

# *Jim Crow and Me,* *Stories from my life as a civil rights lawyer*

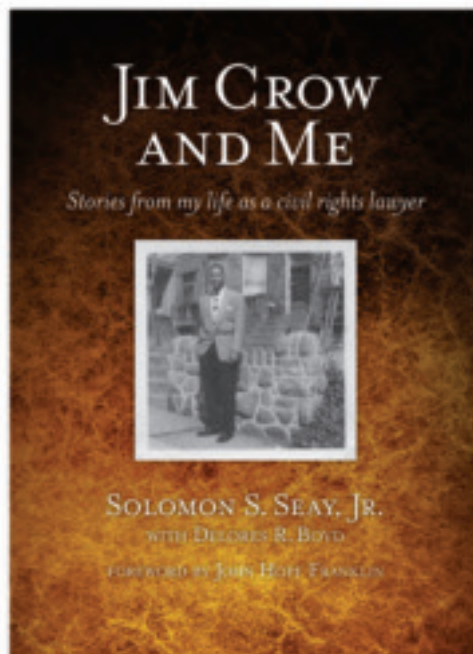
**By Solomon S. Seay, Jr.**

I'm not actually a book reviewer. I have no (good) idea about how to evaluate whether a book is laudable literature.<sup>1</sup> But, I do know what feels right, and what moves me—what makes me cry, and what makes me smile. I do know what inspires me and, mostly, I know what is readable and keeps me awake and wanting to read more. *Jim Crow and Me, Stories from my life as a civil rights lawyer*, written by Solomon Seay, Jr., with Judge Delores Boyd<sup>2</sup> does all of that. It is, in my (unlearned) opinion, a work of art.

And, I read it quickly. In one day. I know that's no big deal for most of you—but for me, it's huge. I'm sort of a book-on-tape (my wife says, illiterate) kind of guy. But this book grabbed me. And, it never let go.

As you've likely guessed by now, the book's about Solomon Seay, Jr. or, more accurately, about his experiences fighting racial discrimination in Alabama. Sol is historic. He is a person for the ages. And, he's a member of the Alabama State Bar. He became a member when there were only ten black lawyers in the state.

The book begins with Sol's inspiration. I actually believe he was born to be a civil rights lawyer. Those qualities are in his blood.<sup>3</sup> He came from a proud, well-educated and activist family. His mother was a school teacher, and his father, Reverend Solomon Seay, Sr., was a founding member, and later president, of the Montgomery Improvement Association, a peaceful organization that stood unyieldingly against



racial injustice. Rev. Seay's example was one of quiet, yet firm, dignity. He was a role model for MLK, Jr. and for many others, including his son. On one occasion recounted in the book, Rev. Seay boldly, but politely, demanded (and received) his money back from a white ticket-taker at the circus who had rudely declined to put change for the ticket price in Rev. Seay's hand. Little Sol was watching. His father was an inspiration.

Another inspiration was a junior high school teacher who implored her students to seek justice and made plain that justice often flowed only to those who had the guts to grab it. Sol listened to his teacher. He heard her. He became a civil rights lawyer.

And, these are his stories—accumulated over the course of his career. They are beautifully organized into short, compelling

vignettes, and they touch every aspect of his life—the tragic and heartbreaking, the courageous, the funny, the poignant, and the thankfully hopeful. In part, I guess, *Jim Crow and Me* is a love story. Sol lost Ettra almost three years ago after 53 years of marriage. She was a revered early childhood teacher in Montgomery, described by Sol as a fiercely proud black woman who did not suffer discrimination easily. Ettra and Sol shared the triumphs of their careers and the joys of their family, but also endured the heartbreaking loss to illness of two daughters. Sol's poetic ode to Ettra graces his book, and her name still adorns his license plate. She's still with him. I think she always will be.

Civil rights, of course, were, and are, more than a career objective for Sol. Like his wife, he took race discrimination personally, and several of the anecdotes in his book describe, sometimes intensely, and other times more lightheartedly, his responses to it. One example involves the Elite Café, a favorite lunch and nighttime spot for Montgomery's legal, business and political communities. On the very day Lyndon Johnson signed into law the Civil Rights Act of 1964, Sol, Ettra and two of their three young children dined there. They had to wait to be served. The proprietor said he would serve them the very minute the president signed the civil rights bill into law, and not a minute sooner. When that minute passed, according to Sol, the service and food exceeded all expectations.

No slight was too big or too small for Sol to react. When then-Governor John Patterson refused to renew Sol's notary public license, Sol sued in federal court. And, he persisted even when Judge Frank M. Johnson, Jr. urged him to concentrate on more serious violations of law.<sup>4</sup> Sol also sued the Alabama State Bar when Ettra was excluded from a spouses' function at an annual meeting. When the restaurant inside the Camden Motel in Wilcox County refused to serve Sol lunch, he sued. Despite his contagious charm, Sol simply refused to accept bleep from anyone.

But mostly, of course, Sol devoted his career to others. Along with his close friend and one-time law partner, Fred Gray, Sol handled (I suspect) more race discrimination cases than any other lawyer in the United States, and he probably was more successful in such cases than anyone you know. There was no limit to the kind of cases he handled—school desegregation, employment discrimination, jury discrimination, voting discrimination, criminal cases, and more. It's all in the book.

