

Good Afternoon!

Thank you, Henry and John for your kind introduction and thank-you David Poisson, CEO of SCG Legal for extending the invitation to speak to such a great gathering of lawyers today. It has been both an honor and a privilege for me to learn about the work of SCG Legal and this was especially true when I discovered that William Winter, former governor of my adopted state of Mississippi, is one of its original seventeen founders.

Mississippi is known for two things—at least two GOOD things—Its music and its writing. Of these, its music is by far the least controversial. B.B. King. Elvis Presley. Every sign that brings you into the state proclaims: Welcome to Mississippi. Birthplace of America’s Music.

On the other hand: A reporter once asked Eudora Welty—one of our most famous writers--*why* there were *so* many writers coming out of Mississippi. To which Miss Welty replied, “I imagine it’s because we have so much explaining to do.”

I am going to do my best this afternoon to do some explaining about why I wrote my novel, *The Secret of Magic*, and share a bit of the process behind my thinking.

I was very pleased—thrilled might be the better word—when my book was awarded the Harper Lee Prize.

But you don't set out to write a novel because you think it might win a prize. And, actually, you shouldn't set out to write one because you think it might make money. A book, and most especially a novel, takes many months, and possibly many years, of dedicated work to see through to completion. When you write a book, and most especially a novel, you are in there for the long haul and so it is pretty imperative that you write something you care about. And I was brought up to care about the law. I was brought up to recognize the importance of litigation.

I teach historical fiction writing in Stanford University's online continuing education program. In any one of my classes a good number of the participants are lawyers. I can usually always tell the lawyers

because they invariably come in with the best story ideas. Lawyers are many times natural storytellers. John Grisham, Scott Turow, Marjorie Liu, Stephen L. Carter, James North Patterson, Lisa Scottoline, just to name a few. The list is long. And it's illustrious.

By the way, I've found that lawyers are also great joke tellers.

Which is why I had no intention of opening with a joke in front of a room full of lawyers today.

The ideas my students bring to me have usually evolved from cases they've worked on, cases that their friends have worked on, or cases that they've heard about. Something in these cases has sparked their interest, nudged their commitment. They feel compelled to tell the story so that others may share in it as well. This commitment is key to the writing, as I imagine it must be to the law. This commitment is as important as the words that these writers will eventually lay out on a page. It makes all the difference.

I tell my students about the three elements that I believe are basic to any story. Briefly they are:

- That it must take you to a place that you want to go to, or that you've heard about, or maybe –even--are afraid of.
- That it must tell you something you didn't know or give you new insight about something you did know.
- That in the process it must take you through a short journey both in life and in a certain place.

Sometimes a book may change your life. But at the very least it should enrich it.

My own precipitating event for *The Secret of Magic* was what, back in the day, euphemistically described as an “incident” that was investigated by the NAACP Legal Defense Fund in 1947 in Aiken, South Carolina.

Much like my own grandfather, Joe Howard Thurman, Sergeant Isaac Woodard served his country as a soldier in the Army during World War II. Along with approximately 2 and ½ million other black men, he had signed up for the draft soon after Pearl Harbor. He enlisted into a segregated army in 1942 to fight for freedom against the threat of fascist

and Nazi domination. At the time he did this, Isaac Woodard, like my grandfather, was effectively denied the right to vote in his home state here in the United States.

Before being honorably discharged from the service in 1946, Isaac Woodward had spent the previous fifteen months fighting in the jungles of the Philippines. He was barely 23 years old at the time and he told everybody that the first thing he wanted to do after he got home was to visit his mother in Aiken, South Carolina. With that in mind, and still in uniform, he boarded an interstate bus.

This much is certain; after that testimony varies. What we *do* know is that he was taken forcibly off that bus by a South Carolina sheriff and his deputy. What happened next became a national tragedy.

Before I continue with Sergeant Woodard's story perhaps I'd better stop and give some back ground to it. The law firm in my novel is the NAACP Legal Defense Fund which was founded, in 1940 by Thurgood Marshall, as the first human rights law firm in the United States. The LDF is justly renowned for having initiated some of the

most important Civil Rights litigation in our country, including the Supreme Court ruling in *Brown vs. The Board of Education* in 1954. Thurgood Marshall went on from his work at the Fund to become the first African American justice of the Supreme Court, appointed by President Lyndon Johnson in 1967. I've always admired Justice Marshal. I am not the only one. It is very rare, when I give a talk, that at least one person in the audience does not come up and tell me that he or she *became* a lawyer because they were inspired by Justice Marshall and what he had done. Among many other things he was the man who hired Constance Baker Motley as the first woman attorney at the Legal Defense Fund. She went on herself to a very distinguished career becoming a borough president in New York City and a federal judge in the state of New York. I remember my editor in New York asking me, seriously, if there were actually African American women lawyers in the United States in 1946, the year that Marshall hired her, right out of law school.

