

START OF TAPE 1, SIDE A

ARTHUR HANES, JR.  
MAY 27, 2003

WILLOUGHBY ANDERSON: This is an interview with Arthur J. Hanes, Jr. At his law firm Dominic, Fletcher, Yielding, Wood and Lloyd in Birmingham, Alabama. Today's date is Tuesday, May 27, 2003, and the interviewer is Willoughby Anderson. If you could please just state your name we'll see how the mike is doing.

AH: My name is Arthur J. Hanes, Jr. People call me Art. Some people, I guess, by virtue of the honorific call me Judge.

[TAPE IS TURNED OFF AND THEN BACK ON.]

WA: Okay, so maybe you can tell me a little bit about your childhood and growing up?

AH: Surely. I was born before World War II, right as it started. I remember very well my dad was a PT boat skipper in the South Pacific during World War II. I remember those days well. After the war he came back and went to law school on the GI Bill. He and my mother were good card players and supplemented the GI Bill by playing cards at night. The truth of the matter is, although he would never admit it, mother was a very fine card player. He would leave her sleeping in the morning and take me to law school. It wasn't long after that that I went to law school so I remembered that very well. My grand daddy was the only general evangelist the North Alabama Methodists ever had. He was born at the site of Phillips High School downtown before Birmingham was a city.

I was raised here during the war with my dad's five sisters and my mother's mother and daddy. I was basically raised by my aunts and my grandmother during those years. Thereafter I traveled with my family. I was raised in Birmingham, but we lived in Chicago and Washington, D. C. when my dad was in the FBI. Then we came back and I went to Woodlawn High School here, and from there went to Princeton.

I played football here, a very, very fine football school. I supposed I was the worst athlete that every started at Woodlawn High School, but everybody got scholarships. Mine, of course, were to places like Sewanee and Ripon College, and I was invited to walk on at Vanderbilt. I wanted to play for the new coach at Alabama. Coach Paul Bryant had been there a couple of years and had a couple of my teammates with him, so I went down to talk with him about going to Alabama. He said, "Artie, you can walk on here,

but you're too little to play for me. I think you ought to take that brain and go up to that Ivy League and play some of that sissy ball." It was the best advice I ever got from a man not my father.

[BOTH LAUGH.]

AH: So that's how I wound up at Princeton. I came back to Alabama to law school.

WA: Great. So tell me a little bit about when you first started practicing law.

AH: Well, are you talking about legally or *de facto*. In 1965 I was in law school, and my dad had left the office of mayor of Birmingham and not run for a second term. He had gone back to the private practice of law, and was offered the defense of Collin Leroy Wilkins, and W. O. Eaton, and Robert Thomas who were Klansmen charged with killing Viola Liuzzo on the Selma to Montgomery march.

At that time he was in the position where he could have gone with industry here as a result of a good eastern education and good fortune in law school. I was in a position to have some of those pretty good jobs at the big law firms. We discussed whether we were going to be trial lawyers or whether we were going to go for the secure silk stocking life, and we decided to partner up when I finished law school, and take cases, and try cases together. So my law professor let me off for two weeks in the fall of '65 to try Collin Leroy Wilkins down in Hayneville with my father, and he was acquitted. Then we tried Eugene Thomas several months later. We tried Eugene Thomas in front of a jury of eight black men and four white men. Got an acquittal in the killing of Viola Liuzzo.

In those days there were only the three television channels, and lawyers were strictly forbidden to advertise, and just the turn of the cards and the way fate worked, we had a fairly national law practice which lead to James Earl Ray calling us from London when he was arrested. My dad and I went to London. That was in 1968, and undertook to represent James Earl Ray.

As we speak now I'm the only person alive who ever prepared the Martin Luther King case for trial, and it was our turn of events. James Earl Ray changed lawyers on Sunday night before we were due to go to trial on Monday. I had spent all day Friday with him in Memphis. We were due to go to trial on Monday. I came back to Birmingham to get my dad and our files. We got to Memphis on Sunday night to do some final things, take him a suit of clothes we'd gotten for him. We just got a note that he had changed lawyers, so naturally we packed up and left the next morning.

By Thursday he was calling saying, "I made the worst mistake I ever made in my life. All this guy wants me to do is plead guilty. Please come back and try this case for me." We would not go back, and ultimately in a bizarre turn of events, the lawyer from Texas had been waiting, and the judge allowed him to spend the weekend in the cell with James Earl Ray. He got in there right after I left on Friday. Talked Ray into changing lawyers, and by Thursday Ray was calling us to come back.

Of course, ultimately, the lawyer did pressure him into pleading guilty which Ray renounced immediately. A sidelight, not what you're here for, but I'm reasonably convinced James Earl Ray did not fire the shot that killed Dr. King. I think I could convince you of it if I had about thirty minutes to do so.

WA: Huh.

