START OF TAPE 1, SIDE A

ALAN W. HELDMAN, SR.
May 26, 2003

WILLOUGHBY ANDERSON: This is an interview with Alan Heldman at his home in Birmingham, Alabama. The date is May 26, Monday, of 2003. The interviewer is Willoughby Anderson. Okay, if you will say something we'll do the sound check. Maybe just your name.

ALAN HELDMAN: Well, let's get my precise name. It's Alan, A-L-A-N, middle initial W which stands for W-O-H-L, which is my mother's maiden name, family name. H-E-L-D-M-A-N. Confusingly, I have a son of the same name so he ends up getting my frequent flyer miles, and things like that. That's enough. You can listen back.

[TAPE IS TURNED OFF AND THEN BACK ON.]

WA: Okay, so why don't you tell me a little bit about how you came to Birmingham, a little bit about your family history.

AH: I was born in Birmingham on the south side on March 12, 1936 at South Highlands Hospital. My oldest son, Alan, Jr., was delivered at that same hospital in 1962 by the same doctor which is the sort of continuity one gets in the South. The doctor was Larry Newfield who was a fishing buddy of my daddy's. By the time the other children were born he had retired.

I have what's apparently unusually vivid early memories, nothing of any consequence to anybody's oral history. I remember where my crib was placed in the sun room in an apartment on the south side, and screaming at my mother who wouldn't get off the telephone when I needed my diaper changed. Apparently most people don't have that early a memory, although Salvador Dali claims to remember his birth.

How much background do you want? Do you want to know who my parents were and where they came from?

WA: Sure.

AH: Okay.

WA: And your education.

AH: I always thought that someone, maybe me, should write about the—I do have these dead pauses. I'm sorry—.

WA: That's okay.

AH: Strikingly dramatic differences between the two waves of immigration of Jews to America. My mother's family were of middle class, certainly not upper middle class, but middle class origins in the area where Austria, and Hungary, and Czechoslovakia all come together now. My maternal grandparents came to America in the 1880s not out of poverty or religious persecution. They were first cousins and this shocked the family and the community, and they decided they'd better come to Louisiana or Mississippi, which of course was wild West. They came into the Port of New Orleans then made it up.

At about the time my mother was born in 1904 my grandfather was the manager, not the owner, of a hotel in a small town in Mississippi, and my grandmother ran the kitchen and supervised the servants. My grandfather came down and, gosh, he must have just been in his mid-thirties or so, with glaucoma, and as it got worse and worse they got on the boat at Memphis and went to St. Louis which was then perhaps more famous than it even is now as a surgery center, Barnes and all of that. But the glaucoma surgery was botched, and he was absolutely blind or, I should say, it was unsuccessful. He was absolutely blind and my grandmother had to take over and make a living for five girls and one boy, so she moved the family to Birmingham. It must have been 1905 or '06 or so and caught Birmingham at a boom time. I might be off a year or two. She opened a restaurant and did very well. Then as now you work extremely hard in that business, but by the time my mother and her sisters were teenagers they had a big, fine house on the south side, and a Steinway grand piano, and were in the right echelon of the community.

My dad had been born in Kiev, Russia, as he said it's Ukraine now, in 1897 of lower socio-economic origins, but not *Fiddler on the Roof* sort of stuff. His father was a house painter.

Actually the reason they had to get out in a hurry is that, contrary to the law which said that Jews could not employ gentiles, he had several fellows working for him in this house painting business, so he had to go out the back window as the police were coming in, and the back yard was literally at the Dnepr River. He kept a boat tied up there, and I'm sure they had contingency plans. I suppose he had gold rubles sewn in his clothes, something of that sort. The Dnepr ends at the Black Sea, and how he got from I guess Odessa to Hamburg, which is a long way, I don't know, but he did, and he came from Hamburg to Birmingham because he had a much older brother—and this is a strange, almost incredible story but it does check out—who had gotten to America much earlier, had somehow gone to medical school, had been a physician in the U. S. Army during the Spanish-American War of 1898. When that ended, I think it just lasted a few

months, he had come to the boom town of Birmingham to set up a medical practice so, of course, his younger brother and family, including my dad—well, my grandfather got here, worked for a year or so to make money to send back to bring his wife and five or six children.

The year that my dad, and his mother, and one brother, and sisters all got here was 1905 which daddy pins down very easily by saying that the old Terminal Station, which I remember, which never should have been torn down, was brand new and apparently awe inspiring. He was then eight years old.

He went through public school, of course had to be started in the first grade. He had no English but a marvelous ear and tongue for languages, and by the time he had been here a couple of years he spoke with no accent, meaning he had a Southern accent like everybody else. He went to Henley School which still exists. What is it? About 24th Street and 5th Avenue North, I guess, and then what was called Central High School. He thought the world of his teachers who I suspect were very good.

By the time he was a teenager he knew he wanted to be an artist professionally, but America got into World War I in 1916 or early 1917, and he volunteered. I think he had to fib about his age. He had a very exciting, combat-filled war. He got shot, and captured prisoner, got medals, and whatnot, then basically spent the next fifteen years being an art school bum. He stayed in Paris for a while, and then New York and Chicago for the most part commercial art jobs and whatever, and always going to art school.

My mother meanwhile was growing up as a young lady in Birmingham who was taken with a couple of her sisters by their mother to New York to go shopping. Somehow someone said, "Oh, well there was a nice young man who's from Birmingham," and they fixed up my mother with my father. They fell in love and eventually got married, and the punch line of this story is that my two grandmothers, one living on the north side of Birmingham and one living on the south side of Birmingham, lived their lives out and never spoke to each other and, to the best of my recollection, were never in the same room. The cultural difference was as dramatic, and I really am not overstating it when I say it was the equivalent of a black person marrying a white person in the 1950s, say, in Birmingham. Thank God that sort of thing faded away somewhat, although there are still remnants of that sort of prejudice. It really does parallel, although it precedes, what happened in the black/white relationship.

