

**GREENSBORO VOICES/GREENSBORO PUBLIC LIBRARY ORAL HISTORY
PROJECT**

INTERVIEWEE: J. Kenneth Lee

INTERVIEWER: Eugene E. Pfaff

DATE: N.D.

[Begin Tape 1, Side A]

EUGENE PFAFF: This is a segment of the Greensboro Public Library Oral History Program. I'm speaking today with Mr. J. Kenneth Lee, a retired attorney in Greensboro, in his offices of Lee and Johnson, Attorneys at Law, concerning his participation in the defense of the demonstrators who were arrested in the spring of 1963 in Greensboro. Mr. Lee, I was wondering if I could first ask you to give me some brief biographical information about yourself?

J. KENNETH LEE: Yeah, I was--I started out in 1942, came to A&T [North Carolina A&T State University] from high school as a student in electrical engineering and I graduated--

EP: Where were you born?

KL: I was born in Charlotte.

EP: Charlotte.

KL: --and I was--I stayed there until I was about six years old, and then I--my family moved to a little place called Hamlet, in Richmond County, North Carolina. And I was raised there. I stayed there until I came to A&T in 1942.

EP: May I ask what year you were born?

KL: Nineteen twenty-three. And I enrolled in the school of engineering, electrical engineering. I went something--you know, year-round, to graduate in three years. And I got about six weeks from graduation and I was drafted. I served a couple of years in the navy and came back, and I got out at the exact same time that I went in, so they let me--Mr. Bowling, A.C. Bowling, was head of the department, let me come in and take right

up where I went off--I mean, you know, where I left out. So I stayed there six more weeks and I graduated.

And I took graduate courses at the University of Hawaii and some other courses from other places. And I got a job teaching electrical engineering at A&T. At that time, Western Electric and all the companies were advertising, running full-page ads--Western Electric had just come here then--and they were running full-page ads in the paper for electrical engineers, but they wouldn't give any black engineers even a chance for an interview.

So I decided the only way I could make a living in engineering, other than teaching, was to leave home. I had all sorts of offers in California, and Chicago, and Detroit, but I didn't want to leave Greensboro. And I decided I'd go back to school. I went to law school.

At that time, of course, there were no--the only law school in the state was North Carolina Central and it was very--at that time they had--it was in two rooms on the third floor of the library at North Carolina College in Durham. The library books were all stacked on the floor, they had no--no shelves to put any of them on. And I wasn't particular about going that--going there, so I got to be one of the plaintiffs in the [law] suit and attended the University of North Carolina.

And about \$250,000 and two years later, I enrolled there as one of the first black students that enrolled and graduated from the university.

EP: What year were--did you file the suit?

KL: The suit was filed--I, I intervened as a plaintiff--the suit was filed by Floyd McKissick, who runs Soul City [North Carolina], and Richard Epton, who was from Asheville, and Robert Davis Glass and another fellow. When they got to the place where they were graduating from law school in their last year, they had no plaintiffs left, so some of us who were interested in pursuing it further intervened as plaintiffs. I intervened in the first part of 1949--'48 or '49 I believe it was, and of course I entered in 1950--law school in 1950 I believe it was--June 1950.

EP: And received your degree when?

KL: Nineteen fifty-two.

EP: Did you immediately start practice?

KL: Yeah, because of the--you know, the law suit threw us off schedule, so I didn't graduate until the summer session of 1952. I took the bar while I was a student. I passed the bar before I graduated from law school, but you're not permitted--they didn't issue me a

license until I had a degree. So I got the license sometime, I believe, in September of 1952.

EP: Could you describe the course of the suit? Were you present during any of the arguments or, or--

KL: I was present. I was a witness. I was the only plaintiff who testified, I believe.

EP: Was this a landmark case in that--was this the initial integration of the law school at Chapel Hill?

KL: This was the initial integration of the law schools in the South. This was ten years before--I tell you what, I got a--this might not be of any interest to you, I don't know--but I got a notice this week from the university. Next year marks the tenth anniversary. And I got a little newspaper clipping back here where they have commissioned an artist to make portraits of the four of us, and they're going to hang it in the main library, because--and the article explains that this was ten years before any Southern--any other Southern universities--before Autherine Lucy [first black accepted into the University of Alabama] had, you know, and before the governor of Alabama stood on the steps and all that sort of thing.

EP: Was this sensational? I mean was there national news coverage or--

KL: Every single day. I must have clippings that high on it.

EP: How long did the suit last after you intervened as plaintiff?

KL: Maybe eighteen months. The thing was that the experiences that we had--we, we were the first black students in the South to enter into an integrated situation, not in North Carolina.

EP: Now, was this before the graduate school as a whole at Chapel Hill had been integrated?

KL: Oh, yeah.

EP: So you were the very first.

KL: We were the first. The very first [laughs].

EP: What--did you come under harassment?

KL: Things you wouldn't believe. [laughs]

EP: Would you care to impart them or [unclear--both speaking at once]?

KL: Well, if you've got a week or two. Some of the things, some of the outstanding things is, that's mentioned in this newspaper clipping--and I've got, I've got all these documents in storage--but for instance, we, one time come--came to go to the football game instead of this--

Well, when we first got there, let's start with that. Two of us, Harvey Beech, who is in Kinston, and I applied for a dormitory room. Are you familiar with the university campus? You know where Steele Hall is and you know where Manning Hall used to be? That was the law school at that time. And they gave us rooms in Steele Hall. Now that was, this was, you know, right after the war, and there were students standing on each others heads to get in there. They gave us the entire third floor of Manning Hall and nobody was up there but us.

EP: Of Manning Hall?

KL: I mean of Steele Hall. Manning Hall was the law school, Steele Hall was the dormitory. You know, you name the day and there was--there was an experience in the first place when we got there. When football season came, the Tennessee Volunteers, I believe, were playing the first game. They sent out the student tickets, they sent us tickets to the colored section back there behind the goal posts. Well, this precipitated another going back to court and going to the governor and all that.

We finally won the right to, to sit in the student section. And we got a letter from Chancellor [Robert] House who was the chancellor at that time, I mean--I'm sorry, not Chancellor--[William] Carmichael was the chancellor at that time. And he wrote us a letter and said that he was--he explained the situation. He said that the university was a little different from the situation that we had been in--where we came from, sports was a--you know, was a school thing and Carolina sports was an alumni affair, and that the people who came to the games had never seen black folks sit with white folks before, and that they could--the university could therefore not be responsible if somebody hit us in the head with a rock or if there was a riot or that sort of thing.

EP: So they were careful to absolve themselves from all legal--

KL: Wrote a long letter, and he said that "I am enclosing the student tickets, but I hope that you got sense enough not to use them." [laughs] But it was, you know--

EP: Did you go to the game?

KL: We were right there in the middle of it, and of course, we--there was always a bunch of students who were friendly to our cause, and what they did was to trade tickets with students who had tickets around us and they--we were surrounded by people that we knew to be friendly.

EP: So you weren't surrounded by hostiles.

KL: No, we weren't. And there were people who were anxious to get rid of those tickets. We had a little group there who sort of let it be known that they were soliciting tickets and they would swap their tickets for tickets near us and they had a lot of takers. So we were, we were surrounded.

EP: Were you ever subjected to physical harassment?

KL: Threats, you know, and that sort of thing, but never, you know, we were--we never were harmed physically.

EP: Could you characterize these threats?

KL: Well, you know--

EP: Subtle or overt?

KL: No, they weren't--well, we had both kinds. You got to put it into proper perspective. You know, we're talking about thirty years ago, and you would not recognize this state today from what it was thirty years ago.

We--for instance, the Institute of Government--Albert Coates, who was one of my law teachers, taught criminal law, had just organized the Institute of Government in Chapel Hill, and they had been assigned the responsibility of training the [North Carolina] Highway Patrol, you know, new highway patrolmen. Some kind of school they have there, they still have them. I didn't know at that time what they were. The two of us were coming from the dining hall one day and we got to Steele Hall and on the steps--if there were six steps or eight steps, I've forgotten--but they were lined solidly with armed highway patrolmen, I mean just shoulder to shoulder. And Harvey looked at me and I looked at him and he said "What are we going to do?"

I said, "Well, buddy, if we turn around now, we might as well walk on back home, 'cause, you know, this ain't no time to retreat." So we walked right toward them, not having any idea what we were going to do when we got there. And fortunately,

when we got there, a white fellow, who is still a good friend of mine, walked right in front of them and said "Pardon me, fellows," and did like that, and they moved and we walked right in beside him. But we were going on through anyway. But you know, this--

EP: But they had all just kind of gotten together to--

KL: Yeah.

