

Oral History Transcript

Interviewer: Katie McCary

Interviewee: Russell Jack Drake

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**Q:** So what [Dr. Steinbock-Pratt] wants us to do first is go over the consent form. Did she explain the project to you?

**Jack Drake:** Just a little bit. If you could tell me more...

**Q:** Okay, yeah. So I'm here to interview you. And then the interview, I'm going to transcribe it and it will go on a class website. The general public will have access to it and all that. And I want to go through the consent form with you point-by-point. This will explain more what will happen with the interview long-term. [Reads consent form to Mr. Drake point-by-point. This takes around two minutes.]

**Drake:** That's fine. I'm not going to have any reservations with that.

**Q:** Okay, awesome. I'm going to have you sign it at the end if that's okay, after everything is all said and done. And we can go ahead and get started.

**Drake:** Okay.

**Q:** So based off the little snippet that you—I think you e-mailed it to Dr. Steinbeck-Pratt, I'm not sure—but it was just a couple sentences that you explained how you were involved in the DSO and things like that. So I went and did a whole bunch of research, I googled your name, there are hundreds of articles with your name in it. So I have these general questions that I want to start with just to kind of get an idea of why you went to law school in the first place, what kind of

contributed to you caring so much about these issues—if that makes sense. So these are really general but, first, where did you grow up?

**Drake:** I grew up in Gardendale which is about 7 or 8 miles north of here.

**Q:** Okay. I'm familiar with Gardendale. I grew up in Helena, right outside of Birmingham so I'm...

**Drake:** ...the other way...

**Q:** Yeah, all these Alabama cities. So growing up—this is also a very general question—what was your childhood like? Did you have lots of siblings? Did you enjoy school, were you involved in extracurriculars? Things like that.

**Drake:** I grew up with one sister but we had a large extended family that all lived nearby somewhere either in Gardendale or north Jefferson county. And we lived next door to my mother's parents so I had the luxury of having alternative parents not too far away. When I grew up in Gardendale it was really a rural community. It was two stores, two gas stations and a couple of churches. It was not an incorporated city when I was a young child. It became incorporated when I was still a child. But it was in many ways a great place to grow up because we had a lot of freedom to roam around and we lived kind of on the edge of thousands of acres of land owned by U.S. Steel. So there were woods that we could wander around in so I guess I had, in many ways, a typical childhood. And one unusual thing is I went to school, to high school, in Birmingham. I didn't go to [name of high school] in the county system I went to Philips High School. And then on to the University of Alabama. That's a brief overlook of my childhood.

**Q:** When did you decide you wanted to go to law school? What prompted that decision?

**Drake:** Well, neither one of my parents graduated from high school. I had a cousin who had gone to college. But other than that I was the first person in my family to go to college. So when I was 7 or 8 years old or something we got a television and Perry Mason was a TV series at some point in my childhood, I used to watch that a lot. I liked the idea of being a lawyer. I said, “oh, I want to be lawyer.” Everybody said, “oh, that’s great.” They were just encouraging me basically to do something that would require me to go to college. So I made the decision early on to be a lawyer. Then as I grew older there were much more substantial reasons. I mean we’re talking about the war of Vietnam and we had the Civil Rights movement going on in my childhood. And by the time I had been at the university at two years I became more and more interested in being a lawyer to achieve certain things. And in law school I became involved in the civil rights movement and the anti-war movement. And I very much so wanted to be a lawyer to bring about change in Alabama and in the United States.

**Q:** The more research I did on you, I’m also pre-law, when I was growing up talking about wanting to be a lawyer my dad would tell me that I needed to do something like corporate law, or things like that, but I’ve always been drawn to civil rights and things that you’ve done so it just means a lot to me to get to interview someone who has been so successful in that.

**Drake:** Okay, thank you.

**Q:** So you did your undergrad at UA as well?

**Drake:** Yeah.

**Q:** What’d you major in?

**Drake:** I majored in political science and had a lot of hours in English and history as well. But I went to law school after three years. I was in the last group that could do that. So technically I

didn't have the kind of major that many people would have. In fact, I guess the university considered me to be in the pre-law curriculum in the school of Arts & Sciences.

**Q:** Okay.

**Drake:** But I had five or six political science courses so that was really my area of concentration is a better way of putting it.

**Q:** So on the website for this law firm it lists just tons of areas of the law that you've worked in or practiced in. I mean everything from constitutional rights to oil and gas litigation so, uh, I wasn't really sure how to word this question because I don't really know the ins and outs of law school but was there a specific area you focused on in law school?

