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1973

BALSA at Fordham Law School

Black American Law Students Association, Fordham University School of Law

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BALSA
AT
FORDHAM
LAW
SCHOOL



FORDHAM LAW SCHOOL

(1973-74)

1974-75

SECOND
FIRST YEAR EVENING

Cornelius Blackshear

[REDACTED]
- Ofc.

Alpheus/George

[REDACTED]

James Howard

[REDACTED]

Wesley Walker

[REDACTED]

Raymond Wood

[REDACTED]

THIRD
SECOND YEAR EVENING

John M. Johnson

[REDACTED]

[REDACTED]

Eugene Oliver

[REDACTED]
- Home
- Ofc.

Dora Sherman

[REDACTED]

THIRD
SECOND YEAR DAY

Lofton Holder

[REDACTED]
- Ofc.
- Home

Richard Spooner

[REDACTED]
- Ofc.

FOURTH
THIRD YEAR EVENING

Anderson Clipper

[REDACTED]
- Ofc.
- Home

Allan Elmore

[REDACTED]

Edward Howlette

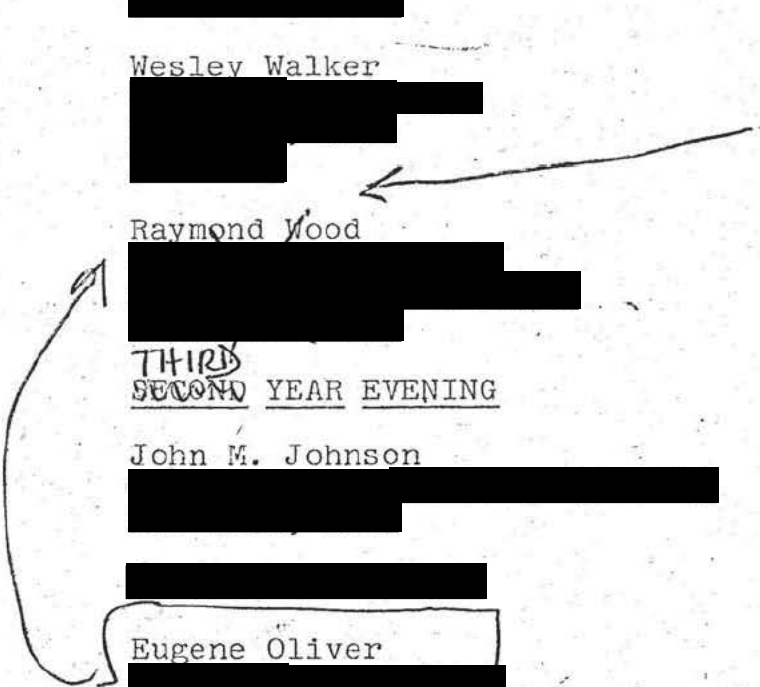
[REDACTED]
- Ofc.

FOURTH YEAR EVENING

Olivia Valentine

[REDACTED]
- Ofc.
- Home

WOODY PAGAN



for Regional chapters. Dues will be also used for Chapter business and functions as directed by majority of membership.

Article VIII - Succession and Vacancies

- Sec. 1 Succession - During the absence or inability of the President to render or perform his or her duties, or to exercise his or her power set forth in these By-Laws or Constitution, or in the event the office of President becomes vacant, the Vice President shall succeed to and perform the duties of the President.
- Sec. 2 Vacancies - In the case of a vacancy of an office, by death, resignation, disqualification, incapacity or any other cause except removal (provided by the Constitution), and where succession is not possible, a vacancy will be filled by a majority vote of the membership as provided in Section I of Election procedures in the Constitution.

Article IX - Effective Date and Government

- Sec. 1 These By-Laws shall go into effect immediately upon adoption by a 2/3 majority vote of membership and so recorded in official minutes.
- Sec. 2 Robert's Rules of Order shall be the governing parliamentary procedure at all meetings, but a loose interpretation not strict interpretation will be utilized.
- Sec. 3 Temporary committees shall be established as deemed necessary by the President and/or Executive committee and shall serve at the pleasure to the appointing authority.

Article X - Amendments

These By-Laws and constitution may be altered, amended, repealed or added to by an affirmative vote of not less than 2/3 members present (this will not be in effect if a Quorum is not present).