AH: Anyway, that's sort of the kinds of things that we were doing through those years. We were lawyers. Pop and I agreed that we were going to be courageous lawyers, that we would undertake unpopular causes for reasonable fees of course. And we did. We represented some really, really horrible, evil people that did some horrible, evil things. We won some and lost some. Does that answer the question about the beginning of the law practice a little bit?

WA: It does. It certainly does. So how did you come to represent Chambliss?

AH: Well, that was a natural sequence. We had through the years undertaken some brutally unpopular cases on all sides of the spectrum. In those days, interestingly, a lawyer could be a lawyer, and we devoted ourselves to being lawyers, to representing clients, and we represented Ku Klux Klansmen, Black Panthers. You could do that then. You didn't have to paint yourself with the brush of your client. You didn't have to undertake your client's cause to undertake your client's case, so it was not an unnatural call for us to receive when Bob Chambliss called us to represent him in his case.

By then I was sitting in the front chair, and my dad was slowing down some. We had started out with him making all of the calls and sitting in the front chair which is the natural progress of things. That's how we got into it which was a natural beginning.

WA: So how did you prepare your defense for Chambliss?

AH: Well, it was a horribly unpopular case. For instance, in the James Earl Ray case our theory and our theme was that Ray could not have acted alone. The state was stuck with the theory that James Earl Ray acting alone fired the shot that killed Dr. King. In the Ray case, of course we hadn't seen the panel yet,

but we had pretty well come to the conclusion that we were going to strike a jury looking toward an all black jury if we could possibly get it, thinking that in those days the white establishment in Memphis had an unreasonable fear of repercussions if there were no conviction and wanted to close the book, and our idea of it was don't close the book. Don't let them close the book.

The Chambliss case was different. That was ten years after the Ray case, nine years. Of course we set out to determine what the facts were, as you do, to see what would work and what wouldn't work. Chambliss always denied having done it, but had no claimed recollection of anything. So our plan was to try the weakness of the state's case, put the burden proof of the state which all defense lawyers, all defendants have to rely on.

Our theme of the case was that Bob Chambliss was just a mean, racist old man, as there were 30,000 of in Birmingham in 1963, that he was rough talking, that he was rough, and that he was mean, but that didn't mean that he did this horrible crime. That was our approach. Of course we knew, we'd gotten it stricken from the indictment, but he was known as Dynamite Bob. He had quite a history of violence and the like around Birmingham.

Our plan was put him up there, let him deny it, let it be seen how mean he was. We knew that Bill Baxley was just going to eat him alive with these other things, because by putting him up there that would open the door to many of these other things, but that was all right. Our plan for the case was that that's how it would play out. We figured that he would be mean and would show how mean he was. That's what we were going to do. That's the whole way that we approached the trial.

In fact, Dynamite Bob led me into being judge. I'll tell you how. Just like in the Ray case I try not to be a conspiracy nut. In fact, I try not to be any kind of nut at all. In the Chambliss case I try not to be spooky or eerie, but let me just tell you an experience I had.

WA: Okay.

AH: Our only witness was going to be Bob Chambliss. It had gone some days better than others in the course of the trial. We'd won some battles and lost some battles, but that's all right. It came the moment, and the judge looked down and said, "Mr. Hanes, your first witness." I stood up, and I looked down at Bob Chambliss, and said, "Take the stand Bob." I'll never forget it. He looked up at me and said, "No." I said, "Bob! You didn't understand me. It's your turn to testify. Go take the stand." He said, "I'm

not going." Willoughby, I try not to be, and I know that in retrospect it's not as I remember it, but from this vantage point I swear his face shimmered with evil as I looked at it.

WA: [LAUGHING.]

AH: It was at that moment that I knew to a certainty he was the vilest, most evil, guiltiest son of a gun I had ever touched or represented. Somewhere deep inside me, when he was looking up at me and said, "I'm not going,"—we were in front of the entire world—I knew right that moment I wasn't going spend the rest of my life defending and cashing myself, and bleeding my heart out for people like this any more.

At any rate, he insisted on not testifying. That wouldn't have been so bad, and then to compound things he insisted on calling some of his sorry old buddies to testify as to his character, and the net result of that was we didn't have our story, and yet he opened the door so Bill Baxley could just nail him with all this other reputation stuff. Naturally, he was convicted. I did the absolute, dead level best I could to prevent it, but I'm telling you that was as just a verdict as there ever was in the whole history of the world. So that's sort of how we went about the Chambliss case.

WA: So you made that decision, and that's how—?

AH: Then the opportunity came, and I became a circuit judge here. We are divided into divisions, and I spent the next nearly twenty years trying nothing but civil cases which I had done a good bit of as a lawyer also. I've enjoyed writing and serving on committees. I'm chairman of our pattern jury instructions committee. I helped write the rules of evidence. I wrote a domestic relations book. You know, just piddling around, that kind of thing. I guess that's a nutshell rendition.