**Drake:** No, I mean, well, yes and no. When I went to law school there were many more required courses than there are now. The law school viewed its mission at that time as training lawyers to practice law in Alabama. So there was a very heavy concentration on property law, for example, I had four courses in property 1, 2, 3, and 4. So for the first two years, you know, I was taking contracts, property law, constitutional law, uniform commercial code, civil procedure, had to take a course in common law pleading, because we still had common law pleading in Alabama. When I got out the federal rules were adopted by Alabama but they didn't go into effect in '73 or '74, something like that. But I did take a couple of constitutional litigation seminars and I happened to start law school when a new dean, Dan Metter, came from the University of Virginia. He was a progressive and wanted to move the law school forward and make a lot of changes. And he hired a bunch of young law professors from Virginia, Harvard, Chicago, places like that. And I had several of those, including Roy Lucas, who later became one of the principal litigants in abortion litigation that lead up to Roe v. Wade. I had a guy named Rick Singer who

was very interested in civil rights constitutional litigation. And then Dan Metter himself had done a whole bunch of habeas corpus litigation in Virginia in kind of a clinic setting. So I did have some exposure, and then I had Jay Murphy who was an older professor, real left-wing sort of guy. So there were things that influenced me but much more than anything I studied in school, I was influenced by what was happening in America all around me. I lived in Tuscaloosa and I was not physically present there in June of 1964 when you had the Bloody Tuesday where the police went into the first African Baptist church and beat up a whole bunch of people. There was a civil rights struggle going on in Tuscaloosa that I became a small part of it. And then the anti-war movement which I became a big part of.

**Q:** Okay. What year did you graduate law school?

**Drake:** 1969.

**Q:** Okay, that's what I thought. Just wanted to make sure. So I want to move into the Days of Rage in 1970 on UA's campus. But after you graduated in 1969 were you working in a law firm or...?

**Drake:** No. I went to work for the Selma Interreligious Project which was a civil rights organization, which we all called the Selma Project. The Selma Project was formed after the Selma march in 1965. The idea was that there would be some sort of presence in the black belt of the episcopal church after Johnathon Daniel was murdered in 1965. Johnathon Daniel was a seminary student at one of the episcopal seminaries, I think the one in Boston. I went to work for that organization with a priest named Francis Walter. He had been working the black belt for a couple of years and saw the need for a lawyer or some sort of legal services program, so I was the first person to do that. And then the next year the Selma Project hired Ralph Knowles so we

were together working on the Selma Project. By 1972 or 1973 we left the Selma Project and started a law firm but we continued to be the legal arm of the Selma Project so we had a monthly retainer from them. I was in kind of an institutional work situation for the first maybe five years I came out.

**Q:** So I'm going to move into the Days of Rage now. All the questions I have are based off of research on the Internet so if I say something that is not correct please correct me because I know you know way more about this than I do. This question has a little bit of lead-in. I found a whole bunch of article about the Days of Rage conference you participated in, I want to say it was 2010, at the university. It was celebrating 40 years...

**Drake:** ...Yeah. Now when you say Days of Rage you're talking about the 1970 incident?

**Q:** Yes, the one on UA's campus specifically. I think it was May...

**Drake:** ...You know there's another Days of Rage?

**Q:** Yeah, it was like a national...was it not?

**Drake:** Well, the big one was in Chicago.

**Q:** Yeah, yeah. Well, I focused primarily on the one at UA but I watched a whole documentary about...yeah.

**Drake:** Yeah.

**Q:** But one of the articles I found about the conference specifically had a comment that a UA history professor at the time made that kind of surprised me. His name was Professor Tilford, Earl Tilford, and he was kind of explaining the climate leading up to the Days of Rage on UA's campus. He was saying that many at the university either supported the war or just ignored it up until the shootings at Kent State University on May 4, 1970. And I have a quote from him that

says, "In fact, in 1969, 5,000 students at UA signed a petition supporting President Richard Nixon in Vietnam." And his description of what the climate was on UA's campus at that time surprised me because the destruction that students caused seemed like something that would only be possible from a lot of built-up rage and the way he was describing it made it seem like kind of a snap thing. So I was wondering what you remember the political climate being like on UA's campus leading up to the Days of Rage? If that makes sense.

