

Remembering Carl Maxey

By

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Last April, I was browsing the shelves at 2nd Look Books when I saw that face of one of our past members gazing at me in the isles. It was the almost life-size face of Carl Maxey on the cover of his 2008 biography, *Carl Maxey: A Fighting Life*, written by historian, author, and columnist, Jim Kershner. As is often the case when a book catches my eye, I immediately thought, “I’d like to read that and give a sermon about it someday.” I’ve been particularly interested in knowing more about Maxey ever since learning this important figure in our community had been an active member of our congregation for many years. He and his first wife, Ninon, initially began shopping for a church, like a lot of parents, desiring religious education for their children. After considering various options, they were invited to our church by some friends. “Carl and Ninon discovered that the Unitarian style and philosophy fit their open-minded, liberal bent perfectly,”¹ Kershner says. They became active members, Maxey having served as one of our Board presidents, and Ninon as our Sunday school superintendent. Many still remember him dressing up every year as our church Santa Claus. Church member Larry Richard’s tells me, “Carl went through three Santa suits in his tenure. It was one of his most favorite things to do.” They began coming when their first child, Bill Maxey, born in 1949, was still little, and continued after their second son Bevan was born several years later, in 1957. Carl continued as a member with his second wife, Lou, after he and Ninon divorced in 1972.

The story of his own life begins and ends in tragedy. As Kershner reminds us, Maxey often described himself as “a guy who started from scratch—black scratch,” in 1924, and took his own life 73 years later, in 1997. But the story of any life, including Maxey’s, is what happens between its bookends, between birth and death, and there is something telling about the life of a man who “started from square zero,”² as Kershner says, going out the way he strived to live every moment of his life, on his own terms.

“A more luckless child is hard to imagine,” Kershner begins the story, “at least outside of a Charles Dickens novel.”³ He was born, Emmet Alfred, June 23, 1924 in Tacoma, Washington, to a thirteen year old mother who couldn’t keep him, and was adopted around age three by a Spokane couple, Carolyn and Carl Maxey Sr., who were among the “700 black residents living in a city of more than 100,000 people.”⁴ Yet, in some ways, Spokane would seem one of the best places for an African American to begin his early years in those days. Black residents could sit where they wanted on buses and trollies, and there was a State law

¹ Ibid.

² Kershner, Jim, *Carl Maxey: A Fighting Life*, University Washington Press, Seattle, WA, 2008, p. 3.

³ Ibid.,

⁴ Ibid., p. 4.

prohibiting segregation from public accommodations passed in 1890. In fact, Washington's anti-miscegenation, or mixed-marriage, law had been repealed before that, in 1887. That didn't happen in Oregon, by comparison, until 1951. No, Spokane wasn't the deep South when it came to racist laws and behaviors, as a lot of non-southern whites took pride in, but, when it comes down to it, social attitudes were no less racist here than there.

Despite the 1890 accommodation law, even by 1950 there were still no Black doctors, lawyers, engineers, or public schoolteachers in Spokane, and the unemployment rate for Blacks was 29 percent compared to just 1.5 percent for Whites.⁵ "During the 1940s," according to historian Dwayne Mack, "black males most often worked in service-oriented position, such as janitors, porters, waiters, bartenders, and counter workers. Blacks also worked as chauffeurs, bellhops, and busboys, and coat and hat checkers in such white-owned establishments as the State Theater, Spokane Club, and the Old National Bank."⁶ Black women mostly worked in private households as maids, but also got work as cooks, laundry washers, bartenders, counter workers, and the like. In many cases, they weren't allowed to patronize the very businesses they worked for. Again, as Mack explains, "Just as in the South, blacks—older residents, newcomers, visitors alike—were denied service at most white owned hotels, motels, restaurants, department stores, barbershops, beauty parlors, real estate offices, employment agencies, and nightclubs."⁷ They were often met with business signs stating, "We Won't Serve Colored."⁸ And even if they were allowed into a business, whites were always served first, even when Blacks were in line ahead of them. Unlike white women, Black women weren't allowed to try on clothes before purchasing them in local department stores. And Louis Armstrong, Cab Calloway, Duke Ellington, and Paul Robeson were among the many famous black entertainers barred from certain hotels, like the Davenport, while performing in Spokane.

