

you'll be available to come out and be part of the discussion when we do it down at the museum, November 19, here at the museum. Anyway, we're interviewing a lot of people, or as many as we can, particularly people who had intricate roles in the Civil Rights movement, and of course, obviously you had a very intricate one because you pursued that desegregation case for 33 years. So, we are...it's such a pleasure for us to interview you and talk to you about that case. But what we're going to do is start out getting some background information on you and of course, I know you're from Louisiana, but why don't you tell us where and when were you born?

Mr. Cloutman: I was born in Lake Charles, Louisiana in 1945 my parents had been married before the war, but he'd been away as most, at least, a lot of able-bodied men were. And he came home, and I became their first child. [Laughs]

Mr Dulaney: Okay.

Mr.Cloutman: And I grew up in Lake Charles. I went to public schools there. And, after that went to

public universities in Louisiana as well
Louisiana Tech and LSU.

Dulaney: So, when did you come to Dallas?

Cloutman: 1970, I came my second year of practicing law. I
practiced for a year in Louisiana first and then
moved to Dallas.

Dulaney: Why did you come to Dallas, of all places?

Cloutman: Well, very unusual reasons actually. I...When
I left law school, I had a fellowship to do
poverty law with a legal services corporation that
was then known as the OEOU legal services office
and, the fellowship placed you in an existing
legal services office. And, my first placement was
in Central Louisiana, in a rural program,
basically Alexandria, but they had several
parishes, that we served, apparently a little more
rigorously than the governor cared for, and he
vetoed our funding after that first year. He
apparently didn't cared to be sued as often as we
sued him. [Chuckles] So, he shut the office down.
My fellowship was for two years and I got options
to move to Oxford, Mississippi with a program that
was there, a program called North Mississippi
rural legal services, or New Orleans, or here, or

the West Coast. And, I said, "I'm not going to the West Coast, and I've been to New Orleans, and I've been to Oxford, so I think I'll go to Dallas." I was absolutely... I knew some people here who were doing the same things I was doing and that sort of was an attraction to me.

Dulaney: Okay, okay. Tell us about your parents. What did they do?

Cloutman: My dad and mother were school teachers, and they both went to college. They were the first of their families to attend and finish college. He was an English and French teacher...I'm sorry, an English and History teacher.

Dulaney: Sure.

Cloutman: But he did substitute as a French teacher. His family was Acadian French, Cajun French, and he was fairly fluent in French as well as English. My mother was from another part of Louisiana and had gone to LSU, and became an English Teacher after she got out of school. And, they met teaching high school together. They taught, this is before I'm born, and then the war came. She continued to teach and he went off into the service and came back. They, at that time, they would not allow

people to be married and work for the same school district. So they got married in secret anyway, and he took another job so she wouldn't lose her job. He went to work as an accountant, and then became a purchasing agent for the big plants in Lake Charles, the chemical plants. And, that's when I came along, and then my three brothers thereafter.

Dulaney: Okay. Alright, what then motivated you to go to law school?

Cloutman: Again, sort of fate I think. I was drifting when I made it to undergraduate school. I started out to be an engineer out at Louisiana Tech, decided it really wasn't what I wanted to do for my second year. Or in my second year. Had a long talk with my parents and a counselor or two at school. And they all suggested maybe I switch to a History/Government major and think about of law school as a graduate program. And, at that time, if you finished three years of undergraduate school, you could apply and attend your first year of law school, completing your undergraduate degree with that first year, assuming you were successful completing your first year of law

school. [Chuckles] You would get your undergraduate degree conferred simultaneously with the end of your first year of law school. So I did that, completed, sped me on through the process about a year. And, I had brothers waiting to go to school behind me, and my parents were not wealthy by any means, so I needed to get off, off their dole and on to work.

Dulaney: Uh-hmmm...

Cloutman: So I did that. And, in law school I became very interested in what was going on around me. Baton Rouge was a hot bed for Core activity, some SCLC work, but SNCC and Core were very active in southern Louisiana and Mississippi, of course. And, there was a lot of marching between Bugaloosa and the capitol in Baton Rouge. As law students got organized, by some professors, to assist people in getting out of the various Parrish jails as they got arrested, across the...marching course in various Parrishes. That's sort of how I got introduced to what was going on around me. I was sort of

Dulaney: Naïve, in ~~what~~ ~~sense~~? up until that point.

Cloutman: In terms of racial relations.

Dulaney: Okay.

Cloutman: I mean, I grew up in a very segregated society, obviously. Schools were segregated, and somewhere along the way, I never remember seeing this, but they were obviously in my hometown, separate facilities for everything, drinking fountains. I do remember in the movie theater, it was then called the colored section, which was upstairs in the balcony. And, I thought, that was awfully odd and I prefer to sit in the balcony, as I often did. [Laughs]

Dulaney: [Laughs]

Cloutman: But, I didn't understand what was going on, but I didn't really ask either. In those days, race relations in Lake Charles and that part of the state were not very strident, as you'd say.

Dulaney: Yeah...

Cloutman: People were rather soft with one another, but there certainly was a colored line. And, I didn't kind of, I certainly didn't appreciate the severity of it until I got into college, and law school in particular. Obviously the world was exploding around me in the early sixties, you know.

Dulaney: Yeah...So you would say that the things that were happening in Louisiana, in terms of Civil Rights with SNCC and Core, is what got you into legal services?

Cloutman: That and a couple of law professors who very encouraging to do that. A fellow named Michael Cline, who was a Harvard graduate, and was teaching at LSU. And, a professor named George Pews, from Baton Rough, but a very progressive man socially. Between the two of them, and a professor named Benjamin Sheever; they sort of directed me, you should help out in each project, you should clerk for us, give us your time and the research we're doing. They were helping some of the litigators by writing briefs, and the like, during those early days; challenging early statutes in Louisiana.

Dulaney: Okay. Coming to Dallas, were you married when you came to Dallas?

Cloutman: Yes, my first marriage.

Dulaney: Okay. What was your wife's occupation?

Cloutman: Kay was an art student, but never really got into the commercial end, into making any money out of that. [Laughs] She was the mother of my first

natural child and I adopted her first son in law school.

