

SYMPOSIUM :

“COMMITMENT OR COP OUT”

Ed. Note: On May 1, 1971, a Symposium of black lawyers and law students was conducted under the sponsorship of the BLACK LAW JOURNAL and the Center for Afro-American Studies, UCLA. The purpose of this meeting was to discuss and explore the role of the black lawyer in the black community. A special feature of the symposium was a lengthy discussion of the black lawyer vis a vis the black prisoner. The genesis of this discussion was a letter from Roosevelt Williams of Soledad Prison in California to Assemblywoman Mrs. Yvonne Braithwaite of the California Legislature. Both letters are reproduced in full to avoid any editorial misstatement.

It is the hope of the *Journal's* Board of Editors that this presentation of views from a segment of the Black Legal Profession will serve to widen perceptions and increase sensitivity to the multiplicity of problems which face the black lawyer in his role as Community Advocate. Though the Symposium dealt with the obligations of the practitioner to the lay person, it also represented an effort towards giving shape and substance to the amorphous concept of blackness. The lawyers seemed to say that the black prisoner is not a separate and unique problem but an element of black misery. The essence of our struggle is pulling together and being able to spread the admittedly small numbers of “doers” over the greatest area of need. It is the goal of the BLACK LAW JOURNAL to further the achievement of that unity and to make the community aware of the deeds, contributions, and potential of the black lawyers to be our advocates in the struggle.

*Soledad Prison, CA 93960
November 11, 1970*

*Mrs. Yvonne W. Braithwaite, Assemblywoman
State Capital, Sacramento, California 95814*

Dear Mrs. Braithwaite:

I am directing this inquiry to you on behalf of all the blacks confined here at Soledad Prison, specifically those of us confined here in O and X wings, the infamous adjustment center. In all fairness, I must forewarn you that a copy of your reply will be sent to all the maximum security prisons in this state since the questions I intend to pose and the answer I imploringly solicit are of universal and pressing importance to all confined black men.

The reason for your unceremonious selection, as spokeswoman and conscience for the black establishment, is that we have duly noted your awareness, your dedication to black self-improvement and self-pride. We applauded your actions of a year or so ago where you successfully challenged housing bias in the Sacramento area, while your colleagues remained uncommonly quiet, even after your victory was assured. For these reasons, you have long been considered the epitome of what we deem black and beautiful, a woman who embodies all the qualities that we would desire in a woman, which is strength but with no loss of humanity or feminine warmth and charm.

It is needless, I am sure, to inform you of the misery and sudden death that has become a part of this prison and in fact, every prison in this state.

The Black Caucus Report of which you are a signer, is but a surface examination of the anti-black, anti-life policies of corrections. It by no means is an in-depth study but even in its shortcomings, it is a most condemning and frightful Document. What is most perplexing to us, who fight for day to day existence in this cesspool of hate, is the apathy of the black public, specifically the legal establishment. It should be noted that the wrongful death suit filed on behalf of W. L. Nolan's parents and the two others butchered on O wing's yard earlier this year, is being handled by Melvin Belli; the defense of the Soledad three, by Fay Stender and associates; the defense of the Soledad Seven by Patrick Hallinan; the proposed class action suit, aimed at relieving us of some of the more flagrant denials of constitutional rights, in fact human rights, is being handled by Vivian Wilson and David Kirkpatrick. These are but a few lawyers who have expressed horror over man's ill-treatment of man, in the name of rehabilitation. They are doing much more than expressing their outrage; they are attempting to bring about legal and orderly change. They have offered their services, outwardly at least, out of deep social conscience, their efforts and the efforts of others too numerous to list. They are not confined to this prison but are being put forth in cases and suits affecting San Quentin and Folsom. These people all have two things in common — they appear concerned and they are white.

This last observation causes those of us who are socially aware to do much self-questioning. Daily, continuously, we ask ourselves and anyone who will listen, where are our own? Why, in the case of ten men from the black world now faced with virtual legal lynching, has not one black lawyer stepped forth? We know that they have been approached by concerned families and groups, but why has there been no response? How can they mouth the rhetoric of black unity and allow others to do the work that will have the most impact on Black Communities? The needed reform of the prison system, a place that a large percentage of our youth find themselves in at one time or another in their life time.

