

**A Civil Rights Lawyer's Story: Selma and Beyond
Part 1**

**Oral History: Brian K. Landsberg
Professor Emeritus
McGeorge School of Law**

**Interviewed by Mary Louise Frampton
Director, Aoki Center for Critical Race and Nation Studies
University of California, Davis
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Mary Louise Frampton: I'm Mary Louise Frampton and today, I'm interviewing Professor Brian Landsberg, a civil rights icon, and now a law professor at McGeorge School of Law. Brian, I'd like to begin by going back to January 1965. And you have just started your new job at the Civil Rights Division...

Brian Landsberg: 1964.

Frampton: '64, thank you. And you are a boy from Sacramento, you're fresh out of law school at Boalt Hall. You've been briefly to London for an internship and you've landed in Tuscaloosa. Tell me what you remember about those first days?

Landsberg: Well, very first days, I spent my time with my head in a microfilm machine looking at voting... voter registration applications. And then I was told to fly to Tuscaloosa, so I landed there on Southern Airways and was met by my colleague Carl Gabel who drove me to the Holiday Inn in Tuscaloosa. And in those days, the Holiday Inns had bellhops. And we went up to our room and called in to Washington, DC, which we were required to do pretty regularly, and then went downstairs to get some dinner and the bellhop, who was African-American, came up to us and said, "You'd probably want to know that they're listening in on your calls at the desk."

Frampton: How did that make you feel?

Landsberg: It told me right from the start that anything I said or did in Alabama was likely to be heard by what you might call the potential defendants.

Frampton: Did that make you nervous?

Landsberg: I was pretty young and I don't know that it made me nervous. It made me very aware and careful. We went... The next day, we drove to Sumter County, Alabama, and made a call from a telephone booth. And in those days, to make a phone call, you have to dial zero and get an operator. And my colleague, Carl, told me that the operator in Sumter County was the wife of the sheriff, and so we could expect that any calls that we made from phone booths would also be listened in to, so you just kind of get accustomed

to that notion that you're going to be listened in to.

Frampton: And you have to figure out different ways of communicating confidentially?

Landsberg: The main thing was we didn't want to put potential witnesses in harm's way.

Frampton: You've arrived: Tuscaloosa looks very different than Sacramento or Berkeley.

Landsberg: It does, and of course, it's a college town so it's not like the rurals of Alabama. But we just spent the night there and then we were very rapidly into these little rural communities. And the first thing that struck me was the very extreme poverty in some places. I remember going into one home, we were interviewing people who had tried to register to vote. It was very cold. It was December, no, January, and it was very cold. And we went to this home and the person we had come to interview was lying in bed under blankets because it was so cold. And when we came in, he invited us to come into his living room to talk and he got up and he unscrewed the light bulb that was in his bedroom and took it into the living room and screwed it into a socket there so that there was light that we could see. The guy only could afford one light bulb.

Frampton: Tell me what your job was as a new lawyer.

Landsberg: We were interviewing people who had tried to register to vote and were trying to find out whether there was racial discrimination in the registration process. That entailed, first of all, looking at the records; that is, we were able, because of the Civil Rights Acts of 1957 and 1960, we were able to get access to the voter records. And we would look at them and see who had been rejected, who had been accepted. Often their race would be written right on the form, otherwise, you could tell from what school they had gone to what their race was. We were comparing the treatment of whites and the treatment of blacks. And then we would go and talk to the African-Americans and get their story about their effort to, often multiple efforts, to register to vote and eventually, we would file a lawsuit, and these people would become our witnesses. The white witnesses were often people who we had not interviewed but we could tell from reading their application forms that they had probably gotten help in filling them out.

The African-Americans were told that you can't get any help in filling it out. But you could tell when the form is filled out in good handwriting, but it's... You can hardly read the signature that somebody else filled out the form. We would then just subpoena those whites and interview them while they were on the witness stand about their experiences, which were always much different from the experiences of the African-Americans.

Frampton: And these were counties in which the vast majority of eligible voters were African-American, but the vast majority of registered voters were white.

Landsberg: In Sumter County, I think 80 percent of the voting age population was African-American, and only 1 or 200 African-Americans had been allowed to register to

vote. In some counties, there were more whites that registered to vote than there were whites in the county because they didn't purge the rolls of people who had moved away or died, so it was quite a disparity.

Frampton: So, sometimes getting to the homes of these potential clients was a challenge.

Landsberg: In the south, you could almost tell when you're getting into an African-American neighborhood, because the blacktop disappeared and you'd be on a dirt road. Sumter County, the dirt was red clay, which meant that in the winter, or in the rain, it got extremely slippery, and I more than once got stuck in the mud in the rurals. I didn't really know how to drive those back roads very well and I had to get help getting out.

