

Interview with **Judge John Minor Wisdom**

October 31, 1985

Production Team: A

Camera Rolls: 128-132

Sound Rolls: 1111-1113

Interviewer: Judith Vecchione

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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 128]

[sound roll 1111]

[slate]

CAMERA CREW MEMBER: SOUND IS ROLLING.

INTERVIEWER: START WITH A LITTLE BACKGROUND HERE.

Judge John Minor Wisdom: All right.

[sync tone]

INTERVIEWER: BEFORE WE ACTUALLY COME UP TO THE MEREDITH CASE AND A COUPLE OF QUESTIONS WITH THAT. MY FIRST QUESTION IS, IF YOU COULD GIVE ME A BRIEF DESCRIPTION, IN YOUR OPINION, OF THE SOUTH AT THIS TIME IN THE LATE 1950s, MID 1950s. NO, LET'S START EARLIER THAN THAT, BEFORE THE BROWN DECISION, IN TERMS OF RACE RELATIONS, HOW WOULD YOU CHARACTERIZE THE SOUTH?

Wisdom: Well, I would say—as you could—the question, of course, as to the background of Brown is a very complicated one, because it is so connected with, with social problems and educational problems. It was not just a—just a question, the background cannot be

telescoped into the question, what were the racial relationships? Because you have caste system involved there and economic problems and social problems. But I would say that, prior to Brown, it was becoming evident that something had to be done about the discrimination that existed in most southern cities. For example, prior to Brown, there were—there had been decisions of the Supreme Court desegregating graduate schools. We had cases such as Sweat against Painter and the Oklahoma School of Regents, where— the problem was—was, dealt with graduate students. But that is not essentially different from the first grade. So that there was a general feeling, I think, that while racial relations were not good, in the sense that the blacks were badly discriminated against, but there was also a feeling that there was—something would have to be done soon.

00:02:09:00

INTERVIEWER: AND WAS IT YOUR FEELING AT THE TIME THAT THE SUPREME COURT DECISIONS WERE MOVING TOWARDS THAT DIRECTION? COULD YOU SEE—

Wisdom: My feeling was that you could see the Supreme Court—

INTERVIEWER: EXCUSE ME, I STEPPED ON YOUR, I STEPPED ON YOUR ANSWER, IF YOU COULD JUST START IT AGAIN, I'M SORRY.

Wisdom: All right. That's all right. My feeling was that the Supreme Court was moving in that direction, as it had in—with regard to law schools, graduate students in law schools. However, that covers a relatively small number of situations or cases. The—when you get down to the problem of accommodations, of transportation, of elementary education, of parks and playgrounds, voting rights, those are the big areas which are—where there have been, I think, sub—substantial improvement. And I don't think the Supreme Court was moving very much in any direction in those, in those areas.

00:03:20:00

INTERVIEWER: NOW, IN TERMS OF THE IMMEDIATE AFTERMATH OF THE DECISION, THE BROWN DECISION CAME DOWN, WHAT KIND OF CHANGES DID YOU SEE IMMEDIATELY AFTERWARDS?

Wisdom: New Orleans is—I live in New Orleans and the question is, what kind of decisions—what kind of reaction did I anticipate? New Orleans is a fairly tolerant city. It may be the Latin leavening influence or it may be that it's a city where people are more casual. But I anticipated no great problem. It so happened that the Brown decision came down on my birthday. And my wife was having a dinner for me at the time. My friends, on the whole in New Orleans, are—I would have to classify as conservative. Well, hardly a one raised his eyebrow, and we were—we all felt that New Orleans, at least in New Orleans, we would be able to make the transition without violence. But I—I can easily understand how that reaction might be just the reverse in a small town. In say, Alabama or even Louisiana. So, so that my answer to the question, what did I anticipate, is mixed. On the whole, I think that the South—I

thought that the south would handle it without any great violence and would do a better job than the north. And I think eventually, that is what happened. And all you have to do is to compare New Orleans with Boston.

00:05:09:00

INTERVIEWER: IN FACT, THAT'S A GOOD POINT TODAY. I THINK THAT IS A PROBLEM. NOW, IN TERMS OF RESISTANCE AMONG WHITE SOUTHERNERS, NEW ORLEANS DID FAIRLY WELL. THERE WAS, THERE WAS ONE PERIOD—

Wisdom: There was one, one, one or two days where the—Leander Perez, who was not exactly a model citizen, but he was a powerful influence in Louisiana. He mobilized the mothers of white children, so that the day four little black girls attended the first grade, in one school, he had organized a demonstration against it and—but there was no real violence. And there never was any real violence in New Orleans. But, of course, there was later, in many other places. Selma, Alabama; Oxford, Mississippi. The Freedom Marchers marched with great courage. At a risk of life.

