

RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY

NEW BRUNSWICK

AN INTERVIEW WITH ROBERT REMAR

FOR THE

RUTGERS ORAL HISTORY ARCHIVES

INTERVIEW CONDUCTED BY

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TRANSCRIPT BY

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Molly Graham: This begins an interview with Robert Remar. The date is April 16, 2015. The interview is taking place at 125 Broad Street in New York, New York. The interviewer is Molly Graham. I always just like to start at the beginning with where and when you were born.

Robert Remar: Where and when I was born. Boston, Massachusetts, November 19, 1948.

MG: Just tell me a little bit about your family history, what you know of it.

RR: Do we have this much time? [laughter]

MG: Maybe just the short version.

RR: The short version, okay. The short version is that my mother, whose maiden name was Boyle, grew up in London during World War II. She was a teenager during--seventeen, eighteen--during the Second World War and survived the blitz in London. My father was in the Eighth Army Air Corps, stationed outside of London and met my mother who was probably seventeen or eighteen at the time, and he was in his thirties. They married and she came here on the *Queen Mary* in 1946, and proceeded to have six children in the space of nine years. I have three sisters, two of whom unfortunately died in their late forties, early fifties of colon cancer and breast cancer, and I have two brothers, one of whom is very successful as a film actor; his name is James Remar. He's been in lots of movies that you've seen. You've seen *48 Hrs.* with Nick Nolte and Eddie Murphy?

MG: I don't think I have, but I'll put it on my queue.

RR: Have you seen *The Cotton Club*, the Francis Ford Coppola movie?

MG: It's been a while, but yes.

RR: He was Dutch Schultz.

MG: Do you guys look alike?

RR: Did you watch *Sex and the City* at all?

MG: I know who you are talking about.

RR: He was Richard, Samantha's boyfriend.

MG: I was going to say you have a familiar face. You guys look alike.

RR: We look a little bit alike, yes.

MG: Yes, you could go out with Samantha if you wanted.

RR: I think I'll pass on that. My wife wouldn't like that. I've got a younger brother who is a surgeon in Nashua, New Hampshire. My family is a family of immigrants. My grandparents came here from Russia. They were Russian Jews. They came in 1905. My grandfather actually--this is an interesting story. In the late 1890s, his older brother was drafted into the Czar's army. My great grandfather, my grandfather's father, said to my grandfather, "You go and do your

brother's time in the army," because his brother had just gotten married and had a young baby. So my grandfather spent seven years as an enlisted man in the Russian Army. When he finished his tour, he got his draft notice and said to his brother, "Okay. Now it's your turn." His brother said, "No, I'm not going." So my grandfather somehow managed to get to Bremen, Germany, got on a boat--I don't know how he met my grandmother, but came to this country in 1905 and my father was born the next year.

MG: Was that in the Boston area?

RR: They originally went to Philadelphia. They landed in Philadelphia, then made it to Boston, to Chelsea, which at that time had a large Jewish community.

MG: Tell me a little bit about growing up in Newton.

RR: Where I grew up--Newton, it's a very interesting community because it has a lot of affluence, but it also has a very large working class community. It also has very good public schools. There was a very significant mix of both cultures and income levels. There's a pretty substantial Irish-Catholic population, a fairly substantial Jewish population. There were maybe four or five African American families, not very many. It was a great place to grow up in. I lived within a ten minute walk from the end of the Green Line, the streetcar line. So as a kid turning thirteen years old, we'd take the street car into Fenway Park, to the Red Sox games. I pretty much worked all the way through high school and college starting when I was about thirteen as a caddy at the local golf course. I don't know if this would mean anything to you, but I actually caddied in a group that had Ben Hogan who's one of the greatest golfers of all time. I caddied for Bill Russell, the Boston Celtics great center and then worked all kinds of jobs. I could tell you more.

MG: Well, I am curious even about caddying because there is a real difference, between a caddy and the people you are caddying for. You are very close to a pretty wealthy population. I am wondering if that had an impact on you.

RR: No, not really. The caddying is like--if you've seen the movie *Caddyshack*, there's a lot of weird things that go on. As you have this close group of caddies who are mainly working class kids, dealing with these golfers who can be very nice or very nasty. The caddy master was a fellow named Richie DeRosa, and Richie had a tattoo on his forearm of a hula dancer and Richie would clench and unclench his fist and the hula dancer's hips would move. I used to caddy for the--they called him a junior pro. He was probably only in his early twenties, and his nickname was Mulligan Joe the Bogey Pro because he was not very good but I would caddy for him in regional tournaments around New England.

MG: During high school, were you thinking about college and where you would go and what you would do?

RR: My father was a lawyer and was successful. But with six kids, we didn't have a lot of money. I ended up going to UMASS in Amherst in part because the tuition was really cheap. I think it was a hundred dollars a semester for tuition and then there was room and board of course, but it was very cheap. I was sort of a mediocre student in high school. I mean I wasn't--I spent a lot of time doing other things.

MG: Like what?

RR: Well, I spent one summer working as a short order cook in Hampton Beach, New Hampshire. I don't know if it's still there. It was a place called Preston's. It was right on the beach and I cooked hotdogs, hamburgers, and fried clams. In the summer of 1965, I won't tell you all the details, but I met someone and we hitchhiked to the Newport Folk Festival. I saw Bob Dylan come out and do his first electric. He did half a set of acoustic and then half with electric.

MG: Yes, I remember hearing about that or I have seen it on YouTube. What was it like to really be there?