BALSA CONSTITUTION - FORDHAM LAW SCHOOL

Elections Committee Report

Preamble: Executive officers in the Black American Law Student Association shall be required to be members in good standing as regards payment of dues. Aside from this basic requirement persons seeking executive office shall demonstrate that they meet the bare prerequisites listed below:

- a. A good faith committment to the express goals articulated by the dues paying membership of BALSA.
- b. A minimum of outside activity (e.g., work, other personal projects) insofar as occupying an Executive Office clearly demands and requires a substantial amount of committment in terms of time.
- c. All potential candidates should be reasonably secure in their academic pursuits prior to accepting any executive position.

I. Election Procedures

- A. Nominations for all offices shall not be accepted after the first Wednesday of April. Any and all candidates' names must be submitted for the ballot prior to the end of the first Wednesday in April.
- B. Elections will be held without delay from 5pm to 6pm on the second Wednesday of April.
 - 1- Note that holding office does not preclude re-election to that office at the end of term of service.
- C. Any candidate must amass a plurality of votes by dues paying members present.
- D. There shall be no proxy votes permitted for elections.
- E. Nomination for all officers will be accepted by submission of names to a designated mailbox within the Law School on or before the first Wednesday of April or by nomination from the floor at the meeting on that date.

II. The President

- A. The President shall have the power to appoint ad hoc committees with the advice and consent of the Executive Committee.
 - 1- Committee findings shall be submitted to the President promptly.
- B. The President shall cast the deciding vote in event of membership impasse on issues; otherwise the President does not vote.
- C. The President shall chair all general meetings of BALSAs.
- D. The President shall have the right and duty to review the Treasurers books on a monthly basis.
 - 1- The President shall be empowered to sign checks for disbursement of BALSAs funds with the advice and consent of the Executive Committee.
- E. The President shall be the organizational spokesman and shall represent BALSAs at all conferences or meetings at which the presence of a BALSAs representative is deemed necessary by the organization.
- F. The President shall have and exercise all powers necessary and proper for carrying the above powers into effect.

III. Vice President

- A. In the event of the President's absence, the Vice President shall chair general meetings. And be subject to duties and powers of the President in II above.
- B. If the office of President is vacated, the Vice President shall serve as President.
- C. The Vice President shall give aid and assistance to the President in carrying out the official duties of the Executive.
- D. The Vice President shall be representative at Regional BALSAs meetings.

- E. In the absence of the President, and with his advice and consent, the Vice President shall have the power to take his place and perform his duties as enumerated in Article II, B,C,D, or E, above.

IV. Secretary - Treasurer

- A. The Secretary-Treasurer shall be charged with the care and maintenance of accurate minutes of all BALSAs meetings. The thrust of this office will be towards alerting the membership in the areas of intra-group matters such as notices, employment opportunities, and current issues within the Black Law school community.
- B. The Secretary-Treasurer shall be charged with inter- and outer-group activity such as communications with sister chapters of BALSAs as well as letters to Black alumni and other Black interest groups.
- C. The Secretary-Treasurer shall collect dues and carefully maintain financial records that shall be open to the scrutiny of the Executive Committee. (Books to be made available for the scrutiny of the general membership).
 - 1- The Secretary-Treasurer shall also maintain an account of which members are in good financial standing as well as an account of those persons in arrears.
- D. The Secretary-Treasurer shall be in charge of all disbursements of BALSAs funds; checks^{will} also be signed by the President.
- E. The Secretary-Treasurer shall be required to submit a monthly report as to the financial status and overall monetary picture as regards BALSAs.

V. Executive Committee

- A. The Executive Committee shall be composed of the President, the Vice President, the Secretary-Treasurer, and the Committee Chairman.
- B. The Executive Committee shall be charged with the formulation of present and future BALSAs policy, with the distinct reservation that all policy decisions be ultimately approved by a majority of the dues-paying membership.

- (7)
- C. In the event that the Executive Committee by 2/3 vote stipulate that an emergency condition exists, the Executive Committee shall have discretionary power to formulate and enforce policy affecting the membership of BALSAs; but must report back to the next formal meeting. ^{membership at the}
 - D. The Executive Committee shall meet at least once a month.
 - E. The Executive Committee must present monthly oral reports to BALSAs members.

VI. STANDING COMMITTEES

A. Program Committee

The duties of the Program Committee shall be to plan the agenda for each BALSAs meeting, as well as to invite speakers, and to do the planning involved in any activities carried on by BALSAs as a group.

