

# JUSTICE OR JUST US?

What do Barbara Jordan, Paul Robeson, Fidel Castro, Thurgood Marshall, Lenin and Franklin D. Roosevelt all have in common? Well, besides being well-known figures, they all were trained as lawyers.

Alexis de Tocqueville once commented on how virtually every controversial issue in the United States is converted eventually into a lawsuit. Though made over 125 years ago, this observation remains apropos from the patenting of new forms of life via recombinant DNA research (raising the spectre of Frankensteins amok) to who controls the current top-40 disco tune, the courts wind up having a decisive say-so. "I'm going to take this case all the way to the United States Supreme Court" has become a de facto cliché!

The Black community and other minority communities have a special interest in the progress of the law and the training of lawyers. It is no accident that one of the early cases that catapulted affirmative action into the national lime light--the De Funis Case--involved a challenge to a special admissions program for minority students at the University of Washington Law School.

And now more than ever more civil rights minded Black lawyers are needed. When a Ku Klux Klan Grand Dragon in Southern California can win the Democratic Party nomination for Congress in the most populous district of the country; when a Nazi can get 56,000 votes in the Republican Party primary for the attorney-general of North Carolina; when the new owner of the Cleveland Cavaliers basketball team can carp openly about there being "too many" Black players on the squad and that some will be traded--irrespective of merit--for white players; when a "moderate" leader like Vernon Jordan can be gunned down in the street like a runaway slave, then it becomes even more urgent to pay attention to developments in the law.

This brings us to the case of in re: U.W. Clemons and Fred Gray. Both are well-known Black attorneys from Alabama who have been active in the civil rights movement. Both have been nominated for federal district court judgeships. And both have been sandbagged by the American Bar Association on trivial charges of ethics violations and conflict of interest. At a recent Senate hearing concerning the nomination, one of the principal witnesses against the nominations was white Southern "liberal" lawyer Morris Dees, a long-time Jimmy Carter supporter. The testimony against the two prominent Black attorneys included baseless and unproven charges of securities fraud, alteration of a deed, solicitation of clients, etc.

Now keep in mind that the American Bar Association, the same American Bar Association that until recently barred Blacks from membership, is probably the main roadblock in the way of their ascension to the bench. This historical "irony" was hit upon by Attorney Elaine Jones of the NAACP Legal Defense and Education Fund who told the Senate committee that too much stock was given to the American Bar Association's evaluation and not enough is given to, say, the evaluation of the National Conference of Black Lawyers. For example, she noted that even if the charge that Gray failed to file a deed on time was true, the fact is that subsequent investigation showed no harm was done to the client's interests or anyone else's.

The treatment of Clemons and Gray is a litmus test to determine how a post-Miami United States will deal with Black aspirations.

Their case is also important because the rationale given frequently for supporting Democratic Party presidential nominees--irrespective of their records--is that the president makes appointments to the bench and

it is essential for Blacks to impact on this process. But if progressive nominees to the bench are sandbagged by Democratic Party Senators and supporters, then the theory of blind Democratic Party support needs re-examination.

Moreover, this theory of backing the bench appoints does not stand the test of history. John F. Kennedy, regarded by many as the classic Democratic "liberal" appointed a host of conservatives to the bench. Witness Judge Harold Cox in Mississippi who has frustrated and berated a generation of civil rights' lawyers.

This theory fails to recognize that, yes, the president may be selected with Black support but he is also selected with the aid of George Wallace, James Eastland, John Stennis, Sam Nunn and thousands of other Southern troglodytes just like them.

Take this 1980 race. Already the "president/bench" theory is being dusted off. But this ignores the fact that most experts predict that if vacancies arise on the Supreme Court the Carter nominee won't be a Barbara Jordan or Robert Carter but a Griffin Bell (the conservative Georgian, who as a circuit court judge tried to keep Julian Bond out of the Georgia House because of his opposition to the Vietnam War) or a Shirley Hufstедler (a former circuit court judge whose judicial opinions and present actions as Secretary of the new Department of Education--e.g. not appointing eminent Black educator Dr. Mary Berry to a top post--won't thrill many Blacks.)

This theory fails to recognize that a president whether you've voted for him or not only pays the due respect when he knows he can't take you for granted, when he knows--as Jesse Jackson has acknowledged

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## Crossword Puzzle

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- ACROSS**
- Contours
  - Chaste
  - Nautical rope loop
  - Newspaper director
  - Letter
  - Compass point
  - Angeles
  - Syllable: music
  - Number
  - Camera stand
  - Girl's name
  - Passos
  - Cord
  - Parties
  - Consecrate
  - Comparative suffix
  - Tenure
  - Powders
  - Braced frame
  - Opera solo
  - Horse: Gypsy
  - Golf club
  - Later
  - Rub with oil
  - Russian river
  - Eggs
  - Good: Fr.
  - Germanium: chem.
  - Hunter
  - Starer
  - Is impertinent
  - Ancestors
- DOWN**
- Rushes
  - Hail
  - Metric measure
  - Liars
  - Comfort
  - Slim
  - Dissolves
  - Smell
  - Disenchanted
  - And: Fr.
  - Wise men
  - Barbers
  - Silkworm
  - Dessert
  - Bone
  - Goddess of dawn
  - Insect
  - Easily crumbled
  - Claws
  - Asian country
  - Ignited
  - Terbium: Chem.
  - Prefix: three
  - Lengthier
  - Goes into
  - Graduates: colloq.
  - Bacchanalian cry
  - Christmas
  - Manuscript abbr.
  - Concerning

Answer to Puzzle

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