There were. Not many of them. But they did exist.

In *The Secret of Magic* one of my main characters is a woman based on Constance Baker Motley.

Justice Marshall believed that justice rightfully included all. It certainly included Sergeant Isaac Woodard. Let's return to his story.

Some contemporary accounts stated that Mr. Woodard was disorderly, that he was intoxicated. There is no proof of either of these allegations. But I remember reading, more than once, that the reason he was taken off that bus was that he had offended the white ladies riding with him by taking too long in the segregated colored rest room during a station stopover. Any excuse. Maybe folks in South Carolina at that time were not used to the idea of a black man, in full uniform with bars and many medals on it.

The driver got off the bus, made a call and alerted the authorities to what he considered to be Sergeant Woodard's bad behavior. When the bus reached the next town, it pulled off the road. A sheriff, Lynwood Shull, and his deputy got on and forcibly removed Sergeant Woodard from it.

It was easy to wrap a book around Constance Baker Motley and Thurgood Marshall—even a fictionalized one-- and I had for many years intended to do this. But ultimately it was Sgt. Woodard's story that became my book's soul.

I still vividly remember exactly where I was and what I was doing when I first came upon his story. The day was stormy, even for Mississippi which is known for its storms. I had been reading through a slew of LDF cases and biographies of LDF lawyers for my research, but I know exactly where I was when I read this one. I know exactly what I was feeling and the feelings weren't pretty. Sixty- four years after the fact, and my emotions were as raw as they would have been had I been alive back then in 1946 reading about what happened in the *Kansas City Call* or the *Baltimore Afro-American* or the *Chicago Defender*, or any of the other African American newspapers that reported—regularly and extensively—on what was going on with the Woodard case. And not only the African American newspapers. Eventually the story of what

happened to Sergeant Woodard made its way into the mainstream press, with articles appearing in the New York Times and other publications.

Because, after they removed Sergeant Woodard from the bus, the sheriff and his deputies marched him to a back alley where they took turns beating him. With nightsticks. When he resisted and insisted that his basic civil rights be respected one of the deputies took up his billy club and systematically used it to *punch out*, one by one, both of Isaac Woodard's eyes. Blinding this man—this soldier—for life.

And not only. These same men—who were supposed to be enforcers of the law-- took him back to a jail cell where they kept him, locked up and without medical attention for almost a week. After this ordeal, they finally dumped him on the steps of the Coloreds only entrance of the local hospital. By then Sgt. Woodard was a total amnesiac. A *blind* amnesiac. He did not know where he was and he could not remember *who* he was or where he was going.

It was obvious that the men who did this to him—that sheriff, those deputies--living in that place and at that time, believed that they

could get away with what they had done. They thought there would be no repercussions.

But there were repercussions. Deep and abiding repercussions. Because, once she located her son, once she found out what had happened to him, Sergeant Isaac Woodard's mother contacted Thurgood Marshall.

She got herself a lawyer.

I will return later to the rest of the story which includes the legislative changes that the Woodard case helped to bring about. But first I'd like to talk a bit about the *time* in which these events took place—the years immediately following the second world war. Because that was a time as pregnant with change as our own time is now. In fact, many of the changes we are currently experiencing are rooted in the time.

More than one million black men actually fought or volunteered in that war. They had labored long and hard to help liberate oppressed

people in other lands and now they wanted to enjoy some of that liberty—some of that democracy—here. At home.

What made Sergeant Woodard's story so arresting was not that it was new. Unfortunately, it was not. There'd been the Scotsboro boys and always all kinds of lynchings.

But this was a soldier in uniform.

And what happened to him occurred against the backdrop of the Nuremberg Trials which had opened the world's eyes to what could happen when the rule of law is overlooked or ignored. I had a college professor once who believed that those trials, perhaps more than anything else, helped to bolster Gandhi's cause. Gandhi influenced Martin Luther King, Jr. and the modern African American Civil Rights Movement in this country which in turn helped to open the possibilities for women. This domino effect has continued on to this day. But it began, at least in part, with a trial.

When you read through black newspapers from the forties—clippings from *The Kansas City Call*, and *The Chicago Defender*, and

*The Baltimore Afro- American*—and despite the very real and oftentimes very violent opposition-- you can almost feel the optimism of a people moving forward and sense the change that was coming and that lawyers, like Thurgood Marshall, were going to usher it in.

