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Harry N. Scheiber

As part of an ambitious effort to record the memoirs of prominent Afro-American figures in state and national life who were alumni of the University of California, the Regional Oral History Office (ROHO) in UC Berkeley’s Bancroft Library undertook what proved to be a full and in many ways especially searching and evocative interview with Justice Allen E. Broussard during several long sessions in 1991, 1992, and 1996. The interviews were conducted by Gabrielle Morris, who was project director for the Bay Area Foundation History Projects and the UC Black Alumni Project, among other projects, for ROHO; she is the author of Head of the Class: An Oral History of African-American Achievement in Higher Education and Beyond (Twayne Publishers, 1995.) An extended segment is published here with the generous cooperation of ROHO and the University of California, Berkeley; ROHO’s director, Willa Baum; and Germaine LaBerge and other ROHO staff members.

The interview segment published in this issue of the Yearbook pertains largely to Broussard’s career on the bench. In other parts of the interview, not included here but available to the public at the Bancroft Library, Broussard discussed his childhood in Louisiana, the pressures of racial segregation there, his family’s move to California and his studies at Boalt Hall School of Law, his Army service, his early experience in law practice and his clerkship with Justice Peters, and his involvement in political affairs in Oakland and the East Bay of California prior to becoming a judge. Publication of the oral history interview segment on his judicial years is especially interesting to students of California legal history insofar as it deals with his challenges and achievements in the judiciary, both as to how the court handled specific cases and as to the “internal” institutional life and style of the Bird and Lucas courts. The interview is also
invaluable because Justice Broussard expressed his personal views (often very candidly stated) on some vitally important constitutional issues of his day and on significant issues of law and politics. In a brief introduction to the interview, Amy Steigerwalt reviews the contributions of Justice Broussard in three important decisions that he wrote during the course of his career on the high court bench—decisions that may be taken as exemplary of his style of “judicial liberalism,” as many would term it.

Born in Louisiana in 1929, Broussard spent his childhood in modest circumstances in the intensely segregationist atmosphere of Lake Charles. His father, a longshoreman, brought the family to San Francisco in 1945. Encouraged by a high school teacher to continue his education, Broussard entered San Francisco City College and supported himself in sales, warehouse and cannery jobs during two years of study there, then completed his last two years of college at the University of California, Berkeley. He was chairman of his college chapter of NAACP, prelude to a long career of service to minority groups and activism in the cause of civil rights. “San Francisco prides itself,” Broussard later recalled,

on being “the city that knows how.” Well, in the late 1940s and early 50s, we were in the business of teaching San Francisco how—especially in public employment. I can still remember when the city hired the first black police officer, probation officer, high school teacher, and so on.

... And in those days the AF of L [American Federation of Labor], especially, had racially restrictive membership and closed shop agreements with employers. Blacks couldn’t get jobs because they couldn’t get into the unions. So we had to fight that battle too.

That’s what finally persuaded me [to study law]. I felt I could make a differences in the lives of my people. 1
Broussard continued to take a leadership role when he was admitted to Boalt Hall School of Law at Berkeley, holding top offices in both student academic organizations and the California Law Review editorial board, and serving as president of the Student Association. Graduating in 1953 near the top of his class, its only African-American to complete law studies that year at Boalt, Broussard then accepted an offer to work as research attorney for Justice Raymond Peters—a distinguished jurist whose influence was later acknowledged by Broussard as that of a true professional mentor. Peters, he later recalled, “was a brilliant scholar but he never lost sight of the fact that law had to have a touch of humanity in it.... He taught me how important it is to not just coldly and objectively analyze, but to think of the impact you were having on people and humanity, on society.”

Broussard was drafted for Army service in 1954 and spent two years as a chaplain’s assistant in Germany, declining a commission in the Judge Advocate General Corps in order to return to civilian life in 1956. He returned to the Bay Area, and went into a five-lawyer office in Oakland. Three years later he entered as an associate in a reorganized firm with Lionel Wilson, a prominent figure in Oakland civic and political life who was appointed to the municipal bench shortly afterward. It is at this point in his career that the oral history interview published here takes up the extraordinary story of Broussard’s life and career.

Broussard’s death in 1996, two years after leaving the California Supreme Court and ending a long and notable judicial career, after which he returned briefly to private practice and active involvement in Oakland civic affairs, represented a loss of special significance to the law and to the citizenry of California. The honors won by Broussard in his mature years were numerous—among them appointment as the first African-American to be president of the California Judges Association, designation as the University of California, Berkeley, Alumnus of the Year, and the Eleanor D. Roosevelt Humanitarian Award—but doubtless he would have taken special pride in the testimony so often given about him by
friends and colleagues during his life, and at his death, as a man who, in the words of the late Chief Justice Rose Bird, was "a lovely human being, .... a talented jurist, and a superb public servant." The interview text that follows will, it is certain, provide students of California law, of the court, and of the civil rights and social justice movements with some fascinating insights into the mind—and the extensive practical accomplishments in public life—of a major figure in the state's legal and constitutional history.

ENDNOTES

1 Interview with Justice Allen Broussard, California Monthly (University of California), Feb. 1993, p. 36.


