Transcript – Thomas R. Prewitt, Sr.

Interviewee: Thomas R. Prewitt, Sr.

Interviewer: Elizabeth Gritter

Interview Date: June 18, 2004

Location: Memphis, TN, at his downtown law office

Length: 1 cassette, 1 hour and a half

ELIZABETH GRITTER: You said that you did have memories of 1959 and [I was wondering] what your involvement was with the election and what you remembered about it.

THOMAS PREWITT: That was an election of the Memphis city commission, and at that time we had a mayor and four commissioners, all of whom had equal authority. We didn't have the strong mayor-type government until 1966, I believe, when the city adopted a new form of government called the mayor-council. So now we have, since '66 or '67, a mayor and thirteen city councilmen who are elected by districts. The mayor has all the executive power and the council has the legislative power. Whereas before the mayor and all the commissioners had both legislative and executive power. But it worked very well as long as Mr. Crump was alive because he was the political leader of Memphis for many years before his death in 1954.

So 1959 was really the first election after the death of Mr. Crump that was what one might call wide open. It was the first time that the whites had any appreciable opposition from the blacks. Then that year 1959, Russell Sugarmon, who is a good friend of mine and he's a general sessions judge today and a good one, ran against one of the

Interview number U-0065 from the Southern Oral History Program Collection (#4007) at The Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.

commissioners. It was what we call an open seat. It was a three-man race between Russell Sugarmon, Bill Farris and John Ford Canale. I remember very well--. Incidentally, I told you I had a file on this at one time, but it's been destroyed, I don't know. I've had to destroy a lot of files since I started practicing law in 1948. So in that election, I remember Russell got about 25,000 votes. Not too many of blacks were registered to vote at that time although the blacks represented probably thirty to forty percent of the people at that time.

The reason I remember that percentage is that in 1963 I represented the city of Memphis through the City of Memphis Park Commission in a case that went to the Supreme Court of the United States from Memphis called--. What was that? I've forgotten the name of the—.

EG: Was it *Watson versus*—.

TP: Watson, Watson against the City of Memphis. I argued that case for two days in the Supreme Court in Washington. Chief Justice Warren was still presiding. I still have my brief that I filed in the Supreme Court. In those days we had briefs printed by [a] commercial printer because we didn't have good photostats and that was the only practical way to get important briefs put in such a shape that the court could read it. I still have the brief in my cabinet over there. I've got several bound copies of the printed briefs that I had before 1968 when we stopped doing it and started using photostat machines for our briefs. But at any rate, I remember arguing that case before Chief Justice Warren and the other members of the Supreme Court for two days because I started late in the afternoon and you were only allowed a few minutes before the court. They adjourned before I finished, and Judge Warren asked me to check on some matters

Interview number U-0065 from the Southern Oral History Program Collection (#4007) at The Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.

involving the school system, which I didn't have accurate knowledge of at that time. He told me to check overnight and I did. Then the next morning I went over and finished my argument and told the court the information they wanted about the school system. The Court reversed the Sixth Circuit and held that the city of Memphis was obliged to finish the desegregation process that we'd already started without further delay. That was the simple answer to it.

We were trying to delay it because of the tense situation that existed in Memphis at the time. It was certainly my view that--. All of this racial thing that we had in Memphis -- I was very active from a legal standpoint representing the city in some cases and the park commission in others and several counties around Memphis. It was my view from the beginning that if the federal courts attempted to go too fast, we would very likely have another revolution. I thought it was going to take considerable time to acclimate the southern people to the fact that the courts have now held that segregation is unlawful.

Up until that time since [the] case of Plessy against Ferguson in the late 1890s held that segregation in schools--. Well, it wasn't a school case. It was a railroad passenger case from Louisiana, I believe it was, and the court held in a ten-to-one decision, I beg your pardon, an eight-to-one decision--. There were nine members I believe in 1898 or whenever it was that this Plessy case came down and they held in an eight-to-one decision that segregated schools were constitutional so long as they were equal. That's where the separate but equal doctrine started -- from that Supreme Court case. Justice Harlan of Kentucky was the only dissenting vote in that case. So that was the law until 1954.

Interview number U-0065 from the Southern Oral History Program Collection (#4007) at The Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.

As I stated, it was my firm view that the courts had to go slow, otherwise we would have another civil war or another revolution. That's how strongly this thing hit the South all of a sudden. My job was, and I did it because I thought it was in the best interest of the whole country--. I tried to do it in stair-step form and introduce these changes, drastic as they were, as slowly as possible. I think that's what saved the country from another revolution. Of course, we did have a good deal of riots and bloodshed, but it was minor compared to what we had in 1861. So I represented school boards in West Tennessee; I represented white voters in West Tennessee, the Memphis Street Railway, city of Memphis, the Memphis Park Commission, you name it. I've been in the forefront of this legal situation that was created by the 1954 decision in the Brown case.

So in that election in 1959, Russell Sugarmon, the black man, was not elected, but for the first time he polled a very substantial vote. I said that there were about thirty to forty percent blacks in Memphis. In reading my brief not too long ago a question came up and in that brief which was filed in 1963 or maybe '62 when we got the brief up, I believe we said that the population was thirty-three percent black and the balance white. Now, it's sixty percent black and growing, and the balance is of white and some Asians and Hispanics. You can see how the city has been transformed since 1962, going from thirty-three percent blacks to over sixty percent today. So that has been the start of it, 1959. Then since that time, blacks have registered to vote in ever-increasing numbers until--. We always had a white Congressman from Memphis. Since the one-man, one-vote case was decided by the Supreme Court--I believe that was about 1963--the city of Memphis, which formerly only had one congressman had three Congressmen, which were elected two in part from Memphis and one wholly from Memphis because Shelby

Interview number U-0065 from the Southern Oral History Program Collection (#4007) at The Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.

