JOHN ROSENBERG
August 21 & 22, 1999; May 22, 2000
Tape 1, Side A

[Copy checked and authenticated by A.D.—9/1/05]

Q: Okay, this is a United States Holocaust Memorial Museum and Kentucky Oral History Commission interview with John M. Rosenberg. We're at his office in Prestonsburg, Kentucky. It's August 21st, 1999. And I'm Arwen Donahue and this is tape number one, side A. We always begin just about the same way, which is with your date of birth and your place of birth.

A: Okay. This is John Rosenberg. I was born in Magdeburg, Germany on October seventh, 1931. Don't remember much about that day. (Laughter.)

Q: Why not? (Laughing.) What was your name at birth?

A: Hans Meinhart Rosenberg, which was changed. And I retained the Meinhart, I mean in this country we call it Meinhart, I don't refer to the middle name very often. I think when I got off, when my family came to this country, the immigration authorities told my mother that most people who were named, most men who were named Hans became John. And so I became John. And somehow my father was not there at the time, because he said, "Why didn't you name him Henry?" But I did not keep the Hans. Some people do keep Hans. There are some Hanses around, right?

Q: Yeah.

A: So, that's where the John comes from. And I have kept the Meinhart. My father actually kept the Israel that Hitler gave him. His name was Rudolph Rosenberg. And you know Hitler gave the men Israel and the women Sarah. And the one thing he retained when he came to this country, was he called himself Rudolph Israel Rosenberg. Rudolph I., which I don't think he had a middle initial from birth.

Q: Meinhart, was that a family name?

A: I don't think it pre-dates me. I don't think anyone else in the family has it. And my mom asks me, do I have any questions when I talk to her, and that's one question I don't think I've ever asked, is where the Meinhart came from. I don't know if it's in the literature. I don't know, but it would be a good question to ask her.

Q: What was her full name, maiden name included?

A: Her name is Gerta Schubach Rosenberg. Her maiden name is Schubach. She was, which her father was a butcher in a town called Idar-Oberstein, which is near Bad Kreuznach, and which we have visited since. And she has still some correspondence with an acquaintance. Well, the

last, we went to visit a woman a few years ago, when Jean and I—Jean's my wife—took Mom back to that community. And there was a woman in the next town, which is Oberreidenbach, and she was sort of a maid helper in the house. Because my father, her father had a butcher shop and her mother had worked, also worked in the store. And I think when they had, traditionally when they had their meals, it was the three daughters and the parents and all the people who worked in the shop. And they did slaughtering on the premises, so they needed help in the household. And so she, this woman was still alive. She was in her nineties when we were there about five years ago. But… and I visited that town when I was in the service. I don't know if you want to do this chronologically, sort of, or how, but…

Q: I think we'll try to do it chronologically, but allowing for digressions, absolutely.

A: Yeah, well when I was in the Air Force, I was in Germany at one point from 19… I was in England from 1953 to 1957 with an air resupply group. And our mission was sort of an intelligence mission, but we dropped Special Forces in training missions during those days where the Cold War with Russia. And one of our training missions was actually in, we went to Germany and the, they attempted to… what they tried to do was set up a situation where they would drop you out of an… if you were dropped out of an airplane behind enemy lines, how do you find your way back and stay out of the way of the bad guys. And the way they did that was to take you out in a truck and drop you off one at a time in fairly isolated places. And as they were doing it, I happened to look out in the little slit in the back of the truck and I found myself recognizing the street that my grandfather's butcher store was on. It was called the Wasenstrasse. And so we went through this exercise. Took about a week. They identified certain farmers, who were friendly farmers and if you can make your way into that circuit, they pick you up and give you good meals and you stay out of the way of the bad guys. If the bad guys get you, you're in trouble. But when that exercise was over, I went back to Idar-Oberstein and there were still people there who remembered changing my diapers, for example. And some of those folks who knew my grandfather and my mother, some of my mother's contemporaries were still there. And then when I came, that was in like around 1956. More recently when we took, Jean and I took Mom back, it's probably, oh when we went together it's probably five or six years, maybe even eight or nine years ago, and we happened to, well we did a sight-seeing tour that actually started in… my, Jean's family's from, her mother is from Sweden, or her mother's family. We started up there and then we drove and eventually made our way to Idar-Oberstein and spent a few days there. And while we were there, it turned out that a number of her contemporaries were… had this monthly group that got together, and even though they were in their seventies and eighties, and they took a, and they'd get together once a month and they'd put a little money in a coffee pot and once a year they'd take all that money they gathered and take a trip on the train to some other place. And it happened that while we were there, that was the week they were getting ready to take the big train trip. And so we were able to go to the station when all her own school buddies were there that morning, which was very nice. And we met some other friends of hers, who remembered her. And one fella gave us, he had a picture of the school they went to. But the house, the butcher shop had deteriorated and was no longer there, but some of the neighbors were there. Anyway that's the tie-in to her community. And we can talk a little bit more about it later.

Q: Were there any Jews left in the town?

A: I think not. We did not… we really did not… our trip wasn't very long. We stayed in a hotel, and we did some sight-seeing and walking around in the area. And most of the people who were her age were obviously not Jewish. Her… although he was not a kosher butcher store that he had… as far as I know, we really didn't run into the Jewish community, any Jews there. When we were in Magdeburg, I mean this is a pretty small town, although now it's been reconstructed and it has some similarities to… the Nahe River runs through the town of Oberstein. And they did an interesting architectural thing. They covered, they have the highway over, they built a highway over the river, which made you, made the streets much more accessible. Because the Nahe River separated the town of Idar from Oberstein and so it's called Idar-Oberstein. Anyway, in Pikeville, they did this huge cut-through to… because the town used to flood. And they cut the big, made a cut through in the bend of the river and filled that in, much like this particular area, but in a different way. Anyway, Idar-Oberstein is a little, has been rebuilt. I don't think it was terribly damaged during the war, but it's sort of touristy. Looks like a little Swiss village downtown. And I think if we had stayed there a little longer, we might have made more, a few more connections. The women who, this women's group, for example, told Mother that one of her boyfriends from school days was now in a nursing home. In fact, it was the person... his name was Hans. And one of the funny stories is my mother decided to name me after him. But he apparently was really failing, was in his nineties. And we didn't take the time and she didn't feel like she wanted to go to the nursing home. And I think, I think there are some, you know, all the feelings about that place aren't great, because her family left. I mean her father and her two sisters came to this country before, in 1936. They recognized a little earlier that they wanted to get out of the country. And I think one of the men who worked for my grandfather took the butcher shop over and he was, himself very… I've learned, very sympathetic to Hitler and was very much involved locally or never… I don't know whether he just took over the business, didn't buy it. But I know there was all the family felt pretty badly about that. And some members of my family never want to go back to Germany. Her two sisters have never gone back. We did a little bit of exploring. My mother, there's a small Jewish cemetery, my mother had a sister who died, a fourth sister, who died early, either when her mother gave birth to her… her mother had been married, her father had married twice. But there is the grave of the young child, who either died, was like a month old. And so that cemetery was still kept in quite good condition. I don't think there was a synagogue there. It's coming back a little bit. But we really did not meet any members of the Jewish community and I doubt if there are any Jews in Oberstein. Because when we did go, we then went to Magdeburg, my home. We had not been to Magdeburg at all, because it was in the East zone. Hamburg was in the West zone and Magdeburg is the next large city down the Elbe River from Hamburg. So when we went back to Magdeburg, they were having, it had been badly bombed in several major raids. It was a town of about three hundred thousand people, an industrial center. We lived in the synagogue, we'll get to this a little bit later, but we had… and the Russians had renamed all the streets, so they were just starting to rename them back. And so we had a little trouble finding, trying to orient the map to show Mother where we used to live and the synagogue we used to live in, where it was. Now there's just a memorial tablet in the location. There was a big office building. But that is gone. But then we, it happened that during the week we were there, they had a memorial exhibit to the Jewish community from Magdeburg in one of the… there's a cloister there. There's a very large cathedral in Magdeburg, which is fairly famous. And there was actually, the week we were there, they were having a, one of these annual conferences of the

Protestant gathering in Germany that moves around. All the churches were there and they had booths set up and they had services in the main square. And one of the groups there was a group that was trying to promote better relationships between Germany and Israel. And they, they were not Jewish, but that was the mission of this group. And they pointed us in the direction of some people who knew some of the Jewish folks. Again, we went to see this exhibit and I can get into that with you a little bit, because one of the exhibits involved, it was a diary written by the person who was the Rabbi in the congregation with my father, who had written a diary when they were picked up to go to the Holocaust museum. I mean to go to the concentration camp. So, this is a long winded way of telling you that there, we know there was a Jewish congregation. When we were walking around the city buildings, and we had this…bumped into this woman who was Jewish or who knew the Jewish… had some connection. And she worked in the city hall, worked with the mayor, just happened. And so, it happened when we were walking by that the mayor came out and we spoke to him a little bit. And he said they were just trying, starting, he was interested and glad to meet mother and said the city was starting to put together an event like a lot of other cities had done, to bring the Jewish members of the congregation or for the Jews from Magdeburg, back to Magdeburg for a kind of gathering and reconciliation sort of thing. But I don't think that's happened or she continues to get mailings now from the congregation which is… there was not an active synagogue that we knew of or could find. I think they said there were several hundred families, but we really didn't go out of our way. I've got a book, little brochure at home or here, from that exhibit, which was very touching and very nice. Had a huge wall-sized photograph of the inside of the synagogue where my father was the, where my dad was involved. Anyway there were very few Jews, I think. And it was not an organized congregation yet, but we either didn't bump into them correctly. I mean, we were, it was more of a sight-seeing trip than an effort to dig into records about the congregation sort of thing. Because we also had a limited amount of time. And so we got in the car. I had a car and we did drive over to the section where Mother, my dad and my mom first lived, when we came there. I mean, when they first, when my father first married Mother in Idar-Oberstein and then they moved to Magdeburg. It was a small garden apartment kind of place, a little young couple's new… I'm sure at the time looked very pretty. That area had not been bombed and was still there. It was just much more rundown. I mean it was like going to a building that was 50 years old. But the flower boxes were there and we did manage to… you know, we drove by where they probably lived or near where they, in that community. Remarkable for me to see, because my dad didn't have a car and he bicycled to work every day. People either walked or took bikes right into, in the twenties and thirties. I guess he moved to, well I was born in '31, so he and Mother had been married two years. So it was this very pretty little… it was kind of like being in suburbia and taking a bike, biking into work every day.

Q: Right. Had your father been, you said he met your mother in Idar-Oberstein? Had he been from there or from Magdeburg?

A: My dad was a, he was born in Leer, Ost-Friesland, which is in the northwestern part of Germany, near the Frisian Islands. And I have a family... I was just looking and we have a pretty good family tree on his mother's side of the family, going back to the 1700s. His father was a junk dealer and he had nine brothers and sisters. He had a large family. And then his father, unfortunately, when he was very young, committed suicide.

Q: Your father's father?

A: My father's father. Leaving my mother[1] with this huge, rather large family when they were... I think at that point he was probably like fifteen or sixteen. And so, he went, spent some years in an orphanage in Hanover and then went on to our equivalent of college, and to be a Jewish school teacher, which when you think back about it, was quite an achievement. He had an older brother, Sämmy, and several sisters. He also had a younger brother, who also committed suicide.

Q: Your father's younger brother?

A: Yeah, named Meir, who had an affair, I think with a non-Jewish girl, and decided… which was a no-no in a big way back then. But he had several sisters, Jetta and Martha, both of whom married of all things, butchers in the next communities. And they came to this country. One of them is named Dan de Vries. His wife's name is Martha. They've both died in the last ten years and their son lives in New Jersey. And his wife is actually the woman who published the coffee book for the Holocaust museum. His name is Alan de Vries. He'd been married before, but Judy and he've been married for many years. And then he had this other sister, Jetta Van der Wyck, married Nathan Van der Wyck. They came to this country and had three daughters and she is still living. She's ninety… She's kind of failing, but she's now 90, I guess. Then he had a sister Ola[2], who was married and went to Argentina and then divorced her husband and came back to New York and lived there until she was about fifty and died. And another sister, Lina[3], who with her husband went to Israel, early, one of the early settlers in Israel. They moved to a moshav[4] in Israel. And they have a son, Moshe, who is my age and whom we have visited. I think that's all the sisters and brothers. Two of those families came to this country and lived in New York, in the New York area. And both of them were... well, Nathan was a butcher and he died relatively young in this country, while the girls were still growing up. The… Dan de Vries lived, well he actually outlived Alan's mother, but he lived to be about in his eighties. And I think Martha was right around eighty when she died. But my father, you know this large family, his mother's name was Wexler[5] before she was married to a Rosenberg. And her father and her father's father were fairly prominent rabbis in this northern part of Germany. The Wexler family, that was there. So, there was a very heavy religious influence in my father's family. And my dad was very knowledgeable in Jewish law. He knew the five books of Moses by heart. You could start him in the Torah. If you go into the synagogue, the five books of Moses are in the scroll and you could start my father anywhere and he could give you the rest of the passage. So, he was a Jewish school teacher. When he got his degree, he went to Idar-Oberstein I think originally, probably as a practice teaching. But he came there as a young bachelor. And he met, to be a school teacher. And… or whether a Sunday school teacher in the Jewish school. And he met my mother, who was a student. She was like sixteen when he met her. I think he had another, I think he had a year of school to go. And he came and he went. He was, she said a very jealous man, when she was still going with some other, this Hans or whatever. And she was

[1] JR intended to say that his grandfather's suicide left his grandmother with a large family.
[2] Married name: Carole Rosenberg
[3] Married name: Lina de Vries
[4] Moshav (Hebrew: "Settlement"): Israeli cooperative community that combines privately farmed land and communal marketing.
[5] Married name: Therese Wexler Rosenberg

18, I guess, quite young, when they were married. Then he took her back to Magdeburg, where he got a position with the Jewish, with the synagogue and the Jewish... it wasn't the welfare agency, but it was like the United, not United Jewish Appeal… sort of like the Central Kentucky Jewish Organization. He was assisting the, assisted the rabbi as a, not as the cantor, but as the lay leader, with services and with classes. And then he also taught classes to people, to Jews who wanted to go to Israel, in Hebrew, and preparing them to go. And I think he wanted to go to Israel, but my mother did not. She wanted to come to this country, if they were going to leave, because her family was here. And I think my dad really wanted to go to Israel, but they were, like many others, not really, did not think this thing was going to get as bad as it did. So that's where he met her and then brought her to Magdeburg in this little garden apartment, this very pretty, young woman. And then a year later… Mother always likes to kid that I'm a… I don't know if you realize that people who are born in very early October are often New Year's Eve babies. They had a big party. Here I am.

Q: Did you, you mentioned about your father's family being religious. Were you instilled at an early age with a sense of religion, or was there a religious…

A: We were kosher at home. We had, I suppose in Germany a pretty, what would be called, it wasn't Reform, probably like the Conservative American congregation or family. We had a kosher household, that meant Mother had two sets of dishes. We had all, we had Sabbath. My father being with the synagogue, went there regularly. And I would go with him. But I was only eight. I mean I was really young. I went to the… Hitler, you know, in 1936, I believe, started, was when Jewish children could no longer go to school with others. There was a separate Jewish school system. And my father was actually a teacher, then became a teacher in the Jewish school system, in the Jewish school.

Q: After 1936?

A: Yeah, well when I went to school first in nineteen, let's see I would have been six years old, that's 1937 when I started. I don't know if my father had been… I think he'd actually, he must have been a teacher in that school along with being at the synagogue. I think he must have, that must have been his other occupation, that he was actually teaching school already, besides working in the synagogue. Because when I went to the first grade, it was in the school where he was teaching.

Q: And what did he do in the synagogue?

A: In the synagogue he assisted the rabbi and was a, he taught these classes and he taught Sunday school classes, taught Hebrew school.

Q: He wasn't a cantor though?

A: He was not a cantor. There is, even in this country, a formal training for cantors. He could be the cantor and I think sometimes he spelled the cantor. And a lot of times, Saturday nights, there are at the end of the Sabbath, there are services, which lay leaders lead or when the Rabbi or the cantor sit down, somebody else gets up and takes their place for a while. I think my father could

do all those things, but his primary occupation was being a teacher in the school system. I'm just, as I'm… you know, you don't always think about these things until you really try to, until you work them through. And so, because his reparation, some of his, I think that part of my mother's social security from Germany is based on his years as a teacher, not just the… not only the congregational status. Though he had probably several years at Oberstein and then Magdeburg being a teacher. Except that there was no other place, by that time the schools were segregated. Mother was not working in Germany during, she basically was a housekeeper at home. And did not have anymore formal training after she finished high school. Did we get off to some subject on that? You started to ask me something.

Q: Started to ask about religion. I was wondering, did you have much of a religious education?

A: Well, as much as you can get from six to eight. Because we, Kristallnacht was November '38, so I was just seven years old. I mean I probably had as much as any child would have in those early years. So you learn a lot of the basic biblical stories. You learn Hebrew to read Hebrew. But when we came to this country and my father then went south, which we can get to, I think we became pretty much Reform Jews. I mean because it was so difficult to be kosher unless... back then, unless you went to great extremes. Possible to do that in New York. So… I don't know if you want to talk about how we got there?

Q: How you got to the South?

A: Or what happened in the Holocaust time, itself, that's about where…

Q: Let's... I wanted to ask a little bit more about your early childhood. Did you have any siblings?

A: I have two siblings, one of them was born in Germany, my brother, Harry, who is now in Chevy Chase, who was then…

Q: Chevy Chase, Maryland.

A: Maryland, right. And he's the head of the Mortality Statistics Section for the National Center for Vitalstatistics. He's a demographer. Harry was… he's four years younger than I am. And my sister, Joan, is in Raleigh, North Carolina. And she's been an architect for twenty years and then went back to law school. Right now she's holding her breath to see if she passed the bar. But she was an architect for the state for many years and decided she would go back to law school, could be a lawyer. So, hopefully she will know this week whether she passed the bar or not. But my brother, you know when you're that age in the early… the only real recollection that I have any problem about those early, those years together… .I mean I have some recollection of having been at Idar-Oberstein or with some relatives. We went back with my father.

Q: We might want to…

A: You about to switch the tape over?

Q: Yeah, save this for the other side of the tape.

A: Okay.

End of Tape 1, Side A

Tape 1, Side B

Q: Okay, this is tape number one, side B.

A: When we, let's see, what was I talking about? My brother… you don't have many recollections… I don't know how much. Do you have brothers and sisters?

Q: Uh huh, I have two brothers.

A: Well, do you remember when you were five and four?

Q: Not a whole lot.

A: Yeah, I remember only the Kristallnacht, that he was out, that he was with my parents, that we were there together. The earlier years, I can remember visiting relatives—as you probably do or you have images of having been—in Leer and playing in my grandfather's junkyard piles with a cousin, for example. Or being in the house, just little things like that. But I really have very little recollection of my brother and I when we were that age. Or not all, or actually even not too many… four years apart is sort of when you're always one… often you're not in the same school. But Harry was, so he was only four years old. We had… oh yeah, when I mentioned there was another sister. My father had another sister, named Mary[6]. And Mary was married and living in Frankfurt. And that's where, when, that's kind of, this is the Holocaust story. I don't know if you want to ask some more about. I don't have much else in terms of growing up that I recall, other than where we lived in Magdeburg. We lived in the house that was adjacent to the synagogue, a big courtyard out front. Had just enough of an incline so that my father could put me on a bicycle and let me roll down the incline, which he hoped he had taught me to put on the brake on, so I wouldn't smash into the other side when I was learning to ride a bicycle. The address was Number 2 Schulstrasse. Zwei C, I think, apartment 2C.

Q: Did you spend a lot of time in the synagogue as a child?

A: I don't think so. Not, I mean, a fair amount, not any, I mean not like an Orthodox child would. Although I think my father pretty much took me to most services. But it was not a daily. I didn't go every day, and Orthodox Jews do go everyday. I started school in nineteen… when I was six. And that's always a very happy occasion. In Germany you begin school by, the big event is you get a large cone, about, almost as big as you are and there's some pictures. Looks as big as I did. And it's filled with nice, with goodies, so you celebrate the first day of school. Called a *ostertöte*. I think it actually… I think the school year may have begun or you begin school at Easter time. So, it coincides with Easter, if I remember right. But anyway, there is, I do recall that. And I recall sometime being in my father's classes and he was a very…did a lot of drills. He believed in teaching math with oral drill, "How much is three times three, four times four, five times five?" asking kids around the school.

Q: So you were one of his students, from the… Did he start teaching in 1936 or was he teaching before that?

[6] Married name: Mary Mescher

A: He was already, he was teaching. I think that he had secured a job with the Jewish school system when he brought Mother... along with this job at the synagogue. That the two were basically together. Because he was a teacher. *Lehrer*. They called him Lehrer Rosenberg, teacher Rosenberg. So he taught both my mother and me, when you think about it. He was my mother's Sunday school and religious school teacher, and I suppose her sisters'. I don't know. We've got some pictures and I guess her sisters might have been in his classes also. He was a very fine-looking man in his youth. He was a nice looking man later on. But he did have this real store of knowledge. But my sister, and as I said, her family went over. And then my, the people, the family members who were alive, like the two uncles, all those people sort of left around 1936 and were gone by Kristallnacht, as was my mother's father, who was in New York. I think my father then, in… my father, we were still living in, we were in Magdeburg the night the Kristallnacht happened. And that's what, when I said I remembered my brother, we were upstairs in our apartment and my mother and his mother and his brother happened to be visiting with us. Actually my mother said that his mother had come for a visit and been there for several months. She was still a fairly new… well she had me, but his mother was a very strong, assertive woman, both religiously and with her family, and the children really worshipped her as far as I… she was the epitome of a matriarch, that had kept this family going after her husband had committed suicide. She was a very strong woman. And she lived, this is getting ahead a little bit, into the end, close to the end of the war in a concentration camp. Because my uncle… which is where my uncle went. But they were visiting with us. And when the Storm Troopers came to the house and rousted us out that night, and they brought us into the courtyard, and mother I think thought, she asked somebody whether they're going to kill us, and he said they didn't know. And then they…

Q: Is that something that you remember or that your mother told you?

A: I don't remember. My… she told me that. She didn't know whether we were going to live or not, live or die. We were all asleep, and they just broke into the apartment and brought everybody in the courtyard. And then my… then they bombed, dynamited the Temple, and they brought all the religious scrolls and all the books out into the courtyard and burned them. That's what I can remember very vividly, just seeing all that stuff burn up. And then eventually… they didn't blow the building up. They went in, the next morning when we went in, the upstairs was sort of caved in, the upstairs back where the women would sit upstairs. That had been detached from the walls. They hadn't totally destroyed the synagogue, but it was quite a mess. But all the books had been burned. And then somewhere, she said, two or three in the morning they said, "Go back into your house." And the house, things were pretty well upside-down, but it was, they just smashed a lot of stuff. And we went back to bed. And then the next morning, early on, about, when it was early, they came back and the military, the Nazis came and arrested my father and his brother. Now, I had always… I was just reading some stuff. I always had this backwards, because I thought that my father had… it was interesting, because they arrested Dad and they took off. And I don't have a good recollection of them arresting his brother. Whether his brother and his mother left. Because I know what happened was when they came upstairs, they arrested, they asked for my father and they arrested him. And then my mother asked me if she could, asked the soldier—he had already gone out the door—whether she… when he was standing there, she asked whether she could give him something, make a sandwich for him. And

the guy said, "Yes, go ahead and do that." So, she made a sandwich and she asked me to run after them and give my father… and he was, they were already down the street on the sidewalk with my dad in the middle. And I went running after him and gave him the sandwich. And I don't remember at all that his brother was anywhere around. My mother may know, whether he took his mother back to somewhere else, because he was also arrested and they joined up in the concentration camp. It's just a little, something I'm not sure of right now. But my mother… I just, we were in our kitchen, I think I was on the mattress on the floor, because the beds had been torn up when they came back for Daddy. What had happened, which I thought happened afterwards. My father, though, was in the concentration camp about eleven days. They took him to Buchenwald, he and his brother. The town we grew up in, Magdeburg, this very large town… apparently the political establishment was not sympathetic to Hitler. Or a lot of, there were at least a fair number of people in power. And so, with their help, they were able to get my father out. And he was ordered to get out of the country within thirty days. He was able to come home. And I have a copy—although I didn't have it, I mean it's at home, I recently had it out for some other reason—of the official papers, sending him out, getting him out of the concentration camp. My mother took me to Frankfurt, she said, to my father's sister. The one whose name is Mary, that I mentioned a while ago, and my brother. Well, I guess no, she said she took me to Frankfurt and that she stayed with friends, not by herself. Different people every night for several days during that interim. When my father and his brother were released from concentration camp... it must have been at the same time, because I can remember them getting, coming to this apartment. There was a young, my father's sister had a little boy, had a boy named Bubi, who was my age. And we played together. And he was the one I played with when we went to see my grandfather at the junk shop. We knew each other. We were just little seven- and eight-year-old kids running around together. But I remember being in Frankfurt when my father and his brother came and that they were totally bald. They'd had their heads shaved, which my father, at that time, had a lot of hair. So it was dramatic to see them, even as a very young child. And we then, I think Sämmy took his mother probably back to Leer and we went to…

Q: Sämmy is your father's brother?

A: Right. He was taller than my… was a very outspoken fellow, very active in the Jewish youth movement. Was in his thirties. And he was running the junk, sort of took over the business. He was the oldest son, the oldest one of the children.

Q: I have a couple questions.

A: Yeah.

Q: When was, I wondered about your father's and your uncle's being arrested. Were most Jewish men in Magdeburg arrested? Yeah.

A: I think they rounded up most of… they actually, before they… my father they came for the next day. And I think they took off… they arrested hundreds, maybe thousands of Jewish men. And it was not yet, I don't think they were the only ones to get out. I mean, they had help getting out of the concentration camp, but I think they had not set on this course yet of genocide. I mean, I

remember there was this Madagascar Plan about sending the Jews to the Madagascar and getting rid of them and basically eliminating them, before they figured out this Final Solution that they were going to kill everybody. It may have been in somebody's mind. But wait a minute, how did I get on to that? You asked me…?

Q: I asked you about whether Jewish men in Magdeburg in general were arrested.

A: I think there were a lot of, I mean it was a large congregation. Now the other, that was uh… that diary that I was telling you about when we went back to Magdeburg and they had the exhibit of all the Jewish artifacts? There was an open diary by, the rabbi's name was Wilde, W I L D E, Professor Wilde. He was a PhD. It was a large congregation. He had a very prominent role in the community, I think. He started this diary, saying "There we were. We had all been arrested by the police, a banker and a baker and a rabbi and a Rosenberg. And here we were sitting in the police station, all expecting to go home that night." And I mean, all I could read... it was in a glass case, so it just went that far. He ended up going to England. He also got out safely, but he was even older than my father. I don't know what, I think he just lived out his life in England, in London somewhere. So, there were a lot of people arrested after Kristallnacht. And how many of them… there was a family, there was actually a family living upstairs above us in the synagogue, in this building, like it was just an apartment building, there may have been some offices downstairs, but it was perpendicular to the Temple itself, and then there was this courtyard. There was another family upstairs that was Jewish and they were from Poland. And they came and arrested them about, several weeks earlier. And I think that Hitler, that they were arresting Jews from Poland and shipping them out. I think that was sort of the event probably, although I'll never know, you know, that got my father to thinking it was time to get out. And he had thirty days to get out of the country and I always, what I'm going to tell you now is I always thought he did that after he got out of the concentration camp. But I was reading some notes my wife had made, which I suspect happened right after they arrested the Poles, that he said, "Well how am I going to get out of this country? Or how can we do it at this late date?" And he was told to go to the American Consulate and to get a visa and to go to Hamburg. Why don't I just get those notes? I was just looking at them, and I'll read them. It made a little bit of sense, in that it also had and interest… these were actually from some notes that Jean made when we were on a plane with my mother a few years ago. And let's see… yeah, Daddy then, said Opa was safe… he was, let's see, a teacher in synagogue housing. They, if I have this right, one of the reasons Sämmy and his mother were there is that they realized that it was getting to be a dangerous time and they might have to try to still get out of the country. And so mother said she thought that was why their stay was being extended, that they had started realizing they were going to try to get to the United States. And she said he was on a… they were taking a walk with the family when they ran into an acquaintance, who said to them that if they were going to get out it was necessary to go to the U.S. Consulate in Berlin. And my father asked him how to do that and he said, "You should go to Hamburg in the morning and get in line and book four passages to this country. Then when you get those passages, you need to go to Berlin to the Consulate to let them know you've got your tickets." So my father, she said, cashed in his life insurance policy and bought the tickets and got the papers together to get a visa to come to the United States. He sent the visa application, he said, by registered mail to Berlin. Then he went to Berlin and stayed there with his sister Ola and her husband, who was… remember her husband was not Jewish, which was another very… they're the ones who went to Argentina. So,

he went there. So he went there, he went on to the office, but they did not find his papers. He showed them the registered mail stub, which was copied and he was told that he would then get the confirmation of the fact that he would be approved to go to this country. He got a letter, eventually he got a letter with the number on a piece of paper, which he kept on his person. And it said, he gave that piece of paper to Sämmy, his brother, when the Gestapo picked him up after Kristallnacht and took him to the concentration camp. Sämmy in turn gave it to his mother, who took me and went to Mary in Frankfurt. So his mother then… what isn't clear to me, is what happened to Sämmy. I suppose they must have arrested him after my father, but I just didn't pay any attention to him because I just wasn't focused. Because they took him off. Because she said, it was actually his mother, who took me off to… Mom said, you know, that she took Harry, who was only four at the time and waited around and went from house, lived with different friends in the community while they were waiting for my father. But he had this little registration number, which as you know, probably from other stories, people were selling their souls and lives for, because they were, it was the quota system that determined whether you were going to make it to this country or not. And we were, we then went, during this thirty-day period they got all their belongings together and filled it in one of these things they call…what's the name of this thing? Where you put everything in a big box that's going to go to the other country. And they packed up all their furniture and it was sent to Rotterdam. And they made their way to Rotterdam, Holland, where we were in this sort of an internment camp. It was actually… I think we went on the train and it was a large, overnight hostelry for people who would otherwise have taken, say, the Holland America Line ship. The boat to this country on a normal, as a tourist trip.

Q: Before we leave Germany I want to, I had another question. First about Kristallnacht. You described being taken out of your house in the middle of the night by the Storm Troopers and then watching them burn all the Torah scrolls. Was that the first… what do you remember, personally, about that? Was that the first time that you had realized the danger of the situation?

A: I want to believe that I remember the signs on the, some of the signs that said No Jews Allowed, which you know popped up on stores. And we… the family... but I don't remember, as a six or seven year old having any, you know you just learn what the rules are. Don't go into this store or you stay with your parents or you go to school. I don't remember children other than my cousin. So I don't know that I ever was afraid. And I don't think my parents ever gave me any reason to be afraid. I mean we lived a very normal life. And I didn't know, I do remember that we, I played with the kids of that Polish family. They had two children. I think their name might have been Finkelsteiner. They had two children and I remember them. But I don't… and so they were gone. I don't remember, you know, that we were living in fear, or… until these Storm Troopers showed up at the house that I had any conscious feeling about even knowing that things were bad. As I say, in our town there was not a lot of sympathy for him.

Q: So, do you remember that moment of watching the Torah scrolls be burned and being pulled out of your house in the middle of the night?

A: I do remember the fire. I mean I do remember going, I do remember, probably because it was so vivid. And when I told this story before or talked about it, that it stays a little bit in front of your mind, so it's probably hard to separate. But I have this very strong recollection about this fire in

the courtyard. And my father being arrested and running after him. And I just… so those are the, I guess, the vignettes that I remember. I remember them coming to the apartment and my mother giving me the sandwich. And I remember that one of them, this fellow who was in uniform, who said that she could go ahead and make a sandwich, seemed to be very friendly, or was a very, he said okay and he wasn't… they didn't beat any of us, I mean, we… I'm sure the adults were very fearful, because they were forced out there. I was just a little kid and everybody said, "Go outside in the yard." I mean as I said, my mother certainly was very afraid and they didn't know what they were going to do. And they did it all over Germany. She told me that, Mom said at one point that they had heard that was going to happen that night, something like that, that people, that this was… if I, you might know this. I think that they had an excuse for doing it, some official, some German official had been killed and this was an act of retribution. It was the way they got at it. And so, I don't know that word had spread that this was the night that they said we're going to synagogues and arrest… blow them up and arrest everybody. But they just, they knew something was going to happen. But they went to bed. They didn't know what. I don't know whether anybody was awake, because we were rousted out.

Q: So do you remember being particularly afraid? No.

A: No. I really don't have any, any recollection. And all I remember is that I do remember a little bit of going to Frankfurt, only because somehow at one point, I remember we were eight years old, and my cousin and I were under the table, playing under the table and seeing the knees of all these adults sitting around. I mean, it's just sort of a goofy thing, but they were also killed. I mean almost everybody, this family and this cousin were gassed. Sämmy and his mother, we stayed… well you wanted to go ahead about Germany. When we get into Holland, I'll tell you what I remember about Sämmy and his mother. But that's really about all I remember of those days in Germany. It's not a… I remember going sometime, vaguely, going back to Idar-Oberstein as a kid, but not much. I was just too young.

Q: Okay, one more question about Germany, then… you had mentioned, did you mention that your father was involved in some way with helping Jews, who wanted to emigrate to Palestine?

A: Yeah.

Q: Can you say something about that? And also did he have any interest, did your parents have any interest in trying to emigrate to Palestine at that time?

A: Well I said my dad, I think, wanted to go and my mother did not. She wanted to go to America. If they were going to leave, she wanted to go to this country, where her family lived. But his sister had gone to Israel and I think he… Lina and her husband, whose name was Ivan Van der Wyck, another Van der Wyck… de Vries. I'm sorry de Vries. And I just actually had sent a little note to my cousin, when we were… I visited them when I was in the Air Force first, in 1956, when I was still single and was stationed in England and went to Israel. I stayed with them and toured the country. And then when Jean was pregnant with our Michael, we went over. And so, we've had some connection over the years. And they have a son, Moshe, and his wife, Nurit, have a son, who came to this country and was married a few years ago. And my dad and mom

did go to Israel afterwards. In fact Sämmy's widow… Sämmy got married in the concentration camp, which we will… can get to or just say, and his wife…

Q: Yeah, you can go ahead and say what camp he was in.

A: Well, he went, I think he and his mother… I mean, we got out. We went to Holland and they did not. Whether he went back to Leer, I'll have to ask my mom whether… where they went. Whether they went to Holland or back to Leer. Because they went to… I think they did eventually get to Holland and he was supposed to leave on the next boat. I don't think he was in the camp with us. I'll have to… I might just see where Sämmy went, just a minute. Okay, my father had a sister in Frankfurt, was named Elly[7]. The sister in Rotterdam was named Mary. She was married to a stock broker named Herman Mescher, who spoke a number of languages. They had something like five children. And we would be able to visit with them…

End of Tape 1, Side B

[7] Elly de Levie

Tape 2, Side A

Q: …sorry, let me just quickly say, this is tape number two, side A of an interview with John Rosenberg.

A: I think that it was simply a train trip from Germany to Holland. And they had arranged, it was a legal, they had the papers. They had to be out by thirty days and they had packed everything up, except a few little, except their day-to-day living clothes and put everything in this big lift is what they called them, I think. And they expected eventually to send that to this country. As it was, it went to Holland and sat there while they were in the internment camp. And…

Q: Did you all enter Holland illegally?

A: No, I think it was just, my recollection is it was just a train trip and that he had his passport or the proper papers to go to Holland. And had been directed to be out of the country in thirty days from the time he was out of the concentration camp. That's why I had originally thought he went… that's when he… I had always remembered that he went to Berlin or that he stood in line in Hamburg and in Berlin. This little thing I had read from my wife's notes, that mother had recalled the other part of it, that he, I think he ended up standing in line for at least a day in Berlin at the Consulate to get this number, which was so precious, which ended up being the key to allowing us to get out of Holland and coming to this country. But the train, I don't think there was anything particularly noteworthy about the trip to Holland. They went to Holland. Mother, I think, did a lot of the arranging of that while my father was in the concentration camp. Or friends of hers helped her do that, with… and when he got out... I mean, they knew they were going to have to leave. And they were able to keep this number.

Q: Did they know that they would be staying in this transit camp?

A: Yeah, I think so. I mean they must have… I think that the immigration authorities, the Jewish welfare agencies… I mean they had their… for one thing, he had his tickets. He had purchased the tickets to come to this country, so it was the logical place to go. It was also a place full of immigrants. I don't know if they put people there who did not have their papers in order or had booked their passage. People had their passages, but they couldn't leave until they had an approval from the authorities in the United States. You had to…you know, they had a quota. So, that was the other part of the… the problem was getting a sponsor in this country.

Q: So everyone in the camp was waiting to come to the United States?

A: Yeah, as far as I know. I mean, whether they were waiting... they were also taking boats to other parts of the world, I'm not sure. But that's what they were waiting to do, was to leave on the boat. And I'm not, don't conscious, have no real recollection of people going ahead of us. We ended up being there for a year. And, large building like a hotel, and on each floor the furnishings and the layout sort of was equivalent to the class of the boat that you would be going on. So if you were a first-class passenger you'd have a little… each of these floors, as I remember them, had a series of compartments where people would stay, normally for a day or two before leaving on the boat. So, the first-class cabins would have a little fancier

compartment. I mean these compartments weren't very big. They were like twelve by twelve, at least, small. And then we had, the one that my family had was a very austere, it was, I don't know if it was equivalent to Daddy's class, but it was sort of, it was just a very small enclosure with two double beds, with bunk beds. And my brother and I were on an upper and lower and my mom and dad were across from us on an upper and lower and there wasn't anything else, that I can remember, other than maybe a little thing, cabinet to put your clothes in. And then people congregated in other parts of that facility. They had a library, reading room. They had a large cafeteria or a large dining room. Huge dining room, where everyone ate at the same, together. I always tell people I remember the sign on the wall said, in five languages, "Don't spit on the floor." That was the sign. They had this huge sign. Don't spit on the floor. My father, so it was pretty, you know, it wasn't a great living conditions. But my father's sister and her husband and their children lived in Rotterdam. They were Dutch residents. I don't know where she met him. His name was Herman. I think I mentioned that. And he was a stock broker and they were fairly well-to-do and we could go to see them or they could come to see us. I mean we weren't, it wasn't any concentration camp. It was just, I think that it was an internment camp and you could go away, go out on weekends. But no one had any vehicles, and unless you had a lot of money, which they had hardly any money, you basically stayed where you were.

Q: Did they have to, did your family have to pay to stay there and have their meals? Or how did that work?

A: I think it was all, I mean they had a little, they didn't… now my father... I don't recall that anybody had to work. I can ask Mom. I don't think so. I mean I think it was run by the Jewish Welfare Agency.

Q: The whole camp?

A: Yeah, I mean I think there was a relationship there. Maybe it was a relationship to the Holland-America Line. It might have been that it was, someone or the immigration authorities people. I don't recall, but I can ask. I don't think that Mother worked in the kitchen, for example. It would be nice to know. We've never talked very much about that. But my father decided to organize a school for the children in the camp and he did that.

Q: Completely on his own?

A: On his own, yeah. He said, I want to do that for the kids. And so he started a school and gave instruction for a year, while we were there. We had to, he or the people, his sisters who were here and some others set about trying to find a sponsor in this country. And they ultimately found someone who was a fairly well-to-do person, 'cause none of his family had any money to speak of and they couldn't vouch for… they were not citizens, so they couldn't vouch for him. So during that year they found a sponsor for him, a fellow who was either an architect or a builder in New York, who my father went to see after we got here and said thank you, and that was the last contact, except that in later years, my brother has met the son of that person, who lives in Washington, also.

Q: Do you know his name? The name of the father and the son?

A: I think his name is Meyer, Andrew Meyer. Does that ring a bell?

Q: No, I started to chuckle, because I said the name of the father and the son, and just almost said the Holy Ghost. (Laughter.)

A: Oh, oh. No, but it turns out… his name is Meyer and it turns out that, that…that his father, that this Meyer, who was our sponsor, that his family and our family come together in the seventeen hundreds with a family connection named Budenweiser, which led me to think they actually identified someone who was very distantly related. There are some Meyers in our family. And my brother ultimately figured out and I think that David, this fellow, Meyer, the son, that there was a family connection, a couple of hundred years back. So there is a relationship. Probably somebody said, why don't you go see so-and-so, we don't have very much to do with him, but maybe he'd sponsor your father. That someone contacted him, Hans Meyer. They knew that he was there. He was well-off, but very distant family. And he agreed to sponsor my family.

Q: Was this part of the hold-up, that you didn't have a sponsor in the U.S. ?

A: I don't know why we were there a year. I think part of it, no we were not… I think part of it was that we were not very high up on the list. That there were others in front of us by a long way. In fact my father was, we went in that camp probably in… Kristallnacht was November and Dad was there until the end of November, and then December. We probably went to Holland in December-January. And we came over on the boat in February 1940. That was just before the war broke out with Holland. In fact, we were either on the last boat or the next to last boat. And my dad had already been told that he was going to be the school teacher either in Theresienstadt or in the camp that Anne Frank was sent to, the first, the concentration camp.

Q: Westerbork?

A: Westerbork, right. He was going to be the teacher. They wanted him to start that school. And he said, I'm… want to go to America. And he then, there was a fellow... that's in these notes as well, 'cause I keep forgetting the name. He said that as time was growing short, he went to the Jewish Immigration Agency to find out whether, the hold-up. Because he was not near the top. And when he got there, he met a fellow named Doctor Moses, who was one of the interview, committee interviewing people. And he and Doctor Moses… in Germany, he had helped Doctor Moses solicit money for Israel. And Moses recognized my father. And my dad… and then he arranged for us to be on one of the next boats. So, it was a little "good old boy". And, but I mean we had been there a year. I think there were a lot of those stories that also… that it was a numbering system from the top to the bottom, but that if you paid someone, or you always heard of, there were probably people moving up that had some influence with whoever. And so, my father said, managed to get this connection or lucked into this connection. Whether he was moved up or he would have been on that boat, I don't know. But because they were apparently, what they were doing was interviewing family… they had a committee on which this Doctor Moses sat, and he… they determined who was going to go. Because there were probably all sorts of priorities. Are they elderly? Do they have… how do you… we've got a whole building of people who need to go to the United States and the boats only hold so many and somebody

can go and somebody can't. This is my number. And we have a lot of little children. So I think he was able to, that's what happened. Whether he pulled some strings or whether he just was in the normal course of things and said, you can go. But whatever it was, that's how we got here. So his number, he still had that little piece of paper and they'd found a sponsor. And so we were on that last boat, I suspect.

