

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.