RR: It was amazing because we were--I was seventeen years old. We didn't have tickets. So we were in the back at the fence, applauding and cheering and then the old folkies, old--they were probably in their twenties--upfront were booing.

MG: What kind of law did your father practice?

RR: He had a very general law practice. He was the sole practitioner and in those days they did just about everything, but being the oldest, my father would--I would go in and take the trolley in to his office and I would go around with him to see clients. He took me once to the old Suffolk County Jail on Charles Street. I don't even know--I think it's been shut down since then and had a guard put me in the cell and show me what it was like. So that's sort of what got me interested in law.

MG: Your father's work?

RR: My father's work. Also, he was very progressive. I don't know if he was actually a member of the communist party in the 1930s, but he was very active in left wing politics. He actually represented Henry Wallace who ran for President. I think it was in 1948. Henry Wallace got into some type of traffic offense. My father ended up representing him. My mother, because of her experience living through the Nazi blitz of London was very anti-war and anti-bomb. As a kid, when they had all the "Ban the Bomb" protests, we were out there holding signs. [Editor's Note: "Ban the Bomb" was a slogan adopted by the Campaign for Nuclear Disarmament in the first wave of anti-nuclear weapon protest in the late 1950s and early 1960s.] I remember marching in front of the Boston armory as a kid with "Ban the Bomb" signs.

MG: So was there a lot of discussion in your home during the 1960s about the Vietnam War and social and cultural movements of the time?

RR: Well, yes, there was. I started college in the fall of 1966, which is when the Vietnam War was really starting to ramp up. So most of my involvement there would have been really sort of outside of the home, but I think every one of my brothers and sisters, and my parents were all pretty much anti-war. They weren't involved in the civil rights movement as such, but were supportive.

MG: Were there any protests on campus at UMASS?

RR: Oh, yes. [laughter] Beginning in probably 1967, there began to be organized anti-war protests. Then in 1968, first when Martin Luther King was assassinated, there was a huge rally on campus. Then Bobby Kennedy was killed. So from '68 on, there was frequent mass protests both on campus and then sometimes organized in downtown Boston actually. Of course, in May of 1970, Kent State happened and they closed the campus and sent all of us home. [Editor's Note: On May 4, 1970, members of the Ohio National Guard fired upon a group of anti-Vietnam War demonstrators at Kent State University, killing four students and wounding nine. Exemplifying the divisiveness of America's involvement in the Vietnam War, the incident provoked a backlash on college campuses nationwide, fueled the already fervent anti-government sentiment that existed in the student protest movements, and added to growing public distrust of the government.] We hadn't even finished classes and they said, "All you seniors, you pass and you graduate." We didn't have a graduation because there was so much turmoil that they just closed the campus and said, "Go home."

MG: I am wondering if you can talk a little bit about your college career there and what you studied? Were you pre-law at UMASS?

RR: Well, I was what they called a government major, which is what they'd call political science now. I think that I was pretty much on the path to go into law school. I was involved in the student senate. They had a student senate, which was ineffectual. I was in a fraternity for two years and then just didn't like the fact that it was not a very inclusive place, so I left. I also made a very serious personal mistake of getting married in my senior year of college. When I graduated I had already been accepted to law school at Boston College. Given all the turmoil that was going on, I just didn't feel like I wanted to just go back to school. So I actually spent nine months driving a taxicab in Boston from 1970 to '71, which was probably the best education I've ever had. [laughter]

MG: Tell me more about that.

RR: I drove for Town Taxi. Their motto was, "The Best in Town, Drive for Town." I drove mainly during the day and this was really at the height of--everyone was a hippie, everyone had long hair, everyone was sort of crazy. Most of the drivers were my age or older. We used to meet at a secret place in the Fenway to get high during the day. There was a radio station in Boston called WBCN, which was the real counterculture radio station. I'll never forget one night I was in my apartment and listening to WBCN and the disc jockey--I forget his name, it might have been Charles Laquidara--said, "We have a special treat. We have the dispatcher from Town Taxi on." They proceeded to play the sound of rain and windshield wipers going and the dispatcher would then do his shtick about, "I need a cab in the Fenway. I need two on Boylston Street. Give me top on number ten." That gave you a sense that there was a sort of community of--everyone called them "freaks." We weren't really freaks, but sort of people who were just sort of on the fringes at the time. So I went to see Father Drinan, who was the dean of the law school at the time and Father Drinan later became a member of Congress. He was in Congress for probably twenty years until one of the popes told him that it was incompatible with his duties as a Jesuit priest to be involved in politics and he retired. I went to see Father Drinan and I said, "Father, I really don't know what I want to do. Things are so crazy here. I'd like to take--I'd like to defer for a year." He said, "That's fine. You will defer for a year. You come back in the fall of '71 which is what I did."

MG: So you spent that year driving a taxi?

RR: I drove a taxi and then we did the obligatory cross country trip in the Volkswagen Beetle with a dog.

MG: When you went to law school, tell me if your professors and your experiences were starting to shape what you were interested in?

RR: I was interested from probably the day I started in sort of civil rights and poverty law. Boston College had, and I think still has, a very good clinical program called the Legal Assistance Bureau. They called it the LAB. It was based in Waltham. It was an active office representing low income people. So I started there. I got a work study job beginning the summer going into my second year and then basically worked at the Legal Assistance Bureau, both as a student and on this work study program through law school. At that time, Massachusetts had--second year students could appear in the district courts of Massachusetts and third year students could appear in the superior courts, and that's what I wanted to do. I wanted to get into court. So, my main activity in law school was working at the Legal Assistance Bureau. I also took all the clinical courses I could. We had a thing called the Urban Legal Laboratory where you interned at different places and I actually interned at the ACLU of Massachusetts for a couple of months somewhere in '73, '74. I can't remember.