We have formed opinions and conjectures but they present such a gloomy picture that to accept them as truth would breed contempt and hate for our more fortunate bretheren. Help from any quarter in times of great stress and fear cannot be refused or shunned, especially when death awaits the defenseless. It is morbidly funny, though, that the same people who created this misery, this atmosphere of fear, is the same man we must turn to for aid, comfort and defense. Our great white gods. Perhaps the black community believes that convicted felons, men who have forsaken black morals, deserve anything that happens to us, is our just reward? Could it be that blacks who are in the position to help have become so materialistically oriented that their social conscience has been blunted? After all, if a man is busy making down payments on Detroit's finest, he does not have time for the oppressed and dispossessed, an act which involves dedication and work with no monetary reward. Perhaps our people are ashamed of us and that shame prevents them from involving themselves with us. Another supposition which is frequently offered is that these lawyers who are helping are profiting at our expense and that they are playing ambulance chasers, approaching concerned families and groups first, not allowing black legal representation a chance to become involved. It is said that they are in some devious plot to keep the activist, legal structure a lily-white affair, so as to perpetuate white superiority, so as to harness and channel black fury for their own uses and purposes. All of the above accusations are fears generated by ignorance. But there is one in-

escapable fact — black establishment members have not come forward to even investigate our charges of concentrated racist hate within these prisons.

Mrs. Braithwaite, do not the people understand that when we leave here as vicious and callous shells of men, we will not be returning to Beverly Hills or Nob Hill? We are coming back to your community. Who do you feel will be the unfortunate victims of our frustration and rage? The man who caused it all is insulated from any assault, but what of the people who heard our cries, but choose to ignore us? To recognize a problem and do nothing to correct it, makes you an intricate part of the problem. Regardless of what you personally think of us and the causes of our predicament, can you in the name of humanity, sit back and remain quiet, when one of the most concentrated acts of genocide in the infamous and long history of this land is taking place. With the same vigor and outspokenness that you and others demand housing and education, can't you speak out for our lives?

If your busy schedule permits, if time allows, we would ask of you, we beseech you, to try and tell us objectively and truthfully as possible what the answer is? Perhaps we must make some vital corrections in our thinking and approach the problem and its solution more realistically, or perhaps we must accept the role of out-cast for the duration of our imprisonment, perhaps this is the type of punishment the black community would have us endure for having failed them. Perhaps the black establishment is without the resources to grant us effective aid? Perhaps the community shuns us because of our socio-political ideology and as such, to aid us would be to feed the force that promises to bring havoc to your world, possibly shatter the very basis of your society?

All of these questions are of primary and pressing concern to me, I am one of the so called Soledad '3,' so if for no other reason than to humor a man faced with possible extinction, a man who may well be in the twilight of his existence, please find the time to tell us why things are as they are. To be enlightened is a step toward wisdom and that is what we all, collectively and individually, are daily seeking, truth and wisdom, the keys to freedom.

I hope that you can find the time to answer; we are eagerly awaiting your reply.

*On behalf of all of us here, with deep-seated respect,
Sincerely yours,*

*Roosevelt Williams, Jr.
P.O. Box 10426 Central
Soledad, California 93960*

ASSEMBLY CALIFORNIA LEGISLATURE

YVONNE W. BRAITHWAITE

Member of the Assembly, Sixty-Third District, Los Angeles

January 14, 1971

Mr. Roosevelt Williams, Jr.
Post Office Box 10426 Central
Soledad, California 93960

Dear Mr. Williams:

Thank you for your letter and may I commend you on the insight and excellent statement of a problem not only of importance to the Black residents of penal institutions, but of deep concern to all Black members of the legal profession.

I have taken the liberty of forwarding your letter to the Black Law Journal that will be read by Black lawyers throughout the United States. I

have also forwarded your letter to Law Associations in California and interested Black lawyers that have been involved in representation of defendants involved in cases of Black Panthers, U. S. Muslims, B.S.U., and other social protest.

Some of these attorneys are Stanley Malone, Leo Branton (Los Angeles Panthers), James Long (Sacramento pending case), Frank Evans (U.S. case), Loren Miller, Jr. (B.S.U.), Thomas Newsome, Clint White, Henry Ramsey, John George, Prof. McGee, Honorable Earl Broady, Jr. (Muslim Temple), Nathaniel Colley (established right to practice Muslim religion in penal institutions), Terry Francois, and John Duncan. Some of these attorneys have been compensated, others have not.

