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The New Order Has Arrived: Dutch Morial, Reform, and the Sewerage and Water Board of New Orleans, 1980-1981

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“THE NEW ORDER HAS ARRIVED”: DUTCH MORIAL, REFORM, AND THE
SEWERAGE AND WATER BOARD OF NEW ORLEANS, 1980-1981

A Thesis

Submitted to the Graduate Faculty of the
University of New Orleans
in partial fulfillment of the
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in
The Department of History

by

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Table of Contents

Abstract.....	iii
Introduction.....	1
The Politics of Efficiency and Exclusion.....	4
Dutch Morial and the Trajectory of the Civil Rights Movement.....	9
Morial and Sewerage and Water Board Reform.....	19
Conclusion.....	35
Appendixes-Sample letters from S&WB employees to Mayor Ernest Morial	
Appendix A- Anthony J. Marshall to Mayor Morial.....	40
Appendix B – Creal James, Sr. to Mayor Morial.....	42
Appendix C- Clarence J. Gilbert to Mayor Morial.....	45
Works Cited.....	47
Vita.....	50

Abstract

This essay offers a brief examination of the interaction between New Orleans Mayor Ernest “Dutch” Morial and the Sewerage and Water Board of New Orleans from the spring of 1980 to the late summer of 1981. Morial, the city’s first African American mayor, attempted to implement several reform measures on the Sewerage and Water Board which included reduced term limits, an affirmative action policy, and a Minority Business Enterprise “set-aside” program despite opposition from a faction of white elite board members. These reforms reveal Morial’s desire to confront social inequities in a post-integration southern city that were maintained in part by a fragmented government structure and conservative racial attitudes.

Introduction

In June 1980, black employees at all levels of the Sewerage and Water Board of New Orleans (S&WB) claimed in the *Times-Picayune* that they were denied promotions and training opportunities because of the discriminatory practices of the board's top management. Although more than half of the S&WB's 1,413 employees were black, the overwhelming majority was confined to the lowest paid positions. Frank Davis, a twenty-three year S&WB black employee who had filed numerous complaints with the Equal Opportunity Employment Commission as well as a class action lawsuit against the S&WB to be promoted to a higher position, was convinced of the S&WB's culpability and more direct in his appraisal. He stated, "blacks are never qualified as far as they are concerned," before adding that "even when a man is qualified, they'll still find a way to keep him back." Stuart Brehm, the S&WB's executive director and one of four white executive members locked in a battle with the city's mayor for control of the board, dismissed the accusations. "They're disgruntled people," he argued. "People get overlooked because they aren't qualified and then they cry discrimination."¹

In response to the discrimination charges, Ernest Nathan "Dutch" Morial, ex-officio president of the board and mayor of New Orleans, initiated an affirmative action program for the employees of the S&WB. His plan called for a member of the mayor's staff or the Chief Administrator's Office to be responsible for monitoring the program. "If someone in the Sewerage and Water Board is put in charge then no progress can be expected," he reasoned, because "an aging, white supervisory staff, many with limited formal education" would not meet the challenge.²

¹ *Times-Picayune*, June 23, 1980; *Louisiana Weekly*, June 28, 1980.

These developments presented a precarious situation for Morial, New Orleans' first African American mayor. Two years earlier, in his May 1, 1978 inaugural address, Morial specifically pledged to eliminate discrimination "should it ever appear in this administration." Stressing a need to "open the door to socio-economic advancement to the less fortunate," Morial promised to foster greater minority participation and renewed democratic responsiveness.³

The asymmetrical positions of black and white New Orleans that Morial tried to address becomes evident when one surveys the city's divided social strata and declining economic situation that endured at the time the discrimination charges were made. Since the late-1960s, New Orleans suffered both an absolute and relative loss of manufacturing jobs while becoming increasingly dependent on state and federal funding.⁴ As the city's white population fled to surrounding suburbs, its black population increased from 37.4 percent in 1960 to 55.27 percent in 1980.⁵ By the time Morial took office, 26.4 percent of New Orleanians lived below the poverty line. The city's public school students, 85 percent of whom were African American, ranked lowest among the state's sixty-four parishes on standardized tests. Only 3 percent of New Orleans businesses were black-owned. Meanwhile, as Dr. James Bobo, Professor of Economics at the University of New Orleans observed in 1975, the existence of "extreme income inequality" suggested that "the control of the social and economic structure in New Orleans is [more] highly

² Sewerage and Water Board of New Orleans Official Minutes, No.32, July 9, 1980, 224-228.

³ Ernest Nathan Morial, "Inaugural Address," May 1, 1978

⁴ James R. Bobo, *The New Orleans Economy: Pro Bono Publico?* (New Orleans: University of New Orleans, 1975), 23; Public Affairs Research Council, D, ca. 1977, Ernest Nathan Morial Collection, Amistad Research Center, Tulane University, New Orleans, box 92, 16-17.

⁵ Kim Lacy Rogers, *Righteous Lives: Narratives of the New Orleans Civil Rights Movement* (New York: New York University Press, 1993), 76.

concentrated” than in neighboring Sunbelt cities such as Houston, Atlanta, and Dallas.⁶ This atmosphere, maintained in part by endemic racial and economic discrimination and a fragmented governmental structure, gave Morial reason to be concerned as he challenged the autonomy of an insulated board that was partially responsible for maintaining such disparities.

The interaction between Morial and the S&WB exemplifies the collision of old elite interests and new urban aspirations within the sphere of urban leadership and development. The S&WB, an “independent” agency established in 1896 by the state legislature to operate and maintain New Orleans’s sewerage and water system, and was of one many such administrative bodies established to oversee key municipal tasks. In 1980, the S&WB alone monitored an annual operating budget and assets in excess of \$373 million, easily making the debate over who dispensed and who benefited from its lucrative contracts and needed services paramount.⁷ Four prominent white members of the S&WB, however, argued that the S&WB was an independent agency and not a part of the Morial administration. They attempted to thwart, through the rhetoric of political independence, efficiency, and merit, Morial’s reform proposals, including the affirmative action policy, as well as reduced term limits, and a Minority Business Enterprise (MBE) “set-aside” plan. When the board members’ assertions are evaluated in regard to the S&WB’s origin, function, composition, and Morial’s overriding vision of integration and black advancement, it becomes clear that, the battles between Morial and the S&WB,

⁶ Monte Piliawsky, “The Impact of Black Mayors on the Black Community: The Case of New Orleans’ Ernest Morial,” *The African American Experience in Louisiana, Part C, From Jim Crow to Civil Rights, vol. XI, The Louisiana Purchase Bicentennial Series in Louisiana History*, ed. Charles Vincent (Lafayette: University of Louisiana, 2002), 531-2; James R. Bobo, *Pro Bono Publico?*, 26.

⁷ Sewerage and Water Board of New Orleans Annual and Financial Report, December 1981, 60

represent a microcosm of institutionalized white resistance to an African American mayor's efforts to redistribute power in a post-integration southern city.

The Politics of Efficiency and Exclusion

The splintered municipal structure that Morial encountered was in many ways the product of exclusionary patterns that existed when the numerous boards and commissions were created and later institutionalized. In the immediate post-Reconstruction period, "good government" reformers, which included many of the city's leading businessmen, emerged to challenge the dominance of what they believed to be a corrupt and inefficient local political machine controlled by a growing population of working-class ethnic whites. Unable to secure power in City Hall through the ballot, reform groups prevailed upon the state legislature to establish institutions beyond the grasp of the voting public. Rhetorically linking machine patronage with the city's inability to fund much-needed capital improvements, reformers persuasively argued against mass democracy in urban affairs between the years 1880 and 1920.⁸

Reformers quickly cast the mold that would govern New Orleans' spatial and economic development throughout the twentieth century. In addition to the Board of Liquidation, City Debt, created in 1880 to consolidate and retire the city's floating debt and recommend all tax millage rates for future bonded debt, the Sewerage and Water Board of New Orleans was established to construct, furnish, operate, and maintain a water treatment, distribution, and sanitary sewerage system for the city. Unlike the Board

⁸ Eric Arnesen, *Waterfront Workers of New Orleans: Race, Class and Politics, 1863-1923* (New York: Oxford University Press, 1991), 76-82; Joy Jackson, *New Orleans in the Gilded Age: Politics and Urban Progress, 1880-1896* (Baton Rouge: Louisiana State University Press, 1969), 20-34; Isaac Soileau, "Solving the City Debt: The Board of Liquidation, City Debt; City of New Orleans, 1880-1898," 1,13-20, seminar paper in author's possession.

of Liquidation, whose membership was self-perpetuating and initially appointed by state officials, the S&WB consisted of the Mayor, who acts as Ex-Officio President, two at-large councilmen, two members of the Board of Liquidation, and seven property owners of the various council districts, all appointed by the Mayor, for overlapping twelve-year terms. Other boards and commissions that were legislated, such as the Dock Board (1896), or created by city statute like the City Planning Commission (1918), followed the pattern of appointive positions, virtually ensuring that these institutions would remain free of electoral politics.⁹ Ostensibly created to provide efficient, politically “independent” public services, these administrative bodies oversaw specialized municipal functions such as bond issues, tax rates, zoning, parks, railroads, the port, and always important in New Orleans, its water and drainage.

