

Interview with U. W. Clemon, senator-elect, Alabama state senate, Birmingham, Alabama, July 17, 1974, conducted by Jack Bass and ~~Walter de Vries~~, transcribed by Linda Killen.

Jack Bass: I'd like you to give me really just a very brief description of your background and particularly political activity.

Clemon: Okay, do you want it basically biographically?

J.B.: Yeah, just to summarize. Are you a native of Birmingham?

Clemon: Yeah, I was born in Birmingham in 1943 and attended public schools here in Jefferson county and attended Morehouse College in Atlanta for a year and then graduated from Mills College here in Birmingham in 1965. I then went to Law School at Columbia University in New York and came back to Birmingham in the fall of '68 and started in the private practice of law. My activities really haven't been that political. I take it that. . . some of the early cases that I handled dealing with school desegregation, police brutality, the desegregation of the University of Alabama's football team, those type of things put me in more or less a political role. I first joined the young Democrats in Jefferson county in 1970 and was elected vice president. Other than that I've had no prior political office. I ran, unsuccessfully, for the Birmingham city council in the fall of 1973. It was a race for three positions on the city council. I came in fourth. And then in the early part of this year I became interested in a seat in the Alabama senate. I live in a district that is roughly 85% black. The most heavily populated black senate district in the state. And I declared for that position and had virtually no opposition and am now the Democratic nominee for the state senate from the 15th senate district

in Alabama.

J.B.: Is there Republican opposition?

Clemon: No, there is no Republican opposition.

J.B.: What did your parents do?

Clemon: My father was a steel worker here in Birmingham at United States Steel. He had a 4th grade education. My mother was a domestic, when she worked. They were both born and reared and lived at least half of their lives in Mississippi and came to Birmingham in the early 40s. I was their first child born here.

J.B.: How many brothers and sisters do you have?

Clemon: I have five brothers and three sisters.

J.B.: Did you have a scholarship when you went to Columbia?

Clemon: Yes I did.

J.B.: What kind was it?

Clemon: It was a Herbert Layman scholarship that is administered by the NAACP legal defense and educational fund.

J.B.: And you represented them here, am I correct, in legal. . . ?

Clemon: Yeah, I am a. . . well, I have a legal. . . it's a fairly close relationship with the legal defense fund in New York. When I was in law school I worked part time at the legal defense fund and then I became what is now known as an Earl Warren Fellow. That is to say I was given an internship after completing law school, which entailed my spending roughly four months in a fairly intensive training program, civil rights training program in New York. And then I spent the remainder of that first year out of law school here in Alabama handling civil rights cases under the tutelage of my senior partner here, Oscar Adams, who at that time had perhaps more legal defense fund cases than any other lawyer in this state. And my salary for that first year was paid

totally by the legal defense fund. The Earl Warren Foundation. And then my second through fourth years in private practice were years in which I received diminishing subsidies from that foundation.

J.B.: Did you receive the endorsement of the . . . what is the organization. . . Progressive. . . .?

Clemon: Prog-- Jefferson county Progressive Democratic Council.
Yes I did.

J.B.: For city council and for. . .

Clemon: Yes I did.

J.B.: And for the senate.

Clemon: Right. The city council race was a fairly interesting race. Arthur Shores, who was the first black lawyer in the state to handle civil rights cases, handled some of the leading constitutional cases involving the rights of black folks in this case for a long number of years--something like 25 years--was, in 1970, appointed to the Birmingham city council. He was the first black member of that council. And he was appointed to serve a term that was about to expire. He ran for the position in the 1970 election and won handily over his white opponent. Gathered quite a bit of white support. Well, he had total white support, even in 1970. He and two other members of the city council. . . I'm sorry, three other members of the city council were up for re-election last October. In the general election there were 21 candidates, including the incumbents, the four incumbents. As a result of that election the field was reduced to six because Nina ^{Miggaliano} ~~Meetleaniko~~ [?] won the election outright. She had the backing of virtually all the political groups in the city. The white councilwoman who did win the election right out required to be in the

run off so that left six of us in the run off. And in the run off the Jefferson county Progressive Democratic Council endorsed Arthur Shores, myself and councilman Overton, a white dentist here. There were two other blacks in the run off besides Arthur Shores and I. And there was quite a feeling of resentment on the part of the black community that the Progressive Democratic Council had overlooked these blacks. And the election results showed that Arthur Shores won handily over all the white candidates in the run off in every white box. He did not carry any black box in the run off. Which indicated to me, at least, that some dissatisfaction on the part of the rank and file blacks with the leadership accorded by the Jefferson County Progressive Democratic Council.

