# *INTERVIEWEE INFORMATION*

**John M. Rosenberg**

Residence: Prestonsburg, KY.
Length of interview: approximately 11 hours.
Date(s) of interview: 8/21/99; 8/22/99; 5/27/00
Related resources:

- No other interviews have been recorded.
- Various articles and sections of books exist that discuss Rosenberg and his work, including a profile in the *New York Times Magazine*, profiles in the Lexington *Herald Leader*, and a section in Milner Ball's book *The Word and the Law* (Univ. of Chicago Press, 1993), among others.
- Detailed notes of tapes 1 through 7 of Holocaust Survivors in KY project interview (see below).

**Evaluation/further information about interview:**

Although John emigrated from Europe to the US in 1940, thereby avoiding the worst of the war years, this interview is of particular interest to this project. John was 9 years old when he came to the US; he claims that his early childhood experiences, and his awareness of the destruction of the Jews of Europe, informed all of his major subsequent life decisions. John is an important figure in Kentucky today, having been a key figure in establishing free Legal Services programs which serve underprivileged people in Eastern and Central Kentucky. He also provides fascinating insights into the civil rights movement of the 1960s, having spent most of that decade as a lawyer in the Civil Rights Division of the Justice Department.

**Notes from John Rosenberg interview, tapes 1 through side A of 7**
**Aug 21 and 22, 1999**

***Note: Although these notes are taken in first person (as if John Rosenberg said them), this is not a verbatim account of the interview. Also, spelling of place and personal names may be incorrect in some cases.***

**Tape 1, side A**

B. Magdeburg Oct 7, 1931. Hans Meinhard Rosenberg at birth. Changed to John when came to this country. Father kept "Israel" that Hitler gave him: Rudolf Israel Rosenberg. Not sure where Meinhard came from—I ask mother about things when I talk to her. Her name Gerta Schubach—her father was a butcher—she came from community in Germany (Edar-Oberstein--ph)—Jean and I have gone to visit, about 5 years ago (—describes). I also visited when I was in the air force. 1953-57 in air force—training mission in Germany. Recognized street during one mission as street where grandfather's butcher store had been. Some years ago did sightseeing tour—Jean's family from

Sweden, then went to E. Oberstein-—turns out that a group of her (mother's?) contemporaries had a group that met regularly. Butcher shop no longer there. I think no Jews left in town. Our trip wasn't very long—stayed in hotel—most people her age were obviously not Jewish. It was not a kosher butcher store that he had. When we were in Magdeburg…geographic similarities between Edar-Oberstein and Pikeville, KY—If we'd stayed longer, we might've made a few more connections. One of mother's old boyfriends, we heard, was in a nursing home nearby—his name was Hans, I was named after him—but we didn't go see him. Not all good feelings, because her family left from area. Some members of my family never want to go back to Germany. We then went to Magdeburg, which was in the east zone, so I hadn't been back. Had been badly bombed. We lived in the synagogue, and the Russians had renamed all the streets, and we had trouble finding our way around—it happened that there was a memorial exhibit to Jews of Magdeburg. during the week that we were there. One of groups there was trying to promote better relationships between Germany and Israel. One exhibit was a diary written by the rabbi who was in the congregation with my father. We bumped into a woman who was Jewish. Also spoke with the mayor a little bit, and he said the city was trying to bring the Jews of Magdeburg. back to Magdeburg. for a gathering/reconciliation. That's not happened, that I know of. Exhibit was very touching, very nice. But it was more of a sightseeing trip than an effort to dig into records. We did go to section in M. where mother and father first lived together after they were married. That area had not been bombed. Father was born in western part of Germany. We have a pretty good family tree for his mother's side, going back to 1700s. My father's father committed suicide when father was about 15 or 16—went to live in an orphanage—he came from large family. Father had a younger brother who also committed suicide. Two sisters married butchers. Some came to US—(talks about specific people). Father's mother's name was Wexler—many rabbis in family—my dad was very knowledgeable in Jewish law—he knew the five books of the Torah by heart. He went to E-Oberstein as a young bachelor to be a schoolteacher; my mother was one of his students. She was 18 or so when they got married. Mother says he was very jealous. In Magdeburg, he got position in synagogue: assisted rabbi, not as cantor, but as lay leader, with services and classes. He also taught classes to Jews who wanted to go to Israel. He wanted to go there, but mother had family in US and wanted to come here. Mother likes to joke that I'm a New Year's eve baby; I was born in October, the year after they married.

We kept a kosher household: I'd go to synagogue with father on Sabbath. 1936, I believe, Jews required to have a separate school system, and after that, father taught in Jewish schools. I think he must have done that in addition to working in synagogue. When I went to first grade, I went to school at which he taught. I think that part of my mother's social security from Germany is based on his years as a teacher. I had as much of a religious education as you can get from age 6 to 8. Kristallnacht happened when I was seven years. old. When we came to this country, we became pretty much reform Jews, because so hard to keep kosher.

## *INTERVIEWEE INFORMATION*

I have two siblings: brother Harry, born in Germany, now of Chevy Chase, MD, head of mortality statistics section for Nat'l center for vitalstatistics. He's 4 yrs. younger. Sister Joan in Raleigh, NC, architect, now becoming a lawyer.

**Tape 1, side B**

I don't remember much about early childhood—not much about brother and I together. My father's sister Mary was married and living in Frankfort. I didn't go to shul every day, as orthodox Jews do. There was a celebration when children had their first day of school—I recall that, and I recall being in my father's classes—he believed in teaching classes with a lot of drills. He had been my mother's Sunday school and religious school teacher. My family members left Germany around 1936. We were in Magdeburg the night that Kristallnacht happened. My brother and I were upstairs in our apartment. Some of our relatives were in for a visit. When Stormtroopers came to our house and rousted us out that night, my mother asked if they were going to kill us, and they said "I don't know." We were all asleep… my mother told me about that. They brought all the books out into the courtyard, and burned them. They didn't blow the building up—hadn't totally destroyed the synagogue—at some point they told us we could go back in the house. At some point the next morning, the Nazis returned and arrested my father and his brother. I ran after father with sandwich that my mother had made for him. I don't remember my uncle being with him, but they must have been. My father was in Buchenwald for about 11 days. Apparently the political establishment in Magdeburg was not sympathetic to Hitler. With their help, they were able to get my father out, and he was told he had to leave country within 30 days. My mother took me to Frankfort to my father's sister. She stayed with friends for several days. I was in Frankfort when my father and his brother came—they were bald, they'd had their heads shaved. Zemi was father's brother—oldest one of the children.

Most Jewish men in Magdeburg were arrested. I think hundreds, maybe thousands of men. It was a large congregation. Rabbi's name was Wild—he started diary, which describes this time, when all the men were arrested. Diary was in a glass case (in Magdeb. exhibit), so I could not read further. The rabbi had escaped to England. A family who lived upstairs from us were from Poland—they were arrested earlier, and shipped out. I think that was the event that got my father thinking about getting out. I had always thought he set the process in motion after his arrest, but I learned from some notes that my wife had made that he set the process in motion after the Polish family upstairs was deported. (Some description of how father made arrangement to get out of Germany, and into the US—cashed in his life insurance policy to get money.) During 30-day period, they got all their belongings together, and all their furniture was sent to Rotterdam, where we made our way to, and were sort of in an internment camp.

