

Interview with **William Coleman**

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Washington, D.C.

Camera Rolls: 1-3

Sound Rolls: 1-2

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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*.

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[camera roll 1]

[sound roll 1]

[slate]

[sync tone]

Coleman: Well, certainly, if you talk about the period 1940 or '41, '42, the country basically was completely segregated. I fortunately had grown up in Philadelphia and we didn't have the same degree of segregation that you'd have in other places in the country. But it was pretty clear like, for example, in this city when I was law clerk to Justice Frankfurter. I remember one day when the Court was closed and we were working and Elliot Richardson who was a classmate of mine and a co-clerk of Felix Frankfurter wanted to take me to lunch. There was no restaurant in this town that he could take me to. As a result of that we had to go over to that mission building right there and have lunch. When we came back and Justice Frankfurter happened to find out about that, he had a great look of hurt on his face. I firmly believe to this day that that was the reason why when the Court had a chance to declare illegal segregation in the hotels in Washington, segregation in the restaurants that he led the fight to get that done in a case called Thompson. That was before Brown versus Board of Education. I also had the experience of being called up to active duty to defend my country. And I had been to the Harvard Law School, had finished first in my class or was first in my class in the Harvard Law School. And when I got called up to join the Air Force, I went into a segregated Air Force. In fact, I remember quite vividly that when I stepped off the, the, the train in Biloxi, Mississippi to go into the Air Force to defend my country, having left the Harvard

Law School, that two white sergeants came up, and said, hey, nigger, where are you going? I kept walking. They then said, hey, boy, where are you going? At that point I felt that, well, I'll settle for that at this time. And I told them. And so I then went to Biloxi Fair. But that was the type of situation that faced this country in the '40s and in the '50s until Brown was decided.

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INTERVIEWER: WHAT DID YOU TALK ABOUT AMONGST YOU AND OTHER BLACK LAWYERS? DID YOU, DID YOU SIT AROUND TALKING ABOUT PUTTING THESE CASES TOGETHER AND DID YOU TALK ABOUT LEAVING AMERICA LIKE—

Coleman: Oh, no. This, this was our country. We, we didn't talk about leaving this country. We, we always talked about improving this country. I think that history has to really go back to probably 1936 when Charles Houston, a brilliant lawyer who finished the Harvard Law School, Bill Hasting, who finished the Harvard Law School, and some other lawyers decided to begin an attack on how to break down segregation in this country. And at that time they began to bring lawsuits. The first suit was a case called Gage which involved the issue of whether a black who lived in Missouri had the right to go to University of Missouri Law School. And the Court, the Court held that he did. And thereafter they began the strategy of what instance could you put to the Supreme Court of the United States where the Supreme Court would say that segregation was improper and the strategy was to always put a case where they could say that, that in this instance segregation was impossible even though they would not, at that point, had outlawed segregation completely. And that was the strategy from 1936 until 1948 when Thurgood Marshall and others made the fundamental determination that now we were going to attack, head on, segregation in the public schools.

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INTERVIEWER: THERE WAS SOME RISK WASN'T THERE IN TAKING THAT ISSUE HEAD ON?

Coleman: Oh, there's great risk. I mean even today at times when you can't sleep in the morning, you may wake up and say, my God what would have happened if Brown had been decided the other way? I mean, I think, this country today would certainly not have its position of leadership. It would be a complete disaster. I mean after all the world is two-thirds non-white. Can you imagine the lack of influence that the United States would have in this world today if it still had an official segregation policy?

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INTERVIEWER: THE YEAR IS, IS 1952, '53. WHERE ARE YOU AT THIS POINT?

Coleman: Well, at the time, I was—I'd finished a clerkship with Justice Frankfurter and then I went to New York and I was in a Wall Street law firm called Paul Weiss, Rifkin, Wharton

and Garrison. I had met Thurgood Marshall, I guess, well, my family had known him all his life. In fact my mother says that she was present at the time he was born. Now, I guess that's a true history though in history people tend to all somehow get involved in the event, but I knew the, I knew that she knew the Marshall family quite well. And he picked up the phone one day and asked me would I come over to the Legal Defense Fund to help them in this litigation. I said, I certainly would. And so, I guess, from 1951 or '52 until the cases were finished in 1955, I spent a lot of time on a volunteer basis. I never got paid and I didn't want to get paid, because I got paid not in cash, but in something very much more valuable than cash, namely, to be involved in what I thought was a great historical movement. Meeting a lot of good people. And I would say that from that time on that, you know, we spent a lot of time working this case. Other people, there were, there were some very able lawyers at the Legal Defense Fund that probably were not more than seven, but I know Bob Carter, who is now a federal district judge, Connie Motley, who is now a federal district judge, Jack Greenberg and a few others were working, but then we beg—began to call on other people some very able black lawyers who—

INTERVIEWER: WHAT WAS JUSTICE MARSHALL'S ROLE IN—

Coleman: What's that?

