



Interview with **Constance Baker Motley**

March 8, 1986

New York City, New York

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[camera roll 207]

[sound roll 1153]

[slate]

CAMERA CREW MEMBER 1: I HAVE FLAGS.

CAMERA CREW MEMBER 2: MARKER.

[sync tone]

INTERVIEWER: THE FIRST QUESTION IS, WE'RE LOOKING FOR YOU TO GIVE US AN IDEA OF THE CLIMATE IN WHICH THE BROWN CASES WERE FOUGHT. THE INFLUENCE OF SUCH FACTORS AS THE RETURNING VETERANS FROM WORLD WAR II, THE MIGRATION OF BLACKS TO THE CITIES AND TO THE NORTH, THOSE SORTS OF THINGS.

Judge Constance Baker Motley: Well, of course, the Brown case came after World War II. Although the idea for it, I think, long preceded that. The NAACP had set up its legal arm in 1939 and when World War II came along in 1941, plans for preceding with a massive legal effort against segregation took a back seat, so to speak, in favor of aiding black servicemen who had sought the aid of the NAACP in connection with courts [sic] martial. And, of course, once the war was over and the issue of the treatment of black servicemen loomed

large in the minds of all Americans, this whole effort to outlaw segregation in the Armed Forces and in American society, generally, gathered a great deal of momentum and, of course, culminated in the Supreme Court's decision in the Brown case.

00:01:36:00

INTERVIEWER: YOU SAID SOMETHING ABOUT THE, THE—YOU MENTIONED IN PASSING, AS PART OF THIS LIST, THE, THE RETURNING VETERENS; THE TREATMENT OF THEM. I WONDER IF YOU COULD JUST TELL US A LITTLE BIT OF THAT.

Motley: During the war?

INTERVIEWER: THE RETURNING VETERANS. THERE ARE, THERE ARE STORIES OF, OF HARASSMENT AND ATTACKS ON THEM AND, I THINK, THE NAACP WAS INVOLVED IN, IN THOSE CASES, WERE THEY NOT?

Motley: Well, not as much as they were in the actual courts martial, because when I first went to work there in the summer of '44, we had courts martial records stacked to the ceiling in a room this size that had to be reviewed and appeals taken to military review boards in Washington. And so, our legal effort was concentrated in that area of trying to get their sentences reduced if not the entire conviction reversed.

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INTERVIEWER: AND THIS TREATMENT, YOU THINK, AFFECTED THE, THE, THE COUNTRY YOU'RE SAYING OR—I JUST WANT TO MAKE SURE THAT I'VE GOTTEN THIS STRAIGHT, THAT IT—THAT THE TREATMENT OF THE BLACK VETERENS, YOU THINK, WAS, WAS A GENERAL EFFECT IN THE, IN THE COUNTRY?

Motley: Well, it pushed the whole question to the fore, that is, the whole question of racial segregation. Because here we were as a nation involved in a war to make the world safe for democracy and, of course, one of the embarrassing features of our effort was that blacks were segregated in our Armed Forces and they resented it. And here we were trying to represent ourselves to the world as a democratic nation. And so, the issue of segregation loomed large during the war and the war effort. And the NAACP's membership almost doubled during that period from membership applications from black servicemen who recognized that the NAACP was the only organization that they could turn to for assistance with what they believed to be a very pressing problem for them. And that is that they received disproportionately longer sentences for any crime which they committed than white servicemen. And they felt this was a tremendous grievance that something had to be done about it.

INTERVIEWER: WONDERFUL. STOP AND LET THAT SIREN GO—

CAMERA CREW MEMBER: OK.

[cut]

00:04:14:00

CAMERA CREW MEMBER: MARK IT.

[sync tone]

INTERVIEWER: ONE—IF YOU COULD GIVE US THIS LAYMAN'S EXPLANATION OF THE MEANING OF THE PLESSY STANDARD.

Motley: You know, right after the Civil War, the Reconstruction Congress set about enacting laws which would guarantee to the former slaves the same rights which white citizens enjoyed. However, the South resisted any such laws and in the election of 1876 when there was an opportunity for the South to make a deal, they did make a deal, which resulted in the Federal Government withdrawing its support in the rights of blacks: more specifically, withdrawing federal troops from the South. These troops were there to protect blacks from violence by whites and to make sure that they had the right to vote and the same rights as white citizens. And, of course, this went on and on as southern resistance grew after the Civil War to equality for blacks. Finally, by 1896, when a case reached the Supreme Court involving southern treatment of blacks, the Supreme Court—a—adopted the southern view of what ought to be and that was that sure the Constitution now provided for equality, but we could provide equality by having blacks in separate railroad cars, for example, or separate schools or separate recreation facilities. And the Supreme Court put its stamp of approval on that southern view of how the Fourteenth Amendment ought to operate. And that continued, of course, until the Supreme Court's decision in the Brown case, which said, no. You can't have separate schools for black and white children and expect black children to get the same kind of education as whites.