County [represented a] disproportionate population based on the former allocation of Congressman in Tennessee.[1]

So we still had three white Congressman up until I think it was about 1975 when Harold Ford Sr., [a] black man, was elected from Memphis, the first black Congressman. Since that time, we've always had [a] black Congressman [who's] represented the predominant district in Memphis because we're carved up into three districts now. The other two only partially comprise those districts. That was done pursuant to the Supreme Court's opinion that called for one man, one vote -- a very important decision. I can't think of the style of that case right now but it went up from Memphis or it went up from Tennessee. That really had a tremendous effect on the whole country because of the disproportionate strength that the rural areas had until that decision came down.

So in 1959 there [was] about [a] thirty percent black population, but Russell got a good 25,000 votes out of probably a little over 100,000. There were two white men running and I think he got more votes than one of them but the white man who was successful, Bill Farris, probably got about 50,000 votes. I'm just estimating it now because I don't have the exact figures. So that started in 1959. Progressively, as I've indicated, the blacks because of the increase in population of the blacks *vis a vis* the whites and because of the fact that the blacks have a birthrate of probably three or four times that of the whites probably all over the country.

As I say, by '75, we had a black congressman, Harold Ford [Sr.], and his son Harold Ford Jr. is the current congressman from Memphis. I might say he's achieving quite a reputation all over the country now and he's one of the right-hand men of John

---

[1] *Baker v. Carr.*

Interview number U-0065 from the Southern Oral History Program Collection (#4007) at The Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.

Kerry who is running for president. I noticed young Harold is very active in that now. So you go ahead and ask me some more questions if you want to.

EG: Sure. Sure. Let me make sure the [tape recording] is [working.] Okay good. Do you remember when Sugarmon ran in 1959, what was reaction of the white citizens to this campaign serious bid for the first time?

TP: The white citizens were polarized against the idea of any black man being elected to such an important position as a city councilman. Russell Sugarmon got practically no white votes. In turn, it's quite interesting, the two white men got no black votes to speak of. Of course. I'm sure some blacks voted for whites and vice versa, but it was infinitesimal, very polarized. Obviously, the white citizens viewed the possible election of a black man to city council, city commission as being very undesirable. That situation has changed drastically though since then, very gradually, though. It hasn't been anything that's happened overnight. [Coughs]

In that same election that Russell Sugarmon got 25,000 votes [Coughs]—excuse me—I was very active in the race for another position on the council. My candidate was Jimmy Moore who played in the World Series for the Philadelphia Athletics back in the 1920s. He was a great athlete, and he was extremely popular in Memphis. I had gotten to know him real well. He was about twenty years older than I was. But I'd gotten to know him real well. We both went to the YMCA and played volleyball in those days. I was one of the people who talked Jimmy into running. I don't know that I was the first one that suggested it but I was very active in getting him to run. I did my best for it. Jimmy was a very personable fellow, but he had never been on television. I wrote his first speech on television, put it in bold-faced type, and he got on television and froze.

Interview number U-0065 from the Southern Oral History Program Collection (#4007) at The Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.

Fortunately, very few people were turned in. So we decided no more live appearances on television. It was going to be on tape from here on out. Well, that's just an aside. Jimmy later became an accomplished speaker. He wasn't a well-educated man, but was what I called street smart. He made a great politician. He was a very honorable member of the city commission. He won that race. The vote between Jimmy Moore and his opponent, Stanley Dillard: [the] white vote split right down the middle – 45,000 votes a piece. I remember it. The black vote went all for Moore. He got 25,000 black votes. That's the same vote that Russell Sugarmon got. So that was a real turning point. The blacks voted for Jimmy. They didn't know him particularly, but they didn't want his opponent. We had a mighty fine black man, H. A. Gilliam, Sr., who was our advisor. His son Art Gilliam owns [a] radio station here and I think he's got some more in other parts of the South. But H. A. Gilliam died about thirty years ago. I became a very close friend of H. A. Gilliam. He was our advisor. He was vice president and second in command of the Universal Life Insurance Company, a wholly owned black insurance company in Memphis. He was very well educated. I know he told me that in order for him to go on vacation he had to either go to Hawaii or the Caribbean. His death was a shock. He drowned in the Montego Bay, Jamaica. I looked into it, but after some investigation I decided [there] was no legal thing that we could do about it. But that was a watershed time, 1959.

Since then, gradually in Memphis until today, the situation has been turned around 180 degrees because of the increase in the ratio of blacks to whites. It's just that simple. Then, of course, the white people have finally [woken] up to the fact that we had to have some blacks in office. In 1966, I believe it was, the governor appointed Ben

Interview number U-0065 from the Southern Oral History Program Collection (#4007) at The Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.

Hooks who was later head of the NAACP in Washington who was a Memphis lawyer and pastor. I think Ben had a church in Michigan.

EG: Yeah.

TP: But at any rate he was appointed the first black judge in Memphis about 1966, I believe, because he finished an unexpired term of his predecessor. He came up for re-election a couple years later. I was fairly active in the bar association then. The bar, then as now, was active in trying to select good judges. Judge Hooks sent the word out, at least the bar learned that he was not going to run. I was appointed along with a lawyer named Jack Petree who died about thirty years ago to go see Judge Hooks and see if we could talk him into running because it was our view that he was doing a good job. It was essential that we have not only blacks but good blacks on the bench. So Mr. Petree and I went down and talked to Judge Hooks and he told us that he wasn't going to run because he couldn't be elected. Of course, at that time there was only maybe thirty-five or forty percent blacks in Shelby County. If a popular white man ran against him, he probably couldn't get elected. We asked him not to decide finally about that. We went out and got all of the former members or presidents of the Memphis and Shelby County Bar Association. All the living members of the bar association signed a petition urging Judge Hooks to stand for election. We took that to him and showed it to him. He was amazed. He said, "I can't believe this." He changed his mind. He ran and he had no opposition. We told him we didn't think he'd have any opposition once it's published that every living former president of the Memphis and Shelby County Bar Association endorsed him. Nobody ran against him. So that was another watershed you might say. That seat that Judge Hooks had when he resigned a short time later to take over the--. I

Interview number U-0065 from the Southern Oral History Program Collection (#4007) at The Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.

guess it was the head of the NAACP. No, no. That wasn't it. He became a member of the Federal Communications Commission in Washington, the FCC and after that he became [head of the NAACP]. But at any rate he resigned as criminal court judge to take that position in Washington.