WA: Yeah. Yeah. Can we talk about a few of the witnesses?

AH: Sure.

WA: Maybe we can start with Elizabeth Cobbs.

AH: Elizabeth Cobbs, the niece/nephew.

WA: Yes, the niece/nephew.

AH: She always claimed that she was the key to the deal. The truth of the matter is she didn't prove a thing, I didn't think. She alone meant absolutely nothing. She was just a weird, shaky person.

The person that convicted Bob Chambliss was the lady from Detroit who claimed to have seen him that morning sitting in the car. That's who convicted him. The niece standing alone would have had no

consequence whatever. In fact, she fit right into our plan of he was just a mean old man. Just a mean old racist man. She was of no consequence we felt.

WA: How as it to prepare a defense for a case that was fourteen years old?

AH: It was very, very difficult in the sense that Chambliss could at least credibly deny the memory of it in retrospect. I believe he remembered everything that he did that night, but the real truth of it, the real truth of it is that it's harder on the state than the defendant. That's the real truth of it because they have the burden of proof, and just as the defense witnesses die and become missing so also do the state's witnesses. In the absence of some of their witnesses they have a much harder time.

So in general terms I would guess that the popular line would be that, "Oh that's a horrible disadvantage to the defendant." The truth of the matter is, on a level playing field it's probably as hard or harder on the state. Every now and then you get cases where you have a conviction regardless.

In the Chambliss case with the jury we had, probably the truth of the matter is they could never have acquitted. The best you could ever hope for would be a hung jury because, in those days at that time, there would always have been somebody on the jury who simply could not have gone back to their work, their church with an acquittal in that case. So the reality of that case at that time was there could never have been an acquittal.

This day and time of trying people in the media, we had some huge national cases where people were tried in the media, but those were before CNN and the time now where you have all of the attention to some of the cases that they just peg out, like the Lacey Peterson case for instance. Everybody in the country has an opinion on that case now. We were trying those cases before there were any cases, in the Chambliss case, the Ray case, the Liuzzo case. My gracious, the Liuzzo case had the attorney general of the United States down here. The president of the United States announced the arrest by name. In the Liuzzo case, Eugene Thomas was standing in a filling station in Bessemer filling his car up with gasoline, and he heard the president of the United States come on the radio, announce his name, and announce that there was an arrest warrant for him. That'll curl your hair.

[BOTH LAUGH.]

AH: That'll curl your hair.



WA: So how was the guilty verdict received in Birmingham in 77? Do you feel like there was relief?

AH: Probably. Probably. That was the first of the times, totally undeserved nonetheless true, Birmingham had been pilloried in the media of the world, and there was this collective societal desire to purge ourselves of this demon, so I think it probably was well received at the time.

WA: What about the most recent cases, the recent Sixteenth Street cases? That was Blanton and Cherry a couple of years ago.

AH: Well, in the Chambliss case the evidence was such that probably the two of them could well have been prosecuted on that evidence. Bill Baxley left the office of attorney general and left public life at that time. The result of it was it just never was picked up again.

I'll say this about Blanton and Cherry. Their lawyers were able to carry off a very, very difficult defense, again with dignity and without exacerbating the problems and the nature of the case. I commend them for that.

WA: I went to the Blanton trial and listened to the tapes, the FBI tapes, and I was wondering if you had an opinion about whether or not those should have gone in?

AH: I do, but my friend Judge Jim Garrett was on the bench at the same time I was and, frankly, we discussed those at the time, not necessarily because I knew anything about the case but because I was one of the authors of our rules of evidence.

WA: Oh, okay.

AH: That's one of the problems with trying a case so long after the fact. The law changes, and the question of what law to apply. For instance, when we tried Bob Chambliss he couldn't get the death penalty. If he'd been tried in 1963, 64, or 65 he could have. Things change over the course of time, and it becomes very difficult from a legal point of view, just purely from an intellectual, legal point of view. That's part of the problem with trying a case so very late. Who was the Kennedy nephew, Skakel that was tried. Isn't that his name.

WA: I think so, yeah.

AH: Tried what, twenty years or thirty years after the alleged act?

WA: Right.

AH: It is so very, very difficult from a legal point of view. It skews things. It adds a factor that's not fair either for the defendant or against the defendant, but almost invariably there is a reason other than the ultimate desire to bring a offender to justice in these late coming trials. They're skewed. They're skewed a little bit.

WA: Um-hum. Not just those kind of murder trials, but there have been a lot of the recent bringing back civil rights era things in Mississippi.

AH: That's right. I've always—I'd say not always—I have said that Bob Chambliss was the most evil person I ever met or dealt with. I turned down an unpopular case just because of the—I won't tell you what we talked about or what he said—but Byron De La Beckwith asked me to represent him at one time in the Medger Evers case, and I just couldn't do it. I'm sorry. I prided myself on being a lawyer, a lawyer without personal—that's another story. Never mind. But yeah.