MG: Do you remember who you worked with there?

RR: I don't. I think his first name was (Allen?). I'd have to look it up. I also worked at Mass Defenders in the appellate division of the Mass Defenders which provides legal assistance to indigent defendants in criminal cases. I had some interesting cases. It's interesting now, but one of the very first cases I had at the Legal Assistance Bureau involved a transgendered person, which at that time was--no one really knew what all that meant. His name was Rhoda. His given name was Rod but he called himself Rhoda. He was trying to get social security disability. He was also trying to get sexual reassignment surgery paid by Medicaid. I actually found an expert who testified that this was a real condition and that he qualified for Social Security and I think he eventually got it. I went on and graduated, but I think he eventually got it. I don't know if he got his surgery or not. Then I'll tell you this story and I'll have to think about whether this is something that we can put in publicly, but I was also very interested in mental health work. My mother was the Director of Volunteer Services for the Mass Department of Mental Health. One of the jobs that I had in high school was actually working at Boston State Hospital, which at the time was one of the largest mental hospitals in the world. I worked there, in the kitchen, for about three or four months. I don't know if you've seen *One Flew Over the Cuckoo's Nest*, but life in those state hospitals was just like that. They were basically prisons where people were brutally mistreated, overmedicated, left there for years. There was actually a kid about my age who worked in the kitchen who was born there. So that got my interest. One day, I'm at the Legal Aid Bureau and I get a call--and I won't give you the name, so that's the way we'll do it. I got a call from a young man who was about fifteen and said that he was at McLean's Hospital. McLean's is a private mental health facility, but considered--certainly at that time--as one of the best in the country. So he was in McLean's. He was from Savannah, Georgia and his parents wanted him committed. He didn't want to be committed, and he wanted a lawyer. I said, "Sure. I'll represent you." Because we had actually created a mental health project that operated out of

Metropolitan State Hospital, which was in Waltham, which I think they've closed down now. Students went to Metropolitan State Hospital like once a week. But he had heard about us, so he called. So I went out to McLean's, agreed to represent him. We had a civil commitment hearing. His parents came from Savannah. I'll tell you why there's an irony here later, but they came from Savannah. They were furious that here I was this law student interfering in their family affairs, representing their son who was fairly disturbed, but he had a right to have a lawyer. He was ordered committed and we actually appealed it to the Massachusetts Appellate Courts on the question of what the standard of proof should be in civil commitment hearings. We argued that it should be beyond a reasonable doubt and the court ruled that that the lowest standard of the preponderance of the evidence was too low a standard to deprive someone of their liberty and adopted an intermediate standard of clear and convincing evidence. That was one of the first cases in Massachusetts which it established what the standard of proof was in a civil commitment hearings. So this young man eventually got committed and by coincidence my very first job was with Georgia Legal Services in Savannah, Georgia. I am walking home one night--I lived in the Historic District in Savannah and I'm walking home and I turn a corner and coming the other way is this young man's father who looks at me and says, "What are you doing here?" I said, "I live right around the corner." It turned out I lived two houses, two doors over from them. He was like, "No. This guy who had interfered with my life is now living two doors away in my hometown." The tragedy of it is that the young man, who would over the years call me occasionally, he eventually committed suicide when he was in his late twenties.

MG: Did you see those hospitals and institutions start to change because I think that was the era of changing the policies in those kinds of hospitals.

RR: Well, it's interesting. When I was in law school, Barney Frank, who had just been elected, I think, to the Massachusetts House. He came and he recruited a bunch of us to get involved in a lawsuit against the Belchertown State School, which was the school for what they called at the time, "the retarded." It was where the mentally disabled, mainly kids, but adults [as well], were kept. The conditions there were deplorable. A lawsuit was filed against the Belchertown State School, which ended up basically changing a lot of the conditions there. When I went to Georgia, we had a number of cases involving the mental health system there. There were some deinstitutionalization cases, which is what you're referring to. I forgot to tell you [about] one other case. In Massachusetts, they had a thing called "a sexually dangerous person." People who were considered to be mentally ill and sexually dangerous were sent to Bridgewater State Hospital. Frederick Wiseman did a documentary called *Titicut Follies*--Titicut is the river that runs near Bridgewater--about how horrible the place was. We brought a challenge to the sexually dangerous person statute, which people were committed from one day to life. Basically the courts then said, you have to have the right to have a periodic review, but the legal services program did a case--and I'm trying to remember the name of the it ... *J.R. v. Parham* that went to the United States Supreme Court. I wasn't directly involved. It had to do with the commitment procedures for children to be committed. The Supreme Court basically said that there's a right to a due process hearing. We also challenged the procedures for the commitment and retention of persons found not guilty by reason of insanity. In Georgia, at the time, if you were found not guilty by reason of insanity, you were just committed for life and the federal judge held that to be unconstitutional and required that there be periodic hearings to determine whether someone remained committable. Georgia had a huge mental hospital called Central

State Hospital, which had over ten thousand people in it. We did a fair number of cases involving the conditions there.

MG: What else about your time at Boston College should we cover or other cases or clients you had?

RR: I haven't thought about this in a long time, but I think those are the highlights.

MG: How soon after graduating did you go to Georgia?

