

A NATIONAL LEGAL NETWORK: ORGANIZING FOR CHANGE; BLACK LAWYERS AND THE CRIMINAL JUSTICE SYSTEM

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I. THE NATURE OF THE PROBLEM

THE NATIONAL CONFERENCE of Black Lawyers is an organization that has grown out of the discontent and struggles of Black people and the need to provide legal support to their struggles against oppression. It was fashioned in 1970 by the most activist elements in the Black Bar to respond to the fermenting issues raised by Black, poor, and oppressed peoples throughout the country. Through its national office, local chapters, member attorneys and BALSAs (Black American Law Student Association) members it has attempted to articulate, define, insulate, insure and defend the rights of Blacks and other powerless segments of this society and those seeking to effect social change through affirmative litigation, criminal defenses, monitoring governmental activity and providing technical assistance to members of the Black Bar nationally who are defending those in struggle.

The ever-expanding nature of the task before us is revealed by a cursory examination of a partial list of the cases and issues in which NCBL has been involved since its inception:

- Angela Davis defense
- The binding and gagging of Bobby Seale in Chicago
- Cornell University students defense
- Challenges to the practices of the American Bar Association
- Defense of the Soledad Brothers

- Attack on the hiring practices of large metropolitan utilities companies

- Defense of Black servicemen in a whole range of matters

- Support of Black revolutionary Martin Sostre by way of *amicus*, attacking conditions and regulations of New York State prisons

- Challenges to the illegal conduct by law enforcement officers of various states toward the Black Panther Party and its members ranging from arrests to murders.

- The murder of Black youth under color of law in Augusta, Georgia; Jackson, Mississippi; and Baton Rouge, Louisiana.

- NCBL cooperating attorneys and law students are working on behalf of the besieged student body of Southern University to insulate them from the lawlessness of state action and to fix blame for the ruthless murders of two students which are but another instance of the pattern and practice of the increasingly visible plan to suppress dissent in this country; are coordinating

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defenses for alleged members of the Black Liberation Army who are being singled out throughout the country as the current threats to "Law and Order"; are attempting to defend Black lawyers and judges from ever-intensifying harassment as they use the criminal justice system as a shield for the protection of third world and poor clients instead of a cross.

A common thread links all the issues NCBL has undertaken. As Black and poor people have increased the level of struggle, the federal government has responded by indictments and convictions against those who struggle, murdered others under the color of legal action, and harassed others by legally-sanctioned maneuvers such as Grand Jury hearings, wire tapping and punitive administrative procedures. The common threads weave themselves into a familiar noose which Black people know well. The federally-sanctioned new betrayal of the promises of the Thirteenth and Fourteenth Amendments can no longer be ignored or treated as random or ad-hoc responses.

WHETHER WE ARE DEALING with murders of students at Southern University or George Jackson; the false indictment of Angela Davis or punitive welfare legislation; whether we are observing the nation's jails and prisons increasingly filled with the children, lovers and family of the Black and poor community; Black servicemen resisting their oppression in the armed forces or the destruction of the Supreme Court as a potential vehicle for obtaining justice, we must be aware of a systematic movement to destroy the meagre advances of the last two decades and to freeze power in the hands of those who have historically held it by virtue of their race and class.

It is in the area of criminal justice and penology that the systematic and systematized oppression and racism of this society is most blatantly visible. We have but to examine who is arrested, who

is indicted, who suffers pre-trial detention, who is convicted, who is sentenced and who is eligible for parole. It is clear that certain groups bear the weight of selective law enforcement and the apportionment of punitive sanctions.

The most superficial examination of the "correctional institutions" of the United States reveals the race and class biases which consistently operate against the interests of Blacks, Third World people and the poor. The need for pervasive changes in the administration of criminal justice and penal practices as a step toward the liberation of Blacks and other oppressed peoples of this country has been amply and clearly documented elsewhere.

But it is not enough to defend Angela Davis. Her freedom does not alter the daily oppression and suffering of her fellow inmates throughout the country. It is not enough to bring criminal indictments against the police who shot Fred Hampton and Mark Clark and the Southern University students. We must organize to lift the yoke of police lawlessness from the backs of those of us who are nameless, meek and legion throughout the country.

