

Samuel Ernest Vandiver Jr. Collection
OH Vandiver 08
Ernest Freeman Leverett Interviewed by Dr. Harold Paulk Henderson
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EDITED BY DR. HENDERSON

Side One

Henderson: My name is Dr. Hal Henderson. I'm interviewing Mr. [Ernest] Freeman Leverett in the Stouffer-Waverly Hotel in Atlanta. The date is December 3, 1993.

Henderson: Good afternoon, Mr. Leverett.

Leverett: Good afternoon, Dr. Henderson.

Henderson: I appreciate you granting me this interview. Let me begin by asking you: what position did you hold during the Vandiver administration?

Leverett: I started off with the attorney general's office as an attorney in, I think, 1952, sometime in '52, and was later promoted, I think, during the [Samuel] Marvin Griffin [Sr.] administration to assistant attorney general at the request of Eugene Cook, the attorney general. By the time Governor Vandiver was there, I think I had already been appointed assistant attorney general, and that's the position I held until I left in April of 1959.

Henderson: What was your relationship with Governor Vandiver?

Leverett: My relationship with Governor Vandiver was advising him on behalf of the attorney general with respect to matters relating primarily to desegregation of the schools. Later we got into--I believe during his administration--when did he go out of office?

Henderson: 1963.

Leverett: '63. Also advising him with respect to the redistricting problems because they came up during his administration, and I believe some of the litigation took place during the

time that Carl [Edward] Sanders was running for governor to succeed Governor Vandiver.

Henderson: So you were not involved per se in the political efforts to get Governor Vandiver elected governor?

Leverett: No, not at all. I started out just out of law school. I practiced one year with the late Pierre Howard, Sr., and Louis Slayton, and Eugene Tiller, and that firm reorganized and I was without a job, and I went over to the attorney general's office and worked in the bill-drafting unit with Frank [M.] Edwards, and then the attorney general sent me downstairs in the litigation division. From that point Bob Hall and I--he's now a U.S. federal judge, U.S. District Judge Robert Howell Hall. I think Governor Vandiver appointed him to the court of appeals. Governor [James Earl] Carter [Jr.] appointed him to the supreme court of Georgia and later to the U.S. district court here in the northern district in Atlanta.

Now he and I worked together on school matters, representing the Board of Regents, the university system, the State Department of Education, the Board of Corrections in connection with all the appeals to the U.S. Supreme Court in criminal cases, death cases and so forth. But mainly my involvement with Governor Vandiver was both [*sic*] in connection with the desegregation litigation, the package of laws that were passed. I worked in the mansion for about a month or two. Every day I reported to the mansion, not to the attorney general's office, to work with Walter O. [Odum] Brooks [Jr.], who was Governor Vandiver's aide, speech writer, and one of the real political pros, and I say that endearingly, of state government, and one of the finest public servants I've ever known.

Henderson: During the 1958 campaign Governor Vandiver makes a statement, the "no, not one" statement?

Leverett: I'm quite familiar with that.

Henderson: Were you involved in any way, or were you consulted in any way about his making such a statement?

Leverett: No, no, not consulted at that point. I got really involved in it when he was endeavoring to, in effect, diplomatically back away from that after events in other states, in Virginia and Little Rock, Arkansas, had made it clear that the pathway of massive resistance could not be maintained. We advised Governor Vandiver of that, and I think that some of his advisors, probably Griffin [Boyette] Bell, who was his . . . was it chief of staff? And W. O. Brooks, who was one of his aides and probably one of the most astute political observers in the state scene at that time or for many years. He had served as an aide to Gene Talmadge, co-authoring or editing *The Statesman*, the newspaper that Gene Talmadge published. He had worked for the office of Herman [Eugene] Talmadge. He worked in the office of Marvin Griffin. At one point he was appointed to the Pardon and Parole Board, but he served as an administrative aide and speechwriter for Governor Vandiver and Governor Sanders and, in fact, during the period of time that Governor Vandiver had had a heart attack, I believe. Am I correct?

Henderson: Yes, sir.

Leverett: I personally think that most of the decisions in that office were being made by W. O. Brooks while Governor Vandiver was incapacitated. I'm sure he talked to Governor Vandiver, but I suspect that most of the decisions were really made during that period of time.

Henderson: Are you involved in any way--I think you mentioned that you were--in the drafting of legislation for the governor?