Kristallnacht, seeing stormtroopers burn books: I want to say that I remember seeing signs up, "no Jews allowed"—but as child, you know what the rules are. I don't think that I was afraid, and I don't think my parents gave me any reason to be afraid. I

played with the children of that Polish family, and then they were gone. But I don't remember that we were living in fear, until these stormtroopers showed up at the house. I remember the fire—probably because it was so vivid. Fellow in uniform who said mother could make a sandwich seemed to be very friendly. They didn't beat any of us. I know the adults were very afraid. I was not particularly afraid. The cousins we stayed with in Frankfort were almost all killed—I remember playing with them under the table, surrounded by knees of adults.

Zemy got married in concentration camp—he and his mother—we got out to Holland, and they did not. I'll have to ask my mom where they went—. My father had sister in Frankfort named Elly. Sister in Rotterdam was named Mary. She was married to a stockbroker who spoke a number of languages.

**Tape 2, side A**

I think that it was simply a train trip from Germany to Holland, and that they had the papers and had packed everything up, and expected to send everything to this country. They were in internment camp. We entered Holland legally, I believe—father stood in line at consulate in Berlin to get the number, which was so precious. Mother did a lot of arranging, I think, while father was in the concentration camp. I think they knew they'd be staying in a transit camp. He had his tickets purchased, so it was the logical place to go. It was a place full of refugees. Everyone in the camp was waiting to leave on the boat, some to US, some elsewhere. We ended up being there for a year: a large building, like a hotel. Furnishings equivalent to the class you'd be traveling on in boat. Our family's quarters very austere: small enclosure with two beds. People congregated in other parts of facility: library, dining room. Sign on the wall in five languages said "don't spit on the floor."

My father's sister and her family lived in Rotterdam; they were well-to-do, and we could go see them. I don't recall that anybody had to work. I think the camp was run by the Jewish welfare agency. Maybe Holland-America line. I don't think mother worked in the kitchen. My father decided to organize a school for the children in the camp, and did that completely on his own, while we were there. My father's sisters in the US—not citizens, and not well off--set about trying to find a sponsor in the US, and they found someone, a well-to-do fellow, named Meyer. It turns out that his family and our family are distantly related. My brother met up with his son in NY some years ago. I don't know why we were there for a year—I think part of it was that we were not high up on the list—others were ahead of us by quite a bit. We came over on the boat in Feb 1940. We were either on the last or next to last boat. My father had been told that they wanted him to be the schoolteacher in Westerbork, and he said "I want to go to America."

A Dr. Moses, who knew my father, helped us to get on boat. My uncle and his mother were on another boat…I believe that that boat was turned around. They went from there to Theresienstadt. Zemy apparently in charge of leather working shop. Apparently my uncle was outspoken—made some untoward remark about Nazis, and was sent to Auschwitz, where he was killed. He met his wife in Theresienstadt, and they married there. We have photos from their wedding. Daddy's mother must have died

right after he was moved to Auschwitz. Zemy's widow lived, and went to Israel, and that's how we learned what happened to him.

In camp: I was one of my father's students. It was just a little sectioned-away room. When my father was teaching bible stories, he would always tell ¾ of story, so you'd look forward to the ending next week. I was loaned a violin for a lesson, but I was not very good. About 40 or 50 students in the school. Communal bathrooms on each floor. Pretty spartan, but not terrible. When got ready to leave, there was a limit to what they could take out, so furniture got left behind. I think father taught lessons in German, perhaps some in Hebrew. He knew some broken English, mother didn't. When we were in the boat, the Wizard of Oz was playing. First technicolor movie.

Family in Rotterdam didn't get out; they were killed. After our sightseeing trip to Magdeburg, we went to Berlin—there was a gedenkbuch, in which I found my uncle and grandmother. Family in Frankfort and Rotterdam killed. My mother's family had already come to this country. Mother's parents had come over to US. When we came to US, mother's family there to greet us. Mother's two sisters…they were all living with mother's parents at that point. Grandfather was working as a butcher in a restaurant in NY; I think it was called Zimmerman's Hungaria. 803 W. 180th Street, big area of German emigrants, back then. When I was with mother, one of her friends from that building called to wish her a happy birthday. Mother's sisters came to meet us at harbor, and we lived with them. There was very little work in New York. My mother and her sisters would sit around sewing slippers together—piecework to make money. She also worked as a maid and nanny. My father, after very little time, heard that there were jobs in the south, and went to Spartanburg SC and started sweeping floors in a textile mill so he could take care of his family. Very menial initially; quickly learned; became a shift manager. He got an apartment and about 6 months later, we joined him in Spartanburg.

I don't remember anything else about journey to the US. We didn't go to Ellis Island, for some reason. Name change must have taken place while father was not around. The flags were out when we came, passed statue of liberty—Feb 22—we thought "This is really nice, they have flags out for us"—but it was Washington's birthday. Aunt gave me a quarter, said it was a lot of money. Don't remember how I felt—you're in wonderment, I think… seeing statue of liberty, meeting whole family…

They enrolled me in a school called PS 132…

**Tape 2 side B**

The children from other countries—I don't know how teachers handled them—I spoke no English. On Thursdays, you had to wear red white and blue—I think I adjusted pretty well—I walked to the school, about ¾ mile. I think after a few months I was mainstreamed into 3rd grade, and then we moved to Spartanburg. My father had rented a little walk-up in a poor neighborhood. After a few months, he fell off a ladder. In the apt where we lived, my mother did laundry in a pot-bellied stove, and he would lift pot for her—but as result of accident, he could not help, so they bought automatic washer—the first one in Spartanburg—neighbors would come to see the clothes spinning around—Daddy bought it on time. There was no rabbi in Spartanburg. Jewish community learned

right away about his vast knowledge, and that he could officiate at a service, and so he started writing sermons in English. There was a military base in Spartanburg, and the Jewish soldiers would come to our poor apartment on weekends, because it was a place to go, and mom and dad were very warm. I've always thought that was very remarkable—then somehow the congregation in Gastonia, NC, also had no rabbi, and he got to Gastonia because there was a family who he had known in Germany who were well off and owned a textile factory. They got in touch with dad and asked if he could help with congregation, and he commuted there. Meanwhile moved up in textile knitting business, which he had never known anything about in his life. And then family in Gastonia asked if he would come work for them, and he actually made some innovations on their machinery. We lived in Spartanburg for about 3 years. People were very nice to us. I started public school there—I was kind of a novelty actually, and people would ask questions about how it was on the boat, so the classrooms would start scheduling me around as a speaker, because they had this 10 year old who could talk about life in Germany and being Jewish. I'm sure I talked about the plight of Jews in Europe. I spoke broken English. Parents didn't know the first thing about socialization—everything was different. The children's books in this country are totally different. But overall I think we did remarkably well. I still remember some of my teachers. Jewish community relatively wealthy—store owners, as were so many Jews—most of kids more well to do than we were. We were always comfortable with working class people who were not necessarily Jewish. Living in a Protestant environment in the south. Antisemitism was not as much of a problem [as it may have been for wealthier Jews]—my parents were not of the country club set, so they didn't have to worry about whether they could get into the country club. My folks were very permissive, and the friends that you made during those years were friends in the neighborhoods, and others who were good students. I didn't play any ball, really—marbles, capture the flag—got into scouting in a big way. Moved to Gastonia, I was in 7th grade. In junior high school, developed more confidence, and was president of class in 8th grade. Also president in I think sophomore and senior years. I was very involved in scouting. When I was 12 I had my first newspaper route. I had my own fountain pen—parents bought—that was a big thing. Whatever leftover money they had, they spent on the kids. Some people would say, we were poor and we didn't know it. We always had enough to eat.

