



**Sacramento Ethnic Communities Survey -
Black Oral Histories
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Oral interview of
Nathaniel Sextus Colley

March 2, 1984

Conducted by Clarence Caesar

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The following interview was taped March 2, 1984, at the law offices of Attorney Nathaniel Colley, 1810 S Street, Sacramento, California. Attorney Colley was Sacramento's first active Black attorney arriving in the City in 1948. A graduate of Yale Law School, Mr. Colley has been in the forefront of many of the legal struggles to overturn discriminatory practices in both public accommodations and employment in Sacramento. Attorney Colley is also a prominent member of the National Legal Staff of the NAACP. He has many times been cited by this national organization for his outstanding work in the legal profession in the battle against discrimination, poverty, and injustice in the United States. He is presently a member of the California Racing Commission and resides with his family in the El Dorado Hills section of Sacramento County.

Clarence: Tell me what kinds of conditions that you found in Sacramento when you first arrived?

Mr. Colley: Well, so far as employment is concerned, there were no Blacks that I could see working downtown in any of the business establishments or banks. After I was admitted to practice law through the NAACP, we started negotiating with people for employment and changes were made. When I came to Sacramento, the only Blacks that worked for the City worked in the Waste Removal. There were no clerical or other occupations with the City. The Waste Removal Department was wholly Black in terms of the people who rode the trucks and all. There were many, many business establishments in Sacramento which would not serve Blacks and, of course, lawsuits were filed and soon that ended. There was widespread discrimination in housing. I know my wife and I, after I was admitted into the Bar sought

housing, but most places just flatly refused to rent to us. One result was that we filed a lawsuit against a number of developers, called Ming versus Hogan, and the theory of the lawsuit was that these developers were getting the benefits of the FHA insurance system and the Veteran Administration's guarantee system. Since they were getting federal benefits, we alleged in our lawsuit that they had an obligation to provide housing facilities to all without discrimination on the basis of race, color, or creed.

Clarence: Now what year was this basically?

Mr. Colley: Let me get something, what Judge Oakley, James Oakley was a Superior Court Judge, he ruled in our favor that, he ruled two things, one that the code of ethics of the National Association of Realtors which read: "A realtor shall not be instrumental in introducing into a neighborhood a character of property or use which will clearly be detrimental to property values in that neighborhood." and these people we sued were all members of that association. The Judge ruled that that code of ethics violated the rights of the plaintiffs because it was used to exclude Blacks from neighborhoods. The Judge also ruled in that case that whoever receives public monies must practice nondiscrimination. That was the first case in America which held that the mere receipt of public funds made it mandatory that there be no discrimination.

Clarence: And this was 1960?

Mr. Colley: Yes, that was the date of the judgment, January 12, 1960.

Clarence: Now in what ways did this differ from an earlier court case that I researched, the River Oaks Court Case?

Mr. Colley: The River Oaks Court Case was brought dealing with segregation in the River Oaks housing project. At that time it was a practice of the Sacramento Housing Authority to segregate all Blacks on one street, Sealy Circle, and Whites and others lived elsewhere. So what the court ruled in that case was that such segregation was not legal or lawful because it was a public housing project. So River Oaks dealt with public housing segregation, Ming versus Hogan dealt with private developers, that's the difference.

Clarence: Okay, now did the, also were there in the Ming versus Hogan case, were there restrictive covenants involved as far as agreements?

[Counter 50]

Mr. Colley: By that time - there were restrictive covenants, but by that time restrictive covenants had been declared unconstitutional in Shelly versus Cramer. So the restrictive covenants were not a big issue in, it was discussed, but it was not a big issue in Ming versus Hogan.

Clarence: Getting back to an earlier case even, the case of a swimming pool in Sacramento, that was –

Mr. Colley: Hazel, Hazel Jackson –

Clarence: Was that the Land Park, Land Park swimming pool case?

Mr. Colley: Yes, yeah, Hazel Jackson versus Land Park Plunge.

Clarence: Okay, and whatever became of that case, what results ensued from that?

Mr. Colley: I believe it was settled by a payment of money. That's my recollection.

