

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

**United States Courts
District of Columbia Circuit**



CHARLES T. DUNCAN

Interviews conducted by:

Professor Myles V. Lynk
August 15, 1997

Gregory L. Poe, Esquire
May 11, 2002 and **April** 23, 2003

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NOTE

The following pages record interviews conducted on the dates indicated. The interviews were electronically recorded, and the transcription was subsequently reviewed and edited by the interviewee.

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

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PREFACE

The goal of the Oral History Project of the Historical Society of the District of Columbia Circuit is to preserve the recollections of the judges who sat on the Courts of the District of Columbia Circuit and lawyers, court staff, and others who played important roles in the history of the Circuit. The Project began in 1991. Interviews are conducted by volunteers, trained by the Society, who are members of the Bar of the District of Columbia.

Indexed transcripts of these interviews and related documents are available in the Judges' Library in the E. Barrett Prettyman United States Courthouse, 333 Constitution Avenue, N.W., Washington, D.C., the Library of Congress, and the library of the Historical Society of the District of Columbia. With the permission of the person being interviewed, oral histories are also available on the internet through the Society's web site, www.dcchs.org.

Such original audio tapes of the interviews as exist, as well as the original diskettes of the transcripts (in WordPerfect format) are in the custody of the Society.

INTERVIEWEE ORAL HISTORY AGREEMENT

Historical Society of the District of Columbia Circuit

Oral History Agreement of Charles T. Duncan

1. In consideration of the recording and preservation of the oral history memoir of my late husband Charles T. Duncan, by the Historical Society of the District of Columbia Circuit, Washington, D.C., and its employees and agents (hereinafter "the Society"), I, Mrs. Charles T. Duncan, as a representative of the estate, do hereby grant and convey to the Society and its successors and assigns all of my rights, title, and interest in the tape recordings, transcripts and computer diskette of interviews of Charles T. Duncan, as described in Schedule A hereto, including literary rights and copyrights. All copies of the tapes, transcripts and diskette are subject to the same restrictions herein provided.

2. I also reserve for myself the right to use the tapes, transcripts and diskette and their content as a resource for any book, pamphlet, article or other writing of which I am the author or co-author.

3. I authorize the Society to duplicate, edit, publish, including publication on the internet, and permit the use of said tape recordings, transcripts and diskette in any manner that the Society considers appropriate, and I waive my claims I may have or acquire to any royalties from such use.

Mrs. Charles T. Duncan 7/05/05
Mrs. Charles T. Duncan Date

SWORN TO AND SUBSCRIBED before me this
a day of July, 2005.

Alicia Johnson
Notary Public

My Commission expires 2/23/08

ACCEPTED this 14th day of December, 2007, by Stephen J. Pollak, President of the Historical Society of the District of Columbia Circuit.

Stephen J. Pollak
Stephen J. Pollak

Schedule A

Tape recordings and transcripts resulting from the three interviews of Charles T. Duncan on the following dates:

<u>Date</u>	<u>Interviewer</u>	<u>Number of Tapes</u>	<u>Pages of Transcript</u>
August 15, 1997	Myles V. Lynk	--	1 - 30
May 11, 2002	Gregory L. Poe	1-1/2	31 - 91
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The transcripts of the three interviews are contained on one compact disc.

INTERVIEWER ORAL HISTORY AGREEMENT

Historical Society of the District of Columbia Circuit

Oral History Agreement of Charles T. Duncan

1. Having agreed to conduct an oral history interview with Charles T. Duncan for the Historical Society of the District of Columbia Circuit, Washington, D.C., and its employees and agents (hereinafter "the Society"), I, Myles Lynk, do hereby grant and convey to the Society and its successors and assigns, all of my right, title, and interest in the tape recordings, transcripts and computer diskette of interviews, as described in Schedule A hereto, including literary rights and copyrights.

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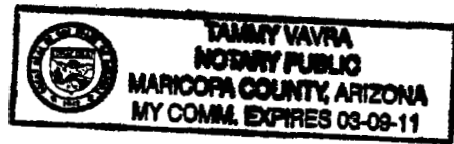
3. I agree that I will make no use of the interview or the information contained therein until it is concluded and edited, or until I receive permission from the Society.

Myles V. Lynk 3-30-07
Myles Lynk Date

SWORN TO AND SUBSCRIBED before me this 30 day of March, 2007.

Tammy Vavra
Notary Public

My Commission expires 3/9/2011



ACCEPTED this 17th day of April, 2007, by Stephen J. Pollak, President of the Historical Society of the District of Columbia Circuit.

Stephen J. Pollak
Stephkn J Pollak

Schedule A

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INTERVIEWER ORAL HISTORY AGREEMENT

Historical Society of the District of Columbia Circuit

Oral History Agreement of Gregory L. Poe

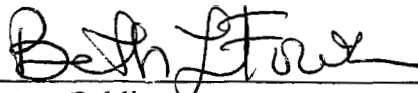
1. Having agreed to conduct an oral history interview with Charles T. Duncan for the Historical Society of the District of Columbia Circuit, Washington, D.C., and its employees and agents (hereinafter "the Society"), I, Gregory L. Poe, do hereby grant and convey to the Society and its successors and assigns, all of my right, title, and interest in the tape recordings, transcripts and computer diskette of interviews, as described in Schedule A hereto, including literary rights and copyrights.

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


Gregory L. Poe
7/27/05
Date

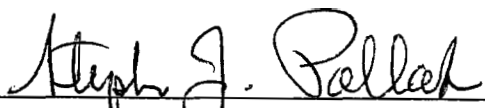
SWORN TO AND SUBSCRIBED before me this
2nd day of July, 2005.



Notary Public

Beth L. Fowler
Notary Public, District of Columbia
My Commission Expires **03-14-2010**

ACCEPTED this 14th day of December, 2007, by Stephen J. Pollak, President of the Historical Society of the District of Columbia Circuit.



Stephen J. Pollak

Schedule A

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Oral History of Charles T. Duncan
First Interview
August 15, 1997

This is an interview of Charles T. Duncan conducted as part of the Oral History Project of The Historical Society of the District of Columbia Circuit. The interviewer is Myles Lynk. The interview took place on August 15, 1997.

Mr. Lynk: Mister Duncan, can I call you Charlie?

Mr. Duncan: Please. C'mon what are you talking about?

Mr. Lynk: And of course, your full name is Charles T. Duncan.

Mr. Duncan: Right.

Mr. Lynk: What does the T stand for?

Mr. Duncan: Tignor. T-I-G-N-O-R.

Mr. Lynk: Tignor. Are you any relation to the Judges Tignor?

Mr. Duncan: Yep. Might as well get to it, out of the way. My natural father was Doctor Charles A. Tignor. And my original name was Charles A. Tignor, Jr., and my dad died; my natural father died in 1935, or thereabouts. And my mother remarried Todd Duncan, and in due course, I was adopted by him and assumed his name, but I retained the "T" as my original family name. My full name is Charles Tignor Duncan. But the Tignor is indeed from the Tignor family of Washington, D.C. which –

Mr. Lynk: There's Michael Tignor.

Mr. Duncan: No.

Mr. Lynk: Mitchell?

Mr. Duncan: Before him.

Mr. Lynk: Okay.

Mr. Duncan: What else.

Mr. Lynk: Okay. When were you born?

Mr. Duncan: In 1924. Halloween, October 31st, 1924.

Mr. Lynk: October 31, 1924.

Mr. Duncan: Yes, yes.

Mr. Lynk: Were you born at home or in one of the hospitals?

Mr. Duncan: I was born at home. That was done in those days; at 473 Florida Avenue, N.W., right where New Jersey Avenue runs into Florida Avenue.

Mr. Lynk: Do you have any brothers and sisters?

Mr. Duncan: I'm an only child.

Mr. Lynk: Can you talk a little bit about your early years in Washington?
Where did you go to school?

Mr. Duncan: Kindergarten through fourth grade: Mott School; that's Fourth and Bryant Streets, N.W. The school is still there, but the building's been torn down and moved over to R_____ by University. Do you know where it is?

Mr. Lynk: Yes I do.

Mr. Duncan: Segments of the old wall are still there on Fourth Street. Grades five and six, I went to Morgan School and Garnet-Patterson Junior High School through the ninth grade, and then I went away to school to preparatory school – Mount Hermon School for Boys, now called Northfield Mount Hermon School in Northfield, Massachusetts.

Mr. Lynk: How did you happen to go away to Mount Hermon School?

Mr. Duncan: One day my mother came in and said, “You're going to Mount Hermon School,” and I said, “Where's that?” And she said, “It's up in Massachusetts.” And she had heard about it otherwise.

Mr. Lynk: Now this would have been in the 1930s?

Mr. Duncan: I started there in '39, graduated in '42. I graduated from Garnet-Patterson in June of 1939.

Mr. Lynk: I would imagine it was very unusual for an African-American, at that time, after just coming out of the depression and all, to get that opportunity to go away to school.

Mr. Duncan: That's probably true. I should say, with modesty, that my natural father, Dr. Tignor, was a physician. My mother, Gladys, who is now 101, by the way, was a school teacher. So I came from, by any definition, a middle-class family, even in those days. I should tell you that in 1934, 1935, my mother had remarried Todd Duncan, and by 1939, he had done *Porgy and Bess*, so he was beginning to

prosper economically. So, as an economic matter, it was not a big thing. I was, by no means, the first person from here, from Washington, to go to Mount Hermon; John Tyler Phillips had gone there before I had. I'm sure some other people. I had gone to school in England for a year in 1938. My stepfather, Todd Duncan, was over there in a show, so I had a year in English schools along with the Garnet-Patterson experience. So, by the time I went to preparatory school at Mount Hermon, I was very well, academically, prepared.

Mr. Lynk: I was just going to say, you were probably one of the most sophisticated kids in your class.

Mr. Duncan: Well, I don't know about that, but I must tell you that Garnet-Patterson, in those days, segregated though it was, was a superb Junior High School, as Dunbar was a Senior High School and people to this day don't believe that, at Garnet-Patterson, when I graduated, I had two years of Latin in the ninth grade under Mary Delaney Evans. We had studied *The Odyssey* and *The Iliad*. So, when I went away to prep school, I was equal to or ahead of the other kids there, most of whom were white; all of whom were white.

Mr. Lynk: You just alluded to the fact that your stepfather, Todd Duncan, had performed in *Porgy and Bess*. You told me earlier a fascinating fact about his relationship to *Porgy and Bess* and George Gershwin. I wonder if you could tell me that again.

Mr. Duncan: Yes. In 1934 – that was the actual year he married my mother – he was a professor in the school's music department at Howard University, and he was active in local musical circles. He headed the choir at Plymouth Congregational Church, which used to be at 17th and P Streets, N.W., and now is out at Riggs Road and North Capital Streets, N.W. Gershwin had, somehow, heard of him and auditioned him for the role; he was chosen for it. So he was the original Porgy in *Porgy and Bess*, which I think opened for the first time in '35 or '36. That launched his career as a singer and later as a concert artist.

Mr. Lynk: Did he tell you any stories about how he first met George Gershwin?

Mr. Duncan: Oh yes. There are books on that. One of the stories is that he was invited up to New York in 1934 to meet Gershwin. When Gershwin first wanted him to come up, my father said, “Well, I can't come because I have a singing engagement. I can come the next weekend.” The singing engagement was the choir in front of the church; that's what it was. He went up the next weekend and knocked on the door of the Fifth Avenue apartment – this is all documented – and Gershwin opened the door and said, “Where is your accompanist?” And my father, not knowing he was supposed to bring an accompanist, said, “Well, I don't have one. You play, don't you? Or if you don't, I can play.” So, he went in and Gershwin said, “What do you want to sing?” So, dad selected an aria from something,

which surprised Gershwin because most of the people that he interviewed were singing “Old Man River,” or a spiritual or something like that. Dad selected an aria. He got quite – according to the story, I wasn't there – he got fifteen-twenty bars into it. Gershwin stopped him and said, “Can you sing that without the music?” And he said, “Yes, sure.” Gershwin said, “Sing it.” So dad sang it *a capella* and Gershwin heard a little bit and he said, “Will you be my Porgy?” So, dad said, “Well, I don't know. Let me hear some of your music.” (Dad thought Gershwin was Tin Pan Alley at the time, and therefore was below his dignity.) They got together and he became Gershwin's original Porgy and created the role in *Porgy and Bess*.

There was an obituary in the newspaper a day or two ago of someone named Kay Halle. I think it was in Monday or Tuesday's paper. She tells the story of having been there at the audition. *Washington Post*, August 12, 1977, B4, Obituaries, Kay Halle, “Washington Grande Dame Dies at 93.” It says, “She made a career of knowing and cultivating famous people. Her chief one was Gershwin.” Let's see. It mentions the people that she had met. It goes on to say, “In the natural course of things, Ms. Halle met Gershwin after a concert in 1934. President Roosevelt and family invited the composer to come, and Ms. Halle, to New Year's Eve at the White House. That the president requested Gershwin play the

piano. It was with Gershwin that Ms. Halle met Astaire and Waller – Fats Waller – and such musical luminaries as Cole Porter, Richard Rodgers, Jerome Kern, Irving Berlin, and Oscar Levant. She was present when Todd Duncan, the head of the voice department, Howard University, auditioned for the part of Porgy in *Porgy and Bess*. Gershwin gave it to him. Ms. Halle and Duncan were friends for life.” I called dad and I read this to him and I said, “I remembered the name, but I didn't know that she was there when you sang.” “Oh, oh, yes. That's true.” And I told him that it also said, “You were friends for life.” And he said, “Yeah, that's true, that's true.” In my personal knowledge, they never communicated in the last 20 years. But that's the way it is.

Mr. Lync: That's the way it is. So, you came back from Europe and then you went to –

Mr. Duncan: I went to Mount Hermon in 1939.

Mr. Lync: How many years were you at Mount Hermon?

Mr. Duncan: Three.

Mr. Lync: Three years.

Mr. Duncan: Graduated in 1942. The war had happened in the meanwhile. I went straight from Mount Hermon to Dartmouth.

Mr. Lync: Dartmouth College?

Mr. Duncan: Yes.

Mr. Lynk: Tell me a little bit about that. One of the interesting things about Dartmouth is the number of very accomplished people in this area, you just mentioned them earlier, Bob Wilkinson and his family, who were there. What was your experience at Dartmouth? How did you find that?

Mr. Duncan: This is interesting to me. I had a very good academic record at Mount Hermon. I was class salutatorian and on the ski team. I learned about skiing at Mount Hermon. I chose Dartmouth because it was a prestigious school, but primarily because it was a big ski school in those days. I only applied to Dartmouth. In those days, you could do that. I only applied to Harvard Law School, four years later, five years later, and was accepted. In Dartmouth, in the whole school of 3,000 students, maybe there were four, five, six Negro students, black students; two or three of whom were from here, the rest of them elsewhere. I guess, in a word, black students at Dartmouth in the early '40s were numerically so insignificant that we were not a problem; nobody paid attention to us. And there was a lot of anti-Semitism, and I'm sure there was a lot of other stuff. There was racism, to be sure, but again, we were so insignificant, numerically, that nobody paid a lot of attention to us. In my case, because I skied and played tennis and could sing, I was accepted as the EXception. You're different. I was one of the boys, by and large, not totally, as things went in those days. My college career

was interrupted by military service. I completed three years, then went in the Navy and came back in 1946 and completed my fourth year of college and graduated in 1947.

Mr. Lynk: So, you spent one year in the Navy?

Mr. Duncan: Two years.

Mr. Lynk: Two years in the Navy. Where did you serve?

Mr. Duncan: That's a story, too. I was drafted. But first I was deferred. People talk about Clinton staying out of the war. You tried to stay out of the war in those days if you could, if you were black, in particular, because the armed services were strictly segregated; STRICTLY, strictly, strictly segregated. We _____ as we do now, less than full service. So this business of going down and signing up after Pearl Harbor did not exist in the black community. And I stayed out of the military as long as I could through a chemistry deferment. But I finally got caught up with and was drafted in February of '45. Went to boot camp at Great Lakes.

Mr. Lynk: Great Lakes Naval Station?

Mr. Duncan: Yes. Great Lakes, Illinois. Happily V-E Day happened while I was in boot camp. While I was in boot camp, long story, but I finally got sent to midshipmen's school at Cornell in the summer of 1945. And while I was in midshipmen's school, V-J Day occurred. So I came along at the very end of the war. I was commissioned in November

of 1945, and I served into the next year. Then I returned to Dartmouth in September '46, graduated in '47.

Mr. Lync: Now you referred to a chemistry deferment. Were you a chemistry major?

Mr. Duncan: I became a chemistry major. I was an English, political science-type, but it was possible to be deferred if you were majoring in chemistry or physics, so I became a chemistry major. I wasn't the only one, I might say.

Mr. Lync: Now during this period of time, the thirties and forties; to the mid-forties; let's say from 1936 to '46, you had gone from junior high through high school, college, the Navy, and then had completed college and that was also at a time when, I gather, a lot of changes were taking place in Washington as a place, which you would have seen directly through '39, and then on visits back and over the summers after that. How was Washington, or did you, in fact, experience it as a changing environment?

Mr. Duncan: Oh, hell yes! It didn't change that soon. It didn't begin to change until the early fifties. In the thirties when I grew up, Washington was strictly, strictly, strictly segregated. The only white people that I knew, forgive me, operated the "Jew's store" across the street; that's what we used to call it, "the Jew store." I lived at 16th and T Streets, N.W. If you go by there to this day, on the northwest corner, 16th and T Streets, there is a store. It's no longer a "Jew store," to be

sure, but when I was growing up, that's what it was known as. The people were perfectly nice. They were operating in this mixed neighborhood, but we used to call it "the Jew store." It didn't connote any conscious-level disparagement; that's just what we called it, "the Jew store." Except for that, I didn't have any contact with any white people. Ever, ever, ever, ever. Certainly not in school. You go downtown to the stores, you'd see white people, but in those days, you couldn't try clothes on; you've heard all the stories: couldn't do this, couldn't do that. But you still, you know, had to buy clothes. The store called Palais Royale; it was on 7th Street on the north side of F Street, N.W.; I think that Hecht's was on 7th Street on the south side of F between E and F Streets, N.W. Now if you go there, Hecht's is no longer there. The big department store known as Palais Royale, down the street on 7th was Lansburghs, and there was Goldenberg's, I remember all that. It was a segregated town, there was nowhere to go to a restaurant, you couldn't go to theaters, downtown theaters. There was Lincoln and Republic and the Booker T, of course, on U Street. The changes didn't really occur until the early fifties. I guess it was the *Thompson's Restaurant* case in '53 or '54 in which Charlie Houston, the revered Charles S. Houston, discovered something called "the lost laws." You ever heard of them?

Mr. Lynk:

No, please.

Mr. Duncan: Okay. He was the leader. He was local, but he was also national. But in his local capacity, he discovered a post-Civil War statute, a congressional statute that prohibited discrimination on the grounds of race. I think what it really said was that any – the word disorderly was in there – you had to admit anybody except disorderly persons, that's what it said.

Mr. Lynk: Was it in the District of Columbia?

Mr. Duncan: Yes, yes. It was a congressional statute, but it applied to the District. And he looked at that and he said, "Hey, this would cover us." So, he carried that case to the Supreme Court. I think it was 1953 or 1954, *Thompson's Restaurant*. It was sort of like an original sit-in case. And in the District, the Supreme Court held that that law was in effect and the local restaurants could not discriminate on the grounds of race. So that in '53 or '54, restaurants became public accommodations, legally were open. It began to happen and then came the civil rights acts of the '60s.

Mr. Lynk: What was it like growing up in a segregated city; in a city where you did not interact with whites at all? You saw them, literally, in a variety of certain situations?

Mr. Duncan: Those of us black kids, Negro kids, in those days colored people, if you will, who grew up in the middle class were very protected by our parents. We were shielded from this and we had our own little clubs and Jack and Jill, you've heard of. You only went downtown if

you had to, and you couldn't eat, you couldn't get a hot dog at Woolworth's. My mother used to tell me, "Well, let's wait 'til we get home because the hot dogs at home and the food we have at home is better than these down here." And I could never understand why you couldn't go to the bathroom. I can't tell you how many times I've gone like this, waiting to get to the bathroom at the public library at 7th and Massachusetts Avenue, N.W.

Mr. Lynk: The Carnegie building?

Mr. Duncan: Is that what it is?

Mr. Lynk: Yes.

Mr. Duncan: That used to be the central public library. And, for whatever reason, that was open and down in the basement there was a bathroom and many was the time I'd run in there and gone to the bathroom on the way up 7th Street to home. But our parents shielded us. You can have this conversation with contemporaries of mine, as I did just recently, and they will tell you that we didn't notice any segregation, we had everything we wanted. There are people who thought that way. And in a sense, I did, too. But I was also aware that there was something funny about why you couldn't get a hot dog at Woolworth's; had to go up to the public library to go to the bathroom at Mount Vernon Place. I suppose, if you look around the world today, whatever you are born into, whether it be abject poverty or the situation in Russia, wherever you're born; that's what you're used

to and that's what you adapt to and we adapted to segregation. We didn't have to ride on the back of the streetcars, but then, in my situation, we didn't ride the streetcars anyway because our parents drove us around wherever we were going to go. That's a terrible thing to say, isn't it? But it's true.

Mr. Lynk: That reality, many people who did not live through it really cannot understand it, because it makes perfect sense that certainly the parents and the community would try to ameliorate the effects on their children.

Mr. Duncan: Yes, like there's nothing wrong. We were certainly exposed to so-called cultural things. All the little boys in my group took violin lessons up at Howard University; all little girls took piano lessons at Nickerson's. I'm talking about 10, 11, 12, 13 years old. I've friends to this day that I met in violin class. There was a nursery school, Mrs. Howard. Mrs. Howard's nursery school in the 800 block of F Street, N.W.; all the kids went to the nursery school. I can't tell you how many times I was dragged down to Constitution Hall. There was a little section up in the balcony where you had to sit to hear Yehudi Menuhin, Gloria Perkins; that was a cultural ritual, we were exposed to that. We could hardly claim to have grown up in an educational or cultural ghetto because we didn't; that term wasn't really known at the time, ghettos. Within the context of segregation, our parents carved out for us a comfortable upper-class life, by

today's standards.

Mr. Lync: I was going to say that while there was not a lot of contacts with whites, there was also, I gather, not a lot of contact with poor blacks.