I don't know why my dad didn't explore teaching in NY more than he did. But it was so crowded where we lived, that he set about trying to figure out how to make a living right away. My parents have a strong work ethic, so they were not opposed to me having a paper route at a very young age. That was a very liberating experience—getting up at five a.m. and going by the coffee store and putting that nickel down on the counter and saying "I'd like a cup of coffee." I was not much higher than the counter. But my parents just didn't have much money, and we knew it, so I always had a job. When I was 13, I started selling stationery from home…always doing some kind of work. All of those experiences help you appreciate how other people live, especially working people. Mother basically always worked at home. My sister was born in 1946, and a few years later she decided she wanted to work, and became a saleslady in a store, which was good for her. She's a warm, outgoing person—everybody's buddy. And scouting—I became

an eagle scout, and was a counselor in the summers, and that did a lot for me. In the summer, in camp, we put on a large Indian pageant every Thursday night. Wonderful museum in Gastonia containing collection of Indian things donated by scout leader. That has inspired me to start working towards establishing a science museum here in Prestonsburg—I've always been interested in science. And seeing that museum work in Gastonia made me think it could work here.

I had a Bar Mitzvah in Gastonia, NC—when my father began working full time near Gastonia, he assisted the rabbi. Often acted as cantor during services. Lot of friends at my Bar Mitzvah—I suspect many there were not Jewish—very nice congregation in Gastonia, probably 50 Jewish families. My brother was also a Bar Mitzvah. We stayed pretty active, but like a lot of kids in the south in high school, unless within a conservative or an orthodox family… People were very aware of the Jewish community in Gastonia, I think. Always felt a little sad that the Jewish community was not more assertive about desegregation. But I think that the store owners were afraid to lose their businesses. Judaism is founded on the theory of justice. It was as bad for them to look the other way as anyone else. Churches were segregated; it was a segregated life. You just weren't aware of it.

**Tape 3, side A**

I think it's always hard to look back. But I think if they felt they could have done more, they might have done more. But because they were living in the south, they couldn't be trailblazers, because they might be ostracized. When I was in high school, there were always occasions when you'd run into blacks—but generally segregated. You heard comments about Jews not getting into country club, but I was never aware of antisemitism. And it wasn't until I was in the service that I was really aware of African-American experiences. African-American friend in service who I was traveling with had to get up at one point and go to back of train—that event changed my life, really—I was angered and aggravated and thought we've got to do something about this. When you think about the persecution that the Jews had had, Holocaust etc, you would hope that Jews had been more sympathetic to what blacks went through. It's more easily said than done, but it's something that bothers me. When I was in air force, first time formed friendships with African-Americans. When I went to Duke, it had a quota on Jewish students. It was before there were any black athletes, so I don't think there were any blacks in my life. Went into ROTC before air force.

Conflict between Jewish identity, practice, and social life? People expect you to participate as a Christian in anything?

No, interesting, because scout groups sponsored by churches. I think they were cognizant of the fact that we were Jewish. Don't think anyone tried to convert anyone else. One summer in scout camp one of my jobs was to arrange services. Found myself being a sort of associate minister. Learned hymns, and had been to church a few times. I oftentimes did vespers services for campers there over weekends. There would probably not be much "Jesus" in the services. It didn't bother me, but it may have bothered others. My parents didn't have any problem with that. My parents were very tolerant of other

religions. My mother grew up in a small country town, and was Jewish, but had many more associations with non-Jewish people. There w2as a period of time when I gave some consideration to going to rabbinical school. And to be a reform rabbi is not so different from ministerial work—there's a lot of social work involved. When my father came south and realized it wouldn't make sense to keep kosher, he just learned to adapt culturally—maybe bacon and eggs are good together. It was a big change in my family that I married someone who isn't Jewish—and then my sister married (and divorced) someone who isn't Jewish. I think my parents came to terms with it—their children had contributed something to the community. My father was strong in his convictions, and had some strong ideals, but he wasn't going to throw up barriers for his children. It shows terrific flexibility on their part. My dad was a pretty private person, and read a lot, had enormous knowledge of Jewish history and religion. There were few people, other than rabbi, who he would have long conversations with. Otherwise, working. He didn't always appreciate what we were doing in our spare time. My brother was a scout too, and became an eagle scout in that same Presbyterian church. He endured a summer with me that he says he'll never forget. I induced him to be Minnie ha-ha in the play…

Being Jewish was and is important to me, and I guess I'm pretty conscious of being Jewish—it's attractive, simple, its principles make a lot of sense to me—people are aware that I'm Jewish. My wife is not, but we have a Quaker contingent in the mountains… all of this Holocaust history has contributed a great deal to what I've done in my later years. Civil rights, and so forth. I think coming to this country… we've always been grateful that we're here, from the time that we came. My parents always recognized that. Spartanburg: Picture on the wall of FDR, and perhaps Statue of Liberty.

I think in Gastonia, you were not allowed to have binoculars, because you might spy on someone.. If you weren't an American citizen. We had an old monocular, which they took away from us, and they were very embarrassed when they saw the pictures on the wall. My parents sworn in as citizens, and we ate out afterwards… I think it was the first time I ever ate out in my life. Having a life in public service is trying to find a way to give back a little bit.. not being governed by the dollar sign. It's a real privilege to do what I do, and get paid for it… and it was the same way in the civil rights division. To help make the legal system work for African Americans.

I don't think I was able to follow what was happening to Jews in Europe during the early years in the US. I'm not sure when we found out. I don't think my father knew where his brother was, or whether they were alive. It seems like you've always known the story of the Holocaust—we don't really know what happened to the family in Holland, and in Frankfort…I have a cousin who did this family tree… but I don't think there was any communication in those years. We just had a reunion in Gastonia, and one of my teachers was there. She had her grade book with my name in it. I had very little recollection of having been in her class. Maybe others' memories are better than mine. When we went to services on…

**Tape 3, side B**

## *INTERVIEWEE INFORMATION*

Betty, Zemy's wife, came out of the concentration camps alive. We went to see her in 1970, 25 years after the war ended, in Israel. We didn't dwell too much on wartime experiences… My father and mother, I think, went over before we did. In 1966, he retired from the factory, and they moved to Florida. And in their retirement, they started traveling. I don't think they knew very much about what was happening at all. I still speak 4th grade German… my mother has old book of pictures… my dad passed away in 1989, and she stayed in Fl. for a couple of years, and then moved to Chevy Chase, but she does still have a lot of photos.

While I was at Duke, I liked chemistry and physics, and also liked doing sales work. So I decided I might like being a chemical salesman. Graduated in '53. I was in the air force ROTC, partially because they give you a break on tuition. You're committed to 2 years service after graduation, which made sense to me, because of doing some service for the country. And during the two years after graduation, at first I thought I'd like to fly, and I went to flight school, and that didn't work out, so I went into navigation training, and liked that. Navigation school had a three year commitment, which I served out in England. That was during the Korean war, but I was very far from Korea. I had a choice, being near the top of the class, of where I wanted to go, and I chose England. It seemed like a nice opportunity to travel. It was during the Cold War, so we did a lot of exercises on the border. The most poignant thing for me was that while I was in England towards the end of my tour, we were on alert for the 6-day war, and nobody knew which side we were on. I thought, this is not a good way to spend your life, when you don't know which side you're on, and then somebody tells you which side, like it or not. I enjoyed my military service, had wonderful associations. The group I was with in England still gets together every 2 or 3 years. My pacifist Quaker wife has gotten to know my warmongering friends over the years.