Clarence: And was the pool ever desegregated?

Mr. Colley: Yes, the pool was desegregated immediately afterwards.

Clarence: From what I understand it was closed shortly afterwards?

Mr. Colley: Yeah, they desegregated and then they went out of business.

Clarence: I see, so it wasn't because of the integration of the pool that uh –

Mr. Colley: I think the integration of the pool caused it to go out of business, yes.

Clarence: Oh, okay.

Mr. Colley: I think they had rather operate it, not operate it, than have to operate it on a desegregated basis.

Clarence: I see, I see. So would you say that that was one of the first anti-discrimination cases in Sacramento as far as legal precedent being set?

Mr. Colley: I really don't know. It was one of the first that I filed, but it, let's see,

Clarence: I did have on record the Reverend T. Allen Harvey, in 1917, filed –

Mr. Colley: In 1917?

Clarence: Yeah, [laughs] he filed a suit against, well not a suit, but a grievance against a restaurant owner who refused to serve him and another Black minister.

Mr. Colley: All right.

Clarence: At the time –

Mr. Colley: I'm not familiar with that but, I'm not at all surprised.

Clarence: That was in fact, I think that was probably the only settlement that occurred between the time of 1917 and the time that you arrived in Sacramento. So I think probably you that, this is what I am trying to find out in my research.

Mr. Colley: I revived the, I think I revived people's interest in asserting their civil rights. Because a lot of cases that were filed, which were not called civil rights cases but that's exactly what they were. For instance, my first year here in 1949, I filed a suit against the City Chief of Police and two or three police officers for unlawfully beating two Blacks to make them confess. One of the first civil cases I filed, and that's I can't think of the name of it, but I know that there were City Policeman as defendants and that would be in 1949, and I filed a civil case. They arrested two Blacks for burglarizing the Gibson Bus Lines, which is now Continental, and I went up to see them and the police kept telling me they weren't available, they were gone, we have taken them some other place. The phrase they used to use all the time when they didn't want a lawyer to see his clients "he's in route to Yolo County" and he'd be right in the jail, and they would tell you "he was in route to Yolo County" or something. So I finally saw my clients, these two fellows who were charged with burglary of the station, and when I saw them, at once it was obvious that they had been beaten up. I could just look at them and tell they had been beaten up. I immediately filed a lawsuit against the City and the police officers. We tried it and we got a jury verdict in their favor.

Clarence: So did that set a precedent?

Mr. Colley: Well, I don't know how much precedent that set, but it did set the precedent that you could sue, you know, that you can sue the City and, and get results, you know, and of course, once that suit was filed, we started seeing some lessening of overt police brutality, because they always figured that if they did, it was a likelihood that I would sue them.

Clarence: Now, um –

Mr. Colley: Now, but the first racial case I ever filed goes back further than that. It goes back to January 1949. It's Bacon, Albert E. Bacon versus local something of the Tile Setter's Union. What happened was that Bacon was a Black man from Miami, Florida, who had been a tile setter in Miami. He came to Sacramento and attempted to join a union and they wouldn't accept him because he was Black, but they made him pay a permit, a permit to work. If he could get a job, they'd give him a permit, to work, the union would and not picket the place, but they wouldn't let him join the Tile Setter's Union. So I brought a lawsuit to compel them to admit him to the Tile Setter's Union and for damaged. This was in early 1949, at the trial of that, well in the process of that case, the judge who heard it ruled that Bacon didn't have any right to join the union because it was a private organization, but it was a very incorrect decision, but then we decided to appeal but while that process was going on, I suggested to Bacon that what he ought to do is become a contractor, so he applied to the State Contractor's License Board, became a very successful tile setter in Sacramento and he set the tile at the Lincoln theater down across from Macy's. If you look at that building now you will see that it's a tile front, Al Bacon set all of that tile. He became a very successful tile setter, employing union people who had voted to keep him out of their union. [Mr. Colley laughs]

[Counter 100]

Clarence: Now was this a common practice during the War, for instance, when Blacks attempted to join unions and they were shoved aside in –

Mr. Colley: Well it was a frequent practice, but as early as, during the War the State Supreme Court in James versus Marinship case, had ruled that it was illegal to for a union to have a monopoly on business in a community and then exclude people from the union on the basis of race.