J.B.: Do you think that will be a sort of permanent thing or a one time expression?

Clemon: I think its rather difficult to say at this point. I think it's going to depend to a great extent on what the council does in the up coming elections. It's probably fair to say that within the last ten years the council has really not been reflective of the feelings of a majority of the blacks in the county. And it's been unresponsive, basically, to their interests.

J.B.: Do you think, then, that reaction against the council hurt you also?

Clemon: I think that's probably true.

J.B.: Did you run ahead of Shores in the black precincts?

Clemon: Oh yes.

J.B.: Did you run behind the other two black candidates?

Clemon: No, I didn't. I ran ahead of all of them, all the candidates in the black precincts.

J.B.: I see. So you did not run very well in the white precincts.

Clemon: No, I didn't do well at all in any of the white precincts.

J.B.: To what do you attribute that?

Clemon: I guess basically it was due to the efforts of the power structure here in Birmingham to portray any black other than Arthur Shores as being a wild radical. There's a group in Birmingham known as Operation New Birmingham, which consists of the business and considered political leaders in the city. It represents, for want of a better word, the establishment. In the run off, Operation New Birmingham, which is partly funded by the city of Birmingham. . . . It has as a goal the creation of a new image for the city, formed sometime after the '63 demonstrations. And the image of Birmingham that was carried forward in those days. It is, you know, being partially funded by the city. But the leaders, or the officials of Operation New Birmingham created a new group called BAG, Birmingham Action Group. And the Birmingham Action Group, which operated out of the headquarters of Operation New Birmingham, embarked on a campaign, by telephone and personal contacts, to arouse the white voters in the city to the prospect of Birmingham being controlled by radical blacks. They had these telephone centers and they distributed literature in the white communities. And basically urged the whites to come out and vote or less the city would revert, probably, into the hands of irresponsible blacks. And, you know, the effort paid off because whites did come out in large numbers. And the support I had gotten in some white boxes in the general election was not there in the run off. Birmingham, unlike many other cities in the South and other parts of the country, has not arrived at the point where a majority of the voters in the city are black. So that whites can still outvote blacks here in Birmingham. And that's what happened in the city

council elections back in the fall.

J.B.: So to what do you attribute the election of Richard Erring?

Clemon: Well, Richard ^AErrington was elected in 19--, I believe it was '72. At the time that ^AErrington was elected, he was, politically, an unknown.

J.B.: I see. Then he was an incumbent in this last year's election?

Clemon: Right. He did not run again. He's up for election, I guess it will be in October. But when he was initially elected he had support of the newspapers and of most groups because Dick ^AErrington, up to that point, had been a very capable dean out at Mills College and had had no political involvement whatsoever. He wasn't considered to be a threat.

J.B.: How do you assess his record to date?

Clemon: I think he's had a very responsible record. I think that he has addressed himself to the problems of the black community, unlike any other person who has served on the city council. And because he has taken positions, I think that he is in trouble politically in terms of re-election. If some kind of massive voter registration effort is not made in the black community, I think there's a very substantial chance that he won't be re-elected to the Birmingham city council. Because he has publicly attacked
got public hearings on that and has generally spoken out where he knows that a particular issue effects the black community and that the view point of the black community is not being heard. And for that reason people in power here in the city fear him.

J.B.: In city elections, councilmen have always been elected on an at large basis.

Clemon: That's correct.

J.B.: Do you see any effort to change that?

Clemon: Yeah. I plan, as a member of the senate, to sponsor a measure which would require the election of city councilmen by wards.

J.B.: For Birmingham or for all cities?