Thinking of Duke, if I had it to do over again, I probably would've gone to U of NC. I had a scholarship. I made good friends, and I was in a Jewish fraternity. First strong association with group of Jewish men. While I was there, I was delegate to convention when we decided to stop limiting membership to Jews. I had a lot of mixed feelings about that at the time. Jewish sorority and fraternity formed my strong associations at Duke. I also worked at cafeteria. Most of my good friends at Duke were Jewish. In the air force, in London, we had some distant relatives, most of my associations in the air force were not Jewish. There was not a Jewish chaplain, but several times during the holidays I went to London to be with family.

[Incorrectly noted as August 21 after break; should be August 22. John had spoken with his mother the night before, and got further information about his uncle, Zemy:]

Mother was not sure whether uncle was arrested at same time as father, thought that he was arrested at same time, but that he was taken away to a different place. He and my father did end up going to Buchenwald together, and were released together. We saw them in Frankfort at my aunt Elly's house. … Uncle eventually got to same transit camp in Rotterdam where we had been before traveling to US. We don't know how he got

there. But he was in camp with us part of the time. He was on the boat after us, and the boat turned around because war had started.

As far as she could recall, there was no contact with anyone in the concentration camps. No one had any knowledge, and she couldn't remember when we found out about Zemy's marriage, etc.

When I was in the service, I went to Germany a number of times with our crew, and had some days off. It was a very strange experience to be in Germany, speaking a language that you sort of know is your native language. Our stays were quite short, and I didn't make an effort to come in contact with Jews. I suppose my first contact with a Jewish community was in Israel—I went while I was in England, and visited my father's sister and her family. They were out in the country, living in a cooperative farming community. Their names were De Vries (ph). That was when I met Zemy's widow for the first time. We didn't talk much about the camps. Moshe, my cousin, had gotten married to a young woman named Nurit. I stayed in Israel a couple of weeks. Other relatives in Tel Aviv. They still led a fairly plain farm life, back then. Nothing left on the plate. They were lovely people, and they knew Betty. I traveled around on my own, and after Jean and I were married, when she was pregnant, we returned. Jean was the first non Jewish wife in the family. Also we went to a distant cousin's wedding, and he married a Yemenite Jewish woman, which was as unusual as marrying a non-Jew. Betty has since died.

As I mentioned, I returned to Edar Oberstein. I seemed to remember the butcher store. The people I met were contemporaries of my mother. My grandfather was known in area for being an honest, hard working man. And the Schubach family was well-known in the area. I stayed in the local hotel. And when I came back with Mother, as I mentioned, her friends were there. You have the notion that those who are there, who are still alive, felt embarrassed and guilty. Many say they didn't know what was happening, although many did. And many were sympathetic to Hitler. I did not try to go to Lehr (ph—father's hometown)—I'm not sure why. A distant cousin, interested in genealogy, went back to various towns. I didn't have anything that was driving me to do that. I think as you get older, you think of those things more. My mother returned to Germany once or twice, and they went together to Austria.

While in air force, I really went to Oberstein just because we happened to be near it on a mission. Going to Israel and Paris was of course a voluntary thing.

It was wonderful to be in Israel. I felt proud of what had been done. My father was a strong Zionist. I felt strongly, and still do, about a Jewish homeland there. Didn't want to live there while my parents were here. I'd like to go back again. It's a great accomplishment, and it's part of our history. Especially nice to go when you have family there.

**Tape 4, side A**

I always had a very strong feeling about allegiance to America, to patriotism. As you get older, when events like Vietnam happens, you start to question…the actions that we take as Americans against other countries. If it hadn't been for the uncertainty

leading into the 6-day war, I may have stayed in the military, because of the closeness with others. You become part of a family. If we'd come in against Israel, I would've been in a terrible predicament. After I married a Quaker, I left my tennis shoes at the Pentagon athletic club, and never went back to get 'em. I probably have a different viewpoint on the value of violence and military actions [since the marriage]. To some extent. I still consider myself very much an American citizen. Philosophically, if you take a strong pacifist position, if someone points a gun at someone you love, you are in a sense ready to die. You're not going to interfere; you feel that there's never any justification for violent actions. I'm not in that position. I feel that there are times when you must use a war to end a war. I think it's a last resort, and not one that I would promote. But I don't think that I could stand by.

[Asked about whether he thought Jews had resisted Nazism enough; what he thought of assertions that Jews had gone 'like sheep to the slaughter':] I don't see how anyone could take the position that Jews were in general too passive, and didn't show enough resistance to Nazism. I've heard a lot about, and read a lot about how many Jews had to collaborate to survive. I can't judge anyone who was in that kind of position. It's expecting a lot of someone to give their lives up. Most families weren't armed. My father never allowed us to have any weapons.

Hard to say whether I was interested in American political issues by the time I was in the air force. I was really fortunate in high school, I was working to get through school… We were so grateful to be here, I don't think the politics of what was going on was much of a preoccupation. It might be a stretch to say the country could do no wrong, but… pretty close to that. I was first to go to college, and my parents were very proud of that. My father read paper religiously, and was a strong anti-communist. He voted, had strong views, but was a private person. I think southern working class families live fairly provincial lives, & don't have a tendency to get politically involved. So I didn't think much about signing up for ROTC (in '50, '51).

1954, at time of Brown vs. Board of Education, I was in navigational training in Houston, and I must have known about it, big news, Houston was segregated town. The incident on the train was 1956. I think the interstate commerce commission eliminated practice of segregation on trains within a few years. I joined civil rights division in 1962, and Montgomery Freedom Rides had just taken place. I went to law school '59-'62. Came out of service in '57, then went to work for Roman Hass company, basically selling chemicals that make hard water soft…etc. Worked there during '58, entered law school in '59. One of my classmates, African-American, now chancellor of NC Central, named Julius Chambers, became a very prominent civil rights lawyers. We were good friends. The years in law school, we had 3 or 4 African-Americans in our class. The freedom rides were happening, and we were very aware of what was going on. Julius was an exemplary young man, worked terribly hard. He was such a quiet guy, always first in his class. There were law school students who were not sympathetic to having law school desegregated. But we never had any incidents while I was there. While I was selling chemicals, I was more focused on work, being single, living in Philadelphia. But law school made me aware of [civil rights] issues, especially in the context of my experience in the military, that things would have to change in the south, and ought to

change in the south. I began to think of using the law to help do that, after I'd been in law school for awhile. Once I'd been selling chemicals for a year, it wasn't terribly fulfilling. I still had the GI bill available, and thought it would be a good opportunity to use my head. But in the beginning of being in law school, I didn't even know if I'd be able to get through it.