B. Publicity and Public Relations Committee

- 1. The Publicity and Public Relations Committee shall advertise and promote the activities of BALSAs to the Community and to other BALSAs Chapters.
- 2. The Publicity and Public Relations Committee shall keep BALSAs apprised of the activities of other BALSAs Chapters as well as activities in the Black Community which are of direct interest to BALSAs.

C. Constitution and By-Laws Committee

- 1. The Constitution and By-Laws Committee shall be empowered to draw up the Constitution and By-Laws to be submitted for approval by a majority of the dues paying membership.
- 2. The Constitution and By-Laws Committee shall be empowered to advise any officer, or member as to the validity of any action or proposed action within the frame workeof the Constitution or By-Laws.

VII. IMPEACHMENT

- A. Any officer may be removed for cause by a two-thirds vote of financial members so long as one half of these members are present; no proxy votes will be permitted.
- B. Removal proceedings require a special meeting, giving one week notice by mail.

VIII. ORDER OF BUSINESS

- A. The meeting is "called to order" by the President.
- B. The minutes of the preceding meeting are read by the Secretary-Treasurer.
 - 1. May be approved as read.
 - 2. May be approved with additions or corrections.
- C. Monthly financial statement of Secretary-Treasurer is received as read and filed for audit (Chair so states).
- D. Reports of standing committees are called for by the President.
- E. Reports of special committees are called for by the President.
- F. Unfinished business is next in order at the call of the Chair or of the meeting.
- G. New Business.
- H. The "program" - The program is part of the meeting: the President "presides" throughout, but the Program Chairman makes report.
- I. Adjournment

(9)

Balsa By-Laws - Fordham Law School

Amendments

I Article II, Section 4 of the By-Laws is hereby amended as follows:

"Membership in good standing is predicated on financial standing and the approval of the Executive Committee."

Black American Law Students Association

The Black American Law Students Association, BALSAs, is a national organization with chapters at the majority of major law schools throughout the country. BALSAs was formed by what its members like to term the new breed of black law student, or students aware and concerned about the role of black attorneys in today's society. Its aims briefly stated are to increase the number of black students and therefore the number of black attorneys, to deal with the particular problems faced by black and other minority students during their legal education, and to the degree possible facilitate on-going communication between the law and the black community.

BALSAs at Fordham was not formed until the fall of 1972, and has a membership of ten students. The purpose of the Fordham chapter are stated in its by-laws. Enough has been said and written about the lack of black attorneys, but little about the reasons for that deficiency. Current minority enrollment at Fordham is indicative of the scope of the problem. BALSAs at Fordham is committed to the task of correcting the apparent benign neglect Fordham has heretofore exhibited.

In our efforts to provide the black community with a more realistic understanding of and more ready access to the law, BALSAs through its national and regional offices, and black lawyers groups like the National Conference of Black Lawyers, has initiated several community related projects. These include establishment of a cadre of students to advise prisoners of their rights, and an information and referral service accessible to community residents.

BALSA's prime focus, however, is the student and his problems while in law school. In this respect BALSA serves as a forum for its members to voice problems and concerns. In addition, BALSA through its national and local offices provides students with information on placements and options available upon graduation. No one will deny that all law students are confused and uncertain their first year. Black and other minority students face greater pressures both socially and educationally upon entering the law school setting. BALSA is committed to providing its members with a vehicle to effectively and positively deal with these problems.

B.A.L.S.A. History, Purpose and Activities

The National American Law Students Association was founded at N.Y.U. Law School in October of 1967 with its purposes being to:

- (a) Articulate and to promote the needs and goals of Black law students.
- (b) To foster and encourage an attitude of professional competence among Black law students.
- (c) To bring our legal training to bear upon the legal and non-legal problems afflicting the Black community and
- (d) To encourage a greater commitment by Black attorneys and law students towards the needs of the Black community and thereby earn the respect of the Black community.

Since its formation, BALSAs has grown rapidly; today there are over 110 chapters of BALSAs representing over 4,000 Black law students throughout the country. On August 4, 1971, the Black law students attending the 46th annual National Bar Association (the Black bar) conference voted that the Board of Directors of National BALSAs would assume the leadership reins of the N.B.A. student division with the four Black law schools in the country each having one representative on the board of the N.B.A. student division. Prior to that N.B.A. conference, there existed two Black law student groups - effectively there exists one at present. The need for two organizations both representing Black law students and doing the same thing, one duplicating the other's efforts was neither rational nor beneficial to Black students, especially since BALSAs already had claim to 90 per cent of the Black law students in the country. BALSAs now represents 100 per cent of all Black law students.