Mr. Duncan: Ah! You got it, you got it. My mother wouldn't let me go into the Boy Scouts, for example, because she didn't know who "those people" were in the Boy Scouts – not a doctor's and school teacher's son! So I couldn't join the Boy Scouts. I did not, I was not exposed to poorer, less-educated blacks until I was in the Navy in boot camp. And this was in '45; that was my first exposure to people who couldn't read or write, or who were, what we would now call, "off the streets." That was the best thing that could have happened to me; I didn't know it at the time, in retrospect, but you're absolutely right, I led a very sheltered life.

Mr. Lync: Were you active in any sort of formal, extra-curricular activities at Dartmouth?

Mr. Duncan: Oh, yes. I was a BMOC (Big Man on Campus) at Dartmouth, oh sure.

Mr. Lync: Tell me a little bit about that.

Mr. Duncan: Well, academically, as I said, I was very good. Graduated Phi Beta Kappa, eventually; ski team, tennis team. This was during the war years, so it was an unusual college experience for all of us. There was no Winter Carnival; gas was rationed, and basically we went

into a summer semester which was grand. I did three years in two, and I lost two years in the military so I could graduate a year behind when I normally would have.

Mr. Duncan: I guess before the war, staying in school and studying was about the only thing. After the war, it was in the dormitory. We didn't have any bosses or black alumni associations; they didn't have that because there were two or three of us altogether, so I mean, there just wasn't that. There was no Afro-American this or that, so I can't honestly pretend that I was active in the civil rights movement in those days because I wasn't. There wasn't any civil rights movement. I'm sorry, not at the undergrad level.

Mr. Lynk: Now, those two years in the Navy; I see you shaking your head, talk a little bit about that. Clearly a different experience.

Mr. Duncan: As I told you, I was drafted. They finally caught up with me. February of '45, I remember. Is that when Roosevelt died, in '45?

Mr. Lynk: Yes.

Mr. Duncan: Okay. I was in boot camp in April of 1945. I got drafted. I was sent to Great Lakes. Great Lakes, of course, was segregated. Starboard side was all black; the main side was all white. Somewhere toward the end of the boot camp experience, April, May, somewhere around there, we had a black petty officer, third class, something or other, one-stripe, which was in those days, quite exalted, by the way. His

name was David Jakes; he was out of New York; I'll never forget him. He called me over one day, he said, "Charlie, they are opening the fleet." No. "They are opening midshipmen's school to the fleet." Meaning that you were eligible for midshipmen's school if you had three years of college. I've forgotten a big story, which I'll go back to. He said, "You have three years of college. You should apply to midshipmen's school." So, becoming an officer in the Navy was like, you just didn't think in those terms, that's ridiculous! An officer in the Navy?! A Negro an officer?! Ridiculous! But anyway, he said, "Go do it!" So I wrote my mother and said please send me a transcript from Dartmouth and Howard. And to make a long story short, I presented all these credentials. They hemmed and hawed, but I finally got sent to Cornell.

Let me back up. When I was inducted in the Navy out of Washington, D.C., I got on a train to Baltimore. This is the point of my story. And this is an interesting story. We were all going through a line, blacks and whites together. There was a white lieutenant commander in the Navy with – everyone was going into the Navy those days, because the war in Europe was basically over, gearing up for the big push in Japan – so this white lieutenant commander said when we get in the next room, "Take the RT test." I didn't know what the RT was. So I get in the next room and someone says, "Anyone want to take the RT test." So I put my hand

up. And the guy next to me put his hand up. And they said, "You two go over there." They sent the two of us to Great Lakes. Everybody else in my group went to Perry Point; right up here (Maryland), which was a cooks and bakers school. I would have been sent to cooks and bakers school, and would have still been in the brig. I'm satisfied of that, but for this white lieutenant commander who said, "Take the RT test." Now, what was the RT test? It turned out it was radio technicians test; that's what it stood for. The guy next to me, I later asked, "Why did you put your hand up?" He says, "I saw you put yours up." That's the way the world works in the Navy, in the Army, in the military. We got sent to Great Lakes. I guess we must have taken the RT test somewhere along the way. But, you know, whatever. We ended up at Great Lakes and from Great Lakes I went to midshipmen's school. But for that, I would have been sent to Perry Point cooks and bakers. I was that close.

Midshipmen's school at Cornell was interesting. There had been a number of black officers specially commissioned. You read the book these days about the "Golden Thirteen," and all that. They were specially commissioned in order to have some black officers. I and five others, there were six of us all together, were sent to midshipmen's school. We were the only six in whole history of the United States Navy and those days who went to regular everyday

midshipmen's school. I went to Cornell, others went to Columbia, Northwestern, and it was a big experiment. They were going to commission us and send us aboard ships. I'm not making this up! This is a good story. To find out whether white officers would take orders from, I'm sorry, whether white enlisted men would take orders from black officers. Just like Tuskegee; make us fly airplanes. So I got sent to, after graduation in November in '45, I got sent to an oil tanker which was then in dry dock in San Diego, California. For the next six to eight months, I was an officer aboard that oil tanker. You want to know the answer to the question? The white enlisted men, most of whom were southern kids, had no problem whatsoever with taking orders from a black officer. They saw the gold bar; the gold stripe. I didn't know their minds, I didn't care what they thought. But, you know what I'm going to say. The only people who I had any trouble with on the ship were the six cooks and bakers, who weren't exactly sure who this black officer was, but we got along fine. There's more. The ship, the *USS Platte*, A024, since replaced. There's another ship by the name *USS Platte*, which I've since seen. But this was a fleet-going oiler. It had four 5" 38 guns. Ocean-going, fighting tanker. They had been alerted that this person was going. So, I got there. They were cordial, they were nice. The captain tried to assign me to a room. No. He tried to assign me a room, stateroom X. And the guy who was in there was supposed to

move out so I could be in there by myself. The guy that was in there said, "Why do I have to move out?" "I don't know," I answered. "I want to stay here," he said. So he ended up staying there. It worked fine.

One other Navy story. I'd been on the ship for about two weeks. And a new captain came aboard the ship. He was a four-striper from the Annapolis Naval Academy. The fact that he was assigned to this oil tanker that late in the war raised a little question, but, whatever. I was given an order by the executive officer right after this new captain came on board. I was supposed to tell the steward's mates that they could not attend the ship's party, which was being paid for out of funds from the ship's store which everyone contributed to, officers and enlisted men alike.

Mr. Lync: Including the steward's mates?

Mr. Duncan: Including the steward's mates, to be sure. But they were to be given their share of the fund, whatever it was, in cash. So I said to the executive officer, "You all just assigned me to the navigation department; I'm the assistant navigator. Why do I have to tell this to the steward's mates?" "Captain's orders," he replied. So, I'm not making this up. I went back and I thought about it and I said to myself, You've been an officer in the Navy for three weeks, now. You've been a Negro for 22 years. What do you want to be? So I requested permission to go speak to the captain, which you could do.

The executive officer wanted to know, "What do you want to see the captain about?" So I told him. And he said, "Good luck." So I went up to see the captain and I said, "Captain. You've given me this order and I don't think it's fair that the steward's mates contributed to the ship's fund." And I said, "President Roosevelt has just been talking about issuing an order to do away with discrimination in the armed services." Mrs. Roosevelt, in fact, had said, "We're going to do this." It hadn't happened yet. That was the wave of the future. Having said my piece, I got up to leave. The captain said, "Sit down. You don't stand up until I tell you to." He read the riot act to me. He says, "You're obligated by, you're in no position to challenge any order that I give. Whatever I tell you, you do. By act of Congress, you are obliged to obey me." He said, "This is insubordination. If ever, ever, ever you do this again, you will be court-martialed." I thought, Oh shit. Three weeks in the Navy as an officer and I'm about to be court-martialed. Oh, Jesus Christ. He then went on to say, "I did not give that order about the steward's mates. The departing captain gave that order. As far as I'm concerned, the steward's mates can attend the ship's party." To myself I said, Ooooooh, Oooh. Run into that one, didn't you, Charlie? Yeah. The word got around among the enlisted men that Ensign Duncan stood up to the captain. I was God for the whole rest of the next day. So help me, nothing I could do with the enlisted men was

wrong. Got in trouble with the captain a little later. The story got around and I was secure and it lasted the whole time I was there. I could do no wrong. I just sat around after that, smoked cigarettes and played bridge. Oh yes, yes, that's what literally happened.

Mr. Lynk: That is phenomenal. That is a great story.

Mr. Duncan: Yep, yep. I'm not embellishing.

Mr. Lynk: No, I'm sure that's the real truth.

Mr. Duncan: That happened. Got out. I was eventually sent to the Office of Public Information here in Washington, down Constitution Avenue where they used to have Navy temporaries in those days. They're gone now. Released from active service in September '46. Went back to Dartmouth, graduated in '47.

Mr. Lynk: And you graduated Phi Beta Kappa from Dartmouth. Now, did you go straight to law school?

Mr. Duncan: Straight to law school. You didn't go to Europe in those days, by God. Had the GI Bill by then. So when I went to law school, most of the people in my class were 98% veterans, all on the GI Bill; 20% married, as indeed I was, by the way. No fooling around; no bosses, no ballot, no Afro-Am, let's just get out of here and get started. Because everybody's life had been interrupted two-to-six years; some people had been killed. So those were not protest years, those were "let's get out of here" years. That was everybody there. No

demonstrations, no nothing. Let's just go to class, take your exam, hope you pass and leave.

Mr. Lynk: Now you alluded to something that we haven't touched on at all and that's the fact that by the time you went to law school you were married. Can you tell us a little bit about how you met your first wife?

Mr. Duncan: My first wife's name was Dorothy. She was in our little group. Her mother was a school teacher.

Mr. Lynk: So she was here, from Washington, D.C.?

Mr. Duncan: Yes. Her father worked for the Fire Department; he was a fireman, which in those days was just as good as being a doctor, lawyer, fireman, postman, Pullman porter. I mean those were all good, solid jobs. I don't remember when I met her, but we were courting through the Mount Hermon years, and we got married between college and law school in July '47. Married for 25 years.

Mr. Lynk: And then, Cambridge. You said law school was a no-nonsense time, people wanted to get through and get out. Any classmates or professors or anything stand out in those years?

Mr. Duncan: Yes. I made one lasting friendship in preparatory school and made one or two in Dartmouth, and I made one or two at the law school, some of which carried all the way through. In fact, just last weekend I was in Maine to help celebrate the 50th anniversary of my fourth-

year Dartmouth roommate who was in my wedding party here in July of 1947, and a week later I was his best man up in Maine in August of '47. He had a 50th anniversary and my new wife and I just went up there.

Mr. Lynk: What's his name?

Mr. Duncan: Edward Lane-Reticker. I have a dear friend from Dartmouth days, Norman Weissman, whom I just talked with on the telephone this morning. From law school, two very good friends that we've stayed friendly from then until now. In January of this year, Pam and I went down to Florida for a visit to a law school study group member, Martin Cohen, and the wife of another member, Victor Baum, at their condominiums on the Gulf of Mexico. So the answer to your question is yes, there are some two or three or four college and law school friends who have remained such over the years.

Mr. Lynk: Were you in law school the same time as Bill Coleman?

Mr. Duncan: I met Bill Coleman in law school. My recollection is that he was Class of '48. I think he was finishing his LL.M in '48 or '49. I knew him then, that's when I first met him. You also mentioned professors. I remember professors. Nothing really close. Griswold, Erwin. Griswold was a very austere, Zeus-like man of Harvard Law School. I don't think I ever spoke to him the whole time. I took his tax course. Fast forward to 1977, '78, '79. Howard Westwood of Covington & Burling; you've heard that name, who was great for

integrating things, including the Association of the Bar of District of Columbia, the voluntary bar. He had a lot to do with opening it. Metropolitan Club. He decided he was going to integrate Burning Tree, so I was his nominee for Burning Tree. So he carried me out there. I was eventually admitted to Burning Tree as part of that process. Dean Griswold was a member, wrote this wonderful two-page letter about what a wonderful person Charlie Duncan was. I read the letter. I felt like Flip Wilson, "He doesn't know me." You know like Geraldine who says, "You don't know me." He wrote this glowing letter about what a wonderful student I'd been and what a great scholar I was. Later, we became friends. Griswold. I remember Archie Cox for constitutional law. Thorn, he's the one out of all of those people that if I had to say who was the best, it would have to be Thorn. I had Cox, I had Seevy, I had Morgan on evidence and Scott on trusts, Casner on _____ and property. But being in law school, I hated it, just hated it. Because, you know, I'd been to Dartmouth, that was relaxed, easy, do what you want to, drink beer from cans, throw them out the window. I never did. They did that! Then you get to Harvard and you go up these steps and down these steps. I hated it. I just did not like law school.

Mr. Lynk: And then three years in Cambridge. And then you came back to Washington, directly.

Mr. Duncan: No. That's another whole episode. In those days, we used to

interview during Christmas holidays of your senior year. None of this second-year internship. You do the rounds during Christmas holidays. So I have to get the name of the Dean; he sent me to 15 or 20 Wall Street law firms: White & Case. The one I remember and love is: Cadwalader, Wickersham & Taft. By now I'm a Democrat. I went to firms called Dewey Ballantine; Dwight Royal; Donovan Leisure; you name 'em, I went to them. And rather personally, without exception, they all told me, basically, "Mr. Duncan, we are ready to have a Negro associate, but our clients are not ready. So therefore we cannot give you an offer." In *harc verba*, which probably violated New York law in those days, in 1950, something called SCAD, State Commission Against Discrimination, one of the early, early, early anti-discrimination statutes. Never mind that, they all said this. Later, it turned out that I was sent to these firms because it was part of their education process. I was not on the law review. I was right on the line of upper fourth of the class. They used to grade you just like the Naval Academy, from one down. I was right on the line, the truth to tell, and this is one thing I've always misrepresented on my résumé. I said I was in the upper fourth of the class. If you do the numbers, the upper fourth is like 125. I was 126 or 127, but they were so close that I said, "Well, nobody will notice." So I said that I was in the upper fourth, right on the line. I was given an offer by one of the two Jewish firms:

Rosenman, Goldmark, Colin & Kaye, who up to that point had only, only, only ever hired Harvard, Yale or Columbia Law Review graduates – Jewish. But Rosenman, being a Jew, they said, we're going to make an exception in this fella's case and give him a chance. Early, early, early EEO, before it was called EEO. You could call it that or you could say, do it like that. So I was hired there. I went there for three years.

Mr. Lynk: This was the first time you'd ever lived in New York as well as worked there?

Mr. Duncan: Yes.

Mr. Lynk: Other than your school years.

Mr. Duncan: Other than school and military.

Mr. Lynk: And so you were a newly minted lawyer and you were just married, and in New York City, of all places, at a very exciting time in the early 1950s. What was it like?

Mr. Duncan: For some reason, it was one of these things, I decided in my own mind that New York was the only place to go. Don't ask me why. I had no New York contacts, didn't know anybody in New York. I'd never lived in New York. So I went there. To make a long story short, I hated it. Just hated it. I did what associates did in those law firms in those days. I just didn't like it. Get divorces, and do things, and meet clients. So I stayed there for three years, voluntarily left

and came to Washington. Been here ever since.

Mr. Lynk: Now, how did you like living in New York?

Mr. Duncan: I hated it. That's what I hated. I hated the firm and even more I hated living in New York City. It was dirty. I had to give up my car. I couldn't drive to the tennis court and park next to the court and play tennis like I'd done all my life. I just didn't like it. I was not for living in New York. Some people like it, some don't. I didn't like it. So I got out of there.

Mr. Lynk: I can certainly understand that.

Mr. Duncan: Nothing unpleasant; I wasn't fired or anything like that. I looked at the partners. Believe it or not in those days, the Rosenman firm had the non-partner, 18 associates, two for one. Now I don't know how big the firm is. I'm sure Rosenman himself had nothing to do with it. I just didn't like living in New York, working for the firm.

Mr. Lynk: So about 1953 you came back to D.C. Did you go straight to the U.S. Attorney's Office?

Mr. Duncan: Oh no. There was a lawyer in Washington named Belford Lawson. Belford V. Lawson, who approached me in New York about coming to the law firm and I didn't need much persuading. We had a three-person firm: Lawson, McKenzie & Robinson. McKenzie was his wife, Marjorie McKenzie, who later became a judge. The Robinson was Aubrey Eugene Robinson, Jr.

Mr. Lynk: Oh, yes.

Mr. Duncan: Later became a district judge. I stayed with Belford, Robbie – Aubrey – had been with Belford since 1948. Belford did not have the reputation for being the most ethical attorney, and I stayed there for six months. I said I didn't want to be there. I told Robbie one day, I said, "I'm leaving." "When are you going to do it?" he said. "Now, Robbie, now, I'm fine so I'm going in," I said. So he and I left the firm somewhere in the summer of '54 and opened the law firm of Robinson & Duncan at 473 Florida Avenue, N.W., which is where I was born and which I had inherited. It was just a row house, but it was in a commercial neighborhood. So we could practice law there and I lived there. So, we must have spent \$500 to straighten the place out. A year later Frank Reeves joined us.

Mr. Lynk: Yes.

Mr. Duncan: And the firm from '54 to '61 was known as Reeves, Robinson & Duncan. And that would be a good place to stop.

Mr. Lynk: Okay. Belford Lawson, is that the father of the –

Mr. Duncan: Yep, yep yep yep yep.

Mr. Lynk: Belford Lawson is now at Howard.

Mr. Duncan: Now where?

Mr. Lynk: There's a Belford Lawson, III.

Mr. Duncan: Belford, III, yeah.

Mr. Lynk: Okay, that's his father.

Mr. Duncan: Belford V. Lawson, Jr.

Mr. Lynk: Oh, okay.

Mr. Duncan: So, this would be the III, yeah. And he was in the Corporation
Counsel's office.

Mr. Lynk: Oh, okay.

Oral History of Charles T. Duncan
Second Interview
May 11, 2002

This is the second interview of the Oral History of Charles T. Duncan, as part of the Oral History Project of The Historical Society of the District of Columbia Circuit. The interviewer is Gregory L. Poe. The interview took place in Mr. Duncan's home at 1362 Myrtle Avenue, Annapolis, Maryland.

Mr. Poe: My name is Greg Poe. I am an Assistant Federal Public Defender in the District of Columbia, and I am here with Mr. Charles Duncan. Mr. Duncan, may I call you Charlie on the tape?

Mr. Duncan: Please do, yes.

Mr. Poe: Let me start with the very beginning, Mr. Duncan. Where were you born?

Mr. Duncan: Uh, in Washington, D.C. I like the sound of that – a native Washingtonian.

Mr. Poe: Describe a little bit about your very early childhood experiences if you would.

Mr. Duncan: I was born in 1924. Born at home, as a matter of fact, and that was not too unusual in those days. The address was 473 Florida Avenue, N.W., in Washington, which I mention only because it later became the site of our law offices, Reeves, Robinson & Duncan in 1953 and 1954. My mother was a public school teacher. My father was a physician. My father was a good deal older than my mother, twenty-one years, as a matter of fact. But it was a first marriage for both of them. The city, of course, in 1924 and until 1954 and thereafter, was strictly segregated, by race, and the

particular neighborhood in which I was born was then known, and is now known, as LeDroit Park, which is close to Howard University. And again, by further coincidence, it is in the same block, physically the same block, where Walter Washington now lives. He's 408 T Street, and I was 473 Florida Avenue. Because both my parents were professionals, I was born in a relatively well-to-do family.

Ms. Poe: Could you discuss a little bit your recollection of your parents and how they came to take the positions they did.

Mr. Duncan: In my father's case, and I should just clarify now in case anyone should be confused, my natural father was Dr. Charles Andrew Tignor, and my name was Charles Andrew Tignor, Jr. The Duncan part came in later when my natural father and my mother were divorced, and my natural father died shortly thereafter. My mother remarried Todd Duncan, who was a singer, who adopted me, and I changed my name to Charles Tignor Duncan, as I'm known today. I just throw that in because some people don't know that. Anyway, in my father's case, I've always – I don't know a lot about his ancestors and history, not nearly as much as I should – I've always been amazed that in 1924, he was a medical doctor. As best I can figure out, he was born in or about 1878, which was not too long after slavery. And it's always interested me that he was a physician, having been born when he was. Now whether – I really don't know much about his ancestry. I do know, I just recently came across, the names of his father and mother. His father, according to the record that I saw, came

from the island of Martinique. But that's absolutely and totally all that I know about his forebears. It was my understanding at an early age that my father's parents or relatives lived in the Anacostia part of the District of Columbia, but I don't really know that. I should point out that he died when I was eight years old, so I don't remember a whole lot about him, except I remember him fondly and favorably. My mother, who was 21 years his junior, is still living. She's 105 now. She and her family – she was from Charlottesville, Virginia – and she had two sisters and a brother. Both sisters came to this area. Her brother remained in Charlottesville. Her family name was Jackson. According to Jackson family lore, they were descended *a la* Sally Hemings from Thomas Jefferson. Whether that's true or not, I don't know. We have family historians who say that it is, and they can trace it back, but I never paid much attention to it, and it's my view that if so, so what? You know, so what? Who cares? Anyway, she came to Washington, D.C., as a relatively young girl, 16, 17, 18, to go to what was then called Miner Normal School. It was later called D.C. Teacher's College. And now I guess it is part of UDC. But she went to Miner Normal School. And when she was here, she lived with her sister, my aunt, at 402 U Street, N.W., in the old LeDroit Park neighborhood, one block up from Walter Washington, who was 408 T. And my cousin, Elizabeth, still lives in that house – 402 U Street. So, some things go way back.

Mr. Poe: On that issue, and by the way, I should note we're speaking here on May 11, 2002. But on that score, is 473 Florida still standing?

Mr. Duncan: It's still standing. It's, I believe, unoccupied, vacant, and has been for a number of years. That whole block of Florida Avenue, which used to have Harrison's Café in it, hasn't been yuppified yet. U Street is moving that way, but it hasn't quite reached over that far. Nor has Howard come that far south. It's still sort of a desolate neighborhood.

Mr. Poe: Well there's a lot of redevelopment in some surrounding areas, so it seems perhaps inevitable.

Mr. Duncan: Oh sure. Oh it'll happen sooner or later. Yeah.

Mr. Poe: Let me ask you, Charlie, about the Tignor family. Is there any continuing Tignor family line in the District?

Mr. Duncan: Oh sure. The one I know best is, I guess she would be a cousin-in-law, Catherine Tignor, and her son is the Superior Court Judge Robert Tignor. There are other Tignors about. There was one Tignor who was active in Prince George's County politics, and the name is sufficiently odd so that I just assume that we're related, but I've never met her. But there are some Tignors still about. All the folk will remember a Madison Tignor who taught and was a major presence at Dunbar High School for many years.

Mr. Poe: Now, did you have any brothers and sisters?

