

LEGAL ETHICS LUNCHEON

Saturday, June 17, 1995

Speakers:

- *Phyllis Randolph Frye, Attorney, Executive Director, ICTLEP*
- *Sharon Ann Start, Attorney, Rights Director, ICTLEP*
- *Carl Walker Jr., Texas District Court Judge*

By Phyllis Frye:

Would you give a warm round of applause to the hostess for our luncheon, Sharon Ann Stuart. It's the Raiders of the Lost Ark.

By Sharon Ann Stuart:

I feel like I should be crashing down some endless tunnel now and going off a large waterfall, dropping thousands of feet into a pool of water or something.



**(L-R) Phyllis Randolph Frye, Attorney, Executive Director, ICTLEP
and Sharon Ann Stuart, Attorney, Rights Director, ICTLEP**

Thank you, Phyllis. I don't want to take up a

lot of your time, but I've just been having lunch with a fascinating man whom I don't get to introduce, unfortunately. Phyllis will have that privilege and honor.

By Phyllis Frye:

You may introduce him if you choose.

PERSONAL OBSERVATIONS ON DISCRIMINATION

By Sharon Ann Stuart:

Well, you do it. But I've just been sharing some experiences with our guest speaker. He will be here presently to share his thoughts and experiences with you, and I don't want to delay that unnecessarily. I don't want to make you feel uncomfortable, but one of the things that has troubled me and unsettled me about the gender community for many years is that we are a white community. There is not much diversity in terms of skin color, ethnic origin, as much as there is in the society at large. Diversity is an issue that has been overlaid to some extent in our culture. There is a political correctness movement, a diversity movement, and so on, affirmative action. All of these words are very much in the media. We have a guest speaker today who happens to have dark skin. There have been several references in our conference to people of color, to people who are homeless, to the need to reach out to these people. We have those people in our community, but we do not see them in our meetings. We need to find ways to include them.

I've talked to other guests about this, and today's guest speaker assures me that he feels not the least discomfort in having me speak to you in these terms. So don't feel that we're being rude to him, because he's assured me that he will not take it in this way. I don't mean to point to him and to make his dark skin the subject of my talk.

I want to take this opportunity to take you back to a time and a society that I knew as a child. I grew up in Kansas City, Missouri, in the 1940s and '50s, at a time when this country essentially was run very much like South Africa. People of African origin, of Hispanic origin, of Asian origin, lived in segregated homes, in segregated housing districts known to the white community as ghettos. They were not allowed to shop in the same shopping areas, or their shopping hours were restricted. They could not eat in public restaurants, or use public facilities. They did not have the same educational opportunities or economic opportunities. It was very much a segregated society as few as 60 years ago, and we tend to forget that. We made a lot of progress in integrating our culture and integrating our society, but we have vestiges of those times remaining, and it remains a concern.

As a young person growing up in Kansas City, I could not go to a school where there were black children or Hispanic children. If you were Hispanic in Kansas City, Missouri in 1940, you lived in a certain neighborhood and you attended a certain school. And you could only go to that school. If you were African-American, you went to certain schools and you lived in certain neighborhoods. Your economic opportunities were very restricted. My father was a law professor. I was an only child. My mother had some physical disabilities and some physical illness. And my father, as many white middle class families did, hired help; hired a person to

come into our home to assist my mother with the housework. That person was Anna Boyd.

Anna was in her 60s, nearing retirement age, when she came to our family. She eventually lived to be over a 100 years old. She was working well into her 90s. My father would get on a street car every morning to go to law school on Trust Avenue and he would ride north, and coming south would be car loads of Negro maids to work in the households of white middle class Kansas Citians, including my household.

Anna was like a second mother to me. She was a wonderful, educated woman. Her mother had been a slave. She had two sons of her own. At the age of 60, she had two boys; one was 9, I believe, and the other, 12. She had these children very late. She had been having children all her life. She had her last child, I believe, at the age of 50.

My mother allowed her to bring these two sons with her to our home, and to play with me and to be with me. I thought at the age of 4, in 1944-45, that black skin was absolutely beautiful. I wanted to be black. I told my mother and Anna one day that I wanted to be black like Anna. Well, it made them laugh. They thought it was the most amusing and cute thing for me to say. And I want you to know that today I still absolutely feel the same way. I would trade for our guest's black skin in a minute if I could have it. I think it's absolutely gorgeous skin.

At that age I had no concept that being black meant anything. I was color-blind at the age of 4. I had yet to acquire the prejudices and bigotry of white society. I first became aware that being black might be a problem when one day I was playing in the backyard in the sand box with some other neighbor children, and Anna's two boys were with us, and the mother of one of the other children came rushing into the yard, snatched her child up and began to berate my mother for allowing her child to play with black children.

I began to realize then, (that was my first awakening/) that there was something different, something wrong perhaps, about being black. I didn't know what it was, and I didn't know why this neighboring mother would raise such a fuss about it. But for several minutes she stood in the backyard with my mother and berated my mother for allowing her child to play with black children. I grew up with Anna in my home and I learned not to fear black skin. I was in many ways unlike my friends and schoolmates who did not have the same opportunities that I had. Many of them had Negro maids working in their home, but they were accustomed to treating those people as servants and to regard them as inferiors. In our home, Anna was not regarded as an inferior, and I think that was the difference. My parents respected her as a person. My mother was extremely fond of her and her children. Although I think it's fair to say that my parents shared many of the same white middle class values and views, they perhaps were not as racist as many of the people that I was growing up with in that time.