Leverett: Very much so. In fact, as I stated, I drafted most of the legislation that attempted to preserve the county unit system, that had to do with the redistricting and reapportionment of the General Assembly of Georgia, prepared many press releases, helped to get up statements or information for speeches, and advised with Governor Vandiver on that. The thing that I really stayed out there at the mansion for a month to two months [to do] was in connection with the realization by the governor that this "no, not one" had to be backed off of. That was no longer a tenable position for state government to maintain in view of what had happened in other states and in view of some court decisions that we'd had in Georgia.

Even Marvin Griffin had recognized that because I remember very vividly Marvin Griffin on the desegregation of Atlanta buses. He wanted to send out the troops. I told him he couldn't do it. [Laughter] There was a U.S. Supreme Court decision called *Sterling v. Constantine* which the governor of Texas frustrated the efforts of the federal agencies that dealt with the conservation of the oil wells, and the federal courts enjoined the governor and issued orders against the governor of the state, and I knew that that would be inevitable.

We ended up writing a statement--in fact, I wrote it for Governor Griffin--that was so ambiguously written that the blacks thought that he was saying he was going to enforce the law and protect their rights, and the whites thought he was saying [laughter] he was going to stop it. It pleased everybody, and the desegregation of Atlanta transit system went off without any hitches. Otherwise Governor Griffin would have been backed into a corner, but we avoided litigation.

Henderson: Vandiver is lieutenant governor during the Marvin Griffin administration, and the relationship between the two deteriorates.

Leverett: No doubt about that. I don't remember why, but I think that one reason was the perception at that time was that there was a lot of graft and corruption in the Griffin administration. In fact, one of the things that Governor Vandiver did, and I'm not sure whether that probably may or not've been a campaign issue, he created a criminal investigation unit to be headed by Robert H. Hall. Now U.S. district judge, to investigate the Griffin administration.

They did get a few pleas, but they were not very successful in getting convictions without a plea because of the facial accusal law, the fact that the lawyers representing some of Governor Griffin's subordinates utilized that facial accusal law very effectively. They even had trouble getting indictments, because they turned the grand jury hearing into a mini-trial, but that was one of Governor Vandiver's commitments when he became governor, and he did carry through with it, and appointed this criminal investigation unit that did a lot of investigating, a lot of grand jury work, a few pleas, one or two instances of attempt to indict. They couldn't even get indictments returned.

Henderson: One of the Vandiver administration's major pieces of legislation is the honesty in government act. Were you involved in the drafting of that legislation?

Leverett: I don't recall that I was. I was so involved with the desegregation and the redistricting that those laws were handled by somebody else.

Henderson: What was the relationship between the governor and the attorney general?

Leverett: I think the relationship was relatively close. Gene Cook generally tried to cooperate with the governors. He did not have any open breaks or any open hostilities to my knowledge with any governor, and he generally gave them a lot of latitude, even in earlier years they made a lot of his appointments, and some of them were quite political. But Governor

Vandiver, I don't know that he had a--he rarely dictated too many appointments. I'm sure that he probably dictated Henry [Getzen] Neal's appointment, but that was one that Gene Cook was very happy with, and I personally was happy with it, too, because Henry and I were close during Governor Vandiver's administration.

Henderson: He was legal counsel for the governor. Now, did his duties overlap with yours, or is he dealing with some other areas?

Leverett: No. He was an assistant attorney general assigned to the governor, but he acted as a legal aide to the governor as I recall. He was actually on the staff of the attorney general, but the attorney general, of course, yielded or rather, as he always did, permitted the governor to select who he wanted to be over there as his immediate legal advisor.

Henderson: During the 1960 presidential campaign, Dr. Martin Luther King, Jr., is arrested in Georgia, [and] is subsequently released. Did you play a role in obtaining the release of Dr. King?

Leverett: No, no. I don't recall having--I think I learned about it, what was going on, we were told what was going on, but I don't recall offhand that I had any involvement in that. It's possible that I may have had some minor involvement but it was not significant, or otherwise I would remember it.

Henderson: In the 1960 legislative session, the Sibley Commission is created. What was it, why was it created, and what were its recommendations?

Leverett: The Sibley Commission was created, I think, and I'm reasonably certain, as an effort to generate support for Governor Vandiver changing his position. I think that, by that time, lawyers in general--except those that were sort of living in a fairyland, and we had some

of those in Georgia. We even had one to propose at one point [to] make it justifiable homicide to kill anybody who advocated integration. [Laughter] Thirty years later I was in England and somebody asked me about that, an English lady asked about that, and I was surprised. I wrote a letter to this lawyer telling him that it would make murder a federal offense if you did that in Georgia. But anyway, let's see, where were we? I've forgotten.