Mr. Duncan: No. I was an only child.

Mr. Poe: I take it you were quite close with, and remain quite close I should say, with your mother.

Mr. Duncan: Oh indeed. Absolutely.

Mr. Poe: She lives in the area?

Mr. Duncan: I'm sorry?

Mr. Poe: Is she living in the D.C. area?

Mr. Duncan: Oh yes. She lives, as a matter of fact, it's not very far in terms of houses – she moved, when she married Todd Duncan, from 473 Florida Avenue to 1600 T Street, Northwest, and that was in or about 1934. They moved to 1600 Upshur Street, N.W., in or about 1958 and have lived there ever since. My stepfather Todd died in 1998, and my mother still resides there. And when they moved to 1600 Upshur Street, I was living at 1812 Upshur Street, just two blocks up the street. I lived up there until 1995 when we moved down here to this house.

Mr. Poe: And we're here in –

Mr. Duncan: We are here in 1362 – we're here in Arundel on the Bay. Myrtle Avenue. This is my parent's former summer home. They having acquired this property – they, now, I'm talking about Gladys and Todd – having acquired this property in or about 1954 or 1955, and it was their pride and joy. They both loved it very, very much. My mother just lavished care on it. My father loved to work out in the yard. They both were great fishermen and crabbers. And there came a time when they were of the nature they couldn't use it, and the house just went unused for a couple of years, and my wife Pam and I decided to accept my father's offer and just move down here, which we did.

Mr. Poe: Very nice. And I should say that we are looking out over the bay as we speak.

Mr. Duncan: Right.

Mr. Poe: On a beautiful, sunny Saturday.

Your mother's name, I take it then, her maiden name was Gladys Jackson?

Mr. Duncan: Nancy Gladys Jackson.

Mr. Poe: You mentioned her marriage to Todd Duncan, the singer. If you could talk about that a little bit, and Mr. Duncan.

Mr. Duncan: First let me say overall that given my age when he came into my life, eight years old, he and I became very, very close and I never think of him as my stepfather, I think of him as my father.

Mr. Poe: I see. No offense intended.

Mr. Duncan: No. No, no, no, not at all. Not at all. A lot of people who only met me in later years were surprised to find that he is my stepfather. But I never dissembled about that, and it's just a wonderful relationship that I've had with him. He was a professor of voice at Howard University, and according to the story, my mother became a voice student of his. She sang, because she had always sung in the choir, as I remember very vividly, she sang in the choir and had a rather nice voice. Whether she innocently went there, or whether she had ulterior motives, I don't know, but the story is that very quickly she was his last student of the day [laughter], and they became very friendly. In one of his biographies, it's

stated that he always, after the second or third lesson, he said “May I kiss you?” You know how these things get cleaned up, and I don’t know exactly happened, but in any event, they did get married in June of 1934. And they had a very lovely, lovely life together. Shortly after they were married, he was “discovered” by George Gershwin, and in 1935, he created, as they say, the role of Porgy in the original *Porgy & Bess*, having interviewed with Gershwin, and his career sort of took off from that. He immediately went into concert work, and between the late 1930s and by the mid- to late-1950s, he sang all over the world to great acclaim. Much more so overseas than here because, again, he performed at the time of Paul Robeson, Marian Anderson – you know, racial situations, segregation, the whole business.

Mr. Poe: Limited, but strictly limited to where he could perform?

Mr. Duncan: In this country. But overseas he was quite a success. He appeared in a couple movies. Not big ones, but some movies. He appeared in one of the, the first revival of *Porgy & Bess* in 1940, 1941. And then he was in a couple of movies, *Unchained*, *Cabin in the Sky*. I’m sorry, he was on the stage in *Cabin in the Sky*. He was in the movie *Unchained*. He was not in the movie *Cabin in the Sky*. He had quite a successful career, very well known.

Mr. Poe: Was his career, did it take off after he met Gershwin? He was a professor at Howard then. And the *Porgy & Bess* experience led to fame, I take it.

Mr. Duncan: Absolutely, a big break. It was a biggie.

Mr. Poe: Sure.

By the way, what's your date of birth Charlie?

Mr. Duncan: October 31, 1924. Halloween, by the way.

Mr. Poe: A good day.

Mr. Duncan: Absolutely.

Mr. Poe: You mentioned the segregation that your father Todd Duncan experienced as a singer, and growing up in D.C., obviously you lived in times of strict segregation as you mentioned, and what are your thoughts, as you look back on your childhood, about those experiences?

Mr. Duncan: Well, you know, time passes, things change, attitudes change. The story is, it's a very common story, kids who were my peers, and you will hear this repeated 10 years, 20 years later, of kids the same age, our parents went to great lengths to protect us from segregation. It was never openly talked about as such. We used to go downtown to shop, for example, but you couldn't eat at the lunch counter, and different parents handled that differently. "Why can't we sit down and eat at the lunch counter?" "Oh well, let's wait until we get home because the food at home is better." To this day, I remember that you couldn't go to the bathroom anywhere, in any of the stores downtown. And I'm talking about Woodies, and Hecht's, and there was a Lansburgh's then, and something called Palais Royale. And they were all over on the 11th and F Street area. And the present public library on Mount Vernon Square – what is that? H Street?

Mr. Poe: 7th and Mass.?

Mr. Duncan: Yeah, that library, that beautiful building which is still there, was then the central public library, the main public library. And many a time, I walked in there, you know, just holding it until you could go in and go down to the basement and go to the bathroom. To this day, walking by that place, I remember that. Very, very funny.

I was saying that we were protected. We had our own life. There was U Street, and movies for us, at the Lincoln, Republic and Booker T. You would go downtown occasionally, but basically you stayed uptown. You only went downtown to go shopping for clothes, or something like that. You did not go downtown to go to the restaurant, because you couldn't go to the restaurant. You did not go downtown and go to the movies, because you couldn't go to the movies. So basically, it was just to shop. Public transportation in this city was not segregated, interestingly enough. And I don't know historically why that was so. But in any event, that's just the way it was. I grew up that way. Everyone grew up that way in my peer group. And I went to public schools. I went K-4th grades to Mott School, which is still standing, although it's been rebuilt. Fourth through sixth grades to Morgan School, which is, I think that's gone through an incarnation, it's now called something else, at 18th and Champlain Streets, N.W.

Mr. Poe: I think Mott School was at 4th and Bryant?

Mr. Duncan: Mott was at 4th and Bryant Streets, right. And, then I went to Garnet-Patterson for 7th through 9th grades. It's still there, at 10th and U Streets,

N.W., at Vermont Avenue. So, you know, who knows what scars you grew up with, but whatever ones there are, are the same ones that all black kids had at the time. Again, you know, I'm talking relatively well-to-do people at that time.

Mr. Poe: Well, and that's – I wanted to get to that. You obviously came from a relatively well-to-do, highly educated family. And what was, from sort of a class perspective, do you have any thoughts about that? Because obviously within any racial group there are class distinctions. What kind of experience growing up in that regard can you recall?

Mr. Duncan: Let me put it this way. When I graduated from Garnet-Patterson and went away to a preparatory school, it was one of these preparatory schools where you had work assignments, and I got assigned to the classroom building cleaning toilets! And I reacted volubly. I said, "I don't clean toilets. Where I come from the maid cleans the toilets." And that was literally true. From the time I was born we had a live-in maid and, so, I don't quite know how to play the class angle, but there isn't any doubt but that I, and people I still am friendly with, were of an upper-middle-class in black society. I'm not comparing it to white society, but certainly in black society. And I was raised in a very elite way. There were things I couldn't do because – I couldn't join the Boy Scouts because the local Boy Scout colored troop was not made up of the same class of kids that I came from. All of us – not all of us, but it was quite common for the girls to take piano lessons at Nickerson's and for the boys to take violin lessons

at Howard University. Not everybody, but I mean it was the kind of thing we did. I was taken to Constitution Hall and had to sit in that little segregated section up in the balcony. Every time Gloria Perkins or Yehudi Menuhin, or any child violin prodigy came to town, you know, you'd go down and hear that, because, you know, you played violin. So, there was a class structure, and there was an interesting overlay of color, which was true then; it's still, to a lesser extent, still true.

Mr. Poe: Now, did you have any interaction with whites to any significant extent?

Mr. Duncan: No. Practically, no. The only – as a child, the only interaction you would have with whites at all would be in downtown stores, the streetcar conductor, or the – what used to be called in those days without any malice on our part – “the Jew’s store,” meaning the corner grocery store. This wasn’t the days of, you know, the big Giants and the big Safeways, but the DGS – the District Grocery Stores – little neighborhood stores all over the city, in black neighborhoods, white neighborhoods. And they were called “Jew stores” because more often than not, or quite often, a Jewish couple would own a store. And that would be the only contact with white folks, that I recall.

Mr. Poe: And the name was a means of identification that was generally accepted, and not anything –

Mr. Duncan: I said, and I mean it, it had no negative connotation whatsoever. It just didn’t. I mean it was just called the “Jew store.” It was owned by Jews.

Mr. Poe: Well that's very interesting, now, in this day and age, a lot has changed over 50 years or more, obviously, in dramatic ways. And at the time, though, that was – I take it people interacted in a way, for example, the owners of the store were aware that – I take it – that that was what their stores were called, or do you know?

Mr. Duncan: I don't know, but it would shock me if they did not.

Mr. Poe: Yeah, and I'm sure it was – it sounds as if groups sort of accepted, they accepted roles in social structure. I'm just curious about the way – I'm trying to figure out the way that different groups related, and it sounds like they related fairly –

Mr. Duncan: Well. Well, you've got to remember that the neighborhoods were basically segregated, and there were mixed blocks, or one block would be black, and the next block would be white, but basically segregated. So the store owners, who were in those neighborhoods, knew who they were serving, and they had no problem with it. You know, they were in the business to make money. That's the way the people got their groceries, by and large, in those days. And they used to extend credit. You know, run tabs, or whatever you call it. Tickets. On a tick. That's right. On the ticket.

Mr. Poe: That means what? That means a tab?

Mr. Duncan: Yeah. Your parents would pay at the end of the week, or the end of the month, whatever the practice was. I remember almost by name, two or three couples who were in the store that we patronized, they were very nice people.

Mr. Poe: You mentioned going to Garnet-Patterson. Did you go abroad one year?
While you were there?

Mr. Duncan: Yes.

Mr. Poe: Where did you go?

Mr. Duncan: Let me first say that when I talk about – this is further responsive to your earlier question – when I talk about growing up in a segregated neighborhood, I always point out that the schools in those days, the segregated schools, were just first-rate. At Garnet-Patterson, grades seven through nine, I started Latin in 7B, that's the second half of the 7th grade, and by the time I graduated I had a year or two years of Latin. In English I had read the *Odyssey* and the *Iliad* and at Christmastime – and I could still recite them – we learned Christmas carols, *Adeste Fideles*, in German – in Latin, I mean. And, so we got a first-rate education. That's another whole story. My mother was a school teacher. It was the only thing open to her in those days. She would not be a school teacher in this era because she could do other things. She could go into business, she could do this, she could do that. But in those days, the wives would be teachers and even a male Harvard-trained Ph.D. taught at Dunbar High School. That's all he could do is teach there. So we had an abundant supply of just first-rate teachers. All along the line, from Kindergarten through 12th grade. And, of course, at Howard University – you know that story, the same thing. And if you were the son or daughter of a public school teacher, then you got double special attention because, you know, they knew your

mother was so-and-so, so they made doubly sure that you learned. An interesting system.

Mr. Poe: Your mother taught in the D.C. public schools?

Mr. Duncan: She taught in D.C. public schools. Yes. Absolutely. As did my godmother, with whom I'm very close, and as did my first wife. I mean, I grew up in a schoolteacher family. My father, my stepfather, was in a sense a school teacher because he was at Howard.

You asked about going overseas. In 1938. I had been at Garnet for a year-and-a-half, or something like that, and my father was in a play in London, and he took me and mother over there, and we lived there for the better part of a year. The first few months that I was there, I just roamed around the City of London, and the Underground, and all that, and then the show went on the road, and they put me in school. They would have done that anyway, because you know, you couldn't just not be in school. So I had a half-year, three-fourths of a year, of British schooling so that by the time I got back and graduated from Garnet-Patterson and ready to go to college, I not only had – I'm sorry, to prep school – I had this A#1 public school background, plus a year in an English school. So I was very well prepared academically, then, when I went on to preparatory school. And we only came back because of the imminent outbreak of the war.

Mr. Poe: This was in 1938, 1939?

Mr. Duncan: 1938, 1939. Yes.

Mr. Poe: You were how old at that time?

Mr. Duncan: Fourteen.

Mr. Poe: Do you have any recollection of how the social relationships you had, or that you saw your parents have in England, compared to your experiences here?

Mr. Duncan: Oh yes, it was totally different. In the first place, there were no – I have to say this carefully – there was no racial segregation based on color because the British, at that point, had not had any immigration problems, they didn't say anything about colored people. And the school that I went to, I was mostly an object of curiosity. "What color is your blood?" You know.

Mr. Poe: Did people touch your skin?

Mr. Duncan: Oh yes, absolutely. The kids did on the street, you know, other school boys. Beyond that, they were perfectly fine. It was my first experience in a non-segregated society.

Mr. Poe: Did you happen to come across any persons from India or the West Indies?

Mr. Duncan: No.

Mr. Poe: Any parts of the British Empire?

Mr. Duncan: No, my point is, and I said I'm going to phrase this carefully, as far as I remember, India was a part of the British Empire at that time, and I don't know that dark-skinned Indians, unless they were in diplomatic service – no, there wouldn't be any diplomatic service. I don't remember ever

seeing any Indians in Britain. Now, I probably did and don't remember, but it certainly wasn't a presence of any kind.

Mr. Poe: You found that, I take it, to be quite an interesting experience living a year over there.

Mr. Duncan: Oh absolutely.

Mr. Poe: So, you indicated the war broke out, and that's what prompted you, of course, to come back home.

Mr. Duncan: Yes.

Mr. Poe: You moved back to –

Mr. Duncan: Back to Washington.

Mr. Poe: To 473 Florida?

Mr. Duncan: No, they had – my father had died by then. When we went over there, we were living in 1600 T Street, N.W.

Mr. Poe: I'm sorry, you moved there in 1934.

Mr. Duncan: Yes, and so we just came back to there.

Mr. Poe: Now, when you came back, you went off to – how long did you stay in D.C. before you actually went off to prep school?

Mr. Duncan: It was a year or less. When I went away, I was in the 8th grade, when I came back I was in the 9th. And I graduated – with my class, as a matter of fact – in 1939, is that right? So it was a year. I finished Garnet-Patterson in 9th grade.

Mr. Poe: What do you think prompted your schooling, going up to prep school? And what prep school was it you went to?

Mr. Duncan: It was then called Mount Hermon School for Boys, and it was associated with a girls school called Northfield Seminar, which was located five miles away, but there was a common oversight. The schools are now combined, it's called Northfield Mount Hermon, and it's the largest residential – it's the largest prep school in the country. And it's, I would say, at the very top of the second tier, or very bottom of the first tier of school rankings. It's compared with Exeter and Andover and Choate, and what used to be Lawrenceville, and it did not – well, it didn't draw an Exeter crowd. I mean, Exeter was Exeter and it still is Exeter. But it was a very good school, and still is.

Mr. Poe: And that's what I take it your mother –

Mr. Duncan: Sent me.

Mr. Poe: I'm sorry?

Mr. Duncan: She sent me there.

Mr. Poe: She sent you there.

Mr. Duncan: Yes. She told me one day, "You're going to Mount Hermon." And I said "Okay, where's that?" A friend of hers had sent her son. And there was a little bit of a history of kids from D.C. going to Mount Hermon, so I was not the first.

Mr. Poe: And this was a – I take it they had good experiences so it became something that your mother obviously thought would be good for you.

Mr. Duncan: Yes. Now speaking of elitism, as good as Dunbar was in those days, Dunbar wasn't good enough for me in my mother's book, so I got sent away.

Mr. Poe: I'm sure very little was [laughter].

Mr. Duncan: Right. I got sent away to preparatory school.

Mr. Poe: And, did you get up there by train? How would you travel back and forth?

Mr. Duncan: Yes. The Montrealer would leave Union Station at 4:00 in the afternoon and would arrive at White River Junction, Vermont at 4:00 a.m.! And you would always be awakened by the porter and get up and get dressed, and get out in the cold, dark. The first time, by car, you know, your parents would take you up to school, but after that you'd go back and forth by train, for holidays.

Mr. Poe: So you'd spend, what?, September to June or so?

Mr. Duncan: No, September to – we didn't come home for Thanksgiving. We came home at Christmastime. And we'd come home again at spring break and then in the summertime. So between September and June, you'd come home twice.

Mr. Poe: And in terms of the, uh – how big was the class?

Mr. Duncan: My recollection is – 1,200 to 1,500 students overall. So a class would be 200 or 300.

Mr. Poe: So you'd have some familiarity at least with pretty much everyone in the class, and maybe some close friends, a few close friendships?

Mr. Duncan: Yes, oh absolutely. The classes were indeed small enough so you knew most everybody.

Mr. Poe: Did kids come from all over the country, or was it primarily East Coast?

Mr. Duncan: Well, primarily East Coast, but they made a point of trying to attract from all over. They were doing diversity before diversity was thought of, I mean it was something they did. It was primarily New England, but there were, you know, a sprinkling of kids from all over.

Mr. Poe: Any experiences there stand out in your mind?

Mr. Duncan: Well, I, you know, I think the real story of my life, a real interesting thing with my life, is that I've developed living on both sides of the street. I've lived in all black, exclusively all-black community, which was basically living in Washington up through Garnet-Patterson, up through junior high school, was basically all black. Then, I did a 180-degree turn, and when I got to Mount Hermon, it was all white, I was the only black person around. And, uh, so then I lived on the other side of the street. But because of the year in England, it didn't bother me. And because of the very fine academic preparation I had, I fit right in there academically. And I graduated. I was class salutatorian. I was number two in the class, and was a member of the I guess it's called the Formalities Society, like Phi Beta Kappa for prep school, and I played tennis all my life, and so I was on the tennis team, and I took up – I was introduced to skiing, and I learned to ski real fast, and I had a knack for skiing. I was also on the ski team, the varsity ski team, so I had a ball there. I was a BMOC [laughter].

Mr. Poe: Well it sounds like you would have been.

Mr. Duncan: And I say this not to brag, but I guess I was proud of it at the time. They used to vote in the class yearbook the most this and the most that – I was the most – I was five things – the Most Popular, the Most Versatile, the Most Likely to Succeed, a couple, two other things, I've forgotten what they were – oh, Most Respectful. Yes. I'm telling you this because there are some magazine articles around about this, you have this, as a matter of fact, because when I was introduced at the Bar –

Mr. Poe: You're speaking, of course, about the William Brennan Award you won, presented by the D.C. Bar last year, in 2001?

Mr. Duncan: Yes. The Bar president had run across this somewhere, in one of the Mount Hermon magazines. And he, you know, read that out. That was, I would say, that would probably, in some ways, be the most successful period of my life. Everything went right. In only three years, and I enjoyed it very, very much.

Mr. Poe: Everything went right, in the sense that life just felt –

Mr. Duncan: Academically, and uh, socially within the context of what was socially, you know, this was a New England, uptight preparatory school. Boys, you know. There were strict rules, and you couldn't go off campus. You couldn't put your foot off the campus boundary. So, you know, you didn't go into town and hang out on Saturday nights, or anything like that. You had work to do. So, yes, just everything went very nicely.

Mr. Poe: Cool. And the war's going on at this period of time.

Mr. Duncan: Yes. I remember vividly.

Mr. Poe: Did that have any effect on those three years, as you can recall, in any way?

Mr. Duncan: Um, I don't think at Mount Hermon it did because the war broke out in 1939, that was the same year I got there, '39, '40, '41, yes, it was my first year there. I should say that it's a four-year school, but it was very common to enter in the second year, and some people even came just for one year.

Mr. Duncan: You were asking if the war made any difference, and I was saying as a practical matter, it did not. That hardly seems possible, but if you remember, I mean if one was around at that time, for the first two years of the war, America was getting ready, you know, we went into a war production phase, we went into a draft phase, went into a manpower training phase, and we didn't show up in Europe until, you know, like, well, Normandy was, what '44, so it took a little while, you know, for us to get going. So it's probably not an exaggeration to say that at Mount Hermon, 1939-1942, in terms of the way our lives were affected, that the war did not have any effect on it. Now I'm sure that there were things that I was unaware of, like there was less sugar available. I'm sure that people who were concerned with procurement, in the kitchen, for example, had some problems, but nothing ever filtered down to us, at that stage.

Mr. Poe: Well you ended up, you mentioned, going to Dartmouth College.

Mr. Duncan: Yes.

Mr. Poe: And how was it that you decided to attend Dartmouth?

Mr. Duncan: Easy. Easy, easy, easy. I would've gone to Harvard, but I was big into skiing, and Dartmouth had a bang-up ski team in those days, so that's – and it was an Ivy School, so you know, what the heck. I went to Dartmouth. That was easy. That was a no-brainer for me.

Mr. Poe: And I take it you had your parents' support in going to Dartmouth, of course?

Mr. Duncan: Oh sure, of course.

Mr. Poe: You went straight from Mount Hermon, then, to Dartmouth?

Mr. Duncan: Mmm hmmm.

Mr. Poe: And what was your experience at Dartmouth like?

Mr. Duncan: In many ways, it was a continuation of Mount Hermon, in terms of academic – fitting in academically, you know, finding the work easy. Easy. I could've gone into the second year, it would've been easy. That part was fine. But by now, this is now 1942, the war has had a dramatic effect on Dartmouth. And if not when I got there, then shortly after I got there, there was a "B5" unit there, that was a – does that ring a bell?

Mr. Poe: It doesn't.

Mr. Duncan: Okay. In lots of schools and colleges, they were taken over by various branches of the military services. At Dartmouth, there was a, I think it was called B5 or B12 program. It was a pre-midshipman program, it was a midshipman program, really that's what it was. And the kids who went

into it finished their education and were commissioned. It's like ROTC. They were all over, everywhere, then, I mean the war was then underway full blast, the draft was in effect then, there were educational deferments, which I took full advantage of. The civilian population at Dartmouth shrank dramatically from 3,000 to 300. And the military population took up the difference because of the B5, B12, program I was telling you about; the only civilians who were left were either 4Fs – does that ring a bell? 4Fs?

Mr. Poe: That doesn't ring a bell.