I list these attorneys to refresh your recollection of how, at one time, the lawyers in the forefront were Black lawyers. They were not from large law firms.

I agree with you that those attorneys, whether black or white, that are working to reform and change our penal system and our Criminal Justice system, deserve the greatest commendation.

I have also wondered where the Black lawyer is, when there is a case of national publicity. I realize that Black lawyers have traditionally been in the forefront of racial and legal revolution in this Country.

I cannot explain the fact that we do not see greater participation of Black lawyers; however, my personal opinion is that it is based upon certain distinct problems, which perhaps, should not exist.

For a client to be represented, the Attorneys must be requested by the client and the client must accept the ability of the attorney. I hope this absence of Black lawyers is not because there is a belief by the clients that black lawyers are not competent to represent them.

Another factor of course, is that the attorney is usually hired by a defense Committee; or in some cases, by a special interest group. In recent years these defense committees have been white. Undoubtedly they hire attorneys most closely associated with them.

All attorneys in these cases do not receive compensation, and some work with no pay. Black lawyers have not traditionally worked in large partnership firms, but as sole practitioners, often depending upon small fees rather than large retainers.

The large law firms can easily assign an attorney to a case without going out of business and, from the publicity, they gain other retainers.

Another factor that cannot be overlooked is the desire of the black attorney, usually to win the case rather than obtain a forum for particular view points. I happen to believe this should be the goal of every attorney that takes a case. I disagree with the Courtroom for circus antics.

I regret that the work of the many black lawyers that have worked with little or no compensation has not come to your attention. I am sending your letter to some of them, so that they may let you know they are concerned; although they are seldom in the headlines.

I also hope that there can become meaningful discussion in the Black community and among the Black lawyers, of the means they can become more effective and achieve a more just treatment of the persons who come in contact with our Courts and Penal system. Perhaps your letter will stimulate such a move.

Very truly yours,
YVONNE W. BRAITHWIATE

IN RESPONSE TO THE CHALLENGE

PROFESSOR HENRY W. MCGEE, JR.*

Because this is being recorded and because it is subsequently going to be published, I am going to bore the other panelists by reading just enough about them so that we will have it on record.

To my right the first panelist is Attorney Edward Bell, a graduate of Stanford University in 1966 and graduated from Hastings School of Law in 1969. Mr. Bell specializes in poverty law and is an associate of another panelist of ours in the Western Addition Office of the San Francisco Legal Assistance Foundation. I think he has put it well: his avocation is helping black folk.

Seated second right, Mr. Douglas Greer, is a graduate of the University of California, Berkeley and the University of San Francisco Law School. He has been in the general practice of law for over eighteen years in Sacramento, California.

The third panelist on my right, Attorney Stan Malone, is very well known here in Southern California, if not nationally. He received his education in Washington, D.C. at Howard University and eventually received an LLB from Southwestern University. He was admitted to the California Bar a long time ago — 1952. For five years, he was an associate of the late Loren Miller, where he collaborated in writing *The Petitioners: The Story of the United States Supreme Court and the Negro*; he has worked on a number of major cases, none the least of which was *Jackson v. Pasadena Board of Education*, which is now probably reprinted in every casebook on the subject in the country; he is a member of the Board of Trustees of the County Bar Association. I think his commitment is clear and his reputation well known.

On my left, Attorney Thomas Neusom, is a graduate from Detroit College of Law in June of 1948, and is a member of the Michigan Bar, so like myself, is a midwestern lawyer. Subsequently, he came to California and was admitted to the California Bar in June of 1949. He has made major contributions in personal injury and real estate law and is a member of the Assessment Appeals Board of Los Angeles County. On the Board of Directors of the Southern California Rapid Transit District and the Board of Directors of the Los Angeles YMCA, he is a Board Director of the Regional Welfare Planning Council for Los Angeles, a former president of the Los Angeles NAACP, and also practices law.

Our last panelist is Attorney Ben Travis, the Chief Counsel of the Western Addition Office of the San Francisco Neighborhood Legal Assistance Foundation, which means he heads a major legal services office in a major metropolitan area. His primary interest, and I think many of us regard him as a specialist, is poverty law problems and he has developed a very professional program.

That completes the introduction of our panelists. Our format will be this: I will ask each panelist to speak informally with us for ten minutes, responding to this correspondence, and then each of the panelists will be free to discuss among themselves questions they have about the other panelists' presentations on issues raised by the letters.