If there were but one name to be credited with finally changing these dehumanizing racist behaviors in our fair city, it would have to be the name of the great Carl Maxey. Emmet Alfred may have received the name he'd be known for the rest of his life from his adoptive parents, but that was about all they gave him. Just a year after his adoption, Carl Sr. split, leaving his impoverished mother to care for little Carl on her own, something she couldn't do. When he was five, Carolyn Maxey dropped her son off at the Spokane Children's Home where he became a charge of the county. She died of heart failure a few years later, in 1933, at age 39.

Carl grew up with no memory of his adoptive father, and only slim recollection of his adoptive mother, though his hellish memory of the Children's Home remained with him the rest of his life. Despite glowing praise for the facility in numerous newspaper reports, Maxey witnessed much physical and sexual abuse at the home, which finally became public when

⁵ Mack, Dwayne A., *Black Spokane*, University of Oklahoma Press: Norman, USA, 2014, p. 21

⁶ *Ibid.*, p. 23

⁷ *Ibid.*, p. 38.

⁸ *Ibid.*

he was twelve. After those responsible were sent to the state penitentiary, its new management decided the first step in straightening things out was to kick out all its nonwhite orphans, both of them. As the Home's October 8, 1936 board minutes state, "It was moved by Mrs. Irving, and seconded by Mrs. Paine, that the two colored boys, Carl Maxey and Milton Burns [sic], be returned to the County, having been in the Home for years. Motion carried... It was also moved by Mrs. Sutherland, seconded by Mrs. Bartleson, that the Board go on record as voting to have no more colored children in the Home, from this time forward. Motion carried—unanimous."⁹

After being literally turned out on the streets, with no place else to go, Maxey and Burns soon took themselves to the Juvenile Detention Center, which took them in even though they hadn't committed any crime. Compared to the orphanage, they both enjoyed juvie, were able to go to school, weren't abused, and got three meals a day. But the best thing about the detention center was the day both boys were spotted by Father Cornelius E. Byrne. Byrne, a Jesuit priest, invited them to live at his Sacred Heart Mission, on the Coeur d'Alene Reservation in DeSmet, Idaho. That's where Maxey first began to feel as if he had a home, and where Byrne became the closest thing to a father figure he'd ever know. Byrne, whom the Coeur d'Alene tribe named "Hest Spoo-os," meaning "Kind Heart," having recognized his unusual potential, had a special fondness for young Maxey.

The mission was, in fact, the beginning domino tipped in a cascade of firsts that lasted throughout much of Maxey's life. It's where he had his first boxing match at age 13, which he won, against a 33-year-old. At age 15 Father Byrne got him an athletic scholarship at Gonzaga High School, though he also had to work and got a job at the Spokane Club, serving the city's most elite citizens. One night, during a dance, the daughter of a prominent white family asked Maxey to dance with her, which he did, causing quite a buzz, a daring move on Carl's part and an early sign of his eagerness to take on the status quo. That was another first, the first time a rich white girl danced with a poor black kid at the Spokane Club.

Carl was a star athlete in football, basketball, and, especially, track, helping his team win the state championship by setting an 880-yard relay record during his senior year. Upon graduating in 1942, Carl wanted to be a dentist, the first black dentist in Spokane. At the time there weren't any in Spokane, and white dentists, by and large, wouldn't accept black patients. He also wanted to be a college football player at Gonzaga, two firsts that weren't in his stars. After hearing one too many racial slurs from his teammates, Maxey walked off the practice field, and went directly to boxing coach Joey August's office, announcing, "I want to box." Although he hadn't boxed since DeSmet, Coach August put him in a ring with an opponent that was heavier and had a lot more experienced. "Maxey proceeded to beat the tar out of that hotshot." Kershner writes, "August stood there flabbergasted. 'Okay,' he finally said, 'You're on the team,'"¹⁰ and that's how the legend of King Carl was born.