Clemon: For all cities with a population of over 50,000. There are a number of cases presently pending here in federal courts here in Birmingham and in Montgomery to require the election of city councilmen or city commissioners by ward. I don't think that a suit has been filed against the city of Birmingham at this point, but I know there are some suits filed against the city of Pittsburg [?]. Also think Jefferson county and Fairfield. And I sure that if those suits are successful then it may very well be that a similar suit will be filed against Birmingham. That is, if the legislature by that time has not enacted a statute requiring the election of city councilmen by ward.

J.B.: You're saying that the Birmingham Action Group is basically a political one?

Clemon: Yes it is. It is a political organization. I don't know how much longer that group will be in effect. I presume that it will only become active as needed in city elections.

J.B.: What kind of goal do you have in so far as legislature is concerned?

Clemon: I guess my principal concern is to aid in whatever way possible in the enactment of a new criminal code in this state. Alabama's criminal laws and criminal administration in the state is 19th century. And there is presently a commission of the Alabama Bar Association which has been studying the laws and has prepared a draft of a new criminal code. I'll be fairly active in promoting that particular item. I'll

address myself to certain local problems. I spoke about the proposal to require the election of city officials by wards, which will apply generally in cities of over 50,000. I also am interested in a study, and subsequently a statute, giving to Alabama cities greater powers to annex territory. Birmingham, at the present time, has an annexation problem in that the surrounding white municipalities don't want to come into the city of Birmingham. There are some black areas which, in most cases, are not immediately contiguous to the city. And there's a problem in having those areas annexed into Birmingham. As a matter of fact, basically the only way you can do it now is by special legislative enactment. And I propose to work toward giving to cities of 100,000 or more, which would basically be Montgomery, Mobile, Huntsville and Birmingham, the power to annex territories not immediately contiguous to the city. I am sure that a proposal is going to be made, a very serious proposal, to re-instate the death penalty in this state. And I'm going to work long and hard. . . if the filibuster rule by that time has not been repealed. . . filibuster to the extent necessary to keep that proposal from becoming enacted into law.

J.B.: You're opposed to any form of capital punishment?

Clemon: Yes I am.

J.B.: For any crime.

Clemon: That's right.

J.B.: How about tax reform?

Clemon: Well, I feel that the problem of tax reform with respect to individual taxes is not really a problem in Alabama. We basically pay, I guess it's about 5% at the most on individual taxes. In so far as corporate taxes go, I very strongly feel that they should be increased. They are, I believe, somewhere between 5 and 10%. I must say that that

is not an item which will receive priority status on my agenda. But to the extent that such proposals calling for greater taxation of the businesses and corporations are made, I would support them.

J.B.: Are you active in any party activity beyond your activity with the young Democrats?

Clemon: No, and I guess it's fair to say that I'm not really that active with the young Democrats here in Jefferson county anymore. As a matter of fact we don't become active until an election is about to take place.

J.B.: Do you anticipate that there will be a black legislative caucus organized?

Clemon: No. I anticipate that there will be some efforts to organize such a caucus, but I believe that a majority of the blacks, the newly elected black legislators, will not want to participate in such a group if it has any kind of formal structure. I've talked with a majority of the newly elected black legislators from Jefferson county and there--

J.B.: There'll be nine altogether? Seven in the house and two in the senate?

Clemon: Yeah.

J.B.: So the majority will come from Jefferson county.

Clemon: Right. And the majority of those are against any kind of black caucus that is formally named as such. To be sure, we will at various times meet. But my feeling is that we'll meet in an unstructured situation and we'll meet as particular problems come up.

J.B.: As I understand it, there is an association of black elected officials in Alabama.

Clemon: That's correct.

J.B.: Do you plan to become active in that?

Clemon: No, I don't. I don't plan to become active in it.

J.B.: Can I ask you why?

Clemon: Because I don't think it holds any promise of really doing anything for black people. I think that it's basically a show organization. I'm not aware of anything it has done. And I don't see anything meaningful that could come out of my association with such a group.

J.B.: How do you react to the possibility of George Wallace being on the national Democratic ticket in 1976?