* The moderator for the Symposium was Henry W. McGee, Jr., a member of the Faculty of the School of Law, UCLA. For more information on Professor McGee's background and legal education, read "Attorneys Around the Country: Young, Gifted and Black" 1 Black Law Journal 38 [1971].

All of you lawyers know a prisoner letter; we have all gotten them as attorneys. This is a very eloquent letter; many of the letters from prison are eloquent and sometimes attorneys get annoyed by them. Those of us who have been in public positions (essentially meaning District Attorney's and Public Defender's offices) perhaps receive more, but I am sure that everyone who has been a lawyer any time at all has received one of these letters. The style would become immediately apparent to you. This one, as I have said, is even more eloquent than some of the others.

To recap, the gist of the letter is that, at least with respect to a prison populace, white lawyers are doing all the work and black lawyers, when approached, are either turning the cases down or are simply not involving themselves to any sufficient degree. In fact, I think the charge in the letter is that few, if any, black lawyers have been involved.

I will ask Mr. Bell to respond to this letter and lead us into a discussion about the problem of the representation of the poor by black lawyers.

ATTORNEY EDWARD BELL:

Now I think that Brother Williams, like most prisoners, becomes so involved with himself because he doesn't have anything to do but sit there and think about his problems. That is all prisoners have to do and I'm sure that all of the panelists have a desk full of letters from prisoners. Once you get involved you are hooked for those cats are going to write every time the warden farts in front of them. I don't mean that demeaningly; I mean it as a fact: they do. And then when you write them a letter — I always answer the mail — you write the cats and say, "Look Baby, right now I can't envision a legal solution for your problem." The cat usually writes back a letter, "Thanks, Brother." I kind of expect some kind of cooperation, some kind of feeling from them but that's getting away from one of the hippest things and one of the most insightful things that this brother says in this letter; it is also one of the most terrifying things that he says in this letter. He says, "Mrs. Braithwaite, do not the people understand that when we leave here as vicious and callous shells of men we will not be returning to Beverly Hills or Nob Hill; we are coming back to your community. Who do you feel will be the unfortunate victims of our frustration and rage? The man who caused it all is insulated from any assault but what of the people who heard our cries but chose to ignore us?" Hey baby, the cat is right! He is going to be selling dope to your kids; he's going to be pimping your daughters; he's going to be doing all sorts of things that best not be done in the black community. The problem that I have with this is the very next statement he makes: "To recognize a problem and to do nothing to correct it makes you an intricate part of the problem." Now this sounds like a law student's rhetoric. That's exactly what it sounds like to me because he is saying that we all look off over there in the prison system and we see the problem and we do nothing about the problem. Therefore I become a part of the problem of imprisoning my brothers. There *are* other problems.

There are welfare problems, like mothers with children who more than likely are trick babies who that pimp who finally got arrested for something else caused her to have; now she is on welfare. OK, I'm also part of the problem if I don't deal with getting her some money, getting her some shoes for her kids. I'm part of that problem if I ignore that problem. There are also young brothers and sisters who are coming up in this lame, sick society with a juvenile system that is supposed to rehabilitate them. Well, that is a farce.

That is a completely wrong outlook on the problem of juvenile delinquency. The problem isn't rehabilitation, its enculturation. You can only rehabilitate, you can only reinstate, and you can only bring back to position something that was there before — but black kids have never been there before. They have never ben enculturated to what the norms of this society are. And you go out to the juvenile halls and you hear these white folks talking about "Well, what can we do to rehabilitate this kid." Alright, if I ignore that, I'm a part of that problem; I'm a part of that system that initiates that child onto the trip he is going to end up where Brother Williams is. OK, I ignore that and I'm a part of that problem too. Landlord-tenant problems: we've got just numerous people coming into our offices everyday saying "Hey, the man is evicting me. I got eight kids. I'm on ATD and my back is hurting and my feet are hurting and I ain't got no place to live." OK, I ignore that; I'm a part of that problem too. Well, it goes on, you know. Consumer problems: a lady came into the office the other day; she had a house that cost \$25,000, she owed \$30,000 on the first mortgage. She borrowed \$5500 because of redevelopment or something when she was required to fix the place up. She borrowed this \$5500 in 1966, she had been paying \$55 per month on this \$5500 for five years. She comes in and says, "Mr. Bell, help me. The man says I owe \$5,278 on this \$5500 note that I've been paying on for five years." OK, if I ignore her, I am a part of her problem, too.