Dulaney: Okay.

Cloutman: So, I had two sons when I moved here, very young sons. And, we moved here in December of 1970.

Dulaney: Is your son an attorney too, by the way?

Cloutman: My youngest son.

Dulaney: I thought so.

Cloutman: He's the only son I have by Betsey Julie, my current wife.

Dulaney: He went to Baylor?

Cloutman: He went to Baylor Law School, and Texas undergrad.

Dulaney: Okay, alright, well, I saw online doing the background research on you and I saw he won several awards.

Cloutman: Yes, he surprised all of us. [Laughs] His mom and I are very proud of him.

Dulaney: Alright, alright. How long had you been with legal services here when Sam Tasby came into your office to pursue his case?

Cloutman: Not, not very long. I'm sorry I didn't mean to interrupt you.

Dulaney: That's alright, no... Was that your first case?

Cloutman: No, I had...When I got here in June of 1970, there

was a lot of things going on. The legal service offices was very active at that time. We had Polk as a director and my immediate boss was a woman named Sylvia Demarest, whom I had gone through the fellowship program with, and she had come to Dallas in her first year. So she was my managing attorney, and she was a ball of fire. She had all kinds of things going on, suing the county for food stamp program violations, suing the county jail for overcrowding, and for racially segregating prisoners, and treating the black folks a whole lot less kindly, than the white folk in county jail. And, they had sued El Centro in the case that involved some black students who were protesting, which policy I don't think I could remember, but it was an internal school policy. And, they were exercising their free speech rights very clearly and they were getting disciplined and hassled by both the Dallas community college district as well as the county government. Lou Theraby (?), being the county Judge at the time. And, I got thrown into that case very quickly, and it was some of the "Welcome, here is your fire, put it out." [Laughs]

Dulaney: [Laughs]

Cloutman: "Yes sir, I will, where's the hose?"

Dulaney: Okay. Well, you've sort of given some background on what was happening in terms of civil rights when you first got here. What was Dallas Like for you when you first got here?

Cloutman: It was usually quiet. And, by that I mean the comparative proactive behavior; poor folk and black folk in Louisiana, in other places and Mississippi where I worked some, was much more sophisticated than it was when I got here. Not to say that the people weren't as sophisticated, but there wasn't any organized effort... just because Peter Johnson, probably the one exception to that, working very hard trying to get SCLC started here. The NAACP chapters were active, but they weren't active in the things I could see, which is not to say they weren't doing good things because I'm sure they were. But, it was a very polite interaction with folks which sort of made me a little of nervous because you knew they problems weren't no different-- you could see them everywhere. And part of what my director, Ed Polk, did was stir things up. He would go out and get

folks fired up and we were litigating everything in the world for a while. Any institution in Dallas County that raised its head above the brick wall got sued. [Laughs] And, we were part of most of that.

Dulaney: Okay. Give me some examples, other than, you mentioned El Centro...

Cloutman: The jail...alright, the, there was a school district case involving some students protesting inside the school against racial discrimination and against the Vietnam War. Those things were kind of bleeding over [Gestures with hands] one on the other. Getting expelled everywhere since they were students...We filed the first (?) district case against the city of Dallas, dismantling the all of the lower city council, and won that case. But, later on, giving us the Eight Three plan which was later discarded for Fourteen One plan, which my wife and her partner brought [Laughs], as sort of a succession of the larger game behind me.

Dulaney: So, you were involved in the Eight Three case, which was Lipscomb v.

Cloutman: Wise...

Dulaney: Wise...

Cloutman: That was one of the plans for it.

Dulaney: Alright, okay, well take about that case.

Cloutman: That was a very interesting case. We drew, probably the most conservative judge we could have drawn in Dallas, Joe Estes, who was a real old line republican Eisenhower appointee-- very, very, very institutionally protective. We filed the Lipscomb, which was then known as Johnson v. Wise, Peter was the plaintiff, and unfortunately, Peter was an extra (?) here and it got dismissed. [Laughs] And Al Lipscomb then became the named plaintiff, there was several people--Dick Higgins, Jaime Jackson-- who were plaintiffs. We even got so far as to return to our office from filing the lawsuit and the judge dismissed it. It literally beat us back to the office, his ordered dismissal. And then he modified it, saying I'm going to deny the temporary restraining order you want, and I'm going to put you to trial on the mayor-city case as well as the preliminary injunction you're asking for against holding further elections. And, we went to trial in a matter of weeks, and of course, no one was ready to go to trial.

Dulaney: Yeah...

Cloutman: And, we lost almost by the reversing of the return mail, and we came back and it was assigned to another judge. Eldon Mahon had be appointed by Nixon, I guess. But, he was actually a very reasonable man. He was sitting at Fort Worth and took on some of that on his docket. And ultimately, we tried it in front of him, he took our position, and agreed with us. We took it to the court of appeals. They approved his remedy from an eight-three to either an eleven-zero or ten-one. The Supreme Court reversed and said the eight three is the legislative pronouncement of the city. It's entitled to indifference (?), so we were stuck with it.

Dulaney: okay. Would you say you won the case, then?

Cloutman: [Nods head in agreement] Oh yeah, I think getting this cat pole out in our system killed was a very important step forward. It wasn't by any means how we wanted it but...And, we had a voting rights off- shoot of that, where Faye Edwards was our plaintiff. We sued and actually stopped the city council for being elected for about a year and a half, until they did the plan correctly. That's when she [Laughs] got, shall I say, in their

faces...

Dulaney: Uh-hmmm...

Cloutman: For a couple years...

Dulaney: Okay. *Tasby v. Estes*. I got your brief here from October 2, 1970. What was your argument in that case?

Cloutman: [Chuckles] Well, firstly, everything about the district was separate, but not equal-- from teacher recruitment, teacher assignment, administrator assignment, pay for teachers and administrators. Dr. Roberts, I'm sure you remember some of that better than I do. Just on paper, it made no sense. Books and supplies were materially different, dependent on the race of the kids in the school. Science, equipment, science labs, gymnasiums, athletic equipment were sometimes non-existent to very inferior in schools where children who were colored were going to school. And, most of all, grades were separated, radically separated, by color. And, this was by design.