Clemon: The idea makes me sick. I don't think that George Wallace has changed and I would hate to see him as vice president. I have monitored, with some reasonable degree of steadfastness, the progress of the state in providing meaningful employment opportunities for blacks in state agencies. And that progress has been nil except to the extent that federal courts have issued orders directed specifically to department heads telling them to hire blacks on a certain quota basis. But even when that has happened the results have been far less than expected. So as I see it, George Wallace has had the power and indeed the duty of considering blacks for appointment to various positions. Of appointing various agency heads who would be responsive in that respect. I think he's totally failed to do so and I think that he has otherwise encouraged disrespect for the law, particularly when it comes to school desegregation. And considering all these things, along with his record in the whole area, I just don't see any change in the man.

J.B.: What would he have to do that would indicate to you that he has changed?

Clemon: He'd have to appoint some blacks to responsible positions

in state government.

J.B.: Do you think Alabama needs a state anti-discrimination agency, human relations commission, human affairs commission, human rights commission?

Clemon: No, I don't think Alabama needs such a . . . Well, I think Alabama needs such an agency. I don't think that such an agency would be effective in this state. It would have to be created, as I see it, by either the governor or by the legislature or both. If it's created by the governor, its powers will be severely limited because there's just so much power that he has as the chief executive official of the state. He couldn't, for example, give to the commission the power to investigate, the power of subpoena and that kind of thing. He couldn't give to the commission the power to impose sanctions in the event of noncompliance with the rules and regulations of such a committee. I don't think that the legislature would do it, but even assuming that it did, I don't think that it would be willing to give to such a commission the powers that would be called for in order to rectify the tremendous ongoing problems of racial discrimination in this state. And, you know, I just think that a human relations commission in this state would be a farce.

J.B.: Under this administration.

Clemon: Under this administration and given the present composition of the legislature.

J.B.: What effect do you think it's going to mean, having 15 black legislators instead of three?

Clemon: Well, I think it's going to have considerable effect because along with the presence of 15 black faces in the Alabama legislature there is the additional consideration that at least, at least 20 whites

would not be in the legislature had they not received the support of the black community. So along with those 15 is another 20 at least. And I think that, for example, in the house of representatives, with 105 members, 37 or 40 of those people wield very considerable power in terms of influencing which way particular items of legislation will go. So I think that's going to be a tremendous difference. In the senate I think the difference is going to be less optimistic. There'll be two black faces in that body and probably five or six others who owe their positions in the senate to black support. And I don't think that that, that those numbers would be sufficient to determine the fate of some items which will come up for consideration. However, the presence of just one black senator in the Alabama senate is going to mean a lot, because unlike the house of representatives, at least at the present time, there's a right of unlimited filibuster in the senate. So that effectively one senator can pretty much tie up things.

J.B.: Do you see blacks forming coalitions with the Republicans in the legislature on questions such as legislative reform?

Clemon: Well, I don't think there's going to be enough Republicans down there to form a coalition with. I see blacks forming coalitions with whites of similar views. I mean so far as I'm concerned Republicans just not going to be elected down there in the legislature in any substantial numbers. I don't think there's going to be six down there. But, at the same time there will be whites--

J.B.: [6 and 15 equals 20.]

Clemon: We'll see. At the same time, there will be some whites who will, white Democrats, who will be more receptive to the points of view which the black legislators will be espousing.

J.B.: Do you anticipate that the black legislators will make an

effort to meet with Gov Wallace as a group?

Clemon: It may happen, but I don't think so. I mean I believe that there will be some support for such a position, probably will come out of Montgomery or Tuskegee. And there may be four or five black legislators who will get together in such a group to go see the governor, ostensibly as a spokesman for the black legislators. But I don't think that there will be support for that on a majority basis, on a head count.

J.B.: What do you think will be the reaction if an invitation to meet comes from him?

Clemon: With all the black legislators as a group?

J.B.: Yeah. That's strictly a theoretical question.

Clemon: Yeah, well, if he extends such an invitation to me, I think that probably most of the legislators will go. If he invites them to meet with him as a group, I think that probably would happen.