We have in Western Addition Office fifteen, sixteen, seventeen year old kids who are reading at the first year level. OK, I am helping a group of very hip ladies who are out trying to turn kindergarten around — trying to make kindergarten something other than a babysitting set. Now, if I ignore that, I'm part of that problem, too. Well, on that particular point I say, "The Hell with you, Brother Williams; you ain't going to make me feel guilty about not doing more for you because there are too many problems out here." But that does not meet the thrust of the brother's challenge because the cat is saying on the other hand, "I'm coming back there to perpetuate all those other problems that you've been talking about." OK, how do we deal with it? We need numbers, we need a change, we need that higher percentage of young black people who arrive in law school with social consciousness to come out and put their shoulders to the wheel and forget about the law school rhetoric, and just get out and do a righteous sixteen-hour a day job. That's what it is going to take!

ATTORNEY DOUGLAS GREER:

I believe the indictment by the inmate at Soledad who wrote the letter to Mrs. Braithwaite is well founded. I think there is a lot of merit in it. In general, the black legal profession has not met the expectations of Mr. Williams or of the other black inmates at Folsom, San Quentin, Soledad and all the other prisons. I think, however, as Mr. Bell pointed out and he stole my thunder on that point, a prisoner has nothing to do but sit around and criticize those who don't rush to his aid, solely on the basis of the ethnicity but that same black brother when he is in the free community doesn't want to hear a thing the black lawyer has to say and I speak out of experience on this point. Try to persuade the black brother before he goes into prison that he should in some measure seek self-improvement or avail himself of the advantages that do exist as limited as they are in society. He doesn't want to hear anything you have to say. He doesn't want the benefit of your social conscience, your imploring him to obey the law, to quit selling narcotics to

school children in the elementary schools, to quit stealing; to quit the muggings, car thefts, the armed robberies, the burglaries. He is committed to this way of life by the sociology Mr. Williams so well expressed. But as soon as he gets into trouble, then there is a bond of pigment that takes over and the black lawyer is expected to come forward and use all of his expertise, his education, his training, to use all the wiles he can muster in front of an all-white jury and either spring him or reduce his charge or get him probation. So I guess the black lawyer is to a large degree in a losing position as far as a prison inmate is concerned. This should not in any way deter the efforts of a black lawyer.

I have, on occasion, as Mr. Bell and all the other attorneys here know, received five or six or seven letters a week from prisoners. These are rather exhaustive letters because prisoners have nothing to do but write letters — there is no proper employment for them. They even send you entire transcripts asking you in your spare time to look them over. The last one I got was from San Quentin; it stands five inches high and it came certified mail. You get three, four, or five of those things a year. What they want you to do is put them back on the street, guilty or innocent. Meanwhile, they have problems in the state prison; they have real problems. All you have to do is keep statistics on the number of stabbings and the vicious fights that go on in the state prisons to know that the prisoners at Soledad do have problems as well as those in other prisons. But the more affluent lawyers or the more affluent law firms can assign one man to take on one case and business goes on as usual in that law office. When you are running a one- or two-man office, and you let one case preempt that time, problems develop. We have just completed a case in Sacramento known as the "Oak Park Four." It didn't gain the celebration that the Chicago Seven did or the cases back in Connecticut, or the Soledad cases, but it was known as the "Oak Park Four." Four Negroes were charged with a sniper killing of a white police officer in Sacramento on May 9 of last year. This case took ten months from arraignment to the final stage of the case. The four black brothers are on the street now and the only one who has gotten into trouble got a jaywalking ticket the other day. I would disagree that black attorneys are not meeting all of their responsibilities in the field of criminal law; they are, but they have to be selective.

Friday morning before coming down here, I was in criminal court, where 52% of the calendar was black — which suggests that there is a definite sociology behind criminology in Sacramento, and I think it is true all over the state and country. To expect the black lawyer to become a public defender for every black cause is unrealistic. California State Senator Mervyn Dymally has submitted a bill providing for a state public defender's office which will be concerned primarily with meeting the legal needs of those persons who are presently incarcerated in prisons. It is an appropriations bill requiring a considerable amount of money for staff and assistants, office space, and such. It is to meet this need of those who are in prison and who need public assistance but can't seem to get it from the private professional.

