

## SOMEBODY WILL BE OUT TO GET YOU

# 'Blacks Better Keep Skirts Clean!'



BY CARL ROWAN

The misconduct cases of the late Rep. Adam Clayton Powell, of Rep. Charles Diggs (D. Mich.) and of other prominent blacks have made one thing perfectly clear to black American: If you wield unusual power, somebody will make unusual efforts to "get" you, so you had better keep your skirts clean.

As blacks are appointed or selected to more and more positions where they make decisions affecting the fortunes of giant corporations, or the lives of millions of white citizens, they also become aware that they are going to be subjected to special scrutiny, and held to a standard of behavior rarely imposed on whites -- even Caesar's wife.

Never were the perils of being black and potentially powerful illustrated more clearly, or shamefully, than in the response of some Alabamans to the nominations of two black lawyers

to sit as federal judges in Montgomery and Birmingham.

Not in history have agents of the FBI, of the Senate Judiciary Committee, of the American Bar Association, of the Alabama media, lifted up so many rocks and scratched for bugs and worms as in the cases of President Carter's nominations of noted civil rights lawyer Fred D. Gray and the skilled trial lawyer and former Alabama state Sen. U. W. Clemon to be U.S. District judges.

Some of the efforts to slur these two men raise doubts about them; others are laughable in their desperation.

Some of Clemon's foes argue that he is disqualified to sit as a judge because he raised a fuss in the senate in 1977 after a white patrolman stopped him for speeding while en route to the legislature and put a gun to his head. Clemon merely invoked an immunity to arrest which was being used by all Alabama lawmakers.

Gray is accused of "soliciting" an aged farmer, Charlie Pollard, as the main client in a \$1.8 billion class-action suit against the federal government -- a suit filed because Pollard and hundreds of other Alabama blacks had been used as unwitting guinea pigs in a federal effort to determine the effects of untreated syphilis. Pollard, for example, was left untreated for 40 years, while others in the study died or suffered gross afflictions because of the untreated syphilis.

The federal government paid the "guinea pigs" or their survivors more than \$10 million, with Gray's firm earning well over \$1 million -- a fact arousing uncommon jealousy among his colleagues.

Records that I have seen indicate that someone trying to block Gray's confirmation duped Pollard into signing a piece of paper confirming that Gray solicited him as a client. Pollard and his wife say thought they were signing a job recommendation for the unemployed black man who put the paper before them -- and they since have signed affidavits swearing that Gray never solicited them.

White Alabama is torn apart over the assorted allegations.

White Birmingham lawyer Max Pope admitted to me that he was "angry -- keenly disappointed" that his partner, Clifford Fulford, was not nominated to the federal bench by President Carter.

Pope says he "can forgive (Alabama) Sens. Lowell Heflin and Donald Stewart for not recommending Fulford, but they made a mistake in sending Clemon's name to the White House. How can a man who has had a \$12,000 tax lien sit on the federal bench?"

Morris Dees, a Montgomery lawyer accused of stirring up charges of solicitation against Gray, says he favors confirmation for Clemon -- but implies strongly that he hopes Gray will be rejected.

The ABA heard enough rumors about both Gray and Clemon to rate both "unqualified" -- making judgment in the case of Clemon before the ABA investigator ever talked to him.

Allen Parker, president of the Alabama Exchange Bank in Tuskegee, says he is outraged. Parker, who is white, said: "If Gray were white, the ABA would have found him qualified without hesitation. We've done business with Fred for 15 or 20 years. He's this bank's counsel. I know his morality, his honesty, his integrity. I've never known him to do a thing that was tricky or dishonorable."

I noted that with so much smoke being stirred up, people would assume there is some fire.

"Remember," said Parker, 68, who has been in banking in middle Alabama for 51 years, "Gray ruffled the feathers of a lot of lawyers during all the years he was winning civil rights cases. It is galling for these white lawyers to think that they will have to go into federal court and say 'your honor' to Fred Gray."

I asked Atlanta lawyer Frank Jones, the ABA investigator, how a white banker like Parker, two judicial commissions and many others could find Gray eminently qualified, yet he induced the ABA to

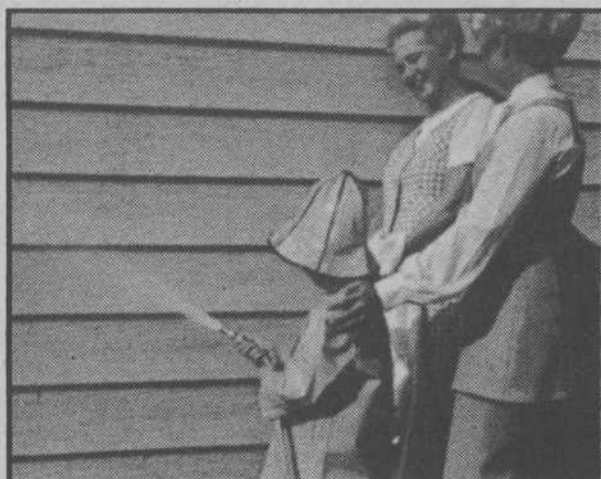
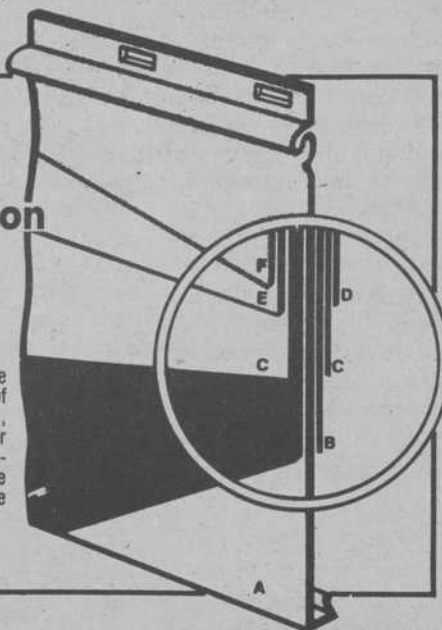
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