WA: Mr. Baxley told a story that you had told him about going and telling Chambliss' wife—.

AH: Ah. Would you like to hear that story from me?

WA: I would. I would.

AH: We tried the case and, if there is such a thing as a moral victory when your whole defense has been torpedoed as Bob Chambliss insisted on torpedoing his own defense, the jury deliberated one afternoon, was out one night, deliberated several hours, and came back late the following morning. They came in with the conviction, and I and Judge Mike Bolen who is our probate judge here was a partner, sat at the table, my brother Tom, and my dad and I conferred after the immediate flurry after the verdict came down. Tee Chambliss, Bob Chambliss' wife, was a wonderful, sweet, gentle soul, the antithesis of Bob Chambliss. She hadn't been at the trial, and we needed to tell Tee. I told my partners, "Fellows, I'll take the rap. I sat in the front chair. I made the arguments. I'll go tell Miss Tee," because we all loved her as much as we despised Bob.

So I went to their house in North Birmingham. It was in a changing neighborhood. It was a place where they had lived most all of their married life. It was a changing neighborhood, mixed races throughout.

I went the front door, and it was one of those clear, rare, low humidity Birmingham days, in the 70s maybe. The front door was open, but the screen was shut, and I could see it was dark inside. I rapped



on the screen. I could hear this faint little voice, "Who is it?" I said, "Miss Tee, it's Art." "Come in." And I opened the screen, and I stepped into their little living room. It was a small little two bedroom house in North Birmingham. She was lying there on the sofa and, I don't know, maybe I read too much great literature at Princeton, but I had these pictures in my mind. I could see the dust motes floating through the slanting rays of sunlight, the few that were filtering into the room. It was cool, and she was lying there on the sofa. As a Southern lady you will appreciate the phrase, "As if she had the vapors."

WA: Yes.

AH: She was lying there. She had a little rag on her forehead, and one hand lying over her forehead. I scootched my way onto a little edge of the sofa where she was lying, and I said, "Miss Tee, I've got bad news for you." She said, "What is it?" I said, "Miss Tee, they convicted Bob." She said, "They convicted Bob?" And I said, "Yes, mam." She said, "When will he be coming home?" I said, "Miss Tee, he won't be coming home." She pulled the rag off her head, and she said, "He won't be coming home?" And I said, "No, mam." She said, "Do you promise me?" I said, "Yes, mam." She ripped that rag off her head. She stood up in the middle of the living room and said, "Praise God! Praise God!" Opened the curtains, and the light came in. I knew at that moment, I knew at that very moment that my instinct was right, that he was an evil, guilty, son of a gun."

WA: [Laughing.]

AH: Is that about the way Bill tells the story?

WA: Yeah, it wasn't quite that good.

AH: But he wasn't there. He can't tell it quite that well. He wasn't there, but Bill Baxley can tell a story, I can assure you.

WA: [Laughing.] Well, thank you. Thank you. What else about the trial? I've talked to Mr. Baxley a little bit about this, but why do you think that Chambliss wasn't tried in 63, or in the few years right after the time?

AH: I don't know. It's hard to tell. Bill would probably have a better idea than I do. In the first place, the FBI had much of the evidence, and the FBI in those days just didn't cooperate with local police. It had nothing to do with race necessarily or those kinds of things. They were just very closed mouthed. They did not give information. They took information. That was true whether you were talking about

racketeering, or civil rights, or bank robberies, or whatever it was. That was just their approach to law enforcement. I would think in part the lack of access to FBI information. Bill had some but probably didn't have all of it. I think even Doug Jones had difficulty getting all of it from the federal government. So that's part of it. They were difficult to prosecute for that reason.

I would think that in those days there would have been a lot of debate about the advantages and disadvantages. There would have been higher societal questions, higher policy questions about prosecuting because in 1963 and 64—bear in mind, 1963 was when the stand in the schoolhouse door was. I mean the University of Alabama wasn't even integrated in 1963. Those were very, very, very hot, difficult issues.

Those days the potential for violence and disorder still existed. If that case had gone to trial in 1964, regardless of the outcome, there would have been a likelihood of real disorder. I don't know. I'm just speculating.

I can think of a lot of reasons why. I would think there would probably have been fear on the part of the witnesses to come forward. As I understand it there is evidence that is very compelling against all these defendants that to this good day hasn't been put on simply due to, even to this day, the reluctance and the fear of witnesses to testify. There are a lot of different reasons. I would defer to Bill Baxley's assessment of it as opposed to mine, but I can think from scratch of a lot of good reasons why it wouldn't have been prosecuted then.

WA: What else about the trial? What question haven't I asked you about it?