**Drake:** Well I think that the campus had a core of people, how many people were there? I don't know, a thousand, 1,500, 2,000 people, who were vocally opposed to the war in Vietnam. We had people like me who were students and then we had a lot of people who were Vietnam veterans coming back from Vietnam who were equally opposed to the war and had seen it up front and were very much outspoken against it. But overall the student body continued to be pretty conservative, very white, very homegrown, most kids at that time were from Alabama. So I think Earl was right that there was that group that was supportive of the war. I'm surprised it was 5,000, that seems like a lot, but I'm sure he's correct about that because he does his research well. But there was a big group of people that were opposed and by the time the May 1970 eruption happened, you had a lot of people who were students at the university who were involved in underground newspapers, there was a cultural movement of hippies centered around marijuana and music. You had something called the Hate Shack on University Blvd, it was a head shop. So there was a culture there of people who were critical of society as a whole and very, very critical of the war. Having said that, they were not violent people, and the violence that happened on campus was not committed by that group of people. There was an agent

provocateur, Charlie Grimm, who burned down Dresser Hall and he also burned down a house and maybe one another building. And he was a FBI informant.

**Q:** Yeah. One of the articles I read about that conference had quotes from you talking about Charlie Grimm and kind of reflecting on all of that. So your specific involvement with UA's Days of Rage started after it ended, is that correct? When you started representing the students and providing legal aide to them?

**Drake:** Yeah. I was present the night the students took over the Union building because I was married to Carol Self at the time and she was one of the leaders who started that march, the candlelight parade. And so I was there and the students took over the Union building, cafeteria, then I went home, you know. But I was a lawyer and George Dean and Ralph Knowles and I represented virtually all of the students who got arrested. There were maybe two or three that hired somebody else. But we went about it in the way that you would do a mass arrest situation and had a strategy and ultimately that strategy worked.

**Q:** And how many students was it that you were representing?

**Drake:** It was over 200.

**Q:** Oh, wow. The number I had in my head was like 10 or 15.

**Drake:** Oh, no. They arrested everybody. Once the campus was placed under martial law, if you didn't do what the police told you, you got arrested. Lots of people were arrested for basically nothing.

**Q:** One of my questions was what exactly the students had been charged with? And it sounds like it was a variety of things or...?



**Drake:** No. The state of Alabama of course had gone through the civil rights movement—both the ‘63 movement here in Birmingham and the ‘65 movement in Selma. And so they had passed a statute specifically to deal with mass demonstrations. And the catch all was “failure to leave an unlawful assembly.” So the way did this with the students, most of them were charged with that. You’d have say 50 or 60 students or 100 who were in a demonstration and the guy who was in charge of the state troopers, major John Cloud, would say, “I’m declaring this an unlawful assembly and if you don’t leave you’ll be arrested.” And some people would leave and two minutes later they’d arrest everybody who was still there.

**Q:** Wow. So what was, just kind of generally, what was your strategy of getting them out of this charge?

**Drake:** Our strategy was that we were going to make them try every case and we were going to make it as difficult for them as possible.

**Q:** And they just didn’t want to deal with all of those cases?

**Drake:** Well, you know, it was a story in and of itself because the city of Tuscaloosa had a really right-wing ultra conservative judge on the city court. And his idea of this whole thing was to kill them all or something. He was a real right-winger. He was forced to resign or retire after he said things, like he said to one student, “I killed Japs in World War II that were less of a threat to this country than you are.” So we ended up with an entirely new city judge. They got rid of the old guy and hired Gordon Rosen who was a moderate at least, if not a progressive. The city had—I mean the Tuscaloosa police department was terrible—and they had a long history of being abusive. You had the June 1964 Bloody Tuesday thing. During the student thing in May 1970 the Tuscaloosa police sent about 20 or 30 guys out there one night and basically took over from the

university police and beat up a bunch of students just for the fun of it. So there were major changes that came about in the Tuscaloosa police department in part because of the May 1970 events and in part because of things Ralph Knowles and I did. We'd go down to city court and they'd have someone charged with "failure to obey a police officer." They'd write it on this charge card and when the sergeant booked somebody into the Tuscaloosa police department they'd write "FOPO." So, you know, I said, "What does 'FOPO' mean? Failure to obey a police officer?" Well, there's no such crime in Alabama. Wasn't then, not now. And they had another charge they would put down for people that said "DNS." And I'd say, "Well, what's DNS?" Dangerous and suspicious. There was no charge of that either in the criminal code. So we put a stop to a lot of things that were going on. And the police department began to dramatically change. They hired a new chief, they began to recruit people who had college degrees. The level of competence and the level of training in the police department went up dramatically partially because of what happened in May 1970.

**Q:** So, all of this, you're standing up for all of these students and participating in all of this just straight out of law school. Were you ever intimidated or did you ever...?

**Drake:** Well there were plenty of times when I felt uncertain or I was scared and all that. But I was also young and believed that I was right. I thought I was going to save the world or change the world. There wasn't anything stopping me. I went into a lot of situations that were a lot worse than that.