AN ANALYSIS of the limitations of the movement of the Sixties has taught us many things, perhaps most importantly that the struggle for liberation must be spearheaded by Blacks and Third World people providing leadership to other disenchanting and oppressed segments of the population.

So, too, in the legal context, activist Black lawyers, Black law students and community leaders must provide leadership to other activist lawyers, students, groups and citizens, deriving economic and political support from those who have supported and identified with the movement for liberation.

The rhetoric of social change must give way to the actions of social change, most

particularly by members of the Black Bar. The contradiction that we as Black lawyers must face by our failure to become a force in prisoners rights litigation and in attacking the criminal justice systems has been noted by the struggling brothers and sisters behind bars and in the streets. By our default, they must seek assistance from those who, even when well intentioned are often insensitive to our folks' life styles, aspirations and economic conditions.

If the oppression is systematic, then our response to it must become equally systematic. One lawyer, one community group cannot be pitted against the well-organized forces of the state. An effective new instrumentality must be forged to deal with the synchronized and highly effective methods of injustice which are presently wasting our ranks.

Such a national legal defense instrumentality must be as efficient as that perversion of justice called "The Criminal Justice System." It must harness all existing and potential power groupings and individuals who can share common goals and strategies. Everywhere groups, legal and lay, are organizing around criminal justice and prison issues. Individually, they identify the same problems and develop programs to respond to the local version of the patterns and practices of legally-sanctioned injustice. Individually, these struggling groups are themselves attacked and harassed by the very forces they would neutralize. Thus, instead of being available to protect their constituency, they are kept in frenetic motion defending themselves. A collective remedy must be implemented to right our collective wrongs.

Only a harnessing and focusing of all available resources will permit the protracted and relentless struggle which liberation requires. Only a connected network of legal and community experiences can provide a systematic na-

tional method for sharing the experiences of the Sixties and the burgeoning challenges of the seventies. The responses of the state are not infinite and can be predicted and prepared for — the various local guises of the same oppression will be revealed by national sharing techniques. The establishment of a *NCBL National Legal Defense Network* can begin a national movement toward these goals.

It is predicated on a gradual inclusion of existing groups and organizations as well as individuals and institutions supportive to the goals and programs defined by NCBL local, state, regional and national leadership. It can provide the seminal force and direction that will nurture a harvest of struggles year after year by ever-widening and strengthened circles of people committed to and skilled in the techniques of change: legal, economic and political.

II. RESOURCES TO BE FOCUSED AND INVOLVED

THE NATIONAL CONFERENCE of Black Lawyers through its regional offices has begun to identify and to organize regional, state and local resources from the following existing individuals, groups and institutions around the twin parasites: the criminal justice system and the corrections system.

- A. Black American Law Students Association (BALSA)
- B. National Bar Association
- C. La Raza — Spanish-Speaking Law Students Association
- D. American Indian Law Students Association
- E. National Lawyers Guild
- F. American Civil Liberties Union
- G. Law Schools
- H. Individual Lawyers and Law Students

- I. Community Groups
- J. Individual potential Allies

III. THE MODEL

A. Organizational Nucleus

The Legal Defense Network is in the process of formation by an elected NCBL lawyer regional representative in each of the seven National regions — each regional representative has NCBL board member status and acts as an organizational nucleus for each region.

The Regions consist of the following states:

- Region I. Maine, Vermont, New Hampshire, Connecticut, New York, New Jersey, Rhode Island, Massachusetts.
- Region II. Pennsylvania, Delaware, Maryland, West Virginia, District of Columbia, Virginia, Kentucky.
- Region III. Florida, Louisiana, Mississippi, Alabama, Georgia, Tennessee, South Carolina, North Carolina, Virgin Islands.
- Region IV. Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa.
- Region V. North Dakota, South Dakota, Nebraska, Kansas, Missouri, Montana, Idaho, Wyoming, Utah.
- Region VI. Texas, Oklahoma, Arkansas, Colorado, New Mexico, Arizona.
- Region VII. Washington, Oregon, California, Nevada, Alaska, Hawaii.