00:06:13:00

INTERVIEWER: WE'RE, WE'RE GETTING RIGHT UP TO THAT VERY SOON. WE'RE GETTING TO THOSE—TO THAT TOPIC SPECIFICALLY, SOON. EXCUSE ME. DO YOU NEED TO STOP FOR A MOMENT?

CAMERA CREW MEMBER: NO.

INTERVIEWER: I, I—JUST ONE MORE THOUGHT ON THIS, WHICH IS, YOU'RE SAYING THERE WASN'T MUCH RESISTANCE IN NEW ORLEANS. BUT PLACES LIKE VIRGINIA, THERE WAS AN ENORMOUS AMOUNT OF RESISTANCE.

Wisdom: Well, you—there—Virginia is—there are several Virginias, just as there are several different Louisianas. In small Virginia towns, in southern Virginia, you get one reaction. But you could get quite a different reaction as you go towards Washington, for example. But the violence exceeded, I think, my expectations.

00:07:03:00

INTERVIEWER: WHAT DO YOU THINK THAT, THAT THIS RESISTANCE CAME OUT OF? WHAT WAS THE FEAR IN THE, IN THE WHITE SOUTHERN COMMUNITY?

Wisdom: I don't—I think there is a sort of fear, but I think basically the, basically that there had been a—a tradition of control by whites, of politics and everything else. And also a fear that—of miscegenation. That was more true, I think, in the—among the blue-collar class or the manual laboring class, than among those who—with better education. But it was certainly true of that class. And that's the class, for example, who furnished the, the Klan

with its members. The, the better educated whites formed citizens' councils. Now, in, in a way they were more dangerous than the Klan, because although they did not advocate violence, they did advocate resistance in every possible way except violence. And they were—this came from the leaders of the community. The leaders of the small towns throughout the South, for example, felt it a civic duty to belong to the citizens' council, the White Citizens' Council. Just as if today, they might, in a small town, want to belong to the Rotary Club.

00:08:47:00

INTERVIEWER: I DON'T—BEFORE WE—ARE YOU ALL RIGHT ON FILM?

CAMERA CREW MEMBER: YEAH I'M FINE.

Wisdom: I don't know, really, whether that answers the question, what is the basis for the, for the fear. I think that basically—it was a mixture of many, many feelings, but primarily based on, on, on long standing custom. And the, the Anglo-Saxons in our country were—had a less civilized point of view than the Latins in South America, for example, who—who recognized that the slave had a soul and an individuality and had more rights when manumitted, when freed, then—had essentially the same rights when freed, as a freed person, free person.

00:09:43:00

INTERVIEWER: A DIFFERENCE IN CULTURE. I THINK THAT'S THAT—

Wisdom: Different culture.

CAMERA CREW MEMBER: I THINK WE'D BETTER—

INTERVIEWER: STOP FOR A MOMENT TO RELOAD.

CAMERA CREW MEMBER: —RELOAD.

[cut]

00:09:50:00

[slate]

[change to camera roll 129]

CAMERA CREW MEMBER 1: ONE TWENTY-NINE.

CAMERA CREW MEMBER 2: ROLLING. SPEED. AND MARK.

[sync tone]

00:10:02:00

INTERVIEWER: LET ME SEE IF YOU'RE—WE WERE LOOKING FOR YOU TO COMMENT, AS I ASKED BEFORE, ABOUT THE SOUTHERN MANIFESTO.

Wisdom: The, the interesting thing about the Southern Manifesto, to me is, that it brings out the same point that the—that I brought out with regard to the citizens' council. To a great extent, the politicians acted according to what they considered would help—benefit them in the next election. The Southern Manifesto was signed by a hundred and one southern members of Congress, Senate and House. Lister Hill, and Sparkman, for example, signed it from Alabama. Boggs signed it from Louisiana. And there were many so-called liberals who signed it. Now this is why they, they felt, this was the politic things—thing to do. Now this is why the really important legislation that was adopted was the Voting Rights Act of 1965. Because once the blacks were given the right to vote, you did not—that put an end to the—this false front that many of the politicians had put up. The Voting Rights Act required them to appeal to the black vote. Why else, for example, do we have, why do we have black mayors in say, New Orleans, Montgomery, and many other places? We have it because the white politicians, all of them who would have signed the Southern Manifesto, ten years before or fifteen years before, all go out and work hard to get the black vote. And that's why the Voting Rights Act of 1965 was so important. They—take, take George Wallace for example. George Wallace was—know the picture of him standing in the schoolhouse door, never, never, never. Course that could apply to Barnett too, from Mississippi, but George Wallace, never, never. But in his last election, he was elected, thanks to getting 40% of the black vote. And that's— from 1965 on, there was a distinct change, and I attribute it entirely to the fact that the—the—it was necessary to recognize the voting power of blacks. I do not want to denigrate the effect of the Voting Rights Act of 1964. That was a very important act. That is the act that created—gave—put most of the teeth in voting right—in general civil rights legislation.