Among the past accomplishments and activities of the BALSAs chapters in the Northeast region are:

1. Providing each Black freshman with a Black upperclassman to act as his or her adviser during his first year.
2. At most law schools a student is graded in each course from the results of one examination given at the end of the term also each professor uses his particular set of criteria to grade his exam, consequently, in order to insure that each Black freshman knows what information he is expected to master and in what form he is expected to answer the questions; in the middle of each semester, BALSAs asks each of the Black students' professors to prepare a practice exam which is administered under exam conditions, submitted

to the professor for correction and then returned to the student. BALSAs also schedules and conducts study and review sessions for Black law students periodically.

3. The establishment and maintenance of BALSAs chapter libraries which stock hornbooks, treatises, course outlines, selected law works and student class notes for specific courses.
4. Notifying Black law students (by letter, newsletter, bulletin board, orally) of part-time, summer-time and permanent law employment opportunities, especially opportunities available at Black lawyers' offices.
5. Securing the appointment of Black faculty members and administrators at the law schools.
6. Many BALSAs members from schools throughout the city do volunteer work for the National Conference of Black Lawyers which involves answering prisoners' letters, doing legal research, filing and other general office work.
7. Providing law advocate assistance to Black parents during school proceedings (i.e. suspension and reassignment to "600 schools" hearings) in which their children are involved.
8. Aiding progressive Black candidates in their campaigns for public offices. For example, about 15 BALSAs members from chapters in the metropolitan area participated in Mayor Charles Evers Mississippi gubernatorial campaign as well as in the concerted campaigns of the many Black Mississippians who were then running for local public offices under the banner of the Mississippi Freedom Party.
9. Assistance provided to cafeteria workers (90% Black and Hispanic) during labor disputes with N.Y.U. in 1971. Although the workers did not gain all of their demands, sufficient demands were met to make the strike a success in the estimation of the workers.
10. Sponsoring forums where Black lawyers, students and community representatives can communicate with one another.
11. Many BALSAs members are also active in other Black organizations and institutions in the Black community. These members realize that we cannot use our status as students as an excuse for not being involved in the Black community. They also realize that through their participation in such groups and organization they can apply some of their legal skills

and gain valuable experience which may provide them with direction as to what field of law they should focus in in order to best aid in the development of our people.

12. In the political arena, the local chapters have concentrated on increasing the enrollment of Black law students and providing sufficient financial aid for us. Although our efforts have caused a small increase in the enrollment of Black students, we are totally unsatisfied with the administrations' meagre responses to our demands for more Black students. We are also ever vigilante for and prepared to challenge the racist tactics employed by them in their attempts to increase the attrition rate of Black students.

So as you can see, a BALSAs chapter is many things to her members: social club, protective association, closely-knit family, employment agency, political organization, etc. This year, we will be working to continue past programs and to initiate a broad range of new programs at our respective chapters and at the Regional level. Some of the new programs which we plan to initiate at the Northeast regional level are following:

a. Prisoners project which involves doing research for and drafting briefs for prisoners.

b. Welfare Fair Hearing advocacy program - The program is designed to provide legal and extralegal representation for welfare recipients before various administrative agencies, with which welfare recipients must deal and upon which they depend for economic subsistence.

c. Regional Newsletter - We plan to prepare and distribute a monthly newsletter which will inform Black law students in the Northeast region of employment opportunities, new developments in the legal field, different happenings at the local chapters, and other interesting events.

d. Regional Conference - The Northeast Region will host a conference of Black law students sometime in October, 1972. You will be notified in the near future of all the details.

e. National BALSAs is in the process of compiling a Black Pre-law Student Directory which will provide Black college students with the essential information about the major law schools attended by Black law students that they need to know in order to decide where to apply and in order to meet the deadlines and fulfill the requirements set by the schools.

In the past, BALSAs has used her influence to attempt to persuade the N.B.A. to turn in the right direction vis a vis Black liberation; We shall continue to do this.

Revised

BALSA BY-LAWS - FORDHAM LAW SCHOOL

Article I - Name and Purpose

- Sec. 1 The name of this organization shall be the Fordham Chapter of the Black American Law Students Association or BALSA.
- Sec. 2 The purpose of this organization is to facilitate communication between Black law students at Fordham, and sister schools, and to serve the needs of its members as a law school fraternity and meet the needs of the black community as a whole in its understanding and access to the law.