To be sure, reformers were not solely motivated by class-consciousness but by the reorganization of municipal governance according to business principles as well.

Historian Martin J. Schiesl argues that, while many urban reformers had simply anti-machine or anti-immigrant agendas, other “structural” reformers sought greater efficiency

⁹ Municipal debt ceilings and state-imposed taxing limitations were also responsible for inability to finance capital improvement projects. The 1921 Louisiana State Constitution set limits on bonded indebtedness for New Orleans at \$300 million. Within this framework, the city is allowed to incur debt through general obligation bonds paid by the collection of ad valorem property taxes. The Board of Liquidation, City Debt recommends issuance of these bonds and the millage rate that will repay the debt. But because state law requires that all general obligation bonds be approved by voters, New Orleans has been unable assume the necessary debt to match continued growth. Furthermore, the 1974 state constitution’s Homestead Exemption limits the amount of revenue the city can collect from property taxes. By 1981, property taxes comprised only 4.3 percent of the city’s operating budget. Having very little room to maneuver, the City of New Orleans became increasingly dependent of the issuance of revenue bonds by the Sewerage and Water Board. The 1974 Constitution allowed “political subdivisions” such as the S&WB to issue revenue bonds “under the jurisdiction of the Board of Liquidation, City Debt to service those bonds with ad valorem taxes levied by the city.” The S&WB then sets water and sewerage rates at a “level sufficient to pay interest and repay the principle” on bonds issued for the construction and maintenance of the sewerage and water system. In effect, the S&WB becomes a debt shield for the city. Peter Scott Julien, “The New Orleans Fiscal Crisis: When Debt Ceilings and Taxing Limitations Really Pinch” *Tulane Law Review* 55 (1980-1981): 854-856, 858-859; George M. Reynolds, *Machine Politics in New Orleans, 1897-1926* (New York: Columbia University Press, 1936), 57; Isaac Soileau, “Solving the City Debt,” 8-9.

and regulation for administering public policy.¹⁰ This latter phenomenon, characterized by the promotion of upper-and-middle-class professionals in city affairs, is clearly evident in the selection of Board of Liquidation members, all of whom were chosen for their reputed business acumen.¹¹ The S&WB's functions and composition reflects this trend as well. New Orleans' semi-tropical climate and low-lying topography caused constant drainage and health problems. The city needed a reliable water system for fire protection and drinking water. Cadres of engineers and operators and a staff of financial and city planning experts were enlisted to develop and maintain the vast new system. As a result, the enlisted board members and employees were parceled from the upper and middle classes and, inevitably, when new services were provided, it was the same classes who benefited most.¹² This structure of disproportionate access to public services and representation would remain in place throughout the twentieth century.

The concomitant elevation of business expertise and increasing exclusion of the lower classes from municipal governance coincided with the renaissance of the

¹⁰ Although many reformers only sought to supplant the existing political order with their own versions of patronage and/or graft, others did recommend making the government structure more transparent and efficient. One example concerns the Bureau of Governmental Research, specifically BGR Executive Secretary Harold A. Stone's 1934 study "Confusion in Our City's Ranks." Primarily concerned with the need for centralization through charter reform, Stone likened New Orleans' forty -three independent boards and commissions to "a piled up dish of spaghetti". . . "With so many boards commissions, and agencies all tumbled together like toys in a child's playpen" he continued, " it is a wonder anything is accomplished." He asked rhetorically how many citizens could even comprehend a city government that was "isolated and set apart by legal fences" These questions were apt, and remain, in many ways the preeminent questions of our times. Unfortunately, these recommendations apparently fell on deaf ears. Harold A. Stone, "Confusion in Our City's Ranks," D., August 1934, Bureau of Governmental Research Collection, Howard Tilton Memorial Library, Tulane University, New Orleans, box JS 1201.B8S72, loose, 5,1.

¹¹ Martin J. Schiesl, *The Politics of Efficiency: Municipal Administration and Reform in America, 1880-1920* (Berkeley and Los Angeles: University of California Press, 1977), *passim*

¹² Soileau, 8-18; Jackson, 28; for further discussion of New Orleans topography and drainage and health problems, projects and expenses see George M. Reynolds, *Machine Politics in New Orleans*, 50-5; Cynthia Ellen Pfalzgraf, "An Analysis of the Sewerage and Water Board of New Orleans Regarding Three Issues of Concern in 1994: Environment, Crisis Management, Labor Relations." (M.S. Thesis, University of New Orleans, 1994), 1-3, 16.

preeminent New Orleans political machine, the Regular Democratic Organization (RDO), other wise known as the Choctaw Club. Under the auspices of Martin Berhman, New Orleans mayor from 1904 to 1920 and 1925 to 1926, the RDO not only absorbed reformer criticisms of personal patronage to incorporate a more diffuse network of rewards, it also began to openly cater to business interests. Although Berhman cynically regarded reformers as “the outs wanting in,” he shrewdly “cultivated the friendship and companionship of businessmen” to ensure that the same community supported RDO initiatives. As a result, during Berhman’s tenure as the RDO’s “boss,” public works projects were extended causing the assessed value of taxable property to more than double between the years 1880 and 1914 as the sewerage and drainage systems were completed, the port modernized, and the Public Belt Railroad was established. All the while, Berhman consistently arbitrated in favor of capitalists in ongoing labor disputes.¹³

The spirit of “cooperation” that existed between the public and private sectors was a veritable *fait accompli* by the time Ernest Morial assumed executive office in 1978. Progressive southern reformers had shown little regard for the problems of the underprivileged. Most notably, African Americans had been shut of the political arena since Louisiana’s “disfranchisement” Constitution of 1898.¹⁴ Rendered politically

¹³ Martin Berhman, *Martin Berhman of New Orleans: Memoirs of a City Boss*, ed. John R. Kemp (Baton Rouge: Louisiana State University Press, 1977), xxii, 117; Ellen Pfalzgraf, “An Analysis of the Sewerage and Water Board of New Orleans,” 17; Eric Arnesen, *Waterfront Workers of New Orleans*, 240-241; Reynolds, 104-105.

¹⁴ Adopted without voter approval, the Louisiana Constitution of 1898 was established with the intent to disfranchise the state’s African American population. Among the suffrage restrictions that afflicted black voters were literacy and property requirements and a \$1 poll tax. Delegates devised a loophole to allow poor and illiterate whites to vote through the use of the “grandfather clause,” which required the registrant to prove that his father or grandfather voted prior to 1967 and the advent of Radical Reconstruction. As anticipated, black voter registration collapsed, falling from 130, 344 in 1886 to 1,342 in 1904. Michael L. Lanza, “Little More Than a Family Matter: The Constitution of 1898,” *In Search of Fundamental Law: Louisiana’s Constitutions, 1812-1974*, ed. Warren M. Billings and Edward F. Haas (Lafayette: The Center for Louisiana Studies University of Southwestern Louisiana, 1993) 93-109; Raphael Cassimere, Jr., “The

impotent in the electoral arena, blacks were forced to appeal to the varying winds of white society's noblesse oblige to obtain concessions from publicly elected, and even non-elected officials.

As a civil rights activist and attorney Morial became increasingly aware that the boards and commissions constituted a bailiwick of privilege for whites that was previously unattainable for blacks and showed an interest, prior to becoming mayor, in ending their "racially restrictive membership." In 1975, Sidney Bach, an attorney who would later defend Morial in litigation during his 1977 mayoral campaign and lobby on behalf of Morial Administration proposals, filed a class action lawsuit against the Board of Liquidation for restricting membership to whites. In its ninety-five year existence, all but two of the board's syndicate members had been members of the Boston Club, one of New Orleans most exclusive gentleman's clubs, and five had been named Rex, "King of Carnival," but none had been a non-white.¹⁵ Reiterating themes of meritocracy and achievement, the board members confessed they appraised candidates according to financial expertise, experience, and integrity. Moreover, they attempted to excuse their actions by claiming that they had never known a non-white candidate who met these stipulations. However, Morial, at Bach's request, produced a list of overlooked but qualified African Americans to fill vacancies. Recognizing the arbitrary nature of the

State of Black Louisiana: The Political Scene at the Turn of the Twentieth Century," *The African American Experience in Louisiana*, 591; Martin Berhman, *Martin Berhman of New Orleans*, 38-55; Reynolds, 35-38.