00:13:06:00

INTERVIEWER: STOP FOR A MOMENT.

[cut]

INTERVIEWER: APPEAR. GENTLEMEN.

CAMERA CREW MEMBER: SPEED AND MARK.

[sync tone]

CAMERA CREW MEMBER: THANK YOU.

INTERVIEWER: WAIT TILL HE'S SET—

CAMERA CREW MEMBER 1: ONE—

INTERVIEWER: –AND YOU CAN JUST PICK–

CAMERA CREW MEMBER 1: –ONE MOMENT.

INTERVIEWER: –RIGHT UP WITH IT.

Wisdom: Well, I, I would say, the—the Southern Manifesto was a very interesting phenomenon. Because it was signed by one hundred and one members—southern members of Congress, many of whom considered themselves, posed as liberals. I don't mean that Sparkman and Lister Hill posed as liberals, but they were considered liberal, so far as southerners are concerned. And the same thing is true of others whom I could name. And the reason for that is, they did not have to worry about the black vote in 1956 which was the year when the Southern Manifesto was signed. Now, an interesting thing, too, and one that, that parallels enforcement of, of, of our decree, judicial decrees generally is, that many of the school boards and many of the district judges pulled—dragged their feet, because they wanted to appear to be in sympathy with the, with the local people, with their friends with whom they fished or played golf with. And therefore they did not mind our coming down with stiff decrees that compelled them to act. So that the school boards probably would have, would have liked, would have—did not really object as strenuously as they appeared to object. And I think the same thing is true about some of our recalcitrant judges who dragged their feet and—but, but were really did so because they're more exposed to the fire than we are on—in the—on the Court of Appeals. The district judges and the trial judges, they, they, they, they, they play cards with friends and they, they, they didn't want to appear to be a traitor to their friends.

00:15:21:00

INTERVIEWER: THAT'S WONDERFUL.

CAMERA CREW MEMBER 1: THAT'S GREAT.

INTERVIEWER: LET'S COME INTO OUR PERIOD NOW WITH THE MEREDITH CASE. CAN YOU DESCRIBE FOR US YOUR REACTION TO THE LOWER COURT'S HANDLING OF THAT CASE WHEN IT FIRST CAME.

Wisdom: Well-

INTERVIEWER: JUST A MINUTE, PLEASE.

00:15:37:00

[cut]

CAMERA CREW MEMBER 1: AND SPEED. AND MARK.

[sync tone]

INTERVIEWER: WHEN HE GET'S SET—

CAMERA CREW MEMBER 1: ROLLING.

INTERVIEWER: WE'LL BE ASKING—

CAMERA CREW MEMBER 1: ALL SET.

INTERVIEWER: —YOU FOR THE REACTION TO THE LOWER COURT'S HANDLING.

Wisdom: The, the, the Meredith was a very important case. Partly because it was symbolic. Mississippi was symbolic. More so, I think, than, than any other southern stated. Symbolic of southern resistance. And when Meredith first applied to be transferred from Jackson State to Ole Miss, it was quite evident that he was turned down for reasons that were not bona fide. For example, they questioned his—whether he was a psychiatric case, because he'd had some nervous trouble. I said, he's what you would expect of anyone trying to break the barriers at Ole Miss. He was a, a man with a mission and a nervous stomach. And that was Meredith. Now the, the, the Court, the District Court handled that case just the way one would expect. The District Judge, Sidney Mize, probably went to Ole Miss. All his friends went to Ole Miss or Mississippi State and interested in Mississippi football. And he wasn't about going to admit Meredith on the merits to—order Meredith admitted over to Mississippi. So he held that he had not been discriminated against. That they would—he had been denied admission for legitimate reasons. They questioned his, for example, his credits were questions. Although some of his credits were from Wayne State.

00:17:40:00

INTERVIEWER: WAIT. EXCUSE ME, I'M SORRY. ARE YOU, ARE YOU SINGING TO ME THE—

CAMERA CREW MEMBER 1: NO I'M NOT SINGING AT ALL.