**Q:** Yeah, wow. I got that sense when I was just researching you. And hearing your stories, I mean, what you've done for people is just awesome.

**Drake:** Well, thank you.

**Q:** Okay. So I want to move into your, and you said this in your e-mail to Dr. Steinbock-Pratt, that you organized and lead UA's Democratic Student Organization. Was this before or after the Days of Rage?

**Drake:** That was while I was in school. The Democratic Student Organization was formed as an alternative to SDS. We thought SDS was maybe a little too radical for the campus. So we had this group called the Democratic Student Organization that would have been formed in maybe the Fall of '67.

**Q:** What was your platform with the DSO? You said the SDS was too radical.

**Drake:** Well the Democratic Student Organization was an anti-war organization and you mix in with that the student power movement, too. The students were, you know, had very little say in how universities were run at that time. And we were demanding to have a voice. And as a result of that the University of Alabama put a student on the Board of Trustees. I think maybe in '69.

**Q:** The DSO, you guys had a lot of participants in it or a lot of students I'm guessing?

**Drake:** No, there were about ten of us.

**Q:** Oh, really?

**Drake:** [laughs] We made a lot of noise.

**Q:** I think I read somewhere that one way you kind of made your presence known was with the candlelight vigils? Is that...?

**Drake:** Well, there was only one of those. But there were other things going on that DSO either started or was involved in. There was a peace vigil every Friday at noon. People stood on the Union steps for 15 minutes as a protest towards the war in Vietnam. You would think that we had burned 20 flags or something. I mean, we would just stand there. It started out that there

were 20 or 30 of us and then it got to be 100 or so. News media from all over the state of Alabama, from Atlanta, regional news organizations would come and film us. And every police agency in the state had people there watching us. FBI, state troopers had an Alabama bureau of intelligence, the National Guard had some intelligence officers there. Every time I ever did anything for two years those guys were there.

**Q:** Wow. So this is kind of skipping ahead in my questions but all of these people had their eyes on you...I have a quote from Governor George Wallace, this one article, it said that you walked into his hotel room at the Tuscaloosa Holiday Inn, and he looks at you and he says, "I know who you are. I've seen more pictures of you than I have of my own children."

**Drake:** That's a true story.

**Q:** So this work that you were doing was obviously putting you on the radar of some very powerful people. Were you scared? Was this hurting your reputation?

**Drake:** No. I really wasn't. I mean there were times when I was scared but I thought that we were right. And I also just didn't think anybody was going to bother me. You know if you...I don't know, it's kind of hard to explain. If you're absolutely certain that you're right about something, and right for the right reasons, you know you can be right about whether Donald Trump's going to be re-elected or not, then you can say, "He's going to get re-elected." There ain't much to that. If you have the big moral questions that face American society and you're on one side and you think, "By God, we're right," then fear becomes kind of secondary. It's kind of hard to explain.

**Q:** No, that makes sense. Gosh, okay, um...

**Drake:** Where do you think you may go to law school? Alabama?

**Q:** Alabama, yeah, that's what I'm hoping for at least.

**Drake:** What year are you?

**Q:** I'm a junior so I'll be applying this Fall. I'm taking the LSAT again in June. That thing is hard.

**Drake:** Well, I wouldn't know. I'm sure it is but everything about the whole getting in and everything is much more difficult now than when I...

**Q:** Yeah. I work at a law firm in Tuscaloosa now called Phelps, Jenkins, Gibson & Fowler.

**Drake:** Yeah I know those guys.

**Q:** Yeah so I'm trying to get some experience that way and that's been nice. But it's scary.

**Drake:** And Jim Jenkins is still practicing?

**Q:** Yes, sir.

**Drake:** I heard that he was. Good for him. Tell him I said hello. He's a good guy.

**Q:** I will. I really enjoy working there. They've been good to me. Okay, so, there was a line in your e-mail that I tried to do some googling on and when I was researching this is when I actually found that quote from Governor George Wallace that's in like the Anniston Star or something...

**Drake:** There was a student who was an intern at the Anniston Star and he wrote sort of like this project while he was there...he wrote an interview with me about the war and other things. That story came out. That's the first time that story about George Wallace has ever been printed.

**Q:** Yeah, I can't remember the name of it now but that article also went into this little group that was watching you...

**Drake:** Right, that story, I'm remembering now myself, that story was about the State Sovereignty Commission and I guess also the Legislative Commission to Preserve the Peace which did used to follow me around all the time and had a file on me and all that. I had the pleasure of putting them out of business because I sued them twice and the second time Judge Johnson put them out of business.

