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Profiles-Black Advocates in the Forefront of Trial Litigation

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Responding to the changing needs of the people, to the ever-shifting focus of the struggle, MARGUERITE SPENCER HINES seeks to further the cause of humanity for the Black man through the practice of criminal law. A woman of diverse interests, Ms. Hines received her bachelor's degree in chemistry at the University of Chicago before beginning study at New York University Law School, from which she graduated in 1958, a Florence Allen scholar.

The demands of a successful private practice in New York City have not kept Ms. Hines in isolation. A member of the National Bar Association, she has served as secretary for the Association of Lawyers of the criminal court of Manhattan and the Harlem Lawyers Association, and at present is on the latter organization's board of directors.

During her years in practice, Ms. Hines has handled an estimated thirty local murder cases. Two of her cases which have had widespread national political impact are the trial of the Harlem six in 1965 and the current H. Rap Brown trial, in which she is representing co-defendant Arthur Younger. Of international importance was the 1967 trial of Nelson Drummond, the first Black to be prosecuted for participating in espionage for the Russians. Ms. Hines represented Drummond and sums up the unusual nature of the proceeding with a question: "Have you ever tried to cross-examine closed-circuit television?"

Marguerite Hines feels that the emphasis in law today should be on the prisons and should revolve around the protection of the rights of convicted persons. The second-class position of Blacks in America is reinforced and maintained through the prison system, which gives a total reflection of racism, a denial of humanity. Thus, in Ms. Hines view, until there is prison reform in terms of who goes and who stays, problems of Blacks on the outside will not be solved.

"Blacks in America are treated like animals. This treatment is magnified in the prisons." Ms. Hines recalls an incident in a New York jail where, following a Black prisoners' protest, termed an "uprising" by the jail administration, the men were forced to strip and simulate sodomy with other Black prisoners. "The inhumanity of the white man is unclothed in the prisons."

Marguerite Spencer Hines hopes that law students will involve themselves seriously in the area of "prison law," working together with the entire Black legal community to achieve justice for Blacks within and without prisons.

"Man must have dignity whether in jail or out. That's what we need to fight for."

For once we must put political ideologies aside and appreciate quality, strength and dignity in one who evidences these qualities. EUGENE PINCHAM, has worked, fought, learned from his experiences and has succeeded in becoming one of the most thorough and analytical men of this decade.

Determined to excel and to transcend the employment limitations of that era, he worked his way through college as a dishwasher; graduated with a math major and history minor from Tennessee State University in 1947; and received a Doctorate of Jurisprudence from Northwestern University in 1951. He has demonstrated that the desire to be the best at all you do will furnish the motivation and direction that so many Black youths lack in the absence of a strong community figure with which they can identify.

Having the exposure of two worlds, Attorney Pincham has the advantage of being "street reared," of knowing about Black livelihood, and of possessing an expertise in the tactics of legal representation. His chosen duty has been to represent and provide assistance to those in need of justice. "The people who need me are the victims of unjust accusation, poor folks, and ignorant folks, not the rich nor the famous."

The majority of our conversation centered around his attitudes about the mechanics of the trial process, and the sociological and psychological factors which are frequently as determinative of the outcome as the facts of the litigation.

"Trying a criminal case is basically a situation of selling a product; you sell your point. Selling a Black defendant to a white jury has presented the attorney with many obstacles."

Many clients have misinterpreted and misunderstood his professional attitudes, which can only be described as conservative and realistic; but, all who have been in need of his legal expertise have found it wise to simply follow the old adage of "do as I say." "To the juror the courtroom is like a church. The physical appearance of a client may inadvertently offend the senses of a juror and affect his subconscious determination of the guilt or innocence of the defendant. People must know that the courtroom is my turf, my hood — and that when they come before me, seeking representation, they must do as I say. Appearance will be a determinative factor in a case involving a Black youth. The appropriateness of my client's courtroom attire is, therefore, my decision. When you come into court with me, you put on a shirt and tie, and a conservative suit."