⁹ Kershner, *ibid.*, p. 16.

¹⁰ *Ibid.*, p. 43.

Like many his age, Maxey's college career was interrupted for wartime military service, where he hoped to put his fighting spirit to good use. Instead, he experienced the worst racism of his life in the army. At the time, the military still didn't trust black soldiers enough to let them fight, an attitude that didn't begin to change until after Maxey was discharged. When, in 1944, during the Battle of the Bulge, the War Department, desperate for soldiers, finally allowed black troops to fight beside whites, a survey indicated 64 percent of the latter weren't in favor of it. After only three months of combat together, 77 percent of them "looked upon the black soldiers favorably."¹¹ Integration works. It makes comrades of us all. Don't ever let anyone convince you otherwise. Still, for Maxey, "Overall, the experience was heartbreaking," Lou Maxey said, "because he wanted so badly to fight."¹²

But he would have to save the fighting for the ring. With the GI Bill on his side, Maxey got a track scholarship to the University of Oregon, where one of his best friends, Bob Gibson was also enrolled. That's where his budding liberalism became entrenched and where he met a brilliant, talented young woman from Ashland, Oregon, Ninon King, who would eventually become Ninon Maxey, against her mother's wishes. While on campus, their relationship was also controversial. Remember, at the time mixed marriages were still illegal in Oregon. When Carl planned to take Ninon to a house dance, it had to go all the way to the head of dorms, who reluctantly consented. That was another first for Carl, and Ninon.

After a year at Oregon, though engaged, Carl returned to Spokane, digging ditches for the water company, and Ninon returned to Ashville, where she took up her previous interest in community theatre and helped start a little tradition there known as the Oregon Shakespeare Festival. Having given up the idea of becoming a dentist, Carl now intended to go to law school, and soon ended up back where he started, at Gonzaga, where he experienced many firsts. Reunited with this high school boxing coach, the other father figure in his life, Joey August, Carl Maxey went undefeated, 32-0, his entire college boxing career, and earned the Zags their first ever NCAA Championship in boxing in 1950, returning to Spokane as a hometown hero.

As good as he was at it, Maxey was pacifist at heart, and had mixed feelings about boxing. He learned early on not to take advantage of opponents he could easily defeat and would rather win by decision than to knock the hell out of them. He learned, as his biography says, to "carry" an opponent, "to go easy on him."¹³ Once, after defeating an opponent many worried he'd lose against, Maxey walked across the ring and gave him the winning gloves. "you take these gloves," he said, "They belong to you. You deserve them for a good fight."¹⁴ After winning the championship, to the surprise of many, Maxey announced he was quitting the

¹¹ Ibid., p. 49.

¹² Ibid.

¹³ Ibid., p. 60.

¹⁴ Ibid., p. 62

boxing team to concentrate on his law studies, and from that moment on was destined to take his fighting spirit into the legal arena.

After becoming the first Gonzaga boxer to win a national championship, he went on to become the first African American to graduate from the University's law school, the first African American to pass the bar exam in Spokane, the first try at that, and Spokane's first, and for a long time, only African American attorney, in 1951. It was initially hard making a living at it. Like a lot of new attorneys, he'd go to the courthouse to have a judge assign him to a criminal defendant, given there was no public attorney in those days, for \$25 a day. Another, slightly younger attorney at the time, Bill Powell, also one of our church members, told me that's how he first met Maxey. A judge assigned them both to defend an African American man charged with first degree murder. Bill laughed when he recalled Maxey picking him up in his Cadillac to go visit their client in jail. "He always loved big cars," Bill says. The defendant took an immediate dislike to Carl and accused him of being a member of the KKK. That was another first. "I've had a lot of people who've disliked me," Maxey admitted, "but nobody ever accused me of being a member of the Klan!" But, on that basis, he was able to have the man declared incompetent to stand trial and had him reprimanded to a psychiatric hospital from which he escaped and disappeared. Neither Bill or Carl could decide if he was really insane or just smart. In either case, they both got a kick out of the case and remained among the best of friends throughout their careers.