**Q:** I think the last line in that article is a quote from the head of the Peace Commission after they got shut down and he just said, "rest in peace" to his little group so...yeah. But there was a line in the e-mail that you sent my professor that said you provided legal aide to soldiers at Fort Mclellan in Anniston?

**Drake:** Yeah.

**Q:** So I was trying to google, was that after the war or...?

**Drake:** That's probably harder to find. No, it was during the war. It would have been in '71, '72, '73, '74, along in there. There was a movement nationwide for left-wing lawyers to provide aid to people in the military who were opposed to the war. There was a group of non-lawyers in Anniston who were working with soldiers. They were sort of organizers, I think they had jobs, other jobs, or something. Anyways, they contacted us and we did a whole string of things, the biggest of which was, somewhere in there, I'm not totally certain, I would say probably '72 or '73. There was an old fashioned riot on the base in Anniston at Ft. Mclellan. And it involved black soldiers and they kind of went running through the base and the commissary and threw things on the floor and stuff and knocked a couple of people on the ground and stuff. So the commanding officer just clamped down like it was martial law or something. And he arrested every black person that had anything to do with it or that they thought did. And put them in

pre-trial confinement which in the military at the time you had to justify that by saying people were a flight risk or they were dangerous or something. And then they picked the ring leader to try. And Reeve Bolt, who was in the ACLU unit in Atlanta, and is still alive, Reeve's in his 80s now, we defended that guy and there were some other people involved, too. He was found not guilty. It was a big deal. Just killed that whole effort to put all these people in prison. They were going to put half a dozen of them in prison. And they weren't able to do that.

**Q:** Wow, that's incredible. That's a moment that changed history for sure. Now that I know some more information on Ft. Mclellan and what it went through during the early '70s I'll be able to find a lot more on your work for my project, so thank you. When I was doing this research about Ft. Mclellan it lead me down a rabbit hole of the My Lai massacre and the military trial of William Calley so when I read your line about trying half a dozen court martials I was wondering if there was any sort of connection to military trials like Calley's?

**Drake:** Well, the connection to My Lai was that one of the more prominent judges in that case actually was involved in the case with the black soldiers in Anniston, he actually helped us win that.

**Q:** Oh, I see. That's amazing. Well, honestly that's the end of the questions I had for you. Was there anything you wanted to revisit or anything you'd like to add?

**Drake:** No, I think you hit everything. Where are you from?

**Q:** Helena, right outside Birmingham.

**Drake:** Oh, right. You said that. And you're going into law? What kind?

**Q:** Well, to be honest, one of the reasons I was so excited to get this time to sit and talk with you is because I am really interested in civil rights and constitutional law and I've been really

bothered by the direction our world, specifically the U.S., is going in lately. For awhile I've felt like the privilege I have needs to be put towards helping those who don't have privilege like I do. I feel like that's something you've done a lot of in your career.

**Drake:** Yeah, you know the political climate is very different now than it was when I was coming up through law school and growing up in Alabama and all of that. There was a story I heard a long time ago about Thurgood Marshall, I can't remember who it was he was meeting with, but he was traveling up north and told someone he wanted to work in civil rights and the person he was meeting with said, "Boy, that law's already been done." [laughs] The work of civil rights will never truly be over, there's always going to be new issues.

**Q:** Right, exactly, and I feel like maybe I won't be able to make huge changes but all I can do is try.

**Drake:** You know the university is doing another conference on the Days of Rage in 2020? Somebody contacted me about it a couple weeks ago.

**Q:** Oh, no, I didn't know that. I'll have to come see it, I'm just a junior so I'll still be around in 2020. Are you interviewed about the Days of Rage or asked to participate in conferences or events at the university a lot?

**Drake:** No, usually if I'm asked to be interviewed or be a part of something it's about the Whatley case which I know you know about. There's an historian at Emory who's writing a book about it and that's been going on for about four or five years so far so I've been talking with her quite a bit. That case deserves that kind of attention because it changed so much about the legal system. I'm actually writing a book myself about all the things I've been involved in so maybe that will come along sometime soon.



**Q:** Wow. Well, if you need someone to read the first edition I'm available! [laughs] Thank you so much for your time, Mr. Drake. I was really nervous about this interview because I've never participated in something like this before and I was worried that I was going to come in here and just spit facts about your own life at you. I didn't want to do that or come across that way.

**Drake:** No, no, you've done a great job. You clearly have done your research and you interviewed me just like or just as good as some of the historians who have interviewed me. You can tell your professor that you did a really great job.

**Q:** Thank you. I really do appreciate your time.