May 10, 1972. This interview is with Frank Gianotti, former city attorney for Memphis. The interviewers are Joan Beifuss, and Carol Lynn Yellin, and this interview is being taped in Mr. Gianotti’s office in the First National Bank building, 165 Madison in Memphis.

Carol Lynn Yellin: Right now, Mr. Gianotti is consulting his scrapbook and going to come up with a few memories for us of his involvement in the sanitation strike in 1972.

Frank Gianotti: You mentioned Mr. Shockey’s name and I thought I had a picture here. I’ll see if I can find it. There’s one of Dr. King on his arrival to the airport.

Carol Lynn Yellin: Yes.

Joan Beifuss: We have newspaper files.

Frank Gianotti: March 28th, if that’s of interest to you. Go right ahead, I’ll (muffled).

Carol Lynn Yellin: All right, I was going to say, one of the things incidentally while you’re doing that, what I might do is just play back and be sure we’re getting this.

Frank Gianotti: Here’s a right fierce looking picture of some of us. Rabbi Wax and Mayor Loeb and P.J. Ciampa.

Carol Lynn Yellin: Well, we’re going to ask you, if you, some of those sessions that you sat in on, we would particularly like two things; your memory of how you first heard of the strike, maybe we could start there. Do you remember?

Frank Gianotti: As I remember, and perhaps if you haven’t checked the city attorney’s files, it might be well that you look at them to verify what I would say. My recollection, when Mayor Loeb went in office at this ASCME had previously had discretions with certain city officials, and they were trying to establish a union. There had been a suit filed (muffled) suit, and there was an injunction issued some time prior to January 1, 1968. It may have been October, maybe in September. I don’t remember. So, after we became involved, why we went back, that is the legal department went back and picked up this old case, and we filed an amendment to bring it up to date, and then later on we were in chancery court and we had a hearing and there was an injunction issued, and there was a violation of that injunction.

Joan Beifuss: Let me ask, I want to go back and (muffled) that up. How long had you been with the city legal department?

Frank Gianotti: Well, I went with the city legal department in 1942, and prior to that time I was in the attorney general’s office for about 4 years, and the mayor (muffled) Mayor Loeb, and a number of others, and met Chandler, and.
Joan Beifuss: Under Mayor Loeb the first (muffled), under Walter Chandler?

Frank Gianotti: First, and Walter Chandler twice really. He was mayor when I went with the city in 1942. And then when he went back for an interim period as a fill-in mayor just for a few months I was city attorney at that time. And then when Mayor Loeb retired from office due to personal reasons connected with business, then Mayor Ingram was elected, and I was out for 4 years. Then I was doing special work for Light, Gas, and Water, and I also handled some special city cases of a legal nature. They were in court, and they thought it would be well for me to continue handling two or three of them, which I did. And then I did part-time work for Light, Gas, and Water (muffled). That’s where I am now.

Joan Beifuss: Light what?

Frank Gianotti: Light, Gas, and Water.

Joan Beifuss: Oh, Light, Gas, and Water, yeah.

Frank Gianotti: Of the city of Memphis, as general counsel, and that’s where I am now.

Carol Lynn Yellin: Today you are general counsel for them?

Frank Gianotti: Yeah. This is a part-time position.

Carol Lynn Yellin: You also have private practice, too, now?

Frank Gianotti: Yes.

Joan Beifuss: Excuse me, is your private practice sort of oriented to any particular area?

Frank Gianotti: General, general practice.

Joan Beifuss: Just general.

Frank Gianotti: I don’t have any city connections. I don’t take any work if the city’s involved.

Joan Beifuss: So you came back in with Loeb then when he came in the second time?

Frank Gianotti: Yeah, when he came in the second time he asked me if I would go back in, and I was very glad to do it.

Carol Lynn Yellin: And, how many were on the city attorney staff at that time? You were officially, your official title I am right, was city attorney, then?
Frank Gianotti: Yeah. We went back. I think they had about 17. We cut it down; I think, to around 12, 13.

Joan Beifuss: Are you talking about 12 attorneys?

Frank Gianotti: Mayor Ingram during his administration, I think he had either 16 or 17 assistants. We went back in and cut it down to about 12 or 13.

Joan Beifuss: Okay. Could you name some of the people that were on your staff at that point?

Frank Gianotti: Well, James Manire. (muffled) had been on the staff. I don’t remember whether he was there then or not. I think he had left. (muffled) who is in my office now, was on the staff. Cliff Pierce, oh S.A. Wilburn was on the staff.

Carol Lynn Yellin: Now do assistant city attorneys, do they stay on through changes of administration?

Frank Gianotti: Well, yes and no. They did for a long time. I was city attorney for a long time up until Ingram. He had his personal friend that he wanted to name city attorney, and that was all right. That was his prerogative. It was a 3-2 vote. When I retired it was a 3-2 vote.