As a high school student, I went to a white high school in Kansas City, Missouri; Southwest High School. There was not anyone of color in that entire school. There wasn't anyone who had a Hispanic name. There were no Asians. It was the richest, most affluent high school in the city, the best academically. The best teachers in the city were assigned there. We had all of the

best opportunities. We sent most of our people to college, and it was a very, very different world.

I graduated in 1958. I was working in the summer of 1959 for the Presbyterian Church in Kansas City, when I was invited to join the NAACP, and I did. And they were organizing sit-in demonstrations to open restaurants in Kansas City at that time. They were also concerned about movie theaters and other public facilities, where African-Americans could not shop or seek the services that we so much take for granted.

There was one wonderful night in June of 1959. It was very, very hot weather as I recall. They took us by bus to a deserted church seminary on Vanbrunt Blvd in Kansas City. It was up on a hillside. The buildings were vacant and in disrepair. It was a wonderful campus. They had these 100, 150 year old Sycamore trees, huge, huge trees that had been there for so long. And we sat under those trees, under the shade, about 400 young people. There were just two white faces in that entire group; myself and a young lady name Diane Weams, whom I had gone to high school with, and who was working for the church as well.

Diane and I had been invited to participate. We were awaiting the arrival of a speaker who was coming from Atlanta from the Southern Christian Leadership Conference to give us instruction in nonviolent tactics and in passive resistance. His plane was delayed. We sat on the lawn for an hour singing hymns which our Afro-American colleagues knew by heart. We were accustomed to going to churches that had hymnbooks and you sang out of the book. In the black community there were no hymnbooks in the churches, and they sang those hymns by heart.

The singing was absolutely moving and so beautiful, it was one of the most moving experiences of my life. When this man arrived to speak to us, and I'm ashamed that I do not know his name, everything he said went into our hearts. I couldn't tell you ten minutes after he spoke what he said. It was as though he spoke directly to our hearts. And I took everything into my heart and it was a great, great experience. Two weeks later, after we had undergone training, they called us one morning to come and do a sit-in. We went to the Forum Cafeteria on Main Street in Downtown Kansas City, the largest cafeteria in the city, which had denied service to people of color for years. And we had a sit-in, an all-day sit-in. We stood in the cafeteria line with food on our trays ready to pay for our meals and they would not accept the money.

The Kansas City Police Department came and threw up a cordon around that restaurant so that nothing would happen to us. The NAACP had warned the Kansas City Police Department that they were going to be taking these actions, and the police department was cooperating on orders from the mayor of the City of Kansas City. We were in the newspapers the next day. That cafeteria opened to serve people of color the next week. They did not want to, but the NAACP told them we would be there every day. We would be there every single day until you open this restaurant. It just took them one day.

We went through the city, business by business, either negotiating, demonstrating, or holding

sit-ins, and we opened restaurants that summer. Finally the Kansas City Restaurant Association came to the NAACP and said, "Enough is enough. We will ask all of our members to open restaurants to serve people of color."

At that time, black people in Kansas City could not swim in a public swimming pool that they had partially paid for. Oh, there could be an Afro-American lifeguard there, but a black person could not swim in Swell Park pool in the 1950s. That changed. The department stores had restricted Afro shoppers to certain hours of the day. They began to open their services and to treat people of color with respect and to provide those services to them equally.

Kansas City was as much a Southern town as Mobile, Alabama. People in Kansas City did not think of themselves as racially prejudiced, but they were. When I think of our how our society was when I was growing up, it's very hard to speak to people who are younger and to make them realize how this culture, how this society was run before integration, and what that meant to the people who were discriminated against.

It's almost inconceivable. People just cannot conceive of how severe, how oppressive, how restrictive that was and what it meant to the people who had to live with that oppression. The people whose dignity was taken away from them, who did not receive the respect they were due as human beings in that type of culture. . . .

It's quite interesting for me now to reflect on all this now. In 1959 I was a very active cross dresser. I had been cross dressing since an early age. I did not think of myself as being a person who was different. Somehow at that time in my life I didn't realize that I had a difference. My difference was hidden. This man's skin is black. He cannot hide that. I could hide my difference and get away with it. I didn't realize at that time that there would come a time in my life when I would not want to hide my difference, when I would become proud of it instead of ashamed of it. And I want to tell you today I'm as proud to be transgendered as I can possibly be.

I want very much for you to know that being black or being transgendered or being homosexual, those differences don't make a difference. If they do make a difference to someone, it's that person's problem, not yours. There's nothing to be ashamed of, whether you're black, homosexual, or transgendered. We need to learn, in this culture, when a difference makes a difference and when it doesn't. And God's honest truth is that almost all the time it doesn't make a difference. We need to recognize ourselves as people who HAVE a difference; we need to be proud of those differences, and we need to value them and respect them and see them for what they are.

I guess that's my message. Phyllis, will you come and bail me out.

By Phyllis Frye:

She's neat folk. She's always hard to follow.

I asked Carl Walker Jr. to come here because Carl Walker Jr. is a friend of mine; I've known

him for many years. He may tell me he met me before I recognized that I met him. Many people down at the courthouse tell me that, "Oh, yeah, I remember you such and such," and this was long before I remember meeting them. But that's okay.

I remember meeting him down at the courthouse.

