

When it Mattered

Episode 27: David Branch

Chitra Ragavan: David Branch was raised on a farm in rural Arkansas with eight siblings on his parents' meager income of \$10,000 a year. The great, great grandson of a slave from Africa who was committed to education, Branch pulled up his Arkansas roots to go to college in Dallas and then law school in Washington, D.C. confronting great adversity in the process.

Chitra Ragavan: Hello, everyone. I'm Chitra Ragavan, and this is When It Mattered. This episode is brought to you by Goodstory, an advisory firm helping technology startups find their narrative.

Chitra Ragavan: Today, Branch is a prominent employment attorney and head of the David Branch Law firm. He has a deep commitment to giving back to his community and is passionate about fighting for clients who are confronting racism or other forms of discrimination, much like he did when he set off to get that education and create a life that would do his great-great-grandma proud. David, welcome to the podcast.

David Branch: Good morning. Welcome. Thank you.

Chitra Ragavan: You come from an extraordinary lineage, one of 600 descendants of the Branch family. Let's start with your great-great-grandmother, Victoria Wakefield. She was a slave who paved the path for hundreds of Branches to seek education, much of it against the backdrop of the civil rights movement and busing.

David Branch: Yes, that's correct. My great-great-grandmother Victoria Wakefield was a slave in Florida at first, and then she was later sold into slavery in Vicksburg, Mississippi. And from Vicksburg, Mississippi after the civil war, she moved to Arkansas and it's the part of Arkansas known as the Mississippi Delta.

David Branch: And my great-great-grandmother married a civil war veteran. His name was Henry Wakefield. And after Mr. Wakefield passed away, my great-great-grandmother received civil war pension benefits. And from the civil war pension benefits, she saved enough money

to send her eldest great-great-granddaughter to college and this would've been in the late 1900s through 1920.

David Branch: And that great-great-granddaughter was actually my aunt, and my aunt actually moved back to our farming community and she became the teacher and principal for a school there and she did it from the 1920s until the 1960s. And she educated the entire family and really that's where it all started.

Chitra Ragavan: What's amazing is she became a teacher at age 18, and then a few years later, she became a principal. But when she was a teacher at one point, she was teaching in one classroom that had eight different grades. So she was an extraordinary woman.

David Branch: Yes, she's an incredible woman and really I spent a lot of time with my aunt Annie and just love to crack jokes, tease all of her nieces and nephews, and really just made education fun. But she really stressed the importance of education.

Chitra Ragavan: Now tell me about your other family, your parents, and where you grew up and what that life was like. You come from a very large family.

David Branch: Yes. So my grandmother was Louisa McGhee Branch and she was married to John Branch, my grandfather, and they had 10 kids. My father was the youngest of the 10 kids. His name was Will Bailey or Willie Branch, and I'm the youngest of nine kids. So life was very difficult on their farm. We had a small farm and actually before I was born, my grandfather passed away at an early age. So my dad was responsible for maintaining the family farm when three of his older siblings went off to World War II.

David Branch: And my dad was 17 years old, and he really saved the family farm because in that era, if farms were not managed and not operated, particularly farms owned by African Americans, it was very common for people to just come in and take the land. So really, the running joke in our family has always been my dad saved us all from becoming sharecroppers because had he not worked the land while his brothers were away at war, the land very likely would have been lost.

Chitra Ragavan: Now, is it true that he learned to drive at age nine and would drive his father around the property?

David Branch: That was my uncle, one of my dad's brothers. One of my dad's brothers was Ezell Branch, and we called him Uncle Pete. His

name was actually Pete Branch, but Uncle Pete served in the Navy during World War II, but at nine years old, he was a family driver. My grandfather had a heart condition and so he didn't drive at all. But my Uncle Pete was the family driver.

Chitra Ragavan: Well, what it shows is the incredibly young age at which kids at the time used to take responsibility. Annie being a teacher at age 18 and Pete driving at age nine and your dad taking on the farm at age 17. It's not like today where kids can hang around forever depending on their parents' good will.

David Branch: Oh no, no. We all worked. There was a very serious work ethic there. So that's really what's driven the family to a great deal of success.

Chitra Ragavan: Now, it wasn't just you and your family on the farm, right? You also had your uncles on the farm and how many cousins were in this one property?