INTERVIEWER: WE'LL—

CAMERA CREW MEMBER 1: I'M JUST TALKING ABOUT—

Wisdom: Judge John Minor Wisdom: All right. Some of his credits were from—

INTERVIEWER: ALL RIGHT. —WE'LL PICK THAT BACK UP.

Wisdom: —now. Then, to give you another example, when the case came back to him on one occasion after an order from us to have it re-heard, he held that there was no policy of discrimination at the University of Mississippi. And I commented that this would come as a great surprise to every Mississippi alumnus that there was no, that there was no segregation

at the University of Mississippi. And it must have come as a surprise to everyone else, because only by telepathy could that, could that thought have been, been—become a school policy. Anyway, the District Judge was, was, acted as, I think, District Judges sometimes acted in the South. He yielded to pressure from the local community. And this is why we need Federal Judges, and this is why we need Circuit Court Judges, who can be freer to act, than the district court judge. Now, not every district judge is a Frank Johnson.

00:19:05:00

INTERVIEWER: WHO WE WOULD LOVE TO HAVE AN INTERVIEW WITH, BUT IT'S NOT POSSIBLE. DID, DID JAMES MEREDITH HIMSELF EVER APPEAR BEFORE YOU IN COURT?

Wisdom: Oh, yes. Meredith appeared several times before me in Court. And I—it's hard to describe him except as, except the way I did describe him. I think he was very sincere. He was also very anxious to get a—to improve himself. He took courses in the Army and it's quite evident from seeing him and observing him that he was sincere. And also he was not just a stalking horse for the NAACP, although they supported him strongly. The NAACP Legal Defense Fund and the Department of Justice supported him, John Doar. But he himself, I think was quite sincere.

00:20:01:00

INTERVIEWER: NOW, WHEN IT CAME TO YOU, WHEN THE CASE CAME TO YOU AND IT HAD FINALLY BEEN ARGUED, NOT AFTER THE PRELIMINARY HEARING, BUT AFTER THE FULL HEARING AT THE TRIAL. COULD YOU TELL US, WHAT WERE THE ARGUMENTS PRESENTED BY EACH SIDE; BY THE STATE OF MISSISSIPPI AND BY THE NAACP REPRESENTED BY THE NAACP REPRESENTED BY MRS. MOTLEY?

Wisdom: Well, I did not review any of the papers on, on the Meredith case prior to this interview. But as near, as nearly as I recall, the state took the position that—

[cut]

00:20:36:00

[wild audio]

Wisdom: —they had legitimate reasons for denying him admission to the University.

CAMERA CREW MEMBER: SORRY I HAVE TO CHANGE THE BATTERY HERE. WE'D BETTER STOP.

00:20:45:00

[cut]

[slate]

[change camera roll to 130]

CAMERA CREW MEMBER 1: CAMERA ROLL ONE-THREE-O. ONE-THREE-O.

CAMERA CREW MEMBER 2: OK ROLLING.

CAMERA CREW MEMBER 1: SPEED AND—

[sync tone]

CAMERA CREW MEMBER 2: OK.

00:20:57:00

INTERVIEWER: HE ALWAYS GIVES ME A LITTLE WHISPER IN MY EAR WHEN HE'S, WHEN HE'S READY.

Wisdom: All right.

Wisdom: The arguments advanced by the University of Mississippi were obviously without any substantial merit. Basically the University of Mississippi that they had legitimate grounds for turning him down. First that his credits were not sufficient. Jackson State credits were, were not acceptable even the Wayne State credits were not acceptable. And then there was this contention that he was a trouble maker. That was a frequent term in those days and probably is today. But it was, we were not gonna stand for anything like that. We held, and it was clear, that the University of Mississippi did have a settled policy of segregation in all of its schools. And, particularly, at the graduate—at the college level. So we ordered him admitted and that was when the trouble, the really fierce trouble broke out and the violence at Oxford.

00:22:11:00

INTERVIEWER: BEFORE THAT HAPPENS, THOUGH, THERE IS A VERY INTERESTING PROBLEM OF GETTING THE LOWER COURT TO AGREE WITH AND TO PUT INTO PRACTICE THE RULES.

