

EDITORIAL

ELECTION YEAR, 1972, is seen by many, as a pivotal moment in the political history of Black Americans. More Blacks will be running in more state and local elections than at any time since Reconstruction. It appears almost certain that at least two more Blacks will be elected to the House of Representatives, boosting representation in that august body to fourteen, and providing the Congressional Black Caucus with added voices to articulate the grievances of Blacks throughout the land. A Black woman has made a serious bid for the presidential nomination of a major party and by so doing has demonstrated that a wide cross-section of the Black community can be mobilized to support a Black candidate, that identification with larger issues can attract white support and white votes, and that that often necessary margin of victory provided by the Black community can no longer be taken for granted, but must be actively sought.

And seek they have. Black voters and convention delegates are being courted by the major candidates and both political parties with a zealously hitherto unknown to the Black community.

Despite all this, politically, our community remains a giant in chains. Fourteen Black representatives in the four hundred and thirty seven member House is hardly what Congressman Conyers had in mind when he spoke of the "minimum proportional representation" for twenty million Blacks, fully 10% of this nation. It is to be doubted that the demands of a fourteen-member Black caucus would have met with less impervious a response than that given the current delegation by the President of the United States — the same President whose re-election efforts are being supported by many prominent Blacks.

That Black convention delegates are being wooed is of as much consequence as retroactive consent to rape. Unless there is truly a surprise in Miami, Black delegates to the Democratic Convention will have to decide whether to lend their support to a candidate who would accept Alabama Governor George Wallace as a running mate, or to another who would offer him a Cabinet post, or to a third — George Wallace himself. The only Black presidential candidate saw dim prospects grow dimmer as white opponents were endorsed by one Black political leader after another. Even the hope of consolidating enough delegate strength to extract meaningful concessions from the eventual nominee faded as many Black leaders journeyed around the country using their influence to jar previously uncommitted Black delegates into one camp or the other.

MUCH OF THIS is a matter of political strategy, the propriety and wisdom of which can be judged most accurately in retrospect. We merely note it in passing. For the mission of THE BLACK LAW JOURNAL is not that of developing political strategy. Ours is the mission of the Black legal community — to articulate the principles which will lead to the legal decolonization of the Black and the poor of this land.

While reasonable persons may differ as to the methods best designed to assure Blacks an increased measure of political power within the framework of American politics, there is no disagreement that our portion of elective office holders is, at every level of government, grossly disproportionate

to our numbers in the population. Whether candidates in national, state, or local elections, Blacks still find their prospects for victory severely circumscribed by statutes, policies, and practices which have as their effect if not their purpose, the perpetuation of the status quo. Advancing from crude racial gerrymandering to more subtle multi-member districts and winner-take-all primaries, a variety of mechanisms have continued to denigrate Black political power.

It is against this background that THE BLACK LAW JOURNAL now focuses this issue on the legal aspects of the involvement of Blacks in the political process. At the core of that involvement is the right to vote, which if not meaningless, must mean the right to vote *effectively* and for *one's interests*. It is this right which has been called "preservative of all other rights," that the Black legal profession must zealously protect from omnipresent pressures of erosion. The words of Fredrick Douglass in 1865 are no less pertinent now:

"I am for the immediate, unconditional, and universal enfranchisement of the Black man, in every state in the Union. Without this, his liberty is a mockery; without this, you might as well retain the old name of slavery for his condition; for, in fact, if he is not the slave of the individual master, he is the slave of society, and holds his liberty as a privilege, not as a right. He is at the mercy of the mob, and has no means of protecting himself."

FREEDOM in fact for Blacks may mean that Black lawyers be prepared to force every court in every state in this land to respond with more than "all deliberate speed" and immediately outlaw even the most sophisticated of schemes which operate to dilute the Black vote. Whether ostensibly "neutral" or not, Black lawyers must commit themselves wholeheartedly to the abolition of *all* devices which continue the political stranglehold on the Black community and narrow even more the confines within which Black politicians and strategists are forced to operate.

And if a reluctant judiciary says it will do no more, Black lawyers can do no less than to phrase in cogent legalese that question asked by Langston Hughes not too long ago:

What happens to a dream deferred?

Does it dry up

like a raisin in the sun?

Or fester like a sore —

And then run?

Does it stink like rotten meat?

Or crust and sugar over

like a syrupy sweet?

Maybe it just sags

like a heavy load.

Or does it explode?

In this the latter half of the Twentieth Century, as this nation prepares to celebrate the two hundredth anniversary of its birth, there are too many who have waited too long for the end of the journey from "three-fifths of a man."