Dulaney: Yeah...

Cloutman: The district had been through a serious of cases brought by Thurgood Marshall and local Civil Rights lawyers, way before me in the 1950s. And,

they had succeeded in eliminating, in name at least, the separate school systems for white and black kids. For what they did, and for what the school district did, the bargain was to start creating neighborhood attendance zones. Drawing zones around neighborhoods that were known to be either white, or black and brown, black and Hispanic, so as to keep the kids separate and were very successful at doing that. They had good geographers that had malice in their hearts, but they knew how to keep kids separate. And, when we sued in 1970, that separation was so stark, it was sort of breathtaking. The progress that some schools had made across the South already. We had, let me remember this right, we had 70 90% better white schools, and about 50 90% either black or all black and Hispanic campuses; about 100 and 75 or 80 campuses at a time. Those who were not in those two groups just had very few folk of the opposite race in their schools. Teachers were not... You could look at a faculty and look at the intended racial majority. While there was some faculty racial integration at that point, the kids...The all-white schools for kids had 90%

percent faculty who were all white too. And, that had to be addressed as well. Resources followed a lot of that devilment. And I spoke too many, they would be vastly different depending on the race of the kids in school.

So what we started out trying to do was correct all that. And using some of the models that had been used across the South, in large districts and small districts.

Dulaney: Give me an example.

Cloutman: Charlotte Mecklenburg, being one. Nashville, Jackson, Mississippi, several of the Florida cities by that time.

Dulaney: Yeah, yeah...

Cloutman: And at that time we were in court, the Supreme Court had just taken review of a consolidated group of school district appeals. I think there was something in the order of 50 to 60 school districts in this case that went up, and it came out of our circuit, out the fifth circuit, out of the South. Ziegler v. Jackson was the Mississippi case, they were consolidated but for some reason the name got changed to, in the Supreme Court, to Alexander v. Holmes. But, it was a seminal case,

we really mean you can do it now. Like, by Christmas, this stopped, and by January 15th all the campuses were moved, which was a god awful mess to move kids over from Christmas break. But, that's how serious they were in staying, "You did it long enough." And, all this was happening as we were marching down to the court house. So, we had all that pushing behind us to: Don't wait any longer get this done. I think we were behind the times, and we got a lot of it done the first time, but it wasn't done very well.

Dulaney: Well, what did they do, the first time around?

Cloutman: The Judge desegregated the faculties, and they were actually numerical formulas being used because the courts got tired of every school district in the world playing games about how they thought segregation should look. So, they basically came up with a number formula that says, it can be no more or no less than these numbers, and it reflected the districts hiring as a whole. Per campus, each campus should more or less look like that. [Gestures with hands] That was fairly mechanistic, that he, that he did... entered a lot of orders talking about equalizing facilities,

equalizing expenditures, expenditures per campus expenditures, extracurricular expenditures. He addressed a lot of things we really needed some serious help on. He addressed school, excuse me, student desegregation as well, as we thought he should. He ordered, in the 1971 order, the first big order in the case, that elementary kids be desegregated in the main, by watching each other on T.V.

Dulaney: Yes...

Cloutman: Closed circuit television with cameras such as this... [Gestures towards camera] although in the primitive 1970s versions. Focused on the classroom of white kids and then the opposite pairing, have a camera focused on a group of black kids, who could look at each other, and every once in a while, they would be an audio interaction available between the two classrooms. And, that was going to pass forward student desegregation; which we thought did not pass the legal test and made the court of appeals in about two weeks-- entered an emergency order saying don't spend a nickel on that plan. And, then the rest of the case went on through the court of appeals as well.

They affirmed what we asked them to, and reversed what we asked them too, so it was a complete win in that sense with the plaintiffs. So, it came back to Judge Taylor again.

Dulaney: Okay.

Cloutman: As of right now, we are at 1980, so we've lost, lost ten years.

Dulaney: Well, let's go back, let's go back though... there was a...

Cloutman: Oh, I'm sorry, that was 1976, 1976... I fast forwarded... [Laughs]

Dulaney: Yeah, you missed the discussion of the tri-ethnic committee.

Cloutman: Yes, Judge Taylor did appoint a tri-ethnic committee, and I thought that was a great idea, actually. Some of the people on it...

Dulaney: Could you tell us what that was? You got to assume people thirty years from now won't know what we are talking about.

Cloutman: Okay, what he decided what the district needed, and he needed, and they said even the plaintiffs needed to hear from a group of people without direct stakes in the litigation, that rather have stakes in the community. And he appointed a

committee of equal numbers of white, black, and Hispanic adults. None of them were school employees, and none of them were interconnected with us, innocent bystanders. Ann River Holmes (?) was the chair, first time around. And they were other people on that committee I could not tell you the names of except River Holmes. Rene Martinez I think served on one, but I can't...It's been a while. It functioned quite actively to the school districts dismay. They would call them down publically, and to the court, a series of reports they were not doing and what various campuses were being allowed to get away with, vis a vis the kids who were attending who were of the opposite color, from the kids last year, mostly black kids being treated very poorly in the receiving white schools. And, they tried, the committee, as part of the court reporting to it, and to report to the public. They held hearings and we were often invited to give our views to the hearings. But, they weren't, they didn't always agree with us either, the plaintiffs. But, the committee was, I thought, functioning pretty well for the first year or two then, it got, I don't know, bogged

down with internal politics. I'm not sure what happened to it. The Judge became very [Laughs] unenamored with the committees function. And, it sort of fell into disuse after the first two or three years. I may have the years wrong, but it didn't last all that long as a functioning body. It existed in name until Judge Sanders finally did away with it in 1981, but...

Dulaney: Okay.

Cloutman: But, for the first few years, the first desegregation order, I thought it served a beneficial purpose, would air your laundry. Parents could go to it and present complaints, and documents, and concerns. And I think they felt a lot more empowered than just going to the school and making the same complaints, they thought that they were falling on deaf ears and I'm sure a lot of them were.