I chose to go to law school because I wanted to use my head in an intellectual capacity, and… I was doing fine in sales work… I wish I could say I wanted to do it so I could work for civil rights division, but I don't think that was the motivation. I thought it would be a good skill to have. It seemed to fit with my general outlook on a good way to use the GI bill, and to go back to NC to school. I don't think it had anything to do with my Jewishness, or the Holocaust. Also, being a salesperson, you don't have a community. Executives worked in Philadelphia, but lived in the suburbs. They weren't concerned about the city. I was not particularly happy with that way of life. There didn't seem to be anything I had a burning desire to do, and going back to school seemed like something I'd like to do. I belonged to an air force reserve in Delaware, and would go there about once a month. Partially for income, but wanted to retain proficiency. Also was dormitory daddy for football players at U of NC.

**Tape 4 side B**

Law school, when you start your first class, it assumes that you've had all the other classes. So in a sense it doesn't come all together until you're finished. The Bar review for the first time brought all those things together. So I felt lost at first, as I think many other students did. By my last year, I enjoyed being there, and started to see that it would be very challenging to be involved in the civil rights struggle through the law. In the Justice Dept., I first went to Antitrust division, and tried to get into Civil Rights Division, which was very hard because there were only 8 lawyers doing civil rights work. One of them was John Doar, who was Asst. Attorney General, and you couldn't get a job there unless he saw you and decided he would hire you, and he was gone in the south much of the time. Also the full force of the gov't was not yet behind the division. Before interviewing with Dept of Justice, I had interviewed with several firms in Atlanta, one of which did civil rights work.

I worked with antitrust for a couple of months, and then got into civil rights division, which I was very pleased about.

In 1962, Ole Miss was going on, I think Julius Chambers & I had some serious discussions about civil rights work. At that time, it was the foremost issue in the country. North Carolina wasn't on the forefront of desegregation. In my mind, I was going to come back to the south at some point to practice law. I felt that what the [federal] government was doing was right, and as a southerner, it would be great to be a part of that. Most of the work that the division was involved in involved voting rights. No legislation until '64 when anything could be done about public accommodations, etc. John Doar had accepted his position at the end of the Eisenhower admin; had only been in position for a couple of years. Doar was a Republican, but Bobby Kennedy asked him to stay on. He was the boss that I interviewed with. I think he was attracted to the fact

that I was from the South, and that I was a little older, I was a veteran. It was hard to get an interview with him. Had to keep coming down, banging on his door. US attorneys were not doing much about injustice/violence against blacks in the south at the time, and there were very few resources devoted to doing anything about it, until Kennedy admin. It was still a very small division, and started growing. John Doar's idea was to take it a little at a time. Many from segregated communities not willing to step out and enforce the law. The FBI in many of those communities was not sympathetic—they wanted to catch bank robbers, we wanted them to photograph voting records, which we would analyze in great detail. John developed the notion of going into these communities and identifying the black leaders. We would meet with those people and find out who had tried to register to vote, etc. They would either not let them register at all, because they would lose their jobs, or…

A fellow named Atlas in Louisiana went to register to vote, and they refused him. After that, the people who ginned his cotton refused to do so, and he took them to federal court to order them to stop interfering with his right to vote, so that was how that began. We would go to communities, try to find out who had tried to register. They were using a literacy test to determine who was eligible. They would give blacks sections which were very hard to interpret, which you and I might not be able to, and at the same time they were registering whites who were illiterate. We would go back and find the records of those persons, and ask the black person who had tried to register to testify in court. Tried to institute same standards to be applied across the board. It took several years to implement, because courts were uncooperative—they'd register the ones who testified, but not the ones who were afraid to. That was the kind of work I did for first years.

We [the eight lawyers] were essentially split up geographically. Mississippi, Alabama, Louisiana sections. I shared an office with Gerald Stern. We would be assigned to 2 or 3 counties, and we would go down ourselves. First few cases, John Doar supervised and did much of courtroom work. As time went on, we would do the spadework. We did all this document preparation. I was assigned to LeFlore county, Miss. Spent a lot of time in Greenwood. Met all the leaders in the community. There were a lot of voting marches in 1963, and there were a lot of arrests. I went into the jail, and interviewed a lot of the people who had been arrested. The longer we were there, the more responsibility we had. As time went on, the number of lawyers went from 8 to 16 to 30, and obviously he [John Doar] couldn't take all the cases, and so at that point we were the lead trial lawyers ourselves. At one point I had 4 cases going at once in Greenwood. Voting rights case, and in 1964 when the public accommodations act came out, there were two theatres in Greenwood, and the Paramount said they wouldn't let them in, and the Le Flore let them in, and they were beaten, and the police stood by. So we took the case to federal court. And also took a case to stop Paramount from refusing to let blacks in. Greenwood was where Byron de la Beckwith, who killed Medgar Evers, [was from]… the lawyer who was on one of these cases represented Beckwith. There was an earlier case involving a voting rights march. There was an earlier case involving a voting rights march… there was a little community outside of Greenwood called Itabeena Miss, a small farming community. The black section of that town was called

Balance Due. Sort of the story of their lives, right? They had a meeting in a church one night, a voting rights rally, and someone threw a smoke bomb into the church.

[Interviewer asks if this is where Vernon Damer was from; John says no, he was from Meridian, and that his wife, Jean, worked on the Damer case. John worked on Damer case some, and worked on the three civil rights workers case for a quite a time]

Anyway, they marched up to sheriff's house to complain about this interference--60 or 70 of them—and the next thing you know, they arrested them all, and the next morning, tried them in groups of four for disturbing the peace, and sent them to state penitentiary. I sat through the trials. We filed a court action to try to get them out. It was called "United States vs. LeFlore County." I went to that penitentiary every day for a couple of weeks to interview people. Federal judge said he would not interfere with that arrest, because it was a state law, this disturbing the peace. We eventually got the national council of churches to get the bond to get people out. It was not the most successful thing we'd ever done; we should've won, and didn't. Probably that was 1963. Lot of activity in Greenwood that summer.

SNCC headquarters was there. Worked with Stokely Carmichael, Bob Moses, who apparently is teaching math to inner city kids in Boston. I spent some time with Medgar Evers, not much. I was at his house not too long before he was killed. There was an article in the Washington Post not long ago, which the writer sent to me, and on the cover was Willy McGee; there was a young woman named June Johnson; Fanny Lou Hamer was in Sunflower county. There was a one woman play about her life. One of the first cases I ever worked on involved a situation where Hamer, June Johnson, and a beautiful woman named Annelle Ponder had been to a voting rights workshop in Atlanta, and they were coming back, and the bus stopped in Winona, Miss., and they got off the bus to get a coke, and the restaurant owners called the police, and they were taken to jail, and beaten.

**Tape 5, side A**

Filed a police brutality case against those police officers. It was difficult to prove who did the beating. FBI had not found any witnesses. On the day pres. Kennedy was killed, I found trusty who was in jail at the time, who identified officers who had done beating. He had been told to mop blood off floor. Jury was all-white, and acquitted them in short period of time. St. John Barrett, who put case on, was 2nd assistant of civil rights division. The government had not yet begun policy of challenging jury there. I drove over to Sunflower County to see Ms. Hamer afterwards. I always feel badly, and I think "Slim" Barrett has never forgotten it. Such a commentary on the way things were in 1963. A few years later the civil rights jury trial, which was an all-white jury too.

