



THE HONORABLE WILLIAM B. BRYANT

**Oral History Project
The Historical Society of the District of Columbia Circuit**

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The Historical Society of the
District of Columbia Circuit**

**United States Courts
District of Columbia Circuit**



THE HONORABLE WILLIAM B. BRYANT

**Interviews conducted by:
William B. Schultz, Esquire
March 18, May 6, May 19, June 2, June 29, October 13, October 20,
November 17, 1994; January 24, May 4, 1995**

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NOTE

The following pages record interviews conducted on the dates indicated. The interviews were recorded digitally or on cassette tape, and the interviewee and the interviewer have been afforded an opportunity to review and edit the transcript.

The contents hereof and all literary rights pertaining hereto are governed by, and are subject to, the Oral History Agreements included herewith.

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PREFACE

The goal of the Oral History Project of the Historical Society of the District of Columbia Circuit is to preserve the recollections of the judges of the Courts of the District of Columbia Circuit and lawyers, court staff, and others who played important roles in the history of the Circuit. The Project began in 1991. Oral history interviews are conducted by volunteer attorneys who are trained by the Society. Before donating the oral history to the Society, both the subject of the history and the interviewer have had an opportunity to review and edit the transcripts.

Indexed transcripts of the oral histories and related documents are available in the Judges' Library in the E. Barrett Prettyman United States Courthouse, 333 Constitution Avenue, N.W., Washington, D.C., the Manuscript Division of the Library of Congress, and the library of the Historical Society of the District of Columbia

With the permission of the person being interviewed, oral histories are also available on the Internet through the Society's Web site, www.dcchs.org. Audio recordings of most interviews, as well as electronic versions of the transcripts, are in the custody of the Society.

Historical Society of the District of Columbia Circuit
Agreement Respecting Oral History of Judge William B. Bryant

1. In consideration of the recording and preservation of the oral history memoir of our father, Judge William B. Bryant ("Judge Bryant"), by the Historical Society of the District of Columbia Circuit, Washington, D.C., and its employees and agents (hereinafter "the Society"), we, William B. Bryant, Jr., and Astaire A. Bryant, the sole heirs of Judge Bryant, do hereby grant and convey to the Society and its successors and assigns all of the rights, title, and interest, including literary rights and copyrights, in the transcripts, as edited by the undersigned, of ten interviews of Judge Bryant as described in Schedule A.

2. We understand that the Society may duplicate, edit, or publish in any form or format, including publication on the Internet, and permit the use of said edited transcripts in any manner that the Society considers appropriate, including, but not limited to, use in raising funds for, and developing for publication, a book on the life of Judge Bryant. Any profits from royalties from any such uses shall be shared equally by the Society on the one hand and by the two of us and our successors on the other hand.

3. We reserve for ourselves, individually and collectively, our successors, and anyone else whom we may designate in writing signed by each of us the right to use the voice recordings and unedited transcripts of the said ten interviews.

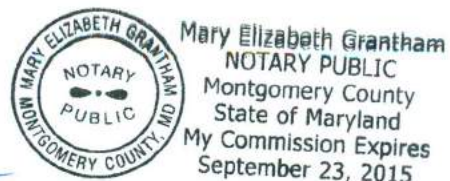
4. The Society shall retain the original voice recordings of the ten interviews of Judge Bryant; shall provide one bound copy of the said edited transcripts and a digital copy of the voice recordings of the ten interviews to William B. Schultz who conducted the interviews; and shall provide to the undersigned three bound copies of the edited transcripts and two digital copies of the voice recordings of the interviews.

Astaire A. Bryant
Astaire A. Bryant

SWORN TO AND SUBSCRIBED before me this
10th day of March, 2015.

Mary Elizabeth Grantham
Notary Public

My Commission expires: Sept 23, 2015



William B. Bryant, Jr.
William B. Bryant, Jr.

SWORN TO AND SUBSCRIBED before me this
18th day of March, 2015.

[Signature]
Notary Public My Commission Expires
November 30, 2017
My Commission expires: _____



Historical Society of the District of Columbia Circuit
Agreement Respecting Oral History of Judge William B. Bryant
Page Two

ACCEPTED this 3^d day of April, 2015, by Stephen J. Pollak, President of the
Historical Society of the District of Columbia Circuit.



Stephen J. Pollak

Schedule A

Voice recordings (digital recordings) and transcripts resulting from ten interviews of William B. Bryant conducted on the following dates:

<u>Interview No. and Date</u>	<u>Description of Media Containing Voice Recordings</u>	<u>Pages of Final Transcript</u>
No. 1, March 18, 1994	{	1-28
No. 2, May 6, 1994	{	29-51
No. 3, May 19, 1994	{	52-73
No. 4, June 2, 1994	{	74-102
No. 5, June 29, 1994	{ All on one DVD	103-131
No. 1, October 13, 1994	{	132-142
No. 2, October 20, 1994	{	143-180
No. 3, November 17, 1994	{	181-213
No. 4, January 24, 1995	{	214-242
No. 5, May 4, 1995	{	243-274

The electronic media are in the possession of the Historical Society.

INTERVIEWER ORAL HISTORY AGREEMENT

Historical Society of the District of Columbia Circuit

Oral History Agreement of

1. Having agreed to conduct an oral history interview with for the Historical Society of the District of Columbia Circuit, Washington, D.C., and its employees and agents (hereinafter "the Society"), I, William B. Schultz, do hereby grant and convey to the Society and its successors and assigns, all of my right, title, and interest in the tape recordings and transcripts and computer diskette of interviews, consistent with the oral history agreement signed by William B. Bryant, Jr. on October 30, 2008, including literary rights and copyrights.

2. I authorize the Society to duplicate, edit, publish, including publication on the internet, or permit the use of said transcripts in any manner that the Society considers appropriate in a manner consistent with the oral history agreement signed by William B. Bryant, Jr. on October 30, 2008, and I waive any claims I may have or acquire to any royalties from such use.

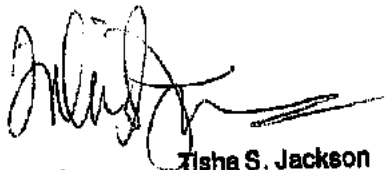
3. I agree that I will make no use of the interview or the information contained therein until it is concluded and edited, or until I receive permission from the Society.

William B. Schultz
William B. Schultz

November 25, 2008
Date

SWORN TO AND SUBSCRIBED before me this
25th day of NOVEMBER, 2008.

Notary Public



My Commission expires

Tisha S. Jackson
Notary Public, District of Columbia
My Commission Expires 3/14/2010

ACCEPTED this 4th day of February, 2009, by Stephen J. Pollak, President of the Historical Society of the District of Columbia Circuit.

Stephen J. Pollak
Stephen J. Pollak

Schedule A

Voice recordings (digital recordings) and transcripts resulting from ten interviews of William B. Bryant conducted on the following dates:

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ORAL HISTORY OF THE HONORABLE WILLIAM B. BRYANT

Chapter 1 Family and Childhood: 1911-1920

This interview is being conducted on behalf of the Oral History Project of the Historical Society of the District of Columbia Circuit. The interviewee is Judge William B. Bryant. The interviewer is William Schultz, Esq. The interview took place on March 18, 1994.

Bill Schultz: Judge Bryant, where were you born?

Judge Bryant: A wide spot in the road in Alabama called Wetumpka, Alabama. I guess about 14 miles from Montgomery, Alabama.

Bill Schultz: What do you know about your ancestors -- your grandparents and great grandparents?

Judge Bryant: I knew my grandparents and their families. My grandparents on my mother's side lived in Washington. I lived with them when I was young.

Bill Schultz: What were their names?

Judge Bryant: Their name was Wood. Charles and Elizabeth Wood. And my grandparents on my father's side, I knew them because we visited them when I was young. His name was William Bryan, that was the family name. And her name was Julia. I remember them. I also remember my great grandfather on my mother's side, my grandmother's mother and father, Nathan and Nettie Noble.

Bill Schultz: What do you know about the lives of your grandparents and great grandparents in Alabama?

Judge Bryant: I remember what my grandparents and my aunts and uncles told me about them. I don't know so much about my grandparents on my father's side. I knew them and I knew their families. They were loveable people, but they lived in Alabama and I lived in Washington after I was 11 months old. So I didn't have the closeness to know them that I had with my grandmother and grandfather on my mother's side who came to Washington.

Bill Schultz: Do you know what sort of work that your grandfather on your

father's side did?

Judge Bryant: No, it was some kind of merchant business, I don't know. When I saw him he was kind of old and in ill health, as a matter of fact. He was a kind of heavyset fellow with kind of a round face and a bald head, a nice old man, but he was sick at the time I saw him. His wife was a very lively spirited woman, very loving too.

Bill Schultz: And he was born in Alabama, as far as you know?

Judge Bryant: I don't know, I suppose so, but I don't know.

Bill Schultz: Now on your mother's side, you said you knew your mother's mother's parents?

Judge Bryant: Yes, my great grandfather and my great grandmother. Yes, pretty nice folks. He had been a teacher or something. Very tall, straight, dark-skinned man with gray hair, and well built, and he spoke in kind of perfect diction. She was a nice lady. The old man was looked up to by a lot of folks. He was known as Mr. Noble. I never heard anybody call him Nathan, not even my great grandmother. That was the first time that I had been in a house where somebody was always formally addressed as Mister. That's true.

Bill Schultz: Do you know anything about any of your other ancestors? When they came to this country or anything else about them?

Judge Bryant: I don't know. I regret the fact that I never engaged my grandmother or my grandfather in that kind of conversation. I never asked them about their parents. What I know about my other grandparents, I know by virtue of what my aunts and uncles have said. But I never had any conversation with them directly about their parents, and I am sorry I didn't. I am often very curious about both of them. I knew Nathan and Nettie Noble. I met them when we visited Alabama twice after we came to Washington. After we came to Washington, as a youngster before I was 10 years old, we made two trips down there. It was before I was 9 years old, and I met the mother and father of my grandmother. I never saw the

mother and father of my grandfather. From what I understand his mother was a Creek Indian that I never saw, and his father was a Confederate Army captain who was referred to as Cap Pennington. I never saw him, but I had heard about him since I was a little boy.

Bill Schultz: Was he alive when you were a little boy?

Judge Bryant: I think not. I think he died within my first 5 or 6 years. But I heard a lot of talk about him through my aunts and uncles, not from the old man. When I say the old man, I mean my grandfather. They say the word was down there that everybody in the small town knew that Charlie, that is Charles Wood, was "Cap's boy" because Cap made it known. As a matter of fact he set him up in a business in a general store in the town.

Bill Schultz: This is your grandfather who owned the general store?

Judge Bryant: Yes. And I understand on Sunday mornings he would bring his horse and buggy over to the house to pick up some of the children, and some of the grandchildren, and ride them up the countryside and thereabouts. I don't know.

Bill Schultz: This would include your mother who would be one of the grandchildren?

Judge Bryant: Yes, my mother would be one of those. I used to hear my mother talk about Cap Pennington. But I never saw him.

Bill Schultz: What else do you know about the life of your mother's parents who lived in Alabama?

Judge Bryant: I don't. I don't know much about it. My mother's family lived in a house in maybe what amounts to a couple of blocks away up the road in another house from where my father's family lived. So they were neighbors and very close friends. My aunts and uncles on my father's side and my aunts and uncles on my mother's side were very close and almost grew up in each other's households--they were very close people, and that I gathered from the time I was a little boy.

Bill Schultz: Now you were born in 1911, and then when you were 10 months old you left Alabama?

Judge Bryant: Eleven months. I understand they brought me up here.

Bill Schultz: What do you know about the circumstances under which you came to Washington, D.C., when the family brought you here?

Judge Bryant: Well, the old man came to Washington as the result of some incident in Alabama. When he came here, he sent for the rest of us.

The old man was about, I guess 5'6" or 5'7", and if you soaked him two or three days he might weigh 135-145 pounds. He was a relatively small guy, but he had a lot of temper and he was a little defiant. He didn't respect the mores that governed the relationships between Blacks and whites in the South, and apparently I guess he thought that he wasn't bound by the rules.

You know in the old days people carried guns like they do today. They liked to bear arms, and the story that they tell us about him was kind of weird. Charlie was from time to time disruptive and insolent and spoke his mind, typically when he was fortified with whiskey. And folks had complained to Cap Pennington about Charlie from time to time. There was talk that he could get away with some of his insolence because he was "Cap's boy". Apparently Cap Pennington was an influential man because he was a plantation owner--a landholder, an influential fellow.

The old man, I called him Papa, had Ada, Emma, my mother (Alberta), Josephine and Nettie (Elizabeth), five girls and three boys, and they were all in Alabama. The old man had one of these general stores downtown, and among the things they sell were the general stuff, things like buggy whips. Do you know what buggy whips are? And the buggy whips would be standing up in a rack outside, right outside the door or something.

The story goes that one of the girls, Ada, or maybe Emma, I don't know, but all of the women were pretty nice looking people. Apparently in those days youngsters hung around down

the main street and around the stores just like they do now. One of the daughters went down to the store for some reason or another, I guess sent down there by my grandmother. But anyway, they went to the store and some white teenagers were hanging around, and one of them was alleged to have made some remark to her that was off-color. And the old man was supposed to have taken one of those buggy whips and run him right out through the door and down the street, and they weren't going to stand for that.

Charlie could say what he wanted from time to time and be a little disrespectful, but they weren't going to stand for that. So they went to the house to bring Charlie out. This I know because the first and second time I went down there they showed me. They came out of the town, up to the area where he lived, and said "Charlie, come on out now, we don't want to hurt the rest of the family. You might as well come on out now." And he is alleged to have shot through the front door, and shot through the side door and then come out on the front and said "All right, goddamn it, here I am," and there was nobody out there.

Then a mob formed, and he dressed up in women's clothes, and with the accompaniment of an uncle who was a relative of my grandmother, they circulated through the market place saying, "We're going to be late for church, you gotta hurry, you gotta to hurry, we're gonna be late." They got through the market, and escaped and went to Birmingham, and then came to Washington and that's the story. And after he came here he sent for the family. So all of the Woods came to Washington.

Bill Schultz: He sent for his wife, your grandmother?

Judge Bryant: His wife, and all the children came to Washington shortly after he escaped.

Bill Schultz: Were there any other grandchildren at that time?

Judge Bryant: No.

Bill Schultz: So you are the oldest?

Judge Bryant: I am the oldest grandchild.

Bill Schultz: Did you and your mother live with her parents?

Judge Bryant: Yes. My mother and I lived with them when they came to Washington. They were living on Benning Road, that was country then. I think the house is still out there, I think it is. It was a couple of years ago, because it was one of two houses. There were adjoining houses.

Bill Schultz: I might make you take me to show me those houses.

Judge Bryant: I think they are still out there.

Bill Schultz: Now your father, what was your father's name?

Judge Bryant: My father's name was Benson. My middle name is his name.

Bill Schultz: Benson Bryan?

Judge Bryant: Benson Bryan, B r y a n.

Judge Bryant: You see, they say, and this is true, the old man on my father's side -- on my father's side the grandfather's name is William Bryan, and they all called him Will Bryan. My grandmother, his wife, named all of the grandchildren after him. One of my aunts on my father's side was named Sewell, and she had a boy named Clifford Sewell. My grandmother named everybody Willie, so he was named Willie Clifford. Another aunt was married to a guy named Lindsey. And she had a son, and my grandmother named him Willie Boyd, so there was Willie Boyd, Willie Clifford and Willie Benson--that's me. In other words, all the grandchildren, all the male grandchildren, were named after her husband, Will Bryan, all of them, William Boyd, William Clifford, William Benson. All of them were named after him.

Bill Schultz: Do you have any recollections of your father?

Judge Bryant: No.

Bill Schultz: He didn't come to Washington?

Judge Bryant: As a matter of fact, he had left Alabama before they did. I don't

know what the particulars are, except that he left us -- maybe before I was born, I don't know, or right after I was born. I know that his family -- everybody -- held it against him. I do not know what the circumstances were; I don't know why, maybe the responsibility was too much. I don't know why he left, but he left.

I remember visiting my aunt, who was his sister, when I was in the U.S. Attorney's Office. She lived in Chicago and I remember she talked about him in derogatory terms. They held it against him because all of the girls were close. All of the girls in my family on my mother's side and all of the girls on my father's side grew up like sisters. And the boys in both houses were like brothers. They grew up like a whole family. My father's nickname was Buddy, they all called him Buddy.

Bill Schultz: Do you know where he went?

Judge Bryant: To New York, and he stayed there and married somebody later on. I don't know who she was. I heard my aunt say, "That woman Buddy is married to is crazy," or something of the sort. I don't know who she was, and I think she had some children, a daughter, maybe a son. I know he had a daughter. I never saw him and never saw anybody related to him until one day I,

One day I came off the bench, it was in the Nixon Administration, and there was a guy who came to town, whose name I don't remember, but he was a nice looking guy. He came here for one of the inaugural functions or something. He had something to do with the Republican Administration, not in any high ranking capacity, but as a lower worker. But he was a Republican and represented himself to me as my brother-in-law. He was a nice enough guy. He was married to my father's daughter by this other marriage. He came in here; he's been here twice. He came and talked a few minutes and I was courteous to him. He hadn't done anything to me, I didn't know anything about him. I didn't express any interest in my father at that time. I don't know about the chronology of this. I don't know whether that happened first, or this

happened first.

One day I came in off the bench, and Mrs. Riggs told me that somebody called from New York and that my father had passed away. I think that happened first, I suppose. And then this guy came down, or maybe the guy came down first and then later I got the call. I don't know, but the point is that that's the only contact I had with my father was through this guy. And I rather suspect that the word that he passed away came first, because I remember coming in here and I had never discussed my problem with anybody. I had a stepfather who was a nice man, and I never knew my father so I never even thought about him. So when I got word on the bench this late in life that my father had died, I remember I sat, and I thought a moment, and said to myself so what. I mean I didn't see any reason to do anything about it, so I didn't. And since that time this guy has come, and I have talked to him. He is a pleasant enough guy, but that's all I know about him.

Bill Schultz: So, you were saying you lived on Benning Road? Is that where your grandfather moved to?

Judge Bryant: My grandfather, when he came to Washington, that's the first recollection I have--of living on Benning Road.

Bill Schultz: Do you know the address?

Judge Bryant: I think it was 43 something, either 4305 or 4503 I think. I remember it very well. That area out there was all country. It was a dirt road in front of the house. It was all country.

Bill Schultz: How old were you at this time? How old were you when you lived there?

Judge Bryant: I lived there until I was about 3 or 4 years old. Because I remember going to the kindergarten. When I went to kindergarten I lived at 1507 B Street, N.E., which is now Constitution Avenue, and my mother was married to my stepfather then.

Bill Schultz: Did your grandfather continue to live on Benning Road?

Judge Bryant: Yeah. He continued to live on Benning Road. They lived there for a while, but not too long, because it wasn't long after that he moved from Benning to 745 Girard Street, N.W. He moved the family from Benning into town on Girard Street, N.W., and got a job at the State, War & Navy Department. That's when the State, War & Navy Departments were in one building.

Bill Schultz: Was that the Old Executive Office Building?

Judge Bryant: I guess so, on New York Avenue, or something. I never knew this, but I think this is so. I think the old man got some kind of backing from Capt. Pennington because he came to Washington, apparently right out of the middle of Alabama. He came to Washington, and I never knew him to be out of a job. He was an expert shoemaker. He could make a pair of shoes out of a piece of leather. He worked in the government in Washington, D.C., and from time to time I can also remember him coming home from work.

Bill Schultz: What do you remember about Washington when you were a boy?

Judge Bryant: Well, so far as I knew, the world was Benning Road for the first two or three years. But then we moved to 1507 B Street, N.E. My mother had married my stepfather and we moved there.

Bill Schultz: What was your stepfather's name?

Judge Bryant: George S. Washington. Nice guy. He was a porter at Union Station. The only job he ever had, and was there until he died, a nice guy. His wife had passed away, I think his wife was sick the year we moved here, and during the course of her illness I think my mother had something to do with taking care of her, or something. He lived across the road in a kind of diagonal on Benning Road. Two or three years after she died, her husband and my mother got married.

Bill Schultz: Did he have any children?

Judge Bryant: Yeah, he had two sons. One of them died, and I don't know what ever happened to the other one.

Bill Schultz: You grew up with them?

Judge Bryant: I grew up with one of them for a while, and then he went to live with an aunt somewhere in New York, and I never had any more contact with him thereafter.

Bill Schultz: And did your mother ever have any more children?

Judge Bryant: No.

Bill Schultz: I'm not sure I asked you what your mother's name was.

Judge Bryant: Her name was Alberta.

Bill Schultz: How long did your mother and your stepfather live?

Judge Bryant: They married in I guess 1916. I was born in 1911, and they were married when I was about 5 years old. I think they were married in 1916, and they stayed married until he passed away. I think he died around 1947 or 1948.

Bill Schultz: And your mother?

Judge Bryant: My mother passed away about 20 years ago.

Bill Schultz: You grew up with a lot of aunts and uncles and cousins. Is that right?

Judge Bryant: No, I grew up in the house with my stepfather and my mother and that was our family unit. We were very close. I visited my grandmother where my aunts and uncles were living almost every day. After they moved out of Benning and my mother and stepfather moved out of Benning and into the city, we lived at 1507 B Street, N.E. When my grandfather moved on Girard St, we moved in town and were not too far away from each other. I spent a whole lot of time in my grandmother's house under her apron string, so to speak. A lot of time. My grandfather lived on Girard Street, for not too long and then he bought a house at 1004 Euclid Street, N.W. and stayed there. The house was sold about three years ago after my

aunt died. That's why I say I think the old man had some backing from Cap because he bought a house in 19___. Oh my God, I don't know when -- he bought a house over 70 years ago. I guess I was about 10 years old when he bought that house on Euclid Street, and he was a Black homeowner. For a guy coming out of Alabama with no apparent resources to buy a house, that was a nice house in a nice little neighborhood, in the 1000 block of Euclid Street.

Bill Schultz: How did you get around? How did you travel?

Judge Bryant: Well, this is how travel was done. We had street cars then. We had two street car companies in the District of Columbia. Washington Railway & Electric Co., and the Capital Transit Co. They were competitors. Can you imagine that in this little city? 15th & H Street, N.E. was the end of the car line, and there was a big car barn right east of 15th Street on H Street. That became Benning Road, as you kept out on H Street, it became Benning Road, just as it does now.

You got off the street car there, and you walked where you were going, from there on you walked. After they all moved in town, of course, we all got around by walking. I often say now I walked to every part of the city at all times of the day and night, and never had any apprehension about anything. Now after sundown I don't want to walk two blocks from my home.

Bill Schultz: There were no horses and buggies?

Judge Bryant: Oh, yes, horses and buggies, and the ice man with ice and a wagon and a horse, a man selling groceries, hucksters selling cabbage, beans and everything else. Now I don't remember any horse-drawn trollies. I don't remember that, but I am satisfied that there were, just before we came out of Benning Road. I think there were horse-drawn trollies. I don't have any recollection, but I remember the fire engines were pulled by horses and the patrol wagons were pulled by horses, that was the method of transportation, that was the power.

Bill Schultz: That's hard to imagine.

Judge Bryant: That's right, it's hard to imagine. Yes sir.

Bill Schultz: When did your family first have a car?

Judge Bryant: The first automobile in the entire family was bought by my Aunt Josephine's husband.

My Aunt Josephine was a teacher in the public schools, and she married a man who graduated from the Howard University Medical School. The year he graduated he bought a Ford Roadster. That was the year I was in college. That was in 1928. That was the first car that I remember anybody in the family having and that was something. He was a hell of a guy.

Of course, economics were very important, and when the old man came he got a job working in the government. He was the only breadwinner, and then later on, both of my uncles. There were three uncles--one of them died during the flu epidemic in 1918. There were two uncles, I don't know how far they went to school, but I know they ultimately got jobs--the old man got both of them jobs. Both of them went into the Navy. Both of them were youngsters who went into the Navy in 1918 for World War I, and when they came out both of them got jobs as messengers. I think one of them was in the Navy Department and the other was in -- both of them, I think, got jobs as messengers in the Navy Department and worked until they retired.

Now the oldest girl, Aunt Ada, married a guy, and she died early. She died in Kentucky with her husband. I think her husband got tuberculosis or something and she died, but she died away from her siblings. My aunt, the one who lived longest, Aunt Emma, worked at Kann's Department Store. She was a wizard with her hands. She was a seamstress. First she worked at Kann's and then she got a job working at Garfinckel's. Garfinckel's didn't sell clothes to Black people, but Black people worked there, and she was a seamstress. Josephine and Nettie were the younger girls. They went to high school and then to Miner Teachers College, and both of them got jobs teaching. Josephine was the first one. She got her job as a teacher first. That was the first break into the so-called professional level, and the teaching job was her job.

Bill Schultz: This was in the public schools?

Judge Bryant: Yes, and she had this job as a teacher, and everybody was happy about it, and of course the family was happy about it because it meant something economically to the family. She grew up, and met this guy who was in medical school, and she liked him and they went together and they got married. And it was the only time that I saw any meanness in any part of the family. That was the only time I had ever seen my grandmother in a negative light in my lifetime. She resented it. My grandfather resented it, but not as much as my grandmother. The family resented it because they thought this guy didn't have anything, and that he married her because she was making some money, and they didn't like it. But, in fact, he was a hell of a guy, and they all came to love him later on. He went to Detroit and became a very successful physician, and provided for my aunt in a way that she was a queen. He bought a house in Detroit, and made some money and he was a tough guy. He was a guy who resisted organized crime when they tried to make him peddle dope. They put explosives under his house out on Arden Park and he stood up to them. His name was John Edwards. His son is the one who lives in Honolulu and is my only living relative on my side of the family, other than my immediate family.

Bill Schultz: Why did your grandparents resent their daughter marrying a doctor? Today that would be every parent's dream.

Judge Bryant: Yeah, it would be every parent's dream, but you see, she married him when he finished medical school and wasn't making a quarter, and started interning at \$30 a month or something. They thought he was being taken care of by my aunt. He himself was born and raised some place in Mississippi, but it was clearly an economic thing with the family. They thought that he was living off her wages and they didn't like that. You know the old Southern mores about men taking care of their wives. The wives don't take care of the men, and they didn't like it.

That was the time, of course, when women who had jobs as teachers in the District of Columbia married a lot of professionals who didn't make it too well in their professions, and the women who were teachers were the economic backbone of the family. That happened in particular where lawyers were concerned.

I can remember when three prominent Black attorneys were in a law firm -- and all three wives were teachers. And if they had not been the husbands would not have made it because the economics for Black lawyers was terrible. Two were graduates of Ivy League law schools. All three of them were outstanding guys, good capable people, but as professionals they had a very, very hazardous condition.

Bill Schultz: That was typical of Black lawyers in those days?

Judge Bryant: Yes.

Bill Schultz: What about Black doctors?

Judge Bryant: Black doctors, they were a little bit different. If a Black doctor got a toehold, he could make some money. Dentists weren't as prosperous, but doctors were very prosperous. I remember, for instance, when my uncle, whom my aunt married, had graduated from medical school he interned in Howard University Hospital, in the old Freedman's Hospital. When he got ready to practice, I was 18 or 19, I guess. He and I rode around the town. He rode around town looking for possible places where he might open an office. He didn't want to leave Washington. He didn't want to take Josephine away from the city, and he liked Washington, he had been at Howard University Medical School. I remember he drove in far northeast, he drove in various places in Washington. He didn't cotton toward it well--he cottoned towards Detroit.

Bill Schultz: Where was he from?

Judge Bryant: Mississippi.

Bill Schultz: So he came up here to go to medical school?

Judge Bryant: He came here to go to medical school. I don't even know where he

went to undergraduate school, but he came up here to go to medical school, and he graduated, and interned. When he finished, that summer I remember riding around the city with an idea of opening an office, but he decided not to stay here and went to Detroit. And that's another thing that they didn't like. Josephine had to quit her job in Washington and go to Detroit. So you know that's an old story.

Bill Schultz: That's an old story?

Judge Bryant: Yes, an old story. Yeah, but he was a good man, and they never regretted it. They raised a good boy, John is a good boy, John is a good son.

Bill Schultz: Now what schools did you go to -- elementary school?

Judge Bryant: Lovejoy Elementary School.

Bill Schultz: Where was that?

Judge Bryant: That was at 12th & D Streets, N.E., from kindergarten to 8th grade they ran. I went there until I finished the 3rd grade at Lovejoy, and then my mother and stepfather moved from 1507 B Street, N.E. My mother was nomadic. She moved from 1507 B Street to 1320 U Street, N.W.

Bill Schultz: When was that, when you were in the third grade, in what year was that?

Judge Bryant: I was 9 years old then, so that would be about 1920. Then I went to Garnett-Patterson Grade School in the fourth grade, and graduated from Garnett Patterson School and went to Dunbar High School. Garnett Patterson was a good school. You could feel yourself grow in those schools. You know, in the third grade and the fifth grade those are critical grades. I remember during those times you could feel yourself grow and develop in those schools.

Bill Schultz: Do you have any teachers that you remember, or that had a particular influence on you?

Judge Bryant: Yes, Yes. One that stands out first in that regard is my fifth grade teacher who taught me geography and history -- she was Charlie Houston's aunt, Miss Cloteil Houston. She taught fifth grade at Garnett-Patterson School. And then in the grade school there was a lady named Miss Brooks who taught me mathematics, I remember her. They were good teachers, good solid teachers. Then in high school there were several others who I think would necessarily leave a mark on anybody. Dr. Dykes, who taught me English, Dr. McNeil who taught me English, and a man named Jackson who taught me mathematics, and a man named C.O. Lewis who taught me mathematics.

Bill Schultz: My wife is always trying to figure out what makes a good teacher? What about these teachers was important to you in your education?

Judge Bryant: I don't know. They apparently knew their subject matter, and they definitely made it known that they wanted you to understand it. I don't know how else to say it. Their interest was apparent; that they wanted to impart whatever they had to you. They wanted you to understand, and they were frustrated if you didn't do it. They showed frustration with you.

I had a teacher in the sixth grade named Daley. I never will forget her, she had some sort of skin condition that kind of discolored her. I don't know if she was burned or what happened, but she always wore blouses right up to her neck all of the time. A very neat, nice looking woman and her name was Daley, and she taught us, and she would get frustrated. I used to be an anxious student who would hold my hand up. You know, I would always try to sit up front, but the teacher sometimes would sit me in the back row. I would be close to the back row, and she would ask questions. I would start holding my hand up and shaking, and I would end up in the front of the room, trying to get her attention. It was the funniest thing.

Bill Schultz: What grade were you?

Judge Bryant: Oh, I used to do that in the fourth or fifth grades all the time. And

of course she was trying to get a hold of some student that didn't understand. But I didn't understand that. She knew there were some other kids in there that didn't understand, and that maybe I knew what the answer was, so she was trying to get somebody else. So she would get frustrated, and she would walk up and down the front of that room, and she would holler and complain, "I teach, and try and try," and she would scream. She would lose her temper and say, "I try, try and try, and will you learn? No, my golly you won't learn anything." She would scream and raise hell. I'll never forget her. Miss Daley was her name. I would see her get so frustrated that I would feel sorry for her.

But that's how dedicated those teachers were. They all wanted you to learn, and they spent time with you. It was obvious that they had that interest, and it was obvious that the kids had that interest. Miss Daley was a good teacher, and I always figured that the schools I went to were capable of taking up any of the slack which may have existed at home in some cases, do you know what I mean? School was a wholesome experience from day to day. From day to day you wanted to go to school. I remember I wanted to go. When I went home my mother didn't let me go out and play until dark with the kids. We lived in apartments more than anything else, and we didn't get that closeness to families. When we moved into the city we were living in an apartment on U Street. We didn't know the people up and down the street, so my mother kept me home, in the house. You didn't run up and down the street when you are living on the third floor -- you didn't run down the street -- you didn't know these people. So I spent a hell of a lot of time at home -- in the house -- and you didn't have televisions and telephones, then, you know. You just had to do a little reading, so school was an outlet.

Bill Schultz: Did you have electricity?

Judge Bryant: Yeah, we had electricity.

Bill Schultz: What about indoor plumbing?

Judge Bryant: Well, we didn't have electricity on B Street, and we didn't have

electricity on Benning. We had electricity on U Street and from then on, because I remember the kerosene lamps -- you ever heard of that? The lamp shade and the wick?

Bill Schultz: I've heard rumors that there used to be such a thing.

Judge Bryant: Yes, indeed. I remember the oil lamps on Benning Road and B Street, N.E.

Bill Schultz : What about indoor plumbing?

Judge Bryant: Indoor plumbing on U Street, no indoor plumbing on Benning Road, but on B Street there was, but Benning Road was country.

Bill Schultz: Now I know you don't like to talk about yourself, but what kind of student were you? What was your attitude towards school?

Judge Bryant: As I said, school to me was an outlet because I socialized in the school and I played. I had an opportunity for my recreation during recess. All of my social life was at school. As I said, when I went home I stayed at home until the next day when I went back to school.

Bill Schultz: Did you consider yourself a student who studied hard or didn't study much?

Judge Bryant: I think I studied because there was nothing else to do. I mean there was nothing else to do but study. But I think that I got most of it in the classroom. I listened to the teacher, I listened to the teacher and I did my studying. There was nothing else to do. I don't pride myself on being a very studious, dedicated, devoted student. I think I did my work because there was nothing else to do. You know, it may be that I would have been a good student in ordinary circumstances, I don't know. I suppose now if I came along with two telephones in the house, and a television in every room, maybe I wouldn't be such a good student.

Bill Schultz: Was it a priority for your parents that you did well in school?

Judge Bryant: I can't say. I think they were glad I did. I can't say it was to them. I don't remember being urged on by them, but I remember being encouraged to get good marks and their approval of it.

Bill Schultz: Did you have subjects you liked more than other subjects?

Judge Bryant: Yes, I liked them all in the grade school. In the grade school you know from time to time there was some good natured rivalry in school when I went to school. And we kind of got pride when you got the highest mark in arithmetic. The more precise things lend themselves to making that kind of assessment. You know, I got them all right, most, you know, two right, so on and so on. I liked English. I can't say that I didn't like anything because as I say, at that time there was nothing that was going to expand your mind, or attract you except school work. You knew nothing else, no television, nothing else, so it was school. So I think it was the school work, not just for me, but for everybody, that was good and familiar, that just naturally developed students, there was no other thing to do, and no other attractions.

Bill Schultz: Do you know if you had aspirations--if you thought about being a lawyer, for example?

Judge Bryant: I wanted to be a doctor.

Bill Schultz: Why was that?

Judge Bryant: Well, he worked for himself. He was independent, and he drove an automobile, and everybody looked up to a doctor. So early on I just knew I was going to be a doctor, but I didn't like to see people sick.

Bill Schultz: What was your social life like?

Judge Bryant: The usual association that kids will have with each other on a playground. I played a lot of marbles, and pitched horse shoes. Are you talking about in grade school?

Bill Schultz: Yes.

Judge Bryant: In high school we did the same things. We played little games in the gym. I remember the cadet corps in high school. All the guys thought that was something new. I was a high school cadet, and I liked that.

Bill Schultz: What's a cadet?

Judge Bryant: You know, you wore a uniform and carried a rifle. Like the ROTC. They had that high school cadet corps in the high school years.

Bill Schultz: Were there dances?

Judge Bryant: Yeah. There were school proms the senior year. But I couldn't dance. I never did learn how to dance, I still don't. I was always awkward in that respect.

Bill Schultz: What about, was there dating?

Judge Bryant: Not then. Let me put it this way. There was always some little girl in your class who you thought the world of, but you never told her. You didn't say that to her. There was no open dating or anything.

Bill Schultz: Not in high school?

Judge Bryant: In high school, I remember walking home with a girl, a girl who was named Clara Shippen. I guess that amounted to the closest thing to a date, walking home with her, and I wonder where she is. She was a nice girl, but I didn't really get into the dating business until I got out of college. Astaire is my first date.

Bill Schultz: Is that right?

Judge Bryant: Yes. I never really dated, so I didn't have much experience in dating.

Bill Schultz: Was it typical, going back to the high school years, that girls just didn't date the way they do today?

Judge Bryant: Yes.

Bill Schultz: Not through high school.

Judge Bryant: Late in high school you might find this boy-girl relationship develop when they were seniors. Today you say so and so goes with so and so -- you didn't say that then. You said so and so likes so and so. But there was not -- the extent of the dating was somebody walking home with a girl. And, of course, everybody walked. You didn't ride the bus or a street car, I don't give a damn where you lived, if you went to high school you walked to the high school. Of course, if you lived a great deal of distance from the high school, and the girl you liked lived a great deal of distance, you had ample time to date.

Bill Schultz: But that could be a regular thing, where every day you would walk the girl home from high school?

Judge Bryant: Yes, Yes. And then there came a time when the house party thing developed. I think kids were in college before they went to that business, really.

Bill Schultz: To what business?

Judge Bryant: House parties, and what not. In high school you didn't go to parties like you do now. I remember I didn't go to the senior prom because I didn't dance. I told you I couldn't dance, but that was the social event. I guess that projects the young boy and girl into the adult life or maturity. That was the launching pad for boy-girl relationships, I believe.

Bill Schultz: Where did boys and girls learn to dance?

Judge Bryant: Learn to dance? I don't know. They would just show up at that prom. I don't know where they learned how to dance, to tell you the truth.

Bill Schultz: Did you ever go to the movies?

Judge Bryant: Yeah, I went to the movies maybe once or twice a month. The moving picture was something back then. We lived on U Street and there was a theater on 11th Street, just north of U Street, called the Hiawatha Theater. The Howard Theater was a vaudeville theater stage. That was a landmark in the city. When I was a little boy, you didn't go to that Howard Theater until you got a little older. You didn't see stage shows until you got a

little older. I remember when the Lincoln Theater was opened. The Lincoln Theater was opened when I lived on U Street. I remember when they built the Republic Theater right across from us. In 1922 there was a Knickerbocker Theater up at 18th & Columbia Road--a huge theater. That's when the town was completely segregated.

One Sunday morning snow was on the ground. I woke up and looked out of the window and I saw people walking, walking, walking, and found out an "Extra Paper" was out. When something happened, they called "Extra Paper", EXTRA, EXTRA, EXTRA PAPER, EXTRA. The Knickerbocker Theater roof had caved in under the snow, and killed a lot of people. It was a great tragedy--one of the greatest tragedies that we had.

Bill Schultz: Where was this theater?

Judge Bryant: 18th & Columbia Road. The Knickerbocker Theater caved in in 1922.

Bill Schultz: I've read about that.

Judge Bryant: And a lot of people were killed. The roof gave way under the snow.

Bill Schultz: Was that a segregated theater?

Judge Bryant: Yes, everything was segregated.

Bill Schultz: Was that a Black or white theater?

Judge Bryant: It was a white theater. The town was completely segregated then.

Bill Schultz: Who would you go to the movies with?

Judge Bryant: Some kid in the neighborhood. Early on my stepfather took me, so I didn't go often.

Bill Schultz: What about sports. Did kids play sports in school?

Judge Bryant: Yes, we had teams. We had a basketball team and a football team and a track team. Yeah, we played, and we had some good athletes. I didn't play on any school

team, but I played a lot of sandlot baseball and a little basketball. But I had to fit it in on my way home because after school I had to go directly home. I could do a little loitering, you know, play a little bit on the playground and then get home. I guess I got emancipated when I started working.

Bill Schultz: How old were you then when you started working?

Judge Bryant: 16.

Bill Schultz: So that was while you were still in high school?

Judge Bryant: The end of high school. I graduated that year, and got a job running an elevator at 2029 Connecticut Avenue.

Bill Schultz: Tell me, we are still talking about your high school years. What are your memories of segregation -- how your parents talked about it, how you felt about it, and what your teachers said about it, if anything?

Judge Bryant: Well, the town was separated on the basis of race. As I grew up in it, it really didn't make a hell of a lot of difference to me early on. I went to school and I went home. I went to the little theater once or twice a month and we saw the movies. The business of race with me was left in me at an early age on the basis of what happened, not in Washington but elsewhere in the country because of the story of my grandfather coming out of the South in front of this mob. As a matter of fact, on the visits when they took me down there when I was a little boy, they showed me the bullet hole that the old man put in the door. So they were kind of still talking about it. And it hadn't been too long. I was only about 4, 5 or 6 years old when I went down there. I think I had a deep hatred for the system. I knew it was wrong.

Bill Schultz: So when you went back to Alabama, he did not accompany you, is that right?

Judge Bryant: Who, my grandfather? No, no, that's right.

Bill Schultz: It was just your mother?

Judge Bryant: Yes, it was just my mother. So they took pride in showing me those bullet holes. And of course we knew of many lynchings during the year. My stepfather would come home and bring home the paper, and sit up and read. He would read the accounts of the lynchings in Arkansas and Mississippi and Alabama or Georgia. And this was happening once or twice a month. And for a long time we measured the state of race relations in the United States by virtue of the fact that last year we had 72 lynchings and this year we only had 69. We gauged our progress in race relations on that score for a long time.

I was mortally afraid of Southern whites. I was afraid for my safety in the South. The two trips I made to the South as a boy frightened me to death. Those were the most horrifying experiences I ever had. Not after I got down there, but going down there, or one after I got down there with this crazy cousin I had. But the first time I've ever been scared to death, really scared was on a trip to the South.

From here to Alabama is a long train ride. We had a dining car on the train, we had Pullman cars on the train, but no Blacks were permitted in the dining car, and no Blacks slept in the Pullman car. There was a Jim Crow car on the train, you didn't sit in the other coach, you sat in the car immediately behind the baggage car and that was closest to the engine. It was a steam engine propelled by fire, and the smoke would come out of the stack, and it would hit you--you know there was no air conditioning, and the windows would be open and you would catch hell from not only the smoke, but the cinders came through the window.

Bill Schultz: It was called a Jim Crow car?

Judge Bryant: Jim Crow car. And I had heard about how for no reason at all Black people would be killed by white folks. It was in the days when the mail was transported by rail. And you've heard of the great train robberies, and what not? That was when the bandits would get on the train and rob the mail sack. So the mail handlers, the people who handled the mail in the terminals, were armed. They were armed mail handlers and they would pull the sacks

off and load the sacks on the train. There was a mail car, a baggage car and a section of the baggage car would be segregated for the mail.

The first major stop out of Washington going south was in Danville, Virginia. I remember this like it happened this morning. You wrap your food, and pack it up, and put it in little shoe boxes because on the way down there that's the only way you can eat. And we had just eaten something when the train stopped in Danville, Virginia. I found out later it was Danville, and I guess I'm about, I'm not over six years old and the train stopped and when the train stopped it went "cha cha cha cha" and came to a stop. This big guy jumped on the train -- jumped off the platform onto the train with a big gun on his hip, and I became almost crazy. I remember my mother, my mother had to slap me. I was hysterical. I'll never forget that as long as I live. I was frightened because I thought he had jumped onto the train to kill us.

Then when we got down there, I think this was the second time that I went down there. I didn't want to go down there anymore. When we got down there, I think I was about 7 years old. We went down there twice because my stepfather worked as a porter at Union Station, and he could get passes. So we took advantage of it so we went down there.

I had a cousin who was about my age, the son of my father's sister, I told you about William Boyd, Willie Boyd? My father's sister was a very light-skinned woman, and anyone who wasn't in the family wouldn't look at her twice because she looked like a white woman, and she married a fellow named Lindsey, who was a similarly light-skinned fellow who passed for white. He was a fireman on the railroad, otherwise he couldn't, well you know.

Well, Willie Boyd was a very light-skinned boy with reddish hair, and he was down there in Alabama walking through a little town. He was just making a lot of noise, and I was scared when he was making the noise. I don't remember what I did, but I remember what his response to me was. He scared me. I never will forget it, he said, "Well, I don't care, let the white man hear me." So evidently I had said, "Sh, sh the white folks will hear you." It scared me, just

scared me. I was scared to death. You know the stories I had heard, and the fact that my grandfather had come out of there, and the holes in the door, and my stepfather reading to me the accounts of the lynchings just scared me to death.

So the first time I'm down there -- you asked me about segregation and racism and how it affected me? Well, the first time I'm down there -- Southern people used to get up early in the morning. They get up at the crack of the day when the sun rises; when the cock crows they get up. So there are two things that bothered me in Alabama. My mother and my aunt used to talk about a certain part of the area, there was some place between where my grandmother and my mother lived, and my grandmother on my father's side lived. In that area, in between there was a place they used to pass, and there used to be a lot of snakes. They would see snakes from time to time. I'm scared to death of a snake, and I heard my mother talk about the times every now and then when someone would spot a snake in the house. So I've got that in mind too when I'm going to Alabama.

So listen to this. I had a hell of a time sleeping, because I'm always thinking these snakes are going to be in the bed. And then I'd go to sleep, and then I hear in the morning -- after lying awake in the early part of the night, and then going on to sleep -- in the early morning, I would hear bump, bump, bump, bump. That wakes me up in the morning, and when I first heard it I thought that people were knocking on the door to get into the house, and I'd be real quiet, and the next morning bump, bump, bump, bump, bump. Southern people eat early, dinner is around midday. We eat dinner shortly after midday, and we eat early morning breakfast. For breakfast, they don't have a glass of juice, and slice of toast and some coffee. They eat potatoes and meat and stuff like that. After about three or four mornings, you know what I found out that beating was? They beat steak. They would take a piece of steak and have a board, and take a hammer and beat that steak. Have you ever heard of that?

Bill Schultz: Yes.

Judge Bryant: Well, when I heard it, I thought that they were going to break into the house. You know, so when you talk about racism and fright, I mean I haven't been afraid, I haven't been mortally afraid since I was hysterical on that train.

Bill Schultz: So you remember that?

Judge Bryant: I remember that, I remember that like it happened this morning. I will never forget that. I remember that guy. I remember what that guy looked like. He had on khaki trousers and a light khaki shirt, and a great big six gun on his hip. He jumped on the train, and I didn't know what the hell he was doing when he was coming in that door. That was what frightened me, and of course with Willie Boyd that made me mad. Here he was, he wasn't any bigger than I was, and he didn't care, so he had more nerve than I had. So that was funny, and I look upon the beating of the steak as kind of funny too, but Willie Boyd was kind of funny, and that was kind of hilarious. But that train thing kind of scared the hell out of me. It scared me so that I decided that I wouldn't go south again. When Bunche went down with the Myrdal study to do field work in the South, and he wanted me to go, I said no, I'll stay here and open the mail. I wouldn't go down.

Bill Schultz: Did you ever go back to the South after those two trips?

Judge Bryant: Yes, when I was in the Army. That was back in the 1940's. But you know it wasn't too comforting then. I had a friend, a guy I met when I was in college, a close friend of mine and a hell of a guy a nice guy, a decent guy, and he was killed. He was a 1st Lieutenant stationed in some place down in Georgia, and he was riding on the highway coming home to visit his parents who lived over on Irving Street. Somebody rode up beside him and shot and killed him.

Bill Schultz: Just because he was --

Judge Bryant: He was in a uniform and he was shot, just because he was Black. And I know that he didn't offend anybody. This boy would not have offended anybody in the

world, they just killed him. So I didn't lose my fear until ...

Bill Schultz: Until you knew that you didn't have to go back. But in Washington, D.C. you didn't personally have any incidents?

Judge Bryant: In Washington, D.C. you lived in a separate world. The only contact I had with whites in Washington, D.C. was when I was very young. Across the street from me at 1507 B Street, N.E., there was a fellow with a grocery store, a fellow named Rezneck and he had several children, and I remember Harold Rezneck and Betty Rezneck. Betty and I were good friends, and had good times because we played together. Mr. Rezneck and his sons and I played together. And I remember Bennie and I liked him very much. But that was the only white contact I had.

Bill Schultz: That's your only memory of white people?

Judge Bryant: As a baby, yeah. When I say as a baby, I mean somebody under ten years old. I had no contact at all--no reason to.

ORAL HISTORY OF THE HONORABLE WILLIAM B. BRYANT

Chapter 2 Washington in the 1920s and 1930s

Interview Date: May 6, 1994

Bill Schultz: I want to start by talking to you a little more about Washington in the late 1920's and early 1930's, around the time you graduated from high school. In particular, I want to ask you about segregation and about how that affected Washington. Can you tell me what newspapers you read, and what newspapers there were in Washington?

Judge Bryant: At that time there were *The Evening Star*, *The Washington Times Herald*, *The Washington Daily News* and *The Washington Post*. We had a lot of newspapers.

Bill Schultz: Were there any newspapers that Black people read in particular?

Judge Bryant: Yes, early on there was a Black newspaper that circulated among the Black community and it was *The Chicago Defender*. That was the first Black newspaper that I have a real recollection of, and then the next Black newspaper of any influence was *The Pittsburgh Courier* and then the local *Baltimore Afro-American* newspaper came into existence.

Bill Schultz: When was that?

Judge Bryant: I am not really certain. *The Afro-American*, I think is about 60 years old, give or take a few years, but *The Afro-American* was the local newspaper and there was also *The Afro-American* in Baltimore. As a matter of fact, I think the first one might have been in Baltimore, and it was put out by a guy named Murphy.

Bill Schultz: What papers did your family regularly purchase?

Judge Bryant: *The Evening Star* was the leading paper; that was the household paper. My stepfather used to sit down after dinner and open it up and read items out of it out loud.

Bill Schultz: And that was delivered every day--the paper?

Judge Bryant: No, no, no. He would buy it. He would bring it home. It wasn't delivered. He would bring it home every day.

Bill Schultz: And did he buy any of *The Afro-American* newspapers?

Judge Bryant: No. I don't remember him bringing *The Afro-American* newspaper home. I remember reading *The Afro-American* newspaper on my own. Sometimes I would buy it, and sometimes I would get a hold of it otherwise, but I don't remember him bringing it home with him.

Bill Schultz : What sort of news would be in that newspaper, *the Afro-American* newspaper?

Judge Bryant: News of events surrounding Negro life in the city. News of some late act of discrimination that happened either here or elsewhere. It kept up with the lynchings, and what not. Early on, there was a lynching every week or two, I don't remember a month going by when there wasn't a lynching somewhere in the country.

Bill Schultz: And would those lynchings be reported in *The Star*?

Judge Bryant: Yes, I remember my grandfather, I mean I remember my step-father reading in the newspaper in *The Star* itself about the fact that some Negro had been burned to death or hanged. That was in the newspaper as I recall it. It wasn't headlined, but it was someplace in the body of the newspaper. It was reported in just a factual manner, on such and such a date this happened, in the regular paper, and in the Black newspapers it received prime time treatment, so to speak.

Bill Schultz: What was *The Negro Year Book*?

Judge Bryant: *The Negro Year Book* was a book that was put out by Johnson Publications. I think it was put out on a yearly basis, and it tracked the outstanding activities, I mean the copiousness of prominent Black Americans, and a sort of chronology of what were considered important achievements by certain Black people. Also, it was a statistical wrap-up of the violence in the country. It told about the recorded number of lynchings, and what not. As a matter of fact, we used to measure our progress in race relations by the fact that last year there

were 54 lynchings, and this year 48. We charted that as an indicator of race relations.

Bill Schultz: Would the typical Black person in Washington, D.C. know how many lynchings there were last year? I mean, was this something that was talked about and was very much in everybody's head?

Judge Bryant: I wouldn't think so. I think that the typical, ordinary Black person in the street would get wind of the lynchings from a daily newspaper of a lynching as it occurred, and express an opinion about it. I think this chronology in *The Year Book* thing was more discussed among students and teachers, and what not and on that level. I don't think that the average person on the street realized that last year there were 43 lynchings. They knew there had been lynchings, but I guess they kind of thought it was 100 of them.

Bill Schultz: The last time when we talked, I asked you about how much contact you had with white people, and you said it was fairly minimal, that your neighborhood was segregated and you talked about a store that was owned by a white person.

Judge Bryant: Yeah, incidentally shortly after, about two weeks ago, I had some company, and we were just sitting around talking, and Charlie Duncan voiced the same thing I told you. He had no contact with whites. The only white person he knew was a guy who operated the neighborhood grocery store and his children. But their lives were so separate on a racial basis, we really did not have any contact with any whites.

Bill Schultz: Now what about the police, what happened if the police came into your neighborhood because there was some problem there?

Judge Bryant: Well early on, Bill, there was one Black policeman, that I remember. And he was Mr. Tapscott, and he was a mounted policeman. He was a fine looking man and he rode through the neighborhood out in Benning. When I moved into the city I don't remember any Black policemen at the outset. There were none. And policemen got around on foot, they were patrolmen, you know. Each neighborhood had a policeman that patrolled the

beat. And we would see the policeman and were on speaking terms with him. You know, "Hi" and that's all. Nobody had any official business with the policeman. There wasn't any crime, so to speak.

Bill Schultz: What about the fire department?

Judge Bryant: The fire department? There was a separate fire department, a Negro fire house located in Southwest Washington. Southwest Washington was a literal ghetto, and poor Blacks were centered in Southwest, there was a heavy concentration of Blacks in Southwest Washington. They had a separate fire house in Southwest Washington manned by Blacks.

Bill Schultz: I haven't asked you about the racial composition of the neighborhoods in Washington. You said most of the Blacks lived in Southwest?