I think what we should concern ourselves with, and perhaps it would be a worthy project for the BLACK LAW JOURNAL, drafting a bill of rights for prisoners because their position legally is different from yours and mine today. They are more in need of protection than you and I are because their circumstances are so circumscribed. I think this would be a worthy project, first of all, to analyze the problem; second, to propose a solution in the way of a bill of rights for prisoners; lastly, to work actively for its enactment in

the Legislature. Senator Dymally and Assemblyman Willie Brown, along with other co-authors, have sponsored some bills attempting to diminish the right of the California Adult Authority (State Parole Board) to arbitrarily revoke parole. There is an assembly bill submitted by Assemblyman Brown which compels the Adult Authority to set the prisoner's term. As you probably know, the indeterminate sentence in California is one of the most vicious instruments used by the California Adult Authority. It allows a man to languish in jail for seven, eight, ten, fourteen or twenty years if the Authority wants him to without ever setting his term. This bill puts certain time limitations on the Adult Authority to set the terms, to set the sentence depending upon the type of sentence and duration of the sentence the man originally entered the prison under. I would think that we could direct our attention more constructively to remedies rather than fixing the blame and then settling back satisfied that we have, in some measure, met the problem.

ATTORNEY STANLEY MALONE:

I once gave a talk at UCLA and I titled it "The Dilemma of the Black Attorney." I think that at this time it would be more appropriate for the lawyer and the law student to truly understand the dilemma of this profession. This is probably the only profession that has as a requirement, a duty, of serving the community and at the same time an obligation to oneself and family of making a living. The realities of this situation are not really made known to the community, law students are not made aware of this fact. While we all know of the various problems that black people have — the social problems in a racist society — we do not recognize that it is on our shoulders. A black attorney must attempt to pursue a livelihood and at the same time attempt to correct these things. The nature of the profession itself is the reason that often indictments are made against black attorneys. But because of the nature of the profession, we find that the idealistic law student suddenly comes face to face with the economic realities of life and for a time, he thinks, puts aside the reality of racism, the reality of social injustices, in an attempt to build a livelihood where he is a black lawyer then able to participate in the social world. Too often this participation is delayed to a point where he no longer is aware and attuned to community's problems.

The problem is that the black community does not recognize what black lawyers are doing because there is no communication between the community and the black lawyers. This is something that the young black lawyer will have to work on because the community owes a duty to the lawyers as well as the lawyers owing a duty to the community. I don't know the statistics on how many black people are in Soledad or the other jails, I don't know how many of them came to a black lawyer initially, but I know the black lawyers of the practicing bar know about the cop-out attorneys that generally represent black clientele. When you criticize black lawyers, you have got to look at history. When I first became an attorney, there was one public defender who was black; there was one black district attorney, no black members of the County Counsel's Office; no black members in the City Attorney's Office and in order to carry on a constant battle in an attempt to earn a livelihood, you had to curtail your efforts. There were no Educational Opportunity Programs, all the work that was done by black attorneys in the NAACP was done on a voluntary basis. I imagine it is difficult to give a number or cite a number of instances when black attorneys did not bind themselves together and fight for different issues. I remember when Tom

Neusom [panelist] was president of the NAACP in Los Angeles and I remember when a group of black attorneys literally forced the fire department head to quit and this was because of black attorneys who fought him on a voluntary basis, made him integrate the fire department. That was a significant victory at the time. At the same time, when Tom was president of NAACP, he had a Pasadena school fight. Pasadena wanted to build a brand new school and sidetrack a black neighborhood. This was a situation where the Pasadena school system was carrying on its segregationist policies. Black lawyers joined together voluntarily and fought this and prevented it. The BLACK LAW JOURNAL paid tribute to Loren Miller who was a civil rights fighter. I was his partner for the last five years of his practice but I know this brilliant man never realized any economic potential because he was constantly fighting and attempting to secure the rights of black people, and other black lawyers seeing this, seeing how the community did not support Loren, perhaps took a second look at what the involvement might cost them. However, the young lawyer, young in experience, should attempt very much to keep the community aware of what he is doing, keep his fellows aware of what they are doing, join together so that we won't have the claim that there are no firms, that one man can't do it all. If you keep your mind in collectivism, then you are in a position to assign people to certain areas that need work. It is very important that you recognize that what goes on in law school is not what goes on when you get out. Brother Bell has mentioned many areas that need correction, that need fighting, that need help and all of you know these areas. The question is how do you attack? If you are fortunate enough to belong to a probably soon-to-be-defunct OEO program, you would then have the advantage of an income that you can use to carry on your fight for equal justice. If you are unfortunate enough to have to go out into private practice, if you are the type of person who cannot be a prosecutor, then you will face this dilemma.