Q: So it was very, very fortunate. If you hadn't gotten onto that boat, you wouldn't have gotten out.

A: Well, that's for sure. Yeah, that's for sure, we would not have gotten… no there wouldn't have been any other way. And I don't think there was any chance of going anywhere else. My uncle and his mother, again, I'm not sure why I don't remember that they are there. But apparently they were on another boat. They came, they were in fact on a boat that was then turned… I think that you go through England. I have some recollection as a young boy, you know, you're playing on the boat. People, everybody's always looking for mines. There were all sorts of mines floating out in the English Channel, because the war was about to start. And there was a route that you could make and we went. And I remember looking for the mines or looking and people say, there's something out there. I believe they were in fact on a boat and that the boat was turned around and they got off. Now, whether they were in this same camp or somewhere else, I'm not sure. I don't know why I would not have remembered them being there, but I'll have to ask. I'm just not sure.

Q: And they both did not survive the war?

A: No, what happened was they went from there to Theresienstadt. You have the right word for Holland, it was Westerbork. I always forget that. Theresienstadt. And they were there. My uncle Sämmy apparently was in charge of the leather-working shop. They made boots and repaired leather stuff. And they were there into, they were there in 1944. And apparently my uncle became a little outspoken. The war was turning and they knew that. And he made some untoward remarks about the Nazis, about these shoes are too good for them or something. And someone told on him and he was sent to Auschwitz. And he was in the line to go, to be exterminated and he ran to the electrified fence and they shot him. We heard that from, I think, his wife. During those four years, three years that he and his mother were in Theresienstadt, he met his wife and they were married. And when I was with mom last weekend, we have pictures of their wedding, of them getting married on the day they got married. I mean of their wedding or they're being married. She wasn't wearing… she was an adult. They were in their thirties. He was probably born in 1900, so he was forty years old. They were both forty. She was a lovely person. And they were married. You know they all had coat… he had a coat and a tie on. And some of their friends are around them in a picture. This was the end of '44. And his, Daddy's mother died, I think, must have died right after he was moved to Auschwitz. I looked it up, I mean it's like a couple, a few months apart. She was, hadn't been doing well, but she was born in the eighteen… I mean she was probably in her seventies, I think. I've got that in the other room. We looked up the book, the Gedenk[8] book where she's listed. But she had survived into the late forties and he, with, being with her son. And so, she was there when he got married, which was nice. And… but then when they moved him to Auschwitz, she died. And then we…

[8] Gedenk bukh: memorial book (Yiddish)

his widow lived, and went to Israel. And Jean and I visited her in Israel. And that's where this sort of, I mean that's what she was told happened to Sämmy. She knew that he had been taken.

Q: I had a couple of questions about your time in the camp, at least one question. So when you were staying in the camp in Rotterdam, you were presumably one of your father's students. Do you remember what the school…?

A: Well, it was just he brought these kids together of varying ages around a big table. It was just a little sectioned-away room, for I don't know how many hours. And you'd do your math tables, and he'd tell you some stories. He was just teaching. My father had a habit when he, in Germany I always remember that when he was teaching Bible stories, he would always tell you three-fourths of the story and leave the ending for the next week, so that you were anxious to find out what was coming. I don't really remember very much about school, except where it was, and I remember there was, I was, one of the people who was there had a violin that he played and gave violin lessons. And I think my parents thought that would be a good idea. So he loaned me the violin for a lesson, but I remember that I was not very good. And he got his violin back. I think he thought it was going to… might be untuned or leaving it with an eight-year-old was not the right thing to do. And I don't really remember very much about the camp. I remember a little bit about the library and where the books were. And the older people would sit down. They had a radio.

Q: How many students were in the school together?

A: There were probably forty or fifty with us. And whether he did it in shifts or not, I'm not sure.

Q: Did you all have to share bathrooms with a bunch of other people?

A: Well there were no, yeah, I mean you had communal bathrooms on each floor, because there were no… I don't know if the first-class facilities had private baths. This room where we were they had a little sink, I think, with running water, but they didn't… the bathroom as such was down the hall. It was pretty spartan. I mean it wasn't terrible because it wasn't… you weren't under a guard. But it was, it was very plain. And then when they found, when they got ready to leave, they learned that they could not… there was a limit on what they could take out. It was like twenty-five or fifty dollars. And so all the stuff that they were going to take… my mother really doesn't remember what happened to it. It stayed. She was able to bring over some linens, some crystal, which she still has, and some mementos, several boxes of stuff, things that they could pack up. But no furniture, which they had brought from Germany and things like that. They just either sold them for a very, for a song…

Q: Did your dad teach all the lessons in German?

A: I think he did, yeah. German and perhaps some Hebrew. Of course, I don't know why anybody would have just spoken…But it would have been… I don't know that he knew any Dutch. When he came to this country really the only other language that he knew was German. He knew some broken English that he had learned. Mother didn't know any English. I remember when we were on the boat, I remember, I told people I saw the *Wizard of Oz* was playing. Was the first

American color movie, you know, technicolor movie, sound, Judy Garland. I couldn't understand the English, but I saw the… they showed the *Wizard of Oz* on the boat. I'm sure it was a nice boat trip. I mean for us, that was kind of fun, just a little kid running all over the place.

Q: What happened to your uncle and family in Rotterdam?

A: They were… they didn't get out. They were also killed. I don't know if they went to Westerbork. I tried to, Mother and I looked for his name in that book. We were in, when we were in Magdeburg… after we went to Magdeburg on that trip I was telling you about, we went to Berlin for sightseeing and to look around, and we found a Jewish library there in connection with the synagogue or with the agency and they had one of these Gedenk Books where all the Holocaust victims were listed alphabetically. So, that's where I saw my uncle and my mother. I looked for some of…

Q: Your uncle and your grandmother?

A: My grandmother. And I don't remember that I… I think we looked for some of the others and couldn't find them. Hermann… they were, all of that family was killed, the one in Rotterdam. The family in Frankfurt was killed. The sister that was living actually in Berlin, went to Argentina and then up here. And as I say, mother's, I mean my father's mother, because my mother's family had come, already come to this country. When we came to the United States, they were there to greet us. Her two sisters, one of whom I think… well neither of them were married at that point. But they were all living on, with my grand, with mother's parents. Mother's parents had come over and my grandfather who owned a butcher shop was working as a butcher in a large restaurant in New York. And he had gotten a job and was maintaining the family.

Q: Was he a kosher butcher?

A: No, he, no. And it was not a… it was called, I think the restaurant was called Zimmerman's Hungaria. I think it was a Hungarian restaurant. I think he could be, I mean he knew what there was to know, but he wasn't a kosher butcher in Germany. Then he went, they went to the synagogue, this was 803 West 180th Street, right across from the George Washington Bridge. Big neighborhood of German immigrants in those days. It's changed a lot. A lot of Spanish-speaking people living there now, along with a few of the… some have actually… well, I was with Mother… one of her friends, who lived downstairs, is still in that same building, called her to wish her a happy birthday. At 803 180th Street. Her sisters came to the boat and we moved in with them initially. Just squeezing into an apartment. It was a fairly good-sized apartment. But we lived with them. And at that time, there was not a very good, for some reason, there was no one that really told my dad what he ought to do is get his teaching degree for this country and learn to speak English and to go on with what he was doing. Or if they told him, he didn't think he could quickly take care of his family. And there was very little work in New York. Most of the jobs were cleaning for women or people were doing stuff at home. There was an enormous, what do you call it, craft kind of stuff, they give you… my mother and her sisters would sit around sewing slippers together, the bottoms and tops of bedroom slippers, piecework, to make

money. Mom was actually a maid. She'd go out and was cleaning apartments, cleaning houses, doing a little bit of nannies. My father after a very short time, heard that there were jobs in the South and he went to Spartanburg, South Carolina and started sweeping floors in a textile mill, so he could take care of his family. So he went to Spartanburg and got a job, through… I mean he got a job, he knew where he was going. Somebody had said, contact this man when you get there. So, it was a very menial job initially and then he… he swept floors and he did manual stuff and pretty quickly learned how to… he became a shift manager at one point and he brought us, he had saved his money and got a small apartment, and about six months later we moved to Spartanburg, South Carolina.

Q: Before we go on, do you remember anything else about your journey to the U.S.?

A: I don't, I mean the boat, just that it was a boat trip and we were… it was a big ship. And a little kid could run all over the boat. And I remember the *Wizard of Oz*.

Q: What about arriving? Did you arrive at New York harbor?

A: We came through New York. We did not, for some reason, go to Ellis Island. I'm not sure, because I think… because our family came to meet us and we went on. Recently I asked my mom if we went to Ellis Island, 'cause I didn't remember that, us doing that. And I think my father was… we all went off and the name change must have actually taken place while he wasn't around. Because he might have… even when the paper stuff was done, he had already gone to Spartanburg. It said Hans is no longer Hans. Your son's name is John. But the flags were out when we came. We landed on February 22nd when we passed the Statue of Liberty. And so we thought this is really nice, they've got all the flags out for us, but it was Washington's birthday. So I mean, and I remember my aunt giving me a quarter and telling me that was a lot of money and I should hang on to it, very, very carefully.

Q: Do you remember how you felt at the time?

A: No. I mean I think you're kind of, you're in wonderment. I mean all of sudden you take a boat trip and there's the Statue of Liberty and then you come up with your family. You're glad to see your family, because you've known them. It's been a few years since… they had been over since '36, I think, '37. So they were, let's see, Mother was born in 1908 and she's the oldest. So Irma and Ruth[9] were just eighty, so they were, I think they were born, that would make it about 1920. So they were in their early twenties when we met them. I think Ruth became, went through dental hygiene school and I don't know that Irma was just working in various places. They both met their husbands in the next few years. One of, Irma's husband was Jewish and then they both went into the service, I think. John and Walter. Walter was a baker and the… John was a salesman. And I went… they enrolled me in a school called P.S. 132 and they put me in a class with kids from other countries. All the early…

End of Tape 2, Side A

[9] Irma Haas and Ruth Neumeyer

Tape 2, Side B

A: …the children from other countries and I don't know how one teacher handled them. I think they taught you some basic English.

Q: You didn't speak any English.

A: I spoke no English. You pick it up pretty quickly on the street playing with other kids. And I stayed in that room. It's funny, because now, you know, they have the dress code that's going on. At least one day, on Thursdays you had to wear red, white and blue. It was red, white and blue day. And that was all new to me. But they had some codes. But I think I did pretty well and adjusted with these other kids. I walked to the school, it was probably three-quarters of a mile, every day, from where we lived to the school. And after, I remember after maybe a couple of months, I was sort of mainstreamed into another, into the regular… what would that have been, probably the third grade, second or third grade and I was there. And then we moved to Spartanburg. My father had rented a small walk-up, in a poor… it was not a very well-to-do neighborhood. But a little apartment that he could afford. Actually he had saved enough money, he said, to have bought a car, but they decided to buy furniture or something. But he worked in the shirt factory doing fairly menial work initially, as I said. Then unfortunately after a few months, he had an… he fell off a ladder, which was interesting, because in this apartment where we lived, we had just a couple of rooms, two or three rooms. My mother did the laundry on a potbellied stove. So, she had relied on him to always pick up this big vat of clothes and laundry and put it on. We had this little wood burning stove and burned corn cobs and I suppose coal. And she'd boil the clothes and wash them the old-fashioned way. And when he broke his foot, he couldn't do that. As a result of that, he went downtown and we had the first Bendix automatic washer. This little immigrant family in Spartanburg, South Carolina had one of the very first automatic washing machines in 1941. Neighbors would come in to look at it and see the clothes spinning round and round and round. And Daddy bought it on time, you know, you could buy… I mean he was making not a lot of money. But we used that washing machine for many years. Until even when we went to Gastonia, it just kept on working. It was called, I remember it was a Bendix. But my father also then, it was very interesting in our little apartment, 'cause he… there was no rabbi in Spartanburg and so he… I don't know if they ever had one before the war, whether they just got… I mean the Jewish community learned right away about his vast knowledge of Jewish culture and religion and that he could actually officiate at a service. And so he began officiating in Spartanburg and started writing sermons in English. And did the whole thing, I mean he was quite remarkable. And as a result of that, the Jewish soldiers… there was a military base in Spartanburg, South Carolina, Camp Croft. And so the soldiers, the Jewish soldiers who would sometimes come to the synagogue and see Daddy, would come to our little, poor apartment on weekends. And on the porch… and we have little pictures with a Brownie, black and white that were taken of all these soldiers sitting out on the porch or out front on a Saturday afternoon, because it was a place to go. Because they didn't know anybody. They were away from home. It was just kind of ironic, right, that you've got… and I'm sure the rest of the Jewish community was also very fond of them, but they came to Mom and Dad because they were new in the community and very warm. I don't know whether they realized that this immigrant family had come to Spartanburg, South Carolina and were totally in a new environment. I mean it's always been, I've always thought it's been very remarkable when you

think about it. I mean, they didn't stay in New York, where people spoke German. I mean my mother and her sisters sort of still speak German. She has an accent. But they came South and here's my dad, writing sermons and officiating when he's not in his fairly menial job at the factory. Then somehow the congregation in Gastonia, North Carolina, which was about seventy-five miles away, I think, also had no rabbi. And he got to Gastonia, because there was a family named Heilbronn, who were in Magdeburg, who were… that they knew in Germany. And that family, the Heilbronns, had owned a textile mill. They were very well off. And they had brought their whole, their manufacturing facility over and they were living near Gastonia. So, I think they contacted Dad to see if he couldn't start helping them with services. And so my dad started commuting between Spartanburg and Gastonia and officiating at services in Gastonia. And so after a couple of years, Daddy in the shirt factory, let's see, in Spartanburg the place he worked was called, yeah… Dixie Shirt Factory is the mill where he went to work. He started moving up a little bit and became a shift manager and a foreman. And learned essentially how, the textile knitting business, totally something he'd never done in his life. Never knew anything about it. And became very good at it. And so, several years later, the family in Gastonia asked Dad or Mr. Heilbronn asked him if he wouldn't come to work for him as a, I think as a shift manager. And then he also, when he got to Gastonia… and he invented, made some innovations on the machinery in their dye house. But after Spartanburg… so we lived in Spartanburg about three years. And it was, you know, people were, of course, very nice to us, but… and I started really a public school in Spartanburg, both my brother… and my brother, let's see, I was then, I would have been, let's see in 1940 I would have been nine. So we were in, I was like in the fourth, fifth and sixth grade. And I was kind of a novelty, obviously, immigrant son. And people would ask questions about how it was on the boat. So, the classrooms would start scheduling me around as a speaker to other schools, because they had this little ten-year-old, who could talk about life in Germany and coming over on a boat and being Jewish.

Q: So, did you talk about the plight of the Jews in Europe?

A: I'm sure I did. I mean, I essentially told, I think, told much of this story from the perspective of a ten-year-old. If somebody had taped it, I'm sure there were more details that I don't even remember, but it was, you know, it was sort of novel having somebody… there was nobody else there. And I was still probably speaking, well in Spartanburg certainly, spoke broken English. I always remember when the first report card came out with all these numbers. I said, well, what are these numbers? When my parents wanted to find out what is this report card, with very good grades. They were like nineties and things like that. you know. And they didn't know the first thing about socialization. They didn't know that when kids had parties, or you go to somebody else's house. Everything was different. The conventional things that you grow up with, the books, the stories, the Alice in Wonderland. The children's books in this country are totally different. So some of that was lost, but I thought they did remarkably well and we had a lot of very nice friends. And I thought the teachers were very welcoming. I still remember some of those teachers. And the community was very accepting. The Jewish community was pretty wealthy by and large, because most of them were store owners, as they tended to be. By that time, all lot of them all, like so many others in these smaller Southern towns, their fathers and mothers had come to the South, to these communities, selling rags or generally as salespeople. And then a lot of them decided to stay and built, opened stores. And the war years were fairly recent, so most of them were retail merchants. And some of them were like Heilbronn... there

were several factory owners, who were very well-to-do. So, there really… people, most of the kids were from much more well-to-do homes and I think to some extent, that's why so many of our own associations, we were always very comfortable with working people, who were not necessarily Jewish. When you're living really in a Protestant environment in the South. So, I don't know that we were ever conscious, for example, to the same degree of anti-Semitism to the extent that it existed even then. It was never a problem. We never, my parents were not in the country club set, so they didn't have to worry about whether they could get in to the country club. But…

Q: Was your lack of socialization a problem at all or did you, were you, did you really feel confident enough that it didn't affect you?

A: Oh, I think it went very well. I mean, my folks were very permissive about… and I think I tended to… the friends that you made in those years, tended to be either in your neighborhood directly, and there were a few kids that were in the neighborhood that you played with, and then children, your friends were also, friends who did well, if you were making good grades. The kids you hang out with or that you learn and then their parents hear about you. So I spent some time in those years, it was a little more… probably it was more middle-classy than my parents were. Kids whose homes were a little better. But I think it went pretty well. I didn't play any ball really until I was really… we played marbles, we played capture the flag. I got into scouting in a big way. And when we went to Gastonia, we moved to Gastonia then and I went into the seventh grade and my brother was in the third grade. And in the, I think in the seventh, in the junior high school I developed a lot more confidence. And I think by the time I was in the eighth grade I was president of the class. In high school I was president of the class in my, I think my sophomore and my senior years. I became pretty Americanized. I was very involved in scouting, which was a great help, and in some other civic stuff. And I worked after school. I think what gets you off the ground… when I was twelve, I think, you could start at twelve, I had my first newspaper route. And started delivering papers for the… actually I think I may have delivered papers in Spartanburg. I think I delivered the Spartanburg paper just the last few months before we left, on a bicycle. My parents bought me a bike and that was a big deal to get a bicycle. It's interesting it was a big deal to buy… I got a fountain, the first fountain pen. They bought me a fountain pen, when I was in fourth or fifth grade. That was a big thing. They really never… they spent all their money, I mean to the extent that they had any money left it was always for the kids, either little gifts like that, I mean we'd… and you didn't have television in those days, and you didn't have… you had a radio. Dad didn't get a car. We actually, the family, there was another family living in our building, that had a son, who was our age, who, and I remember we drove to Tryon, North Carolina and saw Sergeant York, you know, the movie? Did you ever see the movie? Gary Cooper. It's a wonderful picture. He was a war hero in the First World War or Second? He was from Kentucky, from Tennessee. It was a Gary Cooper movie. It's a marvelous picture. He was a pacifist, who enlisted and became the Congressional Medal of Honor winner and then came back home. He was a marksman from shooting wild turkeys, is where he learned to shoot. But then one week it was on, and when we returned it was Pearl Harbor Day, it was December seventh, 1941, when we went with the Carver family to that movie in Tryon. But it was, you know, I think that's part of our heritage. As some people would say, we were poor and didn't know it. There was always plenty of food

and my dad was very involved in the Jewish community there and subsequently in Gastonia. But those early years, when you think about it, we had such an enormous adjustment to make.

Q: I was going to ask you about that. It seems that, well I've heard other people talk about arriving in New York and there being a lot of encouragement for Jews who were immigrating to go to various other parts of the country. And so many people just didn't want to do that and felt so strongly about that, that they stayed in New York even though there was no economic opportunity at all. And I guess this is more of an observation than a question, but your dad seems to have been somebody who was very open-minded and aware of opportunities, and that probably shaped your life a lot, too. I mean, being a child in a situation where you experienced this extreme disadvantage through having your childhood interrupted so much, and then having your family really be broken apart, and many of them killed. But for you to be able to arrive in this new place and be kind of honored for who you are and what your history is… it's kind of different than what Jewish kids in New York, who were immigrating were experiencing for the most part, it seems to me. There were so many immigrants, and so many survivors and people who weren't really overall encouraged to talk about what had happened to them.

A: Well yeah, I mean, I suppose that going… I don't know why my Dad did not explore a little more about the teaching. I don't know that, whether, how he felt New York… we were living in a very crowded place and I think he wanted to get us out of there. Because that apartment, big as it was, had my mother's parents, and her two sisters. And we sort of were just, they would just let us live there. But I don't think he wanted to stay there. So he set about pretty early trying to figure out what he could do and how to earn a living basically and bring money home, enough. And that New York City, whether he felt too hemmed-in there, or there just really wasn't very much for him to do, because he couldn't be a teacher, he couldn't be a rabbi, and he couldn't get a job. There were so many people looking for work, as you say, and it was this immigrant situation. But it did, I'm sure, shaped my life, from the time we went South. But I think, I don't know that he always… I mean, you know, they had a very strong work ethic. My parents have a strong work ethic. And so they encouraged me or were not opposed to seeing me have a paper route at a very young age. And then, I mean that's a very liberating experience. I always tell people, I remember getting up at five in the morning, and going out to get the paper and then going by the coffee store and putting that nickel down on the lunch counter and saying, "I'd like a cup of coffee." (Laughing.) I mean I was probably not much higher than the stool. But you know when you have a newspaper route and you start putting a little money in your own pocket… So I always had a job of one sort or another. I mean my parents just didn't have any extra money to… and we knew that, because we knew how they lived. Whether there might have been small, I guess there might have been a small allowance at one point, but after that newspaper route, I delivered papers at home for a while and then I started... I was telling Reva[10] here the other day, my fiscal director, I hadn't thought about it, somebody downstairs was, some of these people sell Home Interiors, and they do lot of, sell things. I was always selling things, when I was thirteen, I started selling stationery and greeting cards around the, knocking on doors. Had a little… within a year I had a little business. Had a whole room full of stationery and greeting cards for all occasions. And then I was going to the factory owners and selling Christmas cards to businesses. Then I started working in town after school for the Jewish merchants. I was always working, doing some kind of work. And it didn't really get in the way.

[10] Reva Trusty

I mean, but kids…people… all of those experiences help you appreciate the way other people live, especially working people. Women you worked with back then, and their families, and money's tight and how you make it and don't make it, and so you have an appreciation for that. And my mom and dad, my mother was basically always worked at home. She never worked. I mean, she was a very traditional mother, in that she was a housekeeper and cooked, did the cooking. And later on, I think, when my brother and my sister is ten years… my sister was born in 1946[11]. So she's fifteen years younger than I am, eleven years younger than my brother and was not initially expected, I think. But Mom, after my sister was born, a few years later, she finally became, decided she wanted to work, and became a sales lady in one of the large department stores, where she worked for a long time. And I think it did a lot for her, she had never worked in any store. But she's a very warm, very outgoing woman and was everybody's buddy. And so, she was a very good salesperson, but it was a new experience for her. I think it was an enormous adjustment for her. And really for Dad. And so when I, I think… anyway, scouting, during the… we were a little, I suppose people, where else in the South, when you think about it, with this history, being, having people recognize you, elect you to be president of the class or something was quite a nice thing. But I think scouting, and scouting did a lot of that. I became an Eagle Scout, and was a counselor in a scout camp for several, in the summers for several years, very close to the scout executive. In fact, he… this is really kind of off the subject, but it's interesting when we say how things affect your lives. The scout executive in Gastonia, married a woman, who was a Cherokee Indian. He was a, his name was Schiele. He was a park ranger for much of his life, and then he got into scouting. And he also, during his ranger days, learned to stuff, to make, he was a taxidermist. He amassed a large collection of animals that he had mounted. And his wife collected, and together they also collected a lot of Native American things, since she was a Cherokee Indian. And when we were, in the summer in our camp we put on a large Indian pageant every Thursday night. The pageant of Hiawatha. I was Hiawatha for several years and my brother was Minihaha. They'd put a wig on him and I would paddle a canoe in the lights at night and bring him up. But Bud Schiele, when he retired, he gave this collection to the town of Gastonia and said, I'd like to start a little museum here. So, he gave that collection and began a natural history museum, which today is about a square block. He's no longer there, but they've developed this wonderful museum of natural history with outdoor walking trails and some really beautiful… it's quite remarkable in the sense that it's also twenty miles from Charlotte, which has a very large science museum. But the point I'm getting to, is that after, when I was at, later went to Duke University, I was a chemistry major before I was a lawyer. We can talk more about that if you want to. I've always had an interest in science and in this region here, we are behind, I mean educationally we're still behind. We've caught up. But I've always had an interest, as much as a result of that experience and seeing Bud Schiele's museum grow, in starting a science museum here. And so outside of my work, my major activity has been involved with this organization that we began, and in the last legislature, we finally got two and a half million dollars and we're going to put a planetarium with a very sophisticated projection system out here at the community college. And the guy, and in fact in our little offices are next door, and we have a picture of the Schiele Museum on the wall. Because seeing that effort work and flourish in the small town of Gastonia gave me some real thought, idea about the fact that we can do it here. I think a lot of, I mean I think scouting gave me a lot in terms of values apart from the Judaism that is in my family.

[11] Joan Rosenberg

Q: Did you have a Bar Mitzvah?

A: Uh huh. Bar Mitzvah in Gastonia, North Carolina.

Q: Did you prepare for that with your father?

A: No. Now, my father, after he did this commuting thing, we eventually, we then moved to Gastonia, where I was in the seventh grade and he… when he began working full time, actually he worked in the little community called Lowell, North Carolina, which is about seven miles away. And he assisted the rabbi. Sometimes between rabbis he would do... he often acted as the cantor during services, and he often was on the pulpit. Sometimes he was not. During the high holiday services especially, like Yom Kippur, where people pray and they stay in the synagogue all day, the rabbi needs somebody to take turns with. But he was very close to most of the rabbis that were there. The rabbi I was Bar Mitzvah was named Bill Silverman. And we had a, it was a very large group. I suspect there were as many people who were not Jewish in the synagogue as there were, a lot of friends, and my father had all of his friends from the mill that he worked with every day. He was, he became an office manager there, after, in addition to his working daily around the, as a shift manager, but he became sort of a supervisor in Mr. Heilbronn's mill. And then by the time I was thirteen, in the seventh or eighth grade, there were school friends, and mother had friends. So, it was a very nice congregation in Gastonia. There were probably fifty Jewish families. And so I was Bar Mitzvah, and my brother was Bar Mitzvah. Can't remember who the rabbi was when he was there. And my sister, nowadays they also have what they call Bat Mitzvahs for girls, where girls go through the same thing. Or they have what they call confirmation classes. I think she did that. We stayed pretty active, but like a lot of other kids who are in the South in high school, after that fourteen, fifteen year old, you sort of… you're there Friday nights, but teenagers, unless they have a real tie to, unless you're in a Conservative or an Orthodox family that is very traditional, which you get away from the Sunday school. And your next connections with other Jews are… I mean, Charlotte has a large Jewish community and there were a lot of children our age, boys and girls, men and women. Then when you get to college. But we had the Bar Mitzvah. And you know, my father, people were very aware of the Jewish community, I think, in Gastonia. I was always, in retrospect, after I worked in the Civil Rights Division and after I was in the service, I always felt a little sad that the Jewish community was not a little more assertive about desegregation. But I think the store owners were all afraid to lose their business.

Q: You think that if they weren't afraid to lose their business, that they would have been inclined to push for desegregation?

A: Oh, I think that… I mean, Judaism is founded on the theory of Justice. I mean, I think it was as bad for them to look the other way as it was for, I mean churches were segregated. It was a segregated life. Although you grow up with it, you don't pay attention to it. I mean you just aren't aware of it. You have, well Spartanburg and Gastonia. Well, Gastonia, as I was growing up, I think… .

End of Tape 2, Side B

Tape 3, Side A

Q: This is tape number three, side A of an interview with John Rosenberg.

A: Yeah, we were talking about the Jewish communities in these towns and what they might have done. I think it's always hard to look back and say, but I think the answer would have been if they had felt they could have done more, they might have done more. I think that they were in the business establishment just the way… I mean they were living in the South and they were not going to be trail blazers, because they would have been ostracized. I mean, if you look at what was going on in the South in those earlier years and even later years when I was in the service… well, I was saying in high school, I think there were some times that there were some occasions at high school with kids who were from the, from the black school... there were a few social, not social engagements, but some things were you tended to see each other. Or if you were working together, where they were stock boys—I worked in department stores for many years—you would run into them. But it just was a… accepted way of life. And I have just… it did not really, even in college, I mean you heard more about Jews not getting into the country club, and that kind of stuff. And that there were incidents from time to time, but it was never, I don't think I was ever conscious of anti-Semitism. But it was really not until I was in the Service, working with other officers who were African-American, I mean the Service was the first major arena where there was desegregation in this country, the military. And you know, I have told the story that when I came back from… we brought an airplane back from England one year, by way of Iceland and Greenland. Came back to New York and then two of us, the radar operator on my plane, I was the navigator, was a fellow named Abe Jenkins, who was from South Carolina, who was black. And he and I got on the train in New York together to come home. And when we got to Washington, he got up all of a sudden and said, "I'll see you when we get back." And I said, "Where are you going?" And he said, "I'm going to the back of the train, where the blacks are." And I said, "What?" And he said, "Yeah you better, that's where, I need to go there, otherwise we're going to have some trouble." And he did. And I think it was an incident that changed my life, really. Because I never… I was really outraged and aggravated and thought we've got to do something about that or eventually maybe I can help to do something about that or whatever the thought was. But that was… so, it was not easy for… it wasn't going to come without court action and others, but I think that the Jews are no less, those Jewish communities are and the people who are there, are no less, maybe no more to blame than their other counterparts. But it was their economic circumstances and they were not willing to speak out or if they did, I don't know where they did. I mean, the few people who did speak out, until there was more of a movement, couldn't stay in their communities. I mean I worked with a man, a lawyer in the Civil Rights Division, who came from Fort Smith, Arkansas and he started trying to be, I mean he was speaking out and the next thing he knew, he had no law practice left and he was in Washington, D.C. So, it's more easily said than done, but when you think about the history of the persecution in the, that the Jews have had, and the Holocaust and all of the things that are behind us, you… that they've gone through, you would have hoped that Jews would have been more sympathetic to the situation that blacks faced every day. And not quite as much of a willing participant. It's easier said than done. It's just something that bothers me, you know, philosophically it's hard to defend it.

Q: So, then was the time that you were in the Air Force the first time that you had had close personal contact with black people and formed friendships?

A: Yeah, right, I think so. I went to, when I went to Duke, I went to Duke on a scholarship which terminated. Because I got, the scholarship I was given through a trustee of Duke, who was from Gastonia. I can't remember what his prominence was, but he was on the Board. And he died about six months after I went to Duke. And I had started working in the dining halls and they told me I made too much money and didn't need a scholarship, which might have been all right. I didn't have any trouble, I just worked my way through Duke. But he, but Duke had a quota on Jewish students even in those years. And it was before the years that there were any black athletes to speak of, before Duke had any. So, I was just sort of thinking back, were there any blacks in my life in those earlier years? There weren't. And when I came out of the Service, out of Duke, I went into the ROTC. And when I was in the military, that was the first time where I have any… and growing up in this country, yeah, thinking back on it.

Q: I wanted to ask you about, when you were talking about your experiences in Boy Scouts, and your earlier years in Gastonia. I'm wondering if there was ever a conflict between your Jewish identity and your Jewish practice and your social life? Did people expect you to be Christian and to be participating in things as a Christian? Was that ever a problem for you?

A: No, it was very interesting, I think. Because the Scout troop, all the Scout troops were sponsored by churches. And the Scout troop I was a member of was sponsored by the Associate Reform, ARP. They were called the Associate Reform Presbyterians. And I think they'd had two or three other Eagle Scouts from the Jewish community. And so, the answer is no. I mean I think they were cognizant of the fact that we were Jewish. And I don't know that anybody ever tried to sort of convert anyone. But the troop, when I got to scout camp as a counselor one summer, I was sort of… I wasn't… One of my jobs was to arrange the services and many of the scout troops had ministers along with them or they were their scout masters. And so, I found myself in the position of being, sort of the associate minister to these folks and I learned all the, many of the hymns. And as we grew up, I went to church a few times. I certainly went to that Presbyterian church. But I think it was just a healthy respect. I think people in the church appreciated, I mean were respectful of the Jewish community and that religion. And often times people came to those services. So, I don't know that, I think, you know, we often, the Schieles encouraged me to do that actually, the scout master. To be… and I often times did the Vesper services for the campers who were there over the weekend. And there would probably be not much Jesus, but I would read from the Old and the New Testament and we would sing the hymns that they knew, and it didn't bother me. Now it might very well have bothered many other, not… other Jewish men might have said, "Well you're just stupid. What are you doing this for?" Or you know, "Why are you being a minister in this largely Protestant camp and sort of embracing their way of having a service?" But I didn't have any problem with that. My parents didn't have any problem with it.

Q: I was going to ask you, did your, do you think your parents taught you Judaism in a way that allowed you to think of that as not being a contradiction?

A: I think my parents were very tolerant of other religions. I think my father… I mean my mother basically grew up in a small, country town and was Jewish, but had many more associations with non-Jewish people. Now my father had this very strong Jewish background. And there was actually a period of my life after I came out of the Service that I had given some consideration to going to Rabbinical school. And in the Reform movement, you know, the Reform Rabbinate is not so different from the minister's life. It isn't all prayer. It's social work, visiting with people, around with the Jewish doctrine. So, I think my parents, when my father came South and started working in the factory and realized that it was not going to make sense to be kosher and that maybe bacon and eggs were good together. I think he essentially embraced the idea of Reform Judaism and was pretty… and since he worked almost all the time with folks who were not Jewish. I think only the factory owner was Jewish, Heilbronn. That you, you just adapt culturally, much more, which the Reform congregations have done. If you go to Israel, Saturday all the stores are closed, right? The Sabbath is Saturday. And Friday night to Saturday night. In this country, it's all on Sunday. I mean there was never such a thing as Sunday school, but Jewish Reform congregations have Sunday school. And they basically adapted to living in a Protestant society. And I think we did that, and of course, you know, I think my father, it was a big change in our family to have me marry someone who wasn't Jewish. Although it was probably less pronounced because we were both a little older than if… I mean, as time has gone on it has become much more common than it was. But then my sister married a young man from Eastern North Carolina, who wasn't Jewish. They subsequently divorced, but she's had a significant other for many years, who's not Jewish also. So, I don't know how, you know my father, I assume he came to grips with that. I think they both felt comfortable about their sons and then their daughter, who were, you know, were sort of achievers in the community and were happy with their lives. And everybody likes to hear good things about their kids. And so I don't think they were going to throw up barriers. I don't know that it was ever verbalized. I think my father had a very… you know, he was very strong with his own convictions and had some very strong ideas, but again, you know, if your kids go in a certain direction… raising children is as difficult for anybody in school. And if they pal around with, in a society where very few people are Jewish, to say, "Well, you can't go out with them or you shouldn't go to that camp or you shouldn't do this or you shouldn't do that," it's much harder. And I think they were always sort of adapting to where we were. I think. I mean I think it shows terrific flexibility on their part. My mother was always much more of a social person, much more than he, which more than my father. My dad was a pretty private person. And he was very… he read and he worked and he read. When he was home, did the dishes, sat down and read. And he had this enormous knowledge of Jewish history and Jewish religion. And there were very few people, other than the rabbi, that he really enjoyed having long conversations with. I mean they were just in a different world. I mean he would do his work and liked his work in a very exacting way. But this fellow, when I asked you about Mrs. Hirschfield earlier, the person who volunteered… her husband was a scientist, who came over here and became, and went into the textile work.

Q: Was his name William?

A: It's Frances, wait. Her name was Frances Hirschfield, his name was… I think it might have been William.

Q: Yeah, now I'm remembering who they are. Yeah. I think they're still volunteering there.

A: Well, she just died. But he was... he died a few years back in Gastonia. He was, lived in Huntsville, Alabama, before they moved to Gastonia. And he came to Gastonia to be, like the chief chemist for the factory, dye work and things like that. And my dad could, would, enjoyed having him to talk to. And even in his retirement, when they moved to Florida, he… one of his good friends was the rabbi for that congregation. So he was not a, he was in some ways a pretty, a very private person. And I think he didn't either understand, not… understand may be the wrong word. He did not always appreciate what we were doing in our spare time. He didn't grow up in scouting, but I think he really appreciated what we learned in scouting. And the people that he met, the other scout masters and the activities that we did.

Q: Was your brother a scout, too?

A: My brother was a scout. And he became an Eagle Scout in that same Presbyterian church. He endured a summer with me that he says he'll never forget, because I was the scout master in charge of the cabin when he was a few years younger and was a camper. And I induced him to be Minihaha or twisted his arm or the Schieles twisted his arm. But… so, when… my dad in that way was pretty, I think, tolerant of what we did and just let us do it.

Q: Was being Jewish important to you at the time, from a young age?

A: Oh sure. I think it's always been important to me and is important to me, today. And you know, I think it's had a profound effect on my life. I talked about it during… I mean, Judaism has been part of me all the way through and I guess I'm pretty conscious of being Jewish. Not that I think about it every day, but it's a very attractive religion, I think. It's very simple. Its principles make a lot of sense to me, if one is going to believe in a higher being. And people are aware that I am Jewish. And I spend some time talking about Judaism, sometimes in schools, sometimes to civic groups or Passover, that sort of thing. But, I mean, nothing to necessarily flout, it's just the way it is. And then of course, I said my wife is not Jewish. But then we have a small Quaker contingent in the mountains that I participate with. So, we put those two things together, something I probably wouldn't have predicted years ago either. I'm sure that all of this Holocaust history is very much a part of, or has contributed a great deal to what I've been doing in my later life, in this work that I do and the work I did in the Civil Rights Division.

Q: And I'd really like to discuss that more and maybe it would make more sense to do that after we've really discussed your work here and with the Civil Rights Division so that it can be put more in context. Do you think? Or do you want to say something about it now?

A: Well, what were you thinking? What else did you want to talk about?

Q: Well, your later years (laughing), the rest of your life that we haven't talked about yet.

A: I see.

Q: But I definitely am interested in hearing how your Holocaust, when you say that your Holocaust experiences that had a profound effect on your subsequent work.

A: Well, I think the family, I think coming to this country… I think we've always been grateful for the opportunity that we're here, from the time we came. And I think my parents were always very cognizant, emphasized that. I always remember right after we, when we moved to Spartanburg in those early days, like many other immigrant families, you'd have a picture on the wall of Franklin Roosevelt and the Statue of Liberty or something else. And I remember, I think I remember this incident: when the immigration people or the FBI showed up one day on our door in Gastonia—was it Gastonia or Spartanburg?—and they came and took out… you were not allowed to have a short-wave radio and you were not allowed to have binoculars, because you might spy on somebody. And we had an old monocular, one of those things that seafaring captains go… do… use. And they took that. And they saw the picture on the wall and they were very embarrassed in what they were doing. I mean they, my parents were very nice…

Q: So, I'm sorry, it was just immigrants that weren't allowed to have these things?

A: Right, yeah, if you weren't American citizens. We were aliens, foreigns, aliens. And eventually, years later they brought them back. They returned them. I don't know if it was right after we got our citizenship papers. My parents applied to become citizens, then in 1945, after five years, took their test and got their citizenship. We went to Charlotte. Federal judges often talk about the most poignant experiences, how often or how many of them remark about the thrill they make, they have in presiding over the citizenship swearings-in. And we went to… my parents were sworn in in Charlotte. We went across the street. And I think it was… I think that the restaurant… we went to a restaurant. I think it was the first time I ever ate out in my life, that they ever went out. It was a little diner across the street, after the swearing-in ceremony. But, and I think that my work, going into the military, in part and then working in the Division and maybe the work I do here is all, in some ways… I never viewed it as a sacrifice, but I think having a life in public service, in a way, is helping to try to make this country a better place to live in and give back a little bit. I mean there are lots of ways of giving back, if that's the right word, but at least helping to contribute to making this a better society and not necessarily being governed by the dollar sign, which, you know, we all have an opportunity to do. But in that way, I think, all of this, at least I think that whether it was my parents or my Judaism, it all kind of comes together in some way that you… I mean it's a real privilege to do what I do and get paid for it. And it was that way in the Civil Rights Division, to have a position where you can help to provide better opportunities for African-Americans in this country, by working, by using the legal system to make, to break these barriers down. And to do the same thing in my present job or what I've been doing for almost thirty years for poor people, to give them a chance to be on the same playing field or to level the playing field for them, at least when they're trying to make their way through the legal system, or when they're in trouble. And to make the legal system work for them, which they wouldn't be able to afford unless it was for the lawyers and staff in this program that I've been in charge of for a number of years.

Q: During the early years that you were in the United States and Spartanburg and Gastonia, as the war is developing, were you aware of what was happening in Europe to the Jews? Were you able to follow that?

A: I don't think so. I don't know when we found out they were all killed, that the family was killed, or what was… you know, in 1944… or even that these ships that were not allowed in this country, all these that were going around and around, went back to Germany, Holland. I don't know whether there was any contact. I don't think there was. I don't think my… that's a good question. Whether my father knew where his brother was, that they were alive. I don't think they did have any contact. Because, and when we looked at those records, I think from being with Mother, that that was the first time that she knew for sure. I mean that we had heard, the thing from this… but I don't think there was any contact. I don't know. I was still too much in school. I mean, you know, it seems like it jumps from high school. It seems like you've always known the story of the Holocaust. But whether we knew that that was happening when, let's see I was, '44, I would have been thirteen, in the seventh grade. What are your, what do you know about that?

Q: Well, the stuff that filtered through the press was sketchy and sometimes you'd get news about what was happening to the Jews, but it wasn't really until after the war when the liberators were encountering the camps and involved with liberating a lot of them that they really knew the extent of what was happening and that, that started to really, that started to really reach the press. It wouldn't have been until '45, probably. And definitely as far as keeping in contact, that would have been really hard.

