finally, went into the service where he spent nine years. And when he had been in the service nine years, he decided, that he himself would be the black in the state of Mississippi to challenge that state's system of racial segregation. He left the army, enrolled in Jackson State College in Jackson and from there he made his application to the University of Mississippi. He contacted Medgar Evers, who was then the State Secretary of the NAACP, and Medgar Evers wrote us in New York and said that he had a young man who came to his office and wanted help in seeking admission to the University of Mississippi. Now his was a, by that time, a classic legal case. There was nothing unusual, legally of—speaking, about his case. He—the University of Mississippi was for whites only. And the Supreme Court in Brown had ruled that the state could not have segregated education. So it wasn't complicated legally. The problem with Mississippi was that it was the state that everyone suspected would offer the greatest resistance to blacks being admitted to white schools. And, of course, that is exactly what happened. And it cost the government millions of dollars in enforcing that decision through the use of federal troops. Meredith went through under guard for a year and a half.

INTERVIEWER: WE'LL GET TO THAT—I'M GONNA—JUST BEFORE WE GET TO ACTUALLY GETTING HIM IN—

00:26:13:00

[cut]

[wild audio]

INTERVIEWER: —YOU WERE TALKING ABOUT IT'S A SIMPLE CASE LEGALLY, BUT THERE WERE AN ENORMOUS NUMBER OF STRATEGIES INVOLVED IN— EXCUSE ME? I HEAR A ROLL OUT GOING HERE. WELL, NEW ROLL.

00:26:22:00

[cut]

[slate]

[change to camera roll 143]

CAMERA CREW MEMBER 1: ONE FORTY-THREE.

CAMERA CREW MEMBER 2: OK.

[sync tone]

CAMERA CREW MEMBER 1: ALL RIGHT.

INTERVIEWER: OK. NOW, IT WAS AN EIGHTEEN MONTH LEGAL BATTLE, WAS THAT UNSUAL?

Motley: Well, of course, the Meredith case took eighteen months in Court which is probably not an inordinate length of time as legal cases go. But, I think, one of the reasons for it was that we took an appeal from the District Court's denial of our motion for a preliminary injunction which sought his admission pending the outcome of the trial. Now that appeal was denied and we had to go back and have a full trial because the relief, which we were seeking, was the ultimate relief in the case, his admission. And everyone knew full well that when his admission came about there would be this resistance. And so, there was a tendency, perhaps, to take some time in finally getting the decision out, but I don't think eighteen months, if you look at it, was extraordinarily long period of time.

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INTERVIEWER: ALL THROUGH THAT EIGHTEEN MONTHS WAS THERE ANY PARTICULAR DAY OR PART OF THAT EIGHTEEN MONTHS THAT STANDS OUT IN YOUR MIND AS BEING FUNNY OR, OR APPALLING OR EXCITING?

Motley: Well, of course, there are many bizarre things which occurred. Once the Court of Appeals for the Fifth Circuit ruled in that James Meredith was entitled to admission, one of the judges of that Court, then Cameron, on his own issued an order barring James Meredith's admission. Now he did not sit on the three judge panel of that Court that actually heard and

decided that case and that was most unusual. And so, we had to go to the United States Supreme Court to get that order set aside before Meredith was finally admitted and that had never happened before in the history of the country. And everybody thought, my goodness, what, [laughs] what, what about that judge? But it did add to the length of time in the courts before he was finally admitted.

00:28:50:00

INTERVIEWER: YOU, YOU DESCRIBED JAMES MEREDITH'S HISTORY FOR US, BUT I WONDER IF YOU COULD DESCRIBE HIM FOR US AS A PERSON. PHYSICALLY? WHAT MADE HIM TICK, DO YOU THINK?

Motley: Well, James Meredith was an unusual young man. He was the kind of person that one seldom sees in a young person. For example, when he was in the service he had saved every penny, I think, he earned, practically, in the service. When he had an opportunity, while stationed in Japan, to live in housing provided for American servicemen it would have cost him some money and he didn't want to spend any money so he lived with the Japanese and the rice paddies. When I met him, he owned one blue suit. He walked around in his Army fatigues, I think they were called, and he never spent his money on, on clothes. He didn't drink, he didn't smoke, or anything like that. When he came out of the service he had a little bundle and that is what convinced the state that he had been paid by the NAACP to be the plaintiff. And, of course, they were never able to prove that because it wasn't true. What they didn't know was that this man was a very thrifty kind of person contrary to, to most young people. And they—the state lawyers sent for his Army record. Meredith consented to it. They were looking for something in his background to disqualify him on character grounds. And instead of finding anything derogatory they found that one of his superior officers wrote a report on him which said that this man is the thriftiest man in the service, not only in terms of conserving money, but he saves paper, every scrap of paper that we throw out, he saves it.