Wisdom: Well, that's interesting. The, the problem was that the Lower Courts were really just not only dragging their heels, they were refusing to issue the appropriate orders. So we issued the order and ordered Barnett, the governor of Mississippi, to see that Meredith was admitted to the University. And Mississippi, of course, at one time had, not the University of Mississippi, the Mississippi legislature had adopted a statute making Barnett the registrar. So we ordered Barnett to admit him. And Barnett went through this scenario, this opera boof

[sic] of telling Kennedy, Bobby Kennedy, that he would submit and allow Meredith to be registered and all that was necessary, all that was necessary was for the marshals to exhibit a show of force. Then his state troopers would retire and everything would be lovely and that would be it. When it came to the actual point of doing it though, Barnett reneged on it. He had said too often over the TV and, and radio that he would never allow it and when it came to the time of admitting Meredith, he still backed off.

INTERVIEWER: I WANT TO GO BACK—

Wisdom: That, mean, now, but I have to bring you up to date on the fact that I should have brought you—mentioned before. And that is when the district court refused to act, we issued our own order so that in the Meredith case, Barnett was guilty of contempt of the order of the Court of Appeals. Not the District Judge. That raised some very interesting legal questions. For example, should there be a jury and if there was a jury, how should the jury be chosen? From the at large or from the district where the case was tried. And there was a very serious question whether he should be tried for contempt on, let us say, high philosophical grounds. The question of tri—the Federal Government trying the Governor of a state for contempt of Court. This is where we parted company with some of our friends on the Court. And we could not get a, a, a clear majority, so we certified to the Supreme Court the question whether there should be a jury.

00:25:28:00

INTERVIEWER: WHAT DO YOU THINK THIS REFLECTS IN TERMS OF OUR JUDICIAL SYSTEM? IS THERE, IS THERE A BASIC FLAW IN OUR SYSTEM BECAUSE OF THESE, THESE—THERE ARE THESE GAPS IN IT?

Wisdom: Well, the question whether there's a basic flaw in our judicial system is, is certainly a very difficult question to answer. I don't—I think that looking at the record of the system as a whole and considering what our Court did and what many courageous District Judges did, such as Frank Johnson and Skelly Right and, and Simpson in Florida. Looking on at the record at a whole, I would say that it reflects that our system works and it works well. And I think we should not be misled by—into thinking that it did not work, simply because at the District Court level, some judges either were recalcitrant or willing to issue orders contrary to the law. I'll give you an example of that. There was a judge in Savannah who had the—before him the question of desegregating the schools in Savannah. He had a full trial of the case and allowed evidence by experts to show that integration was bad for both races. And he made a finding of fact that it was bad for both races and, therefore, he refused to order the schools in Savannah desegregated. Now that was after Brown. Well, it took us about three days to reverse that order. Now, perhaps not that long. I know it was reversed almost immediately. When, in assessing the, the merits of the federal judicial system, you shouldn't think of it in terms of that judge's recalcitrance, you should think of it in terms of our Courts prompt action to rectify his lack of a sense of justice if you want to call it that. Lack of his deference to the Supreme Court and to our Court. And that's just the way it should be looked at.

00:28:00:00

INTERVIEWER: THAT'S ABSOLUTELY WONDERFUL, BUT—STOP FOR A MOMENT—THAT IS, THAT IS—

[cut]

CAMERA CREW MEMBER 1: NOW ROLL SOUND AND SPEED. MARK.

[sync tone]

INTERVIEWER: I'D LIKE TO ASK YOU THIS TIME ABOUT THE DOCTRINE OF INTERPOSITION. THE BASIS FOR IT AND YOUR OPINION OF IT, OF COURSE, LEGALLY AND PERHAPS YOU COULD RELATE IT TO THE WAY GOVERNOR BARNETT USED INTERPOSITION IN THIS CASE.

Wisdom: *The doctrine of interposition is a completely false doctrine and never existed. It has its roots back in John C. Calhoun's days and probably before then. The doctrine is that a state may interpose itself between the national government and some action that is sought to be imposed upon the state by some of its subdivisions by the Federal Government. The supremacy clause which provides that, in case of a conflict between the nation and the states, the nation, the law of the nation prevails, makes hash of the doctrine of interposition, and any lawyer worth his salt knows that. And Barnett was a lawyer who made a good living, still making a good living, out of the law and he knew better than that.* So it was even worse for Barnett to get on the air and talk about interposing the state of Mississippi between the national government or the Supreme Court and the state—and the University of Mississippi. Now that, so it was really, it really was, a, strictly phony argument that could appeal only to the uninformed.

00:29:52:00

INTERVIEWER: DO YOU THINK THIS DOCTRINE THOUGH WAS EVER AN ACTUAL THREAT TO OUR SYSTEM AS—

Wisdom: No, I think the doctrine was never an actual threat to the system, although, there had been some suggestion of it by one of the New England states in regard to, I've forgotten the occasion now, but it, it was, it has been brooded about for some time. But no one has paid, no, no serious student of the law ever paid any attention to it.