His successor was Odell Horton, who was our first black federal judge who incidentally was from my hometown, Bolivar, which is sixty miles east of Memphis. I didn't know Odell growing up. He was about eight or nine years younger than I was but I wouldn't have known him anyway because we had very little association between the races but I got to know him very well after he moved to Memphis. He was [the] first federal prosecutor, assistant U.S. attorney in Memphis. Once John Kennedy was elected, he was appointed in 1961. Then from there, he went to the criminal courts judgeship. No, I'll take that back. From there he went to be director of hospitals for the city of Memphis under Mayor Loeb. Later he was appointed criminal court judge, and ultimately he became the first federal district court judge. He's still living and a very close friend of mine today.

I'm telling you this to show how this race situation has evolved to the point where in Memphis and Shelby County today we've got a black mayor. We've got a black city mayor and we've got a black county mayor. The city council is majority black, seven to six. The county commission is still majority white because the ratio in the county is still about even, the whole county because since this desegregation started following the *Brown* case the whites have left Memphis in droves and gone into Shelby County. That's depleted. That's one reason the white population of Memphis has gone down so much-- is so many of them have left and moved out into the county. The Memphis school system

Interview number U-0065 from the Southern Oral History Program Collection (#4007) at The Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.

now I believe is close to ninety percent black--the public school system. Whereas the county system is probably not over twenty or thirty percent black. I'm not sure about that percentage, but I know the city of Memphis school system is approaching ninety percent if not there. Of course that has resulted in a proliferation of private schools in Memphis and Shelby County. So that I would say a majority of the white students are in private schools now, maybe not a majority but pretty close to it. That changes every year.

To get back to my own personal situation, the city of Memphis form of government was changed, I believe in '66 or '67, and I was very active in the election of Mayor Loeb.

EG: In 1967.

TP: Yeah, I wrote some of his speeches and I advised him on legal matters. Within a few days after he was elected--I believe this was '67--the garbage union struck and withheld their services. Of course, that turned into a national affair. Growing out of that Martin Luther King was assassinated in Memphis. I was very active as an advisor to Mayor Loeb because right off the bat we were confronted with this garbage strike. It went from bad to worse until the governor--. The National Guard was patrolling Memphis at the time King was killed because of widespread looting and rioting in Memphis. I advised Mayor Loeb the law of Tennessee as any lawyer would have to do. There was no question about what [was] Tennessee law. It was illegal for any employee to strike [against] a governmental agency. The opinion of Supreme Court, I know, cited Franklin D. Roosevelt as an authority for [the] proposition that in a democracy it's unheard of for public employees to strike -- that their remedy was a ballot box in a democracy. That's still the law in Tennessee. Of course it's sort of like the law of India

Interview number U-0065 from the Southern Oral History Program Collection (#4007) at The Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.

when Mahatma Gandhi was protesting against it. But to my knowledge the legislature has never really acted on that. I know there's no question about it. In 1966 it was clear it was illegal. But enforcing it was another thing. I advised Loeb with that.

Loeb was a very strong-minded man. He said, "I'll never recognize them." Dr. King came to Memphis to lead a march, I believe it was, a few days before his death. That resulted in a riot. Of course, I think we already had the National Guard patrolling at that time. But King had to escape with his life then. I know the mayor asked me to try to assemble black leaders in Memphis. I along with Odell Horton, who was the health director for the city of Memphis, arranged to have a meeting at LeMoyne-Owen College that night that this first march of King broke up into [a] riot. We wanted to get the black leaders to go on TV and exhort the blacks to peace, that this looting and rioting won't get you anywhere. That was our aim -- to try to bring calm to this situation. I remember driving to Judge Hooks's home and picking him up and taking him to Lemoyne-Owen College for this meeting with other black leaders. I know Dr. Hollis Price was there. He was president of LeMoyne and several black leaders [were there] including Jesse Turner [Sr.] who was president of the local black bank and very influential. I know Judge Hooks' wife didn't want him to go with me because of the riots and she was fearful for us driving. There was a curfew on. No cars on the road. But I had special permission from the police department. They had my license number and knew where I was going. So Judge Hooks and I went over to LeMoyne and we had this meeting with the black leaders. They were very much concerned. I remember Jesse Turner coming into the meeting all bloody. He says, "The cops have beaten me with clubs and I was just trying to calm the situation down. They just--." He was angry obviously. [He] said, "Why

Interview number U-0065 from the Southern Oral History Program Collection (#4007) at The Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.

should I go on air and exhort people to peace when they damn near killed me." I remember that very vividly. But at any rate, several of them did go on television later that night to urge everybody to be peaceful, stop the looting and the violence that was going on. It might have had some effect. But at any rate within a day or two, King came back to Memphis and led a march. I remember I was at home that night before, the night before he was killed, and I had my radio on, and King was making his mountaintop speech to a group of blacks at one of the big churches. I can remember him vividly saying, "I've been to the mountaintop and I've seen over the other side and I know where I'm going." It was prophetic. He was prophesizing his own demise in that very vivid language that he was very good at. Twenty-four hours later he was dead. I remember, of course, learning about it right away. He was shot at this Lorraine Motel. After that, we not only had riots in Memphis but all over the country. The blacks were rioting. I reached the conclusion that the mayor had no choice, this thing had to be settled. President Johnson, Lyndon Johnson was still president, sent a mediator down from Washington, and I've forgotten his name, but Jim Manire and I sat in a conference with union leaders, two or three of them. We spent a whole night down at the Claridge Hotel. This man from Washington who was sent down as mediator was one of sharpest people I ever knew. If he hadn't been there I don't think we could've come to any resolution at all. But he was absolutely magnificent. I know I took two C reports with me to that meeting and I would read from the opinion of the courts saying the strikes are illegal. These labor men might as well have been talk[ing] to the moon. They weren't interested in whether it was legal or illegal. They say unjust laws. So but [at] any rate, we were able to settle it as a result of an all-night meeting. What Loeb was really against was