Mr. Duncan: Geez! In the selective service system there were classifications. One-A was the highest, meaning you were ready to be drafted, the only question was when did your number come up. You were prime material. And when it was time, you went. Four-F was the lowest classification, and in some people's minds, the best. They were physically – something wrong with them. It was a physical deferment. They were ineligible for military service. And what I was going to say was that there came a time at Dartmouth when the only civilians at Dartmouth were 4Fs or people with educational deferments, which I had.

Mr. Poe: Now the educational deferments, was that something that was sought after or was there eagerness to join the war? What's your perception of that?

Mr. Duncan: It was very different. Do you remember Vietnam? How old are you?

Mr. Poe: I'm thirty-nine.

Mr. Duncan: Thirty-nine.

Mr. Poe: So I have a vague memory of, a fairly vague memory of the Vietnam war. The early 1970s I remember quite well. Toward the end of the war.

Mr. Duncan: And there hasn't been a big war since then. In the Vietnam era, just about anybody who was in college was deferred, just on the strength of being an undergraduate, and that's one of the reasons that Vietnam became so unpopular. You've heard that only poor kids and only black kids ended up in Vietnam. That's because they weren't in college. Everybody else was in college, so they didn't have to go. So that was a very unsavory aspect. In World War II, it was exactly the opposite. You have doubtless read and seen pictures of the day after Pearl Harbor, which was a Sunday. On that Monday there were long lines outside Army and Navy recruiting offices, people showing up, volunteering to join the Army, join the Navy, fight for their country. And that attitude by and large prevailed. I mean, most people – most white kids in my educational peer group – went into one of the military officers' training programs, B12, B5. And I'm just thinking of my friends at Dartmouth. They all became naval officers through the B12 or B5 program. I couldn't do that because the Army was segregated in those days. Among the white middle class, people more or less sought to join, avoided getting deferments, and fulfilled what they perceived to be a patriotic duty. My attitude was different, and I think on the part of most black people the attitude was different, the Army was rigorously segregated. You know from watching television and the History Channel, what did blacks do in the war? They were in the

construction battalion, drove trucks, or in the Navy, and I have a nice story about this coming up, in the Navy they went to cooks and bakers school. They were servants on board ships. They shined the officers' shoes and worked in the wardroom serving meals. That's all they ever did, and that goes back to the Philippines. It used to be that Philippine kids were mess men, but then when war came along, you know, the mess men were black. So there was really no – given my background, there was really no incentive for me to go into the military service. So I, and many others, black and white, sought educational deferment as a way of staying out of the Army. And I did it until they ran out. They finally called me.

Mr. Poe: So that was in the draft, uh –

Mr. Duncan: Yes. I was eventually drafted.

Mr. Poe: When did that happen?

Mr. Duncan: Oh, I blocked it for a long time, uh –

Mr. Poe: You think maybe February of 1945?

Mr. Duncan: February – no. '45? Yes, that's right. I finally was inducted in February of '45. That's right, yes, because I was commissioned. Yes, that's right. February of '45. Now, I've been a little fuzzy. I went to Dartmouth in September of '42, and I stayed at Dartmouth until in or about September of '44, and it was during that period that the civilian population dwindled down from wherever it was when I went there to 300. It was during that period that we went on – what did they call it? We went year-round. You finished college in three years rather than four. You went in the

summertime. Because everything was accelerated. Everything was accelerated, you know, get on with it so you could get in the Army. So, I finished three years in those two. And by then, rationing had come in, sugar, you know, the whole thing. The country had gone from '39 – idyllic, you know, lovely Pearl Harbor on a Sunday afternoon – Sunday morning over there – to full warfare. And all that was happening between '39 and '42, '43, '44.

Mr. Poe: By the way, do you remember where you were when Pearl Harbor was hit?

Mr. Duncan: Sure. I was at Mount Hermon. The time – yes, that would be right. I seem to remember it was early afternoon, that's right because there was a five- or six-hour time difference between Pearl Harbor and here. I remember 1:30, that's what time I remember. And that works because the actual attack was at, what, 6:15 or 7:15, and if you add six to that, that's 1:15, so yeah, that's right. 7:05, that's right. Yes, yeah. And I had gone to bed and was taking a nap. I'm not a big napper, but for some reason I was taking a nap. And I woke up and heard on the radio, or something like that, Pearl Harbor had been bombed. I remember vividly.

Mr. Poe: And do you have any – having lived through that, as well as September 11 of 2001, what kind of comparison might you make? In terms of the emotional reaction, I suppose.

Mr. Duncan: Well, you didn't. There was no comparison. I'm 15 years old. Neither I nor anybody else knew where Pearl Harbor was. And to say that Pearl

Harbor had been bombed, that sounded like not a good thing. There was no count, until a day or two later, over 3,000 people were killed there. So that number wasn't floating around. There was no television. You know, you couldn't tune it in and say, oh wow, look at that! So it really was apples and oranges. Contrast it to September 11 when my son called up, as I turned on the television, and in this chair, we saw the second, you know, tower hit. In real time! I mean, as it was happening! Yeah, having seen thousands of pictures of Pearl Harbor, the bombing of Pearl Harbor, newsreel, that scene we still see today, having seen *Tora Tora*, having seen *Pearl Harbor*. You have a much better sense of what actually happened then than we did on the day in question. When we heard it on the radio at age 15. Were the events comparable? Not really. One was a declaration of war, when there was a war going on. Remember a war was going on in Europe. And the Battle of Britain had already happened. France was occupied. President Roosevelt was saying for Christ's sake country, we gotta get in this, you know, come on guys, wake up. So, you know, if I were an historian, I would say to you, Pearl Harbor was much more cataclysmic than the Trade Center. Much more. Even though I think the number of people killed at Pearl Harbor was 3,000-something, wasn't it? I'm not sure.

Mr. Poe: I think that's about right.

Mr. Duncan: Yes, so the numbers, you know. But the implication of Pearl Harbor, to anyone who knew what was happening, even, you know, a kid, was very

different from that, very different. And I take some exception to Bush's having nominated the war on terrorism a war, saying the United States is at war. We're not at war. War means some kind of sacrifice. In this country war meant that everybody, everybody, even black people, everybody was in it together, you know. War meant your brother got drafted, you got drafted. War meant that the lady across the street lost her son. Killed. She had a star in her window. Everything was rationed. Gasoline. You know. EVERYbody was making a sacrifice. Some a supreme sacrifice. What's going on today is nothing, nothing. Bush was asked, what – early on, somebody said, "What sacrifice are you asking of the American people?" The only thing he could think of was, you know, putting up with longer lines down at the airport. So to me they're not comparable events. But it's horrible. We will have the newspapers of the next few days, in the front pages, we haven't thrown them out. We won't throw 'em out. I mean that's how much an effect it made on us. But you know, it's television.

Mr. Poe: Does the world move faster now?

Mr. Duncan: Sure. Sure.

Mr. Poe: Well, we were at your induction. Did you go –

Mr. Duncan: Excuse me. You may want to say what I just did because I think it's important.

Mr. Poe: Well I certainly will. What Mr. Duncan did was get up, go across the room, pick up a fairly substantial six-inch stack of newspapers and

magazines, and I think the rustling was evident on the tape, and every one of those was a depiction of the attack on the World Trade Center.

Mr. Duncan: It was *The Post* and *The Times* front pages from that week, and you know, all the news magazines, and *Newsweek's* in there. My point being that that had a fantastic effect, but it still wasn't World War II.

Mr. Poe: Well that says something about World War II for sure.

Mr. Poe: You went to the Navy, was that right? How was it – were you inducted into the Navy or did you have any choice in the matter?

Mr. Duncan: [snort] I was drafted into the Navy.

Mr. Poe: And you went to boot camp.

Mr. Duncan: Your question about did you have any choice, uh, strikes me as amusing. Because in those days you did not have any choice, and I wondered why you asked that, and then I remembered that in military recruiting today, pick your own career, go into whatever service you want to, you know, that sort of thing. Not like that. No, when I was finally drafted, I was sent to – I remember I was sent to Baltimore. I remember there was a group of six draftees, four white and two black, and I need not say who was put in charge of the group. But in any event, we got over there. Why Baltimore I can't tell you. And it was getting on toward the end of the war, and it was foreseen that the Allies would be victorious in Europe, and they were gearing up for the Pacific. This is February of '45. So that on the day that I was inducted, everybody went into the Navy because they were building up the Navy, and I'll never forget, as long as I live, I was going through a

line – you need to go through lots of lines of officers sitting at desks, stamping papers, and this and that and the other – and I was going through a line and a white commander or lieutenant commander looked at my record and saw that I had been to college. So he said when you get into the next room, take the RT test. You know, RT test. And I think by this point we had been separated by race. And only black people going into this line. And this officer said to me, get in there and take the RT test. So, in my mind, just you know being, riding out, this grilling academic career, a test was, I just ate tests up, I love to take tests, so we get in the next room. Big room. Several hundred black inductees. Somebody mumbled, “Does anyone want to take an RT test?” I put my hand up. The guy next to me put his hand up. You two, step over there. Turns out the RT test is a radio technician test. It was an aptitude test for being made a radio technician. This other fellow and I were sent to Great Lakes, Camp Robert Smalls. Everybody else in the room was sent to Perry Point, right up here. Perry Point was the cooks and bakers school.

Mr. Poe: Very interesting.

Mr. Duncan: Yes. And I came this far from being sent to cooks and bakers school. Which I wouldn't have tolerated. I wouldn't have tolerated it.

Mr. Poe: And what do you think would have happened had you ended up there?

Mr. Duncan: I don't know. I've often wondered. I've often wondered. I've often wondered. I don't think I would have been insubordinate because that's not my nature. I'm certain that I would've gone to somebody and said,

hey, I can make a better contribution somewhere else. Three years of college. You know, I – not to mention the maid-shined shoes, not to mention that [laughter]. But it didn't happen. Not only did we get sent to Great Lakes which was a regular midshipmen's – a regular boot camp, it was a huge one. Camp Robert Smalls was the colored one. I did get to the colored one, but it was still boot camp for the regular Navy, it wasn't cooks and bakers. So I just, you know, the luck of the draw.

Mr. Poe: Well how is it that you think radio technician was the only opportunity apart from cooks and bakers?

Mr. Duncan: No, no it wasn't the only opportunity. On that day, you know, your question makes me realize something that never occurred to me. Because I never became a radio technician. I took the test. Passed the test. It was just an aptitude test. And I suppose the white guys who took it were sent to RT school. I was sent not to RT school, just a plain old boot camp. That had never occurred to me. Never occurred to me. To the guy, incidentally, who also put his hand up, I said, "Why did you put your hand up?" He says, "Well, I saw you put your hands up." [laughter] We became friends, as a matter of fact.

Mr. Poe: Was everybody in that room at that point black?

Mr. Duncan: Black. Yep.

Mr. Poe: Well that meant you had some good sense, when he saw you put your hand up.

Mr. Duncan: Not everybody, not everyone is a redneck. [laughter]

Mr. Poe: So you were in Camp Robert Smalls. This was in Illinois?

Mr. Duncan: Yep. North of Chicago.

Mr. Poe: And the boot camps were actually segregated within Great Lakes?

Mr. Duncan: Yes.

Mr. Poe: What was segregation like in the Army? It sounds as if it was strict in a way that couldn't be, even as bad as segregation was in society at large, it was strict in an even more deformed way.

Mr. Duncan: Well, an all-segregated military meant that your segregated unit got the short end of the stick. To be honest, I don't know where my boot camp classmates went because I left them. They went there and I went here. No, you weren't – you know, there were no Ku Klux Klan, but you just got the shitty end of the detail, whatever it was, you know, if there was something bad to be done, you got called on to do it. I don't mean you, I mean the unit, the whole segregated unit. It's the cooks and truck drivers thing. You know, there were not a lot of blacks in combat in World War II. By design. It was designed that way. The top people. It was just designed that way. There are histories and all written about the role of blacks in the military, and blacks as part of these histories, have fought in every war, including the Revolutionary War. You know Crispus Attucks, a black, who was the first person to die in the Revolutionary War. Certainly in the Civil War, blacks were on both sides. And in every war since, including World War II. You know about the Tuskegee Airmen,

I'm sure, and all of that. Doris Miller was a publicity stunt. Do you know Dorrie Miller? Did you see *Pearl Harbor*?

Mr. Poe: The movie? No I have not.

Mr. Duncan: There was this black guy, he was a cook, and when Pearl Harbor was attacked, he manned the machine gun. Never shot a machine gun in his life. He manned the machine gun, brought down a Jap plane. Was killed in the process. He was posthumously awarded the Congressional Medal of Honor. Well, you know, we needed a black hero. Not "we," but they needed a black hero. That's a real famous man, Doris Miller. My point being that blacks were not trained for combat, and, by and large, didn't go to combat. I don't know the actual numbers, but if you look at film footage of World War II – the *Battle of the Bulge* – you will not see a black person. You will not see a black person. And that wasn't by choice of the black soldier. That was what was decided somewhere up the line what our role was going to be. And it was just a continuation of segregation and denial of opportunity that you had in the more general design.

Mr. Poe: Reflect another aspect of it.

Mr. Duncan: Yes. Which is why I was not – I didn't go down and volunteer the day after Pearl Harbor. You know, I'm not going to volunteer to be a truck driver or go to cooks and bakers school. Which was generally what would've happened. Generally. I had a chemistry deferment. I studied chemistry, which I hated and still hate. I never learned very much about

it, but if you were a chemistry major, you got deferred. And make no bones about it, make no apologies. If I could have deferred my way the whole way through, I would've done that.

Mr. Poe: When you ended up in Great Lakes, and you finished boot camp training, how long was that, by the way?

Mr. Duncan: Four months.

Mr. Poe: And then after that you went where?

Mr. Duncan: Then the other fantastic story picks up, which I think I've referred to. The Great Lakes company, as I recall it about 150 men, and our company commander, believe it or not, was a third-class petty officer. One stripe. The lowest petty officer you can be. It's like a one-stripe sergeant. He called me over to his office one day, and said, "Hey Duncan, this directive came through, and they're going to open midshipmen's school to the fleet," meaning enlisted personnel generally, fleet-wide, could apply to midshipmen's school if you had finished three years of college. Well it just so happened I had finished three years of college. And so I got my papers together and after a lot of – after some difficulty, I was accepted to midshipmen's school and sent off to Pearl Harbor, and was, in due course, commissioned in November 1944. Now I'm quick to point out that all hours of the ending of World War II, I was in boot camp, I was coming back from boot leave, on V-E Day, June '45, and I was in midshipmen's school on V-J Day, so I totally missed the shooting war, for which I am eternally grateful. But in both, in getting to Great Lakes and then going to

midshipmen's school, both because someone happened to say hey, do this and do that. Which it proves, you don't get through life on your own, or without help.

Mr. Poe: Well, I mean, couldn't you also characterize it as someone saw your, someone saw you, and had the insight to see – that it was easy to say to you, you know, anything other than --

Mr. Duncan: The first guy was thinking, this makes more sense for the Navy. This guy's going to college. Even though he's black, he's going to college. And the second guy, he had another motive. He also wanted to see me go to midshipmen's – he wanted to see somebody black go to midshipmen's school because that was a first.

Mr. Poe: Was he white?

Mr. Duncan: No.

Mr. Poe: He was the petty officer. Right.

Mr. Duncan: David Jakes. I will never forget. I often wonder what ever happened to him.

Mr. Poe: Well, at Cornell, how long were you there, in that midshipmen's school?

Mr. Duncan: Again, four months.

The same old foolishness continued. At Cornell, we – we meaning the midshipmen contingent – do you know Cornell?

Mr. Poe: I haven't been there.

Mr. Duncan: Okay. There's a quadrant, a group of buildings, over there, that the Navy had taken over, and they were cranking out midshipmen, you know, every

four months. And just routinely, you were given room assignments and ended up in a platoon alphabetically. The first 15 A's are in such-and-such platoon and are in rooms number 1-5, and so on throughout. [Mr. Duncan's laughing] There was one single room in the whole complex. One single room. So. I got that. But it took me out of the D's and put me down with the L's, as I recall. Kids all around me were L. So I rationalized that in my mind by saying I'd much rather have a room by myself than to be in with three or four other guys. And I did, as a matter of fact. I knew it was wrong, but I did. If this is the way they want to discriminate, that's okay with me. Sometimes it works to your favor too. Black people don't know that, but sometimes it does. And so I'm telling you all this because the second or third day that I was there we had to, again, get into one of these lines, and do something, I forget what it was, alphabetically. So for me to get in line alphabetically, I had to leave my group and get up where I should have been really. So when we finished the line and were outside, we lined up by platoon and marched off to wherever, and since everyone was alphabetical, they were all with their own platoon, except for me. I'm marching up with the D's, and I'm supposed to be with the L's, so I break ranks. Well, you're not supposed to do that. "What's your name?" "Duncan." "Duncan, you're on report." So I told him what happened. So anyway, I waited for my people to come through, and I got with them. Now I'm on report. That means you're going to be disciplined. An infraction. So I said, what in the hell? I had

not done – this wouldn't have happened to me if I had been assigned where I was supposed to be. It wouldn't have happened. So, I went – we had two officers in charge of us. And one of them was the one that put me on report. So I went up and said, "I would like to see...." I'm not making this up – "I would like to see the captain." Somewhere along the way, I had learned that every enlisted man had the right to request to go over his commanding officer's head. You had that right. And I knew that. So I said, "Sir, I'd like to go speak with the captain." "What do you want to see the captain about?" So I told him. That this had happened to me, that but for the fact that I was not with my alphabet group, this wouldn't have happened. I hadn't done anything wrong. Well, we didn't say I'm a victim of discrimination. We didn't say that in those days. But that was the rhetoric we would use now. But then all I said was I didn't do anything wrong; it's not fair, I've been penalized. So he said, "You don't have to worry, I'll take you off the report." I said, "All right." The moral being, however, they never fooled with me after that. They NEVER fooled with me. A couple of times, "Duncan you're talking in line." But other people got put on, I never got put on report thereafter. Crazy nigger, you know you'd go jump up and down, they don't fool with him. Another little benefit, you know. So I never had any problem after that. I did well economically, uh scholastically. The kids I was in with, no problem at all. You know, I'm sure that there was somebody there from Alabama who was uncomfortable, but what the hell, they adjust the same way I did.

Mr. Poe: You went –

Mr. Duncan: In November '45 I was commissioned. I was in the Navy.

Mr. Poe: What ship did you go to?

Mr. Duncan: Third story. By then, I was sent to an oil tanker. A ship of the train, so-called. Ships of the line, and ships of the train. Ships of the line were fighting ships. Battleships, destroyers. Ships of the train, cargo ships, oil tankers, supply ships. You know, support ships. And I was sent to an oil tanker, albeit a first-rate one. I learned that I and five others had been sent to midshipmen's school around the country – Cornell, New York, Columbia, I don't know where all – five of us. The first five I might say had gone to regular midshipmen's school. The other officers, black officers, were all specially commissioned – they were all sent over here, we were the first ones to go through regular midshipmen's school, and I learned, and I think reliably, that they were going to put us on ships to see if – this is again now we're getting toward the end of the war now, this is November, yeah, V-J Day is over, it's just a matter of the surrender on the Missouri had occurred, and now it's just, you know, MacArthur by now I'm sure is the High Commissioner of Japan, so, you know, doing a little mop-up, they want to see what happened if you put a black officer on a ship and see if plain enlisted men would take orders from him. Same thing as the Tuskegee airmen, can black people fly airplanes. Same thing. So that's how I ended up on this particular ship.

Mr. Poe: What was the name of that ship?

Mr. Duncan: *USS Platte*. P-l-a-t-t-e. A lot of tankers were named after rivers in those days. AO 24.

Mr. Poe: I'm sorry?

Mr. Duncan: It was designated AO 24. AO meant fleet oiler. O stood for oil. Oiler. Just like a battleship was BB, and a destroyer was DD. Oilers were AO.

Mr. Poe: I'm learning more and more as we go. [laughter]

How long were you on that ship?

Mr. Duncan: I picked up the ship, let's see, I was commissioned in November. I picked up the ship in December. As it happens, it was in dry dock. Up out of the water. So it was in December '45, and I left it May, June of '46. Sent back here (Washington, D.C.) to the Office of Public Information.

Mr. Poe: Mr. Duncan was describing before going to the Navy Department Office of Public Information what his experience on the *USS Platte* was.

Mr. Duncan: I would have to say that I had a running battle with the captain. A captain in the Navy is a four-striper, like a colonel in the Army, you know, one rank below flag rank. I think this particular captain was not thrilled to be commanding an oil tanker. He didn't have a lot of use for anyone in the Naval Reserve, which most of us were, not having been to the Naval Academy. And he certainly probably didn't have much use for ensigns, which is the lowest officer there is; it's like a second lieutenant. And he never even thought of the possibility of a black ensign. I'm sure that never entered his mind. Anyway, he came on the ship a week after I got there. I had been assigned as assistant navigator, and I get this order from

the executive officer that I'm supposed to tell the steward's mates – of whom there were six on the ship, and they were all black, referring back to what I said, all cooks and bakers school graduates, steward's mates, that's what they were called – I was supposed to tell the steward's mates that they could not come to the ship's party – the ship's Christmas party – which was being given out of funds from the ship's store. There was a ship's store that you bought toilet articles and clothes and stuff from, and it generated a profit, and that profit went into the ship's account. And the Christmas party was being given out of the proceeds from the ship's store. And the proposition was that the steward's mates would be given their share of the party in cash. This is San Pedro, California. So I said I didn't want to go to the steward's mates. Someone told me I was an assistant navigator, why do I have to tell the steward's mates? "Captain's orders." I said, "Okay." So, having refreshed myself on this story, I went back to my room, and I literally thought, I literally – the thoughts went through my mind, as I recounted before, that Charlie, he was a naval officer for a month, he had been a Negro, or black person, for 20-however-many years you are old, you're always going to be a black person. You're always going to be a black person. You're probably not always going to be a naval officer. So let's do it. So again, I went to the executive officer, who, by the way, I had learned had been to Mount Hermon, and so we had had a rapport. Again, I said I want to go see the captain, and he said, "What about?" and I said, "About this order about the steward's mates."

So he said, “Okay, good luck.” He set up the appointment, I went up to see the captain. I really was naïve, but it’s paid off a lot in my life. I told him what the problem was, that I didn’t think it was fair for the steward’s mates, who are black, to be excluded from a Christmas party for enlisted men, which was being given out of the proceeds from the ship’s store. And I even had the temerity to tell him that Mrs. Roosevelt had made a statement, parenthetically, which presaged what Truman did not too long thereafter, about desegregating the armed services. Mrs. Roosevelt had said something about we should stop discriminating against black servicemen – she had said something that, you know, what the policy ought to be. And I had the temerity to mention this to the captain, so he sat and listened, and having said my piece, and this is where the naïve part comes in, I stood up to leave. He said, “Sit down.”

