

# Nashville Bar Journal

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# From the President

## On Moving Forward

by: Charles K. Grant



It is my honor to serve as the next President of our great Bar Association. I especially want to thank John Kitch, Judge Randy Kennedy, and John Tarpley for their leadership and support.

The historical nature of this moment is not lost on me. I reject the notion some share that many of the epochal events in our history were inevitable. As Dr. Martin Luther King has written, "human progress is neither automatic nor inevitable.... Every step toward the goal of justice requires sacrifice, suffering, and struggle; the tireless exertions and passionate concerns of individuals." As a black man, I know that I am in my new role because of the work of so many lawyers before me who have labored tirelessly in the courts of this land for equal rights and equal opportunities. We all owe a great debt of gratitude to the courage, the sacrifice, and the resolve of lawyers like J.C. Napier, Z. Alexander Looby, Avon Williams, A.A. Birch, and so many others.

I want to make a few comments about Mr. Looby. I was born and raised here in Nashville where "Lawyer Looby" was revered. On a personal note, he was a dear friend of my parents, Verleon and Roscoe Grant. My father and Mr. Looby were involved in Republican politics and my mother was one of his "block captains" during his campaigns for the Nashville City Council, where he served for 20 years. Everyone in our household was well versed on his exploits in the courtroom.

Zephaniah Alexander Looby was born in Antigua, British West Indies, in 1899. His mother passed away when he was five and his father passed away when he was 14. At 15, Mr. Looby left the island of his birth and found his way to the United States. Taking odd jobs here and there, he worked his way through Howard University, earning a Bachelor's degree in 1922. He later earned a Bachelor of Law degree from Columbia University in 1925 and a Doctor of Juristic Science from New York University in 1926. Mr. Looby worked several years at Fisk University as an assistant professor of economics.

In 1928, Mr. Looby was admitted to the Tennessee bar. His active and successful practice as a preeminent civil rights lawyer, criminal defense attorney, and a general practitioner over the next 44 years significantly impacted the lives of many persons inside and outside the State of Tennessee. From 1943 to 1945, he presided over the James C. Napier Bar Association (now known as the Napier-Looby Bar Association), an affiliate of the historically-black National Bar Association. In 1951, Mr. Looby was elected to the Nashville City Council, along with fellow lawyer, Robert E. Lillard. They were the first African Americans to serve on the Council since 1911.

One of his more celebrated cases involved leading the defense of 26 black men charged with rioting and attempted murder following an alleged "race riot" that occurred in Columbia, Tennessee in 1946. The NAACP hired Mr. Looby (who was a member of the NAACP National Legal Committee), a white Chattanooga attorney named Maurice Weaver, and future U.S. Supreme Court Justice Thurgood Marshall (who was well known even then) to represent the defendants.<sup>1</sup> Following a lengthy trial before a jury of 12 white men, Mr. Looby's legal defense team secured the acquittal of 23 of the defendants. The result shocked the national press as well as parties on all sides of the "race question."

Following the momentous U.S. Supreme Court decision of *Brown v. Board of Education of Topeka, Kansas* in 1954, Mr. Looby filed a lawsuit against the Nashville public

schools on behalf of a local barber whose son was denied access to a nearby white school. Mr. Looby is credited with desegregating the Nashville Airport's dining room and the city's non-private golf courses.

When the student sit-ins began in Nashville in 1960, Mr. Looby became their first attorney, an action that resulted in his home being dynamited later that year. Mr. Looby and his wife, Grafta Mosby, were sleeping in the back of the home and were uninjured in the attack.

In 1955, this great lawyer applied for membership in the Nashville Bar. His application was declined because of his race. In December 1965, a vote of the entire membership of the Association was taken on the question of whether to admit Negro attorneys. The results were 260 votes for admittance and 175 against admittance.<sup>2</sup> In light of this vote, on January 5, 1966, the Association formally approved an instruction to the Membership Committee "not to give any consideration to the race or color of anyone making application for membership."<sup>3</sup>

Mr. Looby died in 1972. Noting "the significant contributions of this distinguished lawyer," the Association in 1982 approved a membership certificate posthumously.<sup>4</sup>

Some of you may recall that the Nashville Bar Association honored Mr. Looby as part of its 2010 Law Day program with "Tired of Waiting," a reenactment of the 1960 Sit-in trials. Today, a portrait of Mr. Looby hangs in Judge Joe P. Binkley's courtroom in the Fifth Circuit Court, where it has been hanging since former Fifth Circuit Judge Walter Kurtz placed it there in the mid-1990s.

We have come a long way as a bar association and as a profession, and we owe a debt of gratitude to Mr. Looby and many others like him. Let us continue their work to ensure that our profession, our Bar, and our Bench are fully inclusive and reflective of our community at large. ■



(Endnotes)

<sup>1</sup> Thurgood Marshall arrived in time to assist with the trial but became ill and was hospitalized for about three months. A fine account of the events leading to the riot, the pretrial proceedings and the trial itself can be found in *No More Social Lynchings* (Hillsboro Press 1997) by Robert W. Ikard.

<sup>2</sup> December 9, 1965 NBA Minutes of the Meeting of the Board of Directors ("NBA Minutes"). I want to thank John McLemore for sending me a copy of these minutes, as well as other Board minutes and related contemporaneous documents.

<sup>3</sup> January 5, 1966 NBA Minutes.

<sup>4</sup> According to the September 7, 1982 NBA Minutes, William J. "Joe" Haynes, Jr. made a motion that Mr. Looby be made a member of the Association posthumously and that the President be authorized to present a certificate evidencing such to his widow at [the Napier-Looby Bar Association] banquet on October 14. The motion carried.

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Our Bar Association is much more than just a collection of services. The power of our membership lies in the power of the people.

WE are the Bar. And together, we shape the future of the legal profession.