Interview number U-0065 from the Southern Oral History Program Collection (#4007) at The Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.

what's known as a check off of dues. He wanted the city to send the dues money directly to the union rather than to leave that prerogative to the labor men. Of course that's what unions all do. Otherwise, they'd never get any dues. So Henry said, "No. I'm not going to." That was his sticking point from the beginning. They wanted this check off. He wasn't so much concerned with what you call this union. It was this check off of the dues. He said there would be--. "I want these men to have the option of whether or not they want to pay it" -- he was steadfast in that. He said we can't contract with them so what we finally did was we didn't call it a contract. We called it a memo of understanding, [and we were] careful not to mention contract. We signed it and it was settled. So I played a very distinct role in settlement of strike, which of course affected the whole nation, still does have a tremendous effect on it. I think after that time—that was 1968 I believe. I think the election was in '67 in the fall of the year and the strike occurred I think in January of '68. I could be off one year. But I know after that H. A. Gilliam sent me a copy, and I still have it in a file in my office of a letter, which Martin Luther King had written to the ministers of Birmingham, Alabama. King had led a march in Birmingham, and they put him in jail. He wrote this from jail. The [letter was] typed out. He obviously had a typewriter and probably had a stenographer in jail. It was about a ten- or eleven-page letter. It was what I thought one of the finest pieces of prose I [had] ever read. It had been written about four years prior, hadn't gotten much publicity. I don't know that I'd ever heard of it. But Gilliam sent me a copy of it, and I still got his letter. It was a magnificent essay really, very convincing in his logic. I know that changed my views. Of course I came from rural West Tennessee, which was slave country, and my great great grandfather, James Prewitt, owned a number of slaves. He

Interview number U-0065 from the Southern Oral History Program Collection (#4007) at The Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.

had come into West Tennessee, oh, around 1830, somewhere along in there. He had gotten a land grant from Nashville. It was shortly after Andy Jackson had run all the Indians out of West Tennessee. They sent them down to the Florida Everglades. So I came from that background and my great grandfather was a physician in Grand Junction and he was in [the] Confederate Army at Shiloh, one of the great battlefields of the civil war. He had a commission from the Confederacy with the rank of assistant surgeon. I gave it to my son. It's signed by the secretary of war of the Confederacy. So he was at the battle of Shiloh, and his younger brother who was eighteen got a miniball in his abdomen which was always fatal. He wrote a letter back to Grand Junction describing in detail the last day of his brother's life. They were very religious people but I know that coming from that background that was fairly well—. I don't know that what I'm telling you is all well known. But I was, of course, pretty well known already going to the Supreme Court of the United States and arguing that Watson case. The blacks looked upon me as--. I think they referred to me as having a plantation philosophy. But incidentally, I won't go into my personal life after that but that had a tremendous effect on me–that letter that Gilliam sent me from Martin Luther King. I think that the whole South, the white South, has changed dramatically. I know that I even before that Brown case, I remember going to law school at [the] University of Tennessee at Knoxville right after World War Two.

EG: Let me check this tape a little bit. ( )

TP: Is it still taking it?

EG: Yeah. Yeah.

Interview number U-0065 from the Southern Oral History Program Collection (#4007) at The Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.

TP: I remember I had to ride the bus sometimes, didn't have a car, and the blacks all had to sit in the black. I later represented Memphis Street Railway, and of course it was a city ordinance that blacks had to sit in the back. Didn't matter how many seats were open in the front of the bus. The fares were seven cents when I came to Memphis. The fare was the same for both races. It just occurred to me how unfair that was with seats open they'd make poor blacks all stand up in back of the bus with seats vacant in the front of that. I remember making that observation.

EG: When you were doing the case, arguing the case?

TP: Not when arguing cases but just as general proposition -- the unfairness of the policies. Same with bathrooms. We have a bathroom in Central, in well, it's a park in the middle of downtown Memphis that's been here since Andy Jackson and the other two founders of Memphis laid out Memphis. We had one bathroom for whites only. I said, "What do blacks do when they want to go to bathroom in downtown Memphis?" But it took a long time--what I'm telling you, young lady--to change the mentality that had been there for really 300 years since the first [boat] load hit Virginia in about 1619, I believe it was. It had been there for all that time, so it wasn't something that you could change overnight. But it has changed. It was fifty years ago last month that the Supreme Court ruled in *Brown* against education that segregation was unlawful. So, we've had fifty years now to change the views. Of course, among many it will never be changed. But I think that the majority of the white people want to be fair about it, at least they have an open mind about the plight of the black people. I don't think, certainly not in my lifetime but maybe not in next hundred years, will it be a strictly colorblind society. I think that's true of the whole United States. I don't believe it's limited now to the white

Interview number U-0065 from the Southern Oral History Program Collection (#4007) at The Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.

people in the South because the whole nation is polarized now. The blacks all vote Democrat and the white people in the South all used to vote Democrat. But now the South is the main bastion of the Republican Party. Every Southern state voted for George Bush including Albert Gore's own state, Tennessee. Had Al Gore taken Tennessee, he would've been president. I didn't believe Gore could lose Tennessee frankly. I was a pretty strong supporter of Al Gore. I knew his mother real well and his father. It was a real shocker that he lost his own state. So that shows really that still--. Of course, the South is the Bible Belt too as you know from going to school in North Carolina. You may be from the North but you've been pretty well indoctrinated I'm sure. But the fact that the South is Republican right now is based on one thing – [race]. [Interviewer note: The tape cut off before he said "race," but I remember him saying it.]

END OF TAPE 1, SIDE A

START OF TAPE 1, SIDE B

TP: --week on this.

EG: Yeah. Is it okay if I ask you a few questions?

TP: Yeah, you can ask me some questions.