A: I mean that's what I remember, I mean that's my thinking. You read these stories about the Germans letting the American Red Cross into some of their camps and cleaning them up and all of that stuff. And that they did visit some of the camps, right? At least right after the war. But I don't know…

Q: The camps that the Red Cross…

A: I mean after the war began. Huh?

Q: The camps that the Red Cross visited were cleaned up and altered for the media, and made into kind-of stages.

A: Right. But I, I mean that's all I know. I don't think my father and mother had any idea that they were alive or where they were until after the war. We don't really know what happened to the family in Holland, I don't think. And Frankfurt, the family in Frankfurt. I think we know they're, did not live. And that, I'm not sure we… I don't think I could find the record. Trying to remember what his first name was, whether that was another de Vries. But it's… I have a cousin who did this family tree and he drew a family tree like a tree with limbs and with how many immediate relatives on my father's side and cousins and cousins. I mean when you've got eight children, and there are cousins that we've never met and what happened to them all. I just don't think there was any real communication in those years.

Q: Do you remember, do you remember learning about it later? Or do you remember what was going on in your family in 1945 when you started to learn about what was happening?

A: Well, I mean I was in, let's see in '45 I was fourteen. You know, I don't have a good recollection. We just had a reunion in Gastonia, North Carolina and one of my teachers was there. She's living out west. She was, it happened that she was the newest teacher to come to the high school, so she's only four years older, or five years older than some of us. At the time she was an algebra teacher. And she had her grade book with my name in it. She still had her grade book from those years. I had very little recollection about having been in her class. And so I don't know whether other people have have better memories about… I mean whether you you start to lose your long… I mean, how good is your memory? Your memory is probably not too bad for high school days.

Q: Yeah, it seems like memories change so much over time.

A: So, I don't know what I remember about Germany. I mean if you go to… we went to services Friday night as we all did and you listened to what happened. I'm sure we were conscious of what, I mean, just like everybody else when they did go in '45 and liberate the camps…

End of Tape 3, Side A

Tape 3, Side B

A: Side B?

Q: Yeah, tape number three, side B… tape number three, side B of an interview with John Rosenberg.

A: Well, I was just saying I think that Betty, Sämmy's wife, came out of the concentration camp alive. And so there, she was visited a couple of times. We really did not dwell on anything with her, I think, other than the fact Sämmy was her husband and that she had made it through, I don't know… and that's when we went to see her. And of course, that was in 1960… it was 1970, which would have been twenty-five years after she went to Israel, after the war was over.

Q: She went to Israel in '45?

A: She went in, or '46, right after she got out. And my father and mother, I think he was in touch with her and had seen her. I mean they went over before we did… it was somewhere in there… well maybe they didn't. I don't think they went to Israel until after he retired, which would have been in 1966. When he was sixty-five he retired from this factory in North Carolina. And he went, they moved to Florida. And then in their retirement they took some, they started traveling. So I think they had corresponded pretty regularly, Betty and my father. But, so it was almost twenty years. I think she had relatives in Israel also. But I don't think they knew very much about what was going on at all. No, I'm not a fount of knowledge about that. You probably have more from other interviews about that. Did you talk to any people who knew very much about, who were in this country, who knew very much about what was happening in the camps in the '40s?

Q: No. And I haven't talked to a whole lot of people who were in this country during those years. I mean most of the people I've talked to came right afterwards.

A: Came after the war.

Q: Right.

A: You haven't talked to many second-generation people like me. My sister was born in this country. She was born in Gastonia. I still speak like fourth-grade German, and can understand it. My brother can speak a little bit. My sister doesn't know any German. Do you want to see any of this stuff? I mean you're welcome to… I don't know what there is to see, but I think you're doing it primarily on tape. We have birth certificates. I don't know where my father's is, couldn't find it this morning. I have that Gedenk book in the other room. I'll show you that.

Q: Yeah, sure, yeah. I'd love to see some of the pictures you mentioned.

A: Well the pictures, unfortunately are with my mother. She has the old book. And I didn't… I almost brought them back because nobody ever looks at them. And I happened to look at them on this trip because I had a little time. For one thing, I didn't know what had happened to them.

I was afraid we might have misplaced them. They went back and forth a couple of times. When my mother moved from Florida up to Maryland… my dad passed away in 1989, I think, and she stayed another year or two in Florida, where her sister lived in the same place called Century Village. Then she moved to Chevy Chase. She's about fifteen minutes from my brother in a high rise for the elderly. So a lot of stuff got moved around, but she does have a lot of the photographs. And it's nice, interesting to go back and look at them.

Q: So, changing the subject a little bit, when you were in college at Duke, you were really interested at that point in science? Is that what you thought you were going to have a career in?

A: I enjoyed, I like chemistry and physics and had a very good chemistry teacher. I also like doing sales work. I sold a lot, all the way through high school. I sold clothes, women's shoes, every… so I decided I might enjoy being a chemical salesman or technical representative of that sort. And so, when I came out of Duke, I first went into the Service. When I came out of the Service I went to work for a chemical firm in Philadelphia, Rohm and Haas Company.

Q: So you graduated in what year?

A: 1953.

Q: '53, and then you enlisted?

A: I was in the Air Force ROTC partly because at the time they gave you a break on tuition, it was sort of an avocation. And I think becoming, I had originally, I had thought about, I mean I joined it…the early Air Force, the Navy ROTC's were giving full scholarship. The Air Force ROTC was just being established. And I think there was a commitment to two years afterwards. It seemed like when you were footloose and fancy-free in peacetime, it might not be such a bad thing to do to get, as a trade-off for some tuition and again the idea of doing some service for your country. So at Duke, so that's what I did. And then the commitment, the two year commitment, I first thought I would like to fly. And I went to flight school for a short period of time and that didn't really work out, so I ended up going to navigation training, which I liked. And I became a navigator and that had a three year commitment attached to it, which I served out in England.

Q: So was there any, that was during the Korean War, right?

A: Right. It was during the Korean War, but I was very far from Korea.

Q: So there was no… you knew that you weren't going to get involved in the war if you…

A: Well, I don't know that it would have mattered. There were some of my, we had our choice if you were near the top of the class, where you wanted to go. Maybe everybody had a choice. And I could have gone to, I don't know that you went to Korea, to the Pacific or to teach. I decided that the opportunity to go to England seemed like a really good one. So I chose to go to England, because of Europe it just seemed like a nice opportunity to travel. There were, I mean we lost, but it was not a military, you know, as I said, it was Cold… during the Cold War. And

so we were doing a lot of exercises on the border out of Austria. Bad Tölz[12] is where the Special Forces were. And we did a lot of very low flying to bring stuff in. I would not have objected to being in, if we had had to go. The big, I think most poignant thing for me was, while I was England, at one point towards the end of my tour, we were on alert for the Six Day War during the Suez Canal crisis. And we were on alert for a week and nobody knew whose side we were on. They didn't know which side they were going to go on. And I said, I think this is not a good way to spend your life, when you don't know which side you're on and then they tell you which side you're on, whether you like it or not. So, I thought… I enjoyed my days in the military, we had very… I mean I had wonderful associations. We, the group I was with on this small base in England still gets together every two or three years, and we're going to be in Charleston in October. Over those years my pacifist Quaker wife has gotten to meet some of my war-mongering friends and they've all gotten to know her. And you know, most of them are retired. A lot of them spent their life in the military and then retired or had second careers. But when you mentioned Duke a while ago, I was thinking that it was very, in those days Duke… if I had it to do over again, I probably would have gone to the University of North Carolina. I had this scholarship. It had a good academic reputation, as it is now. It's a much more liberal school now; it was very church-dominated. But I made very good friends. I was in a Jewish fraternity there during those years, which was probably the first group of strong associations with other Jewish men that I had had since probably ever, because many of them came from other states, Florida and north, New York, New Jersey and what have you. While I was there though, I was the delegate to the convention when we agreed to stop limiting the fraternity membership to Jews. Still I think maybe predominantly, it was called ZBT. I had a lot of mixed feelings about that at the time, but… I mean it was also part of the history of… there was a Jewish sorority and a Jewish fraternity, and it sort of kept me, those were my strong associations when I was at Duke, other than the fact that I also worked in the dining halls, doing waiting, doing dishwashing. And then I became cashier and head waiter and learned the food business at Duke. It was working your way through school. But there were, most of my very good friends at Duke were Jewish. We lived together for the three or four years I was there. In terms of the continuity and where it was going. And then I went into the Air Force and actually in London, in England we had some distant relatives, who were… I was just looking at the family tree today, were… a guy named David Tichauer who was related. A cousin of my father's was in London. And then his daughter married a rabbi and they went to South Africa, and I think they're back in England now. But most of the people on the base were not Jewish. I mean most of my associations in the Air Force weren't. So it's sort of come and gone. I don't know what we did on Jewish holidays. I think someone, there was a chaplain, he wasn't Jewish. I mean, it wasn't a full-time Jewish Chaplain there. But I think I went to the… several times during the holidays I went to London, to be with the family. So it's sort of come along. I was looking at a picture in my mother's photograph that was taken at Chapel Hill when I went back to Law School at the University of North Carolina. And the group of Jewish students and the rabbi who was at Hillel, which was the Jewish Student organization on most campuses. That was taken back then, so… it's always sort of been there. Want to stop for a while?

Q: Okay, it is now August 21st and we're back again for more interviewing and Mr. Rosenberg's going to say some things that he learned last night from talking to his mother.

[12] Bad Tölz, Germany

A: John. Actually, this morning. We were not sure, I was not sure what had happened with my uncle when he was arrested. And my mother does not know either whether he was arrested and taken away with my father, which I didn't remember, or whether… she thought that he was arrested at the same time or almost at the same time. But may have been taken to a different place, because my… I told her my only recollection was running the sandwich up the street to my father. And I didn't remember seeing my uncle at all. But, I mean he may have been there and I was just focused on my father. But they did, he and my father did end up going to Buchenwald together. And they were released together, because I remember, as I said, seeing them very bald, in Frankfurt am Main in my Aunt's house, Elly's house. And my mother confirmed of course, that my grandmother took me then to Elly's house. She said that they made their way to Holland also. She said my grandmother then went to Rotterdam and lived in a small apartment by herself, near my aunt Mary. That she said, she remembered the German, the Dutch government would not allow immigrants to live with their relatives. So she couldn't live with her daughter, Mary, who had four children. And she took, apparently took her meals with her. My family then went into this large detention camp that I had explained, had talked about. And she said my uncle also got there, eventually ended up in that same place in Rotterdam. She didn't know how he got there, that he… because her impression was that he did not stay with my mother, my grandmother. Whether he went back to Leer to close things down very quickly and then made his way to Rotterdam, which is very possible. I don't know and I'm not sure that anyone recorded that. But she did remember that he was in the detention camp with us part of the time because she said that he, she remembered him coming up and talking with my father. I just don't remember, have good recollection of that. And he may not have been there the whole time we were there. She said that he was on the boat that, after us, and the boat turned around, she remembered because war broke out that very day, with the Dutch, and they told the ship to turn around. Or with the British. The war had started and they wouldn't let the boat continue. And you had asked about our contacts during the war. She knew, as far as she could recall there was no contact with anyone in the concentration camp. She didn't remember when we learned that Sämmy had gotten married in the camp, but there was no correspondence back and forth or any kind of… and no one had really any knowledge about what had gone on. She said the Dutch government… that both my grandmother and my uncle ended up at Theresienstadt. They probably went to Westerbork first, where most of the refugees went to and then the Germans took all that over. But that was pretty much, I just did not remember, couldn't fill that hole in. When I was in the Service, of course we had the relatives in England. And I went to Germany a number of times with my Air Force, with our crew, we flew planes into Germany several times and had some days off. It was a very strange feeling to be in Germany, I always remember, having, knowing you're in a country where the language is yours, it's not like the language you learned in college, but that people are speaking a language that you sort of know is your native language. And yet we really were, our trips were generally, our stays were generally quite short. And I really never made much of an effort to sort of identify the local synagogue if there was one. I mean I just didn't come into contact with many Jews. I was trying to think in retrospect, I suppose my first big jaunt was to go, my contact with the Jewish community was really when I went to Israel. When I was in Germany, when I was in England, I took a trip to Israel where I visited my father's sister and her family, and my counterpart, who was my age at that time. They were out in the country. Living in a little place called Yokneam which was a cooperative farming community.

Q: What were their names?

A: Their names were de Vries. His name was Ivan de Vries and her name was Lina. And that was when I met Sämmy's widow for the first time. She was living in an apartment, I think in Haifa. And I spent some time with her, but we didn't really talk in detail about the camps or I don't know enough of her own relations. I think she may have had a sister or someone. I don't know about the details of her family. And Moshe, my cousin, had already gotten married to a young woman named Nurit. In fact while we were there, one of our other cousins was married to… well, no, that was when I went on my second trip. This time I was in the military. I was by myself. And I stayed in Israel a couple of weeks. We had some, I was going to say we had some other relatives in Tel Aviv, who had a… whose name was Berliner, he was sort of an amateur archaeologist and he had collected this amazing… had done a lot of digging and rooms full of artifacts that he had collected. But they were still, they still led a fairly plain farm life back then, and were… I remember you didn't leave any food on your plate. And when they ate their chickens, they ate… or ducks, I think, they ate every, they cleaned that duck out. Head included. But they were lovely, lovely people and they knew, of course, Betty. And then I just traveled around on my own. And later when I came, after Jean and I were married, we came back when she was pregnant with Michael. She said she was the first non-Jewish wife in the family. But while we were there we also went to a distant cousin's, relative, wedding. And that young man married a Yemenite Jewish woman, which at that time was as different, as rare Jews marrying non-Jews in this country. But that was several years later, and we were still… but it was nice. The family, we are, we still correspond with each other, and we still are close to our family in Israel with Moshe. My father's sister and her husband have died. And Betty has also died. So, but in terms of Germany itself, you know, when I went, I think I mentioned I had gone back to the town where my mother was born.

Q: Did you have any memories of that town? Of Idar-Oberstein?

A: I may have had some vague memories about the butcher store, because I was so small when we were there, like five and six. I remember the butcher store sign. It's hard to tell whether what I remember really had more to do with recollections from pictures than from what was real. The people I met, who remembered me obviously were contemporaries of my mother or the sisters. It was a small country town and I think my grandfather was well-known in that area for his being a butcher, an honest butcher and hard working. It's like Prestonsburg, people who have lived here all of their lives—I mean it was a very well known family, the Schubach family. So people when I first went there, word traveled pretty quickly, at least in the area where they were and I met a number of people who knew them. I stayed in the local hotel. And later when I came back with mother, a second time, you know, I mentioned her friends were there. But before that… but you always have this feeling generated by the notion that no one there that's still alive, they're all very embarrassed, maybe guilty about what happened. And I guess most of them would say they didn't know anything about it, just like the people who lived near Dachau and Buchenwald and saw the smoke, and were looking the other way or knew, probably most of them knew what was happening or many people certainly knew what was happening in Germany. Many were very sympathetic to the whole idea of Hitler and were very supportive of him all the way through, certainly when they thought they were going to win the war. So, I'm sure I think that I had some of those mixed feelings and wasn't, I was younger then, that interested particularly in trying to

dig up a lot of Jewish history. Well for one thing Magdeburg was not in… I couldn't go to the city where I was born. So other than the city…

Q: Why couldn't you go to Magdeburg?

A: It was in the East zone. It was in the Russian zone, so we couldn't go. We couldn't go until the Berlin Wall came down. So I couldn't go when I was in the Service or after that. We… I did not go to Leer. I don't know why I did not really ever try to go to Leer. My wife, Jean and her mother, when they drove down from Sweden on a European tour, went through there Leer once to see. I have a film at home that was made by a Jewish film maker about a reunion about the Jewish community from Leer, when Leer hosted the Jewish community for a reconciliation weekend and he happened to be there and made a film of that. He's in Israel now, I think. But I have that film and Leer's a little bigger than it was. Then I have a family history that you can have or a family tree and there's a letter from a distant cousin in Virginia, who sort of got into the genealogy and he went back to a number of these places where my father's mother, the rabbis and traced some of that history back. And went to Leer and all of those small towns where my grandmother came from and her family came from. I guess I did not have anything that was really driving me to do that. I think when you get to be older, you sort of start thinking, somebody… which is one my interests in talking with you, it is important to preserve that history and it's nice to have it and to know about it. I'm sure it has some impact on all our lives, but I didn't do very much of that when I was in the Service. There was, I'm sure, still a lot of hostility, feelings, even though my mother and… my father and my mother did go back to Germany. They went once or twice. And my dad did not feel, I don't think he was… I mean they went several summers in their retirement to Austria. And they had been to Vienna on their honeymoon. So I don't think their feelings were so strong. And my mother, as I said, kept up her correspondence with some of her friends. So, anyway, that…

Q: So what compelled you to go back was kind of, was it just a kind of curiosity to see the place? Or did you have any…

A: Well, the trips to Germany, the formal, were generally military. We had an airplane. We were flying into bases in Germany and had business there of one sort or another, training missions. I didn't really just go there to sightsee. I mean I was there for a reason and then generally we stayed over, as we did in other European places. I had some distant relatives in Paris, which I went to see for family connections, who are related to my mother, two older brothers. But I think there is, you know, and maybe the local explorations were kind of curiosity, but it was more looking at this cathedral or… the towns that I wasn't familiar with, I didn't… I went to Oberstein, I really went to Oberstein, to mother's home town because I happened to be there in survival training in that area and didn't realize how close it was. I think I was not yet on any… whether I would have gone there otherwise, I'm not sure. I might have. I think I had some idea. I knew mother was still in touch with her contemporaries. Even though my father had no connections to anybody in Magdeburg. Most of their friends that were alive had come to this country. So, there wasn't much reason to go, other than maybe trying to determine what the status was of the Jewish community. Going to Israel of course was a voluntary, it was a vacation thing for me. Going to Paris. I think I didn't go out of my way to go to Germany.

Q: About going to Israel, did you have any, did you ever had any Zionist feelings or any desire to live there?

A: Oh, I think it was a wonderful… it was wonderful to be there. And I felt really proud of what had been done. I never… my father was a very strong Zionist. And I felt very strongly and still do about a Jewish homeland there. But I didn't really, I think with your parents, I never considered, I think, living far from where my parents lived, either there… I mean sort of staying in Israel while they were here. Just like in this country, I thought, I went to law school in Colorado one summer and went to other places. And unless you have the means to get back and forth every weekend or something, you'd want to be… I always thought we belonged in the east. To be near them. So, Israel is certainly, Jean went with me. I'd like to go back again. It's a great accomplishment. And it is, it's part of our history. And it's especially nice to have when you have relatives who are there, I mean they were part of the family, being that close, being my father's sister.

Q: Did you have a strong sense of _____ to the United States?

End of Tape 3, Side B

Tape 4, Side A

Q: This is tape number four, side A of an interview with John Rosenberg.

A: I think I always had a very strong feeling about allegiance to America or patriotism. I mean that goes back to my parents coming here. You know, I think as you get older, when events like Vietnam happens, you question it the way any other… the value of that action or any other action that the country takes as a nation, intervening in other wars or as a world leader and the limits to which you would want to go, that people go to in the name of… that actions that we take as Americans against other countries, or whatever we do in our official nature. As an American, I mean, as a responsible citizen should do, but I have certainly never gave it any thought. I mean, I think as I said, when we were on alert for a week and didn't know whose side we were on, I thought that's not a way I want to spend my life. I think if it were a little clearer than that I might have stayed in the military just because of the very close associations I had with the people that I was in the Service with. I mean we were just very, very good friends. And when you do things together and rely on each other in situations I suppose that are somewhat dangerous, and you become very close. It doesn't have to be just on the battlefield. Even when you are doing training exercises that are, that involve some danger, in which you act as a team. And then you spend a lot of off time together or you're on a base, like a small base out in nowhere in England, you become part of a family in some way. And so there was, I would have considered that, I just was not… but I decided that I don't know that I'm ready to push the button on Israel for example and start… if we had come in on the other side against Israel, I would have been in a terrible predicament. And wouldn't want to find myself in that predicament. And then after I married a Quaker, I left my tennis shoes at the Pentagon Athletic Club and never went back to get them. You know, I probably have a much more, in some ways a different outlook about the value of violence and the value of military actions to some extent. It's certainly been moderated. I wouldn't at all call myself a pacifist. But I don't know, anyway, that's, I certainly think I would certainly consider myself a very, very much an American citizen.

Q: And when you say you wouldn't call yourself a pacifist, what does that mean? Does that mean that you… well we'll just leave it at that. What does that mean?

A: Well, I think, you know, philosophically you obviously, Quakers, if you take that position, take a strong pacifist position, you are in a sense ready to die when someone points a weapon at someone you love and is ready to pull a trigger. And you're not going to interfere with that sort of situation. Or you feel that there is never any justification for violent action. And I don't think I'm in that place. I mean I think there probably are situations where you may find yourself willing to react violently or to take up arms against somebody else under certain situations, under those situations. Like a war. And you use a war to end a war. (Laughing.) I think that's probably still in my, I think it's the last resort, and not one that I would promote, but I don't think I could easily stand by, and stand there. Of course, I joined the, I was in the Air Force voluntarily, no one drafted me.

Q: Were you aware of criticisms of Jews during the Holocaust, that they had not resisted enough? And that they had been too pacifistic and just passive in allowing the violence to happen to them, that they had…?

A: You mean in the concentration camps or where or when?

Q: In general in the whole… there were some criticisms that were voiced, especially just immediately following the war by Bruno Bettelheim and others that the Jews had gone like sheep to the slaughter. And that they had not resisted enough. That this was a problem with the Jewish people, that they were not ready enough to take up arms to defend themselves. And I'm wondering if you, if you shared that point of view or if you were aware that people thought that, or if you have any thoughts about that?

A: I don't, I am not familiar with that. And I mean I think it's probably… I don't see how anybody could take that position because the Germans were so, they were armed. They were so superior. There were those courageous, there were some of those acts, you know, in several concentration camps where the Jews broke out or had plotted to leave and some did escape. I don't know the name of those camps. And there were individual acts of resistance. I don't think, I don't see how anybody could have said that. I mean I've read an awful lot about and heard a lot about Jews who were made to sort of cooperate and throw the bodies away, or how much were you willing to do to stay alive? Because the camps also, the camps themselves were operated in a large part by slave labor, which was pretty horrible, and some of the work that people had to do was pretty horrible. And they were doing it partly to stay alive or they could have gotten shot under the circumstances. And I'm sure people right down to the last second feel like, as some would say, I was trying to stay alive and hope everybody would, that people understand it. Whether you are the person who's going down the list and saying this, and have some decision making about who's going to die and who's going to live, or whether you're out there and, where you're effectively making those decisions, hoping to keep yourself off the list. Or whether you're actually throwing bodies in a pit or doing some other kind of maintenance work, you're under the gun. I don't think you can ever, I don't see how any, I mean I do see, but I would never want to be critical of anybody who is doing that when they're essentially forced to do it. The people who would say go ahead and shoot me, and let somebody shoot them, are heroes of a different sort, I suppose. And heroines of different sorts, when you do those sorts of things on principle. And that's how, I guess, principles are established over time. But it's expecting a lot from someone. And I think there is an element of forgiveness, generally in our tradition and in other traditions. You may have to take an extreme measure to save yourself. You can't expect people to lay down. So I don't think that anyone could accuse the Jews of being… if that means going like lambs to the slaughter. I mean they didn't have, most of those, most families weren't armed. My father never allowed us to have any weapon. He almost bought me a BB gun once and then somebody had gotten a window shot out in the neighborhood and I never got my BB gun. But we never had a gun in the house. And he wouldn't let us have weapons. That was one of the no-no's, one of the few no-no's.

Q: Were you aware of, by the time that you were in the Air Force, were you very interested in American politics, political issues? I'll leave it at that. I have another related question.

A: I think that's hard to answer. I don't know, because when I was, I think I was, you know, pretty young. And you come out of high school and you're out of a background where I had, was really fortunate. I was president of the senior class and had been working and went to Duke and

it seemed like a good thing to do. And my father—we went to the bank, I remember borrowing two or three hundred dollars—he sent me twenty-five bucks a month. And they were straining to get me, and I was working to get through. I don't think the politics of what was going on was, I think my, ideally we were so grateful to be here that generally everything seemed like it was very positive to be in this country. I was the first person of my generation to go to college. My parents were very proud of that. So, I suspect in many ways… Israel, this country was very supportive of Israel. So, I just think probably in our eyes, it might be a stretch to say the country could do no wrong, but pretty close to it. And that we were ready pretty much to accept the way things were going and felt pretty good about it. I mean I think we felt, I'm sure my parents felt, my dad, that we had come a long way. He was working hard, his son was going to college, his younger brother was doing well in school. I don't think the politics… my father read the paper religiously. He was a very educated person and he had very strong views of his own about, he was very much of an anti-Communist. He did not, he always preached that Communism wouldn't work, that you couldn't expect it to and that he thought it was a very repressive system, not only for religion, but for human beings, he thought Communism was terrible. And, I mean he didn't get out on the street corners, but… he wasn't himself involved in any politics at home. He voted, he had very strong views, but as I say, he was very much of a private person. And I think the way in many small, southern towns, politics isn't top of the agenda normally. I mean you lead a pretty insulated, very provincial sort of life. Unless you are… especially if you are in a working-class family. So I don't think I was very politically astute. I mean, and as I say, I didn't have the first thought about any problem about joining the ROTC. I guess I might have thought it was a good thing to do, as far as trying to serve the country, you'd get tuition, be able to contribute a little bit.

Q: Did you have, so you joined the Air Force in 1954?

A: Let's see, I graduated from Duke in '53, so I was in the ROTC the last two years, I think. '51, 1950-51. There were several of my fraternity brothers who were in as well. It was also a way to be an officer and not to be drafted, not to be an enlisted person. But, and we had a summer camp in Tyndall Air Force Base in 1950, I guess, or '51. So we graduated in '53.

Q: The reason I'm asking is I'm interested in your awareness of the Civil Rights movement developments and whether you were aware of or particularly interested in what went on with Brown versus the Board of Education.

A: Well, it was 1954, which is when I… 1954, I was in navigation school in Texas and I think clearly I must have known about it. I mean it was a big event in 1954. But you know, it wasn't anything that touched me overnight. And I think Houston, Texas was still pretty much a segregated town. I think over the years that I was in the Air Force, from '54 to '57, and I told you about the incident with Abe Jenkins. That was really early, actually when you think about it. That incident on the train was 1956. And I think the Interstate Commerce Commission eliminated that practice, and stopped the segregation in the train, at least by direction, sometime in the next two or three years. And things were just starting really to bubble. Because I joined the Civil Rights Division in 1962. The Montgomery Freedom Rides, the bus, those things had just taken, they were in 1960, I think, and '61, maybe even the beginning of '59. But when I went, let's see, I went to law school and my law school years were '59 to '62. I came out of the

service in '57, then I went to work for the Rohm and Haas Company in Philadelphia as a technical representative for a year and a half. And I traveled Pennsylvania, New York and Northeastern states, selling, basically selling chemicals, but doing technical sales work, which involves developing, having some knowledge of chemistry, developing some product, I called on some pharmaceutical companies. Which among others, water softening, the chemicals in water softener. Rohm and Haas manufactured something called Amberlite® resins, which when they're in very microscopic size, filter water and make hard water soft. And you pour water, salt water in to get the hard water, get the calcium off. And those same resins make a film and when you, when you put them in water and let the water dry up you've got clear floor polishes. And if you let the chemical polymers get thicker you get all the way, you all of a sudden you have plexi-glass. But I worked at the Rohm and Haas during 1958 and took the law school test. So I entered law school in 1959. And we had, one of my classmates is now, who's now the Chancellor of North Carolina Central, was an African-American named Julius Chambers, who became a very prominent civil rights lawyer. Really brilliant young man, who became, was actually first in our class. He was the editor-in-chief of the Law Review[13]. And we were good friends, and so the years we were in law school, I think those '59 to '62, were the first… I think we had three or four African-Americans in our class. It had all… the first in North Carolina, that barrier had been broken to some extent. But it was going on, and the Freedom Rides were happening and I think we were all conscious of what was going on. And Julius was just an exemplary young man, and did a wonderful, was a great model. Worked terribly hard. We were, there were a few of us who were good friends, who were friends with him. There was still… I don't know that it was open hostility, because he was such a quiet guy, and who was always first in his class, so there wasn't, I don't think there was a lot of hostility directed towards him, as such, except the racial. I mean, people, student body from, law school students are pretty conservative anyway, but the students from eastern North Carolina, who were from the segregated, the Black Belt of North Carolina, were certainly still not, I think, as a group, sympathetic to having the law school desegregated. We never had any particularly violent, any incidents while I was there. But anyway, I think that period, it wasn't so much when I was selling chemicals, I mean I was, really had, I think I was just… law school might have been in the back of my mind, but in the Northeast, things were not as clear. And I was focused on my work and being single and living in Philadelphia and having a good time when I wasn't working. And it was not a major kind of issue for me. It was nothing I spent my time on before I went to law school. And I think law school made you aware of that, especially in the context of my experience in the military, that the South… that we had to do… you know, that things would have to change in the South. They ought to change in the South, because if you were from places like Gastonia, where I grew up or you liked your hometown, and you liked being a Southerner and you saw the good things that the South had to offer, that this racial situation had to change. It might have to be forced to make those changes. But I think I began to think about trying to do something, use, having the law, using the law to help do that. I don't know that it was all very clear when I first started in law school. Because I really wasn't sure… I decided to go to law school only… it probably, that may have been in the back of my mind, but I think once I had been selling chemicals for a year, it just wasn't terribly fulfilling. Or if you're a good salesperson if you like to sell and you like people and can sell anytime. You can always sell one

[13] Julius LeVonne Chambers, 1936--. Lawyer and civil rights activist, first African-American editor-in-chief of the *North Carolina Law Review*.

product or another. I still had the G.I. Bill available and just decided that I thought that there might be a good opportunity to use my head before I let my brain shrink. And so it was all those sort of things together. I think that Julius and the… I think that being in law school and remembering my experiences in the Service probably had a lot to do, it just sort of came together as a way of having me ultimately decide that… I mean when I first went to law school I didn't even know if I could get through law school because it was such a big change.

Q: Why did you choose law school in particular?

A: I think I wanted to, well, I wanted to use my head in a… more of an intellectual capacity. And I thought that, and I liked… I don't know if I took a bunch of interest tests. I wasn't so sure. I was doing fine in this sales work. And I was about to be moved to New York City to take up where, a big area, Long Island, New York, where another representative was getting ready to retire. You know, I wish I could say, well I wanted to go to law school so I could help, so I could go to work for the Civil Rights Division of the Department of Justice. But I don't think that was quite the way it was. I think I wanted to go to law school because it seemed like a good way to… it would be a good skill to have. It would be a challenge to become a lawyer. I think I knew enough to know, I knew enough that the legal system was a logical way of thinking. A lot of people who are mathematicians or who have scientific backgrounds seem to like that. I had some interest in… I say at one point I thought about even being a rabbi. And in terms of interests it just seemed to fit with my general outlook on a good way to use the G.I. Bill and to go back to North Carolina and go to school. It does sound kind of… I was making, I think when I first went to, it was a period of time when a lot of veterans were back in school. And there was in fact sitting, this nice educational package to do something with, for a few years if you had something in your mind. If you could afford it. If you could use it. It wouldn't pay for everything, but… So it seemed to me, I was single. It was kind of like… I don't know why my sister decided to go to law school after twenty years as an architect. I mean it was just, I think it was something like that. It might be nice to change, do something different. I could always sell chemicals. I don't think it had anything necessarily to do with my Jewishness or the Holocaust. It just was, I think I decided, I mean sales people spend their time going from, if you're traveling, whether it's chemicals or something else, going from one large corporation to another, sitting in somebody's waiting room until they're ready to see you, having, maybe going, having a big lunch, but having an hour or two discuss talking about your product and their product and how they might use it and why they aren't buying as much as they ought to or whether, all the things about your product that are better than the competition's. And then you go on to someplace else. And you might stay in nice hotels and eat nice big, eat lots of steaks, looking back on it. But it isn't particularly challenging and it's not, and you also do not become, you don't have a community. I think that was one of the things that bothered me too, in Philadelphia when I was thinking back about it. I remember it bothered me back then to some extent, although I wasn't as conscious of that as I am now. And that is that the people who I worked with, the executives, worked in Philadelphia, but they all lived in suburbia and suburban communities. And so they were not at all concerned about the inner city of Philadelphia. It was not their community. And so I, which I think, in many of our urban areas gave really rise to the decay, to having those communities go downhill, until you found some rebirth in those communities. And that's what's nice, of course, about small towns, which is what I prefer anyway. But, and so I think I was not particularly happy with that way of life, living down, in my sales job. I think I was looking for

something else to do and hadn't really… I had not, there didn't seem to be anything I had a real burning desire to do. And going back to school seemed like something I wanted to do, but I wasn't sure, probably. I didn't want to get a Master's in chemistry. I didn't think I wanted to spend my life… I spent three months in a research lab. That particular organization that I worked for was a, you know, they were an excellent company. They were very… and before you even became a sales representative, you were in the labs for three months, working on products with their own laboratory people. So, you got a sense of what that life is like and what they can do and the sort of support they can give, and so if you're throwing out theories about what might be possible with your product, somebody there could, would be available and that sort of thing. I think all of that just sort of moved, it just seemed like a good decision. And after all, since when I went to, if it didn't work out after a year or it didn't work out, I could always do something else. I didn't have a family attached to me. But I know, I'm sure, I think that I remember the first couple of months here in law school I wondered what am I doing here. I was not making any money anymore. (Laughing.) And just to have the G.I. Bill and a little savings. Actually I was in the Air Force Reserve. I was in the Air Force Reserve when I was working for Rohm and Haas in Delaware. I went down there on weekends once a month. And I suppose that's a comment on… I think, I'm trying to remember whether, I think I had essentially met my obligation. There was a little money there, but I was interested in maintaining that proficiency. And was not sort of, you know, kissing the military good bye. And I belonged to an Air Force Reserve organization in Delaware. And kept on flying for a year or two. And then when I came back to law school, when I came to law school, I continued. And in part it was an income. At that point it was really partly income and I was a dormitory daddy when I was in law school, keeping, had all of… related to a lot of the Kentucky stuff. But I was the dormitory daddy I call it, for all the football players at the University of North Carolina. There are a lot of them and they had a dorm full of players. And some of them were veterans as well, who were going back to school. At least two of those years. So, I think all of that sort of combined to see how it would to go. And then I …

End of Tape 4, Side A

Tape 4, Side B

Q: This is tape number four, side B.

A: But the… in law school, when you start your very first class, it often assumes you've already had several, all the other classes. All of law is basically so interrelated and the principles that you apply in one course often come… are related to something in another course. So in a sense it doesn't all come together till you're finished. And then you… I told my sister when she started studying for the Bar, as much as I did not like taking the Bar and studying for the Bar, the Bar Review for the first time sort of brings all that stuff together. They don't have a comprehensive. I mean I don't know why, law school easily could have a comprehensive exam like Ph.D. exams, and then you're a lawyer. Been a lot of debate about that, but it never has come about. So, I'm sure I, like many other students, felt pretty lost the first couple of months. And say why did I leave a nice good paying job in Philadelphia and come back down here and go to law school? But I stuck it out and I actually got to, as I think other law students do, towards, I got to, I got to, enjoy may be the wrong word. But by my last year when we were doing seminars and more research and writing stuff, I enjoyed my being there. And started to see, I think, how I, that I could, that it would be very challenging to be involved in the Civil Rights struggle through the legal, using the law. I wasn't so sure yet. I still interviewed some firms in Atlanta. It was out here, and you see the United States doing these things. There were firms in the South that were doing some civil rights litigation. And actually when I interviewed with the Honors program for the Department of Justice, I don't know how this… as I said, I first went to the Anti-Trust Division, and I can't, don't know that I chose the Anti-Trust Division or chose the Civil Rights Division. When I got to Washington and they put me in the Anti-Trust Division I asked to go to the Civil Rights Division. And tried to get an interview with… I think the Civil Rights Division was almost impossible to get into, because there were only… they only had about eight lawyers that were doing civil rights work. And one of them was John Doar[14], and he was Assistant Attorney General and you couldn't get a job there unless he saw you and he decided he was going to hire you. And he was in the South most of the time. And it was very hard to get in the door. And it was not a really favored section in the Department. It was so small because Congress didn't appropriate a lot of money yet. I mean Senator Eastland[15] and the Congress was not yet really committed to putting the full force of the government behind civil rights litigation. So, that's how it just sort of came together. And you know, it was logical in some ways and it made a lot of sense to me. I just don't think I realized as I was going through law school, I mean as I say, I went to Atlanta and interviewed with a couple of firms, with some firms, one of which did a lot of civil rights work. And it was a small firm, and then I came back and I interviewed with the Department of Justice. And then my roommate and I, one of the, a fellow from North Carolina who I had gone through law school with, he had interviewed with the Federal Trade Commission and we ended up going to Washington together and renting an apartment. He was still a bachelor. And that's how I got my job, initially. I was with the Anti-Trust Division probably, maybe a month or two and then I went to work for the Civil Rights Division. And I was very, very pleased to be able to go there.

[14] John Michael Doar, 1921--. Served as First Assistant and then Assistant Attorney General, Civil Rights Division, Department of Justice, from 1960 to 1967.
[15] James Oliver Eastland, 1904-1986. Mississippi Senator in 1941 and from 1943-1978.

Q: And at what point did you realize that you wanted to do civil rights work?

A: Well, I think really… I don't know that in 1959 when I graduated, I mean 1962. That was, Ole Miss was going on. And I think Julius Chambers went to Charlotte, I think we had some very serious discussions about civil rights work. And it was in the papers. And I think I really did, while I was on the campus of UNC. I mean, by that time it was the foremost issue in the country. It was school desegregation, Brown. People were still not complying with Brown[16]. It was the Ross Barnett[17], Ole Miss. It was the summer of Meredith trying to get in[18]. So, and North Carolina wasn't on the forefront of desegregation efforts either. I don't think any of the states were. So I think by the time that I got to Washington, I thought that I would really want to be in the Division if I could get there. I think in my mind I was going to come back to the South to practice law. Or that I would come home at some point to North Carolina where my family was living. And that I felt that what the government was doing was right. And that it would be a great opportunity to be a part of that as a Southerner. I guess you kind of feel like you're helping to improve the place that you live in from a position where you could do some good. I think I was pretty convinced that this was not going to happen entirely voluntarily. And that it would take that kind of activity to do it. Even though those were very, very small steps. The Division was very small and was really… there was Meredith. Most of the work the Division was involved in involved voting rights at the time. There were very few Federal areas where the government had the authority to intervene, besides voting. There was no legislation yet until 1964 where anything could be done about public accommodations or employment. Housing. All of those were yet to come. So John Doar had accepted his position at the end of the Eisenhower Administration. I think he had only been there a couple of years. He was a lawyer from Wisconsin, a plaintiff's lawyer, who was willing to undertake this job. And then when the Kennedys came in he was in the South, in Louisiana working. Normally they might have appointed… Doar was a Republican. And I think Bobby Kennedy read one of his affidavits he had filed or was looking at one of the cases that he was involved in and was so impressed, he interviewed him and asked him if he would stay on as First Assistant, when Burke Marshall became the Assistant Attorney General[19]. And he said he would, so he was the boss, that I interviewed with. And I think he was also somewhat attracted to the fact that I was from the South. I was also a little older and was a veteran and had done well, so he took a chance.

Q: Was it hard to get an interview with him?

A: Yeah, it was.

Q: How did you manage it?