00:06:30:00

INTERVIEWER: DO YOU THINK THAT IT WAS, IT WAS UNDERSTOOD THAT SEPERATE BUT EQUAL WAS NEVER GOING TO BE EQUAL? EVEN AT THE TIME THAT IT WAS SET UP?

Motley: Well, I think that it was generally known that that was not as a practical matter, what was happening—

INTERVIEWER: I'M SORRY. I'M GONNA ASK YOU TO INCORPORATE WHAT "THAT" IS. [laughs] I'M SORRY.

Motley: Oh wow. Let me think. At the time that the Supreme Court dealt with the question of whether separate facilities for blacks would meet the requirements of the Fourteenth Amendment, generally, throughout the country facilities provided for blacks were not equal

to those provided for whites. And the Supreme Court, of course, simply proceeded on the premise that they were and simply ruled on the legal proposition that you could have equality for blacks even though they were required to accommodate themselves in separate facilities. But the reality, of course, was that blacks had inferior facilities in every aspect in which segregation was enforced.

INTERVIEWER: THAT'S GONNA HELP US AN AWFUL LOT BEING—WITH THAT. NOW, YOU GAVE US A WONDERFUL PIECE OF IN, IN THE PREVIOUS INTERVIEW, I'M SORRY—

CAMERA CREW MEMBER: YOU NEED CUTS?

INTERVIEWER: I'M SORRY.

[cut]

00:07:55:00

CAMERA CREW MEMBER: MARK IT.

[sync tone]

INTERVIEWER: OK. SO I'M—WE'RE ASKING YOU TO TALK ABOUT THE, THE BROWN CASE AS BEING A CHANGEOVER FROM THE PREVIOUS CASE; THEIR STRATEGY.

Motley: Of course, prior to the Supreme Court's decision in the Brown case the NAACP Legal Defense and Educational Fund had devoted its efforts to trying to remedy the situation with respect to unequal facilities for blacks within the context of the doctrine of separate, but equal itself. For example, they brought a number of cases seeking to equalize the salaries of black teachers. They also brought cases which were directed at the graduate school level because no separate facility had been provided for blacks at that level. So they conceived that that would be very easy, legally, to accomplish since the state had not provided separate facilities for blacks. For example, in the Gaines case in Missouri and the Donald Murray case in, in Maryland. The Brown case itself, however, was a departure from that strategy and was a frontal attack on segregation itself as being violative [sic] of the equal protection clause of the Fourteenth Amendment.

INTERVIEWER: CAN WE STOP FOR A MOMENT?

[cut]

00:09:30:00

CAMERA CREW MEMBER: MARK IT.

[sync tone]

Motley: Now, once the Supreme Court decided the case of Plessy against Ferguson which approved of separate facilities for blacks as meeting the requirements of the Fourteenth Amendment that became the law of the land. And so, the NAACP Legal Defense and Educational Fund when it started out in the early '40s—the middle '40s—with its program of attacking segregation and education directed its efforts toward the graduate school level, where the state had failed to provide any facility for black students at all and that kept them within the framework of separate, but equal and it was not a frontal attack on the whole concept of segregation. However, after winning one or two cases, at that level, which opened the graduate schools, that is, law schools for example to, to blacks the strategy changed. As result of that success and the strategy for—

00:10:47:00

[cut]

[wild audio]

Motley: —attacking segregation itself was developed and culminated in the Supreme Court's decision in the Brown case.

INTERVIEWER: GIVES ME A CHOICE OF—THANK YOU. DID WE CHANGE MAGAZINES?

00:11:01:00

[cut]

[slate]

[change to camera roll 208]

CAMERA CREW MEMBER 1: FILM SOUND.

CAMERA CREW MEMBER 2: FLAGS.

CAMERA CREW MEMBER 1: MARK IT.

[sync tone]

INTERVIEWER: HOW IMPORTANT, DO YOU THINK, WAS THE UNANIMITY OF THE COURT'S DECISION IN THE BROWN CASE AND HOW IMPORTANT DO YOU THINK THE CHIEF JUSTICE'S ROLE WAS—OR WARREN'S ROLE WAS—IN MOLDING THAT?