Carol Lynn Yellin: Will an incoming mayor usually clean out the department, though, and put all his own people in, or just the top?

Frank Gianotti: No, they haven’t. They haven’t. I kept, you know, we kept the same assistants on for many years. Jesse Vineyard was on the staff. Jesse was on there going back into the late ‘30s. He died here about 2 months ago.

Carol Lynn Yellin: In fact, wasn’t he the…

Frank Gianotti: Involved (muffled).

Carol Lynn Yellin: Involved with the city council was he not?

Frank Gianotti: We were very fortunate to have Jesse because he had had experience in the legislature for a number of years, and so this was an ideal spot for Jesse, and when Mayor Loeb went in, we recommended that Jesse be with the counsel, and he stayed there almost 5 years.

Carol Lynn Yellin: And that was a pretty vital spot with the new form of government, he had to make a lot of almost…

Frank Gianotti: I think the councilmen expressed their -- at Jesse’s death, on Jesse’s death. They expressed their appreciation for his work.
Carol Lynn Yellin: Now, of the assistant city attorneys at that time, Mr. Gianotti, you were involved with this strike situation as it developed, and Mr. Manire was at one point, and were there others on the city staff who were?

Frank Gianotti: Uh, yes, Myron Halle.

Carol Lynn Yellin: Ah yes.

Frank Gianotti: And Tom Prewitt, and he was assistant city attorney, but only in a limited sense that he sits with the Park Commission Board, Tom Prewitt.

Joan Beifuss: I’m still a little bit confused here.

Frank Gianotti: Tom Todd was in on it most of the time, and he’s not an attorney, but he was in these meetings.

Joan Beifuss: Are many of the city attorneys only part-time city attorneys?

Frank Gianotti: Most all of them are.

Joan Beifuss: They’re partially private practice and partially for the city.

Frank Gianotti: Most of them have been for many years. This goes back, oh I think probably Will Gerber was maybe the last, John Haxby probably was the last full-time city attorney, and that’s been over 25 years ago. (muffled) system here. It’s, our budget, with our comparison to cities this size has always been at least 50-60% less than cities of comparable size.

Carol Lynn Yellin: Does it ever involve any questions, I just ask this, has it ever come up, a conflict of interest, or where…?

Frank Gianotti: We try to avoid it.

Carol Lynn Yellin: You excuse yourself.

Frank Gianotti: Right away you recuse yourself, yes.

Carol Lynn Yellin: Just like a job.

Frank Gianotti: If (muffled) you have a serious conflict.

Joan Beifuss: Are you from Memphis, Mr. Gianotti?

Frank Gianotti: Yes, this is my home.
Joan Beifuss: Did you go to school here? Where’d you go to school?

Frank Gianotti: I went to St. Thomas first. That’s out on Trigg Avenue. And then I went to the Brothers and then I went to Spring Hill in Mobile, and then I went to Georgetown.

Carol Lynn Yellin: Georgetown Law?

Frank Gianotti: (muffled)

Joan Beifuss: Was Crump still here when you came back and started law practice?

Frank Gianotti: Yes. I came back in around ‘30.

Joan Beifuss: Oh, yeah. I guess he was still here.

Frank Gianotti: Yeah -- and went with a firm of lawyers who were very close to Mr. Crump, so I became identified to some extent, you know, through that original contact. Judge Boyd was formerly a member of that office.

Carol Lynn Yellin: Marion?

Frank Gianotti: (muffled) Marion Boyd.

Carol Lynn Yellin: Marion Boyd, yes.

Frank Gianotti: And when he was appointed to attorney general in 19... Let’s see, 1938 I think it was, yeah 1938. When McLean died, then Boyd -- that was a very famous lawsuit about whether or not Marion Boyd could get on the ballot. If it’s less than 30 days you couldn’t get on the ballot. It was more than 30 days so the court (muffled) exactly 30 days, and so he was able to get on the Hanover versus Boyd was that case. (muffled) landmark case really in counting time in Tennessee (muffled).

Carol Lynn Yellin: In fact there have been a lot of landmark cases come out of -- that Baker versus…

Frank Gianotti: Quite a few. (muffled)

Carol Lynn Yellin: The one man, one vote.

Frank Gianotti: The way that first started -- I don’t want to step on anybody’s toes because the legal department got out of it. The county and the city employed special counsel. (muffled) Chandler was one of them, and Ryan, and then Washington -- I’ll think of his name in a minute, were employed. Jesse called me one day and he said, I was just looking through some books, and looking up something, and he came across a case that had been decided in Minnesota by a district federal judge, touching on this
point. And we reported it to the mayor at that time, and the result of that, I always say, that we got into Baker versus Carr.

Carol Lynn Yellin: That was mayor Chandler? Mayor Walter Chandler.