EP: --maybe knock your head--

KL: I don't know. I don't believe that. You know, they may or may not have done something, I don't know. But, you know, when you are in a hostile atmosphere like that and you got maybe seventy-five or a hundred armed highway patrolmen standing shoulder to shoulder and you got to walk through the middle of them, and they see you coming and they have no intention of moving, you know, you don't quite know what to expect.

EP: Well, I don't want to belabor this point but I--before moving on I would like to, to get an idea of--you say you were the only people on the third floor. Was that because the other people had been moved off or voluntarily moved off?

KL: No, they didn't assign anybody else to the third floor.

EP: So they wanted just you two up there?

KL: Yeah.

EP: Did you--now the suit was in process. Were you attending class?

KL: No, no. [unclear--both speaking at once] The suit had been, the suit had been resolved. We weren't--Judge Johnson Hayes initially ruled for the university. The Court of Appeals overturned him, and they appealed to the Supreme Court, the State did, and it was while that appeal was pending that they suddenly decided to let us come on. It was pretty obvious, you know, that they were going to, going to win it. I mean they weren't going to win it.

EP: What was--[unclear, both speaking]

KL: Thurgood Marshall--Thurgood Marshall was our attorney. He is now Supreme Court--on the United States Supreme Court, the only black--

EP: So you had a pretty intimate working relationship with him?

KL: Well, yeah but we had Dean [Erwin] Grisold, who was dean, I believe, at Harvard. We had a team of who's who of in the legal profession in there. It was--we must of had twenty-five, thirty lawyers, you know, working in the case. Jack Greenberg, who is now a chief counsel--has been for thirty years--for the NAACP [National Association for the Advancement of Colored People] Legal Defense Fund, Martin Martin, Constance Marley, who is chief judge of the Third Circuit Federal Appeals; the guy who's chief judge of the Appeals Court of Washington, D.C. We had a blue ribbon panel of lawyers. Had something to do with why [Clarence] "Buddy" Malone was here and that sort of thing.

See I can't--when I came back--during the time I was down there, I--you talk about harassment, oh, I got some letters and we've got some still--some real prominent citizens in this town who are still here who wrote letters that--

EP: Directly to you?

KL: Yeah. And who wrote--who had, you know, the *Daily Tar Heel* down there and the local newspapers. And boy, the things they said, you--and I mean they are still the outstanding, some of them, you know, citizens in Greensboro.

EP: Were you ever aware of any attempts by these people to use their influence to try to reverse the decision or get you removed?

KL: Oh, yes. They didn't, they didn't make no bones about it. The trustee meeting, they did--as I recall, several of them resigned, you know, when that action was taken at the board of trustees meeting. But it brought, it wasn't, I mean, you know, they, they didn't hide their hand. But that was the thing to do then.

EP: I'd like to characterize your daily life. After the first round of sensationalism, perhaps, did it settle down in a routine or always--was there always this air of tension?

KL: Down there? No, after--well, let's put it this way. The first day we walked in the dining hall, if you've ever been in the dining hall at--I haven't been there in a long time--but it was a massive place, the largest eating facility I had ever seen. And it was just like, you know, you can imagine a few thousand folks sitting out--students eating lunch and you can imagine the noise. And when we walked in, you could hear a pin drop in the whole building, everybody stopped with their spoon right there, you know, it was that kind of thing. We were escorted by six or eight highway patrolmen. They met us and escorted us onto the campus when we were going there.

The first, first few, the first few weeks or months, we had a, you know, police escort to almost everywhere we went, but I'd say after about a semester or so--hell, when we left there, we could have go in the dining hall, yelling and running up and down the tables and there wouldn't nobody look up at us, you know. That kind of thing.

Generally, we received much better treatment from the students than we did from the faculty and staff. I've got some teachers that taught me down there, who taught me classes who haven't spoken to me today. They'd point up to me, like that, "Your time."

EP: Was this pretty prominent--was this [the] predominant attitude in the law school, or was this just isolated professors?

KL: No. You had, you had--the dean and the--Dean [Henry] Brandis was the dean. You had--I would say 80 percent of the faculty were, you know, were obviously fair. They, they, you know, they--you could just--you can tell. You can't hide prejudice [laughs], not from somebody who has been experienced it all--has been experiencing it all of his life. [laughter]

The thing, the thing that made it difficult was, I would go in there and sit in the classroom now--first place, in Hamlet, if you know where Hamlet is, there must have been a population of about two thousand people there. You know about Hamlet, huh? [laughs] Okay. Well that's where I was raised. So you know what I'm talking about. But now, I graduated in a Baptist Church. And we had four grades there, this was before they had the twelve grades. We had the eighth, ninth, tenth, and eleventh, that was high school. And the eighth sat in this corner of the church, the ninth in this corner of the church, the tenth in that corner of the church, and the eleventh in that corner church and you had an eighth, ninth, and tenth, and eleventh grade teacher. And that was your teacher. Whatever you learned then that eighth grade teacher taught you when you were in eighth grade.

Well, to come out of a situation like that, and come in to where it's not really--at that time, you know, A&T wasn't accredited nothing, and it's not that much difference. Then you go into a situation where you got, what was then, and I guess now, is the biggest and best law school in the country--it was rated as high as any of them--I was sitting there with students beside me taking notes in shorthand. Had a place over here with students taking notes on a typewriter. Here I am, you know, from Hamlet, being harassed all night every night, not knowing, you know, whether to go to bed or not, and I got to compete with this. And nobody granted you any, any special favors. So it was a, it was a trip.

EP: What do you mean "harassed every night?"

KL: Well, you know, there was always somebody walking up and down the hall, hollering up

the stairs, talking about, "What you niggers doing up there?" You know, this kind of--I don't mean--nobody shot at us or this sort of thing at that time. I got some of that when I got back here.

EP: You were shot at here?

KL: My, my place was vanda[lized]--my office, I had an office right across from where Dr. [George] Simkins' office is, that place right across from there. That place has a picture window across the whole front. They broke that window out nine times. Just as fast as I could put it in. They would bomb my house.

EP: Was anyone ever injured, you or anyone else?

KL: No, they'd just drop it in the yard, blew a great big hole in the yard. They caught and prosecuted the people that did it--it's all public record.

EP: Well, were they acting as individuals or was this organized, like Klan activity?

KL: It was, it was the Klan that did it, individual members of the Klan. And that's a real interesting story about that. I got one that I might can find. It might be interesting for you to read. It's, but--involving one of those, involving the guy that did all this really. He just died last year, I believe.

EP: This man, [Red] Webster?

KL: Yeah.

EP: I read a story where--you had the rather unusual situation where you testified as character witness in his behalf. Was that involving one of these incidents?

KL: Yeah, that was involving an incident where he broke out the window there that many times. But the thing that made it so unusual was that the police never arrested him. See, this was when Greensboro had announced they were going to integrate the public schools, so they would leave my place and go straight to the superintendent of school's place, and either throw a bomb or rock or something through his window, or they'd leave his place and go straight to mine. The police never could seem to find out who was doing it. So, I didn't know about it, but it happened so many times that some friends of mine that I had defended in some tough criminal cases, they set up a stakeout there. And one day Webster came by, and when he cocked his bottle and threw it through there, they pounced out from about ten directions and they caught him. And the police must have

been nearby, because if they hadn't gotten there right quick Brother Webster might have been in real trouble.

Anyway, they arrested him, and they charged him with it. And they convicted him, and I believe it was--I'm trying to think of the judge that did it. I don't know if it was Herman Enochs or who it was, but they convicted, gave him active two-year prison sentence. And he appealed it, and he posted bond and he got out.

I was building a new house over here on--where I live now. So, it was--the Klan was rough in those days, they didn't play like they play now. [laughs] They, they meant business. So I was sitting in my office one day and the girl told me somebody there to see me, and I looked up and there he stood right over the top of me, scared me to death. And he said "I know you're surprised to see me," said, "but I've got something I want to talk to you about."

I said, "Well, what is it?"

He said--and he went on, you know, and explained, "I know we've got differences, we got this, and I don't care what you say, there's some things I ain't gonna believe and I know whatever I say you ain't gonna want to" and all of this.

And I said, "Well yeah, what's the deal?"

And he said "I work for the man that's building your house down there. And he told me that because of, you know, all of this stuff, that I couldn't work on that house, and that is the only job that he's got." He said, "Now, we might have some differences, but I'm a damn good carpenter." And he said, "If I work on that house--he told me unless you sign a written statement saying that I could go in there, that I couldn't go on that property." And he said, "Now, if you let me work on that house," said, "I'll give you a better job than anybody down there."

And I said, well, you know, anybody this crazy [laughter]--So I said, "What the hell."