One of his big firsts was helping Spokane achieve one of its first. After a highly qualified African American applicant had been rejected for a teaching position by the Spokane School Board, in a school district whose teachers were exclusively white, Maxey put his new legal gloves on and, working with the NCAA, threatening lawsuits, and every other punch he could throw at them, eventually convinced the Board they better hire Eugene Breckenridge. Breckenridge went on to become one of the School District's most beloved teachers and was eventually named Educator-Citizen of the Year, the Washington Education Association's highest honor. Within just a few years, several other African American teachers had been hired in the district, thanks, largely, to Carl Maxey.

Though he mostly handled divorce cases to earn an income, Maxey's purpose in life was handling civil rights and social justice cases, which he often took on pro bono. He used his position, and the respect and love he earned within both the legal world and the larger community, to force open the doors to clubs and businesses closed to blacks, and to protect hundreds of conscientious objectors during Vietnam, a war he staunchly opposed. In one of his most remembered cases, he became attorney for Will Cauthen, an escaped fugitive from Georgia, sentenced to death for a murder he likely didn't commit. After being arrested in Washington, Maxey successfully fought to keep him from being extradited back to Georgia for execution, and to live here as a free man.

Speaking of fighting for freedom, in 1964 Maxey went to Mississippi to help free hundreds of voting rights activists from jail, including Stokely Carmichael. He also got to walk the streets with Martin Luther King Jr. and came back shocked by the level of racism and amount of fear the usually undaunted King Carl personally felt in the South. He and two other attorneys who went with him were invited to give a public presentation about their experience at our church, during which Maxey said that when it came to rights of blacks, Mississippi had a “complete lack of law and order.”¹⁵ After King’s assassination, Kershner suggests, Maxey became less optimistic about his own power to bring about the level of change he wanted. Still, he kept fighting to do so, including several failed attempts to enter into politics. Rather than go into the details, I’d like to end by recreating a bit of his campaign rallies, which should suffice in showing all that he stood for, fighting, as he said, “for the young, the old, the black, the poor and those who would form a coalition of conscience.”¹⁶ I’m running...

For ending the war—NOW!

For a volunteer army—NOW!

For granting amnesty (to conscientious objectors)—NOW!

For an end to massive military spending—NOW!

For a just and humane society for all—NOW!

For an end to racism in labor unions, in schools, in housing, in work—NOW!

For a guaranteed income—NOW!

For equal rights for our [Latino] and [Native American brothers and sisters]—NOW!

For abortion rights—NOW!

There’s much more I could, but don’t have time to say about Carl Maxey, one of our great church ancestors, and a cherished ancestor of our larger community. I’ll close by acknowledging the sadness many of us still feel knowing in the end he took his own life, feeling partly discouraged about not having helped make the kind of progress he wanted. Today, I also can’t help but wonder if his sudden change in personality, his depression, and his suicide might be diagnosed as boxer’s brain, as what we now recognize as the symptoms of CTE, chronic traumatic encephalitis. Or maybe, given his failing health, as I said at the beginning, he just decided it was finally time to throw-in-the-towel: that he would leave this world the way he lived in it, on his own terms.

Whatever the case, I hope his example in our community and in our world inspires all of us to live our lives a bit more like Carl Maxey, not succumbing to the odds against us or allowing ourselves to be defined by the prejudices of others, to fight for what we believe in, to fight for those who need us most, to care for the wellbeing of our adversaries, to be kind and humble, to believe in ourselves even when no one else does, to risk losing if we really want to win, and to accomplish the impossible on one day, then get up the next day and do it again, and again, and again.

¹⁵ Ibid., p. 129.

¹⁶ Ibid., p. 158.