J.B.: How do you react to those black elected officials who endorsed Wallace this past time?

Clemon: Well, I have very strong feelings against what they did. I don't understand it. Johnny Ford may have been able to get some money for Tuskegee through the governor's office. And if that's why he did it, perhaps it was the politically expedient thing to do. Jay Cooper may have been able to get some money for Pritchard through an endorsement of Wallace. I guess if I were mayor of such a city, it is a factor which I would have to consider. On consideration of that. . . the effect of such an endorsement, I think that in all probability I would reject it.

J.B.: Why?

Clemon: Because I think it gives undue credence to the effort to

portray Wallace as a man who has forgotten about his racist past. Because of that, it--

[Interruption.]

--possibility that Wallace will ever have to deal effectively with black people in this state. I think, you know, that when Wallace was endorsed by black politicians such as Johnny Ford, the effect becomes the same as the declaration in Newsweek magazine that Wallace received 20% of the black vote in the most recent election--which is just not so. The fact that Johnny Ford endorsed Wallace and said that Wallace is an all right man on the race issue means that a lot of people in other parts of the country will believe that. They will not question his credentials on that issue again. And if so, those of us who have lived here under his regime from day to day, it sells us short.

J.B.: How do you react to someone like Charles Evers?

Clemon: Well, I just have to be brutally frank about Charles Evers. I have never been one who respected the intellectual ability of Charles Evers. I mean frankly I think Charles Evers is stupid. I think that in this instance he was trying to jump on a bandwagon which he imagined was about to start rolling.

J.B.: The reason I asked about Evers, of course, is that there's no way that George Wallace is going to send any money to Fayette, Mississippi.

Clemon: Yeah, that's quite true. You know, there may be more sinister motives involved. I say sinister. . . . It may very well be that some of the Democrats in Washington have passed the word to people such as Evers that it would be a smart move to endorse Wallace. That Wallace on the '76 ticket with somebody like Kennedy would be a winner

across the country. And maybe it would be.

J.B.: What do you think would happen This is really a theoretical question. . . . if you ended up with a Kennedy-Wallace ticket and a Ford-Brook ticket?

Clemon: I think probably Kennedy and Wallace would win.

J.B.: Among blacks in the South?

Clemon: Well, among blacks in the South Ford and Brook probably would make it. But nation-wide I think Kennedy and Wallace would. Nation wide I think that many whites, many whites might find the idea of Ford sharing the ticket with Brook as distasteful as some blacks in the South would find the idea of Kennedy sharing the ticket with Wallace.

J.B.: Would you like to be a delegate in '76 to the national convention?

Clemon: No I wouldn't. I think national conventions are utter bedlam and I'd rather watch them on television.

J.B.: What do you think is going to happen in Alabama politics after George Wallace leaves the state scene?

Clemon: Well, there's Joe Wallace. . . sons I take it of George Wallace. I think what's going to happen after Wallace in Alabama is anybody's guess. I think the whole thing is going to be up for grabs. I don't think that he's going to be able to just tap someone on the shoulder and put him in office. His charisma is an individual thing. I don't think there's necessarily a spill over effect to it. Bill Baxley, I think, has a very promising future in the state. That is to say, if the Wallace forces don't kill his .

J..B.: Baxley's support of a limited capital punishment law. . . .

Clemon: Yeah, Baxley actively campaigned for a capital punishment law in the most recent session of the legislature.

J.B.: Would that significantly hurt him among black voters?

Clemon: No, I don't think so. There is, quite surprisingly, substantial support in the black community for capital punishment. Because, you know, one must not forget the fact that most often blacks are victims of black crimes. And I've had any number of black people, old and young alike, come up to me and say that they think my position on capital punishment is unreasonable.

J.B.: How about sales tax?

Clemon: Well, I would work against any effort to increase it. I think it would be unrealistic to talk about reducing it.

J.B.: How do you evaluate the effectiveness of the Alabama Democratic Conference?