RR: Georgia was expanding its legal services program. Two of the folks from Georgia came up to Boston College and actually interviewed, and myself and two other guys, accepted jobs. I was supposed to go to Macon, Georgia. I actually went down there and interviewed, and went to Macon. Here I was a kid who had grown up in Boston. I had never been to the South. I had no concept of what the South was like, but they were very aggressive in wanting to expand this legal services program. So I took the job and then they called me and said, "Would you go to Savannah instead." I had never been to Savannah. I said, "Sure, why not?" So three of us--at this time I was separated from my wife. So three of us got in this guy's 1968 Plymouth Duster--three of us and my dog. We drove to Athens, Georgia. We spent about six weeks studying for the bar exam. Took the bar exam and then went to Savannah. It was fascinating. The managing attorney, who's name was Steve Gottlieb, who's now the head of Atlanta Legal Aid in Atlanta, was from Queens--I think is where he grew up. He grew up somewhere in New York. In my group was a woman named Phyllis Holmen, who's now the director of Georgia Legal Services. She was from Chicago. There was another guy from Chicago that she came down with. There was actually a guy from Boston College who was a year ahead of me. We were all Yankees, with one exception, a guy named Robbie Robinson, who was an African American lawyer from Savannah. We all studied for the bar together. Robbie was a great guy. There were two integrated law offices in Savannah, ours and another one called Hill, Jones, Farrington, which did mainly civil rights work. The tragedy of this is that years later, Robbie was killed in a letter bomb. It was a fellow by the name of Walter Leroy Moody, sent a letter bomb to Robert Vance who was a judge of the Eleventh Circuit Court of Appeals and he was disgruntled with a case that Vance had decided. Vance was killed with this letter bomb in his home in Alabama. Moody, to try and sort of divert attention, sent a letter bomb to Robbie, who at that time was the head of the NAACP in Savannah and killed him. [Editor's Note: Walter Leroy Moody killed Judge Robert Vance and Robert Robinson with separate mailed bombs in 1989. He is currently on death row in Alabama.] That's years later. So we had this legal services office and we represented people in all kinds of routine cases, and then major class actions. I had been a member of the Georgia Bar for one week when I get a call from the receptionist and she says, "There's someone from the Chatham County Sheriff's Department out here to see you." So I went out and he says, "You're name Remar?" I said, "Yes, sir." He says, "This is for you," and he hands me a summons complaint and temporary restraining order enjoining me and all of Georgia Legal Services from practicing law. I had a case involving a domestic dispute and the lawyer on the other side hated us. He filed a lawsuit in the Chatham County Superior Court saying that it was, number one, illegal for a corporation to practice law, and that we were engaged in champerty and barratry, and I had to go look those up because I had no idea what they were. Barratry is stirring up groundless litigation and champerty, if I remember correctly, is taking an unlawful monetary interest in a case--none of which applied. We were legal services

lawyers. I was making twelve thousand dollars a year. We didn't get any money from the cases. He got this local judge, Dunbar Harrison, who hated us also, to sign this order. Here we were--because the local bar hated us too. The people who were the--the Atlanta lawyers who had sort of started Georgia Legal Services, which was known as Georgia Indigent Legal Services at the time, they came down to Savannah. The first thing they said is, "What did you do?" We said, "We didn't do anything. We were just representing someone in an ordinary domestic case, a poor person." We were worried that here we were stuck in this superior court with this judge who was a crazy man. We're in the library one night at like ten at night and Phyllis Holmen said, "I found a case." She came running in and she had found a case out of New York where migrant farmworker organizers--I think they were operating under VISTA [Volunteers in Service to America], had been sued in state court for organizing farmworkers. They had removed the case to federal court under one of the Reconstruction-era civil rights statutes, which says that someone is sued in a state court who's acting under color of federal office, they can remove it to federal court. This was a statute that was enacted in--oh, I think in 1873, which was designed to protect federal officers in the south during Reconstruction who would get sued in state court and they could take it to the federal court. So we said, "Well, that's us. We were acting under the office of Economic Opportunity." So, we said, "We're going to remove it to federal court. But who we going to get to do this for us?" It turned out that the immediate past president of the Georgia Bar was with a big law firm in Savannah called Bouhan, Williams and Levy. His name was Sonny Seiler. Sonny, as one of his claims to fame, breeds the Georgia Bulldogs, Uga. There's a whole line of--the mascot for the University of Georgia is the Georgia Bulldog, Uga, U-G-A. So Sonny is known throughout the state as Uga's breeder and he was also the past president of the bar and he agreed to represent us for free. The other thing was that the district judge, Alexander Lawrence, who also hated us, was a former law partner of Sonny's, and so we removed the case to federal court under this statute. Then there was a hearing that was held on this complaint. The President of the Savannah Bar Association came and testified against us, that we were engaged--that we were taking cases away from the Savannah Bar and that we were engaged in stirring up litigation, but the fellow who was the regional director of legal services name is Dan Bradley, who later went on to become the President of the Legal Services Corporation. He came down from Washington and he testified, and Judge Lawrence eventually dismissed the case. It then got appealed to what was then the Fifth Circuit Court of Appeals which affirmed. So the first time my name appears in the federal reports is as a defendant, not as a lawyer. This Judge Lawrence--you tell me if we're going on. When I got sworn into the federal court, which was right before we got sued, Judge Lawrence--Steve Gottlieb who was a member, introduced me--we were in open court. Judge Lawrence says, "Where are you from?" I said, "Well, Judge, I live here in Savannah." He goes, "No. Where are you from?" I said, "Well, I grew up in Boston." He said, "Why don't you go back from where you came from?" He said, "We don't need you down here and you've got all this school bussing problems up there. Why don't you just go up there and do your good stuff there?" I said, "Well Judge, I've got a job and I've got an apartment and would you administer the oath please?" He said, "Well, if you insist," and he did. The funny thing was, Judge Lawrence was a quirky guy. We didn't have a federal law library, so we were permitted to use the federal library in the federal courthouse, which was right off of Judge Lawrence's chambers. He would actually sit on the bench smoking a cigar writing out his opinions in longhand. I would be in there all the time researching. He would come back and talk to me and after about a year, we actually got to be