Article II - Membership

- Sec. 1 General membership is limited to matriculated Fordham law school students.
- Sec. 2 Honorary membership will be bestowed on any person nominated by a general member and approved by a two-thirds votes of the general members.
- Sec. 3 The only qualifications of affiliation is payment of dues and Sec. 1 above.
- Sec. 4 Membership in good standing is predicated on financial standing.

Article III - Rights and Voting

- Sec. 1 General members are qualified to vote, hold office and to participate in all activities of the organization. Each member is entitled to one vote.
- Sec. 2 Honorary members can not hold office and vote, but may be on committees, as members, and participate in all other activities of the organization.
- Sec. 3
 - A) A proxy vote, to be valid, must be a letter, signed by the individual giving the proxy, and name the person to whom the proxy vote will be invested.
 - B) Where important policy decisions are to be discussed and voted on at a later meeting, and for proxy votes to be honored, they must be voted and approved by a majority of the membership whether or not to accept proxy votes on a particular matter.

Sec. 4 At all meetings for elections of officers, ballots will be provided. At any regular or special meeting, if a majority so required any action may be voted by ballot.

Article IV - Officer

Sec. 1 The officers of the organization shall be designated as President, Vice President, and Secretary - treasurer.

Article V - Quorum

Sec. 1 A quorum will consist of 5 chapter members at a meeting and as such can pass on chapter business and policy.

Article VI - Order of Business

- 1) Call to Order
- 2) Minutes
- 3) Financial Report
- 4) Standing Committees' Report
- 5) Special Committees' Report
- 6) Unfinished Business
- 7) New Business
- 8) Program Report
- 9) Adjournment

Article VII - Financing

Sec. 1 The organization shall be financed by dues, fund raising activities, donations and grants.

Sec. 2 Dues for the Fordham Chapter of Balsa will be ten dollars (\$10) per year. Payment shall be seven dollars and fifty cents (\$7.50) for the first semester and two dollars and fifty cents (\$2.50) for the second semester, payable to the Secretary Treasurer.

Sec. 3 Dues will be used to pay National dues and Regional chapter dues, which are respectively \$5.00 per member or \$100 per chapter which ever is less and 25 dollars

The following article is an excerpt from:

"Can a Black Man Get a Fair Trial in This Country?"

By: Haywood Burns

As appeared in New York Times Magazine, July 12, 1970.

Whereas white Americans are accustomed to viewing the law as an historic vehicle through which liberties have been progressively expanded, black Americans have experienced law in quite another fashion. From the very first, American law has been the handmaiden of American racism. It has been the means by which the generalized racism in the society has been made specific and converted into the particularized policies and standards of social control.

So many of the milestones in the early history of liberty in this country are emblazoned with the exception: "But not for blacks." Thus, black people cannot view the Declaration of Independence, the Constitution or Jacksonian democracy in the same lofty manner as many who see them as triumphs of liberty; for the early Americans who sought freedom so assiduously for themselves, at the same time so cruelly denied it to others in their midst.

For so much of the past, the law rather than being a tool for expanding liberty, has been an implement for constricting, downgrading and narrowing the possibilities for blacks. It was the law which institutionalized American chattel slavery (by making black bondage life-long and later hereditary). It was the law which provided the onerous slave codes to govern in oppressive detail the lives of millions of blacks until their emancipation, and which returned to perform the same function through the notorious Black Codes after emancipation. It was with the law that the architects of segregation built a Jim Crow society which is still intact over a decade and a half after Brown v. Board of Education and more than a century after the Emancipation Proclamation.

For long stretches of American history in many parts of the country, black people lacked any legal personality whatsoever. By law they were excluded from bringing lawsuits to protect their rights. There was no legal recourse for injury to themselves or their property. They were not even allowed to take the witness stand to testify in cases where the interests of white persons were involved. Nor were they permitted to serve on juries. In the criminal area it is the criminal case that I shall concentrate on in this article - the penalties the law prescribed for blacks were often different from those prescribed for whites for the same offense.

Perhaps the most striking example of the latter disparity is the way in which certain jurisdictions reserved the penalty of sexual mutilation for blacks and Indians accused of interracial sex crimes. A reading of the statutes provides insights into the psycho-social pathology of white America - of its fear of letting black men be men; of its need to deprive them of their manhood; of its artfulness in employing the law in this base service. As recently as the mid-nineteenth century, white men sat in the Kansas Legislature and introduced, debated and passed legislation which provided that the penalty for any black convicted of attempting to compel a white woman to marry should be castration "by some skillful person," the cost of such a procedure to be charged to the convicted person. The penalty for corresponding acts by white persons was "confinement and hard labor not less than five years."