AH: That right there is a very, very fine question. What kind of judge did we have? We had Judge Wallace Gibson. Judge Gibson was a friend of mine. As a young lawyer I used to go by and talk to him. He was very gruff, a great trial judge. He gave us a great trial in that case. He blew a couple of calls that we appealed. That's the way trials are. They were courageous calls and well made.

Judge Gibson told me one time, I guess it was after that trial but before I became judge. I went by his office and was visiting with him. He was just sort of musing and being philosophical one afternoon. He said, "Art, you may want to do this job one day. Let me tell you something. They say that I'm mean, and I guess that I am, but I want you to know I didn't start out to be mean. I started out to be nice. I started out to be everybody's friend, but lawyers will make you mean. If you take this job, don't let them make you mean."

[BOTH LAUGH.]

AH: You've got to get your wisdom where you find it, and that was a piece of wisdom that I took to heart. Of course we had had a good deal of experience in big national trials and huge, crowded courtrooms so that was nothing new to us, but it was a dramatic time. Then the idea of cameras, sound in the courtroom was totally alien to anything we knew. There was no TV, no news reels, no nothing, and the courts were sacrosanct. There was no entertainment or theater to them at all. It was very interesting. We had no objection to it, and Bill didn't, Bill Baxley didn't and the judge on request, and over no objection. The wall behind the jury was lined with microphones that were hung from the balcony. I don't know if you've ever been in that big ceremonial courtroom?

WA: I have.

AH: They were hung from that balcony. You can see that jury box in Spike Lee's movie, *Four Little Girls*. I think that it made the movie where I pointed out that jury box to Spike Lee, but behind it there was a wall, and that wall was just matted with microphones from all over the world, news people hanging them down to record the proceedings which was just radical for the day that that would be allowed.

WA: Were you involved in any way or knew people who were involved in Operation New Birmingham?

AH: Why, sure. I mean, bear in mind, I had three great grand daddies rode off from this valley before Birmingham was a city. My grand daddy was a preacher. I had five aunts who were prominent school principals. One was president of the AEA. My daddy was president of the Birmingham Board of Education for ten years. He was a star athlete and the like. He was mayor of Birmingham. He and I were active trial lawyers here, and I spent twenty years as circuit judge. So, in answer to your questions, "Did I know anybody in Operation New Birmingham?" yeah, I did.

WA: Everybody?

AH: Yeah, pick a name. Operation New Birmingham, yeah, sure. I've known everybody in town, if that's possible in a city this size, my whole life.

WA: Okay.

AH: I don't know where you're leading me to. I'm sorry.

WA: Nothing, I'm just thinking about—.

AH: I lived through those days. I knew Al Lingo when Al Lingo—I guess you've run across his name?

WA: Um-hum. Sure.

AH: When Al Lingo was here he had his command headquarters during the disorder here in the St. Francis Hotel, hotel in Homewood. I went over there. I argued to the state supreme court when I was a second year law student before they even had third year cards. When you were a young man of some promise with a daddy who would vouch for you, and you knew those people, that's the way those things worked even in Birmingham, and certainly throughout the South in those days. I would carry messages. I guess I was twenty-one. I was in college, but I would carry messages for Governor Wallace or my dad, whatever it was.

I remember going in and Colonel Lingo always looked like he stepped out of a band box. He would lie up in one of those big double beds there at the St. Francis Hotel, and that would be his command post. As soon as he would get there Colonel Lingo would lie in the bed in his under shorts, and his beautifully pressed uniform as soon as he came in would always be hanging on coat hangers so that it would stay crisp in case he had to go out. He would sit there on his telephone and command operations in his under shorts.

WA: When was that?

AH: Golly, those years run together. I don't know, when? You're the historian. You would probably know better than I. Maybe 1962, I guess, possibly 61, 62, 63 -- those years.

WA: Okay. Who else do you remember from that time?

AH: Everybody.

WA: Everybody? What about Bull Connor?

AH: Yeah, Bull Connor. Poor old Bull Connor. I say poor old Bull Connor, poor old my daddy! Pop used to just agonize. He'd say, "We could fix this, but nobody can do anything with Bull." Bull just—oh Bull was probably a hundred years too young. He was just hard headed. Bull wasn't particularly bright. He was very hard headed.

My dad and Jack Kennedy had a real affinity for each other. They were both PT boat skippers. They were within six months of the same age, and they had almost identically the same kind of charisma and style. They really did, although their politics were divergent, nonetheless they had a personal affinity.

I guess it was 1961 or 62. My dad was still mayor. He was not mayor in '63. Albert Boutwell was mayor when the church was bombed. But my dad just agonized. He wanted so desperately to keep the peace, and solve the problems, and get on about the business.