00:30:53:00

INTERVIEWER: DID YOU WORK WELL WITH HIM?

Motley: Oh, yes. We got along very well. I think he was pleased that we seemed prepared and ready to move forward. That had not been a part of his experience. He knew very few professional black people. After all he was born in Mississippi. And he seemed very pleased to, to find that, at least, we were able to respond when he felt that we should be responding. And that pleased him a great deal I think.

00:31:31:00

INTERVIEWER: IN THE TRIAL, I, I WONDERED—THE OTHER THING THAT I'VE READ ABOUT IN THE TRIAL WAS, was THE OTHER SIDE'S—THE UNIVERSITY'S UNWILLINGNESS TO USE PEOPLE'S LAST NAMES. MR. MEREDITH FOR EXAMPLE, WAS CALLED "JAMES." WAS THAT TRUE?

Motley: Well, in Mississippi, generally and throughout the South, for that matter, it was a custom from slavery to address blacks either as “boy” or women by their first names. Black women were not accorded the dignity of being addressed as “Miss” or “Mrs.” And when I first went to Jackson, Mississippi in 1949 the, I think it was the *Jackson Daily News*, was the name of the newspaper, they refused to address me as Mrs. Motley. They referred to me as “the Motley woman” and some of the lawyers who opposed me in the cases which I brought in Mississippi refused to address me as “Mrs. Motley” and, of course, that was something which surprised me a great deal, because I wasn’t accustomed to that having been born and reared in New Haven, Connecticut and living in New York. I knew about it, but when it actually happens you really shocked that any person who calls himself educated and professional, like a lawyer, would refuse to address another lawyer as “Miss” or “Mrs.” but that’s what actually happened.

00:33:02:00

INTERVIEWER: I READ SOMEWHERE THAT YOU HAD, AT ONE POINT, EXPRESSED THE OPINION THAT JAMES MEREDITH MIGHT NOT LIVE TO ENROLL IN THE UNIVERSITY. IS THAT TRUE?

Motley: During the time that the case was going on, James Meredith was fearful that he would be killed. He—when I met him, he walked with a cane and I didn’t notice that he limped or needed any cane at all for any physical reason. And one day I finally said to him, why do you carry that cane? And he said, well, you know, I’m not a very big man. He was a slightly built man. He was—he’s about 5’7 and at the time I guess he weighed a hundred and forty pounds. He said, you know, if I’m attacked, I need something to defend myself, and if I’m—and I said, but here you are in the black community and you rarely go outside. He said, no, if I’m attacked it’ll be by another black who’s been paid to kill me. And so, he lived with that fear for the eighteen months and, of course, when he was finally admitted to the University of Mississippi, he went to school with a U.S. Marshal at his side. A U.S. Marshal slept in his room at night and for, at least, a year. I think he attended at least a year. That’s what he lived with, the fear of being killed.

[sound roll out]

[cut]

00:34:35:00

[sync tone]

INTERVIEWER: CAN YOU DESCRIBE FOR US THE ROLE OF THE KENNEDY ADMINISTRATION IN THIS BATTLE. HOW SYMPATHETIC THEY WERE, HOW ACTIVE OR NOT.

Motley: Well, as I recall, during the Meredith case, particularly after the Court of Appeals of

the Fifth Circuit had ruled and, as I pointed out earlier, Judge Cameron's bizarre order had been set aside, the Kennedy administration moved to intervene in the case as an amicus curiae at the very least. I don't recall now, technically, whether they became parties, but naturally their responsibility was going to be to enforce that decision. And so they intervened at that point to make sure that whatever was required of them was done, hopefully, through the courts and that they would not ultimately have to resort to the use of force, but as time went on it became clear that that might be the result. They thought they had worked out an understanding with the Governor of Mississippi, at that time, Ross Barnett, that Meredith would go in with the protection of the state forces and that federal force would be unnecessary, but, as you know, what happened was the state forces did not appear. Several people were killed including a French newspaperman and other people on the first try with respect to James Meredith's admission. And so, it was then necessary for President Kennedy to send in federal troops because a Court, as you might realize, does not have any power or force attached to the Court to enforce its own decisions. The Constitution places that responsibility upon the President. And the President, if necessary, when a state resists, a lawful order of a Federal Court must enforce that decision even if it requires the use of federal troops to do so. And in the Meredith case, of course, federal troops were required just as in the Little Rock, Arkansas case.