The Agnews and the present-day guardians of the American judicial system often have little patience with such discussions of the past. References to past legal unpleasantness, at best, are seen as irrelevant diversions from the present point, and at worst, as inflammatory devices which hinder a cool, contemporary and pragmatic approach to the closing of what are seen as minor gaps in the legal system. The fact that the explicit racial distinctions

have for the most part been removed from the statute books, and that, in a formal sense, race has ceased to be an articulated ground for judicial decision, is for many sufficient proof that our avowedly neutral system of justice is both neutral and just.

This impatience with history would be justified if America had in fact, somehow accomplished the impossible task of severing the past and completely exorcising the demons of old. However, in truth, the past of the American legal system is inextricably bound up with its present. Many of the same forces which kept blacks out of the courts or imposed harsher penalties on them in the past are at work today, militating against any black man receiving full justice in an American court.

The barriers to fairness are basically of two kinds: (1) personal - those related to the racial views and attitudes of persons responsible for the day-to-day administration of justice; and (2) structural - those related to the nature of our legal system itself, its procedural rules and substantive doctrines. Sometimes the barriers are a hybrid combination of both.

The manifestations of racism in the legal system today may be more subtle than many of those of the past, but they are not necessarily less pernicious. As their cases make their way through the courts, black lawyers and litigants must still often sustain personal indignities from biased judges and other court personnel. Despite United States Supreme Court disapproval of the practice, it is still not uncommon to find judges and prosecutors who fail to use the courtesy titles "Mr.," "Mrs.," or "Miss" when addressing black defendants, and in some cases when addressing black lawyers. Similarly, normally expected courtesies often fall away when court attendants, clerks, bailiffs, and marshals find themselves dealing with blacks.

Recently, I appeared with two other black lawyers before a Federal judge

in the South, challenging employment discrimination against our black clients. Early in the legal proceedings, much to his consternation, we had taken exception to the judge referring to our clients as "nigras." At the very beginning of the trial itself, the judge told us in no uncertain terms that "nigra" was listed in his dictionary as a regional pronunciation for "Negro" (he did not point out that it is a white "regional pronunciation"), and that for the balance of the proceedings he and anyone else in the courtroom could use the term. By instant judicial decree we then had become nigra lawyers pressing the claims of nigra clients in a white man's court. A corollary of the judge's pronouncement was that we were not to use the term "black" in referring to our clients and the racial community from which they came, since it was not the term traditionally used in "our jurisprudence."

This is by no means to suggest that what we are contending with is exclusively a Southern phenomenon. Daily, in courts throughout the country, Black and poor defendants suffer the humiliations of legal system which refuses to accord them full recognition of their dignity as human beings.

The clerk's office is an area where personal attitudes can impair fairness. Lower-level clerks are often extremely powerful persons in the bureaucratic machinery of justice and they can use this power in an obstructive and hostile manner when they do not like the people or the issue involved. This is seldom blatant, but can be seen in differences in flexibility and cooperativeness, and in the way normally straightforward matters can suddenly become complicated - as, for example, with the simple act of incorporating an organization or group when that group happens to have the word "black" in its title.

Biased judges use procedural devices and their judicial discretion to avoid ruling in favor of blacks when legal mandate in their favor is clear. This is true in a wide variety of areas, but perhaps most obviously with

many Southern judges in civil-rights cases. In general, judicial or administrative discretion can be used to cloak racism in sentencing, parole and probation.

Blacks usually receive longer prison sentences than whites for most criminal offenses. A study of persons convicted of burglary and auto theft in Los Angeles County, most of them first offenders and unskilled laborers, revealed that on the average whites were treated much less severely than blacks. Forty-five per cent of the whites and 27 per cent of the blacks were given sentences for these crimes of four months' imprisonment or less, or probation; 42 per cent of the whites and 47 per cent of the blacks received four to nine months; and 13 per cent of the whites and 27 per cent of the blacks got 10 to 20 months.

A 1951 study showed that the average number of months served before release in all the states was 25 for blacks and 20 for whites. The disparity was greatest in the West and the Northeast. Proportionately about 10 to 14 per cent more whites than blacks are annually "released conditionally" or granted some kind of parole. This racial disparity in the granting of parole helps to keep the percentage of blacks in the prison population high. According to reports in National Prison Statistics, blacks comprise about one-third of all prisoners, though they make up only about 11 per cent of the general population.