He was one of the friendly faces at the beginning, when there weren't a lot of friendly faces there. There weren't so many mean and ugly faces. There were just a lot of "don't bother me" faces, or, "I'll just pretend that you didn't walk by me" faces or, "you're really not there, you're invisible and you're going to go away" faces. And then some other people just had other things to do in their life besides worry about me, so they went on with their life. But Carl Walker, Jr. was one of the friendly faces, very early in my experience down at the courthouse.



Carl Walker Jr.
Texas District Court Judge

He sat on the bench. He sat on the District Court bench. We have elected benches here in Texas, and in our state they run on party labels. This past couple of months there was a sweep and there were some okay judges who got replaced by okay judges, and there were some bad judges who got replaced by good judges and then there were some really, really, really good judges who got replaced by some real dodos, and that's what happened here. We lost a damn good judge. We lost one of the best in Harris County.

Anyway, I know Carl Walker, Jr. primarily through practice of law, through his courthouse. I have taken transgendered people through his

courtroom, and they've been openly transgendered, and I've been openly transgendered about it, and he has always treated all of my clients and me with the utmost dignity and respect. He was supposed to be our scheduled speaker last year, but he had a conflict and wasn't able to make it. He sent a very able substitute. And the young man was a very able substitute, and he's in the third Proceedings, but he wasn't Carl Walker, Jr.

Even though Carl Walker Jr. has broken a lot of different ground from what I broke, a lot of it was the same ground. And Carl and I both know that discrimination based on color and discrimination against transgendered people who are out of the closet is really the same stupid kind of discrimination, because it's based on what you look like, not on who you are or how you feel or when you cry or when you smile or what your earning potential is or anything else. It's just dumb discrimination. It's based on outward appearance.

Lisa is going to push a button in just a second (I'll drop my finger to tell you when.) It's going to be the few strands from Neil Diamond's song, "America." And take your time coming up here, Carl, because it lasts about 15 seconds. Anyway go ahead and start it. This is from "America" by Neil Diamond and this is a man I love, Carl Walker, Jr.

DISCRIMINATION IN ETHNIC, BLACK AND TRANSGENDERED COMMUNITIES

By Carl Walker, Jr.:

Thank you. Thank you, Phyllis. Good afternoon to everyone. I'm very happy to be here. I'm sorry I was not able to be with you last year as Phyllis indicated to you.

The subject that Phyllis told me about I thought tied right in as she said, ethnics, black and transgendered communities, both were discriminated against based on external appearance. I can easily relate to what Sharon indicated to you about all of the things that she said about her mother and the children playing and all that type of thing. I'm a native Texan. I was raised about 160 miles from here in a little town called Marlin, Texas. In fact, that's where I was born, but I was raised out in the country about six miles, out on the farm. We raised cotton and corn and alfalfa, the whole works. So I'm very much interested and know that background. I have so many experiences. I broke a lot of ground when I came along, especially as an Assistant United States Attorney. But one thing that she spoke about, the time when she went to this group singing, reminded me though, when I was a kid coming along, we all played together. There were very few whites. The only white kids there were the landlord's children. There were a few Hispanics but the majority were black. And as she said, we were called Negroes. We have moved. We were colored, then we became Negroes, then we became black, now the black people are African-Americans. But we've grown and we've changed. All these distinctions all these years.

It was amazing. Judge Henley has passed on. He was our presiding federal judge when I first went to the U. S. Attorney's office back in 1961, and we had just gone from Negro to black. The "black" thing was really in. That was in the '60s. He said, "Carl, you know, I know y'all like to be called black," (He was from Hempstead, Texas a six-shooter junction.) "But," he said, "I just like to call you cullard. Is that all right? C- U-L-L-A-R-D." I had to think about that.

But anyway, let me get a little of this good stuff, then I'm going to tell you some more stuff as I move along. How much time do I have?

By Phyllis Frye:

25 minutes, is that okay?

By Carl Walker, Jr.:

That's probably more than enough.

In putting this together, I thought of Sigmund Freud in 1929; he wrote an essay entitled "Civilization and its Discontents." It was published, I understand, in 1930, and it raised a question. That question was: Why is it so hard for men to be happy? It traces the source of our suffering to three dimensions:

- 1, the superior power of nature;
- 2, the feebleness of our own bodies; and
- 3, the inadequacy of the regulations which adjust the mutual relationships of human beings and the family and the state and in society.

As it relates to two sources of our suffering, that is, the superior power of nature, and the feebleness of our bodies, all we can do is submit to the inevitable. But Freud says we shall never completely master nature, and our bodily organisms will always remain a transient structure with limited capacity for adaptation and achievement. So our goal becomes the direction for our activity.

Now, we cannot remove all our suffering, but we can remove some. Therefore, ethics becomes the vehicle where we spend our activity to relieve some of our suffering in the world. Discrimination is part of the suffering blacks and transgender communities face. Freud calls this the social source of suffering. It becomes suffering because after the regulations are made, they do not protect, nor do they benefit everyone.

We are further saddened or happy because of the extraordinary advances made in the natural sciences, but humans have established their control over nature in a way that was never imagined. Social suffering continues on many levels.

Ethics is a discipline dealing with what is good and what is bad, and with moral duty and obligation of that duty. Ethics has been called the science of ideas of human nature. Obviously, prejudice and discrimination are at odds with the idea of human character. No person wants to be prejudged based on external appearance. No person wants to be discriminated against, based on external appearance.