Clarence: Oh, I see, okay. So there were a number of precedents or cases that you tried in earlier years in Sacramento that established a more egalitarian treatment for Blacks.

Mr. Colley: Oh yes, that was the purpose of it and there were a number of them which never made any great history, they were just, you filed a lawsuit and you get a result. I know one involved a place not in Sacramento, but Black people in Sacramento went up near Oroville to a place called Richardson Springs where they wanted to go up and it was a resort where they had hot mud baths and hot springs or something, they went up there and the people wouldn't allow them to be guests at this resort and I filed a lawsuit up in Oroville. This was very early in my career, I filed a lawsuit in Oroville and tried it up there before a judge without a jury, and it is one of the first cases where the judge awarded punitive damages for racial discrimination. That

case was Garrett, et al, versus Richardson Springs, filed in Oroville Superior Court in Butte County.

Clarence: Did you find that the local press paid attention to suits and legal actions against local authorities in Sacramento? Did you find that the press was a help or a hindrance in any regard?

Mr. Colley: Well, I must say that the Sacramento Bee in those days in particular was more favorable to what I was doing than other people. They had some very good reporters. And this goes back a long time, one of them was Hale Champion, I remember him so well, and Hale Champion was a report who, you know, at the courthouse. He kept a pretty good tab on what was going on.

Clarence: And what about the editorial sections in the paper, did they –

Mr. Colley: Well, I can say that, in those days there were no editorials that I knew of in favor of what I was doing. Even much later when I was on the State Board of Education the Sacramento Bee had an editorial very critical of me because as a member of the State Board of Education, about 61 or 62, I was insisting that the text books reflect the accomplishments of Black people and that the Civil War story be told correctly and not like it was a great confederate victory. I remember objecting to the public school books giving more space to Robert E. Lee than it gave to George Washington. I made speeches about it, [hard to hear, counter 133]. Of course the Bee wrote an editorial in those days which said that I was stirring up, rekindling the hatreds and passions of the Civil War, and all I could say to that was “to hell with that, if it’s wrong, let us go

to bat,” you know. But I can’t say that I had any editorial, the news coverage wasn’t bad, but I can say that I know of no local media that expressed any approval of what I was doing, at any time.

Clarence: But no real, no real effort to go out of their way to discredit you or anything like that?

Mr. Colley: No, no, no.

Clarence: Given that you were probably the first successful Black lawyer in Sacramento, what about the lawyers that followed you? Did you have any influence on their careers or did you help them along at all.

Mr. Colley: Well I helped everybody that I could. But they’ll have to tell you whether it was really of any help to them.

Clarence: And who came after you immediately, as far as Black lawyers in Sacramento?

Mr. Colley: I think Douglas Greer was the second Black lawyer in Sacramento. He started about 1953. Then there was a man, Clarence Canson, and he worked for a while in private practice and then he went to the Small Business Administration. Then there was Judge Morgan, who went to McGeorge, he practiced law, and then became a judge.

Clarence: And what would you say is the state of the legal, Black legal profession in Sacramento today?

[Counter 150]

Mr. Colley: I say “good cases make good lawyers” and any deficiency in Black lawyers in general is that they don’t get the opportunities to handle the significant cases that a lot of White lawyers do. So naturally, not having the chances to handle the wide variety of cases they don’t get the broad experience and they don’t get the recognition because they don’t have the cases. I frankly don’t think that my success has been due to any particular kind of genius on my part, it’s been due primarily to the fact that I established a reputation which allows me to get good cases. I say again “good cases make good lawyers” [laughs].

Clarence: So you are saying that the opportunity –

Mr. Colley: The opportunities are still not, let’s put it this way, the average Black lawyer in Sacramento does not get the opportunity to handle as much significant litigation as he or she ought to handle in order to establish a reputation in the community. Now I will say that generally speaking, Sacramento is different from most cities in America in this respect. Most of the Black lawyers in Sacramento have very significant numbers of White clients. In my own practice, even to this day, a majority of my clients are White. That’s because White folks have problems and they have money to pay for them I guess. But we deliberately and intentionally

always tried to served our people. We, we keep, we see to it that we have significant numbers of Black clients.