And I did it. And he went down there, and I would go down there, and I was down there everyday, because it was, you know, I figured it would be the last house I'd build. He'd come by and say "Mr. Lee--" he'd always call me Mr. Lee after that, that's what he always called me. Everybody called him "Hammer." And he'd call me, he said "Now look," said, "The architect put this on here and this on there." Said, "Now, if you'll do this this way and that way--" You know, he'd show me, and I'd go back and check with the architect and I said, "Look, suppose I do--" And he'd say "Yes, that would save you a lot of money, that would be better."

And it took about nine months to build the house. And before we got through--you know, we built, we built a--I had a big bedroom which faced Benbow Road. I had a big picture window there covering the whole basement. And he got done framing it up, and he stood back there one day and he said, "That son-of-a-bitch is big enough for me to hit with a brick, ain't it?" You know, and we had gotten--and then everybody just--he said, "That's big enough for me to hit with a brick." And you know, it was that kind of a

thing.

So, when we came up for trial, [unclear], I believe, represented him. And he called me and I explained that, you know, what we had done, and how we had gotten to know each other and had gotten to be, really gotten to be friends. He still thought what he thought and I thought what I thought.

EP: It didn't change his other Klan [unclear]?

KL: No, No, he just got to know me. [laughs] And so the judge said, in light of that, he's going to suspend the sentence. Now--

EP: Was this the end of your harassment by the Klan?

KL: Now, let me tell you about that. He was, he was the Grand Whatever-it-is that's in charge of enforcement in the Klan. Whatever they call it.

EP: Could have been the Klud.

KL: I believe that's what it was. He was in charge of security and all. And the day of the trial, there must have been thirty or forty of them out there. And I got through testifying, and when the judge got through, you know, suspending the sentence, said let's let bygones be bygones, I went on outside and he came over to me, and there were about five of them--I knew them all, I knew their heads [top officials]. I mean, I'd been dealing with them for so long--and he came over to me and he said to me "Mr. Lee, I want to tell you how much I appreciate what you did for me," and here's the punch line--and I'm gonna use the exact words he said. He said, "Let me tell you one thing," said "if anybody in this town ever fuck with you," he said, "you call us." [laughter]. And I said "Now ain't this something." That is the exact words he used. He said, and shook his head, he said, "Anybody in this town ever fuck with you, you call us." [both laugh] I said, "I guess that makes me an honorary member."

EP: That must have been an unusual situation.

KL: Right after that, they integrated Gillespie High School, which is the first one I filed a lawsuit to get the little fellow named Elijah Herring, Jr., in there. And Hammer was down there with a sign bigger than that door, leading that march, saying "Niggers go home." And I happened to ride by there, and he was marching around with the sign, and he looked around and saw me and said "Hey, Mr. Lee, how you getting along?" [laughs] And that's the way we went from then until the day he died. I'd see him on the street, he'd always stop, and I mean--but he always had--he died with that same philosophy.

EP: Well, you know, I don't want to paint too rosy a picture of this, but does this indicate--and of course, North Carolina has never quite been--all the elements were there through the rest of the South, but it's never been like the Deep South--does this indicate kind of a thawing situation, breaking up of what the traditional race relations of the city and pride of that time indicate, that a member of the Klan would do such a thing?

KL: No. That was conduct that was reserved for me because of the personal relationship, but he never changed his opinion about anybody else black that I know.

EP: And he didn't--

KL: And he didn't--

EP: --per se, change--well, you indicate the Klan plays differently now. That's--

KL: I never had one ounce of trouble out of anybody after that. I mean, you know, as far as letters, harassment, anything after that date.

EP: That's remarkable in that I guess his position in the Klan was such that he didn't have to worry about them turning on him like George Dorsett.

KL: Well, they were with him, they were with him. George Dorsett was with him.

EP: And Dorsett was later found--Hello--[Woman enters room: Excuse me.] What I'm referring to is I've have spoken with Mr. [Dargan] Frierson, who's an FBI agent, and he said that after it became common knowledge that Dorsett was the double agent, so to speak, with the FBI and the Klan, that his life wasn't worth a plug nickel and he moved away. I mean, Webster never faced anything like that?

KL: No. Webster, Webster wasn't any double agent. Everything he did was aboveboard, I mean they knew what he was--they knew why he was down there, you know, with me, they knew it was an individual thing. Webster was just as--his attitudes and his actions never changed toward anybody else.

EP: Well, you know, this is interesting, because if you read--except for the most recent one, *Civilities and Civil Rights* by William Chafe--if you read other accounts: newspaper accounts, the earlier *Lunch at the Five and Ten* by Miles Wolff, it's real hard to pinpoint the Klan. They always talk about the Klan but it always looks like to be a very loosely-held organization that was rather ineffectual. And you're saying that's not true at all.

KL: No, and you know, I read *Civilities and Civil Rights* and most of the others. The unfortunate part of all that is that those things are taken from research--you know, going back and reading the newspapers and that sort of thing. And that wasn't accurate to start with. That was always biased. I, I noticed the thing that, that y'all had last year when [former A&T president Samuel] Proctor was there [20th anniversary commemoration of the sit-ins]. I was a little upset about it, because the real heroes of that thing were never mentioned and never came, never came to the front. Nobody ever mentioned them. I mean the people who were really responsible for making it happen. Well, you had a few of them there. Ralph Johns was the backbone of the thing.

But as I said, you know, put it back in context. Go back thirty years ago, when you had some little black children up there defying God knows how many years of custom, and they'd take them and put them in jail. And they were serious about those first few and they had some real high bonds. And you took all--

EP: Did they serve active prison sentences?

KL: No, but the only reason they didn't and they didn't stay in jail was because every one of these old black people went down there and stood in line, mortgaging their homes, or signing their bonds, and putting up their homes. And they did that--and I was the one, I recruited list and I had all the list the who's willing to go, and they were calling in, you know, just volunteering. Now this was--and they didn't know whether these students were coming back, they didn't know any of the students. They were very substantial bonds. They didn't know what was going to happen.

EP: Now are we talking about 1960 or earlier when the--earlier situations?

KL: I'm talking about 19--I'm talking about the original sit-in demonstrations.

EP: In February 1960?

KL: Yeah. And you see, they could have broken this thing just like that [snaps fingers] if they had jailed the first five hundred and kept them in jail. But as fast as they'd jail them, they'd sign them out, and they'd come right back and sit down. And some of those kids had ten, fifteen charges, all growing out of a two-day or three-day--

EP: Now is this--according to the paper, the only arrests I saw were about forty-five arrested in Woolworth's--in Kress' downstairs after April 1, [1960], or on April first, I think. Are you saying there were a series of arrests in the sit-ins--

KL: I told you I had--

EP: So we're talking between '60 and say '63 or '64, is that right?

KL: Okay, I'm not, I'm not sure that--you know, this time thing. We're still talking about close to twenty years ago. All of that stuff kind of merges in my mind right now. As I said, up until I moved in here two years ago, I, I had a file on every student that had ever been arrested and then what was done to it and all, because I had at one time seventeen-hundred--over seventeen hundred active pending criminal cases in that thing.

EP: Could I got over the sequence of events as I understand them in my mind?

KL: Okay, that might help me a little bit, because, see, it's been a long time and I don't remember exactly what came first and--

EP: As I understand it--and of course, there was the original sit-in and--on February first--and then the massive numbers that went down to Woolworth's that week started on Monday, and then on Saturday they closed Woolworth's because of a bomb threat, and the students agreed to a truce while the mayor's committee tried to work out something.

As I understand it, that truce lasted nine weeks. And then the students felt, "Well, nothing's going to come of it." And they began picketing and sitting in again on April first. And at that time--excuse me--forty-five students were arrested at Kress'. But other than maybe some individual instances of when fights broke out or something, no other large-scale arrests occurred. And then they, Woolworth's and Kress', quietly desegregated on July twenty-fifth.

And then beginning I think in [May] 1962, the CORE [Congress of Racial Equality] chapter was formed, summer--spring or summer of 1962, under Ezell Blair, Jr. And then they began picketing the theaters, intermittently then--Cinema [Theatre], I think, the Center [Theatre]. And then there was a concerted, I think several weeks--long, or certainly several days, around the end of November in 1962, and I think a Reverend William Brown conducted a kneel-in out front of the S&W [Cafeteria], for which I believe, again, forty-five were arrested, or approximate number.

And then the mayor asked for--or the Human Relations Commission, unofficial one--asked for a truce while they put out a report, and CORE agreed, and the report came out in February. And CORE said, "Well, you know, it says nothing, because it says--" it did not urge any enforcement power.

