Success vs. need

Black lawyers' role

by Pamela Williamson
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In the United States today, there is one lawyer for every 637 persons. However, there is only one Black lawyer for every 7000 Black citizens. While one half of America's Black population resided in the South, only 15 per cent of the Black lawyers practice here. It is not surprising then that in the South, every Black lawyer must serve 28,500 Blacks. Generally, in North Carolina, there is one Black lawyer per 13,000 Black citizens.

In the past, most Blacks were excluded from the best law schools. Their Black identity was easily maintained on a Black campus, primarily because everyone experienced the same amount of white racism. The Blacks who became lawyers worked in the areas of civil rights or civil liberties. These were the only levels of the legal system on which they had a direct impact.

However, since the mid 1960's, there has been a concentrated effort by law schools and bar associations to correct the shortage of Black attorneys. As a result, more and more Black college graduates are overcoming the institutional racism of the Law School Admissions Test and the expensive cost of three years in law school. They are taking on the rigorous study schedule and, in predominately white law schools, the exhausting psychological pressures.

But what are they doing this for? Do they feel a moral committment to return to the Black community where they are sorely needed, but where financial rewards are nominal? Or do they owe it to themselves to join the "American Corporate Establishment" where financial success is almost guaranteed?

This same dilemma was brought up in a panel discussion during the Minority Law Weekend, held February 10, 1973. The special program, sponsored by the UNC Student Bar Association, was designed for Black students from all over North Carolina interested in the study of law. Practical aspects of gaining admission to law school were discussed, such as Law School Admission Test scores, scholarships, and special financial programs available.

The role of the Black lawyer in the community was discussed by a distinguished panel of Black attorneys and leaders, including attorneys Frank Ballance of Warrenton, Charles Beckton of Chapel Hill, Professor Charles Daye of the UNC Law School, and UNC Student Body President, Richard Epps.

It seemed to be the consensus of the panel that the first duty of the black lawyer is to ensure justice for all. Yet, he definitely has a primary committment to his native community. It is common knowledge that Blacks are tremendously overrepresented as defendants in the criminal courts. Therefore, the Black lawyer can serve as a valuable link between the community and the criminal justice system.

One of the major concerns among the students attending the panel discussion was that many Blacks become lawyers only to further their ambitions of financial success. Once they have accomplished this, they do not concern themselves with the lower class of the Black community who constantly appear in court as defendants or complainants.

However, the members of the panel agreed that it is possible for Black lawyers to live comfortably and still serve the Black community. Attorneys Beckton and Ballance asserted that Black lawyers do have a rather precarious financial situation. First, their clientele is predominantly poor. Secondly, many Blacks will not patronize Black lawyers when white lawyers are available.

Mr. Ballance expressed his practice of representing any client that could pay his fee. However, there was no one plan agreed upon that would lead Black lawyers to financial security, while serving the Black community. The general strategy seemed to be one of hard work, deferred gratification, and patience.

The lawyer must first establish himself as a competent professional in order to secure a clientele. This cannot be accomplished easily or in a short time. Due to the low-income status of the majority of Blacks, he must handle a large number of cases, quickly, so the nominal fees will add up to provide him a liveable income.

Another issue which concerned many of the students attending the panel discussion was whether the Black lawyer had to "eat cheese" or assume an inferior stance in order to secure favorable treatment for his client in court. The lawyers on the panel agreed that they would never lower themselves below their requirements for manhood to please court officials.

However, as Mr. Beckton stated, there are tactics a lawyer can employ to win his case, such as feigning a lack of understanding of legal points in order to catch his opponents off guard. Moreover, as Beckton added, there is no shame in telling the court that a man has a wife and children to support, or any other circumstances which individualize defendants. This is one reason why judges have sentencing discretion.

One point of disagreement between the two Black lawyers on the panel was who decides on the lawyer's demeanor in court–he or his client. Mr. Ballance stated that he would handle the case anyway his client directed. If his client wanted him to make it a political trial, he would make it a political trial.

However, Mr. Beckton felt that it was his place as the trained professional to decide what is best for his client inside the courtroom. He made it clear that a lawyer is not representing "the people" when he defends a Black person. He is ethically obligated to act in the best interest of his client, only (unless the case is a "class action," a strategy successfully applied by the NAACP in breaking down segregation in public schools).

Most of the students at the panel discussion were mainly concerned with the trial stage of the legal process. However, 90 percent of all cases never reach this formal adversary procedure. The majority of cases which come to the attention of law enforcement authorities are handled by plea-bargaining between the prosecutor and the defendant or his attorney behind closed doors. This fact makes the Black attorney even more important to the Black community.