Judge Bryant: Most of the Blacks lived in Southwest and far Northeast.

Bill Schultz: Which is the Benning Road area?

Judge Bryant: Yes, the Benning Road area and from 15th Street further out northeast. The northwest section was very predominantly white, the Mount Pleasant, Petworth and Now, the LeDroit Park section and the area around Howard University was always traditionally Black. Very substantial Black people lived in that area.

Bill Schultz: Now what about the area out 16th Street?

Judge Bryant: White.

Bill Schultz: That was all white? Now what about Capitol Hill?

Judge Bryant: White.

Bill Schultz: What about Anacostia?

Judge Bryant: Anacostia was predominantly white, except for the hill area, but predominantly white. Anacostia was predominantly white.

Bill Schultz: Now, if there was a fire in a Black neighborhood would the white

fire truck come to help out or vice a versa? If there was a big fire in a white neighborhood would the Blacks help or were the fire departments so separate that the Black fire house just serviced the Black neighborhood and the white firehouse the white neighborhood?

Judge Bryant: That's a good question. I lived at 1320 U Street in 1922. I lived in the northwest section. The separation of the firehouses still existed up to that time. During the Christmas holidays we had a terrific snow, and the Knickerbocker Theater which was at 18th & Columbia Road, the roof fell in and many, many people were injured and killed. I didn't know what happened, I woke up on Sunday morning and saw people trudging up the street in the snow. And the fire department from Southwest Washington came up to participate in the rescue effort there. So I guess under terrific emergencies I guess the color lines were blurred, and I remember that very well. I remember somebody making some remarks about the fact, "When the nitty gets gritty color doesn't mean much." I heard remarks like that. It was a tragic time, and many people were hurt bad, and Black firemen participated in that operation and somebody mentioned that that was the first time they had been out of Southwest in a long time. But I remember that, but what the routine thing was I don't know.

Bill Schultz: Judge Bryant, I was just recalling the conversation that we had a long time ago about this fire and you were telling me that there was a lot of discussion in the community about which fire trucks got there first, could you just tell me about that again?

Judge Bryant: As I remember, the tragedy we had at the Knickerbocker Theater at 18th & Columbia Road, the roof collapsed. It was during December or January of the year and heavy snow; the roof collapsed and many people were hurt and the fire department came and I don't know whether a fire resulted from it or it was just a general rescue effort by the fire department. And even though the streets were snowbound and what not, the outfit from the segregated fire department way down in Southwest got there kind of expeditiously and there was some pride in that. The Blacks took pride in the fact that these guys participated. We had such a

paucity of prideful attainments. When I remember that, we were very proud of that.

Bill Schultz: Now what about other facilities, were there Black swimming pools and white swimming pools?

Judge Bryant: The Black swimming pool was at Mott School out in LeDroit Park and then there was also a Black swimming pool at Banneker School.

Bill Schultz: And these were open to the public? Even though they were located at the schools, were they just for the school children or were they for the public?

Judge Bryant: As I recall it they were primarily for the kids in the schools.

Bill Schultz: Now what about golf? Did you play golf that far back?

Judge Bryant: No, no. I never played golf until, until there was a golf course built for Blacks out on Benning Road at about I guess 24th Street -- the Langston Golf Course.

Bill Schultz: So Langston was Black and then Rock Creek, and Fort Dupont....

Judge Bryant: Rock Creek, Fort Dupont and Haines Point were white, and they had been there a long time before Langston was laid out.

Bill Schultz: And was the city government completely white?

Judge Bryant: Yes. There were three commissioners. We had a commission form of government -- that was the earliest form of government that I remember. There was a police and fire commissioner and a separate school system. And as I remember it, the Board of Education was integrated -- I think I'm right here -- the Board of Education was integrated and there was a Black member on the Board of Education to represent the segregated Black schools. But the school system was entirely separated. From the cradle to the grave, so to speak, from kindergarten straight through college, the schools were segregated. At the highest levels of public educational institutions in the city, the Miner Teachers College was for Black people and the Wilson Teachers College was for white people. The school system was completely separated on the basis of race, from the teacher's college straight down to kindergarten. Separate Black

schools, separate Black administrators and separate Black teachers

Bill Schultz: When you graduated from high school, what were the possibilities you considered? Was it always assumed that you would go to college, or was that a decision that you had to make, and what other options were there?

Judge Bryant: I don't think it was assumed that I would go to college. I think it was assumed maybe that I would go as far as the public school system would let me go, and I think that was the assumption. When I went to college I guess I made that decision on my own, and I had to finance that myself. My folks didn't have money to pay any tuition for me, so I had to do that by working summer jobs and after school jobs. I didn't want to be a teacher. I don't know why. I loved my teachers; I liked them; but I didn't fancy myself as being a teacher.

Bill Schultz: What were the other options open to you?

Judge Bryant: The Government Printing Office and the Postal Service hired Blacks in some capacity. There were some Black postal clerks and some other job categories in the Printing Office, I am not certain what they were. But the Printing Office had a contingent of Black people working there. And Black males could aspire to get a job in the Post Office or the Printing Office, which were a little better than the so-called messenger jobs. Throughout the government, the messenger jobs were allocated to Blacks. The State Department, well, the State, War & Navy Department, all in one building up on New York Avenue, the Treasury Department, and all of the other government agencies hired Blacks as messengers. My grandfather was a messenger, my two uncles were messengers. Teachers were primarily female, and I think that one of the reasons I didn't want to be a teacher was because a teacher's job was a woman's job. I guess I was, you would call me a sexist now. But my aunts were teachers, both of my aunts were teachers and until I got to high school all of my teachers were women. I first saw male teachers in high school. I didn't want to be a teacher so I didn't go to the Normal School.

Bill Schultz: Did you consider going to school outside Washington?

Judge Bryant: I entertained the idea that I would like to get away from home, but I didn't have any money. I thought about Lincoln up in Pennsylvania, the University of Pennsylvania, and Morgan College over in Baltimore, they were outstanding. And there was a college up in West Virginia, I didn't think about any southern colleges like Tuskegee or Morehouse. I didn't think about that at all. I had no desire to go down South, let alone below the Mason-Dixon line. Going South was a "no, no" to me.

Bill Schultz: Were there other options in Washington other than Howard?

Judge Bryant: No. Howard or the Miner Normal Teachers College.

Bill Schultz: Did you go to Howard when you went to college?

Judge Bryant: Yeah.

Bill Schultz: And when did you start working to save money for college?

Judge Bryant: Well, I got out of high school in June 1928, and as I recall it the next day, or the next two or three days I went to work as an elevator operator at 2029 Connecticut Avenue, N.W. That was my first job. And from then on, in addition to my elevator job in the summers I worked as a laborer. I dare not let the elevator job go because that was my main stay, you know tuition wise.

Bill Schultz: What hours did you work?

Judge Bryant: Four to 11, 4:00 in the evening until 11:00. And then in the summer time I got a job working from 5:00 to 12:00. I would change because in the summer in the laboring jobs you worked from 7:30 to 4.

Bill Schultz: In the summer you worked two jobs?

Judge Bryant: Yeah, in the summer. I couldn't let that elevator job go because that was my main stay so I worked this other job, the laboring job. The elevator job paid \$45 per month and the laboring job paid \$3.20 per day, \$.40 per hour. That was big money. So for those

three months, or two and one half months, I made that money to pay my tuition and kept myself going on that \$1.25 per night that I made on the elevator job.

Bill Schultz: What kind of building was this elevator in?

Judge Bryant: It was supposed to be one of the most desirable residences in the city. It's still up there at 2029 Connecticut Avenue. It was a seven-story building and it had three apartments on each floor. The front apartments, those that faced Connecticut Avenue, had fifteen rooms in them. And those that faced Wyoming Avenue had nine rooms in them. And the back apartments had seven rooms in them. And the apartments were populated by millionaires and near millionaires. Dick Lyon, do you know Dick Lyon? Dick Lyon 's mother and father lived in that building, and they were the only Jews to live in that building, and they lived on the second floor. Simon K. Lyon was a lawyer, and Dick and Flora were his children. They lived on the second floor.

Bill Schultz: And they lived there when you ran the elevator?

Judge Bryant: He was a student at Central High School when I started working there. I remember him very well. He was a good guy.

Bill Schultz: Where is 2029? I'm trying to picture it.

Judge Bryant: On the corner of Connecticut and Wyoming Avenue, right across from the building that Pat Wald lives in, 2101. They built 2101 after I started working up there. It is a big building right on top of the hill on Wyoming Ave & Connecticut Avenue, with a driveway in the front. Justice Sutherland lived on the 7th floor, and Justice Sanford lived on the 4th floor. After dinner they would come out and light their cigars and take a walk.

Bill Schultz: Did you have any interaction with them or talk to them?

Judge Bryant: No. You didn't talk to anybody. Old General Pershing. Also Senator Warren from Wyoming lived in that building. And General Pershing was related to him in some sort of way; I think he married Senator Warren's daughter or something. General

Pershing was Commander-in-Chief of the Allied Forces during World War I. They go back a long way. Bill, can you imagine they had a woman named Miss Pusey; she was an heiress to the Dodge automobile millions. She lived in a front apartment, had a bunch of servants around her. I think she had about at least five. I can think of five servants, including a male secretary. And she had a sister who lived right across the street in the Dresden Apartment, right on that curve as you go up Connecticut Avenue. That job was a lifesaver.

Bill Schultz: Why do you say that?

Judge Bryant: Well, I had a job and as long as I reported there seven days a week; it was a seven days a week job. There were no off days, but it was my sure income.

Bill Schultz: When did you study?

Judge Bryant: When I went home, and before I went to work. I had classes up until about the middle of the day, I would go to the library before I went to work and then I studied some when I got home if I had to. You couldn't do any studying on that job. They didn't allow that.

Bill Schultz: Was there a lot of time when you would just sit and do nothing?

Judge Bryant: Let me put it to you this way, there was a lot of time that I didn't do anything, and that was funny. There were two elevators in the building. A freight elevator and a passenger elevator. I ran the freight elevator for the most part, and when the other guy had to go to the rest room or something I ran the passenger elevator. There was a lot of dead time after the servants went home, unless there was a party or something going on upstairs. After about 8:30 there was hardly anything for me to do running a freight elevator. There was more activity on the passenger elevator. There was some dead time.

Bill Schultz: What was Howard University like?

Judge Bryant: A good school. Howard University was a nice place, considerably smaller than it is now, of course.

Bill Schultz: Can you guess how large the student body was?

Judge Bryant: Look, I really don't know. I guess roughly around six or seven, or four or five hundred students.

Bill Schultz: In the whole University?

Judge Bryant: Yes.

Bill Schultz: So you would know most of the people in your class?

Judge Bryant: Oh, everybody. Everybody in my freshman class I knew. They lived in the dormitory, either in the boy's dormitory or the girl's dormitory and the rest of them lived in the city, and I had grown up with the rest of them. There weren't any, I was on speaking terms with everybody, you know, we went to school together. The professional medical school was down the hill so to speak, and I didn't know the medical students who were there when I got there. The law school was downtown at 420 5th Street, and I didn't know those people, but the students on the campus I knew.

Bill Schultz: What was the student body like? Where did they come from? What was their economic status?

Judge Bryant: They came from everywhere in the country, the Virgin Islands and even Africa. We had a couple of people, Aziokuie, a very prominent African politician from Nigeria. He wasn't a classmate of mine. I think Aziokuie was a year in front of me. He went back to Africa and was very prominent in the development of his country. And there was a guy named Nyabonga from Ethiopia, who was a prince, a member of the royal family of Ethiopia. And a good contingent of West Indians from all the islands. They were bright, sharp students, most of them went to medical school. But the students came from Connecticut, Detroit, New York and a large contingent from New Jersey. North Carolina fed a lot of students into Howard University, male and female. There were some students from Florida, Georgia, and Oklahoma. I remember kids, I'm thinking of kids right now, I knew from Oklahoma, Texas, Missouri, and

California. Arizona, you name it, Chicago, I mean Illinois, they were from all over the country. Howard University was a cosmopolitan place, I mean geographically the country was well represented. There was somebody at Howard University from nearly every substantial grouping of Blacks in the country.

Bill Schultz: There were no white students?

Judge Bryant: No white students. When I went, there were no white students.

Bill Schultz: Well, what about teachers?

Judge Bryant: A few white professors. A guy named Max Meenes was an outstanding psychologist. He was a top man in his field, Max Meenes. There weren't many at the college level. There was a white teacher in the law school named Bouchet from Wisconsin, and he taught me contracts.

Bill Schultz: Was there much discussion among the students or the teachers about segregation, about comparing experiences in different parts of the country?

Judge Bryant: There was a whole lot of that. I mean kids from Connecticut, New York, places that weren't segregated completely, you know, theaters and what not and public facilities, they would always talk about the complete separateness down here, and points further south, and they resented it. And of course those here resented it. We all resented it because from the day I was born I remember resenting the pattern of race relations in the United States. I always resented it and remember it being talked about among people.

Bill Schultz: When you talked did you foresee a time when segregation would be ended and race relations would be better?

Judge Bryant: You know, yes, I guess I did. I guess I did because I can remember there has always been some sort of protest against it, even in the family there were discussions that were anti-status quo. We didn't like it. They used to say white's do this or white's do that, some of the better department stores didn't serve Black people -- Garfinckel's,

Woodward & Lothrop, you wouldn't walk into Woodward & Lothrop.

Bill Schultz: Do you mean some of them actually did serve Black people?

Judge Bryant: Yes, in Hecht's, Kann's & Lansburgh's you could go buy something.

Bill Schultz: You could go there?

Judge Bryant: Yeah, but women couldn't try on clothes. You could buy them and go somewhere and put them on -- no they couldn't do that.

Bill Schultz: White women could try on clothes?

Judge Bryant: Yeah, and you couldn't eat in anyplace. You couldn't go to one of these corner White Tower places where they served you a cup of coffee and a hamburger. You couldn't even carry it out. You just couldn't go in there. Things were pretty separate. Now you could ride the street cars. You didn't have to go to the back of the street car; you didn't have to do that. You could sit anywhere on the street car.

Bill Schultz: Who did you and your friends look up to in terms of national figures -- in terms of politicians or writers or athletes, either white or Black?

Judge Bryant: Oh, when I was a little kid in grade school, and early high school, we had a lot of male teachers in high school who were men who had their Masters and Ph.D. degrees and we looked up to them. The principal of the school -- I don't know whether he had any advance degrees or not -- but he was the principal of the school, and we knew about him before we went to high school. You know what I mean; we knew about him by reputation. National figures, I'm thinking about early on and then later on. I remember Booker T. Washington wasn't thought of too well. There was a kind of clash of ideas between Booker T. Washington who was a kind of "Uncle Tom" like leader, versus somebody like Du Bois who was more progressive and aggressive: he attacked segregation. That was something I was aware of early on. Du Bois's theories versus those of Washington. He was an intellectual. He was a

Harvard-trained man. I don't know where Du Bois was from, but Du Bois went to Harvard and was very distinguished and a very capable fellow who felt that the polish he received by virtue of his education -- he thought that he would be accepted, I suppose, but he found out when he graduated from Harvard that he was just another colored man, and after they counted the last white man, they might count him. He was deeply disappointed and he along with some liberal whites gathered in Niagara, New York and formed what was known as the Niagara Movement in 1909. The Niagara Movement was the predecessor of the National Association for the Advancement of Colored People, and the NAACP was the aggressive antagonist to segregation.

Bill Schultz: Was there a chapter of the NAACP in Washington; I guess there must have been?

Judge Bryant: Yeah.

Bill Schultz: When, would this be?

Judge Bryant: I know there was one here when I went to high school because we had a rabid pro-NAACP man named Thomas; we used to call him "Cat" Thomas, but his last name won't come to me. His first name was Norville, and he was a math teacher. He had a high kind of nasal voice, and kids named him Cat Thomas. He was the most vocal advocate of the NAACP principles in the District of Columbia; he was part of the local group and he taught about race pride. Any student who was in his class had to be subjected to his inoculations or emasculations, talking incessantly about the evils of segregation and discrimination.

I guess they talked about segregation and discrimination in the same breath because the two went hand in hand, and I think that the fight was against segregation and discrimination. Somebody asked maybe in the past some of the objectives of some of those who fought against segregation whether they were in fact fighting for integration. As I have come to look back over it and think about it, I think that the discriminatory patterns of segregation were designed to keep the races apart, and this involved necessarily some discrimination. I don't think integration for

the sake of integration -- when you talk in terms of social integration -- was really the objective of folks in those days. They were thinking of the disadvantages that were associated with racial segregation and discrimination.

For instance, if a white person with business in Atlanta might want to go to Atlanta, Birmingham, or to Raleigh, N.C., or might want to stop over there on the way to someplace else, they traveled by train then. And if a Black person wanted to go someplace and stop in the city below the Mason Dixon line, there usually were no accommodations for them, no hotel rooms. So we would have to find out from somebody about Miss So & So, or Mr. So & So, a house that you could stay in on your way to So & So. You had to make arrangements ahead of time to stay in private houses. That's the kind of inconvenience people fought against. You know what I mean; why can't I call up the local hotel down there and reserve a room?

But you know some picture would come, some heavily publicized movie or motion picture would come, and it would be shown in various theaters and it couldn't be shown at the Black theater, and so people couldn't go. The Belasco Theaters, the stage theaters were like classic plantations, Black people couldn't go. So with that exclusion from the cultural advantages and ordinary day-to-day conveniences, the people just rebelled against it. It wasn't integrating to rub elbows with white people. I don't think that that was it at all. I mean a man wasn't fighting for integration so that his children could marry some white person's daughter.

Bill Schultz: Not even to go to a white school?

Judge Bryant: That was it. I know for instance that when I was in high school or when I was in school, I don't remember the emphasis being on integrated schools, to tell you the truth. I don't remember the emphasis being on that in the District of Columbia, because I suppose if there was anything to being separate but equal, then I guess there was, because we had good schools. Now I think that we were the atypical city as a matter of fact. I think that in most communities the segregated schools suffered by virtue of facilities and faculties and that

kind of thing. But in the District of Columbia, we didn't have that, we really didn't have that.

The opportunities for employment were limited for males, so in high school we had several well-trained male teachers from Amherst and Harvard and some of the Ivy-League schools that took on a hand full of their quota of token Blacks. We had them in our high school, and of course Howard University was a mecca for top-flight people. We had some good teachers at Howard University.

Bill Schultz: What experiences at Howard stand out in your mind?

Judge Bryant: Well, Ralph Bunche, I think was my greatest experience. He was an unusual man. So thoroughly equipped and so far advanced in his thinking -- and political science was my major subject, I took a lot of courses under him.

Bill Schultz: These are courses in political science?

Judge Bryant: Political science and government.

Bill Schultz: When did you meet him?

Judge Bryant: I met him on the campus. He came to Howard University in 1928 when I came there. He came there as a freshman teacher, and I went there as a freshman student. I took Political Science 1 from him, and every subject he gave, and then he recruited a couple of guys who were very, very good. One was a fellow named Emmett Dorsey, a hell of a political science teacher and a hell of a lecturer. He was a fellow who was a graduate of Oberlin College and a good man.

Bill Schultz: How old was Ralph Bunche?

Judge Bryant: I guess he was in twenty's.

Bill Schultz: And where had he gone to school?

Judge Bryant: UCLA and Harvard.

Bill Schultz: And he came from Harvard to Howard?

Judge Bryant: He went from Harvard to Howard after his Master's, and he was

working on his Ph.D., and I think he got his Ph.D. before the end of the first year. He got his Ph.D. shortly after we started out.

Bill Schultz: Was he immediately seen as a star at Howard?

Judge Bryant: Yes, he was immediately seen as a star at Howard. As a matter of fact old Mordecai Johnson, who was the president at Howard, made him his assistant, the special assistant to the president, and Bunche took the job, but his first love and his first obligation was to the classroom.

I remember because we had these seminars and he had an office in the library, the second floor of the library building. One end was the president's office and the other end was Ralph's office. He had his classes in his office. The seminars were small, and he would have his class right there in his office. I remember one morning something happened, and Ms. Robinson who was secretary to the president called, and said the president wanted to see Dr. Bunche. Ralph had made the commitment to take this job, but it wasn't going to interfere with his teaching. He would do the job, but it wasn't going to interfere with his teaching job. So he was teaching, lecturing, and it was towards the end of the class, and I guess it was in the last part of the class, and he said, I'll come, I'll be right there. But the word came back; the president wants to see you now. And the word went back that the president will see me at the end of my class. And I remember thinking he has really got some Mordecai Johnson wasn't to be denied, but Ralph Bunche Then I said to myself, here's a guy who is teaching and that's his business and he likes it, and he likes his students. It was a thrill for me to sit in Ralph Bunche's presence with three to four other people. We had classes of that size.

Bill Schultz: Is that right, that was typical at Howard?

Judge Bryant: Oh yeah, in advanced courses it was typical at Howard to have small groups of people. And I sat in classes with Ralph with five students. You know, that's something. He was such a guy, he was such a well-informed, earnest guy. He was just terrific.

And Dorsey was a good lecturer. And that was a strong department, and I guess other than the English department, and of course, the sciences.

The sciences have always been very strong, because the guys who got their advanced degrees in science at the University had nowhere to go. I think the Glidden Paint people took on a person named Percy Julian who was a hell of a chemist, an internationally-known chemist. I think they took him on the year after I graduated, but otherwise the University was a sort of stagnant pool for all of this talent that couldn't go anywhere else which made it wonderful for students. Every now and then some of us will get together and talk about how some of us had the best of all worlds. So I think there was a time in Washington when at least in the educational field, Blacks did not suffer.

Bill Schultz: How long did Ralph Bunche stay at Howard?

Judge Bryant: How long did he stay? He came in 1928 and he was there when the Myrdal study was being done, and he had a leave of absence when he went to New York and wrapped up the Myrdal study. Then the war came and he went to the Office of Strategic Services under Donovan. From there he went to the State Department and then the United Nations, he never got back to Howard. His stay at Howard was from 1928 through 1940. So I think that Ralph Bunche was the greatest thing. That's the memory I have of Howard University. When I think of Howard University, I think of him.

Bill Schultz: Is that why you ended up majoring in government, because of him?

Judge Bryant: Yeah, I think, well in high school I had a great history teacher named Perkins, Frank Perkins was a good history teacher, and he taught history and civics. Now civics was kind of government, you know what I mean? And between him and a fellow named Saunders who taught me some government, he got me involved with the government, and the law. That's why I went to political science and government. And then when I got in there

Bunche taught those aspects of government, international law and so forth and so on, and I got kind of sucked into that, and I liked it. And liked the English, we had some terrific English teachers in grade school and high school. A Ph.D. in high school taught me English, and when I went to Howard University, the second year I was up there she left the high school and came to Howard University. And there was another Ph.D. in English, we had a strong English department. So my minor was English. I liked them.

Bill Schultz: When you were approaching the end of college, what were your options? How did you choose law school?

Judge Bryant: Bill, that's a tough one. When I graduated ... I went to college between 1928 and 1932, and as you know the Great Depression hit us in 1929. Those were long, lean years when I went to college. And a whole lot of Americans, Black and white, had bleak possibilities for the future. So there was really not, I just can't think of it, I hadn't thought about the law school until kind of late. I think Bunche thought that I would go to graduate school, political science and government because a lot of the good students in history and psychology and economics and government went to graduate school. I didn't have any idea that I wanted to teach, I didn't want to do that, but I hadn't really made up my mind, thought about being a lawyer, until my last year. I think the thing that prompted me was the fact that I had worked with people. I had worked menial jobs and what not, and I had a strong desire to be independent. I was tired of being under somebody's thumb and I associated the professions, medicine and law, with being independent, you know like a shoemaker. And as I say, I'd been attracted to the legal aspects of things--civics, history and government in high school. And in college I got involved deeply in constitutional law as a very attractive subject, so I was leaning in that direction. I thought about going to law school, but I didn't have any money, and in 1932 that was the height of the Depression. Herbert Hoover spoke at our graduation.

Bill Schultz: Is that right?

Judge Bryant: He came there and spoke. I think they timed him at three minutes, and then it was all over with. He had nothing to say. And I got a job, I graduated on June 4th or the June 5th, and I went to work Monday morning as a laborer.

Bill Schultz: This is from college now? Did you decide to go to law school right after that?

Judge Bryant: I wanted to go, and I called up and asked, and I didn't have any money. And I hadn't saved any money because I wasn't in the position to save any really. I had had a hard time going through college. But you asked me what I remember about Howard University. I think of the positive things, I think of the negative things.

Bill Schultz: Are you talking about college now, or law school?

Judge Bryant: College and law school. And let me emphasize this, it wasn't on account of me, I mean I wasn't singled out, nobody had their guns out for Bryant. It was just the system. But I called up, and asked about any possibility of scholarship to the law school. I had been a good student in high school and went to summer school two summers and finished the high school course in three years, and it was ordinarily a four-year course. I had good grades, and if scholarships were available at colleges I would have easily applied for scholarships, but they were not available at that time. And then, of course, I got very good grades in my college studies, and I was eligible for some scholarship at the law school.

I called up there to ask about that, and I was told to read the catalogue, and the catalogue would indicate that they don't have any scholarships on the basis of need. Scholarships were awarded on the basis of merit. No freshman entered the law school with aid. After he got there, if he proved himself, the highest ranking student in the freshman class for the sophomore year he got room, board and tuition scholarship. The second highest ranking student got a tuition scholarship. That was true for the middle year student and the senior student, but for the freshman there was nothing there. I said thank you, and I just went on to work, and got a job as

a laborer.

Bill Schultz: Which is what you had done every summer?

Judge Bryant: Yes, I got a job as a laborer that summer, and towards the end of the summer and the beginning of the following school year they decided to open what was to be the nerve center in the University, the switchboard of the University, 24 hours a day. Well I had some experience working in these apartment buildings operating the elevators and switchboards. See in the elevator job, after 8 o'clock at night the switchboard operator went home and the guy that ran the elevator took charge of the switch board too. So I had some experience with the switchboard, and I got the job as the switchboard operator from 12 at night until 8 in the morning at Howard.

That was manna from heaven. After one o'clock at night you could hear a rat walk on cotton. Nothing happened except the watchman would come in about every 40 minutes and stay around until he went back out on his watch. No phone or anything. I could study. So I made an application to law school. I was going to law school. Hell, I had the best job in the world. I could study from 12 at night until 8 in the morning uninterrupted, and go to law school from 9 in the morning until the middle of the day, so what would be better? So I went to law school.

Charlie Houston, the acting dean, was Harvard trained, Amherst and Harvard, and University of Madrid. He was given the mission to make Howard University Law School the Harvard of Black education. He decided he was going to do it, and one thing you couldn't do, you could not work any job and go to "my law school. The law is a jealous mistress."

By the end of the year I knew I had the room, board and tuition, but I didn't want the room and board, because I lived at home, all I wanted was the tuition, and that was free, so I got married. Astaire and I went to Baltimore on August 25, 1934, and I got married.

Bill Schultz: You figured you could quit your job?

Judge Bryant: No, I wasn't going to quit my job, but I figured that I didn't have to

pay any tuition. I figured I could get married because I had won my scholarship. On the 9th of September I was called down to the law school and I was told that the scholarship was awarded on the basis of scholarship, merit and need, and I had a job with the University so I wasn't in need.

Bill Schultz: And this was all because of the fact that you were working?

Judge Bryant: Yeah, and the message was gotten to me that you can't work and go to school. And it was kind of brought to me by different routes.

Bill Schultz: Now, when you decided to go to law school, what was your family's reaction?

Judge Bryant: My grandfather thought I was crazy. I had just finished college and they thought I should apply for a teaching job or something, and that I should have been working somewhere. The places that you could get a job--you could go down to the Post Office, and close your eyes and grab 15 guys who were Black, and you would get maybe about 24 degrees. Pharmacists and bachelor's degrees and various other things.

My aunt was going with a fellow who worked in the Post Office, and he said he would get me a job down there. He knew the guy that headed up the Postal Alliance, Black people had formed a union, the National Postal Alliance of Postal Workers, and he knew the guy who headed it up, and he could get you a job in the Post Office. So he made an appointment for me to see him at 9th & U Street in the office, and the guy didn't show up. I waited around there for about an hour or an hour and a half, and he didn't show up, so I left. I came back and they wanted to know what happened, and I said the guy didn't show up. So they called down, and he said that he had gotten busy but he said come on down such and such a day. I said, "OK," and I went down. I started down there, and I got within two or three blocks of the place, and I said "I'm not going down there. I don't want this job, the hell with it. I don't want this job." I turned around and walked on home. I was thinking about going to law school, and my grandfather told

me, "You crazy?" He said "Black lawyers, negro lawyers don't amount to a damn." I couldn't say, no, look at so and so. I couldn't do that.

Bill Schultz: There were no lawyers

Judge Bryant: There were no lawyers prominent enough at that time for me to say, "Look at him," because if there were, he wouldn't have had that attitude regarding the legal profession and lawyers. Because you see, the atmosphere, the white courts -- the courts were run by whites, most of the other lawyers were white, and that was a pretty hard thing to conceive of. So I was designated as a prime fool by my grandfather. He thought that I must be crazy.

ORAL HISTORY OF THE HONORABLE WILLIAM B. BRYANT

Chapter 3 Law School at Howard University: 1932 – 1936

Interview Date: May 19, 1994

Bill Schultz: Judge Bryant, you attended Howard Law School, and I want to ask you about some of the people that you met there, some of your teachers. The first and most obvious one is Charles Houston. Did you have courses from him, and what was his position at the law school?

Judge Bryant: Charles Houston was the vice dean of the law school. Technically, he was never the dean of the law school, he was known as the vice dean of the law school. I don't really know why that was so. But I knew this, that Mordecai Johnson who was the president of Howard University, was interested and had been convinced by somebody that the law school was a very important part of the University and could play a critical role in something down the line. Don't know whether Mordecai Johnson, who was a Baptist preacher, had a wide range of insight or whether he fully envisioned what lawyers might do down the line, but he was convinced that the law school shouldn't be a stepchild of the University.

Bill Schultz: What years was he president of Howard University?

Judge Bryant: I went to Howard University in 1928 and he had been there a year or two, so I would say that he was president of Howard University from about 1926 until sometime in the '40s or '50s. But Mordecai was influenced by some Young Turks, so to speak, Ralph Bunche and Abe Harris and a few other people, young energetic teachers. And I think that they might have had some influence on him, I don't know, but at any rate, Howard University Law School had been a night school for a long time, and a few people went through it. Charlie Houston was a graduate of Harvard University Law School. He went to Amherst, Harvard, and the University of Madrid. Charlie had good credentials. He was chosen by Mordecai and given

carte blanche to make Howard University Law School a top law school. The emphasis on enrollment wasn't in the picture as it is now. They had no hesitancy to fail students who did not perform.

Bill Schultz: What do you mean by that?

Judge Bryant: There were, the entire student body in the law school at that time was fewer than 35, all of the classes fewer than 40 people. My freshman class had 15. When I went there the senior class had, I guess, about 20 or 25, which was a big class for them. When Thurgood graduated, he and Oliver Hill, I think there were about eight or ten graduates in that class.

Bill Schultz: What class was that?

Judge Bryant: Thurgood graduated in 1933, I believe from law school. They had gone on. And Charlie did the best he could to do that. He put together a group of excellent teachers. Again, by virtue of segregation he had a kind of good pool to pick from. I mean there were a lot of bright guys who could not be members of firms and what not, who had graduated from the University of Chicago Law School, Harvard Law School and other law schools, who were on law review and what not, and we had good teachers. Charlie himself was an excellent teacher.

Bill Schultz: Now did he have his law firm at the same time as he was vice dean?

Judge Bryant: Yes, he was a member of his father's law firm. His father's law firm had been there, oh, since I can remember. When I was in the third or fourth grade, his father was down on F Street. Charlie and Bill Hastie, I think were cousins. I understood that they were cousins. They were very, very close and very, very tight. Bill Hastie was on that faculty, he was a very good teacher. The only white guy on that faculty was a Dutchman from Wisconsin named Alfred J. Bouchet, and he was a member of some kind of security commission at that time,

whatever was the predecessor of the SEC. And he taught contracts and negotiations, and business interests, and bills and notes and that commercial stuff. And he was a terror to a lot of people, a hell of a teacher. All of them were good teachers.

The only teacher that I ran into that was kind of a weak reed was a guy who was not really a weak reed but he was weak because he didn't have the experience. He was a graduate of Harvard Law School, and he came right out of the law school and came to teach public evidence. And that's a bad course to teach for somebody who hadn't had much experience. He taught us out of his notebook and it was obvious, but even he was not a poor teacher. Bernard Jefferson was his name, he was from California. He ended up being a judge out there, I think ultimately. But the law school was a good school.

Bill Schultz: I want to come back to Houston and Judge Hastie, but other than those two, are there any other teachers who you had whose names we would recognize?

Judge Bryant: George Hayes. George Hayes was the practicing Black lawyer, the one Black practitioner in this city that you could point to and say "hell of a lawyer." He was a terrific lawyer. George was a graduate of Brown University, and I don't know where he went to law school. He might have gone to law school at Howard, I don't know, but he was a practitioner, a very capable man. He headed up his law firm next door to ours, Cobb, Howard & Hayes. I think he taught us criminal law and something else. He was a good teacher. The instruction was good and Charlie did bring Harvard down there. The first day in his classes he handed us that business. He would look to the left, and look to the right, and say at the end of the year one of you might be there, and he meant it. Because when I went in law school there were 15 of us, and when we graduated I was home. I sat on my front porch. I didn't even go, I was so mad. You know, I told you about my experience. And there were two, no three other guys that graduated, I was the only one that graduated on time.

Bill Schultz: From your whole class?

Judge Bryant: From the whole class. Bill Lonesome and a boy named Scovel Richardson graduated next semester.

Bill Schultz: I wanted to ask you a little more about Charles Houston. Can you give me a sense of first of all how old he was; what his teaching style was like; what his style as an administrator was like; what his relationship with the students and faculty was?

Judge Bryant: Charlie was obsessed with the concept of excellence, there was no question about his standards. You know at that time when you went to school, there was no such thing as a curve. You were marked on the basis of 100, and if you got less than 70 you failed. He was a teacher who was thoroughly prepared and seemed to have a wide range. You know, some teachers come in and you know that if you take them outside of the boundaries of the particular subject that day, you might lose them. But Charlie was one that could swim through any length of the pool in that subject, he had some depth to him. He was good, a good teacher. As were the rest of them, but I think that when you talk about inspiring teachers, I guess he was. As the dean, as the administrator of the school, he was the one who was always pumping for excellence. You've got to excel; you've got to excel; you've got to excel. Other teachers taught you the stuff, and they were good at teaching the business, but they weren't so much into the motivation business as Charlie was.

During the time that I was in the law school, Charlie took a leave of absence, and went down in Virginia and represented some guy, I think his name was Crawford, who was charged with towing some social life in the hunt country down in Virginia. I don't know all of the details, and I'm not certain whether Thurgood Marshall was involved in that. Charlie went down there and took with him a couple of graduates from Howard University Law School to help him work on that case. One of them, I remember, was a fellow named Tyson, Pete Tyson, and I think that Thurgood was one of those two, but I am not certain. Early on, Houston, I guess, had this notion

about the courts being the best chance of breaking down some barriers. I think he understood that.

Bill Schultz: He is sometimes said to be the genius behind the civil rights litigation that the NAACP Legal Defense Fund brought leading up to *Brown v. Board of Education*. In a sense, that is the beginning of public interest law, and here was a group of people dedicated to using the law to change society. Did he talk about that as a teacher in the law school?

Judge Bryant: No, not really. I don't remember him doing that. And then again, I guess he did. He taught a course called the History of Law, and I think he did to some extent. But he didn't emphasize it, and leave a real impression. I didn't get the idea then and I never have associated it with the civil rights concept so much, but in that History of Law course I guess he did. He pointed out the role that the law played in our system. Most of it was negative. You know we had *Dred Scott* wasn't too old, and *Plessy v. Ferguson* wasn't too old. In America, it is significant that we can trace our growing up right to the court, to tell you the truth. When you stop to think about it, *Dred Scott*, *Plessy v. Ferguson*, and then the rest of them, and then *Brown*. I guess from that point of view, Charlie was right.

Bill Schultz: Here is a lawyer who is practicing law and you explained that Black lawyers really didn't make much of a living in those days. He's trying to establish a first-rate law school and then he also devotes himself to trying to change the law on racial discrimination. He obviously had a lot of drive, and very strongly held feelings about justice. Do you have any sense about where that came from, or what it was that drove him to try and do so much?

Judge Bryant: Yeah, I think I do. I think Charlie was of the same stripes as Du Bois and some of the rest of the leaders in those days. Charlie was fortunate enough to be well

equipped, and had some native talent, basic brains and was an inquisitive person mentally. He was exposed to the very best you could have for anybody in the United States.

I told you that his father was a lawyer; his uncle was a doctor; an uncle was a lawyer; and his only aunt was a teacher. His only aunt taught me in fifth grade, and she was a wonderful teacher. And Charlie was the only sibling there. Ms. Houston, my teacher, was a spinster. Theophilous, who was a lawyer, he had no children. And Dr. Houston had no children.

William L. Houston was the only one who had a child, so all of the resources and hopes of the Houston family were poured right into Charlie. So that's why he could afford to go to Amherst, and that was at the time when Ivy League schools would take a handful of Blacks. But purely on the basis.

There was no affirmative action. I mean it was purely on the basis of ability. And it was so, that this business that you have got to be twice as good as they are, and they meant the dominant group. You have got to be twice as good as they are to get half as far. When you went to the New England schools, Ivy League schools, you found somebody in Brown and Amherst and Dartmouth. They were top people. They were top people. So when Charlie went there he displayed his wares and did very well. He went to Harvard Law School and I think he was on the Law Review at Harvard. And he would say, "No tea for the feeble, no crate for the dead." That was his motto. "I'm not asking for anything, you know, just give me my due." That was the attitude of Black leaders of that time. All they were asking for was to remove the barriers, and let us go. Those who can, will, and those who can't, you know, too bad for them.

I always thought — and I am careful when I say this, and maybe it's a harsh judgment — I had this feeling about Du Bois: Du Bois was an intellectual, an arrogant sort of fellow, and he obviously was well trained. He graduated from Harvard University in 1909, and a degree from Harvard entitled the recipient to certain privileges in the society. I assume that he was naïve enough to think that he could lay claim to them, and then he realized that as the setup was then,

after he had counted the last white man on earth, then you might count him. And that was a two-edged blow. I think that was a shock to him. I really do. I might be wrong, but I think that was a shock to him.

I think it was a shock to Charlie. I think it was a shock to Charlie because Charlie went to Harvard Law School, and guys were going to firms, law firms and various other places, a Harvard lawyer had some entree. He had no entree, he came back to his father's law office, which wasn't a teeming law office, and he came back to Howard University Law School. This may be harsh, but I think that the thing that interested the original leaders of the NAACP was not that they really were so outraged at first about the fact that whites discriminated against Blacks, but they were really pissed off about the fact that whites didn't discriminate enough to draw the line between them, and the rest of Blacks. Do you know what I mean? In other words, the fact that they were lumped in that fashion, I think they were insulted, and I can understand that. That sounds like I ascribe bad motives to people, but really I don't. They resented being plowed into a mass of underclass and mediocrity and second-class citizenship, that's what they called it. And I think that's what drove Du Bois, I think that's what drove Charlie. And if that's so, good. Now, when I say that, I don't mean to speak in derogatory terms about them, but I think that's human nature. Then you realize, you know, I can't be free until all of us are, because we are looked upon as "all of us," and the only way I am going to get out of this box is to get everybody else out of the box with me.

So that's why, you ask me about the motivation, I really think that was it, it was rather selfish motivation.

Bill Schultz: That's fascinating.

Judge Bryant: Well, I think that's true of all minority groups and human behavior.

Bill Schultz: Now what was he like personally? First of all, was he married, did he have children?

Judge Bryant: He had one son, and he is around now. I think he lives in Baltimore. He had one son and he was married twice. He was married to a girl named Ethel Moran and that ended in divorce and he married a girl named Henrietta Williams. And Henrietta ended up having mental problems. And Charlie died relatively young, I think he was 52 when he died. No, I know, I'm not right, he died in '52.

Bill Schultz: So he died before *Brown*?

Judge Bryant: Oh yeah, he died in 1952. I was in the U.S. Attorney's Office when he died.

Bill Schultz: He died of a heart attack?

Judge Bryant: Yeah, I think so.

Bill Schultz: Was he a hard-driving person?

Judge Bryant: Hard-driving person. I think it was officially pneumonia, or something like that. I think, I am not certain of this, but I think that Charlie was a veteran of World War I, and he had some pulmonary problems; tuberculosis it seems to me figures in there somewhere. He was not a robust man physically. He looked robust, but underneath, I think his underlying health was not too good.

Bill Schultz: How big was he?

Judge Bryant: Oh he was over 6', not a whole lot, but about 6'1" or 2", kind of broad shoulders, had a massive head on him. He was a well-built fellow.

Bill Schultz: An imposing figure?

Judge Bryant: An imposing figure. Yeah, Charlie was an imposing figure. I was in the U.S. Attorney's Office over in Municipal Court looking out on Fifth Street one day, and I saw him walking toward his office across the street on Fifth Street. The Supreme Court had handed down a case in one of these labor union things, I think *Steel Workers* cases, and he had

argued that case and he was obviously very happy. It looked like he was walking on air going back to his office, and it wasn't long after that that he died.

Bill Schultz: Did you ever see him argue in court?

Judge Bryant: No, no. I never saw him, and I don't know how effective he was. He represented a guy named Fisher, who worked at the Cathedral in the library. One morning the custodian out there was working and allegedly the assistant librarian had got into an argument with him and called him some kind of nigger or something, and this guy lost his head and he hit this woman with a table leg or something and killed her. And Charlie tried to defend him on the basis of insanity, temporary insanity and that guy went to the chair, and it was nothing but a manslaughter case. He was convicted of first-degree murder. He argued that case to the Supreme Court.

There is no question that he was the catalyst, he was the guy who lit the fire under people like Oliver Hill and Spottswood Robinson, and I think it was too bad that he did die. I think he died very young. I don't know how old Charlie was, I had the idea that he died when he was 52, but he wasn't 52, I don't know how old he was but it was 1952 when he died. I think he was a veteran of World War I, and I think he contracted TB or something during that period of time. I think I'm right about that. I'm going to check that too, because now these things come back to me and they are kind of foggy, but his health was kind of bad and he had had TB and I think that was associated with being in detention during the war.

Bill Schultz: Now, what was he like personally, if you know? Was he warm? Was he stand-offish?

Judge Bryant: He wasn't warm; he wasn't warm to us. I only knew him on a teacher-student basis. I didn't have any social contact with him, so I can't say that he was warm. Among his acquaintances I think he was okay. I mean, he seemed to get along with people all right. He knew Ralph Bunche, and I never heard Ralph say anything derogatory about him. As a

matter of fact, I never heard anybody say anything derogatory about him, except myself, and that was on the basis of my experience with him. But then I think I could understand he really wanted to make Howard a Harvard. He really wanted to do that, and he didn't think anybody could work eight hours and graduate from his law school. He thought that the law was a jealous mistress, and wouldn't stand that competition. So whatever he did, I don't ascribe any evil motives to it, except that when he saw to it that I didn't get my scholarship. I thought that was retaliation; I had crossed swords with him personally.

Bill Schultz: Do you remember anybody else having that kind of experience with him?

Judge Bryant: With him?

Bill Schultz: Yes.

Judge Bryant: The only guy — I didn't know him, I had heard of him — a fellow named Cox, who preceded me at the law school. He was in Thurgood Marshall's class, I think. Cox was supposed to be a hell of a student, but a rather independent fellow. Cox went to the race track or something one day and cut class. Charlie found out about it, that he went to the race track, and Cox didn't lie about it. One word lead to another, and Charlie began to sort of send messages to him. So he ran him out of school personally.

I never knew Cox. I wouldn't know him by sight, but he was a legend. I mean to Charlie Houston the Cox situation was a legend. In other words, that's what they told me when I crossed swords with him, you can't cross the dean: remember Cox. Well, I didn't remember Cox, except as an incident which was a legend when I got down there. He'd just hound you out of school.

Bill Schultz: Now what about Judge Hastie, did you have him as a teacher?

Judge Bryant: Yeah. I had him, and he was a good teacher. He always worried me though, because whenever he would look at you he talked to you, and when you talked to Bill Hastie, you didn't get any eye contact from him. He looked at you, but he didn't look you in the

eye. I found out later why that was. He had bad hearing and was too vain to wear a hearing aid until very late in life. So when he was looking at you, instead of looking at your eyes, he was looking at your lips. I didn't know that.

Ralph told me that, and I told him, and complained about it. He had asked me, how you getting along with Bill, and I said, "All right, but he doesn't look at you." He said, "What do you mean? And then he said, "He's got bad hearing." I didn't know that, and he didn't wear a hearing aid until late, when he went on the court, as a matter of fact. But he was a good man.

Bill Hastie was a good man. He was on the cutting edge. You know Bill Hastie was a special assistant to the Secretary of War, and the services had a little building over here. First, it was the State, War and Navy Department at 15th & New York Avenue. Then they moved to the Munitions Building down on Constitution Avenue, and then with the coming of World War II and what not, the Pentagon. The Pentagon was on the Virginia side of the river. And you know how the contractors will get a building together and the people will start moving into it before the building is really turned over? In those days we were hurting for space; the country was gearing up for war. They had a cafeteria in each one of the wings of the Pentagon, and Bill was in the line to get his food. A guard went up to him and told him, "In Virginia you can't do that," and got him out of line.

Bill Schultz: Inside the Pentagon?

Judge Bryant: Inside the Pentagon. And, of course, you know he broke that up.

Bill Schultz: He broke that up?

Judge Bryant: Yeah, you know. It was an embarrassment really to the administration. There was always an unrest and irritation to discrimination to the extent that it was inconvenient, and demeaning and costly too. And then we had World War II and Hitler with his master race theory. We were at war with him, fighting for our very existence. We were fighting him with a military apparatus which recognized very thoroughly the master race

principle of completely separated and segregated armed services. There were people who realized that was not good, and there was a theory that there was a correlation between prejudice and ignorance. It was a theory that if you ran across people who were well trained and had some cultural development, and intellectual development you had less racial animosity there because they were more secure and less intimidated.

So operating on that theory, there were some people who thought that the Air Force, which was the latest arm of the military machine which was being developed rapidly, and the one they called for when they took the exams, you know mental exams, aptitude exams. The Air Force always grabbed off the top guys because it was new, and they had to have a level of capability to run an airplane or work in the shops, and so forth and so on. So the Air Force took the cream, and Bill Hastie got a commitment from old Stimson at the time that we would, that they wouldn't segregate the Air Force. The Air Force developed as a new branch of service that didn't have any precedent to break and didn't have any built-in resistance. This was the time to start integrating.

There were some forces pulling for other things. And there came a time when the question was whether to fold Black applicants and pilot applicants and training into the Air Force, or set up a separate Air Force for Blacks. You know we had a separate Black combat unit, the 93rd Division, the 92nd Division, and the 32nd Regiment up in New England, all Black. There was some infighting, and there was some disagreement. Patterson, who headed up Tuskegee Institute — he was the president of Tuskegee Institute — figured into the picture.

One day it was announced that the Army had set up the separate air group, a fighter training group at Tuskegee Air Force Base for Black airmen. When that happened — it happened at about 10 or 11 o'clock in the morning — Hastie packed his stuff, and walked out of the Pentagon that day. He quit. The reason I know it was because on that day, on the day he quit, I went on active duty in the Pentagon. I was going to my office in the Pentagon, and I saw him

come down the hall. I had met him in the hall, and he was making his rounds to different people telling them goodbye, and so forth and so on. Left in his place was a guy who was his assistant, a boy from Chicago named Truman Gibson, who was a lawyer from Chicago. Truman stayed on after Bill, and of course he got a bad name for himself by staying on, but Bill quit.

Bill Schultz: When you say he got a bad name for himself by staying on, what do you mean?

Judge Bryant: There were people who thought that he should have walked out too, they thought that was an insult that people just couldn't tolerate, and that Truman Gibson shouldn't stay on as special assistant to the Secretary of War because he really didn't have any influence on him. If the man didn't respect his commitment to Bill, he would not respect any commitment to him.

Bill Schultz: Was Gibson Black or white?

Judge Bryant: Yeah, he was Black.

Bill Schultz: Was this the feeling among Black people?

Judge Bryant: Yeah, it was the feeling among Blacks.

Bill Schultz: Now, did you have contact with Judge Hastie after this?

Judge Bryant: No, not until I came on the court. As a lawyer, I didn't have any contact with him. He practiced a little bit of law out of his office over here. It was Houston, Houston & Hastie for a while, and then it was Houston, Houston, Hastie & Waddy for a while. He practiced law out of that office over there.

Bill Schultz: But not while you were over there. This was before you were there?

Judge Bryant: Yes. Bill was a good lawyer. He was a good lawyer.

Bill Schultz: Now was he involved in the NAACP Legal Defense Fund cases?

Judge Bryant: I don't know. I don't think so. I don't think he was on the brief. I think he was involved; he was in the government service; he was the governor of the Virgin Islands for a while; and I think he was caught up in federal service some sort of way. I have no doubt he had some input with those guys, because there were those who thought Hastie had a better brain than Bill; he was highly regarded.

Bill Schultz: Better brain than who?

Judge Bryant: Better brain than Charlie, or as good. He was highly regarded. Hastie had a good head on him.

Bill Schultz: Then he was appointed to the Third Circuit, before you came on the bench here?

Judge Bryant: Oh yeah, he was a judge in the Virgin Islands, too. Bill had a lot of experience judicial-wise. He got up on the Third Circuit before I became a judge.

Bill Schultz: Changing the subject, when did you meet your wife?

Judge Bryant: I met my wife during the summer after I graduated from college, or towards the end of that summer. I met her the year before I went to law school because I was dating her. Well, Astaire was really my first girlfriend.

Bill Schultz: How did you meet her?

Judge Bryant: I went to school with a boy named Ed Simon, and we worked together. He worked at an apartment house running an elevator I was telling you about. He ran the passenger elevator, and the job on the other elevator opened, and he got me the job. He and I knew each other. We worked together. He later worked at a job in the Post Office.

He married a girl that I grew up with in the second, third, and fourth grades, and that girl knew Astaire. I was at their house, and Astaire was a good friend of the girl's and they introduced us. That was the connection.

Bill Schultz: What happened then?

Judge Bryant: When I won my room, board and tuition scholarship, for the first time in my life I was going to school without paying for it. And I was crazy, so I went on and got married.

Bill Schultz: Well, before that, after you met her, then did you start going out with her right away or

Judge Bryant: Yeah, it was just like we kind of made for each other. We started keeping company kind of inseparably, and we went on and got married.

Bill Schultz: What would a date be like? What sort of things did you do?

Judge Bryant: Well, I would just go to her house and sit around, and visit, and talk and then we would go to work. I had to go to work. I would go over to her house, and sit around and talk to her and her family and go to the movies. We would go to the Howard Theater, which had all of the stage plays and the bands, and what not. That was the high point of entertainment in town at that time. All of the famous band leaders and performers that you hear about today.

Bill Schultz: Who were some of the ones that you remember you saw at the Howard Theater?

Judge Bryant: Noble Sissle, Duke Ellington, Cab Calloway, Lena Horne, all of them. Lionel Hampton. All of the great musicians over a period of time played. I think there was a boy, there was a guy named Willie Bryant, who was a hell of an entertainer. Lena Horne made her debut at the Howard State. Ella Fitzgerald. All of them played at the Howard Theater. We would go over there, but I didn't participate that much because I had to work at night, and it cost money in those places and there wasn't much of that. We didn't go to nightclubs until after we got married and I changed some jobs. There was considerable amount of night life in the District of Columbia among Blacks. I don't think they suffered along that line. I think people had a lot of fun.

I look back on it, and when you talk about it, and I hear the arguments now on television about things going full circle, segregation versus integration, and the side effects of integration on race, and so forth and so on. And the students now in these various schools in these Ivy League schools wanting separate buildings and separate facilities, and so forth and so on, and people saying well, this is not what we fought for.

The other night, somebody had Jack Greenberg and somebody else from the Harper's magazine, talking about the impact of *Brown*, what *Brown* did, and what it didn't do, and segregation and integration, and so forth and so on. As I remember, coming up in the District of Columbia, I don't know, there is a difference between being an integrationist and an anti-discrimination person, do you know what I mean? And I think that the thrust was to eliminate discrimination.

I don't think that at the end of the line the goal was integration, except that the lifting of the discriminatory bars meant a certain amount of integration. But the motivating factor of the civil rights movement was to throw off the fangs of discrimination. When you approach it that way, you get a little different concept. I mean if somebody wanted to go to a theater where somebody, let's say where a great artist was performing at X place, well you wanted to be able to go, not to rub elbows with some white folks you didn't know about, the hell with that. They could let you in by yourself. If they had a concert, fine. That's what you were interested in.