Clarence: The local NAACP in Sacramento was reorganized in 1937. They got a new charter after the old one was defunct ten years earlier. In what state did you find the organization when you arrived in Sacramento. What was the status of the organization within the Black community?

Mr. Colley: Well, it was meeting. I don't think they were suing anybody, but they were meeting. We had a good core of people who meant well and received me with open arms and were very anxious to work with me and cooperate with me in trying to use the court mechanism to bring some equality to Black people and opportunity to Black people. People like Mr., Attorney Canson's father, and there was a man who ran a club, the Mo Mo Club, Alex Moore, and Netta Sparks. These were old Sacramentans who instead of resenting me as a new intruder, they embraced me. They encouraged me. They stood by me when we had litigation and sometimes you know you go into some of these small communities and there will be, trigger mob violence. I went up in Placer County not too many years ago when we were talking about, there was a thing called, let's see, what did we call it, I guess it was, I guess it was we were talking about Proposition 14. I know it was a housing discrimination initiative being highly debated all over the state. I went up there to debate and people had called into the local radio station saying "that this radical was coming and there would be trouble" and all that sort of stuff, and the radio station played it up the day before I went and then a lot of my friends said "don't

go up there in those hills, those red necks will kill you.” Well what happened was, there were a lot of Blacks at that time working at a little place called Foresthill –

Clarence: That’s where I’m from.

Mr. Colley: Alright, and a lot of those Blacks from Foresthill came to Auburn to this church and there were about 25 of them. They were big, strong guys. They were there, and I didn’t even know they were coming. They said “we’ve heard that somebody might try to embarrass you or try to harm you, and we decided we would form our own guard, and nobody better touch you, they’d better stay their distance.” And of course, everybody was very meek and very quiet.

Clarence: [laughs] Wow, I’m glad to hear that! Because my roots are in Foresthill, I was, the first five years of my life was there.

Mr. Colley: I have never been to Foresthill, but I have known a lot of people who have been there.

Clarence: So basically you found the local NAACP was receptive and –

Mr. Colley: It was receptive and it, you know, they had no lawyers who would sue for them, or anything like that. But they were ready and receptive. That’s the only way I can say.

Clarence: Was that basically because a lot of the lawyers they did hire were from outside the area or were White or were not –

Mr. Colley: Well, you know, at that time suing for Black causes and all was not popular. A lot of lawyers don't want to offend the White community and jeopardize their chances for business, you know.

Clarence: So in a sense you were in the right place at the right time?

Mr. Colley: I think that had one hell of a lot to do with my success as a lawyer. I was visible because I was Black. I was the kind of person that you couldn't, you couldn't hide me because I was noisy and I was anxious and I felt that I had a mission, and if I wasn't going to accomplish my mission, to try to make the world better, a better place through law, I might have well as remained what I was, and that was a chemist.

[Counter 200]

Mr. Colley: I started out to be a chemist and I might have well remained a chemist if I wasn't going to do anything as a lawyer. And so, I think that, certainly, I was at the right place at the right time, and number two, when the opportunities came, I think I was superbly trained for them because I had graduated from Yale University Law School where there was a very high degree of consciousness about social change and so I was at the right place at the right time, prepared well enough to do something.

Clarence: Now your arrival in the 1940s coincides with the great increase in the Black population of Sacramento, in Sacramento County, particularly due to the War industries and the migrations from the South. Would you say that this population increase was kind of an impetus to push for greater civil rights activity in Sacramento during that time or would you say that even before then, that Sacramento was ready for –

Mr. Colley: Well, I don't know about before then, you see. I do think though that in the 30s and in the earlier years I think, there was a lot of complacency in Sacramento, and people during the Depression years were trying to live and they didn't have time to form or to keep alive the NAACP which had been formed earlier. So I think there was frustration and loss of hope, but then the War itself was an awakening experience for America. There were a lot of G.I.s who'd been overseas and they had been other places and they had seen the world. It's very difficult to go over and fight for freedom for other people and come back home and accept a kind of slavery for yourself. I think that general awakening had a lot to do with it.