¹⁵ New Orleans, a predominantly Catholic city, celebrates the beginning of the Lent season with a series of masquerade balls and parades known as Mardi Gras. Exclusive Carnival "krewes" participate in these festivities and have traditionally been the domain of some of the city's wealthiest citizens. In addition, many elite males of New Orleans have caroused in a myriad of private dining and social organizations such as the Boston Club that correspond and overlap with the krewes. For further reading see James Gill, *Lords of Misrule: Mardi Gras and the Politics of Race in New Orleans* (Jackson: University Press of Mississippi, 1997).

board's selection process and past, even if unintentional, discriminatory effects of the selections, in 1975 Federal District Court Judge James Cominsky ordered the last two appointments to the board nullified due to violations of the Fourteenth Amendment's Equal Protection Clause. The Board of Liquidation was henceforth required to make "good faith" efforts in considering non-whites for vacancies.¹⁶ Morial's support of the suit demonstrated that he was gearing up to "open" the insulated structures, one board at a time.

Dutch Morial and the Trajectory of the Civil Rights Movement

Morial's willingness to use legal action to puncture a closed society and to encourage remedial measures as redress against discriminatory behavior was a hallmark of his involvement in the civil rights movement. Morial, however, did not just participate in the local movement. He practically embodied it, making his life a highlight of "firsts." In 1954, he became Louisiana State University Law School's first black graduate, New Orleans' first black assistant U.S. Attorney in 1965, the first black Louisiana legislator of the modern era in 1967, the first black Juvenile Court judge in 1970, the first black to serve on Louisiana's Fourth Circuit of Appeals in 1974, and finally, New Orleans' first black mayor in 1978.¹⁷ Despite the personal nature of these achievements, they were

¹⁶ Mr. Bach claims that the suit, *Mr. and Mrs. Robert F. Guesnon v. Board of Liquidation, CITY DEBT of the CITY of New Orleans, and the Individual members thereof*, 396 F. Supp. 541 U.S. (1975), was initially instigated by a dispute involving the Sewerage and Water Board's raising of water rates without City Council approval to compensate for employee salary increases. Although overturned by the City Council, S&WB members argued that the Board of Liquidation, which seats two members on the S&WB and authorized to approve S&WB bond measures, had consented to the rate hike. Sidney Bach, interview by author, New Orleans, LA, 18 June 2004; *Louisiana Weekly*, May 10, 1975, June 21, 1975.

¹⁷ Arnold R. Hirsch, "Race and Politics in New Orleans: The Mayoralty of Dutch Morial," *Amerikastudien/American Studies* (Volume 35 Number 4, 1990), 462.

important symbolic victories for other blacks; proof that African Americans could successfully challenge the dominant racial order that proscribed them to lower status.

Morial was born on October 9, 1929 and raised in the New Orleans Seventh Ward, a historically multi-ethnic and working-class neighborhood. Nicknamed “Dutch” by his father because he resembled the logo on a can of Dutch Boy paint as a child, Morial grew up as the last of six children in a solidly blue-collar family and the only one not to speak French. His parents Walter and Leonie, a cigar roller and a tailor respectively, instilled a strong work ethic in him. As a boy he ran errands for shopkeepers before and after school and later collected aluminum and metal to sell for scrap during World War II. He attended the city’s public and parochial schools where teachers remember him as a “mischievous kid with a big mouth.” Although fair-skinned enough to pass for white on occasion, (done, as he says, on a “lark” to get into ballparks as a toddler) he remained cognizant of racial inequality as well as his own racial identity. He later stated, “I grew up when blacks were second-class citizens. I know what it’s like to sit behind the screen on a public bus. Never mind if my skin is near-white, I knew I was black and I stayed behind the screen.” Ironically, as a child Morial had watched his father sit among whites on the same bus to protect his job, lest his employers find out that his father was black.¹⁸ These early life experiences undoubtedly instilled in young Morial a desire to confront and overcome the traditions and practices that fortified racial injustice.

¹⁸ Fen Montaigne, “The Kid Who Would be Mayor,” *Dixie*, August 1980, 6-14; Bonnie Warren Crone, Mayor Morial: New Verse or Same Old Song at City Hall?, *New Orleans*, May 1978, 15.

Morial also came into contact with a dynamic history of Creole radicalism in the Seventh Ward that shaped his resolve to deny legitimacy to the racial caste system.¹⁹ One man in particular, Alexander Pierre (“A.P.”) Tureaud, a Creole like Morial, served as mentor to Morial and a vital link to a long tradition of protest. Tureaud, a Howard Law School graduate from the Seventh Ward, collaborated with the NAACP’s Legal Defense Fund, Inc. to fight local battles against restrictive voter registration laws and segregated schools and public accommodations. Proud as he was of his Creole heritage, Tureaud remained adamant that lighter-skinned blacks should not retreat into the benefits that their complexion could offer but rather push for full equalization and integration. Although the only black attorney for much of pre-WWII New Orleans, Tureaud eschewed involvement with white lawyers, preferring rather to show that black attorneys were capable of great accomplishment.²⁰

Sybil Morial, Ernest Morial’s widow, recalls the influence that the burgeoning civil rights movement had on her husband. The two met in 1954, in the months surrounding the U.S. Supreme Court’s Brown v. Board of Education decision. She recalls that they spent time discussing the implications of the case for the black community. Soon after, Morial dedicated his life to challenging the presumption that the underprivileged were not entitled to equal treatment. After a brief stint in the U.S. Army Intelligence Corps, he joined A.P. Tureaud’s law practice and had a hand in practically every local civil rights suit thereafter. In addition to participating in cases that resulted in

¹⁹ For a greater discussion on the legacy of Creole radicalism in the nineteenth and early twentieth century see Joseph Logsdon and Caryn Cossé Bell, “The Americanization of Black New Orleans, 1850-1900,” *Creole New Orleans: Race and Americanization* (Baton Rouge: Louisiana State University Press, 1992), 201-261.

²⁰ Arnold R. Hirsch, “Simply a Matter of Black and White,” *Creole New Orleans*, 264-272, 275-282; Hirsch, “Race and Politics in New Orleans,” 462-3; Adam Fairclough, *Race and Democracy: The Civil Rights Struggle in Louisiana, 1915-1972* (Athens: University of Georgia Press, 1995), 60, 154-156.

the integration of schools, buses and other public accommodations, he successfully represented Mrs. Morial in a suit challenging a Louisiana law that prohibited teachers from holding memberships in organizations that advocated integration.²¹

But Morial's civil rights activities were not limited to the courtroom. Actions such as litigation and political agitation propelled Morial further into the leadership of the New Orleans civil rights struggle to open the city to greater access for all people. By 1963 Morial was president of revitalized NAACP chapter.²² He organized and negotiated on behalf of the Citizen's Committee, a coalition of civil rights organizations gathered in late-1962 to desegregate lunch counters and insist on employment for blacks above the "menial level" in New Orleans downtown commercial center, Canal Street. And although Morial remained a lifelong proponent of non-violent protest, he was not above employing coercive language to achieve social justice. During the Canal Street negotiations he brazenly informed New Orleans mayor Victor Schiro that, "Negro citizens of New Orleans will no longer tolerate the spoon feeding of their rights. We want all our rights now. This city is not immune to the new temper and tensions that are being manifested everywhere. Perhaps demonstrations against racial inequality in this community would be the spark to free this city of its inertia and complacency in the area of human relations." When white merchants failed to comply with a negotiated settlement to hire 150 black store clerks by the summer of 1963, Morial encouraged the NAACP

²¹Sybil H. Morial, interview by author, June 1, 2004.

²² In 1956 Louisiana segregationist launched a legal assault to suppress NAACP activity. The Fuqua law, intended originally as a 1924 anti-Ku Klux Klan measure, required that out-of-state corporations to file membership lists to the secretary of state. If noncompliance occurred, the association could no longer operate legally within the state. Although many chapters disbanded rather than allow their members names made public, the New Orleans chapter submitted a "sanitized" list to protect vulnerable members. A three judge federal court exempted the NAACP from the Fuqua law in 1960. Cassimere, "The State of Black Louisiana," 598; Fairclough, *Race and Democracy*, 195-197, 208-211, 225-226.