friendly. I'll never forget I was in there one day talking to Judge Lawrence and his clerk comes in and says, "There's two legal aid lawyers from Macon who want you to enjoin an election in Dublin, Georgia under the Voting Rights Act." Judge Lawrence says, "I'm not going to enjoin any election." He looks at me, he says, "All right. Tell them I'll give them a hearing." I go out. I knew the two guys. We were colleagues. I said, "Put on your case, but you don't have a prayer with Judge Lawrence." They didn't. Savannah was an interesting place. It was still very segregated residentially. You would go from the white part of Savannah, even in the historic districts--I don't know if you've been to Savannah. It's a beautiful city and the downtown is a historic district. It was laid out by General Oglethorpe in about 1790 and it's all a series of beautiful squares with brick houses around the square. [Editor's Note: General James Oglethorpe was a British general who contributed to the establishment of the Georgia colony. He lived from 1696 to 1785.] You go from the white part of town to the black part of town and the roads were unpaved. There were houses with no indoor plumbing. I brought a number of suits against landlords for the conditions that their tenants had to suffer through with no indoor plumbing. The housing authorities, the public housing authorities, particularly out in the rural areas--and we would ride circuit. I had a hundred mile circuit of counties that I would go to--Liberty County, Tattnall County. But I'll never forget, one of the housing authorities in the city of Lyons, Georgia was segregated. This was 1974. So it wasn't all that long after the 1964 and '65 Civil Rights Act had been passed. My client was on the waiting list for the housing authority. She was black and she said, "I don't care which of these I live in, but the black list is about three times longer than the white list." We filed a lawsuit in federal court. The housing authority immediately caved in and desegregated the housing authority. We filed suit over the conditions in the Chatham County jail, which was medieval. We actually had a trial before the same judge Lawrence for about three weeks about the condition in the jail. They had these cells, they were eight feet wide and about ten feet long and there were four men to a cell, just stacked up on top of each other. At that time, death row inmates who were on appeal would be housed in the county jail. I brought, as witnesses, a guy who was under sentence of death. Another guy who had robbed a store and the third guy in the cell was in for failure to pay child support. They had no classification and there was no recreation. The lawyer's visiting room--there was a trap door in the lawyer's visiting room where they used to hang people. In those days, probably in the nineteenth century or maybe even up to 1920, capital punishment was done in the county jail by hanging. Actually, what happened--but the thing is, the chief jailer, Luke Simms was his name, thought the conditions were abysmal. He defied the sheriff and came and testified that the conditions were cruel and unusual punishment. We eventually got the county jail shutdown and they built a new jail which, if you're going to have jails you might as well have new ones. So they tore down the old--well it's funny now; the old county jail, which was built in 1890, is now offices for the Savannah College of Art and Design. I don't know if you've heard of SCAD but it's well-known and the turret area, which is where the administrative offices were, SCAD took that over and the walls where the cell blocks, the walls still stand but the rest of the jail has been demolished. Just as an aside, there's a very historic cemetery in Savannah, which dates from the eighteenth century and it backed up to the county jail. If you would walk by there at night you would hear these voices back and forth because family members would go into the cemetery, up to the wall of the jail and would call out to their loved ones who were in the jail and that's how people would talk to each other, at night in the cemetery.

MG: How long did you stay with Georgia Legal Services?

RR: I stayed in Savannah for two years. Then I went, a friend of mine, became Director for Western Mass Legal Services in Greenfield and he asked me to come up there. So I went to Greenfield and I spent nine months with Western Mass Legal Services. It wasn't nearly as vibrant or as much fun as Georgia Legal Services. So then I came back to Georgia in 1978 and worked in Georgia Legal Services until 1983.

MG: Is that when you came to the firm that you are with now?

RR: No. Myself and two other Legal Services guys, in '83, started our own little firm, doing mainly plaintiff, civil rights and employment work. I did that for ten years. Then joined a firm that did primarily plaintiffs, employment, and civil rights work, until I had a falling out with one of my partners. He was representing--he was bringing challenges under the Voting Rights Act to challenging redistricting efforts that were designed to increase African American voting strength. So I left and then went to the firm that I'm with now in 1996.

MG: Can you tell me a little about the firm you formed yourself? There was a pretty major case you were involved in, in 1983, the anti-slapp case?