Clarence: Now getting to another, on to another subject, the issue of Redevelopment, I assume that your first offices were probably on the West end of town or?

Mr. Colley: Where Macy's is now. Right across from the Lincoln Theater. It was a, I was upstairs over a tailor shop, at L Street, on between 4th and 5th on L.

Clarence: Now what are your perceptions basically of the aims and wants of Redevelopment, vis a vie the beliefs of the minority businessmen in the community at that time who had set up the Sacramento Businessman and Tax Payers Association, and other organizations to fight Redevelopment. Did you see Redevelopment as a threat to those business opportunities?

Mr. Colley: Well, I saw it as a threat because I think that what happened, what happened was when people were relocated or moved out of the existing areas, no real effort was made to establish them in any way. It was an uprooting more than a, a systematic planned relocation. I would be the first to admit that when I came here, Capitol Avenue and the area around it between say 9th and the river were, it was an area, it was a depressed area. And it needed some sort of refurbishing or, and to just fix up the buildings wouldn't have been enough. So some kind of Redevelopment so as to bring a better appearance and a better land use on that entrance to the State Capitol of the largest State of the Union was fine. But I remember very distinctly my strong objections to them taking every private building between 8th, between 9th and say 3rd Street, they took all the private buildings away at that time and they left only the Sutter Club. If you will read the newspapers you'll see I made the statement once that "they leave the Sutter Club which was completely racist and sexist", but it stays because of the influence of the people who go to the Sutter Club and if you'll go down there know you will see that in those blocks that I'm talking about, that in that area along Capitol Avenue, the Sutter Club is the only private building left between 9th Street and well, you have to go all the way down to 5th Street before you get another private building.

[Counter 250]

And I say that I don't know why you will make an exception for a racist club. Now the Sutter Club I understand has, is no longer racist, it has a member, [they laugh] but it is still sexist. Of course, that brought a lot of criticism on me, because I was, they said I was attacking these respectable people who'd done nothing to anybody. I wasn't attacking, I didn't consider myself attacking anybody, I considered myself as a spokesman for a people who were being uprooted and they didn't have any real chance to go, you know, participate in what was left there.

Clarence: So basically, you are looking at, you are saying that the Redevelopment, the early Redevelopment in Sacramento as far as the operation of tearing down buildings and relocating people was actually an uprooting rather than actual Redevelopment?

Mr. Colley: The way, listen, the concept of Redevelopment I never had any objection to, because I was very familiar with the area down there and it was a slum area to a large extent. I can see how a city would need to do something about that situation and it was not a situation where refurbishment would do any good. It needed, it needed uprooting. But where we failed, and where the Redevelopment Agency failed is in trying to provide for the integration of these people who were being removed into the community, and so, instead of integrating them into the community, they just disbursed them to Glen Elder, Del Paso Heights, and Oak Park, to create new slums.

Clarence: Without adequate compensation?

Mr. Colley: Exactly right, exactly right.

Clarence: Because a number of people that I have interviewed who owned businesses there, stated that that was the case. That they weren't adequately compensated for the property.

Mr. Colley: That's right.

Clarence: When they had to go to other places to set up, they didn't have enough money really to deal with it so a lot of them went out of business. Okay, one final question, what do you see as the status of Blacks in Sacramento now? Vis a vie –

Mr. Colley: I'd answer it by saying everything is relative, and I give that preface because my conclusion is that Blacks in Sacramento are generally better off than they are in most cities in America. But, Sacramento has one defect that most American cities have, there has not been an atmosphere for Black businesses to thrive. Black professionals have done well, but Black businesses have not thrived and, I think it is because no proper atmosphere for success and no initial capital has been provided. Whenever the Small Business Administration provides money, almost without exception they give you just enough money to let you start, but enough to guarantee you'll fail, because you don't have the cash flow until you get, you know, until you get going. But I think that though, with all of its faults, Sacramento is not the worst town in the world for Black people. Blacks in Sacramento, as you know, are well disbursed through the community now, but here again, that's operating, the integration in Sacramento is best at the higher income levels. If a Black makes enough money, he can buy a house practically anywhere

without much problem at all. But when it comes to the poor, the poor tend to congregate together, and that's why you have the concentration of Blacks in Del Paso Heights, in Glen Elder, and in Oak Park.