Frampton: And, there were stories of climbing over barbed-wire fences and ruined suits.

Landsberg: Yeah. In Sumter County, some of the people we wanted to interview, well, lived in very remote locations, and I had to follow a path from the road that was fenced in by barbed wire. I did tear a suit on barbed wire getting to see somebody. I have an expense voucher for repair of the suit. I had to be towed out of the mud and have vouchers for paying to be towed out.

The most memorable to me was when I was going to visit a man, an African-American farmer named Joe Bizzell, who had tried a couple of times to register, had been denied. He actually owned a couple hundred acres of land, a substantial farmer. And as I was going, driving to his house, I got stuck in the mud and in trying to get out, I wedged my car against a tree, and I got out of the car and walked the rest of the way to his house and introduced myself. Told him what had happened and he threw a chainsaw into his tractor and drove back to the car, cut the tree down with his chainsaw and then hooked up my car to his tractor and pulled me out.

Frampton: Many of your clients saw themselves as failing a test, rather than being discriminated against.

Landsberg: To register to vote in Alabama, the requirement was that you be literate. And so you were required to fill out an application form and it was several pages long. I have copies of the form that I could show you. And they would turn the form in and then wait to be told whether they were registered or not, and they would get a notice that you were not qualified, and therefore not registered. This farmer that I mentioned, Joe Bizzell, told me that he had failed the test and I knew that his form was perfectly fine; that it was much better than some of the forms of white people in Sumter County who had been registered. But he didn't know that. He had no way to know it.

Frampton: And so after you would have these discussions with clients about the fact that actually they hadn't failed or that whites were allowed to register with, who were much less literate than they were, what was their reaction?

Landsberg: We didn't actually tell them. We just take down the information then we'd, would bring them to court. And so when they actually... The revelation came to them when they're in the courtroom and we put the white witnesses on and the white witness... We would say to the white witness who had been accepted, "Could you read that form? What did you say? What was your answer on that?" And the person would say, "Oh, I forgot my glasses, I can't read that because I left my glasses at home," and everybody knew that that wasn't really what had happened. The trials themselves were educational and that educated the African-American community about what was really going on.

Frampton: But while you were actually interviewing witnesses in their homes, for example, you really... You were thinking all these things, but you weren't communicating.

Landsberg: No, I couldn't tell them.

Frampton: How did that make you... Were you angry? Were...

Landsberg: Well, first of all, as a lawyer, it made me think, "Boy, we've got a pretty strong case."

Frampton: Mm-hmm.

Landsberg: But sure, I was upset that these people were being denied the right to vote. It was obvious what was going on that the whites, and I just used Sumter County as an example, they were afraid of having African-Americans voting because that would mean a complete... That would mean that their tax money would have to go to help pave the roads in the black areas.

Frampton: Mm-hmm.

Landsberg: That the black part of town and in Livingston, the little county seat of Sumter County, that they would have to have closed sewers instead of open sewers, that they would want everything that the whites wanted and they would now have the power to get it.

There were a number of times when one wanted to take sides, but the way you take sides is, you see where there are violations of the law, and you try to do something about that.

Frampton: An old classmate of yours from Boalt, Thelton Henderson, got into a bit of trouble with this delicate balance.

Landsberg: He did. Thelton was one of the few... First of all, he was one of two African-Americans in my law school class, and he was one of a small number of African-Americans working in the Civil Rights Division. And in 1963, he was in Birmingham during a very volatile time, and because he was African-American, he couldn't stay in the hotels that, what you called the normal hotels, but there was one hotel, the Gaston Hotel

in downtown Birmingham, that was an African-American hotel, so he had to stay there and that's where Martin Luther King Junior was also staying. And he was in close communication with Dr. King and his staff. And so one day, he was told that Dr. King needed to go to Selma and that he was being followed by Klan members, and was concerned about driving to Selma in the car that had been marked as his car. And Thelton loaned him the rental car that Thelton was using, so rented by the US Government, and Dr. King drove there and came back, and then Governor Wallace accused the government of lending a car to Dr. King. And it created a big uproar, and Thelton initially denied it and then acknowledged that he had loaned the car, and resigned from the Civil Rights Division. And that was actually... That happened just before I started work in the Division.

Frampton: Did that create problems for you?

Landsberg: Well, it showed that we had to be very cautious. It showed that the state knew what cars we were renting, that the Hertz or Avis people were obviously telling them when a Department of Justice lawyer was renting a car. It meant that we really... What was very important to the Civil Rights Division was that we have credibility in the community, and that we not be seen as, as I said before, as taking sides, but we just be seen as law enforcement people. And this made us doubly aware of that, I would say.