The very act strikes at the chord of suffering. Sigmund Freud claims greatest attention, namely inadequacy of the regulation, which is just the mutual relationships of human beings in our families, in our state, and in our society. But we have laws on our books which say that members of society must not, are prohibited from, and shall not discriminate. Nonetheless, the behavior of human beings is never adequately controlled by the laws that are classified.

For instance, we take the drug epidemic as an example that qualification alone does not stop the behavior of humans. Therefore, the call to ethics against prejudice and against discrimination is cause to regulate our social relationships. Further, if the attempts were not made, the relationship would be subject to the arbitrary will of an individual. That is to say, the physically strong would decide them in the sense that he would do it in his own interest, as with simple impulses. Human life in common is only made possible when the majority comes together, stronger than any individual. And then they remain united against all individuals who would prejudge them. The power of the community is set up as the right, in opposition to the power of an individual, which is condemned by its group force. Therefore, the urgent need of any civilization is that of justice, to assure that the law, once made, will not be broken in favor of any individual.

Now, there are a couple of experiences that I'd like to tell you about by myself. Pardon the reference, but as I indicated to you about the form thing, I became an Assistant United States Attorney back in October, 1961. I was the first black in the South below the Mason-Dixon line to do this.

I traveled to Brownsville, Texas. Those of you who are Texans know where Brownsville is, and we had a Mexican-American Assistant, Homer López, who is now deceased. He and I had the responsibility, and that was prior to having a stationed assistant in Brownsville, to work those cases. We'd go down one week out of a month. Judge Garza, Reynaldo Garza, who still lives in Brownsville, was the district judge there. And Woodrow Ceils (who is also deceased now) who was the U.S. Attorney with whom I came on board, and then later a United States District Judge, was the U.S. Attorney at the time, so we all would travel down.

On this particular Sunday evening, Woodrow went down earlier, and Homer and I rode down together. I had this big yellow Lincoln, then. So I came through Kingsville. Homer lived in Kingsville, Texas, so I went through and picked him up and then we got in there about 9:00 o'clock at night. El Jardin Hotel was the hotel in Brownsville, so the reservations had been made at the office, so we knew they were there. So we get in. Since I'm driving I just pull up and let Homer out so he can go in and claim our reservations, and then I'll come on in.

It just so happens it didn't take me as long to park as I thought, because there was a spot right in front of the door. So Homer was just about to claim our reservation when I walked in. And the desk clerk looked at me and he said, "Who did you say the other person was?"

Homer told him, "Well, this is he, right here, Carl Walker."

The clerk said, "I'm sorry, I don't have a reservation for him." Well, that shouldn't be because they all three were made together. He says, "Is Judge Ceils here?"

"Yeah, he's here. Here's yours, but we don't have one for him."

"So, let's see the card if you don't mind. Let's look at your cards here, sir."

We thumbed through the cards and there my name is in box-car letters. So, he looked and then he had to come clean. Blacks just don't stay here. I said, "I know these artists, musicians are now traveling down in those parts, also."

So, I said, "Well, dude, musicians and other dignitaries who are black, where do they stay when they come down?"

He said, "Mexico."

"Say, what?"

"In Mexico."

Well, Matamoros is right across the border.

So, he said, "However, there is a little place up there where the railroad is "because the only blacks they had in Brownsville were people who worked on the railroad or longshoremen. And they had this little room in the house where they lived. So he said, "You need to go down there or you have to go across the river."

So Homer, he was really upset then. All of his Spanish came out and we took off. He told him he didn't want his reservation there and we took off and went across the river and had a few margaritas.

It just so happened that the U.S. Marshal was from Brownsville, and he had a motel closer to the courthouse. Apparently word got around, so he called and by time we got back after a couple of hours over there we decided to come on back. We cross, we get to the bridge and the word is there at the bridge. Told us that the Marshal said for us to go to his motel. So we did.

Next morning bright and early the news is all over town. This black guy in town is supposed to be an Assistant United States Attorney. So the cameras are there. And they know they're really in for it. You would have thought this was O.J. Simpson's case. So they were there. And they said, "Well, we understand that you were unable to stay in the United States last night."

"Yeah, I was able to stay in the United States."

"Where did you stay?"

I told them at the motel over there.

And it's like, "Well, didn't you go to the El Jardin and they refused you?"

And I said, "Yes, they sure did."

He says, "What are you going to do about that? Aren't you going to call the NAACP?"

I said, "No, I won't call the NAACP." I said, "All I will tell you is, I'm sure Attorney General Robert Kennedy is going to be very unhappy when he learns that one of his assistants was not able to live in his own country, and that's all I have to say."

So this gets on the air, because in short order, we get a call from the El Jardin saying there was a total mistake. They didn't know what was wrong with the guy. He had been fired. And, in fact, they wanted me to come over and spend the rest of the week there at no cost. I said, "No, thank you very much." That took care of Brownsville. So it just so happened one of our probation officers whose name was Howard Volt, lived in Corpus Christi, and he's Anglo. He called and said, "That won't happen in Corpus, I can assure you."

I didn't think so but I was very surprised in Brownsville, you know, because Brownsville is 90 percent Mexican-American. So I was totally surprised then.

He said, "That won't happen in Corpus." I said, "Okay." I said, "I'll be in Corpus next month." So in January, we go through this routine again, going to Corpus. This time Bill Schultz, who is Jewish, were going down the same day. So, we had gone down early. Bill goes in, then I get in late by myself around 9:00. So I go in and go up to the desk to claim my reservation and the gentleman, said, "Sorry, we don't have a reservation for you." I said, "Okay, but may I look at your cards,



Carl Walker Jr.
Texas District Court Judge

because I know these reservations were made for three. Judge Ceils, Woodrow, was here at that time.