INTERVIEWER: WHAT WAS THURGOOD MARSHALL—

Coleman: Well, Justice Marshall was the council and the paid head of the NACP [sic] Legal and Educational Defense Fund. At that time, the, the—it was very close to the NACP. In fact, Justice Marshall was a council of NACP as well as the council of the Legal and Educational—NA—NAACP Legal and Educational Defense Fund. After the success in, in Brown the Southern Legislatures began to put a lot of pressure on the White House and the, and the Department of the Treasury to take away the tax exemption of the leg—NACP Legal Defense Fund. And based upon that it was felt that there should be a separation of the two organizations though the two of them continued to work very closely together.

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INTERVIEWER: THAT, THAT TEAM THAT WAS—HAD COME TOGETHER LED BY THURGOOD MARSHALL AND ORGANIZED BY THE NAA—YOU WERE VOLUNTEERING YOUR TIME. THE COURT IN '54 OR '53, I GUESS, SAYS TO YOU, WE'RE FINALLY GONNA TREAT THE ISSUE IN, IN OCTOBER?

Coleman: Well, they, they—it's a long history. They first in '49, there was a case up from South Carolina which they then sent back to South Carolina to see whether the schools had been made equal. So finally these five cases come together in 1953. There was an argument at the end of which the Court instead of deciding the case, set down it for re-argument the following fall. And it listed five questions that it wanted council to address themselves to. And I remember when that order came down Thurgood calling and saying, well there ain't nobody is going to get a vacation this summer. We're gonna work all summer. And we really did.

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INTERVIEWER: WHO'S WE?

Coleman: Well, people like Lou Pollock, Thurgood Marshall, Paul Fronne, Joe Rauh, Connie Motley, Bob Carter, Charlie Duncan and I could name a group of others. I think that it, it was a tremendous—Bob Ming —tremendous. There were a group of us that would work. We then would have conferences where we'd invite other people in. I think Thurgood Marshall's great talent and, in fact, I wish the President of the United States had it today, was the ability to bring in people who obviously by training and by academic achievement or by success in the Court were, on paper, brighter than Thurgood Marshall. But Thurgood Marshall had a great ability to listen, to draw out and a great ability to select the best of the proposals because sometimes some, you know, way out proposals were made as to how you should argue and what you should do. I think in skillful litigation it's, it's often like a great artist. If you look at a great Velasquez it's sometimes what he doesn't say or what he doesn't paint which conveys the real feeling. The same way in terms of a great advocate. It's sometimes what you don't say or what you suggest rather than hit the Court head on with and Marshall had a superb talent to do that. I'm not saying that he cer—wasn't a bright lawyer, but I thought if I could, you know, give the one thing that I—was his hallmark, was his ability to bring in very able people, to listen, to probe, and then finally form the type of legal argument which made the most sense.

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INTERVIEWER: DO YOU THINK THAT MOST BLACK AMERICANS IN '53 HAD ANY SENSE OF WHAT MIGHT—OF WHAT'S GONNA HAPPEN ULTIMATELY?

Coleman: I think that this really became a great commitment of the black community. And, in fact, I sometime think that history has been unfair because you—the Supreme Court greatest trait [?] is talked in terms of having a great Chief Justice Earl Warren which is true. It's talked in terms of the fact that the Solicitor General of the United States, who happened to be white, argued the case and took a position consistent with what we were arguing, namely, that segregation was unconstitutional.

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[wild audio]

Coleman: But history completely forgets other than they do mention Justice Marshall as being the lawyer that argued the case. But history really forgets the extent to which the entire black community made a commitment to bring the Brown case cost in excess of a million dollars. And I'm not talking about in terms of lawyers getting paid. I'm talking about—

CAMERA CREW MEMBER: JUST—THE MAGAZINE RAN OUT. I'D LIKE TO, I'D LIKE TO GET THAT—

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[cut]

[slate]

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CAMERA CREW MEMBER: SPEED.

[sync tone]

CAMERA CREW MEMBER: ROLLING.