EG: Okay. One of the things I learned in the school this past semester is how in the 1930s there was a rise of legal realism and that after World War Two that there seemed to be a shift away from lawyers taking more social justice, social activist positions with the rise of McCarthyism and Communism. I was wondering how that played out with it all with civil rights.

TP: I don't really follow you. I don't understand your question.

EG: Oh okay.

Interview number U-0065 from the Southern Oral History Program Collection (#4007) at The Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.

TP: You said ( ). [whispering] I didn't follow you, your change of thought about the war and McCarthyism.

EG: Sure. Sure. I read an article that there was among lawyers like in the 1930s and so forth before the war a movement toward legal realism -- making law more accessible to the common man, for law to be more of an agent for social change. After the war, with the onset with the Cold War that lawyers were more hesitant toward taking a stand that seemed to be more socially activist and became more into like, more like a post-war kind of conceptual sense of rights.

TP: I don't know that I could agree with that. I don't really, I can't equate McCarthyism with the racial situation.

EG: I guess to explain it a little bit more. That some people who were civil rights activists were charged with being Communists. And that I was wondering if some people who were white didn't take a stand on civil rights because they were afraid that they would be labeled as Communists?

TP: That's possible I suppose. I don't think the South was affected too much by the Communist movement in the U.S. before World War Two. Certainly not as much as say California and New York and Boston, that area. Because I have read that there was genuine concern among a lot of smart people back during the Depression that if Huey Long had been elected, we might have a Communist system, that there was a lot of sympathy for Communism. In the '30s, Soviet Russia was looked upon with some favor. Didn't Roosevelt recognize the Soviet Union before World War Two? I believe we had diplomatic relations with the Soviets before World War Two. But that just didn't, that feeling that we might go Communist didn't really exist as far as I was concerned in the

Interview number U-0065 from the Southern Oral History Program Collection (#4007) at The Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.

South. Of course I was just a young boy growing up during Huey Long's days. Do you know who Huey Long was from Louisiana?

EG: The governor of Louisiana.

TP: Yeah.

EG: Okay.

TP: I know Roosevelt was concerned about him. He was really a rabid populist. He wanted to redistribute the wealth. That was his rallying cry. I don't know that there was the reluctance on part of lawyers or people fearful they would be branded Communist if they took an active role in civil rights. Maybe there was.

I was one of the lawyers that was, I was an assistant counsel to Ray Jenkins in the Army-McCarthy hearings in 1954 in Washington. There was a controversy between Senator McCarthy and the Army, secretary of the Army. I was in Washington for three months participating in this hearing before seven United States senators. I was very active in that. McCarthy was only, well, I know he was about forty-five, and I was thirty-one then. Because of my position I got to know him fairly well. I was in his office several times. He had a big map of the United States on his wall; he had a red dot everywhere he said the Communists are poised to sabotage the vital facilities in the United States. He was very adamant about that position. I had lunch with him a couple of times as I did with a lot of others. But Joe McCarthy died when he was forty-seven years old of acute alcoholism because he would have two drinks of double Manhattans at lunch. I even suggested to him [that] I didn't see how he could do that and still keep going. He said, "That's the only way I can keep going." But he died when he was forty-seven years old, a young man. From that hearing, McCarthy went downhill. That was

Interview number U-0065 from the Southern Oral History Program Collection (#4007) at The Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.

the end of his political life because it was all on television. The people could see through McCarthy really. Of course, he was down on any liberal. McCarthy was. He was free to brand some pretty doggoned salutary people with Communism, throw words around. But after that hearing, I think that fell into disfavor all over the country--this business of branding people as communist because they're liberal in their views and so on. With the demise of McCarthy and I think he died about 1957, I didn't hear any more of that, that people were being criticized for their liberalism because of their affinity for Communism or what have you. Is that, is it an answer?

EG: Yeah, it is.

TP: All right.

EG: Were you involved in 1960 at all in presidential and city election?

TP: I was an alternate delegate to the Democratic National Convention in Los Angeles when Jack Kennedy was nominated. In 1960, that's when Kennedy was elected, wasn't it?

EG: Right.

TP: He went into office in '61. Of course, I voted for him. Now the other elections, did we have any more elections in 1960?

EG: The city election.

TP: The city election was in 1959.

EG: I know that there was an election where Jesse Turner was elected to like the Shelby County executive committee.

TP: Oh, Democrat.

EG: Yeah.

Interview number U-0065 from the Southern Oral History Program Collection (#4007) at The Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.

TP: That would've been an election in the party.

EG: Okay.

TP: I'm sure I knew about it at the time, but I don't recall that.

EG: You talked about television and with Jimmy [Moore], how influential was television at that time in terms of campaigns?

TP: Quite influential. Of course I guess only a fraction of the people that now have them had them. I know when I was in Washington the Army/McCarthy thing was televised, every bit of it. I've got a transcript of the three-volume record that I've given to my son. But it was very influential in causing the downfall of Joe McCarthy I think, that televised hearing. Course as time went on more and more people got television sets. Course we didn't have color sets until about 1960, I guess it was. I don't think I got one until, oh I don't know when I got a color television now. They were mostly black and white in the '50s. But obviously it had a lot of influence from certainly I'd say 1950 onward. I remember in 1952 the first time I had really watched TV. I believe it was '52 but it was when Eisenhower was nominated for president, the Republican party. I watched so much of that on TV I had to go [to a] neighbor's office, I mean, neighbor's--. I didn't have a television. I don't think I got one until shortly after that. Eisenhower should not have been the nominee. Bob Taft of Ohio had it sewed it up. People came in and contested some of the delegates from southern states, and he was able to turn it around and barely was nominated by the Republican Party in 1952. I think television had a lot to do with that. That's the first recollection I have of television being important. I think that's why I got one. But they were pretty expensive. I mean those first sets were not too good. Tubes didn't last very long. But I got one I know after that. I think it's

Interview number U-0065 from the Southern Oral History Program Collection (#4007) at The Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.

increasingly become important where it's the dominant media now, probably more so than the press. I see where both Bush and Kerry are already flooding the television with these thirty second bites. I know Bush reportedly spent one hundred million dollars on television bites, fifteen-, thirty-second shots. Kerry spent a lot too. So obviously it's increasingly important to where it's almost essential now. This Schwarzenegger in California, he probably couldn't have done what he did without television. Of course, Ronald Reagan, that's what made him president. I don't think there's any doubt about it. He won because he was such a personable man on television and was just a great speaker. Of course he'd had so much practice as an actor and a radio, he was a sports commentator. So he already was an accomplished speaker. But I think except for television Ronald Reagan would never have been elected. All right, what else you want to know?