Although we were of modest means, my dad worked as a commercial artist in Birmingham. I don't know how it would convert to today's dollars, but I would guess our income was—we had one car, a

Chevrolet. We lived in an apartment, but there was a black cook and cleaning lady there from, oh, probably seven in the morning until seven at night, who walked up the hill from her home because there was a big black community and still is on the south side. As you move south it becomes white at Claremont Avenue so those folks walked to work. I remember that she had a little boy, our maid had a little boy named Luther, who was just about my age. This was really sort of pressing the edge a little bit that sometimes after school Luther would come up. There was this awkward little relationship between the two of us.

This may not be true. What I'm about to say may be seen through a distorted perspective, but from my perspective, even though this comes from hindsight, it appears to me that Jews in Birmingham, and I would guess in general Jews in the South, were more sympathetic to the colored people, as the expression was, than the population generally. I needn't belabor that, empathy.

One thing sticks in my mind vividly. It was unusual for a black man to be a postal service mail delivery person in those days. On the south side in those days, I think on the south side probably today, the mailman is a pedestrian with a sack over his shoulder, or perhaps not today, but certainly that continued for many years. The one who covered our neighborhood was a black man, and my impression is that not one out of fifty were. What I'm leading up to which is striking, as a child it didn't go over my head. It taught me a moral lesson. He could knock on the door and ask to come in and use the bathroom. Obviously, my mother had made it clear that he was welcome to, and I suspect that that was just about the only place on his route other than maybe going several blocks out of his way to a service station or something. If I had any moral lesson in that sort of thing, that's the one that stands out in my mind.

The practicalities of segregation must have been—they talk about the water fountains. That's a social insult, but in physiological terms it's tolerable, but the absence of rest rooms that were available must have been a really serious problem. These folks must have had just sort of passed the word around as to where there is a place here and there that you can go. Within my young adult lifetime I remember, perhaps not in metropolitan Birmingham but when you got out into rural Alabama, I think I've taken photographs of this as an adult at a gasoline station or something, three doors, rest rooms: men, ladies, and colored.

The rest rooms in the Jefferson County Birmingham Courthouse were segregated when I started practicing law in 1961. Gosh, I still remember exactly the ( ), and I don't know where the ladies' rooms were, but the men's rooms were on the sort of back marble staircase as you went from the first floor to the

sixth floor. There were elevators. I remember I would use the one on the first floor or the third floor, and perhaps the fifth, and the second at least, if not the second and fourth were black. I think the drinking fountain problem was solved by putting little paper cups dispensers. I don't think it was explicit, but it was implicit that the white person could bend over and drink from the fountain or take a paper cup as he preferred, but that the black damn well better use the paper cup. I'm just rambling and free associating. I'll stop. I've sort of run out of that. You need to catch your breath anyway. Do you want to turn it off?

[TAPE IS TURNED OFF AND THEN BACK ON.]

WA: Okay.

AH: I went to two or three nursery school, kindergarten places. I can't tell you what they were by name, but I know where they were. I remember standing in the backyard of one of them. It was just in some lady's house in Forest Park, and I started thinking to myself about the word kindergarten and decided that it meant kin to guardian. I started in first grade at Lakeview School. The building is still standing, but not as a school. I was very, very poor student. I was just a poor student. In about the end of the fourth grade I guess it was, they gave me an IQ test and discovered that it was way up there, and they had at that time—and it's funny, because special education now invariably means down from the norm—but they had what was called special class for people with an IQ above such-and-such, but not at every school so I had to go to a school that was too far away to walk to, South Highland which is almost in Five Points. This was equally bright kids with specially trained, probably specially bright teachers, and I did equally poorly.

[BOTH LAUGH.]

AH: I just didn't like school I guess. I had, as I recall, one semester at Ramsey High School which is in the Five Points area, which is when my parents bought the house in Homewood where they lived out the rest of their lives. Shades Valley High School had just been built, and it was the high school for Homewood and Mountain Brook as well as being for the unincorporated areas south of Homewood and Mountain Brook such as Vestavia, perhaps. No, Vestavia was incorporated then. It was a big class. I guess about the time I was a sophomore my cousin Dicky two years older than me was a Harvard freshman, and he came home as a big shot. I decided I should probably buckle down and try to make good grades and get in a good school.

I ended up not going to New England to college. I went to Vanderbilt, class of '57. In other words I entered in '53. Again I was a little bit slow starting, but kind of hit my stride when I found what I was interested in. I was a joint major in English literature. I shouldn't have said English literature, mostly American literature and in American cultural and intellectual history. I stumbled into a course on American constitutional law, and the reading list was supreme court cases, a marvelous professor. I just clicked. He called me in after a few months of this and said, "This is where you belong. I want you to apply to Harvard and Yale Law Schools, and I will write you strong recommendations." So I did, and was accepted at both.

Harvard had offered more money than Yale did, but I never even summered other than here. A close friend of my family was a senior partner in a law firm here, and I summered with his firm, and it was just sort of taken for granted that I would come back to that firm. All of my classmates graduating in 1960 and '61 were either going to Wall Street. They had newly emerging nations in Africa, I think Ghana had just gotten nationhood and probably one or two others. Really the thing to do was to go to places like Ghana and help them draft a constitution and set up a legal system which, of course, in retrospect is hilarious. It's hilarious, but it's being repeated today. I saw something in a newspaper or magazine just within the last two weeks about American legal scholars going to Iraq to help them draft a constitution. Well, I needn't belabor it. It's obvious except to the experts.