In fact, lawyers were revered. We knew, as African Americans, given the almost reflexive prejudices of the day and the natural disinclination people have toward any kind of change, that without the help of lawyers who were willing to construct a more open and equal society, built up on the foundational cornerstone of the rule of law, we, as a people, were not going to be able to change our circumstances.

My parents grew up in a time of very strict Jim Crow laws, of separate water fountains and separate bus seats, of the Ku Klux Klan. Of lynchings. My own life was much less dramatic but still I can remember that there were *public* parks where I was most definitely not welcomed. I could remember *public* schools I could not go to and redlined neighborhoods where we could not live. Equal justice did not include us. And not only us.

True, the harshest discrimination was reserved for black people but there was well established discrimination against people because they were Jewish. Because they were Catholic. Because they were women. Because they were gay.

But for the first time, the law gave us all hope and it was important for me to include that sense of hope in this book, especially in the equally unsettling times in which we now live. As Dana Millbank wrote in this past Monday's Washington Post, "This is a time that is bringing deep emotions out of hiding."

Even today, nothing comes easily.

It is impossible to envision what our world would be like without the rule of law and without the lawyers who seek to uphold it and to fight for it. It is so easy now to look back on a truly seminal and famous case like 1954's Brown vs. The Board of Education and more or less take its ruling for granted. Thurgood Marshall did not take this ruling for granted. He wasn't allowed to. Actually opposition was so great—and by the way, still is in certain areas of the country-- that he took his

life in his hands when he took up this cause. Nor did equal access finish with the Supreme Court's ruling. The LDF was forced, over the next few years, to sue more than 100 individual school districts throughout the country in order to vindicate Brown. This became a pattern with some of our most important legislation. And this pattern continues. Where would we be without the lawyers who have been willing and are willing to fight these enormous legal battles for us?

Now I am going to talk a bit about place because place is central to any story and my place is Mississippi. I moved there, sight unseen, some ten years ago after having lived for more than eighteen years in Italy. I had never even been to the South. But of course I had my firm idea about Mississippi. I had lived through the Sixties and the Seventies. And so knew that Mississippi was a place *run* by the White Citizens Council and *overrun* by the Ku Klux Klan. A place of coloreds only signs and separate and unequal education. A place where the races were constantly at war. And indeed we are not living in paradise down there. Not by a long shot. But what I also found was a level of

cooperation that I had never expected and I wanted to write about that as well. I found people of all races who are willing to work together. A place that in many ways is very different from what it was before. And a great deal of this difference is due to strong people—warriors—who battled through some hard-fought litigation. While it may be true that laws cannot change human hearts, it is equally true that in some instances—maybe in many instances—the law can provide the skeleton within which a heart might change. This can happen. If we continue to work hard. If we are lucky. And if we have lawyers ready and willing to advocate for our rights and for what’s right.

In closing I would like to return for just a moment to Isaac Woodard’s case. He lived on, blinded, until his death in New York City in 1992. He was buried quietly in a military cemetery in upstate New York.

But what happened to him was not without consequence —and those consequences were certainly not the consequences that Sheriff Shull and his deputies were expecting when they attacked him. That’s

because The Legal Defense Fund—those lawyers—took up Sgt. Woodard's cause and pressed for legal action in the state. When the State of South Carolina appeared disinclined to prosecute, the Fund pressed for action from President Harry S. Truman. The president ordered a federal investigation. Sheriff Shull was eventually indicted and tried in federal court. Although he was subsequently acquitted by an all-white jury, the very fact that he was brought to trial at all was considered, in its own small way, a singular victory.

And the victories did not stop there. President Truman established a national interracial commission. He went on from there to give an address to the Nation in which he declared that the assurance of civil rights to *all* Americans had become a moral imperative.

And on June 28, 1948 the President issued Executive Orders 9980 and 9981 which integrated—finally and definitively—the United States Armed Forces—in which my grandfather had fought and Isaac Woodard had fought—and its federal government.

It is hard—even impossible—to imagine that all this would have happened without that handful of lawyers who took up Sgt. Woodard’s cause and worked so long and so tirelessly to see that his attackers were brought to justice. Their work inspired my grandfather. It inspired me. And it has informed my work as a novelist.

As a woman, an American, as an African-American and a citizen of this world in which we all live, I have benefitted from the work of these great lawyers and from the work that all of you are doing each day. And I thank you for it.