Motley: I think that it was very important for the successful implementation of the Brown decision that the decision was unanimous and, I think, the credit for that goes to Earl Warren who was the Chief Justice of the United States at that time. I think that he perceived that there would be tremendous resistance to the Supreme Court decision if it was five to four, for example, that this would encourage the opponents of desegregation to try over and over again to get the Court to hear the case again and probably switch that vote which gave the decision to blacks. And so, when the decision was unanimous that was a statement. A, really, a political statement, frankly, that the national policy of this country is integration of blacks into the mainstream of American life. So it was crucial to its implementation that that decision be unanimous.

00:12:36:00

INTERVIEWER: PERFECT. VERY WELL PUT. NOW WHAT WOULD YOU SINGLE OUT AS THE, AS THE GREATEST IMPACT OF THE BROWN DECISION ITSELF?

Motley: Well, I think, in retrospect the impact was largely psychological. As a practical matter, you know, the implementation of Brown ran into the hard realities of life in major urban centers where there are large segregated housing areas in which blacks live or lived, at the time, and which is still with us. And it's been very difficult to implement the Brown decision in say New York or Boston or Atlanta and other places where we have this kind of social distortion. I lost my train of thought—

INTERVIEWER: NO SORRY. WHEN YOU WERE TALKING ABOUT THE PSYCHOLOGICAL IMPACT OF THE BROWN—PICK UP WITH THAT IDEA.

Motley: Yeah. So that the greatest effect of the Brown decision was its, its statement, in effect, that blacks are now a part of the family. And it, it, it gave the impetus for the students in 1960, for example, to sit in at segregated lunch counters in North Carolina. It was the spark which ignited the bus boycott in Montgomery and it was the, the, the catalyst for all the demonstrations that we witnessed across the South after the Brown decision in the early '60s, like the Freedom Riders and the voting rights campaign which culminated in a march from Selma to Montgomery. So that the decision itself was responsible for the civil rights revolution and the end result was that, after a decade of litigation, the Supreme Court struck down state-enforced raffles [sic]—racial segregation in every area of the public life, in recreation and hospitals, even in Courthouses themselves.

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INTERVIEWER: I'M WONDERING IF WE COULD ADD—THE ONE THING YOU TOUCH ON THAT MAYBE SHOULD BE ELABORATED A LITTLE BIT WAS THE SENSE OF, OF IT AFFECTING THE PEOPLE THEMSELVES. I THINK THE BLACK COMMUNITY ITSELF HAD—IT HAD—A PARTICULAR IMPACT ON THEM.

Motley: Yes, *I think that the greatest impact of the Brown decision was on the black community itself. It was a statement to the black community that they had a friend, so to*

speak, the Supreme Court. And so it emboldened the communities of blacks around the country to move forward to secure their own rights. Prior to that time they were fearful, frankly, of economic reprisal, particularly, in the South if they struck out for equality. But once the Supreme Court decided the Brown case, they realized that they had support from one important arm of government anyway. And so, they went ahead with their drive to eliminate segregation in all areas of the public life of the American community.

00:16:22:00

INTERVIEWER: THAT'S GOOD. THAT'S GONNA MAKE IT—THAT'S GONNA MAKE A WONDERFUL PIECE THE END OF THAT. WE WERE LOOKING, DID I HIT THIS?

CAMERA CREW MEMBER: NO.

INTERVIEWER: WE WERE LOOKING, IN OUR PROGRAMS, AT THE MASSIVE RESISTANCE MOVEMENT THE, THE, THE RESISTANCE, PARTICULARLY IN VIRGINIA, PRINCE EDWARD COUNTY. I'M WONDERING IF YOU COULD, IF YOU COULD TALK A LITTLE BIT ABOUT THAT, THAT QUESTION OF MASSIVE RESISTANCE AND, AND HOW IT DEVELOPED OUT OF THE STATES' RIGHTS PROBLEM.

Motley: After the Brown decision in 1954, *I think, we were not really quite prepared for the extent to which the South would resist the implementation of the Brown decision. In fact, the shutting down of the NAACP in Alabama, the resistance evidenced in places like Virginia and Arkansas, the legislative investigations committees in Florida and in other states really frightened us.* We were not prepared to protect black lawyers, for example, who were summoned before these legislative committees. We were not quite prepared for the shutting down of the NAACP in Alabama. We had to suddenly become corporate lawyers. We were driven out of Mississippi, so to speak, because the NAACP had failed to pay the corporation tax. We had never heard of any such thing because we were civil rights lawyers, and so, the resistance was really much more than we had anticipated. We obviously knew there would be resistance but the, the sophisticated level of the resistance was what we had not anticipated.