You weren't interested in the social intermingling with people. But of course that was the thing that Heflin, and Senator [Howell] Heflin's uncle, and Bilbo and those people would raise the specter of social integration and cohabitation and mixing the races and all that sort of business as the bugaboo. But civil rights leaders weren't interested in that really. They didn't give a damn about that.

Bill Schultz: Who is Senator Heflin's uncle?

Judge Bryant: Tom Heflin. He and Cole Blease of South Carolina and Bilbo of Mississippi. They were terrible. They were the exponents of racism. If you picked up the *Congressional Record* for the period of time when Mrs. Roosevelt invited Mrs. Bethune to the White House. Mrs. Bethune was as Black as that telephone, is that Black?

Bill Schultz: Yeah.

Judge Bryant: Well, Mrs. Bethune was as Black as that telephone, a massive woman, she and Eleanor Roosevelt were real tight. She was a great youth leader and the founder of the Bethune-Cookman College, and Heflin, and Blease took the floor over in the Congress and the *Congressional Record* is full of it. One of them made the speech: "Niggers in the Red Room, Niggers in the Blue Room, Niggers in the Rose Garden, Niggers all over the White House." That's in the *Congressional Record*. Can you believe it? But I'll say this, I think we were lucky in the District of Columbia. The racial separation throughout the country, I think hurt worst in the educational opportunities across the board. In the District of Columbia I think there was an atypical situation. I don't believe, for instance, that Dick Lyon got any better education when he went to Central High School than I got when I went to Dunbar. I probably got a better education, really, because, as I say, this pool of talent only had so many places to go and we had Ph.D.'s, and what not, on our high school faculty. I think I probably had a better education than he did.

But I don't think that was true outside of Baltimore, and Washington right up to Richmond. Out in the states generally, and certainly outside of the urban areas I mean, it was terrible, you know those country schools, they weren't too good for whites, let alone for Blacks. I remember when LBJ, Lyndon Johnson, said that when he was teaching school in the hill country of Texas, and he saw these poor folks, these barefoot, poor people coming to school, he wished he could do something about it, and he said I want to let you in on a little secret I wish I had the power to . . . I've got the power, and he said he would do it. What I'm saying is to illustrate the level of opportunity throughout the country for everybody wasn't too good. But Charlie Duncan

and I were talking about that the other day, and he asked me about life in the District of Columbia, and Charlie mentioned the fact that when he was growing up until he went away to Northfield Mount Herman School, he said the only white people he knew were the grocery people on the corner who owned the store. And I told you that.

Bill Schultz: And the same thing for you.

Judge Bryant: The same thing, with that particular. Charlie said when he went away to school that was his first time tackling race relations. And Vince Reed, you know Vincent Reed who is with the *Washington Post*? Vince said that the same thing was true for him. He grew up in St. Louis, and he won a scholarship, a football scholarship, to the University of Iowa. He said when he was on a train going up to the University of Iowa, he was full of apprehension about whether or not he could do it with these people. He said he didn't know; he'd been told that they were superior in every regard, and he said, "I was apprehensive on that train riding up there wondering what's it going to be like with these people who obviously had some edge on him." He said it was the shock of his life when he found out that they were as dumb as he was from time to time, and when he hit them, they went down like everybody else when somebody hit them around the knees. I think that's really, that's true. I think that's true.

I mean when Charlie said he went to law school and sat in the classes and he found guys that couldn't understand Archie Cox, and he said he could. He found that he was getting better grades than somebody else. And I think that is a shock to a lot of people, not a shock, but reassuring to a lot of people who found out that really this is a bunch of b.s., you know, about this so-called superiority of people. Bunche used to tell us about that, but of course, he grew up in California and he wasn't subjected to a segregated school system. He went right on through UCLA and Oberlin. But the same thing with Charlie, when Charlie grew up in Washington, D.C., he had the same exposure that I had, until he went to Amherst.

Bill Schultz: Now at that time what form of government was there in Washington?

Judge Bryant: The government, it was a commission form of government. We had three commissioners.

Bill Schultz: Were they all white?

Judge Bryant: All white, of course.

Bill Schultz: And the school board?

Judge Bryant: The school board. The schools were divided into certain divisions, and whatever the eleventh division or thirteenth division, whatever it was, consisted of Black schools. They had one superintendent of schools. I remember this guy named Ballou who was superintendent of schools, and, of course, there was an assistant superintendent in charge of Black schools and that guy's name was Wilkerson, as I remember, when I was in grade school. And that was it.

Bill Schultz: And he was Black?

Judge Bryant: Wilkerson was Black. Ballou was white, and of course now on the school board I think they had one or two Black members on the school board, but they were just two of the tokens.

Bill Schultz: So let's go back to 1932, 1933. You decided to get married in the summer of 1934, and that was after your first year of law school?

Judge Bryant: First year of law school. When I finished my first year of law school and got my grades, and I knew I didn't have to pay tuition, and so on, I was wealthy enough to get married.

Bill Schultz: And you were how old, 23?

Judge Bryant: In 1934, 23.

Bill Schultz: 23.

Judge Bryant: Both of us were 23 years old. It was the height of the Depression. It made no sense at all. It will be 60 years in August, can you imagine that? Sixty years? I told her the other day, I said you know I haven't known any other life but you, and that's true. I started to think about before her, I've got to go back a long way. I can't remember before her.

Bill Schultz: Where did you get married?

Judge Bryant: Baltimore. We went over there one Saturday afternoon. We got a guy over here who drove a cab, two brothers named Frazier, had a cab and drove us over to Baltimore on Saturday afternoon. I made the courthouse before they closed at noon. They told us about some preacher who lived at a certain place. We found him, and he married us in his living room. I don't know who the guy was. We got married.

Bill Schultz: Was anybody else there?

Judge Bryant: No. Just the preacher, and he had his family, his wife, or daughter or somebody as a witness and he married us. And then we came on back.

Bill Schultz: Now did your families know that you were going to do this?

Judge Bryant: I don't think so. I didn't tell them. I knew that I wouldn't get any encouragement for it, because there were no grounds for encouragement. I mean nobody would be against it except to tell me that you are not equipped to do that, you are not able to get married. And I knew that if they told me, that would be true. But I also knew that if we waited until we got able, nothing would ever happen. You know, I had gotten to that point. It wasn't a question of knowing that they would be dead against it for any reason other than economics. But we did it.

Bill Schultz: Well, what about her parents. Did they know?

Judge Bryant: Ah, I don't think so. We didn't ask. I didn't ask her, could I marry your daughter. But nobody ever mistreated either one of us on that account. I was welcome to her family and my folks, they accepted Astaire.

Bill Schultz: Where did you live when you came back from Baltimore?

Judge Bryant: We got married and lived in the house. We got a room in the house of the people who introduced us at 1034 Park Rd. We rented a room in their house and we stayed there for a while. Then we moved to our own apartment, and into another apartment, and then we built a house out on Kenilworth Avenue, which house I was talking to these people about just now.

Bill Schultz: So you still have it?

Judge Bryant: Yeah, and why I didn't sell it, Bill, I don't know. When I moved, I don't know, don't ask me why I didn't sell it.

Bill Schultz: When did you buy it?

Judge Bryant: 1950.

Bill Schultz: So it was after the war?

Judge Bryant: After the war, I was in the U.S. Attorney's Office when I bought it.

Bill Schultz: Did you borrow money to buy it?

Judge Bryant: Yeah. I borrowed \$1500, I had a note at the bank or something. I had a note at the bank, and I don't know how I financed that house. I borrowed the money, I think the Perpetual Building Association financed it. Whoever sold it to me arranged the financing. A nice little house, in a nice little community.

Bill Schultz: How long did you live there? How long did you live on Kenilworth Avenue? When did you sell that house?

Judge Bryant: Bill, I probably lived there about eight or ten years, I am not certain. But the children were small. I guess that's about right, about eight or ten years. Maybe a little less than ten, and then I moved from there to 17th Street, N.E.

Bill Schultz: And then you moved from there to your current house?

Judge Bryant: And then from 17th Street I moved up to where I am now.

Bill Schultz: So you said that you didn't have any business getting married because you didn't have any money. How did you manage?

Judge Bryant: Oh, well, Astaire had a job at the Civil Service Commission, some kind of low-level clerk, and I had a job working at Howard University. I was working at the switchboard from 12 at night until 8 in the morning, and the two of us managed. I made, as I recall it, I made \$90 a month, and she made probably \$120 a month, or something of the sort. Can you imagine that? The cost of living was different then. Then, when we moved into our apartment, we lived in a nice apartment on 2nd and Douglas Street, N.W. We moved out of the Suburban Gardens apartment development, which was a very nice development. So it wasn't too bad, it wasn't too bad.

ORAL HISTORY OF THE HONORABLE WILLIAM B. BRYANT

Chapter 4

Work for Ralph Bunche and the Army Years: 1936 – 1947

Interview Date: June 2, 1994

Bill Schultz: Judge Bryant, in 1936 when you graduated from law school, what were your prospects in terms of jobs?

Judge Bryant: I didn't really have any. I didn't have any identifiable prospects for a job. I ended up working for Bunche as a research assistant about a year later. I don't know what the intervening stuff was, I can't remember exactly what it was. But I got caught up in doing some research for Bunche in conjunction with that Myrdal thing, that Negro in America, that *American Dilemma* book.

Bill Schultz: This is Ralph Bunche?

Judge Bryant: Yeah.

Bill Schultz: At that time he was still a professor at Howard?

Judge Bryant: At Howard University, yeah.

Bill Schultz: He was doing research that was part of the Gunnar Myrdal study?

Judge Bryant: Yes. Myrdal had gotten together a group of guys in economics, political science and government, a fellow named Doxey Wilkerson, to gather material if we could about Blacks in America.

Bill Schultz: How long did you work on this study?

Judge Bryant: I would think going into the third year, we worked on it very diligently. We collected the field work and turned out the drafts and stuff, you know, preliminary drafts of our stuff in Washington. And then that cleanup period, so to speak, involved the full staff — everybody in the Chrysler Building up in New York in the summer of 1939, everybody was up there busily whipping out the final stuff.

Bill Schultz: What are your recollections of Myrdal?

Judge Bryant: Very, very bright, inquisitive. There are a lot of guys who are bright, and can think pretty well in a straight line and then you meet some guys I choose to put in a kind of different category. I say there are some guys who can think around the corner, you know what I mean? He would capitalize things, and project things, a very, very perceptive guy.

Bill Schultz: What sort of work did you do on the study?

Judge Bryant: I did research on Negro groups and organizations. Beginning with slave revolts, Nat Turner, I mean from the very beginning of any kind of recorded resistance, to the time that we were working. The latest protest group, the newest of the protest groups at that time, was the New Negro Alliance. There were the traditional groups, you know, the NAACP, Urban League, pattern groups during that period, and then the National Negro Congress came along, which was a kind of more aggressive, more radical group. That's what I was responsible for. Gathering and organizing the stuff that was coming in from the field. Bunche had on his staff three or four people, field workers who gathered information in the deep South, labor unions, and, among whites, we had a fellow named George Stoney, I remember him very well, he was a graduate student, a graduate of the University of South Carolina, a young white boy who did some work for us and he would pull his notes and send them on in. And we kept the stuff.

Bill Schultz: What sort of field work would they do?

Judge Bryant: Well, a boy named James Jackson, for instance, did some work down in Virginia among the Tobacco Workers Union, as a matter of fact. Black people were financing the tobacco industry. They unionized at one time, and it was a kind of active union. There was a time when radicals and communists would get involved in organizing any protest group they could. You had to worry about Communist infiltration in these new groups that came.

Jack would send in his interviews, just raw grass-roots stuff. Interviewing sharecroppers, and farmers and would-be labor leaders and would-be church people who tried to do some

organizing without being run out of the city. Stoney did tremendous work interviewing; at that time the Democratic primary in the South was a closed private group and was known as the solid white primary; you couldn't vote in the primary. The man who won the nomination, the Democratic nomination, usually won the election too because the Republicans had no political, no viable political machinery in the South. They didn't run any opposition, any effective opposition, and the Democratic primary was all white, there were no Blacks allowed. Stoney interviewed county chairmen, for instance, in the South.

During those days, the chairman was really like Hayne out in Chicago, I mean up in Jersey, or Daley out in Chicago, I mean the boss. And that's when Stoney wrote some notes and he sent them up from either Georgia or Alabama, I think. He quoted this guy as saying, "It's all right with me, but it's funny, those guys up north like Hayne and the rest of them up in the north we can't buy as many votes. So we just got to cut down the pool." I read that, and I broke out laughing, but Bunche said, "What's the matter?" And I gave him this and he said, "Well, that figures," he quoted this guy. I will never will forget it, he said, "You talking about race, it doesn't have anything to do with race, we got nothing against them niggers, but we just don't have the money they have up there, we can't buy as many votes." And that was it, he was very straightforward.

Bill Schultz: That was Stoney. Was he white or Black?

Judge Bryant: He was white. He was from the University of South Carolina. He was a graduate or graduate student, but he was from the University of South Carolina. George Stoney was his name. He would send his notes. He would be on the road, and he might send his notes on an envelope or anything. He would take the back of an envelope and write down something. He was very quick, I mean while it was hot he would send the stuff in on a scratch of paper, so to speak. Now I would pick up the mail from him and from Jack, the guy working with

the tobacco workers, and did the drafts on the things I did on groups, and organizations and stuff that I did. And I got to be pretty expert in that because that was my main responsibility.

Bill Schultz: Now did Bunche actually go down South and into the field?

Judge Bryant: Yes, he went down South and into the field.

Bill Schultz: What about you?

Judge Bryant: Hell no, I didn't go and told him I wasn't going. I told you that story, didn't I? Even Myrdal went. Bunche had a Ford automobile. Bunche was a light-skinned guy and he could go out in the summertime and put a straw hat on and some sunglasses and he could get by and nobody would think he was anything other than white. I told you this, if he were with another white man he could get by.

As a matter of fact, I told him, I said, "Pops, I'm not going down there." I'm just not going down there. I had a mortal fear of it. I told you about thinking the guy jumped on the train to kill the Black people. I had a mortal fear of violence in the South.

Myrdal wanted to go and Ralph went with him. And they went down there and they ran into some problems when they picked up a girl in Mississippi. They picked up a girl on the highway who was hitchhiking, a college student and was hitchhiking and they picked her in their car in, I think, Tuscaloosa, Miss. They picked the girl up, and the girl had been in the car every bit of five seconds when Myrdal asked her, "Would you think about marrying a Negro?" He was inquisitive when he wanted to get to the point, and he didn't have time to warm up to the substance. So he asked this girl about marrying a Negro. And shortly thereafter the girl got out of the car and then Bunche said that there came a time when he noticed that they were being followed and it was kind of tense there for a while. Some of this is in his book. I've got a book on Bunche and he recounted a little bit of that.

Bill Schultz: When was the next time you went down South?

Judge Bryant: When I was in the Army. No, not really. The first time I went down South was when I was working at the Office of War Information in the groups and organizations section, and the Army had set up a division of information which was headed up by a guy who was an advertising executive from New York, Edward Hawthorne, a real tall man, on intellectual aspects of the Army personnel. I have some idea that there was some correlation between bigotry and racial attitudes and educational level and these guys thought that there would be less animosity among the races as you progress along those lines. But I was on the team. I worked at the Office of War Information, and the team came out of this division. I was a civilian assigned to this research team, and we went to those places. That was my first time in the South since I was a little boy, and later on I went in the Army, and then I went to many, many places in the South. But then when I went there I went right straight to the military installations. I didn't feel like I was exposed but so much. I wasn't in the city, in the towns. I was in the military installations and as a member of the armed forces I felt some security.

Bill Schultz: You finished working on the Myrdal study in 1939 & 1940?

Judge Bryant: Yes, 1940.

Bill Schultz: During that time were there any opportunities for you to practice law in Washington?

Judge Bryant: Well, at that time there really wasn't. I was consumed with these other things and really wasn't trying to find them. I wasn't exploring them.

Bill Schultz: Well, what about your classmates at Howard?

Judge Bryant: Well, the boy from West Virginia went to West Virginia and started practicing. Scovel Richardson went to New York to practice. He ended up as a judge on one of these tax courts, or some kind of court. It wasn't really on top of the burner because when

the Myrdal thing ended up, we got into the Office of War Information in their groups and organizations section.

That's when I met Alan Barth. He was in the press section over at the OWI, but in the groups and organization section. They had labor groups, ethnic groups, they wanted Bunche to come into the OWI. His graduate work was in colonialism and international stuff, and during his early years he had spent a lot of time in Africa and probably knew more about Africa, North Africa and West Africa, than anybody in the country. Bunche was the kind of guy who did his work on the scene, so he knew Africa like the back of his hand. He had spent a lot of time over there, and we were gearing up our forces for active duty. North Africa, you know, became the focus as a landing invasion point.

A guy named Donovan, we called him "Wild Bill" Donovan, was the head of the Office of Strategic Services. That outfit had the orientation in the first place, they had the guide to West Africa, the guide to North Africa, and what not, about the terrain, the people, the customs, and what you might run into in those guides. And that was indispensable with those guys and Bunche. Bunche just naturally rose above the surface any place he found himself with no effort. He was an unobtrusive fellow, not a person who was concerned with any turf, a person who apparently had no ambition. He just rose above the surface, he was just a natural, in any company.

He pushed me into the OWI because they wanted somebody who knew something about Negro groups and organizations, and at that time, I suspect I knew more about it than anybody else. Really, not because of any special brilliance, but on account of the fact that that had been, you might as well say, a doctorate thesis in the Myrdal study. So I knew all the organizations. I knew all the leaders, not personally, but I knew about them and knew as much as they wanted to know about them.

Bill Schultz: So did you join the Army in order to go

Judge Bryant: As far as working at OWI, when the Army pulled together this research team to do this work on trying to get some idea of racial attitudes in the service, I went with them as a civilian member of the group, and shortly thereafter I went into the Army and was commissioned as an officer.

Bill Schultz: How long did you work with the War Department?

Judge Bryant: I went in the Army 1941.

Bill Schultz: How much of that time were you in the United States?

Judge Bryant: All of it except sometime in May of 1945 until the fighting was over. The fighting was over, and the Army was sort of dressing its wounds in the services of all places. I could write a history of that duty station.

Bill Schultz: Let's go back. What about the time between 1940 and 1941 and 1943? What were you doing then?

Judge Bryant: I was in OWI.

Bill Schultz: Tell me what recollections you have of that time?

Judge Bryant: At OWI?

Bill Schultz: Yes.

Judge Bryant: An organization would have a convention or meeting. There were protest groups all over the country. From time to time they would have their national conventions, or special protest meetings, and I would cover it for the agency. They knew who I was — I wasn't an undercover person.

Current on the activities in the media, and as the people put out their own information on stuff, I was current on the activities of the various active protest groups during that time. And there were a lot of protests, and it had been a long recession when Roosevelt came in. In 1932 things arose and then Hitler came along, and Europe was in turmoil. The war was going on over there, we weren't in the war, but we became what Roosevelt called arsenal for the democracies.

Factories geared up, and we went on a wartime industrial basis before we got in the war, before we actually got engaged in participating in the war. So Roosevelt's economic problems were gone, I mean the factories were rolling, and the jobs were there, and so forth and so on. The recession had lasted so long that when things began to take an upturn, Blacks who had been the first to be fired were the last to be hired, and that was so. Factories began to be opened and people were going back to work, but Negroes didn't. They weren't sucked up into that too readily, and there were a lot of protest movements.

Randolph, who lead the Brotherhood of Sleeping Car Porters, a labor organization, was a very active fellow, and he was very organized up in New York. The Mayor of New York, Fiorello La Guardia, told President Roosevelt that Randolph had 250,000 Negroes poised to march on Washington. Roosevelt at first wasn't impressed but Mrs. Roosevelt is alleged to have said, "No, no, no." Roosevelt thereupon signed what's known as Executive Order 8802, on governmental hiring. All federal hiring in the government was just burgeoning. But Negroes would be hired in direct proportion to their place in the population, so ten percent of Black people could get jobs.

Bill Schultz: When was that?

Judge Bryant: 1940 or '41, not '42. I don't know, but about that time.

Bill Schultz: Why would the Office of War Information be so interested in what these organizations were doing in their protests?

Judge Bryant: It wasn't an FBI sort of thing. It wasn't that type of thing, but they wanted to know what these people's concerns were, to what extent they were organized, and what their plans were. I guess, to some extent, it was an intelligence organization. Do you know what I mean? But it wasn't a sort of secret thing. It was the kind of thing that I went someplace, and I said I'm from the Office of War Information, the government wanted to keep its hands on

the pulse, and wanted to do some responding as a matter of fact, wanted to respond to some extent to these people.

Bill Schultz: Were they glad to have you there? What was their reaction?

Judge Bryant: There was no hostility. I talked freely with people, and it was not secretive. It was none of this, like a wiretapping or mole proposition.

Bill Schultz: Did you travel around the country?

Judge Bryant: Yes. I traveled. And their publications, the organizations I'm talking about were progressive people. For instance, in the press, in the Office of War Information, in the press division Alan Barth was there. That's where I first met Alan Barth. I also met the guy who headed up the organization for the most part out there. The guy who headed up the Bureau of Intelligence was Philleo Nash. You ever heard of Philleo Nash?

Bill Schultz: No.

Judge Bryant: Philleo Nash was in the Truman White House for a while after I got out of the Army. He was from Wisconsin, but these people were liberal folks. The people in the Army, in that special services division that Osborn headed, the people in that part of the Army were progressive people who were really interested in this whole business of the awkwardness of our situation, and why we are fighting and completely segregated bit of business. People wanted to do something about it, and in some of the research we did, we showed it upstairs on some basis that really was not our real basis. We were trying to get whatever we could to get some toehold into breaking segregation. If we could make any kind of case at all, well for instance, the idea was that a people who were better educated, the better educated people were the least bigoted people, and would be most amenable to integrated armed forces. That was the thing that accounted for the idea that Bill Hastie had that the Air Force, which was a relatively new component of the armed services as a separate branch, the Air Force was coming in, it was the newest outfit. It also called for the highest intellectual level among the

troops we had. You know the Air Force got the cream of the intellectual group because of the nature of the business. The Air Force being new, and drawing on that intellectual group, would be the one component that they need not segregate, and just starting out you wouldn't have to do any.

Bill Schultz: And what was his position at that point?

Judge Bryant: Who?

Bill Schultz: Bill Hastie.

Judge Bryant: Bill Hastie was a special assistant to the Secretary of the Army.

Bill Schultz: Was he using any of the work that you and any of the others in your division were doing to sell that idea?

Judge Bryant: I don't know really, he might very well have. We visited four installations, I remember that, as a civilian. And then about a year after that I went into the Army and went on active duty. My first day on active duty was Bill Hastie's last day in the Pentagon. He quit because the morning that I went on active duty they announced the formation of this Tuskegee Air Force Unit, and I guess he thought that he had an understanding with Stimson that at that time that they wouldn't do that. And when they did, he quit and went on home.

Bill Schultz: The OWI, how big was that division?

Judge Bryant: Oh not really. We had offices in the Library of Congress Annex, and the OSS was there too, and the OSS appeared to be smaller than we were. But we had offices in the third floor of the Library of Congress Annex.

Bill Schultz: It was integrated, right?

Judge Bryant: The agency?

Bill Schultz: Yes.

Judge Bryant: We had, I think, the press section where Alan was; he was in a bigger room with a whole lot of desks, and I don't remember any Black people being in there to tell you the truth. The people were there on the basis of some sort of specialty they had.

Bill Schultz: Tell me about Alan Barth.

Judge Bryant: Alan Barth?

Bill Schultz: Yes, how old was he when you knew him? I just want to have a sense. Was he your age?

Judge Bryant: I guess he was about in my age group or the same age.

Bill Schultz: I never knew him.

Judge Bryant: A quiet, soft-spoken guy, who was concerned about a lot of things and always smoking a cigarette. The next thing I know he was at the editorial group at *The Post*.

Bill Schultz: Right, had he been a newspaper reporter?

Judge Bryant: I don't know what his background was before I met him. I don't know where he came from before I met him, really. His wife had Astaire and me over to dinner last year. Her daughter had been made a judge up in Philadelphia or something, and we went over there and met. They are a wonderful family. After I came on the court, Alan and I would have lunch every couple of months. It kind of hurt me to see him die. I am not certain that cigarette smoking was the cause.

Bill Schultz: Okay, so let's talk a few minutes about the period after you left the OWI, when you went over to the War Department between 1943 and May of 1945, and when you went overseas. Why don't you just tell me what your recollections are of that period?

Judge Bryant: While I was in the Army I was first attached to the education branch, but I did most of my work and my field work for the orientation branch. The table of organization had a spot for an officer in the education branch, and I was originally an education

officer, attached to the education branch of the special services division, but I did most of my work with the orientation branch.

I went to various installations in the country. Each unit in the Army at one time was supposed to have an orientation officer. Now get this. An orientation officer was the officer that carried to the troops the message or cause — the reason we are fighting, and the moral justification for it. All units were separated on the basis of race completely. We didn't have any platoons with whites and Blacks in them, and in platoons of Black soldiers, the officers were white, except in the all-Black infantry division. In the 92nd & 93rd divisions many of the line and field officers too were Black. But in the transportation unit, or quartermaster corps unit, in an ordinary Army unit the personnel was segregated on the basis of race.

Why we fight, I mean as a matter of fact, was one of the subjects. The main drive of the orientation unit was, "Why are we fighting?" That got to be a hard sell from time to time in some of these Negro units, and it was almost impossible. You know, you got a quartermaster battalion of Black soldiers on a huge Army post doing dirty work, housekeeping work, and supplying the living quarters and everything else of the white troops. These Black soldiers are under the command of white officers, and the orientation officer was a commissioned officer, and why we fight was a hard sell to a Black group by any officer, Black or white.

In some parts of the country you ran into field-grade officers who were sincere men of good will, honest and straightforward people who realized what the score was, like up in Camp Shanks, New York, for instance. That was a transportation place up there. There was a guy up there named Colonel Wyatt, and he had an orientation officer up there named Fred Morrow, who was a Republican. Incidentally, he ended up as a special assistant to Eisenhower in the White House. When I met him, he was an orientation officer up in Camp Shanks.

Sometimes they got support from the high-ranking officers, from the base commanders, and Fred did that. But I ran into places in the country, like up in Ft. Devens, Mass. Ft. Devens

was a huge installation up in Mass. I went up there in the wintertime. They had some guys that they pulled in, you had to have orientation sessions once a week, on a regular basis. I think it was once a week. I was up in Ft. Devens, for instance, once, and they pulled a unit out of the field who had been out in the field in the winter time. They pulled them into one of these barracks, and had an orientation session.

Orientation, "Why we fight," wasn't high on the agenda of a lot of commanding officers, so they would make some young fledgling second lieutenant, or some inexperienced guy, or some guy who wasn't heavily favored, orientation officer. They would give him that job. I had been in the orientation session, and sitting back there with the troops in the back of the room, and just watching. I have seen some orientation officers who were pretty good, and I have seen some orientation officers who were virtually eaten alive by the troops, because in these orientation sessions rank doesn't count for so much. You have a discussion.

Bill Schultz: And what was your function in being there? What was your role?

Judge Bryant: My function was to try to see to it that the units, that the mission of the orientation division was really met, that some effort was made to implement it in the field. I was supposed to see how it went over with these troops, and try to figure out some way to make it palatable, and what you had to do, and you had to be honest with these people to some extent. You would go someplace, and you would get involved in a discussion, you just couldn't b.s. them but so far.

Bill Schultz: Right.

Judge Bryant: And I remember, for instance, up in Ft. Devens they pulled this group out of the field, and they had been up in the field in January or February, and it was colder than hell. They came in this building, and as soon as they hit the warmth of the building, many of them started to doze. But this young lieutenant — I think he was a first lieutenant, I remember him, but he could have been a second lieutenant, I believe he was a lieutenant — he started this

orientation stuff. We would send a package out, the package would come out of Washington, so that the nature of the material was generally uniform, and the guy would take off from the package.

I remember some discussion advising about why we fight, and this master race came up, and somebody raised a question about segregation in the Army. Well some commanders took the view that it was none of the troops' business, that they weren't supposed to be talking about it, but they talked about it this day, and I will never forget it. This young freshly-scrubbed second lieutenant was up there talking about why we fight, what the stakes were, and a soldier, a private, Black and kind of disheveled, had just come off the field. He was short, stocky and almost as wide as he was tall. He asked the lieutenant some sort of question, and then he told him, and these are exact words, "You know if I were you, and Negro, and you were me and white, I couldn't promise you a goddamn thing." And that young boy's face, all of the color drained right out of his face. In other words, this boy told him that if the tables were turned, he couldn't promise him a goddamn thing. Those are the words he used, and it brought home to me, now he meant it one way, but to me it meant something else. It put into focus for me what I learned when I worked for Bunche.

In working for Bunche, and getting the research on the protest movements, and so forth, I did a lot of reading and a lot of background stuff. A guy named Aptheker, who was a sociologist, Herbert Aptheker was his name, and he wrote a piece called *Scapegoating*, which had to do with scapegoating. I read that, and some other books, good sociological treatises, and I found out that scapegoating is a known human occupation.

Racism in America is just one aspect of scapegoating. If there isn't enough available for everybody, somebody will find some way of cutting out of the line some people so as to make enough available for them. I mean it might be color, it might be religion, it might be something else, we don't know, that's what it's all about. I read that, and I soon found how that it was so.

That's true, and it was true then, and it is true now, and it's going to always be true. It is going to always be true. Here in America, and anywhere else, it is going to always be true, if it's not enough. It's true in Britain, it's true in Germany now, and you will find that the level of bigotry will ebb and flow with the economic level of society. It's just true, it's too bad.

Bill Schultz: Did you see that in the Army?

Judge Bryant: Yes, I saw that in the Army, but there was no justification for it in the Army. It was a transplantation of the civilian pattern into the Army. It just happened. For instance, I found out in the Army a lot of things that had been foreign to me that I told you about, my attitude towards southerners, and southern whites, and what not, on account of my background, of my grandfather, and my folks, and my attitude toward the South.

I had come to think that northern Yankees were fine people as a matter of race, and the Southerners were natural Negro haters. I learned a lot of things in the Army. I found out that the Southern white man was anti-Negro as a group of people, but on an individual basis he was a totally different fellow in a lot of instances. And I found out that the Yankees loved Negroes as a group, but when one got within a half a block of them he went crazy. I mean that was demonstrated by what happened up in Boston during this school desegregation thing, and some other things.

It's a funny thing, but in the Army, you see, it was demonstrated in the provision for service facilities. A soldier's life was not bad in the Army. You could go into the service and you were clothed. You were fed well during the war, because military personnel ate better than the civilian people did in the country. They got the choice foods and everything else, and the service facilities were excellent. In a full-size service club in a class A institution, you had a music room with everything in it, from Brahms to Beethoven to Bach to boogie-woogie. Big, the latest recording devices. You had a cafeteria with a menu with three or four entrees on it, and desserts and soups and stuff like a regular restaurant. You had a PX that you could buy damn near

anything you wanted in there — shaving stuff and toiletries and personal stuff. You would go to one of these institutions and you would find that was true for white soldiers, but the Black soldier had a separate service club, separate PX and they didn't amount to much.

I went to Ft. Lewis in Washington, that's a big place, as far north as you can get in the United States and still be in the country. They had a quartermaster unit out there, and their service club consisted of a converted barracks, very small, and their cafeteria was a snack bar you could get French fries and fast food stuff. Now they had the mess hall, of course, but I mean for the other stuff, and their music was a jukebox. The facilities were very meager, and just completely inequitable. I complained about that.

In Atterbury, Indiana, for instance, there was a huge post out in middle Indiana, run by a young Army post commander named Colonel Modisette. He was a young fellow, small, short fellow, who carried a swagger stick and smoked a cigarette all the time. I think he thought he was MacArthur. They had a huge post, a main post exchange right at headquarters, and I believe the 44th Division was out there. I believe it was a divisional headquarters, huge service clubs, huge PX, well stocked with anything you want. Now they had the system out there where soldiers who were assigned to an area could go to the area PX, the idea was to relieve the burden on certain facilities. The soldiers from area 2 of the 44th division would go to the 44th division PX, and so forth and so on, unless they were right at the central post.

A man in the Negro unit would find himself at one end of the post, the post was a mile wide you know, and he found himself walking the post, and if he wanted a cigarette or something he would go to the post exchange, and the MP would tell him, "Soldier this is not your area." He had to go to some post exchange in his area or a facility. If a soldier wanted to get a decent meal, he couldn't get it in the cafeteria at the central post exchange, he had to go to his area. But at the same time, the Italian prisoners of war were walking around the post going in

any place they wanted to. I saw them walk into the post exchange in Atterbury, and I couldn't believe it. I just said to myself, this is kind of hard to take.

I came back home and I told them, "You know this 'why we fight,' this orientation, these post commanders make it awful tough. It's a hard sell." I said, "If they gonna do it, they ought to make things equal." And a guy named Russ Jones from Concord, Mass., I don't think he had been out of the states until the war came, a Yankee, asked me what I meant. And I said, "Well, I just think that if a Black soldier, if on a post a white soldier can go into a post exchange and go into a cafeteria and make a choice of three entrees on the menu and choose one of them, I think that Blacks ought to be able to do the same thing somewhere on that post." And he said something about the numbers and the economics of it, and I said, "I don't care if they only have one soldier there, if he was a Black soldier, and he goes into the cafeteria, he ought to be able to choose from three meals; he can't eat all three of them, but he ought to have the same choice the other guy has."

And Russ Jones told me it wasn't economics, and I said, "I agree. It's not economical, and it doesn't make any sense either, but that's just about what I saw." You know, as I look back on it, I got a whole lot of respect for Black people as a group, because the restraint that they obviously displayed in these places was just phenomenal.

Bill Schultz: Now did you talk to people in these places about these issues?

Judge Bryant: Yes. I talked to everybody. I talked to Black troops about it, and conceded that it was horrible. I talked to Colonel Modisette about it, and wrote a long report on it, and he resented it. I said, "Well Colonel," I said, "you know, it's just a fact." I said, "It's a fact and we have to deal with it. You know it's a fact, and you have to deal with it. And you know POWs walking in and out of facilities that an MP would stop a Black soldier from walking into, that's hard to take." After all, these people are not geniuses; they are just ordinary people with emotions like anybody else, so I admire them.

Bill Schultz: I assume we are not just talking about Black soldiers from the South who were used to segregation?

Judge Bryant: No, we are talking about everybody.

Bill Schultz: There were probably Black soldiers from the North who had not experienced segregation.

Judge Bryant: That's right, that's right. Well, who hadn't experienced it to the extent that the Southerners had. That's true. But you know, when you stop and think on it, it's really kind of ridiculous. America's racial policy was an embarrassment for everybody in the country who was just basically a decent person. It was wrong; it was indefensible, and everybody knew it. And there were some people in the Army who knew it. And there were some people who made up their minds that to whatever extent they could do something about it, they would do it. The thing about the prejudice that existed is that so much of it, so many things were done by people who weren't mean people, who weren't people of ill will, but people who just weren't sensitive enough about what happened, you know. That's the kind of thing that's most galling.

When Roosevelt signed Executive Order 8802, many people implemented it literally, and remind me to tell you something about Judge Fahy when I get through. A lot of employers opened the doors and let Black people come in and go to their personnel offices, and just literally counted them. Then when they got to a certain number which equaled the ten percent that they were supposed to hire, they hired them. They did that in the Pentagon. They hired a lot of people who probably weren't qualified to be there, but for the most part they hired people who were.

It was my first experience with the federal government, the old-line federal government. When I went there, the different agencies, the divisions were new organizational-wise, and they hired a bunch of stenographers. They hired them all, and put them in a stenographic pool. That was the level, let's say the level two. CA2 that was for classification and salary purposes. And

when the various branches and offices were set up, and they needed stenographic help and secretaries, and so forth and so on, they would grab somebody out of the pool. You know, this is the embryonic organization. They would grab someone out of the pool, and assign them to the education branch. Assign her, and she would be a secretary, or number two secretary, and she would start to draw money on that level, and be on a promotional level. She would have some career possibilities there, but she had to get out of the pool to get attached to an agency.

Well, when I first went in the Pentagon, they had this Special Services Division, which was relatively new. It was a new division, and it had this huge pool, and in this pool they had, well ten percent of them were Black girls, that was in accordance with Executive Order 8802. And when the education branch, and I was in another branch, a sort of offshoot at one time, but at any rate, we had a couple of women in there who were stenographers who had come out of the pool, they were white. There wasn't a Black woman attached to any branch's staff in a secretarial capacity.

Bill Schultz: Was this because the order covered hiring but not promotions?

Judge Bryant: Yes. The order covered hiring, but not promotions. In this office I was in, there was a guy named Colonel Burkes who was running it. We had two women there, one woman was from West Virginia, a nice girl, a white woman, but not too bright, and another girl, whose name I don't remember. And there was one woman, one Black woman who came out of this pool named Jennings. She went into the orientation branch under a guy from Louisiana named Rob Winsborough, a Lt. Col., who took her in there. She went in there, and she demonstrated her wares, and he thought the sun rose and set in her. She was the only woman at the time who was assigned to a branch.

Well, in Burkes' little outfit he had something, he was an advertising man, and he had some presentation he wanted for General Osborn. Osborn was an advertising executive from Batten, Barton, Durstine & Osborn up in New York, Wall Street. Burkes had some project that

he wanted to present, and that was the first time that I had run into this high-tech, hard-sell entrepreneur-type guy, you know. It involved typing memoranda, you know, an original and eight copies; if you make one mistake you got to change all of those carbon papers, so forth and so on. He had to have this work done, and there were time pressures, and what not, so he had it done. But when he got his typing done, he did what a lot of other people did, when they had some choice stuff to be done.

The pool had dwindled down to five Black women, and they were living sharks with a typewriter. They were expert people. And when Burkes had this job he had to have done for the general, he enlisted the aid of these women, and they worked like hell, I mean to around about one, 12:30 or one o'clock at night to get this work out. It was a huge success so far as he was concerned, a great thing. He sent them home. He was very, very happy, and they worked until about 12:00, and they went home, and then the next day they came into work.

Burkes was just overwhelmed with what they had done for him. He was happy about it, and very appreciative, and he brought to work some orchids. He went to each one of the girls, and put an orchid on them to show his appreciation. When I came into work, I was in the office, and he was very happy about it. He was a naive fellow, and he said, "You-all see the girls?" I wasn't paying a hell of a lot of attention to him, I really wasn't paying attention to him, I was doing something else. He said, "You, you see the girls? You see those flowers?" I said, "Oh, yeah, yeah, yeah, I saw them, the most beautiful badges of servitude I have seen in my lifetime." And when I said it, I was sorry that I had said it, because all of the color drained out of his face. He didn't institute the segregation policy, you know what I mean? When he had his work done, he was just anxious for somebody to do it, that he knew had the capability to do it, and they did it. And I told him later on, I said that I'm sorry that had to come out. I said, "You are not responsible, and to the extent that you think it was personal, I don't want you to think so." You know what he said? He said, "I understand what you mean," but that was inadvertent.

Bill Schultz:

Now this is now after the war?

Judge Bryant:

This is after the war. And in 1949, when this court was, when our appellate court was upped from six to nine people, three men were nominated at the same time, George Washington, Dave Bazelon, and Charles Fahy. Charlie Fahy was older than any of them, but Charles Fahy was sworn in later than any one of them, because at that time he was winding up the work on the commission's report. They recommended flat-out desegregation in the armed forces. Truman accepted that recommendation, and Truman issued the order which banned any segregation or any disparate treatment of people on the basis of color in the Army. He signed it as Commander-in-Chief of the Army, and he made it stick.

As a result of it, I mean I guess that the incidents, in terms of policy and in terms of implementing that policy, it has gone right straight through. I mean there are admirals and generals now that I don't even know about. I told you the story about somebody asking me, are you going down to Quantico this evening? For what? What the hell is down in Quantico? Well, General Petersen is retiring. Well who in the hell is General Petersen? General Petersen is a major general in the Marine Corps, of all the corps. He is a Black man who has been running that base down there for three or four years, and I didn't know. And then somebody told me about some admiral, I forget who he is, can you imagine an admiral in the Navy? The Navy and the Marine Corps, I mean the Army was segregated, but of all the segregated places, in the Navy and the Marine Corps the only thing a Black man could do in the Navy was be a mess boy. Dorie Miller grabbed one of those anti-aircraft guns at one time, and he made history doing that, and they photographed him on it.

I respect old man Truman in a whole lot of ways. A whole lot of guys as Commander-in-Chief of the Armed Forces just wouldn't do that. Do you know what I am talking about? They would hesitate to do that, but he issued that order, and he meant for it, it just wasn't one of those things that I am going to write this order, and you guys don't have to do anything about it. It

wasn't one of those things at all. Judge Fahy gave me a copy of that report, and he autographed it for me. I've got it in here. He was a wonderful guy. You didn't know him too well, but he was here when you were here. You knew what I thought of him.

Bill Schultz: Yes. I remember him.

Judge Bryant: He was the greatest.

Bill Schultz: I told you what I remember about him. It's just a little story.

Judge Bryant: No.

Bill Schultz: When I was here Judge Hart was chief judge, and they did some decorating in the judges' dining room and it was sort of fancy. We went in, and you and I had the same kind of reaction. We thought it was just a little bit silly. They had in there the lights that you could dim by turning them, so you could dim them a little bit. And Judge Fahy was really quite old at that point, he came in and kind of looked around. He was being very discreet. He looked around, and it was clear that he had the same reaction that we did. He didn't necessarily want to say anything because there were other people in there. Then he went over to the lights, and he kind of turned them down a little bit and watched them dim. He looked like it was something he had never seen before. He turned them back up, and then he looked at us, and then the only thing he said was, "I think children would like this."

Judge Bryant: He said what?

Bill Schultz: "I think this is something that children would like." I think it was kind of his comment in a discreet way on the whole project. That's my recollection of Judge Fahy, but I think it kind of captures the picture.

Judge Bryant: He was a wonderful, wonderful guy, and a hell of a judge. You talk about a giant. Charles Fahy, I used to call him whispering Jesus he was so quiet, but I understand he had a hell of a temper. I understand he had a hell of a temper back in his chambers, and then it would blow over, and everything would be fine.

Bill Schultz: Yeah, that he would even call to apologize.

Judge Bryant: Yeah, but I understand he had a temper. I never saw that. The only side I saw of him was a quiet, courtly, wonderful fellow.

Bill Schultz: Yeah, that's what I saw too.

Judge Bryant: The opportunity to know somebody like that, you cherish that opportunity.

Bill Schultz: When did you first meet Judge Fahy?

Judge Bryant: When he was on the court.

Bill Schultz: So when you argued before him, that was your first encounter?

Judge Bryant: I argued before him, I argued my famous case before him. I argued *Killough* before him. I argued *Killough* before him. I argued the case before him, and I think Danaher and Burger. I argued the case, let's say on October 1, 1960, and I didn't hear anything, I didn't hear anything, and after three or four months you expect to have an opinion. I didn't hear anything after four months, and I didn't hear anything after five months, and I wondered what the hell was going on. And then almost a year to the day I got word that the court sua sponte was going en banc, and I said I knew I was home.

Bill Schultz: Now, let me just get back to the Pentagon, because I don't want to cover *Killough* now. Did the Pentagon have segregated facilities?

Judge Bryant: No.

Bill Schultz: So when you were in Washington at the Pentagon you could go into the mess hall, or was there an officers' club?

Judge Bryant: I could go anywhere in the Pentagon. They didn't have an officers' club.

Bill Schultz: A PX?

Judge Bryant: I could go anywhere in the Pentagon. Let me tell you a story about the Pentagon. Bill Hastie was special assistant to the Secretary of the Army, and he was over there before I went on active duty. The Pentagon was huge, you know where it is, and the contractors got it together, and they were sprucing it up, even before it was being landscaped and what not, before the building was formally turned over to the armed forces it was in use. You know how these buildings were; they were pressed for space, and what not, so the building was actually being used before the contractors had turned it over to the government as being finished. They were doing landscaping, but the building was being used. They have a cafeteria in each wing of the Pentagon, and Bill Hastie, who was special assistant to the Secretary, went into the cafeteria and got in line, and a man pulled him out of line, and told him, "Sir, this is Virginia." He pulled him out of line, and I don't know what happened thereafter, but I know that happened. He pulled Bill Hastie out of line, and said, "Sir, this is Virginia." How about that? But when I went over there, the building was under the full control of the Army.

Bill Schultz: But when you went to the Army bases around the country, there were a lot of places you couldn't go? For example, the officers' club, or PX?

Judge Bryant: Oh yes, I went down to Camp Wood, Texas. The officers' club I went into was the officers' club reserved for the unit that Jackie Robinson was in, that tank Italian unit, and that was a barracks that had been converted into a little club.

Bill Schultz: And you were an officer. What was your rank?

Judge Bryant: At that time, at the time I went down there, I was a Major.

Bill Schultz: Now was that policy set by the commander of the base, or was it set in Washington?

Judge Bryant: Bill, the pattern of segregation in the Army was set, to the extent to which it could be ad-libbed, on a base-by-base basis. On an installation-by-installation basis, I don't think it was there. I mean separation in the armed forces was from top to bottom. For

instance, there was a time frame, and if a group of Black soldiers was available for assignment anywhere, they were assigned like this. A commander would be notified of the availability for assignment for a certain contingent of troops (colored), and asked, “Are they acceptable to your command?” The commander would say, “Yeah,” and take them on, but they would be treated, you know, separately. The segregation would still be there in the unit, but they would be in his command. They had some tank people that they allegedly sent Patton, and he was over there fighting Germans in southern France, and they sent him that message, “So and so available — are they acceptable?” Do you know what his answer was? “They got tanks?” That was the only interest he had.

Bill Schultz: But they slept in separate quarters?

Judge Bryant: Yeah.

Bill Schultz: Did they eat separately?

Judge Bryant: Oh yeah.

Bill Schultz: And they socialized separately?

Judge Bryant: Socialized separately, oh yeah.

Bill Schultz: Was there relatively little intermingling?

Judge Bryant: Very little intermingling. I've been on post after post. The intermingling was field-grade officers were white, and they commanded Black line officers, and noncommissioned troops were Black, and they were commanded by white officers, not white noncommissioned officers, but white commissioned officers. You would have a whole Black outfit commanded by all white officers, from young second lieutenants on up. There was complete segregation. You didn't have any Black soldier commanding any white soldier. You didn't have any Black soldier in a supervisory position at all over a white soldier. And I am surprised, to tell you the truth, I am surprised that you didn't have any more actual turmoil on the bases.

Bill Schultz: Yeah, I am too. I don't hear from you stories about protests, or incidents.

Judge Bryant: Not on the base, there were a lot of civilian people, I mean the NAACP and the Urban League and the various civilian organizations, kept pressure on . . .

Bill Schultz: To integrate the armed forces?

Judge Bryant: Yeah, to integrate the armed forces, but at the same time, even they were discreet. There wasn't the militancy back of it, you know, there wasn't anything like we aren't going to fight, anything like that. Let me tell you this story that will illustrate to you the nonsensical nature of racial separation.

When we became actively engaged in the war you can well imagine that the services were dying for professional personnel, medical and dental personnel. You gonna have a war, you are going to have an army, you are going to have people get hurt. You are going to have to have health care. So the medical corps was dying for people, and were taking people, I think out of seniors in medical school almost into the med corps. I went to school at Howard University, and when I went there I took ROTC. In ROTC, when you graduated you got a reserve commission in the reserve officers corps.

I finished school in 1932, and of course I wasn't interested in any Army. I took the ROTC because I think it paid \$32 for three months, and that money went toward my tuition. So after I graduated I had no interest in the ROTC, but a lot of people, a lot of kids used to go to the ROTC meeting, or reserve officers meeting and that kept their commissions alive. Mine lapsed. When we got involved in the war, now, in the meantime, a lot of my classmates went to med school, a lot of them. I can think of six right now who went to med school and had their commissions, had their reserve officers commissions in the infantry. When they graduated and were full-fledged doctors, they sought to have their commissions in the medical corps. So then the war came, and the Army was crying for doctors. These guys who had reserve commissions in the infantry, who

were doctors, some of them practicing, sought to be commissioned in the medical corps, and they were not commissioned in the medical corps because of segregation.

Bill Schultz: So they did not practice medicine in the Army?

Judge Bryant: No, no. I know two or three guys who did that, and ultimately they assigned some guys to an all-Black unit. There was a boy named Clarence Lewis who was a dentist, he operated as a dental officer there. I don't know who the medical officer was. But there came a time later on, very late, that these people were assigned to the medical corps, but they operated with separate units.

Bill Schultz: Let me ask you this, you have talked a lot about segregation in these interviews, and I have heard you talk about it over the years, and I never detected any bitterness that you feel, the way a lot of other people really are very bitter about their experiences. There must be something in your background that allows you to deal with it without that sort of hatred, bitterness and resentment. I've always felt that you felt very strongly about it, but that it didn't really interfere with your ability to do your other work, and your life and so. Do you know why that is?

Judge Bryant: No, not really. I don't know. I just don't know. I've worked against it, I worked against it actively, and what not, and I didn't like it, and I recognized the inequities involved. I guess maybe I personally was, no I can't say that, because I was personally hurt by it once or twice. I mean I've worked in organizations where my supervisors were white, and rather unintelligent, and not well trained, and that was purely on the basis of race. I suppose it didn't bother me so much because I never found myself at a terminal. In other words, I never found myself in a situation where I thought I had to endure this situation for any period of time.

I was always whistle-stopping you know, as a youngster working in various menial jobs and what not. I always figured that next year I would be on my way. And so I guess I have been fortunate, I have been very lucky really, and I met, and I guess this is true of a lot of people, I

met so many people who were as much concerned about it as I am, white and Black alike. And I think that kind of drains off some of the bitterness, I guess, I don't know.

Bill Schultz: What about Ralph Bunche?

Judge Bryant: The same thing. And, of course, he was a unique character. I told you about him. He seemed to rise above everything. He was as aware and concerned about segregation as anybody in the world, wrote some of the most trenchant stuff about it, and was outspoken about it. You know he had phlebitis in both legs. He had always been kind of frail physically, although he never let it stop him from doing anything. As a matter of fact, when King had that march from Selma, Alabama, Ralph Bunche was right in the front row of that march. He marched across that bridge, and he participated actively in that. He was keen on any opportunity he had to strike against racial prejudice. He was very keen on it.

At the same time, he was something of a phenomenon, something of a unique animal. For instance, I told you of the role in the OSS, in the guides of North Africa and guides of West Africa. The United Nations is his brainchild, that was his goal in life, to create a viable United Nations. And he found himself with people like U Thant, and a lot of people. I went to Paris, and I was over there working, and I found out he was going to be in Paris for three or four days, and that he would like to, you know he was a billiard player. He was just a likeable guy, and he arranged to meet in Paris. He was in Paris, and who was he with? He was an advisor to James Byrnes, Jimmy Byrnes from South Carolina, who was secretary of state at that time. He was travelling with him, and I asked him point-blank, I said, "Pops, you are keeping strange company, how do you manage that?" And you know what he told me. He said, "He needs me more than I need him."

So he had a charmed life. I wasn't in his category. I wasn't in his class, but Bunche, even the bands of racial hatred couldn't contain him. He was an international citizen. He was something, and if you would meet him in here right now, you would never think it. You would

spend 15 minutes with him, and he would go out, and you would be impressed with him, you would say, who is that? He was something.

Bill Schultz: Did you keep up with him through his life? I mean stay in contact with him?

Judge Bryant: Yeah, of course, he moved to New York and I was down here.

Bill Schultz: He moved to New York when, after the war?

Judge Bryant: After the war, his work took him there. He left Howard, and went to New York to work at the United Nations, and he did some work. The heads of state were people he dealt with day after day in that Middle East stuff, and Israel and what not. He was just at home, just like I deal with these law cases, he was dealing with that kind of business. Everybody loved him, everybody respected him.

Bill Schultz: When did he die?

Judge Bryant: In 1971. He was a hell of a boy. Yes sir, that was a sad day for me. Jane, his daughter, committed suicide, she jumped out of a window. The United Nations was his thing.

ORAL HISTORY OF THE HONORABLE WILLIAM B. BRYANT

Chapter 5

Private Practice and U.S. Attorney's Office: 1947 – 1954

Interview Date: June 29, 1994

Bill Schultz: Now when you came out of the Army in 1947, what was your job? What job did you take, where did you go to work?

Judge Bryant: I came out in 1947, and I took advantage of the GI Bill of Rights. Incidentally, I saw an article on the GI Bill of Rights in the paper not too long ago, within the last week. It pointed out that the GI Bill of Rights was really a turning point in America in terms of education and what not. It was a good article; it was in *The Post*, within the last week, and I think it is true. It started America on the business of higher education.

Bill Schultz: Public higher education?

Judge Bryant: Yes, public higher education. Well, before I went in the Army, while I was working with Bunche, there were two, I think, two bar review courses in the District of Columbia, one run by a guy named Nacrelli, the other run by a guy named Smith, and they were for whites only. Of course, they would sell Black people their notes, the written material, but you couldn't attend the bar review course sessions.

