

BLACK HISTORY MONTH

Local Lawyers Helped Defend Civil Rights

Editor's note: This is a second story in recognition of February as Black History Month featuring area residents who played a role in the Civil Rights Movement.

BY AMY ASH NIXON

Staff Writer

ST. JOHNSBURY — In the spring of 1967, two young law firm partners took turns volunteering to help in the Civil Rights Movement in Mississippi and Alabama.

Those men were the late John Downs, and Robert Rachlin. They volunteered with the Lawyers Constitutional Defense Committee (LCDC), an offshoot of the American Civil Liberties Union.

Downs, who died in 2011, went to the south first. He was followed by Rachlin.

Downs, Rachlin & Martin was founded in St. Johnsbury, and later, the firm opened its Burlington office. Downs began his practice in 1959, working from a two-story building on Main Street in St. Johnsbury which he bought with Dr. David Toll, the longtime town pediatrician who retired last year.

The firm became Downs Rachlin & Martin with addition of partners Rachlin and Allen Martin.

Rachlin, who is retired, but is at the Burlington office one day a week, said in an interview this week that some of the specifics of the cases he and Downs volunteered for are hard to recall, but the importance of bringing legal representation to people being denied civil rights was at the core of their pro bono service.

In Downs's obituary, his work during that time is noted, "In the late 1960s, he provided pro bono representation through Vermont Legal Aid for African Americans in Mississippi and Alabama who were un-

See **Rights**, Page A6

able to hire counsel."

Rachlin said of their work, "The mission of LCDC was to provide legal services to persons seeking realization of rights secured by the 1964 Civil Rights Act. The work included, among other things, representation of individuals before

courts and boards, and meetings with African-American groups seeking to promote and defend civil rights."

He said, "The service was sometimes difficult, where the white population of Jackson was — to say the least — not friendly to Yankee lawyers working to change a way of life deeply embedded in Mississippi society."

"We were invited to go to Jackson, Mississippi by the Lawyers Constitutional Defense Committee to represent mainly African Americans who were involved in one way or another seeking to preserve or assert various rights that we consider to be basic," said Rachlin. "John went down for two weeks, and then I went down for two weeks."

Rachlin said, "We were not involved in marches or demonstrations, we were acting strictly as lawyers. One of the things I was working on was a brief for the 5th Circuit Court of Appeals in New Orleans, it was actually an appeal by a white man who had been convicted and claimed that his constitutional rights had been affected because blacks were excluded from the jury."

Rachlin remembered being sent to a place called Moss Point, Mississippi, down near the Gulf Coast near Biloxi, where he met with a group of "African American folks who wanted to discuss problems that they were having. And during the course of that visit, I remember a fellow from one of the utility companies came by, a white guy, I guess because of an overdue bill or something, and the host, the fellow whose house we were meeting at, was very much concerned about my driving back that night on the highway, because he felt they knew I was there," he said. "Maybe they were a little

paranoid, but I drove quite rapidly from Moss Point to the highway."

He said while he was there he did not encounter any violence or made to feel unwelcome. "Other people who had been there longer and contributed more than John and I did I'm sure had experienced more than what we did."

Before the young lawyers went down south, they both went to New York City to be briefed on their plans to assist during the Civil Rights Movement, recalled Rachlin.

Anthony Amsterdam, a well-known lawyer, helped to prepare the lawyers for their work in the south.

"I do remember while I was down there I developed a bad toothache, and I was a little bit concerned about going to a local dentist down there," said Rachlin. He said he looked in the phone book for a dentist with a Jewish name (Rachlin is Jewish himself) thinking he'd be safer. The dentist teased him, he said, and said to him, "In a rather Dracula like voice, 'I know what you're doing down here...'" recalled Rachlin.

Rachlin was already a licensed pilot when he was in the south for the Civil Rights work, and flew a plane from Mississippi to Alabama for a federal court hearing he and one of his colleagues needed to be at. He was offered a job in a New Orleans law firm, but came back to St. Johnsbury.

"The 60s, the middle 60s, was a time of substantial ferment in the civil rights arena," said Rachlin. "There were a lot of bad things happening at that time and there was a lot of movement, a lot of push for legislation to remedy these situations."

The Civil Rights Act, signed in 1964, "caused a huge amount of ferment," said Rachlin.



“Here in Vermont, we didn’t have much of a problem, until I became involved in what was known as the Irasburg case,” said Rachlin. “I was the lawyer for the black minister who was charged with adultery for having relations with a white woman.”

He said, “Nationwide, if you were alive and oriented, you had to be aware of what was going on.”

“John and I were both sensitive to these issues and I guess we would be called fairly liberal,” said Rachlin. “I have to give John a lot of credit. I was getting paid by John in those days, the point of it was he was willing to have us each give up two weeks of lucrative office work to have us participate in this.”

Rachlin downplayed the pro bono work the men contributed to the movement.

“Our past in this is so trifling in this compared to what some people did,” said Rachlin. “There are some people who gave their blood and their lives to this cause. We were very small cogs in a very large wheel.”

Still, the experience was deeply meaningful and public service became an ethic of the firm going forward.

That commitment 50 years ago to help with the Civil Rights Movement laid the foundation for DRM to give back, said Mary Parent, an attorney with the firm today. She spoke at a recent business event in St. Johnsbury, about the firm’s longstanding ethic, that comes from the pro bono work that Downs and Rachlin made a priority.

“It’s something that’s been part of my life for quite awhile,” said Rachlin, who has represented detainees at the federal prison at Guantanamo a half-dozen times. “I’ve always had a concern and I must say John Downs always had a concern for what we might call the higher calling of lawyering, and this was really part of it,” he said of that work in the

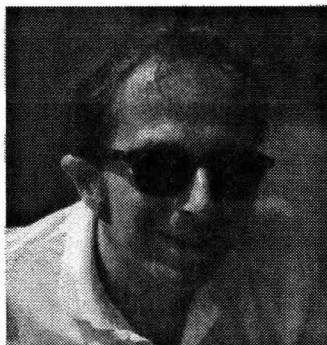
Civil Rights Movement in April of 1967. “It stayed with me in the sense that it was a positive experience.”

Work like what the men did that year became part of the firm’s ethic. “John had a lot to do with that and he passed that down to me, it really became part of our DNA,” Rachlin said. “We have always been very generous in allowing our lawyers in the firm to do pro bono work.”

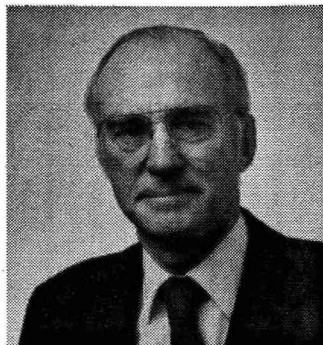
“I guess the point I would make, and it’s a cliché, it’s certainly not some original insight of mine, I think that we just have to be vigilant,” said Rachlin. “Quite frankly I think right now we are in a particularly scary time. I think we have to be very careful that we don’t accept things that are essentially unacceptable. I think that what’s going on today is unacceptable,” he said, referring to the state of the nation under the new president. “I think we have to resist it,” he said, pointing to “vicious attacks on the press,” and more.

Rachlin said, “We’ve got to defend our institutions.”

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Robert Rachlin



John Downs