Frampton: Thinking about the first office that you had, looking out the window of your office, what did you see?

Landsberg: You're talking about the office in Selma?

Frampton: Yes.

Landsberg: We used the United States Attorney's Office in the federal courthouse which was right across the street from the county courthouse, and the county courthouse is where people in Selma, which was a county seat of Dallas County, Alabama, that's where people would have to go to register to vote. And looking out the window, one could see a long line of African-Americans lining up to register to vote and a notorious sheriff, Jim Clark, who had formed a sheriff's posse to keep the African-Americans in line, he was policing the line of people. You could see that the line that was progressing very slowly. The registrar, one of the techniques of registrars would use to discourage African-Americans from voting, it only allowed one or two people in the room at a time to register, which meant that in the course of a day, only if, only a small number would be able to fill out the forms and meanwhile there'd be a line of people stretching around the corner. And so, I could see Sheriff Clark's actions, sometimes violent actions, against the people who were lined up to register. And also, there were civil rights workers from Student Nonviolent Coordinating Committee in the Southern Christian Leadership Conference there and I saw a couple of violent confrontations between them and the sheriff. They were peaceful; the sheriff was violent.

Frampton: When we think of that era, one of the major events we often think about is

Bloody Sunday.

Landsberg: Yes.

Frampton: Were you on the bridge?

Landsberg: I was on the Selma side of the bridge, so the Bloody Sunday events occurred on the other side of the bridge. I saw people streaming back across the bridge being chased by mounted posse members.

Frampton: Why were you on the Selma side? What was your role in that day?

Landsberg: Well, I was in Selma to observe what was going on. The problem with being a lawyer for the Civil Rights Division was, we couldn't be... We weren't civil rights workers, we were law enforcement people. We weren't there to demonstrate or to be part of a demonstration so I couldn't march across the bridge with the marchers, or I would be identified as taking sides, basically. We couldn't take sides. Our job was strictly neutral. If we saw a violation of the law, then to try to do something about it.

Frampton: You're on the other side as an observer, as a lawyer. And what do you see?

Landsberg: People running back to Brown's Chapel, a church where they had started and being chased by people on horseback, and the FBI was absent that day, which I don't understand why they were. They should have been at the bridge. They should have been on the other side of the bridge observing. So I went and called in to my boss, John Doar, and told him what was happening and that led to the lawsuit that was brought by the Southern Christian Leadership Conference by Hosea Williams. It was called Williams versus Wallace, Hosea Williams against Governor George Wallace, that sought a court order to allow the march and I worked on... The United States was a friend of the court in that case, and I worked with John Doar to put together the government's position in that case, where we supported the request for an injunction. And the court, of course, did order that the march be allowed to proceed.

Frampton: And you must have had to do that very quickly. [chuckle]

Landsberg: I want to say a little bit about what led up to that initial march.

I worked, the county next to Dallas. Dallas County was the county that Selma is, where Selma is the county seat. The adjoining county is Perry County. Perry County was much more heavily African-American. The county seat there is Marion, Alabama, and there was an African-American leader named Albert Turner, who had organized the community into the Perry County Civic League, and they were urging people to register to vote and as a result of their efforts, a lot of African-Americans had applied to register. They had been denied.

The government had brought a suit against the registrars, had won a ruling that the

registrars were discriminating, had won a Court of Appeal's ruling that the trial judge should appoint what is called a federal referee to help them register to vote. And that was all before I started with work in the division, but the referee was appointed, and I worked on getting the referee. And then the judge appointed a local attorney from another neighboring county, from Hale County. And the referee then took applications to register, and, lo and behold, the referee turned down most of the African-Americans. And this was in 1964, that was right before the presidential election in 1964. And so, this had never happened before. This was the first time that a federal referee had been appointed, and certainly, none had ever turned down most of the applicants.

I was assigned to do something about that. And we filed a motion in the trial court to overturn the referee's findings. There was nothing in the laws that said what was supposed to happen, because, I think, the assumption in the Congress was that the referee would register people. But the referee was basically applying a much higher standard to these applicants than the registrars had applied to white applicants. So, we had a hearing before Judge Daniel Thomas, the district judge in the Southern District of Alabama. We had a hearing in Mobile a few days before the election, and he was notorious for simply sitting on a case and not ruling. And I told him that under the law, he was required to rule before the election. And so, we had our hearing, and then I went back to my hotel room and I got a call, a couple of hours later from the United States Attorney that Judge Thomas had ruled and he had ruled against us, and I called my boss, John Doar, and he congratulated me on getting a ruling from Judge Thomas, because...