David Branch: So, my aunt lived next door, Aunt Annie, and she was older when I grew up, but she lived next door. She had 10 kids and my Uncle Pete, he lived on the other side. He had 15 kids and my Uncle West or John Branch, he actually had 17 kids. Two of them passed away when they were young, but he had 17 kids. So at any given time, there would be 40 kids or so plus cousins there at any given time.

David Branch: And there was always a kind of a running joke in the family when the local school bus would stop, to stop on Branch Hill. It was known as Branch Hill. It would be completely filled just with Branch kids. And my grandmother was always there. She lived on the Hill as well and she was there to greet the kids when they returned home from school. She didn't remember anyone's name, everyone was sweet honey or sweet baby, but she greeted all the kids and we had to greet her as we got off the bus each day.

Chitra Ragavan: Just put this against the backdrop of history, it was no small feat to educate all of the kids of the Branch family given where we were at that time in our history.

David Branch: That's absolutely correct. And even before my generation, during my parents' generation, it occurred ... In 1919, there was the massacre of African American sharecroppers and farmers in Elaine, Arkansas. And that's only about two hours from my family farm. But of course, news of the massacre spread throughout the local communities there and it just terrorized African American

families, causing a great deal of fear, great deal of distrust in Caucasians and just overall alarm and concern.

David Branch: And my father and his siblings grew up in the backdrop of that massacre. So there were family gatherings, I'm told, almost on a weekly basis where people would talk about this and the concerns there. So it was no small feat for people to get access to education. My dad only finished the eighth grade because he had to work on the farm. But everyone else in the next generation, we all went to college. We got an opportunity to go to college.

Chitra Ragavan: And the Elaine Massacre, if you can describe it briefly.

David Branch: Yes, there was a dispute between farmers who were attempting to organize a union, and there was a meeting at a local church there and the police arrived. There were some dispute and one of the officers was shot. And as a result, there was alarm in the Caucasian community and surrounding communities that there were some type of rebellion taking place and approximately 200 people were murdered. African American women, children, men, young, old, were just slaughtered over a couple of days.

Chitra Ragavan: And the massacre also resulted in a landmark Supreme Court ruling having to do with the due process rights of-

David Branch: Yes, a number of the African Americans were tried and appealed to the Supreme Court. And there was a finding that they had not been provided due process, so the verdicts were overturned eventually.

Chitra Ragavan: And this was a very significant moment in our history because for the first time in the Court's dealings with African American defendants, the court actually ruled in favor of defendant's rights to due process.

David Branch: Yes, yes, absolutely.

Chitra Ragavan: So even beyond your father's generation, looking at your own family of 70 cousins or so all going to college, that again was no small feat given that it happened against the backdrop of the Civil Rights Movement and busing and all of those things.

David Branch: Yes. So I have approximately 70 first cousins and yeah, if you can imagine that. And most of them went to school at the University of Arkansas at Pine Bluff. Previously, it was Arkansas AM&N and later became the University of Arkansas at Pine Bluff. And all of our parents managed to send us to college.

David Branch: The alternative was working on a farm. So there was some incentive to go to college. It was much easier to teach school or find other work other than work on the farm. So there were some incentive, but it still was not easy. Not a lot of resources, but a lot of support, a lot of faith, a lot of just general belief and being able to accomplish or do anything if you work hard enough.

David Branch: And that came from my Aunt Annie, who was very forceful as a principal. There was no alternative to getting your work done. And my dad would often tell me, "It would be one thing if you didn't have it in you, but I know you have it in you. And my job is to get it out of you."

Chitra Ragavan: And did you all go to integrated schools?

David Branch: I went to integrated schools. So my first year of school was 1971. It was the first year that the local schools were integrated. My older siblings went to a segregated schools.

Chitra Ragavan: As did all of your cousins?

David Branch: Yes, all of the cousins. But we have cousins at just about every other age. So I have two or three cousins who are the same age who were born within a couple of months of me. And that's true. So it was common in every class. There were three Branches, at least three Branches in each class.

Chitra Ragavan: It was family all the way through, from school through college?

David Branch: Yes, yes.

Chitra Ragavan: And I know the University of Arkansas at Pine Bluff takes great pride on having what, a hundred Branches graduate?

David Branch: Yes. So, you can imagine that.

Chitra Ragavan: I guess it's like a household name, right? You just walk in there and everybody knows who you are.

David Branch: Well, most of the professors do know who they are. I didn't go to the University of Arkansas at Pine Bluff, but most of the professors are aware of the Branches.