Henderson: Let's see. What was its recommendation?

Leverett: Oh, oh, yes. The Sibley committee held hearings all over the state and heard from witnesses who wished to express themselves with respect to: "Should Georgia, in effect, desegregate, or what should it do with respect to the pending desegregation crisis?" See, the problem was that the state of Georgia defended the Atlanta public school system. B. D. Murphy and myself represented the Atlanta school system in the original *Calhoun v. Latimer* desegregation litigation. We appeared in Judge Frank [Arthur] Hooper's court with witnesses prepared to try to prove that the Atlanta school system was not segregated.

Judge Frank Hooper came in and that case lasted about thirty minutes. He said, "Gentlemen, I'm not going to hear evidence on whether or not the Atlanta school system is segregated or desegregated." Said, "Everybody in Atlanta knows it's segregated and has been since time immemorial." But then in his compassionate, painstaking, very moderate, and considerate approach Judge Hooper issued an order that said that they [the Atlanta School Board] had to submit a plan. They had to start desegregation not later than a certain deadline, and I don't remember what that was.

But the Sibley Commission was designed, I think, and I can't remember whether it was created before that decree or after, but it was about the same time, and it was really designed to

try, I think, to give the message across the state and to get the people to realize the gravity of the situation and to accept a changing position by the state of Georgia, is my interpretation of it.

Henderson: Is the need for the creation of this committee, is it coming from the governor himself, or the people closely associated with the governor?

Leverett: I think that it did. I don't know, but I think that it did. My perception was that Griffin Bell, W. O. Brooks, probably some of the people out of the Trust Company, and some of the banks in the Atlanta, you know, the business community in Atlanta, did not want to see the violence, the calling out of troops, that had taken place in Little Rock and places in Virginia. They wanted to avoid that, and this was an effort, I think, to lay the foundation for a retrenchment on the position that the state had taken on the desegregation question.

Henderson: Was there any opposition to the creation of this committee?

Leverett: I don't recall any opposition to the creation of it. There may have been, but really I think I heard about it, but the first time I really got involved, at that point in time I had left the attorney general's office in April 15, 1959, and they called me to Atlanta and I think Bee Brooks, W. O. Brooks, was the one that talked to me and said, "We'd like for you to be attorney for this commission." I probably was as familiar with the court decisions as anybody, because Bob Hall and I had been advising the attorney general and the governor on desegregation ever since the original *Brown [v. Board of Education]* decision.

In fact, Judge Hall prepared a lot of the research. John W. Davis, the attorney representing Virginia in the *Brown v. Board of Education*, he got each state to get up a history of segregation in Georgia, the relationship of segregated schools to the passage of the Fourteenth Amendment and all of that background. Judge Hall had done that research, I think,

before I actually came to the state law department, and that had been submitted some time before the May 17, 1954, decision.

But when I came there some time shortly after the research had been submitted--I know Judge Hall, Bob Hall, was telling me about it, and I remember the day the decision came down. We went out to eat dinner out at Camellia Gardens and heard it over the radio that the *Brown* decision had gone against segregation. But anyway, I'm not aware of any opposition to the committee. There very well could have been in the legislature, but at this juncture I don't recall it. It escapes me.

I know there was a great deal of opposition expressed before the committee. In fact, the overwhelming majority of the people who appeared before the Sibley committee said, "Close the schools." Notwithstanding which the Sibley committee came out with a recommendation. Mr. Robert O. Arnold. . . let's see . . . a lawyer from Columbus [Georgia], a very close friend of mine--I can't even remember his name--and quite a few people that I've known, the former president of Georgia Marble Company, and--you probably have a list of all the names, don't you? What was the lawyer from Columbus?

Henderson: I'm trying to think. I cannot recall his name.

Leverett: God, I know his face--Howell Hollis [Jr.]! Howell Hollis and John Dent and the former mayor of Marietta [Georgia], and several other legislators or some legislators. But the Sibley committee, the evidence was overwhelming, because we kept a tab of it, and, I think, Peter Zack Geer [Jr.] was on that committee, I believe, or at least he was active, because there was a dissenting opinion written and the committee asked me to assist the dissenters [in writing] their position statement. I think Howell Hollis primarily offered the majority opinion

of the Sibley committee. I was instructed by Mr. John [Adams] Sibley to help the others. [He] said they needed some help, wanted somebody that knew something about the court decision. I think I helped write the position of the minority.