A: I mean you just had to bang on his, you had to keep coming down. But he was traveling so much and I don't know whether it was part of his system. I mean it was a very small, and some people

[16] Brown v. Board of Education: 1954 US Supreme Court decision requiring the desegregation of schools across America.
[17] Ross Barnett, 1898-1987. Democratic Governor of Mississippi, 1960-64. Opposed integration of University of Mississippi ("Ole Miss") by James Meredith in 1962.
[18] James Meredith, 1933--. Became first black student at University of Mississippi in 1962.
[19] Burke Marshall: Assistant Attorney General, US Department of Justice, Civil Rights Division, from 1961-1964.

would say a little bit of an elite group of people. There were several people who had worked in the Division for a long time, who had been in the Department of Justice and the civil rights area, the government had not been very active. We also had authority in police brutality cases already, but I think generally it was not an area, it was an area where the United States attorneys who were in the various states pretty well controlled. It was seen as something that the government was not doing much about. Mistreatment of blacks in the South by police officers. The U.S. attorneys were in charge of that, and many of them were from those areas and they were just not going to do very much about it. I mean the discrimination and segregation was very blatant. In many of the southern counties, there was… I mean Governor Barnett and Wallace[20] just defied the government, said we're not going to let blacks in these universities, right. And that was the way the voting thing was all over the South at the time. You could not, blacks couldn't vote. If they went up to try and register they'd lose their jobs or their lives. So, it was very, and there were very few resources that were being devoted to doing anything about it, until the Kennedy Administration. And I suppose the President was still, in retrospect, was somewhat criticized. But when Bobby Kennedy came in, I mean there were only, this was a very small, still a very small division. And it started growing, very small, in small numbers budgetarily. But John Doar's idea and I think Burke Marshall's was to do one step at a time. And we were in Southern courtrooms with Southern judges and even Federal judges were oftentimes from a background, from segregated communities and were not willing to step out and enforce the law. So, when we first started we lost many of those cases, until they were appealed… our job was to… and generally the FBI in many of those communities was not sympathetic. The FBI wanted to, they wanted to go out and solve bank robberies. What we wanted them to do was to come with us to a courthouse and stand there all day with a microfilm machine and photograph voting records, which we would then take back to Washington, and we would spend days and nights analyzing those records. We would, because the FBI was also, most of those people from that area, they weren't very good about interviewing in the black community. Probably were not sympathetic to having those people register to vote. So, we, John developed the notion—which sounds very sensible, but had not happened—of basically going into these communities and identifying the black leaders either through the NAACP[21] or they'd go in a funeral home or they'd make a complaint, or one or two people that, do you know this person, and who else, and we would meet with those people and find out that yes, Arwen Donahue tried to register to vote ten years ago or somebody went up to the courthouse and did try to register to vote a couple of years back. Her name or his name, and every once in a while you'd find out that they might have let one or two people register. The guy who owned the local funeral home or somebody who was well-known in the community, that the white business community was aware of and that the registrar was aware of. But they would either not let them vote or register at all, because they would lose their jobs. This job that John Doar, this case John was working on, that Kennedy had read, involved a fellow named Atlas[22] in Louisiana, who was a farmer, who raised cotton himself. He had a small farm. He went up to register to vote and they found out, and they wouldn't let him. But beyond that the local ginners then refused to gin his cotton. He went to a number of places, they simply, they refused, they just would not gin his cotton. So, he went to Federal court to try to order them to gin his… to stop interfering with his right to vote. And that was how that began. But then John, I think, was up in Haywood and some of the Tennessee counties, and wherever people

[20] George Wallace, 1919-1998: Four-time Alabama Governor (1962, 1970, 1974, 1982).
[21] National Association for the Advancement of Colored People
[22] Charles Atlas

started writing from, we would get some complaints. And so we would go to the communities and find out who tried to register and get those names. And especially if they were able to fill out a form. And what these Southern counties, what was going on was they were administering a literacy test. And basically using a literacy test to deny black applicants. Teachers, people who wrote very articulate constitutional sections and they would give blacks very difficult sections to interpret, which you and I might not be able to interpret at all. Or if they gave them an easier section they would turn them down. And at the same time they were registering whites who were illiterate, essentially illiterate, and who wrote, and/or who wrote very incomprehensible answers that didn't make any sense. It didn't matter what they wrote basically. And so I've got notebooks. And we would then go back, find the records of those persons, and go to court and ask the black registrant applicant to testify, and they would prove, could prove their literacy. "Yes, I'm a teacher, I've been a teacher for ten or fifteen years. I have a Master's from Tougaloo College." And then we would have also found the registration forms of those whites who either looked as though they couldn't write or maybe even in some cases there were even x's. And ask that person, and would have the FBI go out and see the white persons and ask to show them their form and ask them to read, when they couldn't. And so we would subpoena them to court, and they would show that they couldn't read or that they were just given help. They could testify, "Yes I came up and I registered. I wrote my name." "What about a constitutional section?" "Well, he told me to copy this and write it down." That kind of thing. And so we gradually were able to get the courts to adopt a theory that if you, that they have to register blacks on the same basis they registered the least qualified white person. I don't know that in those early cases, it wasn't to register illiterates, because the courts didn't want to register people who were just illiterate. But if you could write, if they were accepting someone who could only write their name or who could understand a very basic sentence, that that would be applied across the board. But that took several years, because the courts were unwilling. They would find some excuses. Or they would say "We'll register the five, we've got to register those five people who testified. I believe that's true of them, but you don't have any others here. Who else do you have?" Well, we might not… there weren't any others because they were afraid to go, even though there might have been more blacks living in the county than whites. But all the whites were registered and very few blacks. And that goes back to reconstruction and the development of the literacy test and the poll test, tax. So, we spent our first, I spent the first few years in those kinds of cases. And as we got more lawyers, and as we did those cases, the Greenwood… that was also the period of time when there was more, there was more action by SNCC and CORE. And you know, in 1964 you had the killing of the three civil rights workers around that very thing. They were holding voting rights meetings in Neshoba County, Mississippi.

Q: How did that work? If there were eight civil rights lawyers in the Department and then you had John Doar, who was going down into the center of things and networking with the leaders? Would you go along with Doar on selected cases and other lawyers on other cases? Or how did it actually, what did you do?

A: Well, we basically, we were essentially split up geographically. We had a Mississippi section and an Alabama section and a Louisiana section. And I think when I came there were like four lawyers in each of those states, it might have been a few more. I shared an office with a fellow

named Gerald Stern[23], who was from Memphis and I think there were actually… for a while, and then there were three or four of us and Gerry eventually went to a large law firm. Anyway, he, we would be, we four would basically be assigned two or three counties and we would go down ourselves. It was John, it was, the first few cases he tried by, he was the lawyer in the courtroom, and supervised the preparation of the cases, and did much of the courtroom work. And as time went on, it was a real learning time, we did all of the spade work. And we had a team of us, there were, John would have one lawyer inside the courtroom with him and one or two of us would be outside. And we would do the interviews of the witnesses. And we did all this document preparation, I mean there would be several, even had a footlocker full of voting rights records. Very much like doing an anti-trust case. I mean it was all of their records and our witnesses together proved this case of discrimination. But like, I was assigned to Green… to LeFlore County, Mississippi. So, I spent a great deal, I mean John couldn't learn everybody, all over the South. I spent a lot of time in Greenwood, Mississippi. Met all of the leaders in the community. And there were a lot of voting marches in 1963. And they arrested a lot of, there were a lot of arrests. And I went into the jail and interviewed a lot of the people who had been arrested. And then we filed a suit to get them out of jail. There were a lot of discussions between the lawyers for LeFlore and Greenwood and me and some… John would call in, but at one point… and then the longer we were there the more responsibility we had. Then as time went on the number of lawyers went from eight to sixteen to thirty. And obviously he couldn't take all the cases, so at that point I started, we were the lead trial lawyers ourselves. But I, and at one point I had four of those cases going at once in Greenwood, Mississippi. A case involving, there were voting rights cases. And then in 1964, that summer they, when the Public Accommodations Act came in, there were two theaters in Greenwood, the Paramount and the LeFlore. The LeFlore was part of a chain out of Louisiana. There was a fellow named Marchand, who was the manager. And the chain decided they would comply with the civil rights laws and they were going to let blacks go to the movies, because they had always been upstairs. And the Paramount said no, they weren't going to let them in, they were going to challenge the law. So, when the LeFlore said they would then some blacks went into the movie. They were beaten and were ejected essentially. And the police stood by. And so we filed a case in Federal court to require the police to start giving them protection and to stop this interfering and to sort of guarantee the safety of the blacks who would go to the movies. And then also at the same time we filed a case to stop the Paramount from refusing to admit blacks. Then we had, let's see, then there was another case. Greenwood is where Byron de la Beckwith, he's the one who killed, shot Medgar Evers[24]. The lawyer who was in one of these cases represented Beckwith. There was an earlier case involving a voting rights march, I spent a lot of time… there was a little community outside of Greenwood named, called Itta Bena, Mississippi. It is a very small farming community that's all the Delta, cotton country. And the black section of that town was called Balance Due, sort of the story of their lives, right? And they had a voting rights, they were all at a meeting in a church one night. They were at a rally, a voting rights rally. And there was singing, and people were…in 1964. And someone threw a smoke bomb into the church.

[23] Gerald Stern: Hired to Civil Rights Division under Burke Marshall in 1961.
[24] Byron de la Beckwith (1921-2001) assassinated civil rights leader Medgar Evers on June 12, 1963 in Jackson, Mississippi. Beckwith died in prison of heart problems while his case was still being appealed.

Q: Was this where Vernon Dahmer[25] was from?

A: No, Dahmer was from Meridian, Hattiesburg, Mississippi. We were involved in that case. Jean worked on that case. In fact I have a painting, if you come by the house we got off of, we bought at a restaurant in Meridian. But we worked, I worked on Dahmer some. I would work on the three civil rights workers case for quite a time. Anyway this voting rights thing. They arrested, so they decided to march up to the deputy sheriff's house to complain about this interference. And there were about sixty or seventy of these folks. And it was night time. And the next thing you know, they arrested them all, and took them all to jail, from like fifteen year olds to seventy year olds. There were a couple of very old people, several old people. And the next morning they tried them in groups of four for disturbing the peace. And I sat through those trials. He sent them all, he convicted them in groups. They didn't have any lawyers and so he convicted them all in groups for disturbing the peace. And they sent them to the state penitentiary. And so, we filed a court action to try to get them out. And it was called the United States against LeFlore County. And I worked on, I went to that penitentiary every day for a couple of weeks to interview people. It was a very long delayed proceeding. And actually the Federal judge said that we should have, that he would not interfere with this arrest because it was a state law matter, this disturbing the peace. So, we eventually got the National Council of Churches to put up enough bond to get most of them… they did let some of the older people out in a few days. But it was a horrendous thing. I've forgotten the name of this Justice of the Peace. It will come, I could remember it. But I remember going to the penitentiary every day. The guy's name was Arterberry, the warden. He had this huge Great Dane that I did not like at all. But it was sort of the climate, you know, here they are, they arrest all these… they really weren't doing anything. They were complaining about this smoke bomb. So we brought this action complaining about their interfering with their right to vote. It was not really the most successful thing we had ever done. I think we should have won the case, but we didn't. And we did eventually get them out of jail with the help of the Kentucky Council of Churches, I mean the National Council of Churches. That was probably '63, I guess. The LeFlore theater cases, which we eventually won, I felt really… this man, Marchand, had worked for this theater chain all his life. And they really just… as the result of his doing what his bosses told him to do, they just ostracized that man in the community. I mean they thought it was like he was the one who was responsible for everything, for having done this. That he should have quit the job or said, "We're not doing it here. Whites are going to quit going to the theater." He was this nice man, who had lived there all of his life. His whole life was the movie theater and people coming to the movies, and everybody knew him and liked him. And his life was decimated over that incident. Greenwood was a very, you know there was a lot of civil rights activity all summer long there.

Q: Can you name some of the leaders who you worked with?

A: Well you know, that was, you know the SNCC headquarters was there and Stokely Carmichael[26] and Bob Moses[27], who's now up in Boston, I understand. And I've been meaning to try to

[25] Vernon Dahmer, 1908-1966. Born in Forrest County, Mississippi; businessman and community leader. Served several terms as president of the Forrest County chapter of the NAACP. Led voter registration drives in the 1960s. In 1966, his home was firebombed, and Dahmer was killed. In 1998, KKK leader Sam Bowers was convicted of the killing and sentenced to life in prison.

contact him because he's developed a system for teaching math to inner city kids and algebra, apparently, that is very successful. That's, it totally changed, in changing his life. I spent some time with Medgar Evers[28], not much. He was in, he wasn't in LeFlore County, but I had met him. And after he was killed… I had actually been to his house not too long before that. There was a recent issue in a magazine of The Washington Post, which the writer had sent to me. And there was a fellow named Willie McGee, who was either on the cover or on the inside section of that… I mean I guess there was a young woman named June Johnson. Fannie Lou Hamer was in Sunflower County[29]. I don't know if you ever saw that, but there is a one woman play about the life of Fannie Lou Hamer. She's a woman who grew up on a farm and became a real strong voting rights activist. And one of the first cases I ever worked on involved a situation where Fannie Lou Hamer and June Johnson and a beautiful woman named Annelle Ponder. June was then about fifteen or sixteen, I think. And there was another young man. They had been to a voting rights workshop in Atlanta and they were coming home to, well they were coming home. Annelle was coming back with them, because she lived in Atlanta, but Ms. Hamer was over in Sunflower County and June Johnson was in Greenwood. And the bus stopped in Winona, Mississippi which had a bus station. Winona is in Alabusha County[30]. Anyway it was on the main road south and they got off the bus and wanted to get a Coke. And went into the restaurant, which had… and they called the, the restaurant owners called the police and the local police came and arrested them off the bus. Came and arrested them and took them to jail and beat them, and… in the jail. Couple of officers beat them. And they then, eventually they let them go.

End of Tape 4, Side B

[26] Stokely Carmichael, also known as Kwame Ture, 1941-1998. Civil rights leader who coined term "black power," which became a rallying cry for blacks frustrated with the movement's innefectiveness under the integrationist mandate of such leaders as Rev. Martin Luther King, Jr.
[27] Bob Moses, 1935--. Civil rights leader who led campain to register Mississippi blacks to vote. Later, became involved in education reform.
[28] Medgar Evers, 1925-1963. Civil rights activist; as Mississippi's first field secretary for the NAACP, instrumental in desegregation of Ole Miss.
[29] Fannie Lou Hamer, 1917-1977. Civil rights activist.
[30] Winona is actually in Montgomery County, Mississippi.

Tape 5, Side A

Q: This is tape number five, side A of an interview with John Rosenberg. You filed a police brutality case?

A: Yeah, against those police officers. And one of the… it was difficult to prove who did the beating, or that there was, other than from the blacks having said they were beaten. They beat, actually beat, Mrs. Hamer had a hip injury. She had worked in the cotton fields for some reason and they even, she was on a bunk and they hit her. But the FBI had not found any witnesses and we knew there was a trusty in the jail, who was actually a black man, who played a guitar and who was sort of in and out of that jail because he drank. But we knew he was there a lot. And they said they could not locate him, as was the case often. And I remember that I found him, finally through talking to members in the black community, I learned where he lived. And I eventually went out to see him and it happened to be on the day President Kennedy was killed in 1963. It was raining like cats and dogs and I was still in the local hotel. And I went out to find and I found the trusty, this trusty. And he identified the officers from the pictures I had. And then he told me that he had, that after they had beaten these young black, well they were really quite… men and women, that Mrs. Hamer, I guess, was on a cot then. That after they were through and put them back in their cells, they told him to mop the blood off the floor, which he did. And he testified to that, to his everlasting credit. But the jury was an all-white jury and they acquitted them on a Friday afternoon in a very short period of time. The jury went out, the fellow who put the case on was named St. John Barrett, who was the Second Assistant of the Civil Rights Division, who is a good friend of mine[31]. And it was, we did have the U.S. Attorney, H.M. Ray, at the table, which was something new. He was at least there. He was a presence. But the government had not yet begun a policy of challenging juries there, so there was an acquittal. And I then had to… I drove over to Sunflower County to see Mrs. Hamer afterwards, I think. I don't know if they were still there during the acquittal. I always feel badly and I think St. John Barrett, whose nickname is "Slim," who is still practicing law, never really forget that acquittal of that really horrible action. You know, it was just very blatant and such a commentary on the way things still were in 1963. You couldn't get a white jury, even in a Federal court, to convict on that set of facts. But we had brought the case, and that was only a year, well it was a few years later, of course, that the civil rights worker trial went off. And that was an all-white jury, too.

Q: Do you remember, before you go on to that, how Mrs. Hamer was afterwards when you visited her?

A: Well, she was a very remarkable woman, I thought. And I read an autobiography about her not too long ago. She grew up on a farm and was not a very well-educated person, but she was a very, became a very fiery person, and spoke at the Democratic National Convention. I mean I think she was very disappointed. I think there was a lot of criticism by the activist blacks at the time, not just in this case, about why the government wasn't doing more. And so I think she sort of took this loss as one of many losses along the way. There was a voting rights case in Sunflower County…you know, we were lawyers who spent a lot of time in the community, but we would go back to Washington. And one of the demands that was never met and probably

[31] St. John Barrett served in the Civil Rights Division from 1957-1967.

rightly so, was the blacks wanted more protections. They wanted federal marshals when they went to register. And they wanted more lawyers, and Congress wasn't going to do that. And there was still the question of how much, what do the states do and what the federal government does and the evolving law. And I think SNCC, we, oftentimes those of us who were there in our coats and ties and with our federal ID badges, some of the more activist people thought we were just sort of window dressing. And you know, it was not the same as direct action. And eventually I think Martin Luther King certainly demonstrated that marching and non-violence was the key to success. That mobilizing blacks themselves, in the march in Selma… I mean I think all of these things that were going on were part of the big picture. I think the Division had a very prominent role, a very pronounced role that isn't always recognized. Not just because I was there, because I think we demonstrated that the court, that using the court system was extremely slow and wasn't going to answer this… that we could win one little case at a time, but, and that was doing some good. And we were starting to… that that was helping. And it also gave blacks some confidence to win. But for the broader picture to change, we also helped write the Voting Rights Act of 1965. That Congress… you had to do more than that. And I think the civil rights, I think in a lot of these struggles, things like whether it's the Wall coming down or whatever it is, someone, it always seems to take an incident like the civil rights workers' death[32] to wake people up, unfortunately. I mean it's, there are mining disasters that cause the mine safety laws to come in. The three… the publicity in Selma, in Birmingham with the water hoses. It all, I think, helped mobilize the country to change things. We started, I mean I think the conviction of the civil rights workers in 1964, which took a great deal of help by this all-white jury in Mississippi and by, where you had a presiding federal judge, who was clearly a segregationist: Senator Eastland's roommate, Judge Cox[33]. I think he said, "This is enough, and he's going to have a fair trial." And that was a little step along the way. It took a great deal of work.

Q: I have a couple of questions. When you were talking about the case that you worked on in which Fannie Lou Hamer and June Jordan [sic] and the others were beaten in jail. Your exact role in that was, were you the only lawyer working on that?

A: I was the, really the investigating lawyer. I hadn't been in the Division that long and so I was, I guess you would call, that's what you would call it. I spent the time in the field and interviewed these folks and got the case pretty much ready for trial. And St. John Barrett was the trial lawyer and I assisted him with putting it on and was in the courtroom. I didn't, I don't think I examined any of the witnesses in that case. But being in Mississippi I sort of would have written the request for investigation by the FBI with John. And I went down and was the contact, and interviewed all these people who were eventually to testify and others in the community. And sort of put the case together. I mean that was the way we normally did all those cases. Over time that's also how we learned who the people were in the black community. I mean we did

[32] In 1964 three civil rights workers were murdered by members of the KKK in Neshoba county, Mississippi. The case infamously became known as the Mississippi Burning trial, which began in 1967. Chief Prosecutor John Doar succeeded in securing convictions for seven of the eighteen defendants; none spent more than ten years in prison.
[33] William Harold Cox (1901-1988), federal district judge who presided over Mississippi Burning trial. An ardent segregationist, Cox was appointed to federal bench by President Kennedy to appease Eastland, Cox's former college roommate.

have very good contacts all over the state, in all these counties where we worked. And I think that was very helpful.

Q: Did you spend time with them socially?

A: Oh, I probably had, I had quite a few meals in various, you know, they were like country people everywhere. We did not go out together. I went to a lot of church… meetings in churches. Did a lot of observing also, I mean sometimes when there were marches… I've got some photos I can show you that I still have from, like from Louisiana. I spent a summer in Bogalusa, where the Klan had been taking a lot of action, was upset because, initially because a relatively moderate congressman had been invited to come to speak: Brooks Hays[34]. And the Klan rallied. And they threatened to boycott stores that were going to sell to blacks. And there were a number of civil rights marches during the summer, that summer with James Farmer and others[35]. And I was, spent the summer there, basically observing marches, interviewing people and getting the facts together for an action that we were, eventually filed against the Klan in federal court to get an injunction against them from doing, interfering any further. Again it was tied to voting and to public accommodations and employment. So in many of these cases in those earlier years I had a… my immediate boss was a fellow named Bob Owen, who was from Texas and who passed away a few years ago[36]. He was involved in some of those trials. He was in charge of Mississippi. There was somebody in charge of Mississippi, somebody in charge of Alabama and somebody… Bob had gone to the University of Texas Law School. He had gone to Princeton. He grew up on a farm also, in Texas. Wonderful man. So, essentially in those early years, the FBI had not been very effective. Things really changed after the civil rights workers incident. After that, they moved a lot of agents from other parts of the country to Mississippi and Alabama and began to use agents who did not live and grow up in those areas to investigate civil rights matters. Is that… I can't remember what the question was. I think I'm a little punchy, from this four o'clock in the morning thing.

Q: (Laughing.) I was asking you about your role in the, in that particular trial. I'm not sure if I asked you a question after that or not.

A: Oh, you asked me about, yeah, about the June Johnson, the case in Winona. That was the way we generally did our… and the bigger cases like this three civil rights workers case, there were many of us who…

Q: The Neshoba County…

A: The Neshoba County case, there were a number of us who did investigative work, both in the black community… we had a lot of FBI agents. And initially the Bureau reports turned up a lot of other examples of police brutality. And when we convened the first grand jury, there were some indictments about other cases, not involving the three civil rights workers, because there was not yet any clear confession to who had done that or what had happened. The grand jury,

[34] Lawrence Brooks Hays, 1898-1981. Representative from Arkansas 1943-1959. Special Assistant to President of the U.S. from 1961-1964.
[35] James Farmer, 1920-1999. Civil rights leader and advocate for non-violent social action.
[36] Bob Owen, 1930-1981. Served in the Civil Rights Division from 1958 to 1969.

that one or the second one… I was in, it was sitting in Oxford and I was interviewing people and putting them on a plane from Jackson to Oxford to the grand, where they were testifying. We did a lot of, but our, we as lawyers did a lot of investigative work, especially in the black community, because the level of trust was a lot bigger. Because the whites… the Bureau in those earlier days was not, made it pretty plain, I think, that they were not sympathetic to the civil rights struggle, or some of them did. Others were, the one in Meridian, the FBI agent in Meridian, Mississippi was actually a very fine man, who was very much involved in that investigation from the beginning.

Q: What was his name?

A: Well, I don't remember his name right now. I mean it's in my notes somewhere. And there was a television movie made about it, which was pretty accurate, which put him in the correct light. The Mississippi Burning, which so many people have seen, which was sort of a fictionalized account and always said it didn't attempt to be accurate. When I have given these talks from time to time and they always say, "What happened? Is this the way it was?" And it wasn't, I don't think that was really the way the FBI normally acted. I thought that the picture depicted the hostility of whites quite well at the time. But my role in that, besides investigating, I spent about a month trying to put together, putting together a notebook on the background of the jurors. You know, the jury list was like sixty or seventy people we knew from which the eleven jurors would be chosen.

Q: Are you talking about the Neshoba County case?

A: Yeah, in fact Jean and I had just gotten married and we came back from our honeymoon. And it was right before the trial of this case and so I, I said I really want to go. So I did. And that's what I spent the month doing before the trial, interviewing. Today they have all these very fancy jury experts. They even practice trials in front of a jury to see how a practice jury would do things, especially in the civil cases, not so much the criminal cases. And then I spent a lot of… so I did that.

Q: I'm curious about, when you talk about interviewing the jurors. How did you, what did you do? Did you take notes? What was your method?

A: Well, you wouldn't go see the juror. You'd go see people you trusted who might know the jurors. "Do you know, who is this person? Who are they related to? How long have they lived here? How would you expect them to, would you expect them to be fair? Have you, are they a member of the citizens' council? Who do they employ?" Many of those forms, I mean today if you go, if you're going to be selected for jury duty, you fill out a form which gives out a fair amount of very basic information that everybody has access to. And… where you work, that kind of thing. This is a way of trying to put together a picture about a juror without contacting the juror directly and trying to be somewhat respectful of the juror and also, not to infringe on anybody's rights, but simply trying to learn as much as you can. Some things are public information. I mean back then those were, systems were just being developed and we had a jury that had some blacks on them. And there were some members of the, say you have to identify in Neshoba County in those communities, from… which was fairly large, the federal jury was from

a larger geographical area. And you make some decisions about paring down these numbers, about which jurors, somebody from Jackson may be from a large metropolitan area and president of this company or that company, that you may not spend as much time on. But I assembled a notebook for John, who was going to try the case, so when he got ready to challenge jurors… you have so many preemptory jurors. I mean suppose, it may not be initially apparent, but from talking to people and identifying folks, you might find that a particular juror is distantly related to somebody, one of the defendants. Or that his daughter is married to somebody's son, who works for… and when the judge says, asks the jury, "Are you related to anyone who is being defended?" Normally if you are, you're not going to be on that jury. Well, if you're not being forthright, if you have some information that gives the lawyer, like John, the opportunity to ask a question about it. And then lawyers have their own hunches about… every trial lawyer has their own… John always said he wouldn't like, didn't want jurors that wore white socks. I don't know why. I'm wearing white socks today. It was a thing, might have come from his accident cases. I don't know if he even lived, whether that was something he really, always… I'm sure that he used my notebook, primarily. But that was… I did some other work, I mean, other investigative work in the case, but I interviewed lots of other people. But that was something I've always been proud of, because we got a conviction. We did get a jury that convicted a number of these people.

Q: That was in 1967. Is that right?

A: Yeah, the case had happened in 1964, but the delay, the defendants challenged the legality of the indictment under federal law. So, the case actually went to the United States Supreme Court on the legal question. This was not a murder conviction. You know, it was a… they were charged with conspiring to deprive the defendants of their civil rights. It's a federal conspiracy charge. There was an issue of whether that was a crime, because it involved private individuals as well as some law enforcement. And the Supreme Court in that case said, yes it was a crime. And so then, all that took time, so it wasn't until 1967 that the trial actually took place. And when I left, one of the last things that I did in 1970 when we left, was to write a brief. They were about to be, they were still trying to prevent them from their arrest. They were still raising legal questions. And I think that… and we were successful in resisting the objections and they finally then took the people who had been convicted – they weren't all convicted – to jail, where they served their time. And I understand that they are today, finally, what is this? 1999? Thirty-two years later they are thinking about charging them with murder, convening a state grand jury finally. As they did in the Beckwith case.[37]

Q: Why didn't they do that at the time?

A: Well, they didn't do it because the state of Mississippi was not going to take any, I think, serious action in racial cases. There were just too much, the officials were unwilling to risk their political life. I mean, people in Mississippi, I think very substantial numbers still thought these were outsiders who had come in to tell them what to do. They were not sympathetic to registering blacks. "They should have stayed home. They had it coming to them." All that kind

[37] In 1999, the state of Mississippi reopened the investigation into the Mississippi Burning case. In 2001, however, one of the key figures in the case, former Neshoba County Deputy Sheriff and Klansman Cecil Price, died of head injuries. Price's death was considered a "tragic blow" to the case.

of sorts of terrible ideas, but it was, but that was… you know, they called it Freedom Summer. They had these workshops, students from all over the country in 1964 were there. And that was why I was in Mississippi when it happened. Some of us happened to be there. I was in Greenwood, I believe when this went on in Neshoba County.

Q: You were in Greenwood during the time of the murder, the disappearance?

A: Right. My friend Frank Schwelb[38], who is now a judge in the D.C. Circuit, was the lawyer, I think, who was actually in Neshoba County, and called John, these sort of things were happening. I don't know that… I don't think that I went over there right away. Because the FBI was out and they were trying to find the bodies. I was involved in some matters in LeFlore County, but I was in Mississippi. All of us were there during the summer in one way or another.

Q: Were you ever personally threatened or did you feel personally threatened, being there?

A: I've been asked that a lot. I really didn't, I think we, because we were Justice Department people and generally people knew who we were. After that I never felt really in danger, particularly after the Neshoba killings, we started always driving together... in Neshoba County, at least, in pairs, being together with another person who was working. Before that we were always, generally, by ourselves.

Q: Were you armed?

A: No. I never carried a weapon. I was in a, in a registrar's office once in Yazoo County, Mississippi. And I was with a team of FBI agents, photographing voting records. And the registrar's name was "Foot" Campbell. While they were photographing records, I went in his office and we were talking about a variety of things and he related to me that he had witnessed some lynchings. And I don't know why… and I wasn't going to try that case, I was just there with the FBI. And he got started talking and then he said, "John, let me show you something." And he pulled this gun out of his drawer and he shot his pistol into the floor in front of me. And I said, "Well, why did you do that?" And he said, "Well I just wanted to show you the gun worked." It was very odd. He shot a big hole in his floor. I think he was a little demented anyway. But it was the only time I know that… and he wasn't aiming at me. But all these agents came in. Everybody heard this terrible noise in this old courthouse and came running in to see what had happened. And he said, "Well I just wanted to show John this gun worked." But I never really was in fear, at least I don't recall. I think we all knew that we were in such a different situation from the people who we were working with. I mean the blacks, who were so vulnerable, who were by themselves, who had to really display such courage just to go register to vote. We met so many wonderful people, these farmers, local citizens, who simply wanted to go register, to exercise their right to vote. I think you were mentioning what we were talking about the other day, how apathetic people are about voting today. It's just quite… when you think about it, I mean I think that always, you just couldn't help but be impressed by these folks, who were, many of them were just hard-working people, who wanted to have the same opportunities or just to have the same right as everyone else. I mean it seems so very simple. I will always remember a fellow named Eskridge. There was a farmer named William Eskridge in Carroll

[38] Frank Schwelb worked with the Civil Rights Division from 1962-1979.

County, Mississippi, who was really a very bright, articulate man, who lived in a farm, worked a farm that he owned, way out, by himself, out in a very isolated part of the county. And they wanted their son to go to, to get a decent education and were willing to enroll him in a white school, a previously all-white school. And we went to court to desegregate the school. One of the earliest cases that the government filed. There had been other school desegregation cases, but the United States didn't have the authority prior to 1964 to initiate school desegregation cases. We could only do voting cases. And we were able to… and whenever I went to see him, which was many, many times, I just always marveled at how isolated they were, and his willingness and his drive, just and his very simple desire to see the son go. We had an expert come in, and the black school was horrible. It was the same picture as it was with the voting thing. They were in this old, rundown building with a pot-bellied stove. I don't remember whether there was running water or not. But it was just an incredible contrast. And actually he, I think he might have been registered. Everybody knew him. Everybody knew him. And he had a very good reputation among the white community and maybe that was why he was not so afraid. I mean he had a very nice personality and he was obviously pretty bright…

End of Tape 5, Side A

Tape 5, Side B

Q: This is tape number five, side B.

A: Well, I just, you know, I think it's something that we saw repeatedly. It's been probably eight or nine years, but a fellow, one of the people who worked… well he didn't work on that case, another lawyer who became a judge, Nick Flannery, worked on that case with me[39]. But one of our friends went by to see him maybe eight or nine years ago. I think he's died now. Did he die recently? Jean and I went to Holmes, went to one of those counties, no, two or three years back and went to see him. He's probably in his eighties now.

Q: This is the father of the child who…?

A: Right. He had afterwards gotten involved in some Mississippi politics for a while and the Freedom Democratic Party. I don't think he ever ran for office. I always thought he should. But there's not much more to that other than… we won, the judge ordered them to allow his child to go, Judge Clayton, to enter that grade. And we sort of stayed in touch with each other for some time afterwards both in connection with that case, and whenever I would drive… and whenever I went to Mississippi after a while you get to know some of these people and if you wanted to learn about what was going on in the community or whether there were some other incidents we ought to be aware of, those were the sort of people who called you.

Q: Did you say his name?

A: It was William Eskridge. I don't know about the son. Did we meet the son who he was in school with? Actually I have some pictures at home. It was not maybe three years ago. The reason I said he died, I think somebody told me. One of the school classes in Holmes County, which is nearby, one of the high schools did a little project, they put a booklet together on sort of oral histories about black leaders in their area a few years ago. And it made its way to one of the legal services people who was living there. And they sent it to me and there was an interview of Mr. Eskridge, who recalled the case we did. I guess that's really about it, except about, on this thing… we just saw those situations repeated over and over. Every county went to wherever the government was involved. And today in legal services, I mean whenever you have a movement or you have an issue like this, someone is going to, or some group is going to try, is going to stand out initially to see, try to help people get justice, or to see that the right result comes about. So, you have leaders like, you may never hear about Mr. Eskridge in Carroll County. You might hear about some of the more prominent, you probably hear about Mrs., some of the people, who went to the national scene, like Aaron Henry in Clarksdale, Mississippi, who was President of the NAACP, also[40]. Who's a very prominent figure and who continued to be a prominent figure after these, in later days when the Voting Rights Act was passed and blacks did get the right to vote. Then if you go to Mississippi today, you see the number of black legislators, who are in the Mississippi legislature. And that you had some part in, you see how far it's come. So there are a lot of unsung heroes, I think, like Mr. Eskridge, in all these cases.

[39] Nick Flannery served in Civil Rights Division from 1958 to 1970.
[40] Aaron Henry, 1922-1977. Became Mississippi state president of the NAACP in 1959.

Q: I wanted to ask you kind of a general question. I'm going to try to phrase it clearly, but it might not… take a little while. You mentioned something earlier about living in the South and how you wanted to live in the South and in a way you were proud of being a Southerner and you were aware of the things that were good and were motivated to be there because of that... to change some of the things that were not as good. I have kind of the idea that so many Northerners and maybe particularly Jews, who lived in the North, felt that the South was backwards and controlled by the Klan and there would be too much anti-Semitism and too much maybe lack of culture or something, putting it crudely or maybe over-exaggerating. But I'm wondering what it was that you saw about living in the South that was so positive, that made yourself identify as a Southerner and motivated you in this whole endeavor?

A: I think it's the same to some extent what you see in small towns. I think—or the rural areas—you get this, I mean in a simplistic way, the idea that people accept you for who you are. As a salesman I always used to say in the South if you have a customer, they're going to initially assume you are telling the truth and will take you, at face value, what you say, and will welcome you in, and be happy to spend the time of day. And if you are fair with them, you can have a long lasting relationship as you would with anyone else. Whereas, if you were in the urban areas of the North, and then again this is very simplistic and probably not true in the sense that you can generalize, but I'm sure it indicates some of the way that I think and others think. In the Northern, when I was selling chemicals, I think in the North people say "This guy is a salesman, he's out to get us and he's going to be a con man or con woman of one sort or another." And they have a much harsher attitude. And maybe because these towns are, these cities are so big, are not interested normally in forming another relationship and welcoming someone from another place that has nothing to do with where they live. I think the camaraderie of communities, the fact that people are, whether it is a slower pace. People do have an interest in where they live and in making it, and in the sense of place where they are. I think that's maybe true of smaller communities across the board. I'm sure it's true in New Hampshire and Vermont and in smaller places up North, but it was true of the South. Much has been written about the South, I'm sure you're familiar with literature of the South. And I think there is some of that commonality. It's like when I was in the Civil Rights Division, being a Southerner, itself, was probably helpful… it was helpful, I'm sure in many ways, especially in dealing with white officials. I mean not that you would necessarily be their buddy, but they sure couldn't… There's something about being able to say, "Oh you're from way up there in New York or you're from… you don't belong here." I mean, the South, I'm not proud of the Confederacy, but it's part of its history. And to that extent, I think that's why… I mean I like the tradition and the atmosphere and the welcoming of those communities, they were… with my family. We were strangers in this county, in Spartanburg and in Gastonia, and it became our home. And I think that it made a great deal of difference. And I suppose, I don't know, I haven't read as much about that, but we had many associations and many more friends who were not Jewish than the ones who were, probably because of our, because of the economics of the situation. I mean in a sense you have a sort of a class system, keeping up with the Joneses. Those people were well off and they were friends in the synagogue and were always very nice, but we weren't… they would, you know, go to Florida, or they would travel, and do things that my family, my parents didn't do, because we couldn't afford it, because they weren't interested in it. So, I think that's the way it is. I mean, it's the same way I feel about being here in some ways. Been here almost thirty years and it's become home. And I think the people here share that same kind of feeling about their place and

their community, and Appalachia, it's different than North Carolina, but it's the same sort of environment.

Q: Did your work change a whole lot after the Civil Rights Act passed?

A: In the Division? Well, we had more work in more areas. And after I worked in the Deep South, I became a Chief of what was called the Western Section. I started doing some cases in Texas and in Nevada. I litigated a case against the Electrical Workers Union in Las Vegas, believe it or not. They didn't want to let blacks, who were electricians, into the union. Steel workers in Los Angeles. In my section in Texas, I didn't have any… well, I did, spent the last two years or three years in a case against the Houston school system. A big desegregation case involving the Houston school system. We moved to Houston for several months, prepared this case that I tried. But it had been an ongoing case in Houston. And then I was also, I guess I became the Chief of what is known as the Criminal Section of the Civil Rights Division. Which is the section that has responsibility for the police brutality cases, these conspiracy cases like the civil rights workers. I didn't, I was in charge of that and had a group of lawyers working with me and for me and the FBI. And the last thing I did was direct an investigation into the Kent State case. But that's about the time I left, so I didn't really get involved in very many more trials. The Houston case took a couple of years, off and on. I think I was actually the… was I the Chief of the Western Section? Maybe part of it was still going on when I was Chief of the Criminal Section. In all these, by that time the Division had gotten a lot bigger and it was sort of a re-organization and I had eight or ten lawyers working under me. And we were doing cases around the United States. After the Civil Rights Act and then the Voting Rights Act was 1965, then I was in what we called the Southeastern section, that was Alabama and Louisiana. And I did spend some time in Louisiana working on the, when they first brought in federal observers to watch elections, because under the Voting Rights Act people could register automatically by signing their name. In those southern states were covered by that. Then in 1964, the case that Jean was talking about, we had a case in Selma, Alabama, which was the first… I'm sorry it was 1965. It was the first case under the Voting Rights Act in Selma, where they were still using paper ballots. And it was the first election in which black officials, where blacks had been appointed to be election officials. And it was very interesting. Jim Clark, who was the Sheriff of Selma and had been such a repressive force in Selma, was running for re-election. There was a moderate named Wilson Baker.[41] The election officials who were black had never done that and they were counting all these ballots and they wanted to be sure, they were trying to be careful. And it was taking them a very long time to finish counting the ballots at the end of the day. And all the boxes had come back in from the white precincts. And so the executive committee met, which was an all-white, democratic executive committee and they decided they would impound all of the… there must be something wrong, these people are taking too long. There must be some sort of fraud going on. So they went out and impounded all those ballots. And the next day decided that they would, the fair thing to do is not to count the ballots in those boxes at all, just leave them out as a group, which had the effect of not counting probably ninety-five percent of the black ballots that had been cast. So we filed an action under the Voting Rights Act to require them to count those ballots. We went to federal court and we got a judge named, whose

[41] On May 3, 1966, Jim Clark and Wilson Baker competed to become Sheriff of Dallas County, Alabama. Baker was the police chief of Selma at the time. This race was the first primary election held after the passage of the Voting Rights Act.

name was Thomas[42], who had refused to desegregate the Mobile County, Louisiana schools. Each year he'd do just a little tiny bit and we'd, the government would appeal. The next year the Court of Appeals would tell him to do something more and he would only do a little tiny bit. So, he effectively kept them from being desegregated. But when we put this case on and I tried this case and John, for a change, John told me the day before the trial, he said, "Why don't you try this case, John?" We had been putting it together. He was my assistant, if you will. (Laughing.) The objections, some objections, I put the case on and he did the opening and he also did the closing. He did a very nice job. And Judge Thomas said that, he required them to count them. And he said, "You should not deprive a voter of his right to vote based on what might be a technical mistake by an election official. And we showed that all the ballots were in the boxes. There was no fraud. The number of people who signed in to vote equaled the number of ballots. There might have been one or two slight differences, but basically we proved that all the ballots were there and what they were doing was perfectly good. There was no reason not to count them. So he ordered them to be counted and the result was that Jim Clark was out. We didn't file the action to get Jim Clark declared ineligible or anything. We filed the suit under the Voting Rights Act, in order to have those votes counted as they ought to be counted, so that their right to vote was protected and their vote would be counted. But it was the end of Jim Clark as an elected official in the county. So, I was always very pleased to have participated in that case.

Q: What year was that?

A: That was 1960, probably 1966. I'd say '65, I think the decision was in '66. Because the Voting Rights Act was passed in 1965, which really changed everything. I mean, across the South there were black sheriffs, in these counties that had more blacks than whites or heavy black counties. I think it was really probably the most important legislation in many ways passed anywhere. Because it really gave blacks the right to vote and changed the political process.

Q: Did you have anything to do with writing that legislation, the Voting Rights Act?

A: I, I mean it wasn't me personally, the Division, the lawyers in the Division, John and our appellate section, Burke Marshall, who was at that time not the Assistant Attorney General, but he was still very… became a professor at Yale. But the lawyers in the Division and in the hierarchy of the Department of Justice… some of that language, some of that Act was based on the court cases that we had bought. It said if a certain percentage of voters had not voted and if they used a test or device, like a literacy test, if these various criteria were met then it triggered the application of the Voting Rights Act. And if that was triggered, the registration process then involved, meant that they had to allow everyone to register by a very simple procedure. And if they weren't going to do that at the courthouse, they could do it where the federal observers were. Or that they did it in the courthouse with federal observers looking on. It is a forced process that covered virtually the entire South. There was a challenge to the legality of that, that went to the United States Supreme Court, which was upheld. I think United States versus Louisiana. Well no, it wasn't Louisiana. Then there was also, I was involved with the poll tax. The Southern states used poll taxes to prevent blacks from voting for many years. And so I filed an action in Mississippi and then I helped the Assistant Attorney General and put together the case against poll tax in Alabama. Which was a fair amount of my time. In 1960… the poll tax

[42] According to John Doar, the judge's name was Frank Johnson.

was probably the Voting Rights Act of '67, after Selma. In '68, I think we did that case, in Montgomery.

Q: I wanted to ask you about the Civil Rights Movement in general and your perceptions of its various goals and conflicts within the movement. You mentioned SNCC being, and I thought maybe I should mention for the tape that, that's the Student Non-Violent Coordinating Committee. Right? I was thinking about that and the ideal of non-violence that King and people who worked in that spirit, people who worked with SNCC and people who worked in the Southern Christian Leadership Conference, versus Malcolm X and the Black Panthers, a little later on. How did you perceive that? I mean you were talking a little bit earlier about how you don't, about non-violence and how you don't feel that if you were in a situation like that you would just turn the other cheek and let somebody gun down you or somebody dear to you. Whereas King was very committed to non-violence and some of his followers were as well. What were your perceptions of that and of Malcolm X's agenda?