Mrs. Hamer was a very remarkable woman. I read an autobiography about her not too long ago. She was very disappointed, I think [by the jury's decision]. We were lawyers who spent a lot of time in community, and then went back to Washington. I think there was a feeling that the government didn't do enough. I think that those of us who were there in our coats, ties and federal ID badges… some of the more activist people thought we were window dressing. It was not the same as direct action. I think

ML King demonstrated that mobilizing (marching, etc) was the key to success. I think the Justice Dept. had a prominent role, though, that isn't always recognized. We demonstrated that using court system was extremely slow, but it was helping, and it gave blacks some confidence to win. We also helped write the voting rights act of 1965. It always seems to take an incident like a civil rights workers' death for people to wake up, unfortunately.

I was the investigating lawyer on the Hamer/Jordan etc. case. Got the case ready for trial. I was pretty new in the Justice Dept. at the time. I interviewed all the people who were eventually to testify. That's how we learned who the people were in the black community.

I spent some time with black community socially—we shared some meals—but we did not go out together. I went to a lot of meetings in churches, did a lot of observing. I spent a summer in Bogaloosa, LA., where the Klan had been taking a lot of action—was upset, because a relatively moderate congressman, Brooks Hayes, had been invited to come speak, and the Klan rallied, threatened to boycott stores that were going to sell to blacks. There were a number of civil rights marches during the summer, with James Farmer and others. I observed marches, interviewing people, and getting facts together for an action that we eventually filed against the Klan in federal court, to get injunction against them interfering any further with voting rights.

My immediate boss was Bob Owen. He was in charge of Mississippi. He was from TX… wonderful man. In early years, FBI not very effective. Changed a lot after incident with civil rights workers. In the Neshoba county case [murder of 3 civil rights workers in Miss.], there were a number of us who did investigative work.. I was interviewing people… we as lawyers did a lot of the investigative work—more trust between us and the black community than was there between blacks and the Bureau, which was not altogether sympathetic to plight of blacks in south at that point. FBI agent in Meridian, Miss., was a very fine man… don't remember his name. TV movie about him, was good. "Mississippi Burning" not altogether accurate in representing FBI. I spent time putting together information on the jurors in Neshoba county case. Jean and I had gotten married right before this case.

In gathering information about juror, you wouldn't go see the juror. You'd go see people you trusted who knew the juror, and ask them questions. Trying to learn as much as you can—back then, systems in place now were just being developed. Sometimes you'd discover relation between jurors and defendants, and in that case, they normally would not be on jury. And then all lawyers have hunches. John always said that he didn't want jurors who wore white socks. I'm sure that he used my notebook, primarily, but…

The case happened in 1964, but the case went to Supreme Court on a legal question…1967, the trial actually took place. One of the last things that I did in 1970 when we left was to write a brief… there were still questions being asked about legality of the case. I understand that today, 32 years later, they're thinking of charging them with murder. They didn't do it at the time because the state of Miss. was not going to take any serious action in racial cases.

## *INTERVIEWEE INFORMATION*

In 1964, they called it Freedom Summer. I was in Greenwood, I believe, during time of murders in Neshoba County. I don't think I went over there right away. FBI was out, looking for the bodies.

I didn't really feel threatened while I was there. After the killings, we started driving, in Neshoba county at least, in pairs. I never carried a weapon. In Yazoo county, Miss, I was once photographing voting records, registrars name was Foot Campbell. He told me that he had witnessed some lynchings. Pulled a gun out of his drawer, and shot a pistol into the floor—shot a big hole into the floor. I asked why did you do that? --He said he just wanted to show me that it works. I think he was a little demented, anyway. He wasn't aiming at me. But I never really was in fear. I think we all knew that we were in such a different situation than the people we were working with: the blacks who had to display such courage just to go and register. We met such wonderful people—farmers who put their lives in danger to go and vote. Hard-working people who wanted to have same right as everyone else. Farmer named William Eskridge in Carroll county, Miss, wanted his son to have good education, and to send his child to white school. We went to court to desegregate school. Whenever I went to see him, which was many, many times, I always marveled at how isolated they were, and his drive, and simple desire to send his son to good school. Everybody knew him. Had a good reputation in white community, and maybe that's why he was not so afraid.

**Tape 5, side B**

I think it's something we saw repeatedly. Nick Flannery, another lawyer who became a judge, worked on that case with me. Jean and I went to one of those counties 2 or 3 years back, and went to see Eskridge—in his 80s then. One of the high schools nearby put a book together about black leaders in their area, and there was an interview with Mr. Eskridge. You ran into this over and over. You may never hear about Mr. Eskridge in Carroll county, but you hear about people who went on the national scene. Lots of unsung heroes.

{Interviewer asks what makes him identify himself as a Southerner, and made him feel strongly about doing this work in the South:] I think in rural areas, you get the idea that people accept you for who you are. For example, a salesman in big city in North might be viewed more as salesman than as person… camaraderie of small communities, slower place, people caring about where they live. I'm sure that exists in small towns of North, too. I think it helped that I was a Southerner, doing this work. I'm not proud of Confederacy, but it's part of the history. We had many more friends who were non-Jews than Jews, probably because of our economic situation.

I've been here in Prestonsburg almost 30 years, and it's home. Feel the same way…

After Civil Rights Act passed, we had more work in more areas. I became Chief of Western section, and started doing cases in TX and in NV, I litigated a case against electrical workers in Las Vegas—they didn't want to let black electricians into the union. Spent last 2 or 3 years in a case against Houston school system. Moved to Houston for several months. Became chief of criminal section of Civil Rights Div., which has

responsibility for police brutality cases. Last thing I did was direct an investigation into Kent State killings. Left soon after. By that time division had gotten a lot bigger. I had 8 or 10 lawyers working under me.

Voting Rights Act was in 1965. I was in Southeastern section then. I was in Louisiana… in 1965, we had the first case under voting rights act in Selma. Paper ballots, first time black officials were appointed. Jim Clark running for re-election against moderate, Wilson Baker. Long time to count ballots. All white executive committee decided it was taking too long to count, and impounded ballot boxes; decided not to count ballots in the box. We filed an action to require them to count those ballots. I tried the case. Judge Thomas required them to count them. There was no fraud; we proved that all ballots were there. Result was that Jim Clark was out. Probably the decision was in 1966. Voting Rights Act really changed everything. Probably the most important legislation, in many ways, that passed anywhere. I didn't have personal role in writing that legislation. Some of that act was based on court cases that we'd brought. I was also involved in Poll tax, filed an action in Mississippi to put together a case against Poll Tax, in 1967 or 68.

Thoughts about various agendas and goals of civil rights movements: I think MLK's ideal of using non-violence as a way of demonstrating love for fellow humans would be most effective. Violent response wouldn't work, because more people would be killed. Courts are only an adjunct to direct action. Voting Rights Act wouldn't have been passed without marches, etc. As far as Black Power movement, I haven't studied all of black history; I think that it's important for African Americans to recognize their history and culture, just as in Appalachia. I think in the US, there's room for that within the law. How I would react in any particular situation—we don't have guns in our house, or our cars, and I don't intend to carry one. That doesn't mean there's an absolute line drawn.