00:36:58:00

INTERVIEWER: WHAT DO YOU THINK THIS SAYS ABOUT OUR FEDERAL SYSTEM, ACTUALLY, THAT YOU HAVE COURTS THAT CAN—YOU CAN COME TO THE POINT IN OUR FEDERAL SYSTEM WHERE A COURT ORDER CANNOT BE—IS NOT BEING OBEYED AND REQUIRES ANOTHER BRANCH OF THE GOVERNMENT TO ENFORCE IT?

Motley: Well, of course, what really happened was that I guess we were playing out the last chapter of the Civil War. Now, we had a war in this country, most people have—

00:37:27:00

[cut]

[wild audio]

Motley: —forgotten that, concerning the rights of black Americans, and—

INTERVIEWER: OH, OH I CAN'T BEAR IT.

Motley: What?

INTERVIEWER: PLEASE CHANGE QUICKLY.

Motley: What happened?

00:37:37:00

[cut]

[sync tone]

INTERVIEWER: WHAT DOES THIS SAY ABOUT OUR LEGAL SYSTEM?

Motley: Well, of course, what really happened in the Meredith case when the state decided to resist, they were playing out the last chapter in the Civil War. I think most Americans have forgotten that there was a war, a Civil War, in this country over the rights of black Americans. And that the South fought the North over this question. And there was lingering bitterness and disagreement for many years and the South insisted on denying black Americans full citizenship rights. And so, here we were in 1961 with the South saying to the North, in effect, or the rest of the country, we're not going to give blacks equal rights. We think that separate but equal is good enough for them. And so, the Constitution was really put to a test here. The new Constitution, that is, which came about with the adoption of the Thirteenth, Fourteenth, and Fifteenth Amendments which gave black Americans their rights. And Mississippi was really challenging constitutional provisions, those constitutional provisions. Now when a Federal Court issues a lawful order to enforce the constitutional rights of any American citizen the responsibility for the enforcement falls upon the President, because the Court doesn't have the physical means to enforce the decision. But the President does and he has the Armed Forces of the United States to put down any resistance, physical resistance, such as we had in Mississippi, to the enforcement of a lawful order of a Federal Court. Because under our system the Federal Government is supreme, supreme to any state government and the South was not agreeing to that proposition when it came to the rights for black Americans. And so, our Constitution was put to the test, as I have said, and I—and survived. Our country is stronger now for having had that demonstration of what the Constitution means in practical application.

00:40:03:00

INTERVIEWER: THIS MAY—THAT MAY BE PART OF THE ANSWER TO THE NEXT QUESTION, WHICH IS, WHAT WAS WON AND WHAT WAS LOST WHEN JAMES MEREDITH WAS ENROLLED AT OLE MISS?

Motley: Well, when James Meredith was finally enrolled, in the University of Mississippi, I think the American people finally understood that if the Constitution is enforced then black Americans will receive their rights. If they're not—if the Constitution is not enforced, of course, that will not happen. And it sometimes requires the ultimate force in order to do so and in that case, of course, we did have to use the ultimate force. But that's unusual, but I think it was an important lesson for the American people to understand how their government, how their Constitution I should say, is really put into effect. And—

INTERVIEWER: IS THERE ANYTHING LOST, DO YOU THINK?

Motley: No, I don't think so. I think that sometimes it's necessary for us to have such a demonstration, because, as I've said, people forget how the Constitution came about, what it stands for. They know little about Courts, unfortunately, and particularly about the Federal Courts and the role of the Federal Courts in our society. And, of course, since '54 Americans have become fully aware that there is such a thing as a Federal Court. Before that the Federal Courts were in the background and everyone knew we had a Supreme Court somewhere in Washington, but they could not tell you really, the average citizen, what the role of the Supreme Court in our society is or was. But they certainly can now, I think. They know that the Federal Courts are very important. In fact I think most Americans are convinced that if you want to get anything done you go to a Federal Court. And that's unfortunate for us federal judges because it brings us much litigation. But, I think, the, the civil rights cases demonstrated for the American people that there is a branch of government that will respond to the deprivation of basic human rights.

INTERVIEWER: STOP, PLEASE.

[cut]

00:42:42:00

[slate]

[change to sound roll 1120]

INTERVIEWER: I ONLY HAVE A FEW MORE QUESTIONS ACTUALLY.

CAMERA CREW MEMBER: SOUND TWENTY. A CONTINUATION OF—

[sync tone]

INTERVIEWER: NO.