Right after the war, a fellow named Carlton Edwards organized an integrated bar review session or group and they met at a couple of places. I think they met at the old YWCA on 13th Street. I remember that. I looked forward to that; I was going to take that course under the GI Bill of Rights. I could study and get a refresher course, including that course. I did, and at the end of it I took the bar examination. In the meantime, Penny was born, and I remember we were in the kitchen, and we had a

Bill Schultz: She was born in what year, 1948?

Judge Bryant: 1948. We had this big pan, this big bathing pan in the kitchen on the table, and we were submerging Penny in this thing for the first time. The phone rang and somebody who was a secretary to Judge Scott, who was a Black Superior Court judge, I mean Municipal Court judge, called me up and told me. She saw my name in the paper, and I almost dropped Penny on the floor. Then I started practicing law.

Bill Schultz: Where did you start practicing?

Judge Bryant: Well, did I tell you about approaching Houston during the bar review course, and wanting to sit in his office?

Bill Schultz: Tell me about that.

Judge Bryant: Well, when I went down to the GI Bill people, they told me I was eligible for one year of this refresher stuff, and I think they paid you \$90 a month, \$90 or \$92 a month, during that period of time. But they required me to have some sort of structure to my education. You didn't have to go to a school especially, but you had to have some sort of instructional atmosphere. You could intern in an office or anything that would be legitimate for structuring your time, spending some uniform hours on the business. He said, "Go to a law office, intern in a law office, and we will pay you, and you can study." And I said, "Gee whiz, I'm going to do that."

I knew old Charlie Houston had an office around there, and also I had heard that they had a good library. They had the Law Edition up-to-date, F.2d up-to-date, and F. Supp. up-to-date, and that's a pretty good library for a three-man law office, Am. Jur. and all that sort of business. So I went over there, and asked Charlie could I do that, and he said, "I'll let you know, come back in a couple of days." So I did that, I went back in a couple of days, and Joe Waddy was in the office with him, and he told me that it wouldn't work out..

Bill Schultz: Joe Waddy told you that it wouldn't work out?

Judge Bryant: Charlie had told him that it wouldn't work out.

Bill Schultz: Had you known Joe Waddy before?

Judge Bryant: Yeah. I knew him.

Bill Schultz: How did you know him?

Judge Bryant: He was in law school behind me, but I knew him. I didn't know him well, but I knew him.

Bill Schultz: Now this is the Joe Waddy who later became a district court judge?

Judge Bryant: Yeah. So I came around, and I was disappointed with that, and I came around and saw a fellow named Alfred Scott who had been in my law school class, and who was a nephew to this Judge Scott, that I told you was on the Municipal Court. He was serving as Judge Scott's courtroom clerk. So, Al Scott told me, "Well you don't expect anymore, but I'll introduce you to a guy who is doing well in the town, a boy from Philadelphia, you don't know him, but he has been here a while. He came down here during the war, he's doing all right for himself, and I'll introduce you. I think it will be all right with him." So I went around on 5th Street, across the street from the Municipal Court, and this fellow had an office at 506 Fifth Street, and his name was Wesley Williams. And Alfred introduced me to him.

Alfred told him of my experience with Charlie Houston, and I needed a place to sit, so I could study and do whatever chores that they might have me do. Wesley Williams, said, "Go upstairs, you are welcome." He said, "There's not much up there, but you are welcome." And he was right, there wasn't anything up there, but a desk and a chair, and in the back room there was his office. His office was not attractive at all, not much in the way of reading material really. But I took my notes and he let me sit around there and would take me over in the courthouse, and let me look and see things.

That's where I was when I passed the bar. When I passed the bar, he assumed that I would stay there, and I did for a while. He didn't expect any rent or anything, God knows there

wasn't anything there, but a desk and chair. There wasn't any facilities there at all, and I wasn't doing any business. I wasn't using the one secretary that he had, but he was generous with what he had.

In those days there were three rows of seats in the Municipal Court on the right-hand side and lawyers would sit there. As the people would come up charged with crimes, the court would appoint lawyers to represent these people. As you expect, most people who commit crimes don't have any money, and so the court would appoint a lawyer to represent a guy charged with a misdemeanor, or maybe charged with a felony. Those lawyers would represent them at the preliminary hearing that they would have.

Wesley introduced me to some of the court deputies, courtroom deputies, and he wanted me to go over there and get assigned to these cases. I was too shy to do that. I just couldn't do that. I went over there several days, and when I came back to the office Wesley would say, "Get any cases, get any cases?" I said, "No." And he would say, "I told them about you, come on, you are not sitting up there; I understand you are not sitting up there; the guys are looking for you and you are not sitting up there." And I wasn't.

So finally I got enough courage to go sit up there. They used to call that the mourner's bench. These lawyers, some of them old guys who had been around and didn't really have much office, and not a whole lot going for them, you know. And they would be assigned to represent people charged with crime. So I sat up there, and I got appointed to some cases, in Wesley's office, and I found that I kind of had some enthusiasm for these things.

I got lucky, I think. I got a little lucky. And Robert Scott, who was an assistant U.S. attorney at the time, who later became a judge over there at the Superior Court, Robert Scott and a boy named Bob Short, who was an assistant U.S. attorney over there. Short later went to Minneapolis, he owned the Twins. He is dead now. But Bob Scott influenced me to apply to the D.A.'s office.

Bill Schultz: Now what year is that?

Judge Bryant: 1949, latter part of '49 or early part of '50.

Bill Schultz: Okay, let's just stop there. Why don't you tell me a little bit about what kind of cases you had when you were in Wesley Williams' office before you applied for the U.S. Attorney's Office.

Judge Bryant: These petty, well some of them were not so petty, but the run-of-the-mill common-law stuff — some traffic cases, some assault cases, and some theft cases. You name it, and that's what ran through the court, and I was appointed to represent them, along with the rest of the guys who were appointed to represent these people.

Bill Schultz: Now how did you get paid?

Judge Bryant: You got paid whatever the people could pay you.

Bill Schultz: So you weren't being paid?

Judge Bryant: No, no, no.

Bill Schultz: Even though you were court-appointed?

Judge Bryant: You were court-appointed, but you weren't paid by anybody except these people, and most of these people, as I say, had no money. You can't trust people who just have no money for money. The only people who might pay you something were the people who were charged with a traffic offense, who were working and had their jobs and depended on their ability to drive and what not. And among the so-called criminals that were able to pay you, there would be some guy who participated in the numbers business or something, the gambling business, but otherwise, that was the only real so-called criminals that had any money to pay you. And you didn't feel shy about asking them to pay you?

Bill Schultz: Did you do any other kind of practice, other than these court-appointed cases?

Judge Bryant: No, I wasn't well enough known to anybody to bring me any civil business at that time. No. And it was really those court appointed cases, and making virtually no money to tell you the truth, and when Bob told me to apply to the D.A.'s office, I had had pretty good success in those cases. And I remember Bob came down to the U.S. Attorney's Office after winning a so-called pickpocket case. Lieutenant Cox was the head of the pickpocket squad, and he had arrested somebody in the Greyhound Bus Station, and I won that case from him. Later on that day or the next morning, I was passing the U.S. Attorney's Office. They had a big room down there where the public came in. The cases began right there, the officers would come in, a long counter where things were initiated right there. And Bob Scott told me, he said, "Why don't you come into the office with us?" and I said, "Well, I don't know Bob. I don't know anything about coming into the office." I didn't know anything about getting in there. "Well," he said, "go on and apply." Morris Fay was the U.S. Attorney at that time.

Bill Schultz: Morris Fay?

Judge Bryant: Yeah, Morris Fay, F-A-Y. A nice guy from up in Pennsylvania. Morris Fay was the U.S. Attorney. He said, "Go and apply, you can't get the job unless you apply. Tell him, "We sent you. We back you. We back you."

So I went over to Morris Fay. He had an office in the U.S. District Court building, you know where the statute of Lincoln is in front of the building? I saw him, and I told him why I was there, and I got an application from the guys in the U.S. Attorney's Office. He said, "The boys tell me about you, they say you are all right. I would like to have you, but I can't hire you unless you have political clearance." But jobs bothered me in a lot of ways. I had been down here long enough to know and I had known this before I came down and worked in Wesley Williams' office right across the street from the court.

The U.S. Attorney had one Black lawyer, Andrew Howard. Andrew Howard was an assistant U.S. attorney then, and Andrew Howard never went into the courtroom. I understand he

went up there every now and then on some special cases, but Andrew Howard was confined to the office taking complaints and making out papers, and what not. And the ambition of all the U.S. attorneys over there was to go to the "big court", that's the federal court. Everybody started out in the Municipal Court, and usually after about 15 months, between 15 months and two years, a guy would find himself transferred over here to the U.S. District Court. No Black had ever done that, and I had nerve enough to ask Morris Fay when I went to apply. I asked him, "If you take me on, and if I can cut the mustard, do I have any chance of going to the district court?" And without blinking, or without hesitation, he said, "Sure you do." And I just thought that was the end of that, but then he said, "You get political clearance, I'll hire you. The boys say you are all right, and you are going to the district court, you can depend on that, if you can cut it."

Bill Schultz: Now at this time, the jurisdiction was such that all the major, even the local cases, were tried in district court?

Judge Bryant: Yeah. All the felony cases, all felonies, and every kind of other case that involved \$7,500. Civil cases involving something over \$7,500, and divorce cases, everything was over here. So I went back to the office, and I called the White House, I mean a fellow named Philleo Nash. Philleo Nash was working in the White House on President Truman's staff, and Philleo had been the chief of the Bureau of Intelligence in the OWI, where I worked with the group's information section, Alan Barth and that crowd over there. He was a good friend of Philleo, I mean of Alan's. Philleo Nash was a cranberry farmer from Wisconsin, but a politically active Democrat, and he found himself on the staff out here, much like, who's the guy in the movie business out here, he was on Johnson's staff.

Bill Schultz: Valenti, Jack Valenti?

Judge Bryant: Yeah, Jack Valenti. Philleo had some kind of job like that. So I called Philleo, and he and I were good friends. I mean I worked for him in that groups and organizations section, we were real tight. And I told him, I said, "Philleo, I have got a chance,

there is a guy who wants to hire me as an assistant U.S. attorney over here, but he says to me I have got to have a political clearance. I don't know what the hell he is talking about, and somebody told me to call you.”

I called Philleo, and he said, “Well,” Philleo laughed, and said, “I’ll get back to you.” In five minutes he called me back, and he said, “You be in Bill Dawson's office at one o’clock on such & such a day.” Now Bill Dawson was a Black congressman from Illinois. When I was in college there was a guy named Oscar De Priest, who had been the first Black congressman since reconstruction days. He came from Chicago. He passed on, and Bill Dawson was from Chicago, and he came in.

Bill Dawson was the top political figure, national political figure in the country, who was Black. So everybody, I didn't know much about patronage then, but everybody had to go through Bill Dawson. I didn't know a damn thing about Bill Dawson. I did know Philleo. I know he knows what the hell he's doing. So I'm going to Bill Dawson. This is the beginning of my education in politics.

I got off that elevator, Bill, my hand to God this is the truth. I got off that elevator at about seven or eight minutes to one over in that House Office Building and I went into Bill Dawson’s office. I got there promptly at about two minutes to one. And a girl whom I since got to know named Christine Davis, that was his secretary, I introduced myself, and she said, “Oh, yeah, Mr. Bryant.” I said, “Yeah,” and she said, “just one minute.” And she went to the door of the congressman’s office and said, “Congressman, Mr. Bryant is here.” Have I ever told you this story?

I am standing out there, and Bill Dawson is at his desk, and apparently she didn't get any response. I didn't hear anything. She said again, “Congressman, Mr. Bryant is here.” And Bill Dawson, said, “Oh yes, oh yes, Philleo said he is all right, so that's all.” So I got to the door, and Dawson said, “Oh yeah, yeah, Philleo said you are all right, so okay.” He never looked up, and

he had never seen me. That's all. Before five minutes after one, I was on the elevator coming out of that building. That was my political clearance. I got the job.

Bill Schultz: So how long was it between the time you talked to the U.S. Attorney and you started the job?

Judge Bryant: I guess within two weeks. It was quick. It was quick like a bunny, because

Bill Schultz: It was a little faster than it is today?

Judge Bryant: Oh yeah, it was fast. It wasn't any question about it. I mean, I went, he told me about political clearance, and I called Philleo, I know that day or the next day, and I know that I went to Bill Dawson's office at least the next day or two days after he told me that. And after I went to his office, in no time Morris Fay called me and said, "Are you ready to go to work?" And I was on cloud nine, and didn't have any FBI clearance or anything, as I recall it. You didn't have that. There might have been some of that, but I don't remember it. I know one thing. Morris Fay called me over to his office soon after that, and said, "How soon can you go to work?" I told him, "Yesterday." I didn't have any business, I mean to close out anything, and he said, "Well, any time you say. Who do you want to swear you in?" And I said, "Well, who can?" He said, "Well anybody can. Joe Gillespie can swear you in." That was his administrative assistant. So I said, "Well, where is he?" He said, "Here." So I got sworn in right there. Joe Gillespie swore me in. This business of having a ceremony and what not, Joe Gillespie swore me in at the foot of Morris Fay's desk and I went to work that same afternoon. I went over there and went to work.

And it was funny, I had been out long enough to have enough contact with those guys that I was as welcome there as I am right now in this courthouse. I had been over there long enough to know who was there. You don't stay there long, and then you would come over here. I was in there long enough to have the acquaintanceship of those guys, and they liked me.

Bill Schultz: Now tell me what was so attractive about the U.S. Attorney's Office to you?

Judge Bryant: It was a job. It was a legal job, and I wasn't making any money. I wasn't making enough money. I was never a moneymaker. I never was one that could, even guys who had money I couldn't con it out of them, I just couldn't. I saw some things happen.

I was so happy to get out of 506 Fifth Street, happy to get the job. I saw some things happen that just scared the hell out of me. Now Wesley was not a crooked lawyer, but he was excellent at extracting fees. So in the few paying clients he had, he had some people who were charged with crimes that didn't have any money. But the few paying clients he had, Wesley never went to trial with anybody, he always plead somebody out. And judges liked him. Court people liked him, and he got a lot of people probation, and the gamblers got fines, and what not. He did pretty well for them.

But Wesley would continue a case, have a case continued, and he would get his fee, and I have seen him talk to people in this fashion, "Well you know, so . . . so.. . so.. ., well you are doing all right, just relax, but by the way, how about getting that money in here, you are running too slow getting that money, you know people don't do things for nothing, you know. You have got to get that money in here."

Well the inference there was that, you know, do you follow what I am saying to you? That bothered the hell out me. But now, I never had any idea that he would do anything like that, that he was paying off anybody. That wasn't so.

The only payoff there might have been maybe some of those underling clerks might have postponed some cases for him or something by reason of some Christmas presents or something, but I mean to say that this man had a bribery scheme with officials wasn't so.

And that's why when old Alcee Hastings was charged with conspiring to take money from Bill Borders in that case, I pooh-poohed it. I said, "Hell, I suspect that if I had one percent

of the amount of money that somebody had told his clients about in some cases before me,” you know what I mean, “I would be a millionaire.” Because I wasn't a harsh sentencer, people could just about gauge what I would do under certain circumstances, but I thought it was a con game.

He was a very, very successful man. Wesley educated his family, was a good family man, and I admired him and had some affection for him. He gave me a red carpet. He opened his office. There wasn't much there, but he said, “There's not much here, but you are welcome,” and but for him, but for him I don't know where I would be. He pushed me over in that courthouse, made me go over there, and I got a little prominence with those guys, and they shoved me in the U.S. Attorney's Office, and that was funny.

And Bill, I was in the U.S. Attorney's Office about a year, give or take a few months, and Eisenhower was elected President of the United States. No, I'm ahead of my story. I was in the office about a year, and Morris Fay died rather suddenly at a young age, and left the Office of U.S. Attorney open.

The head of the office over at the Municipal Court, who had been the head of the office for a number of years, was a guy named Warren Wilson. Warren Wilson had, as I say, been over at the Municipal Court side for a number of years, and he headed up that section. That was an important section because that was the intake section so to speak. Decisions were made on felonies or misdemeanors, preliminary hearings were had by these judges who were Municipal Court judges and were also operating as federal magistrates.

They would hold preliminary hearings in criminal cases, in federal cases, and Warren had aspirations for being U. S. Attorney for the District of Columbia. There was a place on the corner, on the southwest corner of Fifth & E called Squires Grill, that's where all the lawyers used to hang out, lawyers who used to ply their trade in the Municipal Court, and over here too. It was a very popular place; of course it was segregated, you know, all white. But Warren used to go over there every day and eat lunch, and have his coffee, and what not. So one day shortly

after Morris Fay died, Warren Wilson came back from lunch, and at that time I had been in the office longer than anybody else except Warren Wilson. I was the senior man. That shows you how the turnover was in there. And Warren Wilson came in the office from across the street, walked in the office and walked up to me, threw his keys down, and said, "I'll see you," and walked out. And I found out in the middle of the day an announcement had come that Harry Truman had appointed a guy named Charles Irelan as the U.S. Attorney for the District of Columbia. A guy apparently out of Justice. Nobody had ever heard of him, he came out of the Lands Division or something.

Bill Schultz: So he gave you the keys?

Judge Bryant: So I became the informal head of the office. It was just like that. Not long after that, Alan came in, and not long after that Bob Scott had been transferred from that side over here to this court in this building as an assistant to a fellow named Bill McKinley who ran the grand jury section of the U.S. Attorney's Office. And not long after that I was transferred. They transferred me from the Municipal Court over here to the so-called big court. And I came over as an assistant in the grand jury section working with Bob Scott under Bill McKinley, and we handled the grand jury. And that's a good experience. That's a very, very good experience. You learn a lot.

So I took a vacation and took Astaire to Detroit, one of the few vacations I ever took in my life. While I was in Detroit I got a phone call, "Come to Washington right away, come back right away." And the reason for it was Eisenhower had been elected, and Mr. Irelan wanted to transfer me to the trial section of this courthouse out of the grand jury section. He wanted to transfer me to the trial section, wanted to do it quickly because he didn't know how long he would be in office. You know they live from day to day when the administration changes, and he wanted to transfer me to the trial section, and he did that. So Morris Fay, although he is dead, his promise to me that if I could cut the mustard, I could come over here, it was okay. And I went

into the trial section under Charles Irelan, and I did all right. I did all right as a lawyer in this court.

Bill Schultz: How long were you in the trial section before you left?

Judge Bryant: I think I came into the office in 1949 or '50, and I was over there almost a year, and I was in the grand jury section a few months, I went out in 1954. So I was in the trial section a couple of years, give or take a few months.

Bill Schultz: How big was the U.S. Attorney's Office in those days?

Judge Bryant: It wasn't much. I'll tell you what it was. They had a reunion in the U.S. Attorney's Office, with all the guys from way back very recently. They brought me a book, and there were pictures and everything in it. But I'll tell you what it was, and give you some idea. We had an appellate section that consisted of four people, Joe Howard, Bill Glendon, and two other guys. There was a U.S. Attorney, there was Joe Feeley who was the principal assistant. There was Billy Hit who was a so-called white collar specialist. There was a guy named Hamptman and Titus and Tom Flannery and Bill Becker and Vic Caputy, Paul Leonard, Fennell and myself. One, two three, four, five, six, seven, eight, nine, ten, including the U.S. Attorney and the principal assistant. In the criminal division we have one, two, three, four, five, six, seven, eight, maybe I am forgetting two, not more, not more than ten guys.

Bill Schultz: Four in the appellate and

Judge Bryant: And the appellate section rose a little bit because I remember Jack Warner when he came in the appellate section, but Jack came, I think, after I left. And then the civil section. Now the civil section consisted of maybe seven lawyers.

Bill Schultz: And Superior Court had

Judge Bryant: And the Superior Court had about eight or ten. And then the grand jury section had three. So the U.S. Attorney's Office had

Bill Schultz: Less than thirty lawyers.

Judge Bryant: Yeah, not more than thirty lawyers.

Bill Schultz: Right.

Judge Bryant: And they handled everything in the world.

Bill Schultz: Tell me a little bit just about what your life was like, how hard you worked, where you were living, how you juggled family life and work life?

Judge Bryant: Well, when I started out with Wesley, I really didn't have any obligations early on. Then I was a kind of guy that if I got involved in a case, I was going to try a case, you know you had to beat the bushes for witnesses, had to go into people's houses and interview them. It was interesting and time-consuming, but it wasn't very profitable. But I never regretted any of it, because I learned so much. I went to trial in a lot of cases when I first started, and I didn't do a lot of pleading.

I had some interest in a trial, you know, and was lucky enough to be kind of successful in those I thought I should win, you know what I mean? And I got sucked into the law. When I say that, I really mean that, I got sucked into the law pretty quickly. It became very, very, fascinating to me, and I didn't know I was working, tell you the truth, in terms of being tired, and what not. I am not kidding. It just satisfied a whole lot of things in me. I did a lot of things before, like playing pool, and a whole lot of other things but I had no interest in them. I just liked it. I guess it was the uncertainty of it, do you know what I mean? And it was new to me. I just got fascinated. I liked it.

Bill Schultz: Now what parts of it did you like?

Judge Bryant: The law practice?

Bill Schultz: Yeah.

Judge Bryant: All of it. Really, all of it. I liked the preparation, and I liked the research. You could feel yourself grow when you got into the books. You could feel yourself

grow and I was kind of young. When you are doing something you want to do, when you are doing something you like, you don't get tired.

I had a family, at about the same time. Penny was born in 1948 and Chip was born in 1949, so I'm getting a family just about the time I'm getting to be a lawyer. So when I went in the U.S. Attorneys' Office that was a God-send for me, regular work and what not. And I did my work in the daytime and I came down here and did my preparation. I spent my time with my witnesses, after you go in here, you are in trial every day, every day.

Bill Schultz: In here meaning?

Judge Bryant: In this courthouse. And the judges used to break sometime between 4:00 and 4:30. You go back to your office, and you have got witnesses back there waiting to prepare for the next trial and then you have matters arising that require research, and some reading. A typical day would be to come in here and work, and go home after the witnesses, after you got through with your witness, go home around about 5 o'clock and eat dinner, and put the kids to bed, and pat them on the forehead and say prayers and come on back to work until sometime close to 10 o'clock, and go on back home. That's when I was working for the government, and when I was working in the U.S. Attorney's Office. When I went out into the practice, that was the same proposition, except that you didn't go home at 8, 9 or 10 o'clock, you went home at 12 or 1 o'clock, when you are working in a practice. But that was the only thing that was irksome about that. I really felt the stress of spending time with the family, that kind of bothers you.

Bill Schultz: What about on weekends? Did you work most weekends too?

Judge Bryant: When I got into private practice I did, sure.

Bill Schultz: What about in the U.S. Attorney's Office?

Judge Bryant: No, no. When something arose in a case that you had to work on a weekend. As a trial assistant in the U.S. Attorney's Office, the appellate section was so small that

from time to time Joe Howard, who was an excellent lawyer and one fine gentleman, would ask someone from the trial section to take a case on from the Court of Appeals. And I did that a couple of times while I was working in the trial court. That was a good experience too. And I stayed there.

And in 1954, and I made it all right, in a change of administrations they fired a lot of people. Oh my God, I would be in the office down here on the third floor, in the evening and you would hear someone walking down the hall. Old Marty McNamara was in the office at that time, so there were about ten in the trial section. When Alan lost his job, the new U. S. Attorney was Leo Rover. Leo Rover had been the U.S. Attorney in the District of Columbia 25 years before, and he was an active Republican. He was a little, short man with a foghorn voice, hell of a lawyer. He came in here, boy, and the Democrats had been in a long time, you know, Roosevelt, Truman, all of those years. And he walked down the hall, and he fired guys, one, two, just like that. And I suppose that was probably the first time my race became an asset.

When Rover came in the courthouse, Rover was a part of the old school. And when I mean the old school, I mean he was used to the District of Columbia segregated patterns, segregated bar, no members were members of the D.C. Bar. You know, it was completely a separate world. And here it is, he came in as U.S. Attorney for the District of Columbia, and here he has a Black guy on his staff. Now in his relationship in this town over the years, he had not associated himself with any Black lawyers who you would think about putting in the U.S. Attorneys' Office. He didn't know any.

The most prominent Black lawyer in the city was George Hayes, and George Hayes headed up a law firm. And George Hayes was a successful lawyer. And Rover knew him, and of course George Hayes wasn't a Republican. But the point is that here he is; he comes in the office and he is getting rid of these Democrats. He was Irish Catholic, and he knew these guys. And he fired Marty McNamara. He fired Fennell. He fired Brian. He fired Tom Leonard. He just fired a

whole lot of people. And I found out later that he went around to a few Republican judges, and people he knew in the courthouse, inquiring about me. Apparently he got some good vibes about me, and the point was that he didn't have anybody. He didn't want to fire me and not replace me with a Black guy. He didn't want that on him, you know what I mean?

Bill Schultz: He didn't have a better Black guy to replace you?

Judge Bryant: He didn't have a better Black guy that he knew about. There were some out there, maybe, I don't know, but he didn't know anything about them. He had no relationship with Black lawyers. He didn't know anything about them. So here he was stuck with me. And the judges, particularly Holtzoff and Laws. Laws was the chief judge, and Laws thought very highly of me, and Holtzoff did too. Holtzoff was the guy who rode herd on everybody, hell of a guy.

Bill Schultz: Tell me about Holtzoff.

Judge Bryant: Temperamental, bright guy, he wrote the procedure book, Barron & Holtzoff. He was a very scholarly man, but he was very temperamental, very harsh, pro-government lawyer.

Bill Schultz: What was your first recollection of him?

Judge Bryant: I remember seeing him in some matters that Wesley Williams had over here before I came into the U.S. Attorneys' Office, and he thought the world rose and set in Wesley Williams. The reason for it was that Wesley never had a trial. Wesley pled everybody, and judges loved lawyers who pled people guilty because they had a hell of a load on them and the more dispositions they had, fine, and Wesley got some consideration for that. They gave lawyers consideration for pleading people guilty, do you know what I mean? The system of justice didn't really have much purity to it, to tell you the truth. But again, I guess it did, because Wesley represented a lot of people who committed crimes that weren't violent, crimes that really weren't harsh. These judges knew that a numbers man wasn't really any threat to any community.

They knew that. And they would put him on probation with a sincere knowledge that this man wasn't gonna prey on society.

Bill Schultz: Now when did you first go before Judge Holtzoff?

Judge Bryant: As a prosecutor, I think. Yeah, as a prosecutor. And everybody I remember was definitely afraid of Holtzoff because he was angry all of the time. Little bit deaf in one ear, but he was just impatient, impatient. You had the central assignment system then. You would go into the chief judge's courtroom, and the cases would be called. If the lawyers were ready, and the case was ready, they would send it to judge "so-and-so." After that case was finished in judge so-and-so's courtroom, the judge would take the next available case, the next ready case.

So sometimes when you went into the courtroom every morning, you would go in with four or five case jackets under your arm. You don't know what case you've got, you are scheduled. They might get on the schedule for that day, but they don't go on that day, you don't know which one of those cases are going to trial.

Now I've been sent to a judge's court to try a case, and you try it, and when that case is winding down, they send the witnesses and everybody in another case you have under your arm, right into that courtroom, because the judge is available. When that case winds down, you might have another one, and they will send you right in there. I had that experience with Holtzoff. I had it with some other people, but I remember I had it with Holtzoff. I had about four cases with Holtzoff, one right after the other. And after the second case, or after the last case, I tried with him, Holtzoff said to me, "The court appreciates the manner in which you handle your business," which is a compliment from Holtzoff. Holtzoff didn't give any compliments.

I attribute it to one thing, I didn't waste any time with a case. I knew I had a case, and I knew what the elements were. I knew what horses I had to pull the wagon. I knew what witnesses would do it. I would put them on, and get it in, and I would put it in clean, you know,

one, two, three, and I wouldn't waste any time. I don't say I was the greatest thing in the world, but I don't ask stupid questions. I don't ask questions that aren't necessary to ask a witness. And on jury selection, it don't take no time for a jury. What the hell, you get in there, and you call the case, bring the jury in and put the jury in the box, and give them voir dire. Then all right, you put the jury in the box and then you challenge, and I would be there. "Mr. Bryant?" Then I would say, "I'm sorry, the government is satisfied, Your Honor, any twelve." I never challenged any jurors.

Bill Schultz: You never challenged any jurors?

Judge Bryant: Hell no. I don't, unless I have got good reason. You don't have any reason for challenging a juror, really. What reason you gonna give? Invariably, I would say, "The government is satisfied, any twelve." I did the same thing when I got to be a defense lawyer. When I was a defense lawyer I did the same thing--any twelve. If I am going to trial, I would figure any twelve jurors you put in there, if I've got a good enough case to go to trial, they will buy it. I didn't waste any time with that.

Bill Schultz: With voir dire, did you spend any time on that?

Judge Bryant: The judges did it. The judge did voir dire. And I tried to be up on my law, you know what I mean, what's supposed to happen, and what not. I developed this sense in the trial of a case. Somebody told me in the U.S. Attorney's Office, old McLaughlin, Arthur McLaughlin was in the U.S. Attorney's Office, he was an ace prosecutor. Mac told me, he said, "Billy Boy, you try them for keeps. There ain't no point in whistle-stopping at the court of appeals."

He told me that for this reason. There was another guy who came in the U.S. Attorney's Office named Fred Smithson, we used to call him "death house Freddie." He tried a lot of serious cases, capital cases when we had the death penalty, and he would ask for the death penalty. He was blood and guts, I think he is still alive. But he would do anything in a case, anything in the

trial of a case, and invariably he would infect it with some error. Well, he got away with that for a while. I understand a lot of people got away with that, until Bazelon and Washington and Fahy were added to this six-member court of appeals. Up until the time that they came, the usual result of an appeal by a criminal defendant was that, “We find no error affecting substantial rights, the judgment is affirmed.” That was the usual opinion in one of these criminal cases.

After Bazelon and Fahy and George Washington came on this court, things began to change. They began to tighten up on the criminal justice process, and people had to shake them before they threw them. They had to do the right thing. As a result of that, some criminal cases were turned around — reversed. And McLaughlin told us, “You don't whistle-stop. When you try a case, you try a case for keeps.” And he said you can get away with a lot of things.

Well, to be honest with you, a prosecutor could get away with damn near anything he wanted to get away with a lot of the judges we had at that time. We had judges who just didn't pay any attention to the rights of the criminal defendants. They relied on the prosecutor to do whatever he wanted to. And McLaughlin said, “Protect the record, protect your record.” And sometimes you had to protect your record from an impetuous judge.

Holtzoff was notoriously one-sided. And Bazelon checked it in some of those trial records, and he laced him pretty much in a couple of opinions. They despised each other. Holtzoff despised the ground that Bazelon walked on, and vice versa. Holtzoff was willful, a willful man. He was a man who kind of really put his foot on the scales in a frightening way. He would summarize the evidence. “Jury, now you have heard the police officer say this, the FBI also says this, and the government chief witnesses, or lay witness, so-and-so and so-and-so. Now of course the defendant testifies so-and-so, now if you believe that, all right, but now” Holtzoff got *Mallory* in the Supreme Court of the United States.

Bill Schultz: That was Holtzoff's case?

Judge Bryant: Holtzoff's case, yeah. I was appointed to represent him, I think by Holtzoff, and it was Holtzoff's case. I represented him.

Bill Schultz: Now Holtzoff continued to like you even after you went into private practice?

Judge Bryant: Yeah, oh yeah.

Bill Schultz: Did you get any tips on how to handle Holtzoff before you first went before him?

Judge Bryant: Yeah. He did not like people to waste time in the courtroom, and to be ready to answer questions if he had any. He didn't have many questions for you.

Bill Schultz: Who?

Judge Bryant: Holtzoff, didn't have many questions for anybody. He ran the show. He was something. You would get a note from the jury. I get the lawyers together right away, and ask the lawyers, show them the note, and we come to some consensus about what the response should be. When I was trying *Mallory*, we got a note, and everybody was called to the courtroom. I knew we had a verdict and was sitting down, leaning up against the table, and my heart was just pounding. It was a capital case, and I don't want to be on the end of that, you know. The reason my heart was pounding, Holtzoff had been very, very one-sided when he gave the summary of the evidence.

I don't summarize the evidence. I tell the jury their recollection was controlling, but I don't tell them what the evidence is. Hell, they heard it when I heard it. So I tell them at the outset what constitutes evidence, I don't see any reason to summarize it.

So I go in and I think we have a verdict. Listen to this. "Ladies and gentlemen, the court has your note, which reads, 'if we find the defendant guilty but don't impose the death penalty can we be assured that he will not be released?'" The answer to that ladies and gentlemen is 'No.' Under our law the penalty for rape is maximum penalty of 30 years unless the jury decides upon

the death penalty. Now if the court imposes 30 years, he also must impose a minimum sentence of one-third of that amount, so the sentence that the court would impose would be not less than 10 nor more than 30 years. Now at the end of ten years the parole board, over whom this court has no control, could very well release this man.” The jury went out and before God could get the news they came back in, “Guilty with the death penalty.”

Now I am satisfied that one of the reasons why I got cert., and one of the reasons why the Supreme Court took it and reversed that case, they never mentioned it, but it was there Bill, it was so terrible. So terrible. He was awful, but he liked me. When I got ready to leave the office, when I got ready to leave Did I tell you about Joe Waddy coming over here and asking me to come in their office? That's when I left.

Bill Schultz: He asked you to come to

Judge Bryant: To Houston & Gardner, to Houston & Houston.

Bill Schultz: Let me ask you a couple of other questions about the U.S. Attorney's Office. Are there any other judges who were particularly memorable in the courthouse at that time?

Judge Bryant: When I was with the U.S. Attorney's Office?

Bill Schultz: Yeah, when you were in the U.S. Attorneys' Office.

Judge Bryant: Yeah, there was Chief Judge Laws, Bolitha Laws, who was a good judge, and a reserved man, and appeared to be a fair guy. There was a fellow named Schweinhaut, Henry Schweinhaut, who was a hell of a nice guy. His work got backed up on him. He wasn't well when I was practicing before him. There was Ed Curran who was very peremptory. Matthew McGuire was on the court. There was a retired congressman from Florida named Morris. James Morris. A very fine man and a very good judge. Richmond Keech was on the court. He had been a former corporation counsel. He was a good judge, a good judge. John Sirica was one of the better ones — straightforward, fair and courageous, I think. There was an

old man from Tennessee named Bailey. He was about as old as I am or older when I first came on this court, I mean in the U.S. Attorney's Office. And he used to come on the bench in his bedroom slippers. He had little earphones and sort of a control panel. He had on his earphones, and he couldn't see very well. Father Time hadn't been too gentle with him.

I was called in his court to try a guy, two guys for robbery, and John and Jean Dwyer were a married couple, and they did a lot of criminal defense work. They represented these guys. And you would go in the court, and they would call, *United States v. John Jones*. Ready for the government. Ready for the defendant. Call the jurors. Old Judge Bailey, he got on the bench, the clerk called the case, *United States v. John Jones*. I said, "Ready for the government." Jean and John said, "Ready for the defense." And the old man wasn't paying much attention, and he looked up, and he saw me, and said, "What are you doing here?" Well, you know, what the hell, it was new to him, and he had never seen a Black guy in the courtroom. He had probably seen very few Black guys in the courtroom on either side of the picture, and there were these defense lawyers there. He probably thought my lawyer hadn't come yet. You know what I mean? "What are you doing here?" And I said, "Representing the government, Your Honor." And that was a line drive deep center field right over his head, but he didn't fluster. And I tried that case, convicted both of those guys, and I think he kind of felt what he had done. He was kind of taken aback. He sent a little note to me which said, "Tried like a seasoned lawyer." That's the only contact I ever had with him, Old Bailey.

But by that time I guess I was much more mature in this business of race relations than the average person, because it had been the subject of in-depth research and examination and discussion with some people who had some sense about the dynamics of race and scapegoating. So I think I had some understanding of it. So I didn't react to this old man in a bitter fashion. He didn't know any better. I will say when I was in the U.S. Attorney's Office I was not treated with any special deference, but I was treated with respect. I got along very well with people. I will tell

you one thing, I tried to be on the ball. I wasn't riding on anything except what was there. You couldn't do that in this courthouse with anybody. So when Rover fired all of these people, Rover didn't fire me. When Joe Waddy came over and asked me, he told me in the office old man Houston had died, and Charlie was gone.

There was nobody over there but him and Bill Gardner, and Bill had just come out of school and was working part-time at the Post Office. Joe didn't have any real experience in trying cases. He came over to me and asked me to quit my job to come over to this place that they wouldn't let me sit in there and study at no cost to them. That's what he did. And I went home, and told Astaire about it. Astaire said, "Well you have got a job." You know security meant something to her. I said, "Well you know those jobs are not really secure, you get fired in those jobs."

But I must say that just the thrill of walking in that office as a full-fledged lawyer I just couldn't I figure that I would let old Charlie turn over a little bit. I had that feeling, I couldn't help it, I really couldn't help it. They were shorthanded and they had a lot of business, and we didn't have a big U. S. Attorney's Office. As I was talking to you I thought about four or five other guys in the office, so it might have been about 35 in the office.

Bill Schultz: When you were in the U. S. Attorney's Office, were there cases that were particularly memorable that went through that office that you worked on?

Judge Bryant: I think so. I remember some incidents. I remember trying four guys for holding up, for breaking into a warehouse up here on 7th Street, and we tried them as co-defendants in Holtzoff's court. And in the middle of trial one of them wanted to plead guilty and this guy was named Gaynor. I never will forget it. He had his eyes kind of off-focused, a likeable guy but kind of crazy. He wanted to plead guilty and I suggested, I told Judge Holtzoff that I understand that one of the defendants would like to plead and I guess before we get started with

all of the rest of them, I guess we could take his plea. And Holtzoff said, “Oh, we will take his plea.”

And he had everybody in the court, jury and everybody else, and he took his plea, and I knew goddamn well that was wrong. And I just knew something was going to happen. And when Holtzoff popped the question to him, he said, “You plead guilty because you are guilty?” Old Gaynor turned around and said, “Well I plead guilty to being with them.” I knew, he was just impatient, he just wouldn't do it. He didn't give a damn. I knew something was going to happen, and the guy said I plead guilty to being with them, and pointed to the other three still on trial. I remember that, it was funny.

Bill Schultz: Now was Roy Cohn in there?

Judge Bryant: Roy Cohn was not part of the U.S. Attorney's Office. Roy Cohn was one of these idiots that McCarthy had. Roy Cohn sought to use our grand jury to indict some people and he came in and we walked across the hall and heard him in there yelling and screaming at the grand jury like somebody making a final summation to somebody.

Bill Schultz: He was in the grand jury?

Judge Bryant: Yeah, as a lawyer he presented a case to the grand jury. You do that, the Department of Justice would send somebody up here to present a case to the grand jury.

Bill Schultz: But he was working for a senator?

Judge Bryant: Yeah, he was working for the senate committee.

Bill Schultz: But he was allowed to address a grand jury?

Judge Bryant: Yeah.

Bill Schultz: That seems kind of unusual.

Judge Bryant: Well I don't know what the score was with him, but he presented a case to the grand jury. Now wait a minute, Bob Scott crossed swords with this boy, or this was an issue. He had a witness to appear before the grand jury as a so-called expert witness and he

wanted the witness paid as an expert. And we wouldn't do it, we wouldn't authorize that, and he had to work through our office. Ultimately Bob told him that if you wanted him paid then you will have to pay him yourself or something. Bob did not present the case. It was another guy out of the Department of Justice who presented the case. I forgot who the guy was. He was in those cases.

Bill Schultz: Now was this tied up with Owen Lattimore?

Judge Bryant: Owen Lattimore was indicted in this courtroom by one of these guys that was in league with Cohn and McCarthy. He was indicted as a Communist agent or something and the case went before Youngdahl on a motion to dismiss. Mr. Rover came out of the office. Mr. Rover, who was the U.S. Attorney, came out of the front office to argue his motion, a high-profile case. And Mr. Rover had come back in the U.S. Attorneys' Office because he was on his way to the district court bench, because he wanted to be a federal district judge so bad he could taste it. So he came out of private practice after 25 years to be the U.S. Attorney, and the next stop was the district court. So Rover came out of the front office with this high-profile case and argued the case before Judge Youngdahl.

Youngdahl was a progressive Republican and former congressman from Minnesota, and a good judge. A hell of a good judge. When Rover argued that case you could hear him from here to Union Station. At one point he turned sideways and put his hands up and said, "Yes there are a number of reasons why you dare not dismiss this indictment," and he peeled them off one, two, three, and four. And as soon as his voice dropped, Youngdahl threw the case out of the court, and of course the dismissal was upheld in the Court of Appeals.

That cost Rover the U.S. District Court judgeship. He was appointed, but he was appointed chief judge of the Municipal Court of Appeals. He didn't get over here, and that cost him. Youngdahl was the kind of guy you didn't cross. Youngdahl didn't like Rover's attitude. Rover was arrogant about it, and he tried to bulldoze him, and the old man didn't go for it. He

held it against him. He had the influence in the Republican circles, and he didn't go. I felt sorry for him.

To show you, Bill, about people, old Holtzoff, John Conliff was a guy who used to go in the courtroom on assignment days. He was a third man in the office, and he was the one who had charge of the assignment court in the morning, when criminal cases would go in, and when criminal cases would be sent out. And there came a time when they were short-handed and the case load was just terrific, and John Conliff and the judges were putting pressure on the U.S. Attorney's Office. John Conliff went to the judges and asked them for some consideration, and to explain things.

He went to Holtzoff, and I gather that this happened. He went before Holtzoff, and he said about how short-handed they were, so-and-so was out sick, and so-and-so was this, and Bryant is leaving the office. And Holtzoff is alleged to have said — when he got excited he would tap his foot — and Holtzoff said, “Why is he going, why is he going, why is he going?” He wanted to know why I was going. Well, Conliff said, “He is going on his own accord.” And I was.

But when I went to Rover, I told Rover about it. I told Rover about this proposition I had, and Rover told me, he said, “Well, I don't want to influence you, but I want to show you something before you go.” He reached in his drawer, and he had a personnel action which was giving me a little raise in pay. “You see I'm not giving you this to influence you, because I know opportunity comes at rare times and that's a good office,” but he asked me, he said, “Well it's going to be kind of hard to replace you.” And he asked me who did I think would be a good replacement.

Now this was the poverty of race relations really, for information. He hadn't thought about any Black lawyer he wanted to bring over here, and I told him, I told him that I knew of a good man, he's not a Republican, and he said, I didn't ask you what he was. He didn't want to

know. And I went to Joel Blackwell. You see Joel Blackwell was a good solid lawyer, diligent worker in the field. And when I went to the Supreme Court with *Mallory*, and then *Mallory* got all of that publicity and what not, it was really undeserving. I really hadn't cut any ground, *Mallory* was the third of the Supreme Court cases that struck down this interrogation while under arrest without representation. There was the *McNabb* case which involved some revenue down there in N.C., which was the first case on throwing out confessions and statements made during detention and what not. There was the *Upshaw* case, *Upshaw v. United States*, which involved the man which had broken into the Walker-Thomas Furniture Co. up here, and went all the way to the Supreme Court involving the same principle, and Joel Blackwell handled that case.

So when I came down with *Mallory* it wasn't a new principle at all. It was a criminal case. It was a rape case which got a whole lot of publicity and what not, a lot of fanfare, but it was the third in line of cases that just reiterated *McNabb* and *Upshaw*.

When I was in high school, Joel Blackwell was in high school with me. Joel was about five or six years older than me. I was 16 when I graduated from high school, Joel was about 20. He came from S.C., and for one reason or another he was not as advanced as we were. He worked in the Printing Office as a government employee when he was in high school.

Bill Schultz: What happened to him?

Judge Bryant: He was a lawyer, and I went to him when Rover asked me about it. I went to Joel Blackwell. I wasn't real close to him, but I knew him. I asked him, "Joel, would you go in the U.S. Attorney's Office?" He said, "You know, I won't be given any consideration, I am not a Republican." I said, "Well, Joel I'm asking you if you would go," and he said he would. I said, "I don't think it makes any difference what you are," and he came over, and talked to Rover, and Rover hired him. He did all right in the U.S. Attorney's Office.

Bill Schultz: Did he stay a long time?

Judge Bryant: He was there for quite some time, I think he retired from there. Joel is still around, he is still alive. And he is close to 90. But I am not telling you this story to tell you that I have got any influence. I didn't have any influence. It tells you something about race. Mr. Rover was not a bad man. He just came up in the District of Columbia in a separate racial pattern, and he just didn't know anybody. And I had tried to produce and apparently I was okay because he was willing to rely on my recommendation.

Bill Schultz: After you left the U.S. Attorney's Office, you spent your career as a defense lawyer. Was there any aspect of being a U.S. Attorney or anything you saw there that made you uncomfortable with that role?

Judge Bryant: No, not really.

ORAL HISTORY OF THE HONORABLE WILLIAM B. BRYANT

Chapter 6

Private Practice: 1954 – 1965

Interview Date: October 13, 1994

Bill Schultz: Judge Bryant last time we talked a lot about the U.S. Attorney's Office. I want to ask you whether you ever asked for the death penalty and what your thoughts were on that issue.

Judge Bryant: I thought I had told you this, but, anyway, when I was in the U. S. Attorney's Office we had the death penalty in the District of Columbia for first-degree murder and for rape. In the case of rape, the jury had the function of imposing the death penalty if it saw fit, and I had a case where a young girl was baby-sitting in one of these apartment complexes and she was about 15 years old. A young Black girl baby-sitting for a white family.

A man who worked on the maintenance staff there went into the apartment and ravished this girl. He raped this girl. When I got the case and it developed, I got involved in it, I guess more than I should have. I was offended by it. Usually I get in a case and try it and I don't have any emotional involvement, but what this guy did to this little girl kind of got to me. I didn't like it. I thought it was the kind of thing that he should be put to death for. I had never thought about the death penalty prior to that time, but it was available. I was mad.

I went to trial and I put it to the jury that it would be a good idea to make it safer for society to get rid of him. And then I went down to my office and was waiting for the verdict and I was doing something else and not long thereafter, pretty shortly thereafter, I got a call that the jury was in, you know, the jury verdict. And it was in Judge Letts' courtroom on the second floor.

When I got the call that the jury was ready; I know that I broke out in a sweat. I got so scared. I got scared to death. I realized what might happen and I lost my nerve. I told Vic Caputy

— he had the office next door to me – “Vic, take my verdict, I got to do something.” Vic went upstairs, and then I went upstairs and looked in the courtroom from the outside, and I saw the jury come back in and the foreman stand up. And I saw the clerk read, and I couldn't hear anything, but I saw the jury foreman move his mouth once and he said guilty and nothing else.

I don't ever remember being so relieved in all of my life, and then I realized what the death penalty was really to me. Now I didn't have any question in my mind about this guy's guilt – no question in my mind about it. And he was. He was found guilty and the evidence was overwhelming against him. But at the same time, I was worried that that jury might bring back the death penalty against that man and I got scared. I didn't like that. I don't like the death penalty.

Bill Schultz: What made you so concerned, do you think . . .

Judge Bryant: About that?

Bill Schultz: About the death penalty.

Judge Bryant: Well, I had heard of cases where people had been sentenced to death who shouldn't have been sentenced to death. They had a case, for instance, in the District of Columbia where a man was sent to the electric chair, and I don't think he should have been sent to the electric chair. He was a custodian or custodial worker at the Washington Cathedral. He went up there, and was doing his work, and there was a library or librarian or something up there, a young white woman, who allegedly scolded him about some work that he was doing or hadn't done or something of the sort. In the process of doing it she was alleged to have called him some kind of nigger, and one word led to another, and he got mad and hit her. He hit her with a table leg or something, a piece of wood, and she died.

His name was Fisher, I think, and Charlie Houston defended him. Charlie Houston defended him and Charlie's defense was mental capacity, insanity or something of the sort, temporary insanity or something of the sort. The jury convicted him of first-degree murder. I

don't think that under the law the first-degree murder count should have gone to the jury, because there was evidence of passion, you know, no premeditation or anything like that. This man worked up there, it was a matter of sudden heat or passion or what not — certainly no first-degree murder, deliberate premeditative murder.

The judge let it go to the jury. I think it was Holtzoff, I'm not certain. That was one of the cases that I thought was a bad case for the death penalty. Then I had heard of people who were perfectly innocent who had been executed. I realized that I just didn't want to be the catalyst in any situation where somebody was killed. I figured that if I didn't ask for the death penalty the jury wouldn't have brought back the death penalty, and if they had brought back the death penalty I would have felt directly responsible, and that's something I can't live with. I never will forget that.

Bill Schultz: When you practiced law did you ever have a client who received the death penalty?

Judge Bryant: Yeah, Mallory. Mallory was sentenced to death. The jury went out, and I was appointed to represent Mallory. Well, the jury went out and when they came back in they asked Holtzoff a question, if they found the man guilty and don't impose the death penalty will he be out or what can happen. When we got word to return to Holtzoff's courtroom, I thought that we had a verdict. I was sitting at the table and I never will forget it. I was sitting at the table like this, and realized my heart was beating. I had to get away from the table.

The jury came in, and when the jury came in I thought they were going to return a verdict, and Holtzoff said, "Members of the jury the court has your note which reads that 'if we find the defendant guilty and don't impose the death penalty will he be . . .'" what happens or something of the sort. "And the answer to that question is 'no.' The answer to that question is this, if the jury finds him guilty and doesn't impose the death penalty then the court must sentence him to a term of not more than 30 years. But at the time that the court sentences him to

a term of not more than 30 years, the court also must impose a minimum sentence so the sentence would be not less than ten. The minimum must be one-third of the maximum and the sentence would be not less than ten years nor more than 30 years. And that means, of course, that at the end of ten years the parole board, over which this court has no control,” The jury went back, stayed about three or four minutes, and came back and found him guilty with the death penalty.

I think that is one of the reasons why the Supreme Court took the case because of the death penalty. And you know, that kind of weighed very heavily on me from that time on. Then I went to the Court of Appeals and I got this two-to-one affirmance and Bazelon dissented. I finally got to the Supreme Court, but until the time this guy's conviction was reversed, I mean you know I had a lot of moments thinking about Mallory going to the chair. Those are my two experiences with it and I didn't like it. I never was called upon as a judge because when I got to be on the court, I think the death penalty had been abolished. I never had a death penalty case. But I had two skirmishes with it, once as a prosecutor and once as a lawyer, both sides — as a prosecutor and as a defense lawyer.

Bill Schultz: You got out by the skin of your teeth both times.

Judge Bryant: Skin of my teeth both times, that's right. No kidding, no question about it.

Bill Schultz: Now when you left the U.S. Attorney's Office to go into law practice, were there any experiences you had there that were particularly valuable?

Judge Bryant: You mean in the U.S. Attorney's Office?

Bill Schultz: Yeah.

Judge Bryant: You see, in the U.S. Attorney's Office. Well let me put it this way, before I went into the U.S. Attorney's Office I had a lot of courtroom experience but most of that courtroom experience was in the Municipal Court over here. It wasn't in the felony court, it

wasn't in the U.S. District Court. And then when I got in the U.S. District Court I was exposed to all of the common-law and federal criminal jurisdiction and we tried cases day after day after day. Also, I had that three or four months in the grand jury, which is a good experience, but when you got in the trial section and trying cases every day, every day, every day. Well, let's put it this way, out of a month you might find yourself not in trial maybe three days. With that constant trial experience, you had to gain a lot of experience in trial. So I had that experience.

Bill Schultz: What about the experience in dealing with police officers?

Judge Bryant: Well, I had good experience both in the private practice before I came in here and after I left the U.S. Attorney's Office. We had a pretty good police department. These guys were pretty good people and we had pretty good professional groups on the robbery squad and the homicide squad and the general what did they call it, the housebreaking and general assignment squad. I never had any problem, except I did get a shock when I was trying a house-breaking case.

Three hoodlums had gone into one of these furniture stores up here on 7th Street and burglarized it. They were on trial, and during the defense one of them got on the witness stand and was testifying and he wasn't making any hay so far as I was concerned. I was satisfied that the case was whole, but when the court broke one evening I went down to the office. And while I was down there a detective in the case came down there and sat down and said, "Mr. Bryant, why can't I testify that so-and-so?" I was on the phone and I kind of got a little disturbed. I didn't look at him. I said, I never will forget the guy — I won't name him, but his first name was Dick — I said, "Well, Dick, did it happen?" He said, "Well, no it didn't happen but he's out there lying, you know damn well he's guilty." And I said, "Well, I guess if it didn't happen I guess that's some kind of reason why you can't testify to that, I think we are doing all right."

That was the first time I had that offer made to me, but it came from a guy who had been on the force a long time. He wasn't a bad guy, but he was satisfied, and I was satisfied too. There

wasn't any question about this guy's guilt, and the guy was lying. But we didn't need that kind of help, you know what I mean? But he was outraged by it, and he wanted to testify. And of course as a lawyer, before I came over here, I had caught policemen lying.

The fact that they would commit perjury wasn't any great surprise to me. But that wasn't widespread. At that time I will say that that was not widespread. I mean I have had policemen come in and it was easy enough to lie, but they wouldn't lie at all. They would be straightforward about what happened.