A: Well, I think that, I mean I might tolerate somebody throwing an egg in my face, especially when you are together with other people, you know. I have a great respect for the non-violent movement and Gandhi and his teachings. I think Martin Luther King and his idea about using non-violence as the way to demonstrate love for your fellow man and woman, and that you have to, that that was the way that would be most effective. And that armed, an armed response wasn't going to work. It wasn't going to work anyway because they didn't have… a number of people were going to be killed. People were killed along the way. So, I mean, I'm convinced really that you do, that the courts are only an adjunct to any movement of that sort. I mean the courts can help to insure that the rights of individuals and groups are protected within a very, within a particular sphere or frame of reference. But as I said, the Voting Rights Act, I don't think, would have been passed, certainly it wouldn't have been passed as quickly, and I'm not sure it would have been passed at all, without the Selma march and the demonstrations and, I guess, Martin Luther King's conviction that gradually the country would recognize how wrong segregation was and that you were simply trying to provide to all citizens of this country the rights to which they were secure. I'm not, as far as Malcolm X and the Black Power Movement, I'm not a, I don't, I haven't studied all of black history anymore than many other subjects I haven't studied. I think that there is an awful… that it's important for these, for African-Americans to recognize their history and their culture. There's a lot to be gained from that, just as it is in Appalachia. People ought to be, can be proud of their culture. And that you can do that in this country, within the confines of the law and that there is room for us to have an integrated social system, where groups that are Native Americans, and African-Americans, and the various cultural, ethnic citizens who are coming to this country can still retain and recognize some of their own history and preserve it. And I think that's really what he was, in part, talking about. I suppose, whether Malcolm X would like to have separated this country into one that was white and black or not. I'm not that familiar with really everything that he wrote. But that's the way I feel about that. I don't know that it means how I would react in a particular situation. We don't have any guns in our home, whereas… or in our cars. (Laughing.) And I don't intend to carry any weapons or have them. And many, and in this area and the South, you know, you have a lot of hunters, which I am not. And you have a lot of people who feel strongly about their right to bear arms in this area here, where we live. And they can do that. I would be happy for us to get rid of all the weapons in this country, hand guns. I don't need them. But that doesn't

mean that I, to me that if push came to shove, I might not feel it was the right thing to do. Or that I would not be a conscientious objector if I were called back into the military. I think that's where those lines are. I don't think it's an absolute line. For me, even though I would think, I do believe that non-violence has its place and that… if we can achieve the ends that we seek. By mass marches, whether it's for Vietnam or to break down barriers of segregation, then that's what should be done.

Q: What did your parents think of your civil rights work?

A: They, I think, well, I think they were quite proud of what I was doing. I think they were quite proud of what I was doing. I don't know that my mom, I mean my father and mother more, I don't know that my father was totally convinced. I think he was in some ways, he was a little bit of an elitist intellectually. As I said earlier, he was not, he was a very private person. He really had a difficult time making conversations with people who he didn't feel had a great deal of education or that were on his level intellectually. And in that way he was a little bit of a snob, I think. And so I don't know that he was in total agreement with the use of the nation's resources to desegregate. I don't know that he was, I think my Dad wasn't a racist. I don't think in that way, I don't know that we…

End of Tape 5, Side B

Tape 6, Side A

Q: This is tape number six, side A of an interview with John Rosenberg. So he wasn't sympathetic to demonstrations?

A: Well, I mean I think it's complicated and hard to really articulate what my dad's feelings were. I think they were very proud of the fact, after the fact. I don't think they were necessarily understanding about why I went to law school, when they thought I had already found a career. And had a good job. Within the Jewish community for example, try to explain to somebody why a man who is, let's see how old was I? In '59 I was twenty-eight. Why anybody would want to go back to school. I think they had the same reaction when my sister went back to school. You can't tell them anymore that he's a successful salesperson going, selling chemicals. You always want to tell somebody your kids are doing something that's fine and they're well and they're taking care of themselves, whether it's a chemical salesman, or doing great things, making a lot of money, which is what the Jewish community wants to hear, that people are making a lot of money, which is their symbol of success. Maybe my mother more than my father. So when I went to law school. But they were very, I think they were very impressed by and large with the lawyers and associates that I met in the Civil Rights Division. And certainly having the Division and John and the people who… I mean we didn't have the Kennedys come to our wedding, but everybody, a lot of the people from the Justice Department and the Civil Rights Division and our associates. So, I think they were really, as a general matter, very pleased with what I was doing as a lawyer and the work I did there. And the work I did here. I think they would never, there was always the question of why I did I just not go into a law firm and make a whole lot of money? (Laughing.) Why spend your time doing this public service work? Which people still don't understand, not only about me, but about a lot of other people who work here and work in other programs. The work that many people in Social Services do and maybe that people do as writers or artists, where they're trying to live out their life in a way they are comfortable with and like, which may not be financially very rewarding. But that that's not the test for them and probably it ought not to be the test in my mind. So, it's hard… so I think they were very, you know, when I received some awards later on for my work here and that sort of thing, parents are always going to be happy with something like that. But I think my dad was kind of a complicated man when it came to the racial thing, because he worked on a daily basis in his factory and I think saw… was not as ready to believe that if you give everybody a chance, that poverty is like a vicious circle. If you live in a very poor environment you are going to have illiteracy, you're going to have drugs, you're going to have alcohol abuse and substance abuse. And if you don't look, if you aren't willing to deal with the causes, and you aren't willing to try to deal with the elimination of poverty at that level, it's easy to say, "These folks are always… they're drinking, they could be… they drop out of school, and it's all their fault." And the next thing you know… and they're certainly true of… there are more poor white people in this country than there are blacks. But if you look at it as a Southern phenomenon or where you lived… I think that someone like my father, who had a history in the Jewish community, where we're too often too quick to say, "We were able to take care of ourselves despite all this repression. We came out of Germany, with only the clothes on our backs and nothing in our pocket and look what we did. Why can't they do the same thing? The same thing?" People say, "Look at Asians, Japanese have come to this country and whose kids achieve, who are motivated to achieve.'

Q: What's your response to that kind of remark?

A: Well, I mean, I think it's the same sort of driving force, in a way, that says they are, historically have valued education, and have seen that if you get an education, that you are motivated to succeed and you can be someone. And I think African-Americans see that, too. But I think, I think, as I say, part of it is a vicious circle, part of it is, that's what Jean does, sometimes it's one at a time, that people who are born into these poor economic circumstances, we have a whole generation, we have several generations of welfare in Eastern Kentucky and in the South. And it's hard to break that cycle in a variety of situations, people, and we… I don't know that welfare reform isn't all bad. It can be done, in my mind, and I think Jean's, in a more humane way. But people have to have some support systems, and if you come out from, if you have a series of generations where education isn't valued, for example in Eastern Kentucky you could get a very good job mining coal, you didn't need an education for years and years and generations, all you had to do… I mean, it was hard work, dangerous work in some ways. But it was the kind of work that people knew. It was all manual labor. As that ends, people don't have those jobs, and they don't have the options, they find themselves in those situations where there is disparity, they have to leave. And I think the black, in the South, you have the history of segregation for a couple of hundred years, where you don't have equal opportunity. Where you have terrible schools, and where you're expected to be a sharecropper, really don't have an equal opportunity. Then you can't have, those children can't have the expectations of being successful. Now people debate that nationally. Black leaders debate that, you hear it all the time. "We can be successful. We should not have Affirmative Action." I think Affirmative Action has been a very successful tool. But the pendulum has swung. Now you find Justice Thomas[43], and you find black leaders who say, "Affirmative Action is unfair. It's unfair to whites. It's unfair in that it gives, we don't need an unfair advantage," or to label it as an unfair advantage. To some extent it's subjective. Those are my own feelings about… I think you do have to make additional opportunities available to people who have been historically discriminated against. We have had it and to try to isolate that advantage to those very few situations where you can actually prove that this company discriminated in this bad way and so they're supposed to overcome that. But I don't, and I don't think my dad, anymore than anybody else, was… I certainly wish he had been more broadminded about that, I'm just saying he's not perfect, none of us are perfect and he had his imperfections and that was one of them. As far as philosophically, he didn't go around making speeches about it. But I think he was still proud of what I was doing. I think it was easy, he would be the first, among others, he would say, "Well they should be, certainly not prevent people," think it was wrong to try to enforce the right to vote or even the right to go to public facilities or to have the same legal rights as everyone else.

Q: Do you think that your awareness of and to some extent your direct experience of persecution of the Jews during World War II, affected your, influenced your interest in working for civil rights for blacks?

A: Oh, I'm sure it did. I'm sure that my history and the persecution that Jews had, what we went through as a family and as Jews had a lot to do with my wanting to participate in the Civil Rights Movement.

[43] Clarence Thomas, 1948--. US Supreme Court Justice 1991--.

Q: You talked…

A: (Talkover.) It's the same thing. I mean it is essentially the same thing. In a different way. I mean it's the mistreatment of blacks, maybe it isn't genocide, but there were certainly the lynching periods when many blacks were killed. Not in the scale that we're used to here, that was true in the Holocaust. But I think it's the same thing that motivates, helped to motivate me to work there. And work in legal services, where you're essentially trying to do something similar to that on an individual basis. To provide those opportunities so that people are at least even in the courts and that they can find lawyers to advocate their positions, which they, in the courts, which they otherwise wouldn't be able to do. And I've said many times, I think it's the mark of, a good mark, one of the things that this country ought to be proud of, is the fact that it does fund programs like ours, so that people, and provide lawyers to low-income people. And even makes it possible to sue the government if necessary, that biting the hand that feeds you, if you have to. You don't have to do that as much as we did. But we don't get the funds that we ought to have, that's regrettable. Just as regrettable as it was that it took so long to get to the days of the civil rights, it took… Brown against the Board of Education is 1954 and we aren't fully at the end of it yet, with regard to higher education. It takes thirty and forty years. Court processes are slow. But I think it all has to do with human rights, treating people, giving everyone the same opportunity, whether they are young or old, or white or black, or… whoever.

Q: Would you tell how you met Jean?

A: My wife, Jean?

Q: Get a chance to fill in the record. Your wife, Jean.

A: I met Jean in the Civil Rights Division of the Department of Justice. She was, I was the Deputy of the Southeastern Section, which handled Alabama, Mississippi. No Alabama and not Mississippi, then. My section chief was Frank Dunbaugh[44] and Jean came to the section as a research analyst, which she mentioned to you. They are now called paralegals. We call them also administrative representatives here. They do a little different work in my organization. But John Doar was invited to speak at Earlham College[45] in Jean's senior year, or maybe her junior year. Her roommate, Dorothy, now Landsberg, was then named Shelton, was in charge of the speaking program, and for some reason she had heard about John Doar's work and asked him to come to Earlham to speak. And he came there and then he, I believe first hired Dorothy for the summer to work for him and he also met Jean. Or she came to, or she came to Washington. I don't know whether he hired her then. They were about, they were the two, I think, the first research analysts. Dorothy later on after I… and so, Jean came to this section and we began working together. Of course we were sort of… I was second in charge of the section and she was working on cases, and so I think we once… a group of us went on a skiing trip and that was the first time we had any opportunity to be together socially. 'Cause we were still I guess drawing some lines when we were at work. She was just a new employee and working under, not directly under me, but with some other lawyers in preparing cases. What they would do is

[44] Frank M. Dunbaugh served in the Civil Rights Division from 1958-1978.
[45] Earlham College is in Richmond, Indiana.

analyze the documents, like the voting records we brought back. We similarly started doing the same thing with schools. Normally in a school desegregation case, someone like Jean might go into the Superintendent's office under a court order or voluntarily and start analyzing where the white students and the black students in the county lived and why they were not being assigned… say, it was pretty apparent in the segregated school systems that you'd have, especially where there was bussing, that black children would need to pass a white school to be assigned to their black school. And to put those patterns together and to analyze how the school system assigned students deliberately, so that white students would be together and black students would continue to be together. Or route buses in a way that made sure that schools remained segregated. So they were really analyzing those records, which they would then present to the lawyers. And the same thing in employment cases, whether, you know, in a large factory, where you looked at the number of applicants for jobs and determined that a black was passed over, even though, let's say that maybe he had made an application to get to a particular job and the company said, "Well you weren't qualified," in another area. By looking at several of those situations you could look, you'd only know from the records whether the person who was actually put in had the qualifications or not, or whether they passed over someone who was black, or they didn't, the black who had applied was obviously qualified, or less qualified than the person they hired. That kind of analysis, which was then given to the lawyers. So, that's what Jean was hired to do. And then we, later on when we were, she had worked there about a year… well, let's see. It might not have even been a year. When we went to Alabama on this voting rights case, the Jim Clark case, Jean was there with me. She was involved in some records analysis. And I almost, we were not yet married, but I almost had to put her on the stand, but I didn't. And there were a couple of other situations where she ended up in a place where, in a case that I was working on, where we began to suspect that John Doar was deliberately sending her to cases that I was working on, since we had started dating or people knew that we had sort of started dating. So, after we worked on this case involving Jim Clark, we went over to, it was sort of a night and day affair. She was telling you that we had this unfortunate situation where Lois Baker, who was our secretary. We hired the first probably, black secretary. We had an office in Selma, Alabama. There was a lawyer from the Civil Rights Division, named Chad Quaintance, who was the first lawyer that we had in a field office. He and his family moved to Selma and were there. And Chad hired Lois Baker as a secretary and she was an African-American. She was the one who had these epileptic seizures. She was just very young. I think she was only about nineteen. I went back to Selma for the thirtieth anniversary of the Selma, of the Voting Rights Act in 1995. They had a big get-together. And it happened that I was going to Birmingham for a legal services meeting and one of the lawyers who works in my program, Larry York, and I went over to Selma for a couple of days. There was a… they have a small voting rights museum there. There were some people around who we visited and I visited Lois, who had since gotten married and had two, several children. And we were thinking back… She's the head of the computer section at Montgomery Air Force Base or something at this point in time. But after that Jean and I went over to Montgomery and helped work on another, on a school case for several days. It was the statewide school desegregation case, Lee Against Macon County[46]. They needed some help. They were just going to trial and they needed some help in getting the thing going. And Brian, my roommate, I was living at the time with a lawyer named Brian Landsberg, who then subsequently married Jean's roommate, Dorothy Landsberg, who

[46] On August 13, 1963, federal judge Frank M. Johnson ordered Macon County and all of Alabama to integrate its schools, after six months of deliberation on the *Lee v. Macon County* case.

was the one that John had invited to come out. And Brian was my roommate. We lived together in a small house in Washington that we had bought, that we had rented from a former lawyer in the Division. Anyway after that was over, Jean went back to Philadelphia. You asked me how I met her. That's how I met her, after the skiing trip we started dating. And then after working together so much, I think we just decided, I just asked her to see if she didn't think we ought to get married.

Q: Now will you tell the story of how you did that? You mentioned it last night, but we didn't get it on tape.

A: Well, I was with, actually John Doar, I think partially to see that I got home. But to assign me, Jean went back to Philadelphia after the Montgomery trip. And John asked me to go to Charlotte. My classmate from law school, Julius Chambers, who as I mentioned was my African-American classmate, had gone, was practicing in Charlotte, had become a very well known lawyer, who was eventually, in later years argued the Charlotte desegregation case in the Supreme Court. But he had started a law firm and was involved in a lot of civil rights activities, and there had been an attempt to bomb his house. I think the mail… he hadn't gotten hurt, it didn't do a lot of damage. But the mailbox, there had been some exterior damage. And we had started an FBI investigation and it looked like it was fairly, clearly to do with the Klan. And so John asked me to go up there and look into that and maybe talk with the U.S. Attorney's office. And my friend, Nick Flannery, who had done the Carroll County case with me, a wonderful lawyer, who, when he left the Division went to work for, in Boston with the Center for Law and Education, which was the legal services support center for education cases. He was the chief trial lawyer in the Boston school desegregation case, if you… then. But Nick went with me to Charlotte and we started doing some investigation. And we went out to eat, we were in line going out to eat and I said to Nick, I asked him to hold my place in line, that I would be back in a few minutes and I wanted to make a phone call. And I called Jean at her house. I don't know whether I thought well maybe she would come down. It was just, my family… see Charlotte is only twenty miles from Gastonia. In fact I don't think, I was staying with Nick in Charlotte and I had not, I'm not sure I had even been home yet. And I don't know why, whether John sent me there so I'd have a chance to see my folks. I think he thought, literally being from North Carolina and he knew I knew Julius, that I would have some interest in this case, being from home. So, I called her on the phone and said, "Will you marry me?" or, "Don't you think we should get married, since we've been together all this time and seem to get along pretty well?" We'd actually had been, I mean we had been dating pretty steadily by that time. Even had taken a trip or two with Dorothy and Brian. But we had not really talked about taking the plunge, I think. Jean would, reminds me that I told her, when I first started going out with her, that when we started going out, that I really would not consider marrying someone who was not Jewish. That I had announced that early on in our dating. And I must have let that one go by the board.

Q: You don't remember saying that?

A: Oh, I don't know whether, I'm sure I did. I'm sure I did. I'm sure it came up early. Or once we started seeing each other and it became a consideration, I'm sure my influence and my history was still pretty strong. And I did not think I would ever marry somebody who was not Jewish. But I did.

Q: Was that premeditated, that phone call? It sounds like it was just all of sudden you're waiting in line for food and you just felt like, I gotta go. I gotta go propose marriage. (Laughing.)

A: I think it was clear, I think I put Jean on the plane and I suppose knew that I was pretty much in love with her and that we ought to do that. Why I did it at that particular moment, who knows? Maybe it was the first free moment. We were working on this Klan case and I just had a desire to do it. And I knew we would go back to work on the Klan case, probably, and that there would be an opportunity for her to come down. That I would be at home. And then she said, her dad suggested it. I think I got on the phone with them. I don't know whether I suggested they come down with Jean or her father was never one to sit around and wait. So, then I was able to tell Nick when I got back in line, "There's a wedding in the offing." We were engaged for, I think from November, maybe I got home, whether that was the engagement call. We got married in February 1967. This was probably like October, November of 1966.

Q: And when did you meet her?

A: Probably, let's see the Selma case was earlier in '66, she came to work in '65. So, she came to work right, probably right about the time of the Voting Rights Act. She graduated from Earlham in '65. Because we just got a postcard, she will be having her thirty-fifth reunion next year. Just sent an e-mail out to Dorothy Landsberg. They got married, we were the first of about four or five, actually. She was living, at the time Jean was living in an apartment with Dorothy and another woman named Mary Lee, then Campbell. And all three of them married Civil Rights Division lawyers within a year of each other. And Mary Lee has spent most of her life working for the Children's Defense Fund. She's very up in the hierarchy with Marian Edelman[47]. She does a lot of foster care issues, a lot of lobbying. She's a terrific person. And then Dorothy went back to law school. When they, Brian became the Chief of the Appeals Section of the Civil Rights Division, which he held for a number of years. He worked in our Alabama Section, under me, we were living together, but he was in my section for a long, and he then became a section chief, I think. And became Chief of the Appeals Section and stayed there until, probably ten years ago, when he joined the faculty at McGeorge Law School in California.[48] And then Dorothy went back to law school and she's a lawyer with a very large, not a very large, but with a fairly prominent law firm in Sacramento. They live in Sacramento. And she's been recently for the last year been doing a big case with John Doar in his private law firm practice. So most of these connections have sort of stayed together. It's a little bit like the Civil Rights Division, fairly small family. The Assistant Attorney General who replaced him, Steve Pollak, was a… Jean and I… baby, they had three kids and they never had taken a vacation since he came out of the Navy. They were all small. So, one of our first volunteer actions was to move in and they took a two-week vacation, and we moved in with their kids and did child care for a while. All of them are now married or getting married or having children and it was quite an experience for us. I think even one of the gerbils died during our sitting. So, that's how that happened.

End of Tape 6, Side A

[47] Marian Wright Edelman, 1939--. Founder and President of the Children's Defense Fund. First African-American woman admitted to Mississippi state bar.
[48] University of the Pacific, McGeorge School of Law, Sacramento, CA.

Tape 6, Side B

Q: This is tape number six, side B. You were just talking about proposing to Jean and the immediate aftermath of that. Had Jean met your parents by then, by the time that you proposed to her?

A: I think she'd been there once, I'd have to ask her. But I think she had been down once and that was probably a clue to them, because I didn't bring women by. I'm pretty certain that she had been to the house once before. So, they knew of her and they knew… I'm not sure how I managed to do that. Whether it was on a vacation or whether we had been working on a case. I just don't remember, but I think they knew that we were pretty serious.

Q: And that first meeting between her parents and your parents and you… would you like to describe that scene?

A: Well as Jean told you, she was there without me with the both of them facing each other for a little while, so I guess they were a little bit new to each other. But her father is a pretty extroverted person, who has a lot of interests and was then much younger, quite young. Was very interested in spiritual things and I think my dad was able to talk to him. And they got along very well. And Jean's mother and my mother hit it off really well. I think Jean's mother had been a secretary and was always doing transcription work of one sort or another. And in fact, in the last fifteen years or so she would not, well after we were married, Jean's mother wouldn't take a full time job, she worked for Manpower[49], so they could come down and see Michael or be with the grandson and then the grandchildren. We were both, in the sense that her father's background was German and was the son of a tailor immigrant family. His mother was very strong. He grew up in New York City at a time when much of downtown New York was still farm, farming country. There are some old letters in her family that I was reading when I was home, where they were describing the winter and it was cold and they'd have to go outside to the outhouse to relieve themselves. And they were literally living in a farming area where the United Nations Building is now. But the point was that they were sort of both from old European generation backgrounds, where the fathers were working and more sort of the dominant, and they were making the money and the mothers were at home, and the household was sort of run the way the fathers said it was run. And in that way, I think, there was some commonality, even if the religions weren't the same and the families got off to a pretty good start. They didn't stay very long on that occasion and I don't remember, I mean they saw, saw each other periodically and from time to time. Jean's parents used to, as she said, came to visit us a lot more. They came down here a lot. They really took a major interest in their grandchildren. My parents had moved to Florida and did not really come up, they made a trip up after we moved here from North Carolina, when they were still living in Gastonia. As I said my father, '65, let's say in 1966… Let's see, we got married in '67. He retired about that time and they moved to Florida shortly thereafter. So that we would go see them usually at Christmas. But they didn't make many trips up. Right after we moved to Prestonsburg they made a, they drove over, got as far as Pikeville and the four-lane was just being developed, was being blasted open between Pikeville and Prestonsburg. So they got within thirty miles of home and then had to take a thirty mile detour around the back hollers from Wheelwright and I don't think, I think

[49] Manpower is a national employment agency for temps.

that sort of, was enough for them. Although they moved to Florida, they never really made another big driving excursion up this way. So I don't know that I have many more, it's one of those things I don't have a lot of… Jean probably recalls better than I do. We went back for… after we got married and worked in the Civil Rights Division, when Jean then, when Michael was born in 1970 in April, we had decided then to leave the Division. That was when the Nixon Administration had come in, and even though I was Chief of the Criminal Section, they were not, pretty much still let me have a free hand. The Houston school case was one of the last cases that they filed in which the government, which I had written the pleadings in, in which we asked for bussing as a relief. And they were generally to eliminate segregation, to start bussing black kids across to white schools and whites to black schools. We didn't get all of that in the relief. We did pair up some schools and we made some other major improvements. But they were, in my view, certainly, and others, were retreating on school desegregation. And it wasn't really… the climate was not what it had been and I, we decided then, I think, that we had been there long enough. Besides I had been there, was in a very senior position and at that point you're starting to almost price yourself out of the market if you want to make a career change. You might stay with the government and decide to go, to keep, to go up another notch or two or maybe make more and more money. Or if you're going to a law firm, in order to get a reasonable salary, too, it was at the point where it was a good time for me to do that. So we, and Michael had just been born, it was a nice time to take off for the summer. And we decided then to, we would go on a large camping trip. We got our little car and the baby carriage, and folded it. We bought a Peugeot for eight hundred dollars that looked like it had a lot of miles left on it. And we headed North and we went North along the American and Canadian coast. We went to the Canadian – American National Parks, Fundy and all the way along, Cape Breton, out to Cape Breton and Prince Edward Island. Came back to Quebec and basically got away from it all. I think I had one call from a firm and decided to leave it, not to bother with it. And we weren't really sure where, we knew we wanted to do something useful, where I felt I was using my legal talents to somebody's benefit. And I had talked to some firms and that didn't really excite me at the time, but I think I was just more, we were really more into making the decision to leave, which was a big thing, because we didn't have a job. But we wanted to get away for a while and we had some money saved up, so we, while I was on that trip one of the… when we came back… what was it? --Someone left a message for us. One of my former colleagues from the Division, Terry Lenzner was the head of legal services for the Office of Economic Opportunity. And he was the one who suggested while we were on this camping trip that we might want to drive through Charleston, West, to come through West Virginia and to Kentucky. This is by way of answering you about my parents, because they had moved to Florida. And we were sort of on our way to be at the Jewish, to spend the Jewish holidays with my parents in Florida, which is about this time of year, in September. So we were off, I think we returned from, we were, went over to Cape Breton and we went back to Quebec. And it was really cold and we bought a tent heater. And then we went from there down to Boston and all of a sudden it was ninety-six and we were staying with former colleagues of the Civil Rights Division, who were in graduate school at Harvard, I think. And they had this small apartment without an air conditioner. We were burning up. Well anyway, we started back down and Terry Lenzner got in touch with us and we went through Charleston. And the program in Kentucky was then associated with this group in West Virginia, called Appalachian Research and Defense Fund, which had been founded by three lawyers, four lawyers, who wanted to start a public interest law firm. And they had begun some environmental work, but were having a tough time economically. And they had gotten in

touch with Terry Lenzner at OEO and he wanted to, was willing to do some, to fund an organization to do, under the auspices of legal services, to look at some of the symptomatic issues around poverty in the Central Appalachian area. Out-of-state mineral interests, black lung disease, environmental damages related to coal mining, deep mining and surface mining. And Paul Kaufmann, who was one of the four, there, of those lawyers—there were four attorneys, Kaufmann was a former gubernatorial candidate and was real active in Democratic politics, had been a private attorney. And John Boettner, fellow named Ratliff[50] and a woman named Naomi Cohen. And then there was a small group here in Eastern Kentucky of lawyers, who had worked as a group called Mountain People's Rights. And there was a fellow named Howard Thorkelson, who was from Pennsylvania. And he had gotten a couple of other lawyers to come down here, although they were not yet licensed and they were having financial difficulties. So the two of them were sort of interested in working together and getting this federal money through the West Virginia organization. West Virginia then had a Republican governor, Arch Moore[51]. And he was hostile to legal services, as was the Republican governor in Kentucky, Louis Nunn[52]. So there was a, the West Virginia Technical Institute, was an educational institution, so Terry concocted a scheme whereby he would fund West Virginia Tech, because educational grants were not subject to gubernatorial veto as the other OEO grants were and then they would in turn fund Appalred[53]. But anyway, I guess I'm getting a little ahead of myself. I was just, we were on this camping trip and so we came to Charleston and talked to the people there. And Paul said, "Why don't you go down to visit with the Kentucky people, because Howard Thorkelson is going to leave and they need someone to replace him and we're going to be funding them. If you're interested we would seriously consider asking you to take over this group in Kentucky." So, we came down here and came here to Prestonsburg on an August or a September evening and pitched out tent out there at Jenny Wiley[54]. Back then, oh actually the campground was at the other end up here near Auxier, at that entrance. Jean wanted me to go out and make sure there weren't any bears or foxes, she had heard… there wasn't anybody there but us. It was really after the camping season. But we met the people who were here and everybody seemed very friendly and we decided to go down and… I had already gotten some names of people, Harry Caudill, who you know wrote *Night Comes to the Cumberlands*, was on the Appalred Board in West Virginia[55]. He was a friend of Paul Kaufmann's, I think, and had been very, Kaufmann had put some people from Kentucky on his Board. He wanted this thing to be more of a regional program because there were so many of the issues were common to the Central Appalachia, and that the state lines really didn't mean anything. The strip mining problems in Kentucky and West Virginia were the same. Unregulated strip mining, land owners having their land torn up without their consent, and that sort of thing. So, I went down and talked to Harry Caudill. There was a woman, here on Mud Creek they were doing a lot of, they were having a lot of problems around health issues. Hospitals weren't taking people who couldn't pay. Eula Hall was her name, she is a good friend, who still works at the, founded the Mud Creek Clinic here in our area[56]. And I went over into Blackey, Kentucky. There was a fellow named Joe

[50] Ray Ratliff
[51] Arch A. Moore, Jr., 1923--. Republican Governor of West Virginia 1969-1977 and 1985-1989.
[52] Louis B. Nunn, 1924-2004. Republican Governor of Kentucky 1967-1971.
[53] Appalachian Research and Defense Fund of Kentucky, Inc., headquartered in Prestonsburg.
[54] Jenny Wiley State Resort, Prestonsburg, Kentucky.
[55] Harry M. Caudill, 1922-1990. Attorney, writer, professor. Published *Night Comes to the Cumberlands: A Biography of a Depressed Area* in 1963.
[56] Eula Hall founded the Mud Creek Clinic in Grethel, Floyd County, Kentucky, in 1973.

Begley, who was running a country store, who was a very strong anti-strip mining advocate[57]. And his wife, Gaynell Begley, she had gotten a Master's in Education from the University of Chicago. She was a wonderful person. They… Joe was born here in Floyd County, and he was part Indian. We talked a lot about their history and the problems that he saw, poor people, and that people were getting run over by strip miners. Because Kentucky's courts allowed mining without, strip mining without land owner approval. Because these out of state mineral owners had come here in the late 1890s and bought out all the minerals. We were talking about country people and being acceptance of outsiders. Have you ever read Harry Caudill's book, *Night Comes to the Cumberlands*? Yeah. Well you know, he describes this situation so well where these land agents for the Northern philanthropists, like Rockefeller and large oil holding and mineral holding companies sent their agents down here. They would visit these farmers who lived in very remote hollers, where they were farming the mountain hills, really. And they would come in and tell their stories, and spend the night, talk about all the good things that were going on in the world and how nice this place was. And then they would present them, they would suggest to them that they ought to go ahead and sell over their mineral rights because it wasn't really any benefit to them that they could see. No one knew what mining was. There wasn't any huge deep mine there. The only use they made of their coal would be to cut into the hillside enough to get the coal to use for heating up their cabins and their homes, which is what most of them did. You could see the outcrop of the coal and they would run a scraper along the mountain and take out a little bit of coal. But no one… certainly they were aware as they were in other countries of deep mining methods. And I'm sure these agents didn't talk a great deal about the possibility of having a huge, deep mine. This was in the 1890s, 1900s, was before the time of the railroads. And subsequently the railroads came in once all these minerals had been bought up, I mean they literally bought up all of the mineral ownership in Eastern Kentucky. And under the common law, the mineral estate is severed from the surface, so what you have left is the land on top. And they gave them, the deeds they signed as you know, were known as Broad Form Deeds because they were so broad in their language. They literally gave the owner of the minerals the right to take the minerals and all steps reasonably necessary to build roads and railroads and tram roads. Whatever might be necessary that's incidental to taking out the coal. And then they would sign those minerals away. And the Kentucky courts held that those deeds were so broad that they gave the mineral owner the paramount right to the surface owner, as long as the mineral owner didn't arbitrarily misuse that right. As long as he mined by reasonable methods and took the coal out by an acceptable method, the surface owner could not object to that. So those, Joe had one of those old deeds and told me what an awful instrument was, that even though at the time when they executed the deeds, no one could have envisioned these current methods of mining. Bulldozer, mechanic… and these huge, mechanized equipment that was in use seventy-five years later, that the courts would hold that to be allowable. In most contract law, the contract applies to those things that are within the reasonable contemplation of the parties, like deep mining. There was no doubt that if you were going to mine back then you would deep mine to get the coal out. We never challenged that. But the notion that they could use a method that was not at all in anybody's contemplation was rejected in other states. Virtually. I mentioned West Virginia a while ago, I guess that wasn't really right. The West Virginia courts had said you have to have landowner consent. You could get a surface mining permit and you could pay for that. And that was what Pennsylvania, and Ohio, and many of these others, Illinois, all the other states, courts had said, but not Kentucky. So Joe, we talked for

[57] Joe Begley, 1919-2000. Former proprietor of C.B. Caudill Store and History Center in Blackey, Kentucky.

a long time, was pointing out, also how poor people couldn't get lawyers to challenge those deeds. And they couldn't get lawyers to challenge a permit application if someone applied for a permit. But there were many situations where he thought it would be just a wonderful thing if we could have lawyers available to represent poor people. Because he saw these situations coming up so often. And so, we went on, we went on to Florida to visit my mom and dad and while on the way I think we kind of decided that this would be an interesting opportunity to try to come to Eastern Kentucky. It would be a worthwhile way to practice law and to provide that opportunity. There was a lot of interesting work to be done and useful and perhaps important work to do on behalf of low-income clients. And also to help start this legal services program, which was, had sort of a small beginning in mountain people's rights. So then we came… decided to come, and we came. And moved to Prestonsburg. At first I looked around in Barbourville. We had a little tough time getting off the ground, because the, we had some disagreements about how to do this the best way. Some people, some of the mountain people's rights members thought that it was more important to organize, to organize work with low-income groups like the Welfare Rights Group, rather than doing lawyering work. So it wasn't quite as smooth sailing getting started as I had hoped. But after a little while we got on our way and Joe Begley's son, J. T. Begley, who had just gotten out of the Marines and gone back to law school, turned out to be the first lawyer that I hired. And I hired a fellow named Mort Stamm, who is now in Australia, teaching. And we started off with, then a fellow named Paul Fauri, who is the Domestic Relations Commissioner in Franklin County, and we started in that little house I pointed out to you on the way up here. So, that's how it began. And I was telling you, it wasn't an easy beginning. I think the Bar Associations were very suspicious and I think they were threatened and thought really we were going to compete with lawyers for clients that would be able to pay. And then some, many lawyers, who were employed or retained by coal companies were not particularly sympathetic to the notion that lawyers might start to challenge some of these practices and give people representation in the courts. So we were not the most popular people in town when we started. I had difficulty renting an office. Finally found an office in the place where Jean and I ended up living for a long time on the other side of town, within a week of each other. And we got started. It was also a difficult time because at the national level, President Nixon had an Office of Economic Opportunity Director, who was opposed to legal services, bringing any of these sort of controversial cases against public officials, and challenging welfare rights practices and that sort of thing. And he, he decided to, he wanted to de-fund those programs. So I had only been here about a year when all of that began in 1973 and it looked like we might lose our money. We had half of the lawyers were on half salaries and the secretary, we had to hire, we got a lawyer in Washington, Steve Pollak, I mentioned to you, I used to work with, to represent us to threaten to sue OEO to get our funding. Some other programs similarly went through a period of that sort. Governor Reagan at that time, who would become President, had sort of declared war on legal services in California, who had represented migrant farm workers and had also won some fairly major welfare decisions with regard to hearing rights. And had showed that the California welfare system was violating the rights of welfare recipients and applicants. And he was angry and tried to start, established an inquiry, tribunal out in California, that sort of thing. Actually the tribunal came out with a report, this included some judges, that was very favorable to CRLA. Then when Reagan became President, he decided to do it all over again.

Q: What's CRLA?

A: California Rural Legal Assistance Program, a rural program much like we are here. But fortunately we managed to weather those storms, and we were able to, and in 19… we were able to reach an accommodation with legal services actually, in that 1973 when we were represented by Steve Pollak and we sort of severed our ties to West Virginia by establishing a separate corporation here. I mean it was… and they established, we added "of Kentucky" at the end of our name. We're still very good friends with the people in West Virginia and some of the work we do is the same. But in West Virginia they ended up establishing a judicare program, which is a program where cases are sent to the private bar, instead of a staff attorney. And you have a small central office and the cases are… and then you contract with lawyers. It tends to be a lot more expensive. But Appalred's office did maintain intact in West Virginia, just with a fewer number of lawyers. So then we started our own program here. And in 1974, one of the last things President Nixon did was to sign legal services Corporation Act, which he had vetoed once before. And then the corporations started getting larger amounts of money from year to year. And between 1975 and 1978 we expanded from the single office here in Prestonsburg to the ten offices that we opened and still have. And we went from probably three hundred thousand to about two million dollars a year in our budget. We had eleven offices by 1980, including we had a research office in Prestonsburg, I mean in Lexington, which we still have. So we undertook some very important day-to-day litigation. We represented a lot of people in everyday problems with family law, consumer rights, housing problems. And we did some of the larger challenges involved in, with regard to the coal mines. We found out that the agencies that governed all of these programs were not really very responsive at times. The state's Mine Safety and Health Administration did not do a good job in protecting the rights of coal miners. So we saw that when miners were fired because they complained about unsafe conditions. I mean, that that's what would happen to them if they complained. And so we were able to start representing them to get their jobs back and to get damages for them. And then in the environmental area we represented numbers of people who were challenging surface mining permits because they posed dangers to their homes and their property. And we gradually, as we kept after this Broad Form deed, we challenged it in the courts unsuccessfully. And we eventually wrote legislation that corrected the problem. We drafted a statute that said that if the kinds of mining methods were not described in the deed, that it would be assumed that it referred only to methods that were in existence at the time the deed was executed. And in Eastern Kentucky or in most places that would mean deep mining only. That was first introduced in 1994. There were some previous efforts, unsuccessful… there was an earlier statute that required surface owner consent and the courts struck that down. And then this legislation of ours was also struck down on a four – three opinion. The court said that the legislature could not tell the courts how to interpret deeds, which we thought was bad reasoning. But after that a legislator from Pike County, Clayton Little[58], introduced at the urging of Kentuckians for the Commonwealth, that was then called the Kentucky Fair Tax Coalition…

End of Tape 6, Side B

[58] N. Clayton Little: Member of the Kentucky state house of representatives, 93rd district. Elected 1973, 1975.

Tape 7, Side A

Q: This is tape number seven, side A of an interview with John Rosenberg.

A: I was just saying that the constitutional amendment was passed in 1988, so it was introduced in nineteen, I guess in the 1988 legislative session. And it was passed by ninety-two percent of the voters. It was a great publicity campaign by KFTC, a lot of letters to the editor, it sort of put them on the map. We had started KFTC with a small group in Hazard, Kentucky. A group of citizens came together to talk about fair taxation of minerals, initially. Because the coal under the ground, not only did the land owner not have the opportunity to object to whether they could be surface mining or not, but they were paying virtually all the taxes on the property. They were not… and the Kentucky constitution said that all properties, cash… is taxed in fair cash value. But the minerals weren't being taxed. So the group looked at that and decided that they would try to start an organization called the Kentucky Fair Tax Coalition. I've even been credited with giving, we were sitting around the room trying to decide what should this thing be called? People were throwing up names. (Laughing.) Somebody said, I think it was, whatever the various combinations people had been throwing out, was that I suggested it be called Kentuckians Fair Tax Coalition. But the other issue it took on was the Broad Form Deed. And the group started very small, it was just kind of a get together really. One of the members who, one of the folks who was there was a young man named Joe Zakos, who had come from Pennsylvania and was interested in working with local citizens groups. And he had come, was living in David, I think and had gotten involved in some issues over in Martin County. It didn't have anything to do with the Broad Form Deed. It was really a proposal to move a low-income community out of a flood-prone area. And they were going to fill it in and put in new housing or industrial… the only thing was they forgot to discuss it with the people who were living there. And he organized an effort there to… which ultimately stopped that. They backed off on that project. But in the process began a group called the Martin County Concerned Citizens, who then were involved with a number of environmental and socially active, social… got involved in issues of social concern. We represented them one year in a case challenging the application of… Kentucky Power wanted to build another power generating plant. And the reason they wanted to build it was to sell more power to other companies, but it would have raised the rates of everyone, including the Martin County citizens, people who lived in that area. And we had a lawyer in legal services in Lexington, Tony Martin, who focused on energy work, and basically demonstrated that there was no need for the power plant, that all it was going to do was increase everybody's power bill. They had plenty of generating power, they were just trying to expand themselves. And the stockholders might benefit, but the Martin County citizen group was the named party. And so that was just to say that, even though a group that was called Kentucky Fair Tax Coalition and decided later to rename itself Kentuckians for the Commonwealth, because local chapters were working on different issues of local concern. Didn't necessarily involve minerals and that sort of thing. But they really put themselves on the map with the campaign to get the constitutional amendment passed. So that amendment was on the ballot in 1988, along with the lottery. And the lottery barely passed. It passed by, I think, fifty-one or -two percent of the vote. Ninety-two percent of the vote, people voted for the Broad Form Deed amendment, which showed people knew what they were doing. In fact, I remember when, early when we had been here not too many years, the *Courier-Journal* I think did an informal poll. And something like ninety-three percent of the people thought they shouldn't allow anybody to

strip mine your land without your consent. But I was then, one of my, the coal industry decided they wanted to challenge the constitutionality of that constitutional amendment as violating the federal constitution. Because they claimed that mineral ownership rights had been established by these series of Kentucky cases in the Supreme Court over the years and that people when they bought mineral rights expected to be able to legally surface mine. And we argued… and I was representing an older couple in Johnson County, Garnet and Eugene Ward, who lived on a small farm… they really weren't farming. It was in a holler that had not been mined. And there was a mining application by a company. And at the trial court, one of the attorneys who was here then was handling, handled that case, and it was on appeal and it came to me and I took the case over. And we ended up arguing the constitutionality of the amendment in the Supreme Court. And the Attorney General argued in our support and the court then agreed with our theory 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 finally the right was… you cannot today surface mine anybody's land without their consent.

Q: When did that final decision come down?