Dulaney: Did you got to the committee meetings? How close were you involved in working with that Tri-ethnic committee?

Cloutman: I went to all of them at first, and then we were told to come by invitation only. [Chuckles]

Dulaney: [Laughs]

Cloutman: I think we were making it a little too contentious, sometimes.

Dulaney: And when you say, we, the attorneys...

Cloutman: The attorneys...

Dulaney: Both sides or just you?

Cloutman: Well, the district attorneys always came. They thought it was their committee. We were like: No, it was the courts committee. They don't belong to you. That was sort of, we would get into little sideshows and arguments, and not...We did not agree very much at all with the school districts lawyers at any time of day. We managed to get along because we had to, but that was about it.

Dulaney: Okay. Well, I was reading an article that Linus Wright, you know, basically decided to stop fighting, and I guess he came in the 1980-1981...

Cloutman: 1980...He was here when the case came back a second time to the Supreme Court. Judge Taylor entered another order. Everybody appealed that one too. Again, prevailed in the court of appeals, and this time the Supreme Court took reviews. We all marched off to Washington and argued for most of the day about what the courts should do. The Supreme Court decides: "you know what we already

decided this in two higher cases, we're not going to worry about Dallas." [Laughs] So it was all for nothing, we came back without any opinion. And, again, it came back to Judge Taylor, who was challenged by the general counsel of the NAACP, not the Legal Defense Fund, but the Baltimore based group. Tom Atkins filed a motion of recusal. His partners, who were now the district's lawyers, his ex-partners excuse me, would prevent it from being unfair and unbiased without even holding a hearing. He says: you won't be out, I'm gone. And he recused himself. Judge Sanders ended up getting the case, brand new, fairly brand new, four years on the bench.

Dulaney: Talk about the issue of bussing, and perhaps you need to describe what that is, because we're assuming people in thirty years may not know what that is.

Cloutman: A little yellow and black conveyance called school busses... [Laughs]

Dulaney: [Laughs]

Cloutman: ...Were used to be thought of highly by parents who couldn't get their kids to school who lived some distance from the school house, out in the

country or even across town.

Dulaney: Yes.

Cloutman: But, they became vilified when the children on the bus were not welcomed at the receiving school. And, I know you all heard, it wasn't the bussing, but it was who was on the bus who was doing the complaining.

Dulaney: Right, right...

Cloutman: I won't use the phrase illogical people used in those days, but...

Dulaney: Bussing sort of became a code word right?

Cloutman: It was. It was, it meant that children that didn't live in your neighborhood were going to attend your school. And vice versa, some of your children might end up in a school out of their neighborhood. And, as core, it was just proxy for a very raw racism. It was no two ways about that. There was nothing wrong with transporting children, it had been done decades, without any educational deficit. Now, all of a sudden, it became the worst thing that ever happened to a child, was to have to ride a school bus.

Dulaney: Yeah...

Cloutman: And, that was utter poppycock. [Laughs]

Dulaney: [Laughs] Yeah, what was the role of bussing in Tasby v. Estes?

Cloutman: Not very high actually. Judge Taylor didn't order that much in the first plan. He ordered some transfer of students at the middle and high school level. But, by combining school district, or realigning attendance areas I should say, you could accomplish a lot of school desegregation without reaching way across town for another population of students to mix with those students. In fact, that was not true of the fourth large elementary campus, about 120, 130...

[End of Track 1. Begin Track 2]

Cloutman: campuses since 1970. Some of which were clear across from the Southern end of the district to the northern end of the district, about thirty miles; not by the bus rides, by the street runs. And the bus rides were a bit longer, in city traffic, in particular traffic in the morning. So, he did not bus in elementary kids. The second order he bussed some of the elementary kids, in grades 4-6, but the total number of children required to be moved, or at least bus eligible children over two miles from the district's

schools, was incredibly small it was like 13 04
14, 000 out of 180 the first time. And, maybe 15
or 16, 000 out of 190.

Dulaney: Okay, okay...

Cloutman: Most of the children that were re-assigned, were
re-assigned to a nearer school. Some of them may
have been two miles from the high school, but a
lot of kids were two miles from the high school,
to begin with. Those are big zones.

Dulaney: Right. Talk about the role of the Black Coalition
to maximize education in the Tasby vs. Estes case.
How did they help or hinder your case?

Cloutman: They intervened, or filed papers to intervene, in
1980. No, 1980? Yes, 1980.

Dulaney: Okay.

Cloutman: Joan Win (?) was there lawyer. It was not viewed
as an inconsistent position with what we were,
that we were taking. Except, insofar as, some
disagreement on transportating, transporting
children. It was true, by that time, we had a much
different looking district, demographically. The
district had become substantially more African
American and Hispanic than it was when we started.

Dulaney: Right.

Cloutman: Not so much because of white flag, but because of in-migration. The real estate industry gets a great bog gold star for block busting Kate Everett (?) by telling every big corporation: "Don't put your people in Dallas, there's bussing there you know, have the live elsewhere-- Richardson, Plano, Frisco, Irving, Arlington anywhere but in the DISD--because there's bussing there you know." I mean, it was just code word for "you don't want to get mixed up in all this race stuff that's going on in Dallas." And, so white folks that were relocating were told that and didn't. They just stayed away in ____ droves. Those were children. The district's population census was substantially more Anglo, than the school district. There just weren't children anymore. I mean there weren't people of school age left to attend. And, that trend continued you know. But as the Black Coalition got into the case that was one of the concerns, that possibly a return to approved community schools would be the answer. And they did file some motions early that did make us back up. Judge Wisely, I think, didn't grant either sides position: "I'm just not going

to do all this." But they did file some papers. He said, "those we can take care of, take evidence on a hearing, we can do that." And the more we worked with each other the closer our positions became, quickly. And we ended up agreeing that a lot of the return to community schools ideas was only feasible thing left to do. When there a short...there weren't enough white kids to desegregate physically, and we would...And so the learning centers came out of this, additional magnum schools came out of this, sterling centers—elementary schools and later middle school campuses, in the African American and Hispanic neighborhoods. That used to send the children out on a bus were now having their school refurbished and per-person expenditures drastically increased for pre-school, during school, and after school programs to assist the learning curve, the achievement process in the schools. And, it did. It brought test scores up significantly in those schools.