Bill Schultz: Did you ever have any policemen lie that were your witnesses in a trial?

Judge Bryant: No. And I asked guys. You see I never tried to groom a witness. When I had a police witness I figured he had some training and I would bring him in and ask him, what happened, and listen to him. Then when he got through, if there were some questions I wanted to ask him, I would ask him. But I would make certain that he would just tell me what happened. If you ask a guy what happened, he will come out and tell you. I never had any experience, I never had any policeman offer to lie to me but once, and I don't think that I put on testimony that was not straightforward when it came in. They had a pretty good police force.

Bill Schultz: So after you had been in the U.S. Attorney's Office for what four or five years, you got the opportunity to go to work for the Houston firm. Tell me how that came about.

Judge Bryant: Well, to be perfectly frank with you, it was kind of shocking to me. I was in the office working and one day Joe Waddy, I think he came to see me, or asked that we get together. He came to me and asked me about coming into the law firm. And I was kind of surprised because I told you about the experience I had when I tried to go in that law firm. I mean just as a student, I got rejected. I told you that. And I was completely surprised.

Joe came because of this. When he went into the law firm there was old man Houston and Charlie Houston and Joe was the third man. And then Charlie Houston died and they brought in Bill Gardner. Bill Gardner was a Harvard Law School graduate and I don't know the circumstances under which he went into the office. But they brought Bill into the office. So there was Mr. Houston, old man Houston, Joe, and Bill. And then Mr. Houston died. When Mr. Houston died that left just Joe and Bill in the office.

There wasn't a lot of business there when old man Houston passed away. I think the clients he had probably went somewhere else. I don't know how much prominence Joe had developed with the public and Bill was relatively new. So they had some civil practice, but it wasn't lucrative of course. They didn't represent any firms and business organizations and there wasn't any criminal business at all. Joe didn't handle any of that. And Bill hadn't been in the courtroom for any purposes, really. And I told him, "Yeah."

I don't know why I did that. I talked to Astaire about it. I had the two kids, and I was on this payroll over here and I had some responsibilities. But at the same time, I really had always wanted to be independent. I had always wanted to be independent and I was willing to take some risks to do that. Astaire was apprehensive about it and I was too, but I went over to that office and two things attracted me to the office.

I had never met Bill Gardner. But I met him and kind of instinctively liked him. And Charlie Houston had a well-equipped law library. They had the front office and in the back — they had one floor of a building — and in the back of that building — it was a long building — he had a library. They had in that office F.2d up-to-date, L.Ed of the Supreme Court Reports up-to-date and you know with the service, West Publishing's advance sheet service, and our Circuit's up-to-date stuff, Am.Jur., up-to-date, and that's a pretty good library for a small office. No Black lawyers had any office equipped like that.

Of course I had been over here and the law library was on the third floor. I have always been at home in the library, and I use it a lot. And that library over there attracted me. We would work in that office without going out a lot of times. And I must say this, I guess, being human, I was kind of attracted to the situation because of the history of my relationship. I just said to myself, well I be damned, you know what I mean. I just felt that way about it. And I went in the office and that was one of the motivating reasons. It really was.

Bill Schultz: Now you practiced with Joe Waddy who became a judge, Bill Gardner who became a judge, Ted Newman

Judge Bryant: And Ted Newman was in the office while I was over there for a little while and he became a judge. And the rest of the people who were in the office and became judges came after I left. Like Annice McBryde, another boy named Gardner, who is no relation to Bill who is over there as a judge, and Emmet Sullivan who is a judge. They were all in that office. Isn't that funny? Per capita they have produced more judges than any law firm in the city. I guess in the country.

Bill Schultz: Wasn't Judge Hastie in that firm?

Judge Bryant: Yeah, Bill was in that firm. Bill was there when I was in law school. He was teaching and was in that law firm.

Bill Schultz: And was Spottswood Robinson in that firm?

Judge Bryant: No, Spottswood went to Richmond, he went back home when he got out of law school. He practiced in Richmond and then he went to the Defense Fund in New York.

Bill Schultz: And Justice Marshall?

Judge Bryant: Thurgood, no. He was not in the office.

Bill Schultz: Can you tell me a little bit about Bill Gardner, Judge Waddy and Judge Newman?

Judge Bryant: Joe was the oldest one. He had been in the office a long time. Bill was relatively new and at the time Bill was working in the evening at the Post Office. But he was a good, solid lawyer and paid attention to whatever business he was working on. He would leave early in the evening and go to the Post Office, I think he would have to be there at 4:30 or 5:00, I don't know. But he worked over there, I think, four hours a night. And then he left there and came back to the office. That was his routine.

He did it time and time again, because I have been in the office when he went to work, and I have been there when he came back. He did that for a couple of years after I went there. I know he did it for a couple of years. I will always say that Bill Gardner had the best legal mind I have ever encountered. A good, solid guy with a lot of common sense. A good lawyer. I loved to practice with him. It was a good office and I got involved with a lot of things.

Bill Schultz: Was Joe Waddy a little older than you?

Judge Bryant: No, I think Joe might have been a couple of years younger than I. I think we were within a couple of years of each other.

Bill Schultz: Did he go to Howard?

Judge Bryant: Joe went to Lincoln. He went to Lincoln up in Pennsylvania and then he went to Howard Law School.

Bill Schultz: But you didn't know him in law school?

Judge Bryant: No.

Bill Schultz: Now, 1954 was the real turning point, the time of *Brown v. Board of Education*. I want to ask you about your memories of that year and the decision.

Judge Bryant: Bill, I really don't have any stakes to hold onto there because I was in this office when that stuff was developing and I don't know whether I was in the office here or had left the office when the decision came down. The decision came down at the end of the year, didn't it? I don't know. But I remember that there was a lot of rejoicing in the office. I remember

discussing it with Frank Reeves who was practicing law at the time and a handful of lawyers around.

Bill Schultz: Were you surprised that it was unanimous?

Judge Bryant: Yeah, I think we were. We were surprised that it was unanimous. I was surprised that it was unanimous. But I don't think I followed the Court real closely. I hadn't been following the Court to any extent then. I started following the Supreme Court very closely after I got out of the U.S. Attorney's Office. After I got over there the courts really meant a whole lot. You got interested in the personalities and the records, and so forth and so on.

On Saturday, I got this habit from Bill Gardner, Saturday morning was our sitting-down day. Our sitting-down day was this kind of thing. We had the slip opinions coming in from F.2d, and the Supreme Court, and from the District of Columbia Municipal Court of Appeals. So on Saturday mornings we would go down and read the slip opinions and then we would go to lunch. And unless there was some actual work that had to be done, that was our day. We used Saturday — it was a good day — we used Saturday to read all of the slip opinions, and then we would talk.

That's when I became aware of who wrote the opinions and how the mindsets were, and so forth and so on. And then later on when I got *Mallory* and got a chance to argue at the Supreme Court and I met the law clerks — Dan Rezneck and a boy named Cohen — I think he clerked for Frankfurter. And then I don't know, that kind of grew on me.

Bill Schultz: Now when *Brown* came down do you remember, did you have any sense that it was going to change your life or affect your life in any way or the lives of your children?

Judge Bryant: When *Brown* came down I had some idea that it might affect the lives of the children. I didn't give it a hell of a lot of thought. Chip went to St. John's High School and Penny went to St. Anthony's. And I think that those high schools had been integrated

to some extent before *Brown*. They weren't public schools. And I think Astaire had the idea that was going to happen to them anyway. So I don't think I realized then that this was going to be a big difference to me.

I think that the implications in *Brown* were that, we, as I recall it — when I say we I'm talking about Spottswood and Joe and Bill and Frank Reeves and a handful of us, George Hayes, who was following the stuff that was going on. We had the feeling, that well, the walls are crumbling now. Really going to clear the field, level the field. And we were pretty happy about that, pretty happy about that.

I remember Frank Reeves and George Hayes. George Hayes had been in the picture a long time and I remember him saying, “Well I can finally get my breath a little bit.” He's a good lawyer. And George Hayes went to Brown University. I think he got his law degree from Howard University, but George Hayes was as good a lawyer as you are going to find anywhere.

Bill Schultz: Where did he practice?

Judge Bryant: Right next door to me, 613 F Street.

Bill Schultz: Oh, he had his own firm?

Judge Bryant: Yeah. Cobb, Howard, Hayes and Windsor. He practiced with old Judge Cobb, and Perry Howard was a Republican national committeeman from Mississippi. You know, when the Blacks had that little uninfluential political organization in the South in the post-Reconstruction South, all the Blacks were Republicans but it didn't amount to nothing but old man Howard was a wheeler-dealer from down South. He and a fellow named Montague Cobb who was a Municipal Court judge for a while and George Hayes practiced together for years. Next door was old man Houston and Charlie was there for years.

ORAL HISTORY OF THE HONORABLE WILLIAM B. BRYANT

Chapter 7

Private Practice: 1954 – 1965

Interview Date: October 20, 1994

Bill Schultz: I want to ask you some questions about the private practice of law and your experience in the law practice. I thought I would start out by asking you to describe what kind of practice it was. What was the mix of criminal cases and civil cases? How did the business come in? What was the law practice like?

Judge Bryant: Well, when I first became a member of the bar when I first came to the practice, I was working out of Wesley Williams' office. He had allowed me to come there and study, and when I passed the bar he pushed me into the practice, and he pushed me over into the Municipal Court. The Municipal Court was the court that handled misdemeanors and preliminary hearings on the criminal side and civil matters up to — at one time I think it was \$3,000 and then it was \$7,500 — the limitations.

His office was on 5th Street, right across the street from the court. He would tell me, "Go and sit up front where the lawyers sit." In these places they have three or four benches up toward the front of the courtroom reserved for the lawyers to sit there and they would get appointments from the court to represent people who came up charged with different crimes because they didn't have any lawyers. And Wesley said, "I introduced you to the courtroom clerks, they all know you are over here, so go on over there and the judge will appoint you to some cases."

And that horrified me, I just couldn't imagine really representing anybody sure enough in a real situation. So I would go over to the courthouse and sit in the back of the court or in the middle of the court and watch what happened. I watched the proceedings, watched the guys get appointed, and they would take over some cases. They tried misdemeanors in that courtroom right there, or you would get a jury trial in one or two.

And also those judges over there were the committing magistrates for felony cases. In other words, they conducted preliminary hearings for felony cases that came over here. So I would go back to the office and Wesley would say, "Well, did you I get any cases today?" And I would say "No." And he would say, "Well, what happened?" I would confess that I didn't have enough nerve to sit up front.

So finally I got enough nerve to sit up front, and I got appointed to represent some people in various situations, and, as you might suspect, these people were in trouble because for the most part they had no money, no means, and whatever fees you could extract from them you were lucky to get. I mean, somebody could say I'll pay you \$25, or \$50 and I got \$10 of it now, I mean you took them at their word. It was just that bad.

Bill Schultz: Your whole fee came from the client? Even though court-appointed, you didn't receive any money from the government?

Judge Bryant: Oh no, at that time we didn't have any compensation for lawyers. It was catch-as-catch-can and some lawyers spent their time doing that all of the time. I didn't have any civil business at all. And I was over there until I came in the U.S. Attorney's Office in 1950, I think, late '49 or '50. That sticks with me.

Bill Schultz: And then you went into the Houston firm, in '54.

Judge Bryant: I went into Houston when I left the U.S. Attorney's Office.

Bill Schultz: And what sort of practice did you have in the Houston firm?

Judge Bryant: Well, they had a little probate work, from old clients in the office. They had a little negligence practice, and people came in with their little traffic accidents and product liability stuff. Not a lot of it, but they had a trickle of that.

I left the U.S. Attorney's Office, and as soon as I got over there every Monday morning there would be a letter in the mail appointing me to represent somebody who had been arraigned in the U.S. District Court on a previous Friday. Friday was arraignment day. It was a thing where

the court would appoint you a lawyer, and the clerk was directed to appoint Mr. Bryant. Mr. Bryant was on the minds of a lot of these judges around here because I had just left the U.S. Attorney's Office, prosecuting cases, so they thought about me and sent me these cases.

Bill Schultz: But you didn't get paid?

Judge Bryant: No, no, no. No pay at all. And I never had any skill at collecting fees out of people. I never developed that business, and most of these people were in trouble because they didn't have any money. And I would jump right into the business of giving them my best effort without spending any time on trying to arrange any fees from them. So in most of these cases there were no fees.

And at that time, of course, the only appointments that came out of the U.S. District Court that involved any fee was the civil matters where there would be an estate or something or somebody needed a guardian ad litem. You would get appointed to be a guardian ad litem or some other court officer, you know in the course of civil probate, they would appoint a lawyer. Well, they would do that, and unfortunately that's where the real fangs of discrimination really showed because if you got appointed to any civil case it was to represent somebody in an uncontested divorce case where somebody would come in for the divorce, and the person would not answer the divorce, you know, file suit and nobody would answer. Well they would have to appoint somebody to represent the defendant usually for \$25. And the guy who was getting the divorce would pay you to represent the defendant. You would get appointed to that if the parties were Black. And every now and then to one of these little guardian things.

Bill Schultz: So how did you make any money?

Judge Bryant: If the case really involved any money, if there was any money involved it didn't come to you, it didn't come to a Black lawyer. It went across town to some lawyer who never saw a criminal case in his life, and nobody ever appointed him to a criminal case. That was bad. And I suspect when the United House of Prayer, when Daddy Grace died

and there was a scramble by these various people to be the successor and take over the reins of that church, and a lawsuit was filed. George Hart called me over to his chambers and the lawyers were there and he appointed me as the receiver for that church. And I was supposed to take over the assets and determine who the rightful successor to this man was and wrap that matter up. He appointed me to do that, and for one solid year that's all I did. I had to take care of all of their properties, and what not.

Bill Schultz: How big an estate was it?

Judge Bryant: Well, he had property all over the country. He had valuable property in the District of Columbia. He had 6.8 million dollars in cash over here in the vault at American Security Bank. It was a sizeable estate. And I handled it. I didn't have any bitter litigation. I collected the assets and found out the value of the stuff all over the country and had the taxes paid and everything. Conducted the election democratically, installed the successors, turned in my bill for \$32,000, and everybody was happy. I suppose, well everybody told me, a lot of people said, "Are you crazy, you spent a whole year with this man, that's all you did." And that's true, I didn't do anything else. Couldn't do anything else because housing violations, and this kind of claim, and setting up the ballots and notifying the people. You know what I mean, I was running that church for a year. And did a pretty good job, I guess. But anyway, that was a big fee. That was the biggest fee any Black lawyer had ever gotten out of anything around here by virtue of appointment of the court.

Bill Schultz: That was near the end of your time in private practice. Yes or no?

Judge Bryant: I guess so, I don't rightfully know. It probably was in the middle. I guess it was about three or four years before I came on the bench.

Bill Schultz: How did you make a living?

Judge Bryant: Well, there was a little bit of money that came out of some of these criminal cases that I was appointed to. Not much, but I got a little reputation for being a fair

lawyer and at that time, of course, persons charged with crime who had some money were the gamblers. I mean the so-called numbers operators, numbers people, and they conducted the lottery game. Of course, we had that hypocritical war on crime at that time, and the numbers writers and the numbers backers were looked upon as a very terrible bloodsucking parasite robbing poor people out of money that they couldn't afford to spend, and so forth and so on, which is ridiculous. The numbers game was a poor man's stock market, that's all that was.

People over across town were dealing thousands and thousands of dollars playing the stock market, and these poor people, who were mail carriers and bricklayers, were playing two cents on the numbers. I represented some of those people, and they had some money to pay.

And the little civil business, clients began to come. I don't know why, but clients began to come. They weren't big cases, but a kind of steady flow of people began to come to the office.

Bill Schultz: How did it compare financially with working in the U.S. Attorney's Office?

Judge Bryant: Well, when I left the U.S. Attorney's Office, I think I may have been making \$3800 a year, or something like that maybe, less than \$4,000. The money that I made in the law office was sporadic. Many days, there were several weeks when we would pay the secretary, and then we would split up maybe \$150, so that we could go to the grocery store that weekend. It was kind of lean. I got involved in two or three high-profile cases that really helped us all in the office.

Bill Schultz: Because they brought other clients or because they paid well?

Judge Bryant: Brought other clients, and they were kind of notorious cases for the community at that time and the results were kind of outstanding. And there came a time when really people starting coming to the office. Not all of them had big fees, but we had people coming to the office.

I never did develop the knack of collecting fees like a lot of people, and I couldn't put anybody on any hourly rate, you know what I mean? We didn't have those kinds of people to charge, to put people on the meter, nothing like that. The only time that I could have, put somebody on the meter, was the church. And I didn't have sense enough to do that, really, at any rate.

But I got involved in a couple of cases that attracted some attention around here and people began to come to the office, and as I say, I had more business than I had money. I mean I had a lot of business and it wasn't all as lucrative as it would appear. When the word got out that I was being considered for the bench over here, I used to hear people say, "Can Bill Bryant afford to take that job?" Hell, I couldn't afford not to. I wasn't making that kind of money. I guess without bragging, I guess I had a hell of a reputation when I came on the bench. I had been involved in some cases that were kind of notorious. I had been the lawyer in a case where . . . well, I was appointed to represent Mallory for instance.

Bill Schultz: List me those cases and then maybe I will go through them with you.

Judge Bryant: Well, *Mallory*, was one, *Killough* was another. *U.S. v. Matthew Harrison* was another. *U.S. v. John Winston* was another one. *United States v. Monroe Gregory* was another one. Those were high-profile cases and really created a kind of updraft for clients coming to the office. And there was some civil stuff, domestic stuff, negligence stuff, and now and then another what they called paying criminal business, the gamblers, abortion. There was a time around here that the gamblers were looked upon as the scourge of the earth and an abortionist, if a doctor got caught performing an abortion, he went to jail. He had to go to jail, there was no question about it. I represented a fellow, I was not known as an abortion lawyer, I represented a guy who was charged with abortion, only one. But it was a kind of notorious case in the way it ended.

Bill Schultz: And what was that case?

Judge Bryant: I am sorry I won that case because the guy within the next two or three days was killed. I grew up with a fellow named Monroe Gregory. He was a year older than I was. He was the son of a professor at Miner Teachers College, one of three children, a very bright boy, a doctor.

Bill Schultz: This is the abortion case?

Judge Bryant: Yeah. And he got to living a little fast and above his means, I think, and he performed some abortions. He was a good doctor. He was always a bright boy. He was a good doctor. And he never had any real problems. People did not get sick from that type of thing. But he had performed some abortions.

In one case he had aborted a woman who had two kids, and they were in their teens, in their middle teens. She worked in the government. Her husband was a guard at one of the government buildings. He was not an unfaithful husband, but he kind of caroused and did some gambling. He wasn't a good husband, but he wasn't unfaithful to her in terms of cutting out on her.

But she became pregnant, and she was working, she had had her children, raised her children, they were up and out and she got this government job, she became pregnant after her youngest child of the two was 15 and she didn't want any more children. And she aborted.

There came a time when the husband got kind of trifling and she divorced him. And he resisted the divorce and during the course of resisting the divorce he accused her of having this abortion. Somehow or another he lost the divorce case, and during the course of that divorce case Monroe Gregory was called as a witness, called in as a witness to try to make him say that he aborted this woman or something. The upshot of it was that he lost the divorce case. Now I had nothing to do with that. I didn't know anything about that at all.

Bill Schultz: Tell me why did Monroe Gregory testify?

Judge Bryant: I don't know. He was called as a witness, or he wouldn't testify, I don't know what it was. He was either a witness or was called and wouldn't testify or something of the sort. He wouldn't cooperate with that husband. So Monroe was charged with aborting a young girl, a young girl, a nice little girl. She got pregnant, her mother got panicky, I guess she was about 16 or 17 years old, a nice little girl. And the young boy she was involved with wasn't a hoodlum. They were just two kids that had gone astray.

The mother got panicky and took her to Gregory, and Gregory aborted this girl, apparently. He had a house down in Annapolis, where he used to stay from time to time, and after he operated on this girl, whatever he did to her, the girl started to hemorrhaging. And she got panicky and the mother took her to him down to Annapolis, and he took care of her and sent her back home. He told her to go home, and get off of her feet, and he would call in a prescription from that drug store up at the top of hill out in Anacostia and have it sent to her and she would be all right. And she was.

But somehow or another it came to the attention of the authorities that he had aborted this girl and they charged him. And of course the parents and the girl and everybody else were kind of reluctant witnesses, but they were witnesses anyway. They had to come. Monroe was charged and I was his lawyer. He was known throughout the professional, the Black professional class. His mother and father were teachers and his friends were doctors and teachers and the so-called upper-class of Negroes in Washington at the time, well-known. Everybody knew Monroe, everybody knew Francis.

Francis was a Case Western Reserve engineering student and his sister was a teacher. They were fine people. Everybody wanted to testify as character witnesses. Everybody wanted to testify as to his character. I couldn't put any character witnesses on. It came to the courthouse. When Monroe went to trial they came to the courthouse and sat in that courtroom, Judge Morris'

courtroom. I was kind of up a tree, with what I was going to do in that case, and really kind of flying blind.

They put that little girl on the stand and she testified about going to his office on 2nd Street, and what he did, and then she went to him again, and what he did, and she didn't say anything at all about going to Annapolis. I mean she didn't say anything about it.

Apparently the prosecutor didn't know about the visit down to Annapolis. So when he got through putting on his case with this little girl, and she told what had happened on the many times that she had visited him, she said she thought it was three times up here. I always figured that the facts as they were would either get me in or out, and I took the bull by the horns and questioned this little girl very nicely — she wasn't hostile at all. I asked her, I said, “You went to him on 2nd Street, and that's the first time you went to him?” “Yeah.” “And then you went to him another time?” “Yeah.”

I said, “Well, now, Dr. Gregory lived down on the beach sometimes, he had a house down near Annapolis, did you know that?” She said, “Oh yeah.”

I said, “As a matter of fact, you hemorrhaged, you were hemorrhaging and your mother took you down to see Dr. Gregory down at the beach didn't she?” And she said “Yeah”.

I said, “And he took care of you and treated you and sent you back home and told you to go home and get off your feet and he would telephone some medicine to you to be delivered by Phillips Pharmacy up there, you know where the pharmacy is.” And she said, “Yeah at the top of the hill.”

I said, “You did that, you went home, didn't you? And the medicine was delivered to you wasn't it?” She said, “Yeah.”

I said, “Why didn't you tell us about that, honey?” I said, “What are you trying to do?” You know what happened?

Vic Caputy jumped up in the middle of the courtroom and said, "Your Honor, the Government moves to dismiss this case." He hadn't lost the case; he was embarrassed; he was mad; you know how he was. "Your Honor, the Government moves to dismiss this case," like a bolt out of the blue.

I couldn't believe it. He dismissed the case. He was ticked off because apparently it embarrassed him. It was his witness and he got mad. "The Government moves to dismiss this case." "Motion granted." Hell, everybody went out of the courtroom. My feet never hit the ground.

Bill Schultz: You were a local hero.

Judge Bryant: And I'm telling you the cream of the crop, so far as the legal community, was there. I mean retired teachers and professional people like that. They thought I was the greatest thing in the world. Now the next day or two days later I had to go to Walter Reed Hospital to get some medical records involved in some civil matter that we had. I went out there and poured through the records and came downtown and drove through Florida Avenue coming to the office.

I saw a crowd on Florida Avenue in the block that Monroe Gregory had his office in. You know, maybe 25 or 30 people. I knew something had happened. Police car was out there. I saw a policeman I knew.

I said, "What the hell is going on down here?" He said, "A guy just shot and killed Monk." I said, "What?" "A guy just shot and killed Monroe Gregory and he went around the corner in the Gage School yard and put a gun in his mouth and blew his brains out."

I said, "Well I be goddamn."

Now I don't know what the score is. I go down to my office and when I walk into the office Miss Gordon says, "Call Dr. Gregory." I said, "Where? He's dead." She said, "What?" She said, "He called you this morning."

I don't know why he called me, and this is what happened. When I was trying this case I saw this dark-skinned fellow with a moon-face hanging around the courtroom. And I saw him with Vic Caputy a couple of times. And I didn't know who he was. He was hanging around the courtroom and he never came in the courtroom, and I asked Monk, I knew something was wrong, I didn't know what the score was, why he was hanging around the courtroom and he was with Vic a couple of times.

I said, "Monk, who in the hell is that, do you know him?" He said, "Yeah, I know."

I said, "Who is he?" He said, "He is "Mr. So & So, he is the husband of some woman," and then he told me what had happened. He was waiting to take the witness stand if I put on any character testimony. I knew what he was doing. I couldn't put on any character testimony, Monk was an abortionist, I couldn't do that. Wasn't thinking about it.

Bill Schultz: You couldn't do it. Why?

Judge Bryant: Put any character witnesses on for him because he was an abortionist. I don't flimflam with the court. I know very well that if you get somebody that you know he did so-and-so and get this man. Anyway, when that man walked out of the courtroom, this fellow apparently lost his cool and he went up and killed him. But that was a case that ended in television-style, notoriety. That's a case that a lawyer doesn't get ahold of. That doesn't happen in real life ordinarily. The government moves to dismiss this case. The first witness gone, boom.

So that threw some business, and then we had a case where, you know vice, numbers and prostitution and whiskey and controlled substances all of these things breed corruption in high places. And during those days the war on gambling was around, naturally the police department had corrupt people in it. So the captain of the gambling squad, a guy named Monroe, and one of his top-ranking sergeants named Taylor were found out to be in cahoots with the gamblers. It was found out that the gamblers were paying them off.

That developed because an undercover lieutenant ran a sting operation. Ltd. Thurman ran a sting operation for Inspector Lutts, and as a result of it they got eleven gamblers to give Thurman \$1,000 a week in order to operate without any police interference. And among these gamblers was a guy, one white guy named Smith, they called him White Smittey. There was another guy named Anderson, a Black guy. They called him "Geechie Charlie." There was a guy named Bernie King. There was a guy whose last name was Jackson; his nickname was Booze or something. And there was a guy named John Winston, and I went to grade school with "Lefty Winston." There was a guy named Roger Simpkins. Roger Simpkins was known as "White Top" around here. He was a top numbers guy. And there was Captain Monroe and Sergeant Taylor. They were all codefendants in this gambling conspiracy thing.

Top prosecution, and I represented Lefty Winston. And in the course of the development Thurman had contacted these guys and he had contacted Anderson, and Anderson said he would meet them out here at the end of the District line at Eastern Avenue and Bladensburg Road. And he said to Anderson, "What about Lefty, haven't seen Lefty, I thought Lefty was going to get in touch with me." Anderson said, "Well I'll tell him Lieutenant." He said, "Well tell him to get in touch with me, tell me it's important to him."

So the next week when he met Anderson to get his \$1,000 he said, "I haven't seen Lefty yet." And Anderson said, "Well, Lieutenant, I told him, but Lefty is down at Rosecroft, you know where they have the trotting races and I think he has a connection down there and he's making some money and he's kind of hard to pry loose."

He said, "Well tell him he better see me." He said, "Okay, well I'll tell him, Lieutenant."

He met him a third time and Thurman told him, "You know I haven't seen Lefty yet." He said, "Lieutenant, I told Lefty to see you," he said, "I'm going to see to it that he get here."

So sure enough, Lefty contacted Thurman and met Thurman out there at Bladensburg Road. Thurman was wired for sound, and Lefty was not a good conversationalist. You talk to Lefty, you have to pull it out of him, do you know what I mean?

And Lefty said, "I understand you want to see me lieutenant. What's happening?" He said, "Well you know the boys are all falling in line," so forth and so on. "There's no point in you hanging out there by yourself." And Lefty said, "Well, what you talking about, Lieutenant, what you thinking about?"

And Thurman said, Thurman had a low froggy voice, "Well, a \$1,000 a week is what's happening." And Lefty said, "A \$1,000 a week, as if the world had come to an end and I know Lefty was cheap."

He said, "\$1,000 a week."

Lefty gave him \$1,000 a week on eleven straight weeks, and they indicted them all for paying off and the Captain and the Lieutenant were involved in it too.

So I'm sitting up there in the courtroom with the top lawyers in the city, Rob Thurston had two lawyers, he had George Hayes and a guy named Jack Burnett. So when we tried that case, we tried it for 22 days. My defense was entrapment.

I had represented Lefty once before when he was charged with a numbers violation and he couldn't make the case on it. And they tried to arrest him another time and had to let him go because they didn't have the evidence on him. And I always try to squeeze the facts out.

Bill Schultz: I hope you were getting \$1,000 a week then.

Judge Bryant: No, I wasn't getting it, I'll tell you about that. So on my cross examination of the Lieutenant and the top man, Inspector Lutts, Inspector Lutts and Captain Layton. Captain Layton was in charge of the gambling operation, Lutts was in charge of the whole moral division. Lutts was hard nose, and Layton was hard nose.

So in my cross examination of Layton, I said, "Did you monitor that situation, and Thurman was reporting to you the progress?" He said, "Yeah."

I said, "You knew that he had indicated to Anderson that he should get Winston to come to him, you know that." He said that was so, and Layton was a witness who testified like an FBI agent.

So I said, "Now there came a time when you found out that Thurman had made contact with Lefty Winston, is that right?" He said, "Yeah."

I said, "But let me ask you this," I said, "You know Lefty Winston as a gambler, don't you?" He said, "Yeah."

I said, "When you arrested him up at 1628 O Street, year before last at Barbara Towles's house you were satisfied that he headed up that operation, weren't you?" He said, "Yeah."

I said, "But you didn't have enough evidence on him so you had to dismiss the charges against him, didn't you?" He said he was not prosecuted.

I said, "Well he wasn't prosecuted, why?" I said, "You didn't have any evidence, in other words, you missed him, didn't you, Captain?" He said, "He was not prosecuted."

I said, "Okay, fine." I said, "Then when he walked into Jewel Woods' house last year on W Street and you arrested eight or nine people in that operation you knew that was Lefty's operation and you were satisfied of that." He said, "We had information to that effect."

I said, "But then when you walked in the place you couldn't, you didn't find anything on him did you? And he escaped you that time too didn't he?" He said, "He was not prosecuted." I said, "Well you keep telling me he was not prosecuted. The fact of the matter is that he was on your most-wanted list as a gambler from time to time, wasn't he?" He said, "Well we attempted to enforce the law."

I said, "Okay, well let me put it to you this way. Let's don't quibble about it, when Thurman told you he had finally got Lefty on the hook, who was happiest, you or Lutts?"

“Objection.” And I know what they objected to. And somebody in the jury box laughed, so I sat down.

So in cross-examination I unveiled my man as a gambler, everybody knew he was a gambler, hell, he was a gambler and they were trying to get him.

I got Judge Matthews to give this instruction. If he was entrapped for the first \$1,000 he was entrapped for all of it. Because he wasn't entrapped on the day-to-day, his arrangement was \$1,000 a week. He was entrapped into an arrangement. And these other, there was a case in New York dead-on point out of the Second Circuit. Nothing here. But out of the Second Circuit, dead on point. The government objected. And Judge Matthews, do you remember Judge Matthews, she was the trial judge, Burnita Matthews. She gave that instruction.

Traxel wanted four hours to bring his case after 22 days. I thought he was crazy and he read everything off of a yellow pad. All of his questions and all of his closing arguments. So we as a bunch of lawyers we asked for an hour a piece. The judge said that she was going to give us one-half-hour apiece. And I can't talk an half-hour about anything, really.

But let me tell you when I got to that jury, I had a guy almost fall in my lap he laughed so hard. And I told them, I took my watch out, I said, “Well Mr. Traxel he talked to you for about two hours and a half, and I understand that after we get through talking he might want to talk another couple of hours,” I said, “We don't have much time so I am going to level with you right now.”

And I went to that jury and I told them, “The judge is going to tell you how they think they were entrapped into this arrangement. There is no question, about he is a gambler, but he is not charged with being a gambler. He is charged with bribery. They tried to make a gambling case on him two or three times. And they couldn't do it, they couldn't catch him doing what he was doing. So they decided to make another kind of criminal out of him. They decided to make a real criminal out of him. They decided to make him a briber, a man who corrupts the institution.

That's what they tried to do," I said, "but don't forget now, he's not charged with gambling, he's charged with bribery which is a heinous offense."

And I said, "You know that his defense is entrapment, and I am going to show you why he is entrapped." I said, "Now he wasn't interested — who is interested in giving anybody a \$1,000 a week if he doesn't have to? He didn't even want to meet with Thurman, he avoided Thurman, once, twice, three times and then finally he got to Thurman at Thurman's insistence, and when he got to Thurman you have got to understand now whether he was anxious to enter into this arrangement or whether or not he was entrapped."

I said, "To understand that you listen to that tape." I said, "Play that tape, you have got to play that tape." They played it, and it said, "Well what do you think about it, Lieutenant, a \$1,000 a week Lefty." "A \$1,000 a week?" I said, "Wait, play that again." "A \$1,000 a week?" And I told the guys, I said you weren't there, but you and I know very well when Thurman propositioned Lefty for a \$1,000 a week that both Lefty's eyes went behind his nose. And the guy almost fell in my lap laughing.

I said, "Now judges don't tell you, but listen to this, I'm just reminding you and I want you to listen very carefully. She's going to tell you about entrapment, and she's going to tell you that if this man was entrapped by the police into this arrangement and gave him that \$1,000 a week the first time, consistent with that arrangement that he was entrapped eleven times. That's it."

They went out, they found everybody guilty except Lefty. Twenty-two days of trial, Good Friday I'm sitting there, all of these high-priced lawyers: Roger Simpkins paid Mr. Hayes \$7,500, I think, and the other guy \$7,500. I charged Lefty \$2,500, isn't that a damn shame? Everybody got convicted except Lefty and when they stood him up and asked them count one, not guilty, old Lefty got kind of stiff, count two . . . when I walked out of the courthouse my feet didn't hit the ground.

Now can you imagine that? All of the top-flight lawyers, Myron Erlich, George Hayes, Jack Burnett, Curtis Mitchell, all of them in that trial, I sat there 22 days and take my man out by himself. Well, hell, the next morning I went to my office and two of the guys who had gotten convicted came to my office wanting me to do the appeal. I said, "Hell no, I'm not thinking about it." I said, "If your lawyer gets in touch with me, I'll do whatever I can for your lawyers, if he sees fit I'll help them."

Now that was high-profile, and of course people had been watching that case. It was like the O.J. Simpson case, a police captain and a captain charged with a bunch of hoodlums with conspiring, bribery and conspiracy to bribe. It was a high-profile case. And here's a man, one guy gets acquitted through the magic of William Bryant. So what the hell, I'm a hell of a lawyer. So we began to get a lot of business. And then there was *Mallory* of course.

Bill Schultz: What's your favorite case?

Judge Bryant: The favorite case I did was *Matthew Harrison*. Matthew Harrison was a Park policeman who was charged with killing his wife and her paramour. He shot both of them dead up here around Third & K Streets one night, about 2:30 one morning. And I'm in my office one day and Barrington Parker called me up and asked me if I could come up to his office. Did I tell you this story?

Bill Schultz: No.

Judge Bryant: I said, "Yeah, what's the matter Barrington?" He said, "I've got something I want to talk to you about."

I said, "Okay," and I went on up there. He had an office up on 6th Street. Now Barrington didn't try any criminal cases.

When I got up to the office, sitting in his office is a white guy dressed in a Park policeman's uniform. He was a captain or major in the Park Police, a high ranking officer, and he

had come to Barrington Parker because Barrington's father was a lawyer and Barrington was a lawyer, pretty well known in the city.

One of his officers was charged with double homicide. His name was Matthew Harrison and the Park policemen were anxious to have him defended and defended well. They were concerned about him.

And Barrington called me up there and I listened to what was said. And I said I would represent him. So this white guy, it was kind of awkward, he didn't know how to put it, but he said, "Well, you know things being like they are, you know how the courts are, do you think you ought to have another lawyer in the case?" And I knew what he meant, but I acted like I didn't quite understand him. What he eventually said was, "Do you think you ought to have a white lawyer in the case too?" I said well, "I said I don't know." Now I'm not talking any fee to this guy, and wasn't anticipating any, but I said, "Well, who do you have in mind?" He said, "Well, I thought maybe Mr. Smith." [The actual name had been changed at Judge Bryant's request.]

Do you remember Robert Smith? You don't remember him? Robert Smith was a charlatan and a fraud. He was lean and something on the pimp side, but he married a woman who had a reputation for philandering and the woman had a liaison with a prominent physician. Robert Smith caught her getting out of the doctor's car over here in front of Woodward & Lothrop one day, and Robert Smith shot and killed him and threw a gun in the front seat of the car. And Robert Smith wasn't even indicted, he claimed he was shot in self-defense. He should have been indicted.

But anyway, of course everybody thought he was a genius. And a lot of ignorant and still more ignorant Black people went to Robert Smith. Robert Smith wouldn't know whether a book was upside down if he took up a law book. He was the most ignorant white man I have known in my life. He plead everybody guilty, everybody. And he had some kind of arrangement with — it was the old boy network around here. He survived very well. Standing on the corner with a

cigar, with some pinch nose glasses, with a Black ribbon hanging down, he was very impressive. So I told this captain, I said, "Well, all right if you want a white lawyer I think we have enough cases to go around, we have two murder cases, if we get one, I will chose him." Do you remember Emmett McKenzie?

Bill Schultz: No.

Judge Bryant: I came back down to the office and I called up Emmett McKenzie, a guy from Montana and I liked him. A good lawyer. T. Emmett McKenzie was his name. I said, "Emmett, do you want to try a murder case with me?"

He said, "What are you talking about?" I said, "Do you want to try a murder case with me?"

He said, "You don't need no help trying a murder case." I said, "Well, we have got enough work to go around." He said, "What do you mean?" I said, "The man was charged with two murders. One for you and one for me."

He said, "Are you kidding?" I said, "No, it's true."

He said, "Do you want me to try it with you?" I said, "Yeah," and he said, "Well okay." He didn't ask me any questions and didn't give a damn thing about it.

Now this man was a Park policeman, married to a woman and had six kids, no five kids, the oldest was a girl about 14 years old and the youngest was a little boy less than two years old. It was the hot summertime and his wife was a harlot of some sort. She drove a cab part-time and hung around the street and ran around with a guy. She spent a lot of time away from the home, neglected the children, and she did this on a regular basis.

He would have problems with her and tried to get her squared away and all. So one hot summer night he went home and the little boy was broken out in a rash and he was crying and whining. The house is not clean and the children have not been fed, and this little girl who had been pressed into service really is a mother from time to time. She was trying to placate the kid.

He worked from 4 to 12 that night, and he came home, and he found the situation like that. It wasn't entirely new to him, but it was kind of a crisis now, so he asked about her mother, and the little girl had come home from school and hadn't seen the mother.

He knew where she hung around, in a little card-playing joint in a little street off of North Capitol Street. So he went out and got in his car and drove up to this place and knocked on the door. He saw her cab out on the block somewhere parked.

He said, "Tell so-and-so I want her to come on out." "She ain't here." So he went outside and he waited for a while, and a few minutes later she came out. She came out with this guy she was running around with. So when she got in her cab, and he started his car, she started off. He drove up beside and said whatever her name was, "Pull over, I want to talk with you. Come on, I've got to talk with you." She said something about, "I'm busy," or "I'm going" or "I don't have time" or something of that sort.

He said, "I'm serious now, no, no, pull over," and she said, "I told you I am busy."

And then he said, "Come on now," and something about the children. It was the hot summertime, August, and the cars didn't have air conditioning, the windows were down. The guy who was riding with this woman, her paramour, the guy she had been hanging around with, he said, "Oh tell him to go _____ himself."

That's the last thing he remembered. Apparently he jammed up to the curb, stopped the car, got out of the car, started firing. He shot her while she was sitting in the car, killed her. The guy jumped out and ran, and he shot, boom, and cut him in half. He hit him right in the middle of his back. He killed both of them.

And the next thing he remembers he is in his mother's house with his head in her lap and she's asking him, "What happened, what happened, what happened?" And he couldn't tell her. He was just out of his damn mind.

That's the story I got. And that's the story we put on. We had a jury, a rather sophisticated jury. The defense was not guilty by reason of insanity, in front of Keech. Mrs. Lyman was the courtroom clerk. We tried that case against Arthur McLaughlin who was an ace prosecutor.

The jury went out, and came back and asked Judge Keech if we find this man not guilty by reason of insanity what happens to him? And Keech said that's none of your business. I said, "Your Honor you have got to tell them."

Well, I told you about Saturday morning being our sitting-down day, coming downtown and reading those slip opinions as they came in. In less than two months prior to that trial a case had come out of the Court of Appeals that said in these circumstances you tell the jury what happens to somebody found not guilty by reason of insanity. That issue came up to the Supreme Court recently, you know. But at that time an opinion came out — I think Bazelon or somebody was the author of the opinion — and it said that the judge had to tell them. Keech hadn't read the opinion.

I said, "Your Honor, you have got to tell them. I am satisfied that it came out of this circuit not too long ago. I am not certain but I think the case is — I knew what the name of the case was — the *Durham* case."

I didn't want to tell Keech that he didn't know what the hell he was doing. But, anyway, I was earnest with him. I said, "Your Honor, I know as a matter of fact that I am right. There is a case directly on point that says that you have to tell them."

So he sent us to dinner. He came back that night. The jury is still out there, after being fed, and he found the case and he had to tell them. And he told the jury what would happen and the jury went out and stayed about five minutes and came back.

And Mrs. Lyman asked them. She said, "Count one deliberate and premeditated murder," so-and-so, "How do you find guilty or not guilty by reason of insanity?" And the jury foreman said "Not guilty."

Mrs. Lyman read it again and the jury foreman said, "Not guilty." So, she said count two premeditated murder . . . how do you find? "Not guilty," I mean emphatically.

Keech was so angry he turned several colors he looked like he got as dark as I am. He was outraged. Do you know what happened? He said not guilty and a couple of them broke out and cried in the jury box. That's the most dramatic moment I have ever had in the courtroom. That was really full of pathos, and just drama. Not guilty, not guilty. We walked him out.

And you know what, you know when I saw that man again? At Barrington Parker's funeral not too long ago. A fine guy, never had any trouble with anybody in his life, never been in any trouble with anybody, always a dutiful person, a fine father.

Bill Schultz: How did he come to Barrington Parker?

Judge Bryant: I don't know how the man got to him, but a high official in the Park Police was in Barrington's office, he had come to Barrington Parker. I think that he talked to Harrison, and Harrison knew Barrington Parker because Barrington Parker's father had handled some family business, some of his father's business or something. Anyway he knew him as a lawyer. And they went to Barrington, and since Barrington didn't try criminal cases, so Barrington called me. And I got involved in it, and got Emmett McKenzie involved in it, and Emmett was a good lawyer, and we tried that case.

Bill Schultz: So how many times did Mrs. Lyman have to ask for the verdict?

Judge Bryant: She asked for it first and then she got the not guilty, and she asked again. And then the woman said not guilty as if to say didn't you hear me, not guilty. And then she asked the second time and she said not guilty. So that was really a high-profile case. That was unheard of in those days.

Bill Schultz: A white Park policeman?

Judge Bryant: No, a Black Park policeman, but he wanted a white lawyer. But he was a Black policeman. But I can understand the man. You know everyone around thought that maybe the judges were white and so forth and so on, so he ought to have a white lawyer.

Mac and I tried that case and we tried the prosecutor off of his feet. We really did. And you know what we did? We just squeezed out the facts, just squeezed out the facts. And the same thing in Lefty Winston's case, just squeezed out the facts. That's way I tell you, you don't make a case, if you got the facts and you develop them right. You develop them honestly. You either have a case or you don't have a case. We had a hell of a case in that homicide. I didn't have any idea that they were going to convict him. I thought we had a winner, but I was kind of surprised, because I figured he would go to St. Elizabeth's for two or three weeks and come on home. But they were outraged. They said not guilty. They didn't want anything to happen to him. Damn if they didn't.

Bill Schultz: Now what about *Mallory*?

Judge Bryant: Well, we had an identification problem. The woman couldn't identify him. The only way he was convicted was his confession. And they had him over here for 7 ½ hours I think.

Bill Schultz: What was he accused of?

Judge Bryant: Rape. He came up here from North or South Carolina, South Carolina, I think. And one of his relatives was a janitor or assistant janitor in a lower-middle-class apartment building on 12th Street. And a woman lived there, and I think she worked at Woodward & Lothrop.

She went down into the basement to do some laundry or something and that boy accosted her down there and ravished her. And when the cops went up there she couldn't identify anybody, but she could describe him generally. They picked this boy up, and they picked his brother up or his relative and they eliminated one or two of them and kept him.

Of course, he was a very ignorant boy. He was really low up here, and he didn't tell them anything. So they kept him and interrogated him and they kept him and interrogated him for about seven hours and finally he gave a confession. And on the basis of that confession he was convicted and sentenced to death in Holtzoff's court. I was appointed to try the case.

Bill Schultz: By Holtzoff?

Judge Bryant: I don't know whether Holtzoff or not, but by the court. It ended up in Holtzoff's court. And the jury came back, and had a note, and sent the note out and I was scared to death. I thought we had a verdict when we went in the courtroom. Holtzoff didn't confer with anybody when he got notes. He just told the jury what he wanted to tell them.

So he went back in the courtroom and I thought the verdict was coming out, and my heart was pounding. "Members of the jury, the court has your note which reads if we find the defendant guilty but don't impose the death penalty will he be free again or can we know what happens to him or something. And the answer to that question is no. Under the law if he is found guilty and you don't impose the death penalty the court can impose a maximum sentence of 30 years, but under the District of Columbia laws the court at the same time has to impose a minimum sentence so the sentence will be not less than ten nor more than 30 years. And at the end of ten years the parole board over which this court has no control could release him."

Goddamn, the jury went out and stayed about six or seven minutes and came back and found him guilty with the death penalty. Now he raped this woman, he forced himself on her, and there are rapes and there are rapes. There all kind of rapes, but there wasn't beating or brutality other than the kind that could have been. But she was raped, and I got a two-to-one affirmance in the Court of Appeals, Bazelon wrote the dissent on the confession.

And I got in the Supreme Court, I think, on account of the fact that it was a capital case. I always felt that Holtzoff's death charge had something to do with it although they never mentioned that.

But you know, and after that I was trying a case down here on the fourth floor in the courtroom and that's when people, jurors would come and sit on cases and during the recess jurors would walk around the courtroom. One day several years later, shortly before I came on the bench I think, only about a year or so before I came on the bench, I was in the courthouse and a guy was standing out in front of the courtroom smoking a cigarette. I was going in the courtroom or coming out of the courtroom and the guy said to me, "Mr. Bryant." I said, "Yes."

He said, "You don't remember me." He was not young, a white guy. I really didn't remember him. I had no recollection of him. He then told me his name. He was the husband of the woman who was raped by Mallory.

And he told me he said, "I don't have any hard feelings against you." I said, "Well ... how are you?" I said, "How is your wife?"

He said, "She is good." I said, "Well ..." I never felt so funny but I felt gratified. That man told me that, he singled me out and told me. I went back to the office and I told Bill Gardner that was a funny experience. That man said that to me, identified himself to me and told me, and said, I don't have hard feelings against you. How do you account for that? I have never figured it out.

Bill Schultz: You must have a good feeling about that.

Judge Bryant: Yeah. And I would have thought that maybe he and his wife were apart or something, but no, they were still together and she was okay. And I told him that I was glad that she was okay. Now Mallory was high-profile.

Bill Schultz: Did you have a feeling that that case would go to the Supreme Court?

Judge Bryant: Well, yes and no. Yes I did. Well, I thought that Holtzoff's charge was outrageous. And that's what I thought would get me into court.

Bill Schultz: Did Bazelon dissent on that?

Judge Bryant: No. Bazelon dissented on the incommunicado. And at that time there was a lot being done about the pre-arraignment code. You know no warning, no nothing, and holding people.

Bill Schultz: What were the circumstances of Mallory's confession?

Judge Bryant: Oh, he was held over here in headquarters. And interrogated for seven hours and at the end of seven hours he broke, but he denied it and he didn't want to talk, and they browbeat him. They didn't beat him or anything. No evidence of any beating or anything but just pressing him, pressing him, pressing him, and then finally he confessed. No brutality involved at all.

He never said anybody hit him or threatened to hit him. But they had held him away. You know the width of the street from the U.S. Commissioner. He had been charged. He should have been presented, and should have been made aware of his rights, and so forth and so on.

And I took up Bazelon's dissent and pointed out that it was just the width of the street between headquarters and the committing magistrate and no reason, no apparent reason why he wasn't presented, and given the opportunity to consult with lawyers, and so forth and so on. And it came along just at the time when that concern was alive in the community. The American Law Institute had started to do some research on pre-arraignment procedures, and so forth and so on. So it came at a good time.

Bill Schultz: Had you ever tried to get a case in the Supreme Court before that?

Judge Bryant: No.

Bill Schultz: Do you remember the arguments?

Judge Bryant: Yeah.

Bill Schultz: What do you remember about it?

Judge Bryant: I remember Frankfurter said something to me that kind of surprised me. He said, "These questions come from friendly source." And he asked me a few

questions and I don't remember what the questions were, but I remember that. He said, "These questions come from friendly source." And I remember Whittaker was on the court at that time. And I remember Brennan. That was his first day on the Court.

Bill Schultz: Do you know what year that was?

Judge Bryant: What was it, '57, I think. And Brennan was new. I wasn't even a member of the Supreme Court bar. I remember there was a guy named Cullinane who was over there, a deputy clerk. He used to smoke a long cigar and drink a lot of whiskey. The nicest guy you would ever want to see. There was a lady over there, I can see her now, just as nice. They shepherded me through, and got me admitted right quick, and that was an experience. But I will tell you one thing, I was sure in hell glad to get that decision because you got somebody on death row.

Bill Schultz: Was that your first client on death row?

Judge Bryant: Yeah.

Bill Schultz: Was that your only

Judge Bryant: The only one.

Bill Schultz: What was the decision, what was the vote?

Judge Bryant: Nine-nothing. It was unanimous. Warren was Chief Justice.

Bill Schultz: Who wrote the opinion?

Judge Bryant: Frankfurter, I think.

Bill Schultz: Did you find it different arguing in the Supreme Court as opposed to the D.C. Circuit?

Judge Bryant: Not after I started to talk. They keep you over there, you know. You are on deck and in the hole. You know how they do. So if the guy in front of you drops dead from fright, they come up and give you the next case. Well I had been there a couple of days you know to see what was going on. Yeah, I was kind of nervous about it, but I had argued some

cases over here. But not a whole lot even then because I got Mallory not too long after I had got out of the U.S. Attorney's Office. So I really hadn't had a whole lot of experience arguing cases in the appellate court.

And then the other case that was high-profile really was high-profile you know, newspaper wires and what not was *Killough*.

Bill Schultz: What happened there?

Judge Bryant: Killough is the guy who killed his wife and put her in the dump. Killough was a nice guy. Incidentally, I saw him about a month ago in a barbershop, it was the first time I'd seen him since I represented him. He retired from the government, nice guy. He worked in the Post Office. His wife was a very beautiful woman, and had long hair and kind of blond-like. She was a little above his level really in sophistication. She was a high-stepper. They nicknamed her Goldie.

I don't remember what her real first name was, but she was nicknamed Goldie. And she did some cutting out on him. She stepped out on him. And as I say, he worked in the Post Office and had one son. So it was during World Series time. He came home, and she wasn't home, and for some reason or other he also knew where her hangout was. And he went looking for her, and he went to the place where she would go from time to time, a friend of hers. And he went in and knocked on the door and asked for Goldie. And the woman said, "She's not here." And he said to her, "Well, I think she might stop by, I'll come in and wait for her." And he knew she was there, but he figured that if she wasn't, she would be there.

He went in and turned the television on to see the World Series or something. And while he was sitting there looking at television he heard giggling upstairs and someone running across the floor in their bare feet. It was his wife and he knew it.

And he got up and left, and went on back home. She wasn't there, and he went out and when he went back, she was there. And she was sitting in front of the dressing table combing her

hair. And he started raising hell with her ... fussing with her you know, and she ignored him. Ten strokes here, and ten strokes here, and ten strokes here. She ignored him and didn't say a word. And he was remonstrating with her, and fussing with her and getting aroused and she didn't say one word to him.

And finally he just got exasperated and he grabbed her. He just grabbed her around the throat, and shook her. And when he let her go she was dead. Now he loved that woman. He loved the ground she walked on. And he didn't mean to kill her. But he realized she was dead. He panicked, he took her out in a blanket after dark, put her in his car and drove up to someplace in Pennsylvania, nearby Pennsylvania. He was going to throw her in the river or something. Got her out of the trunk of the car, and he couldn't throw her away, he couldn't do it. He put her back in the car, and brought her home and the next night he went out.

And this is when the dump was out on Benning Road, the city dump. He sneaked out there after dark and took her out of the trunk and shoved her under an old mattress out there at the dump, and went on back home. She was missing for two or three days and then somebody reported it to the police. He hadn't reported her missing, so he was a prime suspect. So they locked him up and took him across the street. They interrogated him.

They locked him up around about 11 or 12 o'clock in the middle of the day and interrogated him all day and all evening. He didn't give up anything. So they locked him up in the cellblock over there. They had a cellblock over there, a holding cell, they locked him up down there all night long. And the next morning when the chief of the detectives came, and wanted to know did you get anything out of Killough, they said "No." He said, "Bring him upstairs and let me talk to him."