Each Regional Director is responsible for assisting in the organization of state and local chapters.

B. Tasks for the Regional Organizing Nucleus and Roles of State and Local Chapters:

The Regional Organizing Nucleus will:

1) Reach out and identify Lawyers and Law Students from the existing resources in each state within the region who will form a statewide Legal Defense Arm whose particular focus will be Prisoners Rights and Criminal Justice.

2) Provide guidance and direction to state and local chapters of the National Network and develop ways in which Regional, statewide and local components will interrelate and operate.

3) Assist in developing goals and strategies within each statewide arm consonant with National Network policies.

4) Act as a referral agency to the state and local chapters of cases, strategies, and activities in other regions that have statewide pertinence.

5) Coordinate and transmit regional activities to the National office.

6) Develop and sponsor Regional conferences and workshops for information and strategy sharing.

State and Local Chapters will:

1) Identify a Law School base or bases wherever possible from which to operate (see below for the role of Law Schools).

2) Identify law students and lawyers as local legal resources prepared to work on some level in criminal justice and prisoners rights.

3) Identify community groups and individuals presently or potentially organized around prisoners' rights and criminal justice issues.

4) Establish working links with other legal units prepared to work on NCBL identified criminal justice and

penal issues; i.e. National Lawyers Guild, ACLU, inter alia.

5) Provide a mechanism by which law students, lawyers, community groups and people can begin identifying issues and facilitating change in penology and criminal justice by the following tactics:

- (a) Litigation
- (b) Legislative analysis and drafting of model legislation
- (c) Negotiation with correctional officials and law enforcement agencies
- (d) Development of Community Support for penal and criminal justice changes
- (e) Publicity and public education on the need for change via media, publications focused on community groups — grassroots and legal.

6) Develop supportive local participation from:

- (a) The Professional Community
- (b) Grassroots Community.

Role of Law Schools:

The statewide chapter composed of lawyers and law students will negotiate with law schools, selecting as first target those with an urban setting and/or a comparatively large minority group law student population to develop a clinical enterprise devoted to legal research and litigation in the field of Prisoners' Rights. Students may elect the clinic as partial fulfillment for their degree and under supervision of law professors and cooperating attorneys litigate cases and research legal issues referred to it by the local Legal Defense Chapter. This will augment the legal thrust of the project and will also institutionalize the struggle for the re-definition and affirmation of Prisoners' Rights. Community support

can be mobilized around the development of such clinics as being a responsibility of law schools to relate to the needs of their local community whose children, husbands, lovers and family are incarcerated within these oppressive and lawless penal institutions. In addition to BALSAs members, minority group law student groups and Student Lawyers Guild members can also be mobilized toward these ends.

The struggle for clinical programs with political and social implications has been waged successfully by student activists and some law professors throughout the country. Among the law schools with working models of this kind are:

Rutgers Law School — Newark, New Jersey

Columbia University — New York, New York

New York University — New York, New York

Stanford University — Stanford, California

Antioch Law School — Washington, D.C.

Throughout the country at individual law schools, the atmosphere is already ripe for such a thrust.

IV. CONCLUSION

THE MODEL DESCRIBED above is but a beginning and will require relentless and patient organizing as well as the flexibility necessary to relate to the wide range of class and group interests who will ultimately participate in the Network. We speak of flexibility and not compromise. The changes we seek, the struggles we undertake, the allies we identify, will depend on the clarity of our vision and how we internalize the implications of each step we take on the road to liberation. None of it, however, is even remotely possible without the participation of Black lawyers and law students who are ready to translate anger,

dismay and frustration into commitment to change, action and painstaking hard work. The brothers and sisters throughout the country would like to hear from you, learn from your experiences and work with you in the struggles of the seventies.

Frederick Douglass defined our tasks and our hope in words that cannot be improved: "The limits of tyrants are prescribed by the endurance of those whom they oppress." Can we risk ignoring that responsibility any longer?

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