Dulaney: Let's step outside the case for a minute, how was, how were people in Dallas treating you as the lead attorney in this case?

Cloutman: You know, at first, there was a lot of very negative publicity and a lot of people had Mommas downtown marching. White mommas downtown marching.

[Chuckles]

Dulaney: [Chuckles]

Cloutman: Picketing the courthouse. I got a few calls at home that was just, you know, veiled threats. So I just changed my number and had it unlisted and that stopped that. [Laughs]

Dulaney: [Laughs]

Cloutman: This is not good...this one don't have a phone number. [Laughs]

Dulaney: [Laughs]

Cloutman: Give that out to only people who like me. [Laughs]
But, I had two kids in school. I was more worried about them.

Dulaney: Okay.

Cloutman: And, nothing ever happened.

Dulaney: Okay.

Cloutman: I mean not a thing that they will tell me about, that I could find out. I went up and talked to principals at their schools and said, "Look you need, this could be a conversation that we never had, but I would really like you to know that

these are my children and if something happens, I want to know about it." It's not like it's going to come from some white parent, probably, or some white kid who is older and been told what to do. Nothing.

Dulaney: Nothing?

Cloutman: Nothing at all, I guess people's mouths were a whole lot bigger than other things.

Dulaney: Okay, when did you start your own practice?

Cloutman: I actually started before the first school trial. A lot of us at legal services left to start our own practice. Our offices were just down the street from the legal services offices downtown.

Dulaney: Okay. How this, how did did *Tasby vs. Estes* affect your practice for a while?

Cloutman: It was dominant for a while and it was no income to begin with, so I had to do other things. I did criminal cases. I did those and I wasn't very good at them. I did plaintiff civil rights employment stuff; suing corporation here in town, big and small, for racial discrimination, later on sex discrimination, and then age discrimination. _____ became more huge. And, I'll tell you that Dallas became a gold mine. It was a target rich

environment. We could keep the doors open because there was so many offenders in the private sector. You could scare them off with a lawsuit, they'd settle, and pay you're clients a lot of money. They'd use the money. They'd change their practices and we'd sue them again the next year for something else. [Chuckles]

Dulaney: [Chuckles]

Cloutman: We didn't settle that, we settled this...
[Chuckles]

Dulaney: Uh-huh, uh-huh... Talk about Robert Thomas, your opponent, of course there was a guy before him. His name is not picking up in the notes here. Do you remember the guy before?

Cloutman: Yeah, the were two partners. There was Franklin Swafford (?) and Warren Whittem (?).

Dulaney: Yeah.

Cloutman: And Swafford dies after the first trial of a heart attack. I mean it could be he was working too hard.

Dulaney: Had a heart attack. They say the case drove him to a heart attack.

Cloutman: That's what they said. And then, Whittem, his partner, continued to represent through the

appeals of the 1976 hearings and then he had a heart attack. He didn't die. He later on became a court appointed judge here. He and I got along a little better over time; just realizing I didn't have fangs, horns, or a little spiked tail or anything. I wasn't the devil he thought I was.

[Laughs]

Dulaney: Okay.

Cloutman: But, uh...

Dulaney: Well, Robert Thomas said y'all were good friends.

Cloutman: He is correct. We...I didn't know Bob Thomas at all when he became the district's lawyer. That's when Judge Taylor recused himself because Thomas came from that old firm. This Rice, Perger (?), and Price firm. But I didn't know him. But he was a very gentle guy. Never disorderly or that sort of thing. Sure your work, put off by your demeanor, or how he would talk to you or talk to one of your clients or witnesses, but he was very respectful, which was different, by a lot. And, the more we talked, the more we realized we could probably find some common ground because they were tired of spending money, they were tired of losing. And we wanted something for the kids. We

though the worst thing in the world was to keep this case going on forever. We'd rather give the district the chance to do the right things. And we though several times they were on the road to doing it, then they'd change superintendents or the board would change and we were back to square one.

Dulaney: Uh-hmm, uh-hmm...In fact, that was my next question. What was it like dealing with, what, five superintendents--Nolan Estes, Linus Wright, Marvin Edwards, Chad Woolery, what was, McGee, that was his name, Mike McGee--

Cloutman: Moses.

Dulaney: Mike Moses...

Cloutman: And before Moses there was a Hispanic guy from San Francisco...

Dulaney: I can't remember his name.

Cloutman: Rojas...

Dulaney: Yes, Rojas. So that was six superintendents.

Cloutman: I try forget him. [Laughs]

Dulaney: Six superintendents.

Cloutman: He was a strange man. [Laughs]

Dulaney: Yes...

Cloutman: I'm sorry, I digress... [Laughs]

Dulaney: [Laughs] What was that like trying to pursue this case through all these different superintendents?

Cloutman: Well, it was unusual. And I'm sure it was harder on Thomas than it was on me. You could just, we'd be going down this nice course correction, things be getting better and better: "What are we doing?" says the new superintendent, "We're not doing that anymore." Then we'd have to get the judge above, this is what the judge has told us to do; a lot of us made agreements with the court on it. And, he'd enter an order, because we said, we need an order that we can do and they can do, and we're coming together to do what would solve this problem. What would be a student achievement problem, a teacher problem, whatever it was... And, at times, these superintendents would just come in and say: "It's a brand new world out here, you can't do that." And, we'd say [Facial expression affirms sentence] I think the judge says we can. And, we'd have to go and get the new superintendent trained by the judge - yes, you're going to do it or you're going to be held in contempt, no, here's your choice. And the judge would never put it quite bluntly, but it was there. And, he would talk sternly, but

not threateningly. So we had several, I'd call setbacks, that we ended up correcting. It added ten years to the case that I know.

Dulaney: Yeah...

Cloutman: Just trying to get things, programs, agreements back to where we knew they should be. And, if the district had of done them, we would have gotten out of court much earlier.

Dulaney: Yeah... who would you say was the most cooperative superintendent in the case?