"Is he in?"

"Yes."

"Is Bill Schultz in?"

"Yes."

I said, "Well, they all three were made together. Can you just look through your cards again?" So then he thumbs through and I'm looking over him watching him, because I knew the routine. And there my name is again just in box-car letters, large.

I said, "Well, that's my name right there. That's me." So he had to come clean at that point.

"Well, I'm sorry, but" -- this is the Driscoll Hotel in Corpus Christi, the hotel.

"We don't have a reservation." And furthermore (it was Humble Oil then -- not Exxon) -- Humble, they're having their convention here and they were sold out.

I said, "Okay."

So I get on the phone, I go back and use the pay phone, and I call Howard. I said, "Howard, I'm here. History is repeating." So, he said, "Carl, you just stand right there. You stand right there."

I said, "Okay."

"Give me the phone number." I gave him the number off the pay phone. So I just stood by it and twiddled my thumbs. And about ten minutes later the phone rings. It's Howard.

And he said, "Go back up to the counter and see what happens."

"Okay."

So I walked up to the counter and, you know, and the guy gives me a key and he checks me in. So I go to bed. Next morning about 8:00 o'clock, before I could get out of bed for breakfast, here comes the general manager. The general manager of the hotel comes in. I'm the only black one there in the hotel.

"Your name must be Carl Walker."

"Yes, sir."

He said, "I just want to apologize to you for what happened last night. A terrible mistake. I don't know what was wrong with our attendant. But anyway, have breakfast on me, and spend the rest of the time at the hotel as my guest." And I said, "No, you know, they don't allow that. I have to pay for it, but I appreciate your kindness, you know, and everything." And so I went on and had my breakfast and what not, and I got on over to the courthouse and I asked Howard what occurred. I said, "No problem when I walked back up there."

He said, "Well, I'll tell you what happened. (Bill McDonald was the mayor of Corpus Christi at the time). He said, "I called Bill and told him what had occurred in Brownsville, and what's happened now after what I promised you. So what Bill did, allegedly, he calls over to the hotel and tells the attendant that this is Mayor McDonald. And I'm kind of restless. I can't get to sleep. I just want to get away from the house, and I want to come down to the hotel and spend the night."

He says, "All right."

The guy says, "Oh, yeah, Mr. Mayor."

He says, "Are you right sure you got a room for me?"

He says, "Yes, of course, Mr. Mayor, we got a room for you anytime."

He said, "Okay. Because I understand, you know, all my lawyers are in there. You're not sold out?"

"No, no, Mr. Mayor, we have a room for you."

He said, "Well, fine. I'll tell you what. There's a black guy standing out in that lobby. You give him that room you got for me." So that's what occurred. That's what had occurred out there on that deal. But I'm just going to deviate from what I had prepared here, because that's so structured. I'll tell you a few more things that are quite interesting. I'll bet you'll get more out of that.

This town where you are now hasn't been integrated that long. To be exact, April, 1962. Prior to April, 1962, I could not be talking to you like I'm doing right now; 1962. And what happened then, major league baseball came to this town. The old 45 Colts came to this town overnight because just the day before, just the day before, we were trying to integrate Loew's State Theater and the other theaters and whatnot. The Woolworth's and the other five and ten cents store -- I don't even know the name now -- in order to keep from serving blacks at those -- they had those little stools, the little counters, they removed the stools. Also the Weingarten's we had; same thing, they removed the stools so they wouldn't have to serve blacks.

But baseball was coming to town, major league baseball. – Now, the Houston Buffalos had been in town. We had a little section – Houston Buffalo stadium, for those who live here, it's there where Finger's Furniture is now on the Gulf Freeway. That's the old Houston Buffalo stadium. And we had a section for blacks and we called it the Pavilion area. They had a section there, that's where blacks had to sit.

But when they were going to open up the baseball season in 1962 overnight, the powers got together and said, we're going to integrate everything. So I went to bed at midnight not being able to sleep in the hotel, or go to an integrated function, woke up being able to do that. That's how it happened. No problem. I called to make sure, you know, we got this private club, and all I want to do is make sure.

Everything was wide open. But the most interesting thing I want to tell you is, the barbecue place on West Gray. You know, you might remember that place, Matt Garner's. I don't know his name. But anyway, blacks owned the place. But the way things were set up back in then, he catered to whites. Blacks had to go to the back door and get their orders and they had a little bench there. If you want to eat there, there's just a little bench, but you could not go in the regular dining area and eat. That's on the corner of West Gray, right down from the Cadillac place is where this place was, if you've driven around Houston.

So, this is late '61. I'm a brand new Assistant U.S. Attorney. So, several of the F.B.I. agents, couple of ATF – I hate to say ATF now – but anyway, we went out of here and they ride a truck. We went over to eat, to have lunch, about six or seven of us. And we sit in there and we get there and big table kind of centered – they had reserved and they called and made reservations because people really go for that barbecue at lunchtime. So we sit in there, 15 minutes, 20 minutes go by, about half an hour and we see other people come in, all white, after we were there, you know, and we still haven't even been given a glass of water. Six or seven white guys and me.

So, the brothers are waiting on the tables, you know, they're black. So, I caught one coming by. I said, "What's going on here, man? We've been here before, they just got here. We've been here 30 minutes. What's going on?"

He said, "Well, I can't serve them with you here."