Mr. Poe: He said, “You sit down?”

Mr. Duncan: He said, “You sit down.” And he proceeded to read me the riot act, which was that by act of Congress, as an inferior officer – and I’m using “inferior” in the inferior officer/superior officer sense – as a lower-ranking officer, I was obliged by act of Congress to give him my undivided loyalty and obedience. And I was not in a position to question any order that he gave. And that he would not court-martial me for insubordination this time, but if *ever, ever* I did anything like this, I would be court-martialed. So I think whatever wind was in my sails was taken out and I shrunk from my six-foot height, complete with epaulettes of one stripe, down to about

yay-tall. I dared not move because he said sit down. He went on to say that he had not given that order, that that order had been given by his predecessor, a departed captain, and as far as he was concerned, the steward's mates could come to the ship's party. I said "Yes, Sir." I've learned by now. And I was dismissed. Word of that got around right away, and I was an instant hero. Instant hero. With all the enlisted men. Not just the steward's mates, all the enlisted men. Ensign Duncan stood up to the captain. The new ensign stood up to the new captain. And I almost led a charmed life the rest of the time I was on the ship. Again, one of the benefits of being discriminated against. It was wonderful. It was terrific.

Mr. Poe: Well it's interesting you say that. I take it that was across racial lines, the respect you gained because of that, having stood up and done what you proceeded to do.

Mr. Duncan: Oh absolutely. Oh absolutely.

Ms. Poe: Do you think the captain fabricated his position that it was the prior captain's order? As a way to get out of this?

Mr. Duncan: I think he realized he was wrong. It doesn't matter. He didn't rescind it. He let it stand. He adopted it, let me put it that way. And I think that he realized it was wrong, and he was man enough to correct it. Now the lovely thing is, the steward's mates said "xxxx, we're not gonna go to the party and would rather have our money in cash." They didn't go. I loved it. Loved it. Win-win.

Mr. Poe: You said, a couple of times you said your approach was naïve, but one could also say it was courageous to take some of those actions.

Mr. Duncan: You could say that, yes. You could say that. But in my mind, I wasn't being courageous. I didn't look upon it as being courageous. I looked upon it as – I just didn't think of it – I just looked upon it as something I had to do. It was a duty, an obligation I had. I never thought of it as being courageous. It's like the people who march in – well, that could be a little different, the civil rights march. They were courageous because they were doing something they knew might get 'em hit in the head, whereas I wasn't taking that chance. It could be called that, but it wasn't courage that motivated me. It was correctness of duty.

Mr. Poe: Duty would be then the idea that to lead a life of integrity, I have to do this act?

Mr. Duncan: Yes.

Mr. Poe: And I take it you always lived by that principle in your life, or attempted to?

Mr. Duncan: I suppose that as one went along, that principle diminishes, gets less and less. No, I'm not going to make that claim.

Mr. Poe: When we were off the tape, you mentioned you had a good relationship with a navigator who had his own problems, and was –

Mr. Duncan: I just meant as a Jewish officer, he was not welcome with open arms either. I imagine, I don't know anything specific, we may have talked for all I know, I just don't remember, but I mean the Navy in those days was

just very, very inhospitable to blacks and Jews. It was a southern, aristocratic tradition. The Navy was southern. The Navy today is behind all the other services in numbers of officers, and all of that. Admiral Zumwalt, you know, the Father of the Nuclear Navy, was Jewish; he caught up coming along. The last service institution to have a black graduate was Annapolis. Right at this very time. I mean we're talking about 1947. The first black. The Army had somebody in 1890.

Mr. Poe: It had a southern cultural character inherent in it?

Mr. Duncan: Yes. It was. It was. You know it's changed some. At that time, oh sure. Absolutely.

Mr. Poe: You went to the Office of Public Information. That was an assignment essentially, and you were still in your capacity as an officer?

Mr. Duncan: Oh yes. I have a funny feeling that that didn't just happen. My mother was always active in politics and, such as it was, she fancied she had some political influence. I'm certain as I sit here that they just didn't happen to pluck me off the ship in the Pacific and sit me behind a desk on Constitution Avenue at the end of the war. I mean, you know, that didn't make any sense at all. I talked to her about it, and she denied up and down that she had anything to do with it. I think she did.

Mr. Poe: Well, were you happy to come back home?

Mr. Duncan: Oh sure. I was going to come back home in six months in any event. The war was over.

Mr. Poe: I see. A little bit of an acceleration. And that was a desk job? Fairly unnotable?

Mr. Duncan: Mmm hmmm.

Mr. Poe: And you finished your time then in the Navy at the Office of Public Information?

Mr. Duncan: Yep. September '46.

Mr. Poe: Upon release, discharge I should say, you went back to Dartmouth I take it?

Mr. Duncan: Yes.

Mr. Poe: And spent another year there?

Mr. Duncan: Yes. I had one year to go. I finished three clean, and had one to go.

Mr. Poe: And that went without incident, I assume.

Mr. Duncan: Yes, by and large. There was one thing that happened that I didn't have anything, really anything much to do with it. It was just funny, looking back on it. To the extreme being courageous; I think I'm chicken more than anything else. I was on the tennis team, and they had scheduled a tennis match with Duke. Duke had raised a fuss about it, you know, play with – so the tennis coach came to me and said, he told me what's happening, and he said, "We're not going to take you on this trip." Well, it was like the single room at midshipmen's school. As it happened, I was working like mad to get good grades the last year because my father had promised me an automobile if I made Phi Beta Kappa, and I really needed to kind of study; I did not want to go fooling around, plus I didn't play

very well, I mean we hadn't practiced, so I was delighted. But one of my friends got wind of this, no no no no no no, and he went to somebody, and maybe they went to the student newspaper. Whatever, the school did the right thing, they cancelled the match, you know, said we can't bring our team, we're not going to play you. But, I say, that wasn't my doing, it was just something that happened around me. If you said, "Did you ever feel any sense of discrimination at Dartmouth in your last year?" I'd say, sure, this happened, this happened, this happened, turn of events, story, all that, but without incident as far as I was concerned. Whatever happened is, you know, just run-of-the-mill stuff.

Mr. Poe: Stuff you had experienced before and you experienced after?

Mr. Duncan: Yes, and still experience. Routine stuff.

Mr. Poe: That raises sort of a big issue. How has the world changed, in terms of fair treatment?

Mr. Duncan: The world – I'm sorry, let me finish your question, I mean, I'll let you finish your question.

Mr. Poe: No, I think you understand where I'm going.

Mr. Duncan: In terms of what?

Mr. Poe: In terms of how issues of discrimination, issues of fair treatment of African-American people, of various social groups, do you think that the world has improved?

Mr. Duncan: Oh.

Mr. Poe: Or at least this social world?

Mr. Duncan: I think it has improved immeasurably and spectacularly. I can get some people in here who will argue that nothing has improved, that things are worse off than they were, that there are fewer black partners in law firms than there were ten years ago, that there – you know, this is worse, that's worse – and you know, I just don't agree. I think it's a very, very, very different world that you have now. If you are black, in this country, instead of 40% opportunity, there is 98, 99% opportunity. Colin Powell would have been a serious, albeit I think a defeated, presidential candidate. Twenty years ago, it would have been unthinkable. No one could have thought, no one could've conceived that. No, no, I think things have – you've got black millionaires now. When I was coming along, you know, you had Madam Walker and that was about it. You have CEOs, heads of corporations, you know, when I did my corporate thing, they got me and Vernon Jordan, and Bill Coleman, and Barbara Preiskel. We at least had been to law school. But now we get called to serve on corporations, because you've got people who are legitimate, bona fide corporate heads themselves who can now do that. Oh no, it's gotten a lot better. Perfect? No. It'll never be perfect. Never. I take my cue on that. I used to be a utopian when I was at Dartmouth. I used to think that things would get better and better and better and sooner or later everything would be fine, but not so, it won't ever happen. Minor contemporary kind of funny illustration. The Thomas Jefferson people, and Sally Hemings descendants, outrageous. You didn't need the DNA to establish paternity

on Jefferson's part. Short of an admission by him, historians, everybody knew that he was the father. It happened all over. Where do you think my skin color comes from?

Mr. Poe: Why don't you describe your skin color.

Mr. Duncan: I would call it dark brown, medium brown. It's not black is what I mean. It's not the color of an African from Africa, that's all I'm saying. And for every one of us, it means that we have some sort of mixed ancestry somewhere, and it's not just all Indian either. This is very common. Very common. And I think it's just humorous, ludicrous, but also humorous, that these people say well there's not really enough evidence, but maybe we could have another separate cemetery that they could be buried in. Oh I whooped when I read this. I said to Pam, "Pam goddammit," I said, "You people will never change!" I said here we are back to segregated cemeteries again. She laughed. So you know, it's never gonna – and more serious, and a much more deadly example is, I look at people of Jewish faith who have been objects of discrimination for 2,000 years. We only got 200 years' worth, they've got 2,000. And it's more virulent in many ways now than it was then. So I don't think that mankind will ever live in total racial, ethnic harmony, no. I think there's something in our nature that makes us antagonistic to each other. But specifically, as you put the question, immeasurably. Anyone who says it's no better, just ask them, would you rather be born now, or would you rather be born 50 years ago?

Mr. Poe: Well how did you decide when you were at Dartmouth where to go to law school?

Mr. Duncan: Easy. Harvard. Where else would you go? [laughter]

Mr. Poe: You didn't think about going to Yale?

Mr. Duncan: Nope. Nope.

Mr. Poe: It was clear as day that that was the place to be?

Mr. Duncan: In my mind at that time, it was the most prestigious law school. And I may say, I don't think I've said this before, that I only applied to Dartmouth, and I only applied to Harvard.

Mr. Poe: You knew where you wanted to go.

Mr. Duncan: That and I had enough confidence. Well, I had an excellent academic record, I mean how the hell are you going to get in there? And, quiet as it's kept, it was the little-bitty plus. Not a big one, but a little one. Even at Dartmouth and at Harvard. You know, they saw the handwriting on the wall.

Mr. Poe: Do you remember, by the way, when Jackie Robinson broke in?

Mr. Duncan: Sure.

Mr. Poe: 'Cause that was right around –

Mr. Duncan: Vividly. '47.

Mr. Poe: So this was a – that had a powerful effect, I would think.

Mr. Duncan: Sure it did. But I'll tell you who had a more powerful effect. Joe Louis. My recollection picks up at the time of the Schmeling fights. I don't

honestly remember whether he was champion or not when he lost to Schmeling. Do you remember offhand?

Mr. Poe: I don't. Wasn't this in the '30s?

Mr. Duncan: Late '30s, '38, '39. It was '38. In any event, at that time, black folk had precious little to be proud of as a group. I'm not going to say as a race because I don't believe in that concept. I think it's an invalid concept because it doesn't really tell you anything, and it's, you know, not genetically, biologically conferred. But as a group, as a people, as a race, as an ethnic group, black folk had very, very little to be proud about. We used to count progress in terms of whether there had been a decrease in the number of lynchings from the year before. This was *my* lifetime, I remember that. The Urban League and the NAACP used to keep count, "Well, there were only 13 this year, last year there 40, so we're really making progress." When Joe Louis would win the fight, Schmeling on – and I forget exactly when he became champ, I think he beat Braddock but I'm not sure. I was talking to somebody about this the other night. Along U Street, the minute the results came over the radio, and again, there was no television. We used to go out in the street and listen; you didn't have to be in your house, you could just hear, the minute he would win, the street would erupt. Erupt. In glee and jubilation. From 7th Street to 14th Street. It would be wall-to-wall people, all out in the middle of the street. I mean, this is unbelievable, but it happened. He created such a sensation, so much pride. It's hard, when you think back on it, that he could have

had that effect. Including me. So that when Jackie Robinson came along, sure it was terrific, it was fabulous, wonderful, but it really was a step along the way. It wasn't the first that it's thought to be. Joe Louis was the first who really brought forth racial ethnic pride. Jackie Robinson, yes. Everyone admires him. I could tell you the story of, you know, Dixie Walker and Pee Wee Reese, and all of that. But sure, he's a genuine hero. In many ways, he's more heroic than Joe Louis was because at least, you know, Joe Louis would fight and that was it. But Jackie Robinson was subjected daily, daily, as he played to, well you know.

Mr. Poe: It takes a special character.

Mr. Duncan: Oh yes.

Mr. Poe: Speaking of which, I'm jumping ahead here for a minute, but who's the first person in the legal profession you remember as standing out to you as a person of stature? A black person?

Mr. Duncan: That makes a difference. Black?

Mr. Poe: Yes, sir.

Mr. Duncan: [Thinking for a moment] George Hayes. Do you know the man?

Mr. Poe: I do.

Mr. Duncan: George E.C. Hayes. George Edward Chalmers Hayes was a black practitioner in this town. When I came in, in '53, Cobb, Harrod & Hayes was the name of the law firm. [Gets up to retrieve a book] "Simple Justice." There's a story about that Supreme Court decision. There's bound to be a picture of George Hayes in here, the famous picture you

will recognize it. There's a famous picture of Thurgood Marshall, Hayes, Nabrit, the three of 'em standing in front of the Supreme Court on May 17, 1954. Hmmm. Yep. There it is.

Mr. Poe: And this is in the Thurgood Marshall biography?

Mr. Duncan: Yep. That picture.

Mr. Poe: By Juan Williams.

Mr. Duncan: Yep.

Mr. Poe: Here's Mr. Hayes.

Mr. Duncan: He was a black practitioner, and he was in private practice when I came in and went in private practice. And this was really, this was before '54. This was before the school cases. Houston had died while I was in law school, and I should have known of him but didn't. I learned of him as an architect, as *the* architect, as the leading architect of the strategy leading up to *Brown*. Thurgood hadn't become Thurgood then. So George Hayes. I thought a minute. He immediately came to mind. I thought of him, and I would say it was him.

Mr. Poe: Well, and Charles Houston, after the fact, based on information you gained, but not at the time he was –

Mr. Duncan: Right. Well, he was dead when I came in. He died in '50. '49 or '50.

Mr. Poe: Do you recall what the cause of death was? Was it a natural death?

Mr. Duncan: I'm pretty sure it was.

Mr. Poe: Well you, you went to Harvard, but I know that you said you, your father said he'd give you a car if you graduated Phi Beta Kappa, and did you get your car?

Mr. Duncan: Yes.

Mr. Poe: What kind of car?

Mr. Duncan: A Chrysler – it's called a Chrysler Highlander, and it was a two-door car, and it was called a Highlander because it had beautiful plaid upholstery, Highlander plaid upholstery. Beautiful car. Got pictures of it over there.

Mr. Poe: Now when you went to law school, were you married to your first wife at that point?

Mr. Duncan: Yes. I got married between college and law school, in '47.

Mr. Poe: And your first wife's name was?

Mr. Duncan: Dorothy.

Mr. Poe: Dorothy. If I may ask, how did that marriage come to pass? Had you known her for some time? Was she from D.C.?

Mr. Duncan: Yes, she was a D.C. girl, a young lady. And I had known her really from childhood, but we didn't necessarily pal around. I knew her.

Mr. Poe: Went way back with her?

Mr. Duncan: In terms of knowing her individually, yeah.

Mr. Poe: So you went off to Cambridge together then?

Mr. Duncan: Yep. My father said, "This is wonderful, you know, we love Dorothy, but what are you going to live on?" Meaning money. And I said I'm going to

live on love. He tells that story. I don't remember it, but that's what he says.

Mr. Poe: And you clearly managed to live on love then?

Mr. Duncan: Love, and 120 bucks from the GI Bill. That's what it was. \$90 if you were single, \$120 if you were married. Plus her mother was generous.

Mr. Poe: The time in Cambridge, I take it, was pretty important to you in your development, or was it three years that you passed?

Mr. Duncan: I didn't like it. By "it," I didn't like Cambridge. I don't mean I didn't like Harvard Law School. I only went to law school because I was running out of time, and had graduated from college, and what the hell. I looked upon it as a nice way to round off, or a long-term profession. After I got there, I developed a respect and affection for the law. I just didn't particularly like the law school. If I had it to do over again, I would still go into the law. Yale would probably have been a better match for me at that time.

Mr. Poe: Because of the size of the school? Because of the approach to education?

Mr. Duncan: No, not the size. I think the approach. Yale at that time had the reputation of being more socially oriented, whatever that means, but they had that reputation at that time.

Mr. Poe: When you were at Harvard, that was a time when you became interested in the law, you weren't motivated to go into law because of any specific thing that happened?

Mr. Duncan: No, it was – well, minister, doctor, lawyer, preacher, teacher. I had those choices. My father was a doctor, Dr. Tignor, and I sort of grew up in his

office as a little kid. He had an office in the home; when he wasn't there, I'd go in and play with the instruments.

Mr. Poe: He was a general practitioner?

Mr. Duncan: Yes. Looking at anatomy books. So I just didn't want to be a doctor. Preaching, I thought, was certainly not for me. Teaching is what I really would have done, and maybe should have done. I've always liked teaching, but I realized it had economic limitations. Even then, I was not very money-conscious, but then I realized I couldn't do very well being a teacher, although I had no idea whatsoever of doing very well.

Mr. Poe: During the time you were at Harvard, you obviously had summers off, I would think, in between your first and second years. Did you choose to do anything specific?

Mr. Duncan: I had my very first, absolute first job. I guess you call them summer interns now, but that's not what they were called then. For the National Labor Relations Board. For two summers I worked there.

Mr. Poe: In the General Counsel's office, or for the Board itself?

Mr. Duncan: Neither. It was neither. It was in something called the Order Unit. That little part of the shop that actually prepared the NLRB orders, physically prepared the orders. It may have been organized under the General Counsel's office. If so, I didn't know that, and it had no significance.

Mr. Poe: Were you thinking about being a labor lawyer at that point?

Mr. Duncan: No.

Mr. Poe: Just something you happened to line up.

Mr. Duncan: It just happened to happen. I don't even remember how it happened.

Mr. Poe: When did you matriculate at Harvard Law School?

Mr. Duncan: September of '50, no September '47.

Mr. Poe: And you graduated in the Spring of '50, June of '50.

Mr. Duncan: May of '50.

Mr. Poe: At that point had you formed any interest in doing any particular kind of legal practice when you graduated?

Mr. Duncan: No. I didn't know that much about it. In fact, I didn't line anything up.

Mr. Poe: This was more of a – your time at Harvard I take it was – you were taking classes, becoming immersed in the law; it was studying, doing the things that any person does making their way through law school?

Mr. Duncan: Basically. I look upon it as trade school. I also just got married, so my attention wasn't fully on the law. We also had our first child during, or at the end of our first year, so there was a lot going on. And nobody ever told me about law review or you were supposed to work hard, you know. I just thought it was a continuation of Dartmouth and studying, and –

Mr. Poe: And all the clerkship, review, and all that?

Mr. Duncan: I didn't know about that. That sounds stupid, but I didn't. I'm sorry.

Mr. Poe: Well, no, if one is not plugged into something, then one doesn't know about it.

Mr. Duncan: And again, see even that has a racial overtone. It was just not something that – I can't generalize about black lawyers, that's not true. Bill Coleman was a year or two ahead of me, and he clerked for Frankfurter, but he was

on law review, so therefore, he knew about law clerks, but when I got out of law school, I didn't know anything about clerking for anybody. It was never mentioned.

Mr. Poe: I'm looking at something here that says that Bill Coleman graduated from Harvard in '43. Does that sound –

Mr. Duncan: I don't think that's right, and if he did, he was still around when I was there working on his LL.M. I had thought that he had stayed on for a year which means he would've graduated in '47, maybe, or '48, but I'm not sure of that. I'm not sure. It may be he had taken off a couple of years and then came back.

Mr. Poe: Your son was born in 1948? '47?

Mr. Duncan: We got married in July '47. He was born in September '48.

Mr. Poe: And that was the beginning of your second year of law school?

Mr. Duncan: Yes.

Mr. Poe: Well then, you were a busy man.

Mr. Duncan: Oh, very busy.

Mr. Poe: After Harvard, you went to New York I believe. What made you decide to go to New York, and what did you do there?

Mr. Duncan: What made me decide to go to New York was, again, I'm going to use the word naïve. I didn't know anybody in New York, never been to New York, but somehow I had convinced myself that New York City was the only place to practice law. The only place to practice law. The placement officer at the law school –

The practice in those years was that during the Christmas vacation of your senior year, your last year, you would make the rounds of whatever law firms you were going to interview, and hopefully would have a job by the time you graduated. The placement officer at the law school, being a little ahead of his time, sent me to 15 – 10, 15 – the usual number of the top New York law firms – Cahill; White & Case. The one I liked was Cadwalader, Wickersham & Taft; Donovan Leisure; the firms most of which are still around; Cleary Gottlieb. And to a person they all told me, “Mr. Duncan, we are ready to hire a Negro, but our clients are not, so therefore, we cannot extend an offer to you.” Right up front. I really appreciated it, no line, you know. “Oh, we’d like to, but you came in third out of two.” They didn’t do that. Their clients were not ready. Now the fellow who sent me on this wild goose chase, he knew that’s what was going to happen, but he thought that it was good for them and probably wouldn’t hurt me, just, you know, that’s practice, process.

Mr. Poe: He probably thought it was good for the law school.

Mr. Duncan: And the school, yes, and the school. I ended up at Rosenman, Goldmark, Colin & Kaye. Rosenman being Samuel I. Rosenman who was an advisor to President Roosevelt, and who was himself a New York State Supreme Court judge. Supreme Court meaning trial court. And I don’t know how we got together. They did what nowadays would be called affirmative action, because normally they only hired from law review, and I was not on law review. For whatever reason, they said, “Well, let’s give this guy a

chance.” So that’s how I ended up there, and I stayed there for three years. Oh, I know what I wanted to add. I didn’t make law review. Maybe I could not have. Let’s assume I could not have, but given my academic record up to that point, I think if I had worked on it, I might have, let me put it that way. But again, no one ever told me that this was important to do. I ended up in the upper fourth of the class. Almost, and this is the one thing on my résumé that if anyone ever did the math would be a little bit of a lie. I’m proud of this. They used to give a class ranking, I mean numerically, one through 500, or whatever the lower person was based on your grades. How they cut it that fine, I don’t know, but they did. And let’s assume that there were 500 people in my class, so the top fourth would have been 125. I was 126 or 127, but always said I graduated in the upper fourth of my class. No one ever called me on it. So I wasn’t law review, and I, you know, wasn’t at the bottom of the class either.