The degree of reliability and stability Black defendants evidence in their courtroom behavior affect the ability of the defense attorney to sell his case. The jury must be able to identify with and understand the defendant. Appearance is but one of many variables which have worked to the advantage or disadvantage of the defendant. There is, therefore, a constant need to have Black representation on juries, whether the defendant is to be tried for a crime against a white, or against a Black victim. "If a white man was alleged to have killed a Black man, society would not permit an all Black jury to try his case. In the exercise of peremptory challenges in jury selection, a constant consideration is the necessity of a Black juror to try the facts. Blacks are no more likely to be prone to convict or deny conviction to a fellow Black, but the mere presence of a Black juror, in a trial of a Black-on-white crime will often eliminate or reduce the possibility of the verdict being a racial conviction."

Defending a Black defendant before a white jury is more difficult than defending a white man alleged to have committed a crime because "there is a lack of racial identification; the Black defendant frequently lacks the ability to fluently express and communicate the testimony in a language familiar to the evaluator; or he may be unable to project the sociological indices which would enable a group of one's peers to relate and identify with the case." These factors, which had at one time become obstacles to an adequate defense, have only been overcome by a sense of unity between client and attorney; and appreciation by the defendant — for what the attorney was attempting to accomplish; and a willingness to follow his directives.

This dynamic attorney has learned well the rules and principles of law, and has evidenced this knowledge, in his application of the rules to free his clients. A few of the better known cases in which he provided legal expertise are: *People v. McCray*, United States Supreme Court; *People of Illinois v. Ellis Montgomery*, argued before the Supreme Court of Illinois, in which Mr. Pincham devised an elaborate argument to persuade the court to prohibit the utilization of an evidentiary tactic expressly authorized by statute. The prosecutor was prevented from introducing evidence of a prior felony conviction to affect the credibility of the defendant; and *People v. De Fillippi*, in which the court held that where a husband or wife consent to a search of their home, and one partner objects to the warrantless search, the evidence obtained, if any, could be introduced only against the consenting party.

True confidence emerges in proportion to the strength of one's own self-belief. Eugene Pincham has certainly earned the right to display a high degree of confidence in his ability to prepare a defense which will provide adequate and just representation for the poor and the ignorant, and to exercise his prerogative to be the ruler of his "turf" — the courtroom.



CLINTON W. WHITE, of the law firm of White, Cruikshank and White, located in Oakland, California, was born some fifty-one years ago in Sacramento, California. He attended Sacramento Junior College until 1941, then transferred to the University of California from which he received his B.A. in 1941. He received his L.L.B. from Boalt Hall, School of Law, University of California in 1948.

In retrospect, Mr. White explained that during his youth an educated Black man's career choices were usually limited to teaching or going into the ministry. But his father, a barber who owned a small business in Sacramento, impressed upon him that only a Black man who worked for himself could amount to anything in this country. Indeed, Mr. White feels that

it is his experience of being Black in this racist and prejudiced society that prompted him to become a lawyer. Reflecting on those experiences, he recalls that concerned Blacks were joining the NAACP in an effort to raise money to stop the lynching of Black people throughout the country and to support the legal defense of the "Scottsboro Case" on appeal before the U.S. Supreme Court.

Mr. White went into criminal law because of the necessity of proving to his client, himself, and to the white judicial system that the system would have to give a verdict before passing sentence. He explained that when he entered practice, Black lawyers were motivated by the desire to create a modicum of freedom in the courts for Black people.

Mr. White has practiced within the Oakland-area since being admitted to the California bar in 1949. He has an impressive trial record. Within the past one and one-half years, he has lost only one case which will be appealed soon. He explains that a successful Black lawyer must be ingenious and always thinking because the issue is not only one of winning the case, but the way you win. Although Mr. White finds nothing so personally satisfying as trying (and winning) a criminal case, he does not believe that all Black lawyers should be in criminal law. However, Mr. White does feel that "every Black lawyer should be able to successfully argue a cause in some tribunal or court."