Clarence: Getting back to the issue of economic development, would you say a large part of that is due to poor marketing on the part of Black businessman?

Mr. Colley: Well, it's just a lack of experience and training, so that they don't know business operations and we as a people, see we as a people just have not had the economic background which would give us training and it takes a long time to train to be a successful business person. Of course, if you go into merchandizing, even if you are White and go into merchandizing on your own, it is unlikely that you are going to succeed, because of the competition of the giants. If you are going to run a department store, you can't succeed putting it up next to Macy's.

[Counter 300]

Mr. Colley: If you are going, you know, and when it comes, when you think of business, is it a success? Well usually a large business is. Small businesses have difficulty anywhere and at anytime and with Black people that's all they can be is a small business because we have small capital. But also I don't want to lose sight of the fact that we just have not, we've not had the capital to keep it going and we have not had the training in management business. I know that the bright, ambitious Blacks tend to chose a profession rather than business, and there are reasons for that. You can chose to be a doctor, without an enormous outlay of capital, if you can

get through medical school, you can open an office and practice and make a good living in it. If your bright and ambitious and do good work, you can make a go of law

[Tape one, Side one ends, counter 312]

[Tape one, Side two begins, counter 314]

Mr. Colley: Those are not capital intensive professions, law or medicine, but I think one of the things that we as a people and a nation as a whole have to face is that the answer isn't to tell a Black person "well go out to start you a business" so you start a mom and pop grocery store. It's hard, very to compete with the chains or with the stores that have, you know, these supermarkets and all, and with mass buying and everything else. It is very difficult to compete with that. So that's why it is so important that we become integrated into the business structure that exists rather than us trying to start a railroad of our own. There are not many railroads left. So what we need to do is to become a part of the Southern Pacific, insist on them hiring us and we working our way up in it. In existing businesses. When small business is going out as a way of economic survival, there is no use in counseling Blacks to go into it, because there's not many who are [hard to hear]..

Clarence: What about the role of professionals in this idea of economic development as far as maybe them providing seed money or advice or whatever, is that feasible?

Mr. Colley: It can be, I don't think it's feasible. Because I've tried it. Without any publicity or anything else. I must have tried to establish for Black people, three or four or five different

businesses. Put my own hard cash in them, but people don't have the experience and the marketing skills to know how to do it and they all fail.

Clarence: So even though that sounds idealist and viable, when a lot of times it's not practical.

Mr. Colley: I think the role I can play to best help Black people is one, try to see that they are not discriminated against in the general economic area and political and social areas, that I can try to see that opportunities are granted them so they can succeed like anybody else succeeds. There is a tremendous amount of mobility in America, that is people going from poor to well off. You have to look and see where that happens, and that happens in the professions, and that happens with people who advance in their corporations, like a manager of the Proctor and Gamble Plant here. A tremendous facility, run by a Black man as it's manager. But I don't know whether he could start a small business and rise to the level he is. So I think that we should, we have to see to it that we get the opportunities in existing businesses.

Clarence: So you are saying that a legal foundation should undercut, or should underpin any type of economic foundation?

Mr. Colley: That's right, unless we, unless we see to it that there's no discrimination, there are conscious programs for uplift among Black people in existing businesses and in government and everywhere else, we are going to fail. We can't, see the poor can't pull to themselves, and pull themselves up by their own bootstraps, because they don't have any boots on, so you can't do it. You have to work in the structure and you have to become a part of the power structure if you

are going to wield power. Somebody has to have the role and find the key so that these entrees to the power structure are available to Black people like they are to others.

Clarence: Okay. Thank you very much, Mr. Colley.

[Side two, Tape one ends, Interview ends, Counter 362]