INTERVIEWER: YOU DON'T THINK—

Wisdom: And I don't think John C. Calhoun did either. That's really—I shouldn't bring in John C. Calhoun because he had a far more complicated theory of the relationship of the, of the states and the national government.

00:30:46:00

INTERVIEWER: YOU DON'T THINK, FOR EXAMPLE, AND THIS IS NOT EVEN, ONLY LEGALLY, BUT IN TERMS OF THE POPULATION THAT THERE WAS EVER A POPULAR FEELING SO STRONG FOR INTERPOSITION THAT THE FEDERATED SYSTEM WAS UNDER THREAT?

Wisdom: Well, I think that if the question is whether there—the doctrine of interposition was ever serious enough, taken seriously enough, by say, the people of Mississippi for it to be threat to the Union. My answer to that is no, because I think that the leaders in the community knew that there was no legal basis for the doctrine and it couldn't get anywhere in the Courts. And you cannot get anywhere with—in the, in considering the relationship of a state to the nation,

unless you have the—

00:31:43:00

[cut]

[wild audio]

Wisdom: —stamp of approval by the Courts. This I'm finally convinced of and I think the Supreme Court made that clear.

CAMERA CREW MEMBER: HOLD ON. RE-START. MY MISTAKE.

INTERVIEWER: WE RAN OUT.

CAMERA CREW MEMBER: WE RAN OUT.

[cut]

[slate]

[change camera roll to 131]

CAMERA CREW MEMBER 1: ONE-THREE-ONE.

CAMERA CREW MEMBER 2: SPEED.

[sync tone]

00:32:05:00

INTERVIEWER: IF WE LOOK AT THIS EARLY PERIOD OF CIVIL RIGHTS UP TO, UP THROUGH THE JAMES MEREDITH SITUATION—

Wisdom: Yes.

INTERVIEWER: —OF '62, DO YOU THINK THERE WERE ANY TIMES WHEN THE FEDERAL GOVERNMENT DID TRAMPLE TOO FAR ON THE STATES AUTHORITY? WOULD YOU—

Wisdom: There are some, there are some who have thought so, but they've expressed it very gently. For example, I think Burke Marshall may have said even that, that the Constitution may have been bruised slightly by overuse of the federal power. I have never thought that to be the case. Now, I may be doing an injustice to Burke Marshall, I just use him for example, as an example. In case he said it, I think he may have said something like it. But I have never thought so and I think it's very unfortunate that today there's a tendency to over value the part—the part that the states play in this country. We, they seem to forget, all to, those persons who promote that idea and they're particularly prominent today. Those persons who promote that idea have forgotten that the reason the article of confederation did not work was because we had a league of sovereign states. When we formed the Union, we formed it to beget a national government. And what is important is a national government and the—to which the states are subservient. Subservient may be an unfortunate term, to some persons, but I mean it in the sense that the nation is the, is the prime concern of the constitution and that was the thought of Madison and of Hamilton. And much as we may value the, the liberties and rights that Jefferson espoused, we live in a Hamiltonian and Madisonian world. And I can see for the federal courts, as a national, as the guardians of nationally created, federally created, or nationally guaranteed or federally guaranteed rights and that's why I think the, the role of the federal courts was highly important particularly in this period that you, you have limited yourself to.

00:34:46:00

INTERVIEWER: I HAVE ONE MORE SORT OF GENERAL QUESTION. I HAVE A FEW OTHERS AFTER THIS. DO YOU HAVE ANY THOUGHTS ABOUT A LEGACY OF—WERE THERE ANY LEGACIES OF THIS PERIOD? IT'S A PERIOD OF SCHOOL DESEGREGATION WHEN THERE IS A NEED FOR AN ENORMOUS AMOUNT, WELL MAYBE NOT ENORMOUS, BUT THERE'S A SIZEABLE AMOUNT OF INTERVENTION. FEDERAL INTERVENTION, JUDICIAL INTERVENTION, EVEN ARMED INTERVENTION, DO YOU THINK THERE WERE ANY LEGACIES THAT, THAT, THAT CAME FROM THIS?