To many, "Black revolutionary" and "Black solidarity" are coined phrases used to express a political ideology; but to JAMES MONTGOMERY, criminal attorney in the state of Illinois, these phrases are more than mere rhetorical soundings from the past decade, they have become a way of life within the context of his particular interest — criminal law. Considered a lawyer of the people, "Brother" James Montgomery has taken on that role and is shouldering the responsibility of "protector of the oppressed." Practicing in Cook County, Illinois, Mr. Montgomery, has ample opportunity to exhibit his commitment to provide legal services to Black people. Although Cook County is approximately 75% white, more than 80% of those served by Mr. Montgomery are Black citizens. Obviously, Mr. Montgomery is deeply committed to

solving legal problems confronting the community. Always one to step into the forefront, Mr. Montgomery, has not shied away from controversial cases but has assumed the reigns of concern and has lead the way through active, personal involvement in community legal affairs.

Born February 2, 1932, in Louise, Mississippi, Mr. Montgomery attended the University of Illinois, receiving his B.A. in 1953 and his J.D. in 1956. Thereafter, he served two years with the United States Attorney General's Office and, subsequently, functioned as a member of the Illinois State Parole and Pardon Board. Presently, Attorney Montgomery along with two associates maintains a law firm situated in Chicago proper.

One of Mr. Montgomery's primary concerns is the potential of an all white jury to render an adverse verdict when a Black defendant is involved. A racist white prosecutor will use his preemptory challenges to remove Black jurors, the consequences being an all white jury. If the case is tried before the judge alone, the attorney is still faced with the same problems that confront him with an all white jury. The judge will be looking at the Black defendant through the eyes of a white man. That white man, regardless of his position in society, is going to have preconceived ideas about the behavior of Black people. He will bring these ideas and his prejudice with him into the court room when he decides the fate of the Black defendant. On the other side, Black judges have white, preconceived notions based on white-wash orientation more often than not. By reaching one of the last strongholds of racial supremacy, some Black judges have been carefully screened to emulate their white colleagues.

Where crime is against property, which in a majority of instances, is owned by whites, the case must be thoroughly prepared so as to focus attention on the conscience and guilt of white America. One tactic used by Mr. Montgomery is to get white jurors to verbally commit themselves not to be racist toward the defendant and judge the defendant on the basis of the evidence introduced. The idea is to bring to the surface the conscienceness and fact of racism.

Mr. Montgomery has had great success in getting white juries to acquit Black defendants in serious crimes against property. Use of credible Black leaders for character testimony is frequently employed with consistent success. An example of this tactic is seen in a case where members of the Community Organization, a neighborhood group, were charged with burning down some buildings following Martin Luther King's assassination. In the defense of the principal defendant, Attorney Montgomery brought together all the nonradical Black and white leaders to testify on behalf of his client's character, i.e., the type of people that white jurors could identify with. Meanwhile, the second defendant had rescued two white women from a Black mob without assistance from the undercover policeman responsible for the defendant's arrest. Here Mr. Montgomery suggested portraying the defendant as one who helps instead of destroys. This approach proved successful for the all white jury acquitted the defendant. Again, the tactic used was to emphasize unconscious racism and to take steps towards its elimination.

One of the first cases attracting national attention in which Attorney Montgomery was instrumental was the *People v. Alfano* case. Seven members of the Black Stone Nation (formerly the Black Stone Rangers) were charged with killing a white policeman. While Mr. Montgomery carefully had screened the twelve white jurors who composed the original jury and had forced them to examine any racist feelings that they might have had toward the defendants because the victim was both white and a policeman, he had not examined carefully the two alternate jurors, one of whom became a member of the jury. The problem arose because the alternate juror, a Black man, had been a victim of gang violence and was deeply prejudiced against the defendants and held out for three days. Ultimately, the seven defendants were acquitted. Attorney Montgomery emphasizes that he prefers to have at least one carefully screened Black juror on the case to "keep the white folks honest."

On December 4, 1969, Chicago authorities forcibly entered the home of Fred Hampton, killing Hampton as well as Mark Clark. This triggered action on the part of Attorney Montgomery to initiate defense of those members of the household fortunately not killed during the affront. Mr. Montgomery was responsible for bringing to the attention of the public the alleged conspiracy contrived and carried out by the Chicago police force, including officers at the scene as well as officers assigned to headquarters for other duties.