Youth Council, led by Raphael Cassimere, Jr., to begin picketing demonstrations until their demands were met.²³

In her collection of New Orleans civil rights activists oral histories, *Righteous Lives*, historian Kim Lacy Rogers argues that Morial was part of a “political generation” of civil rights leaders that were “determined to prove themselves in the white-controlled political world, and to participate in it on the basis of equality.”²⁴ Even so, Morial showed an early attraction to electoral politics, demonstrating that he was in the vanguard of the civil right movement by engaging in political agitation before massive black voter registration drives.²⁵ He ran for a spot on the state’s Democratic Central Committee in 1959, sensing, as he said, “a need for blacks to get inside the machinery.” In a 1971 interview, Morial explained, “My position was and is that running black candidates is an invaluable tool for getting blacks registered and interested in working for a political organization,” and, hence, break the paternalist mold that limited black access to equality.²⁶

Mrs. Morial recalls that during the mid-1960s, somewhere around the time of the passage of the Voting Rights Act and increased white flight to the suburbs of New

²³ *Louisiana Weekly*, July 6, August 3,10, 1963; Raphael Cassimere, Jr., interview with author, November 20, 2003

²⁴Kim Lacy Rogers, *Righteous Lives*, 161-166; Fairclough, 387; Rosemary James, “Personality,” 56.

²⁵ Historian Harvard Sitkoff argues that national civil rights organizations such as the Southern Christian Leadership Conference (SCLC), Student Nonviolent Coordinating Committee (SNCC), and the Congress of Racial Equality were slow to embrace voter registration as a means of direct action. The Kennedy Administration, particularly Attorney General Robert F. Kennedy, had begun to urge voter registration drives as being more “fruitful” than further mass demonstration protests early as June 16, 1960 and had even began to offer financial support to fund the effort. However, many feared that this was a ploy whereby the administration would co-opt the southern movement to gain votes for the Democratic Party or, as SNCC’s Lawrence Guyot put it, it was meant “to get the niggers off the streets.” Harvard Sitkoff, *The Struggle for Black Equality, 1954-1992*, new and rev. ed (New York: Hill and Wang, 1993), 103-106.

²⁶Rosemary James, “Personality,” *New Orleans*, April 1971, 54.

Orleans, her husband began to see the possibility of an African American elected mayor of New Orleans, although she maintains that he did not indicate his own desire to fill the position.²⁷ Believing that political engagement was the logical extension of the civil rights movement, Morial ran successfully for a house legislative seat in 1967 but failed to secure a councilman-at-large position for the City Council in 1969. He later remarked on his defeat, “Even if I lost, I hoped that my candidacy would serve at least to build the kind of machinery it takes to run a Negro in a citywide contest. I had hoped my campaign would be a training ground, a laboratory, an education process to equip black people with the tools to elect a mayor.”²⁸

Morial continued to resist racial subordination and promote community uplift in his years spent in the state legislature and on the judicial bench. As a state representative he refused to endorse a bill that would legally define any person having 1/32 Negro “blood” as a Negro and in 1970 was the sole legislator to stand before House chamber members to urge the repeal of a 1950s state law that required racial labeling of blood used in hospitals. His role as an Orleans Parish Juvenile Court judge afforded him the opportunity of reaching out the city’s youth “on a one-on-one basis.” He said that he also gained satisfaction out of “possibly influencing the outcome of their lives for the better, helping them to relate and identify with the totality of the community and its problems.”²⁹

²⁷ The 1965 Voting Rights Act caused black voter registration to increase by thirteen thousand in New Orleans between August and October 1965, bringing the making blacks 25.5 percent of registered voters. Hirsch, “Simply a matter of Black and White”, 288; Sybil Morial interview.

²⁸ James, “Personality,” 56.

²⁹ James, “Personality,” 57.

Morial decided the time was right to “move the city forward through the difficult years ahead” and announced his candidacy for mayor in July 1977.³⁰ But he had several obstacles to overcome. First, he fought a lengthy court battle to determine whether a sitting judge could even run for elective office, a skirmish that eventually forced him to resign his judgeship weeks before the 1977 mayoral contest. He also had to show that a black man could win a citywide election in New Orleans as well effectively steward its municipal affairs, because for many in the white community, Morial was simply a “spoiler.” He also realized that he would need the solid support of the black community. Yet because blacks made up only 41.6 percent of all registered voters, Morial would need a massive black turnout.³¹ Also complicating matters was the fact that two of his three white opponents had made inroads with the black political organizations that sprouted in the wake of the 1965 Voting Rights Act as “intermediaries to broker the black vote.”³²

Nevertheless, Morial had his own opinions about black “opportunists” that unquestioningly delivered black votes for white politicians. Recognizing the paternalism that existed in such circumstances, he spouted, “White candidates have prostituted black political organizations for temporary gains and benefits.” He also believed that “people want to be independent-they don’t want an organization telling them how to vote.” Circumventing the black organizations, he appealed directly to black concerns to get support. He campaigned on his civil rights record, speaking of the need for better housing and an end to discrimination and police brutality. The effort paid off. Despite

³⁰ Crone, “Mayor Morial,” 14.

³¹ *Times Picayune*, November 11, 1977

³² Arnold R. Hirsch, “Simply a Matter of Black and White,” *Creole New Orleans*, 290; Hirsch, *Race and Politics in Modern New Orleans*, 465-467; Jack Davis, “Is SOUL for Sale?” *New Orleans* 8 (November 1973)

the paucity of endorsements by black political organizations, Morial stunned the city by coming in first in the primary. Although he only received 7 percent of 74 percent white turnout, 58 percent of a 65 percent black turnout put him into the run-off.³³

The run-off election pitted Morial against Joseph DiRosa, the individual that defeated Morial in the 1969 councilman-at-large race. Jim Carvin, Morial's political consultant, remembers that he "told Dutch, if we get into the run-off, that's critical. Because once blacks see that you could be elected — that a black man could really win in New Orleans, they'll come to you in droves."³⁴ And while Morial was confident that this was would be the case, he would still need to carry 20 percent of the white vote to be elected. He bristled at repeated questions concerning the number of whites votes he needed to secure by flatly stating, "somebody should ask Mr. Di Rosa how many black votes he will need." Still, Morial addressed issues such as economic development, education, crime, and city government reorganization to a broad range of civic groups that included women's and student organizations and neighborhood associations.³⁵

Despite assertions by both candidates that discussions of racial identity served no purpose in the campaign, as the run-off election neared race proved a divisive issue. A drunken Di Rosa stumbled out of a hotel bar and accused Morial of recruiting Sudanese dictator Idi Amin to help truck in "jungle bunnies" to pad the voter registration rolls.³⁶ Although Di Rosa vehemently denied that he made such racial slurs, the allegations

³³ Times-Picayune, August 12, 1977; Crone, "Mayor Morial," *New Orleans*, May 1978, 23; Figaro, September 14, 1977; Allen Rozenweig and John Wildgen, "A Statistical Analysis of the 1977 Mayor's Race in New Orleans" *Louisiana Business Survey*, Vol. 9, No.2 (April 1978), 5

³⁴ Jim Carvin, interview with author, March 10, 2004.

³⁵ *Times-Picayune*, October 10, 1977, June 25, July 17, August 27, 1977.

³⁶ *Figaro*, October 19, 1977, 10

demolished what little credibility and standing he enjoyed in the black community. When the final votes were tallied, Morial received the required 20 percent white vote but thumped Di Rosa in the black areas, receiving a whopping 95 percent of a massive 76 percent black voter turnout.³⁷ On November 2, 1977, New Orleans elected its first black mayor.

Morial's blend of straight talk about issues such as the reorganization of city government, housing, and education resonated with black voters in particular. Raphael Cassimere writes that Morial's campaign "took on the atmosphere of a typical civil rights crusade" and that blacks "gave their vote to Morial as a symbol of the black community's endorsement of his campaign promises. It was in reality a victory for a people, as much as for a man."³⁸

The reaction of the white community was much more varied than that of the black community. During the campaign, Morial's confrontational manner with his white opponents caused the press to label him as "arrogant." And while this behavior may have endeared him to black observers, it unnerved just as many whites. Some were unsure that Morial was prepared to handle the rigors of a major city administration in desperate financial shape. Moreover, fears of reverse discrimination persisted, as evidenced in the statement "Ask him what he is going to do for the white folks" or "he can't make City Hall more black than Mayor Landrieu," a barbed reference to Morial's white predecessor, who had granted black New Orleanians greater access to city jobs than any previous administration.³⁹

³⁷ Allen Rozenweig and John Wildgen, "A Statistical Analysis", 5.

³⁸ Cassimere, "The State of Black Louisiana", 605.