Cloutman: Wright was very cooperative.

Dulaney: Wright.

Cloutman: Marvin Edwards was, of course.

Dulaney: Yeah...

Cloutman: But I think he was sort of nervous to be seen as bending over too far our way.

Dulaney: Yeah, yeah...

Cloutman: I tried so assure him that wasn't true. I said, "We can make you that bad guy if you want us to."

[Laughs]

Dulaney: [Laughs]

Cloutman: You'll yell back at us. That's okay. But he wasn't really here that long enough to...he didn't make his mark when he was here. I think the first

year he learned, then the last year you're on the way out.

Dulaney: Yeah...

Cloutman: Moses was probably one of the more creative persons that worked. He was willing to try things that we were suggesting that might fix problems. I don't know how he was to work for, but from my perspective, the plaintiff's perspective, he was very open to...what about this, he'd say what about this plus sums or what about if we do it another way. Okay, as long as you get the same place out of it.

Dulaney: Okay, there was some conflict in the NAACP during the case.

Cloutman: There was.

Dulaney: Yeah, why and what happened?

Cloutman: The conflict between Bryce Cunningham and the general counsel, Thomas Atkins, for one. Bryce ended up withdrawing.

Dulaney: Okay.

Cloutman: I think that was more of a personality clash, than any sum or thing. Bryce had put his heart and soul into the case representing the NAACP, and later his children, and later the Black Coalition. He

continued on. And, Mr. Atkins was very good lawyer, but he was pretty abrasive. And, I think he probably told Bryce he wouldn't be in control of anything. That is not what lawyer Cunningham wanted to hear. I wouldn't either. Bryce had argued for the NAACP in the Supreme Court and...It stared before Tom Atkins. I'll take it back. Nate Jones, the general counsel before, and went on to become a court of appeals, a federal court of appeals judge.

Dulaney: Cincinnati...

Cloutman: Yes, a very good judge.

Dulaney: Yes.

Cloutman: I've had a couple cases in front of him, I like him. [Chuckles] He's very good. But, he and Bryce didn't see eye to eye. But I think it was more: I'm general counsel you do what I tell you or you won't be representing the branches out here. Bryce didn't like to hear that and I think Jones wasn't going to authorize him to argue the NAACP in the Supreme Court, and that became really sticky for Bryce. I clearly was not in this conversation. They weren't talking to me.

Dulaney: Sure, sure... [agrees]

Cloutman: But, I'd here it spillover. You could read the tea leaves. But Bryce got to argue it and I think Jones just finally realized: work with him and put him with some people that I trust, it'll be alright. And, it was. Bryce had a very good time.

Dulaney: Okay, talk about the issue of fees. And, I don't mean this in the personal sense, but on the public record. There was this argument from the board and the court over your fees. Do you think you got what you deserved? And, again, I don't mean that in, do I think you got paid well. I mean in terms of all the time you spent on the case and its outcomes.

Cloutman: Well, let's go back.

Dulaney: Okay.

Cloutman: When we started the case there was no authority to seek fees. And, so we were doing this, you know, not expecting anything

Dulaney: Right.

Cloutman: The congress passed it pending, 1972, 1973, 1974, somewhere around there, statute, it was 1972, called the educational amendments act. It provided for fees for the prevailing parties in the litigation against desegregation because there

were so many cases, across the country that were in the same boat as we were in. We went back to Judge Taylor after the 1976 trials, which lasted eight weeks, which is a long time doing nothing else. And sought fees. He paid us what we asked for after the act was passed. The act was clearly retroactive. It applied to any pending case after its inception. So, we got hammered for requesting fees. That was a lot of work for three years! [Chuckles quietly] That was okay. We had to live with it, and we did. And, after that, we were in a litigating posture with the school district. So every time we wanted to get paid for the last two years' time, or last years, whatever it was, we'd have to file papers with the court. It became a public issue. We'd have to brief it, argue it, and he'd decide it. Judge Sanders, I thought, did very well by the plaintiffs. He cut the fees for the NAACP, substantially, saying it was duplicative. That was his call, I don't...the only one arguing that was the school district so...

Dulaney: Yeah...

Cloutman: So, they prevailed on some of that. But after that, it got to be that we could simply submit

notarized and day-today itemizations of services: we did this on this day, this is how much time we spent, this is what it was about to the district. First, on the quarterly, later on a monthly basis. They'd review it and just pay up. Every once in a while, they'd have a question.

Dulaney: Yeah.

Cloutman: So depending on when you asked for it, we got hammered on several years' time. After that, it was fairly begrudging. And, after that, it was neat(?).

Dulaney: Okay. That is sort of interesting in that, again, when they were contesting it, it was all in the newspaper, but...

Cloutman: Oh, yeah...

Dulaney: Afterwards, it didn't even make the press. They were actually willingly paying them what they were supposed to pay.

Cloutman: It was like a monthly vendor bill. You'd send it over and it'd be approved by the lawyers. Send it over to the board, and whoever it was that wrote checks.

Dulaney: Yeah, okay...

Cloutman: It was in their interest to have us stop doing

that by...[laughs]

Dulaney: Yeah...

Cloutman: They wouldn't. They just kept screwing around with cash. [Laughs]

Dulaney: Uh-huh, okay. I'm going to ask two or three and then ask Dr. Roberts if he has any questions.

Cloutman: Sure.

Dulaney: I guess my last, one of my last questions, is going to be: Which of the judges do you think is the most fair in this case?

Cloutman: I think Judge Sanders.

Dulaney: Judge Sanders, okay. And, that's experience speaking, for the record here.

Cloutman: I really liked him.

Dulaney: Yeah, uh-huh...

Cloutman: I really liked Judge Taylor marrying me during my second one, in his chambers. I mean I really like the man personally, but he was not as willing to get down and grapple with problems as, was Judge Sanders. And, honestly, Judge Sanders didn't always agree with our views, and sometimes he would, [editor: say] "I think you're being outshooled (?) here, I'm not going to do that." And we would take that as an "okay, well that's

what we are going to do then." [Laughs]

Dulaney: Alright...

Cloutman: But, he was quite, you got to hear him, and you knew he would listen to you.