So they brought him upstairs and interrogated him for about two or three hours upstairs the next morning, and he finally broke down and told all of it. So after he had spilled his insides, they brought him over here and presented him to the Commissioner, and they took him over to

the D.C. Jail. The next morning the captain of the homicide squad, Dailey, went over to the D.C. Jail to talk to him. And he went in and saw him, and said, "Got a lawyer yet?" He said, "No, there's somebody going to see Mr. Bryant." "Yeah, I saw him on the way in," or something of the sort. He said, "Well you did me in yesterday. You talked to me and you wouldn't tell me a thing. You had to wait until my boss came here and talked to you and you told him everything. You must didn't like me or something of the sort." He said, "No, you are all right."

He said, "Well, you know, did you tell him everything? You didn't want to tell me anything you didn't tell him?" He said, "No, I told him everything." Well, he said, "Everything you told him is that the truth?"

He said, "Yeah, I told him everything."

So then he left and came on back. Well that was the time after, you see after *Mallory* and after *Miranda* and all these cases came out. Warren Burger was a guy who sort of initiated the so-called *Carter-Goldstein* doctrine from two cases that came out of the circuit, *U.S. v. Carter* and *U.S. v. Goldstein*, and they fashioned this kind of scenario. If a guy makes an illegal confession, that is before he is presented, before he is made aware of his rights, and then you tell him what his rights are, and then for any reason he reaffirms it, you lose it. And that was Burger's great contribution to jurisprudence.

So I had my motion to suppress that evidence. And what happened was that without that confession, they couldn't convict Killough because they found Goldie, but they couldn't identify her, nobody could identify Goldie. And but for his confession, she had deteriorated, decomposed and what not, so but for his confession, there was no corpus delicti. So his confession was everything.

Bill Schultz: So they couldn't even prove she was dead?

Judge Bryant: No, couldn't prove that she was dead. Couldn't prove it was her. Couldn't prove she was dead. No body of the crime. So I had my motion to suppress, and I was

outraged at the *Carter-Goldsmith* doctrine anyway. I thought it was a damn flimflam. And I put Dailey on the witness stand and I interrogated him. Dailey was the captain of the homicide squad who initially interrogated this man. And I asked him, I said, "Now you went over to the jail the next day, didn't you?" And he said, "Yeah."

I said, "Now you had been with him all day long the day before, hadn't you?" He said, "Yeah."

I said, "And you went over to the jail to talk to him." He said, "Well not particularly." And I said, "Well why did you go over to the jail?" Now listen to this. "Well when he left and went over to the jail, he left some of his belongings over in headquarters and I took him his belongings, his personal effects over there."

I said, "Oh yeah, we will get to that." I said, "Now you saw Mrs. Somebody coming out when you went in." He said, "Yeah."

"And he told you when you saw him that she was going to get a lawyer." He said, "Yeah."

I said, "And oh, by the way, when you gave him whatever you took over there, his personal effects, when you gave his things to him, what did he say to you?" He said, "What do you mean?"

I said, "You went over there to take him things, didn't you?" He said, "Yeah."

I said, "Well when you gave them to him what did he say?" He said, "Well."

Then I said, "As a matter of fact he didn't say anything did he? Because he didn't know you had taken them over there did he?" I said, "Captain you cannot take anything to the jail and take it inside beyond that property clerk at the entrance of the jail can you? Not even you, not even a policeman can carry anything in that jail and give to a prisoner can he?" He said, "No."

I said, "So whatever you took over there, you left at the property clerk didn't you?" He said, "Yeah."

I said, "So if you went over there to take those things your mission was accomplished when you left it at the desk wasn't it?" I said, "Now let me ask you this, do you know about the *Carter-Goldstein* doctrine?" He said, "I have heard of it."

I said, "Then you know what the principle is then don't you?" I said, "When cases come out of the court of appeals, as head of the homicide squad you people are briefed by the U.S. Attorney as to what the law is and so forth and so on. So you know what I am talking about." He said, "Yeah."

"And you know if you get an illegal confession, if you get somebody to reaffirm it then it is admissible, right?" He said, "Yeah."

I said, "And you knew that when you went over there didn't you?" He said, "Yeah. That's all."

I said, "Oh, by the way, you went over not to do that," and he said "Yeah."

"You went over to take his things. Well how many men do you have under your command at the precinct?" I said, "You have some low-level people you can use as messengers, don't you?" He laughed.

I made that record, I got in the Court of Appeals and I just told the Court of Appeals.

Bill Schultz: So he was convicted?

Judge Bryant: Yeah. Sure he was convicted of first-degree murder, no second-degree murder. Because when I went before Youngdahl for the first trial, he tried to get me to plead and I said I can't plead him. So Youngdahl said, "You are not going to plead," and I said, "I can't plead him." He said, "Suppose this jury brings back that first-degree?" And I said, "They won't do that." He said, "What do you mean?" "You won't let them go to the first-degree, they don't have a first-degree case. The evidence won't ... they don't have a first-degree case."

I looked him right in the eye and said, “You won't let it go to the jury for first-degree murder.” There was a confession. There was no first-degree murder. So we went to trial and he got convicted and I went to the Court of Appeals and got reversed.

Bill Schultz: Got reversed because of the confession?

Judge Bryant: Yeah, and then it went to the Court of Appeals again.

Bill Schultz: So then it went to trial again?

Judge Bryant: Yeah, as a matter of fact Charlie Duncan was the one prosecuting the second time. There was a conviction, and I went to the Court of Appeals again and argued the case. It was argued before Fahy, Burger and somebody else, Danaher, I think. And I argued it, let's say on January 1st. And then after May, July and August I am looking for an opinion. September, I am looking for an opinion. November nothing is happening. And a year later, I get a notice in the mail, sua sponte, the court is going en banc. I said “I'm home.”

In the meantime, Skelly Wright had come up here from down in New Orleans, and I didn't know what he would do in a criminal case. I didn't know him from Adam. I wasn't certain. So it went en banc, and that's when I got my licks in on *Carter-Goldstein*. I said it was not respectable.

Bill Schultz: Well, tell me about that exchange with Burger.

Judge Bryant: Burger was kind of outraged. He said, “We were talking about suppression of evidence, suppression of evidence.” He said to me, “Well, a man's driving a car and obeying the law and there's no reason to stop him, but a policeman stops him anyway. The policeman stops him and asks him for his credentials and everything is okay. His driving is all right and the policeman asks him, ‘What do you have in the car?’ And the guy says, ‘I don't have anything in the car.’

The policeman says, ‘Let me look.’ And he looks around and doesn't see anything in the car. And he says, ‘What do you have in the glove compartment?’ He says, ‘Nothing.’ And then

he takes his keys, and goes to the glove compartment and looks around and doesn't see anything, no reason to suspect this guy.

So the guy is getting ready to go and he says, 'Wait a minute, come here,' and he takes the keys, and opens the trunk, and when he opens the trunk there is a dead body there, a guy with a hole between his eyes. You mean to tell me that evidence should not be admitted?"

I knew where he was going when he gave me that scenario. I said, nowhere in the United States, not after *MAPP*, that I know of, and Bazelton. Warren Burger went to the Supreme Court of the United States and I was in here, and one of the early cases he was on in the Supreme Court he had a case involving something but it really wasn't a suppression issue. It wasn't a *Killough* issue, but anyway, for some reason or another Warren Burger had dropped a footnote and he recited the *Killough* thing. He cited *Killough* for something. I didn't know anything about it. I wasn't paying any attention and Charlie Fahy called me up and he said, "Bill, I think Warren's got *Killough* on the mind." I looked at the case and he was right. It stung him, it really did sting him.

Well, you talk about the cases, those kind of cases began to give me some business. I had a reputation by virtue of those cases that was far in excess of my real worth, but I had some, well, business began to come in. A lot of business, not big paying business but a volume of business and I began to feel kind of secure in the practice. That is to say, I wasn't worried about the fact that next month we would be able to make the bills and pay the house note and that kind of thing. I began to feel a little bit comfortable.

Bill Schultz: So at that point it was you and Judge Waddy and Bill Gardner?

Judge Bryant: Yeah. Bill Gardner, Joe Waddy and myself.

Bill Schultz: When you did these high-profile cases did you try them by yourself typically or with one of your partners?

Judge Bryant: By myself and Bill. He was my sounding board. He had a lot of wisdom.

Bill Schultz: You said that he was the best lawyer you had ever worked with. Tell me about that.

Judge Bryant: Well, Bill had a lot of experience. He understood human nature. And he had a good lawyer's head. He had an extraordinary sense of the relevant. With any problem he would get to the core of it, and isolate the real issue right quick and I have never seen anybody with a sharper, keener sense of the relevant than he and the ability to cut through and really assess things. He worked like somebody that I've never seen. Hours didn't mean anything to him. He had a lust for the law, and just a good lawyer, a good scholar, coupled with a whole lot of common sense, you know what I mean, and Bill is great.

He's got a little Alzheimer's now and it breaks my heart. To think, you know, Dave Bazelon was down with Alzheimer's. Skelly Wright went down with Alzheimer's. Bill Gardner's got it.

I understand he goes to the Supreme Court to get his haircut, he's been doing that for 35 years. Last time he went over there I understand he got kind of lost and the guy had to show him where the barbershop was. And that hurts me. Isn't that funny the people that I have known or have been real close to and loved so much would be stricken by that kind of disease. I mean all of these people with such great minds. I don't understand that.

Bill Schultz: All liberals too.

Judge Bryant: It hurts me, it hurts the hell out of me. There is nothing I can do about it, but it's terrible.

Bill Schultz: Now you won *Killough* when it went en banc?

Judge Bryant: Yeah, I won it 5-4 I think.

Bill Schultz: Was the dissent by Burger and the opinion by Bazelon probably?

Judge Bryant: I think Charlie Fahy wrote the opinion. I think Fahy wrote the opinion but I don't really remember now. But I knew when I went in there I was home free because the original panel was, I think, Danaher, Burger and Fahy. But you talk about fun. I loved it. That was something I loved. These guys on crack, that was my crack. I had a lot of fun practicing law. I really did.

Bill Schultz: These cases were in the paper?

Judge Bryant: Oh *Killough* received a great deal of publicity because the D.A. fought it so hard. I mean the whole concept and principle was up for grabs. The D.A. fought it so hard, and of course the gambling conspiracy case was in the paper because the police captain had been charged and indicted and he was convicted. Captain Monroe was convicted and Sergeant Taylor was convicted. The case was postponed for trial for a long time because Taylor had escaped. He jumped bond and they caught him on a chicken farm or a pig farm down in Arkansas. They brought him back and then he went to trial. So it had a lot of funny twists to it.

Bill Schultz: Were there any parts of law practice that you didn't like?

Judge Bryant: Yeah. Domestic relations. I never filed a divorce suit.

Bill Schultz: So you never did that.

Judge Bryant: No. I had a woman come in to see me and she wanted to get a divorce. I had two women. I got involved this way, I had two women. Two women came to me and wanted to get a divorce. One woman had been beaten by her husband, she had bad bruises on her and another woman, I don't know, she was just mad and she wanted a divorce. Anyway, I talked both of them back home.

My wife and I were at a party one night, I guess about six or seven years, no about eight or nine years ago and a woman came up to me and grabbed me. I was dancing with Astaire, and she said, "Lady, I want to hug your husband." And I didn't recognize her.

It was one of the women. I had left my house on Sunday afternoon and went down to the office, and met her after she left church and talked to her and talked to her about her husband, and I talked her back into eliminating her situation. She stayed with her husband, they are as happy as they can be, and I hadn't seen her in a hell of a long time.

Then about ten years ago we were at a dance or something and the woman came up and hugged me and said, "Lady I'm gonna hug your husband." And then she identified herself and said you sure did the right thing. And my wife was so mad because I spent Sunday afternoon talking to her. Domestic things bothered me. I just didn't do that. They are messy things, I didn't do that.

Bill Schultz: Any kind of criminal cases you didn't do?

Judge Bryant: Drug cases. I did one by appointment of the court. I represented a boy named Chauncey Whitt. He wasn't a drug addict, he was caught with possession of drugs.

Bill Schultz: What was your feeling about drug cases?

Judge Bryant: I don't like them. You know I told you about Jim Yellow. We were trying to indict the captain and the sergeant in the narcotics squad. And Jim Yellow had been to jail. He was an heroin and marijuana man in the city. And we had him up here while he was in the penitentiary debriefing him and during one of the breaks in the session I asked him this. His name was Roberts, James Roberts, and they called him Jim Yellow. I said, "Jim, you ever smoke that, you ever use that marijuana?" And he said to me, "Do I look like a goddamn fool. I don't smoke Chesterfields."

I was across the table from him, I think if I had had a gun I would have shot him. I said to myself this crazy s.o.b. I can't take a guy peddling drugs, I really can't.

But you know my feelings about drug cases, but I never represented a drug dealer, I never did. But I had a lot of fun practicing law, a lot of fun. Bill, I charged Lefty \$2500 for that lawsuit and that next weekend a guy came to my house from Lewis & Thomas Saltz. He

delivered a suit to my house, and I know the suit must have cost about three or four hundred dollars, and at that time that was high price for a suit. It was a beautiful suit, oxford gray, exquisite tailoring, and I know Lefty sent it to me. I know he felt guilty for getting all of that service for \$2500. White Top had paid \$7500 to George Hayes and Jack Burnett. That's \$15,000. And I know Curtis got more money. I never had the knack for getting fees. I never had a knack for getting money. And I could have got much better I think.

ORAL HISTORY OF THE HONORABLE WILLIAM B. BRYANT

Chapter 8

Private Practice: 1954 – 1965

Interview Date: November 17, 1994

Bill Schultz: The last time we talked about your law practice. I want to ask you about whether when you were in private practice you ever went down South to try any cases?

Judge Bryant: Yeah. I was in my office one day and Jack Greenberg [of the NAACP] called and asked me if I would go down South and try Jasper Brown in a little place out of Durham.

These were the circumstances. In a rural area outside of Durham, after *Brown* and the schools were integrated, there were some people, as you might suspect, always active in the forefront of these things. Jasper Brown was a prosperous farmer, well-to-do guy, who lived outside of Durham.

Bill Schultz: What year was this?

Judge Bryant: Oh right after the year that the schools were desegregated. What was it, '54? Around '54 or '55, and Brown had a family of I think three or four, three girls and a little boy, little kids, and they were all in grade school. His wife was a fine woman. She had allergies, like asthma and what not, and they always triggered with stress. And Brown was active in his community, NAACP and what not, active in the years leading up to *Brown*. You see he was an outstanding man; he was well-known, well-respected, and highly regarded by everybody in the county. And he was a progressive Black man. He was known as not being an Uncle Tom, but at the same time he was not looked upon as a crazy man. He knew the sheriff and everybody.

Well, on the first day of school Jasper brought his kids in from the farm. I guess maybe about ten or twelve miles from school, he brought his kids in, and it was the first day of integrated schools. He brought them in, and took them to the front of the school; he didn't take them inside, just let them go in. There had been some rumors that there was going to be some

trouble. The hoodlums said that they were going to do this and they were going to do that and some hangers-on were outside the school kind of jeering a little bit.

So Brown took his kids, and he didn't want anything to happen to them. He didn't want to drop his kids off in the county seat and then go on home. He didn't know what the hell was going to happen. So he let them off, and then he stood around a little while, and the sheriff was there with a federal man, one of the guys from the FBI or somebody, and the sheriff was there. Brown just stood around a little bit and the sheriff had some words to say. He said, "Jasper why don't you go on home?" He said, "Well I'm going on home." He said, "Nothing's going to happen, why don't you go on home?" And Jasper said, "I'm going on home."

There were about three or four hoodlums who followed him in a car. Among them was the son of the superintendent of schools who was a dropout and a hoodlum, about four of them were hanging around and they were together. Brown went into the store, which was close by the school, to buy a few things to take back to the place, maybe toilet paper or something else. He went in there and while he was in there these guys were following him around and talking, as the kids say "off-jiving" — I'm talking to you, but I'm really talking about him, you know, I'm trying to harass him.

And Brown didn't do anything about it, didn't say anything at all. He went in the store, bought what he had to buy, and came on out. These hoodlums followed him out and he got in his car. He thought everything was pretty good, nothing happened. He didn't hear anything at the school; so he figured he would go on home and come back after lunch time. He got in his car and started home. He started home, and shortly after he started home, a car pulled in behind him and started tailgating him. He looked through the mirror and it was these boys. It was four of these young white boys, and he is in his car on this country road going to his farm. He didn't want to take that trouble to his farm. Now Brown was really scared of them, but he didn't want to take that commotion to his home and upset his wife, because she was a unique patient in that Duke

medical complex down there. She was in a special clinic down there trying to do something with her stress-related allergies and what not. So he was driving home, and on the way home he passed another farmer who had a kind of circular driveway in front of his house, a nice guy, who knew Brown. He was a white guy, so Brown drove his car, and all of a sudden he whipped into this place, and pulled in and went in that man's house and called the sheriff. He tried to get ahold of the sheriff back in (the name of the town will come to me) but anyway he didn't get in touch with him, so he got back out, and got in his car and started back to town.

He was going back to town. And these guys followed him, and after a while they tailgated him and bumped him. And when they bumped him, Brown stopped the car. And down there, thanks to the National Rifle Association, people carry guns. Brown had a pistol. So Brown got out of his car, but when they bumped him there was an old Black man who was working in the field cutting something with a long cutting weapon. He was close to the roadway with a fence, and when these guys started to get out of the car this man said, "I wouldn't do that if I were you." And he had this long blade, so the white guys were in the car, and Brown jumped out with his gun, and these guys looked like they were going to get out of the car, and Brown shot through the car.

He hit this superintendent of school's son right at the top of his head, just barely creased him, put a part in his scalp, didn't even require any hospitalization, just put a part in his scalp. Another fellow who was in the car, he hit him in the arm. Neither one of them was badly injured, and the guy who was hit in the arm, I think, jumped out of the car and was trying to get over the bank away from the car, and Brown hit him. They charged him with a whole lot of felonious assaults, attempted murder, and so forth and so on. And he was down there, of course he was on bond, he wasn't locked up or anything, but he was charged with this crime.

His trial was supposed to come up and I said, "Yeah, I'll try it." I don't know why I did that. I am the same guy who wouldn't go down South with Ralph Bunche when he and Myrdal

went down there. When I left Washington I had to call up a guy who was a lawyer down there who finished law school before I did, and they told me to contact him and I could make arrangements to stay at his house. You know hotels weren't open like they were later on. So I contacted (I can't remember his name) and I stayed in his house during the course of that trial, and in driving from Durham to this place in the county seat where this trial was being held, I noticed this automobile was kind of falling behind and following us. I didn't know what the score was, but I understand later that they were federal people who were giving us some cover. They never said anything to us, but I understand they were.

Well I got down there. The family had hired a prosecutor. Down in the states, the case is brought by the state, and the state prosecutor prosecutes the case, but an aggrieved person can hire a private lawyer to prosecute the case. And they had hired an idiot who was representing the family of one of these boys and he was interfering with any kind of settlement that this U.S. Attorney, I mean this state's attorney, was trying to make. The state's attorney boy wasn't really too bad a guy. I went down there and lived with those people for three or four days. I found out what all the facts were, and all the witnesses, and talked to the lawyer down there, people who practiced law in the area, and it hurt me that this was a case that I couldn't try. I couldn't get a jury that I thought I could have convinced.

So we ended up getting the DA, over the strenuous objection of this hired prosecutor, private prosecutor, to accept a plea of nolo contendere to a simple assault charge, some minor criminal offense. And when he announced that he would do that, there was a lot of rumbling and a lot of grumbling. People didn't like what was going on. The superintendent of schools was in the courtroom. And they got a judge from a neighboring county, who had a hell of an anti-Black attitude, reputation rather.

I had a hard time getting Jasper Brown to come around to that disposition. But I had to because of the evidence. You see these boys were not armed, they were not armed and the

evidence was that the one boy who was shot in the arm was getting out of the car to get away. So I put the case in the District of Columbia and I said now what could I do with this case here, you know what I mean? I tried to eliminate all of the negative aspects down there and put it in a purely objective basis. I said that if this man will accept a plea of nolo, he was a prosperous fellow. I didn't want him to plead guilty to committing a crime because I wanted to protect him civilly a little bit if I could.

I walked around, the courthouse was like right here, and across the street was a funeral home. In Southern towns usually the Black funeral director is a pretty substantial person. He's got more money than a lot of other people and he's a substantial person in the community. And the woman who was the wife of the funeral director there was the head of the local NAACP, had a big spacious house. And we were in that room in her house for the better part of an evening when I got this deal from the prosecutor who indicated that he would take that deal. The better part of that evening until half of the next day, trying to convince Jasper Brown that this was what he ought to do.

I figured the judge would find him guilty on the plea, and if the judge gave him the maximum under the plea he couldn't get over six months anyway. If he gave him the maximum under the plea he couldn't get over six months, and I figured I was protecting this man from a long time in jail, and I know that that jury would find him guilty of assault with intent to kill. He hit a man running away from him, you know what I mean? And everybody said Jasper your farm will be taken care of. You don't have to worry about your crops. You don't have to worry about your children, if the man sends you away.

So we put that case on and I tried that case. You enter a plea of nolo contendere and the government has to put its evidence on. The government has to put on its evidence to substantiate the charge. And when they put this boy on who was the superintendent of school's son, I cross-examined him. I was so damn mad, I said, Jesus, if I had this case in the District of Columbia,

and if I didn't have this boy who got shot running away maybe Well I asked him, "You see Jasper?" He said, "Yeah, I saw him." I said, "Where did you see him?" "He went in the store." "Did you see him in the store?" "Yeah, we saw him in the store." "What was he doing in the store?" "Buying things for the house," so forth and so on. "He bought this and what not." "Now when he came out of the place, did you come out of the store first or did he come out of the store first?" "He left the store first." "And then you-all came out of the store?" He said, "Yeah."

And after carrying me through that, I asked him this. I said, "And oh, by the way, what did you buy?" He said, "I didn't buy anything." So he had been in the store following Jasper around and harassing Jasper all that time on foot to foot. At the end of the day, the case wasn't over.

Bill Schultz: Then you said, well what were you doing?

Judge Bryant: No, I didn't have to ask him, he said he didn't buy anything, he put himself in the store all the way around, all the way around, following him foot to foot, I mean, and Jasper said what he did.

Bill Schultz: I thought you said what are you doing and he said just messing around.

Judge Bryant: No, no, the prosecutor or somebody asked him that, and he said just messing around. You remember that story?

Bill Schultz: I remember you talking about it.

Judge Bryant: No, I didn't say anything, somebody asked him what he was doing in the store after I asked him. I don't think I asked him what he was doing. But he said he was just messing around.

Bill Schultz: And then the judge

Judge Bryant: And then the judge said, "Messing around?" The judge himself got kind of turned off with this boy. And his father, who was the superintendent of schools sitting right

there in the courtroom, I think he told ... this damn special prosecutor, the guy who the family had hired to prosecute the case, had the chance to ask him some questions, and he asked him, I think, what he was doing. And he just said messing around, because I didn't ask him. After I had him in there following the man around, hell that's my argument, and I'm not going to argue with him. I'm not going to ask him what he was doing, he might tell me. You know, it might be something else, I didn't know what his answer was going to be, but somebody asked him that. Anyway, the judge said, "Just messing around?" (What was that man's name, I can see him now, it will come to me.)

At the end of the day before the case was over, the judge said, "He's committed." It took me by surprise. I said, "Committed, for Christ's sake, this man can't mean that. This man has been out on bond for months; he hasn't gone anywhere; he is a farmer; he has got land in the county; he's got a family there; he's not going to run any goddamn place." So I went up to the bench and I said, "Your Honor," I said, "Do you think it is necessary to commit him? He's not going anywhere." He said, "Don't worry me, do you see those people out there? Do you see those people out there? Do you know what that means?"

He had sensed some feeling, because the man, he was taking advantage of a deal that those people didn't like, I mean the courtroom was crowded with the surrounding people and apparently he had given him a deal that the people didn't like. And it wasn't going too badly against him in the testimony. But the judge said, "You see those people out there?" And I said, "Well we will take him right home, take him right now." I don't know whether Jasper stayed, I don't know whether he let him go. I can't remember whether he let him go or kept him overnight. But I know the next day after all of the testimony was in he found him guilty, which I expected him to do, and then he asked him — school opened in the fall and it was around crop time and all that kind of stuff — and he asked him about getting his crop in or something like that.

The upshot of it was that he sent Jasper Brown to the poky for 60 days, but he wasn't supposed to turn himself in until he got his farm squared away. Anyway, it was one of those slaps on the wrist, do you understand what I am saying to you? Everybody, the family, everybody is as happy as they can be, except Jasper. Jasper is madder than hell. That's the only client that I had who was dissatisfied, and I can understand him, I mean he was wronged, he was wronged.

If I had had him up here I wouldn't have thought about pleading him, do you understand what I mean? Even under the circumstances, but he shot that boy, and the boy wasn't armed. But that judge who had the reputation for being meaner than hell — they imported him from another county, — asked him when would his crops be in or something of the sort. Anyway, Jasper was found guilty, and I was worried to death about maybe somebody, some mob or something getting ahold of him, but nothing ever happened to him.

I was living on 17th Street, and at the Safeway store that used to be up there at 18th & Rhode Island Avenue. I'm in there one day and a woman who is a checker in that store recognized me. She was Jasper's sister. Can you imagine that? I kept in touch with him through her, and she said he is all right, he is fine, you know he has still got a bitter taste in his mouth from that sort of business. But I tried that case, and I never will forget it. And I think the thing that turned it around for that man, you had to give him some time, the thing that made the difference between what he gave him and the maximum of what he could have given him, was that I had those guys just trailing him. And the farmer whose house he went into testified that Jasper came in there and tried to get some help because these guys were following him. There was no question about it, they followed him around, they followed him around and were harassing him. That's what happened.

Bill Schultz: A good story.

Judge Bryant: It wasn't a hell of a lot of fun but it was something. It was a new experience for me.

Bill Schultz: I remember you telling that story to my law school class.

Judge Bryant: You remember that, the old man said just messing around, the judge said just messing around, I don't know whether I asked him or somebody else asked him. I think it was the prosecutor. It was the private lawyer that the family had hired to prosecute this case. The family didn't have confidence in the state, you know the state's machinery. They didn't think they had the right attitude toward him.

And they didn't really, because Jasper Brown, class will tell. Jasper Brown was a high-class man. He was an industrious man. He was an independent man, he was a taxpayer, do you understand what I mean? And he had a good reputation, and had been in the county for a long time, he was a man that Black people looked up to and white folk respected as a man. He was a high-class man.

Bill Schultz: Now who is Jack Greenberg?

Judge Bryant: Jack was a good defense lawyer up in New York.

Bill Schultz: Tell me about him.

Judge Bryant: All I know about him is that I have always admired him. He is a stalwart. Jack reminds me of Joe Rauh. Joe was pretty clear-sighted, and Joe never lost sight on the ball, I mean he never got confused about these issues. And Jack Greenberg in my book was that kind of guy. He knew what was right and what was wrong, and he didn't get confused. He was consistent. He was a hell of a guy. I always lamented the fact that Jack never got on the court somewhere. I don't know, I think he's teaching up in Columbia or someplace. A good man. The last time I saw him was at the memorial service for Thurgood over at the Supreme Court. He looks okay.

Bill Schultz: He was the lead counsel for the Defense Fund for a long time.

Judge Bryant: Yeah. A good man. He's done some good work. I hope this local fiasco with the NAACP won't spill over and hurt the reputation of that group. The Defense Fund is a thoroughly respected bit of business.

Bill Schultz: Yes, a separate organization. Now, I would like to ask you some questions about law practice. First, I am curious on your thoughts about the role of juries in our legal system. Do you think the jury system works?

Judge Bryant: Yeah, I think it works.

Bill Schultz: Why?

Judge Bryant: I think it works 90 percent of the time.

Bill Schultz: Why? Do you think juries are better than judges? Do you think they are better than judges in deciding cases?

Judge Bryant: On some cases I do. I think juries are better than judges, particularly in criminal matters. You know judges. For a long time judges came out of a certain barrel. A lot of judges never really were practitioners. They were government lawyers hired by the prosecutor in one way or another, either in the U.S. Attorney's Office or state's attorney's office or the Corporation Counsel's Office, and then they found themselves on the bench one way or another. They never really practiced, and they were kind of government-oriented.

I think when you get twelve people in a jury box that you have got a whole lot of human experience that the average judge doesn't have. For instance, I've known judges who would be completely horrified and think you were out of your mind if you indicated that you thought from time to time a policeman wasn't telling the truth. And they couldn't understand why anybody would disbelieve a policeman. A lot of jurors know better. They have been around, and they have seen what happens in the streets and some of them have been exposed to some things, you know, that are not too pleasant. And even in civil matters I think human experience and some understanding of human nature is critical to the overall administration of justice, what people

will do on a given set of circumstances. And it is always better to have twelve people who have had a lot of experiences walk around that matter than to have one person who has been exposed to just their circumstances.

A lot of people, a lot of judges have been raised like chickens on wire, you know, their feet have never hit the ground, they haven't had any real experience in adversity, haven't been in any position where they deal with people who will lie to them. I think the jury system is better. I have watched a lot of juries. I have watched, for instance, a lawyer go to a great deal of trouble to try to weigh the jury one way or another, either by way of race or gender or have some other motive, you know, selection.

I've always thought that except that something surfaced on the voir dire that definitely disqualified a juror, and then you excused him for cause, that trying to tell what a juror will do in that jury box is like somebody trying to tell the price of pork chops in the marketplace by looking at the hog's feet on the farm. You can't do it to save your life, it's a waste of time. You delude yourself when you think you can do that.

I've seen people pick jurors, eliminate the women if they could, or the Black or white people if they could, and the jury comes out without regard to that foolishness. And they get disappointed. I mean the lawyers get disappointed.

When I was practicing law, I used to go in the courtroom as a prosecutor and as a defense lawyer after voir dire, and if I didn't see anything that alarmed me, here is what I would do. They would put the jury in the box. And when they put them in the box in the criminal cases, the prosecutor gets his chance to strike a juror and another one is put in his seat, and then the defense lawyer has a chance to strike a juror, so forth and so on. Well, I would get in the courtroom and get involved with the papers, and kind of pretend that I was busy and wasn't paying attention to what was going on in the jury box, and a guy would strike a juror and somebody would put him in the box, and I would be busy and the judge would say, "Mr.

Bryant?” and I would say, “Oh, Your Honor, I'm sorry, we are satisfied, any twelve.” I've done that for defense, I've done that for prosecution. Oh, I'm sorry, Your Honor, the government is satisfied, or the defense is satisfied, whichever side I'm on, we are satisfied, any twelve, Your Honor.

Bill Schultz: Did you ever see anybody else do that?

Judge Bryant: No. Have you ever seen that? The jury knows, what the hell, I'm here to get to it as quickly as we can. We don't have any problem with it.

Bill Schultz: So what about all of this work you hear about in high-profile cases where they do extensive studies of the jurors?

Judge Bryant: I am not privy to anything that they have as evidence that supports the validity of their findings or their strategy. I just don't know. I believe that there is no way in the world they are going to get a system and they are going to pigeon-hole 12 people. I don't believe that. And if they had a system where they were already and had everything fine for ten of them and they went awry on the other two, if they could get them, they are not going to win the case one way or another. I think it's a way to spend money. I don't think that the selection of a jury is going to be the deciding factor.

In the trial of a case, I don't care what anybody says, the facts carry the day, and it is the way that you present those facts. The facts either carry you downstream or upstream, one way or another. If the facts are good, if the facts are in your favor, and they point to a logical conclusion, somebody on that jury is going to buy it. You have got a factual situation, and you squeeze out the facts, squeeze the facts out as they are, and you don't try to make up any, don't put any performers on the witness stand, you squeeze all of the facts that you can get out of the case. I used to have arguments with clients, and I would tell them that the truth is the light of the world in litigation so far as I am concerned. And I have tried some cases that bear that out pretty well,

to show what the facts will do, if the facts are compelling one way or another, the facts will take you.

Bill Schultz: Did you have any strategies or philosophy that you adhere to with respect to jury trials?

Judge Bryant: No. If I had the case, if I tried the case I thought I could win it. And I don't want to be immodest about it, the cases I lost at trial, I won on appeal.

Bill Schultz: Is that right?

Judge Bryant: Yeah. Cases you lose at trial, you win on appeal, by and large. And you try a case with that in mind. Sometimes you've got a case that some legal defenses of the facts won't help you, but the legal safeguards are there, and if you establish that they have been violated you are okay, like a search-and-seizure case. If the judge should suppress the evidence and he doesn't, what the hell, you can't win it at the jury level. And that's why I'm glad they let you plead guilty to preserve. You know there was a time you had to go to trial, but now you can plead guilty and preserve your legal defense and go upstairs.

Bill Schultz: Did you do anything to try to establish a relationship with the jury or get your case to the jury in any way?

Judge Bryant: I guess so. I tried to let the jury know from the very outset that I had the meritorious position wherever I was, and that I was anxious to put it in their hands, in other words, I was anxious that they get a hold of it and deal with it. And I would like to point out some reasons why they ought to find my way.

For instance, in that gambling case that I always brag about where the guy was one of nine or ten people charged with the conspiracy with the police captain and the police sergeant, everybody is convicted except my man on the entrapment. Remember I told you that one. I went to the jury, and in my cross-examination of the witnesses, I didn't make any bones about it, my man was a gambler. My man was a numbers backer, there wasn't any question about that.

In my cross-examination of the witnesses I demonstrated that they tried to catch him in the numbers business and they couldn't catch him. He had never been convicted of it, and they were satisfied that he was a numbers man but they couldn't convict him of that, so they resorted to this bribery scheme.

I never will forget the prosecutor tried the case for 22 days; and every question came off of a yellow pad; and everything he argued to the jury came off of this pad. At the end of 22 days he told Judge Matthews he wanted to talk four hours. He wanted to talk at least between two and three hours on direct and an hour or something on rebuttal. He wanted four hours. There were nine of us, nine defendants, so when the prosecutor asked for four hours, all of our lawyers asked for an hour.

Now there is nothing in the world I can talk about for an hour, nothing, and I was so afraid that Judge Matthews was going to grant that hour that I didn't know what to do. But she ended up giving each lawyer 20 minutes. No, giving each of us one-half hour. Curtis Mitchell said that was unfair, he's going to talk for hours and.

So when I got ready to go to the jury the judge had indicated that she was going to give that instruction that if he was entrapped as to the first time he paid that thousand dollars he was entrapped to the whole scheme. The entrapment went to every payment. And once she said that she was going to do that, well I got up before the jury and I said, "Well, the prosecutor spent a lot of time telling you about what happened." I said, "I don't know why it took all of that time, you have all of the evidence as well as he did, but anyway he had that much time. We don't have much time to tell our side so I'm going to level with you right quick." I put my watch on the table, and when I had them play the tape of that part where Lefty asked Thurman, "Well what do you have in mind?" Thurman said, "A thousand dollars a week." And Lefty said, "A thousand dollars a week?" I told the jury you weren't there, and I wasn't there, nobody was there but Thurman and Lefty, I said, but I'm satisfied, and then I said, "Play that again." He played it

again, and I said I'm satisfied that when Thurman propositioned him for that thousand dollars that both of his eyes went behind his nose, and I had a guy almost fall in my lap, he damn near fell out of the jury box.

The jury came back not guilty, just like that. Now that was a case where you just squeeze the facts out. "You arrested him at such and such a time didn't you, charged him with gambling. You couldn't make that case could you? The D.A. threw it out didn't he? And you remember when he went in Jewel Woods' house that night when you raided Jewel Woods' on W Street and you arrested Lefty? You opened the door and said come on in Lefty, you were very happy weren't you?" And in the cross-examination of the witnesses. I know what my theory is.

I asked the chief of the gambling squad, "You have known Lefty Winston a long time, haven't you?" "I have known of him," very proper, very proper, Captain Layton. And the undercover man was Lieutenant Thurman, and the head of the whole division was Inspector Lutts. So I cross-examined Layton because Layton was a straight arrow. I said, "You know about Lefty Winston." I said, "He has been known to you through general sources as a numbers backer, isn't that right?" "He has a reputation for being a gambler." I said, "Yeah, a numbers backer." "You arrested him on two or three occasions, is that so, he was a focal point of one, two or three of your investigations wasn't he?" "He has been investigated sometimes." "Well, specifically when Jewel Woods was arrested on W Street, he was the focal point. You thought it was his operation, didn't you? And when Barbara Towles was arrested up on O Street with all that group of people and with Lefty's brother, you thought that was his operation, didn't you?" I said, "The bottom line is you never have been able to make a gambling arrest stick on this man, is that so? Despite the fact that you are convinced that he's a big-time numbers operator, he has not been convicted." I said, "All right, now let me ask you this question. When Thurman came back after he had made contact with Lefty, when Thurman came back and told you he had Lefty on the hook, who was happiest, you or Lucky?" Objection. This boy Chauncey Whitt objected, and the

judge overruled the guy. And that was it. "When Thurman told you he had Lefty on the hook who was the happiest, you or Lucky?"

So I built up all of the facts and made them admit that they couldn't catch him legitimately doing what he was doing. "There was some motivation to hook something on him, do you follow what I am saying to you? And they set up this elaborate scheme, and the judge is going to tell you, I don't want you to take the law from me, as a matter of fact, I'm even reluctant to say this, but listen to her when she tells you that if he was hooked, if he was entrapped for the first payment, he was entrapped for the whole business, because he was entrapped into a scheme, not a thousand a day, but a thousand dollars a week, that's an arrangement." And they bought it. I think that had I not squeezed all of the facts out of that case, all of the actual facts, I couldn't have made my entrapment defense so attractive.

Take the case of the Park policeman who killed his wife and that man. If we didn't squeeze all of the facts out of that case, that jury wouldn't have had the reaction that they had. That jury was absolutely in that man's corner when the verdict was over with. They came in and said I don't want to appear to be condescending but I'd like to know if there is anything we can do for this man's family. And that was a legitimate piece of business, that wasn't a put-on at all. That was a pitiful situation. But I always said that the truth is the light if you get the facts out, if you have got a case that you think is worthwhile, the jury will buy it, you know that.

Bill Schultz: Now what about objections. You said the prosecutor objected. What philosophy did you have about objections, in terms of making objections before a jury?

Judge Bryant: No, unless I am hurt, unless I am really hurt, I don't make objections. And also, if I'm making a record, if I have to preserve a record for appeal purposes, I make an objection. But I make as few objections as I can in any situation because usually what you object to isn't anything.

Somebody objects to something that is hearsay, and you are going to have a witness come in and testify to it anyway. I know its hearsay, and I don't object to it. The reason I don't object to it is because I have learned. You see no experience is wasted experience in the law business.

My office is 615 F Street, and George Hayes' office is 613 F Street, and one day I went into George Hayes' office to see him and he wasn't there, or wasn't available, or was with a client or something. I was sitting there, and while I'm sitting there and reading the paper waiting for George to be available, a woman came in. This is the dead of wintertime, a woman came into the office and George's secretary said, "Oh hi Miss So & So, I'm glad to see you, what are you doing here, do you want to see Mr. Hayes?" She said, "No, I don't want to see Mr. Hayes, I'm just down here, I wanted to say hello, honey I'm on jury duty, and I've sat on a lot of cases." They would call you down for a whole month.

At that time Curtis Mitchell, who was a good lawyer, Curtis was not a shyster, Curtis was a good lawyer and he was record conscious. Curtis was an objection man. Objection, Objection. Well Curtis had so many criminal cases in this courthouse, that it was hard to get a guy to trial. He'd be in trial before Judge So & So, or a judge over here had a case involving him, so he was so popular and so busy in the courthouse that this court passed a 25-case rule — saying that no lawyer before the bar could have more than 25 criminal cases pending in this court at the same time. Curtis was a good lawyer, his reputation was good.

Curtis fell on the ice, he came out of his office and fell on the ice and broke his legs in two places. And he was in a cast, and these judges in this courthouse, Curran, McGuire, McLaughlin and Holtzoff and that crowd, they kept his foot to the fire. He came to court to preserve, to protect his clients and what not, he came to court not only in a cast, but before he should have, in pain, really, but he was in the courthouse trying cases when this woman was on jury duty, and this is what I remember.

She said, “You know they got a lawyer around here he's got his leg in a cast, he was in the case we just had, and you know, he didn't want us to hear anything, he didn't want us to find out nothing, every time all he would say was object, object, he said objection all day long.” That tells me something, you know what I mean? “He didn't want us to hear anything.” And I made up my mind at that point, unless I had a record to protect, unless I was getting hurt very badly and had some reason, because most of these objections that people lodge out here in the courthouse don't amount to anything.

And that's why when I am on the bench when they make the objection, I rule. Some of them are obvious to me, some of them aren't so obvious, and half of the time I won't rule one way or the other, I just say, “Move on counsel.” Because I know that if it is significant it's going to come to my attention, I am going to sense that. And no matter which way you rule you are not really affecting the quality of justice unless you go terribly astray.

Always, if I'm trying a case, and I do this before a judge, if I'm trying a case I want everybody to know that I'm trying to get a full picture. To whatever extent anything might influence the outcome of that case, I want them to know that. Because, I think that is a kind of assessment of human nature, what human beings will do under a given set of circumstances. I always think about that Park policeman because that jury got a clear understanding of the forces that were at work at the time that man killed those people, and they engaged in what we call nullification, because instead of finding that man not guilty by reason of insanity, they just found him not guilty.

Bill Schultz: Do you think there is more jury nullification today than there was when you were trying cases?

Judge Bryant: Bill, I don't think so. There came a time from about a year ago back, a couple of years back, when the government got a guilty verdict in a criminal case in the courthouse, it was news. The juries came back with not guilties and hung juries — not guilty and

hung juries. And it tickled me because some of the lawyers, some of the prosecutors wrote it off as Black jurors won't find people guilty. But that really wasn't the fact. The reason that these not guiltyies and hung juries came about hinged on the type of testimony that they offered. They would offer testimony that was often contradictory. The cases that they brought into the court were not prepared properly, the police officers would lie, and jurors saw it. And when those things came up, they found people not guilty, or hung on them.

I had a case where a man, where a jury hung up on a guy, one guy held out for guilty. The jury stayed out a long time and held out for guilty. But they hung and after they were hung, the lawyers wanted to know whether or not they could talk to the jurors, and I said, "Yeah, you can talk to them."

When they found out that the U.S. Attorney intended to try this man again, they were outraged. "What do you mean you are going to try that man again, that's ridiculous." So I didn't say anything, and about a week later the young lawyer came in, a young boy he seemed to be a nice fellow, he didn't have any case. He came in and said, "Your Honor, we would like a new trial date for the case of *U.S. v. So. & So.*" I said, "What, you do?" He said, "Yeah." I said, "All right, give him a trial date." She gave him a trial date, and I said, "While you are here don't you think you ought to get a date for the next trial?" He said, "Sir?" I said, "We might as well get a date for the next two or three trials, have you ever heard of the snowball? You are not going to convict this man." I told him that right in the courtroom. And about two or three days later he came back in and moved to dismiss the case.

Now they had a crazy case. They had a silly case, the policeman came in. In the first place, the two witnesses against him were drug buyers or something. The policeman saw a man come up in a BMW and make a U-turn and come and park behind an old station wagon. And the policemen were in a van and they drove by, and when they drove by they saw this man who had driven up in a BMW in this other car in the back seat. They saw the people in the front seat look

in the back at him, and in his hands appeared to be some rocks, cocaine. They jumped out, and when they jumped out and got to the car he stuffed the stuff somewhere in the car, and they locked him up and charged him with possession with intent to distribute.

They put this guy on who was in the front seat of the car as a witness. He said, the D.A. asked him, he said, "Your name is so-and-so?" He said, "Yeah." "And you drive such and such car?" He said, "Yeah." "Were you on Southern Avenue at such and such a time?" He said, "Yeah." "There came a time that you saw Mr. So & So & So & So." He said, "Yeah, but we weren't going to buy no drugs, we didn't have no money." I just looked right at the front of the door and tried to keep my face. He said, "Yeah, but we weren't going to buy no drugs, we didn't have no money."

So he's lying right then and there, one way or another. What would he be doing out there, he's either buying or selling. He wasn't going to buy any drugs because he didn't have any money. So I didn't say anything. So then the policeman comes in and he says he arrested this guy, and took him down. And that the guy told him who he got his drugs from a guy named So & So, and the guy up on the corner was dressed a certain way and had a certain kind of cap on. He nicknamed him So & So & So & So. The defense lawyer asked him did he ever go up there and find him. He said, "No." He said, "Why?" And he said, "I wasn't interested in any." He said, "Well he was his supplier, you weren't interested in him?" "No I had him." "Okay. And he told you all of this?" "Yeah."

These policemen are so crooked, when they arrest somebody, when two policemen ought to come in the courtroom, five of them will come. The one who took the drugs, and gave it to this one, and he gave it to this one, and they come into the courtroom and make that double-time. And then one will take the statement from the guy, and the other one will write down the paper work. So a guy testifies about all of this incriminating information this guy gave him about his drugs and so forth and so on. Then on the paper work where they indicate statement of

defendant, the guy says defendant made no statement, written down in the space where you are supposed to record the statement. They tried to explain it. Well, he talked to me, and Officer So & So he wrote that down. The jury is not going to buy that. They are not going to buy it. And I looked at them, and I said to myself, how in the hell did they get in here like this? Now that's why you see in the paper where Holder has decided not to try certain cases because of the quality. The police work is horrible, terrible. And these young D.A.s come in and they short-sell you, they think they have a case, and they don't understand that kind of stuff will not wash with people. Jurors will say, I think he might be guilty, but they haven't proved any guilt to me, I'm not going to send anybody to the penitentiary on that kind of evidence. So I think

Bill Schultz: So you don't see any increase in jury nullification?

Judge Bryant: No, I don't. Let me put it to you this way, I have been surprised a couple of times that the guy was found guilty. I've been surprised that a guy was found guilty a couple of times. But I haven't been shocked by any not guilty verdicts because I could see the flaws in them, I mean big flaws, and people know. I guess they know that when people get convicted they go away for a long time, no I don't think so. I think that's the same thing with O.J. Simpson. I think you can have a jury, there might be a lot of people on that jury who are convinced in their own minds that he killed these people, but I think they are going to say well, he might have done it, I think he did, but they didn't prove it.

Bill Schultz: You think he's going to get off?

Judge Bryant: I think there's a good chance that they will get a hung jury. That's too bad, but you see, you don't have any weapon, you don't have any witnesses, and the one witness who implicates him with some incriminating evidence, that judge is going to let him tear him apart, I know he's going to let them do it. That judge will give a defense lawyer a lot of latitude. When they get through the policeman is going to be the defendant.

Somebody asked me about it: "You think he did it?" I said, "What do you think?" I said, "Yeah, I don't have any doubt in my mind that he did it." "What do you mean by that?" I don't have any doubt, a lot of people say I don't think so. But you are going to have somebody on that jury like that. Somebody on that jury is not going to want to believe it. And you know what, unless you bring in a videotape, they aren't going to convict him. And they can put on whatever circumstantial evidence they are talking about, when they are through talking about that DNA, and all the ramifications of it, and the fallibilities and what not, when those lawyers get through with that business any juror who doesn't want to see that boy convicted, who doesn't have an anxiety neurosis to convict him, will say well, he may be guilty, but damn it they have to bring me more than that. They didn't have the evidence. If you anoint some jurors, jurors get anointed when you tell them what they are supposed to do and what they are not supposed to do.

Bill Schultz: They take it seriously.

Judge Bryant: Yes, they can think of a whole lot of reasons, and there are too many people who have been convicted recently and didn't do the crime, been released recently. There has been a whole lot of publicity attached to the fact that they have served so much time in jail, so much on death row, and then they find out that they didn't do it. Jurors get kind of ... when you say somebody is guilty, they say, we don't want the death penalty.

Bill Schultz: How did you prepare for trial as a lawyer?

Judge Bryant: Facts, getting the facts squared away. Knowing how it fits in, I mean just how the case develops.

Bill Schultz: How did you prepare witnesses?

Judge Bryant: Asked them what happened. There were some witnesses who were kind of tongue-tied, but you see if you get a witness, and the witness tells you the truth, there is no way in hell anybody is going to tie him up, if he's telling the truth, you ain't going to tie him up. Now, one way to foul him up is to try to groom him, do you understand what I'm saying to

you? You get some ignorant guy off of the street, and you ask him, you try to groom him and make him a witness. He'll get on the witness stand, and he will be concentrating on what he ought to do instead of what actually happened, and that's how you foul him. You just ask a guy what happened.

Bill Schultz: Did you get nervous before trials?

Judge Bryant: No, not before trials, I got nervous when the jury was out. I always got that anxiety when the jury was out. I don't think I got nervous before the trial.

Bill Schultz: How about Court of Appeals arguments?

Judge Bryant: Yes, to some extent, but you get a little relief when you go in and see what you are looking at. But you know, Bill, I was always thrilled with the appellate stuff.

Bill Schultz: Why?

Judge Bryant: I don't know, I just love it. I just like the appellate stuff.

Bill Schultz: More than trials?

Judge Bryant: No, not more but as much. I mean I liked it, I had the case, I briefed it and I liked the appellate stuff. I hadn't had as much of it in *Mallory*, I hadn't had quite as much of it. *Mallory* was in '57. It came out in '57, and you talk about nervous before the Supreme Court of the United States. I had never been there before. My experience level with them was not too high. I'd been a prosecutor, I had been in the private practice of law for about a year before I went in the U. S. Attorney's Office, and then I was in the U.S. Attorney's Office for four years and then I went out in the practice in '54, and *Mallory* came down in '57. That meant that I got *Mallory* shortly after I came out of the office. "You got a lawyer?" "No." "The court will appoint you a lawyer, tell the clerk, send Mr. Bryant." You know I was on everybody's mind when I went out of the U. S. Attorney's Office. Every hoodlum who got called up on Friday who committed a heinous crime and didn't have a lawyer, got Mr. Bryant.

Bill Schultz: How much did you make from *Mallory*?

Judge Bryant: How much did I make?

Bill Schultz: How much did you make? Did you make anything from *Mallory*?

Judge Bryant: No, I didn't make anything, not a dime.

Bill Schultz: How about that case you tried down South for Jack Greenberg?

Judge Bryant: Jack Greenberg? I think \$1200.

Bill Schultz: Did the Legal Defense Fund pay?

Judge Bryant: Yeah. And when I look back on that I am sorry I charged them that much money, but I had to. I couldn't go out of the office for that period of time, because they were giving me hell about these other things, but I would have felt better had I tried it for free if I could afford it. But I couldn't do it. I had to live down there.

But Mallory was over there in death row, and a white guy came up here from South Carolina and he brought me, you are a tobacco man, have you ever heard of Bull Durham? Bull Durham was that tobacco that they used to sell in a bag, little cloth bag with a drawstring on it. A white guy came up here that I had never seen, and walked in the office and gave me that little tobacco pouch with some bills and change in it. It was \$59 and some change, close to \$60, and this was sent to me by Mallory's mother from South Carolina who I had never seen. I took it over and gave it to him through the property clerk. He smoked and what not and he had no money in that place and \$59 wasn't going to help me, so I took it over and gave it to him in that bag. I felt so sorry for this woman. She was a mother down there in South Carolina and she couldn't help her boy. She sent \$59 in a little tobacco sack.

Bill Schultz: You once told me that you felt like a good lawyer never felt prepared when he went into court, what did you mean by that?

Judge Bryant: Well you know, you can't over-prepare for a case so far as I am concerned. And you always anticipate, you just can't. Preparation for a trial is the name of the game so far as I am concerned. After a trial begins I felt more confident about preparation than I

had before the trial begins. I know I've done my work, I can't figure anything else that I could have done before I got there, but I used to try cases and somebody told me Johnnie Sirica had noticed this. I was a great paper clip man. You know breaking up paper clips, it's a habit of mine.

Bill Schultz: Yes, I remember that.

Judge Bryant: And I used to try a case, and I would twist those paper clips. I don't ever remember trying a case on a piece of paper. And Johnnie Sirica's messenger used to tease me because Johnnie Sirica told him, now watch this guy with the paper clip. I had that nervous thing about paper clips.

Bill Schultz: Was Sirica a judge then?

Judge Bryant: Yeah. But what I am saying is that Ed Traxel when he tried that conspiracy case he was pathetic with that paper block.

Bill Schultz: And you didn't use notes?

Judge Bryant: No, I can't listen to a witness and take notes. I just can't do two things at one time. I just can't do it, and I don't think I have taken that many notes in a case during the course of a trial.

Bill Schultz: What about when you are asking questions. Did you use notes for questions?

Judge Bryant: I just did it. I knew what the witness was going to testify to, I knew what he was likely to testify to, and I knew what areas I wanted to explore. Now I didn't just get up there and hit-and-miss and ask stupid questions. I asked questions that I knew what the answers ought to be, do you know what I am saying to you?

Bill Schultz: Except for cross-examinations you used notes?