But that, I think, helped generate a climate that permitted the governor to change his position, and the period of time that I worked in the mansion was primarily working on the legislation. I drafted all of the legislation that was used to implement the governor's position. I don't know whether the governor remembers this, but the Georgia Constitution in Article Eight, Section One, Paragraph One, as of 1954, read something like this: "The provision of an adequate education for the citizens in Georgia shall be a primary obligation of the state of Georgia, the expense of which shall be born by taxation. Separate schools shall be provided for the white and colored races."

The attorney general had written an opinion holding that that constitutional provision, properly interpreted, was inseparable, and if the provision requiring segregated schools was stricken, that the provision requiring a public school system would go with it, and there could be no legal public school system in Georgia. This opinion was written, and, I think, it was really perhaps a grand bluff or something. I don't know, but I was involved in that. Judge Hall was. I don't think he'd like to have that said that he was there. [Laughter]

But anyway, that opinion was there, and it presented a problem. So, realizing that, I was asked what needed to be done. My advice to the governor and to the attorney general and to W. O. Brooks, and W. O. Brooks was the point person on this because the governor had great respect for him and great confidence in his loyalty and his astuteness and his judgment, because he was an old political pro. But these people have a quality that is lacking in a lot of other

people, and that is they have a great respect for public opinion and for the voice of the people. And Brooks could see that the sentiment was changing in the state and that it would change very quickly if we had one of these confrontations with troops. And he didn't want that political unrest because that is when the politics of the state then can take a sudden radical change in a direction that is not in the best interest of the state in response to an emergency situation.

So we were endeavoring to come up with a plan, and the plan that I suggested was one to amend the constitution to strike Article Eight, Section One, Paragraph One, and put it in the form of a freedom of association amendment. And so we did that. The second thing was to authorize the closing of the schools in any county that wanted to close them. [Knock at door. Long pause.] The second bill was to authorize school closings.

The third was to enact the tuition grant legislation that is causing all the consternation now. And the third [sic] thing that we did was to adopt procedures on state [school] board appeals. At that point in time the State Board of Education would hear appeals de novo, which was contrary to the law, contrary to the decision of the Supreme Court of Georgia, but they'd been doing it. I advised the governor that we cannot have the state board hearing these cases de novo.

We need to have some regulations of the state board that mandate an orderly procedure of state board consideration of these appeals on the record made before the local board as a tribunal. Governor Vandiver advised me, said, "You prepare them; they'll be adopted." I prepared them. Henry [A.] Stewart [Sr.] was chairman of the state board. He didn't particularly want to do it because he liked to have those little mini-trials over there, but the governor sent the word across, and, of course, Henry went along with it, and those are still in effect today, by

the way. They've been amended one time, minor instances, but they're still being used. It's BCAEA, code BCAEA.

I was drafting all of this legislation in the governor's mansion and working with Bee Brooks. He was working on the speech and some other things, press releases and all of that, for the governor's very eventful statewide hookup on television, when he went on television, and in typical Bee Brooks' language told the people that we could no longer follow this path of massive resistance without saying that directly. Brooks never said things [laughter] pointblank. I would have been more blunt, but I probably would've gotten the man run out of the capital on a rail if they had used my bluntness in saying things to them.

But this laid the foundation. That legislation was passed, the constitutional amendment was passed, and what it said was that freedom of association at all levels of education shall be preserved inviolate. The General Assembly shall provide by our taxes for the maintenance of an adequate school system. And that was adopted to replace the provision in the existing constitution that would have brought about a federal-state conflict, because there would have been, the attorney general's opinion, there would've had to have been a position taken by the governor. Well, that is opinion is binding; all money has got to be cut off. The schools'll have to be closed.

But this change in the language of Article Eight, Section One, Paragraph One, which is no longer in there, but it was effective to get that segregation provision out of the constitution, which facilitated the desegregation of the schools without any real federal-state confrontation.

Henderson: Governor Vandiver, of course, was a segregationist when he made the "no, not one" statement. When do you begin to detect that he is moving away from that solid "We're

going to close the schools down" position?