He thought air travel was the key to it. Birmingham and Atlanta were about the same size, and his hope, his whole goal—he was in great competition with the mayor of Atlanta. I think Bill Hartsfield was mayor of Atlanta then. They were friends and competing very strongly for the hubs, the things that made Atlanta Atlanta. In fact, Birmingham was running ahead. Geographically it makes more sense to go to Birmingham than to Atlanta for the airlines, and this civil rights movement was just killing Birmingham, just killing us. My dad was so agonized over it, and he was also so very worried about the potential for violence in Birmingham. He talked to the president about it.

I don't know if it was the summer of '61 or '62, but he asked the president if they could make peace, and he suggested that this summer to integrate the golf courses. His reasoning was that knowing the people of Birmingham that they would literally die, that there would be tremendous unrest if you forced it on the children, boom, from scratch. I'm talking about integration.

It's impossible to explain to anybody who didn't live through that period of history what that meant. In this area it was very, very dramatic. My dad proposed to take the golf courses, the adult facilities, integrate those that summer, and then the adults would realize that it wasn't the end of the world, that life would go on, and then the next summer he could give the swimming pools.

The president told him that he couldn't do that. His brother Bobby, and Martin Luther King, and he, they needed an example. They had the Civil Rights Act. I guess that was the Civil Rights Act of 62 maybe, or 63. At any rate, they had legislation they were interested in. The president told him that "We need an example. We need a symbol, and Birmingham has got to be it because Bull Connor is so intractable. Mayor, you cannot make peace," is what the president told him.

WA: I've never heard that story.

AH: No, you haven't, because that doesn't fit in with history. At this juncture history doesn't allow people on both sides of that issue to be people of good will and people of a mind to make peace and to let history work its way through.

We're talking about my daddy who, I guess, history has on the wrong side, if you will, of that issue. My daddy is the one who spent all of his money, sent me past thirteen confederate states of segregated colleges to go to integrated Princeton University. That gives you an example of what kind of thing you're talking about. History just has it wrong. This thing that won the Pulitzer last year. Just horrible. I'm sure you've read it.

WA: I have.

AH: I'm sure you've read it. That young lady, what kind of historian does she think she is? What kind of historian does she think she is to come down here and write that purely from one side. Senator Jim Simpson has two fine sons here, two fine lawyer sons, Henry a graduate of Vanderbilt and Jimmy a graduate of Princeton. My dad has a son. I'm not much, but I speak English, and I have some recollection of historical facts, and that is true across the boards. She pillories, as I understand it, Mr. Smyer who, in those days, was on the wrong side of the issue. She's just wrong. She did not see fit to interview anybody, anybody on the other side of the issue. She talked to Fred Shuttlesworth and the like.

See, that's what history does. That's what history does. It makes that book scriptural, if you will, when it is wrong in many instances and, at the very best, ill researched. That's just the way that is. That's just the way that is. She even has the sides wrong.

WA: Oh, really? How?

AH: Oh yeah. Mr. Smyer, Operation New Birmingham was for immediate integration.

WA: Yeah.

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BEGINNING OF TAPE 1, SIDE B

WA: Okay, go ahead.

AH: The people of good will all knew that history, that right, whether you're talking morally, intellectually, politically or in any other respect, knew that the segregated system in the South could not stand, and the people of good will all were trying to find a way to accomplish it without civil unrest. The



idea in retrospect that you could—look at Iraq right now. Look at Iraq right now. You do away with the system of order, and that's an extreme example, but it's the kind of thing where you have a complete social change. A complete social change, it requires a certain amount of thought. You can't just get rid of the leadership and say, "Now you people in Baghdad go about your business." You have looting, and rioting, and the like. I'm not making that analogy more than it is, but that's the kind of dramatic change, a massive societal change is what you were dealing with. It took thought and differing approaches to it.

There were some people like Bull Connor who was not a person of good will. It couldn't happen. He would fall in a category with the J. B. Stoners, and the Asa Carters, and Ed Fields, and the intractable people. Of course, my view of all of that is that you're talking maybe within a generation, and that was a radical change, and it is a radical change.

It seems to me that as long as people are making a living and gaining attention on the issue that it will remain an issue. Morris Dees in Montgomery is a good example. Reverend Jesse Jackson is a good example. As long as there is a living to be made of fighting a fight, ostensibly on both sides, then there will be people doing it.

Until we get to the point where the leadership, where the people my age are gone, segregation to me wasn't part of my life really. What they call the "N" word now as never allowed in my house, for instance. That was an impolite way to speak. That was not allowed. But other than that, I just went about my business. I just didn't think about it. It just wasn't part of my life.

I think, however, if I were my age and I had been segregated until I was twenty-two years old I doubt that I would forget it. I have a lot of friends who were segregated for their lifetime, and they have a lot of equanimity, but it's a different memory. It's a different approach to it. I think we've got to have the generations who remember living in a segregated society in the South for it to pass into history completely is my opinion of it. That was a digression. I've forgotten what you asked.