Frank Gianotti: Yeah, well he was later employed with (muffled). I think Baker versus Carr was a little later than that, and of course he was in private practice, I think, at the time.

Carol Lynn Yellin: I recall. And that actually had to do with some of the difficulties for Memphis, or Shelby County as a large urban area in a predominantly rural state, or rural-dominated legislature.

Frank Gianotti: We’ve got so many representatives now it’s hard to keep up with them.

Carol Lynn Yellin: Yes, it sure is.

Frank Gianotti: I am not sure we’re as effective now as we used to be when Mr. Crump (muffled). I mean we had (muffled) in other words. The caucus, and if the majority wanted to do something, why that’s the way it would be. And after many years I think we’re getting back to that, which recently I noticed the newspapers have picked it up again. Before they criticized it.

Carol Lynn Yellin: To make the most of your strength, I mean to really get things.

Frank Gianotti: We were able during Mr. Crump’s time to always work out something that was to the benefit of Shelby County. We’d make an arrangement with East Tennessee or somewhere, somehow and they used to do that. Now, of course we had (muffled). Now, it doesn’t seem like we had it.

Joan Beifuss: Now it’s gotten chaotic. So when you came in with Mayor Loeb on the 1st of January when he took office…

Frank Gianotti: In ‘68?

Joan Beifuss: Yeah. And you knew there had been an injunction the last time.

Frank Gianotti: (muffled). They showed us the file when we went up there, and most of the, well I think practically all of the things that developed really, partially Mayor Loeb, you can double check this and maybe you should, but the groundwork for all this had been laid before Mayor Loeb took office. (muffled) whether or not they had raincoats, and whether or not they sent black men home and kept white men. We later found out that there was some substance to it. It was substantially true, we later found out.

Carol Lynn Yellin: You mean to what, to the… to the grievance?
Frank Gianotti: That was sort of the spark to the whole thing, that’s what really started it, and gave, in my opinion, this gave impetus to the position of the union. That got ‘em all pissed off.

Joan Beifuss: Who was the city attorney when that injunction was first…?

Frank Gianotti: Pat Johnson.

Joan Beifuss: Pat Johnson.

Carol Lynn Yellin: Was he city attorney throughout Mayor Ingram?

Frank Gianotti: But they had a labor lawyer, oh what’s his name? I’ll think of his name in a minute, who handled that (muffled). And Art Shea was also with him.

Joan Beifuss: The first time. Before the sanitation men went out on strike then in February, did you have any idea that anything that serious was brewing?

Frank Gianotti: Well, when did Ciampa come to town? I’ll have to double-check that. T.O. Jones was handling that thing. As far as the timing I just don’t remember. I can look over there.

Joan Beifuss: Ciampa came in and met with Blackburn around the 1st of February in a very short meeting, and then he went back out again, and he didn’t come in again until after the strike actually started.

Carol Lynn Yellin: But there was one other incident.

Frank Gianotti: He and Blackburn had some conversations. Now I don’t believe I was present at those. And the first time I remember Ciampa is when we were in Mayor Loeb’s office. Television was there and Ciampa didn’t like television.

Carol Lynn Yellin: He had just arrived.

Frank Gianotti: Just arrived, and I reconstructed, we had set there for about 45 minutes. I don’t know if anybody ever published this or wanted to publish it, or why they didn’t, but the conversation got pretty warm. Mayor Loeb is a very aggressive type individual if you all know him, and he states a positive position.

Carol Lynn Yellin: You know where he stands.

Frank Gianotti: Ciampa started calling me counselor. And, ‘counselor, I’d like to pull you over there by the door in the mayor’s entrance,’ and he said, ‘I’d like to talk with you,’ and he’d turn to Mayor Loeb, ‘do you have any objections if I talk to your legal counselor,’ I think is what he said. So we went down to Mark King’s office, which is
just a few feet down the hall there, and the subsequent conversation was, ‘tell that hardheaded mayor in there to get this dues check off, and we’ll be out of town.’ This all happened within 45 minutes after he hit the mayor’s office. He landed in the mayor’s office is the way I (muffled). So we had no respect for that. I mean it was just a dues check off is what they wanted, and it didn’t seem the right thing to do. This is how the whole thing got started really.

Carol Lynn Yellin: He took you aside to say this.

Frank Gianotti: It was two or three of his people there.

Joan Beifuss: Can you, what were the legal points involved? It was not illegal to have a union.

Frank Gianotti: It’s not illegal to have a union and the city had recognized the fact of unionism, the fact of belonging to unions for a number of years. My personal (muffled), back when Oscar (muffled) was commissioner these same problems used to come up. (muffled) the pay scale would be the same as other employees. (muffled) the pay scale would be the going rate, usually set by (muffled). So this had always been done. The legal point was whether or not the city had first legal authority to engage in negotiations with the union, and to that extent it is illegal in Tennessee. There are Supreme Court and court appealed decisions holding that, and that was the basis of our obtaining that injunction.