WA: So which firm was that?

AH: At the time I joined it as a lawyer the first name was Deramus, D-E-R-A-M-U-S, written as one word, Fitts, F-I-T-T-S, and Johnston, with a "T," and Grant Fitts was the man who was a close friend of my parents. He actually moved to greener pastures. I was supposed to be his protégé, but after I'd been there just a couple of years he moved to Dallas and really entered the big time. He put together a conglomerate which owned insurance companies, and airlines, and whatnot. He continued to think well of me and would occasionally summon me to Dallas where I'd sit in a room full of people whose names one had heard of in the business world at that time, just because I was considered to have a special aptitude for federal securities laws as they were then.

When I joined the firm I was lawyer number eight as you count down from the top, or perhaps nine. We prospered and grew. By the time I took early retirement at the age of fifty-seven I guess we were about forty-something lawyers. Oh my God, it's nine years since I took my early retirement. I'm sure it's

more like sixty-five or seventy now. I gather you want me to feed into this narrative as it occurs to me anything that has to do with racial politics in particular, or race relations, or politics?

WA: Sure, that's going to be great. Do you want me to show you the time line?

AH: Put it where I can see it. I told you this the other day when we were with your parents. I was about to say the first thing that I did as a young lawyer in Birmingham that caught the attention in a negative way of the establishment was that I discovered that the Birmingham Bar Association did not admit to membership the handful of black lawyers. So when I was routinely sent the membership form I wrote back and said I would join when the black lawyers could join. That resulted in a delegation calling on the senior partners of my firm who put me under no pressure although there was not among them anything that could be called a liberal. They were just people of remarkable integrity and respect for somebody's rights of independent thinking, certainly more than any other law firm in Birmingham. I don't know quite how to explain it. They weren't the most brilliant in the world although they were good.

The tone may have been set a little bit by Harvey, H-A-R-V-E-Y, Deramus who was almost heading into retirement when I got there. He had been an early and lifetime friend and supporter of John Sparkman who was one of our two senators. I guess at the time I started practicing law in 1961 our two senators were Lister Hill and John Sparkman. Lister Hill oddly enough had a son by the same name who was my classmate at Harvard Law School. He was never called Lister. He was called Luther. They were both LL. I guess it was Lister Luther Hill or Luther Lister Hill.

Sparkman was, as the saying goes, the junior senator and perhaps was a little younger. He in, what would it have been? Nineteen-fifty-six, perhaps, was the vice presidential running mate with Adlai Stevenson. Would that have been '52 or '56? I remember it was the only time—my parents never got into heated arguments. They lost against Eisenhower and my dad, maybe because of his respect for the military, voted for Eisenhower. My mother said, "I can't believe I'm married to somebody who's voting Republican especially when we've got this intellectual Adlai Stevenson on the other side." Of course Adlai Stevenson was not really the intellectual that he was made out to be.

Here's a little footnote that I can't warrant that it's true because it's the sort of story somebody might make up, too. But I dated or was friends with, I certainly don't remember her name, a girl who worked in the records office, or secretarial office, or something at the Harvard Law School. She claimed to

have snooped around and found that Adlai Stevenson had flunked out, but don't count on it. That's the sort of story one might tell. I don't know that.

But anyway, Deramus was close to John Sparkman who was one of those good, old Southern, old-timey, I don't mean old, Southern U.S. senators who were not an embarrassment to us. This is a saying of mine, and I don't know that it will bear close analysis, but it's true as a generalization that for decades the deep South sent people of integrity, and education, and competence to Washington both to the House of Representatives but especially to the Senate, and simultaneously, perversely, almost always had nitwits or demagogues as governors. I think that's it. I've never tried that notion on somebody who's really studied it. The list of Alabama congressmen and senators from the 1940s really to date, I can't recall off hand it's including any embarrassments, nothing like George Wallace for bigotry, or like Jim Folsom for Grand Old Oprey-ness. All of this was a digression from the senior partners in my law firm.

I was mentioning the first racial incident I caused. I guess the next racial incident I caused was young lawyers in firms that have litigation practices, we tended to represent for the most part big, out-of-state corporate defendants: General Electric, General Electric Credit Corporation, General Motors, and in more recent years, CitiBank, CitiCorp. We did not represent any of the local smoke stack industries. That may have been why my law firm was a little bit of a different cut from those that did represent the smoke stack industries because, of course, they were all owned by local son-of-a-bitches who had their eye on you. The only local business of any great significance that we were counsel for was the transit company.

But as a young, defending-side trial lawyer for the most part in the early years I would have to show up at nine o'clock in the morning at this, that, or the other country court house in a radius of a hundred miles. I think two or three years younger than me, a black lawyer named U. W. Clemons, C-L-E-M-O-N-S, was often there also from a fine old black law firm in Birmingham, the senior partner of which was a man named Oscar Adams who ended up on the Alabama supreme court back after the world had changed completely. U. W. had graduated from Columbia Law School. A very, very dark skinned man.

END OF TAPE ONE, SIDE A

BEGINNING OF TAPE ONE, SIDE B

WA: Okay, go ahead.

AH: One thing you learn how to do as a lawyer in courtrooms is to stop in mid-sentence when the court reporter makes a gesture that he or she has to turn the tape over, so I know how to do that.

WA: Thank you.