And so they picketed city hall two or three times in March of '63. And then, as I understand it, on May 11, about thirty CORE members went to the McDonald's on--of course, in the meantime--I'm sorry--they had picketed and successfully desegregated the Hot Shoppe on Summit Avenue as I understand, sometime in '62. And then in '63, they

began picketing McDonald's on May eleventh, and on the fourteenth McDonald's capitulated, agreed to desegregate. And then they--then came that period of the marches, massive marches of--in May and June of '63. Does this sound right?

KL: That may or may not be. Here's what it was to me. When they first sat down there, that started a series of similar demonstrations everywhere. Now I started in it that day and I didn't finish it until it was all over, so it was just one continuous event as far as I was concerned, because when they would reach a truce here, they started in Statesville. And when they reached a truce in Statesville, they started it in Lexington, and you see--

EP: So you didn't--

KL: I had everything from here west. There were no black lawyers in Charlotte--well, handling civil rights, I believe Bell handled a few of them but they--I didn't go into Charlotte. But I went--see there was nobody in Asheville, nobody between here and Asheville, nobody--you know, when I came out of law school, there were two black lawyers in this city, there are fifty-something now. But out of the two--of course, nobody would touch a civil rights case.

EP: When was the first time you got involved with the civil rights?

KL: The first case I ever had, the first, the first time I ever been to court jury in superior court was down in Moore County, in Carthage. They had nine black students, I mean black boys. They weren't--some of them may have been high school students--were charged with decapitating the police chief. They took a shotgun and shot his head off his body--nine of them. And they were all charged with first degree murder, every one of them.

And now, during that time--you just can't explain, you know, what the atmosphere was. And this was the first time I ever been in superior court, ever been to court jury, ever tried a case. Lawyers on the other side, were--what's the guy that--superior court judge now ran for governor on a Republican ticket--he and his daddy.

EP: Kyle [unclear]

KL: No, no--from Sanford, oh, I mean from Carthage. Oh, what's his name--as well as I know that fellow--that's Chub Seawell's area, you know. Every white lawyer in that whole area was sitting over there with the prosecution. I'm sitting over here with--the ink ain't dry on my degree yet, defending all nine of them.

EP: How were you contacted?

KL: They couldn't get nobody to--they just couldn't get any lawyer anywhere. And you know, I had--I didn't have no sense, but I had a license. So they came up here. I got paid a total of five hundred for representing all nine of them in a first degree case that lasted about three weeks. All of them were charged with first degree murder. Every single one of them.

EP: Were there like crowds of whites outside the courtroom?

KL: There was--the first day I walked in there, I saw a man coming down the aisle limping like that, and he sat on the first row. And he sat down and stuck his leg out and there was a shotgun sticking out from under his britches leg. I mean that gives you an idea. Everybody was--you know when they'd talk to the jury, [they'd say] "This nigger did this," and "this nigger did that." And, you know, that was, that was, you know, that was standard talk. And I'm the only one sitting in there, other than them that they were getting ready to kill. And I guess they wanted to kill me, too. [laughs]

EP: Well, were you ever threatened as their attorney, I mean obviously you had--

KL: No, I got some newspaper clippings--I tell you what happened. I was right out of law school, and I was facing the biggest gun that I'd ever seen. And I--I walked in there, and they arraigned them. Now at that time, you had to have a special arraignment procedure when you tried a person for his life. The defendant had to answer--you know you'd say "The juror look upon the prisoner; the prisoner look upon the juror. Do you like him?" The lawyer wasn't permitted to answer that.

They went through a lot of this old stuff like they used to do in England. And at that time, you had to go through those procedures when you tried a man for his life. Well, I remember reading that in law school; I got in there and they didn't do that. And I was--I was scared to say anything about it, because I said, "I am stupid enough sitting here, and I know all these folks know what they're doing." So I let them get through, and then after the first day or so, I came back and I read and I said, "I can't be making a mistake, I know I--." And it looked like what I saw was right, so I filed a written motion to dismiss them, because they, you know, they hadn't been properly arraigned. The judge just summarily denied it, and I didn't say nothing; I took, you know, exception. So we tried old Judge Rousseau. Rousseau's daddy--he's from North Wilkesboro--tried it, and it's Rousseau, Judge Rousseau's daddy. He--so he stayed down there for three weeks. Came down here from North Wilkesboro and back, and it was every newspaper in the state was there.

And so they tried it, and then when they got ready to go to the jury, I had had time then to come back and do some real research on it and I had written a brief. And I got down there and when the trial ended I renewed that motion on the grounds, the same

grounds, and I had a brief of it. Judge Rousseau stood up behind the bench and he read the thing patiently. And he told me--he said, "Gentlemen, all of y'all come back here" and took us back in chambers. He said, "Now, y'all sitting out there," said, "y'all must have a total of about three hundred years' experience in practicing law." And he said, "Here's a boy here that ain't got three months, and y'all sat there and let me make a stupid mistake like that." That's exactly what he told me. He said, "Didn't none of you say a word. I tell you what: Now you go back out there and you get together on a plea, or I am going to dismiss every damn one of them." And one every one of them boys is walking around out here now.

EP: What was the plea bargain?

KL: The one that pulled the trigger, I think, got ten years on manslaughter. They didn't have any plea bargaining then. We entered pleas you know, and we--but we--it was the same thing, but I mean, it was no--the highest sentence, I believe, was the ten-year sentence to the guy that actually pulled the trigger.

EP: Under normal judicial procedures [unclear--both speaking at once].

KL: Normal--if it had gone to the jury, every one of them would have been killed. And at that time, they were serious about that gas chamber. There wasn't--ain't no foolishness like they got now. When you were convicted for first degree murder, in about three weeks you went on in there. And every one of those boys, unless they died of cancer or something, are walking around here now, just on the basis of that mistake. But he told--he was mad as hell. He said, "Now y'all must have over three-hundred years experience, and here's a boy here that ain't got three months experience. Y'all sit here and let me make that mistake." He knew it was going to be reversed, and he said "I ain't gonna try it over."

EP: Well see now, I, I don't want to present too rosy a picture on this either, but it does sound like, despite the obvious prejudice of the judge, the jury, all the city officials, and of course the spectators, still justice was served. This is still a rather unusual situation for a black defendant, is it not?

KL: Well, justice wasn't served; they were guilty as hell. They got out, you know.

EP: But, I mean, they honored the technicality.

KL: They honored the technicality. But now you see, suppose I hadn't been available? Nobody else--they had tried everywhere. Certainly, no white lawyer in the world in the

state of North Carolina would have touched it, and we didn't have thirty black lawyers in the whole state. They had no money, no nothing. And do you know how many of them went that way without, you know, having the advantage of that?

I'll give you--during that same time, I had a fellow to come into my office and said that his mama, who was about sixty-five or seventy years old, had gone fishing. I believe it was down in the county where Siler City is--what's that, Chatham County--and she had been gone three days, and they couldn't find her. And they had, you know, tried to trace her down. They knew where she was going and they--but they--and she was missing, and they hadn't been able to get anybody to do anything about it. And they, you know, because of her age--that they knew that something had happened to her. Nobody had any money during that time, so I went down there, and I found the old lady in jail. They had her in the men's cell, had had her there for three days for fishing without a license, hadn't notified a damn soul. So you see, you know--

EP: This is the other side of the coin--this is the norm--

KL: And there were more of the norm than there was of what I'm, I'm talking about.

EP: What year would this have been?

KL: It was in the first two or three years that I was practicing, before '55--'53, '54, '52--somewhere along in there. And they had her in jail locked up in the men's cell with no special--the woman had to be close to seventy years old. Hadn't notified a soul, and had her charged with fishing without a license.

EP: I assume you got her out of jail.

KL: Oh yeah.

EP: Did you regularly defend people on civil rights issues or cases, or was it intermittent?

KL: I did almost nothing but--see, the NAACP had spent about a quarter of a million dollars getting me into law school, and I felt like I had, you know, a debt to pay. And during those civil rights days, if you went out of town, they paid you thirty-five dollars a day for every day that you spent in court, no expenses, no nothing. The rest of it was free. I worked until me and my family were about to starve to death, and then we got it possible for other blacks students [to get] started--Henry Frye came out of Carolina, he got--he came out late; Major High, and a few of the others around here. And some of them still would not take civil rights [cases], but there were enough of them--Buddy Malone, and all those fellows came late.

EP: Now when you talk in the early fifties--I think you said there were three lawyers who would accept cases.

KL: I said there were three lawyers in Greensboro, counting me. There were two others.

EP: Were they all black?

KL: Nobody in Greensboro would take a civil rights case.

EP: I mean the other two lawyers, were all you black lawyers?

KL: Oh, Conrad Pearson was the State [General Counsel for the NAACP.]