And, at the time Sol began his fight for civil rights in Alabama in the 1950s, his was not a safe occupation. On one occasion, his dad took a bullet (thankfully a flesh wound) intended for Sol. Sol courted danger. He litigated in many centers of Klan activity, and sometimes the law was hard to distinguish from the Klan.

Still, there are bright spots in Sol's stories—and some of them are white. Judge T. Werth Thagard is an example. Judge Thagard<sup>5</sup> was circuit court judge in Butler County when Sol defended a black capital murder defendant before an all-white jury. Sol was the first black lawyer to represent anyone in that court. Not only did Judge Thagard extend Sol every professional courtesy, but also he put a forceful end to harassing traffic stops Sol endured every day of the trial. In what Sol describes as the act of an "upright, fearless, and honorable" man, Judge Thagard threatened contempt for the police chief and jail for the offending officer if the harassment did not end immediately. It did.

Mac Sim Butler,<sup>6</sup> the then-Montgomery County Sheriff, was also a bright spot. Although he arrested Freedom Riders and other demonstrators

in May 1961, his friendly and familiar personality eased tensions during a time of mounting violence and martial law. When Sol, who, along with Fred, represented everyone who was arrested, picked up Rev. Ralph Abernathy from a stay in the county jail, the sheriff remarked that Sol, who had been practically living at his office, looked like the one who had been incarcerated. One night the sheriff drove Fred to buy snacks for folks in custody while Sol busily took statements. The sheriff tried to protect everyone from violence and was generally civil and courteous.

I could go on, but I think you get the picture.<sup>7</sup> The book's great. Its use of language is captivating.<sup>8</sup> Its stories are powerful. Solomon Seay, Jr. is someone you want to know—and even more so after reading his book. *Jim Crow and Me*, I believe, captures the essence of this thoroughly delightful, charming and complex man. But, it leaves you wanting to know more.

I feel personally blessed<sup>9</sup>—because I've known Sol and Delores for a long time. I know the commitment—and the heart and the skill—that went into Sol's civil rights practice, and I know the talent and hard work and the devotion (both to Sol and his work) that motivated Delores to help Sol record for us, and for our children, some of his experiences and good works. You should read it—not only because you just should, but also because I believe you will be proud that these folks are Alabama lawyers. ▲▼▲

## Endnotes

1. I am, however, familiar with alliteration.
2. Judge Boyd was an exceptional lawyer in Montgomery before her elevation to the Bench. After graduating from Virginia Law School and clerking for Judge John Godbold on the U.S. Court of Appeals, she practiced for many years with Howard Mandell, forming a (pretty unusual for the time) mixed-race law firm. Together, Delores and Howard sued Alabama State University for reverse employment discrimination in a landmark case defended by, of all people, Solomon Seay, Jr. Delores and Howard won. Judge Boyd served remarkably well as a United States Magistrate Judge, and would have been, and may still be, a great federal district court judge, and an even better federal appellate court judge.
3. Those qualities were in his sister's blood, too. Hagalyn Seay Wilson was a doctor who, oblivious to her own safety, rushed to the scene of ongoing rioting to provide medical care to Freedom Riders savagely

beaten at Montgomery's Greyhound Bus Station. Judge Boyd, while growing up, worked in Dr. Wilson's office

4. Judge Johnson served on the United States District Court for the Middle District of Alabama for 24 years and then served another 20 on the U.S. Courts of Appeals for the 5th and 11th circuits. Solomon Seay interacted with Judge Johnson, both on and off the bench, for most of Judge Johnson's service. In *Jim Crow and Me*, Sol says, "Judge Johnson's opinion mattered to me. Without his courageous court decrees in the 1960s and 1970s, the civil rights movement simply would not have defeated Jim Crow in Alabama. I admired and respected him greatly."

That respect did not always translate into Sol's agreeing with the judge. The notary case is an example. In urging Sol to drop the case, the judge told him, "if you are going to be on the forefront in fighting for equal rights, there are some things you just tolerate, and you stay the course." Sol stayed the course, but he didn't drop the notary case.

Although Judge Johnson greatly respected and liked Sol, he showed no favoritism. The book describes an occasion when, due to a miscommunication caused by an assistant U.S. Attorney, Sol did not appear in court for a docket call. The judge directed a United States Marshall to bring Sol before the bench. When found, Sol was plowing in combat boots, dusty fatigues and a skivvy shirt, but the marshal gave him no time to dress before taking him to court. Luckily for Sol, the assistant U.S. Attorney took the heat for the misunderstanding, and the judge told Sol he could get back to plowing.

5. For you older lawyers, Judge Thagard was the father of Tommy Thagard, an excellent lawyer with Balch & Bingham. For you more modestly aged lawyers, Judge Thagard was the grandfather of Maynard Cooper's Tom Thagard.
6. Sheriff Butler was the father of (who I like to call) the fabulous Butler boys, Phil of Bradley Arant and Al of the Alabama Department of Corrections legal staff.
7. Also, Robert Huffaker says I'm too wordy.
8. I also love its footnotes.
9. I guess I don't feel so much actually blessed as just plain lucky. But Sam Crosby is always saying he feels blessed, and it sounds good. So, I thought I would try it.
10. Nor has he met a meaner woman than Margaret Murphy, the managing editor of *The Alabama Lawyer*.



**Bobby Segall practices with Copeland Franco Screws & Gill and has done so longer than most of you have been alive. In all those years, he's never met finer lawyers than Solomon**

*Seay, Jr. and Judge Delores Boyd.*<sup>10</sup>