Morial tried to alleviate the concerns of “those who have openly voiced fears of reverse discrimination.” In his inaugural address he invoked the concepts of merit and the civil rights struggle for integration when he stated that his administration would be “for all the people and it will be founded on integrity, intelligence, courage, and willingness to serve others.”⁴⁰

But it was Morial’s pre-inaugural speech to the Metropolitan Area Commission (MAC), a consortium of prominent business and civic leaders that made clear what the city could expect from his administration and what he expected from the business community. He stated that his appointed transition task force had been instructed to examine the effectiveness of the city administration in an effort to “use this information to restructure our government where it seems necessary.” He also called upon the business leadership to “reassess” its role in community development, arguing that the city’s future depended on close business, government, and residential cooperation. He lamented the tragedies that occur “when one sector persists in believing it can stay aloof, or in some manner exonerate itself from what is happening in the other.” He urged the “uncertain . . . often fractured” business leadership to “perceive their relationship to the community in terms of the deepest social and economic responsibility.” Offering a partnership with the business community, Morial reminded his listeners “that balanced growth is urban salvation . . . [and that] jobs depend on economic development programs.”⁴¹

³⁹ Mayor Landrieu had increased black municipal employment from 19.4 percent in January 1, 1970, to 43 percent by January 1, 1978. *Times-Picayune*, May 6, 1980; Crone, *Mayor Morial*,” 13.

⁴⁰ Morial, “Inaugural Address,” 7

⁴¹ *Figaro*, January 25, 1978, The MAC speech is reprinted in its entirety.

Morial also mentioned that he was perplexed by assertions made by analysts concerning the role of the mayor in city development. Tulane urban studies professor Dr. Charles Chai's 1971 study "Who Rules New Orleans," had concluded that the New Orleans mayor were not among the list of "influentials" or even regarded as "essential to the communal equation." Dr. Chai argued, after discussions with numerous community leaders, that there were 25 to 35 business executives who constituted "a power elite in New Orleans" and that they "do not feel that that local political leaders are part of the top community leadership structure at all." Moreover, Chai indicated that the local elite was New Orleans born and enjoyed disproportionately higher education and income levels than the majority of their fellow citizens. Lastly, he argued that, "the social structure is an obstacle to progress" because "many of the social elite who are trying to protect the status quo have a very narrow view of the future" and are "dedicated to preserving the system."⁴² According to Chai's analytical framework, Morial, as a black elected official from a working-class background, would have been considered an outsider to the power establishment.

Morial and Sewerage and Water Board Reform

Morial's mayoral campaign stressed the need for economic revitalization and democratic reform. But implementing these desired changes was no easy matter. First, the New Orleans city charter limited mayors to two four-year terms, effectively creating a scenario that required Morial to quickly address structural inequities before becoming a lame duck mayor. Also, alleviating those inequalities became extremely difficult for

⁴² Charles Y.W. Chai, "Who Rules New Orleans?" *Louisiana Business Survey*, II (October, 1971), 4,6,7,10.

Morial because the scattered municipal arrangement only allowed the mayor appointive power and a single vote on the myriad of boards and commissions that directed vital city functions. As Morial tried to confront S&WB discrepancies by increasing minority participation and mayoral control, an elite white cabal composed of Executive Director Stuart Brehm, Special Counsel John A. Gordon, and board members Harry McCall, Jr., and Rene Curry, all appointees of the previous administration, resisted Morial's repeated calls for change. This set off a contentious eighteen months in which Morial's proposals for reduced term limits, the affirmative action policy, and a Minority Business Enterprise "set-aside" program were hotly debated and the elite's notions of the board's insularity was shattered.

The opening salvo in the clash between Morial and the S&WB came in May 1980 when Morial legislative aid Gary Forster appeared before a House sub-committee asking to attach riders to a bill sponsored by New Orleans Representative Ben Baggett. The bill's original purposes, other than to deny free water to the city's hospitals, were to give the S&WB authority to increase employee pensions. Forster opposed the bill, expressing the administration's fears that other city agencies and departments may follow suit and jeopardize the city's ability to match future payments.

But Forster's presence in the state capital was secretly twofold. He asked the committee to include amendments to Bagert's bill that would reduce the staggered twelve-year terms of the S&WB to staggered four-year terms. In addition, he asked that the Morial's City Attorney Salvador Anzelmo be allowed to dismiss the S&WB special counsel Jack Gordon, an energy law expert appointed in 1971 by Mayor Landrieu's City Attorney Blake Arata. Gordon, who was also Arata's Law partner, was in attendance to

support the bill's original content. Clearly surprised at the furtive maneuver, he objected, stating that the move, if passed, would "politicalize" the board. Noting that the board was "jealous of its prerogatives," Gordon argued that the S&WB functioned better as an "independent" body.⁴³

The passage of time had given legitimacy to the claims of the S&WB's "independent" status. As a state creation, the board existed outside of the city charter since the time of its establishment. Highly qualified board members had been appointed rather than elected to supposedly prevent unnecessary recalls or high turnover when members failed to address the voting public's demands. This issue of independence was ostensibly settled in 1952 by The Charter Committee for the City of New Orleans which had refused to include the board "within the full orbit of the Charter." Despite attempts by select committee members to centralize S&WB planning, purchases, and accounting procedures with other city departments, repeated assertions by other committee members, some with joint appointments on the S&WB, dictated that the board would remain "an independent organization" that was "free of any political connections."⁴⁴

But Forster clearly stated the dilemma at hand. "Twelve year staggered terms make it very difficult for elected officials to have any impact on the board. We feel that the board needs to be more responsive." He also added, "Any mayor, even if he serves eight years, could not have a majority on that board." City attorney Salvador Anzelmo's

⁴³ *Times-Picayune*, May 29,30,31, July 6, 1980.

⁴⁴ The Charter Committee for the City of New Orleans Records, Box 3, Folder V-3, Sewerage and Water Board of New Orleans (December 5, 1951); "Minutes of Meeting", The Charter Committee for the City of New Orleans Records, (December 5, 1951),252, LOU RZA 301, 1951-1952 Louisiana Division, New Orleans Public Library.

remarks were even more cogent. “It is for the future . . . so this board can be more responsive to the goals and objective of the city administration eight years away.”⁴⁵

The lack of responsiveness Forster and Anzelmo complained of stemmed from an April 1980 flood that dumped an estimated sixteen inches into New Orleans streets over four days. Citizens were irate at the inability of the board to pump the excess water and prevent flood damage. Stuart Brehm and Jack Gordon recommended that prison inmates could be used to clear the trash-laden catch basins that exacerbated the flooding with little expense to the board. Morial, on the other hand, proposed that a summer youth employment program be implemented and was congratulated for it in the city’s newspapers. With Morial’s plan, three public purposes would be served; unemployed teens on summer vacation could find available work in an otherwise tight job market and the S&WB could save on overtime pay while preventing the potential for future flooding. The S&WB members, however, decided to follow Brehm and Gordon’s advice over Morial’s wishes.⁴⁶

Morial’s efforts to change the board’s structure in 1980 reveal systematic planning and sound reasoning. He understood the consequences of an isolated board; it produced an oligarchy that remained unaccountable to the public. The S&WB was a major public service provider that was, in theory, responsible to the citizens of New Orleans. Yet their mayor, the principle manifestation of the citizenry’s political will, did not have the power steer the board. And despite its members’ rhetoric, Morial recognized that the board was political in nature. Four of its thirteen members were elected officials

⁴⁵ *Times-Picayune*, May 29,31,1980.

⁴⁶ Sewerage and Water Board of New Orleans Official Minutes, No. 31, May 14, 1980; 126-147; *Times-Picayune*, June 1, 1980

while another seven were political appointees, eight appointees if one counts the special counsel. Furthermore, Gordon's appointment as special counsel by his law partner Arata represents the informal network of exclusion that Morial railed against. In attempting to replace Gordon with his own appointee, Morial was not so much questioning Gordon's ability to perform his duties, but rather Gordon's willingness to share Morial's vision for change. With a doubt, Morial understood that the S&WB's composition directly affected its policies and direction, essential elements for creating a more responsive institution.

In fairness, Morial's proposals in May 1980 to reduce the term limits and remove Gordon, a political appointee from the previous administration, appeared to many as a naked grab for power. Unable to get the necessary votes from the board members to remove Gordon, Morial instead went over the members' heads to the state legislature and angered some board members in the process. It reminded observers of a similar showdown in 1978 when Morial forced three of five City Planning Commission members to resign by citing violations of the city's Code of Ethics, causing fears that Morial was prone to bullying those who did not see things his way.⁴⁷

Perhaps this incident was the reason for the ultimate repudiation of Morial's desire to see both the term limits reduced and Gordon removed. Harry McCall, Jr., it seems, had summed up the board's antipathy toward the mayor's actions by saying that Morial was, in effect, "telling" and not "asking" the board what to do. The House subcommittee, unconvinced by the administration's arguments for change, stripped Forster's amendments, and cast a vote for the S&WB's continued "independence."⁴⁸

⁴⁷ *Times-Picayune*, June 28, 1980.

⁴⁸ *Times-Picayune*, June 1, 1980.