[End Tape 1, Side A--Begin Tape 1, Side B]

KL: [Conrad Pearson] He brought the first civil rights suit back in '32 or something like that. And he has always been the leading civil rights advocate among lawyers. It was just a matter of expediency; if you took a civil rights case, you just didn't make a living practicing law in that town. You know, you had to practice for white courts. There was no--there was not a black person in any court doing anything except cleaning it up, and they punished you. And you know, a guy goes through all that--

EP: --punished you by--how?

KL: Well, you know, you couldn't win a case, and there was no way to represent a client if he knows to begin with that you ain't going to win the case. And you had to, you know, you had to appeal everything that you got, and unless you almost went exclusively into civil rights, you just couldn't make it. I brought the first school integration suit in the state down in Montgomery County, attacking the old Pearsall Plan; the first tennis court, swimming pool, park. That's all I was doing for a long time.

EP: Where, where were these first cases in each instance?

KL: The Gillespie Park Golf Course was the first golf course in the state. That was right down here, you know off Asheboro Street. Montgomery County was the first public school integration. The suit that was brought that was in Troy and we filed that in Troy; it was filed in Federal Court, but it, you know, it involved Troy. The first swimming pool case was brought right here. Most of them were brought here.

EP: Was that involving Lindley or another pool?

KL: Well, you know they had a public--I've forgotten the name now, they had some doctor who was head of the--they had public swimming pools [Lindley Park], and some--I've forgotten the names of the original plaintiffs--but they went out and tried to get in them, so the city immediately met and they formed a little private corporation, and the city gave all of the swimming pools to this private corporation. And the private corporation--you know, the idea that a private corporation doesn't have to integrate. It was a private non-profit corporation headed by Doctor--can't think of his name--but they just conveyed title, and this was the way they did it.

EP: So that was Lindley Pool. That's how they got around--

KL: I'm pretty sure that was Lindley Pool.

EP: I see.

KL: So we brought suit to have that declared unconstitutional. It's very--

EP: So when you, when each of--when you went into each of these civil rights cases, I assume that you received some sort of fee from the NAACP?

KL: They paid you thirty-five dollars a day.

EP: Are what you're saying is that you--

KL: Of course, that was--that wasn't too bad for--in that day. See--

EP: So what you're saying that you would not represent white clients or you could not defend black clients in white courts in non-civil rights cases, is that right?

KL: We--in Greensboro--Greensboro was a little more enlightened. And you take old Judge Earl Reeves up there, and old Kikendall[?]. Now Judge Earl Reeves--nobody referred to it as municipal court, it was Judge Reeves' court. And it was his court; he must have stayed there for twenty-five years. And Kikendall, whose son was, you know, just retired as Supreme Court justice was solicitor when he was awake--he slept most of the time. But [laughs]--oh, I forgot about--

Well anyway, they were--they were fair. And you called--in Judge Reeves' court, when I started practicing--you called every witness "Mr." or "Mrs." I don't care who he was, and that was the only court in this state that I knew where that happened. And this

was the only reason really that I could do it and get away with it. A guy practicing in Sanford, if he got at all involved--of course, there wasn't nobody in Sanford--but I mean in some of these smaller towns--Pearson was in Durham, and that's why he could do it, and Edward Thompson was in Durham, and that's why he could do it. But you go to any other town, if you had to deal with any of the judges or courts in those towns or solicitors, you just couldn't do it.

EP: And yet this is where, I gather, that the bulk of your practice was?

KL: That's where it was--or would have been. The first year I was in practice, I grossed less than twelve hundred dollars. This girl here was working for me. I was paying her fifteen dollars a week--when I could. She's been with me ever since I started. I was practicing law all day, fixing radio sets and record players and television sets at night, operating a juke box concession all over town, you know, to make a living.

EP: Well, did you win any of these cases? Did they all go on appeals?

KL: I won all of them. Won all of them. We never lost a--

EP: Even though the overtly prejudice white jury that you were--

KL: Now we didn't--you know, civil rights cases, generally, are not before juries.

EP: Just before the judge?

KL: Just the question--most of the time it gets down to be a question of law, whether or not this is a constitutional--this violates the constitution; that's not a jury issue. Cases like the Gillespie Park Golf Course, where they charged them with a criminal offense--trespassing on city property--that's a jury question, and of course, we lost those and had to win those on appeal. We lost all jury issues, but we didn't lose any cases, I mean ultimately.

EP: Could you describe to me the sequence of events of the Gillespie Park [pause] Golf Course case?

KL: Well, George Simkins was one who had--and Elijah Herring, the same fellow whose son was the plaintiff in the Gillespie Park School case was--and incidentally, he was the same person who caught Webster over there at my--you know, breaking out my glass--but there was--I've forgotten now whether there was five or eight of them--just went down there one day and asked to play golf, and the guy who was the--well, he wouldn't give

them tickets, and told them that they had to leave, that it was a priv[ate]--well, they had to be members; it was a city course, but they had to be members. And they wouldn't leave, and they called the cops and arrested them for trespassing on city property.

EP: The way the paper reports it is they went ahead and played golf, and the police arrested them that night. Was that--

KL: Well, some of them went on out on the golf course, yeah. I have forgotten all of the--you know, the minute details. See, there were two or three of those suits. One was the criminal aspect of it, whether these fellows were going to be sent to jail or not, that had to go all the--that was a jury question, so that had to go all the way to State Supreme Court. The other was a law suit to integrate the golf course itself. Now, that was won. And as I recall, let's say it was won today--I may be a day or so off--tonight the golf course burned down. And they didn't open it. They made a city yard out of it, that's where the police--

EP: So that's the way they got around having to integrate the golf course.

KL: Right, they burned it down. Nobody black ever played on it after they won the suit.

Now, years later, they reopened nine holes of it, and it's still down there. But it was an eighteen hole golf course. They burned the building down, used--put the city--you know that's where all the police vehicles were maintained, that's the city yard down there. And that's what they used it for, and just closed the golf course. And then maybe eight to ten years later, they reworked nine holes of it and opened it back up, and it's still operating.

EP: How long did that case go on?

KL: I don't remember. As I said, you know, all of these things kind of merge into one.

EP: Was it a jury trial? You say the criminal aspect of it--

KL: The criminal aspect was a jury trial.

EP: --I assume the trespassing part of it was--

KL: Yeah. that was a jury trial.

EP: And they were convicted, I guess.

KL: They were convicted. Judge H.S. Bergman from Burgaw I believe it was, convicted them. And I never will forget his--the way he started his speech off when the jury brought the verdict back in. He said, "Now, you boys," said, "I been living with Negroes all of my life." [He] said, "and I've got a farm down there in--" whatever that county is that Burgaw is on. And he said "I've got--", I've forgotten how many niggers he said he had, some maybe a hundred, I don't know, whatever it was. He said, "And we've never had one minute of trouble," said "they get along with me, and I get along with them, because they know how to stay in their place." That's the exact words he used. And then he proceeded to--[laughs]

EP: I guess there is no way to challenge the judge's speech before sentencing?

KL: Well, he lost it. I mean, he won it, but look what you've got to go through to do it.

EP: What were they sentenced? Did they receive the maximum?

KL: The maximum sentence that you could get, which I think was two years. Whatever the maximum was--that's what they always got.

EP: But they never actually served it?

KL: No. They appealed it. Nobody served any sentence.

EP: Did you carry the appeal all the way up to the state Supreme Court?

KL: I think they had to appeal it twice. I carried the first one; I don't believe I carried the second one.

EP: So you went up--

KL: I carried the first one. We won the first one; they came back and retried them on--I've forgotten what the details are. It's in some of these books around here.

EP: So it was sent back to a lower court, is that right? And they were tried again?

KL: Yes, but we eventually they won it; nobody had to serve any sentence. I don't remember exactly how, how we came out on that, I mean--because you see, that was going on--you know Arrowhead down here off of Interstate 40, we had a different course there and they wouldn't let nobody play there. We had to go down there and find out that they had gotten one of the federal grants to build that thing; we had to attack that from that angle.

And you know all of this stuff was going on at the same time. We might have had twenty cases pending at one time.

EP: So the NAACP using pretty broad range in the state North Carolina trying to break down these things one by one?

KL: Yes.

EP: What was your point of defense, by the way on that.

KL: On what?

EP: On the trespassing charge. Couldn't trespass on city property?

KL: --on city property, yeah. That was the, that was the main--you know you can't make a private club out of city property.

[unclear--both talking at once]

EP: --get around that. I mean, you know--

KL: You don't need to get around it if the jury, you know, that's the--

EP: Well, I mean, how did they refute your argument that "listen, they're taxpayers, they're on city property that was paid for by taxpayers money, they have a right to be there to play golf." And they came back and said what?

KL: I don't really remember, they may not have said anything except "guilty." You know, they didn't have to give a reason. You had to appeal it, you know, until you found somebody that would listen to you. There were arguments--

EP: Obviously the solicitor made his charges. He just said they, they were asked to leave or told that they couldn't play, and they stayed, and they were trespassing?