Mr. Poe: What was your time at Rosenman, at the Rosenman firm like?

Mr. Duncan: Oh it was fine, I just didn’t like it, I didn’t like the big-time law firm, I didn’t like the work, I didn’t like the kind of work I was asked to do, which was the same that every other associate in the world is asked to do.

Mr. Poe: Reviewing documents and such, drafting memos.

Mr. Duncan: Drafting memos. I remember what really said “I’m outta here” was I got a job – CBS was a big client of the firm, and the question was could CBS raise Edward R. Murrow’s salary from the then-level of \$50,000, which in

1951 was a lot of money – could they raise his salary during the term of his contract. I said, “Sure, why not? What’s the problem?” Ever hear about wasting assets, you know, he has an obligation to finish out his contract term for \$50,000, and to pay more during that term, you could argue was a waste of corporate assets. So I did that. Then I said enough already. I wanted to get in court. I wanted to draw wills. I wanted to get divorces. I’ll never forget that. That was my feeling. I wanted to practice law. And so I left and came here.

Mr. Poe: And here meaning back to D.C.

Mr. Duncan: Back to D.C.

Mr. Poe: And you ended up with doing what right off the bat?

Mr. Duncan: The real reason – I mean, the precipitating event was Belford Lawson – do you know that name? Belford Lawson, knowing a good thing when he saw it, extended an offer to me to come down and join his law firm, Lawson, McKenzie & Robinson.

Mr. Poe: And that McKenzie being –

Mr. Duncan: Marjorie McKenzie, his wife, still alive, who became a judge in the juvenile court. Marjorie McKenzie.

Mr. Poe: Robinson, of course, being the late Aubrey Robinson.

So you, and did you have any associates with you in the practice, or was it the three of you?

Mr. Duncan: The four of us. Three of them and then I joined.

Mr. Poe: How long were you there?

Mr. Duncan: Three months.

Mr. Poe: Would you like to discuss that at all?

Mr. Duncan: Yes I will.

Oral History of Charles T. Duncan
Third Interview
April 23, 2003

This is the third interview of the Oral History of Charles T. Duncan, as part of the Oral History Project of The Historical Society of the District of Columbia Circuit. The interviewer is Gregory L. Poe. The interview took place in Mr. Duncan's home at 1362 Myrtle Avenue, Annapolis, Maryland.

Mr. Poe: We left off with Mr. Duncan describing his transition from New York at the Rosenman firm to the practice at Lawson, McKenzie & Robinson.

Mr. Duncan, if you could describe your experience there, we'll get started that way.

Mr. Duncan: Well, it was not a pleasant one, and I think I stayed there three months. I found myself doing due diligence and talking with various people about joining the firm, and then, with one notable exception, everyone said it would be a great thing to do. My mother being the leader of the pack because I'd obviously come back home. It turned out that that firm cut corners and just did some things that were not the way that I wanted to practice law, so I just didn't stay there very long. Didn't have any arguments or anything, just wasn't the best.

Mr. Poe: Now when you refer to the firm, I take it you're not referring to every individual in the firm.

Mr. Duncan: There were only four of us – Belford, Marjorie, Aubrey, and I. When I left, I told Aubrey, I said, "Hey, I'm outta here," and he said, "I'll go with

ya.” [laughter] He had come to the same conclusion. He had been there for a while. And there are other lawyers who are around, or used to be around, who would verify that. I mean they started out there as young associates, as I did, and they didn’t like it either. In fact, it used to be something of a joke, oh you used to be an alumnus of the Lawson firm.

Mr. Poe: I take it, as you said, Aubrey Robinson was uncomfortable being there too, and so he was happy to leave when you left.

Mr. Duncan: Yes.

Mr. Poe: Could you describe your relationship with him a little, particularly given his eventual position as chief judge.

Mr. Duncan: Aubrey. We were – I can do this briefly and succinctly – we were very, very close. I don’t have any siblings, but I felt as a brother to him. And times were tough, and he and I went through the rigors of private practice as black attorneys in the 1950s in Washington, D.C. We were very close friends. He spent many an hour down here in this very house, which was then my father’s. I got to know his wife, and am godparent to his younger daughter Cheryl. Just very close. When he went on the bench, our relationship changed 180 degrees, and he took himself rather seriously. I think you can get this confirmed a number of different ways. For example, he gave a party at his home on the occasion of his 20th year on the bench, and the first time I had ever been invited to his home. So I went, and there must have been 50 people there. I didn’t know a single one of them, except Carl Moultrie. The only other person I knew. Which

is another way of saying he had developed a whole new set of friends, and considering what we had been through in ten years of private practice, or almost ten years, I was astonished. I thought, where's so-and-so? But, he just got very impressed with himself as a judge, and it was that way to his death. I would've attended his funeral, but I couldn't do that because I had just gone back overseas, I think I was beginning to have health problems, and the thought of coming back for the funeral and then going back was more than I could do, so my son represented the family. I have reasonably good relations with Aubrey's second wife, Doris, whom I did not know before he married her. I have good relations with the two Robinson children, Cheryl and Flo. So the relationship ended on a bit of a sour note. You know, water under the bridge.

Mr. Poe: But back, so I take it that Aubrey Robinson's appointment as a judge completely changed your relationship in the sense that it put him in a completely different context. I take it, it would be fair to say that for any individual becoming a judge necessarily changes some bit, the types of interactions one has, although I take it in your case with then-Judge Robinson, if there was, it reached an extreme point.

Mr. Duncan: Well, I mean, when you move from any job to another job, as you're about to do, and it changed things. Bill Bryant, whom I know very well but not as well as Aubrey, when he went on the bench, he didn't change. He hasn't since. He's the same guy that he was before. I think you could say that about Joe Rogers.

Mr. Poe: Well let's go back to the early 1950s when you first started practicing law with Aubrey Robinson. At that point you had stated you were quite close, and you were in business together, given the environment, it was a difficult time in terms of making a living and practicing law as African-American lawyers, is that fair to say?

Mr. Duncan: Oh yes, sure.

Mr. Poe: Now, Mr. Duncan, or if I can call you Charlie on the tape, we'll do that.

Mr. Duncan: Charlie. Please do.

Mr. Poe: Charlie, you left the Lawson firm with Aubrey Robinson and started your own practice. What was it called?

Mr. Duncan: Robinson & Duncan.

Mr. Poe: Then describe, if you would, what type of law you practiced and how things went over the next year or so.

Mr. Duncan: Well, the next year? It was just swell, that's all. We didn't have retainers, we didn't have corporate crimes. Really, whoever walked into the office. Some were referrals, of course, and others just walked in. It was a very modest practice. I don't want to beat the drums too much on this, but I gave an extensive interview for *The D.C. Lawyer*, and it was published within that year. All this is talked about, and if it's not disrespectful, I said it before.

Mr. Poe: Would it be fair to say, that was something in the *D.C. Bar Report* that was published in the June/July Bar Report in 1996.

Mr. Duncan: In 1996? Oh no, that's not right.

Mr. Poe: Different interview?

Mr. Duncan: No, no, that's the "Legends in the Law" business. This was someone wrote an article on the precise question what it was like to practice law as a black attorney in Washington, D.C. in the 1950s.

Mr. Poe: And that's something you spoke about at length in that article? Could I append that article to this to make it essentially part of the interview?

Mr. Duncan: Sure. I'm not sure, they talked to a number of people, it wasn't just I speaking.

Mr. Poe: Did the article in your view accurately convey what it was like in the '50s practicing law as an African-American lawyer?

Mr. Duncan: I thought so.

Mr. Poe: In your experience.

Mr. Duncan: In my experience, yes.

Mr. Poe: What year did you open up the practice of Robinson & Duncan?

Mr. Duncan: 1953.

Mr. Poe: Eventually you invited Frank Reeves to join you?

Mr. Duncan: The next year, 1954, I believe. Frank joined the firm, and the three of us practiced together until Kennedy came along.

Mr. Poe: How was it that you came to know Frank Reeves? Did you know him before he joined the practice?

Mr. Duncan: Oh yes, oh sure. Remember, the Bar was small enough in those days so that most black lawyers all knew each other. Even white lawyers. You

knew most of the people that practiced law. So that's how I knew him.

Aubrey knew him, too.

Mr. Poe: What kind of work was Frank Reeves doing then?

Mr. Duncan: Same thing. He did two things: He had the only retainer the office every had, and it was from the J&R Pinkett Company to do their landlord and tenant work. Pinkett was the leading black realtor at the time. Known for having a wonderful office. I ought to tell you how much it was. \$190 a month, or something like that. And that was our only retainer. I don't know that he had an official position with the NAACP. The Inc. Fund, the NAACP Legal and Educational Defense Fund. That's how I got in the *Brown* case was through Frank's connection.

Mr. Poe: When you joined the *Brown* team, as it were, was that after Frank Reeves had joined the firm?

Mr. Duncan: Yes. It was really through his invitation that I got into it.

Mr. Poe: Describe that experience. How much time do we have? [laughter]

Mr. Duncan: How much time do you have?

I personally don't think I fully appreciated the historic significance of the case. But, in any event, the way it worked was that the voluntary lawyers would go up every weekend, go up Friday night and stay through Sunday afternoon. Sit around this big table and hammer out this issue and that issue.

Mr. Poe: When you say voluntary lawyers, you're talking about people –

Mr. Duncan: The non-staff people. The people who are not on the staff. Bob Carter was employed by NAACP. Constance Baker Motley was employed, so was Jack Greenberg.

Mr. Poe: You went up to New York for three days?

Mr. Duncan: Every weekend. Just so we're talking about the same thing, this was when we argued. It was really round two, and I think you might find it referred to that way. There was an earlier brief and argument that was what we called the sociological argument where sociologists and others submitted papers, stated laws, and that idea, but it was a great learning experience for me, and I was lucky to be in on it.

Mr. Poe: You've mentioned some of the people, Constance Baker Motley, who later became a district judge in the Southern District of New York. You mentioned Jack Greenberg as another individual who was employed by the NAACP Legal and Educational Defense Fund. You mentioned Bob Carter as another person on staff. Who were the other members of the team that participated in these weekly meetings?

Mr. Duncan: There were a couple of dozen people, I just – if I could put my hands on the brief.

Mr. Poe: William Hastie?

Mr. Duncan: Oh yes. Well, he was an interesting case. He was there to sit as a federal judge, and he regarded it as borderline as a sitting federal judge to also be active as counsel in a case that was before the Supreme Court.

Mr. Poe: That's interesting. What was his relationship with the Fund?

Mr. Duncan: There wasn't any. You know, he was just like I was.

There was some point I wanted to make. Anyway, I was saying this was *Brown II*. *Brown I* was not decided, and Frankfurter and the Court came up with these five questions. Does this ring a bell?

Mr. Poe: Yes.

Mr. Duncan: Okay. And that was set for reargument. And it was that phase of the case that I worked on. Well, that's the phase of the case that turned out to be the important phase because the only – remember Kenneth Clark? A sociologist put in the white doll and the black doll, and the black kids always picked out the white dolls. And his famous footnote 17 or 23, or whatever, was really the only evidence that they relied on. I suppose it's no secret to say that the Court wanted to reach a certain result, the right result at the time, so they did it. If anything, the legal precedents were against us. As I recall, one of the questions, a lot of the questions were designed to see what the intent of the Framers of the Constitution and subsequent legislative support, or didn't support, the unconstitutionality argument. The one I always had trouble with was when Congress passed – and I can't tell you when it passed, it was some statute – on the books was then a statute that specifically provided the separate schools in the District of Columbia.

Mr. Poe: That became a companion case, *Bolling v. Sharpe*.

Mr. Duncan: No.

Mr. Poe: No?

Mr. Duncan: Yes, that was the so-called D.C. case. But the point that I was trying to make was that from a legal precedent standpoint, it was tough-going. That's all.

Mr. Poe: Did you have any contact with your adversaries in the case?

Mr. Duncan: No. It's there, it's stated, that in the Library of Congress, Law Library, they tracked what we were looking at, and we tracked what they were looking at. But I don't know whether that's true or not. Makes a nice story. I had no contact with them at all.

Mr. Poe: Do you have any recollections of conversations with others on your team about the other side of the case? About any contacts they may have had with the other side of the case?

Mr. Duncan: You mean about the case?

Mr. Poe: About the case.

Mr. Duncan: I could be wrong. To my knowledge, there were never any such contacts. To my knowledge. There may be. I don't know. Thurgood may have talked to John W. Davis all the time, but I would doubt it. I would doubt it.

Mr. Poe: Did you get to know Thurgood Marshall, of course later to be Justice Marshall, at that period of time?

Mr. Duncan: Yes.

Mr. Poe: Had you known him before you came to the case?

Mr. Duncan: No. I had known of him, you know, the name and all that.

Mr. Poe: What are your recollections of Justice Marshall?

Mr. Duncan: About the same as everyone else's. He was an enormously interesting man. He had a great sense of humor, had a big booming voice, a good listener. He was quite a character, let's put it that way.

Mr. Poe: Now some of the other people on the team, Charlie, were Bill Coleman, I believe was on the team.

Mr. Duncan: Bill. Now I knew Bill already.

Mr. Poe: You had known him?

Mr. Duncan: I had known him at law school, as a matter of fact.

Mr. Poe: Was he – now, my understanding was that he graduated from Harvard some time before you.

Mr. Duncan: A couple of years, two or three years, and he came back and did a master's and LL.M and then I guess he went directly to clerk for Frankfurter. I think that's the sequence.

Mr. Poe: Did you keep in touch with him over the years?

Mr. Duncan: Oh yes, we're good friends. Even today.

Mr. Poe: Even today, and of course we're talking April 2003. Any particular recollections over the years of Mr. Coleman that you'd like to share? Anything stand out?

Mr. Duncan: He's certainly had a very, very distinguished career. He, unlike some other folks I could name, he is a lawyer – he gives legal advice. He's very good at that. He's smart. He's very, very smart. And I like him, have always liked him. In fact, I'm godfather to one of his children.

Mr. Poe: Louis Pollak was on the team, now a district judge in the Eastern District of Pennsylvania.

Mr. Duncan: Yes, I remember him well. Very nice. Likeable person. He argued the Delaware case, and he was nice to know. Oh, and the guy's a judge in Brooklyn now.

Mr. Poe: Jack Weinstein?

Mr. Duncan: Yes. I met him for the first time. And he's very nice.

Mr. Poe: Didn't get?

Mr. Duncan: Flobitis.

Mr. Poe: Ah, yes. Well, Constance Baker Motley you mentioned as well.

Mr. Duncan: Met her, yes.

Mr. Poe: You didn't, I take it, didn't get to know her too well. Did you keep up with her over the years at all?

Mr. Duncan: Not really. No.

I mean, when I say keep up with her, they had a session at Harvard Law School a couple years ago where they decided to honor the *Brown* legal team, and, of course, we were all there, and you know, I said "Hi Connie," but we never exchanged Christmas cards or visited back and forth.

Mr. Poe: Well, it's interesting you mention that because I was going to ask you about that session. It was a Medal of Freedom you won, as well as the other members of the team. Anything about that – was that a reunion of sorts?

Mr. Duncan: Well, not a reunion, it was a celebration. Couldn't have been 50 years. It was a celebration of black alumni of Harvard Law School and they purported to get as many black alumni back for the celebration as they could. They just happened, coincidentally, as a focal point, to honor the *Brown* team. But it really was a get-together of black alumni of Harvard Law School, of whom, in my day and Bill's, there weren't very many. But now there are a lot.

Mr. Poe: We talked about that before, do you recall how many African-Americans there were in your graduating class?

Mr. Duncan: Sure. One. Oh, two. Me and another – Bill.

Mr. Poe: Now, with respect to *Brown*, I guess from a social policy perspective, or from a cultural perspective, what do you think about the case as you look back on it, and its effect on the culture?

Mr. Duncan: On the culture? Is that what you said?

Mr. Poe: Yes, sir.

Mr. Duncan: Oh. Tremendous. That's where it had its effect because, in effect, *Brown* said, the Supreme Court said, no more state-supported segregation period. They said in schools. But that immediately applied to everything else. That's why I think it's a significant decision. It was followed by, if you remember, the women's movement, so-called, grew out of *Brown*. A whole bunch of movements grew out of *Brown*. Not all of which everyone appreciated, but they did.

Mr. Poe: So you see it as a real watershed event in American history?

Mr. Duncan: Oh absolutely. Absolutely. Nor does that say anything about education. I mean, chances are that I can make an argument that black kids received a better education before *Brown* than they did after.

Mr. Poe: Well, you're touching on some very interesting issues because, of course, I think it was in the late 1960s, Justice Brennan made a comment about, I think it was the *County School Board of New Kent County* case, *Green* I believe it's called, about the failure of *Brown* to have been implemented and what "all deliberate speed" meant. Do you have any thoughts about those 15 years of time and what it did to educational systems around the country?

Mr. Duncan: The people who have studied the files and written about it, I haven't, so I don't purport to be an expert on it. I'm a citizen observer. The problem of *Brown* was that it conflicted with residential patterns. Residential patterns remain segregated today, which is the reason that the whole thing started in the first place. You just kind of come along and say there's no segregation in the schools, when you go to a white school, I go to a black school, you know, the whole business, so looking at just the standpoint of education, *Brown* and a lot of other developments, just the progress of the civil rights movement, illustrate what I'm talking about, had a peculiar effect on education. I don't look at it as an education case; I look at it as a case that said to the federal government no more racial discrimination. It wasn't that broad, I understand that. But relatively speaking, it was.

Mr. Poe: So, would it be fair to characterize your view as that *Brown* really opened up the door, not so much for necessarily bettering the education of African-American kids in this country, or minorities in this country, but opened up the door for how law could be used to change social relations?

Mr. Duncan: It did more than that. If you remember, *Brown* is 1954, the Civil Rights Act wasn't until ten years later. But, as I said, the women's movement, the gay movement, the prisoners' rights movement, every movement you can think of, was inspired by *Brown*.

Mr. Poe: How much of your time when you were at Reeves, Robinson & Duncan do you think you spent on the *Brown* case?

Mr. Duncan: Basically weekends.

Mr. Poe: And that was over what period of time?

Mr. Duncan: It was the year preceding May 17, 1954. It may only have been six months because if we looked up when the five questions came down we would know precisely. It was the year before May 17, 1954.

Mr. Poe: So it was shortly after the Frankfurter-inspired questions that you became involved.

Mr. Duncan: That's when I got onboard, when they were working on the answers to that.

Mr. Poe: How long did the firm of Reeves, Robinson & Duncan exist in the 1950s?

Mr. Duncan: Until Kennedy came along. Frank had been active in politics, Frank Reeves. And he left the firm to take the position in the administration and I did too.

Mr. Poe: You went to the U.S. Attorney's Office.

Mr. Duncan: Yes.

Mr. Poe: Well let's back up a second and talk about the 1950s. Were you involved in political activity at the firm through the 1950s?

Mr. Duncan: Yes, I'm not talking about civil rights, I'm talking political. I was a member of the Democratic Central Committee here in Washington. Politics then were very different from politics now. You know, there was no mayor, no city council. There were two points of action: one was the school board. There was a black – no, no, what am I talking about? There were two school boards, a black school board and a white school board. And the members of the black school board were appointed by the district court judges, and that was one area of activity; the other was the Recorder of Deeds office, John D. Duncan. For historical reasons, the Recorder of Deeds had been black going back to Frederick Douglass.

Mr. Poe: Any relation?

Mr. Duncan: To whom?

Mr. Poe: You said that the –

Mr. Duncan: Recorder of Deeds? John Duncan?

Mr. Poe: Yes.

Mr. Duncan: No. No relation. We became good friends. When I became corporation counsel, he was going to be commissioner, and it drove everybody nuts because they thought we were either father and son, uncle, nephew, brothers, and our mail used to get all mixed up.

Mr. Poe: Now back in the 1950s, the Democratic Central Committee, was that a local Democratic organization?

Mr. Duncan: Oh yes. Same one we have now. But you couldn't vote then, remember. You couldn't even vote for president and vice-president. So there was a lot to agitate about.

Mr. Poe: What were some of the things you remember doing in the 1950s, from a political/civil rights perspective?

Mr. Duncan: Political – I'm going to try to remember what I did do. [Wife speaking.] I guess that was a cause that a lot of us worked on. Civil rights. That's something else. Frank had the reputation for being a civil rights lawyer, and because of him and through my own resources, I tried and argued the *Glen Echo Park* case. I don't know whether you've heard of that. And we also – this is interesting – this is the time of McCarthyism, and Frank and Aubrey and I used to hope we never had to face the moral problem of whether to represent a Communist or not. Well, as it turned out the opportunity presented itself as a big-paying case. So we talked about it and we decided to take it.

Mr. Poe: Was that *U.S. v. Jackson*?

Mr. Duncan: Yes, exactly. And, uh, I did most of the trial work on that, and Frank would come up and bail me out whenever I got myself in trouble.

Mr. Poe: Where was that case tried?

Mr. Duncan: Southern District of New York. Foley Square. That big courthouse.

Mr. Poe: That was a Smith Act case. What are your recollections of that, and do you remember the prosecutors in the case?

Mr. Duncan: You know, I don't. I couldn't even tell you who the U.S. Attorney was.

Mr. Poe: How did the judge handle the case?

Mr. Duncan: Alexander Bicks was the judge, and I've always regarded him as a friend and as a patron because we had a cordial personal relations. After Kennedy came in and I wanted to go in the U.S. Attorney's Office, he said no, no, no.

Mr. Poe: Now, who was saying this? People who didn't support your –

Mr. Duncan: No, it wasn't opposed as such. There were people responsible for voting, the perspective, and among other things, I hadn't talked to Judge Bicks, and Judge Bicks, so I'm told, said oh no, he's _____.

Mr. Poe: And you developed a professional relationship with Judge Bicks because of the *Jackson* case.

Mr. Duncan: Yes, but that wasn't the only relationship.

Mr. Poe: That's what I mean.

Mr. Duncan: But the *Jackson* case was before the jury for ninety days, over a six-month period.

Mr. Poe: The case was tried over a 90-day period?

Mr. Duncan: We were in court 90 days. The whole thing, motions, you know, time off, this and that, was six months.

Mr. Poe: How long did the jury deliberate? Do you remember?

Mr. Duncan: Not long. I remember I was heartbroken. I couldn't believe they were going to find my man guilty. I used to be a little naïve. I really did. And there are some interesting stories there. My client, of the seven defendants, I think there were seven, was far and away the most involved in Communist activity. He was secretary of something of the party, the U.S. Communist Party. He disappeared for a couple of years. Flight, you know that thing. And to make a long story short, when it came to sentencing, he got the shortest period of time, and there was another defendant who had never said a word, his name was never mentioned, and he got the longest period of time. Judge Bicks had said to me, in fact I'm going to go off the record.