The dust from the term limit debate had barely settled when the *Times-Picayune's* exposé on S&WB discrimination was published. Black employees of the S&WB alleged that that the board's top management discriminated by race against blacks. The article revealed that more half of the S&WB's employees were African American but that 80 to 90 percent of those blacks were limited to the lowest paying jobs. Blacks retained only 38 of 265 supervisory positions and only 5 upper-level supervisory jobs. In short order, Morial initiated and gained the necessary votes to pass an affirmative action policy, replete with sensitivity training, and appoint a Labor/Personnel Panel to investigate the charges.

Despite all the evidence to the contrary, several S&WB members denied the existence of any discrimination. Harry McCall, appointed to the Labor panel by Morial, openly doubted the allegations by stating that, although "discrimination is a difficult thing to pin down" he was unconvinced that further action was needed. He said, "I, personally, am not persuaded by the mere fact that there may more white supervisors than there are black supervisors, that this, in itself proves discrimination." Brehm's comments were even more derisive. Brehm stated that many blacks "were not trainable" and "can't do anything else" but remain in low-paying positions such as laborers and clerks. After adding further insult by claiming, "there's not enough money in those jobs to attract a white man," Brehm suggested that racial discrimination could not take place because the S&WB hiring and promotion procedures were "color blind," ranking candidates according to test results, qualifications, and experience.⁴⁹

⁴⁹ *Times-Picayune*, June 23, August 12, 1980; *Louisiana Weekly*, June 28, August 16, 1980.

This issue of color blindness cuts to the core of traditional American notions of merit and the civil rights struggle to prevent racial discrimination. According to sociologist John David Skrentny:

Those who support color blindness almost always justify it on the grounds of a more general difference blindness or abstract individualism . . . In this model of justice, employers were supposed to view job applicants and candidates for promotion as abstract individuals, differing only in merit or qualification for the job or promotion. Civil rights law was understood to be a force moving America beyond its odious, racist past into a future of individual freedom and equality where only talent or ambition would matter. Thus the law was designed to protect individuals, who were constructed as universal abstractions, differing only in merit, from maliciously intended racial discrimination.⁵⁰

By using “color blindness” as a rhetorical device, S&WB members like Brehm and McCall were claiming that if any discrimination did exist on the board, it did so only as a prejudice against the lack of tangible qualifications and not on the basis of supposed racial differences. However, for a civil rights crusader such as Morial, the color blind model posed a paradox. Although he had dedicated his entire adult life to ending distinctions made by race, he would now have to endorse race conscious policies as a positive force to rid the S&WB of historic racial discrimination.

Inequities in the S&WB’s employment guidelines are clearly evident if one applies the “disparate impact” theory of discrimination used by federal courts to uphold affirmative action policies. According to Skrentny, “an act or practice is discriminatory if it can be shown (usually through numbers of blacks hired) to ‘disparately impact,’ or unreasonably limit the hiring [or by extension, promotion] of African-Americans-

⁵⁰ John David Skrentny, *The Ironies of Affirmative Action: Politics, Culture, and Justice in America*. (Chicago: University of Chicago Press, 1996), 7.

regardless of the equality of treatment of racial groups or the intent of the hiring organization.”⁵¹

Morial believed that the S&WB could not remain isolated from the greater societal ills that plagued New Orleans, many of which were caused by persistent racial and economic discrimination. Morial had personally received dozens of hand written and typed letters from S&WB employees claiming that they had been the victims of discrimination.⁵² But Brehm had stated that whites held more supervisory positions simply because some blacks with poor educational backgrounds could not handle the S&WB’s more technical jobs. Ignoring the fact that blacks had long suffered unequal access to equitable educational opportunities and tacitly shifting blame on schools that had become increasingly black after the 1954 Brown decision, Brehm sarcastically asked, “What does the public education system give you?”⁵³

The professional and social background of Stuart Brehm and Harry McCall, Jr. offers possible insight into their attitudes concerning racial discrimination and the challenge they posed to Morial’s efforts to open the city. Stuart Brehm was a veteran of city affairs. During the 1940s he worked as a draftsman and engineer for the S&WB. In 1950, he joined the City Planning Commission as assistant to the planning engineer was promoted to planning director in 1964. He then left the CPC in 1969 to become executive director of the Community Improvement Agency, a local urban renewal organization. One year later he was subsequently hired as Executive Director of the

⁵¹ *ibid*, 159

⁵² Photocopies of letters are provided in Appendices.

⁵³ *Times-Picayune*, June 23 1980.

S&WB, becoming “the man at the controls, the man who guides the Board.”⁵⁴ In essence, it was Brehm that set the tone and guided S&WB policies, essentially acting as a point man for those holding the purse strings.

Of all the S&WB members, however, it was McCall who best epitomized the old uptown New Orleans white elite. McCall attended Princeton University, where he was a Phi Beta Kappa member, before graduating from Tulane University Law School. After being discharged as a captain from the Army in 1945, McCall, Jr. returned to the law firm that his father, Harry McCall, Sr., helped to establish. There he became a leading business attorney, representing such high profile clients as New Orleans Public Service, Inc. (NOPSI), the city’s massive transportation and energy provider. Over the years he served as president or chairman in numerous civic and professional organizations including the Board of Trustees of Children’s Hospital, the New Orleans Chapter of the American Red Cross, Metropolitan Area Commission, the New Orleans Bar Association, and the Board of Trustees of Metairie Park Country Day School. McCall led an active social life as well. He a member in a number of the city’s most select social clubs, serving as president of the Pickwick Club, Boston Club, and New Orleans Athletic Club. He was captain of Comus and crowned Rex, King of Carnival in 1975. McCall was also awarded the *Times-Picayune* “Loving Cup” in 1975 as a tribute for his “tireless effort, time and energy to the betterment of the New Orleans community.”⁵⁵

McCall was an inseparable element of the powerbrokers within the New Orleans community. He was practically born into it. Not only was his father one of New

⁵⁴ Morial, Ernest N. Records, Box C2, 1977-82, LA Division, NOPL; *Times-Picayune*, June 28, 1980, August 5, 1981. It would be interesting to see programs initiated under Brehm’s tenure with the Community Improvement Agency

⁵⁵ *Times-Picayune*, August 10, September 3, November 3, 1980

Orleans' leading attorneys, he was also chair of The Charter Committee for the City of New Orleans. From 1962 through 1964 the young McCall participated (with Darwin Fenner and Harry Kelleher, Jr., two other prominent white businessmen hoping to prevent economic loss from possible race rioting) as principal negotiators in the desegregation of Canal Street businesses, the removal of racial signs from City Hall, and the hiring of black garbagemen and firemen. Their involvement in the negotiations demonstrated the dominant position business interests held over the city's executive authority Lolis Elie, black civil rights activist and the principle negotiator for the Citizen's Committee, said that he was surprised to learn that it was not the mayor, but these men who made the crucial decisions. Elie recalled, "I remember Darwin Fenner got on the phone to [Mayor Victor] Vic Schiro, and he says, "Vic, this is Darwin. Come on over here, I want to see you.' And in five minutes, here comes Vic. This agreement is shoved in his face and he signs it and leaves."⁵⁶ In addition, McCall was one of the two Board of Liquidation members whose appointments were nullified by Sidney Bach's 1975 suit.

McCall was less than giving when the time came to share his spoils. Years later, in 1991, when the City Council passed an anti-discrimination ordinance aimed at requiring private social clubs and Carnival Krewes to open their rosters to women and minorities, McCall balked. He declared, "Clubs have a right to choose their own members as a matter of principal and law" and that "this is none of the city's business."⁵⁷ A longtime friend of McCall's, George Montgomery recalled of McCall, "He was very

⁵⁶ Fairclough, *Race and Democracy*, 337

⁵⁷ James Gill, *Lords of Misrule*, 24, 252.

conservative and Very outspoken. He also was very attuned to the old ways of life in New Orleans.”⁵⁸

These “old ways” are precisely the hindrances to racial progress that Morial attacked on the S&WB. The board’s “color blind” policy stressed qualifications, in particular, merit-based hiring and promotion procedures that limited minority access to greater jobs. So the board and particularly its elite members, at least in according to the disparate theory of discrimination, had in fact countenanced racial discrimination and given preferences to white employees over black employees by emphasizing test scores that fail to justly consider historic racial and cultural biases. Therefore, Morial’s affirmative action program was a legitimate solution to lingering S&WB discrimination.