The problems are myriad but if you get in at the basic level, then perhaps the Soledad Brother won't become a Soledad Brother because you and your constant effort to improve the system will eliminate the reasons that sent him to Soledad. Now, this doesn't mean he has got to be scratched, wiped away. It means that the black lawyers and the Black Bar Association should vigorously pursue what Mr. Greer has called the bill of rights for prisoners. It means that we need manpower in our Black Bar Association; it means that we need participation and criticism if you feel that it needs to be criticized; it means joining and working together.

PROFESSOR MCGEE:

The comment I want to make is that all of the speakers thus far have pointed to really the problem of manpower. I think that is something we should not lose sight of. In my article in the BLACK LAW JOURNAL ["The Problems and Promise of Black Men of Law" 1 Black Law Journal 27 (1971)], I talk about the so-called notorious one-percent statistics. There really aren't any black lawyers to do anything anyway: the high figure is 4,000 out of something like 300,000 lawyers in the United States; that is less than 1%. There are more lawyers — probably in the city of Los Angeles, just from downtown to the ocean — than there are black lawyers in the United States.

MR. MALONE:

The Los Angeles County Bar is 9800.

PROFESSOR MCGEE:

OK then. There are twice as many in Los Angeles County. Can you imagine there were never more than 300 or 400 lawyers in the entire state of Illinois while I was in practice there. There just aren't any black lawyers. I think you have to realize the problem in terms of the sheer numbers.

ATTORNEY THOMAS NEUSOM:

It would appear from what I have heard that I'm the senior practitioner in terms of service as a member of the bar. I feel rather strongly that I have paid my dues in every respect in terms of the civil rights movement and I don't feel that I have to be defensive at all or make any cop-out. While you may not know some of the things I have done, my taking the time now to tell you about them wouldn't, I think, be that significant. I would take simply one paragraph or one sentence in this — Brother Williams' letter — in which he says, and I quote, "How can they mouth the rhetoric of black unity and allow others to do the work that will have the most impact on the black community?" And I simply say you have got to take that sentence and understand it if you are to make any kind of meaning out of the letter. For me, it is a question of priority, we have only so many bodies or so many minds that can do what is involved in solving the problems and you then have to decide as individuals what part of the challenge you are going to take. It is a fairly broad challenge — this problem of persons incarcerated — as the first panelist indicated, and it is, from my point of view, not the most important item in terms of the black community.

My answer is simply this: part of the problem has to be placed in perspective. We have to understand the allocation of priorities and do the very best we can in the allocating of the manpower that is available. I don't really have any quarrel with any white man who has the talent and the time to render a service in aid of a man who is in prison, be he black or white, and especially if he is black. And I don't feel that because he is able to do so that I am threatened in any way. I can tell you about a lot of programs and a lot of challenges that mean a great deal more in terms of the time that we have and whatever abilities that we have. By way of a simple example, Mr. Charles Boags, who is in the audience and works in the Public Defender's Office for Los Angeles County, was in my office yesterday with a fellow by the name of Jerome Walters. We are working on a problem of getting black law students employed by the Public Defender's Office and we are faced with their resistance by virtue, I would assume, of racism on the part of the Public Defender. We are figuring out ways to go around them and get the job done and it takes time and effort. You can't be every place all the time and there aren't, as has been indicated, enough of us to do all of the jobs. But, if we keep trying, those of us who believe and who do understand will accomplish that. That we can, and if you join us with your talent, your ability, and your dedication, then we can accomplish even more [speaking to the audience].