EG: I saw with 1959 election how so many of the candidates appeared on TV including Russell Sugarmon.

TP: That's right and I appeared on television with Jimmy Moore the first time he appeared and I'd written out his speech in bold-faced type and he froze. I told you about that. But within a short time he became an accomplished television speaker. But it was, there, he just had no background about it at all. I sort of got used to it in Washington because I was on television myself, and I was interviewing witnesses on television. So it was sort of second nature to me by that time. But people who were not experienced with it, some people just used to freeze, unable to speak because--. I don't think--. I guess a psychologist can tell you what causes that.

Interview number U-0065 from the Southern Oral History Program Collection (#4007) at The Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.

EG: How influential was newspaper coverage with the election? I saw that newspapers—.

TP: Very much so. We had two newspapers, two daily papers at that time. The *Memphis Press-Scimitar* was strong for Jimmy Moore mainly because his opponent represented, they thought, the old Crump crowd. The *Press-Scimitar* was not only for Jimmy Moore on their editorial page, but they published articles and pictures and went out of their way to help him. I don't think there's any doubt about the effect of the *Memphis Press-Scimitar* on Jimmy's election. That was 1959. Of course I've got personal knowledge of that.

EG: Do you remember much about the Unity Ticket?

TP: The Unity Ticket?

EG: Yeah, the *Press-Scimitar* and *Commercial Appeal*, this Dedicated Citizens Committee, a Unity Ticket of white candidates that included Moore and Loeb and Farris.

TP: Yeah, Stanley Buckman, Dr. Buckman, a very wealthy man, he had a big chemistry lab here in Memphis. He was very active in that Citizens Committee and supported Loeb. Loeb had virtually no opposition in that race. I know that they supported Loeb and Jimmy Moore and probably Farris who was the successful white candidate and Armour and Dwyer.

EG: Yeah, I think that was it.

TP: Because Armour and Dwyer had no opposition to speak of. They had no black opposition, I don't believe. But they had been on the [city] commission and were under Crump, but they were young and they had no opposition, so the Unity crowd had no choice but to go along with them because they knew they were going to be elected. I

Interview number U-0065 from the Southern Oral History Program Collection (#4007) at The Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.

think their main purpose was to elect Jimmy Moore, that Unity crowd. And Jimmy wasn't too well known although he had been a great baseball player. He wasn't too well known. He had been the manager of the Yellow Cab Company at that time. Those who knew him--all were very fond of him because he was a very personable fellow, handsome fellow. So the women liked him. But yeah, I remember that Unity Ticket now. Dr. Buckman, I think, started it.

EG: Yeah. Do you think there would've been a Unity Ticket if there hadn't been a Volunteer Ticket of black candidates? I saw [in] the press [coverage] that one of their purposes was to make sure that the black candidates weren't elected.

TP: Well, in retrospect, I don't think Russell had a chance. And I think he knew he didn't have a chance, but he wanted to start things moving. You've got to take the first step if you want to walk the whole mile. And it was a first step. After that they gradually became stronger. It was a slowly evolving process.

EG: Did you see any whites experience any changes in consciousness or think more highly of blacks because of Sugarmon's campaign?

TP: Do I believe that—.

EG: Any changes of attitude among whites in how they viewed blacks because of—.

TP: Again I get back to this one proposition that it was a slowly evolving thing, almost imperceptible at the time, but in retrospect you can see it gradually grew, but very gradual. And I think that was fortunate that it was gradual because except for that garbage strike Memphis hasn't had too much--. We haven't had more riots I don't believe since then. Of course, we've got such a large black population. So, it's been a

Interview number U-0065 from the Southern Oral History Program Collection (#4007) at The Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.

gradually evolving thing that I trace mainly to the white exit from the city of Memphis and the increase in the black population.

EG: Why did you decide to have a black advisor and have H. A. Gilliam for an advisor for your campaign?

TP: Well, we knew. I know that I talked to--. We knew that we had to reach the black community. Jimmy wasn’t known among the blacks. The reason that we picked Gilliam--. I know Bailey Brown who was then a lawyer, he later became a federal judge and later was on the Sixth Circuit at Cincinnati. He’s disabled now with Alzheimer’s. He’s eighty-six or seven years old. But I knew him very well. I know I talked to him about this very thing. He had been the campaign manager of Albert Gore, Sr. who ran--. Let’s see, he ran for the Senate in 1958 because he was first elected I believe in ’52 when he beat Senator McKellar, Albert Gore, Sr. In that 1958 race, Bailey Brown was his campaign manager. So I talked to him about it, and he told me that he had gotten the support of Gilliam, H. A. Gilliam. He--of course, he built him up--said he’s trustworthy, and he can be of great help to you. So then we talked to him. I don’t know, but I think I was participating in the discussions with Gilliam. [Gilliam] agreed to. He told us because we didn’t know, we had no other entrée into the black community but H. A. Gilliam in 1959. [Gilliam] kept telling us. He always called me Lawyer Prewitt, and he was ten or fifteen years older than I was. Until his dying day, he called me Lawyer Prewitt. But we became very close friends, but he still called me Attorney Prewitt. But Gilliam kept telling us, “Don’t worry about the black folks. I’ll see to that.” Sure enough, everything he said panned out because Jimmy got the same black vote that Russell Sugarmon got--practically the same, within a few hundred votes that I remember.

Interview number U-0065 from the Southern Oral History Program Collection (#4007) at The Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.