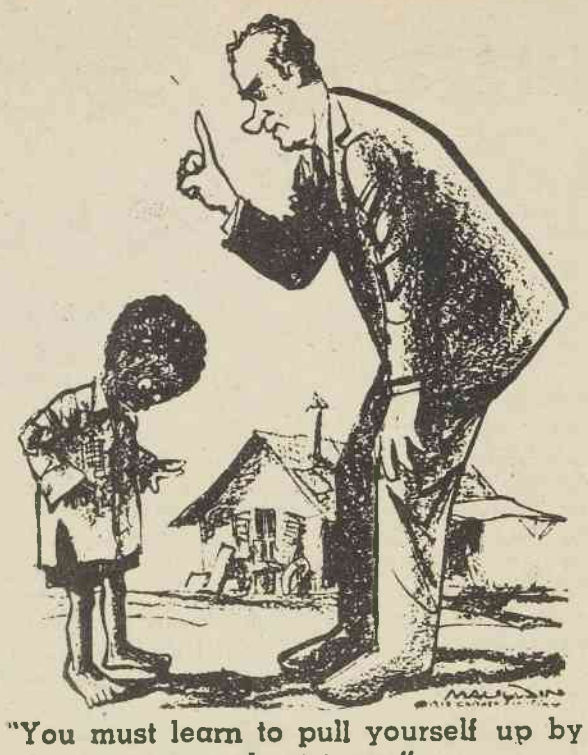
At a time when the defendant's rights must take second place to the efficient administration of overloaded court dockets and the career ambitions and reputations of judges, prosecutors, and defense attorneys, Blacks need attorneys who will take a personal interest in their cases. They need attorneys who will act in their best interest instead of the court's.

Therefore, what is the role of the Black lawyer in the community? First, he serves justice. He does not defend Blacks only because they are Black. Granted, that the legal system in America still has some elements of racism, all Blacks suspected or convited of crimes are not innocent. The Black lawyer, judge, or prosecutor should not feel bound by any misplaced loyalty to discriminate racially in the name of Black unity or he will begin to resemble white legal officers who discriminate in the name of white supremacy.

In serving the cause of justice, Black lawyers should assist the community in every way possible. Their function as defense attorneys is obvious. But, they can also be valuable as prosecuting attorneys and judges. Our first thought is to call Blacks in these roles of authority, "Tom" or traitors because they are accessories to the unequal distribution of legal justice.

Yet, it is in positions of authority, that Blacks can be more helpful than as defense lawyers. A Black judge can refuse to issue an arrest warrant when police do not have sufficient grounds. A Black prosecutor can dismiss charges against a defendant when the evidence is not conclusive. These people can keep innocent Blacks from ever going to court.

One activist Black lawyer recently called the lawyer "a double agent." Haywood Burns of the National Conference of Black Lawyers uses this interpretation of the Black lawyer's role in the following observation: "He participates in the process, but he can do so in such a way as to maximize the protection and the gains that are possible for oppressed persons under the existing order. He can use the rules of the very system that many of the oppressed are challenging to insulate them so that they can continue to go about the business of challenge."



"You must learn to pull yourself up by your bootstraps."

Expressions

White woman
Clear bitch
Transparent hussy
Emmett Till's murderer
"Scottsboro Boys" tormentor
Lily light lying trick
Funky foolish freaky fool
Brother Emmett died because of you—because of your "pure" square ass
Brother Haywood and the "Scottsboro Boys" suffered, lived like animals, were treated like beasts because of you—you stinking whore
Brother Haywood had to slip and slide, duck and dodge—run from the racist white boy (the impotent imp) because of you BITCH! BULLSHIT BONY ASS BITCH!
Vanilla woman
Cherry face fool
Stinking slut
Dig, Dig me, Dig me-e-e-e-e!
I am going to put my Black hand down your slimy throat and snatch your perverted ass out of your "I just love nigger boys" mouth!
Liberal Light Lady beware:
I am personally going to crucify you and blow your little "gingerbread" ass off the pedestal!
Your time has expired Vanilla Extract (woman)
Get down Rabbit!
The pedestal belongs to the BLACK WOMAN—
Dig me?

Lucas

Student aid

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How will these Black schools survive? Is this another means of rubbing out the predominately Black institution in the South?

The GLS which replaces the NDSL will benefit the banks more than the students. The loan from the banks would be repaid at a 7.5 per cent interest, instead of the 3 per cent rate of the NDSL. In addition, the banks will receive a subsidy from the government that would add up to a total of nine per cent on each loan.

Students with University-based aid, Johnston Awards, Youth Fund Grants, etc., are not in much better condition. These grants may have to be reduced in order to cover more students.

Congress has not approved Nixon's new proposal, but neither has it appropriated any funds for the EOG or the NDSL for the fiscal year of 1973.

So, UNC and other public institutions of higher learning are currently in a dilemma. They cannot notify present students and incoming freshmen of the amount of money they are eligible to receive next semester, because they themselves do not know if there will be any money.

According to H. Bentley Renwich, assistant director of admissions, this uncertainty plus the fact that UNC did not waiver the $10 admission fee this year is a good indication that the Black freshman class will be smaller next year.

The increase funding for Work Study means that more students will have jobs next semester. For an entering freshman it is hard enough to adapt to college life/studies without the added burden of working, too. And, for a border-line student, fewer hours for study would cause him to flunk out.

Congress has until May 1, 1973 to decide on the new program. Now is the time to write your Congressmen and urge them to get on the stick so you will at least know if you can afford to be in school next year.