Coleman: To, to bring the Brown case to a successful conclusion cost in excess of a million dollars. And not a penny of that was paid to any lawyer for a fee. Every lawyer worked for nothing. But the cost of printing the brief, getting expert witnesses, traveling throughout the Courts, writing the brief, having two hundred scholars come together to spend four or five days at a time at some hotel either in New York, Washington, or at the great Howard Law School. That cost that amount of money. And the entire black community contributed. Almost every black church that had a responsible minister would often have collections on Sunday and that money would be forwarded to the NACP—NAACP, or the Legal Defense Fund. There were prayers. There were anything that was needed. Thurgood Marshall could make a call anyplace to a black scholar. He—if he, if he knew what he was talking about, he'd give him his answer. If he didn't he'd get other people that gave the answer. I've seen very few commitments where a group of people helped by—committed persons who were not black, but nevertheless were committed, who pitched together, who gave their time and their talent freely, to bring about a successful result in this case.

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INTERVIEWER: WHO WERE THOSE MEMBERS OF THE COURT? I MEAN WHAT, WHAT—THE JOB WAS TO CONVINCING THEM TO VOTE—

Coleman: Well, the Chief Justice was Earl Warren. I guess, you won't, you'll forgive me, I hope the black community will remember a great Republican. In addition, there was Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Frankfurter, Mr. Justice Brennan and there were others who made up the Court at that time.

INTERVIEWER: WHO DID YOU HAVE TO CONVINCING?

Coleman: Well, early in the game, we felt that that the case would be won or lost based upon the position ultimately of Mr. Justice Frankfurter. We felt that other things being equal that

Justice Douglas and Mr. Justice Black would probably decide the case our way. We really didn't—

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CAMERA CREW MEMBER: ROLLING.

Coleman: We really didn't know about Mr. Chief Justice Earl Warren. He had just been appointed to the Court. He had been a great Governor of California. He'd been a liberal politician, but we actually didn't know. Justice Jackson we had—we didn't, we didn't know. I had been a law clerk and I had the advantage of, of working with these gentlemen. Lou Pollak had been a law clerk. He had had that advantage. He had worked with Justice Wiley Rutledge who incidentally had died and so wasn't in on the decision. But our feeling was that if you could have structured an argument which would appeal to Mr. Justice Frankfurter that we probably would win the case.

INTERVIEWER: HOW DID YOU FEEL AFTER THE, THE ARGUMENT HAD BEEN MADE?

Coleman: Well, you're talking about the second time?

INTERVIEWER: THE SECOND TIME.

Coleman: I thought that, well, I guess, I'm by nature an optimist. I felt that we probably would win. At that time, I didn't think that the case would be unanimous. For example, I had grave doubts as to whether Mr. Justice Reed would go along. I know—I knew from my experience with the Court that he had been involved in some cases where he, if pressed, would have reaffirmed Plessy which was a case that upheld segregation. I had some reservations about maybe one or two other people, but on the other hand, I, I felt that the Court is particularly attuned to history. And that therefore that may be the thing that would sweep it through. I think that if and when we ever get an opportunity to examine the actual history of what went on within the Court that history will reveal that Mr. Justice, I mean Chief Justice Earl Warren, had a lot to do with it. But also that Mr. Justice Frankfurter had a lot to do with getting the Court to decide the case forthrightly and also getting the court to be unanimous.

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INTERVIEWER: WHERE WERE YOU THE DAY THE DECISION CAME DOWN AND WHAT HAPPENED?

Coleman: The day the decision came down I was working in my law office in Philadelphia. We didn't know when it would come down and so every Monday, because then the Court handed a decision over Monday, a lot of us would come down and sit. Well, after doing that

for three or four Mondays and nothing happened it was my misfortune not to be there the day they announced the decision. Justice Marshall was there. And soon after the decision he called me and said, you know, we won, but the Court did put over to the following year the question of the relief. And Thurgood said, well, you know, we won, but now you guys are gonna work a whole ‘nother [sic] summer because they gave us another job which we, once again worked another summer.

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[cut]

[wild audio]

Coleman: In my—can I go on? In my re—would you run the camera? In my remarks, I, I don't think I said enough—

[sync tone]

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[cut]

Coleman: —about the Howard—

[sync tone]

Coleman: —Law School. The Howard Law School had been the place that trained many of the lawyers that took place in this his—historic decision. Thurgood Marshall is a graduate of that law school. Bob, Bob Carter is a graduate of that law school and others. And, in addition, the, the Howard Law School supplied much of the thinking, supplied opportunities for us to have moot court arguments. Their professors pitched in and helped greatly. And oft-times when we had some research to be done people at the Howard Law School willingly did that research.

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INTERVIEWER: DO YOU REMEMBER ANY PARTTCUIAR EXPERIENCES WITH THE MOOT TRIALS THAT YOU CARRIED OUT?