00:18:19:00

INTERVIEWER: DID YOU ANTICIPATE THIS DOCTRINE OF INTERPOSITION? I MEAN COULD YOU TELL US WHAT THAT IS AND—

Motley: Well, of course, the South had many strategies which it invoked after the Brown case to prevent its implementation. One came out of the dark past called "interposition and nullification": words which the American people had not heard in this century at least. And what it was, in effect, was the statement that the South intended to resist as they had during this—the period of the Civil War any national or federal imposition of a, policies of integration on them. And, of course, they pursued that policy in many states. In Mississippi,

for example, when James Meredith was finally admitted by court action to the University of Mississippi, the Governor called for every official in the state to resist the implementation of that decision. Now that was outright rebellion against the United States and, as you know, that decision of the Supreme Court that he should be admitted had to be enforced by the use of federal troops. Prior to that, the Supreme Court's decision in Brown itself had to be implemented in Arkansas with the use of federal troops. So the South did resist in many ways the implementation of the Brown decision.

INTERVIEWER: STOP FOR A MOMENT.

[cut]

00:19:54:00

CAMERA CREW MEMBERS 1: AND I HAVE FLAGS.

CAMERA CREW MEMBER 2: MARK IT PLEASE.

[sync tone]

INTERVIEWER: YOUR OPINION OF THE CONSTITUTION BASIS OF—WHAT THESE DOCTRINES OF INTERPOSITION AND—

Motley: Of course, all of these strategies which the South utilized after the Supreme Court's decision in the Brown case to try to prevent its implementation were ultimately declared void by the United States Supreme Court and the lower Federal Courts as these cases were brought by us and others to have these efforts abolished. And these efforts were plainly illegal. I think one of the things that we should always remember is that the Constitution had to go through a severe test during all of this period in our country's history. And it emphasized, I think, for the American people the importance of the fact that we had a Constitution which guaranteed equality. And it magnified the role of the Courts in our society. Because it became the responsibility of the Courts and, particularly, the United States Supreme Court to repeatedly interpret the extent to which the Fourteenth Amendment guaranteed equality for blacks.

INTERVIEWER: OK. PERFECT. VERY NICE. LET'S JUMP AHEAD, AS WE DID BEFORE, TO, TO OLE MISS HERE. AND—OH WAIT, I THINK, WE PROBABLY SHOULD STOP. VIDEO CHANGE HERE.

[cut]

00:21:38:00

[slate]

[change to camera roll 209]

CAMERA CREW MEMBER 1: HAVE FLAGS.

CAMERA CREW MEMBER 2: MARKER.

[sync tone]

INTERVIEWER: THE LEGAL ISSUE AROUND JAMES MEREDITH'S ADMISSION TO OLE MISS AND WHY IT TOOK SO LONG.

Motley: Well, of course, the legal issue in the Meredith case was relatively simple: the state of Mississippi, of course, had a policy of excluding blacks from the university. The Court proceeding took a great deal of time, about a year and a half, because the state was resisting that ultimate decision which they knew was coming at some time. A great deal of the legal proceedings in the end resolved—re—involved the state's resistance to the decision. The Governor's calling upon all state officials to resist. The Governor was cited for contempt of court by the Fifth Circuit. And he finally, of course, gave in and allowed James Meredith to matriculate at the University. But he had to do so with federal troops at his side and they remained with him through the entire year that he spent—or year and a half, I have forgotten now which, but all the time that he was there he attended with federal troops at his side. So that the Supreme Court's decision could be enforced. The Supreme Court has no method for enforcing its own decrees as you well know. But the president of the United States, under the Constitution, does have the constitutional duty to uphold the law. And so, when state officials say we will not abi—abide by a Supreme Court decision, then it becomes the duty of the President to enforce it with force if necessary. And that's what happened in the University of Mississippi case.

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INTERVIEWER: WHAT DID YOU THINK OF THESE TACTICS OF THE UNIVERSITY? TRYING TO LOOK AT JAMES MEREDITH'S RECORDS TO SEE IF HE WAS PSYCHOLOGICALLY UNFIT AND THESE VARIOUS TACTICS IN THE LOWER COURT, WERE YOU PREPARED FOR THEM?

Motley: Well, we expected, of course, resistance from Mississippi with respect to James Meredith's admission. We knew that the state would use every strategy available to it to try to prevent him from attending. And, of course, they looked into his background, in vain, for something which they could use against him, something which would say that he was an undesirable individual and was therefore disqualified for that reason and not because of his race. They knew full well that if they came out in a Court decision and said, we don't want him in here because he's black, the Court would have to rule with us obviously. But if they could find some other reason for his disqualification, that was what they were looking for. And, of course, that took a great deal of time in the Court proceeding to try to defeat all their efforts to discredit him.