Leverett: I was not an inner advisor to Governor Vandiver. I'm sure I voted for him, because I knew him as adjutant general and then as lieutenant governor, and I had great respect for him, but I was not real political person. I was simply a lawyer. I was interested in the law, and I did not advise him politically. I think Griffin Bell and some others were doing that. I don't really know. Obviously, I think at the point in time, sometime before the introduction of the Sibley Commission legislation, I know that talking to Bee Brooks--I always assumed that he was speaking the governor's position, and my dealings were mostly with him, although at times I would go in, and he would say, "Come in. Go in. You need to tell this to the governor." And I'd go over to the capital and we'd walk right in and talk to him. But it was some time probably shortly before that legislation was introduced.

Henderson: Does he ever turn to you and say, "What do you recommend that I do in this crisis?"

Leverett: I'm sure that either Bee Brooks did or he did, one. I think [unintelligible] the decision was made. I don't think he asked me. I think he made the decision to change his position.

I think he called on me through Brooks, and perhaps directly, primarily to tell him how to go about doing it from a legal standpoint. What do I have to do to accomplish this? And, of course, the first thing I told him, I said, "Governor, this constitutional provision is a problem 'cause our opinion the attorney general has written has sort of boxed you in, and you're going to have a hard time. We can't back off of that opinion. We can't say it was wrong. If you want to do this, you really need to get rid of that and ought to get rid of it. You've got to offer

something in place of it that sounds good," although we know that the extent to which it can really guarantee freedom of association was probably not all that great.

We didn't know. We thought that maybe we might be able to sustain school closings if the school district position became intolerable, conditions became intolerable, but we weren't sure, and, of course, there was a Virginia case that came along that said you could not do that. And the decisions out particularly in Little Rock with the federal judge out there who later became a U.S. Court of Appeals judge in the District of Columbia, they ran him out of Louisiana, I can't think of his name, but he's the one that brought about the desegregation of New Orleans schools. That established, those cases established that you could not close the schools in order to avoid desegregation.

Henderson: At the time do you think that Governor Vandiver's speech to the legislature was the end of his political career?

Leverett: I don't think so. I didn't deem it to be so. It may have been, but I didn't think so. I don't recall him getting that kind of repercussion from it. Governor Vandiver had been sick for a while, and, of course, that prevented him from serving [in a] leadership [position] that he probably would have otherwise. I don't think that it killed him. Now, I don't know. He may feel otherwise. I'm not sure.

Henderson: Now, during this period of time that you're writing this legislation, you're still in the attorney general's office?

Leverett: At that time I was--no, no. Actually, I said I didn't report. I was a deputy, because that was in '61, but normally I was still an assistant attorney general under the direct jurisdiction of the attorney general. But at that point in time the attorney general had just told

me to go out there and do whatever the governor wanted done. But I kept him briefed on what was going on. I was living in Elberton [Georgia] from April 15 of '59. I lived in Elberton, up in there, ever since, but I spent usually about four or five days a week in Atlanta, and I was reporting to the governor's mansion, not to the state law department in the judicial building and [unintelligible] I remembered eating dinner out there a number of times.

In fact, one Sunday, I left--told the governor about a year ago--he started eating oysters, because he called me in there and said, one Sunday night, said, "I got a bushel of oysters from the coast. We're going to have some oysters on the half-shell." I said, "Oh, hell, I don't eat the things, but I can't afford to just tell the governor I don't eat them. What I'll do is just push them around on the plate a little." And I went in there and pushed them around, finally got the courage to try one, and I liked it. I've been eating them ever since. [Laughter] I can't get enough. I laughed and told him about that. He remembers, said, "Yeah, I remember that."

Henderson: Were you involved in any way with the fight in '61 over the power of the governor's budgetary power? There was a major fight in the legislature. Some of his supporters in the legislature, claiming they wanted more legislative independence, challenge his authority on the budget.

Leverett: I don't remember that. I must not have been. As I say, they kept me busy almost full-time for a number of months on the desegregation matter during the time I worked out at the mansion. Then, at some point in time, I got involved in the county unit case. B. D. Murphy and I argued that before the U. S. Supreme Court. I argued the Senate reapportionment case before the U. S. Supreme Court. We argued the county unit case before the three- judge federal court. We lost that. And I was involved in all of that. But there was a period when it

was primarily desegregation and a period when it was primarily redistricting.

Henderson: Going to the county unit fight, Governor Vandiver calls a special session in '62 to deal with efforts to save the county unit system. What was involved in that special session?