RR: Oh, yes. The Warren and Washington Industrial Development Agency, which was the, New York has a body politic called the Industrial Development Agency, IDA. They issue bonds. Actually, we have, the financing for part of our office space here is through an IDA bond that they can issue to non-profit organizations and we got an IDA bond to help purchase this space. The IDA was funding a trash to energy facility in Warren and Washington Counties in New York, which are basically north and a little west of Albany. They were basically going to burn garbage from all over upstate New York. So my clients filed suit, seeking to set aside the bonds--if I'm remembering correctly--and the IDA counterclaimed against them. There was something like 183 people claiming that their filing of the lawsuit had increased the financing costs of the bonds and sought to hold each one of them personally liable for over a million dollars. We got the case dismissed and then we filed an action in federal court and was one of the first anti-slapp cases that was filed in the country; claiming that the filing of the counterclaim was intended to chill their right to petition the government for redress of grievances by filing suit. We survived a motion to dismiss the case. The district judge, whose name will come to me in a minute, denied the motion to dismiss. We actually had a trial that lasted two or three weeks in federal court in Albany, against the IDA and the question was whether it had violated the First Amendment rights of these individuals and we got a jury verdict in favor of the plaintiffs. I can't remember what we got. It's something like 10,000 dollars if I remember correctly that got divided up among all the people. The thing was it was a victory in that it was one of the first cases in the country to say that if the government retaliates against you for filing suit, it's a violation of your constitutional rights.

MG: Before we talk about the law firm you joined and becoming involved with the ACLU, are there any other lessons you learned along the way from your early career, things that stand out to you?

RR: Well, there's probably a lot of lessons. As a legal services lawyer, you would go into court rooms where there'd never been a lawyer for poor people. You were a foreigner. So, there's a couple of things you have to deal with in that situation. One is you have to be completely

prepared. If you're not prepared, you're going to be in deep trouble because they will use every excuse they can to use that unpreparedness against you. So that's one. Second, I find that it is important to be courteous and professional with everyone you deal with. If you get angry, if you don't treat people with respect, even those who are opposing you, you're better off winning people over with courtesy. That's true, by the way. I've learned as a trial lawyer that jurors don't like nasty blowhard lawyers and they don't like it when lawyers cross examine people and sort of make fun of them or try and be nasty to them. It's always better whenever you can to be courteous, but to make your points the same way. I think the third is that you've got to be able to stand up and--I don't like the [term] truth to power, but you've got to be able to stand up and articulate your position and not be afraid of it, and to be able to be forceful. I remember I had a case, a legal services case. At that time, legal services could do class action suits and we could do *habeas corpus* cases. I had a case in Savannah where there was a young man who had been sentenced to--if I'm remembering it right--four years in the county work camp for four traffic offenses, one year on each. He didn't have a lawyer because at that time they took the position that if it was a misdemeanor you weren't entitled to a lawyer even if you were going to face jail time. So I filed a petition for *habeas corpus* in the Montgomery County Georgia Superior Court and went into the hearing and explained it to the judge. I said, "Your honor, there is a Supreme Court case directly on point called *Argersinger v. Hamlin*. It says that if you are facing jail time and you are indigent, you're entitled to a court appointed lawyer." He said, "Really? That a Georgia case?" I said, "No, your Honor. That's a U.S. Supreme Court case." He said, "Well, I need some Georgia authority." I said, "Well your Honor, with all due respect, the Supreme Court of the United States is the supreme law of the land." At that point, the district attorney got up and said, "Judge, can we have a five minute recess," and he took me into the jury room off the courtroom. He said, "Okay. You're right." He said, "I'm going to recommend the judge release him." We went back out and the DA said, "Judge, he's right." But the point of that was you got to stand your ground, particularly if you're right. Of course you have to know when to concede a point. A lawyer should never over-argue a point and say more than they really think they can substantiate. The funny thing was I started leaving the courtroom, the judge said, "Where are you going?" I said, "Well judge, I'm going back to Savannah." He goes, "No, you take him with you." I said, "What do you mean?" He goes, "Take him back to the work camp. Here's the court order: the warden will release him." This kid was in his jail uniform. I had to put him in my pickup truck and drive back to the county work camp, show the warden the order, and then the warden said, "All right. You can drive him in to town." So I drove him into town and the kid said, "I don't have any money." So I had to give him five dollars for bus fare.

MG: I was going to ask you about that. I am not sure how to phrase it. But as an oral historian I go into people's homes and I ask them about their lives and you never know what you are walking into, so I am wondering how you introduce yourself or ingratiate yourself to a client.

RR: Well, it depends. I do mainly business litigation now and so the clients I deal with are generally sophisticated. They expect you to understand what their issues are. They don't want to be told no and you have to learn, when it is a no, to be able to say, "No, you can't do this this way, but maybe there are some other ways that we can accomplish your objectives." With clients who were in different situations, people who are poor or in jail, the key is to treat them with respect and to understand, as best you can, what their situation is. ... Not to, for lack of a

better word, bullshit them. You have to be straight with people and understand the limits of what you can and cannot do for them.

MG: Fast forwarding a little bit just for the sake of time, what was your impression of the ACLU in your early career?