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INTERVIEWER: COULD YOU GIVE US A DESCRIPTION FROM YOUR POINT OF VIEW OF JAMES MEREDITH, AS A PERSON?

Motley: Well, I think James Meredith had planned to be the Mississippian who would knock first on the door of the University of Mississippi. He spent nine years in the Armed Forces in the Air Force, particularly, before he actually made that application. He knew that he was not qualified, initially, so that while he was in the Armed Services he took every course available to servicemen, starting at the high school level because he didn't qualify for college level courses. And after he convinced himself that he had the academic ability, he took difficult courses like Chinese history and Russian grammar, as I recall, when he was stationed in Japan at the University of Maryland's Far East extension program. And once he convinced himself, as I've said, that he had the academic qualifications, then, he left the service and moved back to Mississippi from which he had been absent for nine years and made his application, of course, with the aid of Medgar Evers who was the NAACP field secretary at that time. A lot of the Mississippians believed that we sought out James Meredith and paid him to do this, but that's not true at all. It was his idea and his own preparation of himself which gave him the strength, the individual strength, and endurance to see the thing through.

00:26:55:00

INTERVIEWER: I THINK THAT THERE'S AN IMAGE OF HIM AND, I'M WONDERING IF HE RAN TO THIS, AS A DIFFICULT PERSON. WAS HE DIFFICULT TO WORK WITH?

Motley: Well, of course, he had a lot of fear to live with. And, I think, at times that got the best of him. And, of course, he was projected into the national spotlight which very few of us can really successfully handle. And so, he had a great deal of stress which accompanied his efforts, particularly, the fear of being killed.

INTERVIEWER: I THINK YOU TOLD US A STORY ABOUT THAT BEFORE. ABOUT HOW HE CARRIED A STICK.

Motley: Yes, when I first met James Meredith, he was carrying a cane and he didn't seem to me to, to need it. And so one day I finally said to him, why are you carrying that cane? And he said, well, I think that if I am attacked, I'll need it. He was a slightly built young man and he wasn't very tall and so he thought that the cane would, of course serve, as a weapon. And I said, well, why do you need it here in the black community, you know, if you go to the University I could see that you might need it. He said, well, I think that if I'm killed it'll be here in the black community by some black person who's been paid by the state or other officials to do, to do that. He really believed that and so he walked with this cane because he was honestly fearful that he was going to be killed.

00:28:39:00

INTERVIEWER: SURE WOULD MAKE ANYBODY DIFFICULT. I'D LIKE TO ASK

YOU ABOUT THE EIGHTH CIRCUIT COURT, NOW, ACTUALLY THIS IS SORT OF
CONTINUING IT—JOHN MINOR WISDOM—

Motley: The Fifth Circuit.

INTERVIEWER: —THE FIFTH CIRCUIT, I'M SORRY. CONFUSING MY HERE AND
THERE. JUDGE WISDOM CHARACTERIZED MEREDITH WITH SOME
MEMORABLE WORDS. HE CALLED HIM, A MAN WITH A MISSION AND A
NERVOUS STOMACH. AND I'M WONDERING WHAT YOU THOUGHT OF THAT.

Motley: Oh, yes, well that comes from, that is, the characterization of James Meredith as a man with a mission and a nervous stomach comes from his Army record. One of the things that the state officials did in order to try to, to disqualify him was to ask for his Army record which he consented to. And in the record it showed that he went to a doctor, I think it was a psychologist, periodically while he was in the service and complained about a nervous stomach. And he seemed to get this nervous stomach whenever he read about something in the newspaper like the Arkansas case where Faubus resisted or the Autherine Lucy case in Alabama, where the state resisted there, because he knew that he was preparing himself for that role with respect to, to Mississippi. So he became quite nervous and his nervousness seemed to flare up, as I've said, whenever there was a, a big headline incident in the country about the racial integration struggle.

INTERVIEWER: LET'S STOP FOR A MOMENT.

[cut]

00:30:26:00

CAMERA CREW MEMBER 1: I HAVE FLAGS.

CAMERA CREW MEMBER 2: MARK IT.

[sync tone]

INTERVIEWER: THE, THE FIFTH CIRCUIT, ALSO CALLED THE, CHARACTERIZED
THE EARLIER TRIAL, THE DISTRICT COURT TRIAL, AS BEING CONDUCTED IN
THE EERIE ATMOSPHERE OF NEVER- NEVER LAND, I'M WONDERING WHETHER
THAT WAS TRUE IN, IN YOUR SAY?