KL: Yeah, and its, you know--Well, you know, can get up all kinds of--if you just want an argument, maybe it's not a valid argument. But if you are in a courtroom, and they tell you to, you know, "get out, you're disturbing the court," and you don't get out, they can arrest you, you know. They were disturbing the peace down there, creating a disturbance, and they were asked to leave and didn't leave. It doesn't make any difference whether it was public property or not. I'm not sure that was a defense. I don't really know what the

defense was. The defense is usually--you didn't really need a defense. You know, if the judge was your brother-in-law, you know, you don't need no defense. And that was about that case. The judge wasn't about to rule for no integration.

EP: Well, I was wondering if it was--you know exactly what kind of questions would you ask the witnesses, or how could you conduct a defense in that situation?

KL: Let me tell you how Judge [Johnson J.] Hayes did it, when he, when he ruled against the University of North Carolina. Judge Hayes was one of the most learned men I ever met. He organized the Middle District of [Federal Court?], and was the best judge[?] and the only one that they ever had in the time that I was practicing. And when he got through--this wasn't a jury [trial] because it was Constitutional matter. And he said, "Now, I've read what the Supreme Court had to say, and I think I understand what they are talking about and all that." He said, "But I tell you what," said "I was born in North Wilkesboro and I was raised here in the South, and if somebody rules that you can go to the University of North Carolina, it's going to be somebody other than me." And that's what he said. And he ruled against us. And somebody other than him did, the Court of Appeals in Richmond did.

Now, when I came back to be sworn into his court, after he swore me in, he called me back in chambers, and we sat down and talked. He was just as, you know, just as nice about it. He wanted to know how we did it, and he said, "Well, I told you, you know, what my reason was. I just--I can't do it." [He] said, "I didn't try to pack the record with a whole lot of, you know, frivolous stuff." Said, "I told you what my reason was, and y'all won it."

Now from that day until this, every time I went into Judge Hayes' court, he didn't let me go without calling me back into chambers and we would sit down and talk. And he was just as fair as anybody I'd ever seen. But said that point blank. He said, "Now that may be the law," he said, "but somebody is going to have to enforce it other than me."

EP: So it was kind of like Nixon, he wasn't going to be the first president to supervise over American defeat. This Judge Hayes was not going to be the first one to order integration.

KL: Now, I always had a lot of respect for him, much more respect than if he had sat there and tried to say, "Well, you know, you're wrong, the law says this." He knew what the law was, and he never tried to pretend that it was otherwise. He never did say it was that. But he just said that somebody other than me was going to have to make that ruling.

EP: One thing that interests me about this: it looks like this case in this murder trial you mentioned, they got a fair shake legally from the, from there jury system. When it was on an individual basis of some kind of criminal point, it was at least possible for a black

defendant, perhaps, to get a fair shake in some courts. But that when it was a civil/civil rights--I mean when it was a civil rights point, it was like hard-line, uniform resistance. Is that right?

KL: That's right. If, if you had two black folks up there in court arguing about a dispute over where the line to my farm stops and the line to yours stops, I think you got as fair a trial as anybody anywhere.

EP: But if they went and sat down at a soda fountain--

KL: But if you--right. Or if you--if this black person was down there arguing with a white person as to where that line stopped, you could forget it. It was just that Clear-cut.

You know, it hasn't been that long ago and I don't--it amazes me sometimes how nobody remembers that this was the way that it used to be, that this was the norm.

EP: What--would you say that they actively want people to forget? [laughs] Well now, so by 1960, you were one of the few experienced lawyers with civil rights cases in this area. Is that fair characterization?

KL: Well, all of the big cases we always associated with the folks from the, you know, New York office of the [NAACP] Legal Defense Fund. They did all of the research and all of the pleadings, and we--there were so many of those things going until you had to be the local counsel; you had to, you know, argue the local motions, and file all of the papers, and take service of all of the other papers, and all that. But the--those cases were really intricate, big ones I'm talking about--not sit-in cases. I'm talking about like the first school integration suit and all that. They--all of the research and stuff was really done in the Legal Defense Fund office in New York.

EP: Did--who was responsible, then, for defending the students who were--if I could take it, I know this is sort of artificial, separated out year-by-year, but let's start with the original sit-in cases through, say, the end of 1960. And if we [could] confine it pretty much to Greensboro, at least Guilford County. Were you involved in any of those cases?

KL: The sit-in cases? I was involved in all of them. See, there's a lot of--there's a lot of defenses. Very few of those people went to court, but somebody had to get every one of them out of jail. When they had the old polio hospital out there, I had to go there to get my son out three times. And both of them--I've still got film that I took in there, you know, with them just piled on top of each other. And somebody had to go down there all night long and go out and find people to sign bonds all night long. Now to that extent, I was the only one involved. I was the only local person.

EP: When--were you--when the marches began, were you contact[ed]--how were you contacted, by whom to provide defense?

KL: I don't remember.

EP: Okay. Let me--Mr. Malone said--

KL: Possibly, possibly by Conrad Pearson.

EP: Mr. Malone said he was called up one--late one night by Floyd McKissick. And he said Floyd McKissick originally was going to come here and handle this and then there was that deluge of cases at Durham about the same time. And he [McKissick] said, "Well, you [Malone] go there," and, in his words, "hold the fort tight till I can get there." And the cases in Durham dragged on so long that Malone just became the attorney of record.

KL: Well, him and Floyd were partners at that time, weren't they? I believe they were.

EP: Perhaps. And what he said was, in essence, summarizing his defense, he said, well, he was allowed time to talk with the students in the classroom. Judge [Herman] Enochs cleared the courtroom, gave him about ten minutes, and [Malone] said, "Do you want me to be your attorney?"

"Yes."

"Well we'll start from this point."

And he said every time he tried to use a legal ploy--I think one of the first was that one of the warrants was not drawn up right--and so he immediately filed for [unclear] and the case was dismissed against the individual. And he said--so he said, "All of them have been mimeographs, therefore all of them were wrong. I ask for a dismissal of all the cases." And he said there was a recess. And he said that at that time, he'd go right out of the courtroom and call you and Mr. High. Were you together? Were you in partnership?

KL: We were working together, working partners, yeah.

EP: And you would have--you would talk about it and try to decide what the next step would be, and then he would go into the courtroom and enter whatever motions you would decide on. And he frankly said that he thought that the reason why he handled it in the courtroom--but that y'all were the strategists. He was fairly new to the game. I think he just recently gotten his law degree also. I mean, similarly to you, several years--

KL: Right. Well at that time, you know, I had been in practice about ten or twelve years.

EP: Right, and he suggests that y'all preferred to be in the background, because then attention would be focused on this out-of-town lawyer, and that a lot of the heat that might be put on local attorneys passed you all by. Is that a fair characterization?

KL: Right. And we were in, you know, some other little towns--in Statesville or Lexington or some place else where the heat wouldn't affect us. We had some nuts in this town during that time. It wasn't only the heat in the courtroom; I mean, you know, you had your personal safety and the safety of your family to think about.

My wife and I went, went somewhere one night--right next door, I believe, to visit a neighbor. And we came back and we had a six year old son--the boy downstairs now practicing law--and he was just, I mean he was just, just totally incoherent, just hollering and screaming and crying. We didn't know--we finally found out that somebody had called him and had described in terms that only they could describe what they were going to do to his daddy. And we had to take that boy to the hospital and we didn't know if we were ever going to get him straightened out or not. I mean he was just--not, well I guess six or seven years old.

EP: Was this while the--was this earlier or was this while the demonstrations--

KL: You know, I have a real problem. To me the civil rights fights started about 1948 and continued until about 1965. And I was in it, and that's when I said, "Now, you know, I have paid my dues." And I don't remember--I can go back and find out by what Elliot is. He was thirty-four the sixteenth of this month. So you can count back and add on--

EP: Nineteen-fifty.

KL: Well, you add on six years. So you're talking about around '55 or '56. And that was probably as a result of--I got my roughest deal out of the University of North Carolina. I really, I really had some, [laughs] some trips there.

EP: That went on for years, is that right? That [unclear--both speaking at once] harassment?

KL: That went on for years, but you see, I came here right out of that and got into this. And so you really don't know--there was not much way to separate it.

EP: So you kind of stayed in the public spotlight as a thorn in their side so to speak--

KL: Basically, for about fifteen years.

EP: Well, I'm trying to--this story, of course, is [unclear--both speaking] encapsulize it.