Chitra Ragavan: Now, what convinced you to leave Arkansas and to kind of pull yourself from your roots and go to Dallas to go to college and then to D.C.?

David Branch: So I have two sisters. My older sister went to the University of Arkansas at Fayetteville in the 1960s. So if you can imagine that, she was 16 years old in Northwest Arkansas. I remember driving with my parents to the University of Arkansas to visit her and we could actually see Klan cross burnings along the way. So it would say that's a very difficult part of Arkansas.

David Branch: But she finished there in three years and she moved to Dallas. And I was very close to my older sister and my younger sister, and my older sister encouraged me to come to Texas and I decided to go to school at Dallas.

Chitra Ragavan: Growing up, did you experience overt racism as you were going to school and dealing with all those things?

David Branch: Yes, absolutely. And I did not hear the word 'nigger' until I got to school. It wasn't spoken in our house. It wasn't permitted in our family surroundings. But when I got to school, that was one of the first things I heard a kid say to me, "Oh, you're a nigger." But it didn't really bother me as much because we had such a strong sense of family. And my response was to just work hard in school and make the best grades, improve myself and prove that I deserve to be there and I would not accept the label from someone.

David Branch: But we faced racism. I mean, that's just one example.

Chitra Ragavan: And what was it like going to college?

David Branch: College was probably the most challenging point for me because my family had very limited means. We had a family farm. We raised the produce. We had farm animals and my parents just did not make a lot of money. So very limited income on the farm but I went to Southern Methodist University and that's a very wealthy school in Dallas. So from a \$10,000-family income to sitting next to millionaires and people who were driving Mercedes and BMWs at campus, that was really difficult to adjust to and just the whole mindset of people from financial means such as that.

Chitra Ragavan: And what were your greatest sort of moments of adversity? You talked to me earlier about sort of the sense of fear and inadequacy that you experienced, some of it going back to the stories from Elaine, I guess.

David Branch: Yes, some of it going back to the Elaine massacre. I really believe that and my uncles and my aunts and other older relatives, there was a sense of fear and doubt that was kind of passed on to the

kids. And some of that was reinforced when I went to college. Just coming ... I was a minority in a largely Caucasian population at college, did not have the same resources or means that these other folks had. So I mean those were some of the challenges.

Chitra Ragavan: And then from Dallas, you came to Washington, D.C., I guess to go to law school?

David Branch: Yes, yes. I went to law school at Georgetown and really the first day that I arrived in Washington, D.C., I knew immediately that this was home. It just felt like home and just bonded with the community. And I've been in Washington since then.

Chitra Ragavan: Why did it feel like home, do you think?

David Branch: Primarily because of the different cultures. The quest for ... I mean, it's a political center, but just the quest for just knowledge here. I mean, I felt really comfortable that I would be able to be judged based on how I performed and how hard I was willing to work and not be judged based on color.

Chitra Ragavan: And what did you do after you graduated from law school?

David Branch: So after law school, I clerked for a judge in the local courts. And then I was a staff attorney for the US Court of Appeals for the D.C. Circuit. And I was there at the time when Clarence Thomas was being elevated to the Supreme Court and Ruth Bader Ginsburg was on the court as well.

Chitra Ragavan: What was that like?

David Branch: It was great. It really was. And particularly Justice Ginsburg, she was known to meet with the staff attorneys and give them comments or notes on what she thought about a memo or written work product and pass along tips for improving English skills. She actually wrote a note to me for one of the briefs that I submitted to her just saying, "David, you did a great job on this," and so have that framed at home.

Chitra Ragavan: After you finished your clerkship or your staff attorney position, you began practicing employment law.

David Branch: That's correct.

Chitra Ragavan: And where did you do that? Did you set up your own firm right away?

David Branch: I worked with a local small firm for a couple of years and then I started my own firm.

Chitra Ragavan: And why did you choose employment law?

David Branch: Well, I decided to go to law school when I was maybe about 14 or 15. I have two sisters. One sister moved to Texas, the other sister is actually a doctor, so I'm very close to her. And every week, there were two shows that we did not miss. One was Marcus Welby, MD, and the other was Owen Marshall. Owen Marshall was a lawyer in the 70s TV show. And I just knew right away that I wanted to be in a field where I was helping people and making a difference and always pursued that whether it was helping working with kids or helping adults deal with issues, particularly something as important as maintaining employment and not being discriminated against or treated differently.