I said, "I thought this place was owned by blacks."

He said, "Yeah, but I can't serve you."

I said, "Well, I'll tell you what. I am really not hungry. You just go ahead on and serve them, fine. I'll just sit here with them. That's all right."

He said, "No, I can't even serve them if you're going to sit here."

So, my ATF friends, the bureau boys, they get really disturbed so we take off. So one of the

F.B.I. agents said, "Well, Carl, I'll tell you what. Now, since we can't eat at this black place, let's go downtown to Foley's, a white place." Well, Foley's has a place called Foley's Men's Grill, and that's where we went and had lunch, no problem. But at that time Foley's and Joske's were the only two integrated places where people – where the races could eat. That's what happened. I thought that was real unique.

One other thing I wanted to tell you about: The Bar Association. This will be on the legal side. The Houston Bar Association was not integrated. That's why we black lawyers formed the Houston Lawyers Association and they still have it. A lot of blacks won't join the Houston Bar right now because of that. But this is '62, so the guy named George Cox was the president then. But Woodrow was what you call a bleeding heart liberal, Woodrow Ceils, big time Methodist, so he was always into that deal. When I came on board, they used to have what the Methodists called Race Relations Sundays. Once a year they would do that, blacks and whites would exchange pulpits, speakers, you know. So, Woodrow started me out doing that, going there. So the first place they sent me to was down in the Greens Bayou area down there off of Sheldon Road. If you live in Houston, you know where I'm talking about.

And went down to this church to speak on this Sunday. I noticed the pews were very thin. I said, "Well, where are all the parishioners?"

The minister said, "Well, I'm sorry, but they got family reunions and this thing and that thing was going on." I think he and his wife and children were about the only people there. But I spoke; I did something. But, to return to the matter of the Bar: You know, Woodrow said, "This would be a good time, Carl. I know they're not going to have any excuse. I want you to make application to the Houston Bar."

I said, "Fine." So I make application for the Houston Bar. I think George Cox was the president at that time. There had to be a constitutional change in order for them to do these changes because they had it in their Constitution. . So George said, – this was about, I think, in the summer, he had about six months more on his tenure. He said, "Please, just hold the application until my term is up. I just don't want that to come up under my term. I don't want that to happen on my watch." So, we did and they went ahead and changed that for us.

I'm going to tell you one last thing , and then, I'm going to cut off . I was a prosecutor of Mohammed Ali. At that time he was Cassius Clay – but he had just changed his name to Mohammed Ali. Mohammed Ali was out of Louisville, Kentucky. But back in those days, you could transfer your local draft board wherever you might be at the time, in order to accommodate you. And he was down here training for the Ernie Terrell fight when the time for him to go into the service. He had it transferred here and so we knew –

He used to come over to the central branch of the YMCA and get massages, and that's where we were working out. So we got to be pretty good friends coming into this. So the time came for him to go in. He did the thing. He didn't make the symbolic steps that you're supposed to do to go into the service. It just so happened that I had been assigned to prosecute all so-called

draft evaders. That just fell in my lot. A lot of my brothers didn't understand that, though, especially when it came down to Cassius.

So, when he didn't make the step, we went ahead and indicted him and his case came to trial. If there was such thing as a political prosecution, because they discussed this on the floor of the House. *Geeman Rivers was the chairman of the House Armed Services Committee. And he got on the floor of the House and said if they don't prosecute him and convict him, what the Congress was going to do, they were going to pass a law or something. It got all wild, real wild.

But the bottom line is that we went on, and he was indicted. Martin Sessman, a very firm lawyer, was the U.S. Attorney then, and I was the assistant so – Martin had taken the lead because, being in charge you want that publicity, nothing wrong with that, so Martin had taken the lead on prosecuting the case.

We were going to court on a Wednesday, and we get word on Monday that 30,000 Muslims are coming to town to show support to Mohammed Ali. Now, we can't handle that, because Herman Short was chief of police, see, and H. Rap Brown and somebody else had come through and were already raising enough trouble. I know Herman was waiting to have a field day, of course. He had indicated all he wanted on his police force, was people with strong backs and weak minds, so they would do exactly what he told them to do.

So anyway, Martin tells Ali and his lawyers about this, and he says, "I think I can take care of that." So he flies to Chicago and talks to H. Rap Brown, because they had already put out the word that they're going to come and they're going to be supporting him. I don't need you, you know. They understand me. I understand them. No problem. It's going to be taken care of, so really this happens. H. Rap Brown did come, but he ran him off.

So we went through with it, and he was convicted. But what had happened, though, that Monday when we had gotten this information over the weekend, Martin was a member of the Houston Club. The Houston Club is where the millionaires belonged. And their wives usually ate lunch there in the Plantation Room. So, one of the brothers over there is the head maitre d', so he fixed this big table right in the center of the Plantation Room at lunchtime, you know, big bouquet of flowers that Ali and them have ordered. Ali always traveled with an entourage, you know; he had his extra lawyer, his cameraman, and his bodyguards, along with me and Martin and his lawyers.

So we all get there, and we have lunch. You could feel those eyes on you. You can feel the eyes on you. So, fine. Judge Noel was one of our district judges then. I understand that he told Martin afterwards, "It's fine." First of all, though, he said, "I think it's bad for you to fraternize with the opposition. That's bad, you know. But, why in the hell did you have to take them to the Houston Club? I belong to that club, and our wives have lunch there, and you got them sitting up there in the middle of the club. So why didn't you take him to the Briar Club?" That's the Jewish Club on Westheimer.