Joan Beifuss: So that when the city deals with the buildings and trades unions, for instance, you’re not really dealing with the union, is that?

Frank Gianotti: No, you don’t deal with the union.

Joan Beifuss: It’s kind of an informal thing, is that?

Frank Gianotti: You recognize what their pay scale is, and you pay the (muffled) union or the carpenter’s union, whatever that pay scale is. There is no formal contract. To my knowledge there never has been one, and still isn’t one. And we call it, it’s a coined phrase of memorandum of understanding, whatever it is. Nobody knows what it is -- it isn’t anything really, it’s just a name.

Joan Beifuss: Is it not the same thing as a contract? It’s not the same thing as a contract.?

Frank Gianotti: It was never signed by an official who had authority, if he had authority, which he doesn’t have.

Joan Beifuss: So, it’s kind of an informal agreement then, is that what it is?

Frank Gianotti: It’s an informal memorandum of understanding.
Carol Lynn Yellin: I want to go back just a little bit before we get here -- because one of the other things that we in talking about the pre-strike period, several people have mentioned this death of the two garbage workers. That was on February 1st, and I was wondering, one of the questions was the city’s compensation, or whatever. Do you recall that, or were you involved?

Frank Gianotti: Yes, I do. And Ms. Francis Turner, who is the claim agent, she was the first woman that I remember that had any position in the city government. She had been city claim agent for a number of years, and she went out and talked to the families, and then we did everything we could do legally. The city, at that time, had no workman’s compensation. They still don’t have it, but they adopt, as I understand it, I’ve been away from there since they started this practice of paying the death benefit that is paid under workman’s compensation.

Carol Lynn Yellin: Even though they aren’t legally bound to do it, they go ahead and do it?

Frank Gianotti: In government you have a number of operations; fire, police, sanitation, to mention the three most prominent. But, you acting as an arm of the state, and in unity, governmental unity. There is, however, a law, which was recently passed for firemen and policemen. They’ve tried to extend it, but I don’t believe they extended it to (muffled) on what is called indemnity. In other words, if you get a judgment against the driver of a fire truck, or against a policeman, and then that policeman can claim indemnity, which means that the city has to pay the judgments that he would have paid if he’d had the money, or you know.

Joan Beifuss: I see. Would this have been applicable in that case -- in the Larry Payne case, where Larry Payne’s parents were suing the policemen?

Frank Gianotti: (muffled). I don’t think the law -- I think the law was adopted shortly after that. It’s only three or four years old, maybe three years old.

Joan Beifuss: Why was there no coverage, for instance, for death? Why were there no death benefits for city employees? Is this usual in…?

Frank Gianotti: Um, in many places it is. It’s beginning to change now. The unity law by judicial decree, the last time I checked had been knocked out in I think seven or eight states; Florida, and Connecticut, and Michigan. That was by judicial decree and not by statutory law. It’s a little unusual, but the courts had felt that there should be some liability if the municipality or its agents are negligible. And so the old (muffled) could do no wrong.

Carol Lynn Yellin: The point here would have been that the question that would have been involved had they really made a legal case of it, from the family’s points of view, was claiming that the equipment was faulty. Would that have been the legal point
involved in…?

Frank Gianotti: I think in that case there was some question about it was a very odd sort of an accident (muffled). Something about a shovel falling over and hitting the…

Carol Lynn Yellin: The switch, yeah.

Frank Gianotti: The switch, yes I think that was it. A very freaky type accident.

Joan Beifuss: Yeah.

Frank Gianotti: But now it seemed like to me the former assistant city attorney, I can’t think of his name right now, represented those people and I thought that we paid them.

Carol Lynn Yellin: Oh, they did take it to court? I didn’t …

Frank Gianotti: I think the cases were settled. Art Shea would know. See, I left and when Boyd was appointed down at the Light, Gas, and Water, he called on Mayor Loeb two or three times, and wanted me to go down there. And I kept telling the mayor, I can’t leave up here, you know. Finally he went up there and talked to Mayor Loeb, and I left went to the division and Jim Minnett took over.

Carol Lynn Yellin: Oh yes.

Joan Beifuss: You mean…

Frank Gianotti: That was in November of ‘68.

Carol Lynn Yellin: Before this particular settlement was…

Frank Gianotti: I don’t think it had been settled at the time I left.

Joan Beifuss: Oh, I was under the impression that …. 

Frank Gianotti: Francis Turner could tell you that.

Joan Beifuss: Francis Turner. I was under the impression that some kind of money was given to those families at the time.

Frank Gianotti: Well, I think we offered to pay the funeral bill and maybe some additional expenses, or something. But it was not much money. Now that was customary. We would pay expenses of that kind.