Judge Bryant: No, no, no, you can't do that on cross-examinations. Well I guess you can, but it is not likely because I listen to what a witness says and as I tell you, I can't listen and write at the same time. So when I get up to cross-examine him I know what to ask him, and

not only do you know what to ask him, but it's when to ask him that question. I know what my punch line is going to be. I know what I ultimately am going to ask him. Sometimes I know I am going to ask him this, and then ask him that, or I am going to ask him this, and hang him up to dry and don't ask him anything else. Do you know what I am saying to you? You know where you are going. Now when I investigate a case, when I am investigating a case I take notes. When I investigate a witness and what not I know what the score is.

Bill Schultz: Now what about when you are preparing for direct examination or cross-examination, did you write things down before you went into the courtroom, or did you just get it in your head?

Judge Bryant: Well, I had a witness, and I would put the topic of what that witness was going to tell them more than specific questions.

Bill Schultz: Did you take that into the courtroom?

Judge Bryant: Yeah.

Bill Schultz: Then you would have some notes about what he was going to say.

Judge Bryant: Yeah, of course.

Bill Schultz: What about oral argument in the Court of Appeals, did you take any notes?

Judge Bryant: When the guy was arguing?

Bill Schultz: No, no, when you were doing your argument.

Judge Bryant: From notes?

Bill Schultz: When you go up to the Court of Appeals and you go to the podium did you have any notes with you?

Judge Bryant: I had my brief. And the only note I had was that I knew the sequence in which I am going to operate, but notes that I was glued to, no.

Bill Schultz: Did you have some notes as to what you were going to say or you just had nothing? What would you take up to the podium?

Judge Bryant: The brief, and I knew my topic, the sequence, that's all. And I knew what was in that brief and I knew a lot beyond that brief. I didn't read my brief. I would never do that. Now when the other guy would be talking and I was coming up for rebuttal, I would jot down something that he said for rebuttal so I could meet that. I didn't want to miss meeting that, but I can't operate from that paper block.

Bill Schultz: Now what about closing arguments, how did you prepare for that in a jury trial?

Judge Bryant: Depending on how nicely the evidence was developed, how old it was, do you know what I mean? Depending on what high points came in it. You know, sometimes you get lucky and some high points will come up, and you hinge your closing arguments to those to try to emphasize them. I mean, for instance, when they played the tape in Lefty's case, that was like manna from heaven. You know that tape was the best thing I had going for me. It was beautiful – “a \$1,000?”, you know with his voice trailing off. Very frequently your opposition will give you great opportunity in argument. Whatever your opposition says usually gives you an opportunity to focus your argument.

Bill Schultz: Would you practice your oral argument, your closing argument or argument before the Court of Appeals before you gave it?

Judge Bryant: In the Court of Appeals?

Bill Schultz: Yeah.

Judge Bryant: I think so.

Bill Schultz: In moot courts?

Judge Bryant: Yeah, I mean I had Bill. I would bounce it off of Bill Gardner. Particularly if I had some area that I was going to have to finesse pretty well. Bill would ask me

all of the questions, all of the tough ones and some that he said that I wouldn't think about. I liked the oral arguments in the Court of Appeals. They are good, then you wait around for the opinions and anticipate the opinions coming. By the time that comes out you have got another one in the hop. I always had something pending in the Court of Appeals, and that's a good feeling, right?

Bill Schultz: And then they call you up and say they have a decision.

Judge Bryant: I had a lot of fun, but you know, we were talking. [U.S. District Court Judge] Lou Oberdorfer is a wonderful guy, a tremendous guy. He was telling us about the history of this court, this circuit, its 100th anniversary last month or something, and there were two guys who were judges on this court originally and they were on it for a long time and then Roger Robb's father and somebody else were on the court for thirty years and they ran the court. And we were talking about things that happened, and things that gave way, and things that we look upon now as not even conceivable. Can you imagine this, for instance. I was in the law practice in the 1950s when the Commissioners of the District of Columbia become concerned about the police practice of arresting people for investigations. That was a system where people were arrested, and charged with investigations, and locked up in the building across the street for a couple of days and then brought before the court and no-papered. I had forgotten all about that, and I happened to run into Sol Rosen who remembered those days and was talking to me about it a couple of days ago. But can you imagine that they would have to appoint a committee to study that and make recommendations that that policy be abolished? Can you imagine that in a civilized world? But that's what they did.

Bill Schultz: Tell me a little bit about your life outside of work during those years, from 1950 to the mid '60s. What sort of family life did you have? What kind of social life?

Judge Bryant: Not much. The kids were born in 1948 and '49. I started the law practice in '48, and really there wasn't much. You know a young wife raising young kids. Her time is usually kind of soaked up with the family matters, and God knows mine was too. When I was in the U.S. Attorney's Office I worked pretty diligently, and when I was out in the private practice you know I had to work kind of diligently. I didn't have any time.

Bill Schultz: What about on weekends?

Judge Bryant: Well, Saturday was a workday. Saturdays, Bill [Gardner] and I called our sitting-down day. We had, one of the things that attracted me to that office — F. Supp., F.2d, and L.Ed. of the Supreme Court Reports. We had the slip opinions services — the advance sheet service, and also the District of Columbia Court of Appeals. And on Saturdays, Saturday mornings, we would go down and pick up those slips opinions, and sit down and prop our feet up and read those slip opinions and go to lunch, and go on home. Now if I had a trial going, in the midst of the trial, I would do some work on that too, but primarily Saturday was our reading day. And that's very valuable, too, because you keep up with the law of the circuit.

A good example of that was when the jury asked Judge Keech, what happened if they found this man not guilty by reason of insanity, and he said, "You are not supposed to tell them." It happened that within about six weeks or not more than two months before that, this circuit had come out with a case — I think it was the *Durham* case — where the Court of Appeals had said that the jury had to be told what happened to a guy who was found not guilty by reason of insanity. And I was trying this case before Judge Keech and he did not know that. He told this jury that wasn't their business, and I said, "Your Honor, you have to tell." And I had to act like I was kind of ignorant, I didn't want to embarrass him but I insisted on it.

I had a good reputation with the court. He knew that I wouldn't try to press that on him if I wasn't very serious about it. And I told him, "Your Honor, I think if you don't tell them it's an error." He sent us to dinner, and when we came back he had found the case. That case had come

to my attention because I had propped my feet up on Saturday mornings and read these cases and we kept up on that pretty well.

Bill had a notebook where if there was any change in the law, he would always annotate the other opinions. It was a good system, it was a pretty good system.

Bill Schultz: Now you played pool then, right?

Judge Bryant: Yeah, every now and then

Bill Schultz: When did you do that?

Judge Bryant: On Saturdays before I went home usually. And some late nights I would go on pass the poolroom before it closed and play a little pool, but usually after I started practicing law I played pool on Saturday evenings. I would come down here and read those opinions. And if I wasn't working on a case I would leave around the middle of the day and stop past the pool hall and play a little pool and go on home by dinner time. But the pool and other things, poker playing and what not, after I started practicing law, all of that kind of went by the board. It's funny. It really is funny how the law really absorbed me. It kind of satisfied everything in me. I mean my gambling instincts, and most everything.

Bill Schultz: Really?

Judge Bryant: I didn't miss the pool, and I didn't miss the poker games and what not, really, I don't know why.

Bill Schultz: You used to play a lot of poker?

Judge Bryant: Yeah, but I don't know, really, the law satisfied everything. That was a big enough gamble I guess. You know making a living out there was a big gamble, seriously. There were many days We never missed a day paying our office staff, the secretary and one other person, we never missed a week paying them. But a whole lot of weeks Bill and I would split \$100 and go to the Safeway to get some groceries. We had some lean days, really lean days.

This girl, one of the brightest persons I have ever seen, Eleanor Holmes Norton, came to our office. We had a little reputation. We were long on reputation, didn't have any damn money. She came to our office for an interview, and I wanted to hire her, but I didn't have any money. I told her, I said, "Honey I sure would like to have you in here, but we couldn't pay you a dime." I couldn't pay her, we just couldn't.

And I think she believed me, but a lot of people thought really, they thought after a while that we were a top law office. Houston, Bryant & Gardner, that was the law firm. And they thought when I got appointed, what are you talking about, can Bill Bryant afford to take that job? Hell, I couldn't afford not to take that job.

When I went out of the U.S. Attorney's Office, you know the people, including me, thought that I was crazy. Because there was really nothing out there, there ain't nothing out there. I did a lot of legal work, and I handled a lot of business. I never had the knack of making money. I couldn't charge fees, for instance, like most people could.

Bill Schultz: Did you make less when you went out in private practice than you made in the U.S. Attorney's Office?

Judge Bryant: Oh yeah, for a while, because there wasn't any steady business coming over there in the office. I will say that some of the stuff that they appointed me to came out pretty well, and some reputation developed in the office that attracted some paying business. *Mallory*, for instance, attracted a lot of business. That was a case where not a dime was brought in during the duration, but it got a lot of attention.

Bill Schultz: You don't have to answer this, but what would the typical year be in terms of income?

Judge Bryant: In a year?

Bill Schultz: Yeah.

Judge Bryant: Oh, Bill, I suppose, I'm trying to think back in the '40s, I am trying to think about what I was making when I left the office. When I left the office, I am not certain of this, but when I left the office I think, I believe when Rover showed me that personnel action, I think I was making close to \$4,000 a year.

Bill Schultz: \$4,000 a year?

Judge Bryant: Yeah.

Bill Schultz: When you left the U.S. Attorney's Office?

Judge Bryant: Yeah.

Bill Schultz: And what about in private practice?

Judge Bryant: And when I went in private practice I didn't make that much money for a while.

Bill Schultz: Then what were you making?

Judge Bryant: Later on, before I came on the court, I was making, I guess if I made over \$15,000 I was in clover. If I made over \$15,000, that was a lot of money.

Bill Schultz: That was a good year?

Judge Bryant: Yeah. If I made over \$15,000, that was a good year.

Bill Schultz: And then when you came on the court, your salary?

Judge Bryant: What \$30,000 or something? I can't remember. It was a good increase, and then the regularity of it was a whole new world for me. The biggest fee I had was \$32,000 in the Daddy Grace thing. That was for one solid year's work.

Bill Schultz: But you had to pay your secretary and everything?

Judge Bryant: Oh yeah.

Bill Schultz: So you didn't make \$32,000?

Judge Bryant: I charged \$32,000 for that work, and that was all I did that year. There was no question about it, that was all I did for that year. We had two girls and Bill's share,

and what not, so I didn't make \$32,000, but that was the biggest single fee that ever came in that office.

Bill Schultz: Did you go to see movies, plays, or hear music? I mean how did you and Mrs. Bryant socialize?

Judge Bryant: Well, there were little organizations that gave a dance once a year. There were little groups, fraternities, that gave a dance once a year. Astaire and I would go out to one of these formal affairs, let's say two or three times a year. There was not a lot of partying and what not. I never was a movie man, so to speak.

Bill Schultz: Where would these formal affairs be?

Judge Bryant: There was a place called Murray's Casino on U Street between 9th & 10th Streets, and there was a place in the Masonic Temple Building at 10th & U Streets. They had a big ballroom floor. I have forgotten the name of it, but that was the place where these dances and things were held, and not much vacation. I took a vacation when I was in the U. S. Attorney's Office, and went to Detroit with Astaire for a few days.

Bill Schultz: That was the one in which you were called back?

Judge Bryant: Yeah.

Bill Schultz: What about in private practice, did you ever take vacations?

Judge Bryant: No. On some Sundays we would go down to the beach or something with the children, but to leave here and go someplace, no. No we never left the city.

Bill Schultz: You never were very good at that.

Judge Bryant: No, we never were, and Astaire didn't press it too much.

ORAL HISTORY OF THE HONORABLE WILLIAM B. BRYANT

Chapter 9

U.S. District Court Judge: 1965 – 1995

Interview Date: January 24, 1995

Bill Schultz: Judge Bryant, I want to ask you about your appointment to the U.S. District Court in 1965. What were the circumstances of your appointment? How did you hear about it? If you know, how did the appointment come about?

Judge Bryant: Well, I was in the office one evening, late afternoon, and at the time I was on the Committee of Admissions and Grievances. I think there were nine members, and I was one of those who was responsible for conducting the bar examination on contracts and commercial paper. The bar had been given, and I was busy correcting papers in the office over on F Street, when I got a telephone call late in the afternoon from a guy named Reson. I think his name was Reson, R-e-s-o-n, who was an Assistant Attorney General. I had never heard of him, I didn't know him, and he called my office and asked could I come down to the office, to his place. And I went down there, and when I went down there I had no idea what he wanted to talk to me about.

There hadn't been any discussion of federal judgeship. I hadn't discussed it with anybody, and nobody had discussed it with me. He called me down there, and talked to me, and was very blunt, and asked me about myself. He asked me what organizations I belonged to, and I thought he was talking about subversive organizations.

I said, "I don't belong to any." He said, "I'm talking about bar associations." I said, "Well, I don't belong to any." I didn't.

At that time the D.C. Bar was all white, and there was a Washington Bar Association, which was Black; there was the National Bar Association, but I am not a joiner. I had been in the U.S. Attorney's Office for about four years, and I had just not affiliated myself with any

organizations. I told him I didn't belong to anything, and Reson said, "Jesus Christ, man, join something." I remember he said that. But when Frank Reeves was alive we were in the office one day and he called me, he was very active in the early Kennedy days.

Bill Schultz: Now who was Frank Reeves?

Judge Bryant: Frank Reeves was a young lawyer, a Black guy, a capable lawyer, politically active guy, and he worked in the Kennedy administration, as one of the assistants or something on somebody's staff during the campaign. When the campaign was over he, Frank had some job in the city. I don't remember exactly what it was, but he was influential with the administration, and he was relatively close to Bobby Kennedy in the Department of Justice. Frank called me one day. We had a lot of court reorganization, when I first came to the bar the United States District Court for the District of Columbia handled everything, probate, domestic relations, you name it, the common law crimes, the federal crimes, and a separate Domestic Relations Court had been created. I guess it had been created just before Kennedy came into office. It was a relatively new court, and they were trying to staff that court. It was a three-judge court and Frank Reeves was interested in putting somebody, a Black guy, on the court.

Frank called me one day in the office and said, "I would like for you to go, we've got a spot on that court, on that Domestic Relations Court, and I would like for you to go there."

In my office I handled a few of those domestic relations matters, and I didn't like them, and I couldn't possibly get involved in them, I mean divorces and stuff like that weren't my cup of tea. I spent four or five hours talking to a woman trying to convince her she ought not file for divorce, I mean I didn't like it.

And I told Frank, "Frank I can't live with that." I said, "I'm sorry, I avoid that in the practice, that would be a death sentence for me." I said, "I will do anything in the world for you, but I couldn't go for that."

And while I was talking to him, Joe Waddy was there standing over me, and he caught the drift of the conversation, and he said, "Let me talk to him." And Joe talked to Frank, and told Frank that he would go. And he did. He went on the Domestic Relations Court of the District of Columbia. He left the office and went over there. He left Bill Gardner and me in that office.

Bill Schultz: When was that, early sixties?

Judge Bryant: Early sixties. So I didn't hear anything about any judge thing. I remember when the Juvenile Court was set up, they had three Juvenile Court judges, and Aubrey Robinson saw me in the hallway downstairs and said, "Well who is going on the Juvenile, who is going to take that spot on the Juvenile Court?" The idea was that when you set up these new courts that they would get some minority on them. And I said to Aubrey, "Well who in the hell would want it — Juvenile Court?" And he said, "I do." And it made me feel bad because I didn't want to appear to be arrogant, and he went on there, he went on that court.

Bill Schultz: He was probably glad to hear that you didn't want it.

Judge Bryant: But anyway, I didn't know anything about any judgeship. Reson called me and he said, "Now get this questionnaire back to me soon as you can." He gave me a questionnaire that long, and that wide and that thick and I'm trying to get these grades in as fast as I could, and correcting bar papers is hell. So he gave it to me like today, and I corrected these papers, and the next day I was correcting these papers and a guy called me, Reson called me at about 3 or 4 o'clock in the afternoon, and said, "I haven't got that questionnaire back yet." I said, "Well, I'll get it to you tomorrow evening." He said, "I'll be here until 8."

Bill Schultz: You knew what this was about?

Judge Bryant: Yeah, I knew what it was about because he told me. But I didn't know it was kind of cut-and-dry, you know what I mean? It didn't dawn on me that that was so. It couldn't be because nobody had talked to me. I didn't talk to anybody. I hadn't sought it. We

didn't have the mechanism for political input, so I filled out that questionnaire and thereafter I got a call one evening, "The President would like you on the boat."

I told you that story didn't I? And I went down on the boat, I guess I was being targeted, now to this day, my hand to God, I don't know who my godfather was. There was a woman named Nancy Harrison who was an heiress to the McCormick fortune who was Gil Harrison's wife who headed up the *New Republic* magazine. She lived up on Macomb Street or someplace, she had us over to dinner with some people and thereafter she invited Astaire and myself to her house two or three times. She liked us. I don't know why. She was a nice woman, kind of active politically.

And there was Charlie Horsky whom I had worked with on the Board of the Federal City College, and on several other things. We founded the ACLU unit here in the District of Columbia. I was among the first group. We met over in his office at Covington. Also he and Robb and I were on that Committee for Arrest and Investigations in the District of Columbia.

We had come to work well and know each other, and have respect for each other. Now Charlie was in the White House at one time. Charlie never said anything to me. I have always said that I want to talk to Charlie about that, because I have got an idea that he was the guy, but nobody has ever taken the credit for me being a judge. I guess I'm the only guy in the world who doesn't know how he got to be a judge.

Bill Schultz: I read somewhere that Abe Fortas said that he had something to do with it. Does that ring a bell at all?

Judge Bryant: Abe Fortas? He might have, I don't know.

Bill Schultz: Would that make sense?

Judge Bryant: Well, I didn't know Abe Fortas personally. I knew him like I know Lloyd Cutler, "How do you do?" That's all. But I didn't know him otherwise. I wasn't any friend of his. You read that somewhere?

Bill Schultz: Yeah. I did. A long time ago.

Judge Bryant: I can't say he wasn't. Maybe he was. I don't know. I always attributed it to Charlie. It could have been between him and Abe. He and Abe were close. So I just don't know.

Bill Schultz: Now you went on a boat trip with President Johnson? Tell me about that.

Judge Bryant: I'm working in the office, and the phone rings about 4 o'clock. Mr. Valenti on the phone. Now the only Valenti I know is Jack Valenti. I think somebody is pulling my leg. I picked up the phone, and he said, "Mr. Bryant, Jack Valenti. The President would like to have dinner with you tonight on the *Sequoia* and it leaves at such & such a place to dock at 6 or 7 o'clock".

So, I said, "OK." There is no warning or nothing, I think somebody is pulling my leg, but I'm not certain to the point of making fun at it, you know. It sounded kind of official like, so I go down there.

Bill Schultz: Did you go with Mrs. Bryant or by yourself?

Judge Bryant: No, just me. And I left the office and went down there. I called Astaire, and the *Sequoia* was the yacht that went up and down the Potomac River, the president had for years and years and years. And I got on that boat. Well, I found out what the occasion was. There was a meeting of some diplomats from the Caribbean, the Caribbean area, all of these guys, and there may have been some from Africa. I don't know.

Anyway they were from these third-world countries I guess. And they were his guests. And also on the boat that night was Whitney Young who was the Executive Secretary of the Urban League, who was pretty close to Johnson. I think Roy Wilkins was on that boat, the boy from the NAACP. And I was on the boat.

And that was during the last days of the Vietnam thing, and the war was just carrying Johnson right down the drain. He looked bad. But I got on the boat, and we went down the river, and just before they served the meals or afterwards, they were sitting around and I got tired and I sat down on the rail. A guy comes over to me, a white guy comes over to me. I didn't know at that time that he was Bill Moyers, and he asked me — I told you that story — “And what's your country?” I told him Alabama. He damn near fell off of the boat. He almost fell off of the boat, and we laughed, I told him, Alabama. He said, “What?” I said, “Alabama.” I said, “I have been in the District of Columbia since I was eleven months old.” I said, “I have spent the rest of my life trying to forget the first eleven months.” And he laughed and it was a joke. It was really a funny joke.

That was quite an experience. We came back and the boat docked and Johnson reached down, picked up those two little beagle hounds he had, picked them up by the ears and took them off the boat and started away from the boat, and then he turned around and said, “When you all get home at 2:30 in the morning don't tell them no goddamn lies that you have been with me.” He was a funny man. But I felt so sorry for him because that war was tearing him down.

Bill Schultz: Did you actually talk to him on that trip?

Judge Bryant: Yeah, but I was just introduced to him, and so far as he knew I was from Guatemala or something, but he and Whitney Young had animated conversation. He was sitting in a chair, in the captain's seat or something in that boat, a swivel chair, and around him was a little space and during that time I think Whitney and somebody else was with him all of that time. Sitting up there in that little space. That was the only time that I was in his presence.

Bill Schultz: Now, how long after that did you hear that he wanted to nominate you?

Judge Bryant: I guess it was June. It was June or early July. And I don't remember. My memory is bad, I don't remember going to the Senate. I don't remember going to the committee hearings, but I know I did.

Bill Schultz: So it was June when you heard, and when was the boat trip?

Judge Bryant: I was sworn in August, the 16th of August 1965 I was sworn in so it went through. I was named like today, and in no time I was confirmed.

Bill Schultz: When you first had the conversation, and they gave you the forms to fill out, about when was that?

Judge Bryant: Bill, I guess it was about April or May. I don't know. I figured it was about April or May because I don't remember when, we were fighting to get the bar exam results out and we try to get them out. I thought at that time we got them out twice a year. They took them twice a year, and we were trying to get them out in June, I think. I think it was May when Ernest Friesen called me down there. But, anyway, it was a quick, it was a relatively quick thing.

Bill Schultz: And you don't remember the hearing?

Judge Bryant: I don't remember the hearing, I don't even remember who the chairman of the committee was. I went down to Danny Parker's hearing here recently. He goes before a committee and the woman from California, Feinstein, was there and that's all. She was there and no other member of the committee was there, and some people came in and spoke for him, you know, like Moynihan and what not. I didn't have that because I didn't have any representative, you know, no state representative. I'm sorry, I just don't remember. That's funny, but you would think that I would have vivid recollection of who was there, and what happened, but I really don't remember.

Bill Schultz: Now you were sworn in on the same day as Judge Gasch?

Judge Bryant: Yeah.

Bill Schultz: Did you have your hearing on the same day, do you know?

Judge Bryant: I don't know. But Gasch was sworn in the morning and I was sworn in the afternoon of the same day.

Bill Schultz: Now, did you have an interest in being on the court, had that been an ambition of yours?

Judge Bryant: No, I really hadn't entertained that as an ambition. Let me put it this way, when Friesen talked to me, and he called me that second day and asked for that questionnaire, I was thoroughly thrilled by that. Now I lived in the district court, and I mean I practiced before the D.C. Circuit. And I realized that this was a serious piece of business and I was very happy about it. I had no yearning to just be a judge, because I think if I had I would have grabbed a hold of that judgeship on that Domestic Relations thing. So what I am saying is I don't think I had that yen, but when this became a possibility I was very excited about it.

Bill Schultz: What attracted you to the job?

Judge Bryant: Well, I just think that a district court judge is practicing law. I think he is practicing law. He is in the active business of dealing with the law, and case law, and I like that. I just liked it. I thought about that as something I would have some fun doing. I liked that.

Bill Schultz: You were already practicing law, so what about being a district court judge was more attractive?

Judge Bryant: Well, let me put it this way. If I had not wanted to be a judge, if I didn't like the job, I still couldn't turn it down because of the money aspect of it. I had gained some prominence, I guess, in the community, and had a reputation for being a hell of a trial lawyer. I'd been in some high-profile cases, some of them kind of spectacular. And I had been involved in the *Mallory* case, a Supreme Court case, a man was set free by virtue of the decision.

I was involved in the *Killough* case which was a very, very prominent case in here, and then I was involved in a month-long conspiracy case with eleven defendants. Everybody got convicted except my man, so you know I had a reputation.

So when the news was announced that I was nominated for the court, people said, “Can Bill Bryant afford to take that job?” Because I think the salary was thirty some thousand dollars, at that time. And I laughed, and I didn't make any bones about it. I said, “What are you talking about?” And they would say, “Can you afford to take that job?” And I would say, “I can't afford not to take it.”

Obviously I never made any money practicing law. I had a hell of a lot of fun, but I really didn't make any money practicing law. So the prominence, the independence and the money aspect of it was a godsend for me.

You know, come to think of it, maybe Dave Bazelon had something to do with it, I don't know. Maybe Dave did because he liked me as a lawyer, and I appeared before him many times. Maybe he did, because Dave was very close to — you know him and Mr. Kronheim — Dave was a political animal. And he could have been responsible for it. And he's the type of guy that never would have told me. Do you know what I mean? So I don't know, but I wish I did. I really wish I did. I wish I knew the real core of that, but I don't know.

And I haven't thought of Dave Bazelon before just now. But he might have because he loved me. He liked me very much. I appeared before him as a lawyer many times. And he liked the way I did things. So I don't know, I really don't know. I wonder, maybe Charlie knows, and I know Charlie well enough to ask him.

Bill Schultz: You will have to ask him.

Judge Bryant: I am going to ask him.

Bill Schultz: Now, what are your first memories on the court being a judge.

What were your first impressions?

Judge Bryant: Well, it was kind of hectic. When I first came on the court and for some years thereafter they didn't have the individual calendar system. You might get a civil case that had been in the hands of four or five or six other judges before it gets to you if you are going to try it. Or you might have a motion in a case that you had no previous experience in, and after you deal with the motion you are not going to have any more experience in. A kind of haphazard kind of business.

You go in a courtroom and the cases would be called, the criminal case you didn't know a damn thing about until they were unveiled in your courtroom.

You might have a motion to suppress in a case, you deal with the motion and then the case goes from you and some other judge tries it. So it used to be that a judge would hear a motion to suppress, deny the motion, and the case would go to trial before another judge. The guy got convicted and the judge who convicted him got reversed because the motion wasn't granted, that kind of thing.

It was kind of hectic. We had everything. As I said, we had probate, we had domestic relations, no we didn't have domestic relations, but we had the probate stuff in here. Domestic relations had been taken out of this court when Joe went on about two or three years before. But the common-law jurisdiction and the federal jurisdiction. We were busy and I tried cases every day. Every day from 9, 9:15 to 9:30 right straight through the day. Day after day, trying cases. You were in the courtroom all of the time, and predominately criminal stuff.

Bill Schultz: How did you like being a judge as opposed to a trial lawyer?

Judge Bryant: It wasn't too far removed. I mean I didn't have any withdrawal symptoms, so to speak. I knew how to keep my mouth shut in cases involving juries, and what not. But there's enough business transacted in the courtroom that doesn't involve a jury, which involves the lawyers to make you think you are still in the practice, so to speak. Do you know what I mean?

There's an exchange and give and take and what not and that's very interesting. Even today I like to hear motions because it's dealing with the lawyers and dealing with the legal principles. Now when the jury is in the box I keep my mouth shut, and I never had a problem with that.

But I liked it, I mean I really didn't feel like I was taken out of the practice, so to speak. You are pretty close to the practice when you are a trial judge. You are pretty close. I didn't realize how close until I really got into this job. It was kind of overwhelming. The civil stuff began to back up a little bit, and that bothered me to have that stuff hanging on my head.

Bill Schultz: What are the cases that you were involved in that stand out most in your mind?

Judge Bryant: As a judge?

Bill Schultz: Yes, as a judge.

Judge Bryant: Well, there was the Mine Worker's case, there was the *McSurely* case, *McSurely v. McClellan*, kind of fun. There was *Fitzgerald*, the whistleblower. There was *Dellums v. Powell*. You were with me then?

Bill Schultz: I was here.

Judge Bryant: You remember that?

Bill Schultz: All of those cases were active when I was here.

Judge Bryant: *Dellums v. Powell* was one. The FBI case, *Felt & Miller*, the Black bag job of the FBI, *U.S. v. Felt & Miller*, was interesting. That's the one where Nixon testified. The jail case, *Campbell v. McGruder*, is interesting, although the interest has worn thin now. I've had it since 1971, one aspect or another.

Bill Schultz: That's a pretty good list.

Judge Bryant: And also one case you know. These various memorandum opinions you write. I don't send my stuff to West unless it's something I think is kind of unique

or hasn't been combed out, because usually when a guy gets an opinion that he sends to West Publishing Co., it's on a matter that has been thoroughly resolved at the appellate level so I don't think it is making any contribution. Occasionally that's not so.

The Indian case, *Harjo*, I think is an example. I liked that case. And that was a kind of unique case, and I was flying blind, so to speak, in there, operating on very little precedent, and hammered out an opinion that was affirmed and to this day they cite it in various circuit cases. They cite that *Harjo* case. I know that was kind of unique.

Bill Schultz: But you also had the 18-year-old vote case?

Judge Bryant: What?

Bill Schultz: Didn't you have a three-judge court case involving the voting age?

Judge Bryant: Eighteen what?

Bill Schultz: Eighteen-year-old vote. Whether the voting age could legally be over 18, no?

Judge Bryant: I don't remember it. I don't remember that.

Bill Schultz: Which was the hardest case, the most difficult?

Judge Bryant: I guess the most worrisome case, it wasn't so difficult, but it went up and down the line a lot of times, was *Dellums v. Powell*. I guess because Nixon was fighting the tapes.

Bill Schultz: What was that case about?

Judge Bryant: It was an anti-war demonstration led by some activists who gathered here at the foot of the Capitol, and Ron Dellums, who is still in the Congress from California, was with them and he was sort of leading them. He was one of the prominent people. So they were arrested at the foot of the Capitol, hundreds of them were herded together and locked up for violating some sort of law, so they say, and they filed suit. After the criminal aspect was over they filed suit against Powell, who was a former policeman over here in the

Metropolitan Police Department, who had retired and gone to the Capitol. He was the chief of the Capitol Police, and a more decent human being never existed. He was a hell of a nice guy, a decent person. But the case took on the name of *Dellums, et al. v. Powell, et al.* And Powell really wasn't the authoritative figure there because Nixon had worked around Powell through Wilson, who was the Chief of Police of the Metropolitan Police Department. So they relegated Powell to a fifth-wheel job that Powell was held responsible because it was on his grounds that these people were corralled. So they sued alleging violations of certain civil rights, and they prevailed.

Bill Schultz: Was it a jury trial?

Judge Bryant: Yeah, yeah.

Bill Schultz: And do you remember the outcome?

Judge Bryant: They were awarded certain damages and for a long time thereafter I had a problem with allocating various amounts of money, that aspect of it. The sweep-up aspect of it, was kind of tedious. That's no fun when you try a case, the housekeeping aspect of it. The ACLU, that was one of the feathers in their cap. I think it was a good case for them.

Bill Schultz: But for a judge, what were the challenging aspects of the case?

Judge Bryant: Well, Nixon raised some questions. Particularly about the tapes. He raised all sorts of defenses, you name it, and he had it. We went through all of them, and I wasn't sympathetic to him, and it would go to the Court of Appeals, and the Court of Appeals at that time would back me out, and it would go back and go back again.

Bill Schultz: These were questions about whether the plaintiffs would get discovery of the tapes in order to establish responsibility?

Judge Bryant: Yeah, responsibility. Mitchell and Wilson and Powell, and what orders came out. It was kind of tedious and I just didn't see any real reason why this shouldn't happen. Now that was a tedious case because they set up various procedures to sanitize these

tapes, and we would go through the *Vaughn* index, you know, you would examine each one of them in camera, you would go in the courtroom all day and come back here and sit up half of the night, but it was kind of fun.

Bill Schultz: Which do you think was the most important case?

Judge Bryant: That's hard, I don't know. I had various cases involving the White House sidewalk and the Lafayette Park and I can't name them now, but I had two or three of them involving that. For the most part I have come down on the right side, but sometimes the orders have been modified because I always kind of likened Lafayette Square to Hyde Park, so to speak.

You know you go over to Britain any time of the day or night and some guy is on a soapbox talking, you know over in Hyde Park? I thought that the sidewalk in front of the White House was purposely made as wide as it was not so much for tourists as for other people. I mean, I think these people can come there and display their signs and what not and it ought to be. That's my theory about it. These questions about displaying a sign that is larger than the regulations called for and all of that sort of business I thought was nitpicking, and sometimes I would rule against them. And then they would say, "Well it's reasonable to cut down the size of it. But a sign 12 feet long?" I would say, "That's not too big." They would say, "No, it can't be over 10 feet." And, of course, these people who made the signs wanted to know what the regulations were so that could exceed it and come to court and get the victory. Those are fun things, I guess.

Bill Schultz: Probably your longest-running case is *Campbell*. What was at stake there?

Judge Bryant: Well, it is still running. I've got an order to sign right now. *Campbell* arose out of conditions at the old jail. Even before, you know that's very interesting, even before the so-called war on drugs and the crime situation as it is now, in 1972 when

Campbell arose we didn't have anything like we have now in terms of crime in the streets. But we had an old, antiquated jail, and it was overcrowded. Some people were serving time for misdemeanor offenses that were committed, and it was a holding place for people awaiting trial in felony cases. I think it was built for maybe seven or eight hundred and they had 1600 people in it.

Conditions became very intolerable, and one night they had a riot over there. They took the superintendent of the Department of Corrections, a boy named Kenneth Hardy, there as hostage. I got involved in the case on account of emergency basis. One evening I was getting ready to go home, and somebody came over here with some papers, emergency papers seeking some relief over at the jail. I don't know exactly how I got into it, but whatever the paper was, it came to me and I had a hearing. I remember it was way into the night and that was when I was married to the *Campbell* case.

I diffused that situation some sort of way and set it up so that I would have an early hearing on a lot of things and we did. And I found that there was a direct correlation between the things these people were complaining about and the population. They entered into a consent order and put a cap on the jail. I couldn't impose that cap right now but they entered into a consent order that is still intact, where they can't house over a certain number of people in the jail.

Then the other things came about involving the Corrections Department and the jail, and every time they hit the courthouse, boom Bryant, related case, boom Bryant, related case. So now I am currently signing an order regarding the delivery of health services to the jail as a result of that 1971 case. And I have been at it since that time, and I think Pat Hickey, who was with the Public Defender Service at that time, he is now with Patton, Boggs & Blow, and he is still with it, so that's the longest-running case in the courthouse. The oldest case in the

courthouse, so far as I know. And it's still live, it still has live issues in it, and very difficult sometimes.

Bill Schultz: You have visited the jail as part of the case?

Judge Bryant: Yeah.

Bill Schultz: That's an unusual thing for a judge to do, to actually go visit a jail, I think.

Judge Bryant: I don't know if it was unusual. I don't know whether it was or not, but I just went over there unannounced.

Bill Schultz: What was your recollection of that?

Judge Bryant: My recollection was that it was crowded, and hot, the conditions were not as bad as they have depicted to me now, you know about some of the incidents coming through here now. It wasn't a filthy and terribly dirty and repulsive place. It wasn't that way. It was crowded as hell, but I didn't get the feeling that I get now, and I haven't been there. But from the reports that I get it's a rat-infested, roach-infested, terrible place, in disrepair, and people are committing suicide, and people are over there suffering from various physical disorders and mental disorders and getting low-grade or no-grade attention. It's not a good place, not a good place.

Bill Schultz: Did you have any apprehension about going into the jail?

Judge Bryant: No, I really didn't. Maybe I should have.

Bill Schultz: Did the inmates recognize you?

Judge Bryant: I'm certain some of them did, but I don't remember anybody yelling at me. I don't remember anybody recognizing me, or indicating they recognized me. I don't remember, they might have. But I didn't feel any real apprehension. Because when I went in there things were under control completely.

Bill Schultz: I will just say I remember, because I went with you.

Judge Bryant: Were you with me at that time?

Bill Schultz: I was with you.

Judge Bryant: We went over there unannounced, didn't we?

Bill Schultz: Yes.

Judge Bryant: Did you feel any apprehension?

Bill Schultz: No. No, but I remember some of them did recognize you.

Judge Bryant: Is that right?

Bill Schultz: Yeah, it was sort of a sense of respect. But you are right, there was no jeering or anything.

Judge Bryant: But am I right when I say that it was crowded, but it wasn't terribly filthy?

Bill Schultz: Yes, I don't remember it being terribly filthy.

Judge Bryant: That's right. It was a strange thing. That's why when I have been holding hearings about the current conditions at the jail, rats, rodents and food on the floor and dirty, the walls in disrepair, and what not, and I got to thinking about it and I asked, "Who is the superintendent?" In fact, Mr. Hickey said, it is Mr. So & So, who he was, and he felt pretty highly of him, and thought he was a decent guy.

So I said, "I wonder what in the hell he does?" I said, "Could somebody get ahold of him?" They said, "Yeah."

So they got ahold of him on the phone and I said, "Come over here right away." I knew it was a mean thing to do, but I asked him to come over here right away. He came over here from the jail right straight to the courthouse. I'm in the middle of a hearing, you know with the Corporation Counsel, and what not, left-jabbing and trying to defend craziness.

From what these people told me, I felt some of their gripes had nothing to do with personnel, the shortage of personnel or anything like that. Some of their gripes had to do with

just plain supervision, you know. So the guy came over, a nice looking guy. He came in the courtroom and looked all strange, and I said, "Are you Mr. Stewart? Come on up here." I said, "I want to ask you some questions. Swear him in."

He got on the witness stand, and I said, "I understand you are superintendent over at that jail." He said, "Yeah."

I said, "How long have you been over there?" He told me how long he had been over there.

I said, "Well things are not working out too well over there are they?" He said, "I think they are improving."

I said, "Let me ask you something. What's your typical day?" And I asked him to tell me how his typical day ran. And when he got through telling me what his typical day was I asked him, I said, "Do you ever just walk out of the office and just walk around the jail?" I said, "It's not the biggest place in the world." I said, "You could make a tour of the jail in at least a couple of hours, couldn't you, just tour the jail physically?" He said, "Yeah."

I said, "Do you ever do that?" Both of his eyes went behind his nose he said, "Oh yeah". And I said, "How often?" Now the reason I asked him that question was I had been to the jail before, I was at the jail to interview Mallory. You know there was a time you had to go to the jail to interview these prisoners, and I had been to the jail when the jail was run by a guy named Peake, Col. Peake they called him. The whole force was organized on a military basis. The superintendent was a colonel, and then the deputy superintendent was a major, you know military ranking, and Peake, I remember I found out that every day Peake inspected the jail.

Bill Schultz: Is that right?

Judge Bryant: Every single day Peake started his day evidently

Bill Schultz: Like a doctor on rounds.

Judge Bryant: Yeah. Peake wasn't a paper shuffler. You know evidently he wasn't academically inclined, and maybe he didn't have to make the reports and what not. So that every day he took an inspection tour of the jail. And you could damn near eat off of the floor in the jail in the old days, in the late forties and the early fifties. And that's why I asked this guy, "What's your typical day?" And when he got through telling me I said, "Gee he doesn't inspect the jail." And of course maybe Peake had more authority than they do now. There was a time when people said either you do this or ... if I come in tomorrow and I find these conditions you can go. We can't do that with these people now. I'm sorry you can't sometimes.

Bill Schultz: Now the *Mine Workers* case is probably the longest-running case, not the longest-running but the longest trial?

Judge Bryant: It was probably the longest civil case, I think. Maybe so, I had a long criminal case involving seven or eight people in a drug conspiracy, it was a long case. So far as I am concerned several weeks is a long case.

Bill Schultz: What was the *Mine Workers* case about?

Judge Bryant: The Mine Workers had been dominated or headed up by a boy named Tony Boyle; he was the president of the Mine Workers Union, and he and his cohorts, I guess you might say, had run the union for a long time and apparently they exploited it very well. And they got some opposition to the stewardship of the union, and this fellow Yablonski, who is up in Pennsylvania, offered them opposition. I think at the union election or prior to the election during the campaign, sometime during the strike. Yablonski, his wife and I think his daughter, I think there were three of them in the family, were killed in their home up in Pennsylvania during the night. They attributed their murders to some people in this Mine Workers; strike, and I guess the Mafia to some extent. So the Department of Justice came in, I guess it was the solicitor of the Department of Labor, and filed this action to unseat that union. And that's when Joe Rauh sought to intervene and I wouldn't let him intervene and it went to the

Court of Appeals. The Court of Appeals s affirmed, and they shouldn't have, and it went to the Supreme Court, which reversed all of us and let him come in as intervenor.

Bill Schultz: Who was he representing?

Judge Bryant: He represented Chip Yablonski.

Bill Schultz: And he was the son of ...

Judge Bryant: Chip Yablonski was the son of the guy who was killed. And Chip Yablonski was active in the union, too.

Bill Schultz: Was that the only time you got reversed by the Supreme Court?

Judge Bryant: I think so. I really don't know, but I think so. So Joe really tried the case, and it revealed all sorts of shenanigans and forbidden practices, and these people had virtually no defense.

Bill Schultz: Who represented the Mine Workers? Was it somebody from Williams & Connolly, is that right?

Judge Bryant: Somebody from Williams & Connolly and somebody, oh the name is on the tip of my tongue I was talking about it the other day. It was a boy named ... Bill, I just can't think of it. But anyway, I hate to think about it because it was a bench trial and I was relatively young, and just going in court all day long, from 9 to 5, 9 to 6 was all right with me. We got involved in the case, and there came a time when the defendants sort of dragged their feet a little bit, and I wanted to try the case, and it shaped up so that we could try it.

So something was supposed to happen on a Monday, and the defendants asked for a continuance, and I said no, and it was a question of discovery and they wanted to depose a witness. And I said well you can depose him on a weekend, and they went up there and deposed him on a weekend, or tried to, and on Monday morning when we came back, the guy dropped dead. The guy died over the weekend, he had a heart attack and died.

And I felt like a damn fool, and in all probability the same thing could have happened to him, but I felt that I had driven the case too hard. You know it made me feel so bad. That's one of the few times in my life I just didn't think much of myself. Because I'm sitting up there on the bench, and I am trying this case. I am trying it, and I am close on it, I've read my stuff, and I was prepared. I knew what the law was, and I was pouring in the evidence. But to show you how much I was involved in the case, the case ended on, let's say a Thursday or Friday, and I came in here off of the bench and I started writing my own findings right then and there. And there was a judicial conference down in Williamsburg and I didn't go, because I didn't want to interrupt that. The case had just been tried, I had just come off the bench, and I was ready to write, and I did. I filed those findings within a week after, before a week was out after that trial. It was hot, fresh in my mind.

Bill Schultz: What about Joe Rauh. What are your recollections of him?

Judge Bryant: Joe was extraordinary. In that case, he knew more about that case than the Department of Labor knew. He knew more about that case than any defense lawyer knew. He just knew the case backwards and forwards, and I never saw him refer to a piece of paper in the course of that trial. He examined witnesses, and cross-examined witnesses and I never saw Joe look at a piece of paper. It was just oozing out of him. He had such an extraordinary sense of the relevant, I mean he wasted no time. Joe was a hell of a lawyer. I had heard about him, I had never seen him work before, but as a trial lawyer, I haven't seen any better. He tried that case, he took over that case, he tried it.

Bill Schultz: And what was the outcome?

Judge Bryant: I divested them of their power. I don't remember precisely what happened, had a neighbor who went in the hospital during the Christmas holidays and I went down to the house to carry them a little present, we exchange gifts on Christmas day, and his wife said he was in the hospital with pneumonia, but he wanted me to have this. And she had a

little clipping out of the *New York Times* for Christmas, and in that edition there was a guy named Usery who was assigned to mediate the baseball strike and he was formerly with the Department of Labor, and apparently somebody had written a piece in the editorial part of the *Times* extolling the virtue and the skills of this guy Usery as a negotiator. He had been mentioned in that article as having been instrumental in settling and handling the election and what not of the United Mine Workers after the Boyle people were thrown out. Chip Yablonski had written a letter to the *Times*, and they had published it on Christmas day where he took issue with it, and said, he was a good negotiator, and a fine guy, but he didn't deserve any credit for what they told him about the Mine Workers. He said the Labor Department was dragging their feet with the Mine Workers and the man who straightened the Mine Workers out was Judge Bryant. And I had forgotten all about it. But I set the terms of the election, the process and so forth and so on, and supervised, and it worked out okay.

Bill Schultz: There was a new election and Boyle got thrown out?

Judge Bryant: Yeah, yeah, yeah. And I had forgotten about that but Yablonski said that I was the one who whipped that one into shape, and I was, because the Department of Labor bothered me. I don't know whether they got irritated because Joe Rauh was allowed to intervene, and took over the lead role and conduct of the case, or what it was, but they didn't. I didn't like their level of diligence.

Bill Schultz: Was your decision appealed?

Judge Bryant: I don't think it was appealed. It may have been, but I don't think it was appealed.

Bill Schultz: Now what about *McSurely v. McClellan*?

Judge Bryant: Oh my God. That involved some workers down near ... McClellan was from Kentucky wasn't he? Senator McClellan.

Bill Schultz: Yeah, I think so.

Judge Bryant: And he was a prominent senator. He had been there a long time. He had a lot of power, and it was during almost the McCarthy-like days everybody who protested against the status quo was a Communist. And the McSurelys were some of these do-gooders, trouble makers. I don't remember the details, but somebody, I have forgotten the guy who wrote for McClellan's committee, McClellan's agents ransacked these people's house and searched through it, and took some property and some letters and some photographs and what not. I am not certain if there wasn't a letter addressed to this girl from Drew Pearson or somebody. I think it was.

Anyway, these people sued, and they sued the committee, the committee investigator, and McClellan and a whole lot of other people. And I let them stay in the hopper. I wouldn't cut anybody loose, but it went to the Court of Appeals and the senator was cut loose on account of some immunity or something of the sort. I thought he should have been, but I thought there might have been some theory to keep him in there, so I just kept him in there and let the Court of Appeals cut him out. But ultimately they prevailed to an extent that they were victorious.

Bill Schultz: This was the case in which I think the D.C. Circuit split evenly and the Supreme Court split evenly?

Judge Bryant: The Supreme Court did what?

Bill Schultz: I may be wrong, but I think both the D.C. Circuit and the Supreme Court affirmed.

Judge Bryant: I don't remember. But it kind of had some close immunity questions. It had some close questions, but I always figured in situations such as that if it is real close and I am not certain and I know they are going on appeal, I'm not throwing anybody out of court. I don't think that that's my function. If it's real close and I am kind of doubtful, let three guys and a whole lot of law clerks get involved in it and look at it.

Oh I'll tell you the case I enjoyed. I had the case of Yazoo Smith, the football case, he is a boy who played for the Redskins, I believe. He filed a lawsuit. It was antitrust, a question of whether or not the football league was subject to antitrust laws. Now was that a first-time starter. I was in the land of the blind then, I thought I was king. And I ruled against the league.

Bill Schultz: In favor of

Judge Bryant: In favor of Smith and I indicated that I thought that the antitrust provision applied to them and that was a groundbreaker so to speak. The case went to the Court of Appeals. Two judges I remember on the panel, Wilkey and MacKinnon, and the other one I don't remember. But Wilkey wrote the opinion, affirming me and at one point not on the grounds that I had chosen but on some other ground that I had not had the advantage of. In other words, some case law that had developed. I hadn't had the advantage of Wilkey who was very complimentary to me in the damn case. As a matter of fact, it was one of the few opinions where my name was mentioned two or three times.

But that was an interesting case. You know, that's new ground, so I'm out there, just like the Indian case, there's new ground.

Bill Schultz: Well, what about the Indian case, *Harjo*, what was that about?

Judge Bryant: Oh that was about the authority of the Indians, and I am not too clear about this, but about the authority of the Indians to govern themselves on their reservation and the authority of the chief or something of the sort and I wrote that opinion, when this boy Todd Joseph clerked. We wrote that opinion primarily out of a couple of treatises on Indian life, and the history of Indians. Some woman had written a very concise history on the relationship between the Indian tribe and the federal government. We wrote it from scratch. Somebody dissented in that, I think. I don't remember.

Bill Schultz: What about Fitzgerald?

Judge Bryant: Fitzgerald was employed by the Defense Department and he was a whistleblower. And I think after he blew the whistle on some of these activities, that were in the procurement they took old Fitzgerald out from where he was and gave him a closet to sit in, or something of the sort, a virtual cell. I don't remember all of the aspects of it. I ruled in his favor, and that stood up. Bill, I really don't, I have had so many cases, but I am right about that, he was a whistleblower.

Bill Schultz: Yes, he was being retaliated against because he went and testified before Congress about Defense Department excess.

Judge Bryant: Yeah, and they gave him hell. And I went right straight to his relief. They went to the Court of Appeals too. But he was a litigator, he had several cases from time to time. I think that he had dealings with me, and he won, and it got good to him. I think he had four or five cases.

Bill Schultz: Now what about the *Felt* and *Miller* case?

Judge Bryant: The underground, you know, Abbie Hoffman and Kathy Boudin and that crowd. Who was the girl who was pardoned or something not too long ago?

Bill Schultz: Oh, it wasn't Kathy Boudin, but somebody else who was involved in that same bombing.

Judge Bryant: But she was charged with the Black Panthers in some kind of killing or something. Anyway, they gave Mr. Hoover and his gendarme a fit. They went underground, and they couldn't catch them. And they were trying to. They were on the most-wanted list, and they were trying to find them. And they resorted to every conceivable way of trying to get a line on them.

So what they did in the cases of their homes and their parents' homes, and what not, was that the FBI conducted so-called Black-bag jobs, and I had never heard of a Black-bag job. But a Black-bag job is where somebody can come in your house and search it from stem to stern,

photograph anything they want in the house, leave the house, you go in it and you never know that anybody's been in the house. I mean, it is undisturbed, everything is where it was, so you don't have any idea that anybody has burglarized your house. No authority, no warrant, no nothing.

And they did that, and it came to light. I don't know how it came to light to tell you the truth, so many details I don't know, but they did that.

Bill Schultz: Was this without a warrant?

Judge Bryant: Of course, no warrant. And they did that, and the Department of Justice indicted Felt and Miller, who were the number two and three men in the FBI. And there was a lot of testimony about how they ran and what happened. The guy who represented one of them died the other day, Brian Gettings. He was a former U.S. Attorney over in the Eastern District, and he died within the last month. There were two highs in that case. A lot of people testified, very prominent people. Nixon testified for the defendants, and Nixon testified to the effect that if something is illegal, and the president says you can do it, you should do it. That took out the illegality.

Bill Schultz: This is after he was president that he testified?

Judge Bryant: Yeah. He testified, and I almost had to clap my hand over my mouth, but anyway he testified in that case. I am looking right straight ahead at the sign above the door, and then Ramsey Clark testified. Ramsey was being cross-examined by Gettings. Gettings was on that whiskey at the time. Ramsey is on the witness stand, the jury is over here, and Gettings is cross-examining him.

At one time Gettings didn't have any meaningful questions to ask him, and Ramsey was testifying straightforwardly. Gettings said, "Don't look at me, what are you looking at me for, why don't you look at the jury when you testify?" And without any break in cadence or anything else, Ramsey said, "Well, that's just a bad habit that I have of looking people in the eye when I

talk to them.” I remember that like it happened this morning. I remember that, and I remember Nixon testifying that that takes the illegality out.

Bill Schultz: I guess that's the last time Gettings used that one.

Judge Bryant: I hope so. But Ramsey got him, and the jury came back and found them guilty. I charged one of them \$10,000, and charged the other one \$7,500. The lead man \$10,000, it wasn't a bad penalty at all. I didn't impose any jail time, I wanted to do that really, but I thought the convictions in that case were important. I think that was the first official act Mr. Reagan performed after he took the oath of office.

Bill Schultz: Pardoning these people?

Judge Bryant: He pardoned both of them, no kidding. And I think that record was clean. I get a case like that, I kind of shepherd it pretty well, I don't want any air to hit it. I don't want anything to happen to it, so they had a fair trial.

Bill Schultz: They had no appeal?

Judge Bryant: They didn't have any basis for any appeal, really. I don't think there was any error. I gave them everything they wanted, everything they asked for I gave them. Damn near every request they made, I gave it to them. I may be exaggerating, but I mean I leaned over backwards to accommodate them, so when they went to the Court of Appeals they had damn little. The case that killed them, the old man, the father of one of the girls, I believe, I am not certain, but I believe old Leonard Boudin testified in that case. I believe he did. You know he is a legend. I think he did, but I am not certain.

But I know the father of one of those people who was victimized came in there and testified about this house, and so forth and so on. Now he wasn't a complainant, he wasn't an instigator of this case, but he testified, and he was such a straightforward, fine old man. When he got up off the witness stand, I said, “Thank you very much, you are excused.” He got up off the witness stand and started out of the courtroom, and halfway to the door, turned and said to the

defendants, "All you had to do is ask, I would have let you in." Spontaneously that old man said that, and he would have. He was the kind of guy, the kind of American, he said all he had to do was ask me. That was the most dramatic, you know, every now and then you have some drama in the courtroom.

Bill Schultz: Now he really shouldn't have done that though.

Judge Bryant: No, he shouldn't have done it, but it wasn't any gimmick with him.

Bill Schultz: You don't think so?