Leverett: It was an effort to restructure the county unit system in a way that we thought it might have a chance of preserving it. B. D. Murphy was probably the leading advisor to most governors at that time. He had been in politics a long time, although I think I probably did more of the drafting of it and presenting it to the legislature. We redrafted it to try to give more representation to the urban areas. We were trying to articulate a rationale that might appear to be not so arbitrary, just based purely on arbitrary allocations.

I can't remember exactly what we did but I think we endeavored to articulate a plan that had a little more rationality to it than just the arbitrary assignment of two unit votes for every member of the General Assembly that each county had. Each county had one member of the General Assembly, and they had a number of unit votes equal to twice the number of representatives. So Fulton [County] had six unit votes, and the classic example that was always used by Morris [Berthold] Abram and the others that attacked it was that there's little Echols County with about seventeen or eighteen hundred people that had two [unit votes] and big Fulton had only six [unit votes]. [Laughter] So they figured out the ratio, how many votes a vote in Echols County was equal to in Atlanta.

Henderson: The plan that is eventually adopted by the special session, is it basically Governor Vandiver's plan, or is it Garland [Turk] Byrd's plan, or is it a combination of the two?

Leverett: I don't remember. My perception--this is probably an assumption--I would think that it was to a large extent the governor's plan. Garland had some authority, but Garland

was lieutenant governor, and although he's a good friend of mine, Garland's leadership was dwindling during the year before the election year, because I was in the capitol quite a bit and I could sense the fact that Garland was not getting off the ground like he should have. He was not coming across as being the definitive leader.

And I remember meeting Carl Sanders in the rotunda of the capitol one day, and I said, "Carl, Garland is just not doing very good. You need to jump in this thing [1962 governor's election]. I think now's the time." He said, "Freeman, I agree with you." He says, "I'm already considering it." So very shortly after that he announced his candidacy, and, of course, then Garland eventually withdrew from running.

Henderson: Let me go back to the special session. Is the governor a major player in this effort to save the county unit system? Is he vigorously lobbying to save it, or is he beginning to accept the idea that the county unit system could not be saved?

Leverett: I think that Buck [B. D.] Murphy and I thought that it could not be saved. I think that we were both professional enough to try our best to save it, and I even developed an argument that I used in the Supreme Court when we argued it, and, by the way, we argued it and it was a very eventful day in the U.S. Supreme Court. Teddy [Edward Moore] Kennedy was there, was admitted to practice. Bobby [Robert Francis] Kennedy, who was attorney general, argued for the United States. He had on his morning suit which the Justice Department lawyers always wear. His wife Ethel [Skakel Kennedy] was there. Rose [Fitzgerald] Kennedy came in. As you face the Supreme Court, they had the right end of the Supreme Court chamber blocked off for the Kennedy family. Rose came in. Mrs. [Eunice Kennedy] Sargent Shriver came in. Mrs. [Patricia Kennedy] Peter Lawford came in. Ted's [Kennedy] wife, I think they even let her

get behind the bar there, and I thought to myself, "This is one of the most attractive women I've ever seen." She had beautiful honey hair. I'll never forget that. I thought, "What a waste on that you-know-what." [Laughter]

But anyway, B. D. Murphy and I were on the left hand side of the podium, the rostrum. Morris Abram, Bobby Kennedy, and Archibald Cox, the assistant attorney general--solicitor general, Archibald Cox were on the other side. William B. [Berry] Hartsfield was out in the audience. In fact, at that time, when the bell rang for lunch, they would come and grab the lawyers and just take them by the arm, and take them to a private dining room and tell you, "All right, here you are. You've got to order your sandwich before you go in there. You don't have but about fifteen minutes to eat lunch." So I ate lunch with William B. Hartsfield that day, who's quite [laughter] [an] unusual experience.

But when Bobby Kennedy got up to argue, it was the first time he had ever appeared in any court. He was scared to death. He was shaking like this, and, hell, I would've been too. I'd been up there six or seven times by this time, at least six--well, more actually, they said I've been thirteen. Thirteen times I've argued, and by that point in time it had probably been about ten . . . eight or nine or ten. And when Bobby got up he dropped his papers on the floor, and I reached down and picked them up and handed them to him. He was so scared that he was shaking and he dropped them. After that I spoke to him, and he thanked me for picking up his papers. I said, "I wished I'd shuffled them a little bit." It would have screwed him up, because I knew he was going to have to read it. [Laughter]

Henderson: What do you think were the major accomplishments of the Vandiver administration?