Motley: Well, of course, the trial of the Meredith case took a long time. When we first went before Judge Mise, I believe, that he immediately denied us a preliminary injunction and we appealed that to the Fifth Circuit and the Fifth Circuit upheld that denial and said that we should go back and try the case in its entirety and we did that. And, of course, as I've said, the state took a long time because it had brought in Meredith's Army record which it went through and it did all kinds of things to delay the ultimate day. And so, the trial did have some bizarre aspects. Normally, the trial should not have lasted as long as it did, but you had

to understand that there was a strategy operating here and that was the strategy of delay and, hopefully, a strategy which would derail James Meredith in his effort to enter the University of Mississippi.

00:31:59:00

INTERVIEWER: EXCEPT ONE OF THE POINTS YOU BROUGHT UP, SPEAKING OF THE DELAYS TO HIS ADMISSION, BEFORE WAS THAT JUDGE CAMERON'S ISSUANCE OF ORDERS SUS—SUSTAINING IT. I WONDER IF YOU COULD TALK ABOUT, ABOUT HOW PECULIAR THIS WAS.

Motley: Yes. Well, after the Court of Appeals for the Fifth Circuit finally ordered James Meredith's admission, one of the more bizarre aspects of the whole situation, legally speaking, was the effort by Judge Cameron of that Court to further delay—

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[cut]

[wild audio]

Motley: —his admission. Judge Cameron was not one of the three Judges who composed the panel that decided the case.

INTERVIEWER: SORRY, I'M GONNA HAVE—I'M SORRY I FORGOT THAT WE—WE'LL JUST DO A QUICK CHANGE HERE.

00:32:50:00

[cut]

[slate]

[change to camera roll 210]

CAMERA CREW MEMBER 1: FLAGS.

CAMERA CREW MEMBER 2: MARK IT.

[sync tone]

CAMERA CREW MEMBER 1: OK.

INTERVIEWER: YOU WERE TALKING ABOUT JUDGE CAMERON'S ISSUANCE OF THE STAYS.

Motley: After the Fifth Circuit finally ordered James Meredith's admission to the University, one of the more bizarre aspects of the case arose when Judge Cameron of Mississippi issued an order staying the direction of the three judges who sat on the case. This had never happened before in the whole history of our jurisprudence, that is, a judge of the Court of Appeals issuing an order staying the decision of three other judges who were the judges making the decision. And so we had to take that to the United States Supreme Court before James Meredith was finally admitted. Of course, the ultimate effect of that was to further delay his admission. But this was just one more indication of the intensity with which Mississippi officials resisted the Brown case. Here was a Judge, a federal judge, sitting on the Court of Appeals saying, in effect, no, to the United States Supreme Court with respect to the Brown case. A judge who was sworn to uphold the law, who did something which was obviously illegal, and that's what happened in connection with that case. It's never happened before in the whole history of the country and probably never will happen again.

00:34:39:00

INTERVIEWER: NOW EVENTUALLY THE KENNEDY ADMINISTRATION DID ENTER THE MEREDITH CASE AS A FRIEND OF COURT. THEY SENT THE MARSHALS IN AND SO FORTH. BUT DID YOU OR, OR DID MR. MEREDITH FEEL THAT IF THEY'D ACTED SOONER, IF THEY'D BEEN MORE FORCEFUL IN THEIR ACTION, MIGHT HAVE AV—AVOIDED SOME OF THE ANTAGONISM OR EVEN THE BLOODSHED?

Motley: Well, I doubt that. I think that even if the government had come in earlier into the case, we probably would have run into the same kind of resistance. You have to understand that everyone expected that Mississippi would resist. Mississippi had long been the state which offered the most resistance, since the Civil War, to the idea of equality for blacks. You may recall that after the Civil War, blacks were in control of the government of the state of Mississippi and the whites of the state resented that very much and when they were finally able to displace the Reconstruction Government, which was predominantly black, they vowed that blacks would never again be in control of that government. And since blacks were, I think, the majority of the state's population, at that time, the whites offered a great deal of resistance to the idea of ending segregation. So it wasn't a surprise at all that Mississippi would offer resistance. The government knew it. We knew it. And so, the government was hoping like everybody else that, I guess, they'd never have to face this. But ultimately they did and ultimately, as you know, President Kennedy had to send in federal troops to secure James Meredith's admission.

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INTERVIEWER: YOU DON'T THINK IT WOULD HAVE BEEN—YOU'RE SAYING, IN OTHER WORDS, YOU, YOU THINK IT WAS APPROPRIATE, THE POINT AT WHICH THE FEDERAL GOVERNMENT ENTERED THE CASE?