Judge Bryant: It was spontaneous with him. Nobody put him up to it. If he had known that it was an improper thing to do, I'm satisfied that he never would have done it. He was an unassuming man, a nice old man. He looked like he was in his early seventies or something.

But he said it, and there was nothing I could do then. What admonition do you give the jury? I'm looking out the window, I don't know what to say but, "Call your next witness." The best prophylactic to that situation is, "Call your next witness." There was nothing I could say. I remember that, sometimes, you got band-aids for almost anything that happens in a courtroom, but sometimes there's really nothing you can do.

Like I had a lawyer in a case where a man, a very silly case, where the government prosecuted a man for using a copy machine. And he was defended by a fool. The government had struck all of the Black people off of the jury except one person, but he did it, and I saw him do it. And the lawyer who was representing this man was crazy. When he went to the final arguments he told the jury, he said, "You saw what they did, they eliminated all of the Black people off of the jury." And I said to myself what the hell am I supposed to say, I can't tell the jury, "Pay no attention to this, don't listen to what he says."

I can't do that. I can't tell them that, so what can I say? Right away quick I realize, you know I reach in the emergency kit and I don't have anything there. Nothing I can say, I just look out the window, anything I say is going to make it worse. I can't say don't pay any attention to

him, don't listen to him, I can't do that because that's error, you have got a right to talk to them. I can't tell them don't listen to him. I can't tell them don't pay any attention to what he said, it was the most embarrassing, it's the only time I've been in the courtroom, really, when I was caught bare-handed, I knew of no remedy. But I had sense enough to know this, anything I said was wrong. Absolutely anything I could say would be wrong.

I can finesse a lot of stuff. You try a case and some lawyer will jump up and holler, "Object," and I'll say put your next question. I don't ever rule on his objection. "Put your next question."

Bill Schultz: Why don't you rule on the objection?

Judge Bryant: I don't know, I don't have a real answer for him. I know his objection ...

Bill Schultz: You sustain the objection?

Judge Bryant: Yeah, I should sustain the objection or overrule the objection, or I should strike the testimony, but I finesse it that way, "Put your next question." The record doesn't ever show that I did one thing or the other, but questions that I know really don't amount to anything, I mean the objections that I know, really when a lawyer objects to something that I know has some real importance, you kind of sense it, you know what I mean? But when this guy told the jury, you saw what they did, they eliminated all the Black people from the jury. I said, "Oh my God."

ORAL HISTORY OF THE HONORABLE WILLIAM B. BRYANT

Chapter 10 Reflection on Lawyers and the Law

Interview Date: May 4, 1995

Bill Schultz: Judge Bryant, today I want to talk to you about some general observations that you might have of over the last 50 or 60 years since you have been a lawyer, and over the last 80-some years since you have been living in Washington. First of all, let me ask you to reflect on the changes in the criminal justice system that you have seen in the time that you have been involved in it as a lawyer, and then as a judge.

Judge Bryant: I think that the criminal justice system underwent some sort of dramatic changes during my time as a lawyer. Up to 1949 or 1950, or thereabouts, the criminal justice system wasn't too respectable. I think that is true because of the availability of counsel. Some people who were charged with crimes, ordinarily most of the people who are charged with crimes, are in that position as a result, or come out of circumstances that are wanting. I mean, they have no assets, and the type of representation that got under the criminal justice system was often very poor, and the type of reception and consideration they got in the criminal justice system was equally casual.

I remember looking in our earlier reports for our circuit, for instance: I think most of the criminal appeals, or a great number of them, were decided with a one-line per curiam, "We find no error affecting substantial justice, affirmed." No discussion, no nothing, just affirmation.

Of course, I saw it when I first came and sat in the courtroom over there, that system sort of demonstrated this. The people who came had little intelligence and little representation. The people they appeared before weren't too sensitive and gave them the short end of the stick. And one of the reasons they did it was because they knew, for instance, that the guy's representation wasn't too good. They knew that whatever they did — nobody would ever seek any judicial

review, and some would ultimately get it, that the judicial review would be rather casual and short shrift, as existed in this circuit.

Some people dissented. Judge Edgerton would dissent in some of these criminal cases, but he was a lone voice in the wilderness, really. When Bazelon and George Washington and Charles Fahy were appointed to this court as three additional members when the circuit went from six to nine judges, when they came to the circuit things began to change dramatically. Bazelon, and Fahy and Washington began to take a more careful review of what had gone on in the trial court, and they were sensitive to what were obvious shortcomings, and they made it known in their opinions and they reversed some cases. Bazelon particularly incurred the wrath of a whole lot of folks. Prosecutors, judges — trial judges and what not.

Bill Schultz: Was this before the Supreme Court handed down *Gideon v. Wainwright*, the right to counsel case?

Judge Bryant: Yeah, yeah, yeah. And I saw that happen when I was sitting in the courtroom over there watching people get appointed to represent people over there in the Municipal Court. I saw what the judges did. I saw the quality of representation that these people got. The lawyers weren't too good. With the coming of Bazelon and that group, and the coming of the Prettyman program. I am not certain of the entire history of the program, but this group of Georgetown students, the Prettyman group, I think was the brainchild of Bazelon and that group. With the coming of better representation, and a little more oversight of what went on at the lower level, the criminal justice system began to shape up. Also, with the composition of the Supreme Court, with Warren, and Brennan and Frankfurter to some extent, and Black, the criminal justice system sort of took on a different view, a whole different light it seemed to me.

Bill Schultz: Now you worked with the police as a prosecutor, you cross-examined them as a defense lawyer, criticized their practices in cases such as *Mallory*, and then

you have observed them as a judge. What observations do you have about police practices and how they have changed, how have they been affected by the change in the law?

Judge Bryant: Well, the policemen are aggressive, as they should be in law enforcement, and they are resourceful and they have always been. So far as I know, they consider themselves good against evil, and they can justify a whole of things on that basis. I think it is realistic, let me put it this way, some policemen are so anxious to do right in their own conception of what's right, so anxious to be effective, that they go overboard.

There are those who think it's just unthinkable for law enforcement officers to not tell the truth. Well I know that the rank and file of them do, I think. But I also know that there is a sizeable portion of them that won't. And the reason that I know this is because I've had that personal experience. As a defense lawyer, early on I caught a policeman in an out-and-out lie on the witness stand, and it was embarrassing to him, and the prosecutor dropped some charges. When he came out in the hall later on, he laughed and said, "Well, you got me". And he sort of joked and he said, "Well you caught me," or "Got me," or something of the sort.

I was a little embarrassed for him. He was a Black officer and I didn't get a whole lot of satisfaction out of pulling the cover off of him, but I told him, "Well that doesn't have to be, why would you do something like that?"

And he told me, "Well I'm out here fighting these guys, and I know they are guilty, if I have got a guy and I am satisfied he's guilty, I know what it takes to send him and goddamn he's going." That's what he told me. Well, there were some instances in the narcotics squad. They had a fellow who would plant drugs on people and charge them with drugs. He ultimately went to the penitentiary as a result of it. He was terrible. I knew that happened as a defense lawyer, and then when I was a prosecutor, I remember prosecuting some guys for burglarizing a store or robbing some store and I think there were four of them. Well, a sergeant on the robbery squad, a fine guy, I'd known him for a while and I thought he was a good officer, he was a good officer,

but during the course of the trial when the defendants put on their case, one of these guys had put on some testimony, got on the witness stand and told the story that was self-serving to himself and far from the truth.

It didn't bother me, I wasn't worried about it because I knew the facts were against him, and I figured on cross-examination he was gone, but he was on the witness stand. I went back to my office, and when I got there his sergeant came down and said to me, "Mr. Bryant, why can't I say so-and-so and so-and-so?", whatever it was. And I got kind of shook a little bit, I was on the phone and I didn't want to look at him, I didn't know what to do. So I looked at him and I said, "Did that happen?" His name was Richard Meister, so I said, "Dick, did that happen?" He said, "No it didn't happen." But he was lying and he knew damn well he was lying. So I said, "Don't worry about it, it's all right". And I didn't insult him, I don't know what my duties were, but I wasn't thinking about reporting him or anything like that, it didn't cross my mind, maybe I should have, but I didn't. But the thing that bothered me about it was that he wasn't a close friend of mine, and I don't think he knew me too well, and I just had the feeling that I wasn't the first person during the course of his police career that he made that proposition to or else, why pick on me?

That sort of sobered me too, so when I came to the bench, judges who had been prosecutors and judges who were government-minded they would resent any attempt to rigorously cross-examine a policeman or uncover him, Holtzoff particularly. In giving an instruction for instance, he would summarize the evidence, "So-and-so testified so-and-so, so-and-so testified so-and-so, but the officer testified such and such a thing." With obvious deference to the officer's testimony.

Bill Schultz: When you were a prosecutor....

Judge Bryant: That's why, the present celebrated case is the O.J. Simpson trial, and people are saying, "Boy that's ridiculous about framing him." Well it may be ridiculous, but

the business of framing somebody is not completely off the boards, and I gather that some of these people who are in L.A. who are in that battle have had some of those experiences like I have had, and they know that it could be, I really don't know. I thought our police department was a pretty good police department to an extent. But what I am saying is, it can happen. I think the police department in the District of Columbia has gone downhill, as I think they have in other jurisdictions. And I think it's for this reason.

Apparently the manpower pool for police forces for a long time was military personnel, retired military personnel. People go into the military forces at a very young age and come out or retire after a few years, still very young, and they go into the police department. And they have been prime sources for good police officers, they have some experience, some discipline and what not. In recent years, the services being what they are, a person gets a pretty good education in the services. So now when he comes out, after retirement he's equipped to do other things. They go other places, other than the law enforcement field, and law enforcement people have to resort to a different grade of personnel. This department has suffered particularly, severely, because in addition to that dried up source of manpower they had a mandate to increase the police force by a certain number.

Bill Schultz: Right, by 2,000.

Judge Bryant: Not too long ago, and the authorities sort of yanked people into the department who had no business being police officers. That has shown up, that has been a visible defect in the police department. I don't know to what extent other cities are affected by it, but this city has certainly suffered as a result of it. I've watched the kind of people that have taken the witness stand in my courtroom over a period of time and I have seen them deteriorate. The police department doesn't help much.

Bill Schultz: So the quality of legal representation has gotten better, and the quality of the police has gotten worse?

Judge Bryant: Yeah, the law enforcement people are worse.

Bill Schultz: Now, what about criminal defendants. What changes do you see in the type of persons likely to be a criminal defendant?

Judge Bryant: I see the violence now that I never was exposed to. When I was a youngster growing up, to read about somebody being killed was something that you read in the paper maybe once, not more than three or four times during the year, in the whole city. Nobody was killed in any sort of way. And among the three or four or not more than a half dozen that you might hear about. In those days probably two of them were domestic things where people had in passion given way to their emotions, and people had been killed in domestic squabbles or something of the sort. But the business of the type of violence we have now was unheard of.

Bill Schultz: What do you think were the reasons for that?

Judge Bryant: Well, I think the major contributor to it is the media. I mean, I know about people being poor and disadvantaged and all of that, but people have been poor and disadvantaged a long time. People were poor and disadvantaged when I was a kid coming up, but, for instance if people ... I sentenced a guy, he was a bank robber, I sentenced him and I had to give him 24 years in the penitentiary yesterday morning. And he told me frankly that, "I messed with banks but I didn't do this one." He's the kind of guy that the policemen or FBI agents arrested, and asked him about what he had done, and he said he had robbed about eight banks. He said well, tell me what they are. He said you guys figure it out and laughed.

But involved in it is a lot of threatening behavior, you know, like dangling handcuffs in front of people, and pointing a gun at them and oftentimes the guns are plastic guns or wooden guns or so forth. These guys are determined they aren't going to hurt anybody, these robbers and housebreakers they weren't going to hurt anybody. But now these youngsters, it seems like the primary focus is to hurt somebody and then rob them. It is not a question of robbing them and making a getaway through violence, but the question is having a trigger and shooting people. I

think the drug business, on the one hand, and the media on the other, are the major contributors to the problem.

Bill Schultz: By media you mean T.V.?

Judge Bryant: Television. You see with television you can go in the poorest house in the city, and you may not find any food in there, you might find a bare kitchen table, but you will find a television set on, at least one. And television is America's babysitter.

I know what those pictures can do for you. We got our education in what the filmstrip could do during World War II. We did some marvelous things with filmstrips during World War II in terms of training people, indoctrinating people and training people with the filmstrips. You take guys out of the back woods of Arkansas or Tennessee, Maryland or Michigan and put them in these Army units, military units, and subject them to some basic training and some concentrative specialized training films, and so forth and so on. But now little kids are looking at the comics, and they are violent, and you flip the dial, if you have got cable you flip the dial from one end to the other and all you see except the public broadcasting stations, all you see is violence. You see a gun, violence, violence, sex, violence, sex and in between that you get a barrage of advertisements of things that cost a lot of money, cars, clothes, you know, all the other luxuries of life, that's all you see. That's frightening.

Bill Schultz: Now you mentioned drugs, what was it like during prohibition when alcohol was illegal?

Judge Bryant: We had the violence during the prohibition days. I think most of the violence that you see now in the streets, most of the executions and kids shooting each other, they are so-called turf wars. We had the gangs in Chicago, the Capone gang, and so forth, and organized crime. That's all that violence involved, fighting over turf. You go out here you see so many young people involved in violence. You see, Bill, a lot of people that come out of Southeast and far Northeast, come out of housing projects that are run-down, public housing.

They are second- or third- or fourth-generation right there. I had a trial, for instance, some youngster who lived in the house with his grandmother and some uncles. The grandmother came in, she was brought in in a wheelchair to testify. The grandmother had lived in the place where she lived all of her life. The grandmother had lived there all of her life, and she had a couple of sons, and both of them lived with her, and she had a daughter who had a son who was on trial in this case. A lot of these youngsters are the end result of three or four generations of that poverty and mismanagement.

Everybody doesn't make it out of the pack. Human beings are just like animals. Some of them make it, and some of them don't. Some of them get caught in those housing projects and live there, grow up there and live there until they die. They don't expect anything, and don't care about life. If they make today, fine, but apparently, I don't think they have any fear of dying.

And you put them in a penitentiary and in many respects they are better off in the penitentiary than they are in the streets, because then all of their problems are solved. They don't have to worry about where they are going to sleep, or whether they are going to eat or not. They get a little bit of medical attention in the institution. You really don't get any out in the streets.

Bill Schultz: Do you have any ideas in terms of solutions?

Judge Bryant: I've got some ideas about how to drain off the horrible effects of drugs in the community. What do you call them — decriminalize them or medicalize them or whatever term you want to use to let true addicts have access to it. Try to educate them just like cigarettes, try to educate them, educate them. You are not supposed to use them, you ought not use them, but, you see, the drug problem is a medical problem. And I don't visualize resolving a medical problem within the context of the criminal justice system.

I don't think that the criminal justice system is designed to do that, and I don't think it ever will do that. An addict is an addict. We have talked about the people who are addicted to tobacco, for instance, and how hard it is for them to break it.

From time to time I have people come in on violation of probation, and those hearings are usually in a courtroom where there is nobody there but the individual, the prosecutor and the probation officer. I take advantage of the situation to question people about why, what happened to them, and why they did it.

I had a guy, the name escapes me. He wasn't a violent guy, but he had been a drug addict for quite a while. He had been in and out of trouble, and I had put him on probation, and he was brought before me for violation of probation. We got into a rather frank discussion about it, and I said, "Well, you fell off of the wagon, what happened to you?" He said well, he couldn't help it, he had no place to go, no place to turn, couldn't get no help, and he didn't have any money.

When I said something about a job, he said, "Well you know ain't a whole lot of jobs out there, and the people who are hiring people, they are not anxious to hire anybody who's got a criminal record, and I've got a criminal record, and so I just kind of didn't feel good about myself."

I said, "What do you mean?" He said, "I just got despondent and got depressed." You hear people talking about getting high? To the average one of these junkies in the street and coming out of that kind of background just described to you, when he says he wants to get high he wants to get to ground level, he's so deep in a trench of depression and what not, he just wants to get where you and I ordinarily are from day-to-day. He wants to get away from his situation, to be removed, ground level to him is high.

And when I realized that, I felt so sorry for that guy. I didn't take his probation away from him. I just didn't do it because he hadn't committed any crime. I mean he hadn't committed any violent crime. He just tested positive for these drugs. I thought it would be a shame to put him in jail because he is sick. That's what it amounted to.

Put a man on probation, he's not supposed to use drugs, and he comes in and they test him, and he gets a positive reaction, and they want you to put him in jail. I just think it is

criminal if I put a guy who is sick in jail for that. He wasn't caught with any drugs, and he didn't commit any crime, but he had tested positive for the drugs, so he is sick. And you ask me to put him in jail? You can go somewhere else. I just can't do that.

I just think that if you take the profit out of illicit drugs, you run the hustler off the street. He might commit some other crime. Maybe the guy who is selling drugs for a quick buck, if he doesn't have any drugs to sell, maybe that guy will come in your office, and steal out of your house, and when you get out of your car he might put a gun in your face and rob you. Maybe he will do that, but I don't know, you know what I mean?

And maybe you will redirect that because that violence is there, the same things that fuel that violent behavior, that television is still there. He is poor, he doesn't have any money, but he is saturated with the good things of life and violence. He is saturated with them. And I suspect that a number of these people who are out here shooting each other because you are selling drugs on my corner and that kind of thing would resort to high crime in the city, you know, robbing stores, robbing banks, robbing people, I guess.

And I think that maybe, I don't know, it could be. It could very well be, and this is a horrible thing to say. It could be that the present situation involving drugs among these folks who are flotsam and jetsam of civilization, that the violence and crime is almost isolated within that group, do you know what I mean? Almost isolated within that group.

Now the rest of society might very well feel sort of comforted by that. Do you know? Seriously, they might very well feel sort of comforted by that. And that's a hell of a thing to say, but I think that's a fact of life, that's a fact of life. Because there is no reason to think that some guy who is shooting and trying to make it, and going to violent ends to get some money, is going to stop going to violent ends to get some money when you take his medium of exchange out of the picture.

Bill Schultz: But you would still decriminalize drugs?

Judge Bryant: Yeah. Yeah, I would decriminalize the drugs because I think we could yank a lot of people out of the drug culture if we decriminalize drugs. I think a lot of people get hooked badly with the drugs because they start out fooling with them.

Let me put it this way, I think there are a number of youngsters, particularly that is true with the people who are not in the ghetto, a number of teenagers get involved in drugs, get hooked, and they are afraid to go to their teachers. There is no person they can go to and seek help without unveiling themselves as criminals. They have violated the law. They have crossed the line. They have become lawbreakers. And I think that is one of the deterrents to really some people seeking help very early. And I just don't think it is humane to make criminals out of people who are sick, and I think addiction of any kind is a sickness.

Bill Schultz: But some people say if you decriminalize drugs then they would be widely available and more people would use them.

Judge Bryant: I don't believe that

Bill Schultz: Why not?

Judge Bryant: I don't have any statistics or any data to support it one way or another, and I don't know whether in these countries where they have rather liberal laws, I don't know whether the data in those countries would reflect that a lot of people might resort to drugs who wouldn't. I tell you one of the reasons is this, if I had a program, I would try to guard against that, and this is how I would do it. If you would open up a dispensary or small medical unit in each fire house, let's say in the city, and let it be known that a real addict could come and whatever his drug of choice is, he could consume that drug on the premises, you can't take it out, you cannot get it unless you test positive.

So there is no chance, so far as I am concerned, of somebody who is not an addict getting any drugs out of that firehouse. If he doesn't show up as an addict, if he doesn't test positive for the drug, he's not going to get them. Not out of the system that I would set up, so that system

would not create or entice people. And you see, an addict that can acquire the drugs at the firehouse and use them, he's not going to have them to sell. So the only way these new people are going to become addicted is that they are going to resort to the illegal drug dispenser. So the business of making drugs available to the addict is not going to contribute to somebody who wants drugs, and wants to get them free.

He might go and find some illicit dealer and get some drugs so that he can qualify to get new drugs, but that's not likely. You see, what you would do then, the poor drug addicts who are petty thieves and petty law violators to make some money, the incentive for that kind of crime is gone. And the guys who are selling the drugs, well hell, nobody is going to buy them if they can get them free, so he is out of business. He's got to find something else to do.

I think my idea is a good idea, besides being a humane idea and a sensible idea, and an economically feasible idea. I just don't think you contribute to a problem. I don't think you exacerbate a problem. I really don't. Availability of drugs, then everybody would use them, that just don't make sense.

Bill Schultz: Now what about juries, how have juries changed over the time you have been watching?

Judge Bryant: Not much. I really don't think much. I really don't see the difference. I really don't. Let me put it this way, I seldom get surprised by jury verdicts. I noticed the U.S. Attorney in the District of Columbia, a long time in this courthouse, got to the point where if he got a conviction it was news. They got hung juries and acquittals in a lot of cases. And these young people, these young D.A.'s would come out and they would cry and scream, and of course it wasn't their fault. It wasn't a lack of their skill or prosecutorial resources but juries, Black jurors aren't going to convict Black people, but that's not so.

They will convict them if they have got the evidence, they will convict them. I can tell them, I've told prosecutors during the course of trials, you are spinning your wheels. I've told

them that, and the reason I've told them that is because I knew they weren't going to get any conviction. And it wasn't on account of the fact that the jurors are Black, it was on account of the fact that they didn't have good cases, and on account of the quality of the testimony that they got from the police officers.

The testimony is slipshod, their methods are slipshod, and they create loopholes that they ought not create for the prosecutors. They are not too bright, and the business of overtime, the policemen are making much more money sitting in a courtroom. I tried a case, and some guy has been picked up off the street during a drug bust, and instead of the policeman who arrested him, or let's say maybe the policeman and his partner coming in to testify, you have three, four or five policemen coming in to testify. One guy saw this, and one guy saw that, and one guy arrested him, and another guy made out the paper work, and so forth and so on. All that to come down to the courthouse.

Now when you try the damn case all of the evidence is in, closing arguments made, jury charged and you are waiting for a verdict. These officers are sitting in the damn witness room, sitting up asleep, drawing overtime. Now, what happens in the case, and the young prosecutor really doesn't have any idea of what a good case is, and what isn't a good case.

I had a case where a man met somebody on Southern Avenue, drove a BMW up, made a U-turn, and parked behind a guy. The policeman was driving by in a van, and looked down and he saw a guy sitting in a back seat. He apparently had some drugs, and the people in the front seat turned around, and they got out and approached the car. The guy in the back seat allegedly put the drugs down between the seat and what not, and they locked him up.

So the guy in the BMW had gotten a call, and he's gone out to meet these people who come in to buy these drugs. So he pulled behind him, and they got out of the car or he got out of his car; anyway, they were sitting in the car in these people's driveway. So the prosecutor comes

in and his witnesses, besides the police his lead-off witnesses are the man and woman who are apparently the drug buyers.

So the guy gets on the witness stand, "What's your name?" "So & So." "And were you at Southern Avenue & such & such a place at such and such a time?" He said, "Yeah, yeah I was there, but we weren't going to buy no drugs because we didn't have no money." Nobody asked him any questions or anything, "We weren't going to buy no drugs because we didn't have no money." So somebody said, "What in the hell is he talking about?"

Now the police arrested this man, they take him down to police headquarters, and they interrogate him, and he didn't have anything to say. Well, here's what happened. The police arrest him, and take him down to headquarters, and talk to him. And this policeman who was talking to him was supposed to have gotten a full-blown account of his drug activities, of where he got his drugs, and so forth and so on.

He got his drugs from up on the corner from a guy named Jones with a gray felt hat on with striped shirt or something of the sort. "Well, did you ever go up there to see the guy with the gray felt hat?" "No." "Why?" "Well I had him, I didn't go by him." "Oh you did, huh? Well he told you that?"

Now the incidental, the police report which indicates that such and such a time they observed this, and they arrested him. They have got these blocks, and they have a block down there for the defendant's statement. And in there, it is typed, "The defendant made no statement," in this block. Now the guy who made out this paper work was another policeman and he's someplace else in the place.

Well, when the guy testifies to that, and then somebody faces him up with this statement, "Well I didn't make that", well nobody is going to believe that. Jurors aren't going to believe that, do you follow what I am saying to you? Jurors are not going to buy that.

So they are hung up, 11 to 1 for acquittal. So they say, "Can we talk to the jurors?" And I say, "Yeah, if you want to." So when they talk to the jurors, and when the jurors found out that they were going to try him again, they laughed. But the D.A., a nice young boy, came in about a week or ten days later, he came in for a trial date. I said, "For what?" He said, "In that case." I said, "OK you can get a trial date, do you want one quick?" He said, "Yeah." And I said, "Now while you are at it, why don't you get the date for the next one?" He said, "I don't understand your honor." I said, "Why don't you get a date for the next two or three times you are going to try him." I said, "Have you ever heard of the snowball?" He said, "Your Honor, we've got a solid case." I said, "Okay, fine."

He came back in about a week and moved to dismiss it. But that youngster thought he had a case, he thought he had a winnable case, and there was no way in hell he could win that case. And I know he went back, and he thought about these Black jurors, they won't convict him, he was firmly convinced that it was a color proposition, and that's the kind of cases that get brought in here.

The cases fall apart with that kind of slipshod police work, contradictory statements and what not. And people know about the Guidelines, people know that when a guy gets convicted now he's gone. People are going to say, okay, fine, but I want to be pretty goddamn certain that when I say thumbs down on him, he's thumbs down, and I don't blame them. I can't blame a juror for that, and that's what they run into. They put on cases with big holes in them.

Bill Schultz: Do you think the jury system is a good system for trying criminal cases?

Judge Bryant: Yeah, yeah, I think it is.

Bill Schultz: Do you think that it is better than when the judge makes the decision?

Judge Bryant: I think so.

Bill Schultz: Why?

Judge Bryant: Well, my experience. I came up as a practicing lawyer, and I've been before a lot of judges. In the first place, a lot of judges have only one-sided experience. They come out of law school, and they get a job. The only job that they have had dealing with people is in the prosecutor's office. They get that experience, and they go on the bench, and that's the only side they see. They tend to rely on the prosecutor, and they are government-prone.

I think that the jurors come with broader actual experience. Crime occurs in the streets, in the neighborhoods that most judges don't live in. And a lot of things that people testify to are real, honest-to-god life situations that a lot of people can't even visualize or contemplate because they don't have any feel for it. The first thing they think is that it's a lie, it's a lie. In close factual situations, do you know what I mean? I've seen that happen. I think that juries are pretty fair safeguards against the tendency for judges to rely on prosecutors and lean in their direction.

I remember I told you about Judge Tamm. When he came to the bench he was a trial judge. He had been the number two or three man in the FBI for years. He had never practiced law in his life. He was named to the trial court and he was a diligent, very conscientious fellow. I understand he spent the whole summer — that was when the courthouse would close down in June and open up in September after Labor Day, despite the fact that we had all of this common-law crime and everything else — I understand he read all, or as many of the criminal cases that we ever had.

And I told you about Freddie Smithson, he wasn't going to rule in your favor if it meant that some criminal was going to walk out. They go in without knocking, and then they testify that they went in, and knocked, and they approached the place very quietly, hugging the building line because they didn't want the people to know they were coming, and obviously they went in without knocking, motion denied.

And that's the guy, a prosecutor questioned a defendant of mine, and he wanted to know, "You arrested him?" "Yeah".

"And where was he?" "Sitting in a place knee-deep in numbers slips behind the adding machine."

"You had conversation with him?" "Objection." "Overruled."

I objected because I knew that he didn't have any conversation with him that was admissible conversation — what about it, I don't have anything to say, I'll get a lawyer.

"Did you have further conversation with him?" "Objection." "Overruled."

"What did he say?" "He said that he wasn't going to say anything to me without a lawyer."

So I went up to him and I said to him, "Your Honor, with all due respect."

Now there's a case that I had won on a motion. I knew I had won on a motion, with no-knocking, but I went up to the court and I said, "With all due respect to you, I don't think the prosecutor is fair. I know it is not fair to my client. Your honor, he is not fair to the court." I said, "He is trying to convert this man's exercise of not one, but two constitutional rights into some evidence." And I said, "That's not allowable under the rules."

"Objection sustained." The light hit him, you know what I mean? He realized I wasn't trying to blind side him. I was trying to protect him really. But I think the jury system is a safeguard against the government. And the government pays the prosecutor, and pays the judge, it pays everybody, the cosmetics of it don't look good. I mean, the prosecutor has everybody if you have the judge, the prosecutor has everybody on his payroll and under the present situation he's got the defense lawyer, too. Everybody is on the government's payroll.

Bill Schultz: You once told me that the jury has six to seven hundred years of experience.

Judge Bryant: Yeah, you get twelve people on a jury and you have got a lot of experience. A lot of experience, and a lot of these cases involve human experience. You take, for instance, the ordinary homicide case where a colorable defense of self-defense is involved.

You know what I mean? Somebody on a jury has been close to some sort of situation like that in some form or fashion, either by virtue of a relative, or friend, or himself, one way or another. An average judge, what the hell, an average judge now, even more so now than then, the average judge now is raised on wire. You know, a lot of them are raised on wire. They go to college, law school, clerk, prosecutor's office, corporate firm and judge. So he has no experience with raw human situations. And I've seen that. I've seen that with well-meaning judges. Well-meaning, honest, fair-minded people, just don't know, if you haven't been there, you just don't know.

Bill Schultz: What about the U.S. Attorney's Office. How has it changed over the years?

Judge Bryant: Got a lot more people.

Bill Schultz: Yeah? How many people when you were there?

Judge Bryant: When I was in the U.S. Attorney's Office in 1954, I left the U.S. Attorney's Office in 1954 this court had common law jurisdiction, plus the federal crimes, and we had I think in the criminal division we had, I can count the men: one, two, three, four, five, six, seven — we didn't have over 15 prosecutors. And the appellate section consisted of four people.

Bill Schultz: The whole U.S. Attorney's Office?

Judge Bryant: The whole U.S. Attorney's Office, the appellate section consisted of four people.

Bill Schultz: What about now?

Judge Bryant: Oh Christ, I don't know. Hundreds? We've got more people in the civil division now than we had in the whole U.S. Attorney's Office. And, Bill, as I say that was a time when we had our jurisdiction which we have now, plus the jurisdiction which these people over here have. You know the criminal jurisdiction which they have over here. I can be completely absolutely certain that we did not have 20 people, I count 15, as I remember. We did not have 20 people, but now we have a lot of them.

Bill Schultz: What about the criminal defense bar, how has that changed?

Judge Bryant: From now?

Bill Schultz: Yeah.

Judge Bryant: A whole lot different. The Federal Public Defender Service is an excellent office, and the lawyers now by virtue of the Public Defender Service. We have a local public defender service, and I think the forerunner of it all was that Prettyman program. The lawyers are good. The appointed lawyers are good, good lawyers. By-and-large they are good lawyers and I like to see them. And there is so much difference. I think the quality of justice on the criminal is a zillion times better than it ever was by virtue of the Public Defender Service, and that's the way it ought to be. And I guess, as I remember, Bazelon fought like hell for that.

Bill Schultz: Let me change the subject. I am going to ask you to talk about race relations, and just reflect a little bit on the difference in what it is like to be Black in Washington today versus 60-80 years ago. Just your reflections on what the differences in terms of opportunities, in terms of integration or segregation, and just general life style.

Judge Bryant: A different world. In terms of opportunities it was a different world. Somebody now can aspire to something without actually dreaming. Do you know what I mean? People can make some choices, and entertain the notion that I am going to be so-and-so. I am going to prepare myself and I am going to be so-and-so. Now it is not perfect. He might have

some resistance, but it isn't the type of resistance that was there when I was a little kid growing up.

There were just barriers, I mean for instance in the government services Black people don't apply for anything other than messenger jobs, they had messenger jobs for Black people. You didn't go to the Civil Service Commission, when I was a youngster you didn't go to any one of the government departments and apply for a government job as a clerk, a file clerk, you just didn't do that. And then gradually it was a little better, but then it was still at a point where jobs were menial and the promotional ladder was cut off at a very low level. And the types of jobs you could do, were, as I say, rather menial.

Professional positions were just about closed off to you. You know I told you when I went to law school what my grandfather told me. He said, "You must be a damn fool, Negro lawyers don't amount to anything." He told me that in 1933. It was 1933 when I went to law school.

Bill Schultz: I gather there probably was some basis for it then.

Judge Bryant: Yeah, I didn't have a whole lot of people to point out to him, and say, oh no, you are wrong. I couldn't do that because the few lawyers were struggling for recognition and hadn't really attained it to the point where they stood out as role models. They hadn't reached that stage. Charlie Houston was fighting like hell in the courts for some sort of recognition. Lawyering wasn't a Black man's job, not lawyering. It was all right to be a doctor, or a dentist, or a teacher in a completely segregated school, but you are dealing with your folks. But when you start talking about fooling around with the law, you are dealing with the system. You are dealing with the police department, which was predominately white. You have one Black lieutenant in, I think, the whole force. And you are dealing with the prosecutor's office that was absolutely lock, stock, and barrel white. And the guy designated as the assistant United States attorney who was a warrant clerk.

Bill Schultz: And the judges?

Judge Bryant: Oh, you had a Black judge. Judge Terrell was a judge. I think he was the first one a long time ago. Then when he passed away, Judge Scott came on, and then when he passed away, Judge Howard came on. And there was always a token, but I mean, it is shameful that when I came to the United States Attorney's Office I met a guy named Morris Fay, who was the U.S. Attorney and I asked him when he hired me. I asked him a question and I didn't know quite how to put it to him, because I didn't want to offend him, but when the guys went into the U.S. Attorney's Office, the ambition of the guys who were hired was to go to the "big court" — that's the federal court. And the starting point, they didn't hire anybody in the big court.

They started over in the Municipal Court and the turnover was pretty good. But nobody had ever been here, no Black had ever been to the big house, you know, the big court. And I asked Morris Fay, "If I can cut the mustard can I go to the big court?" He said, "Yeah, you can do it." He told me that, and I took him at his word. He didn't live long, but it happened that the people who succeeded him let me go to the big court. I came over here in the grand jury section, and when Eisenhower became president and the guy who was the U.S. Attorney then knew that at any time he was going to be asked for his chips, so he called me, I was on vacation, it was the first vacation that I had ever taken in my life.

Bill Schultz: And the last, I gather.

Judge Bryant: Yeah, probably so. The first vacation I had ever taken in my life. I was in Detroit visiting my aunt with my wife and my kids, and he said, "Come on I want you back here." I came back, and he told me I want to transfer you to the trial section now because, I don't know, I had been in the grand jury section about a year and two or three months. He said, "I don't know what's going to happen to me, you know the administration has changed," and he transferred me to the trial section.

That was a good thing for me. But that shouldn't be, that was in 1953. What the hell, that's only 40 years ago, but I'm talking about lawyers in the system, and that's one of the reasons they have such short shrift in the courtroom. The clients don't have any money, and legal representation in the system is expensive, the clients don't have any money so I can take advantage of you. The judges take advantage of you. The most surprised person in the world was Judge McGarraghy, God rest his soul. Nice old Irishman right up here on the sixth floor.

Buddy Beard treated me like a dog and refused to let me have a preliminary hearing, I've told you that story many times. Buddy Beard treated me like a dog, and refused to let me have a preliminary hearing in a case where two youngsters in college were charged with assault on a police officer. I wanted a preliminary hearing so bad because I knew that the officers were lying and I knew that between the time he told that story and the preliminary hearing, and the time he went to the grand jury, and the time he went to trial, that the protection my grandmother always told me about, that short memory, would be to my advantage.

Bill Schultz: What was that protection?

Judge Bryant: Short memory.

Bill Schultz: Against what?

Judge Bryant: Against liars. My grandfather was walking up and down one Sunday morning ranting and raving and raising hell because he had caught somebody in a lie. And he despised a liar, and he was raising hell about it, "You know a liar is the worst goddamn thing in the world. I'd rather have a thief than to have a goddamn liar." And my grandmother was a long-suffering woman, and she very seldom had anything to say when my grandfather was on one of these tirades. But she asked him why, and he said, "You can lock your damn house against a thief, you can lock up and protect yourself against a thief, you don't have any protection against a goddamn liar."

And she told him, that was the first time I had ever heard her disagree with him in my life, the first and only time that I heard her disagree with him, I mean, I know she disagreed with him, but I mean to express disagreement. She said, "You are wrong Charlie." And he said, "What protection you got against a goddamn liar?" And she said, "The Lord endowed them with short memories." I have never forgotten that as long as I have lived, and that's the truth. That is the basic truth in litigation. That is the one thing. That's the only protection that you have got against a liar, short memory.

That's basic truth, and Buddy Beard was so mean, he was mean to everybody. He treated everybody like a dog. And when I came down the back steps, I said, goddamn I'm going to try to do something about this. And the D.A., you know what he said? "I'm going to continue this for 30 days, by that time the U.S. Attorney will have done with it what he was supposed to do." The U.S. Attorney could go directly to the grand jury without giving a preliminary hearing. And he was such a mean son of a bitch, I came down the back steps and I said, "Goddamn I'm going to try to do something about this."

And the D.A. told me in the back steps going down the hall, "Do what you want to do, the hell with him." I sued him in the district court. I sought a writ of mandamus against him. When I filed it, came over here the next day. They sent it to Judge McGarraghy, and Judge McGarraghy looked like the world had come to an end. He had never thought about nobody suing a judge with a writ of mandamus in his courthouse, and some Black man too. That he had never heard of.

So at the end of the hearing, he said, "Well, I would have given you a hearing, but the motion is denied." So I went to the office.

Well you know, but I never created any rancor about it. I don't think any judges disliked me.

Bill Schultz: Now when you were going through this, the words “affirmative action” probably weren't even in the vocabulary. Now there's a national debate going on about affirmative action. Do you have any views on this?

Judge Bryant: On affirmative action?

Bill Schultz: I am sure you have views, but do you want to talk about them?

Judge Bryant: My view on it is that I think it is altogether proper, but I have a different concept of affirmative action than a lot of people do. A lot of people have the notion about pushing somebody into a spot that he doesn't deserve to be in, and that's not my concept of affirmative action. My concept of affirmative action is making available the opportunity, that's my concept of affirmative action. Now I don't think anybody ought to be shunted away from an opportunity. I don't think any barriers should be placed, or any hurdles should be placed in front of somebody except on anything other than his ability to do it. And that's my feeling about it, and I feel strongly about that.

I don't think pushing people ahead when they are not qualified, pushing people ahead on account of their race or gender or anything else, if you are not qualified to do these things, I don't think in the long run that does any good to them or anybody. I think people hurt that way. I think people get scared that way.

Bill Schultz: I remember that you once told me that there's a saying that if you are Black you have to do twice as well to go half as far.

Judge Bryant: Yeah, that's all I ever heard since the day I can remember hearing the English language. That's all I ever heard at school and at home. You have got to be twice as good as they are, and they meant white folks, to get half as far if you are lucky. And that was true, there was no question about it. But the remarkable thing to me is that there were so many people that I was associated with who put forth the best effort they could to be the best they

could with such meager visible attainable goals. You know, do you follow me? Guys going to professional school and end up in the Post Office sorting mail.

Let me show you what I am talking about. There is a case in the Supreme Court of the United States, *U.S. Postal Service v Aikens*, I went to school with a boy named Louie Aikens from New York, an accomplished musician, an accomplished student. He was a Romance language man. He majored in the Romance languages, French and Italian, and so forth. Aikens, he graduated from Howard University in 1932.

So he ends up in the Post Office. He got a job in the Post Office, and he got married and he got some kids and he's stuck in the Post Office. You know I told you the story about me not going in the Post Office and avoiding it. Louie got a job in the Post Office. The man who was running the Post Office was a guy named Carlton Bell, I think he graduated from high school, maybe down there in southern Maryland. He was the Postmaster.

Louie was stuck in the Post Office, he had a wife and kids and he filed suit in the early days when the employment discrimination came into being. He filed suit because he was denied promotion in the Post Office Department. He had died when the opinion ultimately came out of the Supreme Court. His son represented him. His son went to law school and was in the office over there with us for a while. But that's the thing that hurt when you see opportunities just shut off to a guy on account of his color. When you say affirmative action, I mean something that makes the playing field level. Just take those shackles off of a guy, let a guy compete.

Bill Schultz: What about quotas?

Judge Bryant: Quotas?

Bill Schultz: Yeah.

Judge Bryant: I don't have no problem with a quota, in a limited sense. When Phil Randolph threatened to march on Washington with the 250,000 people from New York, and Roosevelt said, "The hell with him, let him march," and Mrs. Roosevelt said, "Oh no, no don't do

that,” and Roosevelt signed Executive Order No. 8802. That was at the time during the war, right after the end of the Depression. I think the war might have started or we were at least an arsenal for the democracy. The war is on, the Pentagon is there, E.O. 8802 said that in government employment Negroes should be hired in direct proportion to their percentage of the population. The guy opened the door and he counts X number of people, and said okay and put them on the job. It was that kind of thing, and I don't like that.

But I think this. I think that the government of the United States in the expenditure of public funds has a legitimate interest in seeing to it that its various population groups have access to the opportunities afforded by public funds in some proportion to their representation in the general population as long as they are qualified. I don't see anything wrong with that.

I don't think that an Hispanic ought to get a job ahead of a white guy if he is not as good or better than a white guy. I don't think so. But let's take the situation where we have three applicants for a job. A Black man, a white man and an Hispanic. And the job is one of 100 jobs. And all of the 99 jobs are filled by white men. They have three applicants for the job, one white, one Black and one Hispanic. And let's say they are all precisely equal in qualifications.

I don't see anything wrong with the government saying, “Well I am going to put this Hispanic or this Black in this job.” I don't see anything wrong with using public funds. I think it is in the nation's interest to let the various cultural and ethnic groups that form a part, and contribute to the advancement of the country to realize that they are a part of the country to that extent on an equal basis. I don't see anything wrong with that.

Bill Schultz: I remember you once told me that the Post Office when they wanted to integrate would just announce, “We are going to hire some Black people.” Everybody would line up and they would hire the first 10 people in line or whatever, and when it didn't work out they would say, “See it didn't work out.”

Judge Bryant: Yeah, "They won't work." And that's what happened at the Pentagon. I was in the Pentagon when I saw a lot of people who had no business working. They had no business working, but at the same time, you know what I saw? I saw some who did. And I saw that with the women. The women would go in the stenographic pool. They were organizing and gearing up for the war, so they hired these people, and they came in the stenographic pool, and as long as you were in the stenographic pool you were hired at the GS-2 level and you stayed in the pool until you were attached to a division or branch, an organized branch. But you were in this general pool of stenographers.

They started off with maybe 100 women, this was when the military thing was shaping up. I went into the Pentagon in 1942-43. As the branches and divisions took shape and organized they would take these women and put them on as stenographers and secretaries. And once they got on, they were on the promotional level. They started out in the pool, and about ten percent of the pool were Black women in accordance with E.O. 8802. And then the pool began to shrink as the organization drained off these people. And these ten Black gals were in there.

I remember Rob Winsborough, a guy from Shreveport, LA., who was head of the orientation section, took a girl out named Jennings, who was a Black girl. He took her out of there and took her into his branch. She was the first Black girl to come out of the pool. You know why? She did some work for him when she was in the pool, and her work was excellent, and he took her. Rob took her. Well, it developed that ultimately there were seven women in that pool. There were Black women in that pool who stayed in the pool. They languished in the pool for years, two or three years. They were the best typists in the whole section.

I told you about Col. Burkes, who had that work done for the general and was so happy with it that he gave them all orchids? You know, he said, "Do you see the girls, did you see the flowers? What do you think?" And I told him, "They were the most beautiful badges of servitude

I had ever seen.” He wasn’t running the shop, do you know what I mean? He didn’t know what this was, but it was obvious to me.

Now people talk about reverse discrimination. They want to put it back that way. They don’t worry about discrimination. The very term “reverse discrimination,” they have been annoyed with reverse discrimination. The only thing they don’t like about discrimination is that it is reverse. They want it back like it was, and I don’t want it back like that. If you eliminate the discrimination I’m satisfied.

But these people who yell and scream about reverse discrimination, they mean that, they don’t want that reverse discrimination, they don’t want it turned back on them. They want it turned the other way, like it was, and that’s what Clinton ought to understand. I haven’t heard anybody put it to somebody who screamed about reverse discrimination in those terms. “I’m with you, we are going to eliminate discrimination, that’s what we all want to do. I want to do that too.”

I don’t want anybody discriminating against a white man because he his white. But I don’t want him discriminating against a Black man because he is Black. I want to eliminate discrimination, I don’t give a damn about which direction it is going. I want to immobilize it so that it doesn’t go anywhere. I want to eliminate it. I don’t see anything wrong, in the public sector.

That's one of the reasons why Clinton is so unpopular. I don't give a damn what you say. One of the unarticulated reasons why Clinton is so unpopular is because he said I'm going to make this administration reflect America. And he started talking about that diversity. And he meant it and he has done it. And it doesn't set well with people who don't like him. And underneath it all that's one of the things that is hurting him.

I told Vernon [Jordan], “For Christ's sake don't let him take your picture on that goddamn golf cart with him, because every time they make one of those pictures he loses 50,000 votes,”

and he does. He does. There's no question about it. Now that's one commitment that he made that he stuck to. He's sticking to it. You know the judges we get, what has he done here? He's put minorities on the court, and they have been good people. Tatel's a tremendous guy. He put Tatel on the court. He has put decent qualified people in jobs.

Bill Schultz: And not just white males.

Judge Bryant: Not just white males, and they are not token jobs. He put them in good jobs and they have been doing relatively good work. And people don't like that, Bill, and I don't give a damn what you say. And that's one of the reasons why Clinton is so very unpopular.

Bill Schultz: If you think of the other presidents you have watched, who would you compare Clinton to?

Judge Bryant: Lyndon Johnson. I put him in the category in terms of resourcefulness with Roosevelt.

Bill Schultz: Would you talk about that a little bit?

Judge Bryant: I think that Roosevelt came to power at a crucial time in our history. He came to the Oval Office recognizing it was a workplace and he proceeded to go in there and try to do some work, to try to do something about things, and he did do something. Hands-on, he took hold of the Depression era and tried to diffuse that Depression to some extent, and he did. I think from that point of view I think that Clinton is one of the guys who believes that the President of the United States can do a job, and his office ought to do a job, and he is committed to do it. I don't think he is a ceremonial president, sitting around waiting for things to happen.

I think he sees some things he wants to do something about, and he's going to make some mistakes. I think he has. I think Clinton is like most people. I think when a man is put in a position where he can make history, he chooses to make it on the high road. Somebody realizes, I am in a position where I am going to leave my footprints on this land of mine, I'm going to

write my name in the halls of history, he's going to do the best he can to leave a good impression if he can.

So that's why when people get in those positions, and they get free of some of the political constraints and they have some freedom, they go ahead and strike out and do things. I mean old Hugo Black was that way, I think. I think when Hugo Black hit the Supreme Court, I think he could truly say, "Free at last, free at last." Because he was part and parcel of the Ku Klux Klan. He was their boy. He represented everything bad about the Klan. And when he was appointed to the Supreme Court, I felt like somebody had blown a hole in my stomach. But I think when he got to the Court, he truly said free at last, free at last, I think some of our best stuff came out of Hugo Black.

Old Lyndon Johnson — I never will forget the speech he made when he first addressed the Congress. He said when he was a teacher down there in that hill country, down there in Texas teaching those people who were barefoot and undernourished and what not. He was sorry for them, and wished he could do something about it, and wished at that time he had the power to do something about their condition. He said, today I want to let you all in on a secret, I got the power.

I never will forget that, and he said it with conviction and he meant it. And he did much to that extent. I mean the Vietnam War took him down the drain, but he did some things. You know that Voting Rights Act, and all those things, he did some things. He knew the keys. He knew the keys to social progress. He knew that in this country the Voting Rights Act was one of the most critical boosts that you could give a group. He knew that as long as a group was disenfranchised, that they were screwed.

Bill Schultz: You know when I was in law school Earl Warren came down and spoke to a small group and I asked him what was the most significant case that he had sat on, and he said *Baker v. Carr*, more so than *Brown v. Board of Education*.

Judge Bryant: That's right, that's true. Now do you understand what I am talking about? Lyndon Johnson knew that and he wanted that Voting Rights Act. He went there. He wanted somebody to implement it, and that's when he taped old Wiley Branton. Wiley Branton had some connection with Hubert Humphrey. He was on Humphrey's staff in some sort of way, and Johnson wanted him to head up that Voting Rights Commission. And Wiley told him, Mr. President — he didn't commit himself right away he said something about the vice president had him on some task or something of the sort. He said Lyndon Johnson leaned towards him and said, “Wiley, you know one thing,” he said, “you know I'm just an ordinary fellow. I don't know a whole lot about a whole lot of things but one thing I know. You know what, Wiley, the Vice President of the United States, ain't got a goddamn bit of power.”

Wiley said he damn near fell out of the chair. He said he looked at him and got real close to him, you know he would do that, and he said, “You know one thing Wiley. I don't know a whole lot about a whole lot of things, but one thing I am pretty certain of, the Vice President of the United States ain't got a goddamn bit of power.”

Bill Schultz: So did Wiley Branton take the position?

Judge Bryant: Yeah.

Bill Schultz: I guess he had to.

Judge Bryant: But his so-called Great Society thing, you see he knew. I guess he knew that along the way in the political scene you are going to get some scars, and you are going to leave some scars and you have got a pretty good chance of ending up in history as a scoundrel, I suppose. And occasionally you reach a point where you get in a position where you can say, “Free at last,” like the second term in the White House, or appointment to the Supreme Court. And you are relieved of all of those shackles and then you can strike out to write your name. Traditionally, I think that ordinarily if a guy has an opportunity to write his name in the hall of fame, he won't choose to write it on the outhouse wall. Do you know what I mean? He's going to

make that choice. He's going to try to write it on the high ground. And I think Lyndon Johnson was bent on that. I felt sorry for the man, that Vietnam War tore him down.

By the same token, I think that Clinton perceives what's good for America in these times. Do you know what I mean? I think he perceives what is good for America, and I think a lot of people don't. Not because they don't want to, but I think a lot of people are not smart enough to. I think these guys are endowed with some acumen that most of these politicians don't have, I really do. You have got to have a sense of relevance or relativity, the ability to know about a lot of things and how they interact and impact on each other. You have got to have that sense, and a lot of people don't have it. I worry about it.

And one of the things I worry about, I hate to say it, I hate to pick up the paper, because I think there are some guys who are dead set on killing him. I think of all of the presidents, I mean when you think of Kennedy nobody thought anybody was going to shoot Kennedy, but I think of all of the presidents in my time, I feel more apprehension for him than anybody. I really do. I do because he, as I say, I am satisfied that one of the strong currents of resentment against him is that business about diversity.

Bill Schultz: And he attacks the right wing out in Oklahoma.

Judge Bryant: I hope that's not so, but I really feel that way about him. I think with these people showing their resentment that they show and they show the resentment toward the federal government, and they show their resentment toward Washington. The most high-profile target of resentment in Washington is the President of the United States. And he's actively engaged as their protagonist.

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WILLIAM B. BRYANT

William B. Bryant served on the United States District Court for the District of Columbia beginning in 1965, when he was appointed by President Lyndon Johnson, until his death in 2005, and as Chief Judge from 1977 to 1981. For more than 20 years, Judge Bryant taught trial practice at Howard University Law School. As a judge he presided over many landmark cases, including *Campbell v. McGruder* (constitutional challenge to the conditions at the D.C. Jail), *Dellums v. Powell* (challenge to constitutionality of arrest of individuals protesting the Viet Nam War), *Hodgson v. United Mine Workers* (overturning the election of President of the United Mine Workers), and several high-profile, political cases. Prior to being appointed to the federal bench, Judge Bryant was a prominent criminal lawyer at the law firm of Houston, Bryant and Gardner in Washington, D.C. While in private practice, Judge Bryant litigated a number of high-profile criminal cases, including the landmark case of *Mallory v. United States*, in which the U.S. Supreme Court overturned a criminal conviction on the ground that the defendant's confession was obtained unlawfully. After law school, Judge Bryant served as a research assistant to Ralph Bunche on the famous study on blacks in America, *An American Dilemma: The Negro Problem and Modern Democracy*, and in the Army during World War II, rising to the rank of lieutenant colonel. From 1951 to 1954 he was an Assistant U.S. Attorney. Judge Bryant was born in Wetumpka, Alabama, but lived in Washington, D.C. from the age of one. He graduated from Howard University and Howard University Law School.

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William B. Schultz has been a partner at Zuckerman Spaeder in Washington, D.C. since 2001. Previously, he served as Deputy Assistant Attorney General, in the Civil Division of the U.S. Department of Justice (1999-2000), FDA Deputy Commissioner for Policy (1994-98), Counsel to the House Subcommittee on Health and the Environment (1989-94), and as a litigating attorney at Public Citizen Litigation Group (1976-89). Between 1983 and 1996, Mr. Schultz taught Civil Litigation and Food and Drug Law at Georgetown University Law Center. Prior to entering law practice, Mr. Schultz clerked for Judge Bryant (1974-75). He received his J.D. from the University of Virginia Law School (1974) and his B.A. from Yale University (1970).