Coleman: Well, I remember experiences where we would go up there on our Saturday and a person like Spottswood Robinson who argued one of the case, would make his argument. People like Charlie Quick, who taught at the Howard Law School, a gentleman named Ranson who taught there, and other people who taught there, and others of us would be up on the Court and we would ask him questions which would really rip him to pieces. I think you'd find that by the time those gentlemen got to the Supreme Court to argue there wasn't a question that they hadn't been asked during some of those dry runs as we used to call them.

And they were, you know, they were really tough, hard-hitting sessions. And so often and when the students were around if you would make some type of concession—sometime they would even, you know, boo. But, you know, they—I guess the youth doesn't understand that, you know, to win cases sometimes you have to concede something. But basically it was a really hard work and it went on for days in and days out.

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INTERVIEWER: LET ME GO BACK TO THE DAY OR THE, THE FEW DAYS FOLLOWING THE, THE DECISION. YOU WEREN'T HERE, BUT WHAT DID YOU, WHAT DID YOU THINK WOULD HAPPEN? THE DECISION WAS NOT COMPLETE BUT IT WAS STRONG IN ONE DIRECTION, IT WAS UNANIMOUS—

Coleman: I, I thought this was, this was a start towards the right direction. I say that because even today in this country, we haven't completed the job. We still have a situation where blacks get only 65% of the income of whites. We have a situation where in this great city of Washington, for example, black people live usually in circumstances that, that are just disgraceful.

INTERVIEWER: I'M GONNA STOP YOU JUST FOR A SECOND.

Coleman: And so we haven't completed the job. I thought that this was a start. I guess, there was a time of naiveté where, perhaps, I felt that once a decision was made that that would end the battle, but that really only began the battle. I mean, you know we still had people killed after that. We still had lynchings [sic]. We've lost some of our great leaders, as a result, of, of this movement. And I want to reemphasize that today the struggle still goes on.

00:21:10:00

INTERVIEWER: IT MUST HAVE BEEN AN EXCITING MOMENT THOUGH. YOU PULLED ALL THAT TOGETHER—THE MOMENT—THE HISTORY OF THE MOMENT MUST HAVE—

Coleman: Oh yeah. There was great exhilaration. There was a fair amount of drinking and otherwise celebrating. We felt that we had skillfully amassed legal and political and social arguments and we had been able to win. In addition, you have to realize that our opponent was John W. Davis who, at that time, was at the height of the bar. Of the—he was the outstanding Wall Street lawyer. And we were able to put together a legal team that could beat him. And, I think, that causes as a lawyer a certain amount of good feeling. We also knew that we had resisted just about every Attorney General of any Southern state. We knew that the other side had great legal talent. But we were able to fashion it so that we won. We also were greatly encouraged by the extent to which the entire black community had been supportive. We were also encouraged by the fact that the entire black community said that now that the Supreme Court has spoken we are gonna do our part to make sure this decision becomes effective. Because it was only after that that you had young girls at Little Rock

being spit upon. You had blacks other places. And they were really, you know, it's nice for me being a Wall Street lawyer or—

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[cut]

[wild audio]

Coleman: —Philadelphia lawyer sitting in a nice office and come down to this wonderful building to argue a case. It takes much more courage for a black family—

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[cut]

[slate]

[change to camera roll 3]

Coleman: Cour—you ready? Of course, the lawyers that were involved in the case should get and they do get great credit. I think that sufficient credit have not—has not been paid to the parents and the children that were the plaintiffs or the parents and children that after the cases were decided then presented their children for acceptance at white or integrated schools. For example, in the Briggs case. The people that were plaintiffs in that, in that case that came up from South Carolina. The mother got fired from her job. The father got fired from his job. The children would be jeered that went into the school. The Little Rock case. There you had eleven or twelve children. You had their parents that each night didn't know whether their children would be killed the next day. It was such an event that President Eisenhower had to call in an Air For—an Airborne Division—

INTERVIEWER: I'M GOING TO STOP YOU BECAUSE THAT'S JUMPING AHEAD A LITTLE BIT.

Coleman: Those are the people—

00:24:12:00

[cut]

[wild audio]

Coleman: —that you have to give credit to.

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[cut]

[sync tone]

CAMERA CREW MEMBER: ROLLING.

INTERVIEWER: LET ME JUST TAKE YOU BACK TO YOUR OWN PERSONAL HISTORY FOR A MINUTE AND WHAT BROUGHT YOU TO THAT MOMENT TO PLAY THAT ROLE IN THE, IN THE COURT PROCESS OR THE COURT DECISION? SOMETHING IN YOUR FAMILY, SOMETHING IN YOUR EDUCATION?