Joan Beifuss: Oh, really?

Frank Gianotti: The bad part about that, I think was that these two persons had not taken
the benefit of pension, and if they had been on the pension system, then there would have been plenty of coverage. The city has an excellent pension. A lot of people overlook that when they talk about it.

Carol Lynn Yellin: And, I do remember someone saying that actually it was one of those things where it made a few dollars in their paycheck to be involved in the pension, and kind of a short-sighted attitude of they would rather have the extra dollars right then.

Frank Gianotti: This is one of them. When we were working on the hospitals, (muffled) there. I definitely remember the day the union people advising the employees out at the hospital not to belong to the pension system.

Carol Lynn Yellin: Advising them not to?

Frank Gianotti: Yes.

Carol Lynn Yellin: For what, I mean what reason?

Frank Gianotti: You can check with Ed Hastie if you want to for verification. He was on the pension, in charge of the pension at that time. I recollect there was a number of them resigned and maybe got $500, $600 back, maybe $1000, something like that. And they went into social security. The union was advising that they’d get better benefits by joining social security.

Carol Lynn Yellin: Oh, they had to choose between them.

Frank Gianotti: At that time they did. I think they’re beginning to work out a system now, where you can sort of work them together. That’s under investigation.

Joan Beifuss: Okay. Well, at the time that those two men were killed, you still weren’t getting any rumors of unrest and an impending strike or anything like that?

Frank Gianotti: I’d have to check those dates. I don’t remember that those two cases were -- my recollection is that they used this main thing there about the (muffled) …

Carol Lynn Yellin: The rainy day…yeah.

Joan Beifuss: Okay, so that when the strike happened then, nobody was prepared for it, I take it? Or nobody expected it to happen?

Frank Gianotti: Well, that’s a hard question to answer. I don’t know, you could get two answers for that. Some people thought they were going to strike, and others thought they wouldn’t. I don’t remember what I thought about it, to tell you the truth.

Carol Lynn Yellin: It’s hard now because of everything that has happened since.
Frank Gianotti: Yeah. My recollection is that Blackmon talked with T.O. Jones and a group of them at the first part of it, and we didn’t get into it. It was only after Ciampa and then later Lucy got in on the thing, and then finally when Jerry Wurf came in. I remember (muffled) one of those churches the night he came to town. I think T.O. Jones was there that night, sort of moderating. We had taken the position that we had no legal right, looking back on it it was really sort of silly I guess, but legally we couldn’t negotiate, and if we couldn’t negotiate we couldn’t talk. And the thing sort of (muffled) broke off for a while. We just said, ya’ll go back to work, and we’ll sit up all night talking to you. And they would not go back to work. Then, we started hiring people.

Carol Lynn Yellin: And now this would have been in talking with Ciampa before Wurf was here. This would have been early on in the (muffled).

Frank Gianotti: Well, Wurf came in after the ministers got into it you see. When we wouldn’t discuss it face to face, we talked with the minister, and the minister would relay the question, and then the answer would be relayed back, and then back and forth. Really, it was something.

Carol Lynn Yellin: That was the meeting at St. Mary’s wasn’t it?

Frank Gianotti: Well, we went to three or four churches. We went to St. Mary’s on Poplar. I remember we went to St. Peter’s. We went up to Adams and Poplar.

Joan Beifuss: First Methodist.

Frank Gianotti: Yeah, at Poplar and Second, I believe, or Poplar and Third.

Joan Beifuss: Did you find it easier, or do things -- was it easier to get anywhere when Wurf came in than it had been with just Ciampa? Or was it just as bad all the way around?

Frank Gianotti: Oh, it was just as bad. Finally got in, after a lot of talking back and forth, we finally, a suggestion was made that the, to use, oh what do you call that? Credit…

Carol Lynn Yellin: The credit union, right.

Frank Gianotti: The credit union. And, I would say Mayor Loeb and Mr. Wurf were equally suspicious, one of the other. At one point we had that thing just about settled, except for, I remember on the telephone I was talking to Lucius Burch, who had gotten into it. And I don’t know whether Jerry Blanchard had gotten into it or not, but somebody got Lucius into it. At one point I thought Lucius and I had it settled. I remember telling Lucius, ‘now Lucius can’t you just tell Mr. Ciampa, I mean tell Mr. Wurf that Mayor Loeb is a man of his word,’ and I remember using that language. And it was in connection with the dues check off, and we didn’t think we had the legal authority to allow a dues check off, and they were going to use the credit union, and the
people were going to authorize the credit union to handle it and pay it to the union. And that way see, the credit union is not, this one wasn’t as I remember, connected with the city government in any way. It’s a federally established agency.

Carol Lynn Yellin: Well what happened that it didn’t work out then, do you remember?