KL: Okay, well, during that time, I'll tell you when I--whatever time this was--I'll tell you when I, when I was actively decided I was going to get out of it, because I thought that I had outlived my usefulness--the time that you are talking about: when they were negotiating with these theatres, you know, to integrate the theaters. Well, I was serving as the chief negotiator with the students. Now this was in the sixties sometime. What's the guy's name who was manager of the Center [Theatre]? I see him from time to time--

EP: James Bellows?

KL: I--I don't remember his name. I think at that time he was manager of the Center, now I don't know who is manager--who, you know. But I see this fellow at the post office from time to time. We met here at Bessemer Improvement Company, in that building you know that sits up there on Bessemer Avenue that you go in there. And we had been through--nobody black had ever sat in the white section of a theatre. These students had just about closed them down. So we got over there and they called me and they said, "We think we got it worked out." These were the theater owners, and what's the guy's name who owned Bessemer Improvement Company, he's dead now, died very recently [Oscar Burnett]--what is his name?

Anyway, he was over there, and the powers-that-be were there. And so they said "Okay, here's what we are going to do." And I had my folks, my students, you know, I--they weren't in on the conference. They said, "Now, we're going to issue you"--I'm not sure I'm right on these numbers, but I mean, this, this will give you an idea as about how the process was supposed to work--"We're going to issue you thirty tickets for each day for the next four days." Maybe ten to each theater or whatever it was. It might have been more than that. It might have been twenty to each theater. "And then you are going--you pass those out to selected people, you know, people who are not going in there and you know, start a big argument. Then the next week we gonna give you thirty tickets to each theater, and next week we're going to give you forty tickets. Then after a month or so, something like that, then we're going to open it up. And then whoever--and of course, by that time, everybody will, you know, will have a chance to get used to seeing blacks sit in the white section of the theatre."

Well, I let out a sigh of relief. I said "Well, after all of this time"--we had been fighting that damn thing so long--I said, "We finally won this one. Now we ain't got but four more weeks." And I got all joyful, and went I back there and I called the students and I said, "It looks like we're getting somewhere," and I explained the plan to them. And without exception, they stood there just as--without a show of emotion and they said, "We want to go today." Just like that. And I mean they were together 100 percent.

I said, "But look," I said, you know, we were just talking--it wasn't but two or

three weeks. I said, "Two or three weeks."

And he said "What's the statute of limitation on injustice?" [They] said, "We want to go today, or we ain't gonna leave that theatre."

And I thought about that thing. I said, "Damn, here I had thought that I had won a victory, because by my standards, you know, if you can get in there at all"--the way I had been catching hell for all of these years, I thought that was--you know, three more weeks and it's all over?

They said, "We either going today, or we ain't gonna leave the theater."

So I said, "Well, that's shot to hell." So I went back in there and I talked to the managers. I said, "They said that they either got to go in there today without any limitations or they ain't gonna leave the theatre." And they just looked at each other, and all the theatre owners in there, and you know what they said? One word. Said okay.

And when they said that, I said, "You know, now, I'm getting so I am compromising too much. It's time for me to get out of this thing and let somebody who was raised in a different, you know, day, and who's--"

EP: Now by their okay, they said, "Okay, we're going to open it up"?

KL: They opened it up that same day, right then and there! I mean, and you know, when I-- and I had been compromising. I had thought I had--and I decided then, I said, "Well, you know, times have changed. It ain't fifteen years ago now, when I had to take any kind of a compromise that I could take." So, from that day on, they were going without compromises; they didn't want any compromising and sit-ins and all that. And I was still willing to accept some compromise if we could, you know, finally--

EP: But isn't it fair to say that you and legal representatives like yourself who did go in down to these small, eastern North Carolina, rural, white, towns, facing--not knowing if you were going to get shot or whatever--and going into a stacked-deck situations. Isn't it the years and years of doing that kind of thing that allowed them to be able to make these kinds--?

KL: Right.

EP: Were the students--

KL: They were not--

EP: Do you think they had appreciation of this or not?

KL: They, they were not aware of that. They--you know, when we were doing that, they were

being born. And this is fifteen or sixteen years later--or seventeen, let's say they were five years old then and now they're nineteen and twenty. That didn't mean much to them. They didn't care what you had to go through to get into the University of North Carolina.

Now they were getting things by demanding them and not waiting for them, and, you know, shutting the town down until they got it, and that was their method. Well, you know, it's hard for me to immediately adapt to that, so that was my last time of representing them. And they had some new fellows in who had come up under a different system, who had went to the University of North Carolina, finished, didn't, didn't have any of the problems that I had, who could practice anywhere, who were now taking civil rights cases, you know. So that was my last case, and I haven't taken one since. And I haven't been in the foreground. You can read a lot of papers; you won't see me there. I am through with it. I mean, it's not that--I just think I have served my purpose as much as I could and that somebody else could do it better now.

EP: Can I ask you--I know this is hard to, something twenty years ago, seventeen years ago, try to remember on an individualized daily basis--but when Mr. Malone called you about, you know, say, "Hey they're releasing them on arraignment as fast as they come up, you know, on recognition." That kind of--"what do we do now?" Can you remember what kind of strategy you and Mr. High and whomever else might have been involved devised to try to halt this, or get around it, or come at them from another take?

KL: Oh yeah, yeah, we--see, he called me, because I was assistant counsel for the NAACP in the whole state. Conrad Pearson was general counsel, and I was, you know, assistant counsel; I was his second in command. And we had strategy meetings at 10 Columbus Circle in New York on a monthly basis--you know this--they were doing the same thing everywhere.

EP: Yes, so you flew up from New York or drove up from New York and--

KL: Yeah, and they, they provided--I mean, we'd get together and [say], "All right, now this is what they tried on me this week," and "this is what they tried on you." And then they would get together and say okay. They would write sample briefs and cite the law to you and you'd bring that back, and I had all that. And we knew that there was nothing new under the sun that they could, they had done everything after a few months. So we knew exactly what, you know, what--

EP: So you'd just pull out a copy of the appropriate brief?

KL: And go on up there and duplicate it.

EP: So when he called you from the courtroom, he was calling you here. You'd already been to these strategy meetings in New York?

KL: Oh, yes, well when you say here, it wasn't--you know in my office. He's called me in Greensboro, yeah, yeah. But see, all of the lawyers--generally, there were just two of us that attended those meetings, that was Conrad and I.

EP: What was Mr. McKissick at this time? Was he a general counsel for the NAACP?

KL: No, he was CORE. McKissick headed CORE. He was, he was not with the NAACP. An--but he was, at that time, he was not head of CORE--well, I don't know. He might have been head of CORE at that time, I don't believe so though. I think when he got to be head of CORE he moved to New York.

EP: Were the NAACP and CORE kind of jointly paying for this, or was it strictly coming out of CORE?

KL: Nothing--I never got a penny from CORE in my life.

EP: One thing I'm talking about or thinking about was that later, in the Chapel Hill situation [in 1964], I asked Mr. Malone, and he said "Well, that was a calculated attempt by the powers-that-be to financially bankrupt CORE." And it was his opinion that Judge Raymond Mallard was specifically appointed that to hand out his maximum sentences, maximum fines, knowing they'd be appealed and the appellate structure cost them--going through the appellate structure would bankrupt CORE. And I asked him and he said, "Well, they came pretty close to it, not only in North Carolina, but nationally. And in North Carolina, the only thing that prevented it was that they got Governor [Terry] Sanford to extend governor's clemency," or something like that.

KL: Well, you know, that was, that was the strategy all the way. You know, I was telling you that I would leave here and I would drive all the way to Statesville. And I remember Statesville because they used to do it regularly: if you didn't show up, everybody went to jail. I'd drive all the way up there and they'd try every case they had on the docket, and when the time came, you know, late in the afternoon, they'd continue all the cases. You'd drive on back. They'd set them again for next Friday, or next Monday, or next Tuesday. You'd go back up there to do the same thing over and over again. What do you do?

EP: You had to be there whenever they told you--

KL: You had to be there or else--now they--if you weren't there when court opened, they

called every one of them and sent them all to jail. But you see, what that does is, if you've got a limited number of lawyers to begin with to work the whole state, and then you are going to tie each one of them up for days and days and days at a time to try four or five little trespass cases halfway up in the mountains, that's, that's the whole intention, was to make the cost off it prohibitive. What they didn't know was that there wasn't no cost, wasn't anybody getting paid. [laughs]

EP: Except for whatever gasoline it took to get up there. [laughs] Well, if I could ask you--it's kind of hard to pinpoint who's doing this, but then obviously there's some kind of official collusion--who was responsible for seeing that these cases were continued? Who was responsible for--

KL: The solicitor.

EP: --like, appointing Raymond Mallard?

KL: Well, the solicitor was responsible for seeing that the cases were continued. But you see, the but court officials weren't running this show. You know, this was coming from on high. Your folks like your White Citizens Council was calling the plays.