The simmering conflict between McCall and Morial grew more pronounced when in the summer of 1981 Morial announced his plans for the S&WB to adopt an MBE “set-aside” plan. The program’s origins lay in the Morial administration persuading the Louisiana Legislature in 1979 to create a program whereby ten-percent of the total purchases of goods and services would be set-aside by the city government for competitive bidding by minority-owned businesses. Initially implemented into the Office of Transit Administration and Board of Aviation, part of the city’s Department of Transportation, this proposal was consistent with Morial’s broad strategy to have the public and private sectors work in close cooperation to rejuvenate the ailing New Orleans economy. MBEs were able to compete for contracts providing janitorial services and supplies, office supplies, pharmaceuticals, printing, lighting, and maintenance. Also, seven percent of goods and services were to be set-aside for competitive bidding by women-owned firms. In addition, the Mayor appointed a twenty-five-member advisory

⁵⁸ *Times-Picayune*, November 20, 2001.

group called the Minority Business Task Force as a consortium of local business and labor leaders comprised to enhance the development of minority businesses in the public and private sector.⁵⁹

However, when Morial presented his plan to the S&WB on July 8, 1981, McCall immediately objected, claiming that the City of New Orleans had only been able to adopt similar measures because specific enabling legislation had been enacted by the state of Louisiana to allow government agencies to implement set-asides. He argued that barring such proposals by the legislature for the S&WB, Morial's resolution would be in conflict with existing statutes. He moved that Morial's plan be deferred until Gordon could render an opinion. McCall then endorsed a previously proposed but separate affirmative action plan that set the minimum goal of work for minority firms at ten percent but did not legally bind the board to achieve those goals. As a result, a majority of S&WB members agreed and passed, what *Times-Picayune* labeled, "a watered-down" affirmative action plan.⁶⁰

Gordon's legal opinion gave flesh to McCall's skeletal objection. Gordon argued that existing statutes, devised to "frustrate favoritism," required that purchases of materials and supplies in excess of \$3,000 must be advertised and awarded to the lowest public bidder. In his opinion, the S&WB could adopt a set-aside program as long as the contract did not exceed \$3,000. He sought to validate McCall's earlier protest by stating that the state legislature granted authority to "each municipality with a population in excess of 500,000" to develop MBE set-asides. The S&WB, he continued, did not

⁵⁹ Morial, Records, boxes C2, B28, NOPL

⁶⁰ S&WB Minutes, No.32, 239-241; *Times-Picayune*, July 9, 1981.

qualify as such an entity.⁶¹ The implications of Gordon's findings were clear. Racial minorities and women would continue to be locked out of the system or be satisfied with contracts that did not exceed \$3,000.

Morial's team had anticipated objections to the idea of a set-aside plan. A series of briefs were prepared based on a recent U.S. Supreme Court decision upholding Minority Business Enterprise set-asides. The summaries stated that Fullilove v. Klutznick (1980) demonstrated that set-asides were "a constitutionally valid means of redressing the effects of prior discrimination." The decision established that an appropriate governmental body must make a finding that it has discriminated in awarding past contracts and that the proposed measures are merely remedial. The S&WB, as "a public instrumentality capable of awarding contracts," was therefore considered "an appropriate governmental entity" competent to make the requisite findings of past discrimination. Furthermore, it was recommended that an MBE be strictly defined as "any business at least 50 per centum of which is owned by socially or economically disadvantaged persons, or in the case of a publicly owned business, at least 51 per centum of the stock which is owned by socially or economically disadvantaged persons." The persons to be included were "Citizens of the United States, who are Black, American American Indian or Alaskan Native, Asian or Pacific Islander, or Hispanic." Women could be integrated in this as well. Lastly, challenges concerning the public bidding statute could be dismissed through a liberal interpretation of the LSA-R.S. 41: 4123, the state statute which allows the S&WB to "make reasonable rules and regulations necessary for the proper administration of the sewerage system."⁶²

⁶¹ *ibid*, 289-91

Morial did not conceive of the set-asides as a permanent fixture. Like the affirmative action plan he initiated the year before, it was a temporary solution that included training and experience to place minority firms on an equal economic footing. Morial expressed the program's limited nature by stating "simply because we have opened the doors for minority businessmen to compete against each other . . . does not mean that we are closing the door for them to compete in the open market."⁶³ Moreover, he stressed that only legitimately qualified minority owner-owned business could enter into the program. When Morial proposed the "set-asides", the S&WB was making arrangements for an estimated five-year, \$194,647,200 capital improvement project.⁶⁴ The income generated from access to such contracts would have been a significant boon to fledgling minority operations struggling to overcome systematic exclusion.

The conflicting legal opinions produced a stormy debate. City Attorney Salvador Anzelmo expressed disbelief that Gordon could consider the plan illegal. He said that the board was bound by state law to create and adopt a set-aside plan. Gordon warned that similar plans had been found unconstitutional in Alabama and California and that this would be the likely result of a S&WB program. S&WB President Pro Tempore Rene, a Landrieu appointee who had earlier written an individual defense of Stuart Brehm and the S&WB's hiring policies, maintained that it was unnecessary to create such a plan because he believed any firm or person with a competitive bid could be awarded a

⁶² Michael Bagnaris, "Sewerage and Water Board Minority Set-Aside Resolution," D., July 21, 1981.

⁶³ *Louisiana Weekly*, August 22, 1981.

⁶⁴ S&WB Annual Report, December 1980, 6.

contract. McCall repeated that he had no objection to allowing minorities to bid for goods and services, but “the question,” he declared, “is whether we can do it legally.”⁶⁵

Curry and McCall’s expressed optimism for the ability of minorities to participate in public bidding without the benefit of legally sanctioned goals is conspicuous. Their reliance on merit-based contract awarding obscures the historic racial discrimination that was taking place. It raises questions about bonding procedures for contracting, specifically bidding and performance bonds, obstacles minority contractors have faced in the open market. Research data suggests that blacks have had to pay higher percentages for these bonds than whites. When this is combined with the natural occurrences of insider or “good old boy” network contract negotiations, experiential constraints, equipment sabotage and worksite harassment, minority firms had little chance of legitimate participation.⁶⁶ Furthermore, if Curry and McCall had really supported the introduction of set-asides to assist minority participation, it was in their capacity as board members to seek enabling legislation to create equitable programs. Rather, their insistence on finding legal barriers demonstrates their lack of concern. Morial, however, was unwavering in his objective to get the set-asides sanctioned. He urged the board to pass the resolution, adopt the set-aside program, and then “let someone sue us.” McCall abruptly left the meeting before a vote could be held. Rene Curry was the only board member to vote “nay.”⁶⁷

⁶⁵ *Times-Picayune*, August 13, 1981. Curry’s letter in defense of the S&WB hiring policies and Stuart Brehm was reprinted in the *Times-Picayune*, July 1, 1980.

⁶⁶ “Disparity in Contracting Opportunities,” A study commissioned by the Sewerage and Water Board of the City of New Orleans, Research conducted by the Dillard University Consortium, (1990), 117-129.

⁶⁷ *Times-Picayune*, August 13, 1981; *Louisiana Weekly*, August 22, 1981; S&WB Minutes, No.32, 289, 291, 292.

The discord over finding a replacement for the retiring Executive Director Stuart Brehm was another striking development in the August 1981 meeting. No love loss existed between Morial and Brehm, but the retirement, effective December 31, 1981, would allow Morial to play another hand at influencing the board's direction and composition. Before the board members held a vote on Morial's set-aside plan, Morial challenged the authority of the Executive Committee to recommend a successor by stating that he alone, as S&WB President, had the authority to appoint a committee for this purpose. Gordon argued that the S&WB by-laws gave the President mandate to appoint members and chairmen of the various standing committees, not ad hoc committees. These special committees, Gordon suggested, were to be voted on by the board as a whole.⁶⁸

McCall, as to be expected, followed Gordon's recommendation. He moved that the board appoint a Search Committee and named four members to be included. Morial shot back that McCall's motion was out of order and heated debate ensued. After several calls to order to end what had become a screaming match between Morial and McCall, Morial was finally nominated by resolute sympathizers to appoint the committee. Morial then named McCall as chairman of the five-person committee, done perhaps as a conciliatory gesture or simply just to send a clear message that Morial was now in charge.⁶⁹

⁶⁸ S&WB Minutes, No.32, 278.

⁶⁹ *ibid.* p. 279; Morial Records, File LL301, August 1981, NOPL

Conclusion

Effective governance of municipal affairs has been an ongoing struggle in urban America. This problem has become particularly acute in the last decades of the twentieth century as numerous U.S. cities have elected African Americans as their chief executives. Structural realities such as declining economies, escalating crime rates, and lingering racial discrimination have made it increasingly difficult for black mayors to address the needs of all of their constituents, let alone their most impoverished citizens.⁷⁰

The interaction between Morial and his three opponents on the Sewerage and Water Board of New Orleans raises questions about how each individual approached their position as public servants. As an activist and mayor, Dutch Morial had been driven to end exclusionary patterns that had characterized most of twentieth century New Orleans. Access was his watchword in this battle and the acquisition of political power was his means.