Clemon: Well, I think that it's the most effective black political organization in the state and that is not saying very much at all. It is one of maybe two or three black political organizations in the state. But I think that because of its hook ups with local black political groups, like in this county the Jefferson county Progressive Democratic Council, it has the rank and file people on whom it can depend to pass the word around as to what particular candidates are to be supported. It has a grass roots organization. And that is something, I think, that no other state wide black political organization can claim.

J.B.: Is the national Democratic party of Alabama fading out?

Clemon: Very much so. Very much so.

J.B.: Do you think their county affiliates will eventually be absorbed by the Democratic party, state Democratic party?

Clemon: Not as such. I think that eventually those who are in the counties affiliated with it will end up in some ADC affiliates. But the NDPA, John ^{Cashen}~~Cashion's~~ group, which is really what it is, really has no base other than John Cashion. And I think that, you know, like the local group here in Birmingham has really no leadership. NDPA, to the best of my knowledge, has never won any election in Jefferson county where at least a third of the blacks of the state are. It, of course, has some political power in some of the black belt counties, like Green county and Sumter. Counties such as that. But with what I consider to be the increasing openness of the Democratic party, the regular Democratic party of Alabama, I think there's disenchantment with the NDPA. [And I don't think it will continue, even in the black belt counties.]

J.B.: How do you assess the role of Bob Vance?

Clemon: Well, I think Bob has played a very vital role. It is not an easy thing, by any stretch of the imagination, to oppose George Wallace in Alabama and live to tell it, in political terms. And Bob has managed to walk that tightrope very successfully. There is no question but that he is no flaming liberal. But he has opened up the party, I think, to the black folks in a way that it had never been done before and in a way in which it was not likely to have been done had the Wallace forces been able to wrestle the chairmanship of the party from Bob last month. . . it was more than a month.

J.B.: Did he encourage you to run?

Clemon: No. For this--

[End of side of tape.]

What happened is that after this run off election last fall, when I came in fourth among six candidates and there only being three places open,

the man who came in third, Listen Cochran, died. And there was an effort by the city council to determine who should be appointed to his position. One of the local newspapers here indicated that it seemed, in fairness, that I should be appointed to that position since I had come in fourth.

J.B.: Which paper?

Clemon: Birmingham Post-Herald. I suppose that course still in operation. And so the city council announced that it would listen to public sentiment as to which person should be appointed to that vacancy created by the death of Mr Cochran. And public sentiment, I'm told by Richard ^AErrington, ran very heavily in my favor in terms of letters and telegrams and things like that. So for about three months the council was unable to make a decision. Finally what they decided to do was to appoint the chairman of the county Democratic organization, David Harry, because they said that he lived in that area of town from which Listen Cochran came and he could represent those people in that area. So after that development there was. . . my popularity in the black community soared to an all time high level. And then I learned that I just happened to live on the last street in a district which was 85% black. So it occurred to me that I ought to seek the position of the senate. And that's how that came about. No one asked me to run or encouraged me to run.

J.B.: How do you assess the city of Birmingham and its governing body?

Clemon: I think that the city of Birmingham is a growing city, unlike the last 40 or 50 years. I think Birmingham is again growing. And I think that four of the council members are fully capable and willing

to meet the challenges that are going to be and are being presented to the city and its growth. And they respond to the problems as they come up. But as I see it, the city government or the majority of the people on the city government are still not ready, at this point, to face the racial problem in the city.

J.B.: Would it be fair to say that it would be their position that there is no racial problem?

Clemon: Correct. That's precisely what their position is. And until that. . . you know, until we reach the point that that is recognized or we reach the point where the majority of the voters in the city are black. . . .

J.B.: How would you define the racial problems in Birmingham?

Clemon: I think that it's a problem of an image. I think that the effort has been, concentration has been to try to destroy the image of Birmingham as a city torn by racial strife. And as a process of all of the energies of the establishment in the city being committed to that proposition, they have been willing, perhaps even forced, to sweep such racial problems as do exist under the rug. The problem for example that blacks are not being hired by the various city agencies, or not being appointed to various positions, responsible positions in the city government by the mayor. The fact that police brutality in some cases and misconduct and discourtesy in others, with respect to black folks, is still a rampant problem in the city. The fact that blacks on welfare are not treated with any reasonable degree of dignity. Or the fact that the schools in this city are still segregated. All of these facts, I think, are overlooked by those who run the city because I think it is felt that any real attention or concentration on these problems would detract from

the image that we are otherwise trying to create.