Coleman: Well, I think that my family had always been one that felt that segregation was just completely wrong. I had the privilege when I was young to sit at the table with people like Dr. Du Bois and other people. And we just felt that something had to be done. Now, personal I think there were probably two things in my life. One was, I already indicated to you, that when I was called from the Harvard Law School to go into the war to be a fighter pilot and to be—to realize that for the first time in my life I was gonna be subjected to segregation at the time when I was defending my country. I also remember one time when I was in the Air Corps, reading a piece in the magazine when we went into our—to, to invade and the fact that the blacks who were carrying the ammunition got pinned down on the beach and the black soldier had to turn to the white to tell the—and ask the white soldier, how do you work this gun? Cause if you show me how to shoot it I will help to defend. I realized that that meant that this country was still sending black people in the war without giving them the training that they gave every white. And I just made a commitment that, thereafter, that any institution that I was involved in and any situation in public life would be one—would have to be integrated because I felt then you wouldn't have the government discriminating one against the other. And so, if I could identify two personal experiences that moved me even more those were the two though, I think, that even if they hadn't happened, I probably would have had the same commitment.

00:26:15:00

INTERVIEWER: WEEKS AFTER THE DECISION, DAYS AFTER THE AC—ACTUAL DECISION OF BROWN THE, THE BLACK WORLD, THE BLACK COMMUNITY IN AMERICA, THE REACTION, WERE PEOPLE AWARE OF WHAT HAD HAPPENED?

Coleman: Oh yeah. Oh sure. This what, this—I would say this electrified the black community probably as much as the events of December the 7th when Pearl Harbor was bombed, electrified the entire American community. No, this was an event that really did it. Now, course, afterwards when things did not change immediately, there once again was great discouragement, but then the black community picked up and we then were fortunate enough to have people to come on the scene like Martin Luther King and other people who gave a, a new content to the movement. Andy Young and, and the younger people. There we—or the young people at what was it? A & T College [?] that had the first sit-in. They came in and they gave the new cards. We, we supplied the legal talent and we got them out of jail whenever they got in jail, but they had the courage that came forward.

CAMERA CREW MEMBER: STOP. STOP.

[cut]

00:27:35:00

[sync tone]

INTERVIEWER: THE DECISION WAS A HAPPY MOMENT.

Coleman: Well, it was a moment of happiness, but obviously a Court decision is just a decision. We did feel that—or we hoped that the country then would get behind the decision and that would end segregation. We all know that didn't happen. That the South really started resistance in the North. Things did not change that much. In the schools they did not change that much. In fact, nothing really happened until the days of the sit-ins and that's when people then began to face up to the fact that this country was gonna have to change. But it took a lot of effort and, as I said earlier, even today it hasn't, it isn't over. When I became Secretary of Transportation, when I walked in the Department of Transportation, less than 7% of the people were black. We were spending something like fifteen billion dollars a year for, for work, but less than twenty million of that was going into the black community. I began affirmative action programs and did other things to change that. So that now the Department of Transportation is a much better department with respect to race, though, still not what it should be. And I think that's true of the whole government.

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INTERVIEWER: IN THAT TEN YEARS THAT WE TALKED ABOUT, FROM '54 TO SELMA, WHAT IMPACT DO YOU THINK THE DECISION REALLY HAD? DO YOU THINK IT WAS THE—IT WAS A STARTING PLACE?

Coleman: It was a starting place. Because, thereafter, no politician who also wanted to be on the moral side of the issue could be urging segregation. Now there were some. And look at history today. Those people have disappeared from the scene. The Wallaces [sic], the Bull Co—Connor, they're gone. On the other hand those that lead the movement, the Andy Youngs [sic], the Thurgood Marshall, they have taken their place in this country and they are now leaders. I think that should teach the young a great lesson. That when there is a great moral issue that even though it is unpopular at the time if you will put your skills and your talents to make the change that this country ultimately will accept you and you will become the leaders of the next generation and those who will resist will fail. I think that's a great lesson to be learned from the civil rights movement; what happened in this country from 1940 through 1965.

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INTERVIEWER: WHEN YOU WALK IN THAT BUILDING WHAT'S THE FIRST MEMORY?

Coleman: Well, well there are a lot of mixed memories, but one that usually is said is a small prayer that thank God there were nine people in this country who had the courage and the wisdom that they could end what was probably the greatest blot in this nation, namely, segregation and give an opportunity to my children and my grandchildren so they could become part of this great country. OK?

00:30:51:00

[cut]

[wild audio]

Coleman: Can I get out of here?

[cut]

[end of interview]

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