Motley: Well, yes. They, they should have entered as a friend of the court earlier when we brought the suit. But they, like everybody else, was hoping that we wouldn't have to face this

ultimate test of federal versus state power and that's what it was. Again a, a struggle on the part of the national government to impose or enforce, rather, a decision of the United States Supreme Court in a state that wanted to resist. Now, that doesn't happen very often in our history. And everyone knew that that would be traumatic for the country and it was. And so, like everyone else the government was hoping that they wouldn't have to face that trauma.

INTERVIEWER: I THINK YOU CALLED IT LAST TIME SOMETHING ALONG THE LINES OF, "THE LAST CHAPTER OF THE CIVIL WAR."

Motley: I think that when James Meredith finally went into the University of Mississippi and finally graduated, we saw the last chapter of the Civil War.

00:37:52:00

INTERVIEWER: REALLY LATE POI—POINT TO FINISH IT, I MUST SAY. AND WERE THERE ANY ACTIONS THAT YOU THINK THE GOVERNMENT, THE FEDERAL GOVERNMENT, COULD HAVE TAKEN DIFFERENTLY THAT WOULD HAVE AVOIDED THE RIOTS THAT NIGHT?

Motley: I think that what happened when James Meredith finally went to the University of Mississippi, the night of the riot, when three or four people were killed, resulted—

INTERVIEWER: SORRY, I'M GONNA STOP YOU. IT'S TWO PEOPLE. YOU DON'T WANT TO MAKE A MISTAKE.

Motley: Yeah that's true.

INTERVIEWER: OK. START IT AGAIN.

Motley: I think what really happened the night that James Meredith was—Meredith was finally admitted to the University of Mississippi, when a couple of people were killed, was that the state officials reneged on a promise that they had made to see that the state troops kept the peace. And, I think, that the Attorney General and perhaps the President were relying on an agreement that they thought they had reached to that effect. And when the state troops failed to appear and to keep people from being violent, of course, Meredith had to be withdrawn and, ultimately, federal troops had to appear there if he was to actually enter. And it was that failure of the state to protect Meredith which caused the Federal Government to have to send troops in which was the last thing that anybody wanted in Mississippi, but they, I think, in effect brought it on themselves by failing to, themselves, protect the rights of one of their citizens.

00:39:43:00

INTERVIEWER: HOW DID YOU FEEL WHEN—ON THAT MORNING WHEN JAMES MEREDITH WALKS UP AND IS FINALLY REGISTERED, GOES TO CLASSES, HOW DID YOU FEEL ABOUT THAT?

Motley: Well, of course, we were always joyous whenever we managed to accomplish the admission of a black to a previously all white school and with respect to Mississippi that had offered all that resistance, of course, we were particularly joyous. And we, we, I think that was about the last state to open its doors to, to blacks. I think South Carolina was in fact the last with the Clemson case involving Harvey Gant, who's now the mayor of Charlotte, North Carolina, but since the Mississippi case had been such a, a celebrated case it gave us particular joy to know that we had finally accomplished that.

00:40:48:00

INTERVIEWER: ALTHOUGH I MUST THINK THAT YOU MUST HAVE ALL BEEN VERY TIRED AND PROBABLY FAIRLY MIXED FEELINGS AFTER ALL THE RIOTING.

Motley: Well, of course, we were always tired during those years. Things were happening so rapidly there wasn't time to take a vacation or to reflect upon anything very long before that new situation developed. I know that *when the Meredith case was filed, it coincided with the Freedom Riders' arrival in Mississippi, which, of course, was not a good context in which to bring that suit. But those were historical developments which we could not control*, and a lot of people thought we could control in the course of the civil rights movement, but we could not *because it was a genuine revolution on the part of black people*. It wasn't directed by us. It was spontaneous and it arose from new confidence in the black community that the Supreme Court was their protector as they moved forward in the struggle.

00:41:57:00

INTERVIEWER: YOU KNOW, I THINK YOU TALKED A LITTLE MORE ABOUT THAT TO US IN TERMS OF, OF THAT BEING A, REALLY, A LESSON. SOMETHING THAT WAS REALLY LEARNED IN—BY PEOPLE IN, BY JAMES MEREDITH'S ENROLLMENT, SOMETHING YOU HAD WON IN A SENSE. THE, THE, THE UNDERSTANDING BY MANY PEOPLE THAT THE FEDERAL COURTS UNDER GOVERNMENT WAS GOING TO BE THEIR ALLY. I, I, I REMEMBER TALKING WITH YOU ABOUT THIS, HOW IT WAS A LESSON IN HOW THE FEDERAL GOVERNMENT WORKED IN EFFECT.