Wisdom: The question, the question is—of, of whether there are any legacies from this period I think has to be answered by, yes. But I think the legacies are both good and evil. I think the legacy of good is that the fed—federal judicial system came out of it intact and with greater respect. I think that's a very important legacy. I think the legacy of ill that came out of it is the promotion of friction between the Federal Government and the, and the states. When I think that friction was, was unnecessary and was certainly aggravated by the action of, of southern politicians witness the manifesto in 1956, witness the citizens councils' and the politicians who felt they had to go along with the citizens' councils. I think that

exacerbated the always possible tension between the Federal Government and the States.

00:36:38:00

INTERVIEWER: THANK YOU THAT'S QUITE WONDERFUL. COULD WE STOP FOR A MOMENT?

[cut]

INTERVIEWER: OF ASSESSING A FEW—

CAMERA CREW MEMBER: SPEED.

[sync tone]

INTERVIEWER: —OF THE PEOPLE WHO YOU'VE MENTIONED AND YOU'VE MAYBE GIVEN A SUMMARY, IN CASE WE NEED IT AS A, AS A WHOLE LITTLE PIECE BY ITSELF.

Wisdom: Well, yes.

INTERVIEWER: FIRST OF ALL WE DIDN'T TALK ABOUT MRS. MOTLEY AT ALL AND I—

Wisdom: I'll be glad to do that. Shall I start now?

INTERVIEWER: YES PLEASE.

Wisdom: Some of the people who were, who were key figures in the Meredith case were very interesting. I think Mrs. Motley, for example, was especially interesting. I have not followed her career very closely as a judge, but she was a very able trial advocate and very able advocate, appellate advocate. And she was exposed to severe pressures. My recollection is that, is that Judge Mize called—would only call her by her first name. And she handled herself with great dignity and ability in the argument of the case before us. I think it was outstanding. She was a striking looking woman. She's bronze. She's more bronze than black or brown. I guess it's because she's either Jamaican or from one of the Islands. Anyway, very—she was a striking figure and she handled herself well under difficult questioning. And she certainly handled Mize, I thought with deference or in adverse circumstances. Now this most important, the most, one of the most significant figures and the guy for whom I have the greatest respect is John Doar. John Doar was an assistant to Burke Marshall and later succeeded him as head of the civil rights division. John Doar worked indefatigably. And he was always well prepared. And just a delight to, to have in one's Court. But the thing I'll never forget is a TV shot of John Doar in his shirtsleeves when there were two mobs approaching. One from this side and one from the other side and John Doar coming out like, coming out like this in his shirtsleeves, confronting both mobs. And they didn't have any violence. I think of that quite often. But I think of also John's diligence and his ability to pick

good associates; Bob Owen, a blind guy who is a judge now in Washington, I've forgotten his name and many others.

00:39:35:00

INTERVIEWER: WONDER IF—I WONDER IF YOU'D GO BACK AGAIN AND, AND DESCRIBE JAMES MEREDITH FOR US. WHEN YOU DID IT LAST TIME YOU, YOU HAD ALREADY MENTIONED THE THING ABOUT BEING A MAN WITH A MISSION AND I—YOU VESTED OUT OF THIS DESCRIPTION, IF YOU'D JUST INCLUDE THAT THIS TIME.

Wisdom: Well, I said, as I said before, I think that James Meredith was completely sincere. And that he was just about the type of person one would expect to try to break the barriers at the University of Mississippi. Certainly, the toughest University in the, in the South in terms of its resistance to civil rights. He was a man with, I say, a mission, and a nervous stomach. So it's no wonder, it's no—it was no surprise to me to find that there was some evidence that in during—while that he had consulted a psychiatrist or a psychologist but that did not make him ineligible as a student. It just was in keeping with his character as a man who was willing to take his chances and he took chances. He had to have, he had to have a complete protection at all times. I think John Doar lived in the dormitory with him for a while.

00:41:03:00

INTERVIEWER: AND GOVERNOR BARNETTI AS LONG AS WE'RE DOING THESE LITTLE PORTRAITS.

CAMERA CREW MEMBER: ONE SECOND.

INTERVIEWER: OOPS, SORRY

CAMERA CREW MEMBER: KATE, WE'RE GONNA HAVE TO HAVE A NEW TAPE.

[cut]

00:41:10:00

[sync tone]

INTERVIEWER: AS SOON AS HE GETS SET WE'LL JUST ASK YOU TO FINISH WITH A LITTLE MINI PORTRAIT AS YOU WERE DOING WITH THE OTHER PEOPLE OF GOVERNOR BARNETT?

Wisdom: Well, I regarded Barnett as a weasel of the worst sort. Here was a man who had given his word count—countless number of times to Bobby Kennedy that he would avoid bloodshed by having his, his troopers withdraw by—not be necessary for any force, he was admitting and then when it came to doing it, he backed down. Now Barnett never showed up

in our Court. He did not show up in our Court. So that I know him only from TV but there, there was a weasel if ever there was one. He did no good to the state of Mississippi.