AH: I'd walk in one of these courtrooms at five minutes before the appointed hour, and U. W. would be sitting on the left side of the central aisle, every other person would be sitting in the other half of the courtroom, and I would go sit next to him and talk. That was an unwritten barrier. It seemed absurd. Of course, they were all absurd, but it shocked me the first time I walked into Shelby County, or Blount County, or Walker County, or whatnot county court house and saw that if there was a black lawyer sitting on one side, there was always an aisle down the middle, I mean nobody would even sit eight rows behind him on that side. It was like weddings, the groom's side, the bride's side.

There's a pleasing to me punch line to the story I just told. Twenty-five, I guess, years later the senior partner in that black Birmingham law firm, Oscar Adams, was on the Alabama supreme court where he was, incidentally, very highly regarded because he was a superb commercial and corporate lawyer. U. W. Clemons was United States district judge, a federal judge here in Birmingham, appointed by Carter, I suppose. He's now chief judge. But a little pleasant thing that happened I guess in the early '90s when my son Sam was practicing here in Birmingham, and he had a hearing before Clemons who's very formal on the bench. When the hearing ended and everybody was closing their briefcases and walking out, Clemons in very magisterial tones said, "Mr. Heldman, I'd like to see you in chambers." "What did I do?" Sam, as he told the story to me the next day, I'm sure, went back there and stood in the judge's room, and he said, "I just wanted to tell you that when I first came to Birmingham and started practicing law, there were two lawyers in this community who treated me graciously. One of them is Bill Acker, my colleague down the hall now a fellow judge," and, incidentally, a right-wing republican, "and the other was your daddy." So, you know, what goes around comes around. I tried a big important case before Judge Clemons. I certainly would not say that I got more than justice, but I was treated well.

For somebody of my age, and I think you have to be almost exactly my age to fully get it, the revolution, the social revolution in the deep South is beyond belief. Nobody would have dreamed in the 1950s that in the 1970s there would be a married couple in the Birmingham police force, and one of them—I've forgotten now which was the husband and which was the wife—one of them was black, and one of

them was white, and they weren't light tan neither. We went from Bull Connor and the fire houses and all of that, and that's not 1950s, that's early '60s, to literally—it may have been fairly late in the '70s, but it was in the '70s that there was actually, not just blacks and not just black women on the police force, but a mixed marriage of two police people. I think they both retired a year or two ago, and there was a little thing in the paper about them at that time.

I think Diane McWhorter in the book published just a year or so ago, what was her title, do you remember?

WA: *Carry Me Home.*

AH: *Carry Me Home*, yeah, catches it pretty damn well. She was raised at a higher socio-economic level that I was, for sure, and the "Big Mules" as they were called, the owners of the heavy industry companies here, were her uncles and her cousins. And what she did, I think, a very good job of tracing out is their dirty little secrets. I would not want to be quoted by name in the connection that I mentioned to you the other day about the way that a senior partner in one of the most important law firms here was the puppeteer who pulled the strings that made Bull Connor act. I don't recall one way or another whether she puts that—I think she does. I think she does because it occurred to me at the time what his sons must be thinking and whether they had known.

I don't think we were the first firm to have a black lawyer or a black partner, but we were among the first. He's an ex-FBI man, and man, I'd hate to get on the wrong side of A.J. He looks as if he's still carrying a pistol in a shoulder holster. I suspect he's not, but doesn't needed one. If you sort of grab him by the arm or by the shoulder as he's going down the hall to catch his attention, it's like a bundle of steel cables. Bright. Tough. Straight arrow. I was never able to get a laugh out of him. I don't know if anybody else ever did or not. But yeah, he's doing well in it. Often they have to find some partner to sign checks over "X" amount. He's very often the person that signs the check I get in the mail every month.

WA: So tell me about the Young Men's Business Club.

AH: Oh, wait. Can I jump back?

WA: Sure. Sure, sure.

AH: I'll jump back in two steps.

WA: Okay.

AH: The first year I was here practicing law, or perhaps it was the first two years, my firm was on the eighth floor of the Brown-Marx Building, Brown hyphen M-A-R-X, which is on the corner of 1st Avenue and 20th Street North. My dad for, oh gosh, at least fifteen years had been working entirely from a studio at home, but fifteen or so years earlier had been the art director of an advertising agency which, as it happened, had been on the eighth floor of the Brown-Marx Building. Fifteen years later in the early '60s my daddy's mail would come to me.

What I'm leading to by referring to where my dad's office was in the 1940s and '50s is that sometimes after school at three o'clock in the afternoon, high school I guess, I'd go downtown. I'd go to his office. I think he had me do fileclerk work, or this or that. The advertising agency for which he was art director was the agency for the Folsom campaign. Folsom had several campaigns. I don't remember which one we're talking about, late '40s. I remember letting myself into the suite of offices, and the man who was the senior person in the firm, his door was open, and I looked into it. There across the table from him was this giant. Folsom was, I think legally six foot eight and big boned. He looked almost as if he—he didn't but I'm sort of exaggerating to make the point—looked almost like he had acromegaly or something, enormous. Big jaw. Big hands. Big shoulders. I saw him many times through the years after that, but as a twelve or thirteen year old child—of course I instantly knew who he was. He was certainly the physically biggest man I had ever seen. And, I guess to this day probably one of the biggest men I've ever seen.