White America still reserves special penalties for blacks convicted of sex crimes - especially interracial sex crimes. National Prison Statistics shows that of the 19 jurisdictions that have executed men for rape since 1930, almost one-third of them - six states - have executed only blacks. There have been some years in which everyone who was executed for rape in this country was black. Detailed state-by-state analysis has shown that the discrepancy in death sentences for rape is related to the race of the victim.

Blacks raping blacks is apparently less serious than whites raping whites, and certainly less serious than whites raping blacks. But the black man today convicted of raping a white woman can be as certain of receiving the harshest treatment as was a Kansas black convicted of an interracial sex crime in 1855. For example, in Florida between 1960 and 1964, of the 125 white males who raped white females, six - or about 5 per cent - received death sentences (four of these involved attacks on children). Of the 63 black males in the same period who were convicted in Florida of raping black females, three - or about 4 per cent - received death sentences; and this when in two cases the victims were children. However, of the 84 blacks (same period, same state) convicted of raping white women, 45 - or 54 per cent - received the death sentence; only one of these cases involved an attack on a juvenile. None of the eight white men who raped black women was sentenced to death.

Just as with their elders, black youths can expect a difference in what the system of justice metes out to them and to others. The President's Commission on Law Enforcement and the Administration of Justice found that almost all youths committed acts for which they could be arrested and taken to court. However, the commission also found that the likelihood of a youth being arrested and taken to court varied according to where he lived. Juveniles from the nation's ghettos were much more likely to be arrested as delinquents than youths from white suburbia. If a suburban youth is arrested, it is more likely that some disposition will be worked out which will not involve incarceration. A ghetto youth will seldom find a policeman cautious about making an arrest merely because the youth is the son of a community leader, any more than in court will his parents be able to provide private

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counsel, private psychiatrists or to make an impression with personal prestige of their own as their child's fate is weighed in the balance.

It is the general experience of lawyers who represent Blacks - North, South, East and West - that judges and juries seldom accord the testimony of non-whites the same weight as that of whites. When the issue is one of credibility, one white witness on one side of a lawsuit often cancels out several nonwhite witnesses on the other.

I recently represented some young black defendants who had been stopped by the police in the Bronx, allegedly for an infraction of the traffic laws. Prompted by a racial remark from one of the officers, a verbal duel between the young men and the officers ensued, in which the officers were outfenced. The result was that the young men were jailed on a long string of charges, including resisting arrest and inciting to riot. The defendants, though disturbed by the treatment they received, were not overly concerned about their trial since there had been so many people at the site of the incident who had seen that the most that had occurred was an argument between the police and the defendants.

By way of defense, I put on a large group of these witnesses - all black or Puerto Rican - most of whom did not know the defendants and who had no personal interest in testifying. Despite the disinterestedness of our witnesses and their number, the court chose to believe the policemen, on all but the most serious of the charges, and convicted the defendants. The impact of this lesson in credibility was strong, both on the defendants and on some of the spectators.

One of the defendants indicated to me that some of his worst notions about the workings of American justice had been confirmed and that the lesson he took away from the experience was in future to resist unwarranted police

action directed at himself, since he would probably be charged with doing so anyway. One boy of 11 or 12 who had seen the arrest and been at the trial blurted out to me at its conclusion, "Wow, if that's what happens to you in our courts, I ain't gonna stop if a cop ever tells me to stop. I'm gonna run. Those guys didn't do nuthin'!"

Some of the greatest barriers to blacks receiving fair treatment in the courts today rise from the structure of the law itself, which through its substantial doctrines and procedural rules works invidious discriminations against the poor and the nonwhites.

A prime example of the structural inequality in the law, is the operation of the money-bail system. Two accused persons can be in otherwise comparable situations - length of time in the community, length of time steadily employed, number of dependents and family obligations - except that one has money and the other does not. Upon arraignment on a criminal charge, one will walk free until the time of trial, the other will be locked up - though both are equally presumed innocent.

The city jails across the country are filled to overcrowding with poor and nonwhite who must serve weeks, months, and sometimes more than a year in jail before coming to trial. In many cases the amount of bail is nominal - but even \$25 is a considerable sum if you have not got it.