Chitra Ragavan: Did some of that go back to your own roots when you experienced that kind of discrimination and racism?

David Branch: Yes, absolutely. Always feeling as though I wanted to be treated fairly and judge based on my character and based on my intellect as opposed to my race or some other distinguishing quality.

Chitra Ragavan: And what would you say about the level of discrimination that exists in the workplace today, including in federal government agencies?

David Branch: There is still a great level of discrimination in the workplace. What we see now is efforts to disguise discrimination. People aren't going to come out and say you're terminated because you're black or because you're gay or because you're Jewish or whatever. But there are ways that you can make life very difficult for people and cause them to make a decision to end their employment. We had a case recently where we represented employees, deaf employees at the National Security Agency, the NSA. The agency was not providing interpreting services.

David Branch: The agency made a decision that rather than deal with these folks and provide interpreting services as the law requires, they would provide interpreting services when they were available or offer different reasons why they could not provide interpreting services. And fortunately, we had an EEOC judge rule that this was against the law and you were preventing these employees from being able to perform their job by providing a reasonable accommodation for them.

Chitra Ragavan: And what other patterns of discrimination do you see? I mean, is there a lot of sexual harassment still, discrimination on the basis of sex? What's it like especially in the wake of the #MeToo movement?

David Branch: We do see some sexual harassment but it's not as severe. We do have a couple of cases of sexual harassment in the courts now, but it's not as severe as before, at least in my opinion. Folks are less likely to engage with sexual harassment in the workplace. But there's a lot of retaliation that takes place when people complain about discrimination or complain about not being selected for a position or not being treated the same as other employees.

Chitra Ragavan: Are you surprised by the amount of discrimination you're seeing now or do you believe that it's a lot less than it used to be in general?

David Branch: I think that it's less, but there's still a great deal. And we have a number of cases where people have either been terminated or denied opportunities because of protected class.

Chitra Ragavan: Now, you had a family reunion in 2012 where the whole family came together. How many members were there? I guess it was in Washington, D.C.?

David Branch: It was in Washington, D.C. We had about 300 family members who attended. So that was a great accomplishment from migrating from Arkansas to Washington, D.C. for most of them.

Chitra Ragavan: And were you there to honor some members of the family? What was the purpose of the reunion?

David Branch: We actually have a family reunion every two years. So we honor, of course, the legacy of my great, great grandmother as well as my aunt and uncles and others who help shape and form the family.

Chitra Ragavan: And it was interesting, you got letters from President Obama and members of Congress sort of talking about the importance of your family.

David Branch: Absolutely. And not only did we get letters from President Obama, we made a visit to The White House. As soon as we entered The White House, they closed the security doors. A helicopter swoops down, President Obama pops out and the family actually got to meet him. So I don't know how that happened, but it actually happened.

Chitra Ragavan: What was that like?

David Branch: Oh, just incredible. People are still talking about it.

Chitra Ragavan: That's wonderful. Now, you are not just a prominent employment attorney in the Washington area, but you've spent a lot of your career also giving back to the community. Tell me a little bit about what drives that and the kinds of work that you're doing as a way of giving back.

David Branch: What drives it is it's in my DNA. I mean, that's all I can say. There's something inside of me that says if there's a problem, if there's an issue, I'm drawn to it and I try to address the issues or problems particularly when it comes to kids who are underserved or in underserved areas or foreigners or people who are elderly. So I focused on really working with the kids. We sponsor a program called Blessings in a Backpack where we provide financial assistance to kids who otherwise would not have food to eat over weekends and holidays.

David Branch: I sponsor a holiday Angel Tree project for a youth center for about 50 kids in southeast D.C. We usually do it every year, and basically, we get local businesses to donate pizza and we have a party for them, and we get folks to donate gifts to the kids. And we do celebration there every year. We also support a local school in southeast D.C., Stanton Elementary School, and basically everything that they do there whether it's a fall festival.

David Branch: Last year we did a holiday gala where we invited the administrators and teachers to a party and we purchased gifts for the kids there. And so those are some of the service options, service opportunities for us.

Chitra Ragavan: And you also do international work?