INTERVIEWER: STOP. I THINK WE NEED TO CHANGE.

[cut]

00:42:14:00

[slate]

[change to camera roll 132]

CAMERA CREW MEMBER 1: ROLLING AND, OH, LET'S MARK AGAIN. GIVE ME THE SECOND STICKS.

CAMERA CREW MEMBER 2: OK. SECOND STICKS.

[sync tone]

INTERVIEWER: YOU DESCRIBED IN, IN—YOU WROTE IN YOUR OPINION, THAT THE TRIAL HAD BEEN OF MEREDITHS CASE, HAD BEEN CONDUCTED IN THE FAIRY ATMOSPHERE OF NEVER NEVERLAND. COULD YOU TELL US THAT?

Wisdom: What I meant by that was that *it was so unreal for the, Mississippi to argue, and for the judge to hold that there was no policy of segregation at the University of Mississippi. Everyone in the state of Mississippi, and I'm sure almost everyone in the entire country, knew that there was segregation at the, in the state of Mississippi. And for the University to assert that there was no segregation, and for the Court to find that there was no segregation, was just like, fan—fan—a land of fantasia.* I'm very fond of Alice in Wonderland I can give some other descriptions. I have a quote from it too that might be even more pertinent, but it's impossible for—

00:43:32:00

INTERVIEWER: WE'RE JUST INTERESTED IN THAT, IN THAT QUOTE.

Wisdom: Yes, OK.

INTERVIEWER: WHY DO YOU THINK MISSISSIPPI WAS SO LATE A HOLD OUT? WHY, WHY, WHY WAS IT MISSISSIPPI THAT THIS BIG BATTLE HAPPENED?

Wisdom: We might say why—the question that you ask is an interesting one and that is, why was Mississippi such a hold out and so late in it? I say why was Boston so late?

INTERVIEWER: NOW THAT'S NOT FAIR, YOU'RE JUMPING OUT OF YOUR TIME

FRAME [laughs].

Wisdom: Why was Boston so late?

INTERVIEWER: I, I CAN ANSWER THAT ONE WHEN WE STOP THE CAMERA.
STAY, STAY—

Wisdom: I, I don't think that Mississippi was so late. I think that Mississippi was—had a very large black population, proportionately larger black population than any other state. It also had proportionately the more illiteracy than any other state and while it had some very highly cultured person and they've shown that, of course, as in the great number of fine writers it has produced, at the same time, it has had more than its fair share of, of rednecks and by—perhaps rednecks isn't quite the term, but it had more than its fair share of uneducated people. And I think that the what—the—that its actions, reactions, are the product of that long period of failure to educate its people. And Louisiana is not far behind Mississippi if it isn't right up there with it.

00:45:15:00

INTERVIEWER: DID YOU, YOU WERE SAYING SOMETHING ABOUT SEEING
GOVERNOR BARNETT ON TELEVISION. DID YOU WATCH THE RIOTS AT OLE
MISS?

Wisdom: Yes, I did watch the riots at Ole Miss and there, there was thousands of students and others who had come in from, from—in pickup trucks with shotguns and ax handles and we must—it's really a good thing to remember that the—it was the marshals who took—who got the injuries not the students and not the really, of course, the troopers were later nationalized. The state nation—National Guard was nationalized, but the Mississippi troopers were not. And they were not the ones hurt. The ones hurt were the marshals. Of course, there were two persons killed including a French journalist.

INTERVIEWER: DO YOU REMEMBER—

Wisdom: And not a shot was fired by a marshal.

00:46:17:00

INTERVIEWER: DO YOU REMEMBER WHAT YOU FELT WATCHING THOSE
RIOTS?

Wisdom: It, well, I, I don't know whether I can really bring back that feeling. But thinking back to it seemed to me so futile and so unnecessary and such a reflection on—I like Mississippi and I've been particularly fond of a number of, of towns in Mississippi, people in Mississippi and I felt that, that it's, it's not fair to these people for this thing to happen.

INTERVIEWER: AND DID YOU HAVE A SENSE OF WHO WAS TO BLAME?

Wisdom: Well, I think that Barnett was certainly among those who were most to blame. But he was not the only one. And he was doing what he regarded as—was politically appealing to the voters and so were the citizens' councils and so were the school boards.

INTERVIEWER: STOP FOR A MOMENT.

[cut]

[end of interview]

00:47:27:00

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