Well, I may be a little off on that. When I said 25,000 black votes, it's possible that Sugarmon got 35,000. I'm just a little fuzzy, but I know that Jimmy got most of those same votes that Russell Sugarmon got. We could read--. The paper published the vote by precinct. We got maybe one hundred precincts, and we knew which were black and which were white. So it was an easy thing to figure out where the votes came from. We didn't question Gilliam too much about what he was doing. We knew he was lining up all the black preachers, and it took some money to do that. So that was our entrée. As far as I'm concerned, that was it.

EG: I saw too that there were some ads that Jimmy Moore placed, campaign ads in the *Tri-State Defender*.

TP: He may have. I don't say that was everything, but that was the main thing. I'm sure he put some ads in that paper, because Jimmy was able to raise a good deal of money because he was very knowledgeable among the business community of Memphis. Most people thought a lot of him. So he was able to raise a lot of money. He had some particular wealthy supporters.

EG: What was reaction here like when *Brown versus Board of Education* came?

TP: Well, I was not in Memphis when that was first published. I was in Washington. I was assistant to Ray Jenkins who was chief counsel to this Senate committee. One of the lawyers who was participating in that hearing representing the three Democratic senators--. The Republicans controlled the Senate then. They had four and the Democrats had three. Bob Kennedy was a lawyer for these three Democrats although he was very favorably deposed towards Joe McCarthy himself. So I got to know Bob Kennedy real well. He used to drive me back to the Mayflower Hotel. We'd

Interview number U-0065 from the Southern Oral History Program Collection (#4007) at The Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.

go into the bar and have a few drinks. He told me about the fact that he had a smart father and that he was going, he wasn't ever going to practice law. He was going to devote his life to public service as he put it. I went to his home more than once because I remember walking in the door and seeing a big picture of Joe McCarthy staring me in the face. So I got to know Bob pretty well. We were about the same age. He was a couple of years younger than I was I think. The day that the decision was announced, *Brown*, I was outside of the Senate caucus room. It's a great big auditorium-like room with ornate things around it.

EG: Is this in the Russell Building?

TP: It was in the main Senate office building then. I think the Russell Building was a newer building. It was called a caucus room. That's where they had most of the hearings if they had a lot of people because they could accommodate a lot of people. We were in a recess that morning that the decision was announced. I was out in the hall talking to Bob Kennedy and his wife Ethel. I don't know what we were talking about, something about the hearing I guess. Somebody came up and said [that the] Supreme Court had held that segregated schools [are] unconstitutional. There hadn't been too much publicity about it before then. I think I knew that it was pending. But [there] just wasn't much talk about it. It had been pending for a long time. We know now that the former Chief Justice Vinson didn't want to bring it up because he didn't have a majority I believe. At any rate Vinson died and Earl Warren was appointed. He was governor of California and Eisenhower appointed him, a big Republican, to be the chief justice. But at any rate, when this announcement was made, and I don't know whether Bob said it first or I did. I probably did because I was instinctive in it. I said, "That's a mistake."

Interview number U-0065 from the Southern Oral History Program Collection (#4007) at The Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.

Bob Kennedy said, "I agree with you." Ethel said, "I don't agree with you. I think it's right." She was very strong. But Bob went along with me. Well, of course that's an instinctive reaction. Of course he changed dramatically after that. There weren't many outspoken people in the South that were for it. I really thought we were going to have a revolution if they tried to push it too fast. I was sort of glad a year later that they came down with the second opinion, which was the enforcement part of it. Nothing was done for over a year. The Supreme Court said we'll hear proof on what relief should be granted, and they came down with immortal decision that said, "It must proceed with all deliberate speed." Well, that gave South just enough opening to delay it. If the Supreme Court hadn't done it, I think we would've had a revolution if they had tried to do it too quickly.

EG: Is that why you thought it was a mistake?

TP: No, I'm sure my instinctive view was it was a mistake to force the integration of the schools. I didn't think it was feasible to force association of whites and blacks. I think I was right about that. They attempted to enforce it, but they weren't successful. Now the public schools are all black. The whites, those that can afford it, are in private schools. No, I thought it was a mistake to enforce it. I don't know what I would've done if I had been a member of the Supreme Court at that time. But I didn't think it was possible to force the white people to, certainly not to associate with them. I didn't think it would work. That was my main reason. I just thought it was beyond the pale. You were trying to change something that had been in effect 350 years, and school was the most important phase of it. I thought the public accommodations matter was entirely different from the schools. See, we didn't have the public accommodations act

Interview number U-0065 from the Southern Oral History Program Collection (#4007) at The Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.

until after Kennedy was killed when the Civil Rights Act of 1964 ordered public accommodations be equally open to all, the hotels, restaurants and so on. That never did bother me. I thought that was nothing but right that the blacks had a right to eat in public accommodations, go to hotels, and so on. But schools were different.

I'm of mixed feeling today about the ultimate effect of that decision on public education in America. God knows, I think it's uniformly agreed by both parties that the public education system in the United States is in pretty sad shape. I don't think that's any news to anybody. It's not limited to the South; it's all over the nation. So it's a great problem. I think it's the number-one problem in American, our system of education. The Democrats won't go along with any change. They've got that labor union. The Republicans want to go with this voucher system, which I think deserves a try. Let's do something. It may be wrong. But I think it's--. Of course, their argument is that if you take money for vouchers, it's going to drain it from public system. Well, that doesn't bother me too much. I believe the public system needs more competition. So I'm very much in favor of a voucher system. At least I don't see any harm in trying. The main reason I feel this way--. I'm a member of Calvary Episcopal Church. I'm not a very good Christian. I didn't go to church for thirty years after I got a divorce, but Calvary Church is doing a great job on their outreach programs. I think it's generally recognized in Shelby County that Calvary's done a great job. That was why I started going back to church about ten years ago. But one of their outreach programs is they have sponsored a school, Hope School. Right now it's in a building that's in the same block as the Calvary Church. But they're going to move pretty soon. But this Hope School was set up to handle black children in a big housing project that is now abandoned, all-black housing

