

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 Boozo 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 a piece. 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 *Bazelon*. 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.