Frank Gianotti: Couldn’t agree on the language.

Carol Lynn Yellin: Just (muffled).

Frank Gianotti: Just on how it would be handled through the credit union. It seemed like Mr. Wurf figured that even though Mayor Loeb didn’t have any control, legal control over the -- now this is just my recollection, this is what I remember I thought -- that he would in some way exercise some influence over city employees who were identified with the credit union, even though he had no authority as such over the credit -- it’s a federally operated and controlled agency. But they were in the city hall that gave them space up there, and some of the employees who were on the credit union staff, after hours you see, were city employees.

Joan Beifuss: I’m confused here. You mean that some of the city employees would not want to take union dues out of the credit union, is that right?

Frank Gianotti: No, no. I think Mr. Wurf was concerned that Mayor Loeb would exercise influence indirectly --

Joan Beifuss: Oh, I see, yes.

Frank Gianotti: Through people who were on the city payroll, but who were after hours identified with the credit union, who were running it. But they were subject to federal control, and not to, and this was our argument. I think I told Lucius, Mayor Loeb doesn’t have anything to do with that. And he explained, as I remember that he was having a hard time getting Mr. Wurf to understand that, and finally things broke down over the telephone really. And the language of the two papers were almost identical. I mean we prepared one and they prepared one, and outside of a few commas or something, it was -- it was that close.

Carol Lynn Yellin: Looking back on it, isn’t that amazing how…well did it get farther apart then after that kind of fell apart? I mean then did other points of disagreement…?

Frank Gianotti: Well, it got into mediation. You’ll have to check the dating on it. Oh, what’s the…Miles.

Joan Beifuss: Frank Miles.

Frank Gianotti: Frank Miles got into it along in there somewhere. And the first meeting or two I attended, and then I had an attack of gastritis and I really got sick. So, I
missed two or three meetings I was not in there. I was available, but I wasn’t sitting up all night. I just was not well.

Carol Lynn Yellin: Was Mr. Powell, and…?

Frank Gianotti: Well, Ned Prewitt, and Tom Todd, Halle, Myron Halle, and the mayor. I think those were the (muffled).

Carol Lynn Yellin: Now, one other question. Those of you who were working out the city’s position, there was fairly much unanimity of opinion among you as to how it…

Frank Gianotti: As lawyers…

Carol Lynn Yellin: What the interpretation was.

Frank Gianotti: We were convinced. We were convinced beyond any shadow of doubt that the city of Memphis had no legal authority to negotiate or bargain with the AFSCME.

Carol Lynn Yellin: Were there any suggestions of another way out of an impasse then if they couldn’t? I mean other than this thing of talking through the ministers and relaying messages?

Frank Gianotti: Well, we had gotten away from the ministers at this time. I think Mr. Miles was trying to help, and then the man from Washington, Reynolds or somebody.

Carol Lynn Yellin: He came in after the…

Frank Gianotti: He came in.

Carol Lynn Yellin: After the assassination, but I was thinking of this period after -- were there any ideas that you remember being suggested for allowing negotiations to continue or in effect…

Frank Gianotti: Go back to work and then we’ll sit down and talk to you. In the meantime we were having trouble picking up garbage, and we knew we were headed for trouble because we were hiring people, and at one point, as I remember, we had 400 or 500, or close to it, and we were picking up garbage. In fact, I am convinced that if this assassination had not taken place, we would have won the strike. I don’t have any question about it.

Carol Lynn Yellin: Other people have said that too.

Frank Gianotti: Oh, I don’t have any doubt about it.

Joan Beifuss: Let me go back a little bit further, there are a couple of things. How then
did the negotiations with Frank Miles even get started if the city could not talk to the union? There was a point where the city seemed…

Frank Gianotti: Oh, we were talking. I mean we were saying we couldn’t legally bargain with them, or anything of that kind. We could work up what eventually turned out to be the memorandum of understanding.

Joan Beifuss: Well, in other words, did the city move from its position in late February? In late February the city wasn’t going to talk at all, and then by late March the city is talking to Miles.

Frank Gianotti: Oh, yeah. I think we got away from that, but (muffled).

Joan Beifuss: How about the injunction then against Ciampa and Wurf?

Frank Gianotti: It was granted.

Joan Beifuss: Why did you wait so long for that? Because it was almost 3 weeks I think before you went to that.

Frank Gianotti: Well, personally, I have never thought that these injunctions do too much good. They make martyrs out of people. And I personally do not encourage it. And if my recollection is right, the newspapers began putting the pressure on, and as a result of that, we filed, what I can, an amended complaint. We picked up in the old lawsuit and filed this amendment bill and went in and prosecuted it.

Joan Beifuss: But did that (muffled) do anything after you had done that? Did anything change after that?

Frank Gianotti: If anything I think it made Mr. Wurf talk more and move faster.