End of Side One

Side Two

Leverett: I would think that, of course, the major accomplishment I think he did: he guided the state through the [desegregation] transition without the attendant violence, polarization, bitterness, confrontations, and actual loss of, you know, blood that occurred in other states. I think that would probably stand as his major accomplishment. I think he restored respect to the government of Georgia. Certainly, I can't say that there were--I had no knowledge of any actual violations. Bob Hall was handling that.

When Bob Hall took over the criminal investigation unit, then I succeeded to handling all of the school matters, all of the board of correction matters, the habeas corpuses at the state prison, [and] the appeals to the U. S. Supreme Court. I handled all of those, and Bob Hall did nothing but work on that criminal investigation business for better than a year's time, I think, during Governor Vandiver's administration, and, of course, later was appointed by Governor Vandiver to the court of appeals. It was, I believe, Governor Vandiver's second appointment.

I think his first commitment was to Bob [Robert Henry] Jordan, who'd been his roommate in college and a very fine lawyer and a very fine person. In fact, I think--I didn't call Governor Vandiver, I had Bob [Robert M.] Heard call him for Bob Hall, and I think Governor Vandiver told us that his first commitment was to Bob Jordan, but that he was going to look after Bob Hall the next time, which he did.

And I think this restoring respect [was his major accomplishment] because [of] the perception, due to the press, due to Governor Vandiver's campaign, that there'd been a lot of graft and corruption in Governor Marvin Griffin's administration. And Governor Vandiver

made a big effort, and I think it may not have succeeded all that much in terms of convictions, but it telegraphed a message to state government, and state government at that time was not as responsive. It was far more subject to political boondoggling than I think it is now. But I think that was the beginning of an enlightened period in state government that did put a high degree of credence in, you know, honesty, in government.

Henderson: What do you think were its major failures?

Leverett: I don't really know. I know one. My own law partner was very disappointed that the governor did not support the incorporation of the bar at that time. That was certainly not a big issue with the public. It was an issue with the lawyers, and I think probably the person who was responsible for that was my friend W. O. Brooks because I think he was a lawyer, and he just didn't think he ought to have to join an organization. But it was a disappointment to some members of the legal profession. But certainly as far as the public is concerned, it was not a matter of real public concern. I don't really know that there were any significant failures. I can't recall any right now.

Henderson: What is your impression of Governor Vandiver in his stewardship of state government?

Leverett: I think he was a decent person. I think he endeavored to operate government in an honest way. Of course, he was a politician. All politicians have some obligations to pay, but I don't think he would stoop to doing it in a way that was illegal or that was a direct payoff. Appointments, of course, are, in a sense, reward[s] for allegiances, and that's part of the system and still part of the system. But I don't think that he--to my knowledge, there was never any actual, you know, type of monetary deals made or carried out, to my knowledge.

Henderson: It has been charged in the past that governors, when they needed votes in the legislature, trade roads for votes or jobs for votes. Did you ever hear of any instance where Governor Vandiver engaged in that age-old practice?

Leverett: I don't think so. In fact, to be frank about it, I know that some of it happened in Marvin Griffin's [administration], 'cause we got one or two of them in Elbert County. [Laughter] But it's sometimes difficult to determine who's doing that. One of Governor Vandiver's appointees, I believe, was Jim [James Lester] Gillis [Sr.], I believe Jim Gillis. And Mr. Gillis ran the thing [highway board], to a large extent, on his own, and I think that there's probably some. . . . Mr. Jim certainly was not impervious to knowing who were the friends of the governor and who were not, and I'm sure, you know, that could have been . . . some people could have been rewarded, but I don't think it was a quid pro quo thing to my knowledge. It was not, "If you do this, I'll do that." I think that after the fact, if somebody had supported them, Mr. Gillis probably would have favored them if he thought they were friends, but I don't think it ever was done, to my knowledge, on just a plain quid pro quo basis. But I really was not. . . . I didn't circulate in that level of government. I was in the legal end of it, not the political end. That could have gone on in every administration that I worked under, and I'd not known about it. But I never heard anything about Governor Vandiver's [administration]. I did about Marvin Griffin's, despite the fact that he was one of the most delightful people I've ever known.

Henderson: How would you describe Governor Vandiver's personality?