In my presidency of the YMBC, which apparently you looked up and found was '63, I was hazy about that, Folsom was one of the people I had come to be our luncheon speaker. He was a sad case then, whatever one's feelings had been pro or con about him. It was always debated to what extent his having become a nitwit was due to alcohol and to what extent it was due to a brain tumor. I think he did have a brain tumor removed, but he also had a drinking problem. He was a wreck of his former self in the '60s. I remember he brought me an autographed copy of his autobiography when I had him to lunch, which I have in my big glass front case of signed books in the living room which includes books signed by Einstein, and Faulkner, and other notables. I think Jim Folsom is in there with them with a picture of him, so remind me to show it to you.

WA: Okay.

AH: I need to take another break.

[TAPE IS TURNED OFF AND THEN BACK ON.]

WA: Okay.

AH: Are we on?

WA: Um-hum.

AH: Young Men's Business Club. It's my understanding that the Young Men's Business Club was formed, founded, at what date I don't know, to fill a felt need by young men who had been what's called Jaycees—remember Junior Chamber of Commerce?—from which if my memory serves and I was told correctly, one had to retire or withdraw at the age of thirty-five. Nobody over thirty-five could keep up their membership. There were enough people who said, "Gee, this getting together for lunch, and talking about things, and maybe having a speaker is something we don't want to give up, so let's start something that we can go to now that we're over thirty-five, but there will be no age limit in any direction."

Now again, it's laughable today, but the idea that there would be women members just never occurred to anybody. With this particular group, I don't have the slightest doubt that if some young woman lawyer, or banker, or whatever, of which there were very few, had expressed an interest in joining it, sure, join. We're going to still call it the Young Men's Business Club but, of course, you're welcome.

That was the reason for it. But why did it, and again, I just don't know, how many years before 1960 or '61 it was in existence, and I don't know whether it had a particular reputation for being, so to speak, to the left of the political center in Birmingham.

A friend who was a member invited me to come and to join in the first few weeks after I got back here. It's a nice habit to get into, to have a regular Monday noon, for sure, group of thirty to sixty people with a speaker, and then a question and answer, and debate sort of period, I think as a rule of thumb with the goal being to adjourn by 1:30. I did have to get back to work, but it was a little longer than the usual. It would have to be somebody who'd been there five years before I got there who could answer the very interesting question of how it came to be a little bit progressive or, I hate to say, left of center. It's really more a question of open to ideas. The word Libertarian today has taken on strange connotations, but in the sense of enjoyment of the free exchange of ideas and the pleasure of good-natured, intelligent discussion and debate for it's own sake, the sort of thing that you read about if you go back to the beginnings of the Age of Enlightenment.

I think, for instance, just because it happens to be a particular area of interest of mine, the history of science. There was a group in England. They, I think, started in the early 17th century called the Lunar, L-U-N-A-R, Society which was so called because they met each month in the evening at the full moon because that's when you could get on your horse and go some distance. I guess this was by the 18th century it included people like Josiah Wedgewood, and Erasmus Darwin, and I may be imagining this, then later people like Locke and Hume. In that tradition.

I don't mean to compare a bunch or ordinary folks in Birmingham to that except in the spirit of it. I think that anybody regardless of how "traditional and orthodox" their social and political upbringing had been in Birmingham, if they either by nature or education had learned to think for themselves, was able to see by 1960 if not earlier that the status quo was wrong, was morally indefensible, economically irrational, bound to change with the march of history so why beat your head against a brick wall, even if you didn't want to go in that direction for higher reasons. There were some owners of small businesses in the Young Men's Business Club who were probably thinking in terms of, "God, if this town just dies out my business will go to hell."

I don't know how it was that the Young Men's Business Club came to be. I guess some very clever person before my day got the idea of declaring someone each year to be the Man of the Year. The process by which that was done was very independent and punctilious. I don't remember. It was not done by the members. I don't remember. It's sort of like the Nobel Prize. It was intended to be fair, and objective, and independent. And come to think of it, I can for an odd reason, come a little closer to remembering how far back it went to at least, because a bus driver I knew named Fricke, F-R-I-C-K-E, and Lord knows what Fricke's first name was. That was his last name. He was just a marvelous personality. He was named the Man of the Year in the early '50s.

The only reason I know that is that Fricke drove the 33 bus which went through Forest Park which stopped in front of my cousin Dicky's house, and Fricke used to stop. He was white so it is not as dramatic as the other story I told. He would stop and use the bathroom at my aunt and uncle's house at 918 Linwood Road. It's a marvelous thing how this happens in every community I would hope, that somebody in a fairly routine or menial job, who gets to see lots and lots of people, is just such a marvelous people person that he

becomes a beloved member of the community. Fricke was Man of the Year. The only reason I drifted off into that is I was still certainly no older than a teenager when that happened.

I don't have a particularly good recollection. At the moment I draw an absolute blank on who was the Man of the Year during any of the years that I was active with the Young Men's Business Club. From my point of view the more important decision to be made is somebody who was an officer of it before I was president and an officer of it after I was president, was who the guest speaker should be who was always somebody of national importance. We in the group sort of selected that person. The tradition was go a little bit left of center one year, a little bit right of center the next year.

I remember absolutely transfixed very early, maybe perhaps 1961 or so, when the speaker was Henry Steele Commanger. It would be spectacular if there's a record of that, if there's a verbatim transcript of that because it's just a paradigm of historian at his best saying, "History tells us that this is what is going to happen, or what is going to happen unless. . ." and he laid out what the next ten or twenty years was going to be in terms of the social history of the South and of America, if this, if that. It was only with the benefit of hindsight, of course, that I could realize what a fantastic job he had done.