WA: No, I think that's great. I think I started you off on Operation New Birmingham.

AH: You didn't start me off. You said the word. You asked me if I knew anybody.

WA: Well, what about George Seibels? I've been doing some research on him.

AH: Sure, sure. The mayor was a neat guy. He tried desperately to get me to go to Virginia when I started college. I loved him, and he was active, gosh, until he died, way late. A very vigorous, active

man. A neat guy. The moment I graduated from Princeton University, do you know what I was doing when they called my name on Cannon Green?

WA: What?

AH: I was sitting under a shade tree in Avondale eating a sandwich with two guys. The three of us were running behind a City of Birmingham garbage truck. I was a garbage man the summer between Princeton and law school. My dad always exercised all of his considerable influence and connections to not only get me a summer job that started—I'd get off the red-eye flight at four in the morning, and would always start to work at six-thirty that same morning, and that was my summer vacation. But he would always exercise his influence and get me the dirtiest, hardest, nastiest, lowest paying job in the City of Birmingham.

That summer George Seibels was, I think, president of the city council. I don't think he was mayor yet. He may have been mayor. He has a very nice home there right on the edge of ( ), right off Montevallo Road. It was early morning, early morning, and he's got a little hill maybe two feet high leading up to his curb. I and the crew were getting the mayor's garbage and putting it in the back of the truck. Out of the misty dawn of that early morning appeared an apparition from the lip of the little hill, and it was the mayor in his bathrobe out to get his newspaper.

The night before my dad and I had been talking. The issue was, of course, aviation. It had always been something he was interested in for the city. The day or two before the city council had passed an increase in the—I've forgotten which it was. They'd either passed an increase in the gasoline fuel tax in Birmingham as opposed to an increase in the landing fees. My dad thought they should have done it the other way around because the airlines could avoid it by gassing up in Atlanta or somewhere else. He and I had been talking about the increase in the millage on the gasoline as opposed to the increase in the landing fees and the philosophy. You know how you talk to your dad about miscellaneous things.

At any rate, the apparition appears out of the mist in his red silk bathrobe, and his pajamas, and his leather slides, and he raised his arms as if in a double benediction, and said, "Good morning boys," in that wonderful, stentorian Virginian accent of his. "Good morning boys. Good morning. Do any of you have any questions about your city government?" We're back there emptying the garbage into the back of the truck. I very timidly raised my hand, just as innocent as you can be. He said, "Yes, my boy." He didn't

recognize me because in the first place it was misty, and in the second place I was covered with garbage. I said, "Yes, sir, mayor. Can you explain to me why you increased the mileage on the gasoline as opposed to the landing fees because—" for several reasons we'd talked about. He looked down. He looked like he'd been hit with a wet fish, and I realized in a flash that it must have gone through his mind, "Who on earth is hiring these garbage men?" His response was, "Bless you boys," and he spun on his heels and went back in the house. But George Seibels was one of the people of good will that I'm talking about.

WA: Well, I know he did a lot of work on reforming the police department.

AH: He did.

WA: I don't know if you can speak to that or not, reforming things.

AH: I don't know maybe the details. Everybody that comes through city government, of course, does some things. Bear in mind, we changed the form of city government from the commission form to the mayor/council form in what, '62 or '63? That's where Albert Boutwell came from, and that resulted in a radical, radical change in the way government was operated in the whole construction of the city of Birmingham. So to some extent, all of those developments then George Seibels, and Albert Boutwell, and the first council, they were having to restructure all the city government. Yeah, there would have been reforms then, but it would have been by necessity because before the mayor/council formed in a commission form, each commissioner has his own departments, or her own departments. It would have been his own departments then. Now it could be his or her own departments. Each commissioner has that commissioner's departments, and they are responsible for those departments, and the commission as a whole really had somewhat limited powers.

That's why Bull Connor as police commissioner was almost unbridled in what he could do in controlling Birmingham. That is, in part, why my dad was frustrated because nobody could do anything with old Bull, and that, in large measure, is what lead to the change in the form of city government. So the answer to your question, "Do I know any of the details of the change of the police," I guess I have known, but it doesn't really matter because all of those developments and changes in that period would be responsive to the change in the form of government as opposed to any real reformist movement in the city.

WA: What about David Vann? I guess he's the next mayor.

AH: Yeah, David was the next mayor. David Vann and his partners, Vernon Patrick and Erskin Smith, were part of the early group that saw the change of form of government. All good young lawyers then were part of the change of form of government and instrumental in it, and had figured out that the only way to get rid of Bull Connor and that kind of approach to policing in Birmingham was to change the form of government and put it in the hands of the council. David Vann was a very, very, very bright lawyer. And interestingly, you know, we're talking about history. David Vann and his friends were proponents of the change of form of government.