A: I think it was 1990. The Supreme Court decision was stated in 1990. Ward versus, Ward versus… I forgot the last name for the moment. I can talk about that case a long time, but that's sort of the summary. Garnet, now both of the Wards… Eugene died while we were in the Supreme Court. And then Garnet died a couple of years back. She was a very feisty woman. She claimed… they never, no one else had ever paid any taxes on this property. And they didn't know that anybody else had any claim to the minerals. She thought they owned the claim. When we were in circuit court we asserted that, and there was some basis for her claim, because when the minerals were sold, about 1910, really interesting, by… the local owner, the owner was in Johnson County and he sold the mineral rights to a company in New York, that wanted to develop these minerals. And he sold… and they promised to pay him with… they gave him shares of stock and said they would buy those shares back once their company was in operation. And a year went by and nothing happened, so he sued them to get his money. And actually in that suit someone, a deposition of him was taken. And when he sold that property he said, "I will give you the minerals and you may mine that property, but I want you to leave all the walnut, chestnut, and hemlock trees over ten inches," which made it impossible to strip mine. And so we actually argued initially it was not a Broad Form Deed, that this deed specifically was limited to deep mining because it was impossible to strip mine, because he had said that. And on deposition, which was… the deposition from his testimony was still in the courthouse. And in the deposition he reasserted that, that he wanted those trees left alone. And that you could use the smaller timbers as people did in deep mines. Timbers under ten inches were used for shorings in the deep mine workings. So that made good sense. He was saying, "You can have the saplings, but I want those good trees left." So our local judge agreed with that and said, "You can't mine." So they appealed to the Court of Appeals and they won. The Court of Appeals, the intermediate appellate court said, "Well that's just what these deed provisions say, but the mineral owner still has the paramount right to mine under our decisions." So then we took that case to the Supreme Court on discretionary review. We asked them to review that. They took the case and so the amendment was argued, we argued the amendment on that. So Garnet, they never, they did not… anyway, when these minerals were sold, he did some, there was very careful, plats were laid out and surveyed. And it was not, and when they filed this mining permit and claimed they owned the minerals where Garnet and Eugene lived, they didn't

do that very well. Where they claimed their boundaries looked like went… she could make, we could make a colorable assertion that that didn't coincide with those original plats. Because they didn't prove that, clearly she should have had the right to those minerals, but we lost on that claim. It's just an aside, but I think she probably didn't own the minerals. It couldn't clearly be shown that she owned the minerals. But we won the case, so that's the law. It was a big, nice effort to have been involved in and I think one of the important achievements that we made along with many other cases I think the program's been able to bring.

Q: When you first came to Prestonsburg, you and Jean, were you planning on really settling here, really staying for the long haul?

A: I doubt it. I mean I think we probably thought we might be here two or three years. It was a real big transition for her, because she was, had never lived in a rural area or a town the size of Gastonia, which was 25,000 or 30,000. She was from Philadelphia and had lived in Washington. I mean she had been in Southern communities, but she wanted to… she said if… when I looked for a house, she wanted a sidewalk that she could roll the baby carriage on and be near a shopping area, not live out at David for example.

Q: Is that what happened?

A: Yeah. Well, I found a house in town that was kind of in a residential area. It's not where we live now. We moved after ten years, out a little ways, near a school where Michael was going to elementary school. The kids went to, both of them went to a day care center at David. In David, the development of the David community was another really major part of what we did in terms of economic development in a small community that we were able to purchase for a local community development group. Help the development in that town.

Q: Do you want to talk about David and your involvement there?

A: David is about nine miles from Prestonsburg and in the 1930s, especially, it was a booming coal town. It was what they called a model community, sort of like Wheelwright, or many of these coal, you know most… Floyd county and this area had a number of coal camps. They were basically company towns, because a company owned the homes where the people lived and the company paid them with scrip. And they owed their soul to the company store, as it were. But some of the homes were quite nice. I mean, I think they were very nice communities and very close communities. There were some employers that were better than others. And there were the mine wars in Harlan County, all of the difficult history involving unionization. Where it was successful, and where it wasn't. But David, the mine there was the Princess Coal Company. And David was mentioned, was named for a fellow named David Francis, who when I came here, lived in Huntington. He still, that family owned the minerals. The only swimming pool in this area, in this end of town was at David and people used to go out there to go swimming on the train. They had a little airport. They had a school. It was a very vibrant mining community and when the mine closed in the '40s, it kind of went downhill. And it was purchased by… the buildings, not the minerals, but the town of David, the ridge around it and the homes that were there were, was purchased by a small group of businessmen here in Prestonsburg. And people paid rent to them. And a group of Catholic priests from St. Vincent's Mission came to David in

the late '60s and '70s and started teaching bible school and some literacy training. And apparently they were approached by the businessmen to see if the mission was interested in buying the town. I think they viewed themselves as absentee landlords and all they did was collect the rent. They saw the water system going downhill. They didn't really, weren't interested in developing the community. The homes were in pretty bad shape. They weren't really slum lords, they just weren't doing anything to keep it up. It was a private water system. So the Father, Matthew at the time, one day came to see me, and told us about the offer to buy the town. They weren't interested in doing it, but they wondered whether we could, whether the community might be able to buy it in some way, if they, we could figure out how to, help them figure out how to do that. So, I asked a law student to do some research and we got a little help from the National Economic Development Law Center[59]. And we decided, we put together an economic development, a corporation, a Kentucky corporation. And we started having some community meetings in David. And there was a company… the town wasn't working, but Island Creek Coal Company still had a store that they owned. The old company store. There was a fellow named Tiller[60], who ran the store and who also, he read the *Wall Street Journal*. And he was a very smart guy. He was an interesting man. So, they elected him as Chair of this group. And he became the first Chair of our little community development corporation. We didn't own anything yet, but they started planning. We started looking into the possibility of financing the purchasing of the town and how it might work. The problem was there was no water, the water system was unreliable. They had a pump that was literally held together by chicken wire. They were afraid to take the gamble unless they had water. So we were sort of diverted for a couple of years until we were able to figure out with our local area development district how to, ultimately we were able to get a grant, which helped one of the existing water districts bring water to a number of their new customers in the rural part. The Beaver-Elkhorn water district supplied water to a lot of the homes on Right and Left Beaver Creek. By getting them additional, those lines, they agreed they would run a line over to David, an extension. And we established a David Water District and went to the Public Service Commission to get approval to bring water to David through the water district, which would buy its water from this Beaver-Elkhorn Water District that agreed to extend its lines. And when we got that done, by that time Mr. Tiller had been transferred to somewhere, Western Kentucky. People were afraid the corporation was going to go in, go down, because he was really sort of a driving force. But there was an old coal miner, retired, who had black lung, named Ashland Howard, whose nickname was "Hawk". And he had the energy and the spirit and the—even though he may not have had the formal education—to push this group along. And he took over, became the Chair of that group. And we then, once we got the water district in, we put together a financing package, where we had a first mortgage from the local bank here in Prestonsburg and a second mortgage from a group in Washington, called the Housing Assistance Council. And the idea was that if the corporation could buy the property, all of David, then the renters could buy their homes in turn and the local bank would make those mortgages. So the bank would turn its money over quickly and get its mortgage paid back as people bought their houses. And the Housing Assistance Council in Washington helped, encourages developments of this sort. They were, I think we paid them back twice as fast. So, we were able to purchase the town. We had another lawyer, by that time I had another lawyer named Kay Adrion, who works over in Virginia now as a private practitioner. And she helped sort of put the deal together. And then after the town… we did all, this was a

[59] National Economic Development and Law Center (NEDLC), Oakland, California.
[60] Claude Tiller

large amount of legal work. Public Service Commission, all this deed work. And we were also able to get the corporation to realize they needed to get some staff people. So we helped them to write a Vista grant to get a Vista out there. At the same time a young man named Danny Greene had come to David and started a, at home, he had taken in some foster care kids. He came down as a volunteer with the Mission. And he started this David school, which over the years has obtained some national recognition for helping high school dropouts. He realized there was no real alternative school here. Kids would drop out, that was the end of it. The schools really just wiped their hands of them. He bought the old store building. We bought most of the town, ridge to ridge. And he bought several others and was able to get some financing for the old store, which became the school. There's now a brand new building, which is very beautiful, that has been built in the meantime, and the story of the school, I've been on their Board and we've done a lot of things together. But afterwards the corporation built and developed about twenty-five new homes, Farmer's Home owned… put up new houses where the old ones were, had deteriorated in one of the hollers. It's a very nice, attractive town now. It was sort of the Appalachian, we had this big battle over a strip mining permit at one point. There was a large block of coal left underground. I said strip mining. There were some strip mining attempts that we were able to fend off. But there was also a large amount of coal that had not been mined because they hit water in the mine. There was an attempt to re-open that, to start, to get a permit to mine that block of coal. And Danny and the community got very upset about that. And so we opposed that permit and there was a lot of community pressure, a lot of help. And thankfully that was, we were able to fend that off. But we've been very much, you've had deep mining and strip mining and coal truck traffic, all the problems that you see all over, in one little spot here in David. You have the craft co-operative as a little, as a new, which has become fairly successful. It's a nice community. There were actually, we had plans to develop other parts of David, to expand it, but basically the community sort of decided it didn't want to get any bigger. It's a very interesting place. And we learned a great deal and I think had a lot to be proud of in terms of what the community did and the role that we were able to play, because they could never afford it, that sort of legal work, help.

Q: Okay, we were just talking a little bit, off tape, about how many things we'd, I'd still like to cover about your time in Prestonsburg and working for, working with Appalred. And that we probably don't have the time to get into it all today. So, I was thinking about, when we were just talking a little bit, off tape, about your time here in Prestonsburg, and maybe you can reflect on your work here and a little bit on just the, what you've, it turns out that you've devoted your life to. I mean you had the opportunity of becoming a chemical salesman and you decided that wasn't what you wanted to do. And you've gone more and more in the direction of service. Any reflections or words on that?

A: Well, I think what I'm doing now has been in many ways has been most fulfilling over the last thirty years. Working with the Civil Rights Division was a great opportunity to learn to practice law and to do something very worthwhile. The big difference is that in the Civil Rights Division, we didn't live in those communities and that we came and went. Whereas, and I have great admiration for the people who stayed there and their courage and how difficult their lives were. The lives, the life we've had for the last thirty years in Prestonsburg has been here. And I wouldn't at all compare myself to the African-Americans who lived in those communities and the life they had and how difficult that was, because we are white. And we live in an area where

there are very few African-Americans. And I think their life has been difficult at times although it's gotten much better. I mean there is also a fair amount of blatant racism in this particular area, and some of it is direct racism. But over the years I've been able to recruit, at least the only practicing attorney in Eastern Kentucky right now, is the woman who has my office in Jackson[61]. She's been there a number of years. And we've tried unsuccessfully to recruit some others, because they don't…

Q: You're talking about African-Americans?

A: Yeah, African-American lawyers, and paralegals. You have to have a support system as a minority person to live, I think, wherever you are. It's difficult to be alone. And in Hazard we have a church to which Cynthia from Jackson belongs. And there are some black communities that are concentrated in our areas. So the few people who have looked, that have really taken a little look at it, I think were, very cautious about, or were not convinced they could feel comfortable living here. We do have a black secretary in Barbourville and one in Harlan and we have a paralegal in Richmond, Richmond having a fairly much larger African-American community. But the population is about ninety-eight percent white in our thirty-seven counties. But I think the point I wanted to make was that we do, legal services offices are in the communities where our clients are and so you are much more associated and you are a part of that community. I think we're a lot closer to our clients and you get to know your clients. And you get to see the problems and live with the problems from day to day. Not to say that all of us are poor, but I think after your kids, especially when your children get into the schools, you begin to feel that you have much more of a stake in trying to develop, do something about that community. You find other parents who really want the best thing for their children, even though it may be what we're doing in court is not always popular. Maybe our value systems are not on the same track as the other lawyers who for a large part are driven by the money they are going to make in private practice. They do some good things in private practice along the way, but generally in the social structure people are driven by money. So, I feel that the work we do, we represent about 7,000 clients a year and much of the work we do, whether for each of those clients, the case we help them on is the most important thing in the world, whether you've got to talk about an abused spouse or someone who's about to be evicted from an apartment or someone who we're helping with social security benefits or something small, or whether we're involved in some major issue involving the Broad Form Deed or safety discrimination, the cases that tend to get the headlines. Or working on black lung, working on trying to help make black lung regulations more responsive, little more liberal, where more than five percent of the claims are approved. Or something like David. Each of those are a real, I think, positive contribution to helping people lead better lives and making the society a more just one. So, I think it's, you asked me a while ago did I think we were going to be here thirty years when I came and I said I thought we'd be here maybe two or three years. But I think the work has been so challenging and the opportunity to do this work has been a real privilege, that I always say we're fortunate at least to be paid for doing something we want to do. And the government, state and federal governments are willing to provide funds to do it. I think the newer, our younger lawyers give up a great deal to work for us, because they are working at very low salaries and many of them have large loan re-payments. They start at 25,000 dollars a year and some of them have really huge debts of 80-90,000 dollars to their law schools. We have a small loan re-payment program

[61] John is referring to Cynthia Elliott, who was the only practicing Black attorney in Eastern Kentucky.

now that helps them, up to 2,000 dollars a year. But they're the ones in a way who are, I think, making a substantial sacrifice to work. I mean you'd hope that the government, we can do better than that. That eventually we could work out, and develop more programs that would encourage people to spend their lives in this sort of work. But I think it's been so, in part satisfying and challenging and all those adjectives, that I've enjoyed it. I probably, there may have been times that Jean might have wondered whether we wouldn't be better off going for a better educational system for our kids. Michael was academically very gifted and sort of ahead of the pack. And we had our difficult times, early times with… one of the teachers asked him to explain Hanukkah, the Jewish holiday one day, and when he, I think the, some kids teased him while he was doing that, made it a little difficult. Or when he was first learning to…

Q: Teased him in terms of…?

A: Presenting this Jewish ceremony. I don't remember all the details of it, but it hurt him because he was doing it at their request. And I think it was strange. It was a time when they were still, even still doing bible…

End of Tape 7, Side A

Tape 7, Side B

Q: Tape seven, side B. Go ahead.

A: I remember the teacher virtually threatened him because he couldn't keep the crayons within the lines, which is still a problem for some children. I mean she was more concerned about his drawing, keeping the crayons in the lines. And what, how that would, then realizing how, what a negative reaction this could have on a child, who was basically an academically-gifted young boy. But you know, those were… the teacher eventually left, and we, I think we were fortunate that we had some teachers who saw how bright he was and that he began, that he was able to get the best for himself, was able to do quite well. And we had a principal who wanted, who was very interested in the best, in providing good education for mountain kids, and who encouraged Jean to help start a Gifted and Talented program in the school. And he never, there wasn't a single swing on the yard when we first came there. And so we put together a little committee and gradually got a coal company to do some grading and developed a wonderful playground with the PTA, on the school grounds. And that he just, his name was John Pitts. He couldn't figure out where he wanted to put the swings, so he hadn't put them anywhere. But he just needed some help. And you know, and I think as people realize that what you want is the same thing they want. That what you're trying to do is really not a turnover, turn everything upside down, that we're filing law suits every time… but what we're trying to do is help the community and be good citizens. Then you begin to feel that people are on your side, even if the few lawyers aren't, and that we have a lot of support in this community. And I remember in our PTA when the movement first started to put the Ten Commandments up on the walls of the classrooms, which is something that's come back today again. I don't know if you've seen the paper, the Harlan County Board of Education voted to put the Ten Commandments on the walls, even though it's against the law and the Supreme Court has said you cannot do that. We had a discussion in our PTA, a very thoughtful discussion. And we had, there was, we had at least one family of Indians, not Native Americans, but from India. A surgeon, whose daughter was in Michael's class. And, you know, there were people, initially the reaction is what's wrong with the Ten Commandments? They're perfectly good commandments. And you know, I could say, "Well, they're the foundation of our faith as Jews, but they may not be the foundation of our Indian friends, and religions differ. And I would be the last person to say there's anything wrong with the Ten Commandments, but they don't belong on the wall of the school right now." And the attorney… at the time, they were waiting for the Attorney General to come out for an opinion. So, the resolution at that meeting was to wait until the Attorney General came out with an opinion. And people were quite comfortable with that. I'm sure that if we hadn't been there, and I mean the point was… that was let's see, twenty years ago, that people accepted what we had to say, and were respectful of what we had to say, and were willing to wait. And that wouldn't be always the case, I think, where you had folks who are very strong in their… and I'm sure some of those people are, were members of fairly doctrinaire, Baptist and… churches, but they were willing to say, "We'll wait." And I think those things always give you some hope, I mean give you cause for feeling good about, being proud of the people you are with. I mean I'm not always proud of everything everybody does, and you always wonder, but… So I think as we, both Jean and I, got involved in a lot of educational advocacy work, that we sort of knew we were here. Then when our daughter, Annie, did not do well academically as she got into high school and had a lot more… she is a very social person and was friends with people who were

very, very poor and friends with people who were quite rich. And she had a lot of kids who were friends who were on the fringy group. And she was in high school and was not doing well. So anyway, she went to the David School, which didn't have many girls at the time and they were able to take her. She hadn't dropped out. She did really well there and thought the David School was a wonderful place because of the one on one. And she had a very good math teacher who helped her with her math. We got her back on the right track, academically. But it was very hard for me to take her… I mean I felt, I really wanted to stick with the public school, public education. But they were losing her, and she was a good example of a student who should have stayed, who had, at least then, average academic skills, but was just an example of someone that fell between the cracks because the teachers were not paying attention. Which is something, I think, we've changed. And I think that we've always continued to be involved in these kind of efforts to try to help out our schools and make this region a better place. And I think that education has a lot to do with that. And I think we see in my work here in the office, we do a lot of work, we represent parents of kids who have special needs and the schools tend to, they don't want to bother with them so often, unless you have a very committed teacher, who's going to work with students like that. It's much easier to move them out of the way. So when we, I think a lot of the cases we've done, the consumer cases, all the cases I've made reference to, the black lung work, where it's hard for, the organization wouldn't have anyone to assist them in these very technical fields without spending a great deal of money. Helping them to write regulations that will benefit them. All these things have been really a great place for me to work and for the lawyers who worked in this program. I mean I think people who work in legal services across the country who devote their lives or their careers to serving the poor, are a wonderful group, I have a lot of admiration for them. So it's always nice for me to come to work every day, because it's such a good place to be.

Q: I wondered, you mentioned that there is some racism in the area and you also talked a little earlier about how you had a difficult time when you first arrived, because people were thinking of you all as Communists or something like that. And you had trouble renting an office and so forth. Did you experience any anti-Semitism? Did people know that you were Jewish? Has that been a problem at all?

A: I don't think so, many people in this area don't know, really have had no experience with Jews at all, or Quakers for that matter, I think. And so in the more recent years, I don't spend a lot of time at it, but I've been to church groups and talked about Judaism. Maybe the Klan, the few members of the Klan, when they get together, their constitution talks about the white, Aryan race, and Jews, money-making Jews, and that kind of thing. I've never been conscious, really of anti-Semitism here in any major way. I know that those, I know that people who are strong Christians do feel that if you're not saved, you're going to Hell. And so they have a real concern about us, whom they may like and they don't want us to go to hell. And they would like us, I'm sure, to be saved.

Q: Do they try to convert you?

A: No, I think… Annie probably went to more church, was, went to church more, because she spent more weekends with friends who went to church, some of whom are more evangelical than others. We have been invited to many churches. And we have gone to, more to the Presbyterian

church than others because, probably the Catholics and the Presbyterians have run more programs for poor people. And in this area over time, St. Vincent's Mission came in here. Or maybe not the Catholic church as such, but the ministry. They brought more, while they are also attempting to increase the number of Catholics in their ranks, I think their message of being socially concerned has been stronger than that of the other faiths, even though they are a minority. The Presbyterian church was always very active with its Christian Service ministry. And it's not as fundamental as the Baptist church and some of their beliefs with respect to Jesus. So when Jean, as I said from the beginning was working with the Meals on Wheels program and a number of their related programs in this Christian Service ministry, we've gone there many times. But there's never been any real, I mean we've known all of their ministers. In recent years there's been a much more sharing between rabbis and ministers. Now here, the Ministerial Association, they had a Catholic priest that was here when we first came, named Father… oh gosh, what's his name? Getting a little tired. Young Catholic priest was here. It will come to me in a moment. And they wouldn't let him in, wouldn't let him in the Ministerial Association. He'd tend to wear moccasins around and wear blue jeans and was always a little bit out front on some of the social issues, working with welfare folks, and asking people about this being the way Jesus would have it. He finally, I think, five or six years later, put a Christmas card in the paper, wishing all of his ministers well at Christmas, hoping they would have a nice Christmas. He guilt-tripped them into it. They finally let him in. But there was that kind of thing, but there's never really been, I don't know, people have always been very nice to us maybe because, more about who we are than what the religion is. I'm sure they would welcome our, many of the churches would have welcomed the conversions. Or the fundamental religion, especially. We've been to many funerals, I mean, when you get to these, especially when you go to a funeral where they preach over, about salvation and that you simply, you know, you're doomed if you're not saved. And they're looking at you. (Laughing.) But they mean well. I mean that's what it is, they feel like we're going to be lost if this doesn't happen.

Q: Would you just talk a little bit about your and Jean's practice as far as faith, religion? You go to synagogue once a month? You go to a Quaker meeting once a month?

A: Yeah, well we, while the kids were, we sort of maintain the Jewish tradition, Friday nights, Saturday, not every Friday night, but especially when everybody is together. And we go to services now more regularly since we go to Williamson West Virginia, for the Jewish services. They are on Sunday night, as I mentioned. It's a rabbi comes down from Huntington, so he has a Friday night service on a Sunday night. The Quakers meet monthly in somebody's home. And of course you can have a Quaker meeting whether you have three people or three thousand, because they are silent meetings for worship. And people get up and say something during the silence, if they are led to say something. And it may go on for half an hour, it may go the whole hour and nobody says anything. Or it maybe that someone has a comment that is on their mind and many people speak. In the more organized communities in the East, you have this group of overseers. I mean the meeting has to have an administration with dues and Sunday school and all of that. But this is a very informal group. There is an annual meeting of Quakers in Kentucky which we haven't been to in a while. But the participants here are generally a couple in Hazard and a woman who teaches at the Pine Mountain Settlement School and a woman who is a doctor in Hyden, who is in her seventies and has been there for maybe twenty-five or thirty years, I guess, who's a teacher. But he was a doctor and she's a Quaker, very interesting person,

who lives up a holler in Hyden in a small house with… all these hundreds of goldfinches that are usually there. A very nice location. And then there have been some Mennonite volunteers, who have come to Quaker meeting during their volunteer period. So the group is a little bit fluid, although there is this permanent group, if you will. The couple in Hazard work for the rural health system and they've been there for several years. So they meet once a month and they were in Prestonsburg a few weeks ago. The next time will be in Hazard or at the Pine Mountain Settlement School. That woman is in her seventies, also.

Q: And do you always go to the Quaker meetings, too?

A: And I always go. I'm a very big fan of Quakerism. I mean I would not, not to convert. It is a very tolerant religion, built on faith, and the light that shines on everyone. And I don't know that there's a great enormous amount of difference, except that it's built on the teachings of Jesus, essentially. But they don't dwell on salvation and the other parts of it. I think they really dwell on living your life out in a full life and serving others, and the principles of humanity that I share and that I feel good about. So I think it's been pretty easy for us to adapt to each other. I've probably spent more time now with the Quaker part of it. I really haven't studied Quakerism that carefully. I've read a lot of books and probably will some time, as I should read about Judaism. And I haven't done as much of that also, a little here and a little there. But I'd like to that a little bit more. I've got plenty of other things I also want to read. Right? Like you do.

Q: And how did you raise your kids? Were they involved in both religions?

A: They were involved in both, although as I said, Michael, we didn't have Quaker meetings back then. We had some of the state gatherings. This group is a relatively recent phenomenon of the last three or four years. It was really sparked by the people in Hazard. And we didn't go initially. We were when Michael, I guess in our earlier years, we pretty much went to services in Ashland and took Michael when he was little, and Annie. They were the only children their age at that time. And we would go fairly regularly, but we always went during the Jewish holidays. And the Quaker tradition doesn't have a lot of formal ceremony with it as Judaism does around these holidays. So we would celebrate those and we would go to Passover. We had Passover Seders at our house, which Jean and maybe the others would, she did the cooking and became fairly well-versed in what's involved. Did some reading and embarrassingly probably knows more about some of those traditions now than I do. But that's the way the kids were raised. And Michael, as I told you, I spent more time with Michael probably talking about, doing sort of a light Sunday school lesson every Sunday for several years. That was part of our tradition at home. I didn't do that with Ann Louise for, I'm not sure exactly why. I think… who knows why? But I didn't. More recently she has become much more interested in both. I think she was, as Jean was relating to you, very concerned about the Nazis, the history, the danger that it posed and still is worried about some goofy Klansperson coming to the house and doing something.

Q: To you in particular?

A: Yeah. She has become, both of the kids will be home for the Jewish holidays, I think. I don't know about Annie, for sure, because she works on Saturdays. But neither of them… and

Michael will be home. Rosh Hashanah falls on a weekend. I don't know if he will come on Yom Kippur. Now someone would say, "How could you work on Yom Kippur?" And he might or might not. But those are their lines to draw. I mean it would have been unthinkable for anybody to work on Rosh Hashanah or Yom Kippur when I was growing up. And so they still have to find their own, figure out, I guess, what they want to do in terms of their religious… or how religious they're going to be. Either way, either way, I think though Annie's now becoming a little more interested. Although she hasn't been going to the synagogue in Louisville. She and I went to a Unitarian service together in Lexington a couple of years ago. But we feel okay about it.

Q: Do you want to say something in closing now?

A: Like a prayer? (Laughing.)

Q: Would you lead us in a prayer?

A: No, I can't imagine anybody listening to all these tapes. I was saying to Jean, "Maybe…" She said, "Well, can I listen to them?" And I said, "Well, you wouldn't want to listen to all this." I said, "Well, maybe somebody wants to listen to this history years from now or maybe the kids would want to look in some archive, right?" No, it was nice of you to be interested to do it, to listen to it. And I'm sure we still haven't covered a lot of ground. But it would be true if I did one of you, even though you probably wouldn't think so, but we all could spend a lot of time. I've just been fortunate, probably to have had such an interesting career in these two legal jobs, with the Division and with legal services. And now that I'm also interested in the Science Center and other community activities that we've been involved in. Just have a lot of interests that I'd like to pursue, that happen to be, I think, in areas that can affect other people and help them in a positive way, besides me. And I like to do it, so I think that's been a real reward. And you can come back in thirty years, and maybe when I hit a hundred, I'll reflect on the last forty.

Q: Yeah, that's a good idea. Okay, I'll see you in thirty years. Well, thank you.

End of Tape 7, Side B

Tape 8, Side A

Q: Okay, it's May 27th, 2000 and we're several months later, picking up on our interview with John Rosenberg and so this is actually tape eight, side A.

A: Tape eight?

Q: Yeah. So, going back, we were just talking a little bit off tape about some of your, about some of your speaking experiences and things that you've brought up or drawn upon when you've gone to commencement addresses and so forth. And one of the things that you mentioned was the last case that you had before you left the Justice Department which had to do with the Kent State University violence. Can you talk about your role in that and your point of view about what happened?

A: Well, I mean my role was, at the time was as Chief of the Criminal Section of the Civil Rights Division. Because this involved the National Guard and potentially other police officials, state officials, the Justice Department is called in to investigate. Potentially there is a federal crime when police officials act illegally or summarily and what we call summary punishment by not arresting, for example, students who do something wrong, but rather they overreact and shoot or punish or beat whoever the victim might be. So, when this happened, this incident happened and was called to our attention, my job was to write a request to the Federal Bureau of Investigation to investigate, to see whether a violation of federal law had occurred. And so, that being May of—how many years ago?—1970, thirty years ago, I drafted that request, which then was sent out under the name of the Assistant Attorney General of the Civil Rights Division, who I believe at the time was Jerry Leonard. And I'm sure I'd have to go dig it out or I don't even know if I have a copy of it, you know, it would be fairly thorough about where they would be interviewing any witnesses who were there and whether they, the police officials in fact were threatened or there was any reason that would justify their having used force in shooting those students who were killed. There was a long grand jury convened after I left. As I recall it was actually inconclusive. I think there was no federal trial. I think there were civil trials later which I'm not sure, it seemed to me they may have recovered some damages for the families of the children, of the students who had been killed. It was just a very tragic event. There were others at the time. I recall, I think when we were speaking, I had seen an article recently before I gave the commencement address here at Prestonsburg Community College, which happened to have been written by the President of Kent State University. It was sort of a memorial column or just recalling those tragic events and the fact that they were in the memory of the President and people who were at Kent State now. And that the school itself had made great progress in the intervening years and that this awful event was a milestone, obviously, in the history of the school, which sort of marred its reputation, along with… or which they felt marred its reputation. It was not forgotten, but that since then the school had progressed and had moved into the age of technology and that she was very proud of their progress. And I happened to be particularly moved by the way that she ended the column, which was that in this age of technology, it was important not to lose our humanity. And so I was, used her, some of her quotations in concluding this address that I gave to the local students. And it reminded me that it was also sort of one of the last things we did, that I did at the Justice Department, before we left on our vacation, but really left. And then were headed for Appalachia.

Q: So you just filed the case, but you didn't investigate it?

A: Well, I didn't, no. My job basically, if… had I stayed, the office, the lawyers who worked with me and for me as Chief of the Criminal Section… after, the way those things would work is that when the FBI goes through its investigation and prepares a report, those are usually turned over to the United States Attorney for prosecution or for determination of whether a crime has been committed. And generally then if there is some conflict, in other words when the officers say, "I thought that it looked like the student had a gun and that we had to shoot the student or we would have been killed," those factual disputes, someone has to resolve them by generally going to a grand jury, which is what happened. And then either the U.S. Attorney co-operatively with lawyers from the Civil Rights Division, or… would make that presentation, but we left. That was at the point after I had authored and drafted this report, this request, was when we left. And so the investigation really went on and I believe one of my colleagues, Jim Turner, who was sort of one notch up in the hierarchy as a Deputy Attorney General[62], was sent out there and that he spent several months, along with reviewing the reports and working with the grand jury and then determining whether someone should be indicted or not. I want to think that there was never, that there were no federal indictments, but I may be wrong. It seems to me that was one of the sad things, that this was one of those, one of those sort of inconclusive… there were, on the face of it you would think that there was no reason to shoot students, because they were certainly not armed. And that they got caught in the, were victims of what happened. But I'm not sure that anyone was actually ever accused of having, of criminally having done this. That there was some evidence in the heat of the moment that these folks felt threatened, their lives were threatened. And that they, while they may have been negligent or they may have, whatever they did, that there was enough justification to make them question, that they made a bad decision, but it wasn't, certainly wasn't intentional on their part. And that it may have been enough to warrant civil proceedings. But that's the way those things always, you know, went. And so in other circumstances, like when I was in the Houston case, we also asked the FBI to investigate and to assist us in determining, looking at records and other areas. And then the lawyer who is responsible for the case, as I was in the Houston case with other lawyers working with me and were working under my direction, then I would present the case to the judge. That's how those things work. We're done. I didn't do any more in Kent State. I mean that was, most of that then happened after I left. So it was a memory and this article that I happened to see in the newspaper sort of jogged my mind back. It's sort of the punctuation mark. It's the point at which we left.

Q: I wonder also if you had, at the time if you felt, you had mentioned in the earlier sessions of this interview how much you idealized this country and its constitution and the principles on which it was founded, and that you really held, had high expectations of it. During the Vietnam War did you feel disillusioned with this country and its government? Or did that change your perspective at all?

A: Well, I mean, I think there are lots of times when you wish political decisions were made, were different. I mean I think that everyone is, that a lot of people are sad about our involvement in the Vietnam War. I was in the war, served during the time of Korea. It was obviously… and as I probably said before, there were lots of reasons I enjoyed the time I spent in the Service. We

[62] Actually was Deputy Assistant Attorney General.

made a lot of very close friends, who I continue to see and hear from, and get together with periodically. And I think you feel that you are doing something worthwhile when you're in the Service. And helping this country in a small way. But that I also noted that when, during the Suez Canal Crisis, when we were on alert for a week and no one was quite certain which side we were on, and that because the United States hadn't made up its mind which side we were on, and Israel was one of the partners, was one of the main parties involved in that dispute, the thought that we would be in a conflict with Israel was not very appealing to me, but that it just let me know how much of a, that this was not what I wanted to do (laughing), to be regimented in that way. So that staying in the Service was not anything that I wanted to do. On the other hand, I always, I think that it's a very dangerous occupation. And I feel those people who are in the Military for a career, who really believe that this is an important thing to do, often that we owe a lot to people who have been, who have served in our Military, and who have either given their lives or come back wounded or who are veterans. And I'm sure now we much, recognize much more the people in Vietnam, who may not have won a war, were nevertheless there because they were doing what they were told to do. And of course a lot of people were willing, were Conscientious Objectors and didn't go. My personal feeling is if someone's a Conscientious Objector they ought not to go. And we ought to let them not go. There are plenty of people who want to go or who were willing to go or there were and there were things that could be done. So, I don't know that I, I'm not disillusioned. I'm still very much a, feel very strongly that, I guess maybe it's a little rhetoric, but I feel that this is still the best country in many, many ways in the world. There are a lot of imperfections with it, that we… and some of the issues that we have to resolve are very difficult issues. When we see in this area the economy being as poor as it is. We've lost a lot of jobs here. Trying to catch up. What I spoke about at PCC, of course, that, that the Kent State thing related to, I asked, I emphasized to the students how much they should be grateful for being in this free country. It was also the, the week of the graduation was also the week of Law Day, in which we celebrate our freedom and the Constitution under which we live. And it was also the anniversary of Holocaust Remembrance Day. And it was the anniversary, the thirty year anniversary of Kent State. And I think all of those are messages that we need to remember and reflect upon. I think we do have a legal system that really is the basis for the freedom that we have. And a lot of those freedoms are at times tenuous. You worry when the Klan, you wish we did not have the Klan around, but the fact that we allow them to exist under, in a restricted way still is part of the freedom that we can enjoy. And I think all of those kinds of issues sort of tumble around together. And yet we, we have to be, we're always balancing those things. And I think the political system that we're under, where we flip back and forth between a Democratic party in control and the Republican party in control at the state and national government, kind of keeps everybody off balance, at the state level and the federal level. But it seems to make us sort of come out in the middle and even though lots of things go on that we don't like. I mean I wish we had greater funding for legal services at the state and federal level. And sometimes Congress, the legislation we have on, that affects welfare moms seems very punitive, at times. And I know we could do better with that. We clearly need a better health care system, there are lots of places where we can improve, where we ought to improve, being as rich as this country is. We seem not to regard people, the problems poor people have as seriously as we ought to. Well, that's a rambling answer. I can't even remember, it seemed to me that we started with Kent State and we kind of got into what I was talking about, but it all kind of goes together.

Q: Yeah. Kind of related to what you were saying, can you talk more, you had mentioned that sometimes, you mentioned off tape and I'd like to get this on tape, that you mentioned when you go to speak at various places within the community, people are interested in, partially interested in hearing you speak because of your Holocaust-related experiences. And maybe you can talk about your, your invitation to speak at the hundred-year anniversary of one of the black churches here and also talk about why you think it is that people want to hear about that particular aspect.

A: Well, I think that the black church, the name right now escapes me, probably shouldn't. The hundredth anniversary was an event they'd worked on, was quite a significant event for the church. There are two churches in Wheelwright, Kentucky and this is one of them. And they had been planning this anniversary for some time and have had a series of ministers over the years and it's a very cohesive community. And I think, probably, one of the reasons they asked me to speak was because they related, they knew that I was Jewish and that I had been involved as a legal services lawyer and perhaps as a Justice Department lawyer in some civil rights issues over time. But also that I was a, that my family had escaped from the Holocaust and they knew some of that history. And I think they analogized it in their own way to the discrimination that they had felt and that they wanted me maybe to reflect upon the f act that there were people who were white and who were discriminated against because they were Jewish or for reasons other than race. But that someone, a family lived in this community that had shared some of that history that their own families and ancestors had experienced over their lifetime. I know that, I think in the schools, I think that the schools now have made the Holocaust a very much a part of their curriculum. When I go, I've spoken to middle school students and elementary school and high school students. And when I ask how many of them know who Ann Frank was or whether they have done a unit on Ann Frank, almost every hand goes up in the room. I think that unit is probably done in the fifth and sixth grade and in the seventh grade. And that, but the fact, I think teachers tell me, the fact that they see someone who is alive and who can come into their class and say this is what happened to my family. I was eight years old when they arrested my father and took him to the concentration camp. Or I was standing in the courtyard when they were dynamiting the synagogue. That is always more, it makes a stronger point than having heard it from a third person. And if it's someone in their own community that I suppose has been identified as having some credibility, that doesn't just make these stories up. I think when you, you always tend to put some faith and trust in people that have lived with you a long time, who are part of the community. It's kind of like any other, listening to older, someone described the history of the May house or the May family or their own family history. When they've grown up here it means more. At least I think that's, whenever you find someone, whether it's the war, my neighbor used to, my neighbor must have been on every beach. He died a few years ago, but he was one of those Appalachian soldiers who was drafted and lived through every beach assault in the Pacific. And even if he tells it in a low key sort of conversational way, it's very powerful to talk to someone who lived it.

Q: It's interesting, considering your significant experience, you spent a lot of time working on civil rights and a lot of time here in Appalachia working on helping the poor with legal services. And it's interesting that the thing that people would pick out when they want to hear something from you, is this thing that really happened in your distant past and really has to do with your roots, which hasn't been so much the focus of your very significant work and interesting work. Do you think, I'm trying to… there's kind of a question in there somewhere, but I think, you know,

there's some key maybe to your roots which came up in the earlier interviews, too. That you mentioned that where you come from and your escape from the Nazis has been a very important part of the work that you have subsequently done. Or that it's something that you've kept in mind, but we didn't really go into very much detail about that. Has it been… is that something that you really think about a lot, about the Holocaust era and about your family and about… maybe can you just talk more about that?

A: I don't know that it's with me every day. I think that… and I think I've spoken about this before. Well, before I forget it, I think in my earlier, when I talked about commencement talks or just generally about legal services, I really did not speak, talk much about the Holocaust unless I was, unless… I mean some of the church groups, when we first came Jean was… we were involved with the Presbyterian church a good bit because they did a lot of social, were more involved in local social projects. They started Meals on Wheels and Christian Service Ministry that she was involved with. And so the ministers who knew that we were involved, had Passovers and that I was Jewish and some of that developed into, people, by word of mouth realized that I wasn't born in this country and that I did have this experience. But it wasn't, I guess in more recent years, I've had more, probably as people learned and as I spoke more about the Holocaust and about being Jewish, that there have been more, there's been a bit more of an awareness about the Holocaust. I think partly because of the Holocaust Memorial and there's been more publicity generally about the importance of this whole era and trying to make people remember it and not let it be forgotten. That all probably is part of the reason why this has come up. And I think that tying it into Law Day is something that has gotten around among the teachers, that that's something I'm willing to speak about or can speak about on Law Day, that may be more meaningful to students than just talking about the Constitution or how the legal system works, which is the other thing that we generally do when we go to the schools. Well, I don't have any doubt that the history, that our fleeing from Germany and coming to this country and being grateful for the opportunity to be free here, has sort of moved me into public service work. I think that's pretty clear. When I was in the military, I think it probably in a way helped move me to go to the Service as well. I don't know that I went into the ROTC, which helped partly also with tuition. Back then it was one of the ways of making Duke affordable, which was an expensive school. But I mean, whether it's just the rationalization or the reason, I think I certainly felt that being in the Service was one way of trying to help fulfill my, help me give something back. You can stay out of the Service. I'm sure I didn't have to do that. But that was during a time that people also were being drafted. And that if you didn't want to be an enlisted man and wanted to do more with your career in the Service… I guess my bigger decision was that I was, I did have the option after coming out of Duke as a chemistry major, of going to work in the Military as being in something that was more science-related back then, working, using my chemistry degree. And I decided really not to do… I decided I was either going to fly and then ultimately became a navigator. Because the pilot training didn't really work out. But I, so I'm sure that was probably, sort of an adventuresome kind of thing to do. It would be more interesting than being in a lab. I knew that I probably might want to sell chemicals some day. I really hadn't decided my long-term career goals. But I flirted around when I came out of the Service and went back to Rohm and Haas as a technical representative for a chemical company. I don't know whether we… did we talk about that?

Q: Yeah.

A: So, I flirted around for a little bit at one point about going to Rabbinical school and decided not to do that. But I'm sure that what, that going into the civil rights work and being, and wanting to do public service work has been to some extent influenced by, and maybe a large extent, probably a lot of it is subconscious, the fact that I want to feel that the contribution I can make in helping other people in this country, who are not as well off, is just a way of helping to give back. I don't know that it's any sort of sacrifice. I just feel like there are lots of ways to spend your life. And if some people want to spend it practicing law in one way or another, that's their choice. But it's a much more, this is part of it, but I don't feel that I had any obligation to do this. I just, I'm sure that having that history in our family in a major way influenced us, as well as… I mean, my father and mom, my father worked in the textile plant. He was a teacher. My brother is in public service, worked for the government all of his life. My sister was an architect working for the state on issues affecting handicapped people, an architectural barriers person. So, and just recently finished law school, and is now thinking about how to use the law degree in a helpful, probably together… I don't know that she will be going into legal services, but I… I mean I don't know that my motivations are really, I think all of the lawyers and people who do public service work, whether our daughter, who is in social… working on a social work degree, and working with developmentally-disabled people now in Louisville. Or our son who works with students who have academic difficulties. Or your or whoever the other people, who are in public service life, who choose to make that their life and feel that service is a way to live out your life in a meaningful way…

End of Tape 8, Side A

Tape 8, Side B

Q: All right, this is tape eight, side B. And uh, related to your work or to your experiences with speaking to groups, you had mentioned a little bit earlier that you have on Law Day talked about the Holocaust. And what do you talk about when you talk about the Holocaust on Law Day?

A: Well, I talk about the contrast between a society that we have in this country, where we have a government and a nation, which is governed by the rule of law and what happened in Fascist Germany where the legal system was basically put aside for a dictatorship. And that the kinds of things that were able to happen in the Holocaust, which was a result of Hitler's fanaticism. And what did happen in that dictatorship, and how, again, grateful we need to be and how they, students, can reflect on or ought to reflect, and their teachers and all of this ought to reflect on the system we have in this country, which would not, hopefully, permit anything like that to happen. That the checks and balances in the legislative, executive and judicial systems would keep that from happening. And that we have, that free speech is important and that all of the guarantees that we have under the Constitution and under the Bill of Rights are very meaningful and that it's important to talk about them. So I use, I guess the family's personal experiences, and I talk a little bit about the history of how all this came about in the 1930s from Hitler's rise to power. How during the war, I mean even afterwards, how people would like to pretend in Germany that no one knew about it and this all sort of just happened and people are looking the other way. At least were looking the other way and most, I suspect, did know about what was going on in the Death camps. That's what I try to focus on and I think the teachers seem to appreciate that and seem to feel that it's a good way to have their students appreciate Law Day.