Frampton: It's a speedy ruling.

Landsberg: Right, because that meant that, that meant we could appeal the ruling, which we did, and ultimately, that decision was overturned and all these people were ordered registered to vote.

Frampton: Congratulations.

Landsberg: But too late for the election. I was in Selma at the Hotel Albert and I got a phone call that there had been a shooting in Marion. And I drove over to Marion and it was like an armed camp, it was... There were state troopers everywhere armed with rifles and it was very eerie. And I went back and called John Doar and as it turned out that a state trooper had shot a young man named Jimmie Lee Jackson, who had been helping Albert Turner to register people to vote. And Jimmie Lee Jackson, during this demonstration, had run into a black restaurant where his grandfather was, a man named Cager Lee, had gone there to protect him from state troopers. And a state trooper had shot him and Jimmie Lee Jackson was taken to a hospital.

A few days later, he died and the community was obviously very angry and upset. There was a very... A funeral, Dr. King came to the funeral and many other civil rights leaders in Marion and the people from SNCC, the Student Nonviolent Coordinating Committee said, "We should carry his coffin from Marion to Montgomery and dump it on the capitol steps as a protest." And obviously, that was not a practical idea but that was sort of the

genesis of the Selma to Montgomery march. That's it.

The Selma to Montgomery march, of course, the Bloody Sunday led to the enactment of the Voting Rights Act in 1965, in August in 1965.

Frampton: Thinking back on that period, are there things that I haven't asked you about that stand out in your mind? Things you want to make sure are included here?

Landsberg: I was thinking about the television... The role of television. I mentioned the shooting of Jimmie Lee Jackson during the demonstration in Marion which was at night. And there was a television reporter in Marion name Richard Valeriani. And he was there with a camera crew and filming what was going on, but he was attacked. And his camera was attacked, his camera was destroyed, so there was no footage of what had happened in Marion. On Bloody Sunday, there were television cameras that recorded what was going on. They recorded the actions of the Alabama state troopers, and Jim Clark's posse in beating up the marchers, beating John Lewis and Amelia Boynton and other marchers with their billy clubs, riding over them with their horses. And I believe it was ABC, took the film from that morning and put it on a [plane](#) to New York and edited it. And that evening, they were showing a play called "Judgment at Nuremberg" about the trial of the Nazi war criminals in Nuremberg, and there was a very large television audience for that. They broke into that program to show footage of what happened at the Edmund Pettus Bridge in Selma.

And so a lot of people saw that. The nation was really outraged, and so I think that the television footage played a big role in the impetus to pass the Voting Rights Act in 1965. President Johnson saw the footage and immediately said, "We're going to get this law passed." I think that's when he gave the speech where he said, "We shall overcome" which was, of course, the saying of the civil rights movement, which I'm told that Dr. King watched that speech on television and was moved to tears when the president said that.

The first Alabama election, primary election, occurred the following spring, spring of 1966. And the Department of Justice [deployed](#) a lot of us to Alabama to monitor that election. They had Assistant Attorney Generals from other divisions in addition to the Civil Rights Division.

I was in Montgomery and far as I knew, the counties that I was monitoring, everything went smoothly, but again, I was awakened around 11 o'clock that night in my motel and in Montgomery to come to Selma because the election officials had impounded the ballot boxes from the predominantly African-American precincts. In Selma, Sheriff Clark was running for re-election and he was opposed by a man named Wilson Baker, who was the police chief in Selma and the African-American community thought he was a square shooter and they were backing him. They wanted to get rid of Sheriff Clark. The election officials wanted Sheriff Clark to win.

So I drove over to Selma and spent the night drafting a complaint with a colleague of

mine, drafting a complaint to essentially say that these boxes should be counted. And also an emergency motion to impound the boxes so that they wouldn't be tampered with before the trial. And Judge Johnson in Montgomery signed an order to impound the boxes. The boxes were then locked up in the Dallas county jail in Selma, the jail that's right across the street from the US Attorney's Office, and they were under the guard of US Marshals and Deputy Sheriffs. And paralegals from the Civil Rights Division were allowed to analyze the contents of the boxes to see if there were election irregularities. And actually, the woman who later became my wife was one of those paralegals. She was analyzing the records under the gaze of Deputy Sheriffs. The Deputy Sheriffs actually asked her and another paralegal to go out with them to an after-hours, illegal nightclub that was owned by the sheriff. They declined.

But they did give my wife a little button that says "Never." It was the sheriff, Sheriff Clark, and his supporters all wore a button that said "Never." And "Never" meant never would there be desegregation, never would African-Americans be allowed to vote. And we still have that button.

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