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Alumni Profiles



Buffalo Law Review staff, 1958 - 59. Davis is in the second row, fourth from left. He keeps this picture behind his desk.

CELEBRATING EXCELLENCE

J. Mason Davis Jr. '59 recalls an era of wrongs – and civil rights

The first thing to note is that J. Mason Davis Jr. '59 is not bitter. Not bitter that, by virtue of the color of his skin, he was shut out of the University of Alabama Law School, his home-state institution, after he graduated from Talladega College. Not bitter that the social situation in the North, when he came to UB Law School in the middle of the 1950s, was, de facto, hardly any different from the de jure discrimination of the South. Not bitter that, once he returned to Alaba-

ma, he was required to take a literacy test in order to register to vote.

"It was part of the way of life at that time," Davis says now from his office at the Birmingham law firm Sirote & Permutt, where he is a senior partner practicing in public finance, business litigation, corporate law, mergers and acquisitions, and securities. "It was the culture of the country."

The story of how Davis, who was honored recently by the University at Buffalo Alumni Association at its Celebration of Excellence dinner, transcended those societal limitations is one of

hard work, extensive community service – and coping with ever-changing cultural norms with grace and optimism.

And though it is not how he approaches the issue, his success as a lawyer – and as an adjunct professor at Alabama Law School, the very institution that was closed to him as a young man – perhaps is all the sweeter for

the obstacles he has overcome.

It was 1956 when young Mason Davis packed up and headed for Buffalo and the promise of a legal education. "UB Law School was traditionally open," he says. "When I left Talladega and went to Buffalo, the law school was – and always had been – desegregated.

"The segregation laws were not overt in New York, but there were subtle discriminatory things. Most of the students who were in the classroom with me that first day had not gone to desegregated schools. When I came to Buffalo, there were only 25,000 African-Americans who lived on the Niagara Escarpment. But the other students got used to me, and I got used to them.

"I lived with the portion of our family that had lived in Buffalo since 1922, so I was not up there all alone. In addition to my family, I joined a Congregational church and was in a fraternity, Alpha Phi Alpha. I was not a waif out there flying in the wind."

But Davis always knew he was headed back to Alabama. "Our family was in the life insurance business and the undertaking business," Davis says. "My mother's brother Walter had been a lawyer in Cincinnati, Ohio. It was the plan that I go to law school to learn the law and help run the business."

Learn the law he did – and he excelled at it. Davis clerked for a law firm

in his first year and later was selected for membership in the *Buffalo Law Review*.

"The changes that come about in law school really broaden you, because you are exposed to so much. You have to study intensely to learn each of those core courses the first year, because it is unlike anything you have ever done. I had a pretty good experience there."

Of the *Law Review* he says: "It was a useful experience, to have to write your articles, associating with others you consider your peers or better. We formed close friendships. I keep a photograph (of the *Law Review* board) right behind my desk."

He graduated in 1959 and, true to the plan, went back to Birmingham to practice law and work for the family business part time, defending the insurance firm against lawsuits. But just as the culture dictated his access to law schools, a storm was brewing in the wider society that was to change the course of Davis' practice. The civil rights movement was about to take America by storm.

Cases related to the movement started to come: voter discrimination cases, jury discrimination cases, the criminal cases of blacks who insisted on sitting down at whites-only lunch counters. When African-American defendants in Alabama went looking for a black lawyer to defend them, they had precious few choices. Davis says he was only the 15th African-American statewide to hold a current license from the state Bar. Defendants would call; Davis would respond, driving 90 miles north to Huntsville, 60 miles south to Selma, to meet with clients and do his trial work.

And he was good at it – very good. Tenacious at trial, especially in representing some of the students who took part in the widely publicized Huntsville lunch-counter sit-ins in 1961 and 1962, he pressed ahead with appeals and won every case at the Court of Appeals

level. As a result of those legal victories and others, Alabama desegregated all public facilities, including the schools.

"Everything was changing," Davis says. "I returned five years after the Brown decision. You had resistance to not only school desegregation, but lunch counter desegregation, water fountain desegregation, and the most

almost complete desegregation." Davis suspects it was not a purely legal victory: The Marshall Space Flight Center was bringing a lot of money to Huntsville, he says, and the city's business interests "did not want any problems."

Another victory was his invitation to teach law at the University of Alabama, where he joined the faculty as an adjunct in 1972. He was to teach there for 25 years, mostly courses in insurance and damages. "When I started teaching there, no African-American had graduated from the law school," he says. "Right now, half the lawyers in the state came through my courses. I have had great experiences going into courtrooms with my former students. It is like old home week."

He notes that in his first classes, all the students were white. The first African-Americans came a few years later. "All these things have to happen, and they have to happen in progression," Davis says. "They have to go from A to Z."

The historical myopia of the young showed up in his classes as Davis tried to instill in his students an appreciation for the struggles of the civil rights era. "I had to teach them about history, because that was not a thing

that was on their minds," he says. "They were past that period. I would tell them stories about becoming a voter and how we would have to challenge the jury rolls, and they could not understand that. They had never experienced it."

He no longer teaches, and mostly steers clear of courtrooms as he pursues cases involving municipal financing and commercial law. "I go in the courtroom when I have to," he says. "I go to show gray hair. I probably taught the judge and the other lawyers on the other side, so I go to bring a sense of veracity and respect. They know who is coming when I come in. Litigation is very, very tiring work, and it takes young people to do it."



At the Celebration of Excellence dinner, J. Mason Davis chats with professor John H. Schlegel.

important thing — voter discrimination.

"During that period of time, you had to take a literacy test in order to register to vote. I took the literacy test in the summer between my second and third years in law school. I was asked by these three registrars to interpret the 14th Amendment, and I regaled them for an hour. I had just taken Constitutional Law from Jack Hyman for a full year!"

But it was the lunch counter cases in Huntsville, he says, of which he is most proud. "We had to try those cases in the city courts," Davis says. "We lost every one, then appealed those cases to the Circuit Court, where we won some and lost some. But we won every case we tried in the Alabama Court of Appeals. As a result, Huntsville then experienced