My daddy was mayor at the time that that was going on. Then and up until his death David Vann, my dad, and I always remained very good friends. That idea that political differences would segue into personal differences—I guess maybe it's a lawyer frame of mind, or at least was then—that you could have honestly held disagreements on important issues and still have a lot of admiration and respect for each other as a person. That's the way I feel about David Vann. He was a very, very astute lawyer, and a very, very astute student of government and its operations.

WA: Great. So just a few last things. What about the Civil Rights Institute? I know David Vann was instrumental in that and also Richard Arrington.

AH: The Civil Rights Institute, I don't know what your question is. What about it? Is it what are my thoughts about it and the like?

WA: Sure. Sure.

AH: I think that the Civil Rights Institute is a very good thing because it's a museum, and what is a museum for? It's to preserve history. I believe that we must make the Civil Rights Movement history rather than current events to lay that issue to rest. I think it's important that we lay it to rest. Just as the War Between the States has become history rather than current events.

I went to visit some aging cousins of mine who had blue hair and were in their 90s twenty years ago. They live in Jonesboro, Georgia. You asked where we're from. My multi-great grand daddy rode off to the Revolutionary War from Jonesboro, Georgia, so we are from the South. But bless their dear hearts, they're mad. I guess they're all dead now. I haven't had any contact with them, but they were made twenty years ago. They were mad at Sherman. It was if he had burned Jonesboro the previous week. To some extent that's got to become a page of history.

WA: So Birmingham has changed now, very much for the better?

AH: Better, worse. No, obviously it's for the worse. Oh heavenly days! Birmingham operated well within budget in those days. Now Birmingham is virtually broke. The school system was prosperous. Now the school system is broke. Is Birmingham for the better or for the worse? Well, in those senses it's for the worse. Is it for the better? Sure, it's for the better in many ways. I don't understand the question. Of course it's better. We have the Internet. We have telephones. We have multiple television channels. We still have two newspapers which is unusual in the country.

WA: That's true.

AH: It's worse. Our transit system doesn't work as well as it used to. The streets are better paved. Our air is cleaner. You used to come over the mountain, and you could tell how the economic life in Birmingham was by looking into the valley. If you could see the buildings it was hard times. If it was full of smog then you knew it was prosperous because the plants were working. Now the truth of the matter is, as my dad always said until the day he died, "They talk about the good old days. Phooey. These are the good old days." All in all, sure, life's better now than it was. I guess that's the answer. The Civil Rights Institute is part of the passage into history. It's much better to have to go to the Civil Rights Institute and remember marchers than it is to be marchers. Wouldn't you agree?

WA: Yeah.

AH: Was that your question?

WA: Yeah.

AH: I don't know whether I answered it.

WA: I was just wondering. We were talking about things fading into history, and I was just thinking about Birmingham today.

AH: Sure. You know, you're talking about people. Richard Arrington could make the trains run on time. As far as I'm concerned Bernard Kincaid is not a good administrator. He doesn't get along well. Richard Arrington was a very efficient mayor. Bernard Kincaid is not. Race has nothing to do with it. It's two men. For my book one's better than the other for the job. That's the best I can tell you.

WA: Well, is there anything else that I haven't asked you?

AH: [Laughing.] Well, tons, like who's going to win the American League pennant this year.

WA: Right.

AH: I don't know what you're interested in. You have done a good interview in the sense that you have raised subjects and have gauged your interviewee as being a person who will wax and opine on almost any subject you can think of. To that extent I've tried to participate. Tell me what particular questions you have, what thoughts you have?

WA: Well, I think that that's it. My focus is on the trial, but I'm just trying to gauge change in Birmingham.

AH: A change in what respect? Tell me the change.

WA: Change in—

AH: From '63 to '77. Sixty-three to seventy-seven, I'll tell you. In '63, okay, that's your question. In 1963 the populous of Birmingham was resistant. The population of Birmingham was very, very antagonistic toward change. In 1963 the population was very, very antagonistic toward the federal government. In 1977 the population of Birmingham was ready to capitulate, was ready, "Please, leave us alone. Recognize us as decent people." Until this good day the idea of Birmingham raises certain specters in people's minds. You know what I'm talking about. You've been to Harvard from Birmingham. I was at Princeton from Birmingham in 1961 when the picture of the dog was on the front page of *The New York Times*. Try explaining that, particularly when the headline includes your father's name. But yeah, in 1977, yes, the people of Birmingham were desirous of laying it to rest. In 1963 the people of Birmingham were desirous of fighting to the last man. In Birmingham the War Between the States passed into history between '63 and '77.

WA: Okay.

AH: Okay. How about that for a tag line?

WA: That's pretty good. That's good.

END OF TAPE 1, SIDE B.

END OF INTERVIEW

TRANSCRIBED BY SHARON CAUGHILL, AUGUST 11 AND 12, 2003