RR: I had known about the ACLU but I had never really been involved with it other than I spent a month or two as an intern. I got my first exposure to the ACLU when I was in Georgia Legal Services and the Executive Director of the ACLU of Georgia, his name was Gene Guerrero--he was a great guy--called, and I don't know how he got my name particularly. He said, "I've gotten a call from the Georgia State Prison and there are three inmates out there who are being denied the opportunity to visit with their minister. Would you go out and see them?" I said, "Sure." I went out to the Georgia State Prison--this is a diversion, but they had just had a riot there. So you had to go to the guard tower. The Georgia State Prison is in Reidsville, Georgia, which is in the middle of nowhere. You drive up to this prison and there's a guard up there and--if I remember correctly--he lowered a bucket and I had to put my driver's license in it. He radios to the warden and he says, "There's this young lawyer out here and he's only got a Mattatusetts license." That's the way he pronounced it. The warden, who's name was Joe Hopper, radioed back, and said, "Don't let him in. He's got to have a Georgia license," which I probably should have had by then. So I said to the guard, "Where can I get a Georgia license?" He goes, "Well, there's a state patrol barracks right across the street." So I went across the street and I said I want to get a Georgia license. They said, "Okay. It's ten dollars," or whatever it is. I was going to give him a check. He said, "No, we don't take checks. You have to get cash." So I drove back to Reidsville, cashed a check, went back to the state patrol barracks, took the test, they gave me the Georgia license, I went back across the street. I said, "Here's the Georgia license." The guy radios, he says to the warden, "He's back and he's got a Georgia license." So the warden, comes and he met me at the gate. He says, "You're a very ingenious guy," and gave me a cup of coffee. But then I met my clients and my clients were three African American guys who wanted to see their minister and the Department of Corrections had a rule which said that an inmate could not receive visits from a minister unless the minister was of the same faith that the inmate had been prior to entering prison. Guess why they had that rule? This was the time of the rise of Black Muslims in the prison system and they wanted to keep out Black Muslim ministers from the prison. That was the reason they had the rule, but of course it applied across the board. My guys wanted to see the minister from the Church of God. So, we filed a lawsuit, a Section 1983 lawsuit, first amendment claim. At that time, you got a three judge federal court if you challenge the constitutionality of a state statute or regulation of statewide application. The three judge court convened in Savannah and Griffin Bell--if that name means anything to you--later became Attorney General of the United States under Jimmy Carter. He was the circuit judge from the Fifth Circuit. We were in the Fifth Circuit at the time. He was the presiding judge. The two other judges were the district judges, Alexander Lawrence and a judge by the name of Anthony Alaimo. Anthony Alaimo escaped from a German prisoner of war camp in World War II. The story is that the Steve McQueen character in *The Great Escape* was modeled after Judge Alaimo. He was not a big--he knew what it was like to be in prison under very bad conditions. Later on, the Legal Services program filed a lawsuit challenging the conditions at the Georgia State Prison. Judge Alaimo basically took control of the prison, appointed a court ordered monitor who ran the prison. But the long and the short of this story is, Judge Bell said to me, "What are you doing

telling us to interfere with the prison system? They got enough trouble running the prison system.” So I said, “Judge, with all due respect, under this rule, if someone enters the prison without any religious belief and then wants to have some religious ministry, they can’t.” He goes, “Is that right?” Then he said, “Sit down,” and he gets the Assistant Attorney General up. He says, “What’s your rationale for this rule?” Well, they couldn’t really articulate one and they ended up striking down the rule. So that was my first involvement with the ACLU. When I came back to Georgia in ’78 or ’79, I was asked to be on the legal committee for the ACLU of Georgia. There were no staff attorneys. It was all done as volunteers and so I was on the legal committee. The ACLU offices were housed in this old rickety building next door to a porno movie theater on the second floor of this building. You’d walk up the stairs, you’d go in, and sitting at the desk in the reception area was a woman by the name of Patsy Morris, who was a constant smoker. Patsy had on the wall the map of Georgia with various colored pins on it and those pins represented people who were being tried for a capital offense, who had been convicted and sentenced to death, and who were on appeal or who were on death row. Patsy’s mission in life, and one of the principle missions of the ACLU in Georgia at that time was to find lawyers to represent death sentenced inmates. Patsy would call and try and put the strong arm on lawyers all over the state to take on post-conviction capital cases which meant filing a *habeas corpus* petition in the state court. At that time, in the superior court of Butts County Georgia where death row was located, taking the case to the Georgia Supreme Court, petitioning for cert to the United States Supreme Court, almost always losing, and then filing a federal *habeas corpus* petition and litigating that. One of the things that I became most interested in was trying to get some institutional framework to represent death row inmates. The Georgia Supreme Court in a decision--which name escapes me--*Gibson v. Turpin*--held that there is no right to counsel in post-conviction proceedings including death cases. It was up to volunteers. In 1983, I think it was, we persuaded Ira Glasser, who was the Director at the time--and I think we did it through a biennial conference. I don’t know if you’ve heard about what biennial conferences were, but I’m pretty sure that we got a resolution passed at a biennial conference asking the national organization to create a death penalty, a real death penalty representation project. Ira was not happy about it because he didn’t like the biennial sort of telling the national organization how to spend its money. At that time, the death penalty work at national was one individual by the name of Henry Schwarzschild. Henry would go around the country talking about the death penalty and trying to raise public awareness about it. But it was a very small operation. So, we persuaded Ira to fund a lawyer and a lawyer by the name of George Kendall, who now is here in New York. George is a wonderful guy. But George came down as a young lawyer and we housed him in the ACLU offices in the rickety building in Atlanta. George became the first lawyer who was actually paid and his time was devoted to representing death row inmates. Out of that, we got the state Bar of Georgia interested in the project. There was a fellow named Steve Kennard, who was on the ACLU Georgia board. This would have been in ’83 or ’84. Steve was the law partner of the then current president of the Georgia Bar. We went and met with the president of the Bar to try and get the Bar to support the creation of some type of institution to represent death row inmates. I’m trying to remember his name--Jule Felton. He was very supportive. He authorized us to go speak then with the Chief Justice of the Georgia Supreme Court, whose name was Harold Clarke, who was a very decent guy. He said, “Yes, the Supreme Court will support it.” Then we went to the district court, the federal court, and they said, “Yes, we’ll support it.” So the State Bar, first they created a post-conviction death penalty