Q: Why don't you just talk about… you had mentioned in the first sessions that we did, something about the relationship between Judaism and justice, and it was something that you said that you had thought about. Would you elaborate on that some?

A: Well, I don't remember what I said at the time, but the important tenet, I guess, of Judaism is the emphasis on justice, study and justice. That the Ten Commandments and having a society where being just to each other and where you have a governing, legal codes that govern Judaism, which are principles of living really. The major ones. I might have said that those principles probably helped to influence me and the work that I do. I remember when we were just talking about Law Day, usually when I begin a talk, I talk a little bit about the fact that we've been, who we are and who I am, that I'm here in Prestonsburg. We've lived in Floyd County all these years. And talk a little about our legal services agency and try to describe that we do have a system in this country that provides lawyers for people who can't afford lawyers, on the criminal and on the civil side. And that what this program, what Appalred and other civil legal services programs do and how difficult it is. Many times it is basically impossible to navigate through the legal system without having a lawyer to help you, so that poor people are often on the short end of business transactions and many other people lose rights. They lose benefits to which they are entitled. And the kind of work that defenses in eviction cases, consumer cases, all the work that we have done. The Broad Form, environmental work. So I try to also mention that. So, going back to what you were asking me, I don't know that it's any easier… I mean I think all religions, whether it's Christianity with Jesus' sort of different, somewhat little different spin on the loving aspect of God, that it's not as much of the retribution and thunder that you read about in the Old

Testament. But that any, I know there are a lot of people in legal services and folks have written about, who, even who have had backgrounds in Divinity School, or who feel that by helping, by using their legal talents to help people who are oppressed or who are poor or have been discriminated in one way or another, that that is a good way for them to live out their life and their principles and their values. And providing legal services for low income people, I don't think that that's… there's anything particularly unique about being Jewish in that way. I just, probably anyone who feels that their, that religion and a belief in God is part of their personality or their person, would feel the same way about that, I think. I mean, we have people in legal services who are very religious. They're Catholic, Protestant, Jewish. And we have many people who are not religious, just as, I'm sure, other professions do.

Q: The question that had come to my mind before, that had slipped out, was kind of related to something that, when I've interviewed other Holocaust survivors, that gets brought up a lot. And I don't know whether you'll have anything to say to it or not. But often I hear people say that they feel, hear people state an opinion about whether a Holocaust could happen again. And many people say, "I think this is going to happen again." That there is going to be some kind of mass persecution of the Jewish people. And some people feel like that's not going to happen, but a lot of… it just comes up, and I'm wondering whether you feel like… you were talking a little bit earlier about the legal system in this country. Do you feel like that system is really stable enough so that there is not potential for that kind of disruption or do you feel like it is possible for something like that to happen in this country?

A: In this country? I would like to think that it could not happen in this country in our lifetime or in anybody else's lifetime. I think that when you read about any sort of fanatical behavior, when you read about… it's only been a hundred years or a little more, well a hundred fifty years since lynchings were pretty commonplace in the South. And we had a, quote, "legal system", that was not as… we didn't have transportation systems, and we lacked a lot of the modern conveniences, so that I think our life was a lot more rural. But it seems to me that communities were pretty heartless about… I mean that there was, in the South more so than any where else, but on a large scale, African-Americans were property. I mean they were property. And anyone, and people seemed to accept that in a fairly major way. I don't know that it would happen just to Jews. And obviously the Klan had put Jews and Catholics into a group, blacks. But you know, we see things, we see the American Indian in this country for years having, in not the very distant past, being treated as a second-class citizen. You see… but in the next fifty years probably the white population as it is, or, quote, "Caucasian" population, will probably be a minority in this country. So I don't know. I do think that people can be fairly heartless. I mean we've had this, even with the go around with theTen Commandments we've had in this state recently, that we have educators and superintendents who don't seem to get it, and don't understand or can't understand why anyone would object to putting those Ten Commandments on the walls of the school or a public building. I mean that's always pretty scary to me, and they wield a lot of influence. And they could be leading, they could decide that they're going to march on any one of us. Any lawyer who lived in a local community that promoted, who was representing the other side. I don't know that you would see anything like what happened in Germany, on that massive a scale, where you're filling boxcars with thousands of people on a schedule that end up being cremated and killed and gassed. But I think people can, there are leaders that appeal to emotions and that in, just the same as the abortion clinics, you have folks who would like to defend the

fact that they can kill somebody because their view is different than their own. So I think it's possible and I think it is probable they'll continue to happen as long as you have open gun, as long as gun laws are the way they are. And as long as you have people who believe in these fairly, I don't know, fundamentalist religions. Wars are fought. All the things that we've seen in the last few years, and maybe this country is a little different because of its tendency to become more homogeneous, both culturally and racially. But you think of all the Tutsis and the Hindus and you think Kosovo and you see all of these people and you see massive… as far as they're concerned it is a Holocaust. Right? I mean they are being killed in massive numbers. We just aren't there. I don't know and you feel pretty helpless over here trying to do anything about it. So I don't know, we can always rationalize it by saying those aren't very civilized countries. But all of these things seem to be done… I mean look at Israel and the Arab countries. Both sides, certainly the Arabs, think that all of this is for Allah, and most of these massive killings are religious wars. And they are done in the name of God for one side or the other. Or the ethnic issues up there in Russia. I mean tanks… so, who's to say that can't happen here? I would like to think it wouldn't happen here because of all the different pressures that keep the country going. For one thing, we're so materialistic, people want to keep making money and they want to keep a society and keep the economy going. And wars and internal fighting and disputes on a large scale, they ruin countries. I think if it's nothing more than that sort of selfish self-interest and political interest, that people know they're not going to allow anything of that scale to happen without calling out the National Guard or something. At the same time you see on the television, you see all those things that you think somebody was just writing a fiction plot a few years ago, they can happen. Whether it's biological warfare or some goofy, this computer virus stuff. We see that everything is possible with technology. But I don't know that anyone, these days, in this country, I'm not sure that we would have to fear a Holocaust. I do think that minorities who live in fairly isolated situations, I think are always somewhat vulnerable. Here in Floyd County now, it's a nice thing to say, we now have a mosque here in Eastern Kentucky, which is, I think, a real milestone. And we do have more and more African-Americans and people of other cultures, who have, are finding a home and generally acceptance, at least in some economic, to some economic extent. But I don't know that they are not always somewhat vulnerable. To some extent there are people who are here because the area has needed more physicians and for economic reasons and they are excellent citizens. Whether over time, like the osteopathy school or if the economy gets worse, people, they will have become enough of this community where they would stay and would speak their mind. I thought they were, they were totally silent during the Ten Commandment debate. I had encouraged some of them to speak out, because they were the most affected. So, you, you know, it's the same way with the Jewish communities during, the Jewish families that moved South in the earlier days. They stood by, they were in their communities, they were merchants in these towns and they could not join country clubs and they were being discriminated against. They had African-American maids at home. And they were certainly willing to live in a segregated society, because it was economically favorable to them. I think I may have said that earlier. I think those things are, those are difficult ethical, philosophical issues. But it has to create a certain level of discomfiture for people who are doing that.

Q: Why don't we go back and we were talking a little earlier about how we might get some more detail about your work on the Neshoba County case. So, go back to there and then work forward again. Last time we talked about it, you mentioned a little bit about how you had been working

on that case, but what were the details of what you were doing exactly on that case? The murder of the three civil rights workers.

A: Well, I worked on the case twice. The first time was in the grand jury when I was talking to you earlier this morning about the fact that after the FBI has investigated a case, then we get the witnesses together. And after the incident had happened in the summer of '64, we had a grand jury in Mississippi, a federal grand jury. But that was before there were any confessions. And so we went to Neshoba County and the FBI had uncovered a number of other police-brutality cases that, where local officials, the sheriff and local police had acted illegally when beating blacks, primarily. And we only knew the circumstantial evidence of the killings of these workers. We did not have a confession and so there was not any clear evidence. We did not have an indictment of that. Then there was subsequently a confession. When Jean and I came back from… yeah, then the indictments went to the Supreme Court, when there was an issue about, after the confession, when there was an indictment, there was a legal issue about whether these indictments stated a claim under federal law, because they also involved private conspirators along with some police officers. That question went all the way to the United States Supreme Court. It was decided in 1966, I think, and Jean and I got married in 1967. When we came back from our honeymoon, we, John Doar called me… at the time was I still working in the Southeastern section? He asked me to come down and work on the Mississippi case if I felt like my honeymoon was over. And we were in New York at that point. We'd been down to Saint Martin in the Caribbean. And I said to Jean that I just thought probably with this I was ready to go back to work to try and finish this case.

Q: How long had it been since you had gotten married?

A: We were, we were still on our honeymoon. We got married in February, 1967 and this was February, 1967.

Q: Okay.

A: We flew back, back. We were out of the country probably ten days and we were going to spend another five, four or five days in New York seeing some plays or something. But when you were were back in this country and this case was ready to go or we were ready to get in and get ready for trial. So I kissed her good-bye and I went to Mississippi. And I spent, specifically actually, I primarily did two things. I spent almost a month interviewing people who were prospective jurors in the case. Because nowadays they have psychologist, psychological, they have these jury experts that are sitting, that sit with the lawyers and who've done big sophisticated background checks and they've even sometimes tried cases to juries to try them out. They'll have a mock trial and have a mock verdict. But by learning through the black community, who the members of the white community were that might be trustworthy and who were supportive and who thought this was a dreadful thing, this killing of the three workers and who were upstanding citizens and who would know people, basically, I created a notebook of information about the jurors. I mean we didn't know who the twelve would be. You get a list of about forty or fifty. And so I collected information on these people by word of mouth primarily. And met a lot of people, and then put this notebook together for John Doar, who was my boss and for the U.S. attorney for trial, which they used in selecting the jury.

Q: How were the forty people selected in the first place?

A: They're chosen out of the jury wheel, at that time in most states, they were chosen off the voter list, the voting lists. You put all the voters… it's a federal court, so the district is much larger than just a county. So you're more apt to get people that cover a much larger area. And I think the trial was in Biloxi, in the Southern district of Mississippi with Judge Cox. And so these jurors were somewhat spread out. I mean it wasn't all the way across the state, but it was in Southern Mississippi in several counties.

Q: And was there some kind of quota with the jurors, where there were supposed to be a certain amount white and a certain amount black?

A: No, but there were blacks on the jury, but the blacks were, they were struck. Now I was in some earlier trials in the early, when I first came, we had a trial in Georgia involving SNCC workers, who were some voter registration workers, including several of whom were black. And then later with the trial of Fannie Lou Hamer and they were all white jurors. It was really at a time before, again it was something at the time that was not challenged as being unlawful, the system for selecting jurors and that resulted in no blacks being on the jury. Now this particular jury, now in the Southern District, you would think, probably, that half the people on the jury would have to be or close to half would have to be black, because the voting requirements have been so slackened. Because that was another part of this whole civil rights struggle, was they were using literacy tests at the time. I'm pretty sure… and that would make sense, because the number of black voters back then was still very, very small, and so you had very few blacks. And they were not, probably every qualified, voting black was probably in the jury pool. So, I don't know if they were out of the, let's say the twelve, that were called initially or fifteen, as they were being struck, there may have been several who were black, but they were struck, so that the jury was an all white jury. But I was, of course, felt pretty good, because we got a conviction. So I felt like that work was at last helpful. The other thing that I was, we had always, the way we did our trials in the Civil Rights Division... I may have talked about this before. We'd have two people inside the courtroom putting on the case and then the fellows outside the courtroom who were responsible for preparing witnesses and making sure, and having things go right. In the Neshoba County case, my other responsibility, well there were several others, but my one major responsibility was to firm up the identification of the workers. And that was… of these three civil rights workers who were killed. And that was done through their dental records. We went back and found who their dentists were and the dentists' charts and compared them, in the event that that was in dispute. I don't think we put the dentists on, and it may be that it was admitted, but we did that. And then there was clothing that had been retrieved from the workers, and the whole issue of proving that they were who we claimed they were, that they had been the murdered workers. And then I did a lot of other, I did some… there were other parts of the case, where you're trying to make sure that everything is together. And some of the witnesses were not heard. There were people who, a deputy sheriff at one point picked up a young woman who was an Indian—there was a Choctaw reservation in that area—who was an Indian, and she overheard a conversation. But she didn't speak English. So when we wanted to go talk with her, we had to find an interpreter to try to tell us what she was saying. I think actually she did testify,

because she overheard them saying something that indicated they knew what was about to happen or that they were going to stop the workers when they let them out of jail that night.

Q: So, she understood English, but couldn't speak it?

A: Right, she just spoke a very broken English and she remembered some phrases that they had said when she was picked up. They gave her a ride. I don't remember how we tracked her down, but it was something that was helpful like that. The grand jury, I worked on the grand jury a while, one of my roles was nothing more than a logistician. I was in Biloxi, getting people driving from Neshoba County, but the grand jury was sitting in Oxford. And we were moving, I was doing a little more than that, besides interviewing. I kept taking people to the airport and sending them from Biloxi to Oxford. Keeping the witnesses going. That took, we had a lot of logistical issues in getting, finding these people way out in the country and brining them down—especially African-Americans—who had been mistreated, and getting them to the airport and getting them up there and back. But then the fact that there was a conviction in this case, John did a, really quite a remarkable, did a very, very good job in presenting the case. It was a big effort. It was a very sad thing to kind of work on that.

Q: Did you… you strike me as a person with a lot of energy and a lot of drive to go on, but did you ever just feel depressed and have trouble getting out of the bed in the morning? Or is that just not an issue for you? (Laughing.)

A: Back then or now or?

Q: Well, in any of these. I mean, I would, just picturing studying the dental records of these people who had been brutally murdered for working on a good cause. And then you've done other work since then that's had to have been very depressing. I just wonder how…

A: Oh I think you feel, it always has an impact on you. I think that just for this purpose, you never forget the smell of those clothes…

End of Tape 8, Side B

Tape 9, Side A

Q: This is tape nine, side A. Will you, will you just repeat what you had started to say?

A: Well, I was just saying in that particular situation I always can picture, we had the clothing put away in boxes behind the door. But it was really... the stench of those clothing was so strong, that it was always there. And for some reason that always stuck with me more than the dental records. Well, you do, you feel very badly for the families, you feel kind of not very forgiving, I think, for the people who did this. And of course, there were some church burnings before that. The atmosphere around, in Mississippi and Neshoba County among the, in the white community and among the Klan, that particular group of Klansmen, Sam Bowers[63], the mastermind of this one, who also was behind the firebombing of another African-American, who was a voting rights leader in Hattiesburg, Mississippi. Vernon Dahmer, who, they firebombed his house. These people were just pretty evil. They were violent, and just bad people in that sense. So I think you have a, if anything you're probably driven. I don't know that I ever felt depressed, I think most of us, and at the time this was a pretty highly motivated group of lawyers, who worked in the Civil Rights Division. It was a very relatively small group of lawyers in the early '60s. It was sort of a sidelight, but I mean Congress's commitment to civil rights was not great either. The Division had very few lawyers working on civil rights cases when I started in 1962. And they had to beg for any money, and so there were very few of us and we worked on these voting rights cases, it took an enormous amount of time and it was hard to do more than two or three of them. We'd spend months looking at records and microfilm. And we worked extraordinary long hours. He couldn't understand why people who were family men with children would want to go home at the end of the day and not come back and work at night or work on Saturdays or work on Sundays. Of course, there were some folks who got divorces over that hard work, just as they do in the Service, I think. So I don't know, I think that lawyers get depressed when they lose cases. And we lost, we lost many cases in the early stages in the lower courts, voting rights cases and others, because the judges themselves were segregationists and were appointed and came out of that society. So we had to appeal their decisions before and they were reversed and all of that took time. So, when you work hard, it doesn't matter what, if you work hard… then when we knew we were going to lose, it's… and then you did lose, you're sort of prepared for it. And you really are trying to put the case together in the first level, so that it's a compelling case to the next level. And that's what happened, we overprepared and we generally won, eventually we would win. And then gradually the law started to change. It took a very long time, and so I've said many times it was fortunate or maybe because of that slow pace and the limited role of the federal government, that somebody like Martin Luther King had to come along. Or that blacks had to organize themselves and realize, as so often happens, that people have to organize and that movements get started and that direct action has a place. And it all sort of came together in this instance around the Voting Rights Act of 1965. That's when Jean and I met. We were in Selma, we were in this case, this voting rights case, this Dallas County case was a case, the first voting rights case under the 1965 Voting Rights Act, that election. I think we may have talked about that before.

[63] Sam Bowers, circa 1925--. As a leader of the Mississippi KKK, authorized the murder of Mickey Schwerner, one of the three civil rights workers murdered in Neshoba County, MS, in 1964. Bowers spent six years in jail for his role in the murders. In 1998, he was sentenced to life in prison for the murder of the black activist Vernon Dahmer.

Q: We did. Is there anything else you want to say about the Neshoba County case?

A: I don't, not really, I think. There was a very good, made for T.V. movie about that case. I'm often asked about "Mississippi Burning," which is a popular movie that came out, which was not really accurate in many ways. But I thought it depicted the hatred of the atmosphere at the time fairly well, and some parts of it were there. Jean and I have a, at our house, the painting of the sailboat in our living room is from the restaurant called, it was from Meridian, called Wideman's Restaurant, which was where we worked out of the Meridian office, which is close to Neshoba County. But I don't think so. I mean, one of the other last things beside the Kent State thing that I did at the Civil Rights Division was to, you know after these folks were convicted, then they appealed their conviction and it went on. That took a few years. And I think one of the other last things that I did was to file a brief opposing their last motion not to be sent off to prison. I wrote the response to that and then they were picked up. Then they finally went to jail. So that was about 1970.

Q: Do people ask you to speak about your civil rights era experiences very often?

A: Not, it only comes, it comes up, well, my friend Ned Pillersdorf, who is a practicing lawyer here, teaches a class on the court system, on I think, civil liberties and the law. And he generally has speakers come in, other judges and I usually come in for a night with him. And I've spoken a few other times, but really not very much. And I'm not sure that that many people are aware of what I did. I mean I don't particularly publicize it. If I'm giving a speech and somebody's writing some background about my legal history, they'll generally mention that. But I don't really do much speaking about it. Usually the schools have a unit on it. There's a lot of, certainly a lot of written materials and most of those… Taylor Branch's books quote my boss, there's a lot in Taylor's books about John Doar[64]. And usually when books are written like that, that's who they are going to write about. I don't know that I'm anybody necessarily. But locally if people ask, I will talk about the cases. I mean I've spoken a few times, not recently about the legal developments of these, of how we put these cases together and the Voting Rights Act and the impact of the Voting Rights Act. But then I left in 1970 and I've been doing this legal services work for thirty years. And unless those things come together somewhere, it's become part of my, sort of distant past, except for reunions of Civil Rights Division lawyers and some of the ongoing contacts I've had with people. So not really very much.

Q: I wondered if you want to say anything else about the desegregation work you were doing in Houston? You mentioned it in the last interview. One of the things that you mentioned in the last interview that I thought you might want to comment on now, is that you said it was the beginning of the Nixon administration and you were seeing that that there was kind of a move away from real advancement with civil rights. And that Houston, working in Houston, there was not a, you didn't give much detail, but it seemed you weren't very hopeful for things moving in a real positive direction there. Do you want to talk about that?

[64] Taylor Branch, author of the trilogy *America in the King Years*.

A: Well, I think probably what I had reference to was after Richard Nixon was elected and William Mitchell became Attorney General[65], they did not want to continue to seek bussing of students as a remedy to undo segregation. And bussing, Charlotte had accepted a bussing remedy and several other states, too. The problem is when you have a segregated community, so that white students, black students are, if you don't use something like bussing, you can't achieve very much integration, unless you pair up schools where the two housing districts happen to be close. Where they call that pairing of schools. You could pair schools that are in nearby neighborhoods. But the Nixon administration, so the Nixon administration really backed, not only on bussing, but they generally felt, I think, that the position of the Department in the past had been too strong towards moving towards integrating classrooms. And they were more inclined towards free choice, which would essentially leave student… the schools white and black, with some very few exceptions. And the Houston case was filed right after the Nixons came in and we did ask for bussing as a remedy. And it was the last case that they allowed that to go through. In fact, the Assistant Attorney General, who was probably called on the carpet about it a little bit, because it had gone to him and he had approved it. And I don't know that he was brand new, whether he really focused on it as much as he might have. But the Attorney General had to, I think had to sign it as well. We went forward in that case. It was a very large case. Houston was the third-largest school district in the country. I can't remember, a couple of hundred schools. They had, what they had done is spent millions and millions of dollars building new suburban schools outside, on the outer fringes of Houston. At the same time they let the inner-city schools decay, so it was really doubly bad. It wasn't just, in some school districts they tried to upgrade black schools to prevent desegregation. In Houston they didn't care. They spent all their money on white schools and let the black schools get worse. So, but then at the same time they bussed white kids past black schools and blacks past white schools. So we asked for, I had an expert from Miami, Florida, who was an expert in school desegregation matters. What a minute, maybe he was from Austin, Texas. Mike Stolee. I guess he was from Austin. Well, one or the other. And he testified as to the need to bus and that using bussing as a remedy would produce a, basically an integrated school system, with all the advantages that might come, or that could come with that. There was much more to it in the case than that, but basically that was it. The other phenomenon at the time was that the Chicano community was just developing, so that it was like we had three donuts. You had a core of inner-city black schools, then you had a small, growing donut around it of Chicano communities and then you had all the whites on the outside. But racially, Chicanos were treated as whites at that time, and probably still are. There's a designation for themselves, but we were trying to desegregate a school district that had traditionally been black and white. And so one of the things that the judge in the case did, was pair up some white schools with Chicano schools, which I wasn't particularly happy about. I mean I don't know that we had achieved very much, as we had hoped to do. There were some other things. We didn't get a lot of bussing, but we got, the Board was required to spend massive amounts of money to get, to upgrade schools. And the other, probably the best thing that happened was they threw out the School Board. They voted in a new School Board that was much more moderate. And they got rid of the lawyer who had gotten rich representing the Board and keeping the system segregated. This case that I was working on had been filed many years before that and the NAACP had sort of reactivated it and urged the government to enter the case, which we did. And so when we moved down there with four or five lawyers, and Jean came

[65] This is a misstatement—John Newton Mitchell (1913-1988) was Attorney General under Richard Nixon, 1969-1972. William Dewitt Mitchell was Attorney General from 1929-1933 under Herbert Hoover.

with me, we had not been married too long and we rented an apartment, we lived there four or five months getting ready for this trial. And when it was over, we took a big trip and nine months later our son Michael was born. Actually we went to Canada, up to Calgary and… you ever been up there? Lake Louise, Banff. Wonderful country. Houston, I still sort of scratch my head a little bit. I haven't kept up with what… there was an appeal of that order. And I wrote part of the brief on appeal. Still have it with me. But I always felt a little badly about the limited result of the pairing of the schools, but I think it helped a great deal in the long run in different ways, to move that system from what it had been, where they had just let the black schools deteriorate into such terrible condition. Then let's see, Michael was born in 1970, I still had a hearing, a pre-trial, I think, not a pre-trial, but a conference right after he was born. We delayed it because I expected him to be born in April. So, that was April 1970. I think that's about it. I don't know if you're thinking about something else in the case.

Q: No, I just…

A: Just a large, urban school case. Took a long time. Lot of records, lots of lawyers working with us. And I was able to get Jean to come with me on that, to work on the case.

Q: You talked about how you had come to Kentucky and the whole process of establishing yourselves in Prestonsburg and some of the challenges involved in that. And I thought maybe you might want to say a little bit more about… one of the things that has struck me, just in reading a little bit about Appalred and the early years and your talking about it last time that we talked here, is that when you talked about the difficulty of getting established, you said that it was difficult. But from what other people have said, they suggested that it was a lot more difficult than you let on the last time that we talked. I wondered if there's... I mean you had mentioned that you had trouble renting a place and so forth. But what else was happening besides that, during that time? Did any of the difficulty make you feel like, "Okay, if things don't turn around soon, we're out of here?"

A: I don't, I don't, no, I don't think I had thought about being out of here. There were a couple of things probably, one was one of the earliest cases that we were involved with, involved the local health care establishment, for example. There was a federal program in here, that wanted to set up what is now a federally funded health care clinic, that Eulah Hall was associated with. But the governing agency was a Community Action agency, which had some public officials and local doctors, who were either on the Board or very close to the governing Board and they basically didn't want this thing to do anything. They were going to use it primarily as a taxi service to... they had a trailer, which was fully equipped sitting out, for example, at Mud Creek, but all they used it for was people would go to the trailer and then they'd drive them into Prestonsburg to get their medical services from Prestonsburg physicians, that would get money. So, they were reimbursing them for services, but they wouldn't allow anybody to be treated out there. Not even a nurse to give them shots. And then they employed a doctor. The local medical establishment threw a lot of roadblocks into his getting a license. And it was just a lot of trouble getting it. So the welfare rights groups came to me and we filed some administrative complaints and basically threatened to close the thing down. I mean their decision was if it wasn't going to work and be responsive, let's just not have it. Let's not waste the money. Well, two things happened, one was, of course, that Jean wasn't sure who her doctor would be, since

they were all mad at us. And so she wondered if she could get any child care, any medical care for her son, who was less than a year old, or just about a year old. And then the establishment, the doctors or the agency complained to Congressman Perkins[66] about it and he asked for an audit by the General Accounting Office of what we were doing, not just in this case. There was at the same time a lot of hostility by local lawyers to having our get started. They thought basically we were going to take money out of their pockets. So the GAO sent an inspector here, which wasn't too… but he was in our office for about a month. He looked at all, every piece of paper and then he issued… they ended up issuing a report which was really very favorable and complimentary. And when I called Congressman Perkins to ask him about this thing, about his request, he said not to worry about it. He was doing it to placate the local officials. He was sure it was going to work out okay. So there were things like that. And I had the local Bar was quite hostile. I went to them on one occasion and asked them, told them I wanted to set up a system to refer clients to lawyers who, if the clients weren't eligible for our services, if they made too much money, that we wanted a fair system. So, would they want to give me a list of the lawyers in some order, the ones that would take certain cases and not take… So he appointed a committee to look into it. The President said he thought that was a good suggestion. Well, the committee met and their resolution was to suggest that we leave town, that we not practice law here without their permission. It was sort of an indication of the atmosphere. I mean there were a few, well I don't know that we had any lawyers who were outside. There were a couple of lawyers who had been here earlier, who had had a run in with me, but they were philosophically supportive of free legal services. Because I wasn't the… when I first came, there were some lawyers who had been working here with welfare rights folks. They started something called Mountain People's Rights. They saw their role more as being organizers than as being lawyers. They had not gotten their licenses, so we had a serious difference of opinion about how this needed to be done. Cold air out here. Oh, that's the air conditioning, that's what that is. Is it too cold?

Q: It's all right with me. You cold?

A: No, it's just blowing down, I didn't know where it came from. So, there were those things. And I mean the medical… and the fact that I had hired, the first two lawyers I hired, J.T. Begley, Joe's son, who had just come out of the Marines and gone to law school and Mort Stamm, both of them were living in Lexington and were staying down during the week and then they would go back on a weekend to their families. So, it was not a, it took a while to, I really didn't have any friends or that much of a support system, especially since I was also sort of fighting with the other lawyers who had been here. And Jean was a new mother and was just trying to get to know a few people who might share values, because the lawyers, the wives of the private practitioners, were really garden club types or people who were pretty much interested in money and materialism. But she then, she started, gradually started teaching childbirth classes. That was a big, sort of avocation of hers and got her to have an interest outside of being at home. So I think the first, those early, that early year was probably… wasn't much lonesomeness, I think it was beautiful. I mean we knew, at the time we were not so sure that we would be here that long. I think it was much more, as you said, "They're not going to run me out of town. We're going to set this up. We're going to get started. There's a lot of work that needs to be done." Legally there were many more black and white, if you will, issues. The law was, I mean the law did not

[66] Carl Dewey Perkins, 1912-1984, represented the 7th Congressional district in Kentucky from 1949 until his death.

favor welfare claimants. A lot of things which we take for granted today, like the right to a hearing and the right to your medical records, if you're involved in one of these, those things had not been established and they seem very basic. So there were a number of these, almost every time you looked at something involving a poor person against an official in one of these agencies, including the environmental stuff. There was so much to do and so much that needed to be done, that very few others were doing, that the work was very, very interesting from the very beginning. It was very challenging. We were just sort of outsiders, who were not particularly welcome in the community.

Q: What about among the clientele? What kind of relationship did you have with most of the clients? Was it just strictly professional? And did you feel a good rapport?

A: Oh I think people who come to you as a lawyer for free service, especially who are just, who realize that lawyers are there, who want to help them and are interested in them and are treating them like people. And then when they see that in court they are meeting the other side with the same, if not even better, with more competent lawyers, they're pretty proud of that. And I think the clients have been… always from the first day, even when I was in the Civil Rights Division when I represented the United States, I always admired them a great deal. Most of them had difficult lives, have serious problems. They're very genuinely nice people. They don't always have the advantages that the rest of us have. Sometimes in the domestic relations cases, there really aren't any winners and the children are losers. And I don't know… we have a lot of debates in legal services about the value of spending so much time on domestic cases. And back then probably the divorce rate was probably twenty-five percent, today it's over fifty. So, the demand for what we do in that area, because people fight over kids. And the legal system hasn't adjusted. You have to have a lawyer in these things and there just aren't enough lawyers to go around. In this area there aren't enough people who can afford lawyers, so you either have people who go without representation, if they don't… or they have to look to us. But on some of the larger issues, the consumer cases or even the evictions or the others, that generally oftentimes you have an opportunity, to help someone make a real difference in their lives. As you can see in the case listings that we put together, I think that those are all very significant, very important. I think that's so, but it was not an easy start. And now in retrospect, it doesn't seem like it's not such a huge amount of time. And I think, I've always said I don't twist anybody's arm to come to this program. You have to want to be happy in a small community and that has pluses and minuses. You can't get lost in anonymity, which I think small towns have a lot going for them. But at the same time you can feel very isolated if you're going uphill, and we often are. I mean you're stepping on toes a lot.

Q: Does that happen still?

A: Well, we still step on toes. I think now there are, we don't, I don't like to step on toes if we don't have to do that. And we try to avoid it and we'll try to negotiate cases before we file them. I think the program now, thirty years later, has a lot of support and so, public support, so people sort of expect to see that periodically. When they see a case that's in the paper, where we're taking on as somebody would say another cause or fighting, filing a case for someone who's an underdog or who's against the county or a hospital or against a coal company, they sort of take it for granted. I mean they understand that back then it was very unusual and the clients probably

were, I'm sure, supported back then. I just think that people feel a little more empowered today. The economy has been bad, and I think the coal industry over time has done, it has not been very good, without being forced into making changes that are, to require, which require safe mines and low dust levels and environmental measures that make, that will restore the property after mining. All of those things have come…

End of Tape 9, Side A

Tape 9, Side B

Q: This is tape nine, side B.

A: It seems that companies just won't regulate themselves. They will not. We've seen that over and over again, whether it's the chemical industry or the mining industry. Because where people are looking for profit, primarily, they don't want to shut something, a mine down, long enough to fix what's broken or to take real measures to keep dust levels down until somebody has made them do it. Because every time you do that, you have to slow production down a little bit and you won't produce as much. So, as a result you have a high incidence of black lung disease and you have an unfriendly worker environment. Finally things have started changing in the last few years. So now I think it's much more accepted, if that's the right word, I think people even can understand or they see it happening and they see that that's probably one of the roles that we play. And that we have done over the years, but I think at the same time they can see that what we do is responsible. That we have good lawyers. That we don't make up law suits and that generally there's a good reason for what we do. When we can do something in the community, like the housing project, where we're working with public officials, who are now, who want to do something for people who let's say live in substandard housing, out of their own sense of duty or their own feeling that everybody's entitled to have a decent place to live in. If you've got that sort of in county government, then those are people we can work with and not have to sue. I mean, I'd like nothing better than to have us, to be able to put ourselves out of business. (Laughing.) But, I don't know, I think that's a long way off.

Q: You talked last time about your, about a few of the cases… Do you need a coffee break? (Laughing.) Do you, okay, so last time you talked about the Broad Form Deed and how that case was dealt with and the victory that resulted from that. And you talked about the development of the community in David and I'm wondering… and you also talked about the establishment of the Kentuckians for the Commonwealth, which was called Fair Tax Coalition first, and the work that that organization started on doing. So I think those were the main things that you talked about during this era that you have been in Prestonsburg. I'm wondering if you want to highlight anything else from those years? Go into detail about anything else?

A: Well, I think we've… there are some other sort of unique things that we've done. I think I'm very proud of the work that we've done on behalf of coal miners, who have refused to work in unsafe conditions. We established a mine safety project, where we represent those miners in seeking a reinstatement and damages for having been fired unjustly—excuse me—or discriminated against unjustly. I think that's been real successful. And the lawyer who did that for a number of years, Tony Oppegard, who is now the Assistant to the Director of the Mine Health and Safety Administration, who was an Appalred lawyer in West Virginia years ago. I think that's been very significant. We've represented a lot of disabled coal miners in applications for black lung benefits, this federal program, where so many people, right now, ninety-five percent of the people are denied, because the governmental regulations are so severe and it's so difficult to obtain the claims. But we still manage… and the private bar hardly does those cases at all. So we've worked with the Black Lung Association, Bill Worthington, for example, officers of the Black Lung Association, in trying to get Congress to be, relax those requirements and to have better regulations that are fairer, that we see a more reasonable number

of people be approved for black lung benefits. We have won many of those claims, the ones that we've screened and where private attorneys finally gave up. Because it takes so long for private attorneys to get their fees and because they're so complex and take so long, we're going to get another lawyer to come in pretty soon, nearer in the next few months to do that. And the mine safety and black lung work sort of go hand in hand. The same thing is true of coal miner, of pension benefits. We had a case we went to the United States Supreme Court on involving pension benefits where we lost. But it really helped them, I think, in some ways to re-write their requirements. But Gracie, it's the Gracie Robinson case, a woman up here, a widow up in Auxier, whose husband had worked over thirty years in the coal mines, but had not stopped working and applied. And he died in the coal mines in an accident. And the requirements for obtaining a widow's pension was that the miner should have applied for a pension and stopped working. And since he was killed in a mine accident they said he hadn't applied for his pension, they wouldn't give her her pension. We said that was arbitrary. If he's worked thirty years and you only have to have twenty-five to get a pension. And he wanted to keep working, that it was like punishment at that point. We won and then we lost in the District court and then we won in the Court of Appeals for the District of Columbia and then we lost in the United States Supreme Court. But they did actually re-write that provision in the bargaining contract. But I think the work we do for low, for disabled miners has been really important. I think the… in the last few years we've started a migrant farm worker program up in Richmond, where we got some money from the legal services Corporation to help migrant workers throughout the state. We have a very small grant. It's only about 35,000 dollars, so we've done that co-operatively with a program in Texas that represents these folks full time. And we've managed to file some of the first cases with respect to working conditions. I mean there are cases where the workers come up here and the grower breaches the contract or at least our workers claim the growers have breached their contract by not providing the working time that they claimed they would or the working conditions under which they would work. And the program, the Western Kentucky program had the grant a few of years ago and they just could not really find the workers and we were, by getting together with the people in Texas, the paralegal from Texas came up and who helped… who helped to do this project, did the outreach work. And oh [YAWNS] and for example he would meet the bus, the Greyhound bus coming in at one o'clock in the morning at the station and give out his card to the workers and then they would know how to contact him. That kind of thing. And you have to be bilingual, obviously, but I think that's been a very, even though we have very few migrant workers out here in Eastern Kentucky, there are a number of other areas in the state, especially where they have large tobacco farms in Western Kentucky, that's where we've had so many of our cases. I think most recently the development of our housing coalition here, called LINKS[67], where we're doing this huge home repair project. With all the groups that are coming in from out of state. And just bringing all these agencies together under one roof, so they can collaborate and work together, I think has been a real positive development. Showing people how they can, I mean we've pulled together a lot of different agencies and non-profits, who are all addressing housing issues, into one collaborative. And I think everybody's been real pleased with that. I think we've been able to do that because we don't have any axes to grind or turf. We just said, "We want to do this and we're willing to do it if you all will cooperate and we can seek funding together, and do some cooperative work." And so now I actually am sharing a grant with the fiscal court, which would have, and for a worker here, who is a young woman who came from Jean's program. A participant, who is very, very

[67] Low Income Housing Coalition of Eastern Kentucky.

bright and who has moved up very fast. Who is a single parent. Could go to law school if she were willing. And that makes me feel good. And we've had a number of people like that, who are single parents, who have been on welfare, who have worked with us in a training situation over a few months' time and have really, really sort of progressed so quickly and come out of their shell and have moved on to good jobs. I think we have a pretty extraordinary group in most of the offices. It's a good program to me, I mean if I go through the senior staff in this organization, I'm just really proud of who they are and what they do. Many of them have been with me a long time and each of them has different skills, but they're all committed to what we, this representation of low-income persons, who otherwise wouldn't be able to have lawyers. Whether it's for a mundane situation or something that is pretty exciting, that will really effect a lot of other people in the future. I think we've, I think we do very, very good legal work and I think we have real committed people who are doing it.

Q: Do you want to say anything, you've been mentioning that it's been kind of a turbulent time for legal services in general. Do you want to say something about your perspective on the state of legal services and what direction it might be taking?

A: Well it's all conjecture. I think those of us who have been doing this a long time are sort of, have been disappointed the last few years, because we really have not been able to get appreciable new funding at the federal level. And this program was established at the federal level to provide free legal services to the poor and to be a non-political program. When it was the last, one of the last things that President Nixon signed, was this Bill that created this corporation. And we expanded and got additional money from 1974 to 1980. And we went from like forty million nationally or fifty, to three hundred and twenty-one. And when Governor Reagan came in as president he was ready to destroy, to get rid of legal services, because of his experience. They had sued him in California. And I won't go through all that history, but really since the Reagan and that first year, instead of getting rid of us they made a compromise and we lost twenty-five percent of our money, which is a lot. And we've never really recouped that money. We're now still not at the level we were in 1980. So that most of us have half as many lawyers as we did in 1981. We were able to… but there have been many efforts in the meantime in Congress to just eliminate the program. And we've been able to forestall that, which says a lot. Because congressional support now is pretty strong. Unfortunately the subcommittee chair for legal services is from this District. It's Hal Rogers from Somerset. And whereas he's able to bring back lots of money for other local projects, he has never, either he's not a fan of legal services, or he is trying to mollify the people above him and the others whom he works with, because his latest… for the last couple of years, that committee has passed out a recommended budget which is only about half the size of our funding level, 140 out of 300 million dollars. And that's been real disappointing, but he likes to say that he is keeping it going and that there are budgetary shortages, and that the other people on his committee are not as strong as he is. And he would be supportive. And besides he knows that our supporters will be able to get the funding level up on the floor of the House, once it gets to the floor. And that's what's happened. But I'm disappointed in him. I wish he were a little more aggressive or could do more at his end, which he probably could if he wanted to. But… excuse me just a moment. In the meantime we've been fortunate to get some money through the State Legislature and I think that's been a real positive thing in the last few years, where our own legislators have recognized the importance of legal services. We did not get any more money this year, but we did get a repeat

of last year and so about half of our funding is now state funding. I think it's conjecture, as I was telling you there are lots of possibilities. I think our current corporation feels that it's more efficient to have a single entity in the state, covering the state. Because the President of the corporation is a former private attorney from the state of Washington, however, where they have a very effective, single state program. Time will tell us what will happen there. I don't know. And some other… anybody else? I think I just lost my train of thought.

Q: Well, it sounded like you were basically finished with your train of thought, weren't you?

A: I was talking about the state funding, right? That we didn't get any more funding this time or that we were… how far did I get with state funding?

Q: Said that this year, you're at the same level that you were at last year. You weren't cut anymore, but…

A: We weren't cut and we were very pleased that we were able to get additional money last time. We have two sources of state funding, one for the filing fee and one for a general appropriation. And this time, many programs did not get increases. There were a lot of one-time expenditures, like the Science Center, got a little more money. But I think a lot of ongoing projects, except for the new ones like the childcare money that I think actually, some of it's out of the tobacco money. So, this is a year again, where we have no more new money, state or federal. And that makes it difficult because if you want to give people salary increases, you either have to lose positions or something else to free up additional funds. I don't know whether… and so there is this tendency in our funding agency to pull programs together. There is the thought that state-wide programs are more efficient. I don't think there is any real proof of that anywhere. I mean I don't know that they have evidence of that. It may be more efficient to administer, because one person can make a decision instead of four. You might be able to be more homogeneous around the state. I would like to think that legal services is here to stay. I think for the most part it is. I think there are people in Congress, who think of, that it could be organized differently. When I was talking about a state-wide organization. Or whether… I know that one of my counterparts in Virginia would rather be part, consolidate with us, because our client population is so much the same. The Appalachian counties do have a lot in common. Whereas in Virginia you have only, all of the state in West Virginia is in Appalachia. And Virginia, a small part of the state is in Appalachia. So, whether they would allocate enough resources to that one or two programs in that corner is something that time will just have to tell.

Q: Do you want to take a break and stretch out?