ATTORNEY BENJAMIN TRAVIS:

I feel that the first problem we are dealing with in the letter is one of limited visibility and that we are limited to what Mr. Williams has observed. Now, if he is dealing with what has been done in the area of prisons by black lawyers, then I myself am aware of certain things that are being done. Now

Ed Bell has just brought a suit to prevent the authorities from locking up juveniles in the same cells with adult felons. This is something in the area of prison reform. Again, this is something that Mr. Williams is unaware of. Also in San Francisco, we have created an organization and one of the things that they do is to work with people inside of San Quentin. This organization tries to get jobs for people. It has a group of officers that work with the local EOC and we are able to deal with prisoners. Right now, a client who is in prison asked to do a guardianship for his child who had been left with some people when he went in. I got a call from the probation officer and he said if I would do a guardianship, they would not make the child a ward of the court. So I was able to go to the EOC office, send the papers out to San Quentin and do something for an inmate in San Quentin. They also have another organization in San Francisco composed of ex-convicts who are engaged in a training program. There are things being done in the area of prison reform and there are a lot of black people involved in this, so I feel that they are doing something in that area.

If Mr. Williams was talking about doing something for black people, which I think is a larger problem, then we are dealing with people who have problems that are not economically attractive. Any time you get an area that is financially non-renumerative, then you are not going to attract anybody except a crusader. When you are dealing with problems, say redevelopment problems, welfare problems, community education, constructive training programs teaching lay people how to do things — you can't get any money out of that; that is the large problem. So you aren't going to attract anybody but a crusader or somebody on a poverty program. When you are dealing with causes, causes have to be undertaken by crusaders in firms; very few individuals can abandon their practice and go out crusading. Now, you will find recently in Oakland, the Oakland Five had two black attorneys, John George and Don McCullum. They spent eight weeks out of their practice working on that case. Robert Boags wanted to do it but he had just opened his office four months earlier. You can't have Bobby open his office for four months and then stop and spend eight weeks free—so we are dealing with a question of economics. When we look at the black law firms in the area extending from Bakersfield through San Francisco (well over 300 miles), the largest law firm is one of four lawyers. That is the one that Ed Bell and I have — the poverty office. The next largest law firm between Bakersfield and San Francisco is Brown, Dearman, and Smith, and Willie Brown is up in the Assembly. So your next largest law firm is Williams and James. All the rest are single practitioners. Now, when you go one step further and look at the number of lawyers, a lot of lawyers are in governmental agencies. There are only fourteen (14) black private practitioners in San Francisco, out of a population of 750,000 people.

I feel that the thing we have got to do is look at what can be done in this area. I feel that the thing is to look at the vehicles available to deal with these problems from here on out. Another thing, they just got a public interest law firm in San Francisco. \$700,000 was given to them by Ford to practice public interest law. Now, they have four people, no blacks; none of them has any relationship with the black community. For this they get \$25,000 a year guaranteed for the next three years. That's what we need. We need to get a proposal together where we can get a black law firm and have the people give us \$700,000 and then we can deal with Brother Williams' problem, deal with welfare, and deal with a lot of other problems. When

the rent is paid, you can deal with and think a whole lot about those problems. When you start to think about your rent, you have very little time for the social problems and I feel that is where we should concentrate. When you go into private practice, if you are going to try to make \$10,000, you are going to have to earn \$20,000. A lawyer who can come out and get \$10,000 a year from an agency or public interest law firm — now he has got all day to think about problems but the person who opens his own office and has first got to get \$20,000 and then start thinking about problems runs against time. So if we are going to deal with this, we are going to have to deal where we can handle it and that is getting involved in something like a public law firm where we can get somebody to give us some dough, to go ahead and deal with social problems.

We can set our own priorities. If we want more people out of prison, we will deal with that; if we want more welfare benefits, we can deal with that. In our office, we handle these difficult problems, but that is only because our salaries are paid by the government. Neither Ed Bell nor I are so dedicated we will give up our salaries and go out and hit all these problems — so we are going to have to get some money to finance the work if we are going to try to get black lawyers to help social problems. Without the finance, we are just kidding ourselves.

PROFESSOR MCGEE:

I think what is important is dealing with what Mr. Malone has said in that what we need to do is have more unity and have black lawyers work in professional organizations and, despite the difference both in age and in experience here and in background and kinds of law practice, really the panel is much closer together, I think, than any of us who put it together thought it would be. I think that is a very good sign.

*Out of abysses of Illiteracy,
Through labyrinths of Lies,
Across wastelands of Disease . . .
We advance!*

*Out of dead-ends of Poverty,
Through wildernesses of Superstition,
Across barricades of Jim Crowism . . .
We advance!*

*With the Peoples of the world . . .
We advance!*

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