Mr. Montgomery is on the Board of Directors of the National Bar Association and co-chairman of the Committee on Programs of Continuing Education.



"According to their belief, will it be unto them." One, with knowledge of this truth, would be wise to practice self-reliance in all things and give precedence to the spirit of wisdom within himself. CRAIG WASHINGTON has fulfilled this charge. He continues to demonstrate that all things are possible with one who has faith and believes in the probability of success.

On October 12, 1941 in Longview, Texas, the 31-year-old Texas Representative was born. He received a B.S. degree in Biology in 1966 from Prairie View A&M College, Prairie View, Texas. He graduated, cum laude and number one in his class. While attending Southern University School of Law, Houston, Texas, Craig was president of the Student Bar Assoc. Convention, team captain of the Texas Jr. Bar Moot Court, and National Moot Court Teams. Receiving his J.D. in 1969, he was listed in Who's Who Among Students in American Colleges and Universities. He began his two year elected term in the Texas House of Representatives on January 9, 1973, and is currently serving as a member of the Criminal Jurisprudence, Judiciary and Rules Committee.

With a philosophy that each act must stand and be judged on its own merits, Attorney Washington works to discharge the debt owed by a representative to his constituents. He is an attorney who likes to practice and has very definite ideas about the style in which it should be

done. "Our job is not to convince the jury of the righteousness of our cause. You use everything you've got and break it down so that the juror can understand, identify and remember the message, and sell your client."

"There is more to a case than the simple facts. A jury's final determination of guilt or innocence must be based on such reasonable considerations as: why the defendant has manifested the alleged criminal behavior; and where he is coming from. A white juror may not be able to adequately project and understand those aspects of Black culture which would provide answers to the above questions. The lack of understanding on the part of white jurors, combined with the absence of Black representation on juries — an absence which is a direct result of the neutralization of Black people to the needs of Black defendants — will leave the Black participant, to a large extent, unprotected."

Although the problem of the Black defendant is the problem of unequal representation on juries, the jury system is the only bastion of justice we have. It is the only way we can level injustice to Black people and is, perhaps, the last hope for true dispensation of justice. It is, therefore, imperative that Black people who are capable serve jury duty, and inject understanding, from a Black perspective, into jury deliberation."

He remains steadfast in his respect for the law. His admiration is based on the belief that the law, as written, can work for anyone, without doing injustice to anyone. "Where the law cannot execute itself without man's assistance, and where the result of the application of law is injustice, there will be a need to work and lean on the enforcers of those laws."

His dislike for abuse of the enforcement of law by those charged to enforce it has caused him to become a spokesman for those victimized by police brutality. He has also set upon the task of proving the availability of justice to those most in need of a just determination of rights. Two Black basketball stars were alleged to have raped a white girl in the case of *State of Texas v. Tolin and Stovall*. Attorney Washington volunteered two weeks of his services to the defendants pro bono. His compensation was found in the just and successful determination of the case.

Perhaps the best insight into Craig Washington, the individual, is supplied by Ken Tollet, former Dean of Texas Southern Law School. "He modulates, choosing his time to be what he is. He is a handsome young man, who can be modest and meek or aggressive and tough. Although colorful, he's not flamboyant, he's merely bright, articulate and intelligent." He describes his courtroom personality as "one displaying a countryboy's innocence, combined with a youthful brass and exuberance."

Currently a partner in the firm of Wade, Rasmus & Washington of Houston, Texas, Craig has been employed by the Houston Legal Foundation, Texas Southern University, the Texas Southern University and Texas Constitution Revision Commission and as Assistant to the Dean of Law, Texas Southern University.

His level of involvement in legal and community organizations is varied. Elected President of the Houston Lawyers Association, he also holds active membership in the NAACP, The National Bar Association, Operation Breadbasket, Texas National and American Bar Associations.

He and his wife, Dorothy, are the parents of Craig Anthony II and Chival Antoinette.

Multi-talented and concerned, Craig Washington is a young man whose potential for effecting positive change is unlimited.