A: I think I need…

A: Well, the other thing that's been so difficult with legal services has been the restrictions that Congress has placed on us in more recent years, which prevent us from filing Class Actions or challenging Welfare Reforms, accepting attorney fees, not being able to represent prisoners. Those things all seem to, one could view them as making us second class lawyers. There is no real, rational explanation for them when the preamble to the legal services Corporation Act states that you should not interfere with the professional responsibility to your client. And that clients

have the right to have full representation from legal services lawyers. So there's, it's not a very favorable atmosphere to work under. It doesn't mean we still can't do ninety-five percent of the cases, because many of them still fit into, aren't affected by those prohibitions. But it is something that needs to be changed. And it's purely a political affair. And you have the national opponents of legal services, who are always looking for one more anecdote to pull out as being the kind of thing that goes on. I mean, no one's perfect. So you find somebody's statistics aren't quite right and all of a sudden everybody in the country has to be on guard for an inspection, even though we… the way we are funded is by the number of poor people in our areas, not by the number of cases we do. So there's always a level of, if not harassment, of paperwork that grows and grows and leaves less time for the real work that needs to be done. But at that same time it's good that we are able to get this money because you really can't fund this kind of work with private fundraising. You could do a limited amount of it, but not very much. We, I think we're fortunate to be able to get good lawyers. We don't pay equivalent salaries. And we have people coming to work with very large, outstanding loans from undergraduate and law school. We've instituted a small repayment program that is helpful. But we've just increased our starting salaries to $27,000, which is a big step forward. It's still behind many of the private firms and many of the state and federal agencies. And then we only go up about thirteen hundred a year for, first for nine months and then for a year. But all the same, I think we're competitive and we have some good benefits. And we are able, have been fortunate to get people who are really committed. So I am very proud of the work we do. I am very proud of the people who are here and who do the work. We have wonderful relations, I also should mention with the spouse abuse shelters. That's another project we've started in the last few years, is to have specialists who work, who represent abused spouses at domestic violence hearings. And we've gotten very involved in that area and I think the family court judges appreciate us and the shelters appreciate us. And it is a huge amount of our practice, more than we would like. But it's one of those societal problems that we have to deal with, so we are very interested in the rights of children and the rights of these women. Of course, it's wonderful to have people like my wife, Jean, out trying to help move them, gain some independence and get back into education and develop their careers in a way that they can be productive and independent on their own. I've been real proud of the people that have come from her program into my office, both for representation and several who, at least one of whom is employed now as a full-time person here. It continues to be pretty exciting work. I never, never lack for anything to do. Close to the end?

End of Tape 9, Side B

Tape 10, Side A

Q: Okay, tape number ten, side A, an interview with John Rosenberg. I guess now would be a good time for you to say something about your work with establishing the Science Center.

A: Okay. Well, I was a chemistry major as I think you know, and I think that we've always known that the scores of our students here in science and math were very low and that science, math and technology was not valued very highly. So a number of years ago, maybe nineteen, somewhere between 1990 and '92, I asked teachers, some teachers to come together and some other folks in the community to see whether we might not start a, developing some ideas for improving math and science, and what they thought. And what we learned was that teachers were very uneasy about teaching math and science. Many of them had very poor backgrounds during their teacher training and they were ill-equipped, especially at the elementary level, to try to present scientific concepts. And they really wanted more hands-on activities to support them. So we, we sort of met periodically and then over the next couple of years. And then I saw a small video segment, or heard about it, about a college up in Pennsylvania, Western Pennsylvania, Juniata College[68], which had obtained funding for a science van, where a chemistry teacher was driving a van around and dropping experiments off at high schools, dropping off equipment that the schools couldn't afford to buy. And was like a sort of Johnny or Jeanie Appleseed, would tell school A about what school B had done with these things. Over the course of several years the number of incoming students at Juniata College who were, who majored in or who showed an interest in science, studying science-related courses, like tripled. So, I thought it would be, then got to thinking that we would like to, wouldn't it be nice if we did something like that. I had not, I don't think had really thought about the planetarium theater kind of thing yet. But we were meeting and we got a small grant back about 1990, maybe '94 as a result of this work and this group that kept meeting. We realized that we could maybe establish a center like that if we could get some funding. So, we got a little money out of the legislature, I think 75,000 dollars to hire a consultant. One of the legislators here in this area, Greg Stumbo[69], was interested in technology and with KERA[70] having come in I think there was a strong, an atmosphere that was conducive to getting some funding. And I thought we should start off in a small way, so we hired a consultant from West Virginia, Mike Howard, who had worked in the Kentucky educational system, to do some community meetings and help us look at more specifically where we fit and what kind of activities would be helpful. And it sort of reinforced what we had already known in some ways, that teachers wanted hands-on Mr. Wizard kinds of things. And that if we could bring presentations to them and do something like the science van and educational programs, that that would be helpful. And I don't know where I first came up with the idea of trying to do a planetarium or a science museum or really, I thought it might be nice if we could even replicate a coal mine. But I started, we started talking that up and realized that if we had a modern facility it would be really meaningful. And I also learned that you could, they had these portable planetariums that you could take around to schools, which are little… they call them planetarium in a foot locker, where you blow up, it's like a vinyl thing and you blow it

[68] Juniata College, Huntingdon, Pennsylvania.
[69] Stumbo was elected Kentucky Attorney General in 2003. Before that, he served 12 terms as state representative from Prestonsburg.
[70] KER
A: Kentucky Education Reform Act. 1990 act mandating statewide restructure of the educational system.

up in a classroom and you can put thirty kids in it that will watch a star show and other educational shows. And so, by the time the next legislature rolled around, I think we got 200,000 dollars. We were able to increase our operating grant and on a fairly short notice we got a local architect to put together just a schematic of what a theater and planetarium might look like and what it could do, and that we would, and that… I think we may have even still been thinking about a coal mine. And we put together a board, I organized a board of directors that included representatives from Morehead and from the Alice Lloyd[71] and Pikeville College and PCC[72] and Hazard and the teachings, the science teachers and the regional educational cooperatives to give us a good cross-section of membership and also a good geographical cross-section. And it's been, and that's basically the story. And they helped me, we went to convince them, during the last legislative session, our local legislator agreed to get behind it and we made a presentation to the Governor and he liked it and called me at home one day to go over the budget. Wanted to know why I had a budget item for rent. He was very meticulous. "Why do you need this three hundred dollars when you're going to have…?" I said, "Governor, we won't be in that place for a couple, few years yet. We need a budget place, we need an office." But anyway, we got through that with two and a half million dollars, and then this time… so we planned some more, but because of the reorganization of the college, Kentucky college system, KCTCS and UK[73], the two years went by without any building. There was a lot of planning, but we just got caught in the upheaval of this educational thing, until KCTCS could get on its feet. So, in the meantime we put together a proposal for another million dollars, probably should have been for more. And after all the wrangling, we were one of the fortunate ones at the end to get the million dollars, because Greg Stumbo, who is from here, is a pretty powerful figure and was essentially, he and Benny Ray Bailey, who got beat in this last election, were able to pretty much get all the one-time funding projects through that they asked for. So, now we are, we just last week had our meeting with the architects and KCTCS folks and college representatives and we are settled on where the site is going to be and we have a basic floor plan. And I hope two years from now the building will be standing. It probably will be. And then that means another legislature will have passed and hopefully we might even increase the operating costs of our group. We got a little more money for that. But I'm very excited about what we will be able to do, both for students who are in this region, who can't really, who never see this sort of thing at this sophisticated level. There is now a planetarium at Eastern in Richmond, which a lot of people don't even know about. But I think if we do this well, it can stimulate a lot of interest in science and technology. We have now decided to expand our laboratory facility so that we will be able to, from a classroom into a sort of laboratory classroom, so we can do experiments in DNA fingerprinting and other chemical experiments, at least demonstrative experiments. And we're coming up with what I think is pretty exciting. Our Director we've hired is from Pike County, he was born there, although he grew up in Michigan. And we have, as I say, a very good board and so I'm, I think that it will be a very important part of the future of Eastern Kentucky. I think that we now have a new industry in Pike County, a knowledge-based industry, where a call center, Microsoft, if you call an 800 number for Microsoft and you need help on your computer, they'll pick up the phone down there and give you answers to technical questions from their computers, which is a breakthrough in terms, because our coal economy is declining so quickly in terms of the number of people they can hire. So this is an area that we have to

[71] Alice Lloyd College, Pippa Passes, Kentucky
[72] PCC: Prestonsburg Community College
[73] KCTCS: Kentucky Community and Technical College System. UK: University of Kentucky.

move into, that I think can have an appreciable effect on kids. People want to be scientists and they want to be astronomers and they want to be explorers and they can see that happen. And I think that's what the role of this building is going to be. And obviously, you know, we're going to need more money and I could spend all my time raising money for this facility for that matter. We're going to be hiring a development director, but I'm very much invested in this project. So that's what it's about.

Q: And are you, what are you picturing your role to be in future years?

A: Well, I've been the chair of the board since its inception. Whether they're going to kick me out any time soon, I'm not… but I may, and I've been pretty active in that particular role. I don't know. I mean I think it's very exciting. Actually it's the result of, and in part it goes back to my scouting days, because when I… did I talk about scouting before? When I was growing up and Bud Schiele? Maybe I mentioned at the time that that inspired me to sort of get involved with this here. Because we added such a wonderful museum in my home in Gastonia, now, which grew out of a very small effort that started there. And I mean there is, certainly we will need people to volunteer to do everything from just showing kids through the place to actively being a part of the soliciting group or… and I will probably be involved. But I'm still very interested in practicing, in the practice of law. And if I were not doing legal services work, I'd probably be down the street with my friend Ned, and at least part-time working with him or working on my own, or taking in a few cases, because I enjoy doing them. So, I'm not sure that I would just stop and do the Science Center. Or maybe I'd be working with the housing group down here. I think I'd like to get our… I mean when you, it's kind of getting to what else I'd like to be doing. I have a number of other interests, but I know I enjoy working. And I think when my daughter is out of graduate school and I feel like we have no more immediate important, sort of potentially major expenses within the family that I would stop. I mean I could stop I suppose. But I think it's a great development. There may be something else that comes up in the community. I mean I'm very involved with the historical group, the Friends of the May House, where we've renewed this, restored this old building, which I've been a part of for twenty years. And I'm still working on some of their legal documents to get a conservation easement at the moment. And I've been proud of what we've done in that particular thing. And we need to raise some money, because we want to try to get that building open and keep it open. Everybody that is there is a volunteer and nobody has time to do any fund-raising. And that's just one of those things. And I know that from my experience where I am here, I've done a fair amount of fund-raising. I don't get a lot of private money, but I've written a number of those grants and I know the system that you, how you do it. And I know I could do that there. So, there's plenty for me to spend my time on. Where I would do it, and I might still, you know, in the practice of law if you get an interesting case and it's a big case it can eat you up, timewise. It's like putting together a play or a book or radio program.

Q: You mentioned your mother a little earlier and what's your, when you meet up with her and see her, do you, do you usually talk about your family history at this point? What kinds of, what kind of relationship do you have with her?

A: Oh, we're very close. I think she is close to all three of her children, maybe more so than ever since my father passed away. And at various times, last time when mother was here we did a

little more oral history. I always tend to, it's one of those things you just sort of get yourself into. You may be talking about Passover and trying to remember what the lemon cream recipe was that she used to do. And then you talk about how Passover was in Germany. And then who their friends were that came to Passover and all of a sudden you're into some history that you'd forgotten about or when she went off to learn to cook as a young girl. And so she's still, the stories are still there. Not all of them are recorded. And she still corresponds with people in Germany. Her mind is very good and she really enjoys being with us, so it's fun to travel with her. Jean has a really good relationship with her. I think my father was a very dominant, strong personality, a very smart man. And mother grew up in a small country town. And I think being a traditional, they had a very traditional relationship, where he was sort of the power figure in the family and she cooked and kept house and was very proud of her motherly role, as many Jewish mothers are. But Mom's really pretty sharp. And I almost want to say I think her mind's gotten even better in the last few years, maybe because of, by having to be a little more independent and living on her own, she has, you know, it's broadened her horizons somewhat. But…

Q: How old is she now?

A: Huh? She's eighty-eight. She'll be eighty-nine in August, ninety next year. But she's very strong physically and very, still gets on her bicycle. So she's keeping up. When my sister took her on a cruise recently to the Panama Canal, they got off at some island to go sight-seeing and it turned out they were going up a mountain somewhere and she still kept up with everybody. And I think people, people are always quite amazed at her energy and her, you know, sort of… she's very lively and very friendly, very outgoing. People can't believe that she's eighty-eight years old. There are others like that around now, who are eighty-five and ninety, who get around and I'm hoping I'm still in that, will be in that category. And I'd like to have that, I suppose I was probably saying I wish I had the time to, since she is so interested in traveling right now, that I would like to have more of an opportunity to do that with her. Or for the three of us to go, but Jean… when you are working, you do it in pieces. And so my brother and his wife have gone to China and so that's why I went to see her with Jean last weekend. Now we're trying to plan another trip or two. So I think I was just saying, I wish she were either down here or… I think she's living in a good situation. She's in a high-rise for the elderly up in D.C. But she is very dependent on her family, because the people in the house, most of them are her age or older. Well, they're about, many of them are in their eighties and many of them are not in as good a physical condition, so she's always helping others. So she hasn't made very many connections with people who are her age and want to keep doing things, other than come down to eat and maybe go shop for groceries. We see that and so while she is in a mood to want to be able to do that, you know, you kind of want to accommodate her if you can. But I think between the three of us, we can get to do that. But when you have a calendar that is related to your work, you're limited in that ability. You want to plan a trip in August and Jean's got to start back to school or something. You can't just pick up and go as easily as if you were not working at all.

Q: Has she or have you had any interest in visiting, I know you've been back to Magdeburg, but you mentioned it was more of a sightseeing trip. Have you had any strong interest in doing a more investigative trip? Maybe going to Leer where your father was born?

A: I'd like to go to Leer, actually Jean and her mother went to Leer, years ago, when they drove through. There's a, I have a film at home. Do you speak German? By a German, by a filmmaker, whose name I've forgotten at the moment, that I just—Mother hasn't seen it. I was surprised. I made a copy for her—of a homecoming to Leer by members of the Jewish congregation. You know many of the German communities have sort of welcomed back members of the Jewish community, who lived there and who emigrated because of the Holocaust. And there is this group that came back to Leer. And there's a film about that group. Now there were no relatives of mine in that that I know of. But I would be interested, actually when we were in Washington last time and my mother, I was looking for the phone book actually, which is in a closet. And it was sitting on a little book that, I can't remember the name, in German. It was a German recipe book, in which you wrote recipes and Mother had kept it. And there was a folded up piece of paper in there and it was a letterhead of my grandfather, of my father's father, Meir Rosenberg, who was a junk dealer, who, unfortunately committed suicide when my father was very small. Killed himself. But it was his letterhead, on which my mother had written a recipe. And she didn't even know she had it, I just happened to unfold that piece of paper. And the recipe is just something she'd been… wrote in like a little notebook. But it covered many years. It was like she started it when she was a new bride. It was actually bought for her when she was going off on this trip as a young girl, when they sent her off to learn to cook, to a pension that was near Frankfurt, which didn't work out. So she brought it back and started writing. And it begins in German. I think over at the end some of the recipes are actually in English in this country. But she had that thing from Meir Rosenberg, which I don't know where that came from. And my father, of course, was in a school, in an orphanage in Hanover. And I've never, because when his father died after a few years during the Depression, there were nine kids at home and so his mother just physically, could not economically take care of them and she sent three of them off to an orphanage in Hanover. I've never looked into, I don't know much about that period. And his brothers and sisters, of course, are dead. I think one of his sisters, who is now dead, who went to Israel, did go back to Leer and sort of close the chapter on that. And I don't know the business, you know, went out. We did go to Mother's home. I think I may have mentioned. The butcher shop and the house where she lived was torn, was no longer there. The houses on either side of the house… which I suspect is due to the fact that her dad ran a butcher shop and they slaughtered animals. And when he went into the, when they left in 1936 and it was taken over, they continued using it as a butcher shop and I think it probably just rotted. Because of its use and constantly having water and blood and other… being used as a manufacturing facility, probably just, you know, decayed. But we met a number of her contemporaries in that town. There's still a club of her schoolmates. I may have mentioned that the first time around. I don't remember.

Q: Yeah, you did, yeah.

A: So, you know I have some interest. I don't know that I feel like a genealogist. We do have a family tree at home, which one of the distant relatives in Norfolk Virginia did, which identified a number of people who are related, that I didn't know, some of whom we now know. And my brother did a family tree that goes back pretty far on my mother's side. And there are a lot of her relatives are in the Chicago area. And cousins and cousins I've never met, some of whom I've talked to. Magdeburg, I thought was interesting. Berlin is… I mean in a way, to me, the attraction to Germany is that I know the language and when you are there, you know that there's

this, because of the language, that sounds like a language you know or that you know the nuances, even if it's your… fourth or fifth grade, that there's very little language barrier. The language brings with it a familiarity. Not that it's home, but it's like home. That this is a place you're from. And it doesn't evoke all that hostility in me now, thirty years later. And I would be interested in whether the Jewish community, the Jewish community in Magdeburg and a number of the urban areas is growing again, not huge, but is growing. And Berlin is an exciting city. I think more from a tourist standpoint, wonderful museums and they are the parts of Germany I'd like to go see. But I don't know that I would spend a lot of time trying to dig out more information. It's interesting, when I saw that. And last time I was up there I saw… and I now have, or I came across my father's, the certificate that released him from the concentration camp, which you've seen copies of, I'm sure, other copies of. And that sort of thing. I think they're very significant. And I think Michael, our children are interested in this history. How much of it… and they are somewhat conversant with it. Well, I don't guess either one of them have been back through this, I would… I'm just as interested in taking them to England, where I spent quite a bit of time in the Service. But I think both of them probably want to sort of look at this in their own way.

Q: Have they asked you and did they ask you much as they were growing up about what you remembered about your early years before you left Europe?

A: Oh yeah, I think both of them have. At various times we've talked about the history and then they've read about things that I've written obviously. They've read my talks. And they've heard, both of them have talked a good bit with their grandmother. And I think they're both cognizant of the effect it's had on the family. That it is an important part of our history. It would be nice to, I don't know if we'd ever have the time to re-do it all, but neither one of them have been to Europe yet. I hope they go. We'll see.

Q: I'm wondering about, I've been trying to kind of frame a big, biggish question for a while. Maybe it's not a question, maybe it's just an observation, but you've, in your work have kind of devoted yourself to people who, really you naturally don't share a whole lot in common with, I mean as far as your own background and your own tradition. And in some ways that's why… because those people were separated from mainstream culture and because they were disadvantaged in various ways, that's why you felt the need to work with them. But yet it seems that your own tradition as a Jew and as a refugee from Nazi Germany has been an important part of your identity. I kind of wonder how you've kept that connection with your roots and with that tradition alive and whether that's been a difficult balance for you in a context that's so separate from it. I think so many Jews and in particular so many refugees, so many survivors have felt the need to be among people who really understand what they've been through and who had experienced something similar to what they'd experienced.

A: Well, I don't know. I think some people just feel the need to continue to… I mean I think you have stated it, that there are people who want to be in an atmosphere where they think others are, that only people who have been through something like that or close to it, can understand them. Maybe it's just like our veterans or sometimes they're the same thing. I mean, I've appreciated being in Eastern Kentucky very much, in terms of also learning about this culture and its history.

The crafts and the independence of people who are here and their ancestors. I've always admired people who have lived in a rugged way, and appreciated the environment, and…

End of Tape 10, Side A

Tape 10, Side B

A: I've always liked being in smaller towns. Just the trusting nature of people who are in smaller communities, whether it's Gastonia or whether it's rural people generally. And people who, we used to, I used to say when I worked selling chemicals up North it's… again you never, you always wonder about generalizing, but it's like when you're a salesperson, if you walk into a place in the South, people assume that they can trust you until you prove that you are not trustworthy and do something wrong. And then you're done for. As opposed to going into many of the urban places where one might think that, they begin by thinking they can't trust you and that you're going to pull one over on them. And it takes a long time to have them either trust you or have some confidence in you. That's probably, you know, it may be that that's old hat. I think there's still a lot of that here. And that that's just sort of being country people. I don't know, in terms of not having that much of a surrounding, maybe part of that may be the fact that I'm married to a Quaker. I mean I did not marry someone who is Jewish. And we accommodate that to the way we want to, and once you… so you make somewhat of a break from the tradition that permeates the homes of Jewish couples and families where both couples are Jewish. So, Jean is, obviously gave up some of her ties to being in a Quaker environment where she was a very much involved in young Friends activities and probably never foresaw that she would be married to somebody who was Jewish, although Quakers are very, probably the most tolerant group, religious group that is out there. So maybe that has something to do with it. You know, I can never look into somebody else's brain and I don't know what motivates people, why people happen to be narrow-minded or not narrow minded, or what… You know, there are great differences among Jews, as you were saying at lunch, in the way, in the philosophy of the Holocaust Museum and how it should be run. I have, my mother's sister, at least one if not both of them, but one of them for certain, would say she would never step foot into Germany again. I mean there are many Jews who came from there, who think it's heretical to go back to Germany and would never forgive anybody and would draw the line in the sand. Whereas Mom went back and would go and continue to have some correspondence with people. And they were very touched to see her and she was touched to see people she went to school with. My ties, and you know I still have very good friends who I went to school with in North Carolina and Gastonia and that sort of thing and in the Service. I think it's all, I guess it's one humanity. I mean I think you just, you kind of try to get the most out of what you can, wherever you happen to be. And that has been pretty, I think that in terms of relationships here hasn't been that hard. I think the most difficult, the big difficulty is that, one difficulty is that most of us who are professionals in legal services or in others, who are in a helping profession or if that's the way we choose to live our lives, in a sense we live a pretty, we live, really, a middle-class life with our own surroundings. And we have most of what we need. We are not disadvantaged the way our clients are disadvantaged. On the other hand, our value systems are totally different from our counterparts in private practice or in the business community. So we don't share a lot of their values. And so you have to kind of make your own life and if you need a lot of friends in the community that may be difficult. And I think to some extent that's why you have turnover in communities. Or because you become absorbed in your own world and you do stay so busy and you do enjoy the work that you do, that that takes up a lot of your time. Which is some of, I think, the kinds of stuff that Jean and I keep going, that keeps us going. Whereas in a place like Washington, even if you're working all the time, you're… and legal services is probably that way, you're socializing and working with the same group of people, because you're always

together. And so you don't really need a lot of outside help. I think that's… and that's why I said earlier, the school, I think when your kids start to school, you start to develop much more of a base in the community and you meet parents. Maybe even socially your friends become, at least for a few years, the parents who have kids in schools like you do. And that social engagement helps to, I think, draw you into the community and start thinking about things like a Science Center. I mean the first ten or fifteen years I was here, the idea of, you're just going uphill all the time. And even the idea that, that you might be working together with the business community. I mean when I was filing these coal cases, the very notion of trying to seek funding, from say the coal council that's given the Science Center some money to design coal exhibits. I would have said, "We can't do that." We had a big debate, I was on a Bar committee that was doing a booklet for the elderly, health care for the elderly and rights of the elderly. And whether we should get money, accept money from Humana, because we were suing Humana. I said, "I don't want any of Humana's money." Well, we eventually took Humana's money and gave them a, I can't remember. The other committee members said, "Let's get the money, don't worry about it and give them a little acknowledgement. You can sue them. Let's get their money.'

Q: Get their money twice.

A: Right, get their money twice. Those are philosophical issues that are hard to grapple with. That's why I say, now that I'm sharing a grant with a judge. I sued that judge, ten years ago in a strip mining case, he was in the Service. And we've had a couple of knock-downs, but he wants, he's very… I think he, you know, he's like a lot of other political figures, but he came up the hard way and he wants to see this be a better place to live. And he's willing to invest his time to try to improve housing and clean up garbage and do things that bring in industry. And as long as we don't bump into each other over other things, I think that's a good thing to do. And so those are the kind of things that help make being in the community more, when you start thinking well maybe we can do things with others and make this a better place for everybody, even if we have to step on some toes. The problem in agencies like these is the temptation with many agencies, of course, especially state, to jump over, it's too easy to get co-opted. And so you, as you were talking about, the problem in the museum or any institution, if you start becoming cautious because you're afraid somebody's going to cut your money off, or you're going to lose your job or something is going to happen, then you lose the effectiveness. And I think we've been able to avoid that, I think, pretty well. I think people know, have known me, that I don't want to get into that position. And the people on both sides of the fence, that I'm not going to do that. If I did that, I'd stop one or the other. That I think that… it doesn't mean that you can't compromise. But it is, you get put into those positions and that's hard, especially when you have funding sources that are problematical. I mean, that's hard. Like the migrant cases, when we had some publicity in one of the migrant cases that we filed and people went screaming to Congress. My counterparts are worried we're going to lose the money in the State Legislature if they find out legal services is involved in this case. That kind of stuff can be really hard, and you just try your best to get through it. But I'm pretty pleased with where we've come. I hope whoever takes over will keep it going that way. Most of the people who run my offices, I think, have that philosophy. I can't remember what you asked.

Q: Oh, it was a while ago, it was that big, that big kind of question.

A: Did we ever talk about the end? Did I ever give you the answer to the big question?

Q: Well, I think you addressed it, yeah.

A: Oh, you asked about the identity thing.

Q: Yeah.

A: You know I don't know, sometimes it's hard to know, to answer. And you can go on and the reality is you don't really know the answer.

Q: Sure.

A: You just have some ideas.

Q: The questions are just kind of little ways of getting you to talk about things anyway. (Laughing.) They're not necessarily to find out the answers.

A: You're wonderful at pricking, at getting somebody started. And I can begin to see why some people, why someone like yourself does so well. I mean this must be hard just to listen to folks go on, but you can see why some folks start writing books collaboratively and are willing to just sort of, finally you turn it all over. Say, "Well, just ask me and I'll talk a while.'

Q: People like me love listening to stories, it's fun. (Laughing.)

A: One thing I'm not good at is, I don't have many stories. I know there are people who can tell them. Jean's father is a marvelous storyteller and he's ninety-two. And he remembers jokes. I mean hundreds of jokes. And I try to get him, have gotten him to put some down on his computer or to type them up. Because he, Jean knows, has heard many of them. But it's amazing. And I cannot remember a joke five minutes. I'll hear one and think it's wonderful. Boy that will be easy. I won't forget that. I can't even remember the punch… it just does not stay with me.

Q: I think you underestimate yourself, because you've told a lot of stories in this… I mean, we've got ten tapes full of…

A: Of something!

Q: Is there anything you want to say to close the interview?

A: To the world? To the world?

Q: Here's your chance. (Laughing.)

A: I don't know. I think give Arwen Donahue an award for having listened to all these hours of going on. I don't know that there's much more to add. I feel very lucky. I mean I guess I just would say whoever, if you think back on the fact that I was born into a Germany… I think that my father was in a concentration camp. If you think back on all the experiences that I've had, I've been a pretty fortunate person to have been through all these various experiences and to have people appreciate them and to be where we are today and to have so many different connections. I think one of the nice things that Jean and I've been able, have had a nice opportunity to do is just, we talk about Sherry Arms today. There's so many of those people, either in the Service or in the law, because she's in the work that she's in and because of our interest in education, we've just met so many people across the state. And have had a chance… and if it wasn't education, it's the people, those couples she taught childbirth to, because many of those kids are growing up now. When you go to the grocery store and they say, "Look Jean, that's my twenty… see that, he's that baby!" And here's this guy about six feet three inches tall. And you see all these, you know, you kind of look around you and you say, well, you've had a little opportunity to do something that made a difference over time. I mean it's not over yet. It's not an epitaph.

Q: I don't know if you'll ever have one. You just keep going.

A: Well, people are getting older these days, aren't they? What is the oldest person you've interviewed?

Q: That's a good question, probably ninety. There's a, I don't know, have you heard the things on NPR? The Hundred Years of Stories? A friend of mine, who's producing these. I won't transcribe it.

A: One of these involved…

Q: Why don't you repeat that you are going to talk about a couple of cases, because I didn't get that part either.

A: Yeah, I was just going to tell you about a couple of… when you said is there anything else and then we started talking about stories. And I said I didn't really do very well with stories, which I don't. I'm not a storyteller. But I thought I might mention a couple of experiences, just about legal cases that I was involved with that I don't know that I've mentioned. The first one is one in the early '70s or in the early '70s that involved the Paintsville Housing Authority. A family, part Indian, named Elsie, the father was named Elsie Dale. They lived in a shack, in an old house and their house burned down. And so he applied to get into public housing and they wouldn't let him in. So, I went over there and when I got there Elsie had taken some of the charred timbers that were left and put them up against an old automobile, his car. And the family was living there. And they applied for public housing and they wouldn't let them in. They wouldn't let them in because the community treated them as black, not as… I mean Indian. They were dark-skinned. But they were very poor. And so we went to the Housing Authority. We started investigating. And it turned out that the Housing Authority had also threatened to kick out some unwed mothers. And then there was a guy named, what was this fellow's name? He was a veteran. A single father. They didn't want him to… he wanted to get in with his child. They didn't want

him in. The woman who was running the place, Maxine somebody, was very… she let you in if she knew you. It was who you knew. There was nothing fair about the system and she just didn't want them in the project. So, we filed a lawsuit. It was one of the first large cases that we had filed. And on the way up there, I had to get, we had a hearing, we were to have a hearing in Lexington for preliminary injunction. And we were trying to get the witnesses together. And that night I was going to pick up the fellow who was the veteran. And I couldn't. He wasn't at home. And I finally found him and he was drunk. And I had to get him up there. And so I finally got him in my car, and we got as far as Salyersville and I filled up the gas tank. And he was riding with me. And he wanted, as we were leaving the gas station, he wanted to get out. And he was… what did he want to do? He started to hit me. I threw hot water in his face. Oh, I threw my coffee at him. And I remember the coffee spot stayed on the side of the car. So, we then drove, we started driving, I had this old Peugeot in 1970, because Jean and I had bought it to take a camping trip. We brought it to drive down here. We had a '59 Volvo and we had this old Peugeot. And we had like a '62 or '66 Peugeot, which we had taken on our camping trip. So, we got halfway to Lexington and I started having car trouble. I got out of the car to look under the hood. And my witness, who was still partially drunk, then locked me out of the car. And the stars were out. I remember, it was a beautiful night. He wouldn't let me back in. What was his name? Elvin… Anyway, I bet I was out of the car for about half an hour. He finally let me in. We got into Lexington about 1:30 in the morning. Next morning he was sober, and he got on the stand and he was a very, very good witness. And I had a blow-up of this big automobile with the timbers and Elsie Dale got on and testified. He had four kids. He needed a four-bedroom unit. And the clerk of the court started crying. I mean it was so sad, they wouldn't let him in. But the judge would not order the Housing Authority to let them in. He said I could try to prove that there was further discrimination and as it turned out that day… And the unwed mothers, Effie Pickelsheimer was her name. She testified. We put on a strong case, but the judge was not going to do anything that day. So anyway we came back. But I always remember throwing this coffee. Thirty years later. What was his name? He had a short, fat… he eventually, the same person was indicted because he shot a guy in the back, who had started a fight with him. And I went to visit him in the jail about twenty years later after that particular… Crum was his second name. It wasn't Elvin Crum, what was his first name? Well, we ended up having a number of grievance hearings. I got the know all the tenants in that project. This case went on for about two years. In the meantime they were tearing down a new section, an old section of Paintsville. So we were able for Elsie, he really wanted a house of his own. And as part of the settlement of this case we were able to get him a Farmer's Home House built by the Community Action Agency. He never got in the housing project. But they were such a nice family and you knew the only reason they didn't live in the project was because they were not white. We did finally get a very good, agreed court order that required them to set up a very fair system. And for years after that they wouldn't… anytime there was a question about whether somebody should get in or not, they would call me, because they didn't want to go back to court. But it was a case that went on forever. And finally really was resolved in a very favorable way for the clients in that housing project. I was thinking, another, when we talk about the effect cases have, I represented a group over from Pike County, who, they were supposed to strip mine above their, they were going to strip mine this holler above their homes in Poor Bottom off Maribone Creek over in Pike County. And the families were worried that the strip mine was right over their houses and that the rocks and boulders were… So when we looked into it, we learned that there were deep mine workings that had been worked out inside the mountain and that if they strip mined around

the front side, they were in danger of hitting those old deep mine workings which were filled with water. And the water would then potentially be a real problem to the people down below. It just could come out in gallons and wash away houses. So we had a couple of hearings in Frankfort and one of the lead plaintiffs was named Edith Easterling, who was very much involved in the case against the McShurleys, which is when the Appalachian Volunteers were here[74]. I don't know if you now about that? There was this series in *The New Yorker* about this couple that was arrested by the local prosecutor. The case went to the House Un-American Activities Committee. Anyway, Edith's daughter was name Sue Kobak, she'd married a young man in Washington. And she was home and she went to the hearings with us. And they couldn't find, we were the only folks that could represent anybody because it would cost a fortune. There were no lawyers around who would represent this community to try to stop the strip mining. It had actually already started. I had a wonderful expert, a guy who had been an inspector. And she went to the hearings with us. And I didn't know this until later, after she got home, she applied to go to law school and went to law school as a result of seeing this experience. And actually an experience that had a favorable outcome. The administrative judge said that we were right in that they had left, this information about the water in the old workings was not on the permit application. And that he considered it to be a danger to the family and they stopped the strip mining operation totally. Edith Easterling a wonderful person, a remarkable woman. And I didn't know until after was in… and Sue went to law school and had a difficult time as an Appalachian student for a couple of years. She later married a doctor in Clintwood and she's a city attorney in Clintwood, Virginia. I was just thinking back about those sorts of human, and you become… you were asking me earlier, you become very close to your clients. She had organized that little holler. And it potentially was a really serious problem. We did a lot more strip mining work than we have in recent years because some of the lawyers who worked for us are now doing that in private practice. I just recently represented somebody in Letcher County, whose name had been left off, their property had been left off a mining map. They just left them off because they didn't… and they knew, they knew that she owned the property that they wanted to mine and that she wasn't going to let them mine. And so they left, they thought, I think, they could get away with it by just leaving their name off the map, which they are required to put on to show the property that they intend to mine, figuring they might just pay her damages when it was over. And she was outside, this is an older widow, looking up there and saw the trees getting cut, coming over the hill. It was one of the cases that I did. And then we stopped them from going any further and the state agreed that they should not do that. So I don't know, I was just thinking back on Elsie Dale and the people you get to meet in these cases, who have to be pretty gutsy to stand up against pretty moneyed interests, who pay big bucks for lawyers and who hire people in the community, who hire their… I think one of these folks had a son who was a truck driver for the same company that had mined, that was mining that strip mine. You're always running into that, that sort of situation. But in every one of these cases, you know, whether it's in legal services or it's the discrimination cases like Fannie Lou Hamer, and the people who… Eulah Hall always reminds me of, you mentioned Eulah Hall. You know Eulah and I went to Washington together because in this health care case. I don't know if I mentioned that the first time, when Eulah started this clinic and I was telling you this morning earlier about the medical clinic when they wouldn't let these folks do this medical thing. What happened then, we asked for a hearing and she was my witness and I took her to, we went to Washington and we had an administrative hearing. And they came back down here and did a big

[74] Vista workers arrested under Kentucky Sedition Statute

investigation and they threatened to close it. They ended up reorganizing it with a new board of directors, and…

Q: They threatened to close the clinic?

A: Clinic, yeah. The clinic, the program that was in being, because it wasn't doing what it was supposed to do. And then so they ended up reorganizing that clinic with a new board.

Q: The Mud Creek Clinic?

A: Well that's what turned into the Mud Creek Clinic, which is now a nationally-known clinic. Back then it was called, yeah, I guess back then it was just the Mud Creek Clinic. There was a period of time, it went through several phases, where it was called Big Sandy Health Care, whatever… back then it was really under the Community Action Agency. But eventually it became the Mud Creek Clinic. Then that clinic burned down. Jean, she got her nursing degree, did her internship out there after it had been burned down. They put a phone on the telephone pole. And Eulah kept the place going in her house. No one believed she could do it. In three weeks she raised like 200,000 dollars over the telephone. And this was a social worker with a fifth-grade education. And she raised enough money, maybe it wasn't two hundred, to build a new clinic. And it's been expanded several times since then. Now they have a dental clinic and a daycare center and it's a real wonderful institution. That was a place, the only place… and a good friend of ours became a doctor there. That's the place where we took our kids. Now it's run by a federally-funded group called Big Sandy Health Care up here. They also run a clinic in Magoffin County and one in Pike County. And Eulah has stayed right with it. I mean she's won these wonder woman awards. She's on lots of boards and lots of committees. And has just kept on, but day to day she's still the social worker out there. And she's represented people in social security and black lung cases, and has really learned it. Recently had her picture hung in the Capitol in that Women's Galleria, you know, one of those, the Kentucky Commission on Women, Women of the Year things, or whatever they call them. I'm real proud of her. I think she's quite a testimonial to what people can do when they want to do it. And she worked with us for a few years as an outreach worker with Appalred. So those are the people you come across, you know. Hard to beat, right? Well, I guess we can call it a day.

Q: Okay. Well, thanks.

A: Oh, I should also mention.

Q: Yeah?

A: Did we ever talk about the Jewish community in Williamson?

Q: No.

A: Where we are going to synagogue these days?

Q: You've mentioned, you've mentioned that you… Williamson? No, I thought you were going to synagogue somewhere in West Virginia. Is that in West Virginia, Williamson?

A: Virginia. Well we went to Portsmouth, I mean we went to Lexington and then to Ashland, Kentucky for a while. But then most recently, for the last few years, we've been going to a small…

End of Tape 10, Side B

Tape 11, Side A

Q: This is tape number eleven, side A.

A: Well, we're talking about and I was thinking about how you maintain your Judaism as it were. A few years ago we learned that there was still a congregation in Williamson, West Virginia, which is about thirty-five miles from here, much closer than Lexington and we went over there one Friday night. And found a very friendly group of people, who were meeting sort of monthly and being served by the rabbi from Huntington, West Virginia, who comes down on a Sunday night to do a Friday night service. And the synagogue is an old, old synagogue. I don't know, probably a hundred years old at least. It sits up on top of a hill in the black section of Williamson. And there's no elevator and you've got to walk up a huge bunch of steps, well, probably twenty-five. And the average age of the people other than us is about seventy. But they've kept on going and they consist of folks from Welch and Grundy and nearby people who are in a probably twenty, thirty mile area from around Williamson. I think twenty years ago during the height of the coal mining in this area and maybe through the seventies and eighties I think they had fifty families. Over the years the kids have moved away and so the older members of the Williamson Jewish community are still there. And the President is a fellow named Bill Rosen, whose son is now a circuit judge in Ashland. But it's been a nice group of people, and the rabbi, who is from Huntington, is an interesting personality. His wife teaches a, not Headstart, but Upward Bound program. And I've actually been… the rabbi teaches a class at Marshall University on Jewish studies. And so I've visited his class and spoke about the Holocaust as sort of a living survivor. But it is interesting, and then it's much nicer to go to a congregation of that sort, where every person that comes is one more person that makes a difference, rather than going to Lexington, where you've got a large congregation at Adath Israel and there's also the Conservative, the Orthodox congregation there. So, that's been very nice. We actually have, there are other, three other Jewish mixed couples here. Miriam Silman, whose father, by the way, had the contract to, was an engineer, who re-did, who did the plans to re-do Mount Vernon. And then Pam Weiner, whose husband is from here, from Pike County, and is a Buddhist. They just had a baby. And then Deborah Golden, who is a lawyer with my Pikeville office. And then there is another couple in Pikeville, Terry Mulliken, who's a lawyer. His wife, Cynthia, has been on my Board. It used to be there's a large family in Pikeville that used to go to Williamson, their name Yaruses. They're friends of ours. But they, and they go, now they're older and they go once in a while. But the Williamson community was sort of the hub of the Jewish residents of this area for many years. Now there are probably twenty families that are left. One of the younger set married, a young woman married an Israeli when she was in Israel and they have a little boy. They've recently been divorced. Very few young members. But it is there and we have, we joined that congregation, so that we once again do have a, sort of a formal tie to a Jewish community that's here, for whatever it's worth. I guess it's worth putting that down.

Q: Is it a Conservative?

A: It's Reform. Now the congregation the rabbi is from in Huntington, you had a Reform and an Orthodox congregation merge. Really unusual. And so it's sort of conservative. And I think he actually has, for the benefit of the Orthodox members, he has services on Saturday morning as

well. He's a very funny fellow, almost like a stand-up comic when he does sermons. Because he'll say something very serious and then it will jog his mind to kind of say something funny, reminds him of something funny. But he's a very bright fellow. It's a nice group. I mean, it's obviously an older group and they depend on one or two people like the Rosens and one or two other families to sort of keep it going. You know, once they got the air conditioning… I don't know how many more years they can do that. There's not a very strong base down below. Someone did a series in West Virginia, I think it may have even been in *The New York Times*, an article on old congregations. And someone did a project in Kentucky, didn't they? On Jewish synagogues in Kentucky, a few years ago?

Q: Yeah. Lee Shai Weissbach did a book on synagogues of Kentucky. He's at the University of Louisville.

A: Well, the one in Ashland is, I don't know what they turned it into, a day care center. We used to go there for the first few years we were here. In fact I had a fraternity brother at Duke, whose father, who was Jewish, whose father was the mayor of Ashland back in the '50s, and he's now down in Florida. And then they gave that up. And I think people either went to Portsmouth, about thirty or forty miles north, or to Huntington. That congregation folded. And then we went to Lexington for high Holy days. We never really, I was never, didn't know many people and we were up there for Seder a couple of nights, but you never felt much a part of it. You know what I mean?

Q: Yeah. So, Jean's taken, has Jean taken a strong interest in Judaism?

A: Oh yeah, I mean, I think, we often go Friday nights. She goes with me. She's always supported that. Doesn't know any more, doesn't know a lot of Hebrew. But we also now have Quakers, we have a Quaker group in Eastern Kentucky, which is a very small Quaker group, she may have mentioned to you.

Q: Yeah, and I think you actually talked about the Quaker group a little bit in the last…

A: We go there on weekends. I don't think tomorrow, I don't think it's this weekend. I think it's next weekend, but three or four couples. They're awfully nice. But she, someone was saying the other day… If you ask Michael, I guess maybe both kids sort of consider themselves Jewish. Not that they observe or are really close to the synagogues. When Jean told me that about Ann Louise, I was a little surprised, but I think that's what she says. Whether that will always be that way, I think they do associate more with us, rather than the Jewish community at large. All right.

Q: Okay. This is it.

A: Now I interview you.

Q: My turn. Well, I was born… no, we're not going to do this today.

Conclusion of Interview