Dulaney: Dr. Roberts?

Roberts: Okay, Doctor, Nolan Estes came in 1968, now was he involved in the deseg, now I'm not sure how long he was here.

Cloutman: Yes, sir. He was here for the first trial. matter of fact, we were trying to settle on some remedy. Judge Taylor had taken us through what I call the liability trial. Did the district do something wrong that I should address and remedy order? And, he'd say yes. They have done a number of bad things that need fixing. Judge Taylor got us in his chambers: "Now, I want you all to try an settle this. Come up with a plan you can agree on."

Dulaney: Uh-hmm...

Cloutman: I said, if you say so, we'll try. I didn't think we were going to make any progress with the board, but believe or not, Judge Taylor had us in his chambers all one weekend, Saturday and Sunday, went down there in shorts and jeans just working with BAPS. And, Old Estes was trying to sell a

compromise, very hard, to his own board, and they said no. So, he tried very hard to help everybody get on down the road in this case.

Roberts: Okay, I know there was a case on institutional racism.

Cloutman: Yes, sir.

Roberts: Are you familiar? I know that Dr. Estes was attributed the success, being given to him. Are you familiar with any of that?

Cloutman: I am. Sylvia Demarest was a plaintiff in that case, and a very good friend of mine. She was my co-counsel in first part of my school case. An actual trial lawyer. And, she tried, along with John Jordan that institutional racism exists. It was in Judge Hughes court, Sarah T. Hughes. And Nolan Estes admitted from the stand the district was guilty of institutional racism and during some of her examination. That was like, whoa! That's an unusual admission. He wasn't pleading anybody guilty, but he was pleading the institution guilty. [Gestures with head that he is finished answering question and to proceed to the next question]

Roberts: In terms of school board members and [Chuckles]

community advocates...

Cloutman: [Chuckles]

Roberts: Could you identify some of the individuals that were the most supportive of the intervention in terms of, you know, the case from your standpoint.

Cloutman: Well, the first board of trustees, after we filed the suit, still had some of what the old lead group on it, L.E.A.D., who were pretty progressive. Aria (?) Earhart being one, there was a Doctor...

Dulaney: Conrad!

Cloutman: Dr. Conrad, and he was always on our side.

Roberts: Robert Berkley, possible.

Cloutman: Robert Berkley. And, a white guy but he was amazing. He was taking a more or less reasonable stand as was Earhart. Certainly, Dr. Conrad was very, very much in our corner--we'd just made no bones about that. I mean he wanted for, he wanted the district to do it, which is what his obligation should have been, but he wanted what we were asking for done. After that board, it's a big desert. There must have been some bright lights along the way. And, I'll probably forget someone, so, if I do forgive me whoever you are.

We got to the place, where of course, Calvin Gigem's (?) on the board. And, in 1974, I think, with the war with every came. By the way that was also Sylvia's case. They settled that case by getting the Texas legislature to approve our (?) district plan for Dallas as a piece of legislation.

So, we can't forget who got selected, of course Kathryn (?) was wonderful a person as they ever was and always is. She understood from a parents view, a teacher's view, and from the civil rights people what was going on, and also saw the nuts and bolts inside the district. That's when she would call what staff was doing [Laughs] or not doing. [Continues laughing] So, she certainly was a progressive piece you could look to. Roberto Medrano was for a time, but then he sort of lost his directions. I'm not sure what happened to him. School board members are tough.

Dulaney: What about the Hispanic members in general, like Trini Garza?

Cloutman: Trini was a good board member. I didn't mean to forget Trini.

Dulaney: Rene Castillo?

Cloutman: Rene, not so much. I like him very much. He was very entrenched; I think he hung out with too many white republicans. [Laughs]

Dulaney: [Laughs]

Cloutman: I don't really know what his... we got along fine though.

Dulaney: Uh-huh, okay...

Cloutman: He was very, "this is my show, you're not going to have anything to do with it" kind of person. And, I don't mean he didn't have the interest of minority children at heart, he probably did, but he didn't want us. He had wanted nothing to do with litigation.

Dulaney: Okay. What about Sandy Cris, Sandy Cris?

Cloutman: Well, I think Sandy started out being a very pro-education people for our people, and turned out to be one of the worst things we ran into. Somewhere along the way he changed his mind, or I changed mine.

Roberts: What about Yvonne Yuell and Yan Stiesel(??)?

Cloutman: Thank you. Dr Yuell, of course. Coming right out of the board, and whoa! Not only did she know both ends she understood exactly what we were...the truth be known, some of the minority trustees

would call us and say [Laughs] "what you ought to do is, what you should think about is..."

Dulaney: [Laughs]

Cloutman: Ask so and so where is..." So we got that kind of help. Often times, it was something we were really eager to do, sometimes we may not have been. But, it was great a pipeline. Yvonne Yuell was certainly there. Who else you'd suggest I bring up, sir? I'm sorry

Roberts: Yan Stiesel. Mr. Tasby mentioned that there were other plaintiffs in fact he such a humble guy...

Cloutman: Yes, he is.

Roberts: ...He almost wanted to give them credit, some of them

Cloutman: A beautiful soul, is what he is...

Roberts: I was going to ask, how was he, to work with.

Cloutman: Oh, just like a dream. He would ask questions that you needed to have a good answer for, he would listen, he was respectful of ideas that were different of his own. He would say, sometimes, I don't think we should do that or that's not going to work, sometimes he would say let's do more. But, always, he knew you could trust him not to be hiding the ball from you, have a hidden agenda

that you didn't know about, which makes it very tough to represent somebody. Playing you like a deck of cards and doing something else over here. No, and, and, you're right. Mr. Tasby didn't want credit.

Dulaney: Yup.

Cloutman: He kept saying, there are other people involved, other plaintiffs, and there were.

Dulaney: Uh-hmm. You've got a list of about twenty people here in your brief.

Cloutman: That's right. I could not name the children for you like a test right now, but Ruth Jefferson, the Cobbins, Ricardo Medrano, who is Robert's brother [Laughs]...suing his brother for a while. It's a very striking lawsuit. I mean, they were aligned on opposite sides of the docket.

