

Mitchell Zimmerman

November 06, 2020

SUMMARY

Mitchell Zimmerman was born on October 15, 1942 in New York City. He grew up in a mostly white working-class neighborhood in the South Bronx where he attended integrated public schools. He attended City College of New York and later Princeton University as a graduate student in political science. In August, 1963, he traveled to DC to attend the March on Washington. In 1964 Zimmerman was recruited as a volunteer for the Mississippi Freedom Summer project, first working in the SNCC office in Atlanta where he supported the case against the Pickrick, a restaurant owned by Lester Maddox, future Governor of Georgia. He spent time that summer in northern Mississippi working on voting rights advocacy. He returned to the South the following year working with the Arkansas Project on voting and integration rights from the fall of 1965 to the fall of 1966. Zimmerman moved to California with his wife where they raised three children. In 1979 he became an attorney working both as a technology lawyer while continuing pro bono work supporting civil rights, opposing the death penalty, and a range of other issues. He currently resides in Palo Alto, California.

LOCATION

Recorded via Zoom teleconferencing system. Mitchell Zimmerman was at his home in Palo Alto, California. The interview team was in their separate homes throughout the San Francisco Bay Area during the "shelter in place" order due to the COVID-19 pandemic.

INTERVIEW TEAM

Lead: **Makana Leavitt** ('21)

Support: **Anthony Sharp** ('21)

Instructor: **Howard Levin**, Director of Educational Innovation

Makana Leavitt

Why don't we go into first, you talked about you were a witness in one of the first cases. Could you just talk about that? What was going on and why were you?

Mitchell Zimmerman

During that summer when I was down there, Congress passed the Civil Rights Act of 1964. And among other things, that Act outlawed, nationwide, outlawed segregation in what are called public accommodations, meaning you know, restaurants hotels, places that are you know, generally offered their services to the public at large, now told, "Nope, you cannot refuse to provide those services to African-American people," or other basics of discrimination, but that was the core of the Act. Immediately there was defiance of that in the South. In Atlanta, where I was, Lester Maddox who owned a restaurant called the Pickrick, when, after the Act was passed and became effective, black people went to the restaurant to try to get served he waved them off with a gun. He gave away ax handles to people to encourage them to attack any blacks who came there. An enforcement action was brought and there was a lawsuit on it. In that lawsuit, the question was where did Congress get the power to tell this one restaurant, not part of a national chain, whether they could or couldn't engage in segregation? And at issue was under Congress's power under the Constitution to regulate interstate

commerce. So as part of establishing – a kind of an interesting point – is one little restaurant there, only in Atlanta, interstate commerce? And in order to establish that, a group of lawyers for the NAACP were looking for some white people from other states to go to the Pickrick. So I and a couple of young white women who were working at SNCC that summer at the Atlanta headquarters, we got dressed up as nicely as we could and we went to the Pickrick. They served us, we were Northerners, people from out of state. And while there we observe the presence of Lea & Perrins Worcestershire Sauce and Pickapeppa Hot Sauce on the table that had "traveled in commerce," as they say technically, in other words, they came from other states. We weren't in a position to say where the chickens had come from that we had. And then there was a trial in Atlanta in that case. There were trials in a number of other places also. And I was called as a witness in that and testified to these things, which is a small role, but actually a very large and serious drama. The court held and ultimately the Supreme Court agreed that even a restaurant solely in one place was interwoven with a web of interstate commerce in a country like ours, and Congress had the power to regulate them and to tell states and tell businesses, "No, you may not affix badges of slavery on people any longer based on race."

Makana Leavitt

What was testifying in the courtroom like? Was it a big courtroom with a lot of people?

Mitchell Zimmerman

It was a giant courtroom. I sort of wonder, in retrospect, is my image of it exaggerated because of the kind of place it was? But it was a big courtroom. There was a three-judge panel. I think there'd been special arrangements about how this was going to go. I think the Act may have provided that instead of being like a district court, and then a Court of Appeals, and then the Supreme Court. I think they decided when they passed this legislation right off the bat, "We know this is going to the Supreme Court, they had a three-judge, three federal judges were in front of it. I was called and testified about the things that I saw. I recall that at some point in it, the NAACP lawyer asked me what my race was. And I said, "The human race." He established that I was white. I think I was very conscious that this is a giant, important step, an important drama in America's social progress. And my part in it, while quite small was not entirely trivial.

Anthony Sharp

When I hear that story, I instantly think you used your privilege, being able to support the Movement by being able to be a witness in such a good way instead of being another bystander, but you chose to use your words and the evidence to show that you're not cool with any of that.

Mitchell Zimmerman

Yes, that's right. I don't think I thought about it as a privilege, I think I thought about it as thinking you have to stand up for what's right. You have to act. It's not enough to disapprove of bad things, you have to take action. And I was certainly happy to be in a position to do that. I was pleased with myself. I was happy with it. I don't really remember anything else about the trial. I know I must have attended some more of it, but presumably, the rest of it was more evidence of that same kind and evidence of the Pickrick's refusal to – in fact, encouragement of violence against African American and integrated groups that tried to go to the restaurant.

Anthony Sharp

Before we move on, do you remember what happened with the restaurant after the lawsuit?

Mitchell Zimmerman

Yes. Hold on a second, I'll show you something. The Pickrick had – this was an advertisement for the Pickrick during that summer. And there's Lester Maddox who was the owner of it. I saved this at the time and then

framed it, from the Atlanta Constitution. Pickrick, it says, it talks about freedom and "Grateful for the support while I'm still free. But also, "Our special tonight, drum and thigh chicken, 25-cents. There's something kind of crazy and ridiculous about this noble speech about preserving segregation as well as pedaling his not very good, actually, chicken. Maddox, Lester Maddox said he would never... segregation never would never end there, it would never be integrated, I think he wound up selling the restaurant after the Supreme Court decision came down affirming that, nope, you cannot segregate this any longer. However, he became, based on the kind of strength of this opposition, he became governor of Georgia. Lester Maddox was the governor of Georgia. Kind of interesting to reflect right now in this moment a few days after the 2020 presidential election that the State of Georgia, which was such a racist center at that point, and which had a long history of racism, is at the point now of – not sure what the final result will be – either voting for a Democrat, Biden, or being half the population almost, or a little more than, prepared to do that. Quite a change over the decades.