One year the speaker was Edward Teller. Do you know who Edward Teller was? The movie *Dr. Strangelove*, that was a very thinly disguised Edward Teller. Edward Teller was "The Father of the H-Bomb." I think a Hungarian refugee, world's thickest eyebrows, and very much a hawk in the sense of, "Let's drop H-Bombs on the Soviet Union preemptively." *Dr. Strangelove* was not much of a stretch. Teller had been one of the four or five physicist geniuses of The Manhattan Project, the A-Bomb project. Oppenheimer was head of it, Enrico Fermi and Leo Szilard, and Teller. His was one of the scariest speeches I ever heard.

I think sometimes in architecture, and design, and in engineering they have the phrase, I think it may go back to the architect Sullivan in Chicago, "form follows function" or it may go back further than him. What would be the parallel way of saying what I'm trying to say? That format can, in the context of a group like this, a good format can have a tendency to produce serendipitous results, and bad format can make serendipitous results almost impossible. This maybe American chauvinism, but it's at least respectable to argue that the format set up by the American constitution of 1789 was a format that not only made possible but very much encouraged success. I think some of this format of the Young Men's Business

Club, and I have not the slightest idea who put it together in the early '50s I would guess, gets the credit for it of the weekly meeting, the luncheon speaker, to push the edge a little bit on who the speaker is, make it somebody a little bit controversial not the president of the bank, question and answer.

I should have said this earlier and more emphatically, the two local newspapers invariably had somebody there. For one thing the young reporter got a free lunch, so they were always there. They were stringers for AP and whatnot. I told you when we were talking informally the other night, Howell Raines was there for the local paper, and I'm sure he was a stringer for *The Times* at the time, and is now editor-in-chief of *The New York Times*, although he's been in hot water for the last couple of weeks, hasn't he?

WA: Yeah.

AH: I think that format helped. This is sort of subsidiary, but I'm remembering a little more about the format. Resolutions, not only would there be question and answer of the speaker, but let's say to pick an example that may or may not have been true, that the buses were still segregated in 1963. I don't remember what year it was. Any member could show up at the lunch meeting with, "Be it resolved that . . ." and that resolution would be read off. I think this was before the speaker. Then there was limited debate. I mean limited in time, and a vote taken. So whenever we passed a resolution that was at all progressive that certainly made that evening's paper, and this was in an era when the evening paper was where the news came out. It was much more important than the morning paper. Something that happened at lunch would make the evening paper. There was no other institution like it in Birmingham, and I don't know whether there was anything analogous to it in other Southern cities.

Now, at a much more heavy-clout level Birmingham had something called The Committee of 100 which was the economically important people in town who formed this committee at some time in the relatively early '60s. It's perhaps unfair to some of them to say when it looked as if business might dry up, and land values shrink, and whatnot, some accommodation had to be made with what was clearly coming. That group had black members. Then the, I forget the exact title of the minister's association, the Protestant ministers, and the Catholic priests, and then three, I guess, Rabbis belonged to. They didn't do much. They didn't do as much as they should have, but they at least existed.

Ann and I were married a few months before we came down here. She graduated from Harvard College the year before I graduated from law school. I started work at $400 a month, and she needed to get

a job. She got a job making $270 a month having graduated magna in English literature from Radcliffe, and having taken a year of post-graduate journalism at Radcliffe. She got a job for $270 a month assisting in writing the house organ for the University Hospital called *The Beacon*. I think it still exists, and I think it's still called *The Beacon*. Just as *The New York Times* has its little manual of style, and *Harvard Law Review* has its manual of style, *The Beacon* had its little manual of style. According to its manual of style a white registered nurse was referred to as "Miss," M-I-S-S, or Mrs. Smith or Jones. A black RN was referred to as "Nurse" Smith or Jones, not Miss or Mrs. And, of course, this was before Ms., except in the multiple sclerosis sense.

END OF TAPE 1, SIDE B

BEGINNING OF TAPE 2, SIDE A - **

AH: New England roots and a Southern California south of it, and then hard. I said, "Ann, Don't do it. Just don't—" and I don't mind if this goes on your tape, "just fucking refuse to do it." I think the best way to do it would be not to go in and announce, "I'm not going to do it." Your work is probably not being proofread or edited, just start calling them Mrs. or Miss, and seen what happens. If you're told to change it then let all hell break loose.

I hate to say something that may sound negative against my wife who I dearly loved, and admired, and happily fought with for twenty-five years, and she happily fought with me for twenty-five years until she suddenly died, and she was at least as progressive politically, and socially, and whatnot, as I, but wasn't gutsy, or didn't have the chutzpah, and I think that's a nice distinction. Her heritage had been, "You don't make waves." Even though I was adamant, I said, "God damn it, do it! I'll be ashamed of you if you don't, and if you get fired we'll borrow money from your parents who have plenty of money, or borrow money from my parents who have a little bit, and just get by. You can get another job." She just didn't. She went along with the system and, of course, within three of four years the system changed of its own momentum or what have you.

That's a nice distinction. Is there a best way, and is the sort of show-offie way that I tended to do that sort of thing, when is that the best or when is that necessary versus saying, "It's clear that nature's going to take its course in the next two or three years, and why should I lose my job and get in a hostile relationship to roar against the tide when the tide is going to be going out in a few hours anyway?" I don't

know. There's a place for both, obviously, and whether one does the one or the other is more a function of individual personality than anything.

I'm talking about at the trivial level of the things that I did, all of which were trivial. I'm not talking about the Gandhi's of the world or the people who really put their life on the line, and some of them lost their life in the '60s in Mississippi. Am I right? It just never occurred to me. Was anybody killed in Alabama in the '60s in the civil rights? Of course, Martin Luther Kind was shot and killed in Memphis, and Emmett Till was Mississippi, the three boys from New York were killed in Mississippi. Have I managed to repress a death in Alabama?