David Branch: Yes. I support mission work and I've supported mission work in Haiti. In the past, we purchased gowns for high school graduating class in Haiti. One of my cousins actually took a leave of absence from it as a job as a teacher in Arkansas and she spent a year in Haiti. And they got to the end of the year and they wanted ... Of course, it was time for graduation, they didn't have gowns. So we purchased gowns for the entire graduating class as well as mission work in Cuba.

David Branch: Particularly this past year, many of the families, we supported a church there, United Methodist Church there, in an effort to

purchase 30 washing machines for Cubans. And we actually did that. We purchased 30 washing machines. People were washing their clothes on rocks or in rivers and streams. And so we purchased 30 washing machines and they all have washing machines now. So I do that as well as Guatemala and Honduras, supporting missionaries who've done mission work there.

Chitra Ragavan: And some of your work has also been written up in the American Bar Association Journal.

David Branch: Yes. I was featured in the American Bar Association Journal for work with a home here in D.C. where kids who were born addicted to crack and cocaine and who were abandoned. I supported the house there basically, became the dad of the house going in and helping with the kids, feeding them, making sure that they had an opportunity to interact with a male. Everyone else on staff was female, so I did that for about a year and was featured in the ABA Journal for that.

Chitra Ragavan: Looking back at that young man growing up on a farm in Arkansas and who you are today, do you have any thoughts on sort of all of the adversity you confronted and who you are today and what made you that person?

David Branch: Well, what I can say is of course adversity is never great while you're experiencing it, but it helps shaped you. And the most important point for me was finding my voice. A lot of times adversity causes you to lose your voice or it just silenced you because you're dealing with all these issues and you really sometimes forget who you are and you have to be reminded of who you are, and really finding your voice.

David Branch: And for me, it was not only finding my voice but taking my mantle as well. I really believe my great, great grandmother left a mantle of love, hard work, focus on education, giving back, pouring yourself out completely to everyone within your sphere of influence.

Chitra Ragavan: And looking back, do you remember a moment in time when you found that voice and found your mantle?

David Branch: I'm still finding, I found the voice and the mantle but I'm still growing into it. Really it started at an early age. I knew that there was something different that I really wanted to give back and I just found ways to do that in college. Even in law school, we supported homeless kids through a project called Project Northstar where we actually tutored homeless kids. Classmates would leave law school

and go out and tutor homeless kids. And it just continued from that point on.

Chitra Ragavan: And do you believe that is your voice, the voice of someone giving back.

David Branch: Yes. Not only the voice of someone giving back, but really building bridges, really helping people see that they're valued or they're important, particularly young kids in underserved communities. I also lead a Bible study group for one of the rehabilitation centers here in Washington, D.C. So once a month on Saturdays, we go in and just lead a church service basically for people who are in wheelchairs and otherwise would not be able to attend church service. So that's part of it. That's one example and that's just who I am. That's just part of life for me.

Chitra Ragavan: And if you were sitting across the table here from your great-great-grandmother, Victoria Wakefield, what would you say to her about her legacy?

David Branch: What I would say to her is just thank you for sowing the seed. And it's made all the difference in the world for me and 70 first cousins and 500 descendants. Of course, she had no idea of what she was doing. She was just probably doing what she thought would give someone an opportunity. But just by planting that one seed, it made all the difference in the world for my life as well as the lives of all of my cousins and all the people we've been able to touch as a result of giving and committing ourselves to our community.

David Branch: And I will say that not only do I believe I'm here to build bridges, I really think that's important for the country. There's a lot of reconciliation that needs to take place. I mentioned to you previously that we had a large gala last year at my home. And before the gala in the fall part of the year, I was driving to work. My phone charged down, my car stopped. So I got out and started walking and an elderly white gentleman stopped and said, "Hey, you want a ride? Get in." And the guy's name was Cliff. And so Cliff and I bonded right away. I'm a 50-year-old African American. He's retired 80-year-old Caucasian male.

David Branch: So we exchanged emails. He came to the holiday party, and we've just developed a relationship. We really have to find ways to find things that we have in common with folks and begin the healing process for this country. And that's going to require us to really just become more humble and try to find common ground on things that we can agree on and build on those things.

Chitra Ragavan: Wonderful. David, it's been such a pleasure talking to you. Thank you so much for joining me today.

David Branch: Thank you.

Chitra Ragavan: David Branch is an attorney in Washington, D.C. He heads the David Branch law firm and specializes in employment discrimination issues, especially in the federal government. David is a descendant of the incredible Branch family whose lineage is almost 600 members strong.

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