CAMERA CREW MEMBER: OK, BACK TO WIDE.

INTERVIEWER: NO, GIVE ME CLOSE ACTUALLY. WAS—WHEN JAMES MEREDITH WAS ENROLLED, DID YOU FEEL A SENSE OF VICTORY OF, OF TRIUMPH, WHEN HE DECIDED TO STAY ON?

Motley: Well, of course, when Meredith was finally enrolled we all were very pleased and happy that a difficult task had been accomplished. We feared for his survival, obviously, and we feared for him as an individual. We didn't know whether he could really withstand the pressures to which he would be subjected. As I told you, his basic fear was that he would be killed. I don't know how he managed to get through, but he did. And so, we, we were concerned about him as a human being, but he managed to, as I say, pass his exams and come out from under that tremendous pressure with which he had lived for, then, when he finally graduated, was two and a half years of the daily pressure on him. He became a

national hero and he had to deal with that. He then had to deal with the aftermath when people many years later tended to forget. There were so many other episodes in our history of equal significance, but, I think, he's managed to survive. He's had a difficult ordeal. And it had its effect upon him. Basically, I think he has survived and has been successful.

INTERVIEWER: OK. STOP FOR A MOMENT PAT—

[cut]

00:44:36:00

CAMERA CREW MEMBER: TWENTY-ONE.

[sync tone]

INTERVIEWER: OK.

Motley: After the Supreme Court's decision in the Brown case it was difficult, for those of us who were on the staff, to anticipate what might happen throughout the country. As I told you, we had our own timetable for trying to enforce that decision by starting with the Border States and moving south. But by 1960 we were surprised and taken unaware by the students who sat in at department store lunch counters in North Carolina. Here was a whole new dimension of the struggle which we had not anticipated. Prior to that in 1956 or '58, I've forgotten which precisely, there was the Montgomery bus boycott where blacks demonstrated that beyond schools they were interested in the day-to-day indignities that they had to face and they wanted those wiped out such as having to sit at the back of the bus. And, as you know, Rosa Parks then resisted sitting in the back of the bus and that led to a whole new movement among blacks to do away with segregation in transportation. The Freedom Riders then followed. And things like that which kind of, as they say, overshadowed for the moment it appeared, the Brown decision. But actually these things were the result of the Brown decision. I think the Brown decisions' greatest impact was on the black community which took courage and decided, I guess, that they did have an ally, and that was the Supreme Court, and that all the things which had demeaned them for, for years and things which they thought would never be done away with they had become convinced that they could be done away with. And so, we had a movement that, that sprung up on its own among the people. And Martin Luther King, of course, emerged then as the leader of this people's movement. Up to this time it had been a, a movement composed largely of blacks, of the black leadership class, middle class blacks, professional blacks who were in the vanguard of the struggle. But now we had a real people's struggle. And the, as I've said, we could not be at the head of all of that crowd, but Martin Luther King managed to, as I've said, become the leader of that movement and to get people to respond to his call for peaceful demonstration against segregation. And, you know, he succeeded.

INTERVIEWER: STOP PLEASE. I'M, I'M, I'M—

00:48:06:00



[cut]

[wild audio]

INTERVIEWER: I THINK I'M KNOCKED OVER AND I THINK YOU DID THAT—

00:48:08:00

[cut]

[slate]

[change to camera roll 145]

CAMERA CREW MEMBER: CAMERA ROLL ONE FORTY-FIVE. SOUND ROLL ELEVEN TWENTY CONTINUES. SOUND TWENTY-ONE.

[sync tone]

INTERVIEWER: A QUICK QUESTION WHI—WHICH IS, TO WHAT DO YOU ATTRIBUTE THAT, THAT UNANIMOUS DECISION?

Motley: Well, of course, I think that there's one thing certainly that Earl Warren will be remembered for throughout history and that is his decision in the Brown case, as I have said, and particularly the fact that the decision was unanimous. Because as I've told you, in my view, unless that decision were unanimous, it would have meant even greater resistance than it did in an attempt to enforce it. And, I think, the unanimity came about as a result of Earl Warren's leadership. After all, as a chief justice he had the responsibility of trying to get the Court to be unanimous so that the decision would represent the thinking of all of the judges and we wouldn't get lawyers trying to come back day after day, hoping they could get a five to four decision reversed. And he knew that would happen unless the decision was unanimous and that the turmoil, which the decision was creating, even then, would be greatly intensified. So as I have said, I think it was his leadership role, for which he deserves the greatest applause.

INTERVIEWER: STOP PLEASE.

[cut]

[end of interview]

00:49:51:00

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