Interview number U-0065 from the Southern Oral History Program Collection (#4007) at The Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.

project. I personally have seen the way those black mothers, the efforts they make to get their little children in this Hope School. It's all black but they've got wonderful teachers, and they've got discipline. The Negro mothers are the ones that are pushing for it. They're the ones who would like to have a voucher. I'm not thinking about the whites. I'm thinking about these poor blacks. They have no choice. They can't go to a private school. But these black mothers are lining up to get their little black children in this school. It started off with the first grade. Now I think it's up to about six or seven. There won't be any criminals growing out of that Hope School. Those little black children are perfectly disciplined. The teachers are good. They're conscientious. And that's why we've got so much black crime in this country. It's no secret. Of course politicians don't want to deal with it. But I've seen it. Why don't we come up with some system to give those black mothers some hope? They've done it in Cleveland, Ohio, and the Supreme Court has ruled it's constitutional. The legislature in Ohio set up a voucher program of $2500 a year. Well, everybody knows you can't educate a child for $2500, that it's more like $7500 or $10,000. But the reason this voucher for $2500 works is the Catholic schools will take them. So these black children are able to go to a good Catholic school with good discipline and the reasons the Catholics can do it, those teachers are nuns. And yet these civil righters, so to speak, are fighting that with everything they've got. It went to Supreme Court and the Supreme Court has approved it as not violating the separation of church and state. I don't know whether it was a majority decision or a unanimous. I've forgotten. I think there was some dissent to it. But that's my argument. What we ought to think about is making it available to these poor blacks who are going to turn into criminals because an inordinate percentage of the black young men are in the

Interview number U-0065 from the Southern Oral History Program Collection (#4007) at The Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.

penitentiary today. I don't know what the exact percentage is. But Shelby County jail down there is about 95 percent blacks. So I fail to see the logic behind no vouchers at all. When they fight something like this $2500 voucher that's made possible only because you've got nuns teaching and the Catholics can afford to do it but they're still great schools—I don't hear any of these civil righters arguing that. They stay away from it for politics. That grieves me very much. It's the one thing that leans me towards the Republican Party, is that one issue because I think it's what we're raising all over America. It's not just the South is a criminal outcast where an inordinate, maybe ten times as many people in prison are black as white. What's your solution? To build more prisons–-that's the politician's solution. I hope this is being recorded—.

EG: It is.

TP: Because I don't hear politicians talking like this because they can't afford to. I can afford to, young lady. I've seen the world. They damn near killed me in World War Two, but they didn't. And I've represented, as I say, all these white people. I've lived eighty-one years. I know a little something about this country. For the life of me, I think it's the number-one problem in America today. It's the dual problem–the black heavy crime and the public school system. The labor union in New York and all of these top Democratic politicians don't want to even offer it a chance. That's what gets me. When they would fight that voucher system–only works because of nuns and Catholic schools--that convinces me that they're not really interested in the black folks. There are a few blacks that speak out on this subject. I read--. There's a man from San Diego, and they have him on the editorial page in the *Commerical* [*Appeal*]. I've forgotten his name but he writes for [a] San Francisco paper, and the logic of his arguments is so clear that I

Interview number U-0065 from the Southern Oral History Program Collection (#4007) at The Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.

don't see how anybody can honestly disagree with him. But you can't get it across. I've seen politics. We've got such polarization, where my friend Albert Gore got more popular votes last time than Bush did, but he lost his own state and that cost him. Terribly polarized so that the Democrats, on the one hand, can't afford to alienate these labor unions, this educational labor union, and all these so-called black leaders, they can't afford to alienate them. The Republicans on the [other] hand have got the cow tied to the Religious Right and the no abortion--. So you politics doesn't do the job. Sometimes I wonder whether or not this democracy can sustain itself with the influence of money in elections and so on. If you are going to select a theme, young lady, that would be a wonderful theme to bear down on. Both parties are guilty. I can't stand the Republican Party's position on abortion. All these so-called do gooders and Religious Right don't want these poor Negro women to have a free abortion. That's what they're doing. Many of them ought to abort rather than continue to bring into this world children they can't support, but the Republicans are dead against it. They want to get somebody on the Supreme Court that will overrule *Roe against Wade*. The Religious Right is this way. The Democrats on the other hand, as I say, they don't want to help these poor Negro mothers that are in these housing projects that are just waiting in line to get their babies in something beside a school where they have lockers with guns in them now, no discipline. I ran into a young lady that went to the Calvary Church. She was about fifty years old, I guess. She said, "I teach in a public school in southeast Memphis." Which used be mostly white. I said, "Well how are you getting along?" She says, "It's a nightmare." That was mostly a white area, but the blacks have been moving in very fast. I said to her, "Explain it to me." She said, "I have to spend half my time just trying to maintain

Interview number U-0065 from the Southern Oral History Program Collection (#4007) at The Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.

discipline." Lord knows what she's able to do in the rest of the time. But she has no choice. She's a divorced mother with some children. She's a dependent on a job in the city schools. It pays well. They're paying these teachers $36,000 a year. When I was in school, at Bolivar they paid them $75 a month and we had a wonderful school. Of course times have changed. But the Democrats want to throw more money at the school system, and it's just like throwing it down a rat hole. They just hire more supervisors. Of course I could talk for a long time. I could make a mighty good jury argument on this subject. So if I was writing a thesis on the mores of the United States today it would be on that thesis. I don't believe anybody can put up a legitimate argument about it. They'll evade it because unfortunately you've got two parties, and each has its core constituents they call them, that they either answer to them or they're not elected. For instance, there's no way for John McCain to be nominated by Republican Party, but if he were he'd win it in a landslide from Arizona. They're even talking about putting him on the ticket with Kerry. But McCain won't do it. But that's just an example. McCain can't be nominated because he's not for this pro-right group, or the Religious Right groups.

END OF INTERVIEW

Interview number U-0065 from the Southern Oral History Program Collection (#4007) at The Southern Historical Collection, The Louis Round Wilson Special Collections Library, UNC-Chapel Hill.