J.B.: How many schools in Birmingham remain all black or 90% or more black?

Clemon: There are about 87 elementary schools in the city. I would say that at least 25 of those are all black schools and at least 30 white schools are all white schools.

J.B.: There is no busing order here?

Clemon: No there is no evidence of that. The last desegregation order entered in the Birmingham school case was in 1970. Prior to Singleton and prior to the Swann decision.

J.B.: Who's handling those two?

Clemon: This office is our counsel in the case. My senior partner, Oscar Adams, is responsible for the Birmingham case and the ~~[Boisner?]~~ Bessemer case. But recently I've become interested. . . well, recently I've taken time to do some on my own in the Birmingham school case. And for a year now, for one solid year, I've been filing motions in the Birmingham school case asking the judge to set the case down for a hearing so that we can have the school board come forward with a new plan.

J.B.: Who's the judge here?

Clemon: Judge Lynn has been the judge. In the last four months he has assigned the case to a new judge, Judge Kuine [?]. And I talked with Judge Kuine two weeks ago and he said he's going to set down my motions in the next month or so.

J.B.: What's your reaction to what I understood to be. . . and I sort of got an only very cursory report, might have just been on radio or television or something. . . but as I understood it that Frank Johnson had issued an order in effect proposing an end to busing below the 6th

grade.

Clemon: Yes. I have not seen the order. I've seen varied reports of it and have heard various commentaries on it, on the wisdom of it. Those commentaries principally coming from school board members and southern newspapers. I think that the order cannot stand if the Swann decision stands, the Charlotte decision. As I understand it, Judge Johnson in that case said that neighborhood schools, although they are one race schools, can survive even in a system which is historically racially segregated school system. I think that the order has to be reversed by the 5th circuit.

J.B.: Were you surprised at the decision?

Clemon: I was shocked. I was absolutely shocked to hear of the decision. Because it was Frank Johnson and also because, as I understand it, US Law Week [?] I saw some excerpts from the decision and the decision contains, in effect, an apology for his having ruled that way. Cites the cases in which he has in effect upheld the constitutional rights of blacks, to say that he's not really a racist. He probably isn't, but I do think that he's dead wrong in that case. This is not to say that I believe that wholesale busing should always be employed at the first grade level in order to desegregate schools. I don't think any court has gone that far and I wouldn't advocate it. But at the same time, I don't believe that the use of bus transportation to desegregate elementary schools can be ruled unconstitutional out of hand.

J.B.: Which case was he ruling in? Montgomery?

Clemon: It was a Montgomery city school case.

J.B.: Who's the lawyer in that?

Clemon: Well, there are two. Sullivan [Soloman?] See is one of the lawyers and then there are interveners in the case. And I believe Howard Mandell represents the interveners.

J.B.: Is there anything else you wanted to comment on that I didn't ask about?

Clemon: Don't think so.
[Interruption on tape.]

J.B.: Do you see in the future in Alabama coalitions developing between blacks and working class blue collar whites?

Clemon: Yeah, I definitely see that and I think that there is some effort in that direction already.

J.B.: Will this Congressional race be a test of that?

Clemon: I doubt it. I doubt whether the Buchanan-~~?????~~ *Miggaliano* race will be a test of it. What Buchanan has going for him is the support of the Baptist ministry in the district. And that is a very powerful force to be reckoned with. The labor support which I presume Miss Nina will get will of course be drawing from the very same sources as the Baptist minister will be drawing from.

J.B.: Is he a Baptist minister's son?

Clemon: No, he is a Baptist minister.

J.B.: I did not realize that.

Clemon: And the son of a Baptist minister.

J.B.: Was he a Baptist minister when he ran for Congress?

Clemon: Yes he was. In '64 when he ran he was a Baptist minister.

[End of interview.]