EP: Okay, this is really what I'm getting at. Who were these folks "on high"?

KL: The most, the most influential citizens in the state of North Carolina. The wealthiest and most influential citizens in this state.

EP: So what you're saying is, is the--it was the conservative white power structure at the highest political levels in the state--

KL: Highest political and economic levels in the state--

EP: --and they were using their influence in these--would they reach down into the, the municipal courts, or did they really kind of wait until it got to something like the district [courts]?

KL: Generally, generally, what they would do was if you had, for instance, a lot of defendants like, say, in the sit-in, you know, you had a case on here where you were going to try a hundred defendants, they'd appoint a special prosecutor for that day. And of course, that did it. Or a special judge.

EP: And he was their agent?

KL: He was appointed by the same people that I am talking about.

EP: Well, now--

KL: That hasn't changed much now.

EP: Would you say the jurists [were] involved, the judges were a part of this also?

KL: Oh, yeah. Yeah, they had to be elected, and no judge could be elected in North Carolina at that time who ruled for [integration]--

EP: The whole idea of "backroom politics" where they're saying, "Now, look, Fred, you can't go to that courtroom and let them get off, because you got to stand for election next year."

KL: And every judge in town--everybody had to be elected, and nobody was going to be elected if he ruled in favor of the civil--you know, of a defendant in a civil rights case.

EP: Let me ask you something, CORE--the paper makes mention of the fact, and Mr. Malone acknowledged this--I said, "Well, let's look at Judge Enochs." The paper said that on some cases he let them go, because rather than just assuming that all the people in his courtroom were arrested for trespassing, and in questioning the defendants or the policemen or whatever, he would find out that some of them were not on the immediate [door] mat, which was considered the property of the cafeteria--excuse me, or the theatre--and that these cases he summarily dismissed. Do you think that he was being fair? Do you think that he was part of this system that you just described?

KL: No, Herman never was part of that system. You see, what you got to know is that Herman Enochs went to law school at an integrated school. He was a product of something that had already happened. But bear in mind also that after a while Herman Enochs resigned right in the middle of a term and left. See, he didn't complete his term.

EP: And it's the senior jurists who were part of this system who were not--

KL: Generally, it was the Superior Court, because they never lived in the area. They never had a judge--when they tried the golf course defendants, they brought a judge here from Burgaw, North Carolina. When they tried the people I'm talking about, they brought a man here from Tarboro, a Judge Fountain from--he's up there in the mountains somewhere--Statesville--you know, and they had no problems with--but they still had to

run statewide. So you didn't have a judge who was going to be harassed by marchers marching up and down his house, you know, in front of his house, because Greensboro judges didn't try [cases] in superior--on the Superior Court level.

EP: What was your reaction to, to Greensboro--for instance, Mr. Malone said, "Well, they were making--" he said, "Racism was there, but they were being meticulous to make sure they made no mistakes so that there'd be no besmirching of Greensboro in the national press", which was covering at this time. They were going to be straight by the book, right down the law, the end result would conceivably be prosecution anyway. Do you think Greensboro was fair, or was there this kind of collusion that you're talking about in these cases?

KL: Now are you talking about just the sit-in cases? [unclear--both speaking at once] See, that was such a--

EP: Well, let's start with the sit-in cases and then broaden it out.

KL: [pause] If you're talking about--if you're saying "fair" and you mean you--all things are relative—you're talking about "as compared to what?" Now as compared to Chocowinity, North Carolina, they were. But if you just take the word "fair" as an objective, they--let's put it this way, Greensboro, like every place that I know, sought every way they could to keep from ruling in favor, you know, of anybody who was involved in civil rights. Now, they did not get as ridiculous as some of these communities got. They didn't, they didn't just do like the man I was talking about down in Siler City who just takes somebody and puts them in jail without any reason at all. But now, they actively sought every way that they could that had the appearance of being legal to accomplish the same thing that everybody else was accomplishing. They were far better than, you know, than most of the smaller communities, because they were far smarter. They had some smart folks here, and they still got some here.

EP: Was in fact--do you think that it was one of the largest cities in North Carolina, and that they were actively seeking this image of being urbane and sophisticated and progressive--or do you think that's an overworked generality?

KL: I don't know. I don't--you know, if they were, it was to attract some industry, it wasn't for--it wasn't because they wanted to--[laughs]

EP: In other words, an industry wouldn't settle in an area that was having such racial unrest?

KL: No, right. They, they wanted to avoid that. But it wasn't for the purpose of, you know,

“Well, we want to be fair about it.”

EP: Did you--was it just Mr. Malone who went into the courtroom, or did you ever go out?

KL: No, no I was there. I went there hundreds of times. See, there were so many of those things that, you know, no one person could take, you know, could take care of it.

EP: Well, I keep trying to bring it back to this period of about--I think the arraignment procedure began about the nineteenth or twentieth, twentieth of May.

KL: I remember specifically representing Jesse Jackson in that group, you know, at the beginning of the thing.

EP: When he was charged with inciting a riot?

KL: I think that's what he was charged with. I spent many a day and night with him sitting up there in the jailhouse waiting on somebody to come and get him out. I--it seemed to me when Malone got into that thing is when they started--when they had some kind of agreement that they were going to take sample cases and, you know, it was too massive to try them all--there was no way they could. Some of those kids they haven't called to this day. I'd say 95 percent of them they haven't been--they haven't called.

EP: May I ask you this question? This is a very--seems like a precise legal point. Okay, the managers of these places were saying, “Look, the law, you know ‘separate facilities’ prevents us from integrating.” And yet Mr. Malone says “All those laws were off the books, certainly no longer enforced. That was BS [bull shit].” Were there what amounted to Jim Crow laws still in effect concerning public accommodations in Greensboro at that time? I'm talking about '60 through '63.

KL: Oh, yeah, yeah. And the fact that they had been declared unconstitutional--you know, they would say “Well, that case came out of South Carolina, that doesn't apply to North Carolina law,” even if they were verbatim, you know, that the laws were written word-for-word. They've always been able to find a reason not to do what they didn't want to do.

EP: So they could say--they could hide behind this and [say] “Well, the law prevents us from doing it.”

KL: Well that's what they're doing--

EP: “If the law changes, I’ll do it.”

KL: That’s what they’re doing now. You know, like I said, that hasn’t changed a bit.

EP: So when, when a--say a law--say a test case was declared unconstitutional and it did emanate from say, South Carolina or maybe another town in North Carolina. Is it the not the--is it just kind of the understanding that “Well, you know, we might as well not enforce this, because if they appeal it, it will come back down from the Supreme Court again the same way”? Or does the Supreme Court ruling change it?

KL: No, you see, when you appeal it--if I’m understanding what you’re saying--they, they were always for the appeal, because, you see, the appeals only cost the plain[tiff]--I mean the defendants, or the people, you know, the people that were advocating the change. The rest of them were spending the taxpayers money, and that never was--and an appeal would always mean two or three more years while you could think of something else to do. So everything was appealed, because one thing you were certain of, and that was delay. No matter how you ultimately came out--and by that time they could think of something else, and they did.

EP: You mean the anti-integration forces?

KL: Right, right. They did, they [unclear].

EP: So the managers were effect--in effect right, in this instance, by saying that they could hide behind the laws, because they were only doing what the law says.

KL: Integration did not come about in Greensboro through the law. That had nothing to do with it. Integration came about because they were afraid of what was going to happen if it didn’t come.

EP: It reached the point where the only other avenue was violence?

KL: That’s right: violence, experience what Boyd Morris [owner of the Mayfair Cafeteria] experienced--bankruptcy. See, they completely stopped downtown, and downtown was the center, you know, center of trade. Nobody was going down there with the streets full of folks.

EP: So the demonstrations were successful--

KL: Oh, yeah.

EP: --on that point?

KL: And not only that, but after the demonstrations were over, the few that did not integrate-- there were a few stores, ladies' apparel stores, for instance, that would not let black women try on anything in there, wouldn't sell them nothing. And they concentrated on those stores. A grocery store that wouldn't hire a black person at the checkout, they boycotted that store. That's the reason that you had integration here. Greensboro has never done anything because the laws for amnesty[?] dictated it.

EP: Let me ask you about this. After the test cases were declared unconstitutional, Mr. Malone says that he argued the point that it was claimed they were--recent cases emanated out of the sitting in the square. He said they were arrested on the point that they were blocking a public street, and he argued the point "Well, it's written for inanimate objects; it didn't refer to people." And the, I guess, District Court upheld that point of view. Then he says, "Well, none of the other cases were called, because [in] these five test cases, our point had been upheld in the appellate structure," so they just were released and they weren't called to docket, they weren't prosecuted. Was this--

[End of Interview]