WA: During the Selma to Montgomery march.

AH: Oh, Mrs. Liuzzo, Viola Liuzzo, of course.

WA: And all of the bombings of black homes.

AH: The four little girls.

WA: The four little girls were the only four that were killed.

AH: It's kind of interesting. Look what my mind just did. The four little girls, and I knew the father of one of them. As soon as it came up I could remember the name of Viola Liuzzo.

WA: Right.

AH: But for about ninety seconds there I was thinking, "Hey, people were killed in Mississippi and in Memphis, but not in Alabama."

WA: Do you remember the Sixteenth Street bombing? Do you remember when that happened.

AH: That's the four little girls.

WA: Right.

AH: Oh, absolutely. Our YMBC meeting was noon on Monday, and that was Sunday. That was the day that Chuck Morgan made his "Birmingham is Dead," speech. It would take somebody other than me, more highly placed in the whole situation than I was, to say whether that really acted as a catalyst at the local level. I think it acted as a catalyst nationally and internationally, but whether anything changed in terms of Birmingham police procedures or legislation introduced in Montgomery, I don't know. I've sort of gone blank for a minute.

WA: So at the time you were active in the Young Men's Business Club you were also writing editorials and articles.

AH: Well, letters to the editor.

WA: Letters to the editor.

AH: Letters to the editor. They are different from an editorial. Yeah, I have not had a chance to do what I promised to do and see if I can dig out a big, thick file of published letters, this, that, and the other. I don't know. Any subject in the world.

Oh, I'll tell you a cute story. It's people you know and the racial sensibilities of the generation younger than me. My sons Sam and Alan were close friends with David and Edward Herschowitz, of course, and Ann and I were friends with Basil and Barbara. The kids were often put together to play during the afternoon after school.

One time when Basil's parents from South Africa were here visiting Sam and Alan went over to play that afternoon. They came back terribly disappointed, as I discovered when I asked at the dinner table, "Did you meet Basil's parents? What did you think of them?" Well, they had been told that Basil's parents were from Africa, and they expected Basil's parents to be black people with tribal garbs carrying spears. These are little boys three and five, or four, whatever.

[BOTH LAUGH.]

AH: Isn't that marvelous? I've told that story through the years. I'll have to tell that story to somebody during the business about Vanessa's wedding in a few weeks.

WA: Can you think if there are any other stories?

AH: Why don't we talk in terms of getting out and getting a bit to eat or something.

[TAPE IS TURNED OFF AND THEN BACK ON.]

WA: Okay.

AH: I'm just looking at your little time line here where it says, "Wallace running for president." Ann and I were in London. I guess we had breakfast in the hotel, and went out in the streets and saw a stack of papers. The headlines, four inches high on whatever the morning paper would have been, "Mr. Wallace shot." Those three words. I think I save it. I think I brought it home and saved it. Of course, we bought it

and read it with fascination. The trivial thing which struck me at the time was the "Mr." I'm sure every American paper would have just said "Wallace." We were in London when that happened.

WA: Do you remember him campaigning? Wasn't he campaigning for governor when he was shot? ( ) I think so.

AH: That would make more sense because when I looked at that I don't think we were in London that early. I think we were in London in 67 or 68.

WA: Yeah. That was his second.

AH: Yeah, I think it was. My first George Wallace recollection, this may have been the first time he ran for governor. They have big public barbecues on Labor Day, and there was one in the big park there in Homewood. It's a little bit west of downtown Homewood so to speak. Those are fun occasions. Politicians tend to show up for hand shaking, but we went for the barbecue. Alan was, I don't know, five or six, whatever. We can figure it out. He was born in '62.

Wallace was going around introducing himself and shaking hands with everybody. He came over and leaned down and shook hands with Alan. In the process of doing so he managed to step on the tail or foot of a dog, and the dog yelped. Thereafter whenever little Alan would see Wallace on the TV or something, he'd say, "That's the man who stepped on the dog."

[BOTH LAUGH.]

AH: I never would shake hands with him. I made a point of it on a number of occasions. As I told you when I sort of in the late '60s early '70s moved into the clean air movement I was leading a group that was putting pressure on the governor to sign the clean air bill which we had miraculously managed to get through the legislature. A delegation of about four or five of us made an appointment and went in to see the governor at his office. I guess I probably did shake hands with him then. It was a large rectangular office, and we were pulled right up to his desk.

Sitting in a sort of back corner being as inconspicuous as possible was someone, and the governor said, "Oh, and Mr. So-and-so is spending a couple of days with me." I think you'll be too young to remember his name because he died. It was Rowland Evans, Evans and Novak. Novak is still alive and active in journalism, but the byline was Evans and Novak, Rowland Evans, R-O-W-L-A-N-D, on the Sunday talk show. I think Rowland Evans was the one a little to the left, and Novak was a little to the right,

the way they usually do those things. He was very eminent in national print and TV, a journalist of that era, a tall, thin, elegant man.

That struck me as interesting that he really was doing his homework. He had arranged that he would be sitting quietly in a back corner, apparently for all day for two or three days, listening to whatever happened in the governor's office whether on the phone or people coming in like us, and just taking notes. That was journalism being done damn well. If we've got tape enough for five more minutes almost we can take a break and go eat.

WA: Sure.

AH: Journalism not done as well was something I got to see in a different way. Two Alabama politicians sued *The New York Times*. There was *Sullivan v. Times*, and there was *Connor v. Times,* or as they are generally cited, *Times v. Connor* and *Times v. Sullivan*. They were consolidated for hearing at the U.S. Supreme Court, and I think it's *Times v. Sullivan* that is the U.S. Supreme Court cite. It was the case that made the quite dramatic change in libel law. Do you know what the rule of the case is? I'll test you.