Traces of Morial's early life experiences were explicit in his later reform efforts. Morial was, most importantly, an integrationist. As an adult, he spoke of a segregated neighborhood playground where as a child he watched through bars on a fence white children play freely. Those bars were deeply symbolic. His life became a quest to dissolve those barriers to economic and social access. Economic access, for Morial, became the great equalizer. His insistence in solving social problems through shared economic growth was consistent with post-war national economic policies that had roots in Roosevelt's New Deal. While Morial was part of that liberal tradition, he also adapted

⁷⁰Jeffery S. Adler, Introduction to *African-American Mayors: Race, Politics, and the American City*, eds. David R. Colburn and Jeffery S. Adler (Urbana and Chicago: University of Illinois Press, 2001), 6-11; Kenneth L. Kusmer, "African Americans in the City Since World War II: From the Industrial to the Postindustrial Era," *The New African American Urban History*, eds. Kenneth W. Goings and Raymond A. Mohl (Thousand Oaks: Sage Publications, 1996), 335-37

it to fit the community's needs. Establishing minority and female participation through government intervention signaled a major enhancement of the 1950s liberal consensus in that it entailed economic redistribution and was in sharp contrast to the Reagan era's New Federalism. While Morial's strategy did not necessarily mean to turn the haves into have-nots, it did demonstrate his desire to see that the underprivileged receive some redress.

Morial's election as the city's first black mayor carried with it high expectations from the black community for a better quality of life. Like the S&WB employees who felt they were discriminated against, many poor blacks felt that he, as a black mayor, could serve as a liberator from all societal ills. However, there were limitations to what he could accomplish. First, city charter to two, four-year terms that circumscribed his ability to produce lasting structural change limited Morial. Second, his own insistence on integration based on merit meant that the most qualified person, regardless of color or gender, received jobs first. Although he was successful at increasing the number of blacks in city government and creating economic opportunities for black contractors, the most immediate benefits went to the black middle class. This tendency by Morial to emphasize self-reliance caused some black critics to complain that Morial only promoted overqualified or "Superblack" candidates for positions of responsibility.⁷¹ Nonetheless, Morial's initiatives that endorsed remedial or compensatory action shows that he was willing to adjust strictly "color blind" models of justice that he had championed during the civil rights movement when it became necessary.

The Sewerage and Water Board of New Orleans became a target in his struggle for obvious reasons. Its isolated membership controlled vital city services and acted as a

⁷¹ Hirsch, "Simply a Matter of Black and White," 316.

major employer and contract provider. It, like other boards and commissions, represented that barricade to advancement. Although no board member benefited directly from the enormous contracts that were dispensed, the ability of the board members to direct the flow of S&WB largesse entailed a great deal of influence on the development of the city as a whole. The Morial and S&WB skirmishes were an interpersonal clash that illuminates the struggles of the city as a whole in this period. Those board opponents were part of the power structure that Morial was trying to disrupt. They may bestow blessing upon the less fortunate as long as it did not conflict with their interest.

The significance of Morial's opening the S&WB to greater mayoral control and democratic responsiveness is evident in the reactions the reforms elicited from his opponents. John Gordon resigned in 1982 for undisclosed reasons and was replaced by Morial appointee John Lambert. As mentioned, Stuart Brehm retired and was replaced after the tussle concerning the selection committee. Harry McCall, Jr. would soon serve as campaign finance chairman for Ron Faucheaux's 1982 candidacy for mayor against Morial. McCall's vitriolic resignation from the board in 1983 unequivocally states the effectiveness of Morial's actions. He wrote of the "privilege and opportunity to render a public service" under Morial's predecessor, but "at present, the independence of the Board has been purposefully destroyed, and it is subservient to the will of the Mayor." This was a far cry from McCall's initial approval in 1977 when he stated, "Morial has been accepted by the business community and, and the consensus is that he will be an excellent mayor." McCall's reversal indicates how threatening Morial appeared to the old order.⁷²

⁷² Morial, Records. Box B 15, NOPL; Crone, "Mayor Morial," 19

Morial's life demonstrated that he tried to represent every individual and diligently worked for the "common good". Perhaps more than anyone else involved, Morial understood that the boards and commissions had been a traditional enclave for upper class interests. He was an outsider, both socially and racially, and wanted to use the mayor's office to create opportunities for those left behind. He once stated that, "if I can bring a better quality of life to all citizens, and especially to the underclass in our society, then I will be happy." Journalist Joe Massa, a longtime Morial observer, writes, "If nothing else, Morial is a preserver of the powers of his office. He feels that a mayor can do no less, because to yield the power accorded to the mayor is to take away the powers vested in the people who elected him."⁷³ Indeed, Morial willingness to pierce the confines of a closed society were indicative of his civil rights crusade and evidence that a "new order" had surely arrived.

⁷³ Morial , "Inaugural Address"; *Times-Picayune*, January 1, 1980, Crone, "Mayor Morial," 14.

Appendix A
Anthony J. Marshall to Mayor Morial

F1111

Anthony J Marshall
500 St. Andrew St. Apt F
New Orleans La 70130

Dear Sir

I work for
Sewerage & Water from 1968
to 1973 when I was
Hired Ask about on the
job Training Program
I was always giving
the Run Round In 1973 I
filed a Discrimination
Suite against them
I the time I was
working at Spruce and Eagle
VERY ONE I work with quite
they not HIRE anymore ~~the~~ people
I did a lot of wrong thing
and EVERY thing went wrong
I was young thing
I 37 now I not like
the Discrimination
I would like to work
the again I know
I quite I had Reason

Thank you
Anthony J Marshall

Appendix B
Creal James, Sr. to Mayor Morial

JUL 15 10 24 AM '80

July 10, 1980
1220 Leonidas St
New Orleans, Louisiana
70118

To: The Honorable Mayor of New Orleans, Louisiana. Ernest Morial:

I, Creal James, Sr., at this time take the opportunity to Correspond with the Chief administrative official of the City of New Orleans. I am writing concerning my resignation from the New Orleans Sewerage and Water Board. I resign because of Mental Anguish and the aggravation of a Nervous Condition which has affected me since my Military duty.

The attach letter will explain the reasons for my resignation, Hopefully you will consider the material evident

sent to you. If further legal help is necessary, Maybe you will advise me of a better way to handle such a predicament. My object is to file a lawsuit that will eventually lead to justice for all employees of the New Orleans Sewerage and Water Board

Sincerely
C Neal James Jr.

Appendix C
Clarence J. Gilbert to Mayor Morial

9303 Belfast St.
New Orleans, Louisiana 70118
September 26, 1980

Honorable Ernest N. Morial
Mayor, City of New Orleans
Office of the Mayor
City Hall
New Orleans, Louisiana 70112

Dear Mr. Morial:

I, Clarence James Gilbert, am employed by the Sewerage & Water Board of New Orleans and have been since June of 1976.

My present position is that of Equipment Operator I. Recently I applied for a promotion to Utilities Maintenance Supervisor I. This is a position I trained for in 1978 and 1979, at which time I served as an acting supervisor on several occasions. My application was denied for reasons that seem to have no solid basis.

I am requesting that I be given a legitimate reason why my application for promotion was rejected. I am sure you will agree that it is difficult to understand how I am qualified to be acting supervisor for extended periods of time but denied promotion to supervisor.

In discussing this matter with my brother-in-law, Lynden Pethune, he suggested that a letter to you might expedite matters somewhat.

I would appreciate your assistance in my receiving a satisfactory explanation as to why I have been overlooked for this position.

Enclosed please find a letter to Mr. John Eelson, Dir. Personnel Dept. Civil Service and Mr. Rene A. Curry Sr., AVCO Finance.

Respectfully yours
Clarence J. Gilbert

Enclosure:

X
↓

CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE

ROOM 7W03 CITY HALL NEW ORLEANS, LA. 70112

September 12, 1980

DEAR Mr. Gilbert:

We regret that we cannot accept your application for Utilities Maintenance Supervisor I for the following reason:

According to your supervisor you are lacking sufficient training and experience to qualify for the position of Utilities Maintenance Supervisor.

O: Clarence J. Gilbert
9303 Belfast St.
New Orleans, La. 70118

The person handling your application is Lynn Simon
If you have any questions regarding this matter, or if you desire further information, he/she will be glad to talk with you if you will call or come to our office within the next three days.
- Department of City Civil Service
585-4791

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Vita

Eric Mitchell Hardy was born in Lake Charles, Louisiana. He earned a Bachelor of Arts in History from the University of New Orleans in 2002 and completed a Master's of Arts in History from the University of New Orleans in 2004. In the spring of 2004 he was accepted by the Georgia Institute of Technology to pursue a Doctorate of Philosophy from the School of History, Technology, and Society.