Leverett: Governor Vandiver was friendly. He did not have the down to earth--well, he was down to earth, but he did not have the humor of Marvin Griffin, the sense of humor. He did not have the contagious personality. Marvin Griffin could charm anybody. He went out to

the Walla Haji, the black night club, after having run several campaigns virulently racist, and sat down and talked to some people, and some of them come up to him and said, "Governor, are you that governor that ran for segregation?" And Marvin Griffin said, "Yeah, and I'll tell you what . . ." and went on and on and on, and before they left, said all these blacks, said, "God, he's a fine fellow." [Laughter]

Governor Vandiver did not have that type of ebullient personality. He was straightforward with you. He was very candid. He wanted you to be that way with him. You generally knew where he stood. He impressed me as really being conscientious at all times in trying to do right, and that to the extent that he may not, I think, it was probably an honest mistake, and a matter of judgment. And, as I say, I don't recall any failings that he may have had.

He was not the power. You did not feel the power that you did around Herman Talmadge that commanded everything. You didn't feel the humor, the gentle--the just good ol' boy feeling, the lovable, rascable quality of Marvin Griffin, or the real sharp, immediate response of Carl Sanders. Governor Vandiver was slower, but he was appeared to be trying his best to work it out, to think it out, to get advice, and then to make a decision. He was not, for example, as articulate a lawyer as Carl Sanders, as potent a power as Herman Talmadge, and certainly not the humorist like Marvin Griffin.

Henderson: Would you consider him a strong governor, a weak governor, or a combination of the two on certain points?

Leverett: I would consider him a strong governor, but not as strong as Herman Talmadge, not as openly vocal as Marvin, but I never considered him a weak governor. He was

not the strongest I've ever known, but he was certainly not a weak one, I don't think.

Henderson: How would you describe him as a politician?

Leverett: I didn't have that much association on that level. He obviously had done a good job because he had a rather rapid ascension. My first knowledge of him was, I believe, as adjutant general, then as lieutenant governor, then as governor of Georgia. So he had to be pretty good politician to move that fast in that length of time.

Henderson: Let me go back. You mention that knew him as adjutant general. What is your perception of him as adjutant general?

Leverett: I just remember seeing him and--when was it? When did he serve? I can't remember.

Henderson: It was during the Talmadge administration.

Leverett: Yeah, that's what I thought. I saw him. My impression of him then was a young, very energetic, clean-cut person that, you know, made an impression on you that here's a man that's running a good show. He's sort of dynamic. It was really very favorable in his adjutant general position, and in his lieutenant governor [position] it was about the same feeling.

Henderson: How would you describe him as a speaker?

Leverett: He was not a spellbinder, but I think he was a person that you felt had confidence in what he said. It was not all that eloquent. He was not an eloquent speaker, but he did tend to instill confidence in what he said because he appeared to be trying to do the right thing. [That] was my perception.

Henderson: In 1972 he unsuccessfully runs for the U.S. Senate. Why do you think he fails

in this effort.

Leverett: I'd forgotten that. Who did he run against?

Henderson: Well, that's when Sam [Samuel Augustus] Nunn [Jr.] and David [Henry] Gambrell. . . .

Leverett: Oh yeah, David Gambrell. I think by that point in the period of time, I think that . . . I don't really know. I think that his health problems had hurt him some. There had been some disenchantment. I really don't know why. I felt, you know, at that point in time, that there was some disenchantment, but I can't remember why. [Cut off]

Henderson: What is the place of Ernest Vandiver in Georgia history?

I think that Ernest Vandiver definitely will have a place in Georgia history as a governor that had taken a very militant position one way, but when it was demonstrated to him that that was no longer tenable, he had the courage and the sense of responsibility to change his position, knowing as he must, it was very doubtful how this would be accepted. We were not entirely clear when we were drafting some of this legislation just what the attitude was going to be. We knew what the business, the sentiment of the business community was, the banks and the big people in Atlanta. But we did not know what the people out in the counties, the rural areas would do.

Governor Vandiver, I think, took a calculated risk and it may be that that positioning one way is what caused him to not win the Senate campaign, but I think his place is that he did what he had to do at a very sensitive period of Georgia history, and one which had portents for violence, for further polarization, for confrontation, and for putting us through the type of thing that occurred in Little Rock and even in some of the counties in Virginia.

Henderson: Mr. Leverett, this has been most enjoyable for me. I appreciate it very much.

Leverett: Sure thing.

Henderson: Thank you.

End of Side Two

END OF INTERVIEW



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