We thought that was quite a deal. So, that's some of my story. I think I'm going to quit here rather than give you this printed stuff I have here, but I've enjoyed it. And there are many more war stories I could tell you about, but the bottom line is, is that we're treated similar, and I can understand that because it's something different from the norm. One thing I wanted to say, where the transgendered people are concerned, they'd say, "Well, you did it by choice," to justify their not liking you or discriminating against you, that you did this by choice. You didn't have to do this, you know, you could have remained like you are, white and pure. But you chose not to; so therefore, you're going to be discriminated against." But me, you know, I can't change this. They see me coming. But we are all in this together, and I am very proud of you, to know that you take a stand and are coming out. That's all. Because as I indicated to Sharon, when I was coming through college, and even in high school, and since I've been to work, I didn't realize there are a lot of people, who are gay, who are lesbian and transgendered. There are a LOT of people. You've got the numbers, you know, and that's what counts.

And I like to see this sign up here, "Transgendered, proud and we vote." That is the key. That is the key. That levels the playing ground. I don't care who you are, you have one vote. If you stick together, vote in a bloc, because that's the way they do it, they vote in blocs, and I'm trying to get that over to my people. It's hard to get that over to them, you know. But if you stick together, form these coalitions of people that think the same way, we're going to rule this country. There's enough of us here to do that. I wouldn't have lost the last election, and all the other Democrats who lost, if my people alone had voted. We voted 15 and 20 percent, 35 maximum in a few boxes.

The Christian coalition voted 75 and 80 percent of their registered voters. That's all very simple. And we didn't even do 50 percent. We have the people. We have the numbers, so all we've got to do is just work them and get them out there and have them vote, you know, and we're going to be all right.

Again, thank you so much, love, peace and happiness.

By Sharon Ann Stuart:

Thank you, Judge Walker. I just wanted to mention as a way of addendum, the term "bigendered person". That was a term that Judge Walker was not familiar with. The term transgender includes bigendered people. As a bigendered person, I sometimes present as a man and at other times as a woman. I don't transit from one gender identity to the other, and I value both equally, as I explained last year. And I accept either set of pronouns. And there are some who don't understand that particular posture in the community. It is a matter of concern to some, and I explain that by way of addendum to the judge's talk. We were conversing about these matters before lunch, and he alluded to them in his address.

I want to thank you again for your remarks. Phyllis is going to cover this area. Sarah has an announcement to make and Phyllis Frye, please come and join me at the podium, and we will conclude our business.

By Phyllis Frye:

That was Fleetwood Mac. "Don't stop thinking about tomorrow."

Judge Walker, that was terrific. I was relating to when he was talking about all the different ways that y'all progressed. You started from the "n" word, that I refuse to let come out of my mouth, then you went to Negroes, then you went to black, to Afro- American. You know our history; we've been the faggots, and mixed in the with faggots and then we went to drag, then we went to transvestites and TVs and transgender. And yesterday we found out some of our best friends in the gay and lesbian, bisexual community turned us back into gender trash. So all those words work.

Sarah, I think if you don't mind, I'll make your announcement for you. If I don't make it suitably, let me know. There will be a short business meeting upstairs immediately after this for ITA, the Menace and Transgender Nation, up in the Acapulco Room. There's going to be some planning, some preliminary planning for some coordinated action nationally and locally, and I think anything after that will spill into tonight's ITA meeting. Is that what you were going to say?

Okay. Judge Walker is very active in the scouting program. How many Eagle Scouts – Judge Walker, watch the hands raise – how many Eagle Scouts in this room? How many Eagle Scouts? 1, 2, 3, 4 Eagle Scouts. How many First Class Scouts and above? There's one right beside you, Judge Walker, and there's one over there.

When I went into his office one day, his eyes just went, "duh, you're an Eagle Scout?" Tere Frederickson, where are you, dear? Where did Tere go? Somebody go get her. Somebody go get her because we have a presentation to make to her. All right. I'll skip until she gets here.

Quickly, if you noticed earlier this morning, Lisa and Pam were starting to put together tapes. She's got a high speed duplicator, and some of the lectures and presentations that were made on Wednesday and Thursday and yesterday and probably even this morning have already been duplicated and are ready for sale. So if you have your favorite speech, on the back page of your pink schedule is the order form and price form and discounts – there are some very substantial discounts for these tapes.

I've just been told we were going to sell the whole set of 27 tapes for \$225. I've just been informed she's going to sell them for \$200. Also, we do have the night shirts or shirt dresses; a hundred dollar donation or a pledge on your credit card will get you a mug. I need to talk a little bit about the money. I'm going to talk some more tonight. There's just too much work that needs to be done. There's just too much work that needs to be done, and I don't need huge contributions from people. I don't need large, substantial donations from people, but what we DO need is a couple of hundred people around the country who are willing to let us hit their credit card for \$15 a month, for \$20 a month, for \$25 a month. If we had several hundred of those, we could really do some magic. We could really do some magic. And some of that magic

could be offering scholarships to people who can't afford the registration.

So please, help us out. And if you think about it tonight, and if you think you can afford \$15 a month hit on your credit card or a \$25 a month hit on your credit card, there are several people that even did a hundred dollar a month hit on their credit card. Please, please do that.