Motley: Yes, I think one of the things about the Meredith case was that it demonstrated, for the American people, how the, the system really works. As I pointed out, the Supreme Court does not have any means by which to enforce its own decision. And it's rare, indeed, that a state government says, in effect, we're not gonna abide by a decision of the United States Supreme Court. And certainly, except for Arkansas and Alabama, the American people had never had to confront the issue of how a Supreme Court decision is to be enforced if there is resistance. And so, they learned that it is the duty of the President of the United States, not the Supreme Court, to enforce Supreme Court decisions. And that is a President's sworn duty to uphold the law. And so that if state officials or anyone else says that he is not

gonna abide by a Supreme Court decision, that really presents a serious, grave constitutional—

00:43:48:00

[cut]

[wild audio]

Motley: —crisis for the president.

INTERVIEWER: STOP FOR A MOMENT. I THOUGHT—

00:43:53:00

[cut]

[slate]

[change to camera roll 211]

CAMERA CREW MEMBER: FLAGS. MARK IT.

[sync tone]

INTERVIEWER: GOING BACK TO THE CIRCUIT COURT LEVEL, WE HAVE READ SOMEWHERE, I BELIEVE, THAT YOU CONSIDERED ASKING THEM ALL, EVEN DID ASK THEM, TO REGISTER JAMES MEREDITH RIGHT THERE IN COURT AND JUST GET IT OVER WITH, IS, IS THAT TRUE?

Motley: Yes, I think during the argument in the Fifth Circuit, one of the things we did was to ask the Court to register James Meredith right then and there. You know, the situation was unprecedented. The Court of Appeals acted as a trial court in that situation, because they felt that the district judge in Jackson would not proceed promptly with the matter of finally getting James Meredith enrolled. So the Court of Appeals itself sat as a trial court, in effect, and issued the orders. Now when the Governor resisted, the Governor of Mississippi resisted, he was then cited by that Court for contempt of its orders. And a trial was held in that Court of the Governor and his resistance to the Court's decision and he was found in contempt of the Fifth Circuit's order to admit James Meredith. He was given an opportunity, of course, as required by law to purge himself of contempt by admitting him and that, of course, is what ultimately happened. But I don't think there was ever a time, in this country, where a Governor was held in contempt of a Supreme—of a Court of Appeals decision and was actually tried in a Court of Appeals for that contempt.

00:45:44:00

INTERVIEWER: WAS THE IDEA OF REGISTERING MEREDITH TO GET HIM REGISTERED OR TO PROVE A POINT OR BOTH? WAS IT, WAS IT TO PROVE TO PEOPLE THAT HE WAS GOING TO, TO THE UNIVERSITY OR WAS IT TO JUST GET THROUGH THE FORMALITY OF IT?

Motley: Well, it was, our request to the Fifth Circuit to register Meredith was an, an attempt to shortcut the situation which we felt we were going to encounter if we had to go back to the District Court. And we felt, that if the Court of Appeals would register him right then and there, it would eliminate what we thought would be another confrontation with state officials. But they did not do that. They didn't adopt that strategy. They ordered the Governor to move out of the way, so to speak, and let the legal process take its course.

00:46:39:00

INTERVIEWER: I THINK I SKIPPED THIS, BUT LAST TIME YOU GAVE US A, A DESCRIPTION OF MEREDITH AS BEING THE THRIFTIEST PERSON YOU EVER KNEW AND, AND I'D SAY IT STUCK IN MY HEAD AS, AS BEING REALLY, SAYING SOMETHING ABOUT HIM.

Motely: Now, during the course of the trial in the Meredith case, as I've said, the Court allowed the state officials to get Meredith's military record. Meredith had to consent. He felt he had nothing to hide, really, and, of course, the state was looking for something to discredit him and it was a boom-a-rang, so to speak, in that they found that in his Army record one of his superior officers had said that Meredith was the thriftiest man in the service in terms of conservation of men, money, and materials. He used to save scraps of paper and he saved all of his earnings while he was in the service. He was married part of the time and, I think, his wife worked and he had an opportunity while he was stationed in Japan, for example, to live in housing provided for American servicemen, but he and his wife elected to live in the rice paddies with the Japanese where it cost very little money. And that was because Meredith was saving every penny. The state thought he had a lot of money and they wanted to know the source of it. And there it was in his Army record that he saved all of his money. He had one suit the whole time that I knew him and that kind of thing. He wore Army fatigues and he just didn't spend any money. He, he, he was a poor boy, of course, but he was certainly a very thrifty person.

INTERVIEWER: WONDERFUL. I'M GONNA STOP AND THINK IF THERE'S ANYTHING ELSE. I THINK THAT THAT HAS REALLY COVERED US.

[cut]

[end of interview]

00:48:42:00

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