Carol Lynn Yellin: So, the boomerang you had feared, it in effect did come.

Frank Gianotti: Oh it did. Some people may have a different impression of that. It may have slowed down to some extent, but not much.

Joan Beifuss: Did -- were you conscious how much of a racial situation it was becoming as it went along? Or as a legal person, (muffled).

Frank Gianotti: Well, yes. When Martin King got into it, and let’s see the first time, you know, he had a parade and it boomeranged. And then there was some talk, along about in that period I began to realize, yes it was bad.

Carol Lynn Yellin: He had come in once, I think it was…we had the -- March, wasn’t it March 18? He came in and spoke. He spoke and then he was going to come back that same week and they had the big snow.
Frank Gianotti: They got to Main and Beale. No, no, this parade. He started and he got to Main and Beale and he turned west on McCall, and they didn’t see Dr. King.

Carol Lynn Yellin: But that was the week following, you see. What I’m saying is, well you know, you remember there was one march that was canceled because there was the big snowstorm and he couldn’t get in, he couldn’t fly into town. And then he did come back March 28th where there was that…

Frank Gianotti: Oh, could be. Perhaps so. I don’t remember that -- and that’s the one when they stopped at Main and Beale, and he went up McCall, and I remember hearing it on the radio that the police really protected him and got him back down Rivermont.

Carol Lynn Yellin: In fact, we were talking about some of that yesterday with Chief Lux, some of that.

Frank Gianotti: Right. Lux will remember that I’m sure, because he was in the thick of that whole thing.

Joan Beifuss: Still, again as the city legal officer, if you’re standing on a proper legal point, and there’s all this peripheral activity, all this peripheral beginning of the civil rights movement and what not. Does that influence legal thinking, or …? That’s a very difficult question.

Frank Gianotti: You see the law -- well, the right to assemble and the right to speak, they’re prior predominant rights, and whenever you want to move on them, you must go very slowly, I mean you just don’t barge in. And there was a case that went to the Supreme Court of United States, a Mississippi case that we relied on on the parade business. And, we tried to restrict the parades based on that, but it’s hard. I mean the council, I think, got into the act and some of the councilmen marched with the people who wanted the parade. And it wasn’t until they started throwing bricks and hitting people and one thing or another, and -- well, at one point in there they’ve said that T.O. Jones, some of them tried to turn over a squad car. I think T.O. denied it, but T.O. is so big if he’d bump into it’d almost…But anyway I talked to some people who were in front of Goldsmith’s and they said that those big windows down there actually (muffled), and it was just a miracle that some people were not killed on one of those incidents. You know, the day before Dr. King was assassinated we went into federal court with the injunction.

Carol Lynn Yellin: Yes, we wanted to ask about that because that was…

Frank Gianotti: Charles Rhyne was the name I was trying to think of. He was the former president of the American (muffled) -- R-H-Y-N-E.

Carol Lynn Yellin: Oh, yes.
Frank Gianotti: And we had thought, and based on some cases, not too many I don’t believe at that point, but other citizens had rights. So the basis of our bill was that we were obligated to protect the rights of merchants and other people who were being subjected to all this turmoil and everything, and that was the basis of our application for a federal injunction.

Carol Lynn Yellin: Was this the Mississippi case that you spoke of?

Frank Gianotti: Oh, it was one of them that we had used in our brief.

Carol Lynn Yellin: That you relied on?

Frank Gianotti: And I remember I was concerned about it, and the night before we filed that bill, I think it was finally decided sort of late. And I called Charlie Rhyne -- I had met him in the city law office. They had this massive institute of municipal law offices.

Joan Beifuss: Now who is Charlie Rhyne?

Frank Gianotti: He’s the former president of the American Bar Association. He’s a prominent Washington attorney and he’s head of the National Institute of Municipal Law Offices, and that’s a group of about 1500 city attorneys all over the United States and Canada.

Carol Lynn Yellin: And he’s the one extending…

Frank Gianotti: He’s the one who argued the (muffled).

Carol Lynn Yellin: For Chandler, Mayor Walter Chandler.

Frank Gianotti: He and Chandler, for the (muffled). So I called Charlie. I knew him well enough to call him Charlie, and I read parts of this (muffled) Charlie do you think that this idea, this concept has substance, and is worthy of, you know, being filed, and getting consideration by a federal judge, and just lawyer talk. He said absolutely, I’d go on and file it. So, we did file it, and the original injunction was issued, a temporary restraining order as we call it in federal court, and the next day we were up there arguing that case, and we left there at 4:30 or 5:00, and I stopped on my way out to University Club at 6:00, around 6:00, and someone had gotten a message out there that Dr. King had been assassinated.

Carol Lynn Yellin: What did you do then?

Frank Gianotti: (muffled) got in touch with Mayor Loeb (muffled).