Mr. Poe: So your client, so you clearly advocated hard during the trial and succeeded at the sentencing phase.

Mr. Duncan: Yes, absolutely. And of course the whole thing was wiped out on appeal because the Smith Act was held to be unconstitutional.

Mr. Poe: Did you handle the appeal for Mr. Jackson?

Mr. Duncan: No.

If I may say, the party had its own stable of lawyers, a couple of whom I got to know very well because one of them participated at the trial, so he was there all the time.

Mr. Poe: Was Leonard Boudin involved at all in that case, or in the appeal?

Mr. Duncan: No. I don't know about the appeal. The reason I know he wasn't involved is at some point or other, I remember going down to a meeting in

his office on something – the great Leonard Boudin – but I don't know if he did or not. He could've been on the appeal, I don't know.

Mr. Poe: That was what year? Was that 1958 maybe? 1957?

Mr. Duncan: Very close. I'd say 1958.

Mr. Poe: You were discussing home rule earlier, Charlie, and what was it – did you have an awakening at some point that you were being denied the vote, that the citizens of the District of Columbia are being denied the vote, any particular recollections?

Mr. Duncan: I don't know about an awakening. It is something that, you now, people my age, lawyers, folks who are now called civic activists, the home rule was just one of their interests. When I first came back here, we couldn't even vote in the presidential primary, you couldn't do anything. And I think in 1956 some concession was made in that direction because I remember voting for Hubert Humphrey. My mother was big in home rule, but I belonged to the Home Rule Committee, and my mother would join us.

Mr. Poe: So you were involved, you lended some efforts, but it wasn't a central part of your life at the time.

Mr. Duncan: No.

Mr. Poe: You mentioned the *Glen Echo* case. What was your role in that case?

Mr. Duncan: I tried it in district court, I tried it in circuit court, I guess that's what it was. I argued it in the Maryland Court of Appeals. I would have argued it

in the Supreme Court, but I joined the U.S. Attorney's Office at the time, and they wouldn't let me.

Mr. Poe: So this was about 1960, 1961?

Mr. Duncan: This was 1958, '59, '60, '61. Yes. I got into the case through a law school friend of mine, Bill Charlotte, who knew some of the people. In fact, Pam could tell you something about this because she lived out in Bannockburn, and Bannockburn is central to a lot of this civic activity, and somehow my friend Bill Charlotte was asked to try a case, and he didn't know anything about trying cases, so I did. So he and I were the two lawyers on the case.

Mr. Poe: What do you remember the local reaction being to the suit?

Mr. Duncan: When you say "local," what do you mean?

Mr. Poe: Well I should say metro area. It became quite a matter of contention, I would imagine.

Mr. Duncan: I have halfway forgotten the actual demonstrations that led up to the event, that got a lot of publicity.

Mr. Poe: Mr. Duncan's wife, Pamela Duncan, has joined us who's going to share some of her recollections of the period of time surrounding the *Glen Echo* case which Charlie and I have been discussing.

Mr. Duncan: You were asking me what kind of impression the case made in the community, and I was about to say, "I don't know," then I remembered that Pam lived out that way and may have demonstrated. Did you?

Mrs. Duncan: Yes, right.

Mr. Duncan: So she can address the question what kind of impact it made on the community.

Mrs. Duncan: Well, I grew up in Bannockburn, which was a community of folks that bought an old golf course and built cooperative housing, and liberal people from the Roosevelt administration essentially. They strung a picket line up at Glen Echo park. Our parents wouldn't let us go there, and when I was in my early teens, a picket line went up, and the American Nazi Party, George Lincoln Rockwell, anti-picketed. It was very rough the first summer. The second summer less so, and I think people in the community worked on the case, it was a very important effort. Now the neighborhoods near Glen Echo, which were within walking distance of the park, were very stratified racially in the sense that there were some areas where kids could go and families didn't mind and they patronized the park. Clearly in our community when it was a segregated park, we didn't go there.

Mr. Duncan: Even before this got started.

Mrs. Duncan: Absolutely.

Mrs. Duncan: Who was it you worked with from Bannockburn on the case?

Mr. Duncan: John Silard? No, he didn't. Who was it? He died recently. Ed? He was mentioned in an article that Colby King did.

Mr. Poe: You mentioned – we're back on the tape and Pam Duncan has graciously agreed to share some of her recollections of that period of time. Charlie, you mentioned the name Ed Rovner. What was his relationship?

Mr. Duncan: I don't really remember. I just remember he was active in civil rights, and he was very active in the organization.

Mr. Poe: What was the outcome of the case?

Mr. Duncan: A smashing 100 percent victory! A deputy Montgomery County sheriff, in his capacity as park superintendent, tried to throw the kids off the carousel. In his capacity as sheriff, deputy sheriff, he arrested them. I remember in the argument in the Supreme Court, which I couldn't make, somebody argued that there was no state action here. I remember Justice Goldberg said, "How can you say that?" He referenced the transcript, and he said, "Mr. Duncan made it perfectly clear that there was state action."

Mr. Poe: You attended the argument?

Mr. Duncan: Oh yes. I would've argued it but for the fact that I was going to the U.S. Attorney's Office. They wouldn't let me.

Mr. Poe: They wouldn't let you.

We're jumping ahead a little bit. Occasionally that is done. Was there any particular reason why they wouldn't let you argue this case?

Mr. Duncan: I don't know. I think I just should've persisted and persevered a little bit and argued about it.

Mr. Poe: Was it one of those things where you were just new, you didn't want to rock the boat too much?

Mr. Duncan: Well, I'm sure it played into it. The decision that I couldn't argue the case I think came from the Justice Department. I don't know why. Ask Norb Schlei, Harold Greene.

Mr. Poe: That was a case, then, you completely won at the trial level?

Mr. Duncan: No. I lost at the trial level.

Mr. Poe: Oh, you won on appeal.

Mr. Duncan: Not the Maryland Court of Appeals. The Supreme Court. Joe argued the Supreme Court appeal.

Mr. Poe: Joe?

Mr. Duncan: Rauh. And that's what I was talking about when I said – [phone rings]

Mr. Poe: Charlie, when you said the case was a 100 percent success, it's because Joe Rauh argued it in the Supreme Court, and the Supreme Court reversed the Maryland court. And it was, of course, your record that Joe Rauh relied on to win the case.

Now the *Jackson* case, the Smith Act case from New York, do you have any other recollections that we didn't discuss about publicity of that case, any pressure that you may or may not have felt. Anything like that?

Mr. Duncan: I remember how we got into that case. Oliver Hill, the same Hill –

Mr. Poe: Who was involved in the LDF, the *Brown* case?

Mr. Duncan: Knew about the case – he knew Jackson because he was from down that way, and he called James Nabrit to represent Jackson, and then he took it to Frank Reeves, and that's how we got into it. You got to remember this was a so-called second string Communist case, these were lesser individuals than in an earlier case that had been tried before Judge – he held everybody, including lawyers, in contempt of court. That got a lot of publicity. Our case didn't have a lot.

Mr. Poe: Now while you were in private practice in the 1950s, any other cases come to mind that you'd like to discuss? The *Jackson* case, of course. The *Glen Echo* case.

Mr. Duncan: No, nothing of the magnitude of either one of those cases. By magnitude I mean, you know, because of potential local or national interest. I'm sure there were others, but –

Mr. Poe: Now, you represented lots of clients in all kinds of matters. Share, if you would, your feelings about being a lawyer for an individual or being a lawyer for someone whose livelihood might be at stake. What was that like?

Mr. Duncan: Well, to me that's what being a lawyer was. I had always thought that lawyers were people who helped people in trouble. And that's what I wanted to do. I was very happy with private practice, except that it didn't pay very well.

Mr. Poe: Do you think that was generally true for small firm practitioners, or do you think there was a racial element to that?

Mr. Duncan: Oh, all racial. 100% racial.

Mr. Poe: All racial. You didn't see the same problems with white lawyers in civil practice, or –

Mr. Duncan: Oh no. I'm talking race. You know, that's all it was. You gotta remember we were excluded from, at the time, we couldn't join the Bar Association of D.C. Well, there were a whole bunch of things you

couldn't do. This business about making contacts at the country club is not without some merit.

Mr. Poe: Are you referring to the recent dispute over Augusta?

Mr. Duncan: I was referring to the idea that business is transacted on the golf course, which it is. And not in a sense of "Shall we merge?," but in the sense of "I get to know you, and you get to know me," and it just facilitates getting along.

Mr. Poe: And that's something that you were excluded from.

Mr. Duncan: Absolutely.

Mr. Poe: And so you pretty much frequently scraped along, I take it, in the 1950s.

Mr. Duncan: That's right.

Mr. Poe: And on top of the cases that you managed to get to pay the bills, you were doing work as early as, of course, the *Brown* case, doing political work through the 1950s, civil rights work, how was it that you became affiliated with the U.S. Attorney's Office?

Mr. Duncan: I got a call one night from – if I recalled the name, you'd recognize it – he said, "Charlie, what would you like to be in the new Administration?" So that's when I learned about the plum book. Do you know about the plum book?

Mr. Poe: The plum book?

Mr. Duncan: Plum. P-l-u-m.

Mr. Poe: No, I don't.

Mr. Duncan: You don't know that? Every time there was an administration change, the government comes up with a book about that thick that lists every –

Mr. Poe: And when you're saying "that thick," you're holding your fingers about an inch apart.

Mr. Duncan: Yes, which lists every non-civil service job in the government. In other words, these are the plums which are available and which the administration makes. So I'm narrowed between Principal Assistant U.S. Attorney and Assistant Secretary of State in charge of African Affairs, take your pick. I thought that the U.S. Attorney's Office would be less of a departure than going to the State Department, so I picked it.

Mr. Poe: You enjoyed being a lawyer, and I take it you were a little concerned about going into diplomatic affairs?

Mr. Duncan: Well, I wouldn't have put it that way then. I then said, and now say, that the U.S. Attorney's Office is more in line with what I did and had been doing than was the State Department.

Mr. Poe: You saw it as a good career transition?

Mr. Duncan: Oh, absolutely.

Mr. Poe: What was the U.S. Attorney's Office like then? It's interesting that, from my perspective, as a lawyer practicing now, it's interesting that that would be something in the plum book, as you referred to it, from a new Democratic administration, since it is a local office.

Mr. Duncan: It's federal, not a local office.

Mr. Poe: The U.S. Attorney's Office was seen as –

Mr. Duncan: It was then, and it is now.

Mr. Poe: Well when I say “local” versus “federal,” I guess I’m saying that a U.S. Attorney’s Office in Chicago wouldn’t seem to be something that would appear on a roster of political jobs.

Mr. Duncan: It sure would. I don’t mean to suggest that any assistant’s position was listed. I think the only listing for the U.S. Attorney was Principal Assistant U.S. Attorney.

Mr. Poe: I see. I guess what I would have assumed is that the U.S. Attorney position itself on a nationwide basis would be listed. But I was surprised to know that other positions would be.

Mr. Duncan: I think it was only the U.S. Attorney, if it was listed at all. It may have been assumed, but certainly the Principal Assistant U.S. Attorney.

Mr. Poe: And that’s what you chose to do at the time.
How big was the U.S. Attorney’s Office at the time?

Mr. Duncan: Fifty lawyers at the time.

Mr. Poe: You joined as the Principal Assistant?

Mr. Duncan: Yes. I did a short stint as Chief of the Appellate Division.

Mr. Poe: When you first started?

Mr. Duncan: Yes.

Mr. Poe: Did you argue any cases as Chief of the Appellate Division?

Mr. Duncan: Oh yes.

Mr. Poe: How many do you recall?

Mr. Duncan: I had two or three of them.

Mr. Poe: Any recollections of the judges or the arguments?

Mr. Duncan: Sure. Bazelon, George T. Washington, all of them I remember. I think he was there for a while before he became Chief Justice. Sullivan was there.

Mr. Poe: Warren Burger?

Mr. Duncan: Burger. He came out of that court.

Mr. Poe: You argued in front of all those judges?

Mr. Duncan: Yes.

Mr. Poe: Any particular – I think you shared earlier, last time we were doing this, recollections of an argument in which I think Bazelon was asking you questions. Would you mind repeating that?

Mr. Duncan: What happened was that – you don't probably remember this, but when I got appointed Principal Assistant U.S. Attorney, it was a BIG deal, a big deal as we say, and just because I was black, just a big deal. Early on, Dave Acheson [then the U.S. Attorney] asked me if I wanted to, or said that I should, argue this case that's called *Lurk v. U.S.* The issue was whether or not a judge from the Court of Customs and Patent Appeals was a federal Article III judge, the focus is of sitting as a U.S. district judge. And the answer turned out to be yes. But it was my first argument, my first that the _____ bank argued, and my friends liked to tease me, saying that everybody from the U.S. Attorney's Office came up to see how the new Principal Assistant was going to do. Early on, Bazelon smiled down at me, shook his head, and said, "You're going kid, you're going." He and I became good friends.

Mr. Poe: Born out of that professional relationship, and then you become personal friends later. Anything in particular that you would like to share about Judge Bazelon?

Mr. Duncan: I don't think there is anything very much. We never got to the point of having dinner. He would occasionally invite me – he used to have lunch with Milton Kronheim – does that name ring a bell?

Mr. Poe: It does not.

Mr. Duncan: He was a liquor distributor, a bit of a character. And then there was a Justice from the Supreme Court, Andrew Jarison (?). Anyhow, the three of them would have lunch, and he would occasionally ask me to come over. And I might go over. But that was all. It was mostly professional.

Mr. Poe: What were some of your recollections? Were there any other black lawyers in the office when you joined?

Mr. Duncan: Yes. Bob Campbell and Joel Blackwell. I think that was probably it.

Mr. Poe: They were line assistants?

Mr. Duncan: Oh, and Hubert Pair. He was there. Hubert Pair at that time was chief of the appellate division. Actually, the Corporation Counsel's office – it was under a lot of criticism, then, as it is now – had a racial record that you could at least not be too ashamed of.

Mr. Poe: Now Hubert Pair was in the U.S. Attorney's Office, or the Corporation Counsel's?

Mr. Duncan: The Corporation Counsel.

Mr. Poe: My initial question was –

Mr. Duncan: I'm sorry. Old people. In the U.S. Attorney's Office, there was Joel Blackwell, that's where he came from. Bill Bryant had been in that office. Those are the only two I can think of.

Mr. Poe: But Judge Bryant was not –

Mr. Duncan: He had left the office by then.

Mr. Poe: By the time you got there?

Mr. Duncan: Yes.

Mr. Poe: Was he appointed by Johnson in the 1960s? Or was he appointed by Kennedy? Do you remember?

Mr. Duncan: Probably Johnson in the 1960s.

Mr. Poe: Going into the U.S. Attorney's Office in that kind of a position, I imagine it must have been a pretty pressure-filled time?

Mr. Duncan: No it wasn't. As Principal Assistant, I could pretty well do what I wanted to, as long as it fit into the Dave's activities.

Mr. Poe: And you mentioned David Acheson was the U.S. Attorney?

Mr. Duncan: Yes.

Mr. Poe: Any relation to the Secretary of State?

Mr. Duncan: Son. Yes. He gave me a pretty clear hand. We were interested in different things. I was interested in the administration, and in doing some trial work, which I was able to do. He was of the more scholarly bent of mind, so I could pretty much do whatever I wanted to. I tried 20 felony cases while I was there, and doing all these other things, including the corporate counsel's division.

Mr. Poe: Now, at the time, of course, there was a Court of General Sessions that tried misdemeanor cases, and all the felony cases, I take it, were tried in U.S. District Court?

Mr. Duncan: Except juvenile felony, family juvenile court, which was under the Corporation Counsel.

Mr. Poe: So juvenile cases were Corp. Counsel, certain misdemeanors were Corp. Counsel in the Court of General Sessions, and the rest of the cases were in U.S. District Court?

Mr. Duncan: All felony and most misdemeanors, yes.

Mr. Poe: And that is regardless of whether the statute at issue was a U.S. Code provision or a D.C. Code provision?

Mr. Duncan: I used to know what determined which was which. It had to do with amount of the fine and the length of the sentence.

Mr. Poe: But lots of D.C. Code offenses were tried in the United States District Court?

Mr. Duncan: Oh absolutely. Even divorce cases were tried in district court. Did you know that?

Mr. Poe: I didn't know that.

Mr. Duncan: My first divorce case was in the U.S. District Court.

Mr. Poe: When you were in private practice?

Mr. Duncan: Yes.

Mr. Poe: So, the bar, everyone got to know each other pretty well, I take it?

Mr. Duncan: Pretty well.

Mr. Poe: Did you have any experience with the Court of General Sessions? I take it probably.

Mr. Duncan: As a private practitioner?

Mr. Poe: As a private practitioner.

Mr. Duncan: Oh sure. I was there a lot. We did this team work there. I was over there on civil cases. I forget what the jurisdiction was, they were over there.

Mr. Poe: How many federal district judges were there when you joined the U.S. Attorney's Office?

Mr. Duncan: I think the same number as now. Eight, nine. What is the number now?

Mr. Poe: It's a few more than that.

Mr. Duncan: Fifteen. As far as I can recall, there were then and are now 15 U.S. district judges.

Mr. Poe: You were able to try a number of cases though, which I take it you balanced with your administrative responsibilities. Any particular trials stand out in your memory?

Mr. Duncan: The only one – I tried all these myself except, of course that was another case – Luke Moore had a case involving Daniel Jackson Oliver Wendell Holmes Morgan was his name, and he was the oldest lawyer who assumed the identity of a real lawyer, in the sense that he went down and just kept, you know, a certificate of admission, and he somehow got it and something else. Archie Harris is the name of that lawyer who was the real lawyer. He was a lawyer in Chicago. Anyway, Morgan practiced for a year or more and he was finally indicted. Luke Moore tried that case.

Mr. Poe: Luke Moore, who later became a Superior Court judge, is that right?

Mr. Duncan: Yes. And I sat in with Luke, and we just had a lot of fun on that case. It was because they brought in an out-of-state judge, a lot of other judges recused themselves, because Harris had appeared before them. It was an interesting case.

Mr. Poe: Was Harris the person whose identity was taken by the defendant?

Mr. Duncan: Yes.

Mr. Poe: What was the tenor of the times? I mean the Kennedy administration had come into power when you joined the U.S. Attorney's Office. What was the tenor of the times in the sense of civil rights issues?

Mr. Duncan: It still amazes me the *Brown* decision was 1954, and the Civil Rights Act, the big one, was not until 1964. There was a ten-year period in there where things were unsettled, old things kept going where the new things weren't happening, voluntary things were happening. It was a time of change, let's put it that way.

Mr. Poe: One other thing about that *Morgan* case, there was a conviction – and I take it you sort of second-chaired the case with Luke Moore? You sat with him even though you were his supervisor?

Mr. Duncan: Yes. I think I have the decision here on the table too.

Mr. Poe: And I believe you did. I have the case here, 309 F.2d 234.

Mr. Duncan: What year was that?

Mr. Poe: 1962. October 1 decided, argued June 18th. That was before Wilbur Miller and Judges Bazelon and Washington. That was the panel. I can tell you that was affirmed. The conviction was affirmed.

Mr. Duncan: Oh sure. If it hadn't been, there would've been hell to pay because Morgan had sat on a number of family cases in district court and they had all been set aside.

Mr. Poe: Monroe Freedman argued the case for the appellant, a name that I'm familiar with. Any recollections of his argument?

Mr. Duncan: Not of his argument, but he was teaching over at G.W. at the time, he was teaching at a local law school, and he made this case his teaching model for that year for that course and what he did do was file a brief for 120-some cases cited in support of a certain proposition. The proposition being that to impose the penalty on Morgan was cruel and unusual punishment, I think. Was that mentioned in there?

Mr. Poe: Let's look at it.
Charlie, you've been reviewing the appellate decision in the *Morgan* case, and the point you were –

Mr. Duncan: I was looking for some reference to cruel and unusual punishment. Freedman argued, among other things, that this was cruel and unusual, given the nature of the offense. His students cited 120 cases where the defendant, where the fact pattern was that the defendant lost his license in Virginia but continued to practice in Maryland, and most were unauthorized practice cases, and the penalties were very light. So

Freedman argued that for this pattern, the sentence was cruel and unusual punishment. Well, it's not a very strong argument, but he had these 120 cases. I read a couple of them, and so I said, "Hell, I'm not going to read the rest of these cases." The argument was on a Monday morning, and Sunday, at home, my conscience was really bothering me, so I went down to the courthouse and read every goddamn one of those 120 cases. We might lose. So, there was one case that was arguably relevant, one case out of all that. So wouldn't you know, as I was arguing the point, that Bazelon said, "Mr. Duncan, what about the case of *Smith v. Jones*." So I said, "Your Honor, I looked at that case, and so-and-so and so-and-so, which is clearly distinguishably different from the facts here," and he smiled at me. I do remember that. That was a neat little thing out of the argument.

Mr. Poe: Judge Bazelon smiled because it was evident that he admired your preparation?

Mr. Duncan: Yes, oh yes.

Mr. Poe: Who tried the case for the defendant?

Mr. Duncan: King David. I'll never forget.

Mr. Poe: Who was King David?

Mr. Duncan: King David was a "Fifth Street" lawyer. He was also a minister, which I'm very suspicious of. You might recall King David as smart, he just made a lot of noise. He must have died because I haven't heard about him recently. He had a personalized license tag "KDLLP."

Mr. Poe: Any idea where the name came from?

Mr. Duncan: King David? You know, I don't know.

Mr. Poe: Do you care to elaborate at all on the comment you made concerning his status as both an attorney and as a minister?

Mr. Duncan: Oh. It didn't play in this case at all. Just as a personal bias, I have a problem with being a minister and a lawyer at the same time. I think that they're two different professions based on two very different sets of premises, and I personally don't like to see them mixed. I've known at least two people who were lawyers and ministers, King David being one, and then a woman lawyer, very well known, but disbarred. I can't think of her name. I think it's an unhealthy combination. That's not to say lawyers have to lie, but they're just different premises.

Mr. Poe: Speaking of court cases, one of the things that I forgot to mention earlier was that Judge Bicks in the *Jackson* case, which I guess was known as the – the lead defendant was Sidney Stein, if that rings a bell?

Mr. Duncan: I had forgotten.

Mr. Poe: Judge Bicks actually wrote an opinion in that case, and I was – let me give you a second to read that Charlie.