The jailed defendant has much less chance of being acquitted than the bailed defendant. The defendant who comes to trial from the streets will have had greater access to his lawyer in preparing his defense, and having been at liberty will be able to arrive in court with a demeanor that will not cause those trying him to associate him readily with criminality. Jail in lieu of fines for indigents, creditor-biased consumer, landlord-biased tenant law, lack of due process before administrative agencies which deal with the poor are but a few further examples of the law's structural inequality.

Changing the law involves changing American. In a nation of inverted priorities, misallocated resources and inhumane, materialistic values; it is too much to expect that the law will provide the fairness and justice to the

poor and the nonwhite that is being denied them in every other sector of society.

It is folly to say that ours is a government of laws, not men. Laws are made, interpreted and applied by men - and in America's case by men in a racist society. Ultimately, there is a simple and obvious truth that the judicial system is run by people, mostly by white people and that most white people are racially biased.

Can a black man get a fair trial in the United States? If by fair one means free of bias, the answer has to be generally NO.

The statistics as to the number of black lawyers and judges were obtained by questionnaire survey from the Gov-
ernors of the 50 States and from individual inquiries from NBA members. The population figures were based on the 1960
census, and the lawyer figures were from the *Journal of American Judicature Society*, Vol. 49, No. 9, Feb. 1966. A more
detailed report was placed in the *Congressional Record* (Sept. 2, 1970), E7996-E7997.

State	State population	Black population	No. of lawyers	No. of black lawyers	No. of black judges
Alabama	3,269,740	980,271	2,712	24	1
Alaska	226,167	6,771	198	1	0
Arizona	1,302,161	43,403	1,693	2	1
Arkansas	1,786,272	383,787	1,739	10	0
California	15,717,204	883,861	22,798	373	15
Colorado	1,753,947	39,202	3,635	10	2
Connecticut	2,535,234	107,449	4,002	28	3
Delaware	446,292	60,628	514	3	1
Florida	4,951,560	880,186	7,801	60	2
Georgia	3,943,116	1,122,596	4,824	30	3
Hawaii	632,772	4,943	482	1	0
Idaho	657,191	1,502	683	1	0
Illinois	10,061,158	1,037,470	19,045	667	26
Indiana	4,662,493	263,275	4,757	56	2
Iowa	2,757,537	25,354	3,596	15	2
Kansas	2,176,611	91,445	3,013	30	2
Kentucky	3,058,156	219,949	3,353	22	4
Louisiana	3,257,022	1,039,207	4,217	27	2
Maine	669,255	3,213	990	0	0
Maryland	3,100,689	518,410	5,301	32	5
Massachusetts	5,148,578	111,842	10,443	50	3
Michigan	7,623,134	717,581	9,464	250	15
Minnesota	3,413,964	22,265	4,767	14	1
Mississippi	2,176,141	915,743	2,201	23	0
Missouri	4,319,813	390,653	7,501	64	6
Montana	674,767	1,467	1,031	1	0
Nebraska	1,411,330	29,262	2,358	5	0
Nevada	285,278	13,484	441	4	1
New Hampshire	606,921	1,903	647	1	1
New Jersey	6,066,782	514,875	9,400	65	9
New Mexico	951,023	17,063	980	0	0
New York	16,762,304	1,417,511	50,204	650	36
N. Carolina	4,556,155	1,116,021	3,637	70	2
N. Dakota	632,446	777	742	0	0
Ohio	9,706,337	786,097	15,535	416	18
Oklahoma	2,328,234	153,084	4,629	16	2
Oregon	1,765,667	18,133	2,637	7	1
Pennsylvania	11,319,366	852,750	12,319	141	14
Rhode Island	859,488	18,332	1,070	2	0
S. Carolina	2,362,594	829,291	1,856	11	1
S. Dakota	680,514	1,114	760	0	0
Tennessee	3,567,083	586,876	4,251	36	3
Texas	9,579,677	1,187,125	14,022	95	2
Utah	890,627	4,148	1,151	1	0
Vermont	363,631	519	496	0	0
Virginia	3,966,949	816,253	4,758	103	3
Washington	2,853,214	48,738	3,937	20	3
W. Virginia	1,860,421	89,378	1,809	8	1
Wisconsin	3,951,777	74,546	6,231	18	0
Wyoming	330,066	2,183	497	1	0
D.C.	763,956	411,737	12,693	503	6
U.S. Courts					19
U.S. Totals:	179,323,175	18,871,831	289,336	3,845	214