Joan Beifuss: Did you come back down to City Hall that night?

Frank Gianotti: I don’t believe I did.
Carol Lynn Yellin:  (muffled)

Frank Gianotti:  The parade…oh no, we were right in the midst of arguing that thing, and yes there was some conversation and we met in Judge Brown’s office the next morning I believe, to discuss the details of the parade, and it had then changed from the type of march that we were trying to adjourn, but a memorial type march, and then we had a meeting as I remember over in the hotel.  Chief Lux will remember this.

Carol Lynn Yellin:  Yes, the day after.

Frank Gianotti:  (muffled).  Oh what’s this man’s name, black man that -- prominently identified with this movement.

Carol Lynn Yellin:  Lawson.

Frank Gianotti:  He was in and out of it.  Lawson…

Joan Beifuss:  Bayard Rustin?

Frank Gianotti:  Rustín.  Rustín.

Carol Lynn Yellin:  Bayard Rustin.

Joan Beifuss:  Yes, he had (muffled).

Frank Gianotti:  He impressed all of us.  I know he impressed me with his knowledge of how to handle situations.  I remember at one point (muffled) I don’t want any of these people chewing gum.  No smoking.

Joan Beifuss:  The least of his worries should have been people chewing gum.

Frank Gianotti:  But he was a detailist.  On that note, I thought he did a very good job of handling this, setting up this (muffled).

Carol Lynn Yellin:  He had not been involved in the planning of the earlier marches (muffled).  And if he had, perhaps it might have been…

Frank Gianotti:  Perhaps it might have been handled a little better.

Joan Beifuss:  (muffled) why were you in federal court for the march injunction or control? Couldn’t city ordinances have handled that, or?

Frank Gianotti:  No, we really thought that if we could get a federal injunction that it would be looked upon as greater -- see a lot of these people, and I think I’ve heard Jerry Wurf make the statement that they don’t…what’s that other one’s name?  Lawson,
Carol Lynn Yellin:  Oh, Andrew Young.

Frank Gianotti:  (muffled) Andrew Young. These people, they don’t care anything about the (muffled). And they can put them in jail. I think Young was talking one day out there, and he said something about they worked out occasions when they would be arrested and so the police and strikers and people over in Birmingham could take it easy for a few hours and get rested up. You know, they don’t mind going to jail.

Joan Beifuss: So you thought a federal judge would be more effective?

Frank Gianotti: Would be much more effective.

Joan Beifuss: But not because the city injunction couldn’t have done it?

Frank Gianotti: Well, they just didn’t have the respect. I think the thing that influenced us more than anything was that they -- black people generally, and also unions have no respect for (muffled).

Carol Lynn Yellin: This wouldn’t have, for instance, if it were a state case, or a city case, they couldn’t go back to Georgia, say, and they would still have to answer any legal (muffled).

Frank Gianotti: Well, we figured that the AFSCME was doing business in Tennessee, and we could sue them, and of course they were (muffled) incorporated someplace else, New York, or somewhere, I don’t know. We (muffled). But we had, the grounds were we felt the court had jurisdiction. And, Judge Brown did issue the original temporary restraining order.

Joan Beifuss: After King was killed then…

Frank Gianotti: The parade was handled as more of a memorial to King.

Joan Beifuss: Were you actually seeking to stop the parade, or were you just seeking to control it.

Frank Gianotti: Oh, we were trying to stop the parade before King was assassinated, on the basis that other people were being subjected to all this turmoil. You see, they had done a lot of damage the first time. They wrecked (muffled) Street.

Joan Beifuss: But on the second parade, once King was killed, you no longer tried to stop it did you?

Frank Gianotti: No, no. And Judge Brown immediately indicated before we even go to that point, as I remember, that he was going to allow it under a number of restrictions that
had been discussed, and that was incorporated into the (muffled). They couldn’t walk over so many feet apart, and all this stuff.

Joan Beifuss: Was this before King was killed that the judge had already indicated that he would let the march go?

Frank Gianotti: I think he had started talking about it, and then it was sort of implemented the next morning. We all met in his office the next morning (muffled). Personally I thought (muffled), because I wasn’t sure, you know, if it would be a quiet parade.

Carol Lynn Yellin: Let’s see, it was on Wednesday on April 3 that you did obtain an injunction.

Frank Gianotti: That’s it, yeah.

Carol Lynn Yellin: A temporary injunction.

Frank Gianotti: Yeah, a temporary restraining order.

Carol Lynn Yellin: And then that was still in effect really at the time King was…

Frank Gianotti: It was to be argued the next day.

Joan Beifuss: Is there any legal difference between an injunction and a restraining order?

Frank Gianotti: (muffled) gets 10 days, and you have to renew an application for a temporary injunction, and then you have a hearing. A temporary restraining order is issued without notice.

END OF RECORDING