representation committee. I was on that first committee along with Steve and they organized some of the prominent members of the Bar to sit on it. We created a thing called the--we called it the Georgia Appellate Practice and Educational Resource Center. We didn't call it the Death Penalty Resource Center. We created this--and it became one of the first death penalty resource centers in the country. We got the Georgia legislature to fund us and we also got federal funding and we created an organization that still exists. I was the chair of the board for a long time. We had an original budget of like 1.2 million dollars. So there were staff lawyers who represent death row inmates. They also have to recruit volunteer lawyers to handle--because they can't do it all themselves. So that was one of the things that the ACLU of Georgia did, which was to help to get, first through Patsy Morris and her volunteer efforts, and then to get the State Bar to create this entity which is now--it's basically an institution. We lost all the federal--all the resource centers around the country lost their federal funding in the '90s, but we still get an appropriation from the Georgia legislature every year. They appropriate 800,000 dollars. Now, they're able to get--in the federal side of it, they get paid under the Criminal Justice Act. There's been a lot of success in getting people exonerated. There's been unfortunately a lot of losses too. I did a post-conviction death penalty case as an ACLU cooperating attorney for seven years. My client got executed. I was actually a witness to what was then the electric chair. So that was one of the things that got me particularly interested in the ACLU, at the local level, was criminal justice issues and death penalty cases. So I served on the board of the Georgia affiliate from 1979 until I think the early '90s and I was President of the Georgia affiliate for a couple terms. You're asking about--there were two interesting cases that I did as an ACLU cooperating lawyer at the time. One was an action against the Gwinnett County Board of Education. Gwinnett County is the county right north of Atlanta. Lawrenceville is the county seat. It's one of these very booming, particularly in the '80s, bedroom communities of Atlanta. The school board banned one of Judy Blume's books called *Deenie*. *Deenie* is about a young girl, thirteen, fourteen years old who has scoliosis. But in the book there were some references to some masturbation and the Gwinnett County Board of Education thought that that was inappropriate for fourteen and fifteen year old kids, and they banned the book. So we filed a lawsuit in federal court basically claiming that it was censorship and abridging the First Amendment rights of the kids. They caved in and we settled the case. The lawyer who was on the other side, who represented the school board, his name was Larry Edmondson. He was just really furious that we had sued them, but when the board of education, the school board, caved in and settled--he didn't want them to settle, but it's funny how things happen. He then went on, got appointed to the US Court of Appeals and became the Chief Judge of the Eleventh Circuit Court of Appeals. Whenever I would see him he would shake his head--"I never thought that *Deenie* case should have been settled." We got Judy Blume to come to one of our Bill of Rights dinners and to be the featured speaker. Then another funny case that we did, the city of Kennesaw, Georgia which is also a suburb north of Atlanta where the Battle of Kennesaw Mountain was fought, which was a bloody Civil War battle as Sherman was marching down from Tennessee through Chickamauga. There were all these really bloody battles--Chickamauga and then Kennesaw Mountain. But Kennesaw sort of has this Civil War mentality. The Kennesaw City Council passed an ordinance saying that every household in Kennesaw had to have a firearm, which is sort of bizarre, but they said every household in the city of Kennesaw has to have a working firearm. You had to have a gun. So we sued them over that and of course they then quickly amended the ordinance to say, you had to have a gun unless

you had any personal or moral obligation to having a gun. So basically it eviscerated the ordinance. So those are some of the weird [stories].

MG: I want to ask you more about when you joined the board and how that came to be and the characterization of the board at the time but I want to check in about time. It might be about 4:15.

RR: Oh yes. We've only got about ten more minutes. I'm sorry I've been talking.

MG: No, this is really good background and I am feeling we will have more time when I come down to Atlanta in a couple weeks. I am not sure now if you want to talk about joining the National Board or if we should just sort of put a pin in it for today.

RR: Well, I'll just tell you how I got on the National Board and then maybe we can stop for today. The ACLU of Georgia had a sort of tradition that the past president would become the affiliate representative to the National Board. So in 1986, I became the past president because I had served I think two terms as President of the Georgia affiliate. I had gone to a couple of the biennial conferences, which used to be held at universities. Generally, they'd put us up in a dormitory. I remember the first one I went to was in Boulder, Colorado. Those were sort of exciting for people who were new to the organization because it was a grass roots opportunity to get involved and there were biennial resolutions that were passed and under our old bylaws, had to be actually considered by the National Board. So I had gotten sort of the flavor of the national organization a little bit. So in '86, I became the affiliate representative to the National Board. Norman Dorsen was the President. I think John Powell had just been hired as Legal Director if I'm not mistaken. Mort Halperin was the Director of the Washington Legislative Office and there were a whole group of people who had been involved in the ACLU for decades who were on the board, so these luminaries. Ed Ennis who is a former President of the Board. Dave Isbell who had been a leading figure in the ACLU for years. Margie Pitts Hames was from Georgia, who had been a former President of the Georgia affiliate, who argued the companion case to *Roe v. Wade* called *Doe v. Bolton*. She was on the National Board. So I was just this young neophyte and it was a little bit intimidating at first, but maybe we can talk about the rest of that at another time.

MG: I think that would sort of be a long chapter and if we start, we might not be able to finish.

RR: Yes.

MG: Well, this is a good place to leave. This gives me a lot of background and plenty of more questions to ask for next time. I will turn this off for today.

RR: Okay.

MG: Thank you for spending time with me while you were here. I'll look forward to getting together in a couple of weeks.

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Reviewed by Molly Graham 10/1/2015
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