My parents, I think, were quite proud of my civil rights work. I don't know that my father was not totally convinced… I think he was a little bit of an elitist intellectually. May not have been in total agreement with the use of the nation's resources toward desegregation. I don't think that he was a racist…

**Tape 6, side A**

I don't think they were too understanding of why I went to law school, when they thought I already had a career. You always want to be able to tell people your kids are doing well… the Jewish community wants to hear that your kids are making a lot of money, which is a symbol of success. But they were proud after the fact. Impressed by lawyers and associates in Justice Dept. We didn't have the Kennedys come to our wedding, but a lot of people from the Dept., etc. I think there was always the question of why I didn't go into a law firm and make a lot of money, which is a question that I and a lot of other lawyers in social services still get. I think when I got awards later on, parents are always going to be happy about that. I think my father was a complicated man about the racial thing. Poverty is a vicious circle—if you aren't willing to look at the causes, it's easy to say "it's all their fault." There are more poor white people in this country

than there are blacks. The attitude was "We were able to take care of ourselves, and we came out of Germany, etc, and look what we did, why can't they?" Historically had valued education, and see that if you get an education, you can be someone. I think African Americans see that too. It's hard to break the cycle in Eastern KY. I think welfare reform isn't all bad. In the south, where you don't have equal opportunities, you can't expect people to be as successful. I think Affirmative Action has been very successful, but now you have blacks who are saying "We don't need an unfair advantage."

I'm sure that my direct experience of the persecution of the Jews during WWII influenced my interest in working for civil rights for blacks. I'm sure what my family went through…the mistreatment of blacks is the same thing. Not genocide, but I think it's the same thing that helped to motivate me to work there, to provide those opportunities, so that people are at least equal in the courts. I think one of the things this country ought to be proud of is that it does fund programs like ours. We don't get the funds that we ought to have, which is regrettable, just as the length of time it's taken to institute equality in school systems.

I met Jean in Civil Rights Div of the Dept of Justice. I was Deputy of Southeastern section, my section chief was Frank Dunba, and she came to the section as a Research Analyst. John Doar was invited to speak at Earlam College while Jean was there. He met Jean and eventually hired her and her roommate Dorothy. Once a group of us went on a skiing trip, and that was the first time we had an opportunity to be together socially. Did some work on desegregating school systems. After Jean had worked there for about a year, when we went to Alabama on Jim Clark case, Jean was there with me. We were not married… we started to suspect that John Doar was deliberately sending us on cases together, since we started dating. Lois Baker was our secretary, we hired probably the first black secretary, in Selma. She was very young, and had epileptic seizures. I went back to Selma for 30th anniversary of Voting Rights Act in 1995, on the way to Birmingham for a Legal Services meeting. I visited Lois.

After that, Jean and I went to Montgomery and worked on a school desegregation case. I was living at time with lawyer named Brian Landsberg, who subsequently married Dorothy, Jean's college roommate. Jean and I started dating after skiing trip. John [Doar] asked me to go to Charlotte—there had been an attempt to bomb Julius Chambers' house. Started an FBI investigation. My friend Nick Flannery went with me to Charlotte. We went out to eat, and in line, I asked him to hold my place, I had to make a phone call. Charlotte was near Gastonia. So I called her and asked her "Don't you think we should get married?" We'd been dating pretty steadily by that time, but we'd not talked about taking the plunge. Jean tells me that early on in our dating, I had announced that I would not marry someone who was not Jewish. But I did! I knew that I was in love with her, and why I called at that particular moment, I don't know. Probably because I had a moment. So I was able to tell Nick when I got back in line that there was a wedding in the offing. She came to work in '65…[discusses various friends who were in Civil Rights Division, their marriages and careers]

## *INTERVIEWEE INFORMATION*

**Tape 6, side B**

Jean had been to meet my parents, I think, once before I proposed marriage. They knew of her, and I think they knew that we were pretty serious.

Jean was with her parents and my parents, without me. Jean's father was extroverted, and he got along with my father well, and Jean's mother got on well with my mother. Jean's father's background was German. He grew up in NY city at a time when much of downtown New York was farm. Where the UN building is now. There was some commonalities in the way households were run—two old European families. Jean's parents took a major interest in their grandchildren; my parents lived in Florida at that time, and they didn't make many trips up. We went to see them once a year. After we got married… when Michael was born in 1970 in April, we decided to leave the Division. That was when the Nixon admin had come in. They still pretty much let me have a free hand. The Houston school case, to start busing black kids to white schools and vice versa, was the last case we filed. In my view, they were retreating on school desegregation, and I decided we'd been there long enough. We decided we'd go on a large camping trip, and we headed north to Canada, and basically got away from it all. We knew we wanted to do something useful, I'd talked to some firms and that didn't excite me at the time. But we'd just made the decision to leave. When we came back from that trip, Terry Linzner who was head of Legal Services for Office of Economic Opportunity suggested that we stop through Charleston WV, and to KY. We were sort of on our way to spend Jewish holidays with my parents in Florida. We went through Charleston, and the program in KY was affiliated with this office in WV called Appalachian Research and Defense fund, founded by 4 lawyers who wanted to start a public interest defense firm, and they got in touch with Terry Linzner, who was willing to fund some efforts…looking at black lung, etc. Paul Kaufman was one attorney, John Bitner, Ratliffe, Naomi Cohn. Group in KY: Mountain People's Rights. They were having financial difficulties. Working together to get federal money. WV had republican governor named Arch Moore, who was hostile to Legal Services, as was gov. of KY, Louis Nunn. The WV Tech Inst was and educational inst. Terry concocted a scheme of funding money through school; not subject to gubernatorial veto.

Anyway, Terry suggested I get in touch with people in KY, and said he was interested in me being in charge of this group in KY. So we came to Prestonsburg, and pitched a tent at Jenny Wiley. I'd gotten names of some people: Harry Caudill was on Appalred board in WV. Kaufman had put some people from KY on his board, state lines didn't really mean anything—mining issues were the same. So I went down and talked to Caudill. And to Eula Hall, who founded Mud Creek Clinic, and Blackey, KY, where Joe Begley was running a country store, very against strip mining. We talked about country people, etc—some of the things talked about in *Night Comes to the Cumberlands*. The backhanded ways in which mining co's got people to sell mineral rights. Broad form deeds, which gave owner rights to take minerals by any necessary means. KY courts held that those deeds were so broad that they gave owner almost every right. Joe had one of those old deeds. At the time they were signed, no one could have known the mechanized means of mining that are used now. Methods beyond anyone's

contemplation. Other states restricted extraction, but not KY. Joe also pointed out how poor people couldn't get lawyers to challenge those deeds, and thought would be wonderful to have lawyers to help.