I got a few minutes left. There are a few other things that I wanted to say. When I'm down at the courthouse, a lot of these lawyers, they just can't believe that I do what I do; not just the fact that I'm down there, but the fact that when I'm in trial, they just can't believe it. They ask, "How do you *voir dire* a jury? How do you talk to a jury? You know, surely with your being on television so much and your being in the magazine, somebody on the jury knows."

And I said, "Well, you can take lemons and get all sour-pussed over them, or you can take lemons and make them into lemonade." I found that in *voir dire*, my being a transgendered person, especially a very notorious transgendered person, can work to my advantage, because whenever I *voir dire* a jury, one of the very first things I talk about is the fact that I'm a transgendered individual. And I look at the panel, I'm right out there, and I say, "I'm transgendered. Does anybody have a problem with that?" Now, nobody's going to raise their hand in this group. You just don't leap.

Nobody's going to raise their hand in the group, so I go one at a time. Does anyone have a cultural or a family or religious or an ethical problem with the fact that I'm representing this client here and I'm transgendered? We need to talk about that. And if I go one on one, I usually find five or six in a potential juror panel of 50 people who will say yes. It's like catnip to cats. It's like cream coming up in milk. It's like fish to the bait. The religious nuts, they just can't keep it to themselves. They've got to say something. And you know what? Those are usually the people who want to lock everybody up. They're usually one and the same, so I get a free cause strike, and I get rid of a lot of the bigots, and then I get to use my peremptory strikes for whatever, and all the law and order types are gone for cause, and it's wonderful.

I have a lot of friends in the District Attorney's office, and the judge will verify that. One of the favorite stories that goes around the DA's office, whenever people find out about me or meet me, and they really don't have to ask very much, because I usually bring it up myself, because I'm proud of who I am, is the story about my first trial. My first trial was interesting because I was kind of new down at the courthouse, and they just figured I was a puppy lawyer, which I was, but I was in my late 30s by then, and I had gone through a whole lot of hell. The stories that I tell, they're not different than the stories that he tells. He was telling them 30, 40 years earlier. And you heard those stories. Did you relate to those stories? Yeah, change the skin color; yeah, change the names, change the dates. Aren't they the same stories? Aren't they the same stories?

Any transgendered person, especially a leader in our community, has a responsibility. Any transgendered leader in our community who is racist is not only politically incorrect, is not only morally indefensible, is just plain, goddamn stupid to waste all that talent, to waste all that

talent.

So anyway, here comes Phyllis Frye, her first trial, and man it's a cakewalk for them, because not only is it just a regular prosecutor, it's a special crimes offense. We've got a gay cop who's on an official misconduct charge. It was a real frame-up. But, you know, I went to *voir dire* the jury, and the story is that the first thing out of my mouth was, "Hey, folks, I'm transgendered. You got a problem with it?" And the DA's, they're just oh, wow, we can't believe she did that and then, you know, "My client is a cop, a gay man, what do you think about that?" We went through what I just told you.

And, you know, here's freaky Phyllis Frye with her goddamn faggot cop, and all those other words they say, and she's trucking up about being transgendered and all this other stuff. Well, two days later I got a not guilty verdict from the jury!

Two sweet young men who were on the jury panel came up afterwards and shook my hand. Each one of them, individually, came up to my ear and whispered, "We weren't going to let them get him." Sounds to me like we had some closet queens on the jury. They knew it was a witch hunt.

So anyway, I could go on more and more into my war stories, and I may go on into some of them tonight, because I am going to have a little more time tonight. But I've got one more thing to say and then Sharon has some administrative duties. I get thanked and thanked and thanked everywhere I go around the country for what I'm doing, and I appreciate that. Y'all know I have a big ego and I love to be stroked. That's cool. The more the merrier. That's fine. That makes me feel good. I can't do this by myself.

The first year I had a lot of help, and I'll freely admit that even with all that help it was "The Phyllis Frye Show." We know that. Second year, it still kind of was, but to a lesser extent. Well, it ain't my show anymore. You know, I've got Sharon Ann. All I'll do is, anything that deals with rights or prison or family or anything like that, I either call her or Ray Hill or Connie Moore or somebody like that. And I've got Melinda out there. Every time there's a documents thing I give them Melinda's phone number. You know, bother Melinda, I'm busy. Bother Melinda. Somebody else calls me up and I send them to Laura. "I'm sorry you got fired, and you know, we can't do a whole lot but you've got to get on this data sheet so we can start building up this database." I send them to Laura. And, "oh, you've got an insurance problem." I either send them to Martine or I send them to Lisa, whatever. And I've got Dee here. She does a lot of stuff for me as a board person, and we've got our ITA friends. They're out there stirring the pot, and people are putting Menace T-shirts on me, and we're just having a good time.

But the person who makes the conference work, is right there. Tere Frederickson. I've been teasing Tere all weekend about, you know, she gets as much pay for this as I do: zero. And I've been telling her, I'm either going to raise her pay or I'm going to cut her pay. Well, I decided that I was going to give her a raise. So will y'all bring in her raise. It's about a 5 inch raise.

By Tere Frederickson:

I was hoping for a higher chair.

By Phyllis Frye:

If you'll take your raise. That's one raise and this is the other, a dozen red roses. She deserves it. There's no doubt about it. Lisa Middleton has promised me that if and only if she has a little time left over at the end of her report, that Sharon's going to get the rest of hers in. And where's Melinda? Melinda, if and only if you run short, Sharon's got some more to stick in because hers went long. But if you don't, that's the way it goes. We do the best we can.



Tere Fredrickson receives her 'raise'.