WA: I don't know it.

AH: It's that if you publish a false statement about a "public figure" and it is false, but actual malice is not proven then there's no liability. I'll add one thing to that which probably should—.

[TAPE IS TURNED OFF AND THEN BACK ON.]

AH: So Jimmy Mills the editor of the morning paper, the *Post Herald*, wrote an editorial on election day to be thrown in the yards of people election day morning coming out in favor of the change of government election. You know what I mean by the change of government election?

WA: Nineteen sixty-three?

AH: Yeah. A criminal—I know so little criminal law that I'm not sure that I'm using the right lingo—a criminal indictment was issued against him pursuant to an Alabama statute, Alabama Criminal code. I want to say Title 18, but that Title 18 is the criminal code of the United States Code as I recall now, which made it a crime to quote, and I do have this word for it, "To do any electioneering on election day." Well, the obvious response to that is, at least insofar as it deals with an editorial, is that violates the first amendment.

He was convicted, and under a very rarely used constitutional provision. Practically everything that goes to the U.S. Supreme Court goes on writ of certiorari, but there's a provision in the constitution that says when the constitutionality of a state statute is in issue, the person who was convicted under that statute may file a writ of appeal to the United States Supreme Court rather than a writ of certiorari. So it went up, literally on appeal to the U.S. Supreme Court whereas 99 times out of 100 to use that phrase would be incorrect. I wrote an *amicus* brief for the Alabama Press Association and the Southern Newspapers Publishers Association in which I pointed out how burdensome this would be because there are so many elections in Alabama.

I went to—who would be the county functionary who is in charge of keeping the voting machines? I don't think I even got an affidavit. I think I just asked, "How many elections were there last year?" I think it was seven. In the brief I said, "According to the fellow who keeps the voting machines there were seven elections last year, and it would be quite burdensome."

Of course, the Supreme Court ruled the statute unconstitutional, but in a concurring opinion going further than anybody else, Justice Douglas cited that from my brief in a footnote. It kind of startled me because there in a footnote in the U.S. Supreme Court opinion is an unsworn comment by a lawyer, who had not even been practicing long enough to be admitted to the Supreme Court Bar, which was hearsay. It wasn't even backed up by an affidavit from the guy who kept the voting machines. If you want to come out a certain way and make a certain point as a judge, you've got a lot of leeway, or at least William O. Douglas did. Okay, let's break

[TAPE IS TURNED OFF AND THEN BACK ON.]

WA: Okay.

AH: I think *Sullivan v. Times* was tried at the trial court level in Montogmery, but *Connor v. Times, Bull Connor v. Times*, was tried in Birmingham. I'll just be looking for eating places. There's some cars parked along the left as if one of those places, I think there's an Italian place.

[TAPE IS TURNED OFF AND THEN BACK ON.]

AH: We were talking a while ago about my being in George Wallace's office and Rowland Evans being there. Among those who knew him, certainly not me, he was called "Rollie," but not like in roly-poly. I was about to say that I took off from work to sit and listen to the trial of *Connor v. The New York*

Times. Connor was represented—I may be technically incorrect about this—but I was about to say that Connor was represented by James A. Simpson. I'd bet five to one that I'm right in recalling that, but I'm certainly right in recalling that Mr. Simpson led the cross examination of Harrison Salisbury, which I suppose is the most important cross examination I ever saw not on television, not counting O.J.

Harrison Salisbury I think had multiple Pulitzer Prizes. If one had been ranking American journalists of all media in the early '60s his name would have probably headed the list, or perhaps Huntley and Brinkley, or that nice old man who's still alive, Walter Cronkite. But in print media certainly Harrison Salisbury would have been several notches ahead of Rowland Evans.

Simpson wanted to test how diligent Salisbury had been in checking the sources for the things he had stated as facts and, of course, that's not a legal rule but the sort of rule of thumb in journalism is to have source A confirmed by a second source, that sort of thing. In a withering cross examination that lasted for hours, and I'm sure seemed like days—it may have been more than one day even in my recollection—but I'm sure it seemed an eternity to Harrison Salisbury. Simpson brought out that most of what he had written and published in *The Times* was absolutely anecdotal and unconfirmed. There were things that might be fact, and it was not an issue of, "Yes, I had a reliable source for that, but of course I will not reveal my source." It didn't get to that point. It was, "Well, some guy told me that his neighbor had told him that. . ." It was just an embarrassment to journalism.

It would be fun, this is just parenthetical, but somebody who didn't have anything better to do, like go take depositions, could go down to the library and do some work, and do a great article—who would publish it? Maybe *The Atlantic* would publish it—that would parallel that to this. I've already forgotten his name, the guy that *The Times* fired a couple of weeks ago.

WA: I've forgotten his name, but yeah.

AH: Yeah. Who didn't have and never will have any Pulitzer Prizes, but a lot of what Salisbury had done was pretty much like that. He would describe things from an eye witness perspective and he wasn't there. The beauty of it is every word of that transcript, I'm sure it's in the Birmingham Library Archives. It would also be in the Archives of the United States Supreme Court. It would be in the archives of the old Fifth Circuit. But I bet that it would be in the Archives of the Birmingham Library. It would just

be the court reporter's transcript of the trial and, therefore, very easy for you to get. It may be a whole lot of fun. That's all, that's my—.

END OF TAPE 2, SIDE A

END OF INTERVIEW

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Page 22: Writ of sirsharary? (phonetic)