So went on to Florida, and thought on the way how it would be interesting and useful, perhaps important, to come to KY and do this work. So we decided to come, and we came, and moved to Prestonsburg. Some of Mountain People's Rights group thought it was more important to work with groups, rather than doing lawyering work, so it wasn't as smooth sailing as I'd hoped. Joe Begley's son turned out to be the first lawyer that I hired, then hired Mort Stamm, etc. It wasn't an easy beginning. I think the Bar associations were very suspicious. I think they thought we'd compete with clients who were willing to pay. And of course coal companies were not welcoming. So we were not the most popular people in town. Had trouble renting an office. Also Nixon's head of Economic Opp. was against Legal Services, and he decided to de-fund those programs. In 1973, looked like we might lose our money. We got a lawyer in Washington, Steve Pollock, to threaten to sue OEO. Reagan had declared war on legal services in Cal. When Reagan became president, it started all over again. Fortunately, we managed to weather those storms, and reach an agreement. Separated from org in WV. In '74, one of the last things Nixon did was to sign the Legal Services Corporation Act, which he had vetoed once before. Between '75 and '78, we expanded from single office to 10 offices, which we still have, and had 11 offices by 1980, and our budget increased. Miners who complained about unsafe conditions were fired; we started representing them, and those who challenged surface permits. Eventually wrote legislation that corrected problem with broad-form deed. First introduced in 1994. There was some previous unsuccessful efforts—and then this legislation of ours was also struck down on a 4-3 opinion. After that, a legislator from Pike County, Clayton Little, introduced some legislation on the urging of Kentuckians for the Commonwealth (at that time called the KY Fair Tax Coalition)…

**Tape 7, side A**

The Constitutional Amendment was passed in 1988 so it was introduced in I guess 1988 legislative session, and was passed by 92% of voters. We had started KFTC in Hazard, KY, a group of citizens came together to talk about fair taxation of minerals, initially. Landowners paying virtually all taxes on property. Group decided they would start this coalition; I've even been credited with naming it. One of the people there was Joe Zaykas, who was living at David I think and had gotten involved in some issues in Martin County—a proposal to move a low income community out of a flood prone area. They didn't discuss it with people living there. In process began Martin County Concerned Citizens. We got involved with them one year in case involving KY power. Demonstrated that there was no need for power plant, which would raise rates for everyone. Coal industry decided they wanted to challenge the constitutionality of that constitutional amendment as violating the Federal constitution. I was representing an older couple in Johnson county, Garnet and Eugene Ward. Court agreed that they never had the right in the first place to grant the right to strip mine. So it took a lot of years, but

today you can't strip mine someone's land without consent. I think the final decision came down in 1990—Ward vs. ? Both of the Wards have died. No one else had ever paid taxes on property, and she thought that she owned the minerals. There was some justification to that claim. The minerals were sold about 1910. The owner was in Johnson Cty—sold rights to a co in NY that wanted to develop these minerals, and they promised to pay him with stock, and they didn't, and he sued. We had his deposition, and he asserted that trees over 10" should be left, which made it impossible to strip mine. Eventually case taken to Supreme Court—we argued the amendment—when these minerals were sold, careful platts were laid out and surveyed. And when they filed this mining permit, they didn't do that very well. She probably didn't own the minerals, but we won the case.

When we first came to Prestonsburg, I think we thought we'd stay 2 or 3 years. Big change for Jean—she'd lived in Washington, in Philadelphia. She wanted a house with a sidewalk that she could roll the baby carriage on, near a shopping area. The David community was another major thing that we did. About 9 miles from Prestonsburg. In the 1930s, was a booming coal town, a company town. Some of the homes were very nice. The mine in David was the Princess Coal Co. The only swimming pool in this area was in David—they had an airport, a school. When the mine close in the 40s, it went downhill. Purchased by a small group of businessmen, who became absentee landlords. Weren't interested in developing community. Group of catholic missionaries worked there—businessmen made an offer to see if Catholics would buy town. They didn't want to, but came to me, and I started looking into it. Guy named Tiller became chair of group. Started looking into financing town, how it might work. Water system was undependable; ultimately we were able to get a grant which helped a water district supply water to David. By that time Mr. Tiller was transferred, but there was an old coal miner named Ashland Howard, had black lung… he had energy and spirit to push this group along. We put together a financing package—if corp could buy all of David, the renters could buy their homes, in turn. Local bank took over mortgages. By that time I had a lawyer named Kay Edron who put a lot of this together. A young man named Danny Green came down as a volunteer with the mission and started this David school, which has gotten some national recognition. He was able to get financing for old store, which became school. Afterwards the corp built and developed about 25 new homes. Nice attractive town now. Battle about strip/deep mining permit at one point, and we opposed permit, and were able to fend it off. Craft cooperative in David has become successful. Interesting place, and we've learned a great deal.

Reflections on work in Prestonsburg, and in general about what his life's work has been: What I'm doing now, over the last 30 years, has in many ways been most fulfilling. The civil rights work was fulfilling, but the big difference was that we did not live in those communities. The life we've had for the last 30 years has been here. I would not at all compare myself to those African Americans who worked in those communities, and how difficult that was, because we're white. We have few African-Americans here, and I think their life has been difficult at times, though it's gotten better. Fair amount of latent racism. The only [black] practicing attorney in E KY is a woman who runs the office in Jackson, and we've tried unsuccessfully to recruit others. Hard for

them because there's not much of a community. But we are in the communities where our clients are. So we live with them. And when your kids get into the schools, you feel you have more of a stake in the community, you want to do what's best for them. We represent about 7000 clients a year. For many of those clients, the case we help them with is the most important case in the world. I think the work has been so challenging, and the opportunity to do this work is such a privilege. Our young lawyers giving up a great deal to work with us—starting salary $25,000 a year, and they have huge loans to pay off. There may have been times that Jean may have wondered whether we should have been in a better educational system for our kids. One of the teachers asked him to talk about Hanukkah, and some of the kids teased him, and he was hurt by that. One teacher virtually threatened him because he could not keep the crayon inside of the lines when coloring. Some teachers, however, saw how bright he was. Principal was very interested in providing good education for mountain kids. Encouraged Jean to start a gifted program. And got swingset etc. onto school grounds. Eventually people saw that we want the same thing they want. We have a lot of support in this community. In our PTA, when movement first started to put 10 Commandments on wall, we had thoughtful discussion in PTA. & we have an Indian family in our community—I would be the last person to say there's anything wrong with 10 Commandments, but they shouldn't be on the walls right now. Foundation of our religion, but not all religions. Both Jean and I got involved in a lot of educational advocacy work. Our daughter Annie did not do well academically in high school. She was very social—friends with poor and rich kids—she went to the David school, and did very well there, and thought it was a wonderful place. I wanted to stick with public education, but they were losing her. She was an example of someone who fell between the cracks because the teachers were not paying attention.

I think people who work in Legal Services are wonderful—I like coming in to work every day.

Many people in this area have had no experience with Jews—or Quakers, for that matter. I go to church groups and talk about Judaism sometimes. I've never been conscious of antisemitism here in a serious way. Some Christians have concerns about us in that they believe we need to be "saved". Jean was working with Meals on Wheels program in Christian Service Ministry. There was a Catholic priest here when we first came, and they wouldn't let him in to the ministerial association. He was always out front on some of the social issues. People have always been very nice to us, I think because of who we are rather than what the religion is.

Our religious practice: we sort of maintain the Jewish tradition on Friday nights—and we go to services in Huntington, WV, in synagogue there. And we go to Quaker meetings once a month. [names some people who are Quakers in area—meet in various places] I always go to Quaker meetings. I'm a very big fan of Quakerism. Not that I would convert—but it's based in faith, and the light that shines in everyone. Similar to Judaism in many ways. Our kids were involved in both religions, but we didn't have Quaker meetings back then. In our earlier years, we went to services in Ashland—always went during holidays. We had Passover seders at our house—Jean did cooking and reading, and now probably knows more about some of those traditions than I do. I did Sunday school with Michael. Anne is concerned about Nazis—concerned about some

goofy klansperson coming to our house and doing something to me. They still have to figure out what they want to do in terms of how religious they want to be. Annie and I went to a Unitarian service in Lexington once…

In closing: I can't imagine someone listening to all of these tapes! I've been fortunate to have had such an interesting career. I like to do it, and that's been a real reward. You can come back in 30 years, and I'll reflect on the last 40!