Dulaney: [Laughs] Yeah...

Cloutman: And, a matter of fact, one of Ricardo's daughters is now on the city council so...interesting times...

Roberts: On a personal note, you said your kids were sent to Dallas schools.

Cloutman: [Nods in agreement]

Roberts: What schools were they?

Cloutman: Michael, my oldest boy, started at Sue Williams, which was...No, sir, he started at Bonham, excuse me, and we moved from Chapel street, which was right across from Spence, to Bluffing Street(?) Our first law office was a communal living arrangement. We lived with each other as well as practiced law together to save money. [Chuckles] And one of the biggest houses we could find, was a house _____, which was on Bluffing (?). So we lived there and our kids went to Sue Williams. Youngest son was too young. Then, their mother moved them to Taos, New Mexico, when we divorced and they came back to move with me several years later. And by that time, Mike was just beginning high school he went to Arts Magnate, Chad my middle boy went to Robert E. Lee, then to Long, then to Woodruff Wilson. And of course my youngest went to Lakewood, Long, and Woodruff Wilson.

Roberts: I guess this leads in to my next question. In terms of the ethnic composition of their schools, the teaching force. Our guess is either four per 12, whatever the designation was at that time,

Cloutman: Yeah, it changes every year

Roberts: It changes every year.

Cloutman: Yes, sir.

Roberts: What would you say based on you own kids, as well as, just the general population, or the general summary, what would be the benefits of the desegregation case?

[End of Track 2. Begin Track 3]

I could ask it another way, all these years, was it really worth it, case you look throughout the south especially, the schools have become re-segregated. I mean look at the Dallas which was predominantly Hispanic with African American, and very few Anglos, or whites in the district. In terms of the overall goals, and benefits, were they achieved, was it worth it?

Cloutman: Let me answer that in reverse order. Yes, it was worth it. But did we achieve everything we set out to do, I'm certain, obviously not. I've said this before, but it was very hard for me to completely evaluate the amount of racism that was in some people's hearts and the lengths they would go to, to not having their children in the same classroom as children of color; was just amazing. I learned

a very ugly lesson out of all of that. But children, my clients, African American and Hispanic kids, and their parents of course, benefitted from several things even if they didn't or don't today get to go to school with each other, as much as I would have wished. They benefited from having facilities equalized, furnishings in the facilities vastly improved, not being assigned to a school you knew you were never going to get the right equipment, right science lab, the right backing for any achieving student to use, that changed. It changed a lot. I think the learning centers were a great idea for a time. They didn't seem to continue on the path they started out doing. They really showed that by love and attention and a lot of money, you could really make a difference in a kid's life, in particular if you catch them early enough. Early childhood was another thing I thought we did very well. That we forced the district to do through the court order that they weren't doing. And Rosie Corrales, I saw her picture downstairs, was instrumental in that. Another beautiful person but who really cares about the kids. We achieved some things. We

certainly didn't change the hearts and minds of those who deemed race to be too important in their lives. I mean it's...And I think for the kids, And I think even for the white kids, it was great to see people in authority who were educated, who were loving, who didn't look like them in their classrooms. It makes a difference in that room. My kids don't understand what I saw as a kid, and their kids are not going to understand what they saw. I guess things are moving to a more, I wouldn't say so much as a better world, a different place that is stark separation by skin color. There certainly huge inequities to be dealt with in our world, but yeah, we did not achieve student desegregation in the way I thought we could, And, I'm disappointed about that. I don't know how you keep people captive in schools if they're determined not to go. And I look back, and say boy, I was very optimistic about some of this.

Dulaney: [Chuckles] Yeah, you're quoted in an article that came out in July, where you say: you thought the case would be solved in three years. And, it turned into 33.

Cloutman: My friend John Whitten, African American lawyer

originally from Connecticut, but he was from Mississippi, the program I almost went to, very, very, very successful trial lawyer and good school desegregation cases. And, when he was at Oxford, I wrote him [laughs] he says how long you think it's going to take? I think I said, trial and appeals we'll scrape though maybe 5 years. And, he said, boy that's optimistic, but I hope you're right.

Dulaney: [Chuckles]

Cloutman: When he became the Dean of Texas Southern law school, several years ago, what was it, alright Whitten you were right. [Laughs] I was very optimistic. [Laughs]

Dulaney: [Laughs] Would you do it all over again?

Cloutman: If I as young enough to do it over agin, yes.
[Laughs]

Dulaney: [Laughs]

Cloutman: To tell you it didn't take some energy out of me, I'd be lying to you.

Dulaney: Okay.

Cloutman: I'd have to be a young man to do it again. And, have the energy, at least, of a young man to do it again.

Dulaney: In 2004, when they declared the school to be

"Unitarian desegregated," where you in complete agreement with that decision?

Cloutman: No, we hoped that the judge would rebound to some continuing supervision over early childhood, over bilingual education, which I think is in trouble, over at the magnet schools and the learning centers, which you see are going down the tubes.

Dulaney: Okay.

Cloutman: If our last superintendent had had his way, I think we would, he would have dismantled Townview, or at least upset the program so much you couldn't tell it was Townview. He certainly un-did the learning centers. And, maybe, maybe, the judge's continued supervision could have changed that. Yeah, but I don't know anymore. We were out on a limb asking him to go with us just a little bit longer, because it was just we had been at it so long. I could understand why he said what he said and there was a little disappointment in it. One you could understand.

Dulaney: Okay. No further questions. Anything you want to add Mr. Cloutman?

Cloutman: Well, I hope you guys have a very successful project. I hope I'm here to see it.

Dulaney: Alright. You will be invited. In fact, while I got you what's your address because I need to send you a copy of our release form? I'm going to have to have you sign it and we'll send you a copy.

Cloutman: Just send it over to the office here, 3301 Elm St.

Dulaney: 3301 Elm St. Okay.

Cloutman: 75226.

Dulaney: 75226. Alright.

Cloutman: Deep Ellum. [Chuckles]

Dulaney: Okay, we are wrapping up our interview, August 30, 2011.

[End of interview]