Mr. Duncan: Paul Williams was the U.S. Attorney, I remember that now. Tom Gilchrist, I remember that name.

Mr. Poe: Tom Gilchrist represented whom?

Mr. Duncan: He was the Chief Assistant, his name was on the brief.

Mr. Poe: And now we're talking about your representation of Jackson in the Smith Act case. What's the citation to that case? I believe that was a pre-trial ruling.

Mr. Duncan: This was a motion, yes. And what was your question?

Mr. Poe: The citation?

Mr. Duncan: 146 F. Supp. 761.

Mr. Poe: From 1956?

Mr. Duncan: Mary Kaufman. She's the one who was the Communist lawyer. She's been through this before, and she knew her way around. She was very good.

Mr. Poe: When you say "Communist lawyer," she commonly represented people in the Party?

Mr. Duncan: That, and I think she was a member herself.

Mr. Poe: A member herself?

Mr. Duncan: I think so.

Mr. Poe: The other thing I wanted to mention about the *Morgan* case is that I came across in the *Poindexter* case, 951 F.2d 369, many, many years later of course, a statement that the judicial function exception traces to a dictum in the *Morgan* case, the holding of which is that Section 1001, the false statement provision, does apply to one who practiced law by "falsely holding himself out to be" another person, a member of the Bar. Do you recall that issue coming up in the *Morgan* case?

Mr. Duncan: Say it again.

Mr. Poe: Let me show it to you. It's in the second full paragraph there.

Mr. Duncan: I remember, I don't remember that specific issue, no.

Mr. Poe: I should note that, I believe this is correct, that the Supreme Court in a case called *Hubbard v. United States* later changed the whole area of law that I referred to, but that's nothing related to the *Morgan* case, obviously because it occurred much later, but you don't recall that particular issue being a high point at all in *Morgan*?

Mr. Duncan: No. It sounds familiar, let me put it that way.

Mr. Poe: Charlie, describe what it was like being an administrator at the U.S. Attorney's Office. I don't think you had held an administrative position like that before, had you?

Mr. Duncan: No, I hadn't. Of course there was an administrative officer, that was his job. When I say administration, that sounds a little misleading, because I did not get into budget work, stuff like that. I think by administrative work, I'm talking about employee relations, hiring and firing assistants, as well as others in the office, not budget stuff. That's what I meant by it. I used to interview applicants for assistant U.S. attorney positions.

Mr. Poe: So when I say administrative, I guess I should have been more precise.

Mr. Duncan: No, I'm the one who said administrative.

Mr. Poe: Well, supervisory.

Mr. Duncan: Yes, now that's for sure.

Mr. Poe: And you had not really been in a supervisory position of that nature before I take it?

Mr. Duncan: No.

Mr. Poe: Is that something you felt you had to grow into, or did you feel pretty comfortable right away?

Mr. Duncan: I would think I felt pretty comfortable right away. After all, I had been out for over ten years. I had this *Jackson* case behind me which was, of course, very, very extensive, I had the *Glen Echo* case. I felt –

Mr. Poe: You felt mature as a lawyer at that point.

Mr. Duncan: Yes.

Mr. Poe: One of the things I think that people talk about with lawyers is the old notion of judgment, and what are your thoughts about that?

Mr. Duncan: Well I've been watching "Law & Order" so much here lately – do you ever watch that program?

Mr. Poe: The television show?

Mr. Duncan: Yes.

Mr. Poe: There are so many different versions of it, I can't keep it straight.

Mr. Duncan: I think I would need to be a little more specific. As I recall, the death penalty was available or in effect certainly for certain federal crimes. I remember Dave [David Acheson] and I decided – Dave decided, really – that we were not going to ask for the death penalty, and we didn't.

Mr. Poe: As a matter of principle?

Mr. Duncan: Yes.

Mr. Poe: Or as a matter of blanket exercise of discretion.

Mr. Duncan: Yes. Judgment. Oh, I would often get called up into one of the courtrooms by one of the judges who had a complaint against the conduct of the assistant before him. All I think I can say is that obviously judgment was called for in a lot of cases, and I felt personally comfortable doing what I was doing.

Mr. Poe: There was a – I take it that the judges would communicate with your office, and that was sort of a special relationship at the supervisory level that you would have with judges or line assistants?

Mr. Duncan: Yes. It's not uncommon to send the U.S. Attorney up, and I would normally go unless they specifically moved the day.

Mr. Poe: Did you ever have any experiences like that with the court of appeals, or did that tend to be with the district judges?

Mr. Duncan: I don't know whether I mentioned this, but for a couple of months I was Chief of the Appellate Division.

Mr. Poe: You did mention that, yes. I think we went into discussion of cases you argued.

Mr. Duncan: I knew those judges. I don't think I ever had any occasion to complain about the time I was assistant. If so, I don't remember.

Mr. Poe: What are your recollections about the differences in practicing in the district court versus the D.C. Circuit? In terms of the kind of practice?

Mr. Duncan: This ties into something I hope we talk about later. The district judges were by no means all the same style of judging, by no means. I don't

think any of them was as outrageous as some of the Superior Court judges, specifically Korman, Harman, Scally.

Mr. Poe: Now you're talking about the later created Superior Court in 1970?

Mr. Duncan: Yes. My answer is that the appellate judges were somewhat better than district court.

Mr. Poe: I guess what I was getting at with the question was, the kind of practice in the court of appeals with a circumscribed record, the nature of the argument, the time of preparation versus practice in the district court, doing trial work, dealing with issues, more time-pressure, that sort of thing. Do you have any specific recollections about that difference in practice?

Mr. Duncan: No, I had never argued an appeal except for the Maryland one until I worked on the *Benning* work case. I'm not sure I really understand the thrust of your question, because as far as I was concerned, whether the case was in the district court or Superior Court, divorce, you'd go to the district court in those days.

Mr. Poe: I was talking more about appellate practice versus trial practice.

Mr. Duncan: Oh. I didn't have any particular trial practice, appellate practice, other than the Maryland Court of Appeals case, I think that's the only time I argued an appeal. So, I don't have any background to answer your question. I will tell you, I thought I was as good as the next guy, whether I had experience or not. Once you do it, you had experience.

Mr. Poe: That's what it takes, right?

Did you make friends when you were at the U.S. Attorney's Office?

Within the office? Or being in a supervisory position, did that make it difficult?

Mr. Duncan: Luke Moore and I became very close friends. Dave Acheson was a good friend. I had cordial relations with most of the assistants. I can't tell you that any one of them do I now see on a regular basis.

Mr. Poe: You were saying that you don't see former assistants when you were the Principal Assistant on a regular basis.

Mr. Duncan: I mean now. You asked me if I had any friendships, and I said none except Luke Moore and possibly Dave carried over to, you know, to 30 years later, 40 years later.

Mr. Poe: You mentioned one name before the tape ran out, Hamptman?

Mr. Duncan: Al Hamptman, yes. He was in the criminal division. He was a felony prosecutor. He was the one that basically taught me how to try a criminal case. I would go to him and say, "What about this and what about that?" and he would always be helpful and friendly.

Mr. Poe: That raises an interesting question. What was the structure of the U.S. Attorney's Office at the time?

Mr. Duncan: It didn't have a criminal division, a civil division, a grand jury division, which were all located in the federal courthouse. Then you had – I don't know what the name of it was, but it was the division that was in the Superior Court division, and that's basically what it was. And then the appellate division, of course.

Mr. Poe: And was the appellate division located in the –

Mr. Duncan: That was also in the courthouse.

Mr. Poe: What is now known as the E. Barrett Prettyman Courthouse at 3rd at Constitution?

Mr. Duncan: Right.

Mr. Poe: What was it like being housed in the same building with the judges? Of course, the office is now moved. Any particular recollection? It probably seemed quite normal at the time.

Mr. Duncan: It did, yes. The judges had their own private elevator, meaning it was an elevator that – well, I got to use it, but it wasn't available to the public. And they could go from any floor, the fifth floor, straight down to the garage.

Mr. Poe: Is that the elevator that is down the hallway to your left as you walk in from the park entrance? There's a John Marshall Park between the courthouse and what is now the Canadian Embassy. As you walk in that entrance, and take a left on the first floor --

Mr. Duncan: No. This elevator was on the other side of the building. It was on the Third Street side, right at the corner of the two corridors.

Mr. Poe: But as the Principal Assistant, or the U.S. Attorney himself, you would use the elevator?

Mr. Duncan: Yes.

Mr. Poe: Was there a Probation Office in the building that you had any experience with?

Mr. Duncan: The answer to that is no. There were some post-trial offices in there, but I'll be darned if I remember what they were now. There was a lot of stuff in that building. You could get marriage licenses, copies of marriage licenses. They didn't have magistrates and such in those days.

Mr. Poe: Bail determination, probable cause, preliminary hearings?

Mr. Duncan: Preliminary hearings, yes. They were all located there. There was a lot of stuff. A library was in there. The Bar Association library. Do you know that story?

Mr. Poe: No.

Mr. Duncan: It used to be, when I first started out, that you couldn't use the library, which was located in the U.S. Courthouse, unless you were a member of the Bar Association of the District of Columbia. And since black folk couldn't belong to the Association, you couldn't use the library. Isn't that something! Here it is, a library in the U.S. Courthouse, that black attorneys could not use. So Aubrey Robinson, to his credit, brought suit against the Bar Association of the District of Columbia and won.

Mr. Poe: This is shortly after you –

Mr. Duncan: This would have been in early to mid-1950s.

Mr. Poe: Was this when you were with him and Frank Reeves?

Mr. Duncan: Yes.

Mr. Poe: So there you were simply seven, eight years later, Principal Assistant U.S. Attorney using a library you couldn't have used seven or eight years earlier?

Mr. Duncan: Yes. But by the time I was in the U.S. Attorney's Office, that issue had gone away, and you could use the library. But yes, if you put it that way.

Mr. Poe: You mentioned marriage licenses and such. That building had much more of a local flavor at that time, I take it, than it does now?

Mr. Duncan: The Marshal's Office was in there. Is the Marshal still there?

Mr. Poe: The Marshal's Office is there, as well as the Superior Court branch of the Marshal's Office. But the Marshal himself is still housed in –

Mr. Duncan: And the deputies?

Mr. Poe: Well, some deputies are in the District Court building, some are in the Superior Court building. A division, as you put it, I think, there's the same structure to some extent.

Did you have any experience in the Ceremonial Courtroom while you were at the U.S. Attorney's Office?

Mr. Duncan: Yes, when new judges were sworn in, that courtroom was used. I don't think we ever had a case that was of such interest it was argued there.

Mr. Poe: Where was the *en banc* case that you mentioned? Was it in that courtroom?

Mr. Duncan: It was in the court of appeals courtroom.

Mr. Poe: On the fifth floor?

Mr. Duncan: Yes.

Mr. Poe: Charlie, any other recollections about your time at the U.S. Attorney's Office that you would like to share?

Mr. Duncan: Well, at the risk of immodesty, black assistants had a history, a slight history, for black lawyers in the office. Bill Bryant was in the office. His distinction at that time was that he tried felony cases. [Brief statement on tape indecipherable.] I think by the time I got there and had been there a little while, the novelty of some of us began to wear off. I think I was liked and respected. I think.

Mr. Poe: Well I should think so. You're saying before William Bryant came along, black assistants – I take it there probably weren't many of them over the years – were specifically excluded because of race, from trying felony cases?

Mr. Duncan: Let's say weren't utilized very quickly.

Mr. Poe: De facto, if nothing else?

Mr. Duncan: There's no secret about that.

Mr. Poe: Do you have any recollections of what it was like to come in to the position you held as an African-American, and do you think that you won over any people? Did you see any changes occur in terms of attitudes while you were there, or is that asking too much?

Mr. Duncan: You're getting into perhaps another issue we could save for later. You have to remember -- I might have given this speech, I don't know -- you have to remember that I lived in all-black environment until I went away to preparatory school, and then I went to an all-white environment until I went away to preparatory school. And then I went in the next 15 years to an all-white environment. Prep school, I was the only one there. College,

I was the only one, law school, same thing. Maybe, since I went to midshipmen's school, only one, same thing. So by the time I got to the U.S. Attorney's Office, I had been thoroughly, thoroughly at ease in an all-white environment. I'd spent half my life. So, I knew certain people had attitudes, and that sort of thing, but it didn't bother me because, as I've said, I was very self-confident and I was pretty _____, and so it wasn't a problem for me. And now that there are some assistants in the office, and this is probably more true in the Corporation Counsel's Office, people who, you know, grumbled, said this and that, but I think if that's an answer to your question. [Part of tape is undecipherable.]

Mr. Poe: Well, I'm sure that's a fairly fundamental issue, and we'll probably be touching on it more as we continue. But why don't we stop for the day.

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BIOGRAPHICAL INFORMATION --CHARLES T. DUNCAN

Charles T. Duncan was born in Washington, D.C., where he attended public schools through the ninth grade. He graduated from Mount Hermon Preparatory School for Boys, Mount Hermon, Massachusetts (now Northfield Mount Hermon School); Dartmouth College, cum laude, Phi Beta Kappa, 1947; and Harvard Law School, 1950.

From 1950 to 1953, Mr. Duncan was an associate in the New York City law firm of Rosenman, Goldmark, Colin and Kaye. From 1953 to 1961, he was engaged in private law practice in Washington, D.C. with the firm of Reeves, Robinson and Duncan and during this time participated in the preparation of the second brief for the argument of *Brown v. Board of Education* before the Supreme Court of the United States. From 1954 to 1960 he was also a lecturer in Law and Associate Professor of Law at the Howard University School of Law.

In September 1961 he became Principal Assistant United States Attorney for the District of Columbia, having served briefly as Chief of the Appellate Division of the United States Attorney's Office. In 1965 he was appointed as the first General Counsel of the United States Equal Employment Opportunity Commission, with offices in Washington, D.C.

From November 1966 to May 1970 Mr. Duncan was Corporation Counsel for the District of Columbia. As Corporation Counsel, he directed a professional staff of 70 attorneys and was responsible for the conduct of the legal affairs of the District Government and for the implementation of Reorganization Plan No. 2 of 1969, which created a Presidentially appointed Mayor and City Council for the District of Columbia. By virtue of his office, Mr. Duncan, by Executive Order of the President of the United States, was designated second (to the Deputy Mayor) in line of succession to act as Mayor of the District of Columbia during the absence or disability of the Mayor, or in case of a vacancy in that office. On several occasions, Mr. Duncan acted as Mayor during the absence of the Mayor and his Deputy. During his tenure as Corporation Counsel, Mr. Duncan also served as Acting Director of Public Safety, with direct responsibility for the police, fire and related departments, and as Counsel for the D. C. Public Service Commission and the *Armory* Board.

In May 1970, Mr. Duncan joined the Washington law firm of Epstein, Friedman, Duncan and Medalie, where he engaged in general practice, with emphasis on criminal justice, administrative and municipal matters.

Mr. Duncan assumed the Deanship of the Howard University School of Law in July 1974, and served in that capacity until August 1977. He remained at Howard Law School until April 1978 as Professor of Law, teaching courses in Constitutional Law, among others.

In April 1978 Mr. Duncan became a partner in the law firm of Peabody, Rivlin, Lambert and Meyers, where he specialized in litigation. In September 1984, Mr. Duncan joined and became a partner in the law firm of Reid & Priest; from January 1990 to July 1994, he was Senior Counsel to the firm.

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On August 1, 1994, **Mr. Duncan** became a member of the Iran-United States Claims Tribunal, an international arbitral tribunal which sits in the Hague, the Netherlands. He was one of three American members of this nine-member body and was appointed by the Secretary of State. **Mr. Duncan** retired from the Tribunal in December 2000.

Mr. Duncan is currently a Senior Trustee of the NAACP Legal Defense and Educational Fund.

Before joining the Tribunal, he was a trustee of the National Lawyers' Committee for Civil Rights Under Law. He was also a board or advisory board member of the Frederick B. Abramson Memorial Foundation, the District of Columbia Bar Association and the Center for Strategic and International Studies. He chaired the Council on Ethnic and Racial Justice of the American Bar Association Commission on Opportunities for Minorities in the Profession and was a member of the Task Force of the District of Columbia Circuit on Gender, Race and Ethnic Bias, of a Hearing Committee of the Board of Professional Responsibility of the District of Columbia Court of Appeals and of the District of Columbia Federal Judicial Nominating Commission.

Mr. Duncan was a member of the Board of Directors of Eastman Kodak Company (1977-1995), TRW, Inc. (1983-1995), the Proctor & Gamble Company (1982-1988) and the National Bank of Washington (1973-1979).

He is a former Trustee of the Supreme Court Historical Society and the Northfield Mount Hermon School (Chairman of the Board, 1987-1990) and was an Overseer of the Tuck School of Business Administration at Dartmouth College. He also has long been active in civic affairs, having served on the Boards of the Health and Welfare Council, the Washington Urban League, the National Association for the Advancement of Colored People, Boy Scouts of America, Travelers Aid Society, Northwest Settlement House, Columbia Hospital for Women, Arena Stage, and many others. He has received many awards and citations for his civic and professional activities. In 1986 he received an honorary LL.D. from his alma mater, Dartmouth College.

Besides the District of Columbia Bar, **Mr. Duncan** is a member of the Bars of New York, Maryland, and the United States Supreme Court. He also holds membership in the American Bar Association, the National Bar Association and the Washington Bar Association. In June 1972 he was elected to the office of President-Elect of the District of Columbia Bar (Unified) and served as President in 1973-1974. He is a Life Fellow of the American Bar Foundation and was a member of the House of Delegates of the American Bar Association (1982-1989). From 1975 to 1982 he was a member (Chairman, 1975-1980) of the District of Columbia Judicial Nomination Commission.

Mr. Duncan received the William J. Brennan, Jr. Award of the District of Columbia Bar in June 2001, "in recognition of his exemplary legal career dedicated to service in the public interest which has made a significant difference in the quality of American justice". He was also cited by the Senate of Maryland, in Senate Resolution 564 on March 8, 2002, in recognition of his exemplary legal career spanning **fifty** years.

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Mr. Duncan was on active duty with the U.S. Naval Reserve in 1945-1946, with the rank of Ensign. His hobbies have included photography and boating, and he has been a licensed instrument-rated commercial pilot. His first wife, Dorothy Adelena Thrasher, to whom he was married in July 1947, died in December 1972. He has one son, Todd, a graduate of Cornell University and a journalist, and two grandchildren: Dorothy Lauren (Lauren) Duncan and Charles Dirk (CD) Duncan. He married Pamela Thurber in August 1996.

Prepared September 1995
Revised and updated April 2003

Myles V. Lynk

A.B. *cum laude*, Harvard College (1971)

J.D., Harvard University (1976)

Myles V. Lynk is the Peter Kiewit Foundation Professor of Law and the Legal Profession at the Arizona State University College of Law, and a Faculty Fellow of ASU's Center for the Study of Law, Science and Technology. His primary areas of interest are corporate law, civil procedure and professional responsibility. Professor Lynk served as a law clerk to Judge Damon J. Keith on the United States Court of Appeals for the Sixth Circuit. Professor Lynk was a partner in the Washington, D.C., office of a national law firm from 1985 through 1999. While in DC he served as president of the District of Columbia Bar, as an incorporator and President of the Frederick B. Abramson Memorial Foundation, on the Advisory Committee on Procedure of the U.S. Court of Appeals for the District of Columbia Circuit, on the Civil Justice Reform Act Advisory Group to the United States District Court for the District of Columbia, as chair of the District of Columbia Fellows of the American Bar Foundation, and as a Member of the Historical Society of the District of Columbia Circuit. Professor Lynk was a visiting professor of law at George Washington University Law School and a lecturer in law at the University of Maryland School of Law before coming to ASU. He recently served as co-chair of the State Bar of Arizona's Task Force on Multi-jurisdictional Practice and was a member of the State Bar's Task Force on the Future of the Legal Profession. He is a member of the Council of the American Law Institute and served two terms on the Civil Rules Advisory Committee of the Judicial Conference of the United States.

GREGORY L. POE

PARTNER

Experience

Trial Litigation: tried more than a dozen federal criminal jury trials to verdict, including mail and wire fraud, money laundering, bribery, and conspiracy cases ■ managed defense of complex parallel criminal and civil investigations, including representation of former chief compliance officer of investment management company in joint SEC/NYAG investigation, and managing director of investment bank in connection with federal and state criminal investigations ■ won post-trial motions to vacate convictions in cases involving alleged structuring of currency transactions and trial counsel's conflict of interest ■ civil litigation work includes trial of ERISA claims on behalf of fund trustees, defense of multiple securities fraud class actions relating to investments in derivatives, and successful settlement of federal action resulting in individual client's control of \$400 million company ■ **Appellate Litigation:** argued approximately 10 cases in U.S. Courts of Appeals; successfully briefed other cases in federal and state appellate courts; recently authored amicus briefs in pending U.S. Supreme Court cases concerning constitutionality of U.S. Sentencing Guidelines and legitimacy of sentencing enhancements.

Employment

Partner, Robbins, Russell, Englert, Orseck & Untereiner, July 2004-Present ■ Partner, Crowell & Moring LLP 2003-04 ■ Assistant Federal Public Defender, Washington, D.C., 1997-2003, and Cleveland, Ohio, 1996-97 ■ Leonard, Street and Deinard, Minneapolis, Minnesota, 1993-96; Rogovin, Hugel & Schiller (and successor firms), Washington, D.C., 1989-93 ■ Deputy General Counsel, Greenpeace, Washington, D.C., 1991-92 ■ Law Clerk to The Honorable Irving L. Goldberg, U.S. Court of Appeals for the Fifth Circuit, 1988-1989.

Education

The University of Chicago Law School, J.D., with honors, 1988; Senior Comment Editor, *University of Chicago Legal Forum* ■ Columbia University, A.B., magna cum laude, 1984; Phi Beta Kappa; Alan J. Willen Memorial Prize.

Admitted

District of Columbia ■ U.S. District Court for the District of Columbia, 1991 ■ U.S. Court of Appeals for the District of Columbia Circuit, 1990; U.S. Court of Appeals for the Sixth Circuit, 1996 ■ U.S. Supreme Court, 1995.

Professional Organizations

Member, Practitioners' Advisory Group, United States Sentencing Commission, January 2004-Present.

Member, Steering Committee, Criminal Law and Individual Rights Section, District of Columbia Bar, July 1999-Present.

Barrister, Edward Bennett Williams American Inn of Court, September 2003-Present.

Adjunct Professor, George Washington University Law School, September 1998-May 1999.

Guest Lecturer, George Mason University School of Law, 2001-Present.

Member, National Association of Criminal Defense Lawyers.